

SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS
Tuesday, October 23, 2018, 1:30 p.m.
SUMMARY MINUTES

I. CALL TO ORDER

The Meeting of the Board of County Commissioners on Tuesday, October 23, 2018 was called to order by Chair, Dan Gibbs, at 1:31 p.m. in the Day Lodge at Frisco Adventure Park, 621 Recreation Way, Frisco, 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; Keely Ambrose, Assistant County Attorney; Sarah Vaine, Assistant County Manager; Bentley Henderson, Assistant County Attorney; Thad Noll, Assistant County Attorney; Marty Ferris, Finance Director; Julie Sutor, Director of Communications; Jim Curnutte, Community Development Director; Don Reimer, Planning Director; Dan Osborn, Senior Planner; Kate Berg, Senior Planner; Denise Steiskal, Deputy Assessor; Robert Jacobs, Road & Bridge Director; Eva Henson, Administrative Manager, and Sarah Wilkinson, Deputy Clerk.

Additional Attendees: Mark Horowitz, Janette Brenner, Avery Turman, Bryan Fabel, Jill Fabel, Gwen Cook, Zach Sennett, Michelle Barcomb, Tom Satchell, Tom Malmgren, Jean Mikulas, Eric Degerberg, David Wilcox, Connie Rosel, Paul Myers, Tyson Horner, Eric Geis, Clare Lehman, Wendi Abbott, Jerrod Brown, Ken Lloyd, Deepan Dutta, Michael Black, Lacey Vandermen, Philip Mervir, Karen Darst, Deena Heppner, Nicole Guidi, Holly Robinson, Mikkell Jensen, Dick Brenner, Bertha Christensen, Barbara Furutani, Karmen Vialpando, Alyssa Hubbard, Janessa Onwiler, Alan Blado, Janice Hitzfelder, Suzy Bauer, Amy Nakos, Trisha Moone, Meredith Adams, Rich Rapp, Jim Reis, Scott Peterson, Steven Saenger, Scott Ramras, Gene Davis, Gretchen Davis, Tim Huiting, Jesse Larson, Lorraine Schiever, Lindsay Backus, Joelle Miller, Mark Phillips, Peter Reeburgh, Trace Kaker, Kevin Lovett, Mike Hawkins, Josh Ortiz, Ariel Daugherty, Todd Rankin, John Merriman, Shelly Weiss, Ken Helcoski, Joyleen Helcoski, Alejandro Avila, Nichole Seliga, Carol Keen, John Forest, Isabel Rawson, Hans Dirksen, Christie Staberg, Diane Wieland, Amy Holmberg, Allison Hanson, Edgar Sanchez, Tom Panton, Steve Miller, Chelsea Coye, Scott Thomas, Kevin Linehan, Caren Mapes, Kay Thomas, and others.

III. APPROVAL OF AGENDA

The agenda was approved, as presented.

IV. CITIZEN COMMENT

V. CONSENT AGENDA

- A. Approval of Minutes from the 10-9-18 Regular Meeting. **Approved as presented; and**
- B. Warrant List of 10-1-18 to 10-15-18 (Finance). **Approved as presented by the Finance Department; and**
- C. Approval to exercise the option agreement to acquire Lot 3 Aspen Springs Sub (Upper Blue) (Open Space & Trails). **Approved as presented; and**
- D. Approval of Appointment for Library Board (Library). **Approved as presented; and**

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

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

VI. NEW BUSINESS

VII. PUBLIC HEARING

- A. Public Comment on the Proposed 2019 Budget (Finance).

Commissioner Gibbs opened the hearing with no public comment.

MOTION: A motion was made by Commissioner Davidson and seconded by Commissioner Stiegelmeier to continue to the BOCC Regular Meeting on November 13, 2018, Public Hearing A, Public Comment on the Proposed 2019 Budget (Finance).

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

- B. Proposed Amendments to Section 4105 to comply with the effective date of the Flood Insurance Study of Summit County, and Section 4107.04 clarifying Floodplain Development Permit requirements (PLN18-090/Summit County) (Planning).

Dan Osborn gave a brief overview of the proposed amendments to the code, which include a revision to comply with effective date of the Flood Insurance Study of Summit County, as required by FEMA; updated terminology for private sewage disposal systems to be consistent with current terminology, and a reduction in the required appeal period from 14 to 3 days. He noted the Countywide Planning Commission recommended approval of the proposed amendments.

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

Commissioner Stiegelmeier inquired regarding the change of Colorado Division of Wildlife (DOW) to Colorado Parks & Wildlife (CPW). Don Reimer noted that when the regulations were last adopted, the department had not yet changed their name, and consequently it was being updated with this revision.

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 2018-73, Amendments to Section 4105 to comply with the effective date of the Flood Insurance Study of Summit County, and Section 4107.04 clarifying Floodplain Development Permit requirements (PLN18-090/Summit County) (Planning) including the 3 findings as listed in the staff report.

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

- C. Proposed Amendments to Chapters 3, 12 and 15 of the Summit County Land Use & Development Code to add Section 3821, Short-term Vacation Rentals. In addition to Section 3821, such amendments include, but are not limited to Section 12000 Development Review Procedures, Chapter 15 Definitions, and other amendments to accomplish the foregoing (PLN17-151/Summit County) (Planning).

Commissioner Gibbs gave opening comments to clarify the purpose of the proposed short-term vacation rental regulations. He emphasized they have not been drafted with the intent to prevent short-term rentals, rather to protect the residential character of neighborhoods and the health, safety, and peace of guests and neighbors, so all can enjoy their time in Summit County.

Kate Berg gave a digital presentation and discussed the process of developing the proposed regulations for short-term rentals (STRs) including preliminary data, a timeline of various events and meetings, feedback and comments from the community, and regulations in other jurisdictions. She discussed the following topics in detail, including, but not limited to:

- Pros & Cons of STRs
- Goals of a Summit County STR Regulatory Program
- Roll-Out of STR Permitting Process with third-party vendor, STR Helper
- STR Permit Fee
- Key Issues to Address in County STR Regulations
- Key Concerns with any new County STR Regulations
- Draft STR Regulations Content: Permitting; Health, Life, & Safety Issues; Neighborhood Impacts; Monitoring, Management and Enforcement
- Proposed System for Handling Complaints and Enforcement
- Community Input – Key Themes and Potential Revisions
- Countywide Planning Commission Recommended Revisions
 - o Responsible Agent vs. Local Agent

- Recommended Alternative Language for Occupancy Limitations
- Class 2 Administrative Conditional Use Permit Process
- Modified Parking Requirements
- Permit Revocation Provisions
- Notice to Adjacent Residents
- Other Potential Modifications for Consideration

Staff recommended approval of the proposed resolution including the 4 findings as listed in the staff report and any additional modifications to the draft regulations that the BOCC determined shall be incorporated.

Commissioner Stiegelmeier inquired if the following topics were to be addressed in the proposed regulations: types of vehicles allowed in parking spaces, smoking vs. non-smoking accommodations, and responsibility in regards to fire restrictions.

Ms. Berg responded that regulations regarding parking and smoking are not specifically included in the regulations because those issues are usually specific to the property; she noted however, that such information could be included in the Good Neighbor Guidelines. Staff also clarified that it would be the responsibility of the managing agent for the property to inform renters and/or owners in the case of any fire restrictions in the County.

Commissioner Davidson requested clarification regarding the availability of a process to apply for and obtain occupancy numbers different from those established by the regulations, specifically in resort areas.

Ms. Berg confirmed that the Class 2 Administrative Conditional Use Permit (CUP) process is available for any unit to request an increase in occupancy from the numbers as set by the proposed regulations. She mentioned that some feedback from the community had suggested that a different occupancy standard was appropriate for resort areas and could be applied across the board, but that was not currently included in the proposed regulations.

Commissioner Gibbs inquired regarding how occupancy limits apply to children, what is considered a loft area, and parking requirements.

Ms. Berg responded that the occupancy limits did not currently distinguish between adults or children, a loft area must fit the definition in the Summit County Land Use and Development Code, and parking requirements could be augmented through the CUP process, similar to the occupancy limits.

Commissioner Gibbs opened the hearing for public comment.

Peter Siegal, Jim Reese, Connie Rosel, Holly Robinson, Tom Malmgren, and others spoke in opposition to the draft regulations as proposed and to support a proposed resort overlay district for the Copper area that would include different conditions for short-term rentals. The

concern stated was that many of the proposed regulations do not take into account the circumstances, particularly in regards to parking, occupancy, trash, and other health and safety concerns, of the resort community.

Gretchen Davis, Tim Huiting, Janette Brenner, Lorraine Schiever, Allison Hanson, Tom Satchell, Michael Black, and others also spoke in opposition to the draft regulations as proposed and to support a proposed overlay district for the Keystone area, citing similar reasons as those mentioned above.

Jill Fabel, Barbara Furutani, Ken Helcoski, Amy Holmberg, Mark Horowitz, Scott Peterson, Bryan Fabel, Kevin Lovett, Shelly Weiss, Meredith Adams, Ken Lloyd, Lindsay Backus, Kay Thomas, Trace Kaker, Hans Dirksen, and others spoke in opposition to the draft regulations as proposed and cited the following reasons including, but not limited to: the duplicative nature of the regulations compared to many issues that are already handled by existing HOAs and/or property management companies, the high fee for permitting, the burdensome requirement of a local agent; the implementation timeline, and possible reduction in property values.

Staff from SummitCove Property Management, including Tyson Horner, Peter Reeburgh, Alyssa Hubbard, Chelsea Coye, Karmen Vialpando, Bertha Christensen, Michelle Barcomb, and others, all spoke in opposition to the draft regulations as proposed citing reasons similar to those mentioned above, and added that the limited occupancy numbers may result in reduced business and therefore employment by local companies.

Steve Saenger spoke to agree with those before him and to state his concern that the regulations as proposed could result in difficulty securing financing in the future for condominium purchases.

Mike Hawkins spoke to agree with those before him and to state his opposition to using the CUP process as a means to establish different occupancy and parking limits.

George Rosel spoke to state his concern that property owners' perspectives are fully taken into consideration before the final regulations are adopted.

Commissioner Gibbs closed the hearing for public comment.

Commissioners and staff discussed in detail the following topics brought up during the public comment including, but not limited to:

- Implementation timeline
- Current reporting from Copper Mountain
- CUP process and criteria for occupancy and parking requirements
- Landline vs. cell phone service requirement
- Streamlined application and/or management by HOAs and property management companies
- Preexisting sales tax and personal property tax requirements

- Revisions to addressing standards
- Effect of regulations in regards to property values
- Permitting process through STR Helper
- Noticing for adjacent property owners

Commissioners thanked staff for their work on the proposed regulations. Commissioner Davidson stated that Summit County is playing catch up with many jurisdictions that already have short-term rental regulations in place.

The Commissioners gave comments regarding the proposed regulations and all requested more time to consider them. They all were in agreement with the CUP process as a means to increase occupancy and parking limits and for requiring a “responsible agent”, not necessarily a local one. They requested staff provide more information in the following areas:

- Process for HOAs, property management companies, or other entities to register and supervise multiple properties
- Permit fee structure
- Occupancy limits in regards to children

A motion was made by Commissioner Davidson and seconded by Commissioner Stiegelmeier to continue to the BOCC Regular Meeting on November 13, 2018, Public Hearing C, Amendments to Chapters 3, 12 and 15 of the Summit County Land Use & Development Code to add Section 3821, Short-term Vacation Rentals. In addition to Section 3821, such amendments include, but are not limited to Section 12000 Development Review Procedures, Chapter 15 Definitions, and other amendments to accomplish the foregoing (PLN17-151/Summit County) (Planning).

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

VIII. ADJOURNMENT

The meeting was adjourned at 5:13 p.m.

Respectfully submitted,

Approved by:

Sarah Wilkinson  *Ed Gibbs*

Sarah Wilkinson, Deputy Clerk Ed Gibbs, Chair

NOTE: These minutes are a summary of the proceedings and actions of the October 23, 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.