



**TOWN OF
BRECKENRIDGE**

Town Council Regular Meeting
Tuesday, August 14, 2018, 7:00 PM
Council Chambers
150 Ski Hill Road
Breckenridge, Colorado

*Report of the Town Manager, Report of the Mayor and Council Members, Scheduled Meetings, and Other Matters are topics listed on the 7:00 pm Town Council Agenda. If time permits at the afternoon work session, the Mayor and Council may discuss these items.

I. CALL TO ORDER, ROLL CALL

II. APPROVAL OF MINUTES

A. TOWN COUNCIL MINUTES - JULY 24, 2018

III. APPROVAL OF AGENDA

IV. COMMUNICATIONS TO COUNCIL

A. CITIZEN'S COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)

B. BRECKENRIDGE TOURISM OFFICE UPDATE

V. CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILLS, SERIES 2018 - PUBLIC HEARINGS

1. COUNCIL BILL NO. 19, SERIES 2018 - AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO B & D LIMITED PARTNERSHIP (Tract D, Stan Miller Subdivision)

VI. NEW BUSINESS

A. FIRST READING OF COUNCIL BILLS, SERIES 2018

1. COUNCIL BILL NO. 20, SERIES 2018 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE TOWN OF BRECKENRIDGE "BUSINESS AND OCCUPATIONAL LICENSES AND TAX ORDINANCE," CONCERNING ACCOMMODATION UNITS; REQUIRING A LOCAL AGENT FOR EACH ACCOMMODATION UNIT; IMPOSING AN ACCOMMODATION UNIT ADMINISTRATIVE FEE; MAKING CERTAIN REQUIRED FINDINGS WITH RESPECT TO SUCH FEE; AUTHORIZING INSPECTIONS OF ACCOMMODATION UNITS; AND MAKING OTHER AMENDMENTS TO THE BUSINESS AND OCCUPATIONAL LICENSES AND TAX ORDINANCE

B. RESOLUTIONS, SERIES 2018

1. RESOLUTION NO. 14, SERIES 2018 - A RESOLUTION CREATING A TEMPORARY

ADVISORY COMMITTEE KNOWN AS THE “TOWN OF BRECKENRIDGE EVENTS COMMITTEE”

C. OTHER

VII. PLANNING MATTERS

A. PLANNING COMMISSION DECISIONS

VIII. REPORT OF TOWN MANAGER AND STAFF

IX. REPORT OF MAYOR AND COUNCIL MEMBERS

A. CAST/MMC (MAYOR MAMULA)

B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MR. BERGERON)

C. BRECKENRIDGE TOURISM OFFICE (MS. WOLFE)

D. BRECKENRIDGE HERITAGE ALLIANCE (MS. GIGLELLO)

E. BRECKENRIDGE CREATIVE ARTS (MS. LAWRENCE)

F. BRECKENRIDGE EVENTS COMMITTEE (MS. GIGLIELLO)

X. OTHER MATTERS

XI. SCHEDULED MEETINGS

A. SCHEDULED MEETINGS FOR AUGUST AND SEPTEMBER

XII. ADJOURNMENT

I) CALL TO ORDER, ROLL CALL

Mayor Mamula called the meeting of July 24, 2018 to order at 7:00 pm. The following members answered roll call: Ms. Lawrence, Mr. Bergeron, Ms. Gigliello, Ms. Wolfe, Mr. Gallagher and Mayor Mamula. Mr. Carleton was absent.

II) APPROVAL OF MINUTES

A) TOWN COUNCIL MINUTES - JULY 10, 2018

With no changes or corrections to the meeting minutes of July 10, 2018, Mayor Mamula declared they would stand approved as submitted.

III) APPROVAL OF AGENDA

Mr. Holman stated there were no changes to the agenda. Mayor Mamula declared the agenda approved.

IV) COMMUNICATIONS TO COUNCIL

A) CITIZEN'S COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)

Mayor Mamula opened Citizen's Comment.

Mr. Donald Craig, of 110 North French Street, stated he recently sent a letter to Council regarding selling a home in Breckenridge, in which he asked to have the deed restriction on his property removed. He further stated this house has been a home for 40 years, and has housed local residents during that time. Mr. Craig stated that he plans to sell the home shortly and the deed restriction was established to allow for an addition. He stated he would like Council to consider removing the deed restriction on this property for the purpose of reselling it. Mayor Mamula stated we are going to refer this issue to staff, and then Council will have an opportunity to discuss this and will get back to you.

Ms. Abby Epperson, a Breckenridge resident, asked for a change to the proposed Short Term Rental Ordinance to increase the one-hour window for response time to two hours. She stated she believes a two-hour window is more reasonable, especially for private property owners, especially since it takes two hours to get here from Denver, and if the owner is working, they may need a shift covered to respond in an hour, especially during a busy time of year. She further stated this restriction would create a monopoly for short-term rental companies who can respond within a shorter time. Ms. Epperson stated that if the Town restricts or caps the number of the rental properties, that would create a monopoly.

There were no additional comments and Citizen's Comment was closed.

V) CONTINUED BUSINESS

A) SECOND READING OF COUNCIL BILLS, SERIES 2018 - PUBLIC HEARINGS

1) COUNCIL BILL NO.18, SERIES 2018 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE BUILDING CODES OF THE TOWN OF BRECKENRIDGE BY ADOPTING BY REFERENCE THE NATIONAL ELECTRICAL CODE, 2017 EDITION

Mayor Mamula read the title into the minutes. Mr. Berry stated there were no changes to this ordinance from first reading.

Mayor Mamula opened the public hearing.

There were no comments and the public hearing was closed.

Mr. Bergeron moved to approve COUNCIL BILL NO.18, SERIES 2018 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE BUILDING CODES OF THE TOWN OF BRECKENRIDGE BY ADOPTING BY REFERENCE THE NATIONAL ELECTRICAL CODE, 2017 EDITION. Mr. Gallagher seconded the motion.

The motion passed 6-0. Mr. Carleton was absent.

VI) NEW BUSINESS

A) FIRST READING OF COUNCIL BILLS, SERIES 2018

1) COUNCIL BILL NO. 19, SERIES 2018 - AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO B & D LIMITED PARTNERSHIP (Tract D, Stan Miller Subdivision)

Mayor Mamula read the title into the minutes. Mr. Berry stated the Town acquired a small parcel of land and we are contractually required to convey it to the B&D Limited Partnership. He further stated this ordinance is required for the conveyance of that property.

Mayor Mamula opened the public hearing.
There were no comments and the public hearing was closed.

Mr. Bergeron moved to approve COUNCIL BILL NO. 19, SERIES 2018 - AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO B & D LIMITED PARTNERSHIP (Tract D, Stan Miller Subdivision). Ms. Wolfe seconded the motion.

The motion passed 6-0. Mr. Carleton was absent.

B) RESOLUTIONS, SERIES 2018

1) RESOLUTION NO. 13, SERIES 2018 - A RESOLUTION APPROVING A SIXTH AMENDMENT TO ANNEXATION AGREEMENT WITH UNION MILL, INC. (The Wellington Neighborhood/Lincoln Park)

Mayor Mamula read the title into the minutes. Mr. Berry stated this amendment to the annexation agreement is necessary due to pricing being tied to the AMI, which is not a reliable measure of the economic conditions in the Town. This resolution sets the prices for 2018.

Mayor Mamula opened the public hearing.
There were no comments and the public hearing was closed.

Mr. Bergeron moved to approve RESOLUTION NO. 13, SERIES 2018 - A RESOLUTION APPROVING A SIXTH AMENDMENT TO ANNEXATION AGREEMENT WITH UNION MILL, INC. (The Wellington Neighborhood/Lincoln Park). Ms. Lawrence seconded the motion.

The motion passed 6-0. Mr. Carleton was absent.

C) OTHER

VII) PLANNING MATTERS

A) PLANNING COMMISSION DECISIONS

Mayor Mamula declared the Planning Commission Decisions would stand approved as presented.

B) TOWN PROJECT - BRECKENRIDGE TRANSIT BUS STORAGE

Mayor Mamula introduced the Town Project: Breckenridge Transit Bus Storage. He further stated this project requires a public hearing, and he opened the public hearing. Ms. Julia Puester presented the plans for the project. Council agreed with the project as presented. There were no public comments and the hearing was closed.

Ms. Lawrence moved to approve Town Project: Breckenridge Transit Bus Storage.
Mr. Gallagher seconded the motion.
The motion passed 6-0. Mr. Carleton was absent.

VIII) REPORT OF TOWN MANAGER AND STAFF

Mr. Holman stated there was no report.

IX) REPORT OF MAYOR AND COUNCIL MEMBERS

CAST/MMC

Mayor Mamula stated Breckenridge hosted the most recent MMC meeting, where they talked about transportation, and the I-70 coalition representatives at the meeting

stated there will be a state transportation ballot question in the fall. Also there have conversations around creating a different Fourth of July model that doesn't include fireworks in the future. Council agreed they were interested in going to another model for those celebrations, including possibly a street party, a drone show or a laser light show. Mayor Mamula stated we may not need to spend money on other activation activities that day.

Mr. Holman stated we are trying to be consistent as communities for all levels of fire bans, including smoking restrictions.

Mr. Holman stated the slash destruction demand is up and the County is getting behind schedule in pick-ups. Ms. Wolfe stated slash piles are all over Town and on Boreas Pass, and they have not yet been picked up. Mr. Holman stated he will mention this issue to the County.

Breckenridge Open Space Advisory Committee

Mr. Bergeron stated there was a meeting last night, and they discussed the Sawmill Trail bridge replacement and the Side Door Trail. Also, the Friends of Breck Trails group will help construct the upper Nightmare trail section to the new cabin. Mr. Bergeron stated BOSAC is using photos of concessionaires who are using the trails for their businesses to identify them so the Town can better monitor them. Mr. Bergeron further stated a beaver was released in Cucumber Gulch, the committee will take a fieldtrip to Steamboat in September, and they are working on a pro-forma review. Mr. Bergeron stated BOSAC is determining how best to prioritize where to spend open space money based on trail use and wear.

Breckenridge Tourism Office

Ms. Wolfe stated there was no update.

Breckenridge Heritage Alliance

Ms. Gigliello stated there was no update.

Water Task Force

Mr. Gallagher stated there was no water update, but they had a conversation at the last meeting, and we may downgrade this update to a committee level due to the lack of regular updates.

Breckenridge Creative Arts

Ms. Lawrence stated there was a meeting last week, and Saam Golgoon is leaving the BCA. Mayor Mamula asked that BCA consider waiting to hire a replacement for that position until after the organizational RFP is complete. Mr. Holman explained the RFP is out now and closes August 6, and a representative from each member group will help review the proposals and make recommendations. Ms. Gigliello stated she wants to make sure the partner organizations have the resources to manage their facilities, and are reliant on this position. Mr. Gallagher stated the partner organizations are pleased they were invited to provide input on the RFP and they appreciate being part of it. Mr. Holman stated he hopes to have the study and recommendation done by the end of the year. He also stated he can't commit funds for 2019 that have not been approved by the Council.

Breckenridge Events Committee

Ms. Gigliello stated there was an update in the packet.

X) OTHER MATTERS

A) APPEAL HEARING FOR DENIAL OF PERMIT TO EXCEED NOISE LEVELS (Historic Brown Hotel)

In the absence of the presence of the applicant, Mr. Michael Cavanaugh, Mr. Holman stated that on July 3rd, a letter was received requesting a variance to the noise level for summer outdoor weekend concerts held at the Historic Brown Hotel. Mr. Holman then stated he asked the Police Department to try to contact people in that area about the request, and denied the request based on the negative responses received. He further stated the request was appealed by the applicant. Mr. Holman stated several letters in opposition were received for this request, however, no letters in support were received. Mr. Holman clarified this is a commercial zone, with a max of 70 db for noise volume. He also stated that the Town does have venues in this zone that have outdoor live music and the Town has not granted any noise level exemptions to those entities.

Mr. Holman stated Mr. Cavanaugh's submitted packet will be part of record, as well as the letters received in opposition.

Mr. Bergeron asked if an outdoor concert is allowed in that location, and Mr. Holman stated it is allowed as long as the noise level remains below 70 db until 10:59pm.

Noise maximums after that time are lower.

Mr. Gallagher moved to deny the appeal for the denial of a permit to exceed noise levels for the Historic Brown Hotel. Ms. Gigliello seconded the motion.

The motion passed 6-0. Mr. Carleton was absent.

XI) SCHEDULED MEETINGS

A) SCHEDULED MEETINGS FOR JULY AND AUGUST

XII) ADJOURNMENT

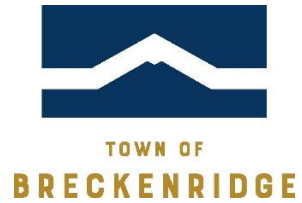
With no further business to discuss, the meeting adjourned at 7:32 pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

Helen Cospolich, CMC, Town Clerk

Eric S. Mamula, Mayor

DRAFT



Memo

To: Breckenridge Town Council Members
From: Tim Berry, Town Attorney
Date: 7/31/2018
Subject: Council Bill No. 19 (Approving Deed to B & D Limited Partnership)

The second reading of the ordinance to approve the conveyance of Tract D, Stan Miller Subdivision, to B & D Limited Partnership is scheduled for your meeting on August 14th. There are no changes proposed to ordinance from first reading.

I will be happy to discuss this matter with you on Tuesday.

1 **FOR WORKSESSION/SECOND READING – AUG. 14**

2
3 **NO CHANGE FROM FIRST READING**

4
5 COUNCIL BILL NO. 19

6
7 Series 2018

8
9 AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY
10 TO B & D LIMITED PARTNERSHIP
11 (Tract D, Stan Miller Subdivision)

12
13 WHEREAS, the Town has acquired the real property known as Tract D, Stan Miller
14 Subdivision, Town of Breckenridge, Summit County, Colorado (“**Property**”); and

15
16 WHEREAS, the Town entered into that Agreement with B & D Limited Partnership, an
17 Illinois limited partnership authorized to do business in Colorado (“**B & D**”), dated May 24,
18 2018 (“**Agreement**”); and

19
20 WHEREAS, the Town is required to convey the Property to B & D pursuant to the
21 Agreement; and

22
23 WHEREAS, Section 15.3 of the Breckenridge Town Charter requires that conveyance of
24 the real property to B & D be authorized by ordinance.

25
26 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
27 BRECKENRIDGE, COLORADO:

28
29 Section 1. The Town Manager and the Town Clerk are authorized, empowered, and
30 directed to execute, acknowledge, and deliver to B & D Limited Partnership, an Illinois limited
31 partnership authorized to do business in Colorado, the special warranty deed a copy of which is
32 marked **Exhibit “A”**, attached hereto and incorporated herein by reference.

33
34 Section 2. The Town Council finds, determines, and declares that it has the power to
35 adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX
36 of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

37
38 Section 3. This ordinance shall be published and become effective as provided by
39 Section 5.9 of the Breckenridge Town Charter.

40
41 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
42 PUBLISHED IN FULL this ____ day of _____, 2018. A Public Hearing shall be
43 held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the
44 ____ day of _____, 2018, at 7:30 P.M., or as soon thereafter as possible in the
45 Municipal Building of the Town.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
Eric S. Mamula, Mayor

ATTEST:

Helen Cospolich
Town Clerk

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EXHIBIT "A"

SPECIAL WARRANTY DEED

THIS DEED is made this ____ day of _____, 2018, between the TOWN OF BRECKENRIDGE, a Colorado municipal corporation, whose address is P.O. Box 168, Breckenridge, Colorado 80424 ("Grantor"), and B & D LIMITED PARTNERSHIP, an Illinois limited partnership authorized to do business in Colorado, whose address is 1480 Sequoia Drive, Aurora, Illinois 60506 the ("Grantee").

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has bargained, sold, and conveyed, and by these presents does grant, bargain, sell, convey, and confirm unto the Grantee, its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the Town of Breckenridge, Summit County, Colorado described as follows:

See the attached **Exhibit "A"** and **Exhibit "B"**, which are incorporated into this deed by reference.

also known by street and number as: vacant land

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the Grantee, its successors and assigns forever. The Grantor, for itself and its successors, does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through, or under the Grantor.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

This Deed is executed pursuant to Ordinance No. _____, Series 2018, adopted by the Town Council of the Town of Breckenridge on August 14, 2018.

SPECIAL WARRANTY DEED

TOWN OF BRECKENRIDGE

By: _____
Rick G. Holman, Town Manager

ATTEST:

Helen Cospolich, CMC,
Town Clerk

STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018 by Rick G. Holman, Town Manager, and Helen Cospolich, CMC, Town Clerk, of the Town of Breckenridge, a Colorado municipal corporation.

WITNESS my hand and official seal.

My commission expires: _____.

Notary Public

EXHIBIT A
LEGAL DESCRIPTION
"TRACT D, OF THE STAN MILLER SUBDIVISION"
TOWN OF BRECKENRIDGE,
SUMMIT COUNTY, COLORADO

A PARCEL OF LAND LOCATED IN THE SOUTHWEST $\frac{1}{4}$ OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6TH PRINCIPAL MERIDIAN. SAID PARCEL BEING DESCRIBED AS "TRACT D" OF THE MILLER SUBDIVISION, A SUBDIVISION AS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER FOR SUMMIT COUNTY COLORADO AT RECEPTION No. 886225, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT D

COMMENCING AT THE SOUTHEAST CORNER OF SAID MILLER SUBDIVISION, THENCE; N11°43'35"E, A DISTANCE OF 167.15 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF STAN MILLER DRIVE, THE TRUE POINT OF BEGINNING.

THENCE; N14°09'45 "W, ALONG SAID RIGHT OF WAY, A DISTANCE OF 20.50 FEET.

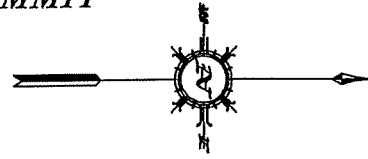
THENCE; CONTINUING ALONG SAID RIGHT OF WAY, 67.70 FEET ON THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 570.00 FEET AND A CHORD WHICH BEARS N10°45'36"W, A DISTANCE OF 67.66 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID MILLER SUBDIVISION.

THENCE; S56°06'06"E, ALONG SAID EASTERLY BOUNDARY, A DISTANCE OF 37.61 FEET.

THENCE; S11°43'35"W, ALONG SAID EASTERLY BOUNDARY, A DISTANCE OF 66.76 FEET TO THE TRUE POINT OF BEGINNING.

DESCRIBED PARCEL CONTAINING 1249 SQ. FT. OR 0.0287 ACRES, MORE OR LESS.

EXHIBIT B
TRACT D, MILLER SUBDIVISION
TOWN OF BRECKENRIDGE, SUMMIT
COUNTY COLORADO



SCALE 1"=50'

TOWN OF
BRECKENRIDGE
REC. 699409

MILLER SUBDIVISION
REC. No. 886225

L=67.70'
R=570.00'
C LEN=67.66'
BRG=N10°45'36"W

POINT OF
COMMENCEMENT

STAN MILLER DRIVE
60' R.O.W.

N11°43'35"E, 167.15'

N14°09'45"W
20.50'

TRUE POINT OF
BEGINNING

66.76'
S11°43'35"W
37.61'
556'06" E

TOWN OF
BRECKENRIDGE
REC. 699409

TRACT D
1249 SQ. FT.
0.0287 ACRES

N82°14'27"W 452.27'

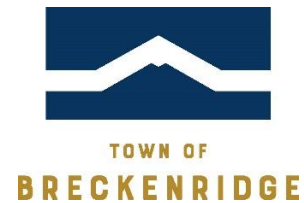
N87°25'55"E 875.28'

BRECKENRIDGE BUILDING CENTER
REC No. 631011

BASELINE SURVEYS, LLC

P.O. BOX 7578 BRECKENRIDGE COLO. 80424

SCALE: 1"=50'	DATE: 5/24/2018	JOB NO. 4000
DRAWN BY: D.E.O.	CHECKED BY: N.P.O.	DRAWING NO. 4000 TR-D



Memo

To: Breckenridge Town Council Members
From: Revenue Services Administrator – Heather Pezzella
Date: 08/14/2018
Subject: Business and Occupational License Tax Ordinance

The purpose of this memo is to explain the attached amendment to our Town Code that was presented to Town Council at the work session on July 24th 2018. As previously presented the revisions included: the amendment of special conditions of single family homes to all accommodation units in Town, the requirement of a local agent, and the establishment of an annual accommodation unit administrative fee to offset costs associated with administrative compliance efforts. The ordinance is presented for first reading.

Proposed Revisions

As recommended by Council at the July 24th work session summarized revisions include:

1. Exemption of condominiums, condominium-hotels, and hotels/lodgings/inns from the annual accommodation unit administrative fee and the special conditions of license, provided the properties meet all three requirements: a. 24 hour front desk, b. 24 hour telephone system, and c. 24 hour on site private security.
2. Amendment to the annual accommodation unit administrative fee to account for the exempted properties.

New revision

3. Removal of fire extinguishers to be installed in accommodation units in the health and safety standards per Red, White, and Blue Fire District recommendation.

Administrative Guidelines

Included in your packet is a draft of the administrative guidelines that will accompany the ordinance. The regulations are intended to provide guidance and clarification to staff and to the public on how the Town applies Chapter 1 of Title 4 of the Breckenridge Town Code. The self-compliance affidavit, Exhibit A as referenced in the administrative guidelines is also included for review. The administrative guidelines will be presented to Council for formal review and to provide any related comments at the August 28th Council meeting. The administrative regulations will go into effect on January 1st 2019.

Conclusion

It is Staff's recommendation that Council adopt the attached ordinance that will assist the Town in mitigating quality of life issues: parking, trash, noise, and other issues related to short term rentals that impact community character in Breckenridge.

1 **FOR WORKSESSION/FIRST READING – AUG. 14**

2
3 Additions To The Ordinance as Reviewed at the July 24, 2018 Worksession Are
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5
6 COUNCIL BILL NO. _____

7
8 Series 2018

9
10 AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 4 OF THE BRECKENRIDGE
11 TOWN CODE, KNOWN AS THE TOWN OF BRECKENRIDGE “BUSINESS AND
12 OCCUPATIONAL LICENSES AND TAX ORDINANCE,” CONCERNING
13 ACCOMMODATION UNITS; REQUIRING A LOCAL AGENT FOR EACH
14 ACCOMMODATION UNIT; IMPOSING AN ACCOMMODATION UNIT
15 ADMINISTRATIVE FEE; MAKING CERTAIN REQUIRED FINDINGS WITH RESPECT TO
16 SUCH FEE; AUTHORIZING INSPECTIONS OF ACCOMMODATION UNITS; AND
17 MAKING OTHER AMENDMENTS TO THE BUSINESS AND OCCUPATIONAL
18 LICENSES AND TAX ORDINANCE

19
20 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
21 COLORADO:

22
23 Section 1. The definition of “Accommodation Unit” in Section 4-1-2 of the Breckenridge
24 Town Code is amended to read as follows:

25
ACCOMMODATION UNIT: A separate and distinct living unit including
condominium, townhome, house, trailer, studio unit,
~~condo hotel~~ **condominium unit**, or any such other
similar unit which is rented to any person, who, for
consideration, uses, possesses or has the right to use or
possess such accommodation unit for a period of less than
30 consecutive days, regardless of the number of days
during a license year such unit is rented; ~~provided,~~
~~however, that a “chalet house” as defined in Section 9-1-5~~
~~of this Code shall not be considered to be an~~
accommodation unit.

26
27 Section 2. Section 4-1-2 of the Breckenridge Town Code is amended by the addition of
28 the following definitions:

29
AUTHORIZED PUBLIC INSPECTOR: With respect to inspections to be conducted pursuant to
Section 4-1-8-1A9 of this Chapter, any employee or
representative of the Town’s Finance Department, except
the Finance Director.

LOCAL AGENT: A management company, rental agent, or individual who is identified by a licensee as the licensee’s local agent pursuant to Section 4-1-8-1A6.

RENTAL AGENT: **A management company, rental agent, or other person employed or engaged by the licensee to advertise the accommodation unit for rent, or to remit any required tax to the Town.**

1
2 Section 3. The definition of “Single-Family Accommodation Unit” in Section 4-1-2 of
3 the Breckenridge Town Code is deleted.
4

5 Section 4. The Title of Section 4-1-4 of the Breckenridge Town Code is amended to read
6 “Annual License Tax.”
7

8 Section 5. Chapter 1 of Title 4 of the Breckenridge Town Code is amended by the
9 addition of a new Section 4-1-4-1, to be entitled “Annual Accommodation Unit Compliance
10 Fee,” which shall read as follows:
11

12 4-1-4-1: ANNUAL ACCOMMODATION UNIT ADMINISTRATIVE FEE:
13

14 A. Commencing with licenses for accommodation units issued for the January 2019
15 licensing period, and continuing each licensing year thereafter, there shall be added to
16 each accommodation unit license issued by the Finance Director pursuant to this
17 Chapter, and there shall be paid by the licensee of such license, an annual
18 accommodation unit administrative fee. The amount of the annual accommodation
19 unit administrative fee shall be:
20

Type Of Accommodation Unit	Annual Fee
Studio unit	\$25.00
1 bedroom unit	30.00
2 bedroom unit	35.00
3 bedroom unit	40.00 <u>100.00</u>
4 or more bedroom unit	45.00 <u>150.00</u>

21
22 B. **Condominiums, condominium/hotels, and hotels/lodgings/inns as defined in**
23 **Section 9-1-5 of this Code are exempt from the requirement to pay the annual**
24 **accommodation unit administrative fee if they have: (a) a twenty four (24) hour**
25 **front desk; (b) a twenty four (24) hour telephone system; and (c) twenty four**
26 **(24) hour on site private security; chalet houses as defined in Section 9-1-5 of this**
27 **Code are exempt from the requirement to pay the annual accommodation unit**
28 **administrative fee.**
29

1 C. The accommodation unit administrative fee shall be due and payable to the Town at
2 the same time the tax required by Section 4-1-4 is due.
3

4 D. Beginning with the Town's 2019 fiscal year, the amount of the accommodation unit
5 administrative fee described in this Section shall be fixed by the Town Council as part
6 of its annual budget process. If, for any reason, the amount of such fee is not fixed by
7 the Town Council as part of its annual budget process, the fee for the preceding year
8 shall continue in full force and effect until changed by the Town Council.
9

10 E. It is the purpose of this Section to protect the public health, safety, and welfare by
11 establishing a comprehensive regulatory scheme for the Town that attempts to
12 address some of the negative impacts associated with the existence of the numerous
13 accommodation units within the Town, and to relieve Town taxpayers of the costs
14 that would otherwise be incurred by the Town in providing those services directly and
15 indirectly related to accommodation units within the Town as set forth in Section F.,
16 below. The identified negative impacts of the numerous accommodation units within
17 the Town include, but are not limited to a significant change in the character of the
18 neighborhoods within the Town in which accommodation units are located, including,
19 but not limited to, significant impacts on parking, noise, and trash in such
20 neighborhoods.
21

22 F. Funds collected by the Town from the accommodation unit administrative fee
23 established by this Section shall be used to defray the reasonable direct and indirect
24 costs of the following Town services that are related to the identified negative
25 impacts of accommodation units within the Town described in Section E., above:
26

- 27 1. Administrative and personnel costs associated with developing and
28 implementing the accommodation unit administrative fee;
- 29 2. Costs of acquiring, training staff to use, updating, and replacing software and
30 other computer programs necessary to monitor the accommodation units within
31 the Town; and
- 32 3. Costs of enforcing the requirements of this Chapter, including, but not limited
33 to inspecting accommodation units within the Town.
34

35 No portion of the accommodation unit administrative fees collected by the Town shall
36 be used for any purpose other than those purposes enumerated in this Section F.
37

38 G. The accommodation unit administrative fee established by this Section is not
39 designed to raise revenues to defray the general expenses of Town government, but
40 rather is a charge imposed for the purpose of defraying some of the costs of the
41 particular Town services and programs described in Section E., above.
42

43 H. The Finance Director shall establish a method for separately accounting for all of
44 the accommodation unit administrative fees collected by the Town pursuant to this
45 Section, and the expenditure of such fees.
46

1 HI. Based on the information that has been provided to the Town Council by the Finance
2 Director, the accommodation unit administrative fee imposed by this Section bears a
3 reasonable relationship to the anticipated cost of providing the Town programs and
4 services described in this Section.
5

6 Section 6. Section 4-1-5A1 of the Breckenridge Town Code is amended to read as
7 follows:
8

9 1. The Finance Director shall issue a license for an accommodation unit under this
10 Chapter only to the owner of such accommodation unit.
11

12 Section 7. Section 4-1-8-1 of the Breckenridge Town Code is amended to read as
13 follows:
14

15 4-1-8-1: SPECIAL CONDITIONS OF LICENSE – ALL ACCOMMODATION
16 UNITS
17

18 A. Special Conditions: ~~In~~ **Except as provided in Section G of this Section, in**
19 addition to the other requirements of this Chapter, the owner of an
20 accommodation unit licensed pursuant to this Chapter shall, as a condition of such
21 license, be subject to the following requirements:

22 1. The motor vehicles of all occupants of the accommodation unit shall be parked
23 only on the site of the accommodation unit, or in a Town designated parking area
24 located off of the site of the accommodation unit. No motor vehicles shall be
25 parked on the lawn or landscaped areas of an accommodation unit, or in the
26 public street or right of way adjacent to the accommodation unit. No person shall
27 be permitted to stay overnight in any motor vehicle which is parked at an
28 accommodation unit. Further, all motor vehicles parked at an accommodation unit
29 shall comply with the requirements and be subject to the limitations of Section 9-
30 3-11 of this Code.

31 2. The storage and disposal of all trash and garbage from an accommodation unit
32 shall comply with the requirements of Title 5, Chapter 2 of this Code.

33 3. While occupying an accommodation unit, no person shall: a) make, cause or
34 control unreasonable noise upon the accommodation unit which is audible upon a
35 private premises that such occupant has no right to occupy in violation of
36 Subsection 6-3C-1A2 of this Code, or b) violate Title 5, Chapter 8 of this Code.

37 4. No accommodation unit shall be operated in such a manner as to constitute a
38 nuisance pursuant to Title 5, Chapter 1 of this Code.

39 5. The licensee shall provide to the Finance Director the name, address and
40 telephone number of any current ~~management company, rental agency or other~~
41 ~~person employed or engaged by the licensee to advertise~~ **rental agent for** the
42 accommodation unit ~~for rent, or to remit any required tax to the Town. It shall be~~

1 ~~the duty of.~~ **The rental agent may be changed by** the licensee to update such
2 information **from time to time** throughout the term of the license so that the
3 Finance Director always has the correct and current information. **To effect such**
4 **change, the licensee shall notify the Finance Director of the change in writing**
5 **and shall, at the same time, provide the Finance Director with the name,**
6 **address and telephone number of the licensee's replacement rental agent.**

7 6. At the time of the issuance of the license the licensee shall also provide to the
8 Finance Director the name, address and telephone number of a local agent who is
9 authorized by the licensee to receive communications from the Town concerning
10 the accommodation unit, and who agrees in writing to comply with the
11 requirements of Subsection A7. The local agent may be the same person designated
12 by licensee pursuant to Subsection A5. The designated local agent may be
13 changed by the licensee from time to time throughout the term of the license. To
14 effect such change, the licensee shall notify the Finance Director of the change in
15 writing and shall, at the same time, provide the Finance Director with the name,
16 address and telephone number of the licensee's replacement ~~contact person~~ **local**
17 **agent.**

18 7. A licensee's local agent, or such person's employee or designee, shall be
19 available twenty four (24) hours per day, seven (7) days per week, to respond to
20 any complaint filed with or through the Town, or a website provided by the Town
21 for such purpose, about the operation or condition of the licensee's
22 accommodation unit. Such local agent shall respond to a complaint within a sixty
23 (60) ~~minute~~ **minutes** of receiving notice of such complaint. The local agent's
24 failure to respond to a complaint as required by this Section is chargeable to the
25 Owner pursuant to Subsection B of this Section.

26 8. Each accommodation unit shall comply with all of the following minimum
27 health and safety standards at all times while the property is being occupied:

- 28 a. The applicable requirements of the Town's building and technical
29 codes adopted by reference in Title 8, Chapter 1 of this Code;
- 30 b. The applicable requirements of any other ordinance, rule, or
31 administrative regulation of the Town;
- 32 c. The terms and conditions of any development permit issued to the
33 licensee with respect to the accommodation unit;
- 34 d. Smoke detectors, **and** carbon monoxide detectors, ~~and fire~~
35 ~~extinguishers~~ shall be installed in the accommodation unit and shall be
36 operable at all times; and
- 37 e. Wood-burning fireplaces and stoves in the accommodation unit shall
38 be cleaned on an annual basis.

1 9. Because accommodation units are, by their nature, intended to be occupied by
2 numerous guests for short periods of occupancy, it is determined that the Town’s
3 ability to inspect accommodation units is in the interest of public safety.
4 Therefore, whenever it is necessary or desirable to make an inspection to enforce
5 the special requirements of this Subsection A, an authorized public inspector may
6 enter such accommodation unit at all reasonable times to inspect the same for the
7 purpose of enforcing such special conditions. Provided, that if such
8 accommodation unit is occupied, the authorized public inspector shall first present
9 proper credentials and request entry, and if such accommodation unit is
10 unoccupied, shall first make a reasonable effort to locate the owner, **the local**
11 **agent,** or other person having charge or control of the accommodation unit and
12 request entry. If such entry is refused, or if the accommodation unit is locked, the
13 authorized public inspector shall have recourse to every remedy provided by law
14 to secure entry. When an authorized public inspector has obtained a proper
15 inspection warrant or other remedy provided by law to secure entry, no owner,
16 occupant, or any other persons having charge, care, or control of any
17 accommodation unit shall fail or refuse, after proper request is made as herein
18 provided, to promptly permit entry therein by the authorized public inspector for
19 the purpose of inspection of the accommodation unit. No inspection warrant or
20 permission shall be required for an authorized public inspector to enter and
21 inspect an accommodation unit in the case of an emergency involving the
22 potential loss of property or human life.

23 10. The municipal court judge may issue an inspection warrant authorizing the
24 inspection of an accommodation unit pursuant to this Section in accordance with
25 rule 241(b) of the Colorado municipal court rules of procedure. Any inspection
26 warrant issued pursuant to this Section shall fully comply with the applicable
27 provisions of rule 241 of the Colorado municipal court rules of procedure. The
28 municipal judge may impose such conditions on an inspection warrant as may be
29 necessary in the judge’s opinion to protect the private property rights of the
30 owner of the accommodation unit to be inspected, or to otherwise make the
31 warrant comply with applicable law.

32 ~~11. Each accommodation unit licensee shall collect and remit to the appropriate~~
33 ~~taxing authority all taxes due with respect to the licensee’s accommodation unit.~~
34 **All property taxes that are lawfully assessed against an accommodation unit**
35 **shall be paid to the appropriate taxing authority.**

- 36 B. Owner Liable: Compliance with the special conditions set forth in Subsection A
37 of this Section shall be the nondelegable responsibility of the owner of an
38 accommodation unit; and each owner of an accommodation unit shall be strictly
39 liable for complying with the conditions set forth in Subsection A of this Section.

- 40 C. Licensee To Receive Special Conditions: At the time of the issuance of a license,
41 the Finance Director shall provide the licensee with a copy of the special
42 conditions set forth in Subsection A of this Section.

1 D. Licensee To Post License And Special Conditions: The licensee shall post a copy
2 of the license and the special conditions set forth in Subsection A of this Section
3 within five (5) feet of the main entrance of the accommodation unit. The license
4 and the special conditions shall remain continuously posted in the accommodation
5 unit throughout the term of the license.

6 E. Licensee To Provide ~~Management Company~~ **Rental Agent and Local Agent** With
7 Special Conditions: The licensee shall provide any ~~management company, rental~~
8 ~~agency or other person employed or engaged by~~ **rental agent and** the licensee to
9 ~~manage, rent or supervise the accommodation unit's~~ **local agent** with a copy of
10 the special conditions set forth in Subsection A of this Section.

11 F. Revocation Or Suspension Of License: The failure of the licensee of an
12 accommodation unit to comply with the special conditions set forth in Subsection
13 A of this Section shall constitute grounds for the suspension or revocation of the
14 license. Any action to suspend or revoke the license shall be conducted by the
15 Finance Director in accordance with Section 4-1-10-1 of this Chapter.
16

17 Before an action is commenced to suspend or revoke a license for an
18 accommodation unit, the Finance Director shall first provide the licensee with a
19 written warning that an apparent violation of the special conditions of Subsection
20 A of this Section has occurred, and the licensee shall be given a reasonable
21 opportunity to cure such apparent violation. A copy of such warning notice shall
22 also be sent to any ~~management company, rental agency or other person~~
23 ~~employed or engaged by the licensee to manage, rent or supervise the licensed~~
24 ~~premises~~ **rental agent** who has been properly identified by the licensee pursuant
25 to Subsection A5 of this Section and to the local agent identified by the licensee
26 pursuant to Subsection A6 of this Section. Not more than one written warning
27 shall be required to be sent during the term of each license.

28 **G. Condominiums, condominium/ hotels, and hotels/lodgings/inns as defined in**
29 **Section 9-1-5 of this Code are exempt from the provisions of this section if**
30 **they have: (a) a twenty four (24) hour front desk; (b) a twenty four (24) hour**
31 **telephone system; and (c) twenty four (24) hour on site private security;**
32 **chalet houses as defined in Section 9-1-5 of this Code are exempt from the**
33 **provisions of this section.**

34 Section 8. Section 4-1-10A3 of the Breckenridge Town Code is amended to read as
35 follows:
36

37 3. Promulgate and enforce all reasonable rules and regulations necessary to the operations
38 and enforcement of this chapter. Such administrative rules and regulations shall be
39 adopted in accordance with the procedures established by title 1, chapter 18 of this Code.
40 A violation of the administrative rules and regulations issued by the Finance Director
41 pursuant to the authority granted by this Section shall be a misdemeanor municipal
42 offense and may be enforced by appropriate action in the Town's Municipal Court.
43

1 Section 9. Section 4-1-10-1A of the Breckenridge Town Code is amended to read as
2 follows:

3 A. A license issued pursuant to this chapter may be revoked by the Finance Director
4 after hearing for the following reasons:

5 1. Fraud, misrepresentation or a false statement of material fact contained in the
6 license application **or any document submitted to the Finance Director pursuant**
7 **to the Finance Director's administrative rules and regulations;**

8 2. The failure or refusal of an owner of an accommodation unit to permit inspection
9 of the owner's accommodation unit by an authorized public inspector as required by
10 Section 4-1-8-1;

11 3. Any violation of the provisions of this chapter; or

12 4. As to any person required to have a town sales tax license pursuant to title 3,
13 chapter 1 of this code, proof that such license has been revoked by the Finance
14 Director in accordance with Section 3-1-26 of this code.

15 In connection with the suspension of a license, the Finance Director may impose
16 reasonable conditions.
17

18 Section 10. The introductory portion of Section 4-1-10-1D of the Breckenridge Town
19 Code is amended to read as follows:

20 D. If the Finance Director determines after a hearing that cause exists for the
21 imposition of a sanction against a licensee of an accommodation unit pursuant to
22 Section 4-1-8-1 of this Chapter, the Finance Director shall impose the following
23 sanction against the licensee:
24

25 Section 11. Section 4-1-10-~~1~~**1**B of the Breckenridge Town Code is amended to read as
26 follows:

27 B. Notice of a hearing to be held pursuant to this chapter shall be given by the
28 Finance Director in writing to the licensee at the address shown on the license
29 application, ~~the management company, rental agency or other person employed or~~
30 ~~engaged by the licensee to manage, rent or supervise the licensed premises who~~
31 ~~has been properly identified by the licensee pursuant to subsection 4-1-8-1A5 of~~
32 ~~this chapter, and to the local contact person identified by the licensee pursuant to~~
33 ~~subsection 4-1-8-1A7 of this chapter. Such notice shall set forth the grounds for~~
34 ~~the hearing, and the time and place of the hearing. Such notice shall be mailed to~~
35 ~~the licensee, the management company, rental agency or other person employed~~
36 ~~or engaged by the licensee to manage, rent or supervise the licensed premises who~~
37 ~~has been properly~~**any rental agent** identified by the licensee pursuant to
38 subsection 4-1-8-1A5 of this chapter, and to the local agent identified by the
39 licensee pursuant to subsection 4-1-8-1A6 of this chapter; **Such notice shall be**
40 **mailed** postage prepaid, at least twenty (20) days prior to the date set for the
41

1 hearing. At the hearing the licensee may appear with or without counsel and
2 present such evidence as may be relevant.
3

4 Section 12. Section 4-1-10-~~1~~F of the Breckenridge Town Code is amended to read as
5 follows:
6

7 F. If the Finance Director suspends or revokes a business and occupational tax
8 license, the aggrieved licensee may appeal said suspension or revocation to the Town
9 Council by filing a letter of appeal with the Town Manager within twenty (20) days
10 after the date of mailing of the Finance Director's order of suspension or revocation.
11 The Finance Director's suspension or revocation of the license shall be stayed until
12 the appeal has been determined by the Town Council. The Town Council shall
13 conduct a de novo hearing on the appeal at a regular or special Town Council meeting
14 held within thirty (30) days of date of the filing of the letter of appeal, unless the
15 licensee agrees to a longer time. Notice of the de novo hearing shall be given to the
16 licensee by the Finance Director at least twenty (20) days before the hearing. The
17 burden of proof in the appeal shall be on the Town. At the appeal, the licensee may
18 appear with or without counsel and present such evidence as may be relevant. The
19 strict rules of evidence shall not apply to the de novo hearing. If the Town Council
20 finds by a preponderance of the evidence that grounds for suspension or revocation of
21 the license exist as specified in this Chapter, the Town Council may order the license
22 suspended or revoked; provided, however, that if the license is for an
23 accommodation unit the Town Council shall adhere to the provisions of Subsection D
24 of this Section. If the Town Council finds by a preponderance of the evidence that no
25 grounds exist for the suspension or revocation of the license, the appeal shall be
26 sustained, and the Finance Director's order of suspension or revocation shall be set
27 aside. The Town Council's decision shall be final, subject to the right of the licensee
28 to contest the matter in an appropriate court action commenced under rule 106(a)(4)
29 of the Colorado rules of civil procedure. For purposes of determining the time limit
30 for the commencement of an action under rule 106(a)(4) of the Colorado rules of civil
31 procedure, the Town Council's decision shall be deemed to be final upon the
32 Council's issuance of a written order of suspension or revocation of a license.

33 Section 13. Except as specifically amended by this ordinance, the Breckenridge Town
34 Code, and the various secondary Codes adopted by reference therein, shall continue in full force
35 and effect.
36

37 Section 14. The Town Council finds, determines, and declares that it has the power to
38 adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX
39 of the Colorado Constitution. ~~And, and,~~ particularly, Section 12.1 of the Breckenridge Town
40 Charter.
41

42 Section 15. This ordinance shall be published ~~and become effective as provided as~~
43 required by Section 5.9 of the Breckenridge Town Charter: and shall become effective on
44 January 1, 2019.
45

1 INTRODUCTION, READ ON FIRST READING, APPROVED AND ORDERED
2 PUBLISHED IN FULL this ____ day of _____, 2018. A Public Hearing shall be held at the
3 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
4 _____, 2018, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
5 Town.

6
7 TOWN OF BRECKENRIDGE, a Colorado
8 municipal corporation

9
10
11 By: _____
12 Eric S. Mamula, Mayor

13
14 ATTEST:

15
16 _____
17 Helen Cospolich
18 Town Clerk

ADMINISTRATIVE RULES AND REGULATIONS CONCERNING
ACCOMMODATION UNIT LICENSING UNDER THE TOWN OF
BRECKENRIDGE BUSINESS AND OCCUPATIONAL LICENSES
AND TAX ORDINANCE

Part A - General

1. **Effective Date.** These regulations are effective January 1, 2019.
2. **Authority.** These regulations are issued by the Finance Director of the Town of Breckenridge pursuant to the authority granted by Section 4-1-10-A3 of the Breckenridge Town Code. The term “**Finance Director**” when used in these regulations means the Finance Director of the Town of Breckenridge, or his designee acting pursuant to Section 1-7-2 of the Breckenridge Town Code.
3. **Adoption Procedures.** The procedures set forth in Chapter 18 of Title 1 of the Breckenridge Town Code were followed in connection with the issuance of these regulations. Notice of the adoption of these regulations was given in accordance with the requirements set forth in Section 1-18-3 of the Breckenridge Town Code.
4. **BOLT Ordinance – Defined.** When used in these regulations, the term “**BOLT Ordinance**” means the Town of Breckenridge’s Business and Occupational Licenses and Tax Ordinance, codified at Chapter 1 of Title 4 of the Breckenridge Town Code.
5. **Conflict With BOLT Ordinance.** These regulations are intended to supplement, and not conflict with, the BOLT Ordinance. If there is a conflict between these regulations and the BOLT Ordinance, the ordinance shall control.
6. **No Repeal of Other Finance Department Regulations.** These regulations do not repeal or replace any administrative rules or regulations, administrative guidelines, or any policies or procedures previously adopted or issued by the Finance Director pursuant to the BOLT Ordinance.
7. **Definitions.**
 - 7.1 All of the definitions in Section 4-1-2 of the BOLT Ordinance are incorporated into and made a part of these regulations.
 - 7.2 As used in these regulations “**accommodation unit license**” or “**license**” means a license for an accommodation unit issued by the Finance Director under the BOLT Ordinance.

- 7.3 As used in these regulations “**licensee**” means the person to whom an accommodation unit license has been issued by the Finance Director under the BOLT Ordinance.
- 7.4 As used in these regulations a “**local agent**” is a management company, rental agent, or individual who has been identified by the licensee as the licensee’s local agent for purposes of the BOLT Ordinance. See the definition of “local agent” in Section 4-1-2 of the BOLT Ordinance.

8. **Terminology.**

- 8.1 The pronouns in these regulations apply equally to all genders.
- 8.2 Wherever applicable within this Agreement, the singular includes the plural, and the plural includes the singular.

Part B – Self-Compliance Affidavit

9. **Self-Compliance Affidavit.**

- 9.1 At the time of the application for an initial accommodation unit license the record owner of the accommodation unit that is the subject of the application shall complete and deliver to the Finance Director, along with the application, a Self-Compliance Affidavit. The initial form of Self-Compliance Affidavit shall be that which is attached to these regulations as **Exhibit “A”**. The Finance Director may revise or replace the form of required Self-Compliance Affidavit by posting a new form of Self-Compliance Affidavit on the Town’s website. No formal amendment of these regulations shall be required for the Finance Director to revise or replace the required form of Self-Compliance Affidavit.
- 9.2 If the holder of an accommodation unit license was not required to or did not for any reason submit a Self-Compliance Affidavit to the Finance Director at the time the license was originally issued, such person shall submit a Self-Compliance Affidavit to the Finance Director at the next annual renewal of such license following the issuance of these regulations.
- 9.3 When submitted to the Finance Director the Self-Compliance Affidavit shall be complete and correct, and shall contain all information required by the form. No accommodation unit license will be issued until a properly completed Self-Compliance Affidavit has been received and approved by the Finance Director.
- 9.4 A Self-Compliance Affidavit that is submitted to the Finance Director shall be subscribed and sworn to before a notary public by the person

signing such affidavit. The notary's signature block in the jurat shall contain all information required by applicable law in order to make the notarization valid under the law of the state where such notarization occurred.

- 9.5 The record owner of the accommodation unit that is the subject of the application may designate an agent to sign the Self-Compliance Affidavit for such owner. Such designation shall be by a proper Power of Attorney or other form of authorization acceptable to the Finance Director. Subject to Rule 9.6, a record owner who has designated an agent to sign the Self-Compliance Affidavit for him is bound by the representations made to the Finance Director by such agent in the Self-Compliance Affidavit.
- 9.6 During the term of an accommodation unit license the licensee shall promptly notify the Finance Director in writing of any information in the Self-Compliance Affidavit filed with the Finance Director that the licensee determines is incorrect, incomplete, or misleading in any material respect. The failure of a licensee to correct a Self-Compliance as required by this Rule is a violation of the BOLT Ordinance.
- 9.7 At the time a request to renew an accommodation unit license is filed with the Finance Director the license holder shall review the Self-Compliance Affidavit form to make certain that the licensee is aware of all of the requirements for the licensed accommodation unit contained in the affidavit.
- 9.8 The Finance Director shall maintain a permanent record of all Self-Compliance Affidavits, Powers of Attorneys, and other documents related to a license or an application for a license submitted to him by an applicant for an accommodation unit license.

Part C – Local Agent

10. **Local Agent – Purpose.** The purpose of having a local agent is to have a person who will act as a local contact for the accommodation unit and who will promptly respond to the needs of guests occupying the accommodation unit, and who will also respond to complaints concerning the use or occupancy of the accommodation unit as required by these regulations.
11. **Designation of Local Agent Required.** Each licensee shall designate a local agent for the licensee's licensed accommodation unit. The form of designation shall be established by the Finance Director. The failure of a licensee to designate a local agent as required by this Rule is a violation of the BOLT Ordinance.

12. **Local Agent's Acceptance of Designation.** At the time of designation a local agent shall accept such designation in writing. The form of designation shall be established by the Finance Director; provided, however, the form of acceptance shall contain an acknowledgment that the local agent has read and is familiar with the local agent's duties and obligations under these regulations, and the possible consequences of the local agent not complying with these regulations.

Part D - Complaints

13. **Complaint Procedure.**

- 13.1 Complaints concerning the use or occupancy of a licensed accommodation unit may be made to the Town by contacting the Town online or through the Town's call center. The subject of the complaint may include, without limitation, such things as parking, trash, noise, or other concerns related to the accommodation unit. The Town's call center will provide the complaining party with a reference number for the complaint; however, no anonymous complaints made through the call center will be processed.
- 13.2 The local agent for an accommodation unit will be notified when a complaint concerning the accommodating unit has been received by the Town. The time that the local agent was notified shall be recorded by the call center.
- 13.3 The local agent is required to respond to and attempt to resolve the issue that was subject of the complaint within sixty (60) minutes of having been notified of the complaint, including visiting the site if necessary. Site visits should be made at the discretion of the local agent. The local agent shall promptly notify the Town's call center if the complaint has been successfully resolved. If the Town's call center does not receive notification from the local agent that the complaint has been successfully resolved with sixty (60) minutes of the agent having been notified of the complaint, it shall be presumed that the complaint has not been successfully resolved, and the complaining party may follow up with the call center with the reference number issued for the original complaint.
- 13.4 If the complaint involves the immediate health and safety of any person or property, the local agent shall immediately contact the appropriate local authorities and follow any direction(s) given to the agent by such authorities.
- 13.5 If a complaint is not resolved to the satisfaction of the complaining party, the complaining party may file a formal complaint with the Town. If a complaint is filed, it will be investigated by the staff of the Finance Department. If the staff determines that there are reasonable grounds to

believe that a violation of the BOLT Ordinance, or any of these regulations that is described as a violations of the BOLT Ordinance, can be proven by a preponderance of the evidence, then a hearing shall be held by the Finance Director pursuant to Section 4-1-10-1 of the BOLT Ordinance. If at a hearing the Finance Director determines that the licensee violated the BOLT Ordinance, or any of these regulations that is described as a violations of the BOLT Ordinance, the penalty for such a violation may include suspension or revocation of the licensee's accommodation unit license as provided in Section 4-1-0-10 of the BOLT Ordinance.

- 13.6 If a local agent fails to respond to a complaint within sixty (60) minutes as required by Rule 13.3, the staff of the Finance Department shall investigate the matter and if the staff determines that there are reasonable grounds to believe that a violation of Rule 13.3 by the local agent can be proved by a preponderance of the evidence, then a hearing may be held by the Finance Director pursuant to Section 4-1-10-1 of the BOLT Ordinance.
- 13.7 **Licensee Bound By Acts of Local Agent.** A licensee is bound by the actions (and inactions) of the licensee's local agent. The failure of the licensee's local agent to respond to a complaint as required by Rule 13.3 may properly be treated by the Finance Director as a violation of these regulations by the licensee, and may result in the Finance Director setting a formal hearing on the licensee's accommodation unit license pursuant to Section 4-1-10-1 of the BOLT Ordinance. If such a hearing is held and the licensee is found to have violated the BOLT Ordinance, the penalty for such a violation could include suspension or revocation of the licensee's accommodation unit license as provided in Section 4-1-0-10 of the BOLT Ordinance.
- 13.8 **Failure of Local Agent to Timely Respond to Complaints.** If a local agent fails two or more times within a period of twelve (12) consecutive months to respond to a complaint about the accommodation unit for which the agent has been designated within the sixty (60) minute time period described in Rule 13.3 the Finance Director may set a formal hearing on the possible suspension or revocation of the licensee's accommodation unit license for which the local agent is the designated agent. In addition to other penalties provided in the BOLT Ordinance, if it demonstrated to the Finance Director that the local agent has failed to timely respond to a complaint as required by these regulations two or more times within a period of twelve (12) consecutive months, the Finance Director may disqualify the local agent from being a local agent for any accommodation unit within the Town for a fixed period of time, not to exceed one (1) year.

Part E – Unlawful Acts

14. **Unlawful Act – Acting As Local Agent When Disqualified.** It is a misdemeanor municipal offense for any person to act as a local agent for an accommodation unit pursuant to the BOLT Ordinance at any time when such person has been disqualified from acting as a local agent by the Finance Director pursuant to Section 13.8 of these regulations. Such violation may be enforced in the Town’s Municipal Court pursuant to Section 4-1-10A3 of the BOLT Ordinance.

Part F – Questions

15. **Questions.** Questions concerning the Town’s Business and Occupational Licenses and Tax Ordinance or these regulations should be directed to the Finance Director of the Town of Breckenridge, 150 Ski Hill Road, PO Box 8629, Breckenridge, CO 80424, 970-547-3193.

Dated: _____, 2018

Brian Waldes, Finance Director
Town of Breckenridge, Colorado



Town of Breckenridge Self-Compliance Affidavit

Please note: All statements made must be initialed. Failure to initial any question will delay your license issuance.

Health & Life Safety Standards:

_____ Buildings, structures or rooms shall not be used for purposes other than those for which they were designed or intended.

_____ The street address, license number, and local agent is posted conspicuously within 5 feet of the front door.

_____ The operation of the short-term rental will comply with all town ordinances that apply to a residential dwelling.

_____ Smoke detectors are installed outside of each sleeping area, in each room used for sleeping purposes, and on each level of a living area, including basements.

_____ Carbon monoxide detectors are installed within fifteen feet of all potential sleeping rooms. If there is a fireplace in a sleeping room, carbon monoxide detector is required to be in the room.

_____ Wood Burning Fireplaces / Stoves - Fireplaces and flues are maintained in accordance with recognized standards and cleaned on an annual basis.

_____ Electrical panels shall be accessible at all times with 36 inches of clearance maintained in front of the panels, and shall be clearly labeled.

_____ Portable electric space heaters shall not be operated within 3 feet of combustible materials.

_____ Property Address - Property address is required to be visible from the street. Minimum 5 inches in height, permanently affixed on a contrasting background.

_____ Property must have properly functioning egress windows in all potential sleeping rooms.

_____ Property must be properly insured for short-term rentals.

Advertising:

_____ All advertising for this short-term rental shall include the active short-term rental license number.



Community Impacts:

- _____ Renters will be informed that on-street parking is not allowed.
- _____ Adequate parking spaces will be provided for renter's use.
- _____ Renters will be informed of the noise ordinance. No excessive or unreasonable noise will be permitted at any time.
- _____ Renters will be informed of trash / recycling regulations and scheduled trash pickup times.
- _____ A sufficient number of trash and recycling receptacles to accommodate all trash generated by those occupying the short-term rental property and all receptacles shall comply with Town Code.
- _____ If pets are allowed, renters will be informed of leash laws, pet waste disposal, and barking/noise considerations.
- _____ Accommodation unit licensee is aware of any applicable HOA rules relating to their accommodation unit.

By completing and signing this affidavit I (we) affirm that, under penalty of perjury, that I have inspected this property and that it complies with the above statements.

Owner Signature	Printed Name	Date
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Owner Signature	Printed Name	Date
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Subscribed and affirmed before me in the county of _____,
State of _____, this _____ day of _____, 20_____.

(Notary's official signature)

(Commission Expiration)



Memo

To: Breckenridge Town Council Members
From: Shannon Haynes, Assistant Town Manager
Date: 8/8/2018
Subject: Breckenridge Events Committee Resolution

At the work session on July 24th Council discussed the possibility of formally adopting the Breckenridge Events Committee as a temporary advisory committee. The decision to move forward with a resolution was due in part to the committee's current responsibilities which include but are not limited to:

- Evaluating current community concerns and other factors related to the number, types, and impacts of events;
- Providing guidance and direction on prospective events based on the ability of the event to accomplish established strategies that include: driving visitation, media, branding, animation/local community, and revenue, while also taking into consideration the cost (including resources) and how the event will be received by residents and businesses;
- Approving or denying, with the Special Event Permitting group, permit applications.

The attached Resolution would allow for the conversion of the current committee to a formal advisory committee. The details and structure dictated by the resolution have been discussed with the committee members and as a result there are a few items that are unique to this group. The distinctions noted below will allow the committee to continue to have diverse membership and representation from entities involved in a variety of ways in Breckenridge events.

- Membership is proposed to consist of up to twelve (12) individuals or for profit or nonprofit businesses;
- The initial committee members would consist of the following ten (10) members:
 - Breckenridge Tourism Office
 - Town Council Representative
 - Town staff member
 - Breckenridge Ski Resort
 - Breckenridge Grand Vacations
 - Beaver Run
 - Main Street Station
 - The Village at Breckenridge
 - Breckenridge Arts Coalition
 - Breckenridge Creative Arts

I will be available to answer questions at the work session on August 14th.

RESOLUTION NO. _____

SERIES 2018

A RESOLUTION CREATING A TEMPORARY ADVISORY COMMITTEE KNOWN AS THE
"TOWN OF BRECKENRIDGE EVENTS COMMITTEE"

WHEREAS, the Town Council of the Town of Breckenridge desires to create a temporary advisory committee, to be known as the "Town of Breckenridge Events Committee," to be organized and to operate as provided in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO, as follows:

Section 1. Creation. There is hereby created and established a temporary advisory committee of the Town to be known as the "Town of Breckenridge Events Committee" ("Committee"). The Committee shall operate in accordance with and subject to the provisions, duties, and limitations of this resolution.

Section 2. Membership on the Committee.

A. The Committee shall consist of up to twelve members approved from time to time by the Town Council. A member may be an individual, or either a for profit or nonprofit business entity. Membership on the Committee shall be based upon a member's relevance, interest, and involvement with events within the Town, and/or the impact of events within the community. Membership of the Committee will be based on the needs of the Committee as determined by the Town Council, and may change over time.

B. The initial Committee shall consist of the following ten members:

1. Breckenridge Tourism Office
2. Town Council Representative
3. Town staff member
4. Breckenridge Ski Resort
5. Breckenridge Grand Vacations
6. Beaver Run
7. Main Street Station
8. The Village at Breckenridge
9. Breckenridge Arts Coalition
- 10..Breckenridge Creative Arts

C. All members of the Committee shall serve at the pleasure of the Town Council. Any member may be removed at the pleasure of the Town Council.

D. Committee membership shall always include a representative from the Town staff, a representative from the Breckenridge Tourism Office, and a representative from the Town Council. However, not more than one member of the Town Council may be a member of the Committee, and the Mayor of the Town may not be a Member of or representative to the Committee.

E. A member entity must have a business office located within the corporate limits of the Town of Breckenridge.

Section 3. Members to Designate Representative(s). Each member entity shall, from time to time, designate one or more individuals to act as the member's representative on the Committee. A member representative need not be a resident or elector of the Town. A member representative shall have fully authority to act for such member with respect to all decisions and other actions of the Committee. A member may change its representative at any time in its sole and absolute discretion.

Section 4. Compensation. Members of the Committee shall serve without compensation. A member entity may compensate its designated representative for its service on the Committee in the member's sole and absolute discretion.

Section 5. Duties and Responsibilities. The Committee shall have the following duties and responsibilities:

1. To effectively function as the single, primary point of contact for evaluation of potential events against agreed upon event strategies including, but not limited to:
 - Increasing visitation
 - Media
 - Branding
 - Animation/local community
 - Revenue
2. To identify potential impacts on Town and citizens requiring extra vetting; street and parking closures, trail use, noise, multi day events; and
3. To perform such other functions and duties regarding events as may, from time to time, be delegated by the Town Council, or which are provided for by Town ordinance or resolution.

Section 6. Operation. The Committee shall elect a chair and a vice-chair from its members (including designated representatives of members), together with such other officers as the Committee shall deem appropriate. The Committee shall keep an electronic record of its meetings and shall further keep written minutes thereof as required by the Colorado Open Meetings law. A majority of the current members of the Committee shall constitute a quorum for the transaction of business.

Section 7. Meetings. The Committee shall meet at Town Hall, or such other location within the Town as the Committee shall determine. The Committee shall meet on such dates as the Committee may determine. All meetings of the Committee shall be subject to the same open meeting laws and requirements as are applicable to the meetings of the Town Council.

Section 8. Rules and Regulations. The Committee may adopt rules and regulations governing its operation; provided, however, that no such rule or regulation, or any amendment thereto, shall become effective until such rule, regulation or amendment has been approved by the Town Council.

Section 9. Effective Date. This resolution is effective upon adoption.

RESOLUTION APPROVED AND ADOPTED this 14th day of August, 2018.

TOWN OF BRECKENRIDGE

By _____
Eric S. Mamula, Mayor

ATTEST:

Helen Cospolich, CMC, Town Clerk

APPROVED IN FORM

Town Attorney Date



Memo

To: Breckenridge Town Council Members
From: Peter Grosshuesch, Director of Community Development
Date: August 8, 2018
Subject: Planning Commission Decisions of the August 7, 2018 Meeting

DECISIONS FROM THE PLANNING COMMISSION MEETING, August 7, 2018:

CLASS A APPLICATIONS:

1. Denison Apartments, 1910 Airport Rd, PL-2018-0206:

A proposal to construct two apartment buildings totaling 26,632 sq. ft., sited on 1.2742 acres and featuring 16 deed restricted employee units and 16 market rate units with a short term rental restriction. *Approved.*

2. Denison Placer Subdivision, PL-2018-0237, TBD Floradora Drive:

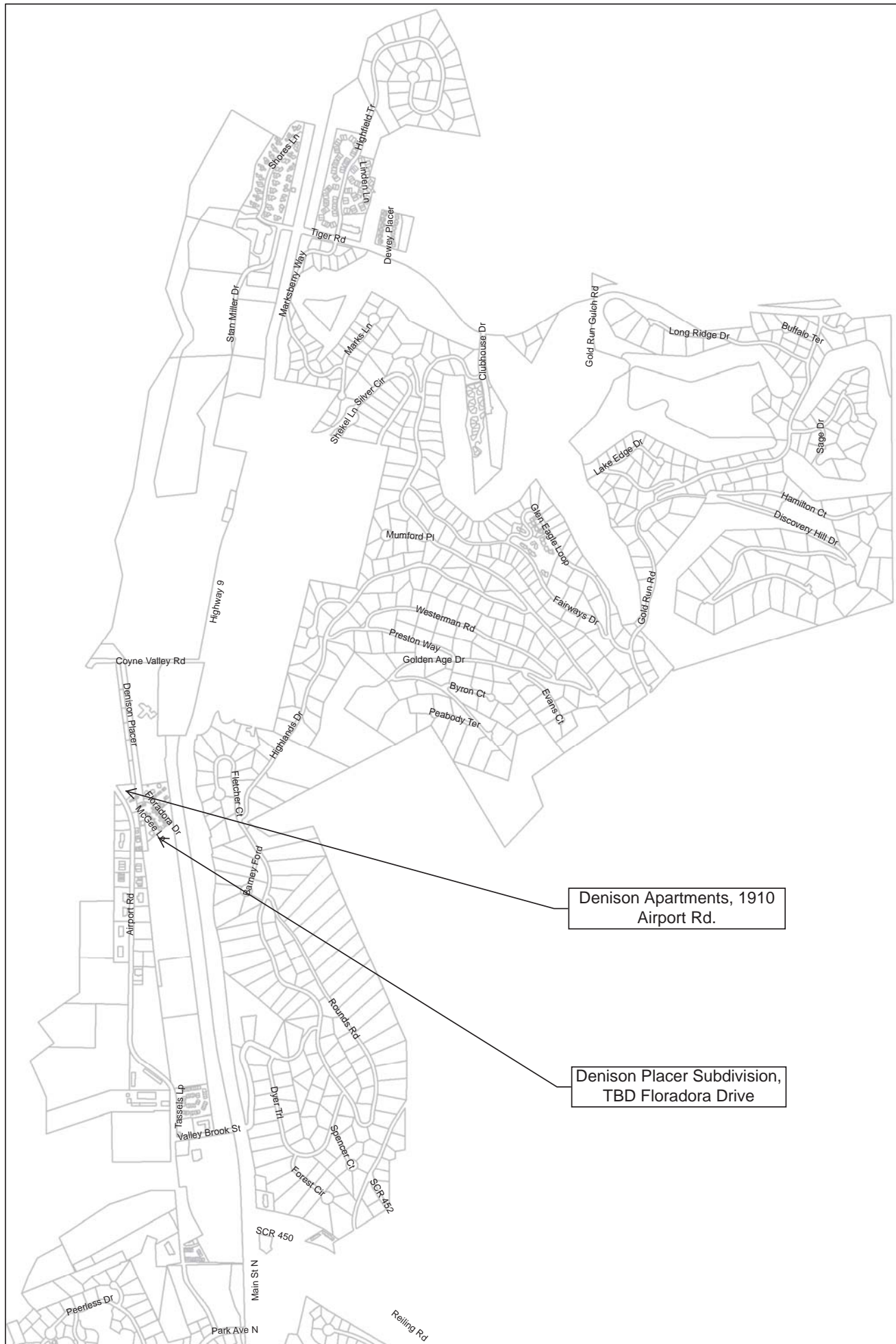
A proposal to resubdivide Denison Placer, Lot 7 to create a total of 4 new lots and dedicate additional right of way for Floradora Drive and Fraction Rd. *Approved.*

CLASS B APPLICATIONS: None.

CLASS C APPLICATIONS: None.

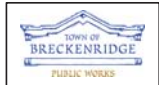
TOWN PROJECT HEARINGS: None.

OTHER: None.



Denson Apartments, 1910
Airport Rd.

Denson Placer Subdivision,
TBD Floradora Drive





Breckenridge South



PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Chair Mathews-Leidal.

ROLL CALL

Christie Mathews-Leidal	Jim Lamb	Ron Schuman
Mike Giller - Absent	Steve Gerard	
Dan Schroder	Gretchen Dudney	

APPROVAL OF MINUTES

With no changes, the July 17, 2018 Planning Commission Minutes were approved.

APPROVAL OF AGENDA

With no changes, the August 7, 2018 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No Comment

FINAL HEARINGS:

1. Denison Apartments (CK), 1910 Airport Rd, PL-2018-0206

Mr. Kulick presented a proposal to construct two apartment buildings totaling 26,632 sq. ft., sited on 1.2742 acres and featuring 16 deed restricted employee apartments and 16 market rate apartments with a short term rental restriction.

Commissioner Questions/Comments:

Mr. Schuman: The snow storage plan was not covered previously. Can you show it on the map? (Mr. Kulick showed the snow stack area on the map.) They will be plowing up hill. (Mr. Kulick- It is a very realistic snow stack area. Some snow will slide back due to the slope but it meets our requirements.)

Ms. Leidal: Is engineering ok with the grading? (Mr. Kulick- We have met with Town Engineer Shannon Smith and Kenny Thaermert and they are both ok with the grading.) In an effort to not set precedent to offsite grading. I feel that adding a finding might be appropriate. There is already a note to attain approval from the adjacent property owner in Continental Court. Can we add a finding for approval from the adjacent property? (Mr. Kulick - Yes we can add a finding and conditions to the document why we are allowing grading.) (Mr. Thaermert – We currently have a grading permit from Engineering that is subject to the approved Development Agreement.) The added finding would be specifically for avoiding setting a new precedent for offsite grading.

Is there a sidewalk on the other side of the street, across from CMC? Why not continue the sidewalk? (Mr. Thaermert - It will connect to the existing sidewalk.)

No public comments.

Mr. Lamb: I support the analysis and appreciate the diversity in architecture. Drainage has been terrible in that location and I am ok with the grading, it is sorely needed.

Mr. Schroder: I support staff analysis and support the project.

Mr. Gerard: I support staff analysis and the project fits in nicely with the surroundings. I also support taking care of the current water issues.

Ms. Leidal: I support staff analysis with the additional finding and condition.

Mr. Gerard made a motion to approve with the additional findings and conditions (listed below), seconded by Mr. Schuman. The motion passed unanimously.

Finding

7. Offsite grading and site disturbance associated with drainage improvements to the site is allowed with the permission of neighboring property owners due to the unique site characteristics and approved Development Agreement with the Town of Breckenridge.

Condition

6. Permission for all offsite site disturbance and grading associated with drainage improvements must be obtained from adjacent property owners prior to the commencement of any offsite grading or site disturbance.

PRELIMINARY HEARINGS:

1. Noble House Addition, Restoration, Change of Use and Landmarking (CL), 213 S. Ridge Street, PL-2018-0069: Mr. LaChance presented a proposal to remove a non-historic addition, relocate the house 5 feet to the east, construct a new addition with connector element and garage on the west end of the property, change the use to residential, renovate the structure, and designate the historic structure as a Local Landmark.

Commissioner Questions/Comments:

Mr. Gerard: In regards to moving the structure, the report states if you are relocating less than 3 feet it incurs -3 points and between 5-10 feet, it incurs -10 points. (Mr. LaChance: The applicant will adjust the distance to 4'-11". Good point, thank you.)

Mr. Schroder: Does the ridgeline pertain to the original historic structure? (Mr. LaChance: As it pertains to Priority Design Standard 80A, I believe this Standard instructs us to measure the difference in height between the historic residential structure and the proposed addition.)

Ms. Dudney: In the precedents that you reviewed, was the difference in height measured using ridgeline or mean roof elevation? (Mr. LaChance: I did not review the method of measurement for all of the precedents.) (Mr. Truckey: It make sense in the project to look at ridgeline because we are looking at the visual difference between the two structures.) Does it have a capitalized building height in the design standards? (Mr. LaChance: No, it does not.)

Mr. Gerard: (Mr. Gerard read from the staff analysis.) It seems to be focused on ridgeline height. There is a definition in the Town Code, Policy 6 regarding building height measurement.

Mr. Schuman: Is the positive three (+3) points recommended by staff for historic preservation due to the positive five (+5) points they received in 1997? (Mr. LaChance: No. There have changes to Policy 24/R since 1997 in regards to point assignments. We think it fits the current conditions.)

Ms. Leidal: (Read from the code about moving structures.) This means you need to do a full restoration when moving the structure. (Mr. LaChance- Section F. was implemented in 2013, which provides a negative point assignment for the moving of historic structures. Since that time, there have been 2 precedents where a project has received negative points for the relocation of a historic structure but also received positive points for historic preservation. Those projects are two that I mentioned earlier, the Old Enyeart Place project at 112 S. Harris, and the Marvel House project at 318 N. Main St. Both received negative points, negative three (-3) and negative ten (-10) points respectively, for moving the house. Both also received positive six (+6) points for historic preservation efforts similar to this project.)

Mr. Lamb: We did discuss banking positive points in a past discussion. (Mr. Truckey: We talked with Tim Berry about earning positive points even if the code requires restoration such as a

foundation when a structure is moved. Tim believes that the project can still accrue positive points for historic restoration in this situation. The ultimate point assignment is up to the commission to determine.)

- Mr. Schroder: It seems the plumbing, electrical, and mechanical changes are being counted for the positive points. Is there a period of time we would allow stacking points?
- Ms. Leidal: If they are doing new improvements, it shouldn't be considered stacking.
- Mr. Schuman: I can't imagine an instance when we would stack points. (Mr. Kulick: It is different than point banking, you have to look at each new item.)
- Mr. Lamb: What if every few years the same house gets positive three (+3) points for the same restoration?
- Ms. Dudney: I support erring on the side of positive points to encourage preservation. (Mr. Truckey: Called out the restoration work that had occurred in 1997. The restoration work proposed now is different in scope so should qualify for positive points.)
- Ms. Dudney: It is a huge expense to improve the plumbing, electrical and mechanical and that is why there is a difference in the points between positive three (+3) and positive six (+6).
- Ms. Leidal: Is there an addition of a window well? (Mr. LaChance: Under the listed changes since the first Preliminary Hearing in the staff report, the report should read "removal of two window well on the west side of the house", versus "addition".)

Janet Sutterley, Architect, Presented:

The two window wells on the west side will be removed and one will be replaced on the south side. This makes sense for egress. The retaining wall will work inside the 8 feet if any problems arise but it is just nicer if it comes out a bit. I too researched precedent regarding connectors that were allowed by the Commission to be shorter than required by Priority Design Standard 80A, and came up with the same four projects as Chapin. If the Marvel House had the calculation per Priority Design Standard 80A applied, the connector would need to be 37 feet long. In this case it was decided by the Commission that the length formula did not work at all. This is what the massing would look like if the full length is required per Priority Design Standard 80A (provides drawing to Commission). The reason to show this is because the math formula doesn't work here and it won't look right. The massing is correct as proposed and it is designed to look proportionally correct. The connector looks short on the north side because the garage is blocking it but it is the same as the south side. Using the math formula per Priority Design Standard 80A would lead to a funny looking addition in the back. When I go through the list of examples for positive six (+6) points under Policy 24/R, we meet everything on there. I want to make sure we are not double dipping the reverse way because we need a foundation under the building. In 1997 they said they put a new roof on but we are gutting this house and in doing so we will sister the roof rafters to meet Building Code. There were problems with the current roof because they didn't solve the structural problems. I feel like that is not spelled out well so please consider that. Some siding needs to be restored and some needs to be added. The west wall is being restored but we don't know what is in there now. (Mr. Schuman: Are you restoring historic doors and window openings?) Yes. The east side are the original openings. We think we will find more when we pull the interior off.

- Mr. Lamb: What length would the staff like to see for the connector? (Mr. LaChance: There is a point where it could become too long, of course. Based on the precedent that we have reviewed tonight, we know the Commission has found this to be the case in the past and allowed a shorter connector. The Old Enyeart house is an example where the connector met the one-half length of the historic structure but did not meet the additional requirement based on building height difference. The stated intent of Priority Design Standard 80A is to show separation between the buildings.) (Mr. Kulick: Intent is to show separation but we know the math doesn't always work, for example a very deep house would not work.)
- Ms. Dudney: It seems the formula is trying to prevent a very tall addition from being installed and that is probably why the math formula is included. Unfortunately, it ends up discouraging the preservation for a lot like this. Would someone ever spend the money to put in a 10 foot

wide addition? I don't know how we get around the Code.

(Mr. LaChance read from Priority Design Standard 80A, emphasizing the words "should", "preferred", and "required".)

Mr. Gerard: The word 'Should' does not mean mandatory in legal terms. Ms. Dudney is right in her assumption of why we are looking at this. It is to disallow the giant new building. The clause in Policy 80A also says "In general", so we have flexibility and can add findings to make it appropriate.

Mr. Lamb: We need to follow the intent of the Design Standard. The word 'should' gives you some wiggle room. We can look at this drawing and decide if the formula works, and if not, we can make adjustments. (Mr. Truckey: Priority Design Standard 37 requires the addition to be visually subordinate to the historic structure, so if you find that the proposal complies with Priority Design Standard 37, then perhaps that gives you some flexibility as to how you implement Priority Design Standard 80A.)

Ms. Leidal: What is the floor to ceiling height above the garage? (Ms. Sutterley: 9 ft.) You could drop the height in order to reduce the required connector length per 80A, but it might not look right. (Ms. Sutterley: It would look funny.) Mr. LaChance mentioned horizontal board on board siding. Is that proposed? (Ms. Sutterley: No. Ms. Sutterley explained the siding choices on the structures.)

Public Comments:

Jan Radosevich, 213 ½ South Ridge Street:

The fence that the staff is requesting to be cut down to 3 feet is my fence and on my property. I maintain the fence. It defines my backyard and has for many years. It is my fence. I have a staff report from 1994 and a survey from Baseline that shows the fence on my property. Please don't take that fence down.

Ms. Dudney: What will happen with this fence situation? Two surveys show the same fence on different property.

Ms. Leidal: Are you opposed to them moving it back 2 inches? (Ms. Radosevich: I could think about that but it is an adverse possession condition, which the requirement in Colorado is 18 years.) (Mr. LaChance: Staff can consult with Town Attorney prior to the Final Hearing and get back to the Commission then regarding the fence.)

Mr. Lamb: We can work through the fence issue. The connector requirement in Priority Design Standard 80A equates to an Absolute Policy, but the proposed connector is doing its job and meeting the intent. It is an extensive renovation and it should get positive six (+6) points for historic preservation.

Mr. Schuman: I think if we get more detail at Final Hearing, I could be swayed into positive six (+6) points preservation. Right now I am between positive three (+3) and positive six (+6) points for historic preservation. You are close but I need to see more detail. The connector fits as proposed and accomplishes 80A. Regarding the fence, Jan should not lose the fence.

Ms. Dudney: I agree with Mr. Lamb and Mr. Giller. I am in favor of the positive six (+6) points for historic preservation. I believe we can address the connector length with a finding.

Mr. Schroder: The connector fits the property and the design. It meets the definition of a connector and Priority Design Standard 80A. I think adding a Finding is the appropriate way to go. I support as presented. The fence may not be on the project's property, if this is the case then it should not be in our review. It would be great if it ended up as the neighbors. I support positive three (+3) points for historic preservation instead of (+6) points.

Mr. Gerard: I don't think the calculation regarding the length of the connector per Priority Design Standard 80A is mandatory. First it has to be 6 feet long, then it has to be at least half the length of the historic façade. From there, it is about architectural fitting. The measurement of height is Policy 9-1-19-6A and it is a mean elevation. I agree with positive three (+3) points for historic preservation and no more. You want to move this house, but you don't

have to move this house. I think it is generous to allow moving it 5 feet. The window well that is now proposed in the front yard pushes it forward even more. I don't want to establish precedent for awarding extra positive points for the moving a historic house and doing what you are required to do anyways. The fence is not an issue and should remain.

Ms. Leidal: I agree with positive three (+3) points for historic preservation. Policy 24/R requires full restoration when moving a historic structure. The intent of the Priority Design Standard 80A regarding connectors is met and should be addressed with a finding. I also think Policy 9/A allows the Commission to allow eave encroachments into an Absolute setback of up to 18". As the eaves of the addition are proposed to encroach into an Absolute setback requirement in the rear, we need another Finding to say we allow the eave encroachment. I would like to discuss the board on board siding. Design Standards 90 and 165 call for material that is compatible with the historic district such as 4" reveal siding, and I ask the staff to please consider that. I want the fence to belong to the neighbor and I hope it doesn't have to be taken down. I am sure staff and the Town Attorney can work that out.

Mr. Gerard: One last thought. I appreciate you labeling the "barn" as a "garage" with the latest plan revisions, and for calling it what it is. Thanks.

COMBINED HEARINGS:

1. Denison Placer Subdivision (JL), TBD Floradora Drive, PL-2018-0237

Mr. Lott presented a proposal to resubdivide Denison Placer, Lot 7 to create a total of 4 new lots and dedicate additional right of way for Floradora Drive and Fraction Road.

Commissioner Questions/Comments:

Mr. Gerard: Are you talking about the existing rec path? (Mr. Lott: No, a new, proposed path)

Mr. Schroder: In the last meeting we were presented a traffic calming plan. Will that be put in place before all the phases? (Mr. Lott: Yes).

Ms. Leidal: Can transit buses and fire trucks fit through the roundabout and other calming features? (Mr. Lott: Yes, they were considered in the planning process.) What is the excess parking easement referenced in note 6? (Ms. Best: Explained where the parking easement is on lot 5. The note will be removed prior to recording.) No text showed for condition number 9. Why? (Mr. Lott: That was an error and it should be eliminated.)

Mr. Schroder: Is Parcel D skier parking? (Ms. Best: That is currently school district property and is in process of being traded to the Town for another parcel. The access to the parking and the neighborhood will be different.)

Ms. Leidal: I love the sidewalk along the rec path.

No Public Comment.

Mr. Schuman made a motion to approve, seconded by Mr. Lamb. The motion passed unanimously.

OTHER MATTERS:

1. Town Council Summary - Mr. Truckey provided a review of the most recent Town Council Meeting:
 - New transit bus bays were approved
 - Short term rental restrictions discussions. Additional fee on short term units except where there is a 24 hour front desk.
 - Appeal from the Brown Hotel that would allow outside music to exceed the established decibel limit. Council denied the appeal.

ADJOURNMENT:

The meeting was adjourned at 7:40pm.

Christie Mathews-Leidal, Chair



Scheduled Meetings

Shading indicates Council required attendance – others are optional

The Council has been invited to the following meetings and events. A quorum may be in attendance at any or all of them.

August 2018

August 10th - 19th, 2018	All Day	Throughout Town	BIFA
Tuesday, August 14, 2018	3:00pm / 7:00 pm	Town Hall Chambers	First Meeting of the Month
Tuesday, August 28, 2018	3:00pm / 7:00 pm	Town Hall Chambers	Second Meeting of the Month
August 30th, 2018	4:30pm - 5:30pm	Golf Course Clubhouse	Coffee Talk / Happy Hour
Aug. 31st - Sept. 3rd, 2018	All Day	Main Street	Labor Day Sidewalk Sales

September 2018

September 1st, 2018	All Day	Throughout Town	Great Rubber Duck Race
Sept. 7th - 9th, 2018	All Day	Main Street	24th Annual Oktoberfest
Tuesday, Sept. 11, 2018	3:00pm / 7:00 pm	Town Hall Chambers	First Meeting of the Month
Sept. 13th - 16th, 2018	All Day	Throughout Town	Breckenridge Wine Classic
Sept. 20th - 23rd, 2018	All Day	Throughout Town	Breckenridge Film Festival
Tuesday, Sept. 25, 2018	3:00pm / 7:00 pm	Town Hall Chambers	Second Meeting of the Month

Other Meetings

August 14th, 2018	Board of County Commissioners Meeting Workforce Housing Committee	9:00am / 1:30pm 1:30pm
August 16th, 2018	Northwest CO Council of Governments	10:00am
August 20th, 2018	Breckenridge Creative Arts	4:00pm
August 21st, 2018	Board of County Commissioners Meeting Liquor & Marijuana Licensing Authority Planning Commission Meeting	9:00am 9:00am 5:30pm
August 22nd, 2018	Summit Combined Housing Authority Childcare Advisory Committee	9:00am 3:00pm
August 23rd, 2018	CAST RW&B Board Meeting	7:45am 3:00pm
August 27th, 2018	Open Space & Trails Meeting	5:30pm
August 28th, 2018	Board of County Commissioners Meeting	9:00am / 1:30pm
August 29th, 2018	Summit Stage Transit Board Meeting	8:15am
August 30th, 2018	QQ - Quality and Quantity - Water District	10:00am



Scheduled Meetings

Shading indicates Council required attendance – others are optional

The Council has been invited to the following meetings and events. A quorum may be in attendance at any or all of them.

September 4th, 2018	Board of County Commissioners Meeting	9:00am
	Planning Commission Meeting	5:30pm
September 5th, 2018	Breckenridge Events Committee	9:00am
	I-70 Coalition	10:00am
	Childcare Advisory Committee	3:00pm
September 11th, 2018	Board of County Commissioners Meeting	9:00am / 1:30pm
	Workforce Housing Committee	1:30pm
September 12th, 2018	Breckenridge Heritage Alliance	Noon
September 13th, 2018	Upper Blue Sanitation District	5:30pm
September 17th, 2018	Breckenridge Creative Arts	4:00pm
September 18th, 2018	Board of County Commissioners Meeting	9:00am
	Liquor & Marijuana Licensing Authority	9:00am
	Planning Commission Meeting	5:30pm
September 24th, 2018	Open Space & Trails Meeting	5:30pm
September 25th, 2018	Board of County Commissioners Meeting	9:00am / 1:30pm
September 26th, 2018	Summit Stage Transit Board Meeting	8:15am
	Summit Combined Housing Authority	9:00am
September 27th, 2018	Transit Advisory Council Meeting	8:00am
	Breckenridge Tourism Office Board Meeting	8:30am
	RW&B Board Meeting	3:00pm
October 25th, 2018	Northwest CO Council of Governments	10:00am
	CAST	7:45am
December 5th, 2018	QQ - Quality and Quantity - Water District	9:00am