

## **RESOLUTION 2024-035**

### **A resolution denying Boulder County Community Planning & Permitting Docket LU-23-0024: Carpenter Vacation Rental**

#### Recitals

A. Conrad W. Carpenter, Jr. (the “Applicant”), applied to Boulder County for Limited Impact Special Use Review under Article 4-600 of the Boulder County Land Use Code (the “Code”) for a Vacation Rental for up to six guests for up to 310 days per year on an approximately 5-acre parcel.

B. The subject property is located at 430 Vasquez Court, approximately 0.8 miles north of the intersection of US Highway 36 and 5th Avenue, in Section 7, Township 3 North, Range 70 W, in an Agricultural zoning district in unincorporated Boulder County (the “Property”).

C. The application was submitted prior to changes in the Code and the Licensing Ordinance as adopted through Resolution 2024-013 and Ordinance 2023-02. Under the recently adopted regulations, the Property would not be eligible for a Vacation Rental. However, staff reviewed the application under the Code provisions in effect at the time of the application submittal. Per Article 4-501.E.2.b of the Code in effect at the time of application submission, Limited Impact Special Review approval was required to establish a Vacation Rental on unsubdivided property that is more than five acres in size within the Agricultural zoning district.

D. The Property is over 5 acres in size and is currently developed with an existing 4,247-square-foot residence (with 3,559 square feet of that being residential floor area and 688 square feet of covered porch area). The Applicant proposed no changes to the lot to support the Vacation Rental.

E. As the Property is not the Applicant/Property owner’s Primary Residence and the Applicant expects to rent the Property in excess of 60 days per year, the Property cannot qualify as a Primary or Secondary Dwelling Short-Term Rental.

F. The Property’s current long-term tenants plan to move out in the fall of 2024. The Applicant also owns a property in Lafayette, which is their current residence, and the Applicant is in the process of making improvements and upgrades to that residence. Once work on the Lafayette property is complete, the Applicant intends to move to the subject property and turn the Lafayette property into a long-term rental. The Applicant intends to move to the subject property sometime in 2025. The proposed Vacation Rental will provide income intended to continue to support and maintain the subject property as well as improvements to the Applicant’s other property in Lafayette. The Applicant requested the Vacation Rental license to benefit from

the subject property for the limited period of time between when the current tenants leave and the Applicant moves in.

G. The Boulder County Comprehensive Plan identifies the Property as being mostly Agricultural Land of Local Importance. Additionally, there is a small portion of the Property indicated as a Landslide Susceptibility area.

H. The above-described request was processed and reviewed as Boulder County Community Planning & Permitting Docket LU-23-0024 (the “Docket”), as further described in the memorandum and written recommendation to the Board by Boulder County Community Planning & Permitting Department planning staff dated April 4, 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.

I. At a public hearing on the Docket held on April 4, 2024 (the “Public Hearing”), as further reflected in the official record of the Public Hearing, the Board considered the Staff Recommendation as well as the documents and testimony presented by Boulder County Community Planning & Permitting Department staff and the Applicant. One member of the public spoke at the Public Hearing.

J. 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.

K. The proposed use in this location will not be in accordance with the Boulder County Comprehensive Plan because it does not further the policies 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. Thus, criteria 3 of Article 4-601.A is not met.

L. Therefore, the Docket is not approved.

Therefore, the Board resolves:

Docket LU-23-0024 is denied on the basis and terms set forth in this Resolution.

A motion to deny the Docket was made by Commissioner Claire Levy, seconded by Commissioner Marta Loachamin, and passed by a 2-1 vote. Commissioners Levy and Loachamin voted in favor, and Commissioner Stolzmann voted opposed.

**ADOPTED** as a final decision of the Board on this \_\_\_\_\_ day of April 2024.

The signatures below indicate approval of the text of the Resolution but are not necessarily reflective of the votes taken at the Public Hearing.

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

\_\_\_\_\_  
Ashley Stolzmann, Chair

\_\_\_\_\_  
Marta Loachamin, Vice Chair

\_\_\_\_\_  
Claire Levy, Commissioner

ATTEST:

\_\_\_\_\_  
Clerk to the Board