



**SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS**  
**Tuesday, February 12, 2019, 1:30 p.m.**  
**SUMMARY MINUTES**

**I. CALL TO ORDER**

The Meeting of the Board of County Commissioners on Tuesday, February 12, 2019 was called to order by Chair, Thomas C. Davidson, at 1:31 p.m. in the County Commissioners' Meeting Room, Summit County Courthouse, 208 Lincoln Avenue, Breckenridge, Colorado.

**II. ROLL CALL**

Board Members present and answered to the roll call were:

Thomas C. Davidson, Chair  
Elisabeth Lawrence, Commissioner

Staff Present were as follows: Scott Vargo, County Manager; Jeff Huntley, County Attorney; Keely Ambrose, Assistant County Attorney; Bentley Henderson, Assistant County Manager; Julie Sutor, Director of Communications; Don Reimer, Planning Director; Lindsay Hirsh, Senior Planner; Jessica Potter, Planner II; Cody Horn, Planner I; Eva Henson, Administrative Manager, and Sarah Wilkinson, Deputy Clerk.

Additional Attendees: Peter Siegel.

**III. APPROVAL OF AGENDA**

The agenda was approved, as presented.

**IV. CITIZEN COMMENT**

**V. APPOINTMENTS**

- A. Approval of a Resolution Adopting Amendments to Resolution 2019-01, Concerning the Appointments to Various Boards, Committees, and Commissions.

Scott Vargo noted the proposed resolution reflects changes previously discussed during Work Session.

**MOTION:** A motion was made by Commissioner Lawrence and seconded by Commissioner Davidson to approve Resolution 2019-07, a Resolution Adopting Amendments to Resolution 2019-01, Concerning the Appointments to Various Boards, Committees, and Commissions.

**MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT**

**VI. CONSENT AGENDA**

- A. Approval of Minutes from the 1-22-19 Regular Meeting. Approved as presented; and**
- B. Warrant List of 1-16-19 to 1-31-19 (Finance). Approved as presented by the Finance Department; and**
- C. Liquor License Modification for Keystone Food & Beverage Co. dba SKI TIP RANCH; Manager Registration; Hotel & Restaurant; Chris Rudolf; located at 0764 Montezuma Road, Keystone, CO (Clerk). The Sheriff's report indicated no record of negative information on the establishment and stated no reason to disapprove the issuance of the license at this time; and**
- D. Liquor License Renewal for S P S Liquors Inc. dba SUMMIT LIQUORS; Liquor Store; Chris Forbes; located at 21801 U.S. Highway 6, Keystone, CO (Clerk). The Sheriff's report indicated no record of negative information on the establishment and stated no reason to disapprove the issuance of the license at this time; and**
- E. Liquor License Renewal for Wilderrest Liquors LLC dba WILDERNEST LIQUORS; Liquor Store; Jakub Fiala; located at 11 Fawn Court, Silverthorne, CO (Clerk). The Sheriff's report indicated no record of negative information on the establishment and stated no reason to disapprove the issuance of the license at this time; and**
- F. Liquor License Renewal for The Goat Inc. dba THE GOAT; Tavern; Scott Jackson; located at 22954 U.S. Highway 6, Keystone, CO (Clerk). The Sheriff's report indicated no record of negative information on the establishment and stated no reason to disapprove the issuance of the license at this time; and**
- G. Approval of the Copper Mountain Property Owners and Lessees Association (POLA) Rules and Regulations for Integrated Housing Units (IHUs) (PLN18-067/Summit County and POLA) Ten Mile Basin (Planning). Approved as presented; and**
- H. Acceptance of a donation of real property from Continental Divide Land Trust – Piney Acres Lots 12, 13 and 14, Block 1, Filing No. 1 (Open Space & Trails). Approved as presented; and**
- I. Approval to exercise option agreement to acquire a 50% interest in the Buckeye, Corncracker, and Lone Star Lodes (Ten Mile) (Open Space & Trails). Approved as presented; and**
- J. Petition for Abatement or Refund of Taxes; Schedule No. 6517682; Improvement Only Tract TR DD South Maryland Creek Ranch #6; Owner: Maryland Creek Ranch LLC (Assessor). Approved as presented; and**

**MOTION: A motion was made by Commissioner Lawrence and seconded by Commissioner Davidson to approve the Consent Agenda, items A-J.**

**MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT**

**The Commissioners opened up New Business B.**

## VII. NEW BUSINESS

- B. A Proposed General Subdivision Exemption Plat/Lot Line Adjustment to reconfigure the Lot line located between Lot 21 and Tract AR, Dercum's Dash, Zoned Dercum's Dash PUD (PLN18-114/David Bernstein) Snake River Basin (Planning).

Lindsay Hirsh gave a brief background on the Dercum's Dash PUD, described the two lots, Lot 21 and Tract AR, and showed a graphic representation of the proposed lot line adjustment to increase the size of Lot 21 and decrease the size of Tract AR. He stated that Lot 21 is allowed a single family residence and Tract AR is permitted a 6,000 sq. ft. clubhouse and a 900 sq. ft. employee housing unit. He indicated that based on the drawings submitted by the applicant, the proposed smaller Tract AR could potentially still accommodate the clubhouse and employee unit.

Mr. Hirsh explained that the existing PUD does not stipulate a development or time trigger to build either the clubhouse or the employee-housing unit on Tract AR. He also noted that there have been ongoing investigations and violations associated with the PUD, primarily in relation to excessive tree cutting, and that the Attorneys' office, staff and applicant have been working together to reach an agreement.

Staff recommended approval of the proposed resolution including the 5 findings as listed in the staff report.

Commissioner Davidson inquired what reason there is to reduce the size of Tract AR.

Mr. Hirsch explained that he approached the application from a technical standpoint as to whether the adjustment would preclude Tract AR from being utilized in its intended manner, and since the proposed uses could still fit on the lot, the application met the criteria, based on that standard.

Commissioner Lawrence expressed disappointment there is no guarantee that an employee unit will be built either way, since there is no trigger in the PUD. Staff confirmed that the application does not open up the PUD document to look at that portion of the discussion. Staff requested to confer with the Attorney's Office.

Commissioner Davidson suggested a brief recess.

***A brief recess was taken at 1:44 p.m.***

***The meeting resumed at 1:47 p.m.***

Commissioner Davidson stressed his inquiry as to what in the County's interest would compel the approval of the property line adjustment to change the size of the two lots. He suggested that an approval is merely accommodating a bigger lot for development. He emphasized that when the PUD was originally approved, the employee unit and the clubhouse were included with the intent of being a community benefit; as such, the adjustment of the lot line feels contrary to that original promise and intent of the PUD. He also inquired if there is compliance

with the PUD given the recent tree removal.

Keely Ambrose stated that due to the recent settlement agreement, the PUD is in compliance.

Commissioner Davidson suggested continuing the item to the next BOCC Regular Meeting and requested staff provide additional information regarding the clubhouse facility and employee unit, the size of the lot, and why it was set at that level.

**MOTION: A motion was made by Commissioner Lawrence and seconded by Commissioner Davidson to continue to the BOCC Regular Meeting on Tuesday, February 26, 2019, New Business B, a Proposed General Subdivision Exemption Plat/Lot Line Adjustment to reconfigure the Lot line located between Lot 21 and Tract AR, Dercum's Dash, Zoned Dercum's Dash PUD (PLN18-114/David Bernstein) Snake River Basin (Planning).**

**The Commissioners opened up New Business A.**

- A. A request to re-plate a building envelope on Lot 7, Muggins Gulch, a 2.84 acre parcel zoned A-1. (PLN18-117/Yves Mariethoz, Allen Guerra Architecture) Upper Blue Basin (Planning).

Cody Horn gave a brief background of the history of the parcel and explained that a previous structure located on the land was demolished without a demolition permit being issued. As such, the applicant is proposing an alternate building envelope location because of concerns with asbestos and mitigation of an abandoned septic tank. Mr. Horn stated that one of the conditions of the approval is that proper mitigation efforts be completed for the asbestos and septic tank.

Staff recommended approval of the proposed resolution including the 7 findings and 3 conditions as listed in the staff report.

Commissioner Davidson inquired regarding the condition to pay 2018 taxes prior to recordation of the plat and wanted to know why taxes had not been paid already.

Don Reimer responded that since this application was submitted before the end of the year in 2018, the applicant had not received his tax bill at that time. He stated that occasionally this happens with applications, and it is not out of the ordinary to include this as a condition.

**MOTION: A motion was made by Commissioner Lawrence and seconded by Commissioner Davidson to approve Resolution 2019-08, a request to re-plate a building envelope on Lot 7, Muggins Gulch, a 2.84 acre parcel zoned A-1. (PLN18-117/Yves Mariethoz, Allen Guerra Architecture) Upper Blue Basin (Planning) including the 7 findings and 3 conditions as listed in the staff report.**

**MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT**

**VIII. PUBLIC HEARING**

**IX. ADJOURNMENT**

The meeting was adjourned at 2:01 p.m.

Respectfully submitted,

Approved by:

  
Sarah Wilkinson, Deputy Clerk

  
Thomas C. Davidson, Chair



NOTE: These minutes are a summary of the proceedings and actions of the February 12, 2019 Board of County Commissioners' Regular Meeting. The complete digital recording is available in the Office of the Clerk & Recorder, Summit County Courthouse, 2<sup>nd</sup> Floor, 208 Lincoln Avenue, Breckenridge, Colorado 80424.