



BOARD OF COUNTY COMMISSIONERS

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Breckenridge, CO 80424

**SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS  
Tuesday, February 26, 2019 1:30 p.m.  
SUMMARY MINUTES**

**I. CALL TO ORDER**

The Meeting of the Board of County Commissioners on Tuesday, February 26, 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  
Karn Stiegelmeier, Commissioner  
Elisabeth Lawrence, Commissioner

Staff Present were as follows: Jeff Huntley, County Attorney; Keely Ambrose, Assistant County Attorney; Bentley Henderson, Assistant County Manager; Sarah Vaine, Assistant County Manager; Kathy Neel, Clerk & Recorder; Stacey Campbell, Chief Deputy Clerk; Don Reimer, Planning Director; Lindsay Hirsh, Senior Planner; Eva Henson, Administrative Manager, and Sarah Wilkinson, Deputy Clerk.

Additional attendees present were as follows: David Bernstein, Colin Deihl, Charles Toups, Randy May, and Dan Teodoru.

**III. APPROVAL OF AGENDA**

The agenda was approved, as presented.

**IV. CITIZEN COMMENT**

Charles Toups spoke to express concern for guest safety due to alcohol impairment at ski areas, particularly at the newly approved Il Rifugio at Arapahoe Basin; he stated that it is an issue at ski areas throughout the county and state.

**V. CONSENT AGENDA**

- A. Approval of Minutes from the 2-12-19 Meeting. **Approved as presented; and**
- B. Warrant Lists of 2-1-19 to 2-15-19 (Finance). **Approved as presented by the Finance Department; and**
- C. Approval of Cost of Living Adjustment (COLA) 2019 Application (Head Start). **Approved as presented; and**

- D. Approval of a Resolution to Empower Assessor for Abatements (Assessor). **Approved Resolution 2019-09; and**
- E. Approval of a Resolution Endorsing the 2018 Breckenridge Heritage Alliance Historic Resources Management Plan (Open Space & Trails). **Approved Resolution 2019-10; and**

**MOTION: A motion was made by Commissioner Stiegelmeier and seconded by Commissioner Lawrence to approve the Consent Agenda, items A-E, including Resolutions 2019-09 and 2019-10, as referenced above.**

## **VI. NEW BUSINESS**

- A. A proposed General Subdivision Exemption Plat to create a 0.206 acre parcel to accommodate the reconstruction of a water treatment facility for the Snake River Water District, Tract A, Keystone Village II, Filing #2 (PLN18-119/Snake River Water District) Snake River Basin (Planning).

Lindsay Hirsh gave a digital presentation and a brief background of the planning case. He explained that the General Subdivision Exemption creates a legal parcel, which was never properly platted, in order to accommodate an upgrade on an existing facility that has been in place and in operation since 1972. The proposal will also facilitate a transfer ownership of the parcel from Vail Resorts to the Snake River Water District. Mr. Hirsh noted that the Snake River Water District has already submitted a Location and Extent application to the Snake River Planning Commission, which was approved the request on February 21.

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

Randy May, Board Director of the Snake River Water District, spoke to clarify the history of the facility, the parcel, and the easement agreement dating back to 1972. He explained that as condominium projects and the highway were platted, the subject parcel was a remaining piece of land that was never technically subdivided.

Jeff Huntley suggested adding a condition that the BOCC's approval is not effective until the appeal period for the Location and Extent application with the Snake River Planning Commission has ended.

**MOTION: A motion was made by Commissioner Stiegelmeier and seconded by Commissioner Lawrence to approve Resolution 2019-11, a General Subdivision Exemption Plat to create a 0.206 acre parcel to accommodate the reconstruction of a water treatment facility for the Snake River Water District, Tract A, Keystone Village II, Filing #2 (PLN18-119/Snake River Water District) Snake River Basin (Planning) including the 7 findings as listed in the staff report and the 1 condition as presented at the hearing.**

## **MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT**

- 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) Continued from the February 12, 2019 Regular Meeting.**

Mr. Hirsh gave a digital presentation and discussed staff's additional research into the history of the community clubhouse and employee housing unit as it pertains to the overall rezoning, PUD approvals, and subdivision approvals.

Mr. Hirsh cited a previous PUD amendment, PLN14-014, which included switching the Clubhouse and Employee Housing lot from an original, larger lot to its existing location. He added that the current proposal further diminishes the lot size, a change constituting about a 51.5% reduction in lot size from its current configuration and over 60% reduction from the original location. He observed a general, downward trend in the size of the lot designated for a Clubhouse and Employee Housing since the original PUD was approved. He also mentioned that when the original PUD was approved in 2004, housing needs were considered as part of the review.

Staff recommended that a PUD amendment would be the appropriate process to consider the proposal further.

Colin Deihl, counsel for applicant, provided background about the development of the subdivision, including a history of the proposed clubhouse and recent discussions with residents about the clubhouse. He stated that since the uses of the lots are not changing, he believes the application meets the criteria, and requested clarification regarding the specific criteria for a lot line adjustment, since it was now recommended by staff to be a PUD amendment.

Mr. Deihl also mentioned that the applicant was applying on behalf of the current owners of Lot 21, who have already commissioned plans for a house that can only be accommodated by the larger lot size as proposed by the application.

Commissioner Stiegelmeier noted that the issue is certainly confusing, but stated the PUD amendment process would be more appropriate as it would give all homeowners in the subdivision the chance to have a better understanding of the proposal.

Commissioner Davidson agreed with Commissioner Stiegelmeier and noted the change in the size of Lot AR is too significant for him to consider as a lot line adjustment.

Commissioner Lawrence inquired regarding the plan for Tract AR if the lot line adjustment were granted. David Bernstein, applicant, responded that once 75% of the homes/land in the community are sold, the owners would get control of Tract AR and choose what to do with the land.

Mr. Huntley and Ms. Ambrose presented a proposed draft Resolution in the event that the Board decided a PUD amendment is necessary.

Commissioner Stiegelmeier acknowledged that due to the confusion of the process, should the applicant need to go through an additional process with the Planning Department, the fees could be waived for a future application.

Mr. Deihl requested clarification regarding next steps for the proper process to continue the conversation. Mr. Huntley presented various different options for resubmittal, continuance, and tabling, which all depend on the scope of the changes requested.

*A brief recess was taken at 2:15 p.m.*

*The meeting resumed at 2:18 p.m.*

Mr. Deihl inquired if there is a defined difference between a lot line adjustment and a PUD amendment, particularly in regards to the change in lot size. Ms. Ambrose responded that it depends on the net change in square footage of the lot. Don Reimer clarified that based on criteria for a site plan modification, staff would consider a 10% change, whether in the lot area or building area, to be the trigger for what would require a PUD amendment instead of a lot line adjustment.

Mr. Deihl requested a continuance in order for staff and applicant to understand the details and criteria to determine the proper process for the application.

Staff and applicant discussed the appropriate amount of time for a continuance and agreed upon March 26, 2019.

**MOTION: A motion was made by Commissioner Lawrence and seconded by Commissioner Stiegelmeier to continue to the BOCC Regular Meeting on Tuesday, March 26, 2019 at 1:30 pm, 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).**

**MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT**

**VII. PUBLIC HEARING**

**VIII. ADJOURNMENT**

The meeting was adjourned at 2:24 p.m. and convened into Work Session.

Respectfully submitted,

  
Sarah Wilkinson, Deputy Clerk

Approved by:

  
Thomas C. Davidson, Chair



NOTE: These minutes are a summary of the proceedings of the February 26, 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.