

RESOLUTION 2024-013

A resolution approving Boulder County Community Planning & Permitting Docket DC-23-0001: Text Amendments to the Land Use Code Related to Short-Term Dwelling and Vacation Rentals

Recitals

A. The Board of County Commissioners of Boulder County (the “Board”) is authorized to amend the text of the County’s Zoning Regulations according to the procedures in Article 16 of the Boulder County Land Use Code and C.R.S. § 30-28-112, -116 and -133.

B. Under other statutory authority, the Board is empowered to adopt regulations related to the control of land use, including but not limited to Article 65.1 of Title 24 (Areas and Activities of State Interest); Articles 67 and 68 of Title 24 (Planned Unit Developments and Vested Rights); Article 20 of Title 29 (Local Land Use Enabling Act); Articles 11 and 15 of Title 30 (County Powers and Police Power); Article 1 of Title 32 (Special District Control); and Article 2 of Title 43 (County Highways), C.R.S.

C. By Resolution 94-185, adopted October 18, 1994, the Board approved a unified Boulder County Land Use Code (the “Code”), which the Board has amended on subsequent occasions.

D. In the present docket, DC-23-0001 (the “Docket”), authorized by the Board at a public meeting on March 14, 2023, Boulder County Community Planning & Permitting staff proposed text amendments to the Code (the “Proposed Amendments”) related to Short-Term Dwelling and Vacation Rentals, as set forth in the Boulder County Community Planning & Permitting Department’s memorandum and recommendation dated January 9, 2024, with its attachments (the “Staff Recommendation”).

E. The County’s first regulations regarding short-term and vacation rentals were created in 2008 as part of DC-07-0002 and subsequently updated in 2020 as part of DC-19-0005. The 2020 update required staff to assess the Short-Term Dwelling and Vacation Rental regulations, which was completed in January 2023. To implement direction received from the Board, staff reviewed Article 4 of the Code and Licensing Ordinance 2020-01 with a focus on proposing regulations that:

- Ensure a baseline level of safety at Short-Term and Vacation Rentals;
- Simplify the licensing and land use review process;
- Create more certainty for applicants;
- Balance property owners’ desires for short-term or vacation rentals and the desires of surrounding neighborhoods and community; and
- Minimize impacts to housing stock by allowing whole-home rentals in areas of the County that are more appropriate for the Vacation Rental use.

F. As outlined in **Exhibit A**, the Proposed Amendments include updates to Articles 4-507 Lodging Uses and 4-516 Accessory Uses of the Code related to the Vacation Rental, Primary Dwelling Short-Term Rental, and Secondary Dwelling Short-Term Rental use classifications. The Proposed Amendments will simplify the process by reducing the number of uses from three to two and establish a single process through which Short-Term and Vacation Rental uses are reviewed by staff.

G. Staff also proposed Licensing Ordinance 2023-02 for the licensing of Short-Term Dwelling Rentals and Vacation Rentals to work in conjunction with the Proposed Amendments.

H. The Boulder County Planning Commission (the “Planning Commission”) held a duly noticed public hearing on the Proposed Amendments on September 20, 2023. After public testimony, the Planning Commission tabled the discussion and recommendation portion of the hearing, which was resumed at a public meeting on October 18, 2023. The Planning Commission recommended conditional approval of the Proposed Amendments as presented by staff, with the condition of concurrently adopting the proposed Licensing Ordinance 2023-02, and certified the Docket for action to the Board. Additionally, the Planning Commission directed staff and the Board to consider several changes to the Proposed Amendments, as further summarized in the Staff Recommendation.

I. On January 9, 2024, the Board held a duly noticed public hearing on the Docket (the “Public Hearing”) and considered the Staff Recommendation, documents, and testimony presented by County Community Planning & Permitting Department staff. Twenty-one members of the public spoke at the Public Hearing.

J. Based on the Public Hearing, the Board finds that the Proposed Amendments outlined in **Exhibit A**, which incorporates amendments made during the Public Hearing, meet the criteria for text amendments contained in Article 16-100.B of the Code, in that the existing text is in need of amendment; the Proposed Amendments are not contrary to the intent and purpose of the Code; and the Proposed Amendments are in accordance with the Boulder County Comprehensive Plan, subject to the conditions stated below.

K. On January 9, 2024, the Board held a Second Reading of Ordinance No. 2023-02: An ordinance by the Board of County Commissioners for the County of Boulder for the Licensing of Short-Term Dwelling Rentals and Vacation Rentals within the unincorporated area of Boulder County. The Board adopted the Ordinance with amendments. The Ordinance will become effective 30 days after publication of the amendments to the Ordinance.

Therefore, the Board resolves:

1. The Proposed Amendments in **Exhibit A** are approved, effective as of March 5, 2024, the date Ordinance No. 2023-02: An ordinance by the Board of County Commissioners for the County of Boulder for the Licensing of Short-Term Dwelling Rentals and Vacation Rentals within the unincorporated area of Boulder County is effective.

A motion to approve the Docket was made by Commissioner Marta Loachamin, seconded by Commissioner Claire Levy, and passed by a 2-1 vote. Commissioners Marta Loachamin and Ashley Stolzmann voted in favor, and Commissioner Claire Levy voted opposed.

ADOPTED as a final decision of the Board on this 13th day of February 2024.

**BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY:**



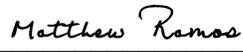
Ashley Stolzmann, Chair



Marta Loachamin, Vice Chair

Claire Levy, Commissioner

ATTEST:



Clerk to the Board

Exhibit A

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

4-101 Forestry (F) District

- B. Principal Uses Permitted
 - 7. Lodging Uses (see 4-507)
 - d. ~~Vacation Rental (I)(S)~~
- C. Accessory Uses Permitted (see 4-516)
 - 19. ~~Primary Dwelling Short-Term Rental~~
 - 20. ~~Secondary Dwelling Short-Term Rental (I)~~

4-102 Agricultural (A) District

- B. Principal Uses Permitted
 - 7. Lodging Uses (see 4-507)
 - d. ~~Vacation Rental (I)(S)~~
- C. Accessory Uses Permitted (see 4-516)
 - 23. ~~Primary Dwelling Short-Term Rental~~
 - 24. ~~Secondary Dwelling Short-Term Rental (I)~~

4-103 Rural Residential (RR) District

- B. Principal Uses Permitted
 - 7. Lodging Uses (see 4-507)
 - b. ~~Vacation Rental (I)(S)~~
- C. Accessory Uses Permitted (see 4-516)
 - 22. ~~Primary Dwelling Short-Term Rental~~
 - 23. ~~Secondary Dwelling Short-Term Rental (I)~~

4-104 Estate Residential (ER) District

- C. Accessory Uses Permitted (see 4-516)
 - 20. ~~Primary Dwelling Short-Term Rental~~
 - 21. ~~Secondary Dwelling Short-Term Rental (I)~~

4-105 Suburban Residential (SR) District

- C. Accessory Uses Permitted (see 4-516)
 - 17. ~~Primary Dwelling Short-Term Rental~~
 - 18. ~~Secondary Dwelling Short-Term Rental (I)~~

4-106 Multifamily (MF) District

- C. Accessory Uses Permitted (see 4-516)

- 15. ~~Primary Dwelling Short-Term Rental~~
- 16. ~~Secondary Dwelling Short-Term Rental (I)~~

4-107 Manufactured Home Park (MH) District

- C. Accessory Uses Permitted (see 4-516)
 - 14. ~~Primary Dwelling Short-Term Rental~~
 - 15. ~~Secondary Dwelling Short-Term Rental (I)~~

4-108 Transitional (T) District

- C. Accessory Uses Permitted (see 4-516)
 - 16. ~~Primary Dwelling Short-Term Rental~~
 - 17. ~~Secondary Dwelling Short-Term Rental (I)~~

4-109 Business (B) District

- B. Principal Uses Permitted
 - 7. Lodging Uses (see 4-507)
 - e. ~~Vacation Rental (I)~~
- C. Accessory Uses Permitted (see 4-516)
 - 16. ~~Primary Dwelling Short-Term Rental~~
 - 17. ~~Secondary Dwelling Short-Term Rental (I)~~

4-110 Commercial (C) District

- B. Principal Uses Permitted
 - 7. Lodging Uses (see 4-507)
 - e. ~~Vacation Rental (I)~~
- C. Accessory Uses Permitted (see 4-516)
 - 16. ~~Primary Dwelling Short-Term Rental~~
 - 17. ~~Secondary Dwelling Short-Term Rental (I)~~

4-111 Light Industrial (LI) District

- B. Principal Uses Permitted
 - 7. Lodging Uses (see 4-507)
 - e. ~~Vacation Rental (I)~~
- C. Accessory Uses Permitted (see 4-516)
 - 21. ~~Primary Dwelling Short-Term Rental~~
 - 22. ~~Secondary Dwelling Short-Term Rental (I)~~

4-112 General Industrial (GI) District

- B. Principal Uses Permitted
 - 7. Lodging Uses (see 4-507)
 - e. ~~Vacation Rental (I)~~

- C. Accessory Uses Permitted (see 4-516)
 - 21. ~~Primary Dwelling Short-Term Rental~~
 - 22. ~~Secondary Dwelling Short-Term Rental (I)~~

4-117 Mountain Institutional (MI) District

- B. Principal Uses Permitted
 - 7. Lodging Uses (see 4-507)
 - d. ~~Vacation Rental (I)(S)~~
- C. Accessory Uses Permitted (see 4-516)
 - 19. ~~Primary Dwelling Short-Term Rental~~
 - 20. ~~Secondary Dwelling Short-Term Rental (I)~~

Use Tables • 4-507 Lodging Uses [TO BE UPDATED]

Use Tables • 4-516 Accessory Uses [TO BE UPDATED]

4-507 Lodging Uses

- E. Vacation Rental
 - 1. Definition: A single-family dwelling unit offering transient lodging accommodations to a single booking party at a time within that dwelling unit for a rental duration of fewer than 30 days where the entire dwelling unit is solely occupied by the rental party during the duration of the rental period.
 - a. ~~The dwelling unit is not the primary residence of the owner, and~~
 - b. ~~The dwelling unit is rented more than 60 days per year.~~
 - 2. Districts Permitted:
 - a. ~~By Special Review~~ right in F, A, RR and MI, provided the property parcel is less than 5 acres in size and on unsubdivided land or is located within a platted subdivision either wholly or partially within the Upper St. Vrain Census County Division (CCD) identified in Figure 2.
 - b. ~~By Limited Impact Special Use Review~~ in F, A, RR, and MI, provided the property is greater than 5 acres in size and on unsubdivided land.
 - c. ~~By Limited Impact Special Use Review~~ in B, C, LI, and GI.
 - 3. Parking Requirements: ~~One space per Sleeping Room in addition to one space for the local manager.~~ Two spaces, or one space per every four approved occupants, whichever is fewer. All parking must be on-site.
 - 4. Loading Requirements: None
 - 5. Additional Provisions:
 - a. All Vacation Rentals must maintain a valid Boulder County Vacation Rental License
 - b. A Vacation Rental may not be marketed or used for weddings, receptions, or similar private or public events.

c. Accessory Dwellings are not eligible for this use.

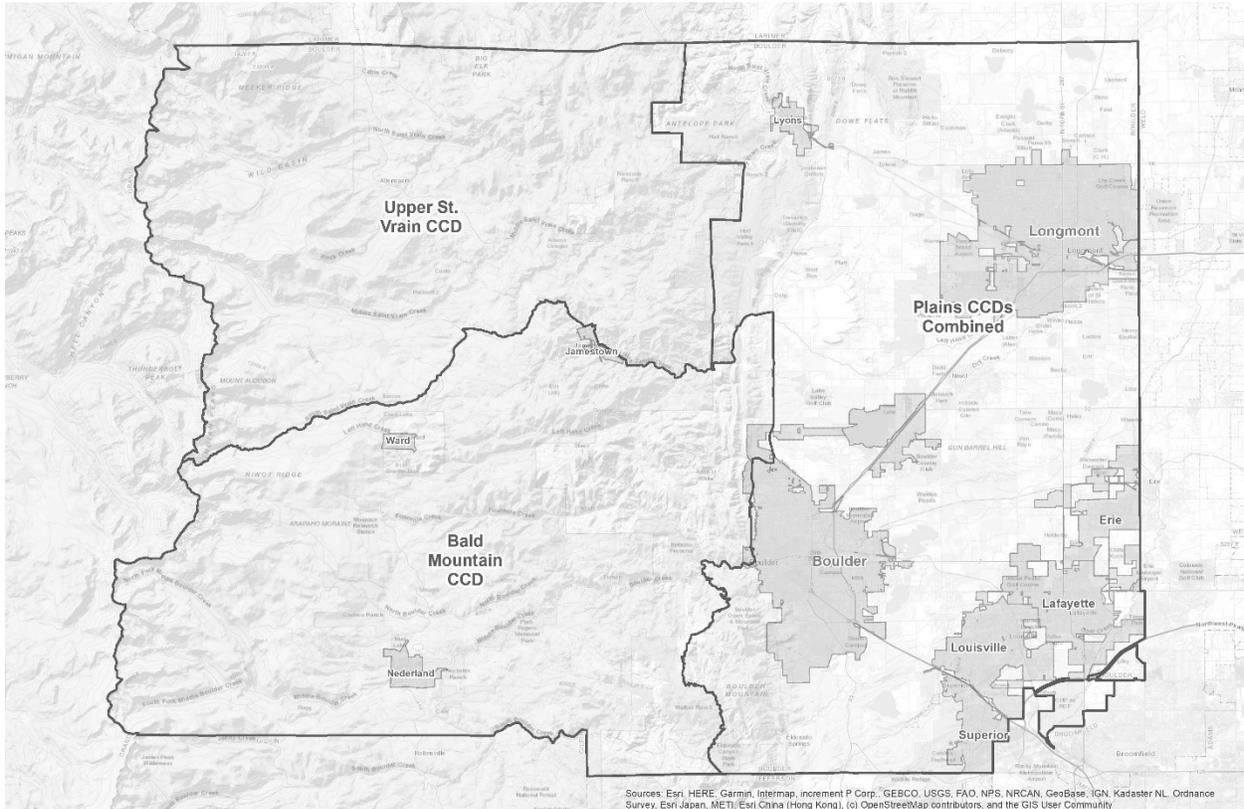


Figure 2: Map of Census County Divisions

4-516 Accessory Uses

Z. ~~Primary Dwelling~~ Short-Term Rental

1. Definition: A ~~single-family~~ dwelling unit offering transient lodging accommodations to a single booking party at a time within that dwelling unit for a rental duration of fewer than 30 days where:
 - a. The dwelling unit is the primary residence of the owner or tenant;
 - b. The owner or tenant resides on the premises; and
 - c. The owner or tenant is present during the rental period, with the exception of up to forty-five nights per year where the entire dwelling unit may be rented without an owner or tenant present.
2. Districts Permitted: By right in all districts.
3. Parking Requirements: ~~Three~~ Two spaces, which or one space per designated Sleeping Room in addition to one space for the owner or local manager, whichever is greater. All parking must be on-site.
4. Loading Requirements: None
5. Additional Provisions:

- a. All ~~Primary Dwelling~~ Short-Term Rentals must maintain a valid Boulder County Short-Term Rental License.
- b. A ~~Primary Dwelling~~ Short-Term Rental may not be marketed or used for weddings, receptions, or similar private or public events, with the exception of those by-right events hosted by one or more of the individuals who reside on the property.
- c. Historic Accessory Dwelling Units are the only type of Accessory Dwelling Unit eligible for this use.

~~AA. Secondary Dwelling Short-Term Rental~~

1. ~~Definition: A single family dwelling unit offering transient lodging accommodations to a single booking party at a time within that dwelling unit for a rental duration of fewer than 30 days where:~~
 - a. ~~The dwelling unit is not the primary residence of the owner;~~
 - b. ~~The dwelling unit is rented 60 days per year or less; and~~
 - c. ~~The dwelling unit is rented with a two night stay minimum.~~
2. ~~Districts Permitted: By Limited Impact Special Review in all districts.~~
3. ~~Parking Requirements: Three spaces, or one space per designated Sleeping Room in addition to one space for the owner or local manager, whichever is greater. All parking must be on-site.~~
4. ~~Loading Requirements: None~~
5. ~~Additional Provisions:~~
 - a. ~~All Secondary Dwelling Short-Term Rentals must maintain a valid Boulder County Short-Term Rental License.~~
 - b. ~~A Secondary Dwelling Short-Term Rental may not be marketed or used for weddings, receptions, or similar private or public events, with the exception of those by-right events hosted by one or more of the individuals who reside on the property.~~
 - c. ~~Accessory Dwellings are not eligible for this use.~~

4-602 Special Provisions

- G. ~~Limited Impact Special Review Waiver for Bed and Breakfast and Secondary Dwelling Short-Term Rental~~
 1. The requirement for Limited Impact Special Review may be waived if the Director determines that the Bed and Breakfast ~~or Secondary Dwelling Short-Term Rental~~ will not have any significant conflict with the criteria listed in Article 4-601 of this Code.
 2. The Director may impose written terms and conditions on ~~these uses~~ this use that may be reasonably necessary to avoid conflict with the review criteria in Article 4-601 of this Code.

3. The Bed and Breakfast must comply with the Additional Provisions outlined in Article 4-507.A. of this Code. ~~The Secondary Dwelling Short Term Rentals must comply with the Additional Provisions outlined in Article 4-516.Y. of this Code.~~
4. Notice of the waiver application being reviewed shall be sent to referral agencies and adjacent property owners in accordance with Article 3-204 of this Code.
5. The Director shall not issue the determination for 15 days following such notification and shall consider any comments received by the public.

4-802 Applicability and Scope of the Site Plan Review Process for Development

- A. Site Plan Review shall be required for (unless not required or waived pursuant to Sections B and C below):
 10. A change of use of a parcel, except for a change in use to a Vacation Rental.