

Planning Commission
Re: Reed Vacation Rental Hearing
SU-0022-11

Please consider these concerns as you approve the Reed Vacation Rental.

The County's limitation on the number of sleeping rooms overreaches and should be deleted from the Conditions of Approval.

Please note:

1. Special Review Criteria No. 5 states:

Per Article 4-507.E.3 of the Code, Vacation rentals are required to provide "One space per Sleeping Room in addition to one space for the local manager. All parking must be on-site." By this standard, three (3) on-site parking spaces are required for the proposal; one space for each of the two sleeping rooms within the cabin, and a third space for the local manager. Per the requirements of Article 4-507.E3 of the Code, staff would recommend as a condition of approval that the applicants require all guests/visitors to park on-site, on the subject property. **Staff recommend a condition of approval limiting the number of approved sleeping rooms to two in order to reflect the available parking spaces.**

The County cannot limit sleeping rooms based on the number of parking spaces. The only legitimate limit on the number of occupants is the size of the OWTS, not the number of sleeping rooms. If the OWTS is sized for 4 people then only four renters may occupy the dwelling at any given time. There may be any number of sleeping rooms, but only four renters. The number of available parking spaces as nothing to do with the number of sleeping rooms.

Condition of Approval No. 5: This condition states: **"The approved number of sleeping rooms is two (2). The living room and the basement level are not to be used as sleeping rooms and may not have any sleep accommodations."** If this dwelling is personally used by the owner when not rented, (which is usually the case), they or their families can certainly sleep in the basement or in the living room. As well, the four people who are renting the dwelling can chose to sleep in the basement or anywhere else in the dwelling. This condition is intrusive and overreaching.

Condition of Approval 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.** A Development Agreement is only required when land is being developed, including grading, excavation, sewer installation, streets and sidewalks, and other such development. The Development Agreement is defined in the Land Use Code Section 18-134 as follows: "This agreement implements the site specific development plan which establishes vested rights under Article 68 of Title 24, C.R.S.". A site-specific development plan is defined In Section 18-196 as: "A plan which has been submitted to the County as part of a special use, final plat, or final plat replat approval, to establish a vested right pursuant to Part 1 of

Article 68 of Title 24, C.R.S., as amended, describing with reasonable certainty the type and intensity of the proposed land use for a specific parcel or parcels of property (see Section 3-207). The rental of a single-family residence does not include the site-specific development plan, therefore a Development Agreement is not required. Please remove this Condition of Approval from the Reed Application.

Thank you for your time and attention.

Iona Dotterer

Boulder County Mountain Cabin Alliance