



# Community Planning & Permitting

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

**BOULDER COUNTY  
BOARD OF COUNTY COMMISSIONERS  
PUBLIC HEARING**

**March 15, 2022 at 1:00 P.M.**  
**Due to COVID-19 Hearing to be Held Virtually**

## STAFF RECOMMENDATION

**STAFF PLANNER:** Hannah Hippely, Long Range Planning Division Manger

### **LU-21-0016: Leinweber Secondary Dwelling Short Term Rental**

**Proposal:** Limited Impact Special Use Review request to allow a Secondary Dwelling Short-Term Rental to be rented up to 45 nights annually for up to 4 guests, with a 2-night minimum on a 40-acre parcel.

**Location:** 17665 Peak to peak Highway, approximately 0.5 miles east of Peak to Peak Highway 1.5 miles north of the intersection of Hwy 72 and Hwy 7 in Section 29 Township 3 North Range 72 West

**Zoning:** Forestry (F) Zoning District

**Applicant/Owner:** John and Mary Leinweber

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## SUMMARY

This application requests Limited Impact Special Use Review approval for a Secondary Dwelling Short-Term Rental to be rented up to 45 nights annually for up to 4 guests, with a 2-night minimum stay on an approximately 40-acre parcel.

According to the Boulder County Land Use (the Code) Accessory Uses (4-516), a Secondary Dwelling Short-Term Rental is defined as:

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.

This Accessory Use is permitted in all zone districts by Limited Impact Special Use Review approval. However, Article 4-602.G of the Code permits the Director to waive the Limited Impact Special Use review if the Director determines that the Secondary Dwelling Short-Term Rental will not have any significant conflict with the criteria special use review criteria found in Article 4-601.

In this case, the Director initially determined that the application was eligible for a waiver as it did not appear to conflict with any of the review criteria. However, adjacent neighbors raised concerns about this application and staff converted the Limited Impact Special Use Waiver application to a Limited Impact Special Use review so that these concerns could be fully reviewed by the Board of County Commissioners.

After a full Limited Impact Special Review, staff find the request can meet the criteria set forth in Article 4-601 of the Code with the recommended conditions and recommends that the Board of County Commissioners conditionally approve docket LU-21-0013: Leinweber Secondary Short-Term Dwelling Rental.

## **DISCUSSION**

The subject parcel is an approximately 40-acre building lot located east of Peak to Peak Highway south of Allenspark. The cabin was built by Mary and Merle Leinweber in 1969 and was used as a summer home by the family. The home continues to be used as a summer home by Mary and her now adult children. In 2017, the family began renting the cabin as short-term rental in order to help defray the upkeep costs and keep the cabin in the family. The cabin has 3 sleeping rooms available, but occupancy at the cabin is limited to four people due to the limitations of the onsite wastewater treatment system (OWTS). Access to the cabin is provided by a shared driveway that begins at the Peak to Peak Highway and terminates at the cabin. The narrative notes that the cabin is inaccessible in the winter and that short-term rental would occur May through October only.

## **REFERRALS**

This application was referred to the typical agencies, departments, and adjacent property owners. Copies of all referral responses received by the Community Planning & Permitting Department are attached. Responses are summarized below.

**Boulder County Building Safety & Inspection Services Team:** This division reviewed the proposal and noted that an inspection to ensure compliance with installation of safety features will be required as part of the licensing of the short-term rental.

**Boulder County Engineering Development Review Team:** This team reviewed the proposal and found that legal access to the property is demonstrated. The referral provided a traffic analysis and concluded that no access improvements would be necessary at this time. Traffic analysis noted that the estimated trips generated from both the owners' current level of use of the property and the short-term rental use would generate approximately 1,275 trips per year while year-round residential use of the property is estimated to generate 3,650 trips per annually. Staff also concluded that the traffic

generated will not negatively impact the shared access road or the surrounding transportation network. The referral indicated that the four required parking spaces could be accommodated on site. Staff also noted that prior to issuance of a short-term rental license the Access Improvement and Maintenance Agreement (AIMA-20-0013) will need to be completed.

**Boulder County Public Health:** The Environmental Health division review the proposed application and found the subject parcel has an existing onsite wastewater treatment system (OWTS) adequate for a two-bedroom house. The OWTS is sized for a maximum of four people, including children, and any rental of the home must stay within that limit.

**Boulder County Historic Preservation:** Noted that the cabin lacks significance and integrity.

**Boulder County Wildfire Mitigation:** Information regarding wildfire was provided and it was noted that the licensing ordinance requires that a Wildfire Partners assessment and that this assessment has already been obtained.

**Allenspark Fire Protection District:** The Allenspark Fire Protection District recommended that the applicants add information outlined in the Allenspark Fire Protection District (AFPD) Buzz article included in this packet into their information booklet for the renters. They also strongly recommend that the applicants have a landline phone since there is no service in the area, and renters would not be able to get emergency alerts without a landline.

**Adjacent Property Owners:** Five comments were received from adjacent property owners. Concerns noted in the letters include noise from the property, use of firearms, potential property trespass, impacts from increased traffic on the private driveway and inadequate driveway design. Three of the letters expressed support for the application.

**Agencies that responded with no conflict/no concerns:** Boulder County Parks & Open Space and Estes Park Power and Communications.

## **LIMITED IMPACT SPECIAL REVIEW**

The Community Planning & Permitting staff has reviewed the criteria for approval of a Limited Impact Special Review for a Secondary Dwelling Short-Term Rental, per Article 4-601 of the Code, and finds the following:

- (1) ***Complies with the minimum zoning requirements of the zoning district in which the use is to be established, and will also comply with all other applicable requirements;***

The subject property is zoned Forestry. There is an existing 1,700-square-foot residence that was built in 1970, which meets all required setbacks for the zoning district. During a site visit, staff noticed two sheds on the property. One shed is 100 square feet and the other is 64 square feet, both eight feet tall. Per Article 17-300 of the Code, these structures are in compliance, as the Code allows for three detached accessory structures without a building permit on parcels 10 acres or larger, provided they do not exceed 120 square feet, do not exceed 12 feet in height, do not have utilities, and do not violate the conditions of any existing land use approval.

Per Article 4-516.Y.5 of the Code, staff recommends a condition of approval requiring the applicants to maintain a valid Secondary Dwelling Short-Term Rental License.

Staff finds this criterion can be met.

- (2) ***Will be compatible with the surrounding area. In determining compatibility, the Board should consider the location of structures and other improvements on the site; the size, height and massing of the structures; the number and arrangement of structures; the design of structures and other site features; the proposed removal or addition of vegetation; the extent of site disturbance, including, but not limited to, any grading and changes to natural topography; and the nature and intensity of the activities that will take place on the site. In determining the surrounding area, the Board should consider the unique location and environment of the proposed use; assess the relevant area that the use is expected to impact; and take note of important features in the area including, but not limited to, scenic vistas, historic townsites and rural communities, mountainous terrain, agricultural lands and activities, sensitive environmental areas, and the characteristics of nearby development and neighborhoods;***

The subject residence, 17665 Peak to Peak Highway, is approximately 40 acres and is located west of State Highway 7 (SH 7), approximately one mile from the start of the shared access road. In general, the surrounding properties are larger lots of over 20 acres and US Forest service lands to the north and east. The proposed rental itself is located within a 40-acre parcel with the closest residence being approximately 0.24 miles away. Anticipated impacts to the surrounding neighbors from any use of this parcel are primarily related to the use of the road due to the large lots and seclusion of the residence. Comments from the adjacent neighbors note the use of the driveway as a concern. Staff analysis in the referral from Engineering Development Review indicated a lower level of use is anticipated to result from the proposal than would be expected if the property were to be used as a full-time residence. Overall, given the limited use of the property as proposed by the applicant and conditioned herein, staff concludes that the anticipated traffic will be compatible with the surrounding area, especially with a limitation on days of rental and minimum night stay as conditions of approval.

In addition, the Short Term Rental License, which is required pursuant to Article 4-516.Y.5 of the Code and included as a condition of approval, will address concerns related to noise and wildfire mitigation.

Therefore, as conditioned, staff finds that this criterion can be met.

- (3) ***Will be in accordance with the Boulder County Comprehensive Plan;***

The property contains high biodiversity significance, Peak to Peak Scenic Corridor, wetlands, and the Natural Land/Natural Area buffer Comprehensive Plan designations. Staff has not identified a conflict with these designations and no natural resource impacts were identified.

- (4) ***Will not result in an over-intensive use of land or excessive depletion of natural resources. In evaluating the intensity of the use, the Board should consider the extent of the proposed development in relation to parcel size and the natural landscape/topography; the area of impermeable surface; the amount of blasting, grading or other alteration of the natural topography; the elimination or disruption of agricultural lands; the effect on significant natural areas and environmental resources; the disturbance of plant and animal habitat, and wildlife migration corridors; the relationship of the proposed development to natural hazards; and available mitigation measures such as the preservation of open lands, the addition or restoration of natural features and screening, the reduction or arrangement of***

***structures and land disturbance, and the use of sustainable construction techniques, resource use, and transportation management.***

As noted, the property contains high biodiversity significance, Peak to Peak Scenic Corridor, wetlands, and the Natural Land/Natural Area buffer designations. As stated above, the existing residence will be used to accommodate the Short-Term Dwelling Rental 45 nights per year. Renters will utilize the established on-site parking area and no new development is proposed on the property. Staff has not identified any natural resource concerns with the proposal. Staff does not anticipate the proposed use will result in an over-intensive use of land or excessive depletion of natural resources since the use has similar impacts to that of a single-family home.

Therefore, staff finds this criterion can be met.

***(5) Will not have a material adverse effect on community capital improvement programs;***

There is no indication the proposal will have an adverse effect on community capital improvement programs, and no referral agency has responded with such a concern.

Therefore, staff finds this criterion is met.

***(6) Will not require a level of community facilities and services greater than that which is available;***

The Allenspark Fire Protection District recommended that the applicants add information outlined in the Allenspark Fire Protection District (AFPD) Buzz article included in this packet into their information booklet for the renters. They also strongly recommend that the applicants have a landline phone since there is no service in the area, and renters would not be able to get emergency alerts without a landline. The applicants have stated that they have a landline in the residence and plan on adding the information provided by AFPD into their information booklet.

Therefore, staff finds that this criterion can be met.

***(7) Will support a multimodal transportation system and not result in significant negative impacts to the transportation system or traffic hazards;***

Boulder County Access & Engineering reviewed the proposal and has noted that the subject property is accessed via State Highway 7 (SH 7), also known as Peak to Peak Highway, which is a Colorado Department of Transportation (CDOT) owned and maintained right-of-way (ROW), via shared access road located within a 30-foot wide easement recorded at Reception numbers 1684775 and 3823728. Legal access has been demonstrated via these recorded easements.

The recorded document at Reception 3823728 references attached Exhibits A and B. However, no Exhibits are attached in the document as recorded. In order to resolve this issue, the applicant must rerecord this easement agreement to include Exhibits A and B and provide an electronic copy of the newly recorded easement to staff prior to application for the short-term rental license.

The applicant must provide 4 parking spaces, one for each sleeping room (three), and one for the property manager. The circle drive on the property provides adequate parking to accommodate the use. Additionally, the area near the “Y” of the circle drive must remain clear and available for uses as an emergency turnaround.

The Engineering referral provided a traffic analysis and concluded that due to the nature of the proposal, to modify the existing residential use of the property to allow short-term rental and the proportionality of the traffic impacts that may be expected by the short-term rental vs. year-round residential uses, no additional access improvements are required at this time. Traffic analysis noted that the estimated trips generated from both the owners’ current level of use of the property and the short-term rental use would generate approximately 1,275 trips per year while year-round residential use of the property is estimated to generate 3,650 trips per annually. Staff also concluded that the traffic generated will not negatively impact the shared access road or the surrounding transportation network. While there may be a different pattern of use of the shared driveway, there is no indication that the change in the traffic pattern itself presents a hazard or threat to the transportation system. An Access Improvement and Maintenance Agreement (AIMA-20-0013), which is an agreement for future maintenance responsibility, was previously prepared for the shared road used to access the subject parcel. There is no record of a signed/ notarized AIMA form in the county’s records. AIMA-20-0013 will be re-issued by the Access & Engineering staff during the licensing process; it must be signed by the property owner, notarized and returned prior to issuance of the short-term rental license.

Therefore, as conditioned, staff finds this criterion can be met.

***(8) Will not cause significant air, odor, water, or noise pollution;***

The proposed use will utilize the existing residence and staff does not anticipate it will cause any air, odor, or water pollution. All renters must comply with the Boulder County Noise Ordinance, which is part of the licensing requirement.

Boulder County Public Health provided referral comments which indicated that the onsite wastewater treatment system (OWTS) is adequate for a 2-bedroom house, or four people maximum, including children. Therefore, any rental of the home must stay within that limit. Public Health also recommended that the septic tank be pumped every two years. If the renters put unwanted items down the toilets, frequent pumping could avoid failure in the absorption field.

Additionally, the owner must make sure renters do not park on or over OWTS components by marking the area and informing the renters to stay off it. It is recommended that the owner supply information to renters regarding the proper use of an OWTS. A printable list of do’s and don’ts can be found here: <https://assets.bouldercounty.org/wp-content/uploads/2017/02/owsdosdoints.pdf>

Therefore, as conditioned, staff finds that this criterion can be met.

***(9) Will be adequately buffered or screened to mitigate any undue visual impacts of the use;***

The subject residence is located about 1 mile down a shared access road off SH 7, and is about 40 acres. Staff does not anticipate any visual impacts from the proposed use of the

residence as a Secondary Short-Term Dwelling Rental that are different from its use as a residence.

Therefore, staff finds that this criterion can be met.

***(10) Will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County;***

Comments from adjacent property owners indicated concerns regarding noise from the property, the use of firearms, potential property trespass, impacts from increased traffic on the private driveway and inadequate driveway design. Staff did not receive any comments from referral agencies with concerns about health, safety, or welfare of the present or future inhabitants of Boulder County.

Staff believes that the newly adopted Short-Term Rental License requirements address many the concerns raised by the neighbors and obtaining and maintaining such a license is a condition of approval.

Therefore, as conditioned, staff finds this criterion can be met.

***(11) Will establish an appropriate balance between current and future economic, environmental, and societal needs by minimizing the consumption and inefficient use of energy, materials, minerals, water, land, and other finite resources;***

The proposed use will utilize an existing cabin. Allowing the property owner to rent the residence as a Secondary Short-Term Dwelling Rental for up to 45 nights per year will provide additional income for the owner without additional impact to the property and the neighborhood. The local economy may also benefit from the proposed use as many of the non-local renters may patronize local restaurants and shops during their stay.

Therefore, staff finds that this criterion can be met.

***(12) Will not result in unreasonable risk of harm to people or property – both onsite and in the surrounding area – from natural hazards. Development or activity associated with the use must avoid natural hazards, including those on the subject property and those originating off-site with a reasonable likelihood of affecting the subject property. Natural hazards include, without limitation, expansive soils or claystone, subsiding soils, soil creep areas, or questionable soils where the safe-sustaining power of the soils is in doubt; landslides, mudslides, mudfalls, debris fans, unstable slopes, and rockfalls; flash flooding corridors, alluvial fans, floodways, floodplains, and flood-prone areas; and avalanche corridors; all as identified in the Comprehensive Plan Geologic Hazard and Constraint Areas Map or through the Special Review or Limited Impact Special Review process using the best available information. Best available information includes, without limitation, updated topographic or geologic data, Colorado Geologic Survey landslide or earth/debris flow data, interim floodplain mapping data, and creek planning studies.***

Areas of high landslide susceptibility have been identified on the property, but staff does not anticipate any risks or harm to people or property as a result of the proposed use.

Therefore, staff finds that this criterion can be met.

- (13) *The proposed use shall not alter historic drainage patterns and/or flow rates unless the associated development includes acceptable mitigation measures to compensate for anticipated drainage impacts. The best available information should be used to evaluate these impacts, including without limitation the Boulder County Storm Drainage Criteria Manual, hydrologic evaluations to determine peak flows, floodplain mapping studies, updated topographic data, Colorado Geologic Survey landslide, earth/debris flow data, and creek planning studies, all as applicable given the context of the subject property and the application.*

The proposed use will not alter historic drainage patterns or flow rates as the use will be located with the existing residence and no new development is proposed.

Therefore, staff finds this criterion is met.

**This use may exist under Article 4-516.Y of the Land Use Code, provided the following Additional Provisions stated in the Secondary Dwelling Short-Term Rental regulations are met (see Art. 4-516.Y.5.):**

- a. *All Secondary Dwelling Short-Term Rentals must maintain a valid Boulder County Short-Term Rental License.*

The applicant must obtain a valid Boulder County Short-Term Rental License prior to commencement of the use and maintain the license during operation of the use.

Therefore, as conditioned, staff finds this criterion can be met.

- 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.*

As conditioned, staff finds this criterion can be met.

- c. *Accessory Dwellings are not eligible for this use.*

There is not an accessory dwelling unit on the property therefore this is not applicable

## **RECOMMENDATION**

Staff has determined that the proposal can meet all the applicable criteria of the Boulder County Land Use Code for Limited Impact Special Review with the recommended conditions of approval. Therefore, staff recommends that the Board of County Commissioners ***conditionally approve*** docket LU-21-0016 Leinweber Secondary Dwelling Short-Term Rental, subject to the following conditions:

1. The applicant must obtain a valid Secondary Dwelling Short-Term Rental License prior to commencement of the Short-Term Rental use and maintain the license while operating this use.
2. The proposed use shall be subject to all requirements found in Article 4-516(Y) of the Boulder County Land Use Code.



3. The subject residence may be rented for no more than 45 nights annually.
4. The minimum number of nights per each rental period shall be two nights.
5. The maximum occupancy of the residence is limited to four people, including children, per rental period.
6. The applicant must make sure renters do not park on or over OWTS components by marking the area and informing the renters to stay off it.
7. An Access Improvement and Maintenance Agreement form AIMA-20-0013 must be signed by the property owner, notarized and returned prior to application for the short-term rental license.
8. The applicant must provide an electronic copy of the newly recorded easement at Reception 3823728, with the referenced Exhibits A and B to staff prior to application for a short-term rental license.
9. The applicant must provide 4 parking spaces, one for each sleeping room and one for the property manager.
10. The area near the “Y” of the circle drive must remain clear and available for use as an emergency turnaround area.



# Boulder County Land Use Department

Courthouse Annex Building  
 2045 13th Street • PO Box 471 • Boulder, Colorado 80302  
 Phone: 303-441-3930  
 Email: planner@bouldercounty.org  
 Web: www.bouldercounty.org/lu  
 Office Hours: Mon., Wed., Thurs., Fri. 8 a.m. to 4:30 p.m.  
 Tuesday 10 a.m. to 4:30 p.m.

Shaded Areas for Staff Use Only
Intake Stamp

## Planning Application Form

The Land Use Department maintains a submittal schedule for accepting applications. Planning applications are accepted on Mondays, by appointment only. Please call 303-441-3930 to schedule a submittal appointment.

Project Number		Project Name			
<input type="checkbox"/> Appeal <input type="checkbox"/> Correction Plat <input type="checkbox"/> Exemption Plat <input type="checkbox"/> Final Plat <input checked="" type="checkbox"/> Limited Impact Special Use <input type="checkbox"/> Limited Impact Special Use Waiver <input type="checkbox"/> Location and Extent	<input type="checkbox"/> Modification of Site Plan Review <input type="checkbox"/> Modification of Special Use <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Resubdivision (Replat) <input type="checkbox"/> Rezoning	<input type="checkbox"/> Road Name Change <input type="checkbox"/> Road/Easement Vacation <input type="checkbox"/> Site Plan Review <input type="checkbox"/> Site Plan Review Waiver <input type="checkbox"/> Sketch Plan <input type="checkbox"/> Special Use/SSDP	<input type="checkbox"/> Special Use (Oil & Gas development) <input type="checkbox"/> State Interest Review (1041) <input type="checkbox"/> Subdivision Exemption <input type="checkbox"/> Variance <input type="checkbox"/> Other:		
Location(s)/Street Address(es) 17665 State Hwy 7 Lyons, CO 80540					
Subdivision Name TR, NBR 960 Allenspark Area Parcel # 119900000036					
Lot(s)	Block(s)	Section(s) 29-3N-72	Township(s) Lyons/Allenspark	Range(s)	
Area in Acres 36.88	Existing Zoning Forestry	Existing Use of Property Family cabin	Number of Proposed Lots		
Proposed Water Supply well		Proposed Sewage Disposal Method septic system approved 8/14/1998			

### Applicants:

Applicant/Property Owner John Leinweber Mary Leinweber		Email newwayjohn@gmail.com	
Mailing Address 16847 Blue Mist Cir Parker, CO 80134			
City Parker	State CO	Zip Code 80134	Phone 720-625-0660
Applicant/Property Owner/Agent/Consultant		Email	
Mailing Address			
City	State	Zip Code	Phone
Agent/Consultant		Email	
Mailing Address			
City	State	Zip Code	Phone

### Certification (Please refer to the Regulations and Application Submittal Package for complete application requirements.)

I certify that I am signing this Application Form as an owner of record of the property included in the Application. I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. I understand that all materials required by Boulder County must be submitted prior to having this matter processed. I understand that public hearings or meetings may be required. I understand that I must sign an Agreement of Payment for Application processing fees, and that additional fees or materials may be required as a result of considerations which may arise in the processing of this docket. I understand that the road, school, and park dedications may be required as a condition of approval.

I understand that I am consenting to allow the County Staff involved in this application or their designees to enter onto and inspect the subject property at any reasonable time, without obtaining any prior consent.

All landowners are required to sign application. If additional space is needed, attach additional sheet signed and dated.


Signature of Property Owner 	Printed Name John Leinweber	Date 10/15/21
Signature of Property Owner	Printed Name	Date

The Land Use Director may waive the landowner signature requirement for good cause, under the applicable provisions of the Land Use Code.

7. In the event of nonpayment of fees, the County shall have the right to file a fee collection action against any or all of the persons signing this Agreement or the Applicant as Applicant. Any resulting judgment for fees may be enforced in any legal manner whatsoever and may be filed as a judgment lien against the real property which is the subject of the Application, as well as against any real property owned in whole or in part by any judgement debtor hereunder.
8. Any agreement by the Director or County to forego any of the judicial or administrative remedies available to them under this Agreement in response to the late payment or nonpayment of fees, shall not in any way constitute a waiver of the Director's or County's rights to collect fees or appropriately adjust the processing of the Application as provided herein.
9. In submitting the Application and signing this Agreement, the Applicant acknowledges and agrees that the Application is subject to the applicable processing and public hearing requirements set forth in the Boulder County Land Use Code. The Applicant acknowledges that the Applicant has obtained or has access to the Boulder County Land Use Code, and that, prior to filing the Application, the Applicant has had the opportunity to consult the relevant provisions governing the processing of and decision on the Application.
10. In submitting the Application and signing this Agreement, the Applicant acknowledges and agrees that the Applicant is authorized to make available to the County, for purposes of copying and distributing for public review, all of the documents and information which the Applicant submits with or in support of the Application. Upon demand from the County, the Applicant agrees to indemnify and defend the County and its officials, agents and employees, and to hold them harmless from, any action, claim, suit, loss, cost, damage, or expense which may be brought or assessed against the County or any of its officials, agents or employees on account of any allegation by the Applicant or any person that the County may have violated federal copyright law, or violated any law, agreement, or provision allegedly protecting the confidentiality of or restricting public review of the Application materials which the Applicant submits to the County for review as part of the Application.
11. In submitting the Application and signing this Agreement, the Applicant acknowledges and agrees that the County Land Use Department and any other County staff involved in processing the Application or their duly authorized representatives will need to enter upon the property which is the subject of the Application and conduct inspections thereof to evaluate the Application pursuant to the applicable criteria of the Land Use Code, and perform related tasks. The Applicant hereby consents to allow the County staff or their designees to enter upon and inspect the subject property at any time for this purpose without obtaining the Applicant's separate consent at the time of inspection. This consent extends to inspections while the Application is in process, as well as after it has been approved to assure that any imposed conditions of approval are met.
12. The Applicant agrees to waive any requirements for the Applicant's written consent to extend voluntarily any public hearing or other deadline associated with processing the Application, if the Applicant or its representative agrees orally to any such extension.
13. The Applicant acknowledges that the Applicant executes this Agreement freely, voluntarily, and without threat of compulsion. The Applicant understands that the Applicant may consult an attorney or any other person concerning the Application or this Agreement prior to executing this Agreement, if the Applicant so chooses.
14. Acceptance of the Application for filing and receipt of the Application fee deposit do not necessarily mean that the Application is complete under the applicable requirements of the Land Use Code.
15. This Agreement shall become effective once signed by the Applicant and the County. It shall remain in effect throughout the processing of the Application Form, and until all obligations of the Applicant under this Agreement and under any County approval of the Application Form are met.
16. This Agreement shall be construed and enforced in accordance with the law of the State of Colorado.

**Applicant Signature:**

Property Owner must sign this document per Paragraph 3.

Property Owners Signature: 	Date: 10/15/21
Property Owners Signature:	Date:
Property Owners Signature:	Date:
Property Owners Signature:	Date:

**Boulder County:**

Land Use Director or Designee:	Date:
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**For Land Use Department Use**

Docket Name:	Docket Number:	Deposit Amount: \$	Date Received:
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## Cabin narrative for 17665 Peak to Peak Hwy

### The cabin

Mary and Merle Leinweber bought the 40 acres for the cabin in 1967. The 40 acre parcel was originally part of Taylor Ranch. In 1969, Mary and Merle built a basic cabin without indoor plumbing. Every year, Mary and the boys (John, David and Mark) would spend the summer at the cabin. In 1998, Mary and Merle updated the cabin, adding indoor plumbing and an addition to the back. The cabin became their summer home until Merle passed away in 2014. Both Mary and Merle were active community members in Allenspark. After Merle's passing, John took over care of the cabin. All the family continues to visit the cabin as frequently as they can, approximately 45-60 nights of the year.

### Why short term rental rent

In 2017, the family came to the decision that we want the cabin to stay in our family. We want it to be a place where children, grandchildren and even great-grandchildren can come to stay. In order to afford the yearly upkeep (taxes, insurance, electricity and maintenance), we rent our cabin out for short term rentals. Renting the cabin for a total of 45 nights (not consecutive) with a minimum stay of 2 nights, from May-October covers the yearly costs. The cabin isn't accessible in the winter. In 2017, we registered our cabin, with Boulder County, as a short-term rental property and began using Air BnB, exclusively, for guests to stay at our cabin. It has been a win-win, both for our guests and for us. We have met some amazing people. We encourage them to frequent businesses in Lyons, Ferncliffe and Allenspark.

### Parking

Our cabin sits in the middle of the 40 acre property that we own. We are the last property on the access road from Highway 7. At the end of the access road, there is a circle drive which provides ample parking

for our guests. We instruct guests to stay on the access road, as they are passing through private property until they reach our 40 acres.

### Floor Plan

Our cabin is spacious with a large living area/kitchen, 2 bathrooms, 3 bedrooms and a loft. There is a door in the back bedroom and 2 doors in the large living area. We have installed fire extinguishers and carbon monoxide detectors in all bedrooms and the living area.

Outside, we have a gazebo, a frisbee golf course and beautiful views of the surrounding peaks.

### Instruction Notebook

We leave an information notebook on the kitchen island that outlines our instructions for the cabin, gives information about the area and also tips on navigating traveling/vacationing in the mountains, especially ticks and altitude sickness. We also include a narrative about the wildlife in the area. We encourage the guests to call if they have any questions or problems. We are a short drive away in case of an emergency.

### Septic/Water

Because of our septic system, we only allow 4 guests at a time to rent. In our instruction notebook, we have information about septic systems. We also have instructions for using water from a well.

### Wildfire Mitigation

Our family has participated in the Wildfire Mitigation program for 10+ years. We believe strongly in keeping our forests healthy and our property protected from wildfires. We do not allow guests to have outdoor fires at any time.

### Traffic/Road Upkeep

We maintain the upkeep on the access road to our property. Neighbors share in the upkeep if necessary (ie: flood). Traffic is minimal on the road. Between guests and our personal use of the road, the average trips is 1.47 per day.

**[EXTERNAL] Re: Clarification on bedrooms**

Debbie Leinweber <newwaydebbie@gmail.com>

Mon 11/29/2021 4:07 PM

To: Marcucilli, Molly <mmarcucilli@bouldercounty.org>

No, we do not. There are 3 sleeping rooms, but we max out guests at 4 because of the septic system.

Also the sheds are 10x 10 and 8x 8 - both 8 feet high.

Debbie

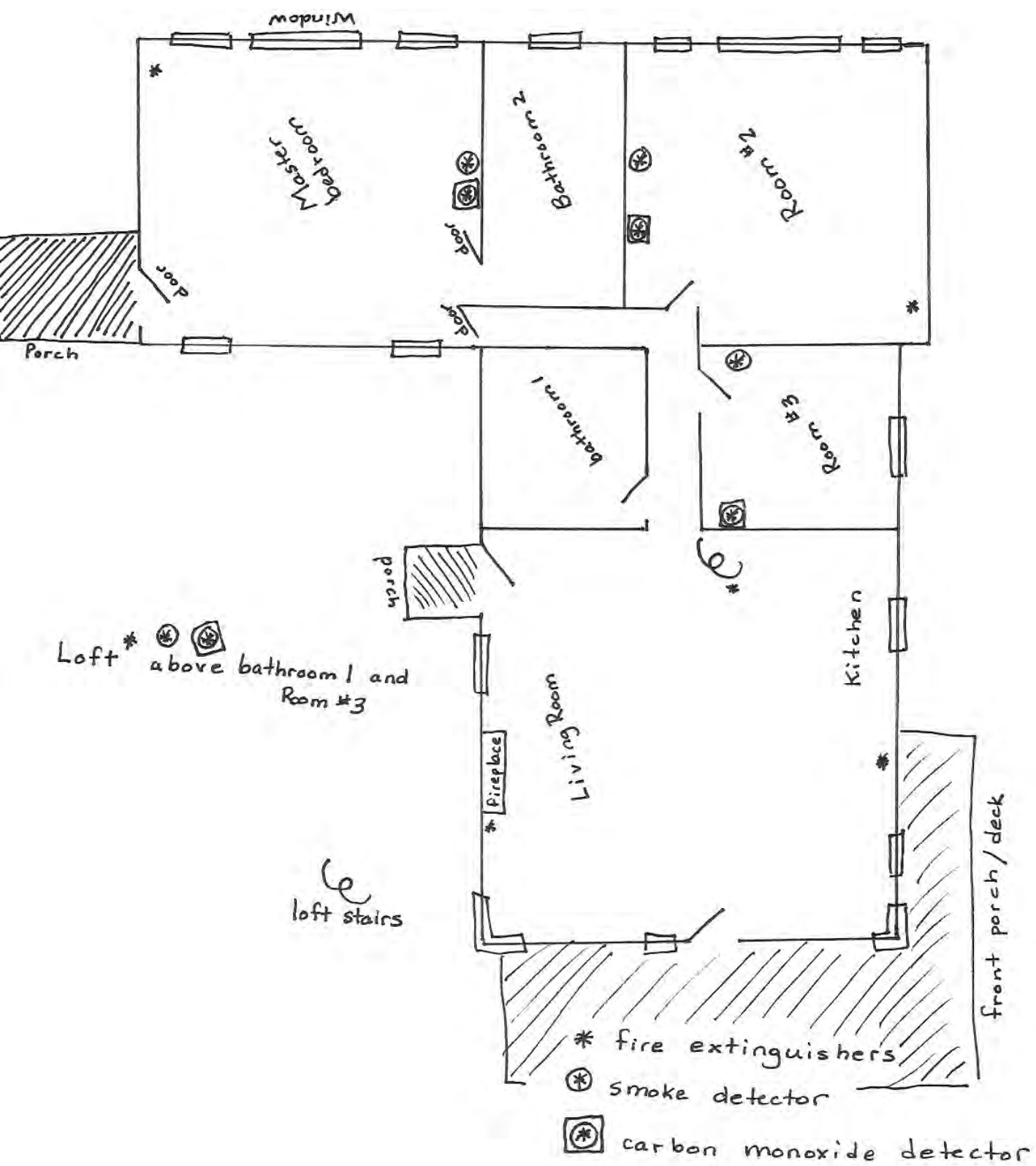
On Mon, Nov 29, 2021 at 12:11 PM Marcucilli, Molly <[mmarcucilli@bouldercounty.org](mailto:mmarcucilli@bouldercounty.org)> wrote:

Hi Debbie,

Hope you had a nice holiday!

Quick question - do you plan to use the lo. as a bedroom? If so, can you confirm there are 4 sleeping rooms in the house?

Thanks!  
Molly





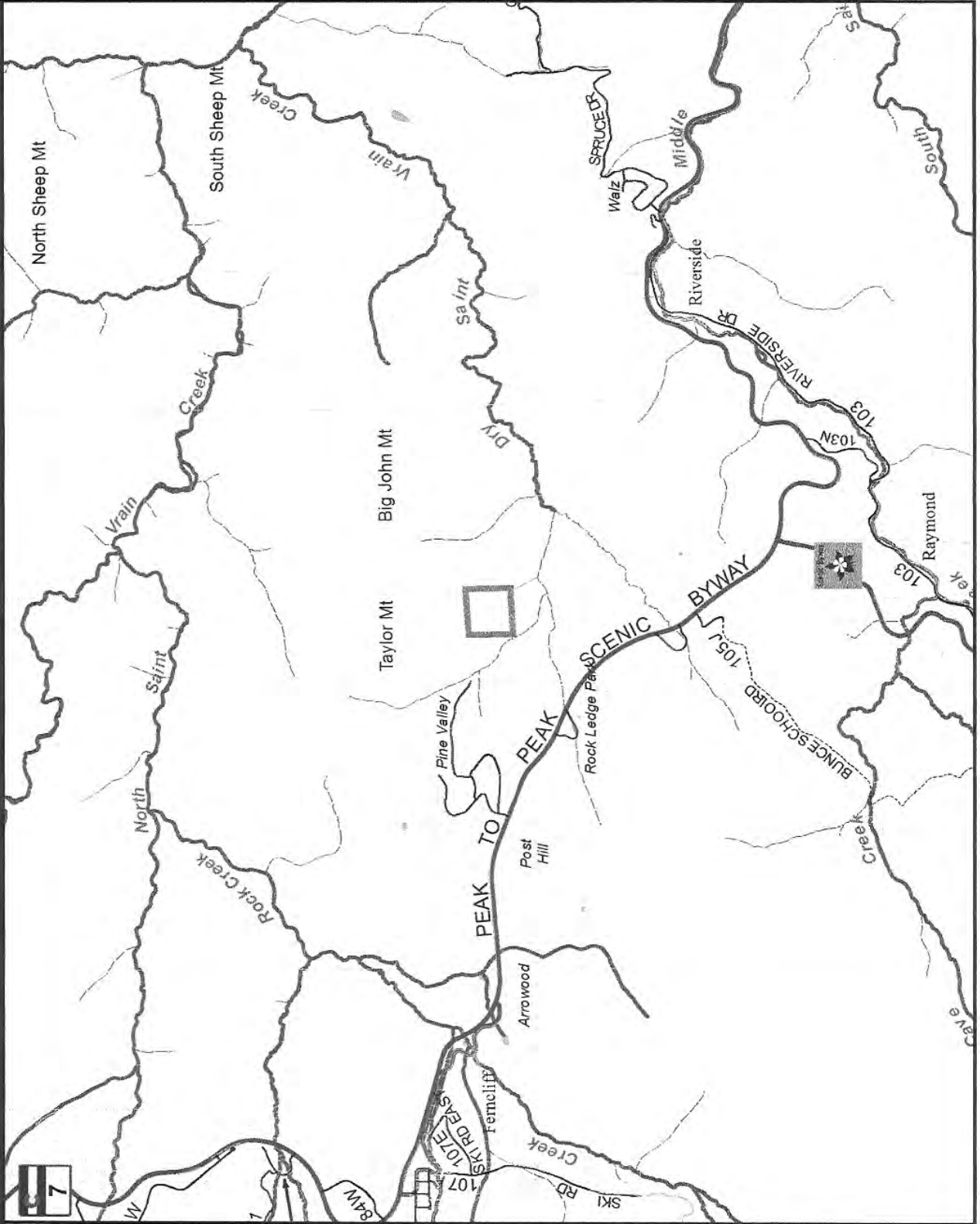


# Community Planning & Permitting

2045 13th Street, Boulder, CO 80302 303-441-3930 [www.bouldercounty.org](http://www.bouldercounty.org)

Vicinity

17665 PEAK TO PEAK HWY

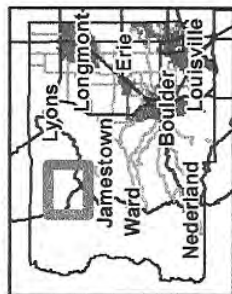


- Subject Parcel
- Subdivisions
- Subdivisions

A8



Area of Detail Date: 4/1/2021

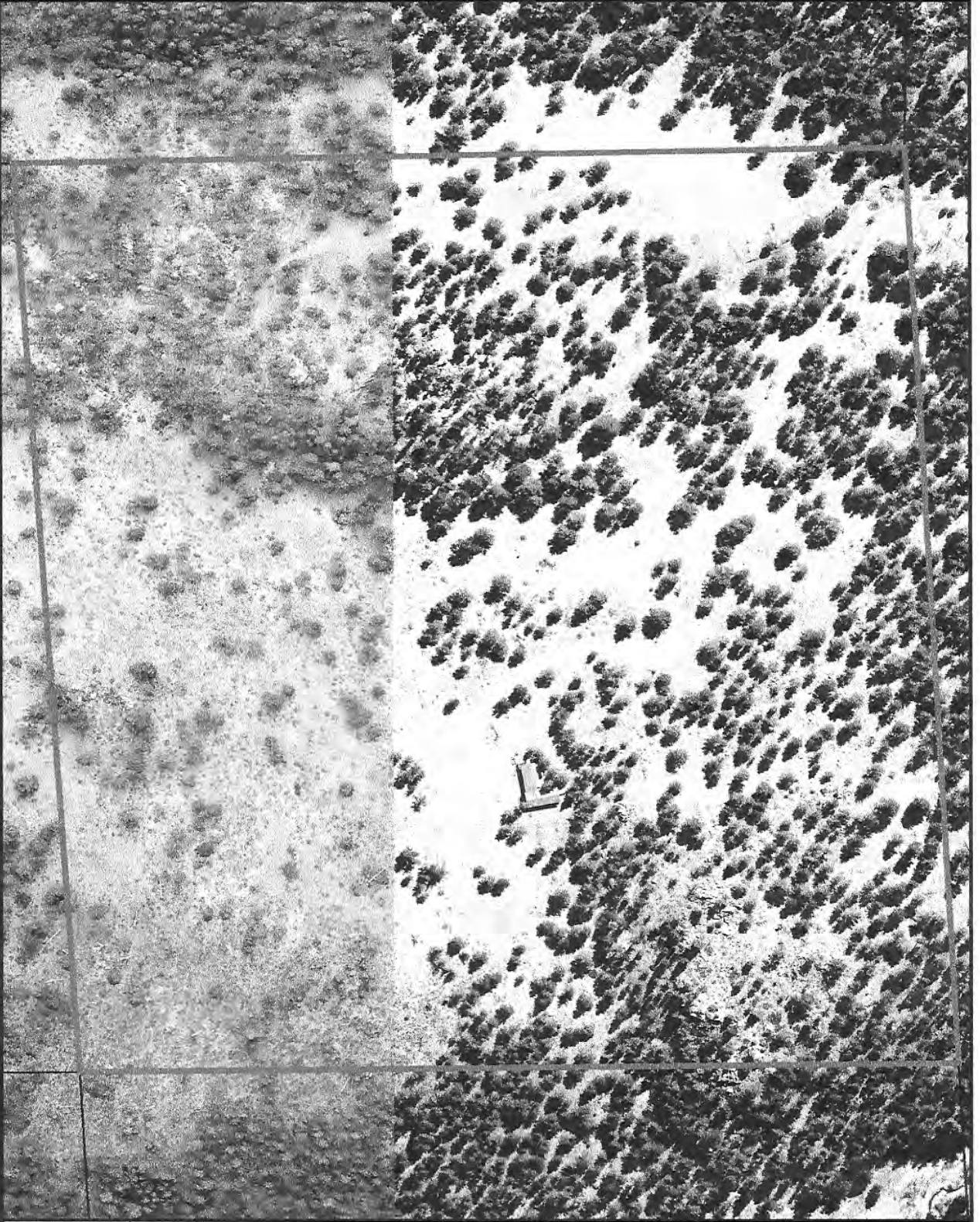


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**Community Planning & Permitting**  
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**Aerial**  
 17665 PEAK TO PEAK HWY



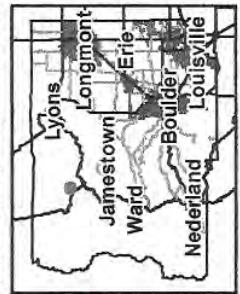
Subject Parcel

A9



0 0.015 0.03 Miles

Area of Detail Date: 4/1/2021



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# Community Planning & Permitting

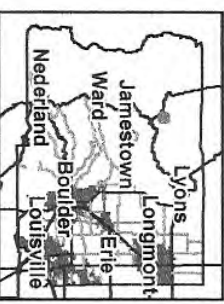
2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

Comprehensive Plan  
17665 PEAK TO PEAK HWY

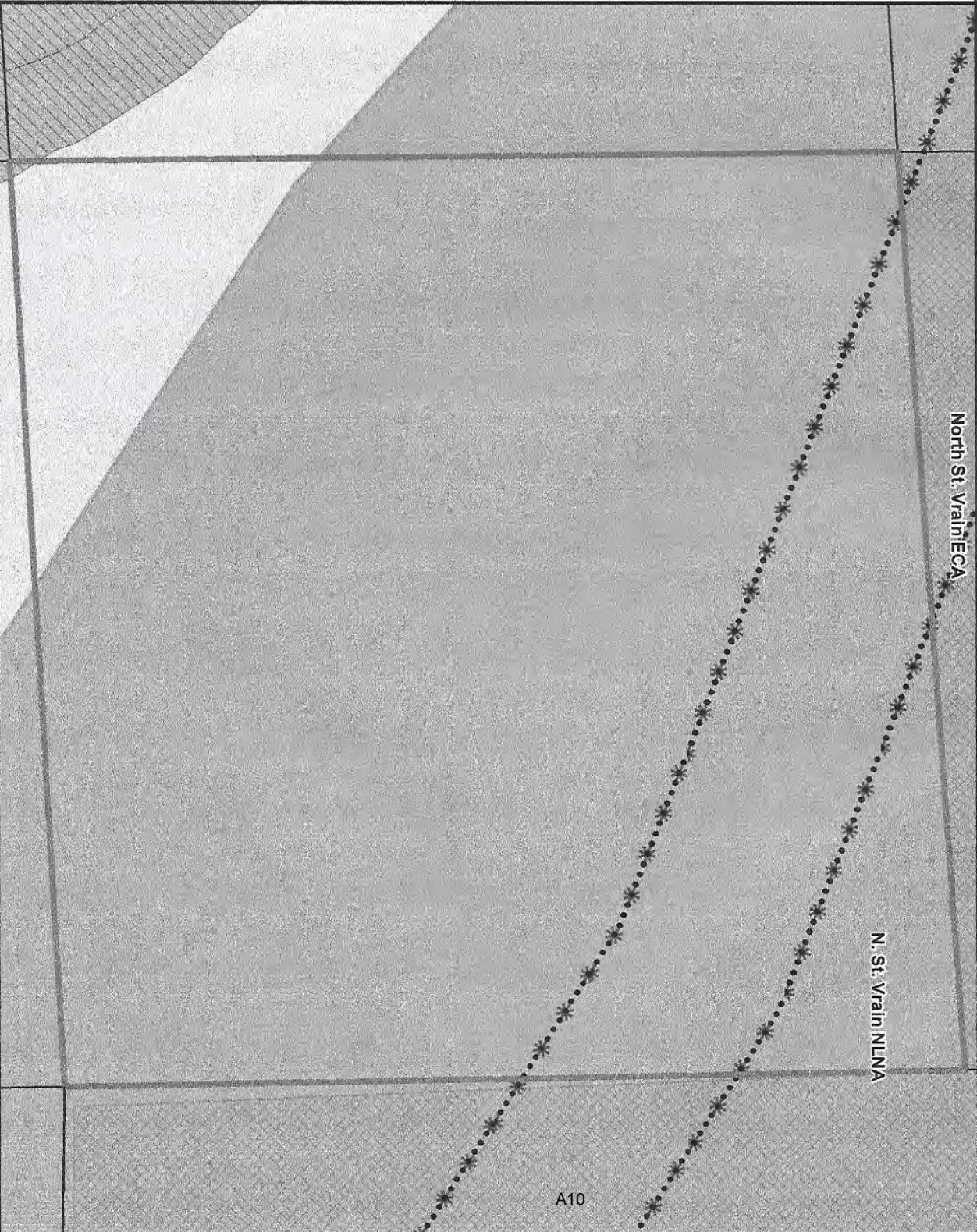
- Subject Parcel
- NLNA Buffer
- Environmental Conservation Areas
- Riparian Areas
- Wetlands
- High Biodiversity Areas**
  - B2: Very High Biodiversity Significance
  - Natural Landmarks
  - Natural Areas
  - Peak to Peak Scenic Corridor



Area of Detail Date: 4/1/2021



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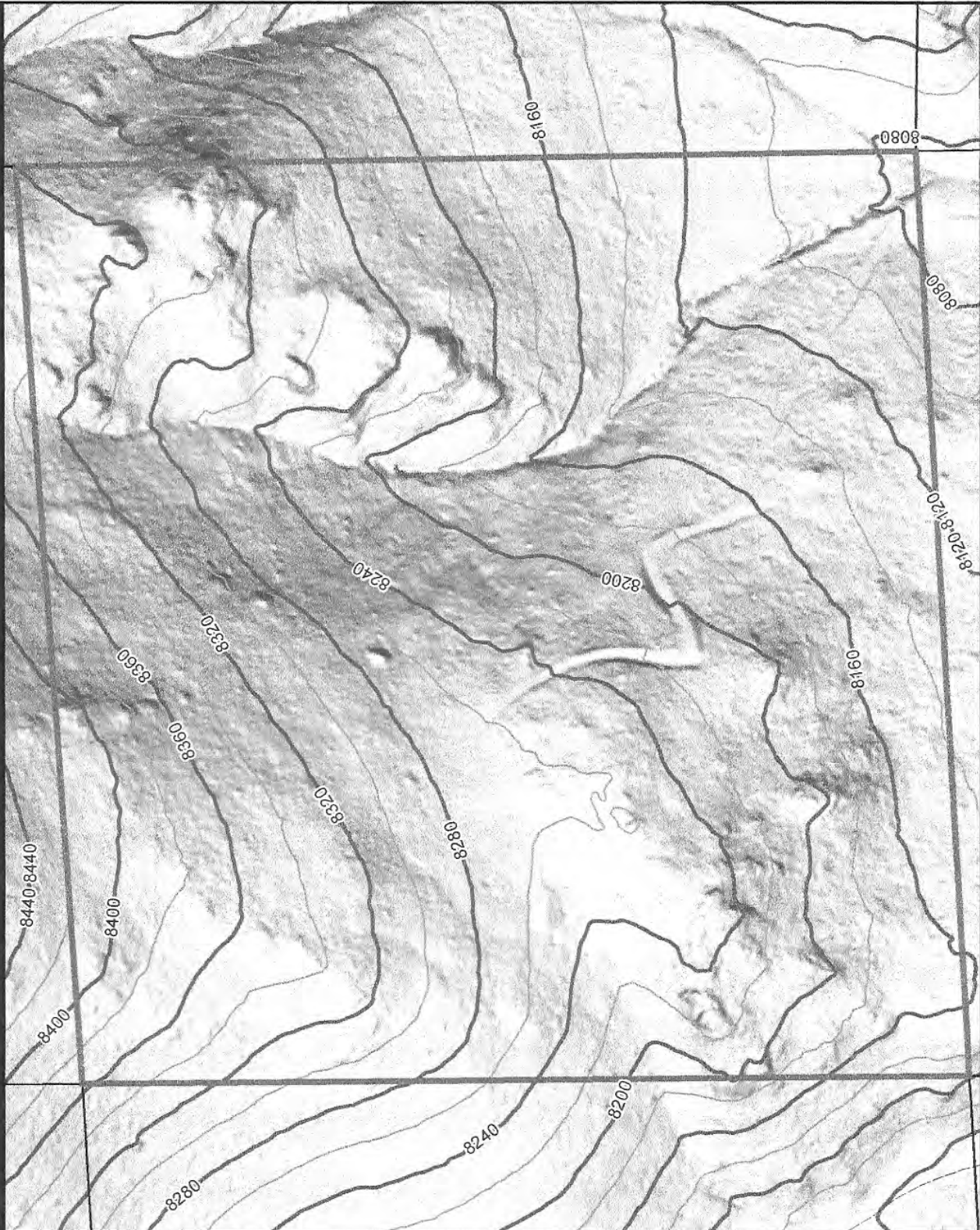
A10



# Community Planning & Permitting

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Elevation Contours  
17665 PEAK TO PEAK HWY

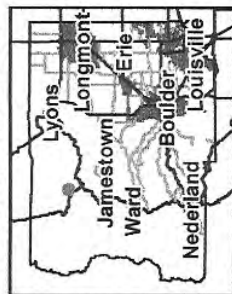


- Subject Parcel
- Contours 40'
- Contours 20'



0 0.015 0.03 Miles

Area of Detail Date: 4/1/2021



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# Community Planning & Permitting

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Geologic Hazards  
17665 PEAK TO PEAK HWY

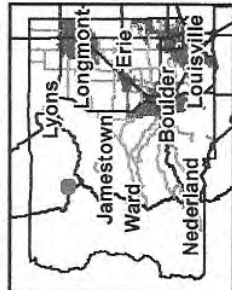


-  Subject Parcel
-  Debris flow susceptibility area
-  Rockfall susceptibility area
-  Landslide high susceptibility area



0 0.035 0.07 Miles

Area of Detail Date: 4/1/2021



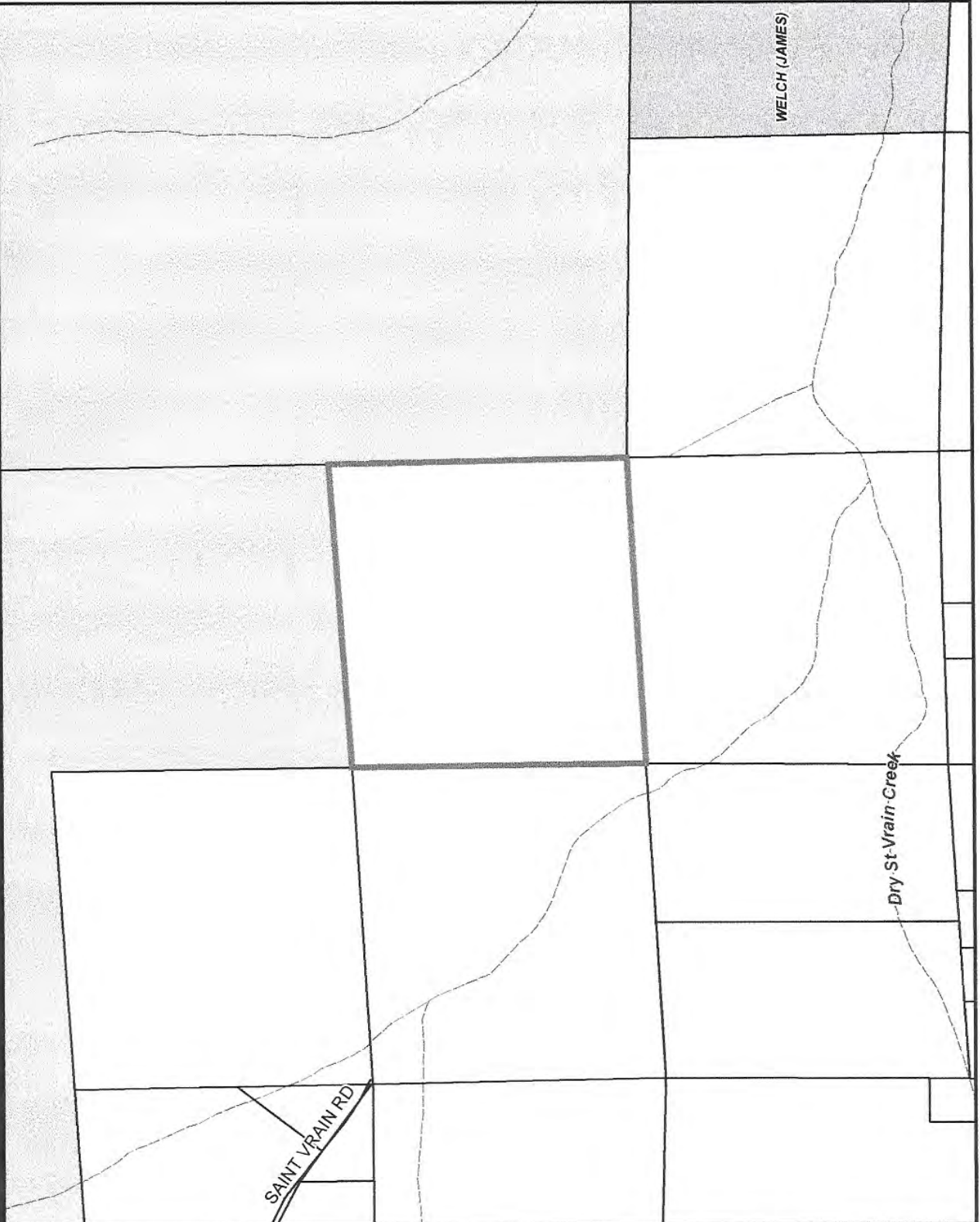
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# Community Planning & Permitting

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Public Lands & CEs  
17665 PEAK TO PEAK HWY

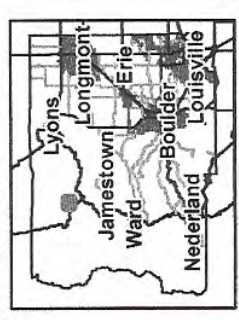


- Subject Parcel
- Boulder County Open Space**
- County Conservation Easement
- Federal Lands**
- USFS Land

A13



Area of Detail Date: 4/1/2021



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LEINWEBER

NORTH LINE SE 1/4 SECTION 29  
N 85° 31' 12" E 1327.11'

1/16<sup>th</sup> Corner  
Brass Cap

EAST LINE SE 1/4 SECTION 29  
N 0° 40' 44" W 1254.40'

SE 1/4 SE 1/4  
SEC. 29  
T3N, R72W

WEST LINE SE 1/4 SECTION 29  
S 0° 51' 22" E 1211.79'

SOUTH LINE SE 1/4 SECTION 29  
N 85° 13' 54" E 1322.56'

29 28 USGLO  
32 33 BRASS CAP  
SECTION C

ACCESS  
ROAD

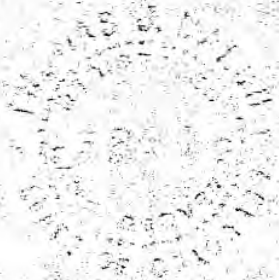


LEGAL DESCRIPTION

The southeast quarter of the southeast quarter of Section 29, Township 3 North, Range 72 West of the 6th Principal Meridian, County of Boulder, State of Colorado.

CERTIFICATE: I certify that in August, 1967, I surveyed the property shown hereon and that this plat accurately represents the survey.

*Thomas J. Walsh*  
THOMAS J. WALSH, Registered Land Surveyor  
Colo. Reg. No. 5260  
3052 Valmont Rd., Boulder, Colo. 444-2588





# Public Health

Environmental Health Division

January 27, 2020

TO: Staff Planner, Land Use Department  
FROM: Jessica Epstein, Environmental Health Specialist  
SUBJECT: Short-term Dwelling Rental License  
OWNER: LEINWEBER

PROPERTY ADDRESS: 17665 Peak to Peak Hwy

SEC-TOWN-RANGE: 29 -3N -72

The Boulder County Public Health (BCPH) – Environmental Health division has reviewed the submittals for the above referenced docket and has the following comments.

OWTS:

1. BCPH issued a renewal permit for the installation of an absorption bed system on 8/14/98. The permit was issued for an onsite wastewater treatment system (OWTS) adequate for a 2-bedroom house. BCPH approved the installation of the OWTS on 12/29/98.
2. The OWTS is sized for a maximum of 4 people, including children. Therefore, any rental of the home must stay within that limit.
3. It is recommended that the owner supply information to renters regarding the proper use of an OWTS. A printable list of do's and don'ts can be found here:  
<https://assets.bouldercounty.org/wp-content/uploads/2017/02/owsdosdents.pdf>

This concludes comments from the Public Health – Environmental Health division at this time. For additional information on OWTS, refer to the following website: [www.SepticSmart.org](http://www.SepticSmart.org). If you have additional questions about OWTS, please do not hesitate to contact Jessica Epstein at (303) 441-1138.

Cc: OWTS file, owner, Land Use Department





**Boulder County  
Land Use Department  
Publications**

# Historic Preservation Referral Requirement

**Land Use Department**  
Courthouse Annex Building  
2045 13th Street  
PO Box 471  
Boulder, CO 80302

**Planning Division:**  
303-441-3930  
planner@bouldercounty.org  
www.bouldercounty.org/lu

**Office Hours:**  
8 a.m.-4:30 p.m. Mon., Wed., Thurs., Fri.  
10 a.m.-4:30 p.m. Tuesday

## Historic Preservation Referral Requirement

Boulder County is committed to identifying and preserving the rich history of the unincorporated areas of the county. Through our Comprehensive Plan, Land Use Code, and other policies we have created a program to document, protect, and preserve the varying historic resources in our jurisdiction. County Land Use staff and the Historic Preservation Advisory Board (HPAB) are available to assist property owners in researching their property history, determining whether it is eligible for landmark designation, identifying ways to preserve the property and finding financial incentives for preservation.

The Historic Preservation Advisory Board (HPAB) serves as a referral body to review and comment on development proposals which would affect historic properties (any property with structures 50 years of age or older). Development review applications may require review by the full Historic Preservation Advisory Board, however, this depends on the nature of the historic resource and specific development proposal. A Boulder County Historic Preservation Planner in coordination with the members of HPAB determines the appropriate level of review for each development project.

Please contact a Boulder County Land Use Historic Preservation Planner at [historic@bouldercounty.org](mailto:historic@bouldercounty.org) or 303-441-3930 to discuss your project, and complete this form prior to submitting an application. Contact staff as soon as possible, since historic property research can take time. To avoid delays, contact the staff to begin this research well in advance of your submittal.

### Applicant - Please complete this section:

Applicant(s):		
Project Address: 17665 Peak to Peak Hwy		
City:	State:	Zip Code:
Parcel Information:		

### The following is required to be completed by a Boulder County Historic Preservation Planner:

Land Use Staff in cooperation with HPAB has considered an application for:  
Rental license

at the property listed above and has determined that the Application:

<input type="checkbox"/>	Does not require a referral
<input checked="" type="checkbox"/>	Requires a referral only to the Boulder County Historic Preservation Planner Not eligible-lacks integrity
<input type="checkbox"/>	Requires a review by the Historic Preservation Advisory Board
Historic Preservation Planner Signature: 	Date: 7/12/2021



**Land Title Guarantee Company  
Customer Distribution**

Order Number: **OE889993**

Date: **08/17/2021**

Property Address: **17665 STATE HIGHWAY 7, LYONS, CO 80540**

**Customer**

DEBBIE LEINWEBER

CO

(303) 903-6959 (Work)

debbie.leinweber@gmail.com

Delivered via: Electronic Mail

---

**For Assistance**

Land Title O&E Team

5975 GREENWOOD PLAZA BLVD

GREENWOOD VILLAGE, CO 80111

(303) 850-4190 (Work)

(303) 393-4823 (Work Fax)

[oe@ltgc.com](mailto:oe@ltgc.com)

---

**Land Title Guarantee Company**

**ONE Report**

Date Ordered: 08/16/2021

Order Number: OE889993



**This ONE Report is based on a limited search of the county real property records and is intended for informational purposes only. The ONE Report does not constitute any form of warranty or guarantee of title or title insurance and should not be used by the recipient of the ONE Report as the basis for making any legal, investment or business decisions. The recipient of the ONE Report should consult legal, tax and other advisors before making any such decisions. The liability of Land Title Guarantee Company is strictly limited to (1) the recipient of the ONE Report, and no other person, and (2) the amount paid for the ONE Report.**

**Effective Date:**

08/05/2021

**Address:**

17665 STATE HIGHWAY 7, LYONS, CO 80540

**County:**

Boulder

**Legal Description:**

SEE DEED FOR FULL LEGAL DESCRIPTION

**Ownership:**

MARY L. LEINWEBER, TRUSTEE OF THE MARY L. LEINWEBER TRUST, ESTABLISHED AUGUST 26, 1991

**Vesting Deed(s):**

[Boulder county recorded 12/05/2014 under reception no. 3416582](#)

**Encumbrances and Other Documents**

NONE OF RECORD



### QUITCLAIM DEED

**THIS DEED**, Made this 4th day of December, 2014, between Mary L. Leinweber, trustee of the Merle W. Leinweber Trust, established August 26, 1991, of the County of Denver, and State of Colorado, grantor, and Mary L. Leinweber, Trustee of the Mary L. Leinweber Trust, established August 26, 1991, whose legal address is 1605 Elm Creek View, Colorado Springs, and State of Colorado, 80907, grantee,

**WITNESSETH**, That the grantor for and in consideration of the sum of one dollar and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and quitclaimed, and by these presents does remise, release, sell and quitclaim unto the grantee, its heirs, successors, and assigns, forever, all the right, title, interest, claim, and demand which the grantor has in and to the real property, together with improvements, if any, situate, lying and being in the County of Boulder, and State of Colorado, described as follows:

The Southeast one-quarter (SE1/4) of the Southeast one-quarter (SE1/4) of Section twenty-nine (29), Township 3 North, Range 72 West of the 6<sup>th</sup> P.M. together with access to and from the described premises over and across the NE 1/4 of the NE 1/4, Section 32, Twn. 3 N.R. 72 W. of the 6<sup>th</sup> PM. On the approximate route of an existing road and access to and from described premises on the approximate route of an existing trail over and cross the NE 1/4 of the SW 1/4 of Sec. 29, Twn. 3 N.R. 72 W. of the 6<sup>th</sup> P.M. and the SW 1/4 of the SE 1/4 of said Sec. 29, Boulder County, Colorado.

Also known by street and number as: 17665 Highway 7, Lyons, Colorado 80540.

**TO HAVE AND TO HOLD** the same, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest, and claim whatsoever, of the grantor, either in law or equity, to the only proper use, benefit, and behoof of the grantee, its heirs and assigns forever.

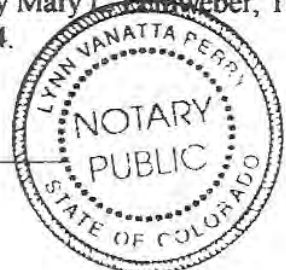
**IN WITNESS WHEREOF**, The grantor has executed this deed on the date set forth above.

*Mary L. Leinweber, Trustee*  
Mary L. Leinweber, Trustee of the Merle W. Leinweber Trust, Grantor

STATE OF COLORADO    )  
  )ss.  
COUNTY OF EL PASO    )

The foregoing instrument was acknowledged before me by Mary L. Leinweber, Trustee of the Merle W. Leinweber Trust, this 4<sup>th</sup> day of December, 2014.

My commission expires: 7/1/2018  
Notary Public: *[Signature]*



ROB



# Boulder County Land Use Department

Courthouse Annex Building  
2045 13th Street • PO Box 471 • Boulder, Colorado 80302  
Phone: 303-441-3930 • Email: planner@BoulderCounty.org  
www.BoulderCounty.org/lu  
Office Hours: 8:00 a.m. - 5:00 p.m., Monday - Friday

Intake Stamp
Docket#:

## Applicant's Mineral Rights Certification of Compliance

With Article 65.5 of Title 24, Colorado Revised Statutes (H.B. 01-1088, Effective July 1, 2001).

### Note to Applicant & Land Use Department:

This form must be completed for any application for development under the Boulder County Land Use Code which (1) requires a public hearing before the Planning Commission or Board of County Commissioners, and which (2) is either (a) any kind of planned unit development, subdivision, or resubdivision/replat sketch plan, preliminary plan, or final plat application, or (b) an application for any other type of Land Use Code approval which anticipates new surface development ("a Subject Application").

- I. The Applicant must complete the following certification as a prerequisite to the Land Use Department accepting as complete any Subject Application which is tendered for processing to the Land Use Department on or after July 1, 2001. [Applicants for an approval of an application such as Site Plan Review, which is granted administratively and may not require a public hearing, do not need to complete the following certifications unless and until their application is appealed to or called up for a public hearing]:

I, John Leinweber, Applicant for the following named development under the Boulder County Land Use Code PAC-21-0143 (Docket # PAC-21-0143) ("the proposed Development"), hereby certify that I or my agent have examined the records in the Office of the Boulder County Clerk and Recorder to determine if any owners or lessees of any severed mineral estate in the property which is the subject of the Proposed Development ("the Subject Property") (i.e., owners or lessees of mineral rights constituting less than full fee title in the Subject Property) can be identified, as required by Article 65.5 of Title 24, Colorado Revised Statutes (also known as "H.B. 01-1088" ("the Act")). Further, based on this examination, I have determined that (check applicable entry):

- No such mineral estate owners or lessees exist in the Subject Property.
- Mineral estate owners or lessees exist in the Subject Property to whom notice of the County's initial public hearing on my application will need to be sent as required by the Act.

### Certification:

I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge.

Applicant Signature:	Applicant Name: <u>John Leinweber</u>	Date: <u>10/15/21</u>
Applicant Signature:	Applicant Name:	Date:

Note: The same person(s) signing the development/docket application form on behalf of the Applicant must also sign the foregoing certification.

Parcel	Address	Owner	Below	Above	Total
119900000026 (R0057393)	701 SAINT VRain RD	ROCKY MOUNTAIN PATHWAYS	1,530	2,166	3,696
119932000009 (R0057395)	87 BIG JOHN RD	HAYNES PEGGY M & WILLIAM	1,136	2,272	3,408
119932000004 (R0057286)	17503 HWY 7	MAGNAN ALAIN G & LOREE L	1,271	1,953	3,224
119900000073 (R0057458)	737 SAINT VRain RD	DETMAN MARLENE M	1,170	1,752	2,922
119932000001 (R0057303)	17663 HWY 7	HARRIS RICHARD E	970	1,874	2,844
119932000012 (R0057378)	359 BIG JOHN RD	HALSEY GERALD F & CAROL	0	2,184	2,184
119900000025 (R0057558)	495 SAINT VRain RD	TYBURCZY MEREDITH W	0	1,882	1,882
<b>119900000036 (R0057500)</b>	<b>17665 PEAK TO PEAK</b>	<b>LEINWEBER MARY L TRUST</b>	<b>0</b>	<b>1,700</b>	<b>1,700</b>
119900000037 (R0090548)	541 BIG JOHN RD	HULLET RUSS W & DIANE E	0	1,550	1,550
119900000035 (R0057319)	770 SAINT VRain RD	BROWN LAWRENCE D	168	1,346	1,514
119932000003 (R0057758)	17661 PEAK TO PEAK	VALDEZ ANDREW E & NELLIE	702	702	1,404
119932000010 (R0057349)	355 BIG JOHN RD	BAISLEY EDWARD F	0	1,321	1,321
119900000027 (R0057370)	672 SAINT VRain RD	MORFELD JAMES L	600	720	1,320
119932000008 (R0057258)	83 BIG JOHN RD	ROBSON AUDREY ELAINE	0	1,291	1,291
119900000091 (R0108680)	238 VALLEY RD	MERRIAM AARON WOOD &	300	640	940
119900000044 (R0057293)	525 BIG JOHN RD	GAY WEHLING FAMILY TRUST	0	480	480
119900000038 (R0070879)	0 BIG JOHN RD	HULLET RUSS W REVOCABLE	0	237	237

**Building Permits since 9/8/1998 for 17665 PEAK TO PEAK HWY that added or modified Sq. Ft.**

Date	Permit	Description	Sq. Ft.	Status
------	--------	-------------	---------	--------



..... access road  
 □ cabin



View of access road from State Highway 7



Guests park along the circle drive at the end of the access road, in front of the cabin.





# Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930

Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • [www.bouldercounty.org](http://www.bouldercounty.org)

March 3, 2022

TO: Hannah Hippely, Long Range Planning Manager; Community Planning & Permitting, Long Range Planning Division

FROM: Jennifer Severson, Principal Planner; Community Planning & Permitting, Development Review Team – Access & Engineering

SUBJECT: Docket # LU-21-0016: Leinweber Secondary Dwelling Short-Term Rental  
17665 Peak to Peak Highway

The Development Review Team – Access & Engineering staff has reviewed the application materials for the above referenced docket and has the following comments:

1. The subject property is accessed via State Highway 7 (SH 7), also known as Peak to Peak Highway, a Colorado Department of Transportation (CDOT) owned and maintained right-of-way (ROW), via a shared access road located within a 30-foot wide easement recorded at Receptions 1684775 on 03/20/1997 and 3823728 on 10/13/2020 (both attached). Legal access has been demonstrated via these recorded easements.
  - a. The recorded document at Reception 3823728 references attached Exhibits A and B; however, no Exhibits are attached in the document as recorded; the applicant must re-record this easement agreement to include Exhibits A and B and provide an electronic copy of the newly recorded easement to staff prior to issuance of the short-term rental license.
2. In an email to staff dated November 29, 2021, the applicant confirmed a total of 3 sleeping rooms would be available during rentals, one less than staff anticipated based on the cabin floor plan included in the application materials. For short-term rental uses, staff assumes one vehicle/ sleeping room.
3. For short-term rental uses, staff anticipates each sleeping room will generate up to 5 trips/ day. Based on information provided in the Institute of Traffic Engineers (ITE) Trip Generation Manual 10<sup>th</sup> edition, for 3 sleeping rooms, staff estimates the proposed rental use may generate up to 15 trips/ day or 15 Average Daily Trips (ADT) (5 trips/ room x 3 rooms = 15), which represents an additional 5 trips over the 10 ADT that is estimated to be generated by a single-family residence.
4. Due to the nature of the proposal, to modify the existing residential use of the property to allow short-term rentals and the proportionality of the traffic impacts that may be expected by the rental vs. residential uses, no additional access improvements are required at this time.
5. Staff does not anticipate that the traffic generated by the short-term rental use will negatively impact the shared access road or the surrounding transportation network:

**Matt Jones** County Commissioner   **Claire Levy** County Commissioner   **Marta Loachamin** County Commissioner

- a. The application states that guests are instructed to stay on the shared access road as it passes through nearby private parcels.
  - b. A maximum of 45 days is proposed for the short-term rental use, which will result in an estimated total of 675 trips generated annually (45 days x 15 ADT = 675).
  - c. The application materials state the owners are present on the property up to 60 days/ year, which represents an additional 600 trips generated annually for the residential use of the property by the applicant (60 days x 10 ADT = 600 ).
  - d. The total estimated trips that may be generated by the proposed rental use and the existing residential use = 1,275 trips (675 rental + 600 residential = 1,275).
  - e. By contrast, a year-round residential use of the subject parcel by the owner may be expected to generate an estimated total of 3,650 trips annually (365 days x 10 ADT = 3,650).
6. The proposed short-term rental use may be expected to generate an additional 5 trips/ day over the existing residential use of the property.
  7. Based on the Land Use Code [Article 4-516.Y.3](#) for Secondary Dwelling Short Term Rentals, a total of 4 parking spaces is required- one for each sleeping room and one for the property manager. The application materials indicate the circular drive in front of the residence will be used for parking and, based on review of aerial photos, this area appears to be adequately sized to accommodate five vehicles. The area near the ‘Y’ of the circular drive (where the circular drive begins) must remain clear and available for use as an emergency turnaround area compliant with the dimensions and distances identified in Standard Drawings 18 and 19 in the [Boulder County Multimodal Transportation Standards](#) (see attached).
  8. An Access Improvement and Maintenance Agreement (AIMA-20-0013), which is an agreement for future maintenance responsibility, was prepared for the shared access road as part of the application for STR-20-0004. There is no record of a signed/ notarized AIMA form in the county’s records. The AIMA will be re-issued by the Access & Engineering staff during the licensing process; it must be signed by the property owner, notarized and returned prior to issuance of the short-term rental license.

**THIS REFERRAL IS INTENDED TO SUPERSEDE PREVIOUS REFERRAL LETTERS FOR RELATED DOCKET LUW-21-0001.**

This concludes our comments at this time.

RECIPROCAL EASEMENT AGREEMENT

THIS RECIPROCAL EASEMENT AGREEMENT is made and entered into, effective as of the 4<sup>th</sup> day of DECEMBER, 1996, by and among Richard E. Harris ("Harris"), Merle W. and Mary L. Leinweber ("Leinweber"), Lawrence D. Brown ("Brown"), Andrew E. and Nellie E. Valdez ("Valdez"), and Joanna C. and Peter D. Raich ("Raich").

66

RECITALS

WHEREAS, Harris, Leinweber, Brown, Valdez, and Raich are the owners of certain real property located near the Peak-to-Peak Highway in the County of Boulder, State of Colorado, the legal description of which properties are set forth in Exhibits "A," "B," "C," "D," and "E," respectively; and

WHEREAS, on or about September 16, 1968, the Colorado Northern Land Company, Inc. executed an Easements For Rights of Way (the "Previous Easement"), which Previous Easement was recorded on October 1, 1968 at Reception No. 892533 of the real property records of the Clerk and Recorder of Boulder County, Colorado; and

WHEREAS, the Previous Easement established an irrevocable, non-exclusive 60-foot wide easement for public rights-of-way for ingress and egress to, in, and across the property now owned by Harris, Leinweber, Brown, Valdez and Raich; and

WHEREAS, at the request of Harris, on January 4, 1996, nunc pro tunc December 14, 1995, the Board of County Commissioners of Boulder County, Colorado, approved Resolution 95-261 in which a portion of the Previous Easement was vacated subject to the retention of (a) a 30-foot wide private easement to provide Harris, Leinweber, Brown, Valdez, and Raich access to their properties and (b) an easement for underground utilities serving the single family dwellings on each of the properties using the easement;

TERMS

NOW, THEREFORE, for and in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Incorporation of Recitals. The foregoing Recitals, and each of them, are hereby incorporated as though fully set forth herein.

2. Establishment and Grant of Access Easement. Harris, Leinweber, Brown, Valdez, and Raich do hereby establish and grant to each other and to their respective successors, assigns, transferees, devisees, heirs, guests, invitees, and licensees, whatsoever, an exclusive, irrevocable easement for ingress and egress to, in, through, and across their respective properties. Such easement shall be 30-feet wide and shall follow the path of the existing dirt road, which road is approximately as shown on Exhibit "F" attached hereto and incorporated as though fully set forth herein. Except as set forth in paragraph 3 hereof, the easement granted hereby shall be used as a private residential driveway for ingress and egress to the respective properties and for no other purpose. The easement granted herein shall supersede and replace the Previous Easement.

3. Establishment of and Grant of Utility Easement. The easement established in paragraph 2, above, may also be used to provide utility service to no more than one single-family dwelling located on each of the properties served by the easement, provided however, that any such utilities must be buried underneath the private roadway at no cost to anyone other than the utility or the owner of the dwelling(s) to be served by such utilities.

4. Construction and Maintenance. Harris, Leinweber, Brown, Valdez, and Raich acknowledge and agree that the easement established in paragraph 2 hereof is currently a dirt road and that the easement granted hereby is subject to a Road Maintenance Waiver dated August 19, 1986 and recorded on August 20, 1986 at Reception No. 783165 of the real property records of the Clerk and Recorder of Boulder County, Colorado. Except as set forth in paragraph 5 hereof, each of the parties shall, at their sole cost and expense, maintain that portion of the private roadway that crosses their property in good repair and in a manner that permits the other parties unrestricted ingress and egress to their respective properties. As used in the immediately preceding sentence, the term "maintain" includes making such improvements as are reasonably necessary to permit use of the easement as a private residential driveway and the removal of snow or other obstacles.

5. Unmaintained Portion. The parties acknowledge that the portion of the easement from the "Y" intersection on the Harris property running westerly through the northeast corner of the Raich property to the northwest boundary of the Brown property (designated as the "unmaintained portion" on Exhibit F) is intended as an alternate section and shall not be subject to the

required maintenance set forth in paragraph 4. The parties further agree that any changes in the maintenance of the "unmaintained portion" shall be governed by subsequent agreement between the parties.

6. Easement to Run with the Land. The easements established and granted in paragraphs 2 and 3, above, are intended to and shall run with the land and shall be binding upon and inure to the benefit of the parties and their respective successors, assigns, transferees, devisees, and heirs, whatsoever.

7. Abandonment; Reversion. In the event that the entire easement created hereby is permanently abandoned, then all right, title, or interest granted herein shall terminate and revert to the owner of the property across which the easement runs.

8. Execution in Counterparts. This Reciprocal Easement Agreement may be executed in counterpart, each of which shall be deemed and original and all of which shall, together, constitute an agreement. As long as all parties to this Reciprocal Easement Agreement have executed at least one copy of the Reciprocal Easement Agreement, it shall be binding as if all parties have signed a single copy of the Reciprocal Easement Agreement.

"HARRIS"

Richard E. Harris  
Richard E. Harris

STATE OF COLORADO )  
COUNTY OF Boulder ) ss.

Subscribed and sworn to before me this 31 day of October, 1996 by Richard E. Harris.

Witness my hand and official seal.

My commission expires:

MY COMMISSION EXPIRES 12/7/97

Sarah Harris  
Notary Public



"LEINWEBER"

Unofficial Copy

Merle W. Leinweber  
Merle W. Leinweber

Mary L. Leinweber  
Mary L. Leinweber

STATE OF COLORADO )  
COUNTY OF Arapahoe ) ss.

Subscribed and sworn to before me this 20 day of Sept.,  
1996 by Merle W. and Mary L. Leinweber.


Witness my hand and official seal.

My commission expires: 8-29-98

Cynthia A. Charbonneau  
Notary Public

CYNTHIA A. CHARBONNEAU  
NOTARY PUBLIC  
STATE OF COLORADO  
My Commission Expires 8-29-98

"BROWN"

  
\_\_\_\_\_  
Lawrence D. Brown

STATE OF ~~COLORADO~~ California )  
  ) ss.  
COUNTY OF Los Angeles   )

Subscribed and sworn to before me this 27 day of July,  
1996 by Lawrence D. Brown.

Witness my hand and official seal.

My commission expires: 7-29-98

  
\_\_\_\_\_  
Notary Public





13-7

"VALDEZ"

Andrew E. Valdez  
Andrew E. Valdez

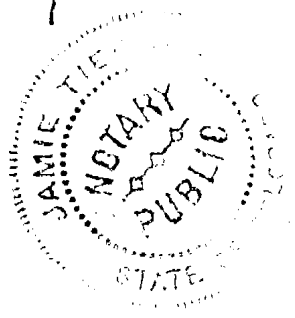
Nellie E. Valdez  
Nellie E. Valdez

STATE OF COLORADO )  
COUNTY OF Boulder ) ss.

Subscribed and sworn to before me this 31<sup>ST</sup> day of July, 1996 by Andrew E. and Nellie E. Valdez.

Witness my hand and official seal.

My commission expires:



Jamie Treman  
Notary Public

My Commission Expires March 11, 2000  
2960 Diagonal Hwy. • Boulder • CO • 80301

My Commission Expires March 11, 2000  
2960 Diagonal Hwy. • Boulder • CO • 80301

13-8

"RAICH"

*Peter Raich*

Peter D. Raich

Joanna C. Raich

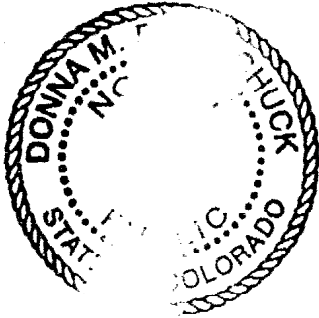
STATE OF COLORADO )  
COUNTY OF Douglas ) SS.

Subscribed and sworn to before me this 29 day of July, 1996 by Joanna C. and Peter D. Raich.

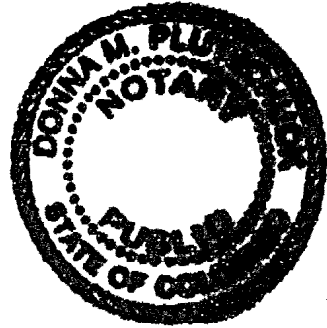
Witness my hand and official seal.

My commission expires:

*Donna M. Plutschuck*  
Notary Public



My Commission Expires 05/21/2000



My Commission Expires 05/21/2000

13-9

"RAICH"

[Signature]  
Peter D. Raich

[Signature]  
Joanna C. Raich

Unofficial Copy

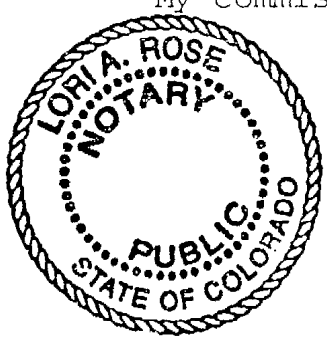
STATE OF COLORADO )  
  ) ss.  
COUNTY OF Summit )

Subscribed and sworn to before me this 4 day of Dec, 1996 by Joanna C. and ~~Peter D. Raich~~.

Witness my hand and official seal.

My commission expires:

4/1/2000



[Signature]  
Notary Public

Exhibit A

Legal Description of Harris Property

The Northeast 1/4 of the Northeast 1/4 of Section 32, Township 3 North, Range 72 West of the 6th P.M., County of Boulder, State of Colorado together with the non-exclusive ingress and egress easements set forth in instrument recorded October 1, 1968 on Film 648 as Reception No. 892533 and in instruments recorded September 24, 1992 on film 1762 as reception no. 1222553.

Film 1843, Reception no. 01311841, July 8, 1993

Exhibit B

Legal Description of Leinweber Property

The Southeast one-quarter (SE 1/4) of the Southeast one-quarter (SE 1/4) of Section twenty-nine (29), Township 3 North, Range 72 West of the 6th P.M. together with access to and from the described premises over and across the NE 1/4 of the NE 1/4, Section 32, Twn. 3 N. R. 72 W. of the 6th P.M. on the approximate route of an existing road and access to and from described premises on the approximate route of an existing trail over and cross the NE 1/4 of the SW 1/4 of Sec. 29. Twn. 3 N. R. 72 W. of the 6th P.M. and the SW 1/4 of said Sec. 29, Boulder County, Colorado.

Film 614, Reception Number 857748, September 12, 1977

Exhibit C

Legal Description of Brown Property

The Southwest Quarter of the Southeast Quarter of Section 29, Township 3 North, Range 72 West of the 6th P.M., County of Boulder, State of Colorado. TOGETHER WITH EASEMENTS for ingress and egress as set forth in instrument recorded October 1, 1968, as Reception No. 892533.

Film 1635, Reception No. 01053248, July 18, 1990

13-11

Exhibit D

Legal Description of Valdez Property

The Westerly 335 feet of the West 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 32, Township 3 North, Range 72 West of the 6th P.M.

Film 653, Reception Number 898165, December 3, 1968

Exhibit E

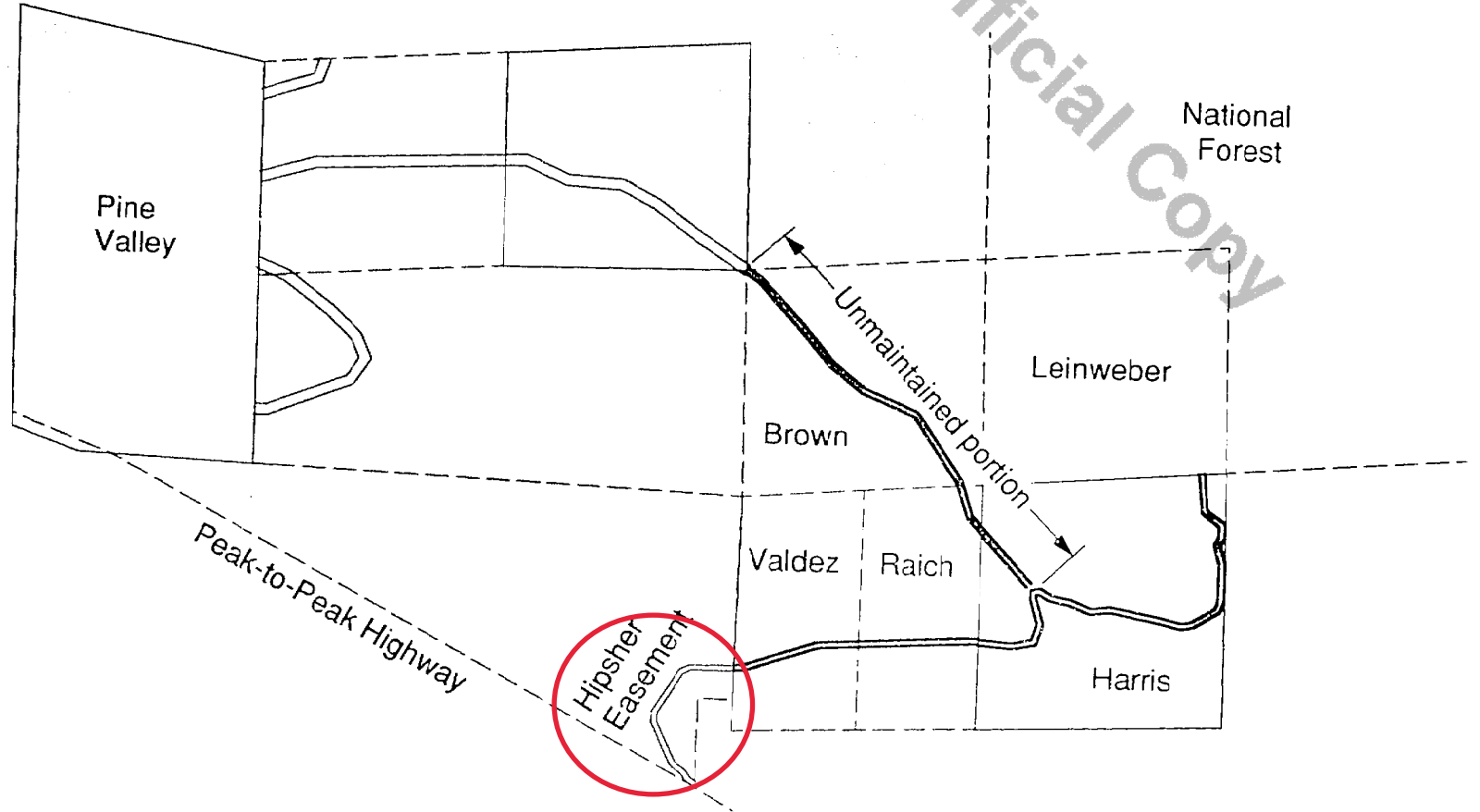
Legal Description of Raich Property

The East one-half of the Northwest quarter of the Northeast quarter of Section 32, Township 3 North, Range 72 West of the 6th P.M., Together with an irrevocable and a non-exclusive right to use easements for access and egress to and from subject property, Boulder County, Colorado.

Film 954, Reception No. 211521, February 22, 1977, and  
Film 1519, Reception No. 907144, March 11, 1988

Exhibit F

Easements in Vicinity of Properties of Harris, Leinweber, Brown, Valdez, and Raich  
(Revisions shown in bold lines)



Solid lines are drawn to scale from easements and surveys. Dashed lines are estimates or bearings.  
Prepared June 24, 1993, by Richard E. Harris. Revised July 8, 1996.

13-12

13-13

W.O. 2547  
November 10, 1994

EXHIBIT A

An easement on, over and across a portion of the NE 1/4 of Section 32, T3N, R72W of the 6th P.M., Boulder County, Colorado being more particularly described as commencing at the Northeast corner of said Section 32, as monumented by a G.L.O. brass cap and with all bearings contained herein being relative to the East line of said NE 1/4 of Section 32 considered as bearing S 00°47'39" E; thence S 85°13'54" W a distance of 129.21 feet along the North line of said NE 1/4 of Section 32 to a point on the centerline of a 30 foot wide easement lying 15.00 feet on each side of, parallel with and adjacent to the following described centerline:

- thence S 06°13'22" E a distance of 210.95 feet;
- thence S 51°27'43" E a distance of 121.46 feet;
- thence S 00°47'39" E a distance of 67.98 feet;
- thence S 30°57'04" W a distance of 48.77 feet;
- thence S 15°20'22" E a distance of 102.16 feet;
- thence S 00°47'39" E a distance of 213.66 feet;
- thence S 18°32'19" W a distance of 54.16 feet;
- thence S 57°08'39" W a distance of 156.05 feet;
- thence S 79°00'41" W a distance of 65.24 feet;
- thence N 75°12'25" W a distance of 123.98 feet;
- thence N 79°05'58" W a distance of 267.31 feet;
- thence S 82°57'02" W a distance of 112.03 feet;
- thence N 67°38'34" W a distance of 121.91 feet;
- thence N 79°18'13" W a distance of 106.87 feet;
- thence N 58°52'45" W a distance of 69.76 feet;
- thence S 80°49'40" W a distance of 33.07 feet;
- thence S 01°13'19" W a distance of 34.23 feet;
- thence S 16°00'26" E a distance of 149.07 feet;
- thence S 17°10'10" W a distance of 106.86 feet;
- thence S 78°46'10" W a distance of 118.29 feet;
- thence N 35°12'16" W a distance of 188.08 feet to the West line of said NE 1/4 of Section 32 and the POINT OF TERMINUS of said easement centerline;
- (said point bears S 53°05'45" W a distance of 1645.35 feet from the NE corner of said Section 32.)

Description prepared by Estes Park Surveyors & Engineers, Inc.  
P.O. Box 3047, Estes Park, CO 80517

GRANT OF ACCESS AND INGRESS EASEMENT

WE, Michael P. and Linda E. Hipsher, being the owners of a portion of the NW 1/4 of Section 32, T3N, R72W of the 6th P.M., Boulder County, Colorado, do hereby grant unto Merle and Mary Leinweber, Johanna H. and Peter Raich, Lorne and Leslie Kermath, Andrew E. and Nellie Valdez, and the successors and assigns of each a non-exclusive and permanent easement for ingress and egress across said land from Colorado Highway No. 7 northeasterly to the east line of said NW 1/4 (and the west line of the NE 1/4 of said Section 32).

The line of this easement is described and shown on Exhibits "A" and "B" attached hereto and become a part of this agreement.

In case of permanent abandonment of this easement, all right, title and interest herein granted shall end, cease and terminate.

This easement is to replace use of an existing lane presently used as ingress and egress across the aforesaid NW 1/4, and it is the intention of the owners to replace it to its natural state.

Witness our hands and seals 18 day of September, A.D. 1992 at Estes Park, Colorado.

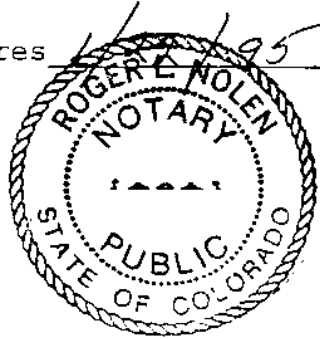
Michael P. Hipsher

Linda E. Hipsher  
(Land Owners)

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss

The foregoing instrument was acknowledged before me this 18 day of Sep. A.D. 1992. by: Michael P. & Linda E. Hipsher

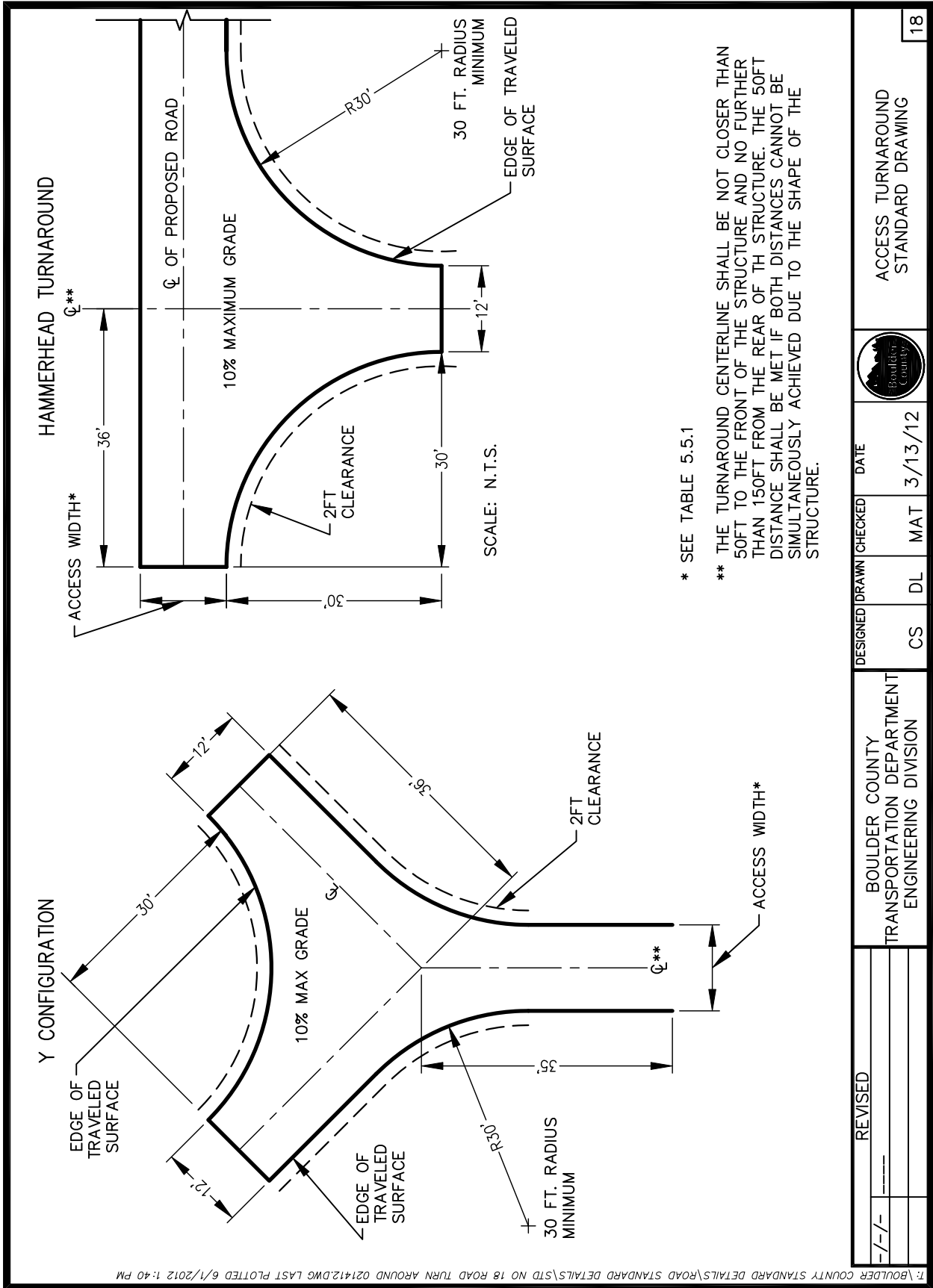
My commission expires 1/1/95




Roger E. Nolen  
Notary Public

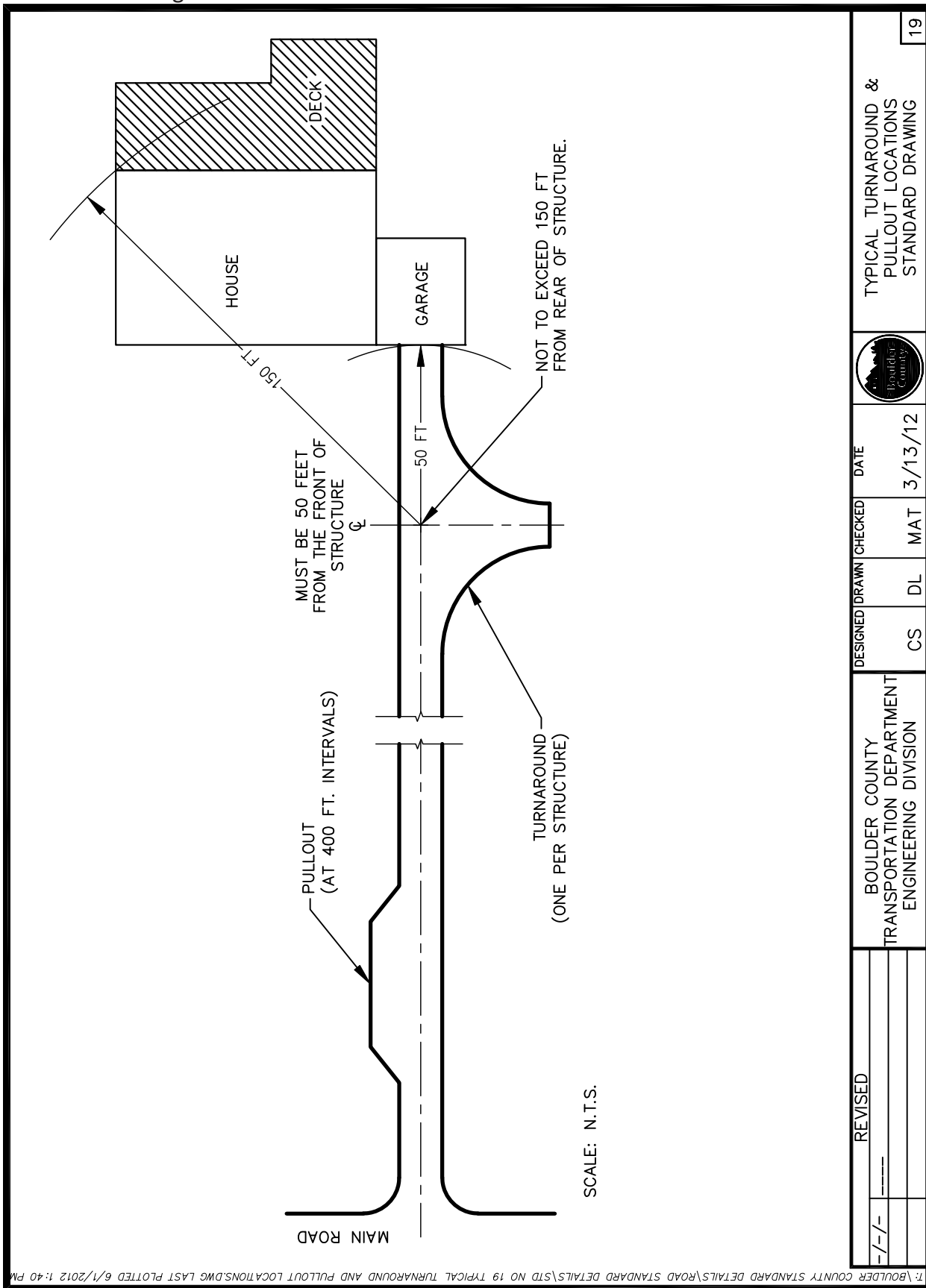



Standard Drawing 18



DESIGNED	DRAWN	CHECKED	DATE		ACCESS TURNAROUND STANDARD DRAWING	18
CS	DL	MAT	3/13/12			
BOULDER COUNTY TRANSPORTATION DEPARTMENT ENGINEERING DIVISION						
REVISED						

Standard Drawing 19



DESIGNED		DRAWN		CHECKED	DATE		TYPICAL TURNAROUND & PULLOUT LOCATIONS STANDARD DRAWING	19
CS	DL	MAT	3/13/12					
BOULDER COUNTY TRANSPORTATION DEPARTMENT ENGINEERING DIVISION								
REVISED								

I:\BOULDER COUNTY STANDARD DETAILS\ROAD STANDARD DETAILS\STD NO 19 TYPICAL TURNAROUND AND PULLOUT LOCATIONS.DWG LAST PLOTTED 6/1/2012 1:40 PM



# Public Health

*Environmental Health Division*

November 4, 2021

TO: Staff Planner, Land Use Department  
FROM: Jessica Epstein, Environmental Health Specialist  
SUBJECT: LUW-21-0001: Leinweber Short-Term Rental

OWNER: Leinweber

PROPERTY ADDRESS: 17665 Peak to Peak Hwy

SEC-TOWN-RANGE: 29 -3N -72

The Boulder County Public Health (BCPH) – Environmental Health division has reviewed the submittals for the above referenced docket and has the following comments.

OWTS:

1. BCPH issued a renewal permit for the installation of an absorption bed system on 8/14/98. The permit was issued for an onsite wastewater treatment system (OWTS) adequate for a 2-bedroom house. BCPH approved the installation of the OWTS on 12/29/98.
2. The OWTS is sized for a maximum of 4 people, including children. Therefore, any rental of the home must stay within that limit.
3. It is recommended that the septic tank be pumped every two years. If the renters put unwanted items down the toilets, frequent pumping could avoid failure in the absorption field.
4. The owner must make sure renters do not park on or over OWTS components by marking the area and informing the renters to stay off it.
5. It is recommended that the owner supply information to renters regarding the proper use of an OWTS. A printable list of do's and don'ts can be found here:  
<https://assets.bouldercounty.org/wp-content/uploads/2017/02/owsdosdents.pdf>

This concludes comments from the Public Health – Environmental Health division at this time. For additional information on OWTS, refer to the following website: [www.SepticSmart.org](http://www.SepticSmart.org). If you have additional questions about OWTS, please do not hesitate to contact Jessica Epstein at (303) 441-1138.

Cc: OWTS file, owner, Land Use Department



# Land Use

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

## Building Safety & Inspection Services Team

### MEMO

**TO:** Molly Marcucilli, Planner I  
**FROM:** Michelle Huebner, Plan Examiner Supervisor  
**DATE:** November 2, 2021

**RE:** Referral Response, Docket LUW-21-0001. Limited Impact Special Use Waiver to permit a Secondary Dwelling Short-Term Rental to be rented up to 45 nights annually for up to 4 guests, and with a 2-night minimum.

Location: 17665 Peak to Peak Highway

Thank you for the referral. We have the following comments for the applicants:

The applicant has indicated that they will be renting the existing single-family home for short term stays, and that they will not in the home during the time that the guests are in the home.

Based on the submitted application, there is no proposed construction work associated with this application, and therefore there are not any construction requirements for this proposal. If this changes, please contact the Building Safety and Inspection Services Team so that we may assist you in evaluating any possible permitting requirements.

Since the Licensing Ordinance No.2020-01 will be requiring Smoke Detectors, Carbon Monoxide Detectors, and Fire Extinguishers we have no objections to the proposal, but a Building inspection is required for this application so that we have an opportunity to verify these features.

**Basic Safety Items.** The inspection process will be used to assure that all currently required safety features, such as smoke detectors, carbon monoxide (“CO”) detectors, Fire Extinguishers, stairs, stair handrails, guardrails, egress windows or doors, door hardware and locks as well as safe electrical, mechanical and plumbing installations; etc., are in place and code-conforming.

If the applicants should have questions or need additional information, we’d be happy to work with them toward solutions that meet minimum building code requirements. Please call (720) 564-2640 or contact us via e-mail at [building@bouldercounty.org](mailto:building@bouldercounty.org)

**Matt Jones** County Commissioner **Claire Levy** County Commissioner **Marta Loachamin** County Commissioner



# Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303-441-3930  
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • [www.BoulderCounty.org](http://www.BoulderCounty.org)

## Wildfire Mitigation Team

### MEMO

**TO:** Molly Marcucilli, Planner I  
**FROM:** Abby Silver, Wildfire Mitigation Specialist  
**DATE:** November 2, 2021  
**RE:** Referral packet for LUW-21-0001: Leinweber Short-Term Rental at 17665 Peak to Peak Highway

Thank you for the referral. We have the following comments for the applicants:

Decades of catastrophic wildfires, research, and case studies have shown that extreme wildfires are inevitable in the forests of Boulder County and across the Western US, but loss of life and homes do not have to be inevitable. The conditions that principally determine if a house ignites occur within 100 feet of the house, including the house itself. That is why Boulder County has such strong wildfire mitigation requirements in our Land Use and Building Code, and why Boulder County encourages all homeowners to voluntarily take responsibility to mitigate their own home's risk of igniting in a wildfire through Wildfire Partners.

Therefore, for all Short-Term Rentals, it is required that the property owner obtain a Wildfire Partners assessment to mitigate the property against wildfire, per the terms of Section 5.A.3.a. of Boulder County Licensing Ordinance No. 2020-01 adopted on 02/08/2021. The homeowners have received a Wildfire Partners assessment.

Additionally, since renters will most likely be unfamiliar with the risks associated with wildfire and local evacuation processes, it is required in Section 6.2.iii-iv, for the owner to display wildfire prevention and evacuation information within the rental property. Outdoor fires are also prohibited per Section 6.3.

If the applicants should have questions, need additional information, I can be reached at 720-564-2641 or via e-mail at [asilver@bouldercounty.org](mailto:asilver@bouldercounty.org)

## [EXTERNAL] Re: Fw: Referral packet for LUW-21-0001: Leinweber Short-Term Rental at 17665 Peak to Peak Highway

Secretary <afpdsecretary@gmail.com>

Wed 11/17/2021 10:57 AM

To: Marcucilli, Molly <mmarcucilli@bouldercounty.org>

For all rentals in the Allenspark area, we have a few recommendations. Attached is the article I wrote for our monthly area newspaper, The Wind. The Leinwebers mentioned having an instruction booklet. I would suggest that they add the information in this article that they don't already have. I would also strongly suggest that they have a landline phone since cell phones don't work in our area. Renters will not be able to get emergency alerts (everbridge) unless there is a landline at the residence.

Hope this helps,

[AFPD Buzz 2019-12.doc](#)

**Teresa Hoffman**  
**Administration**  
**Allenspark Fire Protection District**

On Wed, Nov 17, 2021 at 10:01 AM Marcucilli, Molly <[mmarcucilli@bouldercounty.org](mailto:mmarcucilli@bouldercounty.org)> wrote:

Hello,

I just wanted to make sure you saw this referral come through a couple weeks ago. Comments would be much appreciated.

Thanks!  
Molly

---

**From:** Goldstein, Andrew <[agoldstein@bouldercounty.org](mailto:agoldstein@bouldercounty.org)>

**Sent:** Friday, October 29, 2021 11:21 AM

**To:** Flax, Ron <[rflax@bouldercounty.org](mailto:rflax@bouldercounty.org)>; #Historic <[historic@bouldercounty.org](mailto:historic@bouldercounty.org)>; #WildfireMi ga on <[WildfireMi\\_ga\\_on@bouldercounty.org](mailto:WildfireMi_ga_on@bouldercounty.org)>; Toberman, Rebecca <[rtoberman@bouldercounty.org](mailto:rtoberman@bouldercounty.org)>; Transporta on Development Review <[TransDevReview@bouldercounty.org](mailto:TransDevReview@bouldercounty.org)>; [mjohnson10@fs.fed.us](mailto:mjohnson10@fs.fed.us) <[mjohnson10@fs.fed.us](mailto:mjohnson10@fs.fed.us)>; HealthWaterQuality-EnvironmentalBP LU <[HealthWQ-EnvironBPLU@bouldercounty.org](mailto:HealthWQ-EnvironBPLU@bouldercounty.org)>; West, Ron <[rowest@bouldercounty.org](mailto:rowest@bouldercounty.org)>; [info@allensparkfire.com](mailto:info@allensparkfire.com) <[info@allensparkfire.com](mailto:info@allensparkfire.com)>; [Phil.Stern@colorado.edu](mailto:Phil.Stern@colorado.edu) <[Phil.Stern@colorado.edu](mailto:Phil.Stern@colorado.edu)>; [office@svlhwcd.org](mailto:office@svlhwcd.org) <[office@svlhwcd.org](mailto:office@svlhwcd.org)>; [srusch@estes.org](mailto:srusch@estes.org) <[srusch@estes.org](mailto:srusch@estes.org)>; Vanessa McCracken <[bldrvalleyandlongmontcads@gmail.com](mailto:bldrvalleyandlongmontcads@gmail.com)>; Boulder County Short-Term Rental Licensing <[STRlicensing@bouldercounty.org](mailto:STRlicensing@bouldercounty.org)>; [beckybapco@gmail.com](mailto:beckybapco@gmail.com) <[beckybapco@gmail.com](mailto:beckybapco@gmail.com)>; [ild17@comcast.net](mailto:ild17@comcast.net) <[ild17@comcast.net](mailto:ild17@comcast.net)>; Frederick, Summer <[sfrederick@bouldercounty.org](mailto:sfrederick@bouldercounty.org)>; Huebner, Michelle <[mhuebner@bouldercounty.org](mailto:mhuebner@bouldercounty.org)>; Milner, Anna <[amilner@bouldercounty.org](mailto:amilner@bouldercounty.org)>; Sanchez, Kimberly <[ksanchez@bouldercounty.org](mailto:ksanchez@bouldercounty.org)>; Severson, Jennifer <[jseverson@bouldercounty.org](mailto:jseverson@bouldercounty.org)>; Wassell, Kristen <[kwassell@bouldercounty.org](mailto:kwassell@bouldercounty.org)>

**Cc:** Marcucilli, Molly <[mmarcucilli@bouldercounty.org](mailto:mmarcucilli@bouldercounty.org)>

**Subject:** Referral packet for LUW-21-0001: Leinweber Short-Term Rental at 17665 Peak to Peak Highway

B22

Please find attached the referral packet for ***LUW-21-0001: Leinweber Short-Term Rental at 17665 Peak to Peak Highway.***

Please return responses and direct any questions to [Molly Marcucilli](#) by **November 5, 2021**. (Boulder County internal departments and agencies: Please attach the referral comments in Accela.)

All the best,  
Andrew

**Andrew Goldstein | Administrative Technician**  
**Boulder County Community Planning & Permitting**  
Working hours: 8 am-noon Monday-Friday

Physical address: 2045 13th St., Boulder CO 80302

Mailing address: PO Box 471, Boulder, CO 80306

(720) 564-2622 (Direct)

(303) 441-3930 (Main Office)

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

Department service hours are 8 a.m.-4:30 p.m. Monday, Wednesday, Thursday, Friday, and 10 a.m.-4:30 p.m. Tuesday

<https://www.boco.org/cpp>



## **AFPD Buzz – December 2019**

### **EMERGENCY INFORMATION FOR RENTERS**

Many homes in our area are rented for a few nights or a few weeks at a time. For the people visiting our area, it is important to make sure they have information regarding emergencies. It is also wise to provide visitors with detailed, written documentation that they can refer to in an emergency.

Here are some of the most critical emergency topics for renters:

- **Telephones**
- **Water**
- **Wildlife**
- **Outdoor Activities**
- **Local Facilities**
- **Fires**
- **Emergencies**

#### **• Telephones**

Renters may be surprised to learn that we do not have cell service in Allenspark. People coming from a city may never have encountered this before. Many rely on their mobile phones for directions and may not be able to even find the rental property without service. If there is some cell service available nearby, let them know where that might be. However, keep in mind that some emergencies, like a flood or wildfire will quickly bring down cell service.

Having a landline at the rental property could be critical for many emergency situations. With a landline, renters can call 911 or a hospital. In addition, if there is an evacuation notice or other emergency information via the Boulder County or Larimer County Everbridge system, that will typically come via a landline.

Visitors to our area should also know where the emergency phones are located:

- Station One – 14861 Highway 7
- Station Five – 32 Bunce School Road
- Intersection of Highway 7 and 72
- Mile 50 on Highway 72 (Near Peaceful Valley Campground)

#### **💧 Water**

Renters should be reminded to drink plenty of water.

Visitors to our area may not be aware of the danger of altitude sickness, especially if they are not a resident of Colorado or if they have not been to our altitude before. The elderly and people with health issues are at a higher risk for altitude sickness.

All rental properties should have an emergency supply of water for renters.

In addition, rivers present a danger to children and pets. The water is extremely cold all year long and fast-moving in the spring.

#### **Wildlife**



The wild animals in Allenspark make our area a special place. However, they also present some possible dangers.

A car collision with deer, elk or moose can be life threatening and cause major damage to a vehicle. Renters should be warned of this potential, especially at night.

Visitors with pets should be extra cautious as bobcats, elk, moose and mountain lions can pose a threat to cats and dogs of any size.

Bears love food that is easy to obtain such as garbage, bird feeders, greasy grills or other food left outside or in a vehicle. Everyone should take extra steps to avoid tempting a bear.



### **Outdoor Activities**

For anyone planning a walk, hike, or 4-wheel drive off the beaten path, some basic precautionary information could help avoid a lot of trouble.

- Bring the ten essentials.
- Wear appropriate clothing and bring extra layers.
- Bad weather can move in quickly and hikers should be off any high peaks by noon.

### **Local Facilities**

Help your renters by having a list of important locations such as:

- Fire Station
- Hospital
- Pharmacy
- Grocery
- Gas Station

A local map is very important for renters. If renters need to evacuate in an emergency, they will need to know how to exit the area and may not be able to leave the same way they arrived in Allenspark. In addition, a large metal, reflective number sign on the house and at any confusing intersection to the house is helpful to the renters and also to any emergency responders trying to find that home.

### **Fire Information**

Renters should be informed about any fire bans and should also know where to find out what the fire ban means for them and their activities. For example; smoking, charcoal grills and outdoor torches are not allowed during fire bans.

Boulder County information can be found at <https://www.bouldercounty.org/safety/fire/fire-restrictions/>.

Larimer County Information can be found at <https://www.larimer.org/emergency/fires>.

One fire extinguisher should be in the kitchen and on every level, at a minimum. Renters should also have access to information on where to find extinguishers and how to use them. Smoke detectors should be located on walls near bedrooms and be accessible so that renters can replace batteries if necessary. If a house is heated with a fireplace or propane, a carbon monoxide detector should be present.

### **Emergency Information**

For all emergencies (medical, fire, flood, hazardous materials, etc), renters should call 911.

The Allenspark Fire Protection District is a volunteer fire department which means that the station is not manned. Volunteers respond from their homes or outside or at any place they may be in our district. Renters may not have experience with a volunteer fire department and may not understand the difference between career and volunteer departments.

All rental properties should have a basic first aid kit and renters should know where to find it.

An emergency kit should also be available with water, food, flashlights, batteries, blankets, an emergency radio, a multi-tool, maps of the area, a whistle and any other items that you would like to add.

The Allenspark Fire Protection District strongly recommends that all rental property owners create a binder of information for renters. We hope this article will give you a good starting point.



## Parks & Open Space

5201 St. Vrain Road • Longmont, CO 80503  
303-678-6200 • POSinfo@bouldercounty.org  
[www.BoulderCountyOpenSpace.org](http://www.BoulderCountyOpenSpace.org)

**TO:** Molly Marcucilli, Community Planning & Permitting Department  
**FROM:** Ron West, Natural Resource Planner  
**DATE:** November 4, 2021  
**SUBJECT:** Docket LUW-21-0001, Leinweber, 17665 Peak to Peak Highway

Staff has reviewed the submitted materials, and has no natural resource concerns with the proposal.

## LUW-21-0001 - Historic Review

noreply\_accela@bouldercounty.org <noreply\_accela@bouldercounty.org>

Tue 11/2/2021 9:12 AM

To: Marcucilli, Molly <mmarcucilli@bouldercounty.org>

The Historic Review workflow task for LUW-21-0001 has been updated to **Referral Submitted** and the following comments entered:

*lacks significance and integrity*

Please see the Accela record for more information.

*email sent by EMSE: PLN\_Referrals\_Entered*

**[EXTERNAL] Fwd: Referral packet for LUW-21-0001: Leinweber Short-Term Rental at 17665 Peak to Peak Highway**

Steven Rusch &lt;srusch@estes.org&gt;

Mon 11/1/2021 9:58 AM

To: Marcucilli, Molly &lt;mmarcucilli@bouldercounty.org&gt;

Cc: Joe Lockhart &lt;jlockhart@estes.org&gt;; Tyler Boles &lt;tboles@estes.org&gt;; Adam Edwards &lt;aedwards@estes.org&gt;; Reuben Bergsten &lt;rbergsten@estes.org&gt;

 1 attachments (3 MB)

luw-21-0001-referral-packet-red2.pdf;

Hello Molly,

The Town of Estes Park Power &amp; Communications Division has no objection to this Short-Term Rental application.

Best,

**Steve Rusch**

Utilities Coordinator, Town of Estes Park

170 MacGregor Ave. PO Box 1200, Estes Park, CO 80517

Direct: 970.577.3625

Mobile: 970.481.8417

----- Forwarded message -----

From: **Goldstein, Andrew** <[agoldstein@bouldercounty.org](mailto:agoldstein@bouldercounty.org)>

Date: Fri, Oct 29, 2021 at 11:21 AM

Subject: Referral packet for LUW-21-0001: Leinweber Short-Term Rental at 17665 Peak to Peak Highway

To: Flax, Ron <[rflax@bouldercounty.org](mailto:rflax@bouldercounty.org)>, #Historic <[historic@bouldercounty.org](mailto:historic@bouldercounty.org)>, #WildfireMitigation <[WildfireMitigation@bouldercounty.org](mailto:WildfireMitigation@bouldercounty.org)>, Toberman, Rebecca <[rtoberman@bouldercounty.org](mailto:rtoberman@bouldercounty.org)>, Transportation Development Review <[TransDevReview@bouldercounty.org](mailto:TransDevReview@bouldercounty.org)>, [mjohnson10@fs.fed.us](mailto:mjohnson10@fs.fed.us) <[mjohnson10@fs.fed.us](mailto:mjohnson10@fs.fed.us)>, HealthWaterQuality-EnvironmentalBP LU <[HealthWQ-EnvironBPLU@bouldercounty.org](mailto:HealthWQ-EnvironBPLU@bouldercounty.org)>, West, Ron <[rowest@bouldercounty.org](mailto:rowest@bouldercounty.org)>, [info@allensparkfire.com](mailto:info@allensparkfire.com) <[info@allensparkfire.com](mailto:info@allensparkfire.com)>, [Phil.Stern@colorado.edu](mailto:Phil.Stern@colorado.edu) <[Phil.Stern@colorado.edu](mailto:Phil.Stern@colorado.edu)>, [office@svlhwcd.org](mailto:office@svlhwcd.org) <[office@svlhwcd.org](mailto:office@svlhwcd.org)>, [srusch@estes.org](mailto:srusch@estes.org) <[srusch@estes.org](mailto:srusch@estes.org)>, Vanessa McCracken <[bldrvalleyandlongmontcds@gmail.com](mailto:bldrvalleyandlongmontcds@gmail.com)>, Boulder County Short-Term Rental Licensing <[STRLicensing@bouldercounty.org](mailto:STRLicensing@bouldercounty.org)>, [beckybapco@gmail.com](mailto:beckybapco@gmail.com) <[beckybapco@gmail.com](mailto:beckybapco@gmail.com)>, [ild17@comcast.net](mailto:ild17@comcast.net) <[ild17@comcast.net](mailto:ild17@comcast.net)>, Frederick, Summer <[sfrederick@bouldercounty.org](mailto:sfrederick@bouldercounty.org)>, Huebner, Michelle <[mhuebner@bouldercounty.org](mailto:mhuebner@bouldercounty.org)>, Milner, Anna <[amilner@bouldercounty.org](mailto:amilner@bouldercounty.org)>, Sanchez, Kimberly <[ksanchez@bouldercounty.org](mailto:ksanchez@bouldercounty.org)>, Severson, Jennifer <[jseverson@bouldercounty.org](mailto:jseverson@bouldercounty.org)>, Wassell, Kristen <[kwassell@bouldercounty.org](mailto:kwassell@bouldercounty.org)>

Cc: Marcucilli, Molly <[mmarcucilli@bouldercounty.org](mailto:mmarcucilli@bouldercounty.org)>

Please find attached the referral packet for **LUW-21-0001: Leinweber Short-Term Rental at 17665 Peak to Peak Highway.**

Please return responses and direct any questions to **[Molly Marcucilli](#)** by **November 5, 2021**. (Boulder County internal departments and agencies: Please attach the referral comments in Accela.)

All the best,

Andrew



**Andrew Goldstein | Administrative Technician**

**Boulder County Community Planning & Permitting**

Working hours: 8 am-noon Monday-Friday

Physical address: 2045 13th St., Boulder CO 80302

Mailing address: PO Box 471, Boulder, CO 80306

(720) 564-2622 (Direct)

(303) 441-3930 (Main Office)

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

Department service hours are 8 a.m.-4:30 p.m. Monday, Wednesday, Thursday, Friday, and 10 a.m.-4:30 p.m. Tuesday

<https://www.boco.org/cpp>

**Re: [EXTERNAL] Docket LUW-21-0001**

Lawrence Brown &lt;lawrencedbrown@icloud.com&gt;

Mon 11/8/2021 10:22 AM

**To:** Marcucilli, Molly <mmarcucilli@bouldercounty.org>

Okay I'm reaching out with no hesitation. Please disregard my previous negative comments regarding this matter. After additional thought I have NO PROBLEM with the Leinweber's STR plan but I have several problems with the Harris's opposition to it which I consider churlish and petty.

Sincerely, Larry Brown

Sent from my iPhone

On Nov 8, 2021, at 7:26 AM, Marcucilli, Molly <mmarcucilli@bouldercounty.org> wrote:

Hi Lawrence,

Thank you for your comments regarding LUW-21-0001: Leinweber Short-Term Rental. Your comments will be added to the public record and taken into consideration.

Don't hesitate to reach out with anything else.

Thanks!  
Molly

---

**From:** Lawrence Brown <lawrencedbrown@icloud.com>  
**Sent:** Friday, November 5, 2021 6:03 PM  
**To:** Marcucilli, Molly <mmarcucilli@bouldercounty.org>  
**Subject:** [EXTERNAL] Docket LUW-21-0001

Okay Molly,

Here I am again as promised in my voice mail message this morning. I own and occupy the adjacent 40 acre property at 770 Saint Vrain Road in Pine Valley (Lyons).

First, I believe your 7 day notice on this matter which I did not receive until yesterday does not allow sufficient time for recipients to react intelligently.

Second, I have an easement over the private road which is the only legal access to the subject property. That easement and the attendant unnamed road provide secondary access to my land for emergencies such as fire and flood. It's physical condition is deplorable, barely passable and burdening it with additional traffic would be environmentally neglectful and unsafe.

Third, on prior occasions certain of the Leinwebers' tenants have acted irresponsibly by

C1

racing off-road vehicles down the access road, trespassing on adjacent private property and discharging firearms recklessly with total disregard for the quiet use and enjoyment which is an essential property right of neighboring owners such as myself.

Finally, your employer may believe it has immunity from liability for negligent and abusive regulatory behavior. That has traditionally been the case but I believe the tide is turning.

Sincerely, Larry Brown

Sent from my iPhone



*Richard E. and Catharine Harris  
2645 Briarwood Drive  
Boulder, CO 80305*

February 10, 2022

Hannah Hippely  
Long Range Planning Manager  
Boulder County Community Planning & Permitting  
P. O. Box 471  
Boulder, CO. 80306

Re: Docket LU-21-1016, Leinweber Secondary Dwelling Short Term Rental  
Version 1.1b

Dear Ms. Hippely:

This letter is to object to the granting of a license for a short-term rental at 17665 Highway 7, Allenspark. We appreciate your extending the deadline for us to February 10, 2022. There are a number of attachments to this note. We have not been able to find any from the public on the County's computer system and offer these as possible substitutes, although we may have missed many of them. We would appreciate your working with us to find the seemingly missing notes from others.

The principal reason for our objection is that the one lane gravel access lane from Highway 7 is seriously dangerous, especially for people not familiar with mountain driving. Equally serious is that it is inadequate for fire fighting vehicles and their staff, ambulances, and other large emergency vehicles. Specifically the access violates the requirement that access to the Leinweber property must follow the Boulder County Multimodal Transportation Standards (MTS) as required by the ordinance.

There are other serious errors and omissions in the application document that I will describe at the end of this letter. Correcting them may affect your opinion of this application.

**The Access:**

The route from Highway 7 to the Leinweber property is one lane, mostly dirt, and private. It spans four other properties before the Leinweber's. According to the ordinance, it is the access to the property and must be consistent with Boulder County's Multimodal Transportation Standards (MTS). (These standards also apply to the Leinweber's parking on their own property. With about 40 acres they have room to abide by the Standards.)

The application errs in stating their property is 0.5 miles from Highway 7. That is only perhaps true for crows! What is of interest is the distance one can travel legally in a vehicle. That is 1.25 miles or slightly longer. I know this because my property is 0.9 miles over this very bumpy road from the highway. The Leinweber property is farther up a very steep hill.

An aerial view of this lane is in Appendix A. There are several places on the lane where there are blind curves. Even at low speed on this bumpy road it is sometimes hard to see oncoming traffic.

Turning to the requirements of the MTS, Appendix B shows the requirement for a turnout lane every 400 feet. There are none on this 1.25 mile lane. There are a few places where driveways exist and could be used for passing but they are outside of the easements that are allowed.

The problems are at least two-fold. One is that when vehicles meet going toward each other, one must back up perhaps a long distance, likely intruding on private property. That can be very difficult and dangerous. Second for a large vehicle, such as an emergency one it may be impossible, dangerous, and delaying. If there are multiple vehicles from say volunteer firefighters there will essentially be a traffic jam.

Another issue with this lane is that the portion on the Leinweber property is very steep, perhaps in violation of MTS. The MTS requires a maximum sustained grade of 12% in the mountains to be used infrequently. If the steep road length is less than 500 feet the gradient may be increased 1% (MTS, page 38). See Appendix B. A steep grade occurs almost all on the Leinweber property, yet they have not mentioned it in their application. Another short steep portion is where the lane enters highway 7. That is not mentioned either. The grade and length of the steep portions has not been reported. The County must request a survey to determine where pullouts are needed.

It appears that the transportation review has ignored the new ordinance and given no consideration to the impacts of the rather long narrow one lane road. They have instead considered the number of trips and that is irrelevant. In the application, the Leinwebers apparently assert they are in their house 60 days a year. As we are only in ours every two or so weekends, we cannot with certainty verify this. However based on our observation that we rarely see the Leinwebers, we believe their estimate is far from correct.

To illustrate the difficulties with the lane, the following pictures show two incidents. In the first (Appendix C) a renter with Leinweber's permission tried to use his large truck to pull a very large travel trailer up the road. When he failed to do so, he was forced back down the Leinweber hill, turning around in the Harris driveway that is outside the easement. In a second incident a Leinweber four-wheeler skidded off the Harris easement nearly into a creek (Appendix D).

## **Emergencies:**

Boulder County has emphasized the need for emergency vehicles to access properties. This is most urgent for renters who do not live here and will stay only a few days. (The Leinweber minimum is 2 days.) For the benefit of those reading this document we attach in Appendix E a County publication "Driveway Access for Emergency Vehicles".

While the county requires information about fire in short-term rentals, it cannot guarantee they will read it and be exceptionally cautious. Our experience with the recent fires, most significantly the Marshall fire, suggests extreme caution is essential. Even the Leinwebers previously advertised their fire circle. With much commentary at public hearings they have removed it. When a fire starts it is very urgent for the fire fighters to begin trying to control it. The single lane to this rental house where a fire might start will not provide quick access. Imagine that a renter is trying to flee while a fire truck is driving in. They cannot pass and in many places cannot even drive off the road to get out of the way. Would the people in the car have the quick insight to get out and run? This is the same problem we have with floods where people keep driving (on two-lane) highways and fail to out run the flood. The Leinweber house is not a place that should be offered for short term rental.

Such renters likely visit for the beautiful scenery. They do not know about driving on one lane mountain roads that have no guard rails, that have tight turns where one cannot see oncoming traffic.

Moreover they may be folks that are not adjusted to 8100 feet and higher altitudes. They may be susceptible to health problems, a common one being heart attacks. They are therefore more likely than a long-time or even full-time resident to urgently need medical care. If Boulder County chooses to have a short-term rental approach that encourages them to visit, and cannot provide quick medical care, we are doing a disservice to our visitors. That's one of the reasons why in these temporary visits we must be especially careful of access to where they are staying.

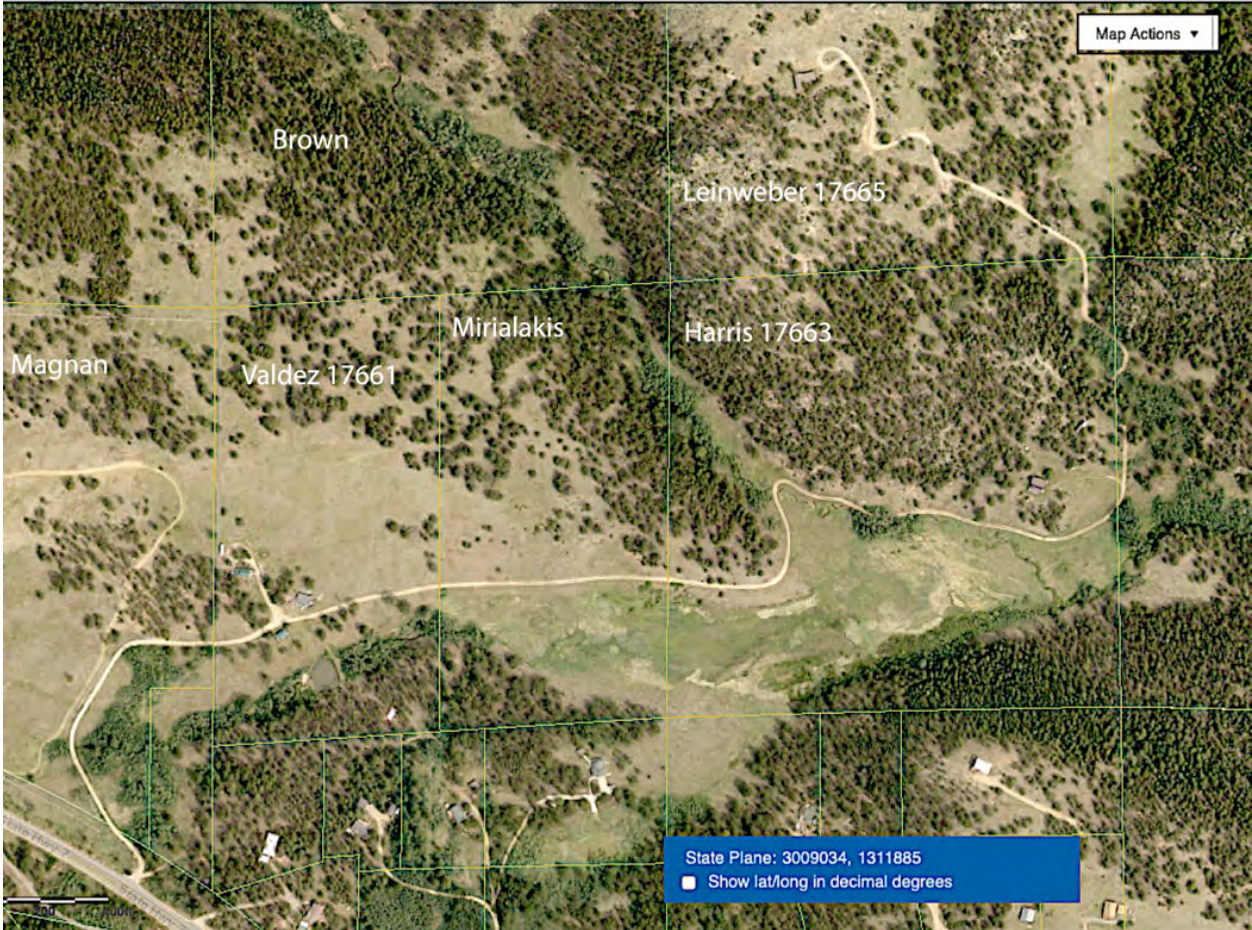
A similar problem arises when the Sheriff is called. A typical response time is almost 2 hours. We have had relevant experience with calling the Sheriff when the Leinwebers frequently do loud shooting on their property. While it may be legal we cannot be certain they are following allowed procedures, where both the shooter and the landing place for the bullets are on their property. We have known the shooting to go on for two hours at a rate that seems to us to be typical of semiautomatic weapons. We are unable to go up to their house for fear of being unexpected and therefore accidentally being shot. All we can do is call the Sherriff. Another disturbance is that they race up and down the road in a noisy small vehicle. Adding to the fun, the young women scream in mock fear. But what would the Sherriff do in the event of oncoming traffic?

### **Errors in the Application:**

- No Local Manager is provided. The Leinweber's home is at 16847 Blue Mist Circle, Parker, CO 80134. That is 1 hr. 59 min. and 89.5 miles from their proposed rental house according to Google maps (Appendix F). During rush hour Google has shown similar distances and time an hour longer. They cannot respond in person within 1 hour as required by the ordinance. Moreover both of the Leinwebers, as we understand it, are school teachers and are unlikely to be able to leave their jobs quickly in the middle of a work day. An agent must be identified.
- We have surveyed all the parties on the lane plus one to the east of the Harris property. All are opposed to the granting of this rental license, except the ones at 17503 Highway 7, who did not return a phone call.
- The discussion of traffic counts is irrelevant. It appears that the Transportation Department did not even read the ordinance for which they are doing the review. The MTS is not concerned with counts but only the condition of the lane. The Leinwebers state their house is not rentable in the winter.
- The property is approximately 1.25+ miles from Highway 7, not 0.5 miles as the application asserts.
- It appears that staff have not visited the property. That must be done. Doing so is very difficult in the winter, but if the Leinwebers wished it to happen they could have the road plowed. The cost would likely be \$500 or more. There is a nearby neighbor who will do it.
- It appears that all of the approved short-term rentals approved under the new ordinance have not involved issues related to access. Instead they seem to have driveways to give access to public roads. Therefore the staff has no experience in considering more complicated access issues, like this one.

Thank you in advance for your careful consideration of this proposal which aroused the opposition of all the nearest neighbors.

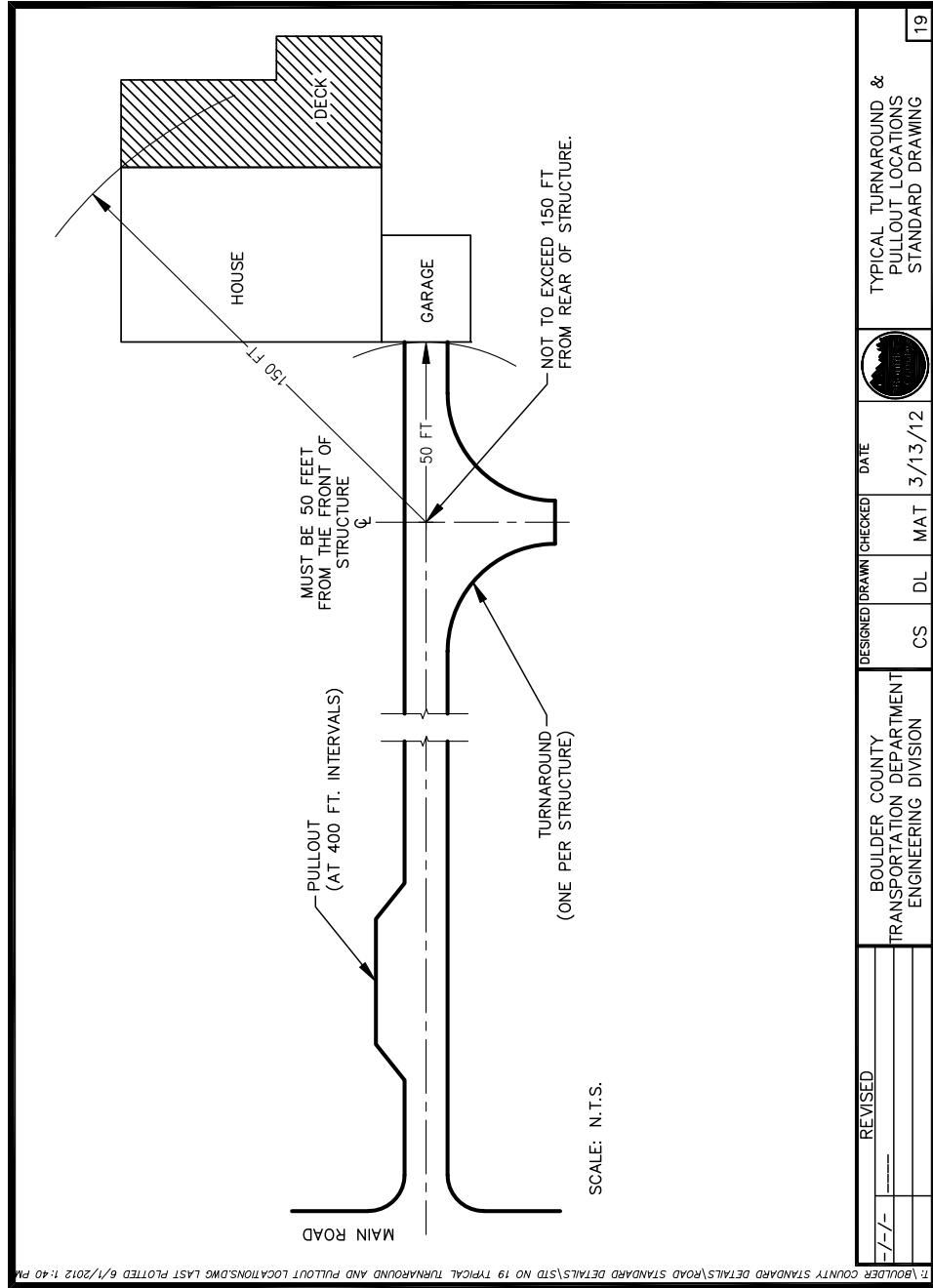
Appendix A: Aerial view of lane to Leinweber property. Owners are labeled and property lines are shown approximate, from the County website. Highway 7 is in the lower left corner; Leinweber house is in the upper right just to the left of their circular turnaround. The Harris house is just before the road turns north (up) going up their steep and winding hill.



Appendix B: Diagram showing pullout standards from the required BCMTS. There are none in the entire length of the lane to the Leinweber property.

Boulder County Multimodal Transportation Standards

Standard Drawing 19



Appendix C: Large travel trailer that failed to reach the Leinweber house. The skilled driver had to back down their steep road and turn around in the Harris driveway that is outside of the easement. Catharine Harris poses to illustrate the size of the trailer.




Appendix D: Four wheel vehicle owned by the Leinwebers. It had skidded off the Harris easement to the left of the picture, nearly falling into a creek. This is after it was pulled out of the edge of the creek at the Harris' expense.





## Appendix E: Driveway Access for Emergency Vehicles



**Boulder County**

Boulder County  
Land Use Department  
Publications

**Driveway  
Access for  
Emergency  
Vehicles**

**Land Use Department**  
Courthouse Annex Building  
2045 13th Street  
PO Box 471  
Boulder, CO 80302

**Wildfire Mitigation Services:**  
Phone: 720-564-2625  
Fax: 303-441-4856  
wildfiremitigation@bouldercounty.org  
www.bouldercounty.org/lu

**Office Hours:**  
Monday — Friday 8 a.m. to 4:30 p.m.  
Closed Tuesdays 8-10 a.m.

### Driveway Access for Emergency Vehicles

Emergency personnel try their best to respond to calls in a timely manner, often while negotiating difficult terrain. Planning for access by emergency vehicles improves safety for homeowners and their families by providing for a more efficient response by firefighters and other emergency personnel arriving on the scene. This is especially important in rural and mountainous areas where response times may be considerably longer than in cities, where emergency services are closer by.

#### Driveway Width, Height, and Grade

In order for emergency vehicles to safely access your property, your driveway must have a clean, dry all-weather surface that is able to provide adequate support for large, heavy vehicles. This may require that the drive be graded and 6" of road base be added.

- In order to allow for the passage of large vehicles such as fire engines, driveways are required to have an unobstructed vertical clearance of 13 feet, 6 inches. This may require limbing and/or removing trees and brush to provide the necessary vertical clearance
- Driveways need to have a 12-foot wide drivable surface, with a 2-foot clear zone on each side of the driveway (16-foot overall). This may require the removal of rocks and burying utility lines to provide adequate sight distance (inter-visibility).
- Grade must also be considered. The maximum grade for a driveway is 12%.  
\*Note: In the mountains, 14% for up to 200 feet is permitted, though an access serving a single dwelling unit may use 16% for up to 200 feet.
- Sharp turns are discouraged. The minimum centerline radius for a driveway curve is 40 feet, with a maximum 6% grade through the curve. A driveway serving a single dwelling unit may use up to 8% with 2 feet of additional width. The drive may need to be straightened or rerouted around rock outcrops and steep banks to achieve this.

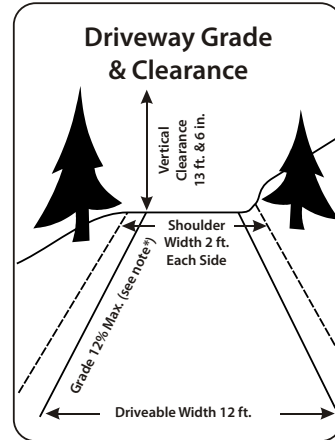


Figure 1: Driveway Grade & Clearance.

#### Pull-Outs

Pullouts allow emergency vehicles to pass one another and other private vehicles on one-lane driveways during emergency operations. They must be used if the driveway or private access road is greater than 400 feet in length. They must be designed to be of sufficient length and width for emergency equipment to pass one another, while at the same time minimizing site disturbance. Typically the pullout is about 8' wide. In combination with the 12' wide driveway, this creates a 20' wide section. Pullouts need to be at least 35' long to accommodate a fire engine.

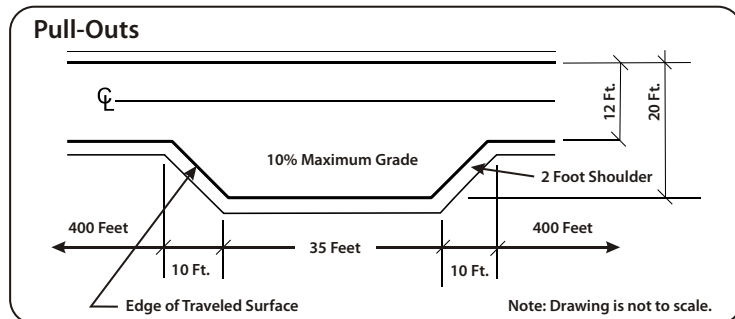


Figure 2: Driveway Pull Out.

## Turn-Arounds

Emergency personnel must be able to reverse the direction of their emergency vehicles once they arrive at the house. This is for the safety of emergency personnel as well as for workability, since many operations take place from the rear of the emergency vehicle. For driveways that are 150 feet or more in drivable length from a public or private road, a turn-around is required. Two turnaround designs, the "Y" and the "Hammerhead", are preferred by Boulder County because they provide the necessary turn-around requirements while minimizing site disturbance. Other configurations may be possible, but regardless of the design, they must meet the minimum turning radius of 30 feet.

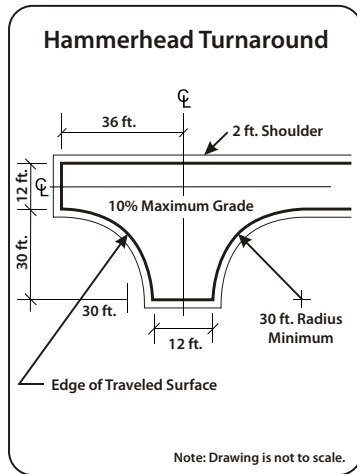


Figure 3: Hammerhead turnaround.

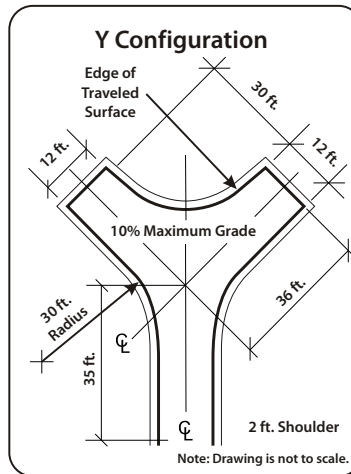


Figure 4: Y configuration.

## Location

Emergency turnarounds and pullouts must be unobstructed and may not be used for other purposes, such as parking of private vehicles. The turnaround centerline shall not be closer than 50 feet to the front of the structure and no further than 150 feet from the rear of the structure. The 50 feet distance shall be met if both distances cannot be simultaneously achieved due to the shape of the structure. Pullouts must be placed at 400-foot intervals along the driveway.

The exact location for a turnaround or pullout can be modified to accommodate physical barriers such as rock outcrops, steep drop-offs, bodies of water, and other such features.

Exceptions or modifications to any of these requirements must be approved by the Transportation Department and/or the Fire Protection District.

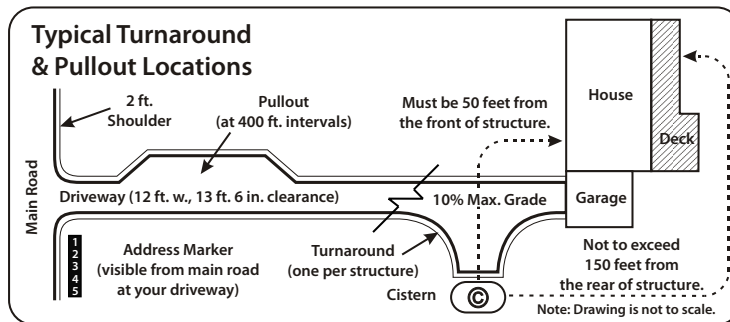


Figure 5: Typical Turnaround & Pullout Locations.

## Access Guidelines

The Land Use Department relies on information provided by the Transportation Department and your local Fire Protection District about emergency access for projects under review. It is always helpful for you to discuss your project with these agencies before you submit for any Land Use Review. This will help determine what kind of emergency access, turnarounds and pullouts will work best for your site.

Ultimately, it is the Land Use Department that places the actual emergency access requirements on projects. These requirements may differ somewhat from the Fire Protection Districts suggestions, because while they can focus their comments specifically on the emergency service requirements, the Land Use review must address a wide range of issues.

## Address Signs

All new structures must have a permanently posted sign with a green background and white reflective address numbering.

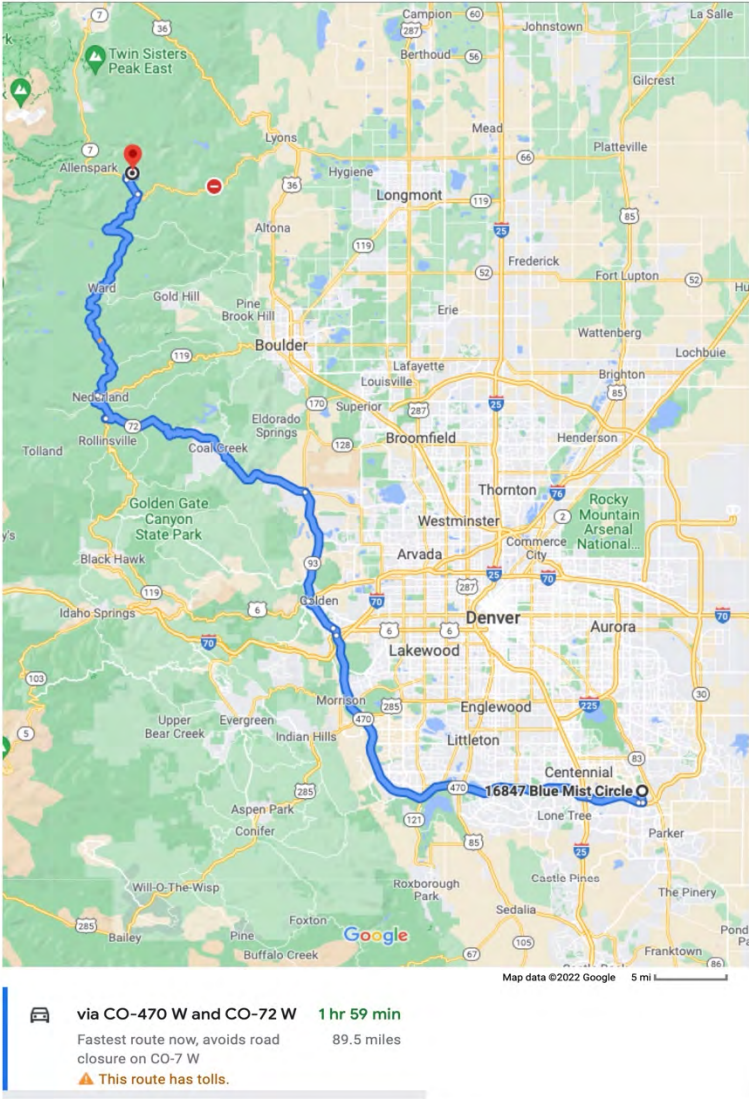
- The address sign must be placed and maintained at the driveway entrance. It must be visible from both directions of travel along the main road or access route.
- Signs must be mounted on a metal t-post or other noncombustible support, not on a wooden post or to a live tree.
- On multiple household driveways, address signs should be placed at the entrance of the drive and also in a location that clearly indicates where each home is located.

Address signs issued by Boulder County will be mailed to you within 45 days of building permit application. If you do not receive your sign within this period, please contact the Land Use Department at 303-441-3930.

## Bridge Load Limits

Emergency vehicles are very heavy and will not cross bridges that do not have a sufficient posted weight capacity. The load limits for a bridge must be posted at both entrances of the bridge.

Appendix F: This map shows the Google route from Leinweber Allenspark house to their residence. At different times of the day, the driving time has approached 3 hours.



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

Ben Pearlman, County Attorney  
Boulder County Courthouse  
5<sup>th</sup> Floor  
1325 Pearl Street  
Boulder, CO 80302

November 20, 2020

Dear Ben:

As you know Boulder County staff have drafted a new land use code covering short-term rentals. It was approved by the County Planning Commission with some recommended changes on October 21, 2020, and will be considered by the County Commissioners on December 3, 2020.

The draft regulations seem to require that the building being licensed for rental must meet the code that is required if it were being built today. Curiously I have discovered what seems to me to be an important omission from the draft code: there is no mandatory requirement that roads to a rental meet the Multimodal Transportation Standards, as would a new home being built. The only language concerning access to a rental uses the word "satisfactory". The use of such a vaguely defined requirement helps to ensure that it will be ignored by a County staff member, pressed for time, and under pressure from the applicant to issue a license or renewal. I addressed this matter in my testimony to the Planning Commission and have attached my three-minute testimony from October 21, 2020.

I am contacting you directly to make certain that you are aware of this omission. My concern is that the County staff are overworked and may try to optimize code to streamline their workload. The staff have made it clear to me that issues regarding the use of easements to access a rental are considered a legal matter between the private parties involved. The County will not deal with them, even in a first application.

I note that the staff have not referred the draft code to the Transportation Department. This failure implicitly suggests they have no interest in seriously determining how to seriously evaluate "satisfactory". This is especially peculiar

given the County's existing Multimodal Transportation Standards that appear to be overlooked.

I retained the services of a well-known Boulder County land use attorney to review this situation. I can provide you separately with his name if that seems necessary. What follows are his remarks to me on this topic, identified by italics, and included with his permission. He generated these remarks in response to a draft dated August 26, 2020. There have been two subsequent drafts dated October 13, 2020, and November 5, 2020. The last is the one posted on the County's website as I write this letter and is referred to as Ordinance No. 2020-01.

*Section 5.A.4 of the proposed ordinance specifically mentions the Standards. It states the requirement that the "County Engineer's designee has determined that the proposed Licensed Premises has satisfactory vehicular access and on-site parking facilities pursuant to the Boulder County Multimodal Transportation Standards and the Boulder County Land Use Code [underlining added by attorney]". To me, this requirement is ambiguous because the Standards themselves (at Section 1.3) state that they only apply in limited circumstances. Section 1.3 of the Standards only applies to private roads that provide access from public right-of-way to property proposed for private development and all other facilities required through the development review process outlined in the Boulder County Land Use Code. It seems to me that ... [your neighbor] is not proposing private development or undergoing development review process. Also, I doubt that the licensing review envisioned by the proposed ordinance constitutes a development review process outlined in the Boulder County Land Use Code. Section 2.2.5 of the Standards states that the County regulates the development, improvement, and use of private accesses, including for vehicular, emergency and other appropriate purposes, through the development review process.*

*It seems to me that the proposed ordinance should be amended to clarify that for purposes of the short-term rental licensing process, compliance with the Standards will be required as though the Licensed Premises were proposed for private development. In that way or some other way, it should be made clear that the access to the Licensed Premises must comply with the Standard as though the Licensed Premises were proposed for private development. Perhaps that is already the intent of the drafters of the proposed ordinance. If so, getting that clarification should be simple. If that is not the intent of the proposed drafters, I set forth below some arguments or questions to the drafters as to why that should be their intent.*

*First, if the intent is not to impose the Standards as though the Licensed Premises was proposed new construction, it is pretty unclear just what standard would apply to the access and why the Standards were mentioned at all. This would also be an argument that the drafters did not intend to grandfather older construction in.*

*Second, the proposed ordinance mentions the intent to promote safety for visitors and county residents in numerous places in the Recitals (see A, B, D, and E). Recital B mentions that adverse impacts to safety are created by short-term rentals. In terms of vehicular safety, it would seem that compliance with the Standards is more important when the access is being used for short-term rentals. The Standards are primarily designed to promote safety and emergency access. Given that short-term renters are by definition not as used to dealing with the particular non-Standard complying road as permanent residents, they are more in need of compliance with the Standards. Also, short term visitors may be more in need of emergency services, such as ambulances and fire trucks that the Standards are designed to facilitate.*

*Third, while the license application is not proposed development, it does require site-specific review similar to land use reviews for new development and the Standards should apply like they do to such land use reviews.*

*It should also be made clear that compliance with the Standards (as though new construction) should apply to new licenses and renewal of existing licenses. In terms of safety, it makes no difference whether a tourist visiting for the first time is going to Licensed Premises, newly licensed or just renewed. In general, for a renewal the licensee should still be required to demonstrate compliance with all of the items listed in Section 5, not just prepare an application in accordance with Section 4 (See Section 10B). Perhaps there could be some sort of truncated way to make that demonstration or some presumption that if it satisfied the criteria before, it also satisfies it on renewal but that should not be cast in stone.*

*Finally, in fairness, the proposed ordinance should provide that if off-site improvements are needed to be made to access on lands of other parties, any required improvements to the roadways on other private owners' lands should be made by the licensee. The licensee should not be able to impose improvement requirements on neighbors, notwithstanding easement agreements providing that the owners of the land need to make required improvements. I say "fairness" because, the licensee is making the money on the short-term rental—given that, the licensee should pay for any required improvements. It would be a travesty that a non-involved neighbor must incur costs for required improvements to have short-termers driving thru his land.*

*I also have some technical suggested changes. The ordinance should define "Vacation Rentals" and "Short-Term Rental". Yes, there is a general statement in the beginning of Section 1.A. that definitions found in the Boulder County Land Use Code will apply to the Ordinance and Section 1.A.8 defines "Short-Term Rental" by reference to two other terms defined in the Land Use Code, but it can be difficult to find those definitions and those definitions can change over time without intent of changing the Ordinance. Also, I am not*

*sure that the drafters went back and looked at those definitions to make sure that is how they wanted to define terms for purposes of this Ordinance.*

*Section 8 gives the licensee a right to appeal to the director and to the courts. The same should be true for affected neighbors. Neighbors should also have the right to present evidence and be entitled to notices of hearings and decisions. Why give the neighbors notice, if they have no right to participate?*

*As you mention, the proposed ordinance will be publicly discussed. However, I think it might be good if you could arrange to meet with the drafters or staff before the hearing. That might be a better way to hammer out some of the smaller points.*

As indicated above I have met via Zoom and phone with several County staff members and attended all or almost all County outreach efforts for Allenpark, some even before the pandemic forced us all to use Zoom-like connections.

Thanks for helping to make certain that the new code will protect the interests of all of our citizens as we attempt to allow the disruptive penetration of world-wide advertising into our County.

Sincerely,



Richard E. Harris

Remarks to Boulder County Planning Commission  
October 21, 2020

R. E. Harris. Mailing address: 2645 Briarwood Drive, Boulder, CO. 80305

I am Dick Harris. I own property at 17663 Highway 7, in Allenspark. My neighbors and I share a private road that bisects my property, and they rent their cabin using worldwide digital advertising with Airbnb. I am well acquainted with the problems caused by short term rentals.

I have attended most of the meetings held by staff as they have drafted the code before you. They demonstrate good knowledge of the impact from short term rentals and have made major improvements compared with the present code.

But there are very serious problems yet to be fixed.

Much of the draft code has to do with safety. I quickly counted 10 items (but note that allowing any fires is a terrible mistake).

The code requires adequate parking but only generally states a requirement for undefined "satisfactory" vehicle access. Why this is the case is mysterious.

Boulder County has Multimodal Transportation Standards that clearly require access roads to be 12 feet wide plus a shoulder. For emergency vehicles a turn-out lane is required every 400 feet. A grade of 12% is the maximum and is important especially in the mountains. These requirements must be explicitly stated in the new code, and compliance verified when a license is awarded.

Why do we need these requirements? We have fires and large emergency vehicles must be able to access the site. Rentals are a particularly dangerous situation as the clients may be unfamiliar with fire precautions necessary in the mountains. Moreover our altitude may cause serious emergency health problems for visitors who want to look at our beautiful scenery but come from lower elevations and may not be in good physical condition.

If a license is issued or renewed County staff must be required to inspect the access roads to ensure that they meet these mandatory Multimodal Transportation Standards.

It is a wonderful improvement to have public reviews of rental licenses, but allowing waivers by Director offers too much leeway. Reasoning and decisions must be in writing, published, and distributed to nearby neighbors and the public. Because many residents live elsewhere, extra time will be required to mail notices to them. At least a month should be required.

As this new code is implemented present licenses must be replaced quickly, especially for safety-related matters. "Grandfathering" old licenses must be absolutely forbidden.

The bottom line is that we don't want to welcome our visitors to dangerous situations either to themselves or to those of us who live here.



**[EXTERNAL] Re Docket LUW-21-0001 Allenspark****Diane Hullet** <dhullet@mac.com>

Mon 11/15/2021 10:27 AM

**To:** Marcucilli, Molly <mmarcucilli@bouldercounty.org>**Cc:** Russ Hullet <rhullet@mac.com>**To:** Boulder County, Community Planning and Permitting**From:** Russ and Diane Hullet**Subject:** Secondary Dwelling Short-Term Rental Considerations at 17665 Peak to Peak Highway**Docket:** LUW-21-0001**Date:** November 15, 2021

The purpose of this letter is to comment on the above docket and the consideration by Boulder County of the short term rental use of this property.

As adjacent landowners, we want to comment that we are concerned about the following:

- 1) Noise from the Leinweber property, including the use of firearms.
- 2) Stray bullets from firearms.
- 3) The potential of trespassing hikers or vehicles on our property. (All vehicles are limited due to our conservation easement, and it is not simple for renters to know where these property lines lie.)
- 4) Road noise and dust from increased traffic on the private road due west of our property.

We believe that Boulder County should include in its considerations the impact that rental units have on increased traffic for private roads. Increased traffic on private roads means more road use, more noise, more dust, and additional maintenance for damage over time. This is in fact one of the largest impacts on the neighbors when such rental plans are being considered or are already in place. It is our concern that such an increase in use is not in the best interests of the whole neighborhood.

We understand that we are outside of the “comment deadline” for this docket, but felt we wanted to have this letter on file nonetheless.

Thank you for your thoughtful work on this project.

Russ and Diane Hullet



# Community Planning & Permitting

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

**MEMO TO:** Agencies and Adjacent Property Owners  
**FROM:** Hannah Hippely, Long Range Planning Manager  
**DATE:** January 24, 2022  
**RE:** Docket LU-21-0016

**This application was initially processed as a limited impact special review waiver (LUW-21-0001). It has been converted to a limited impact special review so that it will go to public hearing. The public hearing is currently scheduled for March 15, 2022 at 1:00 p.m.**

**Docket LU-21-0016: Leinweber Secondary Dwelling Short Term Rental**

**Request:** Limited Impact Special Use to permit a Secondary Dwelling Short-Term Rental to be rented up to 45 nights annually for up to 4 guests, and with a 2-night minimum on a 40-acre parcel in the Forestry (F) Zoning District.  
**Location:** 17665 Peak to peak Highway, approximately 0.5 miles east of Peak to Peak Highway 1.5 miles north of the intersection of Hwy 72 and Hwy 7 in Section 29 Township 3 North Range 72 West  
**Zoning:** Forestry (F)  
**Applicants:** John and Mary Leinweber  
**Owner:** Mary L Leinweber Trust

Limited Impact Special Review is required of proposed uses that may have greater impacts on services, neighborhoods, or the environment than those allowed by right under the Boulder County Land Use Code. This process will review conformance of the proposed use with the Boulder County Comprehensive Plan and the Land Use Code.

Detailed information regarding this item is available on-line at [www.boco.org/LU-21-0016](http://www.boco.org/LU-21-0016) and you can email or call Community Planning & Permitting (CP&P) at 303-441-3930 for more information. **A BOCC public hearing is currently scheduled for March 15, 2022 at 1:00 p.m. Please note: Due to COVID-19, this hearing may be held virtually. Information regarding how to participate will be available on the docket webpage ([www.boco.org/LU-21-0016](http://www.boco.org/LU-21-0016)).** Adjacent property owners and holders of liens, mortgages, easements or other rights in the subject property are notified of this hearing. The CP&P staff report will be posted to the webpage for this docket approximately seven days before the public hearing. Persons needing special services provided under the Americans with Disabilities Act, please contact the ADA Coordinator with the Boulder County Resources Office at (303 441 3525) at least 72 hours before the scheduled hearing.

The Community Planning & Permitting staff and County Commissioners value comments from individuals and referral agencies. **If you have comments regarding this proposal, you may email them to [planner@bouldercounty.org](mailto:planner@bouldercounty.org) or mail to CP&P (PO Box 471, Boulder, CO 80306) by February 8, 2022.** Please reference the docket number. Your comments will be part of the public record and will be provided to the applicant. Only a portion of the submitted documents may have been enclosed; you are welcome to call the Community Planning & Permitting Department at 303-441-3930 or email [planner@bouldercounty.org](mailto:planner@bouldercounty.org) to request more information. If you have any questions regarding this application, please contact me at 303-441-3930 or [hhippely@bouldercounty.org](mailto:hhippely@bouldercounty.org).

Please return responses by **February 8, 2022.**

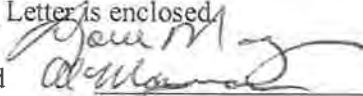
**Matt Jones** County Commissioner   **Claire Levy** County Commissioner   **Marta Loachamin** County Commissioner

(Please note that due to circumstances surrounding COVID-19, application timelines and deadlines may need to be modified as explained in the CPP Notice of Emergency Actions issued March 23, 2020 (see <https://boco.org/covid-19-cpp-notice-20200323>).

We have reviewed the proposal and have no conflicts.

Letter is enclosed

Signed



PRINTED Name

Loree Magnan

Al Magnan

Agency or Address

17503 State Hwy 7 Lyons CO 80540

We support the Leinwebers 100%!  
The road leading to their home  
passes through our property via  
easement. We have NEVER had  
any problems with their guests  
or traffic or noise. Their impact  
on the neighborhood is negligible.

**From:** [Nicholas Mirialakis](#)  
**To:** [Hippely, Hannah](#)  
**Cc:** [Nicholas Mirialakis](#)  
**Subject:** [EXTERNAL] Fw: Docket LU-21-1016, Leinweber Secondary Dwelling Short Term Rental Version 1.1b  
**Date:** Wednesday, February 16, 2022 1:22:43 PM

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Dear Commissioners,

On March 15, you will be hearing a short term rental request from the Leinwebers at 17665 Highway 7, Allenspark. It seems to me that their application is plainly in violation of the relatively new code that requires that access to the property be consistent with the County's Multimodal Transportation Standards. The Leinwebers fail to meet these standards because the narrow one lane road from Highway 7 does not have pullouts on the 1.25 mile access to their property, which when on their land is too steep to meet code requirements. The grade of this hill does not meet the standards outlined, making it impossible for an emergency vehicle to safely access their property and is a huge liability.

Please reject this application.

Regards,

Nicholas Mirialakis



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Signed *Al Magnan* PRINTED Name Loree Magnan  
Agency or Address 17503 State Hwy 7 Lyons CA 90540

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