



TOWN OF
BRECKENRIDGE

Town Council Regular Meeting

Tuesday, July 26, 2022, 7:00 PM

Town Hall Council Chambers

150 Ski Hill Road

Breckenridge, Colorado

THE TOWN OF BRECKENRIDGE IS HOLDING HYBRID MEETINGS. THIS MEETING WILL BE HELD IN PERSON AT BRECKENRIDGE TOWN HALL. ALL MEMBERS OF THE PUBLIC ARE INVITED TO ATTEND. IN PERSON ATTENDEES MUST NOT ACCESS THE VIRTUAL MEETING WHILE IN COUNCIL CHAMBERS.

This meeting will also be broadcast live over Zoom. Log-in information is available in the calendar section of our website: www.townofbreckenridge.com. All public comments must be delivered in person in Council Chambers during designated public comment times, by email to mayor@townofbreckenridge.com, or by mailed letter, prior to the meeting.

I. CALL TO ORDER, ROLL CALL

II. APPROVAL OF MINUTES

A. TOWN COUNCIL MINUTES - JULY 12, 2022

III. APPROVAL OF AGENDA

IV. COMMUNICATIONS TO COUNCIL

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

V. CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILLS, SERIES 2022

1. *COUNCIL BILL NO. 21, SERIES 2022 - AN ORDINANCE APPROVING AN AMENDMENT TO THE UTILITY EASEMENT AGREEMENT FOR SUMMIT PUBLIC RADIO & TV, INC.*
2. *COUNCIL BILL NO. 22, SERIES 2022 - AN ORDINANCE ESTABLISHING A DIVISION OF HOUSING WITHIN COMMUNITY PLANNING AND DEVELOPMENT AUTHORIZED TO CREATE AND PRESERVE WORKFORCE HOUSING AND IN CONNECTION THEREWITH ADOPTING FINES AND PENALTIES*
3. *COUNCIL BILL NO. 23, SERIES 2022 - AN ORDINANCE AMENDING THE CODE OF ETHICS PERTAINING TO TOWN CONTRACTS*

VI. NEW BUSINESS

A. FIRST READING OF COUNCIL BILLS, SERIES 2022

1. *COUNCIL BILL NO. 24, SERIES 2022 - AN ORDINANCE AMENDING CHAPTER 16 PERTAINING TO REQUIREMENTS OF A LICENSED HAULER PROVIDING SOLID*

WASTE COLLECTION AND DISPOSAL SERVICES AND IN CONNECTION THEREWITH ADOPTING FINES AND PENALTIES

2. *COUNCIL BILL NO. 25, SERIES 2022 - AN ORDINANCE ADOPTING REGULATIONS PERTAINING TO GENERATORS OF SOLID WASTE AND IN CONNECTION THEREWITH ADOPTING FINES AND PENALTIES FOR ENFORCEMENT OF VIOLATIONS*
 4. *COUNCIL BILL NO. 26, SERIES 2022 - AN ORDINANCE AMENDING THE BUILDING CODE PERTAINING TO ENERGY EFFICIENCY OF RESIDENTIAL CONSTRUCTION AND REPEALING OUTDATED PROVISIONS*
- B. RESOLUTIONS, SERIES 2022
- C. OTHER
1. *REQUEST TO APPROVE COMPENSATION FOR OUTSIDE COUNSEL*

VII. PLANNING MATTERS

- A. PLANNING COMMISSION DECISIONS
- B. JUSTICE CENTER EMPLOYEE HOUSING APARTMENTS TOWN PROJECT HEARING

VIII. REPORT OF TOWN MANAGER AND STAFF

IX. REPORT OF MAYOR AND COUNCIL MEMBERS

- A. CAST/MMC (Mayor/Town Manager)
- B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (Mr. Bergeron)
- C. BRECKENRIDGE TOURISM OFFICE (Mr. Carleton)
- D. BRECKENRIDGE HISTORY (Ms. Saade)
- E. BRECKENRIDGE CREATIVE ARTS (Mr. Rankin)
- F. BRECKENRIDGE EVENTS COMMITTEE (Ms. Owens)
- G. CHILD CARE ADVISORY COMMITTEE (Mr. Beckerman)
- H. WORKFORCE HOUSING COMMITTEE (Mr. Carleton/Mr. Rankin)
- I. SOCIAL EQUITY ADVISORY COMMISSION (Ms. Saade)

X. OTHER MATTERS

XI. SCHEDULED MEETINGS

- A. SCHEDULED MEETINGS FOR JULY, AUGUST AND SEPTEMBER

XII. ADJOURNMENT

I) CALL TO ORDER, ROLL CALL

Mayor Mamula called the meeting of July 12, 2022 to order at 7:00pm. The following members answered roll call: Mr. Bergeron, Mr. Rankin, Ms. Saade, Mr. Carleton, Ms. Owens, Mr. Beckerman and Mayor Mamula.

II) APPROVAL OF MINUTES

A) TOWN COUNCIL MINUTES – JUNE 28, 2022

With no changes or corrections to the meeting minutes of June 28, 2022 Mayor Mamula declared they would stand approved as presented.

III) APPROVAL OF AGENDA

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

IV) COMMUNICATIONS TO COUNCIL

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

Mayor Mamula opened Citizen's Comment.

Ms. Kim Stevenson, a local resident, stated she is happy to hear that the proposed Resort Zone won't have a cap on licenses, and she believes Zone 1 shouldn't have a cap on licenses. She further stated she would like to know Town's plan to help sellers in Zone 1 if they can't sell without a license.

Ms. Amanda Sprowls, a local resident, stated she listened to the discussion about the character of Breckenridge. She stated she grew up renting homes in Breckenridge and families want to rent homes here. She stated she lives here 3-4 months a year, and some of these homes were meant to be shared as rentals. She further stated her neighborhood rents to big families.

Mr. Tom Hallberg, a resident of Upper Warriors Mark, stated his neighborhood is in Zone 3 but it is not for locals. He further stated he disagrees with incorrectly zoning areas, and the zone description is not consistent with Upper Warriors Mark. He further stated the winter shuttle service is valuable, and should allow property owners to appeal zoning decisions.

Ms. Julie Koster, representing SAVRM, stated she sent a letter to the Council earlier today, and she appreciated comments by the Council members regarding Zone 1. She further stated that LUDs 10 and 30.5 are areas intended to be in tourism zones.

Mr. Tim Paynter, a resident of River Mountain Lodge, thanked Council for their efforts. He stated the Resort Zone idea is on point, and the objective is to move people to the areas they should be. He further stated the Resort Zone is not good for long-term rentals.

Mr. David Furman, representing Main Street Junction, thanked Council for their consideration, and stated that Main Street Junction is part of the resort concept but falls into Zone 3. He stated he would like to be considered as part of Main Street Station, since they were part of the master plan.

Mr. Josh Smith, a local employee, stated this is a town of tourism, and it keeps our trades alive. He stated he is appreciative of the opportunity to work on properties, and long-term rentals are not kept up in the same way as vacation properties. He further stated he does not agree that government should come in and control our citizens.

Mr. James Clough, stated he would like Council to reconsider zoning for Upper Warriors Mark and believes that community was built for rentals and for families that want to rent homes when they come.

Mr. Mark Gastman, a resident of Upper Warriors Mark, stated his unit is in a ski-in and ski-out neighborhood, and there are few places like that. He stated he would like Council to reconsider the zoning of LUD 30.5.

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

- B) **BRECKENRIDGE TOURISM OFFICE UPDATE**
Ms. Lucy Kay, director of the BTO, stated the summer is now flat but we are doing better than other mountain communities. She further stated we have changed our messaging and are now using aspirational messaging in market. She stated the Consumer Confidence Index is down, while DIA is investing billions of dollars in renovation. She stated occupancy was down 14% over the Fourth of July weekend and Colorado visitors are staying longer due to gas costs. She stated the Breck 101 orientation concluded and Brett Howard is leaving. Also, regarding snow sculptures, the awards will take place on Friday because people aren't coming specifically for those and Saturday reservations are still part of the plan.

V) **CONTINUED BUSINESS**

- A) **SECOND READING OF COUNCIL BILLS, SERIES 2022 - PUBLIC HEARINGS**

VI) **NEW BUSINESS**

- A) **FIRST READING OF COUNCIL BILLS, SERIES 2022**

- 1) **COUNCIL BILL NO. 21, SERIES 2022 - AN ORDINANCE APPROVING AN AMENDMENT TO THE UTILITY EASEMENT AGREEMENT FOR SUMMIT PUBLIC RADIO & TV, INC.**

Mayor Mamula read the title into the minutes. Mr. Scott Reid stated this ordinance would approve a utility easement for SPRTV.

Mayor Mamula asked if water bars as a result of the project could be revegetated with future work. Mr. Reid stated they typically settle out.

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

Mr. Bergeron stated he would like to have a local radio station.

Mr. Bergeron moved to approve COUNCIL BILL NO. 21, SERIES 2022 - AN ORDINANCE APPROVING AN AMENDMENT TO THE UTILITY EASEMENT AGREEMENT FOR SUMMIT PUBLIC RADIO & TV, INC. Ms. Saade seconded the motion.

The motion passed 7-0.

- 2) **COUNCIL BILL NO. 22, SERIES 2022 - ORDINANCE ESTABLISHING A DIVISION OF HOUSING WITHIN COMMUNITY PLANNING AND DEVELOPMENT AUTHORIZED TO CREATE AND PRESERVE WORKFORCE HOUSING AND IN CONNECTION THEREWITH ADOPTING FINES AND PENALTIES**

Mayor Mamula read the title into the minutes. Mr. Crawford stated this is a codification of the workforce housing program and sets fines and penalties.

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 22, SERIES 2022 - ORDINANCE ESTABLISHING A DIVISION OF HOUSING WITHIN COMMUNITY PLANNING AND DEVELOPMENT AUTHORIZED TO CREATE AND PRESERVE WORKFORCE HOUSING AND IN CONNECTION THEREWITH ADOPTING FINES AND PENALTIES. Mr. Carleton seconded the motion.

The motion passed 7-0.

- 3) **COUNCIL BILL NO. 23, SERIES 2022 - AN ORDINANCE AMENDING THE CODE OF ETHICS PERTAINING TO TOWN CONTRACTS**

Mayor Mamula read the title into the minutes. Ms. Crawford stated this is a change to the Town's ethics code to clarify that that Town contracts regarding housing and employment would be allowed under code.

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 23, SERIES 2022 - AN ORDINANCE AMENDING THE CODE OF ETHICS PERTAINING TO TOWN CONTRACTS. Mr. Beckerman seconded the motion.

The motion passed 7-0.

- B) RESOLUTIONS, SERIES 2022
- C) OTHER

VII) PLANNING MATTERS

- A) PLANNING COMMISSION DECISIONS
Mayor Mamula declared the Planning Commission Decisions would stand approved as presented.

- B) FIRC BUILDING TOWN PROJECT HEARING
Mr. Kulick read the town project into record. He reviewed project details, including building height, materials, landscaping, and the site plan.

Ms. Brianne Snow, executive director of FIRC, stated she is happy with the design. She thanked the Council and staff for their work on this project.

Ms. Suzanne Allen-Sabo from Allen Guerra Architecture stated Mr. Tim Casey is asking for deferral of the sewer, and a waiver of water taps for this project, and wants to make sure the site is buildable for the parking area. She also stated they have been asked to perform a traffic study and there isn't a road for the traffic study that is required. Mr. Carleton asked about the old pond site and Mr. Holman stated we are waiting to talk to Town engineers about it. Ms. Allen-Sabo stated she is concerned about the un-compacted fill areas in that location. Mr. Holman stated staff will look into this issue.

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

Mr. Bergeron moved to approve the FIRC BUILDING TOWN PROJECT. Mr. Saade seconded the motion.

The motion passed 7-0.

VIII) REPORT OF TOWN MANAGER AND STAFF

Mr. Holman stated September 6th will be the Town Council Retreat. He further stated CAST is August 25-26 in Salida and Coffee Talk is July 19 at Country Boy Mine. He stated a new composting bin will be on Stillson Lot, available to the public with a code from HC3. Mr. Holman stated we are looking at August 9th for the DeNovo Hearing on the STR bedroom appeal.

IX) REPORT OF MAYOR AND COUNCIL MEMBERS

- A. CAST/MMC
No update.
- B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE
No update.
- C. BRECKENRIDGE TOURISM OFFICE
No update.
- D. BRECKENRIDGE HISTORY
No update.
- E. BRECKENRIDGE CREATIVE ARTS
No update.
- F. BRECKENRIDGE EVENTS COMMITTEE
No update.
- G. CHILD CARE ADVISORY COMMITTEE

No update.

H. WORKFORCE HOUSING COMMITTEE

No update.

I. SOCIAL EQUITY ADVISORY COMMISSION

No update.

X) OTHER MATTERS

No other matters.

XI) SCHEDULED MEETINGS

A) SCHEDULED MEETINGS FOR JULY, AUGUST AND SEPTEMBER

XII) ADJOURNMENT

With no further business to discuss, the meeting adjourned at 7:57pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

Helen Cospolich, CMC, Town Clerk

Eric S. Mamula, Mayor

DRAFT

MEMORANDUM

OPEN SPACE & TRAILS

To: Town Council

From: Anne Lowe, Open Space & Trails Manager

Date: July 26, 2022

Re: Amendment Request from Summit Public Radio and TV (SPRTV)



The second reading of the ordinance to approve an amendment request for Summit Public Radio and TV (SPRTV) is scheduled for your meeting on July 26th. There are no changes proposed to the ordinance from first reading.

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

1
2 COUNCIL BILL NO. ____

3
4 Series 2022

5
6 AN ORDINANCE APPROVING AN AMENDMENT TO THE UTILITY EASEMENT
7 AGREEMENT FOR SUMMIT PUBLIC RADIO & TV, INC.
8

9 WHEREAS, the Town, the Board of County Commissioners of Summit County,
10 Colorado, and Summit Public Radio & TV, Inc. entered into that Utility Easement Agreement
11 for Summit Public Radio & TV, Inc. recorded July 13, 2015 at Reception No. 1086398 of the
12 records of the Clerk and Recorder of Summit County, Colorado; and
13

14 WHEREAS, the parties entered into an amendment to the agreement on March 16, 2018,
15 recorded at Reception No. 1164456;
16

17 WHEREAS, the parties desire to enter into a second amendment to the Utility Easement
18 Agreement for Summit Public Radio & TV, Inc. as described in the Second Amendment to
19 Utility Easement Agreement, a copy of which is attached to this ordinance as Exhibit "I", with a
20 copy of the description of the utility easement location, attached as Ex. A to the Utility Easement
21 Agreement; and
22

23 WHEREAS, Section 15.3 of the Breckenridge Town Charter requires that the proposed
24 Second Amendment to Utility Easement Agreement be approved by ordinance.
25

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

29 Section 1. The Second Amendment to Utility Easement Agreement (Exhibit "I" to this
30 ordinance) is approved, and the Town Manager is authorized, empowered, and directed to
31 execute such agreement for and on behalf of the Town of Breckenridge. The Town Council
32 hereby ratifies and confirms, in advance, all action taken by the Town Manager pursuant to the
33 authority granted by this ordinance.
34

35 Section 2. The Town Council hereby finds, determines, and declares that it has the power
36 to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article
37 XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.
38

39 Section 3. This ordinance shall be published and become effective as provided by Section
40 5.9 of the Breckenridge Town Charter.
41

42 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
43 PUBLISHED IN FULL this 12th day of July, 2022. A Public Hearing shall be held at the regular
44 meeting of the Town Council of the Town of Breckenridge, Colorado on the 26th day of July,
45 2022, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the Town.
46

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
Eric S. Mamula, Mayor

ATTEST:

Helen Cospolich, CMC,
Town Clerk

APPROVED IN FORM

Town Attorney



Memo

To: Breckenridge Town Council Members
From: Kirsten Crawford, Town Attorney
Date: 7/20/2022
Subject: Housing and Code of Ethics Code Amendments

This memo addresses two related bills on second reading. The first is a bill establishing the division of housing to create and preserve workforce housing and in connection therewith establishes fines and penalties for compliance. The second bill is conforming the code of ethics to clarify that town contracts pertaining to workforce housing do not fall under a prohibition of the code of ethics. There have been only minor, non-substantive modifications to each bill.

**AN ORDINANCE ESTABLISHING A DIVISION OF HOUSING WITHIN
COMMUNITY PLANNING AND DEVELOPMENT AUTHORIZED TO CREATE
AND PRESERVE WORKFORCE HOUSING AND IN CONNECTION
THEREWITH ADOPTING FINES AND PENALTIES.**

WHEREAS, the Town of Breckenridge, Town Council historically has been a government industry leader and on the forefront of providing funding and resources to create and preserve workforce housing;

WHEREAS, in 2006, the Town of Breckenridge, Town Council, previously entered into an Intergovernmental Agreement (“IGA”) pursuant to Title 29, Article 1, Part 2, C.R.S., as amended, and article XIV, section 18 of the state constitution, to form the Summit County Combined Housing Authority (“SCHA”) together with Summit County, Dillon, Frisco, Montezuma, and Silverthorne to provide for the planning, financing, acquisition, construction, reconstruction, or repair, maintenance, management, and operation of housing projects or programs pursuant to a multijurisdictional plan the Town of Breckenridge Town Council strives for innovation in policies and programs that will assist employees and the local workforce to find permanent housing solutions;

WHEREAS, in 2006 the Summit County Housing Authority (“SCHA”) referred a ballot measure to levy a sales tax of .125% and an impact fee of two (2) dollars or less per square foot on new construction to be used for affordable housing purposes, initially for a period of ten years, which were reauthorized in 2015 to run in perpetuity;

WHEREAS, in 2007, the Town adopted amended rules and regulations for collection and administration for the SCHA impact fee;

WHEREAS, the Town of Breckenridge Housing Authority, after petition filed and after hearing by Town Council, was formed by Resolution No. 1, Series 2015 approved by Town Council on January 13, 2015;

WHEREAS, in 2016 SCHA referred a ballot measure to levy an additional .6% sales for affordable housing purposes for a period of ten years;

WHEREAS, in 2021, the Town Council adopted a regulatory fee imposed upon accommodation units used for short term rental units to defray the burden on, among other things, the loss of long term rental housing for the local workforce and created a fund for housing policies and programs, including buy downs, lease to locals, acquisition of deed restricted units, and/or construction of new units;

1 **WHEREAS**, these various funding sources are allocated to the Town of Breckenridge
2 housing fund managed by the division of housing for the purposes of creation and preservation
3 of workforce housing;

4 **WHEREAS**, the Town Council desires to create a division of housing and embed the
5 current programs more permanently within the municipal code;

6 **WHEREAS**, pursuant to C.R.S. § 31-16-101 and its home rule charter, section 5.8, the
7 Town is empowered to adopt penalties by ordinance to be imposed for violations of local laws
8 within its jurisdiction;

9 **WHEREAS**, the Town Council finds and determines that creation of the division of housing
10 for the administration of employee housing and adoption of compliance, enforcement, and penalty
11 provisions is necessary to ensure continued success of employee housing programs; and,

12 **WHEREAS**, ensuring continued compliance with employee housing requirements in the
13 Town is in the best interest of the public health, safety and welfare of the community.

14 **Section 1. NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF**
15 **THE TOWN OF BRECKENRIDGE, COLORADO:** That a new Chapter 16, entitled:
16 “WORKFORCE HOUSING” shall be added to Title 9 of the Breckenridge Development Code as
17 follows:
18

19 **CHAPTER 16**
20 **WORKFORCE HOUSING**

21 SECTION:

22 9-16-1: PURPOSE.

23 The Town recognizes a permanent, year round population plays an important role in sustaining
24 a healthy, viable community. The Tourism economy depends on the local workforce and
25 employees of the Town. Availability and affordability of housing plays a critical role in creating
26 quality living and working conditions for the local workforce. Further, the Town recognizes its
27 important role in conjunction with the private sector in ensuring housing is available and
28 affordable for its employees and local workforce.

29
30 9-16-2: AUTHORITY.

31 In order to increase the supply of both for-sale and rental housing, the division of
32 housing is authorized to:

- 33 A. Oversee the construction and preservation of workforce housing units;
- 34 B. Administer programs to create and preserve workforce housing;

1 C. Manage the inventory of workforce housing;

2 D. Acquire and sell real property as part of the “Buy Down” program as originally
3 authorized by Ordinance No. 40, Series 2019, “Buy Down” Housing Program that is hereby
4 incorporated and superseded by more permanently embedding the authority within this chapter
5 16 of the municipal code; and,

6 D. Expend funds that have been budgeted and appropriated in the Town’s housing
7 fund for costs associated with the authorities granted in this chapter 16 to increase workforce
8 housing both within the territorial limits of the Town of Breckenridge and extraterritorial areas
9 where the local workforce may reside.

10 E. “Employee housing” or “workforce housing” as used in this chapter 16 have the
11 same meaning as in section 9-1-5 of the development code.

12
13 9-16-3: REPORTING AND VERIFICATION REQUIREMENTS.

14 A. An owner of a workforce housing unit shall annually submit a sworn affidavit on a
15 form provided by the Town to the housing division attesting to compliance with the terms of the
16 governing deed restriction or covenant, or this code; and,

17 B. Upon reasonable request by the Town, any owner or property owner subject to a
18 Town deed restriction or covenant shall submit any information reasonably necessary to
19 determine compliance with the occupancy and use restrictions or covenants.

20
21 9-16-4: RULES AND REGULATIONS.

22 The housing division is authorized to adopt rules and regulations to implement the requirements
23 of this chapter 16. Any rules and regulations promulgated under this chapter 16 shall
24 supersede and replace the Town of Breckenridge Housing Guidelines, adopted by Resolution
25 No. 35, Series 2017 (“housing guidelines”) and replace the guidelines as referenced in any
26 existing deed restrictions or covenants.

27
28 9-16-5: ENFORCEMENT.

29 The housing division is authorized to enforce the requirements of this chapter 16.

30
31 9-16-6: NOTICE, FINES AND PENALTIES.

32 A. Fines and Penalties. Failure to comply with the requirements of this chapter 16 or
33 the code may result in the following fines and penalties:

1 1. Failure to comply with a deed restriction or covenant shall be punishable by an
2 administrative penalty in the amount of one hundred (100) dollars per day for each day of
3 continuing violation.

4 2. Failure to file an annual verification affidavit or respond to a request for
5 compliance information from the Town shall be punishable by an administrative penalty of two
6 hundred and fifty (250) dollars;

7 3. Failure to comply with occupancy or employment covenants in any deed or
8 restrictive covenant may result in limitations on housing sale appreciation amounts.

9 4. Violations of this chapter shall be subject to the general penalty set forth in
10 section 1-4-1 of this code, including failure to pay the administrative penalty imposed by this
11 section in a timely manner.

12 5. Fines and penalties under this section may be imposed separately or
13 cumulatively.

14 B. Warnings and Notice.

15 1. Written notice of an administrative penalty shall be provided by first class United
16 States mail to such person at such person's last known address. The administrative penalty
17 shall be due and payable within fourteen (14) days of the date of the notice.

18 2. The housing division will issue a first warning prior to imposing fines or penalties
19 in accordance with chapter 16.

20 9-16-7: APPEALS.

21 A. Any party found in violation of this chapter 16 has a right to appeal to an
22 administrative hearing officer by submitting a complaint in writing setting forth both the grounds
23 for the appeal and supporting facts within ten (10) days after the date of mailing of notice of
24 violation.

25 B. Notice of an administrative hearing shall be given by the hearing officer to each
26 party establishing the time and place of a hearing not less than twenty (20) days before the date
27 the hearing is to be held. The hearing officer may continue any administrative hearing, upon
28 timely request, for good cause shown, or upon its own initiative.

29 C. Each party may appear with counsel at the cost of the party and has the right to
30 present such evidence as may be relevant, and to cross-examine all witnesses. The strict rules
31 of evidence shall not apply to an administrative hearing.

32 D. The burden of proof shall be on the proponent of a claim or issue to prove such
33 claim or issue by a preponderance of the evidence, and on the party raising any affirmative
34 defense or matter of mitigation to prove such affirmative defense or matter of mitigation by a

1 preponderance of the evidence. "Preponderance of the evidence" means to prove that
2 something is more probably true than not.

3 E. The finding or decision of a hearing officer in connection with any administrative
4 hearing shall be in writing. The decision of the hearing officer shall be final, subject to the right
5 of any aggrieved party to contest the matter in an appropriate court action commenced under
6 rule 106(a)(4) of the Colorado rules of civil procedure. For purposes of determining the time
7 limit for the commencement of an action under rule 106(a)(4) of the Colorado rules of civil
8 procedure, the decision of the hearing authority shall be deemed to be final upon the hearing
9 officer's issuance of the written finding or decision.

10 **Section 2.** The Town Council hereby finds, determines and declares that this ordinance
11 is necessary and proper to provide for the safety, preserve the health, promote the prosperity,
12 and improve the order, comfort and convenience of the Town of Breckenridge and the
13 inhabitants thereof.

14 **Section 3.** The Town Council hereby finds, determines and declares that it has the
15 power to adopt this ordinance pursuant to the authority granted to home rule municipalities by
16 Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town
17 Charter.

18 **Section 4.** This ordinance shall be published and become effective as provided by
19 Section 5.9 of the Breckenridge Town Charter.

20 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
21 PUBLISHED IN FULL this 12th day of July, 2022. A Public Hearing shall be held at the regular
22 meeting of the Town Council of the Town of Breckenridge, Colorado on the 26th day of July,
23 2022, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the Town.
24

25 TOWN OF BRECKENRIDGE, a Colorado
26 municipal corporation

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

32
33 ATTEST:
34

1
2
3
4
5
6

Helen Cospolich, CMC,
Town Clerk

4
5 **AN ORDINANCE AMENDING THE CODE OF ETHICS PERTAINING TO TOWN**
6 **CONTRACTS.**
7

8 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
9 BRECKENRIDGE, COLORADO:
10

11 **Section 1.** That new definitions shall be added to section 1-16-7 and placed in
12 accordance with the current alphabetical order in the code by adding the language underlined to
13 read as follows:
14

15 FINANCAL INTEREST: An interest held by an individual or by the individual's spouse or
16 dependent children which is: an ownership interest in a business; a creditor interest in a
17 business; an employment relationship or a prospective employment relationship for which
18 negotiations have begun; an ownership interest in real or personal property; a loan or any
19 other debtor interest; a directorship or officership in a business; a close and continuing
20 business relationship involving regular purchase or sale of goods, services or property not
21 generally available to the public.
22

23 PERSONAL INTEREST: A close blood, family or marital relationship, or any other close
24 personal relationship which imparts the appearance, to a reasonable person, of undue
25 partiality or undue influence.
26

27 **Section 2.** That section 1-16-15, entitled "Town Contracts" shall be amended by deleting
28 the language stricken and adding the language underlined to read as follows:
29

30 1-16-15: TOWN CONTRACTS:

31 A. Except as provided in subsection C of this Section, ~~no Town officer or employee may~~
32 ~~have an interest in any contract made by the town~~ a Town officer or employee shall not hold a
33 substantial financial interest in any business or enterprise which is a party to a contract made by
34 such Town official or employee in his or her official capacity, or by any governing body of which
35 he or she is a member or he or she serves, when such official or employee exercises any
36 substantial discretionary authority in connection with such contract.

1 B. Every contract made in violation of this section is voidable at the request of any party to
2 the contract, except the Town officer or employee interested in such contract.

3 C. Exceptions. Section A of this section does not apply to:

4 1. Contracts awarded to the lowest responsible bidder based on competitive bidding
5 procedures;

6 2. Merchandise sold to the highest bidder at public auction;

7 3. Investments or deposits in financial institutions that are in the business of loaning or
8 receiving monies;

9 4. A contract between the Town and a Town officer or employee if, because of geographic
10 restrictions, the Town could not otherwise reasonably afford itself of the subject of contract. It is
11 presumed that the Town could not otherwise reasonably afford itself of the subject of a contract
12 if the additional cost to the Town is greater than ten percent (10%) of a contract with a Town
13 officer or Town employee, or if the contract is for services that will be performed within a limited
14 time period and no other contractor can provide those services within that time period;

15 5. A contract awarded pursuant to a lottery, or other method when the person to whom the
16 contract is awarded is selected by chance;

17 6. A contract obligating the Town to pay Five Thousand Dollars (\$5,000.00) or less; or

18 7. A development agreement entered into pursuant to Chapter 9 of Title 9 of this Code.

19 D. For a contract entered into pursuant to subsections C1 through C4-7 of this section,
20 before the Town enters into a contract with a member of the Town Council the Town Council
21 member must disclose a personal interest and/or financial interest in the proposed contract, and
22 either:

23 1. The Town Council itself (and not the Town Manager or other Town employee) approves
24 the contract at a public meeting; or

25 2. The Town Manager approves the contract; provided that prior to approving the contract
26 the Town Manager must notify the Town Council of the proposed contract and explain how the
27 proposed contract satisfies the requirements of subsections C1 through C7 of this section.

28 E. ~~Notwithstanding Section 1-16-8(H), a Town Council member shall not vote to approve a~~
29 ~~contract in which he or she has a personal interest.~~ Any Town officer or employee with a
30 financial interest in a business entity involved in any transaction or contract with the Town shall
31 disclose such an interest and shall abstain from voting and/or officially acting thereon. In
32 addition, such official or employee shall not personally attempt to influence other Town officials
33 or employees on the matter.

1 F. The prohibition on contracts with the Town under section A does not apply to contracts
2 governing employment terms, conditions, compensation, and benefits, including benefits
3 available as part of duly administered workforce housing programs or contracts to lease or
4 acquire real property from the Town for employee housing as defined in section 9-1-5 of the
5 development code and/or as authorized under chapter 16, title 1 of the development code,
6 entitled "workforce housing".

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

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

13
14 **Section 5.** This ordinance shall be published and become effective as provided by
15 Section 5.9 of the Breckenridge Town Charter.

16
17 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
18 PUBLISHED IN FULL this 12th day of July, 2022. A Public Hearing shall be held at the regular
19 meeting of the Town Council of the Town of Breckenridge, Colorado on the 26th day of July,
20 2022, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

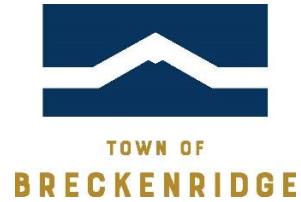
21
22 TOWN OF BRECKENRIDGE, a Colorado
23 municipal corporation

24
25
26
27 By: _____
28 Eric S. Mamula, Mayor

29
30 ATTEST:

31
32
33
34 _____

- 1 Helen Cospolich, CMC,
- 2 Town Clerk



Memo

To: Breckenridge Town Council
From: Jessie Burley, Sustainability & Parking Manager
Date: 7/19/2022
Subject: Two Ordinances Related to Requirements of Licensed Haulers and Generators of Solid Waste (Zero Waste) – First Reading

On June 14, 2022, the Town Council gave direction to Staff to bring back ordinances to address Pay-As-You-Throw (volume based service rates) and universal recycling for consideration.

For a detailed overview of the scope of the problem, background on the process/outreach, and budget considerations, [please see the staff memo from the Town Council work session on June 14, 2022](#).

For a comprehensive overview of PAYT and URO basics, [please refer to the staff memo from the Town Council work session on December 14, 2021](#).

There are two ordinances for Council's consideration. The first is related to hauler licensing and the requirements established in title 4, chapter 16 of the code related to "Requirements of Licensed Haulers in the Industry of Solid Waste Collection and Disposal." The second is related to generator requirements established in title 5, chapter 6. This chapter will be renamed "Zero Waste." Together, these ordinances will form the basis of volume based service rates and universal recycling requirements.

Hauler Requirements (Title 4, Chapter 16):

Residential Service: The proposed ordinance would establish residential trash service levels based on the volume of the trash containers provided by the hauler. The base unit rate (small) includes recycling service and is the cost basis for two other service levels. The medium cart service level shall be no less than 80% over the base rate and the large container service level shall be no less than 160% over the base rate. All residential accounts will be provided with a recycling container as part of their service. Valet service with service at least as frequently as every other week shall also comply with volume based pricing. Residents can opt into new service levels at any time.

Haulers are required to have 90% of trash and recycling containers delivered to residents by October 1, 2023, and 100% by December 31, 2023. Valet providers have until April 1, 2024 to comply.

For group accounts (individual containers under a group contract), haulers are required to provide the same service options to each individual home and the group contract will be negotiated according to the number of service levels within the group account.

Commercial and Other Service: The proposed ordinance applies to commercial accounts (dumpsters, shared enclosures), on-call collection with service more than once a calendar month,

and valet with service less than every other week. Haulers must provide businesses and residents with a recycling container that is at least half the trash container capacity and serviced pick up. This can be accomplished by size of containers, frequency of pick up, or a combination of both. Glass service is also required for any restaurant, bar, tap house, tavern. Glass and organics service for other commercial accounts is at the discretion of the hauler.

Haulers are required to have 50% of recycling service provided to commercial customers by April 1, 2023 and 100% by April 1, 2024.

Contamination: The ordinance establishes levels of contamination at 15% of the total volume of recycling. Haulers may refuse service to any customer who has more than 15% contamination. The hauler may treat recycling with 15% or more contamination as trash and may bill the generator accordingly.

Generator Requirements (Title 5, Chapter 6): Residential Generators: This section reinforces existing code requiring container placement at the curb on days of pick up between 6:00 AM and 10:00 PM and addresses accumulation of waste on property.

Commercial Generators: Commercial generators are required to provide recycling bins adjacent to existing trash bins in common areas accessible to the public. Additional glass recycling bins are required in common areas for any restaurant, bar, tap house, tavern if trash is accessible to the public. Hotels are required to provide recycling bins in guest rooms.

Exemptions:

1. Self-haulers of trash can also self-haul recycling.
2. On-call generators with trash collection less than once per month.
3. Civic, community, benevolent, or charitable organizations.
4. Property owner or manager who hauls trash irregularly on behalf of tenants who have left it behind.
5. Furniture or appliance vendors with take back programs.
6. Demolition, construction, or landscaping contractor who hauls waste during the course of a project.
7. Haulers transporting hazardous waste excluded.

Penalties: Administrative fines were added to each ordinance.

1. For licensed haulers, a fine of \$1,000 per day until the violation is cured or a waiver is sought.
2. For residential and commercial generators, a fine of \$100 per day for first violation and \$500 per day for second violation as long as the violation occurs.

Hardships: Staff will establish hardship relief through the administrative rules process. Staff will develop the recommendations for the program and will review with Council before finalizing.

Implementation: Should Council approve this ordinance on first reading, Staff will finalize a comprehensive implementation plan, provide resources for residents and businesses, and work with High Country Conservation Center on coaching, education, and outreach. Staff is proposing \$150,000 in the 2023 budget to implement the program in the first year and will be supported with additional funding from Strong Future.

Staff Recommendation: In order to meet the Town's goals of 40% landfill diversion by 2032 and 50% reduction in GHG emissions from waste by 2030, it is Staff's recommendation that Council adopt on first reading:

- 1) the ordinance amending requirements of a licensed hauler providing solid waste collection and disposals, and
- 2) the ordinance pertaining to generators of solid waste.

Series 2022

AN ORDINANCE AMENDING CHAPTER 16 PERTAINING TO REQUIREMENTS OF A LICENSED HAULER PROVIDING SOLID WASTE COLLECTION AND DISPOSAL SERVICES AND IN CONNECTION THEREWITH ADOPTING FINES AND PENALTIES.

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

Section 1. That chapter 16 of title 4 entitled "Solid Waste Collection and Disposal" is hereby amended by deleting the words stricken and adding the words underlined to read as follows:

Chapter 16

REQUIREMENTS OF BUSINESSES IN THE INDUSTRY OF SOLID WASTE COLLECTION AND DISPOSAL

~~4-16-15: Exhibits~~

4-16-1 Short title:

This chapter shall be known and may be cited as ~~the 2017~~ Town of Breckenridge Requirements of Businesses in the Industry of Solid Waste Collection and Disposal Ordinance.

4-16-2 Authority of Public Works to Implement and Enforce Requirements:

~~The town council finds, determines, and declares that it has the power to adopt this chapter pursuant to:~~

~~A. Section 31-15-103, Colorado Revised Statutes (concerning municipal police powers).~~

~~B. Section 31-15-401(1)(a), Colorado Revised Statutes (concerning the power to pass and enforce all necessary police ordinances).~~

~~C. Section 31-15-401(1)(b), Colorado Revised Statutes (concerning the promotion of health or the suppression of disease).~~

~~D. Section 31-15-401(1)(c), Colorado Revised Statutes (concerning the power to declare what is a nuisance and to abate the same).~~

~~E. Section 31-15-401(1)(d)(I), Colorado Revised Statutes (concerning the power to compel removal of rubbish).~~

1 ~~F. Section 31-15-501(1)(c), Colorado Revised Statutes (concerning municipal regulation of~~
2 ~~business).~~

3 ~~G. Section 30-15-401, Colorado Revised Statutes (concerning waste services).~~

4 ~~H. Section 30-20-107, Colorado Revised Statutes (concerning the power to designate an~~
5 ~~exclusive waste disposal site and facility for the municipality).~~

6 ~~I. The authority granted to home rule municipalities by article XX of the Colorado constitution.~~

7 ~~J. The powers contained in the Breckenridge town charter.~~

8 The Town Council hereby grants authority to public works to oversee and administer the
9 requirements of this chapter and additional authority to adopt rules and regulations to implement
10 and enforce the requirements of the program.

11 4-16-3 Findings:

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

13 A. The town is a home rule municipality with those powers authorized by article XX, section 6,
14 of the Colorado constitution.

15 B. The Colorado general assembly has declared that the proper disposal of solid waste is a
16 matter of mixed statewide and local concern. "Optimal solid waste management ... should
17 include ... local efforts ... focused toward the reduction of the volume ... of the waste stream ...
18 through source reduction, recycling, composting, and similar waste management strategies."
19 The general assembly also recognized that "improper disposal of solid wastes poses significant
20 public health risks, environmental hazards, and long term liability for the citizens of the state".
21 Section 30-20-100.5, Colorado Revised Statutes.

22 C. The town is empowered by section 31-15-401(1)(d)(I), Colorado Revised Statutes, "[t]o
23 provide for and compel the removal of ... rubbish of all kinds from lots and tracts of land within
24 such municipalities ... upon such notice, and in such manner as such municipalities prescribe by
25 ordinance ...".

26 D. The town is empowered by section 30-20-107, Colorado Revised Statutes, to designate and
27 approve by ordinance a solid waste disposal site and facility as its exclusive solid waste
28 disposal site and facility, and thereafter such site and facility shall be used for the disposal of
29 discarded solid waste generated from within its jurisdiction.

30 E. The town is authorized by section 31-15-103, Colorado Revised Statutes, "to make and
31 publish ordinances not inconsistent with the laws of this state, from time to time, for carrying into

1 effect or discharging the powers and duties conferred by this title, which are necessary and
2 proper to provide for the safety, preserve the health, promote the prosperity, and improve the
3 morals, order, comfort, and convenience of such municipality and the inhabitants thereof not
4 inconsistent with the laws of this state".

5 F. The Summit County Resource Allocation Park ("SCRAP") is the only licensed solid waste
6 disposal facility located in Summit County and is operated by the county in conjunction with the
7 county's recycling, composting, and other solid waste management programs and facilities on
8 county owned property within the Summit County Resource Allocation Park planned unit
9 development.

10 G. The town has the legal authority to adopt ordinances regulating solid waste disposal,
11 including the performance of solid waste hauling services in the town.

12 H. Persons or companies in the business of hauling discarded solid waste, including recyclable
13 materials, within the town, through their collection and transportation activities, are able to
14 supply the town with information necessary for long term solid waste management planning and
15 therefore should be required to submit annual information about their hauling activities to the
16 town.

17 I. The town has entered into an intergovernmental agreement regarding collection,
18 transportation and disposal of solid waste in Summit County, Colorado, dated January 24, 2017,
19 in order to cooperate in the development and implementation of a licensing and regulation
20 program regarding the provision of trash hauling services and other community environmental
21 and solid waste management goals stated therein.

22 J. As required by section 30-20-107, Colorado Revised Statutes, prior to adopting this chapter
23 the town council held a public hearing to review the disposal method to be used at the Summit
24 County Resource Allocation Park (SCRAP), as well as the fees to be charged for such disposal
25 method. The town council finds such disposal method and fees to be reasonable and necessary
26 and in the best interest of the public health, safety, and welfare.

27 4-16-4 Intent:

28 It is the intent of this chapter to:

29 A. Promote the state and local solid waste management goals referenced in section 4-16-3 of
30 this chapter, as well as other applicable solid waste laws, rules, regulations and policies;

- 1 B. Encourage more recycling of certain discarded solid waste materials;
- 2 C. Accurately measure the volume of wastes entering the waste stream to assist in designing
3 programs to reduce those volumes, and otherwise obtain information for long term solid waste
4 management planning;
- 5 D. Protect the health, safety and welfare of the public by providing for the long term viability of
6 the Summit County Resource Allocation Park (SCRAP);
- 7 E. Maintain and enhance the quality of the environment, conserve natural resources and
8 prevent pollution by providing a comprehensive and effective program to regulate solid waste in
9 the town; and
- 10 F. Protect the health, safety, welfare and well being of the citizens and property owners within
11 the town.

12 4-16-5 Definitions:

13 For the purpose of this chapter the following words, terms, and phrases have the following
14 meanings:

15 APPLICANT: A person who has submitted an application for license pursuant to this chapter.

16 APPLICATION: An application for license submitted pursuant to this chapter.

17 BASE UNIT RATE: The residential rate established by a licensed hauler for the combined
18 service level including the small capacity container and recycling container shall be the cost
19 basis of the licensed hauler's volume-based service rate for all other service levels.

20 BIN: Any bin, can, cart or similar vessel with or without a lid or closed top used by commercial
21 customers for the collection of solid waste in employee spaces, lodging units, common area or
22 other areas prior to placement in trash, recyclables or organics containers for service by a
23 licensed hauler.

24 COMMERCIAL CUSTOMER: Any premises in the town utilizing collection service where a
25 business, industrial or institutional enterprise is carried out including without limitation hotels,
26 retail establishments, restaurants, hospitals, schools, day care centers, office buildings, nursing
27 homes, clubs, churches and public facilities regardless of container type.

28 CONTAINER: Any rigid cart, dumpster, compactor or other container with a lid or closed top that
29 is provided by or to solid waste customers for collection by licensed haulers.

1 DAY: A calendar day, unless otherwise indicated.

2 DUMPSTER: Any container for trash or recyclables with a capacity of more than ninety-nine
3 (99) gallons.

4 GLASS: Glass materials established as acceptable recyclables by the Summit County Resource
5 Allocations Park but shall only be accepted as a discrete material stream collected in a separate
6 container and not mixed with other recyclables.

7 ~~GOOD CAUSE (For The Purpose Of Refusing Or Denying A License Renewal Under This~~
8 ~~Chapter):~~

9 For The Purpose Of Refusing Or Denying A License Renewal Under This Chapter:

10 A. The licensee has violated, does not meet, or has failed to comply with any of the terms,
11 conditions, or provisions of this chapter; or any other law applicable to licensee; or

12 B. The licensee has failed to comply with the terms, conditions, or provisions of its solid waste
13 hauler license issued pursuant to this chapter.

14 For the Purpose of Exemption to Requirements of this Chapter 16: the licensee has shown an
15 impossibility preventing compliance.

16 GROUP ACCOUNT CUSTOMERS: Any group of residential customers that have individual
17 containers but receive solid waste collection under a subscription or contract that collectively
18 serves multiple residences. If a group account changes to shared containers it shall be
19 considered a commercial customer.

20 LARGE CAPACITY CONTAINER(S): a container or containers with a volume capacity of more
21 than ninety (90) gallons but not more than ninety-nine (99) gallons.

22 ~~LICENSEE: The person to whom a solid waste hauler who has applied for and received a solid~~
23 ~~waste hauler license from Summit County and a BOLT license from the Town of Breckenridge~~
24 ~~has been issued pursuant to this chapter.~~

25 MEDIUM CAPACITY CONTAINER(S): a container or containers with a volume capacity of more
26 than sixty (60) gallons but not more than sixty-nine (69) gallons.

27 ON-CALL CUSTOMER: Any Residential or Commercial Generator that receives Trash
28 collection service on an irregular or unscheduled basis.

1 ORGANICS: Decomposable materials used in the production of compost of chipped and
2 ground materials such as food scraps, yard waste, clean wood, biosolids and other materials
3 designated by the Summit County Resource Allocation Park or the Breckenridge public works
4 director that are collected from any residential, commercial or other customer separate from
5 trash.

6 RECOVERABLE MATERIAL: Any material that can be reused, remanufactured, reclaimed,
7 recycled, mulched, composted or other action that allows the resource to be conserved.
8 Recoverable Materials shall include those recyclables but may exclude any recyclables with
9 15% or more contamination by volume.

10 RECYCLABLE MATERIALS: Solid waste from any residential, commercial, or other source that
11 is collected separately for the purpose of such material being reprocessed into new or different
12 products or packaging materials, provided that such material have been designated by the
13 licensing authority as recyclable.

14 RECYCLING: The process of recovering useful materials from solid waste, including items for
15 reuse.

16 RESIDENTIAL CUSTOMER: An individual or individual residential property located in the Town
17 that has a discrete container and collection provided under a discrete service subscription or
18 contract for that property as part of a Group Account.

19 SMALL CAPACITY CONTAINER(S): Containers with a volume capacity of not more than thirty-
20 nine (39) gallons.

21 SOLID WASTE: All putrescible and nonputrescible solid wastes discarded from any source
22 including recyclable materials. The term "solid waste" shall exclude liquid wastes, sewage,
23 sewage sludge, septic tank or cesspool pumpings; sand, asphalt, concrete, gravel, rock, dirt or
24 other segregated construction materials to be used or reused in any construction project; timber,
25 wood chips or vegetative matter hauled from the property where it is cut; agricultural wastes,
26 solid or dissolved materials in irrigation return flows; industrial discharges which are point
27 sources subject to licenses under the provisions of the Colorado water quality control act;
28 materials handled at facilities licensed pursuant to the provisions on radiation control in article
29 11 of title 25, Colorado Revised Statutes; exploration and production waste as defined in section
30 34-60-103(4.5), Colorado Revised Statutes, except as such wastes may be deposited at a
31 commercial solid waste facility; excluded scrap metal that is being recycled; shredded circuit

1 boards that are being recycled; discarded or abandoned vehicles or parts thereof; residential
2 appliances; materials used as fertilizers or for other productive purposes; household hazardous
3 wastes; and hazardous materials as defined in the rules and regulations adopted by the
4 hazardous materials transportation act of 1987.

5 SOLID WASTE HAULER: Any person in the business of collecting, transporting to a landfill,
6 disposal site, transfer station or other like facility, or disposing of solid waste, for a fee or other
7 compensation.

8 SOLID WASTE HAULER LICENSE (OR LICENSE): A solid waste hauler license issued
9 pursuant to this chapter.

10 SUMMIT COUNTY RESOURCE ALLOCATION PARK (SCRAP): The solid waste disposal site
11 and facility owned and operated by Summit County, Colorado government, located at 639
12 Landfill Road, Dillon, CO 80435. The county's solid waste drop off facility located at 284 Coyne
13 Valley Road in the town is part of the SCRAP, and the depositing of solid waste at the Coyne
14 Valley Road facility shall be treated as depositing such solid waste at the SCRAP.

15 ~~TOWN MANAGER: The town manager of the Town of Breckenridge.~~

16 TRANSFER STATION: A facility at which refuse, awaiting transportation to disposal site, is
17 transferred from one type of containerized collection receptacle and placed into another or is
18 processed for compaction. "Refuse" means all forms of solid waste, including garbage, rubbish,
19 trash, recyclable materials, and similar material.

20 TRASH: Any solid waste accepted at the Summit County Resource Allocation Park excepting
21 recoverable materials.

22 VALET CUSTOMERS: Residential customers who receive regular, scheduled solid waste
23 collection service but require manual retrieval or replacement from an enclosed property,
24 garage, home or other.

25 VOLUME-BASED SERVICE RATES: Residential collection rates based on container size and
26 intended to provide equitable service pricing and an incentive for landfill diversion. Residential
27 Volume-Based Service Rates include the cost of both trash and recyclables collection in a
28 single, bundled rate.

29 4-16-6 License required; Exemptions:

- 1 A. No person shall operate as a solid waste hauler within the town without a current solid
2 waste hauler license.
- 3 B. A solid waste hauler license is nontransferable and nonassignable. Any attempt to transfer
4 or assign a license voids the license.
- 5 C. Each licensee shall offer recycling services to its customers.
- 6 D. The following are not required to obtain a solid waste hauler license:
- 7 1. A demolition, construction, or landscaping contractor who produces and transports solid
8 waste in the course of its performance of a project, where the waste produced is merely
9 incidental to the particular demolition or construction work being performed by such contractor.
10 However, any such solid waste shall be disposed of at the Summit County Resource Allocation
11 Park (SCRAP) as required by subsection 4-16-12B of this chapter.
- 12 2. A civic, community, benevolent or charitable nonprofit organization that collects, transports,
13 and markets solid waste for resource recovery solely for the purpose of raising funds for a
14 charitable, benevolent, or civic activity.
- 15 3. A property owner or agent thereof who transports solid waste left by a tenant upon such
16 owner's property, so long as such property owner does not collect, transport, or dispose of solid
17 waste for compensation for tenants on a regular or continuing basis. However, any such solid
18 waste shall be disposed of at the Summit County Resource Allocation Park (SCRAP) as
19 required by subsection 4-16-12B of this chapter.
- 20 4. Furniture or appliance vendors and their delivery agents who deliver furniture or appliances
21 sold by such vendor and dispose of the purchaser's used furniture or appliances being replaced
22 by such purchase.
- 23 5. A person who transports his or her own solid waste, or who transports solid waste for
24 another person without compensation. However, any such solid waste shall be disposed of at
25 the Summit County Resource Allocation Park (SCRAP) as required by subsection 4-16-12B of
26 this chapter.
- 27 6. Haulers engaged solely in the transport of discarded materials that are expressly excluded
28 from the definition of "solid waste" in section 4-16-5 of this chapter.
- 29 4-16-7 Licensing process:

1 ~~A.— The Summit County manager's office is designated as the licensing authority for solid waste~~
2 ~~hauler licenses, with licensing decisions subject to review by the town council as provided in this~~
3 ~~section. A solid waste hauler must obtain a solid waste hauler license from Summit County,~~
4 ~~prior to applying for a business and occupational license ("BOLT" license) from the Town. The~~
5 ~~application for a BOLT license must be submitted upon all of the terms and conditions set forth~~
6 ~~in title 4, chapter 1.~~

7 ~~B.— A solid waste hauler license shall be valid for one year from the date of approval unless~~
8 ~~otherwise specified in such license, and may be renewed as provided in section 4-16-9 of this~~
9 ~~chapter.~~

10 ~~C.— An application for a solid waste hauler license shall be submitted to the licensing authority~~
11 ~~along with a completed solid waste hauling license self-certification form. At time of license~~
12 ~~application or renewal, each solid waste hauler shall provide and attest to the truthfulness of the~~
13 ~~information requested in the solid waste hauling license self-certification form. An example of~~
14 ~~such form is included in subsection 4-16-15A, "Exhibit A", of this chapter.~~

15 ~~D.— Within thirty (30) days of receipt of a completed application, the staff of the licensing~~
16 ~~authority shall review the application and make a recommendation to the licensing authority.~~
17 ~~The licensing authority may make such additional investigations as deemed necessary and shall~~
18 ~~refer all applications to the town manager for comment.~~

19 ~~E.— The licensing authority shall issue a solid waste hauler license if the application meets all~~
20 ~~applicable requirements and it makes all of the following findings:~~

21 ~~1.— The applicant has successfully completed the solid waste hauling license self-certification~~
22 ~~form and such form is true and accurate;~~

23 ~~2.— The applicant has paid the license fee in full at the time of application;~~

24 ~~3.— The applicant has submitted a complete list of all vehicles to be used for the collection,~~
25 ~~transportation, or disposal of solid waste within the town along with information that identifies~~
26 ~~such vehicles, including, but not limited to, the department of motor vehicle registration forms~~
27 ~~and license plate numbers. Whenever a licensee desires to add or changes vehicles authorized~~
28 ~~to operate within the town, the licensee shall submit a written request for a license amendment~~
29 ~~to the licensing authority, together with identifying information for each new vehicle to be~~
30 ~~included under such solid waste hauler license. The requested amendment shall be approved,~~

1 conditionally approved, or denied in accordance with the provisions of this section in the same
2 manner as a new license application;

3 ~~4. The applicant has provided adequate evidence of liability insurance in the amount shown on
4 the solid waste hauling license self-certification form from a company authorized to do business
5 in Colorado;~~

6 ~~5. Granting the license will not result in a negative impact to the public's health, safety, and
7 welfare and such license will promote the solid waste management goals of the town and the
8 community. In making such determination the licensing authority shall consider:~~

9 ~~a. The character of the applicant, its officers, directors, or managers, including any prior
10 license violations or criminal convictions;~~

11 ~~b. The applicant's ability to provide solid waste hauling services in the town in a manner
12 consistent with the solid waste management goals of the town;~~

13 ~~c. The applicant's ability to operate in the town's high alpine environment and, if the applicant
14 has previously done business in the town, any prior complaints received from citizens or
15 property owners in the town; and~~

16 ~~d. Any statement by the applicant regarding its business plan or efforts to support recycling,
17 waste diversion, or other solid waste management goals of the town.~~

18 ~~F. The amount of the license fee shall not exceed the cost of administering the solid waste
19 hauler licensing program. For 2017, the fee for a solid waste hauler license is twenty dollars
20 (\$20.00). Commencing in 2018, the fee for a solid waste hauler licensee shall be fixed by the
21 town council as part of its annual budget process for the next fiscal year. If, for any reason, the
22 solid waste hauler license fee is not fixed by the town council as part of its annual budget
23 process, the license fee for the preceding year shall continue in full force and effect until
24 changed by the town council.~~

25 ~~G. Once the licensing authority approves, conditionally approves, or denies an application for a
26 solid waste hauler license, it shall promptly notify the applicant in writing of such decision and
27 the basis therefor.~~

28 ~~H. The applicant may appeal such decision to the town council in writing within ten (10) days of
29 receiving such decision notwithstanding subsection 1-19-13B of this code. Any appeal shall~~

1 include a written statement of the grounds for such appeal and any adverse effects that may
2 result.

3 I. ~~An appeal to the town council pursuant to this section shall be processed in accordance with
4 title 1, chapter 19 of this code.~~

5 J. ~~The town council shall approve, conditionally approve, or deny an application within thirty
6 (30) days of the conclusion of the public hearing on the applicant's appeal.~~

7 K. ~~The town council shall issue a solid waste hauler license when, from a consideration of the
8 application, the evidence received at the public hearing, and from such other information as may
9 otherwise be obtained, the town council determines that the applicant is entitled to the issuance
10 of such license under the standards set forth in this chapter.~~

11 L. ~~The town council shall deny an application for a solid waste hauler license under this
12 chapter if it determines that:~~

13 1. ~~Information contained in the application, or supplemental information requested from the
14 applicant, is found to be false in any material respect;~~

15 2. ~~The applicant is not entitled to the solid waste hauler license under the standards set forth in
16 this chapter;~~

17 3. ~~The operation of the proposed business operation is likely to:~~

18 a. ~~Create a substantial inconvenience or annoyance to the public; or~~

19 b. ~~Cause a public nuisance.~~

20 4. ~~The granting of the application will endanger public health or safety.~~

21 M. ~~If the application is denied, the town council shall clearly set forth in writing the grounds for
22 denial.~~

23 N. ~~If the application is conditionally approved, the town council shall clearly set forth in writing
24 the conditions of approval.~~

25 O. ~~If an application is denied the application fee shall not be refunded. (Ord. 5, Series 2017)~~

26 4-16-8 Duties of licensee:

27 It is the duty and obligation of each licensee to do the following:

- 1 A. Comply with all of the terms and conditions of the license.
- 2 B. Comply with all of the requirements of this chapter.
- 3 C. Comply with all other town ordinances that are applicable to the business for which the
4 license was issued.
- 5 D. At the time a solid waste hauler applies to renew a BOLT license, a licensee shall Ssubmit
6 an annual report setting forth the number of accounts, itemized by residential, group,
7 commercial, including separate line items for commercial with glass and/or commercial with
8 organics, and include the rates established by each sort of account. on the weight (in tons) of
9 solid waste, including recyclable materials by commodity, collected and transported from within
10 the town. The licensing authority shall be responsible for designating materials as recyclables
11 for purposes of the reporting requirements of this section. The initial list of recyclable materials
12 is shown in subsection 4-16-15B, "Exhibit B; List Of Materials Designated As Recyclables", of
13 this chapter, and such list may be changed from time to time by the licensing authority. Solid
14 waste reports shall be submitted to the director, Summit County Solid Waste Department, P.O.
15 Box 3789, Dillon, CO 80435, by February 1 of each year for the period of the previous calendar
16 year (January 1 through December 31).
- 17 E. Indemnify and defend the town, its officers, employees, insurers, and self-insurance pool
18 from and against all liability, claims, and demands, on account of injury, loss, or damage,
19 including, without limitation, claims arising from bodily injury, personal injury, sickness, disease,
20 death, property loss or damage, or any other loss of any kind whatsoever, arising out of in any
21 manner connected with the operation of the business for which the license was issued. The
22 licensee shall investigate, handle, respond to, and provide defense for and defend against, any
23 such liability, claims, or demands at the sole expense of the licensee, and bear all other costs
24 and expenses related thereto, including court costs and attorney fees. The indemnity obligation
25 of this subsection shall survive the expiration or revocation of the license, and shall continue to
26 be fully enforceable thereafter, subject to any applicable statute of limitation.
- 27 4-16-9 ~~Renewal of license~~ Licensee Requirements for Volume Based Service (referred to as
28 "Pay as You Throw").
- 29 A. Residential Trash and Recyclable Materials Collection Service.
- 30 1. Volume Based Rates. Licensed haulers shall assess volume-based service rates for the
31 total cost of residential trash and recyclables collection exclusive of any surcharges based on

1 the trash container size. Licensed haulers may establish any base unit rate for the small trash
2 service level and shall establish rates that incrementally increase the base unit rate by no less
3 than eighty percent (80%) for the medium service level and by no less than one hundred and
4 sixty percent (160%) for the large service level.

5 a. The rates assessed by licensed haulers for residential customer trash and
6 recyclables collection shall be bundled as one price and shall not be reduced to exclude the
7 cost of recycling service regardless of customer request or declination of service - each
8 customer bill shall include a statement identifying the requirement for recyclables collection as a
9 matter of law.

10 b. Volume-based service rates shall be inclusive of container and not be assessed
11 at an additional cost.

12 c. Licensed haulers are not required to reduce volume-based service rates for
13 customers who provide their own containers.

14 d. Recyclable collection service shall be provided inclusive of the volume based
15 rates for trash collection service

16 e. Surcharges. Volume based rates are exclusive of surcharges which a licensed
17 hauler may impose to cover fluctuating operating costs outside of the licensed hauler's control
18 such as fuel costs or market-based recycling fees; provided however, that no surcharge shall
19 exceed twenty five percent (25%) of the base unit rate applied uniformly to each residential
20 customer service and be reflected as a separate item on the customer invoice.

21 2. Service intervals. Licensed haulers shall provide weekly trash collection unless
22 customer requests bi-weekly service, which shall be provided at a reduced rate.

23 3. Containers. Licensed haulers shall provide, or verify that each residential customer is
24 offered at least three (3) trash container sizes and service for small, medium and large trash
25 containers for customer selection. If a customer does not make a selection, the licensed hauler
26 shall provide a medium trash container.

27 4. When customer overloads a container after being notified by the hauler more than three
28 times of such unlawful exceedances, a licensed hauler shall provide a customer with a container
29 with the next size up in capacity and shall impose new rates accordingly.

30 5. Recyclables. Licensed haulers shall comply with the following recycling requirements.

1 a. Provide every-other-week recyclables collection on the same day of the week as
2 trash collection; provided, however, more frequent recyclables collection may be provided at the
3 licensed hauler's discretion;

4 b. Provide a medium recyclables container unless the customer requests a small or
5 large container;

6 c. Licensed haulers may provide additional recyclables containers to any residential
7 customer to prevent overflow and mixing recyclables with trash;

8 d. Licensed haulers shall refuse to service any recyclables container that fails to
9 comply with SCRAP contamination rules or may treat contaminated recyclables as trash.

10 g. Recyclables containers provided for any customer shall be clearly distinguishable
11 from trash containers and shall be located proximal to and as convenient as trash containers.

12 B. Commercial and Special Services.

13 1. Commercial. If a licensee provides trash collection to a commercial customer, the hauler
14 must also provide recycling containers with a least one-half (1/2) volume of the size of the trash
15 container, or service equivalent of fifty percent (50%) the size of trash and shall have discretion
16 to establish separate rates for recycling. Upon request of a commercial customer, a licensee
17 shall provide separate containers for glass and/or organics and shall have discretion to establish
18 separate rates for such services; provided, however, a licensed hauler shall provide glass
19 recycling service to commercial businesses that have mandatory requirements to recycle glass
20 under title 5, chapter 6 (e.g. restaurants, bars, taverns, tap houses).

21 2. On-Call. On-call customers with collection service more frequently than once in any
22 calendar month shall be subject to the recycling requirements.

23 3. Valet. If a hauler provides valet trash collection service less frequently than bi-weekly,
24 then only the recycling requirements of chapter 16 apply. If hauler provides more frequent than
25 bi-weekly service, than volume based rates apply.

26 4. Group Accounts. Licensee shall provide trash collection service in a manner that results
27 in a selection by each individual resident of a level of service form the range of volume based
28 service options.

- 1 C. Glass/Organics for Special Services (i.e. On-Call, Valet, Group Accounts). A licensee
2 has discretion to provide customers with separate containers for glass and/or organics and shall
3 have discretion to establish separate rates for such services.
- 4 D. Exceedances and Overloading. Licensed haulers shall refuse to service any
5 recyclables container under subsections B and C above that fails to comply with SCRAP
6 contamination rules or may treat contaminated recyclables as trash. When a customer under
7 subsections B and C overloads the container after being notified by the hauler more than three
8 times, a licensed hauler shall provide a container with the next size up in capacity and shall
9 charge accordingly
- 10 E. Education and outreach. Licensee shall notify all residential and commercial customers
11 of the provisions and guidelines related to these regulations on an annual basis. All notification
12 and guidelines shall be distributed by electronic mail or hard copy delivery to the customer
13 account. Licensee shall maintain a website that includes current residential and commercial
14 collection options and list of recyclables accepted by SCRAP.
- 15 F. Implementation Dates.
- 16 1. Service to Residential Customers.
- 17 a. No later than October 1, 2023, licensed haulers shall convert ninety (90) percent
18 of residential service accounts to volume based rates and all requirements of this chapter;
- 19 b. No later than December 1, 2023, licensed haulers shall convert one-hundred
20 (100) percent of residential service accounts to volume based rates and all requirements of this
21 chapter;
- 22 2. Service to Group Accounts. No later than April 1, 2024, licensed halers shall convert
23 group accounts to volume based rates and all requirements of this chapter.
- 24 3. Service to Valet Customers. No later than April 1, 2024, licensed halers shall convert
25 valet customers, with bi-weekly service or more frequent than bi-weekly service, to volume
26 based rates and all requirements of this chapter;
- 27 4. Service to Commercial Customers.
- 28 a. No later than April 1, 2024, licensed haulers that provide trash collection to a
29 commercial customer under section 4-16-9 shall deliver at least fifty percent (50%) of

1 recyclables containers and initiation of recyclables collection services to the commercial
2 customers and

3 b. Not later than April 1, 2025, licensed haulers that provide trash collection to a
4 commercial customer under section 4-16-9 shall deliver one hundred (100%) of recyclables
5 containers to the commercial customer.

6 G. Exemptions/waivers: Licensed haulers may submit a written request to the director of
7 public works or their designee for a delayed implementation or for other exemptions from this
8 code based on good cause.

9 4-16-10: Suspension, revocation and other sanctions.

10 In addition to any grounds set forth in title 1, chapter 4, the finance director may, after
11 investigation, suspend, revoke, or fine any licensed hauler for any violation of this chapter or
12 any rule or regulation or law promulgated under this chapter.

13 ~~A.—A licensee does not have a vested right or a property right in the renewal of its solid waste~~
14 ~~hauler license.~~

15 ~~B.—Each solid waste hauler license may be renewed as provided in this section. The term of a~~
16 ~~renewal license shall be one year, unless suspended or revoked as provided in section 4-16-10~~
17 ~~of this chapter.~~

18 ~~C.—An application for the renewal of an existing license shall be made to the licensing authority~~
19 ~~not less than forty five (45) days prior to the date of expiration. No application for renewal shall~~
20 ~~be accepted by the licensing authority after the date of expiration. The licensing authority may~~
21 ~~waive the forty five (45) day time requirement set forth in this subsection if the applicant~~
22 ~~demonstrates an adequate reason.~~

23 ~~D.—The timely filing of a renewal application shall extend the current license until a final~~
24 ~~decision is made on the renewal application.~~

25 ~~E.—At the time of the filing of a renewal application the licensee shall pay a renewal fee in an~~
26 ~~amount fixed by the town council as part of its annual budget process.~~

27 ~~F.—The licensing authority may refuse to renew a license for good cause; provided, however,~~
28 ~~that the licensing authority shall not refuse to renew a license without holding a public hearing~~
29 ~~on the renewal application. If a public hearing on a renewal application is held, notice of such~~
30 ~~hearing shall be given to the licensee at least ten (10) days prior to the hearing.~~

1 ~~G.— The licensee may appeal any decision of the licensing authority conditionally approving or~~
2 ~~denying its renewal application to the town council in writing within ten (10) days of receiving~~
3 ~~such decision notwithstanding subsection 1-19-13B of this code. Any appeal shall include a~~
4 ~~written statement of the grounds for such appeal and any adverse effects that may result.~~

5 ~~H.— An appeal to the town council pursuant to this section shall be processed in accordance~~
6 ~~with title 1, chapter 19 of this code.~~

7 ~~I.— The town council shall approve, conditionally approve, or deny a renewal application within~~
8 ~~thirty (30) days of the conclusion of the public hearing on the licensee's appeal. (Ord. 5, Series~~
9 ~~2017)~~

10 ~~4-16-10 ——— Suspension or revocation of license:~~

11 ~~A.— A solid waste hauler license may be suspended or revoked for any of the following reasons:~~

12 ~~1.— Fraud, misrepresentation, or a false statement of material fact contained in the license~~
13 ~~application.~~

14 ~~2.— A violation of any town, state, or federal law or regulation pertaining to the operation of the~~
15 ~~business for which the license was issued.~~

16 ~~3.— A violation of any of the terms and conditions of the license.~~

17 ~~B.— The licensing authority shall hold a public hearing to consider whether to suspend or revoke~~
18 ~~a solid waste hauler license. A public hearing held by the licensing authority pursuant to this~~
19 ~~section shall be held in accordance with title 1, chapter 19 of this code.~~

20 ~~C.— In connection with the suspension of a license, the licensing authority may impose~~
21 ~~reasonable conditions.~~

22 ~~D.— For the purpose of disciplinary action imposed pursuant to this section, a licensee is~~
23 ~~responsible and accountable for the conduct of the licensee's employees, agents, and~~
24 ~~contractors occurring in connection with the operation of the business for which a license has~~
25 ~~been issued.~~

26 ~~E.— In deciding whether a license should be suspended or revoked, and in deciding what~~
27 ~~conditions to impose in the event of a suspension, if any, the licensing authority shall consider~~
28 ~~all of the following:~~

29 ~~1.— The nature and seriousness of the violation.~~

1 ~~2. Corrective action, if any, taken by the licensee.~~

2 ~~3. Prior violation(s), if any, by the licensee.~~

3 ~~4. The likelihood of recurrence.~~

4 ~~5. All circumstances surrounding the violation.~~

5 ~~6. Whether the violation was wilful.~~

6 ~~7. The number of previous violations by the licensee.~~

7 ~~8. Previous sanctions, if any, imposed against the licensee.~~

8 ~~F. The licensee may appeal any decision of the licensing authority suspending or revoking its~~
9 ~~license to the town council in writing within ten (10) days of receiving such decision. Any appeal~~
10 ~~shall include a written statement of the grounds for such appeal and any adverse effects that~~
11 ~~may result.~~

12 ~~G. In connection with an appeal taken to the town council pursuant to this section, subsections~~
13 ~~A through E of this section shall apply equally to the town council.~~

14 ~~H. No fee previously paid by a licensee in connection with the application shall be refunded if~~
15 ~~such license is suspended or revoked.~~

16 4-16-11 Review of decisions:

17 A. As a prerequisite to filing a civil action in a court of competent jurisdiction, a licensee
18 challenging a decision of the finance director with respect to issuance, renewal, or sanctions of
19 a licensee shall file an appeal in writing with the town manager. An appeal submitted under this
20 section of the code must set forth the factual basis for the appeal. The town manager or their
21 designated hearing officer shall conduct a hearing in a timely matter and in accordance with
22 procedures in Title 1, Chapter 19; provided, however, Any decision of the licensing authority
23 pursuant to this chapter that is not appealed to the town council shall be a final decision of the
24 town, and may be appealed to the district court pursuant to rule 106(a)(4) of the Colorado rules
25 of civil procedure.

26 B. Any decision of the town council town manager or hearing officer as the case may be
27 pursuant to this chapter shall be a final decision of the town, and may be appealed to the district
28 court pursuant to rule 106(a)(4) of the Colorado rules of civil procedure.

1 C. ~~The applicant's or licensee's (as applicable) failure to timely appeal a decision issued by the~~
2 ~~licensing authority or the town council pursuant to this chapter is a waiver of the applicant's or~~
3 ~~licensee's right to contest such decision. (Ord. 5, Series 2017)~~

4 4-16-12 Designated disposal site:

5 A. The town designates the Summit County Resource Allocation Park (SCRAP) as the
6 exclusive solid waste disposal site and facility for all solid waste generated within the town.

7 B. All solid waste generated within the town shall be disposed of only at the Summit County
8 Resource Allocation Park (SCRAP) unless otherwise expressly authorized in accordance with
9 the provisions of this chapter; provided, however, that upon request the licensing authority may
10 exempt from this requirement, with or without conditions, a solid waste hauler who primarily
11 transports only source separated recyclable material in accordance with the solid waste
12 management goals and requirements of this chapter.

13 C. If the Summit County Resource Allocation Park (SCRAP) is closed during normally
14 scheduled business hours due to a weather event, an official county holiday, or other special
15 event, solid waste haulers are authorized during such closure to transport and dispose of solid
16 waste in another licensed disposal facility in lieu of depositing such solid waste at the Summit
17 County Resource Allocation Park (SCRAP).

18 4-16-13 Administrative fines; Penalties; Injunctive relief:

19 It shall be unlawful and a misdemeanor offense for any person to:

20 A. Fail or refuse to make or file any record, report, or other document required to be made or
21 filed by this chapter, or to make any false or fraudulent record or report, or any false or
22 fraudulent statement in any such document.

23 B. Operate as a solid waste hauler anywhere within the town without a valid solid waste hauler
24 license or Town business license, or to continue to do business during a period of suspension of
25 such license or after such license is revoked.

26 C. Dispose of any solid waste generated within the town at any location other than the
27 designated disposal site as required by section 4-16-12 of this chapter.

28 D. Any person convicted of having violated an offense described in this section shall be
29 punished as set forth in title 1, chapter 4 of this code.

1 E. Administrative Fine and Penalties. Failure to comply with license requirements under this
2 chapter 16 shall be punishable by an administrative penalty an amount up to one-thousand
3 (1000) dollars per day until the violation is cured or an exemption or waiver is sought and
4 granted by the Town. Written notice of an administrative penalty shall be provided by first class
5 United States mail to such person at such person's last known address. The administrative
6 penalty shall be due and payable within fourteen (14) days of the date of the notice.

7 E. If a business is required to have a solid waste hauler license issued pursuant to this
8 chapter the operation of such business within the town without a valid solid waste hauler license
9 may be enjoined by the town in an action brought in any court of competent jurisdiction. In any
10 case in which the town prevails in a civil action initiated pursuant to this subsection, the town
11 may recover its reasonable attorney fees plus costs of the proceeding.

12 G. Fines and penalties under this section may be imposed separately or cumulatively.

13 4-16-14 No town liability:

14 The adoption of this chapter and the issuance of solid waste hauler licenses pursuant to this
15 chapter shall not create any duty to any person. No person shall have any civil liability remedy
16 against the town, or its officers, employees or agents, for any damage or loss of any kind arising
17 out of or in any way connected with the issuance of any solid waste hauler license pursuant to
18 this chapter. Nothing in this chapter shall be construed to create any liability or to waive any of
19 the immunities, limitations on liability, or other provisions of the Colorado governmental
20 immunity act, section 24-10-101 et seq., Colorado Revised Statutes, or to waive any immunities
21 or limitations on liability otherwise available to the town, or its officers, employees or agents.

22 ~~4-16-15 Exhibits:~~

23 ~~A. Exhibit A::~~

24 ~~Solid Waste Hauling License Self-Certification Form~~

25 ~~Trash Hauling License~~

26 ~~Self Certification Form~~

27 ~~The applicant must initial the items below, complete and sign for self-certification:~~

28 ~~Each vehicle operated in the performance of waste hauling services, as licensed under Chapter~~
29 ~~16 of Title 4 of the Breckenridge Town Code, is insured through a policy issued by an insurance~~
30 ~~carrier or insurer, authorized to do business in the State of Colorado, in the sum of not less than~~
31 ~~\$150,000.00 for damages for or on account of any bodily injury to or the death of each person~~
32 ~~as the result of any one accident, in the sum of not less than \$150,000.00 for damages to the~~

1 property of others as the result of any one accident, and in the total sum of not less than
2 \$400,000.00 for or on account of any bodily injury to or the death of all persons and for the
3 damages to the property of others.

4 Each vehicle operated in the performance of waste hauling services, as licensed under Chapter
5 16 of Title 4 of the Breckenridge Town Code, is maintained in road-worthy and good condition
6 and statements one through five below, where applicable, are correct and true.

7 1. All compaction and roll-off vehicles designed and used for hauling putrescible (liquid
8 containing) wastes are leak proof at all times during operation.

9 2. All compaction vehicles are regularly maintained to ensure that compaction blades move
10 freely, hopper plugs and seals are in place, in good condition (not cracked), and are leak proof.

11 3. Only vehicles designed to haul putrescible (liquid containing) wastes are used for this
12 purpose. Regular pickups and flat bed vehicles are only used to haul dry wastes.

13 4. All open bed or open top vehicles are provided with a tarpaulin of sufficient size to cover all
14 loads entirely, and to be used whenever waste is being transported to avoid littering or loss of
15 load onto the highway.

16 5. If vehicles have sideboards or a tailgate, these components are constructed of permanent
17 materials.

18 I have completed the information being submitted above for compliance with Chapter 16 of Title
19 4 of the Breckenridge Town Code and, based on information and belief formed after reasonable
20 inquiry, I certify that the statements and information contained in this submittal are true,
21 accurate and complete.

22 I am aware that failure to provide true and accurate and complete information on this self-
23 certification form constitutes a violation of Chapter 16 of Title 4 of the Breckenridge Town Code,
24 and is punishable by a fine of not more than two thousand six hundred fifty dollars (\$2,650.00)
25 as adjusted pursuant to Section 13-10-113(1)(b), C.R.S.; by imprisonment not to exceed one (1)
26 year; or by both such fine and imprisonment, for each separate violation and may also result in
27 the suspension or revocation of my license.

28 Name and Address of Hauling Company:

29 Authorized Signature:

30 Title:

31 Printed Name:

32 Date:

33 B.—Exhibit B; List Of Materials Designated As Recyclables: Materials may be collected in single
34 stream or source separated form from residential customers covered by this chapter and shall
35 include the following:

36 1.—Materials: Aluminum cans, tin/steel cans, cardboard (OCC), paperboard, newspaper,
37 magazines, catalogs, junk mail, office paper, and plastic containers #1 and #2 (may be collected
38 separately or commingled in a single container).

1 ~~2. Glass: If glass is collected, it shall be collected in a separate container or stream and~~
2 ~~volumes tracked separately.~~

3 ~~3. Other Materials: Any other materials collected as recyclable shall be collected in source~~
4 ~~separated containers.~~

5

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

8

9 **Section 3.** The Town Council hereby finds, determines and declares that this ordinance
10 is necessary and proper to provide for the safety, preserve the health, promote the prosperity,
11 and improve the order, comfort and convenience of the Town of Breckenridge and the
12 inhabitants thereof.

13

14 **Section 4.** This ordinance shall be published and become effective as provided by
15 Section 5.9 of the Breckenridge Town Charter.

16

17 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
18 PUBLISHED IN FULL this 26th day of July, 2022. A Public Hearing shall be held at the regular
19 meeting of the Town Council of the Town of Breckenridge, Colorado on the ___ day of ____,
20 2022.

21

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

22

23

24

25

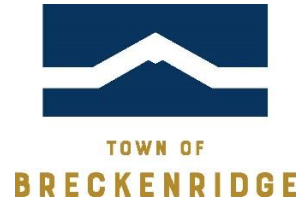
26

By: _____
Eric S. Mamula, Mayor

27

28

29



Memo

To: Breckenridge Town Council
From: Jessie Burley, Sustainability & Parking Manager
Date: 7/19/2022
Subject: Two Ordinances Related to Requirements of Licensed Haulers and Generators of Solid Waste (Zero Waste) – First Reading

Please see the cover memo for the previous agenda item which described both ordinances. Together, these ordinances form the basis of volume based service rates and universal recycling requirements.

2
3 Series 2022

4 **AN ORDINANCE ADOPTING REGULATIONS PERTAINING TO**
5 **GENERATORS OF SOLID WASTE AND IN CONNECTION THEREWITH**
6 **ADOPTING FINES AND PENALTIES FOR ENFORCEMENT OF VIOLATIONS.**
7

8 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
9 BRECKENRIDGE, COLORADO:
10

11 **Section 1.** That section 5-2-2 of title 5, chapter 2, be stricken and that chapter 2 be
12 renumbered accordingly:

13 ~~5-2-2—Garbage receptacles; Placement of receptacles at curbside:~~

14 ~~A.—Except when placed for curbside pick up in accordance with subsection B of this section, all~~
15 ~~garbage that is placed, stored, or kept outside of a building, structure, or an "approved private~~
16 ~~trash enclosure" as defined in section 5-6-2 of this title shall be kept in an outdoor garbage~~
17 ~~receptacle with a properly secured lid.~~

18 ~~B.—Garbage may be placed at the curbside for pick up by a trash collector only in accordance~~
19 ~~with the following regulations:~~

20 ~~1.—Garbage may be placed at the curbside for pick up only when fully contained within a~~
21 ~~receptacle. No garbage may be placed at the curbside in a paper or plastic bag, or other~~
22 ~~container that is not a receptacle.~~

23 ~~2.—Any receptacle placed for curbside pick up shall be kept closed and secured with no gap~~
24 ~~between the container and the lid until it has been emptied by the trash contractor and moved~~
25 ~~back to its normal location.~~

26 ~~3.—Receptacles may be placed at the curbside only after six o'clock (6:00) A.M. on the day of~~
27 ~~pick up. After pick up, each receptacle must be moved back to its normal location by ten o'clock~~
28 ~~(10:00) P.M. of the same day.~~

29 ~~C.—The provisions of this section shall not apply to: 1) a receptacle maintained by a business~~
30 ~~that is: a) primarily intended as a convenience for use by the customers of the business (and not~~
31 ~~the business itself); b) designed in such a manner as to discourage wildlife from getting into the~~
32 ~~receptacle; and c) emptied on a daily basis; or 2) rubbish, including, but not limited to,~~
33 ~~recyclable material as defined in section 4-16-5 of this code, that is placed at the curbside for~~
34 ~~pick up by a trash collector.~~

1 ~~D. The owner of real property and any other person who causes the accumulation of garbage~~
2 ~~at the owner's property are both individually responsible for any garbage placed, stored, or kept~~
3 ~~at such property in violation of this section.~~

4 **Section 2.** That chapter 6 of title 5 is hereby repealed and replaced in its entirety to
5 read as follows:

6 5-6-1: Legislative Intent:

7 The purpose of this chapter is to protect the public health, safety and welfare by regulating solid
8 waste containers, including dumpsters and compactors. The requirements of this chapter are
9 intended to help prevent: a) conditions that may result in the harboring of undesirable pests and
10 rodents, b) conditions which are unsightly and therefore detract from the aesthetic appearance
11 of the community and may affect the value of real property, and c) conditions which may
12 otherwise constitute a safety hazard. The requirements of this chapter are further intended to
13 meet the town's waste diversion goals.

14 5-6-2: Definitions:

15
16 As used in this chapter, unless the context clearly requires otherwise:

17 APPROVED PRIVATE TRASH ENCLOSURE: A private trash enclosure that meets the
18 specifications of section 5-6-4 and has been approved by the town pursuant to title 9, chapter 1
19 of this code.

20 BIN: Has the same meaning as set forth in title 4, chapter 16.

21 COMMERCIAL GENERATOR: Any property located in the Town of Breckenridge where a
22 Multi-Family Property is located or a business, industrial or institutional enterprise is carried out
23 including without limitation retail establishments, restaurants, hospitals, schools, day care
24 centers, office buildings, nursing homes, clubs, churches, hotels, and public facilities regardless
25 of container type.

26 COMMERCIAL SHARED TRASH ENCLOSURE: A trash enclosure owned or under the control
27 of the town. A commercial shared trash enclosure shall include containers for both trash and
28 recoverable material as determined by the director.

29 COMMON AREA: Areas, rooms, spaces or elements inside or outside of a multi-family
30 Property, business, hotel, industrial or institutional property that are made available to tenants,
31 occupants, Generators or guests of the property.

32 CONTAINER: Has the same meaning as set forth in in title 4, chapter 16.

33 DIRECTOR: The director of public works of the town, or such person's designee.

1 HOTELS AND MOTELS: Any property in which lodging is provided to transient guests for
2 compensation but excludes boarding or rooming facilities, tourist homes or accommodation unit.
3 NONCONFORMING PRIVATE TRASH ENCLOSURE: A private trash enclosure that has not
4 been approved by the town pursuant to title 9, chapter 1 of this code.
5 ORGANICS: Has the same meaning as set forth in in title 4, chapter 16.
6 PRIVATE TRASH ENCLOSURE: A trash enclosure that is owned by any person other than the
7 town. A private trash enclosure may be used by one user or may be shared by multiple users. A
8 private trash enclosure shall include solid waste containers. A private trash enclosure may be
9 an approved private trash enclosure or a nonconforming private trash enclosure.
10 RECYCLABLE: Has the same meaning as set forth in in title 4, chapter 16.
11 RESIDENTIAL GENERATOR: An individual or individual residential property located in the
12 Town that has a discrete trash container and collection provided under a discrete service
13 subscription or contract for that property as part of a group account.
14 TRASH: Has the same meaning as set forth in in title 4, chapter 16.
15 TRASH COMPACTOR: A device that compresses refuse into small bundles for easy disposal.
16 TRASH DUMPSTER: Has the same meaning as set forth in title 4, chapter 16.
17 TRASH ENCLOSURE: A structure used to temporarily store solid waste materials until they are
18 removed from the site. A trash enclosure may be a private trash enclosure or a commercial
19 shared trash enclosure.
20 VALET: Has the same meaning as set forth in title 4, chapter 16.

21 **Part A. General Provisions**

22 5-6-3: General:

23 A. Responsibility for Solid Waste. The owner of real property and any other person
24 who causes the accumulation of solid waste at the owner's property are both individually
25 responsible for any solid waste placed, stored or kept at such property.

26 B. Collection Service Requirement.

27 Each owner of real property or occupant thereof shall be responsible for:

28 1. Preventing the accumulation of solid waste, whether by retaining the services of
29 a licensed hauler or by self-hauling; and,

30 2. At least one (1) trash container and one (1) recyclables container for each
31 individual residence or commercial enterprise unless said parties share collection service.

32 Generators located adjacent to one-another or sharing a trash enclosure may share collection
33 service.

34 **Part B. Private Trash Enclosures**

1 5-6-4: Unlawful to construct private trash enclosure without town approval:

2 It is unlawful for any person to construct a private trash enclosure without a development
3 permit issued by the town pursuant of title 9, chapter 1 of this code.

4 5-6-5 Specifications for approved private trash enclosure:

5 An approved private trash enclosure shall meet the following specifications:

6 A. The enclosure shall have a roof designed to support snow load as required by the
7 town's building and technical codes adopted by reference in title 8, chapter 1 of this code, or as
8 otherwise approved by the town's building official. The roof shall be reinforced so that contact
9 with the enclosure during refuse removal will not damage the roof, structure, or veneer of the
10 enclosure.

11 B. Collection access to the enclosure must be screened in a manner meeting the
12 following specifications:

13 1. Collection access opening within the historic district shall be a maximum of nine feet
14 (9') in height; access opening outside the historic district shall be a minimum of nine feet (9') in
15 height, or as approved by the director of the department of community development.

16 2. Collection access opening width shall be a minimum of twelve feet (12'). Where steel
17 supports the structure and the gates, the access opening width can be reduced to ten feet (10').

18 3. Swinging gates shall have eight inches (8") minimum clearance above the ground.
19 Devices shall be installed to prevent gates from swinging into the trash enclosure, and to secure
20 the gates open during refuse collection.

21 C. A thirty six inch (36") minimum width access opening for pedestrians shall be
22 included in the enclosure design.

23 D. The design, color and materials of the enclosure shall be architecturally compatible
24 with that of principal structures. Where an enclosure is located within the historic district
25 boundaries, architectural design shall comply with the most current edition of the "Handbook Of
26 Design Standards For The Historic And Conservation Districts."

27 E. Ventilation shall be provided. Nonmechanical ventilation is acceptable.

28 F. If a trash dumpster is to be located in the trash enclosure, an acceptable mechanism
29 to limit dumpster movement is required.

30 G. A storage area for recyclable materials shall be provided. The recycling area shall
31 allow for recycling containers with at least one-half (1/2) volume of the size of the proposed
32 trash container.

33 H. It is recommended that new construction incorporate the trash enclosure into the
34 principal structure.

1 I. The rehabilitation of historic sheds as trash enclosures is encouraged.

2 5-6-6: Allowed use of private trash enclosure:

3 A. Except as provided in subsections B and C, all private trash enclosures are for the
4 collection and storage of trash and recyclable materials only. It shall be unlawful for any person
5 to use, or to permit the use of, a private trash enclosure for any other purpose.

6 B. It is not a violation of subsection A if:

7 1. Grease from a commercial business is stored in a private trash enclosure; provided
8 that such grease shall only be disposed of by a licensed grease hauler; or

9 2. Grease from a private residence is placed back in its original container, properly
10 resealed, and placed in a private trash enclosure pending removal by a licensed grease hauler.

11 C. It is not a violation of subsection A if space within a private trash enclosure is utilized
12 for storage of personal property if such storage does not interfere with the allowed use of the
13 private trash enclosure as set forth in subsection A.

14 5-6-7: Misuse of private trash enclosure:

15 Any person who does any of the following acts commits the offense of misuse of a
16 private trash enclosure:

17 A. Deposits hot ashes within a private trash enclosure; or

18 B. Deposits grease within a private trash enclosure except as described in subsection
19 5-6-6..

20
21 5-6-8: Maintenance of private trash enclosure:

22 A. All private trash enclosures shall be structurally sound, maintained in good repair
23 and kept clear of snow and ice. No private trash enclosure shall constitute a hazard to safety,
24 health, or public welfare by reason of inadequate maintenance or dilapidation.

25 B. The exterior surfaces of all private trash enclosures shall be kept neatly painted and
26 clean at all times. In addition to other remedies provided for in this chapter and code, the town
27 shall have the authority to order the painting, repainting, staining, repair, maintenance, or
28 removal of all trash enclosures which have become dilapidated or a hazard to safety, health, or
29 public welfare.

30 C. If a condition described in subsection B is determined by the director to exist, the
31 director shall give notice thereof by certified mail, return receipt requested, to the owner of such
32 private trash enclosure at the address of the property on which the enclosure is located, or such
33 other address as the director may have. If, within fifteen (15) days from service of the notice, or
34 such additional time as the director may permit, the director's order is not complied with, the

1 condition shall be deemed to be a nuisance and may be abated as provided in chapter 1 of this
2 title. In the event of a judicial decision that a nuisance exists, the court as part of its penalty may
3 order the painting, repainting, repair, maintenance or removal of the private trash enclosure, and
4 the cost thereof shall be paid by the owner of the trash enclosure. (Ord. 16, Series 2019)

5 5-6-9: Compliance with Part B. required; When:

6 A. An approved private trash enclosure shall be provided as follows:

7 1. Concurrently with any new development or further development of any existing site
8 proposing use of a trash enclosure that requires the issuance of a class A, B, or C development
9 permit;

10 2. At the time of the structural repair or alteration of a nonconforming private trash
11 enclosure; or

12 3. At the time of installation of an additional trash enclosure on a developed site.

13 B. An approved private trash enclosure shall be provided on newly annexed property
14 within two (2) years following the effective date of the annexation, or as otherwise provided in
15 the annexation ordinance for such property.

16 **Part C. Residential and Commercial Generators**

17
18 5-6-10: Residential Generator Requirements:

19 A. Except when placed for curbside pick up in accordance with subsection B of this
20 section, all solid waste that is placed, stored, or kept outside of a building, structure, or an
21 approved trash enclosure shall be kept in an outdoor container with a properly secured lid and
22 labeled by contents.

23 B. Solid waste may be placed at the curbside for pick up by a Licensed Hauler only in
24 accordance with the following regulations:

25 1. Solid waste may be placed at the curbside for pick up only when fully contained
26 within a Container. No solid waste may be placed at the curbside in a paper or plastic bag, or
27 other receptacle that is not a Container.

28 2. Any Container placed for curbside pick up shall be kept closed and secured with no
29 gap between the Container and the lid until it has been emptied by the Licensed Hauler and
30 moved back to its normal location.

31 3. Containers may be placed at the curbside only after six o'clock (6:00) A.M. on the
32 day of pick up. After pick up, each Container must be moved back to its normal location by ten
33 o'clock (10:00) P.M. of the same day.

1 C. The owner of real property and any other person who causes the accumulation of
2 solid waste at the owner's property are both individually responsible for any solid waste placed,
3 stored, or kept at such property in violation of this section.

4
5 5-6-11: Commercial Generator Requirements:

6 A. Commercial generators located adjacent to one-another or sharing a solid waste
7 enclosure may share trash, recyclables, glass or organics.

8 B. Commercial generators shall ensure that trash is not commingled with recyclables,
9 glass materials, or organics whether directly provided or handled through contracts for
10 housekeeping and janitorial services.

11 C. Commercial generators shall provide employee, occupant, tenant, housekeeping
12 and janitorial training with materials provided by Summit County at a frequency needed to
13 effectively prevent recyclables and glass from being mixed with trash but no less than annually;
14 training shall also be provided within thirty (30) days of occupancy or start date for any new
15 employee, occupant, tenant, housekeeping or janitorial staff; and

16 D. Commercial generators shall maintain written records of solid waste collection
17 services and training activities.

18 E. Commercial generators shall provide bins in accordance with the following
19 requirements for the collection of recyclables to employees, occupants, tenants, and the general
20 public wherever trash bins are located in common areas:

21 1. Bins for the collection of commingled recyclables shall be located proximal to trash
22 bins;

23 2. Bins for the collection of glass are optional except a commercial business that serves
24 beverages primarily in bottles or glass, including, but not limited to, restaurants, bars, taverns,
25 and tap houses, shall be required to recycle glass in addition to other recycle services;

26 3. Commingled recyclables, glass and organics bins shall be sized and serviced with a
27 frequency that prevents recyclables, glass, and organics from being mixed with trash; and

28 4. Each bin shall include a label identifying acceptable and unacceptable materials
29 provided by Summit County and affixed by the commercial generator.

30 5. Hotels and motels shall provide bins for the collection of commingled recyclables
31 without glass in each individual unit made available for overnight lodging. Bins for glass are
32 optional.

33 F. Nothing in this section prohibits a person from constructing an approved private
34 trash enclosure upon such person's property (and not upon public property); provided that legal

1 vehicular access for solid waste collection is available. All necessary development and building
2 permits must be obtained prior to the construction of the approved private trash enclosure as set
3 forth in Part B above.

4 5-6-12 Misuse of commercial shared trash enclosure:

5 A. Any person who does any of the following acts commits the offense of misuse of a
6 commercial shared trash enclosure:

7 1. Deposits, throws, or leaves anywhere within a commercial shared trash enclosure
8 any item that is not trash or recyclables.

9 2. Deposits, throws, or leaves any solid waste in a commercial shared trash enclosure
10 if such person has not been authorized by the Director to use such enclosure.

11 3. Deposits, throws, or leaves any solid waste anywhere within a commercial shared
12 trash enclosure, except within the appropriate Containers;

13 4. Deposits, throws, or leaves any solid waste within ten feet (10') of the exterior wall of
14 a commercial shared trash enclosure;

15 5. Deposits hot ashes within a commercial shared trash enclosure.

16 6. Deposits grease within a commercial shared trash enclosure.

17 7. Places any recyclable material in a recycling container within a commercial shared
18 trash enclosure that is clearly indicated by signage or labeling as being intended to contain only
19 other types of recyclable materials.

20 B. An employer is legally accountable under this section for the conduct of his or her
21 employees that violates the provisions of this section if such conduct occurs in the course and
22 scope of such employment. It shall be presumed that such conduct was caused to be done,
23 requested, commanded, or authorized by the employer as part of the employee's duties.

24 **Part D. Fines and Penalties**

25 5-6-13: Administrative fines; Penalties; Injunctive relief:

26 It shall be unlawful for any person to fail to comply with the requirements of this chapter. Failure
27 to comply may result in civil infraction and/or may be punishable by an administrative fine up to
28 one-hundred (100) dollars per day for the first violation and up to five hundred (500) dollars per
29 day for the second or more for each day that the violation continues. Written notice of an
30 administrative penalty shall be provided by first class United States mail to such person at such
31 person's last known address. The administrative penalty shall be due and payable within fourteen
32 (14) days of the date of the notice.

33 **Part E. Review of Decisions**

1 As a prerequisite to filing a civil action in a court of competent jurisdiction, a person challenging
2 a decision of public works director shall file an appeal in writing with the manager. An appeal
3 submitted under this section of the code must set forth the factual basis for the appeal. The
4 manager or their designated hearing officer shall conduct a hearing in a timely matter and in
5 accordance with procedures in Title 1, Chapter 19; provided, however, any decision of the
6 finance or public works director, as the case may be, shall be a final decision of the town, and
7 may be appealed to the district court pursuant to rule 106(a)(4) of the Colorado rules of civil
8 procedure.

9

10

Part F. Rules and Regulations

11

5-6-14: Rules and regulations:

12

13

14

15

16

The Director of Public Works shall have the authority from time to time to adopt, amend,
alter, and repeal administrative rules and regulations as may be necessary for the proper
administration of this chapter, including, but not limited to, granting, waivers, variances, and or
grants in aid. Such regulations shall be adopted in accordance with the procedures established
by title 1, chapter 18 of this code.

17

18

19

20

21

22

23

24

25

26

The director shall establish a program to manage the commercial shared trash
enclosures. In connection therewith, the Director shall determine those persons who are
authorized to use a commercial shared trash enclosure, and which enclosure such person shall
be authorized to use. In determining which enclosure a user shall be authorized to use the
Director shall consider all relevant information, including, but limited to, the user's proximity to
the enclosure, and whether the enclosure has the capacity to accommodate the user's
anticipated volume of trash. The Director shall attempt to permit an authorized user to use the
enclosure that is nearest to the prospective user's property or business. However, there is no
right to use a particular trash enclosure, and a user's authorized trash enclosure may be
changed by the Director.

27

28

29

30

31

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

Section 4. The Town Council hereby finds, determines and declares that this ordinance
is necessary and proper to provide for the safety, preserve the health, promote the prosperity,

1 and improve the order, comfort and convenience of the Town of Breckenridge and the
2 inhabitants thereof.

3 **Section 5.** This ordinance shall be published and become effective as provided by
4 Section 5.9 of the Breckenridge Town Charter.

5

6 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
7 PUBLISHED IN FULL this 26th day of July, 2022. A Public Hearing shall be held at the regular
8 meeting of the Town Council of the Town of Breckenridge, Colorado on the ___ day of ____,
9 2022, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

10

11 TOWN OF BRECKENRIDGE, a Colorado
12 municipal corporation

13

14

15

16 By: _____

17 Eric S. Mamula, Mayor

18

19 ATTEST:

20

21

22

23 _____

24 Helen Cospolich, CMC,

25 Town Clerk

26



Memo

To: Breckenridge Town Council
From: Rick Fout, Chief Building Official
Date: July 15th, 2022 for the July 26th Council Meeting
Subject: D.O.E. ZERH Options Adoption - 1st Reading

Staff provided an overview of proposed changes to the Town’s requirements regarding the Department of Energy’s Zero Energy Home (ZERH) Program at the Council’s June 28 work session. These changes provide reasonable alternatives that still meet the goal of furthering the Town’s sustainability and energy efficiency goals. The two new alternative energy code compliance paths provide some needed options for projects that may be having difficulty meeting the D.O.E.’s ZERH Program provisions. In our discussions with local builders and contractors, they have indicated that they are eager to have these new alternatives available to them. Summit County has recently implemented these two options in addition to the ZERH program.

Attached is the proposed ordinance that will incorporate two new alternatives options in the Building Code. Once adopted, three options will be available to applicants as summarized below:

- ***Option One is the existing ZERH program.***
- ***Option Two is the 2021 International Energy Conservation Code’s (IECC) prescriptive energy code compliance path method. Our Town is on the 2018 IECC and the 2021 IECC is a big jump up regarding energy efficiency, so this is a substantially above energy code option.***
- ***Option Three is an overall slightly reduced thermal envelope (doors & windows as well) when compared with the second option outlined above, but is still also an above energy code option in that it has a built in mandatory onsite PV solar system requirement. This onsite clean alternative energy requirement is set at 25% of the total overall energy consumption, as modeled by an engineered solar calculator approved by the Breckenridge Building Department.***

An important item to note is that both of these new options also cap the overall fenestrations (windows & doors) allowed to be used on the project, when choosing either of them as the above energy code compliance path, to only 30% of the exterior walls maximum. Staff welcomes Council input on the proposed changes.

1 COUNCIL BILL NO. ____

2
3 Series 2022

4 **AN ORDINANCE AMENDING THE BUILDING CODE PERTAINING TO ENERGY**
5 **EFFICIENCY OF RESIDENTIAL CONSTRUCTION AND REPEALING OUTDATED**
6 **PROVISIONS.**
7

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

10
11 **Section 1.** That paragraph 73 is hereby repealed from section 8-1-5 A and reserved in
12 the "Amendments to the International Residential Code" 2018 to read as follows:

13 ~~73. The International Residential Code is amended by adding a new Chapter 45 to read as~~
14 ~~follows:~~

15 ~~Chapter 45~~

16 ~~Summit County Sustainable Code~~

17 ~~SECTION 4501~~

18 ~~GENERAL~~

19 ~~4501 Scope. All new building construction and construction adding additional~~
20 ~~conditioned square footage shall be compliant with the Summit County Sustainable~~
21 ~~Code and the following Summit County Sustainable Code Checklist.~~

22 ~~4502 Summit County Sustainable Code Checklist:~~

23 ~~SUMMIT SUSTAINABLE BUILDING CODE CHECKLIST/NEW SFR~~

24 ~~MANDATORY REQUIREMENTS, 2018 IRC – Chapter 11 and 2018 IECC –~~
25 ~~Residential Provisions~~

26 ~~• All projects to comply with all applicable requirements of the International~~
27 ~~Residential Code.~~

28 ~~• Forced air furnace system, minimum 91% AFUE.~~

29 ~~• Radiant heating system, minimum 91% AFUE.~~

30 ~~• High efficacy lamps, minimum 75%.~~

31 ~~• Energy efficient water heater.~~

- 1 • Electric, minimum 0.95 energy factor
- 2 • Gas, minimum 0.67 energy factor.
- 3 • Recycling; HC3 information to be provided at permit issuance.
- 4 • Provide an electrical car charging rough in, including a blanked electrical box, and
- 5 a raceway terminating in the electrical panel.
- 6 • Provide PV ready construction including a metal raceway from the electrical panel
- 7 to the roof location where the panels will be installed, including a roof jack, a #8
- 8 copper ground, a 2 pull blank in the electrical panel, and an electrical conduit from
- 9 the electrical panel out to the electric meter.

10 Please complete the following calculations and then choose from the secondary
 11 measures for every point incurred. Your plans and inspections will be reviewed and
 12 inspected according to the above mandatory requirements and your secondary
 13 choices. LEED-H, ICC-700, Green Globes certified or alternate approved third
 14 party certified program is acceptable in place of this document.

15 Square footage of new conditioned (heated) space _____ : 1000 sq. feet =
 16 _____

17 Number of outdoor fireplaces and/or fire pits _____

18 Hot Tub _____

19 Square footage of heated outdoor surfaces _____ : 100 sq. feet = _____

20 Square footage of air conditioned space _____ : 500 sq. feet = _____

21 Total Points Incurred rounded to next highest whole number _____

22 ~~SECONDARY CHOICES~~

23 ~~Energy Star appliances throughout.~~

24 ~~Electric Vehicle Charging Pre-Wire in every new garage or carport.~~

25 ~~Locally purchased compost from Summit County Resource Allocation~~
 26 ~~Park(SCRAP).~~

27 ~~Air movement at all ceilings > 15'.~~

28 ~~Insulated exterior wall sheathing.~~

29 ~~Blower door test of 3.0 ACH or less. Air Changes pursuant to Hour @ 50 Pascals.~~

- 1 ~~SIP panel construction at walls. Structural Insulated Panel.~~
- 2 ~~SIP panel construction at ceiling.~~
- 3 ~~Roof framing 60% or greater renewable or engineered lumber.~~
- 4 ~~Floor framing 80% or greater renewable or engineered lumber.~~
- 5 ~~Beams and headers 80% or greater renewable or engineered lumber.~~
- 6 ~~Energy heels at trusses, 12" or greater.~~
- 7 ~~ICF foundation. Insulated Concrete Forms.~~
- 8 ~~Insulated headers (80% minimum at R-10).~~
- 9 ~~Greater than R-23 in walls.~~
- 10 ~~Greater than R-49 in ceiling.~~
- 11 ~~Conditioned crawlspace or slab on grade.~~
- 12 ~~High efficiency boiler, AFUE 95% or greater. Annual Fuel~~
- 13 ~~Utilization Efficiency.~~
- 14 ~~High efficiency furnace, AFUE 95% or greater.~~
- 15 ~~Boiler or furnace centrally located; no mechanical run~~
- 16 ~~longer than 2/3 the distance of the greatest diagonal~~
- 17 ~~dimension of the home.~~
- 18 ~~HRV or ERV system installed.~~
- 19 ~~Side arm water heater served by boiler.~~
- 20 ~~50 year roof or greater warranty.~~
- 21 ~~Alternative energy sources: 1000 British Thermal~~
- 22 ~~Units/Kilowatt/Photovoltaic.~~
- 23 ~~Active solar space heating system 1 pt/25MBTU _____~~
- 24 ~~Active solar domestic hot water system 1 pt/25MBTU _____~~
- 25 ~~Ground source heating/cooling system 1 pt/25MBTU _____~~

- 1 ~~Solar generated (PV) electric system 1 pt/2.5KW _____~~
- 2 ~~Wind generated electric system 1 pt/2.5KW _____~~
- 3 ~~Dual flush toilets, 1.28 gpf toilets, or Watersense toilets.~~
- 4 ~~Motion sensors on a minimum of 80% of exterior lights.~~
- 5 ~~Programmable thermostats.~~
- 6 ~~No recessed lights in the exterior insulated ceilings.~~
- 7 ~~OVE framing. Optimal Value Engineering.~~
- 8 ~~Bamboo, concrete, stone or cork flooring, 1 pt/50%.~~
- 9 ~~HERS rating. Home Energy Rating.~~
- 10 ~~2 pts for performing HERS rating _____~~
- 11 ~~4 pts HERS Index of 70 or less _____~~
- 12 ~~8 pts HERS Index of 55 or less _____~~
- 13 ~~12 pts HERS Index of 40 or less _____~~
- 14 ~~Innovative Product, Design or Technology (Points awarded by Building Official)~~
- 15 ~~_____ Total Points Awarded for Secondary Choices~~
- 16 ~~_____ Total Points incurred~~
- 17 ~~_____ Total Net Points (must be greater than or equal to zero)Reserved~~

18 **Section 2.** That new paragraphs 76 through 78 j. be added to A of section 8-1-5 of the
 19 “Amendments to the International Residential Code” of 2018 to read as follows:

20 76. Section N1101.4. Above Code Programs. All new structures defined as a
 21 Residential Building under Section N1101.6 (R202) of the 2018 International Residential Code
 22 shall be designed and comply with section 8-1-5 A. paragraph 45 and either the Department of
 23 Energy Zero Energy Ready Home National Program; or, one of the options set forth below:

- 24 1. 2021 IECC Prescriptive Option:
 - 25 • Forced air-furnace system, minimum 97% AFUE.
 - 26 • Radiant heating system, minimum 95% AFUE.

- 1 • Heat pump minimum efficiency, Heating Seasonal Performance
- 2 Factor (HSPF) 10
- 3 • High-efficacy LED lights, minimum 100%.
- 4 • Energy efficient water heater.
- 5 ▪ Electric, minimum 0.95 energy factor
- 6 ▪ Gas, minimum 0.76 energy factor.
- 7 • Provide an electrical car charging rough in, including a blanked
- 8 electrical box, and a raceway terminating in the electrical panel per
- 9 Article 625 of the 2020 NEC.
- 10 • Provide PV ready construction including a metal raceway from the
- 11 electrical panel to the roof location where the panels will be installed,
- 12 including a roof jack, a #8 copper ground, a 2 pull blank in the
- 13 electrical panel and an electrical conduit from the electrical panel out
- 14 to the electric meter.
- 15 • WaterSense fixtures throughout.
- 16 • HRV/ ERV, 65% sensible heat recovery efficiency, meeting minimum
- 17 airflow rates per IRC installed.
- 18 • Maximum 30% of exterior walls to be fenestrations.
- 19 • Programmable thermostats.

20

21 Thermal envelope requirements:

22		
23	Roof/ ceiling:	R60, or R49 uncompressed over the
24		top plate
25	Above grade walls:	R30 cavity or
26		R20 cavity, R5 continuous insulation
27		(ci) or
28		R13 cavity, R10 ci or
29		R20 ci
30	Slabs, including slab edge:	R10
31	Fenestrations:	Max U 0.32
32	Floor R-value:	R38
33	Basement wall:	R15 ci or
34		R19 cavity or

1		R13 cavity, R5 ci
2	Mass Wall:	R19 ci or
3		R21 cavity
4	Crawl space wall:	R15 ci or
5		R19 cavity or
6		R13 cavity, R5 ci
7	Blower Door:	ACH 2.7 at a pressure 0.2 inches
8		w.g. (50 Pascals)

10 These specifications are based on the 2021 Edition of the International
11 Energy Conservation Code, thermal envelope requirements as described in
12 Table R402.1.2, which should be referred to for interpretation reasons.

13 Or;

14 2. PV Prescriptive Option

- 15 • Forced air-furnace system, minimum 97% AFUE.
- 16 • Radiant heating system, minimum 95% AFUE.
- 17 • Heat pump efficiency, Heating Seasonal Performance Factor
- 18 (HSPF) 10
- 19 • High-efficacy LED lights, minimum 100%.
- 20 • Energy efficient water heater.
 - 21 ○ Electric, minimum 0.95 energy factor
 - 22 ○ Gas, minimum 0.76 energy factor.
- 23 • Provide an electrical car charging rough in, including a blanked
- 24 electrical box, and a raceway terminating in the electrical panel
- 25 per Article 625 of the 2020 NEC.
- 26 • WaterSense fixtures throughout.
- 27 • HRV/ ERV, 65% sensible heat recovery efficiency, meeting
- 28 minimum airflow rates per IRC installed.
- 29 • Maximum 30% of exterior walls to be fenestrations.
- 30 • Programmable thermostats.

32 Thermal envelope requirements:

34	Roof/ ceiling:	R49
----	----------------	-----

1	Above grade walls:	R23 cavity or
2		R20 cavity, R5 continues
3		insulation (ci)
4	Slabs, including slab edge:	R10
5	Fenestrations:	Max U 0.35
6	Floor R-value:	R38
7	Basement wall:	R15 ci or
8		R19 cavity or
9		R13 cavity, R5 ci
10	Mass Wall:	R19 ci or
11		R21 cavity
12	Crawl space wall:	R15 ci or
13		R19 cavity or
14		R13 cavity, R5 ci
15	Blower Door:	ACH 3.0 at a pressure 0.2
16	inches w.g. (50 Pascals)	

19 PV system: Provide an onsite PV system sized to provide 25% of
20 the total annual energy use determined through an engineered solar
21 calculator approved by the Town of Breckenridge Building Department.
22 The PV system will be limited by the allowable maximum size as
23 determined by the electrical service provider. *Residences over 4,000 sq.
24 ft. must have an estimated annual electrical consumption evaluation
25 stamped by a Colorado state licensed electrical engineer, to be submitted
26 with PV permit application.*

28 *If either of the prescriptive options are chosen, no substitutions
29 are allowed. If substitutions are needed, utilize the performance based
30 DOE ZERH option.

32 77. Table N1102.1.2 (IECC R402.1.2) Insulation and Fenestration Requirements by
33 Component Fenestration U-Factor column is amended to add 0.32 for replacement

1 fenestrations or new fenestrations being installed in 60% or less of the existing rough openings
2 in additions, alterations or repairs for Climate Zone 7 and 8.

3 78. Table N1102.1.2 (IECC R402.1.2) Insulation and Fenestration Requirements by
4 Component is amended to add Footnote j. to read as follows:

5 j. R23 blown in bibs are permitted to be installed in walls in lieu of the R20+5. If
6 utilizing the R23, the roof/ceiling insulation reductions detailed in N1102.2.1 and
7 N1102.2.2 of the IRC are not allowed. This footnote is only applicable for alterations
8 or remodels with a square footage of 1500sf or less.

9
10

11 **Section 3.** That paragraph 3 and paragraph 5 are hereby repealed from section 8-1-
12 9 A “Amendments to the International Energy Conservation Code;” of 2018 to read as follows:

13 ~~3. Section C102.1.1 Above code programs is amended by adding a new subsection,
14 C102.1.1.1 Sustainable building code, to read as follows:~~

15 ~~C102.1.1.1 Sustainable building code. All residential (Group R) occupancies are to
16 be LEED-H, ICC-700, Green Globes or certified through an alternate third party
17 approved by the building official. Reserved.~~

18 ~~5. Section R102.1.1 Above code programs is amended by adding a new subsection,
19 R102.1.1.1 Sustainable building code, to read as follows:~~

20 ~~R102.1.1.1 Sustainable building code. All multifamily (Group R) new construction
21 not under the scope of the IRC shall be compliant to be LEED-H, ICC-700, Green
22 Globes or certified through an alternate third party, approved by the building
23 official. Reserved.~~

24 **Section 4.** That a new paragraph 20 be added to A of section 8-1-9 of the “Amendments
25 to the International Energy Conservation Code;” of 2018 to read as follows:

26 20. Section R101.5 Compliance is amended by adding section 8-1-9 A 15 (R101.5.2)
27 to read as follows:

28 All new structures defined as Residential Buildings under Section N1101.6 (R202) of the
29 2018 International Residential Code shall be designed and comply either the Department of
30 Energy Zero Energy Ready Home National Program; or, one of the options set forth below:

31 1. 2021 IECC Prescriptive Option:

- 1 • Forced air-furnace system, minimum 97% AFUE.
- 2 • Radiant heating system, minimum 95% AFUE.
- 3 • Heat pump minimum efficiency, Heating Seasonal Performance
- 4 Factor (HSPF) 10
- 5 • High-efficacy LED lights, minimum 100%.
- 6 • Energy efficient water heater.
- 7 ▪ Electric, minimum 0.95 energy factor
- 8 ▪ Gas, minimum 0.76 energy factor.
- 9 • Provide an electrical car charging rough in, including a blanked
- 10 electrical box, and a raceway terminating in the electrical panel per
- 11 Article 625 of the 2020 NEC.
- 12 • Provide PV ready construction including a metal raceway from the
- 13 electrical panel to the roof location where the panels will be installed,
- 14 including a roof jack, a #8 copper ground, a 2 pull blank in the
- 15 electrical panel and an electrical conduit from the electrical panel out
- 16 to the electric meter.
- 17 • WaterSense fixtures throughout.
- 18 • HRV/ ERV, 65% sensible heat recovery efficiency, meeting minimum
- 19 airflow rates per IRC installed.
- 20 • Maximum 30% of exterior walls to be fenestrations.
- 21 • Programmable thermostats.

22
23 Thermal envelope requirements:

24		
25	Roof/ ceiling:	R60, or R49 uncompressed over the
26		top plate
27	Above grade walls:	R30 cavity or
28		R20 cavity, R5 continuous insulation
29		(ci) or
30		R13 cavity, R10 ci or
31		R20 ci
32	Slabs, including slab edge:	R10
33	Fenestrations:	Max U 0.32
34	Floor R-value:	R38

1	Basement wall:	R15 ci or
2		R19 cavity or
3		R13 cavity, R5 ci
4	Mass Wall:	R19 ci or
5		R21 cavity
6	Crawl space wall:	R15 ci or
7		R19 cavity or
8		R13 cavity, R5 ci
9	Blower Door:	ACH 2.7 at a pressure 0.2 inches
10		w.g. (50 Pascals)

11

12 These specifications are based on the requirements of the 2021 Edition of
13 the International Energy Conservation Code, thermal envelope requirements as
14 described in Table R402.1.2, which should be referred to for interpretation
15 reasons.

16 Or;

17 2. PV Prescriptive Option

- 18 • Forced air-furnace system, minimum 97% AFUE.
- 19 • Radiant heating system, minimum 95% AFUE.
- 20 • Heat pump efficiency, Heating Seasonal Performance Factor
21 (HSPF) 10
- 22 • High-efficacy LED lights, minimum 100%.
- 23 • Energy efficient water heater.
 - 24 ○ Electric, minimum 0.95 energy factor
 - 25 ○ Gas, minimum 0.76 energy factor.
- 26 • Provide an electrical car charging rough in, including a blanked
27 electrical box, and a raceway terminating in the electrical panel
28 per Article 625 of the 2020 NEC.
- 29 • WaterSense fixtures throughout.
- 30 • HRV/ ERV, 65% sensible heat recovery efficiency, meeting
31 minimum airflow rates per IRC installed.
- 32 • Maximum 30% of exterior walls to be fenestrations.
- 33 • Programmable thermostats.

34

1	Thermal envelope requirements:	
2		
3	Roof/ ceiling:	R49
4	Above grade walls:	R23 cavity or
5		R20 cavity, R5 continues
6		insulation (ci)
7	Slabs, including slab edge:	R10
8	Fenestrations:	Max U 0.35
9	Floor R-value:	R38
10	Basement wall:	R15 ci or
11		R19 cavity or
12		R13 cavity, R5 ci
13	Mass Wall:	R19 ci or
14		R21 cavity
15	Crawl space wall:	R15 ci or
16		R19 cavity or
17		R13 cavity, R5 ci
18	Blower Door:	ACH 3.0 at a pressure 0.2
19	inches w.g. (50 Pascals)	

21 PV system: Provide an onsite PV system sized to provide 25% of
 22 the total annual energy use determined through an engineered solar
 23 calculator approved by the Town of Breckenridge Building Department.
 24 The PV system will be limited by the allowable maximum size as
 25 determined by the electrical service provider. *Residences over 4,000 sq.
 26 ft. must have an estimated annual electrical consumption evaluation
 27 stamped by a Colorado state licensed electrical engineer, to be submitted
 28 with PV permit application.*

30 *If either of the prescriptive options are chosen, no substitutions
 31 are allowed. If substitutions are needed, utilize the performance based
 32 DOE ZERH option.

33

1
2
3
4
5

By: _____
Eric S. Mamula, Mayor



Memo

To: Breckenridge Town Council Members
From: Kirsten Crawford, Town Attorney
Date: 7/20/2022
Subject: Special Counsel Rates

Per the Town of Breckenridge Charter, article VIII, section 8.1, the Town Council has the authority to approve the compensation of special counsel. Attached you will find the rates for the Town's special counsel from the firm of Porzak Law, LLC and Davis Graham and Stubbs. We request approval of the proposed rates. As you know, we have ongoing water law cases and other water related matters that are handled by Glenn Porzak. We are also seeking approval of the special counsel rates proposed by Davis Graham and Stubbs for some other small but specialized matters. While there is no immediate large project needs, we would like to be able to tap into their expertise in the event the need arises. We will keep you apprised of any significant matters.

Porzak Law, LLC

A t t o r n e y · a t · L a w

1111 Spruce Street, Suite 303 • Boulder, Colorado 80302

Glenn E. Porzak
720-583-6270 Telephone
303-589-0909 Cell

porzaklaw@gmail.com
720-287-4248 Fax

Tuesday, July 18, 2022

Town of Breckenridge
c/o Kirsten Crawford
150 Ski Hill Road
P.O. Box 168
Breckenridge, CO 80424

via email to:
kirstenc@townofbreckenridge.com

Re: Engagement Letter/Fee Agreement

Dear Kirsten,

On behalf of Porzak Law, LLC, I appreciate that the Town of Breckenridge desires to engage the firm regarding the Town of Breckenridge's water rights. The firm looks forward to working with the Council, the Town staff, and the Town's Attorney, and will pursue the Town's interests diligently in accordance with the highest ethical standards of the profession. This is the standard fee agreement and engagement letter of the firm. If this agreement is acceptable, please sign and return to our office so that the firm may represent the Town of Breckenridge on its water right matters. If there are any questions, do not hesitate to call.

The Town will be billed in six-minute increments and the firm will prepare and send out detailed invoices during the first week of each month showing the work performed during the previous month on a day-to-day basis. Payment of the invoiced amount is requested no later than the last day of the month in which the invoice is received. The right to assess interest at the rate of 1.5% per month on unpaid bills is reserved. Costs, expenses and fees are payable regardless of the outcome of any matter. In the event travel is required on the Town's behalf, it will be charged at regular rates for travel time. Hourly billing rates for the firm are attached and may be modified at the beginning of a new year.

Costs will often be incurred associated with federal express charges, filing fees, long distance calls, travel, and other "out of pocket" expenses in connection with the work for the Town. Such out-of-pocket expenses will be included in the monthly invoices for payment. Any unusual expenses, however, such as the use of an independent expert or professional or hiring of co-counsel, would only be incurred after the Town has approved the same.

The Town agrees that the firm may withdraw from this representation upon written notice being sent, if any bill is not paid within 60 days after mailing, if the Town refuses to follow the

advice of the firm to the extent that it deems prejudicial to our continued relationship, of if the Town refuses to cooperate with the firm in its representation of any matter. Such withdrawal will be made only upon Court approval if it involves a litigation matter. All firm documents, files, information, or work product will be retained until payment is made to the extent allowed by Colorado law. It is agreed that the Town will bear all costs of the collection, including reasonable attorney's fees, if payments are not made as agreed herein.

If the foregoing is agreeable, please indicate approval on the line provided on this letter and return the executed letter to the above mailing address or email address. By signing this agreement, the Town engages the firm of Porzak Law, LLC to represent it on water right matters, the Town agrees to pay the invoiced costs and fees incurred in its representation on the Town's behalf, and the Town accepts all the terms of this letter agreement.

We look forward to working with the Town of Breckenridge on these matters. Please call with any questions.

Very truly yours,

PORZAK LAW, LLC



Glenn E. Porzak

READ AND APPROVED this _____ day of July, 2022.

TOWN OF BRECKENRIDGE

By: _____
Kirsten Crawford

PORZAK LAW, LLC

2021 Hourly Billing Rates

Glenn Porzak \$400.00

Legal Assistant \$ 37.50

July 11, 2022

Kirsten J. Crawford
Town Attorney
Town of Breckenridge

via email: kirstenc@townofbreckenridge.com

Re: Engagement for Legal Services

Dear Kirsten,

Representation Agreement

You have requested that the Town of Breckenridge (“Breckenridge”) employ our law firm, Davis, Graham and Stubbs, LLP, to provide legal counsel, advice, and assistance in connection with complex legal and specialty matters and to augment the capacity of the Town Attorney as will be more specifically set forth in our attorney-client privileged and confidential engagement letter, and any related issues as may be requested or directed by the Town Council.

Billing Policy and Rates

Our fees are based primarily on the actual time spent by the attorneys and other timekeepers who work on your matter. I will be the attorney who will be primarily responsible for this matter, and my current billing rate is \$825 per hour; however, I have agreed to work on this matter for \$625 per hour given that Breckenridge is a governmental entity. I will involve one of my associates in the matter and s/he will have a billing rate of approximately \$400 per hour. We routinely involve others in our firm when, because of special experience, time availability, cost efficiency, or other reasons, they are in a better position to carry out certain responsibilities. Thus, some billing rates vary and will be less than above according to the experience of the individuals and the nature of their work and are generally adjusted on an annual basis to reflect the experience of our professionals as well as general economic factors. DGS typically increases its rates year-over-year. However, the above rates will remain effective for any work conducted subsequent to 2022, absent a new proposal by DGS and approval by Breckenridge of a rate increase. Such changes in rates will typically be reflected in February invoices for time billed in January in any calendar year.

In addition to fees for our legal services, you will also be responsible for payment of all out-of-pocket costs and disbursements advanced or incurred by DGS in the course of this engagement.

Thank you for giving Davis Graham & Stubbs LLP (“DGS”) the opportunity to provide legal services to the Town of Breckenridge (“Breckenridge”). We appreciate your confidence in us, and we look forward to working with your team in a productive relationship as needed at your discretion.

Sincerely,

/s/ Chad D. Williams

Chad D. Williams
Partner
for
DAVIS GRAHAM & STUBBS LLP



Memo

To: Breckenridge Town Council Members
From: Mark Truckey, Director of Community Development
Date: July 20, 2022
Subject: Planning Commission Decisions of the July 19, 2022 Meeting

DECISIONS FROM THE PLANNING COMMISSION MEETING, July 19, 2022:

CLASS A APPLICATIONS: None.

CLASS B APPLICATIONS:

1. 303B N. Main Street Remodel, 303B N. Main Street, PL-2022-0117

A proposal to remodel the existing non-historic structure and add a new dormer and deck on the west elevation, add a new carport addition on the east side of the structure, relocate an entrance and add a small gable cover on the north side, add a new shed roof and wall to screen waste receptacles on the north side, replace the existing roof with a new low profile, non-reflective standing seam metal roof, replace the existing dormer windows on the western façade and change the stain color. *Approved, see second memo.*

CLASS C APPLICATIONS: None.

TOWN PROJECT HEARINGS:

1. Justice Center Workforce Housing, TBD Airport Rd., PL-2022-0069

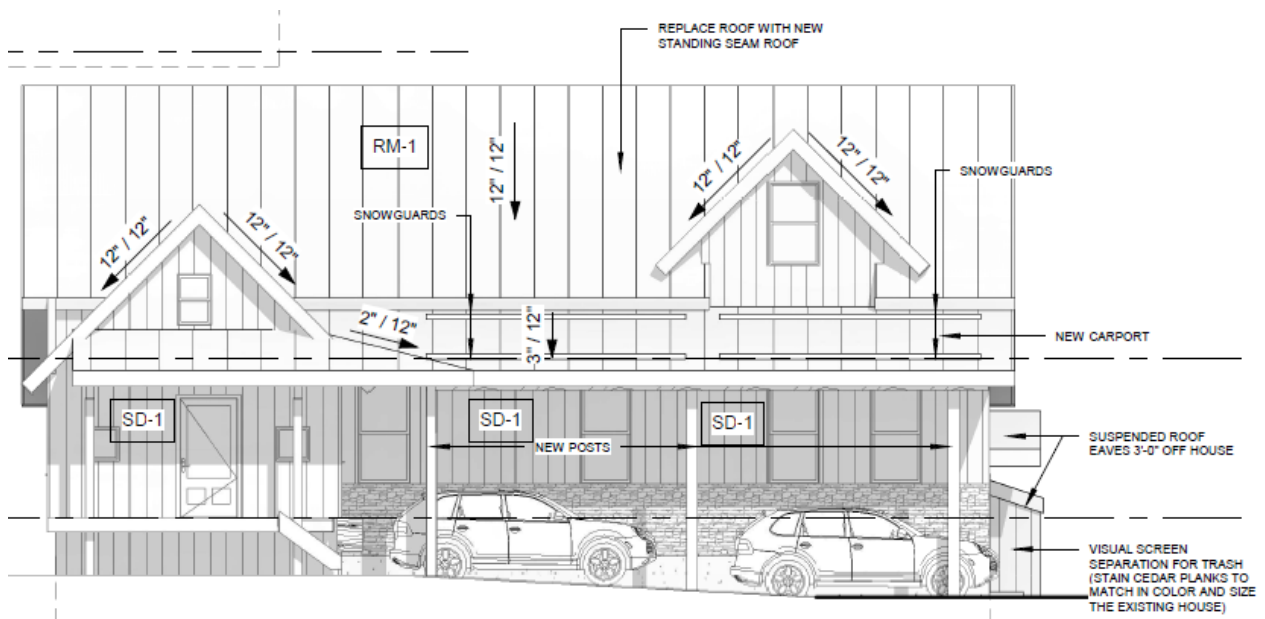
A proposal to construct two (2) pre-fabricated employee housing apartment buildings with 14 studios, 28 one-bedroom, and 10 two-bedroom apartments totaling 50,992 sq. ft. The entirety of the project will be deed-restricted employee housing. The project will provide 71 parking spaces, some of which are proposed in carports. The site is proposed to be a combination of the vacant Lot 4, Parkway Center Subdivision and a portion of the unplatted Remainder of Government Lot 47 property to the north acquired in a land exchange with the U.S. Forest Service, which will require a lot line vacation prior to completion. *Approval recommended.*

OTHER: None.

Memo

To: Town Council
 From: Chris Kulick, AICP, Planning Manager
 Date: July 20, 2022 for meeting of July 26, 2022
 Subject: 303 B North Main Street Remodel, Class B Minor Planning Commission Approval Summary

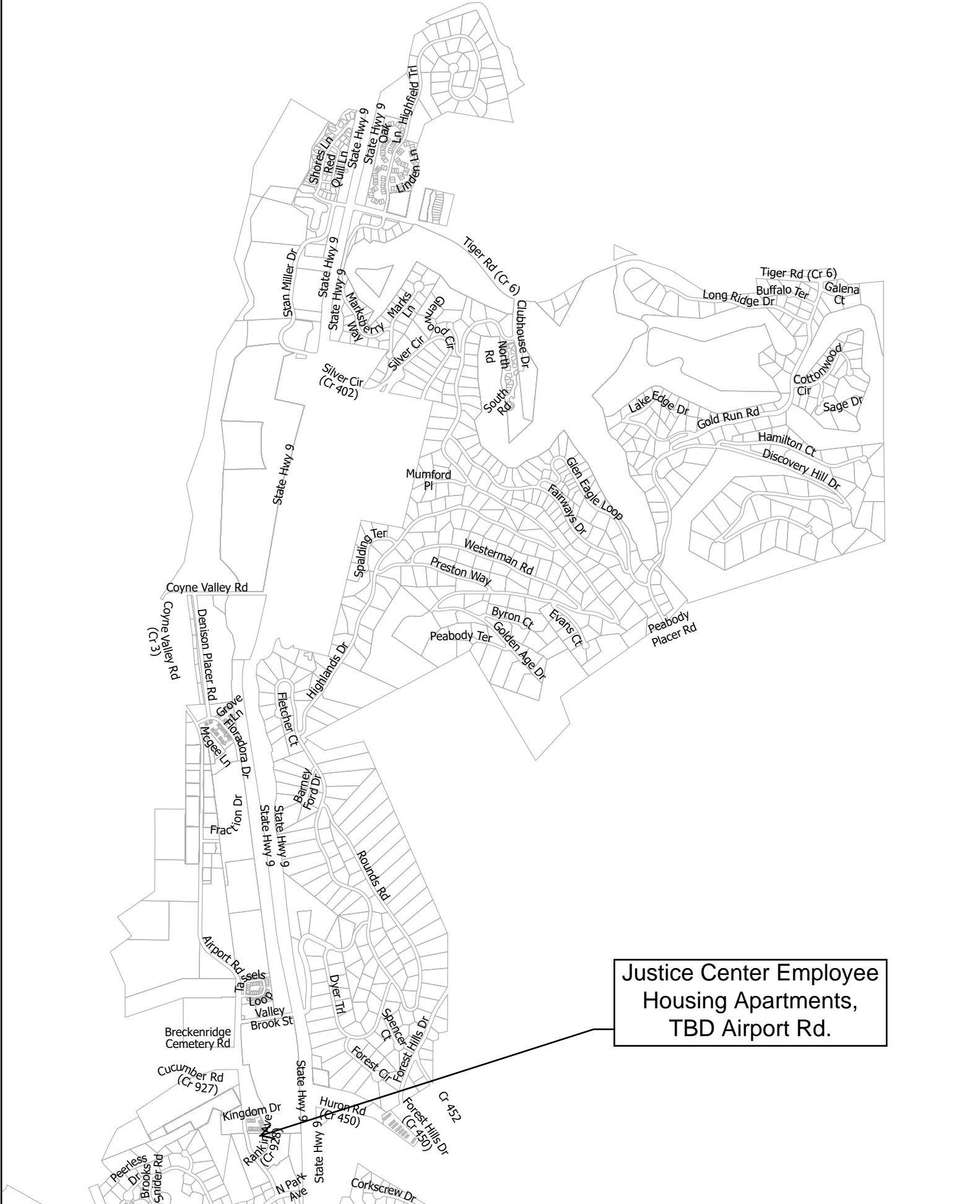
A Final Hearing for a remodel of an existing non-historic structure, located at 303 B North Main Street, was held by the Planning Commission on July 19, 2022. The building was previously used as a bed and breakfast and was recently converted to a single-family home. The structure is located to the rear of two historic primary structures and features an outbuilding architectural style. The proposal includes adding a new dormer and deck on the west elevation, adding a new carport addition on the east side of the structure, relocating an entrance and adding a small gable over the north side entrance, adding a new shed roof and wall to screen waste receptacles on the north side, replacing the existing roof with a new low profile, non-reflective standing seam metal roof and replacing the existing dormer windows on the western façade. On the north side of the building, the roofs for the doorway gable and waste receptacle screen encroach 10 3/4" into the 3' absolute setback. Per the Code, encroachments of up to 18" are allowed under Policy 9/A with Planning Commission approval. The Planning Commission was supportive of this encroachment because the proposed design will screen the property's currently unscreened waste receptacles and the placement of the existing building was not created by the applicant. The Commission added Finding 6 to the Findings and Conditions to reflect this opinion.



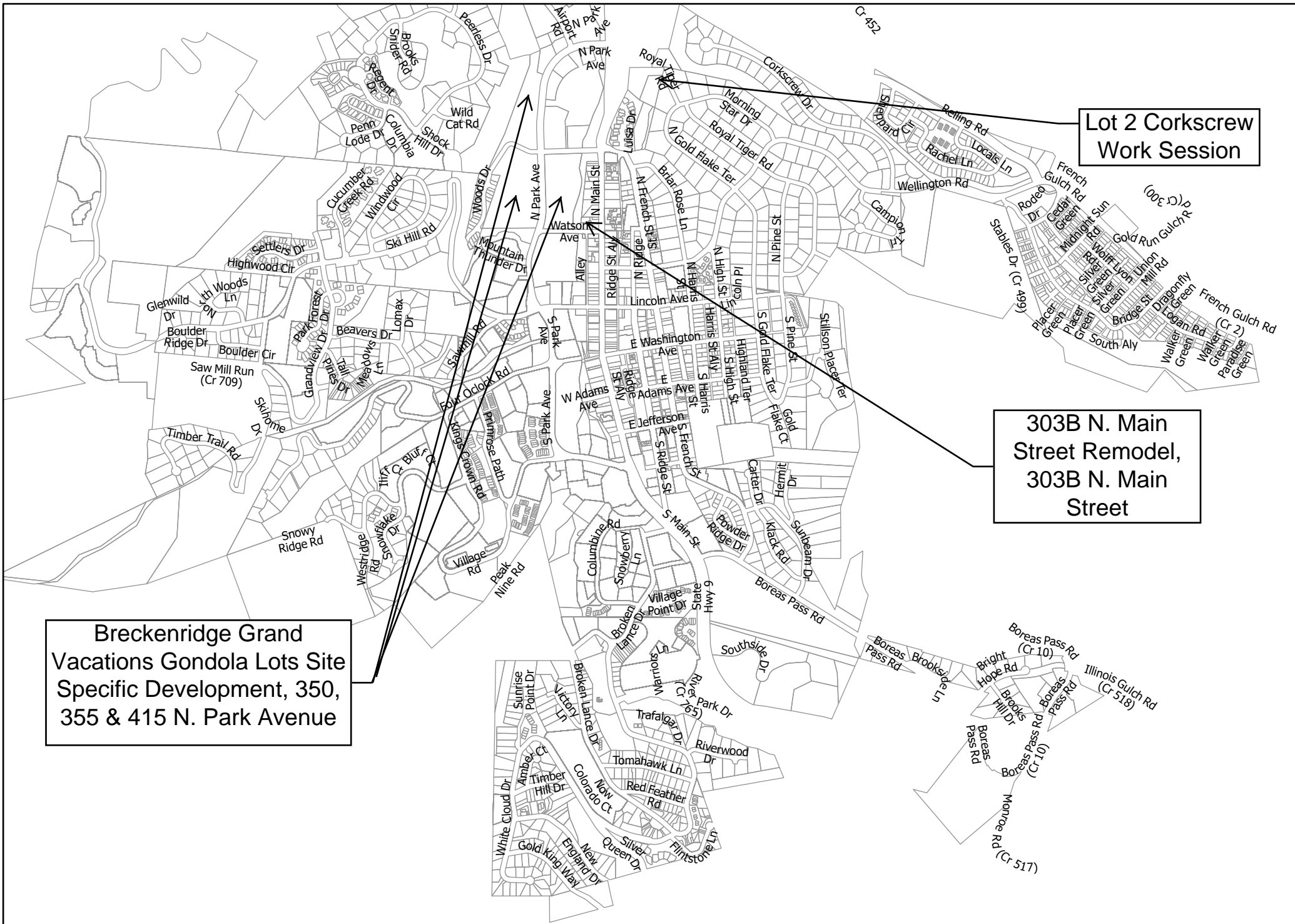
(Above): Proposed Eastern Façade

The Commission found the proposal complied with all Priority Design Standards and Absolute Policies, and assigned a total cumulative score of zero (0) points under the Relative Policies. The Commission approved the application with the added Finding 6-0.

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



Justice Center Employee
Housing Apartments,
TBD Airport Rd.



**Lot 2 Corkscrew
Work Session**

**303B N. Main
Street Remodel,
303B N. Main
Street**

**Breckenridge Grand
Vacations Gondola Lots Site
Specific Development, 350,
355 & 415 N. Park Avenue**

PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Chair Delahoz.

ROLL CALL

Mike Giller	Mark Leas	George Swintz	Allen Frechter
Tanya Delahoz	Ethan Guerra -absent	Steve Gerard	

APPROVAL OF MINUTES

With no changes, the July 5, 2022 Planning Commission Minutes were approved.

Steve Gerard: On page six of the packet, my comments were prefaced with, “will this be an all-electric building?”

Tanya Delahoz: Page six of the packet. Comments were in reference to the large printed out display pictures brought to the meeting--not picture windows.

APPROVAL OF AGENDA

With no changes, the July 19, 2022 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No comments.

FINAL HEARINGS:

1. 303B N. Main Street Remodel (CK), 303B N. Main Street, PL-2022-0117

Mr. Kulick presented a proposal to remodel the existing non-historic structure and add a new dormer and deck on the west elevation, add a new carport addition on the east side of the structure, relocate an entrance and add a small gable cover on the north side, add a new shed roof and wall to screen waste receptacles on the north side, replace the existing roof with a new low profile, non-reflective standing seam metal roof, replace the existing dormer windows on the western façade and change the stain color. The following specific questions were asked of the Commission:

1. Roof Design: Does the Commission believe the revised carport roof design complies with Priority Design Standard 186?
2. Placement of Structure: Is the Commission supportive of allowing the 10 ¾” encroachment of the suspended roofs into the 3’ north absolute setback?
3. Point Analysis: Does the Commission support the recommended point analysis?

Commissioner Questions:

Mr. Swintz: Can you elaborate the carport roof extension. (Mr. Kulick: The commission recognized that having the proposed carport roofline align with the existing roof made the project look more symmetrical.)

Mr. Giller: Do we care where the location of the car chargers are? (Mr. Kulick: We have allowed exterior charges. We believe two will be under the carport and one additional will be tucked under the carport and will reach the nearest exterior space. The applicant can speak to that.)

Applicant, Kate Kimball, Owner 303B N Main Street: That is the plan- to put two of the chargers under the carport. The other location would be up to the contractors but I assume on the exterior of one of the carport support poles. Two will be against the wall of the house. The other will be on the post of the carport near the door. If there is a preference, we are happy to put it wherever.

- Mr. Swintz: Can the client use the existing dumpster instead of tagging this little one on the side? (Mr. Kulick: The dumpster to the north is a commercial trash enclosure on a neighboring property to the north and can't be used by this homeowner.)
- Mr. Swintz: There seems to be an area on the northern façade where the stonework doesn't extend around the base. (Mr. Kulick: There are no proposed changes to the stonework. It is all existing)
- Ms. Delahoz: Opened the Hearing to Public. With no comments, Public Hearing was closed.

Commissioner Comments:

- Mr. Swintz: In response to staff's questions: I am good with all three.
- Mr. Giller: Yes, yes, yes.
- Mr. Fretcher: Yes, yes, yes.
- Mr. Leas: Three yeses.
- Mr. Gerard: Yes to all three.
- Ms. Delahoz: Yes to all three.

Mr. Gerard made a motion to approve 303B N. Main Street Remodel with an amended Finding 6, the motion was seconded by Mr. Giller. The motion was approved 6 to 0.

PRELIMINARY HEARINGS:

1. Breckenridge Grand Vacations Gondola Lots Site Specific Development Permit (CK), 350, 355, 415 N. Park Avenue, PL-2022-0208

Mr. Kulick presented a proposal for 149 condominiums, 20,405 sq. ft. of commercial space, 9 employee housing apartment units, and 12 townhome units over 16 buildings. The proposal also includes roadway and pedestrian improvements, including a roundabout at the intersection of Park Avenue and French Street, a new gondola, a new park and pedestrian plaza, and a 1,039 space parking structure. The following specific questions were asked of the Commission:

1. Architectural Compatibility: Staff wants to hear from the Commission in regards to the architectural compatibility of the project. In particular regarding the inconsistencies of the architectural vocabulary and if you agree with the assignment of points for non-natural materials.
2. Site and Environmental Design: Does the Commission agree that the proposed tree removal should result in negative four (-4) points being assigned related to site buffering under Policy 7/R but does not rise to the level at the South Gold Rush site independent of what is necessary for roundabout and gondola construction to fail the building height section of the master plan?
3. Landscape Plan: Does the Commission believe that an award of positive points is contingent on the retention of additional mature trees and an increase to the quantity of trees on the east side of the North Gondola Lot, adjacent to the river?
4. Additional Comments: Does the Commission have any additional questions or comments on the proposed plan?

Commissioner Questions / Comments:

- Mr. Giller: Were you around when they planned the Peak 8 base area? How did they address the overall architecture planning of that? (Mr. Kulick: The master plan had specific architectural guidelines for Peak 7 and 8. Proposals were supposed to stay within that overarching architectural theme. There are differences between the buildings but there are certain style elements that are part of all of the buildings. One thing that is different in reviewing this, is that everything is being reviewed at once. Each one of those building came in several years apart but each building tied back to one before it. We do not want everything completely different but we don't want everything to be the same either. The

current proposal is in the ‘everything is very different’ end of the continuum. We are looking for feedback for them to tighten up the design.) Compatibility, but differentiation. Pick two out of three: mass, material, and detailing. The massing of all of the buildings are very different. The elevation, rooflines, roof types etc. are all different. For materials, we see brick, stucco, stone, wood etc. For the Gold Rush Condos, they are heavy rustic; we see boulders, heavy timbers and rough stone. The other buildings have smoother stone and more finish to the wood detailing. In terms of that, the materials are very different. The destination hotel that has all of this brick, which is northern renaissance or Flemish style, really has nothing to do with Breckenridge. Referencing the BGV building, that is similar to the Spanish Mission Revival. That is not what you are using in your brick. In the detailing, you mentioned the railings on the townhomes. There is a lot of variety in the detailing of the project. (Mr. Kulick: The railing in the river townhomes really stand out because of the glass railings near the historic district.)

Mr. Frechter: The one question that I have. The intention to have the two buildings in brick. That is usually for civic buildings. Neither of those are civic buildings. What other materials would they use to not be penalized? (Mr. Kulick: The applicant likes the permanence of the brick. I would guess I would say that rustic wood would not be appropriate. The site is not in the historic district. It is not in the transition zone of the historic district but it is adjacent. You are right, it is not a civic building, but they like the permanence of the material. We don’t want to replicate what we see at the base of the resort, or at Mountain Thunder. These conversations will help give the applicants better direction for things to aim for.) Maybe look to the design of Main Street Station because of its adjacency to the historic district.

Mr. Gerard: Did we give any positive or negative points for the landscaping at the Town’s parking structure? (Mr. Kulick: We awarded positive four points.) That is kind of an apples-to-apples comparison that we should look at.

Mr. Leas: We have heard of the differences of architecture in several meetings now. Is the applicant responsive to the comments that commission has given? (Mr. Kulick: They are already working on some new concepts. We discussed negative points. I believe Bill Campie has prepared a presentation to say that they are going in a different direction with the architecture.)

Mr. Leas: Question or comment to you. Our code, speaking to the negative landscape points, seems like they are more fitting for a smaller, more regular project. This is a very large project. Maybe this is an issue that we need to address, so we have a tool in the Code that allows us to address greater negative points for on a larger site proposal to remove a large swath of trees. (Mr. Kulick: Comment noted.) I bring this up because we are going to discuss the Justice Center and the same thing is happening there. We need to revise the Code to give the Planning Commission has the tools to address these situations.

Applicant, Mr. Bill Campie, DTJ Design, BGV: Vast majority of our negative points are related to energy conservation. Our values are shared. We were very conscious of placing buildings within previously disturbed areas and improving the landscape. We want to be honest with group that we will not be able to preserve all the trees. Where we are now is a worst case scenario. Regarding architecture and large civic buildings, it did not transfer very well to the smaller buildings. Too much brick, we hear it loud and clear. We don’t want to be main street. How can we be in between. Bring the materials that are in the code and bring them into the project. We want permanence. We don’t want to be a lodge in downtown area. We are now looking at lots of building height variations and new materials: wood, stone, and metal detailing. We would like something that works well with the stone. Other permanent heavy feeling materials would be used for detailing in massing.

Mr. Campie gave a presentation on the changes within the design process. Landscaping, architecture, materiality, and massing were discussed in his presentation.

Mr. Campie: You are seeing some more varied height per our last discussion. You are seeing more materials incorporated into the Design; it is a more modern style. All part of the same family. We are integrating stepping when it comes down the sides. We are integrating the Town's Code into our designs. Using similar colors and materials in various areas of the project. It is not the same building stamped around.

We left the general idea for the Gold Rush South intact. It does tie to the projects around it. We are letting the context drive that of the North Gondola Site. The concept of having four story elements and other element heights. We do show here one story to four story forms across the project. You saw when discussing the townhomes along the river, we are building into the roof and other things like that to vary heights. The real goal was to create a variety of feel and not just have it be this straight 30' or 60' building wall everywhere. And I think we are absolutely accomplishing that with this new design direction.

- Mr. Kulick: For the record, staff has not had a chance to review the revised designs being presented by Mr. Campie.
- Mr. Campie: We understand that this is not something that the staff has had the opportunity to review and give commissioners input on. We have to use this time with you wisely. We are trying to move it forward the best that we can.
- Ms. Delahoz: It feels more cohesive, but I think we need some time to digest it and really sit down with it.
- Mr. Swintz: I think you made a really great move in taking us forward here because I got really comfortable with everything except the taller buildings. The struggle that I was having with the bigger building was this concept that I was trying to transition from the destination resort hotel that looked historic to what now looks pretty contemporary towering over downtown. That is where I have to get more comfortable with that aspect of it. Can you comment about the trees being removed relative to the parking structure?
- Mr. Campie: As I said, our goal is to preserve as many as possible. We have site constraints. We have looked at pushing the building further back, but then we are talking about really impacting the view corridor up to there with large retaining walls. We have looked at pushing the building further into the ground to try to make it smaller. We are dealing with high water table issues. We have tried to place the building where the parking lot is located already and disturbed. We could preserve more trees but we are having to grade for drainage. We are going to be studying it in more detail as we go through this. There is a wetlands draining through here and a river on the other side of the site. It has also all been mined so the ground is super porous. The river expands underground quite often due to these areas and causes some water issues.
- Mr. Swintz: My last question is the route of the lift from the parking structure to the base of the other gondola. Did you look at different alignments that would avoid some of the trees and probably impacts the buildings on the north gondola lot?
- Mr. Campie: It hasn't been a building impact issues, it has been a tower location and engineering challenge. So that is really what is driving the path currently.
- Mr. Gerard: Maybe the parking structure could be pushed further into the hill and away from the street. I would rather have a larger street buffer.
- Mr. Gerard: The buildings that I liked the most are the buildings in the Gold Rush that were re-designed. I don't like the large building. We would be interested in the drainage. I would encourage you to investigate that drainage plan. It is something that should be discussed with the town.

PUBLIC COMMENT:

Ms. Carol Rockne, 547 Broken Lance Drive: Could the round-about be moved a little bit to the east? I know it was swayed to the west a little. Doing this could help save more trees.

Commissioner Comments:

- Mr. Swintz: The larger structures are the ones I still need to gain comfort with. I say this because it makes such a dominate statement to downtown. I believe we should beef up the landscaping around the river side.
- Mr. Giller: My first impression. I see compatibility and variety. I trust the stone will be real and not fake. The mass driven design generally does well. I think the large hotel needs more articulation and mass. It truly brings Breckenridge vernacular very well. This is a multi-generational project. I think it is more important to get the design around architecture correct. The trees, in my mind, are a lower priority.
- Mr. Frechter: I find the new designs exciting and interesting. I noticed the employee housing in the current concept, adjacent to the garage, similar to the Alta Verde. Painted concrete panels. I don't know if this is a cost of materials thing. We should not use materials that peg employee housing different than market rate hosing. What do we want in terms of building heights along the river?
- Mr. Gerard: I was focused on the original drawings that we had. My initial impression was it was much improved. I don't know how I feel about the new design of the large hotel.
- Mr. Gerard: Talking about the South and North Gondola lot comparison. I want to know what we will lose in terms of trees. If we can place the buildings in the right area, we can preserve some of the specimen trees. We all want to get his right, this is a large project. We appreciate that BGV is listening to our comments. I don't believe that we are compliant with the Master Plan height of buildings.
- Mr. Leas: I think I made most of my comments in my questions. I would echo the comments that Steve just made.
- Mr. Campie: To your comment of 'we are not there yet'; we are going to have larger buildings to allow the density on the site. Wanting the variety. It will be very difficult to make half of the buildings one story. If we could have someone give comment on the building heights and how we relate to Master Plan.
- Mr. Gerard: You are falling short on the river side.
- Mr. Giller: Steve's comments made on the river and townhomes are spot on.
- Ms. Delahoz: My comment was going to be the townhomes around the river. That wall. I like the cohesive design. I think it has more architectural flow. I like the new look and more varied height. Add more architectural differentiation when look from downtown across the river. I think Mike made a really good comment about the parking structure buffering. I think getting it right for the long term is very important. Landscaping around the river, I would like to see that. I think BGV has put in a tremendous amount of work in this project. We appreciate the collaboration. This is a very large piece of land and an important piece of property. It is appreciated across the board. We still have work to do. We are going to continue to work together to get where we need to in the long run.

TOWN PROJECTS:

1. Justice Center Workforce Housing (CL), TBD Airport Rd., PL-2022-0069

Mr. LaChance presented a proposal to construct two (2) pre-fabricated employee housing apartment buildings with 14 studios, 28 one-bedroom, and 10 two-bedroom apartments totaling 50,992 sq. ft. The entirety of the project will be deed-restricted employee housing. The project will provide 71 parking spaces, some of which are proposed with carports. The site is proposed to be a combination of the vacant Lot 4, Parkway Center Subdivision and a portion of the unplatted Remainder of Government Lot 47 property to the north acquired in a land exchange with the U.S. Forest Service, which will require a lot line vacation prior to completion.

Commissioner Questions / Comments:

- Mr. Leas: We are taking down most of the trees. This is a public project and it seems to me, in particular light of the letter from the townhouse development that is impacted by the parking, that the town and the county should pay for more trees to mitigate that situation. (Mr. LaChance: There is a concern from Kingdom Park Townhomes regarding cars from the proposed parking lot shining headlights into their houses. The landscape plan could be enhanced by adding additional evergreen trees to provide year-round screening for the headlights coming from the parking lot. The existing trees that are proposed to be removed are from the grading necessary for the development of the site for this type of development. 46 new trees proposed. Forest diversification and overcrowding considerations.)
- Mr. Leas: When we first walked the site, we knew that a majority of the trees on the site would need to be removed for the development. (Mr. LaChance: There are a combined total of 40 existing and proposed trees on the northern side of the parking lot area. If the commission finds that additional landscaping is necessary there, then the design team would be OK with that.)
- Mr. Frechter: I think of precedent here; there is a net loss of hundred trees. And there are no negative points being assigned for that. Can you explain why no negative points for landscaping are given here? (Mr. LaChance: This project was given the maximum amount of negative points for site disturbance under Policy 7, which includes the tree removal.) This will set precedent for other projects. Since it is a Town project, Council could approve projects with a negative score. (We are not going easy on ourselves here. -4 points is the maximum amount and the same amount of negative point that we would assign to a private development.)
- Mr. Giller: There are aspen that don't screen well on the north and way far on the left there are two native shrubs. Is it possible to add more shrubs there for understory on the north end? (Mr. LaChance: Yes.)
- Ms. Delahoz: Can you explain the allowed and proposed density? (Mr. LaChance: The density for the majority of the site, Lot 4, is based on the SFEs allocated to Lot 4 by the Parkway Center Master Plan. Additional density is allowed for the project based on the underlying Land Use Guidelines Density for the northern sliver of land that is being added to the site. With both of those density allowances, the proposed density is less than the allowed density. There were public comment letters that were included in the packet that referred to the project being over density, but that is not taking into account the additional density allowed by adding the northern sliver of land to the site.) So when you look at the lower lot, we are over density? And adding the north lot, we comply with allowed density? (Mr. LaChance: Correct.)
- Mr. Swintz: How much is the most amount of fill? (Mr. LaChance: Approximately 4 ft.)
- Mr. Swintz: Is there more fill proposed under some areas of the buildings than others, considering the existing grade drops to the north but the buildings are proposed to have the same finished floor elevation throughout the building? (Mr. LaChance: Yes.)

Applicant: Mr. Jason Deetz, County Housing Director: Thank you for time tonight Commissioners. We are maximizing the site for workforce housing. The county did an analysis of 150+ available properties. This was the only parcel that had utilities ready for development. The modular component is going to offset some of the construction impacts to a factory in Buena Vista. As far as the trees, we do realize that we are removing a lot of trees. We are trying to create a balance, not to overcrowd the northern portion, but implement more landscaping for buffer in that area. Sole intent of the carports is to provide supports for solar devices to maximize the amount of solar and make more sustainable project. Solar on roofs and carports. Every town/county is struggling to provide a workforce due to housing. We are prioritizing providing as many units as possible over tree preservation. We are happy to make modifications.

- Mr. Frechter: Did you think of putting a fence on that portion of the property? (Mr. LaChance: Fences are

generally prohibited by the Development Code, with some exceptions such as fencing on private property to delineate boundary between private land and a public trail, but the design standards for that type of fence requires it to be of an open character, such as the buck and rail that you see alongside other Town trails. The Development Code only allows a 15 ft. section of solid privacy fencing to screen a hot tub. A solid fence here would not meet the Code.

PUBLIC COMMENT:

Carol Rockne, 547 Broken Lance Drive: My husband and I, we are not here representing Kingdom Park. I am here representing ourselves. We are proud of what we have built there. Very well built. Very private. Long term rented the ones that I kept all the time for last 20 years. It is ironical that those trees that they are being removed on north side are trees that we planted long ago 20 years ago. Offsite but it was National Forest. I don't know where to start. This makes me very sad to see this lot being destroyed. I know it is allegedly for a good cause. They are small little slave caves and do not meet the vision of Breckenridge. The Town, before you were here, I do not know any of you, you seem nice and thoughtful, you started with one concentrated area, the Town says it should be throughout the whole Town, it should be diversified for families, for singles, couples, anyone starting and trying to get ahead, that was the purpose, and you started with Pine Wood I. Pine Wood I is big, was over density, over mass, but it was up on a slope. They made it work, it had garages, etc. It works today even though over height and density. I see kids getting off the school bus. The kids play in this natural playground that are about to destroy where they catch bugs and build things and play games. You are taking it all away from them. It is shocking. The county and Town owns a lot of land and a development of this density can be built elsewhere. Pine Wood II has half the units of Pine Wood I. This is where you started going wrong and bonkers with the vision of Breckenridge. Yet look how ugly it is. Big mass, no buffer, no trees, picture is deceptive. These trees are on the other side of the street. It is ugly. It is an eyesore. It is what developers used to do to us in the 60's. Build something with no direction and whatever they want to do and take advantage of the Town. Now the town is building it themselves. It is so sad. You just have too many units here, too many units! More units than Pinewood II. There is so much that is wrong with this. Lets start with plat map. (Ms. Delahoz: 30 seconds remaining, please). How can I talk that fast? This is unnecessary. You don't have to clear cut the entire lot, you don't need all the fill dirt. Now I have lost my place. (Ms. Delahoz: Time.) When can I discuss the point analysis? All these... it means nothing! It is all fantasy, what you create! All these numbers!

Michael Lorenzo, 822 Kingdom Drive: Let me bring my grandparents to life. Pointed to picture in chamber. Frank Brown. Mayor for 30 years. I have heard a lot about trees. Have you counted them? Over 100+ you will be tearing down. I like Mr. Mark's comment. You had more trees and now you have less than the original proposal. 15 total added. You are going to leave the existing. This is an all electric building. Is there any other in Breckenridge? I know you know that. 100+ trees torn down. You are going to make this project work because the town wants it because of employee housing. How do you want headlights into your windows? Parking on top of berm. 75 parking spaces on the site. The parking carports could be a buffer but you don't want them there because of other code requirements. I was going to submit my letter. I am here as a personal owner and the board president of Kingdom Park. Now I grew up in this town. My family has been paying taxes since the 1850s in this town, and this is a public disgrace. I heard County official say there were 500+ properties reviewed and this one has infrastructure and that is why you are ready to go. It is a hole. You are going to bring in the fill dirt. Bottom line is, in my world, this is a fubar. In my grandfather's world, this is a shame. He comes from Carol Rockne's world. They built the ski resort. And my grandfather started the division of this Town that hangs on that wall that you are disgracing. I am not a civil engineer, but I am an environmental engineer and what I am seeing being done with this property is a disgrace to the Town, and a disgrace to the public that live here.

Commissioner Comments:

Mr. Giller: I think that a fence is a terrible precedent. The ramification of that, there so many consequences. Consider shrubs to screen the parking lot.

Laurie Best, Housing Program Manager, Town of Breckenridge: There is not a carport there because there is an easement there. A structure would not be able to be placed there.

Mr. Giller: What might be allowable to screen headlights? Can we put a landscape wall that is at the base of the carport?

Mr. Gerard: I think the design is a great improvement than when we saw it first. I am sympathetic to the comments from the public. We are in a different era and work force housing is necessary to the core of the town as opposed to being miles away. Great use of this lot. I am sorry that people don't want it in their back yard. I would love to solve the problem about the headlights. I am sure the managers of the project can figure out a solution. I think that we don't have the space to house a couple with two children in the core of Town when we have people that need to work in the places in the core of town who are more than happy to live in a studio apartment. I have a friend who manages a business that has to leave the county in 11 days because of the shortage of housing. I will recommend approval. We need this.

Mr. Frechter: I would like to thank the team for the redesign. Empathetic to public comment. I would encourage you to share your thoughts to the Town Council when this reaches their agenda. Our job is to make sure buildings constructed meet the Policies.

Mr. Giller: I think this is a very necessary project. I am mindful and sympathetic of the members of the public who spoke out against the project. This project would meet code regardless of private developer or town itself. I support the project.

Mr. Swintz: My comments have already been made.

Ms. Delahoz: I am also sympathetic to the public comments that we have heard today. Important for people to come to Town Council meetings and to speak your voice. I understand wanting to be heard. As planning commissioners, we do not get to make those decision. We are here to decide if it meets code or if it does not meet code. I encourage you to share these comments to the Town Council. The Council needs to hear those comments. Project meets Code. I do think that as you move forward with the project, adding more screening to the north would be appreciated to the residents to the north. We could do a better job with screening, whether with additional landscaping, a barrier, Mike had some great ideas. You brought up some great points and good insight. I support the project. We need this type of workforce housing. The Town is changing and evolving and we need to change and evolve with it.

Mr. Gerard made a motion that the Planning Commission recommend that the Town Council find the Justice Center Employee Housing Apartments Town Project, PL-2022-0069, located at TBD Airport Rd., has been found to have a points analysis of zero points under the Development Code's Relative Policies, and to fail Policy 18 (Absolute) Parking, with the additional finding number 10 that the 13 spaces immediately adjacent and proposed on Parcel BR to be an equivalency to Policy 18/A Parking and with these 13 parking spaces, plus the identified onsite spaces, the project effectively meets the purpose and intent of Policy 18/A Parking requirements. The motions was seconded by Mr. Mike Giller. The motion passed 6 to 0.

Recess at 9:00, return 9:05pm

WORK SESSIONS:

1. Lot 2 Corkscrew Sub 1 Building Envelope Modification (SVC), PL-2022-0242

Ms. Crump presented a proposal to relocate and modify the existing platted building envelope into a new disturbance envelope. The modification is proposed due to excessive site disturbance that would be required

to access the current envelope. The following specific questions were asked of the Commission:

1. Does the Commission generally believe relocation of the building envelope would result in less overall site disturbance and therefore support an envelope modification on this lot?
2. Does the Commission support the proposed envelope shape and location? Does the proposed shape meet the policy regarding “basic geometric shapes” and “generally at right angles”?
3. Does the Commission have any additional comments or concerns on the proposal?

Applicant, Mark Provino, Provino Architecture: Thank you again for your time this afternoon and this evening. I am aware the garage apron and hammerhead would need to be within the building envelope.

Commissioner Questions / Comments:

- Mr. Gerard: I think we should approve it. I too was listening to the conversation about the driveway. When the plans come in for this property, I do not want to see the driveway winding around. It should go quickly into the envelope from the access.
- Mr. Giller: I agree with you. (Mr. Provino: It is a design challenge but we are up for it.)
- Mr. Gerard: It is clear that the proposal will not affect views. I think it meets all the criteria.
- Mr. Provino: I want to clarify, the access easement is only on the north side of the property. Excellent job on the staff report. Just wanted to touch on the ridgeline and hillside development provision. I feel that this part of the code does not apply to this project. The upper portion of this lot is Royal Tiger Road and clearly not a ridgeline and the hillside is a result of the former mining activity. That part of the Code is for natural features to be preserved. I would like to discuss potential plat notes that could be attached to the new plat map. Add a plat note that would detail how the building height calculation would be made on this lot in consideration of past mining activity. Calculating what that existing grade was as the basis for how height would be calculated on the site. I’m open to hearing how the Commission would feel about that. (Mr. Kulick: The best example of that is on the base of Peak Eight. The Admin lot you can see the cut in the hillside. The Peak Eight hotel was being reviewed and we were able to take an average of the former slope and extrapolate how height was to be measured from there.) We just got the updated topography. We could come up with a logical past plane. (Mr. Kulick: There have been different allowances; a development in 2004 for the Fairways Duplexes allowed them to take an average as well.) The Columbia Lode subdivision might be another example.
- Ms. Delahoz: This re-plat of the envelope would be done at staff level? (Mr. Kulick: Correct.)
- Mr. Swintz: Let’s move the envelope. Can they go to the bank counting on the envelope being moved? (Mr. Kulick: We generally like to get the approval of the Commission for these modifications but it is just a staff level review.)

Applicant, Larry Chapman, Prospective Owner Lot 2 Corkscrew: I have been in conversation with all the neighbors. I will go back and continue to do that. Once we have a design concept, I will share it with them. I am not going to work in a vacuum. I think personally we can save every evergreen on the lot if we can do it right, and I believe that we can.

All commissioners approved the envelope modification by a show of hands voting 6-0.

OTHER MATTERS:

1. Town Council Summary

ADJOURNMENT:

The meeting was adjourned at 9:36pm.

Tanya Delahoz, Chair



Memo

To: Town Council
From: Chapin LaChance, AICP – Planner III
Date: July 20, 2022 for meeting of July 26, 2022
Subject: Town Project – Justice Center Employee Housing Apartments

The Justice Center Employee Housing Apartments development is being reviewed as a Town Project Hearing, as per the Development Code’s town project requirements. All public noticing requirements designated by the Development Code have been fulfilled as required.

The application proposes two (2) pre-fabricated employee housing apartment buildings with 14 studios, 28 one-bedroom, and 10 two-bedroom apartments totaling 50,992 sq. ft. The entirety of the project will be deed-restricted employee housing. The project will provide 71 parking spaces, some of which are proposed in carports. The site is proposed to be a combination of the vacant Lot 4, Parkway Center Subdivision and a portion of the unplatted Remainder of Government Lot 47 property to the north acquired in a land exchange with the U.S. Forest Service.

The Planning Commission held a public hearing on July 19th in which the Planning Commission unanimously recommended a passing point analysis of zero (0) points under the Development Code’s Relative Policies. Two members of the public provided comments at the hearing in opposition to the development, in addition to the five (5) public comment letters included in this packet. Planning Commission meeting minutes are included in the Town Council packet. The Planning Commission supported the project with the added comment that additional screening/buffering should be provided between the parking lot and Kingdom Park Townhomes to the north. The design team expects to have a revised landscape plan available at the Work Session for the Council’s review.

Attached to this memo is a complete staff report, substantially the same as presented to the Planning Commission and attachments including the project plans and the Commission’s recommended Findings and Conditions.

If the Council agrees with the Planning Commission’s recommendation after the public hearing at the evening meeting, a motion for approval is provided below.

I make a motion to approve the Justice Center Employee Housing Apartments Town Project, PL-2022-0069, located at TBD Airport Rd., having a passing point analysis of zero (0) points under the Development Code’s Relative Policies, and failing Policy 18 (Absolute) Parking.

Optional addition to motion: Additionally, a Finding shall be included allowing a privacy fence, and/or additional landscaping (trees/shrubs), to be installed north of the parking lot in a location and of a design approved by staff. The Town Council acknowledges that a privacy fence in this location does not comply with the Development Code Policy 47 (Absolute) Fences, which generally prohibits fences, and the fence shall not be used as precedent for approval of future fences.



Image 1 (above): Rendering of Building 1 from Airport Rd., looking east.

Town Council Town Project Staff Report

- Subject:** Justice Center Employee Housing Apartments
(Town Project Hearing, PL-2022-0069)
- Proposal:** Construct two (2) pre-fabricated employee housing apartment buildings with 14 studios, 28 one-bedroom, and 10 two-bedroom apartments totaling 50,992 sq. ft. The entirety of the project will be deed-restricted employee housing. The project will provide 71 parking spaces, some of which are proposed in carports. The site is proposed to be a combination of the vacant Lot 4, Parkway Center Subdivision and a portion of the unplatted Remainder of Government Lot 47 property to the north acquired in a land exchange with the U.S. Forest Service, which will require a lot line vacation prior to completion.
- Date:** July 20, 2022 (For meeting of July 26, 2022)
- Project Manager:** Chapin LaChance, AICP - Planner III
- Applicant:** Dan Osborn, Summit County Housing Dept.
- Owner:** *Lot 4:* Summit County BOCC and Town of Breckenridge, tenants in common.
Remainder of Government Lot 47: Town of Breckenridge
Parcel BR, Parkway Center Subdivision Amendment #2: Summit County BOCC
- Address:** To be determined
- Legal Descriptions:** *Lot 4, Block 1, Parkway Center Subdivision Amendment No. 1* (subject to the Parkway Center Master Plan),
Remainder of Government Lot 47, and
Parcel BR, Parkway Center Subdivision Amendment #2 (not included in site area)
- Site Area:** 2.084 acres (90,769 sq. ft.)
- Land Use District:** #9-2: Residential, 10 Units Per Acre
#9: Retail Commercial, 1:5 Floor Area Ratio
#3: Recreation
- Site Conditions:** The site is undeveloped and densely vegetated with evergreen trees. There are 201 existing trees on site, mostly Lodgepole Pine with some Spruce and Aspen. The majority of the site slopes downward to the north at a grade of approximately 1.7%, with 5 ft. of elevation change across the site. In the northern 30 ft. of Lot 4, there is an abrupt 4 ft. rise in grade to the top of a berm that runs east-west across the site. There is a 30 ft. Utility Easement along the northern boundary of Lot 4, and a 3 ft. Public Snow Stacking Easement along the western boundary of Lot 4. Existing water, electric, and fiber-optic cable utility lines are shown on the survey to run east-west across the northernmost portions of the site.



Image 1 (above): Aerial view of the site, which includes Lot 4 and a portion of the Remainder of Government Lot 47.



Image 2 (above): Staff photo taken from the southwest corner of the site, looking north.

Adjacent Uses: North: Kingdom Park Townhomes, Kingdom Park
 South: Summit County Justice Center

East: Summit County Justice Center parking lot, Blue River
 West: Airport Road, Pinewood Village Apartments

Density:

Allowed:

- Lot 4, per Master Plan: 30,480 sq. ft. (25.4 SFEs)
- 0.348 acres (15,137.28) sq. ft. of
 Remainder of
 Government Lot 47, per LUGs: 2,123 sq. ft.

Total: 32,603 sq. ft.

Adjusted Allowed: 37,493 sq. ft.
 (115% bonus for 100% employee housing)

Proposed: 37,968 sq. ft. (15.18 UPA)

Adjusted Proposed: 34,171 sq. ft. (13.6 UPA)
 (10% exclusion for employee housing)

Mass:

Allowed: 48,740 sq. ft.

Proposed: 50,992 sq. ft.

Adjusted Proposed: 47,195 sq. ft.
 (adjusted proposed density + hallways and storage)

Height:

Recommended: 2 stories (26') max. per LUGs

Proposed: 3 stories, **(42') (approx. 16 ft. over; -15 points)**

Lot Coverage:

Building / non-permeable: 42,580 sq. ft. (45% of site)

Hard surface / non-permeable: 17,856 sq. ft. (19%)

Open space / permeable Area: 44,111 sq. ft. (48.6% of site)

Parking:

Required: 71 spaces

Proposed: 71 spaces

Snow Storage:

Required: 4,464 sq. ft. (25%)

Proposed: 4,623 sq. ft. (25.9%)

Setbacks:

Required (Absolute):
 Front: 10 ft.
 Side: 3 ft.
 Rear: 10 ft.

Relative (Recommended):
 Front: 15 ft.
 Side: 5 ft.
 Rear: 15 ft.

Proposed:
 Front: 11.3 ft. **(-3 points)**
 Side (North): 86 ft.

Side (South/East): 8.5 ft.
Rear: Not applicable

Item Background

Lot 4: Lot 4 is subject to the Parkway Center Master Plan, originally approved by the Planning Commission in 1985 (PC #85-3-10), and subsequently amended as recently as 2022. The Master Plan encompasses approximately 65 acres and designates specific uses and density for each Tract and Block. The Master Plan designates Lot 4 for commercial use with 25.4 SFEs of density. However, Section 3.1 of the Master Plan (see Image 1 below) also allows employee housing use on any area of the Master Plan.

LAND USE

3.1 Limitation. Each Tract may be used (i) for the purposes identified in the Matrix, (ii) for recreational or open space purposes, (iii) for employee housing purposes, or (iv) for any use reasonably consistent with and incidental to any permitted use. Religious uses may occur wherever permitted by the Town under Special Review.

Image 1 (above): Section 3.1 of the Parkway Center Master Plan

In 1998, the Planning Commission reviewed an application from Vail Summit Resorts, Inc. for an employee housing development which included Lot 4. Vail Summit Resorts, Inc. requested the Town vacate the Rankin Avenue right-of-way in order to facilitate the development of the seasonal housing project, and transfer the maintenance responsibility from the Town to Vail Summit Resorts, Inc., proposing to grant an access easement to the Justice Center to allow access for any future expansion. The property file does not contain any record that the applicants ever returned for a Final Hearing, and the right-of-way was not vacated at that time.

Summit County Board of County Commissioners later obtained ownership of Lot 4, and in August of 2014, the Town approved an expansion and renovation of the old library building located at 504 Airport Road (Parcel C, Parkway Center Subdivision #2) into a new District Attorney and Probation Office. At that time, the Town asked Summit County government if they would consider vacation of the Town's Rankin Avenue right-of-way to the south and east of Lot 4. This request was made because the Town did not maintain or snowplow Rankin Avenue, all of Rankin Avenue was on Summit County government property, and all properties served by Rankin Avenue were related to the Summit County Government Justice Center campus. The County had always maintained and snowplowed Rankin Avenue, and agreed that it would be appropriate for the Town to vacate the right-of-way. In 2015, the Town of Breckenridge vacated the Rankin Avenue right-of-way with Ordinance No. 8, Series 2015, retaining a 60 ft. Public Utility Easement. In March 2022, the County conveyed joint ownership of Lot 4 to the Town, so that the County and Town are tenants in common.

Unplatted Remainder of Government Lot 47: This area to the north of Lot 4 was formerly U.S. National Forest, known as Government Lot 47 which also included what is now Pinewood II Apartments on the west side of Airport Rd. The Town was conveyed all of Government Lot 47 (in addition to other property) through a land trade from the U.S. Federal Government through a patent in 2012. The bulk of Lot 47 was replatted for Pinewood II, but this sliver on the east side of the road was a remnant piece of

Lot 47, and remains unplatted. It contains multiple underground utilities (water, electric, fiber-optic) running east-west.

This development is proposed as a partnership between Summit County and the Town of Breckenridge, pursuant to an Intergovernmental Agreement (IGA) executed in January 2022. The terms of the IGA include the following:

- entitlements for the development will be processed under the Town’s jurisdiction,
- the Town Project permit will be issued jointly to the Town and County,
- the Building Permit and inspection process will be completed by the Summit County Building Division,
- all costs for the development shall be shared 50/50 by the Town and County,
- the Town shall provide water service,
- the County shall provide the sewer tap connection and service fees,
- the County will manage the day-to-day operations of the apartment upon completion,
- 50% of the units will be offered for lease to persons working in the Upper Blue River Basin, and 50% of the units will be offered for lease to persons working in Summit County.

The Planning Commission reviewed this project at a Work Session on April 19, 2022. On July 5th, staff approved a Class C Subdivision Permit application to combine Lot 4 and a portion of Remainder of Government Lot 47 into a new lot titled “Lot 4R”. The plat for this subdivision has not yet been recorded. On July 19, the Planning Commission reviewed the project at a Town Project Hearing.

Staff Comments

Land Use (2/A & 2/R): Lot 4 is designated for commercial uses (see Image 3) or “employee housing” under the Parkway Center Master Plan. Staff and the Planning Commission find that the proposed employee housing use is consistent with the specific intent of the Master Plan for Lot 4. The remainder of the site (*remainder of Government Lot 47*) is located within LUD 9-2 (see Image 4), which is recommended for residential use. A small portion of the parking lot at the northeast corner of the site lies within LUD #3 (Recreation). There is precedent for parking lots associated with recreational use in recreational Land Use Districts without the assignment of negative points. However, staff finds the proposed parking associated with residential use is not a recommended use by the LUGs and warrants a minimal amount of negative points. Staff and the Commission recommend negative two (-2) points for the parking area in the northeast corner of the site not complying with the recommended Recreation use of LUD #3.

**EXHIBIT B TO AMENDMENT TO THE
PARKWAY CENTER SUBDIVISION MASTER PLAN**

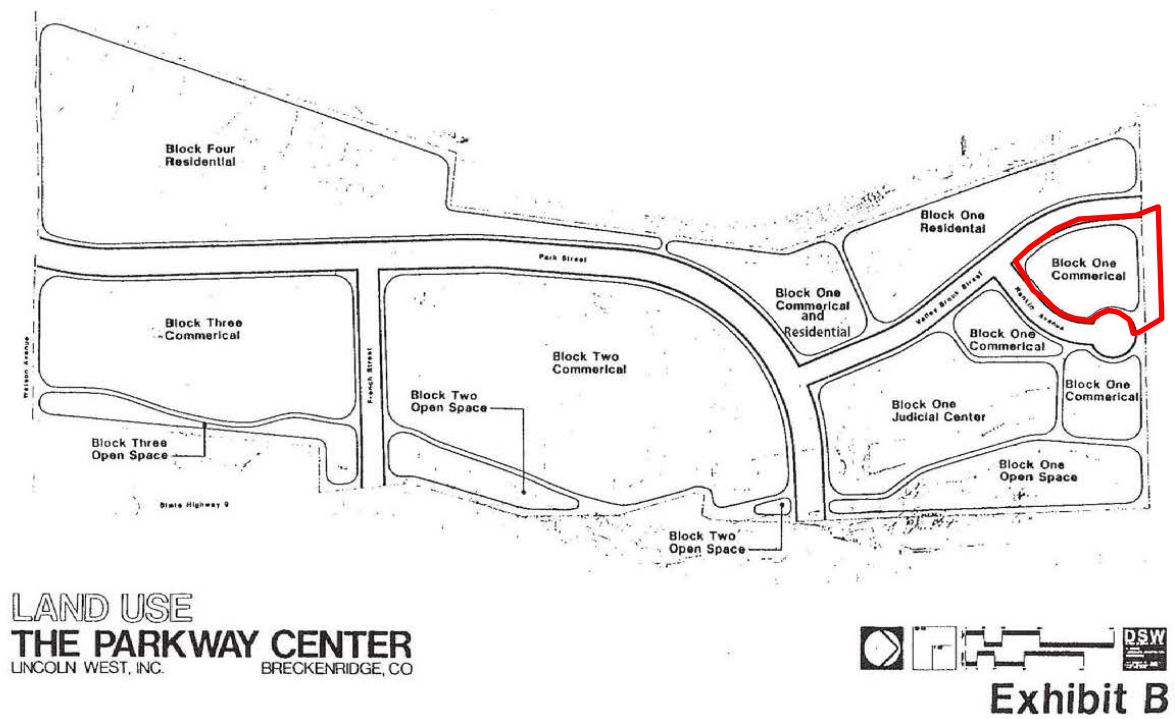


Image 3 (above): Parkway Center Master Plan Land Use Map.

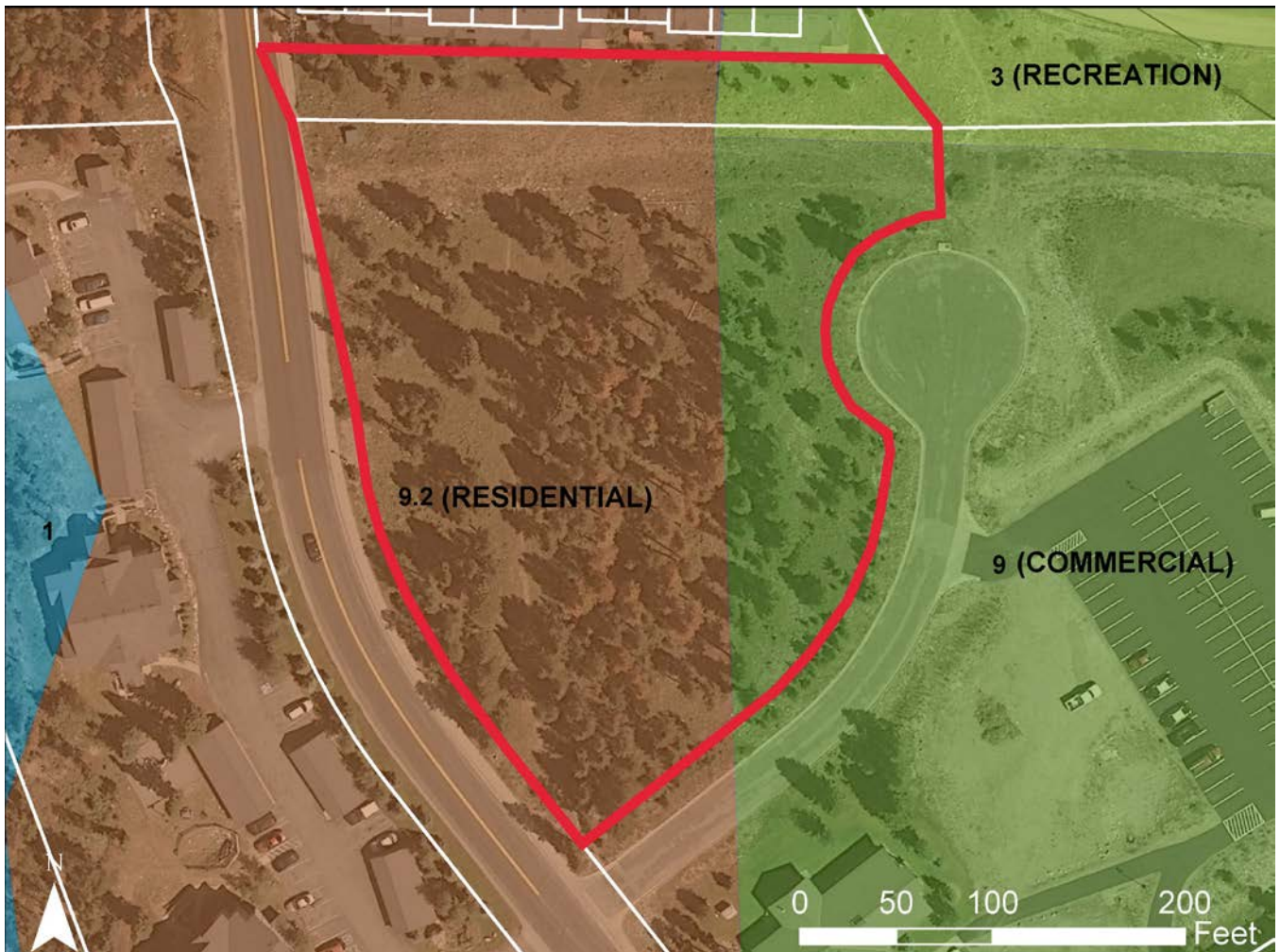


Image 4 (above): The site lies within three (3) separate Land Use Districts.

Density (3/A & 3/R):

The allowed density is calculated as follows:

Lot 4: 25.4 SFEs (per Master Plan) x 1,200 sq. ft. (unit conversion for apartment use) = 30,480 sq. ft.

11,162 sq. ft. (0.256 acres) of unplatted Remainder of Government Lot 47: The Town’s GIS Analyst estimates that approximately 0.177 acres (7,708 sq. ft.) of the site on the “*Remainder of Government Lot 47*” is in LUD 9-2, which recommends residential use at a maximum density of 10 UPA. 0.177 acres x 10 UPA x 1,200 sq. ft. (unit conversion for apartment use) = 2,123 sq. ft. maximum of recommended density.

Total allowed:

30,480 sq. ft. + 2,123 sq. ft. = 32,603 sq. ft.

32,603 sq. ft. x 1.15 (15% bonus for 100% employee housing) = 37,493 sq. ft. adjusted total allowed.

The proposed density is calculated as follows: 38,864 sq. ft. of proposed density x 0.9 (10% exclusion for 100% employee housing) = 34,977 sq. ft. of adjusted proposed density. The adjusted proposed density is 2,516 sq. ft. less than the adjusted allowed density, so staff and the Planning Commission do not have any concerns.

Mass (4/A & 4/R): Per the Relative Policy, apartment developments may be allowed an additional thirty percent (30%) of aboveground floor area for the provision of amenities and/or common areas (Ordinance No. 1, Series 2019). The allowed mass is calculated as follows: 37,493 sq. ft. of adjusted allowed density x 1.3 = 48,740 sq. ft. of allowed mass. The proposed mass is calculated as follows: 34,171 sq. ft. adjusted proposed density + 13,024 sq. ft. of proposed common areas (hallways, storage) = 47,195 sq. ft. of adjusted proposed mass. The proposed mass is 1,545 sq. ft. less than the allowed mass, so staff and the Planning Commission do not have any concerns.

Architectural Compatibility (Policies 5/A & 5/R): Both Building 1 (northernmost building) and Building 2 (southernmost building) are proposed to be identical, although the buildings are oriented differently on the site. See Images 5-7 below for renderings of the proposed architecture.

Height and roof forms: Half of each building is three stories in height, and the other half is two stories in height. Bldg. 1 is proposed to be oriented so that the taller half of the building is to the south, whereas Building 2 is oriented so that the taller half of the building is to the east, further away from Airport Rd. The buildings feature predominately flat roofs which optimize their capacity for roof mounted photovoltaic panels.

Architecture: The elevations feature taller parapet walls with shed roofs and diagonal supports. Stone veneer is specified for every other unit on the ground floor, and features variations in the height of its application. Wooden “sunshades” are proposed above some windows. Porch roofs with diagonal support posts are proposed at all building entrances. The buildings are designed with traditional fenestration through pairs of vertically oriented windows. Each unit features a small exterior balcony, with the exception of the studio units.

Materials and Color: The proposed parapet roofs are specified to be standing seam metal. Fiber cement horizontal lap siding, fiber cement vertical accent siding, fiber cement trim, and natural stone veneer is proposed on all elevations of both buildings.

Carports: The three carport structures feature metal support posts and standing seam metal roofs. The carports provide additional capacity for roof mounted photovoltaic panels.



Image 5 (above): Rendering of Building 1 from Airport Rd., looking northeast.



Image 6 (above): Rendering of Building 1 from Airport Rd., looking east.



Image 7 (above): Rendering of Building 1 from Airport Rd., looking south.

Staff and the Commission support the proposed architecture. The design of the buildings features varying depths and functional architectural elements that create visual interest and pedestrian scale appropriate for the two large buildings. The design diminishes the perceived visual massing of the buildings via the use of pedestrian scale materials, varying exterior wall planes, and a varying color scheme. The additional porch roofs over secondary entrances enhance livability for occupants entering and exiting the building in inclement weather, and enhance pedestrian character and orientation by identifying entrances as viewed from Airport Rd.

Although the buildings are identical to each other, staff and the Commission find they are not excessively similar to each other because of their differing orientation to Airport Rd. and adjacent properties. With the exception of the roof, the proposed architecture shares many components with the Pinewood II apartment building to the northwest across Airport Rd. (see Image 8). The Pinewood II building also features three (3) floors, pairs of vertically oriented windows, exterior balconies, fiber cement lap horizontal lap siding, fiber cement vertical accent siding, and natural stone veneer cladding. The two-story Summit County Justice Center building to the south also contains flat roofs, but brick cladding. The one-story District Attorney Office building to the south contains gabled roofs and brick cladding with a stone wainscot. The proposed buildings share many architectural characteristics with nearby large existing structures, but are proposed to be of their own unique design and each is oriented uniquely on the site. For these reasons, staff and the Commission find the architecture compatible to the area and do not find the buildings to be excessively similar or dissimilar to each other or other structures in the area.



Image 8 (above): Pinewood II Employee Housing Apartments, looking West from Airport Rd.

Building Height (6/A & 6/R): The Parkway Center Master Plan does not limit building height. The apartment buildings are proposed to be located within LUD 9-2, the Guidelines for which recommend a maximum building height of 2 stories. Per the Development Code, the first 2 stories are counted as 13 ft. tall each and subsequent stories are counted at 12 ft. tall each. Hence, a 2-story building will have a height of 26 ft. (13 ft. + 13 ft.), a 2.5-story building will have a height of 32 ft. (13 ft. + 13 ft. + 6 ft.), a 3-story building will have a height of 38 ft. (13 ft. + 13 ft. + 12 ft.), and a 3.5 story building will have a height of 44 ft. (13 ft. + 13 ft. + 12 ft. + 6 ft.)

Building 1 is proposed at approximately 41ft. above existing grade, calculated as follows: 9527.08 ft. (Building 1 parapet roof elevation at highest point) – 9,486 ft. (existing grade elevation below highest point) = 41.08 ft. height. Building 2 is proposed at approximately 40 ft. above existing grade at the building’s NW side, calculated as follows: 9,528.58 ft. (Building 2 parapet roof elevation at tallest point) – 9,488.93 ft. (existing grade elevation below tallest point) = 39.65 ft. height. Both buildings exceed 38 ft. in height, as measured to the greatest distance between the parapet roofs and existing grade. This is equivalent to 3 stories in height, which exceeds the recommended building height in the Land Use Guidelines by more than 1 story, but no more than 1.5 stories. The Relative portion of this Policy allows this recommended height to be exceeded with negative points. The proposed height warrants negative fifteen (-15) points under Policy 6/R.

Site and Environmental Design (7/R):

Vegetation and screening/buffering: The landscape plan specifies 155 existing trees to be removed, retention of approximately 25 existing trees in the northernmost portion of the site, and 46 new trees to be planted, for a total of 71 trees to be onsite. The site plan specifies evergreen screening on all sides of the property. Staff finds the proposed landscaping sufficiently replaces the loss of screening and buffering from removal of the existing trees due to grading. The combination of preservation of some existing trees, planting of new trees, and the physical distance of the proposed development to adjacent properties will provide sufficient screening and buffering to those adjacent properties. The landscape plan is further explained under the Policy 22/R discussion below.

Grading: Portions of the site are specified to receive up to 4.5 ft. of fill to achieve appropriate grades for functional vehicular circulation, parking, and building pads. Building 1’s finished floor elevation (FFE) is proposed to be up to 6 ft. higher than existing grade. Building 2’s FFE is proposed to be up to be approximately 4.5 ft. higher than existing grade. The fill is proposed in order to create a flat, benched building pad for the pre-fabricated apartment unit boxes. There is grade change proposed across the site, however, evidenced by Building 1’s finished floor elevation proposed to be 1.5 ft. lower in elevation than Building 2’s.

Additional site grading plan is proposed for stormwater retention areas in the center of the parking area and to the north of Building 1. The proposed preliminary drainage design has been reviewed and approved by the Engineering Division. Considering the majority of the site is proposed to be disturbed and graded with up to 4.5 ft. of fill, staff and the Planning Commission recommend negative four (-4) points under this Policy for creating flat, benched building pads and for filling the majority of the site. Applicable precedent for negative points for site benching and excessive fill is listed below.

Precedent for negative points for creating a flat benched building pad or site, or for excessive fill:

-2: Schumacher Residence, 192 Marks Lane, PC# 2014007: *Excessive site disturbance related to the garage location, which creates a flat benched building pad.*

-4: Alta Verde Workforce Housing Project, 13250 Colorado State Highway 9, PL-2020-0235: *Excessive fill.* The site was proposed to be filled up to 10.5 ft. to bring the site out of the floodplain.

-6: Valleybrook Site Plan, 1100 Airport Rd, PC# 2009030: *Site graded to meet development needs of flat site. Existing veg. buffer on west side removed. Retaining walls needed due to excessive site grading on South side.*

Placement of Structures (9/A & 9/R): The roof of Building 1 is located approximately 11.3 ft. from the western property boundary, which does not comply with the recommended front yard setback of 15 ft. Roof eaves are allowed to encroach up to 18” into the required setback, but not the recommended setback. Staff and the Commission recommend negative three (-3) points for the location of Building 1 not complying with the recommended front yard setback. Building 1 complies with the required front yard setback of 10 ft. Building 2’s roof is located 8.5 ft. from the southeastern property boundary, which complies with the recommended side yard of 5 ft.

Storage (14/A & 14/R): The Relative Policy recommends that 5% of the floor area of multi-unit residential buildings be interior storage. Each of the two buildings is proposed to have a larger storage area on the ground floor, and small storage areas in the entry lobby and along the corridors on each floor. In total, the plans specify 2,550 sq. ft. of interior storage (5% of the building floor area), meeting the recommendation.

Refuse and Recycling 15/R: The plans specify a 196 sq. ft. dumpster enclosure building at the southwest corner of the parking lot. This location allows for functional access and backing movements for waste management trucks. The dumpster enclosure meets all of the requirements from Town Code 5-6-4 Specifications for Approved Private Trash Enclosure.

Access / Circulation (16/A & 16/R; 17/A):

Ingress/egress: The site plan shows all off-street parking for the apartment building occupants to be accessed via the vacated Rankin Avenue right-of-way. An Access Easement is required to be dedicated on Parcel BR for the benefit of Lot 4, encompassing the existing paved roadway of the former Rankin Ave, in order for the apartments to have proper access. This Access Easement is required to be platted prior to the start of construction. The plans specify a Parking Easement for the 13 parking spaces along Rankin Avenue, but the easement boundary should be limited to the 13 parking spaces prior to issuance of a Certificate of Occupancy. The Rankin Avenue cul-de-sac has served as the Flight for Life helicopter landing site in Breckenridge, but this use was never formalized. An alternative location cannot be obtained by the County at this time, so the center of the cul-de-sac will remain a landing site for the helicopter and access to the apartments will be temporarily closed during any helicopter landing / takeoff. Considering Rankin Ave is a private drive on Parcel BR owned by Summit County Government and there will be a private access easement across Parcel BR for Lot 4R, Summit County can use Parcel

BR for the helicopter landing pad because that use does will not unreasonably prohibit use of the access easement for access to the Lot 4R. The landing of a helicopter for emergency response is infrequent and limited in duration. Although the conflict with the heli pad is not preferable, staff does not find a significant conflict will exist.

A traffic engineer was consulted and determined that a traffic analysis and modification to the CDOT Access Permit to Highway 9 are not required for this development. This is largely a result of the development's proximity to the Town Core and the opportunity for alternative transportation to the Town core via walking, biking, and transit. In regards to pedestrian circulation, the site plan specifies ample walkways throughout the site, connecting the parking areas, buildings, and existing Airport Rd. sidewalks. Staff and the Planning Commission do not have any concerns regarding access or circulation.

Parking (18/A & 18/R): The project proposes 71 parking spaces, 20 of which are proposed to be covered with carports, and 13 of which are proposed in the 60' Public Utility Easement (formerly Rankin Ave.). The primary parking lot is mostly screened from public view on Airport Rd. by the proposed buildings and landscaping. The parking space requirement is calculated as follows:

(14) efficiency/studio units x 1.0 space per unit = 14 spaces

(38) 1-bedroom and larger units x 1.5 spaces per dwelling unit = 57 spaces

Total required spaces: 71 spaces.

The proposed parking meets the parking space requirement. Additionally, the parking area meets the following requirements of the Off-Street Parking Regulations:

- aisle width
 - Required: 12 ft. (minimum)
 - Proposed: 12 ft.
- parking stall
 - Required: 9 ft. x 18 ft. (minimum)
 - Proposed: 9 ft. x 18 ft.
- grade:
 - Required: 0.5 % (minimum) and 4% (maximum)
 - Proposed: 0.4% (minimum) and 3.2% (maximum)
- landscaping:
 - Required: 25 sq. ft. (minimum) required for every parking stall. 25 sq. ft. x 71 spaces = 1,800 sq. ft. (minimum)
 - Proposed: 5,535 sq. ft.
- paving:
 - Required: Yes.
 - Proposed: Yes.

Staff and the Planning Commission do not have concerns regarding the requirements listed above, but do have concerns regarding the off-street parking requirements listed below.

- Lighting: A photometric plan for lighting of the parking areas is required but has not been provided.
- Location: The Off-Street Parking Regulations require that *“For residential uses ... all required off street parking spaces shall be provided on the same property as the residential units they are intended to serve.”* The 13 spaces proposed along the former Rankin Ave. on Parcel BR (Justice Center campus) are not on the same property as the residential units they are intended to serve.

As such, the proposed parking fails Policy 18/A. The former Rankin Avenue is currently a low volume driveway, so the proposed 13 “on-street” parking spaces would likely have minimal conflict with the ingress/egress demands of the existing Justice Center campus uses. There is available density remaining on the County’s Parcel BR for development, which could increase the vehicular traffic on Rankin Ave in the future. A Parking Easement on Parcel BR to the south (Justice Center campus) for the benefit of Lot 4 will be necessary prior to the issuance of a Building Permit. Although the parking easement fails the above-noted Absolute policy, staff and the Planning Commission believe the easement provides a solution that effectively meets the parking needs of the project and the stated intent and purpose of Policies 18/A & 18/R. A Finding has been added to this effect.

All off-street parking is proposed to share access to Airport Rd. with the Justice Center campus via the existing driveway (former Rankin Avenue right-of-way). Staff and the Commission recommend positive one (+1) point for the sharing of a common driveway leading from a public street to separate off street parking facilities by more than one use and parcel of land.

Recreation Facilities (20/R): There is an existing social trail running east-west across the northern area of the site between Airport Rd. to the west and the Blue River recreation path to the east. The site plan specifies a 3 ft. wide crusher-fines trail in this area, with a future connection towards the recreation path which has not yet been approved by the Recreation Dept. This trail is intended to formalize the existing social trail and provide a soft-surface pedestrian and bicycle connection between Airport Rd. and the recreation path. Staff and the Commission recommend positive three (+3) points for a trail that will enhance public pedestrian and bicycle connectivity from Airport Road and the recreation path.

Precedent for +3 points:

- Hotel Breckenridge Outdoor Heated Area and Public Trail Easement, 655 Columbine Rd., PL-2021-0431: *The applicant proposes to dedicate a Public Trail Easement across the southern portions of the Hotel Breckenridge property and the new Lot 1 to the bridge across the Blue River.*
- Breck Central Market: 190 Stan Miller Dr., PL-2020-0044: *The applicant proposes to dedicate an easement for the Recreation Path connection and agrees to share construction responsibilities of the Recreation Path with the Town.*
- Pilon Residence, 206 Stillson Placer Terrace, PL-2017-0101: *Providing additional Public Trail Easement on site.*

Landscaping (22/A & 22/R): The landscape plan specifies the planting of 46 new trees on the site, and the retention of approximately 25 existing trees in the northernmost portion of the site. The plans specify (16) 2.5” caliper multi-stem Aspen trees, and (26) 8 ft. tall Spruce and Fir trees. There are also an additional (4) 8 ft. tall Evergreen Trees specified on the northern portion of the site. Considering the majority of the existing trees are proposed to be removed due to the proposed grading, staff and the Commission do not recommend any positive points for landscaping, but find that the landscape plan sufficiently enhances the natural aesthetic of the property.

Social Community (24/A & 24/R): Per section A. of the Relative Policy, any residential application with 100% of project density as employee housing receives positive ten (+10) points if 100% of the units will be deed restricted for local employee occupancy. All 52 units in the project are proposed to be deed restricted per Code. With 100% of the project being employee housing, this project warrants positive ten (+10) points.

Under section B. of the Relative Policy, projects that are identified as a Town Council Goal are eligible for additional positive points. The 2021 Town Council Goals included a desire that the “...*Breckenridge workforce lives in Town and there is a diversity of housing types and prices for locals (sufficient to preserve the sense of community and support the local economy).*” For a project offering 52 units of employee housing, staff recommends positive six (+6) points based on past precedent.

Council Goals that have received positive six (+6) points:

2021- Alta Verde Workforce Housing Project

2020- Gondola Lots Public Parking Structure

2018- Tiger Dredge Parking Structure

2017- Second Water Treatment Plant

2014- Pinewood Village 2

2012- Harris Street Community Building Restoration, Rehabilitation, Addition and Landmarking

2011- McCain Solar Garden

Infrastructure (26/A & 26/R), Utilities (28/A), Drainage (27/A & 27/R): The Town’s Engineering Division has reviewed the proposed plans and provided comments to the design team to ensure the development will meet all applicable Town engineering standards for grading, drainage and utility connections. The Engineering Division’s comments have been addressed and the Engineering Division has approved the proposed plans.

Energy Conservation (33/R): The Housing Division has submitted the attached memorandum committing to installing three (3) additional EVSE Installed parking spaces over the required minimum as determined in the IECC, and 10 additional EV Capable spaces over the required minimum as determined in the IECC. Staff and the Commission recommend positive three (+3) and positive one (+1) points for these installations, respectively, for a total of positive four (+4) points under this Policy. A Condition of Approval has been added.

Subdivision (35/A): Staff has approved a Class C Subdivision Permit to combine Lot 4 and a portion of Remainder of Government Lot 47 into a new lot titled “Lot 4R”. Prior to completion of the development, the Lot 4R plat combining these properties is required to be recorded.

Exterior Lighting Regulations: No exterior lighting information has been submitted or is approved at this time. Prior to the project receiving a Building Permit, all exterior lighting fixtures and the associated photometric plan must comply with the Town’s Exterior Lighting and Off Street Parking Chapters. All proposed lights shall be fully cut off fixtures and shall be at or below the maximum lumens and Kelvins per fixture. All fixture locations shall meet the restrictions for height above grade, residential (<15’), or (<10’ pedestrian paths). The photometric shall show the estimated foot-candle levels with maximum and average illumination of emitted light below two-tenths ($2/10$) foot-candle at the property lines except areas where drive lanes are present.

Point Analysis (Section: 9-1-17-3): Staff and the Planning Commission have evaluated the application for compliance with all Absolute Policies, and find the project fails the following Absolute Policies:

Fail:

18/A Parking: The 13 spaces proposed on Parcel BR are not located on the same property as the residential units they are intended to serve.

Staff and the Planning Commission recommend the following points under the Relative Policies:

Negative Points (-24)

- Policy 2/R Land Use: Negative two (-2) points for the parking area in the northeast corner of the site not complying with the recommended Recreation use of LUD #3.
- Policy 6/R Building Height: Negative fifteen (-15) points for exceeding the building height recommended in the LUGs by more than 1 story but no more than 1.5 stories.
- Policy 7/R Site and Environmental Design: Negative four (-4) points for creating flat, benched building pads and for excessive fill.
- Policy 9/R Placement of Structures: Negative three (-3) points for not complying with the recommend front yard setback of 15 ft.

Positive Points (+24)

- Policy 18/R Parking: Positive one (+1) point for the sharing of a common driveway by more than one use and parcel of land.
- Policy 20/R Recreation: Positive three (+3) points for a public trail that will enhance pedestrian and bicycle connectivity to/from the recreation path.
- Policy 24/R Social Community: Positive ten (+10) points, 100% of the project's density is deed restricted employee housing.
- Policy 24/R Social Community: Positive six (+6) points, the project addresses a specific need of the community which was identified in a yearly goals and objectives report.
- Policy 33/R Energy Conservation: Positive three (+3) points for three (3) additional EVSE Installed parking spaces over the required minimum as determined in the IECC, and positive one (+1) point for 10 or more additional EV Capable spaces over the required minimum as determined in the IECC.

Total Score: 0

Planning Commission Recommendation

Development Code section 9-14-4 states: "*C. Following the conclusion of the public hearing(s), the planning commission shall submit to the town council its recommendations and advice concerning the proposed Town Project*". The Town Council at its discretion may approve a Town Project despite failing an Absolute Policy.

The Planning Commission recommends to the Town Council that the Justice Center Employee Housing Apartments Town Project, PL-2022-0069, located at TBD Airport Rd., has a passing point analysis of zero (0) points under the Development Code's Relative Policies and fails Policy 18 (Absolute) Parking with the attached Findings and Conditions of Approval.

Optional motion addition: Additionally, a Finding could be included allowing a privacy fence, and/or additional landscaping (trees/shrubs), to be installed north of the parking lot in a location and of a design approved by staff. The Town Council would need to acknowledge that a privacy fence in this location does not comply with the Development Code Policy 47 (Absolute) Fences, which generally prohibits fences, and that fence shall not be used as precedent for approval of future fences.

If the Town Council approves this Town Project, the Building Permit and inspection process for construction of the development will be completed through the Summit County Building Division.

Town Project Hearing Impact Analysis				
Project:	Justice Center Employee Housing Apartments	Positive	Points	+24
PL:	PL-2022-0069		>0	
Date:	7/20/2022	Negative	Points	- 24
Staff:	Chapin LaChance, AICP - Planner III		<0	
		Total Allocation:	0	
Items left blank are either not applicable or have no comment				
Sect.	Policy	Range	Points	Comments
1/A	Codes, Correlative Documents & Plat Notes	Complies		
2/A	Land Use Guidelines	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)	- 2	The proposed employee housing use is allowed by the Parkway Center Master Plan. A small portion of the parking lot at the northeast corner of the site lies within LUD #3 (Recreation), where parking incidental to residential use is not a recommended use by the LUGs. Staff recommends negative two (-2) points for the parking area in the northeast corner of the site not complying with the recommended Recreation use of LUD #3.
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	Density/Intensity	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		Under density
4/R	Mass	5x (-2>-20)		Under mass
5/A	Architectural Compatibility	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)	0	The proposed architecture contain varying depths and functional architectural elements that create visual interest and pedestrian scale appropriate for the two large buildings. The design diminishes the perceived visual massing of the buildings via the use of pedestrian scale materials, varying exterior wall planes, and a varying color scheme. The porch roofs over secondary entrances enhance livability for occupants entering and exiting the building in inclement weather, and enhance pedestrian character and orientation by identifying entrances as viewed from Airport Rd. Although the buildings are identical to each other, staff finds they are not excessively similar to each other because of their differing orientation to Airport Rd. and adjacent properties. With the exception of the roof, the proposed architecture shares many components with other large structures in the area.
6/A	Building Height	Complies		
6/R	Relative Building Height - General Provisions For all structures except Single Family and Duplex Units outside the Historic District	1X(-2,+2)		
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)	- 15	Recommended: 2 stories (26') max. per LUGs Proposed: 3 stories, (42')
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges For all Single Family and Duplex/Multi-family Units outside the Conservation District	1x(+1/-1)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)	- 4	Staff recommends negative four (-4) points under this Policy for creating flat, benched building pads and for filling the majority of the site, with up to 4.5 ft. of fill.

7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)	0	155 trees are specified to be removed. The landscape plan proposes 46 new trees. The plan also specifies the location and proposed to retain approximately 25 existing trees in the northernmost portion of the site. The preservation of these existing trees will provide sufficient buffering and screening for the proposed development from the Kingdom Park Townhome property adjacent to the north. The site plan specifies evergreen screening along the western, southern, and eastern boundaries. Staff finds the proposed landscaping sufficiently replaces the loss of screening and buffering.
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	Ridgeline and Hillside Development	Complies		
9/A	Placement of Structures	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)	- 3	Recommended: Front: 15 ft. Side: 5 ft. Rear: 15 ft. Proposed: Front: 11.3 ft. (does not comply) Side (North): 86 ft. Side (South/East): 8.5 ft. Rear: None
12/A	Signs	Complies		
13/A	Snow Removal/Storage	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		Required: 4,464 sq. ft. (25%) Proposed: 4,623 sq. ft. (25.9%)
14/A	Storage	Complies		
14/R	Storage	2x(-2/0)		Recommended: 2,550 sq. ft. (5%) Proposed: 2,550 sq. ft. (5%)
15/A	Refuse	Complies		The plans specify a 196 sq. ft. dumpster enclosure building at the southwest corner of the parking lot. This location will allow for functional access and backing movements for waste management trucks. The dumpster enclosure meets all of the requirements from Town Code 5-6-4 Specifications for Approved Private Trash Enclosure.
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	Internal Circulation	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)	0	The site plan shows all off-street parking for the apartment building occupants to be accessed via the vacated Rankin Avenue right-of-way. An Access Easement will need to be platted on Parcel BR for the benefit of Lot 4, encompassing the existing paved roadway of the former Rankin Ave, in order for the apartments to have proper access. The site plan specifies ample walkways throughout the site, connecting the parking areas, buildings, and existing Airport Rd. sidewalks.
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		

17/A	External Circulation	Complies		
18/A	Parking	Complies	FAILS	71 spaces proposed, 71 required. The 13 spaces proposed on Lot BR are not on the same property as the residential units they are intended to serve. As such, the proposed parking fails Policy 18/A.
18/R	Parking - General Requirements	1x(-2/+2)		
18/R	Parking-Public View/Usage	2x(-2/+2)		
18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)	+1	All off-street parking is proposed to share access to Airport Rd. with the Justice Center campus via the existing driveway (former Rankin Avenue right-of-way).
18/R	Parking - Downtown Service Area	2x(-2/+2)		
19/A	Loading	Complies		
20/R	Recreation Facilities	3x(-2/+2)	+3	The site plan specifies a trail on the northernmost area of the site, running east west across the site.
21/R	Open Space - Private Open Space	3x(-2/+2)	0	Required: 30% of site Proposed:48.6% of site
21/R	Open Space - Public Open Space	3x(0/+2)		
22/A	Landscaping	Complies		
22/R	Landscaping	2x(-1/+3)	0	The landscape plan will provide some public benefit. Proposed: (16) 2.5" caliper Aspen trees (26) 8 ft. tall Spruce and Fir trees (4) evergreen trees
24/A	Social Community	Complies		
24/A	Social Community / Above Ground Density 12 UPA	(-3>-18)		
24/A	Social Community / Above Ground Density 10 UPA	(-3>-6)		
24/R	Social Community - Employee Housing	1x(-10/+10)	+10	100% of project density is deed restricted employee housing.
24/R	Social Community - Community Need	3x(0/+2)	+6	Meets 2021 Council Goal.
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
5/R	Social Community - Conservation District	3x(-5/0)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Primary Structures - Historic Preservation/Restoration - Benefit	+1/3/6/9/12		
24/R	Social Community - Secondary Structures - Historic Preservation/Restoration - Benefit	+1/2/3		
24/R	Social Community - Moving Primary Structures	-3/10/15		
24/R	Social Community - Moving Secondary Structures	-3/10/15		
24/R	Social Community - Changing Orientation Primary Structures	-10		
24/R	Social Community - Changing Orientation Secondary Structures	-2		
24/R	Social Community - Returning Structures To Their Historic Location	+2 or +5		
25/R	Transit	4x(-2/+2)		
26/A	Infrastructure	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	Drainage	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	Utilities - Power lines	Complies		
29/A	Construction Activities	Complies		
30/A	Air Quality	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	Water Quality	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	Water Conservation	Complies		
33/R	Energy Conservation			
	New Structures; Percent Energy Saved Beyond Adopted Residential Energy Code Standard			
33/R	Obtaining a HERS index	+1		
33/R	20-39%	+2		
33/R	40-59%	+3		
33/R	60-79%	+4		
33/R	80-99%	+5		
33/R	100%+	+6		

	Commercial Buildings - % energy saved beyond the IECC minimum standards			
33/R	Savings of 10%-19%	+1		
33/R	Savings of 20%-29%	+3		
33/R	Savings of 30%-39%	+4		
33/R	Savings of 40%-49%	+5		
33/R	Savings of 50%-59%	+6		
33/R	Savings of 60%-69%	+7		
33/R	Savings of 70%-79%	+8		
33/R	Savings of 80% +	+9		
33/R	Heated driveway, sidewalk, plaza, etc.	1X(-3/0)		
33/R	Outdoor commercial or common space residential gas fireplace (per fireplace)	1X(-1/0)		
33/R	Large Outdoor Water Feature	1X(-1/0)		
	Other Design Feature	1X(-2/+2)		
33/R	10 or more additional EV Capable spaces over the required minimum as determined in the IECC.	1	+1	The Housing Division has submitted the attached memorandum committing to installing three (3) additional EVSE Installed parking spaces over the required minimum as determined in the IECC, and 10 additional EV Capable spaces over the required minimum as determined in the IECC. Staff recommends positive three (+3) and positive one (+1) points for these installations, respectively, for a total of positive four (+4) points under this Policy.
33/R	Three (3) additional EVSE Installed parking spaces over the required minimum as determined in the IECC.	+3	+3	
34/A	Hazardous Conditions	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	Subdivision	Complies		Prior to completion of the development, a Town Project Subdivision Permit application and lot line adjustment plat is required to be approved by the Town and recorded, combining the portion of Remainder of Government Lot 47 with Lot 4.
36/A	Temporary Structures	Complies		
37/A	Special Areas	Complies		
37/R	Special Areas - Community Entrance	4x(-2/0)		
37/R	Special Areas - Individual Sites	3x(-2/+2)		
37/R	Special Areas - Blue River	2x(0/+2)		
37R	Special Areas - Cucumber Gulch/Setbacks	2x(0/+2)		
37R	Special Areas - Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
38/A	Home Occupation	Complies		
38.5/A	Home Childcare Businesses	Complies		
39/A	Master Plan	Complies		
40/A	Chalet House	Complies		
41/A	Satellite Earth Station Antennas	Complies		
42/A	Exterior Loudspeakers	Complies		
43/A	Public Art	Complies		
43/R	Public Art	1x(0/+1)		
44/A	Radio Broadcasts	Complies		
45/A	Special Commercial Events	Complies		
46/A	Exterior Lighting	Complies		Staff has not received any exterior lighting information. No exterior lighting is recommended for approval at this time.
47/A	Fences, Gates And Gateway Entrance Monuments	Complies		
48/A	Voluntary Defensible Space	Complies		
49/A	Vendor Carts	Complies		
50/A	Wireless Communications Facilities	Complies		

TOWN OF BRECKENRIDGE

Justice Center Employee Housing Apartments
Lot 4, Block 1, Parkway Center Subdivision Amendment No. 1., Remainder of Government Lot 47
PL-2022-0039

FINDINGS

1. This project is “Town Project” as defined in Section 9-4-1 of the Breckenridge Town Code because it involves the planning and design of a public project.
2. The process for the review and approval of a Town Project as described in Section 9-14-4 of the Breckenridge Town Code was followed in connection with the approval of this Town Project.
3. The Planning Commission reviewed and considered this Town Project at a Work Session on **April 19, 2022**. In connection with its review of this Town Project, the Planning Commission scheduled and held a public hearing on **July 19, 2022**, notice of which was published on the Town’s website for at least five (5) days prior to the hearing as required by Section 9-14-4B of the Breckenridge Town Code. In addition to posting on the Town’s website, notice of the planning commission’s public hearing on a proposed town project shall be given in the same manner as is required for a final hearing on a Class A development permit application pursuant to chapter 1 of this title. Failure of a person to receive the notice described in this section shall not impair the validity of the planning commission’s public hearing on a proposed town project, or the planning commission’s recommendation to the town council with respect to such proposed town project. Because the process of reviewing and approving a town project is discretionary and administrative, and not quasi-judicial, any member of the town council may properly attend the planning commission’s public hearing(s) and deliberations with respect to a proposed town project. At the conclusion of its public hearing, the Planning Commission recommended approval of this Town Project to the Town Council.
4. The Town Council’s final decision with respect to this Town Project was made at the regular meeting of the Town Council that was held on **July 26, 2022**. This Town Project was listed on the Town Council’s agenda for the **July 26, 2022** agenda that was posted in advance of the meeting on the Town’s website. Before making its final decision with respect to this Town Project, the Town Council accepted and considered any public comment that was offered.
5. Before approving this Town Project the Town Council received from the Director of the Department of Community Development, and gave due consideration to, a point analysis for the Town Project in the same manner as a point analysis is prepared for a final hearing on a Class A development permit application under the Town’s Development Code (Chapter 1 of Title 9 of the Breckenridge Town Code).
6. The Town Council finds and determines that the Town Project is necessary or advisable for the public good, and that the Town Project shall be undertaken by the Town.
7. Per Town Code Section 9-14-2 *Town Council Authority Over Town Projects*, the Town Council has the authority, in its sole discretion, has the sole and final authority to determine all aspects of the town project, including but not limited to, its location and design. Chapters 1, 3 and 12 of this title and the town of Breckenridge land use guidelines do not apply to town projects, but town projects shall be processed instead in accordance with the provisions of this chapter.
8. The project will not have a significant adverse environmental impact or demonstrative negative aesthetic effect.
9. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives which would have less adverse environmental impact.

10. **The development includes 13 parking spaces on Parcel BR which are an equivalency to Policy 18/A Parking because the total proposed parking spaces for the project effectively meets the intent and purpose of the Policy 18/A Parking requirements.**

CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit expires three years from date of issuance, on **July 26, 2025**, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be three years, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. Applicant shall not place a temporary construction on site until a building permit for the project has been issued.
7. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
8. Driveway culverts shall be 18 inch heavy duty corrugated polyethylene pipe with flared end sections and a minimum of 12 inches of cover over the pipe. Applicant shall be responsible for any grading necessary to allow the drainage ditch to flow unobstructed to and from the culvert.
9. At the point where the driveway opening ties into the road, the driveway shall continue for five feet at the same cross slope grade as the road before sloping to the development. This is to prevent snow plow equipment from damaging the new driveway pavement.
10. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.

PRIOR TO ISSUANCE OF BUILDING PERMIT

11. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
12. Applicant shall provide plans stamped by a registered professional engineer licensed in Colorado, to the Town Engineer for all retaining walls over four feet in height.

13. Applicant shall identify all existing trees that are specified on the site plan to be retained by erecting temporary fence barriers around the trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers, and dirt and construction materials or debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Occupancy.
14. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
15. Applicant shall install construction fencing and erosion control measures in a manner acceptable to the Town Engineer. An onsite inspection shall be conducted.
16. Applicant shall submit a 24"x36" mylar copy of the final site plan, as approved by the Planning Commission at Final Hearing, and reflecting any changes required. The name of the architect, and signature block signed by the property owner of record or agent with power of attorney shall appear on the mylar.
- 17. A Right of Way Permit shall be issued by the Town Engineer.**
- 18. No exterior lighting is approved with this permit. Any exterior lighting fixtures and a photometric plan must be approved by the Town and comply with the Town's Exterior Lighting and Off Street Parking Chapters. All proposed lights shall be fully cut off fixtures and shall be at or below the maximum lumens and Kelvins per fixture. All fixture locations shall meet the restrictions for height above grade, residential (<15'), or (<10' pedestrian paths). The photometric shall show the estimated foot-candle levels with maximum and average illumination of emitted light below two-tenths (2/10) foot-candle at the property lines except areas where drive lanes are present.**
- 19. An Access Easement shall be recorded across Parcel BR through the former Rankin Ave., benefiting and provide access to Lot 4R. The Access Easement shall be in a form acceptable to the Town Attorney.**
- 20. The final plans shall specify three (3) additional EVSE Installed parking spaces over the required minimum as determined in the IECC, and 10 additional EV Capable spaces over the required minimum as determined in the IECC.**

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

- 21. A Parking Easement for the 13 parking spaces along Rankin Ave. on Parcel BR shall be recorded, with Lot 4R as the beneficiary of the Parking Easement. The Easement boundary shall be limited to 13 parking spaces along Rankin Ave. The Parking Easement shall be in a form acceptable to the Town Attorney.**
- 22. No signage is approved with this application. Any proposed signage is required to be reviewed through a separate Sign Permit application.**
- 23. The applicant shall install three (3) additional EVSE Installed parking spaces over the required minimum as determined in the IECC, and 10 additional EV Capable spaces over the required minimum as determined in the IECC. The applicant shall record a Restrictive Covenant and Agreement with the Summit County Clerk and Recorder, in a form acceptable to the Town Attorney, requiring these spaces to be maintained on the property in perpetuity.**

24. Applicant shall revegetate all disturbed areas where revegetation is called for, with a minimum of 2 inches topsoil, seed and mulch.
25. Applicant shall paint all flashing, vents, flues, rooftop mechanical equipment and utility boxes on the building a flat, dark color or to match the building color.
26. Applicant shall screen all utilities.
27. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward. Exterior lighting, including lighting in the building's soffit, shall not exceed 15 feet in height from finished grade for residential, 7 feet above upper decks, or 10 feet in height in a ceiling over upper deck (1 foot of additional height allowed for every 5 feet light fixture is from eave overhang).
28. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.
29. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations.
30. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions" generally means that work can not be done due to excessive snow and/or frozen ground. **As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.**
31. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.

(Initial Here)

From: [Laurie Best](#)
To: [Chapin LaChance](#)
Cc: [Julia Puester](#); [Christopher McGinnis](#)
Subject: Justice Center Town Project
Date: Thursday, July 14, 2022 11:29:42 AM

Chapin

Please note that the Town will provide 3 EVSE (installed charging stations) and 10 EV capable stations above the EVSEs and EV capable stations required by the building department. I understand that increasing the number above the building code requirement will result in positive 4 points for the project.

Thanks for your help.

JUSTICE CENTER EMPLOYEE HOUSING APARTMENTS

BRECKENRIDGE, COLORADO

SHEET INDEX

G000 COVER SHEET

ARCHITECTURAL

- A100 RENDERINGS & STREETSCAPES
- A100.01 RENDERINGS & STREETSCAPES
- A100.02 RENDERING & STREETSCAPES
- A101 OVERALL FLOOR PLAN - LEVEL 1
- A102 OVERALL FLOOR PLAN - LEVEL 2
- A103 OVERALL FLOOR PLAN - LEVEL 3
- A104 SOLAR PANEL ARRAY/ROOF PLAN
- A105 CARPORT FLOOR PLAN
- A106 TRASH ENCLOSURE FLOOR PLAN
- A201 APARTMENT ELEVATIONS - BUILDING 1
- A202 APARTMENT ELEVATIONS - BUILDING 1
- A203 APARTMENT ELEVATIONS - BUILDING 2
- A204 APARTMENT ELEVATIONS - BUILDING 2
- A205 CARPORT ELEVATIONS
- A206 TRASH ENCLOSURE ELEVATIONS
- A301 CARPORT SECTION



EVstudio

Denver, CO
Evergreen, CO
Meridian, ID

303.670.7242

inspections@evstudio.com
design@evstudio.com
www.evstudio.com

Contact:
Dean Dalvit
Dean@evstudio.com
303.670.7242 ex 14

JUSTICE CENTER EMPLOYEE
HOUSING APARTMENTS
BRECKENRIDGE, COLORADO

10_21015



COPYRIGHT 2022

This document is an instrument of service, and as such, remains the property of the Architect. Permission for use of this document is limited and can be rescinded at any time.

REVISION:

Project Status

DATE: 07/12/2022
DRAWN BY: GN
CHECKED BY: CD



DEVELOPER

DESIGN TEAM



5335 W. 48th, Suite 300
Denver, CO 80212
(303) 670 - 7242

CIVIL ENGINEERING
Brian Welch, PE

ARCHITECTURE
Dean Dalvit, AIA

STRUCTURAL ENGINEERING
Jim Houlette, PE

MEP ENGINEERING
Shane Donalson, PE

CONTRACTOR



5069 SILVER PEAK AVE.
SUITE 1 DACONG, CO 80514
(303) 444 - 1044

COVER SHEET
G000

LOT 4 AIRPORT ROAD WORKFORCE HOUSING



303.670.7242
design@evstudio.com
inspection@evstudio.com
www.evstudio.com

Contact:
Brian Welch, PE
brian.welch@evstudio.com
303.670.7242 x50



FOR MARKING OF UNDERGROUND MEMBER UTILITIES.
EVERYONE SHARES THE RESPONSIBILITY FOR UTILITY LOCATION. THE UTILITIES SHOWN ON THIS DRAWING WERE LOCATED BY THE BEST AVAILABLE INFORMATION. IT IS HOWEVER, THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

GENERAL NOTES:

- ALL GRADING AND PAVING WORK WITHIN RIGHT-OF-WAY OF THE TOWN OF BRECKENRIDGE MUST COMPLY WITH THE SPECIFICATIONS OF THE TOWN OF BRECKENRIDGE.
- ALL UTILITY WORK WITHIN RIGHT-OF-WAY AND EASEMENTS MUST COMPLY WITH THE SPECIFICATIONS OF THE TOWN OF BRECKENRIDGE AND THE APPROPRIATE UTILITY PROVIDER.
- THE CONTRACTOR SHALL NOT DEVIATE FROM THE PLANS WITHOUT FIRST OBTAINING WRITTEN APPROVAL FROM THE OWNER AND THE ENGINEER. THE CONTRACTOR SHALL CONTACT THE ENGINEER IMMEDIATELY UPON DISCOVERY OF ANY ERRORS OR INCONSISTENCIES.
- IF, DURING THE CONSTRUCTION PROCESS, CONDITIONS ARE ENCOUNTERED WHICH COULD INDICATE THAT AN UNIDENTIFIED SITUATION IS PRESENT, THE CONTRACTOR SHALL CONTACT THE ENGINEER IMMEDIATELY.
- THE EXISTING UTILITY LOCATIONS SHOWN ON THE PLANS ARE APPROXIMATE AND MAY NOT INCLUDE ALL LINES PRESENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING THE UTILITY NOTIFICATION CENTER OF COLORADO AT 811 AND COORDINATING FIELD LOCATIONS OF EXISTING UNDERGROUND UTILITIES PRIOR TO BEGINNING GRADING AND UTILITY WORK.
- LOCATION AND ELEVATIONS OF IMPROVEMENTS TO BE MET (OR AVOIDED) BY WORK TO BE DONE SHALL BE CONFIRMED BY THE CONTRACTOR THROUGH FIELD EXPLORATIONS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL REPORT TO THE ENGINEER ANY DISCREPANCIES BETWEEN HIS MEASUREMENTS AND THESE PLANS.
- THE LIMITS OF CONSTRUCTION SHALL REMAIN WITHIN THE PROPERTY LINE UNLESS OTHERWISE NOTED. THE OWNER/DEVELOPER MUST OBTAIN THE WRITTEN PERMISSION OF THE ADJACENT PROPERTY OWNER(S) PRIOR TO ANY OFF-SITE GRADING OR CONSTRUCTION.
- A PLAN FOR TRAFFIC CONTROL DURING CONSTRUCTION SHALL BE SUBMITTED BY THE CONTRACTOR TO THE TOWN FOR APPROVAL WITH THE PERMIT APPLICATION. A STREET CUT OR PUBLIC IMPROVEMENTS CONSTRUCTION PERMIT WILL NOT BE ISSUED WITHOUT AN APPROVED TRAFFIC CONTROL PLAN FOR TRAFFIC CONTROL DURING CONSTRUCTION.
- THE CONTRACTOR SHALL PRESERVE ALL SURVEY CONTROL.
- ALL WORK AND MATERIALS SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE OWNER OR THE OWNER'S REPRESENTATIVE.
- ALL WORK SHALL CONFORM TO APPLICABLE LOCAL, STATE, AND FEDERAL LAWS AND REGULATIONS.
- ALL ESTIMATES OF QUANTITIES SHALL BE VERIFIED BY THE CONTRACTOR / SUBCONTRACTOR WHO SHALL BE RESPONSIBLE FOR DETERMINING ALL QUANTITIES AND PROVIDING THE WORK AND MATERIALS AS SHOWN ON THESE PLANS.
- THE CONTRACTOR IS RESPONSIBLE FOR THE SAFETY OF ALL PERSONNEL, ALL SITE VISITORS, AND THE GENERAL PUBLIC WHO MAY BE AFFECTED BY THE CONSTRUCTION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ANY DAMAGE TO EXISTING IMPROVEMENTS AND LANDSCAPING CAUSED BY CONSTRUCTION ACTIVITIES, TO EQUAL OR BETTER CONDITIONS.
- THE CONTRACTOR SHALL REMOVE ALL DEBRIS RESULTING FROM WORK UNDER THIS CONTRACT TO AN APPROVED DUMP SITE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING THE ENGINEER WITH A MARKED SET OF CONSTRUCTION DRAWINGS SHOWING ALL CHANGES MADE DURING CONSTRUCTION.
- THE CONTRACTOR SHALL COORDINATE WITH THE RESPECTIVE UTILITY COMPANIES PRIOR TO REMOVAL AND/OR RELOCATION OF UTILITIES. THE CONTRACTOR SHALL COORDINATE WITH THE UTILITY COMPANY CONCERNING PORTIONS OF WORK WHICH MUST BE PERFORMED BY THE UTILITY COMPANY'S FORCES.
- EXCEPT WHERE OTHERWISE PROVIDED FOR IN THESE PLANS AND ASSOCIATED PROJECT MANUAL, COLORADO DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION, SHALL APPLY TO CIVIL WORK.
- EXCEPT FOR MATERIALS DESIGNED TO BE RELOCATED ON THIS PLAN, ALL OTHER CONSTRUCTION MATERIALS SHALL BE NEW.
- DIMENSIONS SHOWN ON THE PLANS ARE TO FACE OF CURB LINE IN CURBED AREA, EXTERIOR FACE OF BUILDING AND TO CENTERLINE OF UTILITIES, UNLESS OTHERWISE SPECIFIED.
- USE THE DIMENSIONS THAT ARE GIVEN. DO NOT SCALE DRAWINGS. INFORM ENGINEER OF ALL DISCREPANCIES AND MISSING INFORMATION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ADJACENT PARCELS DURING ALL HOURS OF OPERATION FOR THE BUSINESSES LOCATED ON THOSE PARCELS.
- CONTRACTOR TO OBTAIN TEMPORARY POWER, TELEPHONE AND WATER FOR THE SITE AS NEEDED.
- CONTRACTOR TO REFER TO DRAWINGS ISSUED BY THE ARCHITECT TO ENSURE COORDINATION OF EXACT LOCATION AND DIMENSIONS OF BUILDING EXITS, RAMPS, TRUCK DOCKS, AND UTILITY ENTRANCE LOCATIONS. NOTIFY ARCHITECT OF ALL DISCREPANCIES.
- CONTRACTOR TO OBTAIN ALL PERMITS REQUIRED FOR CONSTRUCTION THAT HAVE NOT BEEN OBTAINED BY THE ENGINEER OR THE OWNER.



VICINITY MAP



Sheet List Table	
Sheet Number	Sheet Title
T001	COVER SHEET
C301	SITE PLAN
C401	GRADING PLAN
C402	SECTION VIEWS
C403	SECTION VIEWS
C501	UTILITY PLAN
L1	LANDSCAPE PLAN

OWNER

TOWN OF BRECKENRIDGE
150 9th HILL RD
BRECKENRIDGE, CO. 80424
(970)453-2251

CIVIL ENGINEER/CONSULTANT

EVSTUDIO
5335 W. 48TH AVENUE SUITE 300
DENVER, CO 80212
CONTACT: BRIAN WELCH P.E.
PHONE: (303) 670-7242
EMAIL: brian.welch@evstudio.com

WATER

BRECKENRIDGE WATER DEPARTMENT
150 9th HILL RD
BRECKENRIDGE, CO 80424
(970)453-3190

SEWER

UPPER BLUE SANITATION DISTRICT
1605 AIRPORT RD
BRECKENRIDGE, CO 80424
(970)453-2723

FIRE

RED WHITE & BLUE FIRE DISTRICT COMPANY
316 N MAIN ST
BRECKENRIDGE, CO 80424

ELECTRIC

XCEL ENERGY
500 15TH ST
DENVER, CO 80202
(303)771-7511

LANDSCAPING

EVSTUDIO
5335 W. 48TH AVENUE SUITE 300
DENVER, CO 80212
CONTACT: BRIAN WELCH P.E.
PHONE: (303) 670-7242
EMAIL: brian.welch@evstudio.com

COMMUNICATIONS

ALLO FIBER
105 JEFFERSON AVE
BRECKENRIDGE, CO 80424
(970)771-4550

LOT 4 AIRPORT ROAD
WORKFORCE HOUSING
AIRPORT ROAD & RANKIN AVENUE
10 21015

COPYRIGHT 2022

This document is the property of EVstudio and no part of it may be reproduced or transmitted in any form or by any means electronic, mechanical, photocopying, recording, or by any information storage and retrieval system without the prior written permission of EVstudio, LLC.

REVISION:

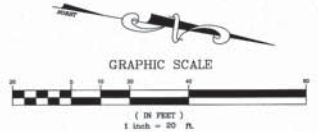
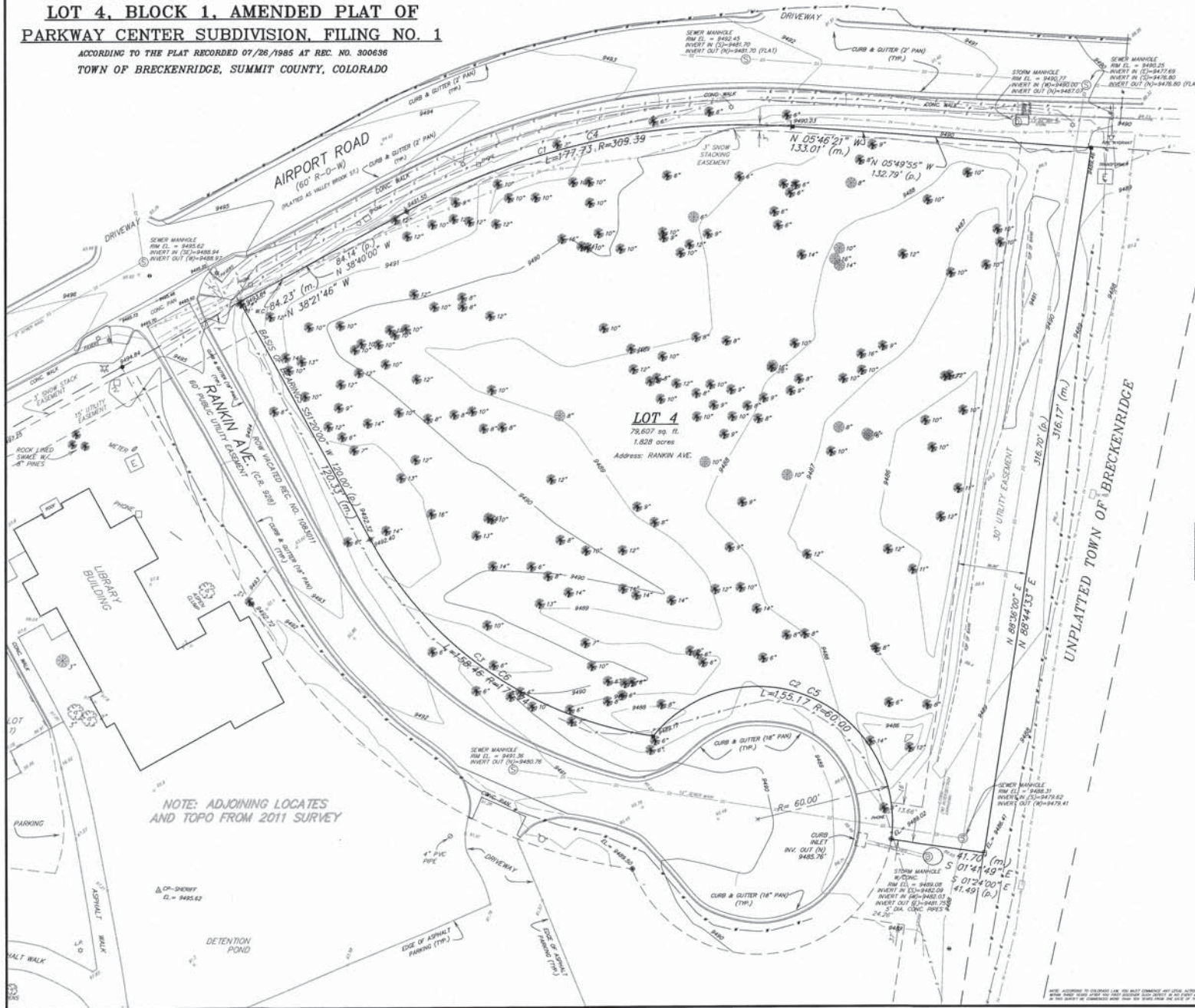
CONSTRUCTION DRAWINGS
DATE: 07/12/2022
DRAWN BY: BWS
CHECKED BY: BMW

COVER SHEET

T001

AN IMPROVEMENT SURVEY PLAT AND TOPOGRAPHIC MAP OF
**LOT 4, BLOCK 1, AMENDED PLAT OF
 PARKWAY CENTER SUBDIVISION, FILING NO. 1**

ACCORDING TO THE PLAT RECORDED 07/26/1985 AT REC. NO. 300636
 TOWN OF BRECKENRIDGE, SUMMIT COUNTY, COLORADO



ELEVATIONS BASED ON U.S.G.S. SEA LEVEL DATUM (1929)
 DATE OF ORIGINAL TOPO. FIELD SURVEY: NOV. 2000 AND 8/30/2011
 DATE OF UPDATED TOPO. FIELD SURVEY: NOVEMBER & DECEMBER 2021
 CONTOUR INTERVAL = ONE FOOT

LEGEND

- ◆ FOUND NO. 4 REBAR & ALUMINUM CAP (PLS 15242/BARNES) WITNESS CORNER
- FOUND NO. 4 REBAR & RED PLASTIC CAP (PLS 9336/MCHENRY)
- FOUND REBAR & RED PLASTIC CAP (PLS 30098/SULLANS)
- FOUND NO. 4 REBAR
- FOUND REBAR & ALUMINUM CAP (PLS 33655)
- 8" PINE TREE WITH TRUNK DIAMETER LOCATED ALL TREES 12" & LARGER
- 10" ASPEN TREE WITH TRUNK DIAMETER INCLUDING ALL SPRUCE AND ASPEN TREES
- SPRUCED TREE WITH TRUNK DIAMETER
- 12" WATER VALVE □ UTILITY PEDESTAL
- 10" FIRE HYDRANT □ LIGHT POLE
- 10" RANDOM SURVEY CONTROL POINT
- 16.5' SPOT ELEVATION
- PLATTED COURSE
- MEASURED COURSE
- UNDERGROUND ELECTRIC LINE
- UNDERGROUND WATER LINE
- UNDERGROUND GAS LINE
- UNDERGROUND SANITARY SEWER LINE
- UNDERGROUND PHONE LINE
- UNDERGROUND TV (FIBER OPTIC) LINE

CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1 (p)	308.34'	172.50'	174.83'	N 27°14'58" W	32°50'35"
C2 (p)	60.00'	157.09'	115.91'	S 13°36'18" W	150°00'32"
C3 (p)	171.74'	158.06'	152.54'	S 24°58'01" W	29°43'58"
C4 (m)	308.33'	172.73'	175.29'	N 27°19'18" W	32°54'14"
C5 (m)	60.00'	157.11'	115.40'	S 13°36'02" W	148°01'22"
C6 (m)	171.74'	158.46'	152.90'	S 24°56'22" W	29°31'55"

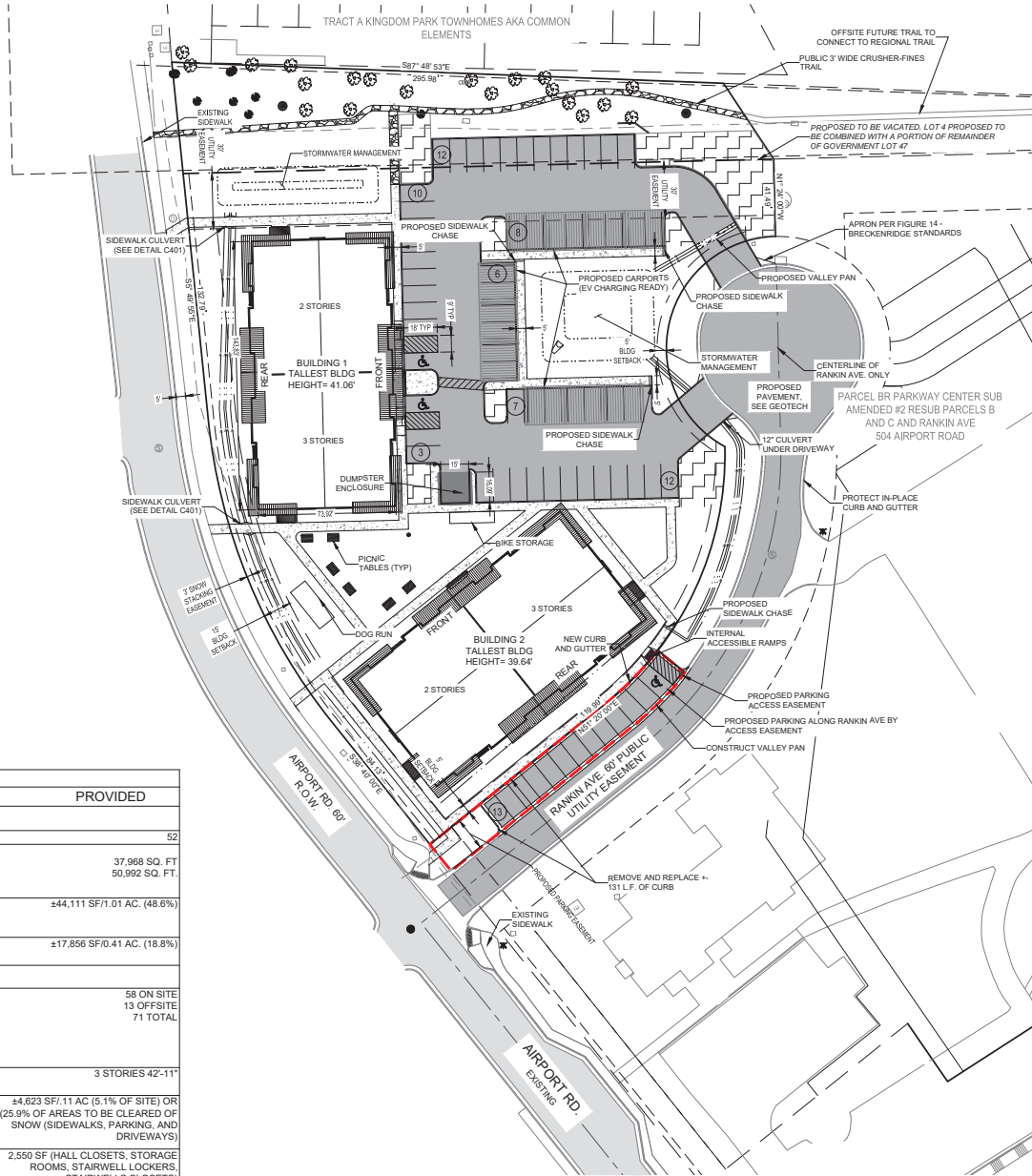
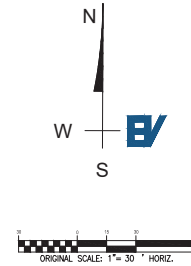
SURVEYOR'S CERTIFICATE

I, ROBERT E. JONES, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT AND SURVEY WERE PREPARED BY ME AND UNDER MY SUPERVISION AND THAT THEY ARE ACCURATE TO THE BEST OF MY KNOWLEDGE.
 DATED THIS 20th DAY OF DECEMBER, 2021.
 SIGNATURE: *Robert E. Jones*
 ROBERT E. JONES
 COLORADO REGISTRATION NO. 26292



Drawn TCB/RLU	Dwg L074TP-2021	Project 20794
Checked RRU	Date 12/17/2021	Sheet 1 of 1
RANGEWEST ENGINEERS & SURVEYORS, INC.		
P.O. Box 589 Silverthorne, CO 80498 970-468-6281		

LOT 4 AIRPORT ROAD WORKFORCE HOUSING



- LEGEND**
- PROPERTY BOUNDARY
 - LOT BOUNDARY
 - EASEMENT
 - PROPOSED ACCESS EASEMENT
 - PROPOSED CONCRETE WALK
 - SNOW STORAGE AREA
 - EXISTING ASPHALT
 - PROPOSED ASPHALT
 - TRAIL
 - EXISTING FIRE HYDRANT
 - ADA PARKING SPOT
 - TREES TO REMAIN IN LANDSCAPE (ALL TREES ARE EXISTING)
 - EXISTING SANITARY MANHOLE

Curve Table			
Curve #	Length	Radius	Delta
C1	177.30	309.390	32° 50' 05"
C3	157.09	60.000	150° 00' 32"

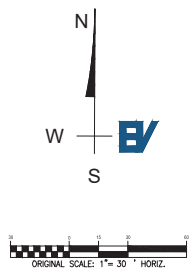
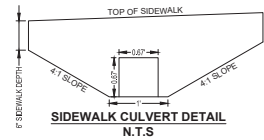
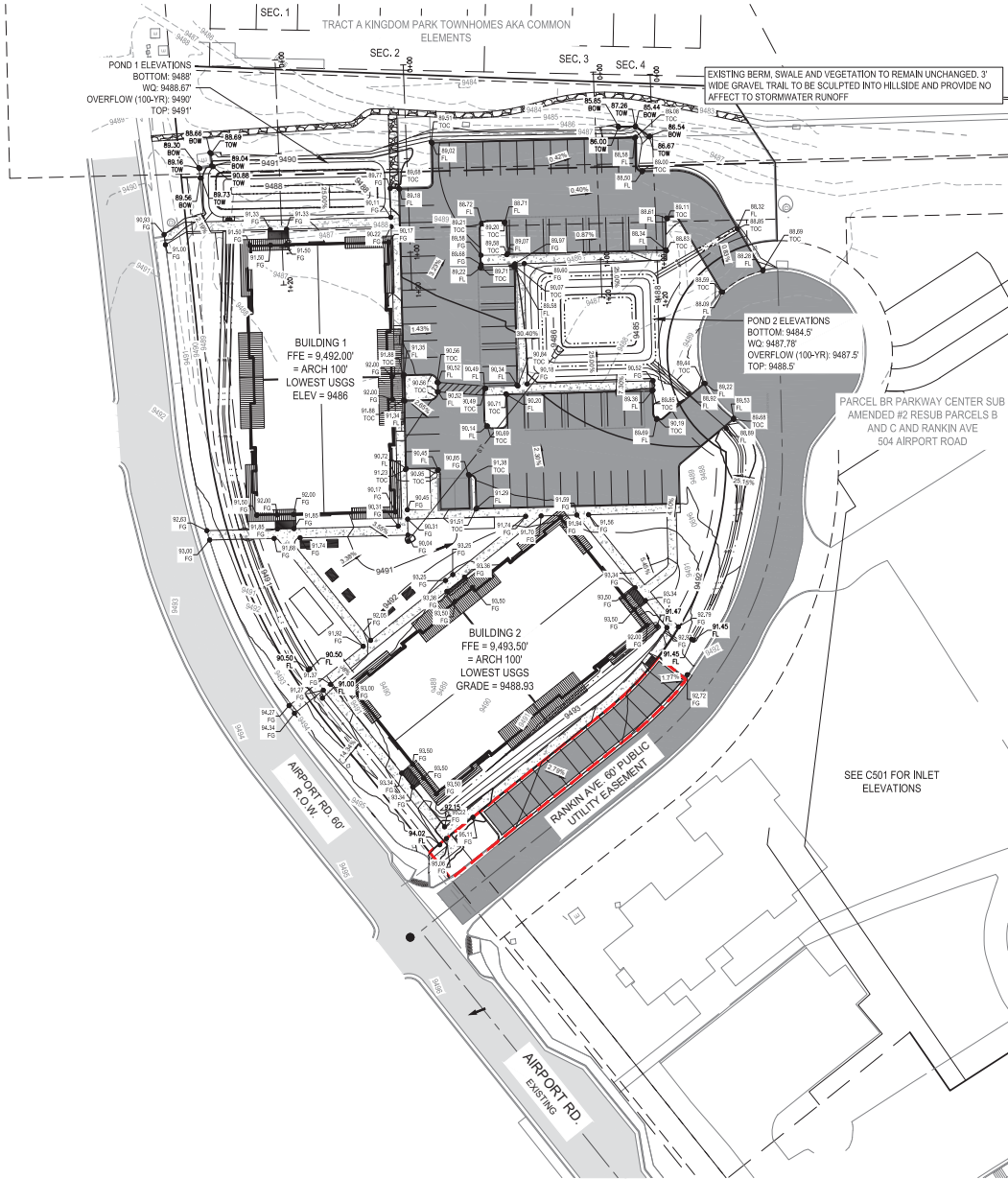
SITE DATA		
	REQUIRED/ALLOWED	PROVIDED
LOT SIZE	90,769 SF / 2.084 AC.	
PROPOSED UNITS		52
BUILDING AREAS (9-1-19-3R) DENSITY (9-1-19-4R) BLDG MASS	33,528 MAX. 50,992 MAX.	37,968 SQ. FT 50,992 SQ. FT.
OPEN SPACE (9-1-19-21R)	30% OF SITE MIN.	±44,111 SF/1.01 AC. (48.6%)
DRIVE/PARKING AREA		±17,856 SF/0.41 AC. (18.8%)
OFF-STREET PARKING (9-1-19-18R)	(14) STUDIO X 1 = 14 (28) 1-BEDROOM X 1.5 = 42 (10) 2-BEDROOM X 1.5 = 15 REQUIRED: 71 MIN	58 ON SITE 13 OFFSITE 71 TOTAL
BUILDING HEIGHT (9-1-19-6R)	2 STORIES (26 FT. MAX)	3 STORIES 42'-11"
SNOW STORAGE AREA (9-1-19-13R)	25% OF SIDEWALKS, PARKING, AND DRIVEWAYS	±4,623 SF/1.11 AC (5.1% OF SITE) OR (25.9% OF AREAS TO BE CLEARED OF SNOW (SIDEWALKS, PARKING, AND DRIVEWAYS))
INTERIOR STORAGE	50,174 SF BUILDING AREA X 0.05 = 2,509 SF RECOMMENDED	2,550 SF (HALL CLOSETS, STORAGE ROOMS, STAIRWELL LOCKERS, STAIRWELLS CLOSETS)
CARPORT		(2) 21.3X83.9' (1) 21.3X85.2' 20 TOTAL STALLS

LOT 4 AIRPORT ROAD WORKFORCE HOUSING AIRPORT ROAD & RANKIN AVENUE 10 21015

SITE PLAN

C301

LOT 4 AIRPORT ROAD WORKFORCE HOUSING



EVstudio
Denver, CO
Evergreen, CO

303.670.7242
design@evstudio.com
inspection@evstudio.com
www.evstudio.com

Contact:
Brian Welch, PE
brian.welch@evstudio.com
303.670.7242 x50

UTILITY NOTIFICATION CENTER
The Promise

FOR MARKING OF UNDERGROUND MEMBER UTILITIES.
EVSTUDIO ASSUMES NO RESPONSIBILITY FOR UTILITY LOCATION. THE UTILITIES SHOWN ON THIS DRAWING WERE LOCATED BY THE CONTRACTOR USING THE UTILITY LOCATION INFORMATION. IT IS HOWEVER, THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

**LOT 4 AIRPORT ROAD
WORKFORCE HOUSING**
AIRPORT ROAD & RANKIN AVENUE
10 21015

COPYRIGHT 2022
This document is the property of EVstudio, Inc. and all contents are confidential. No part of this document may be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of EVstudio, Inc.

CONSTRUCTION DRAWINGS
DATE: 07/12/2022
DRAWN BY:
CHECKED BY:

GRADING PLAN

- LEGEND**
- 8520 --- EXISTING MAJOR CONTOUR
 - 8518 --- EXISTING MINOR CONTOUR
 - 8520 --- PROPOSED MAJOR CONTOUR
 - 8518 --- PROPOSED MINOR CONTOUR
 - SHEET FLOW DIRECTION
 - ▨ TRAIL

C401

LOT 4 AIRPORT ROAD WORKFORCE HOUSING



303.670.7242
design@evstudio.com
inspection@evstudio.com
www.evstudio.com

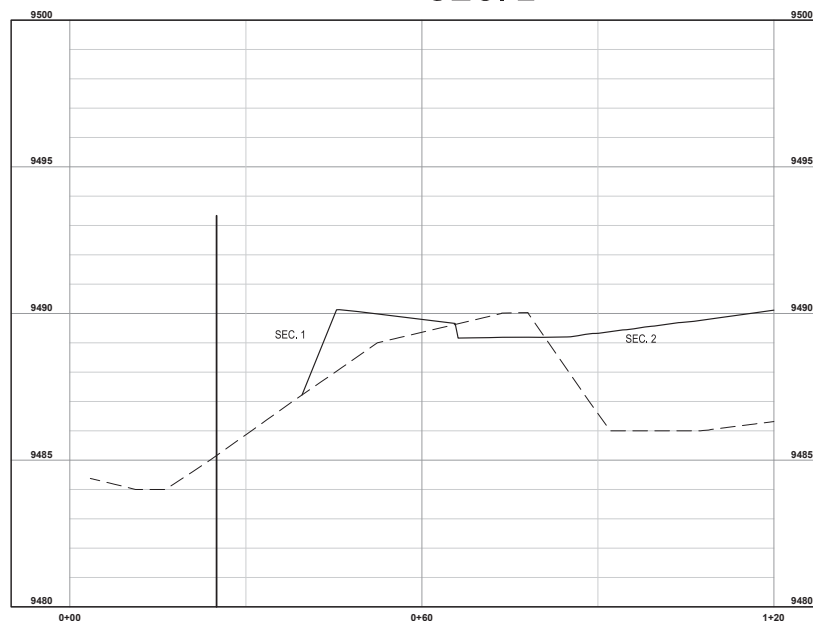
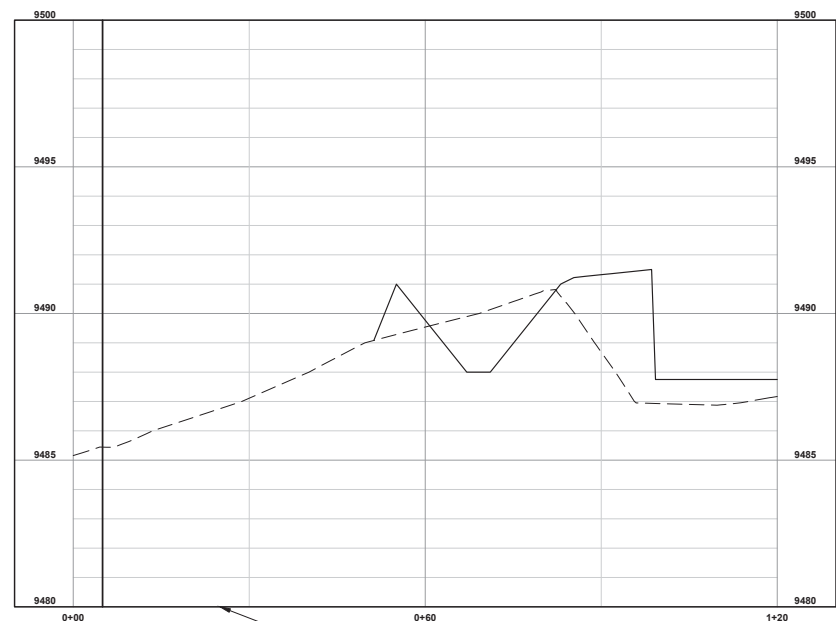
Contact:
Brian Welch, PE
brian.welch@evstudio.com
303.670.7242 x50



UTILITY NOTIFICATION CENTER
FOR MARKING OF UNDERGROUND MEMBER UTILITIES.
EVERYONE RESPONSIBLE FOR RESPONSIBILITY FOR UTILITY
LOCATION. THE UTILITIES SHOWN ON THIS DRAWING
WERE LOCATED BY THE BEST AVAILABLE
INFORMATION. IT IS HOWEVER, THE CONTRACTOR'S
RESPONSIBILITY TO CALL BEFORE THE LOCATION OF ALL
UTILITIES PRIOR TO CONSTRUCTION.

SEC. 1

SEC. 2



LOT 4 AIRPORT ROAD
WORKFORCE HOUSING
AIRPORT ROAD & RANKIN AVENUE
10 21015

SECTION VIEWS
HORIZ. SCALE 1" = 10'
VERT. SCALE 1" = 2'

COPYRIGHT 2022
This document is the property of E!studio, Inc. and all rights reserved. No part of this document may be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of E!studio, Inc.

REVISION:

CONSTRUCTION DRAWINGS
DATE: 07/12/2022
DRAWN BY:
CHECKED BY:

SECTION VIEWS

C402

LOT 4 AIRPORT ROAD WORKFORCE HOUSING



303.670.7242
design@evstudio.com
inspection@evstudio.com
www.evstudio.com

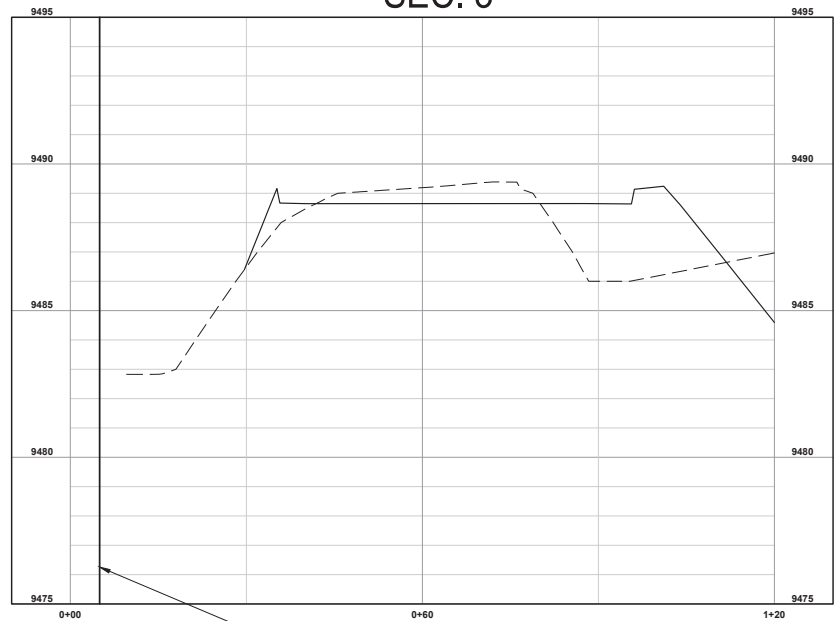
Contact:
Brian Welch, PE
brian.welch@evstudio.com
303.670.7242 x50



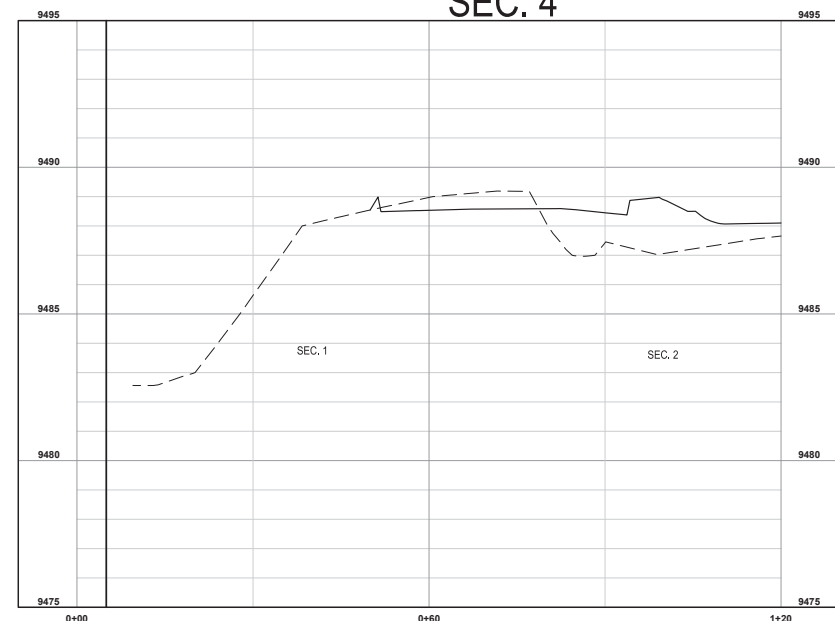
UTILITY NOTIFICATION CENTER
FOR MARKING OF UNDERGROUND MEMBER UTILITIES.
BY CONTRACTOR RESPONSIBILITY FOR UTILITY LOCATION, THE UTILITIES SHOWN ON THIS DRAWING WERE LOCATED BY THE BEST AVAILABLE INFORMATION. IT IS HOWEVER, THE CONTRACTOR'S RESPONSIBILITY TO CALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

LOT 4 AIRPORT ROAD
WORKFORCE HOUSING
AIRPORT ROAD & RANKIN AVENUE
10 21015

SEC. 3



SEC. 4



SECTION VIEWS
HORIZ. SCALE 1" = 10'
VERT. SCALE 1" = 2'

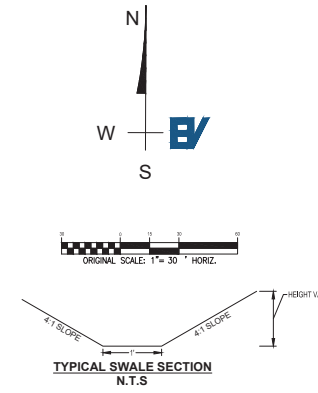
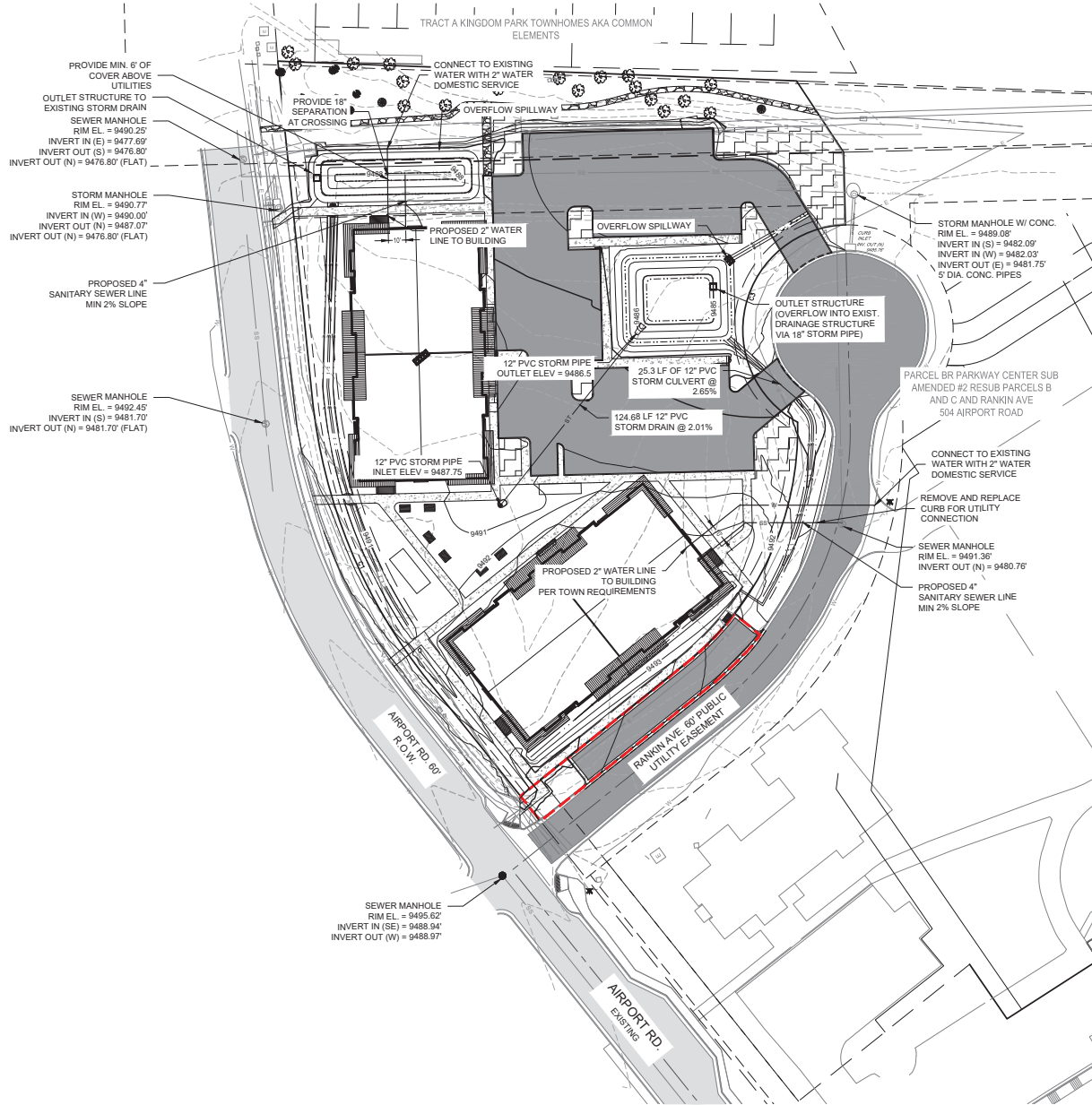
COPYRIGHT 2022
This document is the property of E!studio, Inc. and all rights reserved. No part of this document may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying and recording, or by any information storage and retrieval system, without the prior written permission of E!studio, Inc.

CONSTRUCTION DRAWINGS
DATE: 07/12/2022
DRAWN BY:
CHECKED BY:

SECTION VIEWS

C403

LOT 4 AIRPORT ROAD WORKFORCE HOUSING



LEGEND

- EXISTING WATER MAIN
- PROPOSED WATER MAIN
- ⊙ EXISTING SANITARY MANHOLE
- PROPOSED SANITARY MAIN
- EXISTING GRAVITY SANITARY MAIN
- PROPOSED SANITARY SERVICE
- - - 8520 EXISTING MAJOR CONTOUR
- - - 8518 EXISTING MINOR CONTOUR
- - - 8520 PROPOSED MAJOR CONTOUR
- - - 8518 PROPOSED MINOR CONTOUR
- SHEET FLOW DIRECTION
- ⊗ EXISTING FIRE HYDRANT
- ⊗ TRAIL

EVstudio
Denver, CO
Evergreen, CO

303.670.7242
design@evstudio.com
inspection@evstudio.com
www.evstudio.com

Contact:
Brian Welch, PE
brian.welch@evstudio.com
303.670.7242 x50

UTILITY NOTIFICATION CENTER
The Promise

FOR MARKING OF UNDERGROUND MEMBER UTILITIES.
EVSTUDIO ASSUMES NO RESPONSIBILITY FOR UTILITY LOCATION. THE UTILITIES SHOWN ON THIS DRAWING WERE LOCATED BY THE CITY OF DENVER. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

**LOT 4 AIRPORT ROAD
WORKFORCE HOUSING**
AIRPORT ROAD & RANKIN AVENUE
10 21015

COPYRIGHT 2022
This document is the property of EVstudio, Inc. and all rights reserved. No part of this document may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying and recording, or by any information storage and retrieval system, without the prior written permission of EVstudio, Inc.

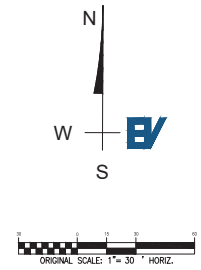
REVISION:

CONSTRUCTION DRAWINGS
DATE: 07/12/2022
DRAWN BY: BDS
CHECKED BY: BMW

UTILITY PLAN

C501

LOT 4 AIRPORT ROAD WORKFORCE HOUSING



LEGEND

QUANTITY	SIZE	
		<ul style="list-style-type: none"> (155) TREES TO BE REMOVED FROM LANDSCAPE (31) TREES TO REMAIN IN LANDSCAPE
16	2.5" CALIPER	ASPEN TREES (50% MULTI-STEM)
21		NATIVE SHRUB
26	8" TALL	DOUGLAS-FIR TREES & SPRUCE TREES
4	8" TALL	EVERGREEN TREES



303.670.7242
design@evstudio.com
inspections@evstudio.com
www.evstudio.com

Contact:
Brian Welch, PE
brian.welch@evstudio.com
303.670.7242 x50



EVERGREEN ASSUMES NO RESPONSIBILITY FOR UTILITY LOCATION. THE UTILITIES SHOWN ON THIS DRAWING WERE LOCATED BY THE BEST AVAILABLE INFORMATION. IT IS HOWEVER, THE CONTRACTOR'S RESPONSIBILITY TO CALL BEFORE THE COMMENCEMENT OF UTILITIES WORK TO CONFIRM THE LOCATION OF ALL UTILITIES.

**LOT 4 AIRPORT ROAD
WORKFORCE HOUSING**
 AIRPORT ROAD & RANKIN AVENUE
 10 21015

COPYRIGHT 2022
This document is the property of EVstudio, Inc. and all contents are protected by copyright. No part of this document may be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of EVstudio, Inc.

CONSTRUCTION DRAWINGS
 DATE: 07/12/2022
 DRAWN BY: BOS
 CHECKED BY: BMW

LANDSCAPE
PLAN

L1



SOUTHSIDE VIEW FROM AIRPORT ROAD



NORTHSIDE VIEW FROM AIRPORT ROAD

EVstudio

Denver, CO
 Evergreen, CO
 Meridian, ID

303.670.7242

inspections@evstudio.com
 design@evstudio.com
 www.evstudio.com

Contact:
 Dean Dalvit
 Dean@evstudio.com
 303.670.7242 ex 14

**JUSTICE CENTER EMPLOYEE
 HOUSING APARTMENTS**
 BRECKENRIDGE, COLORADO

10_21015



COPYRIGHT 2022

This document is an instrument of service, and as such, remains the property of the Architect. It is intended for use of the Client only and shall not be reproduced or used in any other manner without the prior written consent of the Architect.

REVISION:

Project Status
 DATE: 07/12/2022
 DRAWN BY: GN
 CHECKED BY: CD

RENDERINGS &
 STREETSCAPES
A100



WESTSIDE VIEW FROM AIRPORT ROAD



AERIAL VIEW FROM PARKING LOT

EVstudio

Denver, CO
Evergreen, CO
Meridian, ID

303.670.7242

inspections@evstudio.com
design@evstudio.com
www.evstudio.com

Contact:
Dean Dalvit
Dean@evstudio.com
303.670.7242 ex 14

**JUSTICE CENTER EMPLOYEE
HOUSING APARTMENTS**
BRECKENRIDGE, COLORADO

10_21015



COPYRIGHT 2022

This document is an instrument of service, and as such
represents the property of the Architect. It is intended for use
of the Architect and shall not be reproduced or used by
any other person without the Architect's written consent.

REVISION:

Project Status
DATE: 07/12/2022
DRAWN BY: GN
CHECKED BY: CD

RENDERINGS &
STREETSCAPES

A100.01



AERIAL VIEW FROM NORTHEAST

EVstudio

Denver, CO
 Evergreen, CO
 Meridian, ID

303.670.7242

inspections@evstudio.com
 design@evstudio.com
 www.evstudio.com

Contact:
 Dean Dalvit
 Dean@evstudio.com
 303.670.7242 ex 14

**JUSTICE CENTER EMPLOYEE
 HOUSING APARTMENTS**

BRECKENRIDGE, COLORADO

10_21015



COPYRIGHT 2022

This document is an instrument of service, and as such
 remains the property of the Architect. It is loaned to the
 client for their use and shall not be reproduced or
 used in any way without the written consent of the
 Architect.

REVISION:

Project Status
 DATE: 07/12/2022
 DRAWN BY: GN
 CHECKED BY: CD

RENDERING &
 STREETSCAPES

A100.02

**JUSTICE CENTER EMPLOYEE
HOUSING APARTMENTS**
BRECKENRIDGE, COLORADO

10_21015



COPYRIGHT 2022

This document is an instrument of service, and as such, it represents the property of the Architect. It is loaned for the use of the customer to permit and coordinate construction only.

REVISION:

Project Status	
DATE:	07/12/2022
DRAWN BY:	GN
CHECKED BY:	DD

APARTMENT
ELEVATIONS -
BUILDING 1

A201



2 NORTH ELEVATION - BUILDING 1
1/8" = 1'-0"

NOTES:

- SITE INSTALLED CEILING CAN LIGHTS WILL BE PROVIDED.
- UNDER COVERED FRONT MAIN ENTRY
- UNDER COVERED SIDE ENTRIES
- UNDER EACH COVERED BALCONIES



1 EAST ELEVATION - BUILDING 1
1/8" = 1'-0"

**JUSTICE CENTER EMPLOYEE
HOUSING APARTMENTS**
BRECKENRIDGE, COLORADO

10_21015



COPYRIGHT 2022
This document is an instrument of service, and as such, remains the property of the Architect. Permission to use of this document on internet and other public sites only by
REVISION:

Project Status
DATE: 07/12/2022
DRAWN BY: GN
CHECKED BY: CD

APARTMENT
ELEVATIONS -
BUILDING 1

A202

NOTES:

- SITE INSTALLED CEILING CAN LIGHTS WILL BE PROVIDED:
- UNDER COVERED FRONT MAIN ENTRY
- UNDER COVERED SIDE ENTRIES
- UNDER EACH COVERED BALCONIES



2 SOUTH ELEVATION - BUILDING 1
1/8" = 1'-0"



1 WEST ELEVATION - BUILDING 1
1/8" = 1'-0"



**JUSTICE CENTER EMPLOYEE
HOUSING APARTMENTS**
BRECKENRIDGE, COLORADO

10_21015



COPYRIGHT 2022

This document is an instrument of service, and as such, remains the property of the Architect. Permission to use of this document in whole and/or in part is granted only by the Architect.

REVISION:

Project Status	
DATE:	07/12/2022
DRAWN BY:	GN
CHECKED BY:	DD

APARTMENT
ELEVATIONS -
BUILDING 2

A203



NOTES:

- SITE INSTALLED CEILING CAN LIGHTS WILL BE PROVIDED:
- UNDER COVERED FRONT MAIN ENTRY
- UNDER COVERED SIDE ENTRIES
- UNDER EACH COVERED BALCONIES

2 NORTH EAST ELEVATION - BUILDING 2
1/8" = 1'-0"



1 NORTH WEST ELEVATION - BUILDING 2
1/8" = 1'-0"



**JUSTICE CENTER EMPLOYEE
HOUSING APARTMENTS**
BRECKENRIDGE, COLORADO

10_21015



COPYRIGHT 2022
This document is an instrument of service, and as such, remains the property of the Architect. Permission to use of this document on internet and other public sites only by
REVISION:

Project Status
DATE: 07/12/2022
DRAWN BY: GN
CHECKED BY: CD

APARTMENT
ELEVATIONS -
BUILDING 2
A204

NOTES:

- SITE INSTALLED CEILING CAN LIGHTS WILL BE PROVIDED:
- UNDER COVERED FRONT MAIN ENTRY
- UNDER COVERED SIDE ENTRIES
- UNDER EACH COVERED BALCONIES



2 SOUTH WEST ELEVATION - BUILDING 2
1/8" = 1'-0"



1 SOUTH EAST ELEVATION - BUILDING 2
1/8" = 1'-0"



JUSTICE CENTER EMPLOYEE HOUSING (CARPORT)
BRECKENRIDGE, COLORADO

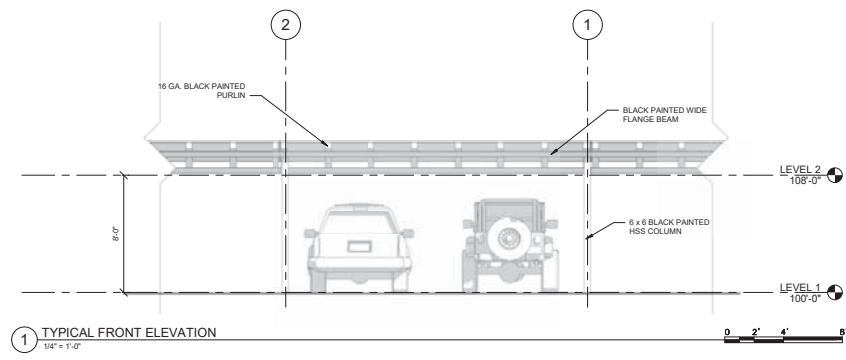
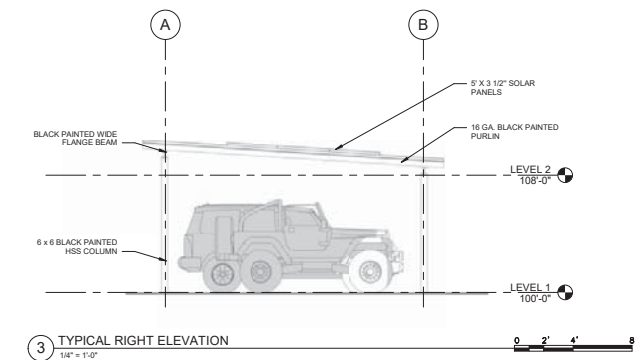
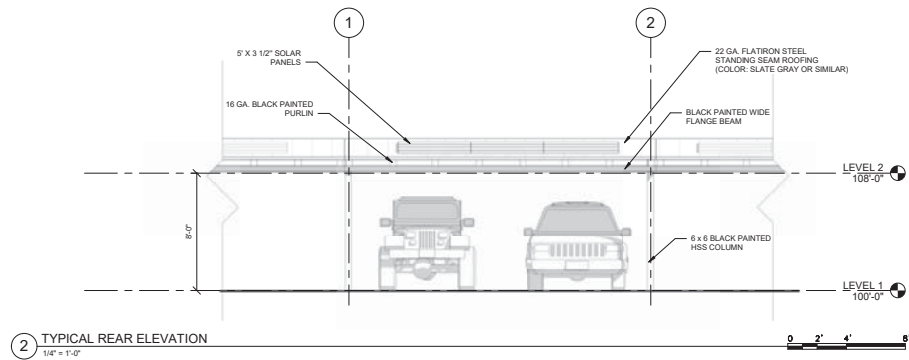
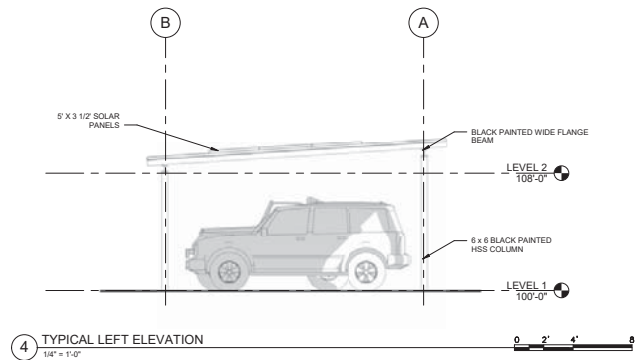
10 21015



COPYRIGHT 2022
This document is an instrument of service, and as such represents the property of the Architect. Permission to use or to disclose the contents of this document is granted only by written agreement with EVstudio LLC.
REVISION:

Project Status
DATE: 07/12/2022
DRAWN BY: GN
CHECKED BY: DD

CARPORT ELEVATIONS
A205



JUSTICE CENTER EMPLOYEE HOUSING (ENCLOSURE)
BRECKENRIDGE, COLORADO

10 21015



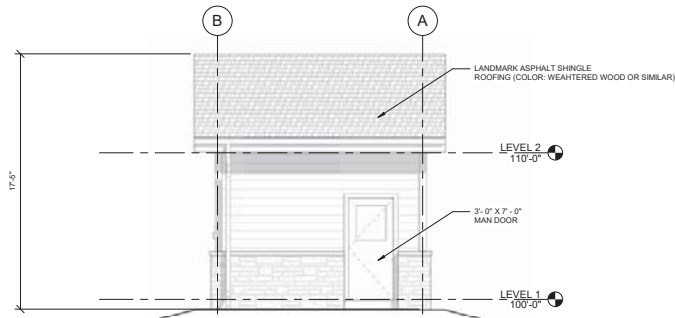
COPYRIGHT 2022
This document is an instrument of service, and as such represents the property of the Architect. Permission to use or reproduce this document without the written consent of EVstudio LLC is prohibited.

REVISION:

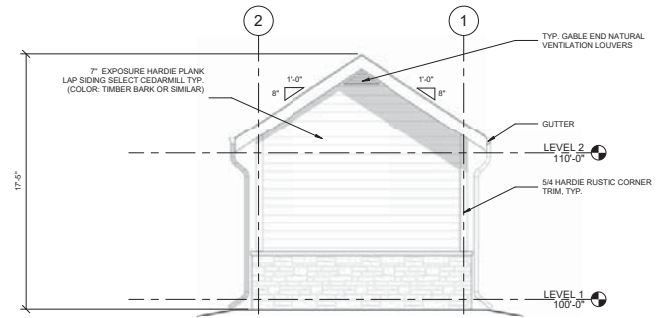
Project Status:
DATE: 07/12/2022
DRAWN BY: GN
CHECKED BY: DD

TRASH ENCLOSURE ELEVATIONS

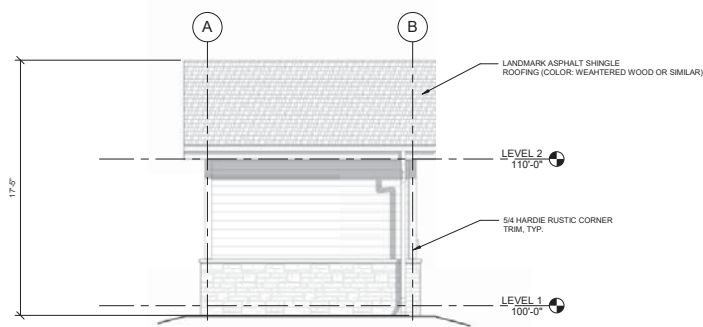
A206



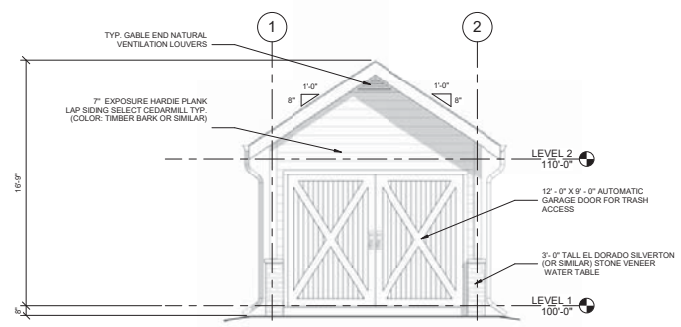
3 TYPICAL SIDE/RIGHT ELEVATION
1/4" = 1'-0"



2 TYPICAL REAR ELEVATION
1/4" = 1'-0"



4 TYPICAL SIDE/LEFT ELEVATION
1/4" = 1'-0"



1 TYPICAL FRONT ELEVATION
1/4" = 1'-0"

**JUSTICE CENTER EMPLOYEE
HOUSING (CARPORT)**
BRECKENRIDGE, COLORADO

10_21015



COPYRIGHT 2022
This document is an instrument of service, and as such
represents the property of the Architect. Permission to use
this document for any other project without the written
consent of the Architect with EVstudio LLC is prohibited.

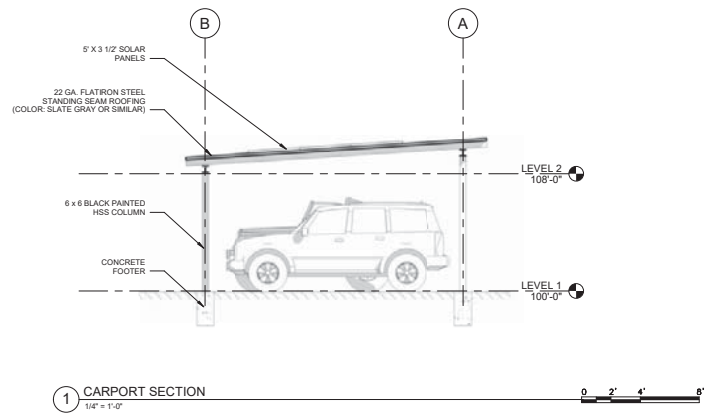
REVISION:

NO.	DATE	DESCRIPTION

Project Status

DATE:	07/12/2022
DRAWN BY:	GN
CHECKED BY:	DD

CARPORT
SECTION
A301



**JUSTICE CENTER EMPLOYEE
HOUSING APARTMENTS**
BRECKENRIDGE, COLORADO

10_21015



COPYRIGHT 2022

This document is an intellectual service, and as such, represents the property of the Architect. Permission to use or the contents in whole and/or in part is prohibited without the written consent of the Architect.

REVISION:

Project Status	
DATE:	07/12/2022
DRAWN BY:	GN
CHECKED BY:	DD

OVERALL FLOOR
PLAN - LEVEL 1

A101



1 FLOOR PLAN - LEVEL 1
1/8" = 1'-0"

0 8' 16' 32'

**JUSTICE CENTER EMPLOYEE
HOUSING APARTMENTS**
BRECKENRIDGE, COLORADO

10_21015



COPYRIGHT 2022

This document is an instrument of service, and as such, represents the property of the Architect. It is intended for use only by the Architect and its authorized representatives.

REVISION:

Project Status	
DATE:	07/12/2022
DRAWN BY:	GN
CHECKED BY:	DD

OVERALL FLOOR
PLAN - LEVEL 2

A102



1 FLOOR PLAN - LEVEL 2
1/8" = 1'-0"



**JUSTICE CENTER EMPLOYEE
HOUSING APARTMENTS**
BRECKENRIDGE, COLORADO

10_21015



COPYRIGHT 2022

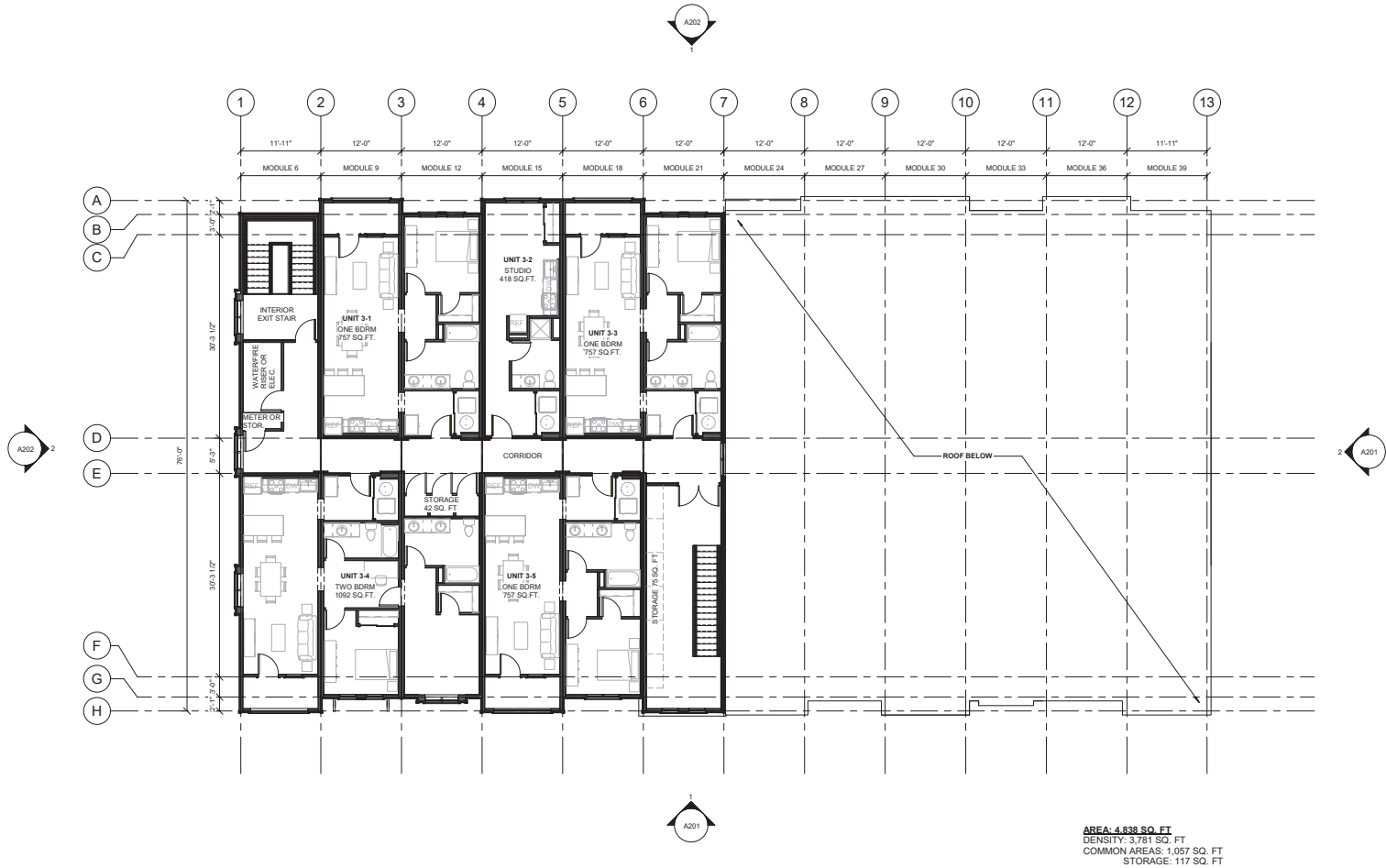
This document is an instrument of service, and as such, represents the property of the Architect. It is loaned to the client for their use only and shall remain the property of the Architect. It is not to be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the Architect.

REVISION:

DATE	PROJECT STATUS
07/12/2022	Project Status
GN	DRAWN BY:
GD	CHECKED BY:

OVERALL FLOOR
PLAN - LEVEL 3

A103



1 FLOOR PLAN - LEVEL 3
1/8" = 1'-0"



**JUSTICE CENTER EMPLOYEE
 HOUSING APARTMENTS**
 BRECKENRIDGE, COLORADO

10_21015



COPYRIGHT 2022

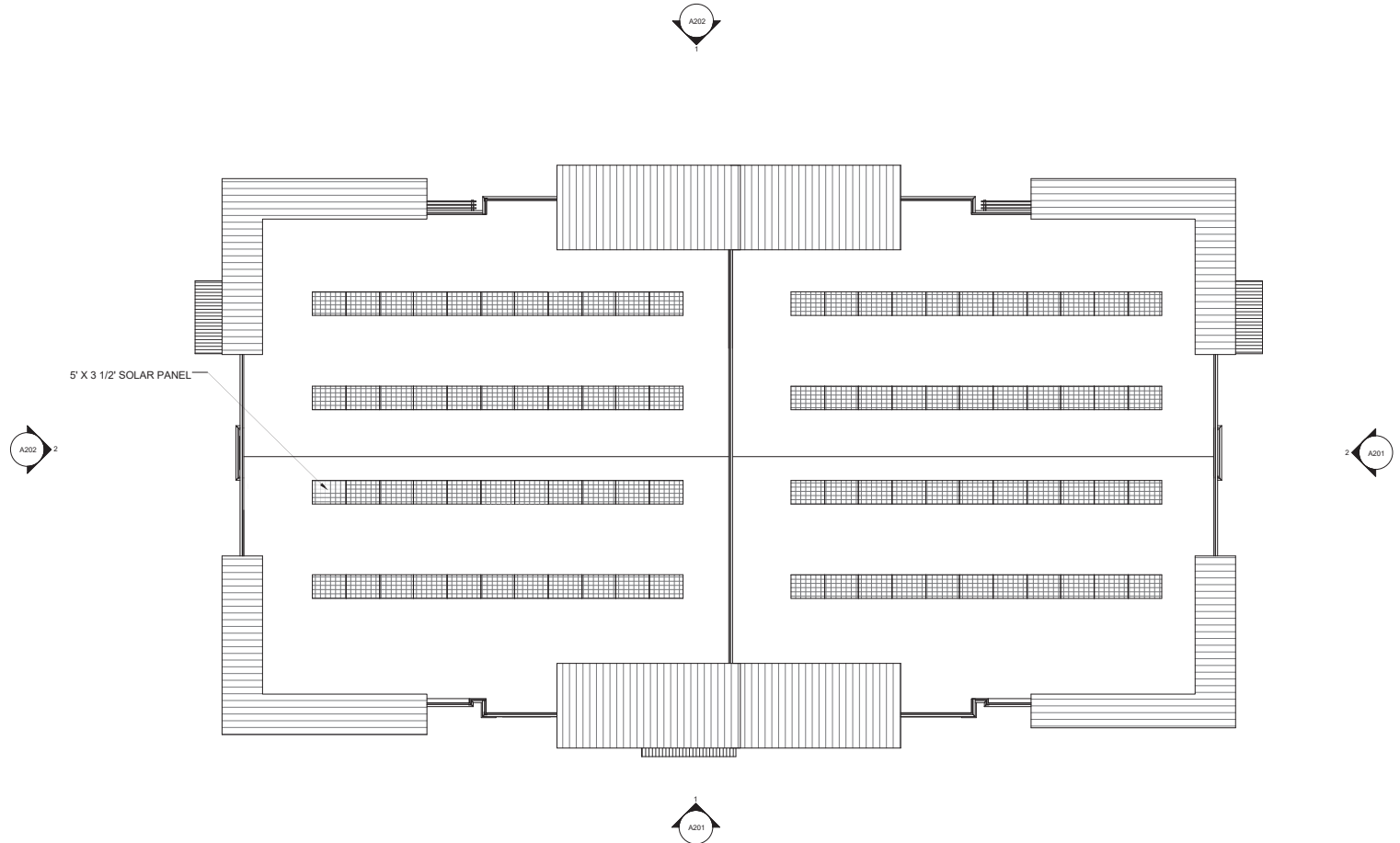
This document is an instrument of service, and as such, remains the property of the Architect. Permission to use or the disclosure of its content can be granted only by the Architect in writing and can be rescinded at any time.

REVISION:

Project Status	
DATE:	07/12/2022
DRAWN BY:	GN
CHECKED BY:	DD

SOLAR PANEL
 ARRAY/ROOF
 PLAN

A104



1 CONCEPT SOLAR PANEL ARRAY/ ROOF PLAN
 1/8" = 1'-0"



**JUSTICE CENTER EMPLOYEE
 HOUSING (CARPORT)**
 BRECKENRIDGE, COLORADO

10 21015



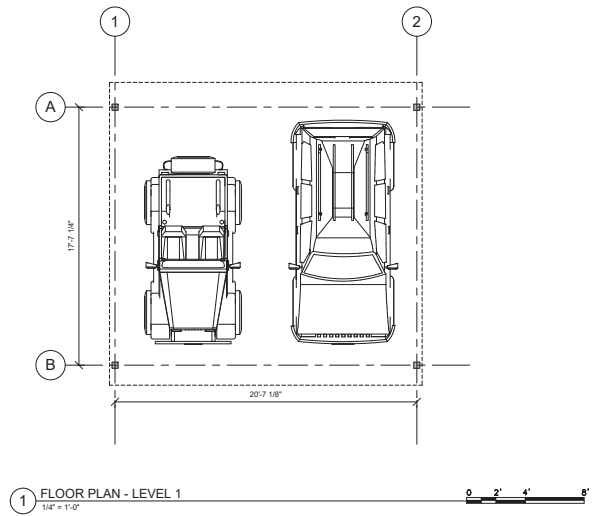
COPYRIGHT 2022
 This document is an instrument of service, and as such
 represents the property of the Architect. Permission to use
 or reproduce this document without the written consent of
 the Architect and/or its affiliates is prohibited.

REVISION:

Project Status
 DATE: 07/12/2022
 DRAWN BY: GN
 CHECKED BY: DD

CARPORT
 FLOORPLAN

A105



**JUSTICE CENTER EMPLOYEE
 HOUSING (ENCLOSURE)**
 BRECKENRIDGE, COLORADO

10 21015



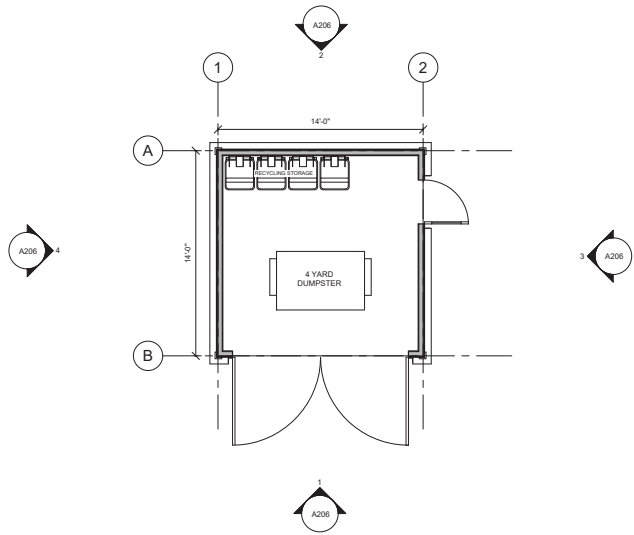
COPYRIGHT 2022
 This document is an instrument of service, and as such
 remains the property of the Architect. Permission to use
 or to disseminate any part of this document without the
 written consent of EVstudio LLC is prohibited.

REVISION:

Project Status
 DATE: 07/12/2022
 DRAWN BY: GN
 CHECKED BY: DD

TRASH
 ENCLOSURE
 FLOOR PLAN

A106



1 FLOOR PLAN - LEVEL 1
 1/4" = 1'-0"



Material and Sample Board

Justice Center Employee Housing Apartments, Breckenridge

June 6, 2022

Note: Material selections below are the basis of design for the proposed exterior cladding. Final product / vendor may vary depending on project budget and material availability.

Lap Siding:

HARDIE® PLANK LAP SIDING
SELECT CEDARMILL®
Our natural cedar look has a soft texture that mimics wood.

THE STATEMENT COLLECTION™

Classic shades—engineered with long-lasting ColorPlus® Technology—will make a statement that resonates for generations. The tried and true colors of James Hardie's Statement Collection™ products were designed for every home. They're our most popular hues. And they are readily available in your region.

SIDING COLORS
Timber Bark

[Request a Quote >](#) [Request a Sample >](#)

Colors shown may vary due to screen resolution. Please see actual product sample for true color.

AVAILABLE SIZES

THICKNESS: 0.312"	WIDTHS: 8.25" EXPOSURES: 7"
LENGTH: 144" boards	

Vertical Siding:

HARDIE® PANEL VERTICAL SIDING
SELECT CEDARMILL®
 Our natural cedar look has a soft texture that mimics wood. ^

THE STATEMENT COLLECTION™

Classic shades—engineered with long-lasting ColorPlus® Technology—will make a statement that resonates for generations. The tried and true colors of James Hardie's Statement Collection™ products were designed for every home. They're our most popular hues. And they are readily available in your region.

SIDING COLORS

Cobble Stone

Request a Quote >

[Request a Sample >](#)

Colors shown may vary due to screen resolution. Please see actual product sample for true color.

AVAILABLE SIZES

THICKNESS: 0.312"	LENGTH: 120"
	WIDTHS: 48"

CORNER TRIM 1:



HARDIE® TRIM BOARDS

5/4 RUSTIC

This trim has a raised texture that mimics wood, but unlike wood, it is resistant to warping and rotting.



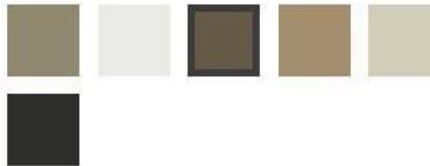
THE STATEMENT COLLECTION™

Classic shades—engineered with long-lasting ColorPlus® Technology—will make a statement that resonates for generations. The tried and true colors of James Hardie's Statement Collection™ products were designed for every home. They're our most popular hues. And they are readily available in your region.



TRIM COLORS

Timber Bark



[Request a Quote >](#)

[Request a Sample >](#)

Colors shown may vary due to screen resolution. Please see actual product sample for true color.

AVAILABLE SIZES

THICKNESS: 1"	WIDTHS: 3.5" 5.5" 7.25" 11.25"
LENGTH: 144" boards	

CORNER TRIM 2:



HARDIE® TRIM BOARDS

5/4 RUSTIC

This trim has a raised texture that mimics wood, but unlike wood, it is resistant to warping and rotting.



THE STATEMENT COLLECTION™

Classic shades—engineered with long-lasting ColorPlus® Technology—will make a statement that resonates for generations. The tried and true colors of James Hardie's Statement Collection™ products were designed for every home. They're our most popular hues. And they are readily available in your region.



TRIM COLORS

Cobble Stone



[Request a Quote >](#)

[Request a Sample >](#)

Colors shown may vary due to screen resolution. Please see actual product sample for true color.

AVAILABLE SIZES

THICKNESS: 1"	WIDTHS: 3.5" 5.5" 7.25" 11.25"
LENGTH: 144" boards	

[Warranty Information >](#)

STONE WATER TABLE:



NATIONWIDE PROFILES



Whiskey Creek® Pioneer Russet® Silverton

WESTERN PROFILES



Bow Valley

PICK ANOTHER REGION ▶

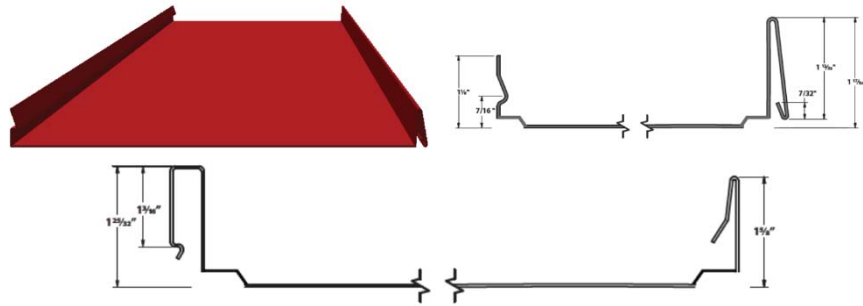


Mountain Ledge Panels are shaped like Eldorado's Mountain Ledge stones but they are precast as a panel system to facilitate ease of installation where larger stones are needed for a greater expanse or height. Available in blends of silver, auburn and sage, these long panels retain the appearance and precision of individual Mountain Ledge stones hand-laid and dry-stacked together. Corners available.

For more information on product sizing see our [Stone Dimension Sheet](#). The product colors you see are as accurate as current photography and website or display techniques allow. We suggest visiting [your nearest Dealer](#) to look at product samples before selecting colors.

Roofing (Carport):

FLATIRON STEEL – SNAP LOCK STANDING SEAM



Snap Lock Standing Seam Panels

*Certain colors may be subject to an order minimum and longer lead time

Available widths

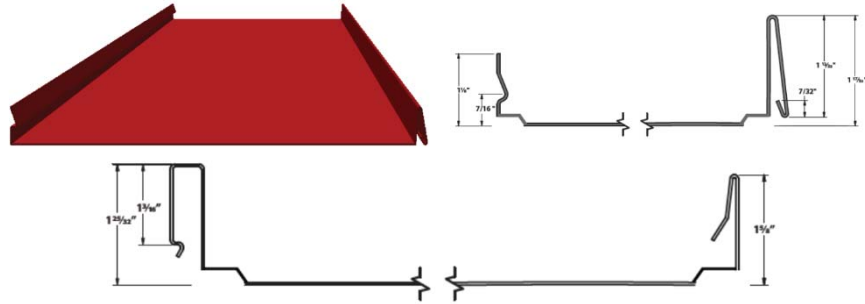
1.5" Snap Lock: 15.875" & 19.875"
1.75" Snap Lock: 13.875" & 17.875"



SLATE GRAY +

Roofing (Parapet):

FLATIRON STEEL – SNAP LOCK STANDING SEAM

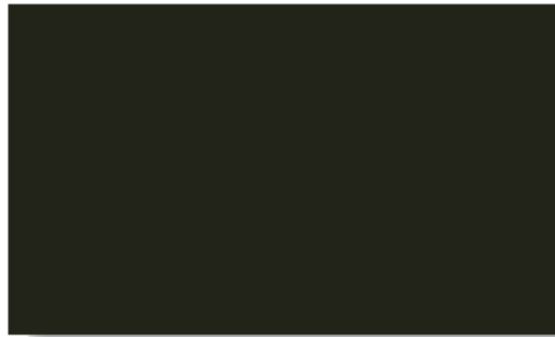


Snap Lock Standing Seam Panels

*Certain colors may be subject to an order minimum and longer lead time

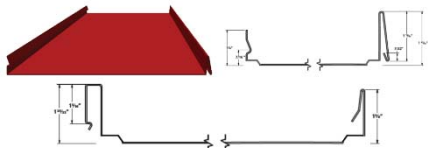
Available widths

1.5" Snap Lock: 15.875" & 19.875"
1.75" Snap Lock: 13.875" & 17.875"



MATTE BLACK +

APARTMENTS:



Snap Lock Standing Seam Panels

*Certain colors may be subject to an order minimum and longer lead time

Available widths
 1.5" Snap Lock - 13.675" & 16.875"
 1.75" Snap Lock - 13.675" & 13.875"



FLATIRON STEEL – MATTE BLACK SNAP LOCK STANDING SEAM ON PARAPET ROOF



Timber bark



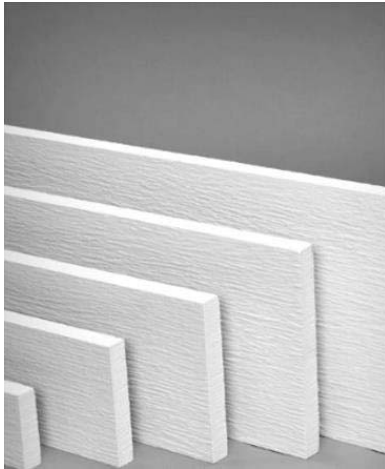
Cobble stone

JAMES HARDIE - Timber Bark 7" lap Siding And Cobble stone Vertical Board and Batten Siding



Silverton

EI DORADO – SILVERTION STONE VENNER



TRIM COLORS

Timber Bark



JAMES HARDIE – 5/4 TIMBER BARK TRIM BOARD

[Request a Quote >](#)

R



TRIM COLORS

Cobble Stone

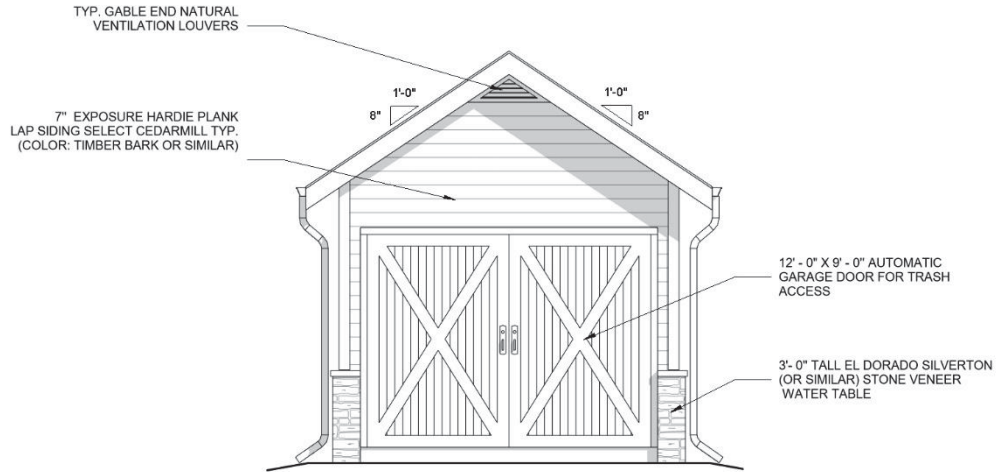


JAMES HARDIE – 5/4 COBBLE STONE TRIM BOARD

[Request a Quote >](#)

[Request a Sample](#)

TRASH ENCLOSURE:



Weathered Wood

CERTAINTEED LANDMARK SERIES - Designer Roof Shingles



Timber bark



Cobble stone

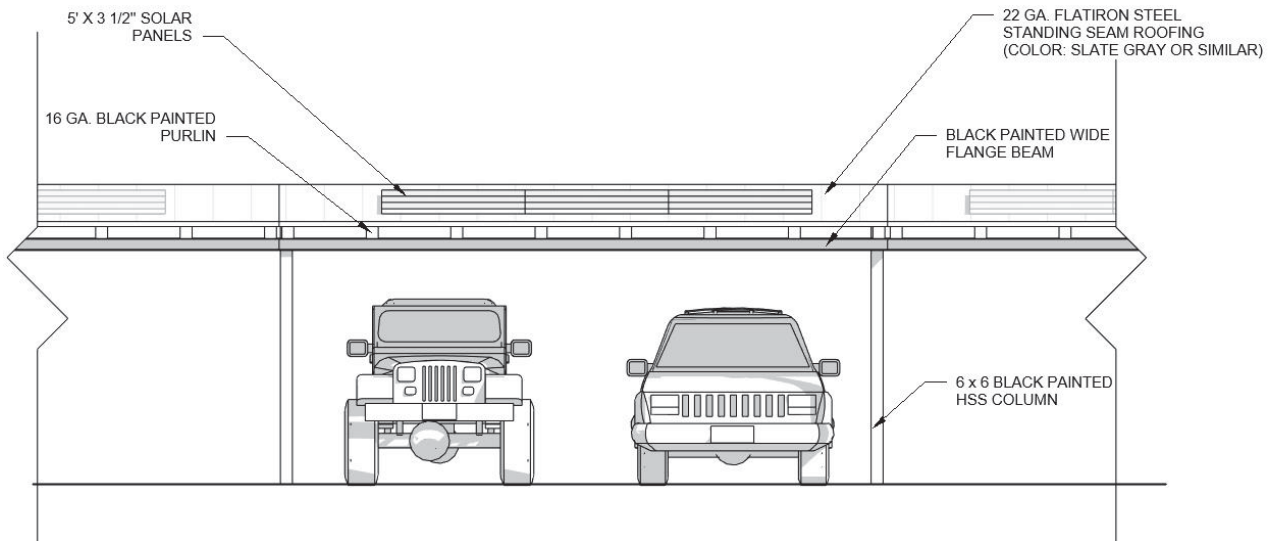
JAMES HARDIE - Timber Bark 7" lap Siding And Cobble stone Vertical Board and Batten Siding



Silvertion

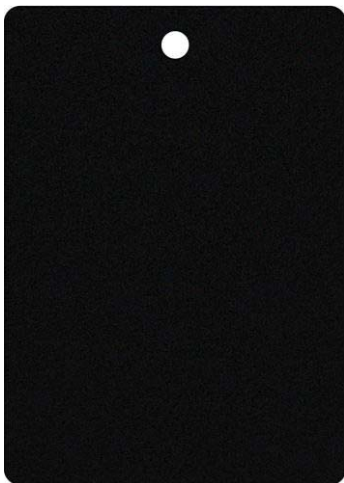
EI DORADO – SILVERTION STONE VENNER

CARPORT STRUCTURE FRAMING:



Flatiron Steel Color: Slate Gray

SLATE GRAY +



Black Painted Carport: Columns, Purlins, and Wide Flange beam



Chapin LaChance

From: Carol Rockne <carol@go2breck.com>
Sent: Wednesday, March 16, 2022 2:42 PM
To: Chapin LaChance
Subject: Justice Center Employee Housing Apartments Plan

[EXTERNAL MESSAGE]

Hi Chapin; I want to give you heads up on my comments on these preliminary plans so you can convey them to all parties.

This project is 100% in Land Use Guidelines 9.2 Residential 10 UPA , 2 stories

All structures already built in 9.2 have been 1 and 2 stories. The precedent has been set by the Town and this is the final flat piece left to be built out. It may also be in the Parkway Center Decs. and Bylaws. from whom this parcel was purchased by the County several years ago. (I'll check that out when I'm back in Breckenridge later this month.)

As presently presented....

1. this project is 3 times over density. If they would remove the 3rd story element(shows 5 units in each) part of each building, that would bring the number of units to 44(then it's only approx. 2 times the intensity for 9.2....still a lot but it could be argued for a good cause.
2. if they would do that and keep the same number of parking spaces(74) if would enhance the congenial living conditions.....everyone fights over someone being in their parking space.
3. trash enclosure....too small(needs an 8 yd bin), no place for recycling bins, no side access and needs an over-head door for trash drivers to easy pick up and go(they always have a garage door opener)....less wear and tear on that door too for maintenance on hinges, etc.
4. suggest less sidewalks....always a problem for snow removal,
- 5.needs more landscaping...trees, bushes especially on Airport Rd. and the north property line along the storm sewer easement.

I have many questions on the construction part of this plan...party walls, sounding board, insulation, separate plates? looks like w/d in each unit which is great, I'll wait with those questions until I see the actual building plan. I will try to visit their factory in Buena Vista too....they certainly have an appropriate name "Fading West"...Kingdom Park Townhomes next door we built over 20 years ago and if they would copy some of those plans, it would be a very comfortable place to live. The Town now has employees living there. Im sure they never hear their neighbor but understand the on-going problems of snow removal on sidewalks and parking pressures.

The Town should be setting an example of following their own guidelines, not twisting and turning to stretch and break them. I feel very adamant about that. Enough Val 'd Sers and Red Roosts, Gold Camps and others built when we had no planning departments and guidelines.

Many thanks;
Carol Rockne

--

Re: LOT 4, AIRPORT ROAD/JUSTICE CENTER – WORKFORCE HOUSING, BRECKENRIDGE

June 29, 2022

Dear Planning Commissioners,

It has come to our attention that a revised plan for the Work Force Housing project, located on Airport Road between the Justice Center and Kingdom Park Townhomes, will be presented for final public comment on July 5. We have also been informed that the final plans for this project will be available for the public to review on July 1, but we were provided a preview by Chapin LaChance. We previously provided comments to the Planning Commission about this project at the April 19 Planning Commission meeting, both in person and by letter dated April 14, 2022. We were hopeful that the concerns expressed by the Board of Directors of Kingdom Park Townhomes would be considered in the final plan, but we see that the revised plans fall short of the changes we had expected. We were hopeful that the concerns expressed by the Board of Directors of Kingdom Park Townhomes would be considered in the final plan, and were told several times that the town/county want to be “good neighbors”. The revised plans fall short of that standard and the changes we expected.

We are disappointed that the final plans will not be made available to the wider public until July 1, four days before the July 5 meeting. Given that the only days for comment after release of the final plans will be the 4th of July weekend, we strongly urge the Commission to delay the hearing on this issue until the next meeting. This will allow time for public comments, and not cut short the community input into this project.

During the site tour prior to the April 19 meeting we learned that there are several aspects of the plan that were not made obvious to the public. The first is that the elevation of the site will require that at least six (6) feet of fill will be required over most of the parcel so that it has adequate drainage and to facilitate the high-density modular construction that is proposed. With the revised plan the new elevation will be above the level of the berm separating the current parcel from Kingdom Park Townhomes. This fill will necessitate cutting down approximately 70 old-growth trees on the site, since the six feet of fill would kill all of these trees if they are not removed beforehand. This will leave no old-growth trees that could have acted as a visual barrier between the extremely unattractive block construction that is proposed and Kingdom Park Townhomes (and Airport Road). Any private developer that proposed this would have so many negative points applied to their project that it could never possibly be approved by the Planning Commission.

The other aspect the of the proposed project that was explained during the site tour on April 19 is that a new path will be constructed along the top of the berm on the perimeter of Kingdom Park Townhomes. This new path will provide access to the Blue River bike path from Airport Road. The elevation of the new path is above the elevation of the back porches of the Kingdom Park townhomes facing the Justice Center and this proposed bike path would destroy any privacy currently enjoyed by these townhome owners. The visual barrier proposed between this new public access route and the existing Kingdom Park townhomes is inadequate to provide the need protection from this new path and the parking spaces that are proposed to be built above the level of the existing berm. The visual barrier proposed appears to lie to the south of this new public access route and does not provide the

needed protection from this new path and the parking spaces that are proposed to be built above the level of the existing berm.

The attendees from the HOA at the April 19 meeting and site tour were informed that, due to previously passed ordinances, the Town of Breckenridge has exempted itself from the Town of Breckenridge Building Guidelines that have been applied to the surrounding neighborhood. The guidelines that have been applied to the surrounding neighborhood are therefore not applicable. This explains why a development that is so out of character with the community can be approved by the Planning Commission.

In the April 14 letter to the Planning Commission, the HOA registered five objections to the revised plans for the Justice Center Workforce Housing project. The HOA's initial five main grounds for objecting to the current plans are itemized in italics below (followed by our expanded concerns):

- 1. 52 units are proposed and this far exceeds the density set out in the Zoning Ordinances for this site. This is the last parcel in District Guideline 9.2 and the density should be 10 units per acre. The majority of units are studio or one-bedroom apartments, with a few 2-bedroom apartments. We question whether enough is being done to provide suitable housing for working families.*

We now understand that the Town of Breckenridge has passed ordinances for this parcel that override the District Guideline 9.2 that applied to Kingdom Park Townhomes and other surrounding housing projects. However, we are still alarmed that the majority of the units are planned as studio or one-bedroom apartments for a transient work force. The Justice Center is within walking distance of two preschools schools and a large elementary school and is an ideal neighborhood for working families with small children. The current transient-workforce housing plan would be appropriate for parcels owned by the County further from this family friendly neighborhood.

- 2. The inclusion of 3 storey buildings is also contrary to the Zoning Ordinances' provisions for the site;*

Again, the Town of Breckenridge has exempted itself from the surrounding zoning for this parcel, but we are still concerned that the planned prefab stacked-container construction will be inconsistent with the character of the neighbourhood. The method of construction only allows for flat roofs, which have more the appearance of an unattractive office complex than apartment buildings with sloped roofs (like the surrounding construction).

- 3. The excessive density has resulted in an inadequate number of parking spaces being provided within the site. Adequate parking provision should be made within the site.*

We learned at the April 19 meeting that the County has additional land between the planned development and the Blue River that could be used for additional parking for this project. In order to force this high-density housing development into the existing parcel with 1.5 parking spaces per unit the parking lot needs to extend onto the berm on the south side of Kingdom Park Townhomes. The new plan calls for the elevation of these parking spaces to be above the level of the existing berm. This will mean that cars will be parking significantly above the level of the backyard of the townhomes facing the berm. This will result in headlights shinning in the back windows the townhomes when cars are parked there at night. We urge the Planning

Commission to spread the parking out over the additional land that the County owns on the east side of the project or cut down on the density of the project.

4. *The excessive density will also increase the number of vehicles using Airport Road; the volume of vehicles has increased significantly since the completion of the multi-storey carpark and further increases should be kept to a minimum.*

There are too many units being constructed on this parcel in this part of town. The solution is to cut down on the density of this housing project and have the Town of Breckenridge work with the County to develop a second housing project further from the town to accommodate the Workforce Housing need that is perceived by the County planners.

5. *Especially given that the site presently constitutes woodland, very little landscaping is proposed. The additional planting of trees and shrubs would create a nicer environment for those who will live there, and planting along the northern boundary would lessen the adverse impact of the development on those living in Kingdom Park Townhomes.*

We see that some effort has been made in the new plan to improve the visual barrier by planting a row of evergreen trees six feet below the elevation of the parking spaces on the north side of the new path. It would have been better to leave the existing old-growth trees on the north side of the parcel as a visual barrier instead of turning this woodland area into a parking lot. The planned parking spaces above the elevation of the berm are too intrusive on the owners of the Kingdom Park townhomes with backyards facing south. There is inadequate distance and visual screening in the current plan to protect the privacy of these owners. This will be especially true if there is also a public path built on the top of the berm.

The Kingdom Park HOA requests that the Planning Commission reject the current proposal. A revised lower density plan is required in order to have a development scheme that is in harmony with the existing neighborhood and prior development in the area.

Yours sincerely, all the Directors of the Kingdom Park Townhomes HOA, by electronic signature:

Carol Rockne

Carol Rockne, Director

Michael Lorenzo

Michael Lorenzo, Director

Scott Hornafius

Scott Hornafius, Director

David Orton

David Orton, Director

Phyl Rubinstein

Phyl Rubinstein, Director

From: [Jessie Launder](#)
To: [Chapin LaChance](#); [Julia Puester](#)
Subject: FW: Justice center workforce housing
Date: Monday, July 11, 2022 2:02:15 PM

From: Dave Anderson <daveanderson205@outlook.com>
Sent: Monday, July 11, 2022 2:01 PM
To: WebsiteCommDev <websitecommdev@townofbreckenridge.com>
Subject: Justice center workforce housing

[EXTERNAL MESSAGE]

To whom it may concern,

As an owner in Kingdom park town homes, I have been following the progress on this project closely. I think for the most part the design and layout is about as good as we can hope for, however, I have two major issues with this project:

1. Headlights shining into my back door. I see that there are some trees planned but this will take time and will not be sufficient. A low fence or barrier would be an easy fix and avoid complaints down the road.
2. **Why won't the town of Breckenridge follow its own rules.** You made the rules for density, height and parking for a reason and the town should set an example by following them. If Kingdom Park was granted some waivers back in the day, I would have a garage right now and everyone would be happier. Blatant disregard for your own rules makes you look bad and makes us trust you less.

Dave Anderson
834 Kingdom Park
918-695-3758

From: [Liz.David Orton](#)
To: [Chapin LaChance](#); [WebsiteCommDev](#)
Cc: [mayor](#); [p.rubinstein](#); [842- Carol Rockne](#); [Michael Lorenzo](#); [Scott](#)
Subject: JUSTICE CENTER - PROPOSED EMPLOYEE HOUSING
Date: Wednesday, July 13, 2022 5:23:35 PM

[EXTERNAL MESSAGE]

FOR THE ATTENTION OF THE PLANNING COMMISSION

As the owners and current occupiers of 838 Kingdom Park Townhomes, we wish to object most strongly to the proposed development of 52 units of workers' accommodation on the above site.

We do not propose to repeat the points made in the two letters of objection submitted to you by the Board of the Kingdom Park Townhomes Home Owners Association.

What we cannot understand is the lack of sensitivity shown by the Commission towards the privacy and enjoyment of the southern aspect of our property and our neighbours. This will be severely disrupted by two elements of the scheme:

1. The carpark which will extend from the helicopter pad and over the berm which currently provides an effective separation between Kingdom Park Townhomes and the forested site.
2. The cycle/pedestrian path proposed on the top of the berm.

As regards 1., the density of 52 units is too high and is driving the number of carparking spaces – to the detriment of our and neighbouring properties. **Please reduce the number of units and the number of carparking spaces – and keep the carpark, its lighting and usage away from Kingdom Park Townhomes.**

As regards 2., you recognise how disturbing the proposed path will be – as you have proposed a barrier on the development's side – but not Kingdom Park Townhomes side. **Please don't include this path. Instead put a cycle/pedestrian lane along the existing and proposed roadways within the Justice Center in order to link Airport Road with the Blue River cycle/pedestrian pathway.**

In conclusion, we urge you to amend the plans to produce a much more neighbourly development to Kingdom Park Townhomes and allow the families here to continue the quiet enjoyment of our properties.

Kind regards

David and Elizabeth Orton
838 Kingdom Park Townhomes

Sent from [Mail](#) for Windows

7/19/22

To: Town of Breckenridge Community Development, Planning Commission, and Town Council

c/o: Mr. Chapin LaChance, AICP, Planner III

Introduction

I request as Michael F. Lorenzo, 822 Airport Road Breckenridge, CO 80424 as a property owner at Kingdom Park Townhomes not approve Justice Center Employee Housing Apartments, TBD Airport Rd., PL-2022-0069.

Background

The Town of Breckenridge has failed the people and voters of summit county. How has the Town of Breckenridge failed? The town has failed by ignoring the very vision and values it espouses to uphold. Shocking the quote from the town web site and what hangs in the town council chambers where members hold the meetings that destroy our community. "The Town of Breckenridge protects, maintains, and enhances our sense of community, historical heritage, and alpine environment. Here is my historical heritage and how my family shaped the vision of Breckenridge. I come from the family of Von Thun. The Von Thun family settled along the blue river in the 1850s. My great grandfather worked for Daniels and Fisher servicing the silver camps along the blue selling dry goods and food staples (flour, sugar, coffee) to the silver miners. My late grandfather Frank F. Brown, mining engineer, husband to Theta Von Thun married in 1929, summit county treasurer and mayor of Breckenridge for a combined forty years would be greatly saddened by the misguided direction of the Town of Breckenridge to build modular stack and pack "transient" employee housing on this property allowed by a misguided town ordinance pasted in 2019. Even our own serving board member Ms. Carol Rockne, 50 years involved with the community as a business owner, and summit county business leader was stunned and astonished by the misguided direction of the Town of Breckenridge. Discovered when raising Kingdom Park Townhome community impact concerns that in 2019 the town pasted a "new" city ordinance that exempts the town from following its own past and historical building restrictions/limitations. As a result, allowing the town to propose this modular stack and pack "transient" employee housing. Completely a political maneuver to appease Vail resorts, give into political pressure to address class population issues and resort community demands for cheap transient labor. Not in my backyard—it is called NIMBY. Attracting a population sector that comes and goes with service resort industry demands. This in no way appeals to the value and principle that the Town of Breckenridge...maintains as the unique value and feel of a mountain town". This misguided judgement by the Town of Breckenridge is shameful to build modular stack and pack "transient" employee housing and is in direct conflict to the mission and vision of the Town of Breckenridge. It appears to be hollow words on the town website and living documents.

Concerns

Modular stack and pack "transient" employee housing significantly impacts the aesthetic value of our property. How so, by clear cutting old growth forest that my family has enjoyed for at least two generations, back filling with suspected mine tailings and at a minimum unknown fill dirt, and paving/laying concrete to create 52 parking spaces, and forming a bike path the travels withing ~25 feet of our south facing back doors/decks—privacy gone. Modular stack and pack "transient" employee housing significantly lowers the economic value of our property and definitely creates a lower socio-economic value to the neighborhood. Impacting families, nearby schools, and the feel and peacefulness that the current green belt provides and that coexists. What about our rights and the right to maintain our property values? Why does the Town of Breckenridge refuse to hear and listen to our concerns by mitigating as strong as possible the potential misguided building structure proposed to the south of Kingdom Park Townhomes? This whole proposal stinks and will definitely significantly impacts Kingdom Park Townhome residents and their families' lives.

Requests/Solutions

- 1) A physical barrier/wall be paid for by the developer/city/county/builder to protect Kingdom Park Townhomes from this modular stack and pack "transient" employee housing eye sore to be built.
- 2) A vegetative growth barrier be paid for by the developer/city/county/builder planting 100 trees, shrubs, plants. A green belt be added/replaced and renewed due to the proposed developer/city/county/builder modular stack and pack "transient" employee housing.



Scheduled Meetings

Shading indicates Council required attendance – others are optional

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

July 2022

July 25th, 2022	CMC Breck	SustainableBreck Open House	5:30pm - 7:30pm
Tuesday, July 26th, 2022	Council Chambers	Second Meeting of the Month	3:00 pm / 7:00 pm

August 2022

August 9th, 2022	Alta Verde II	Ground Breaking	TBD
Tuesday, August 9th, 2022	Council Chambers	First Meeting of the Month	3:00 pm / 7:00 pm
Tuesday, August 23rd, 2022	Council Chambers	Second Meeting of the Month	3:00 pm / 7:00 pm
August 30th, 2022	Buena Vista	Tour of Fading West	9:30am - 3:00pm

September 2022

Tuesday, Sept. 13th, 2022	Council Chambers	First Meeting of the Month	3:00 pm / 7:00 pm
September 27th, 2022	County Courthouse	Meeting with BOCC	9:30am - 10:30am
Tuesday, Sept. 27th, 2022	Council Chambers	Second Meeting of the Month	3:00 pm / 7:00 pm

Other Meetings

July 25th, 2022	Open Space & Trails Meeting	5:30pm
July 26th, 2022	Board of County Commissioners Meeting	9:00am / 1:30pm
July 28th, 2022	Summit Stage Transit Board Meeting	8:15am
	Breckenridge Tourism Office Board Meeting	8:30am
	Breckenridge Creative Arts	1:00pm
	RW&B Board Meeting	3:00pm
August 2nd, 2022	Board of County Commissioners Meeting	9:00am
	Planning Commission Meeting	5:30pm
August 3rd, 2022	Breckenridge Events Committee	9:00am
	Childcare Advisory Committee	3:00pm
August 5th, 2022	Breckenridge Creative Arts	2:00pm
August 9th, 2022	Board of County Commissioners Meeting	9:00am / 1:30pm
	Workforce Housing Committee	10:30am
August 10th, 2022	Breckenridge Heritage Alliance	Noon
August 11th, 2022	Upper Blue Sanitation District	5:30pm
August 15th, 2022	Social Equity Advisory Commission	9:00am
August 16th, 2022	Board of County Commissioners Meeting	9:00am
	Liquor & Marijuana Licensing Authority	9:00am
	Planning Commission Meeting	5:30pm



Scheduled Meetings

Shading indicates Council required attendance – others are optional

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

August 18th, 2022	Transit Advisory Council Meeting	8:00am
	I-70 Coalition	10:00am
August 22nd, 2022	Open Space & Trails Meeting	5:30pm
August 23rd, 2022	Board of County Commissioners Meeting	9:00am / 1:30pm
August 25th, 2022	Summit Stage Transit Board Meeting	8:15am
	Breckenridge Tourism Office Board Meeting	8:30am
	Northwest CO Council of Governments	10:00am
	RW&B Board Meeting	3:00pm
September 6th, 2022	Board of County Commissioners Meeting	9:00am
	Planning Commission Meeting	5:30pm
September 7th, 2022	Police Advisory Committee	7:30am
	Breckenridge Events Committee	9:00am
	Childcare Advisory Committee	10:00am
September 8th, 2022	Upper Blue Sanitation District	5:30pm
September 10th, 2022	Breckenridge Creative Arts	Noon
September 13th, 2022	Board of County Commissioners Meeting	9:00am / 1:30pm
	Workforce Housing Committee	10:30am
September 14th, 2022	Breckenridge Heritage Alliance	Noon
September 19th, 2022	Social Equity Advisory Commission	9:00am
September 20th, 2022	Board of County Commissioners Meeting	9:00am
	Liquor & Marijuana Licensing Authority	9:00am
	Planning Commission Meeting	5:30pm
September 21st, 2022	Summit Combined Housing Authority	9:00am
September 22nd, 2022	Transit Advisory Council Meeting	8:10am
October 13th, 2022	I-70 Coalition	1:00pm
October 21st, 2022	Breckenridge Creative Arts	1:00pm
October 27th, 2022	Breckenridge Creative Arts	2:00pm
TBD	Water Task Force Meeting	10:00am
	Tourism Overlay District Advisory Committee Meeting	10:30am
	QQ - Quality and Quantity - Water District	1:15pm