

RESOLUTION 2024-016

A resolution denying Boulder County Community Planning & Permitting Docket LU-23-0035: Maeda Vacation Rental

Recitals

A. Mark Maeda (the “Applicant”), applied to Boulder County for Limited Impact Special Use Review under Article 4-601 of the Boulder County Land Use Code (the “Code”) for a Vacation Rental for no more than 180 nights per year for up to ten guests with a minimum 1-night rental period on an approximately 10-acre parcel.

B. The subject property is located at 3401 Nebo Road, approximately 0.35 miles east of the intersection of Nebo Road and US 36, in Section 30, Township 2 North, Range 70 West, in an Agricultural zoning district in unincorporated Boulder County (the “Property”).

C. The Property is an approximately 10-acre unsubdivided Legal Building Lot (BLD-22-0042) with an existing 3,126-square-foot residence, a 576-square-foot barn, and several unpermitted outbuildings. The Applicant does not propose any physical changes to the Property to support the Vacation Rental.

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

E. The above-described request was processed and reviewed as Boulder County Community Planning & Permitting Docket LU-23-0035 (the “Docket”), as further described in the memorandum and written recommendation to the Board of County Commissioners (the “Board”) by Boulder County Community Planning & Permitting Department planning staff dated January 11, 2024, together with its attachments (the “Staff Recommendation”). The Staff Recommendation found that the Docket could meet the criteria for approval with recommended conditions, and therefore, recommended that the Board conditionally approve the Docket.

F. At a public hearing on the Docket held on January 11, 2024 (the “Public Hearing”), as further reflected in the official record of the Public Hearing, the Board considered the Staff Recommendation, as well as documents and testimony presented by County Community Planning & Permitting Department planning staff. The Board also heard testimony from the Applicant, as well as Emily Roberts Maeda on his behalf. One member of the public spoke at the Public Hearing who expressed concerns regarding affordable housing, turning a long-term rental into a short-term rental, the suitability of the location for a vacation rental, impacts on neighbors,

and compatibility with the neighborhood.

G. Based on the evidence presented at the Public Hearing, the Board finds that the Docket does not meet the criteria for Limited Impact Special Use approval for a Vacation Rental as set forth in Article 4-601 of the Code. For the reasons stated on the record and as summarized below, the Board finds that the impacts of the proposed Vacation Rental are not sufficiently mitigated by the recommended conditions of approval.

H. The proposed use in this location is not compatible with the surrounding area as required by Article 4-601.A.2. The Property is located in an agricultural area, which does not have a predominance of seasonal or vacation rental uses. The recommended conditions do not sufficiently mitigate this incompatibility, as the use will still involve a frequently rotating group of renters in an area that is not a characteristically vacation rental or tourism-serving area. The Property was formerly a long-term rental, which constituted a much more compatible and less-intensive use than that which is being proposed.

I. Additionally, the use does not further the policies in the Boulder County Comprehensive Plan regarding the balance of short-term and long-term economic needs with the goals and policies set forth in the Housing Element. In particular, the use does not further the goals of preservation of existing housing stock and prioritizing housing for residents. That the Property was formerly a long-term rental reveals the need for long-term housing in the area, which is a more appropriate and compatible use for this Property.

J. Therefore, the Docket is not approved.

Therefore, the Board resolves:

Docket LU-23-0035 is denied on the basis and terms set forth in this Resolution.

[Signature Page to Follow]

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

ADOPTED as a final decision of the Board on this _____ day of February 2024.

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

Excused January 11, 2024

Ashley Stolzmann, Chair

Marta Loachamin, Vice Chair

Claire Levy, Commissioner

ATTEST:

Clerk to the Board