



BOARD OF COUNTY COMMISSIONERS

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Breckenridge, CO 80424

TO: Board of County Commissioners
Scott Vargo
Jeff Huntley
FROM: Lori Dwyer & Sara R. Lopez
RE: Work Session Meeting of September 7, 2021
DATE: Tuesday, September 7, 2021

Attendees:

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

Staff (in person or via Zoom): Scott Vargo, County Manager; Jeff Huntley, County Attorney; Keely Ambrose, Assistant County Attorney; Bentley Henderson, Assistant County Manager; Sarah Vaine, Assistant County Manager; Marty Ferris, Finance Director; Nicole Valentine, Communications Director; David Reynolds, Finance Assistant Director; Adam Kisiel, Public Affairs Coordinator; Amy Wineland, Public Health Director; Jim Curnutte, Planning Director; Jason Dietz, Housing Director; Brandon Howes, Housing Planner II; Jessica Potter, Senior Planner; Dylan Graves, Planning Technician; Michael Wurzel, Sustainability Coordinator; Chris Lubbers, Summit Stage Director; April Paige, Executive Administrative Manager, Lori Dwyer, Administrative Assistant and Sara Lopez, Administrative Assistant.

Guests (in person or via Zoom): Dana Cotrell, Steve Fischer, Carl Battista, Brian Solganick, Amanda Jones, Debbie Shoop, Erika Schmidt, Jan Leopold, Jeannette Thompson, Jennyfer Vik, Mat Levine, Autumn Salvetti, Ryan Van Gundy, Samantha Nuechterlein, Patricia Wenzel, John Malone, Philip Mervis, Tate Santee, Shianne Elliott, Sawyer D'Argonne, Phil Lindeman, Sam Amir, Jen Chiarappa, Aaron Olthoff, Tate Santee, Teri Sweetin, William Schmid, Lauren Morrow, Dishon Lutz, Jim Schlegel, Kirk Dice, Peter Siegel and others that did not sign in.

I. Short Term Rentals Conversion Incentives (*Executive Session Recommended*) (Attorney; Housing; Planning)

Commissioner Lawrence noted that Summit County Government is in charge of unincorporated Summit County including the resort areas of Keystone and Copper, which have traditionally been appropriate areas for Short Term Rentals (STRs). Certain areas such as Dillon Valley may be more appropriate as local neighborhoods. She noted that the Commissioners' contact information is listed on the Summit County Government website, and encouraged people to reach out with their comments and concerns.

Commissioner Pogue noted that balance is critical and Summit County Government is working toward that goal, although they are only in the first phases of this goal.

Jason Dietz noted that a week ago, conversion incentive surveys of existing short term rentals began. There seems to be interest in converting to longer-term leases in Dillon Valley. Mr. Dietz noted that

two weeks will be required to collect data. He noted that it would be ideal to have the incentive program implemented by October.

Commissioners and staff discussed potential code changes, the trajectory of permitted STR units, the transition from STR permits to licenses, and the ideal mix of short-term rentals, second homeowner occupied units and long-term housing.

Jeff Huntley and Scott Vargo requested an Executive Session to discuss Short Term Rentals, real estate, land use issues, negotiations and the legal advice related thereto.

A motion was made by Commissioner Lawrence and seconded by Commissioner Blanchard to go into Executive Session to discuss Short Term Rentals and the legal advice related thereto. The BOCC voted 3 to 0 to go into Executive Session per CRS 24-6-402 (4) (a)(b)(e). The motion was approved.

The Board reconvened after Executive Session at 11:15 a.m.

Commissioner Lawrence noted that the Commissioners have directed staff to draft a proposed 12-week moratorium on new short-term rental licenses for unincorporated Summit County, with the exception of Keystone and Copper. She noted that next Tuesday, there will be a Work Session and afternoon Public Hearing at Regular Meeting regarding the moratorium. The goal is to give staff a pause to focus and strike the balance between short-term rentals and workforce housing. She noted that this would not impact existing applications.

II. SB-260 Update – Andy Karsian, CDOT, State Legislative Liaison

This item was canceled.

III. Summit Stage Equity & Access Study (Transit)

Sydney Provan, Transportation Planner for Fehr & Peers, gave a presentation including but not limited to:

- Outreach update
 - Community Partners
 - Public Survey
 - Vehicle access
 - Barriers to riding the bus
 - Wait time
 - Lack of access to Stage bus stops
 - Travel time
 - Location of stops
 - Focus Groups
 - Additional challenges identified by focus groups
 - Feelings of safety
 - Language barriers
 - Desire for greater marketing
 - Frequency
 - Reduced travel times

- Draft Recommendations
 - Stop locations and first/last mile connections
 - Improving travel times
 - Commuter Routes
 - Safety, Comfort & Customer Experience
 - Mountain Mobility
 - Marketing & information
- Next Steps

The Commissioners expressed interest in expanding service into Swan Meadow Village.

Commissioner Lawrence noted her interest in implementing driver training and adding additional bus stop lighting quickly.

Chris Lubbers noted that Transit is comfortable with continuing to operate the commuter routes fare-free during the 2021-22 winter season.

IV. Weekly Fire Restrictions Update

Mr. Vargo noted that there is no updated information this week.

V. Joint BOH/BOCC Special Work Session / Working Lunch

Amy Wineland gave an update on Summit County's latest case numbers, summary epi trends, vaccine updates, hospitalizations, etc.

For additional details, please see the BOH/BOCC Joint Meeting Minutes in the Agenda Center under County Commissioners Agendas: <https://www.summitcountyco.gov/agendacenter>.

For Summit County's Public Health Orders and latest information, please visit www.summitcountyco.gov. Click on Get COVID-19 Info and Updates.

I. Housing Code Amendments

Jessica Potter, Jason Dietz and Jim Curnutte continued discussion of the following:

Purpose

To encourage the development of workforce housing with responsiveness to current climate, needs of locals and developers

- With STRs, cost of construction, etc., it is a good time to fine tune our affordable housing codes to better meet current needs and desires
- Fine-tuning, not a major overhaul

Accessory Dwelling Units (ADUs) - Streamline

- Current Standards
 - Accessory Apartments
 - Long-term rental to 30 hr week
 - Long-term occupancy of relatives of the property owner

- Cannot be left vacant
 - Caretaker Units
 - Employees who provide caretaking services
 - Cannot be rented
 - Propensity for abuse
- Issues
 - Loophole that caretaker units can be built and then left vacant on half acre residential lots
- Proposal
 - ADUs
 - Long-term rental to 30/hr week (employment may be generated by caretaking)
 - Long term occupancy of relatives of the property owner
 - Cannot be left vacant
 - Caretaker Units
 - >20 acres zoned A-1
 - Employees who provide caretaking
 - Long-term rental 30 hr/week
 - May be vacant
 - Short-Term Rental (STR) and guest house prohibited
- Discussion
 - Avoid allowing “caretaker units” on small lots, streamlining the process by removing the loophole that caretakers can be built and then left vacant on half-acre residential lots.
 - ADUs would still be required to be rented long-term to someone working 30+ hours per week in Summit County

ADUs: Design Regulations

- Current Standards
 - Right now we only allow attached ADUs or above detached garages on lots >20,000 sq. feet
 - Only allowed above a detached garage or integrated into a home; maximum of 1,000 sq. ft.
 - Only permitted above detached garages on lots greater than 20,999 sq. ft.
- Issues
 - Detached, smaller stand-alone structures are preferred; no consideration of topography with ADUs only above a garage
 - Existing basements may be larger than 1,000 sq. ft.
 - Many landowners want to build a standalone, detached ADU, which is not currently allowed
- Proposal
 - Allow stand-alone ADUs on S lots of any size with size limits
 - Exempt basement ADUs from size limits
 - Allow ADUs above or below garages.
 - Would have design limitations to make it look subordinate
- Discussion

- Commissioners agreed to the changes, but would also like the team to look into developing allowances for ADUs adjacent to existing detached garages, with specific limitations.

ADUs: Stand-Alone

- Current Standards
 - Not allowed.
- Issues
 - Subordinate appearance
- Proposal
 - Limit standalone ADUs maximum floor area size depending on lot size, while also limiting the height of the standalone ADU
 - Height 20'-25'
 - Minimum would likely be building code
 - Different type of housing from affordable workforce housing that would be exempt from TDRs and other regulations
 - Discussion of >1,000 sf on larger lots (e.g. 5+ acres with distance requirements)
 - It would have to meet the 1 bedroom/2 bedroom codes.
- Discussion
 - For large lots, e.g. larger than 5 acres, would we allow larger ADUs on those lots?
 - Could propose a maximum spacing distance to require clustering of buildings on the lot
 - The Board's inclination is to potentially allow these larger sizes to allow additional housing for families or more occupants to meet housing needs
 - Must ensure design standards to ensure subordination
 - Commissioners agreed to move forward with the proposed changes.

ADUs - Duplex Lots

- Current Standards
 - Not allowed
- Issues
 - Shift in policy
 - Impacts to adjacent duplex
 - Are some lots that could reasonably accommodate
- Proposal / Direction
 - Setbacks from adjacent duplex owner (stand-alone)
- Discussion
 - There are older duplexes that sit on larger lots that could accommodate stand-alone ADUs. There would need to be consensus between owners. Commissioners agreed to explore this option.

ADUs: Parking Standards

- Current Standards
 - 2 spaces per ADU, 2 per main house

- Standards state that you cannot expand your driveway to allow parking in the front or side setbacks
- Issues
 - 4-code compliant parking spaces
- Proposal
 - Permit one 9x19 space in front or side setback a minimum of 5' from property line
 - Allow for all development or just ADUs
- Discussion
 - Commissioners agreed to move forward with the proposed changes.

ADUs: Occupancy - Retirees

- Current Standards
 - ADUs are only for the local workforce and do not allow retirees
 - Housing Department allows someone to retire into their deed restricted housing unit if they have worked in the county for at least 10 years and lived in their unit for at least seven years
- Issues
 - Continuum of Housing
 - Allowing retirees to downsize out of deed-restricted housing
- Proposal
 - Allow a retiree who meets eligibility requirements to move into an ADU after retirement
 - Application of HDRG for retirees (10 years 30 hr/week occupied one particular deed-restricted housing unit for 7 years)
 - Monitoring concerns, qualify a retiree prior to ADU rental?
- Discussion
 - Commissioners decided to table this discussion until there is additional time to explore it with additional research from other communities.

ADUs: Occupancy - Number

- Current Standards
 - 1 person per 300 sq. ft. regardless of relationship
 - 3 person max
- Issues
 - Overly strict, a couple cannot share a 500 sf unit
- Proposal
 - Remove standard for families/couples who are in a relationship or are a family
 - Default to occupancy in Code: 1 per 300 sf for roommate situations
 - Current definition may be ripe for revision
 - NOTE: STR occupancy is 1 per 200 sf
- Discussion
 - BOCC in favor as proposed

ADUs: PUDs

- Current Standards

- Only allowed if specifically listed; would not allow unless a Major PUD Amendment was approved
- Issues
 - 120 PUDs
 - A major PUD amendment is required for ADUs
- Proposal
 - Copy approach with STRs and allow ADUs in all residential PUDs unless specifically prohibited
- Discussion
 - BOCC in favor as proposed

ADUs: Process / Objection

- Current Standards
 - Class 2 process; neighbor objection raises to Class 4
- Issues
 - There is already an appeal process for a Class 2 in the Code
 - These could be reviewed via a Class 1 BP, but that removes the ability of a neighbor to appeal
- Proposal
 - Consider streamlining to a Class 1 BP
 - Regardless, remove the objection elevating to a Class 4
 - Class 2 for duplex lots
- Discussion
 - Commissioners decided to table this discussion and come back with a more detailed proposal

ADUs: Parking Standards

- Fixed Cooktop Policy Codification
 - Fixed cooktop vs. full over/range
 - Historic Structure Exemption
 - 1960 vs 1969, may become moot
 - Keep for exemption to size limitations?
 - Discussion
 - Commissioners agreed to move forward with the proposed changes and get rid of outdated codes.
- Would County allow someone who wants to build an ADU to put a deed restriction on their primary residence through Housing Helps to help finance their ADU construction?
 - Yes

Commissioners thanked the team for all their work in putting together the information and suggestions, which shows their commitment. Staff will move forward with the proposed changes agreed to by the Board.

II. Managers' & Commissioners' Issues

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

Scott Vargo

- County Picnic is on Wednesday, September 8, 2021. Commissioners asked for a brief moment of silence during the picnic to remember the county employees lost this past year.

Marty Ferris

- Update on Summit County's allocation from CHFA to assist with investing in affordable housing and community development.

Nicole Valentine

- Submitted letter to the editor regarding climate action
- TH for next Th. Will be moved to the next one
- Elisabeth for FB live on TH. Evening
- Update on the improvements to the Dillon Dam portion of the Summit County paved Recreational Pathway System (RecPath).

Sarah Vaine

- Discussion of the shift of ownership for the behavioral health services company for the western slope.

April Paige

- Peggy Bayley from the Colorado River Basin would like to provide an update to the board at the October 12, 2021 Work Session.

Commissioner Pogue

- Discussion of the end of the moratorium on evictions
- Housing RFP being extended to allow for additional responses

Commissioner Blanchard

- Discussion of after-school care options

Commissioner Lawrence

- Requested update on the shooting range project. The bids received were quite high and the county is looking into doing the work themselves.
- Silverthorne Childcare Center meeting on Wednesday, September 8, 2021 to determine the real cost

Commissioners also reviewed schedules and upcoming calendar events.

III. Litigation, Legal Issues, and Real Estate Matters (Attorney) (*Executive Session Recommended*).




Jeff Huntley and Scott Vargo requested an Executive Session to discuss Litigation, Legal Issues, and Real Estate matters.

A motion was made by Commissioner Pogue and seconded by Commissioner Blanchard to go into Executive Session to discuss Litigation, Legal Issues, and Real Estate matters. The BOCC voted 3 to 0 to go into Executive Session per CRS 24-6-402 (4) (a)(b)(e). The motion was approved.

Meeting Adjourned.

Respectfully submitted:

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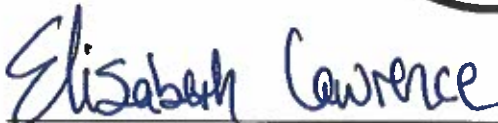
Sara R Lopez, Deputy Clerk

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Lori Dwyer, Deputy Clerk

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Approved by:



Elisabeth Lawrence, Chair