



TOWN OF  
**BRECKENRIDGE**

**Town Council Work Session**

Tuesday, January 25, 2022, 4:00 PM  
VIRTUAL Town Hall Council Chambers

THIS MEETING WILL BE HELD VIRTUALLY ONLY.

This meeting will be broadcast live over Zoom. Log-in information is available in the calendar section of our website: [www.townofbreckenridge.com](http://www.townofbreckenridge.com). Public comments may be delivered during the virtual meeting by using the "Raise Hand" feature in Zoom (during designated public comment times only), by email to [mayor@townofbreckenridge.com](mailto:mayor@townofbreckenridge.com), or by mailed letter prior to the meeting.

**I. PLANNING COMMISSION DECISIONS (4:00-4:05pm)**

Planning Commission Decisions

**II. LEGISLATIVE REVIEW (4:05-4:30pm)**

Development Agreement with Brian Peterson and Danielle O'Grady (Second Reading)-  
Request to Continue

Water District Parcel Annexation (Second Reading)

Engineering Standards Amendment (Second Reading)

No Camping Ordinance Amendment (First Reading)

**III. MANAGERS REPORT (4:30-5:00pm)**

Public Projects Update

Mobility Update

Housing and Childcare Update

Committee Reports

Financials

**IV. PLANNING MATTERS (5:00-5:45pm)**

Entrada Parcel

**V. OTHER (5:45-6:30pm)**

Renewable Energy Mitigation Discussion



# Memo

To: Breckenridge Town Council Members  
From: Mark Truckey, Director of Community Development  
Date: January 19, 2022  
Subject: Planning Commission Decisions of the January 18, 2022 Meeting

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***DECISIONS FROM THE PLANNING COMMISSION MEETING, January 18, 2022:***

**CLASS A APPLICATIONS:**

1. Parkway Center Amended Master Plan, 429, 435 & 507 North Park Avenue, PL-2021-0615  
A proposal to amend the current Parkway Center Master Plan's Lot 6, Block 1 properties to allow for the development of either commercial or residential uses as required by condition 18 of the approved Parkway Center Mixed Use Building Development Permit (PL-2020-0292). The current master plan has this area designated for "commercial". *Approved, see second memo.*

**CLASS B APPLICATIONS:** None.

**CLASS C APPLICATIONS:**

1. Cedars Unit 34 Dormer Addition, 505 Village Rd. Unit 34, PL-2021-0606  
A proposal to add a new dormer and associated 64 sq. ft. of density to Unit 34 at the Cedars.  
*Approved.*

**TOWN PROJECT HEARINGS:** None.

**OTHER:** None.



# Memo

To: Town Council  
From: Chris Kulick, AICP, Senior Planner  
Date: January 19, 2021 for meeting of January 25, 2021  
Subject: Parkway Center Amended Master Plan, Parcels A, B, C and Common Area, Lot 6, Block 1, Class A Planning Commission Approval Summary

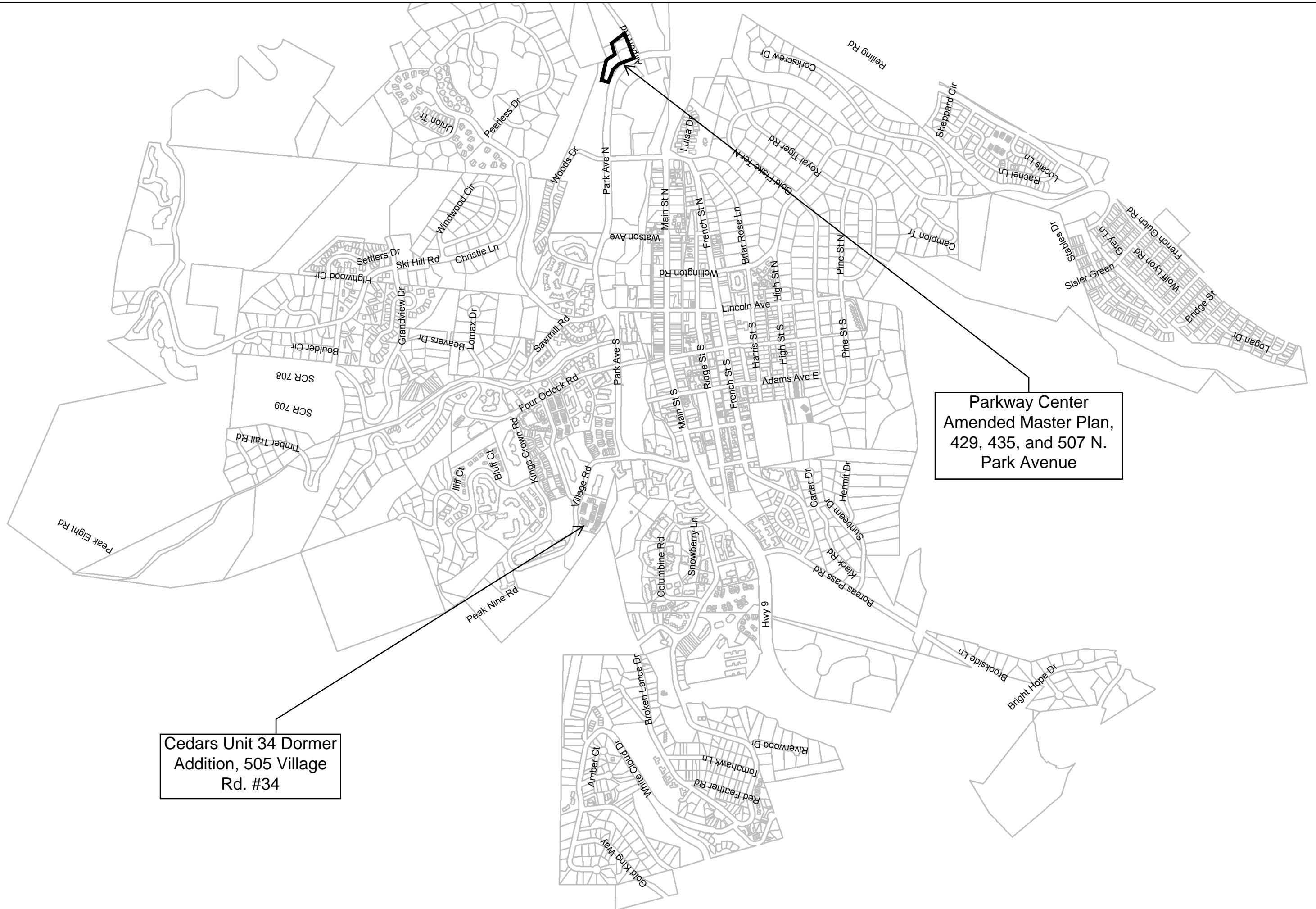
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A Final Hearing for the Parkway Center Amended Master Plan, Parcels A, B, C and Common Area, Lot 6, Block 1, located at 429, 435 and 507 North Park Avenue, was held by the Planning Commission on January 18, 2022. The application proposes amending the current Parkway Center Master Plan's Lot 6, Block 1 properties to allow for the development of either commercial or residential uses as required by condition 18. of the approved Parkway Center Mixed Use Building (PL-2020-0292) Findings and Conditions. Specifically Condition 18. States, "*A Master Plan Amendment shall be submitted by the Applicant to update the Land Use Map (Exhibit B) within the current Master Plan to reflect that residential and commercial are allowed on this site.*", prior to receiving a certificate of occupancy". This Master Plan amendment fulfills this condition of approval.

Previously, the Town Council reviewed and approved the Parkway Center Mixed Use Building at a De Novo Hearing held on June 23, 2020. That project features 6,920 sq. ft. of medical office space, 950 sq. ft. of retail space, 1,222 sq. ft. of common area, and 14 residential apartments, half of which are deed restricted workforce housing, totaling 7,230 sq. ft.

The Commission found the Master Plan Amendment complied with all Absolute Policies, and assigned no positive or negative points under the Relative Policies. The Commission approved the application 7-0.

Staff will be available at the meeting to answer any questions.



Cedars Unit 34 Dormer  
Addition, 505 Village  
Rd. #34

Parkway Center  
Amended Master Plan,  
429, 435, and 507 N.  
Park Avenue

Breckenridge South





## PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Chair Beckerman. The meeting was a virtual electronic meeting through the Zoom platform, as a result of the COVID-19 pandemic.

### ROLL CALL

Mike Giller	Jay Beckerman	Mark Leas	George Swintz
Tanya Delahoz	Steve Gerard	Allen Frechter	

### APPROVAL OF MINUTES

With the below changes, the January 4, 2022 Planning Commission Minutes were approved.

Mark Leas' comments during the discussion period on the Kuhn property subdivision were not included. It was discussed that minutes only capture final comments and not all verbatim discussion and questions.

George Swintz' comments on subdivision prior to CO should be amended to clarify that he is wary of construction occurring on a lot prior to subdivision. Mark Leas' comments on Alta Verde II – were intended to say, “net zero is a good thing to strive for and how does the builder intend to achieve net zero?”

With those changes, the minutes were approved.

### APPROVAL OF AGENDA

With no changes, the January 18, 2022 Planning Commission Agenda was approved.

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No public comment

### CONSENT CALENDAR:

1. Cedars Unit 34 Dormer Addition (CK), 505 Village Rd. #34, PL-2021-0606

With no call-ups, the Consent Calendar was approved as presented.

### COMBINED HEARINGS:

1. Parkway Center Amended Master Plan, Parcels A, B, C and Common Area, Lot 6, Block 1 (CK) PL-2021-0615, 429, 435 and 507 North Park Avenue

Mr. Kulick presented a proposal to amend the current Parkway Center Master Plan's Lot 6, Block 1 properties to allow for the development of either commercial or residential uses as required by Condition 18 of the approved Parkway Center Mixed Use Building Development Permit (PL-2020-0292). The current master plan has this area designated for “commercial”. There are no other changes with this master plan amendment beyond the additional allowed residential use.

#### *Commissioner Questions / Comments:*

Mr. Gerard: Exhibit B is misleading. It does not describe which parcel this agreement pertains to. The parcel in question should be highlighted on the diagram to notate its location. I am very pleased with how the building turned out. It blends well with the existing building. This is just a technical detail to take care of. I have no issues.

Ms. Delahoz: No comments.

Mr. Leas: No comments.

Mr. Giller: No comments.

Mr. Frechter: No comments.

Mr. Swintz: No comments.

Mr. Gerard made a motion to approve the Parkway Center Amended Master Plan, seconded by Ms. Delahoz. The motion passed 7 to 0.

**OTHER MATTERS:**

1. Town Council Summary – verbal Mr. Truckey
2. Class D Majors Q4 2021 (Memo Only)
3. Class C Subdivisions Q4 2021 (Memo Only)

**WORK SESSIONS:**

1. Parking Maximums and Shared Parking Agreements (SS)

Ms. Szrek gave a presentation on the potential for Parking Maximums and Shared Parking Agreements to be included in the Code and asked for feedback from the Commission.

*Commissioner Questions / Comments on parking maximums:*

- Mr. Leas: With regard to the Town goals and walkability, where does the Town stand with improvements to the rec path- sidewalks and walkability? Sidewalk clearing of snow and ice has been horrendous this winter. Where I come from the owner and tenants of commercial spaces and private properties are required to clear the sidewalk in front of their property. We need to keep the infrastructure up. (Mr. Truckey: Regarding the rec path, the Town has plans to extend the rec path to Ski Hill Rd in summer 2022 and a second phase to extend it beyond to the Riverwalk Center. That is part of the plan but would not happen this summer. The Town does do a lot of the snow removal downtown although technically the storeowners can be asked to do so. This year the Town is seeing such a massive shortage in staffing that the roads and sidewalks plowing has been difficult.) Does the Town have an ordinance, which requires the owners and tenants of businesses to clear sidewalk? This is more about a safety rather than convenience issue. (Mr. Kulick: There is an ordinance in Title 10 of the Code that addresses this, although I don't think that it is enforced.)
- Ms. Delahoz: My concern is that we are putting the cart before the horse. I think we need to solve the staffing issue first. There was a study a couple months ago, that Summit County lost 25 percent of the workforce during the height of the pandemic and has not recovered yet. I think we would be short sighted to reduce parking even further until we can correct the snow removal issue; we also have a car circling issue. We should correct the issue of the underutilized parking structure before we start changing code. I know the Town is looking for ways to be more sustainable, but I feel there are other problems to fix before we change the code. (Mr. Kulick: There is a distinct separation between parking in the district and outside. In the parking district, we do not have the issue of excessive over parking because for most developments there is not room. In most cases, developers are trying to provide the minimum amount of parking to avoid paying more fees-in-lieu for parking. The fee-in-lieu program has really helped maintain the character of downtown.)
- Mr. Beckerman: Are there examples of previous developments where if this code were in place that issues could have been avoided? (Mr. Kulick: Peak 8 hotel is a good example where they wanted to provide an oversized structure that provided substantially more parking than required.) What if this were in the Code as a relative policy instead of as a mandated priority design standard? (Mr. Kulick: It could be implemented the same way as we enforce the HERS policy. Having it as a relative policy that has flexibility rather than a priority policy is possible.)
- Mr. Gerard: We would need to be careful about implementing a system like that. A large developer could potentially stock up points and trade them in for excess parking in an area where we

- would not want it. The Peak 8 Hotel is the absolute reason why something like this should be in the Code. It would allow for an enforceable rule to point to. We need to give this serious thought to not allow any point system to be used in a way we would not want.
- Mr. Beckerman: Would we be pioneers in implementing such a policy? (Ms. Szrek: Some research has been from Donald Shoup, a professional, who advocates for removing parking minimums and letting parking be determined by the market. There has been more research on removing parking minimums but cities that have implemented parking maximums have had good results. Some examples are provided in the research. With our transit system and walkability, we are comparable to some of the larger cities that have implemented maximums. More progressive codes do show good results.) Can you imagine a situation where this type of rule could backfire? A situation where we might want to encourage more parking, but can't because it is against code? (Ms. Szrek: Parking is complicated. It is always a balance between too little and too much. An example is shopping malls built for max capacity on Black Friday which otherwise sit empty. We shouldn't be building for the one day of max capacity.)
- Mr. Giller: One example is the Father Dyer Church with a rather large parking lot and there is a close Town lot that could serve that property. If that were a new property today, I feel we would not allow that much parking to be built. You don't design the Church parking lot for Easter. I very much support this and believe there is a sense of urgency. It will take years for this to be effective and helpful for the Town. Issues with workforce staffing are temporary. For this to be useful, it should be implemented sooner rather than later. There is a large movement to create a disincentive for single-occupancy vehicle use. Living across from the post-office, I would like to see improvements to our Town's parking code.
- Mr. Leas: With shared parking, we should be mindful that a shared use today might be different in 5 or 10 years because tenancy of buildings can change over time. Shared uses should be re-evaluated if the commercial uses change in the future.
- Mr. Swintz: Some generic comments on parking maximums: these maximums came from the fact we are trying to stifle automobile use by reducing parking availability. Part of this conversation is to support our transit system. If you go to Aspen and see their bicycle and bus stops, they are heated sheltered and provide ample bike storage. Does the revenue for parking go into the parking authority or do revenues go toward the general fund? (Mr. Truckey: I think there is some flexibility but I believe the Town's portion of the revenues go toward parking improvements.) I think the issue for parking we are trying to solve within the Town when it will really take transit system partnerships with surrounding communities. My experience in the front-range has been a set amount per use. Commission and Council should have some latitude, to allow for a certain amount of parking for certain uses.
- Mr. Frechter: I think this issue parallels what is going on with short-term rentals now. I applaud the Town for getting ahead of this long-term issue. Consider blending methods 1 and 3. Allow for each property a formula but provide an overall cap in the Town. This could be accomplished by an overall study, implementing a cap, and once it is reached, require purchase of parking from the parking bank. There is a solution here as well to get better utilization out of the garages. What if the EV stations were only in garages? Provide incentives to include EV stations and consider how we handle electric vehicles with this code change.
- Mr. Swintz: I agree, parking an electric vehicle in the garage was easy over the holidays; there were many spaces with chargers available. (Mr. Truckey: Future electrification was built into the parking structure to add more EV chargers, but certainly, if we get to 50 percent EVs with the fleet visiting Town it could be more challenging to accommodate the demand.) Parking experts and engineers should be relied on to determine the amount of parking for each land use.
- Mr. Beckerman: It wasn't long ago that we were looking for more places to park people. It does make sense

- to review past recommendations.
- Mr. Gerard: Yes, I agree with using Method 1 and agree the minimum allowed is the maximum allowed in the conservation district cutting down new spaces in the conservation district.
- Ms. Delahoz: I am not comfortable answering right now.
- Mr. Leas: I know very little about the parking issue. I would defer to what staff thinks would work best in Breckenridge so I guess I agree with Method 1.
- Mr. Giller: I agree with Method 1. The Donald Shoup parking website has a lot of great information.
- Mr. Frechter: I agree with Method 1. We should consider an overall cap in Town and treat the conservation district like a parking zone.
- Mr. Swintz: No offense to staff, I am still feeling that setting the right ratio of parking per land use and not deviating more or less without Town's approval than building in an increased percentage ratio is a better way to go. This method could surge parking when we are trying to decrease it. (Ms. Szrek: Does it make a difference that the minimums are already set based on an engineer's study and analysis by land use?) I guess I struggle with method 1 because they have to meet the minimum but then could surge it by 10 percent.
- Mr. Beckerman: I am comfortable with staff's recommendation and seeing this move forward.

*Commissioner Questions / Comments on shared parking agreements:*

- Mr. Leas: Is the shared parking agreement a standard agreement the Town would prescribe? Or would the shared parking agreement be between the two private parties? (Ms. Szrek: It would be an agreement that the Town condones and the parties sign-off on.) Would the agreement reflect items such as taxes, ownership, maintenance, etc. since they would not jointly own the parking? (Ms. Szrek: Other agreements exist in Town such as encroachment licenses or shared driveways and they are verified by the Town attorney.) From a real estate stand point it should be a private party agreement that the Town agrees does not harm the Town. (Mr. Kulick: I do not think we would get into details such as taxes or unique business dealings. There would need to be some standard items that the Town would need to feel comfortable to sign-off on.) A standard template might be restrictive enough and preclude some parties from entering into an agreement.
- Mr. Swintz: The agreement could have some standards that are required so the Town feels comfortable signing off. Access, cross-access, maintenance should be covered.
- Ms. Delahoz: We did this for Breck Central Market and Breckenridge Building Center where there was a shared parking agreement? Using the methods if we had to put it in one of the two categories, I think we used guidance from Method 1. (Ms. Szrek: Yes, I think you are correct.) We left it up to the two property owners to come to an agreement and we signed-off after. (Mr. Kulick: I would like to point out that with the BCM and BBC agreement there was no reduced number of spaces required. They both still fulfilled their total parking requirements for the projects independently.) What happens if there is an existing business that has underutilized parking and an adjacent business would like to share parking? Can the first business deny the request to share parking? (Mr. Kulick: Yes, it would need to be a willful agreement between the two parties. The Town could not force shared parking.)
- Mr. Gerard: How is a clear pedestrian path interpreted between the two uses? (Ms. Szrek: That means walkability between the two uses. A clear sidewalk/hard paving with a certain width.) Some additional wording and definitions should be included to clarify what is meant by walkable between uses. Hard, safe, lighted should be included in the definition. I like the idea that it provides for the two participants to not be immediately adjacent. For BCM and BBC, their lawyers prepared the agreement and the Town attorney approved the agreement. I am voting for Method 1, it is a great idea and we should encourage it as much as we can.
- Mr. Swintz: I would vote for Method 1 as well. I think the Town should be more involved in preparing the agreements between parties in case there is argument between two parties and one party blocks the other from access, which we want to avoid. On page 10, a major remodel

definition should be provided here. I liked the examples provided for Aspen and Park City. Staff should consider the number of spaces required before an agreement can happen, perhaps eight is too many in some situations. Golden's shared parking definition was too restrictive because it required a minimum of three different and contiguous land uses. There is a length of walkability that should be considered. I don't think contiguity should be required, but 1,000 ft. is too far. The shared parking with residential is perplexing if we are going to beef up transit. With great transit, the residential cars will stay at the residences. The type of transit available and the comfortability and ease of riding transit is important to making this work. In developing commercial properties, when you are driving to get food, I think it would be a disincentive to eat at a location if parking is unavailable.

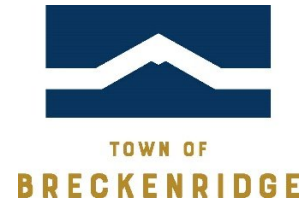
- Ms. Delahoz: I said yes.  
Mr. Leas: I would agree with method 1 and the comments made by Mr. Swintz and the others.  
Mr. Giller: I agree with Method 1.  
Mr. Frechter: I support Staff's recommendations. We should consider adding positive points as an incentive.  
Mr. Beckerman: I support Method 1.

**ADJOURNMENT:**

The meeting was adjourned at 7:20 pm.

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Jay Beckerman, Chair



# Memo

To: Mayor and Town Council

From: Julia Puester, AICP, Assistant Community Development Director

Date: 1/19/2022 (for meeting of February 8, 2022)

Subject: **Continuance Request**-Second Reading - Development Agreement between the Town of Breckenridge and Brian Peterson/Danielle O'Grady regarding proposed bonus room at 37 Sisler Green (Lincoln Park Block 2 Lot 6A)

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The Council reviewed this proposal at a First Reading on January 11, 2022. Staff requests that the Second Reading be continued to a future date due to the public notice requirements of a Development Agreement.





# Memo

To: Town Council  
From: Laurie Best, Planning Manager – Housing & Childcare  
Date: January 18, 2022 for meeting of January 25, 2022  
Subject: Blue River Water District Parcel Annexation Ordinance (Second Reading)

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This is the second reading of the attached Ordinance to annex .402 acres of Town owned property, referred to as the Blue River Water District Parcel, to the Town of Breckenridge. The Blue River Water District Parcel is located on the west side of Hwy 9, south of Stan Miller Drive, and is part of Tract A-1 of the McCain Subdivision. The parcel meets the Town limit contiguity requirements and other stipulations for annexation under Section 30(1)(c) of Article II of the Colorado Constitution, and Sections 31-12-104(1)(a) and 31-12-105, C.R.S. Annexation of this parcel must take place prior to future subdivisions required for the construction of the Alta Verde II apartment homes.

There are no changes to the annexation request since it was approved by the Council at first reading on January 11, 2022 and staff recommends approval of the Ordinance as presented.

# ANNEXATION MAP BLUE RIVER WATER DISTRICT PARCEL

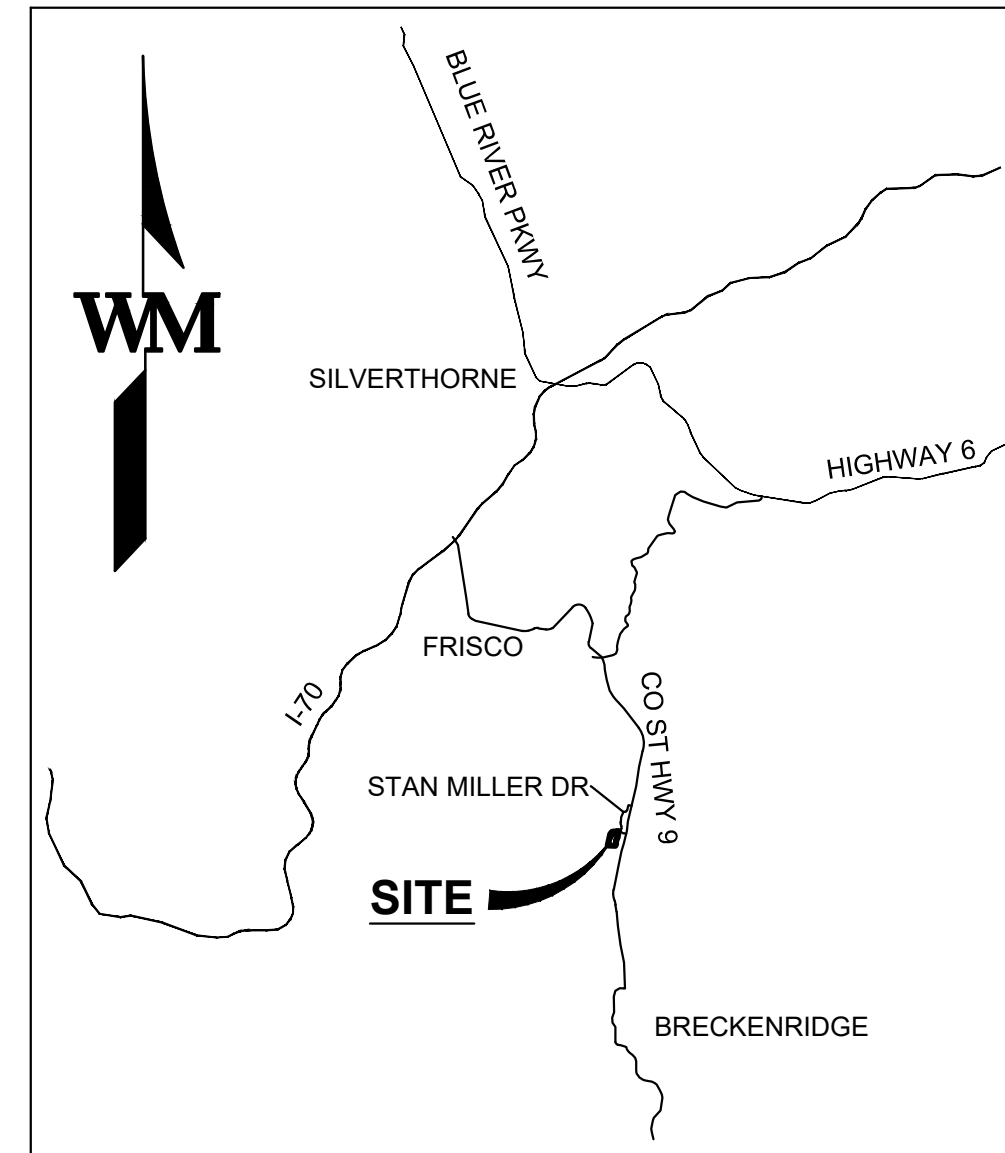
A PORTION OF THE NORTHWEST QUARTER OF SECTION 19,  
TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO

## LEGAL DESCRIPTION:

A PARCEL OF LAND LYING WHOLLY WITHIN TRACT A-1 OF REPLAT OF TRACTS A AND C, MCCAIN SUBDIVISION, ACCORDING TO THE PLAT RECORDED MARCH 5, 2021 AT RECEPTION NO. 1251870, LOCATED IN THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF SUMMIT, STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A POINT ON THE WESTERLY RIGHT-OF-WAY OF COLORADO STATE HIGHWAY 9 FROM WHICH POINT THE NORTH END OF SAID LINE BEARS NORTH 12°22'11" EAST A DISTANCE OF 365.71 FEET, AS SHOWN ON SAID REPLAT OF TRACTS A AND C, MCCAIN SUBDIVISION;  
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:  
(1) SOUTH 12°22'11" WEST, ALONG SAID RIGHT-OF-WAY A DISTANCE OF 77.50 FEET;  
(2) SOUTH 23°26'17" WEST, A DISTANCE OF 102.89 FEET;  
(3) SOUTH 14°07'32" WEST, A DISTANCE OF 10.91 FEET TO THE TOWN OF BRECKENRIDGE TOWN LIMITS ACCORDING TO THE ANNEXATION MAP OF MCCAIN ANNEXATION PHASE I RECORDED AT RECEPTION NO. 714272 OF THE RECORDS OF THE SUMMIT COUNTY CLERK AND RECORDER;  
THENCE ALONG SAID TOWN OF BRECKENRIDGE TOWN LIMITS THE FOLLOWING TWO (2) COURSES:  
(1) DEPARTING SAID RIGHT-OF-WAY NORTH 75°29'07" WEST, A DISTANCE OF 82.16 FEET;  
(2) NORTH 14°30'53" EAST, A DISTANCE OF 190.00 FEET;  
THENCE SOUTH 75°29'07" EAST ALONG SAID TOWN LIMITS AND THE TOWN OF BRECKENRIDGE TOWN LIMITS ACCORDING TO THE ANNEXATION MAP OF OLD FIRE STATION PARCEL RECORDED AT RECEPTION NO. 733160 OF SAID RECORDS, A DISTANCE OF 95.14 FEET TO THE **POINT OF BEGINNING**;

SAID PARCEL CONTAINS AN AREA OF 17,531 SQUARE FEET, OR 0.402 ACRES, MORE OR LESS.



VICINITY MAP  
(N.T.S.)

ANNEXATION MAP  
MCCAIN ANNEXATION PHASE 1  
REC. NO. 1714272

TRACT A-1  
A REPLAT OF TRACTS A AND C,  
THE MCCAIN SUBDIVISION  
REC. NO. 1251870

BLUE RIVER WATER DISTRICT PARCEL  
REC. NO. 507082  
PARCEL CONTAINS  
17,531 SQ. FT.  
0.402 AC.

CDOT PARCEL NO. 32  
REC. NO. 176656

CDOT PARCEL NO. 33  
REC. NO. 176656

COLORADO STATE HIGHWAY 9  
(REC. NO. 200615)

## SURVEYOR'S CERTIFICATION:

I, JUSTIN C. SCHEITLER, BEING A LICENSED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS ANNEXATION MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION, IS BASED ON MY KNOWLEDGE, INFORMATION AND BELIEF, IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE, AND DOES NOT REPRESENT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

JUSTIN C. SCHEITLER, PLS  
COLORADO PLS NO. 38430  
FOR AND ON BEHALF OF WARE MALCOMB  
900 S. BROADWAY SUITE 320  
DENVER CO. 80209  
303.561.3333

## GENERAL NOTES:

- NOTICE:** ACCORDING TO COLORADO LAW YOU **MUST** COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY WARE MALCOMB TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT OR TITLE POLICY.
- THE PREPARATION OF THIS ANNEXATION MAP UTILIZED THE UNITED STATES SURVEY FOOT AS THE LINEAL DISTANCE UNIT. THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, DEFINES THE UNITED STATES SURVEY FOOT AS 1200/3937 METERS.
- BASIS OF BEARINGS: BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 9, WHICH BEARS SOUTH 12°22'11" WEST, A DISTANCE OF 443.21 FEET ACCORDING TO A REPLAT OF TRACTS A AND C MCCAIN SUBDIVISION RECORDED AT RECEPTION NO. 125870.

## LEGEND

- EXISTING TOWN OF BRECKENRIDGE TOWN LIMITS
- ANNEXATION BOUNDARY
- LOT LINES

## CONTIGUITY:

PERIMETER OF ANNEXATION PARCEL = 558.60'  
REQUIRED 1/8 (16.67%) CONTIGUITY BY STATE LAW = 93.10'  
CONTIGUITY WITH TOWN LIMITS = 367.30'

## CLERK'S CERTIFICATE:

STATE OF COLORADO )  
COUNTY OF SUMMIT ) SS  
TOWN OF BRECKENRIDGE )

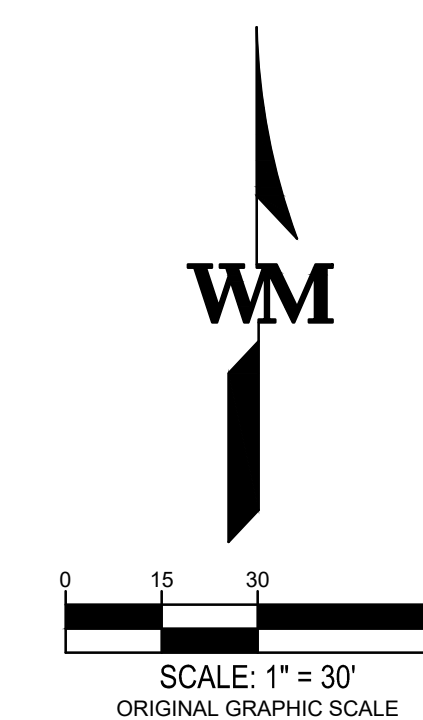
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT \_\_\_\_\_ O'CLOCK,  
\_\_\_\_\_, 20\_\_\_\_, AND IS DULY RECORDED.

TOWN CLERK

## SUMMIT COUNTY CLERK AND RECORDER ACCEPTANCE:

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS ACCEPTED FOR FILING IN MY OFFICE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AND FILED UNDER RECEPTION NO. \_\_\_\_\_

SUMMIT COUNTY CLERK AND RECORDER



900 south broadway st.  
suite 320  
denver, co 80209  
p 303.561.3333  
waremalcomb.com

**WARE MALCOMB**  
CIVIL ENGINEERING & SURVEYING

JOB NO. DCS21-4101  
DATE: 11/11/2021  
SCALE: 1" = 30'  
Sheet 1 of 1

NO.	DATE	REMARKS
DRAWN BY:	MM	PA/PM: JCS

ORDINANCE NO.

SERIES 2022

AN ORDINANCE ANNEXING TO THE TOWN OF BRECKENRIDGE CERTAIN REAL  
PROPERTY OWNED BY THE TOWN OF BRECKENRIDGE  
(Blue River Water District Parcel .402 acres)

WHEREAS, the Town of Breckenridge is the owner in fee of the hereafter described real property; and

WHEREAS, the hereafter described real property is currently located in an unincorporated area of Summit County, Colorado; and

WHEREAS, Section 31-12-106(3), C.R.S., provides that a municipality may annex by ordinance municipally-owned real property without notice and hearing upon the determination that the property is eligible for annexation under Section 30(1)(c) of Article II of the Colorado Constitution, and Sections 31-12-104(1)(a) and 31-12-105 of the "Municipal Annexation Act of 1965", Part 1 of Article 12 of Title 31, C.R.S.;

WHEREAS, notwithstanding aforementioned state laws, the Town Charter, Section 5.10 procedures apply including but not limited to the requirement that the Town Council hold a public hearing on the ordinance; and,

WHEREAS, it is the desire of the Town Council to annex the hereinafter described Town-owned property to the Town of Breckenridge.

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

Section 1. The Town Council finds that the Town of Breckenridge is the owner in fee of the real property described in Section 3 of this ordinance, and that such property is not solely a public street or right-of-way.

Section 2. The Town Council finds and concludes that the Town-owned real property described in Section 3 of this ordinance is eligible for annexation to the Town of Breckenridge under Section 30(1)(c) of Article II of the Colorado Constitution, and Sections 31-12-104(1)(a) and 31-12-105, C.R.S. Specifically, the Town Council finds, determines and concludes that:

1. Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing boundaries of the Town of Breckenridge.
2. No annexation proceedings concerning the territory to be annexed have been commenced by another municipality.
3. The annexation of the subject real property will not result in the detachment of area from a school district.
4. The annexation of the subject real property will not result in the extension of the boundaries of the Town of Breckenridge more than three miles.
5. The Town of Breckenridge has a plan in place for the area to be annexed.

39           Section 3. The following described real property is hereby annexed to and made a part  
40 of the Town of Breckenridge, Colorado, to wit:

41 A PARCEL OF LAND LYING WHOLLY WITHIN TRACT A-1 OF REPLAT OF TRACTS A AND  
42 C, MCCAIN SUBDIVISION, ACCORDING TO THE PLAT RECORDED MARCH 5, 2021 AT  
43 RECEPTION NO. 1251870, LOCATED IN THE NORTHWEST QUARTER OF SECTION 19,  
44 TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF  
45 SUMMIT, STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY  
46 DESCRIBED AS FOLLOWS:

47 BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY OF COLORADO STATE  
48 HIGHWAY 9 FROM WHICH POINT THE NORTH END OF SAID LINE BEARS NORTH  
49 12°22'11" EAST A DISTANCE OF 365.71 FEET, AS SHOWN ON SAID REPLAT OF TRACTS  
50 A AND C, MCCAIN SUBDIVISION;

51 THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3)  
52 COURSES:

53 (1)     SOUTH 12°22'11" WEST, ALONG SAID RIGHT-OF-WAY A DISTANCE OF 77.50  
54 FEET;

55 (2)     SOUTH 23°26'17" WEST, A DISTANCE OF 102.89 FEET;

56 (3)     SOUTH 14°07'32" WEST, A DISTANCE OF 10.91 FEET TO THE TOWN OF  
57 BRECKENRIDGE TOWN LIMITS ACCORDING TO THE ANNEXATION MAP OF MCCAIN  
58 ANNEXATION PHASE I RECORDED AT RECEPTION NO. 714272 OF THE RECORDS OF  
59 THE SUMMIT COUNTY CLERK AND RECORDER;

60 THENCE ALONG SAID TOWN OF BRECKENRIDGE TOWN LIMITS THE FOLLOWING TWO  
61 (2) COURSES:

62 (1)     DEPARTING SAID RIGHT-OF-WAY NORTH 75°29'07" WEST, A DISTANCE OF 82.16  
63 FEET;

64 (2)     NORTH 14°30'53" EAST, A DISTANCE OF 190.00 FEET;

65 THENCE SOUTH 75°29'07" EAST ALONG SAID TOWN LIMITS AND THE TOWN OF  
66 BRECKENRIDGE TOWN LIMITS ACCORDING TO THE ANNEXATION MAP OF OLD FIRE  
67 STATION PARCEL RECORDED AT RECEPTION NO. 733160 OF SAID RECORDS, A  
68 DISTANCE OF 95.14 FEET TO THE POINT OF BEGINNING;

69 SAID PARCEL CONTAINS AN AREA OF 17,531 SQUARE FEET, OR 0.402 ACRES, MORE  
70 OR LESS.

71           Section 4. Within thirty (30) days after the effective date of this ordinance, the Town  
72 Clerk is authorized and directed to:

73           A.     File one copy of the annexation map with the original of the annexation  
74 ordinance in the office of the Town Clerk of the Town of Breckenridge,  
75 Colorado; and

76 B. File for recording three certified copies of the annexation ordinance and  
77 map of the area annexed containing a legal description of such area with  
78 the Summit County Clerk and Recorder.

79 Section 5. This ordinance shall be published and become effective as provided in  
80 Section 5.9 of the Breckenridge Town Charter.

81 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
82 PUBLISHED IN FULL this 11th day of January, 2022. A Public Hearing shall be held at the  
83 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 25th day of  
84 January 2022, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
85 Town.

86

87 ATTEST: TOWN OF BRECKENRIDGE

88

89

90

91 \_\_\_\_\_

92 Helen Cospolich, Town Clerk

\_\_\_\_\_  
Eric Mamula, Mayor

93

94 APPROVED IN FORM

95

96

97

98 \_\_\_\_\_

99 Town Attorney Date

# Memo

To: Breckenridge Town Council Members  
From: Chris McGinnis, Civil Engineer IV  
Date: 1/19/2022  
Subject: Ordinance Amending The Breckenridge Town Code Concerning Town Engineering Regulations – Second Reading

---



The second reading of the Ordinance Amending the Breckenridge Town Code Concerning Town Engineering Regulations is attached below for your review. There are no changes proposed to the ordinance from the first reading that occurred on January 11<sup>th</sup>, 2022. Staff will be present at the meeting to answer any additional questions on the ordinance.



1 COUNCIL BILL NO.

2

3 Series 2022

4

5 **AN ORDINANCE AMENDING THE BRECKENRIDGE TOWN CODE**  
6 **CONCERNING TOWN ENGINEERING REGULATIONS.**

7

8 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,

9 COLORADO:

10 **Section 1.** That Title 10, entitled "Engineering Process and Regulations", of the  
11 Breckenridge Code is hereby repealed and replaced in its entirety as follows:

12 **TITLE 10: ENGINEERING PROCESS AND REGULATIONS**

13 **CHAPTER 1 ADOPTION OF ENGINEERING REGULATIONS AND AUTHORITY OF TOWN**

14 **ENGINEER**

15 SECTION:

16 10-1-1 PURPOSE

17 10-1-2 AUTHORITY

18 10-1-3 AUTHORITY OF TOWN ENGINEER

19 10-1-4 ACCESS TO STANDARDS

20 10-1-5 POLICY SUMMARY

21

22 10-1-1 PURPOSE

23 The purpose of Title 10 is to adopt regulations entitled the "Town of Breckenridge Engineering  
24 Regulations" that cover design and construction standards applicable to all private and public  
25 development within the Town of Breckenridge to ensure that the design and construction  
26 protects the health, safety and welfare of the community.

27 10-1-2 AUTHORITY

28 Title 10 is adopted pursuant to the authority granted by the applicable provisions of the  
29 Breckenridge home rule charter, the Constitution of the State of Colorado, and the laws of the  
30 State of Colorado.

31 10-1-3 AUTHORITY OF TOWN ENGINEER

32 The Town Engineer, as the administrative authority for these regulations, shall formulate such  
33 rules, procedures, interpretations, design criteria, and guidelines as may be necessary to

1 administer these regulations. Such requirements, interpretations, and guidelines shall be  
2 published in the form of an administrative document titled “Engineering Design Standards and  
3 Construction Specifications”. The Town Engineer has the authority to administratively  
4 formulate, update, amend, and add regulations to the Engineering Design Standards and  
5 Construction Specifications. The “Town of Breckenridge Engineering Regulations” and the  
6 “Town of Breckenridge Engineering Design Standards and Construction Specifications” are  
7 collectively referred to in the Town of Breckenridge Code as “Engineering Regulations”.

#### 8 10-1-4 ACCESS TO STANDARDS

9 The Breckenridge Engineering Standards and Regulations and the Engineering Design  
10 Standards and Construction Specifications shall be made available to the public. Copies of the  
11 standards are available to the public through the Town website and printed copies shall be  
12 available at the Town of Breckenridge Engineering Office.

#### 13 10-1-5 POLICY SUMMARY

14 Title 10 shall apply to all public and private development within the jurisdictional boundaries of  
15 the Town of Breckenridge, including, but not limited to, new development and redevelopment as  
16 defined in this code, subdivisions and resubdivisions, street and stormwater infrastructure,  
17 grading and excavation, impacts to Town right-of-way, and public and private construction. The  
18 Engineering Regulations shall also apply to Town rights-of-way and Town-owned infrastructure  
19 located outside the jurisdictional boundaries of the Town of Breckenridge.

20

21 The Town Engineer will evaluate engineering designs submitted to the Town based on the  
22 standards set forth in the Engineering Regulations. To provide consistency in the design of  
23 infrastructure within the Town, these Engineering Regulations follow criteria or design  
24 methodology that are in conformance with applicable state and federal laws including: the  
25 American Association of State Highway and Transportation (AASHTO), Colorado Department of  
26 Transportation (CDOT), Federal Americans with Disabilities Act (ADA) Regulations, Federal  
27 Highway Administration (FHWA), Mile High Flood District (MHFD), National Cooperative  
28 Highway Research Program (NCHRP), U.S. Department of Transportation, Manual of Uniform  
29 Traffic Control Devices (MUTCD), United States Access Board (PROWAG and ADAAG), and  
30 National Cooperative Highway Research Program (NCHRP).

31

## 32 CHAPTER 2 ENGINEERING REGULATIONS

DRAFT FOR WORK SESSION JANUARY 25, 2022

SECOND READING ON JANUARY 25, 2022

No Changes from First Reading

- 1 SECTION:
- 2 10-2-1 STREET STANDARDS
- 3 10-2-1-1 STREET MONUMENTS
- 4 10-2-1-2 ENCROACHMENT LICENSE AGREEMENT
- 5 10-2-1-3 TRAFFIC IMPACT STUDY REQUIREMENTS
- 6 10-2-1-4 TRAFFIC MITIGATION
- 7 10-2-1-5 IMPROVEMENTS TO EXISTING STREETS
- 8 10-2-1-6 STANDARDS FOR CONSTRUCTION OF STREETS
- 9 10-2-1-7 ACCESS CONTROL
- 10 10-2-1-8 SIGNAGE
- 11 10-2-2 RIGHT-OF-WAY AND EASEMENT DEDICATION
- 12 10-2-2-1 RIGHT-OF-WAY FOR PUBLIC STREETS
- 13 10-2-2-2 UPGRADING EXISTING RIGHT-OF-WAY
- 14 10-2-2-4 REQUIRED EASEMENTS
- 15 10-2-2-5 RIGHT-OF-WAY DEDICATION PLAT
- 16 10-2-3 STORMWATER STANDARDS
- 17 10-2-3-1 DETENTION AND WATER QUALITY
- 18 10-2-3-2 STORMWATER MASTER PLAN
- 19 10-2-3-3 FLOODPLAIN MANAGEMENT
- 20 10-2-3-4 PREPARATION BY PROFESSIONAL ENGINEER
- 21 10-2-3-5 STORMWATER EXEMPTIONS
- 22 10-2-4 GRADING AND EXCAVATION STANDARDS
- 23 10-2-4-1 RETAINING WALLS
- 24 10-2-4-2 SITE STABILIZATION
- 25 10-2-4-3 SETBACKS
- 26 10-2-4-4 SETBACK EXEMPTIONS
- 27 10-2-4-6 WETLAND DISTURBANCE AND MITIGATION
- 28 10-2-5 CONSTRUCTION SPECIFICATIONS
- 29
- 30 10-2-1 STREET STANDARDS

1 10-2-1-1 STREET MONUMENTS

2 The corners of lots, tracts or other parcels of land, and any line points of reference shall, when  
3 established on dredge tailings by a land survey, be solidly embedded in concrete per details  
4 approved by the Town Engineer and shall be in addition to the minimum standards for surveys  
5 set forth in the Colorado Revised Statutes.

6 10-2-1-2 ENCROACHMENT LICENSE AGREEMENT

7 Private structures, landscaping, and other private improvements are generally not permitted to  
8 be installed in the Town right-of-way or easements. Requests for private improvements in the  
9 Town right-of-way and easements shall be submitted in writing to the Town Engineer. If the  
10 Town Engineer approves a request, a revocable encroachment license shall be submitted to the  
11 Town per Section 11-6 of this code.

12 10-2-1-3 TRAFFIC IMPACT STUDY REQUIREMENTS

13 Proposed developments expected to generate greater than 10 vehicle trips per hour shall  
14 require a traffic impact study to be submitted to the Town Engineer. Study requirements and  
15 submittals shall be per the Engineering Design Standards and Construction Specifications and  
16 as determined by the Town Engineer.

17 10-2-1-4 TRAFFIC MITIGATION

18 Where a development will cause traffic impacts, mitigation will be required. Acceptable  
19 mitigation measures may include capacity and access improvements, signalization, signal  
20 operation improvements, street widening, additional connections, or other physical  
21 improvements. Where existing conditions prevent physical improvements (i.e., steep terrain,  
22 adjacent buildings, limited right-of-way, etc.), a project may be required to reduce density,  
23 implement transportation demand management (TDM) measures to minimize the demand for  
24 vehicle trips and encourage alternate mode use, and/or provide cash-in-lieu of the improvement.  
25 Cash-in-lieu fee amounts will be determined based on the development's generated trips and  
26 the scope of the mitigation proposed.

27 10-2-1-5 IMPROVEMENTS TO EXISTING STREETS

28 The Town Engineer may require improvements to existing streets, due to development impacts  
29 to the streets, increased demand on existing improvements, or existing streets serving new  
30 developments not meeting current standards. Improvements may include, but are not limited to,  
31 intersection improvements, sight distance improvements, street widening, adjustments to  
32 horizontal and vertical street geometry, drainage improvements, vehicle and pedestrian lighting,

1 signage, pedestrian routes, acceleration lanes, deceleration lanes, clear zone widening,  
2 shoulder improvements, and transit improvements.

3  
4 Existing streets providing access to a new development must be upgraded to current standards  
5 if both of the following conditions are met:

- 6
- 7 1. The existing street does not meet current Town of Breckenridge Engineering Standards.
  - 8 2. The proposed development will increase the Average Daily Traffic (ADT) of the street by  
9 25% or more.

10  
11 Existing streets must also be upgraded to current standards if a development changes the street  
12 classification or as directed by the Town Engineer.

#### 13 10-2-1-6 STANDARDS FOR CONSTRUCTION OF STREETS

14 All street construction, whether new construction or upgrading of existing infrastructure, shall be  
15 built in accordance with the Engineering Design Standards and Construction Specifications.  
16 Private and public streets shall both be built in accordance with the engineering standards.  
17 Developers shall be required to pay for all street construction costs for new developments,  
18 including, but not limited to, utilities, street lighting, pavement, sidewalks, transit improvements,  
19 and signage. The Town Engineer may require additional improvements to existing roadways,  
20 pedestrian routes, transit facilities, and other infrastructure that is adjacent to the development  
21 or will experience increased use from the development.

#### 22 10-2-1-7 ACCESS CONTROL

23 Private accesses and driveways shall meet spacing, width, grading, geometry, sight distance,  
24 surfacing, and all other requirements of the Engineering Design Standards and Construction  
25 Specifications. Only one access shall be allowed per lot. Access shall be from the lowest  
26 classification street abutting a property. Additional access control requirements may be  
27 determined by the Town Engineer to provide safe ingress and egress to the property.

#### 28 10-2-1-8 SIGNAGE

29 Stop signs or other traffic control devices shall be installed at the intersections of all public and  
30 private streets (access serving four or more units) and shall meet MUTCD requirements. Stop  
31 signs are not required at driveways serving three or less units. All signage shall meet the  
32 requirements of Title 7 of the Breckenridge Town Code, entitled Vehicles and Traffic, Title 11 of

1 the Breckenridge Town Code, entitled Public Ways and Property, and the Engineering Design  
2 Standards and Construction Specifications. No private signage shall be permitted within the  
3 right-of-way. No private signage shall be permitted on private property which attempts to direct  
4 traffic or parking. Business name signs and address signs may be installed outside of the right  
5 of way per requirements in Title 9 of this code.

#### 6 10-2-2 RIGHT-OF-WAY AND EASEMENT DEDICATION

7 Right-of-ways and easements shall be dedicated to the Town through a right-of-way plat,  
8 subdivision plat or other instrument acceptable to the Town Attorney per the requirements  
9 below. Unless otherwise provided in this code, the Engineering Design Standards and  
10 Construction Specifications, or by an agreement with the Town, the Town shall be responsible  
11 for maintenance of Town Right-of-Way.

#### 12 10-2-2-1 RIGHT-OF-WAY FOR PUBLIC STREETS

13 All streets located within a subdivision shall be dedicated to the Town as public rights-of-way for  
14 access, utilities, snow storage, drainage, and related infrastructure uses. Right-of-way  
15 dedications for public streets shall conform to the Engineering Design Standards and  
16 Construction Specifications, including sufficient width to include all street improvements,  
17 drainage improvements, associated cut and fill slopes, utilities, intersections, curb returns, snow  
18 storage, retaining walls, transit infrastructure, and other roadway infrastructure.

#### 19 10-2-2-2 UPGRADING EXISTING RIGHT-OF-WAY

20 Where the area to be subdivided or developed includes an existing right-of-way and the existing  
21 right-of-way is insufficient to meet Town standards or where additional right-of-ways are  
22 required to provide connections to adjacent right-of-ways and properties, the developer must  
23 dedicate the necessary right-of-way to meet Town standards. Where additional right-of-way is  
24 required to upgrade existing streets between the development and adjacent streets or highways  
25 due to increased traffic, the developer must obtain the necessary rights-of-way for these  
26 improvements and dedicate such right-of-way to the Town.

#### 27 10-2-2-3 REQUIRED EASEMENTS

28 Easements required by Title 9 of the Town Code and by the Engineering Design Standards and  
29 Construction specifications shall be dedicated to the Town and other utility providers, public  
30 agencies, and other parties as applicable. Easements shall be dedicated for all public utilities  
31 and infrastructure or private utilities and infrastructure serving multiple properties. Access



1 easements shall be dedicated for any private alleys or common driveways two or more  
2 properties.

### 3 10-2-2-4 RIGHT-OF-WAY DEDICATION PLAT

4 Right-of-way and easements shall be dedicated to the Town through a right-of-way dedication  
5 plat or subdivision plat meeting Title 9 of the Town Code or other instrument acceptable to the  
6 Town Attorney. The rights-of-way depicted on the plat shall be of sufficient width, alignment,  
7 and location to allow construction of roadways and infrastructure meeting the Engineering  
8 Design Standards and Construction Specifications. Lots resulting from the right-of-way  
9 dedication shall be in compliance with all regulations of Title 9 of the Town Code. All plats shall  
10 contain all required language and elements required in Title 9 of the Town Code and shall follow  
11 the development review process of Title 9 of the Town Code.

### 12 10-2-3 STORMWATER STANDARDS

#### 13 10-2-3-1 DETENTION AND WATER QUALITY

14 The policy of the town shall be to direct runoff from new developments into historic and natural  
15 drainageways, to require detention storage of stormwater runoff to limit peak discharges from  
16 newly developed areas to historical rates, and to control drainage and pollutants so as not to  
17 degrade the quality of surface and ground water. Runoff from a development shall not be  
18 allowed to increase flooding problems to any downstream properties. All drainage from new  
19 developments shall be designed and constructed to comply with stormwater standards section  
20 of the Engineering Design Standards and Construction Specifications.

#### 21 10-2-3-2 STORMWATER MASTER PLAN

22 The town shall prepare a master plan for drainage within the town. New development within the  
23 master plan boundary shall be required to incorporate flows as specified in the master plan by  
24 the town engineer until such plan is completed. Additionally, the Town Engineer may require  
25 recommendations for drainage improvements contained in the master plan to be implemented  
26 by the developer.

#### 27 10-2-3-3 FLOODPLAIN MANAGEMENT

28 The town has adopted flood hazard mapping for the major streams within its corporate limits.  
29 The town is part of the national flood insurance program administered by the federal emergency  
30 management agency (FEMA). As part of this program, the town has adopted the "Breckenridge  
31 flood damage prevention ordinance". All drainage plans must show compliance with regulations  
32 contained in the flood prevention ordinance.

1 10-2-3-4 PREPARATION BY PROFESSIONAL ENGINEER

2 All drainage plans shall be prepared by or under the direct supervision of a professional  
3 engineer registered in the State of Colorado. The engineer preparing or supervising the  
4 preparation of the plan shall verify that the proposed drainage facilities will meet the standards  
5 and criteria of this code, Engineering Design Standards and Construction Specifications,  
6 CDPHE regulations, and all other related regulations.

7 10-2-3-5 STORMWATER EXEMPTIONS

8 Detention and water quality requirements may be exempted by the Town Engineer if one of the  
9 following conditions are met:

10 A. Residential developments of two (2) units or less are exempted, unless they are situated  
11 on slopes in excess of fifteen percent (15%), in or adjacent to a wetlands area, or are  
12 located within twenty-five feet (25') of the top of the banks of a lake, pond, perennial or  
13 intermittent stream. Residential units built as part of a larger development greater than  
14 two (2) units are not exempted.

15 B. The town engineer may exempt other small projects or projects of short duration. Small  
16 projects shall be those that do not disturb more than five hundred (500) square feet of  
17 ground surface. Projects of short duration include those which will be completed within  
18 ten (10) days. Landscaping and/or recreational trails which do not involve or are not  
19 associated with other development activity may be similarly exempted from the  
20 requirements of this policy, if the work can be completed and the site stabilized within  
21 ten (10) days.

22 C. Redevelopment of sites which do not increase the impervious area by more than .10  
23 acres (4,356 Square Feet). See the Engineering Design Standards and Construction  
24 Specifications for definitions of redevelopment.

25 10-2-4 GRADING AND EXCAVATION STANDARDS

26 10-2-4-1 RETAINING WALLS

27 The maximum slope of unretained finished grades shall be 2H:1V. Slopes with proposed  
28 grading that will result in grades steeper than 2H:1V will require retaining walls. All retaining  
29 walls taller than 4 feet (measured from finished grade at bottom of wall to top of wall) shall be  
30 engineered. Engineered walls require the following from a professional engineer licensed in the  
31 State of Colorado:

- 1 1. Detailed plan by Colorado professional engineer showing retaining wall details and  
2 stamped.
- 3 2. Inspections during construction certifying all aspects of retaining wall construction meet  
4 plan requirements and good engineering practices.
- 5 3. Final certification of the retaining wall construction by Colorado professional engineer.

#### 6 10-2-4-2 SITE STABILIZATION

7 All disturbed areas shall be stabilized and revegetated per the requirements of the Engineering  
8 Design Standards and Construction Specifications prior to final acceptance.

#### 9 10-2-4-3 SETBACKS

10 No structures or soil disruption shall be located closer than twenty-five feet (25') from  
11 environmentally sensitive areas (ESA). ESA is defined as the top of the banks of all lakes,  
12 ponds, and perennial and intermittent streams, as well as wetlands, Cucumber Gulch Wildlife  
13 Preserve, and other special environmental or wildlife habitat areas. The setback requirements  
14 shall also apply to all channels draining twenty (20) acres or more. Exceptions to the setback  
15 requirement may be allowed when acceptable measures to either isolate the stream or  
16 otherwise prevent the increase of unfiltered runoff and sediments in excess of historical rates  
17 are submitted to and approved by the town engineer. Exemptions and variances to the setback  
18 shall be approved per the Engineering Design Standards and Construction Specifications  
19 criteria and as determined by the Town Engineer.

#### 20 10-2-4-4 SETBACK EXEMPTIONS

21 Exemptions to the setback requirements may be allowed by the Town Engineer if one of the  
22 following conditions is met:

- 23 A. Development sites with the most recent plat being recorded prior to January 1, 1986 and  
24 platted in a manner which does not allow a feasible development option meeting the 25-  
25 foot disturbance setback. This exception only applies if the disturbance setback  
26 prohibits any feasible development and the developer demonstrates there are no  
27 feasible alternatives to eliminate disturbance within the setback. Additionally, sites that  
28 were platted prior to January 1, 1986, but that were re-platted after January 1, 1986, do  
29 not qualify for this exemption.
- 30 B. The area has previously been mined or extensively disturbed in the area adjacent to the  
31 proposed development, resulting in dredge tailings in the area. In this case, the setback  
32 may be waived if the developer submits a plan to implement channel, wetland,

1 environmental, or other water body improvements which serve to reclaim, stabilize,  
2 revegetate, or enhance the area.

3 C. Work is proposed in the 25-foot setback area but not within the ESA, the work is  
4 considered minor (no permanent structures) in the setback area, and acceptable  
5 measures are implemented to prevent an increase of sediment or other contaminants  
6 that exceeds historical rates as determined by the Town Engineer.

7 D. Areas where there are no other feasible methods for development without encroachment  
8 into the setback and the encroachment is necessary for critical infrastructure. To meet  
9 this exemption, the developer must demonstrate there are no feasible alternatives to  
10 eliminate disturbance within the setback. Only infrastructure critical to the development,  
11 such as roads and utilities, will be considered within the setback. Residences and  
12 structures will generally not be granted an exemption to be constructed within the  
13 setback.

14 E. The wetlands have encroached into a detention, stormwater quality, or another type of  
15 stormwater feature since the development of the feature. Maintenance activities within  
16 the stormwater feature shall be allowed in these cases.

#### 17 10-2-4-5 WETLAND DELINEATION SURVEYS

18 Wetland boundaries shall be shown on all subdivision plats within the Town of Breckenridge. If  
19 the Town believes there is any evidence that a site subject to disturbance may contain  
20 wetlands, either not shown on the plat or with an incorrect boundary, the Town may require the  
21 developer to obtain and submit a wetlands delineation survey by an independent third party  
22 consultant specializing in wetlands delineations as recognized by the USACE.

23  
24 Wetland delineation surveys shall be valid for a period of five years and shall be updated at time  
25 of development permit application if the current wetland delineation is more than five years old  
26 in order to reflect current wetland conditions. Wetland boundaries shown on plats and other  
27 locations will be considered outdated after five years and will require a new delineation.

#### 28 10-2-4-6 WETLAND DISTURBANCE AND MITIGATION

29 Wetlands disturbance is prohibited unless the developer submits a variance request per Section  
30 10-4-8 which is duly approved by the Town Engineer showing that developer meets the criteria  
31 for exemption set forth in Section 10-2-4-4. If a variance is approved, all wetlands disturbance

DRAFT FOR WORK SESSION JANUARY 25, 2022

SECOND READING ON JANUARY 25, 2022

No Changes from First Reading

1 will require wetlands mitigation per the Engineering Design Standards and Construction  
2 Specifications.

3 10-2-5 CONSTRUCTION SPECIFICATIONS

4 The construction specifications listed in the Engineering Design Standards and Construction  
5 Specifications are hereby adopted for all public projects in the Town of Breckenridge, as well as  
6 all private projects constructing public infrastructure to be owned by the Town. The Town  
7 Engineer may require additional specifications for unique or project-specific conditions. Where  
8 construction specifications listed in the Engineering Design Standards and Construction  
9 Specifications conflict, the more stringent specification shall apply.

- 1 **CHAPTER 3 FLOOD DAMAGE PREVENTION**
- 2 SECTION:
- 3 10-3-1: TITLE
- 4 10-3-2: STATUTORY AUTHORIZATION
- 5 10-3-3: FINDINGS
- 6 10-3-4: STATEMENT OF PURPOSE
- 7 10-3-5: METHODS OF REDUCING FLOOD LOSSES
- 8 10-3-6: DEFINITIONS
- 9 10-3-7: LANDS TO WHICH THIS CHAPTER APPLIES
- 10 10-3-8: BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREA
- 11 10-3-9: ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT
- 12 10-3-10: COMPLIANCE
- 13 10-3-11: ABROGATION AND GREATER RESTRICTIONS
- 14 10-3-12: INTERPRETATION
- 15 10-3-13: WARNING AND DISCLAIMER OF LIABILITY
- 16 10-3-14: SEVERABILITY
- 17 10-3-15: DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR
- 18 10-3-16: DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR
- 19 10-3-17: PERMIT PROCEDURES
- 20 10-3-18: VARIANCE PROCEDURES
- 21 10-3-19: GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION
- 22 10-3-20: SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION
- 23 10-3-21: STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)
- 24 10-3-22: FLOODWAYS
- 25 10-3-23: ALTERATION OF A WATERCOURSE
- 26 10-3-24: PROPERTIES REMOVED FROM THE FLOODPLAIN BY FILL
- 27 10-3-25: STANDARDS FOR SUBDIVISION PROPOSALS
- 28 10-3-26: STANDARDS FOR CRITICAL FACILITIES
- 29 10-3-27: VIOLATIONS; PENALTIES
- 30
- 31 10-3-1: TITLE:
- 32 This chapter is entitled and may be cited as the 2018 BRECKENRIDGE FLOOD DAMAGE
- 33 PREVENTION ORDINANCE.



1 10-3-2: STATUTORY AUTHORIZATION:

2 The Town Council finds, determines, and declares that it has the power to adopt this chapter  
3 pursuant to: a) the Local Government Land Use Control Enabling Act, article 20 of title 29,  
4 Colorado Revised Statutes; b) part 3 of article 23 of title 31, Colorado Revised Statutes  
5 (concerning Municipal zoning powers); c) section 31-15-103, Colorado Revised Statutes  
6 (concerning Municipal police powers); d) section 31-15-401, Colorado Revised Statutes  
7 (concerning Municipal police powers); e) the authority granted to home rule municipalities by  
8 article XX of the Colorado Constitution; and f) the powers contained in the Breckenridge Town  
9 Charter.

10 10-3-3: FINDINGS:

11 A. The flood hazard areas of the Town are subject to periodic inundation, which can result in  
12 loss of life and property, health and safety hazards, disruption of commerce and governmental  
13 services, and extraordinary public expenditures for flood protection and relief, all which  
14 adversely affect the health, safety, and general welfare of the public.

15 B. These flood losses are created by the cumulative effect of obstructions in floodplains that  
16 cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas  
17 by uses vulnerable to floods and hazardous to other lands because they are inadequately  
18 elevated, floodproofed, or otherwise protected from flood damage.

19 10-3-4: STATEMENT OF PURPOSE:

20 A. It is the purpose of this chapter to promote public health, safety and general welfare and  
21 to minimize public and private losses due to flood conditions in specific areas by provisions  
22 designed to:

- 23 1. Protect human life and health;
- 24 2. Minimize expenditure of public money for costly flood control projects;
- 25 3. Minimize the need for rescue and relief efforts associated with flooding and generally  
26 undertaken at the expense of the general public;
- 27 4. Minimize prolonged business interruptions;
- 28 5. Minimize damage to critical facilities, infrastructure, and other public facilities such as  
29 water, sewer and gas mains; electric and communications stations; and streets and bridges  
30 located in floodplains;
- 31 6. Help maintain a stable tax base by providing for the sound use and development of  
32 flood-prone areas in such a manner as to minimize future flood blight areas; and

1       7. Insure that potential buyers are notified that property is located in a flood hazard area.

2 10-3-5: METHODS OF REDUCING FLOOD LOSSES:

3       A. In order to accomplish its purposes, this chapter uses the following methods:

4       1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of  
5 flood, or cause excessive increases in flood heights or velocities;

6       2. Require that uses vulnerable to floods, including facilities that serve such uses, be  
7 protected against flood damage at the time of initial construction;

8       3. Control the alteration of natural floodplains, stream channels, and natural protective  
9 barriers that are involved in the accommodation of flood waters;

10       4. Control filling, grading, dredging, and other development that may increase flood  
11 damage; and

12       5. Prevent or regulate the construction of flood barriers that will unnaturally divert flood  
13 waters or that may increase flood hazards to other lands.

14 10-3-6: DEFINITIONS:

15       A. When used in this chapter, the following words have the following meanings unless the  
16 context clearly requires otherwise:

17       ADDITION: Any activity that expands the enclosed footprint or increases the square footage of  
18 an existing structure.

19       ALLUVIAL FAN FLOODING: A fan-shaped sediment deposit formed by a stream that flows  
20 from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the  
21 main stream. Alluvial fans contain active stream channels and boulder bars, and recently  
22 abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are  
23 modified by infrequent sheet flood, channel avulsions, and other stream processes.

24       AREA OF SHALLOW FLOODING: A designated Zone AO or AH on the Town's Flood  
25 Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of  
26 flooding to an average depth of one foot (1') to three feet (3') where a clearly defined channel  
27 does not exist, where the path of flooding is unpredictable, and where velocity flow may be  
28 evident. Such flooding is characterized by ponding or sheet flow.

29       BASE FLOOD: The flood which has a one percent (1%) chance of being equaled or exceeded  
30 in any given year (also known as a 100-year flood). This term is used in the National Flood  
31 Insurance Program (NFIP) to indicate the minimum level of flooding to be used by a community  
32 in its floodplain management regulations.

**DRAFT FOR WORK SESSION JANUARY 25, 2022**

**SECOND READING ON JANUARY 25, 2022**

No Changes from First Reading

1 BASE FLOOD ELEVATION (BFE): The elevation shown on a FEMA Flood Insurance Rate  
2 Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and  
3 VE that indicates the water surface elevation resulting from a flood that has a one percent (1%)  
4 chance of equaling or exceeding that level in any given year.

5 BASEMENT: Any area of a building having its floor subgrade (below ground level) on all  
6 sides.

7 CHANNEL: The physical confine of stream or waterway consisting of a bed and stream banks,  
8 existing in a variety of geometries.

9 CHANNELIZATION: The artificial creation, enlargement, or realignment of a stream channel.

10 CODE OF FEDERAL REGULATIONS (CFR): The codification of the general and permanent  
11 rules published in the Federal Register by the executive departments and agencies of the  
12 Federal government. It is divided into fifty (50) titles that represent broad areas subject to  
13 Federal regulation.

14 CONDITIONAL LETTER OF MAP REVISION (CLOMR): FEMA's comment on a proposed  
15 project, which does not revise an effective floodplain map, that would, upon construction, affect  
16 the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification  
17 of the existing regulatory floodplain.

18 CRITICAL FACILITY: A structure or related infrastructure, but not the land on which it is  
19 situated, as specified in section 10-3-26 of this chapter, that if flooded may result in significant  
20 hazards to public health and safety or interrupt essential services and operations for the Town  
21 at any time before, during, and after a flood. See section 10-3-26 of this chapter.

22 DFIRM DATABASE: Database (usually spreadsheets containing data and analyses that  
23 accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements  
24 for the development and maintenance of DFIRM databases.

25 DEVELOPMENT: Any man-made change in improved and unimproved real estate, including,  
26 but not limited to, buildings or other structures, mining, dredging, filling, grading, paving,  
27 excavation or drilling operations, or storage of equipment or materials.

28 DIGITAL FLOOD INSURANCE RATE MAP (DFIRM): FEMA digital floodplain map. These  
29 digital maps serve as "regulatory floodplain maps" for insurance and floodplain management  
30 purposes.

31 EFFECTIVE DATE OF THIS CHAPTER: The effective date of this chapter is November 15,  
32 2018.

1 ELEVATED BUILDING: A non-basement building: 1) built, in the case of a building in Zones  
2 A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the  
3 ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor  
4 of the water; and 2) adequately anchored so as not to impair the structural integrity of the  
5 building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE,  
6 A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means  
7 of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded  
8 movement of flood waters.

9 EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park  
10 or subdivision for which the construction of facilities for servicing the lots on which the  
11 manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the  
12 construction of streets, and either final site grading or the pouring of concrete pads) is  
13 completed before the effective date of this chapter.

14 EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The  
15 preparation of additional sites by the construction of facilities for servicing the lots on which the  
16 manufactured homes are to be affixed (including the installation of utilities, the construction of  
17 streets, and either final site grading or the pouring of concrete pads).

18 FEMA: Federal Emergency Management Agency, the agency responsible for administering  
19 the National Flood Insurance Program.

20 FEDERAL REGISTER: The official daily publication for rules, proposed rules, and notices of  
21 Federal agencies and organizations, as well as executive orders and other presidential  
22 documents.

23 500-YEAR FLOOD: A flood having a recurrence interval that has a 0.2 percent chance of  
24 being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term  
25 does not imply that the flood will necessarily happen once every five hundred (500) years.

26 500-YEAR FLOODPLAIN: The area of land susceptible to being inundated as a result of the  
27 occurrence of a 500-year flood.

28 FLOOD CONTROL STRUCTURE: A physical structure designed and built expressly or  
29 partially for the purpose of reducing, redirecting, or guiding flood flows along a particular  
30 waterway. These specialized flood modifying works are those constructed in conformance with  
31 sound engineering standards.

1 FLOOD INSURANCE RATE MAP (FIRM): The Town's official map on which the Federal  
2 Emergency Management Agency has delineated both the special flood hazard areas and the  
3 risk premium zones applicable to the Town. Such map is adopted by reference and is part of  
4 this chapter.

5 FLOOD INSURANCE STUDY (FIS): The official report provided by the Federal Emergency  
6 Management Agency. The report contains the Flood Insurance Rate Map as well as flood  
7 profiles for studied flooding sources that can be used to determine base flood elevations for  
8 some areas.

9 FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation  
10 of normally dry land areas from:

- 11 1. The overflow of water from channels and reservoir spillways;
- 12 2. The unusual and rapid accumulation or runoff of surface waters from any source; or
- 13 3. Mudslides or mudflows that occur from excess surface water that is combined with mud  
14 or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas  
15 (such as earth carried by a current of water and deposited along the path of the current).

16 FLOODPLAIN ADMINISTRATOR: The Town Engineer of the Town of Breckenridge, or the  
17 Town Engineer's designee acting pursuant to section 1-7-2 of this Code.

18 FLOODPLAIN DEVELOPMENT PERMIT: A permit required before construction or  
19 development begins within any special flood hazard area (SFHA). If FEMA has not defined the  
20 SFHA within the Town, the Town requires permits for all proposed construction or other  
21 development in the Town including the placement of manufactured homes, so that it may  
22 determine whether such construction or other development is proposed within flood-prone  
23 areas. Permits are required to ensure that proposed development projects meet the  
24 requirements of the NFIP and this chapter.

25 FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and  
26 preventive measures for reducing flood damage, including but not limited to emergency  
27 preparedness plans, flood control works, and floodplain management regulations.

28 FLOODPLAIN MANAGEMENT REGULATIONS: Zoning/land use ordinances and regulations,  
29 subdivision regulations, Building Codes, health regulations, special purpose ordinances (such  
30 as a floodplain ordinance, grading ordinance and erosion control ordinance) and other  
31 applications of the police power. The term describes such State or local regulations, in any

1 combination thereof, which provide standards for the purpose of flood damage prevention and  
2 reduction.

3 FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated as  
4 the result of a flood, including the area of land over that floodwater would flow from the spillway  
5 of a reservoir.

6 FLOODPROOFING: Any combination of structural and/or non- structural additions, changes,  
7 or adjustments to structures that reduce or eliminate flood damage to real estate or improved  
8 real property, water and sanitary facilities, structures, and their contents.

9 FLOODWAY (REGULATORY FLOODWAY): The channel of a river or other watercourse and  
10 adjacent land areas that must be reserved in order to discharge the base flood without  
11 cumulatively increasing the water surface elevation more than a designated height. The  
12 Colorado Statewide standard for the designated height to be used for all newly studied reaches  
13 is one-half foot (1/2') (6 inches). Letters of Map Revision to existing floodway delineations may  
14 continue to use the floodway criteria in place at the time of the existing floodway delineation.

15 FREEBOARD: The vertical distance in feet above a predicted water surface elevation  
16 intended to provide a margin of safety to compensate for unknown factors that could contribute  
17 to flood heights greater than the height calculated for a selected size flood such as debris  
18 blockage of bridge openings and the increased runoff due to urbanization of the watershed.

19 FUNCTIONALLY DEPENDENT USE: A use that cannot perform its intended purpose unless it  
20 is located or carried out in close proximity to water. The term includes only docking facilities,  
21 port facilities that are necessary for the loading and unloading of cargo or passengers, and ship  
22 building and ship repair facilities, but does not include long-term storage or related  
23 manufacturing facilities.

24 HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to  
25 construction next to the proposed walls of a structure.

26 HISTORIC STRUCTURE: Any structure that is:

- 27 1. Listed individually in the National Register of Historic Places (a listing maintained by the  
28 Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting  
29 the requirements for individual listing on the National Register;
- 30 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the  
31 historical significance of a registered historic district or a district preliminarily determined by the  
32 Secretary to qualify as a registered historic district;

1        3. Individually listed on a State inventory of historic places in states with historic  
2 preservation programs that have been approved by the Secretary of Interior; or

3        4. Landmarked structures pursuant to title 9, chapter 11 of this Code that have been  
4 certified either:

5            a. By an approved State program as determined by the Secretary of the Interior; or

6            b. Directly by the Secretary of the Interior in states without approved programs.

7        LETTER OF MAP REVISION (LOMR): FEMA's official revision of an effective Flood  
8 Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs  
9 are generally based on the implementation of physical measures that affect the hydrologic or  
10 hydraulic characteristics of a flooding source and thus result in the modification of the existing  
11 regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area  
12 (SFHA).

13        LETTER OF MAP REVISION BASED ON FILL (LOMR-F): FEMA's modification of the  
14 special flood hazard area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the  
15 placement of fill outside the existing regulatory floodway.

16        LEVEE: A man-made embankment, usually earthen, designed and constructed in accordance  
17 with sound engineering practices to contain, control, or divert the flow of water so as to provide  
18 protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as  
19 providing flood protection, the levee structure must meet the requirements set forth in 44 CFR  
20 65.10.

21        LEVEE SYSTEM: A flood protection system that consists of a levee, or levees, and  
22 associated structures, such as closure and drainage devices, which are constructed and  
23 operated in accordance with sound engineering practices.

24        LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). Any  
25 floor used for living purposes that includes working, storage, sleeping, cooking and eating,  
26 recreation, or any combination thereof. This includes any floor that could be converted to such a  
27 use such as a basement or crawl space. The lowest floor is a determinate for the flood  
28 insurance premium for a building, home, or business. An unfinished or flood resistant enclosure,  
29 usable solely for parking of vehicles, building access or storage in an area other than a  
30 basement area is not considered a building's lowest floor; provided that such enclosure is not  
31 built so as to render the structure in violation of the applicable non-elevation design requirement  
32 of section 60.3 of the National Flood Insurance Program Regulations.



1 MANUFACTURED HOME: A structure transportable in one or more sections, which is built on  
2 a permanent chassis and is designed for use with or without a permanent foundation when  
3 connected to the required utilities. The term "manufactured home" does not include a  
4 "recreational vehicle".

5 MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land  
6 divided into two (2) or more manufactured home lots for rent or sale.

7 MATERIAL SAFETY DATA SHEET (MSDS): A form with data regarding the properties of a  
8 particular substance. An important component of product stewardship and workplace safety, it is  
9 intended to provide workers and emergency personnel with procedures for handling or working  
10 with that substance in a safe manner, and includes information such as physical data (melting  
11 point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal,  
12 protective equipment, and spill-handling procedures.

13 MEAN SEA LEVEL: For purposes of the National Flood Insurance Program, the North  
14 American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown  
15 on the Town's Flood Insurance Rate Map are referenced.

16 NATIONAL FLOOD INSURANCE PROGRAM (NFIP): FEMA's program of flood insurance  
17 coverage and floodplain management administered in conjunction with the Robert T. Stafford  
18 Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations  
19 promulgated in title 44 of the Code of Federal Regulations. The U.S. Congress established the  
20 NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

21 NEW CONSTRUCTION: The construction of a new structure (including the placement of a  
22 mobile home) or facility or the replacement of a structure or facility that has been totally  
23 destroyed.

24 NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or  
25 subdivision for which the construction of facilities for servicing the lots on which the  
26 manufactured homes are to be affixed (including at a minimum, the installation of utilities, the  
27 construction of streets, and either final site grading or the pouring of concrete pads) is  
28 completed on or after the effective date of this chapter.

29 NO-RISE CERTIFICATION: A record of the results of an engineering analysis conducted to  
30 determine whether a project will increase flood heights in a floodway. A No-Rise Certification  
31 must be supported by technical data and signed by a registered Colorado professional  
32 engineer. The supporting technical data should be based on the standard step-backwater



1 computer model used to develop the 100-year floodway shown on the Flood Insurance Rate  
2 Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

3 100-YEAR FLOOD: A flood having a recurrence interval that has a one percent (1%) chance  
4 of being equaled or exceeded during any given year (1 percent-annual-chance flood). The terms  
5 "one- hundred-year flood" and "one percent chance flood" are synonymous with the term "100-  
6 year flood". The term does not imply that the flood will necessarily happen once every one  
7 hundred (100) years.

8 100-YEAR FLOODPLAIN: The area of land susceptible to being inundated as a result of the  
9 occurrence of a 100-year flood.

10 PHYSICAL MAP REVISION (PMR): FEMA's action whereby one or more map panels are  
11 physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or  
12 floodway delineations, flood elevations, and/or planimetric features.

13 PLANNING COMMISSION: The Planning Commission of the Town of Breckenridge.

14 RECREATIONAL VEHICLE: A vehicle that is:

- 15 1. Built on a single chassis;
- 16 2. Four hundred (400) square feet or less when measured at the largest horizontal  
17 projections;
- 18 3. Designed to be self-propelled or permanently towable by a light duty truck; and
- 19 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters  
20 for recreational, camping, travel, or seasonal use.

21 SPECIAL FLOOD HAZARD AREA: The land in the floodplain within the Town subject to a one  
22 percent (1%) or greater chance of flooding in any given year, i.e., the 100-year floodplain.

23 START OF CONSTRUCTION: The date the building permit was issued, including substantial  
24 improvements, provided the actual start of construction, repair, reconstruction, rehabilitation,  
25 addition, placement, or other improvement was within one hundred eighty (180) days of the  
26 permit date. The actual start means either the first placement of permanent construction of a  
27 structure on a site, such as the pouring of slab or footings, the installation of piles, the  
28 construction of columns, or any work beyond the stage of excavation; or the placement of a  
29 manufactured home on a foundation. Permanent construction does not include land preparation,  
30 such as clearing, grading and filling; nor does it include the installation of streets and/or  
31 walkways; nor does it include excavation for basement, footings, piers or foundations or the  
32 erection of temporary forms; nor does it include the installation on the property of accessory

1 buildings, such as garages or sheds not occupied as dwelling units or not part of the main  
2 structure. For a substantial improvement, the actual start of construction means the first  
3 alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that  
4 alteration affects the external dimensions of the building.

5 STATE: Has the meaning provided in section 1-3-2 of this Code.

6 STRUCTURE: A walled and roofed building, including a gas or liquid storage tank, which is  
7 principally above ground, as well as a manufactured home.

8 SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of  
9 restoring the structure to its before-damaged condition would equal or exceed fifty percent  
10 (50%) of the market value of the structure just prior to when the damage occurred.

11 SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other  
12 improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the  
13 market value of the structure before "start of construction" of the improvement. The value of the  
14 structure shall be determined by the Floodplain Administrator. This includes structures that have  
15 incurred "substantial damage", regardless of the actual repair work performed. The term does  
16 not, however, include either:

17 1. Any project for improvement of a structure to correct existing violations of State or local  
18 Health, Sanitary, or Safety Code specifications that have been identified by the local code  
19 enforcement official and that are the minimum necessary conditions; or

20 2. Any alteration of a "historic structure" provided that the alteration will not preclude the  
21 structure's continued designation as a "historic structure".

22 THRESHOLD PLANNING QUANTITY (TPQ): A quantity designated for each chemical on the  
23 list of extremely hazardous substances that triggers notification by facilities to the State that  
24 such facilities are subject to emergency planning requirements.

25 TOWN: Has the meaning provided in section 1-3-2 of this Code.

26 TOWN COUNCIL: Has the meaning provided in section 1-3-2 of this Code.

27 VARIANCE: A grant of relief to a person from the requirement of this chapter when specific  
28 enforcement would result in unnecessary hardship. A variance, therefore, permits construction  
29 or development in a manner otherwise prohibited by this chapter. (For full requirements see  
30 section 60.6 of the National Flood Insurance Program Regulations.)

31 VIOLATION: The failure of a structure or other development to be fully compliant with this  
32 chapter. A structure or other development without the elevation certificate, other certifications, or

1 other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4),  
2 or (e)(5) of the National Flood Insurance Program Regulations is presumed to be in violation  
3 until such time as that documentation is provided.

4 WATER SURFACE ELEVATION: The height, in relation to the North American Vertical Datum  
5 (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and  
6 frequencies in the floodplains of coastal or riverine areas.

7 B. Unless specifically defined in subsection A of this section, words or phrases used in this  
8 chapter shall be interpreted to give them the meaning they have in common usage and to give  
9 this chapter its most reasonable application.

10 10-3-7: LANDS TO WHICH THIS CHAPTER APPLIES:

11 This chapter applies to all special flood hazard areas and areas removed from the floodplain by  
12 the issuance of a FEMA Letter of Map Revision Based On Fill (LOMR-F) within the jurisdiction  
13 of the Town.

14 10-3-8: BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREA:

15 The special flood hazard areas identified by the Federal Emergency Management Agency in a  
16 scientific and engineering report entitled, "The Flood Insurance Study for Summit County,  
17 Colorado and Incorporated Areas", dated November 16, 2018 with accompanying Flood  
18 Insurance Rate Maps and/or Flood Boundary- Floodway Maps (FIRM and/or FBFM) and any  
19 revisions thereto are adopted by reference and declared to be a part of this chapter. These  
20 special flood hazard areas identified by the FIS and attendant mapping are the minimum area of  
21 applicability of this chapter and may be supplemented by studies designated and approved by  
22 the Floodplain Administrator. The Floodplain Administrator shall keep a copy of the Flood  
23 Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public  
24 inspection.

25 10-3-9: ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT:

26 A floodplain development permit is required to ensure conformance with the provisions of this  
27 chapter.

28 10-3-10: COMPLIANCE:

29 No structure or land shall be located, altered, or have its use changed within the special flood  
30 hazard area without full compliance with the terms of this chapter and other applicable  
31 regulations. Nothing in this chapter prevents the Town from taking such lawful action as is  
32 necessary to prevent or remedy any violation. These regulations meet the minimum

1 requirements as set forth by the Colorado Water Conservation Board and the National Flood  
2 Insurance Program.

3

4 10-3-11: ABROGATION AND GREATER RESTRICTIONS:

5 This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants,  
6 or deed restrictions. However, where this chapter and another ordinance, easement, covenant,  
7 or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall  
8 prevail.

9 10-3-12: INTERPRETATION:

10 A. In the interpretation and application of this chapter, all provisions shall be:

11 1. Considered as minimum requirements;

12 2. Liberally construed in favor of the Town; and

13 3. Deemed neither to limit nor repeal any other powers granted under State Statutes or  
14 other applicable law.

15 10-3-13: WARNING AND DISCLAIMER OF LIABILITY:

16 The degree of flood protection required by this chapter is considered reasonable for regulatory  
17 purposes and is based on scientific and engineering considerations. On rare occasions greater  
18 floods can and will occur and flood heights may be increased by man-made or natural causes.

19 This chapter does not imply that land outside the special flood hazard area or uses permitted  
20 within such areas will be free from flooding or flood damages. This chapter does not create  
21 liability on the part of the Town or any Town official or employee for any flood damages resulting  
22 from reliance on this chapter or any administrative decision lawfully made pursuant to this  
23 chapter.

24 10-3-14: SEVERABILITY:

25 Section 1-2-4 of this Code applies to this chapter.

26 10-3-15: DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR:

27 The Town Engineer is appointed as Floodplain Administrator to administer, implement, and  
28 enforce the provisions of this chapter and other appropriate sections of 44 CFR (National Flood  
29 Insurance Program Regulations) pertaining to floodplain management.

30 10-3-16: DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR:

1 A. Duties and responsibilities of the Floodplain Administrator include, but are not limited to,  
2 the following:

3 1. Maintain and hold open for public inspection all records pertaining to the provisions of  
4 this chapter, including the actual elevation (in relation to mean sea level) of the lowest floor  
5 (including basement) of all new or substantially improved structures and any floodproofing  
6 certificate required by section 10-3-17 of this chapter.

7 2. Review, approve, conditionally approve, or deny all applications for floodplain  
8 development permits required by adoption of this chapter.

9 3. Review floodplain development permit applications to determine whether a proposed  
10 building site, including the placement of manufactured homes, will be reasonably safe from  
11 flooding.

12 4. Review permits for proposed development to assure that all necessary permits have  
13 been obtained from those Federal, State or local governmental agencies (including section 404  
14 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC section 1334) from  
15 which prior approval is required.

16 5. Inspect all development at appropriate times during the period of construction to ensure  
17 compliance with all provisions of this chapter, including proper elevation of the structure.

18 6. Where interpretation is needed as to the exact location of the boundaries of the special  
19 flood hazard area (for example, where there appears to be a conflict between a mapped  
20 boundary and actual field conditions) the Floodplain Administrator shall make the necessary  
21 interpretation.

22 7. When base flood elevation data has not been provided in accordance with section 10-3-  
23 8 of this chapter, the Floodplain Administrator shall obtain, review and reasonably utilize any  
24 base flood elevation data and floodway data available from a Federal, State, or other source, in  
25 order to administer the provisions of sections 10-3-19 through 10-3-26, inclusive, of this chapter.

26 8. For waterways with base flood elevations for which a regulatory floodway has not been  
27 designated, no new construction, substantial improvements, or other development (including fill)  
28 shall be permitted within Zones A1-30 and AE on the Town's FIRM, unless it is demonstrated  
29 that the cumulative effect of the proposed development, when combined with all other existing  
30 and anticipated development, will not increase the water surface elevation of the base flood  
31 more than one-half foot (1/2') at any point within the Town.

1           9. Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood  
2 Insurance Program Regulations, the Floodplain Administrator may approve certain development  
3 in Zones A1-30, AE, AH, on the Town's FIRM that increases the water surface elevation of the  
4 base flood by more than one-half foot (1/2') only if the Town first applies for a conditional FIRM  
5 revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such  
6 revisions as established under the provisions of section 65.12, and receives FEMA approval.

7           10. Notify, in riverine situations, adjacent communities and the State coordinating agency  
8 (the Colorado Water Conservation Board), prior to any alteration or relocation of a watercourse,  
9 and submit evidence of such notification to FEMA.

10          11. Ensure that the flood carrying capacity within the altered or relocated portion of any  
11 watercourse is maintained.

12 10-3-17: PERMIT PROCEDURES:

13          A. An application for a floodplain development permit shall be presented to the Floodplain  
14 Administrator on forms furnished by him/her and may include, but not be limited to, plans in  
15 duplicate drawn to scale showing the location, dimensions, and elevation of proposed  
16 landscape alterations, existing and proposed structures, including the placement of  
17 manufactured homes, and the location of the foregoing in relation to special flood hazard area.  
18 Additionally, the following information is required:

19           1. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all  
20 new and substantially improved structures;

21           2. Elevation in relation to mean sea level to which any nonresidential structure will be  
22 floodproofed;

23           3. A certificate from a registered Colorado professional engineer or architect that the  
24 nonresidential floodproofed structure shall meet the floodproofing criteria of subsection 10-3-  
25 20A2 of this chapter;

26           4. Description of the extent to which any watercourse or natural drainage will be altered or  
27 relocated as a result of proposed development;

28           5. Maintain a record of all such information in accordance with section 10-3-16 of this  
29 chapter.

30          B. Approval or denial of a floodplain development permit by the Floodplain Administrator  
31 shall be based on all of the provisions of this chapter and the following relevant factors:

32           1. The danger to life and property due to flooding or erosion damage;

- 1        2. The susceptibility of the proposed facility and its contents to flood damage and the effect
- 2 of such damage on the individual owner;
- 3        3. The danger that materials may be swept onto other lands to the injury of others;
- 4        4. The compatibility of the proposed use with existing and anticipated development;
- 5        5. The safety of access to the property in times of flood for ordinary and emergency
- 6 vehicles;
- 7        6. The costs of providing governmental services during and after flood conditions including
- 8 maintenance and repair of streets and bridges, and public utilities and facilities such as sewer,
- 9 gas, electrical, and water systems;
- 10       7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood
- 11 waters and the effects of wave action, if applicable, expected at the site;
- 12       8. The necessity to the facility of a waterfront location, where applicable;
- 13       9. The availability of alternative locations, not subject to flooding or erosion damage, for the
- 14 proposed use; and
- 15       10. The relationship of the proposed use to the Town's master plan for that area.
- 16 10-3-18: VARIANCE PROCEDURES:
- 17       A. The Planning Commission shall initially hear and render judgment on requests for
- 18 variances from the requirements of this chapter.
- 19       B. The Planning Commission shall also hear and render judgment on an appeal when it is
- 20 alleged there is an error in any requirement, decision, or determination made by the Floodplain
- 21 Administrator in the enforcement or administration of this chapter.
- 22       C. Any Planning Commission decision made pursuant to this chapter is subject to the call up
- 23 provisions of title 9, chapter 1 of this Code.
- 24       D. The Floodplain Administrator shall maintain a record of all actions involving an appeal and
- 25 shall report variances to the Federal Emergency Management Agency upon request.
- 26       E. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures
- 27 listed on the National Register of Historic Places, the State Inventory of Historic Places, or
- 28 landmarked structures under title 9, chapter 11 of this Code without regard to the procedures
- 29 set forth in the remainder of this chapter.
- 30       F. Variances may be issued for new construction and substantial improvements to be
- 31 erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with



1 existing structures constructed below the base flood level, providing the relevant factors in  
2 section 10-3-17 of this chapter have been fully considered. As the lot size increases beyond the  
3 one-half (1/2) acre, the technical justification required for issuing the variance increases.

4 G. Upon consideration of the factors noted above and the intent of this chapter, the Planning  
5 Commission may attach such conditions to the granting of variances as it deems necessary to  
6 further the purpose and objectives of this chapter as described in section 10-3-4 of this chapter.

7 H. Variances shall not be issued within any designated floodway if any increase in flood  
8 levels during the base flood discharge would result.

9 I. Variances may be issued for the repair or rehabilitation of historic structures upon a  
10 determination that the proposed repair or rehabilitation will not preclude the structure's  
11 continued designation as a historic structure and the variance is the minimum necessary to  
12 preserve the historic character and design of the structure.

13 J. Prerequisites for granting variances:

14 1. Variances shall only be issued upon a determination that the variance is the minimum  
15 necessary, considering the flood hazard, to afford relief.

16 2. Variances shall only be issued upon:

17 a. Showing a good and sufficient cause;

18 b. A determination that failure to grant the variance would result in exceptional hardship  
19 to the applicant; and

20 c. A determination that the granting of a variance will not result in increased flood  
21 heights, additional threats to public safety, extraordinary public expense, the creation of a  
22 nuisance, fraud on or victimization of the public, or conflict with existing Town laws.

23 3. Any applicant to whom a variance is granted shall be given written notice that the  
24 structure will be permitted to be built with the lowest floor elevation below the base flood  
25 elevation, and that the cost of flood insurance will be commensurate with the increased risk  
26 resulting from the reduced lowest floor elevation.

27 K. Variances may be issued by the Town for new construction and substantial improvements  
28 and for other development necessary for the conduct of a functionally dependent use provided  
29 that:

30 1. The criteria outlined in subsections A through I, inclusive, of this section are met; and

31 2. The structure or other development is protected by methods that minimize flood  
32 damages during the base flood and create no additional threats to public safety.



1 10-3-19: GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION:

2 A. In all special flood hazard areas the following provisions are required for all new  
3 construction and substantial improvements:

4 1. All new construction or substantial improvements shall be designed (or modified) and  
5 adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting  
6 from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

7 2. All new construction or substantial improvements shall be constructed by methods and  
8 practices that minimize flood damage;

9 3. All new construction or substantial improvements shall be constructed with materials  
10 resistant to flood damage;

11 4. All new construction or substantial improvements shall be constructed with electrical,  
12 heating, ventilation, plumbing, and air conditioning equipment and other service facilities that  
13 are designed and/or located so as to prevent water from entering or accumulating within the  
14 components during conditions of flooding;

15 5. All manufactured homes shall be installed using methods and practices that minimize  
16 flood damage. For the purposes of this requirement, manufactured homes must be elevated and  
17 anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include,  
18 but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is  
19 in addition to applicable State and local anchoring requirements for resisting wind forces;

20 6. All new and replacement water supply systems shall be designed to minimize or  
21 eliminate infiltration of flood waters into the system;

22 7. New and replacement sanitary sewage systems shall be designed to minimize or  
23 eliminate infiltration of flood waters into the system and discharge from the systems into flood  
24 waters; and,

25 8. On-site waste disposal systems shall be located to avoid impairment to them or  
26 contamination from them during flooding.

27 10-3-20: SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION:

28 A. In all special flood hazard areas where base flood elevation data has been provided as set  
29 forth in: 1) section 10-3-8 of this chapter, 2) subsection 10-3-16A7 of this chapter, or 3) section  
30 10-3-25 of this chapter, the following provisions are required:

31 1. Residential Construction: New construction and substantial improvement of any  
32 residential structure shall have the lowest floor (including basement), electrical, heating,

1 ventilation, plumbing, and air conditioning equipment and other service facilities (including  
2 ductwork), elevated to one foot (1') above the base flood elevation. Upon completion of the  
3 structure, the elevation of the lowest floor, including basement, shall be certified by a registered  
4 Colorado professional engineer, architect, or land surveyor. Such certification shall be submitted  
5 to the Floodplain Administrator.

6 2. Nonresidential Construction: With the exception of critical facilities, outlined in section  
7 10-3-26 of this chapter, new construction and substantial improvements of any commercial,  
8 industrial, or other nonresidential structure shall either have the lowest floor (including  
9 basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other  
10 service facilities (including ductwork), elevated to one foot (1') above the base flood elevation or,  
11 together with attendant utility and sanitary facilities, be designed so that at one foot (1') above  
12 the base flood elevation the structure is watertight with walls substantially impermeable to the  
13 passage of water and with structural components having the capability of resisting hydrostatic  
14 and hydrodynamic loads and effects of buoyancy.

15 A registered Colorado professional engineer or architect shall develop and/or review structural  
16 design, specifications, and plans for the construction, and shall certify that the design and  
17 methods of construction are in accordance with accepted standards of practice as outlined in  
18 this subsection. Such certification shall be maintained by the Floodplain Administrator, as  
19 required by section 10-3-17 of this chapter.

20 3. Enclosures: New construction and substantial improvements, with fully enclosed areas  
21 below the lowest floor that are usable solely for parking of vehicles, building access, or storage  
22 in an area other than a basement and that are subject to flooding, shall be designed to  
23 automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit  
24 of floodwaters.

25 Designs for meeting this requirement must either be certified by a registered Colorado  
26 professional engineer or architect or meet or exceed the following minimum criteria:

27 a. A minimum of two (2) openings having a total net area of not less than one square  
28 inch for every square foot of enclosed area subject to flooding shall be provided;

29 b. The bottom of all openings shall be no higher than one foot (1') above grade; and

30 c. Openings may be equipped with screens, louvers, valves, or other coverings or  
31 devices provided that they permit the automatic entry and exit of floodwaters.

1        4. Manufactured Homes: All manufactured homes that are placed or substantially improved  
2 within Zones A1-30, AH, and AE on the Town's FIRM on sites: a) outside of a manufactured  
3 home park or subdivision; b) in a new manufactured home park or subdivision; c) in an  
4 expansion to an existing manufactured home park or subdivision; or d) in an existing  
5 manufactured home park or subdivision on which manufactured home has incurred "substantial  
6 damage" as a result of a flood, shall be elevated on a permanent foundation such that the  
7 lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air  
8 conditioning equipment and other service facilities (including ductwork), are elevated to one foot  
9 (1') above the base flood elevation and be securely anchored to an adequately anchored  
10 foundation system to resist flotation, collapse, and lateral movement.

11 All manufactured homes shall be placed or substantially improved on sites in an existing  
12 manufactured home park or subdivision with Zones A1-30, AH and AE on the Town's FIRM that  
13 are not subject to the provisions of the above section, shall be elevated so that either:

14        a. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing,  
15 and air conditioning equipment and other service facilities (including ductwork), are one foot (1')  
16 above the base flood elevation; or

17        b. The manufactured home chassis is supported by reinforced piers or other foundation  
18 elements of at least equivalent strength that are no less than thirty six inches (36") in height  
19 above grade and be securely anchored to an adequately anchored foundation system to resist  
20 flotation, collapse, and lateral movement.

21        5. Recreational Vehicles: All recreational vehicles placed on sites within Zones A1-30, AH,  
22 and AE on the Town's FIRM either:

23        a. Be on the site for fewer than one hundred eighty (180) consecutive days;

24        b. Be fully licensed and ready for highway use; or

25        c. Meet the permit requirements of section 10-3-17 of this chapter, and the elevation and  
26 anchoring requirements for "manufactured homes" in subsection A4 of this section.

27 A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is  
28 attached to the site only by quick disconnect type utilities and security devices, and has no  
29 permanently attached additions.

30        6. Prior Approved Activities: Any activity for which a floodplain development permit was  
31 issued by the Town or a CLOMR was issued by FEMA prior to the effective date of this chapter

1 may be completed according to the standards in place at the time of the permit or CLOMR  
2 issuance, and will not be considered in violation of this chapter if it meets such standards.

3 10-3-21: STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES):

4 A. Located within the special flood hazard area established in section 10-3-8 of this chapter  
5 are areas designated as shallow flooding. These areas have special flood hazards associated  
6 with base flood depths of one foot (1') to three feet (3') where a clearly defined channel does not  
7 exist and where the path of flooding is unpredictable and where velocity flow may be evident.  
8 Such flooding is characterized by ponding or sheet flow; therefore, the following provisions  
9 apply:

10 1. Residential Construction: All new construction and substantial improvements of  
11 residential structures have the lowest floor (including basement), electrical, heating, ventilation,  
12 plumbing, and air conditioning equipment and other service facilities (including ductwork),  
13 elevated above the highest adjacent grade at least one foot (1') above the depth number  
14 specified in feet on the Town's FIRM (at least 3 feet if no depth number is specified). Upon  
15 completion of the structure, the elevation of the lowest floor, including basement, shall be  
16 certified by a registered Colorado professional engineer, architect, or land surveyor. Such  
17 certification shall be submitted to the Floodplain Administrator.

18 2. Nonresidential Construction: With the exception of critical facilities, outlined in section  
19 10-3-26 of this chapter, all new construction and substantial improvements of non-residential  
20 structures, must have the lowest floor (including basement), electrical, heating, ventilation,  
21 plumbing, and air conditioning equipment and other service facilities (including ductwork),  
22 elevated above the highest adjacent grade at least one foot (1') above the depth number  
23 specified in feet on the Town's FIRM (at least 3 feet if no depth number is specified), or together  
24 with attendant utility and sanitary facilities, be designed so that the structure is watertight to at  
25 least one foot (1') above the base flood level with wall substantially impermeable to the passage  
26 of water and with structural components having the capability of resisting hydrostatic and  
27 hydrodynamic loads of effects of buoyancy. A registered Colorado professional engineer or  
28 architect shall submit a certification to the Floodplain Administrator that the standards of this  
29 section, as established in section 10-3-17 of this chapter are satisfied.

30 Within Zones AH or AO adequate drainage paths around structures on slopes are required to  
31 guide flood waters around and away from proposed structures.

32 10-3-22: FLOODWAYS:

1 A. Floodways are administrative limits and tools used to regulate existing and future  
2 floodplain development. The State has adopted floodway standards that are more stringent than  
3 the FEMA minimum standard (see definition of floodway in section 10-3-6 of this chapter).  
4 Located within special flood hazard area established in section 10-3-8 of this chapter, are areas  
5 designated as floodways. Since the floodway is an extremely hazardous area due to the velocity  
6 of floodwaters that carry debris, potential projectiles and erosion potential, the following  
7 provisions shall apply:

8 1. Encroachments are prohibited, including fill, new construction, substantial improvements  
9 and other development within the adopted regulatory floodway unless it has been demonstrated  
10 through hydrologic and hydraulic analyses performed by a licensed Colorado professional  
11 engineer and in accordance with standard engineering practice that the proposed encroachment  
12 would not result in any increase (requires a No-Rise Certification) in flood levels within the Town  
13 during the occurrence of the base flood discharge.

14 2. If subsection A1 of this section, is satisfied, all new construction and substantial  
15 improvements shall comply with all applicable flood hazard reduction provisions of sections 10-  
16 3-19 through 10-3-26, inclusive, of this chapter.

17 3. Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood  
18 Insurance Regulations, the Town may permit encroachments within the adopted regulatory  
19 floodway that would result in an increase in base flood elevations only if the Town first applies  
20 for a CLOMR and floodway revision through FEMA.

21 10-3-23: ALTERATION OF A WATERCOURSE:

22 A. For all proposed developments that alter a watercourse within a special flood hazard area,  
23 the following standards apply:

24 1. Channelization and flow diversion projects shall appropriately consider issues of  
25 sediment transport, erosion, deposition, and channel migration and properly mitigate potential  
26 problems through the project as well as upstream and downstream of any improvement activity.  
27 A detailed analysis of sediment transport and overall channel stability should be considered,  
28 when appropriate, to assist in determining the most appropriate design.

29 2. Channelization and flow diversion projects shall evaluate the residual 100-year  
30 floodplain.

1        3. Any channelization or other stream alteration activity proposed by a project proponent  
2 must be evaluated for its impact on the regulatory floodplain and be in compliance with all  
3 applicable Federal, State and Town floodplain rules, regulations and ordinances.

4        4. Any stream alteration activity shall be designed and sealed by a registered Colorado  
5 professional engineer or certified professional hydrologist.

6        5. All activities within the regulatory floodplain shall meet all applicable Federal, State and  
7 Town floodplain requirements and regulations.

8        6. Within the regulatory floodway, stream alteration activities shall not be constructed  
9 unless the project proponent demonstrates through a floodway analysis and report, sealed by a  
10 registered Colorado professional engineer, that there is not more than a 0.00 foot rise in the  
11 proposed conditions compared to existing conditions floodway resulting from the project,  
12 otherwise known as a No-Rise Certification, unless the Town first applies for a CLOMR and  
13 floodway revision in accordance with section 10-3-22 of this chapter.

14        7. Maintenance shall be required for any altered or relocated portions of watercourses so  
15 that the flood-carrying capacity is not diminished.

16 10-3-24: PROPERTIES REMOVED FROM THE FLOODPLAIN BY FILL:

17        A. A floodplain development permit shall not be issued for the construction of a new structure  
18 or addition to an existing structure on a property removed from the floodplain by the issuance of  
19 a FEMA Letter of Map Revision Based On Fill (LOMR-F), unless such new structure or addition  
20 complies with the following:

21        1. Residential Construction: The lowest floor (including basement), electrical, heating,  
22 ventilation, plumbing, and air conditioning equipment and other service facilities (including  
23 ductwork), must be elevated to one foot (1') above the base flood elevation that existed prior to  
24 the placement of the fill.

25        2. Nonresidential Construction: The lowest floor (including basement), electrical, heating,  
26 ventilation, plumbing, and air conditioning equipment and other service facilities (including  
27 ductwork), must be elevated to one foot (1') above the base flood elevation that existed prior to  
28 the placement of the fill, or together with attendant utility and sanitary facilities be designed so  
29 that the structure or addition is watertight to at least one foot (1') above the base flood level that  
30 existed prior to the placement of fill with walls substantially impermeable to the passage of water  
31 and with structural components having the capability of resisting hydrostatic and hydrodynamic  
32 loads of effects of buoyancy.

1 10-3-25: STANDARDS FOR SUBDIVISION PROPOSALS:

2 A. All subdivision proposals including the placement of manufactured home parks and  
3 subdivisions shall be reasonably safe from flooding. If a subdivision or other development  
4 proposal is in a flood-prone area, the proposal shall minimize flood damage.

5 B. All proposals for the development of subdivisions including the placement of  
6 manufactured home parks and subdivisions shall meet floodplain development permit  
7 requirements of sections 10-3-9, 10-3-17 of this chapter; and the provisions of sections 10-3-19  
8 through 10-3-26, inclusive, of this chapter.

9 C. Base flood elevation data shall be generated for subdivision proposals and other  
10 proposed development including the placement of manufactured home parks and subdivisions  
11 that are greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided  
12 pursuant to section 10-3-8 or 10-3-16 of this chapter.

13 D. All subdivision proposals including the placement of manufactured home parks and  
14 subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

15 E. All subdivision proposals including the placement of manufactured home parks and  
16 subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water  
17 systems located and constructed to minimize or eliminate flood damage.

18 10-3-26: STANDARDS FOR CRITICAL FACILITIES:

19 A. A critical facility is a structure or related infrastructure, but not the land on which it is  
20 situated, as specified in rule 6 of the Rules and Regulations for Regulatory Floodplains in  
21 Colorado, that if flooded may result in significant hazards to public health and safety or interrupt  
22 essential services and operations for the Town at any time before, during and after a flood.

23 1. Classification Of Critical Facilities: It is the responsibility of the Floodplain Administrator  
24 to identify and confirm that specific structures in the Town meet the following criteria:

25 Critical facilities are classified under the following categories: a) essential services; b)  
26 hazardous materials; c) at-risk populations; and d) vital to restoring normal services.

27 a. Essential services facilities include public safety, emergency response, emergency  
28 medical, designated emergency shelters, communications, public utility plant facilities, and  
29 transportation lifelines.

30 These facilities consist of:

31 (1) Public safety (police stations, fire and rescue stations, emergency vehicle and  
32 equipment storage, and, emergency operation centers);



1           (2) Emergency medical (hospitals, ambulance service centers, urgent care centers  
2 having emergency treatment functions, and non-ambulatory surgical structures but excluding  
3 clinics, doctors offices, and non-urgent care medical structures that do not provide these  
4 functions);

5           (3) Designated emergency shelters;

6           (4) Communications (main hubs for telephone, broadcasting equipment for cable  
7 systems, satellite dish systems, cellular systems, television, radio, and other emergency  
8 warning systems, but excluding towers, poles, lines, cables, and conduits);

9           (5) Public utility plant facilities for generation and distribution (hubs, treatment plants,  
10 substations and pumping stations for water, power and gas, but not including towers, poles,  
11 power lines, buried pipelines, transmission lines, distribution lines, and service lines); and

12           (6) Air transportation lifelines (airports [Municipal and larger], helicopter pads and  
13 structures serving emergency functions), and associated infrastructure (aviation control towers,  
14 air traffic control centers, and emergency equipment aircraft hangars).

15 Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable  
16 water treatment and distribution systems, and hydroelectric power generating plants and related  
17 appurtenances.

18 Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the  
19 Floodplain Administrator that the facility is an element of a redundant system for which service  
20 will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant  
21 facilities are available (either owned by the same utility or available through an  
22 intergovernmental agreement or other contract) and connected, the alternative facilities are  
23 either located outside of the 100-year floodplain or are compliant with the provisions of sections  
24 10-3-19 through 10-3-26, inclusive, of this chapter, and an operations plan is in effect that states  
25 how redundant systems will provide service to the affected area in the event of a flood.

26 Evidence of ongoing redundancy shall be provided to the Floodplain Administrator on an as-  
27 needed basis upon request.

28           b. Hazardous materials facilities include facilities that produce or store highly volatile,  
29 flammable, explosive, toxic and/or water-reactive materials.

30 These facilities may include:

31           (1) Chemical and pharmaceutical plants (chemical plant, pharmaceutical  
32 manufacturing);



1           (2) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-  
2 reactive materials;

3           (3) Refineries;

4           (4) Hazardous waste storage and disposal sites; and

5           (5) Above ground gasoline or propane storage or sales centers.

6 Facilities shall be determined to be critical facilities if they produce or store materials in excess  
7 of threshold limits. If the owner of a facility is required by the Occupational Safety and Health  
8 Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals  
9 stored or used in the work place, and the chemical(s) is stored in quantities equal to or greater  
10 than the threshold planning quantity (TPQ) for that chemical, then that facility shall be  
11 considered to be a critical facility. The TPQ for these chemicals is: either five hundred (500)  
12 pounds or the TPQ listed (whichever is lower) for the three hundred fifty six (356) chemicals  
13 listed under 40 CFR section 302 (2010), also known as extremely hazardous substances (EHS);  
14 or ten thousand (10,000) pounds for any other chemical. This threshold is consistent with the  
15 requirements for reportable chemicals established by the Colorado Department of Health and  
16 Environment. OSHA requirements for MSDS can be found in 29 CFR section 1910 (2010). The  
17 Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and  
18 Notification", 40 CFR section 302 (2010), and OSHA regulation "Occupational Safety and  
19 Health Standards", 29 CFR section 1910 (2010), are incorporated herein by reference and  
20 include the regulations in existence at the time of the adoption of this chapter, but exclude later  
21 amendments to or editions of the regulations.

22 Specific exemptions to this category include:

23           (1) Finished consumer products within retail centers and households containing  
24 hazardous materials intended for household use, and agricultural products intended for  
25 agricultural use;

26           (2) Buildings and other structures containing hazardous materials for which it can be  
27 demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment  
28 and certification by a qualified professional (as determined by the local jurisdiction having land  
29 use authority) that a release of the subject hazardous material does not pose a major threat to  
30 the public; and

31           (3) Pharmaceutical sales, use, storage, and distribution centers that do not  
32 manufacture pharmaceutical products.

1 These exemptions shall not apply to buildings or other structures that also function as critical  
2 facilities under another category outlined in sections 10-3-19 through 10-3-26, inclusive, of this  
3 chapter.

4 c. At-risk population facilities include medical care, congregate care, and schools.

5 These facilities consist of:

6 (1) Elder care (nursing homes);

7 (2) Congregate care serving twelve (12) or more individuals (day care and assisted  
8 living); and

9 (3) Public and private schools (pre-schools, K - 12 schools), before-school and after-  
10 school care serving twelve (12) or more children.

11 d. Facilities vital to restoring normal services including government operations.

12 These facilities consist of:

13 (1) Essential government operations (public records, courts, jails, building permitting  
14 and inspection services, Town administration and management, maintenance and equipment  
15 centers); and

16 (2) Essential structures for public colleges and universities (dormitories, offices, and  
17 classrooms only).

18 These facilities may be exempted if it is demonstrated to the Floodplain Administrator that the  
19 facility is an element of a redundant system for which service will not be interrupted during a  
20 flood. At a minimum, it shall be demonstrated that redundant facilities are available (either  
21 owned by the same entity or available through an intergovernmental agreement or other  
22 contract), the alternative facilities are either located outside of the 100-year floodplain or are  
23 compliant with this chapter, and an operations plan is in effect that states how redundant  
24 facilities will provide service to the affected area in the event of a flood. Evidence of ongoing  
25 redundancy shall be provided to the Floodplain Administrator on an as-needed basis upon  
26 request.

27 2. Protection For Critical Facilities: All new and substantially improved critical facilities and  
28 new additions to critical facilities located within the special flood hazard area shall be regulated  
29 to a higher standard than structures not determined to be critical facilities. For the purposes of  
30 this chapter, protection shall include one of the following:

31 a. Location outside the special flood hazard area; or

1           b. Elevation or floodproofing of the structure, together with attendant utility and sanitary  
2 facilities, to at least two feet (2') above the base flood elevation.

3           3. Ingress And Egress For New Critical Facilities: New critical facilities shall, when  
4 practicable as determined by the Floodplain Administrator, have continuous non-inundated  
5 access (ingress and egress for evacuation and emergency services) during a 100-year flood  
6 event.

7 10-3-27: VIOLATIONS; PENALTIES:

8 It is a misdemeanor offense for any person to violate any provision of this chapter. Any person  
9 convicted of a violation of this chapter shall be punished as set forth in title 1, chapter 4 of this  
10 Code.

11

12 **CHAPTER 4 SUBMITTALS, PENALTIES AND ENFORCEMENT**

13 SECTION:

14 10-4-1 FEES AND DEPOSITS

15 10-4-2 PERMITS

16 10-4-3 PERMIT PROCEDURES

17 10-4-4 PERMIT MODIFICATIONS

18 10-4-5 SUBMITTALS

19 10-4-6 ACCESS

20 10-4-7 PUBLIC IMPROVEMENTS AND FINANCIAL GUARANTEES

21 10-4-7-1 PUBLIC IMPROVEMENTS

22 10-4-7-2 PERFORMANCE GUARANTEES

23 10-4-7-3 WARRANTY GUARANTEE

24 10-4-8 INSPECTION AND ACCEPTANCE PROCESS

25 10-4-8-1 INSPECTIONS

26 10-4-8-2 CORRECTION OF DEFICIENCIES

27 10-4-8-3 RECORD DRAWINGS

28 10-4-8-4 ACCEPTANCE OF IMPROVEMENTS

29 10-4-8-5 WARRANTY PERIOD

30 10-4-8-6 FINAL ACCEPTANCE

31 10-4-9 VARIANCES

32 10-4-10 ENFORCEMENT

1 10-4-10-1 CONSTRUCTION TIMING LIMITATIONS

2 10-4-10-2 ENCROACHMENTS, LITTER PROHIBITED

3 10-4-10-3 SNOW AND ICE

4 10-4-10-4 RIGHT TO ENFORCE OTHER STANDARDS

5 10-4-10-5 ENFORCEMENT AND PENALTIES

6

7 10-4-1 FEES AND DEPOSITS

8 The Town Engineer shall assess the following fees and deposits:

9 A. Engineering Plan Review Fee: Each individual application for a building permit shall be  
10 accompanied by a nonrefundable engineering plan review fee. Fee amount shall be  
11 determined and adopted annually by Town Council through the annual budget adoption.

12 B. Right-of-Way Permit Fee: Each individual application for a right-of-way permit shall be  
13 accompanied by a nonrefundable permit and inspection fee. Fee amount shall be  
14 determined and adopted annually by Town Council through the annual budget adoption.

15 C. Right-of-Way Deposits: Prior to the issuance of a permit, a deposit in the form of a  
16 surety, shall be assessed by the Town Engineer to cover the cost of restoring the right-  
17 of-way. The amount of the deposit shall be determined and adjusted by the Town  
18 Engineer and based on disturbance area and other conditions and circumstances of the  
19 project. If after issuance of a permit, any deposit is determined to be less than sufficient  
20 to pay all costs, the contractor shall, upon demand, no later than ten (10) days after  
21 being billed by the Town, or prior to the issuance of any further permits, pay to the Town  
22 an amount equal to the deficiency. If the contractor fails or refuses to pay the deficiency,  
23 the Town may institute an action to recover the amount in any court of competent  
24 jurisdiction and refuse to issue any subsequent permits. Until the deficiency is paid in  
25 full, no additional permits shall be issued.

26 10-4-2 PERMITS

27 Permits must be obtained from the Breckenridge Engineering Division whenever a developer,  
28 contractor, property owner, or other individual proposes to undertake earth-disturbing activities,  
29 construction of infrastructure, development in or near a floodplain, and for any encroachments  
30 into the right-of-way. The Engineering Division issues infrastructure permits, floodplain  
31 development permits, and right-of-way permits. Permits must be obtained prior to beginning  
32 any grading, demolition, earth-disturbing, or other construction activities.

1

2 Single family home construction with no encroachments in the right-of-way may be exempt from  
3 an engineering permit. Town development permits and buildings permits are still required prior  
4 to beginning construction when engineering permits are not required.

5

6 Town Engineer to determine permitting requirements based on proposed construction activities.  
7 The Town requires the following permits. Additional Town, County, State, or Federal permits  
8 may be required in addition to the permits listed below.

9

10 A. Right-of-Way Permit: It shall be unlawful for any person, other than an officer or  
11 employee of the Town in the course of his or her employment, to make, cause, or permit  
12 any construction in, on, under, or within a public right-of-way of the Town unless such  
13 person first obtains a Right-of-Way (ROW) Permit from the Town Engineer. All work in  
14 the ROW shall be performed in conformity with the permit and the terms and provisions  
15 of this chapter. For all work within the ROW, the contractor is responsible for obtaining  
16 utility locates and any other permits and approvals necessary to complete the work.

17 B. Infrastructure Permit: An Infrastructure Permit is required for projects that occur within  
18 public right-of-way, projects that disturb one acre or more, and for private developments  
19 that involve public roadways, sidewalks, trails, stormwater infrastructure, potable water  
20 infrastructure, sanitary sewer infrastructure, lighting, irrigation, fiber optic cable and  
21 conduit, other utilities, stormwater management, transit facilities, retaining walls,  
22 signage, and any other infrastructure improvements.

23 C. Floodplain Development Permit: A floodplain development permit is required for projects  
24 located near special flood hazard areas. Permit requirements are per section 10-3 of  
25 this code.

26 10-4-3 PERMIT PROCEDURES

27 A. Applicant to meet all Town Planning requirements. See Title 9 of this code.

28 B. Applicant to contact Engineering Division and schedule pre-application meeting.

29 C. Applicant to submit application and engineering submittals. Engineering Division to  
30 review and provide comments to Applicant.

1 D. Applicant to revise submittals and resubmit.

2 E. Approval of permits to be granted only if the proposed activity meets Town Code and  
3 Standards.

4 F. Construction may begin once all permits are approved and signed.

5 10-4-4 PERMIT MODIFICATIONS

6 Work shall be completed per approved permit plans and specifications. If a permit holder  
7 desires to amend the approved work, they must apply for a new permit or permit modification.

8 Work not in conformance with approved plans shall not begin until a new or amended permit is  
9 issued to the permit holder.

10 10-4-5 SUBMITTALS

11 Applicants to submit all information listed in the Engineering Design Standards and Construction  
12 Specifications and additional information as deemed necessary by the Town Engineer.

13 10-4-6 ACCESS

14 The Town Engineer and their representatives shall be allowed access to all sites with an active  
15 development permit, infrastructure permit, right-of-way permit, floodplain permit, or building  
16 permit.

17 10-4-7 PUBLIC IMPROVEMENTS AND FINANCIAL GUARANTEES

18 10-4-7-1 PUBLIC IMPROVEMENTS

19 The Town Engineer shall require private development to design, construct, and pay for all  
20 associated costs of streets, utilities, and other public and private infrastructure associated with  
21 the development. The Town Engineer shall also require improvements to adjacent  
22 infrastructure expected to experience increased demand from the development, adjacent  
23 infrastructure which does not meet current standards, or to construct new infrastructure to serve  
24 or be adjacent to the proposed development. Examples of public improvements include, but is  
25 not limited to, intersection improvements, acceleration lanes, deceleration lanes, lane widening,  
26 drainage improvements, storm sewer infrastructure, street lights, broadband infrastructure,  
27 pavement improvements, roadway striping, roadway signage, sidewalks, curb and gutter,  
28 shared use paths, trails, landscaping, transit stop improvements, retaining walls, park  
29 improvements, and other infrastructure improvements as determined by the Town Engineer.

30 10-4-7-2 PERFORMANCE GUARANTEES

1 Per Section 9-3 of this code, subdividers shall either install all required improvements prior to  
2 recording a subdivision plat or enter into a subdivision improvement agreement with the Town,  
3 per Title 9 of this Code, which shall obligate the subdivider to install and construct all public  
4 improvements within and adjacent to the proposed subdivision.

5

6 A letter of credit, surety, cash deposit or other acceptable security in an amount determined by  
7 the town engineer and in a form approved by the town attorney shall be deposited with the town  
8 to guarantee construction and performance. The deposit shall be made prior to recording of a  
9 final plat or issuance of a building permit. Performance guarantee shall be 125% of the total  
10 costs to construct the improvements. The construction cost amount shall be submitted to the  
11 Town Engineer for their review and approval.

12

13 Performance guarantee amounts may be reduced after one year after acceptable completion of  
14 improvements. Determination of the amount of guarantee after one year shall be by the Town  
15 Engineer.

#### 16 10-4-7-3 WARRANTY GUARANTEE

17 Following completion of all public improvements, a letter of credit, surety, cash deposit or other  
18 acceptable security in an amount determined by the Town Engineer and in a form approved by  
19 the town attorney shall be deposited with the Town to guarantee the improvements for a period  
20 of 24 months from final acceptance. The warranty guarantee shall be 25%-100% of the  
21 construction costs; the percentage determination shall be based on replacement costs and  
22 determined by the Town Engineer. The developer may elect to submit only one guarantee to  
23 the Town which satisfies the requirements of both sections 10-4-7-2 and 10-4-7-3.

#### 24 10-4-8 INSPECTION AND ACCEPTANCE PROCESS

##### 25 10-4-8-1 INSPECTIONS

26 Permit holders shall be required to contact the Town Engineer for inspections per the  
27 Engineering Design Standards and Construction Specifications and the permit requirements.  
28 The Town Engineer may temporary halt or revoke active permits if an inspection is not  
29 obtained by the permit holder or if the inspection is not passed. The Town Engineer may  
30 require work to be repaired, removed, replaced, or modified if it is not satisfactory and then re-  
31 inspected. The Town Engineer may also assess fines, penalties, or financial compensation for

1 work that is not satisfactory or for improvements that are completed without the required  
2 inspections being obtained from the Town Engineer.

### 3 10-4-8-2 CORRECTION OF DEFICIENCIES

4 If the Town Engineer finds any improvements not to be in compliance with this code, the  
5 Engineering Design Standards and Construction Specifications, plans, specifications, or any  
6 agreements, the Engineering Division will notify the permit holder who then must correct the  
7 deficiencies and notify the Engineering Division when the site is ready for another inspection. If  
8 the Town Engineer determines it is not feasible or preferable to the Town to correct deficiencies  
9 for infrastructure that will become property of the Town, the Town Engineer may assess  
10 financial compensation for the deficiencies.

### 11 10-4-8-3 RECORD DRAWINGS

12 The permit holder shall submit record drawings to the Town Engineer per the requirements of  
13 the Engineering Design Standards and Construction Specifications.

### 14 10-4-8-4 ACCEPTANCE OF IMPROVEMENTS

15 The permit holder shall repair all deficiencies and complete all requirements of this code, the  
16 engineering standards, and all other relevant codes and project documents prior to issuing  
17 acceptance of improvements. The Town Engineer may withhold signature for certificates of  
18 occupancy, withhold closeout of active permits, withhold release of financial guarantees, and  
19 withhold approval of new permits until all requirements of permit are completed satisfactorily to  
20 the Town Engineer.

### 21 10-4-8-5 WARRANTY PERIOD

22 All work in Town right-of-way, public infrastructure, and other improvements to be accepted and  
23 owned by the Town shall require a two-year warranty period. During the warranty period, the  
24 improvements shall be guaranteed and warranted free from defects. During the two-year  
25 warranty period, any defect determined to exist with respect to such improvements shall be  
26 repaired or the improvement replaced at the sole cost of the permit holder.

### 27 10-4-8-6 FINAL ACCEPTANCE

28 The permit holder shall request a final acceptance inspection from the Town Engineer at the  
29 expiration of the warranty period. If repair or replacement of public infrastructure is required, the  
30 permit holder shall complete repair or replacement within 30 calendar days. If all work is



1 completed satisfactorily, the Town Engineer shall issue a written notice of final acceptance of  
2 improvements and shall release the warranty surety.

3 10-4-9 VARIANCES

4 All work shall meet the requirements of this code and the Engineering Design Standards and  
5 Construction Specifications. Any deviations from the code and standards shall be submitted to  
6 the Town Engineer for their review and approval through a written variance application. The  
7 variance request must be prepared by a Colorado-license professional engineer and shall meet  
8 the requirements of the Engineering Design Standards and Construction Specifications. The  
9 Town Engineer shall review the application and issue a determination of the variance.

10 10-4-10 ENFORCEMENT

11 10-4-10-1 CONSTRUCTION TIMING LIMITATIONS

12 A. Work authorized by the Right-of-Way Permit shall be performed between the hours of 7:00  
13 a.m. and 7:00 p.m., Monday through Friday (except holidays), unless the contractor  
14 obtains written consent from the Town Engineer to work earlier or later than the stated  
15 hours or on a weekend or holiday.

16 B. Street pavement cuts will not be allowed between November 1 and April 30, except when  
17 one of the following conditions is met.

18 1. There is a public utility emergency with notification and approval by Town  
19 Engineer.

20 2. Special or unforeseen circumstances arise as determined by the Town Engineer.

21 If the Town Engineer approves a pavement cut between November 1 and April 30 due to one of  
22 the conditions above, a special provision memo shall be prepared and submitted for review to  
23 the Town Engineer to accommodate pavement patching during winter conditions. Pavement  
24 repairs completed during this period shall be considered temporary and be removed and  
25 replaced as soon as conditions permit after April 30. The Town Engineer may require the  
26 applicant to post an additional deposit to cover additional costs associated with the winter  
27 condition street cut.

28 10-4-10-2 ENCROACHMENTS, LITTER PROHIBITED

29 A. No person shall place an encroachment upon any town public way or other public  
30 place except as authorized by town council or town ordinance.

- 1 B. No person shall litter, track, deposit, or cause to be littered, tracked, or deposited,  
2 sand, gravel, rocks, mud, dirt, or any other debris upon any public way or any portion  
3 thereof.
- 4 C. No person owning or operating trucks and other vehicles shall fail to clean such  
5 vehicles to eliminate their tracking or depositing, sand, gravel, rocks, mud, dirt, or any  
6 other debris or material, except snow, upon any public way or any portion thereof.
- 7 D. If the director of public works finds that any person has violated the provisions of  
8 subsection B or C of this section, the director of public works shall direct the person to  
9 remove any sand, gravel, rocks, mud, dirt, or any other debris or material so deposited  
10 within twenty-four (24) hours from the date of the notice. Notice under this subsection  
11 is sufficient if hand delivered to the person or an employer of such person. No such  
12 notice shall be required if the director of public works determines that an emergency  
13 exists.
- 14 E. If the person so notified fails to remove debris as required by the notice prescribed by  
15 subsection D of this section, or if the director of public works determines that an  
16 emergency exists, the director of public works may remove the debris or cause it to be  
17 removed and charge the costs thereof, plus a penalty of fifty percent (50%) of such  
18 costs, to the person violating the provisions of this section. Such costs and penalty  
19 shall be in addition to any fine imposed by the municipal court for the violation of this  
20 section.

21 10-4-10-3 SNOW AND ICE

- 22 A. The owner, occupant, manager or agent of the owner of real property abutting or fronting  
23 on a paved sidewalk shall remove and clear away any snow and ice from such sidewalk  
24 within eighteen (18) hours after each snowfall. The responsibility of such owner,  
25 occupant, manager or agent for compliance with this subsection shall be joint and  
26 several.
- 27 B. No person shall deposit or cause to be deposited any snow and ice on or against a fire  
28 hydrant.
- 29 C. No person shall plow, shovel, or otherwise deposit, or cause to be deposited, any snow  
30 upon any public way or any portion thereof. It is a specific defense to a charge of  
31 violating this subsection that the snow was shoveled or swept directly from a sidewalk in

1 front of a residence in a residential area, and that the snow so deposited did not impair  
2 the use of the street by vehicular traffic. The provisions of this subsection do not apply to  
3 persons brushing off snow which has accumulated naturally upon a motor vehicle  
4 parked on or driven upon a public way.

5 D. If the director of public works finds that any person has violated the provisions of this  
6 section, the director of public works shall notify the person to correct such violation within  
7 twenty-four (24) hours from the date of the notice. Notice under this subsection is  
8 sufficient if hand delivered. No such notice shall be required if the director of public  
9 works determines that an emergency exists. If the person so notified fails to correct such  
10 violation as required by the notice given by the director of public works or if the director  
11 of public works determines that an emergency exists, the director of public works may  
12 remove the accumulated snow and ice and charge the costs thereof, plus a penalty of  
13 fifty percent (50%) of such costs, to the person violating the provisions of this section.  
14 Such costs and penalty shall be in addition to any fine imposed by the municipal court  
15 for violation of this section.

#### 16 10-4-10-4 RIGHT TO ENFORCE OTHER STANDARDS

17 The engineering standards may not include all requirements necessary for future development.  
18 Special site conditions, project types, or other conditions may warrant the use of additional  
19 standards and criteria not included in these Standards. The Town reserves the right, in the  
20 Town's best interest, to issue and enforce more stringent criteria when appropriate as  
21 determined by the Town Engineer.

#### 22 10-4-10-5 ENFORCEMENT AND PENALTIES

23 A. It shall be the duty of the Town Engineer to administer and enforce the provisions of Title  
24 10.

25 B. Every person convicted of a violation of any provision of Title 10 shall be punished as  
26 provided in section 1-4-1 of this code.

27 C. It is unlawful to erect, construct, reconstruct, alter, or use any structure or to use any  
28 land in violation of Title 10.

29 D. It is an infraction, as defined in section 1-3-2 of the Code, for any person to conduct  
30 construction work without an approved permit. Each person shall be liable for a

- 1 separate offense for each and every day which work is continued without an approved  
2 permit and shall be punished accordingly.
- 3 E. The Town Engineer may suspend or revoke work authorized to be done pursuant to the  
4 permit if it is determined that any terms or conditions of the permit have been violated.
- 5 F. Right-of Way Fines: The following fee schedule will be assessed to Right-of-Way (ROW)  
6 Permit holders with the following violations. The Town Engineer may assess additional  
7 fines depending on project specific conditions and circumstances.
- 8 1. \$300/day for any work occurring in the Right-of-Way after the completion date  
9 listed on the approved permit.
- 10 2. \$300/day for inadequate traffic control.
- 11 3. \$500/day for any work occurring in the Right-of-Way between October 31st and  
12 April 30th.
- 13 4. \$100/day for any violations of the approved pavement restoration.
- 14 5. \$150/day for any violations of reopening street closures and detours by 7:00 pm.
- 15 6. \$100/hour for any debris not removed from streets or sidewalks.
- 16 G. Monument Fines: If any person shall damage, destroy or remove any corner or line point  
17 monument of any type without having first made satisfactory arrangement with the town  
18 engineer for reconstruction of said monument, said person shall be liable for any and all  
19 costs of replacement of said monument and in addition is subject to a fine of not more  
20 than three hundred dollars (\$300.00) and/or imprisonment for a term not to exceed  
21 ninety (90) days for each offense.
- 22 H. In addition or as an alternative to such fine and/or imprisonment, the town may seek  
23 other remedies provided in law or equity including, but not limited to, injunction,  
24 mandamus, or abatement.
- 25 I. The Town Engineer may stop work, halt, or revoke Town permits, withhold approval of  
26 additional permits, assess fines, and other remedies in response to violations of Title 10.
- 27 J. If any person fails or refuses to pay when due any charge imposed under this section,  
28 the town manager may, in addition to taking other collection remedies, certify due and  
29 unpaid charges to the Summit County treasurer for collection.

1           **Section 2.** That subsection C. of section 9-1-18-1 CLASS A DEVELOPMENT  
2 PERMIT PROCESS: of the Breckenridge Development Code shall be amended by adding the  
3 language underlined, to read as follows:

4           **9-1-18-1 C. CLASS A DEVELOPMENT PERMIT PROCESS:**

5 Preliminary Hearing:

6           1. General: All Class A applications shall be required to be submitted to the Planning  
7 Commission for review at a minimum of one preliminary hearing. In addition, the applicant may  
8 be requested to:

9           a. Appear at a meeting of referral agencies if the Director determines that the impacts of  
10 a proposed project are of such magnitude as to require review by the referral agencies at this  
11 stage of the review process. The Town Engineer shall review all Class A applications.

12           b. Schedule an on site inspection with members of the Planning Commission and staff  
13 sometime after the preliminary hearing. Color and texture samples of proposed building  
14 materials of a size and quantity as requested by the Director shall be provided for this site visit  
15 and building corners shall be marked.

16           **Section 3.** That subsection D. of section 9-1-18-1 CLASS A DEVELOPMENT  
17 PERMIT PROCESS: of the Breckenridge Development Code shall be amended by deleting the  
18 language stricken and adding the language underlined, to read as follows:

19           **9-1-18-1 D. CLASS A DEVELOPMENT PERMIT PROCESS:**

20           Final Application: 1 c. (4) A preliminary drainage and water quality mitigation plan,  
21 including an estimate of anticipated flows; all structures required to mitigate the anticipated  
22 impacts; and all other materials as may be required by the town engineer as listed in the  
23 submittal requirements of the Engineering Regulations (5 sets).

24           **Section 4.** That subsection E. of section 9-1-18-1 CLASS A DEVELOPMENT  
25 PERMIT PROCESS: of the Breckenridge Development Code shall be amended by deleting the  
26 language stricken and adding the language underlined, to read as follows:

27           **9-1-18-1 E. CLASS A DEVELOPMENT PERMIT PROCESS:**

28 Final Hearing Procedure:

29           8. Other Permits: After approval and prior to construction, applicant shall be  
30 responsible for obtaining all necessary permits. ~~In addition to any requirements the planning~~  
31 ~~commission or town council may place upon issuance of a building permit, the applicant shall~~

1 submit the following materials to the town engineer prior to the issuance of a building permit  
2 (unless found to be unnecessary by the town engineer):

3 — a. ~~A final drainage and water quality mitigation plan, prepared by a licensed engineer or~~  
4 ~~similar professional acceptable to the town engineer, which meets the requirements of the town.~~

5 — b. ~~A detailed (final) utility plan acceptable to the town engineer.~~

6 — c. ~~A staging plan. (Ord. 19, Series 1988)~~

7 9. Town Engineer Approval: Applicant shall receive approval the Town Engineer per Title  
8 10 of the Town Code prior to issuance of a building permit, beginning any construction, or  
9 beginning any grading work. Permits that may be required from the Town Engineer include, but  
10 are not limited to, an infrastructure permit, a floodplain development permit, and right-of-way  
11 permit.

12 **Section 5.** That subsection C. of section 9-1-18-2 CLASS B DEVELOPMENT  
13 PERMIT PROCESS: of the Breckenridge Development Code shall be amended by deleting the  
14 language stricken and adding the language underlined, to read as follows:

15 **9-1-18-2 C. CLASS B DEVELOPMENT PERMIT PROCESS:**

16 Preliminary Hearing:

17 1. Requirements: All Class B applications shall be required to be submitted to the Planning  
18 Commission for review at a minimum of one preliminary hearing prior to the submission of a  
19 formal application and the commencement of the final review process. In addition, the applicant  
20 may be requested:

21 a. To appear at a meeting of referral agencies if the Director determines that the impacts  
22 of a proposed project are of such magnitude as to require review by referral agencies at this  
23 stage of the review process. The Town Engineer shall review all Class B Applications.

24 **Section 6.** That subsection D. of section 9-1-18-2 CLASS B DEVELOPMENT  
25 PERMIT PROCESS: of the Breckenridge Development Code shall be amended by deleting the  
26 language stricken and adding the language underlined, to read as follows:

27 **9-1-18-2 D. CLASS B DEVELOPMENT PERMIT PROCESS:**

28 Final Application: 1. D.

29 (7) A preliminary drainage and water quality mitigation plan, including an estimate of  
30 anticipated flows; all structures required to mitigate the anticipated impacts; and all other  
31 materials as may be required by the town engineer (5 sets). See the Engineering Regulations  
32 for additional engineering submittals.

1           **Section 7.** That subsection E. of section 9-1-18-2 CLASS B DEVELOPMENT  
2 PERMIT PROCESS: of the Breckenridge Development Code shall be amended by deleting the  
3 language stricken and adding the language underlined, to read as follows:

4 **9-1-18-2 E. CLASS B DEVELOPMENT PERMIT PROCESS:**

5           Final Hearing Procedure:

6           8. Other Permits: After approval and prior to construction, applicant shall be responsible for  
7 obtaining all necessary permits. ~~In addition to any requirements the planning commission or~~  
8 ~~town council may place upon issuance of a building permit, the applicant shall submit the~~  
9 ~~following materials to the town engineer prior to the issuance of a building permit (unless found~~  
10 ~~to be unnecessary by the town engineer):~~

11           ~~— a. A final drainage and water quality mitigation plan, prepared by a licensed engineer or~~  
12 ~~similar professional acceptable to the town engineer.~~

13           ~~— b. A detailed (final) utility plan acceptable to the town engineer.~~

14           ~~— c. A staging plan.~~

15           9. Town Engineer Approval: Applicant shall receive approval from the Town Engineer  
16 per Title 10 of the Town Code prior to issuance of a building permit, beginning any construction,  
17 or beginning any grading work. Permits that may be required from the Town Engineer include  
18 an infrastructure permit, a floodplain development permit, and right-of-way permit.

19           **Section 8.** That subsection C of section 9-1-18-3: CLASS C DEVELOPMENT  
20 PERMIT PROCESS: of the Breckenridge Development Code shall be amended by deleting the  
21 language stricken and adding the language underlined, to read as follows:

22 **9-1-18-3 C.: CLASS C DEVELOPMENT PERMIT PROCESS:**

23           Procedure: Once the application and accompanying material have been submitted, the  
24 director shall within five (5) days determine if the public interest would better be served by  
25 requiring conformance with the class B development process rather than class C. If the director  
26 determines that the application should be processed as a class B, the applicant shall then meet  
27 the requirements of the class B process. If not, the director shall process the application as  
28 follows:

29           1. Within twenty two (22) days of receipt of the complete submittal, the director shall review  
30 the proposal and grant or deny it using the standards set forth in subsection C2 of this section,  
31 with or without conditions. The director shall also refer application to Town Engineer for review.

32           2. In making the decision on the proposal the director shall:

1           a. Approve the development proposal if the point analysis indicates that the proposed  
2 development implements or has no effect on all relevant absolute policies and is allocated zero  
3 or net positive number of points for the relative policies; or

4           b. Deny the development proposal if the point analysis indicates that the proposed  
5 development does not implement all relevant absolute policies (subject to variance), or if it is  
6 allocated a net negative number of points for the relative policies.

7           3. The director shall forward his or her decision to the planning commission at its next  
8 regularly scheduled meeting. At that meeting the planning commission may, by an affirmative  
9 vote of the members present, call up any decision of the director for its own review. If called up,  
10 the planning commission shall review the application at the same meeting at which it was called  
11 up, unless the applicant consents to another hearing date. In lieu of calling up a director's  
12 decision the planning commission may, with the consent of the applicant, modify or eliminate  
13 any condition of approval imposed on the application by the director or add any condition of  
14 approval.

15           4. The director shall then forward the decision to the town council at its next regularly  
16 scheduled meeting following the decision having been presented to the Planning Commission if  
17 the Director's decision was not called up by the Planning Commission, or the Planning  
18 Commission's decision on the application if the Director's decision was called up, whichever is  
19 applicable. At that meeting, the Town Council may, by an affirmative vote of the members  
20 present, call up any decision for its own review. In lieu of calling up the Director's decision or the  
21 Planning Commission's decision the Council may, with the consent of the applicant, modify or  
22 eliminate any condition of approval imposed on the application by the Planning Commission or  
23 add any condition of approval.

24           a. If called up, the Town Council shall review the application at its next regularly  
25 scheduled meeting, unless the applicant consents to another hearing date. The Town Council  
26 after review shall grant or deny the application using the standards set forth in subsection C2 of  
27 this section, with or without conditions.

28           b. If the decision forwarded to the Town Council is not called up or modified, it shall stand  
29 as presented.

30           5. Once the decision has been finalized, the Director shall transmit the final decision to the  
31 applicant; and, if the application is approved, shall issue a development permit, with or without  
32 conditions.



1           6. Other Permits: After approval and prior to construction, applicant shall be  
2 responsible for obtaining all necessary permits.

3           7. Town Engineer Approval: Applicant shall receive approval from the Town Engineer  
4 per Title 10 of the Town Code prior to issuance of a building permit, beginning any construction,  
5 or beginning any grading work. Permits that may be required from the Town Engineer include  
6 an infrastructure permit, a floodplain development permit, and right-of-way permit.

7           **Section 9.** That section 9-1-18-4: CLASS D MINOR DEVELOPMENT PERMIT  
8 PROCESS: of the Breckenridge Development Code shall be amended by adding the language  
9 underlined, to read as follows:

10 **9-1-18-4: CLASS D MINOR DEVELOPMENT PERMIT PROCESS:**

11           A. Application Requirements: The applicant shall file an application, a fee in the amount  
12 required by chapter 10 of this title, a short description of the proposal, any materials needed to  
13 adequately describe the proposal, including, but not limited to, material samples, paint chip  
14 samples for each color proposed, with location keyed to an elevation drawing, three (3) copies  
15 of any maps, drawings, or floor plans, or elevations deemed necessary by staff.

16           B. Procedure:

17           1. Once a completed application and all accompanying material have been submitted, the  
18 Director shall review the proposal and approve it with or without conditions, or deny it. The  
19 director may refer the application to the Town Engineer for review. In addition, the Director shall  
20 have the right to reclassify any Class D minor application as a Class D major or a Class C and  
21 process it accordingly.

22           2. The Director shall then indicate the decision on the application and return it to the  
23 applicant.

24           3. All decisions shall be forwarded to the Planning Commission for its information only.

25           4. If the applicant agrees with the decision of the Director, he shall so indicate by signing  
26 the appropriate signature block on the application form; and if the decision was for approval, the  
27 application form shall become the development permit, and the applicant may proceed with his  
28 project after obtaining any other necessary permits.

29           C. Appeal:

30           1. A decision of the Director concerning a Class D minor application may be appealed by  
31 the applicant to the Planning Commission within five (5) days after the Director has rendered his

1 decision by filing written notice with the Department of Community Development. If no appeal is  
2 filed within the five (5) day period, the decision of the Director shall be final.

3 2. If an appeal is filed, the application shall automatically become a Class C development  
4 permit application and shall be reviewed by the Planning Commission and Town Council under  
5 the provisions of section 9-1-18-3 of this chapter.

6 3. Appeals shall be in writing on forms provided by the Town. In addition, the applicant  
7 shall be responsible for paying any additional fees required for the review of a Class C item,  
8 over and above those fees already paid for review of a Class D minor application.

9 D. Town Engineer Approval

10 1. Applicant shall receive approval from the Town Engineer per Title 10 of the Town Code  
11 prior to issuance of a building permit, beginning any construction, or beginning any grading  
12 work. Permits that may be required from the Town Engineer include an infrastructure permit, a  
13 floodplain development permit, and right-of-way permit.

14 **Section 10.** That section 9-1-18-4-1: CLASS D MAJOR DEVELOPMENT PERMIT  
15 PROCESS: of the Breckenridge Development Code shall be amended by adding the language  
16 underlined, to read as follows:

17 **9-1-18-4-1: CLASS D MAJOR DEVELOPMENT PERMIT PROCESS:**

18 A. Preapplication Conference: A preapplication conference with a member of the Community  
19 Development staff shall be held prior to the submittal of an application.

20 B. Application Requirements: The applicant shall file an application, a short description of the  
21 proposal and three (3) copies of any maps, drawings or materials needed to adequately  
22 describe the proposal. All drawings and maps shall be to scale. The application shall be  
23 accompanied by a fee in the amount required by chapter 10 of this title. The director may  
24 require the following materials to be submitted as a part of a complete application:

- 25 1. Site plan;
- 26 2. Landscaping and defensible space plan;
- 27 3. All elevations of the proposed building or modification;
- 28 4. Floor plans;
- 29 5. Preliminary drainage and utility plans;
- 30 6. A sample paint chip of each color to be used, keyed to the proposed location of the color  
31 on the building as shown on the elevation drawing; and

1       7. Electronic copy of plans.

2       C. Procedure: Once the application and accompanying material have been submitted, the  
3 director shall within five (5) days determine if the public interest would better be served by  
4 requiring conformance with the class D minor or the class C development process rather than  
5 class D major. If the director determines that the application should be processed as either a  
6 class D minor or a class C, the applicant shall then meet the requirements of the applicable  
7 development permit process. If not, the director shall process the application as follows:

8       1. Within twenty two (22) days of receipt of the complete submittal, the director shall review  
9 the proposal and grant or deny it as he deems appropriate, with or without conditions. The  
10 director may refer the application to the Town Engineer for review.

11       2. All decisions shall be forwarded to the planning commission for its information only.

12       3. Once the decision has been finalized, the director shall transmit the final decision to the  
13 applicant; and, if the application is approved, shall issue a development permit, with or without  
14 conditions.

15       D. Appeal:

16       1. A decision of the director concerning a class D major application may be appealed by  
17 the applicant to the planning commission within five (5) days after the director has rendered his  
18 decision by filing written notice with the department of community development. If no appeal is  
19 filed within the five (5) day period, the decision of the director shall be final.

20       2. Appeals shall be in writing on forms provided by the town. In addition, the applicant shall  
21 be responsible for paying any additional fees required for the review of a class C item, over and  
22 above those fees already paid for review of a class D major application.

23       3. If an appeal is filed, the application shall automatically become a class C development  
24 permit application and shall be reviewed by the planning commission and town council under  
25 the provisions of section 9-1-18-3 of this chapter.

26       E. Town Engineer Approval

27       1. Applicant shall receive approval from the Town Engineer per Title 10 of the Town Code  
28 prior to issuance of a building permit, beginning any construction, or beginning any grading  
29 work. Permits that may be required from the Town Engineer include an infrastructure permit, a  
30 floodplain development permit, and right-of-way permit.

1           **Section 11.** That section 9-1-19-9A: POLICY 9 (ABSOLUTE) PLACEMENT OF  
2 STRUCTURES: of the Breckenridge Development Code shall be amended by deleting the  
3 language stricken and adding the language underlined, to read as follows:

4 **9-1-19-9A: POLICY 9 (ABSOLUTE) PLACEMENT OF STRUCTURES:**

5       A. Clear Vision Area: No structure or foliage shall extend into a clear vision area between the  
6 height of three feet (3') and eight feet (8') measured from the top of the curb, or where no curb  
7 exists, from the established street centerline grade. The clear vision areas shall be as follows:

8           (1) Intersection of driveways and public rights-of-way: A triangle having two (2) sides ten  
9 feet (10') long, running along the driveway and public right-of-way said length beginning at their  
10 intersection, and the third side formed by a line connecting the two (2) ends.

11           (2) Intersection of two (2) public rights-of-way: ~~A triangle having two (2) sides thirty feet~~  
12 ~~(30') long and running along the outer edge of the travel lane of each public right-of-way said~~  
13 ~~length beginning at their intersection and the third side formed by a line connecting the two (2)~~  
14 ~~sides.~~

15 ~~The requirements of this section may be modified by the Town Engineer, with Planning~~  
16 ~~Commission concurrence, upon a finding, based on accepted engineering standards, that the~~  
17 ~~modification to these requirements shall not create a safety hazard. Sight distance shall meet~~  
18 ~~requirements of the Breckenridge Engineering Regulations.~~

19           **Section 12.** That section 9-1-19-16A: POLICY 16 (ABSOLUTE) INTERNAL  
20 CIRCULATION: of the Breckenridge Development Code shall be amended by deleting the  
21 language stricken and adding the language underlined, to read as follows:

22 **9-1-19-16A: POLICY 16 (ABSOLUTE) INTERNAL CIRCULATION:**

23       A. Emergency Access: All developments shall provide adequate access for emergency  
24 vehicles and for those persons attempting to render emergency services.

25       B. Standards: All roadways located totally or partially within a development shall be  
26 constructed or upgraded according to the provisions of the ~~Breckenridge street development~~  
27 ~~standards~~ Engineering Regulations and the ~~Breckenridge transportation plan.~~

28       C. Drive-Through Window Operations:

29           (1) No drive-through window operations of any kind shall be allowed within Districts 11, 17,  
30 18, 182, and 19 of the Town, as specified in the Town's land use guideline district map.

31           (2) Outside of Districts 11, 17, 18, 182, and 19 of the Town, as specified in the Town's land  
32 use guideline district map, drive-through window operations which create the need for additional

1 curb cuts onto any public street over and above those required to serve the project without the  
2 drive-through operation will not be allowed.

3 **Section 13.** That section 9-1-19-17A: POLICY 17 (ABSOLUTE) EXTERNAL  
4 CIRCULATION: of the Breckenridge Development Code shall be amended by deleting the  
5 language stricken and adding the language underlined, to read as follows:

6 **9-1-19-17A: POLICY 17 (ABSOLUTE) EXTERNAL CIRCULATION:**

7 A. Vehicular Circulation: The type and arrangement of all roadways shall be in compliance  
8 with the Breckenridge ~~street development standards and the Breckenridge transportation~~  
9 ~~plan~~Engineering Regulations.

10 B. Ingress And Egress: Points of intersection between internal and external circulation  
11 systems shall be in compliance with the Breckenridge ~~street development standards~~Engineering  
12 Regulations, and shall be arranged so that both systems function in a safe and efficient manner.  
13 (Access onto the State highway is controlled by the State, and any proposal onto the State  
14 highway shall be accompanied by correspondence or a permit from the State concerning the  
15 proposed access.)

16 C. Trip Generation: Developments which will generate a volume of vehicular trips which  
17 exceed or disproportionately consume the capacity of the external circulation system may have  
18 conditions imposed which address the need to provide sufficient traffic carrying capacity to meet  
19 this excess demand per the Engineering Regulations. This may include a requirement to either  
20 provide the necessary improvements at time of development or at some later date, including  
21 participating in Improvement Districts, if applicable.

22 D. Pedestrian Circulation: Development and installation of pedestrian systems which  
23 integrate with existing and future Town pedestrian systems and with the systems of adjacent  
24 developments is required. This will include the provision of sidewalks, where required, and the  
25 provision of pedestrian walkways pursuant to the Town trails plan, Town sidewalk master plan,  
26 and the Engineering Regulations.

27 **Section 14.** That section 9-1-19-18A: POLICY 18 (ABSOLUTE) PARKING: of the  
28 Breckenridge Development Code shall be amended by deleting the language stricken and  
29 adding the language underlined, to read as follows:

30 **9-1-19-18A: POLICY 18 (ABSOLUTE) PARKING:**

1 On and Off Street Parking: All developments within the Town shall comply with chapter 3, "Off  
2 Street Parking Regulations", of this title. On Street Parking shall comply with the Engineering  
3 Regulations.

4 **Section 15.** That section 9-1-19-26A: POLICY 26 (ABSOLUTE) INFRASTRUCTURE:  
5 of the Breckenridge Development Code shall be amended by deleting the language stricken and  
6 adding the language underlined, to read as follows:

7 **9-1-19-26A: POLICY 26 (ABSOLUTE) INFRASTRUCTURE:**

8 A. Streets And Roadways: All developments shall be served by adequately sized and  
9 constructed public roadways in compliance with the Engineering Regulations.

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

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

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

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

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

28 (1) Central System: All developments shall be served by a centralized sewer system under  
29 an effective national pollution discharge elimination system. Septic tanks, sanitary leach fields or  
30 filter fields, sewage lagoons, or other forms of noncentralized sewage disposal are prohibited in  
31 all cases, except where a centralized system cannot be provided. The Town shall solely

1 determine this issue, with input from the Upper Blue Sanitation District and Summit County  
2 Environmental Health Department.

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

5 **Section 16.** That section 9-1-19-27A: POLICY 27 (ABSOLUTE) DRAINAGE: of the  
6 Breckenridge Development Code shall be amended by deleting the language stricken and  
7 adding the language underlined, to read as follows:

8 **9-1-19-27A: POLICY 27 (ABSOLUTE) DRAINAGE:**

9 A. Drainage Improvements: It shall be the responsibility of the applicant to provide drainage  
10 improvements as required by the ~~Town of Breckenridge Municipal drainage~~  
11 standards Engineering Regulations, including downstream improvements necessary to  
12 adequately serve the project. The applicant shall provide engineered data, sufficient to indicate  
13 that the drainage from the proposed development will not adversely affect any downstream  
14 properties or the community as a whole.

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

20 **Section 17.** That section 9-1-19-27R: POLICY 27 (RELATIVE) DRAINAGE: of the  
21 Breckenridge Development Code shall be amended by adding the language underlined, to read  
22 as follows:

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

24

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

1 x (- Stormwater Detention Ponds: Where stormwater detention ponds are included in  
1/+1) developments, it shall be the goal to have aesthetically attractive detention ponds.  
The use of vegetation, including xeriscaping and native grass-lined ponds and



swales is encouraged, provided they do not interfere with detention and maintenance functions. Detention ponds which include minimal vegetation and large amounts of rocks, boulders, and unvegetated surfaces are discouraged.

1           **Section 18.** That section 9-1-19-29A: POLICY 29 (ABSOLUTE) CONSTRUCTION  
2 ACTIVITIES: of the Breckenridge Development Code shall be amended by deleting the  
3 language stricken and adding the language underlined, to read as follows:

4 **9-1-19-29A: POLICY 29 (ABSOLUTE) CONSTRUCTION ACTIVITIES:**

5 It is the policy of the Town to regulate construction activities and their disruption of rights-of-way,  
6 private property and property survey monuments among other items, and thus require the  
7 following:

8       A. ~~Excavation And Encroachment~~Right-of-Way Permit: If construction activities to be  
9 performed on an applicant's private property shall in any way encroach upon a public right- of-  
10 way, including staging of vehicles and materials, or subject said right-of-way to any subsequent  
11 damage, or if an applicant proposes to construct in, on, or beneath any public right-of-way the  
12 applicant shall obtain an "~~excavation and encroachment~~right-of-way permit" prior to beginning  
13 the work. Permit application and an accompanying engineered sketch plan shall be submitted to  
14 the Town Engineer for approval of any excavation in the public right-of-way including the  
15 installation of water, sewer, electrical, natural gas, telephone, and cable television mains or  
16 service laterals.

17       B. Disruptions: Whenever it becomes necessary to physically disrupt the surface or  
18 subsurface of any public street, or through the course of construction the surface of the road is  
19 significantly deteriorated, the roadway shall be restored to its original condition or an improved  
20 condition by the developer in accordance with the provisions of the ~~street development~~  
21 ~~standards of the Town~~Breckenridge Engineering Regulations and the specific requirements of  
22 the Town ~~excavation and encroachment~~right-of-way permit issued for the project.

23       C. Surface Rehabilitation: All surface disruptions associated with the installation of utilities  
24 shall be returned to the natural or naturally appearing grade, shall be properly treated for the  
25 surface discharge of water, and shall be revegetated with grasses or other suitable ground  
26 cover at a minimum. Paved and other similar surfaces shall be returned to their prior condition.

27       D. As Built Construction Drawings: As built construction drawings of all utility installations  
28 which are located in Municipally owned areas or in areas to be dedicated to the Town shall be



1 submitted to the Town in both .pdf and .dwg formats prior to issuance of a certificate of  
2 occupancy by the Town.

3 E. Property Survey Monuments: Prior to submitting an application for final review, the  
4 applicant shall submit a certificate signed by a registered land surveyor attesting that the subject  
5 property corners have been established and monumented in the field. These property corners  
6 shall be shown on the final site plan map and the structure or structures shall be referenced  
7 from at least one of these corners. Said reference corner shall be established as the vertical  
8 control bench mark for the entire project. All property corners shall be in place prior to issuance  
9 of a certificate of occupancy.

10 F. Public Right-Of-Way Survey Monuments: Prior to submitting an application for a building  
11 permit, the applicant shall verify with the Town Engineer that any primary or secondary  
12 monuments (e.g., right-of-way monuments, permanent subdivision corners, etc.) which exist in  
13 the construction vicinity, and which may be disturbed during any phase of the construction  
14 process, have been located in the field and have been cross referenced by a registered land  
15 surveyor. The applicant shall submit a certificate signed by a registered land surveyor that the  
16 monuments have been located in the field and stating the cross reference data being used by  
17 the surveyor. If in fact a monument has been disturbed, the replacement of the disturbed  
18 monument shall be at the expense of the developer.

19 G. Periodic Compliance Review: The Department of Community Development or any other  
20 Town department may elect to require site compliance inspections during the course of Building  
21 Department inspections. These inspections may be required prior to the finalization of a  
22 particular construction phase and shall be incorporated into the Building Department inspection  
23 process.

24 H. Construction: Storage of all construction material and parking of employee vehicles shall  
25 be within the legal boundaries of the project or an approved alternate site. None of the  
26 aforementioned shall be placed on public right-of-way without ~~the express written permission of~~  
27 ~~the Town~~ an approved right-of-way permit, or block access to the project, particularly access by  
28 emergency vehicles. A plan shall be submitted, indicating compliance with this requirement prior  
29 to issuance of a building permit.

30 I. Temporary Construction Trailers: Temporary construction trailers may be utilized for  
31 storage or office uses during the construction of a permanent project within the Town. The  
32 construction trailer's location, size and general design shall be disclosed to the Town as a

1 component of the construction staging plan as required by this section. Construction trailers  
2 shall not be placed on site prior to the issuance of a building permit and shall be removed upon  
3 issuance of a certificate of occupancy.

4 **Section 19.** That section 9-1-19-31A: POLICY 31 (ABSOLUTE) WATER QUALITY: of  
5 the Breckenridge Development Code shall be amended by deleting the language stricken and  
6 adding the language underlined, to read as follows:

7 **9-1-19-31A: POLICY 31 (ABSOLUTE) WATER QUALITY:**

8 All drainage systems, grading, or earth disturbances shall be so designed and maintained as  
9 not to increase turbidity, sediment yield, or the discharge of any other harmful substances which  
10 will degrade the quality of water. All developments shall comply with the requirements of the  
11 Breckenridge ~~water quality and sediment transport control ordinance~~Engineering Regulations.  
12 The Town may require ongoing water quality monitoring as a condition of development  
13 approval.

14 **Section 20.** That section 9-1-19-31R: POLICY 31 (RELATIVE) WATER QUALITY: of  
15 the Breckenridge Development Code shall be amended by deleting the language stricken and  
16 adding the language underlined, to read as follows:

17 **9-1-19-31R: POLICY 31 (RELATIVE) WATER QUALITY:**

18

3 x Water Criteria: The provision of measures over and above those required by the  
(0/+2) Breckenridge ~~water quality and sediment transport control ordinance~~Engineering  
Regulations are encouraged. Measures which are effective over the long term are  
preferred.

19 **Section 21.** That section 9-1-19-39A: POLICY 39 (ABSOLUTE) MASTER PLAN: of  
20 the Breckenridge Development Code shall be amended by deleting the language stricken and  
21 adding the language underlined, to read as follows:

22 **9-1-19-39A: POLICY 39 (ABSOLUTE) MASTER PLAN:**

23 F. Approval Of Master Plan: Approval of an application for a master plan shall be by  
24 development permit as otherwise provided in this chapter. Such approval may be made subject  
25 to conditions as otherwise provided in this chapter. At the time of initial approval, each master  
26 plan proposal shall: 1) comply with all absolute policies set forth in this section, 2) obtain a score  
27 of zero or more with respect to all relative policies set forth in this section, and 3) comply with all  
28 other applicable development policies of the town as of the date of such approval. The Town

1 ~~Engineer shall review master plans applications, but a~~ Approval of a master plan shall not be  
2 construed to be evidence of the town's determination of the engineering feasibility of the  
3 proposed development.

4 **Section 22.** That section 9-1-21: CORRELATIVE DOCUMENTS: of the Breckenridge  
5 Development Code shall be amended by deleting the language stricken and adding the  
6 language underlined, to read as follows:

7 **9-1-21: CORRELATIVE DOCUMENTS:**

8 Town of Breckenridge land use guidelines.

9 Town of Breckenridge design standards 1.

10 Town of Breckenridge Engineering Design Standards and Construction Specifications.

11 ~~Town of Breckenridge water quality and sediment transport control standards 2.~~

12 ~~Town of Breckenridge street standards 3.~~

13 Breckenridge 2009 transit operations plan.

14 Town of Breckenridge off street parking regulations 4-2.

15 Town of Breckenridge landscaping guide (revised May 2012).

16 American standard for nursery stock.

17 Town of Breckenridge goals and objectives report.

18 Town of Breckenridge Capital Improvements Program.

19 ~~Town of Breckenridge storm drainage standards 5.~~

20 Wildfire hazards: guidelines for their prevention in subdivision and developments.

21 Town of Breckenridge flood damage prevention ordinance 6 3.

22 Breckenridge subdivision ordinance 7 4.

23 Blue River walkway improvements plan.

24 Town of Breckenridge trails plan (revised August 2008).

25 Upper Blue Nordic master plan (revised 2011).

26 Cucumber Gulch recreation master plan.

27 The Arts District of Breckenridge master plan.

28 The Breckenridge Public Art Program master plan plus policy 2016.

29

30 1. See chapter 5 of this title.

1 2. See chapter 3 of this title.

2 3. See title 10, chapter 3 of this Code.

3 4. See chapter 2 of this title.

4 **Section 23.** That section 9-2-1-2: PURPOSE: of the Breckenridge Development Code  
5 shall be amended by deleting the language stricken and adding the language underlined, to  
6 read as follows:

7 **9-2-1-2: PURPOSE:**

8 The purpose of this chapter is to promote and protect the community's public health, safety, and  
9 welfare by providing the Town with an efficient and orderly mechanism for:

10 A. Regulating the subdivision, platting, and replatting of land and structures within the Town;

11 B. Reviewing, approving and recording plats associated with the subdivision of land or  
12 structures;

13 C. Providing assurances for the completion and maintenance of subdivision improvements;

14 D. Assuring that all public improvements are completed or guaranteed to be complete prior  
15 to the sale of any lots or parcels;

16 E. Approving and accepting fees in lieu of dedications of land for public purposes where  
17 provided for by this chapter;

18 F. Reviewing, approving, and accepting the location and dedication of land for public uses;

19 G. Assuring that all subdivisions, plats, and dedications of land are in conformance with the  
20 Breckenridge comprehensive plan land use guidelines, handbook of design standards, urban  
21 design plan, ~~street standards, storm drainage standards, flood damage prevention regulations,~~  
22 ~~water quality and sediment transport control standards~~Engineering Regulations, and  
23 Breckenridge development code;

24 H. Ensuring that the community has the ability to provide adequate public services to the  
25 property including access, utilities, police and fire protection;

26 I. Ensuring that proper public access is provided to all subdivisions; and thereby securing for  
27 the present and future residents of the town the beneficial effects of the subdivision of land and  
28 structures, while protecting the community against actions that would deteriorate the quality of  
29 the natural and manmade environment.

1           **Section 24.** That subsection C. of section 9-2-3-1: CLASS A SUBDIVISION  
2 APPLICATION: of the Breckenridge Development Code shall be amended by adding the  
3 language underlined, to read as follows:

4 **9-2-3-1 C: CLASS A SUBDIVISION APPLICATION:**

5 Preliminary Hearings:

6 1. General: All class A subdivision applications shall be required to be submitted to the  
7 planning commission for review at a minimum of one preliminary hearing prior to the submission  
8 of a formal application and the commencement of the final review process. In addition, the  
9 subdivider may be requested to:

10 a. Appear at a meeting of referral agencies if the director determines that the impacts of  
11 a proposed subdivision are of such magnitude as to require review by referral agencies at this  
12 stage of the review process. The Town Engineer shall review all Class A subdivision  
13 applications.

14           **Section 25.** That a new subsection i. is added to section 9-2-3-1: CLASS A  
15 SUBDIVISION APPLICATION: of the Breckenridge Development Code by adding the language  
16 underlined, to read as follows:

17 **9-2-3-1 D (3): CLASS A SUBDIVISION APPLICATION:**

18 i. Town Engineer Approval: Applicant shall receive approval from the Town Engineer per  
19 Section 10-4-2 of the Town Code prior to issuance of a building permit, beginning any  
20 construction, or beginning any grading work. Permits that may be required from the Town  
21 Engineer include an infrastructure permit, a floodplain development permit, and right-of-way  
22 permit.

23           **Section 26.** That subsection C. of section 9-2-3-2: CLASS B SUBDIVISION  
24 APPLICATION: of the Breckenridge Development Code shall be amended by adding the  
25 language underlined, to read as follows:

26 **9-2-3-2 C.: CLASS B SUBDIVISION APPLICATION:**

27 C. Preliminary Hearings:

28 1. General: All class B subdivision applications shall be required to be submitted to the  
29 planning commission for review at a minimum of one preliminary hearing prior to the submission  
30 of a formal application and the commencement of the final review process. In addition, the  
31 subdivider may be requested to:

1 a. Appear at a meeting of referral agencies if the director determines that the impacts of  
2 a proposed subdivision are of such magnitude as to require review by referral agencies at this  
3 stage of the review process. The Town Engineer shall review all Class B Subdivision  
4 applications.

5 **Section 27.** That section 9-2-3-2: CLASS B SUBDIVISION APPLICATION: of the  
6 Breckenridge Development Code shall be amended by adding the language underlined, to read  
7 as follows:

8 **9-2-3-2: CLASS B SUBDIVISION APPLICATION:**

9 i. Town Engineer Approval: Applicant shall receive approval from the Town Engineer per  
10 Section 10-4-2 of the Town Code prior to beginning any construction, or beginning any grading  
11 work. Permits that may be required from the Town Engineer include an infrastructure permit, a  
12 floodplain development permit, and right-of-way permit.

13 **Section 28.** That section 9-2-3-3: CLASS C SUBDIVISION APPLICATION: of the  
14 Breckenridge Development Code shall be amended by adding the language underlined, to read  
15 as follows:

16 **9-2-3-3: CLASS C SUBDIVISION APPLICATION:**

17 B. Administrative Review: The processing of a class C subdivision application shall be an  
18 administrative review conducted by the director. No public hearing shall be required. The Town  
19 Engineer shall review all Class C subdivision applications.

20 **Section 29.** That section 9-2-3-3: CLASS C SUBDIVISION APPLICATION: of the  
21 Breckenridge Development Code shall be amended by adding the language underlined, to read  
22 as follows:

23 **9-2-3-3: CLASS C SUBDIVISION APPLICATION:**

24 F. Town Engineer Approval:

25 1. Applicant shall receive approval from the Town Engineer per Title 10 of the Town Code  
26 prior to beginning any construction, or beginning any grading work. Permits that may be  
27 required from the Town Engineer include an infrastructure permit, a floodplain development  
28 permit, and right-of-way permit.

29 **Section 30.** That section 9-2-4-1: GENERAL REQUIREMENTS: of the Breckenridge  
30 Development Code shall be amended by deleting the language stricken and adding the  
31 language underlined, to read as follows:

32 **9-2-4-1: GENERAL REQUIREMENTS:**

1 A. Conformance To Applicable Rules And Regulations: In addition to all requirements  
2 established herein, all subdivision plans shall comply with the following:

3 1. All applicable state or federal laws.

4 2. The Breckenridge comprehensive plan, land use guidelines, handbook of design  
5 standards, urban design plan, ~~street standards, storm drainage standards, flood damage~~  
6 ~~prevention regulations, water quality and sediment transport control standards~~ Engineering  
7 Regulations, development code, building code, and all applicable town laws, codes, regulations,  
8 and development related policies.

9 3. The rules of the Colorado Department of Transportation if the subdivision or any lot  
10 contained therein abuts a state highway or if the subdivision modifies an access to a state  
11 highway.

12 **Section 31.** That section 9-2-4-2: DESIGN COMPATIBLE WITH NATURAL  
13 FEATURES: of the Breckenridge Development Code shall be amended by deleting the  
14 language stricken and adding the language underlined, to read as follows:

15 **9-2-4-2: DESIGN COMPATIBLE WITH NATURAL FEATURES:**

16 A. The design of every subdivision shall be compatible with the existing topography,  
17 drainage patterns, and other natural features on the site.

18 B. The design of the subdivision should, wherever possible, lower all maintenance costs both  
19 public and private through a self- maintainable ecological system, to conserve materials,  
20 construction labor, construction equipment, land and environmental values; to balance  
21 construction costs, amortization costs, operating costs, maintenance costs and replacement  
22 costs, thereby minimizing total average annual costs.

23 C. The design of every subdivision shall make adequate provision for the use and  
24 maintenance of open space.

25 D. Every subdivision shall strive to conserve existing features which add value or are of  
26 benefit to the development or the town as a whole, such as trees, watercourses, ridgelines and  
27 hillsides visible from an area of concern, historic sites, and similar irreplaceable assets.

28 1. No trees shall be removed from any subdivision nor any change of grade of the land  
29 affected until approval of the plan has been granted, ~~and the plat filed,~~ and the Town Engineer  
30 has issued engineering permits per Title 10 of the Town Code, except in those instances where  
31 approval to remove trees has been granted pursuant to the requirements of the town's  
32 development code prior to filing of the plat. All trees on the plan required to be retained shall be

1 preserved and all trees where required shall be welled and protected against change of grade.

2 All disturbed areas shall be revegetated with native ground cover.

3 **Section 32.** That section 9-2-4-3: DRAINAGE, STORM SEWERS AND FLOOD  
4 PREVENTION: of the Breckenridge Development Code shall be amended by deleting the  
5 language stricken and adding the language underlined, to read as follows:

6 **9-2-4-3: DRAINAGE, STORM SEWERS AND FLOOD PREVENTION:**

7 A. General Requirements:

8 1. Drainage, Storm Sewers, and Flood Prevention shall meet all requirements of the  
9 Engineering Regulations.

10 42. Runoff: The Town shall not approve any subdivision which does not make adequate  
11 provision for storm or flood water runoff control. The stormwater management system shall be  
12 separate and independent of any sanitary sewer system and shall, wherever possible, utilize  
13 techniques designed to recharge groundwater, minimize downstream flooding, and enhance the  
14 water quality of the community.

15 23. Drainage: Lots shall be laid out so as to provide positive drainage away from all  
16 possible building sites, individual lot drainage shall be coordinated with the general storm  
17 drainage pattern for the area. Drainage shall be designed so as to avoid concentrations of storm  
18 drainage waters onto adjacent lots. All drainage courses shall be protected by covenants and  
19 deed restrictions preventing alteration, building upon, or obstructing of the drainageways.

20 34. Storm Sewers: Storm sewers, where required, shall be designed in accordance with  
21 the Breckenridge ~~storm drainage standards~~Engineering Regulations. A copy of design  
22 computations shall be submitted to the Town along with all plans.

23 B. Nature Of Stormwater Facilities:

24 1. Location: The applicant may be required by the Planning Commission to carry away by  
25 pipe or open ditch any spring or surface water that may have existed previous to or may result  
26 from the subdivision. Such drainage facilities shall be located in the road right-of-way where  
27 feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed  
28 in accordance with Breckenridge ~~storm drainage standards~~Engineering Regulations.

29 2. Accessibility To Public Storm Sewers: If a connection to a public storm sewer will  
30 eventually be provided, as determined by the town engineer, the developer shall make  
31 arrangements for future stormwater disposal at the time the plan receives approval. Provision



1 for such connection shall be incorporated in the performance bond required for the subdivision  
2 plan.

3 3. Accommodation Of Upstream Drainage Areas: A culvert or other drainage facility shall  
4 be large enough to accommodate potential runoff from its entire upstream drainage area  
5 whether inside or outside the subdivision. The ~~town engineer~~applicant shall determine the  
6 necessary size of the facility based on applicable construction standards and specifications  
7 assuming conditions of maximum potential watershed development permitted by town or county  
8 regulations.

9 4. Effect On Downstream Drainage Areas: The applicant shall study the effect of the  
10 subdivision on existing, downstream drainage facilities outside the area of the subdivision. The  
11 applicant shall design facilities to prevent any adverse impacts on downstream properties.  
12 Where it is anticipated the additional runoff incidental to the development of the subdivision will  
13 overload an existing downstream drainage facility, the town shall require the developer to take  
14 steps to minimize the impact on downstream properties.

15 5. Flood Prone Areas:

16 a. If a proposed subdivision impacts a flood prone area: 1) it shall be designed to  
17 minimize flood damage within the flood prone area; 2) all public utilities and facilities, such as  
18 sewer, gas, electric and water systems, shall be located and constructed to minimize and  
19 eliminate flood damage; and 3) adequate drainage shall be provided to reduce exposure to  
20 flood hazards.

21 b. Flood prone areas shall be preserved from any and all destruction or damage resulting  
22 from clearing, grading or dumping of earth, waste material or stumps.

23 c. All subdivisions shall comply with the requirements of title 10, chapter 3 of this code.

24 **Section 33.** That subsection D. of section 9-2-4-4: UTILITIES: of the Breckenridge  
25 Development Code shall be amended by deleting the language stricken and adding the  
26 language underlined, to read as follows:

27 **9-2-4-4: UTILITIES:**

28 D. Utilities: Communication, Electric, Gas And Cable Television:

29 1. Utility distribution lines for communication, electric, gas and cable television service shall  
30 be placed underground throughout the entire subdivided area and shall serve all lots.

31 Installation of such facilities shall be made in compliance with the applicable orders, rules and  
32 regulations of the state now or hereafter effective and the subdivider shall be responsible for

1 compliance with the applicable orders, rules, and regulations of the state now or hereafter  
2 effective for any public utility whose service will be required for the subdivision with respect to  
3 the provisions of such facilities.

4 2. Underground communication, electric, gas and cable television service shall be placed  
5 within easements or dedicated public rights of way dedicated to the town, in a manner that will  
6 not conflict with other underground services. Further, all transformer boxes shall be located so  
7 as not to be unsightly or hazardous to the public. Corner markers as required in this chapter  
8 shall not be disturbed by the installation of utility markers.

9 3. All utility work shall comply with Title 11, Chapter 9 of the Town Code (TOWN OF  
10 BRECKENRIDGE 2018 DIG ONCE ORDINANCE).

11 **Section 34.** That section 9-2-4-7: PEDESTRIAN AND BICYCLE CIRCULATION  
12 SYSTEMS: of the Breckenridge Development Code shall be amended by deleting the language  
13 stricken and adding the language underlined, to read as follows:

14 **9-2-4-7: PEDESTRIAN AND BICYCLE CIRCULATION SYSTEMS:**

15 It is the policy of the town to require bicycle and pedestrian paths to be dedicated to the town as  
16 a component of the town's alternative transportation network and to provide recreational  
17 opportunities. Subdivision proposals shall include, as a component of the required public  
18 improvements, a pedestrian and bicycle path system designed to preserve existing paths,  
19 integrate with existing improvements and provide service appropriate to the character and  
20 magnitude of the proposed development.

21 At such time as the town has adopted a trails plan, the subdivider shall dedicate to the town  
22 those portions of the trails, if any, shown thereon which traverse the property to be subdivided.  
23 The town may accept alternative trail alignments and dedications proposed by the subdivider  
24 which will implement the town's overall trails plans and policies.

25 Land dedicated for a trail shall apply toward the subdivider's open space dedication  
26 requirements under subsection 9-2-4-13A of this chapter. The town may require dedication of  
27 land for open space exceeding ten percent (10%) when such dedication is necessary to  
28 implement the town's overall trails plans and policies, and the additional dedication does not  
29 create an undue burden on the design and development of the subdivision. Where trail  
30 dedications are made pursuant to the trails plan which result in open space dedications greater  
31 than ten percent (10%) of the land area of the subdivision, the town 's open space dedication  
32 requirements shall be deemed to be satisfied upon making such dedications. Land area for

1 sidewalks adjacent to streets, and land area for internal pedestrian circulation elements shall not  
2 be credited toward the ten percent (10%) open space dedication requirement.

3 Prior to the adoption of a trails plan, the subdivider shall dedicate to the town those trails  
4 necessary to implement a townwide trails system. In determining which trails shall be dedicated  
5 prior to the adoption of a trails plan the town shall utilize the Breckenridge comprehensive plan,  
6 urban design plan, and other relevant documents.

7 All easements or rights of way for paths dedicated to the town lying within subdivider's property  
8 shall be at least fifteen feet (15') in width.

9 Where possible, a separation between vehicular trafficways and pedestrian/bicycle  
10 improvements is encouraged. Bike path and pedestrian ways shall be constructed according to  
11 the standards established in the ~~Breckenridge street standards~~ Engineering Regulations for hard  
12 surface paths. Soft surface paths shall be designed to meet current industry standards and the  
13 Town of Breckenridge Trail Standards.

14 One hundred percent (100%) of the land area required by the town to be dedicated for trail  
15 systems outside of the proposed street rights of way shall be credited toward the subdivider's  
16 open space requirements, if any.

17 **Section 35.** That section 9-2-4-8: STREET LIGHTING: of the Breckenridge  
18 Development Code shall be amended by deleting the language stricken and adding the  
19 language underlined, to read as follows:

20 **9-2-4-8: STREET LIGHTING:**

21 Streetlights shall be installed for every subdivision and shall meet the requirements of the  
22 ~~Breckenridge street standards~~ Engineering Regulations. The type of lighting fixture shall be  
23 determined by the planning commission and shall be a fixture compatible with the character of  
24 the neighborhood and town as a whole. For example, Welsbach or other similar fixtures  
25 approved by the town shall be utilized throughout the historic district and areas adjacent to it,  
26 while other areas may utilize fixtures compatible with quality mountain architecture.

27 **Section 36.** That section 9-2-4-9: TRAFFIC CONTROL DEVICES AND SIGNS: of the  
28 Breckenridge Development Code shall be amended by deleting the language stricken and  
29 adding the language underlined, to read as follows

30 **9-2-4-9: TRAFFIC CONTROL DEVICES AND SIGNS:**

31 The subdivider shall provide at his expense, and install, all traffic control devices and signs  
32 required by the town prior to acceptance of the street by the town. Street name signs are to be

1 furnished and installed by subdivider at all intersections within or abutting the subdivision, the  
2 type and location of which ~~are to be per~~ shall comply with the Engineering Regulations and be  
3 approved by the director of public works.

4 **Section 37.** That section 9-2-4-11: EXISTING AND PROPOSED STREETS: of the  
5 Breckenridge Development Code shall be amended by deleting the language stricken and  
6 adding the language underlined, to read as follows:

7 **9-2-4-11: EXISTING AND PROPOSED STREETS:**

8 A. General:

9 1. Conformance With Master Plan: All streets shall be laid out in conformance with the  
10 Breckenridge comprehensive plan. Where such is not shown on the comprehensive plan, the  
11 arrangement of streets within a subdivision shall either:

12 a. Provide for the continuation or projection of existing arterials or major collector streets  
13 in adjacent areas.

14 b. Conform to a plan for the area or neighborhood recommended by the town to meet a  
15 particular situation where topographical or other conditions make continuance or conformance  
16 to existing streets impracticable.

17 2. Access To Accepted Streets:

18 a. All subdivisions shall have frontage on and vehicular access from an existing  
19 dedicated street or highway.

20 b. Such street or highway shall be suitably improved so as to provide for safe circulation,  
21 comply with the Engineering Regulations, and shall be capable of accommodating the increased  
22 traffic generated by the subdivision.

23 c. When land fronting on an existing street or an unaccepted street is proposed for  
24 subdivision and the street does not meet the construction standards and right of way width  
25 required by town standards, the town may require dedication of additional right of way and  
26 construction of improvements by the subdivider.

27 3. Topography And Arrangement:

28 a. Streets that are appropriately related to the general topography of the land are  
29 encouraged. Steep grades and sharp curves shall be avoided. Large cut and fill areas shall be  
30 avoided through alternative placement or retaining walls if necessary. The use of retaining  
31 structures is encouraged when they will significantly reduce the grading and other site  
32 disturbance including tree removal. In cases where retaining structures are used they must be

1 constructed from sturdy, dark natural materials, such as boulders, or engineered structures  
2 faced with natural rock or other material, which will blend with the surrounding area. It is further  
3 encouraged that landscaping be placed on the downhill side of retaining structures to screen the  
4 visibility of such structures when viewed from off site. Specific standards which shall be followed  
5 are contained in the Breckenridge ~~street standards~~ Engineering Regulations.

6 b. All streets shall be properly related to specific traffic generators, such as industries,  
7 business districts, schools, churches and shopping centers, to population densities and to the  
8 pattern of existing and proposed land uses.

9 c. Minor collectors and local streets shall be laid out to discourage use by through traffic,  
10 to permit efficient drainage and utility systems, and to require the minimum number of streets  
11 necessary to provide convenient and safe access to the property.

12 d. The gridiron street pattern need not be adhered to, and the use of curvilinear streets  
13 and loop streets is encouraged where such use will result in a more desirable layout. In general,  
14 dead end streets are discouraged because of problems with snowplowing and the provision of  
15 emergency services. If approved, dead end streets shall include a circular or hammerhead  
16 turnaround complying with the Engineering Regulations.

17 e. Proposed streets shall be extended to the boundary line of the tract to be subdivided,  
18 unless prevented by topography or other physical conditions, or unless, in the opinion of the  
19 town, such extension is not necessary or desirable for the coordination of the layout of the  
20 subdivision's streets with existing or proposed streets.

21 f. Where the town determines the street pattern for a proposed development should  
22 connect to an existing, proposed or previously laid out street or right of way, the town may  
23 require the extension and construction of the street or right of way by the subdivider to assure a  
24 safe, efficient circulation system.

25 g. In business and industrial developments, the streets and other accessways shall be  
26 planned in connection with the grouping of buildings, and the provision of alleys, walks, parking  
27 areas and truck loading and maneuvering areas, and so as to minimize conflict of movement  
28 between the various types of traffic, including pedestrian.

29 4. Location Of Roads And Dead End Roads:

30 a. Arrangement Of Roads: The arrangement of streets shall provide for the continuation  
31 of existing or proposed streets between adjacent properties when such continuation is  
32 necessary for convenient movement of traffic, effective fire protection, efficient provision of

1 utilities, and/or where such continuation is compatible with the Breckenridge comprehensive  
2 plan.

3 b. Temporary Dead End Roads: A temporary cul-de-sac or hammerhead turnaround  
4 ~~meeting complying with town standards~~ the Engineering Regulations shall be provided on all  
5 temporary dead end streets, with the notation on the subdivision plan that land outside the  
6 normal street right of way shall revert to the abutting property wherever the permanent street is  
7 constructed. The town may limit the length of temporary dead end streets in the interest of  
8 public health, safety and general welfare, and shall discourage temporary dead end streets in  
9 excess of six hundred feet (600').

10 c. Permanent Dead End Roads:

11 (1) Where a road does not extend beyond the boundary of the subdivision and its  
12 continuation is not required by the town for access to adjoining property, the town may require  
13 the reservation of appropriate easements to adjacent property to accommodate drainage  
14 facilities, snow stacking areas, pedestrian or bicycle traffic, or utilities.

15 (2) Where cul-de-sac or dead end roads are allowed, the design and length of the  
16 street shall be in compliance with the ~~Breckenridge street standards~~ Engineering Regulations.

17 5. Bridges, Crossings, Culverts And Other Public Improvements: All bridges, crossings,  
18 culverts and other public improvements of primary benefit to the subdivider, as determined by  
19 the town, shall be constructed at the expense of the applicant.

20 B. Classification And Design: All streets shall be designed and constructed by the subdivider  
21 at no cost to the town in accordance with the classifications and design standards in the  
22 ~~Breckenridge street standards~~ Engineering Regulations.

23 C. Street Dedications And Reservations:

24 1. Reservations: The town may require the reservation of the full right of way for any  
25 existing or proposed street and may require the construction of all or part of the facilities within  
26 the right of way required for the appropriate classification.

27 2. Widening And Realignment Of Existing Streets: Where a subdivision borders an existing  
28 street or when the Breckenridge comprehensive plan indicates or the town determines a need  
29 for realignment or widening of a street that would require use of some of the land in the  
30 subdivision, the subdivider may be required to improve and dedicate at his expense such areas  
31 for widening or realignment of such streets. Such frontage streets and other streets shall be  
32 improved in accordance with ~~town street standards~~ the Engineering Regulations and dedicated

1 by the subdivider at his own expense to the full width as required by this chapter, provided that if  
2 the subdivider owns land on only one side of said street, he need only realign that side and only  
3 improve one-half (1/2) of the necessary width, including all bridges, crossings and culverts  
4 required by the town.

5 3. Perimeter Streets: No new perimeter half streets shall be permitted in new  
6 subdivisions.

7 **Section 38.** That section 9-3-2: PURPOSE: of the Breckenridge Development Code  
8 shall be amended by adding the language underlined, to read as follows:

9 **9-3-2: PURPOSE:**

10 The purpose of this chapter is to: a) encourage the provision of adequate off street parking in  
11 connection with the development of real property within the town; b) establish standards and  
12 criteria pertaining to required off street parking in connection with the development of real  
13 property within the town; c) preserve and protect the air quality within the town; d) minimize the  
14 disruptions to traffic flow and pedestrian safety resulting from poorly designed or inadequate  
15 amounts of off street parking; e) provide the developer of commercial property located within a  
16 portion of the town's commercial core the option to satisfy the town's off street parking  
17 requirement by payment of a parking fee in lieu of providing required off street parking; f)  
18 establish the rules governing the accounting and use of all in lieu fees collected by the town;  
19 and g) generally implement the town's master plan and land use ordinances by requiring that  
20 new development provide its fair share of off street parking facilities. On street parking  
21 requirements are listed in the Engineering Regulations.

22 **Section 39.** That section 9-3-5: APPLICABILITY: of the Breckenridge Development  
23 Code shall be amended by deleting the language stricken and adding the language underlined,  
24 to read as follows:

25 **9-3-5: APPLICABILITY AND EXCEPTIONS:**

26 A. Applicability. The provisions of this chapter shall apply to all ~~new~~ development of real  
27 property (as that term is defined in the town's development code) which: a) involves new  
28 construction for which a- development permit is required; ~~or~~ b) involves a change of use  
29 which causes an increase in the parking requirement; ~~or~~ c) involves a remodel of an  
30 existing building or structure for which a development permit is required; provided,  
31 however, that compliance with the requirements of this chapter is required for a remodel  
32 or change of use only to the extent additional off street parking is required (using the



1 requirements of this chapter to determine the parking requirement for a preexisting use)  
2 as a result of the remodeling or change of use of the existing building or structure. ~~There~~  
3 ~~is no obligation on the part of a developer to cure any existing deficiency in the provision~~  
4 ~~of off street parking for an existing structure in connection with the issuance of a~~  
5 ~~development permit for the further development of such structure; or d) involves a~~  
6 remodel or redevelopment of an existing structure for which a Class D Major  
7 Development Permit or higher is required.

8  
9 B. Exceptions for certain major remodels:

- 10 1. Major remodels, as defined by Title 9, Chapter 1, which retain 50% or more of the  
11 original structure, shall be exempted from the driveway grade and slope provisions of  
12 this chapter.
- 13 2. Major remodels, as defined by Title 9, Chapter 1, for which compliance with the  
14 provisions of this chapter would cause excessive disturbance of existing features on the  
15 site such as environmentally sensitive areas, vegetation, geologic, hydrologic, or historic  
16 resources, or cause unreasonable disturbance of infrastructure, retaining walls, or other  
17 features, as determined by the Director, shall be exempted from those provisions of this  
18 chapter which would result in the excessive disturbance.

19 **Section 40.** That section 9-3-9: DESIGN STANDARDS FOR OFF STREET PARKING  
20 FACILITIES: of the Breckenridge Development Code shall be amended by deleting the  
21 language stricken and adding the language underlined, to read as follows:

22 **9-3-9: DESIGN STANDARDS FOR OFF STREET PARKING FACILITIES:**

23 Each off street parking facility constructed pursuant to the requirements of this chapter shall  
24 conform to the following design standards:

- 25 A. Compliance With Codes Required: The design and structural quality of all off street  
26 parking spaces and facilities required by this chapter shall conform to: 1) all applicable  
27 standards contained in this chapter; 2) the development code; 3) the ~~Breckenridge street~~  
28 ~~standards ordinance~~ 4Engineering Regulations; and 4) other applicable town ordinances.  
29 Drainage facilities shall be constructed pursuant to the ~~Breckenridge storm drainage standards~~  
30 ~~2~~ and the town's water quality and sediment transport control ordinance ~~3~~ Engineering  
31 Regulations.



1 B. Width Of Parking Aisles: The following minimum aisle widths shall apply to all off street  
2 parking facilities within the town:

3

Angle Of Parking Stall	Aisle Width
45°	12'
60°	16'
75°	22'
90°	24'

4

5 C. Size Of Parking Stalls: The following minimum sizes shall apply to all off street parking  
6 stalls within the town:

7

	Length	Width	Height
30° - 90° parking	18'	9'	n/a
Parallel parking	25'	8'	n/a
Enclosed parking	18'	9'	n/a
Stacked parking	18'	9'	6'5"

8

9 D. Ingress And Egress: The ingress and egress provisions for off street parking spaces shall  
10 conform to the following standards: Engineering Regulations.

11 ~~1. Location Of Driveways: No portion of any entrance or exit driveway leading from or to a~~  
12 ~~public street, highway or alley for the purpose of off street parking shall be closer than thirty feet~~  
13 ~~(30') to an intersection point of two (2) or more public streets, alleys or highways. The~~  
14 ~~intersection point shall be determined by the crossing of two (2) rights of way, curb lines, or two~~  
15 ~~(2) physically established edges of the public street, alley or highway, whichever is most~~  
16 ~~restrictive.~~

17 ~~—2. Width Of Driveways: The width of driveway connecting an off street parking area with a~~  
18 ~~public street, alley, or highway shall not exceed twenty feet (20') at its intersection with the~~  
19 ~~property line, curb line, right of way or the physically established edge of the public street, alley~~  
20 ~~or highway, whichever is most restrictive.~~

No Changes from First Reading

1 Private driveways shall comply with the standards in the table below.

2 ~~PRIVATE DRIVEWAY STANDARDS~~

3 -

<del>Design Element</del>	<del>One And Two Family Residential</del>	<del>Multi-Family Residential</del>	<del>Commercial</del>
<del>Minimum width (ft.)</del>	<del>12</del>	<del>12</del>	<del>12</del>
<del>Maximum width including flares (ft.)</del>	<del>20</del>	<del>25</del>	<del>35</del>
<del>Maximum slope (%)</del>	<del>8</del>	<del>8</del>	<del>8</del>
<del>Maximum slope for first 20 feet from road edge (%)</del>	<del>4</del>	<del>4</del>	<del>4</del>

4 -

5 ~~3. Frequency Of Driveways: No two (2) driveways connecting a public street, alley or~~  
6 ~~highway to an off street parking area shall be within thirty feet (30') of one another at their~~  
7 ~~intersections with the property line, curb line, right-of-way line or the physically established edge~~  
8 ~~of the public street, alley or highway, whichever is most restrictive. One driveway shall be~~  
9 ~~allowed per lot unless otherwise permitted by the Town Engineer. Circular driveways consisting~~  
10 ~~of two (2) curb cuts onto a street are not permitted. Existing circular driveways or multiple~~  
11 ~~driveways shall be reduced to one driveway curb cut as a condition of the issuance of a~~  
12 ~~development permit for future development of the subject property in accordance with the~~  
13 ~~following schedule: a) within the Conservation District, whenever a Class B minor development~~  
14 ~~permit or higher is issued; and b) outside the Conservation District, whenever a Class D major~~  
15 ~~development permit or higher is issued.~~

16 ~~4. Angle Of Intersection: All driveways serving off street parking facilities shall intersect~~  
17 ~~public streets and alleyways and other driveways at a ninety degree (90°) angle.~~

18 ~~5. Accessibility: All off street parking stalls shall have legal, unobstructed access to a public~~  
19 ~~street or alleyway.~~

20 ~~6. Backing Onto Public Street: Excepting single family and duplex parking areas all other~~  
21 ~~parking stalls shall be so designed, located and served by maneuvering lanes or spaces that~~  
22 ~~their use will under no circumstances require a backing movement onto any public street.~~

1 —~~7. Visual Clearance: All driveways leading to and from off street spaces that intersect~~  
2 ~~possible pedestrianways shall be visually unobstructed for such distances as not to imperil~~  
3 ~~pedestrians or interfere with vehicular traffic on the street.~~

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

6 1. The parking lot lighting shall not exceed IESNA recommended foot-candle levels and  
7 applications are encouraged to use the lower end of the range. This information shall be  
8 provided by a registered Colorado engineer.

9 2. All fixtures shall not exceed the maximum fixture height or number of fixtures per pole in  
10 the property's designated lighting zone per section 9-12-11 of this title.

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

12 4. All fixtures shall be a minimum of half the distance of the length of the pole (e.g., an 18  
13 foot pole shall be a minimum of 9 feet from the property line).

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

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

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

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

28 Grades shall comply with all requirements of the Engineering Regulations.

29 G. Heated Driveways: Driveway heat systems shall terminate at the property line. If the  
30 system extends into the public right-of-way, a separate zone must be created for that portion of  
31 the system and accommodations must be made to reduce the impacts of the melted drainage at  
32 the snow/melted interface. A revocable license agreement acceptable in form and substance to

1 the Town Attorney must be approved by the Town and executed prior to the issuance of a  
2 certificate of occupancy. Heated driveways shall comply with all requirements of the  
3 Engineering Regulations.

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

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

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

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

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

18 J. Landscaping: A minimum of twenty five (25) square feet per parking stall shall be utilized  
19 for landscaping purposes. Any parking facility containing more than two (2) side by side loading  
20 spaces shall contain at least two hundred (200) square feet of landscaped area raised a  
21 minimum of six inches (6") above the parking surface for each two (2) side by side loading  
22 spaces. Landscaping shall be maintained according to the standards contained in the  
23 Development Code.

24 K. Snow Stacking:

25 L. Signs: Appropriate signage directing traffic shall be placed in any off street parking facility  
26 pursuant to the Breckenridge Sign Code 4 .

27 M. Paving:

28 1. Off Street Parking Spaces: All off street parking spaces shall be paved.

29 2. Driveways: All driveways shall be paved; provided, however, that any unpaved driveway  
30 which exists at the time of the adoption of this subsection M shall be paved as a condition of the  
31 issuance of a development permit for future development of the subject property in accordance  
32 with the following schedule: a) within the Conservation District, whenever a Class B minor

1 development permit or higher is issued; and b) outside the Conservation District, whenever a  
2 Class D major development permit or higher is issued.

3 **Section 41.** That section 9-12-8: EXEMPTIONS: of the Breckenridge Development  
4 Code shall be amended by adding the language underlined, to read as follows:

5 **9-12-8: EXEMPTIONS:**

6 The provisions of this chapter shall not apply to the following:

7 A. Emergency Lighting: Temporary lighting required for public safety in the reasonable  
8 determination of public safety officials with authority.

9 B. Decorative Lighting: In all lighting zones decorative lighting is permitted only from  
10 November 1 through end of ski season at Breckenridge Ski Resort. At all other times decorative  
11 lighting is unlawful.

12 C. Street Lighting: Lighting required for public safety installed by a public entity or private  
13 utility company along a public right-of-way. Lighting in the right-of-way shall comply with the  
14 requirements of the Engineering Regulations.

15 D. Temporary Lighting: Lighting for festivals, celebrations, or other public activities as  
16 approved by the Town.

17

18 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
19 PUBLISHED IN FULL this 11th day of January, 2022. A Public Hearing shall be held at the  
20 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 25<sup>th</sup> day of  
21 January 2022, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
22 Town.

23

ATTEST:

TOWN OF BRECKENRIDGE

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

\_\_\_\_\_  
Eric Mamula, Mayor

DRAFT FOR WORK SESSION JANUARY 25, 2022  
SECOND READING ON JANUARY 25, 2022  
No Changes from First Reading

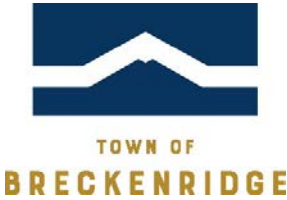
APPROVED IN FORM

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Town Attorney	Date
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- 1
- 2

# Memo



To: Breckenridge Town Council Members  
From: Deric Gress, Assistant Police Chief  
Date: 1/19/2022  
Subject: Camping Ordinance Change

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The attached ordinance, if passed by Council, would modify Town Code to allow for limited permitted vehicle camping in the Town of Breckenridge. For the last couple of years, the Unsheltered in Summit program has been successful in providing temporary housing for local workers. The initial program has been occurring for two years at the Agape Church in unincorporated Summit County. Through stakeholder meetings an additional need has been identified that would require expanding the footprint to additional locations to include within the Town of Breckenridge.

Our current ordinance prohibits this activity. This change would expand the Town Manager's authority to issue a permit for camping from "in connection with a special event" to "for a specified period"

Staff recommends approval of the ordinance change. Kirsten, Rick and I will be available to answer any questions.

COUNCIL BILL NO.

Series 2022

**AN ORDINANCE AMENDING TITLE 6, CHAPTER 3, OF THE BRECKENRIDGE TOWN  
CODE CONCERNING CAMPING RESTRICTIONS.**

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

**Section 1.** That section 6-3H-4 of the Breckenridge Town Code shall be amended by deleting the language stricken and adding the language underlined, to read as follows:

**6-3H-4: CAMPING RESTRICTIONS; CAMPING PERMIT FOR SPECIAL EVENTS:**

A. As used in this section, the following words have the following meanings:

**CAMP:** To reside or dwell ~~temporarily~~ in a place, with shelter, and conduct activities of daily living, such as eating or sleeping in such place. Without limiting the generality of the foregoing, the term includes the act of staying overnight in a parked motor vehicle, including, but not limited to, recreational vehicles, trailers, fifth wheel trailers, and pop up trailers. The term, however, does not include napping during the day or picnicking, or staying overnight in a permanent structure that meets the requirements of the town's building codes described in title 8, chapter 1 of this code.

**DURING THE DAY:** From one hour after sunrise until sunset.

**PRIVATE PROPERTY:** Any real property having its title, ownership, use, or possession held by a private corporation, firm, partnership, limited liability entity of any kind, association, nongovernmental organization, or other group acting as a unit, as well as a natural person.

**PUBLIC PROPERTY:** Any real property having its title, ownership, use, or possession held by the town, the state of Colorado, Summit County government, any other governmental entity of this state, or the federal government. Such term includes, but is not limited to: 1) the right of way of any public street, highway, or alley; 2) any "town park" as defined in section [11-2-1](#) of this code; and 3) any lot, tract, parcel, building, playground, recreational trail, open space, or recreation area owned by the town, the state of Colorado, Summit County government, any other governmental entity of this state, or the federal government.

**RESIDE OR DWELL:** Includes, without limitation, conducting such activities as eating, sleeping, or the storage of personal possessions.



1 SHELTER: Includes, without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll,  
2 blanket, or any form of cover or protection from the elements other than clothing.

3 B. It shall be unlawful for any person to camp on any private property or public property  
4 anywhere within the town unless authorized by a valid camping permit issued by the town  
5 manager pursuant to subsection C of this section.

6 C. The town manager may issue a camping permit to authorize camping ~~in connection with a~~  
7 ~~special event~~ for a specified period. The town manager shall adopt administrative rules and  
8 regulations ~~defining a special event and~~ setting forth the nondiscriminatory criteria to be applied  
9 in issuing permits under this section, as well as other administrative rules and regulations  
10 relating to the issuance, enforcement, and revocation of a camping permit issued pursuant to  
11 this section. Such regulations shall be adopted in accordance with the procedures established  
12 by title 1, chapter 18 of this code, and may be altered, amended or repealed by the town  
13 manager in the same manner.

14 D. It is unlawful and a misdemeanor offense for any person to violate:

15 1. Any of the provisions of this section;

16 2. Any of the administrative rules and regulations issued by the town manager pursuant to  
17 subsection C of this section; or

18 3. Any of the terms and conditions of a camping permit issued by the town manager  
19 pursuant to this section.

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

22 **Section 3.** The Town Council 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 **Section 4.** This ordinance shall be published and become effective as provided by  
27 Section 5.9 of the Breckenridge Town Charter.

28

29 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
30 PUBLISHED IN FULL on \_\_\_ day of January, 2022. A Public Hearing shall be held at the regular  
31 meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_ day of \_\_\_\_,  
32 2022, in the Municipal Building of the Town.

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TOWN OF BRECKENRIDGE, a Colorado  
municipal corporation

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

ATTEST:

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

APPROVED AS TO FORM

\_\_\_\_\_  
Town Attorney

DRAFT FOR WORK SESSION ON [insert]  
SECOND READING ON [insert]

1

2

# Memo

To: Breckenridge Town Council Members  
From: Town Staff  
Date: 1/19/2022  
Subject: Public Projects Update



## **Blue River Reconstruction and Coyne Valley Rd Culverts**

This project is the reconstruction of the reach of the Blue River north of Coyne Valley Road in the McCain parcel, a new arch culvert sized to pass the 100-year river flows, and a new underpass for the rec path. The design-build team of Ecological Resource Consultants (ERC) and Tezak Heavy Equipment are currently developing the final budget and schedule for the project. A closure of Coyne Valley Road will be required for the project and staff will work on advanced messaging for the public once the time and duration of the closure is established. Work is anticipated to begin in spring and continue late into fall 2022. River corridor plant installation will occur in summer 2023.

### Budget:

Project Funding	
Blue River Reconstruction	\$4,500,000
Culvert	\$2,900,000
Ped & Bike Underpass	\$600,000
TOTAL:	\$8,000,000

## **Asphalt Overlay and Concrete Replacement**

Staff is finalizing the proposed list of locations for asphalt overlay work for the 2022 season and will advertise the project for bids at the end of January. Staff is also working on a GIS tool to easily share data from the recent asphalt assessment with the public. The proposed overlay locations include:

- Main Street- Adams to Watson intersections
- Highfield Trail
- Peerless Drive
- Iron Mask
- Sawmill Road
- N. French Street
- Wellington Rd
- Tiger Dredge Parking Lot
- Ridge Street
- Ski Hill Rd

### Budget:

Project Funding	
2022 CIP Overlay	\$2,000,000
Previous Spending Authority- Fiber 9600	\$500,000
TOTAL:	\$2,500,000

**Sidewalk Masterplan- Warrior’s Mark Sidewalk Extension**

Staff is finalizing the project plans, with updated survey information, for a sidewalk extension along the east side of Broken Lance Drive to the Eagle Ridge transit stop. This work also includes drainage infrastructure improvements that are necessary to implement the new sidewalk. Staff is working with the contractor on establishing the construction schedule.

Budget: The project was bid in 2020 and Staff is negotiating with the lowest bidder, Columbine Hill Construction, on updated pricing for 2022 work.

Project Funding	
2022 CIP	\$250,000
TOTAL:	\$250,000

# HOUSING COMMITTEE MEETING MINUTES

1/11/2022  
10:30 to Noon

# AGENDA

## 10:30 to Noon

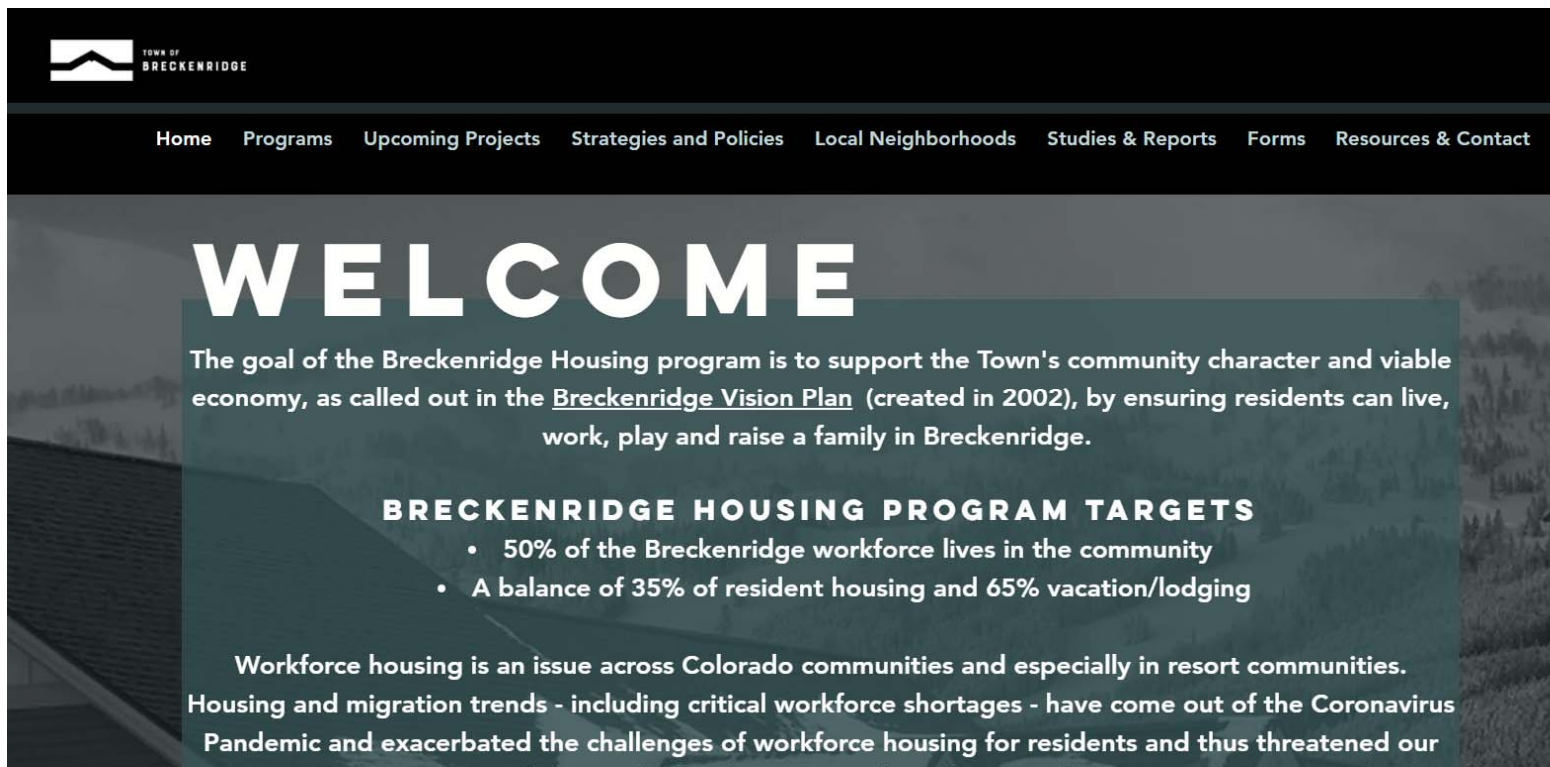
- Website Update and Messaging ([www.townofbreckhousing.com](http://www.townofbreckhousing.com))
- Summary of Costs per Program
- Current Project Update – verbal
- Upper Blue Sanitation District Proposal
- Brian Nolt Proposal
- Block 11 / Stables RFP Discussion
- Request to Extend Wellington Lease Term - verbal
- Big Sky Commercial to Residential Conversion Request
- Entrada Parcel Potential Development – verbal\*
- Buy Down Update
- Housing Helps Update

**NOTE: Committee Comments / Minutes from the 1/11/2022 meeting are highlighted in a text box on pertinent slides**

\*Added after agenda was posted

# WEBSITE AND MESSAGING

We have recently updated [www.townofbreckhousing.com](http://www.townofbreckhousing.com) with messaging focused on what we do and how everything is funded. The website is the first element, but we plan to incorporate the same messaging into advertising and general communication.



Austyn provided a thorough overview of the updates to the [townofbreckhousing.com](http://townofbreckhousing.com) website that is more focused on what we have done with housing programs and what it costs to manage the programs along with details on how the new STR fee will be utilized. In addition, there is a one sheeter that is focused on quick Housing Facts. The website is full of information and optimized for SEO / search and expanded information on what Housing is working on or already accomplished. Please provide details back to the Housing Division if you find anything not in order or not functioning properly as this site will be constantly updated.



# SUMMARY OF COSTS PER PROGRAM

**Construction:** in 2021 the cost of building has jumped to \$400k to \$500k per unit. In-progress building projects are Alta Verde and Block 11 apartments.



**The Housing Helps** program started in 2019 and has consistently grown every year since. Every application is vetted and almost 30 homes have been deed restricted in Breckenridge through this program. With home prices increasing, the request of funds has increased as well. The average deed restriction purchase through Housing Helps is \$84,352. Average cost per bedroom is \$31,491.



**Buy Downs** is where we have seen the largest change in costs. In 2019, the average cost (all-in charges – buying, carrying and repairs) was \$68k and in 2021 the average cost jumped to \$172k. The average AMI at resale has also increased from 107% to 132%.

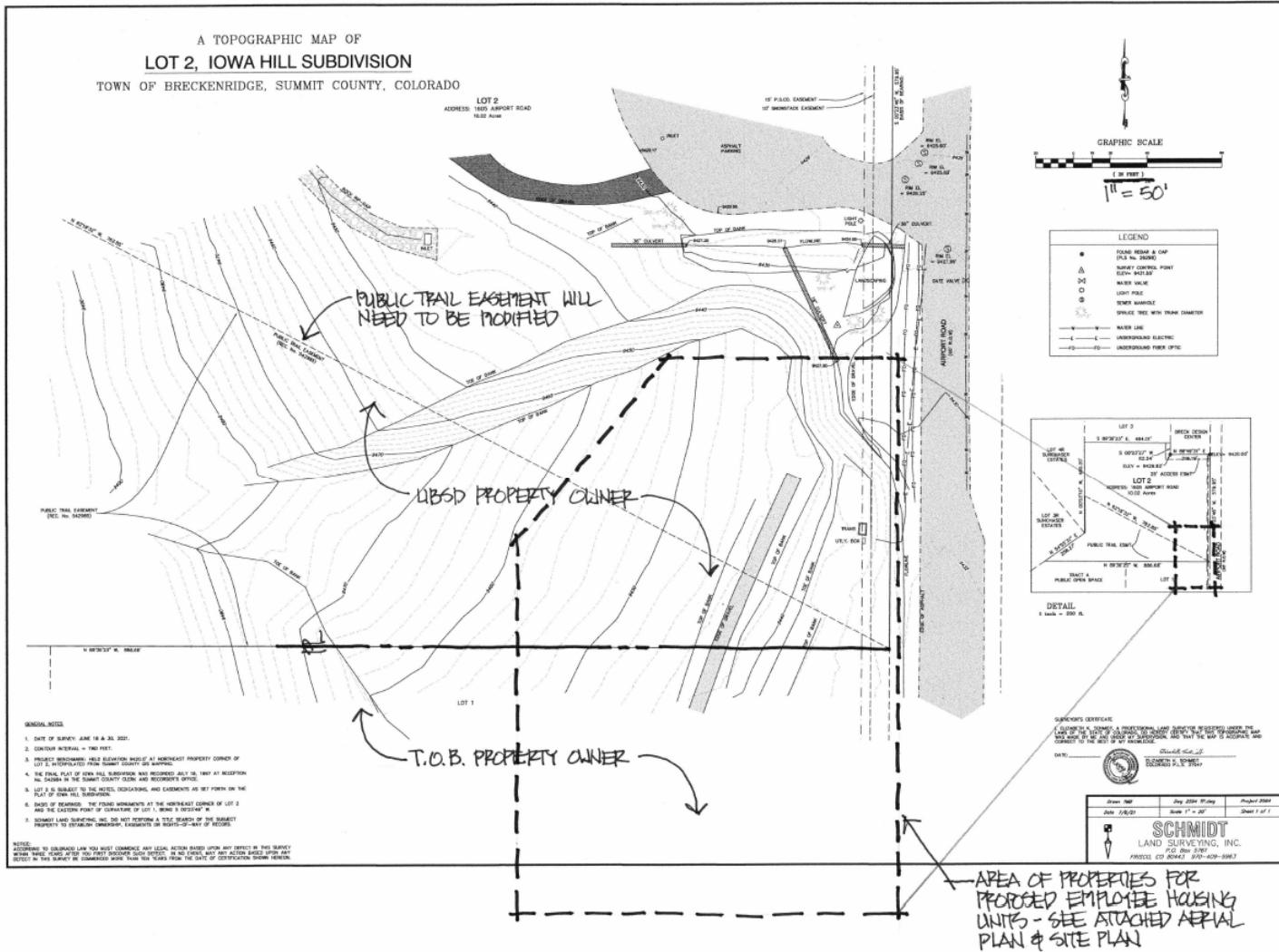
# CURRENT / POTENTIAL PROJECTS— VERBAL UPDATE

**Justice Center** – the IGA is with the County for review to define the responsibilities / roles of the Town vs the County. The AMI targets need to be established and agreed upon with both entities. Cost will be considered with the final AMI targets. The next step is a meeting with Fading West at the end of January. They are bringing in a GC to oversee the project that is fluent in modular building. Most likely, we will be on the factory line by December.

**Upper Blue San District** – details on the following page. Housing is currently working with the Upper Blue San. District to consider 2 single-family dwellings on their property and 1 duplex on the adjacent Town property. Preliminary analysis is being done now. All homes would be built at the same time. Engineering and Planning are currently reviewing to see if this project could work. UBSD is interested in sharing in the costs to build, but all would be deed restricted to local workforce housing. UBSD would own the two single family homes and TOB owns / manages the duplex. There would be a shared access point for the Iowa Hill trail access and the new homes. UBSD provides housing for 100% of their employees and want to continue to do that.

**Summit Ridge** – two units above the Breckenridge Animal Clinic that would be commercial to residential conversions. They would like to use Housing Helps for this conversion to offset fees. The Committee is supportive of equivalent dollars spent on this as we would with a normal Housing Helps home. The Housing staff will work on program guidelines for incentivizing commercial to residential conversion (15% all in).

# UPPER BLUE SANITATION DISTRICT – POTENTIAL HOUSING PROJECT



**JW**  
architecture, llc

8864 s. indian creek street, highlands ranch, co. 80126  
970.389.0492 jerry@jwarchitecture.net

**UPPER BLUE SANITATION DISTRICT  
EMPLOYEE HOUSING**

1605 AIRPORT ROAD  
LOT 2, IOWA HILL SUBDIVISION  
BRECKENRIDGE, COLORADO

CONCEPTUAL 12/3/11

**1**  
OF 4

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Staff is working with the UBSD on a potential partnership that involves Town land as well as UBSD land. We are in communication with Andy Carlberg to determine the cost share, the process and timing, project cost, and terms of deed restriction. In the meantime, Planning is vetting the design with Public Works and Engineering.

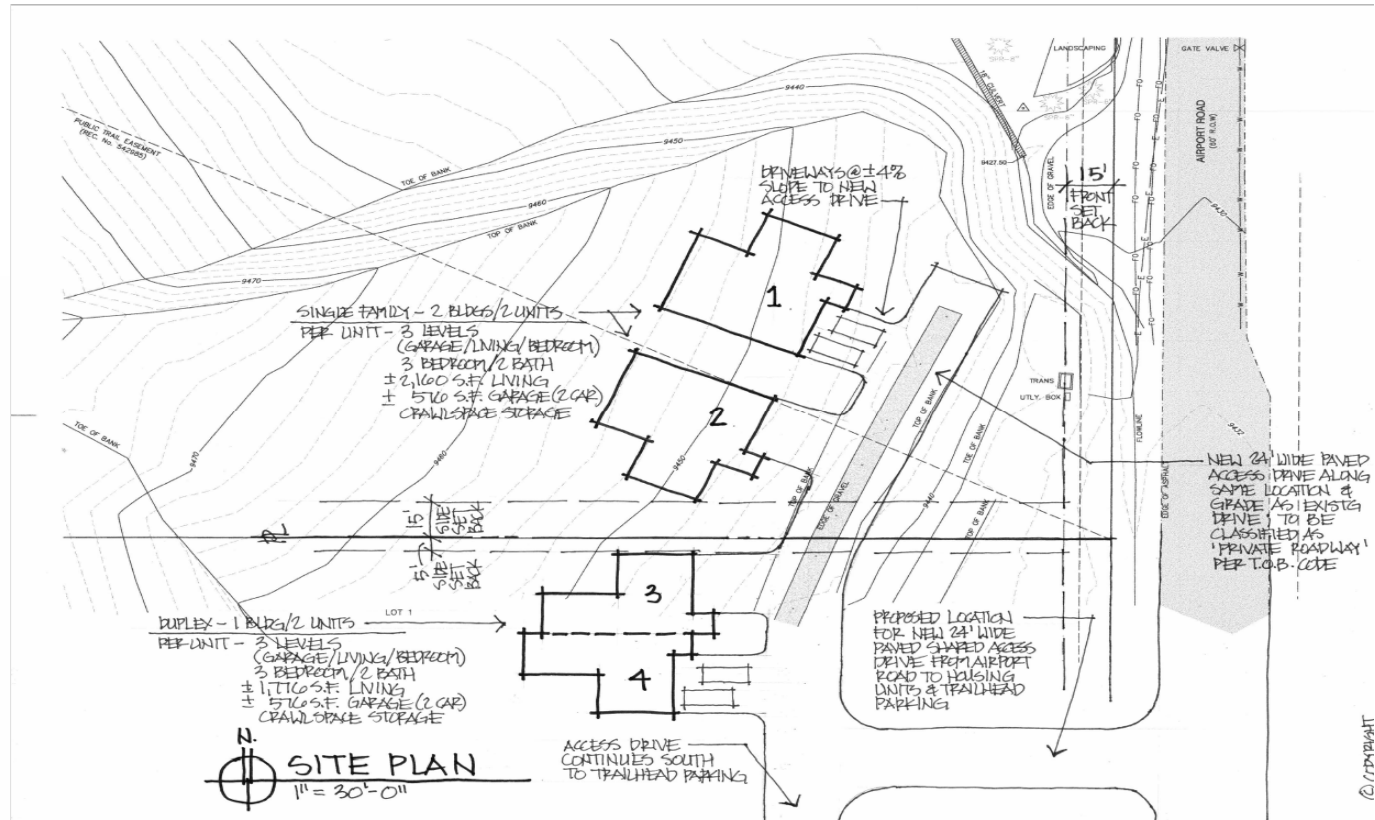


# UPPER BLUE SANITATION DISTRICT

CONTINUED




**AERIAL PLAN**  
NO SCALE

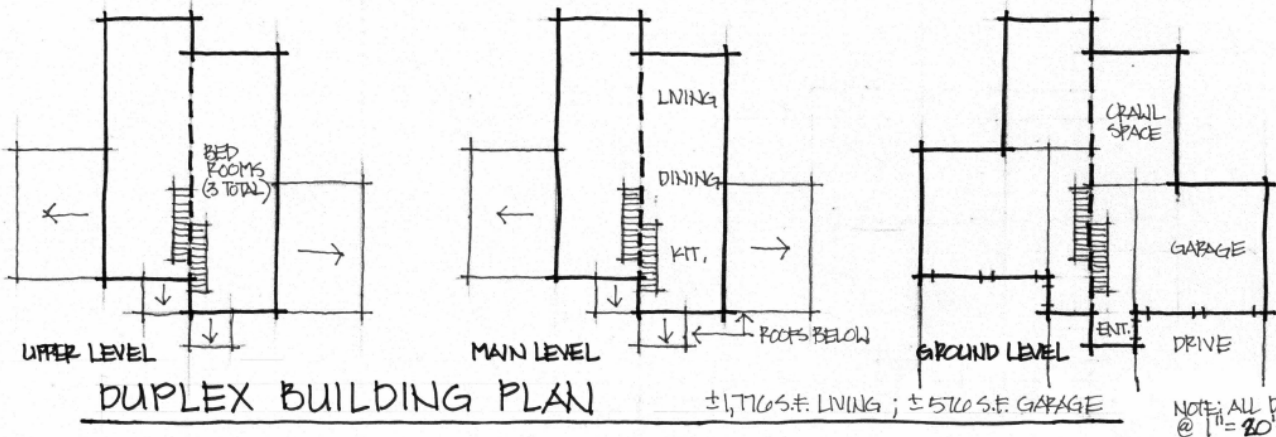
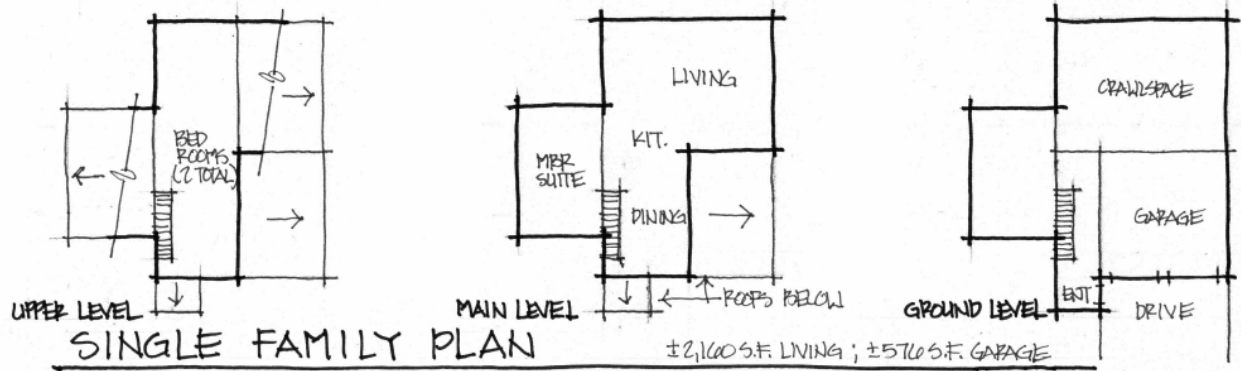
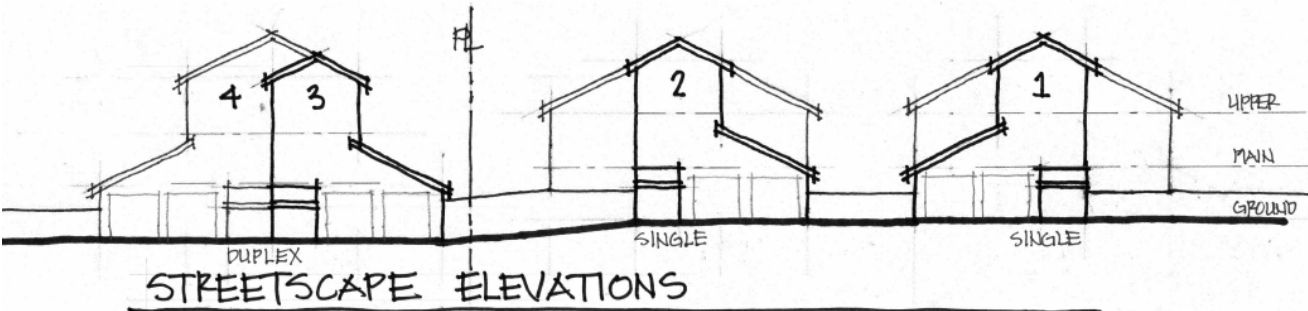


PROPOSED LOCATION FOR SHARED ACCESS FROM AIRPORT ROAD TO HOUSING UNITS & TRAILHEAD PARKING (EXISTING GRADE ALONG THIS AREA IS AT OR A LITTLE LOWER THAN AIRPORT ROAD)

EXISTING ACCESS ROAD FROM PW ENTRY DRIVE TO TRAILHEAD PARKING (ENTRY TO ACCESS ROAD @ SOUTH END WOULD BE ABANDONED)

# UPPER BLUE SANITATION DISTRICT — CONTINUED

 <p>8868 s. indian creek street, highlands ranch, co 80126 970.389.0492 jerry@jwarchitecture.net</p>
<p>UPPER BLUE SANITATION DISTRICT EMPLOYEE HOUSING 1605 AIRPORT ROAD LOT 2, IOWA HILL SUBDIVISION BRECKENRIDGE, COLORADO</p>
<p>CONCEPTUAL 12/3/21</p>
<p>4 CF: 4</p>



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# NOLT – CONTINENTAL COURT

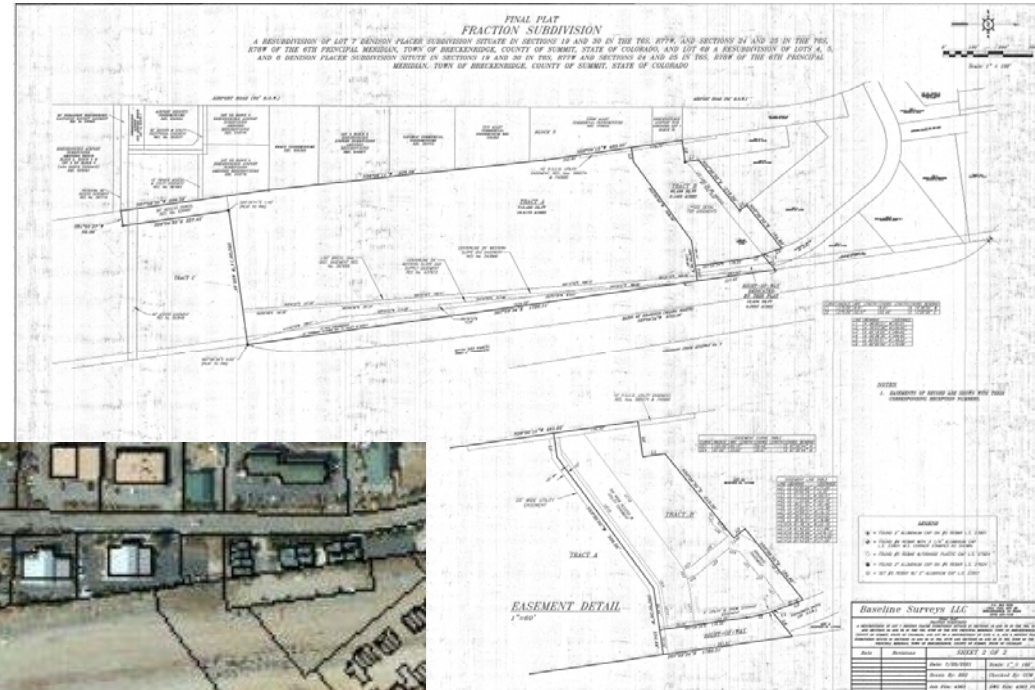


Laurie shared with the committee about this potential project and asked if the committee is in support. The owner does not want to do the build, but is willing to provide the land. Potentially 7 units could fit on this property. This could set a pattern of residential units along this tract area which is in Breckenridge town limits (owner's land is split between Town / County). The committee supports exploration of this, but would like a letter of intent from the owner to establish intentions.

Owner has indicated he is willing to provide the land adjacent to his commercial warehouse for affordable housing. He has asked Town staff to prepare a basic design/layout and program for some type of development project. Staff is evaluating options for this parcel. Challenges are the Town/County boundary and the configuration of the parcel. More to come.....

# BLOCK 11 – POTENTIAL HOUSING PROJECT

Staff would like the Committee to consider moving forward on a plan for the balance of B-11 (approx. 16.5 acres not including the 8 acre school district parcel) We believe the goal is single family/duplex similar to Wellington with some higher AMIs  
 Important to note that the only other higher AMI deed restricted new housing is the Miller/Braddock project ( Highlands Riverfront) which is underway now with AMIs ranging from 125% to 180%.

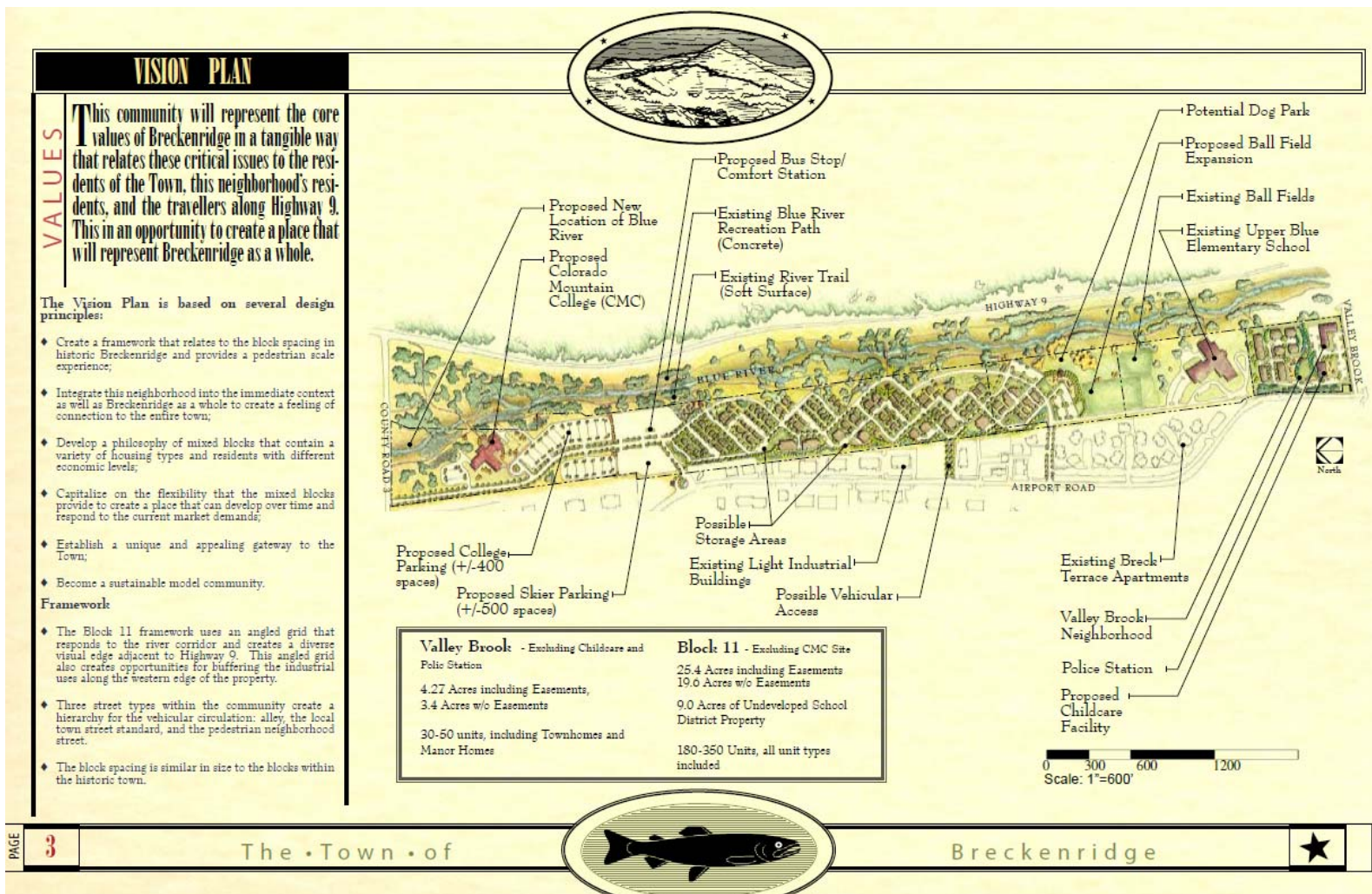


- 9 @125
- 11 @150
- 2 @180

This equates to pricing at \$550,000 up to \$850,000 for 3 bedroom duplexes.

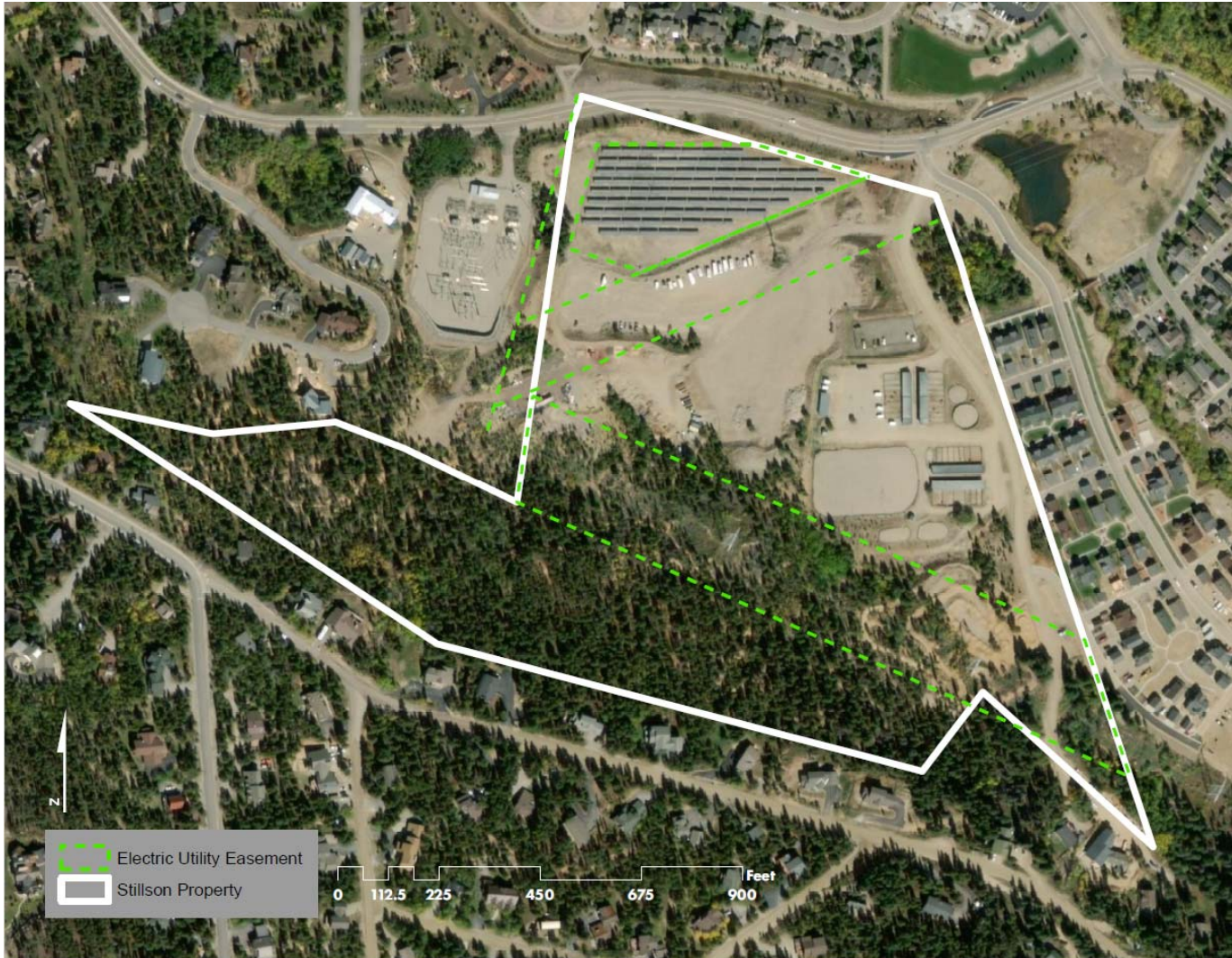


# BLOCK 11 (CONTINUED)





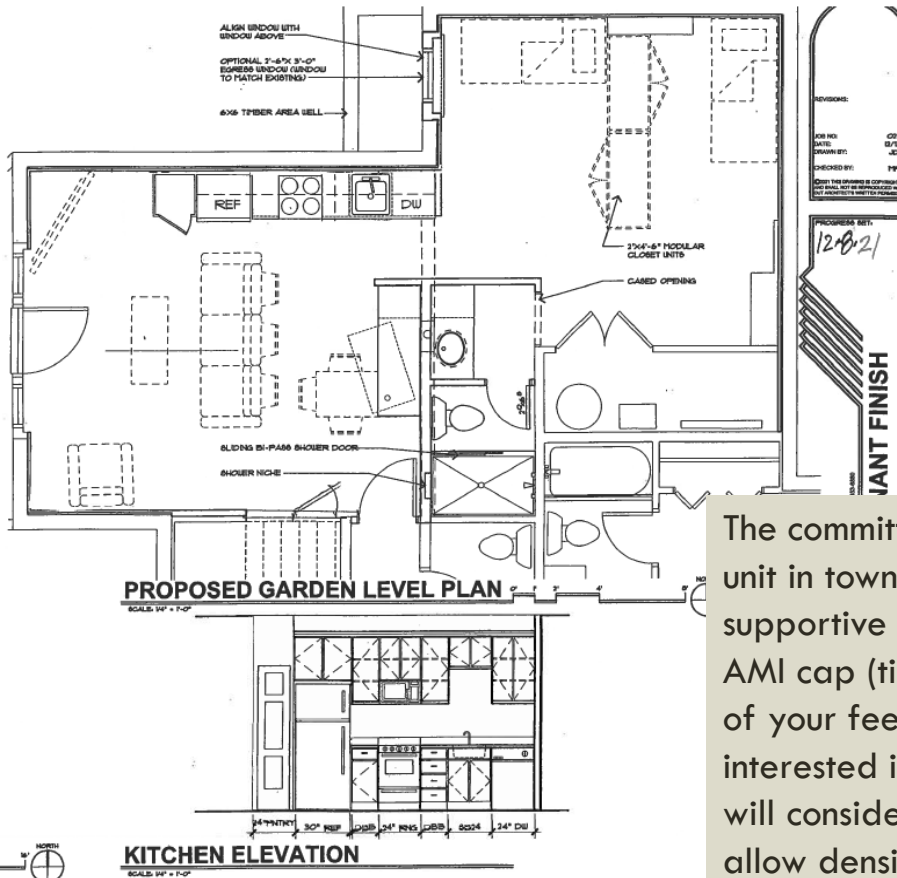
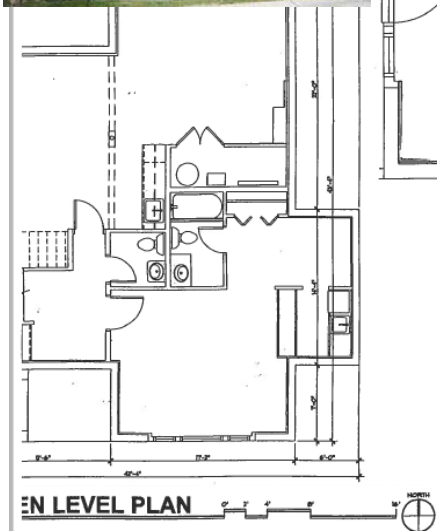
# STABLES SITE — POTENTIAL HOUSING PROJECT



The Stables Site adjacent to the Wellington / Lincoln Park neighborhoods is a potential building site for housing. Staff is requesting Committee approval to move forward on a Master Plan RPF in conjunction with the Block 11 housing site. This would follow Alta Verde 2 and therefore be considered a 2024 project.

The committee is supportive of an RFP process to master plan Block 11 and the Stables site. Part of the master planning effort would be public meetings on both projects.

# BIG SKY BUILDING — COMMERCIAL TO RESIDENTIAL



The new owners of the previously considered unit at the Big Sky Building have requested to convert the unit to residential to provide housing for their employee(s) of their architectural company also located in the Big Sky Building. They propose to restrict the unit to locals working at least 30 hours per week. However they do not wish to have an AMI restriction. They have also purchased a parking spot for this space. Is the Committee supportive of this request.

The committee is not supportive of creating a deed restricted unit in town that does not have a rental cap. The committee is supportive of exploring options of waiving more fees for higher AMI cap (tiered waiver program...at 80% AMI you get 100% of your fees waived as an example). The committee is still interested in using Housing Helps for new construction, so staff will consider this as an option here. The historic district does not allow density to be transferred in and there is no precedent for this, so this project requires a development agreement with a waiver to that part of the code. Owner is also requesting \$88k in fee waivers for the project.



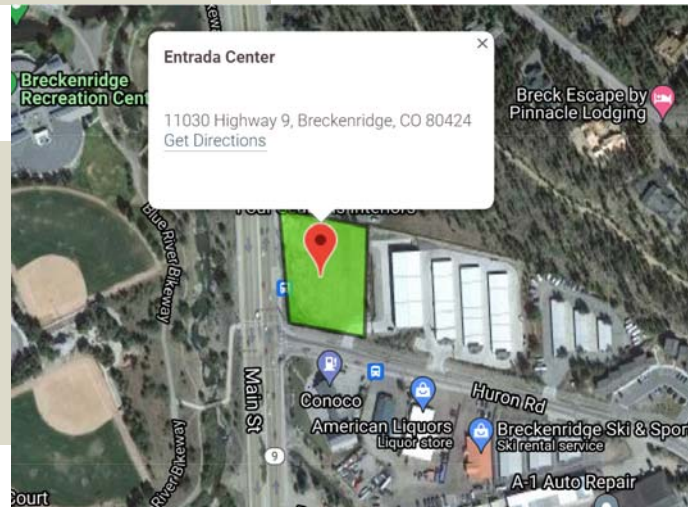
# WELLINGTON RENTAL — EXPAND TO 2 YEARS (VERBAL)

The Town was approached to consider extending the current Wellington / Lincoln Park covenant to allow a 2-year rental instead of the existing 1-year rental allowance for each owner. The committee is overall supportive of this, but would want an AMI cap on the rental if this is done. This also could be used to incentivize owners to sign a new covenant that lowers the real estate commission. Staff will engage with the Wellington HOA to survey current homeowners on this potential change. The current covenant allows for owners to rent for 1-year cumulative and the HOA restricts to 6-month leases.



# ENTRADA PARCEL (VERBAL)

Mark Truckey shared a new proposal for the Entrada Parcel (across from 7-11). A new developer is considering purchasing the property and using it for workforce housing with 50 to 75 small units. This is in the County, but would potentially be annexed into the Town. This will go to Council in the near future.



# BUY DOWNS UPDATE-26 UNITS

- Purchased in 2019- 10 units           \$3,653,900
- Purchased in 2020- 3 units           \$1,240,000
- Purchased in 2021- 13 units       \$8,165,000  
\$13,058,900 expense
  
- Sold in 2019           4 units           \$1,499,000
- Sold in 2020           3 units           \$855,900
- Sold in 2021           5 units           \$2,292,650
- Sold in 2022           3 units           \$1,400,000 (in January '22)  
\$6,047,550 proceeds
  
- Retaining 9 for transition units:
  - Silver Shekel – rented to Town Attorney
  - Kingdom Park TH 850 – hold for Finance
  - Sky Park – rent to Town employee
  - Valdisere 207 and 111 – rented to Town employee
  - 145 Bucyrus – rented through May 2022
  - Highland Greens 309 – rented to BCA
  - Gold Camp C66 – open, sell in 2022
  - Peak 8 Village E42 – open, sell in 2022
  
- Under Contract / For Sale (6)
  - High Tor                                   Peak 8 Village B6                   Now Colorado E2 (Jan '22)
  - Gold Camp E90, I120               Highland Greens 205
  - Kingdom Park TH 820 – trade for Gold Camp C66 + funds





# HOUSING HELPS UPDATE

Properties Funded – 28

Properties Approved, not yet funded – 3

Applications Currently Under Review – 4

Applications Deferred – 7

Applications Denied or Withdrawn – 51

Total Applications since program beginning – 93

Average Cost per Acquisition - \$84,352 with a cost per bedroom of \$31,491

Total Expenditure is \$2,361,872

\$2,151,948 split with County. Town Share is \$1,075,974 at a cost per acquisition of \$43,038

In-Town acquisitions total \$209,924 at a cost per acquisition of \$69,974



Housing Sites/Opportunities/Supply Pipeline		1/1/2022								
Projects and Land:										
	Location	Size	Type	Units	Beds	Timing	Town Owned	Notes		
<b>Underway/in process:</b>										
Alta Verde	McCain	4.5 acres	Rentals	80	124	2022	Yes	lease starting 2022-Fall		
B 11-Employee Housing	Block 11	2 acres	Rentals	27	27	2022	Yes	lease starting 2022-Fall		
Berlin Placer	Boreas Pass	NA	Townhomes	2	8	2022	Buy Down	TBD- 2024		
Alta Verde 2	McCain	9 acres	Rentals	175	500	2023	Yes	Lease starting 2023-Fall		
Miller/Braddock Phase 1	Stan Miller Dr	14 acres	Duplexes	22	TBD	TBD	Private	TBD		
UBSD	Airport Road		Duplexes	4			Public/Private			
Justice Center	Justice Center	1.6 acres	Rentals	54	TBD	TBD	County	Modular-IGA with County		
<b>Future Priorities:</b>										
Public Works Site	Public Works	7.1 acres	Rentals	60	TBD	TBD	Yes	Need Master Plan		
Balance of Block 11	Block 11	16.5 +/-acres	Lower Density-sale	100-TBD	TBD	TBD	Yes	Need Master Plan		
Tract C-Blk 11 (skier parking)	Block 11	8.7 acres	easements					easements		
Miller/ Braddock Phase 2	Stan Miller Dr	20 acres	sale/rentals	83	TBD	TBD	Private	per AA 40 rentals/43 sale		
<b>Other consideration/opportunities:</b>										
Vacated ROW south of MSS	Hwy 9	.25 acres	micro-units	TBD	TBD	TBD	Yes	Needs Fit Test		
Rodeo Grounds/Ice Rink	Boreas Pass Rd	TBD	TBD	TBD	TBD	TBD	Yes	Needs Master Plan		
Stillson/Stables	Wellington Rd	TBD	TBD	TBD	TBD	TBD	Yes	Needs Master Plan		
Gateway Property	Hwy 9	TBD	TBD	TBD	TBD	TBD	Yes	Needs Master Plan		
F& D Placer-reservoir/lodge/intern cabin	Snowy Ridge Rd	TBD	dorms-TBD	TBD	TBD	TBD	Yes	Needs Master Plan		Tim Casey contacted 10/5/2021- have J
Peak 7-Forest Service Triangle	Airport Road	TBD	TBD	TBD	TBD	TBD	Forest Service	Possible Land Trade		consider scraping and replaci
Surface Parking Lots-Town	various	TBD	TBD	TBD	TBD	TBD	Yes			
Rec Center	Airport Road	TBD	TBD	TBD	TBD	TBD	Yes			
Tract E-Shores	Stan Miller Dr	.43 acres	micro-units	TBD	TBD	TBD	No	Talk to owner/fit test		
Lot 1 Gold King	Warriors Mark	1.4 acres	Rentals	14 +/-	TBD	TBD	No	Annexation Opportunity/slopes		
Country Boy										
Ski and Racquet Site										
CMC Property										
Kings Ridge	Beaver Run	TBD	Rentals	TBD	TBD	TBD	No	Development Agreement		
Any other government owned land	TBD	TBD	TBD	TBD	TBD	TBD	Yes			
Swans Nest Open Space	Revetts Dr	5.32	TBD	TBD	TBD	TBD	County	Open Space		
Any other vacant land	TBD	TBD	TBD	TBD	TBD	TBD	No	Partnership Opportunties		
Block 6-Warriors Mark	TBD	TBD	TBD	TBD	TBD	TBD	No			Jonathan Jones
324 S. Main-Matheus Watch	TBD	TBD	TBD	TBD	TBD	TBD	No	Followed up		
Continental Court (Nolt)	TBD	TBD	TBD	TBD	TBD	TBD	No			
NRO - Block 11	TBD	TBD	TBD	TBD	TBD	TBD	No	Discussed with committee, no support at this time		
David Jeffries-site to be determ	TBD						No	Communal living		
Burke-1377 Broken Lance	1377 Broken Lance						No	Communal living/ADU-advised to utilize L2L		
160 E. Adams Unit 6A- Big Sky Bldg							No	convert commercial to residential		
Fred Ebert-Airport Road	970 390 0036						No	per com Dev too close to marijuana dispensery-cannot convert com to res		
Big Sky Bldg-Mark Hogan	453-6880							convert commercial to residential		
Vlad Pegtyarev- no site yet								modular- Boxabl (we advised Vlad to submit a plan/proposal for public works :		
Wellington East	Wellington Rd	11 acres +/-						low priority-Currently Town / County open space. Consider buyout? Note- this property is part of the Golden Horsehoe Federal Consent Degree related to the environmenal clean-up. The use as open space was part of that		



TOWN OF  
**BRECKENRIDGE**

TOWN OF BRECKENRIDGE  
LIQUOR & MARIJUANA  
LICENSING AUTHORITY  
ANNUAL REPORT  
2021

Authority Members:

Jeri Beth Katz, Chair  
Leigh Girvin, Vice-Chair  
Tim Faust  
Hal Vatcher  
Taryn Power  
Turk Montepare, Alternate

Liquor & Marijuana Licensing  
Authority 2021 Annual Report

**Number of liquor applications acted upon: 153**

- New Licenses/Public Hearings: 6
- Transfers of Ownership: 5
- Renewals: 97
- Modification of Premises: 8
- Change of Manager: 6
- Change of Trade Name: 0
- Change of Corporate Structure: 2
- Special Event Permits: 28
- Storage Permits: 1

**Public Hearings – New Liquor Licenses:**

RMU Retail LLC d/b/a RMU  
112 S Main St  
Tavern License

Breckenridge Film d/b/a The Eclipse Theater  
103 S Harris St  
Arts License

Mountain View Coffee House LLP d/b/a Mountain View Coffee Bar  
222 S Main St  
Hotel & Restaurant License

Terroir Gourmet Foods LLC d/b/a The Cheese Shop of Breckenridge  
505 S Main St, Unit B2-A  
Fermented Malt Beverage Off-Premises License

Peak Resorts Management, LLC d/b/a Grand Timber Lodge  
75 Snowflake Dr  
Fermented Malt Beverage Off-Premises License

Mount Golian Grill LLC d/b/a Mount Golian Grill  
322A N Main St  
Hotel & Restaurant License

**Number of active liquor licenses: 113**

**Number of liquor licenses denied: 0**

**Number of marijuana license applications acted upon: 10**

- Transfers of Ownership: 0
- Renewals: 9
- Modification of Premises: 0
- Change of Corporate Structure: 1

**Number of active marijuana establishments: 4**

**Number of active marijuana licenses: 9**

**Number of marijuana licenses denied: 0**

**Other highlights and actions during the past year:**

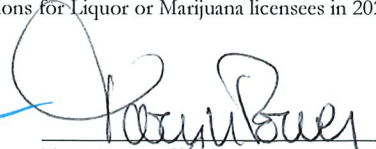
Resolution No. 1, Series 2021 was passed, amending the rules of the Town of Breckenridge Liquor & Marijuana Licensing Authority, concerning meetings of the Authority.

Resolution No. 2, Series 2021 was passed, repealing Resolution No. 2, Series 2016, concerning penalty guidelines.

There were no formal hearings held for violations for Liquor or Marijuana licensees in 2021.

Submitted by:

  
Tara Olson, Deputy Town Clerk

  
Taryn Power, Chair  
Town of Breckenridge Liquor & Marijuana  
Licensing Authority

  
Helen Cospolich, CMC Town Clerk





TOWN OF  
**BRECKENRIDGE**

**November 30, 2021**

Department of Finance



## Executive Summary

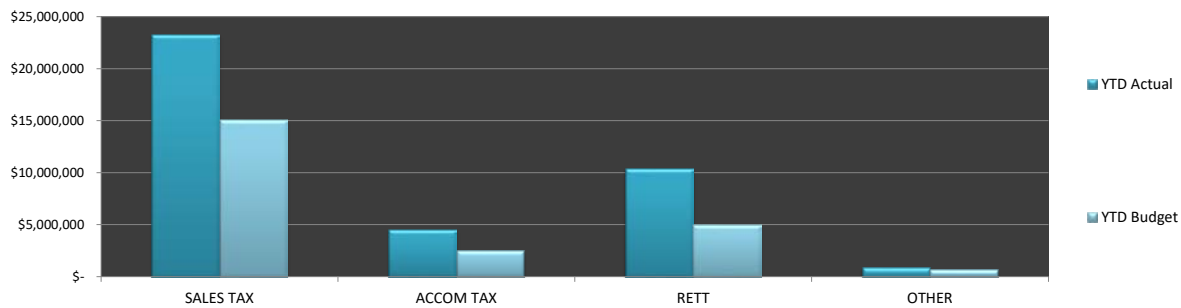
November 30, 2021

This report covers 11 months of 2021. November is largely reflective of October tax collections.

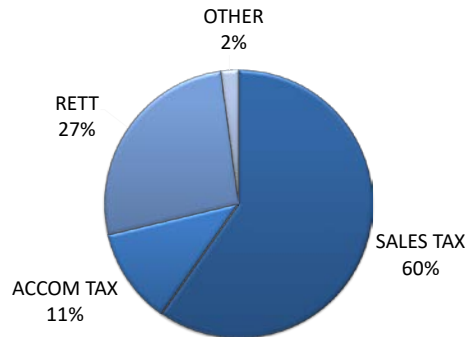
Overall, we are approximately \$15.8M over 2021 budgeted revenues in the Excise fund. Sales tax is currently \$8.2M over YTD budget, and \$5.2M ahead of prior year. Accommodations tax is \$2M over budget, and \$1.4M ahead of last year. Real Estate Transfer Tax is \$5.3M above budget, and \$3.3M ahead of prior year.

See the Tax Basics section of these financial reports for more detail on the sales, accommodations, and real estate transfer taxes.

**Excise YTD Actual vs. Budget - by Source**



**YTD Actual Revenues - Excise**



	YTD Actual	YTD Budget	% of Budget	Annual Budget	Prior YTD Actual	Prior Annual Actual
SALES TAX	\$ 23,280,315	\$ 15,084,050	154%	\$ 19,136,853	\$ 18,108,753	\$ 23,952,949
ACCOMMODATIONS TAX	4,482,327	2,449,588	183%	2,956,104	3,030,784	3,882,070
REAL ESTATE TRANSFER	10,364,893	4,998,600	207%	5,500,000	7,076,889	7,838,100
OTHER*	829,849	667,820	124%	967,274	720,293	962,270
<b>TOTAL</b>	<b>\$ 38,957,385</b>	<b>\$ 23,200,058</b>	<b>168%</b>	<b>\$ 28,560,231</b>	<b>\$ 28,936,719</b>	<b>\$ 36,635,389</b>

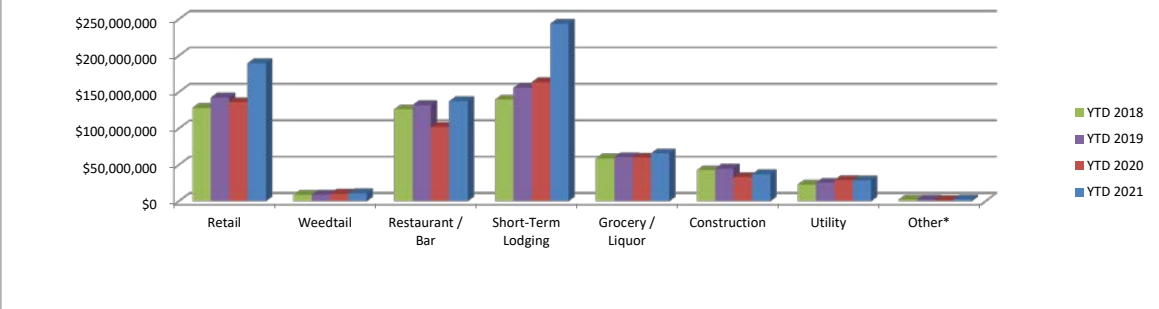
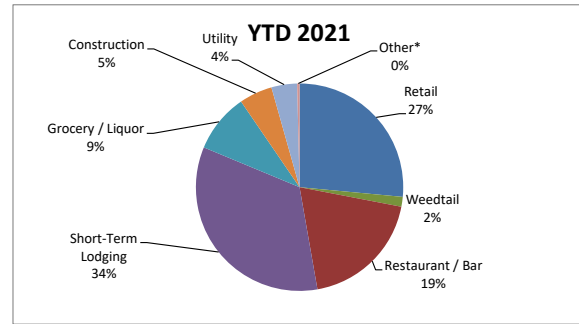
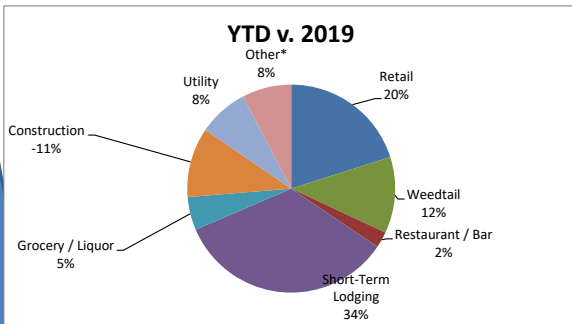
\* Other includes Franchise Fees (Telephone, Public Service and Cable), Cigarette Tax, and Investment Income

## The Tax Basics: November 2021

### Net Taxable Sales by Industry-YTD

Description	YTD 2018	YTD 2019	YTD 2020	YTD 2021	2019/2021		2020/2021		2021 % of Total
					\$ Change	% Change	\$ Change	% Change	
Retail	\$128,498,549	\$142,677,614	\$136,276,528	\$189,770,242	\$47,092,628	33.01%	\$53,493,714	39.25%	26.49%
Weedtail	\$8,845,875	\$9,165,717	\$10,237,965	\$10,953,194	\$1,787,477	19.50%	\$715,228	6.99%	1.53%
Restaurant / Bar	\$126,399,366	\$132,250,037	\$102,371,169	\$137,639,027	\$5,388,990	4.07%	\$35,267,858	34.45%	19.21%
Short-Term Lodging	\$139,866,273	\$156,198,209	\$163,794,212	\$243,764,627	\$87,566,418	56.06%	\$79,970,415	48.82%	34.03%
Grocery / Liquor	\$59,109,511	\$60,676,484	\$60,075,932	\$65,820,667	\$5,144,183	8.48%	\$5,744,734	9.56%	9.19%
Construction	\$42,648,162	\$45,048,504	\$33,068,594	\$37,018,728	(\$8,029,776)	-17.82%	\$3,950,134	11.95%	5.17%
Utility	\$22,985,770	\$25,436,362	\$29,130,550	\$28,679,109	\$3,242,747	12.75%	(\$451,442)	-1.55%	4.00%
Other*	\$2,179,971	\$2,379,911	\$1,450,120	\$2,680,822	\$300,911	12.64%	\$1,230,702	84.87%	0.37%
<b>Total</b>	<b>\$530,533,477</b>	<b>\$573,832,838</b>	<b>\$536,405,071</b>	<b>\$716,326,416</b>	<b>\$142,493,578</b>	<b>24.83%</b>	<b>\$179,921,344</b>	<b>33.54%</b>	<b>100.00%</b>

\* Other includes activities in Automobiles and Undefined Sales.



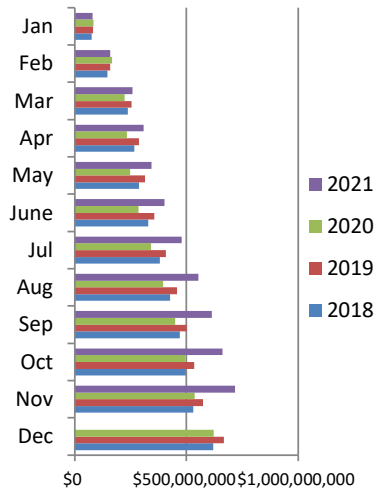
#### New Items of Note:

- For the year, net taxable sales are currently ahead of 2020 by 33.54%, and ahead of 2019 by 24.83%.
- November net taxable sales are currently ahead of November 2020 by 33.34%.
- For November 2021, there were increases in Short Term Lodging (59.56%), Restaurant/Bar (54.17%) and Retail (31.34%). However, Grocery/Liquor (-15%), Construction (-2.77%), and Weedtail (-22.04%) declined compared to November, 2020.
- The addition of a column comparing each sector to 2019 has been included on all net taxable sales pages. Inclusion of the column is to compare 2021 to a year without COVID-19 impacts. November 2021 is ahead of November 2019 by 37.45%.
- Reported distribution of bag fees are slightly lower than prior year, the decrease is -.65%.

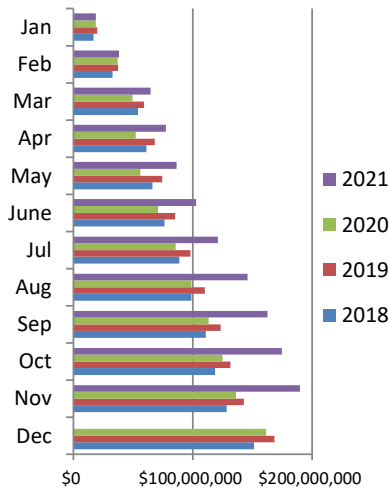
#### Continuing Items of Note:

- Due to COVID-19, on March 16th, 2020 Town-Wide business closures/operating limitations went into effect. On November 22, 2020 indoor dining closed due to Summit County entering level red on the State COVID 19 dial dashboard on November 20th. Restaurants started reopening for indoor dining on December 18, 2020 through the five star certification program.
- By executive order, Town bag fees were waived for large grocers during the COVID-19 pandemic March 27, 2020 - September 9, 2020, and again November 19, 2020 - April 28, 2021.
- Short Term Lodging taxes are generally remitted based on reservation date.
- In 2014, a new category was added to the Sales by Sector pages for the Weedtail sector. The category encompasses all legal marijuana sales, regardless of medical or recreational designation.
- A section on Disposable Bag Fees was added in 2014.
- A section on Short Term Rentals was added in 2018.
- Taxes collected from the customer by the vendor are remitted to the Town on the 20<sup>th</sup> of the following month.
- Quarterly taxes are reported in the last month of the period. For example, taxes collected in the first quarter of the year (January – March), are included on the report for the period of March.
- Net Taxable Sales are continually updated as late tax returns are submitted to the Town of Breckenridge. Therefore, you may notice slight changes in prior months, in addition to the reporting for the current month.
- "Other" sales relate to returns that have yet to be classified. Much of this category will be reclassified to other sectors as more information becomes available.

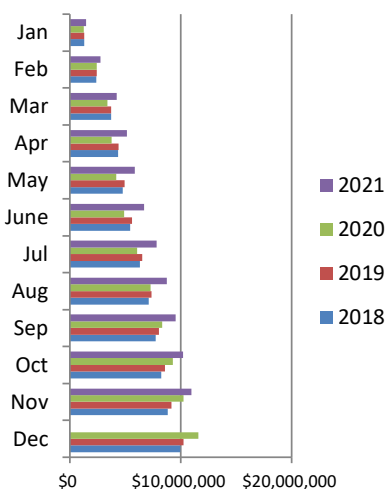
## Net Taxable Sales by Sector-Town of Breckenridge Tax Base



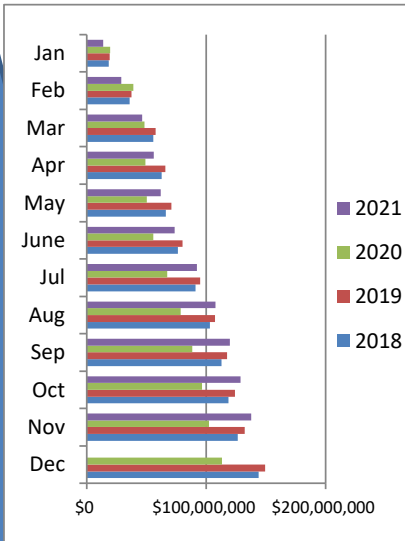
Total Net Taxable Sales						
	2018	2019	2020	2021	% change from PY	% change from '19
Jan	\$76,157,160	\$82,322,443	\$84,644,018	\$79,023,072	-6.64%	-4.01%
Feb	\$70,325,586	\$75,808,719	\$81,722,326	\$79,751,857	-2.41%	5.20%
Mar	\$91,612,046	\$95,182,209	\$55,901,159	\$100,189,944	79.23%	5.26%
Apr	\$27,946,410	\$33,982,707	\$11,888,612	\$49,457,258	316.01%	45.54%
May	\$20,593,960	\$26,565,311	\$13,319,498	\$34,376,450	158.09%	29.40%
Jun	\$42,021,851	\$41,030,974	\$37,461,777	\$57,849,583	54.42%	40.99%
Jul	\$52,836,342	\$53,765,222	\$55,891,972	\$77,363,533	38.42%	43.89%
Aug	\$44,386,428	\$48,079,154	\$54,133,827	\$74,591,777	37.79%	55.14%
Sep	\$43,440,675	\$44,871,607	\$53,780,927	\$60,708,547	12.88%	35.29%
Oct	\$27,291,860	\$32,295,790	\$46,503,323	\$48,134,370	3.51%	49.04%
Nov	\$33,921,160	\$39,928,703	\$41,157,632	\$54,880,025	33.34%	37.45%
Dec	\$88,065,120	\$93,941,180	\$84,839,672	\$0	n/a	n/a
<b>Total</b>	<b>\$618,598,597</b>	<b>\$667,774,018</b>	<b>\$621,244,743</b>	<b>\$716,326,416</b>		



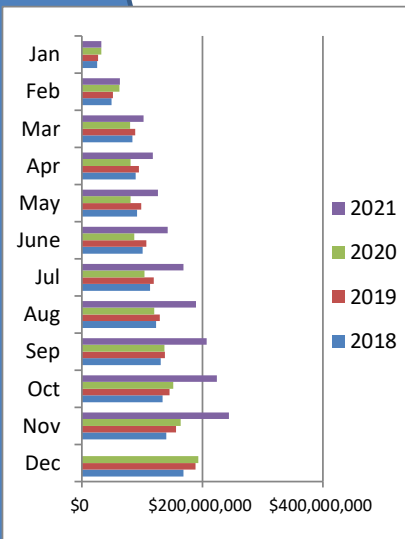
Retail						
	2018	2019	2020	2021	% change from PY	% change from '19
Jan	\$16,701,020	\$19,871,790	\$18,701,200	\$18,655,022	-0.25%	-6.12%
Feb	\$15,909,830	\$17,611,858	\$18,422,684	\$19,550,448	6.12%	11.01%
Mar	\$21,685,964	\$21,864,529	\$12,463,091	\$26,490,458	112.55%	21.16%
Apr	\$6,823,853	\$8,640,792	\$2,657,284	\$12,682,334	377.27%	46.77%
May	\$5,242,102	\$6,424,073	\$3,989,232	\$8,935,292	123.99%	39.09%
Jun	\$10,123,001	\$10,871,292	\$14,718,459	\$16,360,298	11.15%	50.49%
Jul	\$12,196,859	\$12,895,819	\$14,801,960	\$18,342,585	23.92%	42.24%
Aug	\$10,294,460	\$12,109,956	\$13,128,342	\$24,785,876	88.80%	104.67%
Sep	\$11,911,888	\$13,060,762	\$14,248,882	\$16,910,995	18.68%	29.48%
Oct	\$7,961,454	\$8,233,448	\$11,621,755	\$11,922,089	2.58%	44.80%
Nov	\$9,648,118	\$11,093,294	\$11,523,640	\$15,134,846	31.34%	36.43%
Dec	\$22,980,110	\$25,896,778	\$25,308,967	\$0	n/a	n/a
<b>Total</b>	<b>\$151,478,660</b>	<b>\$168,574,391</b>	<b>\$161,585,494</b>	<b>\$189,770,242</b>		



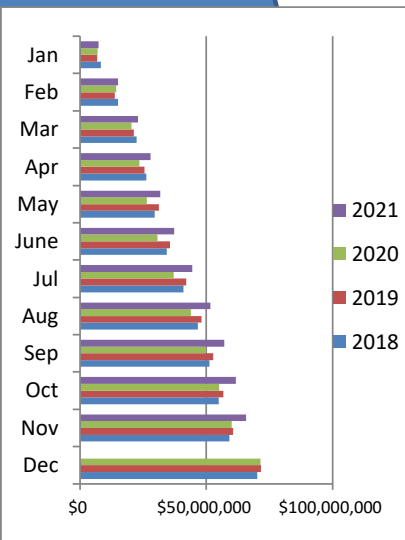
Weedtail						
	2018	2019	2020	2021	% change from PY	% change from '19
Jan	\$1,299,492	\$1,278,628	\$1,266,253	\$1,478,465	16.76%	15.63%
Feb	\$1,077,296	\$1,143,834	\$1,155,097	\$1,294,638	12.08%	13.18%
Mar	\$1,360,559	\$1,291,752	\$975,890	\$1,441,196	47.68%	11.57%
Apr	\$603,052	\$682,583	\$371,068	\$942,276	153.94%	38.05%
May	\$432,876	\$525,557	\$398,677	\$695,750	74.51%	32.38%
Jun	\$646,541	\$691,544	\$730,655	\$841,867	15.22%	21.74%
Jul	\$884,964	\$905,548	\$1,183,503	\$1,116,858	-5.63%	23.34%
Aug	\$804,530	\$845,682	\$1,189,922	\$936,140	-21.33%	10.70%
Sep	\$624,657	\$658,693	\$1,058,643	\$802,336	-24.21%	21.81%
Oct	\$496,522	\$536,078	\$961,909	\$665,889	-30.77%	24.22%
Nov	\$615,385	\$605,820	\$946,348	\$737,780	-22.04%	21.78%
Dec	\$1,131,042	\$1,088,987	\$1,344,482	\$0	n/a	n/a
<b>Total</b>	<b>\$9,976,918</b>	<b>\$10,254,704</b>	<b>\$11,582,448</b>	<b>\$10,953,194</b>		



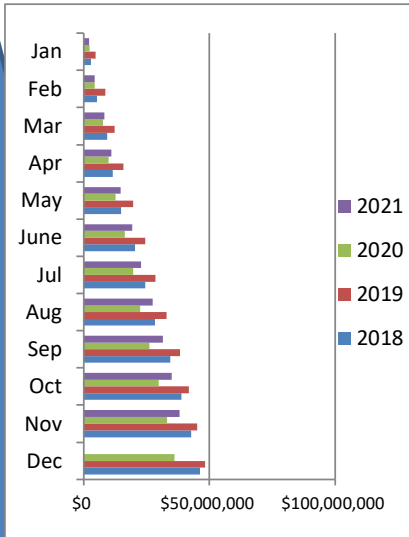
Restaurant / Bar						
	2018	2019	2020	2021	% change from PY	% change from '19
Jan	\$18,482,354	\$19,257,344	\$19,554,069	\$13,927,771	-28.77%	-27.68%
Feb	\$17,427,695	\$18,251,145	\$19,373,160	\$14,848,206	-23.36%	-18.65%
Mar	\$19,724,281	\$20,276,191	\$9,539,117	\$17,439,056	82.82%	-13.99%
Apr	\$6,963,700	\$8,183,550	\$569,772	\$9,758,169	1612.64%	19.24%
May	\$3,802,870	\$4,752,756	\$1,080,838	\$5,836,737	440.02%	22.81%
Jun	\$9,791,004	\$9,334,516	\$5,757,644	\$11,911,260	106.88%	27.60%
Jul	\$14,831,876	\$14,827,380	\$11,516,010	\$18,625,112	61.73%	25.61%
Aug	\$12,224,945	\$12,693,004	\$11,328,814	\$15,353,383	35.53%	20.96%
Sep	\$9,745,452	\$10,012,989	\$9,740,884	\$12,099,188	24.21%	20.83%
Oct	\$5,759,789	\$6,463,032	\$8,035,694	\$8,782,663	9.30%	35.89%
Nov	\$7,645,398	\$8,198,131	\$5,875,167	\$9,057,482	54.17%	10.48%
Dec	\$17,563,891	\$17,153,063	\$10,821,262	\$0	n/a	n/a
<b>Total</b>	<b>\$143,963,257</b>	<b>\$149,403,100</b>	<b>\$113,192,431</b>	<b>\$137,639,027</b>		



Short-Term Lodging						
	2018	2019	2020	2021	% change from PY	% change from '19
Jan	\$25,689,090	\$26,972,450	\$32,472,870	\$32,089,902	-1.18%	18.97%
Feb	\$23,913,152	\$24,828,849	\$30,219,575	\$30,990,441	2.55%	24.82%
Mar	\$34,655,544	\$37,084,360	\$17,521,668	\$39,467,312	125.25%	6.43%
Apr	\$5,049,766	\$6,084,075	\$411,396	\$15,043,816	3556.77%	147.27%
May	\$2,481,206	\$3,269,759	\$193,062	\$9,000,667	4562.07%	175.27%
Jun	\$9,223,545	\$8,616,999	\$6,255,691	\$16,196,349	158.91%	87.96%
Jul	\$12,343,479	\$12,277,101	\$16,576,656	\$25,815,022	55.73%	110.27%
Aug	\$9,521,108	\$10,003,552	\$16,660,637	\$20,499,824	23.04%	104.93%
Sep	\$7,979,992	\$8,761,172	\$16,460,520	\$18,286,575	11.09%	108.72%
Oct	\$3,286,496	\$7,656,277	\$14,549,116	\$16,473,210	13.22%	115.16%
Nov	\$5,722,896	\$10,643,615	\$12,473,022	\$19,901,508	59.56%	86.98%
Dec	\$28,717,739	\$32,570,216	\$29,486,210	\$0	n/a	n/a
<b>Total</b>	<b>\$168,584,012</b>	<b>\$188,768,425</b>	<b>\$193,280,422</b>	<b>\$243,764,627</b>		



Grocery / Liquor						
	2018	2019	2020	2021	% change from PY	% change from '19
Jan	\$8,179,130	\$6,728,312	\$6,999,424	\$7,287,839	4.12%	8.32%
Feb	\$6,922,490	\$6,986,584	\$7,348,579	\$7,698,418	4.76%	10.19%
Mar	\$7,304,454	\$7,555,406	\$6,076,156	\$7,875,044	29.61%	4.23%
Apr	\$3,785,564	\$4,143,198	\$3,106,559	\$5,116,542	64.70%	23.49%
May	\$3,354,362	\$5,770,430	\$2,826,463	\$3,756,571	32.91%	-34.90%
Jun	\$4,780,307	\$4,477,840	\$4,217,888	\$5,487,526	30.10%	22.55%
Jul	\$6,528,365	\$6,441,916	\$6,538,290	\$7,258,749	11.02%	12.68%
Aug	\$5,727,183	\$6,036,270	\$6,845,312	\$7,082,310	3.46%	17.33%
Sep	\$4,586,779	\$4,599,869	\$5,779,785	\$5,595,731	-3.18%	21.65%
Oct	\$3,668,346	\$3,956,333	\$5,367,622	\$4,452,681	-17.05%	12.55%
Nov	\$4,272,530	\$3,980,326	\$4,969,855	\$4,209,254	-15.30%	5.75%
Dec	\$11,075,937	\$10,973,358	\$11,429,551	\$0	n/a	n/a
<b>Total</b>	<b>\$70,185,448</b>	<b>\$71,649,842</b>	<b>\$71,505,483</b>	<b>\$65,820,667</b>		

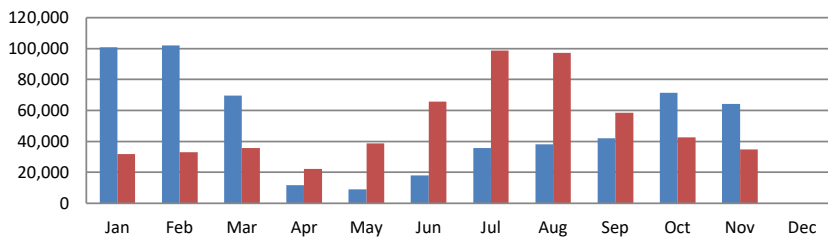


Construction						
	2018	2019	2020	2021 from PY	% change from '19	
Jan	\$2,895,839	\$4,621,912	\$2,322,673	\$2,068,745	-10.93%	-55.24%
Feb	\$2,405,476	\$3,928,370	\$2,026,803	\$2,195,750	8.34%	-44.11%
Mar	\$3,989,926	\$3,639,371	\$3,270,922	\$3,929,906	20.15%	7.98%
Apr	\$2,288,062	\$3,600,032	\$2,300,346	\$2,801,202	21.77%	-22.19%
May	\$3,228,887	\$3,832,448	\$2,761,828	\$3,686,232	33.47%	-3.82%
Jun	\$5,632,118	\$4,747,492	\$3,556,574	\$4,674,055	31.42%	-1.55%
Jul	\$3,921,453	\$4,216,791	\$3,324,797	\$3,429,834	3.16%	-18.66%
Aug	\$3,889,471	\$4,372,893	\$2,892,678	\$3,564,355	23.22%	-18.49%
Sep	\$6,184,874	\$5,288,896	\$3,734,686	\$3,949,388	5.75%	-25.33%
Oct	\$4,421,555	\$3,589,597	\$3,636,815	\$3,568,462	-1.88%	-0.59%
Nov	\$3,790,500	\$3,210,703	\$3,240,472	\$3,150,797	-2.77%	-1.87%
Dec	\$3,511,611	\$3,175,686	\$2,914,899	\$0	n/a	n/a
<b>Total</b>	<b>\$46,159,772</b>	<b>\$48,224,190</b>	<b>\$35,983,494</b>	<b>\$37,018,728</b>		

### Disposable Bag Fees

The Town adopted an ordinance April 9, 2013 (effective October 15, 2013) to discourage the use of disposable bags, achieving a goal of the SustainableBreck Plan. The \$.10 fee applies to most plastic and paper bags given out at retail and grocery stores in Breckenridge. The program is intended to encourage the use of reusable bags and discourage the use of disposable bags, thereby furthering the Town's sustainability efforts. Revenues from the fee are used to provide public information about the program and promote the use of reusable bags.

### # of Disposable Bags Reported by Month

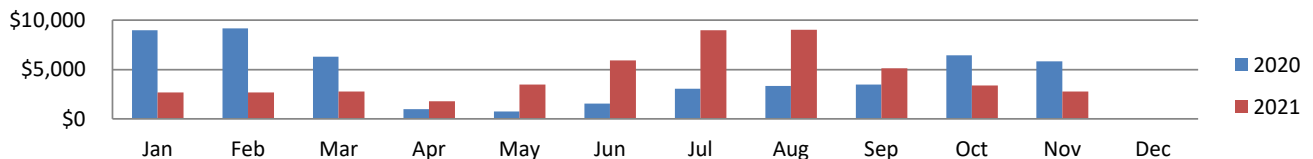


Year	Total
2020	562,478
2021	558,796

Change	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	-68,919	-69,224	-34,028	10,417	29,929	47,583	62,986	59,296	16,422	-28,751	-29,393	0

### Bag Fees Remitted by Month

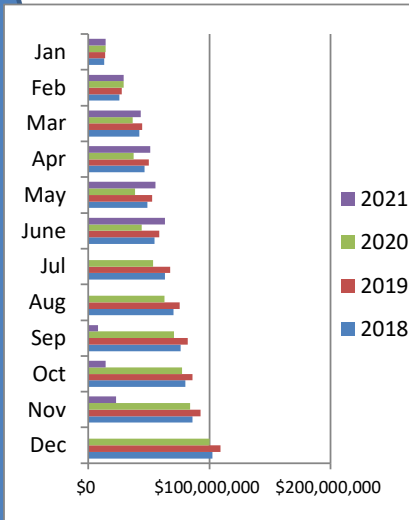
Net of Retained Percentage\*



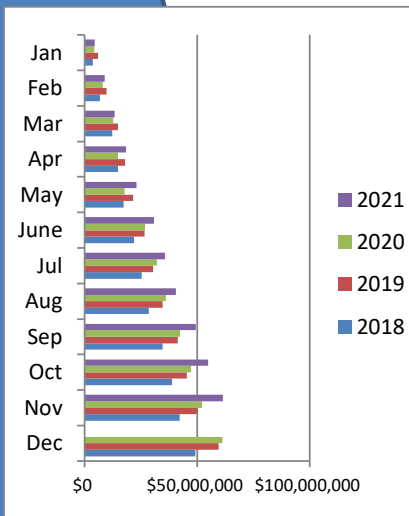
\*Retailers are permitted to retain 50% of the fee (up to a maximum of \$1000/month through October 31, 2014; changing to a maximum of \$100/month beginning November 1, 2014) in order to offset expenses incurred related to the program. The retained percent may be used by the retail store to provide educational information to customers; provide required signage; train staff; alter infrastructure; fee administration; develop/display informational signage; encourage the use of reusable bags or promote recycling of disposable bags; and improve infrastructure to increase disposable bag recycling.



## The Tax Basics: Retail Sales Sector Analysis

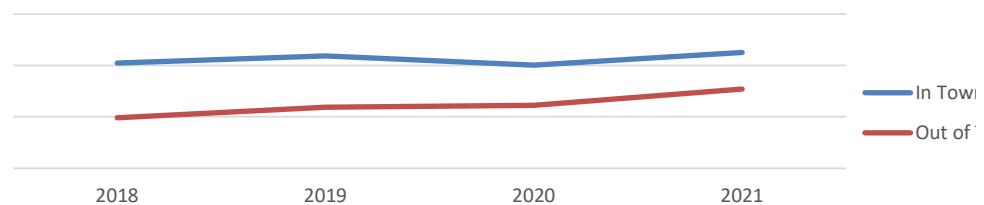


Retail: In-Town					
	2018	2019	2020	2021	% change from PY
Jan	\$13,091,224	\$13,874,499	\$14,391,492	\$14,199,954	-1.33%
Feb	\$12,728,004	\$13,757,068	\$14,745,693	\$15,056,904	2.11%
Mar	\$16,210,440	\$16,907,637	\$7,692,066	\$17,993,697	133.93%
Apr	\$4,340,147	\$5,472,286	\$501,878	\$7,753,188	1444.84%
May	\$2,670,487	\$2,942,048	\$1,184,259	\$4,246,996	258.62%
Jun	\$5,552,339	\$5,602,548	\$5,548,860	\$8,444,658	52.19%
Jul	\$8,765,292	\$9,136,287	\$9,567,236	\$12,301,068	28.57%
Aug	\$7,187,318	\$7,912,130	\$9,131,152	\$9,627,443	5.44%
Sep	\$5,709,086	\$6,383,165	\$7,831,392	\$8,034,937	2.60%
Oct	\$3,832,351	\$4,203,777	\$6,910,089	\$6,506,168	-5.85%
Nov	\$6,118,642	\$6,422,057	\$6,666,990	\$8,516,079	27.73%
Dec	\$16,129,437	\$16,471,644	\$16,164,622	\$0	n/a
<b>Total</b>	<b>\$102,334,767</b>	<b>\$109,085,146</b>	<b>\$100,335,729</b>	<b>\$112,681,092</b>	



Retail: Out-of-Town					
	2018	2019	2020	2021	% change from PY
Jan	\$3,609,796	\$5,997,291	\$4,309,707	\$4,455,068	3.37%
Feb	\$3,181,826	\$3,854,790	\$3,676,992	\$4,493,544	22.21%
Mar	\$5,475,523	\$4,956,892	\$4,771,024	\$8,496,760	78.09%
Apr	\$2,483,706	\$3,168,506	\$2,155,406	\$4,929,145	128.69%
May	\$2,571,615	\$3,482,025	\$2,804,973	\$4,688,296	67.14%
Jun	\$4,570,662	\$5,268,745	\$9,169,599	\$7,915,640	-13.68%
Jul	\$3,431,567	\$3,759,532	\$5,234,724	\$6,041,517	15.41%
Aug	\$3,107,142	\$4,197,826	\$3,997,190	\$15,158,433	279.23%
Sep	\$6,202,803	\$6,677,598	\$6,417,490	\$8,876,058	38.31%
Oct	\$4,129,103	\$4,029,670	\$4,711,666	\$5,415,921	14.95%
Nov	\$3,529,476	\$4,671,237	\$4,856,650	\$6,618,767	36.28%
Dec	\$6,850,674	\$9,425,133	\$9,144,345	\$0	n/a
<b>Total</b>	<b>\$49,143,892</b>	<b>\$59,489,246</b>	<b>\$61,249,765</b>	<b>\$77,089,150</b>	

### Annual Retail Comparison



#### New Items of Note:

- Starting in March 2019, the Finance Department has split the Retail sector into two categories, In-Town Retail sales and Out-of-Town Retail sales. In-Town Retail sales comprise businesses that are in Town limits, the sector had an overall decrease of 2.13% in 2020 as compared to 2018. The Out-of-Town Retail Sales had an overall increase in sales of 19.45% for 2020 compared to 2018.

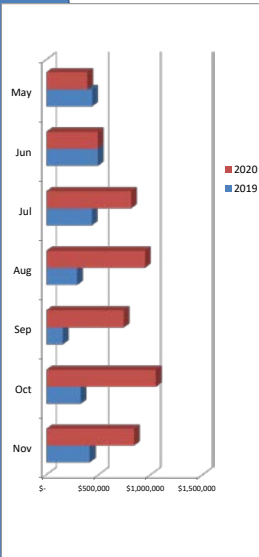
## Real Estate Transfer Tax

### New Items of Note:

- Revenue for the month of November is ahead of monthly budget by \$115,703 and below the prior year by -38.34%.
- Year to date, revenue is ahead of prior year by 46.46%, and has surpassed budget by \$5,366,295.
- Single Family Home sales account for the majority of the sales (42.13%), with Condominium sales in the second position of highest sales (26.8%) subject to the tax. Timeshare sales were in third position with (11.79%) in sales for the year.
- November 2021 churn was 49.5% above November 2020.

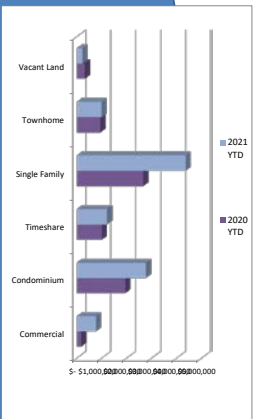
### Continuing Items of Note:

- 2021 Real Estate Transfer Tax budget is based upon the monthly distribution for 2019.



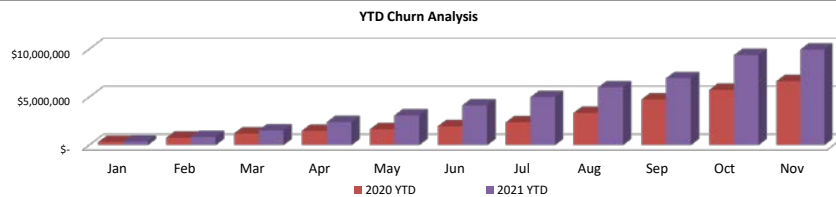
Total RETT						
	2019	2020	2021	% change	2021 budget	+/- Budget
Jan	\$536,802	\$439,913	\$394,201	-10.39%	\$411,967	-\$17,766
Feb	\$441,411	\$494,762	\$494,406	-0.07%	\$338,759	\$155,647
Mar	\$454,470	\$437,025	\$813,731	86.20%	\$348,782	\$464,950
Apr	\$674,070	\$296,555	\$946,247	219.08%	\$517,313	\$428,934
May	\$781,528	\$158,327	\$743,447	369.56%	\$599,781	\$143,666
Jun	\$480,111	\$330,564	\$1,052,494	218.39%	\$368,460	\$684,034
Jul	\$510,302	\$417,437	\$841,992	101.71%	\$391,630	\$450,362
Aug	\$784,245	\$1,032,915	\$1,024,008	-0.86%	\$601,867	\$422,141
Sep	\$684,950	\$1,478,414	\$1,028,639	-30.42%	\$525,663	\$502,976
Oct	\$561,093	\$1,051,151	\$2,446,257	132.72%	\$430,609	\$2,015,648
Nov	\$604,298	\$939,818	\$579,469	-38.34%	\$463,766	\$115,703
Dec	\$653,338	\$761,211	\$0	n/a	\$501,403	n/a
Total	\$7,166,618	\$7,838,092	\$10,364,893		\$5,500,000	

\*August #s are as of 08/17/2021



by Category					
Description	2020 YTD	2021 YTD	\$ change	% change	% of Total
Commercial	\$ 179,466	\$ 770,515	591,049	329.34%	7.43%
Condominium	1,946,260	2,777,220	830,960	42.70%	26.80%
Timeshare	1,008,402	1,221,574	213,172	21.14%	11.79%
Single Family	2,669,184	4,366,336	1,697,152	63.58%	42.13%
Townhome	947,432	998,815	51,383	5.42%	9.64%
Vacant Land	326,138	228,973	(97,165)	-29.79%	2.21%
Total	\$ 7,076,881	\$ 10,363,433	3,286,551	46.44%	100.00%

\* YTD as of July 31st



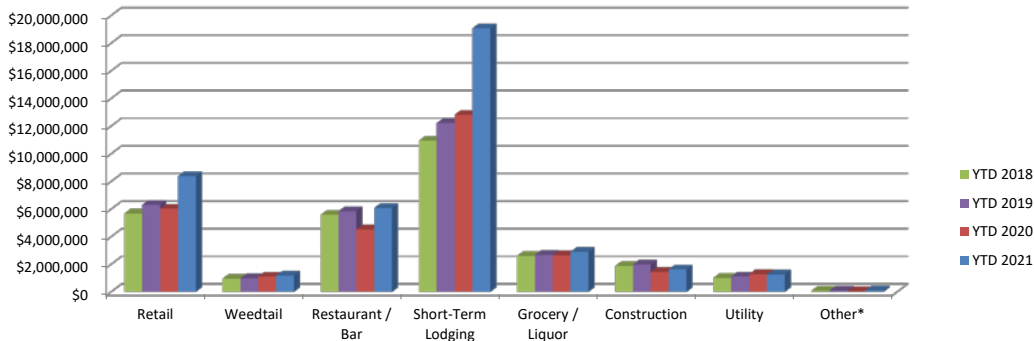
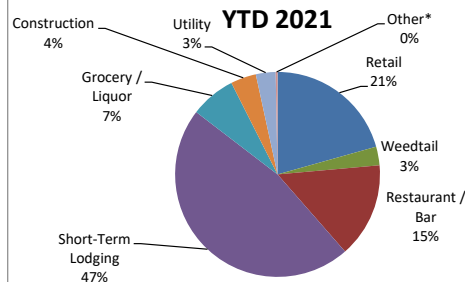
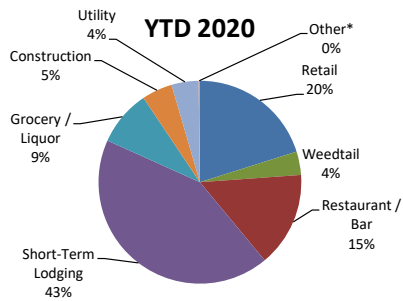


## TAXES DUE - SALES, ACCOMMODATIONS, AND MARIJUANA TAXES

### Tax Due by Industry-YTD

Description	YTD 2018	YTD 2019	YTD 2020	2020		2019/2020		2020/2021	
				% of Total	YTD 2021	\$ Change	% Change	% of Total	
Retail	\$5,692,486	\$6,320,618	\$6,037,050	20.13%	\$8,406,822	\$2,369,772	39.25%	20.64%	
Weedtail	\$966,854	\$1,001,813	\$1,119,010	3.73%	\$1,197,184	\$78,174	6.99%	2.94%	
Restaurant / Bar	\$5,599,492	\$5,858,677	\$4,535,043	15.12%	\$6,097,409	\$1,562,366	34.45%	14.97%	
Short-Term Lodging	\$10,951,529	\$12,230,320	\$12,825,087	42.75%	\$19,086,770	\$6,261,683	48.82%	46.86%	
Grocery / Liquor	\$2,618,551	\$2,687,968	\$2,661,364	8.87%	\$2,915,856	\$254,492	9.56%	7.16%	
Construction	\$1,889,314	\$1,995,649	\$1,464,939	4.88%	\$1,639,930	\$174,991	11.95%	4.03%	
Utility	\$1,018,270	\$1,126,831	\$1,290,483	4.30%	\$1,270,485	(\$19,999)	-1.55%	3.12%	
Other*	\$96,573	\$105,430	\$64,240	0.21%	\$118,760	\$54,520	84.87%	0.29%	
<b>Total</b>	<b>\$28,833,068</b>	<b>\$31,327,305</b>	<b>\$29,997,216</b>	<b>100.00%</b>	<b>\$40,733,215</b>	<b>\$10,736,000</b>	<b>35.79%</b>	<b>100.00%</b>	

\* Other includes activities in Automobiles and Undefined Sales.



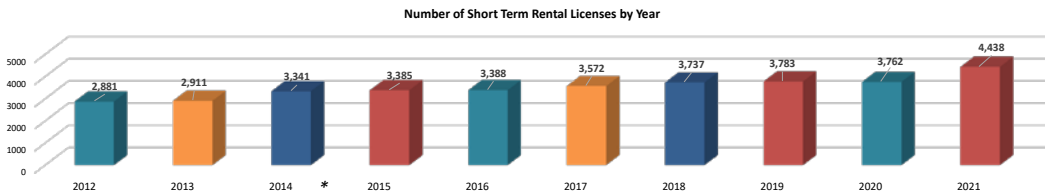
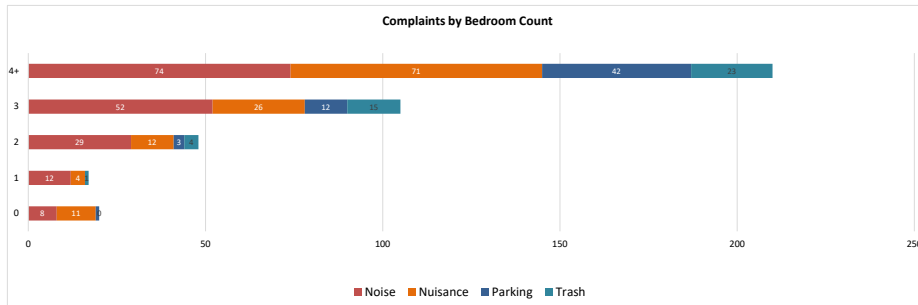
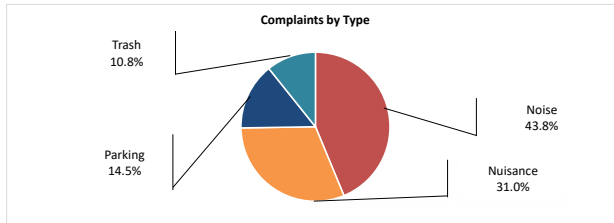
#### Items of Note:

- The general sales tax rate includes the 2.5% Town sales tax + 1.93% County sales tax distributed to the Town.
- The Short -Term Lodging sector includes an additional 3.4% accommodation tax.
- Weedtail includes an additional 5% marijuana tax (recreational and medical). The 1.5% distribution from the State is also included in this category. While the State distribution is only due on recreational sales, the majority of weedtail sales are recreational and the distribution has been applied to the entire sector.
- Report assumptions include: applying tax specific to a sector to the entire sector, as well as assuming the same tax base across the State, County, and Town taxes due. As a result, the numbers indicated above are a rough picture of taxes due to the Town and not an exact representation. Additionally, the data is representative of taxes due to the Town and not necessarily taxes collected year to date.

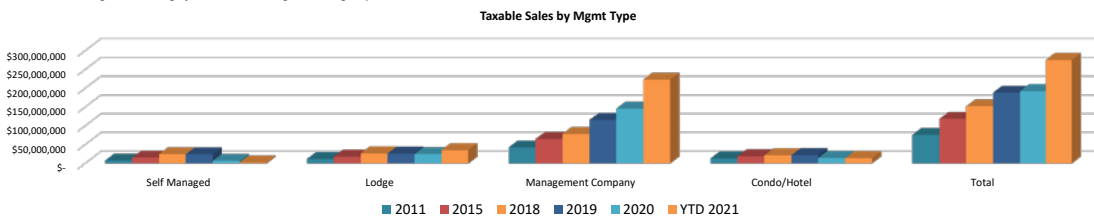
The Short Term Rental Basics

Complaints Made by Type										
Complaint Type	2020				2021				Total Calls Jan 1, 2020-Dec 31, 2021	Percentage
	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 1	Quarter 2	Quarter 3	Quarter 4		
Noise	22	10	27	23	35	15	28	15	175	43.8%
Nuisance	16	45	27	17	11	2	4	2	124	31.0%
Parking	16	2	15	3	5	3	9	5	58	14.5%
Trash	3	4	19	1	5	0	4	7	43	10.8%
<b>Total</b>	<b>57</b>	<b>61</b>	<b>88</b>	<b>44</b>	<b>56</b>	<b>20</b>	<b>45</b>	<b>29</b>	<b>400</b>	<b>100.0%</b>

\* "Nuisance" includes complaints not concerning Parking, Trash, or Noise.



\* In 2014, a change in licensing of timeshares changed causing a spike.



Continuing Items of Note:

- Renewals of STR licenses started on 12/28/2021 with a final date to renew by 01/27/2022
- An ordinance implementing a new regulatory fee of \$400 per bedroom came into effect on 11/23/2021
- An ordinance limiting the amount of active STR licenses to 2200 outside of the condohotels went into effect 11/2/2021
- New licensing software Munirevs was implemented and went live as of October 2021
- New complaint line started 01/20/2021, serviced by LodgingRevs with a new number 970-423-5334.
- As of 05/05/2021 Summit County moved to level Green on the COVID19 dial, all businesses, activities and gatherings can operate with no capacity restrictions.
- Complaints regarding possible PHO violations are included in the Nuisance category. All the PHO related complaints were passed on and handled by the Breckenridge Police Department .
- VRBO began collecting and remitting Breckenridge sales and accommodations tax for hosts on January 1, 2020.
- Airbnb began collecting and remitting Breckenridge sales and accommodations tax for hosts on October 1, 2019.
- Airbnb sales fall into all management categories.
- Certain timeshares, such as Woods Manor, French Corner, and French Ridge, are filed on consolidated returns under Other Management Companies.
- Total active licenses fluctuates throughout the year. We use the number of active licenses on January 1 to determine annual number of licenses.
- The number to lodge a complaint is 970-423-5334.



# Memo

To: Town Council  
From: Mark Truckey, AICP, Community Development Director  
Date: January 19, 2022 (for meeting of January 25, 2022)  
Subject: Entrada Parcel

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A Pre-Annexation Agreement was approved by the Town Council on January 12, 2021 for the Entrada Parcel, located on the north side of CR-450 abutting Hwy 9 and across from 7-11. The agreement followed up on a previously approved Out-of-Town Water Service Agreement that the Town formalized with Entrada property owner Marty Getz. Both agreements stipulated terms for water service and eventual annexation into the Town, addressing a number of issues (e.g., Town review and consent of the development plan, dedication of land for right turn lane off CR-450, sign program requirements, new Land Use District 46 to be created). As part of these agreements, the Town agreed to Mr. Getz's plans to develop a 21,000 square foot commercial building, which was envisioned to have retail and restaurant uses on the first floor and conditioned storage space on the second floor. The agreement also allowed Mr. Getz to obtain development and building permit approvals through the County process.

Mike Dudick with Breckenridge Grand Vacations (BGV) has been working with Mr. Getz on acquisition of the property. BGV's intent for the property would be to instead develop the property for workforce housing, using the property to meet some of the housing obligations of BGV's development projects, such as the North Gondola Lot Master Plan. BGV intends to use a larger building footprint than the previously proposed commercial building, with its size at about 28,700 square feet density (with additional allowances for hallways, common areas, etc.).

If the Council is supportive of further considering BGV's proposal for Entrada, then some waivers from the Development Code would likely be needed to address a number of issues related to the proposal. For example, if BGV comes through the Town development process, the existing Land Use Guidelines for the site allow for lodging uses but discourage other forms of residential, with the exception of employee housing. Thus, market rate residential uses would be inconsistent with the Land Use Guidelines. BGV would ideally desire to develop the units without a deed restriction, but then deed restrict units in the future to meet their future housing obligations. Waivers potentially through a Development Agreement, an Annexation Agreement, or Land Use District modifications could allow the flexibility to build the residential units with the intent of their use for future housing obligations/deed restrictions. There would have to be safeguards put in place to ensure that the units could not be used as market rate units.

In addition to the proposed use, a number of other waivers may be needed. For example, the building size would exceed the density allowed under the existing Land Use Guidelines, which would also necessitate Code waivers.

The attached memo, prepared by BGV, outlines a number of issues that may need to be addressed through some type of Council-approved waivers (e.g., Development Agreement). This document was not received in time for staff to review it or provide any analysis. Visual renderings and draft site plans are also attached for the Council's review.

This is intended as an introductory discussion on the Entrada housing proposal. At the work session BGV will be prepared to further describe the proposal. Council feedback will be requested on whether the Council wishes to further consider the proposal.

## MEMORANDAUM

TO: Breckenridge Town Council

FROM: Breckenridge Grand Vacations

SUBJECT: Employee Housing on Tract A2, Entrada at Breckenridge

DATE: January 19, 2022 for January 25,2022

Breckenridge Grand Vacations (BGV) is currently looking at the Tract A2, Entrada at Breckenridge property as a possible location to construct employee housing for our staff. We understand that in order to attract and keep valuable employees, it is important to provide housing for them. We are interested in constructing 60-70 studio units, as many as possible, on Tract A2. Tract A2 is located within the County, on the northeast corner of Highway 9 and Huron Road/County Road 450. It is currently vacant, but a two-story commercial building has been approved for it. It is owned by Spring Creek Interest, LLC, who has given us permission to discuss our project with you. We have also had a preliminary discussion with County Staff who are supportive of our intent to construct employee housing.

### Background

In 2017 the Town of Breckenridge entered into an Out of Town Water Service Agreement (“Water Agreement”) with the Spring Creek Interest, and last year a Pre-Annexation Agreement was reached which further specified the terms of the Water Agreement relating to annexation timing and additional development information for the property. Land Use District (LUD) #46 was drafted to recognize the currently approved commercial building for the property. (LUD #5 is currently designated for the property.) The lot will be placed in this new LUD upon its annexation into the Town. The LUD specifies the allowed uses as Commercial, Governmental/Institutional and Residential Uses limited to a Condominium/Hotel, Hotel/Lodge/Inn and Multi-Unit Residential. Employee/Workforce Housing are also allowed land uses. A 1:2.91 Floor to Area Ratio (FAR) is allowed, with an actual total of 21,158 square feet for the property (20,962 square feet for the building and up to 196 square feet for a trash enclosure). Height is limited to 40.97 feet as measured to the building’s highest point.

The original County approved commercial building was endorsed by the Town Council. Last year, the current design was reviewed and approved by the Town’s Planning Director, as required by the terms of the Water Agreement. The Water Agreement specified a number of items that must be fulfilled/agreed to by the owner in return for the Town providing water service to the property— exterior building appearance/finishes and site design review/approval by the Town, Tract D conveyance to the Town to allow others to construct future intersection safety improvements, a

bus shelter easement if needed, prohibition of the sale/cultivation of marijuana on the property, signage restrictions, etc.

The property is an ideal location for local housing—adjacent to transit service, within walking distance to needed goods and services, and near recreational amenities such as the Blue River Trail/bike path, Recreation Center, and Kayak Park. The County’s Upper Blue Master Plan Affordable Workforce Housing Map shows Tract A2 to be a potential location for workforce housing based upon its location/proximity to employment centers and these very reasons.

We need the Town’s support and cooperation in order to construct our employee housing project. The Pre-Annexation Agreement and LUD #46, and perhaps the Water Agreement, would need to be revised to reflect our residential project. We have reviewed the Town’s Land Use and Development Code (“Development Code”) and realize that the project will not be able to meet a few of the policies. Relief from those policies would only be needed via a Development Agreement if the project were to be constructed within Town limits rather than in the County as planned. Thus, we would like to discuss our project with you in relation to the Development Code regulations and the standards of forthcoming LUD #46 so that we may know how best to proceed, if at all, with our intended employee housing project.

Request

As mentioned above, we would like to construct as many units as possible, 60-70 studio units, to house our employees. The units will be approximately 410 square feet each, and will house our front-line employees making \$17-\$20 an hour. None of the units would be deed restricted upon construction, but rather restricted as needed in the future to meet the housing requirements of the Development Code for any future projects we would construct in Town limits. The deed restriction will abide by the Town’s current covenant terms—rented to a person 18 years or older employed by a business located within/serving the County, working an average of 30 hours/week, not rented/leased for a period less than 120 consecutive days, etc.

Sketches have been provided showing a three-story building with 62 housing units, storage lockers, small management office, possible elevator and mechanical room. (Eight additional units could be provided with the elimination of the elevator and a reduction of the storage areas.) With 62 units the building contains approximately 25,420 square feet of density (62 units x 410 square feet) and an additional 9,580 square feet of mass (3,280 square feet of storage and 6,300 square feet of halls, mechanical areas, stairs, etc.) for a total building size of approximately 35,000 square feet. If 70 units were constructed, the building would contain 28,700 square feet of density (70 units x 410 square feet) and an additional 6,300 square feet of mass for the halls, mechanical, stairs, etc.) Approximately 75 parking spaces will be provided for the residents which meets the Development Code’s one space per dwelling unit for Efficiency/Studio units requirements, and the extra spaces will be for guests and the office area. We have utilized the footprint, architecture and site plan layout of the currently approved building as much as possible. The site plan has been altered to include additional perpendicular parking adjacent to the rear of the building. The Employee

Housing/Multi-Unit Residential Use meets the specified allowed uses for LUD #46 standards well (per the Development Code, Apartments are unsubdivided Multi-Unit Residential structures). However, in order to make the project feasible, relief from a few Development Code and LUD #46 provisions are needed revolving around [density, mass, open space, landscaping, and employee housing mitigation](#) either in the form of a waiver or non-applicability via a Development Agreement, if the project were to be constructed in Town, or through the drafting of a new LUD for the property if the project were to be built within the County limits. We have discussed each of these below in detail.

1. LUD #46 and Policy 3/Density

Typically, in the Town’s LUDs, density for commercial, industrial and other non-residential uses is designated in terms of a Floor Area Ratio (FAR), and density for residential uses density is designated in terms of Units per Acre (UPA). However, when only a FAR is defined for a LUD, all developments, commercial and residential, must abide by the assigned FAR.

According to LUD #46, the intensity of use for Tract A2 is, “Approximately 1:2.91 FAR (This is an actual total of 21,158 square feet for the property, which number includes 20,962 square feet for the main building and up to 196 square feet for a trash enclosure.)” The 20,962 number is the total square footage of the approved commercial building that is to be constructed on the property—including mechanical, elevator, stairs, etc. (Tract A2 is part of the Entrada at Breckenridge Planned Unit Development (PUD). Density for the entire PUD is 1:2.5 FAR. Existing storage buildings/employee unit is located on Tract B which is not part of this request. 21,021 square feet of density is remaining on all the Entrada properties and Tract A2 was to utilize 20,962 square feet of it.)

Since a residential use is now proposed for Tract A2, we believe its square footage should be calculated according to the Development Code. According to the Development Code Policy 3/Density, common areas are not to be counted as density for residential uses. Thus, approximately 28,700 square feet of density is proposed for the 70 units and after the hallways, stairs, elevator, storage, office and mechanical areas are excluded. This is 7,738 square feet (36.9%) over the allowed density. Per the Development Code, under Relative Policy 3/Density, additional density would need to be transferred into the site and -35 points would be assigned to the project that would be very difficult to overcome if developed within the Town.

2. LUD #46 and Policy 4/Mass

Mass is the total above ground square footage of a project—its density and common areas. Per the Development Code, the total density and total mass of a commercial building entirely above ground are one in the same, but additional aboveground square footage is allowed for residential uses in order to construct garages, meeting rooms, lobbies, hallways, recreational areas, etc. A 15% mass bonus is given for Apartments and Boarding house developments. However, in a LUD



where a FAR is only specified, the residential building is treated as a commercial building and the total allowed mass of the building is equal to the total allowed density of the building.

LUD #46 calls for a density of 1:2.91 FAR that was derived by dividing the size of the lot (61,655 square feet) by the proposed total building/dumpster size of 21,158 square feet. The FAR works well for the approved commercial building since no mass bonus is allowed for commercial uses, but not so well for the multiple residential uses that are also allowed in LUD #46—Condominium/Hotel, Hotel/Lodge/Inn, Multi-Unit Residential, and Employee/Workforce Housing.

Since a commercial building was planned for the property, the owner did not realize at the time of drafting the new LUD with a specific FAR last year, that the mass bonus would not be applicable to any future residential uses, and just how much it would severely constrain any future residential uses on the property. In hindsight, a UPA should have also been designated for the residential uses allowed on the property as existing LUD #5 does. (Please see the discussion below.)

A 15 percent (15%) mass bonus on the 20,962 square feet allowed density would yield 24,106 square feet of allowed mass. Even with the mass bonus assigned for a 70 unit project, the proposed mass of approximately 34,980 square feet would be about 45% over the additional 15% allowed. Similar to the density policy, -40 points would be incurred. Combined together, these negative would be insurmountable for the project to overcome. A waiver would be needed for the Relative Policy 4/Mass if the project was to be constructed within Town.

3. Policy 6/Height and LUD #46

The site slopes down from south to north with about a six foot drop. The current approved commercial building measures 40.97 feet tall at its highest point, as per County regulations, and that height was memorialized in the new LUD #46 terms. It states, “The existing building height ranges from 30.50 feet to 40.97 feet to its highest point, rather than to the mean on the north elevation. The existing building height may not be increased.” A basement/garden level will be added to the building containing 16 employee housing units and two resident lockers/storage areas. (Two common storage area totaling 3,280 square feet are proposed. If 70 units were constructed, the storage areas would be eliminated. We understand that Policy 14/R Storage of the Development Code encourages interior storage equal to five percent of building and we intend to meet this.) Due to the additional garden level, and the redesign of the roof system, the building will measure approximately 36’-6” at its highest point (northern portion of the building) which is under the maximum 40.97 feet specified in LUD #46. Negative points would not be assigned but we suggest that LUD #46 be modified to accommodate the new height.

4. Policy 21/Open Space

Relative Policy 21/Open Space encourages all residential developments to retain at least thirty percent (30%) of their total land area in natural and/or unimproved open space, while commercial

developments are encouraged to provide fifteen percent (15%). As mentioned before, the approved commercial building site plan has been utilized which shows 22.6% of the property as open space. (This is the same site plan that was approved by the County and supported by the Town.) This meets County requirements, but if the project were to be developed in Town, a waiver would be needed in order to avoid incurring negative points under this policy (3x (-2/+2)).

5. Policy 22/Landscaping

A high quality landscape plan will be provided for the project—exceeding all the Absolute Policy’s minimum quantity and size requirements, and the minimum five feet width of landscaping between the parking spaces and adjacent rights-of-way. We note that Relative Policy calls for all landscape areas to be a minimum dimension of ten feet. All landscaped areas will meet this ten foot minimum in one dimension, but not both. This is the same landscape plan that has been reviewed and approved by the County and Town. However, if this design is a concern, we ask that this policy too be waived if the project were developed in the Town.

6. Policy 24/Social Community – Employee Housing Mitigation

Although we intend to eventually deed restrict all of the units in the project, none of the units will be deed restricted up front. The units will be restricted as needed to satisfy Policy 24 for our future development projects in the Town. No Average Median Income (AMI) rental restrictions would be placed on the units, but rather rents would be set at a reasonable rate.

Upon issuance of a Certificate of Occupancy base rental rates would be set at a minimum of \$2.44 per sqft (410 SqFt studios would be approximately \$1,000 per month), with a fair market appreciation cap of no more than 4% annually on rents.

A restrictive covenant would be placed on the units that meets the Development Code requirements—occupied by an individual 18 years or older employed by a business located within/serving the County, working an average of 30 hours/week, not rented/leased for a period less than 120 consecutive days, etc.

If we are to develop the project in Town, we have been told that Policy 24 employee housing mitigation will be required for our project. Based on 62 units, 7.161 employees are required to be housed (62 units x 0.33 employees per unit x 0.35 = 7.161). Section E. of Absolute Policy 24/Social Community states:

*E. Size And Building Requirements: The "Size of Employee Housing Table," below, establishes the minimum size of employee housing units and the number of employees that are able to be housed in each employee housing unit. Each employee shall be assessed at 350 square feet per employee.*

*SIZE OF EMPLOYEE HOUSING TABLE*

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

410 square foot units are planned—based upon the County’s future Development Code change dropping the minimum size for a studio unit workforce housing unit down from 450 to 400 square feet each. This, however, is less than the 438 minimum unit size required by Policy 24/R above. However, it does meet the definition of Employee Housing contained in the Development Code on-line:

*EMPLOYEE HOUSING: A dwelling unit the occupancy of which is restricted to a person eighteen (18) years of age or older who, during the entire period of his or her occupancy of the property, earns his or her living by working 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.*

*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.*

Each unit will contain 410 square feet and meet the living area design requirements noted above.

We request that the entire employee housing mitigation requirements be waived if Tract A2 were to be developed in Town.

Regardless of what jurisdiction the property is development in, we want to make sure that Policy 24/R would allow us to deed restrict the units on Tract A2 as needed, in order to meet any 35% housing mitigation requirements for any of our future site plans within Town limits. Specifically, per the Development Code, can those projects provide the entire 35% off-site mitigation on Tract A2? Or would only a portion of the 35% be allowed?

Precedent

In the past, many new LUDs have been created in connection with annexations, to explicitly recognize the existing development on the property to be annexed into Town. New LUD #46 was intended to accommodate the planned Entrada Building so that at the time of annexation it would

conform to the Town’s various development requirements. (LUD #5 is currently designated for the property.)

This is consistent with the approach that was taken earlier for the multiple Warriors Mark subdivisions, and the Huron Landing and Kenington Place Townhomes in 2019. Those new LUDs recognized the existing built structures, and the Warriors Mark LUDs also recognized those yet to be constructed. The Warriors Mark LUDs specifically noted and incorporated the County’s approval of planned unit developments, subdivisions, and/or density allocation maps and the associated densities whether the area was built out or not. For instance, LUD #30 states, “This District takes in all of the existing Warriors Mark Subdivision. The subdivision was planned under Summit County regulations and has been approved for densities from two to 25 units per acre. It is recommended that when District 30 or portions thereof are annexed into the Town, the densities remain those platted under the Warriors Mark Subdivision agreement approved by the County.” LUD #30-4 states, “...As of 2020 this district was 100% built out...Intensity of Use: Existing (Density per the County Approved Density Allocation Map.)” (Please see LUDs 30, 30-1, 30-4, etc. for details.)

Huron Landing was reviewed/approved by the Town, and constructed, in LUD #5. LUD #5 allows Service Commercial Uses at 1:5 FAR and Lodging uses at 10 Units per Acre. Building heights in excess of two stories are discouraged. The LUD states, “Although lodging is acceptable, other types of residential development in this District is strongly discouraged. On possible exception is the construction of employee housing within individual developments.” Huron Landing was found to meet the employee housing use intent of the LUD, and its allowed density was calculated off the 10 UPA for Lodging (1.708 acres x 1,200 x 10 UPA = 20,469). And then since it was a 100% employee housing project, it was given a “bonus”—and allowed 115% of its original allowed density, for a total adjustment of 23,570 square feet of allowed density (20,469 x 115% = 23,570). A 15% mass bonus for Apartments/Boarding Houses was also given for the above ground floor area of amenities and common areas calculated off of the total 23,570 square feet of density which yielded a total allowed mass of 27,570 square feet (23,570 x 115% = 27,106). The approved density of the project was 21,254 square feet and the approved mass was 22,982 square feet. Consequently, if the 10 UPA for Lodging had not been utilized nor the 115% mass bonus assigned, the project would have been over both density and mass. The building was over the recommended two stories (26 feet) of LUD #5 at 33’-1” to the mean, and was assigned -10 points for more than half a story, but less than one story over allowed.

Kenington Place was originally located in LUD #7. LUD #7 calls for Residential uses, in a Single-Family structure type at 7 UPA. According to the Staff Report to create new LUD #45 for Huron Landing and Kenington Place Townhomes, Staff calculated Kenington Place density to be 9.84 UPA and recommended that 10 UPA be allowed for it in new LUD #45, as discussed below.

In August 2019, a new LUD #45 was created to accommodate both the then constructed Huron Landing and the newly annexed Kenington Place Townhomes. The intent of the new LUD #45 was to recognize and accommodate the then existing developments rather than have them continue as non-conforming in relation to their existing LUDs and the Development Code. Residential uses were specified for new LUD #46 and Apartments and Townhomes were the structure types. 10

UPA was recommended for both Huron Landing and Kenington Place. The Staff Report for the new LUD noted that both projects would then have additional remaining density available to them for any additions/modifications. The Staff Report also point out that the Development Code would allow mass bonuses based off of the 10 UPA—30% for Huron Landing and an additional 20% for Kenington Place. The building heights recommendations were also written to accommodate the existing structures—height in excess of three stories was discouraged for Huron Landing and building heights in excess of two stories was discouraged for Kenington Place. Thus, both developments then met the new LUD #45 Guidelines for uses, intensity, and height.

We only mention these projects for precedence sake—to note that pending LUD #46 can be modified to reflect our proposed employee housing project and that the mass bonus of the Development Code is needed for our project just as the assigned mass bonus was needed for Huron Landing. LUD #46 has not yet been formally created and added to the Town’s Land Use District Guidelines and Development Code, nor will it apply to any other properties other than Tract A2.

Conclusion

Construction of our employee housing project will require the Town’s support. Continuing with the planned development of Tract A2 in the County, at the very least, would require the modification of the Pre-Annexation Agreement and LUD #46, and possibly the Water Agreement. New LUD #46 would need to be altered to reflect the new residential project’s density, mass and height. The Pre-Annexation Agreement would be modified to tailor annexation timing to a residential building rather than a commercial building shell and tenant finishes, and any other items that may be appropriate. If our project was developed in the Town rather than the County, these documents, as well as a Development Agreement waiving a few provisions of the Development Code would also be needed in order to accomplish the project.

Employee housing is important not only to us, but the Town and the County as a whole. Locals are the backbone of our community—from providing essential services to our residents and guests to volunteering their time in our community’s many organizations. Thank you for your time and consideration of our request. We look forward to discussing it with you next week.









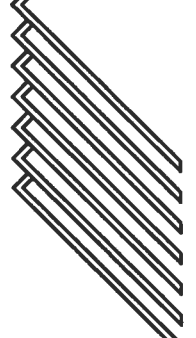






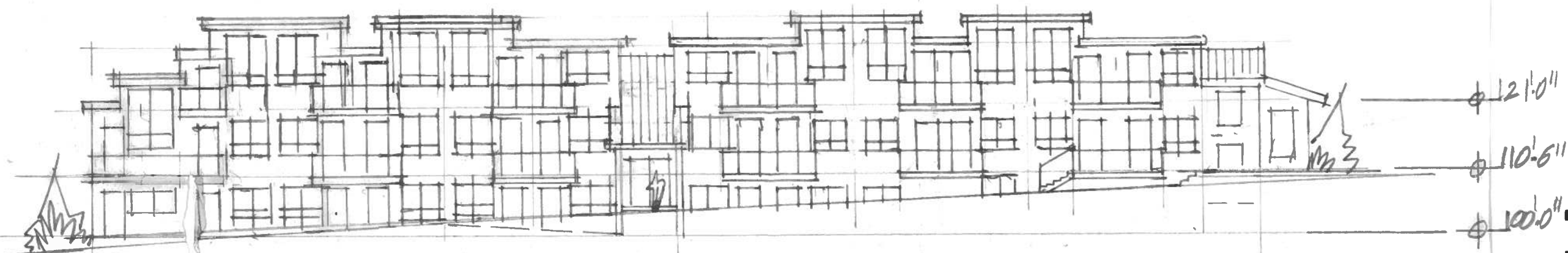
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WEST ELEVATION

SHEET NUMBER:  
 1  
 OFG



KEY	COMMON	BOTANICAL	NO.	SIZE
(Symbol)	COLORADO SPRUCE	PICEA FENSBERGII OR PICEA ENGELMANNI	4	10' 8" TALL (MIN)
(Symbol)	ASPEN	POPULUS TREMICULOSUS	5	10' 8" TALL (MIN)
(Symbol)	POTENTILLA PERENNIAL & COTONEASTER	POTENTILLA FRUTICOSA	9	5 GAL.

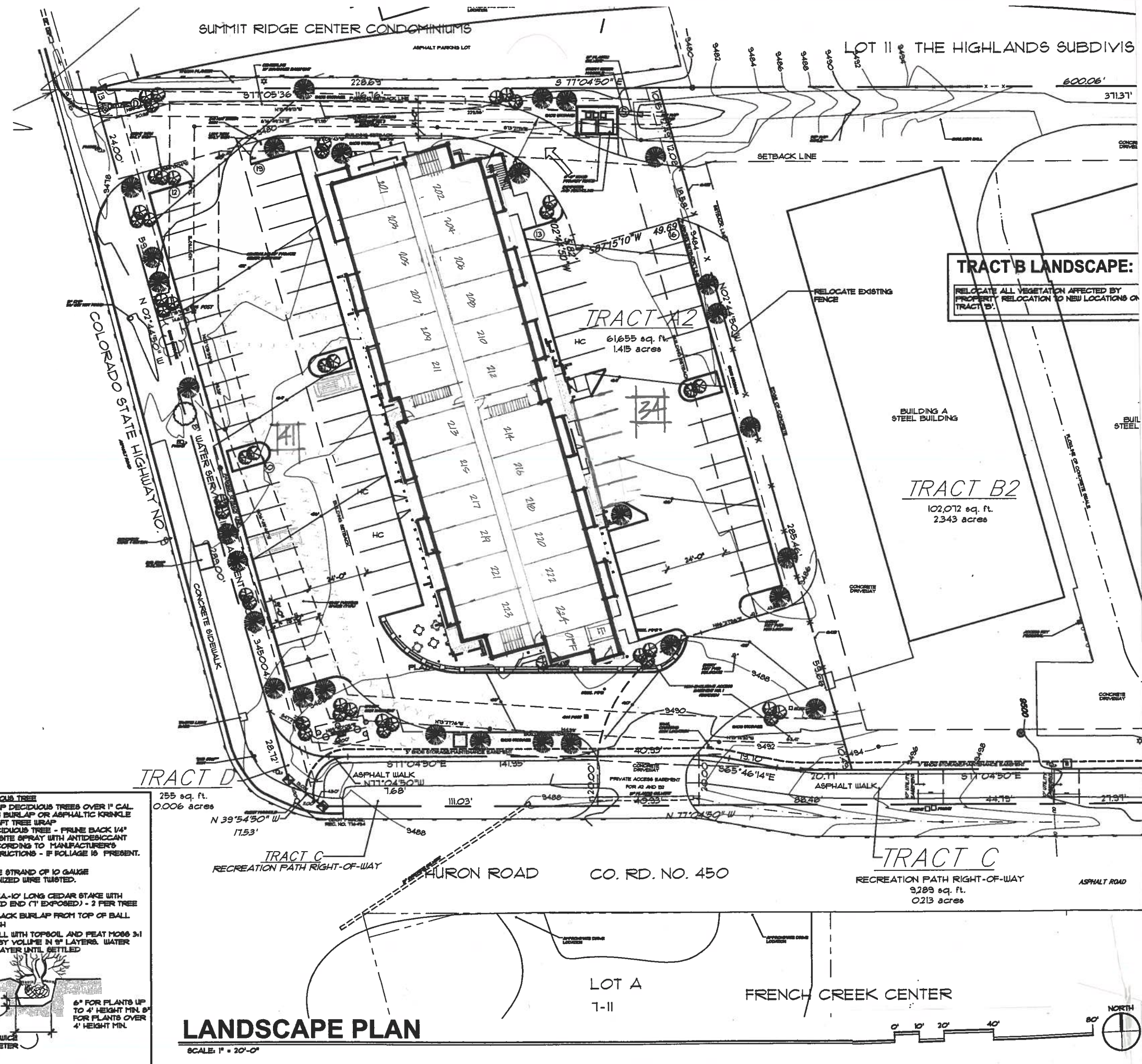
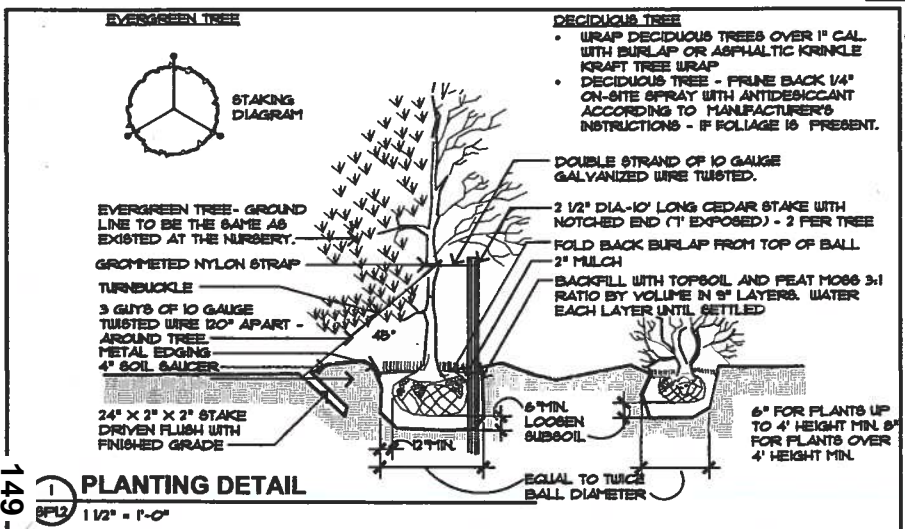
NOTE: SHRUBS TO BE FIELD LOCATED

### PLANTING LIST & NOTES

KEY	COMMON	BOTANICAL	NO.	SIZE
(Symbol)	EXISTING TREES	VARIABLES	--	SEE SITE PLAN
(Symbol)	EXISTING TREES TO BE REMOVED	VARIABLES	--	SEE SITE PLAN
(Symbol)	COLORADO SPRUCE	PICEA FENSBERGII OR PICEA ENGELMANNI	25	10' 8" TALL (MIN)
(Symbol)	ASPEN	POPULUS TREMICULOSUS	50	10' 8" TALL (MIN)
(Symbol)	POTENTILLA	POTENTILLA FRUTICOSA	22	5 GAL.
(Symbol)	ALPINE CURRANT	RIBES ALPIMUM	22	5 GAL.
(Symbol)	PERGAS COTONEASTER	PERGAS COTONEASTER	22	5 GAL.

NOTE: SHRUBS TO BE FIELD LOCATED

- ### LANDSCAPE NOTES
- PROVIDE 2"-3" (MIN) CLAYFREE TOPSOIL AND SEED ALL DISTURBED AREAS WITH SUMMIT CO. SHORT SEED MIX (AS APPROVED BY ... STRIP AND STOCKPILE EDGING TOPSOIL IN CONSTRUCTION AREA. SCREEN TOPSOIL PRIOR TO INSTALLATION.
  - KEEP EXISTING TREES WHERE POSSIBLE, TAKING INTO CONSIDERATION DRIP LINES AND ROOT STRUCTURE. PROTECT EXISTING TREES WITH FENCING LOCATED AT OR OUTSIDE DRIP LINE OF TREE. STOCKPILE AND REUSE EXISTING TREES WHERE POSSIBLE.
  - GENERAL CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM ALL BUILDING FOUNDATIONS PER SPECIFICATIONS AND CODE REQUIREMENTS.
  - PRIOR TO ANY LANDSCAPE WORK, REMOVE ALL DEBRIS, PAINT, CONCRETE, STUMPS, SLASH, ETC. FROM LANDSCAPE AREA.
  - LOCATE ALL PLANTINGS TO AVOID SNOW STACKING & SNOW GLIDE AREAS FROM ABOVE.
  - SHRUBS ARE TO BE FIELD LOCATED AS APPROVED BY OWNER AND ARCHITECT.
  - ALL NEW LANDSCAPING TO BE IRRIGATED WITH DRIP IRRIGATION SYSTEM. PROVIDE SUBMITTAL.
  - ALL NEW PLANTINGS SHOULD BE HIGH ALTITUDE GROWN AND OR COLLECTED TO ENSURE BETTER SURVIVAL.
  - NATURALIZE GROUPINGS OF TREES BY VARYING HEIGHT & LOCATION WHEREVER POSSIBLE.
  - SCREEN ALL UTILITY FEDESTALS WITH LANDSCAPE MATERIAL.
  - PROVIDE 3" TO 4" DIAMETER STONE RIPRAP OVER WEED BARRIER FABRIC AT BUILDING DRIP LINES. UNDEULATE EDGES AND PROVIDE LANDSCAPE EDGING AT RIPRAP TO TOPSOIL JUNCTURE.
  - INSTALL & BACKFILL ALL PLANTINGS WITH SOIL MIX INCLUDING ORGANIC SOIL AMENDMENTS PER SPECIES REQUIREMENTS AND LANDSCAPE DETAILS.
  - ROOT FEED ALL NEWLY PLANTED TREES DURING INSTALLATION. PROVIDE LIQUID GROWTH TREE STIMULATOR AND SOLUBLE FERTILIZER AT RECOMMENDED RATE FOR EACH TREE SPECIES.
  - PROVIDE 3" OF SHREDDED BARK MULCH AT ALL SHRUB AND TREE WELLS.
  - LANDSCAPE BOLLIDERS OF 2' OR LARGER SHALL BE RETAINED ON SITE FOR USE IN LANDSCAPE WORK. BURY DECORATIVE BOLLIDERS ONE-HALF OF DIAMETER.
  - ADDITIONAL CONSULTATION WITH A QUALIFIED LANDSCAPE PROFESSIONAL AT OWNER OPTION IS RECOMMENDED.
- NOTE: ALL LANDSCAPING SHALL BE INSTALLED IN STRICT ACCORDANCE WITH SUMMIT COUNTY GUIDE LINES



**TRACT B LANDSCAPE:**

RELOCATE ALL VEGETATION AFFECTED BY PROPERTY RELOCATION TO NEW LOCATIONS ON TRACT B.

1.12.22

JOB NO. 100344

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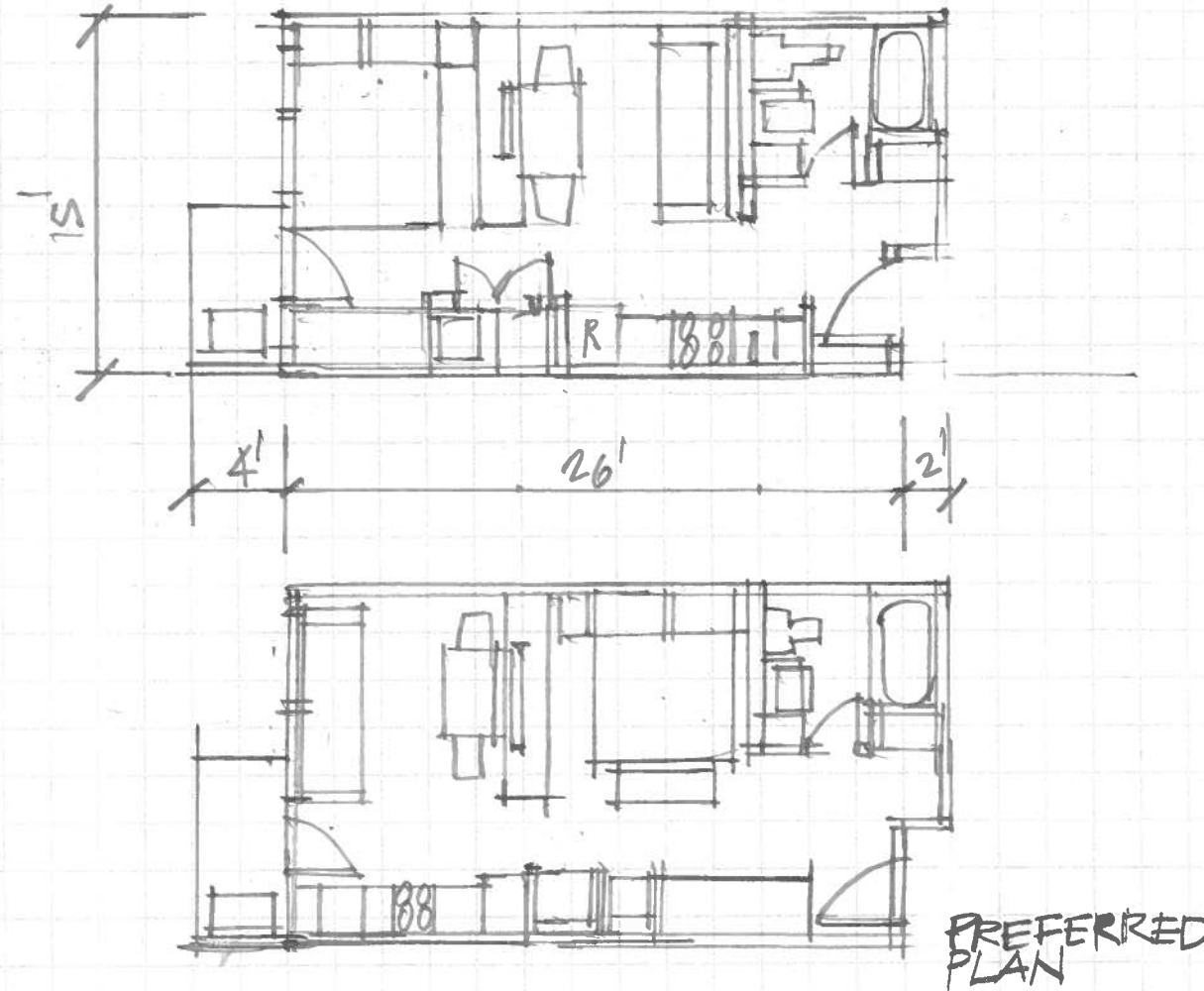
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OF 6



1.12.22	
JOB NO: 10034-A	DATE:
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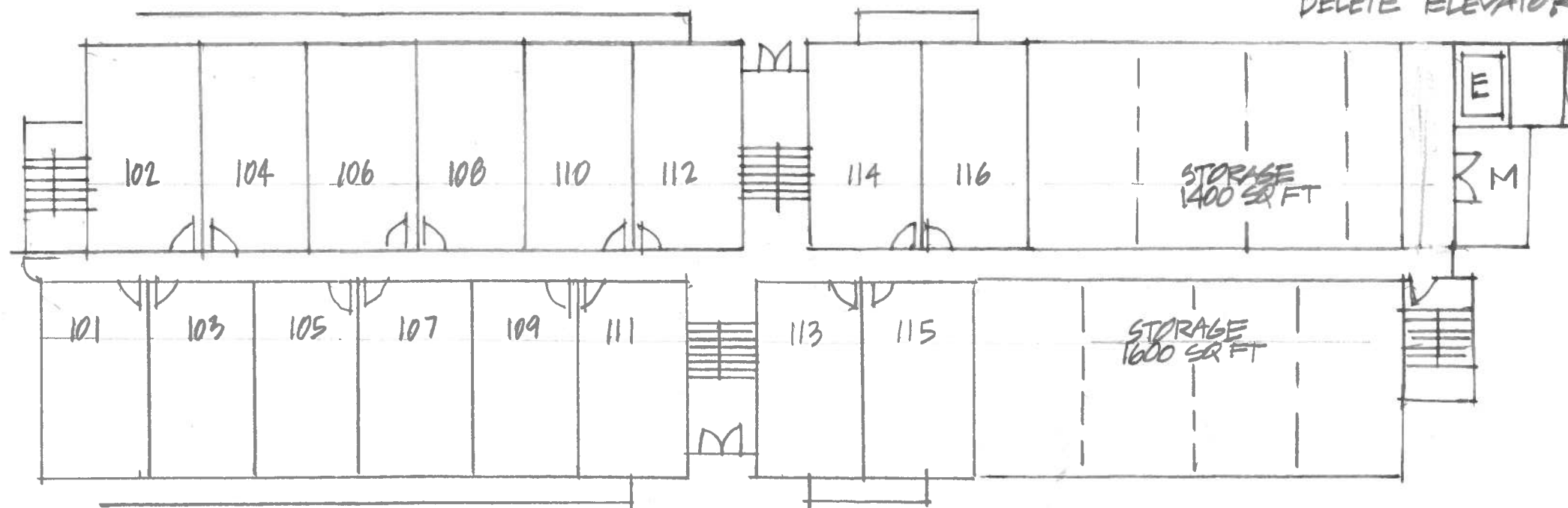
TYPICAL UNIT



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3
OF 6



OPTION: ADD 7 OR 8 UNITS  
DELETE ELEVATOR

62 UNITS SHOWN  
OPTION FOR 70  
75 PARKING SHOWN

LOWER LEVEL PLAN



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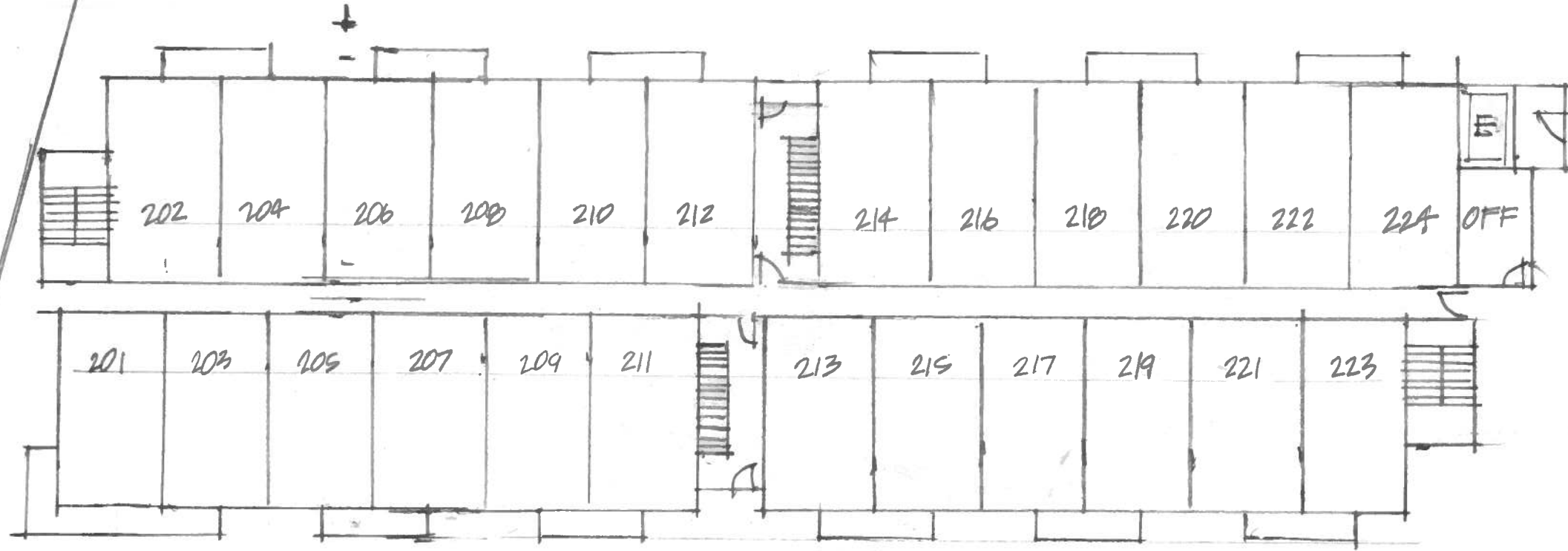
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1X18 STAIR



MAIN LEVEL PLAN



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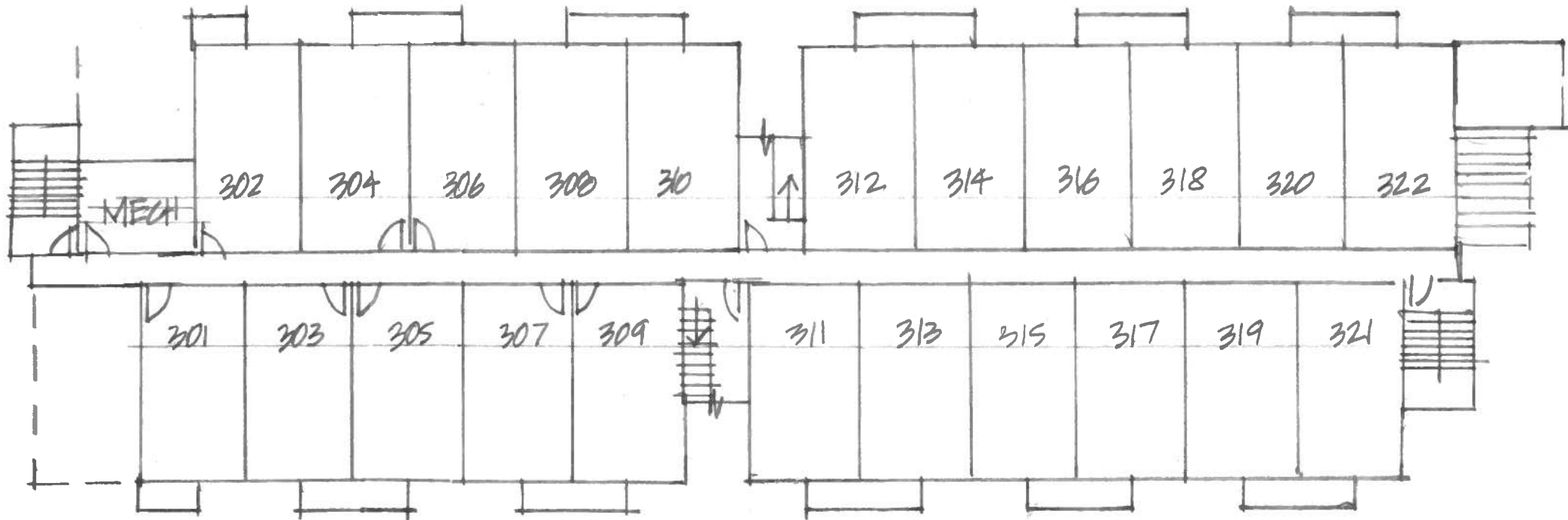
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 5  
 OF 6





UPPER LEVEL PLAN



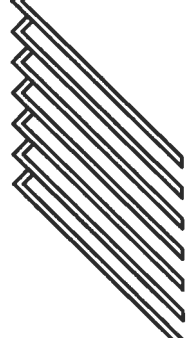
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SHEET NUMBER:

6

OF 6



# Memo

To: Breckenridge Town Council

From: Jessie Burley, Sustainability and Parking Manager  
Mark Truckey, Community Development Director

Date: 1/19/2022

Subject: Renewable Energy Mitigation Program (REMP)  
Worksession

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**Purpose:**

The purpose of this worksession is to check in with Council on some key policy decisions before bringing an ordinance for first reading. A subcommittee of the sustainable building code stakeholders helped shape Renewable Energy Mitigation Program (REMP) recommendations. REMP is a primary strategy in the Climate Action Plan to help address excessive outdoor energy use. [Staff presented a high-level overview of the REMP program and stakeholder process to Council at the July 13, 2021 worksession.](#) The memo included details on the scope of the problem and an overview of programs in other jurisdictions. Council supported the idea and directed staff to accelerate the timeline for this proposal in conjunction with the stakeholder group. Staff and partners completed the 12-month stakeholder process on September 3, 2021. Stakeholders included Town and County building, planning and sustainability staff members, building contractors, designers, small and large businesses, home performance contractors, and the High Country Conservation Center.

**Background:**

Adopted in 2018 by the Town Council, the [Summit Community Climate Action Plan](#) (CAP) outlines a series of strategies and recommendations to achieve 80% greenhouse gas reductions by 2050 across major sectors (commercial buildings, residential buildings, transportation, and waste). Energy use for buildings in Breckenridge accounts for 87% of our community's greenhouse gas emissions, split between commercial (48%) and residential (39%) energy use. The CAP further reinforced the Town's goals of achieving 100% renewable electricity across the community by 2035 and began the conversation around net zero construction and decarbonization of heating sources. The majority of heating sources in Breckenridge is natural gas which is primarily comprised of methane, and when burned, emits carbon dioxide.

As one of the first strategies to address building sector energy use, the Town adopted an updated Sustainable Building Code. For residential construction, the code requires certification by the Department of Energy's Zero Energy Ready Home Program. For commercial construction, the code requires a 10% efficiency standard above the most recent commercial energy requirements. The Sustainable Building Code is currently under an extended and open-ended training period established by Emergency Ordinance on August 24, 2021. During the 18 month stakeholder process for the Sustainable Building Code, one of the overwhelming comments from the group was "what do we do to reduce excessive outdoor energy use?"

The Town regulates energy use indoors via the adopted International building and electrical code and Summit Sustainable Building Code. These codes do not address outdoor energy efficiency. Currently, the Town's Development Code provides a disincentive for outdoor energy use in Policy 33R by assigning negative points for excessive energy features such as snowmelt, fire pits, heated pools, spas, and water features. The negative

points incurred in Policy 33R do not have to be offset directly with energy mitigation measures but rather can be offset by other positive points elsewhere in the Development Code (i.e. landscaping, workforce housing, etc.).

In 2021, the Town’s utility, Xcel Energy, notified Staff that natural gas infrastructure to the area is nearly tapped out. New projects that drive additional natural gas use will require expensive and time consuming upgrades to the system, paid for by ratepayers. Once that infrastructure is in, it will operate for decades before costs are recovered. Xcel is developing demand side management programs to reduce gas use and is working through the Summit Climate Collaborative on identifying large customers who are willing to limit natural gas voluntarily. While these utility programs stop short of regulation, it demonstrates the need to address excessive natural gas use in the community.

Finally, the Town of Breckenridge earned the Mountain IDEAL sustainable destination certification in 2021, a global recognition of sustainability efforts across a broad set of criteria. One such criterion requires the optimization and efficiency of snow melting techniques to conserve energy in a given destination. While Breckenridge received the award, the auditing body flagged the snowmelt criteria for additional action and improvement. This includes better monitoring and mitigation for existing systems and disincentives for additional systems for both public and private systems.

**Public Outreach:**

A high-level [pre-recorded video](#) presented stakeholder recommendations to public. Staff invited the public to submit comments on the information presented in the video December 13<sup>th</sup>, 2021 through January 15<sup>th</sup>, 2022 via [www.sustainablebreck.com](http://www.sustainablebreck.com), [www.townofbreckenridge.com](http://www.townofbreckenridge.com), and the Town’s You Tube Channel in both English and Spanish. In addition, Staff scheduled an Open House for the evening of January 20<sup>th</sup>. Due to changes in COVID precautions over the holidays, the Open House moved to a virtual format. [The Summit Daily also ran an article about the public comment period on January 1, 2022.](#)

In total, Staff received 28 written comments during public comment period based on viewing of the pre-recorded video. Several others submitted comments after the deadline of January 15<sup>th</sup>. Many comments were submitted by non-residents and others did not include their address. Over 200 views occurred of the video on YouTube. The comments and results from the Open House will be summarized and presented to Council prior to the meeting on January 25<sup>th</sup>.

One of the primary arguments from the public comments received against the REMP program is related to the cost/benefits of snowplowing vs. snowmelt. While local emissions, noise, cost, and safety concerns from snowplows are a serious consideration, the energy used by snowmelt systems is in order of magnitude more significant than the diesel and gasoline consumed in plowing operations. The REMP program does not prohibit the installation of snowmelt features, rather takes into consideration the cost of carbon in order to mitigate emissions.

**Proposed Program:**

The goals of the program are to:

1. Work toward achieving the GHG reduction goals outlined in the adopted Climate Action Plan;
2. Create an economic price signal to reduce excessive outdoor energy use;
3. Mitigate outdoor energy use on-site with renewable energy;
4. Establish a payment-in-lieu program for outdoor energy use that cannot be mitigated; and
5. Leverage program dollars into beneficial community-wide energy efficiency programs.

The stakeholder group recommends the follow outdoor energy systems be considered in this program:

Residential	Commercial
Hot tubs and spas over 64 square feet	Hot tubs and spas
Pools	Pools
Snowmelt	Snowmelt
Natural gas fire pits (require timers only)	Natural gas fire pits
Heat trace/tape (require controls only)	Radiant heaters

Stakeholders also proposed a series of exemptions based on public safety, commercial emergency egress, and size of residential features. These exemptions are subject to Council's direction.

Residential recommended exemptions include:

- 100 square feet of snowmelt adjacent to the building;
- Single pre-packaged hot tub less than 64 square feet and ASTM rated cover (most residential hot tubs fall under this size); and
- Single natural gas fire pit with control timer.

Commercial recommended exemptions include:

- 100 square feet of snowmelt per designated emergency egress pathway identified on building plans;
- Fire stations, police stations, and emergency medical centers; and
- Additional exemptions up to Building Official discretion for "judiciously used public safety egress."

The recommendation from the stakeholder group is to offset 100% of the outdoor energy use and that energy is mitigated onsite. The one exception is for commercial natural gas fire pits proposed as a 10% offset. Some public comments identified the difficulty of large commercial properties mitigating on-site due to the size of the system required. Recognizing these limitations, Staff is working on modifying the proposal for large commercial systems to be more flexible while still meeting the goals of the program.

The energy calculations used in this proposed program are based on estimates modeled by engineers, installers, and building professionals in Pitkin County and City of Aspen over 20 years of program implementation and are considered conservative. To calculate the required renewable energy offset, the total square footage of the system (snowmelt, pool or spa) is multiplied by the energy used per square foot per year. That number is converted into kilowatt hours per year of electricity to determine the amount of solar PV needed to offset 100% of the energy used. If unable to install the full amount of renewable energy required, payments are then calculated based on the cost of installing solar PV under ideal circumstances, and averaged over 20 years.

The average cost of PV installed upon an average roof is the number used as an offset cost. However, any qualified renewable energy system allowed by code is eligible and offsets are calculated accordingly. Special instances can be reviewed and approved by the Building Official to allow for flexibility. Systems that are considered more energy efficient (i.e. ground source heat pumps used for snowmelt) can be considered for reduced offsets and payment-in-lieu. The publicly available REMP calculator will be posted to the Building Division webpage for reference once finalized. August Hasz with Resource Engineering Group will be available at the worksession to answer questions related to these calculations.

The proposed program would be administered by the Building Division. If approved, modifications to the Building Codes, fee schedule, and Policy 33R in the Development Code will be amended to reflect the program. For example, negative points under Policy 33R for snowmelt and other energy features included in the REMP program would be removed from Policy 33R and covered under the Building Code. After Council direction, Staff will go to the Planning Commission with the recommended code changes to the Development Code and return to the Council at a following work session with all recommended code modifications.

*Staff is seeking Council's policy direction on the following questions:*

*1. Does Council agree with the 100% offset recommended by the stakeholder group? If not, what should the offset requirement be? For example, Carbondale requires 50% renewable energy system offset but a 100% payment-in-lieu.*

*2. Should natural gas fire pit offset requirements apply only to commercial amenities or both commercial and residential? Does Council agree with the proposed 10% offset?*

*3. Does Council agree with exemptions for high pedestrian traffic areas and/or steep slopes for public safety? If so, should this apply solely to public land or pedestrian ways in publically dedicated easements?*

4. Does Council agree with 100 square feet of exempted residential snowmelt or should it be higher?

5. Does Council agree with the exemptions for fire stations, police stations, and emergency medical centers?