



**MEETING OF THE PLANNING COMMISSION BOULDER COUNTY, COLORADO**

**Regular Meeting Minutes**

**October 18, 2023, 1:30 p.m.  
Third Floor Hearing Room  
County Court House  
1325 Pearl Street, Boulder**

Commissioners Present: Ann Goldfarb  
Sam Libby  
Gavin McMillan, Chair  
Mark Bloomfield, 2nd Vice Chair  
Dave Hsu, Vice Chair  
Chris Whitney  
Conor Canaday  
Rachel Medaugh  
George Gerstle

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**1. CALL TO ORDER**

The meeting was called to order at approximately 1:32 p.m. by Chair Gavin McMillan.

**2. ROLL CALL**

**3. APPROVAL OF MINUTES/MISCELLANEOUS BUSINESS**

3.1 Approval of meeting minutes for September 20, 2023

**MOTION: Sam Libby MOVED that the Boulder County Planning Commission APPROVE the meeting minutes from September 20, 2023. SECOND: George Gerstle VOTE: Motion PASSED {9:0}**

**4. STAFF UPDATES**

**5. ITEMS**

- 5.1 Docket SD-23-0003: Rodriguez TDR/PUD [ITEM TABLED INDEFINITELY PER THE APPLICANT'S REQUEST]
- 5.2 Docket SU-21-0004:Malcolm-Peck Reception [ITEM TABLED TO NOVEMBER 15, 2023 PLANNING COMMISSION PER APPLICANT'S REQUEST]
- 5.3 Docket DC-23-0001: Text Amendments to the Land Use Code related to Short-Term Dwelling and Vacation Rentals (tabled from September 20, 2023 for Planning Commission discussion/recommendation)

Ethan Abner, Long Range Planner with Community Planning & Permitting presented additional information regarding DC-23-0001: Text Amendments to the Land Use Code related to Short-Term Dwelling and Vacation Rentals, to the Planning Commission. Planning Commissioners continued their discussion on the proposed text amendments to the Boulder County Land Use Code related to the Short-Term Dwelling and Vacation Rental uses in Article 4-507.E, Article 4-516.X, Article 4-516.Y, and other related Articles and provisions necessary to integrate the proposed changes. After the presentation and discussion, with a vote of 8-1, the Planning Commission recommended that the Board of County Commissioners approve Docket DC-23-0001 Text Amendments to the Land Use Code related to Short-Term Dwelling and Vacation Rentals and adoption of the proposed text amendments with the following condition:

1. The Board of County Commissioners concurrently adopts the proposed Short-Term and Vacation Rental Licensing Ordinance.

Additionally, the Planning Commission recommended staff and the Board of County Commissioners consider the following:

#### Use Categories and Processes

1. Require Short-Term and Vacation Rental License applicants to notify immediately adjacent property owners and those who share access at the time of application submission rather than after a license is issued.

#### Proposed Changes related to Vacation Rentals

2. Allow Vacation Rentals in the Agricultural and Rural Residential zone districts with a cap in those zoning districts limited to the current number of Vacation Rentals in the Plains CCD, which might allow for conformance with the new regulations rather than properties becoming non-conforming uses.
3. Allow Vacation Rentals in subdivisions.
4. Strike the requirement that Vacation Rentals be rented for a two-night stay minimum.

#### Proposed Changes to Short-Term Rentals

5. Planning Commission discussed the proposed exception that would allow a Short-Term Rental to be rented for up to 30 days total during a calendar year while the owner or tenant are not present. Although the Commissioners ultimately determined that 30 days was acceptable, they suggest the Board of

County Commissioners consider a number greater than 30 days but less than 60 days total.

6. Strike staff's proposal to modify the definition of a primary residence from a residence where the owner resides for 6 months to 9 months—maintain the definition of primary residence at 6 months.

Other Conforming Changes in the Land Use Code

7. No changes or recommendations.

Proposed Changes to the Licensing Ordinance

8. Consider options for ensuring shared maintenance of privately owned shared access roads that serve Vacation Rentals.
9. Establish a means of checking with the Sheriff's Department to identify any complaints associated with Licensed Premises during the Licensing Period to supplement County records and inform licensing renewal review.
10. Implement the recommended caps in the Mountains and introduce a cap in the Plains area to accommodate the Vacation Rentals that would become nonconforming uses should the Board of County Commissioners approve the proposed regulations (see 2).
11. Establish a trigger for a review of the proposed licensing caps when the cap is approached or met.
12. Consider options to ensure that Vacation Rental Licenses are at least minimally used by the Licensee, to ensure licenses are not being held without use.

**MOTION: Gavin McMillan MOVED that Planning Commission CONDITIONALLY APPROVE and recommend to the Board of County Commissioners conditional approval of Docket DC-23-0001: Text Amendments to the Land Use Code related to Short-Term Dwelling and Vacation Rentals with the conditions identified by staff. SECOND: Mark Bloomfield VOTE: Motion PASSED {8:1}**

**6. ADJOURNMENT**

The meeting was adjourned at approximately 5:33 p.m.