



Land Use Department

Courthouse Annex
2045 13th Street • 13th & Spruce Streets • Boulder, Colorado 80302 • (303) 441-3930
<http://www.bouldercounty.us/lu/>

BOARD OF COUNTY COMMISSIONERS

October 13, 2008 – 4:00 PM

Hearing Room, Third Floor
Boulder County Courthouse

PUBLIC HEARING

STAFF PLANNER: Abigail Janusz, AICP

DC-07-002: LAND USE CODE AMENDMENTS TO SECTION 4-507

Description: Proposed text amendments related to vacation rentals and other lodging uses.

SUMMARY:

The issue of short-term rentals of dwelling units has been a challenge and an opportunity. After complaints from the public, a determination from the Land Use Director, an appeal to the Board of Adjustment, and a cease and desist letter, Land Use staff has been working with stakeholders to develop regulations that adequately and appropriately address the land use issues associated with short-term rentals, which in Boulder County appear to be largely for vacation or leisure purposes (though short-term rentals could occur for other purposes such as business traveler stays).

Planning Commission considered these text amendments at a Public Hearing on August 20, 2008, and has recommended the Board of County Commissioners approve the amendments (Exhibit A). Planning Commission's recommended regulations differ from those recommended by Land Use staff. Staff had developed the moniker *lodging in a dwelling* to refer to this distinct use. Planning Commission directed staff to use a more common name for this proposed use classification and staff has suggested **short-term rentals**. (Minutes from the Planning Commission meeting can be found in Exhibit B.)

HISTORY:

The Land Use Department received complaints of zoning violations concerning short-term vacation rentals in the winter of 2007. Zoning enforcement staff researched the complaints, and the Land Use Director determined that a zoning violation had occurred because this use requires Special Review approval under the Land Use Code. One of the owners who received a zoning violation appealed the Director's determination to the Board of Adjustment. The Board of Adjustment heard the appeal at a public hearing on June 6, 2007, and upheld the Director's interpretation (thus affirming that the use could be classified as Resort Lodge, Conference Center or Guest Ranch and that Special Use review is required for this use under the Code as now written). As part of the Board of Adjustment's discussion, they recognized that the Land Use Code does not explicitly address short-term vacation rentals and recommended staff consider amending the Code to include and specifically address this use. A transcript from that Board of Adjustment meeting is included in the backup materials (Exhibit C).

