

BACHELOR GULCH VILLAGE ASSOCIATION
Board of Directors Meeting
February 25, 2025
Virtual via Zoom

A meeting of the Bachelor Gulch Village Association Board of Directors was held on February 25, 2025, virtually via Zoom. Board members Bobby Murphy, Kristi Kennedy, Brian Kushner, Dan Ramker, and Paul Gorbald were present. Also in attendance were Lee Hoover, Association Manager, Lisa Mayers, counsel for the Association, numerous members of the Association, and Mike Heaphy, secretary for the meeting.

Bobby Murphy called the meeting to order at 1:02 p.m. Mike Heaphy confirmed the presence of a quorum and that proper notice of the meeting was given.

Short-Term Rental Regulation

Bobby Murphy began by explaining that the focus of the meeting would be a proposed short-term rental regulation the Board is considering. The meeting would begin with a description of the proposed regulation, followed by public comment. Kristi Kennedy then explained that the policy under consideration would only apply to single-family homes within the Association that are considered Estate Lots, i.e., Lots 1 -105, because the Estate Lots are not part of any subassociation, unlike, for instance, single-family homes in Skywatch and Quartermoon. In essence, the proposed policy would prohibit any lease of an Estate Lot for less than 30 days and, for leases over 30 days, require the lessor to obtain a license, have a representative available to address any problems occasioned by lessees, and otherwise require the lessor to ensure that lessees comply with applicable Association rules and regulations. Kristi and Brian Kushner continued on to explain that the impetus for the proposed regulation was a concern that commercial, short-term rental or fractional ownership companies were targeting luxury destinations such as Bachelor Gulch to expand their business model which short-term rental model would not fit the character of the community. Lisa Mayers then explained that the Board believes it has the authority to impose rules and regulations regarding the use of properties within the Association. She further highlighted that the proposed policy, in addition to the issues highlighted by Kristi, would require lessors and lessees to comply with the Association's good neighbor policies and require lessors to satisfy the applicable Association civic assessment fees.

Public Comment Regarding Short-Term Rental Regulation

The Board then opened the meeting up for public comment regarding the policy. In response, the following comments were offered:

Denise O'Leary, 3380 Daybreak Ridge: As long time BG homeowner, seems incredibly restrictive to prohibit all rentals under 30 days. Wonders what is the problem you're trying to solve? Different situation if commercial entity comes in for sole purpose of short-term renting but seems incredibly restrictive to folks who rent responsibly and don't do it very often. What has happened? What are the issues leading to this?

Cheryl McEwen, 3618 Daybreak Ridge: Owned house since 2013. Never rented, no intention to rent. However, seems extremely restrictive for responsible homeowners. Never know what's going to happen – injury or some issue could mean we miss a season. These houses should be used and occupied. Understands that rentals under a week or two are risky and don't want Airbnb model in our neighborhood but should allow responsible rental. A month just seems too restrictive.

Mehrdad Noorani, 3892 Daybreak Ridge: Owned home for 11 years. Never rented, no intention of renting. Generally supportive of regulation but hears concerns about needing more flexibility. Maybe limiting rentals to other club members? Maybe shorter time frame restriction (3 or 4 weeks)? But, generally supportive of idea and doesn't want to see community turned into a fractional ownership/rental community.

James Schoonover, Managing Director, vailbutler.com: Concerned about effect of proposed regulation on civic assessment collection and Association budget. Also concerned about potential manipulation of market for homes in Association as a result of regulation. What is the problem or what are the issues we're trying to address? Finally, notes that, as a company, they always meet customer at the home, explains rules/regs, has never had an issue or complaint in Bachelor Gulch.

Elaine Tinberg, 871 Elkhorn Road: Owned property since 1999. Bought into community because they consider it a community and want to preserve sense of community in Bachelor Gulch so very much in favor of proposed regulation. Wonders what process is from here in terms of voting on regulation and how homeowners can be supportive of or express opposition to regulation. Basically, seeking clarification of process.

Brett Podnar, General Manager, EastWest: Effort to stymie Inspirato-like rentals was addressed in Skywatch several years ago without being as restrictive. To do so, modified Declaration for subassociation. Can restrictions contemplated by proposed regulation be accomplished without changing BGVA Declaration? Further on process, will proposed regulation just be adopted by Board or will it be put to vote of membership?

Daniel Kah, 3546 Daybreak Ridge: Strongly in support of proposed measure. Really like community of neighbors in Bachelor Gulch. Don't want to replace community with timeshare owners and short-term renters. Appreciative of concerns expressed by some owners about proposed regulation being too restrictive so maybe look for some way to carve out responsible renters and just focus on avoiding large corporate/timeshare-like owners.

Mike Leeds, 34 Goshawk: Through being on DRB and Metro District Board, has received many complaints about noise, trash, parking, etc. caused by short-term renters. Very much in favor of proposed regulation, understanding that it's still a work in progress and may be tweaked. Proposed regulation would not materially impact Metro District revenues.

Greg Weiss, 160 Bear Paw, #A: Resident of Deer Trail, very much in favor of regulation. Wonders whether it would be possible to craft regulation so that subassociations not currently covered by it could opt in?

Gary Schoenrock, 741 Bachelor Ridge Road: Homeowner since 1999. Has never rented house and has no intention of ever doing so. Wonders why the \$500 annual fee – seems excessive and unnecessary. Generally in favor of regulation but would like to see some sort of sunset provision; doesn't necessarily want STR prohibition in perpetuity. Two sons will inherit the house . . . times and circumstances change, doesn't want their hands tied.

Jim Mynhier, 41 Skywatch Court: Not an estate lot owner but does have several homes on street engaged in short-term rentals. Very much does not like the people coming and going, the cars, noise, trash, etc. Very much in favor of proposed regulation and seconds earlier suggestion that would allow subassociations to opt in to regulation.

Joel Ettinger, 76 Hummingbird, #204: Head of Firelight Lodge HOA, attending meeting with Jill Javers, also on Firelight Lodge HOA board. Firelight Lodge is also concerned about a commercial entity purchasing a unit for the sole purpose of renting. Received some guidance from Horizon Lodge on changes they've made to declaration to prevent commercial purchase of a unit. Not considering a 30-day minimum as in proposed regulation but looking for something else appropriate. Firelight Lodge does charge owners of units renting out \$500 to recognize and compensate for use of facilities by renters.

Daniel Labs, 3219 Daybreak Ridge: Very negative experience with short-term rentals in single-home community in Breckenridge. Crowds, noise, trash, etc. Strongly in favor of limiting short-term rentals as they are disruptive to sense of community

Michael DeMane, 3792 Daybreak Ridge: Agrees with proposal given loss of community, parties, noise, traffic, etc. Neighbor rents via VRBO - usually a very large number of people who come in and they pretty much do what they want, including many ski across his lot, just feet away from his hot tub to get to Bitterroot. So, concerned about loss of privacy.

Vanessa Heinecke Hendrickson, 107 Elkhorn: Co-chair, Bachelor Gulch Residents Association. Prior to meeting, contacted owners and included proposed regulation. Hasn't received any push back from members, just requests for clarification of properties to which regulation would apply. Has lived in Bachelor Gulch for about 10 years, initially in Skywatch. In Skywatch, house across street was routinely rented. Negative experience – crowds, traffic, noise, etc. – and it was left to them to try to get Public Safety or EastWest to deal with problems. Subsequently moved to Elkhorn where large part of appeal was quiet, peaceful conditions. Afraid that would change with short-term rentals.

Jim Wallace, 3508 Daybreak Ridge: Owner since 2010. Co-owner of Ritz-Carlton Bachelor Gulch. Strongly in favor of proposed regulation. Concerned that problem of commercial entities purchasing in Bachelor Gulch solely for the purpose of renting will only get worse and eventually adversely impact property values in Bachelor Gulch. Neighbor rents and, on several occasions, they've had tour buses arrive and offload 20-25 young kids who then enjoy the property as one would expect. Very disruptive to community.

Bonnie Kivel, (address unknown): Is there a concern that someone like Inspirato will sue the Association over this regulation, claiming they bought under one set of circumstances (rentals allowed) and now that's changed? Horizon Pass considered a similar measure years ago and ultimately abandoned it for this reason. Also, reiterating earlier comments, will there be a mechanism by which subassociations can opt in?

Joel Ettinger (previously commented, see above): Following up on Bonnie Kivel, wonders whether Board has considered grandfathering in existing renters to avoid potential lawsuits.

After receiving these comments, the Board addressed the process moving forward. Specifically, because the proposed policy constitutes a regulation and not an amendment to the Association's Declaration, the decision whether to adopt would be left to a vote of the Board, rather than a vote of the entire Association membership. Further, the Board committed itself to responding to all questions raised during the meeting. Finally, the Board invited the participants in the call and all other members of the Association to continue to submit questions, comments, or concerns to ensure that the end result of the process would be as inclusive as possible.

Executive Session

On motion duly seconded, the Board voted to move into executive session for the purpose of discussing the proposed short-term rental policy and scheduling the next Board meeting.

The Board exited the executive session at 2:43 p.m. and, there being no further business, adjourned on duly seconded motion at 2:43 p.m.

Respectfully submitted,

Mike Heaphy
Secretary for Meeting