

SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS
Tuesday, December 18, 2018, 9:00 a.m.
SUMMARY MINUTES

I. CALL TO ORDER

The Meeting of the Board of County Commissioners on Tuesday, December 18, 2018 was called to order by Chair, Dan Gibbs, at 9:02 a.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; Jeff Huntley, 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; Kate Berg, Senior Planner; Scott Hoffman, Chief Building Official; Beverly Breakstone, Assessor; Denise Steiskal, Deputy Assessor; Bill Wallace, Treasurer; Ryne Scholl, Deputy Treasurer; Traci Matlock, Senior Bookkeeper; Jaime Krakowiak, ERP Implementation Coordinator, and Sarah Wilkinson, Deputy Clerk.

Additional Attendees: Tyson Horner, William Fuller, Janessa Onwiler, Dick Brenner, David Stelzer, Mary Gilles, Scott Ramras, Patrick D'Augustine, Steve Miller, Brian Solganick, Yve Roberts, Christopher Roberts, Jim Reis, Clint Giberson, Peter Reeburgh, Christie Staberg, Ken Riley, Amanda Phillips, Eric Geis, Jesse Larson, Patty Blank, Blythe Syfan, Zack Sennett, Gary Giberson, Steve Prosis, Gretchen Davis, Peter Siegel, Jim Reis, Graeme Bilenduke, Karen Darst, Elena Scott, Amy Priegel, Mike Hawkins, Phil Mervis, Mary Gilles, Nichole Seliga, James Dickinson, Janette Brenner, Bryan Fabel, Janelle Fabel, Mark Mathews, Susan Spencer, Lindsay Jones, and others.

III. APPROVAL OF AGENDA

The agenda was approved, as presented.

IV. CITIZEN COMMENT

V. CONSENT AGENDA

- A.** Approval of Minutes from the 12-11-18 Regular Meeting. **Approved as presented; and**
- B.** Liquor License Renewal for Keystone Food & Beverage Co. dba 9280'; Hotel & Restaurant; Geoffrey Buchheister; located at 140 Ida Belle Drive Unit #F11, 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**
- C.** Liquor License Modification for Keystone Food & Beverage Co. dba 9280'; Hotel & Restaurant; Helen Earley; located at 140 Ida Belle Drive Unit #F11, 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**

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

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

VI. NEW BUSINESS

VI. PUBLIC HEARING

- A.** Certification of Mill Levies for the Towns and Special Districts of Summit County for Fiscal Year 2018, for collection in 2019 (Treasurer).

Bill Wallace reviewed the Certification of Levies and Revenue Report and stated that the collectible property taxes for 2019 will be \$111,290,874.78.

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

Commissioner Gibbs thanked Mr. Wallace for his 22 years of service and contributions as both County Commissioner and Treasurer/Public Trustee for Summit County Government.

MOTION: A motion was made by Commissioner Davidson and seconded by Commissioner Stiegelmeier to approve Certification of Mill Levies for the Towns and Special Districts of Summit County for Fiscal Year 2018, for collection in 2019 (Treasurer).

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

- B.** 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 November 13, 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 November 13, 2018. They discussed the following items in detail, including but not limited to:

- Occupancy provisions, including a 2 people per bedroom plus 4 additional occupants for most units
- Considerations for condo-hotels, which would be subject to the same rules as other condominium units, while fractional/timeshare ownership units would be exempt
- Revised process and timeline for initial STR permitting process and annual renewals, including a modified fee for renewals and a 30-day grace period for change of ownership
- Revised protocol for noticing to adjacent property owners

Commissioners inquired regarding occupancy provisions in older buildings that do not meet current Building Code. Based upon the Building Official's input, Staff and Commissioners discussed adding a provision that if that if the hallways in a building are less than 44" wide *and* there is no sprinkler system, for health and safety concerns, a reduced occupancy calculation would be used of 2 people per bedroom plus 2 additional occupants to address the health and safety concerns presented by the egress.

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 hearing for public comment.

Peter Siegel, Amanda Phillips, Mike Hawkins, Mary Gilles, Patty Blank, Ken Riley, Peter Reeburgh, Gretchen Davis, Janette Brenner, Steve Miller, Phil Mervis, Tyson Horner, Scott Ramras, and William Fuller spoke to inquire regarding the specific following items as proposed in the draft regulations, including but not limited to:

- Fees for professionally-managed units vs. self-managed units
- Occupancy provisions for large homes, studio units, and lock-off units
- CUP process
- Request for economic feasibility study
- Grace period for new owners
- Requirements of responsible agents
- Handling of complaints via hotline
- Sales tax collection and remittance
- HOA regulations

Commissioner Gibbs closed the hearing for public comment.

A brief recess was taken at 10:34 a.m.

The meeting resumed at 10:47 a.m.

Ms. Berg addressed the comments and questions from the public and provided the following clarifications, including but not limited to:

- Studios would be considered one-bedrooms for purposes of calculating occupancy; Lock-off rooms that meet the existing definition in the code would be allowed 4 occupants
- The CUP Process normally does not include a public hearing, though it can on appeal
- Airbnb manages collecting and remitting sales tax, but other sites currently do not
- Large homes with reservations for greater than 20 people made prior to receiving their permit would be grandfathered
- HOA regulations are not supplanted by the STR regulations in the Code
- Clarification of language in regards to responsible agents

Commissioners discussed the public comment and staff responses, and requested the following modifications to the proposed amendments:

- The CUP process will not be required for any residence 6,000 square feet or larger, but for any residence requesting occupancy for 20 people or greater.
- In regards to occupancy, buildings without a sprinkler system and egress hallways of less than 44 inches in width use the 2 person per bedroom plus 2 additional occupants calculation
- Add language to clarify that “Studios will be treated as a one-bedroom for purposes of this section”.
- Modify language regarding responsible agent to read: “The agent shall be available 24 hours per day, 7 days per week to respond to potential issues and violations related to this Code.”
- In the application, include a check box to remind people that HOAs may have different regulations that still must be followed.

Commissioners commended and thanked staff and the public for their hard work and dedication to discussing and revising the proposed regulations to get them to their current state. All Commissioners agreed that the regulations would most likely evolve and need future modifications, but they believed the current regulations were a great starting place. They suggested future work sessions to review and discuss the regulations once they have been implemented.

MOTION: A motion was made by Commissioner Davidson and seconded by Commissioner Stiegelmeier to approve Resolution 2018-89, 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) including the 3 findings as listed in

the staff report and the additional modifications as presented at the hearing.

MOTION PASSED UNANIMOUSLY BY THE BOARD PRESENT

VII. ADJOURNMENT

The meeting was adjourned at 11:35 a.m.

Respectfully submitted,

Approved by:

Sarah Wilkinson, Deputy Clerk

Dan Gibbs, Chair

NOTE: These minutes are a summary of the proceedings and motions of the December 18, 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.