

SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS
Tuesday, September 11, 2018, 1:30 p.m.
SUMMARY MINUTES

I. CALL TO ORDER

The Meeting of the Board of County Commissioners on Tuesday, September 11, 2018 was called to order by Chair, Dan Gibbs, 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:

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

Staff Present were as follows: Scott Vargo, County Manager; Thad Noll, Assistant County Manager; Sarah Vaine, Assistant County Manager; Bentley Henderson, Assistant County Manager; Marty Ferris, Finance Director; Julie Sutor, Director of Communications; Keely Ambrose, Assistant County Attorney; Jim Curnutte, Community Development Director; Don Reimer, Planning Director; Dan Osborn, Senior Planner; Lindsay Hirsh, Senior Planner; Jessica Potter, Planner II; Cody Horn, Planner I; Eva Henson, Administrative Manager; Lori Dwyer, Administrative Assistant, and Sarah Wilkinson, Deputy Clerk.

Additional Attendees: Jeremy Stephani, Bret Triano, Ben Nye, Leslie Gerhardt, Celeste Loitz, Karen Cameron, Fred Sprouse, Bruce Anderson, Judy Anderson, Zaira Dosal, Mark Nickel, George Rosel, Annie Kao, Russ Carlton, Kara Bowyer, Geoff Buchheister, Tamara Drangstveit, and Kevin Burns.

III. APPROVAL OF AGENDA

Keely Ambrose suggested opening New Business A and Public Hearing B together due to the topics being interconnected.

The agenda was approved, as presented.

IV. CITIZEN COMMENT

George Rosel discussed the development of regulations for short term rentals and noted that he had attended multiple meetings on the topic. He noted his concern that the perspective and opinions of homeowners had not been taken sufficiently into consideration as the regulations have been developed. Mr. Rosel requested that Commissioners and staff devote additional time and efforts to the development of the short term rental regulations and include homeowners more widely and actively.

V. CONSENT AGENDA

- A. Approval of Minutes from the 8-28-18 Regular Meeting and 9-4-18 Special Meeting. Approved as presented; and**
- B. Warrant Lists of 8-16-18 to 8-31-18 (Finance). Approved as presented by the Finance Department; and**
- C. Liquor License Renewal for Burning Stones LLC dba INCLINE BAR & GRILL; Hotel & Restaurant; Robert Kato; located at 0716 Copper Circle, Copper Mountain, CO 80443 (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 MOUNTAIN HOUSE LODGE; Hotel & Restaurant with Optional Premises; Geoffrey Buchheister; located at 1202 Summit County Road 8; 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 Chance Investments LLC dba CHANCE LIQUORS; Liquor Store; Cara York; located at 6885 Summit County Road 30, 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 Cures n' Curiosities Inc. dba ROCKIN' R RANCH; Liquor Store; Don McCoy; located at 0091 River Run 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**
- G. Lot Line Vacation between Lots 116 & 117, Valley of the Blue Subdivision; Zoned R-2 (PLN18-075/ David G Brenner) Upper Blue Basin (Planning). Approved Resolution 2018-52; and**
- H. Approval of the 2019 Head Start Grant Continuation (Head Start). Approved as presented; and**
- I. Approval of a Resolution dissolving the Gold King Local Improvement District (Finance). Approved Resolution 2018-53; and**
- J. Approval of a Resolution relating to a Lease Purchase Agreement for Road & Bridge and Landfill Equipment (Finance). Approved Resolution 2018-54; and**

MOTION: A motion was made by Commissioner Davidson and seconded by Commissioner Stiegelmeier to approve the Consent Agenda, items A-J, including Resolutions 2018-52, 2018-53, and 2018-54, as referenced above.

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

MOTION: A motion was made by Commissioner Gibbs and seconded by Commissioner Davidson to open Public Hearing B and New Business A together due to the topics being interconnected.

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

VI. PUBLIC HEARING

B. Proposed Minor PUD modification to amend the conceptual development plan exhibits to the PUD; Lots AR, G, F, and 2R, Block 3, Spring Creek Ranch PUD (PLN18-060/Thomas Cary) Lower Blue Basin (Planning).

VII. NEW BUSINESS

A. Proposed General Subdivision Exemption to vacate a Community Center easement, adjust building envelopes, and replat lot lines; Lots 2R, Blk 3 and AR, & Lots G & F; Spring Creek Ranch PUD (PLN18-061/Thomas Cary) Lower Blue Basin (Planning).

Dan Osborn introduced both planning cases since both topics relate to modifications at Spring Creek Ranch and briefly described the subject property. He first discussed Public Hearing B, the proposed minor PUD modification, which would permit modification of the building envelopes and lot lines.

Mr. Osborn then reviewed some of the criteria for decision, including but not limited to, the proposed PUD modification maintains the intent of the original PUD, does not affect adjacent or nearby lots, does not change the number of units or the density, nor does it change the permitted uses.

Staff recommended approval of the proposed minor PUD modification including 7 findings and 1 condition as listed in the staff report.

Mr. Osborn continued and briefly presented New Business A, a proposed general subdivision exemption for Spring Creek Ranch, to modify the lot lines and building envelopes of specific lots. The proposed plat was drawn in accordance with Development Code Regulations, had been reviewed by all applicable referral agencies, and was deemed suitable for recording by the County Surveyor.

Staff recommended approval of the general subdivision exemption including 7 findings as listed in the staff report.

Commissioner Gibbs opened and closed the public hearing on Public Hearing item B with no public comment.

MOTION: A motion was made by Commissioner Davidson and seconded by Commissioner Stiegelmeier to approve Public Hearing B, Resolution 2018-55, Proposed Minor PUD modification to amend the conceptual development plan exhibits

to the PUD; Lots AR, G, F, and 2R, Block 3, Spring Creek Ranch PUD (PLN18-060/Thomas Cary) Lower 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 New Business A, Resolution 2018-56, a Proposed General Subdivision Exemption to vacate a Community Center easement, adjust building envelopes, and replat lot lines; Lots 2R, Blk 3 and AR, & Lots G & F; Spring Creek Ranch PUD (PLN18-061/Thomas Cary) Lower Blue Basin (Planning).

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

VIII. PUBLIC HEARING

A. Proposed Small Cell Facility Code Amendments to Sections 3805 and Chapter 15 (Definitions) of the Summit County Land Use and Development Code to update Telecommunications Facilities regulations for the addition of small cell facilities and other minor updates for consistency with Federal regulations (PLN18-003/Jessica Potter) (Planning).

Jessica Potter briefly introduced the proposed amendments to the Summit County Land Use and Development Code and described them as necessary to comply with Federal regulations. Ms. Potter outlined the proposed changes including the addition of sections regarding Eligible Facilities Requests and Small Cell Facilities.

Ms. Potter noted that the County Wide Planning Commission reviewed and recommended approval of the proposal at their August 27, 2018 meeting.

Staff recommended approval of the code amendments including 3 findings as listed in the staff report.

Commissioners requested more information regarding camouflage, the location of the devices, and possible noises issues.

Ms. Potter responded that devices are usually concealed on a utility pole or other structure in a public right-of-way and a review process regarding visibility would be guided by planning staff and relevant Master Plans. Additionally, she noted that permitted decibel levels are specified in the code and would apply to the devices.

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 2018-57, a Proposed Small Cell Facility Code Amendments to Sections 3805 and Chapter 15 (Definitions) of the Summit County Land Use and Development Code to update Telecommunications Facilities

regulations for the addition of small cell facilities and other minor updates for consistency with Federal regulations (PLN18-003/Jessica Potter) (Planning).

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

- C. Proposed Minor Amendment to the Keystone Resort PUD to extend the 2016 PUD amendment that modified certain definitions of the PUD to permit the addition of 102 beds in Tenderfoot and permit occupancy of those beds by employees within Summit County till the beds are made available at Wintergreen or no later than the end of the 2019/2020 Peak Season (PLN18-049/Kara Bowyer) Snake River Basin (Planning).

Lindsay Hirsh gave a brief history of the Keystone PUD including various amendments throughout the years, including PLN16-029, a similar amendment in 2016 requesting 102 beds in Tenderfoot. He briefly discussed the conditions of approval in 2016 and noted it was intended to be temporary, due to concerns that the increased occupancy did not meet livability standards.

Mr. Hirsh reviewed the criteria for decision for the current application, stating that if the proposed minor PUD amendment were to be approved, it could set an unintended precedent with regards to how other applications are viewed and could cast doubt on what is considered temporary in nature. He stated that it does not meet the livability standards as required by the PUD. He also noted that in 1995 the Tenderfoot employee housing project was approved for 5 buildings, of which currently only 3 have been constructed.

Staff recommended denial of the proposed minor amendment including 7 findings as listed in the staff report.

Commissioner Gibbs requested clarification regarding the livability standards as required by the PUD, specifically in regards to the square footage required per employee.

Don Reimer clarified that the PUD specifies a required 200 sq. ft. per employee and the proposed additional beds do not meet that minimum.

Geoff Buchheister, applicant, spoke in favor of approval of the minor PUD amendment, citing a need for dependable and affordable employee housing throughout the community. He stated that the approval would be only a temporary extension to act as a bridge until housing units at Wintergreen are available. He discussed Vail Resorts' ongoing efforts to develop housing across the county, including units for Epic Mountain Express employees and Breckenridge employees.

Commissioner Gibbs opened the public hearing.

Bret Triano, Celeste Loitz, Karen Cameron, and Mark Nickel all spoke in favor of approval of the minor PUD amendment, stating that the housing provided by the proposal was an

affordable and necessary option for employees. They stated that many employees are only able to work for Vail Resorts because of the employee housing, since other available housing throughout the County is often difficult to find and very expensive.

Commissioner Gibbs closed the public hearing.

Commissioner Gibbs inquired regarding the applicant's pursuit of additional housing development options, to replace the temporary, additional beds at Tenderfoot.

Mr. Reimer responded that he had worked with the applicant for their Wintergreen development and they had not submitted any other applications to develop additional housing. He also clarified that the approval did not take away any existing beds, as their previous temporary approval for the additional beds had already expired at the end of the 2017-2018 ski season.

Kara Bowyer responded that the employee housing crisis happened very quickly for Vail Resorts, which necessitated the previous temporary approval of additional beds at Tenderfoot. She stated that they have been working on the Wintergreen housing project to provide the additional necessary housing since 2016.

Commissioner Stiegelmeier stated her support for a denial of the amendment due to lack of responsible action by Vail Resorts to comply with the PUD. She acknowledged that local staff have been working diligently on Wintergreen, but noted her worry that if the proposed minor PUD amendment were approved, it may set a precedent for application, or lack thereof, of equitable policies.

Commissioner Davidson also stated his support for a denial of the amendment as he agreed with the analysis and findings in the staff report. He noted his concern that the additional beds did not meet the standards regarding a minimum amount of living space. He also noted that his prior comments on the 2016 application still stand.

Commissioner Gibbs stated his dissatisfaction with the information provided by the applicant and suggested a possible continuance.

MOTION: A motion was made by Commissioner Stiegelmeier and seconded by Commissioner Davidson to approve Resolution 2018-58, denial of a Minor Amendment to the Keystone Resort PUD to extend the 2016 PUD amendment that modified certain definitions of the PUD to permit the addition of 102 beds in Tenderfoot and permit occupancy of those beds by employees within Summit County till the beds are made available at Wintergreen or no later than the end of the 2019/2020 Peak Season (PLN18-049/Kara Bowyer) Snake River Basin (Planning).

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

IX. ADJOURNMENT

The meeting was adjourned at 2:37 p.m.

Respectfully submitted,

Approved by:


Sarah Wilkinson, Deputy Clerk




Gibbs, Chair

NOTE: These minutes are a summary of the proceedings and motions of the September 11, 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.