



SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS
Tuesday, July 24, 2018, 1:30 p.m.
SUMMARY MINUTES

I. CALL TO ORDER

The Meeting of the Board of County Commissioners on Tuesday, July 24, 2018 was called to order by Chair, Dan Gibbs, at 1:30 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; Julie Sutor, Director of Communications; Keely Ambrose, Assistant County Attorney; Jim Curnutte, Community Development Director; Don Reimer, Planning Director; Dan Osborn, Senior Planner; Brian Lorch, Open Space and Trails Director; Jason Lederer, Senior Resource Specialist; Tom Gosiorowski, Public Works Director; Eva Henson, Administrative Manager, and Sarah Vigil, Deputy Clerk.

Additional Attendees: Wayne McLaren, Ken Finn, Linda Hall, Linda Ebright, Robert Blass, David Scott, Chris McGranahan, John O'Hara, Bill Jackson, Steve Gerard, Kathy Covell, Kelly McMurray, Deepan Dutta, Geralyn Smitherman, Jim Hennessy, Mark Koehring, Richard Becker, Keith Gallacher, Claudia Ratnar, Jack O'Neil, Ferol Menzel, Bill McDermid, Rita Miller, Roland Timney, Jennifer Hopkins, Jerry Belver, Terri Belver, Ron Nelson, Bev Nelson, Greg Hardy, Ted Lawson, Bruce Menzel, Bob Cassidy, Jim Trisler, John Ebright, Mike Connolly, Marge Gavenda, Jerry Gavenda, Ann Murphy, Bob Blass, Todd Rankin, Jim Donlon, John Schnobrich, Kathleen Schnobrich, Bob Gregory, Pamela O'Neil, Brenda Koehring, Bill Statz, Eric Lindblad, Ian Ratner, Joe Harris, Laurel Harris, Deb Spiers, Steve Snyder, Mycki Ratzan, Peggy Bailey, Morgan Callahan, Shannon Shearer Linda Bateman, Dick Bateman, Stuart Ratzan, Anne Marie Chapin, and others.

III. APPROVAL OF AGENDA

The agenda was approved, as presented.

IV. CITIZEN COMMENT

V. CONSENT AGENDA

A. Approval of Minutes from the 7-10-18 Regular Meeting. **Approved as presented; and**

- B. Warrant Lists of 7-1-18 to 7-15-18 (Finance). Approved as presented by the Finance Department; and**
- C. Liquor License Renewal for Keystone Food & Beverage Co. dba KEYSTONE RANCH; Hotel & Restaurant; Geoffrey Buccheister; located at 1239 Keystone Ranch Road; 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 Keystone Food & Beverage Co. dba SKI TIP LODGE; Hotel & Restaurant; Geoffrey Buccheister; located at 0764 Montezuma Road; 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. Liquor License Modification for El Zacatecano LLC dba CASA SANCHEZ MEXICAN RESTAURANT; Manager Registration; Hotel & Restaurant; Karely Diaz Fuentes; located at 189 Ten Mile Circle, Copper Mountain, 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 Skye Holdings LLC dba GATEWAY GROCERY & LIQUOR; Hotel & Restaurant; Kelly McMurray; located at 23110 U.S. Highway 6 #108, 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. Liquor License Renewal for Keystone Food & Beverage Co. dba VISTA HAUS; Hotel & Restaurant w/ Optional Premises; Kelly Rodriguez; located at 2510 Summit County Road 750, Breckenridge, 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**
- H. Liquor License Renewal for Myla Rose LLC dba MYLA ROSE SALOON; Hotel & Restaurant; Kristin Schuette; located at 4192 CO Highway 9, Breckenridge, 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**
- I. Consideration of Approval of Ambulance Service Licenses and Vehicle Permits (Emergency Management). Approved Resolution 2018-42; and**
- J. Approval of Appointment of Lower Blue Representative to the Countywide Planning Commission (Planning). Approved as presented; and**
- K. Approval of a Resolution to Approve the Blue River Watershed Regional Water Efficiency Plan for Summit County (Attorney) Approved Resolution 2018-43; and**

MOTION: A motion was made by Commissioner Davidson and seconded by Commissioner Stiegelmeier to approve the Consent Agenda, items A-K, including Resolutions 2018-42 and Resolution 2018-43 , as referenced above.

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

The Commissioners opened Public Hearing A and New Business A simultaneously.

VI. NEW BUSINESS

- A. Update on activities regarding the Swan River Restoration project on the Williams Placer (PLN16-017) Swan River Drainage, Upper Blue Basin (Planning/Open Space and Trails).

Jason Lederer gave a digital presentation that began with a brief background of the Swan River Restoration project, including an outline of the four phases of the project, the current work on Williams Placer, and recent meetings.

To address the topic of truck traffic in relation to Williams Placer, Mr. Lederer presented graphs showing the annual gravel removal and soil import at Williams Placer since 1993 and the number of truckloads of import and export from May 1, 2018 to July 20, 2018 at Williams Placer. He also discussed the truck counts as defined in the Travel Management Plan (TMP).

Mr. Lederer concluded his presentation by stating that data from the project has provided further insight and assisted in addressing the concerns of residents regarding noise and safety. He stated that as the project progresses, staff will continue to monitor closely and work with the Sheriff's Office and Breckenridge Police Department to ensure everyone is following the conditions of the permit and TMP, while finishing the operations as soon as possible to create a site for everyone to enjoy in the future.

Commissioner Gibbs inquired regarding the Swan River Restoration blog and its effectiveness as communication tool for the project.

Mr. Lederer responded the blog continues to be a good resource for the project, to communicate with the public and provide information.

VII. PUBLIC HEARING

- A. Appeal of the Upper Blue Planning Commission's April 26, 2018, denial of PLN17-130, a Conditional Use Permit to allow milling (gravel crushing) on an 89 acre parcel zoned A-1 known as the Mascot Placer, located in the Swan River drainage basin in Sections 24 and 25, Township 6 South, Range 77 West of the 6th Principal Meridian in Summit County, Colorado (PLN17-130/Peak Materials, LLC) Upper Blue Basin (Planning)
Continued from the June 12, 2018 Regular Meeting.

Dan Osborn introduced the planning case and gave a digital presentation to discuss the application for a Conditional Use Permit to allow gravel crushing on the Mascot Placer. He gave background regarding the location of the project and its relationship to the Swan River Restoration. He reviewed in detail the application including, but not limited to, the acreage and estimated cubic yards of dredge spoils to be crushed, a \$1.5 million in-kind donation for restoration and updated bond, a 175' construction and public access easement, and the proposed Traffic Management Plan (TMP).

Mr. Osborn noted that truck traffic is a concern of many residents in the area. He noted the current state mining permit for Mascot Placer does not restrict truck traffic. He reviewed the applicant's proposal to limit truck traffic if granted the Conditional Use Permit including, but not limited to:

- Limit hours of operation of trucking to Monday- Friday from 7am-5:30pm
- Maintain historic max 44 one-way trips until end of 2018
- Max 100 one-way trips until July 1, 2019
- Max 200 one-way trips after July 1, 2019

In conclusion, Mr. Osborn presented the four criteria for decision from the Summit County Land Use and Development Code.

Staff recommended the BOCC uphold the decision of the Upper Blue Planning Commission (UBPC) to deny the application based on the finding that the cumulative effects of truck traffic on Tiger Road creates a substantial adverse impact to the infrastructure as outlined in the staff report.

Commissioner Stiegelmeier and Davidson asked for clarification regarding any stipulations under the state mining permit. Mr. Osborn explained that under the state permit the existing dredge materials may be removed from the site with no regulation of truck loads, operating times, or other restrictions offered by the applicant through their TMP with the CUP. He also stated that the existing dredge material is a less marketable commodity and therefore could take longer than crushed gravel to remove from the site

Commissioner Gibbs asked for vehicle traffic and speed data from Tiger Road.

Tom Gosiorowski stated that a vendor conducted traffic counts from July 12 – 18, 2018 at two locations on Tiger Road, approximately at Kimball Drive and at Muggins Gulch Road. He specified the average daily traffic at Kimball Drive was 1798 vehicles per day. At Muggins Gulch it was 530 vehicles per day, of which approximately 9% were trucks.

Joanna Hopkins, project planner for the applicant, gave a digital presentation and focused on the following aspects of the application, including but not limited to, historical operations on the Mascot Placer, reclamation of the Swan River, previous application heard by UBPC, and the revised proposal with traffic mitigation measures.

Chris McGranahan, from LSC Traffic Consultants, discussed the volume of traffic associated with the application. He stated the truck traffic, as presented by Ms. Hopkins, would not increase and is reasonable for a two-lane road that connects to a state highway.

Scott Vargo requested clarification regarding the proposed number of truck trips, specifically the assumption that it does not represent an increase in traffic. He stated that the existing truck traffic from Williams Placer had not been suggested to decrease in 2019, and therefore,

the additional truck trips in 2019 as described in the proposal would indeed create increased truck traffic. He additionally stated that the contractor at Williams Placer never committed to an activity level or suggested any decrease in 2019.

Ms. Hopkins stated that their proposal was based on an assumption that as the Williams Placer project neared completion in 2019, production levels, and therefore truck traffic, would decrease, allowing for an increase in truck traffic at Mascot Placer, without an overall increase.

Eric West, from WesTest LLC, gave an engineering analysis of the structural capacity of the Tiger Road pavement. He also described the pavement failure type apparent on Tiger Road, thermal cracks, and explained they are the result of the contraction of asphalt due to low temperatures and are not traffic related.

Bob Gregory, attorney for the applicant from West Brown Huntley, stated the position that it would be an abuse of discretion if the Board were to rely strictly on the factor of cumulative truck traffic to deny the application, since that factor includes the County's own current operations on Williams Placer as well as the potential additional traffic on Mascot Placer.

A brief recess was taken at 3:09 p.m.

The meeting resumed at 3:28 p.m.

Commissioner Gibbs opened the hearing for public comment.

Jerry Belver, Pamela O'Neil, John Schnobrich, Jack O'Neil, Deb Spiers, Bruce Menzel, Laurel Harris, Ian Ratner, Stuart Ratzan, Joe Harris, Terri Belver, Kathy Covell, Steve Gerard, and Anne Marie Chapin spoke in opposition to the application. They voiced concerns including, but not limited to, noise from truck traffic, safety, road conditions, and decreased property values.

Jennifer Hopkins, Larry Brown, Greg Hardy, and Jay Pansing spoke in favor of the application. They cited the great public benefit of the reclamation of the Swan River that would be further facilitated by the application.

Commissioner Gibbs closed the hearing for public comment.

The Commissioners all emphasized their belief in the importance of the restoration of the Swan River as a legacy project that would benefit many future generations. They also recognized the many citizen concerns regarding safety and noise. The Commissioners agreed that since the application does not meet criteria C, they could not support approval of the application.

Jeff Huntley presented a proposed resolution to deny the application and briefly discussed the additional clarifying language and added language specifying "collector-level" infrastructure.

MOTION: A motion was made by Commissioner Davidson and seconded by Commissioner Stiegelmeier to approve Resolution 2018-44, Public Hearing A, upholding the decision of the Upper Blue Planning Commission's April 26, 2018, denial of PLN17-130, a Conditional Use Permit to allow milling (gravel crushing) on an 89 acre parcel zoned A-1 known as the Mascot Placer, located in the Swan River drainage basin in Sections 24 and 25, Township 6 South, Range 77 West of the 6th Principal Meridian in Summit County, Colorado (PLN17-130/Peak Materials, LLC) Upper Blue Basin (Planning) including the 1 finding and with the additional language as presented at the hearing.

Commissioner Gibbs closed New Business A.

VIII. ADJOURNMENT

The meeting was adjourned at 4:31 p.m.

Respectfully submitted,

Approved by:



Sarah Vigil, Deputy Clerk

Dan Gibbs, Chair

NOTE: These minutes are a summary of the proceedings and motions of the July 24, 2018 Board of County Commissioners' Regular Meeting. The complete digital recording is available in the Office of the Clerk & Recorder, Summit County Courthouse, 2nd Floor, 208 Lincoln Avenue, Breckenridge, Colorado 80424.