

**Ed Byrne, P.C.**

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April 9, 2007

**SENT VIA E-MAIL**

Mr. Graham Billingsley  
Boulder County Land Use Department  
P.O. Box 471  
Boulder, CO 80302-0471

**Re: DRAFT Proposed Home Concert Regulation**

Dear Graham,

Greg and Debbie Ching have asked me to share with you a draft home concert regulation we would like to propose for consideration and approval by the Boulder County Board of County Commissioners. My intention is to submit this proposal during the public comment portion of the Board's 10:30a.m. Business Meeting (for new business) scheduled for tomorrow morning, April 10, 2007.

It is our hope that we have anticipated and effectively addressed in this draft regulation the issues raised during the past year of our discussions of home concerts with staff. It is our additional hope that preparation of this draft will permit staff and the Board to expedite consideration of a regulatory approach that can permit home concerts to occur legally in Boulder County in the near future.

**LUC §4-516 (J) Home Concert (DRAFT - NEW "ACCESSORY USE")**

1. Definition: A home concert shall mean an accessory residential use consisting of live or broadcast entertainment performed inside a dwelling unit or its accessory structures, hosted personally by one or more individuals who reside therein, and attended only by individuals who have been invited to the concert by said residents, provided that the home concert:

- a. does not result in objectionable noise or vibration, light, odor, dust, smoke, or other air pollution noticeable at or beyond the property line,
- b. includes only the incidental sale of food, non-alcoholic beverages or entertainment-related products,
- c. is clearly subordinate to the use of the lot for dwelling purposes and does not change the character of the lot,
- d. does not include the outside storage of goods, materials, or equipment, but persons attending the concert may go outside of the residence during intermission periods,
- e. has signage limited to a temporary non-illuminated identification sign two by three feet

or less in size,

f. does not produce traffic volumes exceeding that produced by the dwelling unit by more than 16 average daily trips or a maximum of 30 trips during any 24 hour period,

g. is not advertised to the general public by print, electronic or other means,

h. is not attended by more than 60 persons, and

i. does not last for a period of time which exceeds 5 hours and concludes by prior to 10:00pm.

2. Districts Permitted: By right in all districts

3. Parking Requirements: none

4. Loading Requirements: None

5. Additional Provisions:

a. no more than 4 home concerts may occur in the same residence during any 90-day period and no more than 12 home concerts may occur in the same residence during any 12-month period,

b. monetary or in-kind contributions or other payments made to defray the reasonable expenses associated with a home concert are permissible, provided the residents do not intend the home concert to be a business activity carried on for net gain or livelihood.

We hope you will agree that this draft can and will be a good starting point for a public discussion of whether Boulder County should legitimize home concerts and, if so, when. For the “record,” we continue to believe that home concerts are not prohibited by the current Boulder County Land Use Code, but my clients also believe that the public’s interest in being able to host and attend home concerts is better served by prompt regulatory action than by potentially time-consuming and expensive litigation.

Thank you for your consideration in this matter.

Sincerely,

Ed Byrne

Cc: Greg and Debbie Ching