



Archuleta County
Development Services—Planning Department
1122 HWY 84
P. O. Box 1507
Pagosa Springs, Colorado 81147
970-264-1390
Fax 970-264-3338

MEMORANDUM

TO: Archuleta County Planning Commission
FROM: John C. Shepard, AICP; Planning Manager
DATE: April 24, 2019
RE: VR19-106 Vlieger 68 Poplar Vacation Rental Permit Appeal

Property Owner Hans Vlieger completed a Pre-Application Conference on 9/13/2018 and applied for Vacation Rental Permit VR18-039, accepted 10/26/18, for 5 bedrooms at his home at 68 Poplar Ct. The Assessor's record shows 4 bedrooms. The submitted site plan sketched out 5 parking spots on a survey, without detailed measurements.

A Building Safety Inspection was scheduled on 1/28/19, with the Local Owner's Representative Rodrigo Lascas. The Inspector found 4 bedrooms and a "Loft Area" on the 3rd floor containing 4 bedrooms but no egress. Applicant (property owner) had also designated an area on the First Floor as a "Bedroom", that appeared more closely to a Rec Room, with a doorway to a regular bedroom/bath and direct access to the garage. On 2/28/19, Staff approved Vacation Rental Certificate VR18-039 with a Maximum Occupancy of 10 overnight guests—2 guests x 4 bedrooms + 2 guests in the dwelling overall—then initiated renewal application VR19-106.

Applicant is appealing staff's determination that this Rec Room is not a "bedroom" for purposes of calculating Occupancy of 2 overnight guests per bedroom (Sec. 5.5.6.3(2)a) for the Vacation Rental renewal. Planning staff have interpreted the language adopted in Section 5.5.6 of the Land Use Regulations as the program started up last year, and we continue to review application requirements and implementation of performance standards. In initial drafts reviewed by the Planning Commission, the proposed text referred to bedrooms as defined by the building code; however, on further review we realized the adopted building code is not as clear on the matter as it could be and the term "bedroom" was not further defined by the Board of County Commissioners.

Staff has evaluated loft or other atypical sleeping area as typical of a "bedroom", if building & fire safety cases can be met, on a case-by-case basis, including egress (stairs not a ladder, window to escape in a fire) and minimum size (at least 70 square feet with no less than 7' headroom). The International Code Council (ICC) defines a bedroom as "a room primarily intended for sleeping purposes." If it has a closet AND a door, we generally consider it "a room primarily intended for sleeping purposes" and require the necessary arc-fault protection, smoke detectors, and proper egress windows. Areas NOT primarily intended for sleeping purposes are more likely a Rec Room, Den, etc., and do not contribute to the maximum occupancy.