



TOWN OF
BRECKENRIDGE

Planning Commission Meeting Agenda

Tuesday, September 18, 2018, 5:30 PM

Council Chambers

150 Ski Hill Road

Breckenridge, Colorado

5:30pm - Call to Order of the September 18, 2018 Planning Commission Meeting; 5:30pm Roll Call

Location Map 2

Approval of Minutes 3

Approval of Agenda

5:35pm - Public Comment On Historic Preservation Issues (Non-Agenda Items ONLY; 3-Minute Limit Please)

5:40pm - Final Hearings

1. Noble House Addition, Restoration, Change of Use, and Landmarking (CL) 213 S. Ridge St.; PL-2018-0069 6

6:10pm - Combined Hearings

1. 4th Resubdivision, Peak 8 Subdivision (CK) 1599 Ski Hill Road; PL-2018-0391 41

6:40pm - Other Matters

1. Town Council Summary (Memo Only) 51

6:45pm - Adjournment

For further information, please contact the Planning Department at (970) 453-3160.

The indicated times are intended only to be used as guides. The order of the projects, as well as the length of the discussion for each project, is at the discretion of the Commission. We advise you to be present at the beginning of the meeting regardless of the estimated times.



4th Resubdivision Peak 8 Subdivision, 1599 Ski Hill Rd.

Noble House Addition, Restoration, Change of Use, and Landmarking, 213 S. Ridge Street



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
Mike Giller
Dan Schroder

Jim Lamb
Steve Gerard
Gretchen Dudney

Ron Schuman

APPROVAL OF MINUTES

With the change below, the August 21, 2018 Planning Commission Minutes were approved.

Ms. Leidal – Please add a note to the Fowler Residence report that staff handed out new findings and conditions at the meeting.

APPROVAL OF AGENDA

With no changes, the September 4, 2018 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No Public Comments

PRELIMINARY HEARINGS:

1. 319 N. French Street Remodel and Addition (CK), PL-2018-0367, 319 N. French Street

Mr. Kulick presented a proposal to rehabilitate, locally landmark, and add a connector to the existing historic residence on North French Street.

Commissioner Questions/Comments:

Mr. Schroder: Is there an assumption that the module is to be connected on a level grade? (Mr. Kulick: We couldn't find precedence where a one-story connector was used on this type of grade and this much elevation change. It is unusual.)

Ms. Leidal: Is there mass bonus precedence like this in the past? (Mr. Kulick: We have never faced this mass question before. This is the first scenario asked of this situation. We have had one or two where we inadvertently assumed they were eligible for a 20% mass bonus in LUD 18.)

Ms. Dudney: Why is there no mass bonus in LUD 18? (Mr. Kulick: There probably wasn't as much programming on-site in this area historically. In Policy 4R, the section in question has never been changed. (Mr. Grosshuesch: I think it has to do with the nature of the surviving historic structures character area being quite small.)

Mr. Lamb: We talked about this before but I don't remember what we came up with.

Ms. Puester: We have had subsequent conversations with the state since our discussions earlier this summer on the Land Use District 18 mass bonus work session. We will be looking at some revisions to the Handbook of Design Standards and code to address some of those conversations. However, either way, the section of the code has not changed and the Commission needs to review it under the current code. There are no pending changes at this time. Nore Winter has been contract to help us with some recommendations on the Handbook but that will be months from now. This current code is Policy 4R (Mass) that Suzanne is asking about.

Mr. Schroder: This is not below ground right? Is it underground? (Mr. Kulick: They do have certain portions shown as below ground. Per our code there is a threshold for above and below. It is our opinion that mass should be based only on the above ground portion since mass is the

- total of above ground square footage.)
- Ms. Leidal: The code does allow duplexes in this district. This looks like a duplex. There is a wet bar, two kitchens, cubbies, a lock off area. What would change if it were a duplex? It would change the parking. Would it change mass or density? (Mr. Kulick: No, a duplex has the same 1,600 sq. ft. multiplier as single-family home. They haven't proposed it as a duplex (but a separate lock-off would incur additional fees).)
- Mr. Lamb: It looks like a lock off or mother in law unit. Just keep that in mind as we move forward.
- Ms. Dudney: What are the recommendations from staff on the connector? (Mr. Kulick: Sometimes there is some flexibility in Policy 80A. This is definitely a unique situation because of the steep grade and have no precedent for a one-story connector on a steep slope. The applicant agrees they still need to do some work on the connector. We would like to hear what the commissions thoughts are on the connector.)

Suzanne Allen-Sabo, Architect, presented:

We are working through alot of the problems but the big one is the square footage. The client had been looking at the property for some time. I talked to Mosh back when he was still working here and got the spreadsheet that he created for staff use and it was a 20% mass bonus across the board, in all land use districts. After Mosh left, staff then figured out that this was incorrect. The client purchased the property with that assumption. The way I understand the density bonus is that we get the 700 square feet underneath as a bonus. So we added it to the density we already have. That's how I came to my conclusion. I would love to hear your comments on the connector, but the mass is the main issue. (Mr. Schroder: From the street view this looks like a duplex. Is it a duplex?) They did include a caretaker apartment but that has been changed and the applicant doesn't want that anymore. If we have to cut 650 square feet from the design we will be doing a complete redesign. Keep in mind it is one of the smallest historic residences in Town. All of the drainage is into the building and that will have to be fixed. It is a challenge to keep the rest of the structure lower. (Mr. Giller: There is a shift on the site plan. Are you shifting the building?) Originally we were. Then it turned out we didn't need to shift it.

Public Comments:

Bill Tinker, Owner, 315 N. French Street:

It is quite large. I always envisioned the little house would be more centered on the site because it was over the north property line. The proposal doesn't look like a historical building on site. This has big gable roofs like a Shock Hill home and different finishes, too much glass, not a historic home. It appears like two different main buildings and it is shocking and odd. That is my personal opinion. I would like to make sure they preserve the existing buffer trees between the property.

Michael Bertaux, Owner, 317 N. French Street:

I am here primarily to protect my water line between the properties. I do have an easement to protect that line. I would have solved the problem of the property line by centering the building. It does look like two buildings. The proposed front chimney does not look historic at all. Reminds me of the Who's Next album. We hope to protect our landscaping as well. The neighbors on the north are out of town and they are concerned about the destruction of their trees during construction and would like those removed. If you move the house to the center, the connector problem goes away. Did staff suggest moving it? (Mr. Kulick – We asked them to keep the house in its original location.) If they are taking the whole house up why not let them move it. This is a survey issue from some time ago.

Bill Tinker added:

We spoke with Mosh years ago about developing this property. He told us we could move the historic structure but not rotate it and did not mention negative points. He stated the height could not be changed. That was Mosh's comments. If that were true it would take care of these problems. (Ms. Puester: The code changed a few years ago to give negative points when you move it. The preference is to keep the building in

its original space.) (Mr. Grosshuesch: We have gotten several negative comments from the state about moving historic structures, especially when increasing mass.) Mosh also said that there were two additions since to the original building and the back section is not historical and you can get rid of that. I measured it at 278 sq. ft. What you get for developing that density was free density under the building. (Ms. Puester: Clarified that recently moving historic structures in Policy 24R and gave examples of the negative points that would be incurred.)

Suzanne Allen-Sabo: We thought about using two connectors. Because we are connecting the addition at the back it won't work.

Public hearing was closed.

Commissioner Questions/Comments:

Ms. Dudney: Given what is said about the mass I don't think I can interpret it any other way than what Mr. Kulick said. I think we have flexibility with the connector because you can't have only 1 ½ stories in this situation. I agree with staff on all other design issues.

Mr. Lamb: I agree with staff 100%. It is too high, and out of scale. It has too many windows. The site buffering has been taken care of. I agree with Gretchen on the mass.

Mr. Schuman: I agree with staff on points 1, 2, 3, and 4. The landscaping and buffering will change. There is a huge amount of program and it overwhelms the site. Not sure what we will see when it is not -48 points.

Mr. Giller: I think it is good that the addition is lower. I think the 2 foot inset on the north side of the connector should be met. The fifth item is the location. I support leaving the primary structure in the historic location. I agree with Mr. Kulick on the height, width, and scale. You need to reduce windows on the connector. The windows and doors makes it look like a modern design in the historic district. I look forward to the resubmission. I could be flexible on the connector height.

Mr. Schroder: I agree with staff on the height, width, and scale. We have used flexibility in the past on the connectors. I think we can let the connector remain taller because the slope is falling away. Another alternative is a bridge with air flowing underneath, which I don't think is appropriate at all. The design and material is out of character. The windows and doors allow too much void to solid. I look forward to seeing the modifications.

Mr. Gerard: I think the staff report is very thorough. The big problem is with the connector. The policy says it shall not exceed 1 story in height and that is a mandatory policy. I was thinking a bridge in the back or allowing it to come out the side would be a solution. Then it might not look as much like two buildings. Fitting this into the lot is a real challenge. I am concerned and think we shouldn't change the 1 story height requirement of the connector. I agree with staff on the mass and other points.

Ms. Leidal: I appreciate the thorough staff report. On issues 1-5 I agree with staff and agree with staff on the mass interpretation. I am willing to look at the connector if it is over one story, but would also appreciate any change to make it lower.

OTHER MATTERS:

1. Town Council Summary (Memo Only)

ADJOURNMENT:

The meeting was adjourned at 6:34 pm.

Planning Commission Staff Report

Subject: Noble House Restoration, Addition, Change of Use, and Landmarking
(Class B Minor Historic, Final Hearing; PL-2018-0069)

Proposal: The applicant proposes the removal of a non-compliant 1997 addition, the relocation of the historic house 5 ft. to the east, construction of a connector element, new addition and garage on the west end of the property totaling 1,193sq. ft. above ground, a new 1,040 sq. ft. basement, installation of a full foundation under the historic house and the new addition, change of use from commercial to residential, and the local landmarking of the historic structure.

Date: September 14, 2018 (For meeting of September 18, 2018)

Project Manager: Chapin LaChance, Planner II

Property Owner: Glendale DV, LLC

Agent: J.L. Sutterley, Architect

Address: 213 S. Ridge St.

Legal Description: Abbetts Addition Subdivision, Block 13, Lot 7 (A Resubdivision of Abbett Addition, Block 13, Lots 6 &7)

Site Area: 0.083 acres (3,634 sq. ft.)

Land Use District: #18-2:
Residential: 20 Units per Acre (UPA);
Commercial: 1:1 Floor Area Ratio (FAR)

Historic District: #3 - South End Residential Character Area
9 Units per Acre (UPA), up to 12 UPA with negative points

Site Conditions: The lot is relatively flat, with an existing 1,152 sq. ft. historic home. There is a platted 8 ft. wide utility easement on the south side of the lot. According to a December 14, 2017 survey, the house is setback from the eastern property line 21.1'. There is a 9.3' x 8.7' shed building along the western property line. There is a concrete driveway on the north side of the property, a flagstone patio and walk connecting the front porch and the S. Ridge St. sidewalk, and a 3' tall metal fence encompassing the front yard. There is an existing 6' tall wooden board fence on the lot, along the western lot boundary. The lot contains four (4) 9"-11" caliper Aspen trees at the southeast corner of the lot, and four (4) 4"-6" caliper Aspen trees, two (2) 12" – 18" Lodgepole Pine, and an 8" Spruce along the northern property line.

Adjacent Uses:

North:	Aurum Restaurant and Apt. (Mixed Use Commercial/Residential)
East:	Ridge St., Wendell Square Condo (Commercial/Residential)
South:	Legends Restaurant (Commercial)
West:	Single Family Residential

Density:

Allowed total per LUGs:	3,634 sq. ft. (Commercial @ 1:1 FAR) 2,670 sq. ft. (Residential @ 20 UPA)
Allowed per Character Area #3 Design Standards:	1,201 sq. ft. (9 UPA) maximum recommended (above ground) 1,602 sq. ft. (12 UPA) maximum allowed with negative points per Policy 24 (Absolute)
Existing:	982 sq. ft. (per submitted as-built drawings)
Proposed:	1,193 sq. ft. above ground (8.98 UPA) 2,175 sq. ft. total 1,676 sq. ft. counted with Landmarking

Mass:

Allowed:	1,441 sq. ft.
Existing:	982 sq. ft. (per submitted as-built drawings)
Proposed:	1,425 sq. ft. total

Height:

Recommended by LUGs:	two stories
Existing building:	1 ½ stories
Proposed:	1 ½ stories

Lot Coverage:

Building / non-Permeable:	1,323 sq. ft. (36% of site)
Hard Surface / non-Permeable:	326 sq. ft. (9% of site)
Open Space:	1,985 sq. ft. (55% of site)

Parking:

Required:	3 spaces
Proposed:	3 spaces

Snowstack:

Required: 82 sq. ft. (25%)
Proposed: 105 sq. ft. (33%)

Setbacks:

Existing:
Front: 21.1 ft. (to building foundation, per survey)
Side: 7.7 ft. to south, 13.6 ft. to north
Rear: 18.6 ft. (excluding shed)

Required:
Front: 15 ft. (Relative), 10 ft. (Absolute)
Side Yard: 5 ft. (Relative), 3 ft. (Absolute)
Rear: 15 ft. (Relative), 10 ft. (Absolute)

Proposed:
Front: 16 ft.
Side: 7.7 ft. to south, 5 ft. to north
Rear: 10 ft.

Site Photo



At the August 7, 2018 2nd Preliminary Hearing

Staff questions for Commission:

1. *How many positive points should be awarded under Policy 24/R for historic preservation/restoration? Please consider:*

- *The non-historic, non-compliant addition is proposed to be removed.*
- *Substantial electrical, plumbing, and mechanical system upgrades are proposed.*
- *The property received positive five (+5) points under this Policy in 1997.*
- *The installation of a full concrete foundation is required per Policy 24/R, section F.*

Three Commissioners supported positive three (+3) points. Two Commissioners supported positive six (+6) points. One Commissioner was undecided, requesting more detail prior to Final Hearing.

2. *Does the Commission agree with staff's interpretation that additional length is required per Priority Design Standard 80A, regarding the length of the connector? If so, which method of height measurement does the Commission determine should be used?*

The Commission was supportive of the connector as proposed, finding that it meets the intent of Standard 80A, and requested that a Finding be added prior to Final Hearing.

3. *Does the Commission have any other concerns that should be addressed prior to Final Hearing?*

The Commission expressed concerns regarding the fence, stating that it should remain, especially if another survey shows it on the neighboring property and therefore outside the review of this application. One Commissioner expressed concern regarding the proposed board on board siding, regarding compliance with Design Standards 90 and 165. A Finding was also requested prior to Final Hearing, regarding 9-1-19-9A C. (1) d. and the eave encroachment into the Absolute rear setback requirement.

The Commission supported the project's compliance with:

- **Land Use Guidelines (2/A & 2/R)**
- **Density/Intensity (3/A & 3/R):** A Condition of Approval has been added that prior to issuance of a Building Permit, the Town Council must approve an ordinance designating the Noble House building as a local Landmark in order for the basement not to be counted as density.
- **Mass (4/A & 4/R)**
- **Building Height (6/A & 6/R):**
- **Site And Environmental Design (7/R):** Staff has added a Condition of Approval that prior to the issuance of a Building Permit, the applicant must provide written approval from Xcel Energy for the retaining wall which is proposed to encroach within the 8' Utility Easement.
- **Landscaping (22/A & 22/R)**
- **Energy Conservation (33/R):** At the last Hearing, the Commission was supportive of positive three (+3) points for a 30-49% improvement in a HERS Index beyond an existing HERS Index. However, staff has not received a required preliminary HERS Index report completed by a qualified professional. The applicant has indicated that a preliminary HERS Index report will be available at the Planning Commission meeting. Staff has added a Condition of Approval that the preliminary report be submitted prior to issuance of a Development Permit, and that a final HERS Index report confirming a 30-49% improvement be provided prior to issuance of a Certificate of Occupancy.
- **Open Space (21/R)**
- **Social Community (24/A):**

- **General Design Standards:**
 - **Priority Design Standard 36**
 - **Priority Design Standard 37**
 - **Design Standard 38**
 - **Priority Design Standard 80A:** The Commission was supportive of the connector as proposed, finding that it meets the intent of Standard 80A. A Finding has been added regarding the connector element, per the request of the Commission.
 - **Priority Design Standard 89:** The Commission found that the proposed front setback is within the “range” of historic setbacks for the area.
- **Design Standards for the Historic District Character Area #3: South End Residential**
 - **Priority Design Standard 155**
 - **Design Standard 156 and 157**
 - **Priority Design Standard 158**
 - **Priority Design Standard 161**
 - **Design Standard 171 and 172**
- **Social Community (24/R):**
 - **F. Moving Historic Structures:** The applicant proposes to relocate the existing historic structure 5’ to the east and install a full concrete foundation. At the last Hearing, the Commission was supportive of **negative three (-3) points for the proposed relocation of the historic structure less than 5’ from its original location**, considering the structure is remaining on the original site and the historic orientation is also being maintained. Staff has added a Condition of Approval that the final plans specify the relocation to be ***less than*** 5’, prior to issuance of a Building Permit.
- **Drainage (27/A & 27/R)**
- **Title 9: Land Use and Development, Chapter 11: Historic Preservation, Section 4: Designation Criteria:** The Commission was supportive of designating the building for local Landmarking.

For more information regarding the project’s compliance with the above policies, please refer to the staff report for the 1st and 2nd Preliminary Hearings.

Changes Since August 7, 2018 2nd Preliminary Hearing

Changes to the proposed plans include:

- Snow storage area is designated for the front walkway;
- An updated survey has been provided, showing the existing fence on the neighboring lot;
- Small gable added to connector element, over door;
- Material and color board provided;
- Exterior lighting plan and fixture specification sheet provided; and
- Detail of stairs over garage parking provided, showing required 6’-5” clearance.

Staff Comments

Staff has reviewed the changes made since the 2nd Preliminary Hearing, and has re-evaluated the project for compliance with the applicable Development Code Policies below.

Social Community (24/A):

- **Design Standards for the Historic District Character Area #3: South End Residential**
 - **Priority Design Standard 165 and 166:** At the last Hearing, members of the Commission expressed concern regarding the project's compliance with this Standard. The proposed elevations show the existing bevel lap cedar siding on the historic structure to remain. The applicant proposes 4 ½" bevel lap cedar siding on the addition, with the exception of 1x rough sawn random width (6,8,10 inch) fir siding on the garage module, and square-edged, smooth-finished (not rough-sawn) shiplap board on board vertical siding on the connector element, and upper portions of the south façade of the addition. Staff has added a Condition of Approval that the final plans specify 4 ½" painted horizontal lap siding on the entire addition, including the garage, prior to issuance of a Building Permit. The connector element may remain as proposed with vertical siding. Since the last Hearing, the applicant has submitted a material and color sample board. The corrugated metal roofing on the connector element has been specified to be "rusting" at the request of staff.

Social Community (24/R):

- **E. Conservation District:** At the last Hearing, staff asked the Commission how many positive points should be awarded under Policy 24/R for historic preservation/restoration. Three Commissioners supported positive three (+3) points. Two Commissioners supported positive six (+6) points. One Commissioner was undecided, requesting more detail prior to Final Hearing. Since the last Hearing, the applicant has provided an updated "Restoration Outline" and supporting elevation drawings describing the restoration work to be completed, which includes:
 - Remove rear addition and north porch element that was installed in 1997, non-historic chimney chase, and non-historic shed.
 - With the proposed relocation of the existing structure 5' to the east, the applicant proposes to install a new full concrete foundation and new floor framing under the historic home. Per the applicant, *"the historic floor currently sits on stones just above the dirt. This is a common foundation condition found in most of the historic homes. (the 1997 addition to be removed has a concrete foundation)"*.
 - Install structural sistering of both exterior walls and roof, as required.
 - Install new plumbing, electrical and heating systems to replace existing.
 - Correct east porch roof over-frame detail: install heated gutter and downspout to handle drainage without compromising original roof form.
 - Restore 116 linear feet of lost historic west wall areas when addition is removed, as well as some west fascia areas.
 - Preserve historic door and window openings, and restore historic windows as required. This effort includes removal of the large upper west window to be replaced with a historically compliant size.

- Repair and replace rotten wood at post bases, corner boards, and some sills and trim.

Given the proposed scope of work above, and the Commission’s input at the last Hearing, staff recommends positive three (+3) points under Policy 24/R, finding that the proposed project is consistent with the following from Policy 24/R:

+3: On site historic preservation/restoration effort of average public benefit.

Examples: Restoration of historic window and door openings, preservation of historic roof materials, siding, windows, doors and architectural details, plus structural stabilization and installation of a new foundation.

Recent project precedent for (+3) points			
Points	Project Name	Address	Project Description
+3	Gallagher Residence Renovation, Addition and Landmarking	114 S. Harris St.	<i>“The fixed windows will be replaced with more historic compliant wooden double hung windows. The plans show that the 1997 rear addition is to remain but, the rest of the house will receive new windows, a full basement and substantial electrical and plumbing upgrades.”</i>
+3	Old Masonic Hall	136 S. Main St.	<i>“Removal of historic fabric on north wall for handicap access. Based on photographs that show the original storefront entry, the main level façade will be restored to its original historic character. This will bring the storefront back to the standard we see along this portion of Main Street and abide with Priority Policies 42, 43, 45, 46, and 47. A new foundation is proposed with structural reinforcement to help stabilize the entire structure. The historic siding, windows, and architectural details are to be repaired, restored or replaced as needed. All material to be replaced shall abide with the guidelines from the Handbook of Design Standards for the Historic and Conservation Districts.”</i>
+3	Moe’s BBQ Historic Preservation	110 S. Ridge St.	<i>“Patch, repair and replace siding, replace non-historic window with an historically compatible window, add sections of foundation.”</i>
+3	Dupey / McGovern Siding and Skylight Replacement	413 E. Washington Ave.	<i>“Replace all 10” reveal cementitious imitation wood with real wood 4” reveal.”</i>

However, the applicant has requested positive six (+6) points be considered under Policy 24/R, stating the proposed scope of work is consistent with the examples provided under Policy 24/R:

+6: *On site historic preservation/restoration effort of above average public benefit. Examples: Restoration/preservation efforts for windows, doors, roofs, siding, foundation, architectural details, substantial permanent electrical, plumbing, and/or mechanical system upgrades, plus structural stabilization and installation of a full foundation which fall short of bringing the historic structure or site back to its appearance at a particular moment in time within the town's period of significance by reproducing a pure style.*

Recent project precedent for (+6) points			
Points	Project Name	Address	Project Description
+6	Gold Pan Bar and Restaurant	103 N. Main St.	<i>“Staff recommends positive six (+6) points because the applicant is currently restoring windows, replacing siding, installing an expansive foundation, completing substantial electrical, plumbing, and mechanical system upgrades, and stabilizing the structure. Given that the front façade still contains a non-historic covered walkway structure, the application falls short of bringing the Gold Pan building back to an appearance that would have been found during the Period of Significance.”</i>
+6	Hilliard House Restoration, Addition and Landmarking	110 S. Ridge St.	<i>“(-3, for relocating a secondary structure more than 10' from its current or original location, but keeping the structure on its original site.) (+9, For onsite historic preservation/ restoration effort of above average public benefit for a primary and secondary structure.)”</i>
+6	Old Enyeart Place Renovation, Addition and Landmarking	112 S. Harris St.	<i>“The applicant is proposing to restore the log siding of the original house and replace, in kind, any siding too damaged for preservation. The applicant is also proposing to restore (or replace with compliant) windows, doors, roof, and siding. There will be a new foundation, substantial permanent electrical, plumbing, and mechanical system upgrades, plus structural stabilization.”</i>
+6	Marvel House Addition, Restoration, and Landmarking	318 N. Main St.	<i>“Applicant is proposing the following work to the historic structure: removal of non-historic upper level and roof to the east of the original roofline, new foundation/full basement to be used for commercial mechanical and storage, and employee housing unit, restoration of historic windows, doors and siding, new mechanical, plumbing and electrical upgrades, removal of non-historic west porch (north non-historic addition), restore front yard with removal of composite deck, and restore fencing in west/front yard.”</i>
+6	Nauman Residence Historic Renovation and Landmarking	211 E. Washington Ave.	<i>“(Staff believes that the west facing bay window was added to the historic house, as the windows do not match those on the north elevation.) Based on this information, the applicants are proposing a historic restoration of the original structure as follows: 1. Remove a portion of the 1980's roof over historic main ridge of the historic house and cut the roof addition back approximately 12 feet and add a cricket (for drainage) behind and below the original historic ridge. This will provide the</i>

			<p>appearance of a "connector", as defined in the Historic Standards.</p> <p>2. Remove the west non-historic bay window in the kitchen area (keeping the west facing bay window) on the historic structure, per plan.</p> <p>3. Restore the original roof form to the greatest degree possible on the historic structure.</p> <p>4. Restore all original window openings and replace front (north) door with historically compliant door.</p> <p>5. Full restoration of the front porch with correct post detailing (existing posts to be replaced based on photographs).</p> <p>6. After locally Landmarking, add full basement under historic footprint (zero lot line on west).</p> <p>7. On the non-historic addition, correct all windows to historically compliant wooden</p>
+6	Silverthorne House Site Plan	300 N. Main St.	<p>“Silverthorne House (COMPLETED): a new concrete foundation with full basement; repair and patch the existing siding and columns as necessary; repair the existing windows and doors to match historic profile; remove non-historic vents and ducts; electric and plumbing upgrades; reinforce roof and floor framing; replace existing concrete porch with wooden porch; replace existing roof with Tamko historic profile asphalt composite shingle. Carriage Barn (REMAINING): Place on a concrete foundation, replace roof framing structure, replace existing metal roof with new corrugated metal roof, paint, patch and repair exterior. North Elevation: Existing historic barn door removed, restore and mount on new sliding metal track. Half light historic profile doors installed behind the sliding metal track. South Elevation: Existing historic barn door removed and mounted on new sliding metal track. Pair of vertically oriented double hung windows installed behind the sliding metal track. Window well for basement level will be partially visible on this elevation. No change to east or west elevation.”</p>

Staff has reviewed the precedent listed above for positive three (+3) points and positive six (+6) points and believes that the proposed scope of work for historicpreservation/restoration most closely aligns with positive three (+3) points. Does the Commission agree?

Architectural Compatibility (5/A & 5/R): The Absolute Policy specifies a maximum of 12.0 UPA for above ground density for new construction. As the applicant proposes an above ground density of 8.98 UPA, staff does not have any concerns regarding above ground density. A color and material sample board has been provided since the last Hearing. It specifies the corrugated metal roofing and flashing material as having a “rusted finish.” All colors proposed are within the chroma and color quantity limitations. Staff does not have any concerns.

Placement of Structures (9/A & 9R):

	Existing	Absolute Requirement	Relative Requirement	Proposed
Front	21.1'	10'	15'	16'
Side	7.7' (south) 13.6' (north)	3'	5'	7.7' (south) 5' (north), not including 12" eave overhang
Rear	18.6' (primary structure)	10'	15'	10', not including 12" eave overhang

The project does not meet the Relative setback requirement for the rear yard, but meets the Absolute setback requirement. Staff recommends negative three (-3) points for only three of the Relative setback requirements being met. Per the Commission’s request at the last Hearing, staff has added a Finding, stating that the Commission has allowed the roof eaves to encroach into the Absolute rear setback requirement per 9-1-19-9A C. (1) d., which states: “...*roof eaves and other similar projections may extend within any required yard up to a maximum of eighteen inches (18") with approval of the Planning Commission.*”

Snow Removal and Storage (13/A & 13/R): The proposed site plan now designates snow storage for the front walkway.

Parking (18/A & 18/R): With 2,465 sq. ft. of gross floor area proposed, the total onsite residential parking requirement is three (3) spaces (1.1/1,000 sq. ft for Single Family Residential w/in Parking Service Area; 2,465 sq. ft. /1,000 sq. ft. = 2.465 x 1.1 = 2.7115, rounded up to 3). As proposed, the third parking space in the garage meets the minimum 9’ x 18’ minimum size requirement. Staff has added a Condition of Approval that the third required parking space in the garage must remain as a parking space. The stairs to the bedroom above the garage are shown to encroach into the garage space. Since the last Hearing, the applicant has provided a detail of the stairs, confirming that there is 6’ 5” of height available for parking within the 9’ wide required width, as required by the Off-Street Parking Regulations.

Exterior Lighting (46/A): Since the last Hearing, the applicant has provided a manufacturer’s specification sheet for exterior light fixtures, and shown fixture locations on elevations. Staff finds the proposed lighting complies with the Town’s exterior lighting regulations and does not have any concerns.

Fences, Gates And Gateway Entrance Monuments (47/A): Since the last Hearing, the applicant has provided a survey showing the existing non-conforming 6’ wooden board fence to be on the lot to the west and therefore, outside of the review of this application. The lot also contains a compliant existing 3’ tall metal fence enclosing most of the existing front yard, except for the southern boundary. Some portions of the fence will likely be removed to accommodate the proposed relocation of the existing structure 5’ to the east.

9-1-17-3: Point Analysis: Staff has evaluated this application for compliance with all Absolute and Relative Polices. Under the Relative Policies, staff recommends points as follows:

- **3:** Policy 9/R, for only three of the Relative setback requirements being met.
- **3:** Policy 24/R, for the proposed relocation of the historic structure 5' from its original location.
- +**3:** Policy 24/R, for historic preservation for the removal of the non-compliant, non-historic rear addition, and non-historic chimney, structural stabilization, new plumbing, electrical, and mechanical, and restoration of historic fabric on west elevation.
- +**3:** Policy 33/R, for 30-49% improvement in a HERS Index beyond an existing HERS Index. Staff has added a Condition of Approval that the preliminary report be submitted prior to issuance of a Development Permit, and that a final HERS Index report confirming a 30-49% improvement be provided prior to issuance of a Certificate of Occupancy.

TOTAL: Passing score of zero (0) points.

Recommendation

Staff appreciates the applicant's efforts to address the Commission's concerns since the first and second Preliminary Hearings, and supports the project. The Community Development Department recommends the Planning Commission approve the Noble House Restoration, Addition, Change of Use, and Landmarking (PL-2018-0069), located at 213 S. Ridge St., showing a passing score of zero (0) points along with the attached Findings and Conditions.

Second Preliminary Hearing Point Analysis				
Project:	Noble House Restoration, Addition, Change of Use, and Landmarking	Positive Points	+3	
Plan #	PL-2018-0069			
Date:	9/14/2018	Negative Points	- 3	
Staff:	Chapin LaChance, Planner II			
		Total Allocation:	0	
Items left blank are either not applicable or have no comment				
Sect.	Policy	Range	Points	Comments
1/A	Codes, Correlative Documents & Plat Notes	Complies		
2/A	Land Use Guidelines	Complies		The Land Use Guidelines recommend commercial and residential uses in District #18-2. There is residential use to the north and west. This property functioned as residential use from its original historic construction, until 2003.
2/R	Land Use Guidelines - Uses	4x(-3/+2)		
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	Density/Intensity	Complies		2,175 sq. ft. of density is proposed, which is less than the maximum allowed 2,670 sq. ft at 20 UPA, per the Land Use Guidelines. Maximum above ground density has been reviewed under Policy 5 Architectural Compatibility and Policy 24 Social Community. The applicant also proposes to designate the existing building as a local Landmark, which would allow for the proposed basement area underneath the historic portion of the building to not be counted toward the allowed density, resulting in 1,676 sq. ft. of counted density and 495 sq. ft. of "free basement density."
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)	0	The applicant proposes a total of 1,425 sq. ft. of mass, which is less than the 1,441 sq. ft. allowed (9 UPA = 1,201 sq. ft., 1,201 sq. ft. + 20% = 1,441 sq. ft.).
5/A	Architectural Compatibility / Historic Priority Policies	Complies		The Absolute portion of this Policy specifies a maximum of 12.0 UPA for above ground density for new construction. The applicant proposes an above ground density of 8.98 UPA.
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)		
5/R	Architectural Compatibility H.D. / Above Ground Density 12 UPA	(-3>-18)		
5/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3>-6)		
6/A	Building Height	Complies		The maximum height allowed is 26' per the Absolute Policy and 23' per the Relative policy, measured to the mean of a gable roof. The existing building is 14'-4" tall and the proposed addition is approximately 17'-6" tall, using this method.
6/R	Relative Building Height - General Provisions For all structures except Single Family and Duplex Units outside the Historic District	1X(-2,+2)		
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		

For all Single Family and Duplex Units outside the Conservation District				
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)		
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	Ridgeline and Hillside Development	Complies		
9/A	Placement of Structures	Complies		The Commission has allowed the proposed structure's roof eaves to encroach 18" into the required Absolute rear setback, as allowed by the Policy.
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)	- 3	The project does not meet the Relative setback requirements for the rear yard, but meets the Absolute setback requirements. Staff recommends negative three (-3) points for only three of the Relative setback requirements being met.
12/A	Signs	Complies		
13/A	Snow Removal/Storage	Complies		105 sq. ft. is designated (33% of hardscaped areas)
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	Storage	Complies		
14/R	Storage	2x(-2/0)		
15/A	Refuse	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	Internal Circulation	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	External Circulation	Complies		
18/A	Parking	Complies		With 2,465 sq. ft. of gross floor area proposed, the total onsite residential parking requirement is three (3) spaces (1.1/1,000 sq. ft for Single Family Residential w/in Parking Service Area; 2,465 sq. ft. /1,000 sq. ft. = 2.465 x 1.1 = 2.7115, rounded up to 3).
18/R	Parking - General Requirements	1x(-2/+2)		
18/R	Parking-Public View/Usage	2x(-2/+2)		
18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)		
18/R	Parking - Downtown Service Area	2x(-2/+2)		
19/A	Loading	Complies		
20/R	Recreation Facilities	3x(-2/+2)		
21/R	Open Space - Private Open Space	3x(-2/+2)		1,985 sq. ft. (55% of site) of open space is provided.
21/R	Open Space - Public Open Space	3x(0/+2)		
22/A	Landscaping	Complies		

22/R	Landscaping	2x(-1/+3)	0	The lot contains four (4) 9"-11" caliper Aspen trees at the southeast corner of the lot, and four (4) 4"-6" caliper Aspen trees, two (2) 12" – 18" Lodgepole Pine, an 8" Spruce and seven (7) shrubs along the northern property line. The applicant proposes one (1) 6' tall Engelmann Spruce trees at the northwest lot corner, four (4) 1" caliper Aspen trees on the west side of the lot, one (1) 1" caliper Cottonwood tree in the front yard, three (3) 5 gallon shrubs to screen window wells, and the removal of an 8" Spruce for the proposed garage addition.
24/A	Social Community	Complies		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)		
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15	0	Staff recommends positive three (+3) points under Policy 24/R for historic preservation for the removal of the non-compliant, non-historic rear addition, north porch, and non-historic chimney, structural stabilization, new plumbing, electrical, and mechanical, and restoration of historic fabric on west elevation. Staff recommends negative three (-3) points for the proposed relocation of the historic structure less than 5' from it's original location, considering the structure is remaining on the original site and the historic orientation is also being maintained.
25/R	Transit	4x(-2/+2)		
26/A	Infrastructure	N/A		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	Drainage	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	Utilities - Power lines	N/A		
29/A	Construction Activities	Complies		
30/A	Air Quality	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	Water Quality	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	Water Conservation	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)		
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)		
	HERS index for Residential Buildings			
33/R	Obtaining a HERS index	+1		
33/R	HERS rating = 61-80	+2		
33/R	HERS rating = 41-60 (For existing residential: 30-49% improvement beyond existing)	+3	+3	The applicant proposes to pursue positive three (+3) points for a 30-49% improvement in a HERS Index beyond an existing HERS Index. Staff has added a Condition of Approval that the preliminary report be submitted prior to issuance of a Development Permit, and that a final HERS Index report confirming a 30-49% improvement be provided prior to issuance of a Certificate of Occupancy. There are not any heated outdoor areas proposed.
33/R	HERS rating = 19-40	+4		
33/R	HERS rating = 1-20	+5		
33/R	HERS rating = 0	+6		
	Commercial Buildings - % energy saved beyond the IECC minimum standards			
33/R	Savings of 10%-19%	+1		

33/R	Savings of 20%-29%	+3		
33/R	Savings of 30%-39%	+4		
33/R	Savings of 40%-49%	+5		
33/R	Savings of 50%-59%	+6		
33/R	Savings of 60%-69%	+7		
33/R	Savings of 70%-79%	+8		
33/R	Savings of 80% +	+9		
33/R	Heated driveway, sidewalk, plaza, etc.	1X(-3/0)		
33/R	Outdoor commercial or common space residential gas fireplace (per fireplace)	1X(-1/0)		
33/R	Large Outdoor Water Feature	1X(-1/0)		
	Other Design Feature	1X(-2/+2)		
34/A	Hazardous Conditions	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	Subdivision	Complies		
36/A	Temporary Structures	Complies		
37/A	Special Areas	Complies		
37/R	Community Entrance	4x(-2/0)		
37/R	Individual Sites	3x(-2/+2)		
37/R	Blue River	2x(0/+2)		
37R	Cucumber Gulch/Setbacks	2x(0/+2)		
37R	Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
38/A	Home Occupation	Complies		
39/A	Master Plan	Complies		
40/A	Chalet House	Complies		
41/A	Satellite Earth Station Antennas	Complies		
42/A	Exterior Loudspeakers	Complies		
43/A	Public Art	Complies		
43/R	Public Art	1x(0/+1)		
44/A	Radio Broadcasts	Complies		
45/A	Special Commercial Events	Complies		
46/A	Exterior Lighting	Complies		All proposed fixtures are fully shielded, downcast, and less than 15' above grade.
47/A	Fences, Gates And Gateway Entrance Monuments	Complies		Since the last Hearing, the applicant has provided a survey showing the existing non-conforming 6' wooden board fence to be on the lot to the west and therefore, outside of the review of this application.
48/A	Voluntary Defensible Space	Complies		
49/A	Vendor Carts	Complies		
50/A	Wireless Communication Facilities	Complies		

TOWN OF BRECKENRIDGE

Noble House Restoration, Addition, Change of Use, and Landmarking
Abbetts Addition Subdivision, Block 13, Lot 7 (A Resubdivision of Abbett Addition, Block 13, Lots 6 &7)
213 S. Ridge St
PL-2018-0069

STAFF RECOMMENDATION: Staff recommends the Planning Commission approve this application with the following findings and conditions.

FINDINGS

1. The proposed project is in accord with the Development Code and does not propose any prohibited use.
2. The project will not have a significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives which would have less adverse environmental impact.
4. This approval is based on the staff report dated **September 14, 2018** and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **September 18, 2018** as to the nature of the project. In addition to Commission minutes, the audio of the meetings of the Commission are recorded.
6. **The Planning Commission has allowed the proposed structure's roof eaves to extend 18" into the required Absolute rear setback.**
7. **The Planning Commission has found that the proposed connector element's length of 11' meets the intent of Policy 24 (Absolute) and Priority Design Standard 80A.**

CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit expires three years from date of issuance, on **September 25, 2021**, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be three years, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.

5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
7. Applicant shall notify the Town of Breckenridge Community Development Department prior to the removal of any building materials from the historic building. Applicant shall allow the Community Development Department to inspect the materials proposed for removal to determine if such removal will negatively impact the historic integrity of the property. The Applicant understands that unauthorized removal of historic materials may compromise the historic integrity of the property, which may jeopardize the status of the property as a local landmark and/or its historic rating, and thereby the allowed basement density. Any such action could result in the revocation and withdrawal of this permit.
8. Applicant shall field locate utility service lines to avoid existing trees.
9. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.
- 10. The third required parking space in the garage must remain as a 9' x 18' (minimum) parking space, and shall not be used for any other use, unless approved by the Town.**

PRIOR TO ISSUANCE OF DEVELOPMENT PERMIT

- 11. Applicant shall provide a preliminary HERS Index report completed by a qualified professional, showing a 30-49% improvement in a HERS Index beyond an existing HERS Index.**

PRIOR TO ISSUANCE OF BUILDING PERMIT

- 12. Applicant shall provide a letter of authorization from Xcel Energy for the encroachment of the retaining wall into the 8' Utility Easement.**
- 13. The Town Council must pass an ordinance designating the Noble House as a Local Landmark.**
- 14. The final plans shall show the historic Noble House relocated less than 5' from its existing location.**
- 15. The final plans shall specify 4 1/2" painted horizontal siding on the entire addition, including the garage. The connector element may remain as proposed with vertical siding.**
16. Applicant shall submit proof of ownership of the project site.
17. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
- 18. Applicant shall contact the Town of Breckenridge and schedule a preconstruction meeting between the Applicant, Applicant's architect, Applicant's contractor and the Town's project Manager, Chief Building Official and Town Historian to discuss the methods, process and timeline for restoration efforts to the historic building(s).**
19. Applicant shall identify all existing trees that are specified on the site plan to be retained by erecting temporary fence barriers around the trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers, and dirt and construction materials or

debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Occupancy.

20. Existing trees designated on the site plan for preservation which die due to site disturbance and/or construction activities will be required to be replaced at staff discretion with equivalent new trees, i.e. loss of a 12 inch diameter tree flagged for retention will be offset with the addition of four 3-inch diameter new trees.
21. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location and type of construction fencing, all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
22. Applicant shall submit a 24"x36" mylar copy of the final site plan, as approved by the Planning Commission at Final Hearing, and reflecting any changes required. The name of the architect, and signature block signed by the property owner of record or agent with power of attorney shall appear on the mylar.
23. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward. Exterior residential lighting shall not exceed 15 feet in height from finished grade or 7 feet above upper decks.
24. Applicant shall submit to and obtain approval from the Department of Community Development a defensible space plan showing trees proposed for removal and the approximate location of new landscaping, including species and size. Applicant shall meet with Community Development Department staff on the Applicant's property to mark trees for removal and review proposed new landscaping to meet the requirements of Policy 22 (Absolute) Landscaping, for the purpose of creating defensible space.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

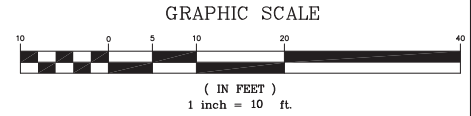
- 25. Applicant shall submit a final HERS Index report confirming a 30-49% improvement beyond the existing energy consumption of the building.**
26. Applicant shall revegetate all disturbed areas where revegetation is called for, with a minimum of 2 inches topsoil, seed and mulch.
27. Applicant shall remove leaf clutter, dead standing and fallen trees and dead branches from the property. Dead branches on living trees shall be trimmed to a minimum height of six (6) feet and a maximum height of ten (10) feet above ground.
28. Applicant shall remove all vegetation and combustible material from under all eaves and decks.
29. Applicant shall create defensible space around all structures as required in Policy 22 (Absolute) Landscaping.
30. Applicant shall paint all flashing, vents, flues, rooftop mechanical equipment and utility boxes on the building a flat, dark color or to match the building color.
31. Applicant shall screen all utilities.

32. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward. Exterior residential lighting shall not exceed 15 feet in height from finished grade or 7 feet above upper decks.
33. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.
34. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations.
35. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions" generally means that work can not be done due to excessive snow and/or frozen ground. **As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.**
36. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
37. The development authorized by this Development Permit may be subject to the development impact fee imposed by Resolution 2006-05 of the Summit County Housing Authority. Such resolution implements the impact fee approved by the electors at the general election held November 7, 2006. Pursuant to intergovernmental agreement among the members of the Summit Combined Housing Authority, the Town of Breckenridge is authorized to administer and collect any impact fee which is due in connection with development occurring within the Town. For this purpose, the Town has issued administrative rules and regulations which govern the Town's administration and collection of the impact fee. ***Applicant will pay any required impact fee for the development authorized by this Development Permit prior to the issuance of a Certificate of Occupancy.***

(Initial Here)

A TOPOGRAPHIC MAP OF
LOT 7, A RESUBDIVISION OF LOTS 6 AND 7, BLOCK 13
ABBETT ADDITION TO THE TOWN OF BRECKENRIDGE
 SUMMIT COUNTY, COLORADO

COMMON ELEMENT



SOUTH RIDGE STREET
(75' R-O-W)



TOWN OF BRECKENRIDGE R-O-W (PLS 23901)

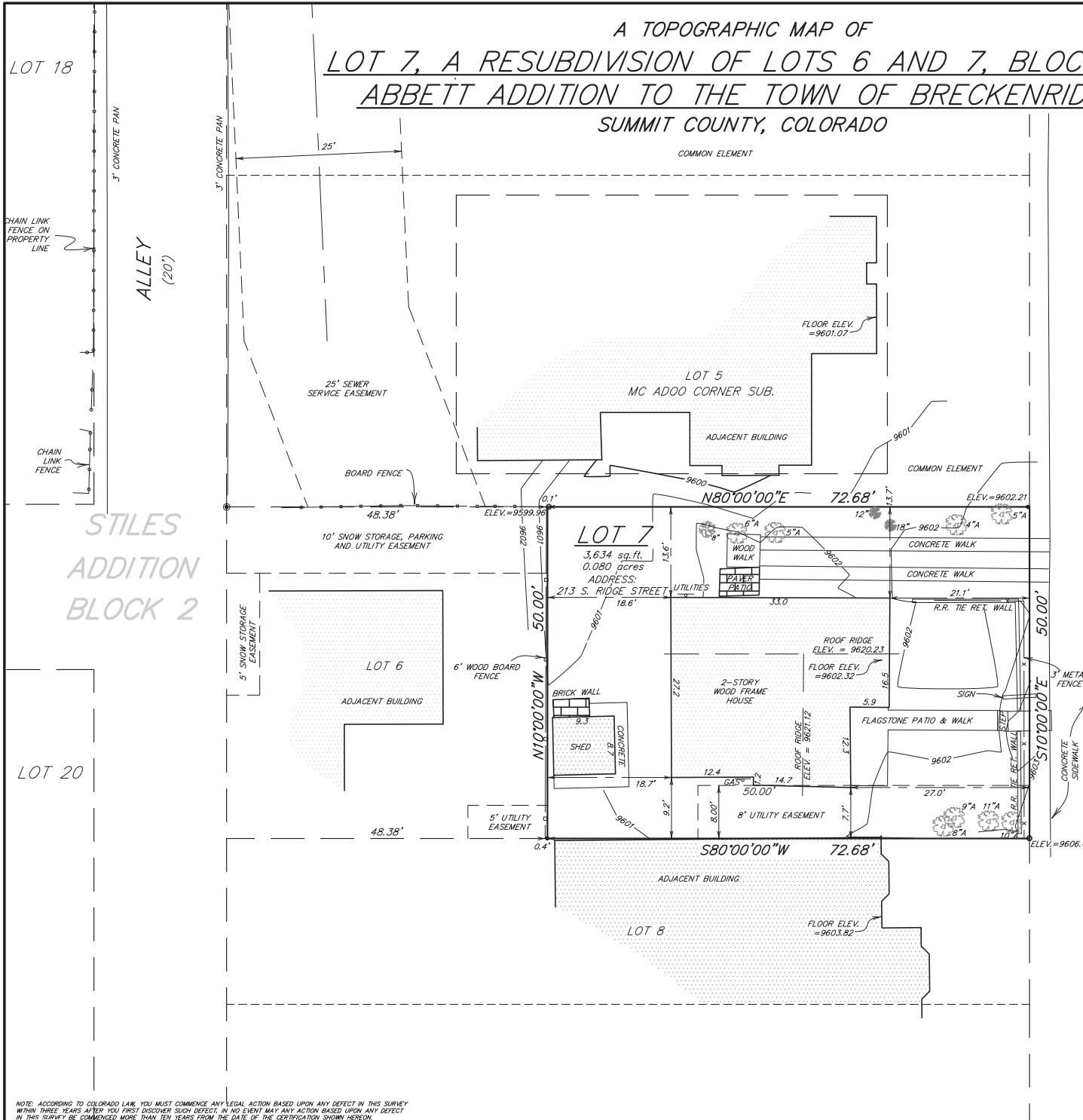
DATE OF ORIGINAL SURVEY: 12/07/17
 DATE OF UPDATED SURVEY: 08/20/18
 CONTOUR INTERVAL=1 FOOT

LEGEND

- FOUND REBAR & PLASTIC CAP (PLS 9939)
- FOUND #4 REBAR
- FOUND REBAR & PLASTIC CAP (PLS 10847)
- ⊙ PINE TREE WITH TRUNK DIAMETER
- ⊙ ASPEN TREE WITH TRUNK DIAMETER
- ⊙ SPRUCE TREE WITH TRUNK DIAMETER



Drawn JKK	Dwg 21883TP	Project 21883
Checked RRJ	Date 08/22/18	Sheet 1 of 1
P.O. Box 589 Silverthorne, CO 80498 970-468-6281		



LOT 18

ALLEY
(20')

STILES
ADDITION
BLOCK 2

LOT 20

NOTE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT, IN NO EVENT MAY ANY ACTION BE BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

LOT 18

Alley
(20')

LOT 5
McAdoo
Corner Sub.
Adjacent Restaurant

South Ridge Street
(15' R.O.N.)

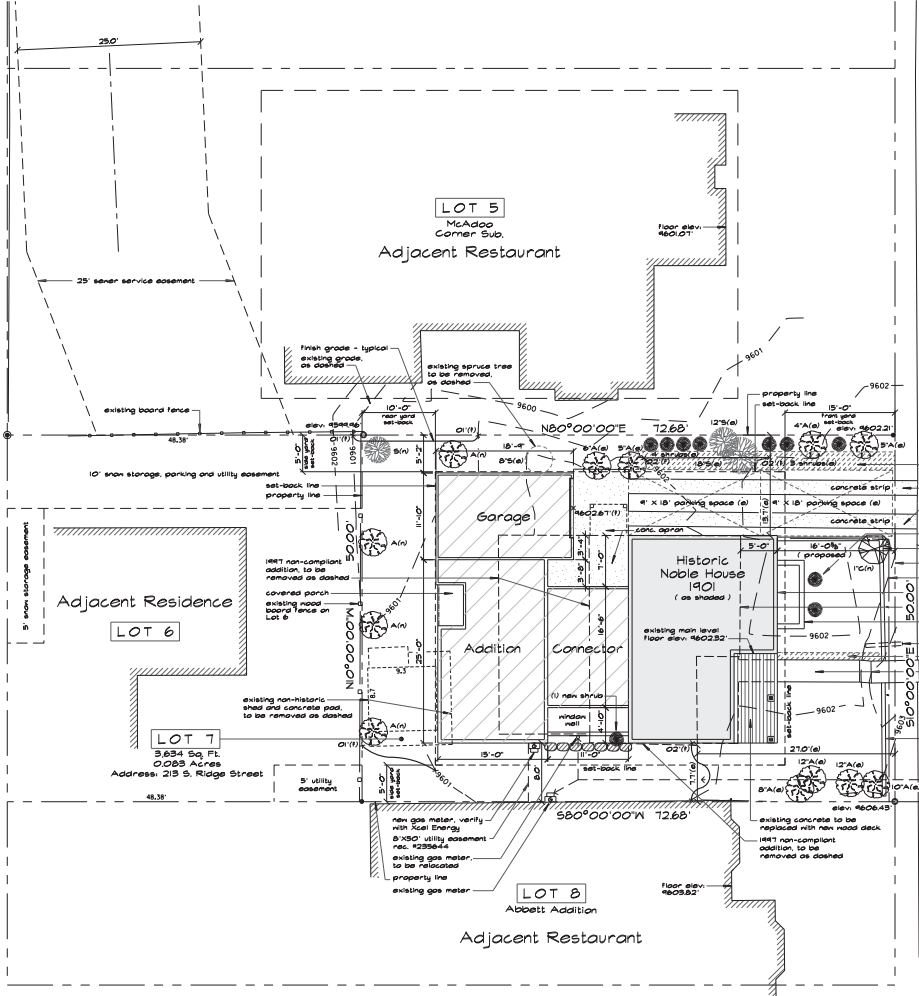
Stiles Addition
Block 2

Adjacent Residence
LOT 6

LOT 7
3,634 Sq. Ft.
0.083 Acres
Address: 213 S. Ridge Street

LOT 8
Abbott Addition
Adjacent Restaurant

LOT 20



- 14 sf. snow storage, as hatched
- remove and replace existing parking strips as hatched
- 12' new shrubs to screen window wall
- existing wood tie retaining wall
- 3" wrought iron fence
- proposed house location
- existing house location per survey
- window well
- existing sign to be removed, as dashed
- 14 sf. entry path snow storage, as hatched
- existing flagstone walk and steps to be replaced as required
- concrete sidewalk
- curb & gutter (2" pan)
- existing wood tie retaining wall
- existing gas line to Lots 7 & 8 (e) per utility locate (verify)

Note: 2000 elevations are based on existing Mean Level Floor (note of 514')

Landscape - Symbols Legend

	(1) native englemann spruce 8'-0" minimum		(3) 3 gal. shrubs
	(4) multi-stem aspen 1" caliper		action drainage (over road barrier)
	(1) cottonwood 1" caliper		siltam stone walls
	(n) = new tree or shrub		(e) = existing tree or shrub

Site Calculations

Building Footprints:	128' Sq. Ft.
Entry Walk:	40' Sq. Ft.
Front Deck:	72' Sq. Ft.
Driveway & Garage Apron (non-permeable):	278' Sq. Ft.
Total Lot Coverage: (45%)	1,844' Sq. Ft.
Lot Size:	5,654' Sq. Ft.
Open Space: (55%)	1,458' Sq. Ft.

Snow stack provided: 4' Sq. Ft.
Required: 278' Sq. Ft. x 25% = 70' Sq. Ft.

Noble House
Lot 7, Block 13, Abbott Addition
Address: 213 S. Ridge Street
Lot = 3,634 Sq. Ft. / 0.083 Acres

Lower Levels:	USGS, 9593.17' = Arch. 90'-2"
Garage Levels:	USGS, 9602.67' = Arch. 99'-8"
Main Levels:	USGS, 9603.00' = Arch. 100'-0"
	USGS, 9602.32' (existing)
Upper Levels:	USGS, 9602.00' = Arch. 109'-0"

Site Plan Landscape Plan
Scale 1/8" = 1'-0"

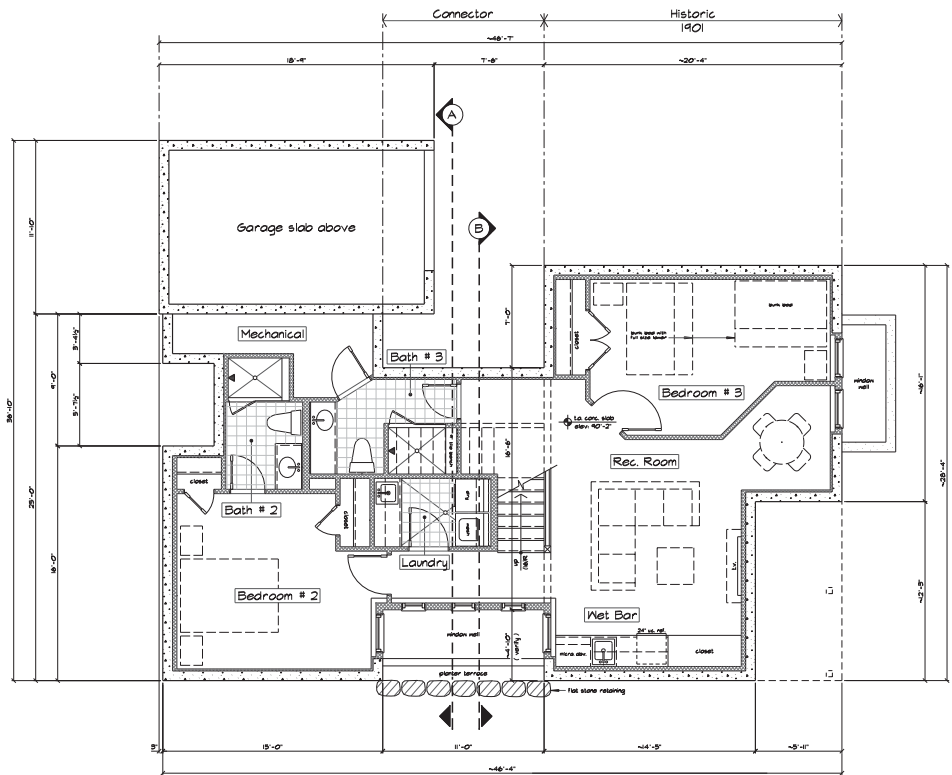
NOBLE HOUSE
ADDITION & RESTORATION
LOT 7, BLOCK 13, ABBOTT ADDITION
TOWN OF BRECKENRIDGE, COLORADO

Site Plan, Landscape Plan
Scale: 1/8" = 1'-0"
Date: 09-21-2016

architectural consultation

JILL SUTHERLY ARCHITECT
ARCHITECTS
BRECKENRIDGE, CO. 80424
P.O. BOX 3816





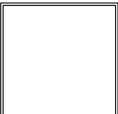
**Lower Level
Square Footage Summary:**

Gross area under Historic structure	= 499 sq. ft.
Addition gross	= 541 sq. ft.
Minus Mechanical	= -59 sq. ft.
Total below ground density:	= 981 sq. ft.



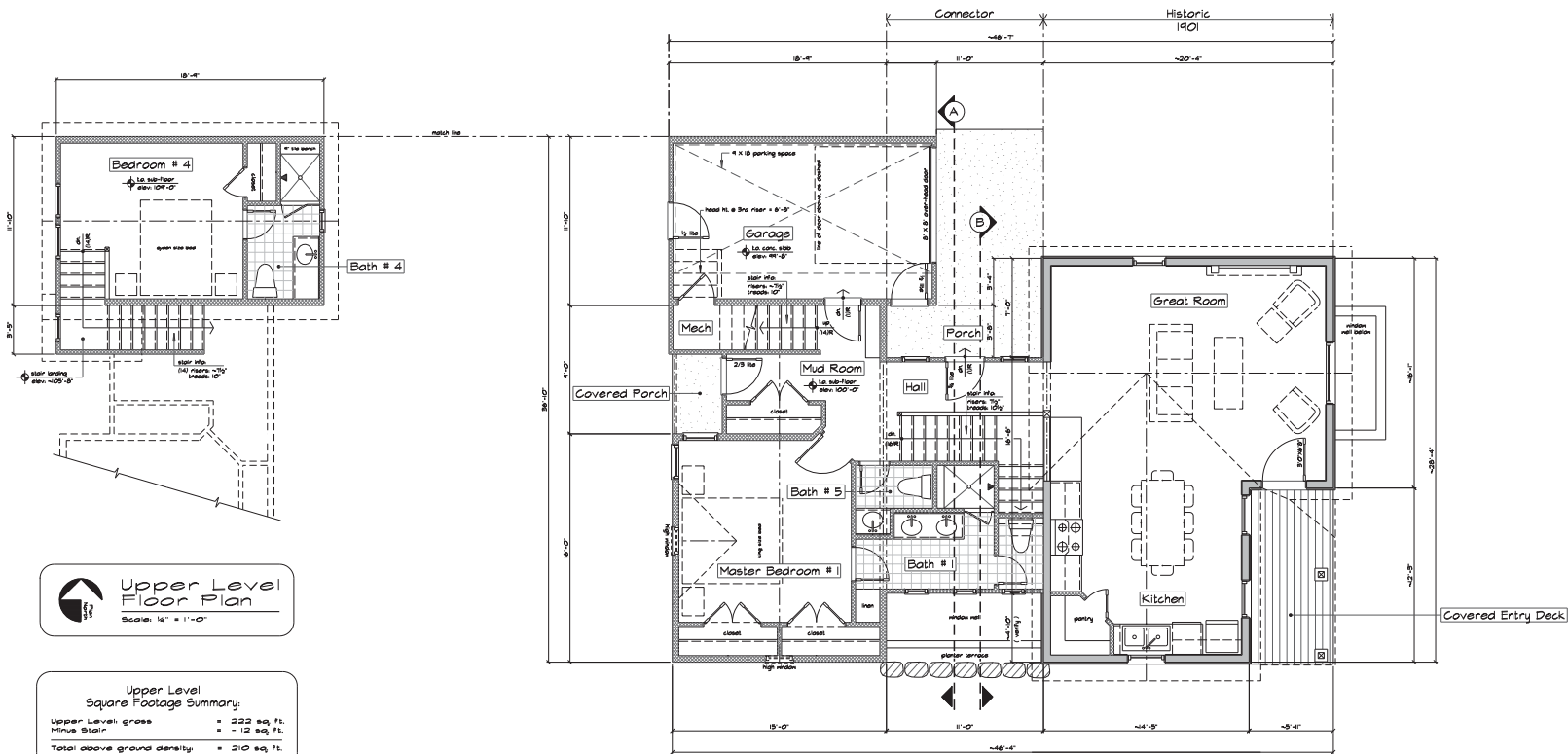
NOBLE HOUSE
ADDITION & RESTORATION
LOT 7, BLOCK 15, ABBETT ADDITION
TOWN OF BRECKENRIDGE, COLORADO

Floor Plans:
Lower Level
Scale: 1/4" = 1'-0"
Date: 08-27-2016



architectural
consultation
JL SUTTERLY ARCHITECT
1000 S. 10th Street, Suite 100
Breckenridge, CO 80424
p.o. box 9889 breckenridge, co 80424 (970) 455-7719






Upper Level Floor Plan
 Scale: 1/4" = 1'-0"

Upper Level Square Footage Summary:

Upper Level, gross	= 222 sq. ft.
Minus Stair	= -12 sq. ft.
Total above ground density:	= 210 sq. ft.

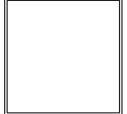
Main Level Square Footage Summary:

Existing Historic Structure to be restored	= 448 sq. ft.
Total Historic density:	= 448 sq. ft.
Addition gross	= 550 sq. ft.
Minus Stair	= -44 sq. ft.
Minus Mechanical	= -10 sq. ft.
Total above ground density:	= 493 sq. ft.
Garage, mass	= 222 sq. ft.


Main Level Floor Plan
 Scale: 1/4" = 1'-0"

NOBLE HOUSE
 ADDITION & RESTORATION
 LOT 7, BLOCK 15, ABBETT ADDITION
 TOWN OF BRECKENRIDGE, COLORADO

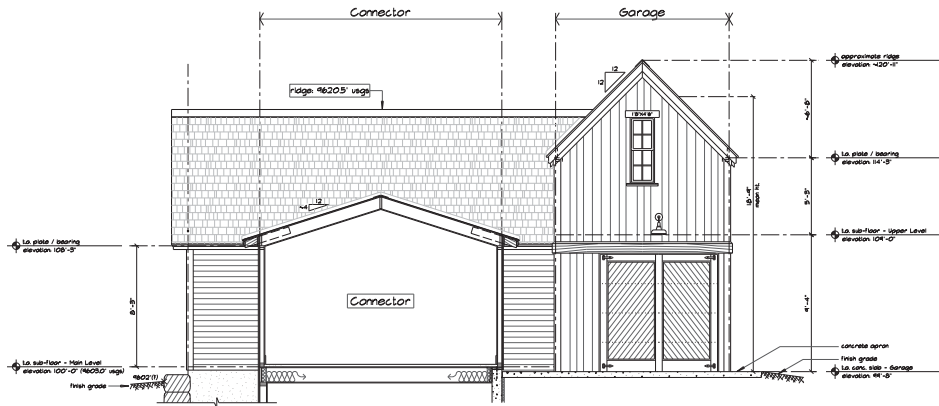
Floor Plans:
 Main Level
 Upper Level
 Scale: 1/4" = 1'-0"
 Date: 08-27-2016



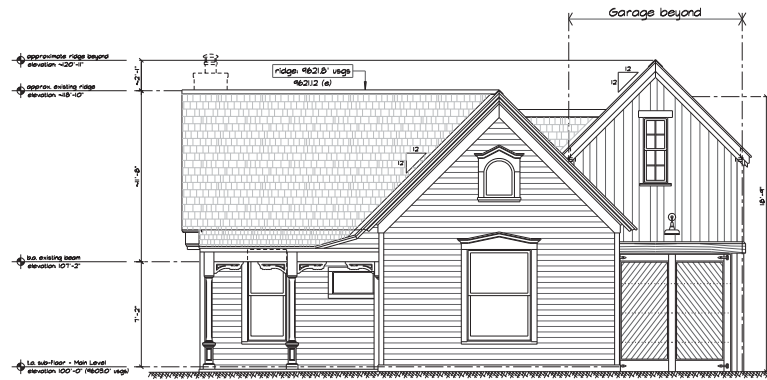
architectural
 consultation

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 Breckenridge, CO 80424
 (970) 455-3729

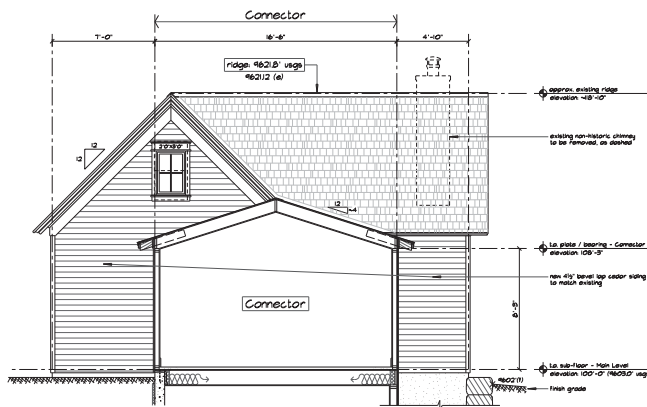




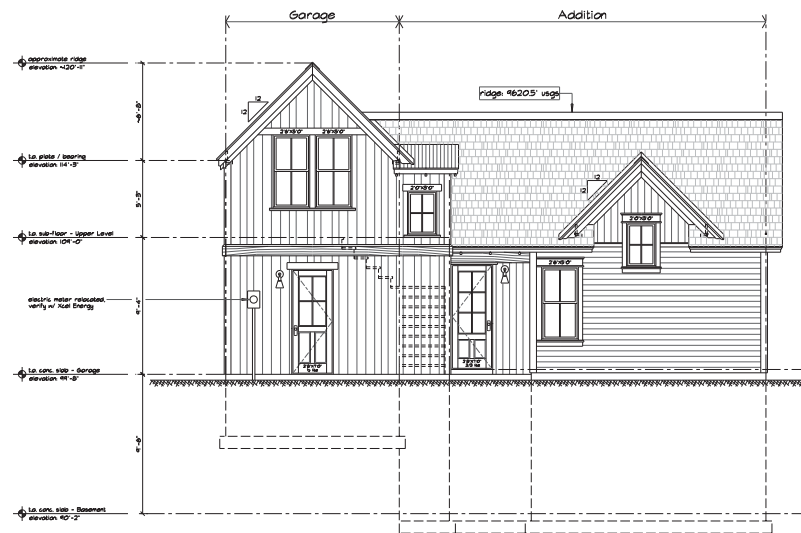
Building Section "A"
Scale: 1/4" = 1'-0"



East Elevation
Scale: 1/4" = 1'-0"



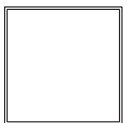
Building Section "B"
Scale: 1/4" = 1'-0"



West Elevation
Scale: 1/4" = 1'-0"

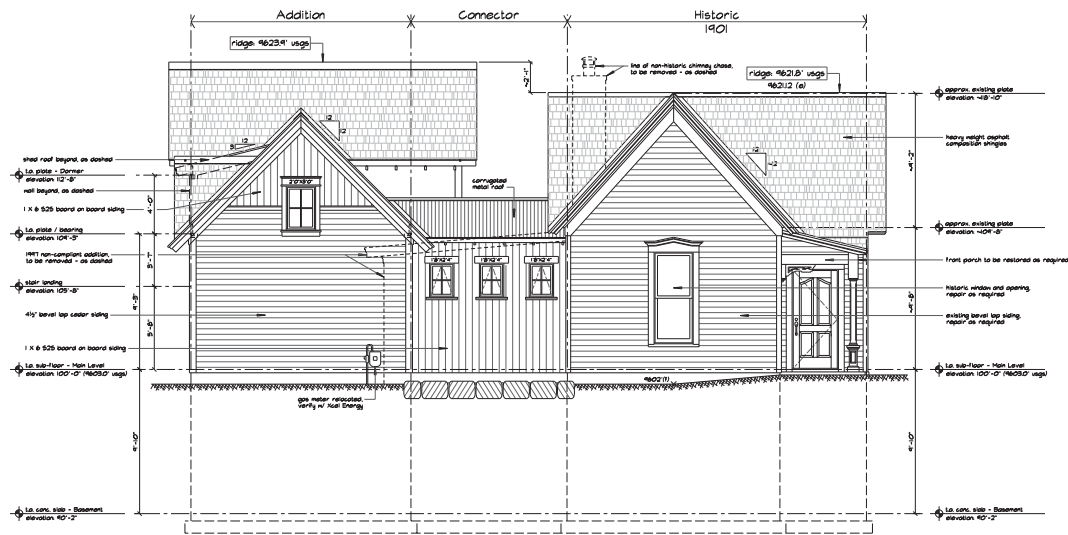
NOBLE HOUSE
ADDITION & RESTORATION
LOT 7, BLOCK 15, ABBETT ADDITION
TOWN OF BRECKENRIDGE, COLORADO

Exterior Elevations
Building Sections
Scale: 1/4" = 1'-0"
Date: 08-27-2016

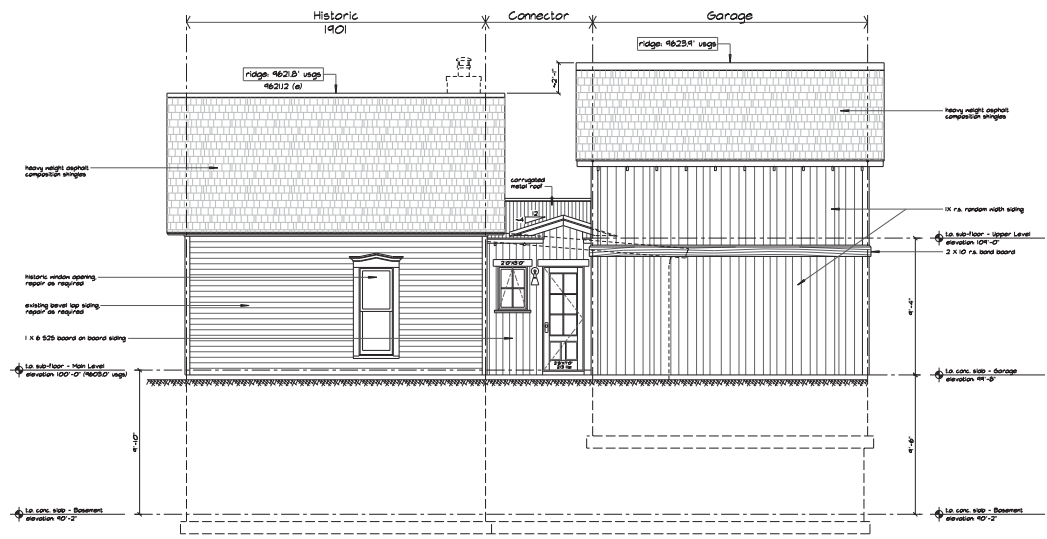


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(970) 458-3728





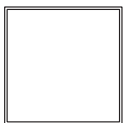
South Elevation
Scale: 1/4" = 1'-0"



North Elevation
Scale: 1/4" = 1'-0"

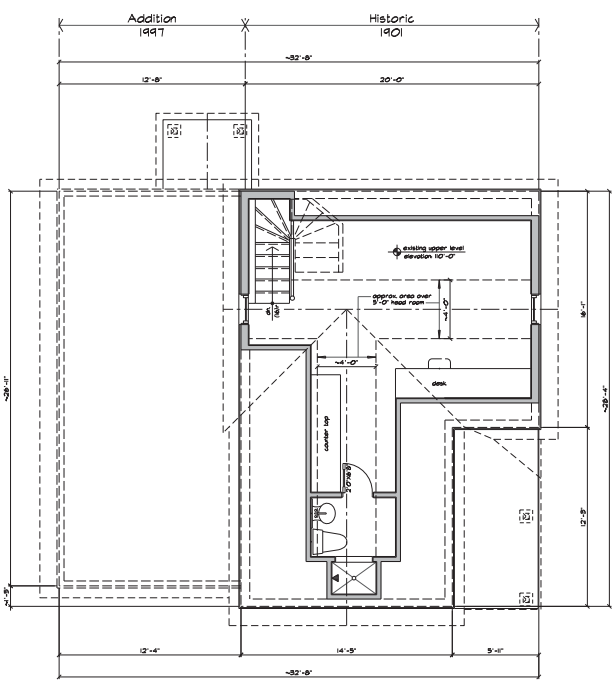
NOBLE HOUSE
ADDITION & RESTORATION
LOT 7, BLOCK 13, ABBETT ADDITION
TOWN OF BRECKENRIDGE, COLORADO

Exterior Elevations
Scale: 1/4" = 1'-0"
Date: 08-27-2016

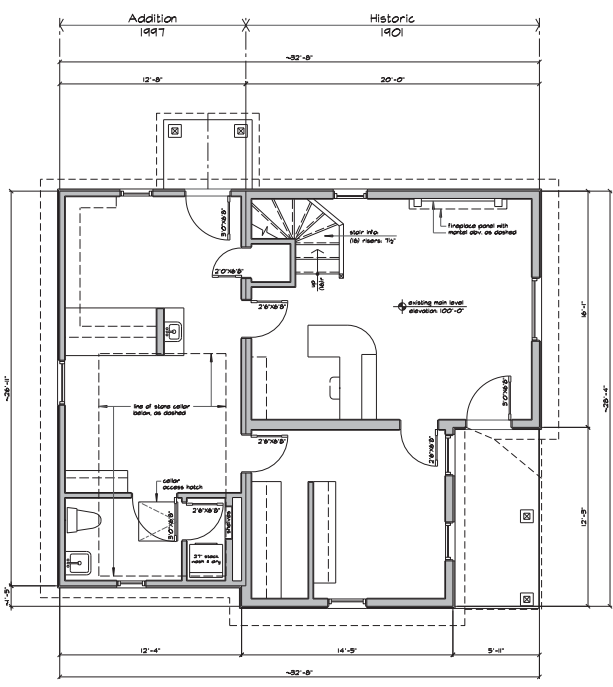


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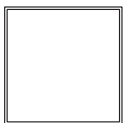
Upper Level Floor Plan
 Scale: 1/4" = 1'-0"
 Historic Gross Sq. Ft. = 485
 Addition Gross Sq. Ft. = 146
 Total Gross Sq. Ft. = 631
 Note: All dimensions indicated are approximate and require field verification.



Main Level Floor Plan
 Scale: 1/4" = 1'-0"
 Historic Gross Sq. Ft. = 485
 Addition Gross Sq. Ft. = 146
 Total Gross Sq. Ft. = 631
 Note: All dimensions indicated are approximate and require field verification.

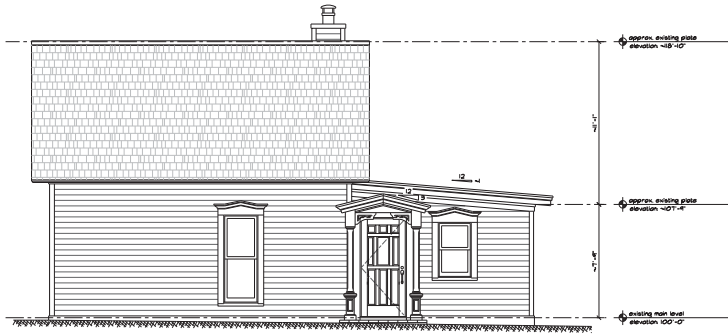
NOBLE HOUSE
 AS-BUILT CONDITIONS
 LOT 7, BLOCK 15, ABBETT ADDITION
 TOWN OF BRECKENRIDGE, COLORADO

As-Built Conditions:
 Floor Plans
 Scale: 1/4" = 1'-0"
 Date: 03-01-2016

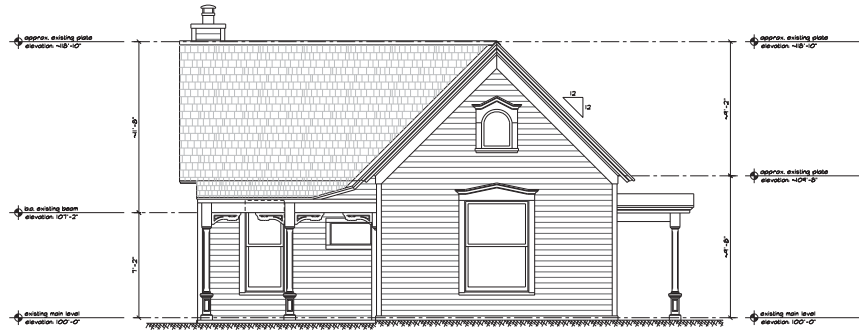


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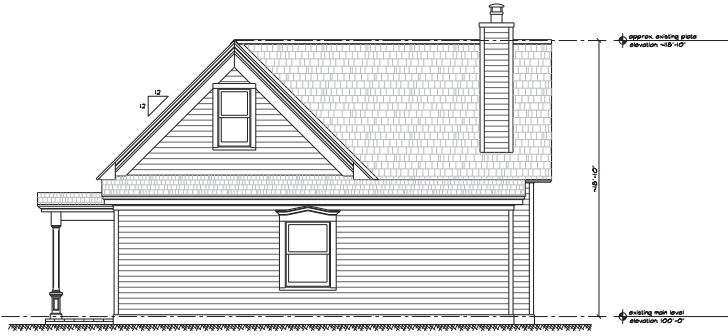




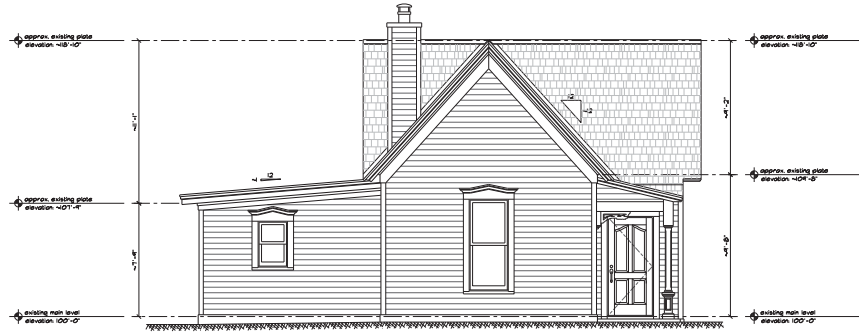
North Elevation
Scale: 1/4" = 1'-0" As-Built



East Elevation
Scale: 1/4" = 1'-0" As-Built



West Elevation
Scale: 1/4" = 1'-0" As-Built



South Elevation
Scale: 1/4" = 1'-0" As-Built

NOBLE HOUSE
AS-BUILT CONDITIONS
LOT 7, BLOCK 15, ABBETT ADDITION
TOWN OF BRECKENRIDGE, COLORADO

As-Built Conditions:
Exterior Elevations
Scale: 1/4" = 1'-0"
Date: 03-01-2018 ©



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AB-2

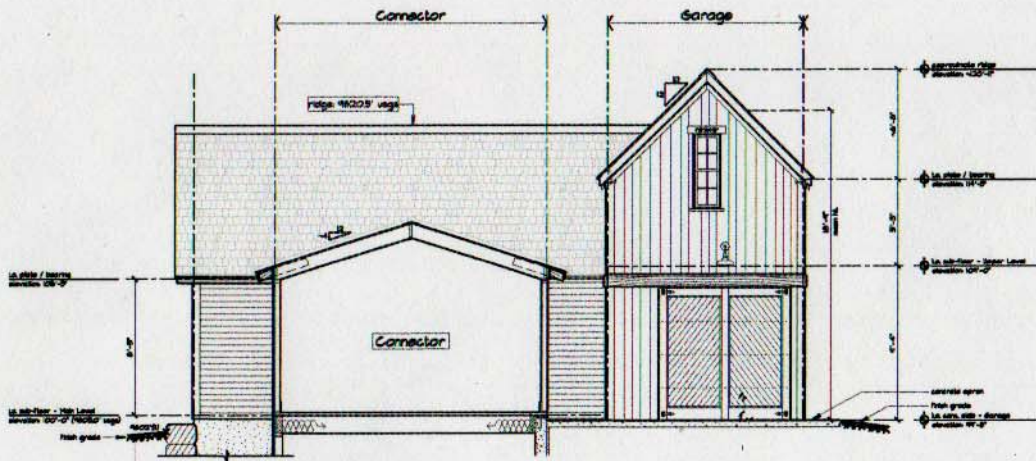
Noble House Restoration Outline

September 12, 2018

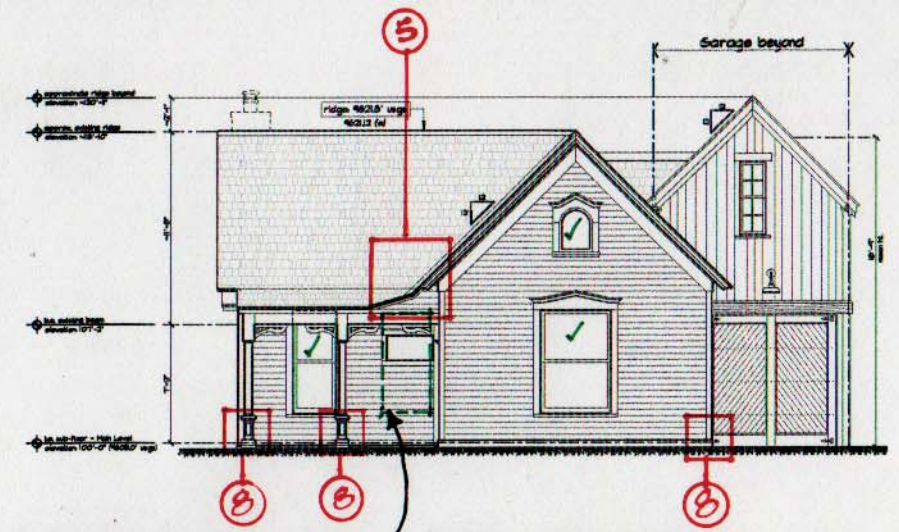
1. Remove 1997 non historic/ non compliant shed addition on north side, as well the non historic/ non compliant shed on the rear property line.
2. Provide a full concrete foundation and new floor framing under the historic structure. The historic floor currently sits on stones just above the dirt. This is a common foundation condition found in most of the historic homes. (the 1997 addition to be removed has a concrete foundation)
3. Structural sistering of both exterior walls and roof, as required
4. New plumbing, electrical and heating systems to replace existing
5. Correct east porch roof over-frame detail: install heated gutter and downspout to handle drainage without compromising original roof form
6. Restore 12 linear feet of lost historic west wall areas when addition is removed, as well as some west fascia areas
7. Historic door and window openings will be preserved, and historic windows will be restored as required. This effort includes removal of the large upper west window to be replaced with a historically compliant size.
8. Repair or replace rotten wood: post bases, corner boards, some sills and trim
9. Remove non historic chimney: NOTE: previous recent driveway application resulted in removal of the large historically non compliant brick chimney on the north side
10. Remove north porch element added during 1990's addition

+6: On site historic preservation/restoration effort of above average public benefit.

Examples: Restoration/preservation efforts for windows, doors, roofs, siding, foundation, architectural details, substantial permanent electrical, plumbing, and/or mechanical system upgrades, plus structural stabilization and installation of a full foundation which fall short of bringing the historic structure or site back to its appearance at a particular moment in time within the town's period of significance by reproducing a pure style.



Building Section "A"
Scale: 1/4" = 1'-0"



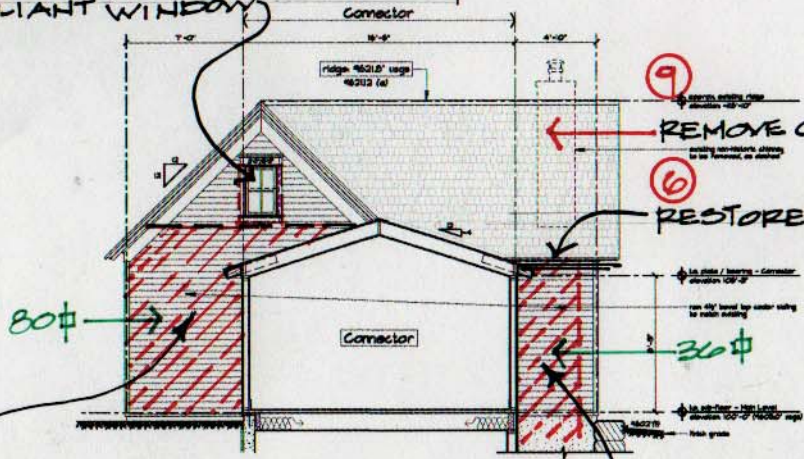
East Elevation
Scale: 1/4" = 1'-0"

HISTORIC OPENING
POSSIBLE - T.B.D.
↑ LIKELY

✓: WINDOWS, FRAMED OPENINGS ARE
HISTORICALLY ACCURATE

LARGE EXISTING WINDOW
TO BE REPLACED W/ HISTORICALLY
COMPLIANT WINDOW

7



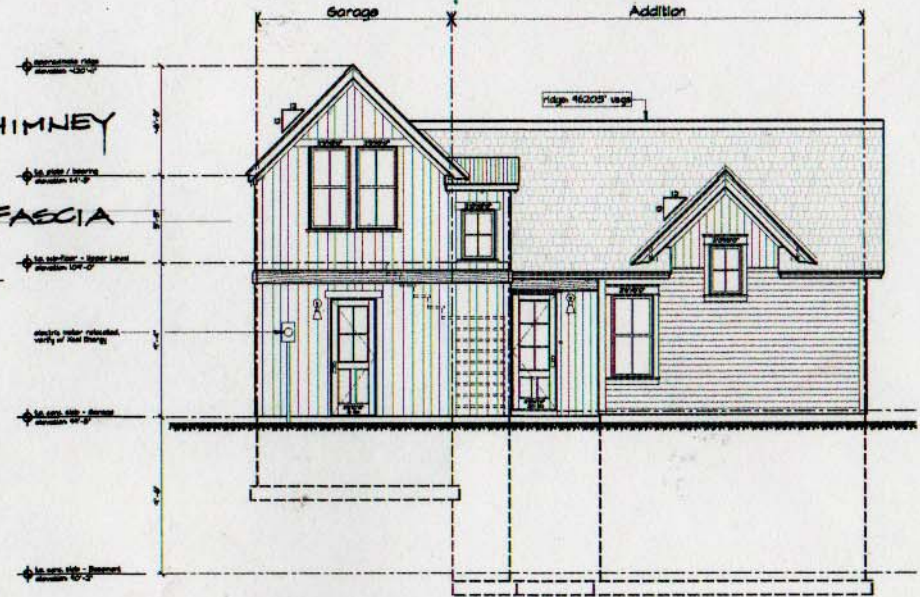
Building Section "B"
Scale: 1/4" = 1'-0"

9 REMOVE CHIMNEY
6 RESTORE FASCIA

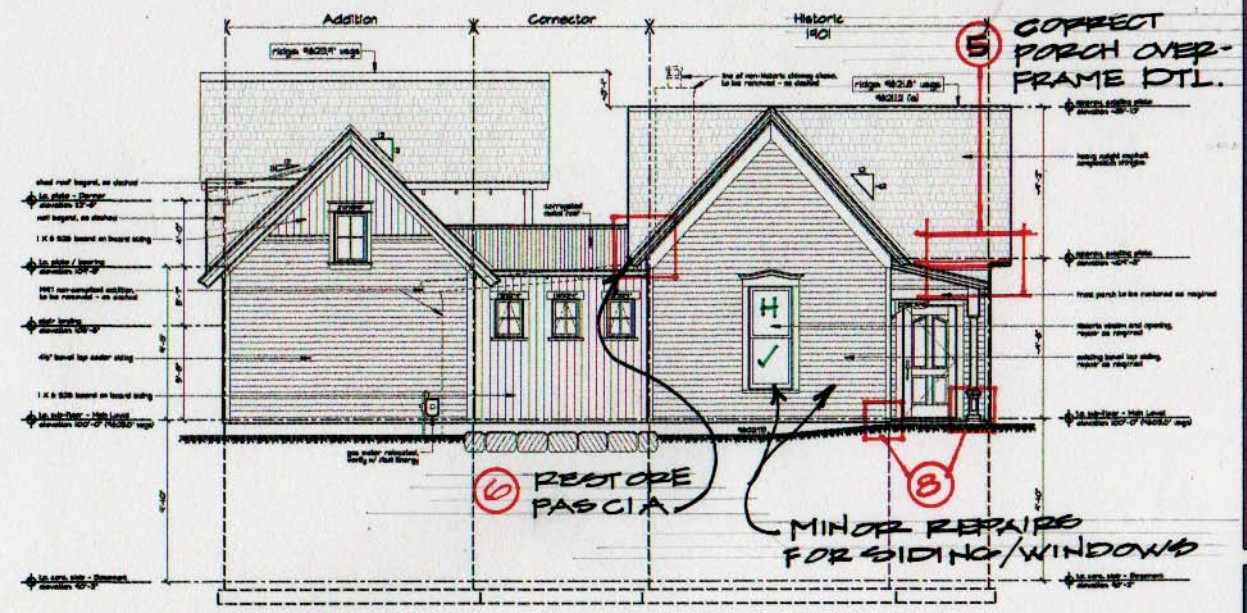
INTERNALLY BURIED HISTORIC WALL
TO BE INTRODUCED & RESTORED
ONCE EXISTING ADDITION IS REMOVED

NOBLE HOUSE : RESTORATION

UPDATED: 9.12.18



West Elevation
Scale: 1/4" = 1'-0"

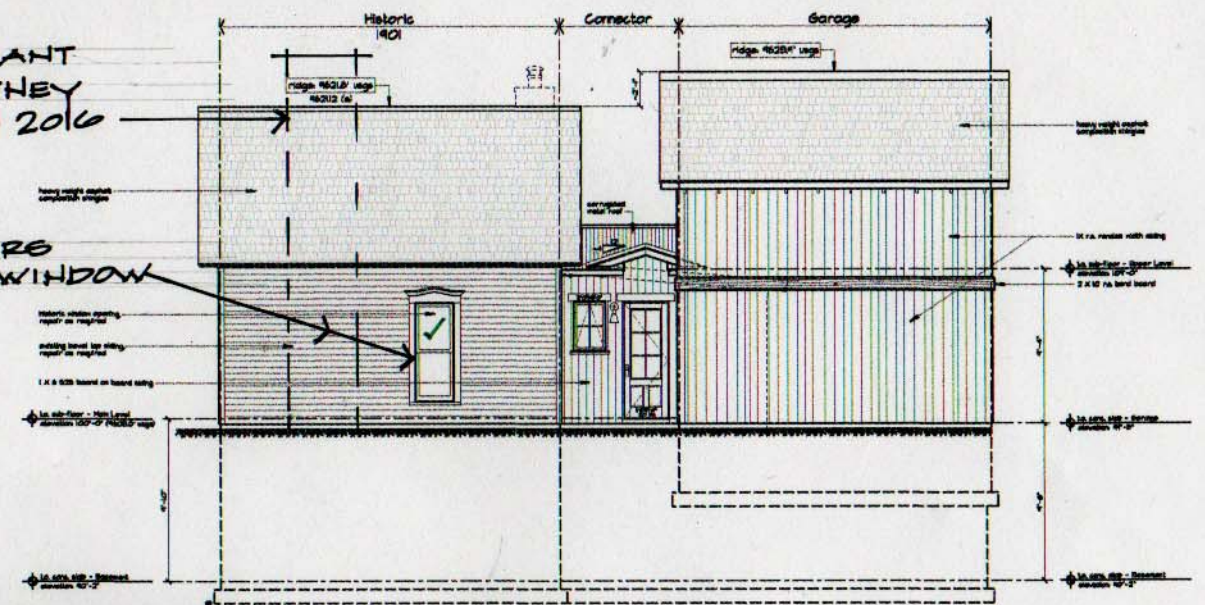


South Elevation
Scale: 1/4" = 1'-0"

H: UPPER SASH IS ORIGINAL WAVY GLASS

NON-COMPLIANT
BRICK CHIMNEY
REMOVED IN 2016

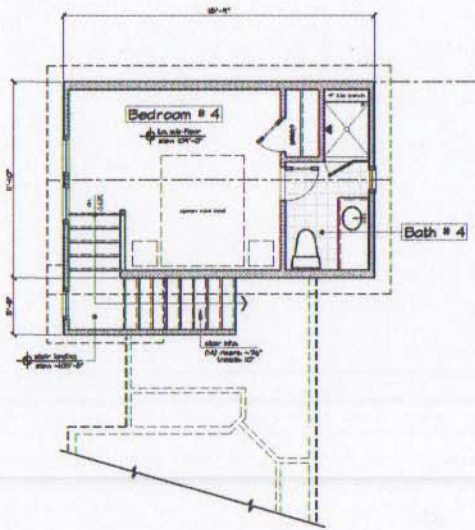
MINOR REPAIRS
FOR SIDING/WINDOW



North Elevation
Scale: 1/4" = 1'-0"

NOBLE HOUSE: RESTORATION

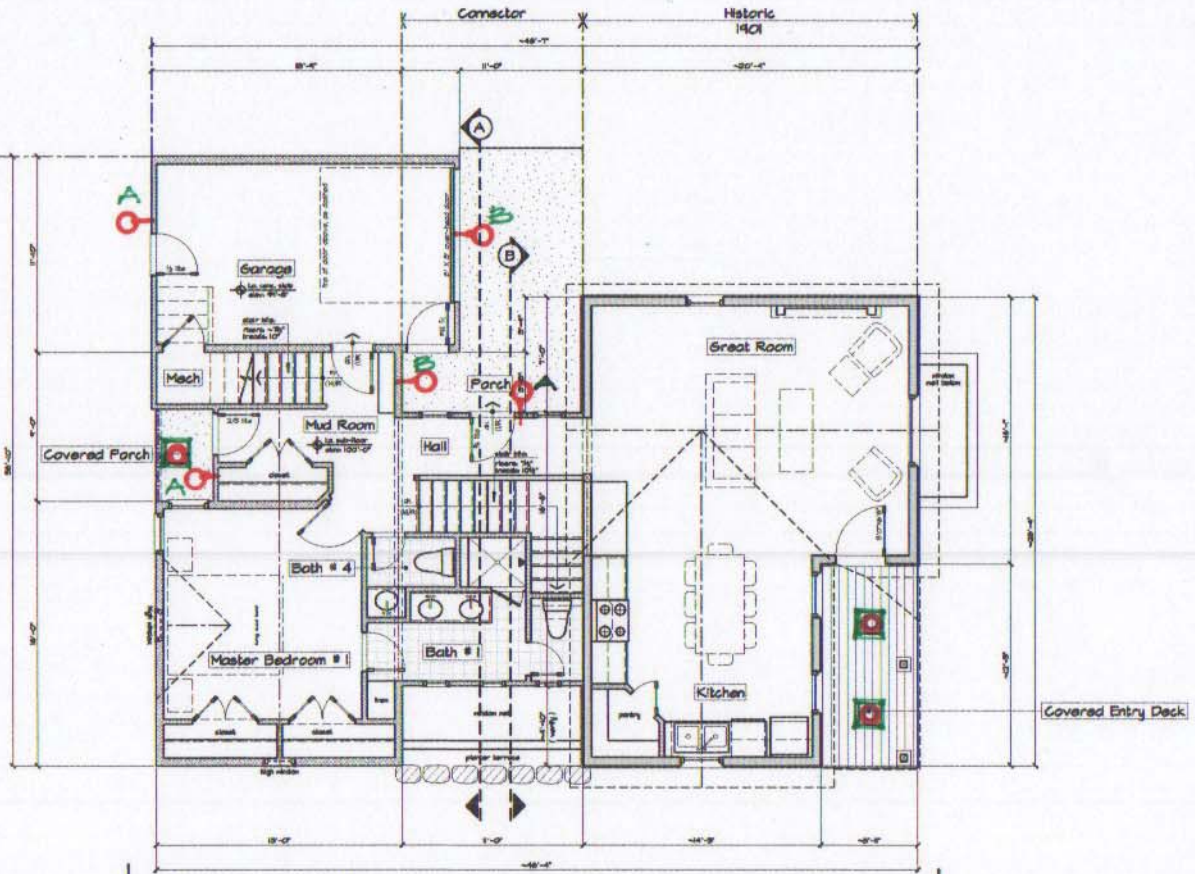
UPDATED:
9.12.18



Upper Level
Floor Plan
Scale 1/4" = 1'-0"

Upper Level
Square Footage Summary:

Upper Level gross	= 223 sq. ft.
Mtue Stair	= -12 sq. ft.
Total above ground density	= 210 sq. ft.



NORIE HOUSE EXTERIOR LIGHTING
8.29.18

- KEY:
- RECESSED CAN
 - WALL MOUNT

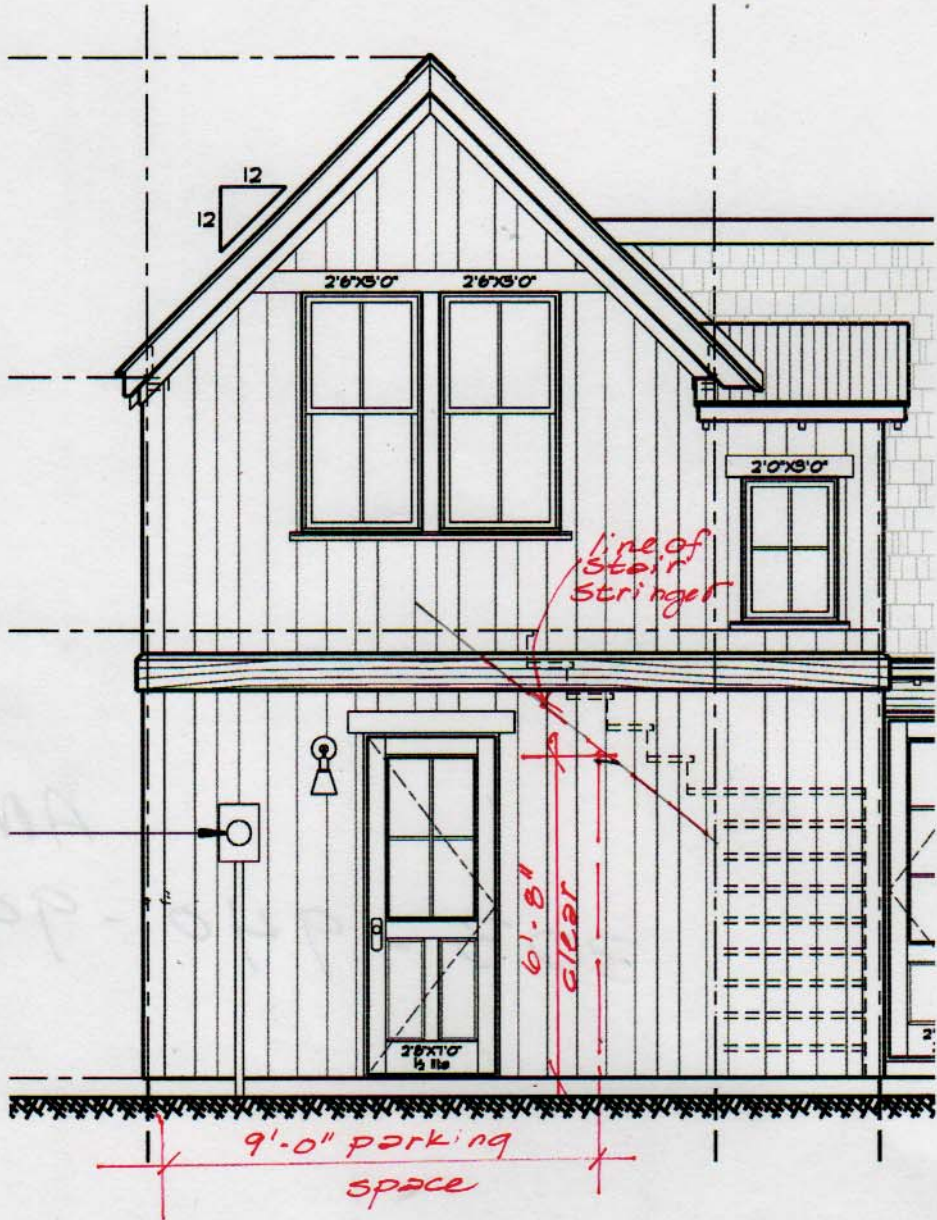
Main Level
Square Footage Summary:

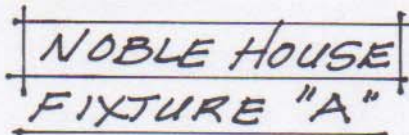
Existing Historic Structure
to be restored

Total Historic density	= 498 sq. ft.
Addition gross	= 556 sq. ft.
Mtue Stair	= -24 sq. ft.
Mtue Mechanical	= -102 sq. ft.
Total above ground density	= 1028 sq. ft.

Garage mass = 323 sq. ft.

Main Level
Floor Plan
Scale 1/4" = 1'-0"





LAMPS PLUS.

THE NATION'S LARGEST LIGHTING RETAILER

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Lamps Plus | Dark Sky Outdoor Lights | Bayport Collection Dark Sky 7 3/4" High Outdoor Wall Light

< Go Back

Bayport Collection Dark Sky 7 3/4" High Outdoor Wall Light - Style # M5911

\$62.50

FREE SHIPPING & FREE RETURNS* | [Low Price Guarantee](#)

1

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ADD TO WISH LIST

[In Stock - Ships in 1 to 2 Days](#) | [Check Store Availability](#)

[2 Reviews](#)

The Bayport Dark Sky outdoor light comes in a rich bronze finish.

[MORE DETAILS >](#)



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MORE YOU MAY LIKE



\$59.99



\$49.99



\$69.99



\$53.90



\$67.90

PRODUCT DETAILS

The Bayport Collection of exterior lighting offers subtle, handsome styling. This design was created according to Dark Sky standards for preserving the

- From Designers Fountain.
- Bayport Collection outdoor wall light.

LAMPS PLUS.

THE NATION'S LARGEST LIGHTING RETAILER

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Lamps Plus | Dark Sky Outdoor Lights | Baytree Lane LED 9 3/4"H Oiled Bronze Outdoor Wall Light

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Baytree Lane LED 9 3/4\"/>

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The dark oil rubbed bronze finish of this energy-efficient LED outdoor wall light is highlighted with rich golden tones.

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\$123.90





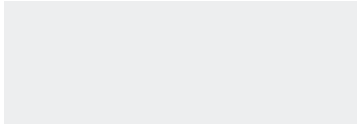




\$144.90



Noble House

Lot 7, Block 13, Abbett Addition
 213 S. Ridge Street
 Breckenridge, CO. 80424

MATERIAL / COLOR BOARD: 09-11-2018

Location / Item:	Manufacturer Description:	Color:
1. Historic House:	repaint to match existing	
2. Addition: Horizontal siding and selected trim	"Cottage Red" PM-15 www.benjaminmoore.com	
3. Vertical siding and trim: S2S siding and selected trim	"Pure White" SW7005 www.sherwin-williams.com	
4. Garage and garage door: 1 x random width (6/8/10 inch) square edge rough sawn fir (oiled)	Old oil finish	
5. Window clad color: and selected trim	"Black" www.jeld-wen.com	
6. High roofs: 50 year - heavyweight Asphalt composition shingles	Timberline Ultra HD "Charcoal" www.gaf.com	
7. Low roofs: Corrugated metal roofing & flashing	7/8" with rusted finish	

Planning Commission Staff Report

- Subject:** The Fourth Resubdivision Plat of the Remainder of Tract C Peak 8 Subdivision, Filing No. 1
(Combined Preliminary and Final Hearing, PL-2018-0391)
- Project Manager:** Chris Kulick, AICP, Planner III
- Date:** September 6, 2018 (for the September 18, 2018 meeting)
- Applicant/Owner:** Vail Summit Resorts, Inc.
- Agent:** Steve West, West Brown Huntley, P.C.
- Proposal:** To re-subdivide the remainder of Tract C to create Lot 4, Peak 8 Subdivision to accommodate the property transfer and development of the Lionheart BGV Ventures Hotel and Condominiums.
- Address:** 1599 Ski Hill Road
- Legal Description:** Fourth Resubdivision Plat of the Remainder of tract C Peak 8 Subdivision, Filing No. 1
- Total Site Area:** 181,925 sq. ft. (4.176 AC)
- Land Use District:** 39 - Residential, Lodging, 4 UPA, single-family, duplex, townhouses, condominiums, condo hotel, hotel, and lodge. Subject to the 6th Amended Peak 7&8 Master Plan and a Development Agreement between the Town and Lionheart BGV Ventures.
- Site Conditions:** The site contains the original administration offices, employee locker rooms and parking lot. A 28.34' x 120' shoring tie back easement for One Ski Hill Place is located along the western property edge.
- Adjacent Uses:** Peak 8 base functions, condominium and offices

Item History

The previous resubdivisions of Tract C, Peak 8 Subdivision created Lot 1 (One Ski Hill Place), Lot 2, (Grand Colorado on Peak 8) and Lot 3 (Grand Lodge Peak 8-East Building, currently under construction).

This resubdivision is being created solely to transfer the property (Lot 4) from Vail Summit Resorts to Lionheart BGV Ventures, to accommodate a hotel/condominium project that was contemplated by the recent Development Agreement between the Town and Lionheart BGV Ventures, approved by the Town Council on xxxxx.

Staff Comments

With this resubdivision, there are no changes to the existing site improvements, roadway connections and infrastructure. All future site improvements and related conditions will be reviewed as future site specific development permits that will require an additional subdivision prior to the issuance of Certificate of Occupancy for a new building. This includes all utility infrastructure, site drainage, access easements and other site improvements associated with the Town's Subdivision Standards. As a result, these items are not addressed in this staff report.

9-2-4-5: Lot Dimensions, Improvements And Configuration: The proposed lot is 181,925 sq. ft., which exceeds the 5,000 sq. ft. minimum requirement. The size and shape of the lot will allow for a future large hotel/ condominium complex to meet the Town's adequacy of setbacks, privacy, functional parking, aesthetics, site buffering, and circulation requirements.

A 10 ft. recreation easement is dedicated to the owner of Tract C. This easement is intended to facilitate seamless maintenance and grooming between lot 4 and Tract C (Tygve's Run). Future access easements, as contemplated for the Four O' Clock Subdivision during the Development Agreement process, and drainage easements will be reviewed during the future site specific Development Permit review. Staff has no concerns.

9-2-4-10: Subdivision And Street Names and 9-2-4-11: Existing And Proposed Streets: The name of this subdivision is the "Fourth Resubdivision Plat of the Remainder of Tract C Peak 8 Subdivision, Filing No. 1". No roads are proposed or will be renamed as part of this application. Staff has no concerns.

9-2-4-13: Dedication of Park Lands, Open Space and Recreational Sites or the Payment of Fees in Lieu Thereof: *All subdividers shall provide land for open space purposes, or cash contributions in lieu of land, or a combination of both, at the option of the town which are roughly proportional in both nature and extent to the impacts created by the proposed subdivision. Unless a different dedication or payment is required by the planning commission on the basis of competent evidence presented, it shall be presumed that the requirements of this section satisfy the rough proportionality requirement; provided, however, that this requirement shall not apply to a person who undertakes to resubdivide a parcel for which an open space dedication has previously been made, or a person who undertakes to subdivide a structure. This land dedication or cash or combination thereof shall be provided in accordance with the following criteria and formula: (Ord. 27, Series 1995)*

As part of the Peaks 7 & 8 Master Plan, 56 acres of land within Cucumber Gulch were dedicated to the Town of Breckenridge as public open space. This was equal to 22% of the entire Peaks 7 & 8 base area. As a result, no additional open space dedication is required with this subdivision.

Additional Conditions of Approval: We included a letter from Attorney, Noah Klug, who is representing a neighboring property owner, CWH Holding's Corporation. Since this is pending litigation, we reviewed the letter with the Town Attorney Tim Berry. At Mr. Berry's suggestion, we added the additional condition of approval below.

PRIOR TO RECORDATION OF FINAL PLAT

9. *The Director of the Department of Community Development and the Town Attorney shall determine whether a final decision has been issued by the court in the case of CWH Holdings Corp. vs. Vail Summit Resorts, Inc., case number 2018CV30108 now pending in the Summit County District Court, and whether such decision (if applicable) requires an amendment to or plat note on the approved subdivision plat.*

Staff Recommendation

This subdivision proposal is in compliance with the Subdivision Standards. Staff recommends approval of The Fourth Resubdivision Plat of the Remainder of Tract C Peak 8 Subdivision, Filing No. 1, PL-2018-0391, with the attached Findings and Conditions.

TOWN OF BRECKENRIDGE

**Fourth Resubdivision Plat of the Remainder
of Tract C Peak 8 Subdivision, Filing No. 1
1599 Ski Hill Road
PL-2018-0391**

FINDINGS

1. The proposed project is in accord with the Subdivision Ordinance and does not propose any prohibited use.
2. The project will not have a significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives which would have less adverse environmental impact.
4. This approval is based on the staff report dated **September 6, 2018** and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **September 18, 2018** as to the nature of the project. In addition to Commission minutes, the audio of the meetings of the Commission are recorded.
6. If the real property which is the subject of this application is subject to a severed mineral interest, the applicant has provided notice of the initial public hearing on this application to any mineral estate owner and to the Town as required by Section 24-65.5-103, C.R.S.
7. The issues involved in the proposed project are such that no useful purpose would be served by requiring two separate hearings.

CONDITIONS

1. The Final Plat of this property may not be recorded unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, refuse to record the Final Plat, issue a stop order requiring the cessation of any work being performed under this permit, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit will expire three (3) years from the date of Town Council approval, on **September 25, 2021** unless the Plat has been filed. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be three years, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Applicant shall construct the subdivision according to the approved subdivision plan, and shall be responsible for and shall pay all costs of installation of public roads and all improvements including revegetation, retaining walls, and drainage system. All construction shall be in accordance with Town regulations.

6. This permit contains no agreement, consideration, or promise that a certificate of occupancy or certificate of compliance will be issued by the Town. A certificate of occupancy or certificate of compliance will be issued only in accordance with the Town's planning requirements/codes and building codes.

PRIOR TO RECORDATION OF FINAL PLAT

7. Applicant shall submit and obtain approval from Town staff of a final plat that meets Town subdivision requirements and the terms of the subdivision plan approval.
8. Per Section 9-2-3-5-B of the Subdivision Standards, the following supplemental information must be submitted to the Town for review and approval prior to recordation of the final plat: title report, errors of closure, any proposed restrictive covenants, any dedications through separate documents, and proof that all taxes and assessments have been paid.
9. **The Director of the Department of Community Development and the Town Attorney shall determine whether a final decision has been issued by the court in the case of CWH Holdings Corp. vs. Vail Summit Resorts, Inc., case number 2018CV30108 now pending in the Summit County District Court, and whether such decision (if applicable) requires an amendment to or plat note on the approved subdivision plat.**

PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLIANCE

10. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.

FOURTH RESUBDIVISION
THE REMAINDER OF TRACT C, PEAK 8 SUBDIVISION FILING NO. 1
 ACCORDING TO THE THIRD RESUBDIVISION PLAT RECORDED 09/19/2016 AT
 REC. NO. 1121860
TOWN OF BRECKENRIDGE SUMMIT COUNTY, COLORADO
 SHEET 1 of 2

BOUNDARY CURVE TABLE

CURVE	ARC LENGTH	BEARING	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	114.94	174.92	114.94	N149°51'12"W	108.94
C2	105.35	170.00	114.94	N149°51'12"W	106.75
C3	121.63	174.06	114.94	N149°51'12"W	108.75
C4	180.30	352.00	31°18'51"	N89°59'10"E	178.13
C5	104.77	170.00	6°22'33"	N88°09'30"E	106.62

BOUNDARY LINE TABLE

LINK	BEARING	DISTANCE
L1	N77°43'12"W	201.43
L2	S83°58'56"W	21.91
L3	S83°58'56"W	18.44
L4	N83°07'38"E	13.81
L5	N83°07'38"E	78.52
L6	N81°29'07"E	18.11
L7	N81°29'07"E	11.07
L8	N81°45'00"E	14.17
L9	N81°45'00"E	11.55
L10	N81°45'00"E	46.07
L11	N81°45'00"E	46.07
L12	N81°45'00"E	46.07
L13	N81°45'00"E	46.07
L14	N81°45'00"E	46.07
L15	N81°45'00"E	46.07
L16	N81°45'00"E	46.07
L17	N81°45'00"E	46.07
L18	N81°45'00"E	46.07
L19	N81°45'00"E	46.07
L20	N81°45'00"E	46.07
L21	N81°45'00"E	46.07
L22	N81°45'00"E	46.07
L23	N81°45'00"E	46.07
L24	N81°45'00"E	46.07
L25	N81°45'00"E	46.07
L26	N81°45'00"E	46.07
L27	N81°45'00"E	46.07
L28	N81°45'00"E	46.07
L29	N81°45'00"E	46.07
L30	N81°45'00"E	46.07
L31	N81°45'00"E	46.07
L32	N81°45'00"E	46.07
L33	N81°45'00"E	46.07
L34	N81°45'00"E	46.07
L35	N81°45'00"E	46.07
L36	N81°45'00"E	46.07
L37	N81°45'00"E	46.07
L38	N81°45'00"E	46.07
L39	N81°45'00"E	46.07
L40	N81°45'00"E	46.07
L41	N81°45'00"E	46.07
L42	N81°45'00"E	46.07
L43	N81°45'00"E	46.07
L44	N81°45'00"E	46.07

REMAINDER OF TRACT C
 4,105,860 SQ. FT., 93.3173 ACRES
 REMAINDER OF TRACT C (OUTLOT)
 = 80,845 SQ. FT., 1.8580 ACRES
 TOTAL AREA OF THE REMAINDER OF TRACT C
 = 4,276,425 SQ. FT., 95.1752 ACRES

- CORNER LEGEND**
1. FOUND 1/8" #8 REBAR WITH 1.5" ALUMINUM CAP STAMPED "SACHEE SURVEYS LS 22001"
 2. FOUND #5 REBAR WITH 1.5" ALUMINUM CAP STAMPED "TT LS 11993"
 3. FOUND #5 REBAR WITH 1.5" ALUMINUM CAP STAMPED "SACHEE PROP COR LS 2818"
 4. FOUND #5 REBAR WITH 1.5" ALUMINUM CAP STAMPED "DB & CO. LS 17644"
 5. FOUND MAG. NAIL W/ BRASS WASHER STAMPED "TT LS 11993"
 6. FOUND #5 REBAR WITH 1.5" ALUMINUM CAP STAMPED "TT LS 11993"
 7. FOUND ORANGE PLASTIC CAP STAMPED LS 27924
 8. FOUND #4 REBAR, NO CAP
 9. FOUND 2" ALUMINUM CAP STAMPED LS 24325
 10. FOUND 1.5" RED PLASTIC CAP STAMPED LS 16286
 11. FOUND 1.5" ALUMINUM CAP IN CONC. STAMPED ALPINE LS 2484
 12. FOUND 1.5" YELLOW PLASTIC CAP STAMPED LS 38074
 13. FOUND 1.5" COPPERWELD MONUMENT/ILLIGIBLE
 14. FOUND 1.5" RED PLASTIC CAP ILLIGIBLE
 15. FOUND 2.5" BENT PIPE ILLIGIBLE
 16. UPGRADED WITH 3/8" #8 REBAR AND 3" ALUMINUM CAP STAMPED WITH CORNER DESIGNATION AS SHOWN

SURVEY NOTES

1. THE BASIS OF BEARINGS FOR THE REMAINDER OF TRACT C IS AS INDICATED ON SHEET 1.
2. THE BASIS OF BEARINGS FOR LOT 1 IS A CALCULATED BEARING OF N41°51'12"W, BETWEEN FOUND CORNERS T-1 (BASE POINT) AND T-6, ROTATION FROM PLATTED BEARINGS COUNTER CLOCKWISE 0°07'00".
3. ROT. DENOTES ROTATED BEARING, M. DENOTES MEASURED BEARING AND P. DENOTES PLATTED DIMENSIONS.

PLAT NOTES

1. THE REAL PROPERTY INCLUDED WITHIN THIS PLAT IS SUBJECT TO THE PROVISIONS OF THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BRECKENRIDGE MOUNTAIN MASTER PLANNED COMMUNITY RECORDED SEPTEMBER 18, 2008 AT RECEPTION NO. 86812, SUMMIT COUNTY, COLORADO, AS THE SAME MAY BE AMENDED OR SUPPLEMENTED AND TO THE PROVISIONS OF THE DECLARATION CONCERNING DISPOSURES, ACKNOWLEDGMENTS, WAIVERS AND CONSTRUCTION DEFECT DISPUTE RESOLUTION RECORDED JANUARY 10, 2008 AT RECEPTION NO. 87766, SUMMIT COUNTY, COLORADO.
2. VAIL SUMMIT RESORTS, INC. HEREBY RESERVES TO PRESERVE AND ITS SUCCESSORS AND ASSIGNS, AND HERBY GRANTS, DEEDS AND CONVEYS FOR THE BENEFIT OF THE REMAINDER OF TRACT C A PERPETUAL NON-EXCLUSIVE EASEMENT ON, UNDER, ACROSS, OVER AND THROUGH THAT PORTION OF THE PROPERTY DESIGNATED ON THIS PLAT AS "RECREATION EASEMENT" FOR THE PURPOSES OF THE SAME (USES AS VAIL SUMMIT RESORTS, INC. UNDERSTANDS OR MAY UNDERSTAND OR PERMITS TO BE UNDERSTOOD) ON THE ADJACENT AREAS OF THE REMAINDER OF TRACT C INCLUDING WINTER, WINTER AND SUMMER RECREATION OPERATIONS AND ACTIVITIES, SNOW MAKING OR CROCODING, CONSTRUCTION OR INSTALLATION OF FACILITIES OR EQUIPMENT NECESSARY OR APPROPRIATE IN CONNECTION WITH SUCH OPERATIONS AND ACTIVITIES, AND MAINTENANCE, GRADING, REPAIR AND SIMILAR NECESSARY OR APPROPRIATE ACTIVITIES IN CONNECTION WITH SUCH USES, OPERATIONS, ACTIVITIES, FACILITIES OR EQUIPMENT AT ANY TIME WITHOUT REGARD TO WHETHER SUCH WINTER OR SUMMER RECREATION OPERATIONS AND ACTIVITIES ARE CURRENTLY OCCURRING.
3. ANY EASEMENTS HEREBY RESERVES OR GRANTS SHALL NOT MERGE WITH ANY THE INTEREST IF ANY INTEREST IN OR BECOMES THE OWNER OF THE LAND ON WHICH AN EASEMENT IS LOCATED BUT SHALL REMAIN SEPARATE AND DISTINCT PROPERTY RIGHTS OF SUCH OWNER, ITS SUCCESSORS AND ASSIGNS, UNTIL EXHAUSTED IN ACCORDANCE WITH THE LAI.

SURVEYOR'S CERTIFICATE

I, DENNIS E. O'NEIL, A COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME FROM A SURVEY MADE BY ME AND UNDER MY DIRECT SUPERVISION, AND THAT BOTH THIS PLAT AND THE SURVEY ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THE MONUMENTS WERE PLACED PURSUANT TO CRS 38-61-105. (SEE SURVEY NOTES).
 DATED THIS _____ DAY OF _____, 2016.
 DENNIS E. O'NEIL, P.L.S. NO. 85801

CLERK AND RECORDERS CERTIFICATE

STATE OF COLORADO)
)
 COUNTY OF SUMMIT)
 I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT _____, M., THIS _____ DAY OF _____, A.D., 2016, AND FILED UNDER RECEPTION NO. _____.

 COUNTY CLERK AND RECORDER

Date		Revisions
Date: 06/09/16		Scale Horiz. 1"=500'
Drawn By: B.D.G.		Checked By: D.E.O.
Job File: 4017		DWG 4017 4th PLAT

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT VAIL SUMMIT RESORTS, INC., A COLORADO CORPORATION, BEING THE OWNER OF THE FOLLOWING DESCRIBED REAL PROPERTY SITUATE IN THE TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO, A SUBDIVISION AS FILED FOR RECORD ON SEPTEMBER 19th, 2016 AT RECEPTION NUMBER 1121860 IN OFFICE OF THE CLERK AND RECORDERS AND CONTAINING 4,458,560 SQUARE FEET OR 102.5490 ACRES:
 HAS LAID OUT, SUBDIVIDED AND PLATTED THE SAME INTO LOTS, STREETS AND BASEMENTS AS SHOWN HEREON UNDER THE NAME AND STYLE OF "FOURTH RESUBDIVISION THE REMAINDER OF TRACT C, PEAK 8 SUBDIVISION FILING NO. 1, AND BY THESE PRESENTS, DOES HEREBY SET APART AND DEDICATE TO THE PERPETUAL USE OF THE PUBLIC, ALL OF THE STREETS, ALLEYS AND OTHER PUBLIC WAYS AND PLACES AS SHOWN HEREON, AND FURTHER HEREBY DEDICATES THOSE PORTIONS OF LAND LABELED AS BASEMENTS FOR THE PURPOSES AS SHOWN HEREON.
 IN WITNESS WHEREOF, VAIL SUMMIT RESORTS, INC., A COLORADO CORPORATION, HAS CAUSED ITS NAME TO BE HERETOBY SUBSCRIBED THIS _____ DAY OF _____, 2016.
 BY: _____
 JOHN BUEHLER, VICE PRESIDENT & COO

ACKNOWLEDGEMENT

STATE OF COLORADO)
)
 COUNTY OF SUMMIT)
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2016, BY JOHN BUEHLER, VICE PRESIDENT & COO OF VAIL SUMMIT RESORTS, INC., A COLORADO CORPORATION.
 MY COMMISSION EXPIRES: _____ WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

TITLE COMPANY'S CERTIFICATE

LAND TITLE GUARANTEE OF SUMMIT COUNTY, DOES HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE TO ALL LANDS SHOWN HEREON AND ALL LANDS HEREBY DEDICATED BY VIRTUE OF THIS PLAT AND TITLE TO ALL SUCH LANDS IS IN THE DEDICATOR FREE AND CLEAR OF ALL LIENS, TAXES AND ENCUMBRANCES, EXCEPT AS FOLLOWS: _____
 DATED THIS _____ DAY OF _____, A.D., 2016.

AGENT

TOWN OF BRECKENRIDGE CERTIFICATE

THIS PLAT IS APPROVED THIS _____ DAY OF _____, 2016.
 TOWN OF BRECKENRIDGE
 BY: _____
 DIRECTOR, DEPARTMENT OF COMMUNITY DEVELOPMENT

NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT THE TOWN OF BRECKENRIDGE HEREBY ACCEPTS ALL OF THE OFFERS OF DEDICATION MADE BY THIS PLAT. HOWEVER, SUCH ACCEPTANCE DOES NOT CONSTITUTE AN ACCEPTANCE OF THE RIGHTS AND RIGHTS OF WAY REFLECTED HEREON FOR MAINTENANCE BY THE TOWN. UNTIL SUCH ROADS AND RIGHTS OF WAY MEET TOWN ROAD SPECIFICATIONS AND ARE SPECIFICALLY ACCEPTED BY THE TOWN, THE MAINTENANCE, CONSTRUCTION, AND ALL OTHER MATTERS PERTAINING TO OR AFFECTING SAID ROADS AND RIGHTS-OF-WAY ARE THE SOLE RESPONSIBILITY OF THE OWNERS OF THE LAND EMBODIED BY THIS SUBDIVISION.

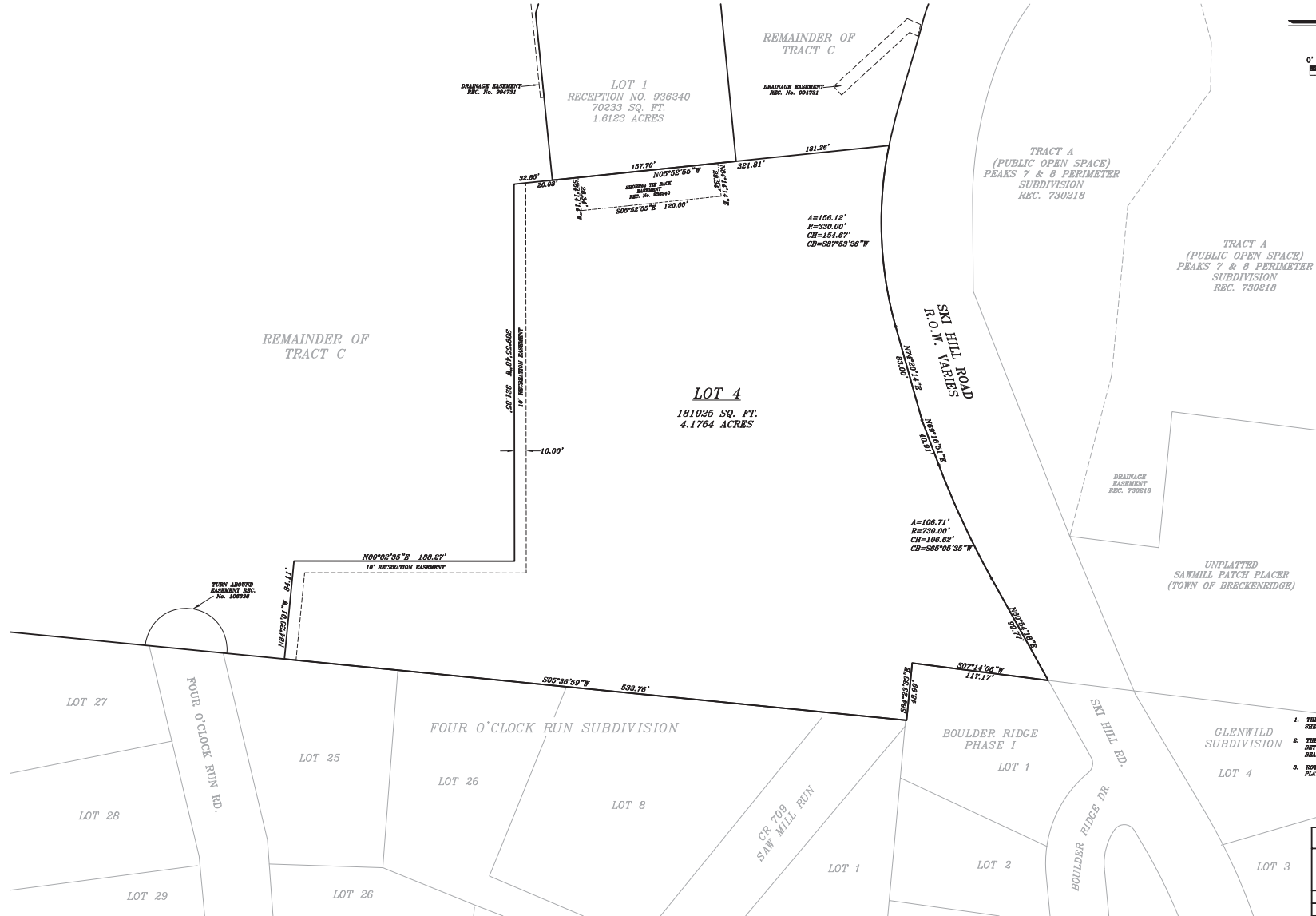
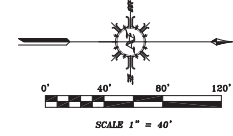
TOWN CLERK'S CERTIFICATE

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT _____ O'CLOCK, _____ M., THIS _____ DAY OF _____, 2016, AND IS DULY RECORDED.
 TOWN CLERK

CERTIFICATE OF TAXES PAID

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE ENTIRE AMOUNT OF TAXES DUE AND PAYABLE AS OF _____, 2016 UPON PARCELS OF REAL ESTATE DESCRIBED ON THIS PLAT ARE PAID IN FULL, DATED THIS _____ DAY OF _____, 2016.
 SIGNATURE _____

FOURTH RESUBDIVISION
THE REMAINDER OF TRACT C, PEAK 8 SUBDIVISION FILING NO. 1
ACCORDING TO THE THIRD RESUBDIVISION PLAT RECORDED 09/19/2016 AT
REC. NO. 1121860
TOWN OF BRECKENRIDGE SUMMIT COUNTY, COLORADO
SHEET 2 of 2



- SURVEY NOTES**
1. THE BASIS OF BEARINGS FOR THE REMAINDER OF TRACT C IS AS INDICATED ON SHEET 1.
 2. THE BASIS OF BEARINGS FOR LOT 1 IS A CALCULATED BEARING OF N41°31'17"W, SUTHERN POINT CORNER T-1 (BASE POINT) AND T-2, ROTATION FROM PLATTED BEARING COURSE TRACKERS 0°00'00".
 3. ROT. DENOTES ROTATED BEARING, M DENOTES MEASURED BEARING AND P DENOTES PLATTED DIMENSIONS.

Baseline Surveys LLC		PLANNED BY 1841 10th ST W BRECKENRIDGE CO 80421-0275	
FOURTH RESUBDIVISION PLAT OF THE REMAINDER OF TRACT C, PEAK 8 SUBDIVISION FILING NO. 1 ACCORDING TO THE RESUBDIVISION PLAT RECORDED 09/19/2016 AT REC. NO. 1121860 TOWN OF BRECKENRIDGE SUMMIT COUNTY, COLORADO			
Date		SHEET 2 of 2	
Revisions		Date: 06/06/18	Scale Horiz. 1"=40'
		Drawn By: D.E.O.	
		Job File: 4017	DWG 4017 4th PLAT

The

Klug Law Firm, L L C

Noah Klug
Attorney & Counselor at Law

PO Box 6683, Breckenridge CO 80424-6683
t970-468-4953
f800-675-1349
TheKlugLawFirm.com

Licensed in Colorado and Missouri

September 13, 2018

Town of Breckenridge

Via e-mail to websitecommdev@townofbreckenridge.com

Re: Proposed 4th Resubdivision, Peak 8 Subdivision, PL-2018-0391, 1599 Ski Hill Rd

Dear Town of Breckenridge:

I represent CWH Holdings Corporation (CWH) concerning its property described as Lot 25, The Four O'Clock Sub, 172 Saw Mill Run, Breckenridge CO 80424 ("Lot 25"). Lot 25 is adjacent to property owned by Vail Summit Resorts, Inc. (VSRI), described as Remainder of Tract C according to the Third Resubdivision Plat of the Remainder of Tract C, Peak 8 Subdivision, Filing No. 1 ("Tract C"). The planning commission is scheduled to conduct a hearing on September 18, 2018, where it will consider a proposal to resubdivide Tract C to create a new parcel to be known as Lot 4, Peak 8 Subdivision ("Proposed Lot 4").

Please be aware that CWH has prescriptive easements across Tract C and, in particular, Proposed Lot 4 for ingress and egress to the ski area. CWH does not benefit from any other access to the ski area on Four O'Clock Run Road or Saw Mill Run Road. The general easement area is shaded in red on the attached Exhibit 1. VSRI disputes CWH's easements and the matter is the subject of active litigation in a case known as CWH Holdings Corp. v. Vail Summit Resorts, Inc., 2018CV30108, District Court, Summit County, Colorado. CWH recorded a notice of the action (i.e. *lis pendens*) on June 25, 2018, at Rec. No. 1172900, Summit County Recorder. CWH is having the exact location of its easements surveyed and I will be able to provide the Town with a copy of the survey upon receipt.

For now, CWH requests that any approval of Proposed Lot 4 or any subsequent land use decisions concerning it account for CWH's easements pending their final determination in court. I would appreciate if you could please confirm receipt of this letter.

Thank you for your consideration of this matter.

Very truly yours,

/s/Noah Klug
Noah Klug

Ec: Client



Imagery ©2018 Google, Map data ©2018 Google 50 ft



TOWN OF BRECKENRIDGE
TOWN COUNCIL

September 11 Meeting Summary



Welcome to the Town of Breckenridge's newsletter summarizing our latest Town Council Meeting. Our goal is to get the best information to our citizens about what happens during Town Council. Please provide us with feedback on how we can best serve you. We hope to see you at the meetings.

Manager's Report

Public Projects

- **Ski Hill Wall Project:** Construction of the Ski Hill Wall Project began on September 4th. The contractor, Columbine Hills Concrete, has installed barrier, traffic control, and begun demolition work. Currently, traffic is being reduced to single-lane traffic through the work zone, which will

continue until Project completion in late October. Temporary traffic lights will be used for the majority of construction to control traffic.

- **Indoor Ice Rink Lights:** As detailed in the 2018 CIP as a 100% Renewable Energy Project, the lighting in the indoor ice sheet at the Stephen C. West Ice arena was upgraded with LED lights this summer. The goals of the project were to increase the visibility on the ice sheet for all forms of skating, improve energy efficiency, enhance the bleacher viewing experience, and better showcase the Stephen C. West Ice Arena facility.

Parking and Transportation

- August ridership is up 23.1% over last August with 81,120 compared to 65,915 in 2017. Year to date is up 8.0% compared to 2017. Trolley numbers are up over 2017 mainly due to the addition of a second Trolley route.
- For Spartan Race weekend, Free Ride ran 6 extra parking lot shuttles with the help of the Ski Area and Summit Stage, moving a total of 11,001 passengers.

Other Presentations

Breckenridge Heritage Alliance CIP

- BHA presented that their mission is to preserve unique historic resources in Breck and connect residents and visitors to that history. Goal to be recognized as leader in authentic heritage tourism. Recent highlight was Barney Ford induction into the Colorado Tourism Hall of Fame.
- One of the major projects for the CIP is a Modern Breckenridge installation. Important themes (based on survey results) - hippies & ski bums, national historic district designation, Blue River restoration, Open Space 1996 sales tax, support for creative arts, Ullr Fest, and innovation in mountain sports.
- "Time is a River" Exhibit (2nd floor Welcome Center): an interactive, five panel display of Breckenridge's historical timeline. CIP ask will go towards continued research & community input, renderings of installations, redesign of the 2nd-floor exhibit/gathering space. 2020 budget covers fabrication and installation.

- Both installations looks to include more interactive exhibits with large touchscreen panels with videos, images, and historical information. "Would love to make the Welcome Center a place that 'wow's' visitors." Council approved \$480,000 CIP.

Carter Park Dog Park Improvements

- At the July 24, 2018 meeting, Council inquired about the feasibility of a synthetic surface. There are challenges with the current conditions at dog park: keeping consistent grass coverage due to the short growing season and year-round dog park use. In addition, there is excess moisture due to weather and spring thaw.
- Public Works does perform routine maintenance but there has been minimal surface improvements to the dog park. The compacted dirt area is nutrient poor due to overuse and has not been re-sodded or fertilized in recent years. Staff believes that the grass to dirt ratio can be improved over current conditions with soil amendments and maintenance practices.

Council decided to not move forward with turf and will look into grass improvements. "It's a great amenity for town that we would like to take care of," said Mayor Mamula.

Regular Council Meeting

Legislative Review

- **Cucumber Creek Estates Lease (Second Reading):** This ordinance would allow the Town of Breckenridge to continue using the Christie Heights/Cucumber Creek Estates property adjacent to Breckenridge Nordic Center for summer and winter trail use. **Passed 7-0.**
- **Revision to Drone Ordinance (Second Reading):** This ordinance provides a specific prohibition against obstruction of "a peace officer, firefighter, emergency medical service provider, rescue specialist, or volunteer." The revision is intended to reflect state-wide language. (Obstruction = operating a UAS in a way that obstructs/impairs/hinders the noted emergency service branches). **Passed 7-0.**
- **Oath Ordinance (First Reading):** This ordinance memorializes the Town of Breckenridge's current oath, and who can administer it, by adding two sections to Chapter 7 Title 1 of the Breckenridge Town Code specific to those topics. These additions will ensure that the Town's oath of office is administered consistently and by the right people in the future. **Passed 7-0.**

- **Electrical Personal Assistive Mobility Device Ordinance (First Reading):** This ordinance would amend the model traffic code to largely prohibit the use of an Electrical Personal Assistive Mobility Device (EPAMD) within the Town. As defined in Colorado State Statute 42-1-102 an EPAMD means a “self-balancing, nontandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power output of no more than seven hundred fifty watts”. An example of an EPAMD would be a Segway. This change will **not** prohibit the use of such a device by persons with a mobility related disability. **Passed 7-0.**

Reports to Council

- **BTO Update:** Oktoberfest sold out of steins at 1 pm on Saturday. The goal is to keep distributing people on Friday and Sunday and move away from cash. Content/Marketing Team won an international award for "Outstanding Travel Website." Continuing work on Destination Management Plan.
- **Ski Resort Update:** Sunday completed summer operations of Epic Discovery. Resort found that opening the top spread out customers and reduced lines. 38 days away from snow-making. Added new low energy snow guns on Peak 9. Epic Promise Week is 9/10-9/15, will be working on constructing the Backdoor trail on Saturday.