

## RESOLUTION 2023-102

### **A resolution conditionally approving Boulder County Community Planning & Permitting Docket LU-23-0029: Gomez Vacation Rental**

#### Recitals

A. Hernan and Bethany Gomez, Marta and Warren Ed Howe, Elvira and John Aletta, and Ester and Greg Moran, all on behalf of Big Owl LLC (the “Applicant”), applied to Boulder County for Limited Impact Special Use Review under Article 4-601 of the Boulder County Land Use Code (the “Code”) for a Vacation Rental for no more than 240 nights per year for up to six guests with a minimum 3-night rental period on an approximately 5.05-acre parcel.

B. The subject property is located at 2221 Big Owl Road, Parcel No. 119702000007, approximately 9 miles north of the intersection of State Highway 7 and State Highway 72, in Section 2, Township 3 North, Range 73 West, in a Forestry zoning district in unincorporated Boulder County (the “Property”).

C. The Property is an unsubdivided Legal Building Lot (BLD-23-0048) with an existing 2,972-square-foot cabin, 384-square-foot historic cabin, and 140-square-foot shed. It is accessed via Big Owl Road, which is a gravel Boulder County owned and maintained right-of-way with a Functional Classification of Local Access. The Applicant does not propose any physical changes to the Property to support the Vacation Rental.

D. Since the Property is not the Applicant’s primary residence and the Applicant proposes to rent the Property for more than sixty days per year, the Property cannot qualify as a Secondary Dwelling Short Term Rental. The requested use qualifies as a Vacation Rental per Article 4-507.E.1 of the Code.

E. The Boulder County Comprehensive Plan identifies several important resources associated with the Property, including Riparian areas and the Peak-to-Peak Scenic Corridor. There is a View Protection Score of 1.08 assigned to Big Owl Road in the area of the Property.

F. The above-described request was processed and reviewed as Boulder County Community Planning & Permitting Docket LU-23-0029 (the “Docket”), as further described in the memorandum and written recommendation to the Board of County Commissioners (the “Board”) by Boulder County Community Planning & Permitting Department planning staff dated November 9, 2023, together with its attachments (the “Staff Recommendation”)<sup>1</sup>. The Staff

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<sup>1</sup> The Staff Recommendation is titled “LU-23-0029 Big Owl LLC Vacation Rental” however, the Public Hearing was noticed as “LU-23-0029 Gomez Vacation Rental”.

Recommendation found that the Docket could meet the criteria for approval with recommended conditions, and therefore, recommended that the Board conditionally approve the Docket.

G. At a public hearing on the Docket held on November 9, 2023 (the “Public Hearing”), as further reflected in the official record of the Public Hearing, the Board considered the Staff Recommendation, as well as documents and testimony presented by County Community Planning & Permitting Department planning staff. The Board also heard testimony from Hernan Gomez and Warren Ed Howe on behalf of the Applicant. Two members of the public spoke at the Public Hearing.

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

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

Therefore, the Board resolves:

Docket LU-23-0029 is approved on the basis and terms set forth in this Resolution, above, and subject to the following conditions:

1. Prior to the issuance of any Short-Term Rental License, the Applicant must obtain building permits for all previously unpermitted work, including the deck addition and the 140-square-foot shed. The Applicant must relocate the existing 140-square-foot shed to be out of the required setbacks or provide measured plans to Community Planning & Permitting staff showing the shed’s current location meets the setback requirements.

2. The Vacation Rental shall be limited to no more than 240 days per year.

3. The Applicant must maintain a valid Boulder County Vacation Rental License while the short-term rental is in operation.

4. The Property must not be marketed or used for weddings, receptions, or similar private or public events.

5. The Vacation Rental is limited to a maximum occupancy of 6 individuals, including children.

6. Within one year of the issuance of any Short-Term Rental License, the Applicant must demonstrate that the access has been improved to a minimum of 12 to 18 feet in width. The Applicant must also demonstrate that the emergency access turnaround is a minimum of 50 feet from the front of the residence and no more than 150 feet from the rear of the residence; the

turnaround must not exceed 10% grade and must have a minimum 30-foot edge of traveled surface radius. Until these improvements are complete as approved by Community Planning & Permitting staff, only two vehicles are allowed onsite at any time and a no parking sign must be placed in the westernmost parking space shown in the site plan on page 31 of the Staff Recommendation.

7. Per the requirements of Article 4-507.E.3 of the Code, the Applicant shall require all guests/visitors to park on the Property.

8. Prior to the issuance of any Short-Term Rental License, the Applicant must mark all Onsite Wastewater Treatment System component locations to prevent damage from vehicles. No vehicle parking shall be permitted in these areas.

9. The Applicant must maintain a valid Wildfire Partners Certificate.

10. Wildfire prevention and evacuation information must be displayed for guests.

11. All outdoor fires are prohibited.

12. The Applicant shall be subject to the terms, conditions, and commitments of record and in the file for Docket LU-23-0029: Gomez Vacation Rental.

**[Signature Page to Follow]**

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

**ADOPTED** as a final decision of the Board on this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

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

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Claire Levy, Chair

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Ashley Stolzmann, Vice Chair

*Excused November 9, 2023*

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Marta Loachamin, Commissioner

ATTEST:

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Clerk to the Board