



Community Planning & Permitting

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**BOULDER COUNTY
BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING**

**November 4, 2021 at 10:00 A.M.
Due to COVID-19 Hearing to be Held Virtually**

STAFF RECOMMENDATION

STAFF PLANNER: Dana Sparks, Planner I

Docket LU-21-0013 Epstein Vacation Rental

Proposal: Limited Impact Special Review request to allow for a Short-Term Dwelling Vacation Rental for up to 365 nights annually, and up to six guests, on an approximately 5.05-acre parcel.

Location: 6940 63rd Street at the southeast corner of the intersection of Niwot Road and N 63rd Street, Section 35, Township 2N, Range 70

Zoning: Rural Residential (RR) Zoning District

Applicant/Owner: Phillip Epstein

Agent: Katie McKillips

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SUMMARY

This application requests Limited Impact Special Review approval for a Vacation Rental for a maximum of six guests and up to 365 nights annually. Per Article 4-507.E.2.b or the Boulder County Land Use (the Code), Limited Impact Special Review approval is required to establish a Vacation Rental on unsubdivided property within the Rural Residential Zoning District where parcels are more than five acres in size. A Vacation Rental is defined in Article 4-507.E.1 of the Code as a single-family dwelling unit offering transient lodging accommodations to a single booking part at a time for

a rental duration of fewer than 30 days where (1) the dwelling unit is not the primary residence of the owner; and (2) the dwelling unit is rented more than 60 days per year.

With the recommended conditions, staff finds the request can meet the Limited Impact Special Review Criteria in Article 4-601 of the Boulder County Land Use Code and recommends the Board of County Commissioners conditionally approve docket LU-21-0013: Epstein Vacation Rental.

DISCUSSION

The subject parcel is an approximately 5.05-acre building lot located southeast of the intersection of Niwot Road and N 63rd Street. Existing residential floor area on the subject parcel includes a 2,072-square-foot residence, 875-square-foot commissary kitchen, two sheds less than 120 square feet (permits not required due to their size and lack of utilities), and an approximately 150-square-foot unpermitted shed. The subject parcel also has approximately 2,154 square feet of agricultural floor area (including two 160-square-foot storage containers, 384-square-foot animal shelter, 1,200 square-foot pole barn, and an unpermitted, approximately 250-square-foot addition to the pole barn). The applicant owns the subject property but resides elsewhere.



Figure 1: Aerial Map of the Subject Property (red)

The applicant proposes to rent three bedrooms on the main and lower floors of the existing residence, to a maximum of six guests for up to 365 nights per year. In the application narrative, the applicant states no one permanently resides on-site, however a property manager visits the site five to seven times per week.

As detailed in the discussion below, staff finds that a Vacation Rental up to 180 nights annually is compatible with the surrounding area. Therefore, staff supports a Vacation Rental with the recommended conditions of approval, limiting the use.

REFERRALS

This application was referred to the typical agencies, departments, and adjacent property owners. Copies of all referral responses received by the Community Planning & Permitting Department are attached. Responses are summarized below.

Boulder County Building Safety & Inspection Services Team: This division reviewed the proposal and noted that for any work that was completed without the benefit of a building permit for which one is required, a building permit must be obtained for the structure to remain or be deconstructed. Additionally, a Building Inspection will be required for this application to ensure compliance with the Basic Safety Items required by Licensing Ordinance No. 2020-01.

Boulder County Engineering Development Review Team: This team reviewed the proposal and found that legal access to the property is demonstrated. Based on a Vacation Rental use with three sleeping rooms (with each sleeping room generating up to five trips per day), as well as a property manager who will generate roughly one trip per day, staff estimates the proposed use will generate 17 Average Daily Trips (ADT). Given 10 ADT is the estimated trip generation by a single-family residence, staff does not anticipate that the traffic generated by the Vacation Rental use will negatively impact the surrounding transportation network. Four parking spaces are required (one for each sleeping room and one for the property manager). However, the location the applicant has proposed for parking must remain available for use as an emergency turnaround and the parking must be relocated. A second point of access to N 63rd Street (as shown in aerial imagery) may not be used by rental guests or the property manager. Finally, there is no evidence of an Access Permit for the primary access and an Access Permit will be issued for the point of access at N 63rd Street prior to issuance of the Vacation Rental License.

Boulder County Public Health: The Environmental Health division reviewed the proposed application and found the subject parcel has an existing onsite wastewater treatment system (OWTS) adequate for a three-bedroom house. The OWTS is sized for a maximum of six people, including children, and any rental of the home must stay within that limit. Further, Boulder County Public Health (BCPH) previously issued a minor repair permit and ultimately approved the installation of a septic tank and sewer line connection into the existing OWTS from a commercial kitchen. The commercial kitchen was used by a previous owner, whereas the building is now used as an office for the property manager. If the office is to remain, the owner needs to be issued an OWTS Use permit showing that there is the required 15 gallons/day capacity for the office bathroom available in the existing OWTS. The Use permit required for this property would be commercial if it is granted year-round approval as a rental. If the property is not given year-round approval, a commercial OWTS Use permit will not be required.

Boulder County Long Range Planning: This division reviewed the proposal, noting that new regulations adopted in January 2021 aimed to facilitate the updated goals of the Boulder County Comprehensive Housing Element, which addressed housing affordability and availability in the County. The new regulations establish Vacation Rentals as a Lodging Use, prohibit them in zoning districts they were previously allowed in (Estate Residential and Suburban Residential), and require County approval through Limited Impact Special Review or Special Use Review depending on the zoning district, size of the parcel, and number of nights rented. The efficacy of these new regulations is to be reviewed within two years of adoption, but no sooner than one year following full implementation. The division further states that Vacation Rentals remove dwelling units from the available housing stock for local residents.

Adjacent Property Owners: Notices were sent to 91 adjacent property owners. Staff received 8 written comments, including a petition signed by 12 residents in the area. The individual comments

and signed petition voiced concerns regarding the following: compatibility with neighborhood character, pedestrian safety, bicyclist safety, vehicular traffic impact, noise, lack of oversight with neither property owner nor manager living on site, safety concerns with transient residents and distance from police and fire services (including questions surrounding how the applicant plans to restrict access on the parcel, as proposed), compatibility with intent of Rural Residential zoning district, setting a precedent for the establishment of more Vacation Rentals or other businesses in the area, lack of communication from applicant, and visibility of the Vacation Rental. Staff had one follow-up phone with an adjacent property owner following their written public comment where they expressed concerns (captured above) that a full-time Vacation Rental was not compatible with the neighborhood and the Rural Residential zoning district.

The applicant created a petition on Change.org in support of their Vacation Rental. On October 21, 2021, the applicant sent a PDF to staff of the online petition, including the 32 signatures (not counting their own signatures) and seven comments they had already received (included in Attachment C). These comments expressed general support for the Vacation Rental, as well as the responsible and trustworthy character of the applicants including comments that the applicants support local economies and are considerate of the surrounding community. To view the petition, [click here](#).

Agencies that responded with no conflict/no concerns: Mountain View Fire Protection District, Boulder County Historic Review, and Boulder County Parks & Open Space.

Agencies that did not respond: Boulder County Code Compliance, Boulder County Short-Term Rental Licensing, Boulder County Public Works, Boulder County Left Hand Water District, Poudre Valley REA, City of Boulder Planning & Development Services, and Boulder Valley & Longmont Conservation District.

LIMITED IMPACT SPECIAL REVIEW

The Community Planning & Permitting staff has reviewed the criteria for approval of a Limited Impact Special Review for a Vacation Rental, per Article 4-601 of the Boulder County Land Use 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 an approximately 5.05-acre legal building lot on unsubdivided land in the Rural Residential Zoning District. Vacation Rentals are permitted under these circumstances in the Rural Residential Zoning District if approved through a Limited Impact Special Review, 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 meeting Building Code safety requirements (e.g., fire extinguishers), proof of adequate insurance, having a local manager who can respond to issues within one hour in person, and remittance of all applicable taxes. In addition, Vacation Rental license holders must provide a range of information to guests regarding local fire restrictions, onsite wastewater treatment system usage, and Good Neighbor Guidelines provided by the county, among others. The license will be obtained following approval of the Vacation Rental through this Limited Impact Special Review, should it be approved.

Staff recommends a condition of approval requiring the applicants to maintain a valid Vacation Rental License while the subject property is being used as a Vacation Rental. Vacation Rentals are also not allowed to be marketed or used for weddings, receptions, or

other similar private or public events and staff recommends a condition of approval to that effect.

During a site visit on Monday, October 11, staff found that there are three unpermitted sheds on the subject parcel. Three of these sheds are less than 120 square feet, less than 12 feet in height, and do not have utilities. Per Article 17-300.A.1.a.v.B of the Code, two detached accessory structures may be constructed without a building permit on parcels greater than 0.5 acre and less than 10 acres. However, one of the unpermitted sheds nearest the pole barn in the southeast corner of the parcel is greater than 120 square feet in size. Consequently, staff recommends a condition of approval requiring this shed be permitted to remain on the subject parcel, or deconstructed/removed, prior to a Vacation Rental license being issued for this parcel.

During the site visit on Monday, October 11, staff also found that there is a floodlight on the western façade of the residence that does not meet the shielding requirements, as outlined in Article 7-1600C.1 of the Code. Staff recommends a condition of approval requiring this light fixture be removed prior to issuance of a Vacation Rental license. Any replacement light fixture must comply with Article 7-1600 of the Land Use Code.

The subject parcel has two front lot lines (at Niwot Road and N 63rd Street) and two rear lot lines. The rear setback in the Rural Residential zoning district is 15 feet. The existing barn along the southern lot line, and the existing storage containers and shed along the eastern lot line, are within the required setback. These structures are nonconforming and may remain in their built locations, as building permits for the barn and storage containers were previously issued for their construction (BP-79-0290, BP-06-0400), and multiple approved building permits showed the location of the shed (BP-06-1348, BP-06-0400, BP-05-0162).

Additionally, aerial images show an addition was built on the southeastern corner of the existing pole barn in the early 2000s. This addition is approximately 250 square feet and Boulder County has no building permit or other record of its existence on file. Staff recommends a condition of approval requiring the applicants to obtain a building permit to deconstruct the part of the addition that is within the required setback. If the applicant seeks to keep the remainder of the addition, a setback survey will be required for any portion of the addition that is within 20% of the setback, as well as a building permit.

A Zoning Compliance Affidavit for the commercial kitchen, reception number 2798989, was recorded August 9, 2006. This affidavit affirmed the use of the commercial kitchen as part of a home occupation, permitted as an accessory use in the Rural Residential zoning district. The affidavit outlines that the home occupation must be subordinate to the use of the lot for dwelling purposes. Based on the facts provided in this application, the subject parcel would no longer constitute a Residential Use (Vacation Rentals are Lodging Uses), and the commercial kitchen could no longer be permitted as a home occupation use. To that end, staff recommends a condition of approval requiring the commercial kitchen be decommissioned prior to a Vacation Rental license being issued.

Finally, structures accessory to an agricultural use may not be converted to residential floor area, as defined by [Article 18-189-D of the Code](#). To this end, staff recommends a condition of approval requiring the property owner to sign an affidavit that acknowledges conformance with [Articles 4-502.D Open Agricultural Uses](#), [4-516.B Accessory Agricultural Structures](#), [4-516.K Accessory Structures](#), and [18-189D Residential Floor Area](#) of the Code, prior to issuing a Vacation Rental license.

With the recommended conditions of approval, staff finds the proposal meets the minimum zoning requirements of the Rural Residential 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 neighborhood character of the subject parcel is characterized by larger parcels (typically greater than 4 acres) with single-family residences and some farm uses to the east, south, and west. North of the parcel are the Brigadoon Glen and Range View subdivisions, which contain lots approximately 2 acres or less in size with single-family residences. Per Article 4-507.E of the Code, Vacation Rentals are not allowed on subdivided land, meaning no new Vacation Rentals will be allowed to operate in the northerly adjacent parcels of the subject parcel. Given the residential character of this area, staff finds that using an existing house as a Vacation Rental all 365 days of a year is not in character with the neighborhood.

In 2019, prior to the approval of the new short-term rental regulations, staff approved LUW-19-0008: Johansson Short-Term Dwelling Rental at 6254 Brigadoon Court, located nearby the subject parcel in Brigadoon Glen Subdivision. This Limited Impact Special Review Waiver was requested to rent the residence up to 240 night per year, in duration of less than 30 days. Citing similar concerns related to this short-term rental's compatibility with neighborhood character, staff limited the number of rental nights per year to 180 nights. Staff reasoned that this limitation would allow the property owner to rent the property an average of 15 nights per month, while also reducing the number of guests on-site each month to better maintain the neighborhood character. LUW-19-0008 differs from this proposal in that the applicant planned to live on-site. However, staff find the argument for reducing the number of nights to maintain compatibility with the neighborhood character follows for the proposed Vacation Rental at 6940 N 63rd Street. As such, staff recommends a condition of approval limiting the Vacation Rental to a maximum of 180 nights annually.

Based on the referral response from the Development Review Team – Access & Engineering (DRT-A&E) staff, the request as proposed by the applicant for three sleeping rooms (and trips generated by the property manager) would result in 17 average daily trips (ADT) for vehicles to and from the site. A single-family residence is estimated to generate 10 ADT. Staff do not anticipate that the additional traffic generated by the proposed Vacation Rental will negatively impact the surrounding traffic network. Further, staff find the existing site layout, which is not proposed to change, is compatible with the surrounding residential and agricultural uses.

Therefore, as conditioned, staff find this criterion can be met.

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

Significant Agricultural Land of Statewide Importance encompasses the subject parcel. However, no new development is proposed as part of the request, and the referral response from the Parks & Open Space – Natural Resource Planner indicated no concerns regarding impacts to the land resulting from the requested Vacation Rental use.

Policy 3.06 of the Housing Element of the Boulder County Comprehensive Plan states:

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.

As discussed above, staff finds that a lodging use operating 365 nights annually is not compatible with the neighborhood character. Additionally, as stated in the referral from Boulder County Long Range Planning, Vacation Rentals remove dwelling units from the available housing stock for local residents. Limiting the Vacation Rental to operate 180 nights annually is also intended to preserve this housing unit for use by Boulder County residents and workers and their families at least part of the year. The applicant may choose to rent the house to individual for periods of time greater than 30-days when it is not operating as a Vacation Rental.

With the recommended condition of approval related to limiting the number of nights to a maximum of 180 nights, staff find the proposal is in accordance with the Comprehensive Plan.

Therefore, staff finds this criterion can be met.

(4) ***Will not result in an over-intensive use of land or excessive depletion of natural resources. In evaluating the intensity of the use, the Board should consider the extent of the proposed development in relation to parcel size and the natural landscape/topography; the area of impermeable surface; the amount of blasting, grading or other alteration of the natural topography; the elimination or disruption of agricultural lands; the effect on significant natural areas and environmental resources; the disturbance of plant and animal habitat, and wildlife migration corridors; the relationship of the proposed development to natural hazards; and available mitigation measures such as the preservation of open lands, the addition or restoration of natural features and screening, the reduction or arrangement of structures and land disturbance, and the use of sustainable construction techniques, resource use, and transportation management.***

No additional floor area or renovations are proposed under the subject request. Further, with the condition of approval requiring that the applicant maintains a Vacation Rental License with all its associated requirements, staff finds the proposed use of the property as a Vacation Rental will not result in an over-intensive use of land or an excessive depletion of natural resources.

Therefore, staff finds this criterion can be met.

(5) Will not have a material adverse effect on community capital improvement programs;

There is no indication the proposal will have an adverse effect on community capital improvement programs, and no referral agency has responded with such a concern.

Therefore, staff finds this criterion is met.

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

Staff does not anticipate the proposal will have an adverse effect on community facilities and services, and the Mountain View Fire Protection District did not submit a response voicing any concerns about the request. In addition, a potable water supply provided through Left Hand Water District and on-site wastewater treatment system (OWTS) currently exist on the property.

Per the referral response from Boulder County Public Health (BCPH), the existing on-site wastewater treatment system (OWTS) is sized for up to six people, including children. The commercial kitchen on the parcel is currently being used as an office by the site's property manager. Staff recommends a condition of approval that prior to issuance of a Vacation Rental license, the applicant must submit documentation from an engineer and Boulder County Public Health verifying the existing OWTS has capacity for six guests and an office employee in order to have a maximum of six guests per night, or the applicant may have a maximum of five guests per night. Staff has not otherwise identified any negative impacts on community facilities and services.

Therefore, as conditioned, staff finds this criterion can be met.

(7) Will support a multimodal transportation system and not result in significant negative impacts to the transportation system or traffic hazards;

The subject property is accessed from N 63rd Street, a paved Boulder County owned and maintained right-of-way (ROW) with a Functional Classification of Minor Arterial. Legal access has been demonstrated via adjacency to this public ROW. Development Review Team – Access & Engineering (DRT-A&E) staff reviewed the traffic information submitted by the applicants and found that the proposed Vacation Rental would not result in a number of vehicle trips per day that would negatively impact the surrounding transportation network.

Per Article 4-507.E of the Code, a total of four parking spaces is required – one for each sleeping room and one for the property manager. The area identified for parking in the application materials must remain available for use as an emergency turnaround area compliant with the dimensions and distances identified in Standard Drawings 18 and 19 of the [Boulder County Multimodal Transportation Standards](#) (“The Standards”). Staff recommends that prior to issuance of the Vacation Rental license, a new parking map is submitted for review and approval by the Community Planning & Permitting Department that shows a compliant turnaround area and the location of the minimum required four parking spaces.

Based on review of aerial imagery, there appears to be a second point of access to N 63rd Street roughly 110 feet north of the primary access – an unimproved two-track. Per Section 5.4.1 of the Standards, only one point of access to N. 63rd Street is allowed. Due to the

limited scope of this application, no changes to the second access are recommended at this time. However, staff recommends a condition of approval that the secondary access may not be used by rental guests or the property manager.

There is no evidence of an Access Permit for the primary access. Staff recommend an Access Permit must be issued prior to issuance of the Vacation Rental License. The applicant must contact DRR-A&E staff to obtain the Access Permit.

With the recommended conditions, staff finds the proposal does not conflict with a multimodal transportation system and staff does not anticipate that the request will have a negative impact on the transportation system.

Therefore, as conditioned, staff finds this criterion can be met.

(8) *Will not cause significant air, odor, water, or noise pollution;*

The proposed Vacation Rental will utilize the existing residence and no new development is proposed. Further, as required under the Licensing Ordinance, the applicants must provide information to guests regarding trash, recycling, on-site wastewater treatment system usage, and noise. In addition, all persons must abide by the Boulder County Noise Ordinance (No. 92-28) at all times. With the recommended conditions of approval, staff 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. Application materials for the proposed Vacation Rental also included a noise study indicating that based on the physical conditions of the subject parcel, no unusual or adverse noise impacts would be felt at nearby properties.

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. Covered and uncovered porch attached to the residence on the western and southern façades creates an outdoor space where guests may congregate. However, the residence and the porches are visually buffered by trees. Staff does not otherwise find that the proposed use would result in a negative visual impact.

Therefore, staff finds this criterion is met.

(10) *Will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County;*

With the requirement to maintain a valid Boulder County Vacation Rental License and meet all the associated requirements related to health, safety, and welfare of the occupants and surrounding uses, staff do not anticipate that the proposed Vacation Rental will be detrimental to present or future inhabitants. Additionally, as stated above, staff recommends a condition of approval that prior to issuance of a Vacation Rental license, the applicant must submit documentation from an engineer and Boulder County Public Health verifying the existing onsite wastewater treatment system (OWTS) has capacity for six guests and an office employee in order to have a maximum of six guests per night, or the applicant may have a maximum of five guests per night.

Therefore, as conditioned, staff finds this criterion can be met.

- (11) *Will establish an appropriate balance between current and future economic, environmental, and societal needs by minimizing the consumption and inefficient use of energy, materials, minerals, water, land, and other finite resources;*

With the recommended conditions of approval, allowing the applicant to rent the existing residence as a Vacation Rental for 180 nights annually, would provide additional income for the applicants without significantly impacting the surrounding uses while also appropriately balancing the societal need for housing for residents and workers and their families in Boulder County.

Therefore, as conditioned, staff finds this criterion can be met.

- (12) *Will not result in unreasonable risk of harm to people or property – both onsite and in the surrounding area – from natural hazards. Development or activity associated with the use must avoid natural hazards, including those on the subject property and those originating off-site with a reasonable likelihood of affecting the subject property. Natural hazards include, without limitation, expansive soils or claystone, subsiding soils, soil creep areas, or questionable soils where the safe-sustaining power of the soils is in doubt; landslides, mudslides, mudfalls, debris fans, unstable slopes, and rockfalls; flash flooding corridors, alluvial fans, floodways, floodplains, and flood-prone areas; and avalanche corridors; all as identified in the Comprehensive Plan Geologic Hazard and Constraint Areas Map or through the Special Review or Limited Impact Special Review process using the best available information. Best available information includes, without limitation, updated topographic or geologic data, Colorado Geologic Survey landslide or earth/debris flow data, interim floodplain mapping data, and creek planning studies.*

The subject property contains one area identified as having landslide high susceptibility area. However, no new development is proposed, and no referral agency has responded with concerns regarding this hazard.

Therefore, staff finds this criterion is met.

- (13) *The proposed use shall not alter historic drainage patterns and/or flow rates unless the associated development includes acceptable mitigation measures to compensate for anticipated drainage impacts. The best available information should be used to evaluate these impacts, including without limitation the Boulder County Storm Drainage Criteria Manual, hydrologic evaluations to determine peak flows, floodplain mapping studies, updated topographic data, Colorado Geologic Survey landslide, earth/debris flow data, and creek planning studies, all as applicable given the context of the subject property and the application.*

The proposed use will not alter historic drainage patterns or flow rates as the use will be located with the existing residence and no new development is proposed.

Therefore, staff finds this criterion is met.

RECOMMENDATION

Staff has determined that the proposal can meet all the applicable criteria of the Boulder County Land Use Code for Limited Impact Special Review with the recommended conditions of approval.

Therefore, staff recommends that the Board of County Commissioners ***conditionally approve*** docket LU-21-0013 Epstein Vacation Rental, subject to the following conditions:

1. The applicants shall provide a Development Agreement, for review and approval by County staff, prior to the issuance of a license or permits by the Boulder County Community Planning & Permitting Department and prior to the recordation of said agreement within one year of approval.
2. The applicants must maintain a valid Boulder County Vacation Rental License while the short-term rental is in operation.
3. The subject property may not be marketed or used for wedding, reception, or similar private or public events.
4. The Vacation Rental is approved to be rented for up to 180 nights per year.
5. The secondary access point on N 63rd Street that is roughly 110 feet north of the primary access may not be used by rental guests or the property manager.
6. ***Prior to issuance of the Vacation Rental License***, the applicant must submit documentation from an engineer and Boulder County Public Health verifying the existing onsite wastewater treatment system (OWTS) has capacity for six guests and an office employee in order to have a maximum of six guests per night, or the applicant may have a maximum of five guests per night.
7. ***Prior to issuance of the Vacation Rental License***, an Access Permit must be issued by the Community Planning & Permitting Department for the primary access.
8. ***Prior to issuance of the Vacation Rental License***, zoning affidavits must be issued for the existing structures identified as agricultural floor area.
9. ***Prior to issuance of the Vacation Rental License***, the existing approximate 150-square-foot shed located adjacent to the pole barn must receive a building permit to remain or be deconstructed.
10. ***Prior to issuance of the Vacation Rental License***, the existing approximately 250-square-foot addition on the pole barn must receive a building permit to be deconstructed to comply with the 15-foot rear setback. If the applicant seeks to keep the remainder of the addition, a setback survey would be required if the addition is within 120% of the setback, as well as a building permit.
11. ***Prior to issuance of the Vacation Rental License***, the existing commercial kitchen on site must be decommissioned. Please note, a building permit must be obtained to remove cooking facilities.
12. ***Prior to issuance of the Vacation Rental License***, the existing commercial kitchen on site must be decommissioned. Please note, a building permit must be obtained to remove cooking facilities.

13. ***Prior to issuance of the Vacation Rental License***, the existing floodlight attached to the western façade of the residence must be removed. Any replacement structure must comply with Article 7-1600 of the Land Use Code.
14. ***Prior to issuance of the Vacation Rental License***, a new parking map must be submitted for review and approval by the Community Planning & Permitting Department that shows a compliant turnaround area and the location of the minimum required four parking spaces.
15. The applicants shall be subject to the terms, conditions, and commitments of record and in the file for docket SU-21-0001 Stoddard Vacation Rental.



Attachment A
Boulder County Land Use Department

Courthouse Annex Building
 2045 13th Street • PO Box 471 • Boulder, Colorado 80302
 Phone: 303-441-3930
 Email: planner@bouldercounty.org
 Web: www.bouldercounty.org/lu
 Office Hours: Mon., Wed., Thurs., Fri. 8 a.m. to 4:30 p.m.
 Tuesday 10 a.m. to 4:30 p.m.

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

Planning Application Form

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

Project Number		Project Name	
<input type="checkbox"/> Appeal <input type="checkbox"/> Correction Plat <input type="checkbox"/> Exemption Plat <input type="checkbox"/> Final Plat <input checked="" 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) 6940 N 63rd Street, Longmont CO 80503			
Subdivision Name FOOTHILLS EAST			
Lot(s)	Block(s)	Section(s) 35	Township(s) 2N
Area in Acres 5.05	Existing Zoning RR	Existing Use of Property Residential	Range(s) 70
Proposed Water Supply Left Hand water district		Proposed Sewage Disposal Method Septic System	

Applicants:

Applicant/Property Owner Phillip Epstein		Email realestate@blackandred.io	
Mailing Address 6940 N 63rd Street			
City Longmont	State CO	Zip Code 80503	Phone 720-549-0306
Applicant/Property Owner/Agent/Consultant Katie McKillips		Email realestate@blackandred.io	
Mailing Address 6940 N. 63rd St.			
City Longmont	State CO	Zip Code 80503	Phone 720-549-0306
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 Phillip Epstein	Date 8/16/2021
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

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

Attachment A

Vicinity

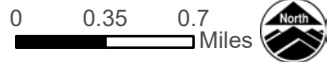
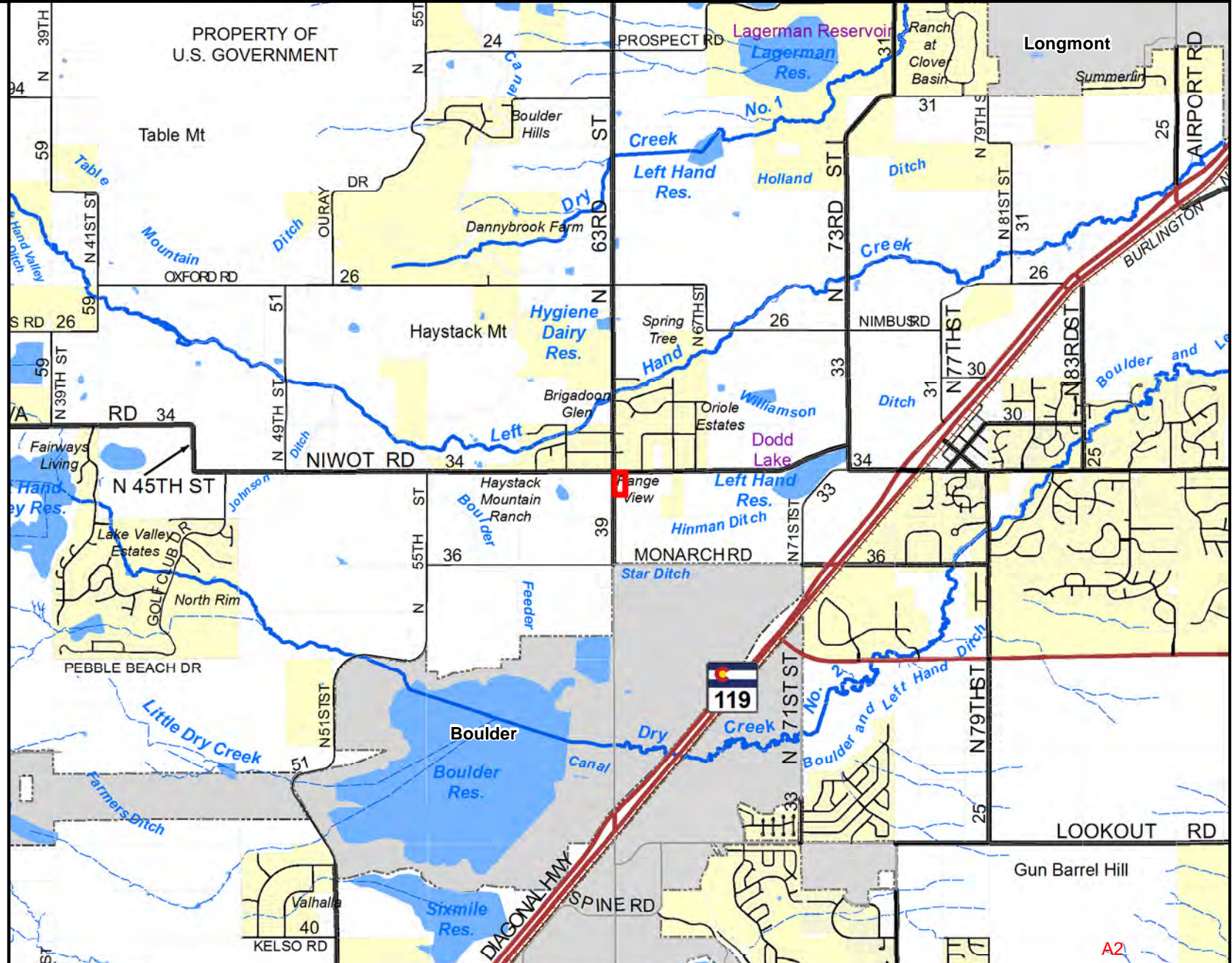
6940 63RD

Subject Parcel

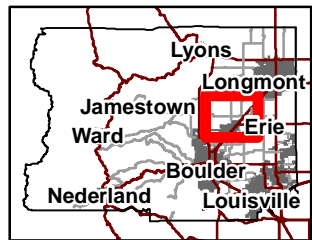
Municipalities

Subdivisions

Subdivisions



Area of Detail Date: 3/18/2021



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Community Planning & Permitting

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Attachment A

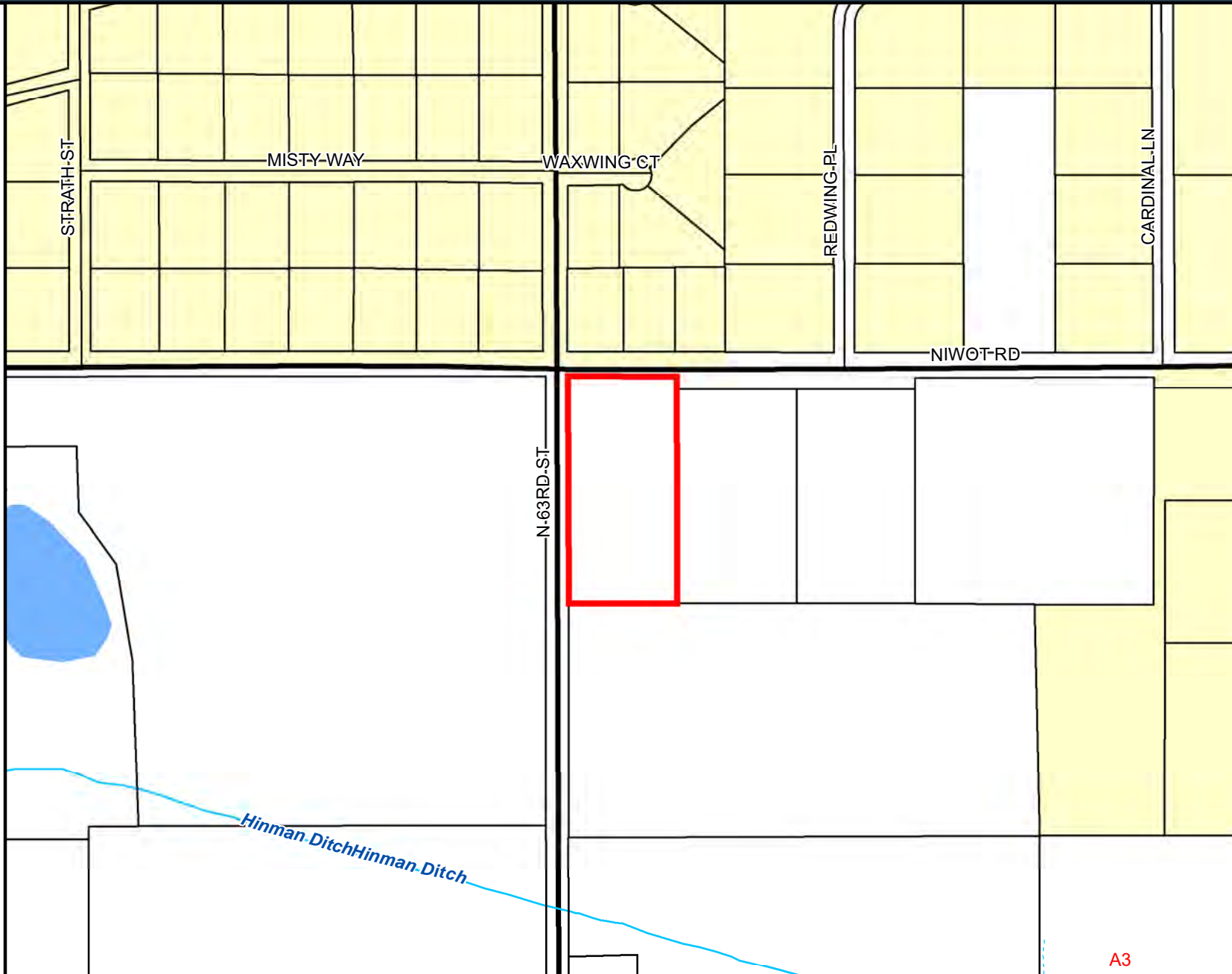
Location

6940 63RD

Subject Parcel

Subdivisions

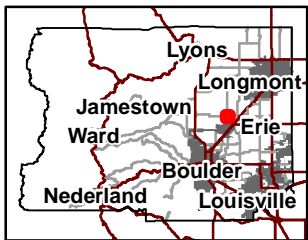
Subdivisions



0 0.035 0.07 Miles



Area of Detail Date: 3/18/2021



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A3



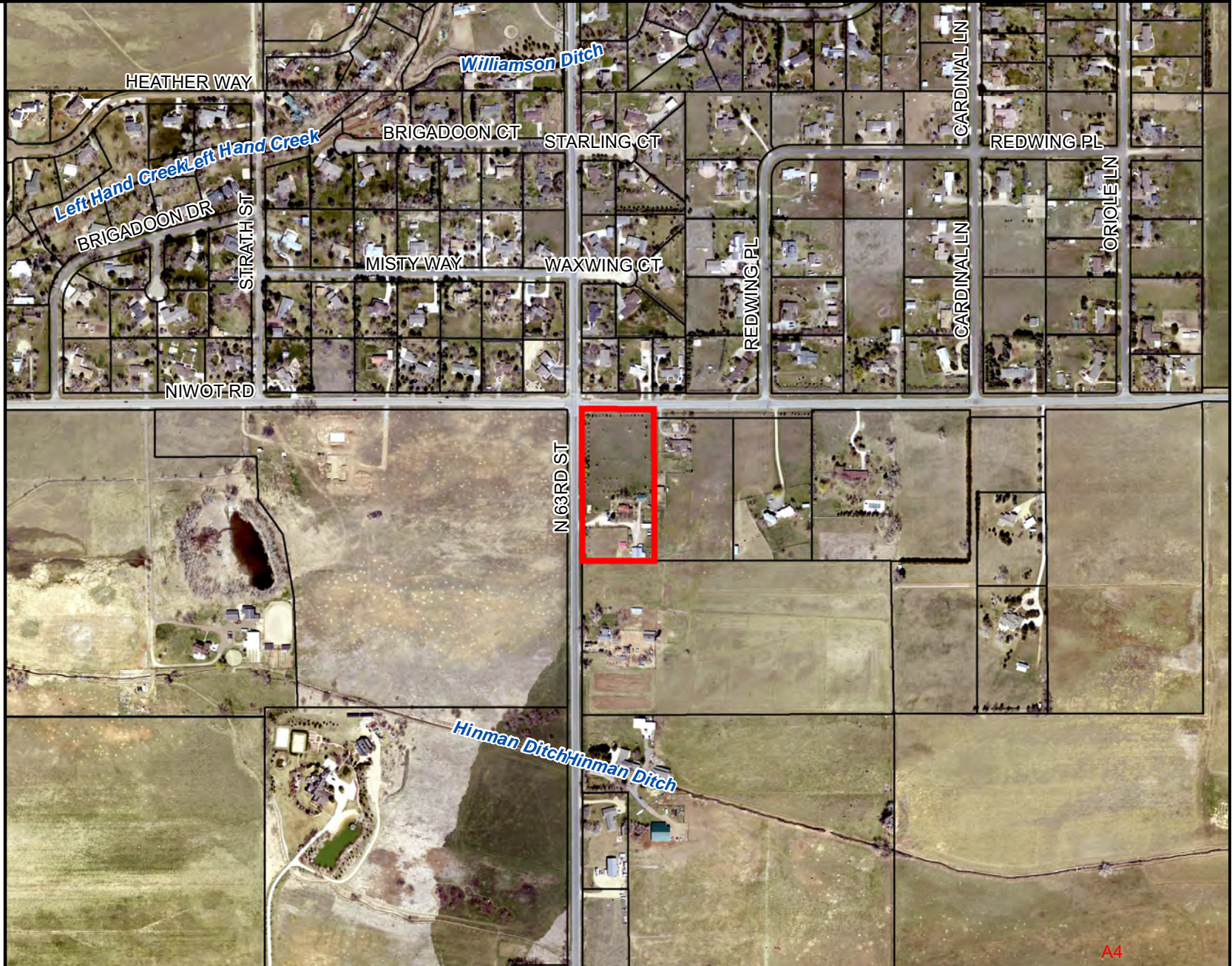
Community Planning & Permitting

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Attachment A

Aerial
6940 63RD

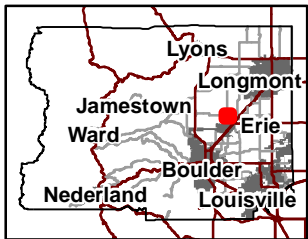
 Subject Parcel



0 0.05 0.1 Miles



Area of Detail Date: 3/18/2021



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Community Planning & Permitting


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Attachment A

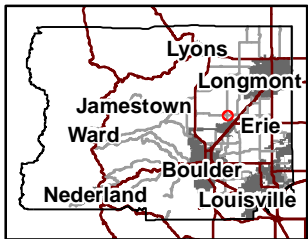
Aerial
6940 63RD

 Subject Parcel



0 0.0085 0.017 Miles 

Area of Detail Date: 3/18/2021



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Community Planning & Permitting

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Attachment A

Comprehensive Plan

6940 63RD

Subject Parcel

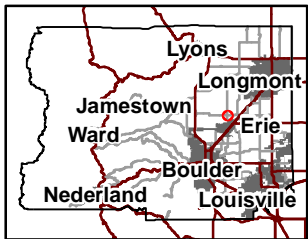
Significant Agricultural Land

Ag of Statewide Importance

0 0.0085 0.017 Miles



Area of Detail Date: 3/18/2021



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1.36

N 63RD ST

0.55



A6





Community Planning & Permitting

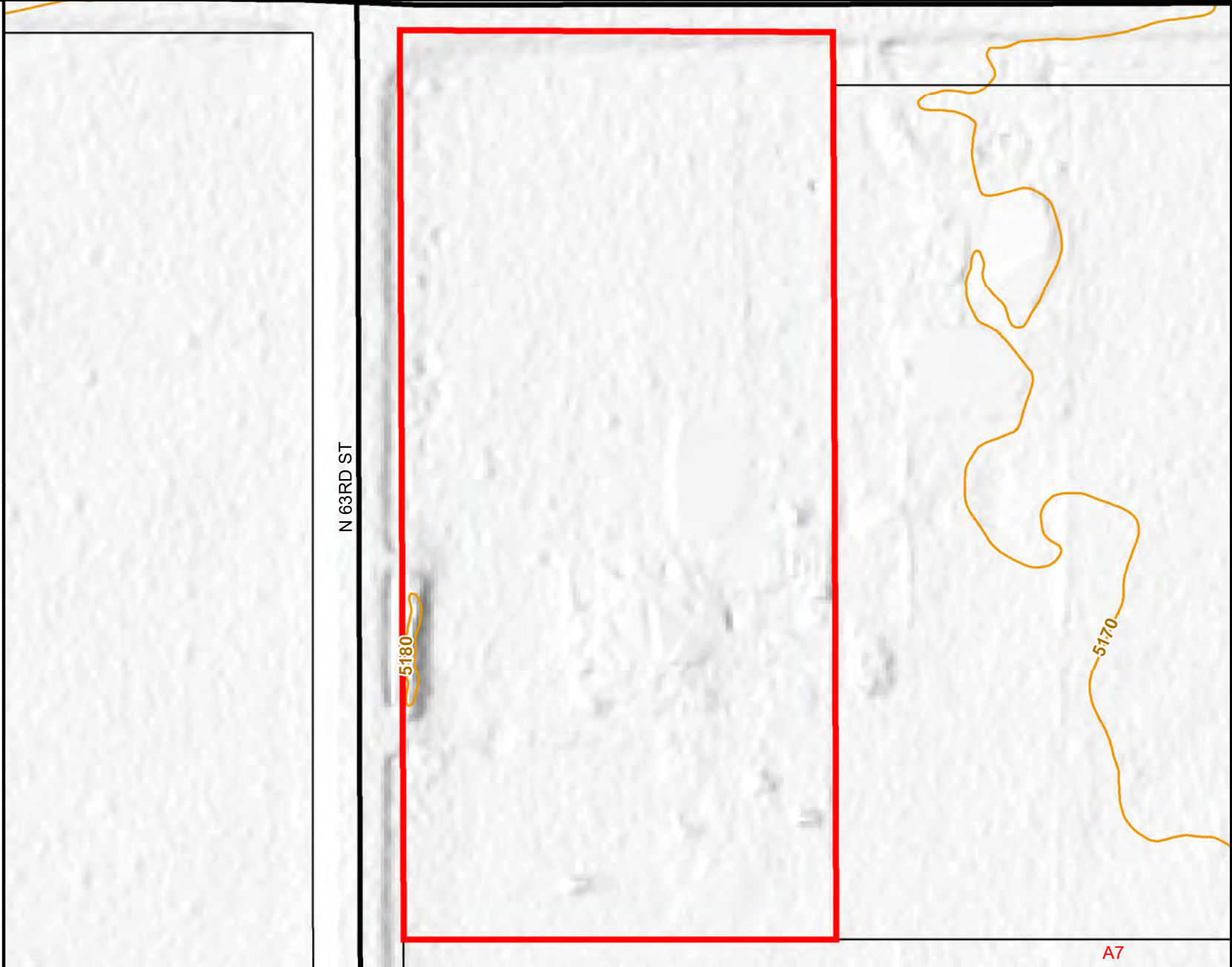
2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

Attachment A

Elevation Contours

6940 63RD

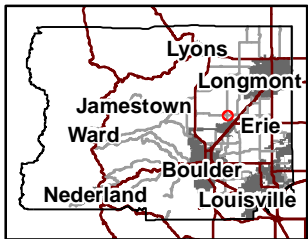
-  Subject Parcel
-  Contours 10'



0 0.0085 0.017
Miles



Area of Detail Date: 3/18/2021



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Community Planning & Permitting

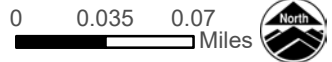
2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

Attachment A

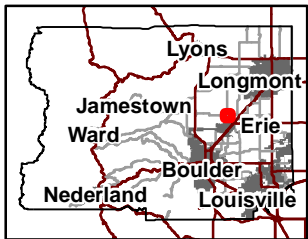
Geologic Hazards

6940 63RD

- Subject Parcel
- Landslide high susceptibility area
- High Swelling Soil Potential



Area of Detail Date: 3/18/2021



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Attachment A

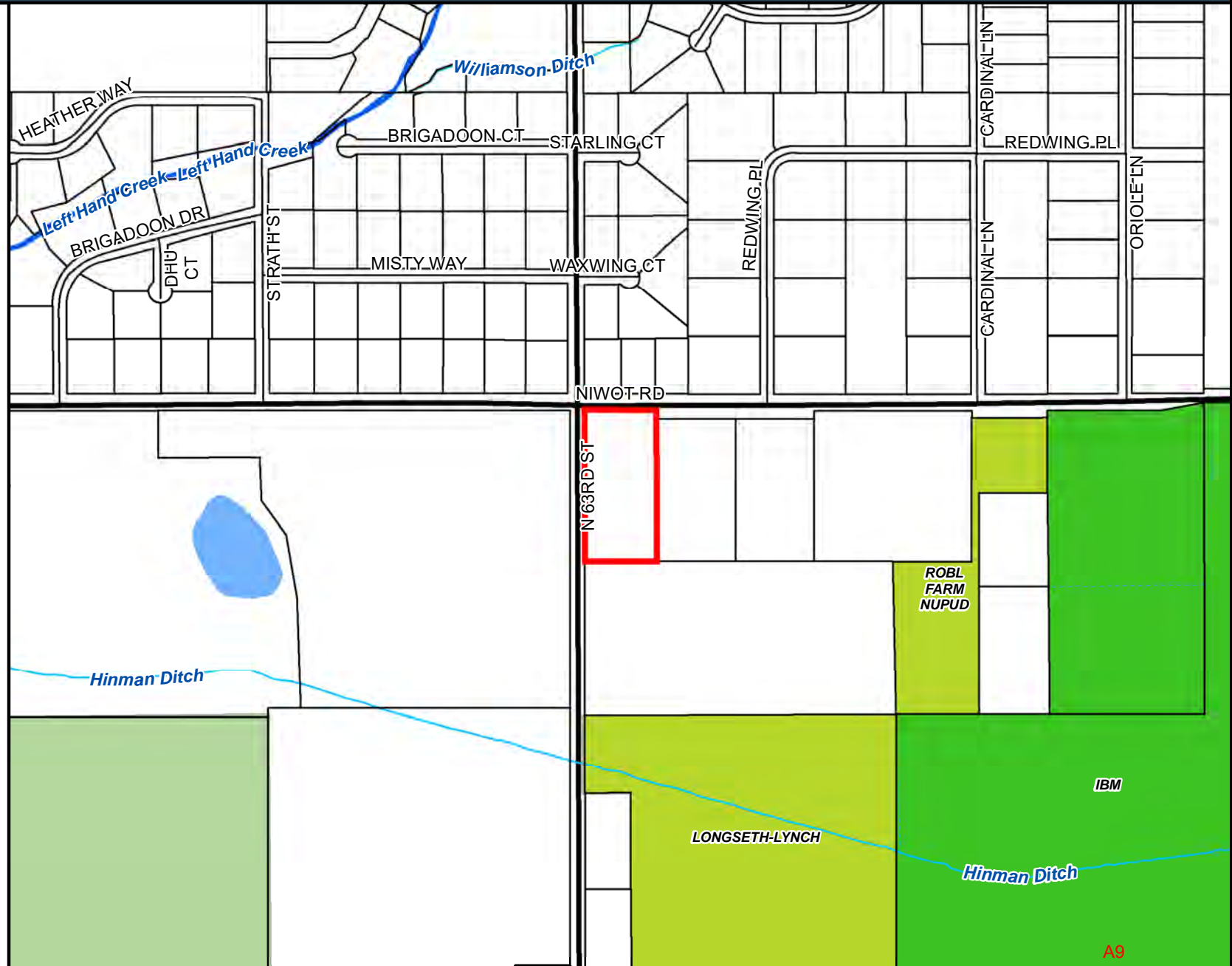
Public Lands & CEs

6940 63RD

Subject Parcel

Boulder County Open Space

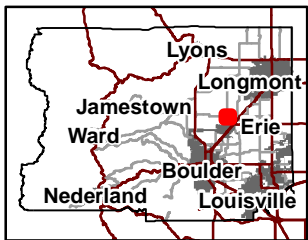
- Joint County/Municipal Open Space
- County Conservation Easement
- OSMP Properties



0 0.05 0.1 Miles



Area of Detail Date: 3/18/2021



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Community Planning & Permitting

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Attachment A

Zoning

6940 63RD

Subject Parcel

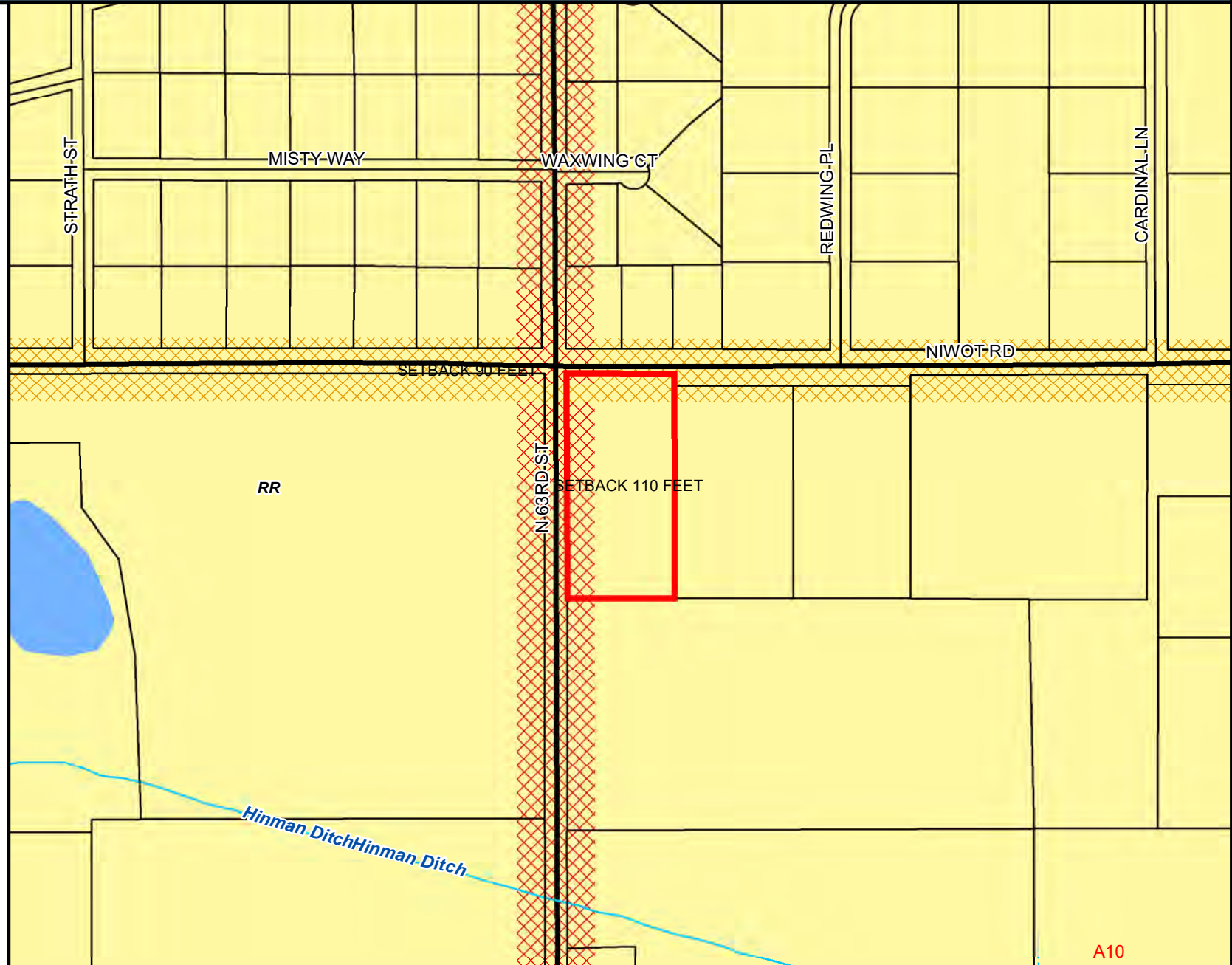
Major Road Setbacks

90 feet

110 feet

Zoning Districts

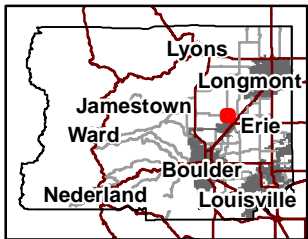
Rural Residential



0 0.035 0.07 Miles



Area of Detail Date: 3/18/2021



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A10

Phillip Epstein
6940 N 63rd Street
Longmont, CO 80503

Our proposed land use for our property is to offer the home as a short term vacation rental for families, athletes, and small groups visiting the Boulder County area. The revenue generated will assist in maintaining our property and providing employment and benefits to a full time employee within our community who will help to manage this property.

Thank you,

Phillips Epstein

Pre-Application Methodology Statement (PAMS)

Vacation Rental Licensing

Basic Site information:

6940 N 63rd Street
Longmont, CO 80503
Parcel # 31735000007

Rural residential property with commercial kitchen, barn, pasture, gardens and field space. The space being offered for use under our proposed vacation rental license is the home, parking area in the front of the home and lawn area closest to the home. All other areas of the property are off limits to guests.

Please see attached map with 1 mile radius shown.

Number of types and trips generated by the proposed use:

There will be no full-time people living on site. There is one employee, Katie, our property manager, that regularly visits the property 5-7 times per week. We do not ship anything off-site.

We plan to operate year round as a vacation rental. The number of guests can vary but is not to exceed 6 guests with most of our guests arriving in 1 vehicle.

Thank you for your time and consideration. Feel free to contact me by phone or email with any questions you may have.

Katie McKillips
608-359-1611
katie@blackandred.io

Attachment A



Guest Access

Parking

A13

6940 N. 63rd
Longmont, CO 80503

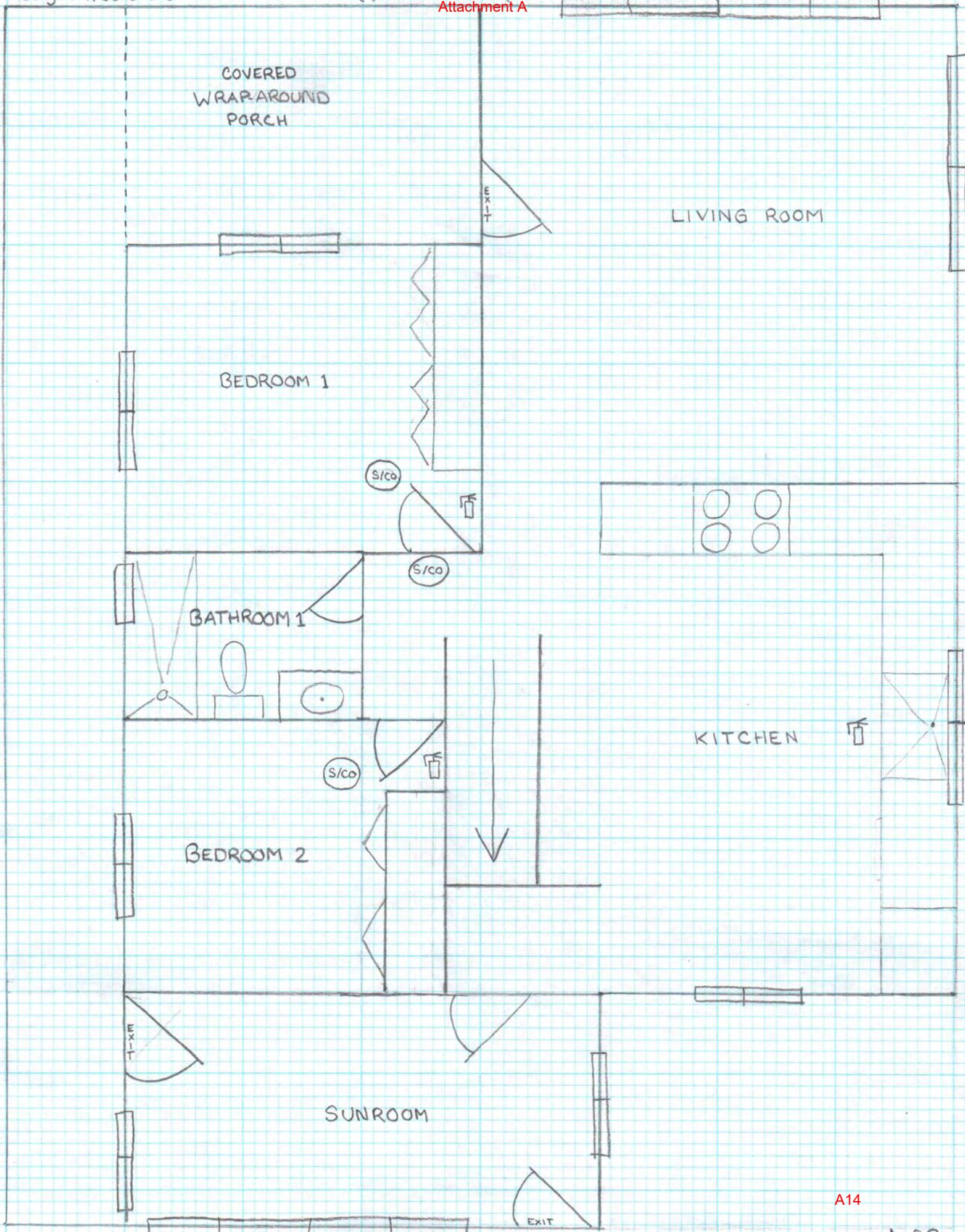
(S/CO) = Smoke/Carbon Monoxide
Detector (8)

(F) = Fire Extinguisher (8)

FIRST FLOOR



Attachment A



A14



West Elevation



North Elevation



East Elevation



South Elevation



Borzym Acoustics

Consulting & Engineering

Jim X. Borzym, PE, INCE

14 October 2021

Phillip Epstein

**Re: Application Review
LU-21-0013 * Epstein – Vacation Rental
6940 N. 63rd Street, Longmont, Colorado
Limited Impact Special Use Review**

Hello Phillip,

This report concerns emission of sound from properties associated with application LU-21-0013 presented to the Boulder County Land Use Department.

The Reader of this this report may wish to read first the Summary section of this document, and then return to the body of the text for details.

This Author is a professional engineer specializing in the practice of acoustics, licensed in the State of Colorado, with 35 years of engineering experience in the science of acoustics, holding a special certification from the Institute of Noise Control Engineers (by eight-hour examination). Environmental noise is one of my special areas of practice.

I have had conversations with Applicant Mr. Phillip Epstein and his Associate Katie McKillips. I visited the site for approximately one hour in the late morning of Wednesday, 13 October 2021.

The Applicant has made full access for my visit to the site. The Applicant has expressed many details of the proposed use of the #6940 N. 63rd Street property (“subject property”) for short-term residential rental. Some statements in this report rely upon these attestations

Overview

My understanding is that some neighbors have contested approval of this application based upon concerns for potential negative noise impacts.

Upon evaluation of the physical conditions of the properties of interest, and evaluation of the testaments given by the Applicant, it is the professional opinion of This Author that no unusual or adverse noise impacts will be found at nearby properties.

Physical Conditions

During the period of evaluation at the site, vehicular traffic was very light, and there was wind of approximately 5 – 8 miles-per-hour. No unusual activity noise was apparent. Dogs barking on the property to the south were easily audible.

The land of the properties at and near 6940 63rd Street is flat, and mostly barren of tall herbage, with the exception of mature trees and shrubs surrounding the rental house at the subject property. There is evidence of some use of these properties for animal husbandry. The residential properties at this southeast corner of the intersection of 63rd Street and Niwot Road are fairly large, the Applicant's property being more than five acres. The residential structures on the Applicant's property and the three adjacent properties are widely spaced.

The residential structure on the subject property appears to be of normal wood-framed construction. No noise emission of significance from the interior of this house should be considered of importance in this instance.

The outdoor areas immediately surrounding this house are small lawns to the west and east of the structure. There is a modestly large outdoor elevated deck on the west side of the house facing the Front Range Mountains and 63rd Street, and facing away from neighboring residences; this is the location where people would logically gather outdoors during hours of mild clement weather. That patio might hold as many as a dozen adults. There is a narrow elevated walkway on the south side of the house. There is a small platform at the back door of the house that is too small for any except a tiny gathering.

The three nearest residential properties are to the northeast, east and south, at distances of approximately 280-feet, 550-feet and 530-feet, respectively. The property to the south is significantly blocked of outdoor sound transmission by several structures on both properties. Due to the distance of the property to the east being twice the distance to the property to the northeast, any sound emission to that property would be found to be six decibels less loud than any sound emission to the property to the northeast. Such a lower level ("loudness") would be perceived as a significant and easily detectable lower level.

I note that there is outdoor child playground equipment on the side of the house to the northeast that faces the subject property.

Attestations by Applicant

During two lengthy conversations with the Applicant and Assistant, the following statements are of relevance to the question of sound emission from the subject property.

Rental of the subject property is limited to the residential structure and closely adjacent lawns. The bulk of the property is off-limits to renters.

Parking of renter vehicles is limited to the west side of the property, shielded of sound emission by the house and trees.

The rental is governed by “House Rules”, which include a requirement for “quiet hours” from 10 PM to 7 AM. These hours are consistent with Boulder County noise regulations.

The house rules do not allow for “parties”.

Rental rates might be considered moderate or moderately-high for this type of rental unit, but certainly not so low as to be accepted cavalierly by unruly tenants. There are security deposits required.

Applicant screens potential renters via the rental management service provided by Air BnB, which would flag potentially problematic renters.

Applicant reports that the historical renters have been adults focused on outdoor recreational activities such as bicycle training and competition, hiking and adventuring, and so forth. This is not a clientele that would normally be assumed to host loud parties at quiet hours.

Rental agreement requires listing (registering) of names of all guests including brief-term visitors. No additional persons are allowed on the property beyond this agreed-upon list.

Applicant Assistant states that she is on site more than 40 hours a week, is easily on call by telephone at any hour, resides a ten-minute drive from the rental property, and thus can respond to questions and/or issues immediately or within minutes.

The rental house has no installed outdoor audio speakers.

The rental house has operational security cameras.

The rental agreement specifically states that there shall be no outdoor grills, bar-be-ques, fire pits or other open flames.

Outdoor Noise Elements

From the perspective of This Author, based upon visual evidence and attestations, the likely sources of noise at the subject property might include normal voice, voice using a cellular telephone, laughter, children playing, sipping a coffee in the morning, small portable audio playback equipment such as a Bluetooth speaker – in other words low-power sound sources completely consistent with ordinary residential activities.

As noted, such sources emanating from the subject property would be limited to the area close around the house, and most likely oriented towards the scenic view to the west from the front lawn area and modest-size front porch.

It must be noted that equivalent sounds should be expected from the neighboring properties. It has been noted here that audible dog barking on an adjacent property was experienced by This Author. The Applicant stated that baying of sheep and shouting of sheep husbands is clearly audible on the subject property.

Applicant stated that noise from the nearby IBM industrial complex close by to the south is clearly audible. Applicant has pointed out that twice a day there is very heavy southbound then northbound vehicular traffic on 63rd Street. The point here being that there are many ordinary noise impacts on all of these nearby lands that have completely unrelated to the subject property.

Comparisons of Sound Levels and Transmission

I should first note that to my knowledge there is no probable source on the subject property that could cause transgression to the objective noise level limits embodied in the County ordinances.

If we consider what would most likely be the most egregious potential sound source operating on the subject property, that would be a small audio system such as a Bluetooth speaker. Such a system might emit a sound level of approximately 80 dBA (decibels, A-weighted) average. This level would extend to a distance of possibly ten feet maximum. Using the scientific rule of doubling of distance, we would expect a six-decibel drop with every doubling of distance between the sound source and the listener. Applying this rule to the closest unobstructed residential building, there would be a drop of 28 decibels to that nearest house, resulting in an outdoor level of 52 dBA. During daytime hours, this would be considered audible but of low level if ambient noise conditions were low (light traffic, no wind, no activity noise at the receiving property, listener being outdoors at the house – not indoors). If there were interfering noise, audibility/detectability would be much less.

At the property to the east, the reduction would be 34 decibels, or 46 dBA resultant. Thus, a very low level of sound. Mostly inaudible and not disruptive.

In comparison, very loud human voice is less loud than 80 dBA.

Being able to detect sound is not the same as being disrupted by sound.

If there develops a truly serious problematic noise episode, the ultimate resolution would be evaluation of the situation by the relevant County personnel.

Evaluation

The seminal facts seem to be the following:

- The use proposed for approval is residential in nature, and comparable to residential/agricultural use at neighboring properties.
- The limitations of rental use of the property are such that noise emitted by renters will be limited to the house at the core of the subject property.
- Rules imposed by the Applicant upon renters specifically and significantly restrict allowable noise sources and the hours during which quiet is required.
- Arrangement of the subject property and appurtenances such as security cameras and the quick response available from a property manager seem to be good assurance that any noise problems can be very quickly identified and controlled.
- Neighboring properties emit sound of level equivalent and perhaps greater than those anticipated at the subject property.

Summary Opinion

In the professional opinion of This Author – based upon site evaluation, attestations and calculation – noise emission from the subject property will be no greater than emission from neighboring properties, not disruptive during quiet hours, and completely consistent with this neighborhood.

In short, no unusual or adverse noise impacts will be found at nearby properties.

This opinion suggests that barring this application on the basis of potential occasional noise complaint is not valid.

14 October 2021
Page 6 of 6

Please do not hesitate to contact me with questions or comments. Thank you.

Jim X. Borzym, PE, INCE





Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

Building Safety & Inspection Services Team

MEMO

TO: Nathaniel Shull, Planner II
FROM: Michelle Huebner, Plans Examiner Supervisor
DATE: September 14, 2021

RE: Referral Response, LU-21-0013: Epstein - Vacation Rental. Limited Impact Special Use review to allow a Short Term-Dwelling Vacation Rental for up to 275 nights per year and up to 6 guests on a 5.05-acre parcel.

Location: 6940 63rd Street

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

Building Permit. A building permit, plan review, and inspection approvals are required for the work that was completed without the benefit of a building permit, or a building permit to deconstruct it must be submitted. A commercial kitchen was added add to one of the existing outbuildings.

For a complete list of when building permits are required, please refer to the county's [adopted 2015 editions of the International Codes and code amendments](#), which can be found via the internet under the link:

2015 Building Code Adoption & Amendments, at the following URL:

<https://assets.bouldercounty.org/wp-content/uploads/2017/03/building-code-2015.pdf>

The Commercial Plan Submittal Checklist: <https://assets.bouldercounty.org/wp-content/uploads/2017/03/b70-commercial-plan-submittal-checklist.pdf>

1. **Minimum Plumbing Fixtures.** The plumbing fixtures count needs to meet or exceed the requirements of IBC Chapter 29, including the need for accessible restrooms and fixtures.
2. **Accessibility.** Chapter 11 of the IBC and referenced standard ICC A117.1-09 provide for accessibility for persons with disabilities. Any building permit submittals are to include any applicable accessibility requirements, including accessible parking, signage, accessible routes and accessible fixtures and features.

3. **Plan Review.** The items listed above are a general summary of some of the county's building code requirements. A much more detailed plan review will be performed at the time of building permit(s) application, when full details are available for review, to assure that all applicable minimum building codes requirements are to be met.

The applicant has indicated that they will be renting the existing single-family home for short term stays, and that they will not in the home during the time that the guests are in the home.

Based on the submitted application, there is no proposed construction work associated with this application, and therefore there are not any construction requirements for this proposal. If this changes, please contact the Building Safety and Inspection Services Team so that we may assist you in evaluating any possible permitting requirements.

Since the Licensing Ordinance No.2020-01 will be requiring Smoke Detectors, Carbon Monoxide Detectors, and Fire Extinguishers we have no objections to the proposal, but a Building inspection is required for this application so that we have an opportunity to verify these features.

Basic Safety Items. The inspection process will be used to assure that all currently required safety features, such as smoke detectors, carbon monoxide ("CO") detectors, Fire Extinguishers, stairs, stair handrails, guardrails, egress windows or doors, door hardware and locks as well as safe electrical, mechanical and plumbing installations; etc., are in place and code-conforming. Please note that smoke detectors are required in the sleeping nook and loft area.

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



Community Planning & Permitting

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

October 12, 2021

TO: Dana Sparks, Staff Planner; Community Planning & Permitting, Development Review Team - Zoning

FROM: Jennifer Severson, Principal Planner; Community Planning & Permitting, Development Review Team – Access & Engineering

SUBJECT: Docket # LU-21-0013: Epstein Vacation Rental

6940 N. 63rd Street

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

1. The subject property is accessed from N. 63rd Street, a paved Boulder County owned and maintained right-of-way (ROW) with a Functional Classification of Minor Arterial. Legal access to the subject property has been demonstrated via adjacency to this public ROW.
2. Based on the number of bedrooms shown on the floor plan submitted with the application materials and details provided in the narrative, there will be three sleeping rooms available for rental to guests. Additionally, a property manager will visit the property 5-7 times a week (roughly 1x/ day).
3. For vacation rental uses, staff assumes one vehicle/ sleeping room. Based on guidance in the Institute of Traffic Engineers (ITE) Trip Generation Manual 10th edition, staff anticipates each sleeping room will generate up to 5 trips/ day. For three sleeping rooms, staff estimates the proposed vacation rental use will generate roughly 15 trips/ day and the property manager will generate an additional 2 trips/ day. The total resulting Average Daily Trips (ADT) is 17, which represents an additional seven trips over the 10 ADT that is estimated to be generated by a single-family residence. Therefore, staff does not anticipate that the traffic generated by the vacation rental use will negatively impact the surrounding transportation network.
4. Based on the Land Use Code [Sec 4-507.E](#) for Vacation Rentals, a total of four parking spaces is required- one for each sleeping room and one for the property manager. The area identified for parking in the application materials must remain available for use as an emergency turnaround area compliant with the dimensions and distances identified in Standard Drawings 18 and 19 (attached). Prior to issuance of the Vacation Rental License, a new parking map must be submitted that shows a compliant turnaround area and the location of the minimum required 4 parking spaces.
5. Based on review of aerial imagery, there appears to be a second point of access to N. 63rd Street roughly 110 feet north of the primary access- an unimproved two-track. Per Section 5.4.1 in the [Boulder County Multimodal Transportation Standards](#) (“the Standards”), only one point of access to N. 63rd Street is allowed. Due to the limited scope of this application, no changes to the second access are required at this time. However, the secondary access

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

may not be used by rental guests or the property manager. Future planning and/or permit reviews may require the secondary access to be modified to comply with the Standards or to be decommissioned.

6. There is no evidence of an Access Permit for the primary access. An Access Permit will be issued for the point of access at N. 63rd Street prior to issuance of the Vacation Rental License. The applicant must contact the Development Review Team- Access & Engineering staff to obtain the Access Permit.

This concludes our comments at this time.



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303-441-3930
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.BoulderCounty.org

TO: Dana Sparks, Planner I
FROM: Molly Marcucilli, Long Range Division
RE: Referral for Docket LU-21-0013
DATE: October 21, 2021

Boulder County Long Range Planning has reviewed the provided referral materials and has the following comments:

1. The newly adopted Short-Term Rental and Bed & Breakfast regulations (adopted 1/5/21) aimed to facilitate the updated goals of the Boulder County Comprehensive Housing Element, adopted 10/16/19, which addressed housing affordability and availability in the County.
 - Impacts of short-term rentals to the County's housing stock, housing affordability, and neighborhood character were all considered when the new regulations were written. The adopted regulations further limited Vacation Rentals, establishing them as a Lodging Use, prohibiting them in zone districts they were previously allowed in (Estate Residential and Suburban Residential), and requiring Limited Impact Special Review or Special Use Review depending on the zone district, size of the parcel, and number of nights rented.
 - These resulting regulations were found to be in line with the goals outlined in the Housing Element, and thus adopted by the Board of County Commissioners.
2. The proposed use is being reviewed through the appropriate planning review process, Special Use Review, as outlined in the new regulations.
3. As demonstrated in this proposal, Vacation Rentals do remove dwelling units from the available housing stock for local residents.
4. As mentioned, these regulations are fairly new, and the efficacy of them are to be reviewed within two years of adoption, but no sooner than one year following full implementation.

This concludes the Long Range Planning comments at this time. We look forward to continuing to provide feedback and input throughout this process.



Parks & Open Space Attachment B

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

TO: Nathaniel Shull, Community Planning & Permitting Department
FROM: Ron West, Natural Resource Planner
DATE: September 13, 2021
SUBJECT: Docket LU-21-0013, Epstein, 6940 N. 63rd Street

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



Public Health

Environmental Health Division

September 9, 2021

TO: Staff Planner, Land Use Department

FROM: Jessica Epstein, Environmental Health Specialist

SUBJECT: LU-21-0013: Epstein - Vacation Rental project

OWNER: Epstein

PROPERTY ADDRESS: 6940 N. 63rd Street

SEC-TOWN-RANGE: 35 -2N -70

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 10/18/77. 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 8/4/78.
2. BCPH issued a minor repair permit for the installation of a septic tank and sewer line connection into the existing OWTS from a commercial kitchen on 8/8/06. BCPH approved the installation of the OWTS components on 1/6/07.
3. The OWTS is sized for a maximum of 6 people, including children. Therefore, any rental of the home must stay within that limit.
4. A commercial OWTS Use permit must be issued by BCPH for this property before it can be given approval as an all-year vacation rental.
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/owsdosdents.pdf>

This concludes comments from the Public Health – Environmental Health division at this time. For additional information on OWTS, refer to the following website: www.SepticSmart.org. If you have additional questions about OWTS, please do not hesitate to contact Jessica Epstein at (303) 441-1138.

Cc: OWTS file, owner, Land Use Department

From: [Epstein, Jessica](#)
To: [Sparks, Dana](#); [Phillip Epstein](#)
Cc: [Epstein, Jessica](#)
Subject: RE: LU-21-0013 Epstein Vacation Rental
Date: Monday, October 25, 2021 11:58:54 AM

BCPH Follow Up re: OWTS system capacity

Hi Dana and Phillip,

To answer your question, Dana, about the USE permit, if Phillip is given only 180 days/year, he would not need the commercial USE permit. He would still use the house and outbuilding for personal use throughout the year.

Phillip has the choice of having an engineer evaluate his OWTS to see if he can spare 15 gallon/day (per employee) of wastewater generated from the outbuilding being used as an office, plus rent home to 6 people max.

His property manager doesn't spend 8 hours a day in the office but the OWTS regs. calculate 15gpd for an 8hr period of office use.

Or, Phillip could just have his employee work from home and remove all the office equipment from that building. That way, he could still rent the home for a maximum of 6 people/night.

He's already has an engineer evaluation for his OWTS a couple years ago, so he's going to go the route of seeing if he has the capacity for an office worker.

If he does have the capacity, he'll be issued a USE permit for his OWTS from Public Health showing he has capacity for the 6 person rental plus an office worker.

His question to me was; if he only gets 180 days/yr., would he still have to decommission the outbuilding?

What is involved in the decommissioning of that building? Before he spends money on the engineer evaluation and the USE permit, it'd be good to know if the outbuilding would be usable as a year-round office space, anyway.

Would the heat and water utilities remain? Would it just be gas to the stove that would be turned off to decommission the space? And would that make sense to turn off his gas out there if he is using the property for personal use for half the year?

Thanks,
Jessica



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

MEMO TO: Agencies and Adjacent Property Owners
FROM: Nathaniel Shull, Planner II
DATE: September 8, 2021
RE: Docket LU-21-0013

Docket LU-21-0013: Epstein - Vacation Rental

Request: Limited Impact Special Use review to allow a Short Term-Dwelling Vacation Rental for up to 275 nights per year and up to 6 guests on a 5.05-acre parcel.
Location: 6940 63rd Street at the southeast corner of the intersection of Niwot Road and N. 63rd Street, Section 35, Township 2N, Range 70W.
Zoning: Rural Residential (RR)
Applicant/Property Owner: Phillip Epstein
Agent: Katie McKillips


Limited Impact Special Review is required of proposed uses that may have greater impacts on services, neighborhoods, or the environment than those allowed by right under the Boulder County Land Use Code. This process will review conformance of the proposed use with the Boulder County Comprehensive Plan and the Land Use Code.

This process includes a public hearing before the Board of County Commissioners. Adjacent property owners and holders of liens, mortgages, easements or other rights in the subject property are notified of this hearing.

The Community Planning & Permitting staff 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 720-564-2636 or nshull@bouldercounty.org.

Please return responses by **September 23, 2021**.
(Please note that due to circumstances surrounding COVID-19, application timelines and deadlines may need to be modified as explained in the CPP Notice of Emergency Actions issued March 23, 2020 (see <https://boco.org/covid-19-cpp-notice-20200323>).

We have reviewed the proposal and have no conflicts.
 Letter is enclosed.

Signed  PRINTED Name Jessica Fasick
Agency or Address CP&P Historic Review

From: [LU Land Use Planner](#)
To: [Shull, Nathaniel](#)
Subject: FW: LU-21-0013
Date: Thursday, September 9, 2021 12:21:35 PM
Attachments: [image001.png](#)

[@Shull, Nathaniel](#) -fyi

From: LuAnn Penfold <lpenfold@mvfpd.org>
Sent: Thursday, September 9, 2021 11:42 AM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] LU-21-0013

We have reviewed the request for a vacation rental of up to 6 guests and have no objections.

Thank you for including us in the planning process.

LuAnn Penfold, Fire Prevention Specialist

Mountain View Fire Rescue
3561 N. Stagecoach Road, Longmont, CO 80504
720-678-9890 | lpenfold@mvfpd.org | www.mvfpd.org



Sparks, Dana

From: Suzanne Levy <slevy@bolderleadership.com>
Sent: Friday, October 8, 2021 2:45 PM
To: LU Land Use Planner
Cc: rob.myles.levy@gmail.com
Subject: [EXTERNAL] Objection to Docket LU-21-0013

Dear Dana Sparks and Boulder County Planning Department,

We strongly object to Docket LU-21-0013 for a full-time business to be operating across the street from our full-time residence. We chose to live in a single-family residential area intentionally.

Along with 10 of our neighbors who will also be directly affected by the proximity to this home/business, we have signed a petition submitted to you by Chris Ennis and Rob Levy.

Thank you for your consideration.

Warmest Regards,
Suzanne



Suzanne Levy

President, Bolder Leadership, Inc.
Leadership Development and Executive Coaching
ph 303-942-1761 cell 914-582-1860
slevy@bolderleadership.com
www.bolderleadership.com

Sparks, Dana

From: Dean Stull <dean.stull@gmail.com>
Sent: Thursday, October 7, 2021 11:34 PM
To: LU Land Use Planner
Subject: [EXTERNAL] Docket #:LU-21-0013

Oct. 7, 2021

Re: Docket #:LU-21-0013

Dear Boulder County Community Planning & Permitting Department.

We are concerned about the proposed Short Term-Dwelling Vacation Rental for the residence at 6940 63rd Street (Docket #:LU-21-0013). **We petition that the proposed property use as a short term-dwelling vacation rental be denied.**

Before we detail our concerns, can you tell us if a traffic study has been completed to determine the impact on traffic on 63rd Street as well as Niwot Rd.? The particular location of this property is important as it is very close to the 4 way stop at 63rd and Niwot Road. This corner is particularly busy during rush hour and during many events that use the road on weekends.

Our specific concern focuses on **safety!**

- We live near the corner of Niwot Rd. and 63rd Street. The traffic in the area is heavy, especially during the rush hours. Many children live in the area and people walking and running on the side of the road have increased. There are no sidewalks. We are concerned about increased traffic adding to the safety issues at and near the intersection! Unfortunately many drivers routinely exceed the posted speed limit of 35 mph and “coast” through the intersection.
- The Niwot Road and 63rd Street corner has a history of safety issues dating back to when we first moved into the area in the late 1970s. The four way stop that was added in the ‘80s did improve safety at the time. Traffic today is rapidly changing this situation as speeding and disregard for the 4 way stop has significantly increased, both by motorists and cyclists.
- Bicycle traffic in the area is also heavy, especially on weekends, counter to the usual rush hour traffic on weekdays. Added traffic increases the risk to the cyclists, especially at the corner.
- In addition, the large number of bicycle races, triathlons, ironman competitions and charity events that now share these roads on weekends significantly increase the traffic, and noise level of the neighborhood, while decreasing the safety for all involved!

We request that the permit **NOT be approved.**

Sincerely,

Dean and Nora Stull
6225 Niwot Road
Longmont, CO 80503

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Comment 3

Sparks, Dana

From: Chris Ennis <christine.a.ennis@gmail.com>
Sent: Wednesday, October 6, 2021 10:32 PM
To: LU Land Use Planner
Subject: [EXTERNAL] Objection to LU-21-0013, part 2

Dear Dana Sparks and Planning Department,

I have previously submitted an objection to Docket LU-21-0013 (email and online, 9/21/21). Since sending those comments, I have learned that the applicant actually has *already* been operating a short-term vacation rental at the property since at least February 2021, the date on the earliest customer review on Airbnb.

We closest neighbors have noticed more noise at the property, and we wondered what was going on. Now we know.

The applicant does not live at the property and according to the application he does not intend to live there going forward. There is no other long-term tenant or caretaker residing at the property, and none is planned if this application is granted. Thus there would be a rotating series of vacationers cycling through the property, with no oversight in residence. The lack of police and fire services in this rural area accentuates the vulnerability of neighbors such as myself in this particular kind of a vacation rental (year round, short term, with no owner or representative residing at the property, in a rural area).

I hope the planning department will consider the heightened risks and larger impacts of this kind of use for Rural Residential areas such as ours. I also hope the department will consider that the applicant has been violating the zoning regulations for at least a half year, and began this activity without any notification to his adjacent neighbors. I don't believe he's demonstrated the proper regard for the regulations or the neighborhood. I urge the department to deny this application.

Thank you for considering my comments.

Chris
Christine A. Ennis
6372 Niwot Road
Longmont, CO 80503
christine.a.ennis@gmail.com
303 720 2066

Comment 4

Sparks, Dana

From: Chris Ennis <christine.a.ennis@gmail.com>
Sent: Wednesday, October 6, 2021 9:58 PM
To: LU Land Use Planner
Cc: Chris Ennis; Rob Levy
Subject: [EXTERNAL] Docket LU-21-0013 Objection
Attachments: Docket LU-21-0013_neighborhood objection.pdf

Dear Dana Sparks and Boulder County Planning Department,

Please see attached our neighborhood objection to Docket LU-21-0013.

Thank you for your consideration.

Chris Ennis and Rob Levy
(on behalf of ourselves and 10 other residents of the neighborhood)

Neighborhood objection submitted by the undersigned 12 neighbors
Docket LU-21-0013

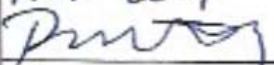
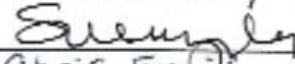
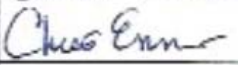
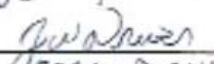

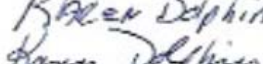
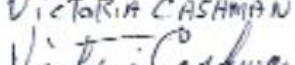

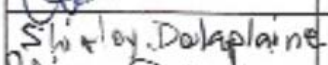
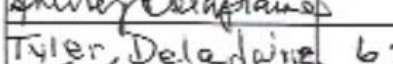
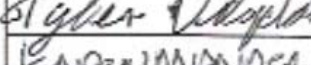

We strongly object to the applicant's proposed use of his single-family rural residential property as a short-term vacation rental. We request that this application be denied.

- 1. This zoning exception takes the "residential" out of our Rural Residential zoning area.** The owner would not even reside at the property, nor would there be any caretaker or long-term tenant in residence. Thus it is not a residential use of the property, and is fundamentally against the zoning regulations.
- 2. A full-time business to replace a single-family residence? We say emphatically: NO.** The proposal would essentially create a full-time business on the property. To our knowledge there is no precedent for this within our vicinity. It is against the current zoning regulations for our rural residential area. We are not zoned for commercial business, nor should we be. We are a community of single-family homeowners who came here to live a peaceful, rural life in a community of neighbors. This application violates the zoning and is a betrayal to all of us.
- 3. This would create an unwelcome and unneighborly new dynamic.** The proposed use would create a new dynamic in our community for single investors and investment groups to come in and re-define how the single-family residential properties in our rural neighborhood will be used. If this zoning category is considered a business rather than a residential area, the result would be disastrous because homes and land in this area would become cash cows. As a neighborhood we are not interested in having individuals and businesses buying houses purely as investments to rent them out on a short-term basis. This will have many negative effects on our beautiful community. Furthermore, if our properties can become full-time non-residential parcels, it would open the door for any number of new revenue-seeking opportunities that would not normally be pursued in this community. This is exactly the kind of situation that zoning regulations should prevent.
- 4. Short-term vacation rental usage is not safe or secure for our community.** Fire and police presence in our community is sparse. The proposed use would bring in a never-ending stream of transitory visitors who have no familiarity with the safe use of the property and no ties to the area. We neighbors would be at great risk from careless fires, noise and partying, and crimes such as property damage, trespassing, theft, and more. With no oversight by the applicant and distant fire/police services, this proposed use is particularly inappropriate. In fact it is more than that, it is dangerous.
- 5. Short-term vacation rental at this property introduces the possibility of a year-round party atmosphere and noise to a rural community that by dinnertime is settled in for a quiet evening and is respectful of each other.** On a weekly basis, we would not know who is going to be living in our community. People on vacation tend to stay up late, play music, and get loud. That is not us.

We recently became aware that applicant has been renting this as an Airbnb since at least February 2021, in violation of the zoning. (This explains all the activity we've seen and the noise his closest neighbor has been hearing!) These actions demonstrate a disrespect of both neighbors and regulations.

We neighbors are united against this application. We urge that it be denied. Signatures are attached. All the properties adjacent and closest to the applicant property are included.

We the undersigned oppose LU-21-0013. (page 1)

Name (sign and print)	Address	Email and phone	Date
ROB LEVY 	6339 Niwot Rd	Rob.Myles.Levy@gmail.com 914 473-9191	10/2/21
Suzanne Levy 	6339 Niwot Rd	slevya@bolderleadership.com 914-582-1860	10/2/21
Chris Ennis 	6372 Niwot Rd	christine.a.ennis@gmail.com 303 720 2066	10/2/21
Jerry Driver 	6361 Niwot Rd	303 581-7833	10-8-21
MARY DRIVER 	6361 Niwot Rd.	mjdriver1@msa.com 303-581-7833	10-2-21
KAREN DOLPHIN 	6374 Niwot Rd	Kdolphin333@gmail.com 303-881-9926	10/3/21
VICTORIA CASHMAN 	6374 Niwot Rd.	MV.CASHMAN@gmail.com 303-530-1325	10/3/21
Charlotte Johnson 	6850 N. 63RD ST	thecharlottejohnson@gmail.com 7207321427	10/3/21
Shirley Delaplaine 	6376 Bluebird Ct.	Tyshdela@msn.com 303-530-1834	10/4/21
Tyler Delaplaine 	6376 Bluebird Ct	-as above-	10/4/21
KAREN MANDERY 	7019 N. 63RD ST. BONDMONT CO	Karen@surfbbp.com 303-818-3316	10/5/21
	7019 N 63RD BONDMONT CO	troyp@suaflhp.com 303-516-1577	10/5/21

We the undersigned oppose LU-21-0013. (Typed information of the signature page)

Name (sign and print)	Address	Email and phone	Date
Rob Levy	6339 Niwot Road	Rob.myles.levy@gmail.com	10/2/21
Suzanne Levy	6339 Niwot Road	slevy@bolderleadership.com	10/2/21
Chris Ennis	6372 Niwot Road	Christine.a.ennis@gmail.com	10/2/21
Jerry Driver	6361 Niwot Road	Mjdriver1@msn.com	10/2/21
Mary Driver	6361 Niwot Road	Mjdriver1@msn.com	10/2/21
Karen Dolphin	6374 Niwot Road	Kdolphin333@gmail.com	10/3/21
Victoria Cashman	6374 Niwot Road	mv.cashman@gmail.com	10/3/21
Charlotte Johnson	6850 N. 63 rd Street	Thecharlotte.johnson@gmail.com	10/3/21
Shirley Delaplaine	6376 Bluebird Ct.	tyshdela@msn.com	10/4/21
Tyler Delaplaine	6376 Bluebird Ct.	tyshdela@msn.com	10/4/21
Karen Mandery	7019 N. 63 rd St.	Karen@surfbbp.com	10/5/21
Troy	7019 N. 63 rd St.	Troy@surfbbp.com	10/5/21

Comment 5

Sparks, Dana

From: Karen Dolphin <kdolphin333@gmail.com>
Sent: Sunday, October 3, 2021 7:18 PM
To: LU Land Use Planner
Subject: [EXTERNAL] Docket# LU-21-0013

Categories: docket comments

As neighbors directly to the east we object to the proposed use of this single family residence as a short term vacation rental.

1. The applicant has never lived at this residence so is unfamiliar with the neighborhood and his neighbors and has not communicated with us about this when in fact he has been renting it out for a while now.

2. When sitting on my deck I get a view of the enormous tv screen instead of the mountains. A bit distracting to say the least. There has also been an increase in noise from the residence.

3. Applicant has not returned phone calls when contacted. Definitely a problem with short term rentals.

4. We simply believe it is out of character for the neighborhood and a possible safety issue with no one on the property to monitor it's use.

Thank you for your consideration in this matter. Karen Dolphin and Vickie Cashman.
Sent from my iPad

Sparks, Dana

From: JANACE COLE <janace@comcast.net>
Sent: Tuesday, September 28, 2021 1:11 PM
To: LU Land Use Planner
Subject: [EXTERNAL] LU-21-0013: Epstein

I am not in favor of this property becoming a vacation rental. This is a residential neighborhood and is zoned as such. It is not zoned for short term rentals.

Please do not approve the request for this property to become available for short term rentals 365 days a year.

Thank you.

Janace D. Cole, Trustee
The Survivors Trust
6349 Waxwing Court
Longmont, CO 80503

Sparks, Dana

From: Linda Tolch <tolchlinda@gmail.com>
Sent: Thursday, September 23, 2021 9:45 AM
To: LU Land Use Planner
Subject: [EXTERNAL] Docket # LU-21-0013 Epstein-Vacation Rental

We are **not** in favor of vacation rental use of property in a residential area that should be primarily owner-occupied housing or long-term rental.

Bill and Linda Tolch
6173

Sparks, Dana

From: Chris Ennis <christine.a.ennis@gmail.com>
Sent: Tuesday, September 21, 2021 10:57 PM
To: LU Land Use Planner
Subject: [EXTERNAL] objection to docket LU-21-0013

Categories: docket comments

Docket LU-21-0013 Epstein Vacation Rental

Comment by

Christine Ennis (neighbor to applicant)

6372 Niwot Road

Longmont, CO 80503

I have read the application materials. After thinking it through, I must strongly object to this application. I appreciate the opportunity to explain to Phillip and to Staff Planner Sparks why I believe this is a very bad idea. My hope is that Phillip will withdraw his application; if not, I hope the application will be denied.

In short, this proposed use: would create an unsafe situation because of fire risks for the subject property as well as neighbors such as myself; would pose security risks for adjacent property owners such as myself; and would be thoroughly out of tune with the rural residential neighborhood character that all of us here selected deliberately as our home. I explain each objection briefly below.

- **Safety concerns:** It is proposed that owner or representative will not reside at the address (representative will “visit” 5 to 7 times per week). Instead, the dwelling will become a short-term vacation rental with an ever-changing cast of visitors unfamiliar with the dwelling and with no vested interest in the property. The property is in a rural area and the nearest houses (mine and one other) are quite a distance away. If the visitors were to leave the dwelling and inadvertently leave the stove on or a candle burning, or if there is a gas leak, a fire could start. The fire would grow considerably before anyone nearby would notice. This is a grave threat to not only the applicant’s property, but to the property of adjacent neighbors (primarily mine and the home to the south of the applicant). In a different zoning area, houses would be closer together and neighbors would be more likely to notice a developing fire. But out here, there would be no such luck. There is a reason why our zoning does not permit such short-term vacation rentals—it is wholly inappropriate and unsafe in our particular dispersed neighborhood. The suggested use of this property poses a direct threat to my own home and, in the extreme, perhaps even to my own life. Note that if the property were to be rented to a long-term occupant, the risk of this would be very diminished and in fact equivalent to owner occupancy, because the person would live there and be familiar with the house and its safe operation. But the endless string of new short-term visitors is a different situation entirely, and unfamiliarity plus a higher potential for irresponsibility will be the norm.

In sum: In a rural residential area, the fire risks are clearly greater for short-term vacation rentals. The fire risk of this proposed use is unacceptable for the neighborhood and in particular for the most adjacent neighbors.

Attachment C

- Security concerns: The application states that visitors will be restricted to only a portion of the property. However there is nothing in the application about how this restriction would be enforced. As noted above, neither applicant nor his representative will be living at the property. Does applicant propose to install fencing? Or install security cameras and hire a security monitoring service? If not, then the reality is that visitors will be able to go wherever they wish, including areas that provide easy access to my home. In this rural area, the distance between neighbors and lack of police presence mean that Phillip's neighbors such as myself will be easy targets for transitory visitors wishing to do harm or steal property. I find this highly stressful to contemplate. Imagine being relatively isolated from your neighbors and living alone, which is my situation. If this application is granted, I'll just never know who is going to show up next door, and whether they will be looking to cause trouble.

In sum: In a rural residential area, the security risks are clearly greater for short-term vacation rentals. The security risk of this proposed use is unacceptable for the neighborhood and in particular for the most adjacent neighbors.

- The above points describe in concrete terms how the proposed use would pose very real risks to the safety and security of neighbors. There is an additional—and very different—kind of concern I'd like to express. In my view, the application is a breach of not only the zoning but also of the essential character of this neighborhood and the responsibility we neighbors share with respect to each other. Most of us moved here to live a peaceful life, get to know our neighbors, and create the kind of friendships that our shared love of the rural life promotes. Most of us consider how our activities impact our neighbors. This application has large negative impacts for myself and other neighbors. I appeal to the applicant to consider this, and please find another way to profit from his beautiful property. I and other neighbors would be grateful if the applicant would withdraw his application.

Thank you for your consideration of my comments and concerns.

Sincerely,
Chris

Sparks, Dana

From: Frederick, Summer
Sent: Wednesday, October 20, 2021 3:42 PM
To: Sparks, Dana
Subject: FW: [EXTERNAL] Docket #LU-21-0013

Summer Frederick, AICP
Planning Division Manager
Direct: 720-564-2603
Main: 303-441-3930
sfrederick@bouldercounty.org
www.bouldercounty.org

From: LU Land Use Planner <planner@bouldercounty.org>
Sent: Tuesday, September 14, 2021 12:59 PM
To: Shull, Nathaniel <nshull@bouldercounty.org>
Subject: FW: [EXTERNAL] Docket #LU-21-0013

[@Shull, Nathaniel](#)

From: Linda Giandinoto <lgiandinoto@yahoo.com>
Sent: Tuesday, September 14, 2021 12:57 PM
To: LU Land Use Planner <planner@bouldercounty.org>
Subject: [EXTERNAL] Docket #LU-21-0013

To whom it may concern: This is from Linda Giandinoto and Roger Briden, 7059 Redwing Place, Niwot 80503. We do not like the idea of having commercial (vacation rental for up to 275 nights per year and up to 6 guests) in our neighborhood. This does not go well with our residential area. We are out in the country, enjoying NOT having commercial rentals like that.

Thank you for listening to our opinion. Linda Giandinoto and Roger Briden.

[Go to my petition's dashboard](#)

Received from applicant 10/21/2021

Support Mr. Epstein's Application for Short Term Rental in Boulder County (LU-21-0013)



 Phillip Epstein started this petition to Boulder County Dana Sparks County Planner

Please support our Application for Short Term Rental

My girlfriend and I are currently pursuing a Short Term Vacation Rental license for my property at 63rd and Niwott in Boulder County (link to application [here](#)). During the pandemic we have decided to list our home as a vacation rental to assist in maintaining our property.

We are concerned that the County Commissioners may not approve our application. We hope that with your support we can show the commissioners that Short Term Vacation Rentals should be permitted, and embraced and that our application should be approved!

Who comes to our Property?

Our property has hosted the US Olympic Climbing team, a 70 year old gentleman running his very first ever iron man, and many many happy Families coming to Boulder Colorado to enjoy the west!

We Support Local Business. We employ our community.

Being a large property, our short term rental supports a FULL TIME employee with benefits (fully covered healthcare, dental and vision), and 4 different community members as home cleaners. We spend over \$20,000 a year with local contractors from grounds keeping professionals, to electricians to plumbers. We impact over 30 different contractor's jobs and businesses.

We *ONLY* use local vendors and spend over \$600 a month in food, snacks and beverages for our guests featuring *ONLY* local products.

We *ONLY* recommend our guests to Boulder's many beautiful breweries and restaurants.

According to a Boulder Convention and Visitors Bureau report on economic impact of tourism, an average visitor spends \$95 per day per person in Boulder, CO while visiting. That means our property has a net effect potential of up to **\$460,000 per year brought into the local Boulder economy.**

Please sign our open letter to the Boulder County Commissioners


Boulder County Community Members in SUPPORT of LU-21-0013

As community members we support the efforts of Mr. Epstein in regards to his application for a Short Term Vacation Rental (STR) in Boulder County at 6940 N. 63rd St as a permitted use in rural

36 have signed. Let's get to 100!




 At 100 signatures, this petition is more likely to be featured in recommendations!

 Boulder County Commissioners: Support Mr. Epstein's Application ...

 Share on Facebook

 Send an email to friends

 Tweet to your followers

 Copy link

in Boulder County at 6070 N. Pearl St as a permitted use in their residential zoning distinction.

Attachment C

(<https://landuse.boco.solutions/boco.lu.docketlistings/app/detail.html?docket=LU-21-0013>)

We Believe:

- 1. STR Permitting Should NOT be withheld or Limited Unreasonably** - We believe that ownership and management of a Short Term Vacation Rental should be allowed within the County's boundaries to the fullest extent possible within the conditions set forth and enacted by the County if they do not impose a public health or safety concern.
- 2. STR's Have a Positive Impact on the Local Community** - We believe that Short Term Rentals have a positive impact on the community that they reside in by promoting the growth and financial stability to the many restaurants, stores and businesses that are in desperate need of additional business from county visitors due to the recent pandemic.
- 3. In Ownership Property Rights** - We believe Short Term Rentals provide financial stability to their owners to maintain and keep one's property. We believe that ownership of real property includes a bundle of absolute rights. These rights include the right to control, use, and possess the property, the right to benefit from the property, the right to exclude others. We believe that Mr. Epstein should be able to rent his property as a vacation rental as he chooses.

Updates

Post an update

Keep your supporters engaged with a news update. Every update you post will be sent as a separate email to signers of your petition.

Please make sure to give your street name in the petition

Please make sure to comment with your street name and house number in the comments so as we can confirm with the County you are a Boulder County Resident.



Phillip Epstein
1 week ago

Phillip Epstein started this petition

1 week ago

Reasons for signing



I'm signing because...



Michael Davis · 3 days ago

I support Mr. Epstein's petition for STVR license in Boulder County. I live on Riverside Drive in Lyons.

1 · Share · Tweet



Paige Larkin · 1 week ago

I fully support Mr. Epstein's petition for Short Term Vacation Rental License in Boulder County. I live at 15th & Pearl.

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Edwin Eng · 1 week ago

I live on 23rd and Bluff Street - I can personally vouch for the farm and applicants. They are responsible and trustworthy, and considerate of the impact of their actions to the community around them.

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Caroline Kert · 1 week ago

Attachment C









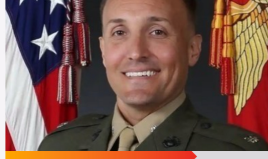
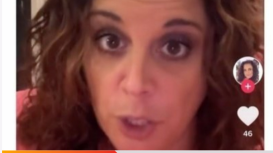


I am very familiar with this farm and the applicants. They are trustworthy stewards of the land and do support local economies. I live at 30th and Valmont in Boulder City.

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<p>⚡ Promoted by 4 supporters</p> 	<p>⚡ Promoted by 1,269 supporters</p> 	<p>⚡ Promoted by 171 supporters</p>  <p>West Virginia I would like to introduce you to the next President of the United States of America my good friend Joe Biden. - Joe Manchin</p>

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... [Read more](#)

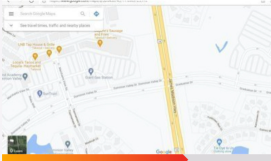
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English (United States) ▼

Attachment C

Name	City	State	Postal Code	Country	Signed On
Phillip Epstein				US	10/13/21
Edwin Eng	Boulder	CO	80304	US	10/13/21
Caroline Kert	Boulder, Boulder	CO	80301	US	10/13/21
Isabelle Pippenger	Boulder	CO	80302	US	10/13/21
Eli Gabriella	Boulder	CO	80305	US	10/13/21
Katie McKillips	Longmont	CO	80501	US	10/13/21
Paige Larkin	Boulder	CO	80302	US	10/13/21
JON INWOOD	Brooklyn	NY	11230	US	10/13/21
Nathan Francio	Petersburg		23803	US	10/13/21
Tyler Davis	Boulder	CO	80305	US	10/13/21
Sunni Nickels	Boulder	CO	80305	US	10/13/21
Emilie Lindberg	Boulder	CO	80305	US	10/13/21
Tedla Shiferaw	Pittsburgh	PA	15024	US	10/13/21
Mark Freesmeister	Boulder	CO	80305	US	10/13/21
Ben Ford	Longmont	CO	80501	US	10/13/21
Franco Carlo	Allenspark	CO		US	10/13/21
Zach Thomas	Longmont	CO	80503	US	10/13/21
Susan McKillips	Longmont	CO	80501	US	10/13/21
Nick Turner	Boulder	CO	80302	US	10/13/21
Harvey Epstein	Longmont	CO	80504	US	10/13/21
Alice Esterl	Boulder	CO	80305	US	10/13/21
Jay Epstein	Boulder	CO	80305	US	10/14/21
Katie Garrity	Janesville	WI	53546	US	10/14/21
Terry Welty	Boulder	CO	80301	US	10/15/21
Ilona Dotterrer	Allenspark	CO	80510	US	10/16/21
Samuel Arieti	Allenspark	CO		US	10/18/21
Shelby Kaminski	Boulder	CO	80302	US	10/18/21

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Jesse Foote	Boulder	CO	80301	US	10/18/21
Michael Davis	Lyons	CO	80540	US	10/18/21
Denise Staab	Fort Collins	CO	80525	US	10/18/21
Jim Christoph	Boulder	CO	80303	US	10/18/21
Kevin Purvis	Boulder	CO	80301	US	10/18/21
Kevin Cloughley	Boulder	CO	80303	US	10/19/21
Brenda Cagney	Boulder	CO	80302	US	10/19/21
Erika Yagi	Allenspark	CO		US	10/20/21

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Name	City	State	Postal Code	Country	Commented Date	Comment
Caroline Kert	Boulder, Boulder	CO	80301	US	2021-10-13	"I am very familiar with this farm and the applicants. They are trustworthy stewards of the land and do support local economies. I live at 30th and Valmont in Boulder City."
Edwin Eng	Boulder	CO	80304	US	2021-10-13	"I live on 23rd and Bluff Street - I can personally vouch for the farm and applicants. They are responsible and trustworthy, and considerate of the impact of their actions to the community around them."
Paige Larkin	Boulder	CO	80302	US	2021-10-13	"I fully support Mr. Epstein's petition for Short Term Vacation Rental License in Boulder County. I live at 15th & Pearl."
Zach Thomas	Longmont	CO	80503	US	2021-10-13	"I support this application. At Pike Rd in Longmont."
Terry Welty	Boulder	CO	80301	US	2021-10-15	"I support Mr. Epstein's petition. I live at 30th and Valmont in Boulder."
Michael Davis	Lyons	CO	80540	US	2021-10-18	"I support Mr. Epstein's petition for STVR license in Boulder County. I live on Riverside Drive in Lyons."
Kevin Cloughley	Boulder	CO	80303	US	2021-10-19	"I support Mr Epstein's petition for a Vacation Rental license in Boulder County. I live on Folsom St in Boulder."