

SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS
Tuesday, November 13, 2018, 1:30 p.m.
SUMMARY MINUTES

I. CALL TO ORDER

The Meeting of the Board of County Commissioners on Tuesday, November 13, 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; Frank Celico, Assistant County Attorney; Keely Ambrose, Assistant County Attorney; Sarah Vaine, Assistant County Manager; Bentley Henderson, Assistant County Manager; 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; Suzanne Pugsley, Planning Technician; Cody Horn, Planner; Scott Hoffman, Chief Building Official; Dan Hendershott, Environmental Health Manager; Beverly Breakstone, Assessor; Mike Peterson, Assessor's Office and Eva Henson, Deputy Clerk.

Additional Attendees: Deepan Dutta, Holly Robinson, Peter Siegel, Joe Decker, Terry Adams, Ashley Kubiszyn, Krista Rider, Mike Siegristco, James Cramer, Zach Sennett, Jim Reis, Steve Miller, Jesse Larson, Richard Himmelstein, Shane Trucex, Heather Pezzella, Mary Kramer, Kevin Lovett, Suzy Bauer, Tom Malmgren, Mike Phillips, C. Staberg, Gretchen Davis, William Feldman, Ben Broughton, Paula Paul, Lindsay Jones, Julie Horowitz, Kay Thomas, Mary Cramer, Bryan and Jenelle Fabel, Amanda Phillip, Catherine Munn, Karen Darst, Mike Hawkins, Tyson Horner, Brian Carisch, Jay Shields, Anne Murphy, Scott Cale, Peter Reeburgh, Tyson Horner, Patty Blank, Paul Myers, Mike Phillips, Rebecca Humphries, Elena Scott, and others.

III. APPROVAL OF AGENDA

Scott Vargo suggested moving Public Hearing item D to Public Hearing item C and Public Hearing item C to Public Hearing item D.

MOTION: A motion was made by Commissioner Davidson and seconded by Commissioner Stiegelmeier to move Public Hearing item D to Public Hearing item C,

Petition for Abatement or Refund of Taxes; Schedule No. 6505557; Lot 2B Lost Creek Ranch Sub; Owner: Dale Montagne Revocable Living Trust (Assessor) and Public Hearing Item C to Public Hearing item D, 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).

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

IV. CITIZEN COMMENT

Richard Himmelstein noted that he had recently sent a letter to the Summit Board of County Commissioners regarding his concerns about avalanche control at Breckenridge Ski Resort. He commented that he did not want to go into detail of what the letter contained, but did request acknowledgment that they had received it. The BOCC acknowledged receipt and did not have any questions for him at this time.

V. CONSENT AGENDA

- A. Approval of Minutes from the 10-23-18 Regular Meeting. Approved as presented; and**
- B. Warrant List of 10-16-18 to 10-31-18 (Finance). Approved as presented by the Finance Department; and**
- C. Liquor License Renewal for ATM Inc. dba MULLIGAN'S IRISH PUB; Tavern; John Grzeskowiak; 231 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**
- D. A request for a Lot Line Adjustment on Lot 13, Giberson Preserve Subdivision, a .42 acre site, zoned Giberson Preserve PUD (PLN18-098/Giberson Limited Partnership LLLP) Tenmile Basin (Planning). Approved Resolution 2018-74; and**
- E. A request for a utility easement vacation; located at Lot 8B, Shadows North Amended Sub Resub Lot 8; 0.53 acres; zoned R-2. (PLN18-103/Taryn Brooke) Upper Blue Basin (Planning). Approved Resolution 2018-75; and**
- F. Seeding of the Joint Upper Blue TDR bank with 25.93 units of density from 323.72 acres of property in the Upper Blue Basin (PLN18-104/Katherine King, Summit County Government) (Planning). Approved as presented; and**
- G. Approval of a Resolution Canceling Certain Uncollectable Taxes Levied on Personal Property, including but not limited to Mobile Homes, in Summit County, Colorado (Treasurer) (Planning). Approved Resolution 2018-76; and**
- H. Approval of an Intergovernmental Agreement (IGA) with Town of Breckenridge for COTO Flats Apartments (Attorney). Approved Resolution 2018-77; and**
- I. Approval of a Resolution to affirm Summit County submitting a grant to Great Outdoors Colorado (GOCO) to support the Next 100 Coalition's Colorado Network on behalf of**

the Keystone Policy Center (Open Space & Trails). **Approved Resolution 2018-78;**
and

MOTION: A motion was made by Commissioner Davidson and seconded by Commissioner Stiegelmeier to approve the Consent Agenda, items A-1, including Resolutions 2018-74, 2018-75, 2018-76, 2018-77, and 2018-78, as referenced above.

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

VI. NEW BUSINESS

- A. A General Subdivision Exemption to plat 3 open space parcels and 1 developable parcel out of 49 acres of mining claims zoned Backcountry on the side of Bald Mountain; Golden Edge Lode, Golden Edge Lode No. 2, Golden Edge Lode No. 3, Golden Edge Lode No. 4, Black Hawk Lode, Flag Staff Lode, and Golden Edge Placer, US MS #12390; Sections 3 and 4, T7S, R77W of the 6th P.M. (PLN18-089/Michael Wurzel, Summit County Open Space and Trails) Upper Blue Basin (Planning).**

Jessica Potter gave background information regarding the subject parcels in the Golden Edge claims and noted that a Location and Extent review had been approved as the proposed resulting parcels would not conform to minimum lot size requirements. The subdivision exemption would create four parcels, three of which would be conveyed to the County as open space and one of which could remain in private ownership. Once acquired, the County will remove the density from the three open space tracts and rezone the properties to Open Space.

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

MOTION: A motion was made by Commissioner Stiegelmeier and seconded by Commissioner Davidson to approve Resolution 2018-79, A General Subdivision Exemption to plat 3 open space parcels and 1 developable parcel out of 49 acres of mining claims zoned Backcountry on the side of Bald Mountain; Golden Edge Lode, Golden Edge Lode No. 2, Golden Edge Lode No. 3, Golden Edge Lode No. 4, Black Hawk Lode, Flag Staff Lode, and Golden Edge Placer, US MS #12390; Sections 3 and 4, T7S, R77W of the 6th P.M. (PLN18-089/Michael Wurzel, Summit County Open Space and Trails) Upper Blue Basin (Planning) including the 7 findings as listed in the staff report.

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

- B. A request to re-plate a building envelope Lot 1, Summit Estates # 3; a 1.7 acre parcel zoned Summit Estates Filing # 3 PUD. (PLN18-095/Robbie Dickson) Upper Blue Basin (Planning).**

Cody Horn gave background information and noted the applicant is seeking to replace the deck on the west side of the residence, built in 1994, and which is currently located outside of the platted building envelope. The building envelope adjustment would accommodate the construction of the deck and the existing drainage easement.

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

MOTION: A motion was made by Commissioner Davidson and seconded by Commissioner Stiegelmeier to approve Resolution 2018-80, A request to re-plate a building envelope Lot 1, Summit Estates # 3; a 1.7 acre parcel zoned Summit Estates Filing # 3 PUD. (PLN18-095/Robbie Dickson) Upper Blue Basin (Planning) including the 7 findings as listed in the staff report.

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

VII. PUBLIC HEARING

A. Public Comment on the Proposed 2019 Budget (Finance). Continued from the October 23, 2018 Regular Meeting.

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 Special Meeting on November 29, 2018, Public Hearing A, Public Comment on the Proposed 2019 Budget (Finance).

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

B. 2018 Budget Amendment (Finance). Postponed until the November 29, 2018 BOCC Special Meeting.

MOTION: A motion was made by Commissioner Davidson and seconded by Commissioner Stiegelmeier to postpone until the BOCC Special Meeting on November 29, 2018, Public Hearing B, 2018 Budget Amendment (Finance).

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

C. Petition for Abatement or Refund of Taxes; Schedule No. 6505557; Lot 2B Lost Creek Ranch Sub; Owner: Dale Montagne Revocable Living Trust (Assessor).

Mike Peterson reviewed the appraisal report and noted that the original assessed value for 2017 was \$256,950 and was recommended to be reduced to \$232,635. He also reviewed the criteria for agricultural land use and noted that it was determined the property did not have the continued agricultural use in 2016. Therefore, not meeting the criteria to be classified as agricultural land for property tax purposes.

Staff recommended upholding the Assessor's recommendation.

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 uphold the Assessor's Recommendation for Petition for Abatement or Refund of Taxes; Schedule No. 6505557; Lot 2B Lost Creek Ranch Sub; Owner: Dale Montagne Revocable Living Trust (Assessor).

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

D. 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). Continued from the October 23, 2018 Regular Meeting.

Kate Berg gave detailed background on the revisions that were made to the draft proposed short-term rental regulations (STRs), since the last public hearing on October 23, 2018. She discussed the following items in detail, including but not limited to:

- Designation of a "responsible agent" rather than a local agent
- Occupancy limits of 2 persons per bedroom +2 and allow a loft as a sleeping room for 2 occupants, OR 1 person per 300 square feet, whichever allows for greater occupancy
- Administrative (Class 2) Conditional Use Permit (CUP) application for occupancy exceeding limits above, and for any STR greater than 6,000 square feet in size or proposing an occupancy of 20 occupants or more
- Parking requirements of at least one space, with advertising reflective of the available spaces; and allow a Class 2 CUP application if more than 5 outdoor spaces are proposed
- Application by new owner for STR permit on a property which previously had an STR permit revoked
- Notification of adjacent property owners regarding STR permits
- Potential for differing occupancy requirements in multi-family units based on International Building Code (IBC) requirements

Commissioner Gibbs inquired about the IBC versus the Fire Code and if it outlines occupancy rates.

Scott Hoffman responded with some clarification and noted the IBC will have a defined prescriptive code for how many people can occupy a space, but the Fire Code will only address the detailed requirement of sprinklers.

The Commissioners also inquired about the following but not limited to:

- Bulk permitting and reduced fees
- CUP process
- Proposed timeline for implementation
- Notice to adjacent residents

Ms. Berg responded with details and walked through the process for each of the items listed above.

Staff recommended approval of the proposed resolution including the 3 findings as listed in the staff report and any additional modifications to the draft regulations that the BOCC determined shall be incorporated.

Commissioner Gibbs opened the public hearing.

(Please note due to low audio levels on the recording some citizens that spoke are unidentifiable.)

Peter Reeburgh, Joe Decker, Patty Blank, Tyson Horner, Mary Kramer, Mike Siegristco, Ashley Kubiszyn, Mike Caukins, Holly Robinson, Steve Miller, Gretchen Davis, Paula Paul, Peter Siegel, William Blank, Kevin Blank, Tom Malmgren, Shane Trucex and others spoke in opposition to the draft regulations as proposed and cited the following reasons including but not limited to:

- Large number of units that would require a CUP per the proposed occupancy limits
- Issues with timeline
- Issues with research and data
- Fees
- HOAs and the overlap of management duties

Commissioner Gibbs closed the hearing for public comment.

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

- Occupancy formula
- Implementation of timeline
- CUPs
- Fees

MOTION: A motion was made by Commissioner Davidson and seconded by Commissioner Stiegelmeier to continue to the BOCC Special Meeting at 9:00 a.m. on December 18, 2018, Public Hearing D, 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).

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

VIII. ADJOURNMENT

The meeting was adjourned at 4:52 p.m.

Respectfully submitted,

Approved by:

Eva Henson



Dan Gibbs

Eva Henson, Deputy Clerk

Dan Gibbs, Chair

NOTE: These minutes are a summary of the proceedings and motions of the November 13, 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.