

RESOLUTION 2022-083

A resolution conditionally approving Boulder County Community Planning & Permitting Docket SU-22-0005: Drogsvold Vacation Rental

Recitals

A. Bruce and Susanna Drogsvold (the “Applicants”) requested Special Review approval under Article 4-601 of the Boulder County Land Use Code (the “Code”), and Site-Specific Development Plan approval for a Vacation Rental of 244 nights per year for up to four guests with a minimum two-night rental on a 2.83-acre parcel.

B. The subject property is located at 46877 Peak to Peak Highway, located approximately 1,820 feet north of its intersection with County Road 103, in Section 29, Township 2 North, Range 72 West, in a Forestry zoning district of unincorporated Boulder County (the “Property”).

C. On December 3, 2020, the Board of County Commissioners (the “Board”) 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 to license Short-Term and Vacation Rentals within the unincorporated County. Under the newly adopted Code, 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.

D. The Applicants proposed to use the Property as a Vacation Rental offering transient lodging accommodations to one booking party of up to four guests at a time, for approximately 244 nights per year. As the Property is not the Applicants’ Primary Residence and the Applicants expect to rent the Property in excess of 60 nights 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 since the Property is located within the Forestry zoning district and is less than five acres.

E. The Property contains an existing 1,894-square-foot residence and is accessed via State Highway 72 (“SH 72”), also known as Peak-to-Peak Highway, a Colorado Department of Transportation (“CDOT”) owned and maintained right-of-way (“ROW”). Legal access has been demonstrated via adjacency to this public ROW.

F. The Boulder County Comprehensive Plan identifies several important resources associated with the Property, including Archeologically Sensitive Travel Routes, Wildlife Migration Corridors, Riparian Areas, Wetlands Riparian Habitat Connectors, and the Peak-to-

Peak scenic corridor. There is a View Protection Score of 5 assigned to SH 72 in the area of the Property.

G. The Boulder County Planning Commission (the “Planning Commission”) considered the application at an online public hearing on August 17, 2022. The Planning Commission unanimously recommended approval subject to the conditions of approval listed in the staff recommendation and certified the docket for action to the Board.

H. The above-described request was processed and reviewed as Boulder County Community Planning & Permitting Docket SU-22-0005 (the “Docket”), as further described in the memorandum and written recommendation to the Board by Boulder County Community Planning & Permitting Department planning staff dated October 13, 2022, together with its attachments (the “Staff Recommendation”). The Staff Recommendation found that the Docket could meet the criteria for approval, and therefore, recommended that the Board conditionally approve the Docket.

I. At an online public hearing on the Docket held on October 13, 2022 (the “Public Hearing”), as further reflected in the official record of the Public Hearing, the Board considered the Staff Recommendation as well as the documents and testimony presented by Community Planning & Permitting Department staff and Applicant Bruce Drogsvold. One member of the public spoke at the Public Hearing.

J. Based on the Public Hearing, the Board finds that the Docket meets the criteria for special use approval, as set forth in Article 4-601 of the Code, subject to the conditions stated below.

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

Therefore, the Board resolves:

Docket SU-22-0005 is approved on the basis and terms set forth in this Resolution, above, and subject to the following conditions:

1. The Applicants shall provide a Development Agreement to the Community Planning & Permitting Department for review and approval prior to the issuance of a license or permits and prior to the recordation of said agreement within one year of approval.

2. The Applicants shall maintain a valid Boulder County Vacation Rental License while the Vacation Rental is in operation.

3. The Property may not be marketed or used for weddings, receptions, or similar private or public events.
4. The Vacation Rental is approved for rental for up to 244 nights per year.
5. The Vacation Rental must be rented for a minimum of two nights per rental period.
6. The Vacation Rental is limited to a maximum occupancy of four individuals, including children.
7. The approved number of sleeping rooms is two. All additional rooms are not to be used as sleeping rooms.
8. All guests must park on-site.
9. Wildfire prevention and evacuation information must be displayed for guests.
10. All outdoor fires are prohibited.
11. The Applicants shall maintain a valid Wildfire Partners Certificate.
12. Prior to issuance of the rental license, Access & Engineering staff shall inspect the access for the required improvements described in section (7) of the Staff Recommendation.
13. Prior to issuance of the Vacation rental license, the Applicants must submit a copy of a CDOT Access Permit for the existing point of access to the Peak-to-Peak Highway.
14. The Applicants shall be subject to the terms, conditions, and commitments of record and in the file for Docket SU-22-0005: Drogsvold Vacation Rental.

[Signature Page to Follow]

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

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

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

Marta Loachamin, Chair

Claire Levy, Vice Chair

Excused October 13, 2022

Matt Jones, Commissioner

ATTEST:

Clerk to the Board