



SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS
Tuesday, March 27, 2018, 1:30 p.m.
SUMMARY MINUTES

I. CALL TO ORDER

The Meeting of the Board of County Commissioners on Tuesday, March 27, 2018 was called to order by Chair, Dan Gibbs, at 1:32 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:

Dan Gibbs, Chair
Thomas C. Davidson, Commissioner
Karn Stiegelmeier, Commissioner

Staff Present were as follows: Scott Vargo, County Manager; Jeff Huntley, County Attorney; Thad Noll, Assistant County Manager; Sarah Vaine, Assistant County Manager; Julie Sutor, Director of Communications; Marty Ferris, Finance Director; Keely Ambrose, Assistant County Attorney; Jim Curnutte, Community Development Director; Don Reimer, Planning Director; Dan Osborn, Senior Planner; Lindsay Hirsh, Senior Planner; Tom Gosiorowski, Public Works Director; Paul Geiger, Engineering; Nicole Bleriot, Housing Director; Brian Lorch, Open Space & Trails Director; Scott Hoffman, Chief Building Official; Joanne Sprouse, Human Services Director; Wendy VanAntwerp, Human Services; Kandace Cornelsen, 911 Communications Center Dispatch; Inger McDonald, 911 Communications Center Dispatch; Mili Shoemaker, Youth and Family Assistant Program Coordinator; Suzanne Pugsley, Administrative Assistant, and Sarah Vigil, Deputy Clerk.

Additional Attendees: Emmett Light, Jayden Higby, Dillon Butson, Cesar Saucedo, Landyn Murphy, Bonnie Ward, Sue Culbreath, George Culbreath, John Cooney, Barbara Vonderheid, Pam Bradley, Jim Bradley, Steve Mytczynsky, Danny Teodoru, Kara Bowyer, Kevin Burns, Deepan Dutta, John Nelson, Elena Scott, Lindsay Newman, Kari McDowell Schroeder, Matthew Casey, Richard Himmelstein, Cary Brown, Mark Truckey, Nate Stark, Steve Tice, W.T. Wright, Marc Hogan, Drew Goldsmith, and John Nelson.

III. APPROVAL OF AGENDA

The agenda was approved, as presented.

IV. CITIZEN COMMENT

A group of 5th grade students from Summit Cove Elementary spoke in support of the Commissioners' recent approval of a resolution setting a renewable energy electricity goal.

The students discussed different types of renewable energy, its benefits, and disadvantages.

The Commissioners thanked the students for their input and encouraged their continued involvement in the issue.

V. PROCLAMATIONS & ANNOUNCEMENTS

- A. Resolution proclaiming and celebrating the Month of April 2018 as “The Month of the Young Child” (Youth and Family).

MOTION: A motion was made by Commissioner Stiegelmeier and seconded by Commissioner Davidson to approve Resolution 2018-14, a Resolution proclaiming and celebrating the Month of April 2018 as “The Month of the Young Child” (Youth and Family).

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

- B. Resolution proclaiming the Month of April 2018 as “Child Abuse Prevention Month” (Human Services).

Commissioner Davidson briefly spoke about the success of the Statewide Hotline and thanked the dedicated County staff.

MOTION: A motion was made by Commissioner Davidson and seconded by Commissioner Stiegelmeier to approve Resolution 2018-15, a Resolution proclaiming the Month of April 2018 as “Child Abuse Prevention Month” (Human Services).

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

- C. Resolution proclaiming April 8-14, 2018 as “National Public Safety Telecommunicators Week” in Summit County, Colorado (911 Communications).

Commissioner Stiegelmeier expressed her gratitude for the work of the dependable first responders and staff at the dispatch center.

MOTION: A motion was made by Commissioner Stiegelmeier and seconded by Commissioner Davidson to approve Resolution 2018-16, a Resolution proclaiming April 8-14, 2018 as “National Public Safety Telecommunicators Week” in Summit County, Colorado (911 Communications).

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

VI. CONSENT AGENDA

- A. Approval of Minutes from the 3-13-18 Regular Meeting. **Approved as presented; and**

- B. Warrant Lists of 3-1-18 to 3-15-18 (Finance). **Approved as presented by the Finance Department; and**
- C. Liquor License Renewal for Keystone Food & Beverage Co. dba HYATT PLACE KEYSTONE; Hotel & Restaurant; Geoffrey Buchheister; located at 23044 U.S. Highway 6, Keystone, CO 80435 (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 UDFINEART LLC dba Ready Paint Fire!; Beer & Wine; Bethany Smith; located at 22080 U.S. highway 6 Unit L4, Keystone, CO 80435 (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. Approval of Certification of Indebtedness to the Snake River Sewer Fund (Snake River Wastewater Treatment Plant). **Approved as presented; and**
- F. Approval of Reappointments to the Board of Review (Building Inspections). **Approved as presented; and**
- G. Purchase to BuyDown unit at 475 Straight Creek, Dillon, Unit 103, Dillon Valley West (Housing). **Approved as presented; and**
- H. Purchase of BuyDown unit at 855 South Fifth Ave, Frisco, Unit 216 (Housing). **Approved as presented; and**
- I. Approval to exercise option agreement to acquire the Mountain Pride mining claims (Upper Blue) (Open Space & Trails). **Approved as presented; and**

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

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

VII. PUBLIC HEARING

- A. 2018 Budget Amendment (Finance).

Marty Ferris noted that the 2018 Budget Amendment included many rollover items from 2017 and the budget had been reviewed in detail at the work session this morning. She recommended approval of the proposed resolution.

Commissioner Gibbs opened and closed the hearing with no public comment.

MOTION: A motion was made by Commissioner Davidson and seconded by Commissioner Stiegelmeier to approve Resolution 2018-17, 2018 Budget Amendment.

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

- B. Amendments to Backcountry Zoning District Regulations Chapters 3 and 13 of the Summit County Land Use & Development Code to clarify purpose and intent of the regulations relative to permitted uses and structure size allowances. Such amendments include, but are not limited to: 1) §3514.01 Purpose and Intent; 2) §3514.02 Use Standards; 3) §3514.03 Road and Driveway Improvement and Maintenance Limitations; 4) §3514.04 Other Restrictions on Roads and Driveways; 5) §3514.05 Development Standards; 6) §3514.06 Public Trails / Recreation Access; 7) §3514.07 Site Plan Review Procedures; 8) §3815.02 Residential Outdoor Storage; and 9) §13000 Agendas; and other amendments to accomplish the foregoing. (PLN16-059) (Planning). **Continued from the January 23, 2018 Regular Meeting****

Don Reimer briefly reviewed the history of the planning case. He discussed in detail the items the Commissioners had requested more information regarding including: short-term rentals, base structure size, building design, decks and covered porches, backcountry road standard variances, and winter plowing.

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

Commissioner Gibbs opened the hearing for public comment.

John Cooney, Richard Himmelstein, Matt Casey, and George Culbreath spoke in general opposition to the proposed changes, stating the changes would take away the property rights of owners of backcountry parcels and devalue property.

Barbara Vonderheid inquired as to the notice given regarding the changes and the findings that made the regulations necessary.

Jim Bradley spoke in support of the changes, particularly the ban of short-term rentals in the backcountry after witnessing their negative impact in his neighborhood.

Drew Goldsmith and John Nelson both voiced their opposition to the ban on short-term rentals and emphasized necessary road improvements needed on County roads.

Mark Truckey, Assistant Director of Planning and Community Development for the Town of Breckenridge, stated that the Town is in favor of all the proposed changes.

Steve Mytczynsky stated his opposition to the short-term rental ban and his disagreement with the issue of public safety. He discussed storage of batteries and generators and mentioned his support for TDR transfers across different basins.

Commissioner Gibbs closed the hearing for public comment.

Mr. Reimer addressed a number of the questions raised during public comment. He stated

that proper notice was given per the Summit County Land Use & Development Code and was additionally sent to other interested parties as requested. He clarified that the short-term rental ban could be revisited in future discussions of the issue countywide. Mr. Reimer also clarified allowed deck, porch, and accessory structure size.

Commissioner Stiegelmeier stated her support for the proposed changes, particularly in regards to short-term rentals, discussing the negative impact they could have on the backcountry character, in addition to the health and safety concerns.

Commissioner Davidson agreed with Commissioner Stiegelmeier's comments and suggested modifications could always be made in the future as deemed necessary. He also stated that the maintenance issues raised regarding County roads would be investigated by staff.

Commissioner Gibbs thanked both the public for their participation and feedback and staff for their work in developing the proposed changes. He stated his support for the proposed changes as they protect the backcountry environment for current and future generations.

MOTION: A motion was made by Commissioner Stiegelmeier and seconded by Commissioner Davidson to approve Resolution 2018-18, Amendments to Backcountry Zoning District Regulations Chapters 3 and 13 of the Summit County Land Use & Development Code to clarify purpose and intent of the regulations relative to permitted uses and structure size allowances. Such amendments include, but are not limited to: 1) §3514.01 Purpose and Intent; 2) §3514.02 Use Standards; 3) §3514.03 Road and Driveway Improvement and Maintenance Limitations; 4) §3514.04 Other Restrictions on Roads and Driveways; 5) §3514.05 Development Standards; 6) §3514.06 Public Trails / Recreation Access; 7) §3514.07 Site Plan Review Procedures; 8) §3815.02 Residential Outdoor Storage; and 9) §13000 Agendas; and other amendments to accomplish the foregoing. (PLN16-059) (Planning) including the 3 findings.

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

A brief recess was taken at 3:01 p.m.

The meeting resumed at 3:08 p.m.

- C. A General Subdivision Exemption for Village at Wintergreen, A Replat of Wintergreen and Tract B, Wintergreen Subdivision, Filing No. 2, to subdivide previously platted land into 5 development parcels to accommodate 1) a daycare site to be conveyed to Summit County; 2) a parcel for the development of a Low Income Housing Tax Credit (LIHTC) building; 3) two parcels for the construction of seasonal employee housing; 4) the remainder of the site for long-term workforce housing (5 total development parcels) (PLN17-153/Gorman and Company) Snake River Basin (Planning).
Continued from the March 13, 2018 Regular Meeting

Dan Osborn reintroduced the planning case, and stated that at the previous meeting the Commissioner's had requested supplemental information. He discussed in detail those topics including the childcare assistance and conveyance extension, Highway 6 access and connector roads, PUD compliance with skier parking, floor plans and side-by-side comparisons of landscape plans, employee generation rate report update, site plan improvement agreement, and culvert design.

Staff stated their support of the proposed application if the submitted changes are acceptable to the Commissioners, including the 4 conditions as listed in the draft resolution.

Commissioner Stiegelmeier inquired if the open span culvert design would necessitate an additional condition. Mr. Osborn confirmed this, stating it would be added as a fifth condition.

Kimball Crangle, applicant from Gorman & Company, gave a digital presentation. She discussed traffic improvements as required by the development agreement, the Sunrise connector, and the culvert improvement at Highway 6.

Commissioner Stiegelmeier asked about the focus of the traffic study and the ability to use the Sunrise connector for vehicle traffic.

Ms. Crangle responded the traffic study focused on the impact of the traffic created by the development, not traffic conditions along the Highway 6 corridor as a whole. She also stated that due to the location and design of the Sunrise connector, she believes it best suited to bus traffic only.

Nate Stark, architect from Gorman & Company, presented the floor plans and square footages, and Elena Scott discussed the side-by-side comparison of landscape and site plan changes since May 2017, including the selection of evergreen trees for their buffering abilities.

Commissioner Davidson inquired if the trees would be included on the Site Plan Improvements Agreement (SPIA). Staff confirmed the trees would be included on either the SPIA or separate landscape bonds.

Thad Noll concurred with Mr. Osborn's statements regarding the necessity of an open span culvert to rehabilitate the stream habitat and also recommended the added fifth condition.

Commissioner Gibbs opened and closed the hearing with no public comment.

MOTION: A motion was made by Commissioner Stiegelmeier and seconded by Commissioner Davidson to approve Resolution 2018-19, A General Subdivision Exemption for Village at Wintergreen, A Replat of Wintergreen and Tract B, Wintergreen Subdivision, Filing No. 2, to subdivide previously platted land into 5 development parcels to accommodate 1) a daycare site to be conveyed to Summit County; 2) a parcel for the development of a Low Income Housing Tax Credit (LIHTC) building; 3) two

parcels for the construction of seasonal employee housing; 4) the remainder of the site for long-term workforce housing (5 total development parcels) (PLN17-153/Gorman and Company) Snake River Basin (Planning) including the 5 conditions as presented at the hearing.

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

Public Hearing D and New Business A were opened together as they are related items.

D. A Class 6 Minor Amendment to the Western Sky Ranch PUD to change the allowed garage size and amend the conceptual development plan to indicate minor changes to some lot configurations, associated disturbance envelopes, and associated driveway locations. (PLN18-005, Timberline Law, Danny Teodoru) Upper Blue River Basin (Planning).

VIII. NEW BUSINESS

A. A Class 6 General Subdivision Exemption to Adjust the Lot Lines and disturbance envelope locations between Lots 1, 2 Western Sky Ranch, Filing No. 5 and Lot 6, Western Sky Ranch Filing No. 6 (PLN18-006, Timberline Law, Danny Teodoru) Upper Blue River Basin (Planning).

Mr. Hirsh reviewed the staff reports for both items and gave a brief history of the Western Sky Ranch PUD. He noted the proposed changes address two separate issues: the size limits for garages and the lot configurations for Lots 1, 2, and 6. Specifically, the current PUD language limits the garage size to 1,000 square feet, and the applicant is requesting to amend that to match what is currently allowed in the Land Use and Development Code. Additionally, the applicant's request to amend the lot configurations would adjust the lot lines and disturbance envelope locations between Lots 1, 2, and 6.

Mr. Hirsch shared visual analysis of the requested amendments, including visual impacts of the proposed increased garage size, and maps of existing and proposed parcel lines and disturbance envelopes.

Staff recommended bifurcating the PUD request into two parts: to approve the lot configuration request including the 7 findings as listed in the staff report and to continue the garage size request to allow for further discussion and research of the topic. Staff recommended approval of the General Subdivision Exemption request including the 5 findings as listed in the staff report.

Danny Teodoru, applicant, noted that garage size limitations in other PUDs, as well as in the Code itself, are larger than the 1,000 square foot limitation in the Western Sky PUD. He also discussed the proposed lot reconfigurations and stated the average lot size in Western Sky would not be affected by the changes.

Mr. Teodoru also requested an approval of the lot configurations portion of the request and a continuance of the garage sizes portion of the request.

Commissioner Gibbs opened the hearing for public comment.

Marc Hogan spoke to describe various examples of when a larger garage size would be desirable. He also discussed how the visual impacts of the garages are mitigated by the downslope lots in Western Sky.

Commissioner Gibbs closed the hearing for public comment.

MOTION: A motion was made by Commissioner Davidson and seconded by Commissioner Stiegelmeier to approve Resolution 2018-20, a Minor PUD Amendment to Western Sky Ranch PUD to approve minor changes to the lot configurations and associated disturbance envelopes and associated driveway locations for Lots 1, 2 and 6, zoned Western Sky Ranch PUD, including the 7 findings, and that the remainder of PLN18-005, and in particular the request to increase garage sizes in the PUD, is hereby continued to the BOCC Regular Meeting on Tuesday, April 10, 2018. (PLN18-005, Timberline Law, Danny Teodoru) Upper Blue Basin (Planning).

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

MOTION: A motion was made by Commissioner Davidson and seconded by Commissioner Stiegelmeier to approve Resolution 2018-21, A Class 6 General Subdivision Exemption to Adjust the Lot Lines and disturbance envelope locations between Lots 1, 2 Western Sky Ranch, Filing No. 5 and Lot 6, Western Sky Ranch Filing No. 6 (PLN18-006, Timberline Law, Danny Teodoru) Upper Blue River Basin (Planning) including the 5 findings.

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

IX. ADJOURNMENT

The meeting was adjourned at 4:40 p.m.

Respectfully submitted,

Approved by:


Sarah Vigil, Deputy Clerk




Commissioner Gibbs, Chair

NOTE: These minutes are a summary of the proceedings at the March 27, 2018 Board of County Commissioners' Regular Meeting. The complete digital recording is available on the website of the County Clerk & Recorder, Summit County Courthouse, 2nd Floor, 208 Lincoln Avenue, Breckenridge, Colorado 80424.