

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Ask a Planner - Web inquiry from Deirdre Garvey -  
**Date:** Monday, November 4, 2019 9:11:44 AM

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Boulder County Property Address : 778 Wagonwheel Gap Rd

Name: Deirdre Garvey

Email Address: deirdre@indra.com

Phone Number: (303) 442-0278

Please enter your question or comment: The short term rental regulations you have put online as part of the survey you are taking on proposed STR regulations in the county says: "Owners must complete a short-term dwelling rental registration form and submit it to the Land Use Department where the registration form shall be available for public review." I have been unable to find WHERE this is available for public review. Please let me know where this information can be found online.

Thank you,

-- Deirdre Garvey

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Ask a Planner - Web inquiry from judith renfroe - DC19-0005  
**Date:** Monday, November 4, 2019 1:20:28 PM

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Boulder County Property Address : short term rental issue

If your comments are regarding a specific docket, please enter the docket number: DC19-0005

Name: judith renfroe

Email Address: judrenfroe@aol.com

Phone Number: (303) 443-8969

Please enter your question or comment: I learned about this docket and the associated survey via the newspaper article on Nov 4, 2019. My guess is that the people who will take note and respond are those who either want a short term rental or those who have been impacted by one. I believe the issue deserves more discussion if there is any potential for expansion.

I am opposed to any expansion whatsoever of the uses for ADU's. It is bad enough that now, if a unit has anything short of a full kitchen, it is not considered an ADU or apartment. That is ridiculous with the electric cooking appliances and under counter refrigerators available today. A full kitchen is not a necessity for a separate apartment.

Short term rentals have the potential to cause many problems and to impact the safety and privacy of neighbors and seriously compromise neighborhood character. There is really no good way to monitor them. At a minimum, if they are allowed, they should be registered and taxed. Maybe they should have safety inspections and the adequacy of water and septic systems should be part of that.

Also, a minimum requirement should be that the house is the primary residence of the owner and they occupy it most of the year. Ideally, the owner would be there during the rental. The presence of an owner is something that makes a Bed-and-Breakfast a different situation than a short term rental managed by an absentee owner or manager.

If there is any justification for a short term rental it would be to help a resident owner meet expenses. It is certainly not to help someone buy a vacation house or to get more money from a rental house.

As an owner of a house that is somewhat isolated, call it secluded, private, whatever, even though not as secluded as a cabin in the mountains, it is very disconcerting to see a constant flow of strangers coming and going from a nearby residence. You never know who they are, if they are supposed to be there, if they have criminal backgrounds, if they are a danger to your children, etc. At the very least, if the owner were present and living there, it would provide a slight reassurance of safety, but the concerns about an owner's selection and background checks of short term tenants is still valid. As someone who is also a landlord, I assure you it is not that easy to select tenants. In particular with regard to this area, it is the old houses in a secluded setting that attract problems. The presence of an owner on the premises will discourage party houses, or other nefarious uses. Perhaps rental safety and health inspections would also help prevent abuses.

People who are living in a neighboring house, whether they are owners or regular renters, should not be subject to the unknowns, risks, lack of privacy of the public coming and going as if there were a motel next door. That is why we bought in single family neighborhoods.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

**From:** [Ben Bayer](#)  
**To:** [Rodenburg, Jasmine](#)  
**Cc:** [Ott, Jean](#)  
**Subject:** Re: Short-Term Dwelling Rental Virtual Coffee with a Planner  
**Date:** Friday, July 10, 2020 2:12:44 PM

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Hi Jasmine,

Thank you so much for this opportunity. Unfortunately I will be on the road headed to the east coast to visit family at this time and I'm worried with the lockdowns I won't be able to find a place to have this call. If you can reschedule a couple days later, I should be able to make it. Otherwise, read on.

My reason for desiring the meeting was to suggest an alternative to a ban or residency requirement. Regulations have a tendency to create black markets and punish those who obey the law. Instead, I would prefer to see a progressive tax policy that would make the investment properties less financially appealing without adding draconian regulation. This would also allow for more flexibility so the incentives can be adjusted based on shifting priorities.

In my ideal world, property taxes would be assessed based on the following tiers which take into account the relative harm to the community of each type of rental:

1. Primary residence or Primary residence with long-term rental of part of home (current tax rate)
2. Primary residence with short-term rental of part of home
3. Secondary residence with long-term rental
4. Secondary residence with short-term rental
5. Investment/developer property with no owner occupancy for long term rental
6. Investment/developer property with no owner occupancy for short term rental (2x or more increase in property taxes)

I believe this will help create the correct incentive structure while not harming those who need to take advantage of STRs to stay in their homes.

I have more to say about how this could be implemented and enforced effectively but you get the idea for a start. I also have ideas how to circumvent TABOR if that presents problems.

Thanks for providing the opportunity for the public to weigh in on this and let me know if this email is sufficient or if it's better to reschedule.

Best,  
Ben Bayer

On Fri, Jul 10, 2020 at 9:23 AM Rodenburg, Jasmine <[jrodenburg@bouldercounty.org](mailto:jrodenburg@bouldercounty.org)> wrote:

Good Morning, Ben—

Thank you for signing up to participate in the short-term dwelling rental regulation update Virtual Coffee with a Planner sessions! We are looking forward to chatting with you about the upcoming changes to the Land Use Code. Based on your availability indicated in the online sign-up form, your 30 minute time-slot for this individual session is scheduled for July 13 from 5:00pm-5:30pm with me. You will find attached to this email a very generalized overview of the proposed regulations along with the sign-up form you filled out, for reference.

Below is the link to your virtual session, which has also been sent to you as an Outlook Calendar invitation. Although you can use Microsoft Teams in a web browser, many people find it easier if they download the desktop application ahead of time.

### [Join Microsoft Teams Meeting](#)

[+1 720-400-7859](#) United States, Denver (Toll)

Conference ID: 742 322 001#

[Local numbers](#) | [Reset PIN](#) | [Learn more about Teams](#) | [Meeting options](#)

Mark your calendar! Following these Virtual Coffee with a Planner sessions, we will be hosting a Virtual Open House on Thursday, July 30<sup>th</sup> at 6:00PM. Please visit our website <https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-19-0005/> for more information and updates.

Please let us know if you have any questions or concerns in advance of your session and we look forward to hearing from you.

Kindly,

Jasmine

**Jasmine Rodenburg**

*Senior Planner – Oil/Gas and Environmental Policy*

Boulder County Community Planning & Permitting Department (*formerly Land Use and Transportation*) – [We've become a new department!](#)

Direct: 303-441-1735

Main: 303-441-3930

[www.bouldercounty.org](http://www.bouldercounty.org)

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**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder County Contact Us/Feedback Form [#989]  
**Date:** Tuesday, July 30, 2019 1:43:34 PM

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Name \* Mary Hunter

Email \* [mary@healthybeattitudes.com](mailto:mary@healthybeattitudes.com)

Phone Number (optional) (303) 747-2602

Select a Subject \* Land Use Planning

Comments or Feedback \*

Regarding questionnaire short term rentals.

Living in Allenspark since 1991 in the townsite since 2002.

There was a time when there were issues several years ago when the current The Old Gallery building was ATV rental...the owners had several rentals that brought in people who were partiers and left significant trash around and were loud and parking issues. But since they left and we have responsible property management up here for most of the short term rentals, there really have not been issues of concern here. On question one, I think it would be difficult

On question 1, it would be difficult to monitor the 51% and with so many "snowbirds" and 2nd homes up here, not practical.

It would be advisable that anyone doing short term rentals should have a property management person/company to be able to monitor issues that would be considered safety concerns.

Current short term rental regulations are fine as they currently are.

It seems to me, that BC does not need to create more work/constraints in this issue except the consideration of requiring property management on some level.

Thanks,  
Mary Hunter  
303-747-2602

Please check box below \*

- I acknowledge receipt of the Open Records Notification
-

**From:** [Bruce Drogsvold](#)  
**To:** [Rodenburg, Jasmine](#)  
**Subject:** RE: Draft Language for Short-Term Dwelling Rental and Bed & Breakfast Code Update  
**Date:** Friday, September 4, 2020 10:23:42 AM

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Thank you Jasmine,  
That sounds great.  
I have been reviewing the proposed changes.  
I'll submit some comments with a couple suggestions.  
I'm surprised not to see a lodging tax in there...maybe I'm missing it and it actually is in there.  
Have a great weekend.  
Bruce

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**From:** Rodenburg, Jasmine <jrodenburg@bouldercounty.org>  
**Sent:** Wednesday, September 2, 2020 4:51 PM  
**To:** Bruce Drogsvold <bruced@wkre.com>  
**Subject:** RE: Draft Language for Short-Term Dwelling Rental and Bed & Breakfast Code Update

Good Afternoon, Bruce –

I hear you. We are in the process of gathering all of the public comments received so that we can put them on the webpage (<https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-19-0005/>) for the public to review. We anticipate being able to put all comments received to date on the webpage the week of September 14, 2020. Please let me know if you do not see the public comments on there at that point and I will follow-up to make sure they get posted.

I appreciate your patience as we put these together for you all!

Kindly,

Jasmine

**Jasmine Rodenburg**

*Senior Planner – Oil/Gas and Environmental Policy*

Boulder County Community Planning & Permitting Department (*formerly Land Use and Transportation*) – [We've become a new department!](#)

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main line at 303-441-3930 and the appropriate team member will return your call. ***Thank you for your adaptability and understanding in this extraordinary time!***

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**From:** Bruce Drogsvold <[bruiced@wkre.com](mailto:bruiced@wkre.com)>

**Sent:** Tuesday, September 1, 2020 4:31 PM

**To:** Rodenburg, Jasmine <[jrodenburg@bouldercounty.org](mailto:jrodenburg@bouldercounty.org)>

**Subject:** Re: Draft Language for Short-Term Dwelling Rental and Bed & Breakfast Code Update

Hi Jasmine,

I would like to read all the comments from the general public ...I would like see what they said.

I would also like to see what I said.

Where could I find all those public comments?

That is what I'm asking for

Thank you

Bruce Drogsvold

303-579-1627

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**From:** Rodenburg, Jasmine <[jrodenburg@bouldercounty.org](mailto:jrodenburg@bouldercounty.org)>

**Sent:** Tuesday, September 1, 2020 3:48:13 PM

**To:** Bruce Drogsvold <[bruiced@wkre.com](mailto:bruiced@wkre.com)>

**Subject:** RE: Draft Language for Short-Term Dwelling Rental and Bed & Breakfast Code Update

Hi Bruce –

I guess I'm not entirely sure what "Public Comments" section you are talking about?

You can submit any feedback regarding the proposed changes to me and I will be sure to include it in the public record!

Kindly,

Jasmine

**Jasmine Rodenburg**

*Senior Planner – Oil/Gas and Environmental Policy*

*Boulder County Community Planning & Permitting Department (formerly Land Use and Transportation) – [We've become a new department!](#)*

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**From:** Bruce Drogsvold <[bruced@wkre.com](mailto:bruced@wkre.com)>  
**Sent:** Tuesday, September 1, 2020 3:14 PM  
**To:** Rodenburg, Jasmine <[jrodenburg@bouldercounty.org](mailto:jrodenburg@bouldercounty.org)>  
**Subject:** RE: Draft Language for Short-Term Dwelling Rental and Bed & Breakfast Code Update

Hi Jasmine,

I had a chance to look more closely at the suggested guidelines today.

I would go for the vacation rental and not the short term rental category.

Thank you for taking the time to answer me.

I'll provide feedback regarding the proposed changes soon.

Where can one find the "public comments" section?

Thank you so much,

Bruce

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**From:** Rodenburg, Jasmine <[jrodenburg@bouldercounty.org](mailto:jrodenburg@bouldercounty.org)>  
**Sent:** Tuesday, September 1, 2020 2:56 PM  
**To:** Bruce Drogsvold <[bruced@wkre.com](mailto:bruced@wkre.com)>; Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)>; Hippely, Hannah <[hhippely@bouldercounty.org](mailto:hhippely@bouldercounty.org)>  
**Subject:** RE: Draft Language for Short-Term Dwelling Rental and Bed & Breakfast Code Update

Good Afternoon, Bruce –

Thank you for reaching out. I remember reading your email about the family cabin you have up in Ward. Stories like that is why we have initially proposed a Secondary Accessory Short-Term Rental category.

Before I start walking you through some answers, I want to re-iterate that these regulations are still

in a draft form. These are not the final rules and thus will likely be tweaked and changed multiple times as we hear from the public, the referral agencies, the Planning Commission, and the Board of County Commissioners.

If the regulations drafted were passed today, this is how your property would need to move forward.

Your property is not your primary residence, it is a secondary residence. As a result there could be two paths forward:

1. Secondary Accessory Short-Term Rental. → If you read this definition, you'll find that this option is available only if you rent the dwelling unit out 60 days or fewer per year and impose a two-night minimum. If you fall under that category, you would then need to go through Limited Impact Special Review (or the waiver) process. This means your proposed use will be evaluated by Community Planning & Permitting Staff against the criteria laid out in Article 4-601. Once staff drafts a recommendation, you would be subject to a public hearing unless you qualified the newly created 4-602 provisions (discussing the waiver process, which would remove the public hearing requirement). If approved through this process, then you would need to get a license and follow the requirements outlined in the Licensing Ordinance.
2. Vacation Rental → You would have to read through this definition more carefully. I do not know what your property is zoned, or how many acres it is. Assuming you are over 1 acre in size, and in the F zoning district, and wanted to rent the property more than 60 days per calendar year, then you would need to go through the Special Review Process. Again this process requires evaluation by Community Planning & Permitting Staff and public hearings. Once approved through that process you would have to get a license and follow the Licensing Ordinance.

No Secondary Accessory Short-Term Rentals or Vacation Rentals are guaranteed. This is true of any process that requires Boulder County Community Planning & Permitting review and particularly so if there are public hearing requirements. You would have to see if you qualified for a vacation rental by making sure under the "Districts Permitted" you all under the right zoning district and parcel size. If you do fall into one of those categories, then it appears that there would be two avenues for your family to do short-term rentals on the property. While these avenues are available, I cannot guarantee that you would have a successful outcome.

Again, I am sorry that cannot provide you with any certainty or guarantees. I can only tell you that as long as you fall within the definitions we outline in the code update portion for Vacation Rentals and Secondary Accessory Short-Term Rentals (and if this is the exact draft that is passed) then you appear to have two paths forward to rent out the family cabin.

I hope this is helpful. Please feel free to follow-up with any additional questions you might have. I also encourage you to attend our next virtual open house where we will walk through the draft regulations and any input we have received thus far on them! Feel free to sign up on the webpage here: <https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-19-0005/>

Kindly,

Jasmine

**Jasmine Rodenburg**

*Senior Planner – Oil/Gas and Environmental Policy*

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**From:** Bruce Droagsvold <[bruced@wkre.com](mailto:bruced@wkre.com)>

**Sent:** Monday, August 31, 2020 9:53 AM

**To:** Rodenburg, Jasmine <[jrodenburg@bouldercounty.org](mailto:jrodenburg@bouldercounty.org)>; Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)>; Hippely, Hannah <[hhippely@bouldercounty.org](mailto:hhippely@bouldercounty.org)>

**Subject:** FW: Draft Language for Short-Term Dwelling Rental and Bed & Breakfast Code Update

Good morning Jasmine,

I have a hard time getting a clear sense of what these changes mean for my family?

I think I may fall under a “vacation rental” type category.

If so, that'll work.

I sent you a letter from a couple months ago that describes our family circumstances with our mountain cabin.

I hope we will not be prevented doing things the way we have been doing them.

Please let me know if we'll qualify for the vacation rental category?

Thank you,

Bruce Drogsvold  
303-579-1627

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**From:** Bruce Drogsvold <[bruced@wkre.com](mailto:bruced@wkre.com)>  
**Sent:** Monday, August 31, 2020 9:33 AM  
**To:** Bruce Drogsvold <[bruced@wkre.com](mailto:bruced@wkre.com)>  
**Subject:** FW: Draft Language for Short-Term Dwelling Rental and Bed & Breakfast Code Update

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**From:** Rodenburg, Jasmine <[jrodenburg@bouldercounty.org](mailto:jrodenburg@bouldercounty.org)>  
**Sent:** Monday, August 31, 2020 8:04 AM  
**To:** Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)>  
**Cc:** Hippely, Hannah <[hhippely@bouldercounty.org](mailto:hhippely@bouldercounty.org)>  
**Subject:** Draft Language for Short-Term Dwelling Rental and Bed & Breakfast Code Update

Good Morning, All –

Thank you for participating in the public process thus far. We have spent the last week preparing and sending out the first draft of the Boulder County Short-Term Dwelling Rental and Bed & Breakfast Code update to internal and external referral agencies for input. Some of you might have received the drafts from the referral, or being part of the Land Use Code Update email list. If that is the case, I apologize for the duplicate copies! I just wanted to send it to everybody who has participated in the virtual coffees and virtual open house to make sure you all continue to be involved.

I encourage everyone to sign up for the virtual open house. At that open house we will discuss the draft language, input received from the public and referral agencies (to the extent we receive it before the open house), and address frequently asked questions we receive.

Please feel free to email me with questions, comments, or concerns. Below you will find what I believe was sent out to the Land Use Code update email. It has information on signing up for the virtual open house, along with the draft language. For good measure, I have also attached the draft language from the referral. I encourage people to look at the attached document as it includes a flowchart that helps give an overview to the draft regulations and licensing ordinance.

Kindly,

Jasmine

**Jasmine Rodenburg**

*Senior Planner – Oil/Gas and Environmental Policy*

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## September 17 Virtual Open House: DC-19-0005 Short-term Dwelling Rental and Bed & Breakfast

***Attend a Virtual Open House starting at 6 p.m. on Thursday,  
September 17, 2020***

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**Boulder County, CO** - The [Boulder County Community Planning & Permitting Department](#) is continuing work on Land Use Code updates to Short-term Dwelling Rental and Bed & Breakfast regulations in docket [DC-19-0005](#).

After receiving input from the public, reviewing neighboring jurisdictions' regulations and additional research, staff has drafted [proposed Text Amendments to Article 4 of the Boulder County Land Use Code](#) along with a [proposed Licensing Ordinance to regulate Short-Term Rentals and Bed & Breakfast uses](#).

The public is invited to attend a virtual open house starting at 6 p.m. on Thursday, September 17, 2020.

### **Virtual Open House - Thursday, September 17 at 6 p.m.**

- **What:** Virtual Open House to review and discuss the draft proposals.
- **When:** 6 p.m. Thursday, Sept. 17., 2020
- **Where:** [Register for a Virtual Open House, Thursday September 17 2020 from 6-8 p.m](#) to participate in this virtual open house to learn more about the proposed changes and drafts, and provide input to staff.

The proposed changes are for the ***unincorporated*** areas of Boulder County, not in cities like Boulder or Longmont. Boulder County's unincorporated areas comprise the [rural, mountainous and plains communities that are not a part of any incorporated municipality](#).

The timeline for this update is to provide proposed draft regulations to the Boulder County Planning Commission in the fall. Written comments may be [submitted online](#).

For more information, contact Jasmine Rodenburg at [jrodenburg@bouldercounty.org](mailto:jrodenburg@bouldercounty.org) or 303-441-1735, or visit the [project webpage](#).



**From:** [Bruce Drogsvold](#)  
**To:** [Rodenburg, Jasmine](#)  
**Subject:** RE: Short-Term Dwelling Rental Update  
**Date:** Wednesday, July 8, 2020 3:19:53 PM

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Hi Jasmine,

That sounds good.

I appreciate the opportunity to have a voice.

It might fall under the lodging use category as a new subcategory created specifically to address the short term rental situation.

Certainly there is no resemblance to a property owner that rents out his little cabin short term and the Stanley hotel.

I'll start to get educated.

Thank you so much.

Bruce

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**From:** Rodenburg, Jasmine <[jrodenburg@bouldercounty.org](mailto:jrodenburg@bouldercounty.org)>  
**Sent:** Wednesday, July 8, 2020 3:05 PM  
**To:** Bruce Drogsvold <[bruced@wkre.com](mailto:bruced@wkre.com)>  
**Subject:** RE: Short-Term Dwelling Rental Update

Good Afternoon, Bruce –

A lodging use is an existing use in the Boulder County Land Use Code. You could poke around that use for definitions. The lodging use would fall under that category, but it could be it's own category if that makes more sense when drafting the regulations.

We are in the process of crafting the regulations, so right now is a great opportunity to talk about how you would like a lodging use to be defined in the land use code for short-term dwelling rentals. Outside of what I mentioned in my email we have no concrete regulations drafted. We are at the very early stages of creating new regulations. So I realize I cannot give you many answers, but that is because we are seeking community input before we put pen to paper. Once there are regulations you can also react to those.

I can't tell you how it will work yet, because we are in the process of trying to figure out how it should work if that makes sense. So any input you provide now, during the meetings, or after the drafts come out will help inform the process.

Kindly,

Jasmine

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**From:** Bruce Drogsvold <[bruced@wkre.com](mailto:bruced@wkre.com)>  
**Sent:** Wednesday, July 8, 2020 2:31 PM  
**To:** Rodenburg, Jasmine <[jrodenburg@bouldercounty.org](mailto:jrodenburg@bouldercounty.org)>

**Subject:** RE: Short-Term Dwelling Rental Update

Hi Jasmine,

Thank you for the response.

I'd like to have more understanding about a non owner occupied short term rental classified as a lodging use. Is this an existing classification or would it be a new designation designed specifically for short term rentals?

I'd be concerned that if it fell into a category that is designed for resorts and hotels it would be a bit much for little property owners like myself, who make a little money every year from renting their place out periodically for 6 or so months of the year.

How best can I get educated about this sort of thing.

I look forward to the process. Right now there are no clear regs.

It'll be great to know what you can and cannot do.

Bruce

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**From:** Rodenburg, Jasmine <[jrodenburg@bouldercounty.org](mailto:jrodenburg@bouldercounty.org)>

**Sent:** Wednesday, July 8, 2020 1:45 PM

**To:** Bruce Drogsvold <[bruced@wkre.com](mailto:bruced@wkre.com)>

**Subject:** Short-Term Dwelling Rental Update

Good Afternoon, Bruce –

Thank you for the phone call and follow-up email.

I am happy you are interested in the short-term dwelling rental regulation update. As of yet, we do not have a draft set of the regulations. What we do have, is a general outline framing the future regulations. The general outline can be found here: <https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-19-0005/> under “Summer 2020 Updates.” Briefly, this outline discusses the possibility of having short-term dwelling rentals fall under two separate use categories: an accessory residential use where the rental residence is a primary residence for the property owner and a lodging use where the rental residence is not a primary residence for the property owner.

You have already signed up to be part of the virtual open-house to discuss these regulations which is great. As of right now there are opportunities to talk about the proposed outline at this virtual open-house or through virtual coffees with a planner. See the website above for additional details on that front. After the regulations are fully drafted, there will likely be another opportunity for public comment. Then again after that, there is opportunity for public comment at both the Planning Commissioners and Board of County Commissioners public hearings.

To summarize, there was a pause where not much has happened on these regulations since the

survey at the end of last year. There was some transition within Community Planning & Permitting and then COVID-19. Now, we are restarting this process and that restart is beginning with an opportunity for public comment. No draft regulations are formulated yet, just a brief outline.

I hope that answers some of your questions. Thank you for taking the time to participate!

Kindly,

Jasmine

**Jasmine Rodenburg**

*Senior Planner – Oil/Gas and Environmental Policy*

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Main: 303-441-3930

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**From:** [Charlie Hager](#)  
**To:** [Ott, Jean](#); [Rodenburg, Jasmine](#)  
**Subject:** Re: Short-Term Dwelling Rental Virtual Coffee with a Planner  
**Date:** Thursday, July 16, 2020 9:48:24 AM

---

All,

Thank you for reaching out and getting public feedback on this important issue. Please think about the ability of residents to support themselves, particularly homeowners or seniors if they find themselves with extra bedrooms, as empty-nesters, etc. Supporting residents financially and providing affordable housing is more important than a nosy neighbor that may be inconvenienced in the smallest possible way. The Boulder area is expensive, and the only other alternative for many owners is to sell and move away from the area.

Thank you for the notes and medical clarifications on ADUs. With regard to ADUs, do you get the sense that there may be a change coming? We would really like to help with that effort. The current three conditions are archaic because they do not take into account the current housing issues/trends and the cost to live in Boulder County, particularly for those with land. There is no reason rental units on large lots should be banned. We know of others that have standalone rentals that were grandfathered in, and it works great for both the owner and tenant. Like many, I do not have an ill family member, the need for a fulltime ranch hand, nor a historical structure. What we do have is the ability to help with affordable housing options and the need to support ourselves financially as we grow older in our own home on our own property.

Charlie

*Charlie and Lauren Hager  
303-931-1260 (Lauren's Cell)  
303-358-9043 (Charlie's Cell)*

---

**From:** Ott, Jean <jott@bouldercounty.org>  
**Sent:** Wednesday, July 15, 2020 3:02 PM  
**To:** Rodenburg, Jasmine <jrodenburg@bouldercounty.org>; Charlie\_hager@hotmail.com <Charlie\_hager@hotmail.com>  
**Subject:** RE: Short-Term Dwelling Rental Virtual Coffee with a Planner

Good afternoon Charlie and Lauren,  
Thank you both for taking the time to speak with us about short-term dwelling rentals yesterday. I'm following up on your additional questions regarding Accessory Dwelling Units (ADU) and I've included some information below. Let me know if you have questions after reading through. I'm happy to schedule a follow-up meeting to discuss further.

Under our current Land Use Code, ADUs are only allowed if approved through the [Limited Impact Special Use Review](#) which takes three months or so from application to final approval and requires a public hearing in front of the Board of County Commissioners. As you noted in our meeting, ADUs are limited to the following uses: *“a. Family care units, to be occupied by a family member (unrelated caretakers are also allowed) who either requires some level of care or supervision from, or provides some level of care or supervision to, another family member inhabiting the principal residence. b. Agricultural units, to be occupied by an agricultural worker or family whose help is required to support or conduct an agricultural Principal Use on the subject property. c. Historical units within a landmarked structure whose purpose is to contribute to the preservation of the landmark.”* I wanted to clarify one thing you mentioned regarding the Family Care Unit – We do not and cannot require medical records, but we do ask for a non-specific explanation of necessity (e.g., the unit will be used for an aging parent).

Let me know if you'd like to put something on the calendar!

Code Reference: [Article 4-516.G Accessory Dwelling](#)

Thanks!

Raini

**Jean Lorraine Ott, AICP, CFM**

Planner II | Development Review Team

720.564.2271 | [jott@bouldercounty.org](mailto:jott@bouldercounty.org) | she/her/hers

Boulder County Community Planning & Permitting

2045 13<sup>th</sup> Street | Boulder, CO | [www.BoulderCounty.org](http://www.BoulderCounty.org)

303.441.3930 | P.O. Box 471 | Boulder, CO 80306

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---

**From:** Rodenburg, Jasmine <jrodenburg@bouldercounty.org>

**Sent:** Friday, July 10, 2020 11:15 AM

**To:** Charlie\_hager@hotmail.com

**Cc:** Ott, Jean <jott@bouldercounty.org>

**Subject:** Short-Term Dwelling Rental Virtual Coffee with a Planner

Good Morning, Lauren–

Thank you for signing up to participate in the short-term dwelling rental regulation update Virtual Coffee with a Planner sessions! We are looking forward to chatting with you about the upcoming changes to the Land Use Code. Based on your availability indicated in the online sign-up form, your 30 minute time-slot for this individual session is scheduled for July 14 from 10:00am-10:30am with Raini Ott, cc'd on this email. You will find attached to this email a very generalized overview of the proposed regulations along with the sign-up form you filled out, for reference.

Below is the link to your virtual session, which has also been sent to you as an Outlook Calendar invitation. Although you can use Microsoft Teams in a web browser, many people find it easier if they download the desktop application ahead of time.

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Mark your calendar! Following these Virtual Coffee with a Planner sessions, we will be hosting a Virtual Open House on Thursday, July 30<sup>th</sup> at 6:00PM. Please visit our website <https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-19-0005/> for more information and updates.

Please let us know if you have any questions or concerns in advance of your session and we look forward to hearing from you.

Kindly,

Jasmine

### **Jasmine Rodenburg**

*Senior Planner – Oil/Gas and Environmental Policy*

Boulder County Community Planning & Permitting Department (*formerly Land Use and Transportation*) – [We've become a new department!](#)

Direct: 303-441-1735

Main: 303-441-3930

[www.bouldercounty.org](http://www.bouldercounty.org)

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main line at 303-441-3930 and the appropriate team member will return your call. ***Thank you for your adaptability and understanding in this extraordinary time!***

**From:** [Ott, Jean](#)  
**To:** [Debbie Leinweber](#)  
**Cc:** [Rodenburg, Jasmine](#)  
**Subject:** RE: follow up questions from last night's meeting  
**Date:** Thursday, August 6, 2020 5:22:16 PM

---

Hi Debbie,

Thank you for attending our Virtual Open House and for providing valuable input on the code update. And thank you also for the kind words! I felt like it was a tough, but very productive conversation. See my answers to your questions below in [blue](#).

Thanks!

Raini

**Jean Lorraine Ott, AICP, CFM**

Planner II | Development Review Team  
720.564.2271 | [jott@bouldercounty.org](mailto:jott@bouldercounty.org) | she/her/hers

Boulder County Community Planning & Permitting  
2045 13<sup>th</sup> Street | Boulder, CO | [www.BoulderCounty.org](http://www.BoulderCounty.org)  
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**From:** Debbie Leinweber <[debbie.leinweber@gmail.com](mailto:debbie.leinweber@gmail.com)>  
**Sent:** Friday, July 31, 2020 2:33 PM  
**To:** Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)>  
**Subject:** follow up questions from last night's meeting

Thank you for your time at yesterday's planning session open house.

After processing all of the discussion, I have a couple of follow up questions.

1. My husband and I believe we fall under the seasonal short-term rental (vacation home used frequently by property owner) category. We want to make sure that is the case. The cabin (17665 State Hwy 7) is our family cabin, used primarily for family vacations and weekend trips. We visit frequently, but do not live there permanently. We use Air BnB to rent out our cabin for a total of 40-45 nights (not consecutive) per year from May to the end of September. The cabin is not accessible most of the time in the winter. Do we fit in the seasonal short-term rental category? [Yes, this](#)

sounds like one of the main scenarios we were contemplating when we proposed the seasonal short-term rental use. Of course, that use does not currently exist and we are just beginning to draft the actual language in the code, but if we move forward with it, I believe your cabin would fit into that category.

2. You or someone on the call (there was a lot of talking over others) mentioned an AIMA. I'm still confused about that. Is it required to have in Boulder County? Do neighbors write it/agree upon it together? Does Boulder have a template for it? I have found quite a few online, but they don't seem to fit our situation. I haven't found anything on the Boulder County site. If you don't know the answers, who would be a good person to talk to? The AIMA (Access Improvement and Maintenance Agreement) is something that the county requires property owners who live on a shared, private driveway or road to sign. However, we haven't always required it so many shared accesses do not have an AIMA associated with them. The way we impose the AIMA currently is when someone comes to us requesting a new use (like a short-term rental) or new development (like a new house or outbuilding) on their property that uses one of these shared accesses, they must sign one. Each AIMA is written for the specific property and shared driveway/road and our hope is that, eventually, every property owner that uses a shared access will have signed on to help improve and maintain it. The team that looks at those and produces them is the Engineering Development Review Team ([TransDevReview@bouldercounty.org](mailto:TransDevReview@bouldercounty.org)). Just FYI, they are pretty swamped with work so it may take a while to get a response.

Again, thank you for your time. This is obviously a sensitive topic to many folks. I thought you did a great job facilitating the virtual meeting.

Debbie Leinweber  
[debbie.leinweber@gmail.com](mailto:debbie.leinweber@gmail.com)

**From:** [Deborah Denser](#)  
**To:** [Rodenburg, Jasmine](#)  
**Cc:** [Hippely, Hannah](#); [Ott, Jean](#)  
**Subject:** RE: Recap: How Community Associations can Address Short-Term Rentals  
**Date:** Friday, August 14, 2020 7:33:45 PM

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This might help as well it's free! Just go to their website under resources and register for it.

PS: I do not work for them. I'm just a full time MOM for two active boys (12 &14)  
Deborah Bates-Denser

In this 1-hour webinar, we'll cover how to assess whether your historical STR activity could collect back taxes, review the effectiveness of your COVID-19 restrictions, and ensure rental and occupancy rate ordinances are followed. All this work can be automated so that every hour of your time is effective.

**Topics include:**

- How you can now “look back” years in the past to collect back taxes, or to communicate with those who were non-compliant with COVID-19 shutdowns
- Why auditing STR market activity may be the easiest, and highest return, function to carry out
- The role auditing has in annual rental cap compliance and more.

**Speakers:** Ulrik Binzer, General Manager of Compliance Services at Granicus & David Marcus, Chief Data Scientist at Granicus

**Date:** August 18th, 2020

**Time:** 1 PM ET | 10 AM PT

**Duration:** 1 hour

---

**From:** Deborah Denser [mailto:dbdenser@comcast.net]  
**Sent:** Friday, August 14, 2020 6:56 PM  
**To:** 'Rodenburg, Jasmine' <jrodenburg@bouldercounty.org>  
**Cc:** 'hhippely@bouldercounty.org' <hhippely@bouldercounty.org>; 'jott@bouldercounty.org' <jott@bouldercounty.org>  
**Subject:** FW: Recap: How Community Associations can Address Short-Term Rentals

*Hi Jasmine,*

*I'm not sure if this could help you with gathering information. I know this company has helped Denver before, Host Compliance. They have several webinar recordings and they do offer a free assessment market on how many short term rentals in your area. That might give you an idea of possible revenue to pay for the enforcement. It could be a start, they do this with several cities/government agencies.*

*Sorry if this is unwanted suggestions, just let me know. I will not be offended. I just know from the research I've done this is an uphill challenge/battle.*

*Good Luck,*

*Deborah Bates-Denser*

**From:** Christa Watson [<mailto:christa@granicus.com>]  
**Sent:** Friday, August 14, 2020 9:00 AM  
**To:** [dbdenser@comcast.net](mailto:dbdenser@comcast.net)  
**Subject:** Recap: How Community Associations can Address Short-Term Rentals



## Live Webinar

We're glad you joined us for the webinar, **How Community Associations Can Address Short-Term Rentals**.

### Webinar Recording

[Download the slides](#) or [watch on demand](#) to recap short-term rentals and community associations.

---

### Related Resources

Several attendees asked about short-term rental safety. Watch this webinar with Fire Marshal, Eric Guevin, discussing short-term rental safety. [Watch now.](#)

Looking for help in establishing STR policies? Get a free assessment of the market in your community and the solutions

available to help. [Learn More.](#)

## Upcoming Events

Mark your calendar for these upcoming events. Head over to [granicus.com/events](https://granicus.com/events) for the most up to date information.

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**From:** [Donna George](#)  
**To:** [Rodenburg, Jasmine](#)  
**Subject:** Short-Term Rentals  
**Date:** Thursday, July 9, 2020 11:17:04 AM

---

Dear Jasmine,

I recently read about the short-term rental code changes in the Left Hand Valley Courier. I have a few questions that were not explained in the article.

1. Are short-term rentals presently allowed in unincorporated Boulder County?
2. What will the code changes be?
3. Will the code changes make it easier and also potentially increase the number of short-term rentals in unincorporated Boulder County?
4. How was the informational survey conducted? Was it sent only to residents in unincorporated Boulder County or did residents in the incorporated cities within Boulder County also fill out the survey? Was the survey mailed out to citizens or was it an optional on-line survey?

Thank you for your time in answering my questions.

Donna George

**From:** [Susan](#)  
**To:** [Rodenburg, Jasmine](#)  
**Cc:** [Barry Cox](#)  
**Subject:** Follow up info from SkyRun per affordability  
**Date:** Monday, July 27, 2020 3:39:51 PM  
**Attachments:** [Housing\\_Report\\_final.pdf](#)  
[Housing\\_Affordability\\_Impacts\\_of\\_Airbnb\\_in\\_Portland.pdf](#)  
[VRMA+2020+Public+Policy+Agenda.pdf](#)

---

Jasmine, I received the two studies attached here from VRMA (Vacation Rental Management Association), the Oxford Economics study and another one that was done by ECO Northwest a few years ago. These are the best such studies they know about. Note that both of these studies only look at one platform's properties (Vrbo and Airbnb), so they are not holistic evaluations. If you find any other studies, we'd love to know about them.

**Conclusions from the Oxford Economics study (pg 30):**

- We have found that the rapid US house price and rent increases of the past few years have not been substantially driven by STRs.
- It suggests instead that the major sources of volatility in rental and house prices lie in economic and labor market outcomes.
- Adopting strict regulations on STRs is unlikely to solve the housing affordability crisis faced by many US households.

**Conclusions from the ECO Northwest study (pg 1-2)**

- Airbnb's activities in Portland have minimal, if any, impact on the current affordability crisis.
- Airbnb's previous analyses have pointed out the many ancillary benefits of their units for hosts and neighborhoods. These include creating extra income for hosts, supporting neighborhood vitality, and stimulating housing unit creation (in the form of ADUs). Policymakers should consider trade-offs between these benefits and a relatively small impact on overall affordability.

You may have already done **research through VRMA** (<https://www.vrmaadvocacy.org/>). VRMA is dedicated to further developing professional and traditional vacation rentals as a safe and reliable option for consumers. It is committed to working with policymakers to develop fair and balanced regulations that benefit both communities and the vacation rental market.

I'm attaching their **public policy agenda** for 2020. Please note VRMA's position related to regulations, including these, which SkyRun also aligns with:

- VRMA supports the use of fair, justified, proportional and enforceable rules for property owners and managers to follow to ensure the greatest compliance.
- VRMA supports open and transparent permitting processes and fee structures that are equitable and comparable to that of all other residential properties and does not discriminate against or show bias for residency requirements, use, advertising methods, booking platforms, or business models.
- VRMA supports and encourages communities to recognize the rights of property owners to rent their primary and secondary homes.
- VRMA believes that legislation that places limitations on the frequency or duration of stay should be done as a last resort and only in cases where it is proven justified and necessary.

Furthermore, **VRMA makes these points**

([http://e.learn.com/files/upload/resources/VRMA/VRMAVoice/index.html#/lessons/IHOFWop3sn2ujqxxiOjIc\\_dIQxkXUZsP](http://e.learn.com/files/upload/resources/VRMA/VRMAVoice/index.html#/lessons/IHOFWop3sn2ujqxxiOjIc_dIQxkXUZsP)):

- The majority of properties listed as vacation rentals are second homes, which were purchased for the homeowner's personal use. Since the owner uses the property from time to time, these homes are not going to be easily turned into long term housing.
- Housing costs rise as a function of increased property values – which is a positive development for not only for communities as a whole, but particularly for full-time homeowners who live there.

I plan to be on the meeting Thursday evening. Let me know if we can provide any additional helpful input before that meeting. Thank you again for listening to the professional property management viewpoint.

--

photo



**Susan Graber**  
Director of Location Support, SkyRun Vacation Rentals  
877-SkyRun-1, ext 803 | 303-249-8894 | [susan@skyrun.com](mailto:susan@skyrun.com)  
[www.SkyRun.com](http://www.SkyRun.com)

SkyRun Vacation Rentals



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If you have any concerns regarding my level of service, please reach out to my manager:  
barry@skyrun.com

---

Create your own [WiseStamp](#) email signature

**From:** [Lodrö Tsomo](#)  
**To:** [Wiseman, Christy](#)  
**Subject:** forgot to address this on the survey  
**Date:** Wednesday, October 30, 2019 2:53:57 PM

---

Hello Christy,

Just realized that I forgot to address the matter of STR effect on long term rental availability in Allenspark in my survey answers.

Please add my 2 cents in about this issue somewhere in your survey process.

I believe that it is mistaken to think that ending STR will effect long term availability. Here are two cases that demonstrate this. My folks did have a company manage their property for STR use, but NEVER would have rented it out as a long term rental because they enjoyed coming for 3 months a year when their health allowed. Another example is the property across the road. It sits empty the WHOLE year except for two weeks. Again, this long time property owner (who has been asked if he would rent long term several times) is not going to forego the possibility of enjoying their cabin because of a long term renter.

As you can see, I don't think the long term rental argument holds water.

Sincerely,  
K Winkel

**From:** [Bruce Drogsvold](#)  
**To:** [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hippely, Hannah](#)  
**Subject:** FW: Draft Language for Short-Term Dwelling Rental and Bed & Breakfast Code Update  
**Date:** Monday, August 31, 2020 9:54:01 AM  
**Attachments:** [DC-19-0005 Referral Packet.pdf](#)

---

Good morning Jasmine,

I have a hard time getting a clear sense of what these changes mean for my family?  
I think I may fall under a “vacation rental” type category.  
If so, that’ll work.

I sent you a letter from a couple months ago that describes our family circumstances with our mountain cabin.  
I hope we will not be prevented doing things the way we have been doing them.

Please let me know if we’ll qualify for the vacation rental category?

Thank you,  
Bruce Drogsvold  
303-579-1627

---

**From:** Bruce Drogsvold <[bruced@wkre.com](mailto:bruced@wkre.com)>  
**Sent:** Monday, August 31, 2020 9:33 AM  
**To:** Bruce Drogsvold <[bruced@wkre.com](mailto:bruced@wkre.com)>  
**Subject:** FW: Draft Language for Short-Term Dwelling Rental and Bed & Breakfast Code Update

---

**From:** Rodenburg, Jasmine <[jrodenburg@bouldercounty.org](mailto:jrodenburg@bouldercounty.org)>  
**Sent:** Monday, August 31, 2020 8:04 AM  
**To:** Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)>  
**Cc:** Hippely, Hannah <[hhippely@bouldercounty.org](mailto:hhippely@bouldercounty.org)>  
**Subject:** Draft Language for Short-Term Dwelling Rental and Bed & Breakfast Code Update

Good Morning, All –

Thank you for participating in the public process thus far. We have spent the last week preparing and sending out the first draft of the Boulder County Short-Term Dwelling Rental and Bed & Breakfast Code update to internal and external referral agencies for input. Some of you might have received the drafts from the referral, or being part of the Land Use Code Update email list. If that is the case, I apologize for the duplicate copies! I just wanted to send it to everybody who has participated in the virtual coffees and virtual open house to make sure you all continue to be involved.

I encourage everyone to sign up for the virtual open house. At that open house we will discuss the

draft language, input received from the public and referral agencies (to the extent we receive it before the open house), and address frequently asked questions we receive.

Please feel free to email me with questions, comments, or concerns. Below you will find what I believe was sent out to the Land Use Code update email. It has information on signing up for the virtual open house, along with the draft language. For good measure, I have also attached the draft language from the referral. I encourage people to look at the attached document as it includes a flowchart that helps give an overview to the draft regulations and licensing ordinance.

Kindly,

Jasmine

**Jasmine Rodenburg**

*Senior Planner – Oil/Gas and Environmental Policy*

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## **September 17 Virtual Open House: DC-19-0005 Short-term Dwelling Rental and Bed & Breakfast**

***Attend a Virtual Open House starting at 6 p.m. on Thursday,  
September 17, 2020***

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**Boulder County, CO** - The [Boulder County Community Planning & Permitting Department](#) is continuing work on Land Use Code updates to Short-term Dwelling Rental and Bed & Breakfast regulations in docket [DC-19-0005](#).

After receiving input from the public, reviewing neighboring jurisdictions' regulations and additional research, staff has drafted [proposed Text Amendments to Article 4 of the Boulder County Land Use Code](#) along with a [proposed Licensing Ordinance to regulate Short-Term Rentals and Bed & Breakfast uses](#).

The public is invited to attend a virtual open house starting at 6 p.m. on Thursday, September 17, 2020.

### **Virtual Open House - Thursday, September 17 at 6 p.m.**

- **What:** Virtual Open House to review and discuss the draft proposals.
- **When:** 6 p.m. Thursday, Sept. 17., 2020
- **Where:** [Register for a Virtual Open House, Thursday September 17 2020 from 6-8 p.m](#) to participate in this virtual open house to learn more about the proposed changes and drafts, and provide input to staff.

The proposed changes are for the ***unincorporated*** areas of Boulder County, not in cities like Boulder or Longmont. Boulder County's unincorporated areas comprise the [rural, mountainous and plains communities that are not a part of any incorporated municipality](#).

The timeline for this update is to provide proposed draft regulations to the Boulder County Planning Commission in the fall. Written comments may be [submitted online](#).

For more information, contact Jasmine Rodenburg at [jrodenburg@bouldercounty.org](mailto:jrodenburg@bouldercounty.org) or 303-441-1735, or visit the [project webpage](#).

**From:** [Ilona Dotterrer](#)  
**To:** [Rodenburg, Jasmine](#)  
**Subject:** Re: Short-Term Dwelling Rental Virtual Coffee with a Planner  
**Date:** Friday, July 10, 2020 12:22:45 PM

---

Thank you so much for your quick response! I must say that's a first in all of my communications with Boulder County on various issues.

I also appreciate your legal background, which brings elements of professionalism and objectivity to sometimes emotional situations. (I'm a retired lawyer.)

I am hopeful both the interests of Boulder County and concerned residents can be accommodated in these new regulations.

Based on the "Ideas" document, I do have a few simple suggestions, if you would like to chat sometime.

Thanks for your help and I look forward to the discussion.

Ilona Dotterrer

On Jul 10, 2020, at 11:57 AM, Rodenburg, Jasmine <[jrodenburg@bouldercounty.org](mailto:jrodenburg@bouldercounty.org)> wrote:

Good Morning, Ilona –

Thank you for signing up to participate in the short-term dwelling rental regulation update Virtual Coffee with a Planner sessions! We are looking forward to chatting with you about the upcoming changes to the Land Use Code. Based on your availability indicated in the online sign-up form, your 30-minute time-slot for this individual session is scheduled for July 17 from 10:00am-10:30am with Molly Marcucilli, cc'd on this email. You will find attached to this email a very generalized overview of the proposed regulations along with the sign-up form you filled out, for reference.

Below is the link to your virtual session, which has also been sent to you as an Outlook Calendar invitation. Although you can use Microsoft Teams in a web browser, many people find it easier if they download the desktop application ahead of time.

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Mark your calendar! Following these Virtual Coffee with a Planner sessions, we will be hosting a Virtual Open House on Thursday, July 30<sup>th</sup> at 6:00PM. Please visit our website <https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-19-0005/> for more information and updates.

Please let us know if you have any questions or concerns in advance of your session and we look forward to hearing from you.

Kindly,

Jasmine

**Jasmine Rodenburg**

*Senior Planner – Oil/Gas and Environmental Policy*

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Main: 303-441-3930

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**PLEASE NOTE:** In an effort to mitigate the spread of COVID-19, the Boulder County Community Planning & Permitting physical office at 2045 13th St. in Boulder is CLOSED to the public until further notice. We will continue to operate remotely, including the online acceptance of building permits and planning applications. Please visit our webpage at [www.boco.org/cpp](http://www.boco.org/cpp) for more detailed information and contact emails for groups in our department. You may also leave a message on our main line at 303-441-3930 and the appropriate team member will return your call. ***Thank you for your adaptability and understanding in this extraordinary time!***

<mime-attachment>

<Regulation Ideas for Public.docx>

**From:** [ILONA DOTTERRER](#)  
**To:** [Ott, Jean](#)  
**Cc:** [Rodenburg, Jasmine](#)  
**Subject:** Short Term Rental Proposals - Suggestions  
**Date:** Wednesday, July 29, 2020 3:16:30 PM

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Hello Rainie,

You and I and Molly spoke on July 17 about the County's proposed short-term rental regulations.

I suggested the County create a third category to provide for vacation rentals of cabins whose owners also use the properties. This type of ownership/use did not seem to fall within either the Accessory Residential Use or the Principal Lodging Use. I indicated I would research the parameters of this third category.

I suggest the following:

- The Accessory Residential Use and Principal Lodging Use do not provide for short-term vacation rentals of second homes that owners occupy on a part-time basis. The County may wish to create a third category, Second Home Use.
- A Second Home could be defined as a property that the principal owner or family members use or occupy at least 120 days per year on either a continuous or non-continuous basis.
- Second Home Use would be subject to an administrative review process and be subject to all County STR requirements.

On another note, the County may wish to consider that STR licenses issued to owners of any of the three Use categories during the first year of the program will be valid for 2 or 3 years, absent any violations. This may result in more initial compliance.

Please contact me with any questions.

I look forward to chatting with you at the meeting tomorrow.

Ilona Dotterrer

**From:** [Joseph Roth](#)  
**To:** [Rodenburg, Jasmine](#)  
**Subject:** Short Term Rental Questions  
**Date:** Monday, June 29, 2020 10:29:49 AM

---

Jasmine,

We're considering purchasing a second home in the mountains for our family to use, but would like to rent it for ~100 days/year to offset some of the cost of ownership. Without some rental income, it doesn't make financial sense for us to purchase.

It looks like the current rules allow for 45 days (forestry zoned) without a formal review, and potentially an administrative review or full special use planning review for 100 days, but that these rules are undergoing changes.

The proposed rules indicate that if the property is used principally as a single family dwelling, then an administrative review might be sufficient. I was wondering if there was any insight into what would constitute owner-occupancy? If we used the home for the majority of weekends, would that be considered occupancy. Otherwise, it looks like we may need to go through a public hearing. I'm curious what the timetable, cost, and chance that might fail.

If it helps, we're looking at properties similar to 1001 Ski Rd, Allenspark, CO 80510. Something on >1 acre and away from residential style living.

Feel free to respond via email or I can do a virtual coffee with a planner if that is more convenient.

Thanks,  
Joseph

**From:** [Kathryn Stanford](#)  
**To:** [Rodenburg, Jasmine](#)  
**Subject:** Fire Mitigation Requirements STR rentals.  
**Date:** Wednesday, August 12, 2020 7:54:42 PM

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Hi Jasmine.

Hope you're having a great week so far.

I wanted to check in and see if you have been in contact with the Wildfire Protection Program?

We, and many others who wish to short term rent are very nervous about the mitigation requirements, and have gotten mixed feedback from neighbors who have dealt with this program in the past.

Several of us have heard that there are a few really awesome individuals to work with that think outside the box, but there are also a few who have made it very difficult to obtain certification and are quick to go "by the book" of a 30' radius even in narrow mountain canyons with no support or second thought.

This would literally wipe out every single tree on our property.

Short term renting has been a lifeline for many of us, and we will do whatever it takes to qualify, I just hope this matter is VERY carefully considered.

Not being able to qualify by dealing with the wrong person could be extremely detrimental to many.

Thank you for your time & consideration.

This is a very delicate and important matter.

We, and many others we know in the mountain communities are trying to be ahead of the game.

-Kathryn Stanford

**From:** [Kathryn Stanford](#)  
**To:** [Rodenburg, Jasmine](#)  
**Subject:** Questions on the draft for STR/VACATION land use code  
**Date:** Friday, August 28, 2020 7:54:14 AM

---

Good morning, Jasmine.

I have read through the draft several times, and am trying to understand everything.

First off, why is a sales tax license required for lodging use? Airbnb and VRBO have always collected and remitted those taxes on owners behalf as far as my knowledge. I believe in the entire state of Colorado this is true.

Also, is there a map or website where we can see what district we are in? I have had a hard time finding anything like that. I assume being in the mountains that we are either in MI OR F, but it would greatly help to know.

Also, to my understanding, if your property is greater than one acre yet less than 5, you will have a special review as opposed to a limited impact SR?  
Having a hard time understanding the difference.

Thirdly, if we choose to apply for the lodging VS. accessory residential, I see that the WPP certification/mitigation must be done prior to the license. What about everything else? Will there be a grace period if anything comes up after a building inspection? Or will the license not be granted until everything is complete?

I feel like there needs to be something in the draft about a grace period for things like the insurance and other qualifications. There Is a huge punch list at hand, and I feel people deserve a grace period and some time while still being able to run their business and being approved.

It feels like this new draft is trying to make it hard for people to obtain a license even though there are

So many residents who have lived here their entire lives able to stay in Boulder county because of renting their homes while staying with a friend, traveling, working out of state, etc!

I am disappointed to see the max 180 days (with no more than 20 nights/month rule especially) for accessory residential. People travel for extended periods and come back to what they consider home. Being able to rent it allows that freedom. If it is to be 180 days, what is the point of the no more than 20 nights/month? There should be no restrictions on how those 180 days are used at the VERY LEAST. Please consider.

This draft is going to cause a lot of stress on certain individuals. Many of us don't feel we were heard at all on this matter, and it is really disheartening.

I'm sure there were many angles, and in certain areas such a subdivisions, I completely understand, but what happened to the varying levels of oversight?

This is a huge blow to people with rural properties and mountain properties. Especially the neighbors having to be notified by mail. What's the point when you have a completely separate property away from everyone because the parcels are large? Mountain neighbors keep to themselves already and this could raise a stink for no reason because let's be real, people have opinions no matter what.

What about people who are already booked in advance into the new year? There absolutely should be a grace period while people get their ducks in a row to qualify with all these new rules. The good hosts who have Poured their heart and soul into this business would be heavily penalized having to cancel bookings. This would be detrimental and completely unnecessary in homes that are safe, and well maintained by responsible and attentive owners/hosts.

I really hope to see Boulder County taking care of its residents with this new code. I don't feel like it adequately addresses taking care of those who use their home as a vacation rental due to varying circumstances. Not all of us are big money investors coming in. Some of us truly enjoy hospitality, are able to give back more (we certainly do), and enjoy meeting new people. I feel like the balance between residents renting their homes full time, and vacation renting is fairly balanced.

I understand the need to keep big money coming in and buying up the housing stock. All for this!

Also, people who have hosted responsibly and have the reviews, notes, and touches to prove it should be recognized through this as well.

This platform brings so much to our economy and that should not be overlooked! During COVID, many short term renters hosted people needing to be close to a family in a nursing or assisted living situation. It was a win/win in so many cases.

Thank you for taking the time to read.

Sincerely hoping there are a few key changes made to this draft. Being able to rent even for 45-50 nights a year when we have has been huge!!

Best,

Kathryn



# Land Use

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930  
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • [www.bouldercounty.org](http://www.bouldercounty.org)

October 31, 2019

Susan Merrill  
CSN LLC  
PO Box 1465  
Nederland, CO 80466

**RE: DC-19-0005: Proposed Boulder County Land Use Code Text Amendments related to Lodging Uses - Short Term Rentals and Bed and Breakfast & Property-Specific Information for 825 Eaton Place**

Dear Susan Merrill:

Thank you for calling the Land Use Department. I received your voicemail inquiring about the Land Use Code update related to short-term rentals. In your voicemail, you requested a hard copy version of the online short-term rental survey. I have included the following materials related to the Land Use Code update:

- A copy of the email notice that went out about the survey on October 30.
- A hard copy version of the online short-term rental survey. Please complete the survey and mail it back to the Land Use Department at PO Box 471, Boulder, CO 80306 by November 22, 2019.
- The existing Short-term Dwelling Rentals use regulations (Article 4-507.E of the Land Use Code).
- A print out of the Land Use Code update project webpage.

In your voicemail, you also mentioned property-specific issues and noted concerns about septic systems in your neighborhood. I have included the following materials for your information:

- The parcel report for your property at 825 Eaton Place.
- An excerpt of the Land Use Code detailing provisions for the Forestry (F) zoning district (Article 4-101).
- A handout on septic permitting; septic systems are regulated and permitted through Boulder County Public Health, not the Land Use Department. If you have questions about septic regulations, please call Public Health at 303-441-1564.

If you have any property-specific questions about your property, feel free to call 303-441-3930 and an on-call planner will promptly assist you. Please let me know if you have further questions or comments about the Land Use Code update.

Sincerely,

Christy Wiseman | Planner I  
Boulder County Land Use Department  
720-564-2623  
[cwiseman@bouldercounty.org](mailto:cwiseman@bouldercounty.org)  
Mailing address: PO Box 471, Boulder, CO 80306  
<https://www.bouldercounty.org/departments/land-use/>





# Land Use

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Christy Wiseman | Planner I  
Boulder County Land Use Department  
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[cwiseman@bouldercounty.org](mailto:cwiseman@bouldercounty.org)  
Mailing address: PO Box 471, Boulder, CO 80306  
<https://www.bouldercounty.org/departments/land-use/>

**From:** [Maura Christoph](#)  
**To:** [Rodenburg, Jasmine](#)  
**Cc:** [Marcucilli, Molly](#)  
**Subject:** Re: Short-Term Dwelling Rental Virtual Coffee with a Planner  
**Date:** Friday, July 10, 2020 4:15:47 PM

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Hi again,

And a thought on “ local management” of short term dwellings and what exactly does that mean...? As many of the properties up here managed by companies and managers elsewhere....Estes? Longmont?

TheBoulder County Sheriff just issue a stage 2 fire ban up from a stage 1 fire ban.

Because I am signed up to get those alerts and live across the creek from my rental I was able to cover up the outdoor metal fire pit, tell current guests about the ban, etc.

I have no idea what kind of communication and outdoor grills many of the other properties nearby have... something to think about for you all as you are planning.

Maura

Sent from my iPad

On Jul 10, 2020, at 3:17 PM, Maura Christoph <mautoph@aol.com> wrote:

Hi Jasmine and Molly,

I don't have Microsoft.

I have an apple computer.

I really look forward to talking to a planner directly on this short term dwelling issue.

I spent March -August 2019 going through the LISU process , spending around \$1000 to Boulder County for the approval from the Boulder county planner.

Dwelling address is 103 Peaceful Valley Rd. 80540

I live up here in forestry unincorporated Boulder County. Directly across the creek from the rental dwelling.

I would like to give real feedback to a planner from me.

I know of many properties renting illegally up in this same area.

I would like to to assist you assist those properties to become legal short term rentals.

And I find that incredibly frustrating.

I would like to provide you with honest feedback as I am not afraid since I did everything completely by the code last summer.

So... if I don't have Microsoft how can we talk.

Thank you very much

Maura Christoph.

303-638-4441

Sent from my iPad

On Jul 10, 2020, at 11:40 AM, Rodenburg, Jasmine  
<jrodenburg@bouldercounty.org> wrote:

Good Morning, Maura –

Thank you for signing up to participate in the short-term dwelling rental regulation update Virtual Coffee with a Planner sessions! We are looking forward to chatting with you about the upcoming changes to the Land Use Code. Based on your availability indicated in the online sign-up form, your 30-minute time-slot for this individual session is scheduled for July 16 from 9:00am-9:30am with Molly Marcucilli, cc'd on this email. You will find attached to this email a very generalized overview of the proposed regulations along with the sign-up form you filled out, for reference.

Below is the link to your virtual session, which has also been sent to you as an Outlook Calendar invitation. Although you can use Microsoft Teams in a web browser, many people find it easier if they download the desktop application ahead of time.

### [Join Microsoft Teams Meeting](#)

[+1 720-400-7859](tel:+17204007859) United States, Denver (Toll)

Conference ID: 547 343 050#

[Local numbers](#) | [Reset PIN](#) | [Learn more about Teams](#) | [Meeting options](#)

Mark your calendar! Following these Virtual Coffee with a Planner sessions, we will be hosting a Virtual Open House on Thursday, July 30<sup>th</sup> at 6:00PM. Please visit our website <https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-19-0005/> for more information and updates.

Please let us know if you have any questions or concerns in advance of your session and we look forward to hearing from you.

Kindly,

Jasmine

### **Jasmine Rodenburg**

*Senior Planner – Oil/Gas and Environmental Policy*

Boulder County Community Planning & Permitting Department (*formerly Land Use and Transportation*) – [We've become a new department!](#)

Direct: 303-441-1735

Main: 303-441-3930

[www.bouldercounty.org](http://www.bouldercounty.org)

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***Thank you for your adaptability and understanding in this extraordinary time!***

<mime-attachment>

<Regulation Ideas for Public.docx>

**From:** [Maura Christoph](#)  
**To:** [Rodenburg, Jasmine](#); [Ott, Jean](#); [Weeks, Scott](#); [Marcucilli, Molly](#)  
**Subject:** A few more thoughts from Maura Christoph on DC-19-0005  
**Date:** Tuesday, September 8, 2020 5:28:10 PM

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1. VRBO and Air Bnb collect and remitt the Lodging taxes and other taxes from guests Directly to the State of Colorado on behalf on the property owners so it doesn't make Sense for property owner to get a sales tax license from the Colorado Department of Revenue.

2. Under the "Lodging Use"

Vacation Rental "if rented more than 60 " nights a year one must get a license, but not if rented less than 60 days ( nights), a year.

I can Guarantee you that numerous property owners ( not me)..

Will take advantage of the "60" day rule and they will not be truthful.

These cabins will be rented much more than 60 days but the owners will deny they are renting that much.

I guarantee this will be unenforceable .

I guarantee this 60 day rule is inviting misuse and abuse of all your hard work trying to update the short term rental code.

And the same folks illegally short term renting cabins will continue to do so.

I'm " the messenger " . I see what really goes on .

I believe there are cabins that have " rental accounts" . at the recycle / trash transfer stations in Allenspark and Nederland. You might gain some information by talking to the Boulder County employees that run those recycle / trash stations.

Hope this is helpful to you all.

Maura Christoph

Sent from my iPad

**From:** [Pieter Strauss](#)  
**To:** [Rodenburg, Jasmine](#)  
**Subject:** Online short term rental meeting  
**Date:** Thursday, July 30, 2020 7:51:42 PM

---

Many thanks, this was a helpful event. I didn't get to go to the end – the breakouts were being set up, and the software kicked me out.

My main concern, as I have indicated, is enforcement. Like one other attendee, I and my neighbors on the other side of the problem property have been trying to get existing regulations enforced since early July 2019, to no effect.

This is an unpermitted Airbnb in the Lakeshore Park plat. The Land Use Office has been in contact with them, but they persist in refusing to get a permit, and in obeying existing regulations. The wake-up call was a multi-day bachelor party last year, ten guys from Texas who specialized in getting up early, staying up late, drinking to excess and shouting profanities at the top of their lungs. These are 1 acre residential properties, so you can imagine how pleasant it was to live next door. I could go on, but it would bore you. To the best of my knowledge, none of the existing regulations are being honored.

So, while I appreciate better regulations, the fact that current regulations are not being enforced makes it seem idle to me to work on new ones.

Any help your office can be would be greatly appreciated. BTW the neighbors on the other side have sold up and are leaving. I have owned my house and lived here since 1988. I'm a little too old to make another move.

Regards,  
Pieter Strauss  
275 Lakeshore Park Rd.  
Boulder, CO 80302

**From:** [Maura Christoph](#)  
**To:** [Rodenburg, Jasmine](#); [Ott, Jean](#); [Weeks, Scott](#)  
**Subject:** Please review STR FEES in Summit CTY. Same type of tourist population. Fees more reasonable than Boulder County proposals  
**Date:** Saturday, August 29, 2020 11:54:57 AM

---

<https://www.summitcountyco.gov/1250/Permit-Application>

Shared via the [Google app](#)

Sent from my iPad

**From:** [Sandy Brown](#)  
**To:** [Wiseman, Christy](#)  
**Subject:** Question re: Short Term Rentals vs. Long Term Rentals ADU"s in unincorporated BC  
**Date:** Sunday, November 10, 2019 6:56:30 PM  
**Attachments:** [Growing Greener Report.pdf](#)

---

Hi Christy,

I just completed your Survey Monkey on short term rentals. My wife and I own a home on 7 acres in unincorporated Boulder County on east Valmont, between 75th and 95th. We have owned this same home property for 27 years.

I was happy to see some consideration of changing short-term rental policy, however I am more interested in seeing change in long-term rental policy. Here is my thinking about the situation on long-term rentals:

First of all, I am sure you are familiar with the Growing Greener report that CoPIRG completed along with other environmental groups regarding housing policy in the City of Boulder. If you haven't, I attach a copy of that report in this email.

I have lived in Boulder County for 32 years. We have lived and raised our children in the same home that we have owned for 27 of those years. During that time I have seen traffic on east Valmont go from very little, to today's circumstance where during rush hour, it takes me about 10 minutes waiting for an opening to get out of my driveway. The traffic goes slowly in long lines and the amount of greenhouse gasses and other pollution created by commuters in today's climate crisis, is simply irresponsible. Meanwhile, the cost of housing has become astronomical. All 3 of my grown children do not believe they will ever be able to afford live in Boulder County. Though they spent all of their childhood here.

Why we are not allowing "mother in-law" type accessory dwelling units here is beyond me. I can not understand a single benefit, and have asked dozens of people if they knew why this policy exists. Not one has offered an explanation. I wrote the County Commissioners about this question, and never received a response. On our property, we cannot have an accessory dwelling unit. I have no interest in putting up an apartment building, but if the County allowed a single ADU for long-term rental on all the many rural properties like ours, we would see a reduction in traffic, pollution, and both the cost of buying homes (that rental income can be considered in applying for a mortgage) and in the high cost of rent. It is a win for the environment, a win for the local economy, and a win for making housing more affordable. I would love an explanation for the County's long-term ADU housing policy. I really would, as it seems to be counter-productive to any community benefit that I can imagine. I am less interested in short-term rentals. I don't see anything particularly wrong with them, and understand they can help people appreciate our wonderful County, help provide some income for local homeowners, and help improve the local economy. But they do not address the pollution and climate change issues, or affordable housing issues that are so critical to the well-being of our County. Changing policy on long-term local rentals would help address these problems. Can you explain the existing policy to me? I am sincerely both concerned and puzzled by it.

And I am not alone. Our next door neighbors' (Aaron and Jenifer Kennedy - Aaron is the Founder of Noodles and Company and worked for Governor Hickenlooper to "Brand"

Colorado) for many years, have had the same question, as do all of the 7 other nearest neighbors to us. One of our neighbors, Bob Serafin, the former Director of NCAR, bought a larger property with an older very small single level home right on Valmont. He built a larger home behind that one, and Boulder County literally made him sledge hammer all the plumbing and fixtures in the original home, so that he wouldn't have an ADU. To this day, he has no idea why the County required that. It seemed incredibly absurd to him, to destroy a perfectly usable housing structure. Now it sits empty. Again, there was never an explanation given.

Finally, I know of several homeowners, who will remain unnamed for fear of reprisal, that violate County zoning restrictions and have secretly built ADU's and rent them out on the side. The folks I know who do this, are respected and contributors to our community. One of these is extremely well respected in certain circles. They seem to do this for various reasons like:

- Having housing for farm support (yes I know there is existing code, but it is quite restrictive and it is not I who made this choice);
- Providing housing to a friend or family member in need who can't afford higher rent, but needs to stay in the area;
- And to bring in additional income to simply make ends meet.

What I see happening, is that this policy is making good hearted community members, who positively contribute to our County, choose, for various reasonable reasons, to break the law. They are breaking the law, for good reasons; but they are still breaking the law. From my perspective, it is the County government that should be ashamed for having this policy, not these folks for violating it.

Can you explain to me the reasoning for the existing policy on ADU's and long-term rentals? I understand concerns about rapid growth, but with like 30,000 people a month moving to Colorado, but shutting down growth when our County has a surplus of jobs, is creating enormous other problems. I do not think I, or other unincorporated homeowners should be allowed to put up apartment buildings. But why not a single ADU for long-term rental?

Please help me understand this policy, and if you agree, tell me what I can do to help change the policy. I would love to have my mind changed about this; discovering of my own ignorance. But please remember, that in my experience, I am in the majority in terms of this ignorance. I do not know a single person that understands the purpose of the existing County restrictions on ADU Long-Term Rentals

Thank you.

Very Sincerely,

Alexander "Sandy" Brown  
7929 Valmont Rd.  
Boulder

**From:** [Bruce Drogs vold](#)  
**To:** [Wiseman, Christy](#)  
**Subject:** Re: Boulder County Short-Term Rental Survey  
**Date:** Monday, November 4, 2019 1:42:35 PM

---

Thank you Christy,  
I look forward to participating in the process.  
There are many examples of STR regulations around the US,  
Some good, others not good.  
City of Boulder did a pretty good job.  
Hopefully Boulder County will come up with fair and reasonable rules too.  
Bruce

Bruce Drogs vold  
303-579-1627

---

**From:** Wiseman, Christy <[cwiseman@bouldercounty.org](mailto:cwiseman@bouldercounty.org)>  
**Sent:** Monday, November 4, 2019 12:56:53 PM  
**To:** Bruce Drogs vold <[bruced@wkre.com](mailto:bruced@wkre.com)>  
**Subject:** Boulder County Short-Term Rental Survey

Hello Bruce,

Thank you for calling the Land Use Department today. Here is the webpage for the short-term rental Land Use Code update: <https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-19-0005/> I've attached the county's existing short-term rental regulations as well as the full survey PDF.

The survey will remain open until November 22, 2019. After that, staff will begin analyzing the survey results and begin drafting various regulatory options. With every Land Use Code update, we aim to integrate public comment and involvement at every step of the process: during initial outreach (with the survey), through public meetings, with an external referral of the draft language, at the Planning Commission public hearing, and at the eventual Board of County Commissioners public hearing.

Please let me know if you have further questions or comments about this Land Use Code update.

Have a great day,

**Christy Wiseman** | Long Range Planner I

Pronouns: she/her/hers

Boulder County Land Use Department

720-564-2623

[cwiseman@bouldercounty.org](mailto:cwiseman@bouldercounty.org)

<https://www.bouldercounty.org/departments/land-use/>

**From:** [Wiseman, Christy](#)  
**To:** [Bruce Drogsvold](#)  
**Subject:** RE: Boulder County Short-Term Rental Survey  
**Date:** Thursday, December 12, 2019 10:54:00 AM

---

Good Morning Bruce,

To answer your questions:

1. I didn't hear of any other issues with the online survey glitching or stopping people after a certain question. That's not to say it couldn't have occurred for someone else, but no one reached out to our office about it.
2. Though the online short-term rental survey was originally planned to be open through November 22, we decided to keep it open longer due to a high volume of responses late in that week and various days of county office closure for weather. The survey was closed on the morning of December 2 and we are just now diving into the results. We received over 1,500 responses, so it's quite a lot of data. It will take us a few weeks to get through everything; I anticipate we will post survey results in January.
3. There isn't a rigid timeline for this Land Use Code update. After we process the survey results we will conduct various public outreach efforts to share the survey results and to present potential regulatory options. I anticipate that this Code update will go before Planning Commission at a public hearing in the spring or early summer of 2020, but it's difficult to say exactly when. We work on multiple updates to our Land Use Code and Comprehensive Plan simultaneously so they tend to be several-months-long to year-long processes.

Please let me know if you have any further questions. Though the survey is closed, you (or anyone) is welcome to submit comments about the Code update over email as the process continues. You can also sign up to receive emails about Land Use Code updates, including notices of public meetings and hearings by clicking on the orange "Subscribe" button on the project webpage:

<https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-19-0005/>

Best,

**Christy Wiseman** | Long Range Planner I

Pronouns: she/her/hers

Boulder County Land Use Department

720-564-2623

[cwiseman@bouldercounty.org](mailto:cwiseman@bouldercounty.org)

<https://www.bouldercounty.org/departments/land-use/>

---

**From:** Bruce Drogsvold <bruced@wkre.com>  
**Sent:** Thursday, December 12, 2019 10:22 AM  
**To:** Wiseman, Christy <cwiseman@bouldercounty.org>  
**Subject:** RE: Boulder County Short-Term Rental Survey

Good morning Christy,

I am following up from Nov. 4<sup>th</sup> when you sent me this link to the survey questions. I was busy filling out the link to the survey and it stopped me at question 13...it wouldn't let me answer the question and when I tried to continue it wouldn't let me send the survey back to you with, at least, my answers to the first 12 questions. I finally gave up so my voice was not heard.

I am wondering a couple things:

1. Did you have any other respondents that got stuck on question 13 or were unable to finish the survey?
2. Where is the process at this time? I hope to be a part of the process and I want to understand the timelines, when the public will be asked for their input, and all that stuff.
3. Please send me any sort of itinerary that you have...I'd greatly appreciate it.

Thank you,

Bruce Drogsvold  
303-579-1627

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**From:** Wiseman, Christy <[cwiseman@bouldercounty.org](mailto:cwiseman@bouldercounty.org)>  
**Sent:** Monday, November 4, 2019 12:57 PM  
**To:** Bruce Drogsvold <[bruced@wkre.com](mailto:bruced@wkre.com)>  
**Subject:** Boulder County Short-Term Rental Survey

Hello Bruce,

Thank you for calling the Land Use Department today. Here is the webpage for the short-term rental Land Use Code update: <https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-19-0005/> I've attached the county's existing short-term rental regulations as well as the full survey PDF.

The survey will remain open until November 22, 2019. After that, staff will begin analyzing the survey results and begin drafting various regulatory options. With every Land Use Code update, we aim to integrate public comment and involvement at every step of the process: during initial outreach (with the survey), through public meetings, with an external referral of the draft language, at the Planning Commission public hearing, and at the eventual Board of County Commissioners public hearing.

Please let me know if you have further questions or comments about this Land Use Code update.

Have a great day,

**Christy Wiseman** | Long Range Planner I  
Pronouns: she/her/hers  
Boulder County Land Use Department  
720-564-2623  
[cwiseman@bouldercounty.org](mailto:cwiseman@bouldercounty.org)  
<https://www.bouldercounty.org/departments/land-use/>



**From:** [Maura Christoph](#)  
**To:** [Rodenburg, Jasmine](#)  
**Cc:** [Ott, Jean](#); [Weeks, Scott](#)  
**Subject:** Re: Larimer County short term rental Fees. Please note more reasonable than what Boulder County is considering. Same tourist population as Western Boulder County.  
**Date:** Tuesday, September 1, 2020 2:10:47 PM

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Hi Jasmine, Raini and Scott,

Thank you for the reply and I have another question.

After reading through all the PDF descriptions I did not see anything included that would state if a property owner has already gone through the whole LISU and LUW process

And that property , such as mine last summer ....LUW-19-0007

“ passed all the tests” to be completely to code, Wildfire partnered certified, building inspector inspected, in the positive interest of the neighborhood, plenty of parking, no event , etc etc etc....that the Property does NOT have to go through the whole process again.

On the “ call with a planner” last July I believe, a call which

Jean, Jasmine, Molly and Scott were on with me I asked that question.

Scott in that call verbally said “ no I don’t believe you’d have to go through the LISU again unless you planned to change something”

I have no intentions of changing anything for which I was prior approved yet I feel I need the reassurance in writing from County planners.

And it would be helpful to have that covered in the full PDF document.

I hope this makes sense.

Thank you

Maura Christoph

Sent from my iPad

On Sep 1, 2020, at 9:22 AM, Rodenburg, Jasmine  
<[jrodenburg@bouldercounty.org](mailto:jrodenburg@bouldercounty.org)> wrote:

Good Morning, Maura –

Thank you for submitting your thoughts on the draft Short-Term Rental and Bed & Breakfast code language and Licensing Ordinance. I appreciate your continued involvement in this process.

I will look through the links you have submitted in this email and your separate emails.

Kindly,

Jasmine

**Jasmine Rodenburg**

*Senior Planner – Oil/Gas and Environmental Policy*

*Boulder County Community Planning & Permitting Department (formerly Land Use and*

Transportation) – [We've become a new department!](#)

Direct: 303-441-1735

Main: 303-441-3930

[www.bouldercounty.org](http://www.bouldercounty.org)

**PLEASE NOTE:** In an effort to mitigate the spread of COVID-19, the Boulder County Community Planning & Permitting physical office at 2045 13th St. in Boulder is CLOSED to the public until further notice. We will continue to operate remotely, including the online acceptance of building permits and planning applications. Please visit our webpage at [www.boco.org/cpp](http://www.boco.org/cpp) for more detailed information and contact emails for groups in our department. You may also leave a message on our main line at 303-441-3930 and the appropriate team member will return your call. ***Thank you for your adaptability and understanding in this extraordinary time!***

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**From:** Maura Christoph <mautoph@aol.com>

**Sent:** Saturday, August 29, 2020 11:59 AM

**To:** Rodenburg, Jasmine <jrodenburg@bouldercounty.org>; Ott, Jean <jott@bouldercounty.org>; Weeks, Scott <sweeks@bouldercounty.org>

**Subject:** Larimer County short term rental Fees. Please note more reasonable than what Boulder County is considering. Same tourist population as Western Boulder County.

<https://www.coloradoan.com/story/news/2019/08/30/short-term-rental-owners-face-new-300-fee-unincorporated-larimer-county/2131471001/>

Shared via the [Google app](#)

Sent from my iPad

**From:** [JANET](#)  
**To:** [Wiseman, Christy](#)  
**Subject:** Re: Online Survey for Short-Term Rentals in Unincorporated Boulder County - Please Complete Survey by November 22, 2019  
**Date:** Monday, October 28, 2019 8:46:56 PM

---

Hi,

I did the survey but the last few questions I could not add comments. Basically I am opposed to short term rentals in small towns such as Eldorado Springs, the impact is too great. If a homeowner does not have close neighbors I can see how they may be ok but not in the densely estate residential town of Eldorado Springs.

Thanks,

Janet

> On Oct 28, 2019, at 5:07 PM, Wiseman, Christy <[cwiseman@bouldercounty.org](mailto:cwiseman@bouldercounty.org)> wrote:

>

**From:** [Deborah Denser](#)  
**To:** [Rounds, Jesse](#); [Wiseman, Christy](#); [Case, Dale](#)  
**Subject:** RE: Questions regarding Lake Valley Estates  
**Date:** Wednesday, October 30, 2019 9:53:58 AM

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*By the way, I noticed on your requirements/information nothing is mentioned regarding the new Colorado State Tax Law requiring sales tax on all rentals unless written agreement for permanent residence for at least 30 consecutive days.*

Part 2: Taxable Sales

7 Revised June 2019

Rooms and accommodations

Colorado imposes sales tax on the entire amount charged for rooms and accommodations. The tax applies to any charge paid for the use, possession, or the right to use or possess any room in a hotel, apartment hotel, lodging house, motor hotel, guesthouse, guest ranch, trailer coach, or mobile home and to any space in any camp ground, auto camp, or trailer court and park, under any concession, permit, right of access, license to use, or other agreement, or otherwise. Sales of rooms and accommodations may be exempt when made to a permanent resident who enters into a written agreement for occupancy for a period of at least 30 consecutive days

<https://www.colorado.gov/pacific/sites/default/files/Colorado%20Sales%20Tax%20Guide.pdf>

*Thanks,  
Deborah Bates-Denser*

---

**From:** Deborah Denser [mailto:dbdenser@comcast.net]  
**Sent:** Wednesday, October 30, 2019 9:01 AM  
**To:** 'Rounds, Jesse' <jrounds@bouldercounty.org>; 'Wiseman, Christy' <cwiseman@bouldercounty.org>; 'dcase@bouldercounty.org' <dcase@bouldercounty.org>  
**Subject:** Questions regarding Lake Valley Estates

*Good Morning,*

*I have some questions regarding the process of the permits/license/hearing for lodging houses in neighborhood. I want to make sure I have the correct information.*

*So here goes:*

*If the hearing is in favor of 6366 Fairways owner Carolyn Eberle:*

*What would be the zoning on that property? What is the duration?*

*Since our HOA is still voting on STRs (lodging houses) if we vote no what are our rights if the property already has the permit/license?*

*What happens with the extra cost to our common areas (tennis courts, lake and park) because of the high traffic use?*

*What is the concern for fires, especially since we are surrounded by open space? This already happened to an STR in New Orleans, LA.*

*Does this open the gateway for more STRs in the neighborhood?*

*What about investors buying properties just for this purpose, we have a destination spot (open space- trails, private lake, tennis courts, parks), as per Airbnb we already have one property used just for that. 4066 Niblick Dr.*

*Will our neighborhood eventually be rezoned, since about 8-10 homes want to become STRs (lodging houses), which the new Colorado State Tax Law has stated that they are commercial/business and have to pay sales tax?*

*Will Boulder County use the verbiage Lodging Houses instead of Short Term Rentals to be consistent with Colorado State Law, especially since Boulder County does not participate in Home Rule Tax? It may be confusing for the average person.*

*If the hearing is not in favor of 6366 Fairways owner Carolyn Eberle:*

*What actions, if any does Boulder County enforce?*

*What if they ignore the results?*

*What can our neighborhood do, if your ruling is ignored and they have "friends" coming and going? (But are actual paying Guests) This property has been advertised on NextDoor neighbor and other unregulated sites.*

*Sorry for all the questions, however I'm getting conflicting information. Everyone has their own interpretation.*

*Thank you,*

*Deborah Bates-Denser*

**From:** [Wiseman, Christy](#)  
**To:** [Serene Karplus](#)  
**Subject:** RE: Short Term Rental Survey  
**Date:** Monday, December 30, 2019 12:48:00 PM  
**Attachments:** [Boulder County Existing STR Regulations.pdf](#)

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Hello Serene,

Thank you for your comment about the short-term rental Land Use Code update. I've attached the county's existing short-term rental regulations for your information. Regarding the online survey, we tried to distribute it as widely as possible; the survey was posted online, was emailed to the Land Use Code update email list, and was featured in multiple local newspapers (e.g., Daily Camera, Mountain-Ear, Left Hand Valley Courier). Unfortunately we do not have the resources to ensure every unincorporated county resident received a notice about the survey.

The online short-term rental survey was originally planned to be open through November 22. However, we decided to keep it open longer due to a high volume of responses late in that week and various days of county office closure for weather. The survey was closed on the morning of December 2 and we are in the process of analyzing the results. We received over 1,500 responses, so it's quite a lot of data. I anticipate we will post survey results in January.

Though the survey is closed, we encourage you to submit comments about the Code update over email as the process continues. Survey data is just one component of public input that will help inform updated regulations. With every Land Use Code update, we aim to integrate public comment and involvement at every step of the process: during initial outreach (with the survey), through public meetings (to be scheduled), with an external referral of draft language, at the Planning Commission public hearing, and at the eventual Board of County Commissioners public hearing. There isn't a rigid timeline for this Land Use Code update. After we process the survey results we will conduct various public outreach efforts to share the survey results and to present potential regulatory options. I anticipate that this Code update will go before Planning Commission at a public hearing in the spring or early summer of 2020, but it's difficult to say exactly when.

You can also sign up to receive emails about Land Use Code updates, including notices of public meetings and hearings by clicking on the orange "Subscribe" button on the project webpage: <https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-19-0005/> Please let me know if you have further questions or comments about this Land Use Code update.

Have a great day,

**Christy Wiseman** | Long Range Planner I

Pronouns: she/her/hers

Boulder County Land Use Department

720-564-2623

[cwiseman@bouldercounty.org](mailto:cwiseman@bouldercounty.org)

<https://www.bouldercounty.org/departments/land-use/>

**From:** Serene Karplus <serenekarplus@gmail.com>  
**Sent:** Saturday, December 28, 2019 10:16 AM  
**To:** Wiseman, Christy <cwiseman@bouldercounty.org>  
**Subject:** Short Term Rental Survey

As a resident of unincorporated Boulder County who attends various housing and Land Use input meetings, I am concerned that a survey regarding short term rentals was not distributed to such residents or announced in the local newspapers of such residents. I just learned of a survey that closed 11/19/19 on this topic.

Serene Karplus  
[serenekarplus@gmail.com](mailto:serenekarplus@gmail.com)  
303-545-2126 Home  
303-618-7314 Cell/Text

**From:** [Deirdre Garvey](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** Boulder County short term rental regulations - enforcement challenges  
**Date:** Monday, December 2, 2019 5:33:49 PM

---

Dear Boulder County Commissioners:

Limiting the number-of-nights for a property to be used as an STR (Short Term Rental) is being touted in various regulations (e.g., Boulder County) as a way to limit the impact of STR's. However, it appears that enforcement of number-of-nights used by a property as an STR (or even whether a property is being used as an STR) is challenging! Just doing a search on AirBNB.com (or VRBO or various other sites) can be misleading - property owners find ways to hide listings. For example, there is now a feature in AirBNB.com to hide listings from locals:

<https://community.withairbnb.com/t5/Host-Voice/Feature-request-Hide-listing-from-guests-who-reside-in-the-same/idi-p/638912>

The current model of investigation only after a complaint is filed (and "proved") leaves much of the reporting burden to neighbors; note that the impacts of STR's are broader than just a neighborhood. What constitutes "proof" of a property being used as an STR? What would be "proof" of usage for more-than-the-permitted number of nights or over-occupancy?

Could sales/lodging tax records be used as a possible record for usage of an STR? These taxes are supposed to be collected for STR stays. The tax records could provide information on whether a property is being used as an STR and for how many nights. See the following article on tax collection by AirBNB in Colorado:

<https://www.airbnb.com/help/article/2298/occupancy-tax-collection-and-remittance-by-airbnb-in-colorado>

Since the Land Use department appears to be redoing some of the STR regulations for Boulder County, is there anything that could be added to the new regulations to make enforcement less obtuse and simpler for the department?

Thanks for reading,

Deirdre Garvey, Boulder County resident

**From:** [Bruce Drogsvold](#)  
**To:** [Rodenburg, Jasmine](#)  
**Subject:** Regarding short term rentals in Boulder County unincorporated  
**Date:** Tuesday, July 7, 2020 12:34:06 PM

---

Hi Jasmine,

When people ask me where I live I tell them I live in a two story house.

One story is in Boulder

The other story is in the mountains.

It's funny, but also completely true.

We have owned our little cabin outside of Ward for 30 years.

We love it up there.

We're always up there, at least four to five days per week and we have been going there that often since the day we bought the place.

I'm 70 years old.

My wife is retiring this year.

Our kids, now 32 years old and 29 years old have spent there entire lives up there.

Our son stayed there for three months in April, May, and June 2020

I've lived in Boulder County since 1972

For the first 25 years we tried long term rentals.

There weren't other option then.

It was horrible.

Tenants would come and go almost yearly.

They'd love our place in spring.

Then the winter would hit and the next spring they'd be gone.

It's tough up there in wintertime.

These tenants would hardly be considered long term tenants.

And they typically didn't take care of our property either.

After the snow melted, beer cans, cigarette butts, trash, dog poop, etc.

It was discouraging.

Long term rentals don't work up there.

Then, the opportunity for short term rentals came along.

It was a Godsend.

Finally we could shut the place down to guests during the winter months and have it all to ourselves.

Then, we get guests only during late spring, summer, and early fall.

It's the perfect way to go for us. .

The guests love it and they get a genuine wilderness experience.

We make extra income, and we keep the place beautiful

Hopefully Boulder County will not make rules that shut us down.

We're doing nothing wrong.

Government rules state that you only have one primary residence but that's not really the case for us.

We have our own housing lifestyle and we'd appreciate the freedom to live our way.

If new short term regulations require owner occupancy, that won't work for us.

We don't fit the "one size fits all" thing

We will never go back to long term rentals.

They weren't worth the trouble.

Short term rentals help us be financially self sufficient.

We need an option in your new regulations that will accommodate our needs.

It's not a lot to ask.

We're responsible homeowners

We did the Septicsmart.org certification process three years ago.

We test our water quality every two years.

We keep the house safe and comfortable.

We love where we live.

Please consider us as you proceed toward creating your new rules.

Thank you,

Bruce Drogsvold

**From:** [Richard Harris](#)  
**To:** [Rodenburg, Jasmine](#); [Ott, Jean](#)  
**Subject:** Meeting on short term rentals in mountains  
**Date:** Friday, July 31, 2020 10:11:59 AM

---

Dear Jasmine and Jean,

Thanks for holding last night's video meeting on short term rentals in the mountains.

While I was sitting at my computer and trying to take notes, I failed to get everything. Microsoft Teams is something I have not previously used. It seems that Microsoft may not have exactly the same software for my Macintosh. I was sometimes unable to find things even though I got instructions verbally. If there is any chance you can use Zoom for public meetings like this one I, and most everybody is much more familiar with the system.

I thought it was a good meeting last night. Thank you for that.

So the following ...

1. Will you **please send me copies of your slides and any other documents** that will help me follow what you are doing? Thanks.
2. Christy Wiseman and Nicole Wobus were previously involved in this effort. Can we fairly assume that any input that was given to them has been digested by you and the present team? Are they still involved?
3. You got a taste last night of the difficulties faced by neighbors based on the lack of clear regulations. My neighbors the Leinweber's and I presented different perspectives of our disagreement about their use of Airbnb that is facilitated by their use of an easement through my property and several others.
4. The easement the Leinwebers use is limited to a single family house. There would be a single family house if it were not rented through international advertising with Airbnb. In future regulations I should have been notified in advance of approval of their short term rental so that I could have presented an alternate perspective.
5. You said that in approving short term rentals you would look only at legal access. Presumably that means for the public and for the purpose of short term rentals. It should be carefully defined and reviewed before approvals are given.
6. From the logs do you have contact information for Denise Donnelly? I'd appreciate getting it.

Thanks again for your hard work and your kind understanding of various points of view.

Dick Harris  
2645 Briarwood Drive  
Boulder, CO. 80305  
(303) 499-1551  
[rharris@indra.com](mailto:rharris@indra.com)

17663 Highway 7  
Allenspark, CO. 80510 (not for mailing)

**From:** [Samuel Arieti](#)  
**To:** [Rodenburg, Jasmine](#)  
**Cc:** [Hippely, Hannah](#); [Ott, Jean](#); [Rosemary Donahue](#)  
**Subject:** Re: Thank You for Attending the Short-Term Rental Virtual Open House  
**Date:** Thursday, August 20, 2020 2:37:40 PM

---

Hi Jasmine and team,

I appreciate having been invited to learn more in these sessions about your Department's plans to draft new regulations impacting short term rental activity in Boulder County. I have copied my friend and neighbor, Rosemary Donahue, who has lived in Boulder County much of her life and is interested in being included in future correspondence on this subject.

Rosemary and I know many people in the Northwestern part of the County who own or manage vacation rental properties and have done so for decades or longer without memory of any of the sort of wildfire or wildlife incidents that have been cited as a rationale for a rental ban or restrictive regulation. The concerned residents we've discussed this with expect that your Department will draft regulations that would facilitate compliance by imposing minimal restrictions on licensure, would give rise to lapse of license (or interference by the County) only in the event of grave incidents or mishaps, and would not impose solutions to problems in the City of Boulder on the residents of the entire County - particularly those who live in the parts of the County that been vacation destinations since the first settling of the State of Colorado. Further, while on the earlier calls your team noted that you had not yet coordinated with other divisions of County government on the budgetary impact of proposed changes, we believe it would be prudent for Planning & Permitting to do so. Restrictions on rental activities around Rocky Mountain National Park would devastate the surrounding communities and tax base, reduce current flow of occupancy and sales tax, and would undercut our shared financial benefit of proximity to one of the State's greatest and most well-known resources.

Again, thank you for including me to the extent you have as you work on these regulations. It is my sincere hope that your Department's new regulations will be easy to comply with and will embrace, respect, protect and encourage the long history of vacation rental activity in the area going back many generations.

Regards,

Sam

Samuel A. Arieti  
(773) 531-7680  
[sarieti@gmail.com](mailto:sarieti@gmail.com)

On Mon, Aug 3, 2020 at 11:15 AM Rodenburg, Jasmine <[jrodenburg@bouldercounty.org](mailto:jrodenburg@bouldercounty.org)> wrote:

Good Morning and Happy Monday –

Thank you all for taking the time to attend the Short-Term Dwelling Rental Regulation Virtual Open House. We appreciated the opportunity to both provide you all with more information about the code update and to also hear a variety of perspectives and insights on how we might best regulate short-term rentals.

We will continue to digest all we have gathered thus far as we prepare to draft the regulations.

We did record the Virtual Open House and here is the link: <https://youtu.be/CfI2ZGa-k-w>

We will continue to update the webpage for this code update, so go here for more information: <https://boco.org/DC-19-0005>

Finally, here is a form to submit thoughts and comments on the proposed update: <https://boco.org/DC-19-0005-comment>.

Again, thank you all for taking the time to be engaged throughout this process. If anybody has any suggestions on how best we can continue to reach out to the community for input, please let us know. We are open to thoughts, suggestions, comments, concerns! Please send them our way.

Kindly,

Jasmine and Raini

**Jasmine Rodenburg**

*Senior Planner – Oil/Gas and Environmental Policy*

Boulder County Community Planning & Permitting Department (*formerly Land Use and Transportation*) – [We've become a new department!](#)

Direct: 303-441-1735

Main: 303-441-3930

[www.bouldercounty.org](http://www.bouldercounty.org)

**PLEASE NOTE:** In an effort to mitigate the spread of COVID-19, the Boulder County Community Planning & Permitting physical office at 2045 13th St. in Boulder is CLOSED to the public until further notice. We will continue to operate remotely, including the online acceptance of building permits and planning applications. Please visit our webpage at [www.boco.org/cpp](http://www.boco.org/cpp) for more detailed information and contact emails for groups in our department. You may also leave a message on our main line at 303-441-3930 and the appropriate team member will return your call. *Thank you for your adaptability and understanding in this extraordinary time!*

**From:** [Ben Bayer](#)  
**To:** [Wiseman, Christy](#)  
**Subject:** Short term rental advisory committee  
**Date:** Friday, November 1, 2019 10:39:11 AM

---

Hi Christy,

I just completed the survey about short term rentals and saw that you're the person to contact about this. I feel strongly that an economic solution would be far better than a regulatory one. I wasn't sure if you had a steering or advisory committee to work on this but if so, I'd love to be involved. For the record, other than occasionally renting out my guest room, I have no horse in this race. I just want to avoid impulsive, emotional, and draconian regulation. Let me know if there are opportunities to help out with this.

Thanks,  
Ben Bayer

**From:** [Catherine Monahan](#)  
**To:** [Wiseman, Christy](#)  
**Subject:** Short Term Rentals  
**Date:** Thursday, October 31, 2019 9:10:37 AM

---

Dear Christy,

I live outside Nederland in unincorporated Boulder County. I've watched the struggle over STRs in Ned while my own little street goes through similar changes. I strongly feel STRs disintegrate a community. In my mountain area neighbors rely on each other. As houses get sold to folks who don't live here and factor STRs into their house payments, the number of actual neighbors shrinks, prices go up, and the likelihood of someone moving here full time dwindles. And the neighborhood suffers. I've lived near an ADU for five years. I recognize my neighbors' desire to make additional income, however, I resent the huge influx of traffic on my quiet road, the visitors who don't watch out for my pet or children, and the additional wear and tear on a private road that goes uncompensated. There is absolutely no recourse for neighbors who dislike the situation—and most of us do.

Thank you for pursuing STR regulations in unincorporated Boulder County. The cat is already out of the bag—I hope it's not too late to stuff it back in.

Sincerely,  
Catherine Monahan

P.S. I took the STR survey. Please consider making it more accessible to people who may not receive the Boulder County updates. Perhaps advertise it in the Mountain Ear newspaper?

**From:** [SANDI MISURA](#)  
**To:** [Wiseman, Christy](#)  
**Subject:** Short term rentals  
**Date:** Tuesday, October 29, 2019 11:38:46 AM

---

The Gunbarrel Green HOA does not allow short term rentals per our covenants.  
Sandi Misura, Secretary  
Gunbarrel Green HOA

Sent from my iPhone

*Richard E. Harris*  
*2645 Briarwood Drive*  
*Boulder, CO 80305*  
*(303) 499-1551 rharris@indra.com*

Christy Wiseman, Planner I  
Boulder County  
P. O. Box 471  
Boulder, CO 80306

October 2, 2019

Re: Problems with short-term rentals in mountains

Dear Ms. Wiseman:

I write concerning problems caused by short-term rentals in the mountain regions of Boulder County.

To introduce myself, I am the owner of a house on about 40 acres at 17663 Highway 7, Allenspark. Note that even with this address on a major highway, my house is located on a private road about one mile from the highway. Yesterday I sent you a separate letter explaining the problems faced by those on private roads. This letter deals with broader issues.

In our mountain regions it is apparent to residents and law enforcement authorities that increased short-term rentals are causing major problems. The increase is due to the ease of world-wide advertising for rentals using internet services such as Airbnb.com and vrbo.com.

Commonly this issue is mostly publicized as an urban problem. Major American cities have adopted restrictions on such rentals. In Colorado, Denver, Boulder, Fort Collins and Breckenridge have adopted regulations. Golden, Lakewood, and Wheat Ridge are following this leadership.

Many of these municipalities require owner occupancy if short-term rentals are allowed.

However, problems may be much more severe in more rural locations such as Allenspark, about which I am writing.

As the two most serious problems in Allenspark, I see a serious need for more (1) urban services and (2) fire dangers presented by short-term visitors who do not understand our very serious fire hazards. Below I discuss these and other critical needs.

## **Urban services:**

For several decades Boulder County has effectively limited growth in its mountain areas to avoid the need for urban services required for high population density areas. Such services will be

- police (now the sheriff),
- rapid response professional County fire fighters (now excellent volunteers),
- medical facilities (Estes Park and Lyons are about 30 minutes away),
- increased road maintenance and plowing. and
- numerous other services resulting from increased population.

The cost of these services will be very large and must be paid by all County taxpayers. However the wise approach of previous County Commissioners has avoided taxing the large number of our citizens who live in our cities and towns for similar services in our low density mountain areas where they can only be provided at much higher cost. The County has accomplished this through great effort in examples such as limiting overnight stays at St. Malo (since severely damaged by fire) and limiting the uses of the more recently created Old Gallery.

I do not have data on the impact of widespread use of Airbnb rentals in Allenspark. To get an idea, I estimate there are 1,000 dwelling units in Allenspark. I also estimate that half of these are not often used regularly. That leaves 500 unoccupied units in the summer. If these were all occupied through world-wide advertising, it would require urban services adequate for a 500-unit geographically distributed hotel. This would not only be a major financial burden for Boulder County but a massive change in the character of our rural area. I encourage County Planners to use their likely better data to assess this problem accurately.

## **Fire:**

Perhaps the most serious issue with short-term rentals is an increased danger of human-caused fires. I recall the serious fire several years ago caused by two visitors to an unauthorized campground near Nederland.

When I first learned of this fire, there was an Allenspark Airbnb rental advertised world-wide for a home with a fire pit. (This rental is still advertised but fortunately the mention of a fire pit has been removed.) While the ad cautioned prospective users about mountain fire danger and the possibility of County-wide fire bans, it provided no information about what to do if a fire spreads. It did not even mention calling 911! More importantly it seems unlikely that visitors for just a few days will spend much effort at learning safe procedures for fires.

If such rentals are allowed, I believe the County should prepare a manual on fire danger and require it be prominently displayed in every rental unit.

If Airbnb rentals are allowed with the code changes you are making, I believe the County should require that roads to the short-term rental properties, even when private, have adequate access for emergency vehicles such as fire engines and ambulances. In an emergency there might be several vehicles trying to gain access, along with fleeing occupants going the opposite direction,

and requiring a wide enough road to pass each other. For rentals in the winter regular snowplowing should be required.

### **Non-Resident Owners:**

It is likely that most short-term rentals will be during times when the owners are not present. Indeed owners may not be nearby or even be out of state. Thus supervision of a rental will be minimal or non-existent. This offers the possibility of noise, drug use and dealing, poor control of pets, trespassing, vandalism, and shooting among other problems. At present there is no requirement for owner presence or even owner use of the property. An ordinance now under consideration in Golden requires the unit be owner-occupied at least ten months of the year. (I do not know the present status of regulations in Golden, but I'm sure you do.) Allenspark residents need the same protection.

### **Multi-Unit Ownership:**

A serious problem that has arisen in urban areas is multi-unit ownership. Essentially a single owner or a cluster of individual homes provides a rental service for them, leading to a large negative impact on the community while allowing efficient management. By allowing such uses housing costs are likely to increase. The present low cost housing available some places in Allenspark would be reduced, a serious problem for expensive Boulder County.

Municipalities are limiting rentals of this sort. So should Boulder County.

### **Urgency:**

The most urgent issue is fire. I suggest a moratorium on short-term rentals while County officials finish holding appropriate hearings to decide what regulations are necessary.

If we don't deal with this soon, renters may begin to feel entitled, making even necessary changes more controversial.

### **Recommended approach:**

Short-term rentals should only allowed in owner-occupied units with owners required to be present during rental. Owner-occupied means 10 months per year as Golden has proposed.

There are numerous private roads in Boulder County's mountains. The easements permitting access to adjacent properties were likely agreed to before the concept of world-side advertising for short-term rentals even occurred to the neighbors who drafted them. These easements should be cancelled for short-term rentals until affected property owners agree on the changes they wish to make. In some cases, rentals will not be allowed unless agreement is achieved.

The present length of a short-term rental is 15 to 45 days. Since most mountain properties may not be accessible in the winter months, rentals will mostly occur during the summer. Thus present regulations would allow 45 days of rental during the summer, or half the summer. The

rentals should instead be distributed over the full year with only about one-quarter allowed during the summer. For example, the limit might be pressed as 1 to 3 days in any month.

**Regulation:**

When the County does draft new short-term rental regulations it is important that they be enforced. Owners should be required to submit a detailed record of their rentals every year or the short-term rental approval be cancelled. Data such as dates of owner occupancy and dates of rental are essential. Otherwise regulation will be futile and a huge burden to County staff. These data can be supplemented by neighbor reports or complaints in case of serious abuse.

I am ready to participate in a public process to craft draft regulations to be presented for adoption by the County Commissioners with a moratorium in place during that process.

Sincerely,

Richard E. Harris

**From:** [Marie Zuzack](#)  
**To:** [Hackett, Richard](#); [Wiseman, Christy](#)  
**Subject:** STR survey  
**Date:** Friday, November 15, 2019 8:57:10 AM

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Hello,

Your Short-Term Rental survey is a good thing, but I didn't see it posted on NextDoor for my neighborhood. I'd suggest posting it on all NextDoor neighborhoods in the unincorporated area (mountains and plains) so that more people become aware of the project and have the opportunity to submit their opinion and ideas. Other County departments use NextDoor regularly to communicate information like this.

Marie

----- Forwarded Message -----

**From:** Boulder County Information <bouldercounty@public.govdelivery.com>  
**To:** "zuzackm@yahoo.com" <zuzackm@yahoo.com>  
**Sent:** Wednesday, October 30, 2019, 02:06:58 PM EDT  
**Subject:** Online survey open on Short-Term Rentals in unincorporated Boulder County

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boulder county news and information banner



## Online survey open on Short-Term Rentals in unincorporated Boulder County

*Survey will be open through November 22, 2019*

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**Boulder County, Colo.** - The Boulder County Land Use Department is seeking input on Land Use Code regulations related to short-term rentals in unincorporated Boulder County (i.e., outside cities and towns) as part of [Docket DC-19-0005](#). An online survey is now available as part of a proposed [Land Use Code](#) update.

The Land Use Code defines a “short-term dwelling rental” as a dwelling that is rented in durations of less than 30 days at a time. These properties, often rented through Airbnb and VRBO, include dwellings rented out by individual owners or on behalf of an owner by a property management group.

Please share your thoughts about short-term rentals in the unincorporated county and how they should be regulated by taking the [online survey](#). The informational survey will take approximately 10 minutes to complete. Land Use staff will use survey results to inform the Land Use Code update before proposing draft regulations to Planning Commission and the Board of County Commissioners. The survey will remain open through November 22, 2019.

**Survey link:** <https://www.surveymonkey.com/r/BoulderCountySTR>

### Background

On July 2, 2019, the [Board of County Commissioners authorized staff](#) to pursue text amendments to [Article 4-507 of the Boulder County Land Use Code](#) related to two Lodging Uses: Short-term Dwelling Rentals, and Bed and Breakfast. The existing use provisions for Short-term Dwelling Rentals (STRs) were created in 2008.

The use provisions need an update considering current development, housing availability, and economic conditions in the county. Best planning and land use regulation practices regarding STRs have evolved significantly since the existing use provisions were put in place.

In addition, staff has heard input from county residents that the existing regulations do not adequately address the impacts of STRs. Staff intends to explore updating use provisions related to owner-occupancy, business registration, neighborhood compatibility, rental frequency, and preventative safety. Staff also intends to update the definition and provisions for the Bed and Breakfast use and clarify the distinction between the Short-term Dwelling Rentals and Bed and Breakfast uses.

For more information, please contact Christy Wiseman at [cwiseman@bouldercounty.org](mailto:cwiseman@bouldercounty.org) or 720-564-2623

**From:** [Wufoo](#)  
**To:** [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)  
**Subject:** Submit a Public Comment on DC-19-0005 [#4]  
**Date:** Monday, August 3, 2020 12:21:55 PM

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Name \* Bruce Drogsvold

Email \* [bruced@wkre.com](mailto:bruced@wkre.com)

Phone Number \* (303) 579-1627

Address \*  1527 5th St  
Boulder, Co 80302  
United States

Is your primary residence in Boulder County, Colorado? \* Yes

What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? \*

1. It's good to see that a second home frequently used by the owner is being acknowledged as a possible short term rental. That should be the case, especially in the mountains.
2. Over regulation was the biggest issue on the feedback poll Please listen to that...

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)  
**Subject:** Submit a Public Comment on DC-19-0005 [#5]  
**Date:** Monday, August 3, 2020 12:57:17 PM

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Name *	phil stern
Email *	<a href="mailto:phil.stern@colorado.edu">phil.stern@colorado.edu</a>
Phone Number *	(303) 747-2986
Address *	<input type="checkbox"/> PO Box 56 allenspark, CO 80510 United States
Is your primary residence in Boulder County, Colorado? *	Yes
What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *	Long over needed. They need to be as stringent as possible. But that also needs to take into account the difficulties with enforcement. And in the mountains, this becomes even more critical what with concerns over fire and shooting. You also need to consider the short season in the mountains and not use the same residency, occupancy as used in the valley.
Please check box below *	<ul style="list-style-type: none"><li>• I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)  
**Subject:** Submit a Public Comment on DC-19-0005 [#6]  
**Date:** Monday, August 3, 2020 6:04:03 PM

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Name \* Vicky L Foster

Email \* [vlfoster@aol.com](mailto:vlfoster@aol.com)

Phone Number \* (303) 591-6299

Address \*  885 Ski Road USPO 83  
Allenspark, CO 80510  
United States

Is your primary residence in Boulder County, Colorado? \* Yes

What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? \* Please continue to allow them. I would have lost my farm if not for the income from the short term rentals. Not all of us inherited our properties from rich parents. Most of us are hard-working folks who are just trying to survive, especially in these trying times. Bottom line, my rentals have saved my farm.

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)  
**Subject:** Submit a Public Comment on DC-19-0005 [#8]  
**Date:** Saturday, August 29, 2020 9:26:47 AM

---

Name \* Maura Christoph

Email \* [mautoph@aol.com](mailto:mautoph@aol.com)

Phone Number \* (303) 638-4441

Address \*  103 Peaceful Valley Rd  
Lyons, Co , Colorado 80540  
United States

Is your primary residence in Boulder County, Colorado? \* Yes

What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? \*

I find the license fees way too high and unjustified. And these high fees will even more discourage people from being honest with Boulder County.  
If you want owners to be honest and work with Boulder County  
These high license fees are not the way to do it.

I already spent over \$1000 dollars to Boulder County last year going through my 6 month LUW-19-0007 process.

I believe the County is shooting themselves in the foot by having license fees so outrageously high unless that is for a 10 year license.

And it makes no sense that there is ZERO code for long term rental and ZERO license for Long term rental.in the County.

For example the City of Boulders Rental license is approximately \$125 For 3 years.

The County gets money from these short term rentals as Lodging taxes are collected and remitted by VRBO and Air Bnb.

The County will lose that income if more owners decide to not rent because of the too high license fee.

I do not understand why Boulder County Wants to make it so difficult. For property owners to be honest.

Please check box below \*

I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)  
**Subject:** Submit a Public Comment on DC-19-0005 [#9]  
**Date:** Saturday, August 29, 2020 12:13:41 PM

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Name *	Maura Christoph
Email *	<a href="mailto:mautoph@aol.com">mautoph@aol.com</a>
Phone Number *	(303) 638-4441
Address *	<input type="checkbox"/> 103 peaceful Valley Rd Lyons, Colorado 80540 United States
Is your primary residence in Boulder County, Colorado? *	Yes
What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *	<p>I would like to add further to my comments regarding the enormous licensing fee Boulder County is suggesting.</p> <p>Please look at comparable Counties with similar tourism destinations.</p> <p>Next door Larimer County is charging a one time \$300 fee for STR.</p> <p>Summit County has a \$150 initial fee and a \$75 renewal annual feel.</p> <p>Gilpin County is still figuring out its fee and registration rules.</p> <p>Why can't Boulder County be more consistent with similar Counties?</p> <p>What is the JUSTIFICATION. for Boulder County have gigantic STR licensing fees. Compared to peer Counties?</p>
Please check box below *	<ul style="list-style-type: none"><li>I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Ott, Jean](#)  
**To:** [Suzanne Webel](#)  
**Cc:** [Rodenburg, Jasmine](#)  
**Subject:** RE: Short term rentals & more  
**Date:** Monday, August 3, 2020 3:54:58 PM

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Hi Suzanne,

Thank you very much for your involvement in the code update and your thoughts on agritourism in the county. You're not the only one who asked about expanding the accessory dwelling use so that will be added to our list of things to look into for future code updates.

Our website is a great place to keep up with new code updates that come about, but we will keep you in mind if something along these lines gains traction. Thank you again!

Thanks!

Raini

Jean Lorraine Ott, AICP, CFM  
Planner II | Development Review Team  
720.564.2271 | [jott@bouldercounty.org](mailto:jott@bouldercounty.org) | she/her/hers

Boulder County Community Planning & Permitting  
2045 13th Street | Boulder, CO | [www.BoulderCounty.org](http://www.BoulderCounty.org)  
303.441.3930 | P.O. Box 471 | Boulder, CO 80306  
Formerly Land Use and Transportation – We've become a new department!

PLEASE NOTE: In an effort to mitigate the spread of COVID-19, the Boulder County Community Planning & Permitting physical office at 2045 13th St. in Boulder is CLOSED to the public until further notice. We will continue to operate remotely, including the online acceptance of building permits and planning applications. Please visit our webpage at [www.boco.org/cpp](http://www.boco.org/cpp) for more detailed information and contact emails for groups in our department. You may also leave a message on our main line at 303-441-3930 and the appropriate team member will return your call. Thank you for your adaptability and understanding in this extraordinary time!

-----Original Message-----

From: Suzanne Webel <[suzannewebel@gmail.com](mailto:suzannewebel@gmail.com)>  
Sent: Monday, July 27, 2020 3:29 PM  
To: Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)>  
Subject: Short term rentals & more

Hi Raini

Thanks for the thoughtful "focus group of one" conversation we had last week about short term rentals, Air Bnb's/ VRBO's, agricultural accessory dwellings, and agritourism in general (the latter somewhat as a digression from your priority, perhaps, but nevertheless of interest to some of us out here in the hinterland!).

Coincidentally just this week I picked up a piece on CPR about agritourism and how it's helping the agricultural community bridge the gaps between traditional sources of revenue from crops and the people who want to get out of the city to experience a different way of life, connect with the land and food sources, and more. If you didn't happen to catch it, they had a link to the following article:

<https://modernfarmer.com/2020/07/farms-are-becoming-popular-staycation-destinations/>

Seems like every time this comes up at the county level we have open houses and opportunities for input and lots of talk, but it never goes anywhere :( . I'd really like to get involved in helping Boulder County do more to support agritourism (broadly defined) so we can all have fewer uptight regulations and more fun. Whether it's AirBnBs, VRBOs, traditional

B&B's, or country inns, or even (gasp!) agritainment, please keep me in the loop if there are any opportunities to move the concept forward.

Thanks again

Suzanne Webel  
303-485-2162

**From:** [Ryan McDannold](#)  
**To:** [Wiseman, Christy](#)  
**Subject:** Thoughts on Short Term Rentals in Boulder County  
**Date:** Monday, November 18, 2019 9:53:46 AM

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Hi Christy,

I just completed the survey, but wanted to email you directly as well to share my thoughts/experience with Short-Term Rentals in the Boulder area:

I have (legally, following the city of Boulder's policies) hosted short-term rentals (AirBnB) in the past in my primary residence. I now live in unincorporated Boulder County and would like to continue doing the same.

Hosting guests in your primary residence (whether it is a spare bedroom, basement, or ADU/tiny house in the back yard) stays true to the original spirit of AirBnB and has been an overwhelmingly positive experience for me. It allows me to supplement my income in this incredibly expensive housing market, which is a big factor in my being able to continue living in the Boulder County community that I have called home for years.

I establish a relationship with my guests and teach them about the Boulder area, give them tips, tell them where the good hikes and restaurants are, sometimes share meals or beers, and enjoy hearing their travelling stories and background. I've met some very interesting people! It is a win-win for the host and guest, and keeps money in our local community rather than going to a large hotel chain. The economic benefits for our local community members cannot be overstated.

I also use short-term rentals as a guest when I travel in order to get this same positive experience.

I feel like there is a lot of misplaced fear around Short Term Rentals, so I hope you and others at the county will strongly consider all the positive benefits as you are planning new policies.

Thanks!  
-Ryan McDannold

*Richard E. Harris  
2645 Briarwood Drive  
Boulder, CO 80305  
(303) 499-1551 rharris@indra.com*

Christy Wiseman, Planner I  
Boulder County Land Use  
2045 13<sup>th</sup> Street  
P. O. Box 471  
Boulder, CO 80302

Re: Difficulties with present private road easements and Airbnb

Dear Ms. Wiseman:

I've spoken to you several times at various presentations you have made concerning short term rentals. You are making changes to the Boulder County Comprehensive Plan and land use regulations.

This letter is concerned specifically with the need for careful consideration of the hodgepodge of little used roads in Allenspark and perhaps other mountain communities.

I use my own situation as an example. The attachment shows an aerial view of my property at 17663 Highway 7. It also shows neighboring properties all of which share a private road that is one lane and about 1.5 miles long. The private road joins highway at the lower left corner of the figure.

On July 31, 2017, Boulder County approved a short term rental (15 – 45 days per year) for the single family dwelling owned by the Leinweber Trust, 17665 Highway 7, in Allenspark. No notice was given to any neighbors including those like me who have granted ingress/egress easements to the Leinweber property. I was appalled to find that use of the road through my property 17663 Highway 7 was being allowed to be advertised worldwide. In fact for my property and two others the road even bisects the properties.

This represents serious damage to the use of the properties as most owners intend – as a private, quiet retreat.

After much investigation I discovered several errors in the approval including failure by the County to correctly identify the current easements. After speaking with Dale Case, the errors were corrected but the approval remained in force. I can provide more details if it is helpful.

Since many of the easements specify the use of the road as for ingress/egress to single family houses, a major burden is placed on three of the properties closer to the public highway compared with that of the Leinwebers with the unexpected heavier use.

This is a widespread problem in Allenspark where there are numerous private roads in the that take advantage of the mutually agreed up on easements. There was never an issue because all parties had the expectation that the traffic on the road would be for seasonal and weekend homes minimal. Now the number of difficulties with cars passing on a mostly one lane driveway were acceptable. Moreover because of the unanticipated traffic none the easements specify plans for maintenance of the road. It gets bumpier all the time.

The easements obviously were agreed to long before the disruptive technology of worldwide advertising became widespread.

The regulations that you are drafting should therefore require access directly to a public road. Thus all the traffic would be on the property of the renter.

There are many other issues with short term rentals. I will send another letter that details many of them.

Thank you for ensuring that any changes you make do not allow disruption of the long-standing rural character of Allenspark, one of the County's still-preserved mountain gems.



**From:** [Cameron Tyler](#)  
**To:** [Rodenburg, Jasmine](#)  
**Subject:** Re: Vacation rental proposed ordinance  
**Date:** Wednesday, September 2, 2020 5:57:48 PM

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Thanks and I will definitely get back to you. The problem isn't small lots, it's big houses where people have parties. Based on experience as a neighbor with these scenarios, the restriction should be based on number of occupants- not lot size. Also, the variety of places in the mountains is so wide, I'm struggling to understand the ban and zero process to allow more use for vacation homes across the board. The County charges for the application and staff time - seems harsh to not allow anyone to prove up that renting more than 60 days would be fine for a particular place.

Appreciate you getting back to me so promptly!

Cam

Sent from my iPhone

On Sep 2, 2020, at 5:47 PM, Rodenburg, Jasmine  
<[jjrodenburg@bouldercounty.org](mailto:jjrodenburg@bouldercounty.org)> wrote:

Hi Cam (sorry I called you Tyler at first) –

Our initial draft language separates properties in to three categories. The broad strokes of these are:

1. Primary Residence Accessory Short-Term Rental (This is someone's primary residence as shown on driver's license and tax forms)
2. Secondary Residence " " (This is not someone's primary home, but is someone's second home or an investment property or a family cabin) → Rented 60 days or fewer per year at a 2 night minimum (to try to reduce number of separate rental parties, even if it is only in the summer)
3. Vacation Rental (This is not someone's primary home but it is a second home or investment property or family cabin) → Rented more than 60 days per year

So our regulations cover the range of short-term rentals, however, the 1 acre discussion only applies to the Vacation Rental category.

As far as your second question below: I don't think we are reducing any rental period. We aren't saying cabins have to be rented only during a 3 month span etc. So I'm not entirely sure what additional clarifications to provide on that front. We have considered seasonality. As far as the 1 acre buffer. Properties that are larger than 1 acre are farther from neighbors (to minimize the negative externalities of short-term rentals such as parties, noise, coming and going, etc. it creates a buffer), and have more space for parking.

We actually are doing all of our public meetings virtually! Please check out our webpage for all updates on when the public meetings will be:  
<https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-19-0005/>

You can weigh in, in a variety of ways! Feel free to send a "redline" of the document, send me an email of your thoughts, or submit a comment on the webpage. Regardless of the avenue, the comments will get to me and help inform the update!

Kindly,

Jasmine

**Jasmine Rodenburg**

*Senior Planner – Oil/Gas and Environmental Policy*

Boulder County Community Planning & Permitting Department (*formerly Land Use and Transportation*) – [We've become a new department!](#)

Direct: 303-441-1735

Main: 303-441-3930

[www.bouldercounty.org](http://www.bouldercounty.org)

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**From:** Cameron Tyler <camatthefarm@gmail.com>

**Sent:** Wednesday, September 2, 2020 5:30 PM

**To:** Rodenburg, Jasmine <jrodenburg@bouldercounty.org>

**Subject:** Re: Vacation rental proposed ordinance

A couple of clarification questions -

1. You say vacation rentals "do not have the added protection of being somebody's primary residence." I

thought short-term rentals were second homes as well under your proposed regulation?

2. What factors led to the 1-acre buffer idea? In the Forestry zone, are you considering seasonality? 50% of the properties west of the Peak-to-Peak are used only a couple months in the summer. If you reduce the rental period, then every property is going to be rented all summer long, rather than allowing rentals to occur more spread throughout the year, in winter. I think that effect will be really not what the summer residents/owners want.

What's the best way to "weigh in" on this, other than coming to the public meetings. Dealing with cancer and having to avoid people!

Thanks much

Cam

On Wed, Sep 2, 2020 at 5:11 PM Rodenburg, Jasmine  
<[jrodenburg@bouldercounty.org](mailto:jrodenburg@bouldercounty.org)> wrote:

Good Afternoon, Tyler –

Here are our current thoughts on the 1-acre limitation:

Vacation Rentals are a more intensive use than other types of short-term rentals because they can be rented to more parties (so more nights per year) and do not have the added protection of being somebody's primary residence. Properties that are over 1 acre in size provide some buffer from any negative externalities that

neighboring property owners might experience.

Vacation Rentals also are the group of rentals that Boulder County is most concerned about removing housing stock from the area that could otherwise be used for long-term rentals or a home for folks. Properties 1 acre in size and smaller would be the more affordable rentals and homes and thus more appropriate for long-term housing.

Hopefully that helps you understand where we came from and the goals we are trying to accomplish!

Kindly,

Jasmine

**Jasmine Rodenburg**

*Senior Planner – Oil/Gas and Environmental Policy*

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---

**From:** Cameron Tyler <[camatthefarm@gmail.com](mailto:camatthefarm@gmail.com)>

**Sent:** Tuesday, September 1, 2020 4:35 PM

**To:** Rodenburg, Jasmine <[jrodenburg@bouldercounty.org](mailto:jrodenburg@bouldercounty.org)>

**Subject:** Re: Vacation rental proposed ordinance

Ms. Rosenberg. Appreciate the response. On #1, can you explain the reasoning for the 1- acre limitation? I'm not understanding where this came from and what it is intended to accomplish.

Thanks

Sent from my iPhone

On Sep 1, 2020, at 9:15 AM, Rodenburg, Jasmine  
<[jrodenburg@bouldercounty.org](mailto:jrodenburg@bouldercounty.org)> wrote:

Good Morning, Tyler –

Thank you for your interest in the Short-Term Rental and Bed & Breakfast Update in Boulder County!

To answer your questions:

1. You are correct. The draft Code Update does not allow Vacation Rentals as a use in the F Zoning District for parcels less than 1 acre in size.
2. I do not think all the comments submitted on the online form are easily available for all to read. I recommend reviewing the complete survey responses that are posted on the website. There are many write-in comments and thoughts from the public on those documents. I will work on my end to see if there is a meaningful way to consolidate all comments/emails received for the public to review sooner than the PC hearing. Typically, public comments are attached to the final staff recommendation that is submitted to the Planning Commission prior to the public hearing.
3. Thank you for your comments on the draft language. I agree that we could use a bit of balance in the introductory language. I will make a note of that. I will also review the document to make sure it is clear what rentals must comply with the ordinance. As drafted, Bed and Breakfasts will not need to get a license, so they do not need to comply with the Licensing Ordinance. We will also have a licensing webpage for these licenses and can make sure there is clarity on that webpage.

Again, thank you for your comments.

Kindly,

Jasmine

**Jasmine Rodenburg**

*Senior Planner – Oil/Gas and Environmental Policy*

Boulder County Community Planning & Permitting Department

(formerly Land Use and Transportation) – [We've become a new department!](#)

Direct: 303-441-1735

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**From:** Cameron Tyler <[camatthefarm@gmail.com](mailto:camatthefarm@gmail.com)>

**Sent:** Saturday, August 29, 2020 10:12 AM

**To:** Rodenburg, Jasmine <[jrodenburg@bouldercounty.org](mailto:jrodenburg@bouldercounty.org)>

**Subject:** Vacation rental proposed ordinance

Ms. Rodenburg:

Just read the proposed land use code amendments and licensing ordinance. Also reviewed the previous open house summaries from July 30, 2020.

For Vacation rentals, the ordinance appears to simply exclude all in Forestry zoning (like many mountain areas) that are less than 1 acre in size. There's no review process, limited or special? Am I misreading that?

Also, where can I access all the write-in comments by people on this proposed ordinance since the topic came up about a year ago? Can't seem to find it on-line anywhere.

A comment: In reviewing the License Ordinance, the link and the body of the ordinance often fail to mention Vacation rental - and a person could easily assume it applies only to the B&B, primary and second home rental categories. Also, in the "Whereas" part in the beginning - only the negative comments on short-term rentals are mentioned as the reason for the Ordinance - no mention whatsoever is made of the positives of short-term rentals (listed in the Open House materials).

It would be very kind of you to provide a response to this email soon so that I can evaluate participation in the County reviews of this.

Thanks



Dear Philip & Mary,

Just as you own a second home in Allenspark, my family has a vacation home on the Washington Coast. We didn't use it much, and when we did, it was a lot of work. Enjoying it was nearly impossible, as maintenance and projects would pile up between visits, waiting for us each time we returned. Time and money spent on upkeep was high, and the number of visits were dwindling.

So about eight years ago, we started renting our house to other vacationers. Initially, we interviewed property managers to keep our efforts to a minimum, but we were underwhelmed. We decided to "rent by owner." And while our home was modest, we earned thousands more than the local professionals had projected.

Based on our success, I started Vacasa: a full-service property management company that does things differently.

With a foundation of marketing and analytics, Vacasa can book homes for more, which affords us the ability to hire top local talent to care for our properties in every market we serve.

And while Vacasa may not be the cheapest management company, our net results to homeowners are the best in the industry—and we guarantee it! Our general premise is simple: homeowners should earn more before we earn anything.

### **The Vacasa Guarantee**

If you currently rent your home through another management company, **we \*guarantee a net increase of \$5,000 in your first year**. And if you're currently self-managing, **we guarantee that you'll make just as much with Vacasa**, even after our management fee. In either case, if we fail to meet the guarantee, we'll refund the difference, up to the full amount of our management fee.

Our approach has proven tremendously successful. In less than a decade, we've grown from caring for my family's home to managing over 13,000 homes, and from having two employees to over 3,000. We're the largest vacation rental management company nationwide.

\*Terms and conditions apply.

(Over, please)

**(888) 504-3379 • myka.brown@vacasa.com • vacasa.com/guarantee**

Growth like this is unheard of in the service industry, but our unique business characteristics have made it possible.

First, we developed software that automates the details associated with managing homes and adapts with the constantly changing market.

Second, we offer unparalleled financial results to our homeowners. Because of our proprietary systems, we're able to rent homes for more than anyone else in the industry—and we pass this upside to you.

Third, our growth enables us to provide our homeowners with the ultimate service and the best housekeepers and property caretakers. One of the most satisfying aspects of building Vacasa from the ground up is that we're able to handpick great people. They are attracted to our corporate culture and love being part of the Vacasa team. In fact, Myka Brown chose to work for Vacasa for this reason, and is Allenspark's local expert. I hope you will consider joining us.

Contact Myka Brown, our Allenspark Homeowner Consultant, today at (888) 504-3379 or myka.brown@vacasa.com. You'll learn exactly how much more you could be earning, and how much less you could be working, when you list your home with us.

Sincerely,

*Eric Breon*

Eric Breon

Cc-founder and CEO, Vacasa

*B*

P.O. Box 10130  
Portland, OR 97296



*Philip & Mary Stern*

*PO Box 56*

*Allenspark, CO 80510-0056*

If you do not wish to receive future marketing communications from Vacasa, please visit [vacasa.com/donotmail](http://vacasa.com/donotmail).



332907

MC1

**From:** [Cameron Tyler](#)  
**To:** [Rodenburg, Jasmine](#)  
**Subject:** Vacation rental proposed ordinance  
**Date:** Saturday, August 29, 2020 10:11:57 AM

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Ms. Rodenburg:

Just read the proposed land use code amendments and licensing ordinance. Also reviewed the previous open house summaries from July 30, 2020.

For Vacation rentals, the ordinance appears to simply exclude all in Forestry zoning (like many mountain areas) that are less than 1 acre in size. There's no review process, limited or special? Am I misreading that?

Also, where can I access all the write-in comments by people on this proposed ordinance since the topic came up about a year ago? Can't seem to find it on-line anywhere.

A comment: In reviewing the License Ordinance, the link and the body of the ordinance often fail to mention Vacation rental - and a person could easily assume it applies only to the B&B, primary and second home rental categories. Also, in the "Whereas" part in the beginning - only the negative comments on short-term rentals are mentioned as the reason for the Ordinance - no mention whatsoever is made of the positives of short-term rentals (listed in the Open House materials).

It would be very kind of you to provide a response to this email soon so that I can evaluate participation in the County reviews of this.

Thanks

**From:** [Deborah Denser](#)  
**To:** [Wiseman, Christy](#)  
**Subject:** what I found  
**Date:** Friday, October 25, 2019 10:39:59 AM

---

*I have done some research and wanted someone to see if my assessment was correct. I have already called the Appeals Court and spoke to a legal clerk, who cannot give legal advice, however informed me I would need to speak to a tax attorney. So here goes:*

*They are basing their opinions on a Colorado Court Appeal in 2015, which was HOA against a STR the STR won because the verbiage of commercial/residential.*

[https://www.courts.state.co.us/Courts/Court\\_of\\_Appeals/Opinion/2015/14CA1086-PD.pdf](https://www.courts.state.co.us/Courts/Court_of_Appeals/Opinion/2015/14CA1086-PD.pdf)

*However, that was four years ago and it may not have validity for today, especially with the Colorado State Tax Law, June 2019.*

*Which states: Part 2: Taxable Sales*

*7 Revised June 2019*

*Rooms and accommodations*

*Colorado imposes sales tax on the entire amount charged for rooms and accommodations. The tax applies to any charge paid for the use, possession, or the right to use or possess any room in a hotel, apartment hotel, lodging house, motor hotel, guesthouse, guest ranch, trailer coach, or mobile home and to any space in any camp ground, auto camp, or trailer court and park, under any concession, permit, right of access, license to use, or other agreement, or otherwise. Sales of rooms and accommodations may be exempt when made to a permanent resident who enters into a written agreement for occupancy for a period of at least 30 consecutive days*

<https://www.colorado.gov/pacific/sites/default/files/Colorado%20Sales%20Tax%20Guide.pdf>

*Next with the verbiage:*

**Commercial definition**

*concerned with or engaged in commerce.*

*"a commercial agreement"*

*synonyms:*

[trade](#) · [trading](#) · [business](#) · [private enterprise](#) · [mercantile](#) · [merchant](#) · [sales](#) · [merchandising](#)

**Lodge definition:**

*stay or sleep in another person's house, paying money for one's accommodations.*

*"the man who lodged in the room next door"*

*synonyms:*

[reside](#) · [board](#) · [stay](#) · *have lodgings* · *have rooms* · *take a room* · [put up](#) ·

[\[more\]](#)

*Since we reside in Boulder County, they do not participate in a Home Rule Tax, it falls to the Colorado State Revenue.*

<https://www.bouldercounty.org/government/budget-and-finance/sales-and-use-tax/>

**Home Rule tax**

*Cities, counties, and special districts in Colorado can also impose tax on sales made within their boundaries. The Colorado Department of Revenue administers and collects sales taxes imposed by many cities, most counties, and a number of special districts. However, the Department does not administer and collect sales taxes imposed by certain home-rule cities, which instead administer their own sales taxes. Department publication Colorado Sales/Use Tax*

*Rates (DR 1002) provides detailed information about local sales taxes and exemptions.*

*Participating Home-Rule Cities and Counties*

*Arvada, Aurora, Boulder, Brighton, Denver, Longmont, Northglenn, Silverthorne, Westminster, Wheat Ridge, and Woodland Park have enacted ordinances that hold taxpayers harmless if they rely on these certified databases. To visit a local government webpage, see the [Colorado Department of Local Affairs, Active Colorado Municipalities](#)*

**NOTE: Boulder County taxes are collected by the State of Colorado.** All payments of sales tax should be reported and remitted directly to the Colorado Department of Revenue on its form. There is a specific column on the form for County Sales Tax. Forms are available on the State of Colorado web site, [www.colorado.gov/revenue](http://www.colorado.gov/revenue) or contact the Colorado Sales Tax Office at 303-238-7378 for handouts on rates charged in other Colorado localities.

<https://assets.bouldercounty.org/wp-content/uploads/2019/02/sales-and-use-tax-brochure.pdf>

*Airbnb has acknowledged this as well since they have made an agreement with states to collect occupancy/lodge/sales tax.*

<https://www.airbnb.com/help/article/2298/occupancy-tax-collection-and-remittance-by-airbnb-in-colorado>

### **Occupancy tax collection and remittance by Airbnb in Colorado State of Colorado**

Guests who book Airbnb listings that are located in the State of Colorado will pay the following taxes as part of their reservation:

- Colorado Sales Tax: 2.9% of the listing price including any cleaning fee for reservations 29 nights and shorter. For detailed information, visit the Colorado Department of Revenue [Sales Tax Publication](#).
- County Lodging Tax: The county lodging tax rate varies by county. The rate is typically .9-2% of the listing price including any cleaning fee for reservations 29 nights and shorter. For detailed information, visit the Colorado Department of Revenue [Sales Tax Publication](#).
- Local Marketing District Tax: The local marketing district tax rate varies by district. The rate is typically 1.4-4% of the listing price including any cleaning fee for reservations 29 nights and shorter. For detailed information, visit the Colorado Department of Revenue [Sales Tax Publication](#).
- Local Sales Tax: The local sales tax rate varies by city and county. The rate is typically 1-5% of the listing price including any cleaning fee for reservations 29 nights and shorter. For detailed information, visit the Colorado Department of Revenue [State-Collected Local Sales Tax Publication](#).

*So with all this research isn't the government saying that a short term rental (which their wording is a lodge) commercial and not residential?*

*Regards,*

*Deborah Bates-Denser*

**From:** [Wick Rowland](#)  
**To:** [Gracia, Bonnie](#)  
**Cc:** [#LandUsePlanner](#); [Ott, Jean](#); [Bodenburg, Jasmine](#)  
**Subject:** Re: Short Term Dwelling Regulations  
**Date:** Friday, July 10, 2020 12:16:38 PM

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Many thanks for the call, Bonnie.

I now better understand the LU rule and intent, and most importantly I think I can now better explain them to my HOA board colleagues.

That said, many of us find the language very unclear, particularly since there are assumptions at work under the surface that, while perhaps clear to staff, are obscure to the lay person.

Accordingly, I hope that, as part of the DC review, the entire section and related aspects of the Lodging uses provisions will be overhauled and the anomalies resolved. Among other things the Code needs to reconsider the differences between LTRs and STRs, perhaps even eliminating the distinction, and focus on the intent about turnovers.

In that light perhaps the confusing pattern of differential LU requirements and registration requirements might be reduced. The playbook needs to be both much clearer on the background concerns and much simpler as to the specific requirements.

The Commission also needs to address the matter of having complex rules that it cannot actually enforce due to budget and staff limitations. It is difficult for HOAs to insist on member adherence to County rules under the current conditions, and no public body wants to encourage citizen cynicism or "scoff-lawlessness" that occurs when rules are only partially or differentially applied.

I would be happy to discuss these matters further with your colleagues, if that would be helpful, and also perhaps review any revision drafts.

In any case, thanks for your patient guidance on the matter — it's been very good "customer service."

Best regards,

Wick

On Jul 10, 2020, at 8:29 AM, Gracia, Bonnie <[bgracia@bouldercounty.org](mailto:bgracia@bouldercounty.org)> wrote:

Hi Wick,

Its still quite early so I thought you might appreciate an email rather than a call at this hour.

No, LUs do not apply in long term situations (30 days at a time or more) as the circumstances of the rental are different.

A short term rental is a situation where there is a constant turnaround of new tenants. A longer term rental of more than 30 days has a longer term tenant. This is a distinction you may wish to hash out with our code updaters.

While it is true that we do our best to follow the code to the letter, it is also the *intent* of the code that is an important component to applying the code. By making code updates and iterating this process, we continue to improve the specificity and clarity - at least we try.

I've included the staff making the updates so that we can work on elucidating the long term rental concept.

Let me know if you would like me to give you call this morning.

Best, Bonnie

Regards,

Bonnie Gracia  
Planner On-call

**PLEASE NOTE:** In an effort to mitigate the spread of COVID-19, the Boulder County Community Planning & Permitting physical office at 2045 13th St. in Boulder is CLOSED to the public until further notice. We will continue to operate remotely, including the online acceptance of building permits and planning applications. Please visit our webpage at [www.boco.org/cpp](http://www.boco.org/cpp)

For more detailed information and contact emails for groups in our department. You may also leave a message on our main line at 303-441-3930 and the appropriate team member will return your call. **Thank you for your adaptability and understanding in this extraordinary time!**

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**From:** Wick Rowland <[wick@earthlink.net](mailto:wick@earthlink.net)>  
**Sent:** Thursday, July 9, 2020 11:30 PM  
**To:** Gracia, Bonnie <[bgracia@bouldercounty.org](mailto:bgracia@bouldercounty.org)>  
**Subject:** Re: Short Term Dwelling Regulations

Thanks, Bonnie.

I appreciate your continuing effort to help us. And I apologize if I appear to be a bit thick in all this, but there still seems to be confusion on the LU matter for RR.

I do understand that there can be reasons for LUs to kick in differently in the two zone groupings. And I get it that after 45 nights that happens with the (d) group.

But, if that is so, then isn't the Code saying that LUs do apply in some long-term rental situations because 45 nights is more than 29, whereas earlier today I thought you were saying that they don't apply "in any zoning district"?

And if so, then that takes us back to group (c) and the statement that ". . . in these zoning districts, LU is required for short term rentals if a property owner proposes to rent 15 or more nights." Fine, but in your first message this morning you said that "When the code reads 'if rented 15 nights or more per year' it does not apply to longer term rentals." But anything from 30 days up would be LTRs.

So, I have to return to the question in my last message:

- Does "15 or more" for the LU in (c) really mean 15-29?

I hope you can see why we're still confused. The rule seems to be saying that anything from 15 nights on in RR requires a LU, but other statements seem to be saying that is not true beyond 29 nights.

I do appreciate your effort, but somehow we're not reaching closure on the core question. Again, perhaps a quick phone call would help us resolve the apparent contradictions?

I'd be happy to call you tomorrow, or you could reach me at (303) 443-3662.

Thanks,

Wick

On Jul 9, 2020, at 3:49 PM, Gracia, Bonnie <[bgracia@bouldercounty.org](mailto:bgracia@bouldercounty.org)> wrote:

Hi Wick,

Frequency of short term rentals was found to be more impactful in some zoning districts compared to others. In the [zone districts](#), RR, ER, SR, MF, LI and GI the Limited Impact Special Use Review (LU) is triggered after the 14th night.

In other zone districts (A, F, H, MI, T, B, C, and ED) the impact on the surrounding area is not as substantial (due to larger property setbacks and ambient development) so in this case, a property owner may rent the property as a short term rental up to 45 nights. If more than 45 nights are proposed, then the LU process kicks in.

I hope this helps to sort it out. We appreciate your input.

Let us know if we may assist you further.

Regards,

Bonnie Gracia  
Planner On-call

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**From:** Wick Rowland <[wickr@earthlink.net](mailto:wickr@earthlink.net)>  
**Sent:** Thursday, July 9, 2020 1:04 PM  
**To:** Gracia, Bonnie <[bgracia@bouldercounty.org](mailto:bgracia@bouldercounty.org)>  
**Cc:** #LandUsePlanner <[Planner@bouldercounty.org](mailto:Planner@bouldercounty.org)>  
**Subject:** Re: Short Term Dwelling Regulations

Thanks, Bonnie,

In the short term can someone help me resolve the apparent contradictions between subsections (c) and (d) and the definition of STRs above?

Specifically:

- Does "15 or more" for the LU in (c) really mean 15-29?
- If so, then, what is meant by "46 or more" in (d)?

This is a practical need, because as we're rewriting our own Association leasing policies, I've got colleagues pressing me for clarification!

Thanks,

Wick

On Jul 9, 2020, at 12:52 PM, Gracia, Bonnie <[bgracia@bouldercounty.org](mailto:bgracia@bouldercounty.org)> wrote:

Thank you for your input, Wick.

I will send along these observations and suggestions to senior staff.

Best, Bonnie

Regards,

Bonnie Gracia  
Planner On-call

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*for your adaptability and understanding in this extraordinary time!*

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---

**From:** Wick Rowland <[wjckr@earthlink.net](mailto:wjckr@earthlink.net)>  
**Sent:** Thursday, July 9, 2020 12:47 PM  
**To:** Gracia, Bonnie <[bgracia@bouldercounty.org](mailto:bgracia@bouldercounty.org)>  
**Cc:** #LandUsePlanner <[Planner@bouldercounty.org](mailto:Planner@bouldercounty.org)>  
**Subject:** Re: Short Term Dwelling Regulations

Many thanks for your quick reply, Bonnie.

That is helpful, because many of my HOA board colleagues struggling with the STR matter have had real trouble interpreting the language and have understood it differently.

As you suggest the wording is confusing — but it's all throughout this section.

For instance, while the second sentence of the definition of STRs is clear enough, the third sentence isn't. I probably should have asked about that, namely, what is meant by "month to month or longer"? And why the mouthful of "use" language in the second half of the sentence? Shouldn't it say something simple like "Dwellings rented for 30 days or longer are not considered short-term rental properties as defined in this section, and the following subsections do not apply to them"? Or is that not the case (see question about (d) below)?

As for (c), I fear it's more than the redundant "if." The "15 nights or more per year" wording appears to plainly mean anything longer than 15. And that seems plausible given the context set by the following section (d) for other zones where the wording is for "46 nights or more nights per year."

In that latter instance, how does the earlier definition of STRs apply? 46 is more than 30; so one can reasonably infer that, as now written, LTRs actually are contemplated in these subsections and the longer interpretation of "15 or more" would make sense.

Finally, then, if (c) really means only 15-29 nights per year, then shouldn't it be stated that way? The use of "or more" is problematic and most lay people who initially read it do not understand it also to mean less than 30.

That, of course, then raises another question, which is why have the LU requirement for rental properties in just that brief window? If it's really necessary for that duration, why not for longer? Or if it isn't really necessary for longer periods, then why have it at all for just a 2-week period?

I hope these additional questions make sense and bio can help me resolve them. But I don't want to tie you up in a long email discourse. Perhaps a phone conversation would suffice?

In any case, the confusions I'm reflecting here are probably shared by others throughout the County and suggest the need for the thorough overhaul of the entire section that apparently is contemplated in the DC-19-0005 proceeding.

In fact, please feel free to submit these comments to the planners.

In any case I'd enjoy talking further with you about the current confusions about (c) and (d), and again thanks,

Wick

On Jul 9, 2020, at 11:19 AM, Gracia, Bonnie <[bgracia@bouldercounty.org](mailto:bgracia@bouldercounty.org)> wrote:

Hi Wick,

Hopefully I may be of some assistance.

I see you have included the first sentence of the definition but not the entire definition, maybe that is a part of the confusion.

When the code reads "if rented 15 nights or more per year" it does not apply to longer term rentals.

Limited Impact Special Use Review (LU) is not required for rentals of more than 30 days at a time in any zoning district, including RR. A property rented between 30 and 365 nights per year would not require an approved LU.

Perhaps the word "if" is redundant and it could say "rentals for 15 nights or more per year". We can have staff take a look at the language for a possible code update in the future.

Regards,

Bonnie Gracia  
Planner On-call

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# Short-Term Rentals (STRs) Land Use Code Update

1. What do you think about owner-occupancy requirements for STRs? To be considered owner-occupied, a home must be occupied by the owner at least 51% of the year.

In Allenspark, I don't think this is applicable. We have been a vacation community for over 100 years. Most people here have vacation homes in town.

2. What safety measures should be taken into consideration when someone is renting out their home on a short-term basis (particularly to visitors who are not familiar with the area)?

- 1) Bear/Moose/Wildlife Safety information
- 2) Fire ~~code~~ pit safety information
- 3) Fire extinguisher, smoke detector, CO detector
- 4) If fire pit, inspected for safety
- 5) Fire ban information
- 6) Propane safety information
- 7) Septic system ~~code~~ ~~info~~ info

3. What do you think about frequency (i.e., total number of rental nights per month/year) or duration (i.e., number of rental days at a time) limits for STRs?

None

4. Do you have any other general comments about short-term rentals?

They are good for the economy of this area (Allenspark)

Thank you! The Land Use Department appreciates your time and ideas.

**From:** [John Winkel](#)  
**To:** [Rodenburg, Jasmine](#)  
**Subject:** DC-19-0005 Open House follow-up  
**Date:** Friday, September 18, 2020 9:16:45 AM

---

Jasmine,

Thanks for the professional way you facilitated the open house discussion last night.

In my career I have worked both private sector and government jobs, so you can forgive me for thinking this Boulder County effort is largely an exercise with a foregone conclusion. I have seen too many well-intentioned regulations that did not take into account unforeseen consequences. When enforced to the letter by later bureaucrats these cause problems. One prime example is the Depression-era Davis Bacon Act designed to give local contractors a fair shot at major federal projects versus cheaper labor from out-of-state contractors. Unfortunately, the dollar amount defining a major construction project has never been updated since the 1930's, so now essentially all federal construction projects (large and small) are burdened by this Act.

I also want to recognize that my assumptions may be unwarranted. So before I suggest text edits to the Land Use or Licensing drafts, can you please send me:

1. The economic analysis Staff has done to support a change in the 2008 code/regs – I assume most of the 700 current listings you mentioned are in the mountains (most likely near the Peak-Peak highway), most are older building stock, and would guesstimate the average is actually rented for ~30 days/year (or for 1/3 of Summer season) to at most a family's worth of visitors (consistent with your statistic that most rentals are single-family residences). These statistics/assumptions suggest a direct economic impact to owners in mountain portions of the County of approximately  $700 \times 30 \times \$175 = \$3.7$  million. But as you pointed out there are secondary management and cleaning jobs created. More significant would surely be the purchasing impact of these short term destination renters on the economies of places like Boulder, Lyons, etc. when they pass through. And if Boulder County reduces its short term rental stock, or increases its price, by these code/reg changes, what is the price point sensitivity that would cause these visitors to divert to Larimer County? I am sure you have evaluated these direct and indirect economic impacts. Please forward me your analysis so I can see if I am correctly assessing the situation.
2. Whatever survey or assessment of owners you have done – You stated a key driver was to keep housing affordable in rural areas of the County. I suspect a survey of owners would show that at a certain point (cost of improvements, degree of process hassle, etc.) a majority would either:
  - a. be forced to sell out, in which case the County would likely have the same issues with new owners that Brian and Rosemary flagged, since it is unlikely these older cabins will be bought by someone willing to scrape them and build new; and, even if they did build new, that would defeat the “keeping community character” goal, or
  - b. do like a neighbor of ours, who simply shuts their cabin up unlive in except for at most 1

week/year, which neither helps the economy nor the affordable housing stock.

Please note we are not doing primary or secondary, or vacation, rentals at present. My interest is in getting good, sensible, and reasonable code/reg changes that do not foreclose our future options. Given my past work experience, where County staff blindly enforced Boulder County code at the expense of fire safety of the residents in the development I mentioned, your present draft would almost certainly cause us to opt for option 2b in the future. This would be the worst outcome, both for us and for the County.

Best regards,  
John Winkel

ORDINANCE NO. 2021-X

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF BOULDER FOR THE LICENSING OF SHORT-TERM RENTALS AND VACATION RENTALS WITHIN THE UNINCORPORATED AREA OF BOULDER COUNTY

**Commented [RH2]:** Comments from Richard Harris  
It is very important to ban shooting in all rental properties. Otherwise some units might be rental for militia practice.

RECITALS

- A. Boards of County Commissioners are empowered by C.R.S. § 30-15-401(1)(s) to license and regulate an owner or owner’s agent who rents or advertises the owner’s lodging unit for a short-term stay, and to fix the fees, terms, and manner for issuing and revoking licenses; and
- B. Studies and reports have concluded that short-term rental of residential property creates adverse impacts to the health, safety, and welfare of communities, including increase in housing costs and depletion of residential housing opportunities for persons seeking full-time accommodations; and
- C. Boulder County has received numerous comments expressing the desire to preserve the residential character of neighborhoods and concern over how short-term rental of residential property may diminish neighborhood character and housing stock; and
- D. Boulder County “prioritizes preserving housing units for Boulder County residents and workers and their families and limits visitor- and tourism serving uses such as short-term rentals. The county evaluates applications for tourism serving uses based on safety for visitors and county residents in addition to compatibility with neighborhood character” as outlined in the Boulder County Comprehensive Plan Section 3.06; and
- E. This Ordinance intends to: (1) facilitate safe short-term rental of residential property in a way that protects the integrity of neighborhood character; (2) preserve existing housing stock; (3) track, manage, and enforce violations of this Ordinance; and (4) protect the health, safety, and welfare of the public; and
- F. Cities and towns within the county may consent to have this ordinance apply within their boundaries, as provided in C.R.S §30-15-401(8).

**Commented [RH3]:** You might choose a different word than "residential". In the Forestry zone the word might be "rural".

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF BOULDER AS FOLLOWS:

**Section 1: Definitions**

- A. The definitions found in the Boulder County Land Use Code will apply to this Ordinance, except the following words, terms, and phrases will have the following meanings:
  - 1. **Director:** The Director of the Boulder County Community Planning & Permitting Department, or the Director’s designee.
  - 2. **License:** A Short-Term Rental License or Vacation Rental License issued pursuant to this Ordinance.
  - 3. **Licensed Premises:** The parcel or lot on which the Short-Term Rental or Vacation Rental is located.
  - 4. **Major Offense:** Any violations of this Ordinance that actively, or have the potential to endanger, the health, safety, or welfare of the public.
  - 5. **Minor Offense:** Any violations of this Ordinance that are procedural or do not actively, or have the potential to endanger the health, safety, or welfare of the public.
  - 6. **On-Site:** Contiguous parcels or lots under the same ownership and control as the Licensed Premises.

**Commented [RH4]:** What if the unit has no fire information? Is that major?

7. Primary Residence: The dwelling unit in which a person resides for more than six (6) months out of each calendar year. However, it is presumed that the dwelling unit is not a primary residence if (1) the entire unit is offered and available for rent for more than twenty days in any month; (2) the person's spouse or domestic partner has a different primary residence; or (3) the person's driver's license, voter registration or any dependent's school registration shows a different residence address. These presumptions are rebuttable, but each must be rebutted by credible evidence from the party claiming that the dwelling is a primary residence.
8. Short-Term Rental: Includes Primary Residential Accessory Short-Term Rentals and Secondary Accessory Short-Term Rentals, as defined in the Boulder County Land Use Code.

## Section 2: License Required

- A. Local License Required. It is a violation of this Ordinance to operate a Short-Term Rental or Vacation Rental within the unincorporated area of Boulder County, Colorado, or any municipality which consents to the application of this ordinance within its jurisdiction, without a current Short-Term Rental License or Vacation Rental License.
- B. A property which is deed-restricted as affordable housing is not eligible for a Short-Term Rental License or a Vacation Rental license.
- C. Only one license of any type (Short-Term Rental License or Vacation Rental License) may be issued to each person and any legal entities associated with that person, including trusts, corporations, estates, or associations.

## Section 3: Licenses

- A. Short-Term Rental License and Vacation Rental License: The Director is authorized to issue a Short-Term Rental License or a Vacation Rental License under the terms and conditions of this Ordinance. Licensees remain subject to all other federal, state, or local law requirements including the Boulder County Land Use Code.

## Section 4: Licensing Procedure

- A. An application for a Short-Term Rental License or Vacation Rental License must include:
  1. Application Form. The applicant must designate all agents, exhibit all property owner signatures, and have all necessary information completed.
  2. Proof of Insurance. The applicant must demonstrate that the property owner has procured appropriate insurance in the form of a property owner (HO-3) policy, dwelling fire (HO-5), or unit owner's policy (HO-6), which covers a rental exposure, with adequate liability and property insurance limits that must at a minimum insure liability at \$500,000.
  3. Proof of Primary Residence, if applicable. The applicant must demonstrate that the dwelling unit is the property owner's primary residence by presenting a Colorado state-issued driver's license or Colorado state-issued identification card and at least one of the following documents:
    - a. Voter Registration;
    - b. Motor Vehicle Registration;
    - c. Income Tax Return with address listed; or
    - d. Any other legal documentation deemed sufficient by the Director which is pertinent to establishing the property owner's Primary Residence.

**Commented [RH5]:** I think it is included later, but the Director must make a tentative decision and release it to neighbors and other members of the public, giving them time to offer comments that must be considered.

**Commented [RH6]:** Will this insurance be public? It must include coverage for fires and other damages occurring outside the property being rented. Renters may start forest fires.

**Commented [RH7]:** These documents must be publicly available to check for authenticity.

4. Proof of Ownership. Applicant must demonstrate ownership of the Licensed Premises by including a copy of the current deed.
  5. Parking Plan. Applicant must demonstrate compliance with the applicable Boulder County Land Use Code and Boulder County Multimodal Transportation Standards for on-site guest parking.
  6. Floor Plan. The floor plan must show locations within the dwelling unit of all smoke detectors, fire extinguishers, and carbon monoxide detectors, as well as locations of guest rooms and egress, as required under the Boulder County Land Use Code and applicable Building Code.
  7. Proof of Land Use Approvals. For Secondary Accessory Short-Term Rentals and Vacation Rentals, documentation demonstrating that the applicant has obtained the required approvals under the Boulder County Land Use Code.
  8. List of Adjacent Owners. Names, physical addresses, mailing addresses, and additional contact information (if known) for owners of all immediately adjacent parcels.
  9. Payment. Payment of all applicable license fees.
- B. The Applicant's failure to provide any requested information by requested deadlines may be grounds for denial of the application.
- C. The Director may refer the application to additional agencies or departments.
- D. For Short-Term Rental Licenses for Primary Residence Short-Term Rentals, Boulder County will provide notification by U.S. Mail, first-class postage or email to all owners of immediately adjacent parcels a minimum of 14 days prior to the license being issued by the Director.

**Commented [RH8]:** Presumably the County keeps accurate mailing addresses that often will be off-site.

#### Section 5: Licensing Requirements

- A. Before issuing a License, the Director must determine that the applicant has met following requirements:
1. Land Use Approval. The applicant has complied with all Boulder County Land Use Code requirements, as applicable.
  2. Building Inspection. The Chief Building Official or the Chief Building Official's designee has determined the following:
    - a. For all Licensed Premises:
      - i. The dwelling unit to be rented must contain:
        - (1) Operable fire extinguishers in each guest room and in the kitchen;
        - (2) Operable smoke detectors:
          - a. In each guest room;
          - b. Outside each guest sleeping area in the immediate vicinity of the guest rooms; and
          - c. On each additional story of the dwelling unit including basements and habitable attics.
        - (3) A UL 2075 compliant carbon monoxide detector installed outside of each separate guest sleeping area in the immediate vicinity of the guest rooms in the dwelling unit.
      - ii. The dwelling unit is served by an adequate potable water supply.
    - b. For Short-Term Rental Licenses:
      - i. The dwelling unit has no observable structural defects; and
      - ii. Any plumbing, electrical, and heating and cooling systems are in a good state of repair; and

- iii. Nothing on the Licensed Premises or in the dwelling unit pose a significant risk to health, safety, or welfare of the occupants or surrounding properties.
- c. For Vacation Rental Licenses:
  - i. The dwelling unit to be rented must be legally existing or have been constructed under a valid building permit; and
  - ii. Received a Certificate of Occupancy or final inspection approval; and
  - iii. Must meet the applicable Building Code as required when the dwelling unit was constructed or when upgrades to the structure subject to a Building Permit were made; and
  - iv. No unapproved uses, unpermitted uses, or unpermitted work exist on the Licensed Premises. All previously unpermitted work must be permitted; and
  - v. Nothing on the Licensed Premises or in the dwelling unit pose a significant risk to health, safety, or welfare of the occupants or surrounding properties
3. Wildfire Mitigation within Wildfire Zone 1. The Wildfire Mitigation Team or the Wildfire Mitigation Team's designee has verified the following:
  - a. For Short-Term Rental Licenses:
    - i. A Wildfire Partners Assessment for the Licensed Premises has been completed; and
    - ii. Any mitigation efforts the assessment deemed necessary for the health, safety, and welfare of the occupants or surrounding properties have been completed; and
    - iii. Upon the first renewal, the property is Wildfire Partners Certified.
  - b. For Vacation Rental Licenses:
    - i. The Licensed Premises is Wildfire Partners Certified.
4. Parking and Access. The County Engineer or the County Engineer's designee has determined that the proposed Licensed Premises has satisfactory vehicular access and on-site parking facilities pursuant to the Boulder County Multimodal Transportation Standards and the Boulder County Land Use Code. The County Engineer or the County Engineer's designee has further determined that the applicant has suitably mitigated any traffic hazards associated with the proposed use.
5. Sewage Disposal. The Public Health Director or the Public Health Director's designee have determined that the proposed Licensed Premises has all required on-site wastewater treatment system permits or is otherwise adequately served by public sewer. Existing systems do not need to be repaired or replaced unless required by Boulder County Public Health.
6. Property Taxes. For Vacation Rentals and Secondary Accessory Short-Term Rentals, the property taxes have been paid.
7. Sales Tax License. The property owner or manager must provide a current sales tax license for the short-term rental issued by the Colorado Department of Revenue.
8. Building Lot. Verification that the Licensed Premises is a legal building lot under the Boulder County Land Use Code.

**Commented [RH9]:** This kind of risk must never be held up for a renewal.

**Commented [RH10]:** No rental should be allowed until the Wildfire Mitigation is complete. If renewals are only every two years, that is too long to delay something as essential as wildfire mitigation.

**Commented [RH11]:** Satisfactory vehicular access may not be possible without investigating numerous easements across various other properties. If there are easements it must be noted that some are for "single family units". Instead, in our new era of digital world-wide advertising, they must be modified to include rental homes as well as the owned homes that were expected when the easements were created. The easements must be reevaluated. There should be no obligation for a property owner along the way to agree to this new rental use.

Many of the homes in Allenspark have access only through easements on other properties. Even Big John Road, that I think has an official looking street sign, I believe is a private road with easements.

To make these changes in rentals may create an unreasonable burden on neighboring property owners that forces those owners to hire lawyers to defend their easements. The cost would likely be thousands of dollars. The County should instead create a climate that protects present homeowners from unreasonable financial burdens from neighboring new landlords who profit from new rentals.

**Commented [RH12]:** Aren't there other taxes in addition to sales taxes?

## Section 6: Licensee Operating Standards and Requirements

### A. All Licenses:

9. Occupancy Limit. Two adults per legal conforming guest room with a maximum of eight individuals, unless otherwise allowed through the applicable Land Use Code approval process.
  - a. For Licensed Premises with an on-site wastewater treatment system, the occupancy limit may be reduced based on the size of the permitted and approved system.
10. Guest Information. In the rented dwelling unit, the licensee must provide the following documents to all guests:
  - a. Septic Safety information sheet provided by the county, if applicable;
  - b. Wildlife Safety information sheet provided by the county, if applicable;
  - c. Wildfire Safety information sheet provided by the county, if applicable;
  - d. Fire restrictions and evacuation routes in the event of a fire or emergency;
  - e. Good Neighbor Guidelines provided by the county;
  - f. A map clearly delineating guest parking and property boundaries;
  - g. Contact information for the Local Manager and Licensee; and
  - h. Trash and recycling schedule and information.
11. Local Manager. Every Licensed Premise must have an emergency contact available to manage the property during any period when the property is occupied as a Short-Term Rental or Vacation Rental. The contact must be able to respond to a renter or complainant within one (1) hour in person. The contact may be the owner if the owner meets the above criteria. The name and contact information must be on file with the Director. The licensee must report any change in the emergency contact must be reported to the Director as soon as practicable.
12. Signs. The Licensed Premises must comply with the signage requirements in Article 13 of the Boulder County Land Use Code.
13. Posting of License. The licensee must provide a copy of the Short-Term Rental License or Vacation Rental License to immediately adjacent neighbors and post the license in a prominent location on the rental for both guests and neighbors to see.
14. Advertisement. All advertisements and listings of the Licensed Premises must include:
  - a. The local license number;
  - b. The approved occupancy limit; and
  - c. The minimum night stay, if applicable.
15. Compliance with anti-discrimination laws. No licensee may discriminate against any guest or potential guest, because of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, or source of income.

#### Section 7: Inspection

- A. By signing and submitting a license application, the owner of the Short-Term Rental or Vacation Rental certifies that the Applicant has received permission from the property owner to allow inspections as may be required under this Ordinance. The owners authorize the Director to enter upon and inspect the Licensed Premises. This section will not limit any inspection authorized under other provision of law or regulation. The Director will inspect the Short-Term Rental or Vacation Rental for compliance with the requirements of this Ordinance, the Land Use Code, and any applicable conditions of approval prior to the initial license and at each renewal. The owner further authorizes inspections in response to complaints of violations as further specified in Section 12.

**Commented [RH13]:** Please provide such an information sheet to the public before enacting this document.

**Commented [RH14]:** Please provide a copy of this sheet to the public before enacting this document.

**Commented [RH15]:** This item is listed twice.

**Commented [RH16]:** This must be considered by neighboring properties with easements, because it may interfere with their own escape routes.

**Commented [RH17]:** Please provide a copy of these Guidelines before enacting this document.

**Commented [RH18]:** Please have neighbors approve maps of boundaries before enacting this document.

**Commented [RH19]:** Need to check this Article.

**Commented [RH20]:** How will the County verify compliance with this non-discrimination requirement.

**Commented [RH21]:** The County must verify prior to licensing that any easements allow inspections.

**Section 8: Decision and Appeal**

- A. Decision. Once the Director has completed a review of the application, the Director must either issue a License or issue a denial letter that specifies the reasons for denial.
- B. Appeal. Within ten days of any decision by the Director, the Licensee may provide a written response by submitting a letter to the Director clearly stating its position. In response, the Director may make a final decision, request additional information or conduct additional investigation prior to issuing a final decision, or withdraw License. A final decision is appealable under Colorado Rule of Civil Procedure 106(a)(4). A Licensee may continue to operate during the pendency of an appeal. The Director may grant extensions of deadlines under this Article for good cause shown.

**Section 9: Changes to an Issued License**

- A. A licensee must submit any proposal to change an issued license under this Ordinance to the Director. The proposal may be subject to the requirements under Section 4, up to and including re-Application.

**Section 10: Term of License or Permit; Renewal**

- A. Term of License. Short-Term Rental Licenses and Vacation Rental Licenses will be valid for a period of two (2) years (the License Period). A License will expire on the expiration date if the licensee fails to submit a renewal Application prior to the expiration date of a License.
- B. Renewal of License. Before renewing a License, the Director must determine that all of the following requirements have been met:
  - 1. The Applicant has submitted an Application with all the requirements as outlined in Section 4 above, at least 45 days before the expiration of the License. If the applicant has not met all of the requirements 45 days before the expiration of the License, the application will be subject to the application fees for a new license.
  - 2. No violations of this Ordinance exist on the Licensed Premises. Renewal of any License is subject to the laws and regulations effective at the time of renewal, which may be different than the regulations in place when the Director issued the prior License.

**Section 11: License Non-Transferrable**

- A. No License granted pursuant to this Ordinance is transferable from one (1) person to another or from one (1) location to another. Any change of ownership of the Licensed Premises must be reported to the Director within 30 days of the transfer of ownership.

**Section 12: Violations**

- A. Each act in violation of this Ordinance is considered a separate offense. Each calendar day that a violation exists may also be considered a separate offense of this Ordinance.
- B. The Director is authorized to suspend or revoke a License and assess administrative penalties for any violation of this Ordinance.
- C. Determination of a Violation:
  - 1. The Director may investigate any complaints of violations of this Ordinance.
  - 2. If the Director discovers a violation of this Ordinance, the Director may charge the violator for the actual cost to the County of any follow-up inspections and testing to determine if the violation has been remedied.

**Commented [RH22]:** The County must provide this information, not only to the applicant but also to neighbors and the public. It must be provided with time for these other parties to comment and have their input considered. The license shall not be valid until this time limit has been passed and the decision reaffirmed. 30 days is a reasonable time to permit even possible distant property owner to reply. Ten days is much too soon.

**Commented [RH23]:** Any proposed changes must be sent to neighbors and the public, giving them sufficient time to respond.

**Commented [RH24]:** Two years is too long a time for a license to be valid. This should be 1 year. That will provide the landowner and the County more time to remedy violations.

3. When the Director has reasonable cause to believe that a violation of this Ordinance is likely to exist on a premises, and that entry onto the premises is necessary to verify the violation, the Director shall first make a reasonable effort to contact the property owner or local manager, and request consent to enter and inspect the premises. If the property owner or local manager cannot be contacted or if entry is refused, the Director may impose penalties or revoke the License.

E. Issuance of Notice of Violation:

1. If the Director determines that one or more violations of this Ordinance exists, notice of all applicable violations must be given to the property owner by U.S. Mail, first-class postage or via email a minimum of 30 days prior to the Director taking further action to impose penalties or to revoke the License.
2. If violations of this Ordinance have not been resolved, or satisfactory progress towards resolution has not been made within 30 days, the Director may impose an administrative fine, task law enforcement personnel with using the Penalty Assessment Procedure described in C.R.S. § 16-2-201 for violations of this Ordinance, or seek injunctive relief.
3. No enforcement action for a violation of this Ordinance will be taken more than one (1) calendar year after the date on which said violation occurred.

F. Penalties for Violations:

1. Minor Offenses:
  - a. First Offense during License Period: \$150 fine
  - b. Second Offense during License Period: \$500 fine
  - c. Third Offense during License Period: \$1,000 fine and one (1) year suspension of the License.
2. Major Offenses:
  - a. First Offense during License Period: \$750 fine
  - b. Second Offense during License Period: \$1,000 fine and one (1) year suspension of the License.

**Commented [RH25]:** This limitation seems unneeded. Some violations may take more than 1 year to remedy.

**Commented [RH26]:** Add that a suspension will require a new license application

**Section 12: Fee Structure:**

- A. Application Fee:
  - a. For Short-Term Rental Licenses: \$200
  - b. For Vacation Rental Licenses: \$800
- B. Renewal Fee:
  - a. For Short-Term Rental Licenses: \$150
  - b. For Vacation Rental Licenses: \$600

**Commented [RH27]:** These fees should represent the actual to the County of administering these licenses. For many rentals the fee is about the cost of one night's rental. That is too small to pay for the cost of administration.

**Commented [RH28]:** Renewal should cost the same as the original license because verifying compliance will take at least as much County staff time as the original application.

**Section 13: Severability/Savings Clause**

- A. If any provision of this Ordinance is found to be invalid by a court of competent jurisdiction, only the provision subject to the court decision must be repealed or amended. All other provisions must remain in full force and effect.

**Section 14: Effective Date**

- A. This Ordinance will be effective 30 days after publication following adoption on the second reading.

**From:** [Rosemary Donahue](#)  
**To:** [Rodenburg, Jasmine](#)  
**Cc:** [Grimm, Denise](#); [Fasick, Jessica](#)  
**Subject:** September 10, 2020 meeting on Boulder County Proposal  
**Date:** Sunday, September 13, 2020 11:09:30 AM

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Jasmine

We are wanting to follow up with you and your team from the September 10, 2020 virtual meeting on the Proposal Docket DC-19-0005. We received several phone calls and emails afterwards with basically everyone commenting on the same.

We do not need more notes taken by your committee- we need honest, straightforward, transparent answers.

- 1) When did this proposal process begin and by whom? **“I think July 2019”**
- 2) What were the survey results from last fall? **“go to our webpage (webpage not given on the call)**  
When I reached out to Kristina to get on that email list for the survey and apparently have been removed as we heard nothing and did not know about the virtual meetings since. This seems discriminating.
- 3) Who and how are property owners being notified of this proposal? **“Let us know how you think would be the best way to notify all interested**

parties?” I responded that the honest, straightforward, and transparent way would be by using the property owner tax record that Boulder County collects property taxes from every year- Rosemary .

4) Who is on this committee and how were they chosen? How did you chose the 100 plus agencies you have notified of the proposal ?

“as an invested property owner in this industry we were not notified and want the names and representatives of all parties Boulder County has contacted to make decisions on our and others personal private property.” Rosemary

5) What is the real long term purpose and goals for these very restrictive, overreaching proposals?

6) Several property owners we have been in communication with have asked “What is the need for such a forced rushed process when there are so many in Boulder County that you know and we know will be so adversely affected –economically, emotionally, and mentally?

7) We also have heard a number of times about the layering of the different laws in the proposal that are already laws in the county. Why add to that in

this proposal?

- 8) What is the reasoning and motivation to limit ambitious and motivated people to one license especially when they pay property taxes on more than one property and are Seniors Citizens?

More feedback from the ones on the call are they request hearings, equal representation, honest, straightforward, transparent answers, and due process including proper notification of all unincorporated property owners in Boulder County.

We appreciate the phone call and look forward to your answers.

Brian and Rosemary Donahue, Boulder County  
Property Owners

September 24, 2020

Boulder County – Community Planning & Permitting  
P.O. Box 471  
Boulder, CO 80306

Cc: Concerned property owners of Boulder County

Re: Public Comments requested for **Docket DC-19-0005: Short-Term Dwelling Rental and Bed and Breakfast Update**

To whom it may concern,

I am sending this letter of protest on behalf of myself and a likeminded group of other property owners in the mountainous parts of unincorporated Boulder County. This letter responds to the request for public comments by Boulder County's Community Planning & Permitting staff ("CPP") with respect to Docket DC-19-0005, which contains CPP's proposals for text amendments to Boulder County's Land Use Code and proposed licensure requirements for short-term rentals, vacation rentals, and other activity in unincorporated Boulder County. These proposals are referred to in this letter as "DC-19-0005."

The context for our opposition to DC-19-0005 is addressed at length below and is rooted in the following key principles:

1. Use of Residential Property as Living Space Is the Intended Use of Such Property
2. The Special Review/Public Hearing Process Should Be Eliminated
3. "A One Size Fits All" Approach is Improper for Unincorporated Boulder County
4. Vacation Rental Is a Historic Use of Property in Boulder County
5. The Stated Rationale for DC-19-0005 Is Invalid
6. Many Provisions in DC-19-0005 Are Arbitrary and Susceptible to Legal Challenge
7. Concerns with Vacation Rentals Can Better Be Addressed Without DC-19-0005

### **1. Use of Residential Property as Living Space Is the Intended Use of Such Property**

Residential real estate is intended for use as living space by small groups of friends and family and for good reasons the use of residences as a place to sleep, eat and socialize by such groups generally is not monitored or regulated by government. The use of a residence as a residence, regardless of the individuals involved, cannot, per se, result in misuse of residential property. In taking the contrary position via DC-19-0005, the CPP believes that the County may interfere with the residential use of residential property on the basis of which particular individuals carry on residential activities within residences or their relationship to the landowner, or that certain residential activity within residences raises novel land use concerns that need to be addressed via regulation. The CPP's position cuts to very nature of the rights of property owners and the fundamental use of real property for its intended use, and thus we respectfully request delay of DC-19-0005 until the ramifications of the CPP's position becomes better understood. The CPP's erroneous position that it should judge and regulate residential use of a residence is connected to many of the other arguments against DC-19-0005 contained in this letter.

### **2. The Special Review/Public Hearing Process Should Be Eliminated**

DC-19-0005 creates several categories of land use involving short-term and vacation rentals and requires, as a step precedent to seeking a license, that the property owner undertake a "Special Review" process, which generally means going through a 6-9 month public hearing process to obtain approvals from the County, the CPP staff and neighbors. On phone calls regarding DC-19-0005, the CPP staff has pointed out

that (a) the “Special Review” process currently is required for property owners seeking vacation rental licenses, and (b) that the “Special Review” process allows the CPP staff the opportunity to control the number of rental properties in the County subject to various standards that could not be articulated on the phone call. **In our view, the “Special Review” process represents the most objectionable part of DC-19-0005.** First, as outlined in Item 1 above, vacation rental activity represents residential use of residential property – thus it is no departure in kind, degree, or magnitude from the intended and lawful use of residences. Thus, the process of “Special Review” is altogether unnecessary when it comes to short-term or vacation rental activity. Instead, that process appears designed for situations where there is a proposed shift in the underlying nature of land use. If the “Special Review” process is currently codified as a vacation licensure requirement then the current rules should be changed as part of the CPP’s mandate instead of being relied upon by the CPP as an excuse to “double down” on a bizarre and objectionable policy. Second, it appears to us to be deeply improper for the “Special Review” process to be misused by County authorities or adjacent landowners as a way to restrict lawful use of property for its intended residential purposes. This introduces a level of arbitrariness into the process that is altogether unjustifiable. The County and adjacent landowners certainly should have a right to object if a residential property owner were to seek a variance to convert his/her property into a gas station or strip mine operation; but, neither group should have any right to interfere when a landowner invites guests onto the property to carry out its intended purpose of serving as a place where people sleep, eat and socialize. In addition, we note that nearly every other jurisdiction we are aware of that regulates vacation rentals has chosen to acknowledge this key principle and has imposed mere licensure requirements without any need for property owners to seek a land use variance or request permission from neighbors or government staff.

### **3. “A One Size Fits All” Approach is Improper for Unincorporated Boulder County**

Through the phone calls organized by the CPP it has become clear that a driving force behind the drafting of DC-19-0005 are subdivision homeowners outraged at perceived over-use of their neighbors’ properties by short-term guests. A variety of smokescreen excuses have been proposed to lend validity to these individuals’ concerns that somehow residential use of a neighbor’s residence results in misuse: increased car traffic, a loud party, a parking hazard, etc.... As described elsewhere below, such concerns already are solved by public nuisance laws and are unworthy of being doubly solved via regulation of rental activity. Fundamentally, though, many or most concerns related to increased activity in subdivisions do not apply to less densely populated parts of Boulder County. Still, in a rush to speedily craft one set of ill-conceived rules for all of unincorporated Boulder County, the CPP is justifying its “one size fits all” approach on the grounds that use of property in the mountains and plains creates other concerns related to wildfire and wildlife, and that those concerns are similar enough to subdivision concerns to justify drafting one set of rules for all unincorporated parts of the County. We believe that the concerns and problems created by use of property in a subdivision are entirely different than any concerns and problems created by use of property in a rural area and must, as a matter of prudent public policy dictate different approaches instead of the single approach taken by the CPP in drafting DC-19-0005. Any attempt to differentiate between types of property in the current draft proposal fall woefully short. We encourage the CPP to abandon its current efforts to draft rules for all unincorporated parts of the County and instead to use a targeted approach to solve problems where they actually exist.

### **4. Vacation Rental is a Historic Use of Property in Boulder County**

The history of vacation rental activity in the mountains of Boulder County goes back many generations and is tied intrinsically with proximity to Rocky Mountain National Park. Over four million tourists visit the Park annually and many or most travel to arrive there and require lodging. No property owner alive today in the mountainous parts of Boulder County, and particularly Allenspark, can claim that he or she acquired their property while unaware that vacation rental activity was ongoing and was a major use of property in the area. It is **absolutely disingenuous** for the CPP to take the position that new information has come to light, or that the proliferation of Airbnb and VRBO has changed the nature of vacation rental activity in the

mountains of Boulder County. Hundreds of landowners rent their property to hundreds of thousands of annual guests, in a cycle of supply and demand that the CPP appears to have ignored entirely in its drafting of DC-19-0005. Many property owners in the County have structured their property ownership or organized their economic lives and retirement on the opportunities presented by vacation rental. The grave concerns of personal bankruptcy, forced foreclosure, financial ruin and other hardship cause us to plead in unison that the County reject DC-19-0005 as drafted until the full impact on the community can be understood and better rules are drafted that **promote and encourage** flourishing historic vacation rental activity. We strongly believe that the harms of DC-19-0005 surely outweigh its intended benefits.

### **5. The Stated Rationale for DC-19-0005 Is Invalid**

Based from the participation on group calls organized by the CPP, a driving impetus for DC-19-0005 appears to come from inappropriate sources: disgruntled property owners involved in neighborhood disputes. However, because the CPP has rationalized its proposals by citing several other concerns, we present those below, along with our thoughts on their lack of persuasiveness:

- a. **Shortage of Affordable Housing.** The CPP staff claim that they have drafted DC-19-0005 in an effort to cause a decline in real estate prices and to make housing more affordable, citing unidentified statistical studies of the impact of vacation rentals on home prices. However, based on our analysis, there are no conclusive studies on this subject, and the better understanding is that approximately 700 vacation rental properties in all of the unincorporated areas could not possibly have any meaningful impact on the affordability of housing stock. In addition to the futility of DC-19-0005 in addressing this concern, we also question (i) whether the lack of affordable housing is an issue for all unincorporated Boulder County (i.e., is it an issue only for places close to Boulder and Longmont?), (ii) whether it is acceptable for Boulder County to address the issue by seeking to drive down property values indirectly as opposed to directly solving the problem by constructing more low-income housing, and (iii) whether the County truly wants to go on the record in terms of supporting property devaluation. In our view, property values are high in Boulder County because it is a beautiful place to live and vacation rentals are not a meaningful part of the equation.
- b. **Character of the Neighborhood.** The CPP staff argue that rental activity should be curtailed because it changes the character of neighborhoods where the activity takes place. This argument ignores entirely the longstanding history of rental activity in Boulder County and the critical fact that renters' use of residences does not differ in any material way from the property-owners' use of those residences. The argument that government should attempt to use land use codes to alter the "character of the neighborhood" should set alarm bells ringing as it clearly is merely a construct used to conceal some ulterior motive and has often been used in the past to provide cover for all types of discriminatory policy aims.
- c. **Proliferation of Airbnb and VRBO.** Another claim by the CPP is that the rapid rise of Airbnb and VRBO have changed the nature of land use in unincorporated Boulder County in a manner that mandates government action. As noted above, this claim is absolutely disingenuous as it relates to many mountainous parts of the county where vacation rental has been a primary historic use of property. Moreover, we note that Airbnb and VRBO are merely platforms whereby landowners can alter the identity of the individuals making residential use of residential property – i.e., there is no change in the underlying use of homes as places where people sleep, eat and socialize – and therefore there is no need for the community to be alarmed by the rental of property on these websites. These companies are better viewed as partners of Boulder County than as antagonists.
- d. **Risk to Vacationers.** The CPP has justified many of the Licensure requirements in DC-19-0005 as being necessary to protect guests who are staying in short-term rental or vacation rental properties. While we interpret this concern as paternalistic and unnecessary in most instances, we are prepared to accept that the County may choose to impose a license fee and some safety

- measures or recommended best practices for property owners that host short-term or vacation rentals. A requirement for such property owners to carry a certain minimum insurance should suffice to address this concern. We reject the use of this process as an apparatus to impose stringent conditions or other policy goals, such as wildfire mitigation or construction upgrades. In our view and based on our reading of the vacation rental ordinances in other municipalities, the requirements in DC-19-0005 are overly restrictive and expensive and go far beyond the purported goal of ensuring safety for guests. Instead, the cost and restrictiveness of the licensure requirements seem to have the direct goal of preventing rental activity.
- e. Wildfire and Wildlife. The CPP has also claimed that regulations in rural mountainous areas are necessary because of the risk posed by out of town guests creating wildfires and disturbing wildlife. We note that hundreds of thousands, if not millions, of people visit Boulder County annually, and that many people move to the County for work or school each year. None of these people undergo any sort of training with wildfire risks or wild animals. Yet, the CPP points to approximately 700 rental properties in the County as a risk factor worthy of requiring government action! In the absence of any proof linking wildfire and wildlife risks with vacation rental activity, we respectfully submit that these are not valid concerns that should be addressed as part of this process.
  - f. Over-Use of Property. The CPP staff claim that vacation rental is problematic because residences become “over-used,” resulting in enhanced traffic issues, enhanced wildfire or wildlife incidents, and enhanced partying. But the opposite is actually the case, and those concerns would surely be magnified by converting seldom-used vacation rental properties into full-time owner-occupied residences. A home that is owner-occupied is resided in nearly 365 days per year, with the septic used daily, parties hosted frequently, lots of daily traffic and all sorts of other year-round activities and opportunities for wildfire risk and wildlife confrontation. By contrast, a property that is typically rented for 60-100 days annually for families vacationing in the mountains has far less usage. The CPP’s goal of mitigating wildfire and wildlife risks in rural areas is therefore directly at odds with its other stated goal of converting rental properties into owner-occupied residences. This underscores the absolute failure of DC-19-0005 in achieving any articulable policy goals.

To summarize, because the supposed rationales for DC-19-0005 appear to have no logical footing, we urge Boulder County to immediately suspend any further consideration of the proposal.

## **6. Many Provisions in DC-19-0005 Are Arbitrary and Susceptible to Legal Challenge**

While many of the above concerns relate to the general unfairness and poor policy considerations behind DC-19-0005, we also point out the following specific provisions of the proposal that reek of arbitrariness and we suspect are constructed on shaky legal ground:

- a. Eight person maximum: The CPP staff’s rules would prevent more than 8 people from renting a home in the County. As the owner of a large 5 bedroom home in Allenspark where on many occasions I have gathered with 3 other adults and their 6 children, I shudder to consider that the CPP staff regards those gatherings as offensive and has drafted DC-19-0005 to outlaw similar gatherings. This provision appears to be low-hanging fruit susceptible to legal challenge and throws into question whether Boulder County believes it has the authority to bar property owners from hosting family reunions or even taking in foster children or relatives who have fallen on hard times. If the County’s goal is to prevent obnoxious parties from occurring in residences, then it has other authority at its means to address abusive situations.
- b. One license per individual/affiliated entity: DC-19-0005 allows an individual (together with any affiliates) to possess a vacation rental license for only a single property. This rule appears to be a blatant and arbitrary restraint on free trade and property use, and could be challenged on Constitutional or other legal grounds. As noted in Item 4 above, many property owners in the County have arranged their economic affairs so as to operate multiple vacation rental

- properties and rather than allow them a path to validly license their businesses with the County, DC-19-0005 forces them to consider either disregard of the rules or taking legal action. If the State and County do not restrict individuals from owning more than one mining operation, more than one oil refinery or more than one restaurant (or any other routine business) then how, possibly, could Boulder County seek to justify restricting ownership to one single vacation rental property – particularly in a County where vacation rental is a common historic land use dating back generations?
- c. Weddings: DC-19-0005 seeks to bar weddings from occurring on residential property. This is a particularly shameful provision, and the CPP staff appear to be cherry-picking from an arbitrary list of behaviors and events they deem acceptable. Simpler and sounder public policy is the default common sense and legal concept that any lawful behavior is allowed on residential property if it does not encroach on others' rights. And again, if the County's goal is to appeal to landowners whose neighbors host loud parties, then there are ample existing methods of dealing with such situations that fall short of proposing changes to the Land Use Code.
  - d. Cost of a License: DC-19-0005's maximum fee for a vacation rental license is \$800. This amount grossly exceeds the cost of licensure in other jurisdictions whose rules we have reviewed. Given the minimal impact of vacation rental activity on land use, smart public policy would be to mandate few licensure requirements and a nominal cost for such licenses.
  - e. 60 Day Threshold: In drafting DC-19-0005, the CPP staff have attempted to thread a needle by creating two separate categories of rental activity: "secondary accessory short-term rental" and "vacation rental," which are separated from each other primarily by which side of "60 Days" of annual rental activity they fall on. The first category will prove illusory for all practical purposes. The rental season in the mountains of Boulder County lasts for 90-120 days and few property owners engaging in the activity would seek to rent for fewer than 60 days per year. The 60-day threshold is arbitrary and unsuitable for Boulder County and the separation of rental activity into multiple categories also raises considerable questions of residency and how the rules could be administered from year to year. This reflects broader concerns with DC-19-0005 regarding poor drafting, over-complexity and over-regulation.

## **7. Concerns with Vacation Rentals Can Better Be Addressed Without DC-19-0005**

Because vacation rental activity merely involves the use of residences by guests as a place to sleep, eat and socialize (i.e., residential activity), there is very clearly no novel or revolutionary change in the land use patterns in the County resulting from the activity that should give rise to calls for a restrictive regime like DC-19-0005. Assuming there is no influence present from lobbying groups such as the hotel industry, the likeliest actual concerns giving rise to a proposal like DC-19-0005 are (a) complaints from landowners about inconveniences experienced because of neighbors' use of adjoining residences, and (b) a desire by the County to collect fee revenue that has become more easily identifiable now that rental activity is being congregated into visible platforms like Airbnb and VRBO.

- (a) Complaints from landowners: As a preliminary matter, we point out that most of these complaints are meritless: no law prevents residential property owners from having large families reside at a residence, hosting events or inviting guests onto their property. Nevertheless, abusive situations do arise with land use and can be addressed easily using existing statutes. All that is needed is for County officials to cause public nuisance laws to be stringently enforced and to direct law enforcement to ticket parking violations, road hazards and loud parties occurring in unincorporated areas. Such enforcement will have the added benefit of targeting not only misuse of residential property by renters, but also by the landowners themselves. Put simply, concerns about loud parties is not sufficient grounds to create new rules that undermine the very nature of land use or thwart the historic vacation rental activity ongoing in the Boulder County mountains.
- (b) A revenue source. The County is undoubtedly interested in sharing from the economic benefits associated with vacation rental activity. In our view, the County should fall in line in this regard

with the preponderance of other regulating jurisdictions that have settled on reasonable, easy-to-follow licensure requirements. If the County were truly concerned about septic system updates, building code violations, wildfire risk, etc., then it would be better placed to address those issues broadly for the entire population via a separate effort. The County should license vacation rentals, if at all, by asking property owners to show proof of insurance and pay a nominal fee.

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As set forth above, DC-19-0005 represents bad public policy on a number of levels – particularly owing to the deep threat it poses to land rights and land use, its detrimental effect on historic vacation rental activity in the mountains of Boulder County, and the “Special Review” process that presumes that individuals’ use of a residence for its intended purpose must somehow require government and community scrutiny. Therefore, with the utmost sincerity and deepest concern I respectfully request that any further action on DC-19-0005 be delayed indefinitely until a new proposal can be agreed upon by all impacted members of the community who should also have a direct right to participate in the drafting process.

Best Regards,



Samuel A. Arieti, Allenspark

**From:** [Bruce Drogvold](#)  
**To:** [Rodenburg, Jasmine](#)  
**Subject:** FW: Docket DC-19--0005: Short Term Dwelling Rentals  
**Date:** Wednesday, September 30, 2020 3:31:38 PM

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Hi Jasmine,

I am returning my feedback for the public comment section.

There were two boxes one of which needed to be checked on your memo from August 26<sup>th</sup>.

1. \_\_\_ We have reviewed the proposal and have no conflicts
2. \_\_\_ Letter is enclosed

I would like the second box checked stating that this letter is enclosed.

Please add this letter to the public comment section and tell me where I can find the public comment section? (Specific to this short term rental issue)

That's where I can read what the general public is saying...which is the most important place to understand what the public would like to see happen.

I participated in the City of Boulder "short term rental" process and I watched the Nederland "short term rental" process take place and I have googled a variety of other municipalities around the USA that have created laws addressing "short term rentals".

Apparently these proposed rules have been mostly copied from regulatory endeavors in other places.

Rural Boulder County housing needs are different than housing needs in Boulder, or Breckenridge, or Telluride.

Housing needs on Peak to Peak Highway and much of western Boulder County are very different from these kinds of municipalities.

That's said, it's nice not to reinvent the wheel.

Some feedback :

The Recitals Section, B, C, and D ought to be changed/updated to reflect the pros as well as the cons about short term rentals. They are too one-sided.

1. Short Term rentals enhance more of a "social fabric" experience to visitors.
2. Visitors get to stay in private homes.
3. Visitors are not limited to camping or staying in big resorts/hotels.
4. Short term rentals provide supplemental income to families.
5. There are many positive aspects to short term rentals...please add them.
6. Good rules are necessary

All in all, your proposed rules are pretty good.

About the Recitals Section -

Recital B states- "Studies and Reports have concluded that short- term rental of residential property creates adverse impacts to health, safety, and welfare of communities, including housing costs and depletion of residential housing opportunities for persons seeking fulltime accommodations.

This section was far more true for the City of Boulder than the mountains. 52% of Boulder housing is rental property. Everybody wants to live there.

Recital C states that short term rentals diminish neighborhood character - not necessarily true – especially when the neighborhood is wilderness

Recital D states that they preserve housing units for Boulder County residents by limiting visitor and tourism serving uses such as short term rentals – not necessarily a strong correlation on Peak to Peak highway and the mountains of Boulder County – Recital D is overstated in our case.

These housing issues are not so true for the mountains and rural areas of Boulder County.

It's a different kind of housing demand in the mountains, a demand much more related to tourists, vacationers, visitors.

I most appreciate that your proposed rules will allow property owners to do short term rentals without being considered by the county to be a primary residence.

I own a co-primary residence in the mountains

It's not a second home.

It's a co-primary residence...yes, there is such a thing.

Co-primary homes are more than just second homes.

I use my home in town and my home in the mountains equally.

I do not want to be disallowed from doing short term rentals because my property could be mis-labeled as a secondary residence.

That would be inaccurate and wrong.

Fire regulations are a good addition to your proposed rules.

Questions:

Section 6 : Licensee Operating Standards and Requirements –

6-12 – Signs. THE PROPOSED REQUIREMENTS INCLUDE #12 SIGNS.

6-12 says to go to ARTICLE 13 OF THE LAND USE CODE – I read Article 13- there is nothing about signs for sort term rentals in it. Where is the required sign for vacation rentals?

Article 13 Doesn't have anything.

6-13 – POSTING OF LICENSE – THIS REQUIREMENT ALSO REFERS TO ARTICLE 13 OF THE LAND USE CODE. – .:

Section 12: Fee Structure - \$800 for Vacation Rental License's seems very high and every two years it must be paid again.

Why not a reasonable occupancy tax like the City of Boulder uses instead? (Although City of Boulder occupancy tax is pretty high)

Otherwise Boulder County will depend on fining short term rental citizens for the money.

I'm curious why don't you have an occupancy tax. It's simple and pays for gov't expenses.

Do you plan to make your money by fining people?

That's not a positive approach.

Also exorbitant fees give the impression that Boulder County is circumvent the taxing restrictions imposed by Tabor to get around having to do a vote.

Extremely high fees are disingenuous, unfair, and have been uses too much around the state.

Section 14: Effective Date – Please state an actual date instead of saying “30 DAYS AFTER PUBLICATION FOLLOWING ADOPTION ON THE SECOND READING.”

When will that be?

I don't think there will be a single homeowner that has any idea of when that date will occur.

Perhaps a ballpark idea.

I hope you can get these regulations right the first time around.

Remember we're in the middle of a pandemic.

Please go easy on us.

Thanks for your efforts,

Respectfully,

Bruce Drogsvold