



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

**BOULDER COUNTY
PLANNING COMMISSION
PUBLIC HEARING**

April 20th, 2022 at 1:30 p.m.
Hearing to be Held Virtually due to COVID-19

STAFF RECOMMENDATION

STAFF PLANNER: Ian Brighton

Docket SU-22-0001: Jacobs Vacation Rental

Proposal: ORIGINAL: Special Review request for a Vacation Rental of 275 days per year for up to 7 guests with a minimum stay of 2 nights on a 0.33 acres parcel.
REVISED: Special Review request for a Vacation Rental of 150 days per year for up to 4 guests with a minimum stay of 2 nights.

Location: 1301 County RD. 84W, located approximately 726 feet west of the intersection of SH 7 and CR 84W on Lots 11-12 on Block 2 in the Copeland Lake Subdivision

Zoning: Forestry (F) Zoning District

Owners/Applicants: Emily and Kellen Jacobs

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SUMMARY

The applicants request Special Review approval for a Vacation Rental of 150 nights per year for up to four guests with a minimum 2-night rental period on an approximately 0.33-acre property within the Forestry (F) Zoning District. With the recommended conditions, staff finds the request can meet the Special Review Criteria in Article 4-601 of the Boulder County Land Use Code (the Code) and

recommends the Planning Commission recommend conditional approval to the Board of County Commissioners.

DISCUSSION

On December 3, 2020, the Board of County Commissioners conditionally approved docket DC-19-0005 Short-Term Dwelling Rental and Bed and Breakfast Update, which removed the previous Lodging Use of Short-Term Dwelling Rental and replaced it with three short-term rental categories, including Vacation Rental. In addition, the Board approved Ordinance No. 2020-01 (the “Licensing Ordinance”), to license Short-Term and Vacation Rentals within the unincorporated county. Under the newly adopted Code provisions, Special Review approval is required to establish a Vacation Rental on unsubdivided property within the Forestry Zoning District that is less than five acres in size.

Although the subject property is within the Copland Lake Subdivision, Article 18-204B in the Code defines subdivision as

“divisions of land into parcels comprising less than 35 acres occurring on or after May 5, 1972, as further set forth in C.R.S. Section 30-28-101 (10). Prior to May 5, 1972, what constituted a “subdivision” of land in the unincorporated County is set forth in the applicable Subdivision Regulations, first passed on March 3, 1954.”

The Copland Lake Plat (see attached labeled A1-158) was signed in 1916 and refers to an original plat filed in 1914. Therefore, the Copland Lake Subdivision is not considered a subdivision for purposes of applying the subdivision regulations in the Code. This parcel is therefore eligible for a Vacation Rental with Special Review approval.



*Figure 1: Aerial of the Subject Property *note lot lines are incorrectly depicted on this image*

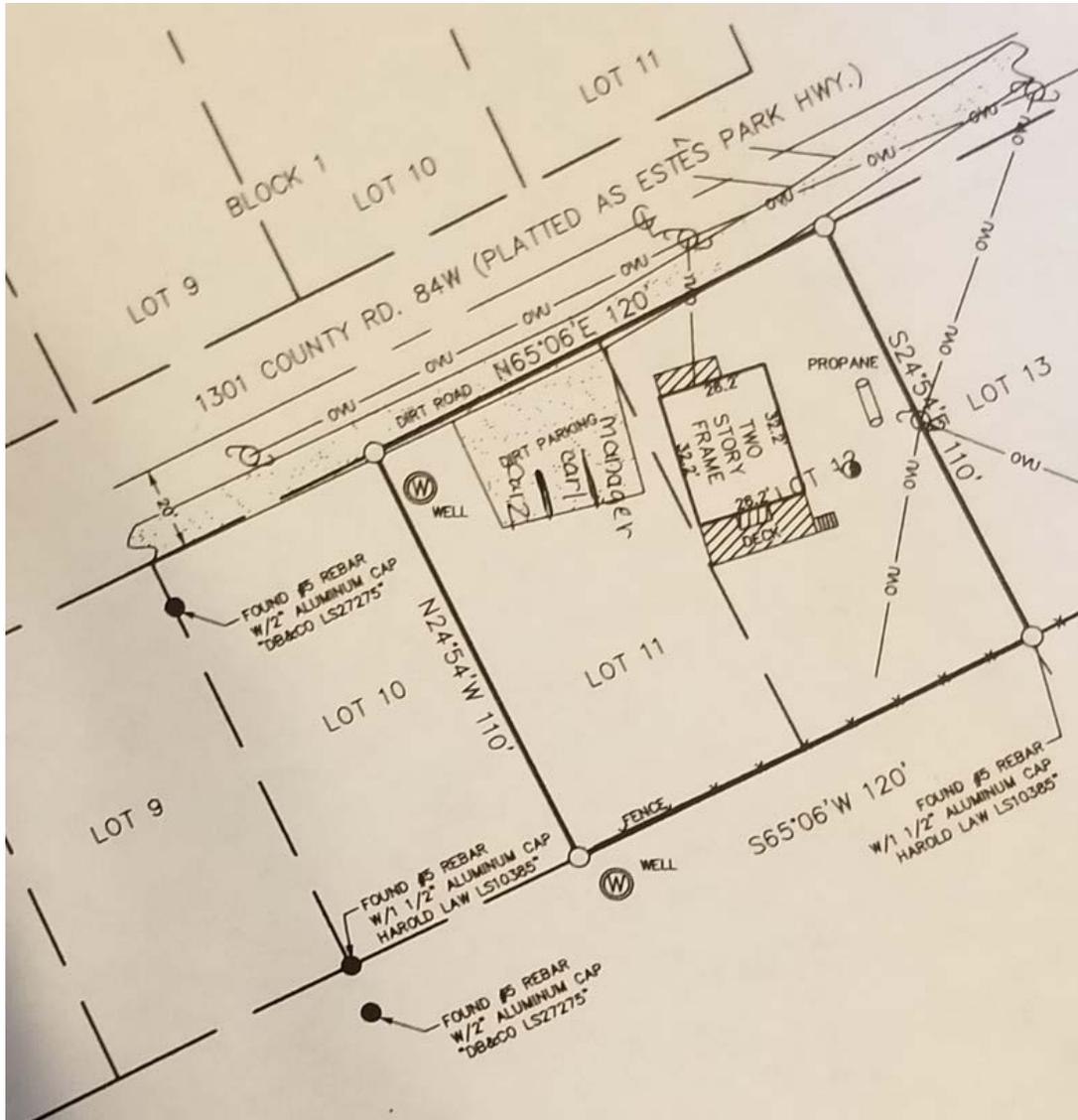


Figure 2: Scanned image of an Improvement Location Survey showing correct lot lines

The subject property is approximately 0.33-acres with an existing 1,216 square foot residence on lots 11 and 12 Block 2 within the Copeland Lake Subdivision. The property is accessed via a private drive, a Boulder County owned and maintained right-of-way (ROW). There are no physical changes to the lot proposed by the applicants to support the Vacation Rental.

The Boulder County Comprehensive Plan identifies several important resources on- or near the subject property, including Critical Wildlife Habitats, Wetlands, Significant Natural Communities, High Biodiversity areas, and the Peak-to-Peak scenic corridor. There is a View Protection Score of 1.64 assigned to CR 84W in the area of the property (this view protection score is discussed under review standard three below). A Comprehensive Plan map showing these identified resources is shown in Figure 3.

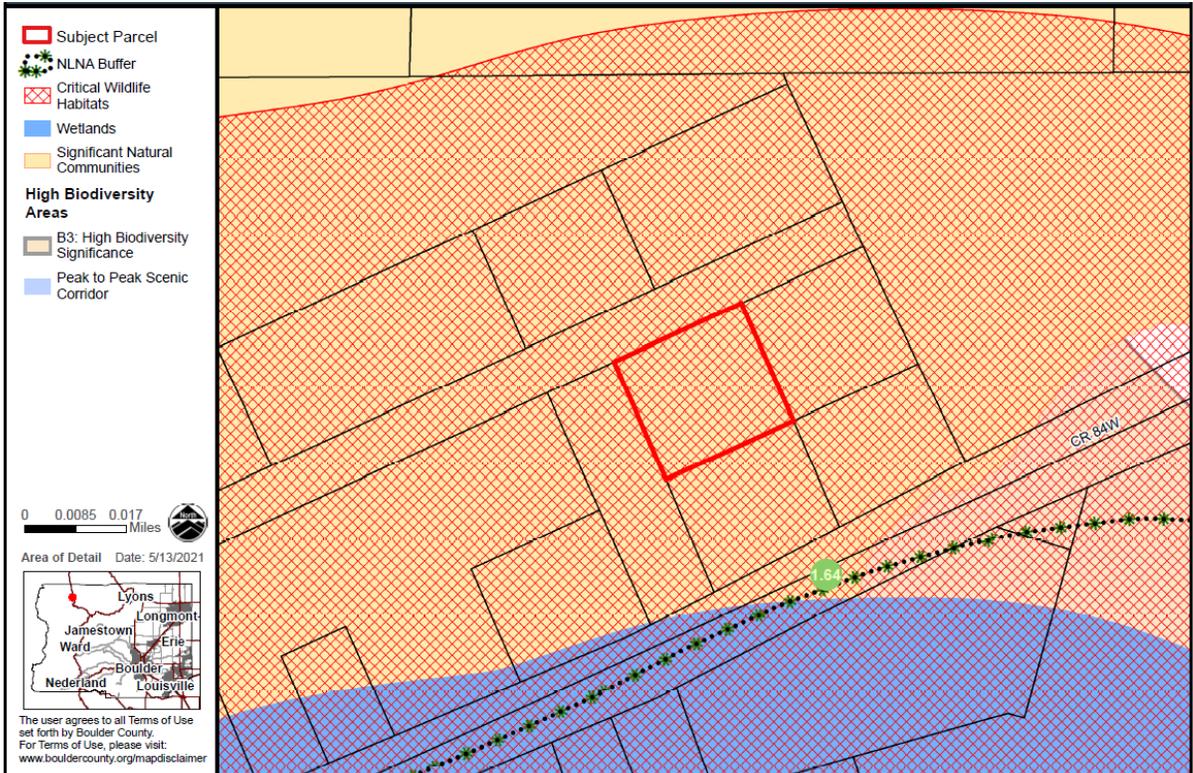


Figure 3: Comprehensive Plan map

The applicant is requesting a Vacation Rental offering transient lodging accommodations to one booking party of up to four guests at a time for approximately 150 nights per year. As the subject property is not the Primary Residence of the applicant (also the property owner) and the applicant expects to rent the property in excess of 60 days per year, the property cannot qualify as a Primary or Secondary Dwelling Short-Term Rental. Instead, per Article 4-507.E.2.a of the Code, Special Review is required for this request as the subject property is located within the Forestry (F) Zoning District and is less than five acres.

As detailed in the criteria review below, staff finds that the proposed Vacation Rental can meet the Special Review Criteria in Article 4-601 of the Code, with the recommended conditions of approval.

REFERRALS

This application was referred to the typical agencies, departments, and adjacent property owners. All responses received are attached and summarized below.

County Development Review Team – Access & Engineering (DRT-A&E): This team reviewed the request and responded that legal access is demonstrated, traffic will not negatively impact surrounding transportation networks, three parking spaces are required to accommodate two approved bedrooms, a letter from Allenspark is required to show adequate emergency access, and that a Road Maintenance Agreement will also be required.

County Public Health Department: This department reviewed the proposal and responded that the existing on-site wastewater treatment system (OWTS) serves three neighboring properties sized for four, 2-bedroom cabins with a maximum of four people, including children, in each cabin. As a result, the owners are permitted to rent the home to a maximum of four people, including children. In addition, Public Health recommended that the owner supply OWTS use guidelines to renters and

mark OWTS component locations to prevent damage from vehicles. Public Health also recommends that the septic tank be pumped every two years.

County Building Safety & Inspection Services Team: This team reviewed the proposal and stated that a reroof was completed without a building permit. A building permit, plan review, and inspection approval is required. Otherwise, there are no proposed improvements associated with this application and therefore no construction requirements for this proposal. Life-safety requirements of the Licensing Ordinance must be met, including passing an inspection prior to issuance of a Vacation Rental License.

Wildfire Mitigation Team: This team reviewed the request and responded that the subject property must be Wildfire Partners Certified prior to issuance of a Vacation Rental License. In addition, no outdoor fires are allowed while guests are using the property, and the applicants must provide guests with wildfire safety and evacuation route information, per the licensing requirements.

Rocky Mountain National Park (RMNP): This agency reviewed the request and recommended additional measures for fire protection such as establishing a designated smoking area, providing a container for ashes, and prohibiting the use of fireworks. RMNP also recommended applicants secure garbage to protect wildlife. Due to vehicle congestion, RMNP encourages guest to enter and visit the park on foot utilizing existing roadways and designated trails and to avoid creating social trails. Lastly, RMNP recommends noise and light pollution be mitigated by establishing quiet hours from 7pm to 8am, and that motion activated lights covered with hoods be utilized.

Adjacent Property Owners: Notices were sent to 56 adjacent property owners, and staff received 1 public comment in response. The comment opposed the proposed use, citing concerns with the shared septic system, and impacts from visitors unused to the area and unconcerned for the wellbeing of permanent residents.

Agencies that responded with no conflict: County Parks & Open Space.

Agencies that did not respond: Allenspark Area Landowners, Allenspark Concerned Citizens, Greater Allenspark Alliance, Boulder County Mountain Cabin Alliance, Estes Park Power and Light, Boulder Valley & Longmont Conservation District, Allenspark Fire Protection District, Boulder County Long Range Planning, Boulder County Short Term Rental Licensing, Boulder County Mountain Cabin Alliance, and the US Forest Service.

SPECIAL REVIEW CRITERIA

The Community Planning & Permitting staff has reviewed the standards for approval of a Special Review for a Vacation Rental on less than five acres in the Forestry Zoning District, 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 less than five acres and located on unsubdivided land in the Forestry Zoning District. Vacation Rentals are permitted under these circumstances in the Forestry district if approved through the Special Review process, per Article 4-507.E of the Code. In accordance with the additional provisions for a Vacation Rental, the applicants must maintain a valid Boulder County Vacation Rental License and meet all applicable requirements under the Licensing Ordinance. These requirements include Wildfire Partners Certification, meeting Building Code safety requirements (e.g., fire extinguishers), proof of adequate insurance, having a local manager who is able to be responsive to issues within one hour in person, and remittance of all applicable taxes. In addition, Vacation Rental guests are not permitted to

have outdoor fires, except for gas grills or fire tables, and the applicants must provide a range of information to guests regarding wildfire risk, wildlife safety, and on-site wastewater treatment system usage among others.

The enforcement of the Licensing Ordinance includes a notice of violation 30 days prior to the county taking action or imposing penalties. If violations are not resolved, or satisfactory progress toward resolution has not been made within a reasonable timeframe, then the county may impose fines up to \$1,000, revoke the license, task law enforcement with using the Penalty Assessment Procedure, or seek injunctive relief. With this enforcement mechanism under the newly adopted Licensing Ordinance, violations can be addressed more quickly and efficiently than with the typical Code procedures.

Staff recommends a condition of approval requiring the applicants to maintain a valid Vacation Rental License while the subject property is used as short-term lodging. Vacation Rentals are also not allowed to be marketed or used for weddings, receptions, or other similar private or public events and staff recommends a condition of approval to that effect. With the recommended conditions of approval, staff finds the proposal meets the minimum zoning requirements of the Forestry Zoning District.

Therefore, as conditioned, 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;***

Existing uses in the surrounding area primarily consist of year-round and seasonal residences, and the Allenspark area has historically provided vacation rentals for those looking to be located near popular hiking and camping areas. Staff find that the proposed use will be compatible with the surroundings.

Building permits are required in Boulder County for reroofing. According to the applicant, the roof was replaced soon after acquiring the property, however no building permit exists. Staff recommends a condition of approval requiring that a building permit is obtained to ensure construction was done to current building code standards.

Therefore, staff finds this criterion can be met.

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

The Comprehensive Plan indicates that County Road (CR) 84W has an associated View Protection Score of 1.64 in the area of the subject parcel. View Protection Scores can range from 0 to 5 (with higher numbers indicating more scenic roadways) and are intended to act as a tool for planning staff to use when assessing the potential visual impacts of a development

on nearby public rights-of-way. Staff do not find that the proposed use is likely to negatively impact the view from CR 84W because no physical changes to the property are proposed as part of the application. The Comprehensive plan also identifies the parcel as having Critical Wildlife Habitats and Significant Natural Communities, but staff do not have concerns that the proposed use will negatively impact these resources.

Therefore, staff finds this criterion can be met.

- (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.***

With the condition of approval requiring that the applicants maintain a Vacation Rental License with all its associated requirements, staff finds the proposed use of the property as a Vacation Rental will not result in an over-intensive use of land or an excessive depletion of natural resources.

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;***

Staff does not anticipate the proposal will have an adverse effect on community facilities and services, and the Allenspark Fire Protection District did not submit a response voicing any concerns about the request. In addition, a potable water well and on-site wastewater treatment system (OWTS) currently exist on the property.

Per the referral response from Public Health, the existing on-site wastewater treatment system (OWTS) is sized for up to four people, including children, which is the maximum number of guests that can be allowed to stay in the rental.

Therefore, as conditioned, staff finds 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;***

The subject property (Lots 11 & 12, Block 2 in the Copeland Lake Subdivision) is accessed from County Road 84W (CR 84W), a paved Boulder County owned and maintained right-of-

way (ROW) with a Functional Classification of Local, via a gravel-surfaced shared road. A portion of the shared road is within platted ROW as shown on the Copeland Lake Subdivision plat. The remainder of the shared road extends outside the platted ROW. Although staff could not locate an easement for this section of road, legal access is demonstrated by historic use of the shared road for residential access to properties adjacent to the platted ROW. DRT-A&E staff reviewed the traffic information submitted by the applicants and found that the proposed Vacation Rental would not result in a quantity of vehicle trips per day that would negatively impact the surrounding transportation network.

Per Article 4-507.E.3 of the Code, Vacation rentals are required to provide “*One space per Sleeping Room in addition to one space for the local manager. All parking must be on-site.*” By this standard, three on-site parking spaces are required for the proposal; one space for each of the two sleeping rooms within the cabin, and a third space for the local manager. However, the project narrative indicates that a rollaway mattress can be set up so that the living room can act as a third sleeping room. The applicant proposes that the parking for their rental be located in an existing parking area east of the residence and west of the Caribou Road ROW. Staff find that the proposed parking area provides adequate space for three vehicles, but not the four that would be required by the Code were a third sleeping room approved.

Staff recommend a condition of approval limiting the number of approved sleeping rooms to two in order to reflect the available parking spaces.

Based on aerial imagery, there appear to be several driveways along the shared private access road between CR 84 W and the subject parcel that can serve as emergency pullouts. There is no emergency turnaround area on the subject parcel for the cabin; however, the subject parcel is accessible from both the east and west along the shared road which may provide acceptable emergency access. Prior to issuance of the Vacation Rental License, the applicant must submit a letter from the Allenspark Fire Protection District that confirms the access can accommodate the district’s emergency access needs.

With the recommended conditions, staff finds the proposal does not conflict with a multimodal transportation system and staff does not anticipate that the request will have a negative impact on the transportation system.

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

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

The proposed Vacation Rental will utilize the existing residence and no new development is proposed. Further, as required under the Licensing Ordinance, the applicants must provide information to guests regarding trash, recycling, on-site wastewater treatment system usage, and noise. In addition, all persons must abide by the Boulder County Noise Ordinance (No. 92-28) at all times. With the recommended conditions of approval, staff does not anticipate that the proposal will cause significant air, odor, water, or noise pollution, and no referral agency has responded with such a concern.

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

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

The proposed Vacation Rental will utilize the existing residence and no new development is proposed. Furthermore, staff do not anticipate that the proposed use will result in negative

visual impacts related to the View Protection Corridor along CR 84W, as discussed under review standard three above.

Therefore, staff finds this criterion is met.

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

With the requirement to maintain a valid Boulder County Vacation Rental License and meet all the associated requirements related to health, safety, and welfare of the occupants and surrounding uses, staff does not anticipate that the proposed Vacation Rental will be detrimental to present or future inhabitants.

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;***

With the recommended conditions of approval, allowing the applicants to rent the existing residence as a Vacation Rental, while it is otherwise vacant, would provide additional income for the applicants without significantly impacting the surrounding uses.

Therefore, as conditioned, staff finds 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.***

No portions of the subject property contain areas identified as having high landslide potential, or expansive soils. In addition, no new development is proposed, and no referral agency has responded with concerns regarding natural hazards.

Therefore, staff finds this criterion is 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 within the existing residence and no new development is proposed.

Therefore, staff finds this criterion is met.

RECOMMENDATION

Staff has determined that the proposal can meet all the applicable criteria of the Boulder County Land Use Code for Special Review. Therefore, staff recommend that the Planning Commission recommends *conditionally approving docket SU-22-0001 Jacobs Vacation Rental* with the following conditions:

1. The applicants shall provide a Development Agreement, for review and approval by County staff, prior to the issuance of a license or permits by the Boulder County Community Planning & Permitting Department and prior to the recordation of said agreement within one year of approval.
2. The applicants must obtain a building permit for the recent reroof prior to receiving a Vacation Rental License.
3. The applicants must maintain a valid Boulder County Vacation Rental License while the short-term rental is in operation.
4. The subject property may not be marketed or used for weddings, receptions, or similar private or public events.
5. The Vacation Rental is approved to be rented for up to 150 nights per year.
6. The Vacation Rental must be rented for a minimum of 2 nights per rental period.
7. The Vacation Rental is limited to a maximum occupancy of four individuals, including children.
8. The approved number of sleeping rooms is two. The living room is not to be used as a sleeping room and any additional bedrooms must be inaccessible to guests.
9. All guests must park on-site.
10. Prior to issuance of the Vacation Rental License, the applicant must submit a letter from the Allenspark Fire Protection District that confirms the access can accommodate the district's emergency access needs.
11. Wildfire prevention and evacuation information must be displayed for guests.
12. All outdoor fires are prohibited.
13. The applicants must maintain a valid Wildfire Partners Certificate.
14. Prior to issuance of a license, the property owner(s) must sign an Access Improvement and Maintenance Agreement, which will be prepared by CPP staff.
15. The applicants shall be subject to the terms, conditions, and commitments of record and in the file for docket SU-22-0001 Jacobs Vacation Rental.



Community Planning & Permitting

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Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

MEMO TO: Referral Agencies
FROM: Ian Brighton, Planner II
DATE: February 11, 2022
RE: Docket SU-22-0001

Docket SU-22-0001: Jacobs Vacation Rental

Request: Special Review request for a Vacation Rental of 275 days per year for up to 7 guests with a minimum stay of 2 nights on a 0.33 acres parcel.
Location: 1301 County RD. 84W, located approximately 726 feet west of the intersection of SH 7 and CR 84W on Lots 11-12 on Block 2 in the Copeland Lake Subdivision, in Section 14, Township 3N Range 73W.
Zoning: Forestry (F) Zoning District
Applicants/Owners: Emily Beth & Kellen Michael Jacobs

Special Use Review / Site Specific Development Plan is required of uses which may have greater impacts on services, neighborhoods, or environment than those allowed with only Building Permit Review. This process will review compatibility, services, environmental impacts, and proposed site plan.

This process includes public hearings before the Boulder County Planning Commission and the Board of County Commissioners. Adjacent property owners and holders of liens, mortgages, easements or other rights in the subject property are notified of these hearings.

The Community Planning & Permitting staff, Planning Commission, and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado 80306 or via email to planner@bouldercounty.org. All comments will be made part of the public record and given 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 to request more information. If you have any questions regarding this application, please contact me at 720-564-2271 or ibrighton@bouldercounty.org.

Please return responses by **March 18, 2022**.
(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 _____

Agency or Address _____

Please note that all Community Planning & Permitting Department property owner's mailing lists and parcel maps are generated from records maintained by the County Assessor and Treasurer Office. We are required to use this list to send notices to the "property owner" of land in Boulder County. If you feel you should not be considered a "property owner," or if the mailing address is incorrect, contact the County Assessor's Office at (303) 441-3530.

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



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"/> Modification of Site Plan Review	<input type="checkbox"/> Road Name Change	<input type="checkbox"/> Special Use (Oil & Gas development)
<input type="checkbox"/> Correction Plat	<input type="checkbox"/> Modification of Special Use	<input type="checkbox"/> Road/Easement Vacation	<input type="checkbox"/> State Interest Review (1041)
<input type="checkbox"/> Exemption Plat	<input type="checkbox"/> Preliminary Plan	<input type="checkbox"/> Site Plan Review	<input type="checkbox"/> Subdivision Exemption
<input type="checkbox"/> Final Plat	<input type="checkbox"/> Resubdivision (Replat)	<input type="checkbox"/> Site Plan Review Waiver	<input type="checkbox"/> Variance
<input type="checkbox"/> Limited Impact Special Use	<input type="checkbox"/> Rezoning	<input type="checkbox"/> Sketch Plan	<input type="checkbox"/> Other:
<input type="checkbox"/> Limited Impact Special Use Waiver		<input checked="" type="checkbox"/> Special Use/SSDP	
<input type="checkbox"/> Location and Extent			
Location(s)/Street Address(es)			
1301 CD Rd 84 West			
Subdivision Name Copeland Lake			
Lot(s)	Block(s)	Section(s)	Township(s)
Area in Acres	Existing Zoning	Existing Use of Property	Number of Proposed Lots
Proposed Water Supply Well		Proposed Sewage Disposal Method Septic	

Applicants:

Applicant/Property Owner		Kellen & Emily Jacobs		Email		emilyjacobs5151@gmail	
Mailing Address							
904 Crestview Dr							
City		State		Zip Code		Phone	
Norton		KS		67654		785-202-2216	
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	Date
	Kellen Jacobs	2-2-22
Signature of Property Owner	Printed Name	Date
	Emily Jacobs	2-2-22

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



Community Planning & Permitting

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

ATTACHMENT A

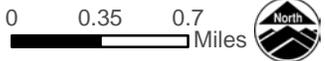
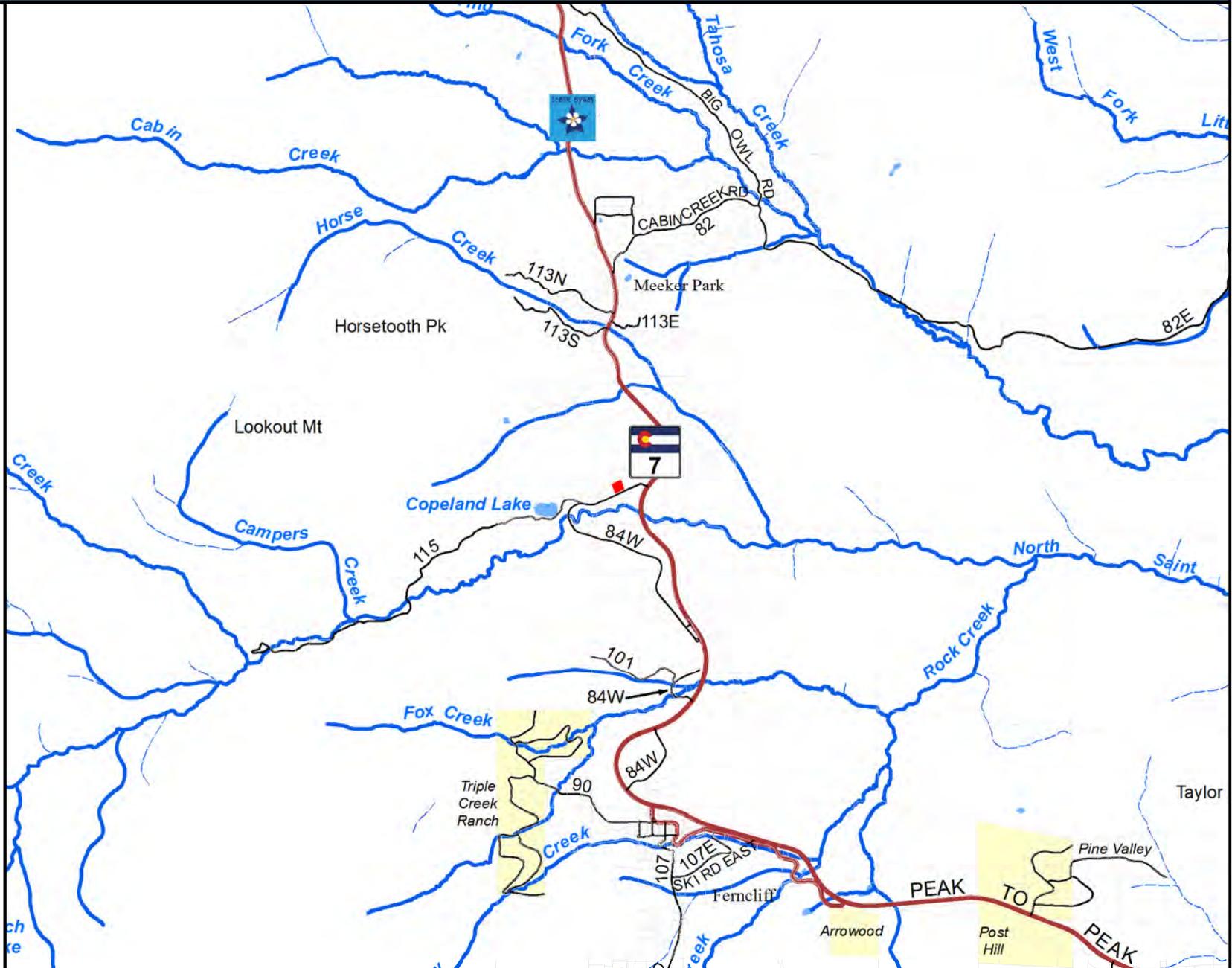
Vicinity

1301 COUNTY RD 84W

Subject Parcel

Subdivisions

Subdivisions



Area of Detail Date: 5/13/2021



The user agrees to all Terms of Use set forth by Boulder County. For Terms of Use, please visit: www.bouldercounty.org/mapdisclaimer



Community Planning & Permitting

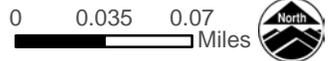
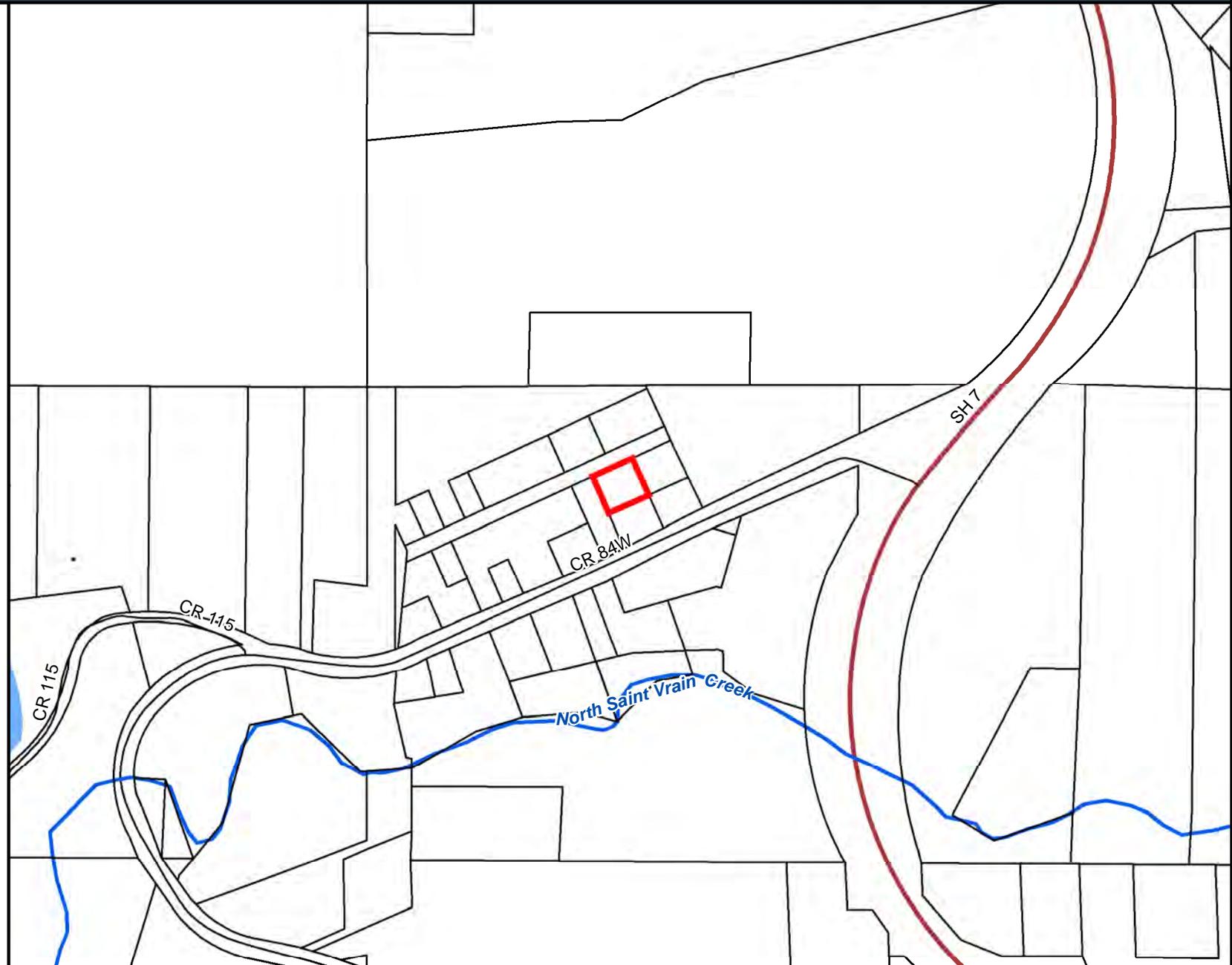
2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

ATTACHMENT A

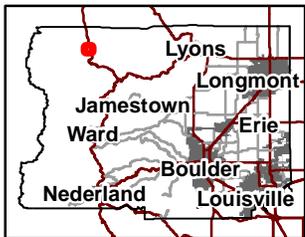
Location

1301 COUNTY RD 84W

 Subject Parcel



Area of Detail Date: 5/13/2021



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ATTACHMENT A

Aerial

1301 COUNTY RD 84W

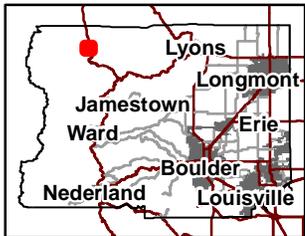
 Subject Parcel



0 0.05 0.1 Miles



Area of Detail Date: 5/13/2021



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ATTACHMENT A

Aerial

1301 COUNTY RD 84W

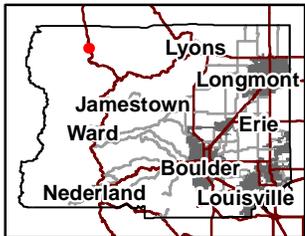
 Subject Parcel



0 0.0025 0.005 Miles



Area of Detail Date: 5/13/2021



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ATTACHMENT A

Comprehensive Plan

1301 COUNTY RD 84W

Subject Parcel

NLNA Buffer

Critical Wildlife Habitats

Wetlands

Significant Natural Communities

High Biodiversity Areas

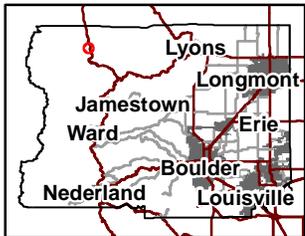
B3: High Biodiversity Significance

Peak to Peak Scenic Corridor

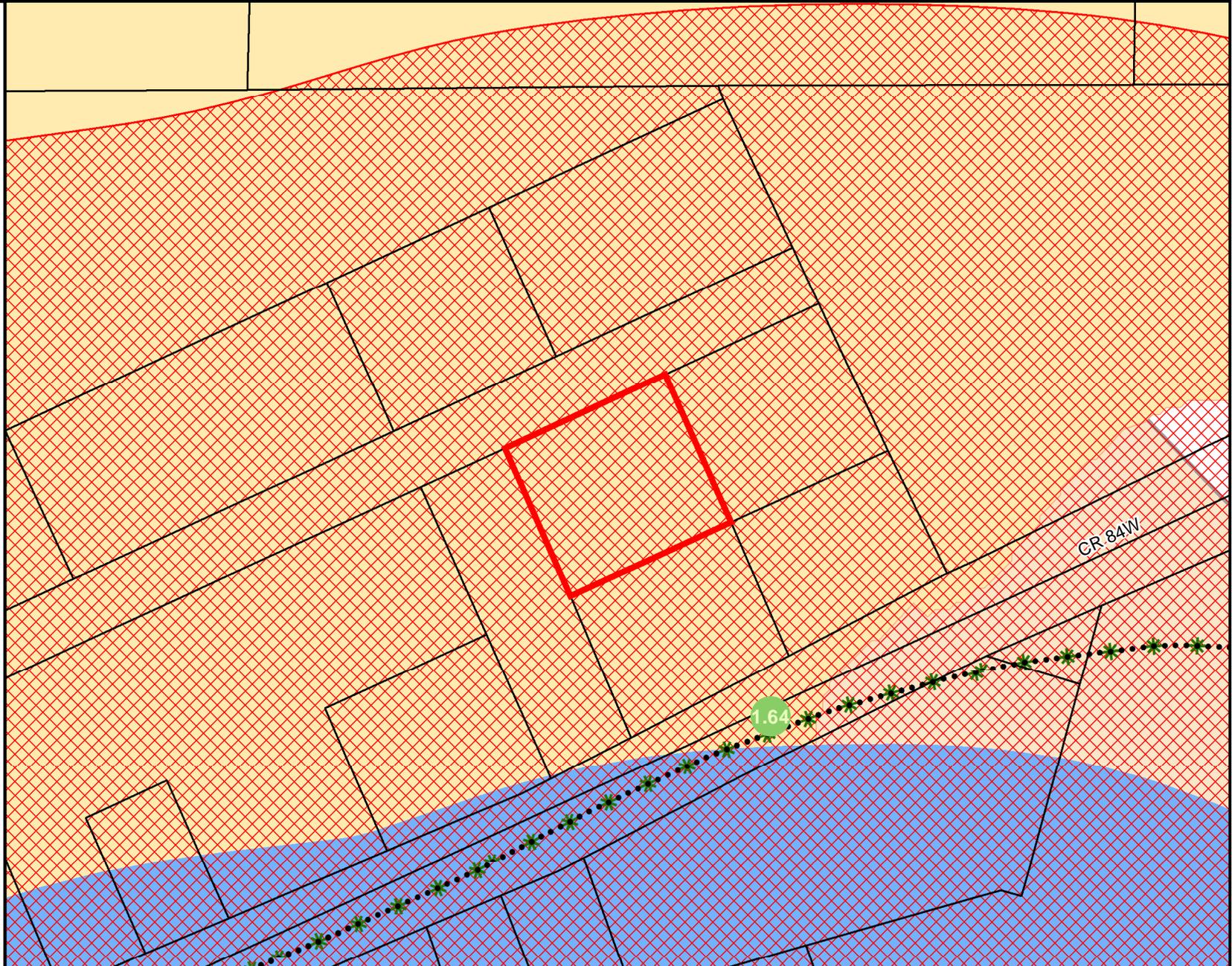
0 0.0085 0.017 Miles



Area of Detail Date: 5/13/2021



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ATTACHMENT A

Zoning

1301 COUNTY RD 84W

Subject Parcel

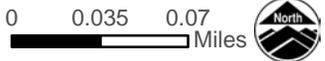
Major Road Setbacks

55 feet

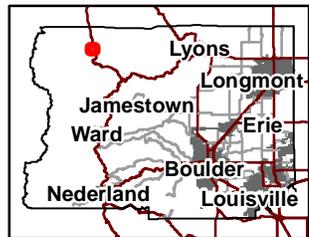
Zoning Districts

Forestry

Mountain Institutional



Area of Detail Date: 5/13/2021



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SETBACK 55 FEET



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ATTACHMENT A

Public Lands & CEs

1301 COUNTY RD 84W

 Subject Parcel

Boulder County Open Space

 County Open Space

County

 Conservation Easement

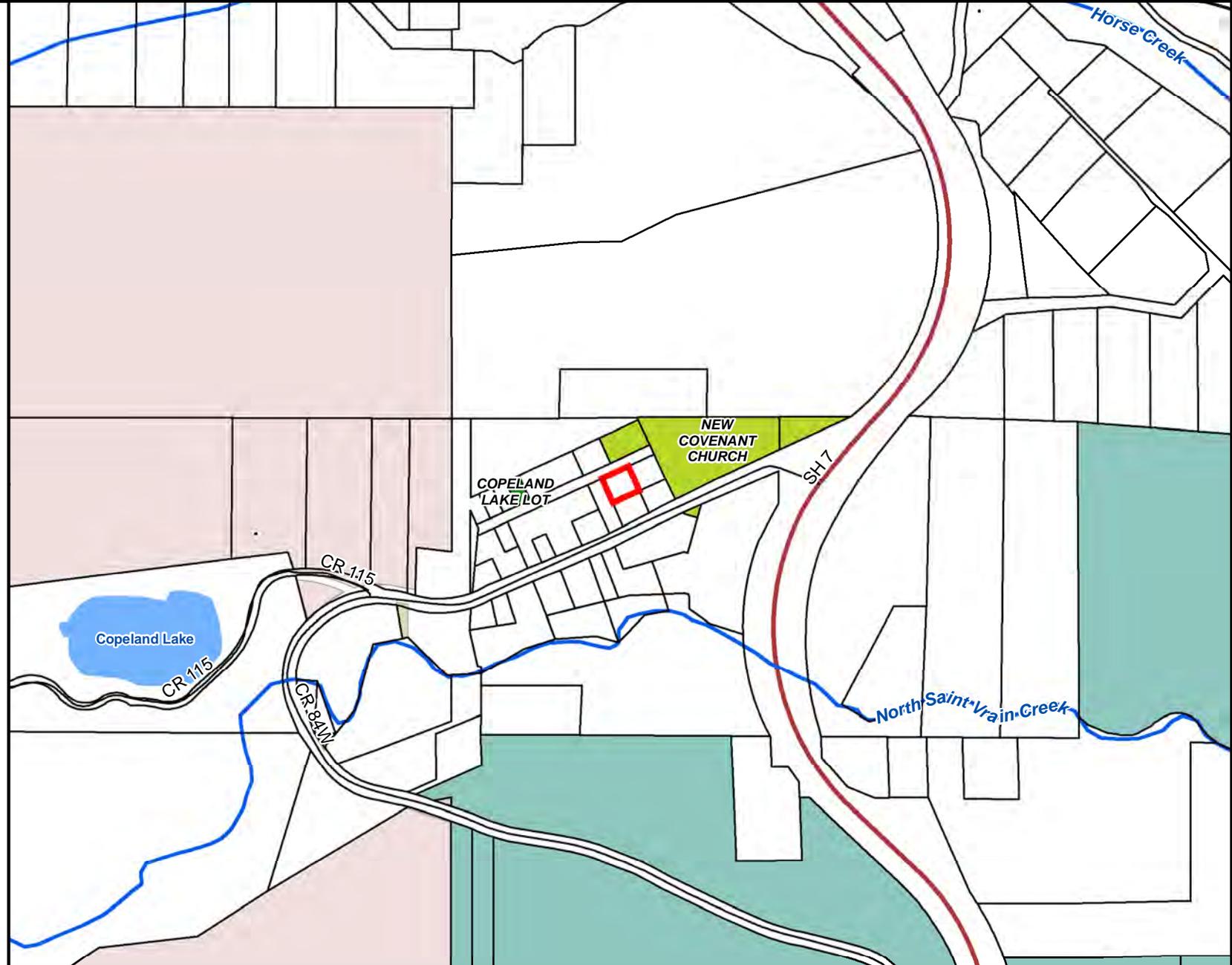
Federal Lands

 USFS Land

 Rocky Mountain National Park

Private

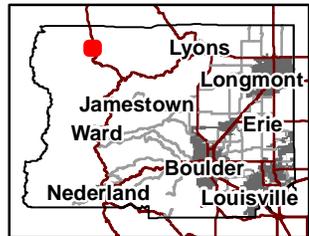
 Conservation Easements



0 0.05 0.1 Miles



Area of Detail Date: 5/13/2021



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Community Planning & Permitting

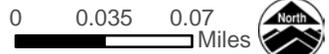
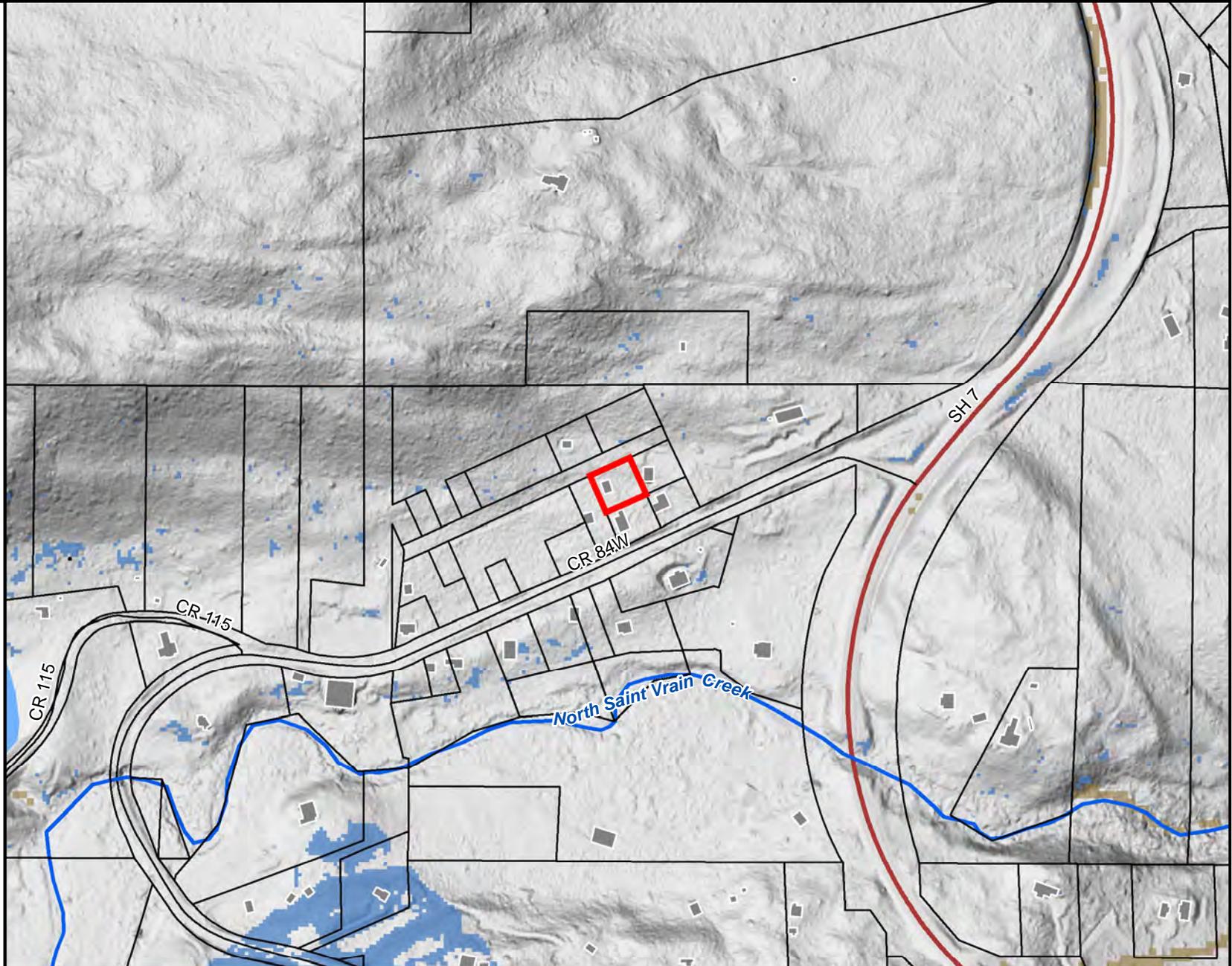
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ATTACHMENT A

Geologic Hazards

1301 COUNTY RD 84W

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



Area of Detail Date: 5/13/2021



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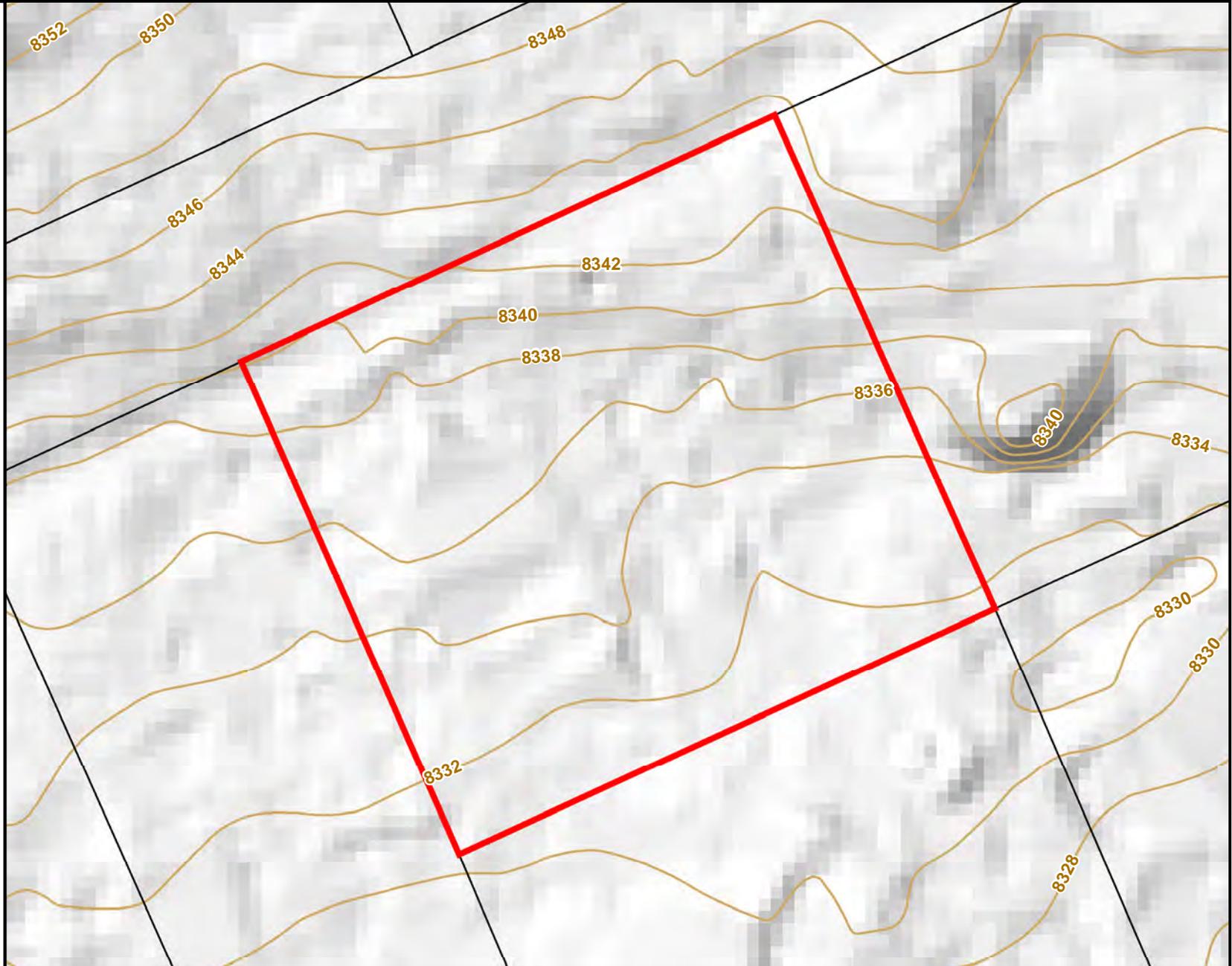
2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

ATTACHMENT A

Elevation Contours

1301 COUNTY RD 84W

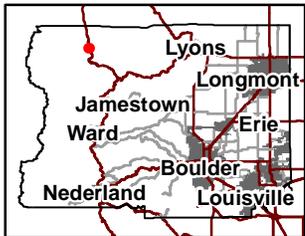
-  Subject Parcel
-  Contours 2'



0 0.0025 0.005 Miles



Area of Detail Date: 5/13/2021



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“How ‘Boutcha Hideaway” Narrative

We acquired the property, 1301 Co Rd 84 west, Allenspark, CO, in late June of 2021. When we purchased this property, we had 2 goals in mind. Goal #1 was to bless our children with memories to last a lifetime with the property and the area around it now and for years to come. Goal #2 was to bless anyone else who wanted to travel to our property in the exact same way. Along the way, between now and then, a 3rd goal has been added. Adoption has touched our lives, and we have started a foundation, Leap of FaithE, to help fund adoption for adoptive parents while also holding hands with birth parents and supporting their mental health. Our foundation, Leap of FaithE, will receive 10% of each of our rental fees as a way to continue to spread the blessing of the Hideaway, impact our children, and many other families through renting, through adoption, and the gift of life.

We always had a dream to have a home in the mountains to use for personal use and to also have as a business to help pay the mortgage and make it a feasible idea. Our grandparents blessed us with a financial gift to help our dream become a reality. We loved to travel to the mountains and visit, and now we would be able to also have our own house to travel to and provide a place for others to visit as well. With our home loan through Mid America Bank, we made it very clear we wanted a loan as a business loan, not just a 2nd home loan. They helped us acquire this. When it came to insurance through American Family, our agent in Kansas helped us find an agent in Colorado who would help us find a home in a safe fire location and insure us as a vacation rental, not just a home. Then, the perfect property for us came on the market right outside of RMNP, Wild Basin entrance. The home was a cabin style, had 3 bedroom and 2 bathrooms just as we hoped it would. It was turn key, ready to use instantly, and our bank and insurance worked their magic to get the final documents ready. June of 2021, our dream to own a home in the mountains that we could use as a vacation rental became a reality.

We named the location the “How ‘boutcha Hideaway” and the Hideaway for short. It is a place to come and “Hideaway” from the busy world and just be for a bit. The “How ‘boutcha” portion of its name is after a saying my grandpa used to always say to my grandma on the CB radio on the Nebraska farm. It was heard often over the CB, “How ‘boutcha Marie”...with this memory close at hand and the recognition of the legacy they left for us, the “How ‘boutcha Hideaway” was established.

As a family, we have come to the Hideaway numerous times since taking ownership and now our focus is making sure it’s licensed under the new Boulder County requirements as a vacation rental for others to come and make memories to last a lifetimes as well.

Our goal is to have the “Hideaway” rented between 225-275 nights per year, approximately 60-75% of the year. This will help us keep the mortgage paid, updates made as they’re needed, and make money as a business as well while also being able to support Leap of FaithE and the mission it stands for. There is a 2 night minimum stay at the Hideaway in accordance with the Boulder County rules and will have no groups of more than 7 people allowed. No events will be held at the Hideaway. The Hideaway is simply a home away from home for us and for guests.

The Hideaway uses a Septic system which is shared with 3 other homes in the area. Our septic passed the inspection prior to us acquiring the property and was also cleaned out. You’ll find the inspection certification attached. Along with that, we share a common water well with the neighboring homeowners. Prior to purchase, we also had this inspected, and the water tested. This inspection came

back with positive remarks as well and you'll find attached documents. One other inspection we had made, was a home inspection along with Radon. The radon testing was within safe range. With all these inspections passing with such high marks, we had no doubt that this property would be safe for us as a family and guests that would visit here.

One item that we had to address right away was the roof of the Hideaway. Within weeks of owning the property, we addressed this and had a new, highest class of shingle for fire safety, shingle put on the roof of our house. During this process, a trailer had to be backed into our property and driven down the road leading to our home. This proved to us that any size of vehicle for service or emergency could get to our location and for that we were thankful. (I have had numerous calls and emails into the Allenspark fire department, I have never heard back) The new roof was on within 2 days providing a better roof and more fireproof safe roof for the Hideaway.

Along with a new roof to help protect from fire, we eliminated the fire pit that was located out back on the property to decrease the temptation to build a fire that could be a fire danger to the Hideaway and surrounding area. A sign was hung both outside and inside reminding all who visit that this is a fire ban area. We also eliminated the propane grill and placed an electric grill out back for grilling needs. Inside the Hideaway, there is a fireplace, but it is a propane run fireplace once again lowering the fire danger. This was a relief to our insurance provider as well as us as owners of a vacation rental. There are up to date fire alarms, fire extinguishers, and added securities to our home to provide for as fire free environment as possible.

Living in Northwest Kansas, we knew we would need people with feet on the ground near the Hideaway to help us when unexpected events arose, snow fell, the property needed cleaning etc. We hired Lowell Richardson and his crew from PMI in Estes Park to be our property manager. His wife Diana takes care of the cleaning crew for the property. We quickly met 2 neighbors that live close by and 1 that lives here year-round. Brad, our neighbor, has been a great resource for us to contact when we need anything. We hired Dan St John, who lives close by, to plow our road along with our parking area. He has done a wonderful job keeping our road open and safe for anyone to come and go from the property during the best and most snow filled days.

To get to our property, one travels on Hwy 7 either north from Lyons or south from Estes. At the Wild Basin RMNP entrance sign, the traveler turns off onto the paved Co Rd 84west. This is a beautiful, paved road with traffic to and from the Wild Basin Entrance of RMNP and a handful of private residences hidden back off the road.

Our property however isn't directly on the paved road Co Rd 84west. To get to our property, a traveler turns off Co Rd 84west shortly after they get on it and turns on to a road that connects and then parallels Co Rd 84west. This is wonderful because both highway 7 and then Co Rd 84west are wonderful roads to get ourselves and travelers to our home, yet we don't congest either highway 7 or Co Rd 84 west.

Once one turns off of Co Rd84 west and onto our upside-down U-shaped dirt road, the traffic is minimal at most. On this upside down, unnamed U-shaped Road, there are 2 cabins to the far west right off of Wild Basin, a small primitive hiking base camp, our cabin and 2 other part time residences. Only those coming to and from those mentioned buildings would have any reason to be on this side road. This side road can be accessed from both the west and east off Co Rd 84west. In the winter months, this

road is only plowed from the east entrance to our cabin meaning only 1 access way to the home. In all other months, we use both entrances to the side road to reach our home and find them both sufficient with van, truck, plow truck and even our roofing company and their trailer successfully accessed the home during daylight and night hours.

Our specific area of the side road takes us straight to our front door but also provides us a circular driveway for ease of parking and getting back out on to the road. Our circle drive is packed down dirt and rocks and well maintained. We have snow removal provided in the winter and a RING camera positioned on the side of our house to keep an eye on our circle drive as well as the traffic coming and going on the side road even while we are miles away at our full-time residence in NW Kansas.

We don't see why there would ever be more than 3 cars in our circle driveway. Our driveway would easily fit these 3 cars as we've had 3 cars there ourselves when family has seen us at the cabin. As stated above, we are not hosting events and are only allowing up to 7 guests to stay on our property at 1 time at the most. In reality, there would be more than likely only 1 car per time a family is at the cabin, just like a primary residence off of the same road. This would still have less traffic on our roads than if this were a primary residence for certain.

We love the reliability of HWY 7 and Co Rd 84west to get to our property, but we also are grateful that we do not have to stay on either of these well-traveled roads all the way to our home. We feel that the transportation coming in and out of our side road are minimal at most and provide just the right amount of consistent yet not overbearing traffic to HWY 7, Co Rd 84west, and our side road which takes us to our front door.

To watch a dream come true has truly been a blessing. As 2 young adults living in Northwest Kansas and simply enjoying our visits to various locations in Colorado, to dreaming of one day owning our own property, to finding that property to visit and host others at has been astonishing. Our 3 main goals have kept us on track. Our kids have experienced numerous blessings of memories in the short time we've owned the Hideaway. Those that have stepped foot into the Hideaway tell us how much of a home away from home it is and thank us for the memories they have been blessed with. Finally, our goal that joined us on our journey, Leap of FaithE foundation, will be able to be financed through this vacation rental and help adoptive families as well as birth families, and ultimately, lives of babies that are allowed to come into our world. To say our grandparents would be pleased with our investment of their funds in the Hideaway, is a large understatement. We feel them smiling down on us each time we arrive at the Hideaway.

Pre-Application Methodology Statement (PAMS)

We acquired the property, 1301 Co Rd 84 west, Allenspark, CO, in late June of 2021. When we purchased this property, we had 2 goals in mind. Goal #1 was to bless our children with memories to last a lifetime with the property and the area around it now and for years to come. Goal #2 was to bless anyone else who wanted to travel to our property in the exact same way. Along the way, between now and then, a 3rd goal has been added. Adoption has touched our lives, and we have started a foundation, Leap of FaithE, to help fund adoption for adoptive parents while also holding hands with birth parents an supporting their mental health. Our foundation, Leap of FaithE, will receive 10% of each of our rental fees as a way to continue to spread the blessing of the Hideaway, impact our children, and many other families through renting, through adoption, and the gift of life.

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We don't see why there would ever be more than 3 cars in our circle driveway. Our driveway would easily fit these 3 cars as we've had 3 cars there ourselves when family has seen us at the cabin. We are not hosting events. We are only allowing up to 8 guests to stay on our property at 1 time at the most. In reality, there would be more than likely only 1 car per time a family is at the cabin, just like a primary residence off of the same road. Our goal would be to have our property rented 60-75% of the

year with a 2-night minimum stay as required by Boulder Co. This would still have less traffic on our roads than if this were a primary residence for certain.

We love the reliability of HWY 7 and Co Rd 84west to get to our property, but we also are grateful that we do not have to stay on either of these well-traveled roads all of the way to our home. We feel that the transportation coming in and out of our side road are minimal at most and provide just the right amount of consistent yet not overbearing traffic to HWY 7, Co Rd 84west, and our side road which takes us to our front door.

Our "Hideaway" as we call it has the perfect transportation path for ourselves and others as we try to keep our 3 goals in mind.

Kellen & Emily Jacobs

Building Sketch

ATTACHMENT A

Borrower	Jacobs, Emily/Kellen				
Property Address	1301 County Road 84 W				
City	Allenspark	County	Boulder	State	CO
Zip Code	80510				
Lender/Client	Mid-America Bank				



Sketch by Apex Sketch v5 Standard™

Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GLA1	First Floor	832.00	
	Second Level	416.00	1248.00
Net LIVABLE Area		(rounded)	1248

LIVING AREA BREAKDOWN			
Breakdown			Subtotals
First Floor			
26.0	x	32.0	832.00
Second Level			
13.0	x	32.0	416.00
2 Items		(rounded)	1248

SITE PLAN











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

April 11, 2022

TO: Ian Brighton, Planner II; Community Planning & Permitting, Development Review Team – Zoning

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

SUBJECT: Docket # SU-22-0001: Jacobs Vacation Rental
1301 County Road 84W

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

1. The subject property (Lots 11 & 12, Block 2 in the Copeland Lake Subdivision) is accessed from County Road 84W (CR 84W), a paved Boulder County owned and maintained right-of-way (ROW) with a Functional Classification of Local, via a gravel-surfaced shared road. A portion of the shared road is within county owned but privately maintained ROW identified as Estes Park Highway on the Copeland Lake Subdivision plat recorded at Reception 90120115 on 8/22/1916. The shared road extends outside east and west of the platted ROW and connects to CR 84W in two locations, forming a loop road. Legal access to the subject parcel is demonstrated via platted ROW; outside the platted ROW, legal access is demonstrated by historic use of the shared private road for residential access to properties adjacent to the platted ROW.
2. Based on updated information provided by the applicant, 2 sleeping rooms will be available during guest rentals. For vacation rental uses, staff assumes one vehicle/ sleeping room.
3. Based on guidance in the Institute of Traffic Engineers (ITE) Trip Generation Manual 10th edition, staff anticipates each sleeping room will generate up to 5 trips/ day. For 2 sleeping rooms, staff estimates the proposed vacation rental use may generate up to 10 trips/ day or 10 Average Daily Trips (ADT). Assuming a property manager comes on check in/ check out days, another 2 trips would be generated on those days, for a total ADT of 12 on days guests arrive and leave. Overall, the 12 ADT represents a similar number of trips to what is estimated to be generated by a single-family residence (10 ADT). Staff does not anticipate that the traffic generated by the vacation rental use will negatively impact the surrounding transportation network.
4. Based on the Land Use Code [Sec 4-507.E](#) for Vacation Rentals, a total of 3 parking spaces is required- one for each sleeping room and one for the property manager. The attached revised parking map shows the required minimum 3 on-site parking spaces.
5. Based on aerial imagery, there appear to be several driveways along the shared private access road between CR 84 W and the subject parcel that can serve as emergency pullouts.

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

There is no emergency turnaround area on the subject parcel for the cabin; however, the subject parcel is accessible from both the east and west along the shared road which may provide acceptable emergency access. Prior to issuance of the Vacation Rental License, the applicant must submit a letter from the Allenspark Fire Protection District that confirms the access can accommodate the district's emergency access needs.

6. A Road Maintenance Agreement (attached), which acknowledges the owner's responsibility for continued maintenance of the shared private road between CR 84W and the driveway to the subject parcel driveway, was recorded at Reception 01249332 on 12/17/1992.

This concludes our comments at this time.

ROAD MAINTENANCE AGREEMENT

#01249332 12/17/92 08:36 AM REAL ESTATE RECORDS F1786 CHARLOTTE HOUSTON BOULDER CNTY CO RECORDER

5

On this 27th day of November, 19 92, we the undersigned owners and occupants of property located in the following legally described property locations, agree to the following items:

1. The road is used for ingress and egress of property owner's cars. Also, we agree to allow state vehicles, fire vehicles and other cars as the owners deem necessary. This will also include visitors and inspectors to the property.
2. We agree to improve the road as necessary and further agree to share the cost among all the owners on the road. This extends to present and future owners and their assigns.
3. All covenants for use, improvement and maintenance of the road are to run with the land.
4. That the mortgagee of any and all properties is able to take advantage of and sell the property if acquired by foreclosure with the road agreement intact.
5. The mortgagee of any and all properties is not liable for costs of repair which accrue prior to a foreclosure sale if its mortgagor fails to pay his share of the repairs.
6. We hereby agree to share all of the costs involved in the snow removal, grading and other necessary items as we deem necessary to make the road passable.
7. The duration of the easement will remain in effect with all mortgages now presently on the properties and all assigns of future properties for the life of all mortgages now on the homes and any future mortgages.

The property is legally described as being: Lots 11 & 12, Block 2 Copeland Lake Sub according to the Plat recorded in Plat Book 4, Page 26B, Boulder County, Colorado.

8. The maximum amount of expense per year per property owner who is a signatory to this agreement shall be \$25.00.



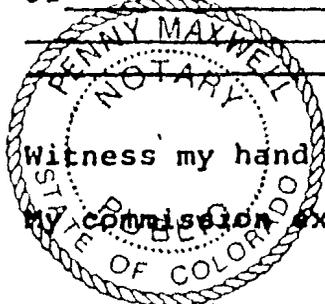
Land owners who are a part of this agreement and who do not have their principal residence on the property that is a part of this agreement shall not be required to participate in any expense for said road maintenance unless their principal residence becomes the property that is a part of this agreement.

We certify that we are the current owners of record for the above described and agree to all of the above terms of this agreement.

Dwight S. Thorson 11-29-92
Dwight S. Thorson Date

Jean H. Thorson 11/29/92
Jean H. Thorson Date

The foregoing instrument was acknowledged before me this 29th day of November, 19 92, by Dwight S. Thorson and Jean H. Thorson



Witness my hand and official seal.

My commission expires: 10-20-93

Penny Maxwell
Notary Public



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 Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

Building Safety & Inspection Services Team

MEMO

TO: Ian Brighton, Planner II
 FROM: Michelle Huebner, Plans Examiner Supervisor
 DATE: February 13, 2022

RE: Referral Response, SU-22-0001: Jacobs Vacation Rental. Special Review request for a Vacation Rental of 275 days per year for up to 7 guests with a minimum stay of 2 nights on a 0.33 acres parcel.

Location: 1301 County RD. 84W

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

Building Permit. A building permit, plan review, and inspection approvals required for the reroof that was completed without the benefit of a building permit.

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



United States Department of the Interior

NATIONAL PARK SERVICE
Rocky Mountain National Park
Estes Park, Colorado 80517



IN REPLY REFER TO:
A3815 (ROMO)

SENT VIA ELECTRONIC MAIL ONLY

MAR 10 2022

Ian Brighton
Community Planning & Permitting Department
P.O. Box 471
Boulder, Colorado 80306
ibrighton@bouldercounty.org

RE: Docket SU-22-0001: Jacobs Vacation Rental at 1301 County RD. 84W, Allenspark, Colorado

Dear Mr. Brighton:

Thank you for the opportunity to comment on the Special Review Request for a Vacation Rental, application SU-22-0001, located at 1301 County RD. 84W, in the Copeland Lake Subdivision, in Section 14, Township 3N Range 73W, near Allenspark, Colorado. The proposal includes short-term rental of an existing residence for a maximum of seven (7) people per occupancy, for approximately 225-275 nights per year.

The subject property is located approximately 0.25-mile from the eastern boundary of Rocky Mountain National Park (RMNP) at Wild Basin, including designated wilderness. Fundamentally, RMNP provides exceptional access to wild places for visitors to recreate and experience solitude and outstanding scenic beauty, values which are essential to achieving the purpose of the park and maintaining its significance.

As you review this application, we respectfully ask you to consider the following potential adverse impacts to RMNP, and our recommendations to help mitigate those impacts:

Fire Protection - We appreciate the applicant's attention to fire danger and attempts to minimize risk by installing a new roof, removing the outdoor fire pit, exchanging the propane grill with an electric grill, and installing an indoor gas vs. wood fireplace. Boulder County and RMNP implement stages of fire restrictions or bans. In addition to the measures already taken by the applicant, we encourage the establishment of a designated smoking area, a container for cigarette butts and ashes, and prohibiting use of fireworks and other open flames on the property. Fireworks should be prohibited.

Garbage - Bears, skunks, racoons, and other wildlife are active in this location and are attracted to food odors. We strongly recommend securing food, garbage, and recycling inside the cabin at all times or storing these items in a bear-resistant canister. Guests should close and lock windows and doors of vehicles and the cabin itself, even when present and especially at night. Preventing food rewards is fundamental to ensuring human safety and protecting bears, especially the ones that reside on the park boundary.

Social Trails and Park Access – Social trails created by visitors can result in damage to resources, encourage unauthorized uses such as motorized vehicles and dogs, and confuse park visitors. Guests should use existing roads or official, designated trails to access RMNP from the cabin. To help reduce vehicle congestion within RMNP, we encourage cabin guests to enter the park on foot, when possible.

Night Skies and Natural Quiet - RMNP values dark night skies and natural quiet. Noise generated from vehicle traffic, large gatherings or music played from outdoor speakers may disrupt natural quiet that is essential to the surrounding Wilderness character of RMNP. Noise impacts may be mitigated by encouraging quiet hours from 7:00pm to 8:00am. At night, lights from the property may have a negative effect on park visitors and wildlife. To minimize impacts from outside lighting, we recommend motion-activated lights that time out after 10 minutes, covered with a hood, and no spotlights.

If you have any questions, contact Cheri Yost, Park Planner, at cheri_yost@nps.gov or (970) 586-1320.

Sincerely,



Darla Sidles
Superintendent

Hi lau. fun to see your
name on this letter!
Hope you're doing well.



Parks & Open Space

5201 St. Vrain Road • Longmont, CO 80503
303-678-6200 • POSinfo@bouldercounty.org
www.BoulderCountyOpenSpace.org

TO: Ian Brighton, Community Planning & Permitting Department
FROM: Ron West, Natural Resource Planner
DATE: February 17, 2022
SUBJECT: Docket SU-22-0001, Jacobs, 1301 CR84W

Staff has reviewed the submitted materials, and has no natural resource concerns with the proposal. Although the parcel carries several resource designations in the Comprehensive Plan, these resources should not be significantly impacted by the proposed use. Impacts would be similar to a full-time residence. No construction is proposed. The parcel is also within a recognized county townsite, with its attendant density.



Public Health

Environmental Health Division

February 11, 2022

TO: Staff Planner, Land Use Department

FROM: Jessica Epstein, Environmental Health Specialist

SUBJECT: SU-22-0001: Jacobs Vacation Rental project

OWNER: JACOBS

PROPERTY ADDRESS: 1301 County Rd. 84W

SEC-TOWN-RANGE: 14 -3N -73

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. The onsite wastewater treatment system (OWTS) serving this property also serves three neighboring properties. The OWTS was sized for four, 2-bedroom cabins for the maximum of 4 people in each cabin. The owners can rent the home to a maximum of 4 people, including children.**
2. According to the assessor's records, 1301 County Rd. 84W has two bedrooms. According to the assessor's records, 1335 COUNTY RD 84W has three bedrooms. According to the assessor's records, 1363 COUNTY RD 84W has two bedrooms. According to the assessor's records, 1299 COUNTY RD 84W has two bedrooms. If the assessor's records are correct, there are 9 bedrooms on an 8 bedrooms OWTS.
3. On 1/3/78, for 1301 County Rd. 84W, BCPH issued a new permit for the installation of a sewer line and septic tank and connection into a recently installed, shared absorption field. The permit was issued for a 2-bedroom house. BCPH approved the installation of the OWTS components on 9/15/80.
4. 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>
5. The owner must make sure renters do not park on or over the OWTS components by marking the area and informing the renters to stay off it.
6. 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.

This concludes comments from the Public Health – Environmental Health division at this time. For additional information on the OWTS application process and regulations, refer to the following website: 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



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

Wildfire Mitigation Team

MEMO

TO: Ian Brighton, Planner II
FROM: Abby Silver, Wildfire Mitigation Specialist
DATE: February 24, 2022
RE: Referral packet for SU-22-0001: Jacobs Vacation Rental project at 1301 County Rd. 84W

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 does 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 Vacation Rentals, it is required that the property owner obtain a Wildfire Partners certificate to mitigate the property against wildfire, per the terms of Section 5.A.3.b of Boulder County Licensing Ordinance No. 2020-01 adopted on 02/08/2021. More information about Wildfire Partners can be found at www.wildfirepartners.org

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 or want to schedule a Wildfire Partners assessment, I can be reached at 720-564-2641 or via e-mail at asilver@bouldercounty.org

February 21, 2022

RE: Boulder County Community Planning & Permitting Department

Docket #: SU-22-0001: Jacobs Vacation Rental

Staff Planner Ian Brighton,

Thank you for this opportunity to provide feedback on our neighbor's request to change the rental terms for the property at 1301 County Road 84W. My sister and I are co-owners of our family cabin located on the east side of the Jacobs' property (1363 County Road 84 W). After discussing the Special Use request, we have two primary concerns.

First, can our shared septic system handle the increased load? The systems for the three adjoining properties, 1301, 1335, and 1363, each have their own septic tank; however, we share a leach field. There are two full time residents at 1335, two to four part time residents at 1363 (our vacation home), and up to seven visitors at the Jacobs Vacation Rental. Increasing the rental period to 275 days a year may burden the entire system and impact the other two homes. Additionally, out-of-town and out-of-state vacationers may not be familiar with the limitations of a septic system (e.g., no feminine hygiene products, limited kitchen waste, no antibiotic soaps, etc.).

Second, there is a difference between owners and renters. Similar to the difference between tourists and hikers, vacationers are not interested in knowing or caring for their neighbors. Neighbors check on you after a storm...vacationers steal your firewood. For example, in September renters at the Jacob's Vacation Rental returned at 11pm with their three trucks with ATV trailers on the dirt road running across our property, rumbling and shining their headlights into our bedroom window. Additional renters would lead to more traffic on that shared-access back road during the day and night.

Unlike homeowners, vacationers may not be aware of the following:

- How to store food and dispose of trash properly (our local bear makes his daily rounds)
- Current fire restrictions or proper care of campfire
- Property lines (e.g., parking and outside activities)

We typically enjoy greeting and visiting with our neighbors when we pass on a walk, see them on their porch or around a campfire. In this case, we will never get know the short-term vacationers. Nor will they care how their behavior or late-night activities may impact the quality of our time at our mountain retreat.

Cordially,

Karen Karns Karen@Puckettland.com 720-289-6743

Kathy Easterday Kathy.Easterday@outlook.com 303-507-4969

ORDINANCE NO. 2020-01

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

RECITALS

- A. Boards of County Commissioners are empowered by C.R.S. § 30-15-401(1)(s) to “license and regulate” the short-term rental of residential Dwelling Units and to “fix the fees, terms, and manner for issuing and revoking licenses”; and
- B. The use of residential Dwelling Units as short-term rentals has grown drastically in the past decade; and
- C. The short-term rental of residential Dwelling Units can benefit communities by offering supplemental income to property owners, supporting the local economy through tourism and agri-tourism, creating local job opportunities, and fostering community between the short-term rental hosts and renters; and
- D. Studies and reports have concluded that short-term rental of residential property creates adverse impacts to the health, safety, and welfare of communities, including an increase in housing costs and depletion of residential housing opportunities for persons seeking full-time accommodations; and
- E. Boulder County has received numerous comments expressing concern about how the short-term rental of Dwelling Units might impact housing stock and the residential and rural character of Boulder County; and
- F. Boulder County “prioritizes preserving housing units for Boulder County residents and workers and their families and limits visitor- and tourism serving uses such as short-term rentals. The county evaluates applications for tourism serving uses based on safety for visitors and county residents in addition to compatibility with neighborhood character” as outlined in the Boulder County Comprehensive Plan Section 3.06; and
- G. This Ordinance intends to: (1) facilitate safe short-term rental of residential Dwelling Units in a way that balances the benefits and burdens on the local community; (2) preserve existing housing stock and protect housing affordability; (3) track, manage, and enforce violations of this Ordinance; and (4) protect the health, safety, and welfare of the public; and
- H. Cities and towns within the county may consent to have this ordinance apply within their boundaries, as provided in C.R.S §30-15-401(8).

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

Section 1: Definitions

- A. The definitions found in the Boulder County Land Use Code will apply to this Ordinance, except the following words, terms, and phrases will have the following meanings:
 1. Director: The Director of the Boulder County Community Planning & Permitting Department, or the Director’s designee.
 2. License: A Short-Term Rental License or Vacation Rental License issued pursuant to this Ordinance.
 3. Licensee: The person or legal entity who is issued the License.
 4. Licensed Premises: The parcel or lot on which the Short-Term Rental or Vacation Rental is located.

5. Major Offense: Any violations of this Ordinance that endanger the health, safety, or welfare of the public, as determined by the Director.
6. Minor Offense: Any violations of this Ordinance that are procedural or do not endanger the health, safety, or welfare of the public, as determined by the Director.
7. On-Site: Contiguous parcels or lots under the same ownership and control as the Licensed Premises.
8. Primary Residence: The Dwelling Unit in which a person resides for more than six (6) months out of each calendar year. A Dwelling Unit is presumed to not be a Primary Residence if (1) the entire unit is offered and available for rent for more than twenty days in any month; (2) the person's spouse or domestic partner has a different Primary Residence; or (3) the person's driver's license, voter registration or any dependent's school registration shows a different residence address. These presumptions are rebuttable, but each must be rebutted by credible evidence from the party claiming that the dwelling is a Primary Residence.
9. Short-Term Rental: Includes Primary Dwelling Short-Term Rentals and Secondary Dwelling Short-Term Rentals, as defined in the Boulder County Land Use Code.
10. Sleeping Room: Any rooms or areas within the Licensed Dwelling Unit that are intended to be used as a sleeping place for guests.
11. Vacation Rental: Defined in the Boulder County Land Use Code.

Section 2: License Required

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

Section 3: Licenses

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

Section 4: Licensing Procedure

- A. An application for a License must include:
 1. Application Form. Applicant must designate all agents, exhibit all property owner and Local Manager signatures, and have all necessary information completed.
 2. Proof of Insurance. Applicant must demonstrate that the proposed Licensed Premises is covered by appropriate insurance in the form of a property owner (HO-3) policy, dwelling fire (HO-5), or unit owner's policy (HO-6), which covers a rental exposure, with adequate liability and property insurance limits that must at a minimum insure liability at \$500,000.
 3. Proof of Primary Residence, if applicable. The applicant must demonstrate that the Dwelling Unit is the property owner's Primary Residence by presenting a Colorado state-

issued driver's license or Colorado state-issued identification card and at least one of the following documents:

- a. Voter Registration;
 - b. Motor Vehicle Registration;
 - c. Income Tax Return with address listed; or
 - d. Any other legal documentation deemed sufficient by the Director, which is pertinent to establishing the property owner's Primary Residence.
4. Proof of Ownership. Applicant must demonstrate ownership of the Licensed Premises by including a copy of the current deed.
 5. Parking Plan. Applicant must demonstrate compliance with the applicable Boulder County Land Use Code and Boulder County Multimodal Transportation Standards for On-Site parking.
 6. Floor Plan. The floor plan must show locations within the Dwelling Unit of all smoke detectors, fire extinguishers, and carbon monoxide detectors, as well as locations of Sleeping Rooms and egress, as required under Section 5 of this Ordinance and the applicable Building Code.
 7. Proof of Land Use Approvals. For Secondary Dwelling Short-Term Rentals and Vacation Rentals, documentation demonstrating that the applicant has obtained the required approvals under the Boulder County Land Use Code.
 8. List of Adjacent Owners. Names, physical addresses, mailing addresses, and additional contact information (if known) for owners of all immediately adjacent parcels.
 9. Payment. Payment of all applicable License fees.
 10. Property Taxes. For Vacation Rentals and Secondary Dwelling Short-Term Rentals, proof that property taxes have been paid to date.
 11. Sales Tax License. All Licensees will be required to remit all applicable taxes for the Licensed Premises, including state and local sales and use taxes. Applicant must provide one of the following:
 - a. An individual sales tax license number issued to the Licensee or Local Manager from the State of Colorado Department of Revenue; OR
 - b. Proof that the only platforms used to advertise and book the Licensed Premises remit taxes on behalf of the Licensee. Licensees may not advertise or book on web platforms that do not remit taxes on behalf of the Licensee without an individual sales tax license number.
- B. The applicant's failure to timely provide any requested information may be grounds for denial of the application.
- C. The Director may refer the application to additional agencies or departments. On properties over which a Boulder County conservation easement has been granted, the Director will refer the application to the easement holder.
- D. Notice. For Short-Term Rental Licenses for Primary Dwelling Short-Term Rentals, Boulder County will provide notification by U.S. Mail, first-class postage or email to all owners of immediately adjacent parcels when the License is issued by the Director.

Section 5: Licensing Requirements

- A. Before issuing a License, the Director must determine that the applicant has met following requirements:
 1. Land Use Approval. The applicant complied with all Boulder County Land Use Code requirements, as applicable.

2. Building Inspection. The Chief Building Official or the Chief Building Official's designee determined the following from an inspection:
 - a. For all Licensed Premises:
 - i. The Dwelling Unit to be rented contains:
 - (1) Operable fire extinguishers in each Sleeping Room and in the kitchen, or an Automatic Residential Fire Sprinkler System.
 - (2) Operable smoke detectors:
 - a. In each Sleeping Room;
 - b. Outside each guest sleeping area in the immediate vicinity of the Sleeping Rooms; and
 - c. On each additional story of the Dwelling Unit including basements and habitable attics.
 - (3) A UL 2075 compliant carbon monoxide detector installed outside of each separate guest sleeping area in the immediate vicinity of the Sleeping Rooms in the Dwelling Unit.
 - ii. The Dwelling Unit is served by water supplies that are in conformance with the regulations and requirements of the Boulder County Public Health Department, Colorado Department of Public Health and Environment, and the Colorado Division of Water Resources.
 - iii. Sleeping Rooms must be legally existing.
 - (1) Sleeping Rooms built prior to 1976 must have code conforming Emergency Escape and Rescue Openings.
 - iv. The Dwelling Unit has no observable structural defects;
 - v. Any plumbing, electrical, and heating and cooling systems in the Dwelling Unit are in a good state of repair; and
 - vi. Nothing on the Licensed Premises or in the Dwelling Unit pose a significant risk to the health, safety, or welfare of the occupants or surrounding properties.
 - b. For Vacation Rentals:
 - i. No unapproved uses, unpermitted uses, or unpermitted work exist on the Licensed Premises.
3. Wildfire Mitigation within Wildfire Zone 1. The Wildfire Mitigation Team or the Wildfire Mitigation Team's designee has verified the following:
 - a. For Short-Term Rental Licenses:
 - i. The Wildfire Mitigation Team completed a Wildfire Partners Assessment for the Licensed Premises; and
 - ii. Upon the first renewal, the Licensed Premises is Wildfire Partners Certified.
 - b. For Vacation Rental Licenses:
 - i. The Licensed Premises is Wildfire Partners Certified.
4. Parking and Access. The County Engineer or the County Engineer's designee has determined that the proposed Licensed Premises has satisfactory vehicular access and On-site parking facilities pursuant to the Boulder County Multimodal Transportation Standards and the Boulder County Land Use Code. The County Engineer or the County Engineer's designee has further determined that the applicant has suitably mitigated any traffic hazards associated with the proposed use.
5. Sewage Disposal. The Public Health Director or the Public Health Director's designee has determined that the proposed Licensed Premises has all required on-site wastewater

treatment system permits or is otherwise adequately served by public sewer. Existing systems do not need to be repaired or replaced unless required by Boulder County Public Health.

6. Building Lot. Verification that the Licensed Premises is a legal building lot under the Boulder County Land Use Code.

Section 6: Licensee Operating Standards and Requirements

A. All Licenses:

1. Occupancy Limit. Two adults per Sleeping Room with a maximum of eight individuals, or the occupancy limit of the permitted and approved on-site wastewater treatment system, whichever is fewer.
2. Guest Information. In the rented Dwelling Unit, the Licensee must provide the following documents to all guests:
 - i. Septic Safety information sheet provided by the county, if applicable;
 - ii. Wildlife Safety information sheet provided by the county, if applicable;
 - iii. Wildfire Safety information sheet provided by the county, if applicable;
 - iv. Local Fire restrictions, if applicable, and evacuation routes in the event of a fire or emergency;
 - v. Floor plan posted in a conspicuous location with fire exit routes for the Dwelling Unit;
 - vi. Good Neighbor Guidelines provided by the county;
 - vii. A map clearly delineating guest parking and the Licensed Premises boundaries;
 - viii. Contact information for the Local Manager and Licensee;
 - ix. Trash and recycling schedule and information;
 - x. An indoor radon gas testing report including the indoor radon gas testing results issued by a certified Radon Measurement Provider for the Licensed Premises. Indoor radon gas testing results shall be less than 5 years old and must be performed by a National Radon Proficiency Program (NRPP) or National Radon Safety Board (NRSB) certified Radon Measurement Provider. The Licensed Premises shall be retested for indoor radon gas every 5 years, and the most recent indoor radon gas testing report including the indoor radon gas testing results must be provided to guests.
 - xi. For Vacation Rentals: A HERS Certificate or Energy Audit must be completed for the Dwelling Unit by 2022 and thereafter, a copy must be provided to guests.
3. Outdoor Fires. In Wildfire Zone 1, renters cannot have any outdoor fires except for gas grills and gas fire tables. To the extent the Licensed Premises has existing outdoor fire pits, fire rings, fireplaces, charcoal grills, or other outdoor fire structures, the Licensee must cover those structures and place a "do not use" sign on the cover while the Licensed Premises is being rented.
4. Local Manager. Every Licensed Premises must have a local manager available to manage the Licensed Premises during any period when the Licensed Premises are occupied as a Short-Term Rental or Vacation Rental. The manager must be able to respond to a renter or complainant within one (1) hour in person. The manager may be the owner if the owner meets the above criteria. The local manager's name and contact information must be on file with the Director. The Licensee must report any change in the local manager to the Director as soon as practicable.

5. Signs. The Licensed Premises must comply with the signage requirements in Article 13 of the Boulder County Land Use Code.
6. Provide Copy of License to Neighbors. The Licensee must provide a copy of the License to immediately adjacent neighbors or other individuals, if requested. Further, the Licensee must post a copy of the License in a prominent location within the Dwelling Unit for guests to see.
7. Advertisement. All advertisements and listings of the Licensed Premises must include:
 - i. The local License number;
 - ii. The approved occupancy limit; and
 - iii. The minimum night stay, if applicable.
8. Compliance with anti-discrimination laws. No Licensee may discriminate against any guest or potential guest, because of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, or source of income.

Section 7: Inspection

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

Section 8: Decision and Appeal

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

Section 9: Changes to an Issued License

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

Section 10: Term of License or Permit; Renewal

- A. Term of License. Short-Term Rental Licenses and Vacation Rental Licenses will be valid for a period of two years (the License Period). A License will expire on the expiration date if the Licensee fails to submit a renewal Application prior to the expiration date of a License.
- B. Renewal of License. Before renewing a License, the Director must determine that the following requirements have been met:

1. The Licensee has submitted an Application with the requirements listed in Section 4 above, at least 45 days before the expiration of the License. If the Licensee has not met the requirements 45 days before the expiration of the License, the application will be subject to the application fees for a new license.
2. No violations of this Ordinance exist on the Licensed Premises. Renewal of any License is subject to the laws and regulations effective at the time of renewal, which may be different than the regulations in place when the Director issued the prior License.

Section 11: License Non-Transferrable

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

Section 12: Violations

- A. Each act in violation of this Ordinance is considered a separate offense. Each calendar day that a violation exists may also be considered a separate offense under this Ordinance.
- B. The Director is authorized to suspend or revoke a License and assess administrative penalties for any violation of this Ordinance.
- C. Determination of a Violation:
 1. The Director may investigate any complaints of violations of this Ordinance.
 2. If the Director discovers a violation of this Ordinance, the Director may charge the violator for the actual cost to the County of any follow-up inspections and testing to determine if the violation has been remedied.
 3. When the Director has reasonable cause to believe that a violation of this Ordinance exists on a premises, and that entry onto the premises is necessary to verify the violation, the Director shall make a reasonable effort to contact the Licensee, Property Owner, or Local Manager and request consent to enter and inspect the Licensed Premises. If the Licensee, Property Owner, or Local Manager cannot be contacted or if entry is refused, the Director may impose penalties or revoke the License.
- E. Issuance of Notice of Violation:
 1. Determination of Violation. If the Director determines that one or more violations of this Ordinance exists, the Director must provide notice of all the violations to the property owner by U.S. Mail, first-class postage or via email, a minimum of 30 days prior to the Director taking further action to impose penalties or to revoke the License.
 2. Stop Renting Order. If the violation involves an immediate threat of health and safety, the Director may, in writing sent to or posted in a conspicuous place on the Licensed Premises, order that all rental activity on the Licensed Premises cease until further notice from the Director. It shall be unlawful for any person to fail to comply with a Stop Renting Order.
 3. If violations of this Ordinance have not been resolved, or satisfactory progress towards resolution has not been made within a reasonable timeframe, the Director may impose an administrative fine, task law enforcement personnel with using the Penalty Assessment Procedure described in C.R.S. § 16-2-201 for violations of this Ordinance, or seek injunctive relief.
- F. Penalties for Violations
 1. Minor Offenses:
 - i. First Offense during License Period: \$150 fine

- ii. Second Offense during License Period: \$500 fine
 - iii. Third Offense during License Period: \$1,000 fine and one-year suspension of the License.
 - 2. Major Offenses:
 - i. First Offense during License Period: \$750 fine
 - ii. Second Offense during License Period: \$1,000 fine and one-year suspension of the License.
- G. Appeal of Determination of Violation
 - 1. Hearing Before the Board of County Commissioners. If the Licensee files a written appeal with the Board of County Commissioners of the Director’s Determination of Violation, issuance or the amount of a fine, or other penalty for a violation, within 10 days of the imposition of any fine or a written order suspending or revoking a License, the Board will schedule a hearing on the appeal, of which the Licensee will receive reasonable prior notice. The Board, based on the evidence in the record, may reverse or confirm the Director’s determination whether a violation occurred. In addition, based on the evidence in the record, the Board may reverse, confirm, or adjust any remedy or penalty imposed by the Director. The Board, in its discretion, may also give the Licensee additional time to correct the violation(s), or may specify other means of correcting the violation(s) at the Licensee’s expense. The Board’s determination is a final decision appealable under Colorado Rule of Civil Procedure 106(a)(4).

Section 13: Fees as adopted in the Planning Review Fee Schedule

Section 14: Severability/Savings Clause

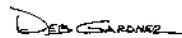
- A. If any provision of this Ordinance is found to be invalid by a court of competent jurisdiction, only the provision subject to the court decision must be repealed or amended. All other provisions must remain in full force and effect.

Section 15: Effective Date

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

ADOPTED WITH AMENDMENTS ON SECOND AND FINAL READING on December 3, 2020.

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF BOULDER, COLORADO



Deb Gardner, Chair

ATTEST:

Cecilia Lacey

Clerk to the Board

CERTIFICATION AND ATTESTATION

I, Molly Fitzpatrick, Boulder County Clerk and Recorder, do hereby certify that the foregoing Ordinance No. 2020-1, entitled "**AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF BOULDER FOR THE LICENSING OF SHORT-TERM DWELLING RENTALS AND VACATION RENTALS WITHIN THE UNINCORPORATED AREA OF BOULDER COUNTY**" is a true, correct and complete copy from the records in my office, that said ordinance was duly adopted by the Board of County Commissioners of the County of Boulder. The first reading of Ordinance 2020-1 took place on November 12, 2020, at a regular Board of County Commissioners Meeting. It was published in full in the Boulder Daily Camera on November 17, 2020. The Ordinance was adopted with amendments on second reading at a public hearing held before the Board of County Commissioners on December 3, 2020. Further, one (1) copy of the Ordinance is now filed in the office of the Clerk and Recorder for the County of Boulder, Colorado, and may be inspected during regular business hours.

Molly Fitzpatrick

Clerk and Recorder

Good Neighbor Guidelines for Short-Term Rentals in Boulder County

License No. _____

Respect it like it's your own neighborhood. (Slow down and clean up after your pet!)

Please be friendly and courteous, and treat your neighbors the way you would want to be treated if this was your neighborhood. Enjoy the scenery and drive slowly through residential areas. Watch for pets, pedestrians, wildlife, and children playing. Visiting pets should not be allowed to run amok, make friends with local wildlife, or make excessive noise.

Please also pick up after yourself and your pet(s) and keep the property clean and free of trash. Per Boulder County Short-Term and Vacation Rental Licensing Ordinance No. 2020-01, your host is required to provide you with trash and recycling information.



Please keep music and noise at a level your grandma would approve of

Enjoy the peace and quiet of the Rocky Mountains and be respectful of neighbors by keeping the noise level down, especially at night. Per the Boulder County Noise Ordinance No. 92-28, sound from a non-vehicular source located in a residential area shall not exceed 55 dB(A) during the day or 50 dB(A) at night (after 7 p.m. and before 7 a.m.).

Don't host a rager, as much fun as that might be

Be respectful of neighbors by not hosting a party for all your buddies, or having any other large (or small) event that's inappropriate for a quiet residential setting. Per the Boulder County Land Use Code Article 4, short-term rentals are not allowed to be marketed or used for weddings, receptions, or similar private or public events.

No trespassing. Seriously

It goes without saying, but we're saying it anyway. Please stay on the property you are renting and do not trespass onto neighboring properties, even if there's something really cool over there.

Please also use the designated parking spaces provided by your host. Per the Boulder County Short-Term and Vacation Rental Ordinance No. 2020-01, your short-term rental host must provide you with a map of the property clearly showing where the boundaries and designated parking spaces are located.

For non-life-threatening emergencies, please contact the Local Manager:

Name: _____

Phone: _____

Email: _____

Information provided by the Boulder County Community Planning & Permitting Department
303-441-3930
planner@bouldercounty.org
www.bouldercounty.org



Wildfire Safety for Short-Term Rentals in Boulder County

License No. _____

It is **CRITICAL** that visitors and residents alike do everything possible to prevent fires of all kinds. Please do what you can to protect our beautiful lands, homes and wildlife areas from the devastating effects of wildfires. **Call 911 if you notice an unattended or out-of-control fire.**

General Information

You are in an area with a 12-month fire season. Wildfire can occur any time of the day or night. **BE AWARE! A single spark can start a fire.** If you start a fire, even unintentionally, you may still be charged with arson.

- ✓ Follow local fire restrictions: www.boco.org/FireRestrictions
- ✓ Completely extinguish cigarettes, matches, and smoking materials before disposing of them.
- ✓ Never throw smoking materials out a car window nor drop on the ground.
- ✓ Fireworks are prohibited in Boulder County.
- ✓ Never park on dry grass. The hot undercarriage of a car can ignite tall or dry grass.

READY - Prevention

- ✓ If you are out for the day, make sure to close all windows and doors; this will help protect the house from embers and smoke in case a fire prevents you getting back.
- ✓ Use of charcoal grills and all outdoor fires are prohibited.
- ✓ Use of gas grills and propane fire tables is permitted on hard surfaces.
- ✓ Dispose of all ashes from wood stoves in metal containers. Set those containers on noncombustible surfaces only (i.e. on the ground and not on the wood deck).
- ✓ A fire extinguisher is located _____

SET - Preparation:

- ✓ Put a copy of the evacuation route map (provided) in your car(s) for the duration of your stay.
- ✓ Designate a location nearby (Boulder, Lyons, Estes Park) where your group can re-connect. You may be separated by the need to evacuate your rental at short notice and cell phones service is unreliable in the mountains.

GO- Evacuation:

- ✓ If you suspect you are in danger, do not wait for an evacuation order, leave immediately.
- ✓ Close all windows and doors.
- ✓ Know your evacuation route ahead of time.

During an emergency situation, information can be found at www.boulderoem.com

You are at the following address: _____

Information provided by the Boulder County Community Planning & Permitting Department
303-441-3930
planner@bouldercounty.org
www.bouldercounty.org



Wildlife Safety for Short-Term Rentals in Boulder County

License No. _____

Leave the wildlife wild and alive

You probably came partly to see some wildlife, and Boulder County is home to a great diversity of species including black bear, elk, deer, moose, mountain lion, marmot (like a groundhog), and bighorn sheep. It can be exciting to view these creatures, but it is important to do so at a safe distance. Most harmful encounters with wildlife occur because people fail to leave animals alone. Do not feed or approach wildlife and take care not to leave any food or scraps outdoors (including for pets).

Avoid conflicts between pets and wildlife

Many species of wildlife in the Rocky Mountains do not get along with household pets and can become aggressive if threatened. For the safety of your pets, and wildlife, keep pets on a leash or otherwise under your control at all times.

Never feed a bear, even unintentionally

Bears have an excellent sense of smell and a great memory, so inadvertently allowing one to eat your trash can be a death sentence for the bear. To avoid this, secure your trash and ONLY put trash out the morning of pickup. Keep grills clean, feed pets indoors, and only feed birds during winter.

Stay away from moose

Moose are great to watch from afar, but up-close moose are potentially the most dangerous of any species. Always keep your distance and NEVER let dogs bark at or chase moose! Moose may charge and attack aggressively if you or your dog get too close. If a moose charges, run and get behind a tree or something large.



Mountain lions live here, too

Mountain lions (cougars) share the landscape with us and typically stay away from people. To avoid conflict, keep pets on a leash and supervise children. Be extra cautious at dusk and dawn.

If you see a lion, stand your ground and do not run away. If it approaches, talk firmly, wave your arms and back away slowly. In the extremely rare case of an attack, fight back aggressively and don't stop until you drive the lion away! Feeding deer and other wildlife is illegal and can attract lions and other predators.

For non-life-threatening emergencies, please contact the Local Manager:

Name: _____

Phone: _____

Email: _____

Information provided by the Boulder County Community Planning & Permitting Department
303-441-3930
planner@bouldercounty.org
www.bouldercounty.org



Onsite Wastewater Treatment System (“Septic”) Safety for Short-Term Rentals in Boulder County

License No. _____

General Information

Onsite Wastewater Treatment System (OWTS) is a broad term referring to any system for the collection, storage, treatment, neutralization, or stabilization of sewage and wastewater that occurs on the property. A septic system is a type of OWTS, consisting of a septic tank that collects all the sewage and a leach field for final treatment by the soil.

OWTS are used to treat and dispose of relatively small volumes of wastewater, usually from houses that are not a part of or connected to a sewage treatment works.

What not to flush:

- Diapers
- Paper towels
- Feminine hygiene products
- “Flushable” wipes

What not to put down the drain:

- Cooking oil, grease, and other fats
- Cigarette butts
- Coffee grounds
- Meats and other food waste (garbage disposals should be used sparingly)
- Excessive amounts of drain solvents or other household chemicals

Keep vehicles and other heavy equipment away from the absorption field.

If strong sewage odors or backups occur, contact your host or local manager immediately. You may also alert Boulder County Public Health at 303-441-1564.

Please visit the Boulder County Public Health website for more information: www.SepticSmart.org

For non-life-threatening emergencies, please contact the Local Manager:

Name: _____

Phone: _____

Email: _____

Information provided by the Boulder County Community Planning & Permitting Department
 303-441-3930
planner@bouldercounty.org
www.bouldercounty.org



Re: [EXTERNAL] Neighbors

Emily Jacobs <emilyjacobs5151@gmail.com>

Fri 3/25/2022 11:14 AM

To: Brighton, Ian <ibrighton@bouldercounty.org>; Kellen Jacobs <kellenjacobs@gmail.com>

It's been a joy to speak with those who share the mountain with us at the Hideaway. Many have reached out to us, and we've reached out to a few as well just making sure if they have concerns they have the platform to speak with us.

We've spoken of things such as quiet hours, septic issues, the number of nights we proposed, snow removal, property lines, bears, fire etc...it's been great to have open conversations and respectful from all angles as well.

We will be lowering the number of nights we apply for to 150. When we originally proposed the higher number, we were figuring in our own use into this as we felt our 1st Bo co representative encouraged us to do. Our neighbors were concerned that we would never be there and only use it for strangers. They were relieved to hear we plan to be there monthly or more often when our schedule allows, that we have a wonderful property manager who they now can contact (as they each now have the contact info), and that we more than anything love and want to cherish the mountains and the area for our family and the next generations to come...we are not just throwing up a motel for people who don't share the same feeling. They were also grateful that we would put in policies for quiet hours, septic, and make guests aware of bears, snow fall, what septic items are allowed (with a paper provided from Bo co health) and how we've already opened up respectful lines of communication with them.

The overall theme of each of these talks by the end was that they were thankful we were going through the steps to get licensed and welcomed us and our rental ideas (which the past owner used this as a VRBO for many years without license or mutual respect in many many cases) to the mountain side and would help in any way they could. They were appreciative of our proactive steps with snow removal and parking our 1st winter up there and our preventative measures with our roof and fire prevention our 1st summer and fall. They understand that we will, with the help of our manager if needed, act quickly if issues arise, but with the policies put in place, don't feel there will be a problem. The education we gained, mutual respect exhibited, and communication lines that were opened during this process were beyond wonderful.

I hope this is helpful and informative Ian. Thanks for asking.

On Fri, Mar 25, 2022, 11:57 AM Brighton, Ian <ibrighton@bouldercounty.org> wrote:

That's great Emily that you've been reaching out to the community. Can you send me a brief revised proposal with the lower number of days? I can also use this email as a revised narrative, but it'll be more straightforward to have a short paragraph from you explaining the change.

Ian

From: Emily Jacobs <emilyjacobs5151@gmail.com>

Sent: Friday, March 25, 2022 10:51 AM

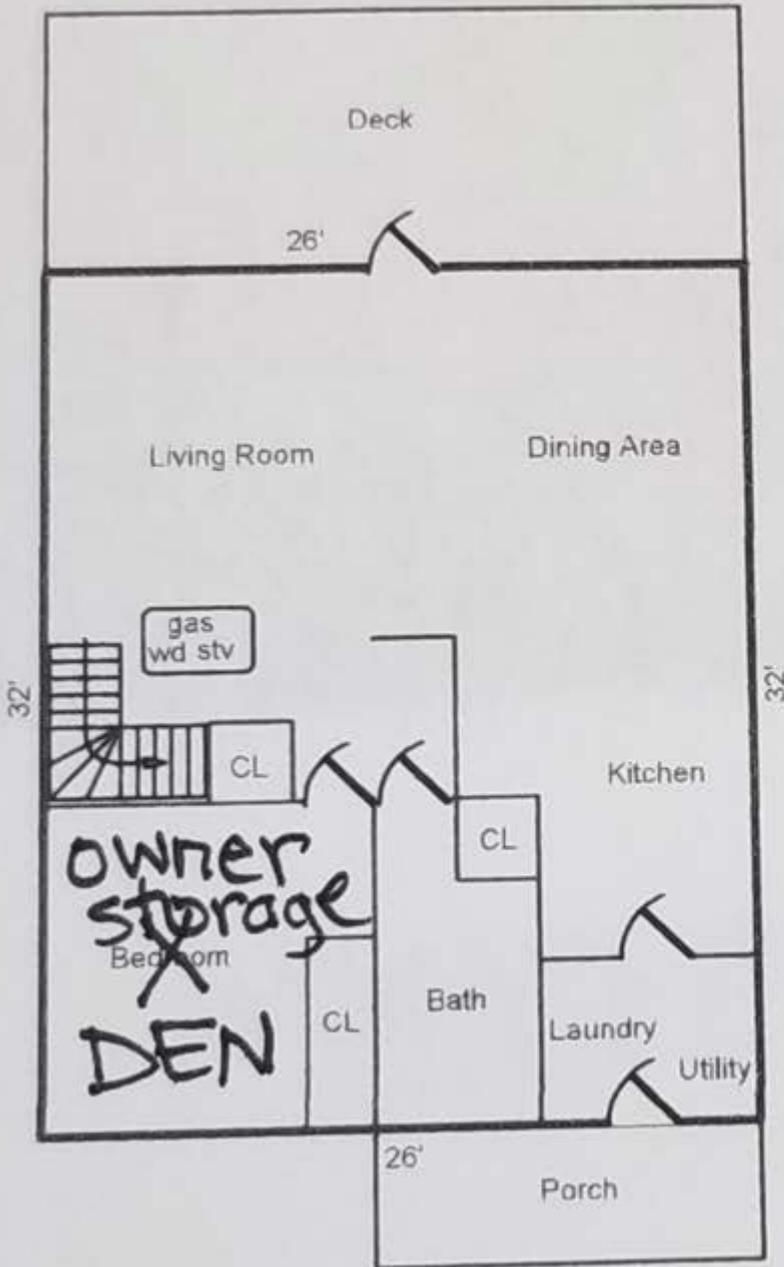
To: Brighton, Ian <ibrighton@bouldercounty.org>

Subject: Re: [EXTERNAL] Neighbors

Hi Ian

Thanks for the update! I'll look forward to hearing after the 30th.

First Floor
832.0 sf



Second Level
416.0 sf

