

**GUNNISON COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Thursday, February 5, 2026**

The Gunnison County Planning Commission conducted a regular meeting in the Planning Commission Meeting Room in the Blackstock Government Center, 221 N. Wisconsin, Gunnison, Co. and on Zoom **Present:**

Vice-Chairperson – Eric Phillips Commissioner – Julie Baca Commissioner – Karen Stock Commissioner – Brett Adkins Commissioner – Sean Patrick	Director of Planning – Hillary Seminick Building and Environmental Health Official – Crystal Lambert Planning Technician – Aidan McComas County Attorney – Matthew Hoyt Others present as listed in text
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Absent:

Recused:

Zoom:

With a quorum present Vice Chairperson Phillips opened the February 5, 2026 regular meeting of the Planning Commission at 8:46 am.

Moved by Patrick, seconded by Adkins to approve Planning Commission meeting minutes, dated January 8, 2026. The motion passed unanimously in support.

Staff announcements/ miscellaneous:

Seminick: noted applications for new alternate members for the Planning Commission.

Seminick: noted the meet and greet for the position of Assistant County Manager for Community and Economic Development on February 19th from 4:30 p.m. at the County Courthouse.

Phillips: stated interest in assuming the Chair position.

Moved by Baca, seconded by Adkins to seat Phillips as Chairperson and Patrick as Vice Chairperson. The motion passed unanimously in support.

Planning Commission Training

Hoyt: introduced a presentation concerning issues the Planning Commission will likely address and rule and procedures for Planning Commission meetings.

Hoyt: introduced the Colorado Sunshine Law or the Open Meetings Law. Noted the purpose of the law is to maintain transparency. All meetings with a quorum or three or more members must be an open meeting. Noted all meetings can only be held after full and timely notice to the public, typically a minimum of 24 hours in advance of a meeting. Stated two or less members

can meet with Staff without having an open meeting. Explained protocol for emailing staff including only replying to staff, not replying to the entire commission.

Hoyt: noted it is permitted to email another commissioner; however, the content matters.

Hoyt: noted minutes must be recorded and distributed for inspection by the public.

Hoyt: explained an Executive Session for the Planning Commission. If the County Attorney provides confidential information to the Planning Commission, the meeting does not need to be open. Executive Sessions must be noticed at least 24 hours in advance, and the agenda must enumerate the topic of the session. Decisions made in Executive Session must be announced, attorney-client privileged communication does not need to be announced. Noted a vote by the majority can waive attorney-client privilege.

Hoyt: introduced ex-parte communication. Noted it as being any written or verbal communication outside of a regularly noticed public hearing between an official with decision making authority and one or more parties. All applicants are entitled to due process, ex-parte communication bypasses due process. The 5th Amendment and 14th Amendment, as well as Colorado Constitution, Article II, Section 25 protect due process.

Hoyt: discussed substantive vs procedural due process.

Hoyt: explained what ex-parte communication looks like. Communication adjacent to any active land use change application can be considered ex-parte communication. Explained how to avoid ex-parte communication by understanding how ex-parte can happen. Noted ex-parte situations can happen all the time, therefore it is important for Planning Commissioners to recognize it.

Hoyt: noted the strategies for avoiding ex-parte communication. Stated Planning Commissioners can ask for advice from the County Attorney and Staff concerning whether ex-parte communication took place. Noted Planning Commissioners must disclose ex-parte communication on record. Stated that ex-parte communication may force a commissioner to abstain from voting or recuse from a meeting.

Phillips: asked about post decision conversations and whether the limit on communication expires.

Hoyt: stated post decision conversations are safer but best avoided and expressed there is not a clear expiration on communication limits.

Hoyt: noted if the District Court remands a decision back to the Planning Commission, conversations on the previously decided application, ex-parte communication would be impermissible. Noted purely legislative decisions can be the subject of communication with constituents.

Phillips: asked if there is material available to the public on ex-parte communication.

Hoyt: noted is it best to send the public to Planning Staff with questions.

Hoyt: introduced conflicts of interest. Noted a conflict of interest arises when you act on that opinion and personally benefit from it rather than putting the general public interest first. Noted the Colorado Code of Ethics, the Planning Commission is not to serve their personal interests rather they are to serve the general public interest.

Hoyt: explain examples, such as a Planning Commissioner or relative applying for a land use change, they may not decide on that application. Direct financial interest is a conflict of interest in any instance. Commissioners must disclose the conflict, abstain from voting, and not participate by lobbying fellow commissioners or speak for or against as a public citizen.

Hoyt: explained the nuances of conflict of interest from impartiality, financial or property interest, business associations, appearance of fairness, and personal interest or animosity.

Phillips: asked if Planning Commissioners can read the newspaper.

Hoyt: stated if commissioners can avoid reading an article on a specific application, they should.

Hoyt: noted conflict of interest must be very specific and clearly of financial benefit for it to cross the line in terms of permissibility.

Work Session: LUC-26-00005 | Short Term Rental License LUR Amendments | Legislative

Review of draft amendments to the Land Use Resolution for new Short-Term Rental (STR) License regulations.

Applicant Presentation

Seminick: noted the amendments will further a Strategic Plan Goal of the Board of County Commissioners, introducing a licensing program for short term rentals. Clarified the program is only a licensing program.

Seminick: noted a draft recommendation decision is not necessary at this time. Clarified the timeline of approval and implementation, with July 1 as the compliance date. State a public hearing for the Board of County Commissioners will take place. Noted the Planning Commission may allow public comment during this work session. Explained the work session, and procedures during the work session.

Seminick: noted standards for review of a Land Use Resolution Amendment. Stated purposes: protect health, safety, and welfare; ensure strrs meet basic building, safety, and occupancy standards; create accountability; and collect data on where and how many Short-Term Rentals are in the County.

Seminick: clarified what a Short-Term Rental is. Noted there is no proposed limit on the number of licenses issued. Stated STRs will be allowed throughout the County but follow private HOA covenants. Noted owners or owner's agents can apply. Clarified an owner's agent is the primary point of contact for the STR.

Seminick: noted the requirements for obtaining a license including contact information, property location, maximum advertised occupancy, tax identification number, and written verification of compliance with applicable County regulations: building codes, LUR, and OWTS.

Patrick: asked if an approved license can be revoked.

Seminick: noted there will not be a separate enforcement mechanism, rather this program will use the existing enforcement mechanism in the LUR.

Seminick: touched on approval of a license, stated the process will be a light touch. The application will need to meet the standards.

Stock: asked about the tax identification number.

Seminick: noted the Colorado Department of Revenue assigned tax number will be required. This is to prove the STR is paying into the LMD Tax Fund. Clarified an STR applies to residential properties, not commercial properties. Commercial properties are exempt from this licensing program.

Phillips: clarified that residential properties, not commercial properties, will be subject to the licensing program.

Patrick: noted the tax structure is the most important aspect.

Seminick: clarified the County does not assess taxes on residential or commercial properties.

Adkins: asked if this program is similar to other jurisdictions regulations.

Seminick: stated some jurisdictions have limitation on the number of STRs, others don't. Restated this program is to license, not to restrict. Stated the County will not verify compliance with HOAs.

Patrick: asked what noncompliance looks like under this licensing program.

Seminick: currently enforcement would follow noncompliance identification. Stated the information distribution scheme prior to the compliance date.

Patrick: stated some property owners live out-of-state, asked how they will receive communication.

Seminick: noted information distribution is meant to be broad. Noted the County will not be monitoring advertising, a third-party consultant will monitor.

Phillips: asked why the tax identifier is required on advertisements.

Seminick: responded by saying it is to track the number of units in the county.

Phillips: asked what is considered an advertisement. What the licensing program will consider an advertisement.

Patrick: asked how the \$150 fee was calculated.

Lambert: noted it is to cover phone time, processing of the application, review, etc.

Phillips: asked if the fee will cover enforcement.

Seminick: responded enforcement is not covered.

Stock: stated the low fee will entice residential property owners to comply.

Seminick: spoke to the potential administrative burdens this program may cause. Explained information that will be distributed to help applicants verify their compliance with OWTS regulations.

Patrick: asked how many STRs are operated within the County.

Seminick: responded there is no data that estimates the total number.

Seminick: noted the \$150 will cover three years. Noted the licensing will be rolling. The license holder will be asked to renew 60 days prior to expiration to allow for processing and review.

Seminick: spoke to the compliance timeline including an effective date of July 1st, stated this timeline will provide adequate time for outreach, application processing, and owner compliance.

Seminick: explained what the LMD Funds can be used for, noted they can be used towards affordable housing among other uses.

Seminick: explained regulations. Noted proposed definitions including owner's agent, short term rental (STR), and short-term rental license (STR License). Noted this would be a new section added to the Special Uses section of the Land Use Resolution. Addressed that this regulation would not conflict with other local, state, or federal regulations.

Seminick: spoke to advertising, noted this program likely will apply to advertisements on rental platforms.

Seminick: asked commission if they needed more information to provide a recommendation.

Seminick: spoke to the owner's agent and their responsibilities per this licensing program.

Patrick: asked about requirements associated with the location of an owner's agent within the County.

Phillips: asked if amendments can be made in the future if issues arise concerning the location of an owner's agent within the County.

Phillips: asked for discussion on response time.

Seminick: clarified the response time is to respond to or address a request for maintenance or complaint.

Lambert: clarified professionals will address maintenance issues.

Phillips: asked for clarity whether a hotline for complaints will be provided.

Seminick: noted the response time is meant to ensure issues will be addressed in a timely manner. Response is to be made to the County since the regulation is included in the Land Use Resolution.

Lambert: reiterated the program is to license not to control.

Stock: asked why a separate enforcement mechanism wasn't considered.

Seminick: noted the enforcement mechanism exists within the Land Use Resolution.

Baca: clarified the renewal is once every three years.

Phillips: asked about how Staff will verify taxes are paid.

Seminick: stated Staff will rely on confirmation from the applicant that they are paying taxes into the LMD Fund through an affidavit.

Seminick: noted the applicant or owner could make an appeal to the Board of Adjustment after a decision concerning an application.

Seminick: asked the Commission to consider making a recommendation to the Board if they are ready and feel they have received enough information.

Baca and Patrick: agreed they are ready to make a recommendation.

Adkins: agreed.

Moved by Patrick, seconded by Baca to recommend approval of the draft STR Licensing Program LUR amendments to the Board of County Commissioners. The motion passed unanimously in support.

Next Steps

Seminick: asked Commission if the March 19th meeting will need to be rescheduled. The Commission directed Staff to reschedule the March 19th meeting to March 12th. The April 16th meeting will be rescheduled for April 23rd.

Meeting Adjourned at 11:17 am