



BOARD OF COUNTY COMMISSIONERS

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**SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS
Tuesday, March 26, 2019 1:30 p.m.
SUMMARY MINUTES**

I. CALL TO ORDER

The Meeting of the Board of County Commissioners on Tuesday, March 26, 2019 was called to order by Chair, Thomas C. Davidson, at 1:36 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:

Thomas C. Davidson, Chair

Karn Stiegelmeier, Commissioner

Elisabeth Lawrence, Commissioner

Staff Present were as follows: Scott Vargo, County Manager; Jeff Huntley, County Attorney; Keely Ambrose, Assistant County Attorney; Bentley Henderson, Assistant County Manager; Sarah Vaine, Assistant County Manager; Julie Sutor, Director of Communications; Jim Curnutte, Community Development Director; Lindsay Hirsh, Senior Planner; Dan Osborn, Senior Planner; Nicole Bortot, Child and Adult Services Manager; Robert Jacobs, Road & Bridge Director; Rich Ferris, Assistant IS Director; Suzanne Kenney, GIS Analyst, and Eva Henson, Deputy Clerk.

Additional attendees present were as follows: Kara Bowyer, Kevin Burns, Krista Burdick, and Max Bower.

III. APPROVAL OF AGENDA

The agenda was approved, as presented.

IV. CITIZEN COMMENT

V. PROCLAMATIONS & ANNOUNCEMENTS

- A. Resolution proclaiming and celebrating the Month of April 2019 as "The Month of the Young Child" (Youth and Family).

MOTION: A motion was made by Commissioner Stiegelmeier and seconded by Commissioner Lawrence to approve Resolution 2019-17, 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 2019 as "Child Abuse Prevention Month" (Human Services).

MOTION: A motion was made by Commissioner Stiegelmeier and seconded by Commissioner Lawrence to approve Resolution 2019-18, 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 14-20, 2019 as "National Public Safety Telecommunicators Week" in Summit County, Colorado (911 Communications).

MOTION: A motion was made by Commissioner Lawrence and seconded by Commissioner Stiegelmeier to approve Resolution 2019-19, 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 3-12-19 Meeting. **Approved as presented; and**
- B. Warrant Lists of 3-1-19 to 3-15-19 (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 Keystone Neighbourhood Co. dba KEYSTONE NEIGHBOURHOOD CO; Optional Premise; Maja Russer; located at 140 Ida Belle Drive Suite #F4, 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 Casa Sanchez LLC dba EL ZACATECANO MEXICAN RESTAURANT; Hotel & Restaurant; Marisol Diaz; located at 189 Ten Mile Circle VS-102B, 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. Approval of a Resolution dissolving Washington Lode, Bekkedall, and Emmett Lode Local Improvement Districts (Finance). **Approved Resolution 2019-20; and**
- G. Petition for Abatement or Refund of Taxes; Abatement No. 19AR-006; Schedule No. 6516893; Legal Property Description: Tract D South Maryland Creek Ranch #1

- Amendment 1 Future Community Center Site; Owner: Summit Sky Ranch Homeowners Association Inc. (Assessor). **Approved as presented; and**
- H. Approval of Certification of Indebtedness to the Snake River Sewer Fund (Snake River Wastewater Treatment Plant). **Approved as presented; and**
 - I. Approval of Appointments to Various Planning Commissions (Planning). **Approved as presented; and**
 - J. Approval of 2019 Wildfire Annual Operating Plan (AOP) (Emergency Management). **Approved as presented; and**

MOTION: A motion was made by Commissioner Stiegelmeier and seconded by Commissioner Lawrence to approve the Consent Agenda, items A-J, including Resolution 2019-20, as referenced above.

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

VII. NEW BUSINESS

- A. A proposed General Subdivision Exemption Plat/Lot Line Adjustment to reconfigure the Lot line located between Lot 21 and Tract AR, Dercum's Dash, Zoned Dercum's Dash PUD (PLN18-114/David Bernstein) Snake River Basin (Planning). **Continued from the February 26, 2019 Regular Meeting.**

Lindsay Hirsh gave background on the proposed general subdivision exemption/lot line adjustment, including its previous hearings at the February 12, 2019 and February 26, 2019 BOCC Regular Meetings. He noted that neither the applicant nor the owner of Lot 21 were present at the hearing today. Mr. Hirsh reviewed the revised plans submitted by the applicant, a 21% reduction to Tract AR, the lot allocated for a Community Clubhouse and Employee housing. Mr. Hirsh outlined the considerations associated with the application and stated staff's opinion that a 21% reduction is above the threshold of what is considered minor.

Staff recommended two possible actions: tabling the current application if the applicant decides to pursue an amendment to the Dercum's Dash PUD, or if the applicant decides not to pursue a PUD amendment nor to amend the application to a 10% or less change, then to deny the application including the findings as listed in the staff report.

Commissioner Stiegelmeier inquired if staff knew whether the applicant planned to apply for a PUD amendment or to revise further the current application. Mr. Hirsh replied he did not know their intentions.

Commissioners reviewed a letter submitted by Andrew Grolnick, owner of Lot 21, in support of approving the application.

Commissioner Lawrence commented that since the Applicant had not submitted a PUD amendment application, nor submitted a change that was 10% or less, she agreed with staff's recommendation to deny the application.

Commissioner Davidson and Stiegelmeier agreed, stating the dramatic change in the size of the lots should be processed through a PUD amendment and not a General Subdivision Exemption. They agreed that should the applicant pursue a PUD amendment, the fees for that process would be waived.

Commissioner Stiegelmeier requested clarification regarding the difference between tabling the current application and denying it in regards to any additional application. Keely Ambrose clarified that whether or not it is tabled or denied, the PUD amendment process would be the same.

MOTION: A motion was made by Commissioner Davidson and seconded by Commissioner Lawrence to approve Resolution 2019-21, Denying a General Subdivision Exemption Plat / lot line adjustment to reconfigure the lot line located between Lot 21 and Tract AR, Dercum's Dash, Zoned Dercum's Dash PUD (PLN18-114/David Bernstein) including the 2 findings as presented at the hearing.

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

VIII. PUBLIC HEARING

A. Petition for Abatement or Refund of Taxes; Abatement No. 18AR-056; Schedule No. 2801457; Legal Property Description: Lot 18 Block 5 Quandary Village Sub #1; Owner: Joshua Cruze (Assessor).

Commissioner Davidson stated Public Hearing Item A would be postponed until a date to be determined, due to a noticing error.

Jeff Huntley noted that the entire proceeding would be re-noticed for an upcoming date.

B. A Proposed Code Amendment to update and change the "Summit County Addressing, Road Naming and Numbering Regulations." The proposed changes update and clarify the regulations, reallocate the responsibility of addressing, road naming, and number from the Engineering department to the GIS department (PLN18-091/Summit County Government) (Planning).

Dan Osborn gave a brief background of the proposed code amendments, describing the changes as necessary to incorporate best practices, since the regulations had not been updated in the past 25 years.

Mr. Osborn reviewed the criteria for decision and noted that the Countywide Planning Commission recommended approval at their March 4, 2019 meeting.

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

Commissioner Davidson requested a description of the administrative appeals process. Mr. Osborn reviewed the process, including submitting a written request stating the reasons for appeal, staff assessment of the request, and the instances when it may be heard by the BOCC.

Commissioner Lawrence inquired if the GIS department frequently fields questions about why streets and addresses may not be recognized by some online retailers or systems. Suzanne Kenney responded that the information is generally dependent upon the United States Postal System updating their system. Rich Ferris noted that the GIS department notifies about 30 different entities of any change made to the streets and/or addressing in Summit County, including USPS, FedEx, Emergency Services, etc.

Commissioner Davidson inquired about the ultimate decision making authority in regards to road and project names. Mr. Ferris responded that while the Memoranda of Understandings (MOUs)

with each jurisdiction do refer proposed road and project names to the County GIS department for recommendation, the final authority is with the jurisdiction.

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

MOTION: A motion was made by Commissioner Stiegelmeier and seconded by Commissioner Lawrence to approve Resolution 2019-22, A Proposed Code Amendment to update and change the "Summit County Addressing, Road Naming and Numbering Regulations." The proposed changes update and clarify the regulations, reallocate the responsibility of addressing, road naming, and number from the Engineering department to the GIS department (PLN18-091/Summit County Government) (Planning) including the 3 findings as listed in the staff report.

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

- C. A Proposed Code Amendment to Chapter 5: Road and Bridge Standards. The Code revisions are intended to: update and directly reference standards, correct grammatical errors, inconsistencies, redundancies and syntactical errors, and incorporate existing practices into the language of the Code where previously missing or unclear. (PLN18-124/Summit County Road and Bridge) (Planning).

Mr. Osborn gave a brief background of the proposed code amendments, describing the changes as intended to update and directly reference standards; to correct grammatical errors, inconsistencies, redundancies, and syntactical errors; and to incorporate existing practices into the language of the Code where it was previously missing or unclear.

Mr. Osborn reviewed the criteria for decision and noted that the Countywide Planning Commission recommended approval at their March 4, 2019 meeting.

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

Commissioner Stiegelmeier inquired if the changes to the crown slope requirements referred at all to limiting the incline of a driveway. Robert Jacobs replied that the crown slope is merely what allows the driveway to drain properly into the ditch and does not regulate the incline of a drive.

Commissioner Davidson inquired if there were any language included in the road and bridge standards that governs establishing maintenance of shared private roadways. Keely Ambrose stated that the subdivision process usually requires an agreement or covenant to regulate maintenance and other responsibilities associated with a shared private roadway, not the road and bridge standards.

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

MOTION: A motion was made by Commissioner Lawrence and seconded by Commissioner Stiegelmeier to approve Resolution 2019-23, A Proposed Code Amendment to Chapter 5: Road and Bridge Standards. The Code revisions are intended to: update and directly reference standards, correct grammatical errors, inconsistencies, redundancies and syntactical errors, and incorporate existing practices into the language of the Code where previously missing or unclear. (PLN18-124/Summit County Road and Bridge) (Planning) including the 3 findings as listed in the staff report.

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

- D. A Proposed Minor Modification to the Keystone PUD to update the Employee Generation Rates, as required by Section B.6.C.iii.c of the PUD, and other miscellaneous modifications to accomplish the foregoing. (PLN18-059/Kara Bowyer) Snake River Basin (Planning).
Continued from the March 12, 2019 Regular Meeting**

Mr. Hirsh briefly reviewed the planning case, beginning with an overview of the various topics that staff and the applicant further researched and analyzed at the request of the Commissioners, including, but not limited to:

- Generation rates for multi-family units
- Compliance of Hidden River Lodge units
- Parking and traffic concerns

Kara Bowyer, applicant from Vail Summit Resorts, spoke to discuss in detail the information gathered in regards to multi-family units with no management contract, including those that are in buildings with an association managed by Keystone Resort and those that are not. She stated that while they gathered actual numbers where possible, assumptions and percentages were also used in some cases.

Ms. Bowyer noted that she agreed a generation rate should be applied to these multi-family units with no management contract and presented two different scenarios, using different generation rates. In both scenarios, the additional employees did not cause any compliance issues with the annual report.

Staff and applicant discussed the lack of existing data for employee generation rates for short term rentals. Ms. Bowyer spoke to both consultants involved in the project and neither could provide specific data. She noted that one of the conditions of approval for the resolution had been updated to include submitting a comprehensive update to the generation rates, including short term rentals, sooner than originally required. She requested approval of the proposed resolution.

Mr. Hirsh gave a digital presentation which further reviewed the following topics, including, but not limited to: supplemental information as provided by Vail Summit Resorts for the no management contract multi-family units, historic Keystone PUD Generation rates, historic management of multi-family dwelling units, the 2017/2018 Annual Housing Report, and compliance at the Hidden River Lodge. Mr. Hirsh noted that the Keystone area has changed greatly since the original PUD was approved in 1995 and a comprehensive PUD amendment is needed.

Staff recommended approval of the proposed resolution including the 7 findings and 2 conditions as listed in the staff report.

Commissioner Davidson inquired why the updated generation rate report deadline for submission was not until December 31, 2020. Scott Vargo reviewed the timeline of the newly implemented Short Term Rental Program and stated the extra time is needed to fully gather and report data.

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

Commissioners discussed how accounting for employees has changed over the years, since when the PUD was approved 1995, most employees worked for Keystone Resort and could therefore be more accurately reported. They noted that the current system is difficult and problematic since it is based on more estimations and assumptions, and an overhaul of the PUD

could address this, and other issues.

MOTION: A motion was made by Commissioner Lawrence and seconded by Commissioner Stiegelmeier to approve Resolution 2019-24, A Proposed Minor Modification to the Keystone PUD to update the Employee Generation Rates, as required by Section B.6.C.iii.c of the PUD, and other miscellaneous modifications to accomplish the foregoing. (PLN18-059/Kara Bowyer) Snake River Basin (Planning) including the 7 findings and 2 conditions as listed in the staff report.

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

IX. ADJOURNMENT

The meeting was adjourned at 2:50 p.m.

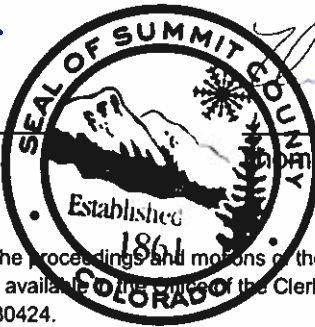
Respectfully submitted,

Approved by:



Eva Henson, Deputy Clerk

Thomas C. Davidson, Chair



NOTE: These minutes are a summary of the proceedings and motions of the March 26, 2019 Board of County Commissioners' Regular Meeting. The complete digital recording is available on the website of the Clerk & Recorder, Summit County Courthouse, 2nd Floor, 208 Lincoln Avenue, Breckenridge, Colorado 80424.