



**BOARD OF COUNTY COMMISSIONERS**

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Breckenridge, CO 80424

**SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS**

**Tuesday, September 14, 2021 at 1:30 p.m.**

**SUMMARY MINUTES**

*For assistance or questions regarding special accommodations, accessibility, or available audio/visual equipment, please contact 970-453-3403 as soon as possible.*

**I. CALL TO ORDER**

The Regular Meeting of the Board of County Commissioners on Tuesday, September 14, 2021 was called to order by Chair, Elisabeth Lawrence, 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:

Elisabeth Lawrence, Chair

Tamara Pogue, Commissioner

Josh Blanchard, Commissioner

Staff Present were as follows: Scott Vargo, County Manager; Jeff Huntley, County Attorney; Keely Ambrose, Deputy County Attorney; Sarah Vaine, Assistant County Manager; Bentley Henderson, Assistant County Manager; Jaime FitzSimons, Sheriff; Peter Haynes, Undersheriff; Marty Ferris, Finance Director; Nicole Valentine, Director of Communications; Jessica Potter, Senior Planner; Suzanne Pugsley, Planner I; Frank Celico, Assessor; Brandi Timm, Planning Technician; Dylan Graves, Planning Technician; Jim Curnutte, Planning Director; Jordan Mead, Resource Specialist; Mark Watson, Special Operations Sergeant; David Reynolds, Assistant Finance Director; Rich Ferris, Assistant IS Director; Dorothy Martinez, Administrative Support II; Adam Kisiel, Public Affairs Coordinator; Ian Corder, Planning Technician; Joe DiCerbo, Senior Bookkeeper; Scott Hoffman, Chief Building Official; Caroline Bailey, Appraiser III; Shelby Sainz, Program Coordinator and Lori Dwyer, Deputy Clerk.

Additional Attendees in person and via Zoom: Cory Richardson, Adam Bianchi, Patty Blank, Jenna deJong, Sarah Thorsteinson, Melissa Doherty, Karen Esponto, Nancy Wydner, Joel Wexler, James Brown, Adam Parker, Ron Shelton, JT Mueller, Leigh Girvin, Jennifer Dokken, Anna Alford, Dana Cottrell, Kati Patino, Joe McIntyre, Trace Kaker, Scott Ogle, Robin Robson, Mary Waldman, Peter Reeburgh, Luke Dokken, Mike Lewis, Aaron Olthoff, Alex Just, Alex Kimbrell, Aly Couette, Alys Macias, Amy Nakos, Anne Ohly, Annie Markuson, Brian Solganick, Catherine Smith, Charles Bishop, Chris Lankhorst, Christine Staberg, Cynthia Goda, Dana Erickson, Dave Greenberg, David Bacon, Delmar Nordstrom, Dylan Mossman, Erika Schmidt, Erin Young, Gayle Ruitter, Gretchen Klein, James Yu, Jami Terlingen, Jan Leopold, Jane Hamilton, Jason Adams, Jay Homola, Jeannette Thompson, Jeff Angell, Jeff Odermann, Jennifer Luberto, Jenny Lieb, Jennyfer Vik, Jerry Bauer, John Broadbent, John Levene, Jon Neumeister, Julia Koster, Karen Frisone, Karen Mathis, Kate Jablonski, Kate Schulte, Katie Davis, Kerri Schuiling, Lisa Angell, Mary Vitaver, Mat Levine, Matthew Hanson, Matthew Kocsis, Matthew Kreston, Mark Baumann, Mike Tignanelli, Patrick Dolan, Phil Lindeman, Rebecca Coughlin, Reilly DeSantis, Roger Harvey, Ryan Janaes, Ryan Maher, Samantha Neuchterlein, Sarah Barclay, Scott Anderson, Scott Ellsworth, Shannon Haynes, Sinjin McNicholl, Stephanie Amolsch, Stephen Jagentenfl, Stephen Traweek, Steward Van Anderson, Tess Scalise, Therese Dominic, Todd Bohling, Vanessa Davison, William Himes, LB Wilson, Meridith Adams, Michele Hart, Toby Babich, Ashley Kubiszyn, Will Hull, Merritt Huron, Kristine Lee and others that did not sign in.

### III. APPROVAL OF AGENDA

The agenda was approved, as presented.

### IV. CITIZEN COMMENT

Leigh Girvin shared her experience in finding care for her aging parents in Summit County. She requested that the Board address the issue.

Robin Robson requested an update on construction at the shooting range.

### V. CONSENT AGENDA

- A. Approval of 8-24-21 Regular Meeting Minutes. **Approved as presented; and**
- B. Warrant List of 8-16-21 to 8-31-21 (Finance). **Approved as presented by the Finance Department; and**
- C. Liquor License Renewal for Keylime LLC dba LIME AT KEYSTONE RIVER RUN VILLAGE; Hotel & Restaurant; Daryl C. Sims; located at 100 Dercum Square Units #F4-F5, 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**
- D. Summit County Wildfire Council river basin recommendations. **Approved as presented; and**
- E. Liquor License Renewal for Cures n' Curiosities Inc. dba ROCKIN' R RANCH; Liquor Store; Don McCoy; located at 0091 River Run Road, 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**

- F. A resolution authorizing the assignment to the Colorado Housing and Finance Authority of private activity bond allocation of Summit County, Colorado pursuant to the Colorado Private Activity Bond Ceiling Allocation Act (Attorney/Finance). **Approved Resolution 2021-61 as presented; and**
- G. Consideration of a Resolution in Support of Summit County's Application for a DOLA Planning Grant for a County Development Code Audit to Identify and Implement Changes to the Development Code to create more Affordable Housing (Housing). **Approved Resolution 2021-62 as presented; and**
- H. Approval of 2022 Budget (Head Start). **Approved as presented; and**
- I. Approval of 2022 Continuation Grant Application and Budget Narrative for Region 8 (Head Start). **Approved as presented; and**
- J. Approval of the 2020 Summit Head Start 0-5 Annual Report (Head Start). **Approved as presented; and**

**MOTION: A motion was made by Commissioner Pogue and seconded by Commissioner Blanchard to approve the Consent Agenda, items A-J and Resolutions 2021-61 and 2021-62, as presented.**

**MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT**

## **VI. NEW BUSINESS**

- A. A request for a General Subdivision Exemption to replat the building envelope on Lot 25, Lewis Ranch at Copper, a 0.36 acre lot zoned Copper Mountain PUD. (PLN21-054/JarretBuxkemper, BHH Partners) Tenmile Basin.

Suzanne Pugsley gave a digital presentation including but not limited to the vicinity map, exemption plat, and staff recommendations.

**MOTION: A motion was made by Commissioner Blanchard and seconded by Commissioner Pogue to approve Resolution 2021-63, A request for a General Subdivision Exemption to replat the building envelope on Lot 25, Lewis Ranch at Copper, a 0.36 acre lot zoned Copper Mountain PUD, with 7 findings and no conditions. (PLN21-054/JarretBuxkemper, BHH Partners) Tenmile Basin.**

**MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT**

- B. A request to alter plat note #6 of the Sunbowl at Hamilton Creek #2 plat, Reception # 500221, regarding access to Lots 1, 6, 7, & 8 from Hamilton Creek Road and Heather Way cul-de-sac; in the HamiltonCreek PUD, zoning district on approximately 7.97 acres. (PLN21-075/Luke Dokken) LowerBlue Basin.

Dylan Graves gave a presentation including the plat and the proposal to remove Lot 1 access to the Heather Way cul-de-sac. He noted that staff recommends approval of the request.

**MOTION: A motion was made by Commissioner Pogue and seconded by Commissioner Blanchard to approve Resolution 2021-64, A request to alter plat note #6 of the Sunbowl at Hamilton Creek #2 plat, Reception # 500221, regarding access to Lots 1, 6, 7, & 8 from Hamilton Creek Road and Heather Way cul-de-sac; in the HamiltonCreek PUD, zoning district on approximately 7.97 acres, with 4 findings and no conditions. (PLN21-075/Luke Dokken) LowerBlue Basin.**

**MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT**

**V. PUBLIC HEARING**

- A. 2nd Reading and Public Hearing of a Resolution Approving Amended Rules and Regulations for Lands and Waters within the Dillon Reservoir Recreation Area.**

Jordan Mead gave an update after discussing the proposed resolution with the DRec committee, and noted that the results of that discussion are in the staff report.

Commissioner Lawrence opened the hearing for public comment.

Joe McIntyre gave a comment regarding non-motorized uses including eFoils and windsurfers. He expressed disappointment with the Sheriff's Office's recommendations.

Commissioner Lawrence closed the hearing for public comment.

Commissioner Blanchard noted that technology and the ways that we recreate are always changing, so it is important to continue to assess rules and regulations.

**MOTION: A motion was made by Commissioner Blanchard and seconded by Commissioner Pogue to approve Resolution 2021-65, 2nd Reading and Public Hearing of a Resolution Approving Amended Rules and Regulations for Lands and Waters within the Dillon Reservoir Recreation Area, and ordered that it be published in title only in the County's legal newspaper.**

**MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT**

- B. Petition for Abatement or Refund of Taxes; Abatement No. 20AR-041 Schedule No. 500151; Legal Property Description: Unit B-9 Now Colorado at Warriors Mark Condo.**

Frank Celico recommended upholding the Assessor's value for the unit, due to the comparable sales that support the value.

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

**MOTION: A motion was made by Commissioner Pogue and seconded by Commissioner Blanchard to uphold the Assessor's Recommendation and Deny the Taxpayer's Petition for Abatement or Refund of Taxes.**

**MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT**

- C. Proposed Moratorium on New Short-Term Rental License Applications for the unincorporated areas of Summit County (Planning).**

Jessica Potter gave a presentation including but not limited to background, licensing trends, proposal, maps of exemption areas, concepts for analysis, and non-regulatory or incentive approaches. She noted changes since the morning Work Session, which are available on the Summit County website. She clarified that this applies only to new licenses in unincorporated Summit County, with exemptions for the resort areas at Keystone, Copper Mountain and the base of Peak 8 in Breckenridge. She noted that the moratorium is temporary and is proposed

for 90 days while staff comes up with proposed changes to the program in a public process.

Commissioner Lawrence stated the goal of making sure Summit County is the best possible place to live, work and play. She acknowledged that not all homes are suitable as long-term rentals, and stated her belief that the best approach is neighborhood-by-neighborhood.

Commissioner Pogue noted that she has heard from all sides including renters, real estate agenda and homeowners who rent out their units.

Commissioner Blanchard noted the need to protect natural resources and social frameworks in Summit County.

Keely Ambrose noted that homeowners that are currently under contract can apply for a Short-Term Rental (STR) license.

Commissioner Lawrence opened the hearing for public comment.

Dana Cottrell thanked the Board for looking into solutions and suggested allowing new owners a 6 month grace period to honor existing reservations.

Peter Reeburg noted that this is a step in the right direction but feels that the County should focus on building more affordable housing. He expressed disappointment that staff had not previously come up with solutions. He urged the Commissioners to vote "no".

Ashley Kubiszyn asked to allow properties that are existing STRs to remain STRs.

Kristine Lee asked the Board to look at statistics outside of 2020 and 2021.

Patty Blank noted that the current STR license application has a requirement of long-term renters to have their landlord's permission to use their unit for STR, which to her seems to be an inappropriate use of a long-term rental.

Michael Lewis noted that he feels the STR industry is being used unfairly as a scapegoat.

Adam Parker noted that while workforce housing is an issue, the nature of resort town is to have visitors to the area.

Mary Waldman stated that second homeowners are not buying properties to rent them out, but for personal enjoyment.

Michele Hart noted her approval of incentives and suggested incentives for individuals that build Accessory Dwelling Units (ADUs). She suggested a clear path to legalize illegal ADUs, incentives for long term rental conversion and higher fees for STR licenses as solutions.

Ron Shelton noted that existing rental reservations must be considered, and that people who work in Summit County can live elsewhere.

Melissa Doherty noted that Summit County should be looking for long-term rental solutions.

Toby Babich thanked the Board for their strategic direction. He noted that affordability doesn't get discussed enough as a contributing factor, and supports the transfer of licenses among units for sale.

Matthew Kocsis noted that he owns a condo in Dillon and short-term rents it, because his family uses it part-time and could not otherwise afford it.

Mike Tignanelli noted that he owns a second home in Summit County, and short-term renting it helps him pay the mortgage. He noted that he feels that the changes in 2020 were not the cause of the housing crisis.

Mark Baumann stated that the towns and County should put effort into creating apartments.

***A recess was taken at 2:58 p.m.***

***The meeting resumed at 4:35 p.m.***

Stephen Traweek noted that he is a local and works for a property management company. He wondered whether the responsible agent role could be incentivized to be the STR license holder.

Roger Harvey noted he doesn't feel that single-family homes make suitable long-term rentals, and noted potential economic impacts of having fewer STR properties.

Alys Macias stated that 2020 was an unusual year with far more visitors than usual within a 12-hour drive, so it is not fair to compare it to other years.

Meridith Adams urged the Commissioners not to go through with the moratorium.

JT Mueller noted that as a property manager, he is aware of aware of the issues with STRs, but believes many of the issues can be helped by enforcement. He urged the Commissioners to let things work themselves out organically.

LB Wilson asked whether the Board has considered whether individuals that have not otherwise planned to get a STR license might apply for one in case they need it at a later date.

Merritt Huron noted that he is all for the moratorium, with a locals-first mentality.

Karen Frisone raised concerns about the transferability of licenses.

Katie Davis noted that as a second homeowner who purchased in order to have an STR to help pay the bills, she intentionally purchased in a neighborhood that has an HOA that allows them.

Jason Adams noted that many people have weighed in during the meeting, and most have not been in favor of the moratorium.

David Bacon asked questions regarding how many long-term rentals might be created by limiting licenses. He also noted that it seems to him that placing restrictions in certain areas might create more burden in other areas.

Commissioner Lawrence closed the hearing for public comment.

Commissioner Pogue noted that the point of the moratorium is to give staff the time to go through data thoughtfully and create a plan that is holistic. She noted that there is no easy solution, and many businesses are very short-staffed. While this is not the fault of the STR industry, she has not seen any strategy to get to where they need to be without the moratorium.

Commissioner Lawrence asked for clarification on the hardship exemption criteria. Ms. Ambrose noted that the criteria is relatively broad.

Commissioner Blanchard thanked attendees for their comments, and stated that this is one part of a multi-tiered strategy including new construction, and that the County is limited to the confines of authorities related to taxation.

**MOTION: A motion was made by Commissioner Pogue and seconded by Commissioner Blanchard to approve Resolution 2021-66, Proposed Moratorium on New Short-Term Rental License Applications for the unincorporated areas of Summit County (Planning). The effective date of this resolution shall be 11:59 p.m. on Friday, September 17, 2021.**

**MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT**

**VI. ADJOURNMENT**

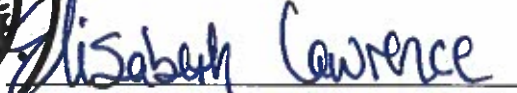
The meeting was adjourned at 5:35 p.m.

Respectfully submitted,

Approved by:

  
Lori Dwyer, Deputy Clerk



  
Elisabeth Lawrence, Chair

NOTE: These minutes are a summary of the proceedings and motions of the September 14, 2021 Board of County Commissioners' Regular Meeting. The complete digital recording is available in the Office of the County Manager, Summit County Courthouse, 3<sup>rd</sup> Floor, 208 Lincoln Avenue, Breckenridge, Colorado 80424.