

RESOLUTION 2022-072

A resolution conditionally approving Boulder County Community Planning & Permitting Docket LU-22-0016: McLennan Vacation Rental

Recitals

A. Eric and Vanessa McLennan (the “Applicants”), applied to Boulder County for Limited Impact Special Use Review under Articles 4-601 and 4-507 of the Boulder County Land Use Code (the “Code”) for a Vacation Rental for up to six guests on an approximately 6-acre parcel.

B. The subject property is located at 220 Spruce Drive, approximately one-half mile northeast of the intersection of State Highway 7 (S. St Vrain Drive) and Cedar Drive, in Section 35, Township 3 North, Range 72 W, in a Forestry zoning district in unincorporated Boulder County (the “Property”). The Property is immediately east of the Walz Subdivision (approved by the Boulder County Board of Commissioners in 1959), but is not in the subdivision.

C. The Property is currently developed with an 1,834-square-foot residence and a 200-square-foot carport.

D. The Applicants are the owners and have applied to use the property as a Vacation Rental. The Applicants reside at the Property part of the time, but since they are proposing to rent the Property out for more than sixty days per year, the Property cannot qualify as a Secondary Dwelling Short Term Rental. The Applicants anticipate the Property will be rented out three out of every four weekends, usually Thursday or Friday through Sunday or Monday. The Applicants are not proposing any changes to the structure.

E. The Applicants originally proposed a maximum of seven guests. However, once it was determined that the on-site waste treatment system (“OWTS”) was only rated for six occupants, including children, the Applicants amended their application to set the maximum number of guests, including children, to six.

F. The above-described request was processed and reviewed as Boulder County Community Planning & Permitting Docket LU-22-0016 (the “Docket”), as further described in the memorandum and written recommendation to the Board of County Commissioners (the “Board”) by Boulder County Community Planning & Permitting Department planning staff dated September 22, 2022, together with its attachments (the “Staff Recommendation”). The Staff Recommendation found that the Docket could meet the criteria for approval with recommended conditions, and therefore, recommended that the Board conditionally approve the Docket.

G. At an online public hearing on the Docket held on September 22, 2022 (the “Public

Hearing”), as further reflected in the official record of the Public Hearing, the Board considered the Staff Recommendation, as well as documents and testimony presented by County Community Planning & Permitting Department planning staff. The Board also heard testimony from Applicant Eric McLennan. Three members of the public spoke at the Public Hearing.

H. Based on the Public Hearing, the Board finds that the Docket meets the criteria for Limited Impact Special Use approval for a Vacation Rental as set forth in Articles 4-601 and 4-507 of the Code, subject to the conditions stated below.

I. Therefore, the Docket can be approved, subject to the conditions stated below.

Therefore, the Board resolves:

Docket LU-22-0016 is approved on the basis and terms set forth in this Resolution, above, and subject to the following conditions:

1. The Applicants shall maintain a valid Boulder County Vacation Rental License while the Vacation Rental is in operation.
2. The Property may not be marketed or used for weddings, receptions, or similar private or public events.
3. The Vacation Rental is limited to a maximum occupancy of six individuals, including children, per rental period.
4. The Applicants must provide four parking spaces, one for each sleeping room and one for the property manager.
5. The Applicants shall submit a revised parking map with the application materials for the Vacation Rental License that shows an emergency access turnaround that complies with Standard Drawings 18 and 19 of the Boulder County Multimodal Transportation Standards and shows the required four parking spaces outside the designated turnaround area.
6. Prior to commencement of the Vacation Rental, the Applicants shall install a "No Parking" sign at the emergency turnaround on their driveway and inform their guests that this area must remain clear for emergency access purposes.
7. The Applicants shall mark the area on or over OWTS components and inform renters to stay off to ensure renters do not park on OWTS components.
8. Prior to commencement of the Vacation Rental, the residence must be inspected by Boulder County Building & Inspection Services to ensure compliance with Boulder County

Licensing Ordinance No. 2020-01 for proper installation of all safety features including but not limited to smoke detectors, carbon monoxide detectors, fire extinguishers, stairs, stair handrails, guardrails, egress windows or doors, door hardware and locks, as well as safe electrical, mechanical and plumbing installations.

9. The Applicants shall obtain a Wildfire Partners certificate to mitigate the property against wildfire, per the terms of Section 5.A.3.b of the Boulder County Licensing Ordinance No. 2020-01 adopted on 02/08/2021.

10. As renters will most likely be unfamiliar with the risks associated with wildfire and local evacuation processes, the Applicants must display wildfire prevention and evacuation information within the rental property, per Section 6.2.iii-iv of the Boulder County Licensing Ordinance No. 2020-01.

11. Outdoor fires are prohibited per Section 6.3 of the Boulder County Licensing Ordinance No. 2020-01.

12. The Applicants shall be subject to the terms, conditions, and commitments of record and in the file for Docket LU-22-0016: McLennan Vacation Rental.

[Signature Page to Follow]

A motion to approve the Docket was made by Commissioner Matt Jones, seconded by Commissioner Claire Levy, and passed by a 2-0 vote. Commissioner Marta Loachamin was excused.

ADOPTED as a final decision of the Board on this _____ day of October 2022.

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

Excused September 22, 2022
Marta Loachamin, Chair

Claire Levy, Vice Chair

Matt Jones, Commissioner

ATTEST:

Clerk to the Board