



Keystone Town Council Agenda

The Keystone Town Council will have a Regular Meeting on July 9, 2024, at 7:00 p.m. at 1628 Sts. John Rd, Keystone, CO 80435.

- I. CALL TO ORDER, ROLL CALL
- II. APPROVAL OF AGENDA
- III. COMMUNICATIONS TO COUNCIL
 - A. *Public Comment (Pursuant to Resolution 2024-18, comment is limited to non-agenda items only; 3-minute time limit please)*
- IV. CONSENT AGENDA
 - A. FIRST READING OF ORDINANCES -- NONE
 - B. RESOLUTIONS – NONE
 - C. MEETING MINUTES
 - 1. June 25, 2024 – Meeting Minutes
 - D. EXCUSED ABSENCES
 - 1. Councilmember Carol Kerr – July 23, 2024 - Remote
 - E. OTHER
- V. DISCUSSION
 - A. CONSIDERATION OF ORDINANCES (SECOND READING/PUBLIC HEARING)
 - 1. Ordinance 2024-O-08, An Ordinance of Town Council of the Town of Keystone Colorado, Amending Ordinance No. 2024-O-05, Town of Keystone Land Use Code, And Declaring an Emergency
 - B. RESOLUTIONS -- NONE
 - C. OTHER -- NONE
- VI. PLANNING MATTERS
- VII. REPORT OF TOWN MANAGER AND STAFF
- VIII. REPORT OF MAYOR AND COUNCIL
- IX. OTHER MATTERS (Town Manager/Mayor/Councilmember may bring up items on other matters that are not on the agenda)

X. SCHEDULED MEETINGS

XI. EXECUTIVE SESSION

An executive session pursuant to C.R.S. Section 24-6-402(4)(b) to receive legal advice related to potential issues associated with managing public forums and using Town-operated social media.

XII. ADJOURNMENT



Keystone Town Council Minutes

A Regular Meeting of the Keystone Town Council was held on June 25, 2024, at 7:00 p.m. at 1628 Sts. John Rd, Keystone, CO 80435. Full and timely notice of this meeting had been posted and a quorum of the body was present.

I. CALL TO ORDER, ROLL CALL

Mayor Riley called the meeting to order at 7:02 p.m. The roll was called, and it was found there were present and participating at that time the following members: Councilmember Gretchen Davis, Councilmember Carol Kerr, Councilmember Aaron Parmet, Councilmember Dan Sullivan, Councilmember Valerie Thisted, and Mayor Riley. The following member was absent: Councilmember Sarah Keel (excused).

II. APPROVAL OF AGENDA

Councilmember Davis moved to approve the agenda as presented. Councilmember Kerr seconded. The motion passed unanimously, and the agenda was approved as presented.

III. COMMUNICATIONS TO COUNCIL

Mayor Riley opened the floor for public comment.

Brooke Bebow spoke regarding a desire for more enforcement of animal control regulations.

Holly Turner spoke regarding traffic safety within the Town of Keystone.

Seeing no further comments, Mayor Riley closed the floor for public comment.

IV. CONSENT AGENDA

A. FIRST READING OF ORDINANCES -- NONE

B. RESOLUTIONS – NONE

C. MEETING MINUTES

1. **June 11, 2024 – Meeting Minutes**

D. EXCUSED ABSENCES

1. **Councilmember Sarah Keel – June 25, 2024 - Excused**

E. OTHER

1. **Accounts Payable List – May 24, 2024 – June 20, 2024**

Mayor Riley read the consent agenda into the record. Councilmember Thisted moved to approve the consent agenda as presented. Councilmember Davis seconded. The motion passed unanimously, and the consent agenda was approved as presented.

V. DISCUSSION

A. CONSIDERATION OF ORDINANCES (SECOND READING/PUBLIC HEARING)

1. **Ordinance 2024-O-07, An Ordinance of Town Council of the Town of Keystone, Colorado, Adopting Short-Term Rental Regulations**

Mayor Riley read the ordinance title into the record and opened the public hearing. Town Manager John Crone and Town Clerk Madeleine Sielu presented Ordinance 2024-O-07, Adopting Short-Term Rental Regulations.

Mayor Riley opened the floor for public comment.

Bob Turner spoke regarding the enforcement of Short-Term Rental regulations.

Patty Blank spoke regarding the use of the existing hotline for Short-Term Rental complaints.

Brooke Bebow spoke regarding the need to publicize enforcement options.

Reid Roberts spoke regarding the need to publicize enforcement

options.

Seeing no further comments, Mayor Riley closed the floor for public comment.

Councilmember Sullivan moved to approve Ordinance 2024-O-07.

Councilmember Davis seconded.

On roll call, the result was:

Ayes: Councilmember Gretchen Davis, Councilmember Carol Kerr, Councilmember Parmet, Councilmember Sullivan, Councilmember Thisted, Mayor Riley (6)

Nays: (0)

Absent: Councilmember Sarah Keel (1)

The motion passed and Ordinance 2024-O-07 was adopted.

B. RESOLUTIONS

1. Resolution 2024-50, A Resolution of Town Council of the Town of Keystone, Colorado, Approving Master Services Agreement with Deckard Technologies

Town Manager John Crone and Town Clerk Madeleine Sielu introduced Resolution 2024-50, Approving Master Services Agreement with Deckard Technologies.

Councilmember Davis moved to approve Resolution 2024-50.

Councilmember Kerr seconded. The motion passed unanimously, and Resolution 2024-50 was approved.

2. Resolution 2024-51, A Resolution of Town Council of the Town of Keystone, Colorado, Approving TOK24-001, A General Subdivision Exemption Plat for Tract G, Keystone Village I Amended

Town Manager John Crone and Community Development Director Lindsay Hirsh introduced Resolution 2024-51, Approving TOK24-001, A

General Subdivision Exemption Plat for Tract G, Keystone Village I Amended.

Councilmember Sullivan moved to approve Resolution 2024-51. Councilmember Davis seconded. The motion passed unanimously, and Resolution 2024-51 was approved.

C. OTHER – NONE

VI. PLANNING MATTERS

VII. REPORT OF TOWN MANAGER AND STAFF

The Town Manager provided an update on meetings in the past two weeks with the following groups and individuals: Benisch Engineering, Employers Council, Town of Dillon, Blue Vector AI, Summit County Housing Authority, Colorado Municipal League Conference, Kindred, and Department of Local Affairs. He provided an update that the EIAF grant period opens in July. The mountain operations tour may move dates from July 19. Xcel Energy is continuing to work on Soda Ridge Rd and construction will continue for much of the summer. The Town Planner job is being reposted, and the Public Works Director position is closing soon.

VIII. REPORT OF MAYOR AND COUNCIL

Councilmember Sullivan provided an update from the Colorado Municipal League Conference regarding housing grant opportunities and concepts of openness and civility. He also shared a desire to host a Coffee with the Council event on a regular basis for public outreach.

Councilmember Kerr shared an update regarding the land use training provided at Colorado Municipal League Conference.

Councilmember Davis shared that the Town of Keystone was recognized at the Colorado Municipal League Conference and presented with a State of Colorado flag.

She also shared updates about a presentation regarding the legal aspects of establishing and running a municipality.

Mayor Riley shared about the value of meeting other similar municipalities at the Colorado Association of Ski Towns mixer at the Colorado Municipal League Conference. Councilmembers are invited to participate in a conference with the Colorado Association of Ski Towns in August. Councilmembers have been invited to attend several Homeowner's Association meetings.

IX. OTHER MATTERS (Town Manager/Mayor/Councilmember may bring up items on other matters that are not on the agenda)

Councilmember Kerr made a request to consider posting a link on the Town's webpage regarding the guidance on handling quasi-judicial matters.

X. SCHEDULED MEETINGS

XI. EXECUTIVE SESSION

XII. ADJOURNMENT

Councilmember Thisted moved to adjourn the meeting. Councilmember Davis seconded. The motion passed unanimously, and the meeting adjourned at 8:24 p.m.

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers

THROUGH: John Crone, Town Manager
Lindsay Hirsh, Community Development Director

FROM: Jennifer Madsen, Town Attorney

DATE: July 9, 2024

SUBJECT: [SECOND READING] 2024-O-08, An Ordinance of Town Council of the Town of Keystone, Colorado, Amending Ordinance No. 2024-O-05, Town of Keystone Land Use Code, And Declaring an Emergency

Executive Summary:

This Ordinance revises the process for communicating to Town Council land use decisions on Class 2 reviews and the process for Town Council appealing those decisions. There is an alternative version of Ordinance 2024-O-08 which also amends the process for Class 4 reviews.

Recommendation:

Staff recommends that Council approve Ordinance 2024-O-08 Version B on second reading.

Background:

Town Council adopted by reference the Summit County Land Use and Development Code through Ordinance No. 2024-O-05 on April 23, 2024. Since then, it has been identified that Town Council desires to make amendments to the process of review of the planning department decisions on Class 2 land use applications. In particular, Town Council expressed an interest in decisions related to Class 2 reviews of accessory dwelling units on duplex lots, medical marijuana centers and medical marijuana infused

products manufacturing facilities, medical marijuana optional premise cultivation facility, and residential cultivation of medical marijuana.

In addition, Town Council has directed that when notice of a land use application is required that the notice also be provided to the home owner's association.

Ordinance 2024-O-08 amends the process for communicating all decisions on Class 2 reviews. In addition, the planning department provides notice of the decision to the applicant, the Town Manager, and Town Council. The planning department will also schedule the notice of action as an agenda item for the next Town Council meeting. A decision to appeal (or call up) that decision must be made within 21 days. Consistent with the Home Rule Charter, Town Council decides to appeal by an affirmative vote of the majority of the Town Council present at that meeting. This process is changed for all Class 2 reviews.

Ordinance 2024-O-08 also amends the notice provisions to require that notice of applications must be sent to homeowners' associations within 300 feet of the property subject to the application.

Version B of Ordinance 2024-O-08 also amends the process for Class 4 Development Reviews.

Both versions of Ordinance 2024-O-08 are drafted as emergency ordinances to be effective immediately, the ordinance must be approved by $\frac{3}{4}$ of the members on Town Council.

Alternatives:

Town Council may provide alternative direction on the amendments to the Land Use Code.

Financial Considerations:

There are no financial considerations applicable to this ordinance.

Previous Council Actions:

The Community Development Director discussed these processes with Town Council at the work session on May 28. Town Council approved Ordinance 2024-O-08 on first reading.

Next Steps:

If Council approves this Ordinance on second reading, it will be effective immediately and the Town Planning Department will implement these processes.

Suggested Motions:

To make a motion related to Version B, add the phrase Version B in your motion as shown with the parenthetical.

To APPROVE:

I move to APPROVE Ordinance 2024-O-08 [VERSION B], An Ordinance Of The Town Council Of The Town Of Keystone, Colorado, Amending Ordinance No. 2024-O-05, Town Of Keystone Land Use Code, And Declaring An Emergency.

To DENY:

I move to DENY Ordinance 2024-O-08 [VERSION B], An Ordinance Of The Town Council Of The Town Of Keystone, Colorado, Amending Ordinance No. 2024-O-05, Town Of Keystone Land Use Code, And Declaring An Emergency

Attachments:

- Ordinance 2024-O-08, An Ordinance Of The Town Council Of The Town Of Keystone, Colorado, Amending Ordinance No. 2024-O-05, Town Of Keystone Land Use Code, And Declaring An Emergency
- Ordinance 2024-O-08 VERSION B, An Ordinance Of The Town Council Of The Town Of Keystone, Colorado, Amending Ordinance No. 2024-O-05, Town Of Keystone Land Use Code, And Declaring An Emergency

**TOWN OF KEYSTONE
ORDINANCE NO. 2024-O-08**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
KEYSTONE, COLORADO, AMENDING ORDINANCE NO. 2024-O-05,
TOWN OF KEYSTONE LAND USE CODE, AND DECLARING AN
EMERGENCY**

WHEREAS, the Town of Keystone (“Town”) is a home rule municipal corporation created pursuant to Article XX of the Colorado Constitution; and

WHEREAS, on April 23, 2024, through Ordinance No. 2024-O-05, the Town adopted by reference the *Summit County Land Use and Development Code*, subject to such amendments and revisions deemed necessary to properly and appropriately apply the adopted code to property within the Town of Keystone and has labeled it the Town of Keystone Land Use Code; and

WHEREAS, the Town Council has expressed an interest in considering land use applications for class 2 reviews of accessory dwelling units on duplex lots, medical marijuana centers and medical marijuana infused products manufacturing facilities, medical marijuana optional premise cultivation facility, and residential cultivation of medical marijuana; and

WHEREAS, the Town Council desires to amend certain sections of the Town of Keystone Land Use Code related to class 2 reviews and notice requirements to Homeowners Associations.

**THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO,
ORDAINS:**

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Council.

Section 2. Section 2 of Ordinance 2024-O-05 adopted by Reference the *Summit County Land Use and Development Code*, as such code existed on May 1, 2024, (the “County Code”) with amendments. The following are additional amendments and requirements:

CHAPTER 12. DEVELOPMENT REVIEW PROCEDURES

- Section 12000.15(B) regarding Notice of Action for Class 2 Development Review Applications is deleted in its entirety and replaced with the following:

B. Class 2 Development Review Applications: For all Class 2 development review applications, the Planning Department shall send written notice of its decision to the Town Council and the Town Manager, and the

applicant within four (4) calendar days after the date action is taken. Notice to the applicant shall include any conditions of approval or findings for denial. The Planning Department will schedule the notice of action as an agenda item on the next Town Council meeting. Failure to send written notice within four (4) calendar days shall not invalidate the action taken, but merely shall extend the period in which the applicant may appeal (as provided for in Section 12000.16) by the number of days that giving of notice is delayed beyond four (4) calendar days. For Class 2 Development Review Applications that require posting per Section 12000.10, the posted notice shall serve as the notice of action to the public by including the date the decisions will be rendered and a date by which appeals must be submitted to the Planning Department.

- Section 12000.16(B) and (C) regarding Effective Date and Appeal are deleted in their entirety and replaced with the following:

B. Class 2 Development Review Applications that Require Posted Notice Per Section 12000.10: Action on a Class 2 development review application that is required to have a posted notice in accordance with Section 12000.10 et seq. shall become effective twenty-one (21) calendar days after the date action is taken unless the action is appealed within this twenty-one (21) day period in accordance with the requirements of Section 13202. If the action on a Class 2 application is properly appealed, the Town shall not issue any permits associated with the project until the appeal is heard by the Review Authority per the provisions of Section 13200 et seq. and the Review Authority takes action to uphold or modify the approval. Appeals on Class 2 and 4 development review applications (except for Class 2 development review applications for townhouse plats, condo maps and duplex subdivision exemptions as provided for in Section 12000.16.B) may only be filed by: 1) the affirmative vote of a majority of the Town Council present at the meeting, 2) the applicant, or 3) other persons as provided for in Section 13202. Appeals shall be filed, and hearings on appeals conducted, in accordance with the requirements of Section 13200 et seq.

C. Class 2 Development Review Applications that Do Not Require Posted Notice Per Section 12000.10: Action on a Class 2 application that does not require a posted notice per Section 12000.10 et seq. shall become effective on the date a decision is rendered unless a decision is appealed within twenty-one (21) calendar days in accordance with the requirements of Section 13202. After an administrative decision is rendered on a Class 2 application by the Planning Department, an appeal may be filed only by 1) the affirmative vote of a majority of the Town Council present at the meeting; or 2) the applicant. Appeals shall be filed, and hearings on appeals conducted, in accordance with the requirements of Section 13200 et seq.

CHAPTER 13. PUBLIC HEARINGS AND APPEALS

- Section 13103(B) regarding Noticing of Public Hearings is deleted in its entirety and replaced with the following:

B. Public Noticing Requirements: Applications shall be noticed in substantial compliance with the following provisions:

- 1. Class 1 Applications:** No legal notice of this administrative application process is required.
- 2. Class 2 Applications:** Certain Class 2 development review applications per the provisions of Section 12000.10.B require a posting notice in accordance with Section 13103.01.E. For Class 2 Development Review Applications that require posting per Section 12000.10, the posted notice shall serve as the notice of action to the public by including the date the decisions will be rendered and a date by which appeals must be submitted to the Planning Department. If the property is located in a Homeowners Association, notice will be provided to the Homeowners Association. Not all Class 2 development review applications require noticing.
- 3. Class 3 Applications:** Notice of the work session shall be: 1) sent to all property owners and homeowners associations within 300 feet of the property boundary in accordance with Section 13103.01.F; 2) posted in accordance with Section 13103.01.E; and, 3) published as a legal advertisement in accordance with Section 13103.01.D.
- 4. Class 4 and 5 Applications:** Notice of the public hearing shall be: 1) sent to all property owners and homeowners associations within 300 feet of the property boundary in accordance with Section 13103.01.F; 2) posted in accordance with Section 13103.01.E; and 3) published as a legal advertisement in accordance with Section 13103.01.D. Notwithstanding the foregoing, a quasi-legislative amendment to the Official Zoning Maps only has to comply with the noticing provisions contained in Section 13103.01.C.6.
- 5. Class 6 Applications:** No legal notice of these applications is required except for: 1) final plats and final rezonings to PUD not concurrently heard and noticed with the required Class 5 application; 2) minor PUD modifications; and, 3) Class 6 development review process for the alterations or elimination of plat notes. For final plats and final zonings

not being concurrently heard with the Class 5 preliminary review applications, notice of the Town Council's public hearing shall be: 1) sent to all property owners and homeowners associations within 300 feet of the property boundary in accordance with Section 13103.01.F; 2) posted in accordance with Section 13103.01.E; and, 3) published as a legal advertisement in accordance with Section 13103.01.D. The Class 6 development review process for the alterations or elimination of plat notes shall be 1) noticed to all property owners within the affected subdivision, as well as any other direct beneficiaries or other parties directly affected by such notes, both in accordance with Section 13103.01.F, and 2) posted in accordance with Section 13103.01.E.

6. Extension of Noticing Area: The Community Development Director may extend the radius used for noticing as required by this section up to 2,000 feet based on the nature of the proposal, its potential impacts and the general character of the area.

7. Code Administrator Decisions on Code Interpretations and Use Determinations: Notice of the Code Administrator decisions on Code interpretations and use determinations may, at the discretion of the Code Administrator, be posted on the property impacted by such a decision in accordance with Section 13103.01.E.

8. Mineral Estate Notification: An applicant shall provide notice to mineral estate owners as required by C.R.S. § 24-65.5-100 et seq. as currently affected or hereinafter amended. Where an applicant provides any notice as may be required by C.R.S. § 24-65.5-100 et seq. and a mineral estate owner is notified, the Town shall provide notice of subsequent hearings.

Section 3. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. Minor Revision or Correction Authorized. The Town Manager, in consultation with the Town Attorney, is authorized to make minor revisions or corrections to the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, numerical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

Section 5. Codification. This ordinance may be codified and numbered for purposes of codification without the need for further approval by the Town Council.

Section 6. Emergency Declared; Effective Date. The Town Council hereby legislatively declares that the passage of this Ordinance is necessary for the immediate preservation of the public peace, health or safety. Absent passage of this Ordinance as an Emergency Ordinance, the Town risks the submission of applications for land use matters and other regulations without a land development code in place and there is no mechanism to process any land use applications without a land development code in place. Upon passage by a supermajority of Town Council members in office, as required by Section 6.6 of the Keystone Home Rule Charter ($\frac{3}{4}$ of all members in office), this Ordinance shall take effect immediately upon adoption.

INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AND SCHEDULED FOR PUBLIC HEARING ON JULY 9, 2024, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS

_____ DAY OF _____, 2024.

Kenneth D. Riley, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

I hereby certify that the above Ordinance was introduced to the Town Council of the Town of Keystone at its meeting of _____, 2024 and ordered published two times by title only in The Summit Daily newspaper on _____, 2024, and on _____, 2024, and in full on the Town web site.

ATTEST:

SEAL

By: Town Clerk or Deputy Town Clerk

READ, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE WITH A ROLL CALL VOTE OF _____ IN FAVOR AND _____ OPPOSED, ON SECOND READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS _____ DAY OF _____, 2024.

Kenneth D. Riley, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

**TOWN OF KEYSTONE
ORDINANCE NO. 2024-O-08 [Version B]**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
KEYSTONE, COLORADO, AMENDING ORDINANCE NO. 2024-O-05,
TOWN OF KEYSTONE LAND USE CODE, AND DECLARING AN
EMERGENCY**

WHEREAS, the Town of Keystone (“Town”) is a home rule municipal corporation created pursuant to Article XX of the Colorado Constitution; and

WHEREAS, on April 23, 2024, through Ordinance No. 2024-O-05, the Town adopted by reference the *Summit County Land Use and Development Code*, subject to such amendments and revisions deemed necessary to properly and appropriately apply the adopted code to property within the Town of Keystone and has labeled it the Town of Keystone Land Use Code; and

WHEREAS, the Town Council has expressed an interest in considering land use applications for Class 2 and 4 reviews of accessory dwelling units on duplex lots, medical marijuana centers and medical marijuana infused products manufacturing facilities, medical marijuana optional premise cultivation facility, and residential cultivation of medical marijuana; and

WHEREAS, the Town Council desires to amend certain sections of the Town of Keystone Land Use Code related to Class 2 and 4 reviews and notice requirements to Homeowners Associations.

**THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO,
ORDAINS:**

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Council.

Section 2. Section 2 of Ordinance 2024-O-05 adopted by Reference the *Summit County Land Use and Development Code*, as such code existed on May 1, 2024, (the “County Code”) with amendments. The following are additional amendments and requirements:

CHAPTER 12. DEVELOPMENT REVIEW PROCEDURES

- Section 12000.15(B) and (D) regarding Notice of Action for Class 2 and Class 4 Development Review Applications is deleted in its entirety and replaced with the following:

B. Class 2 Development Review Applications: For all Class 2 development review applications, the Planning Department shall send written

notice of its decision to the Town Council and the Town Manager, and the applicant within four (4) calendar days after the date action is taken. Notice to the applicant shall include any conditions of approval or findings for denial. The Planning Department will schedule the notice of action as an agenda item on the next Town Council meeting. Failure to send written notice within four (4) calendar days shall not invalidate the action taken, but merely shall extend the period in which the applicant may appeal (as provided for in Section 12000.16) by the number of days that giving of notice is delayed beyond four (4) calendar days. For Class 2 Development Review Applications that require posting per Section 12000.10, the posted notice shall serve as the notice of action to the public by including the date the decisions will be rendered and a date by which appeals must be submitted to the Planning Department.

D. Class 4 Development Review Applications: The Planning Department shall send written notice of the Planning & Zoning Commission's decision to either approve or deny an application to the Town Council and Town Manager and the applicant within four (4) calendar days after the date action is taken. Notice to the applicant shall include any conditions of approval or findings for denial. The Planning Department will schedule the notice of action as an agenda item on the next Town Council meeting. Failure to give notice within four (4) calendar days shall not invalidate the action taken, but shall extend the period in which the applicant may appeal (as provided for in Section 12000.16) by the number of days that giving of notice is delayed beyond four (4) calendar days.

- Section 12000.16(B), (C), and (E) regarding Effective Date and Appeal are deleted in their entirety and replaced with the following:

B. Class 2 Development Review Applications that Require Posted Notice Per Section 12000.10: Action on a Class 2 development review application that is required to have a posted notice in accordance with Section 12000.10 et seq. shall become effective twenty-one (21) calendar days after the date action is taken unless the action is appealed within this twenty-one (21) day period in accordance with the requirements of Section 13202. If the action on a Class 2 application is properly appealed, the Town shall not issue any permits associated with the project until the appeal is heard by the Review Authority per the provisions of Section 13200 et seq. and the Review Authority takes action to uphold or modify the approval. Appeals on Class 2 and 4 development review applications (except for Class 2 development review applications for townhouse plats, condo maps and duplex subdivision exemptions as provided for in Section 12000.16.B) may only be filed by: 1) the affirmative vote of a majority of the Town Council present at the meeting, 2) the applicant, or 3) other persons as provided for in Section 13202. Appeals shall be filed, and hearings on appeals conducted, in accordance with the requirements of Section 13200 et seq.

C. Class 2 Development Review Applications that Do Not Require Posted Notice Per Section 12000.10: Action on a Class 2 application that does not require a posted notice per Section 12000.10 et seq. shall become effective on the date a decision is rendered unless a decision is appealed within twenty-one (21) calendar days in accordance with the requirements of Section 13202. After an administrative decision is rendered on a Class 2 application by the Planning Department, an appeal may be filed only by 1) the affirmative vote of a majority of the Town Council present at the meeting; or 2) the applicant. Appeals shall be filed, and hearings on appeals conducted, in accordance with the requirements of Section 13200 et seq.

E. Class 4 Development Review Applications: Action on a Class 4 application shall become effective twenty-one (21) calendar days after the date action is taken unless the action is appealed within this twenty-one (21) day period in accordance with the requirements of this section. If the action on a Class 4 application is so appealed, the Town, or the Town's designee, shall not issue any permits associated with the project until the appeal is heard by the Town Council and the Town Council takes action to uphold or modify the approval. If the Town Council action on the appeal results in denial of the application, no permits may be issued by the Town, or the Town's designee, unless a new application is approved in accordance with the applicable requirements and criteria for decision of this Code. Appeals shall be filed, and hearings on appeals conducted, in accordance with the requirements of Section 13200 et seq. Notwithstanding the foregoing, all BOA decisions shall be considered final and no Town Council review is available.

CHAPTER 13. PUBLIC HEARINGS AND APPEALS

- Section 13103(B) regarding Noticing of Public Hearings is deleted in its entirety and replaced with the following:

B. Public Noticing Requirements: Applications shall be noticed in substantial compliance with the following provisions:

1. Class 1 Applications: No legal notice of this administrative application process is required.

2. Class 2 Applications: Certain Class 2 development review applications per the provisions of Section 12000.10.B require a posting notice in accordance with Section 13103.01.E. For Class 2 Development Review Applications that require posting per Section 12000.10, the posted notice shall serve as the notice of action to the public by including the date the decisions will be rendered and a date by which appeals must be

submitted to the Planning Department. If the property is located in a Homeowners Association, notice will be provided to the Homeowners Association. Not all Class 2 development review applications require noticing.

3. Class 3 Applications: Notice of the work session shall be: 1) sent to all property owners and homeowners associations within 300 feet of the property boundary in accordance with Section 13103.01.F; 2) posted in accordance with Section 13103.01.E; and, 3) published as a legal advertisement in accordance with Section 13103.01.D.

4. Class 4 and 5 Applications: Notice of the public hearing shall be: 1) sent to all property owners and homeowners associations within 300 feet of the property boundary in accordance with Section 13103.01.F; 2) posted in accordance with Section 13103.01.E; and 3) published as a legal advertisement in accordance with Section 13103.01.D. Notwithstanding the foregoing, a quasi-legislative amendment to the Official Zoning Maps only has to comply with the noticing provisions contained in Section 13103.01.C.6.

5. Class 6 Applications: No legal notice of these applications is required except for: 1) final plats and final rezonings to PUD not concurrently heard and noticed with the required Class 5 application; 2) minor PUD modifications; and, 3) Class 6 development review process for the alterations or elimination of plat notes. For final plats and final zonings not being concurrently heard with the Class 5 preliminary review applications, notice of the Town Council's public hearing shall be: 1) sent to all property owners and homeowners associations within 300 feet of the property boundary in accordance with Section 13103.01.F; 2) posted in accordance with Section 13103.01.E; and, 3) published as a legal advertisement in accordance with Section 13103.01.D. The Class 6 development review process for the alterations or elimination of plat notes shall be 1) noticed to all property owners within the affected subdivision, as well as any other direct beneficiaries or other parties directly affected by such notes, both in accordance with Section 13103.01.F, and 2) posted in accordance with Section 13103.01.E.

6. Extension of Noticing Area: The Community Development Director may extend the radius used for noticing as required by this section up to 2,000 feet based on the nature of the proposal, its potential impacts and the general character of the area.

7. Code Administrator Decisions on Code Interpretations and Use

Determinations: Notice of the Code Administrator decisions on Code interpretations and use determinations may, at the discretion of the Code Administrator, be posted on the property impacted by such a decision in accordance with Section 13103.01.E.

8. Mineral Estate Notification: An applicant shall provide notice to mineral estate owners as required by C.R.S. § 24-65.5-100 et seq. as currently affected or hereinafter amended. Where an applicant provides any notice as may be required by C.R.S. § 24-65.5-100 et seq. and a mineral estate owner is notified, the Town shall provide notice of subsequent hearings.

Section 3. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. Minor Revision or Correction Authorized. The Town Manager, in consultation with the Town Attorney, is authorized to make minor revisions or corrections to the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, numerical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

Section 5. Codification. This ordinance may be codified and numbered for purposes of codification without the need for further approval by the Town Council.

Section 6. Emergency Declared; Effective Date. The Town Council hereby legislatively declares that the passage of this Ordinance is necessary for the immediate preservation of the public peace, health or safety. Absent passage of this Ordinance as an Emergency Ordinance, the Town risks the submission of applications for land use matters and other regulations without a land development code in place and there is no mechanism to process any land use applications without a land development code in place. Upon passage by a supermajority of Town Council members in office, as required by Section 6.6 of the Keystone Home Rule Charter ($\frac{3}{4}$ of all members in office), this Ordinance shall take effect immediately upon adoption.

INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AND SCHEDULED FOR PUBLIC HEARING ON JULY 9, 2024, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS

_____ DAY OF _____, 2024.

Kenneth D. Riley, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

I hereby certify that the above Ordinance was introduced to the Town Council of the Town of Keystone at its meeting of _____, 2024 and ordered published two times by title only in The Summit Daily newspaper on _____, 2024, and on _____, 2024, and in full on the Town web site.

ATTEST:

SEAL

By: Town Clerk or Deputy Town Clerk

READ, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE WITH A ROLL CALL VOTE OF _____ IN FAVOR AND _____ OPPOSED, ON SECOND READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS _____ DAY OF _____, 2024.

Kenneth D. Riley, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney