



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**

August 17, 2022 at 1:30 p.m.
Hearing to be Held Virtually due to COVID-19

STAFF RECOMMENDATION

STAFF PLANNER: Ian Brighton

Docket SU-22-0005: Drogsvold Vacation Rental

Proposal: Special Review request for a Vacation Rental of 244 nights for up to 4 guests with a minimum stay of 2 nights on a 2.83 acre parcel.
Location: 46877 Peak to Peak Highway, located approximately 1,820 feet north of the intersection of County Road 103 and State Highway 72 on Section 29, Township 2N, Range 72W.
Zoning: Forestry (F) Zoning District
Owners/Applicants: Bruce and Susanna Drogsvold

PACKET CONTENTS

Item	Pages
Staff Recommendation	1 – 9
Application Materials (Attachment A)	A1 – A21
Referral Responses and Public Comment (Attachment B)	B1 – B14
Ordinance No. 2020-01 and Required Guest Information (Attachment C)	C1 – C13

SUMMARY

The applicants request Special Review approval for a Vacation Rental of 244 nights per year for up to four guests with a minimum 2-night rental period on an approximately 2.83-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.



Figure 1: Aerial of the Subject Property

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 244 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.

The subject property includes an existing 1,894 square foot residence. The property 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.

The Boulder County Comprehensive Plan identifies several important resources associated with the subject 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 (this view protection score is discussed under review standard three below). A Comprehensive Plan map showing these identified resources is shown in Figure 2.

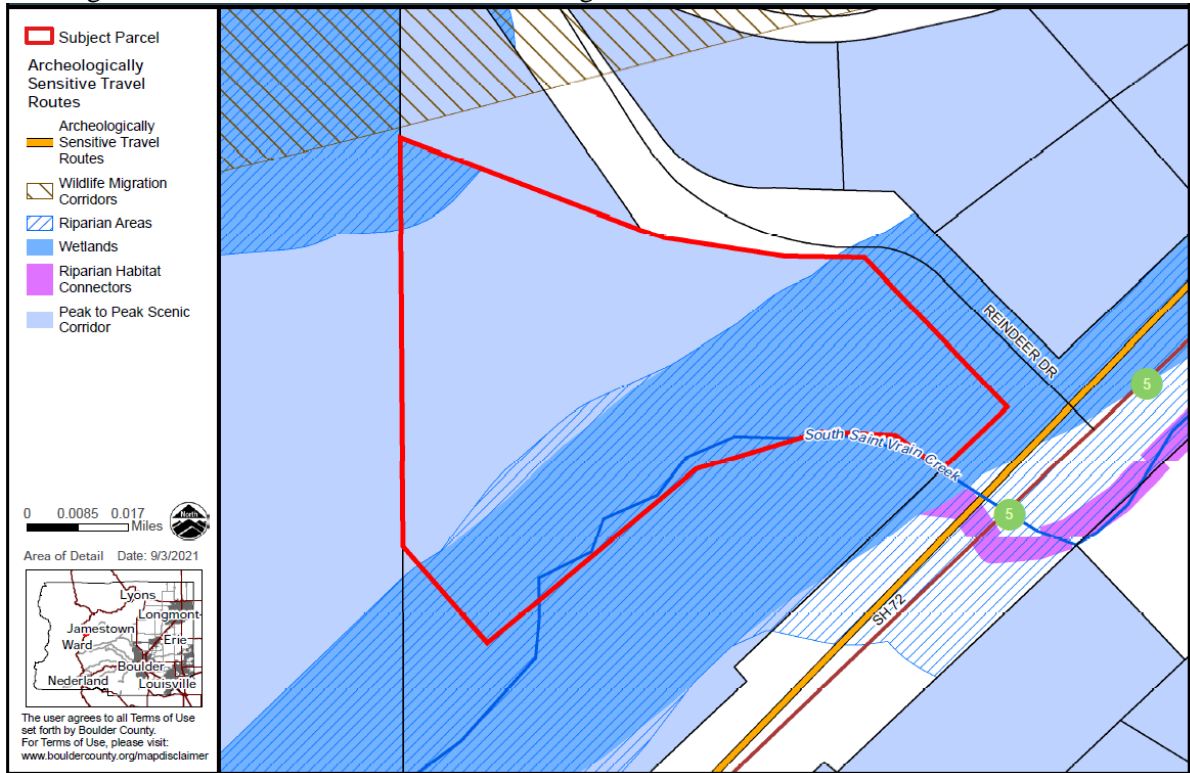


Figure 2: Comprehensive Plan map

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 sleeping rooms, an emergency pullout is required due to the length of the driveway exceeding 500 linear feet, an emergency turnaround is required, drainage issues exist and must be addressed, access must be inspected by DRT-A&E Staff CDOT, and an Access Permit must be obtained prior to issuance of a rental license.

County Public Health Department (BCPH): This department reviewed the proposal and responded that the existing on-site wastewater treatment system (OWTS) is adequate for a 3-bedroom house. As a result, the owners are permitted to rent the home to a maximum of six people, including children. BCPH also advised that a commercial OWTS Use permit must be issued if the home is never occupied by the owners. In addition, Public Health recommended that the owner supply OWTS use guidelines to renters and mark OWTS component locations to prevent damage from vehicles.

County Building Safety & Inspection Services Team: This team reviewed the proposal and stated that a building permit, plan review and inspection is required to convert a room labeled “future sleeping room” to a bedroom. 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.

Adjacent Property Owners: Notices were sent to 75 adjacent property owners, and staff received one public comment in response. The comment opposed the proposed use, citing concerns with visitors who aren’t invested in the area and habitat as well as traffic impacts.

Agencies that responded with no conflict or no concerns:, Xcel Energy, County Parks & Open Space, and County Parks and Open Space Conservation Easement Division.

Agencies that did not respond: Allenspark Area Landowners, Allenspark Concerned Citizens, Greater Allenspark Alliance, James Creek Watershed Initiative, Left Hand Watershed Center, St.Vrain and Left Hand Water Conservancy, Jamestown Planning Department, Ward Planning Department, Boulder Valley and Longmont Conservancy, Colorado Parks and Wildlife Arapaho and Roosevelt National Forest, Indian Peaks Fire Department.

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;***

No construction is proposed as part of the Vacation rental request. Existing uses in the surrounding area primarily consist of year-round and seasonal residences, and the Allenspark/Jamestown/Ward 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.

Therefore, staff finds this criterion can be met.

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

The Comprehensive Plan indicates that State Highway (SH) 72 has an associated View Protection Score of 5 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 SH 72 because no physical changes to the property are proposed as part of the application. The Comprehensive plan also identifies the parcel as having Archeologically Sensitive Travel Routes, Wildlife Migration Corridors, Riparian Areas Wetlands Riparian Habitat Connectors and the Peak to Peak Scenic Corridor. Since no new construction is planned and the use of the vacation rental is comparable to the use of single-family residence, 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 Indian Peaks 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 six people, including children, which is the maximum number of guests that can be allowed to stay in the rental. Applicants have requested a maximum of four guests, which meets the capacity requirements of the OWTS.

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 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.

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 per sleeping room.

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, and cleaning staff comes on check out days, another 4 trips would be generated on

those days, for a total ADT of 14 on days guests arrive and leave. Overall, the 14 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.

Based on Article 4-507.E of the Code, a total of 3 parking spaces is required for this vacation rental- one for each sleeping room and one for the property manager. The parking map included in application materials shows the required minimum 3 on-site parking spaces.

The existing driveway length appears to be approximately 550 feet; therefore, an emergency pullout is required. There appears to be a space approximately 200 feet away from SH 72 where the driveway starts to curve that could accommodate an emergency pullout. At time of submittal of the rental license application, the applicant must submit driveway plans that show an emergency pullout that complies with Standard Drawings 17 and 19 (attached).

Because the residence is more than 150 feet from the highway, an emergency turnaround is required. There is an open area northwest of the residence where the driveway splits that appears large enough to be used as an informal turnaround, provided it can meet the distance and dimension requirements in Standard Drawings 18 and 19 and it remains available for use by emergency vehicles at all times (i.e. no parking or landscaping is allowed within the area designated for an emergency turnaround). Dimensions of the turnaround area and distance from the front and rear of the residence must be shown on plans submitted with the rental license application.

Staff performed a site visit on 7/29/2022 and noticed erosion along the center of the driveway caused by runoff. The applicant must improve drainage along the driveway so that water is directed outside the travel way. The low area of the driveway near the point of access to the highway must also be filled to avoid future flooding.

Prior to issuance of the rental license, Access & Engineering staff will inspect the access for the required improvements described above.

The applicant must submit a copy of a CDOT Access Permit for the existing point of access to the Peak-to-Peak Highway prior to issuance of the rental license.

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-22-0005 Drogsvold 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 maintain a valid Boulder County Vacation Rental License while the short-term rental is in operation.
3. The subject property may not be marketed or used for weddings, receptions, or similar private or public events.
4. The Vacation Rental is approved to be rented for up to 244 nights per year.
5. The Vacation Rental must be rented for a minimum of 2 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 a sleeping room.
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 must maintain a valid Wildfire Partners Certificate.
12. Prior to issuance of the rental license, Access & Engineering staff will inspect the access for the required improvements described in section (7).
13. Prior to issuance of the Vacation rental license, the applicant 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.



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: June 14, 2022
 RE: Docket SU-22-0005

Docket SU-22-0005: Drogsvold Short Term Rental

Request: Special Review request for a Vacation Rental of 244 days for up to 4 guests with a minimum stay of 2 nights on a 2.83 acre parcel.

Location: 46877 Peak to Peak Highway, located approximately 1,820 feet north of the intersection of County Road 103 and State Highway 72 on Section 29, Township 2N, Range 72W.

Zoning: Forestry (F) Zoning District

Applicants/Owners: Bruce & Susanna Drogsvold

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 ibrighon@bouldercounty.org.

Please return responses by **July 20, 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 _____

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.

<i>Shaded Areas for Staff Use Only</i>
Intake Stamp

Planning Application Form

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

Project Number		Project Name		
<input type="checkbox"/> Appeal <input type="checkbox"/> Correction Plat <input type="checkbox"/> Exemption Plat <input type="checkbox"/> Final Plat <input type="checkbox"/> Limited Impact Special Use <input type="checkbox"/> Limited Impact Special Use Waiver <input type="checkbox"/> Location and Extent		<input type="checkbox"/> Modification of Site Plan Review <input type="checkbox"/> Modification of Special Use <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Resubdivision (Replat) <input type="checkbox"/> Rezoning	<input type="checkbox"/> Road Name Change <input type="checkbox"/> Road/Easement Vacation <input type="checkbox"/> Site Plan Review <input type="checkbox"/> Site Plan Review Waiver <input type="checkbox"/> Sketch Plan <input checked="" type="checkbox"/> Special Use/SSDP	<input type="checkbox"/> Special Use (Oil & Gas development) <input type="checkbox"/> State Interest Review (1041) <input type="checkbox"/> Subdivision Exemption <input type="checkbox"/> Variance <input type="checkbox"/> Other:
Location(s)/Street Address(es) <i>46877 Peak to Peak Hwy</i>				
<i>Ward Co 80481</i>				
Subdivision Name <i>N/A - Ward Area</i>				
Lot(s) <i>N/A</i>	Block(s) <i>N/A</i>	Section(s) <i>2N</i>	Township(s) <i>72</i>	Range(s) <i>29</i>
Area in Acres <i>2</i>	Existing Zoning <i>Forestry</i>	Existing Use of Property <i>Single Family Residence</i>	Number of Proposed Lots <i>1</i>	
Proposed Water Supply <i>Existing Well</i>		Proposed Sewage Disposal Method <i>Septic System</i>		

Applicants:

Applicant/Property Owner <i>Bruce + Susanna Dragsvold</i>		Email <i>bruced@wkve.com</i>		
Mailing Address <i>1527 5th St Boulder Co 80302</i>				
City <i>Boulder</i>	State <i>Co</i>	Zip Code <i>80302</i>	Phone <i>303-579-1627</i>	
Applicant/Property Owner/Agent/Consultant <i>Bruce Dragsvold</i>		Email <i>bruced@wkve.com</i>		
Mailing Address <i>1527 5th St</i>				
City <i>Boulder</i>	State <i>Co</i>	Zip Code <i>80302</i>	Phone <i>303-579-1627</i>	
Agent/Consultant <i>SAME AS ABOVE !!!</i>		Email <i>Bruce@wkve.com</i>		
Mailing Address <i>1527 5th St</i>				
City <i>Bldv</i>	State <i>Co</i>	Zip Code <i>80302</i>	Phone <i>303-579-1627</i>	

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 <i>Bruce Dragsvold</i>	Date <i>May 25, 2012</i>
Signature of Property Owner	Printed Name	Date

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






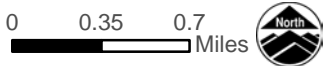
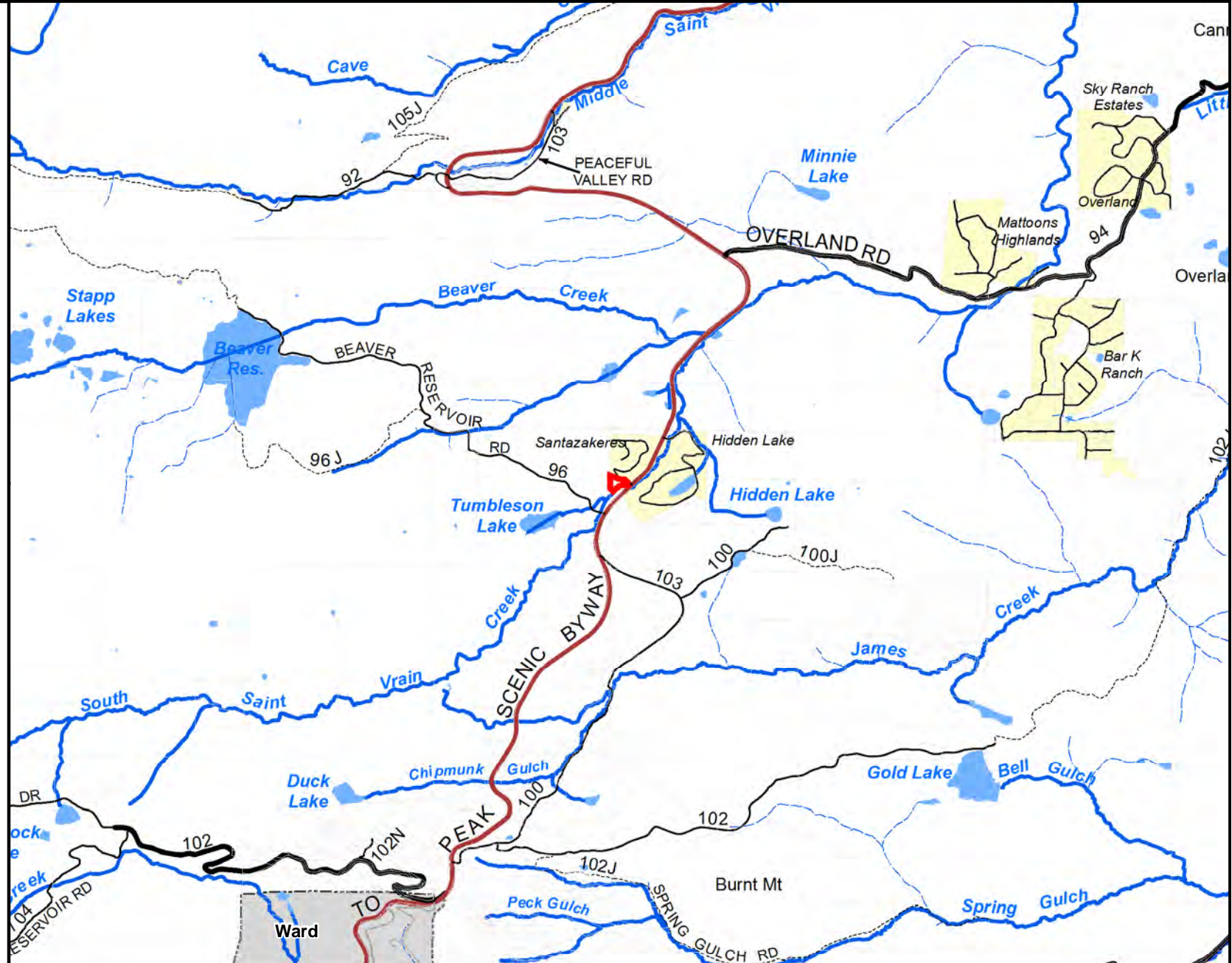
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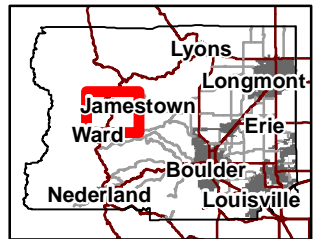
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46877 PEAK TO PEAK

-  Subject Parcel
-  Municipalities
- Subdivisions**
-  Subdivisions



Area of Detail Date: 9/3/2021



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



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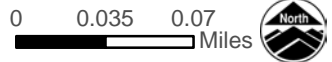
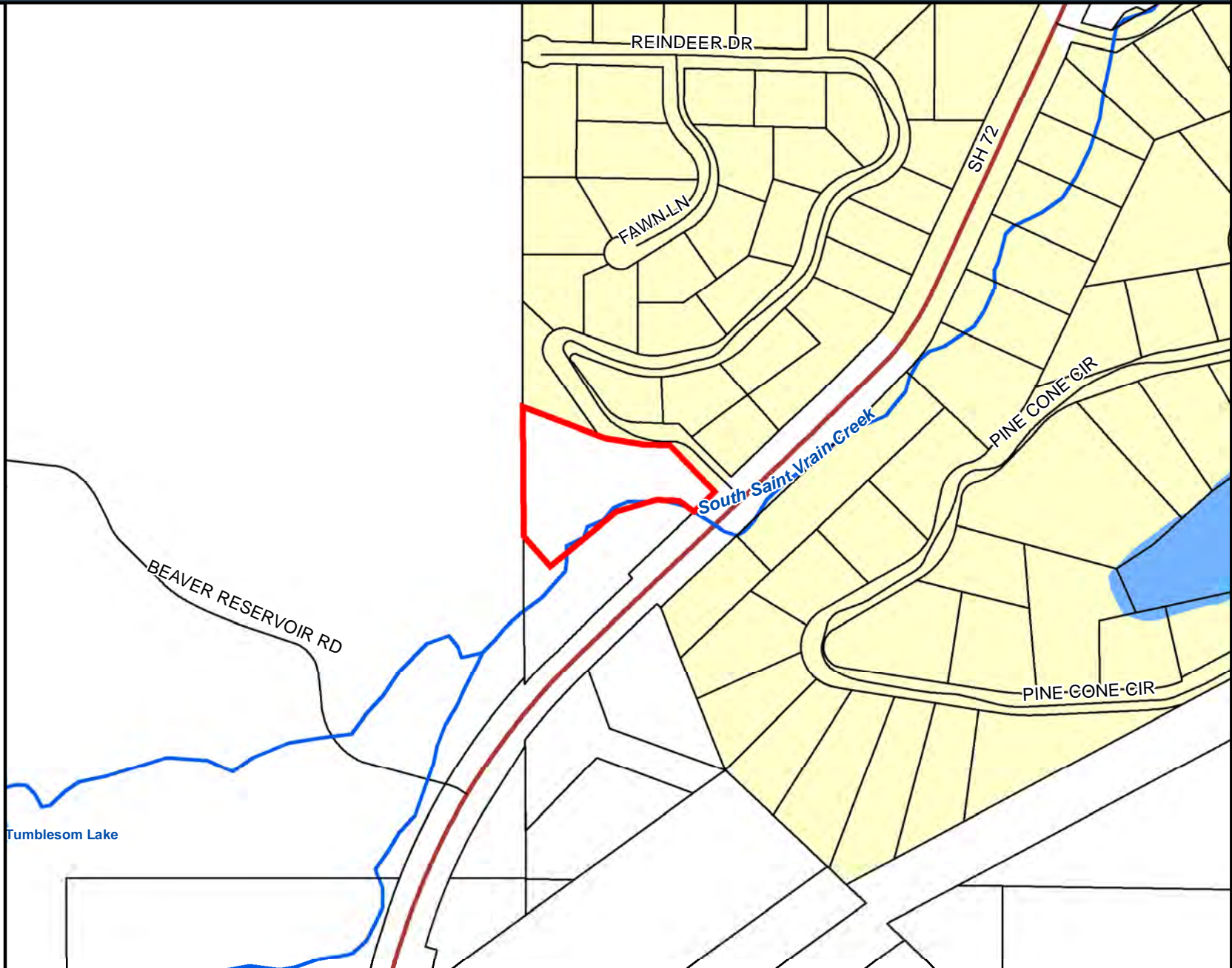
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46877 PEAK TO PEAK

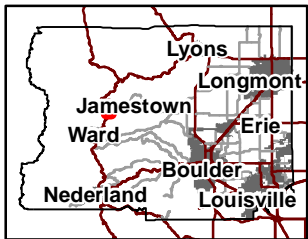
Subject Parcel

Subdivisions

Subdivisions



Area of Detail Date: 9/3/2021



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Aerial

46877 PEAK TO PEAK

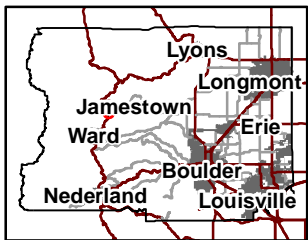
 Subject Parcel



0 0.0085 0.017 Miles



Area of Detail Date: 9/3/2021



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Aerial

46877 PEAK TO PEAK

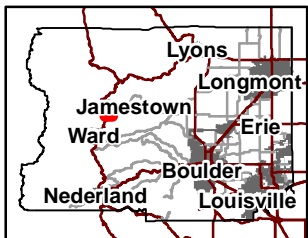
 Subject Parcel



0 0.05 0.1 Miles



Area of Detail Date: 9/3/2021



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Comprehensive Plan

46877 PEAK TO PEAK

Subject Parcel

Archeologically Sensitive Travel Routes

Archeologically Sensitive Travel Routes

Wildlife Migration Corridors

Riparian Areas

Wetlands

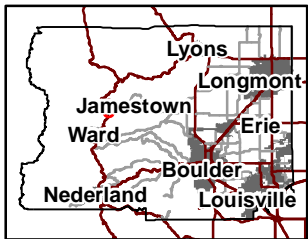
Riparian Habitat Connectors

Peak to Peak Scenic Corridor

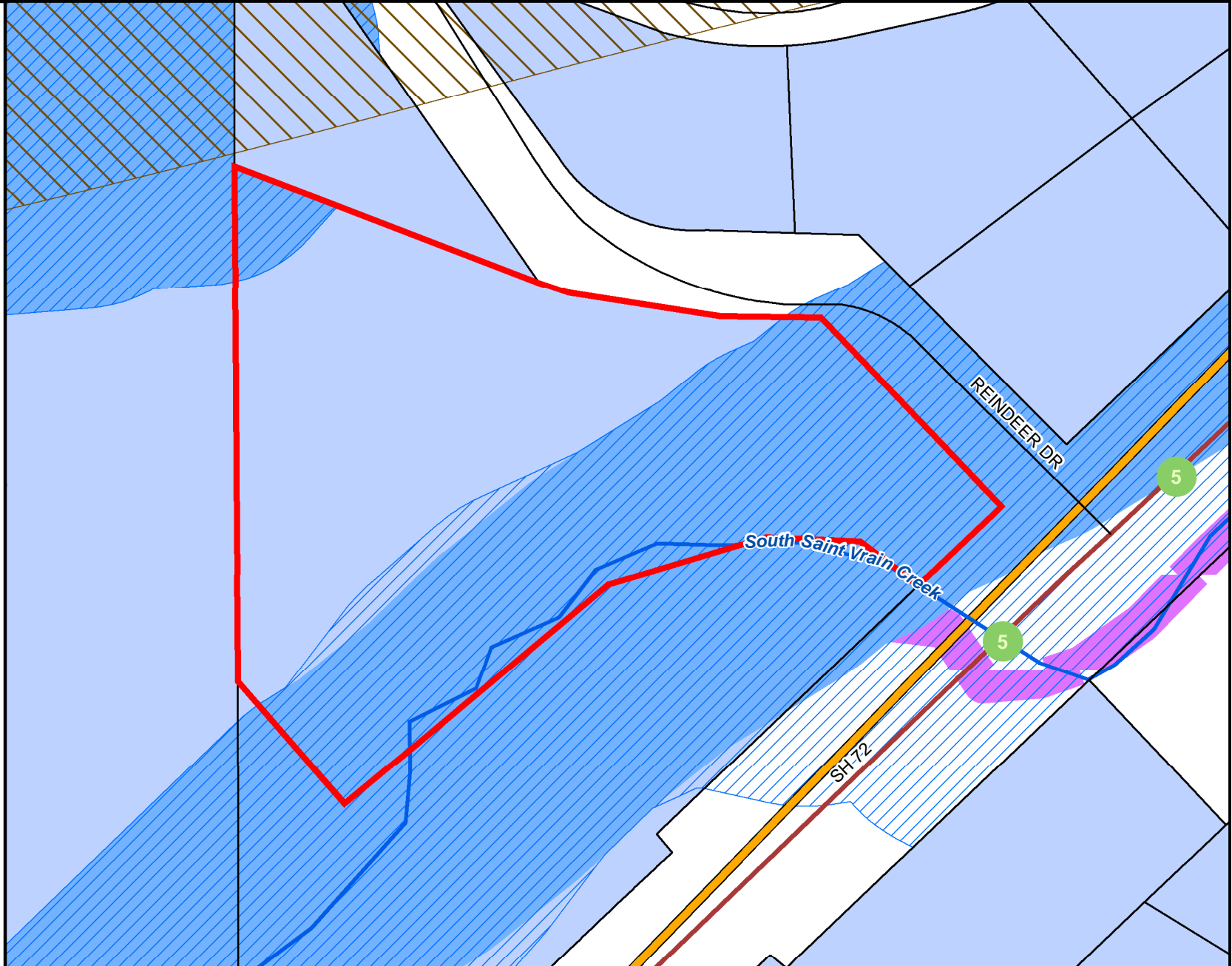
0 0.0085 0.017 Miles



Area of Detail Date: 9/3/2021



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Zoning

46877 PEAK TO PEAK

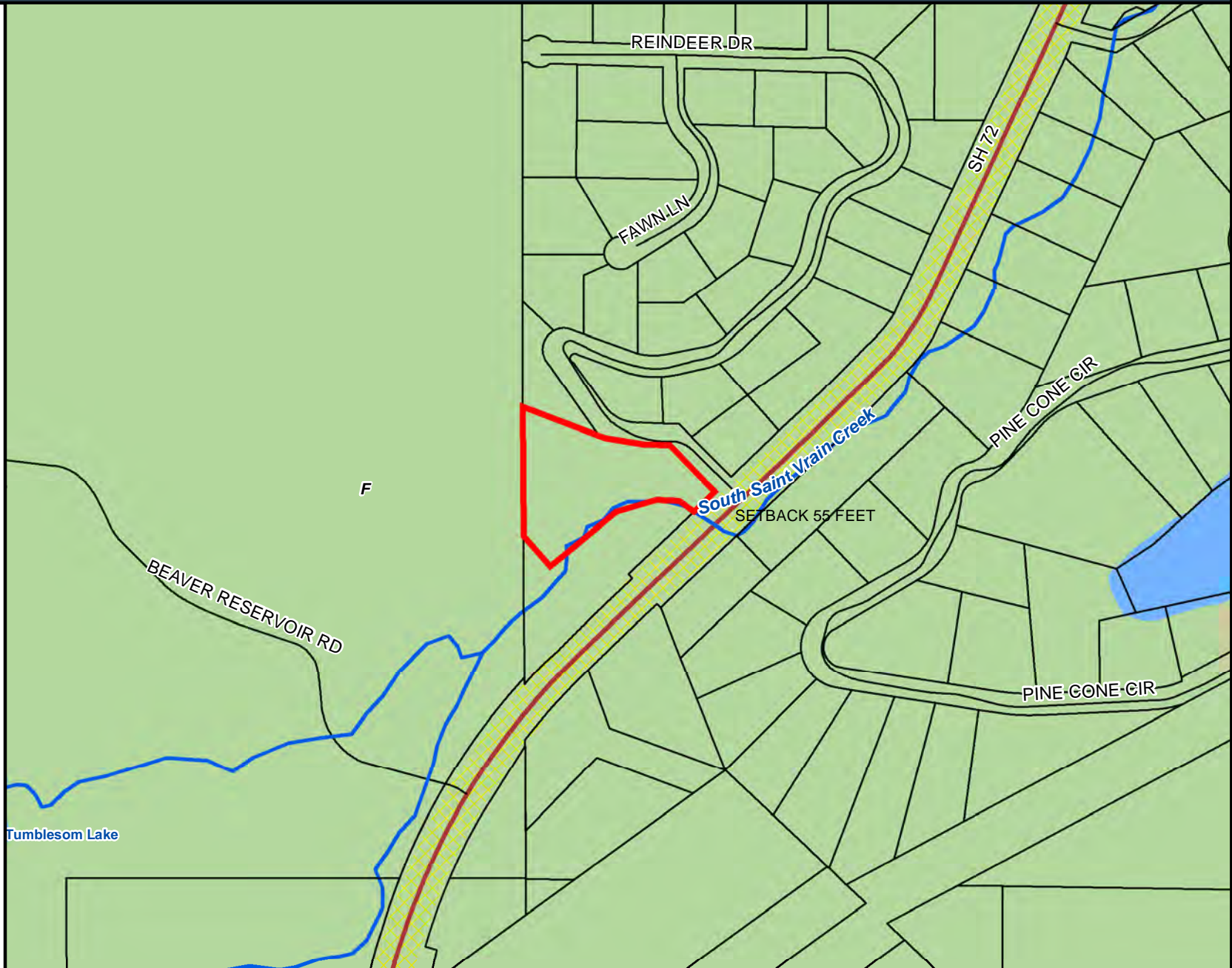
Subject Parcel

**Major Road
Setbacks**

55 feet

Zoning Districts

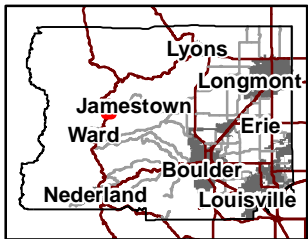
Forestry



0 0.035 0.07 Miles



Area of Detail Date: 9/3/2021



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Public Lands & CEs

46877 PEAK TO PEAK

Subject Parcel

Boulder County Open Space

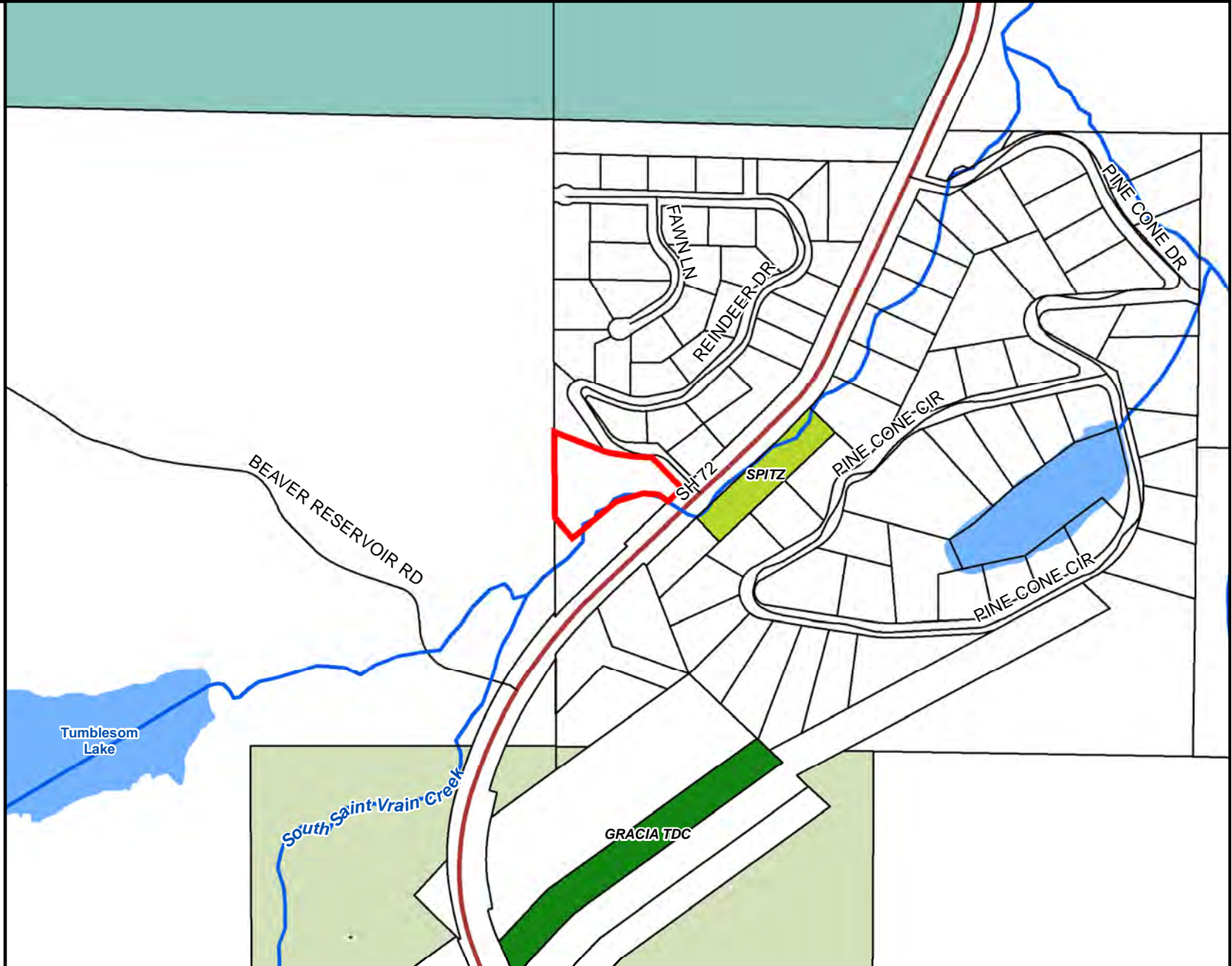
County Open Space

County Conservation Easement

Federal Lands

USFS Land

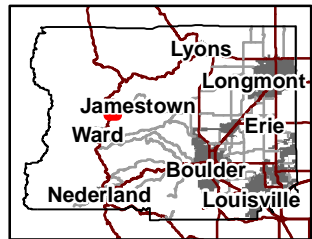
Private Conservation Easements



0 0.05 0.1 Miles



Area of Detail Date: 9/3/2021



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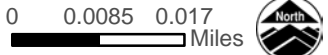
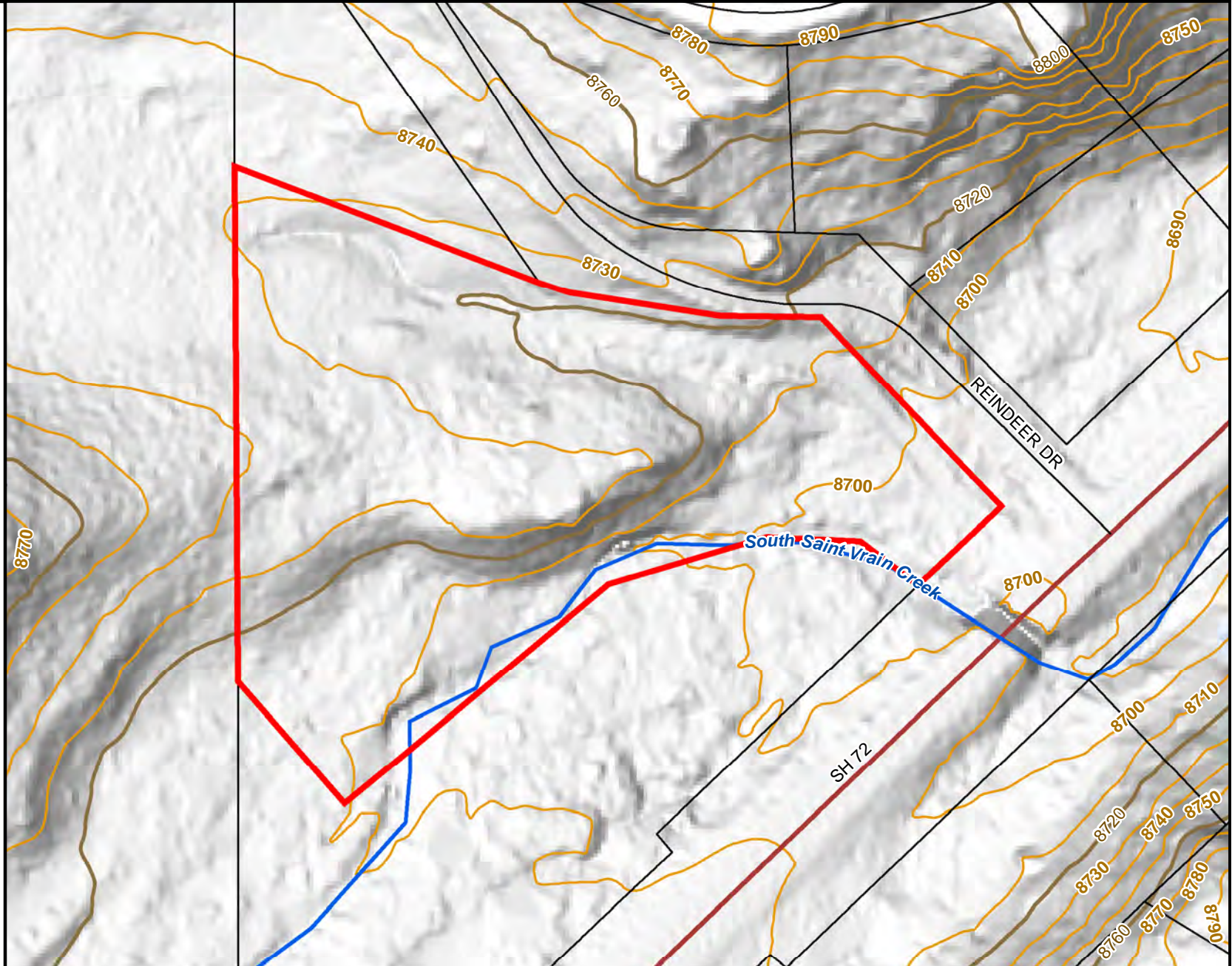
Community Planning & Permitting

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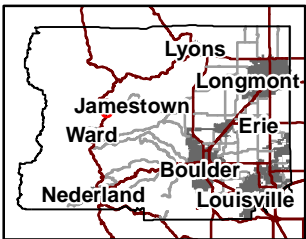
Elevation Contours

46877 PEAK TO PEAK

-  Subject Parcel
-  Contours 40'
-  Contours 10'



Area of Detail Date: 9/3/2021



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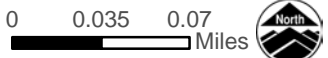
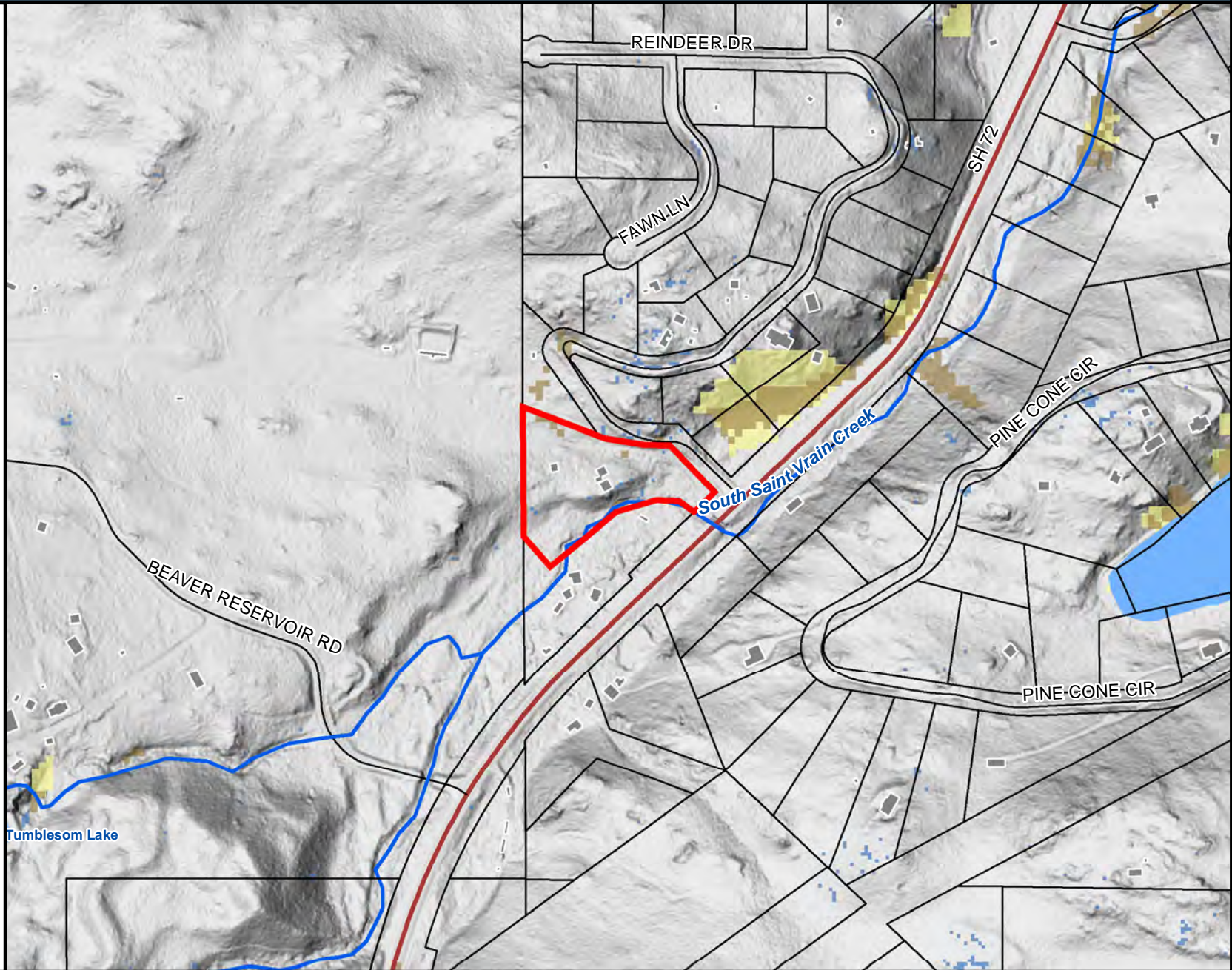
Community Planning & Permitting

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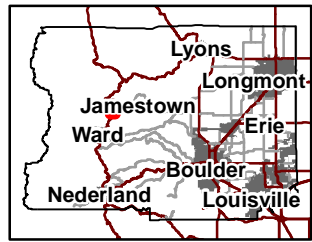
Geologic Hazards

46877 PEAK TO PEAK

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



Area of Detail Date: 9/3/2021



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Floodplain

46877 PEAK TO PEAK

Subject Parcel

Floodplain

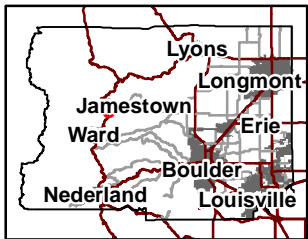
Floodway

500-Year Floodplain
- Zone X500

0 0.0085 0.017 Miles



Area of Detail Date: 9/3/2021



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Narrative for Boulder County review process for STR licensing

We have owned this property for over 30 years. It is an old homestead rock home on a cliff above the South St Vrain River. It was part of the 160 acre homestead owned by Stapp family members in the early 1900's.

Joe Stapp and Grace Buckley Stapp built this sturdy rock home, (public records say 1937, but our sense of historical record indicates they may have built it in the early 1920's after World War I)

There have been four owners in the last 100 years between the Stapp days and when we purchased it in 1992. It is special, it is private, there are few neighbors, and we have much pride of ownership.

We are Wildfire Partners Certified, Septic Smart Certified, we used the Energy Smart program with their special price incentives to make approximately \$20,000 worth of energy efficient upgrades, including foam sealing the crawl space, installing aluminum clad double pane exterior windows.

The domestic well gets a full water quality analysis every two years. (It's never had a water quality problem, even after the 2013 flood). The property is not in the mineral belt, and there was never any mining anywhere close to this property.

There are three heat sources: propane heat, electric heat and wood heat. Redundant systems are important in the mountains. All of our systems get regular inspections. We believe in regular maintenance, safety, energy efficiency, and quality of life on the property.

For 25 years we did long term rentals. Five years ago, we switched to AirBnB which worked much better for us. We can now access the property between guests and take care of it. The Guests respect the property. We get to make it better every year. Before, with long term residents we did not have access and tenants did not respect the place nearly as much as short term guests. After a long term tenant would leave, we'd be stuck with a lot of work getting it back into a good living space. After the snow was gone, we'd find neglect, trash, and often disregard to the sensitive quality of the nature. It was discouraging and unacceptable.

Now, we access the property between visits and keep it in good shape all the time.

Because Boulder County now requires a Short Term Rental license, we welcome the opportunity to move forward with getting one. It is the appropriate way to help this beautiful property be taken care of in the proper way.

We do not allow ATV's, or guns, or parties, on the property. No tree cutting without our permission. We seek out wildlife sensitive guests that love and respect the natural world.

Although we have a three-bedroom septic system we restrict the number of guests to four people. We also have a minimum stay of five days right now, but for the purposes of licensing we'd prefer to change that to two days.

We are available for communication, questions, and whatever else might be desired by the County.

Thank you for the opportunity.

Bruce Drogsvold

[EXTERNAL] RE: SU-22-0005 Short Term Rental Application - PAMS report

Bruce Drogsvold <bruced@wkre.com>

Sun 6/5/2022 1:44 PM

To: Brighton, Ian <ibrighton@bouldercounty.org>; Transportation Development Review <TransDevReview@bouldercounty.org>

Good afternoon,

This is my PAMS which I am submitting as part of my application process to obtain a Vacation Rental License for my property located at 46877 Peak to Peak Hwy, Ward Co, 80481.

After my zoom meeting last Friday with Ian Brighton, I rewrote my "Narrative" so please read that again. I have also taken my ILC (Improvement Location Certificate) and drawn in four parking spaces

Basic Information about the site:

1. 46877 Peak to Peak Highway
Ward Co. 80481
2. Vicinity Map – you already have that.
3. Information that might help you understand the vacation rental's potential impacts to the existing traffic patterns near the site and the surrounding transportation network? – We presently rent our property out from May 1 -Dec 31st and shut it down for the winter. We restrict the number of guests to no more than four people. The minimum length of stay is two nights. We almost always have two guests (and rarely 3 or 4 guests).
4. Guests reserve their stay for five days or more. We haven't had any guests stay for less than five days for years.
5. Guests almost always arrive in one vehicle.

Number And Types Of Trips That Will Be Generated By The Proposed Use?

1. We have a cleaning lady that comes and cleans the house after each guest leaves.
2. As of today, June 5th, we have a total of 8 reservations between today and the end of September with an average stay of 5.75 days per guest.
3. That means our cleaning lady will drive from Allenspark, where she lives, to our house 8 times (times two trips because she's coming and going to our property = 16 trips) between now and October 1st, as of right now.
4. We expect to get more reservations as summer arrives but hopefully this gives you a sense of her impacts (BTW, we hire friends and neighbors that live in the Ward/Allenspark area.)
5. I meet guests when they arrive so I can give them a ten minute orientation about fire danger, proper bear and moose protocols, rules of the household, cool trails, places to go, restaurants, grocery stores, festivals, and other things to check out in the area, etc.
6. So, that means according to our present total amount of reservations on our Airbnb calendar for the year I'll drive a minimum of 8 time to the property to meet guests (times two trips for coming and going to the property = 16 trips).
7. I also tell the guests to leave the trash inside and after they leave I will come and grab it so that is another 8 trips (times two =16 trips)
8. I do some maintenance, maybe, once a month, probably less than that, so add another four times for the summer for that or 12 times (time two equal 24 trips per year)
9. Guests usually start their visit with us by going to Brainard Lakes, RMNP, or some of the little mountain towns. They often finish by hanging around our property, which is very beautiful and relaxing. So add at

least one daily trip for them coming and going somewhere. Guests have reserved a total of 46 nights so far (times two trips for coming and going = 92 trips) between now and October 1st.

10. Total amount of trips for the year 164 trips. Let's say we double the amount of reservations for year...then that would equal 328 trips per year for this property. I would say, accounting for the possibility that we'll get more reservations, we're looking at somewhere between a minimum of 200 and a maximum of 350 vehicle trips per year.

1. No one will be living on the property full time.
2. We do not have deliveries to and/or from the property.
3. We will be operating from May 1- Dec.31st
4. The question is when will you be open? The answer is that we are not a business, we're a vacation rental, so we are open seven days a week 8 months of the year.
5. Will we have any employees? No we only use a cleaning lady that helps me clean our property as well as numerous other properties in the area. She is self-employed.
6. Travelers using bikes, busses, walking, carpool, etc? We have guests arrive in a car often with their bicycles . the can easily access fantastic biking trails directly from our front door. The property is between Ward and Allenspark on the west side of Peak to Peak Hwy, so there is no bus service, or walking to anywhere from the property. There is no need for car pooling either.

From: Brighton, Ian <ibrighton@bouldercounty.org>
Sent: Friday, June 3, 2022 10:13 AM
To: Bruce Drogsvold <bruced@wkre.com>
Subject: Re: SU-22-0005 Short Term Rental Applicatoin

Traffic report....

From: Brighton, Ian <ibrighton@bouldercounty.org>
Sent: Friday, June 3, 2022 10:05 AM
To: Bruce Drogsvold <bruced@wkre.com>
Subject: Re: SU-22-0005 Short Term Rental Applicatoin

That first link if you're on a computer- or you can call in as well

From: Bruce Drogsvold <bruced@wkre.com>
Sent: Friday, June 3, 2022 10:04 AM
To: Brighton, Ian <ibrighton@bouldercounty.org>
Subject: [EXTERNAL] RE: SU-22-0005 Short Term Rental Applicatoin

Which one should I click to connect with you?

From: Brighton, Ian <ibrighton@bouldercounty.org>
Sent: Friday, June 3, 2022 10:03 AM
To: Bruce Drogsvold <bruced@wkre.com>
Subject: Re: SU-22-0005 Short Term Rental Applicatoin

Hey Bruce- sorry I'm a bit late. Here's the link to the meeting. I'm on right now.

oin on your computer or mobile app

[Click here to join the meeting](#)

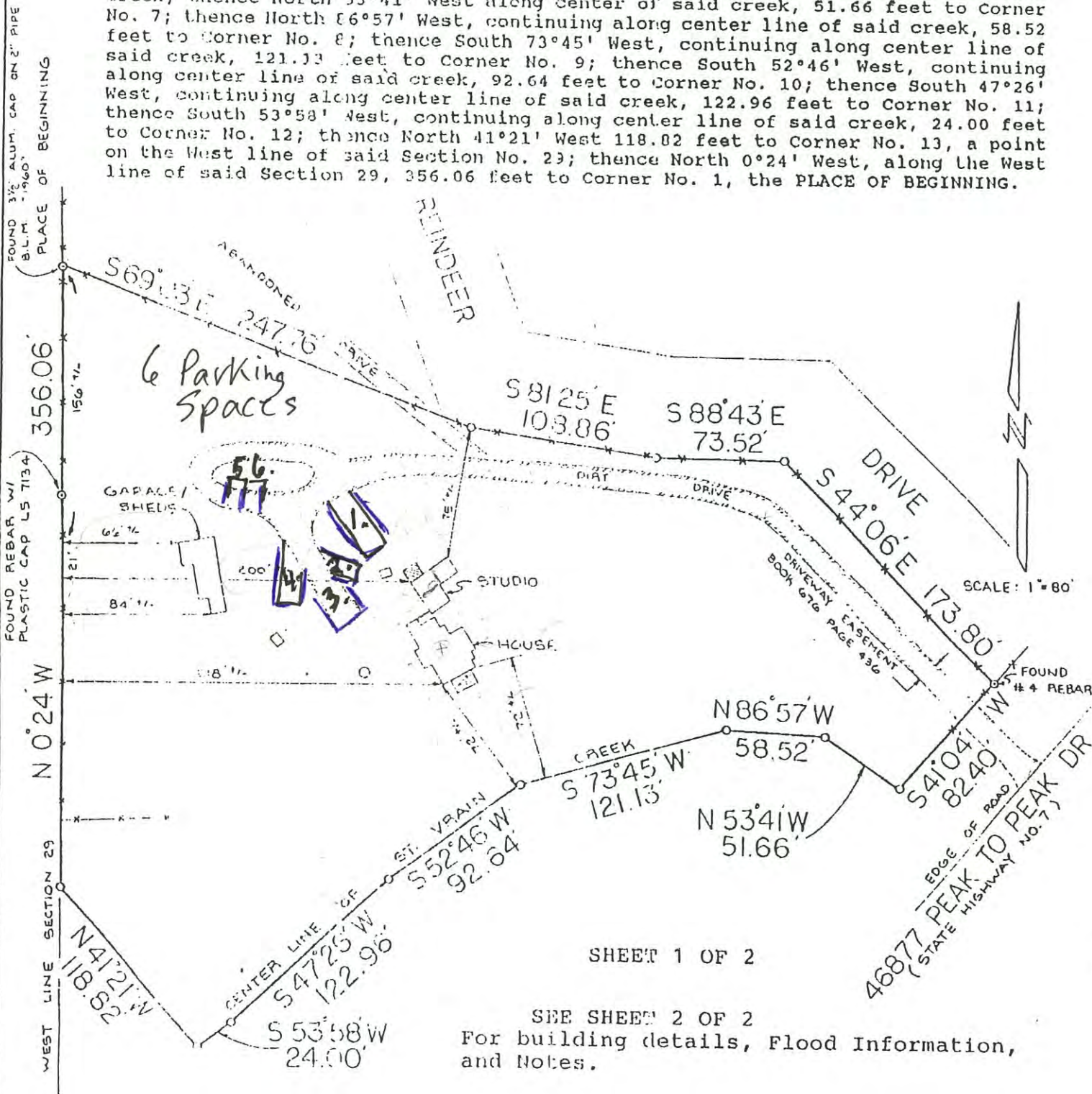
Or call in (audio only)

[+1 720-400-7859,,803209205#](tel:+17204007859,803209205#) United States, Denver

LEGAL DESCRIPTION
(provided by First Colorado Title Corp.)

All that portion of section 29, Township 2 North, Range 72 West of the 6th P.M., in the County of Boulder, State of Colorado, described as follows:

Beginning at Corner No. 1, identical with the West Quarter corner of said Section 29; thence South 69°03' East 247.76 feet to Corner No. 2; thence South 81°25' East 108.85 feet to Corner No. 3; thence South 88°43' East 73.52 feet to Corner No. 4; thence South 44°06' East 173.80 feet to Corner No. 5, a point on the West side of State Highway No. 150; thence South 41°04' West, along the West side of said Creek; thence North 53°41' West along center of said creek, 51.66 feet to Corner No. 7; thence North 86°57' West, continuing along center line of said creek, 58.52 feet to Corner No. 8; thence South 73°45' West, continuing along center line of said creek, 121.13 feet to Corner No. 9; thence South 52°46' West, continuing along center line of said creek, 92.64 feet to Corner No. 10; thence South 47°26' West, continuing along center line of said creek, 122.96 feet to Corner No. 11; thence South 53°58' West, continuing along center line of said creek, 24.00 feet to Corner No. 12; thence North 41°21' West 118.82 feet to Corner No. 13, a point on the West line of said Section No. 29; thence North 0°24' West, along the West line of said Section 29, 356.06 feet to Corner No. 1, the PLACE OF BEGINNING.



SHEET 1 OF 2

SEE SHEET 2 OF 2
For building details, Flood Information,
and Notes.

IMPROVEMENT LOCATION CERTIFICATE

TO FIRST COLORADO TITLE CORP. AND TO BANK WESTERN

I hereby certify that the improvements on the above described parcel, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted. I further certify that this improvement location certificate is not a land survey plat or improvement survey plat, and that it is not to be relied upon for the establishment of fence, building or other future improvement lines.

Title Co. No. 32705
Borrower Drogsvold
Flagstaff No. 92-2372

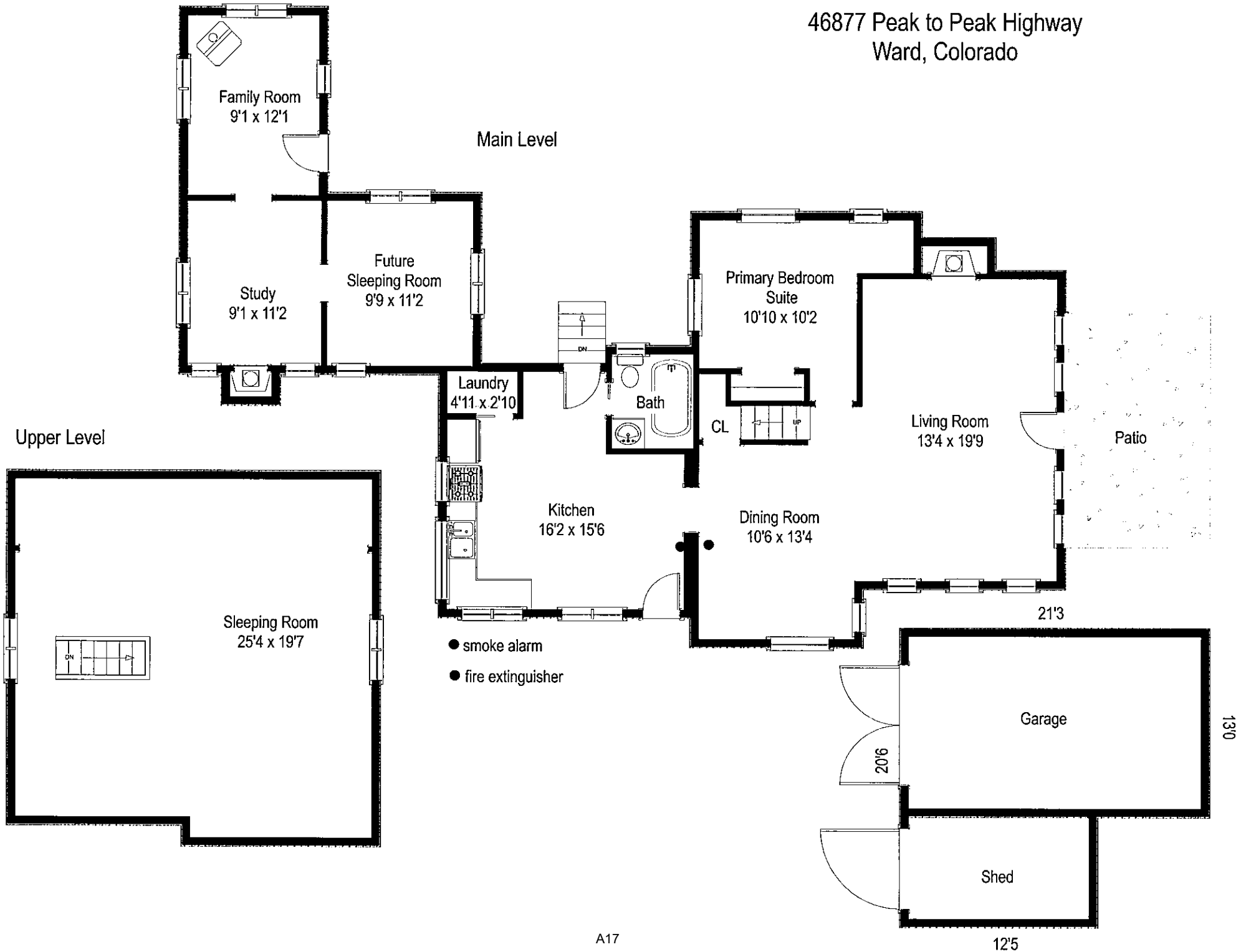


Flagstaff Surveying, Inc.
637C South Broadway
Boulder, Colorado 80303
(303) 499-9737
FAX 499-9770

2 June 1992
Date of Certificate

Cost: \$250.00

46877 Peak to Peak Highway
Ward, Colorado













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

August 2, 2022

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

FROM: Jena Van Gerwen Planner I; Community Planning & Permitting, Development Review Team – Access & Engineering

SUBJECT: Docket # SU-22-0005: Drogsvold Vacation Rental
46877 Peak to Peak Highway

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

1. The subject property 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.
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, and cleaning staff comes on check out days, another 4 trips would be generated on those days, for a total ADT of 14 on days guests arrive and leave. Overall, the 14 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 parking map included in application materials shows the required minimum 3 on-site parking spaces.
5. The existing driveway length appears to be approximately 550 feet; therefore, an emergency pullout is required. The appears to be a space approximately 200 feet away from SH 72 where the driveway starts to curve that could accommodate an emergency pullout. At time of submittal of the rental license application, the applicant must submit driveway plans that show an emergency pullout that complies with Standard Drawings 17 and 19 (attached).
6. Because the residence is more than 150 feet from the highway, an emergency turnaround is required. There is an open area northwest of the residence where the driveway splits that appears large enough to be used as an informal turnaround, provided it can meet the distance and dimension requirements in Standard Drawings 18 and 19 and it remains available for use

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

by emergency vehicles at all times (i.e. no parking or landscaping is allowed within the area designated for an emergency turnaround). Dimensions of the turnaround area and distance from the front and rear of the residence must be shown on plans submitted with the rental license application.

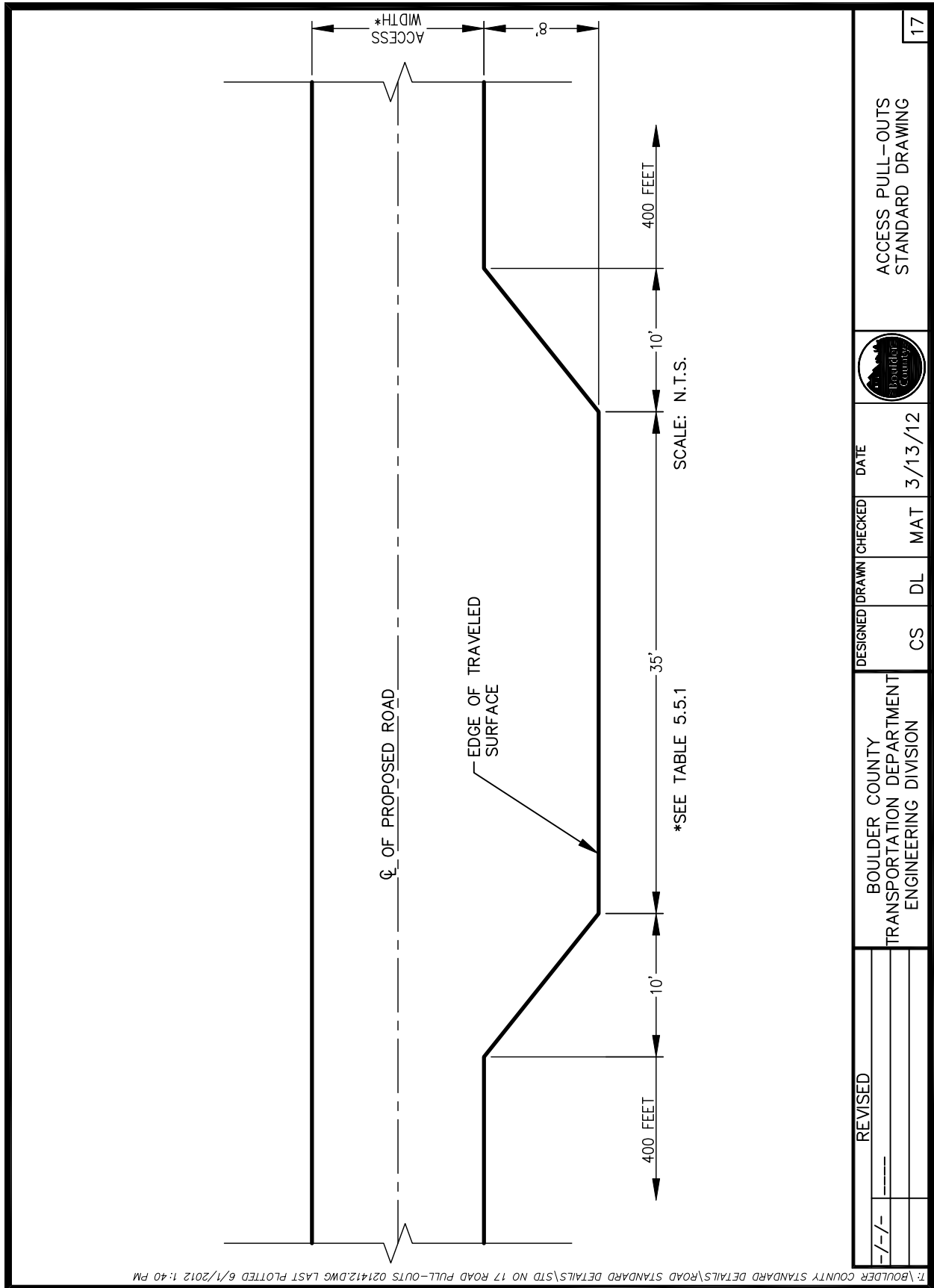
7. Staff performed a site visit on 7/29/2022 and noticed erosion along the center of the driveway caused by runoff. The applicant must improve drainage along the driveway so that water is directed outside the travelway. The low area of the driveway near the point of access to the highway must also be filled to avoid future flooding.
8. Prior to issuance of the rental license, Access & Engineering staff will inspect the access for the required improvements described above.

The applicant must submit a copy of a CDOT Access Permit for the existing point of access to the Peak-to-Peak Highway prior to issuance of the rental license.

This concludes our comments at this time.

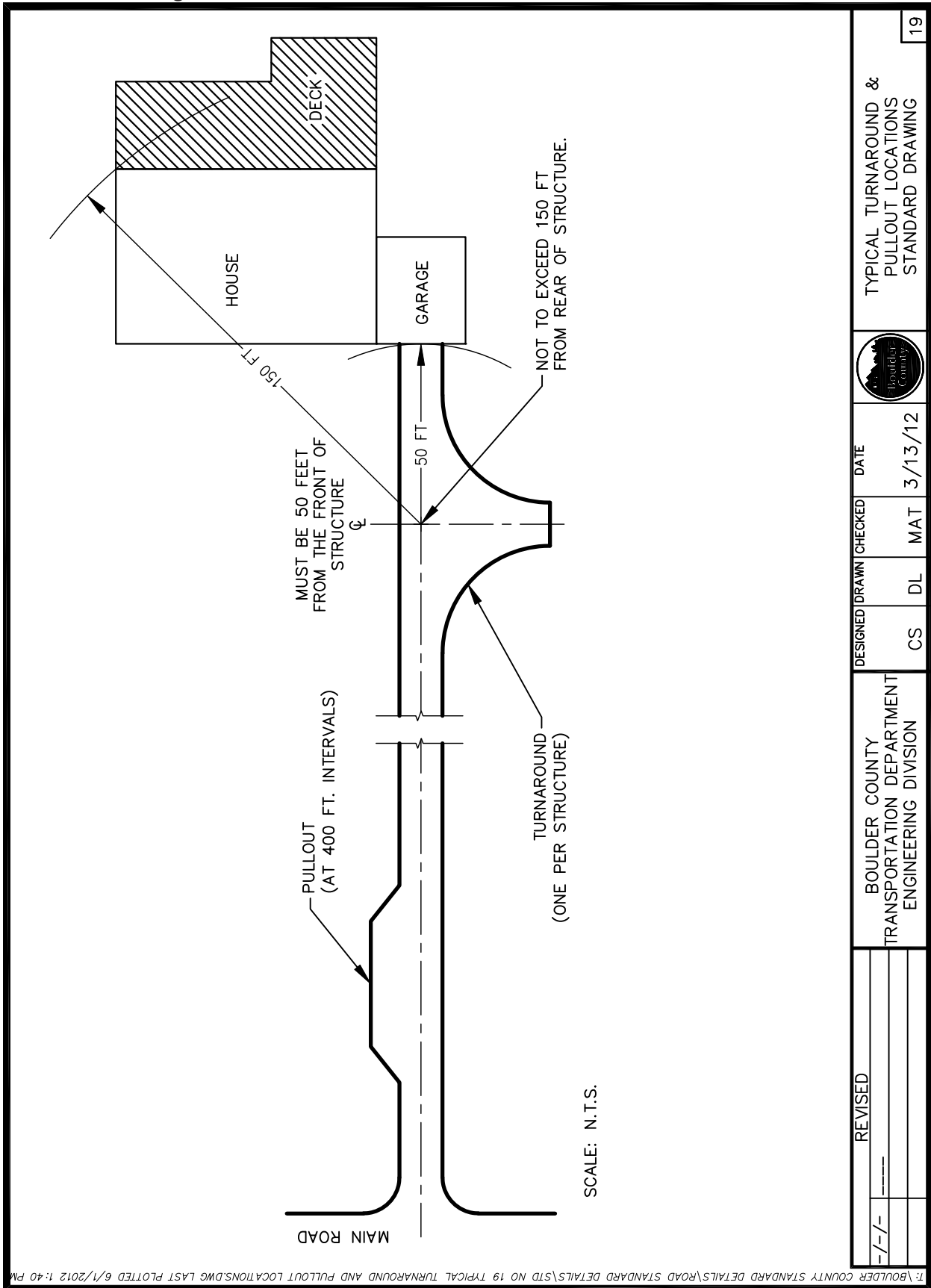
Boulder County Multimodal Transportation Standards


Standard Drawing 17



Boulder County Multimodal Transportation Standards

Standard Drawing 19

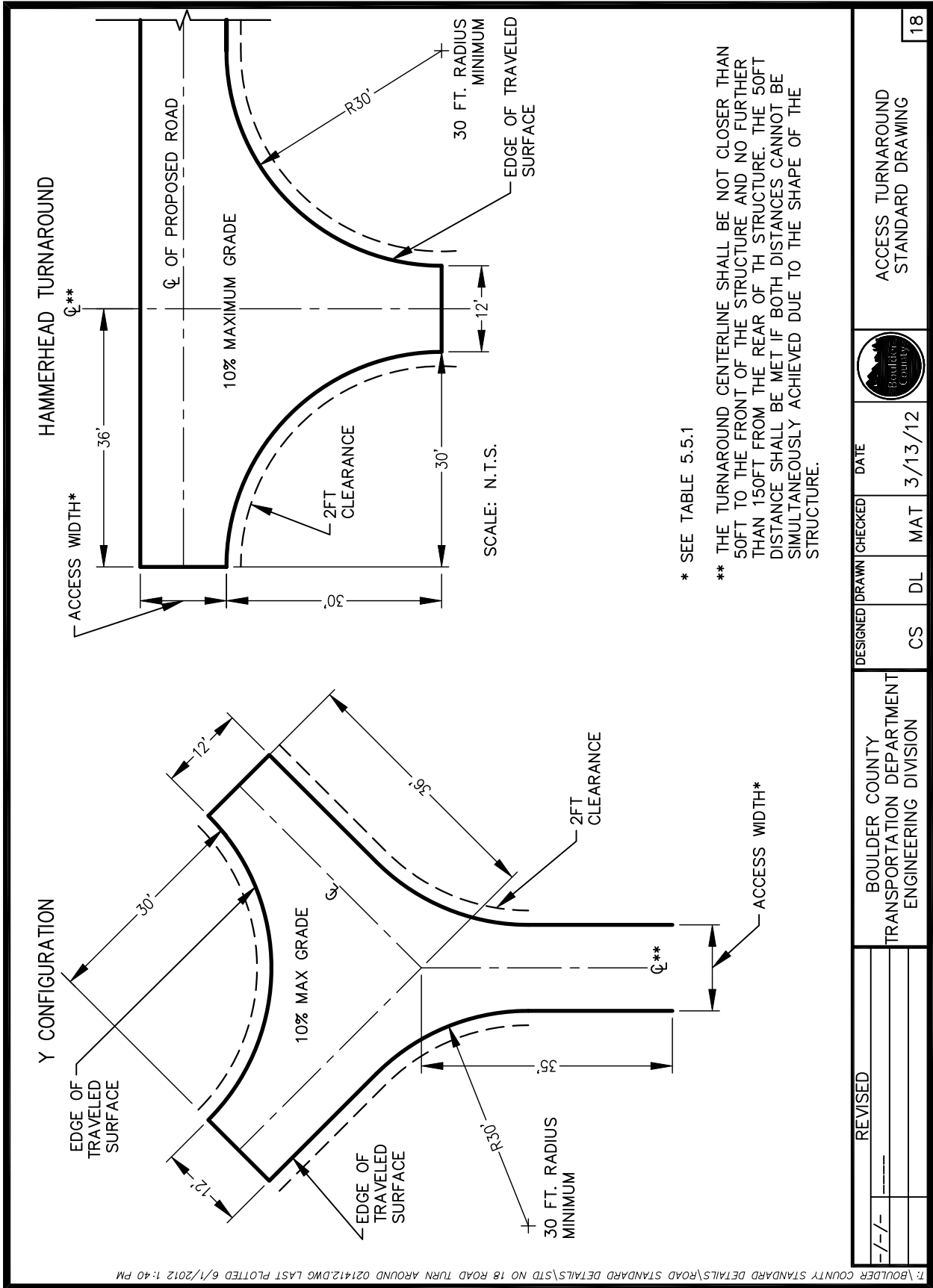



DESIGNED		DRAWN		CHECKED	DATE		TYPICAL TURNAROUND & PULLOUT LOCATIONS STANDARD DRAWING	19
CS	DL	MAT	3/13/12					
BOULDER COUNTY TRANSPORTATION DEPARTMENT ENGINEERING DIVISION								
REVISED								

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

Boulder County Multimodal Transportation Standards

Standard Drawing 18



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



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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: June 17, 2022

RE: Referral Response, SU-22-0005: Drogsvold Short Term Rental. Special Review request for a Vacation Rental of 244 days for up to 4 guests with a minimum stay of 2 nights on a 2.83 acre parcel.

Location: 46877 Peak to Peak Highway

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

Building Permit. A building permit, plan review, and inspection approvals required to convert the room labeled “future sleeping room” to a bedroom.

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

RE: Referral packet for SU-22-0005: Drogsvold Vacation Rental at 46877 Peak to Peak Highway

Arnold, Melissa <marnold@bouldercounty.org>

Tue 6/14/2022 11:22 AM

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

Cc: Northrup, Elizabeth <enorthrup@bouldercounty.org>

Hi Ian,

The Conservation Easement Program does not have a comment on this docket, as the proposal should not impact the nearby Spitz conservation easement property.

Thanks!

Melissa

Melissa Arnold | Conservation Easement Program Manager

Pronouns | she/her/hers

Boulder County Parks & Open Space

303.678.6266 Office

720.745.2115 Cell

5201 St. Vrain Road, Longmont, CO 80503

marnold@bouldercounty.org

www.BoulderCountyOpenSpace.org

From: Goldstein, Andrew <agoldstein@bouldercounty.org>

Sent: Tuesday, June 14, 2022 11:10 AM

To: Historic <historic@bouldercounty.org>; #WildfireMitigation <WildfireMitigation@bouldercounty.org>; Floodplain Admin <floodplainadmin@bouldercounty.org>; Boulder County Short-Term Rental Licensing <STRicensing@bouldercounty.org>; #CEReferral <CEReferral@bouldercounty.org>; beckyabapco@gmail.com; ild17@comcast.net; Phil.Stern@colorado.edu; colleen@jimtown.org; mark@jimtown.org; Jessica Olson <jolson@watershed.center>; office@svlhwcd.org; scott.griebing@svlhwcd.org; BDRCO@xcelenergy.com; Donna.L.George@xcelenergy.com; townclerk@jamestownco.org; Vanessa McCracken <bldrvalleyandlongmontcds@gmail.com>; joe.padia@state.co.us; mjohnson10@fs.fed.us; sequoiazahn@gmail.com; Milner, Anna <amilner@bouldercounty.org>; Moline, Jeffrey <jmoline@bouldercounty.org>; Strenge, Ernst <estrenge@bouldercounty.org>; Abner, Ethan <eabner@bouldercounty.org>; Hippely, Hannah <hhippely@bouldercounty.org>; Vaughn, Andrea <avaughn@bouldercounty.org>; Cavaleri, Keli <kcavaleri@bouldercounty.org>; Flax, Ron <rflax@bouldercounty.org>; Frederick, Summer <sfrederick@bouldercounty.org>; HealthWaterQuality-EnvironmentalBP LU <HealthWQ-EnvironBPLU@bouldercounty.org>; Huebner, Michelle <mhuebner@bouldercounty.org>; Sanchez, Kimberly <ksanchez@bouldercounty.org>; Severson, Jennifer <jseverson@bouldercounty.org>; Transportation Development Review <TransDevReview@bouldercounty.org>; West, Ron <rowest@bouldercounty.org>

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

Subject: Referral packet for SU-22-0005: Drogsvold Vacation Rental at 46877 Peak to Peak Highway

Please find attached the referral packet for **SU-22-0005: Drogsvold Vacation Rental at 46877 Peak to Peak Highway**.

Please return responses and direct any questions to [Ian Brighton](mailto:ian.brighton@bouldercounty.org) by **July 20, 2022**. (Boulder County internal departments and agencies: Please attach the referral comments in Accela.)

All the best,

Andrew



**Andrew Goldstein (pronouns: he/him/his) | Administrative Technician
Planning Division | Boulder County Community Planning & Permitting**

(303) 441-3930 (Main Office) | **(720) 564-2622** (Direct)

P.O. Box 471, Boulder, CO 80306 | Courthouse Annex Building—2045 13th St., Boulder, CO 80302

agoldstein@bouldercounty.org | www.boco.org/cpp

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

The Community Planning & Permitting Department physical office in Boulder is now open Monday, Wednesday and Thursday from 9 a.m. to 2 p.m. On Tuesdays the department is open by appointment only from 12:30–4:30 p.m. Most services are available virtually in addition to in-person services. Staff is available at [303-441-3930](tel:303-441-3930), [online](#), or via [appointment](#).

Please note we are in response for the Marshall Fire and replies may be delayed. We appreciate your patience during this time. For Marshall Fire questions, contact MarshallRebuilding@bouldercounty.org. View our [Marshall Fire Recovery](#) webpage for current Marshall Fire information and resources. Sign up for Boulder County news at www.boco.org/e-news and for fire recovery info at www.boco.org/MarshallFireInfo.



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

MEMO TO: Referral Agencies
 FROM: Ian Brighton, Planner II
 DATE: June 14, 2022
 RE: Docket SU-22-0005

Docket SU-22-0005: Drogsvold Short Term Rental

Request: Special Review request for a Vacation Rental of 244 days for up to 4 guests with a minimum stay of 2 nights on a 2.83 acre parcel.
 Location: 46877 Peak to Peak Highway, located approximately 1,820 feet north of the intersection of County Road 103 and State Highway 72 on Section 29, Township 2N, Range 72W.
 Zoning: Forestry (F) Zoning District
 Applicants/Owners: Bruce & Susanna Drogsvold

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 **July 20, 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 Jessica Fasick

Agency or Address CP&P Historic Review

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



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: July 22, 2022
SUBJECT: Docket SU-22-0005, Drogsvold, 46877 Peak to Peak Highway

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, any impacts to these resources would be similar to those from a full-time residence. No new construction is proposed.



Public Health

Environmental Health Division

June 15, 2022

TO: Staff Planner, Land Use Department

FROM: Jessica Epstein, Environmental Health Specialist

SUBJECT: SU-22-0005: Drogsvold Vacation Rental

OWNER: Drogsvold

PROPERTY ADDRESS: 46877 Peak to Peak Highway

SEC-TOWN-RANGE: 29 -2N -72

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

OWTS:

1. BCPH issued a new permit for the installation of an absorption bed system on 8/14/68. The permit was issued for an onsite wastewater treatment system (OWTS) adequate for a 3-bedroom house. BCPH approved the installation of the OWTS on 9/10/68.
2. The OWTS is sized for a maximum of 6 people, including children. Therefore, any rental of the home must stay within that limit.
3. If the home is never occupied by the owners, a commercial OWTS Use permit must be issued by BCPH for this property before it can be given approval as a short-term rental.
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: www.boco.org/OWTSdosdents
5. The owner must make sure renters do not park on or over OWTS components by marking the area and informing the renters to stay off of it.

This concludes comments from the Public Health – Environmental Health division at this time. For additional information on OWTS, refer to the following website: www.SepticSmart.org. 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

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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: June 28, 2022
RE: Referral packet for SU-22-0005: Drogsvold Vacation Rental at 46877 Peak to Peak Highway

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

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

Therefore, for all 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. This property was certified in 2020. 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



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571. 3284
donna.l.george@xcelenergy.com

July 19, 2022

Boulder County Community Planning and Permitting
PO Box 471
Boulder, CO 80306

Attn: Ian Brighton

RE: Drogsvoid Vacation Rental, Case # SU-22-0005

Public Service Company of Colorado's Right of Way & Permits Referral Desk has reviewed the special use documentation for **Drogsvoid Vacation Rental** and has **no apparent conflict**, provided that all existing electric facilities and land rights remain in place.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com

FW: [EXTERNAL] Ask a Planner - Mary Pratt - SU-22-0005 - 46877 peak to peak highway, ward
LU Land Use Planner <planner@bouldercounty.org>
Tue 6/21/2022 8:19 AM
To:

- Brighton, Ian <ibrighton@bouldercounty.org>

@Brighton, Ian

Fyi

bbg

-----Original Message-----

From: Ask A Planner <no-reply@wufoo.com>

Sent: Monday, June 20, 2022 5:17 PM

To: LU Land Use Planner <planner@bouldercounty.org>

Subject: [EXTERNAL] Ask a Planner - Mary Pratt - SU-22-0005 - 46877 peak to peak highway, ward

Boulder County Property Address : 46877 peak to peak highway, ward If your comments are regarding a specific Docket, please enter the Docket number: SU-22-0005

Name: Mary Pratt

Email Address: moppetpratt@hotmail.com

Please enter your question or comment: To whom it may concern I am disputing the construction of having a short term rental in our neighborhood-this will affect the community and our families by having short term visitors who aren't invested in taking care of the local area and its habitat. Also, it will increase traffic along the side of the narrow dirt road to my residence which is dangerous.

Thank you for your consideration in this matter and denying this permit.

Mary

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

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

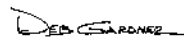
- A. If any provision of this Ordinance is found to be invalid by a court of competent jurisdiction, only the provision subject to the court decision must be repealed or amended. All other provisions must remain in full force and effect.

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: _____

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303-441-3930
planner@bouldercounty.org
www.bouldercounty.org

