



Community Planning & Permitting

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BOULDER COUNTY PLANNING COMMISSION PUBLIC HEARING

September 20, 2023 at 01:30 p.m.

*All Commissioners' public hearings and meetings will be offered in a hybrid format where attendees can join **through Zoom** or **in-person** at the Boulder County Courthouse, 3rd Floor, 1325 Pearl Street, Boulder.*

STAFF RECOMMENDATION

STAFF PLANNER: Sam Walker

Docket SU-23-0006: Farber Vacation Rental

Proposal: Special Use Review to permit a Vacation Rental to be rented up to 365 nights per year to up to 4 guests.
Location: 1059 Emerson Gulch Road, approximately 0.8 miles north of the intersection of Emerson Gulch Road and Fourmile Canyon Drive.
Zoning: Forestry (F) Zoning District
Owners/Applicant: Nathaniel Farber

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SUMMARY

The applicant requests Special Review and Site-Specific Development Plan approval for a Vacation Rental of 365 nights per year for up to four guests on an approximately two-acre property within the Forestry (F) Zoning District. Staff find that the request cannot meet the Special Review Criteria in Article 4-601 of the Boulder County Land Use Code (the Code) and recommend that the Planning Commission recommend denial of the proposal 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 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.

The subject property is an approximately two-acre unsubdivided Building Lot (BLD-21-0085) with an existing 1,868-square-foot residence and 120-square-foot tool shed, as shown in Figure 1 below. A 1,944-square-foot agricultural horse barn (approved through SPRW-19-0019) is also under active construction on the parcel. It is accessed via Emerson Gulch Road, a Boulder County owned right-of-way (ROW). There are no physical changes to the lot proposed by the applicant to support the Vacation Rental.



Figure 1: Aerial of the Subject Property (note that parcel boundaries are not properly shown due to site topography. The white rectangle is the existing residence, which is located within the parcel boundaries and meets all required setbacks).

The applicant is currently operating a Primary Dwelling Short-Term Rental on the subject parcel (licensed as STR-21-0037). A Primary Dwelling Short-term Rental is defined in Land Use Code Art. 4-516.X.1 as “A single-family dwelling unit offering transient lodging accommodations to a single booking party at a time within that dwelling unit for rental duration of fewer than 30 days where the dwelling unit is the primary residence of the owner,” and is considered an Accessory Use (meaning a use that is subordinate to, and on the same parcel as, the main use, which in this case is a single-family residence).

The applicant is requesting approval of a Vacation Rental offering transient lodging accommodations to one booking party of up to four guests at a time for approximately 365 nights

per year. As the subject property will no longer be 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 proposal will result in a change of use on the subject parcel. Currently the parcel's primary use is a Residential use - a Single Family Dwelling - with an Accessory use – Primary Dwelling Short-Term Rental. If the subject proposal is approved, the primary use of the property will change to a Lodging use – a Vacation Rental - as defined in the Code, with no primary residential component.

As detailed in the criteria review below, staff find conflicts with the Special Review Criteria in Article 4-601 of the Code and recommend that the proposal be denied.

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 proposal and responded that legal access to the parcel had been demonstrated via Emerson Gulch Road, which is a public ROW, and that an Access Improvement and Maintenance Agreement (AIMA) would be required as part of the licensing review process. Extensive comments were provided regarding the current physical state and design issues of Emerson Gulch Road as it approaches the subject property. In summary, those comments indicated that the road does not currently meet the Multi-modal Transportation Standards (MMTS).

County Public Health Department: This department reviewed the proposal and responded that the existing on-site wastewater treatment system (OWTS) is sized for a maximum of six people, including children. In addition, Public Health noted a requirement that the owner or their agent must receive an OWTS change-of-use permit prior to approval of the Vacation Rental, and recommended that the owner supply OWTS use guidelines to renters and mark OWTS component locations to avoid them being damaged by renters' vehicles.

County Building Safety & Inspection Services Team: This team reviewed the proposal and stated that the 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.

Four Mile and Gold Hill Fire Protection Districts: The application was originally referred to Gold Hill Fire Protection District, but was subsequently re-referred to Four Mile Fire Protection District after staff were informed that Four Mile would likely be a responding party to an emergency on the subject parcel. Bret Gibson is acting Chief for both districts, and provided comments indicating that the Vacation Rental would pose issues for the districts and their emergency response due to renters' lack of familiarity with mountain conditions, in concert with difficult road conditions along Emerson Gulch throughout the year. The referral response also noted the high level of wildfire danger for all properties along Emerson Gulch Road, and ultimately concluded that neither FPD could support the application. A second referral response encouraged the applicant to speak with the district's fire code official, noted that the change in use of the residence would require fire code compliance for the residence and Emerson Gulch Road, and that a fire department building permit would be required to be issued by the district's Code official.

Adjacent Property Owners: Notices were sent to 25 adjacent property owners, and staff received three public comments in response. One comment opposed the proposed use, citing concerns with increased tourist traffic within Fourmile Canyon causing issues for permanent residents, and noting negative community, safety, and environmental impacts as well as decreases in the availability of affordable housing. The other two comments generally expressed support for the proposed use, noting that the applicant is a good neighbor, and that the current use of the residence as a Primary Dwelling Short-term Rental has not posed issues in terms of year-round access along the road or increased vehicle traffic.

Agencies that responded with no conflict: County Parks & Open Space Natural Resource Planner, Boulder County Parks & Open Space Conservation Easement Team.

Agencies that did not respond: Boulder County Long Range Planning, Boulder County Short Term Rental Licensing, Boulder County Assessor, Boulder County Attorney's Office, Boulder County Parks & Open Space Real Estate Team, Boulder County Sheriff, Boulder County Treasurer, Boulder County Mountain Cabin Alliance, Pine Brook Water District, Xcel Energy, Boulder Valley & Longmont Conservation Districts, Bureau of Land Management, and US Forest Service.

SPECIAL REVIEW CRITERIA

The Community Planning & Permitting staff has reviewed the standards for approval of a Special Review for a Vacation Rental on less than five acres in the Forestry Zoning District, per Article 4-601 of the Code, and finds the following:

- (1) ***Complies with the minimum zoning requirements of the zoning district in which the use is to be established, and will also comply with all other applicable requirements;***

The subject property is less than five acres and located on unsubdivided land in the Forestry Zoning District. Vacation Rentals are permitted under these circumstances in the Forestry District if approved through the Special Review process, per Article 4-507.E of the Code. In accordance with the additional provisions for a Vacation Rental, the applicants must maintain a valid Boulder County Vacation Rental License and meet all applicable requirements under the Licensing Ordinance. These requirements include Wildfire Partners Certification, meeting Building Code safety requirements (e.g., fire extinguishers), proof of adequate insurance, having a local manager who is able to be responsive to issues within one hour in person, and remittance of all applicable taxes. In addition, Vacation Rental guests are not permitted to have outdoor fires, except for gas grills or fire tables, and the applicant must provide a range of information to guests regarding wildfire risk, wildlife safety, and on-site wastewater treatment system usage among others.

If the proposal is approved, staff recommend a condition of approval requiring the applicant 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 recommend a condition of approval to that effect. With the recommended conditions of approval, staff find the proposal meets the minimum zoning requirements of the Forestry Zoning District.

Therefore, as conditioned, staff find 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;

The land around the subject property is largely vacant and publicly-owned, primarily by the Bureau of Land Management and US Forest Service, although many nearby mining claims are owned by Boulder County Parks & Open Space as well. Private parcels in the area are mostly vacant, although some along Emerson Gulch Road have been developed with single-family residences. A Primary Dwelling Short-Term Rental exists on the parcel at 560 Emerson Gulch Road (in addition to the one currently operating on the subject parcel), although there are no Vacation Rentals nearby. Excluding the second short-term rental at 560 Emerson Gulch Road, there are no licensed short-term rentals within a 1.9-mile radius of the subject parcel, and there do not appear to be any licensed Vacation Rentals within a 6-mile radius of the subject parcel.

Due to the lack of similar uses in the immediate vicinity of the parcel, staff are concerned that the proposed Vacation Rental will not be compatible with the relatively few residential uses within the surrounding area. Unlike other areas in the unincorporated County (such as Riverside or Allenspark) there is little history of seasonal vacation rentals in the area of Fourmile Canyon. Historic uses in the area were primarily related to mining, and most residents in the vicinity of the proposal are permanent.

Concerns regarding the lack of compatibility are compounded by the issues raised in the DRT-A&E and Fire Protection District referral responses, which are discussed under criteria 6, 7, and 12 below.

Therefore, staff find this criterion cannot be met.

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

The Comprehensive Plan Housing Element includes policy **HO 3.06 Prioritize Housing for Residents**.

The 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.

Staff find that this policy is not supported by the proposal. The proposed Vacation Rental use would remove a housing unit from the available County housing stock, making it unavailable as a primary residence for a county resident. Additionally, the Vacation Rental would be an unusual use in an area primarily characterized by both privately- and publicly-owned vacant land and single-family residences, and there are strong concerns with the safety of both visitors and county residents as described in the referral responses from DRT-A&E and the local Fire Protection Districts.

Given the prioritization of preserving housing units in the Comprehensive Plan, staff find this criterion cannot 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.***

If the proposal is approved with a condition of approval requiring that the applicant maintain a Vacation Rental License with all the associated requirements, staff find 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, as conditioned, staff find 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 find this criterion is met.

- (6) ***Will not require a level of community facilities and services greater than that which is available;***

Staff are concerned that the level of community services required by the proposed use would be greater than that which is currently available. The referral response provided by the Gold Hill and Four Mile Fire Protection Districts expressed strong concerns that the proposed Vacation Rental would increase the burden on local emergency services due to the issues posed by visitors being unfamiliar with the challenging road conditions (particularly during the winter) and the ease with which Emerson Gulch Road could be blocked because it is mostly a single-vehicle width between Fourmile Canyon Drive and the subject parcel. Blocking the road would be detrimental during ideal conditions because of the difficult topography, which would complicate any attempt at removing stuck vehicles. This risk would be heightened in emergency situations such as a wildfire evacuation, potentially preventing residents above the blockage from evacuating while simultaneously preventing emergency responders from accessing the area above the blockage until it could be cleared.

The DRT-A&E referral response also underscored the concerns expressed by the Fire Protection Districts, noting that a lack of access infrastructure along Emerson Gulch Road and the inability to improve existing infrastructure inhibits two-way traffic flow on the road, especially in emergency situations.

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. The Public Health response also notes that the OWTS must undergo a change-in-use permit if the proposal is approved because the OWTS

will be used for a commercial, rather than residential, purpose, but staff do not have concerns regarding the applicant's ability to meet this requirement.

Due to the aforementioned issues with the increased burden on community services, staff find this criterion cannot 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 from Emerson Gulch Road, an unpaved Boulder County owned but non-maintained right-of-way (ROW) with a functional classification of Local Secondary. Legal access has been demonstrated via adjacency to this public ROW.

Per Article 4-507.E.3 of the Code, Vacation rentals are required to provide “*One space per Sleeping Room in addition to one space for the local manager. All parking must be on-site.*” By this standard, three on-site parking spaces are required for the proposal; one space for each of the two sleeping rooms within the residence, and a third space for the local manager. The submitted application materials include a parking plan that illustrates three spaces adjacent to the residence, which staff find sufficient to satisfy this Code provision.

The DRT A&E referral response includes a detailed description of the current status of Emerson Gulch Road, indicating the road's condition poses significant issues in terms of vehicular access to the subject parcel. In short, the existing road does not meet the required access standards regarding the required width of the physical roadway and horizontal clearance as well as the number of required emergency pullouts, and the width of the prescriptive ROW itself is too narrow to construct these improvements. Even if the necessary improvements were technically possible to construct within the ROW, their installation would require significant earthwork and likely cause extensive environmental damage due to the challenging topography of Emerson Gulch.

The inability to bring the physical road into compliance with the County's Multi-modal Transportation Standards poses a significant concern for staff that approval of the proposed Vacation Rental would create traffic hazards, as renters unfamiliar with the roadway would be arriving year-round with little preparation for the physical conditions of the access. Of particular concern are long stretches of roadway that are only 10 feet wide and do not have pullouts, leaving no room for two vehicles to pass side-by-side if traveling in opposite directions, and posing a risk that a driver could get stuck and block the entirety of access along the road. These dangers would be compounded in an emergency situation (such as wildfire evacuation) where one vehicle getting stuck could result in the trapping of others as well as an inability for emergency responders to access the upper area of Emerson Gulch.

These concerns were shared by the Fire Protection Districts, who noted several issues related to vehicular access, including that rental cars typically used by renters would likely be ill-equipped for mountainous roads and that the road does not currently meet the district's own standards for access.

Given the existing condition of the roadway, along with the inability for the roadway to be improved in order to meet the MMTS, staff find this criterion cannot 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 applicant 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. If the proposal is approved, with the recommended conditions of approval, staff do 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 find 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.

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;

If the proposal is approved, staff are concerned that it will potentially result in detrimental impacts to the safety of present or future county inhabitants by risking the creation of traffic hazards along Emerson Gulch Road in day-to-day or emergency situations.

Therefore, staff find this criterion cannot 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;

If the proposal is approved, allowing the applicant to rent the existing residence as a Vacation Rental while it is otherwise vacant would provide additional income for the applicant without increasing consumption or the inefficient use of energy, materials, minerals, water, land, or other finite resources.

Therefore, staff find this criterion is 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.

The approximate eastern third of the parcel is located within an area identified in the Comprehensive Plan as a Debris Flow Susceptibility Area. However, no new development is proposed, and no referral agency has responded with concerns regarding this hazard.

Therefore, staff find 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 find this criterion is met.

RECOMMENDATION

Staff has determined that the proposal cannot meet all the applicable criteria of the Boulder County Land Use Code for Special Review. Therefore, staff recommend that the Planning Commission recommends *denial of docket SU-23-0006 Farber Vacation Rental*.

However, if the application is recommended for approval, staff recommend that the Planning Commission recommend the Board of County Commissions include 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 365 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, including the main level bedroom and the pull-out couch in the living room.
8. All guests must park on-site. No parking is allowed along Emerson Gulch Road.
9. The applicants shall be subject to the terms, conditions, and commitments of record and in the file for docket SU-23-0006 Farber Vacation Rental.



Boulder County Land Use Department

Courthouse Annex Building
2045 13th Street • PO Box 471 • Boulder, Colorado 80302
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Email: planner@bouldercounty.org
Web: www.bouldercounty.org/lu
Office Hours: Mon., Wed., Thurs., Fri. 8 a.m. to 4:30 p.m.
Tuesday 10 a.m. to 4:30 p.m.

Shaded Areas for Staff Use Only

Intake Stamp

Planning Application Form

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

| | | | |
|--|--------------------------------------|--|-------------------------|
| Project Number | | Project Name | |
| <input type="checkbox"/> Appeal <input type="checkbox"/> 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) 1059 Emerson Gulch Rd., Boulder CO 80302 | | | |
| Subdivision Name NA | | | |
| Lot(s) | Block(s) | Section(s) | Township(s) |
| Area in Acres 2.1 | Existing Zoning Forestry | Existing Use of Property Residential | Number of Proposed Lots |
| Proposed Water Supply well | Proposed Sewage Disposal Method OWTS | | |

Applicants:

| | | | |
|--|----------|----------------------------|--------------------|
| Applicant/Property Owner Nathaniel Farber | | Email nat.farber@gmail.com | |
| Mailing Address 2404 Bluff St. Apt A | | | |
| City Boulder | State CO | Zip Code 80304 | Phone 415-686-1343 |
| Applicant/Property Owner/Agent/Consultant Nathaniel Farber | | Email nat.farber@gmail.com | |
| Mailing Address 2404 Bluff St. Apt. A | | | |
| City Boulder | State CO | Zip Code 80304 | Phone 415-686-1343 |
| Agent/Consultant | | Email | |
| Mailing Address | | | |
| City | State | Zip Code | Phone |

Certification (Please refer to the Regulations and Application Submittal Package for complete application requirements.)

I certify that I am signing this Application Form as an owner of record of the property included in the Application. I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. I understand that all materials required by Boulder County must be submitted prior to having this matter processed. I understand that public hearings or meetings may be required. I understand that I must sign an Agreement of Payment for Application processing fees, and that additional fees or materials may be required as a result of considerations which may arise in the processing of this docket. I understand that the road, school, and park dedications may be required as a condition of approval.

I understand that I am consenting to allow the County Staff involved in this application or their designees to enter onto and inspect the subject property at any reasonable time, without obtaining any prior consent.

All landowners are required to sign application. If additional space is needed, attach additional sheet signed and dated.

| | | |
|-----------------------------|-------------------------------|----------------|
| Signature of Property Owner | Printed Name Nathaniel Farber | Date 5/22/2023 |
| 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.



Community Planning & Permitting

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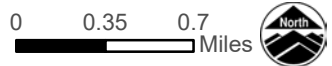
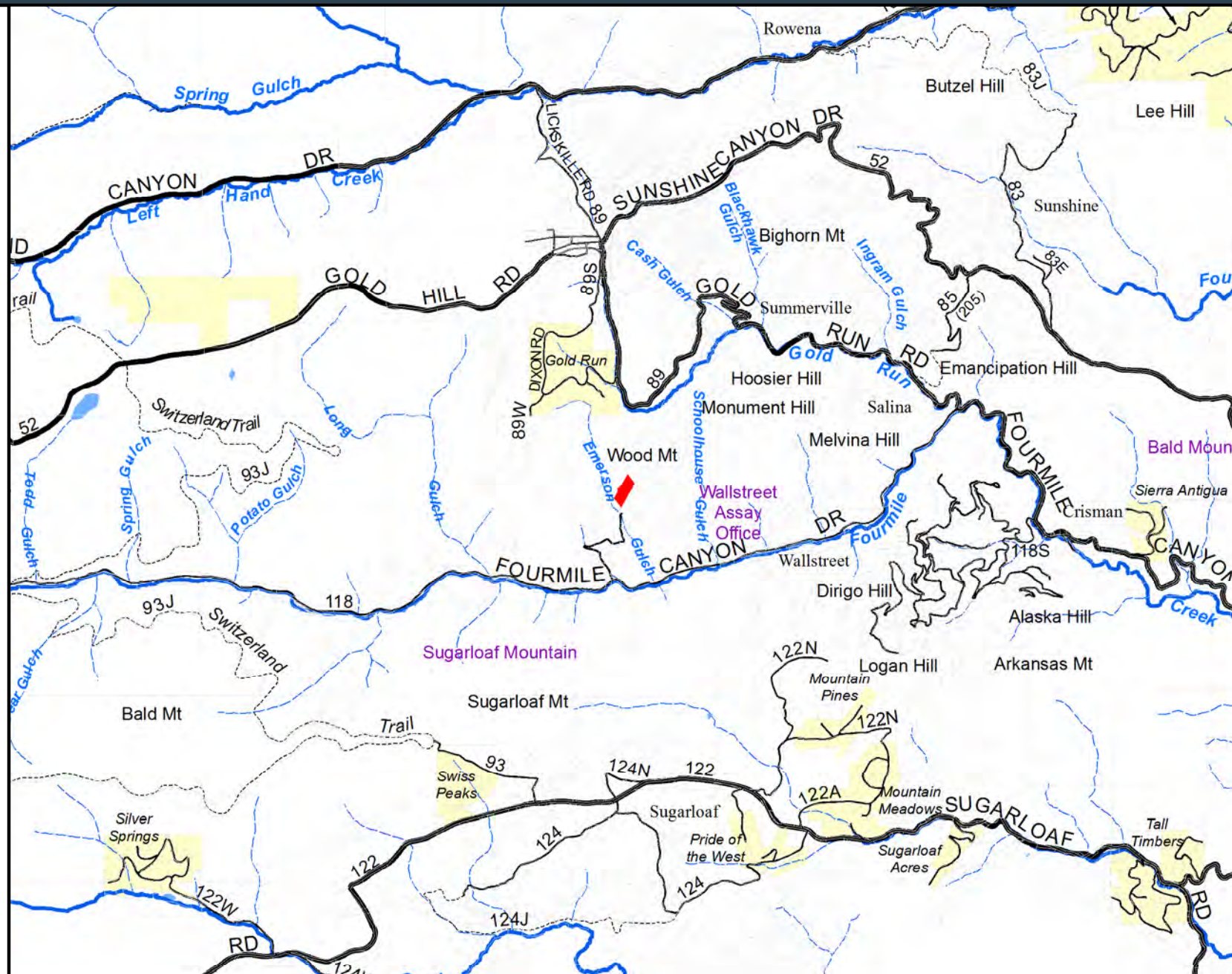
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1059 EMERSON GULCH RD

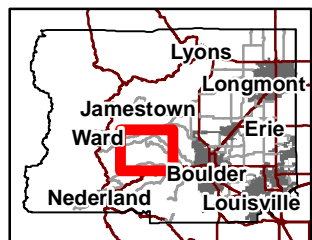
Subject Parcel

Subdivisions

Subdivisions



Area of Detail Date: 11/19/2021



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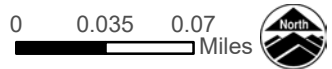
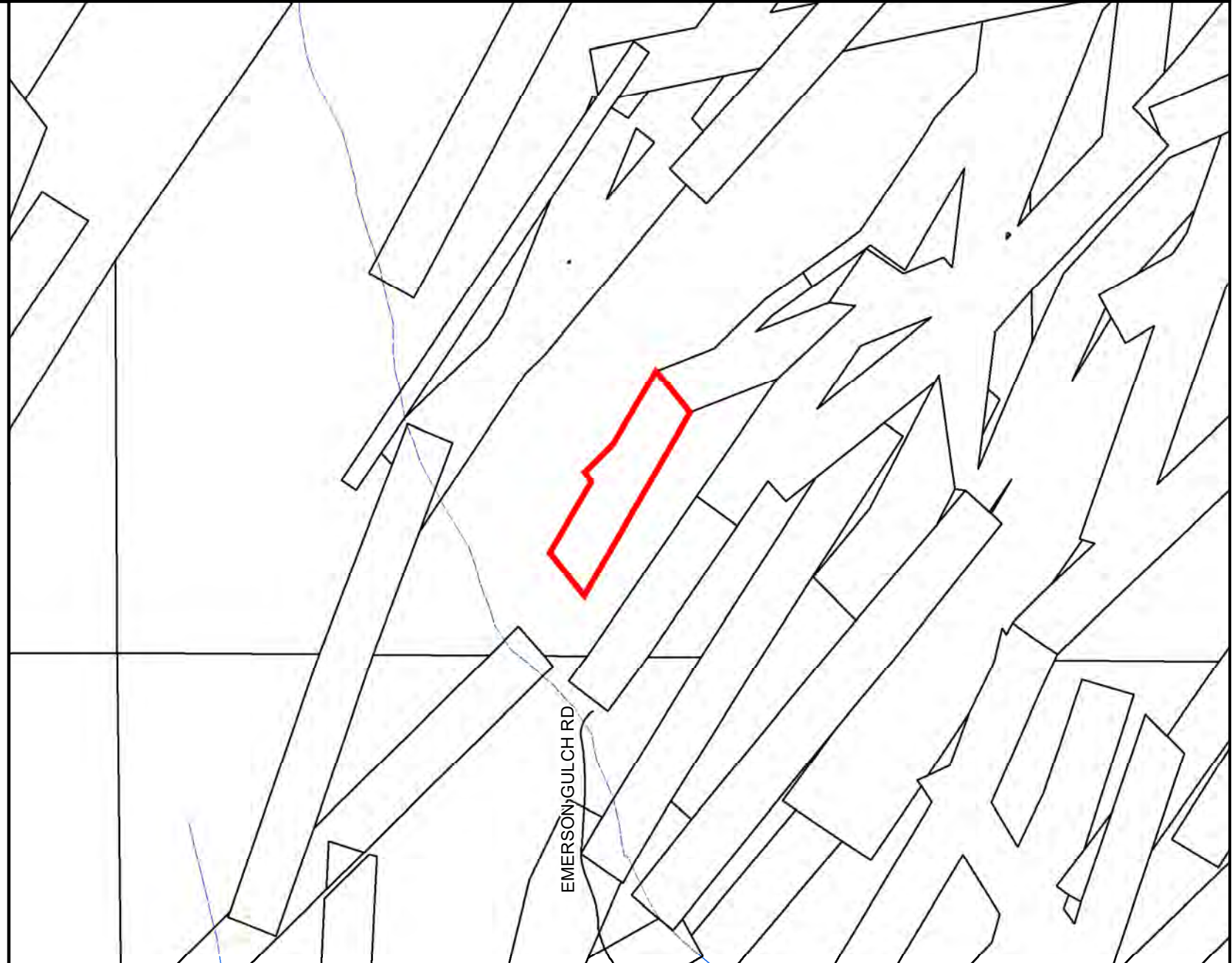
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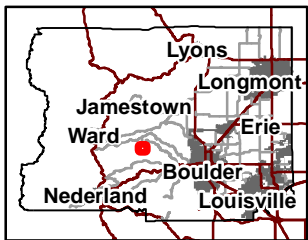
Location

1059 EMERSON GULCH RD

 Subject Parcel



Area of Detail Date: 11/19/2021



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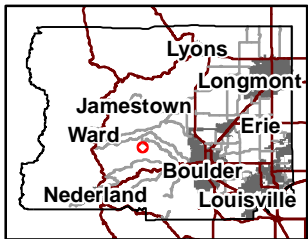
Aerial

1059 EMERSON GULCH RD

 Subject Parcel



Area of Detail Date: 11/19/2021



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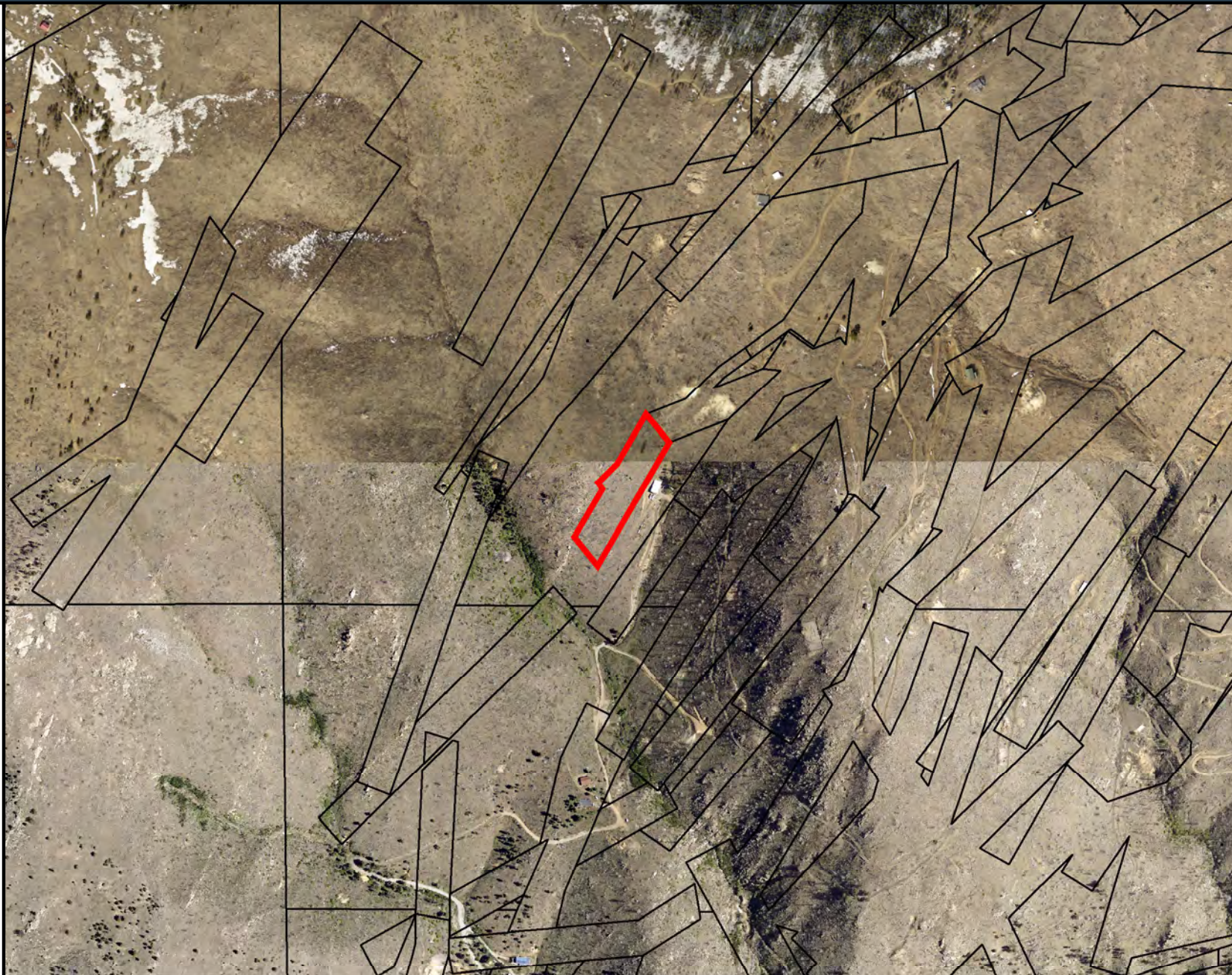
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Aerial

1059 EMERSON GULCH RD

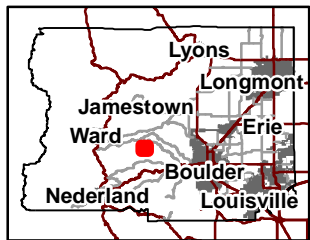
 Subject Parcel



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Area of Detail Date: 11/19/2021



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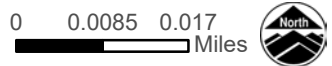
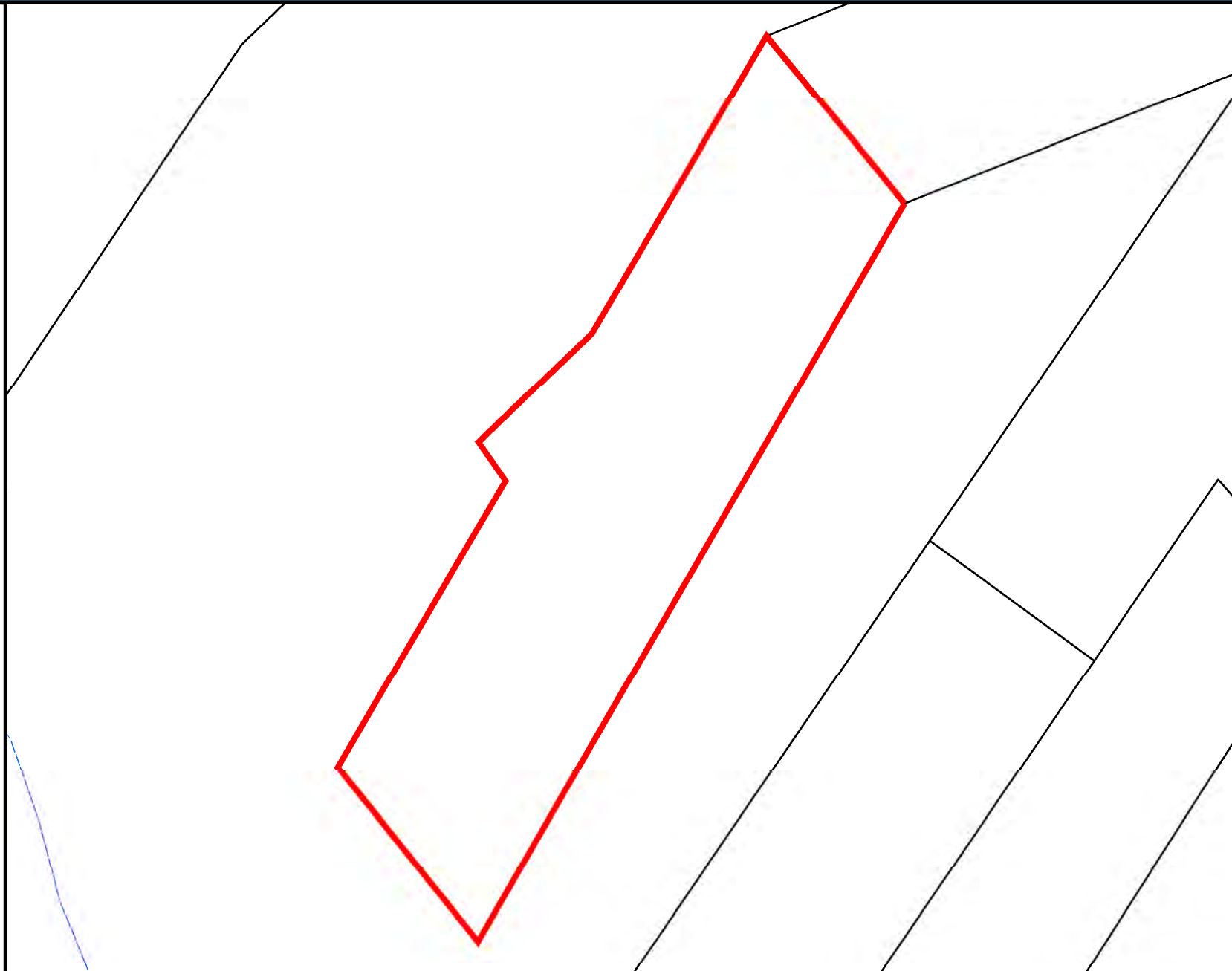
Community Planning & Permitting

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

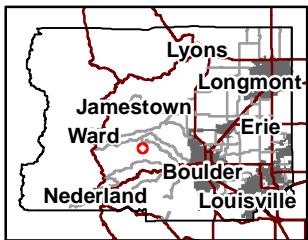
Comprehensive Plan

1059 EMERSON GULCH RD

 Subject Parcel



Area of Detail Date: 11/19/2021



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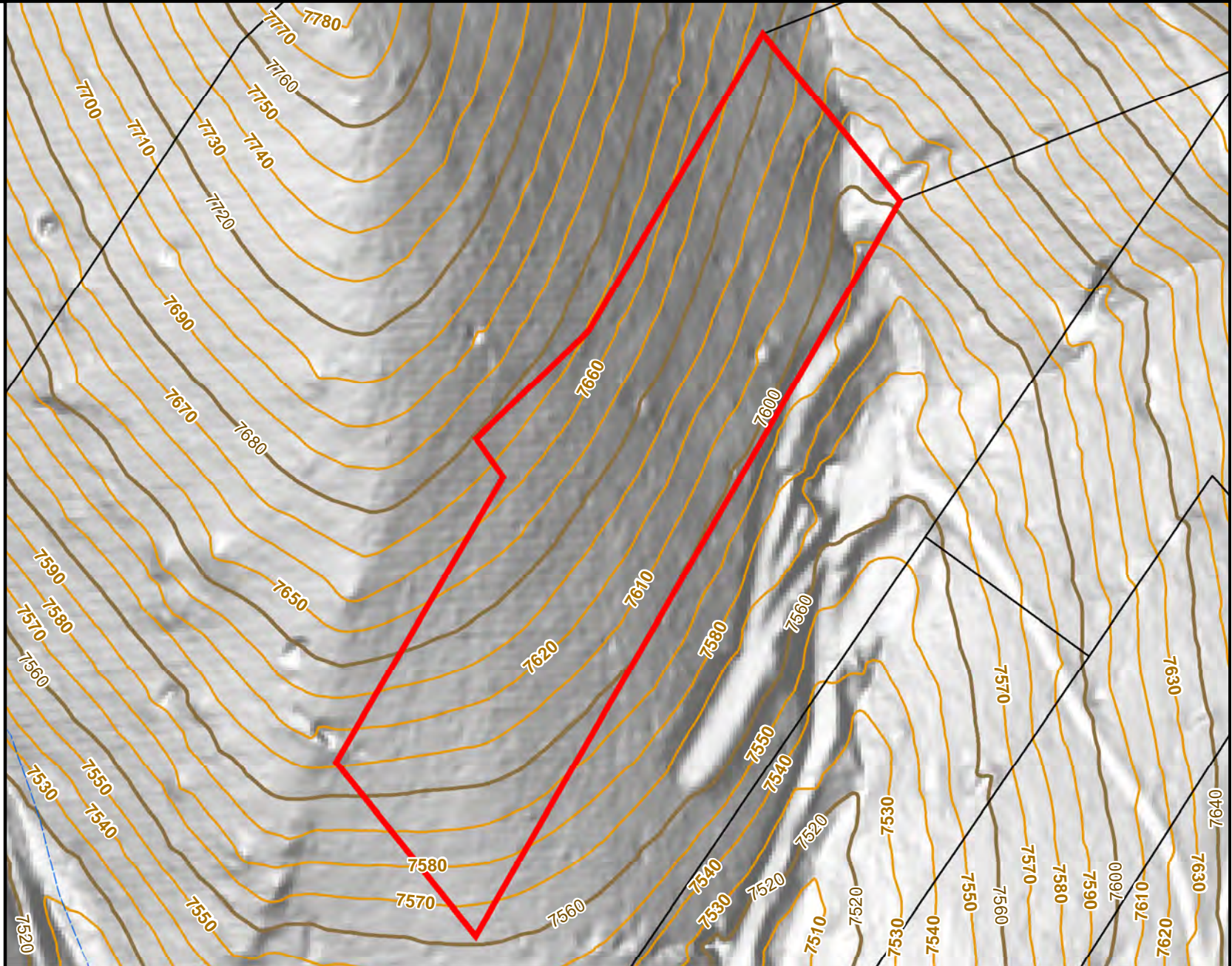
Community Planning & Permitting

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Elevation Contours

1059 EMERSON GULCH RD

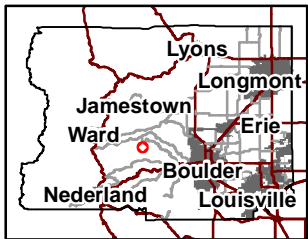
-  Subject Parcel
-  Contours 40'
-  Contours 10'



0 0.0085 0.017 Miles




Area of Detail Date: 11/19/2021



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Geologic Hazards

1059 EMERSON GULCH RD

Subject Parcel

Slope Stability

Debris flow susceptibility area

Rockfall susceptibility area

Landslide susceptibility area

Landslide Inventory

Heaving Bedrock

Steeply Dipping, Heaving Bedrock

Boulder Coal Field

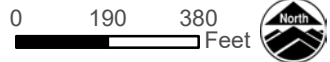
Extent of Abandoned Coal Mines

Soil and Bedrock Swell Potential

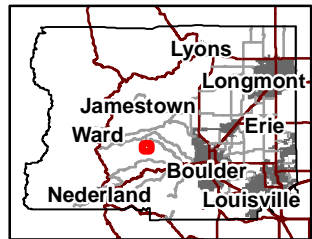
Very High

High

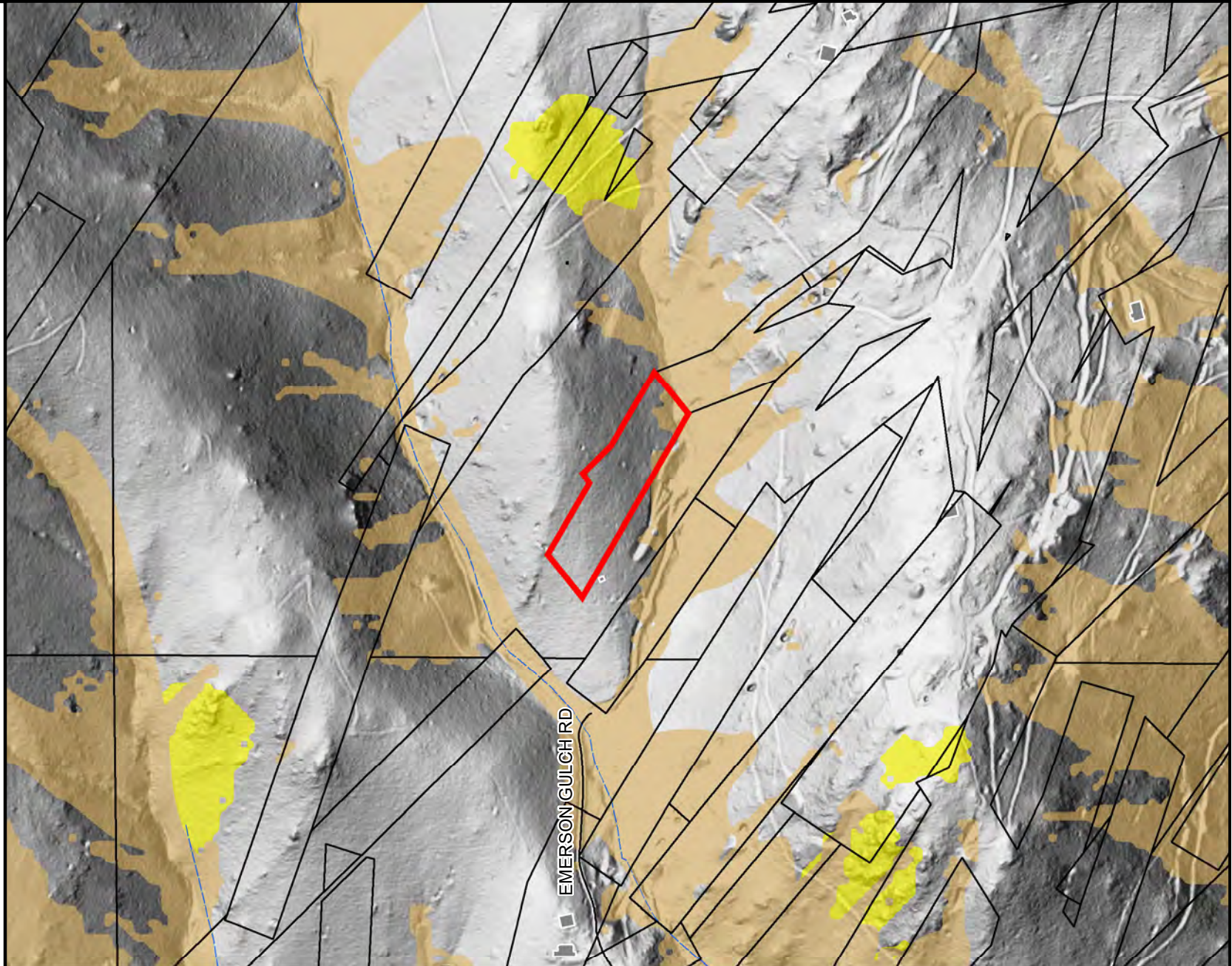
Moderate



Area of Detail Date: 11/19/2021



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Public Lands & CEs
1059 EMERSON GULCH RD

Subject Parcel

Boulder County Open Space

County Open Space

County Conservation Easement

Federal Lands

USFS Land

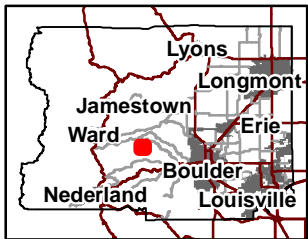
BLM Land



0 0.05 0.1 Miles



Area of Detail Date: 11/19/2021



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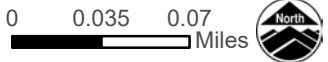
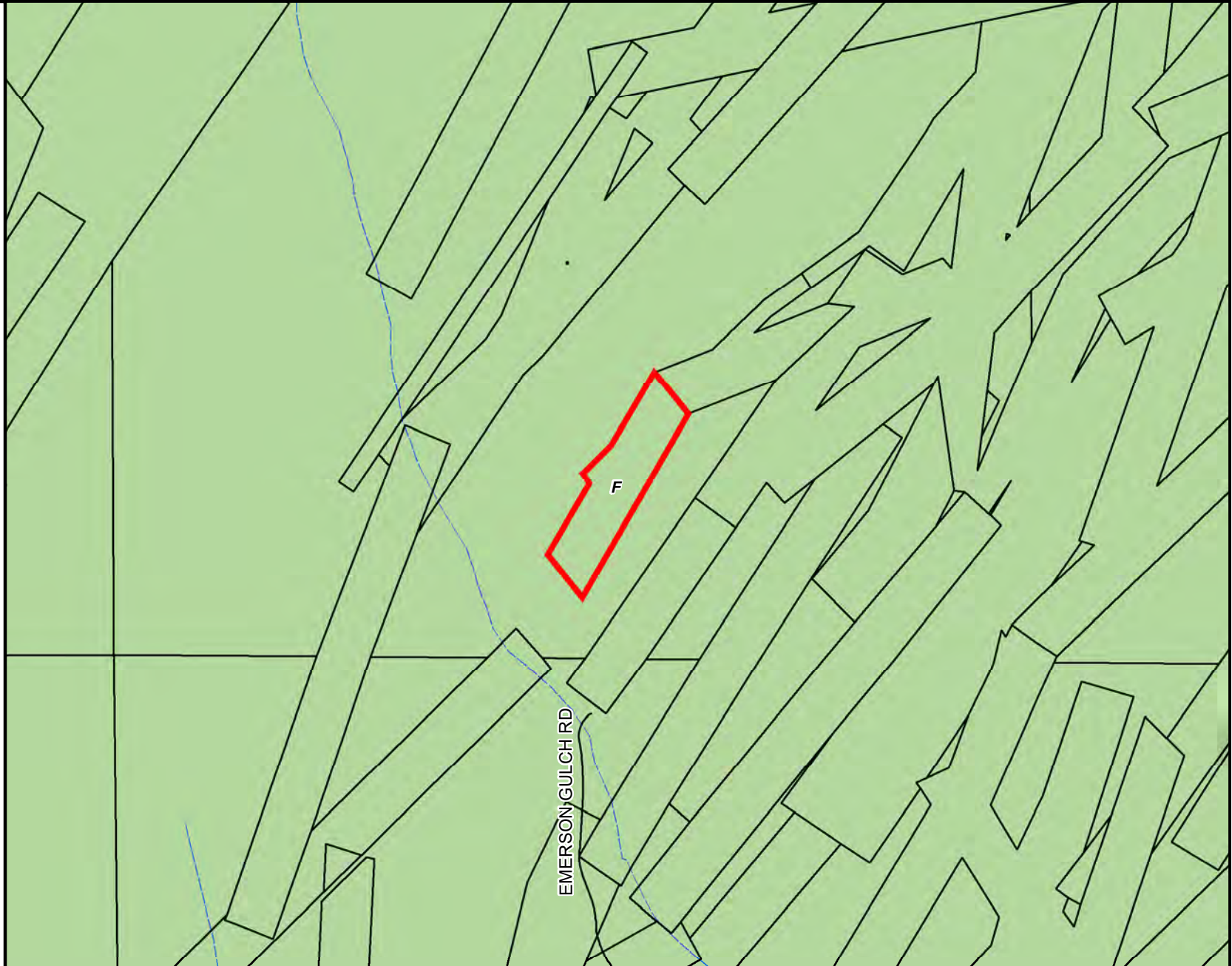
Zoning

1059 EMERSON GULCH RD

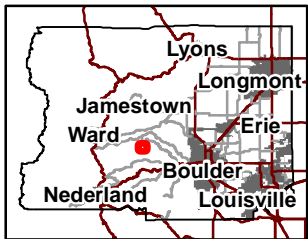
Subject Parcel

Zoning Districts

Forestry



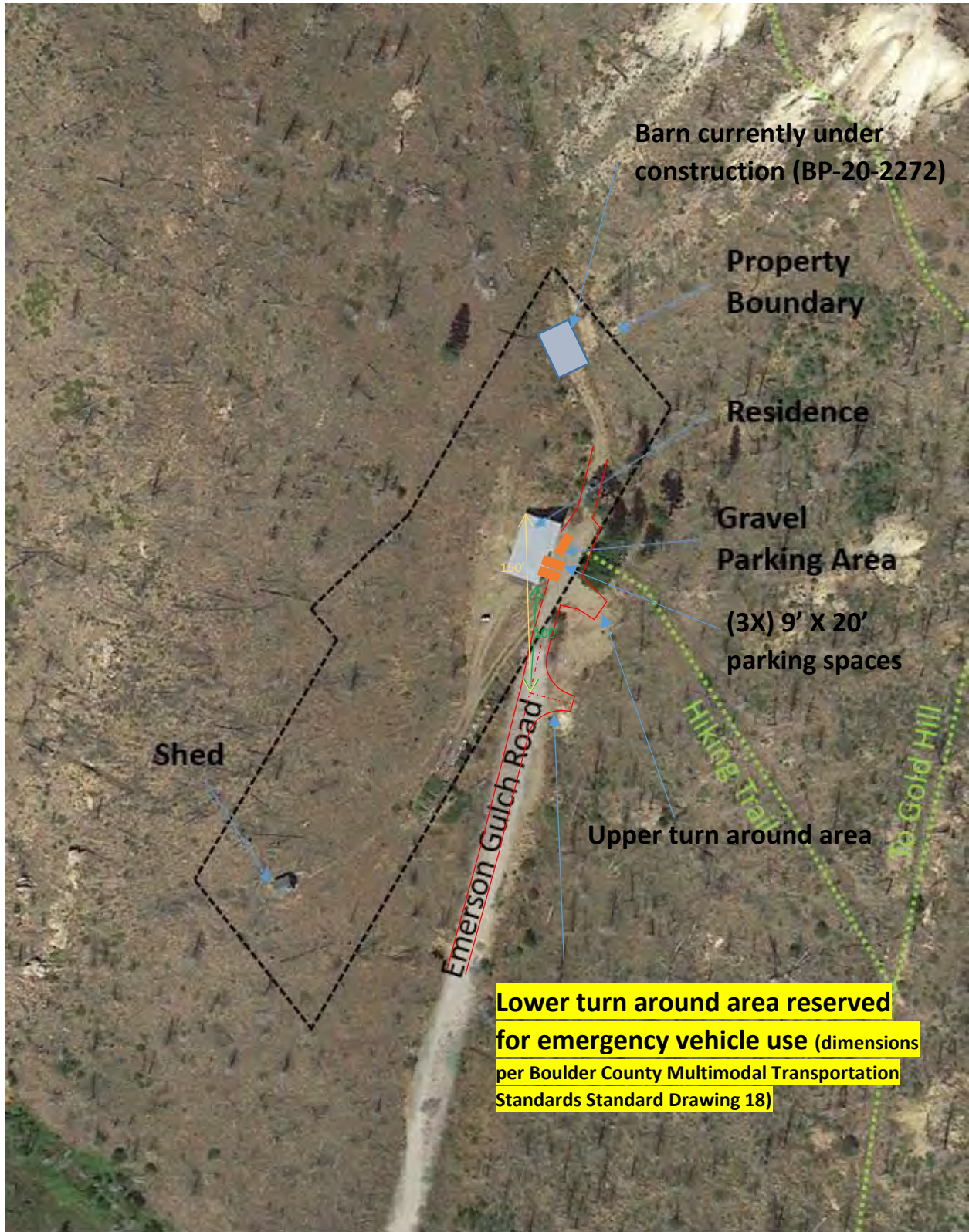
Area of Detail Date: 11/19/2021



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1059 Emerson Gulch Road – Vacation Rental Narrative

I am submitting my application for my home to be a full time vacation rental to be rented 365 days a year. Realistically however, there will be many days when the house will not be occupied due to maintenance and low season. The minimum night stay per booking is 2 nights. The house has 2 sleeping rooms, with a king-size bed in one room and a pull out couch in the other. There is one full bath. The maximum number of guests I allow is 4. There is space to park at least 3 vehicles, but I allow a maximum of 2 parking spaces for guests per booking.



2nd Floor

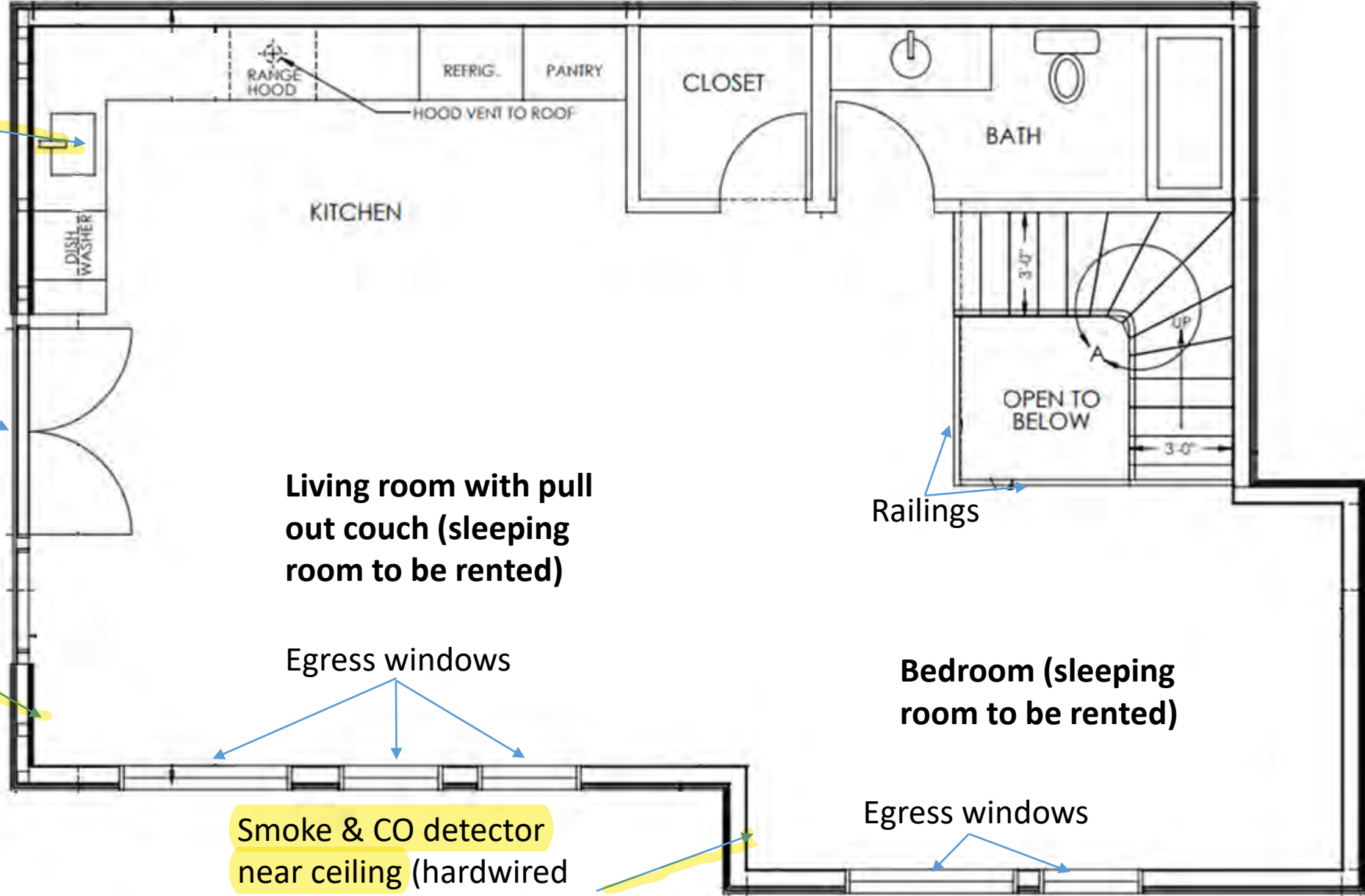
Fire extinguisher located in cabinet under sink



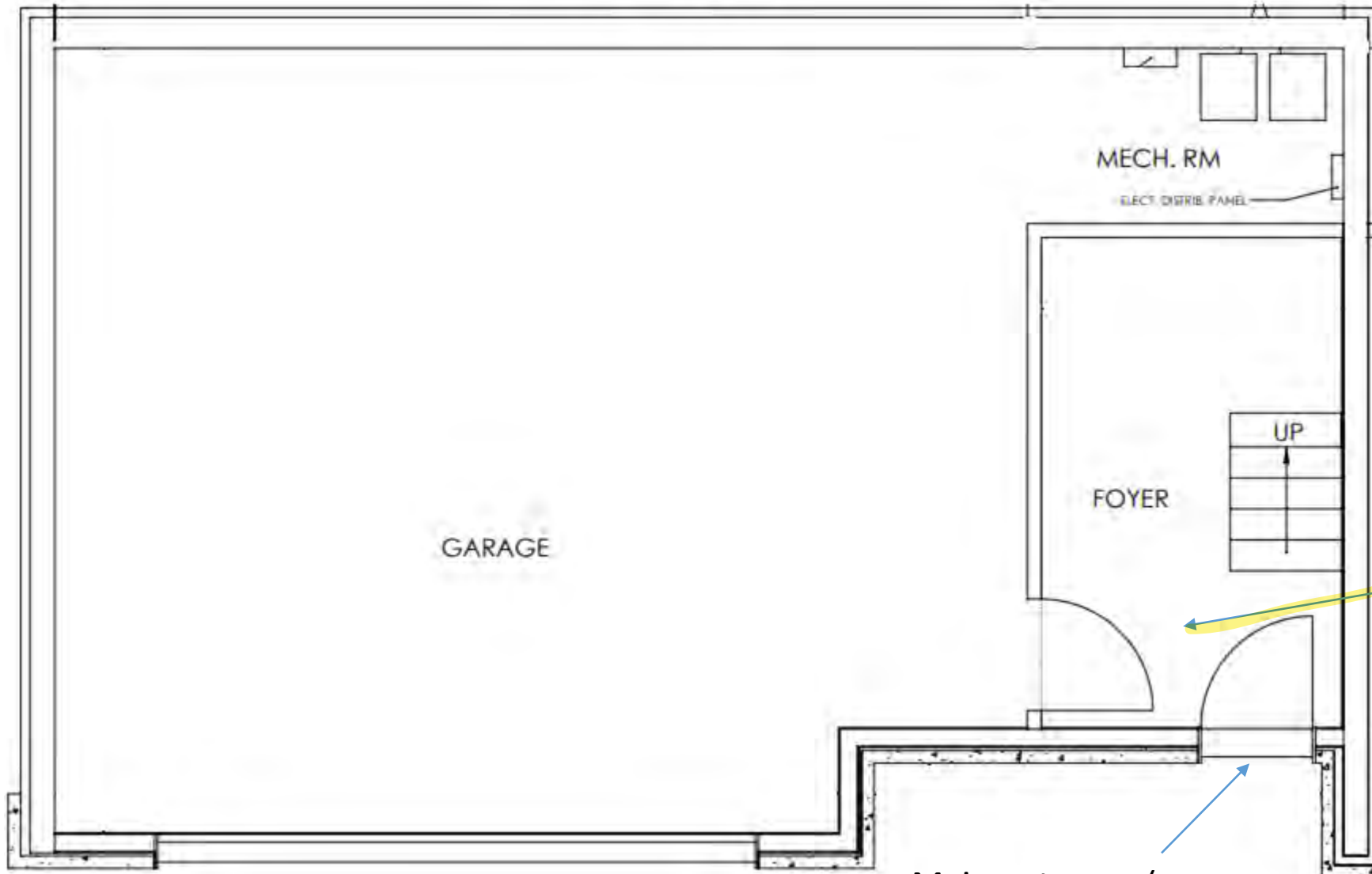
Glass door (egress to ground level deck)

Smoke & CO detector near ceiling (hardwired and interconnected)

Smoke & CO detector near ceiling (hardwired and interconnected)



1st Floor



Smoke & CO
detector on
ceiling
(hardwired and
interconnected)







0





Community Planning & Permitting

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 303-441-3930 • www.BoulderCounty.gov

MEMO TO: Referral Agencies
 FROM: Sam Walker, Planner II
 DATE: May 30, 2023
 RE: Docket SU-23-0006

Docket SU-23-0006: Farber Vacation Rental

Request: Special Use Review to permit a Vacation Rental to be rented up to 365 nights per year to up to 4 guests.
 Location: 1059 Emerson Gulch Road, approximately .8 miles north of the intersection of Emerson Gulch Road and Fourmile Canyon Drive, in Section 13, Township 1N, Range 72W.
 Zoning: Forestry (F) Zoning District
 Applicant/Owner: Nathaniel Farber

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 720-564-2738 or swalker@bouldercounty.org.

Please return responses by **July 5, 2023.**

We have reviewed the proposal and have no conflicts.

Letter is enclosed.

Signed Bret Gibson PRINTED Bret Gibson

Agency or Address Fourmile Fire # Gold Hill Fire

Date 7/3/23



FOUR MILE FIRE PROTECTION DISTRICT

July 3rd 2023

Docket SU-23-0006 Farber Vacation Rental.

1059 Emerson Gulch Road

To whom it may concern,

The idea of changing the use from a single family residence to a vacation rental property 365 days a year is problematic at best.

Temporary Rental Units (TRU's) Are truly a bad idea, from a social point of view. We as a community rely on each other for support and security. Volunteer firefighters are never vacation renters. The cost of rent is currently high. Reducing the number of rentals only drives the cost higher. And the vacation rental does not add anything to the community it only increases the burden on the local resources. The local Fire District is burdened as well. Higher call volume from TRU's as well as questions and complaints. From both visitors and neighbors.

Fire and medical response needs. Let's put this into perspective. The Vacation renter is coming in from elsewhere. With an unknown knowledge of local issues and conditions. Which is ok in a city setting where there are many social norms and support services at hand. 1059 Emerson Gulch is as off the beaten path as you can get without hiking. Emerson Gulch road is STEEP, NARROW, and in the winter an ice rink.

Seasonal knowledge of fire danger. A campfire or simple cigarette butt cast aside can be catastrophic. Our response time is long and slow. But they don't know this. People are the number one starters of wildfires.

Challenges facing visitors.

Rental cars and even 4X4 come with high mileage highway tires. Poor at best for this area. A stuck car blocks access in and out for all. Only one road. Easy in good conditions to get stuck if you are unfamiliar. Even worse coming in at night after flying in and driving from DIA.

Intermittent phone service and internet. Reduced ability for 911 calling.

Evacuation during a wildfire. The houses up at the top are in a fire trap. Those residents must keep a higher level of vigilance and response capability. Not something you can expect from visitors.

Hiking or exploring from the home is very limited. While the home is surrounded by a few acres of BLM. That is surrounded by private property.



FOUR MILE FIRE PROTECTION DISTRICT

Education is a key tool, but now we have 365 different sets of people to educate and really take to heart the issues. It takes most new residents a year or two to understand fully the area in which they choose to live. Vacationers need a bit more support, even if they don't know it. This is why lodges, motels and B&B's have zones and a place in communities.

As the Four Mile Fire Chief I cannot support this application. While the residence is in Gold Hill Fire Protection District. The actual fire response is from Four Mile. Chris O'Brian and I are the current acting fire chiefs for Gold Hill. We both concur that this application should be denied for public safety and general community health. In the bigger picture TRU's are nothing but a drain on the communities they are in and only a benefit to the land lord.

Sincerely,

Bret Gibson

Four Mile Fire Chief



FOUR MILE FIRE PROTECTION DISTRICT

July 17 2023

Docket SU-23-0006 Farber Vacation Rental.

1059 Emerson Gulch Road

To whom it may concern,

The fire dept in its prior response neglected a few fire code points.

- 1, We encourage the applicant to seek the council of our fire code official. Robert Sontag with TERP Consulting. 303-549-5361 rsontag@terpconsulting.com
- 2, Consulting with the County roads division on improving the road to county standards and the four Mile Fire Code. As it is now out of compliance with both. Changing the use to a business will require fire code compliance in this matter.
- 3, A fire dept building permit will be required and can be accessed through our code official.

Sincerely,

Bret Gibson

Four Mile Fire Chief

Walker, Samuel

From: Gibson, Bret
Sent: Monday, August 7, 2023 12:27 PM
To: Nathaniel Farber; Walker, Samuel; LU Land Use Planner
Subject: [EXTERNAL] SU-23-0006

All, this is in regards to Gold Hill Fire Protection District (ghfpd) having a fire code. Miscommunications has led us to believe GHFPD did not have a fire code. This in fact is in error. In 1987 GHFPD adopted the 1985 version of the Uniform Fire Code. This being said a fire access road is required to any and all structures. Emerson Gulch road does not meet those requirements.

A change of use will require a code review of the property and its access.

--

Bret Gibson
Acting Gold Hill Fire Chief and code official.
Four Mile Fire Chief
Volunteering since 1990

Walker, Samuel

From: Carden, Timothy
Sent: Friday, June 2, 2023 10:49 AM
To: Walker, Samuel
Cc: Northrup, Elizabeth (Liz)
Subject: RE: Referral packet for SU-23-0006: Farber Vacation Rental project at 1059 Emerson Gulch Road

Hi Sam,

Thank you for the opportunity to review SU-23-0006. I have completed my review of the referral packet and as proposed this project should not conflict with the terms of the nearby county-held conservation easements.

Best,

Tim Carden | Conservation Easement Stewardship Specialist
 Boulder County Parks & Open Space
 Pronouns: he/him/his
 5201 St. Vrain Road
 Longmont, CO 80503
 303-413-7533 (office)
tcarden@bouldercounty.org
[Boulder County Open Space Website](#)



*New: Boulder County has a new website: [BoulderCounty.gov](https://www.bouldercounty.gov)! Bookmark it today. Email addresses will transition at a later date.
 Nuevo: ¡El condado de Boulder tiene un nuevo sitio web: [BoulderCounty.gov](https://www.bouldercounty.gov)! Márcalo hoy. Los correos electrónicos harán la transición en una fecha posterior.*

From: Milner, Anna <amilner@bouldercounty.org>
Sent: Tuesday, May 30, 2023 1:29 PM
To: !LongRange <longrange@bouldercounty.org>; Boulder County Short-Term Rental Licensing <STR Licensing@bouldercounty.org>; #WildfireMitigation <WildfireMitigation@bouldercounty.org>; #AssessorReferral <AssessorReferral@bouldercounty.org>; #CAreferral <CAreferral@bouldercounty.org>; Chamberlin, James <jchamberlin@bouldercounty.org>; Allshouse, Alycia <aallshouse@bouldercounty.org>; BDRCO@xcelenergy.com; Donna.L.George@xcelenergy.com; bob@pinebrookwater.com; Vanessa McCracken <bldrvalleyandlongmontcads@gmail.com>; kberger@blm.gov; lauren.kryszczuk@usda.gov; jbrookhart@gmail.com; ild17@comcast.net; #Cerefferral <Cerefferral@bouldercounty.org>; Atherton-Wood, Justin <jatherton-wood@bouldercounty.org>; Moline, Jeffrey <jmoline@bouldercounty.org>; Flax, Ron <rflax@bouldercounty.org>; Frederick, Summer <sfrederick@bouldercounty.org>; Goldstein, Andrew <agoldstein@bouldercounty.org>; HealthWaterQuality-EnvironmentalBP LU <HealthWQ-EnvironBPLU@bouldercounty.org>; Huebner, Michelle <mhuebner@bouldercounty.org>; Northrup, Elizabeth (Liz) <enorthrup@bouldercounty.org>; Sanchez, Kimberly <ksanchez@bouldercounty.org>; Transportation Development Review <TransDevReview@bouldercounty.org>; West,

Ron <rowest@bouldercounty.org>

Cc: Walker, Samuel <swalker@bouldercounty.org>

Subject: Referral packet for SU-23-0006: Farber Vacation Rental project at 1059 Emerson Gulch Road

Please find attached the referral packet for **SU-23-0006: Farber Vacation Rental** project at **1059 Emerson Gulch Road**.

Please return responses and direct any questions to [Sam Walker](#) by **July 5, 2023**. (Boulder County internal departments and agencies: Please attach the referral comments in Accela.)

Best Regards,

Anna

Anna Milner | Admin. Lead Tech.

Boulder County Community Planning & Permitting

Pronouns: she/her/hers

Physical address: 2045 13th St., Boulder CO 80302

Mailing address: PO Box 471, Boulder, CO 80306

(720) 564-2638 (Direct)

amilner@bouldercounty.org

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

*My core working hours are 7am-5:30pm Tues - Fri

New: Boulder County has a new website: BoulderCounty.gov! Bookmark it today. Email addresses will transition at a later date.

www.bouldercounty.gov





Public Health

Environmental Health Division

June 20, 2023

TO: Staff Planner, Land Use Department

FROM: Jessica Epstein, Environmental Health Specialist

SUBJECT: SU-23-0006: Farber Vacation Rental project

OWNER: Farber

PROPERTY ADDRESS: 1059 Emerson Gulch Road

SEC-TOWN-RANGE: 13 -1N -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 5/17/85. 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 8/27/85.
2. **The Vacation Rental status requires an OWTS Use permit from BCPH for the change from residential use to commercial use. The owner or their agent (e.g., contractor) must apply for an OWTS Use permit (with no construction). The OWTS permit must be issued prior to approval of a vacation rental status by Community Permitting and Planning.**
3. **Related links:** <https://bouldercounty.gov/environment/water/septicmart/permit-and-fee-schedule/> and <https://bouldercounty.gov/environment/water/septicmart/forms-and-applications/>
4. The OWTS is sized for a maximum of 6 people, including children. Therefore, any rental of the home must stay within that limit.
5. It is recommended that the owner supply information to renters regarding the proper use of an OWTS. A printable list of do's and don'ts can be found here: <https://assets.bouldercounty.org/wp-content/uploads/2017/02/owsdosdodnts.pdf>
6. 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 it.
7. It is recommended that the septic tank be pumped every two years. If the renters put unwanted items down the toilets, frequent pumping could avoid failure in the absorption field.

This concludes comments from the Public Health – Environmental Health division at this time. For additional information on OWTS, refer to the following website: www.SepticSmart.org. If you have additional questions about OWTS, please do not hesitate to email HealthOWS@bouldercounty.org.

Cc: OWTS file, owner, Community Permitting and Planning



Community Planning & Permitting

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

Building Safety & Inspection Services Team

MEMO

TO: Sam Walker, Staff Planner
 FROM: Ron Flax, Deputy Director / Chief Building Official
 DATE: June 2, 2023

RE: Referral Response, Docket SU-23-0006: Farber Vacation Rental. Special Use Review to permit a Vacation Rental to be rented up to 365 nights per year to up to 4 guests.

Location: 1059 Emerson Gulch Road

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

The applicant has indicated that they will be renting the existing single-family home for short term stays, and that they will not be 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



Parks & Open Space

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

TO: Sam Walker, Community Planning & Permitting Department
FROM: Ron West, Natural Resource Planner
DATE: July 10, 2023
SUBJECT: Docket SU-23-0006, Farber, 1059 Emerson Gulch Road

Staff has reviewed the submitted materials, and has no natural resource concerns with the proposal.



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 303-441-3930 • www.BoulderCounty.gov

Wildfire Mitigation Team

MEMO

TO: Sam Walker, Planner II
FROM: Abby Silver, Wildfire Mitigation Specialist
DATE: June 1, 2023
RE: Referral packet for SU-23-0006: Farber Vacation Rental project at 1059 Emerson Gulch Road

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 home received a Wildfire Partners certificate on 11/09/2021.

More information about Wildfire Partners can be found at www.wildfirepartners.org

Additionally, since renters will most likely be unfamiliar with the risks associated with wildfire and local evacuation processes, it is required in Section 6.2.iii-iv, for the owner to display wildfire prevention and evacuation information within the rental property. Outdoor fires are also prohibited per Section 6.3.

If the applicant 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



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July 13, 2023

TO: Samuel Walker, Planner II; Community Planning & Permitting, Development Review Team - Zoning

FROM: Brian P. Kelly, Planner II; Community Planning & Permitting, Development Review Team – Access & Engineering

SUBJECT: Docket # SU-23-0006: Farber Vacation Rental and Residence - 1059 Emerson Gulch Road
Hold Request

The Development Review Team – Access & Engineering staff has reviewed the above referenced docket and requests the application be put on hold for the following reason:

The existing driveway access to the residential structure does not meet Boulder County Multimodal Transportation Standards (MMTS, the “Standards”). The driveway access shall be designed according to the MMTS for residential development in the mountains, including without limitation:

- a. Table 5.5.1 – Parcel Access Design Standard
- b. Standard Drawing 11 – Private Access
- c. Standard Drawing 14 – Access with Roadside Ditch
- d. Standard Drawing 15 – Access Profiles Detail
- e. Standard Drawing 16 – Access & Grade Clearance
- f. Standard Drawing 17 – Access Pullouts
- g. Standard Drawing 18 – Access Turnaround
- h. Standard Drawing 19 – Typical Turnaround & Pullout Locations

This concludes our comments at this time.



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Tel: 303-441-3930 • www.BoulderCounty.gov

September 6, 2023

TO: Samuel Walker, Planner II; Community Planning & Permitting, Development Review Team - Zoning

FROM: Brian P. Kelly, Planner II; Community Planning & Permitting, Development Review Team – Access & Engineering

SUBJECT: Docket # SU-23-0006: Farber Vacation Rental and Residence
1059 Emerson Gulch Road
ADDENDUM

The Development Review Team – Access & Engineering staff provided an initial referral and Hold Request on July 13, 2023 (attached). During a site visit on August 9, 2023, Staff inspected access conditions for the above referenced docket and has the following comments:

1. The subject property is accessed from Emerson Gulch Road, an unpaved Boulder County owned but not maintained right-of-way (ROW) with a Functional Classification of Local Secondary. Legal access has been demonstrated via adjacency to this public ROW.
2. An Access Improvement and Maintenance Agreement (AIMA), which is an agreement for future maintenance responsibility, will be issued for the shared access road known as Emerson Gulch Road during Special Use (SU) review. The AIMA will be prepared by the Access & Engineering staff, signed by the property owner and notarized, and approved as part of the review process.
3. Emerson Gulch Road geometry within the Prescriptive ROW is described as follows:
 - a. Emerson Gulch Road from the intersection with Fourmile Canyon Drive to the subject parcel is approximately 3,200 feet in length and lies within a prescriptive ROW of varying width. The minimum ROW easement width occurs approximately 1,450 feet from Fourmile Canyon Drive and measures approximately 10 feet wide continuing nearly 450 feet in length. Maximum width occurs nearly 1,350 feet from intersection and measures 55 feet wide. The generally consistent width in all other areas is 20 feet.

Despite the general width of the prescriptive ROW, the travelway is an average overall width of 14 feet from the intersection with Fourmile Canyon Drive and continues for a length of 2,250 feet until the slope flattens moderately towards the subject parcel.

- b. Access drives and wider areas along the travelway of Emerson Gulch Road provide approximately 5 suitable pullouts. Pullout #1 is a driveway occurring 250 feet from the intersection of Fourmile Canyon Drive, a second suitable pullout (Pullout #2) is also a driveway 750 feet beyond the intersection, Pullout #3 is a wider section of Emerson Gulch created by a 25 foot outside radius curve and 1,325 feet further

from Fourmile Canyon Drive. The next suitable Pullout #4 occurs at a plateau point between two residential units (560 & 612 Emerson Gulch Road) and is 2,545 feet from Fourmile Canyon Drive intersection. The final identifiable Pullout #5 occurs 2,860 feet in total distance from intersection.

- c. The access road should comply to the Boulder County Multimodal Transportation Standards (Standards) for residential development in the mountains, including without limitation:
 - i. Table 5.5.1 – Parcel Access Design Standard
 - ii. Standard Drawing 11 – Private Access
 - iii. Standard Drawing 14 – Access with Roadside Ditch
 - iv. Standard Drawing 15 – Access Profiles Detail
 - v. Standard Drawing 16 – Access & Grade Clearance
 - vi. Standard Drawing 17 – Access Pullouts
 - vii. Standard Drawing 18 – Access Turnaround
 - viii. Standard Drawing 19 – Typical Turnaround & Pullout Locations

Generally, Emerson Gulch Road should be designed to provide service to six (6) residential units. Access roads that serve six (6) or more units in the Mountain zone must have a minimum travelway width of 18 feet and include an additional 2 feet to each side to accommodate horizontal clearance (for a total of 22 feet width clearance). Those roads that provide access to less than six (6) residential units must have a minimum 12 feet wide travelway with 2 feet to each side for horizontal clearance (for a 16 feet width clearance). Emerson Gulch Road must conform to the 18 feet width requirement from its entry at Four Mile Canyon Road intersection, to the first unit access driveway, which is 250 feet from the intersection.

Additionally, the Standards require pullouts to be located at intervals every 400 feet along travelway. These pullouts should be designed to be 8 feet in depth from edge of access width and 35 feet in length with an additional 10 feet tapers on each side (55 feet total length).

- d. Implementation of the Access Design Standards are constrained by the prescriptive ROW creating an easement too narrow to accommodate the Standards as outlined:
 - i. The Emerson Gulch Road travelway cannot be widened to 18 feet from the intersection of Fourmile Canyon Drive to the first unit access driveway and the minimum horizontal clearance of 22 feet cannot be obtained.
 - ii. Similarly, the travelway cannot be maintained at least 12 feet with the 16-foot horizontal clearance requirement for the remainder of the road.
 - iii. Approximately 8 total pullouts are required along the length of Emerson Gulch Road at 400-foot intervals. This requirement cannot be met.
 - iv. Furthermore, the pullouts cannot be constructed in a manner in which to meet the defined geometry.

- e. Lack of these improvements, inhibits two-way traffic flow on the minimally suitable one-way road, especially in emergency situations.
4. Assuming improvements were possible and given the challenging topography, the area and volume of earthwork would cause significant environmental damage.

This concludes our comments at this time.

Walker, Samuel

From: Wufoo
Sent: Tuesday, June 27, 2023 9:07 AM
To: LU Land Use Planner
Subject: [EXTERNAL] Ask a Planner - Robert Slowinski - SU-23-0006 - 560 Emerson Gulch Road

Boulder County Property Address : 560 Emerson Gulch Road If your comments are regarding a specific Docket, please enter the Docket number: SU-23-0006

Name: Robert Slowinski

Email Address: rfslow@gmail.com

Phone Number: (720) 301-7228

Please enter your question or comment: Nathaniel has been a friendly and responsible neighbor on Emerson Gulch Road. He is very active in road maintenance (plowing, light road work) and is typically eager to help neighbors out when needed. Nat has been renting out his house as his permanent residence for a number of months now and I have not experienced any problems to date. This gives me confidence that continuing rentals under a new permit would not cause any negative issues for the neighborhood, and would likely continue Nathaniel's efforts towards maintaining the road and neighborhood in good condition.

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.

August 2023

Board of Boulder County Commissioners
P.O. Box 471
Boulder, CO 80306

Re: Record SU-23-0006

Dear Commissioners:

The purpose of this letter is to voice concerns about short-term rentals, generally, as well as the proposed 365-day short-term vacation rental located at 1059 Emerson Gulch Road. This parcel, along with parcels located at 621 Emerson Gulch Road and 5216 Fourmile Canyon Drive, have been operating, without benefit of permit, 365 days per year as short-term vacation rentals.

Many residents who permanently reside in the foothills of unincorporated Boulder County moved here in order to be out of the hustle and bustle of a city and to live in a more calm and peaceful environment, closer to nature. However, this serenity is being severely impacted by the sheer number of out-of-town visitors and service personnel entering these communities in connection with short-term vacation rentals. The owners and renters of these short-term vacation rental properties have little regard for the quality of life of those living here year-round. To note, just these three short-term vacation rentals have the potential to infuse more than 2,000 visitors per year to Fourmile Canyon. Such impacts are not desired by those permanently residing in Fourmile Canyon. The permanent residents of Boulder County's mountain communities should not have to sacrifice their quality of life for the financial benefit of these short-term vacation rental property owners.

Other impacts of these short-term vacation rentals include, but are not limited to, loss of community values, decreased safety (due to increased traffic, added fire risks, etc.), environmental (e.g. wildlife endangerment, air, water and noise pollution, etc.), and decreases in the availability of affordable housing.

Based on the above, it is requested that the Boulder County Commissioners (i) reject the 365-day vacation rental proposed for 1059 Emerson Gulch Road, (ii) consider capping the number of rental days per year to something less than the 180 days currently allowed, and (iii) enforce compliance of permit requirements currently in place. Also, it is requested that the other two non-compliant parcels (at 621 Emerson Gulch Road and 5216 Fourmile Canyon Drive) be brought into compliance.

Respectfully,

Fourmile Community Residents

cc: Community Planning & Permitting

Walker, Samuel

From: Michael Baker <michaeltbaker713@gmail.com>
Sent: Thursday, August 24, 2023 5:13 PM
To: Walker, Samuel
Subject: [EXTERNAL] Letter of Well Wishes (SU-23-0006)

Good evening Mr Walker!

I, Michael Baker own and live year round at 718 Emerson Gulch Road. I am the nearest neighbor to 1059 Emerson Gulch Road. I am also majority land owner on Emerson Gulch. The reason for my letter is that it is my understanding that you were presented with an “anonymous” letter that I feel likely did not come from a property owner within our presumptive radius regarding SU-23-0006 as we have a good culture amongst neighbors up here.

With that said, I am writing in support of my neighbor, Nathaniel Farber, and his vacation rental plans which are under special use review SU-23-0006.

Nathaniel has been renting his property to guests over the past year. I have experienced no adverse impacts from his property being used as a vacation rental. In fact the inverse is true, the road is currently in the best shape it has ever been in. Traffic to and from the property has remained similar to when Nathaniel and his family lived there full time. Most of his guests come with one car, compared to two or more cars coming and going for a typical family. His guests are quiet and respectful of the area and surrounding properties as well as the neighbors.

Nathaniel is a responsible and considerate neighbor and member of the Emerson Gulch community. I don't expect that to change. He goes above and beyond when it comes to road maintenance and truly cares about his neighbors and the character of the neighborhood. He comes up here very regularly to help with road maintenance, snow removal, property maintenance, and to chat with neighbors. He is still a member of our community just as he was when he lived here full time.

There have been no issues with Nathaniel's guests in the winter. Our road is plowed regularly and most of the residual snow or ice usually melts away quickly, as the road is on a sunny south facing hillside. As long as Nathaniel continues to require that guests carry and use chains on the occasional days when conditions require them, winter access is perfectly safe.

I have no reservations about his plans for a year round rental. Hopefully this letter finds you well, and that you take its contents into consideration. Thank you for your time and have yourself a great night!

Warm Regards,

-Mike

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 S: Licensing Requirements

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

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

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

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

Section 6: Licensee Operating Standards and Requirements

A. All Licenses:

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

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

Section 7: Inspection

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

Section 8: Decision and Appeal

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

Section 9: Changes to an Issued License

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

Section 10: Term of License or Permit; Renewal

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

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

Section 11: License Non-Transferrable

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

Section 12: Violations

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

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

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

Section 14: Severability/Savings Clause

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

Section 15: Effective Date

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

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

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF BOULDER, COLORADO



Deb Gardner, Chair

ATTEST:

Cecilia Lacey

Clerk to the Board

CERTIFICATION AND ATTESTATION

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

Molly Fitzpatrick

Clerk and Recorder

Good Neighbor Guidelines for Short-Term Rentals in Boulder County

License No. _____

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

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

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



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

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

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

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

No trespassing. Seriously

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

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

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

Name: _____

Phone: _____

Email: _____

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



Wildfire Safety for Short-Term Rentals in Boulder County

License No. _____

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

General Information

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

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

READY - Prevention

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

SET - Preparation:

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

GO- Evacuation:

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

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

You are at the following address: _____

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



Wildlife Safety for Short-Term Rentals in Boulder County

License No. _____

Leave the wildlife wild and alive

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

Avoid conflicts between pets and wildlife

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

Never feed a bear, even unintentionally

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

Stay away from moose

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



Mountain lions live here, too

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

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

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

Name: _____

Phone: _____

Email: _____

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



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

License No. _____

General Information

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

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

What not to flush:

- Diapers
- Paper towels
- Feminine hygiene products
- "Flushable" wipes

What not to put down the drain:

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

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

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

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

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

Name: _____

Phone: _____

Email: _____

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

