



TOWN OF
BRECKENRIDGE

Town Council Regular Meeting
Tuesday, May 26, 2020, 7:00 PM
VIRTUAL Council Chambers

This meeting will be broadcast live, but the public will NOT be permitted to attend the meeting in person due to COVID-19 concerns. If you are interested, please monitor the meeting by joining the live broadcast available online. Log-in information is available in the calendar section of our website: www.townofbreckenridge.com.

Questions and comments can be submitted prior to the meeting to Mayor@townofbreckenridge.com or during the meeting using the Q&A feature in the Online Webinar.

I. CALL TO ORDER, ROLL CALL

II. APPROVAL OF MINUTES

A. TOWN COUNCIL MINUTES - MAY 12, 2020

III. APPROVAL OF AGENDA

IV. COMMUNICATIONS TO COUNCIL

A. CITIZEN'S COMMENT (NON-AGENDA ITEMS ONLY; PLEASE SUBMIT COMMENTS IN ADVANCE TO MAYOR@TOWNOFBRECKENRIDGE.COM, OR USE THE Q&A FEATURE OF THE WEBINAR)

V. CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILLS, SERIES 2020 - PUBLIC HEARINGS

1. *COUNCIL BILL NO. 10, SERIES 2020 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "TOWN OF BRECKENRIDGE DEVELOPMENT CODE," BY AMENDING POLICY 24 (ABSOLUTE) AND POLICY 24 (RELATIVE) CONCERNING HOUSING*
2. *COUNCIL BILL NO. 17, SERIES 2020 - AN ORDINANCE AMENDING SECTION 12-4-23 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE WATER SYSTEM MAINTENANCE FEE*
3. *COUNCIL BILL NO. 18, SERIES 2020 - AN ORDINANCE AMENDING CHAPTER 12 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING OVERHEAD WALKWAY LIGHTING*
4. *COUNCIL BILL NO. 19, SERIES 2020 - AN ORDINANCE CONCERNING THE PENALTY FOR VIOLATING CHAPTER 8 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING NOISE*
5. *COUNCIL BILL NO. 20, SERIES 2020 - AN ORDINANCE AMENDING CHAPTER 14 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING TOWN PROJECTS*

VI. NEW BUSINESS

A. FIRST READING OF COUNCIL BILLS, SERIES 2020

1. *COUNCIL BILL NO. 21, SERIES 2020 - AN ORDINANCE AUTHORIZING THE FINANCING OF THE CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS AND THE REFINANCING OF CERTAIN OUTSTANDING OBLIGATIONS OF THE TOWN; AUTHORIZING THE EXECUTION AND DELIVERY OF AMENDMENTS TO A SITE LEASE AND LEASE PURCHASE AGREEMENT AND APPROVAL OF CERTAIN OTHER DOCUMENTS AND MATTERS RELATED THERETO; AUTHORIZING OFFICIALS OF THE TOWN TO TAKE ACTION NECESSARY THERETO; AND DECLARING AN EMERGENCY*
2. *COUNCIL BILL NO. 22, SERIES 2020 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES POLICY 33 (RELATIVE) OF SECTION 9-1-19 OF THE "BRECKENRIDGE DEVELOPMENT CODE" CONCERNING ENERGY CONSERVATION*
3. *COUNCIL BILL NO. 23, SERIES 2020 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE," CONCERNING AMENITY CLUBS*

B. RESOLUTIONS, SERIES 2020

1. *RESOLUTION NO. 14, SERIES 2020 - A RESOLUTION CONCERNING THE TEMPORARY CLOSURE OF PORTIONS OF NORTH MAIN STREET AND SOUTH MAIN STREET*

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
- C. BRECKENRIDGE TOURISM OFFICE
- D. BRECKENRIDGE HERITAGE ALLIANCE
- E. BRECKENRIDGE CREATIVE ARTS
- F. BRECKENRIDGE EVENTS COMMITTEE
- G. WATER TASK FORCE

X. OTHER MATTERS

XI. SCHEDULED MEETINGS

- A. SCHEDULED MEETINGS FOR MAY, JUNE AND JULY

XII. ADJOURNMENT

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I) CALL TO ORDER, ROLL CALL

Mayor Mamula called the meeting of May 12, 2020 to order at 7:00pm. The following members answered roll call: Mr. Bergeron, Ms. Gigliello, Ms. Owens, Mr. Gallagher, Mr. Carleton, Mr. Kuhn and Mayor Mamula.

II) APPROVAL OF MINUTES

A) TOWN COUNCIL MINUTES – APRIL 28 AND MAY 5, 2020

With no changes or corrections to the meeting minutes of April 28 and May 5, 2020, Mayor Mamula declared they would stand approved as presented.

III) APPROVAL OF AGENDA

Mr. Holman stated there was one change to the agenda, which was to add an update on a possible early retirement plan for Town staff under “Other”. Mayor Mamula declared the agenda approved as amended.

IV) COMMUNICATIONS TO COUNCIL

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

Mayor Mamula opened Citizen's Comment. Citizens were encouraged to email their comments in advance of the meeting.

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

B) BRECKENRIDGE TOURISM OFFICE

Ms. Lucy Kay, Director of the BTO, stated that as of April 30th, they are looking at 50% down in bookings for the summer, with more bookings coming in late summer and the loss of groups. She further stated we are optimistic about late summer and fall reservations. For events, Ms. Kay explained they are considering Oktoberfest in September and planning it with cans only service. She noted that the BTO will decide by early June about that event and will come back to Council then with more information. Ms. Kay stated the state will vote on budget recommendations this week and the CTO could lose a lot of their funding, which would impact us significantly. Ms. Kay reviewed what some other communities are doing to boost tourism during this time and noted that visitors aren't always aware of restrictions when they come. She also stated the website visits are increasing, and we are working on responsible tourism messaging. Ms. Kay stated the visitors guide will be digital this year, and we won a second Webby Award for best virtual design of the BTO website. Mr. Bergeron asked about messaging for masks, and stated he would like the BTO to be involved in that conversation, especially to visitors. Ms. Kay stated the responsible tourism page on the website will have that information for people coming to Breckenridge.

V) CONTINUED BUSINESS

A) SECOND READING OF COUNCIL BILLS, SERIES 2020 - PUBLIC HEARINGS

1) COUNCIL BILL NO. 14, SERIES 2020 - AN ORDINANCE AUTHORIZING THE SALE OF TOWN-OWNED REAL PROPERTY (Smuggler, Silent Friend, Iron, and Crown Point Lodes)

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

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 14, SERIES 2020 - AN ORDINANCE AUTHORIZING THE SALE OF TOWN-OWNED REAL PROPERTY (Smuggler, Silent Friend, Iron, and Crown Point Lodes). Mr. Gallagher seconded the motion.

The motion passed 7-0.

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- 2) COUNCIL BILL NO. 15, SERIES 2020 - AN ORDINANCE APPROVING A LEASE WITH ZWEIG LAW, PC (Unit 200, Breckenridge Professional Building; 130 Ski Hill Road)

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

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 15, SERIES 2020 - AN ORDINANCE APPROVING A LEASE WITH ZWEIG LAW, PC (Unit 200, Breckenridge Professional Building; 130 Ski Hill Road). Mr. Carleton seconded the motion.

The motion passed 7-0.

VI) NEW BUSINESS

A) FIRST READING OF COUNCIL BILLS, SERIES 2020

- 1) COUNCIL BILL NO. 17, SERIES 2020 - AN ORDINANCE AMENDING SECTION 12-4-23 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE WATER SYSTEM MAINTENANCE FEE

Mayor Mamula read the title into the minutes. Mr. James Phelps stated this ordinance would make necessary changes to the water system maintenance fee in code to match what was approved in the 2020 budget.

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 17, SERIES 2020 - AN ORDINANCE AMENDING SECTION 12-4-23 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE WATER SYSTEM MAINTENANCE FEE. Mr. Gallagher seconded the motion.

The motion passed 7-0.

- 2) COUNCIL BILL NO. 18, SERIES 2020 - AN ORDINANCE AMENDING CHAPTER 12 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING OVERHEAD WALKWAY LIGHTING

Mayor Mamula read the title into the minutes. Ms. Julia Puester stated this ordinance would allow for downcast, overhead walkway lighting in the historic district and some areas east of Park Avenue. She further noted that this change was prompted by lighting that was approved by Town Council for the Parking Structure project.

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 18, SERIES 2020 - AN ORDINANCE AMENDING CHAPTER 12 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING OVERHEAD WALKWAY LIGHTING. Ms. Gigliello seconded the motion.

The motion passed 7-0.

- 3) COUNCIL BILL NO. 19, SERIES 2020 - AN ORDINANCE CONCERNING THE PENALTY FOR VIOLATING CHAPTER 8 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING NOISE

Mayor Mamula read the title into the minutes. Mr. Berry stated this ordinance would change the noise violation to a civil infraction from a misdemeanor, which was a recommendation from Judge Allen in his annual update to Council. He also stated this change would eliminate the right to a trial by jury for those in violation, as well as eliminate possible jail time for the charge.

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

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Mr. Bergeron moved to approve COUNCIL BILL NO. 19, SERIES 2020 - AN ORDINANCE CONCERNING THE PENALTY FOR VIOLATING CHAPTER 8 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING NOISE. Mr. Carleton seconded the motion.

The motion passed 7-0.

- 4) COUNCIL BILL NO. 20, SERIES 2020 - AN ORDINANCE AMENDING CHAPTER 14 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING TOWN PROJECTS

Mayor Mamula read the title into the minutes. Mr. Berry stated this ordinance would require special public notice when a Town Project is presented to Town Council and the Planning Commission. He further stated this will be a mailed notice to property owners adjacent to the project, and there are also several other proposed section changes that are detailed in the memo. Mr. Berry pointed out that not all Town Projects are required to go in front of the Council, so that is clarified in the ordinance as well.

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 20, SERIES 2020 - AN ORDINANCE AMENDING CHAPTER 14 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING TOWN PROJECTS. Mr. Gallagher seconded the motion.

The motion passed 7-0.

B) RESOLUTIONS, SERIES 2020

C) OTHER

VII) PLANNING MATTERS

- A) PLANNING COMMISSION DECISIONS

Planning Commission Decisions were approved as presented.

VIII) REPORT OF TOWN MANAGER AND STAFF

Mr. Holman stated he is making plans for an early retirement option for some Town employees and that information will go out to eligible staff in the next week.

Mr. Holman stated the next meeting will be scheduled on May 26th as the regular meeting.

IX) REPORT OF MAYOR AND COUNCIL MEMBERS

The reports of Mayor and Council Members were covered in the afternoon Work Session.

- A. CAST/MMC
- B. Breckenridge Open Space Advisory Committee
- C. Breckenridge Tourism Office
- D. Breckenridge Heritage Alliance
- E. Breckenridge Creative Arts
- F. Breckenridge Events Committee

X) OTHER MATTERS

There were no other matters.

XI) SCHEDULED MEETINGS

- A) SCHEDULED MEETINGS FOR MAY AND JUNE

XII) ADJOURNMENT

With no further business to discuss, the meeting adjourned at 7:29pm. Submitted by Helen Cospolich, CMC, Town Clerk.

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ATTEST:

Helen Cospolich, CMC, Town Clerk

Eric S. Mamula, Mayor

DRAFT



Memo

To: Town Council
From: Nichole Rex, Housing Planner II
Date: 5/20/2020 for 5/26/2020 meeting
Subject: AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "TOWN OF BRECKENRIDGE DEVELOPMENT CODE," BY AMENDING POLICY 24 (ABSOLUTE) AND POLICY 24 (RELATIVE) CONCERNING HOUSING-
Second Reading

In October of 2018, staff presented options for revisions to Policy 24 (Housing) to the Town Council. Options included a housing mitigation methodology, where the required mitigation is based on the number of employees generated by the project, instead of the current methodology, which is based on a percentage of gross floor area (GSFA) regardless of the use. The employee generation methodology is more equitable as the employee housing demand varies significantly based on the use.

Since October, staff has been working with the Housing Committee on a revision to Policy 24 (Housing) to require all new development mitigate a certain percentage of the employees that are generated by the project. On March 10th, Council approved the first reading of the Ordinance to amend Policy 24 (Absolute) and Policy 24 (Relative) Concerning Housing. This code amendment is being presented for second reading and we are asking for Council approval on each element to ensure that the code revision is consistent with your goals. Included below are the key elements of the proposed revisions to Policy 24 and the changes that were discussed at first reading, which are underlined.

- Employee Housing Impact Mitigation is proposed as an absolute policy. The policy would require developers to provide housing for a percentage of the employees that are generated by new development or generated by an increase of intensity of use over the existing use.
- The Employee Housing Impact Mitigation policy is proposed to apply to all new commercial uses and some types of residential development. Single family residential, duplexes, and any deed restricted Employee Housing would remain exempt, mirroring the exemptions in the existing policy. Single family residential and duplexes are proposed to be exempt because after analyzing employee mitigation for these uses, the existing housing impact fee mitigates a significant percentage of employees generated by these uses. The policy will also apply to existing square footage which undergoes a change of intensity of use (e.g. retail to restaurant). if there is an increase in the employee generation associated with the new use. As proposed, this policy will also apply to outdoor dining areas.

- The proposed absolute policy sets the employee mitigation rate at 35%. The employee mitigation rate is the percentage of employees that must be mitigated under this policy. Please see Exhibit A to this memo for calculation examples. Also, note that the existing Summit County Housing Assessment (SCHA) Impact Fee/Sales Tax does provide some funds for mitigation, but the amount generated by the Impact Fee/Sales Tax is extremely low relative to the housing needs generated by development (except in the case of single family and duplex development). The Impact Fee/Sales Tax was taken into consideration in recommending a mitigation rate of 35% in the Absolute Policy.
- The proposed size and building requirements for Employee Housing are determined by the number of employees that can be housed in a certain unit type. The following table illustrates the number of employees by unit type. The minimum requirement is 350 S.F. of housing per employee.

Type Of Unit	Size (GFA)	Number Of Employees Housed
Studio	438	1.25
1 bedroom	613	1.75
2 bedroom	788	2.25
3 or more bedroom	1,225	3.5

- There are three ways for a project to satisfy their housing requirement. The proposed methods are:
 1. On-site unit mitigation: All projects would be required to provide a minimum of twenty-five percent (25%) of their Employee Housing requirement by constructing on-site deed restricted units. The remainder of the obligation can be satisfied by providing off-site units. The Town has the ability and full discretion to grant exceptions to this requirement if on-site mitigation is not feasible or appropriate. The Conservation District is proposed to be exempt from the on-site housing requirement and can fulfill one-hundred percent (100%) of the housing requirement off-site.
 - The amendment as presented includes a 10% density bonus when a project provides 25% of their housing requirement on-site. This revision is included in Section 13 of the attached Ordinance. This was discussed with the Planning Commission on March 17th and they were supportive of the 10% density bonus for employee housing when 25% of the housing requirement is provided on-site. As proposed, this would apply to all use types. **Staff would like Town Council's feedback regarding a 10% density bonus for commercial and residential projects that mitigate 25% of their housing requirement on-site.** See Exhibit C. Density Bonus Analysis for an example.
 2. Off-site unit mitigation: A portion of a project's Employee Housing requirement may be satisfied with off-site units. This includes new construction of off-site deed restricted units or by deed restricting existing market rate unit(s). Off-site units must be located within the Upper Blue Basin.

3. Fee in-lieu: An applicant may provide a payment of fee in-lieu only for a fractional remainder of the Employee Housing requirement totaling less than 1.0 employee (amount of fee to be determined and adopted by Council annually).
 4. Land in-lieu was removed as an option for mitigation.
- To further incentivize the development of Employee Housing, a Relative Policy that assigns positive points for providing Employee Housing that exceeds the Absolute Policy requirement has been proposed (See Exhibit B). It is also being proposed that Single-family and duplex residential may be awarded 1 positive point for providing an accessory dwelling unit.
 - Please note that in addition to Policy 24, the submittal requirements under Section 9-1-18 have been changed to include an Employee Housing Narrative where applicable. Section 9-1-5 (Definitions) has also been revised to include terms that were added as a part of the proposed Policy 24 revisions. Section 9-1-26 has been revised to include substitutions for employee housing units (transferring a deed restriction from one unit to another comparable unit) except for required on-site employee housing units. Section 9-1-19-3A has also been revised for Employee Housing Density Calculations. These changes are incorporated into the ordinance in your packet.

Staff Recommendation: Staff recommends approval of the code revisions as presented and will be available at the meeting to answer any questions.

Exhibit A. Employee Housing Requirement Examples

To calculate the number of employees that will be required to be housed by a project, the following formula will be used:

For projects calculated by square footage:

$$((\text{TOTAL S.F. OF PROJECT}/1,000 \text{ S.F.}) \times [\text{EMPLOYEE GENERATION RATE}]) \\ = \text{TOTAL NEW EMPLOYEES GENERATED}$$

$$\text{NEW EMPLOYEES GENERATED} \times \text{MITIGATION RATE (\%)} = \text{TOTAL NUMBER OF EMPLOYEES TO BE HOUSED}$$

EXAMPLE CALCULATION FOR A 4,149 S.F. RESTAURANT:

$$((2,000 \text{ S.F.}/1,000 \text{ S.F.}) \times [10.2]) = 42.3 \text{ EMPLOYEES GENERATED} \\ ([20.4] \times [0.35]) = \mathbf{14.8 \text{ EMPLOYEES TO BE HOUSED.}}$$

For calculated by number of rooms:

$$([\text{TOTAL NUMBER OF ROOMS}] \times [\text{EMPLOYEE GENERATION RATE}]) \\ = \text{TOTAL NEW EMPLOYEES GENERATED}$$

$$\text{NEW EMPLOYEES GENERATED} \times \text{MITIGATION RATE (\%)} = \text{TOTAL NUMBER OF EMPLOYEES TO BE HOUSED}$$

EXAMPLE CALCULATION FOR A 100 ROOM HOTEL

$$([100] \times [0.6]) = 60 \text{ EMPLOYEES GENERATED} \\ ([60] \times [0.35]) = \mathbf{15 \text{ EMPLOYEES TO BE HOUSED}}$$

The following is the proposed employee generation rates by type of use. These numbers have been determined based on the Town's, Vail's, Aspen's, and Telluride's employee generation rates. The numbers from this table will be used in calculating the employee housing requirements using different mitigation rates. Please note that the mitigation rates vary among the mountain communities with Vail proposing 25% and Aspen applying a 65% mitigation rate.

FIGURE1. Employee Generation Rates By Type Of Use Table:

Type Of Use	Employee Generation Rate
Hotel/Lodging/Inn, Boarding House, Condominium, Divisible Unit, Timeshare Unit	0.6 employee per room, or 0.6 employee per unit, as applicable
Multi-Family Housing, and Townhomes	0.33 employee per unit
Office (including real estate and property management office)	3.2 employees per 1,000 square feet of area
Conference facility	0.8 employee per 1,000 square feet of area
Eating and drinking establishment/restaurants and bars*	10.2 employees per 1,000 square feet of area
Health club	0.96 employee per 1,000 square feet of area
Retail store/personal service/service commercial/repair shop	2.4 employees per 1,000 square feet of area
Spa	2.1 employees per 1,000 square feet of area

FIGURE2. Examples of Different Employee Mitigation Rates for Hotel/Lodging/Inn and Eating and Drinking Establishments:

Use Type	Total # of Units or S.F.	Mitigation Rate*	Employee Housing Requirement**	Total Amount of S.F Required (350 S.F Per Employee)
Hotel/Lodging/Inn	100 units	35%	21 employees	7,350
Eating and Drinking Establishments	4,149 S.F	35%	14.8 employees	5,184

*The mitigation rate is the percent of total employees generated that an applicant is required to provide housing for.

** The actual number of employees that an applicant is required to provide housing for.

Exhibit B. Policy 24R Employee Housing Mitigation Table

The following table illustrates Policy 24R (Housing) that would allow an applicant to gain positive points if they provide housing in excess of the employee housing requirement. This table is based on a 35% mitigation rate requirement.

FIGURE 3. Employee Housing Mitigation Table (Relative Policy)

<u>Points</u>	<u>Percentage Of Employees Mitigated</u>
<u>1</u>	<u>35.1-48.0</u>
<u>2</u>	<u>48.1-61.0</u>
<u>3</u>	<u>61.1-74.0</u>
<u>4</u>	<u>74.1-87.0</u>
<u>5</u>	<u>87.1-100</u>

Exhibit C. Density Bonus Analysis

Project Example.

0.50-acre commercial lot

FAR 1:4

Allowed Density: 5,445 S.F

The following two scenarios illustrate how a restaurant use would be assessed if required to build 25% of their housing requirement on-site with and without a 10% density bonus:

WITHOUT 10% DENSITY BONUS

5,445 Total Permitted S.F

1,296 S.F. of Employee Housing* / **4,149 S.F.** of Restaurant

Approximately 24% of the total density is required to be housing

WITH 10% DENSITY BONUS

5,989.5 Total Permitted S.F (544.5 additional S.F with bonus)

1,425.5 S.F. of Employee Housing* / **4,564 S.F.** of Restaurant

Approximately 24% of the total density is required to be housing

*Please see Exhibit A for employee generation calculation

1 **WORKSESSION/SECOND READING – MAY 26**

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. 10

7
8 Series 2020

9
10 AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE
11 TOWN CODE, KNOWN AS THE “TOWN OF BRECKENRIDGE DEVELOPMENT CODE,”
12 BY AMENDING POLICY 24 (ABSOLUTE) AND POLICY 24 (RELATIVE)
13 CONCERNING HOUSING

14
15 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
16 COLORADO:

17
18 Section 1. Section 9-1-5 of the Breckenridge Town Code in amended by the addition of
19 the following definitions:
20

EMPLOYEE HOUSING IMPACT MITIGATION:	An obligation that requires developers to provide housing for a certain number of new employees that are generated by the developer’s development, focusing solely on anew <u>development’s impact or the change of intensity of use in existing square footage (e.g. retail to restaurant)</u> as related to employee generation <u>impact</u> and not taking into account secondary impacts.
<u>FEE IN-LIEU:</u>	<u>A voluntary fee a developer may elect to pay to the Town in lieu of the construction of employee housing when an applicant is required to construct less than one (1) unit of employee housing.</u>
<u>EMPLOYEE GENERATION:</u>	<u>The total number of new employees that are generated by a development or change of intensity of use.</u>
<u>EMPLOYEE HOUSING:</u>	<u>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</u>

	<p><u>living by working for a business located in and serving in Summit County, Colorado, an average of at least thirty (30) hours per week, together with such person’s spouse and minor children, if any.</u></p> <p><u>All employee housing units shall be a minimum of three hundred fifty (350) square feet of density in size and shall each have a living area containing at a minimum: a kitchen sink; cooking appliance and refrigeration facilities, each having a clear working space; sleeping accommodations; a closet with a door; and a bathroom with a door, sink, toilet, and a bathtub or shower. Each employee housing unit shall have its own entrance. There shall be no interior access from any employee housing unit to any dwelling unit to which it is attached.</u></p>
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Section 2. The first paragraph of Section 9-1-18-1(C)(2)(b)(1) of the Breckenridge Town Code is amended to read as follows:

(1) Five (5) copies of a site plan map **and one (1) electronic copy in 11"x17" pdf format** indicating the general site design of the application, including all existing and proposed improvements. The site plan map shall provide adequate detail to evaluate the preliminary landscaping; circulation; parking; snow stacking; location of all buildings and their entrances, uses and height; walls; fences; loading points; refuse container locations; location of all public rights-of-way; all existing and proposed easements; drainage facilities; finished grade elevations; dimension lines where appropriate; and direction of stormwater runoff flows.

Section 3. Section 9-1-18-1(C)(2)(b) of the Breckenridge Town Code is amended by the addition of a new item number 17, which shall read as follows:

(17) An employee housing narrative as described in Section 9-1-19-24R, “Policy 24 (Relative) Social Community.”

Section 4. The first paragraph of Section 9-1-18-1(D)(1)(c)(1) of the Breckenridge Town Code is amended to read as follows:

(1) Five (5) copies of a site plan map **and one (1) electronic copy in pdf 11"x17" format** shall depict the following details of the site information required

1 for preliminary applications, revised in accordance with the input received from
2 the Town’s review of the preliminary application: all existing and proposed
3 improvements; on and off site circulation; parking; snow stacking; location of all
4 buildings and their entrances, uses and height; walls; fences; loading points;
5 location of all public rights-of-way; all existing and proposed easements; drainage
6 facilities; finished grade elevations; dimension lines where appropriate; and
7 direction of stormwater runoff flows. In addition, the final site plan shall include
8 the following: dimensions of building setbacks; dimensions of all public rights-of-
9 way; types of surfacing; finished floor elevations for all proposed structures;
10 lighting plan; sign locations and design (including lighting, materials and color);
11 location of existing and proposed utilities (including sewer, water, drainage,
12 telephone, power, gas, cable television and refuse container location); and names
13 of adjacent subdivisions depicting their departing lot lines from the boundary of
14 the subject property.
15

16 **Section 5. Section 9-1-18-1(D)(1)(c) of the Breckenridge Town Code is amended by**
17 **the addition of a new item number 11, which shall read as follows:**

18
19 **(11) An employee housing narrative as described in Section 9-1-19-24R,**
20 **“Policy 24 (Relative) Social Community.”**
21

22 **Section 6. The first paragraph of Section 9-1-18-2(C)(3)(a) of the Breckenridge**
23 **Town Code is amended to read as follows:**

24
25 a. Five (5) copies of a site plan map **and one (1) electronic copy in pdf 11"x17"**
26 **format** indicating the general site design of the application, including all existing
27 and proposed improvements. The site plan map shall provide adequate detail to
28 evaluate the preliminary landscaping; circulation; parking; snow stacking;
29 location of all buildings and their entrances, uses and height; walls; fences;
30 loading points; refuse container locations; location of all public rights-of-way; all
31 existing and proposed easements; drainage facilities; finished grade elevations;
32 dimension lines where appropriate; and direction of stormwater runoff flows.
33

34 **Section 7. Section 9-1-18-2(C)(3) of the Breckenridge Town Code is amended by the**
35 **addition of a new item letter O, which shall read as follows:**

36
37 **(O) An employee housing narrative as described in Section 9-1-19-24R,**
38 **“Policy 24 (Relative) Social Community.”**
39

40 **Section 8. Section 9-1-18-2(D)(2) of the Breckenridge Town Code is amended to**
41 **read as follows:**
42

1 (2) Five (5) copies of a site plan map **and one (1) electronic plan set in pdf**
2 **11"x17" format** shall depict the following details of the site information required
3 for preliminary applications, revised in accordance with the input received from
4 the Town's review of the preliminary application: all existing and proposed
5 improvements; on and off site circulation; parking; snow stacking; location of all
6 buildings and their entrances, uses and height; walls; fences; loading points;
7 location of all public rights-of-way; all existing and proposed easements; drainage
8 facilities; finished grade elevations; dimension lines where appropriate; and
9 direction of stormwater runoff flows. In addition, the final site plan shall include
10 the following: dimensions of building setbacks; dimensions of all public rights-of-
11 way; names of all adjacent subdivisions depicting their departing lot lines from
12 the boundary of the subject property; types of surfacing; finished floor elevations
13 for all proposed structures; lighting plan; sign locations and design (including
14 lighting, materials and color); location of existing and proposed utilities
15 (including sewer, water, drainage, telephone, power, gas, cable television and
16 refuse container location).

17
18 **Section 9. Section 9-1-18-2(D) of the Breckenridge Town Code is amended by the**
19 **addition of a new item number 13, which shall read as follows:**

20
21 **(13) An employee housing narrative as described in Section 9-1-19-24R,**
22 **"Policy 24 (Relative) Social Community."**

23
24 **Section 10. Section 9-1-18-3(B) of the Breckenridge Town Code is amended by the**
25 **addition of a new item 8, which shall read as follows:**

26
27 B. Application Requirements: The applicant shall file an application, a short
28 description of the proposal and three (3) copies of any maps, drawings or
29 materials needed to adequately describe the proposal and one (1) electronic copy
30 in **pdf 11"x17 format**. All drawings and maps shall be to scale. The application
31 shall be accompanied by a fee in the amount required by chapter 10 of this title.
32 The director may require the following materials to be submitted as a part of a
33 complete application:

- 34
35 1. Site plan;
36 2. Landscaping and defensible space plan;
37 3. All elevations of the proposed building or modification;
38 4. Floor plans;
39 5. Preliminary drainage and utility plans;
40 6. A sample paint chip of each color to be used, keyed to the proposed location of
41 the color on the building as shown on the elevation drawing; and
42 7. Electronic copy of plans. (Ord. 1, Series 2014)

1 **8. An employee housing narrative as described in Section 9-1-19-24R, “Policy 24**
2 **(Relative) Social Community,” if applicable.**
3

4 Section 211. Section 9-1-19-24A, “Policy 24 (Absolute) Social Community,” of the
5 Breckenridge Town Code is amended by the addition of the following:
6

7 C. EMPLOYEE HOUSING IMPACT MITIGATION:
8

9 (1) The purpose of this Section C is to ensure that new development ~~and/or~~
10 changes in the Town ~~intensity of use~~ provide for a reasonable amount of
11 employee housing to mitigate the impact on available employee housing caused
12 by such development.
13

14 (2) Subsections C – ~~MK~~, inclusive, of this policy shall apply to all new
15 development and changes of use of the following land uses:
16

- 17 a. Commercial Use
- 18 b. Industrial Use
- 19 c. Mixed Use
- 20 d. Recreation and Leisure Amenities
- 21 e. The following Residential Uses:
 - 22 i. Boarding House
 - 23 ii. Condominium
 - 24 iii. Divisible Unit
 - 25 iv. Hotel/Lodging/Inn
 - 26 v. Multi-Unit Residential
 - 27 vi. ~~Timeshared~~Timeshare Unit
 - 28 vi. Townhomes

29
30 ~~(3) The requirement of t~~This policy shall be in addition to all other requirements
31 ~~of this Code~~ does not apply to institutional uses.
32

33 ~~(4) When any provision of this policy conflicts with any other provision of this~~
34 ~~Code, the provision of this policy shall control.~~
35

36 D. EMPLOYEE GENERATION AND MITIGATION RATES:
37

38 ~~(1) The employee generation rates found in t~~The “Employee Generation Rates By
39 Type of Use Table,” below, shall be applied to each type of use listed in section
40 ~~9-1-19-24AC2(C)(2), above~~. For any use not listed, the Director shall determine
41 the applicable employee generation rate by consulting the Town’s then-current
42 current nexus study.
43

EMPLOYEE GENERATION RATES BY TYPE OF USE TABLE

Type Of Use	Employee Generation Rate
Hotel/Lodging/Inn, Bed and Breakfast, Boarding House, Timeshare Unit <u>Condominium</u> , Divisible Unit, <u>Timeshare Unit</u>	0.6 employee per room, <u>or</u> <u>0.6 employee per unit, as applicable</u>
Multi-Family Housing, Condominiums, <u>Townhouse and Townhomes</u>	0.33 employee per dwelling unit
Business office and professional <u>office</u> <u>Office</u> (including real estate and property management office)	3.2 employees per 1,000 square feet of net floor area
Conference facility	0.8 employee per 1,000 square feet of net floor area
Eating and drinking establishment/restaurants and bars*	10.2 employees per 1,000 square feet of net floor area
Health club	0.96 employee per 1,000 square feet of net floor area
Retail store/personal service/ <u>service</u> <u>commercial</u> /repair shop	2.4 employees per 1,000 square feet of net floor area
Spa	2.1 employees per 1,000 square feet of net floor area

***Outdoor dining areas shall be included in area calculation**

(2) If an applicant submits competent evidence demonstrating that the employee generation rates contained in table “Employee Generation Rates By Type Of Use Table,” above, do not accurately reflect the number of employees generated by the proposed development **or change of intensity of use** and the Planning Commission finds that such evidence warrants a deviation from those employee generation rates, the Planning Commission shall allow for such a deviation as the Planning Commission deems appropriate. **The Town may, at its discretion, hire an independent third party consultant to verify the evidence provided by an applicant. The cost of such verification shall be paid or reimbursed by the applicant.**

(3) Each development shall mitigate its impact on **available** employee housing by providing **new** employee housing for ~~twenty~~**thirty five** percent (~~25~~**35**%) of the employees generated **by the project**, pursuant to **in accordance with the** table

1 “Employee Generation Rates By Type Of Use Table,” above, ~~in accordance with~~
2 and the requirements of this policy.

3
4 For example, for a development proposing two thousand five hundred (2,500)
5 square feet of new ~~net floor~~ area for an eating and drinking
6 establishment/restaurant and bar and an additional five hundred (500)
7 square feet of outdoor eating and drinking establishment/restaurant and bar, the
8 required employee housing would be calculated as follows:

9
10 **Building:**

11 $([2,500 \text{ square feet}/1,000 \text{ square feet}] \times [10.2]) = 25.5 \text{ new employees generated} \times$
12 $25\% = 6.375$
13 8.9 employees to be housed

14 **Outdoor Area:**

15 $([500 \text{ square feet}/1,000 \text{ square feet}] \times [10.2]) = 5.1 \text{ new employees generated} \times$
16 $35\% = 1.78 \text{ employees to be housed}$

17
18 **TOTAL EMPLOYEES TO BE HOUSED:**

19 $8.9 + 1.78 = 10.68 \text{ employees to be housed}$

20
21 **(4) If an increase in employee generation is caused by a change in the**
22 **intensity of a use in existing square footage (e.g. retail to restaurant), the**
23 **employee housing requirements of this policy shall apply to the difference of**
24 **new employees generated (e.g. different between retail and restaurant**
25 **employee generation rate).**

26
27 E. SIZE AND BUILDING REQUIREMENTS: The “Size of Employee Housing
28 Table,” below, establishes the minimum size of employee housing units and the
29 number of employees that ~~must be~~ are able to be housed in each employee
30 housing unit. All Employee Housing units shall meet or exceed the minimum size
31 of gross floor area (GFA) requirements. Each employee shall be assessed at 350
32 square feet per employee.

33
34 SIZE OF EMPLOYEE HOUSING TABLE

35

Type Of Unit	Unit	Number Of Employees	
	Minimum Size (GFA)	Housed	
Studio	438	<u>1.25</u>	1.25
1 bedroom	613	<u>1.75</u>	1.75
2 bedroom	788	<u>2.25</u>	2.25
3 or more bedroom	1,225	<u>3.5</u>	3.5

1
2 F. METHODS OF MITIGATION:
3

4 (1) On Site Mitigation: For all:

5
6 (i) new construction (i.e., development that does not affect any existing buildings
7 or structures); ~~and~~

8 (ii) demo/rebuild projects; ~~no less than one-half (1/2)~~

9 (iii) development that involves a changes in intensity of use of existing square
10 footage.

11
12 no less than twenty-five percent (25%) of the mitigation of employee housing
13 required by this policy shall be accomplished with on-site units.

14
15 a. Exceptions: At the sole discretion of the Planning Commission, an exception may be
16 granted from this subsection F1 based upon one of the following findings:

17
18 i. Implementation of the on-site unit mitigation method would not be contrary to
19 the intent and purpose of the applicable use compatible with the other on-site or
20 adjacent uses;

21
22 ii. Implementation of the on-site ~~unit~~ mitigation method would be contrary to the
23 goals of the applicable elements of the Town's ~~comprehensive plan and the~~
24 ~~Town's development objectives~~ land use guidelines;

25
26 iii. Exceptional or ~~extraordinary circumstances or~~ unique conditions apply to the
27 site, which generally do not apply to other sites, that prevents the
28 implementation of the on-site ~~unit~~ mitigation method;

29
30 iv. The method of mitigation proposed better achieves the general and
31 specific purposes of this policy than the on-site mitigation ~~unit~~ method, as
32 decided by the Town through a development agreement; or

33
34 v. The project is located in the Conservation District.

35
36 b. ~~On-Site Employee Housing: All on-site Employee Housing shall be deed restricted in~~
37 ~~accordance with the Town's Housing Guidelines and Subsection I of this policy.~~

38
39 ~~dvi. Fees In Lieu: An applicant may pay a fee in lieu of~~
40 providing required employee housing only when the amount employee
41 housing requirement required by this policy is less than 1.0 employee.
42

1 **b. Deed Restrictions:** All on-site employee housing shall be deed restricted in
2 accordance with the Town's Housing Guidelines and Subsection H of this policy.

3
4 **ec.** Remaining Portion of Requirement: Any remaining portion of the mitigation
5 requirement not provided with on-site units shall be provided in accordance with
6 Subsection 2 of this section.

7
8 (2) **Off Site Mitigation:** For all development projects except those mitigated by
9 Subsection F1, the mitigation of employee housing required by this policy shall
10 be accomplished through one or any combination of the methods further
11 described in this section. Unless otherwise regulated by this policy, the choice of
12 method(s) used to mitigate the employee housing requirements of this policy shall
13 be at the sole discretion of the applicant.

14
15 **a. On Site Units:**

16 ~~i. All on-site Employee Housing shall be deed restricted in accordance with the
17 Town's Housing Guidelines and Subsection I of this policy.~~

18 ~~b. Conveyance Of Vacant Property On Site: An applicant may convey on-site
19 real property to the Town on which no covenants, restrictions, or issues exist that
20 would limit the construction of Employee Housing, at the sole discretion of the
21 Town Council. This method does not mitigate the on-site unit requirements of
22 Subsection F1 of this Policy.c.~~

23
24 Off-Site Units: The required number of employee housing units, ~~or a portion~~
25 ~~thereof~~ **less the on site required mitigation,** may be provided off-site within the
26 Upper Blue Basin, provided that such employee housing units are deed restricted
27 in accordance with ~~this policy~~ **subsections A-H of this policy.**

28
29 ~~d.~~ **(3)** Payment Of Fees In-Lieu:

30
31 ~~i.~~ **a.** The fee in-lieu for each employee **required** to be housed **by this policy** shall
32 be established annually by resolution of the Town Council, ~~provided that, in~~
33 ~~calculating that fee, the Town Council shall include the net cost (total cost less the~~
34 ~~amount covered by rental or sale income) of real property and all related planning,~~
35 ~~design, site development, legal, construction and construction management costs~~
36 ~~of the project, in current dollars, which would be incurred by the Town to~~
37 ~~provide housing for the employee to be housed in that year.~~

38
39 ~~ii.~~ **b.** An administrative fee, established by resolution of the Town Council, shall
40 be **paid by the applicant in addition to the fee in-lieu** ~~added to the amount set~~
41 ~~forth in this Subsection F(2)d.~~

1 ~~iii. c.~~ Fees in-lieu shall be due and payable prior to the issuance of a building
2 permit for the development.

3
4 ~~iv. d.~~ The Town shall use monies collected from fees in-lieu only to provide
5 additional employee housing units.

6
7 ~~v. e.~~ An applicant may provide a payment of fees in-lieu only for any fractional
8 remainder of the requirement generated under this policy totaling less than 1.0
9 employee-

10
11 ~~e. Conveyance Of Vacant Property Off Site: The Town Council may, at its sole
12 discretion, accept the conveyance of vacant property off-site in lieu of requiring
13 the provision of Employee Housing, provided that no covenants, restrictions or
14 issues exist on such property that would limit the construction of Employee
15 Housing.~~

16
17 G. ADMINISTRATION: Each application for development review **or change of**
18 **intensity of use** shall include an employee housing ~~Plan~~**narrative** which
19 includes the following:

20
21 (1) Calculation Method: The calculation of employee generation and the
22 mitigation method by which the applicant proposes to meet the requirements of
23 this policy;;

24
25 (2) Plans: A dimensioned site plan and architectural floor plan that demonstrates
26 compliance with Subsection E, “~~Size And Building Requirements~~”, of this policy;
27 ;

28
29 (3) Lot Size: ~~The average lot size of the proposed Employee Housing and the~~
30 ~~average lot size of other dwelling units in the commercial development, if any;~~

31
32 (4) Schedules: A time line for the provision of any off-site Employee Housing;

33
34 (5) Off-Site Units: A proposal for the provision of any off-site Employee Housing
35 shall include a brief statement explaining the basis of the proposal;

36
37 (6) Off-Site Conveyance Request: A request for an off-site conveyance shall
38 include a brief statement explaining the basis for the request;

39
40 (7) Fees In-Lieu: A proposal to pay fees in-lieu shall include a brief statement
41 explaining the basis of the proposal; and
42

1 ~~(8) Written Narrative: A written narrative explaining how the Employee Housing~~
2 ~~Plan meets the purposes of this policy.~~

3
4 ~~H. REVIEW:~~

5
6 ~~(1) The Planning Commission shall approve, approve with modifications, or deny~~
7 ~~an Employee Housing Plan unless the Plan involves a total mitigation requirement~~
8 ~~of less than 1 employee or the plan includes a request to convey property.~~

9
10 ~~(2) The Town Council shall approve, approve with modifications, or deny an~~
11 ~~Employee Housing Plan requesting to convey property.~~

12
13 ~~(3) Before granting approval of an Employee Housing Plan, the Planning~~
14 ~~Commission shall make findings that the Employee Housing Plan conforms to the~~
15 ~~general and specific purposes of this policy, and that the plan is complies with this~~
16 ~~Code and the development objectives of the Town.~~

17
18 ~~(4) Employee Housing Plan Modification: If modifications to a submitted~~
19 ~~application for development review change the obligations of the applicant under~~
20 ~~this policy, the applicant shall submit a modified Employee Housing Plan. A~~
21 ~~modification to an Employee Housing Plan shall be reviewed by the body that~~
22 ~~reviewed the initial Employee Housing Plan, in accordance with the provisions of~~
23 ~~this policy.~~

24
25 ~~(5) Approved Employee Housing Plan: An approved Employee Housing plan~~
26 ~~shall become part of the approved application for development review for the~~
27 ~~affected site.~~

28
29 ~~I.H. OCCUPANCY AND DEED RESTRICTIONS:~~

30
31 ~~**(1) Each employee housing unit provided pursuant to this policy shall be**~~
32 ~~**encumbered by a properly recorded restrictive covenant in a form acceptable**~~
33 ~~**to the Town Attorney. The terms of such restrictive covenant shall be**~~
34 ~~**consistent with this policy, and such restrictive covenant shall not be**~~
35 ~~**subordinate to any senior lien or encumbrance, except the lien of the general**~~
36 ~~**property taxes.**~~

37
38 ~~(12) Employee Housing shall not be subdivided or divided into any form of~~
39 ~~timeshare unit or fractional fee club unit.(2) Employee Housing shall not be~~
40 ~~leased **or rented** for a period less than ninety **one hundred twenty** (90**120**)~~
41 ~~consecutive days.~~

42
43 ~~(23) Employee housing may be sold or transferred as a separate unit on the site.~~

1
2 (34) Employee housing shall not remain vacant for a period in excess of three (3)
3 consecutive months unless, despite the owner's reasonable and documented
4 efforts to fill the vacancy, ~~to have occupy~~ the employee housing remains
5 unoccupied.
6

7 (45) Employee housing shall be occupied at all times by a person eighteen (18)
8 years of age or older who, during the entire period of his or her occupancy of the
9 employee housing, earns his or her living by working for a business located in and
10 serving in Summit County, Colorado, an average of at least thirty (30) hours per
11 week, together with such person's spouse and minor children, if any.
12

13 (56) Each year, the owner of an employee housing unit shall submit an affidavit
14 of compliance to the Town, or its assignee, containing the following information:
15

- 16 a. Evidence to establish that the employee housing unit has been occupied
17 throughout the year by an employee;
- 18 b. The rental rate (unless owner occupied);
- 19 c. The employee's employer; and
- 20 d. Evidence to demonstrate that at least one person residing in the
21 employee housing is an employee as defined in subsection (5), above.
22

23 ~~J.I.~~ TIMING: All employee housing required by this policy shall be ~~ready for~~
24 ~~occupancy~~ provided prior to the issuance of a Certificate of Occupancy for the
25 affected development.
26

27 ~~K.J. REVIEW NO TAKING: (1) Purpose:~~ The Town Council intends that the
28 application of this policy not result in an unlawful taking of private property
29 without the payment of just compensation, ~~and therefore, the Town Council~~
30 ~~adopts the review procedures set forth in the Town Development Code.~~
31

32 K. ACKNOWLEDGEMENT OF SUMMIT COUNTY HOUSING

33 AUTHORITY IMPACT FEE: In connection with the adoption of this policy the
34 Town Council considered the contributions made by the "Housing Development
35 Impact Fee For Affordable Housing Purposes" adopted by the Summit Combined
36 Housing Authority on December 6, 2006.
37

38 Section 312. The first paragraph of Subsection A of 9-1-19-24R, "Policy 24 (Relative) Social
39 Community," of the Breckenridge Town Code is amended to read as follows:
40

41 A. Employee Housing: It is the policy of the Town to encourage the provision of
42 employee housing units in connection with commercial, industrial, and multi-unit
43 residential developments to help alleviate employee housing impacts created by

1 the proposed uses. An applicant may construct employee housing in addition
 2 to the employee housing impact mitigation requirements set forth in Section
 3 9-1-19-24A, "Policy 24 (Absolute) Social Community" to receive positive
 4 points. The schedule for positive points is based on the percentage of employees
 5 that a project mitigates. Any development project that mitigates more than the
 6 required mitigation rate, can may receive positive points in accordance with the
 7 table set forth below. Single-family and duplex residential developments
 8 projects shall not be assessed non-provision of employee housing, but such
 9 projects may be awarded 1 positive points for providing an accessory dwelling
 10 unit in accordance with the table set forth below.

11
 12 **B. Residential projects that consist of one hundred percent (100%) employee**
 13 **housing shall receive positive 10 points.**
 14
 15

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
10***	100	***	***	***	***	***

<u>Points</u>	<u>Percentage Of Employees Mitigated</u>

<u>1</u>	<u>25.1-34.0</u>
<u>2</u>	<u>34.1-42.0</u>
<u>3</u>	<u>42.1-55.0</u>
<u>4</u>	<u>55.1-60.0</u>
<u>5</u>	<u>60.1-69.0</u>
<u>6</u>	<u>69.1-78.0</u>
<u>7</u>	<u>78.1-87.0</u>
<u>8</u>	<u>87.1-96.0</u>
<u>9</u>	<u>96.1-99.9</u>
<u>10*</u>	<u>100</u>

1

<u>Points</u>	<u>Percentage Of Employees Mitigated</u>
<u>1</u>	<u>35.1-48.0</u>
<u>2</u>	<u>48.1-61.0</u>
<u>3</u>	<u>61.1-74.0</u>
<u>4</u>	<u>74.1-87.0</u>
<u>5</u>	<u>87.1-100</u>

2

3

(2) General Provisions:

4

5

6

a. The square footage of the employee housing units provided under this section shall be assessed against the allowed density and mass in the same manner as all other residential units, or square footage within the project.

7

8

9

b. All employee housing units provided under this section shall be designed and planned in conjunction with the remainder of the project and shall not be designed as an add on to an existing building unless in conjunction with a larger addition.

10

11

~~c. Employee housing units provided under this section may be on or off site, but shall be within the Town or an unincorporated area of the Upper Blue River Basin.~~

12

13

14

15

16

~~d. For the purpose of determining whether a development shall be awarded or assessed points under this policy, only square footage approved pursuant to a development permit the application for which was filed subsequent to December 18, 1997, shall be used to calculate the total density or gross dwelling area of a development.~~

17

18

19

~~e. The provisions of this policy, as amended by Council bill no. 29, series 1997, shall not apply to development permits approved prior to December 18, 1997; and no development permit approved prior to December 18, 1997, shall be modified to~~

1 ~~reduce the amount of employee housing approved in connection with the issuance of~~
2 ~~such development permit.~~

3 ~~fc.~~ Each employee housing unit for which positive points are awarded under this
4 policy shall be encumbered by a properly recorded restrictive covenant in a form
5 acceptable to the Town Attorney. The terms of such restrictive covenant shall be
6 consistent with this policy, and such restrictive covenant shall not be subordinate to
7 any senior lien or encumbrance, except the lien of the general property taxes.

8 ~~(3) Exemptions: The following developments and uses are exempt from an~~
9 ~~assessment of negative points provided for in this section:~~

10 ~~a. Change of use for buildings of historic and architectural significance.~~

11 ~~b. Churches.~~

12 ~~c. Governmental entities exempt from the Town's planning regulations.~~

13 ~~d. Mixed use projects where the combined total square footage is less than five~~
14 ~~thousand (5,000) square feet.~~

15 ~~e. Other governmental or public buildings such as public museums, public libraries,~~
16 ~~or Post Offices, where the building is owned and operated by a governmental agency.~~

17 ~~e. Public and private schools.~~

18 ~~(4) Restrictive Covenants. The owner of an employee housing unit which is restricted~~
19 ~~by a restrictive covenant as described in subsection A(2)(c) of this section shall have~~
20 ~~the right to obtain the release of the restrictive covenant by substituting for the~~
21 ~~restricted unit another unit or property located in the Town or an unincorporated area~~
22 ~~of the Upper Blue River Basin which satisfies the definition of "employee housing"~~
23 ~~set forth in section 9-1-5 of this chapter. Such right of substitution shall be subject to~~
24 ~~the Town's approval of such substitute unit or property as being of comparable size~~
25 ~~and condition using the Class D minor development permit process. No such~~
26 ~~substitution shall be permitted unless the substitute unit or property shall be subjected~~
27 ~~to a restrictive covenant as required by subsection A(2)(f) of this section.~~

28
29 ~~(53)~~ Summer Seasonal Housing: Between May 1 and September 30 of any year,
30 an employee housing unit may be lawfully occupied for a period not to exceed
31 twelve (12) consecutive weeks by any person participating in or employed by the
32 summer programs sponsored by a nonprofit organization or the Town. Such
33 occupancy shall be authorized by a Class D minor development permit.
34

1 Section 13. Section D of Section 9-1-19-3A, “Policy 3 (Absolute) Density/Intensity” of
2 the Breckenridge Town Code is amended to read as follows:

3
4 D. Employee Housing Density Calculations:

5
6 (1) A maximum of ten percent (10%) of the density of a project which is located
7 outside of the Conservation District shall be excluded from the calculated density
8 of ~~the a~~ project if such density is used to construct “**employee housing**” as
9 **defined in section 9-1-5 of this chapter and the project mitigates twenty five**
10 **percent (25%) of the employee housing impact requirements as determined**
11 **in Section 9-1-19-24R, “Policy 24 (Relative) Social Community,” through on-**
12 **site mitigation.** An employee housing unit which is located within the
13 Conservation District shall count against the density and mass of the project for
14 which such unit was provided. ~~Employee housing units that are condominiums~~
15 ~~shall be calculated as one thousand two hundred (1,200) square feet under~~
16 ~~subsection B of this section.~~

17
18 (2) There shall be no density bonus or adjustment allowed for employee housing
19 constructed as part of a project located within the Conservation District.

20
21 (3) Notwithstanding subsection D(1) of this section, a project located outside of
22 the Conservation District which consists of all employee housing units as herein
23 defined, shall be allowed one hundred fifteen percent (115%) of its otherwise
24 permitted density under the controlling development policy or document,
25 including, but not limited to, the land use guidelines, master plan, planned unit
26 development agreement or other controlling site specific rule, regulation or court
27 order.

28
29 (4) In connection with the annexation to the Town of real property, the Town
30 shall establish the density for the property in accordance with the Summit County
31 zoning density for residential uses or the Town land use guideline recommended
32 density, whichever is less. Density recommended for nonresidential uses under
33 Summit County zoning shall not be recognized by the Town. If upon such
34 property there is to be constructed a project which includes one or more employee
35 housing units as herein defined, the Town may establish a density that exceeds the
36 lesser of the County or Town density, for the portion of the property devoted to
37 employee housing.

38
39 (5) ~~Any e~~Employee housing which is excluded from a project’s density
40 calculation or which is part of a project for which additional density is allowed
41 pursuant to this subsection D shall be subject to the provisions and requirements
42 of this policy and Section 9-1-19-24R, “Policy 24 (Relative) Social Community”,
43 of this chapter.

1
2 Section 14. Section 9-1-26 of the Breckenridge Town Code is amended to read as
3 follows:

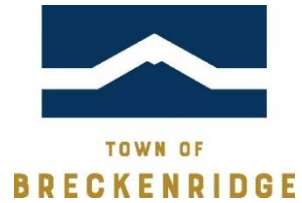
4
5 9-1-26 RESTRICTIVE COVENANTS:

6
7 **A. Form and Execution of Restrictive Covenants:** Any restrictive covenant
8 required as a condition of approval of a development permit shall be in form and
9 substance acceptable to the Town Attorney. Upon approval by the Town
10 Attorney, any such covenant may be executed by the Town Manager or Director
11 on behalf of the Town. At the time of the recording, a required restrictive
12 covenant shall not be subordinate to any senior lien or encumbrance, except the
13 lien of the general property taxes.

14
15 **B. Substitution of Deed-Restricted Property: The owner of an employee**
16 **housing unit which is restricted by a restrictive covenant as described in**
17 **Section 9-1-19-24A, “Policy 24 (Absolute) The Social Community,” or**
18 **Section 9-1-19-24R, “Policy 24 (Relative) The Social Community,” shall have**
19 **the right to obtain the release of the restrictive covenant by substituting for**
20 **the restricted unit another unit or property located in the Town or an**
21 **unincorporated area of the Upper Blue River Basin which satisfies the**
22 **definition of “employee housing” set forth in section 9-1-5 of this chapter.**
23 **Provided, however, there shall be no right of substitution with respect to on**
24 **site housing required under Section 9-1-19-24A, “Policy 24 (Absolute) The**
25 **Social Community.” The right of substitution shall be subject to the Town’s**
26 **approval of such substitute unit or property as being of comparable size and**
27 **condition using the Class D minor development permit process. No such**
28 **substitution shall be permitted unless the substitute unit or property shall be**
29 **subjected to a restrictive covenant as required by subsection A of this section.**
30

31 Section 415. The Town Council hereby finds, determines and declares that this
32 ordinance is necessary and proper to provide for the safety, preserve the health, promote the
33 prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and
34 the inhabitants thereof.

35
36 Section 516. The Town Council hereby finds, determines and declares that it has the
37 power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling
38 Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning
39 municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers);
40 (iv) Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to
41 home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers
42 contained in the Breckenridge Town Charter.
43



Memo

To: Breckenridge Town Council Members
From: Town Attorney
Date: May 18, 2020
Subject: Council Bill No. 17 (Amendment to Water System Maintenance Fee Ordinance)

The second reading of the ordinance amending the Town's Water System Maintenance Fee Ordinance is scheduled for your meeting on May 26th. 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 – MAY 26***

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. 17

9
10 Series 2020

11
12 AN ORDINANCE AMENDING SECTION 12-4-23 OF THE BRECKENRIDGE TOWN
13 CODE CONCERNING THE WATER SYSTEM MAINTENANCE FEE

14
15 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
16 COLORADO:

17
18 Section 1. Findings. The Town Council of the Town of Breckenridge hereby finds and
19 determines as follows:

20
21 A. The Town of Breckenridge is a home rule municipal corporation organized and
22 existing pursuant to Article XX of the Colorado Constitution.

23 B. On April 1, 1980 the people of the Town of Breckenridge adopted the Breckenridge
24 Town Charter.

25 C. Section 13.1 of the Breckenridge Town Charter provides in pertinent part as follows:

26 The town shall have and exercise with regard to all utilities . . . all municipal
27 powers, including, without limitation, all powers now existing and which may be
28 hereafter provided by the Constitution and the statutes.

29
30 D. Section 13.1 of the Breckenridge Town Charter further provides that “the right of the
31 town to construct . . . any public utility, work or way, is expressly reserved.”

32 E. Section 31-35-402(1)(b), C.R.S., authorizes a municipality to operate and maintain
33 water facilities for its own use and for the use of public and private consumers and users within
34 and without the territorial boundaries of the municipality.

35 F. Pursuant to the authority granted by the Breckenridge Town Charter and Section 31-
36 35-402(1)(b), C.R.S., the Town owns and operates a municipal water system.

37 G. Section 13.3 of the Breckenridge Town Charter provides that “(t)he council shall by
38 ordinance establish rates for services provided by municipality-owned utilities.”

1 H. Section 31-35-402(1)(f), C.R.S., authorizes a municipality with respect to a municipal
2 water system:

3 To prescribe, revise, and collect in advance or otherwise, from any consumer or
4 any owner or occupant of any real property connected therewith or receiving
5 service therefrom, rates, fees, tolls, and charges or any combination thereof for the
6 services furnished by, or the direct or indirect connection with, or the use of, or
7 any commodity from such water facilities

8
9 I. Section 31-35-402(1)(f), C.R.S., further provides that the governing body of a
10 municipality is empowered to establish the rates, fees, tolls, and charges in connection with the
11 operation of its municipal water system “without any modification, supervision, or regulation of
12 any such rates, fees, tolls, or charges by any board, agency, bureau, commission or official other
13 than the governing body collecting them.”

14 J. The action of the Town Council in setting the rates, fees, tolls, and charges to be
15 charged and collected by the Town in connection with the operation of its municipal water
16 system is a legislative matter.

17 K. In connection with the adoption of this ordinance, the Town has reviewed, considered
18 and relied upon a study of the reasonably anticipated current and future maintenance and
19 expansion costs for the Town’s municipal water system, including the construction of a second
20 water treatment facility, as prepared by the Town’s Finance Director, and all other matters,
21 materials and information related thereto or submitted to the Town in connection therewith. All
22 such materials are to be considered part of the record of the proceedings related to the adoption
23 of this ordinance.

24 L. It is the belief of the Town Council that customers of the Town’s municipal water
25 system should pay their fair share of the capital costs associated with the ongoing operation and
26 the future replacement of the Town’s water system. The imposition of the Water Service
27 Maintenance Fee as a periodic charge to be paid by all users of the Town’s water system, all as
28 provided in this ordinance, is fully consistent with such beliefs.

29 M. The Water System Maintenance Fee imposed by this ordinance will help achieve the
30 Town’s long-term goals and objectives as set forth in Paragraph L of this Section 1.

31 N. The Water System Maintenance Fee imposed by this ordinance is a generally
32 applicable service fee designed to cover the capital and infrastructure costs associated with the
33 operation of the Town’s municipal water system.

34 O. The amount of the Water System Maintenance Fee imposed by this ordinance is
35 determined by the Town Council to be reasonably related to the future capital and infrastructure
36 costs in the adopted capital plan for the Town’s municipal water system.

37 Section 2. Section 12-4-20 of the Breckenridge Town Code is amended to read as
38 follows:
39

1 12-4-20: WATER SYSTEM MAINTENANCE FEE:
2

3 ~~Commencing with the billing statement issued by the Town in March 2010 (for~~
4 ~~water service provided during the months of January-February 2010), t~~There shall
5 be included with each billing statement for water service, and there shall be
6 assessed and paid by each owner whose water using property was connected to
7 the Town's water system during any portion of the billing cycle, in arrears, a
8 WSMF fee in the amount of ~~four dollars (\$4.00)~~ **twelve dollars (\$12.00)** per SFE
9 per billing cycle. The WSMF shall be a water charge within the meaning of
10 section 12-1-6 of this title, and shall be due and payable to the Town at the same
11 time and in the same manner as other water charges are due and payable to the
12 Town under this chapter. Unpaid WSMFs may be collected by the Town as
13 provided by chapter 6 of this title.
14

15 Section 3. Section 12-4-23 of the Breckenridge Town Code is amended to read as
16 follows:
17

18 12-4-23: ANNUAL ADJUSTMENT OF CERTAIN FEES AND CHARGES:
19

20 A. On January 1 of each year, commencing in 2018 and continuing thereafter, the
21 amount of the following fees and charges payable to the Town pursuant to
22 Chapter shall be increased as follows:
23

24 1. On January 1, 2018 the amount of the PIF to be paid to the Town pursuant
25 to Section 12-4-3 shall be increased by an amount equal to twenty (20%)
26 percent of the previous year's PIF. On January 1, 2019, and each year
27 thereafter, the amount of the PIF to be paid to the Town pursuant to Section
28 12-4-3 shall be increased by an amount equal to ten percent (10%) of the
29 previous year's PIF. The increased PIF rate shall apply to all applications for
30 water service that have not been fully paid by the effective date of such rate
31 increase.
32

33 2. the amount of the in Town base user fee for all residential water users to be
34 paid to the Town pursuant to Section 12-4-11A shall be increased by an
35 amount equal to five percent (5%) of the previous year's base user fee.
36

37 3. the amount of the excess use charge to be paid to the Town pursuant to
38 Section 12-4-11B shall be increased by an amount equal to five percent (5%)
39 of the previous year's excess use charge.
40

41 4. each of the in Town base user fees for all nonresidential water users to be
42 paid to the Town pursuant to Section 12-4-12A shall be increased by an
43 amount equal to five percent (5%) of the previous year's base user fee.
44

45 5. the fee due to the Town pursuant to Section 12-4-13 shall be increased by
46 an amount equal to five percent (5%) of the previous year's fee.

1
2 6. the bulk water fee due to the Town pursuant to Section 12-4-14 shall be
3 increased by an amount equal to five percent (5%) of the previous year's bulk
4 water fee. The connection fee and deposit required by Section 12-4-14 shall
5 not be increased.
6

7 ~~B. On January 1, 2018 the water system maintenance fee (WSMF) to be paid to~~
8 ~~the Town pursuant to Section 12-4-20 shall be increased to six dollars (\$6.00)~~
9 ~~per SFE per billing cycle. On January 1, 2019 the water system maintenance~~
10 ~~fee (WSMF) to be paid to the Town pursuant to Section 12-4-20 shall be~~
11 ~~increased to eight dollars (\$8.00) per SFE per billing cycle. The water system~~
12 ~~maintenance fee (WSMF) as adjusted on January 1, 2019 shall remain in~~
13 ~~effect until changed by ordinance duly adopted by the Town Council.~~
14

15 ~~C. On January 1, 2018 the water system maintenance fee (WSMF) to be paid to~~
16 ~~the Town by each owner whose out of town water using property was~~
17 ~~connected to the Town's water system during any portion of the billing cycle~~
18 ~~pursuant to Section 12-5-6-1 shall be increased to six dollars (\$6.00) per SFE~~
19 ~~per billing cycle. On January 1, 2019 the water system maintenance fee~~
20 ~~(WSMF) to be paid to the Town by out of Town water users pursuant to~~
21 ~~Section 12-5-6-1 shall be increased to eight dollars (\$8.00) per SFE per billing~~
22 ~~cycle. The water system maintenance fee (WSMF) as adjusted on January 1,~~
23 ~~2019 shall remain in effect until changed by ordinance duly adopted by the~~
24 ~~Town Council.~~
25

26 ~~D~~B. Not later than thirty (30) days after a fee or charge enumerated above is
27 adjusted as provided the Town Clerk shall cause to be published a public
28 notice setting forth the amount of the adjusted fee or charge. Such notice shall
29 be published one time in a newspaper of general circulation in the Town;
30 provided, however, that the failure of the Town Clerk to cause such notice to
31 be published shall not affect the validity of the adjustment to the fee or charge
32 as made pursuant to this section.
33

34 Section 4. Section 12-5-6-1 of the Breckenridge Town Code is amended to read as
35 follows:
36

37 12-5-6-1: WATER SYSTEM MAINTENANCE FEE:
38

39 ~~Commencing with the billing statement issued by the town in March 2010 (for~~
40 ~~water service provided during the months of January through February 2010),~~
41 ~~†~~There shall be included with each billing statement for out of town water service,
42 and there shall be assessed and paid by each owner whose out of town water using
43 property was connected to the town's water system during any portion of the
44 billing cycle, in arrears, a WSMF in the amount of ~~four dollars (\$4.00)~~ twelve
45 dollars (\$12.00) per SFE per billing cycle. The WSMF shall be a water charge
46 within the meaning of section 12-1-6 of this title, and shall be due and payable to

1 the town at the same time and in the same manner as other water charges are due
2 and payable to the town under this chapter. Unpaid WSMFs due from out of town
3 water users may be collected by the town as provided by chapter 6 of this title.
4

5 Section 5. Except as specifically amended by this ordinance, the Breckenridge Town
6 Code, and the various secondary codes adopted by reference therein, shall continue in full force
7 and effect.
8

9 Section 6. The Town Council hereby finds, determines and declares that it has the power
10 to adopt this ordinance pursuant to the provisions of Section 31-35-402, C.R.S., and the powers
11 possessed by home rule municipalities in Colorado.
12

13 Section 7. This ordinance shall be published as required by the Breckenridge Town
14 Charter and shall become effective July 1, 2020.
15

16 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
17 PUBLISHED IN FULL this ____ day of _____, 2020. A Public Hearing shall be held at the
18 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
19 _____, 2020, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
20 Town.
21

22 TOWN OF BRECKENRIDGE, a Colorado
23 municipal corporation
24
25
26

27 By: _____
28 Eric S. Mamula, Mayor
29

30 ATTEST:
31
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35 _____
36 Helen Cospolich, CMC,
37 Town Clerk
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Memo

To: Mayor and Town Council
From: Julia Puester, AICP, Assistant Community Development Director
Date: 5/20/2020 for meeting of May 26, 2020
Subject: Overhead Walkway Lighting Second Reading

This code amendment would allow for year round decorative downcast, fully shielded lighting with Kelvin and lumen limitations above walkways between buildings in commercial Lighting Zones 1&2 (which generally includes the Historic District and areas east of Park Avenue and Main Street Station and a portion of The Village) for the purposes of safety of pedestrians walking in otherwise unlit or dimly lit walkways.

The Town Council approved the overhead walkway lighting first reading May 12th with modifications suggested by Town Council for second reading. Those modifications included:

- Remove “publically owned” from the definition to allow for both public and private walkways to be lit with overhead walkway lighting.
- Add Light Emitting Diode (LED) as a requirement for overhead walkway lighting.
- Added “safety” to the definition.
- Ensure that the lighting would not become too overwhelming. To accomplish this, staff added that overhead walkway lighting would be processed as a Class D minor development permit to allow staff to review the Kelvin and lumen limitations as well as ensure that the unlit or dimly lit walkways meet the definition for placement. Under this definition, large spans such as the large section of interior plaza at Main Street Station would not be allowed overhead walkway lighting however, the entrance consisting of 32 feet in width which leads pedestrians to the plaza area would be allowed if the Council finds that width acceptable.

Staff has included additional measurements of potential walkways in Town for width examples. Council may find some locations below are not required for safety purposes. Please note that outdoor dining areas are allowed bistro lighting from May 1 to October 31. (Photos attached)

○ Town Hall to Breck Professional Building	28'
○ Main Street Station inside Main Entrance	32'
○ Bold Outdoor Dining Bistro Light Post to Wine Shop	46'
○ Bold south wall to Simply Massage	40'
○ Main Street Station west wall to River (ped. easement)	29'
○ The Village ramp	20'
○ LaCima stairs	8'
○ LaCima Sancho to Empire Burger	24'
○ Shops on Main	16'
○ RMU north wall to adjacent building	6'
○ Columbine Café to south building (alley side)	7'
○ Columbine Café entrance to south building	24'

Staff has attached the second reading of the ordinance and will be available at the meeting for any questions.

Photos of Measured Areas Between Buildings

Main Street Station inside Main Entrance (32')



Bold Outdoor Dining Bistro Light Post to Wine Shop (46')



Main Street Station west wall to River (pedestrian easement) (29')



The Village ramp (20')



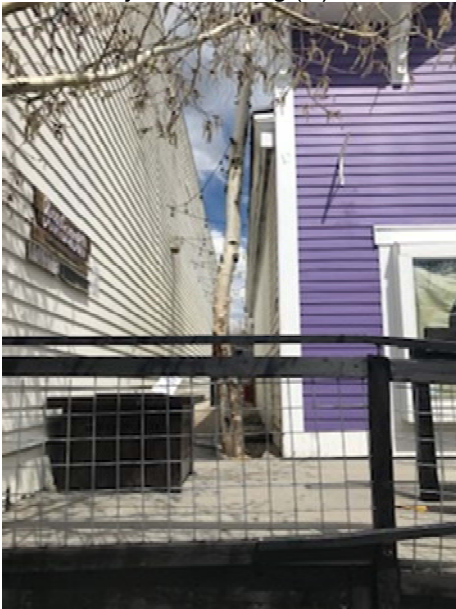
LaCima stairs (8')



Shops on Main (16')



RMU north wall to adjacent building (6')



1 **FOR WORKSESSION/SECOND READING – MAY 26**

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. 18

7
8 Series 2020

9
10 AN ORDINANCE AMENDING CHAPTER 12 OF TITLE 9 OF THE BRECKENRIDGE
11 TOWN CODE CONCERNING OVERHEAD WALKWAY LIGHTING

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

15
16 **Section 1. The definition of “Class D-Minor” development in Section 9-1-5 of the**
17 **Breckenridge Town Code is amended to add the following:**

18
19 **EE. Overhead walkway lighting**

20
21 Section 2. Section 9-12-7 of the Breckenridge Town Code is amended by the addition of
22 the following definition of “Overhead Walkway Lighting”:
23

OVERHEAD WALKWAY
LIGHTING:

Downcast, fully shielded small white or clear
light emitting diode (LED) “warm or “soft”
bulbs which provide outdoor light for the
purpose of directing pedestrian traffic through
a narrow publicly owned access corridor that
is not a public street or alley. Overhead
walkway lights shall be installed on a black or
gray wire or metal rod, not to exceed 3,000
Kelvin or a maximum of 850 total lumens
across the property or area. **Overhead**
walkway lighting may not be located in any
location that is wider than thirty two (32)
feet.

24
25 **Section 3. Section 9-12-11A of the Breckenridge Town Code is amended by the**
26 **addition of a new item 7 as follows:**

27
28 **7. Overhead Walkway Lighting: Overhead walkway lighting is permitted**
29 **year round in Lighting Zone 1.**

30
31 **Section 4. Section 9-12-11B of the Breckenridge Town Code is amended by the**
32 **addition of a new item 7 as follows:**
33

1 **7. Overhead Walkway Lighting: Overhead walkway lighting is permitted**
2 **year round in Lighting Zone 2.**
3

4 **Section 5. Section 9-12-12A7 of the Breckenridge Town Code is amended to read as**
5 **follows:**
6

7 7. Decorative, **Overhead Walkway Lighting**, And Bistro Lighting: Decorative,
8 **overhead walkway**, and bistro lighting shall not blink all at once, flash, or rotate,
9 nor create a hazard or nuisance from glare. Decorative, **overhead walkway**, and
10 bistro lighting shall be maintained in good working condition at all times.
11

12 Section 6. Except as specifically amended hereby, the Breckenridge Town Code, and the
13 various secondary codes adopted by reference therein, shall continue in full force and effect.
14

15 Section 7. The Town Council hereby finds, determines and declares that this ordinance is
16 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
17 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
18 thereof.
19

20 Section 8. The Town Council hereby finds, determines and declares that it has the power
21 to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act,
22 Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal
23 zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv)
24 Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to
25 home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers
26 contained in the Breckenridge Town Charter.
27

28 Section 9. This ordinance shall be published and become effective as provided by
29 Section 5.9 of the Breckenridge Town Charter.
30

31 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
32 PUBLISHED IN FULL this ____ day of _____, 2020. A Public Hearing shall be held at the
33 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
34 _____, 2020, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
35 Town.
36

37 TOWN OF BRECKENRIDGE, a Colorado
38 municipal corporation
39

40
41
42 By: _____
43 Eric S. Mamula, Mayor
44
45

1 ATTEST:

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6 _____
Helen Cospolich, CMC,
7 Town Clerk

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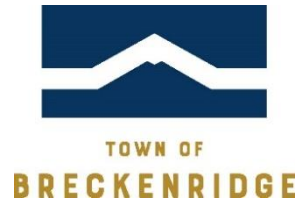
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Memo

To: Breckenridge Town Council Members
From: Town Attorney
Date: May 18, 2020
Subject: Council Bill No. 19 (Decriminalizing Noise Ordinance Violations)

The second reading of the ordinance making a violation of the Town's Noise Ordinance a civil infraction instead of a misdemeanor municipal offense is scheduled for your meeting on May 26th. 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 – MAY 26**

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

5
6 COUNCIL BILL NO. 19

7
8 Series 2020

9
10 AN ORDINANCE CONCERNING THE PENALTY FOR VIOLATING CHAPTER 8 OF
11 TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING NOISE

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

15
16 Section 1. Section 5-8-15A of the Breckenridge Town Code is amended to read as
17 follows:

18
19 5-8-15: PENALTY:

20
21 ~~A. It shall be a misdemeanor offense for any person to violate any provision of~~
22 ~~this chapter. Any person convicted of having violated any provision of this~~
23 ~~chapter shall be punished as set forth in title 1, chapter 4 of this code. **It is an**~~
24 ~~**“infraction”, as defined in section 1-3-2 of this Code, for any person to violate**~~
25 ~~**any of the provisions of this chapter. Every person found liable for a**~~
26 ~~**violation of any provision of this chapter shall be punished as provided in**~~
27 ~~**section 1-4-1-1 of this Code.**~~
28

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

31
32 Section 3. The Town Council hereby finds, determines and declares that this ordinance is
33 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
34 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
35 thereof.

36
37 Section 4. The Town Council hereby finds, determines and declares that it has the power
38 to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article
39 XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

40
41 Section 5. This ordinance shall be published and become effective as provided by Section
42 5.9 of the Breckenridge Town Charter.

43
44 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
45 PUBLISHED IN FULL this ____ day of _____, 2020. A Public Hearing shall be held at the
46 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of

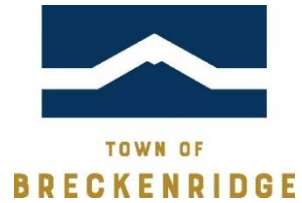
1 _____, 2020, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
2 Town.

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

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

11
12 ATTEST:

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16 _____
17 Helen Cospolich, CMC,
18 Town Clerk
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Memo

To: Breckenridge Town Council Members
From: Town Attorney
Date: May 18, 2020
Subject: Council Bill No. 20 (Amendment to Town Project Ordinance)

The second reading of the ordinance amending the Town Project Ordinance is scheduled for your meeting on May 26th. 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 – MAY 26***

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. 20

9
10 Series 2020

11
12 AN ORDINANCE AMENDING CHAPTER 14 OF TITLE 9 OF THE BRECKENRIDGE
13 TOWN CODE CONCERNING TOWN PROJECTS

14
15 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
16 COLORADO:

17
18 Section 1. Section 9-14-2 of the Breckenridge Town Code is amended to read as follows:

19
20 9-14-2: TOWN COUNCIL AUTHORITY OVER TOWN PROJECTS:

21
22 The town council, in its sole discretion, shall determine whether a town project is
23 necessary or advisable for the public good, and whether the project shall be
24 undertaken. If a town project is to be undertaken, the town council, in its sole
25 discretion, has the sole and final authority to determine all aspects of the town
26 project, including, but not limited to, its location and design. Chapters 1, 3 and 12
27 of this title and the town of Breckenridge land use guidelines do not apply to town
28 projects, but town projects shall be processed instead in accordance with the
29 provisions of this chapter.

30
31 Section 2. Section 9-14-4B of the Breckenridge Town Code is amended to read as
32 follows:

33
34 B. In connection with its review of a proposed town project, the planning
35 commission shall schedule and hold one or more public hearings, notice of which
36 shall be published on the town's website for at least five (5) days prior to the
37 hearing. **In addition to posting on the Town's website, notice of the planning**
38 **commission's public hearing on a proposed town project shall be given in the**
39 **same manner as is required for a final hearing on a Class A development**
40 **permit application pursuant to chapter 1 of this title. Failure of a person to**
41 **receive the notice described in this section shall not impair the validity of the**
42 **planning commission's public hearing on a proposed town project, or the**
43 **planning commission's recommendation to the town council with respect to**
44 **such proposed town project.** Because the process of reviewing and approving a
45 town project is discretionary and administrative, and not quasi-judicial, any

1 member of the town council may properly attend the planning commission's
2 public hearing(s) and deliberations with respect to a proposed town project.

3
4 Section 3. Section 9-14-4E of the Breckenridge Town Code is amended to read as
5 follows:

6
7 E. The final decision with respect to a proposed town project shall be made by the
8 town council at a regular or special meeting. **The date of the town council**
9 **meeting shall be determined by the Town Manager.** The proposed town project
10 shall be listed on the town council's agenda that is posted in advance of the
11 meeting on the town's website. **In addition to posting on the Town's website,**
12 **notice that the town council will consider a proposed town project at such**
13 **meeting shall be given in the same manner as is required for a final hearing**
14 **on a Class A development permit application pursuant to chapter 1 of this**
15 **title. Failure of a person to receive the notice described in this section shall**
16 **not impair the validity of any action taken by the town council on a proposed**
17 **town project.**

18
19 Section 4. Section 9-14-5A of the Breckenridge Town Code is amended by the addition
20 of the following provision:

21
22 **2.5. Grading and underground utility work associated with a town project.**

23
24 Section 5. Section 9-14-5A of the Breckenridge Town Code is amended to read as
25 follows:

26
27 9-14-5: TOWN PROJECTS NOT REQUIRING PLANNING COMMISSION
28 REVIEW:

29
30 A. Notwithstanding section 9-14-4 of this chapter, the planning commission is not
31 required to review and provide a recommendation with respect to the following
32 categories of town projects:

- 33 1. Public road or alley improvements;
34 2. The installation or replacement of the town's public utilities and structures
35 associated with the operation of the town's public utilities;
36 3. The erection or improvement of surface public parking facilities;
37 4. Minor repairs to any public facility;
38 5. Any work that would be classified as a class C, class D major, or class D minor
39 development under the town's development code; or
40 6. Any other proposed town project that the town council determines need not be
41 reviewed by the planning commission.

42
43 **Approval of exempt projects under Section A3 and A5 shall be made by the**
44 **Director. All other exempt projects shall not require approval of the**
45 **Director.**
46

1 B. All exempt projects may be undertaken by the town council without planning
2 commission review, and without formal town council approval.
3

4 C. Nothing in this section limits the discretionary authority of the town council to
5 have any of the exempted town projects reviewed by the planning commission if
6 the council determines that such review would be beneficial.
7

8 Section 6. Except as specifically amended hereby, the Breckenridge Town Code, and the
9 various secondary codes adopted by reference therein, shall continue in full force and effect.
10

11 Section 7. The town council hereby finds, determines and declares that this ordinance is
12 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
13 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
14 thereof.

15 Section 8. The town council finds, determines and declares that it has the power to adopt
16 this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20
17 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning
18 powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-
19 15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to home rule
20 municipalities by Article XX of the Colorado Constitution; and (vi) the powers contained in the
21 Breckenridge Town Charter.

22 Section 9. The town council finds, determines and declares that it has the power to adopt
23 this ordinance pursuant to the authority granted to home rule municipalities by Article XX of the
24 Colorado Constitution and the powers contained in the Breckenridge Town Charter.

25 Section 10. This ordinance shall be published and become effective as provided by
26 Section 5.9 of the Breckenridge Town Charter.

27
28 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
29 PUBLISHED IN FULL this ____ day of _____, 2020. A Public Hearing shall be held at the
30 regular meeting of the town council of the Town of Breckenridge, Colorado on the ____ day of
31 _____, 2020, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
32 Town.
33

34 TOWN OF BRECKENRIDGE, a Colorado
35 municipal corporation
36
37
38

39 By: _____
40 Eric S. Mamula, Mayor
41
42

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ATTEST:

Helen Cospolich, CMC,
Town Clerk

MEMO

TO: Town Council

FROM: Town Attorney

RE: Ordinance Authorizing Certificates of Participation

DATE: May 21, 2020 (for May 26th meeting)

The South Gondola Ground Lease with Vail Summit Resorts, Inc. requires the Town to approve the “Project Financing” for the construction of the new parking structure not later than July 1, 2020. Once approved, the Town can make its own determination as to when to actually close on the financing.

The Town has hired Butler & Snow LLP as our bond counsel for the Project Financing, and has engaged Stifel, Nicolaus & Company to act as the underwriter. We have been working with our bond counsel and underwriter to satisfy the other requirements of the Ground Lease with respect to the Project Financing. It is now time for the Project Financing to be considered by the Town Council.

Both the Ground Lease and the Town’s Charter require that the Project Financing be approved by the Town Council through the adoption of an ordinance. The Town’s bond counsel has drafted a proposed ordinance approving the Project Financing, and it is provided to you along with this memo.

The form of the Project Financing will be “certificates of participation” (COPs or Certificates). COPs are a common form of municipal borrowing in part because they do not require a municipal election to approve their issuance.

You have undoubtedly heard of a municipal bond. When a local government issues municipal bonds, the bonds are sold and the money paid for the bonds is used by the municipality to pay for its project. The municipality then pays the bond holder back at an agreed interest rate and timeline.

A COP is a type of municipal financing that is an alternative to the traditional municipal bond, and is a bit harder to explain. Here’s a grossly simplified overview of the steps involved in a municipal COP such as the Town is planning:

1. First, the municipality determines how much money it needs to raise to pay for its municipal project(s).

2. Next, the municipality identifies land that it already owns, the fair market value of which approximates the amount of money the municipality wants to raise. You can think of the

municipal land as the “collateral” that is given to assure the Town fully complies with the terms under which the COPs will be issued.

3. Then, the municipality leases such municipal land to a trustee (a neutral third party, typically a large bank) for no rent. The trustee immediately leases the municipal land **back to the municipality** at an agreed rental rate.

4. Simultaneously to the lease + lease-back of the municipal property COPs are issued and sold to raise the amount of money the municipality desires to borrow. Investors purchase the COPs. The money generated by the sale of the COPs is paid to the municipality (net of all issuance costs). At that point, the municipality has raised the money it needs to do its project.

5. The investor who purchases a COP is entitled to an agreed percentage of the rental which the municipality pays to the trustee in connection with the lease-back of its municipal property (that is, the investor is “participating” in the rent payment, hence the name Certificate of Participation). You can think of the rental payments as the money paid by the Town to repay the investors. When the municipality pays its rent to the trustee the trustee will divide the rent equally among the owners of the COPs. The amount paid by the trustee to the COP owners is some portion of the original amount the investor paid or the COP by the investor (i.e., the principal), together with interest.

6. If everything works as planned, once the municipality has paid the trustee all of the original amount borrowed plus the agreed interest, the lease + lease back arrangement is terminated and the municipality gets its property back free from any encumbrance caused by the COPs.

The municipality’s obligation to pay the rent to the trustee (and to indirectly pay back the investors) is subject to annual appropriation. This means that the governing body of the municipality must appropriate money each fiscal year to authorize the payment of the rent to the trustee. The governing body can legally refuse to appropriate funds to pay the rent. However, doing that would cause a default in the COP financing, and would jeopardize the municipality’s property that was pledged as collateral for the COPs.

With that background, here is an overview of the new COPs to be issued by the Town:

1. The Town will issue its COPs to raise money for the following: (i) to construct the parking structure on the South Gondola Lot; (ii) to pay for part of the Town’s broadband project; (iii) to pay off the remaining balance of a previous COP issuance the Town did in 2007; and (iv) to pay the cost of issuing the COPs.

2. The Town-owned lands that will be leased to the trustee and then leased back to the Town (i.e., the collateral) are:

- the Town Hall
- the BGV Community Center
- the Police Facility

- the Recreation Center
- the Ice Arena
- the Riverwalk Center
- the Golf Course Clubhouse

All of the Town's collateral is required to support the new COOP issuance.

3. One twist with the new COP issuance is that there will actually be two different groups of COPs sold by the Town. The first, to be known as the "2020A Certificates," are for the Town's Broadband project. These certificates will be taxable to the purchasers of the certificates, which means that certificate holders will have to pay federal and state income tax on the interest paid by the Town on the certificates. Taxable COPs typically require the municipality to pay a slightly higher interest rate than tax exempt COPs to account for the fact that the COP holder must be taxes on the money earned from the COP.

4. The second group of certificates, the "2020B Certificates," are to pay for the construction of the parking structure on the South Gondola Lot and to pay off the remaining balance on the 2007 COPs. The interest on these certificates will be exempt from both state and federal taxation. Tax-exempt COPs typically carry a slightly lower interest rate than taxable COPs to reflect that the COP holder does not have to pay income taxes on the money earned from the COP.

5. Another twist with the new COP issuance is that the 2020A group and the 2020B group will actually be issued under the authority of a COP issuance the Town did in 2016. Our advisors have advised that this is the preferred way to go about issuing the new COPs.

All of this is laid out in detail in the attached ordinance.

The one key deal point that still needs to be determined is the interest rate the Town will have to pay to the holders of the 2020A Certificates and the 2020B Certificates. The market for municipal COPs that was so favorable just a few months ago has been more difficult to predict in light of the COVID-19 pandemic. It is not yet completely clear how the pandemic will affect the interest rate that the Town must agree to pay to sufficiently entice the investors to purchase the COPs.

Because the COPs will not be sold immediately after the ordinance is adopted, it is impossible to accurately predict at this time what the interest rate the Town will have to pay to sell the COPs. To deal with this uncertainty, the ordinance sets a top limit of 4.5% for the interest to be paid on the 2020A group (the taxable COPs), and a top limit of 4% for interest to be paid on the 2020B group (the tax exempt COPs). Keep in mind that the actual interest rates will be determined at the time that the Town issues its COPs, and that the interest rates can vary from day to day. We are hoping that the actual interest rates will be lower than the top limits set in the ordinance. The adoption of the ordinance as presented will allow the Town to determine the best time to issue the new COPs at an acceptable interest rate that is within the limits established in the ordinance.

You will notice that the ordinance is drafted as an emergency ordinance. The Town has customarily done an emergency ordinance when authorizing the issuance of municipal debt, whether that debt be in the form of municipal bonds or COPS. This is so that the ordinance will become effective immediately, which will allow the Town to sell the COPS before the ordinance would become effective if it was adopted as a non-emergency ordinance. Basically, an emergency ordinance gives the Town the flexibility to determine the best time to actually issue the COPS.

I know that this is complicated, and both Rick and I will be available to answer your questions on Tuesday.

COUNCIL BILL NO. __
ORDINANCE NO. __
SERIES 2020

AN ORDINANCE AUTHORIZING THE FINANCING OF THE CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS AND THE REFINANCING OF CERTAIN OUTSTANDING OBLIGATIONS OF THE TOWN; AUTHORIZING THE EXECUTION AND DELIVERY OF AMENDMENTS TO A SITE LEASE AND LEASE PURCHASE AGREEMENT AND APPROVAL OF CERTAIN OTHER DOCUMENTS AND MATTERS RELATED THERETO; AUTHORIZING OFFICIALS OF THE TOWN TO TAKE ACTION NECESSARY THERETO; AND DECLARING AN EMERGENCY.

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

Section 1. Recitals:

(A) The Town of Breckenridge, in Summit County, Colorado (the “Town”), is a duly organized and existing home rule municipality of the State of Colorado (the “State”), created and operating pursuant to Article XX of the State Constitution and the Town’s Home Rule Charter (the “Charter”).

(B) Members of the Town Council of the Town (the “Council”) have been duly elected or appointed and qualified.

(C) Pursuant to Section 11.10 of the Charter, the Council is authorized to enter into lease-purchase and installment-purchase agreements as a means of acquiring any real or personal property for public purposes.

(D) Pursuant to Section 15.4 of the Charter, the Council is authorized to lease, for such time as the Council shall determine, real or personal property to or from any person, firm or corporation, public and private, governmental or otherwise.

(E) Pursuant to Title 1, Chapter 11 of the Town’s municipal code, any real estate leases which are longer than one year shall be approved by ordinance.

(F) For the purpose of financing the cost of certain public improvements of the Town (the “Prior Projects”), the Town has previously executed and delivered:

- i. A Lease Purchase Agreement dated as of December 1, 2000 (the “Original Lease”), by and between the Town and the Town of Breckenridge Finance Authority, as Lessor (the “Authority”); a First Amendment to Lease Purchase Agreement dated as of October 1, 2005 (the “First Amendment”), by and between the Town and the Authority, as Lessor; and a Second Amendment to Lease Purchase Agreement dated as of December 1, 2007 (the “Second Amendment”), by and between the Town and the Authority as Lessor (together, the Original Lease, the First Amendment and the Second Amendment Agreement are the “Prior Leases”); and

- ii. A Mortgage and Indenture of Trust dated as of December 1, 2000 (the “Original Indenture”), by and between the Authority and The Bank of Cherry Creek, N.A. (now UMB Bank, n.a.), as Trustee; a First Supplemental Mortgage and Indenture of Trust (the “First Supplement”), by and between the Authority and American National Bank, successor to The Bank of Cherry Creek, N.A., (now UMB Bank, n.a.) as Trustee; and a Second Supplemental Mortgage and Indenture of Trust (the “Second Supplement”), by and between the Authority and American National Bank (now UMB Bank, n.a.), as Trustee (together, the Original Indenture, the First Supplement and the Second Supplement are the “Prior Indentures”); and
- iii. Special Warranty Deed dated as of December 13, 2000, conveying the Town Hall building and site from the Town to the Authority as security for the Original Lease (the “2000 Leased Property”) and Special Warranty Deed dated as of November 1, 2005, conveying the police building and site from the Town to the Authority as security for the 2005 Amendment (the “2005 Leased Property”). The 2000 Leased Property has been released from the Prior Leases and Prior Indentures and title thereof has been conveyed to the Town.

(G) Pursuant to the Prior Indentures, there were executed and delivered Certificate of Participation, Series 2000 (the “2000 Certificates”), Certificates of Participation, Series 2005 (the “2005 Certificates”), and Certificates of Participation, Series 2007 (the 2007 Certificates”), each evidencing assignments of proportionate interests in rights to receive certain revenues pursuant to the Prior Lease.

(H) The 2007 Certificates are currently outstanding in the aggregate principal amount of \$1,805,000, and the 2000 Certificates and the 2005 Certificates are no longer outstanding.

(I) Also pursuant to such authority and in order to finance the construction of certain public improvements(the “2016 Project”), the Town has previously entered into a Site Lease Agreement, dated as of March 10, 2016 (the “2016 Site Lease”), pursuant to which the Town leased to UMB Bank, n.a. (the “Trustee”), acting solely in its capacity as trustee under an Indenture of Trust, certain real property owned by the Town (the “2016 Leased Property”), which 2016 Leased Property was leased back to the Town by the Trustee pursuant to the terms of a Lease Purchase Agreement dated as of March 10, 2016 (the “2016 Lease”).

(J) The consideration received by the Town pursuant to the 2016 Site Lease was held by the Trustee under an Indenture of Trust, executed by the Trustee, and dated as of March 10, 2016 (the “2016 Indenture”) and used for the completion of the 2016 Project.

(K) Pursuant to the 2016 Indenture, there were executed and delivered certain Certificates of Participation, Series 2016 (the “2016 Certificates”), in the original principal amount of \$10,060,000, dated as of March 10, 2016.

(L) The 2016 Certificates are currently outstanding in the aggregate principal amount of \$8,075,000.

(M) Pursuant to Section 2.08 of the 2016 Indenture, under certain conditions, Additional Certificates may be executed and delivered under the terms of the 2016 Indenture for the purpose of (i) financing the costs of acquiring, constructing, improving, and installing any New Facility (as defined in the 2016 Indenture), or acquiring a Site for any New Facility (and costs reasonably related thereto), (ii) financing the costs of completing the Improvement Project or making, at any time or from time to time, such substitutions, additions, modifications and improvements for or to the Leased Property as the Town may deem necessary or desirable, and as in accordance with the provisions of the 2016 Lease, and (iii) refunding or refinancing all or any portion of Outstanding Certificates.

(N) Pursuant to Section 9.01 and 9.02 of the 2016 Indenture, the 2016 Indenture, the 2016 Site Lease, and the 2016 Lease may be amended, without the consent of or notice to the Owners (as defined in the 2016 Indenture), to authorize the execution and delivery of Additional Certificates for the purposes and under the conditions set forth in Section 2.08 of the 2016 Indenture.

(O) The Council has determined, and now hereby determines, that it is in the best interest of the Town and its inhabitants to amend the 2016 Indenture (the “First Supplement” or, together with the 2016 Indenture, the “Indenture”), the 2016 Lease (the “First Lease Amendment” or, together with the 2016 Lease, the “Lease”) and the 2016 Site Lease (the “First Site Lease Amendment” or, together with the 2016 Site Lease, the “Site Lease”) to authorize the execution and delivery of Taxable Certificates of Participation, Series 2020A (the “2020A Certificates”), the proceeds of which shall be used to finance the acquisition, construction, installation, and equipping of broadband infrastructure (the “Broadband Project”), and Tax-Exempt Refunding and Improvement Certificates of Participation, Series 2020B (the “2020B Certificates,” and with the Series 2020A Certificates, the “2020 Certificates”), the proceeds of which shall be used to (i) finance additional capital improvements of the Town, including the acquisition, construction, installation, and equipping of a parking structure (the “Parking Structure Project”), and (ii) fully refund, pay and defease the outstanding 2007 Certificates (the “Refunded Certificates”) in accordance with the 2007 Indenture (the “Refunding Project”). The Broadband Project, the Parking Structure Project are collectively referred to herein as the “Improvement Project”, and the Improvement Project, together with the Refunding Project shall be collectively referred to herein as the “Project.”

(P) In connection with the Refunding Project, the 2005 Leased Property will be released from the terms and provisions of the Prior Leases and the Prior Indentures and the Authority’s interest in such leased property will be conveyed to the Town.

(Q) The Town owns, or will own, in fee title, certain sites and the premises, buildings and improvements located thereon (the “2020 Leased Property”), as further described in the Site Lease and the Lease (hereinafter defined); and (and together with the 2016 Leased Property, the “Leased Property”).

(R) Pursuant to the Lease, and subject to the right of the Town to terminate the Lease and other limitations as therein provided, the Town will pay certain recalculated Base Rentals and Additional Rentals (as such terms are defined in the Lease) in consideration for the right of the Town to use the Leased Property.

(S) The Town's obligation under the Lease to pay certain recalculated Base Rentals and Additional Rentals shall be from year to year only; shall constitute currently budgeted expenditures of the Town; shall not constitute a mandatory charge or requirement in any ensuing budget year; and shall not constitute a general obligation or other indebtedness or multiple fiscal year financial obligation of the Town within the meaning of any constitutional, statutory or Charter limitation or requirement concerning the creation of indebtedness or multiple fiscal year financial obligation, nor a mandatory payment obligation of the Town in any ensuing fiscal year beyond any fiscal year during which the Lease shall be in effect.

(T) The Trustee will execute and deliver the First Supplement, pursuant to which there is expected to be executed and delivered the 2020 Certificates, dated as of their date of delivery, that shall evidence proportionate interests in the right to receive certain Revenues (as defined in the Lease), shall be payable solely from the sources therein provided and shall not directly or indirectly obligate the Town to make any payments beyond those appropriated for any fiscal year during which the Lease shall be in effect.

(U) The 2020 Certificates will be executed and delivered pursuant to the Indenture and the Lease and pursuant to a certain Certificate Purchase Agreement (the "Purchase Agreement"), between Stifel, Nicolaus & Company, Incorporated (the "Underwriter") and the Trustee.

(V) The net proceeds of the 2020 Certificates are expected to be used to provide funds in an amount sufficient to finance the costs of the Project and pay the costs of issuance of the 2020 Certificates.

(W) There has been presented to the Council and are on file at the Town offices the following: (i) the proposed form of the First Site Lease Amendment; (ii) the proposed form of the First Lease Amendment; (iii) the proposed form of the Continuing Disclosure Certificate to be provided by the Town (the "Disclosure Certificate"); (iv) a form of Preliminary Official Statement (the "Preliminary Official Statement"); and (v) a form of Escrow Agreement to be executed by the Town and Trustee, as escrow agent (the "Escrow Agreement") relating to the refunding and defeasance of the 2007 Certificates.

(X) Capitalized terms used herein and not otherwise defined shall have the meanings set forth in the Lease.

(Y) Section 11-57-204 of the Supplemental Public Securities Act, constituting Title 11, Article 57, Part 2, Colorado Revised Statutes (the "Supplemental Act"), provides that a public entity, including the Town, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act.

(Z) No member of the Council has any conflict of interest or is interested in any pecuniary manner in the transactions contemplated by this Ordinance.

Section 2. **Short Title:** This Ordinance shall be known and may be cited by the short title “2020 COP Ordinance.”

Section 3. **Ratification and Approval of Prior Actions:** All action heretofore taken (not inconsistent with the provisions of this Ordinance) by the Council or the officers, agents, or employees of the Council or the Town relating to the Site Lease, the Lease, the implementation of the Project, the execution and delivery of the First Site Lease Amendment, the First Lease Amendment, and the execution and delivery of the 2020 Certificates, is hereby ratified, approved and confirmed.

Section 4. **Finding of Best Interests:** The Council hereby finds and determines, pursuant to the Constitution, the laws of the State of Colorado, and the Charter, that the Project, under the terms and provisions set forth in the First Site Lease Amendment, the First Lease Amendment, and the First Supplement is necessary, convenient, and in furtherance of the Town’s purposes and is in the best interests of the inhabitants of the Town and the Council hereby authorizes and approves the same.

Section 5. **Supplemental Act; Parameters:** The Council hereby elects to apply all of the Supplemental Act to the First Site Lease Amendment and the First Lease Amendment and in connection therewith delegates to each of the Mayor (the “Mayor”), any other member of the Council, the Town Manager of the Town (the “Town Manager”), or the Finance Director of the Town (the “Finance Director”) the independent authority to make any determination delegable pursuant to Section 11-57-205(1)(a-i), Colorado Revised Statutes, in relation to the First Site Lease Amendment and the First Lease Amendment, and to execute a sale certificate (the “Sale Certificate”) setting forth such determinations, including without limitation, the term of the Site Lease, the rental amount to be paid by the Trustee pursuant to the Site Lease, the term of the Lease and the rental amount to be paid by the Town pursuant to the Lease, subject to the following parameters and restrictions:

- (a) the Site Lease Term shall not extend beyond December 31, 2055;
- (b) the Lease Term shall not extend beyond December 31, 2045;
- (c) the aggregate principal amount of the Base Rentals relating to the 2020A Certificates payable by the Town pursuant to the Lease shall not exceed \$8,000,000;
- (d) the aggregate principal amount of the Base Rentals relating to the 2020B Certificates payable by the Town pursuant to the Lease shall not exceed \$45,000,000;
- (e) the maximum annual repayment amount of Base Rentals payable by the Town pursuant to the Lease shall not exceed \$4,000,000;
- (f) the maximum total repayment amount of Base Rentals payable by the Town pursuant to the Lease shall not exceed \$80,000,000;

- (g) the maximum net effective interest rate on the interest component of the recalculated Base Rentals relating to the 2020A Certificates shall not exceed 4.50%; and
- (h) the maximum net effective interest rate on the interest component of the recalculated Base Rentals relating to the 2020B Certificates shall not exceed 4.00%.

Pursuant to Section 11-57-205 of the Supplemental Act, the Council hereby delegates to each of the Mayor, any other member of the Council, the Town Manager, or the Finance Director the independent authority to acknowledge a contract for the purchase of the 2020 Certificates between the Trustee and the Underwriter. In addition, each of the Mayor, any other member of the Council, the Town Manager, or the Finance Director are hereby independently authorized to determine whether a reserve fund shall be funded for the 2020 Certificates, and if obtaining an insurance policy or a reserve fund insurance policy for all or a portion of the 2020 Certificates is in the best interests of the Town, and if so, to select an insurer to issue an insurance policy, execute a commitment relating to the same and execute any related documents or agreements required by such commitment. Each of the Mayor, any other member of the Council, the Town Manager, or the Finance Director are also hereby independently authorized to determine if obtaining a reserve fund insurance policy for the 2020 Certificates is in the best interests of the Town, and if so, to select a surety provider to issue a reserve fund insurance policy and execute any related documents or agreements required by such commitment.

The Council hereby agrees and acknowledges that the proceeds of the 2020 Certificates will be used to finance the costs of the Project and to pay other costs of issuance.

The Town hereby consents to and acknowledges the execution and delivery of the First Supplement by the Trustee and the use of the proceeds of the 2020 Certificates to effect the Project.

Section 6. Approval of Documents: The First Supplement, the First Site Lease Amendment, the First Lease Amendment, the Disclosure Certificate, and the Escrow Agreement, in substantially the forms presented to the Council and on file with the Town, are in all respects approved, authorized, and confirmed, and the Mayor is hereby authorized and directed for and on behalf of the Town to execute and deliver the First Supplement, the First Site Lease Amendment, the First Lease Amendment, the Disclosure Certificate, and the Escrow Agreement, in substantially the forms and with substantially the same contents as presented to the Council, provided that such documents may be completed, corrected or revised as deemed necessary by the parties thereto in order to carry out the purposes of this Ordinance.

Section 7. Approval of Official Statement: A preliminary and final Official Statement, in substantially the form on file with the Town, with such changes, updates, and modifications as hereafter directed and approved by authorized officers of the Town, is in all respects approved and authorized. The President is hereby authorized and directed, for and on behalf of the Town, to execute and deliver the final Official Statement in substantially the form and with substantially the same content as the Preliminary Official Statement, with such changes as may be approved by the Finance Director. The distribution by the purchaser of the Preliminary

Official Statement and the final Official Statement to all interested persons in connection with the sale of the 2020 Certificates is hereby ratified, approved, and authorized.

Section 8. Authorization to Execute Collateral Documents: The Town Clerk is hereby authorized and directed to attest all signatures and acts of any official of the Town in connection with the matters authorized by this Ordinance and to place the seal of the Town on any document authorized and approved by this Ordinance. The Mayor and Town Clerk and other appropriate officials or employees of the Town are hereby authorized to execute and deliver for and on behalf of the Town any and all additional certificates, documents, instruments and other papers, and to perform all other acts that they deem necessary or appropriate, in order to implement and carry out the transactions and other matters authorized by this Ordinance. The appropriate officers of the Town are authorized to execute on behalf of the Town agreements concerning the deposit and investment of funds in connection with the transactions contemplated by this Ordinance, and are specifically authorized and directed hereby to invest such funds in Permitted Investments as are defined and provided in the Indenture. The execution of any instrument by the aforementioned officers or members of the Council shall be conclusive evidence of the approval by the Town of such instrument in accordance with the terms hereof and thereof.

Section 9. No General Obligation Debt: No provision of this Ordinance, the Site Lease, the Lease, the Indenture, the 2020 Certificates, the Preliminary Official Statement, or the final Official Statement shall be construed as creating or constituting a general obligation or other indebtedness or multiple fiscal year financial obligation of the Town within the meaning of any constitutional, statutory or home rule charter provision, nor a mandatory charge or requirement against the Town in any ensuing fiscal year beyond the then current fiscal year. The Town shall have no obligation to make any payment with respect to the 2020 Certificates except in connection with the payment of the Base Rentals (as defined in the Lease) and certain other payments under the Lease, which payments may be terminated by the Town in accordance with the provisions of the Lease. Neither the Lease nor the 2020 Certificates shall constitute a mandatory charge or requirement of the Town in any ensuing fiscal year beyond the then current fiscal year or constitute or give rise to a general obligation or other indebtedness or multiple fiscal year financial obligation of the Town within the meaning of any constitutional, statutory, or Charter debt limitation and shall not constitute a multiple fiscal year direct or indirect debt or other financial obligation whatsoever. No provision of the Site Lease, the Lease or the 2020 Certificates shall be construed or interpreted as creating an unlawful delegation of governmental powers nor as a donation by or a lending of the credit of the Town within the meaning of Sections 1 or 2 of Article XI of the Colorado Constitution. Neither the Lease nor the 2020 Certificates shall directly or indirectly obligate the Town to make any payments beyond those budgeted and appropriated for the Town's then current fiscal year.

Section 10. Reasonableness of Rentals: The Council hereby determines and declares that the Base Rentals due under the Lease, in the maximum amounts authorized pursuant to Section 5 hereof, constitute the fair rental value of the Leased Property and do not exceed a reasonable amount so as to place the Town under an economic compulsion to renew the Lease or to exercise its option to purchase the Trustee's leasehold interest in the Leased Property pursuant to the Lease. The Council hereby determines and declares that the period during which the Town has an option to purchase the Trustee's leasehold interest in the Leased Property (i.e., the entire maximum term of the Lease) does not exceed the useful life of the Leased Property. The Council hereby further

determines that the amount of rental payments to be received by the Town from the Trustee pursuant to the Site Lease is reasonable consideration for the leasing of the Leased Property to the Trustee for the term of the Site Lease as provided therein.

Section 11. **No Recourse against Officers and Agents:** Pursuant to Section 11-57-209 of the Supplemental Act, if a member of the Council, or any officer or agent of the Town acts in good faith, no civil recourse shall be available against such member, officer, or agent for payment of the principal, interest, or prior redemption premiums on the 2020 Certificates. Such recourse shall not be available either directly or indirectly through the Council or the Town, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty, or otherwise. By the acceptance of the 2020 Certificates and as a part of the consideration of their sale or purchase, any person purchasing or selling such certificate specifically waives any such recourse.

Section 12. **Repealer:** All bylaws, orders, resolutions and ordinances of the Town, or parts thereof, inconsistent with this Ordinance or with any of the documents hereby approved are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance of the Town, or part thereof, heretofore repealed. All rules of the Council, if any, which might prevent the final passage and adoption of this Ordinance as an emergency measure at this meeting of the Council be, and the same hereby are, suspended.

Section 13. **Severability:** If any section, subsection, paragraph, clause or provision of this Ordinance or the documents hereby authorized and approved (other than provisions as to the payment of Base Rentals by the Town during the Lease Term, provisions for the quiet enjoyment of the Leased Property by the Town during the Lease Term and provisions for the conveyance of the Leased Property to the Town under the conditions provided in the Lease) shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance or such documents, the intent being that the same are severable.

Section 14. **Charter Controls:** Pursuant to Article XX of the State Constitution and the Charter, all State statutes that might otherwise apply in connection with the provisions of this Ordinance are hereby superseded to the extent of any inconsistencies or conflicts between the provisions of this Ordinance and the Sale Certificate authorized hereby and such statutes. Any such inconsistency or conflict is intended by the Council and shall be deemed made pursuant to the authority of Article XX of the State Constitution and the Charter.

Section 15. **Declaration of Emergency:** In order to effect the Project in a timely manner, including the ability to fix interest rates at historically low rates and allow flexibility to enter the bond market at the most beneficial opportunity for the Town, it is hereby declared that an emergency exists and that this Ordinance is immediately necessary for the preservation of the public peace, health, safety, and financial well-being of the Town. This Ordinance is hereby declared, pursuant to Section 6.1(b) of the Charter, exempt from referendum.

Section 16. **Effective Date, Recording and Authentication:** In accordance with Section 5.11 of the Charter, this Ordinance shall be in full force and effect immediately upon enactment following final passage. A true copy of this Ordinance shall be numbered and recorded

in the official records of the Town, authenticated by the signatures of the Mayor and the Town Clerk, and published in accordance with the Charter and the Town's municipal code.

INTRODUCED, READ BY TITLE, APPROVED ON FIRST READING AND ADOPTED AS AN EMERGENCY ORDINANCE THIS 26TH DAY OF MAY, 2020. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

TOWN OF BRECKENRIDGE, COLORADO

Mayor

(SEAL)

ATTEST:

Town Clerk

APPROVED IN FORM:

Town Attorney

STATE OF COLORADO)
)
 COUNTY OF SUMMIT) SS. CERTIFICATE OF TOWN CLERK
)
 TOWN OF BRECKENRIDGE)

I, Helen Cospolich, the Town Clerk of the Town of Breckenridge, Colorado, do hereby certify:

1. That the foregoing pages are a true and complete copy of the ordinance (the “Ordinance”) adopted by the Council constituting the governing board of the Town of Breckenridge, Colorado (the “Council”), had and taken at an open, regular meeting of the Council held at the Town Hall in Breckenridge, Colorado, on May 26, 2020, convening at the hour of 7:00 p.m., as recorded in the regular book of official records of the proceedings of the Council kept in my office.

2. Notice of the meeting of May 26, 2020, in the form attached hereto as **Exhibit A**, was posted at the Town Hall and on the Town’s website, not less than 24 hours prior to such meeting in accordance with the law.

3. The passage of the Ordinance as an emergency on May 26, 2020, was duly moved and seconded and the Ordinance was approved by at least five (5) affirmative votes of the Council members present at the meeting, as follows:

<u>Name</u>	<u>Voting “Yes”</u>	<u>Voting “No”</u>	<u>Absent</u>	<u>Abstaining</u>
Eric Mamula, Mayor				
Jeffrey Bergeron, Mayor Pro Tem				
Dick Carleton				
Gary Gallagher				
Erin Gigliello				
Dennis Kuhn				
Kelly Owens				

4. The members of the Council were present at such meeting and voted on the passage of the Ordinance as set forth above.

5. The Ordinance was published in full by posting on the Town’s official website within ten (10) days after final adoption. The affidavit of publication is attached hereto as **Exhibit B**.

6. There are no bylaws, rules, or regulations of the Council which might prohibit the adoption of the Ordinance.

WITNESS my hand and the seal of said Town affixed this May 26, 2020.

(SEAL)

Town Clerk

EXHIBIT A

(Attach Notice of Meeting)

EXHIBIT B

(Attach Affidavit of Publication)

Memo



To: Town Council
From: Luke Sponable, Planner I
Date: May 18, 2020 (for meeting of May 26, 2020)
Subject: First Reading: 33/R Energy Conservation Update

At the April 28th Council meeting, the Sustainable Building Code was approved by the Council at second reading. The Sustainable Building Code will require a number of new sustainable measures to be included in residential and commercial projects. Some of these new requirements overlap with parts of the Development Code under Policy 33/R Energy Conservation. Staff is updating the Policy to remove positive points for items that are now required, such as solar ready and Electric Vehicle (EV) ready projects to avoid “double dipping”, as well as adding the ability to obtain additional positive points for sustainability measures beyond the new requirements. The proposal also includes new negative points for large outdoor pools and hot tubs as well as large areas of outdoor heated pavement.

A summary of the changes is provided below:

- Removed one positive (+1) point for obtaining HERS/ERI Index (now required in Sustainable Building Code);
- Added one positive (+1) point for 10%-19% energy saved beyond the standard specified in the Sustainable Building Code for existing residential structures;
- Revised negative point schedule for heated paving by adding additional negative points for heated paving above the existing 1,000 square foot threshold;
- Added a negative point schedule for commercial/multifamily outdoor pools and commercial/multifamily outdoor hot tubs that assesses one negative (-1) point for outdoor heated pool and hot tub square footage over 100 square feet and one additional negative (-1) point for every 500 square feet thereafter ;
- Removed positive points for new construction that is solar and EV ready (now required in Sustainable Building Code); and
- Added positive points for installation of additional EVSE Installed and EV Capable spaces over the minimum required in the Sustainable Building Code.

This item was brought to the Council at the worksession on May 12th. Since that meeting, staff has added the proposed negative point assessment for commercial/multifamily outdoor heated pools and hot tubs. Points are now assessed on a point schedule with negative (-1) point being assessed for outdoor heated pool and hot tub square footage over 100 square feet and one additional negative (-1) point for every 500 square feet thereafter. Proposed code language modifications are attached in bold and strikethrough.

Staff recommends Council approve the first reading of Policy 33R attached and will be available to answer any questions at the meeting.

1 **FOR WORKSESSION/FIRST READING – MAY 26**

2
3 Additions To The Current Breckenridge Town Code Are
4 Indicated By ; Deletions By ~~Strikeout~~

5
6 COUNCIL BILL NO. _____

7
8 Series 2020

9
10 AN ORDINANCE REPEALING AND READOPTING WITH CHANGES POLICY 33
11 (RELATIVE) OF SECTION 9-1-19 OF THE “BRECKENRIDGE DEVELOPMENT CODE”
12 CONCERNING ENERGY CONSERVATION

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

16
17 Section 1. Section 9-1-19-33R, “Policy 33 (Relative) Energy Conservation,” of the
18 Breckenridge Town Code is amended to read in its entirety as follows:

19
20 9-1-19-33R: POLICY 33 (RELATIVE) ENERGY CONSERVATION: The goal
21 of this policy is to incentivize energy conservation and renewable energy systems
22 in new and existing development at a site plan level. This policy is not applicable
23 to an application for a master plan. This policy seeks to reduce the community’s
24 carbon footprint and energy usage and to help protect the public health, safety and
25 welfare of its citizens.

26
27 A. Residential Structure Three Stories Or Less: ~~All new and existing residential~~
28 ~~developments are strongly encouraged to have a home energy rating survey~~
29 ~~(HERS)/Energy Rating Index (ERI) as part of the development permit review process~~
30 ~~to determine potential energy saving methods and to reward developments that reduce~~
31 ~~their energy use.~~For new construction, positive points will be awarded for the
32 percentage of energy use reduction of the new residential structure compared to the
33 same building built to the minimum standards of the Town’s most recently adopted
34 residential provisions of the International Energy Conservation Code¹ residential
35 provisions. ~~This shall mean, for an interim period, that the percent energy use~~
36 ~~reduction shall be compared to a baseline 70 HERS/ERI score. Upon adoption by the~~
37 ~~Town of the 2018 International Energy Conservation Code, the percent energy use~~
38 ~~reduction shall be compared to the baseline ERI score required as established in the~~
39 ~~code.~~ As subsequent **editions of the IECC** International Energy Conservation Codes
40 are adopted by the Town, the percent energy use reduction shall be compared to the
41 baseline ERI score required established in that code.

42
43 For existing residential development, including additions, positive points will be
44 awarded for the percentage of energy saved beyond the energy consumption analysis

¹ The International Energy Conservation Code adopted and amended by title 8, chapter 1 of this code (IECC).

1 of the existing structure(s) as compared to the energy consumption of the proposed
 2 structure remodel.

3
 4 Positive points will be awarded according to the following point schedule for new
 5 construction:
 6

Points	New Structures; Percent Energy Saved Beyond Adopted Residential Energy Code IECC Standard ²
+1	Obtaining a HERS or ERI index -
+2	20% - 39%
+3	40% - 59%
+4	60% - 79%
+5	80% - 99%
+6	100+%

7
 8 Note:

9 **2. See residential provisions of the IECC** ~~International Energy Conservation Code~~
 10 ~~(IECC) residential provisions.~~

11 Positive points will be awarded according to the following point schedule for
 12 structures that existed on **July 14, 2020** which undergo major exterior remodels or
 13 additions:
 14

Points	Existing Residential (Prior To February 12, 2019 July 14, 2020); Percentage Improvement Beyond Existing HERS/ERI Index ³
+1	Obtaining a HERS/ERI index 10-19%
+2	20 - 39%
+3	40 - 59%
+4	60 - 79%
+5	80 - 99%
+6	100+%

15
 16 Note:
 17

1 3. Existing HERS/ERI Index shall be for the structure prior to any modifications.
 2 Where an existing HERS/ERI score exceeds 125, a maximum score of 125 shall be
 3 assigned to the existing structure as a baseline to compare energy improvements to.
 4

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

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

<u>Points</u>	New Structures; Percent Energy Saved Beyond The <u>IECC</u> Minimum Standards	Existing Structures (Prior To August 14, 2012 <u>July 14, 2020</u>); Percent Improvement Beyond Existing Energy Consumption
+1	10% - 19%	10% - 19%
+2	20% - 29%	20% - 29%
+3	30% - 39%	30% - 39%
+4	40% - 49%	40% - 49%
+5	50% - 59%	50% - 59%
+6	60% - 69%	60% - 69%
+7	70% - 79%	70% - 79%
+8	80%+	80%+

21 Positive points will be awarded only if an energy analysis has been prepared by a
 22 registered design professional as required by subsection ~~EF1~~ of this section, using an
 23 approved simulation tool in accordance with simulated performance alternative
 24 provisions of the Town's ~~adopted Energy Code~~ IECC.
 25
 26

1
2
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4

C. Excessive Energy Usage: Developments with excessive energy components are discouraged. To encourage energy conservation, the following point schedule shall be utilized to evaluate how well a proposal meets this policy:

Point Range	Design Feature
0	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.
-1	1 - 500 square feet heated driveway, sidewalk, plaza, etc.
-2	501 - 999 square feet heated driveway, sidewalk, plaza, etc.
-3	1,000+ 2,499 square feet heated driveway, sidewalk, plaza, etc.
-4	2,500 – 5,000 square feet heated driveway, sidewalk, plaza, etc.
-1	For each additional 5,000 square feet of heated driveway, sidewalk, plaza, etc. over 5,000 square feet
1x(-1/0)	Outdoor commercial or common space residential gas fireplace (per gas fireplace).
-1	For each 500 square feet of outdoor heated pool and hot tub; provided no points shall be assessed for the first 100 square feet.
0	Water features powered completely by a renewable energy source (e.g., solar, wind).
-1	Water features powered by conventional energy sources utilizing less than 4,000 watts or less than 5 horsepower.
-2	Large outdoor water features (per feature) powered by conventional energy sources utilizing over 4,000 watts or 5 horsepower motor or greater.

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D. Other Design Features:

1x(-2 ~~-4~~+2 ~~+4~~) 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 subsection D if the project has ~~incurred~~ **been awarded** positive points under subsection A or B of this section, ~~with the exception of subsection D(1) of this section.~~ **Higher positive point awards will be given to larger scaled projects**

that conserve a significant amount of energy. Larger projects that consume large amounts of energy will be assessed more negative points.

(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 thirty percent (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 two hundred forty volt (240 v) outlet (or higher voltage) is provided in each garage bay to allow for charging of electric vehicles. For commercial and multi-family projects, one (1) 240 volt outlet is provided for each ten (10) parking spaces.~~

E. EV Capable and EVSE Installed Spaces: Positive points may be awarded for additional Electric Vehicle (EV) Capable and Electronic Vehicle Supply Equipment (EVSE) installed spaces over the required minimum as determined in the IECC, as follows:

<u>Points</u>	<u>EV Capable</u>	<u>Points</u>	<u>EVSE Installed</u>
<u>+1</u>	<u>10 additional spaces</u>	<u>+1</u>	<u>1 additional space</u>
<u>+2</u>	<u>20 additional spaces</u>	<u>+2</u>	<u>2 additional spaces</u>
<u>+3</u>	<u>30 or more additional spaces</u>	<u>+3</u>	<u>3 or more additional spaces</u>

F. 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 the licensed Colorado engineer of record for the project.

1
2 (2) No development approved with required positive points under this policy shall
3 be modified to reduce the HERS/ERI index, percentage of improvement, or
4 percentage of energy savings above the IECC standards in connection with the
5 issuance of such development permit. (“Required positive points” means those
6 points that were necessary for the project to be approved with a passing point
7 analysis.)
8

9 (3) Prior to the issuance of a certificate of occupancy each development for which
10 positive points are awarded under this policy shall submit a letter of certification
11 showing compliance with the projected energy rating or percentage of energy
12 savings in comparison to the IECC. The required confirmed certification for a
13 residential development three (3) stories or less in height shall be submitted by a
14 certified HERS/ERI rater. The required confirmed certification for a residential
15 development taller than three (3) stories, and for all commercial development,
16 shall be submitted by a licensed Colorado engineer and accompanied by balance
17 and commissioning reports.
18

19 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the
20 various secondary codes adopted by reference therein, shall continue in full force and effect.
21

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

27 Section 4. The Town Council hereby finds, determines and declares that it has the power
28 to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act,
29 Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal
30 zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv)
31 Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to
32 home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers
33 contained in the Breckenridge Town Charter.
34

35 Section 5. This ordinance shall be published and become effective as provided by Section
36 5.9 of the Breckenridge Town Charter.
37

38 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
39 PUBLISHED IN FULL this ____ day of _____, 2020. A Public Hearing shall be held at the
40 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
41 _____, 2020, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
42 Town.
43
44

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
Eric S. Mamula, Mayor

ATTEST:

Helen Cospolich, CMC,
Town Clerk

Memo



To: Town Council
From: Chris Kulick, AICP, Senior Planner
Date: May 20, 2020 (for meeting of May 26, 2020)
Subject: First Reading: Amenity Club Policy

At their May 12th worksession, the Town Council discussed the topic of Amenity Club memberships. Overall, the Council was not supportive of allowing any fee based day usage of amenity areas intended for overnight guests of hotels, lodges or timeshare resorts throughout Town. Their concerns about this day usage include commercial activity in areas that were not counted as commercial density, impacts on parking and external circulation, and the lack of adequate amenity space for overnight guests. At the conclusion of their discussion, the majority of Town Council members were in favor of pursuing a code amendment to prohibit additional Amenity Clubs throughout Town. Based on this directive, staff prepared draft code revisions for the Planning Commission to review at their May 19th meeting. At the Commission meeting, although a number of Commissioners supported the outright ban, a few Commission members suggested there may be locations away from the ski area bases that might be appropriate for club memberships, provided the amenity space were counted as commercial density and did not impact the nearby roadway network. The attached Code amendment language includes a prohibition of clubs in all areas of Town, as previously directed by Council. If the Council desires, locational criteria could be added (e.g., prohibit clubs within a half mile of a ski lift). Proposed code language modifications are attached in **bold** and ~~strikethrough~~.

A summary of the Code changes is provided below:

- Includes an Amenity Club definition; and
- Prohibits further Amenity Clubs in all Land Use Districts throughout Town.

Staff recommends Council approve the first reading of the Amenity Club Policy attached and will be available to answer any questions at the meeting.

9-1-5: DEFINITIONS

From our research, staff has prepared a draft definition of an Amenity Club which is loosely based on the Town of Vail's definition of a Commercial Ski Storage/Ski Club.

AMENITY CLUB/AMENITY CLUB USE:: A commercial use that provides access to amenity space of a hotel, lodge, or timeshare property that is not associated with an overnight stay on the same date or following day. Access to an amenity club is may be provided through: (i) membership, (ii) purchasing a fractional ownership interest in a property, (iii) payment of a separate fee for hourly, daily, monthly, seasonal or annual usage; or (iv) by other means not related to an overnight stay in the property in which the amenity club is located, such as the purchase of food, beverage, or other items. This use may have, but does not require, the following components:

A. Personal lockers,

B. Boot dryers,

C. Ski storage racks,

D. Ski tuning,

E. Food and beverage service,

F. Areas for congregation and/or socializing,

G. Restrooms and/or shower facilities,

H. Non-winter activities,

I. Concierge ski services,

J. Access to an aquatics facility or other recreational facilities, and/or

K. Parking

An amenity club does not include: (i) the use of amenity space within a lodge or dwelling unit for which a separate fee for such use is not charged; and (ii) the use of common amenity space in a residential property by an owner with a whole ownership interest in such residential property.

9-1-19-2A: POLICY 2 (ABSOLUTE) LAND USE GUIDELINES:

Land use guidelines have been adopted for the Town and surrounding areas by the Breckenridge Town Council. To promote the health, safety and general welfare of the community, all developments shall be reviewed against the land use guidelines and, where applicable, an approved master plan for the development of the property. Each development located within the boundaries of the Downtown Overlay District or the Cucumber Gulch Protection Overlay District as defined in the land use guidelines shall comply with all of the regulations applicable to such Overlay District. (Ord. 23, Series 2007)

A. Amenity Club: Amenity Clubs are prohibited within all Land Use Districts in the Town of Breckenridge.

1 **FOR WORKSESSION/FIRST READING – MAY 26**

2
3 Additions To The Current Breckenridge Town Code Are
4 Indicated By ; Deletions By

5
6
7 COUNCIL BILL NO. ____

8
9 Series 2020

10
11 AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE
12 TOWN CODE, KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE,”
13 CONCERNING AMENITY CLUBS

14
15 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
16 COLORADO:

17
18 Section 1. Section 9-1-5 of the Breckenridge Town Code is amended by the addition of
19 the following definition:

20
AMENITY CLUB/AMENITY CLUB USE: **A commercial use that provides access to amenity space of a hotel, lodge, or timeshare property that is not associated with an overnight stay on the same date or following day. Access to an amenity club is may be provided through: (i) membership, (ii) purchasing a fractional ownership interest in a property, (iii) payment of a separate fee for hourly, daily, monthly, seasonal or annual usage; or (iv) by other means not related to an overnight stay in the property in which the amenity club is located, such as the purchase of food, beverage, or other items. This use may have, but does not require, the following components:**

- A. Personal lockers,**
- B. Boot dryers,**
- C. Ski storage racks,**
- D. Ski tuning,**
- E. Food and beverage service,**
- F. Areas for congregation and/or socializing,**
- G. Restrooms and/or shower facilities,**
- H. Non-winter activities,**
- I. Concierge ski services,**
- J. Access to an aquatics facility or other recreational facilities, and/or**
- K. Parking**

An amenity club does not include: (i) the use of amenity space within a lodge or dwelling unit for which a separate fee for such use is not charged; and (ii) the use of common amenity space in a residential property by an owner with a whole ownership interest in such residential property.

1
2 Section 2. Section 9-1-19-2A, “Policy 2 (Absolute) Land Use Guidelines,” is amended to
3 read as follows:
4

5 9-1-19-2A: POLICY 2 (ABSOLUTE) LAND USE GUIDELINES;
6 **PROHIBITED USES:**
7

8 **A.** Land use guidelines have been adopted for the Town and surrounding areas by
9 the Breckenridge Town Council. To promote the health, safety and general
10 welfare of the community, all developments shall be reviewed against the land
11 use guidelines and, where applicable, an approved master plan for the
12 development of the property. Each development located within the boundaries of
13 the Downtown Overlay District or the Cucumber Gulch Protection Overlay
14 District as defined in the land use guidelines shall comply with all of the
15 regulations applicable to such Overlay District.
16

17 **B. Amenity clubs are prohibited within all land use districts within the Town.**
18

19 Section 3. Except as specifically amended hereby, the Breckenridge Town Code, and the
20 various secondary codes adopted by reference therein, shall continue in full force and effect.
21

22 Section 4. The Town Council hereby finds, determines and declares that this ordinance is
23 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
24 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
25 thereof.
26

27 Section 5. The Town Council hereby finds, determines and declares that it has the power
28 to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act,
29 Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal
30 zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv)
31 Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to
32 home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers
33 contained in the Breckenridge Town Charter.
34

35 Section 6. The Town Council hereby finds, determines and declares that it has the power
36 to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article
37 XX of the Colorado Constitution and the powers contained in the *Breckenridge Town Charter*.
38

39 Section 7. This ordinance shall be published and become effective as provided by Section

1 5.9 of the Breckenridge Town Charter.

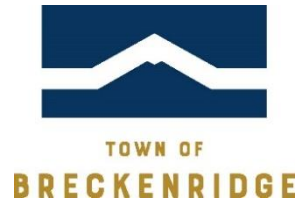
2
3 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
4 PUBLISHED IN FULL this ____ day of _____, 2020. A Public Hearing shall be held at the
5 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
6 _____, 2020, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
7 Town.

8
9 TOWN OF BRECKENRIDGE, a Colorado
10 municipal corporation

11
12
13
14 By: _____
15 Eric S. Mamula, Mayor

16
17 ATTEST:

18
19
20
21 _____
22 Helen Cospolich, CMC,
23 Town Clerk



Memo

To: Breckenridge Town Council Members
From: Helen Cospolich, CMC, Town Clerk
Date: May 20, 2020
Subject: Resolution No. 14 (Walkable Main Street)

This purpose of this resolution is to allow for the temporary closure of portions of Main Street for additional social distancing as required by state and local health departments due to the COVID-19 pandemic.

This resolution gives the Town Manager the ability to determine businesses eligible to expand into the street and the timeframe and boundaries of the temporary closure, as well as the terms and conditions necessary for businesses to use the street during the closure.

Staff will be present to answer your questions about this resolution.

1 ***FOR WORKSESSION/ADOPTION – MAY 26***

2
3 RESOLUTION NO. ____

4
5 Series 2020

6
7 A RESOLUTION CONCERNING THE TEMPORARY CLOSURE OF PORTIONS OF
8 NORTH MAIN STREET AND SOUTH MAIN STREET
9

10 WHEREAS, North Main Street and South Main Street are public streets owned, operated,
11 and maintained by the Town of Breckenridge; and
12

13 WHEREAS, Section 42-4-106(6)(b), C.R.S., provides that the Town may provide for the
14 temporary closing to vehicular traffic of any portion of a highway (or public street) under the
15 Town’s jurisdiction during a specific period for the purposes of special local events or civic
16 functions when in the opinion of the Town Council such temporary closing is necessary for the
17 safety and protection of persons who are to use that portion of the highway during the temporary
18 closure; and
19

20 WHEREAS, in connection with reopening of the downtown businesses related to the
21 COVID-19 pandemic the Town Council wants to allow and encourage any business located on
22 North Main Street or South Main Street that wants to offer food service in the street, or other
23 downtown businesses on North Main Street or South Main Street as reasonably determined by
24 the Town Manager, to temporarily use portions of the Town’s North Main Street and South Main
25 Street rights-of-way to re-open and operate their businesses if such business will operate in a
26 manner that will allow for the provision of required physical distancing and other protocols that
27 are necessary to provide the public health, safety, and welfare; and
28

29 WHEREAS, the Town Council finds and determines that such temporary use of certain
30 portions of the Town’s North Main Street and South Main Street rights-of-way is deemed to be a
31 special local event or civic function within the meaning of Section 42-4-106(6)(b), C.R.S.; and
32

33 WHEREAS, the Town Council further finds and determines that the temporary closure of
34 portions of the Town’s North Main Street and South Main Street rights-of-way is necessary for
35 the safety and protection of persons who are to use that portion of the highway during the
36 temporary closure; and
37

38 WHEREAS, the Town Council further finds and determines that it should delegate to the
39 Town Manager the authority to determine the dates, times, and portions of the Town’s North
40 Main Street and South Main Street rights-of-way to be closed pursuant to this resolution,
41 together with the terms and conditions of the allowed use of such rights-of-way.
42

43 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
44 BRECKENRIDGE, COLORADO:
45

46 Section 1. The Town Manager is authorized to temporarily close to vehicular traffic

1 certain specified portions of the Town’s North Main Street and South Main Street rights-of-way
2 to permit the temporary use of the designated portions of such rights-of-way by businesses that
3 want to offer food service in the street, or other downtown businesses, subject to the
4 requirements of Section 4 of this resolution. Pedestrian traffic shall continue to be permitted on
5 the Town’s North Main Street and South Main Street rights-of-way to be closed pursuant to this
6 resolution.

7
8 Section 2. The Town Manager is specifically authorized, from time to time, to determine
9 the dates, times, and portions of the Town’s North Main Street and South Main Street rights-of-
10 way to be closed pursuant to this resolution.

11
12 Section 3. The Town Manager is further authorized to determine the terms and conditions
13 under which the Town’s North Main Street and South Main Street rights-of-way to be closed
14 pursuant to this resolution may be used by businesses.

15
16 Section 4. No business shall be permitted to use the Town’s North Main Street and South
17 Main Street rights-of-way to be closed pursuant to this resolution without a written agreement
18 with the Town properly executed by both the owner of the business and the Town Manager.
19 Such agreement shall include, but shall not be limited to: (i) a requirement that prior to
20 commencing use of the Town’s rights-of-way the business shall provide to the Town Clerk proof
21 of commercial general liability insurance with minimum combined single limits of not less than
22 one million dollars (\$1,000,000.00); (ii) if alcoholic beverages will be served within the Town’s
23 right-of-way subject to the agreement the business must also provide proof of liquor liability
24 insurance; and (3) the Town shall be named as an additional insured under the required
25 commercial general liability insurance policy. All required insurance shall remain in full force
26 throughout the entirety of the time the business is using the Town’s right-of-way.

27
28 Section 5. No business shall be permitted to use the Town’s North Main Street and South
29 Main Street rights-of-way to serve alcohol beverages without an appropriate modification of
30 licensed premises approved by both the State of Colorado Liquor Licensing Authority and the
31 Liquor and Marijuana Licensing Authority of the Town of Breckenridge.

32
33 Section 6. All resolutions, or parts thereof, inconsistent herewith are hereby repealed to
34 the extent only of such inconsistency. This repealer shall not be construed to revive any such
35 resolution, or part thereof, heretofore repealed.

36
37 Section 7. This resolution is effective upon adoption.

38
39 Section 8. This resolution shall be repealed upon the first to occur of: (i) the Mayor of the
40 Town of Breckenridge declaring that the current public health emergency related to the
41 coronavirus (COVID-19) no longer exists; or (ii) this resolution is formally repealed by the
42 Town Council of the Town of Breckenridge.

43
44 RESOLUTION APPROVED AND ADOPTED this ___ day of ___, 2020.
45
46

TOWN OF BRECKENRIDGE, a Colorado municipal corporation

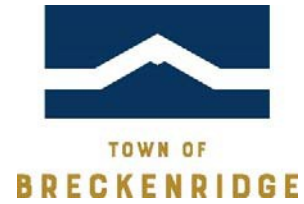
By: _____
Eric S. Mamula, Mayor

ATTEST:

Helen Cospolich, CMC,
Town Clerk

APPROVED IN FORM

Town Attorney Date



Memo

To: Breckenridge Town Council Members
From: Mark Truckey, Director of Community Development
Date: May 20, 2020
Subject: Planning Commission Decisions of the May 19, 2020 Meeting

DECISIONS FROM THE PLANNING COMMISSION MEETING, May 19, 2020:

CLASS A APPLICATIONS:

St. John's Church Addition & Remodel, 100 South French Street, PL-2020-0063: A proposal to restore and renovate the entire structure. The proposal includes landmarking the historic structure, adding a basement, repairing and restoring the foundation, modifying doors and windows in the non-historic addition, and updating the building to meet current ADA and Building Codes. *Approved.*

CLASS B APPLICATIONS: None.

CLASS C APPLICATIONS:

Rocky Mountain Underground (RMU) Small Vendor Cart, 114 S. Main St, PL-2020-0087
A proposal to add a small vendor cart to the property at 114 South Main Street. The vendor cart is proposed to be in the patio area behind the building. *Approved.*

Terbecki Addition, 64 Red Feather Rd., PL-2020-0002
A proposal for a 640 sf. addition and remodel of existing residence. *Approved.*

TOWN PROJECT HEARINGS: None.

OTHER: None.



Placer Flats Master
Plan Amendment,
190 Stan Miller Drive

Breckenridge Central
Market, 190 Stan
Miller Drive



Breckenridge North





Breckenridge South



PLANNING COMMISSION MEETING

The meeting was called to order at 5:32 p.m. by Chair Gerard. The meeting was a virtual electronic meeting through the Zoom platform, as a result of the COVID-19 crisis.

ROLL CALL

Christie Mathews-Leidal	Jim Lamb – arrived 5:40 pm	Ron Schuman
Mike Giller	Steve Gerard	
Dan Schroder	Lowell Moore – arrived 5:37pm	

APPROVAL OF MINUTES

With no changes, the May 05, 2020 Planning Commission Minutes were approved.

APPROVAL OF AGENDA

With no changes, the May 19, 2020 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- None.

WORK SESSIONS:

1. Amenity Club Policy: Mr. Kulick presented a code amendment to prohibit additional Amenity Clubs throughout Town. Staff asked the following questions of the Commission:

1. Does the Commission support the proposed Amenity Club Definition?
2. Does the Commission have any additional questions or comments related to this matter?

Commissioner questions:

Mr. Schroder: I know you mentioned it right in the beginning about the Peak 7 developments when they were selling them. If you bought a timeshare and that only gave you a week or a certain number of points, you are allowed to park there and use weight room and everything else that is associated. So I am wondering if folks that did already purchase under that criteria can continue to use the amenities? I am asking that because you said you were trying to reign it in, but some folks have already purchased based using those amenities. (Mr. Kulick: That is going forward. Like with any code provision, if there is already a legally approved project, that is grandfathered in. Anything that is existing now on Peak 7 or 8 or Gravity Haus hotel is grandfathered in. Only projects coming in after code update would be subject to this amendment.

Mr. Giller: A couple of small questions. 1) Under the definition of access and different durations, would you consider any duration? It could be 2 years, I would hesitate to see someone trying to get around those 4 specific ones. Hourly, Daily, Monthly, Seasonally, or Annual? I know there are similar clubs in Vail, and I also know that if someone wanted to circumvent this they could just say it was a two year membership, then, they might get around all this. (Mr. Kulick: I will check with the Town Attorney and make sure we have everything tight before we bring it to Council. I will see if there would be any potential loophole if we don't include additional language for the duration.) OK, great, and then 2) Access as benefit, like would that allow you to go buy a nice dinner or something and then have day use access? (Mr. Kulick: That is another thing that we are investigating and making sure there is not some kind of other loophole in there. If we are trying to prohibit a fee base that there is not a way that they could purchase something and thereby gain daily access.) 3) If you took a timeshare 2 hours tour and listened to sales proposal, would you get 5 free day access to club like this? (Kulick: Going back to your second question, we are trying to tie in all those things, whether it is purchasing food and beverage at restaurant or bar or taking a tour, we are really trying to restrict access to the amenities overnight guests

unless you own a whole ownership interest in a residential property.) Great, thank you.

Chair Gerard: That is a point that I wanted to ask about. I think you want to put something in there that prevents anybody from giving those benefits away for free. Often they give your some free benefits if you sit and listen to the presentation or visit the property. While you cannot purchase it, it should also not be given away free. Wondering about the use of word lodge. Used in definition of amenity club. Also used as an exception to definition of amenity club. Seems inconsistent. Take it out of exceptions. Understand why dwelling unit would be an exception. Don't understand why a lodge would be an exception. (Mr. Kulick: Ok, we will check the consistency with the language in that portion)

Ms. Mathews-Leidal: Contacted staff before the meeting with my concerns and they echo yours. I am concerned about getting around fee based admittance if they purchased something else, like food or beverage. I would amenities restricted to overnight guests.

Mr. Schuman: What are the negative impacts the Council is concerned with? I am not sure what we are trying to outlaw. We are an amenity based community. We want people to come up here, whether for day or night. More times than not, they come up and spend money in the community. (Mr. Kulick: Coming off of the Peak 8 hotel, and looking at areas where these would be more prevalent near the base areas of the ski area that get congested. The clubs will allow people to park in closer than they otherwise would exacerbate congestion. Another concern is using amenity areas that are not counted density or mass for commercial gain. The third concern was ensuring that there is the proper amount of amenity space for overnight guests, so that you are not booking lodging based on nice amenities and a lot more people that are not staying on property are also utilizing them, so it's hard for overnight guests to get a spot in hot tub or chair by pool, etc.) I understand the parking concerns. The uses could be managed within the development code but should not have an outright ban. For proper amount of space for users: I don't think that is a government problem. It is a resort manager's responsibility. If the new hotel overloads the amenity spaces, why is that the government's fault? People will stay away from property if it is overcrowded. I think we are trying to get too far into the weeds. Trying to outlaw something that might have bad merits.

Mr. Truckey: In the Councils' discussion, their issues were parking, commercial space, and potential impact on traffic. We said we could develop a Code that addresses the commercial use. A certain percentage of that amenity space could be required to be commercial density. Parking would need to be addressed and require a traffic study in association with project. Council was clear they felt it was necessary to prohibit these uses. We will forward your comments to them. I just want you to know we had discussed those options with them. (Mr. Schuman: I appreciate that and assumed that but wanted to speak my piece and you can adjust parking. We all knew something was up when they had 300 extra parking spaces. We didn't have anything to address it in code then but we can create those tools to address.)

Commissioner comments:

Mr. Schroder: 1) Yes. 2) Support Council's position on prohibiting amenity club.

Mr. Moore: This is one of those things where bad facts make bad law. We got surprised by a development at the end of process. Everyone was a little concerned about it. I can see a potential amenity club that does not affect surrounding traffic, like Ski Hill Road traffic. 1) Yes. 2) Have problems with a blanket prohibition for the Town. I am aware of the Vail club situation. Every location is probably different. The base of Peak 7 and 8 are not appropriate because of traffic on Ski Hill Rd. Elsewhere in town may be more appropriate. I support concept but not outright prohibition. The policy should be more location dependent. There are places that are more appropriate, such as Airport Rd., will not be overrun with traffic. That is my only concern.

Mr. Giller: Mr. Schuman's and Mr. Moore's comments give me some pause. Hard to know every situation.

Certainly the East Peak 8 was a lot of impact, lot of traffic, frankly not what the Town had negotiated with development agreement. 1) Yes 2) I lean against having these in general. I am in favor of prohibition. Mr. Schuman and Mr. Moore had interesting points.

Ms. Mathews-Leidal: 1) Yes. 2) I do support and appreciate what staff is doing. We are comparing apples and oranges. Could be areas where an amenity club is appropriate, but they need to be assessed as a commercial use. The problem in the past with timeshares in Peak 7 and 8 was they were called out as amenity area and were exempt from density and mass, not as commercial use that should have used density and mass. Commercial has impacts. What we are looking at tonight is prohibiting a project from falling under the definition of an amenity area, but then using the space as commercial. Should give option of which one to do and assess as such. I like what staff gave us and sent email to Chris with suggestions for word choice. We should not hang our hats on fee charge. You can buy a lunch and oh look, its free to use amenity area or sit through timeshare presentation and get free amenity use. Those are the things we need to stop. We should tie amenity area uses to an overnight stay to someone who is not a 100% whole ownership owner. Not easy, Mr. Kulick, so thank you for staff time and effort.

Mr. Lamb: 1) Yes. 2) We did not get a lot of advance notice when we first saw this and I have had a lot more time to think. On Peak 8 it would overload an already dense project. Out on Airport Road an amenity club will work. I would not say you can't do it. Next time something like this comes before us, I will take a lot better look. I think it would nice if we could treat this on a case-by-case basis. Someone could make a strong argument on a piece of land that would be appropriate for this sort of thing. Starting to look a lot more commercial and a lot less amenity.

Mr. Gerard: You have amenity spaces which is free and commercial space which is subject to rules. Even if this rule were adopted and someone submitted a project and they called amenities commercial space, they would not be selling amenity clubs. They would be selling commercial property and could do whatever they wanted. If they are doing amenity space, they should not be able to use as a commercial property and receive benefit, financial or otherwise. 1) Yes. 2) Amenity clubs should be prohibited. Commercial clubs are fine.

The Work Session was opened to public comment:

Graham Frank, Breckenridge Grand Vacations: I think a few nuances are important and you have hit on them. A property like One Ski Hill Place, whole ownership owner with unit in rental pool, you can use amenity. One Ski Hill Place has very small indoor pool and one outdoor hot tub. A BGV property like the Grand Lodge on Peak 7 or Grand Colorado on Peak 8 has multiple facilities. When people who buy one week whole ownership deeded fractions come up, when our day use program when we are talking about traffic on ski hill road, the majority of owners do not park onsite, they park on the gondola lots. The amenities are not overcrowded. 60% of our ownership sales come from existing owners at BGV. Overcrowding notion, buying more with us, use amenities, coming to town, park in gondola lots, buy food in town, feeding the machine. Our owners are not simply driving up Ski Hill Road. BGV properties are getting lumped in with something that is not congruent with this discussion. It is correct that East Peak 8 over parked. BGV parked below code requirement. Code amended and approved in those projects. Notion of additional traffic on Ski Hill Road for guests using day use amenities who own with us. Not come take a timeshare tour and park and have your amenities for the day. Very fine line on or project's and amenity clubs. Our owners contribute tax revenue and real estate transfer tax to the community should not be talked about that in the same notion as a commercial use overcrowding. We don't have any of those complaints. 60% of our buyers, buy more with use. Continue to expand amenities. Ours is not a fee program. You get privileges if you are an owner and availability is limited. All of these factors should be should be taken into account. A one size fits all approach is dangerous because there are other developable parcels in town that are not going to continue to congest Ski Hill Road. I appreciate your consideration to those comments.

CONSENT CALENDAR:

1. Rocky Mountain Underground (RMU) Small Vendor Cart (LS) 114 S. Main St, PL-2020-0087. After packet was published, there were changes to Staff Report and Findings and Conditions:

- Staff Report:
 - Added Definition to clarify small vs. large vendor cart classification requirements.
- Findings and Conditions:
 - Fixed the numbering issue of double #6's. The first condition is now #7 and subsequent numbers were increased by one.
 - #11 – added language to reference condition #6 as the vendor cart will not be removed from the site.
 - #12 – removed as the Vendor Cart will not be removed from the site.

Mr. Giller made a motion for a call up, seconded by Mr. Schuman. The motion passed unanimously. Mr. Gerard opened the meeting for public comment. There was none and the public comment section was closed.

Mr. Lamb: The cart's power source should be electric from the grid since generator emissions could be a concern in the small courtyard. He was comfortable with a Condition of Approval.

Mr. Giller made a motion to add a Condition of Approval that the cart use electrical power to the cart meeting Town Building Code in lieu of generator, seconded by Mr. Moore. The motion passed unanimously. This amended paragraph #11 of the specific design standards.

Mr. Gerard made a motion to approve the vendor cart as amended, seconded by Mr. Moore. The motion passed unanimously.

2. Terbecki Addition (JL), 64 Red Feather Road, PL-2020-0002
Without a call up, this item was approved as presented.

PRELIMINARY HEARINGS:

1. Breck Central Market Second Preliminary Hearing (JL), 190 Stan Miller Drive, PL-2020-0044.
Mr. Lott presented a proposal to construct a 12,587 sq. ft. commercial building containing 2,553 sq. ft. of office and 9,419 sq. ft. of commercial restaurant. The proposal includes 43 new parking spaces and an easement for a future connection to the Blue River Rec Path.

2. Placer Flats Master Plan Amendment Second Preliminary Hearing (JL), 190 Stan Miller Drive, PL-2020-0045.

Mr. Lott presented a proposal to modify the existing Placer Flats Master Plan to change the language related to architecture and the number of separate businesses allowed in one building.

Staff asked the Commission the following questions related to the Breck Central Market Second Preliminary Hearing:

1. Does the Commission find the architecture acceptable with the revisions made toward reflecting more of the character of the surrounding area?

2. Is the Commission comfortable with the proposed dumpster location?

3. Is the Commission comfortable with the proposed landscaping plan, including the positive point for an aesthetically attractive detention area?

4. Does the Commission agree with the preliminary point analysis?

5. Does the Commission have any other concerns?

Commissioner questions:

Mr. Schuman: Plat note, is there a time period limiting use of the parking spaces at the Building Center (BBC)? The BBC has been busier and busier lately. I don't know that they have 30 spaces to give up. Curious on day and night use. (Mr. Lott: The existing plat note does not restrict timing of 30 spaces. This site is guaranteed 30 spaces, regardless of BBC site. Anything beyond the 30, the owners of the BBC can impose reasonable restrictions beyond 30 spaces. Of the additional restrictions that may be imposed, one may be timing and hours. Staff has discussed that the two adjacent uses are fairly complimentary. The Building Center has more business during day and this site would have more during the afternoons and evenings. Some conflicts might occur during après ski time when the Market opens and the BBC is still open. Because there is no business hour restriction, the BBC hours could change. The spaces beyond 30 on the BBC property were not part of their requirements and could be used for Breck Central Market.)

Mr. Schroder: I have a question about a precedent item. We have not given points for an aesthetically pleasing detention pond. Is that what we intend to see. When we were above the City of Aspen parking structure, you could see a landscaped detention pond. I considered it aesthetically pleasing because it was in plain view. Are we trying to gain that same idea through this policy? (Mr. Lott: The intent for the policy is that we didn't want to see large pits of gravel. The location of this proposed pond correlates to the site topography. If the pond were located in front of the building, near the road, we would award a point. However, the policy does not speak to the location of ponds.) I understand, topography is number one when locating detention, and this is somewhat naturalized.

Mr. Moore: I have no questions.

Mr. Giller: I would like to go back to Policy 16/R. At the previous meeting, there was a lot of discussion about the rec path. This is a lot of points, so we should expect a lot of public benefit. Can you tell me more about design of the proposed Rec Path. It looks like there is no construction with this project, that it is swooping the corner of the site, and has a large radius intersection. Seems like a lot of points for not much easement. (Mr. Lott: Between this site and the Water Treatment Plant to the south, there are some topography changes. With the proposed geometry of the connection, it allows for softer turn, which is one of the bigger benefits of the easement. Most of path is not on the Central Market Site, but the easement allows for a connection. There will be safer crossing at Stan Miller Dr. If you look more comprehensively at the Rec Path plans, the crossing at roundabout the might go away at some point in the future. The goal with this design is to have that turn softer than a 90-degree angle, which is made possible with this proposed easement.) It still just seems like a lot of points for a radius. (Mr. Lott: The construction discussions are still in the works. There are some topographic challenges on the water treatment site and the minimum points under this policy is 3.) Unless we decide that 3 is too generous.

Ms. Mathews-Leidal: There are offsite improvements shown for the rec path. Is that illustrative? It is a little confusing on the plans but nothing offsite is proposed, correct? (Mr. Lott: Correct. I will let the applicant speak a little more to construction of the path. There have been many discussions between applicant and Town Engineering Division, including crossing improvements for Stan Miller Rd.) Was the dumpster included in the mass calculation? (Mr. Lott: No.) Why would we not count it. (Mr. Lott: As long as it is partially open and unconditioned, it would not count as habitable area. The Building Code does not count it as habitable space either, so it was not included in the density or mass calculations) What about outdoor covered seating that is enclosed on four sides with ventilation at the top? I am very concerned we are setting precedent by not counting

square footage by not counting. I went by the distillery site and it is very different design. Please look at that project for next meeting. Staff is asking us about location of dumpster. Is staff contemplating negative points under 16/R for circulation. (Mr. Lott: that discussion has not come up). I think we still need more info. For the Master Plan, on sheet MP-2, there are proposed changes to parking. Staff did not speak to that. Does that mean there is more info forthcoming? (Mr. Lott: I do not recall any changes in that section. Parking is shown for each lot. Staff had question for amount of spaces for each lot. On the initial Master Plan, this site was initially planned for some sort of retail. If you divide the amount of SFEs allowed by 400, you get 30, which is where that number came from) Let's talk about that at next hearing after you have a chance to analyze it. They also need to modify the master plan notes because it does not allow detention in open space.

Mr. Lamb: I have no questions.

Mr. Gerard: No questions.

Lindsay Newman, Norris Design: I'll be reviewing updates to design and plan. Going over architectural character, parking, dumpster, neighborhood context, landscape plan. It's important to consider surrounding uses. The repath relocation would improve safety and provide opportunity for scenic route and connection to housing and create destination and rest stop for path users. We are planning to provide bike racks and restrooms for users of the trail. There is an easement in place for 30 spaces of parking. A third of our site is within the 150 setback from Highway 9, which is unbuildable. Our goal is to create a transition from industrial to residential via a mixed use project. This site has no landscape currently, and we are providing quite a bit, which is a vast improvement over the existing site. This landscaping will also be providing screening as we are proposing an above average landscaping plan. The shallow detention pond is landscaped with plant material around it.

Mark Provino, Architect: Some previous concerns were about architectural compatibility. The modified elevations show a modified solid to void ratio, with less glass and glazing. As requested at the previous meeting, the window sills have been raised and a window base has been included around the building. The height of the transoms also reduced. This project is complying with material requirements of the Code, which should help because there are very little natural materials apparent on the water treatment plant. Section 4I of the proposed Master Plan language calls for canopies and trellis to help pedestrians, which have also been added. Solar was added to the roof and we are actually proposing positive one point for having an energy efficient building that is 10% above the code minimum. We do not qualify for the solar point because the building does not have suitable roof area for the 30% requirement. With the Master Plan modifications, we are trying to make modifications to create flexibility, which does not reflect what has been built at the BBC. (Mr. Giller: Regarding base: do you have base elevations below the windows?) Provino: The base is not consistent all the way around, which is intentional for architectural character.

Commissioner questions:

Mrs. Mathews-Leidal: No more questions.

Mr. Moore: I think you did wonderful job of getting where we need to be with compliance with Master Plan.

Mr. Lamb: Very detailed presentation. Everything has been covered.

Mr. Gerard: Looking at +3 points for Rec Path. Are you planning on paying for the installation for Rec Path portion on your property? (Mr. Provino: No, not at this point, we are just providing the easement. I should also respond to Christie's concern regarding dumpster mass. It should not be included as mass or density because it is not connected to interior of building. The proposed design is intended to keep trash in, and wildlife out and visibility down. The enclosure is not accessible to the main building so it should not be counted as density or mass.)

Danny Teodoru, Applicant's Attorney: The path easement dedication is not just the radius, it goes all the way across the property. Not in staff report because it was not an issue. Precedent +1 points for joint parking. Lot 1 would pick up that parking. Want to stress that it is not an option or sunset thing, part of fundamental understanding of purchase of property.

The application was opened for public hearing. No public comment and the hearing was closed.

Commissioner Comments:

Mr. Schuman: 1. Yes 2. Yes 3. No 4. No, don't agree with +3 for rec path easement. 5. Key issues parking landscaping and other points because failing at this point.

Mr. Schroder: 1. Yes 2. Yes. 3. Yes. 4. Yes 5. Yes.

Mr. Giller: 1. Yes. 2. Yes, works well and screening nicely. 3. Yes, need to carefully define this for one point. My fellow Commissioners questions are important. We need good guidance at final. 4. No, I am having second thoughts about the trail easement points. Majority of trail is outside of property line and on top of gas easement. Town should get a fair deal if the project is receiving positive three points.

Ms. Matthews-Leidal: 1. Yes 2. I don't think it meets 16/R regarding separating refuse areas. It's causing issues with potentially blocking the primary entrance to BBC site. A lot of program on the site. You could look at relocating transformer and locating dumpster there. 3. Yes 4. No, in regards to Policies 3 and 4. Dumpster should be counted as density and mass. Concerned about precedent. In regards to the easement, I don't support +3 points. Huron Landing is good precedent and +3 points is reasonable for paving and an easement.

Mr. Moore: 1. Yes 2. Yes. 3. Yes, we should encourage and it is good for precedent. 4. No, would not give +3 points for providing easement but would support if construction is included. 5. No.

Mr. Lamb: 1. Yes. 2. Yes 3. Yes. 4. Yes. 5. No.

Mr. Gerard: 1. Yes 2. No, concern with not being counted as density or mass. 3. Yes, but should not be allowed to double dip for detention pond and landscaping. 4. No, +3 should include construction of path, not just easement. 5. No.

Staff asked the following questions of the Commission regarding the Placer Flats Master Plan Amendment Second Preliminary Hearing:

1. Does the Commission support the proposed Master Plan changes to Density and Architecture?
2. Does the Commission agree with the proposed building design as it relates to the proposed Master Plan language?

Commissioner Comments:

Mr. Schuman: 1. Yes 2. Yes.

Mr. Schroder: 1. Yes. 2. Yes.

Mr. Giller: 1. Yes, 2. Yes.

Mrs. Leidal: 1. Yes. Would like more info on parking bubble on sheet MP2. Numbers changed from the original master plan and I don't understand. We need to discuss. Allow detention facilities in open

space.
Mr. Moore: 1. Yes 2. Yes.

Mr. Lamb: 1. Yes 2. Yes.

Mr. Gerard: 1. Yes. 2. Uncomfortable with parking. We should require permanent parking easement agreement.

Mr. Truckey: Our plan was to go final hearing on this. If we can work through parking issue and issue with rec path, is the Commission comfortable with proceeding to a Final Hearing? (All Commissioners supported proceeding to Final Hearing with the issues mentioned being addressed in the final submittal.)

COMBINED HEARINGS:

1. St. John's Church Addition & Remodel Combined Hearing (JL), 100 South French Street, PL-2020-0063.

Mr. Lott presented:

The restoration and renovation of the entire structure. The project includes locally landmarking the historic church and adding a basement beneath. The foundation of the entire building is to be repaired and restored. Some changes to doors and windows are proposed on the non-historic addition on the rear. The building will be brought up to current Americans with Disabilities Act (ADA) and Building Code Standards.

Staff asked the following questions of the Commission:

1. Does the Commission believe the application should receive negative two (-2) points for 623 sq. ft. of heated outdoor space?

2. If the Commission supports negative two (-2) points for the heated space, is the added condition requiring a minimum percentage of energy savings of 20%-29% below the existing structure's energy consumption to earn positive two (+2) points acceptable?

3. Does the Commission support the recommended point analysis?

Commissioner Questions:

Mr. Schuman: No questions.

Mr. Schroder: Has staff discussed the safety aspect of heating? (Mr. Lott: That was part of the discussion of the Ten Mile Room.)

Mr. Giller: Did the applicant say how they will achieve energy savings? (Mr. Lott: Applicant did not say that it would not be terrible to get to with MEP upgrades. I will let applicant speak to that.)

Ms. Mathews-Leidal: Nice job Jeremy, very thorough. I thought we came out with one negative point for Milne Park, is that correct? (Mr. Lott: Yes, I think so). Question regarding easement.

Mr. Moore: No questions.

Mr. Lamb: No questions.

Mr. Gerard: How many sq. ft. outside the basement door will be heated? (Mr. Lott: 162 for the rear lower egress area and 461 sq. ft. for the sidewalk along the southern boundary.)

Matthew Stais, Architect: The Church has been working on this Development Agreement with Town Council since about September. We took the input from Planning Commission last month and made revisions

accordingly. We agree with staff report. For a clarification, the concrete below stairs is heated and the stairs will be metal grates and not heated. For the sidewalk, the church has requested sidewalk to be heated and there is precedent for that. This sidewalk will provide an important connection, like the sidewalk on Lincoln Avenue between Main and Ridge Streets. We respectfully request not to be continued to another meeting so we can meet our construction deadline. Regarding energy savings: we are going to upgrade the building remarkably. Because this building is so energy inefficient right now, we will not have a problem meeting the threshold for +2 points. We are going to do a lot of renovations, include insulation in sanctuary. The only delta is not spending \$5,000 on energy reports and instead use that money for upgrades.

Mr. Giller: Are you able to get your energy savings in a way that retains historic fabric? (Mr. Stais: We can either augment building efficiency on the outside and retain inside or we can retain the outside and do work on the inside. We are left with doing work on inside. Right now, the roof of the church is splayed out and the walls are tipping out. There is also asbestos in there that has to be removed. We are going to save everything we can, like light fixtures, windows, around alter. We can't preserve inside and outside and up the R value.) Can you speak about the naïve? (Mr. Stais: Yes, I was referring to the naïve and the parish hall as well. Vapor in existing insulation.) I hope that is done in a careful way.

The Public Hearing was opened for public comment:

Wallace Ducayet, Parishoner: Our best understanding is that the interior walls were changed in the 60s when the cinder block foundation was installed. We don't believe that they are original. (Mr. Giller: That was my guess.)

Ms. Puester: I wanted to mention to the Planning Commission before you get into the discussion on if you are recommending the negative points for the heated areas proposed to take into consideration. While I understand the church's desire to not have to complete the energy report for the positive two points, Policy 33/R requires it for the points and staff is unable to waive it in this process, would have to be in the Development Agreement. Just an FYI as you move into your point discussion.

Mr. Lott: Regarding a question earlier, the Milne Park project had 497 sq. ft. of heated space and negative one point.

Mr. Lamb: Where the heated concrete is proposed is a life safety issue. I support the project.

Mr. Moore: Heated sidewalks are small price to pay. I disagree with giving negative points.

Ms. Mathews-Leidal: Thank you Mr. Stais for not raising the building and coming up with different solution. Do not support negative points either. Landing area is life safety. Public easement creates public area. I would support 0 points.

Mr. Giller: This is a nice project. I don't think that we should give negative points for heated space. The record should show this is different than the Milne House. We will need to stick to code requirement for requiring energy rating for points. I support analysis.

Mr. Schroder: I think zero positive points and zero negative points for a passing score of zero. I support the project as presented

Mr. Gerard: You can make a motion to amend point analysis.

Mr. Schuman: The walkway is where it is because building is right on property line. I do think -2 points are warranted and if they can make them up with energy conservation then I think that is fine. Per architect

description, I would agree with no negative points on the pad below stairs if it were more for public use.

Mr. Gerard: I can see this both ways. I think the lower level cement pad is a safety issue. With respect to sidewalk, I think when the church granted the easement for the sidewalk, they created a public walkway to the Community Center for safety. This is definitely a matter of public safety. I support zero negative points for heated sidewalk. That would negate the need to gain the positive two points for energy conservation.

Ms. Puester: If you will be modifying the point analysis, in the final motion, we will need to get a new Finding #7 to state the 33R heated outdoor space not applicable and will then need to remove #15 and # 28 related to the energy analysis and renumber thereafter.

Mr. Lott: We also need to add a Condition for the Encroachment License Agreement for the signage in the south French St. right of way.

Mr. Schroder: I would like amend the point analysis.

Mr. Schroder made a motion to change the point analysis to reflect passing point analysis with no negative points and no positive points, seconded by Mr. Lamb. The motion passed unanimously.

Mr. Schroder made a motion to approved the project, with a Finding #7 of Policy 33R not applicable, and removing Conditions #15 and #28 and renumber thereafter, and adding Condition for the Encroachment License Agreement for the signage in the south French St. right of way, and a motion to Landmark this building. The motion was seconded by Mr. Lamb and passed unanimously.

OTHER MATTERS:

1. Town Council Update: A written summary was provided in the packet.

Commissioner Questions / Comments:

Mr. Schuman: What is the closure date for main street? (Mr. Truckey: Approx. June 15 for 8 weeks. Maybe go through the end of August if successful.)

Mr. Schroder: Signage to help people find their way around? (Mr. Truckey: yes, wayfinding.) Amenities required? (Mr. Truckey: We will be including more portalets out on the street in key locations.)

Mr. Lamb: How are they going to manage the liquor license? (Mr. Truckey: The Council had issues with festival license for all of Main St. because they did not want to turn it into an 8 week Oktoberfest. We will be permitting each space on street. Expedited process. Extend service out onto street. 50 ft. wide street, 11 ft, drive lane. Putting seating in parking and bike lane. People can still move on sidewalk. Uniform tables. 34 x 10 area for each restaurant. Liquor license would be extended.

Mr. Schuman: What is your opinion on lodging on restaurants opening? (Mr. Truckey: I don't have one. Waiting on public health.)

Mr. Giller: I hope there is a little bit of thought given to all the features that are put in on Main Street. (Mr. Truckey: We are trying to do that and it is a balancing act. BTO is getting a quote from tents and events and then we are going to pass that cost on to restaurants. Restaurants can use their own chairs and umbrellas. At one point we were talking about tents, but we are not going to pay for that. Opportunity for individual businesses to do that. Most businesses do not want to put a big investment into this not understanding what the summer holds. We are

looking into jersey barriers and how to make them attractive.) Frisco has similar idea. Good luck and thanks.

ADJOURNMENT:

The meeting was adjourned at 8:49 pm.

Steve Gerard, Chair



TOWN OF BRECKENRIDGE
TOWN COUNCIL

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.

May 2020

Monday, May 25th, 2020	10:00am - 11:00am	Memorial Day Commemoration
Tuesday, May 26, 2020	3:00 pm / 7:00 pm	Town Hall Chambers Second Meeting of the Month

June 2020

Tuesday, June 9, 2020	3:00 pm / 7:00 pm	Town Hall Chambers	First Meeting of the Month
Tuesday, June 23, 2020	3:00 pm / 7:00 pm	Town Hall Chambers	Second Meeting of the Month

July 2020

Tuesday, July 14, 2020	3:00 pm / 7:00 pm	Town Hall Chambers	First Meeting of the Month
Tuesday, July 28, 2020	3:00 pm / 7:00 pm	Town Hall Chambers	Second Meeting of the Month

Other Meetings

May 26th, 2020	Board of County Commissioners Meeting	9:00am / 1:30pm
May 27th, 2020	Summit Stage Transit Board Meeting	8:15am
	Summit Combined Housing Authority	9:00am
May 28th, 2020	Breckenridge Tourism Office Board Meeting	8:30am
	Northwest CO Council of Governments	10:00am
	QQ - Quality and Quantity - Water District	10:00am
	RW&B Board Meeting	3:00pm
June 2nd, 2020	Board of County Commissioners Meeting	9:00am
	Planning Commission Meeting	5:30pm
June 3rd, 2020	Breckenridge Events Committee	9:00am
	I-70 Coalition	10:00am
	Childcare Advisory Committee	3:00pm
June 9th, 2020	Board of County Commissioners Meeting	9:00am / 1:30pm
	Workforce Housing Committee	1:30pm
June 10th, 2020	Breckenridge Heritage Alliance	Noon
June 11th, 2020	Upper Blue Sanitation District	5:30pm
June 16th, 2020	Board of County Commissioners Meeting	9:00am
	Liquor & Marijuana Licensing Authority	9:00am
	Planning Commission Meeting	5:30pm
June 18th, 2020	Transit Advisory Council Meeting	8:00am
June 22nd, 2020	Open Space & Trails Meeting	5:30pm
June 23rd, 2020	Board of County Commissioners Meeting	9:00am / 1:30pm
June 24th, 2020	Summit Stage Transit Board Meeting	8:15am
	Summit Combined Housing Authority	9:00am



Scheduled Meetings

Shading indicates Council required attendance – others are optional

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

June 25th, 2020	Breckenridge Tourism Office Board Meeting	8:30am
	Northwest CO Council of Governments	10:00am
	RW&B Board Meeting	3:00pm
July 1st, 2020	Police Advisory Committee	7:30am
	Breckenridge Events Committee	9:00am
	I-70 Coalition	10:00am
	Childcare Advisory Committee	3:00pm
July 7th, 2020	Board of County Commissioners Meeting	9:00am
	Planning Commission Meeting	5:30pm
July 8th, 2020	Breckenridge Heritage Alliance	Noon
July 9th, 2020	Upper Blue Sanitation District	5:30pm
July 14th, 2020	Board of County Commissioners Meeting	9:00am / 1:30pm
	Workforce Housing Committee	1:30pm
July 16th, 2020	Transit Advisory Council Meeting	8:00am
July 21st, 2020	Board of County Commissioners Meeting	9:00am
	Liquor & Marijuana Licensing Authority	9:00am
	Planning Commission Meeting	5:30pm
July 22nd, 2020	Summit Stage Transit Board Meeting	8:15am
	Summit Combined Housing Authority	9:00am
July 23rd, 2020	Breckenridge Tourism Office Board Meeting	8:30am
	Northwest CO Council of Governments	10:00am
	RW&B Board Meeting	3:00pm
July 27th, 2020	Open Space & Trails Meeting	5:30pm
July 28th, 2020	Board of County Commissioners Meeting	9:00am / 1:30pm
TBD	Water Task Force Meeting	8:00am
	Art Installation Meeting	2:00pm
	Breckenridge Creative Arts	4:00pm
	QQ - Quality and Quantity - Water District	10:00am