



**TOWN OF  
BRECKENRIDGE**

**Town Council Regular Meeting**  
Tuesday, December 11, 2018, 7:00 PM  
Council Chambers  
150 Ski Hill Road  
Breckenridge, Colorado

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

**I. CALL TO ORDER, ROLL CALL**

**II. APPROVAL OF MINUTES**

A. TOWN COUNCIL MINUTES - NOVEMBER 27, 2018

**III. APPROVAL OF AGENDA**

**IV. COMMUNICATIONS TO COUNCIL**

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

B. BRECKENRIDGE TOURISM OFFICE UPDATE

**V. CONTINUED BUSINESS**

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

1. *COUNCIL BILL NO. 32, SERIES 2018 - AN ORDINANCE AUTHORIZING THE CONVEYANCE OF THE IMPROVEMENTS LOCATED ON CERTAIN REAL PROPERTY TO THE HURON LANDING AUTHORITY*

2. *COUNCIL BILL NO. 33, SERIES 2018 - AN ORDINANCE CHANGING THE REFERENCES IN THE BRECKENRIDGE TOWN CODE WITH RESPECT TO THE COLORADO MEDICAL MARIJUANA CODE AND THE COLORADO RETAIL MARIJUANA CODE*

3. *COUNCIL BILL NO. 34, SERIES 2018 - AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2010 EDITION, CONCERNING AN EXPANSION OF THE ABILITY TO LEAVE A MOTOR VEHICLE UNATTENDED IN CERTAIN CIRCUMSTANCES*

**VI. NEW BUSINESS**

A. FIRST READING OF COUNCIL BILLS, SERIES 2018

1. *COUNCIL BILL NO. 35, SERIES 2018 - AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO TITLE 9 OF THE BRECKENRIDGE TOWN CODE*

2. *COUNCIL BILL NO. 36, SERIES 2018 - AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK UNDER CHAPTER 11 OF TITLE 9 OF THE*

*BRECKENRIDGE TOWN CODE (Casey Residence, 112 North French Street, Lots 3 & 4, Block 3; Abbett Addition)*

**B. RESOLUTIONS, SERIES 2018**

1. *RESOLUTION NO. 24, SERIES 2018 - A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR ATTORNEY SERVICES WITH TIMOTHY H. BERRY, P.C. FOR 2019*
2. *RESOLUTION NO. 25, SERIES 2018 - A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR ATTORNEY SERVICES WITH ROBERT GREGORY OF WEST HUNTLEY GREGORY PC FOR 2019*
3. *RESOLUTION NO. 26, SERIES 2018 - A RESOLUTION APPROVING A REVISED POLICY FOR THE INVESTMENT OF TOWN FUNDS*

**C. OTHER**

**VII. PLANNING MATTERS**

**A. PLANNING COMMISSION DECISIONS**

**VIII. REPORT OF TOWN MANAGER AND STAFF**

**IX. REPORT OF MAYOR AND COUNCIL MEMBERS**

- A. CAST/MMC (MAYOR MAMULA)
- B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MR. BERGERON)
- C. BRECKENRIDGE TOURISM OFFICE (MS. WOLFE)
- D. BRECKENRIDGE HERITAGE ALLIANCE (MS. GIGLELLO)
- E. BRECKENRIDGE CREATIVE ARTS (MS. LAWRENCE)
- F. BRECKENRIDGE EVENTS COMMITTEE (MS. GIGLIELLO)

**X. OTHER MATTERS**

**XI. SCHEDULED MEETINGS**

**A. SCHEDULED MEETINGS FOR DECEMBER AND JANUARY**

**XII. ADJOURNMENT**

**I) CALL TO ORDER, ROLL CALL**

Mayor Mamula called the meeting of November 27, 2018 to order at 7:00pm. The following members answered roll call: Mr. Bergeron, Ms. Lawrence, Mr. Carleton, Mr. Gallagher, Ms. Wolfe, Ms. Gigliello and Mayor Mamula.

**II) APPROVAL OF MINUTES**

**A) TOWN COUNCIL MINUTES - NOVEMBER 13, 2018**

With no changes or corrections to the meeting minutes of November 13, 2018, Mayor Mamula declared they would stand approved as submitted.

**III) APPROVAL OF AGENDA**

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

**IV) COMMUNICATIONS TO COUNCIL**

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

Mayor Mamula opened Citizen's Comment.

Ms. Carol Rockne, a Breckenridge resident and owner of the Dredge, stated the dumpsters along the Riverwalk area are used by many people and she believes the Dredge restaurant (Breckenridge Yacht Club) is paying more than its fair share of the total amount. She further stated she would like it to be equitable among all the businesses that use the dumpster. Ms. Rockne suggested the Town look at sales tax information and pro-rate the trash cost based on total sales and type of business. Mamula stated staff is working with Timberline on a new contract and plan for those dumpsters.

Dr. John Warner, a Breckenridge resident and former Mayor, asked about food carts. Mayor Mamula stated all food carts require a permit and can't be on public property. Dr. Warner also stated he wanted to applaud the Town about how it handled the Troll, and he understands the concerns of residents. He further stated he would like to see the Town use wilderness art to get people out of their cars and onto buses and trails. Dr. Warner stated the bus drivers did a great job directing guests to the Troll.

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

**V) CONTINUED BUSINESS**

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

**1) COUNCIL BILL NO. 31, SERIES 2018 - AN ORDINANCE SETTING THE MILL LEVY WITHIN THE TOWN OF BRECKENRIDGE FOR 2019**

Mayor Mamula read the title into the minutes. Mr. Waldes stated there was no change to this ordinance from first reading.

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 31, SERIES 2018 - AN ORDINANCE SETTING THE MILL LEVY WITHIN THE TOWN OF BRECKENRIDGE FOR 2019. Mr. Gallagher seconded the motion.

The motion passed 7-0.

**VI) NEW BUSINESS**

**A) FIRST READING OF COUNCIL BILLS, SERIES 2018**

**1) COUNCIL BILL NO. 32, SERIES 2018 - AN ORDINANCE AUTHORIZING THE CONVEYANCE OF THE IMPROVEMENTS LOCATED ON CERTAIN REAL PROPERTY TO THE HURON LANDING AUTHORITY (Huron Landing Deed)**

Mayor Mamula read the title into the minutes. Mr. Berry stated this ordinance would authorize the conveyance of a deed to the Huron Landing Authority for

improvements to the buildings on the Huron Landing property. He further stated staff recommends approval.

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 32, SERIES 2018 - AN ORDINANCE AUTHORIZING THE CONVEYANCE OF THE IMPROVEMENTS LOCATED ON CERTAIN REAL PROPERTY TO THE HURON LANDING AUTHORITY (Huron Landing Deed). Ms. Lawrence seconded the motion.

The motion passed 7-0.

- 2) COUNCIL BILL NO. 33, SERIES 2018 - AN ORDINANCE CHANGING THE REFERENCES IN THE BRECKENRIDGE TOWN CODE WITH RESPECT TO THE COLORADO MEDICAL MARIJUANA CODE AND THE COLORADO RETAIL MARIJUANA CODE

Mayor Mamula read the title into the minutes. Mr. Berry stated this ordinance would move the references to the marijuana laws in Town Code to match state statute, which was recently changed.

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 33, SERIES 2018 - AN ORDINANCE CHANGING THE REFERENCES IN THE BRECKENRIDGE TOWN CODE WITH RESPECT TO THE COLORADO MEDICAL MARIJUANA CODE AND THE COLORADO RETAIL MARIJUANA CODE. Ms. Gigliello seconded the motion.

The motion passed 7-0.

- 3) COUNCIL BILL NO. 34, SERIES 2018 - AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2010 EDITION, CONCERNING AN EXPANSION OF THE ABILITY TO LEAVE A MOTOR VEHICLE UNATTENDED IN CERTAIN CIRCUMSTANCES

Mayor Mamula read the title into the minutes. Chief Jim Baird stated this ordinance would align Town Code with changes to state statute that would allow for remote starters in vehicles.

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 34, SERIES 2018 - AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2010 EDITION, CONCERNING AN EXPANSION OF THE ABILITY TO LEAVE A MOTOR VEHICLE UNATTENDED IN CERTAIN CIRCUMSTANCES. Ms. Gigliello seconded the motion.

The motion passed 7-0.

- B) RESOLUTIONS, SERIES 2018

- 1) RESOLUTION NO. 23, SERIES 2018 - A RESOLUTION ADOPTING THE 2019 BUDGET AND MAKING APPROPRIATIONS THEREFOR; AND APPROVING THE 2019-2023 CAPITAL IMPROVEMENT PLAN

Mayor Mamula read the title into the minutes. Mr. Brian Waldes, Finance Director, stated this resolution would approve the 2019 proposed budget and includes the changes discussed at the last Town Council meeting as additional appropriations.

Mayor Mamula opened the public hearing.

Dr. John Warner, a Breckenridge resident and former Mayor, thanked Council for approving the new water treatment facility and the Recreation Center remodel. He further stated the Housing Fund is doing well, and so is the Reusable Bag Fund. Dr.

Warner asked about the timing of the Tarn Dam repairs, and staff stated that would be in 2021. He stated the Childcare Fund balance is decreasing and implored Council to keep that in their sights and that we can't predict RETT and he would like to see any overage in that budget item go to the Childcare Fund. Dr. Warner further stated the Nordic Center cost recovery has improved, but he is concerned about the planned renovation at the Ice Arena because it doesn't yet have a favorable cost recovery rate. Mayor Mamula explained that the main driver for the Ice Arena expansion is a growing problem with gender separation in the locker rooms and the need for more locker rooms to accommodate that.

There were no additional comments and the public hearing was closed.

Mr. Bergeron moved to approve RESOLUTION NO. 23, SERIES 2018 - A RESOLUTION ADOPTING THE 2019 BUDGET AND MAKING APPROPRIATIONS THEREFOR; AND APPROVING THE 2019-2023 CAPITAL IMPROVEMENT PLAN. Ms. Gigliello seconded the motion.

The motion passed 7-0.

C) OTHER

**VII) PLANNING MATTERS**

A) PLANNING COMMISSION DECISIONS

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

**VIII) REPORT OF TOWN MANAGER AND STAFF**

The Report of Town Manager and Staff was covered during the afternoon work session.

**IX) REPORT OF MAYOR AND COUNCIL MEMBERS**

The Report of Mayor and Council Members was covered during the afternoon work session.

**X) OTHER MATTERS**

Ms. Gigliello asked if plowing snow into the river was legal and stated she witnessed it into the Maggie Pond. Mr. Holman stated that is illegal and staff will follow up. Ms. Gigliello also mentioned she had friends who bought a place in Crested Butte, kept the long-term lease in place, and have negotiated with the renters to stay there 12 days out of the year. She further stated this kind of arrangement might be an option for the generation that is used to a sharing economy. Mayor Mamula stated it would be nice to be able to incentivize that type of arrangement to keep more local housing.

Ms. Wolfe stated a citizen commented to her about parking enforcement on Harris and High streets. Ms. Shannon Haynes stated it's complicated in that area and most of the parking on those streets is on private property. She further stated some properties have fencing on the property line, and people park in the Town right of way. She also stated her fear is that enforcement will impact some residents and long-term rentals as well as guests, so the recommendation would be to learn what we are dealing with and the potential impacts before we start enforcing in that area. Council asked about overnight parking options and Ms. Haynes stated it is not allowed in any of the core lots. Mr. Holman stated this issue has been going on for years and staff will need to strategize and discuss options.

Mr. Bergeron asked about when the Short Term Rental hotline will come into effect. Mr. Waldes stated January 1st. He further stated notifications to HOAs and license holders have started already, and all other information will go out around January 1.

Ms. Lawrence asked about the Assistant Police Chief position, and Chief Baird stated the two finalists will be interviewed in person on Thursday, and there are no internal candidates. She also asked if there is a formal name for the new water plant and Mr. Holman stated there is not.

**XI) SCHEDULED MEETINGS**

- A) SCHEDULED MEETINGS FOR NOVEMBER, DECEMBER, AND JANUARY

**XII) ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 7:35pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

---

Helen Cospolich, CMC, Town Clerk

---

Eric S. Mamula, Mayor

DRAFT



# Memo

**To:** Breckenridge Town Council Members  
**From:** Laurie Best-Community Development Department  
**Date:** 12/3/2018 (for 12/11/2018 meeting)  
**Subject:** AN ORDINANCE AUTHORIZING THE CONVEYANCE OF THE IMPROVEMENTS LOCATED ON CERTAIN REAL PROPERTY TO THE HURON LANDING AUTHORITY-**Second Reading**

---

This Ordinance was presented for first reading on November 27<sup>th</sup> and is scheduled for second reading on December 11<sup>th</sup>. The Ordinance authorizes the Town Manager and Town Clerk to execute a deed conveying the Huron Landing apartment buildings to the Huron Landing Authority. It should be noted that staff is recommending revisions to the Ordinance that was presented on November 27<sup>th</sup>. The changes are shown on the attached version, and would convert the Ordinance at second reading to an emergency Ordinance. This change will allow the Ordinance to become effective immediately as opposed to the regular effective date (mid-January). The goal is to allow the deed to be executed and recorded in 2018 so the asset can be reflected on the Authority's books in 2018, the same year that the construction project is closed out.

Background:

As you may recall the Huron Landing Authority is a single purpose entity established to own and operate the apartments. The Authority includes the Town of Breckenridge and Summit County. The intent of this deed is to insure that the buildings can be properly recorded in the Huron Landing Authority books/financials. While the Certificate of Occupancy was issued in 2017 and the apartments were lease beginning in July 2017, the asset could not be transferred until the construction was 100% complete which occurred in 2018. The Town is closing the construction account and filing for the last construction draw before the end of the year and would like to record the deed once the construction project is closed out.

Recommendation:

Staff recommends approval of the Ordinance as presented and will be available to discuss the project or answer questions on December 11<sup>th</sup>. Thanks for your consideration.

1 ***FOR WORKSESSION/SECOND READING – DEC.11***

2  
3 Additions To The Ordinance As Approved on First Reading Are  
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5  
6 COUNCIL BILL NO. 32

7  
8 Series 2018

9  
10 AN ORDINANCE AUTHORIZING THE CONVEYANCE OF THE IMPROVEMENTS  
11 LOCATED ON CERTAIN REAL PROPERTY TO THE HURON LANDING AUTHORITY

12  
13 WHEREAS, the Town may have an ownership interest in the improvements (only)  
14 located on the following described real property situate in the Town of Breckenridge, Summit  
15 County, Colorado:

16  
17 Huron Landing Lot 1, according to the plat filed on July 13, 2017 under Reception  
18 Number 1146186 in the Office of the Summit County Clerk and Recorder

19  
20 (“**Property**”)

21  
22 ; and

23  
24 WHEREAS, to resolve any uncertainty as to their ownership, it is necessary and  
25 appropriate for the improvements located on the Property be conveyed to the Huron Landing  
26 Authority; and

27  
28 WHEREAS, Section 15.3 of the Breckenridge Town Charter requires that the sale and  
29 conveyance of the improvements located upon the Property to the County be authorized by  
30 ordinance.

31  
32 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
33 BRECKENRIDGE, COLORADO:

34  
35 Section 1. The Town Manager and the Town Clerk are authorized, empowered, and  
36 directed to execute, acknowledge, and deliver to the Huron Landing Authority, the quit claim  
37 deed for the improvements (only) located upon the Property, a copy of which is marked **Exhibit**  
38 **“A”**, attached hereto, and incorporated herein by reference.

39  
40 Section 2. The Town Council finds, determines, and declares that it has the power to  
41 adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX  
42 of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

43  
44 Section 3. ~~This ordinance shall be published and become effective as provided by~~  
45 ~~Section 5.9 of the Breckenridge Town Charter.~~ **The Town Council of the Town of**  
46 **Breckenridge further finds, determines, and declares that an emergency exists and that this**



1 ordinance is necessary for the immediate preservation of public property, health, welfare,  
2 peace or safety. The adoption of this ordinance on an emergency basis will allow the deed  
3 that is approved by this ordinance to be executed and delivered to the Huron Landing  
4 Authority before the end of its fiscal year 2018, thereby avoiding the need for the Huron  
5 Landing Authority to prepare two sets of financial records for fiscal year 2018. The Town  
6 Council further determines that the adoption of this ordinance as an emergency ordinance  
7 is in the best interest of the citizens of the Town of Breckenridge.  
8

9 Section 4. Pursuant to Section 5.11 of the Breckenridge Town Charter this  
10 ordinance shall take effect and be in full force upon adoption of this ordinance by the  
11 affirmative votes of at least five (5) members of the Town Council.  
12

13 Section 5. This ordinance shall be published in full within ten (10) days after  
14 adoption, or as soon thereafter as possible, as required by Section 5.11 of the Breckenridge  
15 Town Charter.  
16

17 ~~INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED~~  
18 ~~PUBLISHED IN FULL~~ this \_\_\_\_ day of \_\_\_\_\_, 2018. A Public Hearing shall be  
19 held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the  
20 \_\_\_\_ day of \_\_\_\_\_, 2018, at 7:30 P.M., or as soon thereafter as possible in the  
21 Municipal Building of the Town. **ADOPTED AND APPROVED as an Emergency Ordinance**  
22 **this \_\_\_\_ day of \_\_\_\_\_, 2018.**  
23

24 TOWN OF BRECKENRIDGE, a Colorado  
25 municipal corporation  
26

27  
28  
29 By: \_\_\_\_\_  
30 Eric S. Mamula, Mayor  
31

32 ATTEST:  
33  
34  
35

36 \_\_\_\_\_  
37 Helen Cospolich  
38 Town Clerk  
39  
40  
41  
42  
43  
44  
45

**QUIT CLAIM DEED  
(Improvements Only)**

The TOWN OF BRECKENRIDGE, a Colorado municipal corporation, whose address is P.O. Box 168, Breckenridge, Colorado 80424, for the consideration of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid, hereby sell(s) and quit claim(s) to HURON LANDING AUTHORITY, a political subdivision and public corporation of Colorado, whose address is 150 Ski Hill Road, P.O. Box 168, Breckenridge, Colorado, the following property in the Town of Breckenridge, County of Summit, and State of Colorado, to wit:

All improvements located on Huron Landing Lot 1, according to the plat filed on July 13, 2017 under Reception Number 1146186 in the Office of the Summit County Clerk and Recorder.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2018

TOWN OF BRECKENRIDGE

By: \_\_\_\_\_  
Rick G. Holman, Town Manager

ATTEST:

\_\_\_\_\_  
Helen Cospolich , CMC,  
Town Clerk

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF SUMMIT     )

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

WITNESS my hand and official seal.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public



# Memo

To: Breckenridge Town Council Members  
From: Town Attorney  
Date: 12/4/2018  
Subject: Council Bill No. 33 (Updating Town Code References to State Marijuana Laws)

---

The second reading of the ordinance updating the various references in the Town Code to reflect the recent recodification of the state marijuana laws is scheduled for your meeting on December 11th. There are no changes proposed to ordinance from first reading.

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

1 **FOR WORKSESSION/SECOND READING – DEC. 11**

2  
3 **NO CHANGE FROM FIRST READING**

4  
5 Additions To The Current Breckenridge Town Code Are  
6 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

7  
8 COUNCIL BILL NO. 33

9  
10 Series 2018

11  
12 AN ORDINANCE CHANGING THE REFERENCES IN THE BRECKENRIDGE TOWN  
13 CODE WITH RESPECT TO THE COLORADO MEDICAL MARIJUANA CODE AND THE  
14 COLORADO RETAIL MARIJUANA CODE  
15

16 WHEREAS, the Colorado legislature recently adopted and the Governor signed into law  
17 HB18-1023, which recodified the Colorado statutes that contain the Colorado Medical Marijuana  
18 Code and the Colorado Retail Marijuana Code; and  
19

20 WHEREAS, HB18-1023 became effective October 1, 2018; and  
21

22 WHEREAS, it is necessary to change the references to the Colorado Medical Marijuana  
23 Code and the Colorado Retail Marijuana Code contained in the Breckenridge Town Code to  
24 reflect the recodification of such statutes brought about by the adoption of HB18-1023.  
25

26 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
27 BRECKENRIDGE, COLORADO:  
28

29 Section 1. Section 2-5-1 of the Breckenridge Town Code are amended to read as  
30 follows:  
31

32 2-5-1: FINDINGS:  
33

34 The Town Council finds and determines as follows:  
35

36 A. The Town Council is authorized by section 12-47-103(17), Colorado Revised  
37 Statutes, to create by ordinance a local licensing authority to handle all liquor  
38 licensing matters for the Town.  
39

40 B. The Town has authorized the issuance of certain local licenses under the  
41 Colorado Medical Marijuana Code<sup>1</sup>, the Colorado Retail Marijuana Code<sup>2</sup>, and  
42 the applicable administrative regulations promulgated with respect to such  
43 statutes, all as more fully set forth in title 4, chapter 14 of this Code.  
44

1 C. The Town Council is authorized by section 44-11-104(5), Colorado Revised  
2 Statutes (which is part of the Colorado Medical Marijuana Code), and 44-12-  
3 103(10), Colorado Revised Statutes (which is part of the Colorado Retail  
4 Marijuana Code) to create by ordinance a local licensing authority to handle all  
5 marijuana licensing matters for the Town.  
6

7 D. The Town Council desires to establish a single local licensing authority to act  
8 for the Town in all local licensing matters arising under the Colorado Beer Code<sup>3</sup>  
9 the Colorado Liquor Code<sup>4</sup>, the Colorado Special Liquor Events Code<sup>5</sup>, the  
10 Colorado Medical Marijuana Code<sup>6</sup>, the Colorado Retail Marijuana Code<sup>7</sup>, the  
11 applicable administrative regulations promulgated with respect to such statutes,  
12 the Town's marijuana licensing ordinance (title 4, chapter 14 of this Code); and  
13 other applicable law.  
14

15 E. Section 9.5 of the Town Charter authorizes the Town Council to create by  
16 ordinance permanent boards and commissions for the Town, and sets forth certain  
17 requirements which must be met with respect to the creation of a permanent Town  
18 board or commission.  
19

20 F. Section 9.2(a) of the Town Charter provides that neither the Mayor nor any  
21 Town employee shall serve on any Town board or commission.  
22

23 G. The Town of Breckenridge liquor and marijuana licensing authority should be  
24 created to replace the Town of Breckenridge liquor licensing authority  
25 (established by ordinance 20, series 2003), and given the authority to handle all  
26 liquor and marijuana licensing matters for the Town, all as more fully set forth in  
27 this chapter.  
28

---

29 <sup>1</sup>CRS tit. ~~1244~~, art. ~~43.311~~

30 <sup>2</sup>CRS tit. ~~1244~~, art. ~~43.412~~

31 <sup>3</sup>CRS tit. 44, art. 4

32 <sup>4</sup>CRS tit. 44, art. 3

33 <sup>5</sup>CRS tit. 44, art. 5

34 <sup>6</sup>CRS tit. ~~1244~~, art. ~~43.311~~

35 <sup>7</sup>CRS tit. ~~1244~~, art. ~~43.412~~  
36

37 Section 2. Section 2-5-6 of the Breckenridge Town Code is amended to read as follows:  
38

39 2-5-6: POWERS, DUTIES AND RESPONSIBILITIES:  
40

41 The authority shall have all of the powers of a local licensing authority as are set  
42 forth in the following laws, all as amended from time to time:  
43

44 A. The Colorado Beer Code<sup>8</sup>;

45  
46 B. The Colorado Liquor Code<sup>9</sup>;  
47

1 C. The Colorado Special Liquor Events Code<sup>10</sup>

2  
3 D. The Town's marijuana licensing ordinance<sup>11</sup>;

4  
5 E. The Colorado Medical Marijuana Code<sup>12</sup>;

6  
7 F. The Colorado Retail Marijuana Code<sup>13</sup>;

8  
9 G. The administrative regulations promulgated by the Liquor Enforcement  
10 Division of the Colorado Department of Revenue under the statutes set forth  
11 above;

12  
13 H. The administrative regulations promulgated by the authority as authorized by  
14 section 2-5-10 of this chapter; and

15  
16 I. Other applicable law.

17  
18 <sup>8</sup>CRS tit. 44 art.4.

19 <sup>9</sup>CRS tit. 44, art. 3.

20 <sup>10</sup>CRS tit. 44, art. 5.

21 <sup>11</sup>Title 4, chapter 14 of this Code.

22 <sup>12</sup>CRS tit. ~~42~~44, art. ~~43~~311

23 <sup>13</sup>CRS tit. ~~42~~44 art.43.4~~12~~.

24  
25 Section 3. Section 3-1-3(Q) of the Breckenridge Town Code is amended to read as  
26 follows:

27  
28 Q. Upon the retail sale of medical marijuana and marijuana infused products  
29 pursuant to the Colorado medical marijuana code, article ~~43.3~~11 of title ~~42~~44,  
30 Colorado Revised Statutes.

31  
32 Section 4. Section 3-1-3(R) of the Breckenridge Town Code is amended to read as  
33 follows:

34  
35 R. Upon the sale of retail marijuana or marijuana products pursuant to the  
36 Colorado retail marijuana code, article ~~43.4~~12 of title ~~42~~44, Colorado Revised  
37 Statutes

38  
39 Section 5. Section 3-9-1(B) of the Breckenridge Town Code is amended to read as  
40 follows:

41  
42 B. As used in this chapter the following words shall have the following meanings:

43  
44 COLORADO MEDICAL MARIJUANA CODE: Article ~~43.3~~11 of title ~~42~~44,  
45 Colorado Revised Statutes, as amended from time to time.

46  
47 COLORADO RETAIL MARIJUANA CODE: Article ~~43.3~~12 of title ~~42~~44,

1 Colorado Revised Statutes, as amended from time to time.

2  
3 DESIGNATED REVENUES: All of the revenues received by the town from the  
4 collection of the town's marijuana excise tax imposed by section 3-9-2 of this  
5 chapter.

6  
7 LAWFUL SALE OF MARIJUANA: Includes all sales within the town of: 1)  
8 medical marijuana and medical marijuana infused products by persons licensed  
9 pursuant to the Colorado medical marijuana code and applicable town ordinances;  
10 2) retail marijuana and retail marijuana products by persons licensed pursuant to  
11 the Colorado retail marijuana code and applicable town ordinances; and 3)  
12 medical marijuana, medical marijuana infused products, retail marijuana, and  
13 retail marijuana products by persons concurrently licensed pursuant to the  
14 Colorado medical marijuana code, the Colorado retail marijuana code, and  
15 applicable town ordinances.

16  
17 MEDICAL MARIJUANA: Has the meaning provided in section ~~12-43.3-104~~ 44-  
18 11-104, Colorado Revised Statutes, which is part of the Colorado medical  
19 marijuana code.

20  
21 MEDICAL MARIJUANA INFUSED PRODUCT: Has the meaning provided in  
22 section ~~12-43.3-104~~ 44-11-104, Colorado Revised Statutes, which is part of the  
23 Colorado medical marijuana code.

24  
25 RETAIL MARIJUANA: Has the meaning provided in section ~~12-43.3-103~~ 44-  
26 12-103, Colorado Revised Statutes, which is part of the Colorado retail marijuana  
27 code.

28  
29 RETAIL MARIJUANA PRODUCT: Has the meaning provided in section ~~12-~~  
30 ~~43.3-103~~ 44-12-103, Colorado Revised Statutes, which is part of the Colorado  
31 retail marijuana code.

32  
33 Section 6. Section 4-14-2 of the Breckenridge Town Code is amended to read as follows:

34  
35  
36 4-14-2: FINDINGS:

37  
38 The town council adopts this chapter based upon the following findings of fact:

39  
40 A. The Colorado medical marijuana code<sup>1</sup> recognizes the power of a municipality  
41 to adopt and enforce its own rules and regulations for the licensing of medical  
42 marijuana businesses within its jurisdiction. Specifically, the Colorado medical  
43 marijuana code authorizes municipalities to:

44 1. Prohibit the operation of medical marijuana centers, optional premises  
45 cultivation operations, and medical marijuana infused product manufacturing  
46 facilities within the municipality<sup>2</sup>;

- 1 2. Adopt an ordinance containing specific standards for the issuance of local  
2 licenses<sup>3</sup>;
- 3 3. Adopt additional local standards for the issuance of licenses, including, but not  
4 limited to, distance restrictions between premises for which licenses are issued;  
5 reasonable restrictions on the size of an applicant's licensed premises; and any  
6 other local requirement necessary to ensure the control of the premises and the  
7 ease of enforcement of the terms and conditions of the license<sup>4</sup>;
- 8 4. Impose additional requirements necessary for the approval of applications  
9 under the Colorado medical marijuana code<sup>5</sup>;
- 10 5. Enact ordinances or resolutions concerning matters authorized to local  
11 governments<sup>6</sup>;
- 12 6. Enact reasonable regulations or other restrictions applicable to licenses based  
13 on local government zoning, health, safety and public welfare laws for the  
14 distribution of medical marijuana that are more restrictive than the Colorado  
15 medical marijuana code<sup>7</sup>;
- 16 7. Impose reasonable restrictions upon a local license<sup>8</sup>; and
- 17 8. Establish an application fee for a local license<sup>9</sup>.

18  
19 B. On November 6, 2012, the voters of the state of Colorado approved  
20 amendment 64. Amendment 64 added section 16 of article XVIII to the Colorado  
21 constitution.

22  
23 C. Section 16(5)(f) of article XVIII of the Colorado constitution authorizes a  
24 municipality to enact an ordinance or regulation, not in conflict with section 16 of  
25 article XVIII of the Colorado constitution, governing the time, place, manner, and  
26 number of marijuana establishments within the boundaries of the municipality.

27  
28 D. The Colorado retail marijuana code<sup>10</sup> establishes a new procedure that allows  
29 for the dual licensing by the state licensing authority and the local licensing  
30 authority of the retail cultivation, manufacture, distribution, and sale of retail  
31 marijuana and retail marijuana products.

32  
33 E. Specifically, the Colorado retail marijuana code authorizes municipalities to:

- 34 1. Enact regulations governing the time, place, manner, and number of retail  
35 marijuana establishments within the boundaries of the municipality, which may  
36 include a local licensing requirement<sup>11</sup>;
- 37 2. Impose a separate local licensing requirement as a part of the municipality's  
38 restrictions on time, place, manner, and number of marijuana businesses within  
39 the municipality<sup>12</sup>;
- 40 3. Enact ordinances or resolutions concerning matters authorized to local  
41 governments<sup>13</sup>;
- 42 4. Adopt and enforce regulations for retail marijuana establishments that are at  
43 least as restrictive as the Colorado retail marijuana code and the state  
44 administrative regulations<sup>14</sup>; and
- 45 5. Adopt and impose operating fees on marijuana establishments located within its  
46 jurisdiction in an amount determined by the municipality<sup>15</sup>.



1  
2 F. The presence of medical marijuana businesses and retail marijuana  
3 establishments within the town's downtown overlay district may discourage  
4 tourism, which is the economic lifeblood of the community. As such, except for  
5 the limited time period described in this chapter, medical marijuana businesses  
6 and retail marijuana establishments should all be located outside of the downtown  
7 overlay district in order to protect, defend, and preserve the economic vitality of  
8 the town.

9  
10 G. The town council finds, determines, and declares that to the extent the  
11 requirements of this chapter differ from the requirements of the Colorado medical  
12 marijuana code and the Colorado retail marijuana code, the requirements of this  
13 chapter are more restrictive than the Colorado medical marijuana code and at least  
14 as restrictive as the Colorado retail marijuana code.

15  
16 H. This chapter is necessary and proper to provide for the safety, preserve the  
17 health, promote the prosperity, and improve the order, comfort, and convenience  
18 of the town and the inhabitants thereof.

19  
20  
21  
22 <sup>1</sup>CRS title ~~1244~~, art. ~~43-311~~.

23 <sup>2</sup>CRS § ~~12-43.3-106~~ 44-11-106.

24 <sup>3</sup>CRS § ~~12-43.3-301(2)(a)~~ 44-11-301(2)(a).

25 <sup>4</sup>CRS § ~~12-43.3-301(2)(b)~~ 44-11-301(2)(b).

26 <sup>5</sup>CRS § ~~12-43.3-301(4)~~ 44-11-301(4).

27 <sup>6</sup>CRS § ~~12-43.3-305(3)~~ 44-11-304(4).

28 <sup>7</sup>CRS § ~~12-43.3-310(1)~~ 44-11-310(1).

29 <sup>8</sup>CRS § ~~12-43.3-310(7)~~ 44-11-310(7).

30 <sup>9</sup>CRS § ~~12-43.3-503(1)~~ 44-11-503(1).

31 <sup>10</sup>CRS title ~~1244~~, art. ~~43-412~~.

32 <sup>11</sup>CRS § ~~12-43.4-104(3)~~ 44-12-104(3).

33 <sup>12</sup>CRS § ~~12-43.4-301(2)~~ 44-12-301(2).

34 <sup>13</sup>CRS § ~~12-43.4-304(2)~~ 44-12-303(2).

35 <sup>14</sup>CRS § ~~12-43.4-309(1)~~ 44-12-309(1).

36 <sup>15</sup>CRS § ~~12-43.4-501(3)~~ 44-12-501(3).

37  
38 Section 7. Section 4-14-4(A) of the Breckenridge Town Code is amended to read as  
39 follows:

40  
41 A. The Colorado medical marijuana code, article ~~43-311~~ of title ~~1244~~, Colorado  
42 Revised Statutes;

43  
44 Section 8. Section 4-14-4(C) of the Breckenridge Town Code is amended to read as  
45 follows:

46  
47 C. The Colorado retail marijuana code, article ~~43-412~~ of title ~~1244~~, Colorado  
48 Revised Statutes;

1         Section 9. The definition of “Colorado Medical Marijuana Code” in Section 4-14-5(B) of  
2 the Breckenridge Town Code is amended to read as follows:  
3

    COLORADO MEDICAL MARIJUANA             article ~~43.311~~ of title ~~1244~~, Colorado Revised  
    CODE:   Statutes, as amended from time to time.

4         Section 10. The definition of “Colorado Retail Marijuana Code” in Section 4-14-5(B) of  
5 the Breckenridge Town Code is amended to read as follows:  
6

    COLORADO RETAIL MARIJUANA             article ~~43.312~~ of title ~~1244~~, Colorado Revised  
    CODE:   Statutes, as amended from time to time.

7         Section 11. Section 6-3I-2(C) of the Breckenridge Town Code is amended to read as  
8 follows:  
9

    C. The possession, consumption, or use of marijuana by any person under twenty  
10 one (21) years of age shall not constitute a violation of subsection A of this  
11 section if such possession, use, or consumption is lawful under article ~~43.311~~ of  
12 title ~~1244~~, Colorado Revised Statutes.  
13  
14

15         Section 12. Section 9-13-4(A) of the Breckenridge Town Code is amended to read as  
16 follows:  
17

    A. The Colorado medical marijuana code, article ~~43.311~~ of title ~~1244~~, Colorado  
18 Revised Statutes;  
19  
20

21         Section 13. Except as specifically amended hereby, the Breckenridge Town Code, and  
22 the various secondary codes adopted by reference therein, shall continue in full force and effect.  
23

24         Section 14. The Town Council hereby finds, determines, and declares that this ordinance  
25 is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and  
26 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants  
27 thereof.  
28

29         Section 15. The Town Council hereby finds, determines and declares that it has the  
30 power to adopt this ordinance pursuant to the authority granted to home rule municipalities by  
31 Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town  
32 Charter.  
33

34         Section 16. This ordinance shall be published and become effective as provided by  
35 Section 5.9 of the Breckenridge Town Charter.  
36

37         INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
38 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2018. A Public Hearing shall be held at the  
39 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of

1 \_\_\_\_\_, 2018, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
2 Town.

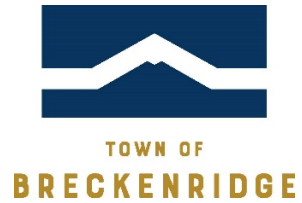
3  
4 TOWN OF BRECKENRIDGE, a Colorado  
5 municipal corporation  
6

7  
8  
9 By: \_\_\_\_\_  
10 Eric S. Mamula, Mayor

11  
12 ATTEST:

13  
14  
15  
16 \_\_\_\_\_  
17 Helen Cospolich, CMC,  
18 Town Clerk  
19

20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60



# Memo

To: Breckenridge Town Council Members  
From: Town Attorney  
Date: 12/4/2018  
Subject: Council Bill No. 34 (Remote Starter Systems Ordinance)

---

The second reading of the ordinance to update the Town's Model Traffic Code to reflect recent changes in the State's law on remoter starter systems is scheduled for your meeting on December 11th. There are no changes proposed to ordinance from first reading.

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

1 **FOR WORKSESSION/SECOND READING – DEC. 11**

2  
3 **NO CHANGE FROM FIRST READING**

4  
5 Additions To The Current Breckenridge Town Code Are  
6 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

7  
8 COUNCIL BILL NO. 34

9  
10 Series 2018

11  
12 AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2010  
13 EDITION, CONCERNING AN EXPANSION OF THE ABILITY TO LEAVE A MOTOR  
14 VEHICLE UNATTENDED IN CERTAIN CIRCUMSTANCES

15  
16 WHEREAS, the Colorado legislature recently adopted and the Governor signed into law  
17 HB16-1122, entitled “An Act Concerning The Use Of Remote Starter Systems On Unattended  
18 Vehicles”; and

19  
20 WHEREAS, the Colorado legislature also recently adopted and the Governor signed into  
21 law HB18-1296, entitled “An Act Concerning An Expansion Of The Ability To Leave A Motor  
22 Vehicle Unattended In Certain Circumstances”; and

23  
24 WHEREAS, the Town Council finds, determines, and declares that the Town’s Model  
25 Traffic Code For Colorado, 2010 edition, should be amended to reflect the amendments to state  
26 traffic laws made by HB16-1122 and HB18-1296.

27  
28 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
29 BRECKENRIDGE, COLORADO:

30  
31 Section 1. Section 7-1-2 of the Breckenridge Town Code is amended to include the  
32 following amendment to Section 1206 of the Model Traffic Code For Colorado, 2010 edition:

33  
34 Section 1206 of the adopted code is amended so as to read in its entirety as  
35 follows:

36  
37 1206. Unattended motor vehicle – **Definitions.**

38  
39 **(1)** ~~No~~ A person driving or in charge of **an unlocked** motor vehicle shall **not**  
40 permit it to stand unattended without first stopping the engine, locking the  
41 ignition, removing the key from the ignition, and effectively setting the brake  
42 thereon, ~~and;~~ When **the vehicle is** standing upon any grade, ~~said~~ **the** person shall  
43 turn the front wheels to the curb or side of the highway in such a manner as to

1 prevent the vehicle from rolling onto the traveled way. ~~Any person who violates~~  
2 ~~any provision of this section commits a class B traffic infraction.~~

3  
4 **(2) The use or operation of a remote starter system or adequate security**  
5 **measures is sufficient to comply with subsection (1) of this section.**

6 **(3) As used in this section:**

7 **(a) “Adequate security measures” includes, but is not limited to:**

8 **(I) Using a vehicle that requires a key to put the vehicle into gear and move**  
9 **the vehicle;**

10 **(II) Keeping a keyless start fob out of proximity of the vehicle; or**

11 **(III) Employing steering wheel security devices.**

12 **(b) “Remote starter system” means a device installed in a motor vehicle that**  
13 **allows the engine of the vehicle to be started by remote or radio control.**

14  
15 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the  
16 various secondary codes adopted by reference therein, shall continue in full force and effect.

17  
18 Section 3. The Town Council hereby finds, determines and declares that this ordinance  
19 is necessary and proper to provide for the safety, preserve the health, promote the prosperity,  
20 and improve the order, comfort and convenience of the Town of Breckenridge and the  
21 inhabitants thereof.

22  
23 Section 4. The Town Council hereby finds, determines and declares that it has the power  
24 to adopt this ordinance pursuant to: (i) Section 42-4-110(1)(a), C.R.S.; (ii) Section 42-4-  
25 111(1)(A), C.R.S; (iii) Section 42-4-1208, C.R.S.; (iv) Section 31-15-103, C.R.S. (concerning  
26 municipal police powers); (v) Section 31-15-401, C.R.S.(concerning municipal police powers);  
27 (vi) the authority granted to home rule municipalities by Article XX of the Colorado  
28 Constitution; and (vii) the powers contained in the Breckenridge Town Charter.

29  
30 Section 5. This ordinance shall be published and become effective as provided by Section  
31 5.9 of the Breckenridge Town Charter; provided, however, that this ordinance shall not become  
32 effective with respect to any state highway located within the corporate limits of the Town of  
33 Breckenridge until it has been approved by the Colorado Department of Transportation pursuant  
34 to Sections 42-4-110(1)(e) and 43-2-135(1)(g), C.R.S.

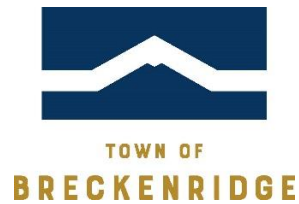
35  
36 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
37 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2018. A Public Hearing shall be held at the  
38 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
39 \_\_\_\_\_, 2018, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
40 Town.

TOWN OF BRECKENRIDGE, a Colorado  
municipal corporation

By: \_\_\_\_\_  
Eric S. Mamula, Mayor

ATTEST:

\_\_\_\_\_  
Helen Cospolich, CMC,  
Town Clerk



# Memo

**To:** Breckenridge Town Council  
**From:** Mark Truckey, Assistant Director of Community Development  
**Date:** December 5, 2018 (For December 11 Meeting)  
**Subject:** Comprehensive Code Amendments Ordinance First Reading

---

## Background

The Council reviewed the full package of Comprehensive Code Amendments at their work session on November 27. These amendments are the result of a lengthy process that involved months of review by the Code Steering Group and the Planning Commission, along with a public open house that was held on November 6. Attached is a draft ordinance which includes all the proposed Code amendments, which is set for first reading.

## Recent Updates

At the Council work session on November 27, the Council indicated they were generally comfortable with the proposed Code amendments, with the following modification:

- The parking requirement for single family residences outside the parking service area has been changed. As now drafted, two parking spaces shall be required for the first three bedrooms in a single family residence. For every bedroom beyond the first three bedrooms, one additional parking space will be required.

Staff has made a few other relatively minor edits to the proposed Code changes. These were based on suggestions made by the Planning Commission at their November 20 meeting, including the following:

- The Code currently allows the potential for single family residences to attain positive points for stepping down their rooflines at the edges. The Planning Commission suggested that these points only be available for larger multi-family projects. The positive points for stepping down rooflines on single family residences have been removed.
- The Commission suggested leaving the potential for negative points for multi-family residential projects that do not provide adequate storage.
- A new provision has been added in the Subdivision Standards that gives the Town the ability to require the vacation of a lot line in the case of a development proposal where a property owner owns adjoining lots and has buildings and improvements that cross the interior property boundaries. The encroachments caused by improvements crossing property boundaries create non-conforming situations and a variety of problems.

## Council Action



A first reading is scheduled for the evening meeting. Staff will be available to answer questions and take any input that the Council has.

1 **FOR WORK SESSION/FIRST READING—DEC. 11**

2  
3 Additions To The Current Breckenridge Town Code Are  
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5  
6 COUNCIL BILL NO. \_\_\_\_

7  
8 Series 2018

9  
10 AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO TITLE 9 OF THE  
11 BRECKENRIDGE TOWN CODE

12  
13 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,  
14 COLORADO:

15  
16 Section 1. The definition of “Building Heights Measurement” in Section 9-1-5 of the  
17 Breckenridge Town Code is amended to read as follows:  
18

<p>BUILDING HEIGHT MEASUREMENT:</p>	<p>Building height is measured in one of the following three (3) ways (A, B or C); all are measured from a point on the roof to a point on the grade directly below. Measurement is taken from points around the outside edge of the building’s perimeter to natural or proposed grade, whichever yields a greater dimension, and from within the building’s foundation perimeter to natural grade. In the case of nonnatural or highly irregular topography due to past mining impacts or other manmade impacts within the existing site development area (see illustration below), an average slope may be used.</p> <p style="text-align: center;">&lt;Illustration&gt;</p> <p>All buildings with flat <u>or shed</u> roofs are measured per method A. All multi-family buildings, commercial buildings and all buildings within the historic district are measured per method B (<b><u>unless a flat or shed roof is proposed, then method A would be used</u></b>). All single-family residences and duplex units outside the historic district are measured per method C (unless a flat <u>or shed</u> roof is proposed, then method A would be used).</p>
-------------------------------------	--

	<p style="text-align: center;">&lt;Illustration&gt;</p> <p>A. Measurement to the highest point of a flat, <u>shed</u>, or mansard roof: The greatest dimension, measured vertically, of a building between the highest point of a flat, <u>shed</u>, or mansard roof, including the cap of parapet, to a point measured directly below as described above.</p> <p>B. Measurement to the mean elevation of a sloped <u>gable or hip</u> roof: The greatest dimension, measured vertically, to a point between the ridge and the eave edge of a sloped <u>gable or hip</u> roof, to a point measured directly below as described below:</p> <p style="text-align: center;">&lt;Illustration&gt;</p> <p>C. Measurement to the highest element of a sloped <u>gable or hip</u> roof: The highest point of any roof element to a point measured directly below as described below:</p> <p style="text-align: center;">&lt;Illustration&gt;</p> <p>On any lot exhibiting evidence of cut or fill grade not authorized by the town, the applicant may be required to provide a professional soil analysis to determine the natural grade. No excessive fill, excavation or other artificial methods of grade manipulation will be permitted to create an exaggerated building site to manipulate the building height measurement.</p> <p>D. Exceptions: Building height measurement shall not include:</p> <p>1. For Single-Family Residences Or Duplex Units: Chimneys are not measured for height but are limited to no more than two feet (2') higher than the adjacent ridge or cap of parapet.</p>
--	--

	<p>2. For Nonresidential Structures And Multi-Family Structures: Elevator shaft extensions, chimneys, and focal elements such as church steeples, spires, clock towers or similar structures that have no density or mass (in no instance shall any of these structures extend over 10 feet above the specified maximum height limit), or the first five feet (5') of height within the first floor common area lobbies in multi-family structures.</p> <p>3. Areaways, Lightwells And Basement Stairwells: An areaway, lightwell or basement stairwell of less than fifty (50) square feet in area, enclosed on all four (4) sides shall not be counted towards maximum permissible height (see illustration below):</p> <p style="text-align: center;">&lt;Illustration&gt;</p>
--	---

1  
2        Section 2. The definition of “Class A Development “ in Section 9-1-5 of the  
3 Breckenridge Town Code is amended by the addition of a new item I, which shall read as  
4 follows::  
5

CLASS A DEVELOPMENT:	<b><u>H. Remodel or addition to any historic residential structure within the historic district or the conservation district.</u></b>
----------------------	---

6  
7        Section 3. The definition of “Class B –Minor Development “ in Section 9-1-5 of the  
8 Breckenridge Town Code is amended to read as follows:  
9

CLASS B – MINOR:	<p><del>A. New or major remodel<sup>2</sup> of any historic residential structure within the historic district or the conservation district.</del></p> <p><b><u>A</u>B.</b> Change of use within a residential district.</p> <p><b><u>B</u>C.</b> Site work, landscaping, grading, and utility installations on steep slopes (greater than 15 percent) or within environmentally sensitive areas.</p> <p><b><u>C</u>D.</b> Operation of a home childcare business.</p> <p><b><u>D</u>E.</b> Vendor carts, large.</p> <p><b><u>E</u>F.</b> Application for exempt large vendor cart designation.</p>
------------------	---

	Class B development is divided into major and minor categories for purposes of payment of application fees only. The procedures set forth in the development code for the processing of class B development permit applications apply to both major and minor categories.
--	---

1  
2  
3  
4  
5

Section 4. The definition of “Accessory Apartment” contained within the definition of “Residential Use” in Section 9-1-5 of the Breckenridge Town Code is amended to read as follows:

ACCESSORY APARTMENT:	<p>A. A residential unit located on the same parcel of land as a single-family unit, which is secondary in size and use to the single-family unit and meets the following criteria:</p> <p>A. The total dwelling area of the unit is no greater in size than one-third (<math>\frac{1}{3}</math>) of the total dwelling area of the single-family unit.</p> <p>B. The total dwelling area of the unit is no greater in size than one thousand two hundred (1,200) square feet.</p> <p>C. Legal title to the accessory apartment and single-family unit is held in the same name.</p> <p><b><u>D. With the exception of section D.1. below, accessory apartments may only be occupied by persons employed at least 30 hours per week in Summit County with a lease term of not shorter than six months.</u></b></p> <p><b><u>1. Accessory apartments may be occupied by persons with disabilities or persons 65 years or older.</u></b></p> <p><b><u>2. All permits issued for accessory apartments shall include the requirement that the property owner record a covenant restricting the use and occupancy of the property with the requirements set forth above under D and D.1. The covenant shall grant enforcement power to the Town of Breckenridge or an authorized designee.</u></b></p> <p>Units that meet all of the criteria will be classified as a portion of the single-family unit, while those that do not meet all the criteria specified shall be classified as either a duplex (if</p>
----------------------	--

attached) or a second home (if detached).

Section 5. New definitions of “Community Facilities” and “Institutional Uses” are added in Section 9-1-5 of the Breckenridge Town Code as follows:

<b><u>COMMUNITY FACILITIES:</u></b>	<b><u>Facilities used by the community as a whole that provide an essential service to the community, such as water and sewer treatment plants, libraries, schools, police and fire stations, and community centers.</u></b>
<b><u>INSTITUTIONAL USE:</u></b>	<b><u>A nonprofit or quasipublic use, such as a church, library, public or private school, hospital including associated medical office facilities, or government owned or operated structure or land used for public purpose, along with customary accessory uses.</u></b>

Section 6. The definition of “Employee Housing” in Section 9-1-5 of the Breckenridge Town Code is amended to read as follows:

<b>EMPLOYEE HOUSING:</b>	<p>A dwelling unit the occupancy of which is restricted to a person eighteen (18) years of age or older who, during the entire period of his or her occupancy of the property, earns his or her living by working <b><u>for a business located in and serving</u></b> Summit County, Colorado, an average of at least thirty (30) hours per week, together with such person's spouse and minor children, if any.</p> <p>All employee housing units shall be a minimum of two hundred fifty (250) square feet of density in size and shall have a living area containing at a minimum: a kitchen sink; cooking appliance and refrigeration facilities, each having a clear working space of not less than thirty inches (30") in front; sleeping accommodations; a separate closet with a door; and a separate bathroom with a door, lavatory, and a bathtub or shower.</p>
--------------------------	--

Section 7. Section 9-1-8 of the Breckenridge Town Code, entitled “Preliminary Evaluation,” is deleted.

Section 8. Chapter 1 of Title 9 of the Breckenridge Town Code is amended by the addition of a new Section 9-1-17-3.5, entitled “Duration of Point Assignments,” which shall read as follows:

**9-1-17-3.5: DURATION OF POINT ASSIGNMENTS:**

**The assignment of points for a development permit is vested for the duration**

1 of the development permit, including after a Certificate of Occupancy has  
2 been issued, up to the vesting period as specified in Section 9-1-17-8. When  
3 an applicant requests to modify or apply for a new development permit on  
4 the same property during the vested period, the applicant may use positive  
5 points associated with the valid development permit (only those positive  
6 points that exceeded a zero point score) to offset negative points accrued in  
7 the permit modification or new development permit.  
8

9 Section 9. Section 9-1-18-1(D)(1)(a) of the Breckenridge Town Code is amended to read  
10 as follows:

11  
12 a. An application signed by the property owner of record, or an agent having  
13 power of attorney, ~~and an evidentiary package~~ on forms provided by the town.  
14 Any variances applied for shall be ~~on the policy evidentiary package~~ and included  
15 in the application.  
16

17 Section 10. Section 9-1-18-4(B)(1) of the Breckenridge Town Code is amended to read  
18 as follows”

19  
20 1. Once a completed application and all accompanying material have been  
21 submitted, the director shall review the proposal and ~~within seven (7) days~~  
22 approve it with or without conditions, or deny it. In addition, the director shall  
23 have the right ~~within the same seven (7) days after the application is filed~~ to  
24 reclassify any class D minor application as a class D major or a class C and  
25 process it accordingly.  
26

27 Section 11. Section 9-1-18-4(D) of the Breckenridge Town Code is deleted.  
28

29 Section 12. Section 9-1-19-2R, “Policy 2 (Relative) Land Use Guidelines,” of the  
30 Breckenridge Town Code is amended to read as follows:

31  
32 **9-1-19-2R: POLICY 2 (RELATIVE) LAND USE GUIDELINES:** The town  
33 strongly encourages all developments to meet the guidelines established within  
34 the adopted “land use guidelines” document for the district in which they lie, and,  
35 where applicable, the guidelines established by an approved master plan.  
36

4 x (- A. Uses: Proposed uses which will not conflict with the existing uses, but  
3/+20) will conform to the desired character and function of the district in which  
they lie, and where applicable, with an approved master plan, are  
encouraged. Uses which are in conflict with existing uses and/or with the  
desired character and function of the district in which they lie, or, where  
applicable, with an approved master plan, are discouraged.

2 x (- B. Relationship To Other Districts: In those instances where a project lies  
2/0) adjacent to a district boundary where the proposed uses may be  
incompatible, the applicant is encouraged to modify the proposed use to

one that is compatible, or take extra measures to provide adequate buffers in an effort to lessen any negative impacts upon the property lying within the adjacent land use district.

3 x (- C. Nuisances: Uses that create a nuisance or hazard to others in the community, including, but not limited to, significant or continuous noise, vibration, odors, radio or electronic interference, or heat, ~~or glare from lighting emanating from any development~~ shall be discouraged.

Section 13. Sections A, B, and E of Section 9-1-19-3A, "Policy 3 (Absolute Density/Intensity)," of the Breckenridge Town Code is amended to read as follows:

A. Commercial, Industrial, and other Non-Residential Uses: Commercial, ~~office, and certain residential~~ industrial, and other non-residential uses' densities are designated within the land use guidelines in terms of a floor area ratio (FAR). All developments which lie in a district where the density is designated in the terms of floor area ratio shall continue to utilize the allowed density as calculated through the particular FAR as the basis for determining compliance with this policy.

**Where a transfer of density is proposed pursuant to Section 9-1-17-12 for a commercial, service commercial, industrial, or other non-residential use, then the conversion table below shall be used to determine the amount of density required to be transferred to the project site.**

B. Residential: Residential uses whose allowed densities are calculated in terms of units within the land use guidelines shall utilize the following square footage conversion tables to determine the maximum dwelling area allowed within a specific project. (The town requires dwelling units to be converted to square footage rather than units because the town has determined that the impacts of a development are more closely related to the total square footage of the project than the number of units.) Furthermore, it is the intention of the town to encourage uses which have been determined to be needed and desirable for the general benefit of the town, and to discourage those uses which it determines provide little or no benefit or are a detriment to the community.

CONVERSION TABLE - ~~RESIDENTIAL USES~~

Within conservation district:

Single-family	1 unit = 1,600 square feet
Duplexes and townhouses	1 unit = 1,600 square feet
Boarding houses	1 unit = 900 square feet



All other residential (including bed and breakfast, apartment, and condominium) 1 unit = 1,200 square feet

Outside conservation district:

Single-family 1 unit = unlimited square footage\*

Duplex included within site plan level development permit with net density of less than 5 units per acre 1 unit = unlimited square footage\*

Duplex included within site plan level development permit with net density of 5 units per acre or more 1 unit = 1,600 square feet

Townhouse 1 unit = 1,600 square feet

Hotel, inn, motel, bed and breakfast 1 unit = 1,380 square feet

Boarding houses 1 unit = 900 square feet

All other residential (including apartment and condominium) 1 unit = 1,200 square feet

**Commercial, service commercial, industrial, and all other non-residential uses** **1 unit = 1,000 square feet**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

\*Refer to section 9-1-19-4A, "Policy 4 (Absolute) Mass", subsection A, of this chapter for mass limitations in certain subdivisions that may further limit aboveground density.

For purposes of this policy, the term "net density" shall mean the total number of approved residential dwelling units per acre contained within the land area covered by a site plan level development permit.

**When using the above table to calculate density on a site, the following formula shall be used: equivalent units (as determined by above table) x Units Per Acre (as determined by the applicable Land Use District or Master Plan) x size of lot. For example, within the Conservation District, a single-family home (1,600 square foot multiplier in above table) x 11 UPA (in Land Use District 17) x .14 acres (lot size) = 2,464 square feet of allowed density. Please note that densities are further limited in the conservation district based on the Historic District Guidelines and the particular character area the property is located in, so the above noted UPA density may be less than noted.**

E. Density For Attainable Workforce **Employee** Housing Projects:

(4) When new attainable-workforce **Employee** hHousing projects are developed

1 within the corporate limits of the town, the town government shall transfer density  
2 it owns to the ~~attainable workforce~~ **Employee H**ousing project at a one to four  
3 (1:4) ratio (i.e., transfer 1 development right for every 4 ~~attainable workforce~~  
4 **Employee H**ousing project units permitted to be built).

5  
6 (2) The density provisions for employee housing under subsection D of this  
7 section shall also apply to ~~attainable workforce housing~~ projects. (Ord. 12, Series  
8 2012)

9  
10 Section 14. Section 9-1-19-3A, "Policy 3 (Absolute) Density/Intensity," of the  
11 Breckenridge Town Code is amended by the addition of the following new sections:

12  
13 **F. Exemption for Community Facilities and Institutional Uses**

14  
15 **(1) Where community facilities and institutional uses are proposed, no**  
16 **density shall be required to be transferred to subject property to account for**  
17 **the density associated with the community facility or institutional use.**

18  
19 **G. Transfer of Density Required**

20  
21 **(1) Where a development project is proposed to exceed the permitted density**  
22 **of the property as identified under the controlling development policy or**  
23 **document, including, but not limited to, the land use guidelines, master plan,**  
24 **development agreement, or other controlling site specific rule, regulation or**  
25 **court order, then a transfer of density must be enacted pursuant to Section 9-**  
26 **1-17-12 and as further controlled by other sections in this Code.**

27  
28 **H. Aboveground Density In Historic District:**

29  
30 **(1) Within the Main Street residential/commercial, south end residential, and**  
31 **South Main Street character areas a maximum of 12.0 units per acre for**  
32 **aboveground density for new construction is allowed. Projects within such**  
33 **areas which contain 12.01 units per acre, or more, of aboveground density**  
34 **shall be deemed to have failed this policy for failing to meet a priority policy.**

35 **a. Within the Main Street residential/commercial character area only, density**  
36 **and mass will not be assessed against a project for the construction of a**  
37 **"connector" element which complies with priority policy 80C of the**  
38 **"Handbook Of Design Standards For The Historic And Conservation**  
39 **Districts".**

40 **(2)a. Within the eastside residential, north end residential, and the North Main**  
41 **Street residential character areas, a maximum of 9.0 units per acre for**  
42 **aboveground density for new construction is allowed, except for those**  
43 **developments described in subsection H(2)b of this section. Projects within**  
44 **such areas which contain 9.01 units per acre, or more, of aboveground**

1 density shall be deemed to have failed this policy for failing to meet a priority  
2 policy.

3 **b. In connection with permit applications for projects which involve**  
4 **“preserving”, “restoring”, or “rehabilitating” a “landmark structure”,**  
5 **“contributing building”, or “contributing building with qualifications” (as**  
6 **those terms are defined in the “Handbook Of Design Standards For The**  
7 **Historic And Conservation Districts”) anywhere within the eastside**  
8 **residential, north end residential, and the North Main Street residential**  
9 **character areas, a maximum of 10.0 units per acre for aboveground density**  
10 **is allowed. Projects of such types which contain 10.01 units per acre, or more,**  
11 **of aboveground density shall be deemed to have failed this policy for failing**  
12 **to meet a priority policy.**

13 **(3) For the purposes of this chapter, “aboveground density” shall mean that**  
14 **portion of the density of a structure that is above finished grade. If a**  
15 **structure has a foundation wall that is exposed more than two feet (2’) above**  
16 **finished grade, a portion of the allowable above grade density for such**  
17 **structure shall be assessed to the floor which is partially below grade in**  
18 **accordance with priority policy 80B of the “handbook of design standards”**  
19 **adopted by section 9-5-3 of this title.**

20  
21 **Within the historic district a one thousand six hundred (1,600) square foot**  
22 **multiplier is used to calculate the allowed aboveground density for any use.**  
23 **For example, a typical fifty foot by one hundred twenty five foot (50' x 125'**  
24 **aboveground density for any use (0.143 acre x 1,600 x 9 UPA).**

25 **(4) All spaces with vaulted ceilings that have a wall plate height over fourteen**  
26 **feet (14') shall be double counted toward the allowable aboveground density**  
27 **(8 foot first floor plate height, 1 foot floor system, 5 foot plate height for a**  
28 **potential second floor).**

29 **(5) In connection with permit applications for projects within the historic**  
30 **district which involve “preserving”, “restoring”, or “rehabilitating” a**  
31 **“landmark structure”, “contributing building”, or “contributing building**  
32 **with qualifications” (as those terms are defined in the “Handbook Of Design**  
33 **Standards For The Historic And Conservation Districts”), true one-story**  
34 **historic buildings with a first floor plate height of less than ten feet (10') shall**  
35 **not have the density in the attic space counted toward aboveground density,**  
36 **provided that there are no dormers, windows, or skylights that are added to**  
37 **the attic space of the historic building.**

38 Section 15. Section 9-1-19-3R, “Policy 3 (Relative) Compliance With Density/Intensity  
39 Guidelines,” of the Breckenridge Town Code is amended to read as follows:  
40

41 **9-1-19-3R: POLICY 3 (RELATIVE) COMPLIANCE WITH**  
42 **DENSITY/INTENSITY GUIDELINES:**

1  
2  
3  
4  
5  
6  
7  
8  
9

A. Compliance with the maximum allowed intensity/density as calculated in section 9-1-19-3A, “Policy 3 (Absolute) Density/Intensity”, of this chapter, and with regard to commercial from the land use guidelines is strongly encouraged. Deviations in excess of the maximum allowed total square footage shall only be allowed through density transfers pursuant to section 9-1-17-12 of this chapter and shall be assessed negative points according to the following schedule:

	<u>% Deviation Up From Guidelines</u>	<u>Point Deductions</u>
5 x (point deduction)	0.1 - 5%	2*
	5.01 - 10%	3
	10.01 - 15%	4
	15.01 - 20%	5
	20.01 - 30%	6
	30.01 - 40%	7
	40.01 - 50%	8
	50.01% and above	20

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**\*Excess density allowed for Employee Housing, as allowed in See section 9-1-19-3 A, Section D., is exempt from the point deductions listed in the above table.** Excess density is exempt from a 2 point deduction if the density is transferred pursuant to subsection 9-1-17-12B of this chapter and if the total excess density for the project does not exceed 5 percent of the maximum density allowed. This exemption does not apply to any transfers of density into the historic district **or LUD 1.**

**B. Conservation District Densities**  
**(1) Within the Main Street residential/commercial, South End residential, and South Main Street character areas, a maximum of nine (9) units per acre of aboveground density is recommended. In connection with projects that exceed the recommended nine (9) units per acre and meet all of the design criteria outlined in the character area design standards, points shall be assessed based on the following table:**

<u>Aboveground Density</u>	<u>Point Deductions</u>
<u>(UPA)</u>	
<u>9.01 -</u>	<u>-3</u>
<u>9.50</u>	

<u>9.51 -</u>	<u>10.00</u> - -	<u>-6</u> -
<u>10.01 -</u>	<u>10.50</u> - -	<u>-9</u> -
<u>10.51 -</u>	<u>11.00</u> - -	<u>-12</u> -
<u>11.01 -</u>	<u>11.50</u> - -	<u>-15</u> -
<u>11.51 -</u>	<u>12.00</u> - -	<u>-18</u> -
<u>12.01 or more</u>	<u>See section 9-1-19-3 A, Section H., of this chapter</u>	

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12

**(2) In connection with permit applications for projects within those character areas of the historic district specified below which involve “preserving”, “restoring”, or “rehabilitating” a “landmark structure”, “contributing building”, or “contributing building with qualifications” (as those terms are defined in the “Handbook Of Design Standards For The Historic And Conservation Districts”), or “historic structure” or “landmark” as defined in this code, and in connection with permit applications for projects within the North Main residential, north end residential, and the east side residential character areas that exceed the recommended nine (9) units per acre of aboveground density, points shall be assessed based on the following table:**

<u>Aboveground Density</u> <u>(UPA)</u>	<u>Point Deductions</u>
-	-
<u>9.01 - 9.50</u>	<u>-3</u>
<u>9.51 - 10.00</u>	<u>-6</u>
<u>10.01 or more</u>	<u>See section 9-1-19-3A, Section H., of this chapter</u>

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

Section 16. Subsection A of Section 9-1-19-4R, “Policy 4 (Relative) Mass,” of the Breckenridge Town Code is amended to read as follows:

A. Additional aboveground square footage may be allowed over and above the intensity/density calculation based on the following formulas for accessory uses such as garages, meeting rooms, lobbies, hallways, recreational areas, etc.:

- (1) (Rep. by Ord. 10, Series 1990)
- (2) Single-Family, Duplexes, Bed And Breakfasts, And Townhouses: Single-family, duplex, bed and breakfast, and townhouse developments may be allowed an additional twenty percent (20%) of aboveground floor area as specified in Section 9-1-19-3A.H and Section 9-1-19-3R.A for the provision of garages, common amenity areas, and common storage areas. This mass bonus does not apply to single-family or duplex structures listed in section 9-1-19-4A, “Policy 4 (Absolute) Mass”, subsection A, of this chapter.

1  
2 (3) Apartments And Boarding Houses: Apartment and boarding house  
3 developments may be allowed an additional ~~fifteen~~ thirty percent (~~15~~30%) of  
4 aboveground floor area for the provision of amenities and/or common areas.  
5 (4) Condominiums, Hotels, Inns, And Lodges: Condominiums, hotels, inns,  
6 lodges, and other similar uses may be allowed an additional ~~twenty five~~ thirty  
7 percent (~~25~~30%) of aboveground floor area for the provision of amenities and/or  
8 common areas.  
9

10 Compliance with the aboveground square footage recommendations as set forth  
11 here is encouraged. Mass is the total aboveground square footage of a project  
12 (density + common areas). Deviations in excess of the maximum allowed total  
13 square footage shall only be allowed through density transfers pursuant to section  
14 9-1-17-12 of this chapter and shall be assessed negative points according to the  
15 following schedule:  
16

17 The following formula shall be utilized to determine any deviations from these  
18 guidelines:  
19

	<u>% Deviation Up From Guidelines</u>	<u>Point Deductions</u>
5 x (point deduction)	0.1 - 5%	2*
	5.01 - 10%	3
	10.01 - 15%	4
	15.01 - 20%	5
	20.01 - 30%	6
	30.01 - 40%	7
	40.01 - 50%	8
	50.01% and above	20

20 \* **Excess mass allowed for Employee Housing, as allowed in Section 3A. D., is**  
21 **exempt from the point deductions listed in the above table.** Excess mass is  
22 exempt from a 2 point deduction if the density is transferred pursuant to  
23 subsection 9-1-17-12B of this chapter and if the total excess mass for the project  
24 does not exceed 5 percent of the maximum mass allowed. This exemption does  
25 not apply to any transfers of density/mass into the historic district or LUD 1.  
26

27 Section 17. Subsection B of Section 9-1-19-4R, "Policy 4 (Relative) Mass," of the  
28 Breckenridge Town Code is amended to read as follows:

29 In a land use district where density is calculated by a floor area ratio only, residential and mixed use  
30 projects shall not be allowed additional square footage for accessory uses, and the total mass of the

1 building shall be that allowed by the floor area ratio of the specific districts. In residential and mixed  
2 use developments within land use districts 18, and 19, no additional mass shall be allowed for the  
3 project and the total allowed mass shall be equal to the allowed density, **with the exception that**  
4 **additional mass may be allowed in land use district 18 for projects involving historic**  
5 **renovations and remodels of the primary historic structure.**

6 Section 18. The fourth paragraph of Section 9-1-19-5A: “Policy 5 (Absolute)  
7 Architectural Compatibility,” of the Breckenridge Town Code is amended to read as follows:

8 The number of colors used on one structure is limited to three (3); this does not  
9 include specifically appropriate additional colors as listed in the architectural  
10 color placement list in the design guidelines for such elements as window sashes,  
11 porch floors, ceiling half timbers, ~~or~~ roof coverings, **flashing, flues, brick, rusted**  
12 **metal, and unfinished natural surfaces such as rock and stone.**

13 Section 19. Section C of Section 9-1-19-5A: “Policy 5 (Absolute) Architectural  
14 Compatibility,” of the Breckenridge Town Code is deleted.

15  
16 Section 20. The fourth paragraph of Section E of Section 9-1-19-5A: “Policy 5  
17 (Absolute) Architectural Compatibility,” of the Breckenridge Town Code is amended to read as  
18 follows:

19  
20 Within the conservation district a solar device shall be located to reduce the  
21 visibility of the solar device from a public street (as opposed to an alley) to the  
22 greatest extent practical and to reduce negative impacts to historic structures. In  
23 most cases, preference 1 will reduce visibility and is the highest and most  
24 preferred; preference 5 is the lowest and least preferred. A solar device shall be  
25 located in the highest preference possible. The order of preference for the location  
26 of a solar device within the conservation district is as follows, unless a less visual  
27 option is available on site: ~~a~~1) as a building integrated photovoltaic device; ~~b~~2) on  
28 nonhistoric structures or additions; ~~e~~3) on an accessory structure; ~~d~~4) on the  
29 primary structure; and ~~e~~5) highly visible from the public street.

30  
31 Section 21. Section A of Section 9-1-19R: “Policy 5 (Relative) Architectural  
32 Compatibility”, of the Breckenridge Town Code is amended to read as follows:  
33

3 x (- 2/+2)	A.	General Architectural And Aesthetic Compatibility: All proposed new developments, alterations, or additions are strongly encouraged to be architecturally compatible with the general design criteria specified in the land use guidelines. It is strongly encouraged that cut and fill slopes be kept to a minimum, and that the site, when viewed from adjacent properties, be integrated into its natural surroundings as much as possible. In addition, excessive similarity or dissimilarity to other structures existing, or for which a permit has been issued, or to any other structure included in the same permit application, facing upon the same or intersecting streets within the same or adjacent land use districts is discouraged. This subsection A only applies to areas outside of the historic
-----------------	----	---

district. Architercture within the historic district is regulated by the Handbook of Design Standards for the Historic and Conservation Distircts.

1  
2  
3 Section 22. Section 9-1-19-6A, “Policy 6 (Absolute) Building Height,” of the  
4 Breckenridge Town Code is amended to read as follows:  
5

6 **9-1-19-6A: POLICY 6 (ABSOLUTE) BUILDING HEIGHT:**  
7

8 A. Within The Historic District:  
9

10 (1) Building height measurement shall be to the highest point of a flat, shed, or  
11 mansard roof or to the mean elevation of a ~~sloped~~ gable or hip roof.

12 (2) Maximum building height for all nonresidential, multi-family, duplex and  
13 single-family structures:

14 a. In land use districts 11, 17 and 18, and in those portions of land use districts 18<sub>2</sub>  
15 and 19 north of Lincoln Avenue or south of Washington Street, building height  
16 shall not exceed twenty six feet (26').

17 b. In those portions of land use districts 18<sub>2</sub> and 19 that lie between Lincoln  
18 Avenue and Washington Street, building height shall not exceed thirty feet (30').  
19

20 B. Outside The Historic District:

21 (1) For all single-family residences or duplex units: Measurement shall be to the  
22 highest point of any roof element and shall not exceed thirty five feet (35').

23 (2) For all structures except single-family and duplex units outside the historic  
24 district: Building height measurement shall be to the highest point of a flat,  
25 shed, or mansard roof or to the mean elevation of a gable or hip roof. No  
26 building shall exceed the land use guidelines recommendation by more than two  
27 (2) full stories.  
28

29 Section 23. Section (A)(2) of Section 9-1-19-6R: “Policy 6 (Relative) Building Height,”  
30 of the Breckenridge Town Code is amended to read as follows:  
31

32 (2) Outside The Historic District:

33  
34 a. For all structures ~~except single family and duplex units~~ outside the historic  
35 district: Negative points under this subsection shall be assessed based upon a  
36 project’s relative compliance with the building height recommendations contained  
37 in the land use guidelines, as follows:  
38

-5 Buildings that exceed the building height recommended in the land use  
points guidelines, but are no more than one-half (<sup>1</sup>/<sub>2</sub>) story over the land use  
guidelines recommendation.

-10 Buildings that are more than one-half (<sup>1</sup>/<sub>2</sub>) story over the land use



- points guidelines recommendation, but are no more than one story over the land use guidelines recommendation.
- 15 points Buildings that are more than one story over the land use guidelines recommendation, but are no more than one and one-half (1<sup>1/2</sup>) stories over the land use guidelines recommendation.
- 20 points Buildings that are more than one and one-half (1<sup>1/2</sup>) stories over the land use guidelines recommendation, but are no more than two (2) stories over the land use guidelines recommendation.
- Any structure exceeding two (2) stories over the land use guidelines recommendation will be deemed to have failed absolute policy 6, building height.
- b. For all structures except single-family and duplex units outside the historic district: Additional negative or positive points may be assessed or awarded based upon the planning commission's findings of compliance with the following:
- 1 x (-1/+1) 1. It is encouraged that buildings incorporate the uppermost story density **and mass** into the roof of the structure, where no additional height impacts are created.
- 1 x (-1/+**3**) 2. Buildings are encouraged to provide broken, interesting roof forms that step down at the edges. **Buildings that step down one full story on the edges may be awarded +1 points. Buildings that step down two full stories may be awarded +2 points. Buildings that step down three full stories may be awarded +3 points. Roof forms should step down on at least two building edges that are visible to the public in order to qualify for positive points. Stepping down of building stories should occur in a cascading fashion, with drops of one floor at a time, rather than abrupt drops of two or three stories at once.** Long, unbroken ridgelines, fifty feet (50') or longer, are discouraged.
- B. For all single-family and duplex units outside the historic district:
- (1) Additional negative or positive points may be assessed or awarded based upon the planning commission's findings of compliance with the following:
- 1 x (-1/+1) a. It is encouraged that buildings incorporate the uppermost story of density into the roof of the structure, where no additional height impacts are created.
- 1 x (-1/+**4**) b. Buildings are encouraged to provide broken, interesting roof forms that step down at the edges. Long, unbroken ridgelines, fifty feet (50') or longer, are discouraged.
- 1 x c. Roof forms are encouraged to have a minimum pitch of eight in twelve

(0/+1) (8:12) to a maximum pitch of twelve in twelve (12:12) over ninety percent (90%) of the roof area (measured in plan); however, up to ten percent (10%) of the roof area may be flatter than an eight in twelve (8:12) pitch. (

1  
2 Section 24. Section 9-1-19-7R: “Policy 7 (Relative) Site and Environmental Design,” of  
3 the Breckenridge Town Code is amended to read as follows:  
4

2 x (-  
2/+2) The town hereby finds that it is in the public interest for all sites within the community to be designed, arranged, and developed in a safe and efficient manner. The arrangement of all functions, uses, and improvements should reflect the natural capabilities and limitations of the property. This policy is also intended to discourage levels of development intensity that result in generally compromised site functions, buffering and aesthetics. Taking into consideration the basic character of the site and the nature of the proposed uses, the development should be visually harmonious as perceived from both the interior and exterior of the project. Platted lots with building envelopes, site disturbance envelopes, or designated building locations are still subject to the following rules and recommendations unless noted otherwise.

The existence of constraining physical conditions on some properties may render some portion(s) of these sites unsuitable for development. Constraining physical conditions may consist of, but are not limited to: ravines, the shape or topographical conditions of the specific property involved, adverse soils conditions and existing easements. As a result of these conditions, buildings and other aspects of development should be located elsewhere on the site. The development rights associated with the nondeveloped areas of the sites should either be transferred off site, in accordance with section 9-1-17-12 of this chapter, or incorporated into the remainder of the site. If they can be incorporated into the remainder of the site, it should be done in such a way to allow the development to remain consistent with the development character and function intent of the applicable land use district guideline(s) or approved master plan. Due to site characteristics, the acceptable intensities recommended in the land use guidelines or approved master plan may not be achievable.

The overall design objectives shall be:

- To blend development into the natural terrain and character of the site.
- To minimize the negative impacts of off site views of grading and building massing.
- To minimize site surface disruption; reduce the potential for erosion and other environmental degradation.

- To generally develop in a visually cohesive manner while providing privacy for the occupants of the site and buffering to the neighboring properties as well.

Development plans will incur points based upon the criteria above and their design so as to:

2 x (-2/+2) A. Site Design And Grading: In order to reduce the amount of site disturbance, including vegetative removal, developments should be designed in a manner that minimizes the amount of cut and fill on a site, particularly those areas visible from adjacent properties and rights of way. Placement of buildings on the site should be accomplished in a manner that further minimizes new grading and any vegetative removal necessary for site access and drainage. Grading large areas to create a flat “benched” building pad is strongly discouraged unless disruption is planned to be minimized with a mechanical shoring method. The town must approve any such plan.

4 2x (-24/+24) B. Site Buffering: Developments should be buffered from adjacent properties and public rights of way **and should attempt to provide a maximum degree of privacy for occupants of both the site and surrounding properties.** To achieve this, buildings and other development impacts should be located in a manner that allows for site buffering (~~existing or proposed~~). Buffering between the developments and neighboring properties may include, but ~~are~~ is not limited to:

- **Preservation of Existing mature tree stands or specimen trees.**
- The physical distance from property edge to the development.
- ~~New landscaping.~~
- Landscaped berms at the property perimeter.

Providing greater buffers than those required by building envelopes, disturbance envelopes, designated building locations, and/or recommended setbacks are encouraged. However, **no** positive points **may be** awarded under this ~~portion of this policy~~ for new landscaping. ~~or landscaped berms shall not be awarded~~ **Positive points for new landscaping shall be awarded** under section 9-1-19-22R, “Policy 22 (Relative) Landscaping”, of this chapter.

2 x (-2/+2) C. Retaining Walls: Retaining wall systems with integrated landscape areas are encouraged to be provided to retain slopes and make up changes in grade rather than cut/fill areas for slope retention.

Retaining wall systems made of, or faced with, natural materials such as rock or timbers are preferred. Other materials that are similar in the nature of the finishes may be considered on a case by case basis, but are not recommended for use in ~~highly visible~~ locations **visible from streets or public areas.**

Smaller retaining wall systems, ~~up to four feet (4') tall,~~ **generally not exceeding four feet (4') in height** that incorporate vegetation between walls without creating excessive site disturbance are preferred. It is understood that, depending on the slope of the site, the height of retaining walls may vary to minimize site disruption. If an alternative site layout that **incorporates retaining walls taller than four feet (4')** **but** causes less site grading and complies with all other relevant development code policies is viable, then it ~~should be strongly considered~~ **shall not be assessed negative points because of its height.**

42 x  
(-  
24/+24)

D. Driveways And Site Circulation Systems: Driveways and circulation systems are encouraged to work efficiently with the existing topography rather than requiring excessive site disturbance to accommodate their installation. ~~Design site~~ Vehicular circulation systems, including driveways, parking areas, and delivery areas should be designed in a manner that results in the minimum site disturbance possible to provide safe access to the site.

Garages should be located in a manner that eliminates the need for long or double switchback drives and reduces overall site disturbance. In some instances, this may require that a garage be placed in the front yard, or near a public right of way, rather than hidden behind a building. ~~The reduction of site disturbance should offset any negative impacts related to the reduction of site buffers.~~

2 x (-  
1/+1)

~~E.~~ Site Privacy: It is encouraged that developments, including buildings and site circulation be arranged to provide the maximum degree of privacy for the occupants of both the site and surrounding properties. It is encouraged that the location and design of potentially incompatible uses or structures within a development (including, but not limited to, trash enclosures, site lighting and noise generators) be designed and located in a manner that reduces the potential negative impacts on all neighboring properties. ~~Maintaining extra privacy for drives and development, beyond the minimum setbacks, around the entire site perimeter is encouraged. These may include providing greater setbacks, natural or constructed screening.~~

2 x  
(0/+2)

~~F.~~ E. Wetlands: Enhance wetlands, if present, beyond the requirements of the town's applicable regulations. Enhancements may include: the reintroduction of natural water flow, flora, fauna, and wildlife habitat.

2 x (-  
2/+2)

~~G.~~ E. Significant Natural Features: Avoid development within areas of significant natural features, if present on site. Significant natural features may include, but are not limited to:

- ~~- Significant tree stands or specimen trees.~~
- Knolls or ridgelines.

- ~~Treed backdrop.~~
- Rock outcroppings.

If development in these or similar areas can be avoided, then every effort should be made to do so.

1  
2        Section 25. The second paragraph of Section D of Section 9-1-19-8A: “Policy 8  
3 (Absolute) Ridgeline and Hillside Development,” of the Breckenridge Town Code is amended to  
4 read as follows:

5  
6        The rooflines of structures shall mimic the contours of the topography, whether  
7 gently sloping or steep. Long, unbroken rooflines shall be no greater than fifty  
8 feet (50') in length. **An applicant shall not be awarded positive points under**  
9 **section 9-1-19-6R for avoiding long, unbroken rooflines when done so to**  
10 **comply with this absolute policy.**

11        Large expanses of glass shall be avoided on the downhill elevation of structures. Windows on the  
12 downhill side of a structure shall use ~~nonreflective~~ glass **with the lowest reflectivity rating.**

13        Section 26. Section B of Section 9-1-19-9A: “Policy 9 (Absolute) Placement of  
14 Structures,” of the Breckenridge Town Code is amended to read as follows:

15  
16        **B. Zero-Commercial, Industrial, and other Non-Residential** Setbacks: No  
17 portion of any structure including overhangs and projections shall be placed  
18 closer than one foot (1') to an adjacent property, except that commercial, office,  
19 industrial, or other similar developments may be allowed to be built at the  
20 property line in land use districts 11, 18<sub>2</sub>, and 19.

21  
22        Section 27. Section 9-1-19-13R: “Policy 13 (Relative) Snow Removal and Storage,” of  
23 the Breckenridge Town Code is amended to read as follows:

24  
25        9-1-19-13R: POLICY 13 (RELATIVE) SNOW REMOVAL AND STORAGE:

26  
27        4 x (-        Snow Storage Areas: Adequate space shall be provided within the  
28        2/+2)        development for the storage of snow.

29        A. Size Of Storage Areas: It is encouraged that a functional snow storage area be  
30 provided which is equal to approximately twenty five percent (25%) of the areas  
31 to be cleared of snow. Specific areas to be cleared shall include the full  
32 dimensions of roadways, walkways, and parking areas. **An exception to the**  
**above 25% functional snow storage area is allowed where an operating**  
**snowmelt system is installed.**

33        B. Aesthetics: It is encouraged that snow storage areas be located away from  
34 public view.

1            Section 28. Section 9-1-19-14R: “Policy 14 (Relative) Storage,” of the Breckenridge  
2 Town Code is amended to read as follows:

3  
4            9-1-19-14R: POLICY 14 (RELATIVE) STORAGE:  
5

2 x (-            General: All **Multi-Unit residential** developments are encouraged to  
2/0+2)            provide the types and amounts of storage that are appropriate to the  
development. Storage areas shall include storage space for vehicles, boats,  
campers, firewood, equipment and goods, and shall be located where they  
are most convenient to the user, and least offensive to the community.  
Interior storage of at least five percent (5%) of the building is encouraged.  
**Closets and garages shall not count towards this interior storage**  
**percentage.**

6  
7            Section 29. Section 9-1-19-15A: “Policy 15 (Absolute) Refuse,” of the Breckenridge  
8 Town Code is amended to read as follows:

9  
10            **9-1-19-15A: POLICY 15 (ABSOLUTE) REFUSE AND RECYCLING**

11  
12            All development shall provide an enclosed, screened location for the storage of  
13 refuse **and recycling**. An approved trash dumpster enclosure is required for all  
14 trash dumpsters and compactors in accordance with title 5, chapter 6 of this code.  
15 If the manner of storage or collection requires vehicular access, it shall be  
16 provided in such a way so as not to impair vehicular or pedestrian movement  
17 along public rights of way.

18  
19            The town finds that individual refuse pick up for multi-unit residential  
20 developments of more than six (6) units, and developments of more than three (3)  
21 duplexes, is inconvenient, inefficient and potentially hazardous in a community  
22 with a high percentage of short term rental units. Multi-unit residential  
23 developments of more than six (6) units, and developments of more than three (3)  
24 duplexes shall provide a trash dumpster or compactor with an approved trash  
25 dumpster enclosure, **which includes adequate space for recycling.**

26  
27            Section 30. Section 9-1-19-15R: “Policy 15 (Relative) Refuse,” of the Breckenridge  
28 Town Code is amended to read as follows:

29  
30            **9-1-19-15R: POLICY 15 (RELATIVE) REFUSE AND RECYCLING:**

31  
32            All developments are encouraged to provide for the safe, functional and aesthetic  
33 management of refuse **and recycling** beyond that required by title 5, chapter 6,  
34 “Trash Dumpsters And Compactors”, of this code.

- 35  
36            A. The following trash dumpster **and recycling** enclosure design features are  
37 encouraged to be incorporated in the enclosure design:  
38

1 **1 x (+2)**

2  
3 (+1) Incorporation of trash dumpster enclosure **and recycling area** into a  
4 principal structure.

5  
6 (+2) Rehabilitation of historic sheds for use as an approved trash dumpster **and**  
7 **recycling** enclosure, in a manner that preserves and/or refurbishes the integrity of  
8 the historic shed.

9  
10 (+2) Dumpster **and recycling** sharing with neighboring property owners; and  
11 having the shared dumpster **and recycling** on the applicant's site.

12  
13 Section 31. Section 9-1-19-19A: "Policy 19 (Absolute) Loading," of the Breckenridge  
14 Town Code is deleted.

15  
16 Section 32. Chapter 1 of Title 9 of the Breckenridge Town Code is amended by a new  
17 Section 9-1-19-19R: "Policy 19 (Relative) Loading, "which shall read as follows:

18 **9-1-19-19R: POLICY 19 (RELATIVE) LOADING:**

2 x = **Loading Areas: It is encouraged that adequate loading areas be**  
(0/+2) **provided for all commercial development. Where a development**  
**includes an exceptional approach to provision of loading (e.g.,**  
**underground loading docks) and where loading areas are physically**  
**separated from pedestrian and vehicular traffic areas, positive points**  
**should be considered. Positive points shall not be awarded under this**  
**policy if positive points are earned under Policy 16R subsections (2) and**  
**(3).**

19  
20 Section 33. Section 9-1-19-20R: "Policy 20 (Absolute) Relative," of the Breckenridge  
21 Town Code is amended to read as follows:

22 **9-1-19-20R: POLICY 20 (RELATIVE) RECREATION FACILITIES:**

3 x (-  
2/+2) The community is based, to a great extent, on tourism and recreation; therefore,  
the provision of recreational facilities, both **available to the general** public and  
~~private~~, is strongly encouraged. Each residential project should provide for the  
basic needs of its own occupants, while at the same time strive to provide  
additional facilities that will not only be used for their own project, but the  
community as a whole. Commercial projects are also encouraged to provide  
recreational facilities whenever possible. The provision of recreational facilities  
can be on site or off site, ~~public or private~~.

23  
24 Section 34. Section A of Section 9-1-19-21R: "Policy 21 (Relative) Open Space," of the

1 Breckenridge Town Code is amended to read as follows:  
2

3 **9-1-19-21R: POLICY 21 (RELATIVE) OPEN SPACE:**  
4

5 3 x (-2/+2) A. Private Open Space:

- 6 (1) Residential Areas: It is encouraged that all residential developments or the  
7 residential portions of multiuse developments retain at least thirty percent (30%)  
8 of their ~~land~~ **gross square footage of land** area in natural or improved open  
9 space, ~~exclusive of roadways~~ **Streets and driveways**, parking lots, sidewalks,  
10 decks, **planter boxes, rooftop gardens,** or small landscaping strips **shall not**  
11 **count as open space**. Where possible, open space shall be placed adjacent to  
12 rights of way and other public areas.  
13

14 Exception for single-family residences outside conservation district: No positive  
15 points shall be awarded under this policy in connection with an application to  
16 develop a single-family residence located outside the town's conservation district.  
17 Negative points may be assessed under this policy if an application to develop a  
18 single-family residence outside the conservation district does not provide for the  
19 preservation of at least thirty percent (30%) of the site in natural or improved  
20 open space.  
21

- 22 (2) Commercial Areas: It is encouraged that all commercial (nonresidential)  
23 developments or the commercial portions of multiuse developments contain at  
24 least fifteen percent (15%) of their **gross square footage of** land area in natural,  
25 improved or functional open space, ~~exclusive of roadways~~ **Streets and**  
26 **driveways**, parking lots, sidewalks, decks, **planter boxes, rooftop gardens,** or  
27 small landscaping strips **shall not count as open space**. Where possible, open  
28 space shall be placed adjacent to rights of way and other public areas.  
29

30 **Exception for Character Area 6 in the Conservation District: Properties**  
31 **within Character Area 6 (Core Commercial) as identified in the Handbook of**  
32 **Design Standards for the Historic and Conservation Districts, are allowed to**  
33 **be built up to the property line to match the historic development pattern**  
34 **and thus leave little area for provision of open space. As such, commercial**  
35 **properties in Character Area 6 shall not be assessed negative points for**  
36 **failing to provide at least fifteen percent (15%) open space.**  
37

38 Section 35. Section 9-1-19-22R: "Policy 22 (Relative) Landscaping," of the Breckenridge  
39 Town Code is amended to read as follows:  
40

41 **9-1-19-22R: POLICY 22 (RELATIVE) LANDSCAPING:**  
42

2 x (- 1/+3) A. All developments are strongly encouraged to include landscaping  
improvements that exceed the requirements of section 9-1-19-22A, "Policy



22 (Absolute) Landscaping”, of this chapter. New landscaping installed as part of an approved landscape plan should enhance forest health, preserve the natural landscape and wildlife habitat and support firewise practices. A layered landscape consistent with the town’s mountain character, achieved through the use of ground covers, shrubs, and trees that utilize diverse species and larger sizes where structures are screened from ~~viewsheds,~~ **adjacent properties and** public rights of way ~~and other structures,~~ is strongly encouraged. The resulting landscape plan should contribute to a more beautiful, safe, and environmentally sound community.

B. To meet the goals described in subsection A of this section, compliance with the following relative landscape standards is encouraged. An application shall be evaluated on how well it implements the following:

~~(1) At least one tree a minimum of eight feet (8') in height, or three inch (3") caliper, should be planted at least every fifteen feet (15') along all public rights of way adjacent to the property to be developed.~~

~~(12)~~ All landscaping areas should have a minimum dimension of ten feet (10').

~~(23)~~ Development applications should identify and preserve specimen trees, significant tree stands, tree clusters and other existing vegetation that contribute to wildlife habitat. Trees considered as highest priority for preservation are those that are disease free, have a full form, and are effective in softening building heights and creating natural buffers between structures and public rights of way. Buildings should be placed in locations on the property that result in adequate setbacks to preserve specimen trees and existing vegetation. Appropriate measures should be taken to prevent site work around these areas. Applicants should seek professional advice on these issues from experts in the field.

~~(34)~~ Landscaping materials should consist of those species that are native to the town, or are appropriate for use in the town’s high altitude environment. The “Landscaping Guidelines” shall be used to evaluate those particular criteria.

~~(45)~~ Landscaping materials should consist of those species that need little additional water (over and above natural precipitation) to survive, or the applicant should provide an irrigation system on the property that complies with subsection B(6) of this section. In general, native species are the most drought tolerant after establishment. Xeriscaping with native species is encouraged.

~~(56)~~ Installation, use, and maintenance of irrigation systems to ensure survival of landscaping in the long term is strongly encouraged until plant material is established. **Irrigation systems must utilize drip irrigation or similar** ~~Irrigation utilizing~~ low flow systems and the recycling of water ~~are is~~ strongly encouraged. **Sprinkler systems may be used for lawn and sodded areas and areas planted with perennials, but may be subject to negative**

points per this policy. All approved irrigation systems should be maintained on an annual basis.

(~~6~~7) The use of bioswales planted with native vegetation that can filter and absorb surface water runoff from impervious surfaces is encouraged to promote water quality.

(~~7~~8) In low traffic areas the use of permeable paving allowing precipitation to percolate through areas that would traditionally be impervious is encouraged.

(~~8~~9) Plant materials should be provided in sufficient quantity; be of acceptable species; and be placed in such arrangement so as to create a landscape that is appropriate to the town's setting and that complies with the historic district guidelines, if applicable.

(~~9~~10) Not less than fifty percent (50%) of the tree stock installed on a property should include a variety of larger sizes, ranging up to the largest sizes (at maturity) for each species that are possible according to accepted landscaping practices. Such tree stock should recognize the town's high altitude environment, transplant feasibility, and plant material availability. The interrelationships of height, caliper, container size and shape must be in general compliance with the nursery stock standards.

(~~10~~11) Not less than fifty percent (50%) of all deciduous trees described in the landscape plan should be multistem.

(~~11~~12) Landscaping should be provided in a sufficient variety of species to ensure the continued aesthetic appeal of the project if a particular species is killed through disease. Native species are preferred.

~~(13) Not less than fifty percent (50%) of that portion of the area of a project that is not being utilized for buildings or other impervious surfaces should be kept in a natural/undisturbed state. Native grasses, wildflowers, and native shrubs are desirable features to maintain.~~

(~~12~~14) In all areas where grading and tree removal is a concern, planting of new landscaping materials beyond the requirements of section 9-1-19-22A, "Policy 22 (Absolute) Landscaping", of this chapter is strongly encouraged. New trees and landscaping should be concentrated where they will have the greatest effect on softening disturbed areas and buffering off site views of the property.

C. Negative points shall be assessed against an application according to the following point schedule:

-2: Proposals that provide no public benefit. Examples include: providing no landscaping to create screening from adjacent properties; and public rights of way and viewsheds; the use of large areas of sod or other nonnative grasses or perennials that require excessive irrigation and exceed 500 square feet in area do not fit the character of the neighborhood; the use of excessive

amounts of exotic landscape species; and the removal of specimen trees that could be avoided with an alternative design layout.

- D. Positive points will be awarded to an application according to the following point schedule. Examples of positive point awards are for purpose of illustration only, and are not binding upon the planning commission. The ultimate allocation of points shall be made by the planning commission pursuant to section 9-1-17-3 of this chapter.

+2: Proposals that provide some public benefit. Examples include: the preservation of specimen trees as a result of a new building footprint configuration to preserve the trees; preservation of groupings of existing healthy trees that provide wildlife habitat; preservation of native ground covers and shrubs significant to the size of the site; xeriscape planting beds; the planting of trees that are of larger sizes (a minimum of 2.5 inch caliper for deciduous trees and 8 feet for evergreen trees); utilizing a variety of species; and the layering of ground covers, shrubs, and trees that enhances screening **from public rights of way and adjacent properties** and assists in breaking up use areas and creating privacy. In general, plantings are located within zone one.

+4: Proposals that provide above average landscaping plans **and that include a water conservation checklist**. Examples include: all those noted under +2 points, in addition to the planting of trees that are of larger sizes (a minimum of 3 inch caliper for deciduous trees and 10 feet for evergreen trees) **and the largest sizes possible for their species**; utilizing a variety of species and the layering of ground covers, shrubs, and trees that enhances screening **from public rights of way and adjacent properties** and assists in breaking up use areas and creating privacy. **A minimum of Fifty percent (50%) of all new planting should be native to the town and the remaining fifty percent (50%) should be adapted to a high altitude environment. In general, plantings are located within zone one and zone two. A water conservation checklist must be prepared for the property that indicates a list of water conservation measures (a minimum of three measures) that will be utilized. Examples of these measures include rain sensors, use of water conserving grass species, irrigation timers, and other conservation measures acceptable to the Town.**

+6: Proposals that provide significant public benefit through exceptional landscape plans. Examples include: all those noted under +2 and +4 points, and the planting of deciduous and evergreen trees that are a combination of the minimum sizes noted under +4 points and the largest possible for their species; the planting of the most landscaping possible on the site at maturity; utilizing a variety of species and the layering of ground covers, shrubs, and trees to break up use areas, create privacy, and provide a substantial screening of the site. Seventy five percent (75%) of all new plantings should be native to the town and the remaining twenty five percent (25%) should be adapted to a high altitude environment. Plantings are located in zone one,

zone two, and zone three. (Ord. 1, Series 2011)–

1  
2 Section 36. Section 9-1-19-24A: “Policy 24 (Absolute) The Social Community,” of the  
3 Breckenridge Town Code is amended to read as follows:  
4

5 **9-1-19-24A: POLICY 24 (ABSOLUTE) THE SOCIAL COMMUNITY:**  
6

7 A. Meeting And Conference Rooms: All condominium/hotels, hotels, lodges, and  
8 inns shall provide meeting areas or recreation and leisure amenities, at a ratio of  
9 one square foot of meeting or recreation and leisure amenity area for every thirty  
10 five (35) square feet of gross dwelling area.  
11

12 B. Historic And Conservation District: Within the conservation district, which area  
13 contains the historic district (see special areas map) substantial compliance with  
14 both the design standards contained in the “handbook of design standards” and all  
15 specific individual standards for the transition or character area within which the  
16 project is located is required to promote the educational, cultural, economic and  
17 general welfare of the community through the protection, enhancement and use of  
18 the district structures, sites and objects significant to its history, architectural and  
19 cultural values.  
20

21 (1) Within the historic or conservation district, no historic structure shall be altered,  
22 moved, or demolished without first obtaining a class A or class B development  
23 permit from the town. Accompanying such approval to alter, move or demolish  
24 any historic structure shall be an application for a class A or class B development  
25 permit as required by code to authorize any proposed new development which  
26 shall take the place of a moved or demolished historic structure. The issuance of  
27 building permits for altering, moving, or demolishing a historic structure and the  
28 construction of a replacement structure shall be issued concurrently and shall not  
29 be issued separately. Moving a historic structure from its historic lot or parcel to  
30 another lot or parcel is prohibited.  
31

32 (2) In addition to the procedural requirements of this chapter, an application for  
33 alteration, demolition, or moving of a historic structure shall be accompanied by a  
34 cultural survey prepared by a qualified person when required by the town.  
35

36 ~~(3) Within the Main Street residential/commercial, south end residential, and South~~  
37 ~~Main Street character areas, a maximum of nine (9) units per acre of aboveground~~  
38 ~~density is recommended. In connection with projects that exceed the~~  
39 ~~recommended nine (9) units per acre and meet all of the design criteria outlined in~~  
40 ~~the character area design standards, points shall be assessed based on the~~  
41 ~~following table:~~  
42

<u>Aboveground Density</u> -	<u>Point Deductions</u> –
------------------------------	---------------------------

<del>(UPA)</del>		
<del>-</del>	<del>- - -</del>	<del>- -</del>
<del>9 .01 —</del>	<del>9.50 - -</del>	<del>-3 -</del>
<del>9 .51 —</del>	<del>10.00 - -</del>	<del>-6 -</del>
<del>10 .01 —</del>	<del>10.50 - -</del>	<del>-9 -</del>
<del>10 .51 —</del>	<del>11.00 - -</del>	<del>-12 -</del>
<del>11 .01 —</del>	<del>11.50 - -</del>	<del>-15 -</del>
<del>11 .51 —</del>	<del>12.00 - -</del>	<del>-18 -</del>
<del>12.01 or more—</del>	<del>- See section 9-1-19-5A, “Policy 5 (Absolute) Architectural Compatibility”, of this chapter—</del>	

1 (4) In connection with permit applications for projects within those character  
2 areas of the historic district specified below which involve “preserving”,  
3 “restoring”, or “rehabilitating” a “landmark structure”, “contributing building”, or  
4 “contributing building with qualifications” (as those terms are defined in the  
5 “Handbook Of Design Standards For The Historic And Conservation Districts”);  
6 or “historic structure” or “landmark” as defined in this code, and in connection  
7 with permit applications for projects within the North Main residential, north end  
8 residential, and the east side residential character areas that exceed the  
9 recommended nine (9) units per acre of aboveground density, points shall be  
10 assessed based on the following table:

<del><u>Aboveground</u></del>	<del>-</del>	<del><u>Point Deductions</u></del>
<del>Density (UPA)</del>		
<del>-</del>	<del>-</del>	<del>-</del>
<del>9 .01 — 9.50</del>	<del>-</del>	<del>-3</del>
<del>9 .51 — 10.00</del>	<del>-</del>	<del>-6</del>
<del>10 .01 or more—</del>	<del>- See section 9-1-19-5A, “Policy 5 (Absolute) Architectural Compatibility”, of this chapter—</del>	

11  
12 Section 37. Section A of Section 9-1-19-24R: “Policy 24 (Relative) Social Community,”  
13 of the Breckenridge Town Code are amended to read as follows:  
14

15 A. Employee Housing: It is the policy of the town to encourage the provision of employee housing units  
16 in connection with commercial, industrial, and multi-unit residential developments to help alleviate  
17 employee housing impacts created by the proposed uses.

1  
2

(1) Point Assessments: The following points shall be assessed in connection with all development permit applications for commercial, industrial and residential projects:

Points	Percentage Of Project Density In Employee Housing	Examples Of Square Footage Conversion Of Percentage From Second Column Size Of Project In Square Feet (Density) (Point awards for actual projects shall be calculated using the first 2 columns of this table)				
		**4,000	5,000	10,000	20,000	50,000
-10	0.0	n/a	0	0	0	
-9	0.01 - 0.5	n/a	n/a	n/a	n/a	*250
-8	0.51 - 1.0	n/a	n/a	n/a	n/a	400
-7	1.01 - 1.5	n/a	n/a	n/a	*250	600
-6	1.51 - 2.0	n/a	n/a	n/a	400	900
-5	2.01 - 2.5	n/a	n/a	*250	500	1,100
-4	2.51 - 3.0	n/a	n/a	300	600	1,400
-3	3.01 - 3.5	n/a	n/a	350	700	1,600
-2	3.51 - 4.0	n/a	n/a	400	800	1,900
-1	4.01 - 4.5	n/a	n/a	450	900	2,200
0	4.51 - 5.0	n/a	*250	500	1,000	2,400
1	5.01 - 5.5	n/a	275	550	1,100	2,700
2	5.51 - 6.0	*250	300	600	1,200	2,900
3	6.01 - 6.5	275	325	650	1,300	3,200
4	6.51 - 7.0		350	700	1,400	3,400
5	7.01 - 7.5	300	375	750	1,500	3,600
<b><u>10***</u></b>	<b><u>100</u></b>	<b><u>***</u></b>	<b><u>***</u></b>	<b><u>***</u></b>	<b><u>***</u></b>	<b><u>***</u></b>
<del>6</del>	<del>7.51 - 8.0</del>	<del>-</del>	<del>400</del>	<del>800</del>	<del>1,600</del>	<del>3,900</del>
<del>7</del>	<del>8.01 - 8.5</del>	<del>350</del>	<del>425</del>	<del>850</del>	<del>1,700</del>	<del>4,200</del>
<del>8</del>	<del>8.51 - 9.0</del>	<del>-</del>	<del>450</del>	<del>900</del>	<del>1,800</del>	<del>4,400</del>
<del>9</del>	<del>9.01 - 9.5</del>	<del>375</del>	<del>475</del>	<del>950</del>	<del>1,900</del>	<del>4,600</del>
<del>10</del>	<del>9.51 - 10.0</del>	<del>400</del>	<del>500</del>	<del>1,000</del>	<del>2,000</del>	<del>4,900</del>

3

1 \* Minimum unit size permitted to qualify as employee housing is 250 square feet, therefore any unit less than 250  
2 square feet is the equivalent of providing no employee housing for the purpose of earning positive or negative  
3 points.

4 \*\* ~~All s~~Single-family and duplex residential; ~~and all other~~ projects ~~less than 5,000 square feet in density~~ shall not be  
5 assessed negative points for the nonprovision of employee housing, but such projects may be awarded positive  
6 points in accordance with the table set forth above.

7 **\*\*\* Development projects that are built with 100% of the units deed restricted for Employee Housing may**  
8 **receive 10 positive points, provided they meet the following criteria:**

- 9 • **All units must meet the definition of Employee Housing.**
- 10 • **For sale projects must average 100% of the Area Median Income for Summit County, Colorado.**
- 11 • **For rent project must be rented at a rental rate affordable to 80% of the Area Median Income for**  
12 **Summit County, Colorado.**
- 13 • **All deed restrictions must comply with the Town’s current deed restriction standards as set in the Town’s**  
14 **Housing Guidelines.**

15  
16 Section 38. Section D of Section 9-1-19-24R: “Policy 24 (Relative) Social Community,”  
17 of the Breckenridge Town Code are amended to read as follows:  
18

3 x D. Meeting And Conference Rooms Or Recreation And Leisure Amenities:  
(0/+2) The provision of meeting and conference facilities or recreation and  
leisure amenities, over and above that required in subsection A of **9-1-19**  
**24A** ~~this section~~ is strongly encouraged. (These facilities, when provided  
over and above that required in subsection A of ~~this section~~ **9-1-19 24A**,  
shall not be assessed against the density and mass of a project when the  
facilities are legally guaranteed to remain as meeting and conference  
facilities or recreation and leisure amenities, and they do not equal more  
than 200 percent of the area required under subsection A of ~~this section~~ **9-**  
**1-19 24 A.**)

19  
20 Section 39. The first four paragraphs of Section E of Section 9-1-19-24R: “Policy 24  
21 (Relative) Social Community,” of the Breckenridge Town Code are amended to read as follows:  
22

3 x (- E. Conservation District: Within the conservation district, which contains the  
5/+5) historic district, compatibility of a proposed project with the surrounding  
area and the district as a whole is of the highest priority. Within this district,  
the preservation and rehabilitation of any historic structure or any “town  
designated landmark” or “federally designated landmark” on the site (as  
defined in chapter 11 of this title) is the primary goal. Any action which is  
in conflict with this primary goal or the “handbook of design standards” is

strongly discouraged, while the preservation of the town’s historic fiber and compliance with the historic district design standards is strongly encouraged. **Substantial compliance with the “handbook of design standards” is expected.** ~~Applications concerning development adjacent to Main Street are the most critical under this policy.~~

1 Additional on site preservation and restoration efforts beyond the  
2 requirements of the historic district guidelines for historic structures  
3 and sites as defined in chapter 11 of this title are strongly encouraged.  
4

5 Positive points shall be awarded according to the following point  
6 schedule for on site historic preservation, or restoration efforts, in  
7 direct relation to the scope of the project, subject to approval by the  
8 planning commission. Positive points may be awarded to both primary  
9 structures and secondary structures. **Positive points are further**  
10 **limited where historic structures are proposed to be moved, per**  
11 **section F. below.**  
12

13 A final point allocation shall be made by the planning commission  
14 based on the historic significance of the structure, its visibility and  
15 size. The construction of a structure or addition, or the failure to  
16 remove noncontributing features of a historic structure may result in  
17 the allocation of fewer positive points:

18 Section 40. Section E (1) of Section 9-1-19-24R: “Policy 24 (Relative) Social  
19 Community,” of the Breckenridge Town Code is amended to read as follows:

20 (1) Primary structures:

21 +1: On site historic preservation/restoration effort of minimal public benefit.

22 Examples<sup>4</sup>: Restoration of historic window and door openings, preservation of historic  
23 roof materials, siding, windows, doors and architectural details.

24 +3: On site historic preservation/restoration effort of average public benefit.

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

28 +6: On site historic preservation/restoration effort of above average public benefit.

29 Examples: Restoration/preservation efforts for windows, doors, roofs, siding,  
30 foundation, architectural details, substantial permanent electrical, plumbing, and/or  
31 mechanical system upgrades, plus structural stabilization and installation of a full  
32 foundation which fall short of bringing the historic structure or site back to its



1 appearance at a particular moment in time within the town's period of significance by  
2 reproducing a pure style. **Projects that involve moving historic primary structures**  
3 **are not eligible for this +6 point assignment.**

4 Section 41. Those portions of Section F of Section 9-1-19-24R: “Policy 24 (Relative)  
5 Social Community,” of the Breckenridge Town Code beginning with “F. Moving Historic  
6 Structures, and ending with “Relocating a historic secondary structure to a site off the original  
7 lot” are amended to read as follows:

8 F. Moving Historic Structures: A structure derives part of its historic significance  
9 from its setting, which includes the property itself, associated landscaping, view  
10 corridors, and other buildings. The manner in which a building relates to its site,  
11 how it is oriented on the property and its view orientation are all aspects of the  
12 building context that enrich our ability to understand the life ways that the historic  
13 district conveys. Removing a building from its historic setting, relocating a  
14 building on its historic site or altering its orientation diminishes our ability to  
15 interpret the history of the district and its historic structures to the fullest extent  
16 possible and therefore should be avoided. Instead, the preferred method is to  
17 preserve historic buildings in their existing locations.  
18

19 The degree to which historic structures are moved on their site, or moved to  
20 another site, shall be considered in the allocation of negative points. Structures  
21 that are moved off the property to another site shall receive the greatest number of  
22 negative points. These moves alter the ability to interpret the history of a site and  
23 the historic structure. Every effort shall be made to preserve historic structures in  
24 their historic locations. When moving of structures is necessary, they shall be  
25 relocated in a manner which preserves the original context of the site and  
26 structure as much as possible. Structures shall not be moved any more than  
27 necessary to achieve reasonable use of the land.  
28

29 Changes that improve the ability to preserve any historic structure or to improve  
30 public safety shall be considered in the allocation of points under this section. The  
31 following is a guideline for the assignment of points for moving historic  
32 structures. The final allocation of points shall be made by the planning  
33 commission pursuant to section 9-1-17-3 of this chapter. Negative points may be  
34 awarded to both primary and secondary structures.  
35

36 No structure shall be moved unless the structure is also fully restored in its new  
37 location with structural stabilization, a full foundation, repairs to siding, windows,  
38 doors and architectural details, and roof repairs to provide water protection.  
39 **Where a historic structure is moved and negative points are assigned for the**  
40 **move under Section F. (1), then positive points for restoration work under**  
41 **Section E. (1) shall only be awarded to the extent that the**  
42 **restoration/preservation efforts exceed the requirements above (e.g.,**  
43 **structural stabilization, a full foundation, repairs to siding, windows, doors**  
44 **and architectural details, and roof repairs).**

1 (1) Moving Primary Structures:

2 0 points: Relocating of historic primary structures in order to bring them into  
3 compliance with required codes and/or setbacks and for correcting property  
4 encroachments, but keeping the structure on its original lot, and maintaining the  
5 historic context of the structure and site.

6  
7 - ~~3~~10 points: Relocating of historic primary structures less than five feet (5') from  
8 its current or original location, keeping the structure on its original site, and  
9 maintaining the historic orientation and context of the structure and lot.

10  
11 - ~~4~~15 points: Relocating a historic primary structure between five feet (5') and  
12 ten feet (10') from its current or original location, but keeping the structure on its  
13 original lot and maintaining the historic orientation and context.

14  
15 - ~~4~~5 20 points: Relocating a historic primary structure more than ten feet (10')  
16 from its current or original location.

17 (2) Secondary Structures:

18 0 points: Relocating of historic secondary structures in order to bring them into  
19 compliance with required codes and/or setbacks and for correcting property  
20 encroachments, but keeping the structure on its original lot, and maintaining the  
21 historic context of the structure and site.

22  
23 - ~~4~~3 points: Relocating a historic secondary structure less than five feet (5') from  
24 its current or original location, keeping the structure on its original lot, and  
25 maintaining the historic orientation and context of the structure and site.

26  
27 - ~~2~~5 points: Relocating a historic secondary structure between five feet (5') and  
28 ten feet (10') from its current or original location, but keeping the structure on its  
29 original lot and maintaining the historic orientation and context of the structure  
30 and site.

31  
32 - ~~3~~10 points: Relocating a historic secondary structure more than ten feet (10')  
33 from its current or original location, but keeping the structure on its original lot.

34  
35 - 15 points: Relocating a historic secondary structure to a site off the original lot.

36 Section 42. Section 9-1-19-25R: "Policy 25 (Relative) Transit," of the Breckenridge  
37 Town Code is amended to read as follows:

38 **9-1-19-25R: POLICY 25 (RELATIVE) TRANSIT:**

39 ~~4~~2x Nonauto Transit System: The inclusion of or the contribution to a permanent  
(- nonauto transit system, designed to facilitate the movement of persons to and

~~24~~/+24) from Breckenridge or within the town, is strongly encouraged. Nonauto transit system elements include buses and bus stops, both public and private, air service, trains, lifts, and lift access that have the primary purpose of providing access from high density residential areas or major parking lots of the town to the mountain, etc. Any development which interferes with the community's ability to provide nonauto oriented transportation elements is discouraged. Positive points shall be awarded under this policy only for the inclusion of or the contribution to nonauto transit system elements which are located on the applicant's property. **Higher point assignments will be considered for transit systems available to the general public.**

1  
2       Section 43. Section 9-1-19-26A: "Policy 26 (Absolute) Infrastructure," of the  
3 Breckenridge Town Code is amended to read as follows:

4  
5       **9-1-19-26A: POLICY 26 (ABSOLUTE) INFRASTRUCTURE:**

6       A. Streets And Roadways: All developments shall be served by adequately sized  
7 and constructed public roadways.

8       (1) Public Streets And Roadways: Public streets and roadways which lie wholly  
9 or substantially within a development and those which are adjacent to the  
10 development shall be either constructed or brought into compliance with the street  
11 development standards **and policies** of the town. This shall include the  
12 installation of street lighting and street signs ~~to town standards~~, as well as the  
13 repair of existing curb cuts that are no longer required, the installation of  
14 sidewalks, and all other required improvements.

15       (2) Private Streets And Roadways: Private streets, roadways and driveways which  
16 intersect or connect with public streets and roadways shall comply with the  
17 provisions of the street development standards of the town.

18       (3) Right Of Way Rehabilitation: Whenever disturbed, rights of way along public  
19 streets shall be rehabilitated and landscaped according to the provisions of the  
20 town.

21       B. Water: All developments must connect to the municipal water system or to  
22 another central water system which is approved by the town. The system utilized  
23 must have ready reserves in order to meet the consumptive uses of treated water  
24 and the fire flow requirements of the development without reducing the level of  
25 service to existing customers.

26       C. Sanitary Sewer: All developments shall be served by adequately sized and  
27 constructed sewer systems.

28       (1) Central System: All developments shall be served by a centralized sewer  
29 system under an effective national pollution discharge elimination system. Septic

1 tanks, sanitary leach fields or filter fields, sewage lagoons, or other forms of  
2 noncentralized sewage disposal are prohibited in all cases, except where a  
3 centralized system cannot be provided. The town shall solely determine this issue,  
4 with input from the ~~Breckenridge sanitation district~~ **Upper Blue Sanitation**  
5 **District** and Summit County **Environmental Health Department**.

6 D. Costs: All costs associated with the development as required herein shall be the  
7 responsibility of the applicant.

8  
9 Section 44. Section B of Section 9-1-19-27A: “Policy 27 (Absolute) Drainage,” of the  
10 Breckenridge Town Code is amended to read as follows:

11  
12 B. Permits: Acquisition of any and all permits required by state and federal  
13 authorities for work to be done within and/or adjacent to an established waterway  
14 or drainage system is the sole responsibility of the applicant. A copy of these  
15 permits shall be attached to the application for building or construction permit, **or**  
16 **shall be submitted prior to the start of work when a building permit will not**  
17 **be issued.**

18  
19 Section 45. Section 9-1-19-27R: “Policy 27 (Relative) Drainage,” of the Breckenridge  
20 Town Code is amended to read as follows:

21  
22 **9-1-19-27R: POLICY 27 (RELATIVE) DRAINAGE:**  
23

3 x Municipal Drainage System: All developments are encouraged to provide  
(0/+2) drainage systems that exceed the minimum requirement of the town and, if  
they so choose, to provide drainage improvements that are of general benefit  
to the community as a whole and not solely required for the proposed  
development.

24  
1 x **Stormwater Detention Ponds: Where stormwater detention ponds are**  
(- **included in developments, it shall be the goal to have aesthetically**  
1/+1) **attractive detention ponds. The use of vegetation, including xeriscaping**  
**and native grass-lined ponds and swales is encouraged, provided they do**  
**not interfere with detention functions. Detention ponds which include**  
**minimal vegetation and large amounts of rocks, boulders, and**  
**unvegetated surfaces are discouraged.**

25  
26 Section 46. Section A of Section 9-1-19-28A: “Policy 28 (Absolute) Utilities,” of the  
27 Breckenridge Town Code is amended to read as follows:

28  
29 **9-1-19-28A: POLICY 28 (ABSOLUTE) UTILITIES:**  
30

31 A. Underground Utilities: Within the area of the development and for any  
32 extensions off site, all utility lines shall be placed underground. For renovations,

1 restorations and remodels that exceed thirty percent (30%) of the structure’s  
2 estimated value prior to renovation, restoration or remodel, all utility lines on site  
3 shall be placed underground. **An exception to this undergrounding**  
4 **requirement is provided for transmission lines carrying voltage of 33 kv or**  
5 **greater.**  
6

7 Section 47. Section D of Section 9-1-19-29A: “Policy 29 (Absolute) Construction  
8 Activities,” of the Breckenridge Town Code are amended to read as follows:  
9

10 **9-1-19-29A: POLICY 29 (ABSOLUTE) CONSTRUCTION ACTIVITIES:**  
11

12 D. As Built Construction Drawings: As built construction drawings of all utility  
13 installations which are located in municipally owned areas or in areas to be  
14 dedicated to the town shall be submitted to the town **in both .pdf and .dwg**  
15 **formats** prior to issuance of a certificate of occupancy by the town.  
16

17 Section 48. Section A of Section 9-1-19-30A of the Breckenridge Town Code is amended  
18 to read as follows:

19 A. Number Of Wood Burning Appliances: The number of wood burning appliances that may be  
20 installed in any project constructed or remodeled within the town is hereby limited to the  
21 following:

22 (1) Single-family residential: One **Environmental Protection Agency (EPA) certified** wood  
23 burning appliance per dwelling unit. No wood burning appliances shall be allowed in any  
24 accessory apartments.

25 (2) Duplex and townhouse residential: One **EPA-certified** wood burning appliance per dwelling  
26 unit; provided, that each unit has one thousand five hundred (1,500) square feet or more of  
27 internal heated floor area. No wood burning appliances shall be allowed in units with less than  
28 one thousand five hundred (1,500) square feet of internal heated floor area.

29 (3) Multi-unit residential: One **EPA-certified** wood burning appliance per floor located in a  
30 lobby or common area containing greater than one thousand (1,000) square feet, with a maximum  
31 of two (2) per individual building. No such wood burning appliances shall be allowed in dwelling  
32 units.

33 (4) Restaurant or bar: One **EPA-certified** wood burning appliance per restaurant or bar, or  
34 restaurant/bar combined.

35 Section 49. Section 9-1-19-30R: “Policy 30 (Relative) Air Quality,” of the Breckenridge  
36 Town Code is deleted.  
37

38 Section 50. Section 9-1-19-31A: “Policy 31 (Absolute) Water Quality,” of the  
39 Breckenridge Town Code is amended to read as follows:  
40

41 **9-1-19-31A: POLICY 31 (ABSOLUTE) WATER QUALITY:**  
42

1 All drainage systems, grading, or earth disturbances shall be so designed and  
2 maintained as not to increase turbidity, sediment yield, or the discharge of any  
3 other harmful substances which will degrade the quality of water. All  
4 developments shall comply with the requirements of the Breckenridge water  
5 quality and sediment transport control ordinance. **The Town may require**  
6 **ongoing water quality monitoring as a condition of development approval.**  
7

8 Section 51. Section 9-1-19-32A: “Policy 32 (Absolute) Water Conservation,” of the  
9 Breckenridge Town Code is deleted.

10  
11 Section 52. Section 9-1-19-33R: “Policy 33 (Relative) Energy Conservation,” of the  
12 Breckenridge Town Code is amended to read as follows:

13  
14 **9-1-19-33R: POLICY 33 (RELATIVE) ENERGY CONSERVATION:**

15  
16 The goal of this policy is to incentivize energy conservation and renewable energy  
17 systems in new and existing development at a site plan level. This policy is not  
18 applicable to an application for a master plan. This policy seeks to reduce the  
19 community’s carbon footprint and energy usage and to help protect the public  
20 health, safety and welfare of its citizens.

21  
22 A. Residential Structure Three Stories Or Less: All new and existing residential  
23 developments are strongly encouraged to have a home energy rating survey  
24 (HERS)/**Energy Rating Index (ERI)** as part of the development permit review  
25 process to determine potential energy saving methods and to reward  
26 developments that reduce their energy use.

27  
28 **For new construction, positive points will be awarded for the percentage of energy**  
29 **use reduction of the new residential structure compared to the same building built**  
30 **to the minimum standards of the Town’s most recently adopted International**  
31 **Energy Conservation Code Residential Provisions. This shall mean, for an interim**  
32 **period, that the percent energy use reduction shall be compared to a baseline 70**  
33 **HERS/ERI score. Upon adoption by the Town of the 2018 International Energy**  
34 **Conservation Code, the percent energy use reduction shall be compared to the**  
35 **baseline ERI score required as established in the Code. As subsequent International**  
36 **Energy Conservation Codes are adopted by the Town, the percent energy use**  
37 **reduction shall be compared to the baseline ERI score required established in that**  
38 **Code.**

39  
40 For existing residential development, including **minor** additions **(10 percent or**  
41 **less),** positive points will be awarded for the percentage of **energy saved beyond**  
42 **the energy consumption analysis of the existing structure(s) as compared to**  
43 **the energy consumption of the proposed structure remodel.** improvement in  
44 the HERS index when comparing the HERS index of the existing structure to the  
45 HERS index of the proposed structure with improvements. (Example: The  
46 percentage shall be calculated as follows: If the existing structure has a HERS  
47 index of 120, and has a HERS index of 70 as a result of the improvements

1  
2  
3  
4  
5  
6  
7  
8

proposed in the development permit application, there is a 41 percent improvement in the HERS index over the existing conditions (120-70=50; 50/120=0.41). Such improvement warrants an award of positive three (+3) points.).

Positive points will be awarded according to the following point schedule for new construction (prior to **xx, 2018**):

**New Residential HERS Index New Structures; Percent Energy Saved Beyond Adopted Residential Energy Code Standard<sup>1</sup>**

**Points**

- +1 Obtaining a HERS **or ERI** index
- +2 ~~61-80~~ **20% - 39%**
- +3 ~~41-60~~ **40% - 59%**
- +4 ~~21-40~~ **60% - 79%**
- +5 ~~1-20~~ **80% - 99%**
- +6 ~~0-~~ **100%+**

9  
10

<sup>1</sup>**International Energy Conservation Code (IECC) Residential Provisions.**

<b><u>Points</u></b>	<b><u>New Residential HERS Index</u></b>	<b><u>Existing Residential (Prior To August 14, 2012); Percentage (%) Improvement Beyond Existing HERS Index</u></b>
-	-	-
+1	Obtaining a HERS index	Obtaining a HERS index
+2	<del>61-80</del>	<del>10-29%</del>
+3	<del>41-60</del>	<del>30-49%</del>
+4	<del>21-40</del>	<del>50-69%</del>
+5	<del>1-20</del>	<del>70-99%</del>
+6	<del>0-</del>	<del>110%+</del>

11  
12  
13  
14  
15

Positive points will be awarded according to the following point schedule **for existing structures (prior to **xx, 2018**) which undergo major exterior remodel and/or minor additions (additions of 10 percent or less):**

<b>Points</b>	<b>Existing Residential (Prior To <span style="background-color: yellow;">xxxx</span>, 2018); Percentage (%) Improvement Beyond <u>Existing HERS/ERI Index</u><sup>2</sup></b>
+1	Obtaining a HERS/ <u>ERI</u> index
+2	10 - 29%
+3	30 - 49%
+4	50 - 69%
+5	70 - 99%
+6	<u>100</u> +

1

2 <sup>2</sup> Existing HERS Index shall be for the structure prior to any modifications. Where an existing  
3 HERS/ERI score exceeds 150, a maximum score of 150 shall be assigned to the existing  
4 structure as a baseline to compare energy improvements to.

5

6 B. Commercial, Lodging And Multi-Family In Excess Of Three Stories In  
7 Height: New and existing commercial, lodging, and multi-family developments  
8 are strongly encouraged to take advantage of the positive points that are available  
9 under this policy by achieving demonstrable and quantifiable energy use  
10 reduction within the development. For new construction, positive points will be  
11 awarded for the percentage of energy use reduction of the performance building  
12 when compared to the same building built to the minimum standards of the  
13 adopted IECC. The percentage of energy use saved shall be expressed as MBh  
14 (thousand BTUs/hour).

15

16 For modifications to existing buildings including additions, positive points will be  
17 awarded for the percentage of energy saved beyond the energy consumption  
18 analysis of the existing structure(s) compared to the energy consumption of the  
19 proposed structure remodel. Points shall be awarded in accordance with the  
20 following point schedule:  
21

<b>Points</b>	<b>New Structures; Percent Energy Saved Beyond The <u>IECC Minimum Standards</u></b>	<b>Existing Structures (Prior To August 14, 2012); Percent Improvement Beyond Existing <u>Energy Consumption</u></b>
+1	10% - 19%	10% - 19%
<u>+3</u>	20% - 29%	20% - 29%



			<u>+43</u>	30% - 39%	30% - 39%
			<u>+54</u>	40% - 49%	40% - 49%
			<u>+65</u>	50% - 59%	50% - 59%
			<u>+76</u>	60% - 69%	60% - 69%
			<u>+87</u>	70% - 79%	70% - 79%
			<u>+98</u>	80%+	80%+

1 Positive points will be awarded only if an energy analysis has been prepared by a  
2 registered design professional as required by subsection E of this section, using an  
3 approved simulation tool in accordance with simulated performance alternative  
4 provisions of the town’s adopted energy code.

5 C. Excessive Energy Usage: Developments with excessive energy components are  
6 discouraged. However, if the planning commission determines that any of the  
7 following design features are required for the health, safety and welfare of the  
8 general public, then no negative points shall be assessed. To encourage energy  
9 conservation, the following point schedule shall be utilized to evaluate how well a  
10 proposal meets this policy:

11

<u>Point Range</u>	<u>Design Feature:</u>
<u>0</u>	<u>If the planning commission determines that any of the following design features are required for the health, safety and welfare of the general public (e.g., heated sidewalk in a high traffic pedestrian area), then no negative points shall be assessed.</u>
<u>-1</u>	<u>1-500 square feet heated driveway, sidewalk, plaza, etc.</u>
<u>-2</u>	<u>501-999 square feet heated driveway, sidewalk, plaza, etc.</u>
<u>-3</u>	<u>1,000+ square feet heated driveway, sidewalk, plaza, etc.</u>
<u>1x(-1/0)</u>	<u>Outdoor commercial or common space residential gas fireplace (per gas fireplace)</u>
<u>0</u>	<u>Water features powered completely by a renewable energy source (e.g., solar, wind).</u>
<u>-1</u>	<u>Water features powered by conventional energy sources utilizing less than 4,000 watts or less than five (5) horsepower.</u>

**-2 Large outdoor water features (per feature) powered by conventional energy sources utilizing over 4,000 watts or five (5) horsepower motor or greater.**

D. Other Design Features:

1x(-2/+2) Other design features determined by the planning commission to conserve significant amounts of energy may be considered for positive points. Alternatively, other features that use excessive amounts of energy may be assigned negative points. **However, positive points may not be assessed under this Section D. if the project has incurred positive points under A or B above, with the exception of (1) below.**

**(1) 1x(+1) One positive point may be awarded for new construction that has been built solar and electric vehicle ready. In order to qualify as “Solar and Electric Vehicle Ready”, the following must be provided:**

**a. Design of roof shall allow for a minimum of 30% designated area for PV (no obstructions or shading)**

**b. Locate and provide space for future required electrical equipment (inverter and meter)**

**c. Install conduit from roof to future electrical equipment locations**

**d. Main electrical panel shall have space for future solar**

**e. Structural live and dead loads included in roof design (only required for existing buildings)**

**f. A 240v outlet (or higher voltage) is provided in each garage bay to allow for charging of electric vehicles. For commercial and multi-family projects, one 240v outlet is provided for each 10 parking spaces.**

E. General Provisions:

(1) A projected analysis shall be submitted at the time of development permit application **if positive points are requested** as well as submittal of a confirmed analysis prior to the issuance of a certificate of occupancy or certificate of completion. A HERS/**ERI** analysis shall be performed by a certified HERS/**ERI** rater. An analysis of energy saved beyond the IECC shall be performed by a **the** licensed Colorado engineer **of record for the project.**

(2) No development approved with required positive points under this policy shall be modified to reduce the HERS/**ERI** index, percentage of improvement, or percentage of energy savings above the IECC standards in connection with the issuance of such development permit. (“Required positive points” means those points that were necessary for the project to be approved with a passing point analysis.)

(3) Prior to the issuance of a certificate of occupancy each development for which

1 positive points are awarded under this policy shall submit a letter of certification  
2 showing compliance with the projected energy rating or percentage of energy  
3 savings in comparison to the IECC. The required confirmed certification for a  
4 residential development three (3) stories or less in height shall be submitted by a  
5 certified HERS/ERI rater. The required confirmed certification for a residential  
6 development taller than three (3) stories, and for all commercial development,  
7 shall be submitted by a licensed Colorado engineer and accompanied by balance  
8 and commissioning reports.

9 ~~F. Sliding Scale Examples: Examples set forth in this policy are for purpose of~~  
10 ~~illustration only, and are not binding upon the planning commission. The ultimate~~  
11 ~~allocation of points shall be made by the planning commission pursuant to section~~  
12 ~~9-1-17-3 of this chapter.~~

13 ~~(1) Heated Outdoor Spaces 1x(0/ 3):~~

14 ~~a. Zero points: For public safety concerns on public or private property such as~~  
15 ~~high pedestrian traffic areas or small areas on private property which are part of a~~  
16 ~~generally well designed plan that takes advantage of southern exposure and/or~~  
17 ~~specific site features.~~

18 ~~b. Negative points: Assessed based on the specific application of heated area. (For~~  
19 ~~example, a heated driveway of a single family home compared to a driveway~~  
20 ~~apron only; a heated patio). The points warranted are dependent on the specific~~  
21 ~~project layout such as safety concerns, amount of heated area, design issues such~~  
22 ~~as north or south facing outdoor living spaces, etc.~~

23 ~~(2) Water Features 1x(0/ 1):~~

24 ~~a. Zero points: No water feature or features powered by an alternative energy~~  
25 ~~source or feature utilizing less than four thousand (4,000) watts or less than five~~  
26 ~~(5) horsepower.~~

27 ~~b. Negative points: Based on the amount of energy (watts) utilized for the feature~~  
28 ~~(large features of 4,000 watts or more, or 5 horsepower motor or greater). (Ord.~~  
29 ~~27, Series 2012)~~

30  
31 Section 53. Section 9-1-19-34A: “Policy 34 (Absolute) Hazardous Conditions,” of the  
32 Breckenridge Town Code is amended to read as follows:

33  
34 **9-1-19-34A: POLICY 34 (ABSOLUTE) HAZARDOUS CONDITIONS:**

35  
36 A. Geologic Hazard Potential: Geologic hazards shall include, but not be limited  
37 to, avalanches, landslides, rockfalls, mudflows, debris fans, unstable or potentially  
38 unstable slopes, ground subsidence, faulting, expansive soil or rock, Pierre Shale,  
39 and mining related modifications or other manmade modifications of the natural  
40 geology which may pose some geologic hazard. ~~A preliminary indication of some~~

1 ~~but not all such hazards is shown on the map of geologic hazards.~~

2  
3 No development shall occur in any area of, or affected by, a geologic hazard  
4 unless mitigated to the satisfaction of the town. Proof of mitigation may require  
5 reports as specified by the town.  
6

7 B. Erosion Hazard Potential: No sediment should leave the property boundary of  
8 a development site and be transported onto adjacent properties or right-of-ways.  
9 Erosion control measures shall be installed where required by the town through  
10 the Breckenridge water quality and sediment transport control ordinance.  
11

12 ~~C. Wildfire Hazard Potential: A wildfire plan shall be prepared and implemented~~  
13 ~~for all areas designated with a “severe” wildfire rating and for all vegetated areas~~  
14 ~~designated with a “hazard intensified due to slope” rating on the map of wildfire~~  
15 ~~hazard and for all vegetated areas in excess of thirty percent (30%) slope. Such~~  
16 ~~plans shall address wildfire prevention, mitigation, and control, and shall further~~  
17 ~~incorporate the recommendations contained within “Wildfire Hazards; Guidelines~~  
18 ~~For Their Prevention In Subdivisions And Developments”, prepared by Colorado~~  
19 ~~state forest service.~~  
20

21 ~~D.~~ Flood Danger To Life Or Property: No development shall increase danger to  
22 life or property from flood hazard within the town. This shall include, but not be  
23 limited to, prohibition of actions which might increase the size of the floodway,  
24 reduce flood channel capacity, constrict the size or flow of the flood channel,  
25 create a significant backflow condition, increase the potential for debris in the  
26 floodway, or increase the volume or velocity of floodwaters.  
27

28 ~~E.~~ Floodplains: For all areas located within the special flood hazard areas as  
29 delineated on the flood boundary floodway map, the flood insurance rate maps  
30 and the flood insurance study, a plan of on site flood prevention, control and  
31 hazard mitigation shall be prepared and implemented according to the provisions  
32 of the Breckenridge flood damage prevention ordinance.  
33

34 Section 54. Section A of Section 9-1-19-35A: “Policy 35 (Absolute) Subdivision,” of the  
35 Breckenridge Town Code is amended to read as follows:  
36

37 A. All subdivisions shall comply with the Breckenridge subdivision ordinance  
38 **Chapter 9-2 and applicable master plans.**  
39

40 Section 55. Section C of Section 9-1-19-36A: “Policy 6 (Absolute) Temporary  
41 Structures,” of the Breckenridge Town Code is amended by the addition of a new subsection (5)  
42 which shall read as follows:  
43

44 **(5) If a permit for a temporary structure is requested to be renewed, it may**  
45 **be approved subject to all other relevant development code policies, such as**  
46 **Policy 5A and 5R. This provision shall not apply to temporary tents and**

1           Seasonal Noncommercial Greenhouses.

2  
3           Section 56. The definition of “Riverwalk” in subsection A1 of Section 9-1-19-37A:  
4 “Policy 37 (Absolute) Special Areas,” of the Breckenridge Town Code is amended to read as  
5 follows:

6  
7           RIVERWALK: The area bounded by Ski Hill Road ~~French Street~~ on the north,  
8 South Park Avenue on the south, Main Street on the east and the easterly bank of  
9 the Blue River on the west where the town has constructed or intends to construct  
10 public improvements in order to make the area more attractive for use by the  
11 residents of, and visitors to the town.

12  
13           Section 57. Sections B and G of Section 9-1-19-38.5: “Policy 38.5 (Absolute) Home  
14 Childcare Business,” of the Breckenridge Town Code are amended to read as follows:

15  
16           B. Application: An application for a development permit to operate a home  
17 childcare business shall be filed and processed pursuant to section 9-1-18-2 of this  
18 chapter. ~~Notwithstanding any fee schedule adopted pursuant to section 9-10-4 of~~  
19 ~~this title, t~~The fee for such application shall be based on the fee for a Class D  
20 minor development application, as set in the Department’s fee schedule.  
21 ~~twenty five dollars (\$25.00).~~

22           G. Term Of Permit: ~~The initial term of the development permit for the operation of a~~  
23 ~~home childcare business shall be twelve (12) months, and may be renewed for~~  
24 ~~like terms.~~ A permit for the operation of a home childcare business remains  
25 valid as long as the same business owner runs the childcare business in the  
26 same location, and provided all other sections of this code are complied with.  
27 If the childcare business changes ownership or location, than the permit must  
28 be renewed and the process for renewal of permit under Section H. below  
29 must be adhered to.

30           Section 58. Section 9-1-19-40A: “Policy 40 (Absolute) Chalet Houses,” of the  
31 Breckenridge Town Code is deleted.

32  
33           Section 59. Section 9-1-19-42A: “Policy 42 (Absolute) Exterior Loudspeakers,” of the  
34 Breckenridge Town Code is amended to read as follows:

35  
36           **9-1-19-42A: POLICY 42 (ABSOLUTE) EXTERIOR LOUDSPEAKERS:**

37  
38           ~~A development permit to place an e~~Exterior loudspeakers may only be issued for  
39 allowed in seating areas associated with the deck or patio area of a restaurant or  
40 liquor licensed establishment, and are not allowed on front porches or  
41 entranceways. Permitted eExterior loudspeakers shall be located on a site so as  
42 to minimize the visibility of such speakers, and shall be affixed in such a manner  
43 as to reduce noise intrusion on adjacent properties and to adhere to the  
44 requirements of the Town’s Noise Ordinance (Title 5, Chapter 8 of this  
45 Code). ~~Permitted e~~Exterior loudspeakers shall not be used for the purpose of

1 attracting attention to the restaurant or liquor licensed establishment where they  
2 are located.

3  
4 Section 60. Section 9-1-19-43A: “Policy 43 (Absolute) Public Art,” of the Breckenridge  
5 Town Code is amended to read as follows:

6  
7 **9-1-19-43A: POLICY 43 (ABSOLUTE) PUBLIC ART:**

8 A. An application for a Class C or Class D minor development permit for the  
9 placement of public art shall be reviewed only for site function suitability, and not  
10 for content of the public art or aesthetics. The Public Art Advisory Committee  
11 of Breckenridge Creative Arts shall not review such applications, except for  
12 murals described under C.7. below, unless specifically requested to do so by the  
13 Planning Commission.

14 B. Notwithstanding anything contained in this Code to the contrary, murals are  
15 prohibited within the Conservation District; provided, however, a mural may be  
16 displayed in the Conservation District pursuant to a permit issued under title 4,  
17 chapter 3 of this Code.

18 **C. Notwithstanding Section A. above, a mural may be permitted on**  
19 **commercial properties outside the Conservation District through a Class C**  
20 **development permit, subject to the following:**

21 **(1) A mural may only be placed on one façade of a building and that**  
22 **façade may not directly face a street front (e.g., may not be located on a**  
23 **building elevation parallel to the street).**

24 **(2) A mural may only occupy 50 percent of a building façade, or 200**  
25 **square feet, whichever is less.**

26 **(3) A mural may be considered for placement on the side of tunnel walls,**  
27 **retaining walls, and utility boxes.**

28 **(4) A mural may not advertise products or services provided within the**  
29 **building the mural is affixed to. Such advertisement shall be considered**  
30 **signage and shall be subject to the provisions of the Town’s Sign Code (Title**  
31 **8, Chapter 2 of the Town Code).**

32 **(5) A mural may not be placed on a residential property.**

33 **(6) Any lighting used to illuminate murals must adhere to the Town’s**  
34 **Exterior Lighting Regulations (Title 9, Chapter 12 of the Town Code).**

35 **(7) All applications for murals shall be referred to the Town’s Public Art Advisory**  
36 **Committee of Breckenridge Creative Arts for its review and comments. The Public Art**  
37 **Advisory Committee of Breckenridge Creative Arts shall review the mural at a meeting and**

1 shall make a recommendation as to whether the application should be approved, approved  
2 with modifications, or denied. In its review of a mural application, the Public Art Advisory  
3 Committee of Breckenridge Creative Arts shall consider the Site and Artwork Selection  
4 Criteria included in the Breckenridge Public Art Program Master Plan and Policy. The  
5 applicant shall provide the following information for the review of the Planning  
6 Commission and the Public Art Advisory Committee of Breckenridge Creative Arts:

7 a. A rendering of the proposed mural, including a site plan and building  
8 elevations so the location and scale can clearly be understood;

9 b. A complete list of the brand of paints to be used and the specifications of  
10 materials to be used;

11 c. If a protective coating is applied to the finished work, identify the type of  
12 coating to be used;

13 d. A description of the responsible party for maintaining the artwork to  
14 address potential damage, vandalism, or weathering; and

15 e. Lighting plans if lighting is proposed.

16 The recommendations of the Public Art Advisory Committee of  
17 Breckenridge Creative Arts shall be forwarded to the Planning Commission  
18 for their consideration. The Planning Commission may rely on the  
19 recommendations in making its final determination on a mural application.

20 If an application for a mural is approved, the applicant shall enter into an agreement, with  
21 terms acceptable to the Town, guaranteeing the maintenance of the artwork and identifying  
22 a process for de-accessioning the mural. At the discretion of the Planning Commission and  
23 the Public Art Advisory Committee of Breckenridge Creative Arts, the Planning  
24 Commission may place a limitation on the length of time the mural may be displayed.

25 Section 61. The introductory paragraph of Section 9-1-19-44A: “Policy 44 (Absolute)  
26 Radio Broadcasts,” of the Breckenridge Town Code is amended to read as follows:

27  
28 A CLASS D DEVELOPMENT PERMIT shall be obtained to authorize a radio broadcast.  
29 Such application may be combined with ~~a class D minor development permit~~  
30 ~~application for a banner and/or~~ a class D minor development permit application  
31 for a temporary structure. An application for a development permit to authorize a  
32 radio broadcast shall be subject to the following:

33  
34 Section 62. Section 9-1-19-45A: “Policy 35 (Absolute) Special Commercial Events,” of  
35 the Breckenridge Town Code is deleted.

36  
37 Section 63. Section 9-1-19-47A: “Policy 47 (Absolute) Fences, Gates and Gateway  
38 Entrance Monuments,” of the Breckenridge Town Code is amended to read as follows:

39  
40 **9-1-19-47A: POLICY 47 (ABSOLUTE) FENCES, GATES AND GATEWAY**

1 **ENTRANCE MONUMENTS:**

2  
3 A. General Statement: The welfare of the town is based to a great extent on the  
4 character of the community, which includes natural terrain, open spaces, wildlife  
5 corridors and wooded hillsides. The installation of fences and privacy gates in  
6 residential areas can erode this character by impeding views, hindering wildlife  
7 movement and creating the image of a closed, unwelcoming community. It is the  
8 intent of the town to prohibit fences in most situations in areas outside of the  
9 conservation district in order to: maintain the open, natural and wooded alpine  
10 character of the community; establish mandatory requirements for the erection of  
11 allowed fences in other parts of the town; allow for fences on small lots in master  
12 planned communities; regulate the design of gateway entrance monuments; and  
13 prohibit privacy gates anywhere within the town.  
14

15 B. Within The Conservation District: Fences within the conservation district shall  
16 be reviewed under the criteria of the “Handbook Of Design Standards For The  
17 Historic And Conservation District”. Where fences are required by law and the  
18 proposed fence design does not meet the handbook of design standards, the  
19 planning commission may approve an alternate design if all of the following  
20 required criteria are met: 1) the project as a whole is in substantial compliance  
21 with the “Handbook Of Design Standards For The Historic And Conservation  
22 Districts”; 2) the alternate fence design does not have a significant negative  
23 aesthetic impact on the development and it complies as much as feasible with the  
24 handbook of design standards; 3) a fence design that meets the “Handbook Of  
25 Design Standards For The Historic And Conservation Districts” could not meet  
26 the design required by law.  
27

28 C. Outside The Conservation District: Fences and landscape walls are prohibited  
29 outside the conservation district, except the following fences and landscape walls  
30 are permitted when constructed in accordance with the design standards described  
31 in subsection D of this section:

- 32 (1) Pet fences;  
33 (2) Fences around children’s play areas;  
34 (3) Fences around ball fields, tennis courts, swimming pools, ski lifts or other  
35 outdoor recreation areas;  
36 (4) Construction fences;  
37 (5) Temporary fences used for crowd control or to limit access or egress to or  
38 from a short term special event;  
39 (6) Fencing required by law;  
40 (7) Privacy fencing to screen hot tubs;  
41 (8) Fencing around cemeteries;  
42 (9) Fences specifically authorized in a vested master plan containing specific  
43 fence design standards;  
44 (10) Town fences to delineate public trails or protect open space values;  
45 (11) Fencing at public improvement projects proposed by the town;  
46 (12) Private fences to delineate the boundary between private land and a public



1 trail or public open space, ~~as but only if authorized by~~ **D. (17) below** a variance  
2 ~~granted pursuant to subsection K of this section;~~

3 (13) Fencing at parking lots to protect pedestrians and designate crosswalks;

4 (14) Fencing at self-storage warehouses; and

5 (15) Fences installed by utility companies around utility equipment.

6 **(16) Landscape walls within disturbance envelopes.**

7 **(17) Fencing to screen outside storage associated with commercial businesses**

8  
9 D. Design Standards ~~For Fences:~~ All fencing and landscape walls outside the  
10 conservation district shall comply with the following design standards:

11 (1) Fences in residential areas shall be constructed of natural materials, and may  
12 be either a split rail, buck and rail, or log fence design because such designs have  
13 a natural appearance, blend well into the natural terrain, and have an open  
14 character. Fences of other materials or designs are prohibited. (Exception: Where  
15 an applicant can demonstrate to the satisfaction of the town that an alternative  
16 material would be architecturally compatible with the surrounding neighborhood,  
17 the director may authorize such materials.) Fences in residential areas shall have a  
18 maximum solid to void ratio of one to three (1:3) (example: 1 inch of solid  
19 material for every 3 inches of opening). Solid privacy fences are prohibited,  
20 except for short lengths of fencing used to screen hot tubs, if they comply with  
21 subsection D(9) of this section.

22 (2) PVC, vinyl and plastic fences are prohibited. Rough sawn timbers or natural  
23 logs are preferred.

24 (3) Pet fences shall be located in a rear or side yard or where the fence is not  
25 visible from a public right of way. Pet fences shall be located to minimize their  
26 visibility to the greatest extent possible, which in most instances will require the  
27 fence to be located behind or to the side of a structure. Pet fences may incorporate  
28 a wire mesh material to control pets. The wire mesh may be installed vertically on  
29 the fence, or may extend horizontally over the top of the enclosed pet area, or  
30 both. The maximum area of a fenced pet enclosure shall be four hundred (400)  
31 square feet. Pet fences are limited to fifty four inches (54") in height, and shall  
32 have a maximum solid to void ratio of one to three (1:3).

33 (4) Fences around children's play areas shall be located in a rear or side yard  
34 where possible, or where the fence is not visible from a public right of way, which  
35 in most instances will require the fence to be located behind or to the side of a  
36 structure. The fence may incorporate a wire mesh material to enclose the yard.  
37 The maximum area of a fenced children's play area on private property shall be  
38 four hundred (400) square feet. Fences around children's play areas are limited to  
39 fifty four inches (54") in height, and shall have a maximum solid to void ratio of  
40 one to three (1:3). Fencing at state licensed childcare centers may exceed four  
41 hundred (400) square feet if required by their state license.

42 (5) Fences around ball fields, tennis courts, or other outdoor recreation areas shall  
43 use black or dark green coated chainlink fencing, steel or aluminum, or wood.  
44 Uncoated or galvanized chainlink fencing is prohibited. This standard applies to  
45 fencing of both public and private recreation areas. Wind privacy screens may be  
46 incorporated into the fence.

1 (6) Fences at outdoor swimming pools shall be constructed of steel or aluminum  
2 tubing or wood, and may include a tempered glass windscreen. Chainlink fencing  
3 is prohibited. The use of acrylic glass or plexiglas is prohibited, except at access  
4 control points in an amount sufficient to prevent unauthorized users from reaching  
5 inward to unlock or open gates.

6 (7) Fencing at ski lifts and gondolas may be used to protect pedestrians and skiers  
7 from overhead lifts and mechanical equipment, or to delineate passenger loading  
8 zones. Such fencing may be constructed of natural materials, such as split rail  
9 wood, or steel or aluminum. Chainlink and plastic or PVC fencing is prohibited.  
10 Safety fencing and netting on ski runs is allowed and may be constructed of  
11 plastic, high density polyethylene or similar materials.

12 (8) Construction fencing may be constructed of plastic, chainlink, wood or other  
13 material, as approved by the town. Wind and/or privacy screens may be  
14 incorporated into the construction fence. Temporary construction fencing shall be  
15 removed upon completion of the project or upon issuance of a certificate of  
16 occupancy or certificate of compliance, where applicable. Construction fencing  
17 shall be maintained in good condition by the general contractor during its use.

18 (9) Privacy fences around hot tubs and spas shall not exceed six feet (6') in height  
19 and shall not exceed fifteen feet (15') in total length. Such fences shall be  
20 architecturally compatible with the adjacent buildings. Where a fence around a  
21 hot tub or spa is highly visible, landscaping may be required to soften the visual  
22 impact of the fence.

23 (10) Fencing around cemeteries is exempt from this policy. The design of  
24 cemetery fencing is encouraged to emulate historic fencing from local cemeteries  
25 and follow the fence policy in the "Handbook Of Design Standards For The  
26 Historic And Conservation Districts". Historically fences were generally  
27 constructed of wrought iron, cast iron, or wood pickets, and were generally about  
28 three feet (3') tall.

29 (11) Fences approved by the town to delineate public trails or protect open spaces  
30 shall be constructed of natural materials, and shall be either a split rail, buck and  
31 rail, or log fence design because such designs have a natural appearance, blend  
32 well into the natural terrain, and have an open character. These fences should be  
33 designed to accommodate wildlife, and may be substantially different from fences  
34 on residential or commercial properties, due to the unique needs and goals of  
35 public trails and open spaces.

36 (12) Fences in parking lots may be allowed when necessary to delineate  
37 pedestrian areas from parking and circulation areas, and to designate drive aisles.  
38 The design of fences in parking lots shall reflect the surrounding character of the  
39 neighborhood. Within the conservation district, fences shall reflect the character  
40 of historic fences. Outside the conservation district natural materials and greater  
41 openings between rails shall be used to reflect the more open and natural  
42 character of the neighborhood. In most cases, split rail fences will be most  
43 appropriate.

44 (13) Fences at self-storage warehouses and for commercial outdoor storage shall  
45 not exceed six feet (6') in height, and shall be designed to allow visibility through  
46 the fence. Such fences shall be designed with a maximum solid to void ratio of

1 one to three (1:3), shall be constructed of steel, aluminum or wood, and may be  
2 painted. Chainlink fencing is prohibited. Self-storage warehouses may incorporate  
3 a gate to control access to the site, notwithstanding subsection H of this section.

4 (14) Fencing around utility equipment shall not exceed six feet (6') tall. Such  
5 fencing may be constructed of chainlink, metal, or wood.

6 (15) Where natural materials are required by this policy, and where an applicant  
7 can demonstrate to the satisfaction of the town that an alternative material  
8 including, but not limited to, recycled materials, would be indistinguishable from  
9 natural materials, or where other materials or designs are required by law, the  
10 town may authorize such materials or designs.

11 **(16) Landscape walls shall not exceed three feet in height or 20 feet in length**  
12 **and shall be constructed of natural materials such as wood or stone.**

13 **(17) The Director may authorize the erection of a private fence to delineate**  
14 **the boundary between private land and a public trail or public open space**  
15 **through a Class D minor permit and only upon the finding that the applicant**  
16 **has satisfactorily demonstrated that the fence is needed in order to reduce**  
17 **public confusion as to the location of the boundary between the applicant's**  
18 **land and the public trail or public open space.**

19  
20 E. Site Plan; Survey: A site plan showing the location of existing structures,  
21 property lines, and the location of the proposed fence may be required by the  
22 director as part of the submittal requirements for a fence. A survey from a  
23 Colorado licensed surveyor may also be required by the director to verify property  
24 lines and easements.

25  
26 F. Architectural Specifications: Architectural elevations showing the design,  
27 material, color, and size of the proposed fence may be required by the director as  
28 part of the submittal requirements for a fence.

29  
30 G. Fences On Easements: If a fence crosses an easement, the fence shall not  
31 interfere with the use of the easement.

32  
33 H. Privacy Gates: Privacy gates are prohibited anywhere within the town.

34  
35 I. Vested Master Plan: This policy shall not apply to any fence to be constructed  
36 upon land that is subject to a vested master plan containing specific fence design  
37 standards and criteria. The construction of such fence shall be governed by the  
38 applicable design standards and criteria contained in the master plan.

39  
40 J. Gateway Entrance Monuments: Gateway entrance monuments within the  
41 conservation district are prohibited. Outside the conservation district, gateway  
42 entrance monuments may be allowed only when they meet the following criteria:  
43 (1) Gateway entrance monuments shall be permitted only for residential  
44 subdivisions of five (5) or more lots, and for hotels and condominiums located  
45 outside of the conservation district. Such gateway entrance monuments shall not  
46 exceed eight feet (8') in height, and shall not exceed twenty feet (20') in length.

1 One monument is allowed to each side of the road or driveway at the entrance to  
2 the subdivision, with up to two (2) monuments total at each vehicular entrance to  
3 the subdivision. Entry monuments shall not be constructed in the public right of  
4 way. Such entrance monuments shall be constructed of natural materials, such as  
5 stone and/or wood, and may incorporate the subdivision entrance sign, under a  
6 separate permit. Gateway entrance monuments shall not incorporate an arch or  
7 other structure over the road. Privacy gates shall not be incorporated into the  
8 gateway entrance monument.

9 (2) Gateway entrance monuments at private residences shall not exceed five feet  
10 (5') in height, and shall not exceed a footprint of ten (10) square feet in ground  
11 area. One monument is allowed, and may be located on either side of the  
12 driveway at the entrance to the property. Entry monuments shall not be  
13 constructed in the public right of way. Such entrance monuments shall be  
14 constructed of the same materials that are installed on the private residence, and  
15 may incorporate the residence name or street address and light fixtures. Gateway  
16 entrance monuments shall not incorporate an arch or other structure over the road.  
17 Privacy gates shall not be incorporated into the gateway entrance monument.  
18

19 ~~K. Variance: The planning commission or town council may authorize the~~  
20 ~~erection of a private fence to delineate the boundary between private land and a~~  
21 ~~public trail or public open space by granting a variance from the limitations of this~~  
22 ~~policy. A variance shall be granted under this subsection only upon the written~~  
23 ~~request of the applicant, and a finding that the applicant has satisfactorily~~  
24 ~~demonstrated that: 1) the fence is needed in order to reduce public confusion as to~~  
25 ~~the location of the boundary between the applicant's land and the public trail or~~  
26 ~~public open space; 2) the applicant's inability to erect the fence would present a~~  
27 ~~hardship; and 3) the purposes of this policy will be adequately served by the~~  
28 ~~granting of the variance. No variance shall have the effect of nullifying the intent~~  
29 ~~and purpose of this policy. Subsection 9-1-11D of this chapter is not applicable to~~  
30 ~~the granting of a variance to erect a private fence to delineate the boundary~~  
31 ~~between private land and a public trail under this section. (Ord. 20, Series 2011)~~  
32

33 Section 64. Section D of Section 9-1-19-49A: "Policy 49 (Absolute) Vendor Carts," of  
34 the Breckenridge Town Code is amended to read as follows:  
35

36 D. Duration Of Development Permit: A development permit for a large or small  
37 vendor cart issued pursuant to this policy shall be valid for three (3) years as  
38 provided in section 9-1-17-8 of this chapter, and may be renewed. ~~A development~~  
39 ~~permit for a small vendor cart issued pursuant to this policy shall be valid for one~~  
40 ~~year, and may be renewed.~~ A development permit issued pursuant to this policy  
41 may also be revoked for cause as provided in section 9-1-6 of this chapter.  
42

43 Section 65. Section 9-1-20 of the Breckenridge Town Code is amended to read as  
44 follows:  
45

46 **9-1-20: SPECIAL AREAS MAPS IDENTIFIED:**

1 Blue River walkway.  
 2  
 3 Breckenridge Historic District.  
 4  
 5 Community entrance.  
 6  
 7  
 8 ~~Geologic hazards.~~  
 9  
 10 ~~Wildfire hazards~~

11 Section 66. A new Section 9-2-1-9-1 of the Breckenridge Town Code is added:

12  
 13  
 14 **9-2-1-9-1 VACATION OF LOT LINES**

15  
 16 **Buildings and other improvements that extend across property lines create undesired non-**  
 17 **conforming situations respecting setbacks, etc., that should be corrected. Development**  
 18 **applications involving properties under a single ownership that contain multiple subdivided**  
 19 **lots may be required by the Town to abandon lot lines that are internal to the exterior lot**  
 20 **lines of the property ownership, where the lot line abandonment is necessary to address**  
 21 **improvements that encroach onto the adjacent property under the same ownership.**

22 Section 67. Section D.3. of Section 9-2-4-2 of the Breckenridge Town Code is amended  
 23 to read as follows:

24  
 25 3. In addition to the landscaping required above, the subdivider of land ~~containing little or~~  
 26 ~~no tree cover as determined by the town~~ shall provide one tree having a minimum trunk  
 27 diameter (measured ~~12~~ six inches above ground level) of not less than two inches (2") **for**  
 28 **deciduous trees or having a minimum height of six (6) feet for evergreen trees**  
 29 suitable for the Breckenridge climate for every ~~ten (10)~~ **fifteen (15)** linear feet of  
 30 roadway platted within or immediately adjacent to the subdivision. It is further  
 31 encouraged that landscaping be placed on the downhill side of any retaining structures to  
 32 screen the visibility of the road cut when viewed from off site. Where cut and fill slopes  
 33 are used, they shall be revegetated with native plant materials to reestablish ground cover  
 34 and reduce the potential for soil erosion. (Ord. 40, Series 2006)

35  
 36 Section 68. Section B of Section 9-3-8 of the Breckenridge Town Code are amended to  
 37 read as follows:

38  
 39 B. Outside The Service Area: In connection with the development of all property  
 40 outside the service area there shall be provided the following amount of off street  
 41 parking:  
 42

Residential:	
Single-family	2.0 per dwelling unit*

Duplex	1.5 per dwelling unit
<u>Accessory apartment</u>	<u>1.0 per dwelling unit</u>
<b>Multi-family <u>Unit Residential and Condominiums:</u></b>	
Efficiency - studio	1.0 per dwelling unit
1 bedroom and larger	1.5 per dwelling unit
Divisible unit	+0.5 for each divisible room
<del>Condominium:-</del>	-
<del>Efficiency, studio, 1 bedroom-</del>	<del>1.0 per dwelling unit-</del>
<del>2 bedroom and larger-</del>	<del>1.5 per dwelling unit-</del>
<del>Divisible unit-</del>	<del>+0.5 for each divisible room-</del>
Lodging, hotel, motel	1.0 per guestroom
Dormitory	0.5 per bed
Schools:	
Elementary and junior high	2 per classroom
High school	1 per 4 students and faculty
College	1 per 4 students and faculty
Commercial:	
Retail sale, commercial and office	1 per 400 square feet GFA (minimum 2 per building)
Construction - contracting	1 per 200 square feet <del>plus 1 loading bay per 1,000 square feet</del>
<del>Industrial use-</del>	<del>1 per 400 square feet plus 1 loading bay per 1,000 square feet-</del>
<u>Manufacturing</u>	<u>1 per 400 square feet</u>
<u>Warehouse</u>	<u>1 per 1,000 square feet</u>
<del>Auto service stations-Gas Station/Convenience Market</del>	<del>3 per service bay plus 1 per pump plus 1 per 250 square feet GFA</del>
<u>Restaurants - sit down, breweries, and distilleries</u>	1 per <u>125 square feet</u> <del>4 persons capacity</del>

Restaurants - drive-in	1 per 100 square feet GFA
<u>Supermarket/grocery store</u>	<u>1 per 250 square feet GFA</u>
Auditoriums - theaters	1 per 4 seats
Churches	1 per 6 seats
Convention center facility	By special review of the director and planning commission
Library and museum	1 per 500 square feet GFA
Medical and dental clinics	1 per 300 square feet GFA
Hospital	1 per 3 beds
Commercial recreation indoor and outdoor	By special review of the director and planning commission

\*du = dwelling unit **Two parking spaces are required for the first three bedrooms of a single family residence. For each additional bedroom beyond the first three bedrooms, one additional parking space shall be required.**

Note: The required number of parking spaces shall be rounded up to the nearest whole number. Required residential spaces shall be rounded up based on the unit count if parking spaces are assigned.

Section 69. Sections E – K, inclusive, of Section 9-3-9 of the Breckenridge Town Code are amended to read as follows:

E. Lighting: All parking facilities containing ten (10) or more parking spaces shall **submit a photometric plan.**

1. **The parking lot lighting shall not exceed IESNA recommended foot-candle levels and applications are encouraged to use the lower end of the range. This information shall be provided by a registered Colorado engineer.** have an average surface illumination of not less than 0.2 foot-candle or more than 1.5 foot-candles.

2. All lights shall be designed, located and arranged so as to reflect the light away from adjacent streets and structures. **fixtures shall not exceed the maximum fixture height or number of fixtures per pole in the property's designated lighting zone per Section 9-2-11.**

3. **All lights shall be level mounted and eighty five (85) degrees full cut off fixtures.**

4. **All fixtures shall be a minimum of half the distance of the length of the pole (e.g. An eighteen foot (18') pole shall be a minimum of nine feet (9') from the property line).**

1 **5. Lighting fixtures shall not exceed 3000 kelvin. LEDs shall use filtered**  
2 **LEDs for a warm white color to minimize blue light emission.**

3 **6. Foot-candle levels shall not exceed two tenths foot-candles (0.2) at a**  
4 **property line, unless for safety ingress/egress as determined by the Director.**

5 **7. Parking lots are encouraged to be greater in number and lower to grade**  
6 **than have a reduced number and increased height.**  
7

8 F. Grades: The sustained surface grades for parking areas shall not exceed a  
9 minimum of one-half percent (0.5%) or a maximum of four percent (4%).  
10 Driveway grades shall not exceed a maximum grade of eight percent (8%). The  
11 first five feet (5') of a driveway shall be graded to match the cross slope of the  
12 connecting street. For downhill sites, a twenty foot (20') staging area with a  
13 maximum grade of negative four percent (-4%) is required (section 9-3-19,  
14 attachment B of this chapter). For uphill sites, a twenty foot (20') staging area  
15 with the first five feet (5') matching the cross slope of the connecting road and the  
16 next fifteen feet (15') at a maximum grade of four percent (4%) is required  
17 (section 9-3-19, attachment C of this chapter).  
18

19 G. Heated Driveways: Driveway heat systems shall terminate at the property line.  
20 If the system extends into the public right of way, a separate zone must be created  
21 for that portion of the system and accommodations must be made to reduce the  
22 impacts of the melted drainage at the snow/melted interface. A revocable license  
23 agreement acceptable in form and substance to the town attorney must be  
24 approved by the town and executed prior to the issuance of a certificate of  
25 occupancy.  
26

27 H. Drainage: All off street parking facilities shall be graded for proper drainage so  
28 that all surface discharge is channeled to a natural or improved drainageway  
29 without causing nuisance or damage to other properties or the improvements  
30 thereon.  
31

32 I. Location: The location of all required off street parking facilities shall be as  
33 follows:  
34

35 1. Residential Uses: For residential uses, except residences located in buildings  
36 adjacent to the "Riverwalk" as defined in section 9-1-19-37A, "Policy 37  
37 (Absolute) Special Areas", of this title, all required off street parking spaces shall  
38 be provided on the same property as the residential units they are intended to  
39 serve.

40 2. Nonresidential Uses: Off street parking for nonresidential uses shall be placed  
41 totally on the same parcel of land as the use, unless a fee in lieu is paid to the  
42 town as provided in section 9-3-12 of this chapter.

43 3. Parking Space Location: No parking space shall be located closer than five feet  
44 (5') from any public street, public alley, public pedestrianway or public right of  
45 way **or three feet (3') from any property line.**

46 J. Landscaping: A minimum of twenty five (25) square feet per parking stall shall



1 be utilized for landscaping purposes. Any parking facility containing more than  
2 two (2) side by side loading spaces shall contain at least two hundred (200) square  
3 feet of landscaped area raised a minimum of six inches (6") above the parking  
4 surface for each two (2) side by side loading spaces. Landscaping shall be  
5 maintained according to the standards contained in the development code.  
6

7 ~~K. Snow Stacking: All off street surface parking facilities shall provide a~~  
8 ~~minimum of sixty (60) square feet of snow stacking space for each parking space.~~  
9 ~~Such space shall be so located as to reasonably facilitate the snowplowing~~  
10 ~~process. The snow stacking space shall be landscaped in such a manner as not to~~  
11 ~~interfere with the snow stacking process.~~  
12

13 Section 70. The introductory paragraph of Section 9-9-9 of the Breckenridge Town Code  
14 is amended to read as follows:  
15

16 **9-9-9: SUBMITTAL REQUIREMENTS:** A completed application for  
17 approval of a development agreement **shall be submitted a minimum of 28 days**  
18 **prior to the requested work session with the Town Council. The**  
19 **development agreement application**, whether included as part of a development  
20 permit application or submitted as a separate application, shall include the  
21 following information and documentation:  
22

23 Section 71. Section A of Section 9-9-10 of the Breckenridge Town Code is amended to  
24 read as follows:  
25

26 A. ~~Within sixty (60) days f~~ Following receipt of a completed application the  
27 director shall cause the application to be scheduled for preliminary discussion at a  
28 town council work session held as part of a regular or special town council  
29 meeting. The work session discussion may be continued if necessary to complete  
30 the council's preliminary discussion of the proposed development agreement. The  
31 director shall provide an analysis of the anticipated planning impacts of the  
32 proposed development agreement, and such other information and analysis as the  
33 town council shall require. Upon the conclusion of the town council's preliminary  
34 discussion of the proposed development agreement, the council shall determine  
35 whether to: 1) terminate further discussions concerning the proposed development  
36 agreement, in which case all proceedings concerning the proposed development  
37 agreement shall terminate, or 2) commence proceedings for the approval of the  
38 requested development agreement. At any point prior to final action on an  
39 ordinance to approve a proposed development agreement the town council may,  
40 in its discretion, refer the matter to the planning commission for its review and  
41 comment. If so referred, the proposed development agreement shall be reviewed  
42 by the planning commission as provided in subsection B of this section. If a  
43 proposed development agreement is referred to the planning commission, the  
44 town council shall not take final action on an ordinance to approve a proposed  
45 development agreement until it has received and considered the recommendation  
46 of the planning commission.

1  
2 Section 72. Section 9-12-7 of the Breckenridge Town Code is amended by the addition of  
3 the following definitions:  
4

<b><u>EAVE OVERHANG:</u></b>	<b><u>The section of roof overhanging the building wall, often called a soffit.</u></b>
<b><u>LED:</u></b>	<b><u>A semiconductor diode that emits light when a voltage is applied to it and that is used especially in electronic devices (as for an indicator light). Warm white or filtered LEDs meet CCT &lt; 3,000 K; S/P ratio &lt; 1.2.</u></b>
<b><u>PARKING LOT LIGHTING:</u></b>	<b><u>Off street parking lots consisting of ten (10) or more parking spaces shall meet Section 9-3-9 of the Development Code.</u></b>

5  
6 Section 73. The following definitions in Section 9-12-7 of the Breckenridge Town Code  
7 are amended to read as follows:  
8

<b>FOOT-CANDLE:</b>	A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot. <b><u>One foot-candle equals approximately 0.1 (0.093) lux.</u></b>
<b>LUMENS:</b>	A unit of luminous flux; <del>the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela.</del> <b><u>Measurement for the actual amount of visible light which is produced by a lamp as specified by the manufacturer.</u></b> A foot-candle is one lumen per square foot.
<b>OPAQUE:</b>	An outdoor light fixture in which the walls of a fixture <b><u>which house the light source</u></b> are comprised of a solid material, unable to be permeated by light, should a light source be held behind it. <b><u>Glass is not considered opaque however, glass on a fixture may be acceptable if the glass is below the opaque aspect of the fixture which houses the light source.</u></b>

9  
10 Section 74. Section 9-12-8G of the Breckenridge Town Code is amended to read as  
11 follows:  
12

13 G. Architectural Accent Lighting: Lighting to accent an architectural element that  
14 is aimed or shielded to prevent lighting of the night sky with a maximum of one  
15 fixture of not more than fifty (50) watts **per property.**  
16

17 Section 75. Section 9-12-11 of the Breckenridge Town Code is amended to read as  
18 follows:  
19

1 **9-12-11: LIGHTING STANDARDS:**

2 A. Lighting standards for LZ-1 (downtown overlay district lighting zone):

3 1. Fully Shielded: Only fully shielded, downcast, semiopaque or opaque fixtures  
4 with no portion of bulb visible are permitted for commercial, mixed use, triplex,  
5 duplex and single-family residential structures, and garages associated with such  
6 uses. Such fixtures are prohibited for all other types of structures.

7 2. Pole Lights Generally: Pole lights may have a maximum of two (2) light  
8 sources per pole.

9 ~~3. Pole Lights In Parking Lot: Pole lights within a parking lot of more than ten~~  
10 ~~(10) spaces shall be shielded, downcast opaque fixtures. (Ord. 35, Series 2007)~~

11 **43.** Bistro Lighting: Bistro lighting is permitted at an outdoor dining/bar area  
12 designated by the site plan to provide light and ambiance. Bistro lighting includes  
13 a temporary arrangement of lighting bulbs or tubing from May 1 through October  
14 31 of the same year. At all other times bistro lighting is unlawful. (Ord. 30, Series  
15 2010)

16 ~~54. Photometric Plan: Photometric plan of estimated foot-candle levels with~~  
17 ~~maximum and average illumination are required for parking lots with ten (10) or~~  
18 ~~more parking spaces. Emitted light shall not be greater than four (4) one (1) foot-~~  
19 ~~candles at the property line, except at site entry points if determined by the~~  
20 ~~director to be necessary for safety. Cut-sheets for all exterior light fixtures shall~~  
21 ~~also be submitted with the photometric plan. Photometric Plan: Commercial~~  
22 ~~and mixed use properties require a photometric plan of estimated foot-candle~~  
23 ~~levels with maximum and average illumination. Emitted light shall not be~~  
24 ~~greater than one foot-candle at the property line, except at site entry points if~~  
25 ~~determined by the director to be necessary. Cut-sheets for all exterior light~~  
26 ~~fixtures shall also be submitted with the photometric plan.~~

27 **65.** Maximum Fixture Height: Maximum fixture height as measured from finished  
28 grade:

29	Residential	15	feet
	Commercial	18	feet
	Pedestrian pathways	10	feet
	Upper story decks	7	feet above deck
	<b><u>Eave overhangs</u></b>	<b><u>10</u></b>	<b><u>feet</u></b>

(e.g. soffit)

Eave overhangs  
(e.g. high  
soffits)

+1

foot for every 5  
feet from edge of  
eave\*

1 \* For example, a 20 foot tall eave with 10 foot overhang, a fixture may be 12  
2 feet high from grade or upper level deck (10 feet +2 feet).

3 76. Lamp Type: The lamp shall be energy star rated fluorescent with adequate  
4 cold rating, induction, high pressure sodium, LED or low pressure sodium.  
5 Incandescent lamps are permitted on building mounted or signage fixtures at a  
6 maximum wattage of sixty (60) watts. Energy star rated compact fluorescent  
7 lamps are encouraged. Fluorescent fixtures are permitted at fifteen (15) watts or  
8 warm white or filtered LEDs at 12 watts maximum or no greater than nine  
9 hundred fifty (950) lumens. Other lamp types with energy star rating are  
10 permitted.

11 B. Lighting standards for LZ-2 (commercial area lighting zone):

12 1. Fully Shielded: Only fully shielded, downcast, opaque fixtures with no portion  
13 of bulb visible are permitted.

14 2. Pole Lights: Pole lights may have a maximum of two (2) light sources per pole.

15 3. Photometric Plan: Commercial and mixed use properties require a photometric  
16 plan of estimated foot-candle levels with maximum and average illumination.  
17 Emitted light shall not be greater than ~~one~~ one half (0.5) foot-candle at the  
18 property line, except at site entry points if determined by the director to be  
19 necessary. Cut-sheets for all exterior light fixtures shall also be submitted with the  
20 photometric plan.

21 4. Maximum Fixture Height: Maximum fixture height above existing grade for all  
22 fixtures except those used for outdoor sports facility (field, arena or track) lighting  
23 shall be as follows:  
24

Residential	15	feet
Commercial	18	feet
Pedestrian pathways	10	feet
Upper story decks	7	feet above deck

<u>Eave overhangs</u> <u>(e.g. soffit)</u>	<u>10</u>	<u>feet</u>
<u>Eave overhang</u> <u>above 10 feet</u> <u>(e.g. high soffits)</u>	<u>+1</u>	<u>foot for every</u> <u>5 feet from</u> <u>edge of eave</u>

1        **\* For example, a 20 foot tall eave with 10 foot overhang, a fixture may be 12**  
2        **feet high from grade or upper level deck (10 feet +2 feet).**

3        5. Lamp Type: The lamp shall be energy star rated fluorescent with adequate cold  
4        rating, induction, high pressure sodium, LED or low pressure sodium.  
5        Incandescent lamps are permitted on building mounted or signage fixtures at a  
6        maximum wattage of sixty (60) watts. Energy star rated compact fluorescent  
7        lamps are encouraged. Fluorescent fixtures are permitted at fifteen (15) watts **or**  
8        **warm white or filtered LEDs at 12 watts maximum** or no greater than nine  
9        hundred fifty (950) lumens. Other lamp types with energy star rating are  
10       permitted.

11       6. Location: The setbacks from the property line shall be at least equal to the total  
12       height of the luminaries.

13       C. Lighting standards for LZ-3 (residential lighting zone):

14       1. Fully Shielded: Only fully shielded, downcast, opaque fixtures with no portion  
15       of bulb visible are permitted.

16       2. Pole Lights: Pole lights may have a maximum of one light source per pole.

17       3. Photometric Plan: Commercial, mixed use or multi-family residential ~~property~~  
18       ~~parking lots~~ **properties** require a photometric plan of estimated foot-candle levels  
19       with maximum and average illumination. Emitted light shall not be greater than  
20       two-tenths (<sup>2</sup>/<sub>10</sub>) foot-candle at the property line, except at site entry points if  
21       determined by the director to be necessary for safety. Cut-sheets for all exterior  
22       light fixtures shall also be submitted with the photometric plan.

23       4. Maximum Fixture Height: Maximum fixture height above existing grade for all  
24       fixtures except those used for outdoor sports facility (field, arena or track) lighting  
25       shall be as follows:  
26

Residential	15	feet
Commercial	18	feet
Pedestrian pathways	10	feet

Upper story decks	7	feet above deck
<b><u>Eave overhangs (e.g. soffit)</u></b>	<b><u>10</u></b>	<b><u>feet</u></b>
<b><u>Eave overhang above 10 feet (e.g. high soffits)</u></b>	<b><u>+1</u></b>	<b><u>foot for every 5 feet from edge of eave</u></b>

1        **\* For example, a 20 foot tall eave with 10 foot overhang, a fixture may be 12**  
2        **feet high from grade or upper level deck (10 feet +2 feet).**

3        5. The lamp shall be energy star rated fluorescent with adequate cold rating,  
4        induction, high pressure sodium, LED or low pressure sodium. Incandescent  
5        lamps are permitted on building mounted or signage fixtures at a maximum  
6        wattage of sixty (60) watts. Energy star rated compact fluorescent lamps are  
7        encouraged. Fluorescent fixtures are permitted at fifteen (15) watts **or warm**  
8        **white or filtered LEDs at 12 watts maximum** or no greater than nine hundred  
9        fifty (950) lumens. Other lamp types with energy star rating are permitted.

10       6. Location: The setbacks from the property line shall be at least equal to the total  
11       height of the luminaries. (Ord. 35, Series 2007)

12       Section 76. Section 9-12-12 of the Breckenridge Town Code is amended by the addition  
13       of the following provision:

14       **9. Parking Lots: Parking lots shall meet the requirements of Section 9-3-8 of**  
15       **this Code.**

16       Section 77. Except as specifically amended hereby, the Breckenridge Town Code, and  
17       the various secondary codes adopted by reference therein, shall continue in full force and effect.

18       Section 78. The Town Council hereby finds, determines and declares that this ordinance  
19       is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and  
20       improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants  
21       thereof.

22       Section 79. The Town Council hereby finds, determines and declares that it has the  
23       power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling  
24       Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning  
25       municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers);  
26       (iv) Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to  
27       home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers  
28       contained in the Breckenridge Town Charter.  
29         
30         
31         
32         
33         
34         
35         
36         
37         
38         
39         
40         
41         
42         
43         
44         
45         
46         
47         
48         
49         
50         
51         
52         
53         
54         
55         
56         
57         
58         
59         
60         
61         
62         
63         
64         
65         
66         
67         
68         
69         
70         
71         
72         
73         
74         
75         
76         
77         
78         
79         
80         
81         
82         
83         
84         
85         
86         
87         
88         
89         
90         
91         
92         
93         
94         
95         
96         
97         
98         
99         
100         
101         
102         
103         
104         
105         
106         
107         
108         
109         
110         
111         
112         
113         
114         
115         
116         
117         
118         
119         
120         
121         
122         
123         
124         
125         
126         
127         
128         
129         
130         
131         
132         
133         
134         
135         
136         
137         
138         
139         
140         
141         
142         
143         
144         
145         
146         
147         
148         
149         
150         
151         
152         
153         
154         
155         
156         
157         
158         
159         
160         
161         
162         
163         
164         
165         
166         
167         
168         
169         
170         
171         
172         
173         
174         
175         
176         
177         
178         
179         
180         
181         
182         
183         
184         
185         
186         
187         
188         
189         
190         
191         
192         
193         
194         
195         
196         
197         
198         
199         
200         
201         
202         
203         
204         
205         
206         
207         
208         
209         
210         
211         
212         
213         
214         
215         
216         
217         
218         
219         
220         
221         
222         
223         
224         
225         
226         
227         
228         
229         
230         
231         
232         
233         
234         
235         
236         
237         
238         
239         
240         
241         
242         
243         
244         
245         
246         
247         
248         
249         
250         
251         
252         
253         
254         
255         
256         
257         
258         
259         
260         
261         
262         
263         
264         
265         
266         
267         
268         
269         
270         
271         
272         
273         
274         
275         
276         
277         
278         
279         
280         
281         
282         
283         
284         
285         
286         
287         
288         
289         
290         
291         
292         
293         
294         
295         
296         
297         
298         
299         
300         
301         
302         
303         
304         
305         
306         
307         
308         
309         
310         
311         
312         
313         
314         
315         
316         
317         
318         
319         
320         
321         
322         
323         
324         
325         
326         
327         
328         
329         
330         
331         
332         
333         
334         
335         
336         
337         
338         
339         
340         
341         
342         
343         
344         
345         
346         
347         
348         
349         
350         
351         
352         
353         
354         
355         
356         
357         
358         
359         
360         
361         
362         
363         
364         
365         
366         
367         
368         
369         
370         
371         
372         
373         
374         
375         
376         
377         
378         
379         
380         
381         
382         
383         
384         
385         
386         
387         
388         
389         
390         
391         
392         
393         
394         
395         
396         
397         
398         
399         
400         
401         
402         
403         
404         
405         
406         
407         
408         
409         
410         
411         
412         
413         
414         
415         
416         
417         
418         
419         
420         
421         
422         
423         
424         
425         
426         
427         
428         
429         
430         
431         
432         
433         
434         
435         
436         
437         
438         
439         
440         
441         
442         
443         
444         
445         
446         
447         
448         
449         
450         
451         
452         
453         
454         
455         
456         
457         
458         
459         
460         
461         
462         
463         
464         
465         
466         
467         
468         
469         
470         
471         
472         
473         
474         
475         
476         
477         
478         
479         
480         
481         
482         
483         
484         
485         
486         
487         
488         
489         
490         
491         
492         
493         
494         
495         
496         
497         
498         
499         
500         
501         
502         
503         
504         
505         
506         
507         
508         
509         
510         
511         
512         
513         
514         
515         
516         
517         
518         
519         
520         
521         
522         
523         
524         
525         
526         
527         
528         
529         
530         
531         
532         
533         
534         
535         
536         
537         
538         
539         
540         
541         
542         
543         
544         
545         
546         
547         
548         
549         
550         
551         
552         
553         
554         
555         
556         
557         
558         
559         
560         
561         
562         
563         
564         
565         
566         
567         
568         
569         
570         
571         
572         
573         
574         
575         
576         
577         
578         
579         
580         
581         
582         
583         
584         
585         
586         
587         
588         
589         
590         
591         
592         
593         
594         
595         
596         
597         
598         
599         
600         
601         
602         
603         
604         
605         
606         
607         
608         
609         
610         
611         
612         
613         
614         
615         
616         
617         
618         
619         
620         
621         
622         
623         
624         
625         
626         
627         
628         
629         
630         
631         
632         
633         
634         
635         
636         
637         
638         
639         
640         
641         
642         
643         
644         
645         
646         
647         
648         
649         
650         
651         
652         
653         
654         
655         
656         
657         
658         
659         
660         
661         
662         
663         
664         
665         
666         
667         
668         
669         
670         
671         
672         
673         
674         
675         
676         
677         
678         
679         
680         
681         
682         
683         
684         
685         
686         
687         
688         
689         
690         
691         
692         
693         
694         
695         
696         
697         
698         
699         
700         
701         
702         
703         
704         
705         
706         
707         
708         
709         
710         
711         
712         
713         
714         
715         
716         
717         
718         
719         
720         
721         
722         
723         
724         
725         
726         
727         
728         
729         
730         
731         
732         
733         
734         
735         
736         
737         
738         
739         
740         
741         
742         
743         
744         
745         
746         
747         
748         
749         
750         
751         
752         
753         
754         
755         
756         
757         
758         
759         
760         
761         
762         
763         
764         
765         
766         
767         
768         
769         
770         
771         
772         
773         
774         
775         
776         
777         
778         
779         
780         
781         
782         
783         
784         
785         
786         
787         
788         
789         
790         
791         
792         
793         
794         
795         
796         
797         
798         
799         
800         
801         
802         
803         
804         
805         
806         
807         
808         
809         
810         
811         
812         
813         
814         
815         
816         
817         
818         
819         
820         
821         
822         
823         
824         
825         
826         
827         
828         
829         
830         
831         
832         
833         
834         
835         
836         
837         
838         
839         
840         
841         
842         
843         
844         
845         
846         
847         
848         
849         
850         
851         
852         
853         
854         
855         
856         
857         
858         
859         
860         
861         
862         
863         
864         
865         
866         
867         
868         
869         
870         
871         
872         
873         
874         
875         
876         
877         
878         
879         
880         
881         
882         
883         
884         
885         
886         
887         
888         
889         
890         
891         
892         
893         
894         
895         
896         
897         
898         
899         
900         
901         
902         
903         
904         
905         
906         
907         
908         
909         
910         
911         
912         
913         
914         
915         
916         
917         
918         
919         
920         
921         
922         
923         
924         
925         
926         
927         
928         
929         
930         
931         
932         
933         
934         
935         
936         
937         
938         
939         
940         
941         
942         
943         
944         
945         
946         
947         
948         
949         
950         
951         
952         
953         
954         
955         
956         
957         
958         
959         
960         
961         
962         
963         
964         
965         
966         
967         
968         
969         
970         
971         
972         
973         
974         
975         
976         
977         
978         
979         
980         
981         
982         
983         
984         
985         
986         
987         
988         
989         
990         
991         
992         
993         
994         
995         
996         
997         
998         
999         
1000



1 ATTEST:

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

\_\_\_\_\_  
Helen Cospolich, CMC,  
Town Clerk



# Memo

To: Breckenridge Town Council Members  
From: Chris Kulick, AICP, Planner III  
Date: 12/11/2018  
Subject: First Reading: Landmarking the Casey Residence, 112 North French Street



## Property History

According to Sanborn Fire Insurance maps, this one-story miner's cottage was built by 1886. Sanborn maps between 1886 and 1914 depict the building as having an offset T-shape, with a side-gabled front wing, and an intersecting front-gabled wing to the rear. At some point in time, after 1914, the north leg of the "L" was filled in, and a modest shed-roofed addition was built onto the east elevation. Its first owners were William and Dora Casey. The Caseys sold the dwelling to George Goudie on May 7, 1907. The property's current owner is Dianne Monaghan.

The irregular-shaped, single-story, wood frame dwelling consists of a main side-gabled wing, which measures 29' N-S (across) by 13' E-W (deep), a longer, intersecting gabled rear wing, which measures approximately 21' N-S by 36' E-W, and a small, 12' N-S by 7' E-W, shed-roofed rear entry porch extension to the east elevation. The building's exterior walls are clad with painted gray color horizontal wood siding with 1" by 4" corner boards. The roof is covered with metal roofing material and the eaves are boxed. Windows are predominantly single and paired 1/1 double-hung sash with painted cream white wood frames and painted grey/blue wood surrounds. A wood-paneled front door enters the façade

from an 8' by 4' front porch covered by a gable roof. Another entry door leads into the south elevation from an uncovered wood deck.

Two wood frame secondary buildings and a privy are located at the rear (east) end of the property. The larger of the two secondary buildings measures 20' N-S by 10' E-W. It is covered by a gable roof with metal roofing material. The smaller of the two secondary buildings measures 10' N-S by 16' E-W. It is covered by a saltbox roof covered with metal roofing material. The privy measures 5' N-S by 6' E-W. It has horizontal wood siding exterior walls, with 1" by 4" corner boards, and it is covered by a gable roof with metal roofing material.

The Town's Cultural Resource Survey has rated this house as "Contributing" to the district.

At their November 6th meeting, the Planning Commission reviewed the proposed landmarking of the Casey Residence and recommended (with a vote of 6-0) that the Town Council adopt an ordinance approving local landmark status for the property. One of the primary benefits of having local landmark designation is that it increases the property's eligibility for grants.

The Commission found that the property fulfilled the criteria in Title 9, Chapter 11 *Historic Preservation* of the Development Code which includes:

- A. The improvements located on the subject property are more than fifty (50) years old.
- B. The "architectural" designation criteria for a landmark as set forth in Section 9-11-4(A)(1)(b) is met because the property is of a style particularly associated with the Breckenridge area.
- C. The "physical integrity" criteria for a landmark as set forth in Section 9-11-4(A)(3) is met because the property shows character, interest and value as part of the development, heritage and cultural characteristics of the community, region, state and nation and the property retains original design features, materials and character and the structure is on its original location or is in the same historic context after having been moved.

This is a first reading. Staff will be available at the meeting to answer any questions.

The Planning Commission recommends approval (with a vote of 6-0) of the proposal to locally landmark the Casey Residence.

### **Recommended Motion**

I move that the Council approve the proposed Local Landmarking of the Casey Residence, located at 112 North French Street, Lots 3 & 4, Block 3, Abbett Addition at First Reading.

1 **, FOR WORKSESSION/FIRST READING – December 11,**  
2 **2018**

3  
4 COUNCIL BILL NO. \_\_\_\_

5  
6 Series 2018

7  
8 AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK  
9 UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE  
10 (Casey Residence, 112 North French Street, Lots 3 & 4, Block 3, Abbett Addition)

11  
12 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,  
13 COLORADO:

14  
15 Section 1. Findings. The Town Council of the Town of Breckenridge finds and  
16 determines as follows:

17  
18 A. Diane Monaghan owns the hereinafter described real property. Such real  
19 property is located within the corporate limits of the Town of Breckenridge, County of  
20 Summit and State of Colorado.

21  
22 B. Diane Monaghan filed an application pursuant to Chapter 11 of Title 9 of the  
23 Breckenridge Town Code seeking to have the hereinafter described real property  
24 designated as a landmark (“**Application**”).

25  
26 C. The Town followed all of procedural requirements of Chapter 11 of Title 9 of  
27 the Breckenridge Town Code in connection with the processing of the Application.

28  
29 D. The improvements located on hereinafter described real property are more  
30 than fifty (50) years old.

31  
32 E. The hereinafter described real property meets the “Architectural” designation  
33 criteria for a landmark as set forth in Section 9-11-4(A)(1)(b)(2) of the Breckenridge  
34 Town Code because the property is of a style particularly associated with the  
35 Breckenridge area.

36  
37 F. The hereinafter described real property meets the “Physical Integrity” criteria  
38 for a landmark as set forth in Section 9-11-4(A)(3) of the Breckenridge Town Code  
39 because:

- 40  
41 (i) The property shows character, interest or value as part of the development,  
42 heritage or cultural characteristics of the community, region, state or  
43 nation and;  
44 (ii) The structure is on its original location or is in the same historic context  
45 after having been moved.

1  
2 G. In accordance with the requirements of Section 9-11-3(B)(3) of the  
3 Breckenridge Town Code, on November 6, 2018 the Application was reviewed by the  
4 Breckenridge Planning Commission. On such date the Planning Commission  
5 recommended to the Town Council that the Application be granted.  
6

7 H. The Application meets the applicable requirements of Chapter 11 of Title 9 of  
8 the Breckenridge Town Code, and should be granted without conditions.  
9

10 I. Section 9-11-3(B)(4) of the Breckenridge Town Code requires that final  
11 approval of an application for landmark designation under Chapter 11 of Title 9 of the  
12 Breckenridge Town Code be made by ordinance duly adopted by the Town Council.  
13

14 Section 2. Designation of Property as Landmark. The following described real  
15 property:

16  
17 See the attached Exhibit "A" which is incorporated into this ordinance by  
18 reference  
19

20 is designated as a landmark pursuant to Chapter 11 of Title 9 of the Breckenridge Town  
21 Code.  
22

23 Section 3. Police Power Finding. The Town Council finds, determines and declares that  
24 this ordinance is necessary and proper to provide for the safety, preserve the health, promote the  
25 prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and  
26 the inhabitants thereof.  
27

28 Section 4. Town Authority. The Town Council finds, determines and declares that it has  
29 the power to adopt this ordinance pursuant to the authority granted to home rule municipalities  
30 by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town  
31 Charter.  
32

33 Section 5. Effective Date. This ordinance shall be published and become effective as  
34 provided by Section 5.9 of the Breckenridge Town Charter.  
35

36 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
37 PUBLISHED IN FULL this 11th day of December, 2018. A Public Hearing shall be held at the  
38 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 8th day of  
39 January, 2019, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
40 Town.  
41

42 TOWN OF BRECKENRIDGE, a Colorado  
43 municipal corporation  
44  
45  
46

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11

By \_\_\_\_\_  
Eric S. Mamula, Mayor

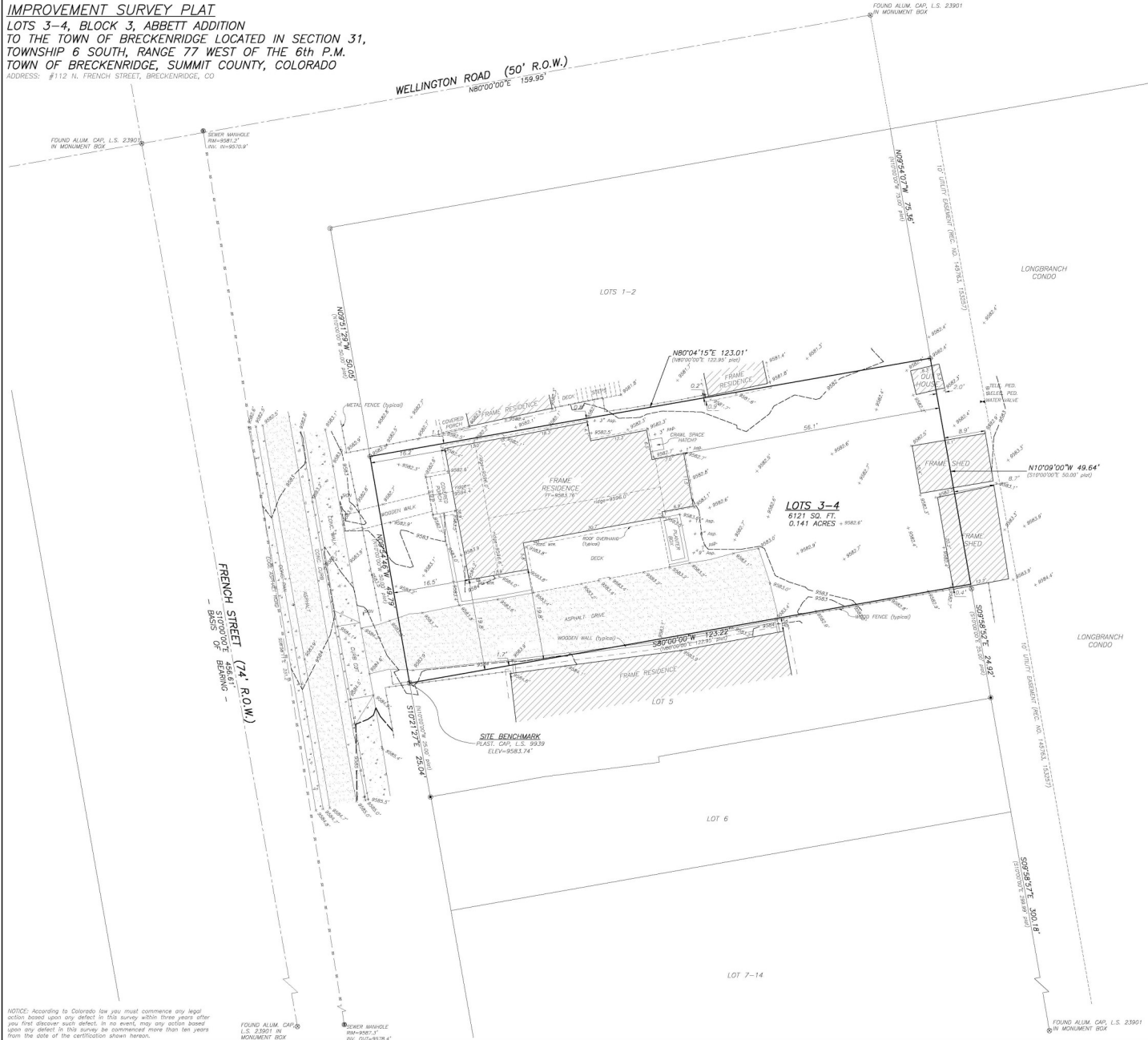
ATTEST:

\_\_\_\_\_  
Helen Cospolich  
Town Clerk

# Exhibit "A"

## IMPROVEMENT SURVEY PLAT

LOTS 3-4, BLOCK 3, ABBETT ADDITION  
TO THE TOWN OF BRECKENRIDGE LOCATED IN SECTION 31,  
TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6th P.M.  
TOWN OF BRECKENRIDGE, SUMMIT COUNTY, COLORADO  
ADDRESS: #112 N. FRENCH STREET, BRECKENRIDGE, CO



### SURVEYOR'S CERTIFICATE

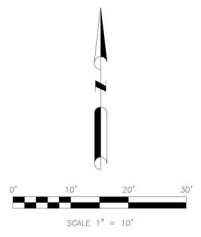
I, MATTHEW J. WENZEL, A COLORADO REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY TO DAVID MONAGHAN, THAT THIS IMPROVEMENT SURVEY PLAT WAS PREPARED BY ME FROM A SURVEY MADE BY ME AND UNDER MY SUPERVISION, THAT BOTH THIS PLAT AND SURVEY ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE MONUMENTS WERE SET IN ACCORDANCE WITH C.R.S. 38-51-105.  
THIS IMPROVEMENT SURVEY PLAT DOES NOT CONSTITUTE A TITLE SEARCH BY SUMMIT LAND SURVEYING INC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING OWNERSHIP AND EASEMENTS OF RECORD, SUMMIT LAND SURVEYING INC., RELIED UPON TITLE COMMITMENT ORDER NO. 1013872-C ISSUED BY TITLE CO. OF THE ROCKIES AS AN AGENT FOR WESTCOR LAND TITLE INSURANCE COMPANY.



MATTHEW J. WENZEL  
REGISTERED LAND SURVEYOR  
NO. 37719

NOTE:  
-BEARINGS ARE BASED ON THE FOUND B.O.B. MONUMENTS (ALUMINUM CAPS IN MONUMENT BOXES) BASED ON THE RIGHT OF WAY MAP FOR THE ABBETT ADDITION BY BASELINE SURVEYS FILED AT THE CLERK AND RECORDERS OFFICE UNDER REC. NO. 129-763.

BASIS OF ELEVATION  
-ELEVATIONS BASED ON THE FINISHED FLOOR OF WELLINGTON PLACE CONDOS IN ACCORDANCE WITH THE PLAT FILED AT THE CLERK AND RECORDERS OFFICE UNDER REC. NO. 233811. (U.S.G.S. BENCHMARK IN THE WEST SIDE OF THE SCI BUILDING, ELEV=9577.0')



- LEGEND
- ⊕ FOUND REBAR W/ PLAST. CAP, I.S. 26392
  - ⊙ FOUND REBAR W/ PLAST. CAP, I.S. 9839
  - ⊛ FOUND REBAR W/ PLAST. CAP, I.S. 27942
  - ⊗ FOUND REBAR W/ ALUM. CAP, I.S. 37719
  - STAMPED W.C. 1.0'

<b>SUMMIT</b>		P.O. BOX 2336	
LAND SURVEYING, INC.		BRECKENRIDGE, CO 80424	
		970-513-0156	
<b>IMPROVEMENT SURVEY PLAT</b>			
SCALE: 1" = 10'	DATE: 12/07/17	DRAWN BY: KJW	CHECKED BY: KJW
		DRAWING NO. 171873	
		DRAWING NO. 171873sup	

NOTICE: 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 based upon any defect in this survey be commenced more than ten years from the date of the certification shown herein.

FOUND ALUM. CAP, I.S. 23901 IN MONUMENT BOX

SEWER MANHOLE IRI=5087.2' IRI=5078.2' IRI=5078.2'

FOUND ALUM. CAP, I.S. 23901 IN MONUMENT BOX



# Memo

To: Breckenridge Town Council Members  
From: Helen Cospolich, Town Clerk  
Date: 12/4/2018  
Subject: Town Attorney Appointment Resolution

---

Council is required by Charter to appoint the Town Attorney. This is an annual appointment.

The Resolution to be considered at this meeting reappoints Mr. Timothy H. Berry as the Town Attorney for the Town of Breckenridge. His letter and agreement are included for your review.

Mr. Berry and staff will be available to answer questions.

**TIMOTHY H. BERRY, P.C.**

A Professional Corporation  
Attorney At Law

P.O. Box 2  
Leadville, CO 80461

Telephone (719) 486-1889  
Facsimile (719) 486-3039

Timothy H. Berry

November 15, 2018

Town Council  
Town of Breckenridge  
P.O. Box 168  
Breckenridge, Colorado 80424

**RE: Proposed 2019 Legal Services Agreement**

Dear Mayor Mamula and Councilmembers:

My current agreement with the Town expires at the end of 2018. I would like to be considered for reappointment as the Town Attorney for 2019.

Enclosed is a proposed agreement for 2019. The only proposed change to last year's contract is the addition of a sentence at the end of Paragraph 11 allowing me to terminate the Agreement by giving the Town at least six (6) months' advance notice.

I look forward to continuing my relationship with the Town. I will be happy to discuss these proposed agreement with you on Tuesday.

Very truly yours,



Timothy H. Berry

THB



RESOLUTION NO. 24

SERIES 2018

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR ATTORNEY SERVICES WITH TIMOTHY H. BERRY, P.C. FOR 2019

WHEREAS, the Town of Breckenridge desires to enter into a Town Attorney Agreement with Timothy H. Berry, P.C. for 2019;

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

Section 1. The Town Attorney Agreement with Timothy H. Berry, P.C. for 2019, a copy of which is attached hereto as Exhibit "A" and by this reference made a part hereof, is hereby approved by the Town Council.

Section 2. The Mayor of the Town of Breckenridge be and hereby is authorized, empowered and directed in the name of the Town of Breckenridge and on behalf of its Town Council to make, execute and deliver the Town Attorney Agreement attached hereto as Exhibit "A".

RESOLUTION ADOPTED AND APPROVED this 11th day of December, 2018.

ATTEST:

TOWN OF BRECKENRIDGE

\_\_\_\_\_  
Helen J. Cospolich, Town Clerk

\_\_\_\_\_  
Eric S. Mamula, Mayor

APPROVED IN FORM

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Date

## TOWN ATTORNEY AGREEMENT

This Agreement (“**Agreement**”) is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_, by and between the TOWN OF BRECKENRIDGE, a Colorado municipal corporation (“**Town**”) and TIMOTHY H. BERRY, P.C., a Colorado corporation (“**Attorneys**”).

### WITNESSETH:

1. The Town does hereby employ and retain the Attorneys as Town Attorney for the period commencing January 1, 2019 and ending December 31, 2019. The Attorneys shall perform the services as more fully described in Paragraph 3 of this Agreement.
2. The Attorneys accept such employment and agree to perform the duties required of it as Town Attorney in a competent and professional manner.
3. The Attorneys are hired to, and shall perform, the following duties:
  - A. Act as legal advisor to, and be the attorney and counsel for, the Town Council.
  - B. Advise any Town officer, department head, or staff member in matters relating to his or her duties. To facilitate the performance of this duty, Timothy H. Berry, President of Attorneys, shall be available in the Town Hall offices from 9:00 a.m. to 4:30 p.m. each Tuesday, except on those Tuesdays when Timothy H. Berry is to attend a Town Council or Planning Commission meeting, in which event he shall be available until the conclusion of such meeting.
  - C. Prepare and review ordinances, contracts, and other written instruments when requested by the Town Council, municipal officials, or staff members, and promptly give its opinion as to the legal consequences thereof.
  - D. Call to the attention of the Town Council, Town officials, and staff members all matters of law, and changes and developments therein, which affect the Town.
  - E. Have Timothy H. Berry attend all regular and special meetings of the Town Council, unless his attendance at such meetings is not required.
  - F. Have Timothy H. Berry attend regular and special Town Planning Commission meetings when requested to do so by the Town staff or the Planning Commission.
  - G. Have Timothy H. Berry attend meetings of the Breckenridge Open Space Advisory Commission when requested to do so by the Town staff or the Open Space Advisory Commission.

2019 TOWN ATTORNEY AGREEMENT

- H. Have Timothy H. Berry attend meetings of the Town's Liquor and Marijuana Licensing Authority when requested to do so by the Town staff or the Liquor and Marijuana Licensing Authority.
  - I. Unless otherwise directed by the Town Council, the Attorneys shall represent the Town in any litigation in state or federal courts or before administrative agencies.
4. As compensation for the services to be provided by the Attorneys as set forth in Paragraph 3, the Town shall pay the Attorneys the sum of \$190.00 per hour for each hour of time, whether litigation or non-litigation, expended by Timothy H. Berry (whether in the Town's offices or the Attorneys' offices). Attorneys shall also be reimbursed for all reasonable and necessary expenses which it may pay or incur on behalf of the Town in connection with litigation matters including, but not limited to, the cost of subpoenas and witness fees. Computerized legal research services performed for the Town shall be billed to the Town at the same rate paid by the Attorney for such services. The Attorneys shall submit to the Town on a monthly basis an itemized billing detailing all services performed for the Town during the preceding month. The Attorneys' monthly statement for services rendered shall be mailed to the Town on or before the fifth day of each month and shall be paid by the Town in the normal course of the Town's business.
  5. Notwithstanding the provisions of Paragraph 4 of this Agreement, legal services performed by the Attorneys for the Town that are to be reimbursed by third parties (such as real estate developers or property owners) shall be billed at the rate of \$220.00 per hour. Such services shall be separately billed and accounted for as directed by the Finance Director of the Town.
  6. The Attorneys shall not bill the Town for travel time to and from Attorneys' Leadville office and Breckenridge. In lieu thereof, the Town shall pay to the Attorneys a mileage allowance of \$0.25 per mile round trip for each regularly scheduled trip made on Town business by Attorneys.
  7. The Attorneys shall at all times maintain professional liability insurance in an amount of not less than \$1,000,000.00 per claim/\$1,000,000.00 yearly aggregate.
  8. The Attorneys shall not be entitled to paid vacation, health benefits, sick leave or any other benefit paid, given or provided to Town employees.
  9. The Attorneys understands that: (i) Town will not pay or withhold any sum for income tax, unemployment insurance, Social Security or any other withholding pursuant to any law or requirement of any governmental body; (ii) Attorneys are obligated to pay federal and state tax on any moneys earned pursuant to this Agreement; (iii) Attorneys are not entitled to workers' compensation benefits from the Town or the Town's workers' compensation insurance carrier; and (iv) Attorneys are not entitled to unemployment

2019 TOWN ATTORNEY AGREEMENT

insurance benefits unless unemployment compensation coverage is provided by Attorneys or some other entity. Attorneys agree to indemnify and hold Town harmless from any liability resulting from Attorneys' failure to pay or withhold state or federal taxes on the compensation paid hereunder.

10. The Attorneys shall devote so much of the firm's time to the business of the Town as may be required to assure proper representation of the Town, but the Attorneys shall not be prevented from taking other employment by reason of this Agreement; provided, however, that the Attorneys shall not enter into other contractual or business relationships, nor undertake to represent a client, when such contract, business relationship, or representation would create a conflict of interest as to Attorneys' continued representation of Town.
11. The Attorneys understand and acknowledge that the firm serves at the pleasure of the Town Council, and that this Agreement may be terminated at any time by the Town Council, without liability to the Attorneys for breach, and without the need for either cause for the termination or a hearing. The Attorneys may also terminate this Agreement, without liability to the Town for breach by giving the Town not less than six (6) months' advance written notice.
12. Throughout the extended term of this Agreement, Attorneys shall not:
  - A. knowingly employ or contract with an illegal alien who will perform work under this Agreement; or
  - B. enter into a contract with a subcontractor that fails to certify to Attorneys that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Agreement.

Attorneys have confirmed the employment eligibility of all employees who are newly hired for employment to perform work under this Agreement through participation in either the E-Verify Program or the Colorado Department of Labor and Employment employment verification program. As used in this provision: (i) the term "E-Verify Program" means the electronic employment verification program created in Public Law 104-208, as amended and expanded in Public Law 108-156, as amended, and jointly administered by the United States Department of Homeland Security and the Social Security Administration, or its successor program; and (ii) the term "Colorado Department of Labor and Employment employment verification program" means the program established by Section 8-17.5-102(5)(c), C.R.S.

Attorneys are prohibited from using E-Verify Program or the Department Program procedures to undertake preemployment screening of job applicants while this Agreement is being performed.

If Attorneys obtain actual knowledge that a subcontractor performing work under this Agreement knowingly employs or contracts with an illegal alien, Attorneys shall:

- A. notify such subcontractor and the Town within three days that Attorneys have actual knowledge that the subcontractor is employing or contracting with an illegal alien; and
- B. terminate the subcontract with the subcontractor if within three days of receiving the notice required pursuant to this section the subcontractor does not stop employing or contracting with the illegal alien; except that Attorneys shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

Attorneys shall comply with any reasonable request by the Colorado Department of Labor and Employment made in the course of an investigation that the Colorado Department of Labor and Employment undertakes or is undertaking pursuant to the authority established in Subsection 8-17.5-102 (5), C.R.S.

If Attorneys violate any provision of this Agreement pertaining to the duties imposed by Subsection 8-17.5-102, C.R.S. or this Section 12, the Town may terminate this Agreement for a breach of the contract. If this Agreement is so terminated, Attorneys shall be liable for actual and consequential damages to the Town.

- 13. The Town shall contract with another attorney or law firm to handle the prosecution of municipal ordinance violations in the Town's Municipal Court, and appeals from the judgments of such court. Such services are excluded from this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

TOWN OF BRECKENRIDGE, a Colorado  
municipal corporation

By: \_\_\_\_\_  
Eric S. Mamula, Mayor

ATTEST:

\_\_\_\_\_  
Helen Cospolich, CMC,  
Town Clerk

TIMOTHY H. BERRY, P.C., a Colorado  
corporation

By: \_\_\_\_\_  
Timothy H. Berry, President



# Memo

To: Breckenridge Town Council Members  
From: Helen Cospolich, Town Clerk  
Date: 12/4/2018  
Subject: Prosecuting Attorney Appointment Resolution

---

Council is required by Charter to appoint an assistant to the Town Attorney as necessary. It has been tradition to appoint the Town of Breckenridge Prosecuting Attorney, specifically for Municipal Court, separate from the Town Attorney. This position is required to be reappointed on an annual basis.

The Resolution to be considered at this meeting reappoints Mr. Robert Gregory, of West Huntley Gregory P.C., as the Prosecuting Attorney for the Breckenridge Municipal Court. His agreement is included for your review.

Mr. Gregory and staff will be available to answer questions.



FELICE F. HUNTLEY  
ROBERT N. GREGORY  
MEREDITH A. QUINLIVAN\*  
CARIME A. LEE\*\*  
STEPHEN C. WEST  
Of Counsel  
JILL D. BLOCK  
Paralegal

\*Licensed in CO and WY  
\*\*Licensed in CO, FL and NJ

December 4, 2018

Mayor Eric Mamula  
Breckenridge Town Council  
150 Ski Hill Rd.  
Breckenridge, CO 80424

*Re: Breckenridge Municipal Court Prosecutor*

Dear Mayor Mamula:

I am writing to express my interest in continuing to serve the Town of Breckenridge as the prosecutor for Breckenridge Municipal Court. My current annual contract with the Town expires on December 31, 2018. I have submitted a proposed contract for year 2019 with this letter. Under the proposed contract, I have kept my hourly rate at \$125 for year 2019 and the terms of the proposed contract contain no material changes.

The role of prosecutor is one that I take great pride in, as I believe it is critical to upholding the integrity of the justice system in our community. It takes a unique set of skills to effectively represent the law enforcement goals of the community and protect victims of crime, while respecting the rights of criminal defendants. I hope you and Town Council have the opinion that I have served the Town well in this capacity.

I plan on attending the work session and/or meeting where my re-appointment is considered. I welcome any feedback you are willing and able to provide and will be happy to address any of Councils' questions or concerns.

Sincerely,

Robert N. Gregory, Esq.



RESOLUTION NO. 25

SERIES 2018

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR ATTORNEY SERVICES WITH ROBERT GREGORY OF WEST HUNTLEY GREGORY PC FOR 2019

WHEREAS, the Town of Breckenridge desires to enter into a Municipal Court Prosecutor agreement with WEST HUNTLEY GREGORY PC for 2019;

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

Section 1. The Municipal Court Prosecutor agreement for 2019, a copy of which is attached hereto as Exhibit "A" and by this reference made a part hereof, is hereby approved in substantially the form attached as Exhibit "A" by the Town Council.

Section 2. The Mayor of the Town of Breckenridge is authorized, empowered and directed in the name of the Town of Breckenridge and on behalf of its Town Council to make, execute and deliver the Municipal Court Prosecutor Agreement in substantially the form attached hereto as Exhibit "A".

Section 3. Minor changes to or amendments of the approved agreement may be made by the Town Manager if the Town Attorney certifies in writing that the proposed changes or amendments do not substantially affect the fee to paid by the Town pursuant to the approved agreement, or the essential elements of the approved agreement.

RESOLUTION ADOPTED AND APPROVED this 11th day of December, 2018.

ATTEST:

TOWN OF BRECKENRIDGE

\_\_\_\_\_  
Helen J. Cospolich, Town Clerk

\_\_\_\_\_  
Eric S. Mamula, Mayor

APPROVED IN FORM

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Date

MUNICIPAL COURT PROSECUTOR AGREEMENT

This Agreement ("Agreement") is made and entered into this \_\_\_\_\_ day of December, 2018, by and between the TOWN OF BRECKENRIDGE, a Colorado municipal corporation ("Town") and WEST HUNTLEY GREGORY P.C., a Colorado professional corporation ("Attorneys").

WITNESSETH:

1. The Town does hereby employ and retain the Attorneys to act as the prosecutor in the Town's Municipal Court ("Prosecutor") for the period commencing January 1, 2019 and ending December 31, 2019. The Attorneys shall perform the services as more fully described in Paragraph 3 of this Agreement.

2. The Attorneys accept such employment and agree to perform the duties required of it as Prosecutor in a competent and professional manner.

3. The Attorneys are hired to, and shall perform, the following duties:

A. Prosecute all matters brought in the Town's Municipal Court ("Municipal Court"), including having Robert Gregory, or another competent prosecuting attorney, appear on behalf of the Town in each session of the Municipal Court, which sessions are generally scheduled on the second and fourth Wednesday of each month, with additional sessions scheduled as required by the Municipal Court's schedule.

B. Unless otherwise requested by the Town, represent the Town in any appeals of Municipal Court matters.

C. Advise any Town officer, department head or staff member in matters relating to Municipal Court.

D. Have Robert Gregory attend Town Council or other Town meetings when requested to do so by the Town Council or Town staff.

E. Prosecute disciplinary actions against liquor licensees before the Town of Breckenridge Liquor Licensing Authority.

F. Prosecute disciplinary actions against marijuana licensees before the Town of Breckenridge Marijuana Licensing Authority.

4. As compensation for the services to be provided by the Attorneys as set forth in Paragraph 3, the Town shall pay the Attorneys the sum of One Hundred Twenty Five Dollars (\$125.00) per hour for each hour expended by the Attorneys on matters related to the Municipal Court. Attorneys shall also be reimbursed for all reasonable and necessary expenses which it may pay or incur on behalf of the Town in connection with Municipal Court matters including, but

not limited to, the cost of subpoenas, witness fees and photocopying costs incurred outside of Attorneys' office, and in the event any of those expense are chargeable to any defendant, defense attorney, or other third party under the Colorado Municipal Court Rules of Procedure or through common custom, the Attorneys agree to charge such amount to such third party, rather than seeking reimbursement for such items from the Town. It will occasionally be necessary and appropriate for the Attorneys' paralegals or support staff to perform services on certain matters related to the Municipal Court rather than the Attorneys, which shall be billed at a rate of Eighty Dollars (\$80.00) per hour. Computerized legal research services performed for the Town shall be billed to the Town at the same rate paid by the Attorneys for such services, and the Town shall provide the Attorneys with a portable laptop computer and remote access to court software (Justware). The Attorneys shall submit to the Town on a monthly basis an itemized billing detailing all services performed for the Town during the preceding month. The Attorneys' monthly statement for services rendered shall be mailed to the Town on or before the fifth day of each month and shall be paid by the Town not later than the 15th day of each month.

5. The Attorneys shall not bill the Town for travel time to and from the Municipal Court. In the event that any other travel is required as part of Attorneys' duties, such travel shall be billed at the hourly rate set forth above.

6. The Attorneys shall at all times maintain professional liability insurance in an amount of not less than \$1,000,000.00 per claim/\$1,000,000.00 yearly aggregate.

7. The Attorneys shall not be entitled to paid vacation, health benefits, sick leave or any other benefit paid, given or provided to Town employees.

8. The Attorneys understand that (i) Town will not pay or withhold any sum for income tax, unemployment insurance, Social Security or any other withholding pursuant to any law or requirement of any governmental body; (ii) Attorneys are obligated to pay federal and state tax on any moneys earned pursuant to this Agreement; (iii) Attorneys are not entitled to workers' compensation benefits from the Town or the Town's workers' compensation insurance carrier; and (iv) Attorneys are not entitled to unemployment insurance benefits unless unemployment compensation coverage is provided by Attorneys or some other entity. Attorneys agree to indemnify and hold Town harmless from any liability resulting from Attorneys' failure to pay or withhold state or federal taxes on the compensation paid hereunder.

9. The Attorneys shall devote so much of the firm's time to the business of the Town as may be required to assure proper representation of the Town, but the Attorneys shall not be prevented from taking other employment by reason of this Agreement. The Town understands that the Attorneys represent clients, in the past, present and future, which have business with and against other Departments within the Town government, including, but not limited to, the Department of Community Development, the Planning Commission and the Town Council. Pursuant to Rule 1.7 of the Colorado Rules of Professional Conduct, the Town hereby waives any conflict presented by the Attorneys' representation of clients where a Department within the Town government is an adverse party, so long as (i) there is no direct conflict with Breckenridge

Municipal Court; (ii) the Attorneys reasonably believe they will be able to provide competent and diligent representation to each affected client; and (iii) the representation is not prohibited by law.

10. The Attorneys understand and acknowledge that the firm serves at the pleasure of the Town Council, and that this Agreement may be terminated at any time by the Town Council, without liability to the Attorneys for breach, except liability for compensation due the Attorneys for services performed prior to the termination, and without the need for either cause for the termination or a hearing.

11. Throughout the extended term of this Agreement, Attorneys shall not:

A. knowingly employ or contract with an illegal alien to perform work under this Agreement; or

B. enter into a contract with a subcontractor that fails to certify to Attorneys that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Agreement.

Attorneys have verified or have attempted to verify through participation in the Federal Basic Pilot Program that Attorneys do not employ any illegal aliens; and if Attorneys are not accepted into the Federal Basic Pilot Program prior to the extension of the term of this Agreement, Attorneys shall apply to participate in the Federal Basic Pilot Program every three months thereafter, until Attorneys are accepted or this Agreement has been completed, whichever is earlier. The requirements of this section shall not be required or effective if the Federal Basic Pilot Program is discontinued.

Attorneys are prohibited from using Federal Basic Pilot Program procedures to undertake pre-employment screening of job applicants while this Agreement is being performed.

12. If Attorneys obtain actual knowledge that a subcontractor performing work under this Agreement knowingly employs or contracts with an illegal alien, Attorneys shall:

A. notify such subcontractor and the Town within three days that Attorneys have actual knowledge that the subcontractor is employing or contracting with an illegal alien; and

B. terminate the subcontract with the subcontractor if within three days of receiving the notice required pursuant to this section the subcontractor does not stop employing or contracting with the illegal alien; except that Attorneys shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

Attorneys shall comply with any reasonable request by the Colorado Department of Labor and Employment made in the course of an investigation that the Colorado Department of

Labor and Employment undertakes or is undertaking pursuant to the authority established in Subsection 8-17.5-102 (5), C.R.S.

If Attorneys violate any provision of this Agreement pertaining to the duties imposed by Subsection 8-17.5-102, C.R.S. or this Section 13, the Town may terminate this Agreement for a breach of the contract. If this Agreement is so terminated, Attorneys shall be liable for actual and consequential damages to the Town.

13. Attorneys may contract with another qualified attorney to act as a substitute prosecutor in the event that Robert Gregory is unavailable to attend any Municipal Court session. The Attorneys shall pay such substitute prosecutor directly at the hourly rate set forth in this Agreement, and the Town shall reimburse Attorneys for such costs.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

ATTEST:

TOWN OF BRECKENRIDGE

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Eric Mamula, Mayor

WEST HUNTLEY GREGORY P.C.

\_\_\_\_\_  
By: Robert Gregory, Attorney



# Memo

**To:** Breckenridge Town Council  
**From:** Brian Waldes, Finance Director  
**Date:** 12.4.18  
**Subject:** Investment Policy Update

---

Attached to this memo is a proposed update to the Town's Investment Policy (Policy). Our current policy has been in effect since 2000, and the version attached reflects updated definitions of terms and practices. The new Policy is attached for your review.

The Policy retains the main points from the old version. The main tenets of municipal investment strategies are found under "IV – Objectives". In order of priority, those are the goals of safety, liquidity, and yield. Other items covered in the Policy include the concepts of prudence, internal controls, authorized investments, and ethics.

It is a best practice to review our investment policy from time to time, and this revision to our investment policy reflects that. The policy was crafted with the assistance of our investment advisory group, Chandler Investments. It is a fairly standard document and follows the guidelines set by the Government Finance Officers Association (GFOA). The policy is to be presented for adoption by resolution.

Staff will be present at the 12.11.18 meeting to answer any questions Council may have.

**EXHIBIT A: TOWN OF BRECKENRIDGE, COLORADO**

**INVESTMENT POLICY**

**ADOPTED <DATE>**

**CONTENTS**

I.	INTRODUCTION .....	2
II.	Scope .....	2
III.	Prudence.....	2
IV.	Objectives .....	3
V.	Delegation of Authority .....	3
VI.	Ethics and Conflicts of Interest.....	4
VII.	Internal Controls.....	4
VIII.	Authorized Financial Institutions, Depositories and Broker/Dealers .....	5
IX.	Delivery, Safekeeping and Custody .....	6
X.	Authorized Investments.....	6
XI.	Prohibited Investment Vehicles and Practices .....	9
XII.	Maximum Maturity.....	10
XIII.	Risk Management and Diversification .....	10
XIV.	Review of Investment Portfolio.....	11
XV.	Performance Evaluation .....	11
XVI.	Review of Investment Policy .....	12

## **I. INTRODUCTION**

The purpose of this investment policy is to identify various policies and procedures that will foster a prudent and systematic investment program designed to seek the Town of Breckenridge's objectives of safety, liquidity and return on investment through a diversified investment portfolio. This policy also serves to organize and formalize Breckenridge's investment-related activities, while complying with all applicable statutes governing the investment of public funds. This policy is written to incorporate industry best practices and recommendations from sources such as the Government Finance Officers Association (GFOA) and the Association of Public Treasurers (APT).

This investment policy was endorsed and adopted by Breckenridge's Town Council and is effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 20XX, and replaces any previous versions.

## **II. Scope**

The provisions of this Policy shall apply to all investable funds of the Town of Breckenridge, Colorado (hereinafter referred to as "Breckenridge" or "the Town"). Pension plan, retirement plan, and deferred compensation plan funds are expressly excluded from this Policy.

- Proceeds of debt issuance shall be invested in accordance with Breckenridge's general investment philosophy as set forth in this policy; however, such proceeds are to be invested pursuant to the permitted investment provisions of their specific bond indentures.

### **POOLING OF FUNDS**

Except for cash in certain restricted and special funds, Breckenridge will consolidate cash and reserve balances from all funds to maximize investment earnings and to increase efficiencies with regard to investment pricing, safekeeping, administration, and operating needs. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

## **III. Prudence**

The standard of prudence to be used for managing the Town's assets is the "prudent person standard" which states, "fiduciaries...shall exercise the judgment and care, under the circumstances then prevailing, which men of prudence, discretion, and intelligence exercise in the management of the property of another, not in regard to speculation but in regard to the permanent disposition of funds, considering the probable income as well as the probable safety of capital." (C.R.S. § 15-1-304, Standard for Investments).



The Town's overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust. Breckenridge shall recognize that no investment is totally riskless and that the investment activities of Breckenridge are a matter of public record. Accordingly, Breckenridge recognizes that occasional measured losses may occur in a diversified portfolio and shall be considered within the context of the overall portfolio's return, provided that adequate diversification has been implemented and that the sale of a security is in the best long-term interest of the Town.

The Town's Finance Director or other authorized investment personnel acting in accordance with written procedures and this Investment Policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided that the deviations from expectations are reported in a timely fashion to Breckenridge's Town Manager and appropriate action is taken to control adverse developments.

#### **IV. Objectives**

The overriding objectives of the program are to preserve principal, provide sufficient liquidity, and manage investment risks, while seeking a market-rate of return.

- **SAFETY.** Safety of principal is the foremost objective of the investment program. Investments will be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, Breckenridge will diversify its investments by investing funds among a variety of securities with independent returns.
- **LIQUIDITY.** The investment portfolio will remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.
- **RETURN ON INVESTMENTS.** The investment portfolio will be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints for safety and liquidity needs.

#### **V. Delegation of Authority**

Authority to manage Breckenridge's investment program is derived from Colorado Revised Statutes (C.R.S. § 24-75-601.1). Breckenridge's Town Council is responsible for the adoption of this Policy. Management responsibility for the administration of this Policy is hereby delegated to the Town's Finance Director.

Breckenridge's Finance Director shall develop written administrative procedures and internal controls, consistent with this Policy, for the operation of the Town's investment program. Such procedures shall be designed to prevent losses of public funds arising from

fraud, employee error, misrepresentation by third parties, or imprudent actions by employees of Breckenridge.

The Town's Finance Director may delegate the authority to conduct investment transactions and manage the operation of the investment portfolio to specifically authorized staff members. No person may engage in an investment transaction except as expressly provided under the terms of this Policy.

Breckenridge may engage the support services of advisors, consultants and professionals in regard to its investment program, so long as it can be clearly demonstrated that these services produce a net financial advantage or necessary financial protection of Breckenridge's financial resources. Investment Advisors shall be registered with the Securities Exchange Commission under the Investment Advisors Act of 1940. Advisors shall be selected using Breckenridge's authorized purchasing procedures for selection of professional services. Advisors shall be subject to the provisions of this Policy, and shall not, under any circumstances, take custody of any Breckenridge's funds or securities.

## **VI. Ethics and Conflicts of Interest**

All participants in the investment process shall act as custodians of the public trust. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. Thus employees and officials involved in the investment process shall refrain from personal business activity that could create a conflict of interest or the appearance of a conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

Employees and investment officials shall disclose to the Town Manager any material interests in financial institutions with which they conduct business, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking any personal investment transactions with the same individual with whom business is conducted on behalf of the Town.

## **VII. Internal Controls**

The Finance Director is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management.

Periodically, as deemed appropriate by the Town, an independent analysis by an external auditor shall be conducted to review internal controls, account activity and compliance with policies and procedures.

## VIII. Authorized Financial Institutions, Depositories and Broker/Dealers

Public deposits will be made only in qualified public depositories pursuant to the Public Deposit Protection Act (CRS 11-10.5-101, *et seq.*) for banks and the Savings and Loan Association Public Deposit Protection Act (CRS 11-47-101, *et seq.*).

To the extent practicable, the Finance Director shall endeavor to complete investment transactions using a competitive bid process whenever possible. The Town's Finance Director will determine which financial institutions are authorized to provide investment services to the Town. It shall be the Town's policy to purchase securities only from authorized institutions and firms.

The Finance Director shall maintain procedures for establishing a list of authorized broker/dealers and financial institutions which are approved for investment purposes that are selected through a process of due diligence as determined by the Town. Approved broker/dealers and the firms they represent shall be licensed to do business in the State of Colorado and as such are subject to the provisions of the Colorado Revised Statutes, including but not limited to C.R.S. § 24-75-604. Due diligence inquiry shall determine whether such authorized broker/dealers, and the individuals covering Breckenridge are reputable and trustworthy, knowledgeable and experienced in public agency investing and able to meet all of their financial obligations. To be eligible, a firm must meet at least one of the following criteria:

1. Be recognized as a Primary Dealer by the Federal Reserve Bank of New York or have a primary dealer within its holding company structure;
2. Report voluntarily to the Federal Reserve Bank of New York,
3. Qualify under Securities and Exchange Commission (SEC) Rule 15c3-1 (Uniform Net Capital Rule).

All financial institutions which desire to become qualified bidders for investment transactions (and which are not dealing only with the investment adviser) must supply the Finance Director with audited financials and a statement certifying that the institution has reviewed the Colorado Revised Statutes 24-75-601, *et seq.* and the Town's investment policy.

Selection of broker/dealers used by an external investment adviser retained by the Town will be at the sole discretion of the adviser. Where possible, transactions with broker/dealers shall be selected on a competitive basis and their bid or offering prices shall be recorded. If there is no other readily available competitive offering, best efforts will be made to document quotations for comparable or alternative securities. When purchasing original issue instrumentality securities, no competitive offerings will be required as all dealers in the selling group offer those securities at the same original issue price.

Breckenridge may purchase commercial paper from direct issuers even though they are not on the approved broker/dealer list as long as the paper meets the criteria outlined in item #9 of the section "XI" titled "**Authorized Investments.**"

## **IX. Delivery, Safekeeping and Custody**

**Delivery-versus-Payment (DVP).** All investment transactions shall be conducted on a delivery-versus-payment basis.

**Safekeeping and Custody.** To protect against potential losses due to failure of individual securities dealers, and to enhance access to securities, interest payments and maturity proceeds, all cash and securities in the Town's portfolio shall be held in safekeeping in the Town's name by a third party custodian, acting as agent for the Town under the terms of a custody agreement executed by the bank and the Town. All investment transactions will require a safekeeping receipt or acknowledgment generated from the trade. A monthly report will be received by the Town from the custodian listing all securities held in safekeeping with current market data and other information.

The only exceptions to the foregoing shall be depository accounts and securities purchases made with: (i) local government investment pools; (ii) time certificates of deposit, and, (iii) money market mutual funds, since the purchased securities are not deliverable.

Breckenridge may utilize the services of the Depository Trust Corporation (DTC) as a depository for delivery of securities not wired through the Federal Reserve system.

## **X. Authorized Investments**

Except as specifically defined in this Policy, all investments of Breckenridge shall be made in accordance with applicable laws contained in the Colorado Revised Statutes, as amended: C.R.S. § 11-10.5-101, *et seq.*, Public Deposit Protection Act; C.R.S. § 11-47-101, *et seq.*, Savings and Loan Association Public Deposit Protection Act; C.R.S. § 24-75-601, *et seq.*, Funds-Legal Investments; C.R.S. § 24-75-603, Depositories, and C.R.S. § 24-75-702, Local governments-authority to pool surplus funds. Any revisions or extensions of these sections of the Colorado Revised Statutes will be assumed to be part of this Investment Policy immediately upon the effective date thereof.

The credit quality of any eligible investment will be evaluated using the following Nationally Recognized Statistical Rating Organizations (NRSROs): Standard & Poor's, Moody's or Fitch (or any of their successor agencies).

Breckenridge has further defined the following types of securities and transactions as eligible for use by the Town:

1. **U.S. TREASURY SECURITIES** fully guaranteed by, or for which the full credit of the United States Treasury is pledged for payment.
  - Maturities shall not exceed five years from the date of trade settlement.
  - There are no limits on the dollar amount or percentage that the Town may invest in U.S. Treasuries.

2. **FEDERAL AGENCY AND U.S. GOVERNMENT-SPONSORED ENTERPRISE (GSE) SECURITIES** issued by or fully guaranteed as to principal and interest by federal agencies or U.S. GSEs.
  - Maturities shall not exceed five years from the date of trade settlement.
  - There are no limits on the dollar amount or percentage that the Town may invest in federal agency and GSE securities.
  - No more than 25% of the total portfolio may be invested in any single Agency/GSE issuer.
  
3. **MONEY MARKET MUTUAL FUNDS** registered under the Investment Company Act of 1940, provided they:
  - Have a constant daily net asset value per share of \$1.00;
  - Are “no-load” (*i.e.*: no commission or fee shall be charged on purchases or sales of shares) and charge no 12b1 fees;
  - Limit assets of the fund to securities authorized by state statute;
  - Have a maximum stated maturity and weighted average maturity in accordance with Rule 2a-7 of the Investment Company Act of 1940; and
  - Have a rating of AAAM by Standard and Poor’s or AAA by Moody’s, or AAA/V-1+ by Fitch Investors Service.
  
4. **LOCAL GOVERNMENT INVESTMENT POOLS** authorized under C.R.S. § 24-75-701, *et seq.*, provided they:
  - Have a constant daily net asset value per share of \$1.00;
  - Are “no-load” (*i.e.*, no commission or fees shall be charged on purchases or sales of shares) and charge no 12b1 fees;
  - Limit assets of the fund to securities authorized by state statute;
  - Have a maximum stated maturity and weighted average maturity in accordance with Rule 2a-7 of the Investment Company Act of 1940; and
  - Have a rating of AAAM by Standard and Poor’s or AAA by Moody’s or AAA/V-1+ by Fitch Investors Service.
  
5. **CERTIFICATES OF DEPOSITS** with a maturity not exceeding five years in any bank that is a member of the Federal Deposit Insurance Corporation (FDIC).
  - Certificates of deposit that exceed FDIC insurance limits shall be collateralized as required by the Public Deposit Protection Act or the Savings and Loan Association Public Deposit Protection Act.

- No more than 30% of the total portfolio may be invested in certificates of deposit.
  - No more than 5% of the total portfolio may be invested in any one issuer.
6. **REPURCHASE AGREEMENTS** collateralized with marketable U.S. Treasury, Agency or GSE securities listed in items #1 & 2 above and maintained at a market value plus accrued interest of at least 102% of the dollar value of the repurchase agreement.
- Repurchase agreements are subject to a Master Repurchase Agreement between Breckenridge and the provider of the repurchase agreement. The Master Repurchase Agreement will be substantially in the form developed by the Securities Industry and Financial Markets Association (SIFMA).
  - Repurchase agreements shall be entered into only with dealers who have executed an approved Master Repurchase Agreement with Breckenridge and who are recognized as primary dealers with the Federal Reserve Bank of New York or have a primary dealer within their holding company structure.
  - For the purpose of this section, the term collateral shall mean purchased securities under the terms of the Master Repurchase Agreement and shall be delivered versus payment to Breckenridge's custodian bank for safekeeping on behalf of Breckenridge.
  - The collateral for the repurchase agreement may not have a maturity in excess of five years.
  - The market value plus accrued interest of the collateral securities shall be marked-to-the-market no less frequently than weekly.
  - Breckenridge may utilize Tri-party Repurchase Agreements provided that Breckenridge is satisfied that it has a perfected interest in the securities used as collateral and that Breckenridge has a properly executed Tri-party Agreement with both the counterparty and custodian bank.
  - The maximum maturity of the repurchase agreement shall not exceed one year.
7. **MUNICIPAL SECURITIES** of state or local governments with a maturity not exceeding five years from the date of trade settlement.
- General obligation and revenue obligation securities of this state or any political subdivision of this state must be rated at the time of purchase at least "A" or its equivalent by at least two NRSROs.
  - General obligation and revenue obligation securities of any other state or political subdivision of any other state must be rated at the time of purchase at least "AA" or its equivalent by at least two NRSROs.

- No more than 30% of the total portfolio may be invested in municipal securities.
- No more than 5% of the total portfolio may be invested in the securities of any single issuer.

**8. BANKERS ACCEPTANCES** denominated in United States dollars.

- Must be rated at the time of purchase at least A1, P1, or F1 or their equivalent by at least two NRSROs.
- The maximum maturity must not exceed 180 days.
- At no time shall the book value of investments in Bankers Acceptances and Commercial Paper total more than 50% of the total book value of the total portfolio.
- No more than 5% of the total portfolio may be invested in the securities of any single issuer.
- No security issued by a corporation or bank that is not organized and operated within the United States may be purchased without authorization by the Town Council to invest in such securities.

**9. COMMERCIAL PAPER** denominated in United States dollars.

- Must be rated at the time of purchase at least A1, P1, or F1 or their equivalent by at least two NRSROs.
- The maximum maturity must not exceed 270 days.
- At no time shall the book value of investments in Bankers Acceptances and Commercial Paper total more than 50% of the total book value of the total portfolio.
- No more than 5% of the total portfolio may be invested in the securities of any single issuer.
- No security issued by a corporation or bank that is not organized and operated within the United States may be purchased without authorization by the Town Council to invest in such securities.

**XI. Prohibited Investment Vehicles and Practices**

State law notwithstanding, any investments not specifically authorized pursuant to this approved Investment Policy are prohibited, including but not limited to:

- Futures and options
- Investment in inverse floaters, range notes, or mortgage derived interest-only strips
- Investment in any security that could result in a zero interest accrual if held to maturity
- Trading securities for the sole purpose of speculating on the future direction of interest rates
- Purchasing or selling securities on margin
- The purchase of foreign currency denominated securities

## **XII. Maximum Maturity**

To the extent possible, investments shall be matched with anticipated cash flow requirements and known future liabilities.

Breckenridge will not invest in securities maturing more than 5 years from the date of trade settlement, unless the Town Council has by resolution granted authority to make such an investment.

## **XIII. Risk Management and Diversification**

### **MITIGATING CREDIT RISK IN THE PORTFOLIO**

Credit risk is the risk that a security or a portfolio will lose some or all of its value due to a real or perceived change in the ability of the issuer to repay its debt. Breckenridge will mitigate credit risk by adopting the following strategies:

- The diversification requirements included in the “Authorized Securities and Transaction” section of this policy are designed to mitigate credit risk in the portfolio.
- No more than 5% of the total portfolio may be invested in securities of any single issuer per each category in “Authorized Securities and Transaction” section of this policy, except where the issuer is the U.S. Government, its Agencies and GSEs or where the security is Money Market Mutual Funds or Local Government Investment Pools.
- Breckenridge may elect to sell a security prior to its maturity and record a capital gain or loss in order to improve the quality, liquidity or yield of the portfolio in response to market conditions or the Town’s risk preferences.
- If securities owned by Breckenridge are downgraded by a nationally recognized statistical ratings organization (NRSRO) to a level below the quality required by this Investment Policy, it will be the Town’s policy to review the credit situation and make a determination as to whether to sell or retain such securities in the portfolio.
  - If a security is downgraded, the Finance Director will use discretion in determining whether to sell or hold the security based on its current maturity, the economic outlook for the issuer, and other relevant factors.
  - If a decision is made to retain a downgraded security in the portfolio, its presence in the portfolio will be monitored and reported monthly to the Breckenridge’s Town Council.

### **MITIGATING MARKET RISK IN THE PORTFOLIO**



Market risk is the risk that the portfolio value will fluctuate due to changes in the general level of interest rates. Breckenridge recognizes that, over time, longer-term portfolios have the potential to achieve higher returns. On the other hand, longer-term portfolios have higher volatility of return. Breckenridge will mitigate market risk by providing adequate liquidity for short-term cash needs, and by making longer-term investments only with funds that are not needed for current cash flow purposes.

Breckenridge further recognizes that certain types of securities, including variable rate securities, securities with principal pay downs prior to maturity, and securities with embedded options, will affect the market risk profile of the portfolio differently in different interest rate environments. Breckenridge, therefore, adopts the following strategies to control and mitigate its exposure to market risk:

- Breckenridge shall maintain at least 10% of its total portfolio in instruments maturing in 90 days or less to provide sufficient liquidity for expected disbursements.
- The maximum percent of callable securities (does not include “make whole call” securities as defined in the Glossary) in the portfolio will be 20%.
- The maximum stated final maturity of individual securities in the portfolio will be five years, except as otherwise stated in this policy.

The duration of the portfolio will at all times be approximately equal to the duration (typically, plus or minus 20%) of a Market Benchmark, an index selected by Breckenridge based on the Town’s investment objectives, constraints and risk tolerances.

#### **XIV. Review of Investment Portfolio**

The Finance Director shall periodically, but no less than quarterly, review the portfolio to identify investments that do not comply with this investment policy and establish protocols for reporting major and critical incidences of noncompliance to the Town Council.

#### **XV. Performance Evaluation**

The investment portfolio shall be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the Town’s risk constraints, the cash flow characteristics of the portfolio, and state and local laws, ordinances or resolutions that restrict investments.

The Finance Director shall monitor and evaluate the portfolio’s performance relative to market benchmark, which will be included in the Finance Director’s quarterly report. The Finance Director shall select an appropriate, readily available index to use as a market benchmark.

**XVI. Review of Investment Policy**

The investment policy will be reviewed at least annually, to ensure its consistency with the overall objectives of preservation of principal, liquidity and return, and its relevance to current law and financial and economic trends.

Any recommended modifications or amendments shall be presented by Staff to the Town Council for their consideration and adoption.

Prepared by:

\_\_\_\_\_  
Finance Director

Approved:

\_\_\_\_\_  
<Name>, Attorney at Law  
Breckenridge Attorney

Approved:

\_\_\_\_\_  
<Name>, <Title>  
Town Council

Date:

\_\_\_\_\_

## Glossary of Investment Terms

**AGENCIES.** Shorthand market terminology for any obligation issued by a *government-sponsored entity (GSE)*, or a *federally related institution*. Most obligations of GSEs are not guaranteed by the full faith and credit of the US government. Examples are:

**FFCB.** The Federal Farm Credit Bank System provides credit and liquidity in the agricultural industry. FFCB issues discount notes and bonds.

**FHLB.** The Federal Home Loan Bank provides credit and liquidity in the housing market. FHLB issues discount notes and bonds.

**FHLMC.** Like FHLB, the Federal Home Loan Mortgage Corporation provides credit and liquidity in the housing market. FHLMC, also called “FreddieMac” issues discount notes, bonds and mortgage pass-through securities.

**FNMA.** Like FHLB and FreddieMac, the Federal National Mortgage Association was established to provide credit and liquidity in the housing market. FNMA, also known as “FannieMae,” issues discount notes, bonds and mortgage pass-through securities.

**GNMA.** The Government National Mortgage Association, known as “GinnieMae,” issues mortgage pass-through securities, which are guaranteed by the full faith and credit of the US Government.

**PEFCO.** The Private Export Funding Corporation assists exporters. Obligations of PEFCO are not guaranteed by the full faith and credit of the US government.

**TVA.** The Tennessee Valley Authority provides flood control and power and promotes development in portions of the Tennessee, Ohio, and Mississippi River valleys. TVA currently issues discount notes and bonds.

**ASKED.** The price at which a seller offers to sell a security.

**ASSET BACKED SECURITIES.** Securities supported by pools of installment loans or leases or by pools of revolving lines of credit.

**AVERAGE LIFE.** In mortgage-related investments, including CMOs, the average time to expected receipt of principal payments, weighted by the amount of principal expected.

**BANKER’S ACCEPTANCE.** A money market instrument created to facilitate international trade transactions. It is highly liquid and safe because the risk of the trade transaction is transferred to the bank which “accepts” the obligation to pay the investor.

**BENCHMARK.** A comparison security or portfolio. A performance benchmark is a partial market index, which reflects the mix of securities allowed under a specific investment policy.

**BID.** The price at which a buyer offers to buy a security.

**BROKER.** A broker brings buyers and sellers together for a transaction for which the broker receives a commission. A broker does not sell securities from his own position.

**CALLABLE.** A callable security gives the issuer the option to call it from the investor prior to its maturity. The main cause of a call is a decline in interest rates. If interest rates decline since an issuer issues securities, it will likely call its current securities and reissue them at a lower rate of interest. Callable securities have reinvestment risk as the investor may receive its principal back when interest rates are lower than when the investment was initially made.

**CERTIFICATE OF DEPOSIT (CD).** A time deposit with a specific maturity evidenced by a certificate. Large denomination CDs may be marketable.

**CERTIFICATE OF DEPOSIT ACCOUNT REGISTRY SYSTEM (CDARS).** A private placement service that allows local agencies to purchase more than \$250,000 in CDs from a single

financial institution (must be a participating institution of CDARS) while still maintaining FDIC insurance coverage. CDARS is currently the only entity providing this service. CDARS facilitates the trading of deposits between the California institution and other participating institutions in amounts that are less than \$250,000 each, so that FDIC coverage is maintained.

**COLLATERAL.** Securities or cash pledged by a borrower to secure repayment of a loan or repurchase agreement. Also, securities pledged by a financial institution to secure deposits of public monies.

**COLLATERALIZED MORTGAGE OBLIGATIONS (CMO).** Classes of bonds that redistribute the cash flows of mortgage securities (and whole loans) to create securities that have different levels of prepayment risk, as compared to the underlying mortgage securities.

**COMMERCIAL PAPER.** The short-term unsecured debt of corporations.

**COST YIELD.** The annual income from an investment divided by the purchase cost. Because it does not give effect to premiums and discounts which may have been included in the purchase cost, it is an incomplete measure of return.

**COUPON.** The rate of return at which interest is paid on a bond.

**CREDIT RISK.** The risk that principal and/or interest on an investment will not be paid in a timely manner due to changes in the condition of the issuer.

**CURRENT YIELD.** The annual income from an investment divided by the current market value. Since the mathematical calculation relies on the current market value rather than the investor's cost, current yield is unrelated to the actual return the investor will earn if the security is held to maturity.

**DEALER.** A dealer acts as a principal in security transactions, selling securities from and buying securities for his own position.

**DEBENTURE.** A bond secured only by the general credit of the issuer.

**DELIVERY VS. PAYMENT (DVP).** A securities industry procedure whereby payment for a security must be made at the time the security is delivered to the purchaser's agent.

**DERIVATIVE.** Any security that has principal and/or interest payments which are subject to uncertainty (but not for reasons of default or credit risk) as to timing and/or amount, or any security which represents a component of another security which has been separated from other components ("Stripped" coupons and principal). A derivative is also defined as a financial instrument the value of which is totally or partially derived from the value of another instrument, interest rate, or index.

**DISCOUNT.** The difference between the par value of a bond and the cost of the bond, when the cost is below par. Some short-term securities, such as T-bills and banker's acceptances, are known as discount securities. They sell at a discount from par, and return the par value to the investor at maturity without additional interest. Other securities, which have fixed coupons, trade at a discount when the coupon rate is lower than the current market rate for securities of that maturity and/or quality.

**DIVERSIFICATION.** Dividing investment funds among a variety of investments to avoid excessive exposure to any one source of risk.

**DURATION.** The weighted average time to maturity of a bond where the weights are the present values of the future cash flows. Duration measures the price sensitivity of a bond to changes in interest rates. (See modified duration).

**FEDERAL FUNDS RATE.** The rate of interest charged by banks for short-term loans to other banks. The Federal Reserve Bank through open-market operations establishes it.

**FEDERAL OPEN MARKET COMMITTEE.** A committee of the Federal Reserve Board that establishes monetary policy and executes it through temporary and permanent changes to the supply of bank reserves.

**LEVERAGE.** Borrowing funds in order to invest in securities that have the potential to pay earnings at a rate higher than the cost of borrowing.

**LIQUIDITY.** The speed and ease with which an asset can be converted to cash.

**LOCAL AGENCY INVESTMENT FUND (LAIF).** A voluntary investment fund open to government entities and certain non-profit organizations in California that is managed by the State Treasurer's Office.

**LOCAL GOVERNMENT INVESTMENT POOL.** Investment pools that range from the State Treasurer's Office Local Agency Investment Fund (LAIF) to county pools, to Joint Powers Authorities (JPAs). These funds are not subject to the same SEC rules applicable to money market mutual funds.

**MAKE WHOLE CALL.** A type of call provision on a bond that allows the issuer to pay off the remaining debt early. Unlike a call option, with a make whole call provision, the issuer makes a lump sum payment that equals the net present value (NPV) of future coupon payments that will not be paid because of the call. With this type of call, an investor is compensated, or "made whole."

**MARGIN.** The difference between the market value of a security and the loan a broker makes using that security as collateral.

**MARKET RISK.** The risk that the value of securities will fluctuate with changes in overall market conditions or interest rates.

**MARKET VALUE.** The price at which a security can be traded.

**MARKING TO MARKET.** The process of posting current market values for securities in a portfolio.

**MATURITY.** The final date upon which the principal of a security becomes due and payable.

**MEDIUM TERM NOTES.** Unsecured, investment-grade senior debt securities of major corporations which are sold in relatively small amounts on either a continuous or an intermittent basis. MTNs are highly flexible debt instruments that can be structured to respond to market opportunities or to investor preferences.

**MODIFIED DURATION.** The percent change in price for a 100 basis point change in yields. Modified duration is the best single measure of a portfolio's or security's exposure to market risk.

**MONEY MARKET.** The market in which short-term debt instruments (T-bills, discount notes, commercial paper, and banker's acceptances) are issued and traded.

**MORTGAGE PASS-THROUGH SECURITIES.** A securitized participation in the interest and principal cash flows from a specified pool of mortgages. Principal and interest payments made on the mortgages are passed through to the holder of the security.

**MUNICIPAL SECURITIES.** Securities issued by state and local agencies to finance capital and operating expenses.

**MUTUAL FUND.** An entity which pools the funds of investors and invests those funds in a set of securities which is specifically defined in the fund's prospectus. Mutual funds can be invested in various types of domestic and/or international stocks, bonds, and money market instruments, as set forth in the individual fund's prospectus. For most large, institutional investors, the costs associated with investing in mutual funds are higher than the investor can obtain through an individually managed portfolio.

**NEGOTIABLE CD.** A short-term debt instrument that pays interest and is issued by a bank, savings

or federal association, state or federal credit union, or state-licensed branch of a foreign bank. Negotiable CDs are traded in a secondary market and are payable upon order to the bearer or initial depositor (investor).

**PREMIUM.** The difference between the par value of a bond and the cost of the bond, when the cost is above par.

**PREPAYMENT SPEED.** A measure of how quickly principal is repaid to investors in mortgage securities.

**PREPAYMENT WINDOW.** The time period over which principal repayments will be received on mortgage securities at a specified prepayment speed.

**PRIMARY DEALER.** A financial institution (1) that is a trading counterparty with the Federal Reserve in its execution of market operations to carry out U.S. monetary policy, and (2) that participates for statistical reporting purposes in compiling data on activity in the U.S. Government securities market.

**PRUDENT PERSON (PRUDENT INVESTOR) RULE.** A standard of responsibility which applies to fiduciaries. In California, the rule is stated as "Investments shall be managed with the care, skill, prudence and diligence, under the circumstances then prevailing, that a prudent person, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of like character and with like aims to accomplish similar purposes."

**REALIZED YIELD.** The change in value of the portfolio due to interest received and interest earned and realized gains and losses. It does not give effect to changes in market value on securities, which have not been sold from the portfolio.

**REGIONAL DEALER.** A financial intermediary that buys and sells securities for the benefit of its customers without maintaining substantial inventories of securities and that is not a primary dealer.

**REPURCHASE AGREEMENT.** Short-term purchases of securities with a simultaneous agreement to sell the securities back at a higher price. From the seller's point of view, the same transaction is a reverse repurchase agreement.

**SAFEKEEPING.** A service to bank customers whereby securities are held by the bank in the customer's name.

**STRUCTURED NOTE.** A complex, fixed income instrument, which pays interest, based on a formula tied to other interest rates, commodities or indices. Examples include inverse floating rate notes which have coupons that increase when other interest rates are falling, and which fall when other interest rates are rising, and "dual index floaters," which pay interest based on the relationship between two other interest rates - for example, the yield on the ten-year Treasury note minus the Libor rate. Issuers of such notes lock in a reduced cost of borrowing by purchasing interest rate swap agreements.

**SUPRANATIONAL.** A Supranational is a multi-national organization whereby member states transcend national boundaries or interests to share in the decision making to promote economic development in the member countries.

**TOTAL RATE OF RETURN.** A measure of a portfolio's performance over time. It is the internal rate of return, which equates the beginning value of the portfolio with the ending value; it includes interest earnings, realized and unrealized gains, and losses in the portfolio.

**U.S. TREASURY OBLIGATIONS.** Securities issued by the U.S. Treasury and backed by the full faith and credit of the United States. Treasuries are considered to have no credit risk, and are the benchmark for interest rates on all other securities in the US and overseas. The Treasury

issues both discounted securities and fixed coupon notes and bonds.

**TREASURY BILLS.** All securities issued with initial maturities of one year or less are issued as discounted instruments, and are called Treasury bills. The Treasury currently issues three- and six-month T-bills at regular weekly auctions. It also issues “cash management” bills as needed to smooth out cash flows.

**TREASURY NOTES.** All securities issued with initial maturities of two to ten years are called Treasury notes, and pay interest semi-annually.

**TREASURY BONDS.** All securities issued with initial maturities greater than ten years are called Treasury bonds. Like Treasury notes, they pay interest semi-annually.

**VOLATILITY.** The rate at which security prices change with changes in general economic conditions or the general level of interest rates.

**YIELD TO MATURITY.** The annualized internal rate of return on an investment which equates the expected cash flows from the investment to its cost.

1                                   ***FOR WORKSESSION/ADOPTION – DEC. 11***

2

3                                   RESOLUTION NO. \_\_\_\_

4

5                                   Series 2018

6

7                                   A RESOLUTION APPROVING A REVISED POLICY FOR THE

8                                   INVESTMENT OF TOWN FUNDS

9

10                                  WHEREAS, Section 1-9-1 of the Breckenridge Town Code provides that the Town

11                                  Council may authorize the investment of Town funds in securities or other investments which are

12                                  permitted by state law; and

13

14                                  WHEREAS, the Town Council has previously adopted a policy governing the investment

15                                  of Town funds; and

16

17                                  WHEREAS, it is necessary and appropriate for the Town Council to adopt a revised

18                                  policy for the investment of Town funds; and

19

20                                  WHEREAS, the Finance Director has prepared a proposed revised investment policy for

21                                  the Town, a copy of which is marked Exhibit "A," attached hereto, and incorporated herein by

22                                  reference; and

23

24                                  WHEREAS, the Town Council has reviewed the proposed revised investment policy and

25                                  finds that it should be adopted.

26

27                                  NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF

28                                  BRECKENRIDGE, COLORADO:

29

30                                  Section 1. The Finance Director, on behalf of the Town Manager, is hereby authorized,

31                                  empowered, and directed to invest such of the Town funds and moneys as may not be required

32                                  for immediate use in those investments described on the attached Exhibit "A." All funds and

33                                  moneys so invested shall be held in the name of the Finance Director as custodian of such funds

34                                  and moneys for the use and benefit of the Town of Breckenridge.

35

36                                  Section 2. All resolutions, or parts thereof, inconsistent herewith are hereby repealed to

37                                  the extent only of such inconsistency including, without limitation, that Investment Policy

38                                  approved by Resolution No. 12, Series 2000. This repealer shall not be construed to revive any

39                                  such resolution, or part thereof, heretofore repealed.

40

41                                  Section 3. This resolution is effective upon adoption.

42

43                                  RESOLUTION APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_, 2018.

44

45

46



1 TOWN OF BRECKENRIDGE

2

3

4

5

By: \_\_\_\_\_

6

Eric S. Mamula, Mayor

7

8 ATTEST:

9

10

11

12

13 \_\_\_\_\_  
Helen Cospolich, CMC,

14 Town Clerk

15

16 APPROVED IN FORM

17

18

19

20

21 \_\_\_\_\_ Date

22

23

24

25

26

27

28

29

30



# Memo

To: Breckenridge Town Council Members  
From: Peter Grosshuesch, Director of Community Development  
Date: December 5, 2018  
Subject: Planning Commission Decisions of the December 4, 2018 Meeting

---

## ***DECISIONS FROM THE PLANNING COMMISSION MEETING, December 4, 2018:***

### **CLASS A APPLICATIONS:**

Eighth Amendment to the Amended Peaks 7 & 8 Master Plan, 1599 and 1891 Ski Hill Rd, PL-2018-0546. A proposal to amend the Master Plan to authorize density in excess of the amount currently permitted by up to 58 SFEs, including up to 2 commercial SFEs, from the density included under the Gondola Lots Master Plan, in addition to the 71.6 residential SFEs and 9 commercial SFEs remaining for the Peak 8 Base in the Amended Peaks 7 & 8 Master Plan. This amendment also modifies the design standards and heights of building sections of the Master Plan. *Approved.*

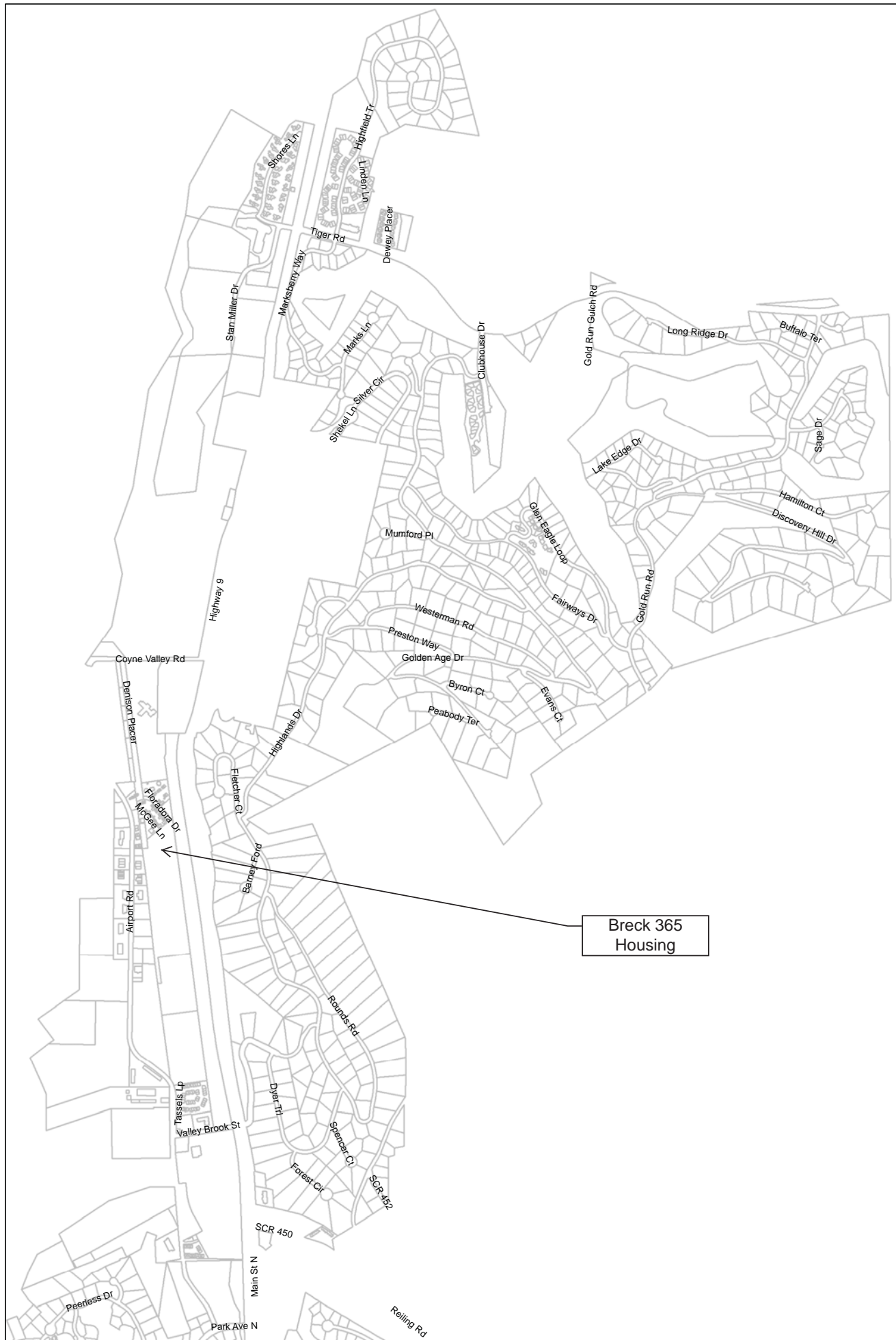
**CLASS B APPLICATIONS:** None.

### **CLASS C APPLICATIONS:**

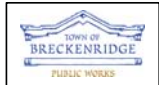
Craig Parking Pad, 110 N. French Street, PL-2018-0581. A proposal to construct a parking pad in the front yard of a historic structure. *Approved.*

**TOWN PROJECT HEARINGS:** None.

**OTHER:** None.



Breck 365  
Housing



Eighth Amendment to the Amended Peaks 7 & 8 Master Plan, 1599 and 1891 Ski Hill Rd.

Craig Parking Pad, 110 N. French Street

City Market Expansion, 400 N. Park Avenue



**Breckenridge South**



## PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Chair Giller.

### ROLL CALL

Christie Mathews-Leidal - absent  
Mike Giller  
Dan Schroder

Jim Lamb - absent  
Steve Gerard  
Lowell Moore

Ron Schuman

### APPROVAL OF MINUTES

With no changes, the November 20, 2018 Planning Commission Minutes were approved.

### APPROVAL OF AGENDA

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

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No comments.

### BROADBAND

#### 1. Broadband Update

Ms. Haynes presented an update on the plan for Town-wide Fiber Infrastructure. Project will take a considerable amount of time. Town Council approved an 8 million dollar expenditure for the first phase. Once Council decided on the spending, they started to move very quickly. Service providers have shown a lot of interest. Intent is to get started on a contract by the end of the year. Our consultant Foresite is working on the engineering. Construction is planned to begin in May 2019. There will be considerable disruption on our streets once construction is started. Multiple crews will be working at the same time. We are also working with Launch, a marketing group, to brand our network.

#### *Commissioner Questions / Comments:*

Mr. Giller: When do you anticipate construction? (Ms. Haynes: May 2019.) Can you use existing, or all new dig? (Ms. Haynes: We hope to use some existing but much of that is dependent on CDOT.)

Mr. Moore: When you have the backbone there, and someone is 100 ft. from it, will they come to the Town and ask to be hooked up? (Ms. Haynes: Part of the marketing will be to communicate that to the public. Council has committed to paying for the line from the backbone to a home unless we work out something else with the providers during this next phase of the process.)

Mr. Schuman: Will that be done by a commercial provider? (Ms. Haynes: Plan to be done by the Town but connected by the provider.)

Mr. Schroder: Is there a campaign that will identify the disturbance? (Ms. Haynes: Yes, it will all be part of the marketing plan.)

### CONSENT CALENDAR:

1. Craig Parking Pad (JL), 110 N. French Street, PL-2018-0581

With no call ups, the Consent Calendar was approved as presented.

### WORK SESSIONS:

1. Breck 365 Work Session

Mr. Lott presented a proposal to construct 102 workforce rental apartment units in eleven buildings, to include a neighborhood community center, lease office, and associated parking on approximately 5.3 acres south of the Blue 52 neighborhood on the Block 11 parcel with access from Flora Dora Drive. Included in the presentation were changes and updates since the first work session on this project last June. Construction has been changed to modular, where last time it was stick built. The footprints on some of the buildings have changed slightly, and they were able to fit more parking spaces. (Mr. Lott pointed on the map to the parking lot access points.) The sizes and mix of the apartments has changed. Mr. Lott reviewed the relevant policies. Specific questions for the Commission are: 1) Are there any Commissioner comments regarding the architecture, colors, or site layout? 2) Does the Commission have any comments on the number of parking spaces provided or layout of the parking areas and circulation? 3) Does the Commission support the preliminary point analysis?

*Commissioner Questions / Comments:*

Mr. Schroder: Under parking, does the deed restriction limit the number of last names in the unit? Are they required to be family members? In my neighborhood there is a restriction on that. Three independent people may have three cars versus a family with less. (Ms. Best: It will likely be the standard deed restriction and have leasing guidelines, but we haven't gotten further into the management. We don't think there will be a limit on names. We expect families and roommate situations. Pinewood 1 consists of a variety of household compositions.)

Mr. Giller: Any requirements or thoughts on storage for bikes and sports equipment? (Mr. Lott: There was concern about not having bike storage. It's currently being looked at and likely we will see some outdoor storage.) (Ms. Best: Council directed us to have lots of secure bike storage.) (Ms. Puester: You can see on the floor plans there are some pop outs and internal areas for additional types of storage.) Mr. Giller: I think that's great. What about solid railings for visual screening for items that will be on balconies? On other Block 11 apartments we did that to screen what ends up on the porch. I think that's important here too.

Mr. Schuman: You said you're getting positive points for trail connections, can you point those out? (Mr. Lott pointed them out on the site plan.)

Matthew Wiedenman, 359 Design:

Overall we're looking at a 5.2 acre site. The mix of units is studios and 1 bds., two and three beds. It's pretty well mixed. There's 181 parking spaces, 149 are required. We've provided a lot of overflow parking as shown on the plan. We have trails and open space that connect throughout the site. You can see there's a spot that's designated as a bike parking area on the north end of the site. We can secure it. (Images of the site were shown with renderings.) We looked at flat roofs and low slope roofs, we think we will look at a mix of both or one or the other based on recommendations. We feel a combo of both would help with the character. The layout of site was shown, pointing out the dispersion of types of units. We've tried to accommodate the mass of parking for each building close to that building, with overflow parking a little further out but still close. We have open space and landscaping in the center. Examples of the unit size and stacking was shown. We want to break up the facades with windows and decks. We've looked to step some of the decks to break up the scale. We've also expanded our material palate to look at earth tone colors. We're looking at all high durability exterior materials. They won't need a lot of upkeep and won't show age for quite awhile. We want railings to include a timber look, per your advisement we can make them with better screening. Design elements such as windows and railings were shown. We are under the building heights as measured to the mean.

Lindsey Newman, Norris Design:

The updates to the landscape plan include sustainability to the view corridor. We've redesigned the center and minimized sod and landscaped areas. We have removed the large lawn areas and replaced them with sport court and a community garden space. The sport court is multi-purpose and low maintenance. The

gardens provide community members with involvement. Low maintenance and less irrigation is added to the tree design. Overall the goal was to reduce the maintenance while still blending in with the other neighborhoods.

Mr. Wiedenman:

In closing, we will continue to develop and take into account all the comments we've received. Look forward to refining our schemes to meet the intent of the town.

*Commissioner Questions / Comments:*

Mr. Moore: Where the shed roofs come together into a V shape, will that be a problem here with the snow? (Mr. Wiedenman: We've removed those now. However, we do still have some on the rear of the buildings and we plan to heat tape those.) (A new rendering was shown.)

Mr. Moore: Will you use assigned parking? (Ms. Best: Probably not, parking is not as efficient when it's assigned.)

Mr. Schuman: Can we see more elevations? (More renderings with elevations were shown.) That tower shown, is that stairs? (Mr. Wiedenman: Yes.) Should add more articulation to that to break it up, more windows and a base.

Mr. Schroder: Building 6, is that side view from the street? (Mr. Wiedenman pointed out which side was which.) The articulation is nice on the Flora Dora side, what you call the back will really be used as the front for residents. It will be what they see so it would be nice if there was a little more articulation. (Mr. Wiedenman: We realize that, we are trying to work through that.) In terms of bike racks, most bikes are thousands of dollars. I would recommend we not waste time building racks at a distance from the units, if I lived there I would never put a bike there. I would put them in my unit. Could we use that space differently? (Mr. Wiedenman: Good point. Each unit will have an outdoor storage area that is sizeable.) The community center, that is where all the studio units are? (Mr. Wiedenman: Yes.) Really what I'm getting at is, how much are community centers used? Doesn't seem necessary. Could a few more units be put in place of a community center that may be under utilized? (Mr. Wiedenman: In general it's a modestly scaled center. It's basic and we would look at a kitchenette and TVs and a few small offices. In theory, we could add in a few more units on the first floor. It could be looked at making it higher but it would push a lot of studios into one place. It's nice to have some sort of community space. It's especially useful for people who live in studios.)

Mr. Schuman: No murphy beds in community space.

Ms. Puester: To clarify the height, in the staff report you will see that we measure to the top of a shed roof not mean, so we gave it -5 points as it is over the 35 foot max. This is consistent with how we've been measuring shed roofs.

*Public Comment:*

Lee Edwards, 1802 Airport Road: I have property next to this. I'm going to push back against the sacred cow. Employee housing has a need. I would like to know when the most recent update was made to the study. Now we have many new units along Airport Road and the old runway space since the last version. I'm a little disappointed with this. One of the first large scale housing projects was Breck Terrace, at the time the Town started review we knew there was a need but we still wanted the mountains in the backdrop and it worked. Here with the perspective shown, much of the mountains are blocked with this. With the Blue 52 project, the Town established a pattern on the architecture and they wanted to tie in historic elements and I bought it. I can also see how they kept the river and brought it into the project. How long do you think the community area that's enclosed in the center of this will get any sunshine and use? This is a view that we are going to see (referencing the Highway 9 view). You've got a freaking wall now with this when you come into Breckenridge. I understand the Commission and staff can only do what they're directed but this is atrocious. You're going to jam open space into the interior where it won't get used. You cannot tell me that this is architecturally compatible with what's on Airport Road or with Blue 52.

*Commissioner Questions / Comments:*

- Mr. Schroder: We have a few questions proposed. Colors and layout: It was stated that the colors will continue to be reviewed and we will see a color board in the future, needs to be more subdued backdrop colors. It's important to keep the natural backdrop. We have a chroma requirement in the code. Layout: I made note that the interior playground is wonderful in the fact that it's protected, but the units on the far south it might be somewhat imposing to go into the playground. The roadways we looked at quite a bit previously, I think it's laid out appropriately in terms of bus approach. We need housing, high density housing, so I think the layout works pretty well. Maybe some of the buildings could move west and the parking move out toward the river. I think the architecture with the shed roofs flaring adds interest. It makes it more palatable. It's different but we are seeing more of the shed roofs in the community and I think it speaks to the styles in the 21<sup>st</sup> century. We have ongoing parking issues. There will likely be 2 cars per unit so parking could be tight but I know staff is looking into it. I support the point analysis. Wonder about snowload here.
- Mr. Gerard: Interesting project, and necessary. I agree with some of Lee's comments about differing from Blue 52, but it has to because of the density. I'm okay that it looks different than Blue 52. I like the difference. I agree with Dan's observation with the rooflines. The colors are too harsh but I know you'll be adjusting the palate. I personally think it's a good use of the limited space. It's a lot of housing in 5 acres. I appreciate we are able to add the exit to the west off Flora Dora. I support the project. I've lost half a dozen good friends that had to leave due to the housing shortage.
- Mr. Schuman: Site layout is good. We have a great need for a lot of housing. It doesn't seem real compatible to me against Blue 52. It seems disjointed. I think different styles might work, but it doesn't seem to fit really well here. I do like the modules and unit sizes, I like all the windows. We usually have solar but not on this project. The community space I do question if that really is a valid need. I don't know of many other projects that have a community space that functions that way. I too question the internal sports activities, open space and garden. If one group of people are playing ball no one else will go near it. It will get used by one group on a consistent basis. I think it's a good project and I think we'll probably see a number of changes. Off to a good start.
- Mr. Moore: I agree with Ron. Understand what Lee is saying. The architecture is not compatible to Blue 52. One thing I've heard people say, is "are you guys going to fill up the Blue River area with these projects?" Is there any way to get 100 units in 5 acres without doing this? Probably not. I'd like to see the final architecture. The shed roofs don't exactly fit here but I don't have a problem with them. A little diversity in architecture doesn't hurt. I'm going to withhold judgement until I see it come back. The layout makes sense. Parking is always a problem but as long as we are within code I don't have a problem. I agree with the point analysis.
- Mr. Schuman: I do support the parking space and point analysis.
- Mr. Giller: Number one, the design is good. The shed roofs are nicely wrapped and integrate the modular units. I think the colors, materials, and composition are getting there. A heavier darker base would anchor this a bit more. Opaque railings in a dark color as well. It is too disparate in terms of colors. I would urge you to look next door for their colors so that it relates. On the site, the shared garden and landscape are good improvements. Do develop the site furnishings such as picnic tables that make this useable. I feel strongly about opaque railings. In Aspen the work force housing looked bad, but that can be solved in part by screened decks. Develop the details.
- Mr. Schroder: Thank you for keeping the snow load into consideration.



Mr. LaChance presented a proposal to increase the total gross floor area of the City Market supermarket and adjacent retail building by 4,292 sq. ft., including a 7,826 sq. ft. (gross floor area) retail grocery store expansion through the absorption of existing adjacent retail space, with associated landscaping and site modifications. In 1989, the property was master planned. Just recently, the Town Council approved a Development Agreement, which approved the transfer of density to this lot for grocery store use. Mr. LaChance reviewed the relevant policies. Renderings were shown of the proposed plan. Proposed density is 2.4 SFE's over recommended even with 7.0 SFE density transfer, but Development Agreement exempts application from compliance with Policy 3 Density. Development Agreement also exempts application from negative points under Policy 24 Social Community for non-provision of employee housing. Materials are proposed to match existing, and the supermarket portion of the building will be painted brown and tan, including the portions that are currently green. There are renovations proposed to the site in the front and back of the store. Staff has concerns regarding the landscaping, because 18 trees are proposed to be removed in the front and back of the supermarket. The supermarket received positive four (+4) points for the landscaping when it was originally approved in 1985, and there was a Restrictive Covenant and Agreement recorded in 1995 that required the landscaping quantities to be maintained on the property. Staff believes the net total tree quantity should not be reduced, and screening and buffering should be maintained between the recreation path and the supermarket's "back of house" operations. We will come back to the Commission with a Combined Hearing in January. Specific questions for the Commission include: 1) Does the Commission concur with staff on the preliminary point analysis? 2) Does the Commission support additional landscaping to provide buffering and screening from the proposed development? 3) Does the Commission have any other concerns regarding the proposed expansion and remodel?

Carl Schmidlein with Galloway and Company, Inc.: Thank you to Chapin and the rest of the staff. We do not have a formal presentation, but I wanted to touch on a few items, and am open for feedback. With the proposal, we want to minimize the impact to Highway 9 and Main Street. Behind the store, it is rather hidden. The only area you will see the expansion from is Main Street/Old Highway 9. In regards to the trash enclosure, we will have a similar one but will match the store. (An aerial site plan was shown.) What we have tried to do is maintain the front as much as possible, but that sidewalk is very narrow. Talking with the arborist, there may be an opportunity to save trees. However, we have proposed 10 aspen trees on the back of the store and 8 evergreen trees. We are still working on the front, and are open to feedback.

Marc Breetz with Naos Design Group: Expansion area was pointed out on the renderings. We will be keeping with the existing height to modify the mezzanine and store space. We want to bring the building up to a more neutral color. (The interior layout of the store was shown with proposed additions and modifications.) Interior design and ceiling height will be modified. Décor will be community based with King Soopers Neighborhood Market model. The employee and storage area will all be moving to the expanded mezzanine.

*Commissioner Questions / Comments:*

Mr. Schroder: There is currently not anywhere to put bananas so they are all on the floor. Have we gained storage space? (Mr. Breetz: Yes, space was shown on the rendering.) Do you have any numbers related to other stores on our visitation? (No, but that data could be found). Do not worry about it. That is outside the scope of this application.

Mr. Giller: What are the green areas shown on site plan? (Mr. Breetz: Those are existing and remaining.)

Mr. Schuman: What is the transition period time? (John Atwood, Project Manager with King Soopers: When we remodeled the store in Eagle, December was the goal. We would love to get the majority finished by December. Normally the whole thing is about a year. Because of how this is going, we could be looking at going past Christmas and still doing some work. We want to open expansion first.)

Mr. Giller: Typical construction time is a year? (Mr. Breetz: Yes, in this style expansion there are some

long pieces of construction. The actual impact on the sales area will be less.) (Mr. Atwood: Anytime we do a remodel, the store is open all the time. We work at night.)  
Mr. Moore: The old break room, does that go away? (Mr. Breetz: It will be modified.)

**Public Comments:**

Lee Edwards, PO Box 1063, Breckenridge. I shop there. Regarding the Development Agreement, is the town donating the additional SFEs, or are they being purchased? (Ms. Puester: They are getting the TDRs from the Town as it was one of the terms in the Development Agreement document.) That is a lot of hard surface with the parking lot. Is there any opportunity on the parking lot side to put in a landscape island?

*Commissioner Questions/Comments:*

Mr. Schroder: I love that it will get a fresh coat of paint. Is there any way that we can get the rest of the complex painted at the same time? I understand the tree situation in front. I am glad to see the applicant is willing to provide a remedy with the trees. We are talking about the building itself, if there is any way to incorporate a refreshment to the parking lot that would be great. Support point analysis. Look forward to seeing what is coming. It's sorely needed. It's quite crowded most of the year. For about 6 weeks, there is not any bread on the shelves. Thanks for bringing this forward.

Mr. Gerard: I think the community is excited about this project, and it is a Council goal. People will be excited for the refreshments. The trees are good for screening. I am glad to hear that you think the arborists can move them; it would be great. Color palate is good. It would be nice to paint it all, but not painting the others would separate the other business. Agree with the points. Good project.

Mr. Schuman: Concur with preliminary point analysis. I wonder why the parking does not get some positive points, since they are greatly exceeding the requirements. To be 50 percent over the requirement should have some value. Support the additional landscaping. Look forward to seeing more on that. I think it is a great plan and I support.

Mr. Moore: I totally support the plan and think it is a fantastic project. I do agree with the point analysis. Additional landscaping looks like it will benefit a lot. I walk to the rec center and I will appreciate it, and I think the public will too. Other than that, I have no additional comments. Thank you.

Mr. Giller: I concur with the point analysis. I support additional landscaping. Other concerns: I think the entry could still use some help. The current entry is cluttered. This is an opportunity to clean it up. We know there is ample parking, so one thought is to lose a row of parking spaces along the drive aisle, move the drive aisle further away from the building's entrance, and expand the sidewalk and entry to create to create an enhanced exterior pedestrian environment. We look forward to this project, and are happy about. (Mr. Giller pointed out on the map his thoughts on expanding the entry area and sidewalk.)

**COMBINED HEARINGS:**

1. Eighth Amendment to the Amended Peak 7 & 8 Master Plan (CK), 1599 Ski Hill Rd, PL-2018-0546  
Mr. Kulick presented a proposal to amend the Master Plan in order to authorize density in excess of the current permitted amount by up to 58 SFEs, including up to 2 commercial SFEs, from the density included under the Gondola Lots Master Plan. This is in addition to the 71.6 residential SFEs and 9 commercial SFEs remaining for the Peak 8 Base in the Amended Peaks 7 & 8 Master Plan. Also modified are the Design Standards and Heights of Building sections of the Master Plan. Since the packet went to print, the applicant's attorney wanted some wording tweaked on the height. I've printed out what he's proposed and highlighted it (Mr. Kulick passed out handouts). Graham Frank, representative of the applicants, is also here.

*Commissioner Questions / Comments:*

Mr. Giller: Can you define more what it means to have less rustic? (Mr. Kulick: I think rustic is just

defining a character that may or may not be there, and the applicant's desire is to design a project that has a more mountain contemporary style. They have no desire to design a building that is rustic in character. The more recent buildings on Peak 7 & 8 are more contemporary versus being beholden to rustic.) I understand, but we should have a better understanding of what the desired architectural character of the Master Plan is.

Mr. Schuman: What is staff's position on removing the rustic? (Mr. Kulick: Staff is comfortable removing rustic since there is still language that calls for sheltering roof forms over large windows and specifies natural materials such as wood and stone are required.) (Ms. Puester: I think it would allow for modern mountain architecture.)

Mr. Giller: I think they're saying they want to use transitional but it should be clarified. (Mr. Frank: We agree with you. People like the look of the recent BGV buildings. By no means going to a contemporary style. The palate of materials would stay the same.) It should be clarified. (Mr. Frank: Transitional works for us.) (Mr. Kulick: Rustic is clearly not what they want but everything else from the previous Design Standards is left in there.) (Ms. Puester: I think we would need to be clearer if changed.) Mr. Giller: I think you could come up with a sentence or two that ensures we don't get a contemporary looking building there. (Mr. Frank: We will be in front of you guys in January (with the site plan and elevations). We want to stay with similar to what you saw in the fit test.) Mr. Giller: You should still write it down. (Mr. Kulick: It's up to the applicant if they want to add language to the Design Standards since it is their application. We are here to review their application against the code which as presented it meets the criteria of Policy 5/R and complies with style of Land Use District 39 which calls for contemporary architecture.) Mr. Giller: If you're going to strike some of your development agreement criteria, it should be clear. (Ms. Puester: What is it that you don't want to see?) Mr. Giller: The applicant referenced the W in Aspen. Something out of context up there. Rustic defines strong massing, stone at base, vertical stone at chimneys, mullions in the windows, not large expanses of ribbon glass. All of these are standard understanding with respect to architectural style, and we have a great development up there and I'm worried that striking the word rustic will open the door too much. (Mr. Frank: I think what you mentioned are all there with the design. I think our intent is the same is yours. But we are not rustic.) Mr. Giller: When you strike rustic, cable railings and low slope roofs are an option. (Mr. Kulick: In terms of code provisions, there's nothing we can say to withhold their proposed amendment.) Mr. Giller: My advice would be the word transitional but I will yield to you. It's an open door in terms of style and compatibility. But I'll rest. (Mr. Frank: I'm not the designer, but I feel the other buildings there now are transitional.) Mr. Giller: Just clarify, thanks.

Mr. Gerard: Chris, I'm thinking back to the fit test. My recollection is that there was language in the master plan that required the new building not just be equal, but below One Ski Hill. (Mr. Kulick: In terms of height they are limited to the elevation of the One Ski Hill Place east cross gable which is lower than the center of One Ski Hill Place. In addition to the height, One Ski Hill is supposed to be the largest single module at the Peak 8 base.)

**Public Comment:**

Richard Himmelstein, 19 Peak 8 Place, which is at the base of Peak 8, I also have a condo at One Ski Hill Place: I read the master plan, it's been quite some time. The way I saw the master plan, it talked about how, One Ski Hill was supposed to be the flagship and everything was supposed to step down. The original massing showed the other buildings at 35 feet. When BGV built Grand Colorado 1 and 2 buildings, they ended up being physically higher than One Ski Hill. At that time the Planning department said that it was upslope so it was fair for it to have a higher visual look to it. I was very disappointed with that but that was their position, and moving forward to Grand Colorado East or building 3, they've now added another small roof form at the top on the mountain side of it, and again One Ski Hill was supposed to be tallest building from the plaza level, it has 5 floors above the plaza level. This new building now has 6 floors that will be

above the plaza level so it will be physically above it. I know for a fact that going out on the 5<sup>th</sup> floor of One Ski Hill you're actually looking up at this building and they're at the same exact height on the same size plaza so it just, I just don't think it's proper to be done that way and that it's really against the master plan. So I just wanted to bring that to everyone's attention. I also wanted to discuss some other issues I had. This is back to the SFEs offered. I've lived on Peak 8 for nine years now and I've seen a tremendous uptick in traffic. This past season when Grand Colorado opened traffic was backed up constantly to Shock Hill at that bend and sometimes as far as Christie Heights, and my concern about allowing additional SFEs is that the road, the infrastructure, it can't handle it. And I think there needs to be a better evaluation of that. I'm also concerned about the parking study that was allowed previously for the Grand Colorado. They were allowed to reduce the number of parking places based on this study, and when marketing got involved selling time shares, they ended up allowing, ah, originally it was represented in front of planning that the only people that would be in that building using that facility would be people with their current week. And they ended up changing that to now allow anyone who spends, I don't remember the amount, 50 thousand or something for a time share, can come anytime as long as they're "out of towners", and park and use the facility and ski for the day. This just brings that many more people to the site and that impacts our infrastructure and everything. I just wanted to bring that to everyone's attention. Does anyone have any questions for me? Thank you very much.

*Commissioner Questions / Comments:*

Mr. Schuman: I agree with your (Mr. Giller's) comments on Rustic. When it comes back we can see what it's like.

Mr. Moore: I agree with that too, I think that's the way to handle it.

Mr. Giller: If we can work with them on their design and keep the protection of the rustic, but know that we would allow "transitional," something short of contemporary. (Mr. Kulick: We have to evaluate their application against the code.)

Mr. Schroder: I support the project.

Mr. Gerard: This is an amendment to the master plan, not the building yet. But I agree that pulling out Rustic without replacing it is problematic. There ought to be something in its place, transitional I would support.

Mr. Giller: I can't quite support this. I don't want to be difficult. You could design a contemporary building. (Mr. Frank: We are open to the term Transitional.) Mr. Giller: Thank you. (Ms. Puester: Can you further define in the added language what the term transitional means?) Mr. Giller: Add language, While the design need not be rustic, it cannot be contemporary. (Ms. Puester: Can you state Transitional and then in brackets put between rustic and contemporary, just to further clarify it?) Mr. Giller: Yes that sounds good. (Ms. Puester: Graham, is that acceptable to you?) (Mr. Frank: Yes) (Ms. Puester: Ok then.)

Mr. Gerard made a motion to approve with the amendment presented today concerning the language in paragraph 7a and 7b and 7e, along with the definitional language, striking the word rustic and replacing it with the word *transitional (between rustic and contemporary)*. Seconded by Mr. Schuman. The motion passed unanimously.

**OTHER MATTERS:**

1. Town Council Summary (Memo Only)

Mr. Schuman: I have a question on the possible code change on bedrooms and parking requirements. (Mr. Truckey: They are concerned about single family residential uses that don't have enough parking, particularly with short term rental situations. So, the code changes propose two parking spaces for the first three bedrooms and one additional parking space for each bedroom after the first three.)

2. Ms. Puester: There is currently a date conflict with the Saving Places Conference and the first meeting in

February. We propose to move the first February meeting to the last Tuesday in January. The conference is at the Sheraton this year. It is especially important as we are about to open up the Handbook of Design Standards for revisions. (Present Planning Commissions could attend the January 29<sup>th</sup> meeting date).

**ADJOURNMENT:**

The meeting was adjourned at 7:57 pm.

---

Mike Giller, Chair



## Scheduled Meetings

**Shading indicates Council required attendance – others are optional**

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

### December 2018

Saturday, Dec. 8th, 2018	3:00pm - 9:00pm	Main Street	Lighting of Breckenridge / Race of the Santas
<b>Tuesday, Dec. 11, 2018</b>	<b>3:00pm / 7:00 pm</b>	<b>Town Hall Chambers</b>	<b>First Meeting of the Month</b>
Dec. 13th - 16th, 2018	All Day	Breck Ski Resort	Dew Tour

### January 2019

<b>Tuesday, Jan. 8, 2019</b>	<b>3:00pm / 7:00 pm</b>	<b>Town Hall Chambers</b>	<b>First Meeting of the Month</b>
Jan. 9th - 12th, 2019	All Day	Main Street	ULLR
Jan. 15th, 2019	8:00am - 10:00am	InterVISTAS	Visioning Session
<b>Tuesday, Jan. 22, 2019</b>	<b>3:00pm / 7:00 pm</b>	<b>Town Hall Chambers</b>	<b>Second Meeting of the Month</b>
Jan. 21st - 30th, 2019	All Day	Riverwalk Area	ISSC

### Other Meetings

December 10th, 2018	Open Space & Trails Meeting	5:30pm
December 11th, 2018	Board of County Commissioners Meeting	9:00am / 1:30pm
	Workforce Housing Committee	1:30pm
December 13th, 2018	Upper Blue Sanitation District	5:30pm
December 18th, 2018	Board of County Commissioners Meeting	9:00am
	Liquor & Marijuana Licensing Authority	9:00am
	Planning Commission Meeting	5:30pm
December 26th, 2018	Summit Combined Housing Authority	9:00am
January 2nd, 2019	Breckenridge Events Committee	9:00am
	Childcare Advisory Committee	3:00pm
	Planning Commission Meeting	5:30pm
January 8th, 2019	Board of County Commissioners Meeting	9:00am / 1:30pm
	Workforce Housing Committee	1:30pm
January 9th, 2019	Summit Stage Transit Board Meeting	8:15am
	Breckenridge Heritage Alliance	Noon
January 10th, 2019	I-70 Coalition	1:00pm
	Upper Blue Sanitation District	5:30pm
January 15th, 2019	Board of County Commissioners Meeting	9:00am
	Liquor & Marijuana Licensing Authority	9:00am
	Planning Commission Meeting	5:30pm
January 17th, 2019	CAST	7:45am
January 21st, 2019	Open Space & Trails Meeting	5:30pm



## Scheduled Meetings

**Shading indicates Council required attendance – others are optional**

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

January 22nd, 2019	Board of County Commissioners Meeting	9:00am / 1:30pm
January 23rd, 2019	Summit Combined Housing Authority	9:00am
January 24th, 2019	Transit Advisory Council Meeting	8:00am
	Breckenridge Tourism Office Board Meeting	8:30am
	Northwest CO Council of Governments	10:00am
	RW&B Board Meeting	3:00pm
January 28th, 2019	Breckenridge Creative Arts	4:00pm
March 7th, 2019	QQ - Quality and Quantity - Water District	9:00am