

From: [Richard Holly](#)
To: [Commissioner Levy](#); [Commissioner Loachamin](#); [Commissioner Stolzmann](#)
Cc: [!LongRange](#); [Robyn Kube](#); [Tom & Kathleen Thorpe](#); [Carol E Holly](#); [Icloud](#)
Subject: [EXTERNAL] Docket DC-23-0001: Text Amendments to the Land Use Code related to Short-Term Rentals and Vacation Rentals
Date: Friday, January 5, 2024 10:39:17 AM

January 5, 2024

Board of County Commissioners

Boulder County

1325 Pearl Street Third Floor

Boulder, CO 80302

Re: Docket DC-23-0001: Text Amendments to the Land Use Code related to Short-Term Dwelling and Vacation Rentals

Dear Commissioners,

There are unique problems of access over shared private mountain roads that have not been adequately considered in the proposed amendments to the vacation/short-term rental ordinance. Unlike the county public roads, these mountain roads are often steep, with tight radiuses, and are very narrow as they wind around cabins built in the 1940s and 50s. Whether the Boulder County Engineer's determination regarding access over a private mountain road is compliant with the Boulder County Multimodal Transportation Standards may involve discretion and be subject to review that is not recognized in the proposed amendments.

This letter is a request to correct this omission with suggested changes to the proposed amendments by staff.

Planning Staff's current draft of the vacation/short term rental ordinance amendments fail to require sufficient notice to aggrieved shared access owners to file an appeal with the Board of Adjustment

The Planning Commission's recommendation that Staff change the proposed text amendments and licensing ordinance to require notification of adjacent property owners and those who share access when the application is first submitted rather than after a license is issued is necessary to protect the neighbors' regulatory and constitutional rights to appeal to the Board of Adjustment.

Staff did not consider the aggrieved neighbor's appellate rights in recommending to the BOCC that no such notice be given to anyone until after a license is granted and then, only to the immediate adjacent neighbors. Staff's reasoning is incorrect: That notifying the adjacent neighbors and those that share access would serve no useful purpose because "there is no recourse in the proposed process for (any) disagreement to be resolved since the zoning and approval criteria are prescriptive rather than site-specific." (Staff Recommendations, pages 14-15, endnote [<!--\[if !supportFootnotes\]-->\[i\]<!--\[endif\]-->](#).)

In fact, there is recourse for such disagreements. The aggrieved neighbors have the regulatory right to appeal to the Board of Adjustment as guaranteed in the Boulder County Land Use Code.

For instance, a determination by the County Engineer that a shared access private road complies with the Boulder County Multimodal Transportation Standards (MMTS) is an appealable decision/interpretation to the Board of Adjustment. (LUC, Article 3-100, A. 1.) However, an application for review to the Board of Adjustment must be filed within 30 days of the filing of the County Engineer's decision. (LUC, Article 4-1201, 1., a.,b., c.,d.)

Adopting staff's proposed text will indeed effectively eliminate the aggrieved neighbor's "recourse" because the 30-day limit to appeal will likely run out before the neighbors even know what has happened!

Therefore, unless the text amendments are changed as recommended by the Planning Commission, the proposed amended ordinance will violate aggrieved neighbors and shared access owner's regulatory and constitutional rights of administrative and judicial review.

In other words, failure to require notice to each shared access owner when an application for a vacation rental is first filed would substantially impair their statutory and constitutional rights to appeal from the County Engineer's final determination regarding the access road's compliance with the MMTS, and/or the Planning Director's written determination granting a vacation or short term rental license. (i.e. pursuant to staff's proposed text amendments, the County Engineer's written determination regarding compliance with the MMTS will presumably be completed, and therefore appealable, sometime prior to the Planning Director issuing a license.)

Notice to the neighbors when the application is submitted may also assist staff in red flagging legal and/or physical access issues at the outset of the application process and potentially save Staff unnecessary time and resources by first focusing upon the sufficiency of the access. Including an invitation for such access related comments with the notice to the shared access owners would encourage valuable input.

Recommended changes in Staff's proposed text amendments to the Short-Term Dwelling and Vacation Rental licensing ordinance:

--[if !supportLists]-->1. <!--[endif]-->It is therefore respectfully requested that the hearing be continued, and that Staff be directed to change the proposed text by requiring upon receiving an application for a vacation or short-term rental license, to immediately mail a written notice of the application to each adjacent property owner and those owners who share access to a private road;

--[if !supportLists]-->2. <!--[endif]-->Additionally, it is requested that the text of the proposed amendments be further changed to provide that Staff shall mail written notices of a final written determination by the County Engineer regarding the access road's compliance with the Boulder County Multimodal Transportation Standards (MMTS); and the Planning Director's final determination of the application for a vacation or short-term rental license to any person who has requested such notice of determinations. Such notices shall include a statement that the determination is appealable to the Board of Adjustment pursuant to LUC, Article 3-100, A. 1., and ; LUC, Article 4-1201 (A-E).

Furthermore, to provide sufficient notice, the text should state that the 30-day time to apply for review to the Board of Adjustment from a final determination by the County Engineer and/or the Planning Director shall start to run on the third day after the date of mailing of the subject determination to those persons who have requested such notice. (Compare LUC, Article 4-1201, B, attached below.)

The following provisions from the Boulder County Land Use Code provide, in pertinent part, for administrative review before the Board of Adjustment, and, if necessary, subsequent judicial review in the district court from written final determinations by the Planning Director and/or the County Engineer.

ARTICLE 3 PROCESSES (BOULDER COUNTY LAND USE CODE)

Article 3 • Processes

3-100 Approvals and Permits Necessary Prior to Development

A . Actions Requiring Review by the Board of Adjustment, Planning Commission, and/or Board of County Commissioners

1 . Appeal of an interpretation of the regulations set forth in this Code: Any person aggrieved by any decision of the Director or County Engineer made in the course of the administration or enforcement of Article 4 or any related provision of this code including, but not limited to, a decision to deny a building permit or other required permit, may appeal that interpretation or decision to the Board of Adjustment . See Section 4-1201 .

3-205 Public Review

A . The Board of Adjustment shall hold a public hearing on all applications for variances and appeals subject to the following conditions:

- 1 .** The applicant shall submit all written or other materials to be used in the hearing no later than 14 days prior to the hearing . If the applicant plans to call any expert witnesses on its behalf, the applicant shall submit a written summary of the expert’s anticipated testimony to the Director within this same time period .
- 2 .** The Director shall provide the Board of Adjustment and make available to the public copies of the recommendations, decisions and supporting material 7 days prior to the hearing at which the variance or appeal is to be considered .
- 3 .** A notice of the hearing shall be published in a newspaper of general circulation within Boulder County at least 14 days prior to the hearing date

In the case of an application for an appeal, the staff shall mail a written notice of the hearing at least 14 days prior to the hearing to the appellant and any member of the public requesting this notice . Failure to mail this notice to every individual requesting it shall not affect the validity of any hearing or determination of the Board of Adjustment

In all Board of Adjustment hearings, the Director or designated representative, shall be considered to officially represent the position of Boulder County . Boulder County shall retain any authority it may have to appeal any decision made by the Board of Adjustment to District Court .

4-1200 Board of Adjustment

4-1201 Appeals to the Board of Adjustment

A . Appeals to the Board of Adjustment may be taken by any person aggrieved by any decision of the Community Planning & Permitting Director or County Engineer made in the course of the administration or enforcement of Article 4 or any related provision of this code .

B . An application for an appeal must be made within 30 days after the Director or County Engineer makes a written decision on the matter being appealed . The 30 days shall start to run on the third day after the date of mailing of the decision to the last known address of the person concerning whom the decision is made . If not appealed to the Board of Adjustment the decision shall be final .

C . The process for filing an appeal and specifics regarding the public hearing before the Board of Adjustment are outlined in Article 3 of this Code .

D . Appeals to the Board of Adjustment related to any matters under Article 12, Special Review for Oil and Gas Operations, must be specifically permitted under Article 12 .

E . Any party to a proceeding before the Board of Adjustment may appeal the Board of Adjustment’s final decision under C .R .C .P . 106(a)(4) .

<!--[if !supportLists]-->**4-1202** <!--[endif]-->**Standards of Review**

<!--[if !supportLists]-->A. <!--[endif]-->Interpretations of this Code **1** . In hearing an appeal of an administrative decision or interpretation, the Board of Adjustment shall consider the following:

a . the technical meaning of the provision being appealed;

b . evidence as to the past interpretation of the provision;

c . the principles of interpretation and rules of construction in Article 1 of this code; and

d . the effect of the interpretation on the intent of this Code and the implementation of the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or

<!--[if !supportEndnotes]-->

<!--[endif]-->

<!--[if !supportFootnotes]--><u><!--[endif]--> From Staff’s recommendations to the BOCC (pages 14-15) regarding the Planning Commission’s October 18, 2023 requests for changes in Staff’s proposed amendments :

<!--[if !supportLists]-->**1.** <!--[endif]-->“Additionally, the Planning Commission directed staff and the BOCC to consider several changes to the proposed text amendments and licensing ordinance. Their recommendations and staffs’ responses are summarized below:

- Require applicants for Short-Term and Vacation Rental Licenses to notify immediately adjacent property owners and those who share access at the time of application submission rather than after the license is issued (*italics added.*)

o Staff Response: The updated ordinance language currently proposed by staff requires applicants to notify immediately adjacent property owners after a license is issued.

Staff understand that the intent of the Planning Commission's recommendation is to have applicants engage their neighbors and those who share access (more than just immediately adjacent property owners) about their Short-Term and Vacation Rental application. Notifying when the application is submitted may generate conversation between applicants and adjacent property owners as intended by Planning Commission, but if applicants and property owners disagree about the proposed use, there is no recourse in the proposed process for that disagreement to be resolved since the zoning and approval criteria are prescriptive rather than site-specific. (italics added.)

“The intent of the staff proposal is to inform neighbors that a license has been issued. Notification at the time of application creates confusion about the purpose of the notification, potentially introducing an expectation that the county will engage in resolving neighborhood concerns. It also undermines the prescriptive nature of the zoning and licensing scheme proposed. Additionally, expanding the notification to include those who may share access would create uncertainty for applicants and staff reviewing the application. It may be difficult for applicants to determine who legally shares their access and staff would have to dedicate additional time and resources to verify the property owners who require notification. The concept of adjacency is well-defined in the Land Use Code, and because it is based on existing parcel lines, it should be readily determined by applicants and easily verified by staff. Due to the confusion and uncertainty created by revising the notice as suggested by the Planning Commission, staff do not recommend adoption of this proposed change.” (staff recommendations pages 14-15.)



DIETZE AND DAVIS, P.C.
ATTORNEYS AT LAW

Serving the West from Boulder since 1972

Robyn W. Kube
Karl F. Kumli, III*†
Carmen S. Danielson
Renée Ezer*
Stephen A. Closky
Tucker M. Katz
Mark D. Detsky
William A. Rogers, III
Joshua E. Anderson
Jennifer L. Lorenz
Gabriella Stockmayer
Carolyn R. Steffl
Nathan A. Klotz

Siena Square Building
2060 Broadway, Suite 400
Boulder, Colorado 80302
Telephone (303) 447-1375
Fax (720) 805-2051
www.dietzedavis.com

Email: robkube@dietzedavis.com

*Christina M. Gonsalves
**Matthew C. Nadel
S. Daniel Rubin

Of Counsel:

Joel C. Maguire
Star L. Waring
Nicholas G. Muller

*Also admitted in California
†Also admitted in New Mexico
**Also admitted in Wyoming

Peter C. Dietze 1934-2019
Joel C. Davis 1936-2013

January 6, 2024

SENT VIA EMAIL ONLY TO: commissioner.levy@bouldercounty.gov;
commissioner.loachamin@bouldercounty.gov;
commissioner.stolzmann@bouldercounty.org

Board of County Commissioners
Boulder County
1325 Pearl Street Third Floor
Boulder, CO 80302

Re: **Docket DC-23-0001: Text Amendments to the Land Use Code related to Short-Term Dwelling and Vacation Rentals**

Dear Commissioners:

I previously provided comments in this Docket on behalf of Richard and Carol Holly and Tom and Kathleen Thorpe addressing significant due process concerns arising from some of the proposed changes to the Land Use Code and related Ordinance. I write separately as a 40+ year resident of Boulder County and long-time Boulder real estate attorney to expand on those concerns and provide additional comments on my own behalf.

Since graduating from CU Law in 1985, I have provided legal assistance to numerous clients seeking land use approvals from the County and to those opposing approvals sought by others. A significant part of my practice has also included negotiating legal rights of access for “landlocked” properties, i.e., properties lacking direct access to a public road.

In the early years of my practice, regulation of property development in Colorado was relatively new; the first subdivision regulations were not authorized until 1972. In the mid-1980s, few, if any, Colorado counties were concerned with matters of legal access when issuing building permits or other land use approvals. Over time that has changed.

Boulder County was likely one of the first counties to require proof of legal, as opposed to practical, access as part of any development process. Many in the local real estate community believed that requirement was intended to restrict development, especially in the mountainous parts of the County, but it provided an incentive for owners of landlocked property to obtain the legal right to cross neighboring properties to guaranty access.

The process of obtaining permission from one or more neighboring landowners to use a portion of their property for access purposes has often been acrimonious, arduous, and expensive, sometimes requiring litigation or at least that threat. The terms of any access agreement, typically including payment for the access right, identifying allowed or prohibited uses, and describing the ultimate dimensions of the access route, are usually hard-fought. Those agreements can take the form of anything from a handshake to a simple one-page access easement to a detailed shared access agreement to a formalized road association.

I share this information to highlight the significant, legally protected property rights held by the owners of land crossed by any private access road an applicant for a rental license will need to use for its proposed rental. To be clear, the land being crossed will be owned by a third-party but be used to benefit the applicant's land, potentially in derogation of previously agreed to terms of use or other common law rights. The state and federal constitutions protect those rights, and dismissing owners seeking recognition of those rights as mere NIMBYs is inappropriate.

Proposed LUC Amendments. The proposed amendments to the Land Use Code appear simple and straight-forward, but they have significant consequences and may portend similar changes to other land use processes in the future. The proposed changes to LUC 4-507.E will eliminate review of such applications under Articles 3 and 4 of the Land Use Code, thereby simplifying the application process. This may be a laudable goal and exempting these applications from **some** of the process requirements outlined in LUC 3-200, 3-202, 3-203 and 4-804 may be appropriate, but the proposed amendments, which appear minimal, have broad consequences. They will effectively eliminate key process provisions, including the pre-application conference, proof of legal access for landlocked parcels, notice of the submission of the application to neighboring property owners, an opportunity for public participation, and various of levels of review.

The proposed amendment to LUC 4-802.A.10 to exempt a change in use to a Vacation Rental from Site Plan Review may also seem minor. But that exemption ignores the impact that change in use is likely to have on other properties in the vicinity, especially those in the mountains which provide access to an otherwise landlocked parcel. It also creates an equal protection issue – why should a change in use from Single Family Residential to Vacation Rental be treated differently from a change in use from say a Professional Office to a Personal Service Facility?¹ Are other similar exemptions likely to follow in the name of simplification?

These proposed LUC changes represent a dramatic change in County policy which has for decades required applicants to provide proof of legal access and timely notice of an application to all potentially relevant parties. They bestow a change in use to a Vacation Rental with special privileges not enjoyed by other changes in use. And, most importantly, will deprive the owners of

¹ The undersigned has been advised by the County Attorney's office that even a change from one "use by right" to another "use by right" would be subject to Site Plan Review under LUC 4-802.A.10.

land providing access to an applicant's parcel of their due process rights. Simplification should not be used as justification for such dramatic changes, especially when the result excludes persons with long-recognized property interests from the process and the loss of constitutional protections.

Proposed Revisions to the Licensing Ordinance. The adverse consequences arising from the proposed changes to the Land Use Code could be overlooked if they were addressed by proposed changes to the Ordinance. That has not occurred here. Instead, the proposed changes, per Staff comments, are intended to both (a) make the process "prescriptive", i.e., less discretionary, and (b) eliminate any public participation in the application process, including by those persons whose properties provide access to the applicant's parcel. But identifying something as "prescriptive" when the exercise of discretion by one or more government officials remains, does not make it so. *See*, proposed Ordinance subsections 5.A.1, 2, 4, 5, and 6. Similarly, insufficiently specific language, the purported elimination of any type of review from the licensing process (save possibly through an expensive C.R.C.P. Rule 106(a)(4) proceeding in which defenses of lack of standing and lack of discretion can be expected), and the absence of any effective notice provisions that would allow any review to timely occur, are contrary to our democratic, constitutional principles and should not be validated by this Board.

I expect the Board will want to finalize the changes to the short-term rental licensing scheme at the upcoming hearing. However, adopting a legally flawed process is not in anyone's best interest. As a result, I urge the Board to delay adopting the proposed changes until they can be revised to address the legal deficiencies raised in this letter and by others. At a minimum, the Board should adopt amendments to the proposed changes that:

- Require applicants whose properties are landlocked, i.e., not accessed directly from public roads, to verify their legal right of access;
- Where applicable, require timely notice of the submission of any application involving property served by a private road to the owners of the land crossed by the relevant private road; **and**
- Include in the Ordinance or otherwise, the provisions found in LUC Article 3 requiring a pre-application conference and providing for appeal to the Board of Adjustment.

Thank you for your consideration.

Very truly yours,



Robyn W. Kube

- c: Dale Case (via email only)
Kathy Gissel (via email only)
Martin Laws (via email only)
Ethan Abner (via email only)
Erica Rogers, Esquire (via email only)



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Carolyn R. Steffl
Nathan A. Klotz

Siena Square Building
2060 Broadway, Suite 400
Boulder, Colorado 80302
Telephone (303) 447-1375
Fax (720) 805-2051
www.dietzedavis.com

Email: robkube@dietzedavis.com

*Christina M. Gonsalves
**Matthew C. Nadel
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Nicholas G. Muller

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SENT VIA EMAIL ONLY TO: commissioner.levy@bouldercounty.org;
commissioner.loachamin@bouldercounty.org;
commissioner.stolzmann@bouldercounty.org

Board of County Commissioners
Boulder County
1325 Pearl Street Third Floor
Boulder, CO 80302

Re: **Docket DC-23-0001: Text Amendments to the Land Use Code related to Short-Term Dwelling and Vacation Rentals**

Dear Commissioners:

I write on behalf of Richard and Carol Holly and Tom and Kathleen Thorpe, who own property along Coyote Hill Road, a 1-1/2 mile-long private road near Allenspark providing access to more than twenty properties (the "Road"). Last year, the owners of property at the end of the Road applied for a short-term rental license for that property. Those owners tabled their application (LU-23-0017) after Staff recommended conditions of approval relating to the Road.

The County's efforts to streamline the process for approving licenses for short-term rentals by amending the definition of "Vacation Rentals", currently found at LUC 4-507.E., effectively removes review of those rentals from the County's Land Use Code. That change has constitutional due process ramifications that do not seem to have been adequately considered by Staff. These ramifications are especially pronounced in connection with license applications for properties, typically in the mountains, not accessed directly from a public road, i.e., properties served by private roads located on properties not owned by an applicant.

In that regard, the proposed Code change, coupled with the proposed Ordinance language, will eliminate the following key due process protections for both third parties on whose properties the private access roads are located and applicants:

- a. The requirement that an applicant verify they have obtained legal access to their property, as required by LUC 3-203.A.1.b.;¹
- b. Any mechanism for requiring notice of the application to the owners of properties that might be crossed by any private road providing that access, such as that provided for in LUC 3-204.B.2;² and
- c. Any effective opportunity for review of the licensing decision.

In fact, the proposed changes will only require after-the-fact, post-license notice to “immediately adjacent neighbors” (Owners? Tenants? Squatters?) and those persons requesting notice.³ As discussed in more detail below, the elimination of the legal access requirement and the absence of prior notice, especially in the context of properties accessed by a private road crossing property owned by others, has significant adverse due process implications which do not seem to have been considered.

The removal of the notice requirement was of particular concern to Planning Commission, which directed Staff to require applicants to notify “those who share access *at the time of application submission* rather than after the license is issued (emphasis added).” *See* Staff Recommendations, p. 14. Staff rejected that approach, pointing to “the prescriptive nature of the zoning and licensing scheme proposed,” potential “uncertainty for applicants and staff reviewing the application,” and “difficult[y] for applicants to determine who legally shares their access.” *Id.* Staff also cited as a negative the need for staff “to dedicate additional time and resources to verify the property owners who require notification,” yet noted, “[t]he concept of adjacency is well-defined in the Land Use Code, and . . . should be readily determined by applicants and easily verified by staff.”⁴ *Id.*

My clients recognize the potential benefits to the County, its staff, and applicants of streamlining the short-term/vacation rental license process. But by focusing on the negative attributes of notifying potentially pesky neighbors of the submission of a license application and the need for an applicant to verify legal access over property of third parties, Staff seems to have overlooked

¹ LUC 3-203.A.1.b. (“Before any request for County approval under this Code may be processed, a complete application must be filed with the Community Planning & Permitting Department. A complete application includes: Verification that . . . legal access from a public road has been obtained.”)

² LUC 3-204.B.2. (“Referral notices shall be mailed to each owner of estates, rights, or interests in the subject property identified in the title information submitted with the application, and to each identified adjacent property owner (or property owner within 1,500 feet of the subject property) and to appropriate referral agencies.”)

³ Query, how anyone can request post-issuance notice if there is no public process requiring notice before a license is issued?

⁴ *See, e.g.,* LUC 3-204.B.2.

the benefits that all parties might gain from that notice and, more importantly, the legal protections such notice provides. In the case of LU-23-0017, it was the parties to a Shared Access Agreement signed by all owners along the Road whose properties were benefitted and burdened by that private road who brought the relevant access scheme and adverse road conditions to the attention of Staff, thereby providing Staff with information it would otherwise have had to develop on its own. *See, e.g.,* attached Letters dated October 23, 2023, and October 27, 2023.

Because the stated goal of the proposed licensing process for short term rentals is to simplify that process and make it easier to administer, my clients interpret Staff's repeated use of the term "prescriptive" in its Report to mean the establishment of a list of non-discretionary requirements to be met by the applicant. For the most part the licensing process, as proposed to be revised, is consistent with that goal, but it still vests significant discretion in the Director, the County Engineer and other County officials. *See, e.g.,* proposed Ordinance subsections 5.A.1 and 5; *see also,* subsections 5.A.2, 4 and 6.

One revision generally welcomed by my clients is in subsection 5.A.5. of the proposed Ordinance, which requires the County Engineer to determine (at the time the application is submitted?) that any vehicular access to the property from a "maintained public road" meets the County's Multimodal Transportation Standards ("MMTS"). But this requirement, especially when coupled with the Design Exception process afforded by MMTS 2.8.5, demonstrates the potential harm to third parties owning property on which a private access road is located if notice of the application is delayed until after the license has been issued and even then, provided only to "immediately adjacent neighbors".

This potential harm arises because the proposed changes to LUC 4-507.E. effectively eliminate any review by Planning Commission or this Board in connection with the licensing process. Those same changes, coupled with Staff's comments confirming that no recourse or review is available,⁵ also call into question whether a third party, or even an applicant, harmed by the County Engineer's decision would have the right to appeal that decision to the Board of Adjustment pursuant to LUC 3-100.A.1., as that right is limited to "any decision of the . . . County Engineer made in the course of the administration or enforcement of Article 4 or any related provision of this code including, but not limited to, a decision to deny a building permit or other required permit."

If, as represented by Staff, the proposed scheme truly does not provide for any opportunity for review of the Director's decision to grant or deny a rental license, then it is fatally flawed and should be rejected on that ground alone. But even assuming the availability of an appeal right pursuant to LUC 3-100.A.1, any review of a determination by the County Engineer would need to be requested within 30 days of that determination. *See* 4-1201.B. Since the County Engineer's determination will always precede the issuance of a requested rental license, there is a very real possibility that the issuance of the license, let alone notice of the same to any adversely affected property owner, will not occur within the window for any appeal of that determination. Notably,

⁵ *See* Staff Recommendations, at pp. 14-15, that notice is irrelevant because "there is no recourse in the proposed process for [any] disagreement to be resolved since the zoning and approval criteria are prescriptive rather than site-specific."

and contrary to recent reporting in the *Daily Camera* that an applicant receiving a license “would be required to immediately notify adjacent property owners”, subsection 4.A.9. of the proposed Ordinance does not provide any timeframe for delivery of post-approval notice.

My clients have no objection to Staff seeking to simplify the application process for a property owner seeking a license for a short-term or vacation rental. But they do object to a process that effectively excludes that process from key requirements in the Land Use Code, including those specified in LUC Article 3, which serve to protect both applicants and third parties whose land provides access to an applicant’s property from the potential abuse of discretion by County officials.

By failing to require verification of an applicant’s right to legal access by means of a private road located on properties owned by third parties and notice to those third parties at the time an application is filed, while also eliminating any right to review any aspect of the licensing decision, the proposed changes to the short-term rental scheme deprive the applicant and others with property rights in the licensing decision of the fundamental right to due process set forth in both the federal and state constitutions.

There are a few ways in which the foregoing deficiencies could be remedied. First and foremost, the current subsection A.8. of Section 4: Licensing Procedure in the proposed Ordinance should be retained and revised so that it reads,

List of Property Owners, if Licensed Premises is not Accessed Directly by a Public Road. Names, physical addresses, mailing addresses, and additional contact information (if known) for the owners of parcels (a) within 1,500 feet of the Licensed Premises and/or (b) which are crossed by the private road providing access to the Licensed Premises.

Similarly, the current subsection A.4. of Section 4 of the proposed Ordinance should be revised so that it reads,

Proof of Ownership and Access, if Applicable. Applicant must demonstrate ownership of the Licensed Premises by including a copy of the current deed. If the Licensed Premises is not accessed directly by a public road, Applicant must also demonstrate it has obtained a legal right of access to the Licensed Premises.

Finally, an “Additional Provision” should be added to LUC 4-507 making it clear that the application for a Rental License is a “process” governed by LUC Article 3 or that it is at least subject to the appeal process provided for in LUC 3-100.A.1.

My clients have no reason to believe the County intends its streamlining efforts to deprive third parties whose properties provide private access roads to vacation rentals of their constitutional rights, but the changes as currently proposed would have that effect. To avoid that result, they urge the Board to address this serious issue as set forth above. Thank you for your consideration.

Board of County Commissioners

January 5, 2024

Page 5

Very truly yours,

DIETZE AND DAVIS, P.C.



Robyn W. Kube

RWK/hs

Attachments

- c: Clients (via email only)
- Dale Case (via email only)
- Kathy Gissel (via email only)
- Martin Laws (via email only)
- Ethan Abner (via email only)
- Erica Rogers, Esquire (via email only)



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Siena Square Building
2060 Broadway, Suite 400
Boulder, Colorado 80302
Telephone (303) 447-1375
Fax (720) 805-2051
www.dietzedavis.com

Email: robkube@dietzedavis.com

*Christina M. Gonsalves
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Of Counsel:
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October 23, 2023

SENT VIA EMAIL ONLY TO: commissioner.levy@bouldercounty.org;
commissioner.loachamin@bouldercounty.org;
commissioner.stolzmänn@bouldercounty.org

Board of County Commissioners
Boulder County
1325 Pearl Street Third Floor
Boulder, CO 80302

Re: LU-23-0017
Head Short Term Rental
747 Coyote Hill Road

Dear Commissioners:

I write on behalf of Richard and Carol Holly and Tom and Kathleen Thorpe, who own property along Coyote Hill Road, the private road which provides access to the short term rental proposed by the Applicant (the "Road"). Staff has recommended conditional approval of the application despite evidence that the Road does not provide legal access for the proposed use and does not satisfy the County's Multimodal Transportation Standards.

These deficiencies are fatal to the application, and Staff's efforts to assist the Applicant in ameliorating them by means of condition of approval 12, are contrary to the County's land use processes, have the potential to adversely impact the rights of owners of property crossed by the Road and amount to an abuse of discretion. The approach offered by Staff also excludes the neighboring property owners from having any meaningful input as to any modifications to the Road crossing their properties. The application must be denied unless and until the Applicant has complied with all terms of condition of approval 12.

The Road does not provide legal access for a short-term rental.

The right of the Applicant to use the Road is reflected in a series of cross easement documents, each entitled “Grant and Ratification of Easement”, signed by the owners of all 21 properties served by the Road and recorded with the Boulder County Clerk and Recorder in 2007. Copies of the Easements signed by the Applicant and my clients, the Thorpes, are attached.

Paragraph 1 in each of those documents limits the easement to a road 12 feet wide and its use to “non-commercial” access.¹ Paragraph 3 provides that each property owner may make minor changes to the Road where it crosses that owner’s property. The easement documents **do not** allow for changes to the Road without the consent of the owner of property directly affected by the change or for any other changes to the cross-easement grants without the consent of **all** parties benefitted and burdened by the Road. The documents are clear - the Road does not provide legal access for the proposed use of the Property. The Applicant agreed to those restrictions by signing them in 2006.

The Road, as it currently exists, does not meet the County’s Multimodal Transportation Standards (the “Standards”).

The County has adopted Multimodal Transportation Standards and, per Section 2.2.5, “regulates the development, improvement, and use of private accesses, including for vehicular, emergency, and other appropriate purposes, through the development review process in these Standards and the Land Use Code.” Section 2.8 of the Standards sets forth the process to be used when development proposals are being reviewed under that Land Use Code. This would include a pre-application conference (Section 2.8.2), the filing of all required submittal materials (Section 2.8.3), and review by the County Engineer (Section 2.8.4). Section 2.8.5 then provides for a possible Design Exception when for various reasons the standards cannot be met; the request for a Design Exception is to be initiated by the Applicant as part of the approval process.

Staff has looked to the Design Standards set forth in Table 5.5.1 of the Standards (a copy of which is attached) when reviewing Coyote Hill Road in the context of the application in issue, even though that road serves 22 “development units”, which would ordinarily be governed by the standards for Local or Local Secondary roads. The Design Standards are intended to address safety, multimodal mobility, and maintenance, among other things.

As Staff has noted repeatedly, including in its discussion regarding criterion 7, the Road “does not meet current standards for residential access in mountainous areas of the county.” Staff has further found that “the existing road does not meet the access standards regarding the required width of the roadway and horizontal clearance as well as the number of required pullouts, and the width of the easements that govern the road are too narrow to widen it or construct any other improvements.”

Staff’s view as to how these failures should be addressed has evolved in ways that seem designed to assist the Applicant rather than follow the process set forth in the Land Use Code or the Standards. In its September 5, 2023, comments, Staff proposed to address the deficiencies through amendments to the “access easements along

¹ Short-term rentals did not even exist until 2009. Per Airbnb’s own timeline, “AirBed & Breakfast” made its debut in Fall 2007, with the goal of helping hosts pay their rent by letting strangers share their living space. It would be two years before those rentals were expanded from rooms to apartments, houses and vacation rentals. See, <https://press.airbnb.com/wp-content/uploads/sites/4/2018/08/The-Airbnb-Story-Timeline-EN-GLOBAL.pdf>.

Coyote Hill Road up to 511 Coyote Hill Road to provide sufficient space to accommodate an 18-foot wide road, along with widening the access road.”

This was modified by the addendum of September 25, 2023, which first noted that the current one-lane configuration of the Road presented a safety concern and then proposed mitigation via a Design Exception. Staff then proceeded to identify the terms of an apparently acceptable Design Exception, all of which require the use of neighbors’ property, to wit:

Emergency pullouts may be used in-lieu of widening a significant portion of Coyote Hill Road. **Existing driveways access points may be used as pullouts** as long as they are located within 400 foot intervals as required by standard drawing 17 and 19. Provided that existing access points are used as pullouts, staff finds that **adding two pullouts between 436 Coyote Hill Road and 511 Coyote Hill Road as well as between 511 Coyote Hill Road and 670 Coyote Hill Road** would provide sufficient pullouts to meet distance requirements found in the Standards. Each new pullout location will require a new access easement agreement that provided enough room to accommodate the improvement. (Emphasis added.)^{2, 3}

Notably, none of these suggestions address the Design Standards for turning radii or grade. They also do not address the seven criteria identified in Section 2.8.5 that must be demonstrated before a Design Exception can be approved by the County Engineer. See Section 2.8.5. and the Design Exception Request Form, both of which are attached. Further, Staff’s suggestions would impose a burden on the property owners whose driveways (which are part of their properties) would be used for emergency pullouts, potentially without their permission; the County has no authority to impose those obligations.

Staff’s approach turns both the Land Use and Design Exception processes on their heads and deprives the neighbors of their opportunity to be heard.

Staff is now recommending that the Board address the Road issues by adopting condition of approval 12, which seems to be a compilation of Staff’s earlier suggestions and a prejudgment as to the results of the Design Exception process, and reads as follows: Prior to the issuance of a Secondary Dwelling Short-Term Rental License, the two pullouts described in the amended DRT A&E referral response (dated September 25, 2023) must be installed along Coyote Hill Road. The applicant must receive an approved Design Exception from the County Engineer for the required access road improvements. The DE request form must be signed by a qualified Colorado-licensed Professional Engineer and approved by the County Engineer prior to submittal of the building permit application. The application must be accompanied by new access easements from the owner of the properties on which pullouts will be constructed, a formal written analysis, and a letter from the Allenspark Fire Chief stating that they have reviewed the modifications and considers them acceptable. It is also very confusing, assumes a building permit (with its own application) will be required and anticipates a process that will generally take place outside of the view of the affected neighbors and without their participation.

Both the Land Use Code and the Design Standards put the burden on the Applicant to satisfy the relevant requirements in the first instance, not after the Board has approved the application, even if such approval is with

² Staff’s suggestion that “existing driveway access points may be used as pullouts” disregards the fact that numerous property owners have locked chains across their driveways which would prevent them from being used for that purpose.

³ Measurements taken by Mr. Holly indicate that under Staff’s approach at least one more pullout may be needed between 196 Coyote Hill Road and 317 Coyote Hill. Road.

conditions. That burden requires an applicant to get their proverbial ducks in a row before and during the application process and affords both Staff and any affected neighbors the opportunity to review and comment on the plans submitted by the applicant **before** approval is given.

In this case, a key issue for Staff and the neighbors is the deficient Road. Yet, Staff is recommending that the Board approve the requested short term rental license with many unknowns left to be decided. Will the Applicant be able to obtain a Design Exception from the County? Could the short term rental license be issued even if the Design Exception requires more than the two previously identified pullouts? What if additional Land Use processes are required for any improvements to the Road that may be required by the Design Exception? What “application” is to be accompanied by any new access easements? What “formal written analysis” will be required? Both the neighbors and the Applicant deserve more clarity than what is provided in the condition of approval.

In closing, I suggest that rather than issue a complicated conditional approval that will require the neighbors to try to birddog a very not public post-approval process, the Board might want to follow the advice of Maria in The Sound of Music, “Let’s start at the very beginning.” It should table the application until the Applicant provides an approved Design Exception **and** clear evidence that any related amendments to the easement scheme can be obtained. Then, and only then, should the application be considered for approval.

Thank you for your consideration.

Very truly yours,

DIETZE AND DAVIS, P.C.



Robyn W. Kube

RWK/hs

- c: Clients (via email only)
Dale Case (via email only)
Erica Rogers, Esquire (via email only)
Sam Walker (via email only)



**COYOTE HILL ROAD PRIVATE ROAD EASEMENT RATIFICATION, GRANT AND
ACKNOWLEDGEMENT**

July 17, 2006

The Purpose of this Document is to create a private road cross-access easement among the property owners who utilize Coyote Hill Road for access to their properties. This process and this easement document follow up on and further implement the process that was started but not fully completed in 1978. This Easement is intended to benefit all of the property owners served by the road.

This COYOTE HILL ROAD EASEMENT, RATIFICATION, GRANT AND ACKNOWLEDGEMENT is made this 24th day of August, 2006 on the date set forth below by Katherine Head and Dennis Head (the "Undersigned").

RECITALS

The Undersigned hereby recites the following facts:

A. The Undersigned is the owner(s) of certain property in Sections 1 and/or 12 in T3N, R73W, 6th P.M., Boulder County, CO described as follows:

Tract Number or other identification: 1648

Address: 747 COYOTE HILL ROAD
Allenspark, CO, 80510 ("the Undersigned's Property").

B. Coyote Hill Road is a private road approximately twelve feet (12') in width. It is a strip of land located in Sections 1 and 12 in T3N, R73W, 6th P.M., Boulder County, Colorado, located on or near the surveyed location set forth on the attached Exhibit A. Any reference to Coyote Hill Road shall refer to the road in its current location, irrespective of the survey.

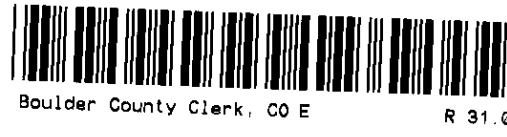
C. The Undersigned, their predecessors in title and other property owners in Sections 1 and 12 in T3N, R73W, 6th P.M., Boulder County, Colorado have utilized Coyote Hill Road for ingress and egress to their respective properties. Upon information and belief, Coyote Hill Road has been so used as a private access road since at least 1955. A list of the properties known to so utilize Coyote Hill Road is attached hereto as Exhibit B (hereinafter referred to as "the Properties"). This list is based on public records.

D. In 1978 owners of some of the parcels among the Properties executed and recorded documents entitled 'Affidavit and Right-of-Way Easements' (the "Prior Easements") granting rights as set forth therein.

E. The Undersigned wishes to ratify, grant and acknowledge an easement for the use of Coyote Hill Road for access, ingress and egress with respect to and for the benefit of the Properties as set forth herein

RECORDER'S NOTE: This document lacks the "attached" exhibit 6-11-07

20/24

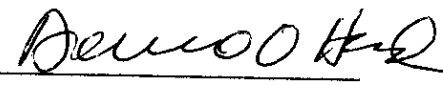
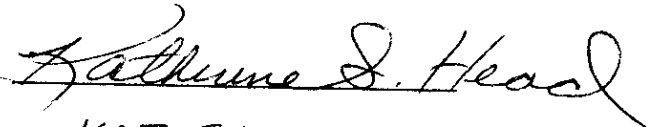
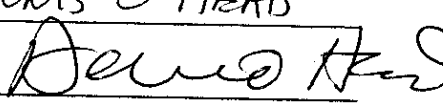


GRANT AND RATIFICATION OF EASEMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, the Undersigned does ratify, grant and acknowledge an access easement for the use of Coyote Hill Road as follows:

1. Grant of Easement. The Undersigned hereby ratifies, grants and acknowledges a non-exclusive access easement approximately **twelve (12) feet** in width on and along the Coyote Hill Road across the Undersigned's Property in favor of the Properties (the "Easement"). The Easement is granted for the Coyote Hill Road to be used for **non-commercial access**, ingress and egress with respect to and for the benefit of the Properties and includes the right to maintain and repair the roadway and all appurtenances thereto. The Easement shall burden the Undersigned's Property for the benefit of the Properties and shall run with the land. The Undersigned acknowledges receipt of good and valuable consideration for the Easement set forth herein.
2. Private Roadway. The Undersigned recites and agrees that the Easement and the Coyote Hill Road constitute a private roadway benefiting the Properties, and nothing herein shall constitute an acknowledgement or dedication of the Coyote Hill Road as a public road.
3. The Easement shall be along the current location of the Coyote Hill Road, provided that the **owner(s) of the Undersigned's Property** may, at their own expense, make **minor changes to the location of the road on such property**, provided such changes do not have a material adverse impact on the road or the use and utility thereof, and provided there remains reasonable connection to the existing road at the boundaries of the Undersigned's Property.
4. Duration. The Easement shall be perpetual.
5. Prior Easements. If the Undersigned is a signatory to or successor to a signatory to one of the Prior Easements, the Undersigned acknowledges and agrees that the Easement shall benefit the Properties irrespective of whether the owners thereof or their predecessors were signatories to one of the Prior Easements.
6. Miscellaneous. This Agreement shall run with the land, shall bind the heirs, successors and assigns of the Parties and shall be construed under the laws of the State of Colorado

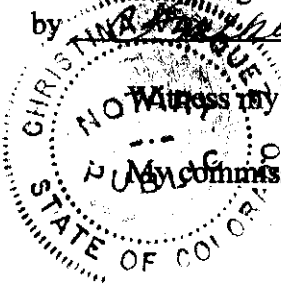
Signed:

	
DENNIS O HEAD	KATHERINE S. HEAD
	



State of Colorado)
) ss.
County of Arapahoe)

The foregoing instrument was acknowledged before me this 24th, August, 2006,
by Christina Vasquez Head



Witness my hand and seal.

My commission expires: 11-25-2007.

Christina Vasquez

Notary Public

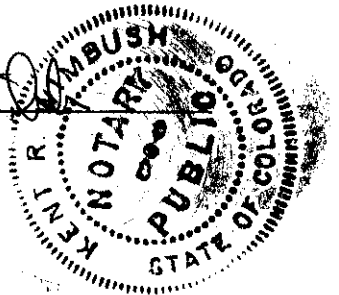
State of Colorado)
) ss.
County of DENVER)

The foregoing instrument was acknowledged before me this AUG 27th, 2006
by DENNIS O HEAD

Witness my hand and seal.

My Commission Expires 06/07/2009
My commission expires: 100 Saint Paul St.
Denver, CO 80206

[Signature]



Notary Public

State of _____)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this _____, 200____,
by _____

Witness my hand and seal.

My commission expires: _____

Notary Public



EXHIBIT A

Coyote Hill Road is described as that strip of land located in Sections 1 and 12, Township 3 North, Range 73 West of 6th P.M., Boulder County, Colorado, lying and being 6 feet on each side of the herein described centerline, or a total width of 12 feet. The centerline of said road described as follows:

Centerline Description of access road, located in Sections 1 and 12, T3N, R73W of the 6th P.M., Boulder County, Colorado, which is more particularly described as commencing at a point in the center of a Boulder County Road which bears S20°33'28"E a distance of 2851.44 feet from the South 1/4 corner of said Section 1;

- Thence S85°21'50"E a distance of 95.30 feet;
- Thence N89°46'34"E a distance of 48.82 feet;
- Thence N86°48'15"E a distance of 45.01 feet to a point herein described as Control Point No. 1;
- Thence N79°38'40"E a distance of 35.82 feet;
- Thence N62°27'31"E a distance of 27.49 feet;
- Thence N41°10'43"E a distance of 27.89 feet;
- Thence N18°51'32"E a distance of 23.37 feet to a point herein described as Control Point No. 2;
- Thence N88°41'28"E a distance of 41.48 feet;
- Thence N03°24'38"E a distance of 23.96 feet;
- Thence N00°58'47"E a distance of 445.03 feet;
- Thence N02°33'06"W a distance of 19.95 feet to a point which bears N64°00'35"W a distance of 1468.61 feet from the East 1/4 corner of said Section 12 which point is on the South line of a tract of land described in Document No. 812084 of the Boulder County Records, presently known as the McNeill property;
- Thence across the McNeill Property on the route described as agreed and Decreed in Civil Action No. 74-1186-2, Ellsworth, et al., vs. McNeill, in the District Court in and for Boulder County, State of Colorado, to a point on the North line of said tract described in Document No. 812084 of the Boulder County Records, which bears S78°24'52"W a distance of 245.78 feet, more or less, from the NE corner of said Tract of Land;
- Thence N40°31'54"W a distance of 18.34 feet, more or less to a point herein described as Control Point No. 5;
- Thence N38°47'52"W a distance of 37.23 feet;
- Thence N17°40'19"W a distance of 37.53 feet;
- Thence N08°19'10"W a distance of 39.73 feet;
- Thence N08°16'07"E a distance of 69.65 feet;
- Thence N07°52'51"W a distance of 31.86 feet to a point herein described as Control Point No. 6;
- Thence N22°14'37"W a distance of 33.25 feet;
- Thence N38°34'10"W a distance of 38.37 feet;
- Thence N47°39'45"W a distance of 91.65 feet;
- Thence N40°37'52"W a distance of 38.52 feet;
- Thence N20°42'46"W a distance of 22.75 feet;
- Thence N07°44'36"E a distance of 29.24 feet;
- Thence N18°26'15"E a distance of 87.64 feet;
- Thence N05°24'55"E a distance of 33.69 feet to a point herein described as Control Point No. 7;
- Thence N04°43'06"E a distance of 50.14 feet;
- Thence N04°26'29"E a distance of 30.62 feet;
- Thence N23°09'02"W a distance of 44.63 feet;
- Thence N16°13'05"W a distance of 103.20 feet to a point herein described as Control Point No. 8;
- Thence N07°11'54"W a distance of 25.68 feet;
- Thence N17°00'49"E a distance of 21.15 feet;
- Thence N28°53'47"E a distance of 60.36 feet;
- Thence N20°17'43"E a distance of 47.60 feet to a point herein described as Control Point No. 9;
- Thence N07°27'01"E a distance of 23.50 feet;
- Thence N14°45'27"W a distance of 32.98 feet;
- Thence N23°07'00"W a distance of 169.91 feet to a point herein described as Control Point No. 10;



Thence N25°15'46"W a distance of 45.87 feet;
 Thence N34°52'18"W a distance of 27.09 feet;
 Thence N41°02'29"W a distance of 67.09 feet;
 Thence N34°14'06"W a distance of 25.28 feet;
 Thence N11°30'29"W a distance of 19.76 feet;
 Thence N15°26'27"E a distance of 21.00 feet;
 Thence N41°05'35"E a distance of 38.46 feet;
 Thence N43°37'48"E a distance of 25.66 feet;
 Thence N34°09'38"E a distance of 24.49 feet;
 Thence N18°33'30"E a distance of 23.04 feet;
 Thence N03°31'21"E a distance of 31.07 feet;
 Thence N04°05'37"W a distance of 174.15 feet;
 Thence N08°51'10"W a distance of 72.90 feet;
 to a point herein described as Control Point No. 12;
 Thence N09°01'29"W a distance of 25.60 feet;
 Thence N17°43'26"W a distance of 28.00 feet;
 Thence N32°14'47"W a distance of 47.44 feet;
 Thence N18°30'02"W a distance of 55.86 feet to the
 South line of said Section 1 at a point which bears
 S88°07'30"E a distance of 743.98 feet from the
 South 1/4 corner of said Section 1;
 Thence N18°30'02"W a distance of 94.63 feet;
 to a point herein described as Control Point No. 13;
 Thence N20°59'00"W a distance of 33.70 feet;
 Thence N02°16'06"W a distance of 30.70 feet;
 Thence N08°32'16"E a distance of 28.50 feet;
 Thence N25°43'13"E a distance of 31.94 feet;
 Thence N59°25'43"E a distance of 31.33 feet;
 Thence N65°46'16"E a distance of 107.61 feet;
 Thence N57°48'30"E a distance of 96.92 feet;
 Thence N38°14'38"E a distance of 44.74 feet;
 Thence N12°09'00"E a distance of 31.70 feet;
 Thence N08°31'14"W a distance of 35.04 feet;
 Thence N33°44'38"W a distance of 120.76 feet;
 Thence N32°19'28"W a distance of 31.17 feet;
 Thence N86°05'00"W a distance of 35.95 feet;
 Thence N55°09'09"W a distance of 36.90 feet;
 to a point herein described as Control Point No. 16;
 Thence N45°27'31"W a distance of 31.67 feet;
 Thence N26°45'25"W a distance of 27.01 feet;
 Thence N07°17'03"W a distance of 42.02 feet;
 Thence N21°08'27"W a distance of 28.12 feet;
 Thence N43°33'20"W a distance of 34.20 feet;
 Thence N58°31'02"W a distance of 24.00 feet;
 Thence N77°53'12"W a distance of 38.88 feet;
 to a point herein described as Control Point No. 17;
 Thence N80°19'19"W a distance of 110.32 feet;
 Thence N70°00'02"W a distance of 35.07 feet;
 to a point herein described as Control Point No. 18;
 Thence N57°42'58"W a distance of 24.78 feet;
 Thence N34°18'12"W a distance of 14.90 feet;
 Thence N05°36'15"W a distance of 15.65 feet;
 Thence N03°22'02"W a distance of 31.14 feet;
 Thence N18°15'43"W a distance of 17.33 feet;
 Thence N32°40'15"W a distance of 81.93 feet;
 Thence N20°25'14"W a distance of 28.72 feet;
 Thence N00°10'18"W a distance of 22.36 feet;
 to a point herein described as Control Point No. 19;
 Thence N31°38'07"E a distance of 32.92 feet;
 Thence N52°25'03"E a distance of 36.25 feet;
 Thence N64°53'19"E a distance of 60.96 feet;
 Thence N47°04'48"E a distance of 42.40 feet;
 Thence N64°30'28"E a distance of 23.10 feet;
 to a point herein described as Control Point No. 20;
 Thence N87°11'20"E a distance of 33.66 feet;
 Thence N88°24'54"E a distance of 37.17 feet;
 Thence N79°36'40"E a distance of 30.61 feet;



Thence N67°32'57"E a distance of 28.01 feet;
 Thence N54°41'08"E a distance of 24.37 feet;
 Thence N44°35'20"E a distance of 33.37 feet;
 Thence N30°00'14"E a distance of 28.25 feet;
 to a point herein described as Control Point No. 21;
 Thence N13°29'46"E a distance of 35.31 feet;
 Thence N02°42'58"E a distance of 73.55 feet to the
 North line of the Southwest 1/4 of the Southeast 1/4
 of said Section 1 at a point which bears N88°34'11"W
 a distance of 520.90 feet from the Northeast corner
 of the Southwest 1/4 of the Southeast 1/4 of said
 Section 1, said point is the end of this access
 road across private property.

All bearings are relative to the South line of the South-
 east 1/4 of said Section 1 bearing S88°07'30"E.

BEARINGS AND DISTANCES THROUGH CONTROL POINTS are as follows:

S 1/4 Corner Section 1, T3N, R7J West of 6th P.M., Boulder County,
 State of Colorado to Control Point No. 1 bears S23°59'03"E a distance
 of 2927.64 feet; Control Point No. 1 to Control Point 2 bears N54°
 14'50"E a distance of 104.58 feet; Control Point No. 2 to Control
 Point 3 bears N01°01'28"E a distance of 577.93 feet; Control Point
 No. 3 to Control Point 4 bears N44°34'26"W a distance of 208.66 feet;
 Control Point No. 4 to Control Point 5 bears N50°29'32"W a distance
 of 119.95 feet; Control Point No. 5 to Control Point 6 bears N10°
 56'15"W a distance of 212.12 feet; Control Point No. 6 to Control
 Point 7 bears N17°50'26"W a distance of 334.76 feet; Control Point
 No. 7 to Control Point 8 bears N11°25'57"W a distance of 225.09 feet;
 Control Point No. 8 to Control Point 9 bears N18°42'53"E a distance
 of 151.23 feet; Control Point No. 9 to Control Point 10 bears N18°
 48'59"W a distance of 223.40 feet; Control Point No. 10 to Control
 Point 11 bears N14°03'17"W a distance of 277.67 feet; Control Point
 No. 11 to Control Point 12 bears N03°47'40"E a distance of 272.47
 feet; Control Point No. 12 to Control Point 13 bears N18°03'34"W
 a distance of 251.11 feet; Control Point No. 13 to Control Point
 14 bears N09°07'28"E a distance of 112.20 feet; Control Point No.
 14 to Control Point 15 bears N56°28'54"E a distance of 324.29 feet;
 Control Point No. 15 to Control Point 16 bears N42°19'02"W a
 distance of 283.66 feet; Control Point No. 16 to Control Point 17
 bears N39°44'02"W a distance of 207.22 feet; Control Point No. 17
 to Control Point 18 bears N77°50'09"W a distance of 144.96 feet;
 Control Point No. 18 to Control Point 19 bears N24°03'54"W a
 distance of 226.56 feet; Control Point No. 19 to Control Point
 20 bears N53°07'46"E a distance of 191.36 feet; Control Point No.
 20 to Control Point 21 bears N65°08'28"E a distance of 192.00 feet;
 Control Point No. 21 to South 1/4 Corner of said Section 1 bearing
 S33°41'53"W a distance of 1391.07 feet.



COYOTE HILL ROAD PRIVATE ROAD EASEMENT RATIFICATION, GRANT AND
ACKNOWLEDGEMENT

July 17, 2006

The Purpose of this Document is to create a private road cross-access easement among the property owners who utilize Coyote Hill Road for access to their properties This process and this easement document follow up on and further implement the process that was started but not fully completed in 1978. This Easement is intended to benefit all of the property owners served by the road.

This COYOTE HILL ROAD EASEMENT RATIFICATION, GRANT AND ACKNOWLEDGEMENT is made this 6 day of Aug., 2006 on the date set forth below by Thomas W. Thorpe & Kathleen K. Thorpe (the "Undersigned").

RECITALS

The Undersigned hereby recites the following facts:

A. The Undersigned is the owner(s) of certain property in Sections 1 and/or 12 in T3N, R73W, 6th P.M, Boulder County, CO described as follows:

Tract Number or other identification: Tract 1239

Address: 409 Coyote Hill Road
Allenspark, CO, 80510 ("the Undersigned's Property").

B. Coyote Hill Road is a private road approximately twelve feet (12') in width. It is a strip of land located in Sections 1 and 12 in T3N, R73W, 6th P.M., Boulder County, Colorado, located on or near the surveyed location set forth on the attached Exhibit A. Any reference to Coyote Hill Road shall refer to the road in its current location, irrespective of the survey.

C. The Undersigned, their predecessors in title and other property owners in Sections 1 and 12 in T3N, R73W, 6th P.M., Boulder County, Colorado have utilized Coyote Hill Road for ingress and egress to their respective properties. Upon information and belief, Coyote Hill Road has been so used as a private access road since at least 1955. A list of the properties known to so utilize Coyote Hill Road is attached hereto as Exhibit B (hereinafter referred to as "the Properties"). This list is based on public records.

D. In 1978 owners of some of the parcels among the Properties executed and recorded documents entitled 'Affidavit and Right-of-Way Easements' (the "Prior Easements") granting rights as set forth therein.

E. The Undersigned wishes to ratify, grant and acknowledge an easement for the use of Coyote Hill Road for access, ingress and egress with respect to and for the benefit of the Properties as set forth herein

RECORDER'S NOTE: This document lacks the "attached" exhibit 6/11/2007

10/24



GRANT AND RATIFICATION OF EASEMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, the Undersigned does ratify, grant and acknowledge an access easement for the use of Coyote Hill Road as follows:

1. Grant of Easement. The Undersigned hereby ratifies, grants and acknowledges a non-exclusive access easement approximately **twelve (12) feet** in width on and along the Coyote Hill Road across the Undersigned's Property in favor of the Properties (the "Easement"). The Easement is granted for the Coyote Hill Road to be used for **non-commercial access**, ingress and egress with respect to and for the benefit of the Properties and includes the right to maintain and repair the roadway and all appurtenances thereto. The Easement shall burden the Undersigned's Property for the benefit of the Properties and shall run with the land. The Undersigned acknowledges receipt of good and valuable consideration for the Easement set forth herein.
2. Private Roadway. The Undersigned recites and agrees that the Easement and the Coyote Hill Road constitute a private roadway benefiting the Properties, and nothing herein shall constitute an acknowledgement or dedication of the Coyote Hill Road as a public road.
3. The Easement shall be along the current location of the Coyote Hill Road, provided that the **owner(s) of the Undersigned's Property may, at their own expense, make minor changes to the location of the road on such property**, provided such changes do not have a material adverse impact on the road or the use and utility thereof, and provided there remains reasonable connection to the existing road at the boundaries of the Undersigned's Property.
4. Duration. The Easement shall be perpetual.
5. Prior Easements. If the Undersigned is a signatory to or successor to a signatory to one of the Prior Easements, the Undersigned acknowledges and agrees that the Easement shall benefit the Properties irrespective of whether the owners thereof or their predecessors were signatories to one of the Prior Easements.
6. Miscellaneous. This Agreement shall run with the land, shall bind the heirs, successors and assigns of the Parties and shall be construed under the laws of the State of Colorado

Signed:



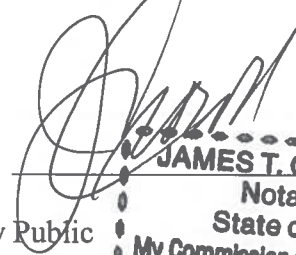


State of COLORADO)
) ss.
County of Boulder)

The foregoing instrument was acknowledged before me this August 8, 2006,
by THOMAS W. THORPE & KATHLEEN K. THORPE.

Witness my hand and seal.

My commission expires: June 25, 2010


Notary Public
JAMES T. CROWDER, JR.
Notary Public
State of Colorado
My Commission Expires June 25, 2010

State of _____)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this _____, 200__,
by _____.

Witness my hand and seal.

My commission expires: _____

Notary Public

State of _____)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this _____, 200__,
by _____.

Witness my hand and seal.

My commission expires: _____

Notary Public



EXHIBIT A

Coyote Hill Road is described as that strip of land located in Sections 1 and 12, Township 3 North, Range 73 West of 6th P.M., Boulder County, Colorado, lying and being 6 feet on each side of the herein described centerline, or a total width of 12 feet. The centerline of said road described as follows:

Centerline Description of access road, located in Sections 1 and 12, T3N, R73W of the 6th P.M., Boulder County, Colorado, which is more particularly described as commencing at a point in the center of a Boulder County Road which bears S20°33'28"E a distance of 2851.44 feet from the South 1/4 corner of said Section 1;

- Thence S85°21'50"E a distance of 95.30 feet;
- Thence N89°46'34"E a distance of 48.82 feet;
- Thence N86°48'15"E a distance of 45.01 feet
- to a point herein described as Control Point No. 1;
- Thence N79°39'40"E a distance of 35.52 feet;
- Thence N62°27'31"E a distance of 27.49 feet;
- Thence N41°10'43"E a distance of 27.63 feet;
- Thence N18°51'33"E a distance of 22.37 feet
- to a point herein described as Control Point No. 2;
- Thence N08°41'28"E a distance of 24.48 feet;
- Thence N03°24'39"E a distance of 22.96 feet;
- Thence N00°59'47"E a distance of 445.03 feet;
- Thence N02°33'06"W a distance of 19.95 feet to
- a point which bears N64°00'35"W a distance of
- 1468.61 feet from the East 1/4 corner of said
- Section 12 which point is on the South line of
- a tract of land described in Document No. 812084
- of the Boulder County Records, presently known
- as the McNeill property;
- Thence across the McNeill Property on the route
- described as agreed and Decreed in Civil Action
- No. 74-1966-2, Ellsworth, et al., vs. McNeill,
- In the District Court in and for Boulder County,
- State of Colorado, to a point on the North line
- of said Tract described in Document No. 812084
- of the Boulder County Records, which bears
- S78°24'32"W a distance of 243.76 feet, more or
- less, from the NE corner of said Tract of land;
- Thence N40°32'54"W a distance of 18.34 feet,
- more or less to a point herein described as
- Control Point No. 5;
- Thence N30°47'52"W a distance of 37.23 feet;
- Thence N17°40'19"W a distance of 37.53 feet;
- Thence N08°19'10"W a distance of 39.73 feet;
- Thence N00°16'07"E a distance of 69.65 feet;
- Thence N07°52'51"W a distance of 31.86 feet
- to a point herein described as Control Point No. 6;
- Thence N22°14'37"W a distance of 33.25 feet;
- Thence N38°34'10"W a distance of 38.37 feet;
- Thence N47°39'45"W a distance of 91.65 feet;
- Thence N40°37'52"W a distance of 38.53 feet;
- Thence S20°42'45"W a distance of 22.75 feet;
- Thence N07°44'36"E a distance of 29.24 feet;
- Thence N18°26'15"E a distance of 67.64 feet;
- Thence N05°24'55"E a distance of 33.59 feet
- to a point herein described as Control Point No. 7;
- Thence N04°43'06"E a distance of 50.14 feet;
- Thence N04°26'29"E a distance of 30.62 feet;
- Thence N23°09'02"W a distance of 44.63 feet;
- Thence N16°13'05"W a distance of 103.20 feet
- to a point herein described as Control Point No. 8;
- Thence N07°11'54"W a distance of 25.68 feet;
- Thence N17°00'49"E a distance of 21.15 feet;
- Thence N28°57'47"E a distance of 60.36 feet;
- Thence N20°17'43"E a distance of 47.60 feet
- to a point herein described as Control Point No. 9;
- Thence N07°27'01"E a distance of 23.50 feet;
- Thence N14°45'27"W a distance of 32.98 feet;
- Thence N23°07'00"W a distance of 169.91 feet
- to a point herein described as Control Point No. 10;



Thence N25°15'46"W a distance of 45.87 feet;
 Thence N34°52'18"W a distance of 27.09 feet;
 Thence N41°02'29"W a distance of 67.09 feet;
 Thence N34°14'06"W a distance of 25.28 feet;
 Thence N11°30'29"W a distance of 19.76 feet;
 Thence N15°26'27"E a distance of 21.00 feet;
 Thence N41°03'35"E a distance of 38.46 feet;
 Thence N43°37'48"E a distance of 25.66 feet;
 Thence N34°09'38"E a distance of 24.49 feet;
 Thence N18°33'30"E a distance of 23.04 feet;
 Thence N03°31'21"E a distance of 31.07 feet;
 Thence N04°05'37"W a distance of 174.15 feet;
 Thence N08°51'10"W a distance of 72.90 feet;
 to a point herein described as Control Point No. 12;
 Thence N09°01'29"W a distance of 25.60 feet;
 Thence N17°43'26"W a distance of 28.90 feet;
 Thence N32°14'47"W a distance of 47.44 feet;
 Thence N18°30'02"W a distance of 55.86 feet to the
 South line of said Section 1 at a point which bears
 S88°07'30"E a distance of 743.98 feet from the
 South 1/4 corner of said Section 1;
 Thence N18°30'02"W a distance of 94.65 feet;
 to a point herein described as Control Point No. 13;
 Thence N20°59'00"W a distance of 33.70 feet;
 Thence N02°16'06"W a distance of 30.70 feet;
 Thence N08°32'16"E a distance of 28.50 feet;
 Thence N25°43'13"E a distance of 31.94 feet;
 Thence N59°25'43"E a distance of 31.33 feet;
 Thence N65°46'16"E a distance of 107.61 feet;
 Thence N57°48'30"E a distance of 96.92 feet;
 Thence N38°14'38"E a distance of 44.74 feet;
 Thence N12°09'00"E a distance of 31.70 feet;
 Thence N08°31'14"W a distance of 35.04 feet;
 Thence N33°44'38"W a distance of 120.75 feet;
 Thence N32°19'28"W a distance of 31.17 feet;
 Thence N56°05'00"W a distance of 35.95 feet;
 Thence N55°09'09"W a distance of 36.99 feet;
 to a point herein described as Control Point No. 16;
 Thence N45°27'31"W a distance of 31.67 feet;
 Thence N26°45'25"W a distance of 27.01 feet;
 Thence N07°17'03"W a distance of 42.02 feet;
 Thence N21°08'27"W a distance of 28.12 feet;
 Thence N43°33'20"W a distance of 34.20 feet;
 Thence N59°31'02"W a distance of 24.00 feet;
 Thence N77°53'12"W a distance of 38.88 feet;
 to a point herein described as Control Point No. 17;
 Thence N90°19'10"W a distance of 110.32 feet;
 Thence N70°00'02"W a distance of 35.07 feet;
 to a point herein described as Control Point No. 18;
 Thence N57°42'58"W a distance of 24.70 feet;
 Thence N34°18'12"W a distance of 14.90 feet;
 Thence N05°36'15"W a distance of 15.65 feet;
 Thence N03°22'02"W a distance of 31.14 feet;
 Thence N18°15'43"W a distance of 17.33 feet;
 Thence N32°40'15"W a distance of 81.93 feet;
 Thence N20°25'14"W a distance of 28.72 feet;
 Thence N00°10'18"W a distance of 22.36 feet;
 to a point herein described as Control Point No. 19;
 Thence N31°38'07"E a distance of 32.92 feet;
 Thence N52°25'03"E a distance of 36.25 feet;
 Thence N64°53'19"E a distance of 60.96 feet;
 Thence N47°04'48"E a distance of 42.40 feet;
 Thence N64°30'28"E a distance of 23.10 feet;
 to a point herein described as control Point No. 20;
 Thence N87°11'20"E a distance of 23.66 feet;
 Thence N88°24'54"E a distance of 37.17 feet;
 Thence N79°36'40"E a distance of 30.61 feet;



Thence N67°32'57"E a distance of 28.01 feet;
 Thence N54°41'08"E a distance of 24.37 feet;
 Thence N44°35'20"E a distance of 33.17 feet;
 Thence N30°00'14"E a distance of 28.25 feet;
 to a point herein described as Control Point No. 21;
 Thence N13°29'46"E a distance of 35.31 feet;
 Thence N02°42'58"E a distance of 73.55 feet to the
 North line of the Southwest 1/4 of the Southeast 1/4
 of said Section 1 at a point which bears N88°14'11"W
 a distance of 520.90 feet from the Northeast corner
 of the Southwest 1/4 of the Southeast 1/4 of said
 Section 1, said point is the end of this access
 road across private property.

All bearings are relative to the South line of the South-
 east 1/4 of said Section 1 bearing S88°07'30"E.

BEARINGS AND DISTANCES THROUGH CONTROL POINTS are as follows:

S 1/4 Corner Section 1, T3N, R73 West of 6th P.M., Boulder County,
 State of Colorado to Control Point No. 1 bears S23°59'03"E a distance
 of 2927.64 feet; Control Point No. 1 to Control Point 2 bears N54°
 14'50"E a distance of 104.58 feet; Control Point No. 2 to Control
 Point 3 bears N01°01'28"E a distance of 577.93 feet; Control Point
 No. 3 to Control Point 4 bears N44°34'26"W a distance of 200.66 feet;
 Control Point No. 4 to Control Point 5 bears N50°29'32"W a distance
 of 119.95 feet; Control Point No. 5 to Control Point 6 bears N10°
 56'15"W a distance of 212.12 feet; Control Point No. 6 to Control
 Point 7 bears N17°50'20"W a distance of 334.76 feet; Control Point
 No. 7 to Control Point 8 bears N11°25'57"W a distance of 225.09 feet;
 Control Point No. 8 to Control Point 9 bears N18°41'53"E a distance
 of 151.23 feet; Control Point No. 9 to Control Point 10 bears N18°
 48'59"W a distance of 223.40 feet; Control Point No. 10 to Control
 Point 11 bears N14°03'17"W a distance of 277.67 feet; Control Point
 No. 11 to Control Point 12 bears N03°47'40"E a distance of 272.47
 feet; Control Point No. 12 to Control Point 13 bears N18°03'34"W
 a distance of 251.11 feet; Control Point No. 13 to Control Point
 14 bears N09°07'28"E a distance of 112.20 feet; Control Point No.
 14 to Control Point 15 bears N56°29'54"E a distance of 324.29 feet;
 Control Point No. 15 to Control Point 16 bears N42°19'02"W a
 distance of 283.66 feet; Control Point No. 16 to Control Point 17
 bears N39°44'02"W a distance of 207.22 feet; Control Point No. 17
 to Control Point 18 bears N77°50'09"W a distance of 144.96 feet;
 Control Point No. 18 to Control Point 19 bears N24°03'54"W a
 distance of 226.56 feet; Control Point No. 19 to Control Point
 20 bears N53°07'46"E a distance of 191.36 feet; Control Point No.
 20 to Control Point 21 bears N65°08'28"E a distance of 192.00 feet;
 Control Point No. 21 to South 1/4 Corner of said Section 1 bearing
 S33°41'53"W a distance of 1391.07 feet.

CORRECTIVE AMENDMENT TO COYOTE HILL ROAD PRIVATE ROAD EASEMENT RATIFICATION, GRANT AND ACKNOWLEDGMENT

THIS CORRECTIVE AMENDMENT to that COYOTE HILL ROAD PRIVATE ROAD EASEMENT RATIFICATION, GRANT AND ACKNOWLEDGEMENT (the "Easement Document") signed and dated that day of Aug. 6, 2007 by Thomas W. Thorpe and Kathleen K. Thorpe and recorded in Boulder County Clerk and Recorder's office on 6/11, 2007, at Reception No. 2861424. The above-referenced EASEMENT RATIFICATION, GRANT AND ACKNOWLEDGMENT is hereby amended and corrected by including the Exhibit B shown below and referenced in the original Easement Document, but not attached to it at the time of recording, as though said Exhibit B had been attached to the Easement Document as intended.

Dated this day of 8.2.07, 2007.

Signed: [Signature] Kathleen K. Thorpe

State of COLORADO)
) ss.
County of BOULDER)

The foregoing instrument was acknowledged before me this 2ND OF AUGUST, 2007, by THOMAS W. THORPE

Witness my hand and seal.
My commission expires: 9-19-2010
State of COLORADO)
) ss.
County of BOULDER)

[Signature]
Notary Public

The foregoing instrument was acknowledged before me this 2ND OF AUGUST, 2007, by KATHLEEN K. THORPE

Witness my hand and seal.
My commission expires: 9-19-2010
State of COLORADO)
) ss.
County of BOULDER)

[Signature]
Notary Public

**EXHIBIT B COYOTE HILL PROPERTIES (AND CURRENT OWNER'S LIST)**
AT 7-20-2006

Updated 7-20-2006

<u>Owner/Address</u> (Owner/Address information is from Boulder County records at 7-20-2006. Let County know of changes.)	<u>Tract/Property Address</u>	<u>Email Addresses of Owners</u>
Trevarton Ranch LLC 113 County Road 82 E, Allenspark, CO 80510	1809 A / 113 County Rd. 82 E Allenspark, CO 80510	trevartonranch@hotmail.com (Gary Williams)
Evangelical Lutheran Good Samaritan Society Loveland Good Samaritan 2101 S Garfield Ave., Loveland, CO 80537	1236 / 119 Coyote Hill Rd., Allenspark, CO 80510	gss0850@good-sam.com (Randy Davis - 970-577-7700)
Marcy McNeill Trust, c/o Roger F McNeil Trustee 39 Fordcroft Rd., Grosse Pointe, MI 48236	1270 / 171 Coyote Hill Rd., Allenspark, CO 80510	via R C Mead
Mead, Rollin C. II, Marcia K. & Rollin Car, Tori R 920 Western Hills Blvd., Cheyenne, WY 82009	1408 / 196 Coyote Hill Rd., Allenspark, CO 80510	rcmarcia1@netzero.com
Barmore, Richard W. Jr. and Kerry L. & David M. Barmore 1802 Plum Creek Lane, Lexington, NE 68850	1235 / 317 Coyote Hill Rd., Allenspark, CO 80510	madiganfpe@aol.com
Watson Trust 1/2 Int & Judith Marcoux, Und 1/4 Joanne Tramel Und 1/4 2929 Sternberg Dr. #117, Hays, KS 67601	1536 / 370 Coyote Hill Rd., Allenspark, CO 80510	pjmarx@aol.com (Paul and Judy Marcoux) stramel@fhsu.edu Steve and Joanne Tramel rbreade@quest.net
Reade, Robert B. and Alice Ann Olson 21516 Arbor Street, Elkhorn, NE 68022	1235A / 333 Coyote Hill Rd., Allenspark, CO 80510	julie.thorpe@phschool.com
Thorpe, Julie K 756 Locust Ave, Boulder, CO 80304	1264 / 389 Coyote Hill Rd., Allenspark, CO 80510	t.k.thorpe@comcast.net
Thorpe, Thomas W. and Kathleen K. 3815 Newport Lane, Boulder, CO 80304	1239 / 409 Coyote Hill Rd., Allenspark, CO 80510	t.k.thorpe@comcast.net
Shockley, M.S. and Eliza T Etal, c/o John Shockley 18 Barton Ave SE, Minneapolis, MN 55414	1407A / 419 Coyote Hill Rd., Allenspark, CO 80510	shock001@umn.edu
Harrison Alice & Ruth Ellen Willis & Edward David Willis and Peter D. Willis 620 Locust St, Fort Collins, CO 80524	1407 / 443 Coyote Hill Rd., Allenspark, CO 80510	peter.willis@kutakrock.com ellenwillis@yahoo.com anndawill@aol.com cultural.norm@ns.sympatico.ca
Illige-Saucier, Martha 8422 E. 29th Place, Denver, CO 80238	1382 / 300 Bill Waite Rd., Allenspark, CO 80510	rmicasch@earthlink.net
Gillespie, Faith Louise 969 Coyote Hill Rd., Allenspark, CO 80510	1626 / 969 Coyote Hill Rd., Allenspark, CO 80510	
Johnson David & Lisa & Stephen & Kathryn Johnson 3205 S. Newport Street Denver, CO 80224	1382A, 1410 / 511 Coyote Hill Rd., Allenspark, CO 80510	tahosa511@aol.com bskjohnson@aol.com brvjohnson@aol.com
Ellsworth, Peter C. and J. David 48 Meadow Acres Rd, Laramie, WY 82070	1522, 1381, 1267, 1268B / 513 Coyote Hill Rd Allenspark, CO 80510	peterc@uwyo.edu davidellsworth@nni.com



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Page: 3 of 3
11/19/2007 04:01P

Boulder County Clerk, CO AMEND

R 16.00

D 0.00

<u>Owner/Address</u> (Owner/Address information is from Boulder County records at 7-20-06. Let County know of changes.)	<u>Tract/Property Address</u>	<u>Email Addresses of Owners</u>
Blanz, Jerry Alan 1185 Mt. Moriah Rd., Livermore CO 80536	1464 / 436 Coyote Hill Rd., Allenspark, CO 80510	Jerry.mtman@starband.net
Blanz, Douglas O & Douglass O & Helen Hill Blanz 2329 42nd Ave Ct., Greeley, CO 80634	1464 / 436 Coyote Hill Rd., Allenspark, CO 80510	dandhblanz@comcast.net
Grimes, Ruth T Trust, C/O Industry Consulting Group Inc PO Box 810490, Dallas, TX 75381	1271, 1378 / 126 Blue Jay Lane, Allenspark, CO 80510	
Ellsworth, David & Wendy 1378 Cobbler Dr, Quakertown, PA 18951	1468/ 659 Coyote Hill Rd., Allenspark, CO 80510	davidellsworth@nni.com
Lewis, L David & John D. Lewis & Ellen L Demuth Ellen Gerstung 155 Manhattan Dr, Boulder, CO 80303	1268, 1380A/ 517 Coyote Hill Rd., Allenspark, CO 80510	ldavidlewis@comcast.net Ellen_Gerstung@msn.com
Demuth, Joel 969 Coyote Hill Rd, Allenspark, CO 80510	1380, 1268A, 1463 / 515 Coyote Hill Rd., Allenspark, CO 80510	jdemuth@masterbrandcabinets.com
Wester, Mary Sue Heibert 6101 Virginia Ave North, New Hope, MN 55428	1653 / 748 Coyote Hill Rd., Allenspark, CO 80510	don.wester@comcast.net westersw@aol.com
Head, Dennis O. and Katherine S. 295 Monroe Street Denver, CO 80206	1648/ 747 Coyote Hill Rd., Allenspark, CO 80510	dehead1@comcast.net jhead@ameritech.net rrisch@denverpost.com
Knies, William S. and Wilma J. Knies & Williams Living Trust etal 1818 Walking Path Ave, Henderson, NV 89012	1651 / 716 Coyote Hill Rd., Allenspark, CO 80510	
Stocker, J. Thomas and Patricia D. Trustees J. T., Stocker Revocable Trst etal 6640 Landon Lane, Bethesda MD 20817	1620 / 747 Coyote Hill Rd., Allenspark, CO 80510	
Kipp, Robert A. and Deborah Y. Trustees 12326 Granada, Leawood, KS 66209	1314 / 250 Blue Jay Lane, Allenspark, CO 80510	
Holler, Dennis and Linda G 6260 S Filbert Ct., Centennial, CO 80121	1420 Coyote Hill Rd. Allenspark, CO 80510	dpholler@aol.com
Jeremy Wilson 815 Central, Evanston IL 60201	789 Coyote Hill Rd. Allenspark, Co 80510	



DESIGN EXCEPTION REQUEST FORM

PUBLIC WORKS DEPARTMENT
2525 13th Street · Boulder CO 80304
PO Box 471 · Boulder CO 80306
Phone: 303-441-3900
Fax: 303-441-4594

OFFICE USE	
Approved:	<input type="checkbox"/> YES <input type="checkbox"/> NO
	<input type="checkbox"/> YES, WITH CONDITIONS
Effective Date:	

OWNER AND PROPERTY INFORMATION

Applicant/Owner Name:		Phone:
Address:		Fax:
City:	State:	Zip:
Engineer Name:		Phone:
Address:		Fax:
City:	State:	Zip:

PROJECT AND DESIGN EXCEPTION INFORMATION

Location of Project:		City:
Section/Township/Range:		
Description of Proposed Project:		
Alternate Design Proposed:		

DESIGN EXCEPTION REQUEST CRITERIA

The rationale for the Design Exception Request shall demonstrate that it meets all seven items in Article 2.8.5 of the *Boulder County Multimodal Transportation Standards*.

1. Explain how it is not likely to unacceptably compromise public safety.
2. Explain how it is not contrary to best engineering practices, as reflected by the approach outlined in the American Association of State Highway and Transportation Officials' (AASHTO) Guide for Achieving Flexibility in Highway Design (May 2004), hereby incorporated into these Standards by reference.
3. Explain how it is not contrary to the intent and general purpose of these Standards, including without limitation an appropriate balancing of safety, multimodal mobility, and pursuit of the environmental, community, and sustainability goals outlined in the Comprehensive Plan.

DESIGN EXCEPTION REQUEST FORM

4. Explain how it does not result in a significant impact to the public due to maintenance of the improvements.

5. Explain how it is the minimum exception from the Standards necessary to afford relief, given the context.

6. Explain how it reflects special conditions or exceptional characteristics of the proposal, not created by the applicant, that justify an exception from strict and literal interpretation of the Standards to avoid unusual difficulties or unnecessary hardship.

7. Explain how it is reasonably necessary for the health, safety, and welfare of the public.

Description of standard affected:	Boulder County MMTS section affected:
	AASHTO section affected:
Rationale for exception:	

CERTIFICATION SIGNATURES	
Stamp and Signature of Design Engineer:	Date:
Signature of County Engineer:	Date:
Conditions / Comments:	

2.8.4 County Engineer Review

Once an applicant has submitted all required materials, the County Engineer will review the engineering-related aspects of the proposal with respect to the potential impacts on the transportation system and the surrounding environment, and necessary mitigation measures to offset the impacts attributable to the proposal. The guiding documents and transportation corridor concepts listed in Article 3 of these Standards guide the County Engineer's assessment, as well as the Overall Design Principles listed in Section 5.1. The policy of the Transportation Department is for the County Engineer and designees to work cooperatively with applicants to find solutions that work for all parties, unless it appears that safety, access, maintenance, or other fundamental transportation principles simply cannot be met.

2.8.5 Design Exceptions

The County recognizes that in certain limited instances, such as in the County's historic townsites, environmentally significant areas, or areas with significant view sheds, it may be exceptionally difficult to both conform to these Standards and maintain the special character and environmental values associated with such areas. In these instances, the applicant will document in writing, good and sufficient cause for a requested Design Exception on the most recent Boulder County Design Exception Request Form, which is to be signed by a Colorado Professional Engineer. The rationale for the Design Exception Request shall demonstrate the following:

1. is not likely to unacceptably compromise public safety;
2. is not contrary to best engineering practices, as reflected by the approach outlined in the American Association of State Highway and Transportation Officials' (AASHTO) Guide for Achieving Flexibility in Highway Design (May 2004), hereby incorporated into these Standards by reference;
3. is not contrary to the intent and general purpose of these Standards, including without limitation an appropriate balancing of safety, multimodal mobility, and pursuit of the environmental, community, and sustainability goals outlined in the Comprehensive Plan;
4. does not result in a significant impact to the public due to maintenance of the improvements;
5. is the minimum exception from the Standards necessary to afford relief, given the context;
6. reflects special conditions or exceptional characteristics of the proposal, not created by the applicant, that justify an exception from strict and literal interpretation of the Standards to avoid unusual difficulties or unnecessary hardship; and
7. is reasonably necessary for the health, safety, and welfare of the public.

Upon receipt of a written request for a Design Exception from a particular provision of Article 5 of these Standards, the County Engineer may issue a determination on whether a Design Exception should be granted or denied given the context. The County Engineer will provide a copy of the determination to the applicant and to the Land Use Department.

The Board of County Commissioners acknowledges that some judgments ought be made by technical experts, particularly those involving public safety and prevailing engineering practice. Therefore, the Board of County Commissioners typically defers to the professional judgment of the County Engineer. However, the Board of County Commissioners retains its discretion to make the final decision on whether a Design Exception is appropriate in light of the context of a land use application and the applicable Land Use Code criteria.

Boulder County Multimodal Transportation Standards

Table 5.5.1 Parcel Access Design Standards

	One-Lane Access		Two-Lane Access	
	Plains	Mountains	Plains	Mountains
# of units	1 - 5		6 - 15	
Travelway Width (8' turnouts 8'x 55' incl. tapers - required every 400')	10'	12'	18'	18'
Surface Course	Per geotechnical report ¹		Per geotechnical report	
ROW/Easement Width (min.)	20' 28' w/turnouts		30'	
Centerline Radius (min.)	40'		40'	
Max. Grade (%)	12	12 or up to 14 for 200' max. ²	12	12 or up to 14 for 200' max.
Max. Grade through curve	6% ³		6%	
Clearance Vertical/ Horizontal	13'-6" / 14'	13'-6" / 16'	13'-6" / 22'	
Roadside Ditches	Designed and constructed to Standard Drawings. See BCSDCM and USDCM for permanent erosion control practices.		Designed and constructed to Standard Drawings. See BCSDCM and USDCM for permanent erosion control practices.	
Slope Stability	Per geotechnical recommendations to design stability and facilitate revegetation ⁴		Per geotechnical recommendations to design stability and facilitate revegetation ⁴	
Signs and Traffic Control Devices	Required signs and traffic control devices must conform with the MUTCD, latest edition		Required signs and traffic control devices must conform with the MUTCD, latest edition	
Culverts	Min. 18" or equiv. capacity RCP or CMP in public ROW per Standard Drawing Cross-culverts outside of ROW sized to maintain historic flow		Min. 18" or equiv. capacity RCP or CMP in public ROW per Standard Drawing Cross-culverts outside of ROW sized to maintain historic flow	
Sight Distances	per AASHTO recommendations		per AASHTO recommendations	
Approach to Highway	90° to centerline of highway with max. 30° variation		90° to centerline of highway with max. 30° variation	
Standard Drawings	11, 12, 13, 14, 15, 16, 17, 18, 19		11, 12, 13, 14, 15, 16, 17, 18, 19	
Overall Design Principles	See Section 5.1		See Section 5.1	

¹ Accesses serving one dwelling unit shall use 4" ABC (Class 6) or other suitable material as approved by the Transportation Department.

² Accesses serving one dwelling unit may use 16% for 200' max.

³ Accesses serving one dwelling unit may use up to 8% w/ 2' additional width.

⁴ Accesses serving one dwelling unit may use 1 ½ : 1 max. cut and fill slopes or per geotechnical recommendations to design stability and facilitate revegetation.

October 26, 2023

Re: LU-23-0017 Head Short Term Rental Application.

Dear Boulder County Commissioners and Staff,

The County Access and Engineering staff's ADDENDUM COMMENTS on Sept. 25, 2023 to their earlier comments and recommendations on Sept. 5, 2023 are, in the view of many of the property owners along Coyote Hill Road, extremely inappropriate. Deciding that a county-proposed **Design Exception (DE)** which has not even been initiated by the applicant, let alone designed, completed, and signed by a consulting Professional Engineer and then verified by both the County Engineer and the Allenspark Fire-Rescue Department's Fire Chief, is a staff overreach. It appears to be intended to move forward a pre-mature Conceptual Approval for the Head's STR application, before it is even designed or evaluated as a possibility....

Further, the future use of some or all of our private driveways to support such a **Design Exception** is not practical, since some of those driveways have chains across their entries, and/or are occupied by the owners' vehicles when their cabins are occupied. Also, many of us definitely do not want our private driveways blocked by strangers' vehicles, especially during an emergency like a wildfire.

In addition, any private driveway use would require, at a minimum, an Access Easement for each private driveway used, signed by the owners of each property so used. This would be very similar to the 21 Cross-Access Easement Grants recorded in 2007, which allow legal use of the private Road where it crosses over those same private properties.

Before any proposals for such a **Design Exception** are considered, all of the above information, issues, and concerns would need to be thoroughly discussed with the applicant and with each of the private property owners along the Road between CR 82E and the Head's property. Only then might an applicant initiate the possibility of such a **Design Exception**.

Thank you for your consideration,

Tom Thorpe, Co-Owner of 409 Coyote Hill Road

Footnote: We strongly believe that all of the Comments, like this one, that are being received by the County should continue to be posted on the *Community Planning and Permitting* website for this case, since while the Application is Tabled Indefinitely, it is not withdrawn or canceled. This includes the Letters from both Robyn Kube and Richard Holly which were sent in on Monday October 23, 2023, well before the request to Table the application was known.

January 9, 2024

DC-23-0001

Draft Land Use Code Text Amendments and Draft Licensing Ordinance

Board of County Commissioners:

Thank you for your attention to the proposed changes to the County's Short-Term Rentals regulations.

We welcome the changes that provide for simplified and more efficient STR licensing. These include only two types of rentals (Primary Residence and Vacation Rentals), no limit on rental days, and administrative application review.

We are concerned, however, that Staff's sole goal is to control STRs. Staff admitted: "If we can't control STRs by subjective requirements [the land use review process], we need to control by reducing the number of STRs." Taken as a whole, the proposed regulations do more than reduce the number of STRs. They decimate them in both the eastern and western halves of the County.

Consider:

- Licensing Caps. Caps on Vacation Rentals (secondary dwellings) are the centerpiece of staff's STR reduction strategy. Staff told the Planning Commission that caps "will solve all the problems." However, both the Planning Commission and County Commissioners never encouraged the caps.¹ One County Commissioner told staff to "take licensing caps off the table, because it is an arbitrary way to decide who gets use their property as a rental" and "rewards people who race to get a license." (Staff replied they would continue to recommend licensing caps.) Remarkably, staff admits that caps are effective only when STRs make up at least 4% of a community's housing stock, and the County's STRs are nowhere near 4% saturation. However, staff strongly maintains that "if we have to give up our discretion on how to regulate STRs, the caps go in." Licensing caps are effective in communities with hundreds of rental units, high tourist visits, and a large workforce that services tourism. Boulder County is none of that.
- No Vacation Rentals in Platted Subdivisions. The Planning Commission voted to allow Vacation Rentals in platted subdivisions. Staff refuses to follow this recommendation. There are 361 platted subdivisions in the county. Staff admits it does not know how many total dwellings are in these subdivisions. (For reference, a list of the subdivisions and a hand-drawn map showing the location of some subdivisions is attached.) Reference to the attached map shows at least 18 platted subdivisions in which Vacation Rentals would be banned in the Forestry zoning district, the only significant zoning district where Vacation Rentals are allowed. (Vacation Rentals also are allowed in the insignificant Mountain Industrial district.) I urge the Commissioners to ask staff to provide a map of all 361 platted subs to better understand the impact of this proposed regulation. This restriction, together with the licensing caps, could eliminate all Vacation Rentals in the entire County.

Staff believes that Vacation Rentals must be prohibited in the platted subdivisions in the mountains because homes there are “densely packed.” Perhaps that is the case in Estes Park, Steamboat, and Summit County; it certainly is not the case in western Boulder County. And staff may be unaware or simply ignores the fact that Vacation Rentals can be effectively restricted by subdivision Homeowners Association rules that are specific for each particular community.

Prohibiting even limited rentals in platted subdivisions will prevent a family who has owned a cabin for decades to realize income to preserve it for the next generation. As well, the prohibition will significantly impact the economies of rural communities, which rely on the “busy season” to survive. If the County intends to push all Vacation Rentals into the County’s western half, it seems only fair that Vacation Rentals should be allowed for 90 days a year in platted subdivisions. This would allow the historic tradition of families vacationing in the mountains and forests to continue and bolster the vitality or rural economies.

The regulations would allow Primary Dwelling rentals in platted subdivisions, but staff’s insistence on owner occupancy makes this rental unworkable for traditional mountain cabins. It is impractical to require a vacationing family to share a small mountain cabin with the owner.

Primary Dwelling Short-Term Rentals (“Short-Term Rental”) are the only STRs allowed in the entire eastern half of the County. But the proposed regulations essentially shut down residents’ ability to offer their homes to visitors and are designed to solely appease few NIMBY complaints.

Consider:

- Owners (or a Long-Term Tenant) Must Occupy the Dwelling During All Rentals. Staff says: “If it is your primary residence, you should be there.” Jurisdictions that allow only primary dwellings STRs, however, disagree. For example, the City of Boulder (706 licensed STRs) does not require owner occupancy. Neither do the City and County of Denver (with hundreds of STRs), Jefferson County, and the City and County of Broomfield. Indeed, this irrational regulation requires a vacationing family or couple to share, for example, a two bedroom, one bathroom, one kitchen, one living room home with the owner. Instead of having private access to an entire dwelling, visitors are confined to a bedroom. Certainly, this harsh result will reduce tourism, and residents’ ability to create some income to help with the increasing costs of taxes, insurance, and maintenance. And it seems reasonable to assume that not many long-term tenants desire to take on the added responsibility and inconvenience of administering Short-Term Rentals. Staff stated that this regulation would allow the owner to rent out a spare

bedroom while living in the house, thereby providing affordable housing. But a spare bedroom cannot house a couple or family.

- Visitors to Rented Dwellings Are Prohibited. Staff proposes that: “The occupancy permitted on-site is the total number of persons who may be at the premises at any one time while the unit is offered for rental.” This regulation, for example, bans guest visits to Vacation Rentals and Short-Term Rentals if the number of guests would exceed the septic system or other restrictions. Therefore, a family of four vacationing in Boulder County cannot host friends or relatives for coffee, dinner, or any other gathering. This regulation is stunning in its hostile attitude towards tourism. Staff’s message is clear: Don’t vacation in Boulder County.

The proposed regulations, taken as a whole, do not support the County’s commitment to tourism, formalized as follows: “Boulder County acknowledges and values the tourism and recreation industries for the diversity and vitality they bring to the local economy. The county seeks to provide opportunities for these industries to thrive without placing an undue burden on the county’s resources or compromising its rural character.” Economics Element 1.04 Tourism and Recreation

Staff waves the “affordable housing” banner to banish rentals, but does not provide any evidence that the County’s 290 STRs impact affordable housing. There are no public complaints that say “I could not find affordable housing because there are too many STRs.” Perhaps this is because the County offers 508 affordable housing units in locations close to jobs and schools. As well, the Commissioners publicly admitted that the STRs in the County’s rural western communities do not impact affordable housing because the homes are too remote from jobs and schools to house working people and their families.

Commissioners, we respectfully ask you to follow the sage advice one of you stated at a preliminary STR regulations meeting: “We want it to be right – the right balance. Let’s require only what we need.” Do we need caps to control the 1% of STRs in the County? Do we need caps in the western part of the County when rentals historically are seasonal? Do we need to entirely prohibit Vacation Rentals in all platted subdivisions in the western part of the County or can we allow three months of rental days? Do we need owners to remain in their homes during rentals or can a close-by property manager handle that? Do we need to banish all vacation rentals in the eastern part of the county or can we limit those to certain areas, such as around the cities of Boulder and Longmont to accommodate business visitors and tourism?

In closing, it is important to remember the impact that proposed state legislation may have on short-term rentals. Colorado’s proposal to tax all short-term rentals at the commercial rate (27%) rather than the residential rate (7%) will certainly reduce the number of dwellings offered as short-term rentals in Boulder County.

Thank you for your time and attention.

Ilona Dotterrer
Boulder County Mountain Cabin Alliance

Attachments

ⁱ The full Planning Commission discussed the proposed regulations at length during their October 18, 2023 meeting. Remarkably, when some Commissioners stated caps were not necessary, staff interrupted several times to advocate for caps. Staff was not responding to any questions from the Commissioners and apparently interrupted only to influence the Commissioners' deliberations.

SUBDIVISION NAME

A AND A NUPUD

ACORD NUPUD

ALLEN FARM NUPUD

ALPENGLOW ACRES NUPUD

ALVIN NEW

ANCHOR

ANDRES

ANHAWA MANOR

APOLLO ESTATES

APPLE VALLEY RIDGE

ARROWOOD

ARROYO CAMPO

ASBURY

ASPEN MEADOWS

AUGUST HIGHLAND

BABOVEC NUPUD

BAGNELL NUPUD

BAILEY

BAR-A-L

BARI-DON KNOLLS

BAR-K RANCH

BASELINE HEIGHTS

BAYNE

BEAVER VALLEY ESTATES

BENCHMARK

BERGEN FAMILY FARM

BERTHOD

BIG ELK MEADOWS

BITTERROOT RANCH

BIXLER HOMESTEADS

BIXLER RANCHETTES

BLUE CLOUD FARMS NUPUD

BLUE MOUNTAIN VISTA TDR/PUD

BLUE SKY

BOHN FARMS

BONANZA MOUNTAIN ESTATES

BOULDER HEIGHTS

BOULDER HILLS

BOULDER TECH CENTER

BOW MOUNTAIN

BRADSHAW RANCH

BRIGADOON GLEN

BRITTANY PLACE

BROWNSVILLE

BRUNTWOOD ESTATES

BYRNE-FAMILY FARM
CALDWELL FARMS
CAMPION FARM
CANTERBURY ACRES
CANYON VIEW
CANYONSIDE
CARIBOU SPRINGS RANCH
CARPENTER
CEDAR RIDGE ESTATES
CENTENNIAL RANCH ESTATES
CENTREBRIDGE
CHANCE ACRES
CIRCLE C RANCH
CLARKSTON
CLOVER BASIN RANCH
CLOVER VIEW NORTH
CLOVER VIEW SOUTH
CLYMER
COLD SPRING
COPPERDALE LANE
COTTONWOOD HILLS
COTTONWOOD PARK
COTTONWOOD PARK SQUARE
COTTONWOOD PARK WEST
COUGHLIN MEADOWS
COUNTRY CLUB PARK
COUNTRY CREEK PUD
COVE (THE)
COYOTE RIDGE
CRESCENT LAKE ESTATES
CRESTMoor
CRESTVIEW ESTATES
CRYSTAL VIEWS
DANNYBROOK FARM
DARVEY FARMS NUPUD
DAVIDSON
DEER RUN
DELL (THE)
DIRKS TDR PUD
DOBBIN PARK
DODD NUPUD
DOLLAGHAN FAMILY FARM
DRY CREEK MEADOWS
EAGLE RIDGE NUPUD
EDITH V LOUKONEN
ELIZABETH ANN
ELLISON NUPUD

ERTL FARM NUPUD
EVERGREEN
FAIRVIEW COURT
FAIRVIEW ESTATES
FAIRVIEW RIDGE
FAIRWAYS LIVING
FARM IN BOULDER VALLEY
FIGI AND THE PYNES
FIRST LINDA VISTA ESTATES
FLINTLOCK
FOOTHILLS RANCH
FOUNTAIN GREENS
FOUNTAIN TREE
FOX RUN
FOXHAVEN PUD
GALE H SIMMONS
GAPTER
GAYNOR LAKE
GAYNOR LAKE FARM NUPUD
GITHENS ACRES
GOLD RUN
GOLDBRANCH PUD
GOOSE HAVEN ONE
GOOSE POINT RANCH
GOULD
GRACE MAR
GRAND VIEW ESTATES
GRANJA ESTE
GUN BARREL GREEN
GUNBARREL ESTATES
GUNBARREL RIDGE
HAAS
HABITAT
HAPPY JACK FARM
HARDT ESTATES
HARSCH HEIGHTS
HASTINGS
HAYSTACK MOUNTAIN RANCH
HEATHER HILLS
HEATHERWOOD
HEIL NUPUD
HEIL RANCH
HENDERSON-MCCANN
HIDDEN LAKE
HIGHLAND RANCH
HILLCREST HEIGHTS
HILLS (THE)

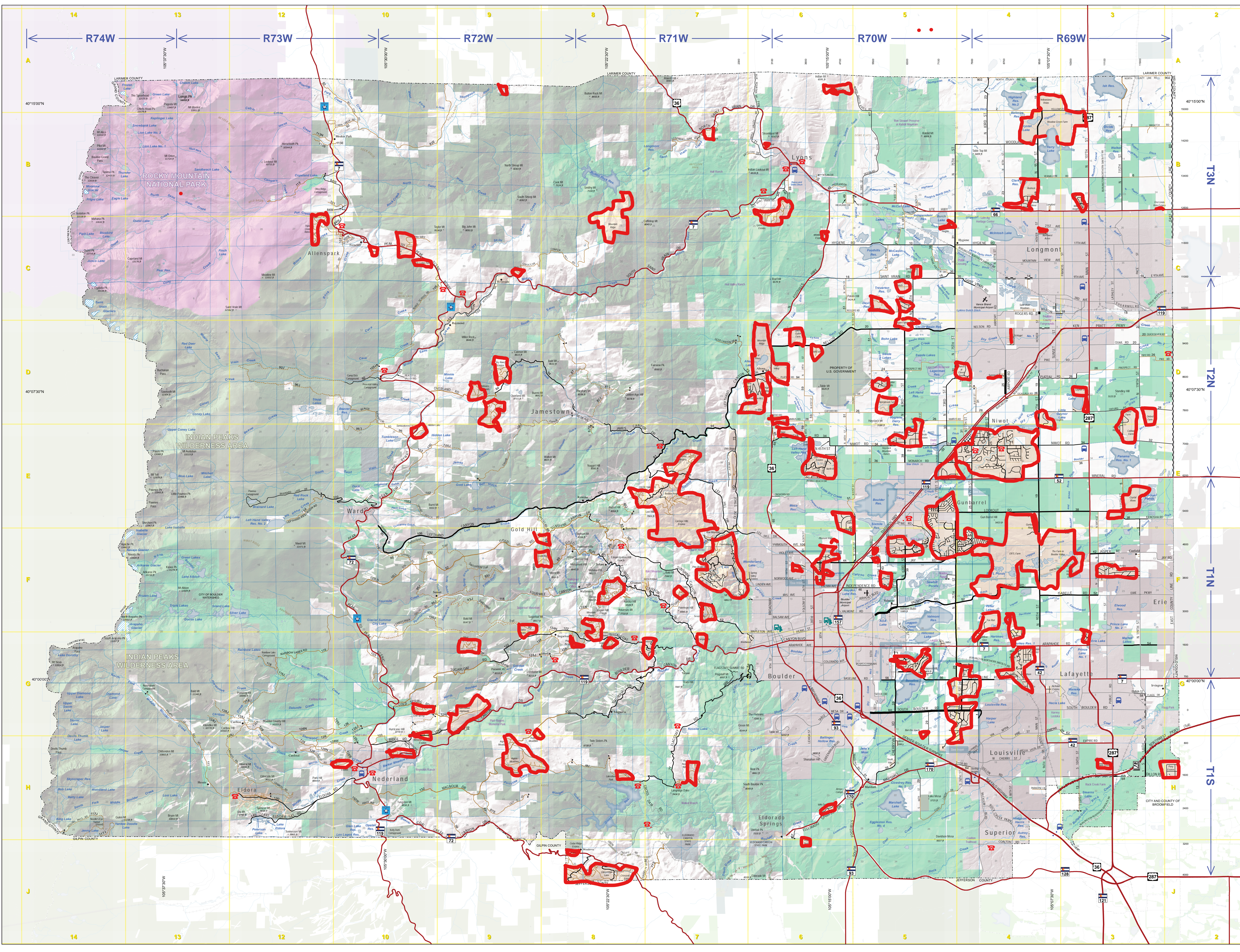
HILLS TWO (THE)
HILLSIDE ESTATES
HOMESTEAD
HORSESHOE PARK SOUTH
HORST ESTATE
HUNTER CREEK CONDOS
HYGIENE HEIGHTS
INDIAN COURT
INDIAN GAP
INDIAN HILLS
INDIAN MESA SUBDIVISION
ISLAND GREENS
J & J FARM
JANECZKO NUPUD
JOHNSON FARM
JORGENSEN NUPUD
JUHL
JUHL FIRST ADDITION
KANEMOTO ESTATES
KING
KIRKMEYER
KRASKEY NUPUD
KUGEL NUPUD
KUHLMANN HEIGHTS
LAGERMAN RESERVOIR
LAKE ELDORA
LAKE OF THE PINES
LAKE SHORE ESTATES
LAKE VALLEY ESTATES
LAKESHORE PARK
LANE FARMS
LARK MEADOWS
LAVISTA BUSINESS PARK PHASE
LAZY ACRES
LEFT HAND CREEK RANCH
LEGEND RIDGE
LEGERE ESTATES
LEISTIKOW NUPUD
LEMANN
LEONARD NUPUD
L'HEUREUX COUNTRY ESTATES
LONGFORD
LONGS PEAK ESTATES
LONGS VIEW
LONGVIEW FARMS
LONGVIEW RANCHETTES
LOOKOUT ESTATES

LOOKOUT RIDGE
LYKINS GULCH FARM
LYONS PARK ESTATES
MAGGIES FARM
MALLARD POND ESTATES
MAPLE GROVE
MARDICK
MATTOONS HIGHLANDS
MCCALL LAKE
MCCONNELL TDR/PUD
MCNAIR MEADOWS
MCSORLEYS
MEADOW CREEK FARM
MEADOW GREEN FARM NUPUD
MEADOWDALE
MEADOWS VIEW
MEAGER
MESA VALLEY
MITCHELL
MONARCH GROVE
MONARCH PARK
MONARCH PONDS
MORTON HEIGHTS
MOUNTAIN MEADOWS
MOUNTAIN PINES
MOUNTAIN RIDGE
MOUNTAIN VIEW ESTATES NUPUD
NICHOLAS ESTATES
NIWOT ESTATES PUD
NIWOT HILLS TDR/PUD
NIWOT MEADOW
NIWOT MEADOW FARM
NORTH POINTE
NORTH RIM
NORTHWEST ACRES
OLD POST
OLDE STAGE SETTLEMENT
ORANGE ORCHARD
ORIOLE ESTATES
OVERBROOK
OVERLAND
OXFORD FARM
PALO PARK
PALO PARK TOWNHOUSES
PANORAMA PARK
PARAGON ESTATES
PARK LAKE

PAUL NOR ESTATES
PEACEFUL VALLEY BOEHMS
PEPER RIDGE FARMS
PEPERS
PEPPERTREE ESTATES
PHEASANT HILL
PHELPS
PIA
PIEDMONT BLUFFS
PINE BROOK HILLS
PINE NEEDLE NOTCH
PINE VALLEY UNIT
PLEASANT RIDGE
POINT OF PINES
PONY ESTATES
POOR
POST HILL
PRIDE OF THE WEST
PRUDEN SPRINGS NUPUD
QUIET RETREAT
R AND R
RANCH AT CLOVER BASIN
RANGE VIEW
RED FOX HILLS
REDROCK NUPUD
RICE ESTATES
RIDGEWOOD
RIDGLEA HILLS
RKM RANCH
ROBL FARM
ROCK LEDGE PARK
ROLLING MEADOWS
ROTHMAN SUB
ROUGH AND READY
RUSTIC KNOLLS
RYAN ESTATES
SADDLE CLUB ACRES
SADDLE CLUB ESTATES
SAGE VALLEY
SANTAZAKERES
SATTLER NUPUD
SAXON ESTATES
SCHELL SUBDIVISION
SCHLAGEL
SEEWALD
SEVEN HILLS
SHANNON ESTATES

SHANNON ESTATES SOUTH
SHEDD NUPUD
SIERRA ANTIGUA
SILVER SPRINGS
SILVERWOOD ESTATES
SISK NUPUD
SKAGGS FAMILY FARM
SKY RANCH ESTATES
SMITH MEADOW LANE
SOMBRERO RANCH
SOMERSET ESTATES
SOUTH MEADOW GUNBARREL GREEN
SOUTH VALE
SPANISH HILLS
SPICERS HEIGHTS
SPRING LAKE HEIGHTS
SPRING TREE
SPRING VALLEY ESTATES
SPRINGHILL
ST ANTON HIGHLANDS
ST VRAIN MEADOWS
ST VRAIN PARK
STEAMBOAT
STEELE
STEELE RANCH NUPUD
STENGEL COUNTRY ESTATES
STERLING HEIGHTS
STINLE
STONEGATE TOWNHOMES
STONEHENGE
STROH SUBDIVISION
SUBURBIA ACRES
SUGARLOAF ACRES
SUMMERLIN TDR/PUD
SUNNY ACRES
SUNNY SLOPE ACRES
SUNRISE RANCH
SWISS PEAKS
TABLE MOUNTAIN RANCH NUPUD
TABOR ACRES
TALL TIMBERS
TEDESCO
TELLER GROVE
TERRY VIEW
TREVARTON EAST
TRIPLE CREEK RANCH
TRIPLE CROWN MEADOWS

TWIN LAKES
UTE RESEARCH INDUST PARK
VALHALLA
VALLE DEL RIO
VALTEC
VENDEGNA EXEMPTION PLAT
VIEWPOINT
WALKER ACRES
WASATCH
WASATCH EAST
WATERFORD PARK PUD
WATERFORD PUD
WATERSTONE NUPUD
WESTERN MEADOWS PARK
WESTVIEW ACRES
WHISPER MOUNTAIN RANCH
WHISPERING PINES
WHITE FARM
WHITE HAWK RANCH
WHITTINGTON ESTATES
WILDFLOWER RANCH
WILLIS HEIGHTS
WILLOW GLEN
WILLOWDALE PLACE CONDOS
WILLOWS
WINDRIDGE
WINTERVIEW PUD
WOOD MEADOW NCNUPUD CORRECTION PLAT
WOODBOURNE HOLLOW
WOODLAND VILLAGE
YELLOWSTONE ESTATES
YELLOWSTONE FARMS
YELLOWSTONE VISTAS



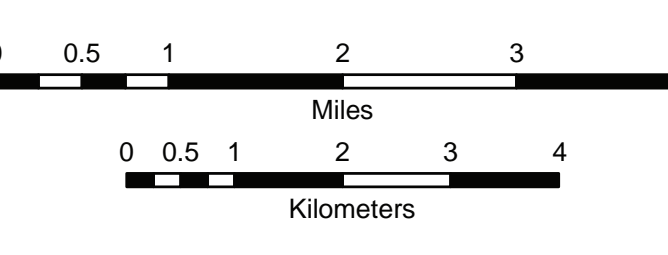
2018 Boulder County Road Map



Boulder County Functional Class

Functional Class	Paved	Gravel
Principal Arterial		
Minor Arterial		
Collector		
Residential Collector		
Local		
Local Secondary		
Jeep		

- Municipal**
- State and Federal Highways**
- Lands**
 - Subdivisions / Platted Areas
 - County and City Open Space
 - State
 - Federal
 - Rocky Mountain National Park
 - Indian Peaks Wilderness Area
- RTD Park-n-Rides**
- RTD Transit Centers**
- Call Boxes**
- Boulder County Boundary**
- In Service Railroads**
- Abandoned or Out of Service Railroads**



Official Map Adopted December 15, 1953.
 Revisions approved by the Board of County Commissioners
 by resolution number 2018-77
 August 2, 2018

District 1: Elise Jones
 District 2: Deb Gardner
 District 3: Cindy Domenico

*For further information concerning roads, consult the Boulder County Road Directory as well as the Niwot, Gunbarrel, Baseline Rd and Cherryvale Rd, N 28th St and Jay Rd and South Boulder Rd and N 76th St inset maps on the back.

This map is for illustrative purposes only and the features depicted on it are approximate. More site specific studies may be required to draw accurate conclusions. Boulder County makes no warranties regarding the accuracy, completeness, reliability, or suitability of this map. Boulder County disclaims any liability associated with the use or misuse of this map. In accessing and/or relying on this map, the user fully assumes any and all risk associated with the information contained therein.

BOULDER COUNTY ROAD DIRECTORY

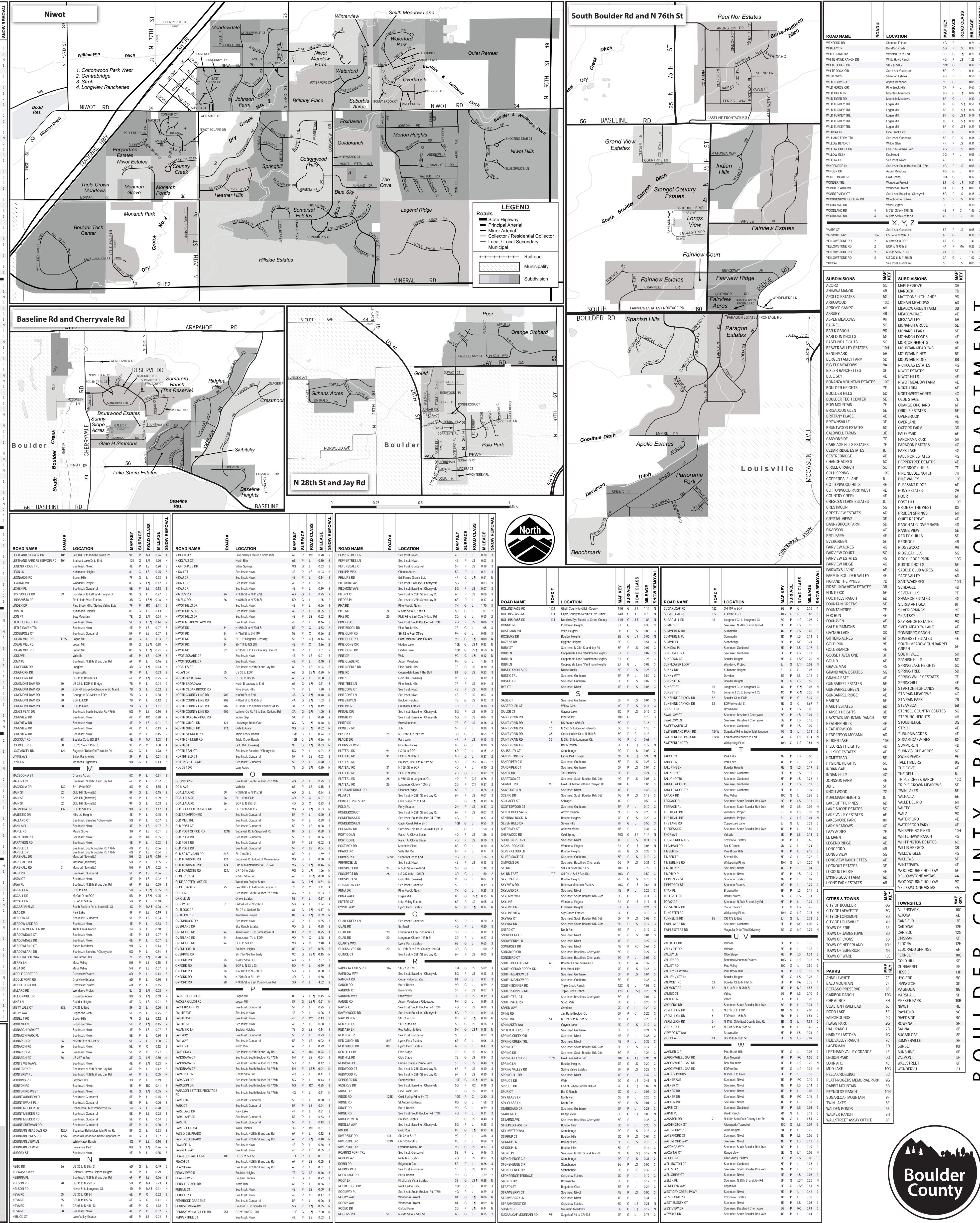
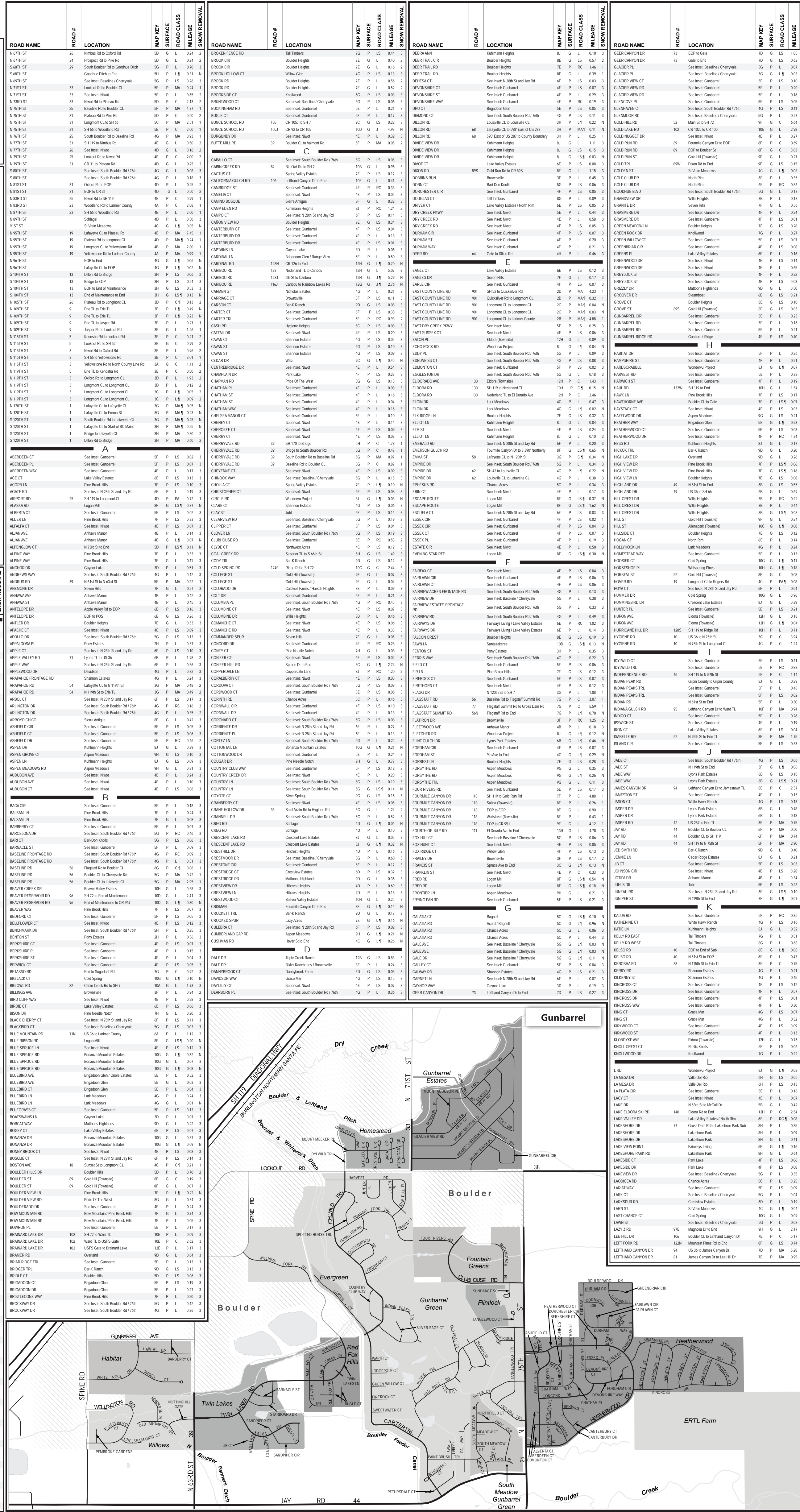
ROAD CLASS
A - A majority of residential classifications categorize transportation corridors as their role in connecting and providing access to existing and proposed residential developments. These roads are designed to provide a high level of service and are typically wider than other road classes. They are designed to provide a high level of service and are typically wider than other road classes. They are designed to provide a high level of service and are typically wider than other road classes.

MAINTENANCE DESCRIPTION
GENERAL MAINTENANCE PROGRAM
All roads maintained by Boulder County have been accepted for road maintenance by resolution of the Board of County Commissioners. The County assumes full responsibility for providing available resources for maintaining these roads in an open, safe, and serviceable condition for public use. For transportation county policy, the county gives first priority to the rehabilitation of the county's arterial and collector transportation corridors. As a secondary priority, the county establishes a limited number of local roads as resurfaced projects.

SNOW REMOVAL PRIORITY
Due to specialized equipment, logistics, timing, available funding and manpower required to provide efficient and effective snow removal for county maintained roads, each road is assigned a priority, with the designations as adopted by resolution of the board of county commissioners to maximize the effectiveness of county snow removal operations.

ABBREVIATIONS:
CL - City Limits
TL - Town Limits
EOP - End of Pavement

ROAD NAME	LOCATION	MAP KEY	SURFACE	ROAD CLASS	SNOW REMOVAL PRIORITY
1000000000	See Inset Map	100	AS	1	1
1000000001	See Inset Map	101	AS	1	1
1000000002	See Inset Map	102	AS	1	1
1000000003	See Inset Map	103	AS	1	1
1000000004	See Inset Map	104	AS	1	1
1000000005	See Inset Map	105	AS	1	1
1000000006	See Inset Map	106	AS	1	1
1000000007	See Inset Map	107	AS	1	1
1000000008	See Inset Map	108	AS	1	1
1000000009	See Inset Map	109	AS	1	1
1000000010	See Inset Map	110	AS	1	1
1000000011	See Inset Map	111	AS	1	1
1000000012	See Inset Map	112	AS	1	1
1000000013	See Inset Map	113	AS	1	1
1000000014	See Inset Map	114	AS	1	1
1000000015	See Inset Map	115	AS	1	1
1000000016	See Inset Map	116	AS	1	1
1000000017	See Inset Map	117	AS	1	1
1000000018	See Inset Map	118	AS	1	1
1000000019	See Inset Map	119	AS	1	1
1000000020	See Inset Map	120	AS	1	1
1000000021	See Inset Map	121	AS	1	1
1000000022	See Inset Map	122	AS	1	1
1000000023	See Inset Map	123	AS	1	1
1000000024	See Inset Map	124	AS	1	1
1000000025	See Inset Map	125	AS	1	1
1000000026	See Inset Map	126	AS	1	1
1000000027	See Inset Map	127	AS	1	1
1000000028	See Inset Map	128	AS	1	1
1000000029	See Inset Map	129	AS	1	1
1000000030	See Inset Map	130	AS	1	1
1000000031	See Inset Map	131	AS	1	1
1000000032	See Inset Map	132	AS	1	1
1000000033	See Inset Map	133	AS	1	1
1000000034	See Inset Map	134	AS	1	1
1000000035	See Inset Map	135	AS	1	1
1000000036	See Inset Map	136	AS	1	1
1000000037	See Inset Map	137	AS	1	1
1000000038	See Inset Map	138	AS	1	1
1000000039	See Inset Map	139	AS	1	1
1000000040	See Inset Map	140	AS	1	1
1000000041	See Inset Map	141	AS	1	1
1000000042	See Inset Map	142	AS	1	1
1000000043	See Inset Map	143	AS	1	1
1000000044	See Inset Map	144	AS	1	1
1000000045	See Inset Map	145	AS	1	1
1000000046	See Inset Map	146	AS	1	1
1000000047	See Inset Map	147	AS	1	1
1000000048	See Inset Map	148	AS	1	1
1000000049	See Inset Map	149	AS	1	1
1000000050	See Inset Map	150	AS	1	1
1000000051	See Inset Map	151	AS	1	1
1000000052	See Inset Map	152	AS	1	1
1000000053	See Inset Map	153	AS	1	1
1000000054	See Inset Map	154	AS	1	1
1000000055	See Inset Map	155	AS	1	1
1000000056	See Inset Map	156	AS	1	1
1000000057	See Inset Map	157	AS	1	1
1000000058	See Inset Map	158	AS	1	1
1000000059	See Inset Map	159	AS	1	1
1000000060	See Inset Map	160	AS	1	1
1000000061	See Inset Map	161	AS	1	1
1000000062	See Inset Map	162	AS	1	1
1000000063	See Inset Map	163	AS	1	1
1000000064	See Inset Map	164	AS	1	1
1000000065	See Inset Map	165	AS	1	1
1000000066	See Inset Map	166	AS	1	1
1000000067	See Inset Map	167	AS	1	1
1000000068	See Inset Map	168	AS	1	1
1000000069	See Inset Map	169	AS	1	1
1000000070	See Inset Map	170	AS	1	1
1000000071	See Inset Map	171	AS	1	1
1000000072	See Inset Map	172	AS	1	1
1000000073	See Inset Map	173	AS	1	1
1000000074	See Inset Map	174	AS	1	1
1000000075	See Inset Map	175	AS	1	1
1000000076	See Inset Map	176	AS	1	1
1000000077	See Inset Map	177	AS	1	1
1000000078	See Inset Map	178	AS	1	1
1000000079	See Inset Map	179	AS	1	1
1000000080	See Inset Map	180	AS	1	1
1000000081	See Inset Map	181	AS	1	1
1000000082	See Inset Map	182	AS	1	1
1000000083	See Inset Map	183	AS	1	1
1000000084	See Inset Map	184	AS	1	1
1000000085	See Inset Map	185	AS	1	1
1000000086	See Inset Map	186	AS	1	1
1000000087	See Inset Map	187	AS	1	1
1000000088	See Inset Map	188	AS	1	1
1000000089	See Inset Map	189	AS	1	1
1000000090	See Inset Map	190	AS	1	1
1000000091	See Inset Map	191	AS	1	1
1000000092	See Inset Map	192	AS	1	1
1000000093	See Inset Map	193	AS	1	1
1000000094	See Inset Map	194	AS	1	1
1000000095	See Inset Map	195	AS	1	1
1000000096	See Inset Map	196	AS	1	1
1000000097	See Inset Map	197	AS	1	1
1000000098	See Inset Map	198	AS	1	1
1000000099	See Inset Map	199	AS	1	1
1000000100	See Inset Map	200	AS	1	1



From: [Schuyler Bailey](#)
To: [!LongRange](#)
Subject: [EXTERNAL] Comment on Short-Term Dwelling and Vacation Rental
Date: Monday, January 8, 2024 10:13:47 AM

Dear Mr. Abner,

I'm writing in regards to the Text amendments to the Boulder County Land Use Code related to the Short-Term Dwelling and Vacation Rental uses in Article 4-507.E, Article 4-516.X, Article 4-516.Y that will be reviewed on January 9, 2024.

I am a Boulder resident in a Rural Residential zone, and I recently applied for a short term rental license. We are not on subdivided land, but we fall under the minimum 5 acre requirement for special use review by .21 acres (our lot is 4.79 acres), and therefore are required to go through the special use review process, which will cost us at least \$1,450. In addition, the application requires documentation (like building elevations) that seem to apply more to renovation and building permits than to a short term rental.

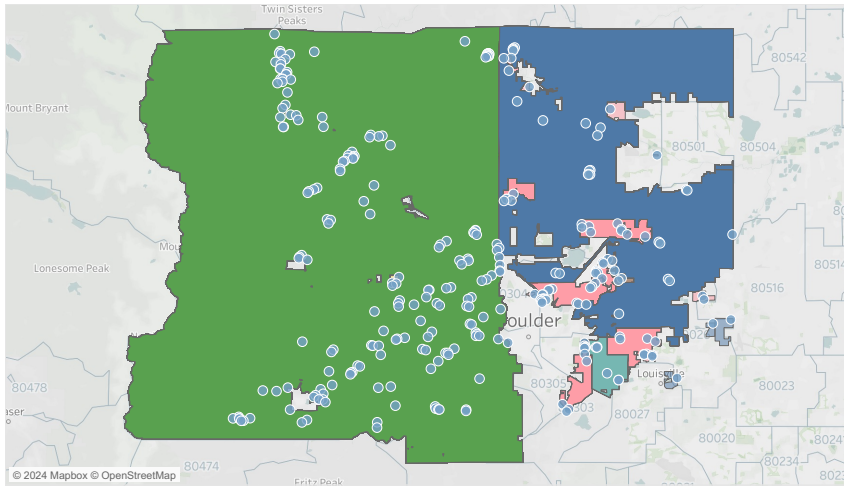
We intend to rent our home out occasionally when we are out of town to help offset costs of home ownership. I have found the current process to be both lengthy and cost-prohibitive. I hope the Commissioner will ease the short-term and vacation rental license process by reducing application fees, easing requirements, and minimizing unnecessary paperwork. It will save both Boulder County and residents time and money, as well as enable more people to visit and enjoy Boulder.

I appreciate your time and consideration!

Best,
Schuyler Bailey
9119 Arapahoe Rd.

Boulder County STR Report

Zoning Map



Listing Type
 Entire Home

Bedrooms
0 to 6

Reviews
All values

Revenue
5096 to 415826 and Null values

Zone Description
 Agricultural
 Business
 Economic De..
 Estate Resid..
 Forestry
 Historic
 Multiple Fami..
 Rural Reside..
 Suburban Res..

Market Name
 Allenspark
 Boulder
 Jamestown
 Lafayette
 Longmont
 Louisville
 Lyons
 Nederland
 Ward
 Total

Findings

- STR's in Boulder County: 298
- Max Accommodated Guest Per Day: 3291 guests
- Total Owner Revenue Per Year: \$26,457,025
- Generated County STR Taxes @ 7.5% (Per AIRBNB/VRBO) Pear Year: \$1,137,159.75

Yearly Travel revenue per person (According to a Boulder Convention and Visitors Bureau report on economic impact of tourism <https://ctycms.com/co-boulder/docs/c-tourism-economic-impctat-visitor-numbers-2013.pdf>) : \$95

Total Traveler Revenue Brought to Local Community Per Year (not including rental fees based on 50% occupancy rate of 298 rentals): \$26,457,025

Aprox Total Housing Stock Boulder County Unincorporated: ~20,000 homes

Aprox % Of Total housing stock currently STR: ~1.5% total Housing Stock

Total STR By Zone

Zone Descripti..	Count
Agricultural	33
Business	1
Economic Deve..	2
Estate Residen..	6
Forestry	185
Historic	1
Multiple Family	5
Rural Residenti..	48
Suburban Resi..	17
Grand Total	298

Total STR By Market

Market Na..	Count
Allenspark	31
Boulder	132
Jamestown	3
Lafayette	11
Longmont	27
Louisville	1
Lyons	44
Nederland	39
Ward	10
Grand Total	298

Tax Revenue By Zone By Year (7.5%)

Zone Descripti..	Revenue
Agricultural	\$107,917.27
Business	\$6,288.82
Economic Deve..	\$7,623.90
Estate Residen..	\$12,353.25
Forestry	\$794,356.12
Historic	\$1,357.65
Multiple Family	\$8,174.70
Rural Residenti..	\$150,601.27
Suburban Resi..	\$46,894.20
Grand Total	\$1,135,567.20

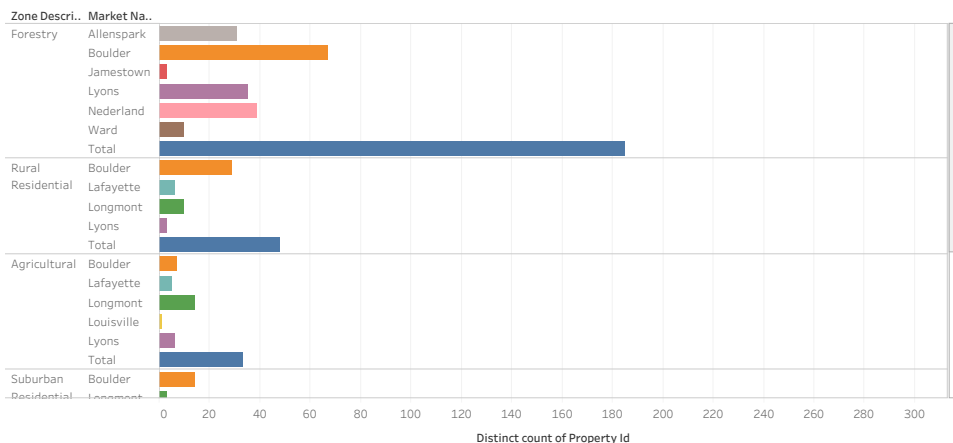
Traveler Estimated Spend By Zone By Year

Zone Descripti..	Revenue
Agricultural	\$2,617,962.50
Business	\$208,050.00
Economic Deve..	\$86,687.50
Estate Residen..	\$312,075.00
Forestry	\$17,337,500.00
Historic	\$52,012.50
Multiple Family	\$468,112.50
Rural Residenti..	\$3,848,925.00
Suburban Resi..	\$1,491,025.00
Grand Total	\$26,422,350.00

Owner Revenue By Zone By Year

Zone Descri..	Revenue
Agricultural	\$1,438,897.00
Business	\$83,851.00
Economic D..	\$101,652.00
Estate Resi..	\$164,710.00
Forestry	\$10,591,415.00
Historic	\$18,102.00
Multiple Fa..	\$108,996.00
Rural Resid..	\$2,008,017.00
Suburban R..	\$625,256.00
Grand Total	\$15,140,896.00

Total STR By Area



Boulder Convention and Visitors Bureau 2013 Economic Impact of Tourism



March 2014

Prepared for:

Boulder Convention and Visitors Bureau

Prepared by:

RRC Associates, Inc.

4940 Pearl East Circle, Ste 103

Boulder, CO 80301

303/449-6558

www.rrcassociates.com



2013 ECONOMIC IMPACT OF TOURISM

Draft Results

INTRODUCTION

This report summarizes the estimated economic impact of tourism in the City of Boulder in 2013. The results are primarily based on a year-long visitor study conducted by RRC Associates and on the IMPLAN economic impact modeling system, a software and data package widely used for assessing the economic impacts of a variety of industries, including tourism.

Methodology

This report presents estimates of the economic impacts of tourism in the City of Boulder for 2013. The information used to calculate the economic impact is primarily derived from two sources: the 2013 Boulder CVB Visitor Study, and 2012 IMPLAN data for zip codes encompassing the City of Boulder. Additionally, the analysis has been informed by a variety of other tourism research sources and governmental revenue sources, as discussed later in this section.

The study estimates the following types of economic impacts resulting from tourism in the City of Boulder:

- Volume of visitation (as measured in visitor-days)
- Direct visitor expenditures
- Direct and “secondary” (indirect and induced; aka “multiplier”) economic output
- Direct and “secondary” employment
- Direct and “secondary” labor income

Visitor Study

The 2013 Boulder CVB Visitor Study provided a detailed analysis of visitors to Boulder, including their demographics, geographic origin, length of stay, reason for visit, activities and events

participated in during the trip, and expenditure amounts. This last piece of information – direct visitor expenditures – is one of the critical primary inputs to the Economic Impact study.

The visitor research program for the Boulder CVB utilized a hybrid approach to data collection, which included four different methodologies:

- 1) Stationary survey kiosks placed at various locations,
- 2) Short interviewer intercept surveys administered in selected places around Boulder, with an online follow-up survey,
- 3) Online surveys administered to people who requested information about Boulder from a variety of sources (Conversion Study), and
- 4) Online surveys sent to the CU Athletics database of football game attendees.
 - Survey kiosks were placed in the University Inn, Hotel Boulderado, Celestial Seasoning tasting room, Boulder Outlook Hotel, Best Western, Holiday Inn, Chautauqua Ranger Cottage, and the Quality Inn.
 - Intercept surveys were completed in and around Chautauqua and the nearby trailheads, the Downtown Pearl Street Mall area, the Valmont Bike Park, two CU football games, two CU men's basketball games, and other locations in the city. Respondents to the short intercept survey were also sent an email link to a follow-up online survey to be completed at a later time.

The total (weighted) sample size for the Visitor Study included 866 intercept and follow-up surveys, 1,440 kiosk surveys, 891 web surveys from respondents who requested information about Boulder, and 248 CU athletics surveys, for a total of **3,445 completed responses**. The sample size, from a purely statistical calculation, provides a 95 percent confidence level of ± 1.7 percent about any given percentage expressed in the overall results. In other words, for a results that shows 50 percent of visitors participated in a particular activity, the true percentages is somewhere between 48 and 52 percent.

The primary inputs from the 2013 Boulder CVB Visitor Study used in this Economic Impact Study were the visitor mix and aggregate level of expenditures in Boulder per person per trip. It is important to note that the visitor expenditure results are from a primary survey research effort, and not from a secondary source. Therefore, the visitor expenditure figures are largely accurate and representative.

IMPLAN

Using input-output analysis in combination with regional specific Social Accounting Matrices and Multiplier Models, IMPLAN provides a highly accurate and adaptable model for its users. The IMPLAN database contains county, state, zip code, and federal economic statistics which

are specialized by region, not estimated from national averages and can be used to measure the effect on a regional or local economy of a given change or event in the economy's activity.¹ For purposes of this analysis, an IMPLAN economic impact model was developed based on the geographic area encompassing zip codes to which the US Postal Service has assigned the location name "Boulder."

Other Sources

As noted previously, a variety of other data sources have been used to inform the analysis, as outlined below:

- The summer 2012 Downtown Boulder User Survey (conducted by RRC Associates) was used to inform estimates of visitor expenditures by industry sector (e.g. lodging, restaurants, retail, etc.) and visitor group (overnight in commercial lodging, overnight with friends/relatives, etc.).
- "Colorado Travel Impacts 1996 – 2012" by Dean Runyan Associates was also utilized to inform estimates of visitor expenditures by industry sector and visitor group, particularly in reference to that study's estimates of the economic impacts of overnight travelers to Boulder County in 2012.
- "Colorado Travel Year 2012" by Longwoods International was utilized to inform estimates of visitor volumes and visitor expenditures by visitor group.
- A variety of other data was referenced as well, including:
 - City of Boulder accommodations and sales tax collections by sector, as reported by the City of Boulder.
 - State taxable sales for the City of Boulder and Boulder County, as reported by the Colorado Department of Revenue.
 - A variety of hotel lodging metrics, as reported by STR for the City of Boulder and Boulder County (room inventories, lodging occupancy rates, average daily rates, etc.).

¹ IMPLAN website, www.implan.com.

EXECUTIVE SUMMARY

Using information from the 2013 Visitor Study, hotel lodging statistics from CHLA, and IMPLAN multipliers for the City of Boulder, this report estimates that the ***total economic impact of tourism for the City of Boulder in 2013 to be \$419,111,633*** including direct economic impact in the City of Boulder of \$290,624,556 and secondary impacts (indirect and induced) of \$128,487,076.

The estimated ***number of jobs in the City of Boulder attributable to tourism is 7,533***, including 6,241 jobs directly tied to the tourism industry.

The ***total labor income attributable to tourism in the City of Boulder is \$209.2 million***.

Table 1 below summarizes selected key findings from the research.

Table 1
Summary of Selected Key Findings

Economic Measure*	Amount
Direct economic impact	\$290,624,556
Secondary economic impact (indirect and induced effects)	+ \$128,487,076
Total economic impact (Direct economic impact plus secondary impact)	\$419,111,633
Total Jobs	7,533
Total Labor Income	\$209,208,019

* Excluding airfare and expenditures outside of the City of Boulder.

REPORT FINDINGS

Visitor Study Findings

This section presents the information from the Visitor Study that is most relevant to the Economic Impact study.

- Visitor Type. Information from the 2012 Visitor Study was used to create a customized visitor type distribution, as presented in Table 2 below. As shown, overnight visitors staying in commercial lodging (hotel, motel, B&B, inn, etc.) accounted for approximately 36 percent of the visitor-nights in 2013. Day visitors were actually slightly greater, at 36.2 percent of visitor-nights, while those staying overnight with family or friends were the third major segment of visitors (26 percent of visitor nights). The small remainder was made up of overnight visitors in other accommodations (camping, dorm room, etc.) at 1.8 percent.

Table 2
Visitor Type

Visitor Type	Percent of Visitor-Nights
Overnight Visitor staying in commercial lodging	36.0%
Overnight Visitor staying with family/friends	26.0%
Other Overnight Visitor (camping, dorm room, etc.)	1.8%
<u>Day Visitor</u>	<u>36.2%</u>
Total	100.0%

Source: Boulder CVB 2012 Visitor Study

- Per Person Daily Expenditures. Information from the 2012 Visitor Study also provided information on per person daily expenditures while in the City of Boulder, as shown below in Table 3. Overnight visitors staying in commercial lodging (\$210) spend more than overnight visitors staying in other lodging (\$128), though the latter segment is a much smaller group. Additionally, overnighters staying with family/friends spend \$95 per person per day on average, while day visitors spend slightly less (\$85). Although overnight visitors spend over twice as much as day visitors, on average, it is worth noting that day visitors tend to be repeat visitors who regularly contribute to the Boulder economy.

Table 3
Average Daily Expenditures per Person, by Visitor Type

Visitor Type	Average Daily Expenditures per Person
Overnight Visitor staying in commercial lodging	\$210
Overnight Visitor staying with family/friends	\$95
Other Overnight Visitor (camping, dorm room, etc.)	\$128
<u>Day Visitor</u>	<u>\$85</u>
Overall	\$133

Source: Boulder CVB 2012 Visitor Study

Hotel Statistics

Hotel statistics are provided by Colorado Hotel and Lodging Association (CHLA) and Smith Travel Research (STR). In 2013, the supply of available hotel rooms in the City of Boulder was 774,165 available rooms. The average occupancy rate in Boulder in 2013 was 69.9 percent, meaning that 547,420 hotel rooms were occupied in Boulder in 2013.

Given an average of 1.85 persons per occupied room (calculated based on the actual per person spent on hotels divided by the average room rate), the total number of visitor-nights in hotels and other commercial lodging in Boulder (B&Bs, Inns, etc.) 1,014,370.

From the Visitors Survey, it is known that the average length of stay is 3.1 nights. Dividing 1,014,370 hotel room-nights by 3.1 nights results in a total of 327,216 unique individuals staying in Boulder hotels in 2013. Additionally, the average room rate (ADR) in Boulder in 2013 was \$132.04. The average revenue per available room (REVPAR) was \$89.96. (The information in this paragraph is not specifically used to calculate the economic impact below, but is provided for general informational purposes and to provide context.)

Number of Visitor-Nights in Boulder in 2013

Combining the information from the Visitor Study with hotel operating statistics results in estimates of the visitor-nights in Boulder in 2013. (A visitor-night is one person staying one night in Boulder; a party of three people staying two nights would be six visitor nights. Day visitors are counted once per person in the visitor-night calculation.)

Overnight visitors staying in commercial lodging accounted for approximately 36 percent of Boulder's total visitor-nights in 2013 (from the Visitors Study), or a total of 1,014,370 visitor-nights. Thus, the remaining visitor segments, as profiled in Table 4 below, are overnight with family/friends (26 percent of the total, or 734,543 visitor-nights), other overnight (1.8 percent of the total, or 50,775 visitor-nights), and day visitors (36.2 percent of the total, or 1,021,139 visitor-nights).

The ***total direct spending by visitors in the City of Boulder in 2013 was \$375.8 million.***

Table 4
Total Direct Visitors Spending in City of Boulder, 2013

Visitor Type	Number of visitor-nights	Per person daily spend	Total Visitor Expenditures
Overnight Visitor staying in commercial lodging	1,014,370	\$210	\$213,017,598
Overnight Visitor staying with family/friends	734,543	\$95	\$69,414,355
Other Overnight Visitor (camping, dorm room, etc.)	50,775	\$128	\$6,499,186
<u>Day Visitor</u>	<u>1,021,139</u>	<u>\$85</u>	<u>\$86,847,914</u>
Overall	2,820,827	\$133	\$375,779,053

Sources: Boulder CVB 2012 Visitor Study, CHLA

Expenditures, Direct Economic Impact and Total Economic Impact

Terminology

In order to evaluate the economic scope and impacts of tourism annually in Boulder, several economic measures have been calculated: “Direct Economic Impact,” “Secondary Economic Impact,” and “Total Economic Impact.”

- “Direct Visitor Expenditures” shows the estimated dollar amounts spent by all visitors to Boulder, as collected on visitor surveys and discussed above.
- “Direct Economic Impact” is a measure of economic activity associated with only visitors to the City of Boulder. Economic activities associated with tourism from those who reside within Boulder County are excluded, since it is assumed that they would have spent their discretionary/entertainment dollars on other goods/services/activities in the local area anyway. “Economic impact” is thus a slightly narrower measure than “economic significance,” and it tabulates the incremental “new money” brought into the City of Boulder by outside visitors attracted to the area as a result of tourism.

Again, the term “direct” further specifies that the economic impact evaluation has been limited to first-order economic effects. Secondary/multiplier impacts are included later in this analysis and are in addition to the direct effects.

Note as well that the direct economic significance/impact measures described above differ from raw expenditures, insofar as the economic significance/impact measures both incorporate an adjustment to retail purchases to include retailer margins only, and thus more accurately reflect local economic activity. This methodological step is described in more detail in the “detailed calculations” section to follow.

- “Secondary Economic Impact” represents the additional economic activity stimulated in the local economy as a result of the direct impacts, and is sometimes referred to as the “multiplier effect.” This includes “indirect” effects associated with the supply chain (e.g. the linen provider which services a hotel) and “induced” effects associated with employees in directly or indirectly affected industries spending their wages in the local economy; plus related follow-on rounds of economic activity from these indirect and induced effects. This analysis uses output multipliers calculated by the Minnesota IMPLAN Group for applicable industry sectors for the City of Boulder as of 2013, to estimate secondary economic impacts.

- “Total Economic Impact” represents the sum of direct and secondary economic impacts.

Summary of Results

The *total economic impact of tourism in the City of Boulder in 2013 is estimated to have been \$419.1 million*. This number accounts for the direct and secondary impacts associated with non-resident visitors and their immediate travel parties. Selected key findings are presented in the table below.

Table 5
Total Spending in Boulder

Total Economic Impact of Tourism	Direct Visitor Expenditure	Direct Economic Impact	Secondary Impact (Indirect and Induced)	Total Economic Impact
Accommodations	\$73,103,149	\$73,103,149	\$33,939,497	\$107,042,646
Food Service	\$102,915,552	\$102,915,552	\$42,323,207	\$145,238,759
Food Stores	\$28,742,181	\$8,162,779	\$3,306,902	\$11,469,682
Local transportation & gas	\$38,013,853	\$16,199,603	\$6,450,104	\$22,649,707
Arts, Entertainment, Recreation	\$62,120,198	\$62,120,198	\$32,369,669	\$94,489,867
<u>Retail sales</u>	<u>\$70,884,120</u>	<u>\$28,123,275</u>	<u>\$10,097,696</u>	<u>\$38,220,971</u>
Total Economic Impact of Tourism	\$375,779,053	\$290,624,556	\$128,487,076	\$419,111,633

It is important to note that the \$72.6 million in spending by overnight visitors in commercial lodging in 2013 is equal to the gross lodging sales in the City of Boulder in 2013 (\$5.44 million in accommodations tax collected divided by the 7.5% tax rate results in \$72.6 million in actual lodging sales). The agreement of these two numbers is an important check on the accuracy of the overall direct spending and total economic impact figures.

Detailed Calculations

The worksheets that follow present a detailed outline of the methodology employed in developing the estimates for direct economic impact and significance and total economic impact and significance.

The total per person daily visitor expenditure figure was broken into spending categories using a proportionate allocation based on research from Dean Runyan's 1996-2012 study of Colorado Travel Impacts. The share of visitor spending in Boulder County documented in that report was used to allocate the daily per person spending from the Visitors Study. The results of the spending allocation into the various categories can be seen in Table 6 below.

Other considerations in the calculations include the following:

- Identify Boulder County residents and non-residents by the zip code provided in the survey. Residents are excluded from the economic impact totals.
- Use visitor nights by visitor type as presented in Table 4 above.
- Use the per capita per day expenditure figures noted above in Table 3 to create spending estimates for visitors.
- Adjust retail sales to reflect local capture of economic value. Much of the price of retail items reflects manufacturers' costs of creating goods, as well as the costs charged by transporters and wholesalers. Insofar as such manufacturers, transporters and wholesalers are located outside of the Boulder County region, it is important to exclude those portions of economic value creation from the local economic evaluation, and only include that proportion of economic value represented by the retailer's margin. This step is applied in this analysis to grocery purchases, shopping purchases, gas expenditures, and other expenditures. Based on data reported for the City of Boulder in 2012 by the IMPLAN economic modeling system, a grocery retail margin of 28.4 percent, a blended retail margin of 39.8 percent, and a gas retail margin of 42.6 percent have been applied to expenditures in these categories. These adjustments are presented in Table 7 below. These adjustments are applied to the raw retail expenditure figures to derive direct economic impacts and direct economic significance associated with retail purchases.
- Calculate the secondary economic effects of spending in various industry categories using multipliers from the IMPLAN economic modeling system for City of Boulder in 2012. The shopping multiplier is calculated as the average of multipliers for the

following retail industry categories: clothing, sporting goods, general merchandise, and miscellaneous retail.

Table 6
Aggregate Direct Visitor Spending

Visitor Type	Overnight in Commercial Lodging	Overnight with Family/Friends	Overnight in Other Accommodations	Day Visitor	Total
Total Visitor-Nights in City of Boulder	1,014,370	734,543	50,775	1,021,139	2,820,827
Per Person per Night Expenditures					
Accommodations	\$71.57	\$0.00	\$10.00	\$0.00	
Food Service	\$46.99	\$32.08	\$43.45	\$28.87	
Food Stores	\$13.12	\$8.96	\$12.13	\$8.06	
Local transportation & gas	\$17.36	\$11.85	\$16.05	\$10.66	
Arts, Entertainment, Recreation	\$28.36	\$19.36	\$26.23	\$17.43	
Retail sales	\$32.60	\$22.25	\$20.14	\$20.03	
Total expenditures per Visitor Night	\$210.00	\$94.50	\$128.00	\$85.05	
Total Direct Visitor Expenditures					
Accommodations	\$72,595,400	\$0	\$507,749	\$0	\$73,103,149
Food Service	\$47,666,251	\$23,562,671	\$2,206,146	\$29,480,485	\$102,915,552
Food Stores	\$13,312,196	\$6,580,566	\$616,131	\$8,233,289	\$28,742,181
Local transportation & gas	\$17,606,453	\$8,703,329	\$814,883	\$10,889,188	\$38,013,853
Arts, Entertainment, Recreation	\$28,771,521	\$14,222,513	\$1,331,638	\$17,794,527	\$62,120,198
Retail sales	\$33,065,777	\$16,345,276	\$1,022,640	\$20,450,426	\$70,884,120
Total Direct Visitor Expenditures	\$213,017,598	\$69,414,355	\$6,499,186	\$86,847,914	\$375,779,053

Source: 2012 Visitors Study

Direct Economic Impact

Table 7
Direct Economic Impact

	Direct Visitor Expenditures	Retailer Margins	Direct Economic Impact
Accommodations	\$73,103,149		\$73,103,149
Food Service	\$102,915,552		\$102,915,552
Food Stores	\$28,742,181	28.4%	\$8,162,779
Local transportation & gas	\$38,013,853	42.6%	\$16,199,603
Arts, Entertainment, Recreation	\$62,120,198		\$62,120,198
Retail sales	\$70,884,120	39.7%	\$28,123,275
Totals	\$375,779,053		\$290,624,556

Source: 2013 Visitors Study, IMPLAN 2012 City of Boulder

Multipliers

Table 8
Direct Economic Impact

Economic Impact Multipliers	Direct Effect	Indirect Effect	Induced Effect
Accommodations	1	0.3105	0.1537
Food Service	1	0.2285	0.1828
Food Stores	1	0.1736	0.2316
Local transportation & gas	1	0.1771	0.2211
Arts, Entertainment, Recreation	1	0.3311	0.1900
Retail sales	1	0.1642	0.1948

Source: IMPLAN 2012 City of Boulder

Employment Impact

An important output of the IMPLAN database is estimated multipliers of the number of jobs created as a result of the industry in question (in this case, tourism). The jobs calculation includes people directly employed by tourism-related businesses (such as the desk clerk and housekeeper in a hotel) as well as people working in businesses that have an indirect connection to tourism (retail stores, restaurants, food stores, gas stations, and many other jobs). The proportion of the job that is related to tourism is estimated by the IMPLAN employment multipliers for the City of Boulder.

The estimated *number of jobs in the City of Boulder attributable to tourism is 7,533*, including 6,241 jobs directly tied to the tourism industry.

Table 9
Jobs Impact of Tourism, City of Boulder

Jobs Impact	Direct	Indirect	Induced	Total
Accommodations	699	173	92	964
Food Service	1,762	156	154	2,072
Food Stores	453	36	55	543
Local transportation & gas	389	57	69	515
Arts, Entertainment, Recreation	1,658	205	97	1,960
Retail sales	1,280	85	113	1,478
Total Jobs	6,241	712	581	7,533

Source: 2012 Visitors Study, IMPLAN 2012 City of Boulder

Labor Income Impact

Another output of the IMPLAN database is labor income impact, or the payroll and wages paid to employees as a result of tourism in the City of Boulder. These labor income dollars include wages paid to individuals employed in tourism related business, and indirect and induced businesses as well.

The ***total labor income attributable to tourism in the City of Boulder is \$209.2 million.***

Table 10
Labor Income Impact of Tourism, City of Boulder

Labor income impact	Direct	Indirect	Induced	Total
Accommodations	\$20,790,742	\$8,731,343	\$4,043,150	\$33,565,235
Food Service	\$41,049,422	\$8,035,962	\$6,766,991	\$55,852,375
Food Stores	\$15,732,817	\$1,762,998	\$2,394,357	\$19,890,172
Local transportation & gas	\$18,734,283	\$2,865,062	\$3,023,344	\$24,622,689
Arts, Entertainment, Recreation	\$22,920,424	\$7,615,662	\$4,245,926	\$34,782,012
Retail sales	\$31,427,960	\$4,099,516	\$4,968,059	\$40,495,536
Total labor income	\$150,655,649	\$33,110,544	\$25,441,827	\$209,208,019

Source: 2012 Visitors Study, IMPLAN 2012 City of Boulder

CONCLUSION

Tourism is an important industry in the City of Boulder, with a significant economic impact in terms of direct visitor spending, secondary impacts, and employment impacts. The overall health of the industry should be a priority of those involved in decisions and policy related to tourism in the City of Boulder.

I would like to comment on the proposed Short-Term Dwelling and Vacation Rental code changes, as I will be unable to attend the meeting on 01/09.

Boulder County (BoCo) continues to assert the number of licenses an owner or entity can have is one. This is unless they already have a Vacation Rental license and will be applying for a Short Term Rental (SRT) license. Then they can have two licenses. The convoluted nature of this exception reeks of overregulation without a problem to solve. This is especially evident when one looks at the restrictions of surrounding counties. ONLY Gilpin County has restrictions on number of licenses. All other counties have no restrictions on the number of licenses an owner or entity can possess. BoCo would be wise to undo the above code convoluted nature, and follow suit with the majority of surrounding counties, by removing the restrictions on the number of licenses an owner or entity can possess. If there is such grave concern over this issue, than a more realistic restriction of 4 or 5 licenses should be made. This allows for families that are BoCo owners to easily pass on their treasured properties. Allows their children, brothers, sisters, friends to own and inherit these properties. And also gives these heirs the ability to earn the money to maintain these properties in an every skyrocketing valuation and inflationary market.

There should also be NO cap to the number of properties that can have a vacation rental license in the mountain areas of BoCo. If BoCo again chooses code in lieu of common sense, the only cap that makes logical sense is the percentage of those property classified as “seasonal, recreational, or occasional use” by census. This would be 55.7% in the Upper St. Vrain CCD, and 11% in the Bald Mountain CCD according to BoCo’s referral packet. This would allow any owner that does not use their property as a primary dwelling to acquire a Vacation Rental license, which in challenging economic times such as these is the only appropriate action to take if BoCo chooses to take action.

Finally, if a property owner obtains a Vacation Rental or STR license for their property, the license should be transferrable to a purchasing owner. Not making the license transferable cost the future owner the time and expense invested to get a new license, while wasting BoCo resources and taxpayer money to license a property that has already been licensed. A much more efficient process would be to transfer the existing license to the new owner for a fee. Where in, the new owner agrees to the terms of the license and pays the fee, without forcing a new license request be reviewed and a new license re-issued.

Thanks you for your time and consideration in these matters.

Best regards,
Kevin