



BOARD OF COUNTY COMMISSIONERS

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Breckenridge, CO 80424

TO: Board of County Commissioners  
Bentley Henderson  
Jeff Huntley  
FROM: Millicent Marter  
RE: Work Session Meeting of October 26, 2021  
DATE: Tuesday, October 26, 2021

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**Attendees:**

Elected Officials: Elisabeth Lawrence, Tamara Pogue and Josh Blanchard – Commissioners

Staff: Jeff Huntley, County Attorney; Keely Ambrose, Assistant County Attorney; Bentley Henderson, Assistant County Manager; Marty Ferris, Finance Director; David Reynolds, Assistant Finance Director; Jason Dietz, Housing Director; Jim Curnutte, Planning Director; Brandi Timm, Planning Technician; Sarah Schwartz, Planning Technician; Brandon Howes, Housing Planner; Nicole Valentine, Director of Communication; Sarah Vaine, Assistant County Manager; Brent Spahn, Public Works Director; April Paige, Executive Administrative Manager; and Millicent Marter, Administrative Assistant.

Guests (in person or via Zoom): Samantha Nuechterlein, Bryan Webinger, Peter Reeburgh, Phil Lindeman, Sarah Thorsteinson, Ashley Kubiszyn, Michael Wurzel, Joan Jardon, Sidney Wiswell, Don Reimer, Zane Kessler, Christine Staberg, Taylor Hawes, Lindsay DeFrates, Katlin Miller, John Longhill, Jenna deJong, and others who did not sign in.

**I. Discussion of Proposed 2022 Budget**

Marty Ferris gave an update on the following topics including but not limited to:

Commissioner Lawrence opened the floor for any comment re the budget. No one offered anything so the board moved to continue on to the Housing Discussion.

**II. Housing Discussion**

Jim Curnutte and Bentley Henderson gave an update on the following topics including but not limited:

STR Regulations Amendments

Re-Cap & Agenda

- Went over Survey Results on 10/19/2021 – Commissioners asked when the survey results be ready to present to the public. Mr. Henderson confirmed that they can be available by as early as tomorrow.
- Outstanding Issues Resolved from last week's Work Session:
  - Nights for a Type I (entire unit) = 60
  - Nights for a Type II = 120
  - Occupancy = 2 per bedroom + 2 (revised from greater of 2 per bed + 4 or 1 per 200 square feet)

- Timing of Compliance, confirmation of selected Resort Overlay locations, Parameters for Type III
  - Upon Adoption of the New Regulations: All new STR applications must conform to the new regulations
    - New Applications = First time applicant or Ownership Change
  - September 2022: All Existing Licenses Renew
    - ~3,000 in resort zone = resort license (effectively no change in operational status)
    - ~1,500 licenses in the Neighborhood Zone will need to renew (Commissioners pose the question – what do they renew as?)
- Options for the 1,500 in Neighborhood Zone at Renewal
  - Full-Compliance at Next Renewal
    - All existing STRs comply with new regulations and license type at September 2022
  - Grandfathering
    - Compliance by attrition/change in ownership
    - True “grandfathering” would be the current regulations, not a “Resort License” or a “Type I, II, III”
  - Phased Compliance, “the middle way”:
    - Require full compliance by 2023 or 2024
    - This would allow nearly 2 or 3 years for owners to make appropriate management decisions for their property
    - The purpose of the moratorium and new regulations is to reduce STR impacts in the Neighborhood Zone and encourage long-term rental
    - Will still have the choice to apply for a Type III license, if applicants meet the minimum standards
- Parameters for Type III
  - Apply to 1) New Applications and 2) Existing STRs that choose this license type, at time of compliance; per BOCC decision (i.e., 2022, 2023, 2024, etc.)
  - Proposal for Single-Family
    - Distance between dwelling units = 100’ (150’ was discussed, by may be excessive)
      - Will need to determine method for measurement (Pictometry, GIS Parcel Query Tool, survey, etc.)
    - Class 4 review if lot is less than 40,000 sq. ft.; Class 2 review if lot is greater than 40,000 sq. ft.
    - Occupancy is 2 per bedroom + 2; may request additional occupancy if lot is in excess of 40,000 sq. ft.
  - Proposal for Multi-Family, to ID “Resort-style Buildings”
    - Minimum of 25 units in the HOA plus, 2 of the following:
      - Direct, private shuttle to ski areas
      - Significant on-site Recreational Amenities, 3 of the following: pool, hot tub, sauna, tennis/pickle ball courts, gym, game room
      - Significant on-site Resort Style Amenities: on-site concierge, spa, restaurant/coffee shop, staffed conference/meeting room

- Amenities verified by HOA & HOA provides letter that intensive STR use “is” or “is not” harmonious and compatible with surroundings; goal is to remove staff from verification of amenities and obtain HOA assessment of use
      - Will need alternative if HOA is unwilling to provide
    - Review: Class 4 but can be reduced to a Class 2 if the suggested letter from the HOA is provided
- Boundaries of Overlays
  - Resort Overlay Defined By:
    - Proximity to major Ski Areas (Copper, Keystone, Peak 8 at Breckenridge)
    - Does not allow long-term housing in a resort setting (Tiger Run)
    - Minimal conflicts from STRs; high benefit
    - Minimal infrastructure to accommodate tourism
    - Percentage local ownership
- Continued: Wilderrest and Peak 7
  - Wilderrest
    - Highest concentration of STRs outside of Resort Zones
    - Many smaller condo units as well as SFR, TH, duplex
  - Peak 7
    - High incidence of complaints
    - Still high locals percentage, but is dropping
    - Dirt roads
- Software Build Time
  - Realistic Timeline is mid to end of February
    - The timeline of 8-10 weeks for major upgrade was accurate; however that is dependent on when those 8-10 weeks can be scheduled
    - Are already working on framework with Host Compliance; however major build with their engineering team will not begin until January
- Options for Implementation of the New Regulations
  - Assuming that the BOCC approves the new regulations on December 14, 2020, prior to the expiration of the moratorium Staff will need to determine when they will go into effect.
    - As mentioned, Host Compliance will need until mid-late February to restructure the permitting software. Staff noted that they can extend the moratorium and Special Exemption process until then.
  - Extend Moratorium
    - May need to do this regardless based on outstanding items
    - Note: Countywide PC is scheduled for November 1 and November 8 and major items are still outstanding, it is very unusual to go to a Planning Commission with this limited amount of details
  - Allow applicants to apply once regulations are adopted and process applications manually
    - Significant concerns from staff and user perspective, likelihood for things to “go wrong”
    - Would need to create a new process for applications and review

Commissioners had further questions regarding renewal fees in the Neighborhood Overlay and the legal procedures that would be required with the Grandfathered license and ownership change. Keely Ambrose provided insight and explanation on the legal reasoning. Commissioners proposed agreeing on a renewal cap today to meet the Timing Compliance deadline but proposed keeping track of the data over the next year and amend the decision by that time. Staff confirmed that they will continue to research Host Compliance and adoption of the regulations and the expiration of the moratorium. Staff also confirmed that they haven't received any feedback from the HOA.

### **III. River District Annual Presentation**

Zane Kessler, and Taylor Hawes gave an update on the following topics including but not limited:

Zane gave an update on how the District has been for the past year and offered thanks to the Commissioners and to the voters. Prior to the last election, they were experiencing a serious lack of funding and fear on the effects of climate change to water conservancy. Based on how the voters acted, they realized that water and the river is a bi-partisan issue across the State. River District looks forward to continuing to work with the BOCC and the County about priorities and needs. Taylor Hawes noted how the ongoing drought is impacting the Colorado River and reminded the BOCC that River District can provide many resources and knowledge to the County.

Both Mr. Kessler and Ms. Hawes requested that the BOCC and the County's constituents provide as much feedback to them as possible as they move forward with preparing Colorado for a drier and hotter future.

### **IV. Middle Park Conservation District Annual Report**

Katlin Miller and John Longhill gave an update on the following topics including but not limited:

#### **Annual Report**

- Political Subdivision of the State created by the Colorado Soil Conservation Act of 1937
- 1 of 75 Conservation Districts in Colorado
- Mission: Protect natural resources and promote the wise use of land, soil, water, air, and wildlife through education, program administration, and technical assistance for the benefit of all residents of Grand and Summit Counties – Founded by ranchers for ranchers.
- 2021 Highlights and Focuses
  - ETF Recovery
    - EWP Partner
    - ETF Seed Programs
    - Post-Fire Recovery Page
  - Grand County Drought Committee
    - Active member of the Grand County Drought Preparedness Committee
    - Helped develop and produce education materials
  - Fostering Old Partnerships
    - CSU Extension
      - Dan is an Ex-Officio on our Board
      - CSU Extension partnership for seed distribution

- Summit Weed Department
    - Summit County Noxious Weed Guide
  - FOLBR
    - Lower Blue Climate Resiliency Initiative
  - Blue River Horse Center (BRHC)
    - Partner of MPCD
    - Run by MPCD's Summit County Board Member: John Longhill
    - Taught kids and adults about conservation, ranch management, leadership awareness, and more
- New NRCS Hires
- Looking Forward to 2022
  - 2021 Community Needs Survey Results
    - 85% of respondents own less than 50 acres
    - 72% of respondents have no interest in agriculture or forest agriculture
    - Most Common Reason Preventing Conservation
      - Don't know what to do
      - Don't know who to ask for help
      - Don't have skills or equipment
      - Don't have the time to do it
      - Conservation practices cost too much to do
      - Topics of Highest Interest
        - Wildfire Prevention & Mitigation
        - Noxious Weeds
        - Forest Health
        - Water Conservation & Drought
        - Wildfire Habitat Management
        - Soil Health & Erosion
    - High Country Rural Living & Land Management
      - 52 pages of Ultimate Land, Resource, and Good Neighbor Information
      - Work with partners to get this more widely distributed
    - Continue working with FOLBR on Climate Resiliency Initiative
    - Possibly work with Summit County and Stakeholders on a Summit Drought Plan
    - The continued support of \$10,000 to further MPCD's mission, objectives, education, and partnerships would be greatly appreciated
- Middle Park closed their presentation by providing their contact information and mailing address.

## V. **Managers' & Commissioners' Issues**

Senior Management and Commissioners discussed several topics including but not limited to:

Nicole Valentine

- Josh will be handling FB Live this week since Elisabeth is out. Will circulate updated calendar dates to Commissioners.

- Will circulate updated information on COVID Booster Shots to website shortly.
- Continuing to receive new applications re STR program

#### Bentley Henderson

- We have our first Winter Green Planning meeting coming up
- Warrant Study re Highway 6 is underway
- First Operational Advisory group regarding the Shooting Range. Hope to get them up to speed as soon as possible.

#### Scott Vargo

- Email from Town of Breckenridge – Mountain Town 2030. Received request re Host Community. \$100,000 expected amount for Host Community – Expected that cost will be shared 50/50 with Town of Breckenridge. Commissioners requested sending out emails to neighboring towns to check on temperature of the room
- Good News: One lease has been signed re Lease to Local Programs. Possibly 10 are in the works and the program is progressing.
- COVID Relief Fund – put in \$\$ for Round 3. We're expecting to get funded for that. Asked to submit additional expenses about that. Opportunity to get more funding in.

#### Marty

- Time Keeping Software will be rolling out starting on Halloween Night
- Personal Good News: Daughter will be getting her Masters in Mathematics

#### Sarah Vaine

- Early Childhood Care Assessment Survey has been circulated and hoping to keep it up until around Thanksgiving to get as much feedback as possible.
- Trying to get Front Range Clinic up and running – still experiencing staffing issues

### **VI. Budget Amendment for 2021**

Marty Ferris gave an update on the following topics including but not limited:

Generally do a budget amendment in the first quarter of the year. Small amendments have been added to the following offices including but not limited to the BOCC, Managers' Office, Coroner's Office, Sheriff's Office, Jail Budget, Public Health, Grant Expenses, General Fund Balance, Transit Fund, Capital Expenditures, Library Fund, and the Open Space Fund. Commissioners had no questions and thanked Ms. Ferris for her thorough report.

Staff will return to the Work Session on Tuesday, November 9, 2021. Commissioners thanked the team for their work.

Meeting Adjourned.

Respectfully submitted:

Approved by:

*Millicent Marter*

Millicent Marter, Deputy Clerk



*Elisabeth Lawrence*

Elisabeth Lawrence, Chair

