



TOWN OF
BRECKENRIDGE

Town Council Regular Meeting
Tuesday, August 23, 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 - AUGUST 9, 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. 26, SERIES 2022 - AN ORDINANCE AMENDING THE BUILDING CODE PERTAINING TO ENERGY EFFICIENCY OF RESIDENTIAL CONSTRUCTION AND REPEALING OUTDATED PROVISIONS*
2. *COUNCIL BILL NO. 27, SERIES 2022 - AN ORDINANCE AMENDING THE BUILDING CODE PERTAINING TO BUILDING PERMIT AND INSPECTION FEES*
3. *COUNCIL BILL NO. 28, SERIES 2022 - AN ORDINANCE AMENDING THE ACCOMMODATION UNIT LICENSE REGULATIONS TO ESTABLISH MAPPED AREAS BASED ON THE UNDERLYING LAND USE CHARACTERISTICS OF THE TOWN AND IN CONNECTION THEREWITH SETTING LIMITS ON THE CONCENTRATION OF LICENSES BY MAPPED AREA AND ESTABLISHING FINES*
4. *COUNCIL BILL NO. 29, SERIES 2022 - AN ORDINANCE REORGANIZING TITLE 4, CHAPTER 1 REPEALING REGULATIONS OF ACCOMMODATION UNITS AND REPLACING THOSE PROVISIONS IN A COMPANION BILL ENTITLED "AN ORDINANCE AMENDING THE ACCOMMODATION UNIT LICENSE REGULATIONS TO ESTABLISH MAPPED AREAS BASED ON THE UNDERLYING LAND USE*

CHARACTERISTICS OF THE TOWN AND IN CONNECTION THEREWITH SETTING LIMITS ON THE CONCENTRATION OF LICENSES BY MAPPED AREA AND ESTABLISHING FINES"

VI. NEW BUSINESS

A. FIRST READING OF COUNCIL BILLS, SERIES 2022

1. *COUNCIL BILL NO. 30, SERIES 2022 - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE FUND, APPROVING A LOAN FROM THE COLORADO WATER CONSERVATION BOARD; AUTHORIZING THE FORM AND EXECUTION OF THE LOAN CONTRACT, PROMISSORY NOTE TO EVIDENCE SUCH LOAN, AND SECURITY AGREEMENT IN CONNECTION THEREWITH; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH*

B. RESOLUTIONS, SERIES 2022

C. OTHER

1. *SHORT TERM RENTAL BEDROOM COUNT DE NOVO HEARING WRITTEN DECISION*

VII. PLANNING MATTERS

A. PLANNING COMMISSION DECISIONS

VIII. REPORT OF TOWN MANAGER AND STAFF

IX. REPORT OF MAYOR AND COUNCIL MEMBERS

- A. CAST/MMC (Mayor/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 AUGUST, SEPTEMBER, AND OCTOBER

XII. ADJOURNMENT

D) CALL TO ORDER, ROLL CALL

Mayor Mamula called the meeting of August 9, 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 – JULY 26, 2022

With no changes or corrections to the meeting minutes of July 26, 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. Tamara Park, representing the BCA, thanked the Council for its support of the arts and reminded them about BIFA coming up.

Mr. Jim Anderson, chair of the Backstage Theatre, introduced Jacqueline Stone, the new producing artistic director of the Theatre. Ms. Stone stated she is excited for the upcoming season, and would like to bring her experience in theater to this community.

Ms. Marty Summer, of Blue River, stated she is here as a Dark Sky advocate. She further stated she sent a letter to Council addressing sustainability and light pollution in the SustainableBreck plan. She stated her comments are based on research and she applauds the Town's sustainability efforts and would like to see the Dark Sky initiative included in the plan.

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

B) BRECKENRIDGE SKI RESORT UPDATE

Ms. Jody Churich, COO of Breckenridge Ski Resort, stated the resort was fully staffed this summer and it was challenging with lightning and rain. She further stated that they are hiring a childcare manager and getting licensed for year-round care for children. She stated they hope to have 20 spaces in the first year, with more in the future. She also stated a new Rip's Ride is being installed on Peak 8, with easier access to Peak 9. She further stated the Kids' Kastle and sprung structure will be removed this season as part of "Peak 8 Reimagined" and the goal is to be fully-staffed for winter with a \$20 minimum wage and offering year-round childcare to the community.

V) CONTINUED BUSINESS

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

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

Mayor Mamula read the title into the minutes. Mr. Matt Hulsey stated two questions from the first reading have been addressed in this second reading version of the ordinance, and noted in the memo from the packet.

Mayor Mamula opened the public hearing.

Mayor Mamula asked what would happen if the County did not buy in to PAYT, and Mr. Hulsey stated we could make amendments to this ordinance in the future.

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

Mr. Bergeron moved to approve 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. Ms. Saade seconded the motion.

The motion passed 7-0.

- 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

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

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 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. Ms. Owens seconded the motion.

The motion passed 7-0.

- 3) COUNCIL BILL NO. 26, SERIES 2022 – AN ORDINANCE AMENDING THE BUILDING CODE PERTAINING TO ENERGY EFFICIENCY OF RESIDENTIAL CONSTRUCTION AND REPEALING OUTDATED PROVISIONS

Mayor Mamula read the title into the minutes. Mayor Mamula explained that staff has asked to continue this bill to the August 23 meeting.

Mr. Bergeron moved to CONTINUE COUNCIL BILL NO. 26, SERIES 2022 - AN ORDINANCE AMENDING THE BUILDING CODE PERTAINING TO ENERGY EFFICIENCY OF RESIDENTIAL CONSTRUCTION AND REPEALING OUTDATED PROVISIONS to the August 23, 2022 Town Council meeting. Mr. Beckerman seconded the motion.

The motion passed 7-0. This item was continued to the August 23, 2022 Town Council meeting.

VI) NEW BUSINESS

- A) FIRST READING OF COUNCIL BILLS, SERIES 2022

- 1) COUNCIL BILL NO. 27, SERIES 2022 - AN ORDINANCE AMENDING THE BUILDING CODE PERTAINING TO BUILDING PERMIT AND INSPECTION FEES

Mayor Mamula read the title into the minutes. Mr. Mark Truckey stated this ordinance would amend the Town's Building code related to permit and inspection fees to match Summit County's fee schedule.

Mayor Mamula opened the public hearing. There were no public comments and Citizen's Comment was closed.

Mr. Bergeron moved to approve COUNCIL BILL NO. 27, SERIES 2022 - AN ORDINANCE AMENDING THE BUILDING CODE PERTAINING TO BUILDING PERMIT AND INSPECTION FEES. Mr. Carleton seconded the motion.

The motion passed 7-0.

- 2) COUNCIL BILL NO. 28, SERIES 2022 - AN ORDINANCE AMENDING THE ACCOMMODATION UNIT LICENSE REGULATIONS TO ESTABLISH MAPPED AREAS BASED ON THE UNDERLYING LAND USE CHARACTERISTICS OF THE TOWN AND IN CONNECTION THEREWITH SETTING LIMITS ON THE CONCENTRATION OF LICENSES BY MAPPED AREA AND ESTABLISHING FINES

Mayor Mamula read the title into the minutes. Ms. Kirsten Crawford, Town Attorney, stated this ordinance will set the short term rental zone areas and set the limits by zone.

She further stated there are other procedural aspects of the ordinance that are detailed in the memo in the packet.

Mayor Mamula opened the public hearing.

Ms. Andrea Still, who owns a home on Lincoln and French, stated she believes her block should be changed from Zone 3 to Zone 1 due to the number of businesses on her block.

Ms. Julie Koster, representing SAVRM, thanked Council for engaging with the members, and would like Council to consider opening Zone 1 to 100%. She further stated she would also like Council to remove the STR cap in general. She stated we are here to support the Town and work together for our community.

Ms. Mary Waldman, of Summit Mountain Rentals, stated the STR label makes her a target. She asked Council to change the reference from STR to VR for Vacation Rentals. She stated there is no connection to her as a vacation rental industry member and tourism business.

Mr. Mark Gastman, of Upper Warriors Mark, stated his family loves their neighborhood, LUD 30.5 has 52% STRs, it provides single-family homes for renters and is recognized as ski-in, ski-out properties. He further stated this LUD is in Zone 3, and he would like it to be in Zone 1 or Zone 2.

Ms. Ashley Kubiszyn, of River Ridge Rentals, stated she used to come here with her family and moved here in 2004, and she rents homes to families and she believes these changes will make Breckenridge a less-desirable location. She further stated that the town will have fewer families, and more day-trippers and vacant homes.

Ms. Jan Radosevich, stated she is here to speak against the ordinance proposed, and she doesn't agree that 60 permits have gone away in the new zone totals. She further asked Council about LUD 40, which is residential ski-in, ski-out properties, compared to Zone 10, on Four O'Clock ski run, which is also ski-in, ski-out properties.

Mr. Chuck Sebald stated he's representing Woods Manor on Broken Lance Drive and would like that property to be included in Zone 1 since a portion of the land is in Zone 1. He further stated it was constructed for short-term rentals and includes a clubhouse, 24 hour security, and other amenities. He stated Village Point Townhomes was included in Zone 1 and Woods Manor is directly across the street from other Zone 1 units.

Mr. Stu Van Anderson stated he's here to support Woods Manor in Zone 1 or as an exempt property. He stated he believes the property should be included in Zone 1 and precedent has been set with exceptions for other Resort Properties. He stated the Council should consider not passing it on first reading, and Zone 3 is a deed restriction. He also stated "warrantless entry" in the ordinance is out of line. Mayor Mamula stated that that stipulation was taken out of the ordinance.

Ms. Beth Eissenman, or Broken Lance Drive, stated she is here representing Woods Manor. She further stated there are 24 units in Woods Manor and it has amenities similar to other resort properties.

Mr. Dishon Lutz, attorney for Summit Association of Realtors, stated he is here to work with the Town of Breckenridge and these decisions are impacting locals. He further stated we believe the market will self-adjust and COVID caused an explosion of visitors and buyers to Summit, and now the visitors are moving on to other destinations so the frenzy here is easing. He asked Council how they intend to measure goals and stated he would like see data collection that shows those goals are being achieved.

Mr. James Bradley, of Marksberry Way in the Highlands, stated he supports the ordinance as it applies to Zone 3. He stated his neighborhood has single-family homes and many of them are STRs. He further stated most of the locals are full- and part-time, and having lived next door to a STR for 6 years he would rather have the home sit empty. He stated 12 people in a home is usually 4-5 cars, and not families.

Mr. Tom Kloppel, stated he and his wife are real estate brokers in the Denver area, and he grew up skiing here. He further stated the basis for growth is due to the STR market that

provides income for the community, and provides experiences for guests, and his properties have been good income earners. He stated we worked hard to buy a condo here and if we can't transfer that license the value will drop. He also stated the majority of people who would like to buy the property would buy it as an investment.

Ms. Trace Kaker, representing PMI properties, stated she is against this ordinance because she doesn't agree with the restrictions placed on STRs. She stated she doesn't see the correlation between the ordinance and what we are trying to accomplish. She stated owners want to stay in large homes and the fees in place should address problems with trash, noise, etc. She also stated her employees make too much for workforce housing, and too little to purchase housing, and most people who visit spend money in the community.

Ms. Nina Head, a visitor since 1970 who lives in Zone 1, asked why we are going backward when we are a resort town? She stated we have grown and we need more pockets of STRs.

Mr. Louis Roselle, who owns at Woods Manor, stated he invested in the Town with what he thought would be a Zone 1 license in April, and it has since changed to Zone 3.

Mr. Andrew Biggin stated he thought the STR ordinance was supposed to create long-term housing, but now it punishes the second homeowners.

Mr. Andy Ford, who has visited since 1992 and works as the GM at Marriot's Mountain Valley Lodge, asked for the deletion of the shuttle service requirement for Resort Properties. He stated Council should give the HOAs time to build up their budget to offer this service if it is a requirement.

Mr. Matthew Schroeder stated he lives in the Highlands and they are retired and do not rent. He stated he would like the Council to consider a compromise for Zone 3, which is to allow STRs during certain months of the year. He is asking the Council to explain the reasoning behind not accepting the proposal. He further stated properties will lose their values.

Mr. Lenny Weisberg, of Warriors Mark, stated he would like to see continued STRs in his neighborhood. He asked Council why they were doing this, and noted that he believes his neighborhood would be completely different without STRs. He further stated he believes there are other solutions that could help, such as renting long-term to earn an STR.

Mr. Tim Paynter, a part-time resident in Breckenridge, stated he is opposed to the shuttle service requirement for resort properties. He stated he also wants to encourage language in the law that would allow for percentages and not hard caps, and he would like to allow 100% in Zone 1. He also stated that no more 1031 Exchanges appear in this bill. He thanked Council for the hard work.

Mr. Toby Babich, of Breckenridge Resort Managers, stated rentals are down, and we are entering a recession. He stated he appreciates the Town being open to collaboration and would like to request a deeper dive into Zone 3, since local workers can't afford homes in many of these areas. He stated the cap in these zones has no direct impact on local workers and will leave homes vacant. Mr. Babich asked Zone 3 to be 25%, and we can exempt single-family homes, and not raise fees.

Mr. Carl Batista, who owns multiple properties in Breckenridge, stated he supports the points that have been brought up before. He further asked Council to listen to everyone in the room, and would like Council to consider other options.

Ms. Myra Kloppel, who owns a condo in Tyra and manages another condo across the street, stated we have followed all of the rules and contributed to the community as much as possible with many 5-star reviews. She further stated both of the condos are in Zone 1, and she would like to see investment properties on Four O'Clock Road transfer licenses when sold.

Mr. Thomas Barry, who owns a company called Hosting from the Heart, told a story about a girl with cancer who stayed with him. He further stated they welcome good people, and host responsibly and follow the rules.

Ms. Teri Sweetin read the Constitution of the United States and stated she has written to the Mayor and Town Council, and that is not the way to govern the Town. She further stated she would like to short term rent her property and why take a radical stance on STRs with no scientific data. She also stated STRs are a big part of the community.

Ms. Amanda Stewart, of Upper Warriors Mark, stated she owns a property, and the character in Breckenridge is what her family likes. She stated that she is concerned about creating a Zone 3 that restricts rental homes. She also stated takings lawsuits will come, and short- and long-term maintenance will take a hit.

Ms. Kim Stevenson stated she owns a couple of properties in Breckenridge and opposes the shuttle requirement for Resort Properties. She stated additional shuttles will clog the roads and the town bus system is sufficient for properties close to town. She also stated that Zone 1 should be 100%.

Mr. David Wilcox, from Summit Mountain Rentals, read a letter into record from homeowners Paul and Cathy Huffman, White Wolfe property owners. The letter stated these owners would like Council to reconsider White Wolfe homes for Zone 1.

Ms. Kelly Hepburn, who lives in Summit County, stated she saved to buy a home here, and she recognizes this is a hard decision and asks Council to table this ordinance. She further stated she is a real estate agent and her clients are having trouble buying properties. She also stated she commends Council for its work in workforce housing.

Mr. Tim Calkins, an owner in the Highlands, stated the home next to him sat empty for awhile and his worry is that homes will sit empty, and he encourages Council not to vote for Zones.

Ms. Tanya Delhoz stated she is speaking as Chair of Planning Commission, and further stated she asks Council to listen to the residents. She also stated she is a realtor who has buyers and sellers who are tied to this ordinance. She stated other Planning Commission members agree with her.

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

Ms. Saade stated this has been a long time in this process and the cap was decided, and this next step opens up some movement in the market for Zone 1. She also stated LUDs are a defensible tool and we worked with the Task Force to find a solution. She stated she is supportive of this ordinance.

Mr. Bergeron stated his property is in Zone 3, and nobody is losing a license. He stated Zone 1 at 90% is fair, and he goes back to the last election when those supporting regulations were voted into office. He further stated he sees the logic in the zones and this is a difficult situation. He stated this is one of many tools in the toolbox with the goal to not diminish the product of Breckenridge, and we can be flexible down the road to tweak it. He further stated he will vote in favor of this.

Mr. Beckerman stated staff did a good job researching this issue and thanked SAVRM for coming to the table. He stated communities across the United States have done more, and some have done less, and our place using the zoning makes the most sense. He stated there will always be a house or a complex on the bubble and to use the lines that are already in place through LUDs is the best we have at the moment. He stated this ordinance is about placing tourism where we have the infrastructure to serve our guests the best. He also stated the guests don't know where they will be, and we want them to have a good experience where they are staying, and we can serve our guests better in Zone 1. He stated he is open to a discussion about shuttle service, and this wasn't supposed to solve our workforce housing problem, but just to stop the bleeding so we could get ahead. He stated he supports the ordinance as written.

Mr. Rankin thanked staff for their work, and thanked Council for its work on this ordinance and the previous one. He stated he recognizes that many people have reached

out to him with ideas and the path forward is working together. He further stated that to him, it's about the customer experience and protecting the ecosystem of the Town. He stated we are pro-business board and pro-tourism, and we are going to adjust. He also stated he would like to see the 60 licenses added back to Zone 1 and also reconsideration of the shuttle service requirement. He stated he doesn't think this is perfect, and he would like to see improvement in LUD 10 in the future, but he's in favor of this so we can move forward.

Mr. Carleton stated this is about balance, and we are out of balance. He stated we have had three years of robust growth in this industry and we felt compelled to do something and the overlay zones make it better. He further stated he has heard enough people who appreciate the compromise and feel an urgency to end the uncertainty. He stated we can't forget our workforce, and we have set a goal to add 1,000 deed restricted units for employees over the next 5 years. He further stated it's about balance and quality of life, and he appreciates the comments and thinks they are constructive.

Ms. Owens stated she agreed with the other Council comments. She stated this is a community that people want to visit and stay in. She also stated she is excited to move forward and find a center ground and we will continue to use the comments and committee work to make this better. She stated it's not always going to work for everyone. Ms. Owens stated she the shared shuttle service is listed in the bill, and we would like the properties to use the shuttle service to help town transportation needs. She also stated over 50% of our Town units have STR licenses and we want people to have a good visitor experience, and there are lots of things that will make the town stronger. She stated she will support the bill.

Mayor Mamula stated he would love to table this for many more years, but as soon as we pass this ordinance it will open up many licenses in Zone 1 and Zone 2 can start to sell as well. He stated there are other things driving the market right now across the country, and he would like to look at Woods Manor to see where it is in the Zone, and the block of French Street to see where we drew that line. He stated he is okay with a delay on the shuttle requirement, and he would like to honor the additional 60 units to Zone 1. He stated many people in this community have interacted with us about this issue and it's important to move this along.

Mr. Bergeron moved to approve COUNCIL BILL NO. 28, SERIES 2022 - AN ORDINANCE AMENDING THE ACCOMMODATION UNIT LICENSE REGULATIONS TO ESTABLISH MAPPED AREAS BASED ON THE UNDERLYING LAND USE CHARACTERISTICS OF THE TOWN AND IN CONNECTION THEREWITH SETTING LIMITS ON THE CONCENTRATION OF LICENSES BY MAPPED AREA AND ESTABLISHING FINES. Mr. Beckerman seconded the motion.

The motion passed 7-0.

- 3) COUNCIL BILL NO. 29, SERIES 2022 – AN ORDINANCE REORGANIZING TITLE 4, CHAPTER 1 REPEALING REGULATIONS OF ACCOMMODATION UNITS AND REPLACING THOSE PROVISIONS IN A COMPANION BILL ENTITLED "AN ORDINANCE AMENDING THE ACCOMMODATION UNIT LICENSE REGULATIONS TO ESTABLISH MAPPED AREAS BASED ON THE UNDERLYING LAND USE CHARACTERISTICS OF THE TOWN AND IN CONNECTION THEREWITH SETTING LIMITS ON THE CONCENTRATION OF LICENSES BY MAPPED AREA AND ESTABLISHING FINES"

Mayor Mamula read the title into the minutes. Ms. Crawford stated this ordinance is a companion bill to Council Bill No. 28 that cleans up other related areas of the code, but has no policy changes.

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 29, SERIES 2022 – AN ORDINANCE REORGANIZING TITLE 4, CHAPTER 1 REPEALING REGULATIONS OF ACCOMMODATION UNITS AND REPLACING THOSE PROVISIONS IN A COMPANION BILL ENTITLED "AN ORDINANCE AMENDING THE ACCOMMODATION UNIT LICENSE REGULATIONS TO ESTABLISH

MAPPED AREAS BASED ON THE UNDERLYING LAND USE CHARACTERISTICS OF THE TOWN AND IN CONNECTION THEREWITH SETTING LIMITS ON THE CONCENTRATION OF LICENSES BY MAPPED AREA AND ESTABLISHING FINES". Ms. Saade seconded the motion.

The motion passed 7-0.

B) RESOLUTIONS, SERIES 2022

- 1) RESOLUTION NO. 15, SERIES 2022 - RESOLUTION APPROVING GRANT APPLICATION WITH BUREAU OF RECLAMATION**
Mayor Mamula read the title into the minutes. Mr. James Phelps stated this resolution would authorize the Town Manager to enter into an agreement with the Bureau of Reclamation for a water meter upgrade project.

Mr. Bergeron moved to approve RESOLUTION NO. 15, SERIES 2022 - RESOLUTION APPROVING GRANT APPLICATION WITH BUREAU OF RECLAMATION. Mr. Beckerman seconded the motion.

The motion passed 7-0.

C) OTHER

VII) PLANNING MATTERS

A) PLANNING COMMISSION DECISIONS

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

B) CMC HOUSING COURTESY REVIEW PROJECT HEARING

Ms. Sarah Crump, Planner, read the project into the record. She stated the final design of this project is dictated by the State of Colorado and will be identical to the other building on the site. She also stated it would be a joint project between the Town, County and CMC. She reviewed the project details, including building height, materials, landscaping, and the site plan. Ms. Crump explained that no passing point analysis is required as part of this project and the Planning Commission voted 6-0 to approve this project.

Ms. Owens asked about the Planning Commission discussion about the buildings that didn't look alike and stated she would feel that they need to look alike.

Mr. Dave Asklund, of CMC, thanked Council for its support. Mr. Carleton asked about bike storage, and Mr. Asklund stated there are spaces in the units to store bikes if needed.

Mayor Mamula opened the public hearing.

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

Ms. Owens made the motion to approve the COLORADO MOUNTAIN COLLEGE STUDENT HOUSING DEVELOPMENT, PL-2022-0299, LOCATED AT 107 DENISON PLACER ROAD WITH THE ATTACHED FINDINGS. Mr. Carleton seconded the motion.

Mr. Dan Osborn from Summit County's planning division clarified this project meets all of the Building Code requirements for livable space and exceeds Summit County's studio space requirements.

The motion passed 7-0.

VIII) REPORT OF TOWN MANAGER AND STAFF

The reports of Town Manager and Staff were covered in the afternoon work session.

IX) REPORT OF MAYOR AND COUNCIL MEMBERS

The reports of Mayor and Council Members were covered in the afternoon work session.

A. CAST/MMC

B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE

- C. BRECKENRIDGE TOURISM OFFICE
- D. BRECKENRIDGE HISTORY
- E. BRECKENRIDGE CREATIVE ARTS
- F. BRECKENRIDGE EVENTS COMMITTEE
- G. CHILD CARE ADVISORY COMMITTEE
- H. WORKFORCE HOUSING COMMITTEE
- I. SOCIAL EQUITY ADVISORY COMMISSION

X) OTHER MATTERS

There were no other matters.

XI) SCHEDULED MEETINGS

- A) SCHEDULED MEETINGS FOR AUGUST, SEPTEMBER AND OCTOBER

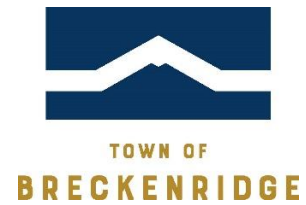
XII) ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:36pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

Helen Cospolich, CMC, Town Clerk

Eric S. Mamula, Mayor



Memo

To: Breckenridge Town Council
From: Mark Truckey, Community Development Director
Rick Fout, Chief Building Official
Date: August 17, 2022 for August 23 Council Meeting
Subject: Zero Energy Ready Homes Building Code Changes Second Reading

Attached is the ordinance that on second reading will adopt the changes to the Building and Energy Code requirements for compliance on new residential construction with the Zero Energy Ready Homes (ZERHs) provisions. As discussed previously, these Code revisions allow two new alternative, above energy code, prescriptive pathway options to the performance based ZERHs requirements. Staff has made just a couple changes to the ordinance since first reading. These changes remove the no-longer needed "training period" associated with the ZERHs program, and they also remove the requirement for renovation and addition projects over \$50,000 in valuation to obtain an Energy Audit. Staff will be available should the Council have any questions.

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 43 of section 8-1-5 A of “Amendments to the
12 International Residential Code” 2018 is hereby repealed and reserved to read as
13 follows:

14 ~~43. Section N1101.4 Above code programs is amended by adding a new subsection~~
15 ~~N1101.4.1 Summit Sustainable Building Code to read as follows:~~

16 ~~N1101.4 Summit Sustainable Building Code (SSBC). All new structures~~
17 ~~defined as a residential building under Section N1101.6 of this chapter~~
18 ~~shall be designed and comply with the Department of Energy's Zero~~
19 ~~Energy Ready Home National Program.~~

20 ~~Exception: All new residential structures defined per section N1101.4.1~~
21 ~~shall register and submit to be reviewed and inspected through the~~
22 ~~Department of Energy's Zero Energy Ready Home National Program as a~~
23 ~~training exercise per the town of Breckenridge Building Department. The~~
24 ~~training exercise program will be effective July 1, 2020 through December~~
25 ~~31, 2020. Full compliance with the Department of Energy's Zero Energy~~
26 ~~Ready Home National Program shall be effective January 1, 2021.~~

27
28 **Section 2.** That paragraph 46 is hereby repealed from section 8-1-5 A of
29 “Amendments to the International Residential Code” 2018 and reserved to read as
30 follows:

31 ~~46. Section N1107.1 (R501.1) Scope is amended by adding subsection N1107.1.1,~~
32 ~~Additions and alterations to read as follows:~~

1 ~~N1107.1.1 (R501.1.2) Additions and alterations. Additions and interior alterations to an~~
2 ~~existing building where the total valuation is \$50,000 or greater, an energy audit shall be~~
3 ~~provided for the existing structure prior to permit issuance. The energy audit~~
4 ~~recommendations and/or conclusions shall not affect the scope of the work submitted~~
5 ~~for the permit.~~

6 ~~Exceptions: Re-roofs, exterior siding repair or replacement, and deck additions, repairs,~~
7 ~~or alterations shall not require an energy audit to be conducted. Reserved.~~

8 **Section 3.** That paragraph 73 is hereby repealed from section 8-1-5 A and reserved in
9 the "Amendments to the International Residential Code" 2018 to read as follows:

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

12 ~~Chapter 45~~

13 ~~Summit County Sustainable Code~~

14 ~~SECTION 4501~~

15 ~~GENERAL~~

16 ~~4501 Scope. All new building construction and construction adding additional~~
17 ~~conditioned square footage shall be compliant with the Summit County Sustainable~~
18 ~~Code and the following Summit County Sustainable Code Checklist.~~

19 ~~4502 Summit County Sustainable Code Checklist:~~

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

21 ~~MANDATORY REQUIREMENTS, 2018 IRC -- Chapter 11 and 2018 IECC --~~
22 ~~Residential Provisions~~

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

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

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

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

28 ~~• Energy efficient water heater.~~

29 ~~• Electric, minimum 0.95 energy factor~~

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

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

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

16 Number of outdoor fireplaces and/or fire pits _____

17 Hot Tub _____

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

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

20 Total Points Incurred rounded to next highest whole number _____

21 **SECONDARY CHOICES**

22 Energy Star appliances throughout.

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

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

26 Air movement at all ceilings > 15'.

27 Insulated exterior wall sheathing.

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

29 SIP panel construction at walls. Structural Insulated Panel.

- 1 ~~SIP panel construction at ceiling.~~
- 2 ~~Roof framing 60% or greater renewable or engineered lumber.~~
- 3 ~~Floor framing 80% or greater renewable or engineered lumber.~~
- 4 ~~Beams and headers 80% or greater renewable or engineered lumber.~~
- 5 ~~Energy heels at trusses, 12" or greater.~~
- 6 ~~ICF foundation. Insulated Concrete Forms.~~
- 7 ~~Insulated headers (80% minimum at R-10).~~
- 8 ~~Greater than R-23 in walls.~~
- 9 ~~Greater than R-49 in ceiling.~~
- 10 ~~Conditioned crawlspace or slab on grade.~~
- 11 ~~High efficiency boiler, AFUE 95% or greater. Annual Fuel~~
- 12 ~~Utilization Efficiency.~~
- 13 ~~High efficiency furnace, AFUE 95% or greater.~~
- 14 ~~Boiler or furnace centrally located; no mechanical run~~
- 15 ~~longer than 2/3 the distance of the greatest diagonal~~
- 16 ~~dimension of the home.~~
- 17 ~~HRV or ERV system installed.~~
- 18 ~~Side arm water heater served by boiler.~~
- 19 ~~50 year roof or greater warranty.~~
- 20 ~~Alternative energy sources: 1000 British Thermal~~
- 21 ~~Units/Kilowatt/Photovoltaic.~~
- 22 ~~Active solar space heating system 1 pt/25MBTU _____~~
- 23 ~~Active solar domestic hot water system 1 pt/25MBTU _____~~
- 24 ~~Ground source heating/cooling system 1 pt/25MBTU _____~~
- 25 ~~Solar generated (PV) electric system 1 pt/2.5KW _____~~

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

17 **Section 4.** That new paragraphs 76 through 78 j. be added to A of section 8-1-5 of
 18 the “Amendments to the International Residential Code” of 2018 to read as follows:

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

- 23 1. 2021 IECC Prescriptive Option:
 - 24 • Forced air-furnace system, minimum 97% AFUE.
 - 25 • Radiant heating system, minimum 95% AFUE.
 - 26 • Heat pump minimum efficiency, Heating Seasonal Performance
 - 27 Factor (HSPF) 10

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

18
19 Thermal envelope requirements:

20		
21	Roof/ ceiling:	R60, or R49 uncompressed over the
22		top plate
23	Above grade walls:	R30 cavity or
24		R20 cavity, R5 continuous insulation
25		(ci) or
26		R13 cavity, R10 ci or
27		R20 ci
28	Slabs, including slab edge:	R10
29	Fenestrations:	Max U 0.32
30	Floor R-value:	R38
31	Basement wall:	R15 ci or
32		R19 cavity or
33		R13 cavity, R5 ci
34	Mass Wall:	R19 ci or

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

7

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

11 Or;

12 2. PV Prescriptive Option

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

29

30 Thermal envelope requirements:

31		
32	Roof/ ceiling:	R49
33	Above grade walls:	R23 cavity or

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

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

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

31 77. Table N1102.1.2 (IECC R402.1.2) Insulation and Fenestration Requirements by
32 Component Fenestration U-Factor column is amended to add 0.32 for replacement
33 fenestrations or new fenestrations being installed in 60% or less of the existing rough openings
34 in additions, alterations or repairs for Climate Zone 7 and 8.

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

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

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

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

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

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

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

21 **Section 6.** That paragraph 6 of 8-1-9 A of “Amendments to the International
22 Energy Conservation Code” 2018 is amended by deleting the language stricken to read
23 as follows:

24 A. The following sections of the International Energy Conservation Code, 2018 Edition,
25 are amended to read as follows:

26 6. Section C101 Scope and General Requirements is amended by adding a new section
27 ~~C101.6 Summit Sustainable Building Code (SSBC).~~ to read as follows:

28 ~~C101.6 Summit Sustainable Building Code. (SSBC) In addition to the requirements of
29 Section C101.5, new buildings shall comply with the Summit Sustainable Building Code,
30 in accordance with Sections C101.6.1 and C101.6.2.~~

1 ~~C101.6.1 Residential SSBC. All new residential structures in groups R-2, R-3, and R-4~~
2 ~~occupancies above 3 stories but not more than 5 stories shall be in compliance with the~~
3 ~~Department of Energy's Zero Energy Ready Home National Program.~~

4 ~~Exception: All new residential structures defined per section C101.6.1 shall register and~~
5 ~~submit to be reviewed and inspected through the Department of Energy's Zero Energy~~
6 ~~Ready Home National Program as a training exercise per the town of Breckenridge~~
7 ~~Building Department. The training program will be effective July 1, 2020 through~~
8 ~~December 31, 2020. Full compliance with the Department of Energy's Zero Energy~~
9 ~~Ready Home National Program shall be effective January 1, 2021.~~

10 C101.6-2 Commercial SSBC. All new structures defined as a Commercial Building in
11 Chapter 2 except structures defined under C101.6.1 of this code shall comply with
12 amended Sections C401.2, C404.11, and C405.10.

13 **Section 7.** That a new paragraph 20 be added to A of section 8-1-9 of the
14 "Amendments to the International Energy Conservation Code;" of 2018 to read as follows:

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

17 All new structures defined as Residential Buildings under Section N1101.6 (R202) of the
18 2018 International Residential Code shall be designed and comply either the Department of
19 Energy Zero Energy Ready Home National Program; or, one of the options set forth below:

20 1. 2021 IECC Prescriptive Option:

- 21 • Forced air-furnace system, minimum 97% AFUE.
- 22 • Radiant heating system, minimum 95% AFUE.
- 23 • Heat pump minimum efficiency, Heating Seasonal Performance
24 Factor (HSPF) 10
- 25 • High-efficacy LED lights, minimum 100%.
- 26 • Energy efficient water heater.
 - 27 ▪ Electric, minimum 0.95 energy factor
 - 28 ▪ Gas, minimum 0.76 energy factor.
- 29 • Provide an electrical car charging rough in, including a blanked
30 electrical box, and a raceway terminating in the electrical panel per
31 Article 625 of the 2020 NEC.

- 1 • Provide PV ready construction including a metal raceway from the
- 2 electrical panel to the roof location where the panels will be installed,
- 3 including a roof jack, a #8 copper ground, a 2 pull blank in the
- 4 electrical panel and an electrical conduit from the electrical panel out
- 5 to the electric meter.
- 6 • WaterSense fixtures throughout.
- 7 • HRV/ ERV, 65% sensible heat recovery efficiency, meeting minimum
- 8 airflow rates per IRC installed.
- 9 • Maximum 30% of exterior walls to be fenestrations.
- 10 • Programmable thermostats.

11
12 Thermal envelope requirements:

13		
14	Roof/ ceiling:	R60, or R49 uncompressed over the
15		top plate
16	Above grade walls:	R30 cavity or
17		R20 cavity, R5 continuous insulation
18		(ci) or
19		R13 cavity, R10 ci or
20		R20 ci
21	Slabs, including slab edge:	R10
22	Fenestrations:	Max U 0.32
23	Floor R-value:	R38
24	Basement wall:	R15 ci or
25		R19 cavity or
26		R13 cavity, R5 ci
27	Mass Wall:	R19 ci or
28		R21 cavity
29	Crawl space wall:	R15 ci or
30		R19 cavity or
31		R13 cavity, R5 ci
32	Blower Door:	ACH 2.7 at a pressure 0.2 inches
33		w.g. (50 Pascals)
34		

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

5 Or;

6 2. PV Prescriptive Option

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

23
24 Thermal envelope requirements:

25		
26	Roof/ ceiling:	R49
27	Above grade walls:	R23 cavity or
28		R20 cavity, R5 continues
29		insulation (ci)
30	Slabs, including slab edge:	R10
31	Fenestrations:	Max U 0.35
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 3.0 at a pressure 0.2
8	inches w.g. (50 Pascals)	

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

19 *If either of the prescriptive options are chosen, no substitutions
20 are allowed. If substitutions are needed, utilize the performance based
21 DOE ZERH option.

23 **Section 8.** That chapter 4 of title 8 entitled "Sustainable Building Code" of 2008
24 series is hereby repealed.

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

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

3
4 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
5 PUBLISHED IN FULL this 26th day of July, 2022. A Public Hearing shall be held at the regular
6 meeting of the Town Council of the Town of Breckenridge, Colorado on the 23rd day of August,
7 2022.

8 TOWN OF BRECKENRIDGE, a Colorado
9 municipal corporation

10
11
12
13 By: _____
14 Eric S. Mamula, Mayor

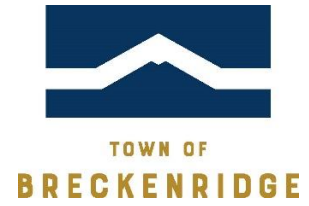
15
16 ATTEST:

17
18
19
20 _____

21 Helen Cospolich, CMC,
22 Town Clerk

23
24 TOWN OF BRECKENRIDGE, a Colorado
25 municipal corporation

26
27
28
29 By: _____
30 Eric S. Mamula, Mayor



Memo

To: Breckenridge Town Council
From: Mark Truckey, Community Development Director
Date: August 17, 2022 for August 23 Council Meeting
Subject: Building Fee Schedule Adjustment

Attached is an ordinance adopting the proposed new building fee schedule on second reading. There are no changes since first reading.

COUNCIL BILL NO. ____

Series 2022

AN ORDINANCE AMENDING THE BUILDING CODE PERTAINING TO BUILDING PERMIT AND INSPECTION FEES.

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

Section 1. That paragraph 14 of section 8-1-4 A, section 109.2 Schedule of permit fees is amended by deleting the language stricken and adding the language underlined to read as follows:

109.2 Schedule of permit fees: On buildings, structures, electrical, gas mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the following Town of Breckenridge Building Permit and Inspection Fee Schedule:

TOWN OF BRECKENRIDGE BUILDING PERMIT AND INSPECTION FEE SCHEDULE

Total Valuation	Fee
\$1.00 TO \$500	\$23.50 <u>50.00</u>
\$501 TO \$2,000	\$23.50 <u>50.00</u> for the first \$500 plus \$3.05 <u>1.25</u> for each additional \$100 or fraction thereof, up to and including \$2,000
\$2,001 TO \$25,000	\$69.25 for the first \$2,000, plus \$14.00 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$391.25 for the first \$25,000, plus \$10.10 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$643.75 for the first \$50,000, plus \$7.00 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,000 to \$500,000	\$993.75 <u>1,169.55</u> for the first \$100,000, plus \$5.60 <u>6.73</u> for each additional \$1,000 or fraction thereof, up to and including \$500,000
\$500,001 to \$1,000,000	\$3,233.75 <u>\$3,663.00</u> for the first \$500,000, plus \$4.75 <u>5.34</u> for each additional \$1,000 or fraction thereof, up to and including \$1,000,000

Total Valuation	Fee
\$1,000,001 and higher	\$5,608.75 <u>6,332.22</u> for the first \$1,000,000, plus \$3.65 <u>90</u> for each additional \$1,000 or fraction thereof

1 Other Inspections and Fees:

1. Inspection outside of normal business hours (minimum charge – two hours)	\$ 50 <u>65</u> .00/hour
2. Re-inspection	\$ 50 <u>65</u> .00/hour
3. Inspection for which no fee is specifically indicated (minimum charge – one hour)	\$ 50 <u>65</u> .00/hour
4. Additional plan review required by changes, additions or revisions to plans (minimum charge - one hour)	\$ 50 <u>65</u> .00/hour
5. For use of outside consultants for plan checking and inspections, or both	Actual cost

2 Electrical Permit Fees

Unit Area	Permit Fee
Not more than 1,000 sq. ft.	\$120.00
Over 1,000 sq. ft., and not more than 1,500 sq. ft.	\$168.00
Over 1,500 sq. ft., and not more than 2,000 sq. ft.	\$216.00
Over 2,000 sq. ft.	\$216.00 plus \$9.60 per 1000 sq. ft. or fraction thereof over 2,000 sq. ft.

All Other Fees: Except for inspection in mobile homes and travel parks, all other permit fees shall be computed on the dollar value of the electrical installation, including labor and material, and such fees shall be computed as follows:

Valuation	Permit Fee
Not more than \$2,000.00	\$120.00
More than \$2,000.00	\$9.60 per thousand or fraction thereof plus \$120.00
Mobile homes and travel parks per space	\$120.00
Additional plan review	\$65.00 per hour or fraction thereof
Re-inspection on all above	\$65.00

Unit Area	Permit Fee
Temporary Power Permit	\$65.00
Hot Tub Electrical Permit	\$120.00
Plan review fees – The plan review fees for electrical work shall be calculated as 65 percent of the electrical permit fee.	

1 All permits have a plan review fee of 65% in addition to the permit fee.
2 Hot tub permits fees are \$125.25.
3 Work commencing before issuance of a building permit is subject to three times the permit fee.

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

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

10
11 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
12 PUBLISHED IN FULL this 23rd day of August, 2022. A Public Hearing shall be held at the
13 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ___ day of
14 ____, 2022.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
Eric S. Mamula, Mayor

23 ATTEST:
24
25
26
27 _____
28 Helen Cospolich, CMC,

1 Town Clerk

2

3

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

4

5

6

7

8

By: _____

9

Eric S. Mamula, Mayor

10



Memo

To: Breckenridge Town Council Members
From: Kirsten Crawford, Town Attorney
Mark Truckey, Community Development Director
Date: August 17, 2022 for August 23 Council Meeting
Subject: Accommodation Unit License Ordinance

At the previous August 9th regular meeting, there was overall consensus by the Town Council to move forward with the draft bill as written but to consider some minor changes.

Changes included on second reading include the following:

- A sentence was added to the resort properties shuttle requirement stating the shuttle is not required until December 1, 2023.
- The number of Zone 1 licenses was increased from 1620 to 1680 to create a total cap of 2200 (non-resort property accommodation unit licenses) in Zones 1-3.
- A change that clarifies that amendments to the maps in zones 1-3 must be made legislatively while a change to the map governing the resort property zone may be amended administratively.

This memo includes a clarification surrounding the Woods Manor property and an in-depth look at the 100 Block of South French Street located within Land Use District 17 which Council asked staff to consider.

Also provided is an updated table of residential units and short-term rental numbers by zone alongside the proposed cap numbers.

Also with this bill creating the new zones, there is a second companion bill that reorganizes and distinguishes the requirements for a BOLT license which imposes a tax and the separate conditions for licensing of accommodation units.

Public comments received between July 5 and August 17, 2022 regarding short-term rentals are attached.

Woods Manor

Staff was directed to look closely at the mapped area and designation of the Woods Manor Condos property located at 290 Broken Lance Drive. Staff finds that the mapped areas essentially match the LUD delineations in this location. The Zone 1 and Zone 3 boundary are drawn along the LUD 24 and LUD 30 boundaries. No portion of the Woods Manor Condo property is located within STR Zone 1.

Image 1. Short Term Rental Woods Manor Mapped Area

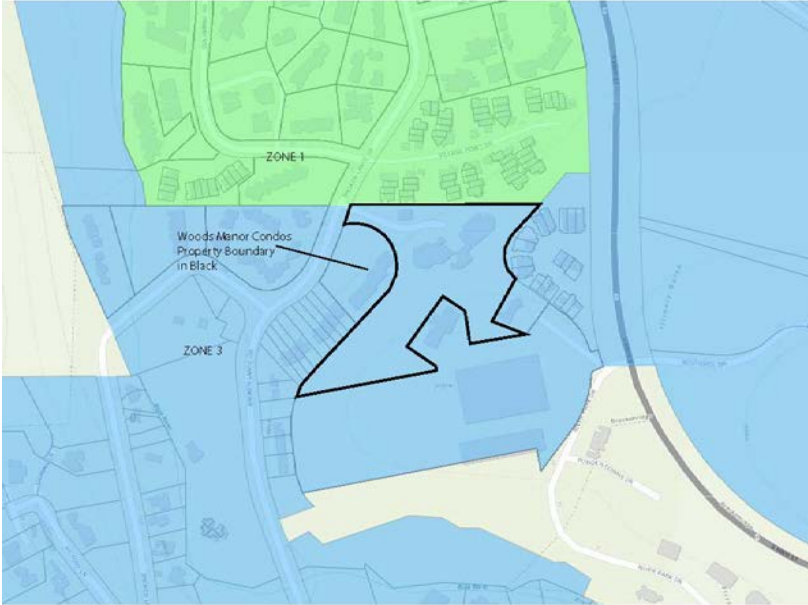
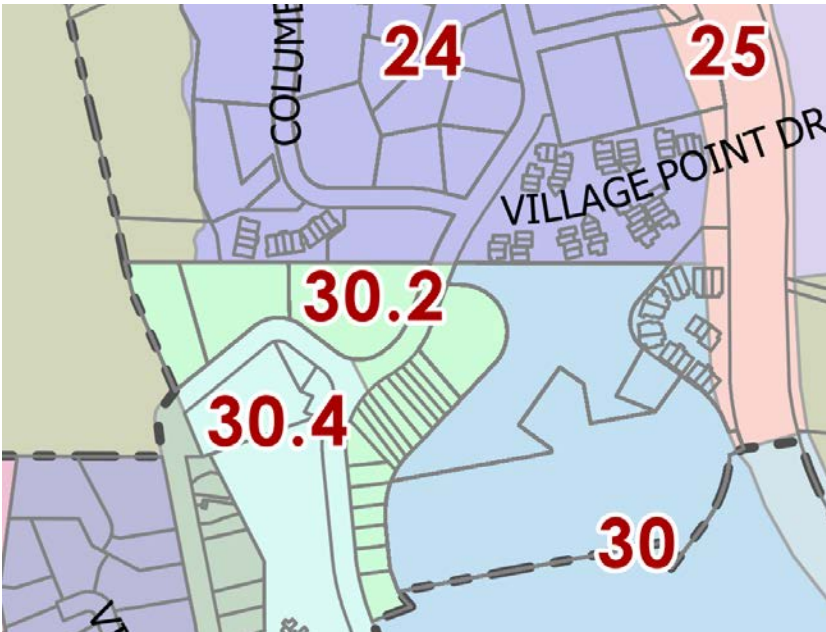


Image 2. LUD Map of Woods Manor



South French Street

Staff was also directed to examine the area surrounding the 100 Block of South French Street and consider this area's Zone 3 designation. Staff finds that the mapped area in this location follows the LUD delineations in this location. LUD 17 specifies residential uses, not commercial uses, and has a lower intensity of use at 11 UPA and was therefore not included in Zone 2. The other LUDs in Zone 2 allow for commercial uses and have higher allowed intensities of use (LUDs 18-2 and 19 both allow for intensities of 20 UPA).

Image 1. Short Term Rental Mapped Area

Image 2. LUD Map of French Street

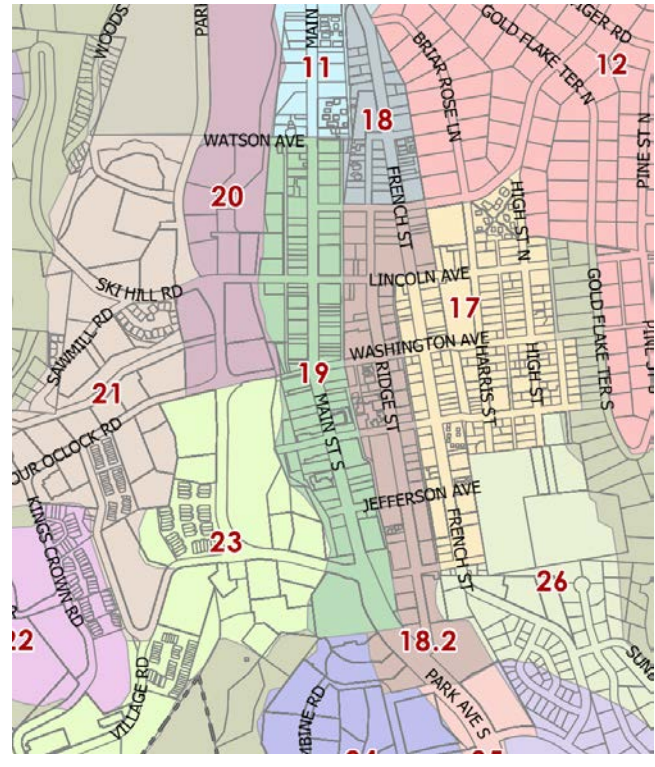
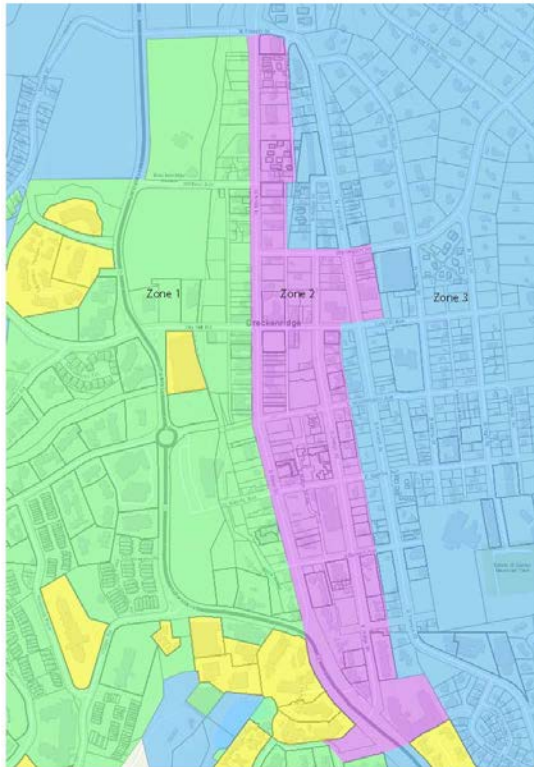


Table 1. Selected Cap

	Existing			Cap Allowed	
	Units	STRs	Percentage STR	Allowed STRs	Percentage STR
Resort	1816	1688	93%	1816	100%
Zone 1	1817	1283	71%	1680	92%
Zone 2	257	142	55%	130	51%
Zone 3	3823	1223	32%	390	10%
Total	7713	4336	56.2%	4016	52%

Series 2022

AN ORDINANCE AMENDING THE ACCOMMODATION UNIT LICENSE REGULATIONS TO ESTABLISH MAPPED AREAS BASED ON THE UNDERLYING LAND USE CHARACTERISTICS OF THE TOWN AND IN CONNECTION THEREWITH SETTING LIMITS ON THE CONCENTRATION OF LICENSES BY MAPPED AREA AND ESTABLISHING FINES.

WHEREAS, the Town recognizes a permanent, year round population plays an important role in sustaining a healthy, viable community and the availability of long term residential areas and rentals contribute to creating quality living and working conditions for the local workforce;

WHEREAS, due to a continued dramatic increase in the number of accommodation unit licenses issued by the Town, in September 2021, the Town Council adopted council bill no. 26, series 2021, that limited the number of non-exempt licenses to 2,200 that would be achieved through attrition caused by certain real property transfers;

WHEREAS, based on feedback from the community at the time of the adoption of council bill no. 26, series 2021, Town Council created a temporary task force comprised of members of the public from several sectors, including property management, real estate, short-term rental license exempt properties, at-large citizens, and representatives from council and planning commission;

WHEREAS, the task force met six times between November 2021 and February 2022 to consider separate areas that may be more or less appropriate for concentrations of licenses based on the underlying land use characteristics;

WHEREAS, the task force delivered a recommendation of a multi-zone mapped area approach by identifying the areas of the Town more suitable for higher concentrations of short term rental uses and impacts;

WHEREAS, Town Council debated the recommendations received from the task force and considered the underlying land use districts and debated these important policy issues at six meetings beginning April 26, 2022, and again on May 10, May 24, June 14, June 28, and July 12 of 2022; further, the Town Council held two public hearings on August 9 and August 23, 2022;

WHEREAS, relying on the underlying land use districts, Town Council established four mapped areas to determine reasonable concentration of licenses based on the character and function such as the tourism area where the "Desired Character and Function" as listed in the

1 Land Use District (LUD) description uses phrase related to “bed base of the ski area”, “within
2 walking distance/close proximity to lifts”, “support ski base facilities”; or residential uses of 15
3 Units Per Acre (UPA) or greater (as identified under LUD Acceptable Land Uses and
4 Intensities); or allows for Lodging(as identified under LUD “Acceptable Land Uses and
5 Densities); and must also be located: West of Main Street; and South of North French Street
6 (the section that runs from Park Avenue east past Main Street);

7 WHEREAS, the Town Council further debated a downtown core that includes residential
8 uses of 12 UPA or greater (as identified under LUD “Acceptable Land Uses and Intensities”)
9 and properties must be south of North French Street (from Park Avenue east past Main Street)
10 and south of Wellington Road (for properties not located on Main Street);

11 WHEREAS, the Town Council desired to further identify a resort properties area that
12 includes properties that provide substantial conference and amenities space valuable to the
13 Town;

14 WHEREAS, based on the task force recommendations and the deliberations of Town
15 Council, Town Council has determined that based on the unique and distinct characteristics of
16 the Town land use districts and guidelines, and based on the health, safety and welfare of the
17 community, that four separate and distinct mapped areas with different concentration of
18 accommodation unit licenses is appropriate for the Town of Breckenridge.

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

21
22 **Section 1.** That title 4 be amended by adding a new chapter 6, entitled
23 “ACCOMMODATION UNIT REGULATIONS” (or more commonly referred to as “short term
24 rental regulations”)

25 CHAPTER 6

26 ACCOMMODATION UNIT REGULATIONS

27 (MORE COMMONLY KNOWN AS “SHORT TERM OR VACATION RENTALS”)

28

29 **4-6-1 Definitions:**

30 ACCOMMODATION UNIT: A separate and distinct living unit including condominium,
31 townhome, house, trailer, studio unit, condominium unit, or any such other similar unit which is
32 rented to any person, who, for consideration, uses, possesses or has the right to use or possess

1 such accommodation unit for a period of less than thirty (30) consecutive days, regardless of the
2 number of days during a license year such unit is rented.

3 **ADVERTISEMENT:** A form of marketing communication that employs a non-personal message
4 to promote the rental of an accommodation unit. This includes, but is not limited to, mailing,
5 brochures, print, internet listing, e-mail publication, social media, other electronic means, or
6 other means or methods regardless of the medium used.

7 **AMENITY SPACE:** Swimming pool(s), swimming pool decks, hot tubs, spas, saunas, steam
8 rooms, fitness centers, sports courts, locker rooms, ski locker rooms, arcades, common patios,
9 grilling areas, lounges, theaters, media rooms, playgrounds, activity rooms, and business
10 centers.

11 **BEDROOM:** A bedroom must meet the criteria set forth in section 4-6-4 of this chapter.

12 **CONFERENCE SPACE:** Meeting rooms, ballrooms, and associated kitchens and service areas.

13 **LAND USE DISTRICT MAP:** Has the same meaning as set forth in section 9-1-5 of the
14 development code.

15 **LAND USE DISTRICT GUIDELINES:** Has the same meaning as set forth in section 9-1-5 of the
16 development code.

17 **OCCUPANCY LIMIT:** The maximum number of persons permitted to reside overnight in an
18 accommodation unit.

19 **RENTAL AGENT:** A management company, rental agent, or other person employed or engaged
20 by the licensee to advertise the accommodation unit for rent, or to remit any required tax to the
21 town.

22 **RESPONSIBLE AGENT:** A management company, rental agent, or individual who is identified
23 in writing to the Town as the person responsible for code complaints made about the
24 accommodation unit licensee.

25 **RESORT PROPERTY OR PROPERTIES:** A multi-unit accommodation property or properties,
26 with each unit having separate ownership, where guests have access to numerous onsite
27 amenities similar to the operations of a resort hotel.

28 **STUDIO:** An accommodation unit which does not contain a bedroom.

29 **TOTAL RESORT AREA:** The total combined amenity and conference space on property.

1 **4-6-2 License required:**

2 A. Application; Requirement to update.

3 1. Licensee shall be required to set forth in an application for an accommodation
4 unit a list of any and all methods or locations of advertising of the accommodation unit for rent.

5 2. License shall be required to provide the name, address and telephone number of
6 any current rental agent for the accommodation unit.

7 3. Licensee shall designate in writing a responsible agent and may designate an
8 alternate responsible agent at the time of application.

9 4. Licensee shall notify the finance director in writing within thirty (30) days of any
10 change in the information set forth in the initial application; provided, however, Licensee shall
11 notify the finance director as soon as practicable in writing of any change in rental agent by
12 including the name, address and telephone number of the licensee's replacement rental agent.

13 B. Issuance.

14 1. Prior to operating an accommodation unit under this chapter, a licensee must be
15 eligible for, apply and receive a business and occupational license under title 4, chapter 1 of this
16 code, have paid all taxes and fees required under title 4, and met all other requirements of this
17 chapter.

18 2. An accommodation unit license issued pursuant to this chapter shall be valid until
19 abandoned, voluntarily surrendered, not renewed, revoked by the finance director or due to a
20 transfer of title to the real property.

21 **4-6-3 Annual accommodation unit regulatory fee:**

22 A. Legislative Intent and Findings:

23 1. It is the purpose of this section to protect the public health, safety, and welfare by
24 establishing a comprehensive accommodation unit regulatory scheme that will strike an
25 equitable balance between the short-term rental industry and the local community.

26 2. The regulatory fee will benefit accommodation unit licensees by supporting housing
27 policies and programs for the local workforce that supports industries that create the world class
28 resort experience.

1 3. The regulatory fee will help address the secondary impacts caused by the short-term
2 rental industry by protecting the character of the local community and town neighborhoods
3 where accommodation units are located.

4 4. To ensure that the amount of the fee bears a reasonable relationship to the direct
5 and indirect costs of implementing the town's comprehensive regulatory program established by
6 this chapter, the administration retained an expert consulting firm to conduct a fee study and
7 establish the reasonable amount of the fee.

8 5. The fee established by this section is not designed to raise revenues to defray the
9 general expenses of town government, but rather is a charge imposed for the purpose of
10 defraying some of the costs of the particular town services and programs described in
11 subsection D of this section.

12 6. Consistent with *Colorado Union of Taxpayers Foundation v. City of Aspen*, 418 P.3d
13 506 (2018), that a charge is not a tax if the primary purpose of the charge is not to raise revenue
14 for general governmental purposes but is instead to defray some of the costs of regulating an
15 activity under a comprehensive regulatory scheme, the fee imposed by the town under this
16 section is collected from the short term rental licensees for the primary purpose of defraying the
17 costs of housing policies and programs for the local workforce essential to the tourism economy
18 that benefits the short term rental licensees.

19 B. Establishment of Accommodation Unit Regulatory Fee:

20 1. Commencing with licenses for accommodation units issued on or after January 1,
21 2022, licensing period there shall be added to each accommodation unit license issued by the
22 finance director pursuant to this chapter, and there shall be paid by the licensee of such license,
23 an annual accommodation unit fee. The amount of the annual accommodation unit fee for 2022
24 shall be four hundred dollars (\$400.00) per studio and/or per bedroom in any accommodation
25 unit; provided, however, the regulatory fee established in this section shall not be imposed
26 where the accommodation unit is the applicant's primary residence and is rented out for a
27 period of time not to exceed twenty one (21) days out of the year.

28 2. Beginning with the town's 2023 fiscal year, the amount of the accommodation unit
29 fee described in this section shall be fixed by the town council as part of its annual budget
30 process in an amount not to exceed seven hundred fifty six dollars (\$756.00) per studio and/or
31 per bedroom in an accommodation unit. Annually at the time of the budget process, the director

1 shall submit for review by council a report confirming that the fee amount from the prior year is
2 adequately and reasonably covering the direct and indirect costs of the regulatory program. If,
3 for any reason, the amount of such fee is not fixed by the town council as part of its annual
4 budget process, the fee for the preceding year shall continue in full force and effect until
5 changed by the town council.

6 3. No accommodation unit license shall be issued until the applicable accommodation
7 unit fee has been received by the finance director.

8 **C. Annual Fee; Due Date:** The accommodation unit fee shall be due and payable to the
9 town at the time of application. Failure to pay the fee in accordance with this section will result in
10 the nonissuance or nonrenewal of a license.

11 D. Regulatory Fee Fund:

12 1. Administration of the Fund:

13 a. All sums of money collected by the town per this section are intended exclusively for
14 use as outlined in subsection D(2) of this section.

15 b. The fee shall be administered by the finance director. The finance director is
16 authorized to adopt administrative rules pursuant to title 1, chapter 18 of this Code to implement
17 this chapter, prescribe forms and provide methods of payment and collection, and otherwise
18 implement requirements of this chapter.

19 c. The fees collected in accordance with this section shall be accounted for by the
20 finance director in such a manner that the finance director can separately track the collection
21 and expenditure of such fees.

22 d. The fees collected in accordance with this section shall not be used for general
23 municipal or governmental purposes or spending. Nor shall the fund ever be transferred to or
24 become part of the town's general fund.

25 e. The finance director shall establish a method for separately accounting for all of the
26 accommodation unit regulatory fees collected by the town pursuant to this section, and the
27 expenditure of such fees.

28 2. Purpose and Use of the Regulatory Fees: Funds collected by the town from the
29 accommodation unit fee established by this section shall be used to defray the reasonable direct
30 and indirect costs of the following:

1 a. The town's housing policies and programs, including buy downs, lease to locals,
2 acquisition of deed restricted units, and/or construction of new units;

3 b. To address the secondary impacts caused by the short term rental industry by
4 protecting the character of the local community and town neighborhoods where accommodation
5 units are located including but not limited to lack of parking, loud noise, and increased trash
6 associated with the higher density use; and

7 c. To defray the costs to the town, including, but not limited to, for staff and personnel
8 required for the administration and enforcement of the regulatory program.

9 **4-6-4 Criteria for a bedroom under the short-term rental regulations:**

10 A. The number of bedrooms in an accommodation unit shall be established by the
11 Summit County Assessor database; or

12 B. In order to establish a different number of bedrooms than in the Summit County
13 Assessor database, the Town shall conduct an inspection per 4-6-9, and determine the number
14 of bedrooms that meet each of the following criteria:

15 1. At least 70 square feet in size, have a ceiling height of at least 5 feet, and shall
16 not have a "through way" to another room of the accommodation unit or to the exterior; and shall
17 contain each of the following:

18 2. Interior walls and door(s) on the same level of the building as the space in order
19 to separate the space and provide privacy;

20 3. An egress window as required by the town's building and technical code adopted
21 by reference in chapter 1, title 8 of this code;

22 4. Operable smoke and carbon monoxide detectors pursuant to Colorado law within
23 15 feet of any bedroom; and,

24 5. A built-in closet consisting of dry wall, or built-in clothes storage area
25 permanently affixed to the wall, requiring repairs to the accommodation unit if removed. Built-in
26 bunk beds with built-in clothes storage space complies with this requirement but the following
27 are examples of things that do not constitute a closet in compliance with this section:

28 a. Bunk bed with drawers purchased from a furniture store does not comply.

29 b. An armoire.

1 **4-6-5 Creation of mapped areas; limitation on concentration of licenses:**

2 A. Consistent with the Town's land use district map and guidelines, the Town
3 hereby establishes four areas within the boundaries of the Town of Breckenridge as reflected in
4 the attached maps, a copy of which is incorporated by reference in Exhibit A, and available for
5 inspection in the office of the town clerk:

6 1. A tourism zone ("zone 1");

7 2. A downtown core zone ("zone 2");

8 3. Areas not categorized as a resort property nor included in zone 1 or 2 fall within
9 zone 3 ("zone 3"); and,

10 4. Resort property zone.

11 a. Resort properties in this zone shall be:

12 1. A minimum of 15,000 square feet of total resort area that is located on the
13 premises of the property; or

14 2. A minimum of 7,000 square feet of total resort area located on the
15 premises of the property provided the resort property has an entrance that is within 150 feet
16 walking distance of a ski area lift terminal.

17 b. Notwithstanding subsection a. above, the director of community development
18 may determine that a property constitutes a resort property under the following circumstances:

19 1. Spaces that do not meet the precise definition of amenity or conference space
20 as defined in section 4-6-1 are deemed appropriate as the equivalent thereof in order to be
21 included in the minimum square foot calculations above in 4 a;

22 2. Spaces for amenity or conference are deemed appropriate for inclusion in
23 minimum square foot calculations above in 4 a as they are available to resort property guests on
24 an adjacent property well connected to the main property via pedestrian walkways and access
25 by pedestrians is not impeded by a public right-of-way. Conversions of existing residential shall
26 not be included in total resort area calculations.

27 3. A property is within or directly adjacent to Zone 1 or Zone 2, and has a site plan
28 approved by community development, as of the effective date of this ordinance, which states

1 qualifying developed amenity or conference space (Total Resort Area) will be provided at an off-
2 site property also located in Zone 1 or Zone 2 also qualifies as a resort property.

3 c. If a resort property is determined by community development as qualifying as a
4 resort property, such property shall only be eligible for a license available in the resort property
5 zone and no other zone.

6 d. The mapped areas of Zones 1, 2 and 3 shall only be modified, amended or
7 changed legislatively through an ordinance adopted by Town Council. The map of the resort
8 property zone may be amended administratively upon a determination that a property
9 constitutes a resort property but such property shall not be issued an accommodation unit
10 license until such time that is eligible to receive a business and occupational license under title
11 4, chapter 1 (i.e. renting an accommodation unit).

12 B. Except as otherwise provided in this chapter, the finance director shall not issue
13 any accommodation unit license if doing so would result in there being in effect at any one time
14 more than the maximum number of valid accommodation licenses in each of the zones as
15 follows:

16 1. The resort property zone shall have no more than 1816 accommodation unit
17 licenses.

18 2. Zone 1 shall have no more than 1680 accommodation unit licenses.

19 3. Zone 2 shall have no more than 130 accommodation unit licenses.

20 4. Zone 3 shall have no more than 390 accommodation unit licenses.

21 C. Certain licensees/properties not affected.

22 1. A licensee that was issued an accommodation unit license prior to the effective
23 date of this ordinance is not subject to the limitations set forth in 4-6-5 B and may renew unless
24 or until the property title transfers to a new owner.

25 2. A person issued a building permit for a residential unit(s) on or before September
26 14, 2021 shall not be subject to the limitations set forth in 4-6-5 B provided such person has
27 applied for an accommodation unit license within twenty (20) days from the date of issuance of
28 a certificate of occupancy.

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4-6-6 Special requirements of resort properties:

Resort property or properties shall provide:

A. Twenty four (24) hour onsite front desk that is monitored by a person onsite.

B. Twenty four (24) hour phone line that is monitored by a person onsite.

C. Twenty four (24) hour private security capable of responding to complaints within a reasonable amount of time. The person responsible for staffing the front desk and the security personnel cannot be the same staff member.

D. On-site housekeeping.

E. A shuttle service for guests that is available daily, at least during scheduled peak hours and for the peak visitation months, June through September and December through March. Shared shuttle services with another resort property is encouraged. Notwithstanding the effective date of this ordinance, Resort properties have until December 1, 2023 to meet this shuttle requirement.

F. Enclosed garage parking.

4-6-7 Wait list for new license applications:

A. On the effective date of this ordinance, the wait list that the Town instituted on November 2, 2021, shall be divided into four separate lists identified by mapped areas (i.e. the resort properties zone, zone 1, zone 2, and zone 3).

1. A person whose name was put on the wait list beginning November 2, 2021, shall be prioritized on the list in the order in which they were placed on the initial list but categorized by zone on the effective date of this ordinance.

2. New owners requesting to be added to the wait list as of the effective date of this ordinance shall be placed on the wait list in the order in which the request is received and categorized by zone.

B. As new licenses become available in a zone, the owner at the top of the list in that zone will be contacted and has fourteen (14) business days to submit a completed application to the finance director.

C. If such owner fails to submit a complete license application to the finance director within the fourteen (14) day period, or if such owner notifies the finance director that it declines

1 to proceed with an application, the finance director shall promptly notify the next owner on the
2 wait list and shall continue on the list until the available license is issued.

3 E. Only the current property owners can request to be placed on the waitlist. If the
4 property sells, the place on the wait list is void and the new buyer will have to complete a new
5 wait list request after purchasing the property
6

7 **4-6-8 Licenses non-transferable:**

8 A. Except as otherwise provided in this section, no license granted pursuant to this
9 chapter shall be transferable from one person to another or from one location to another.

10 B. Exceptions to non-transferable license. If the real property for which a valid
11 accommodation unit license has been issued is transferred pursuant to a deed meeting any of
12 the following conditions, the Director may issue a new accommodation unit license to the
13 grantee named in such deed:

14 1. The transfer of title to real property if the grantee is a member of the grantor's family.

15 2. The transfer of title to real property from a grantor to a trust established by the
16 grantor.

17 3. The transfer of title to real property from a grantor to a limited liability company or
18 another form of business entity recognized by Colorado law so long as the grantor has a
19 controlling interest in such limited liability company or other business entity.

20 4. Any transfer of the property between the same parties creating or terminating a joint
21 tenancy in such property.

22 5. The transfer of title or change of interest in real property by reason of death,
23 pursuant to a will, the law of descent and distribution, or otherwise.

24 6. The transfer of title to make effective any plan confirmed or ordered by a court of
25 competent jurisdiction under the bankruptcy code or in an equity receivership proceeding.

26 7. The transfer of title without consideration for the purpose of confirming, correcting,
27 modifying, or supplementing a transfer previously recorded; making minor boundary
28 adjustments; removing clouds of titles; or granting rights-of-way, easements, or licenses.

1 8. The transfer of title pursuant to any decree or order of a court of record quieting,
2 determining, or vesting title, including a final order awarding title pursuant to a condemnation
3 proceeding.

4 9. The transfer of title between spouses or former spouses made pursuant to a
5 separation agreement, decree of legal separation, or dissolution of marriage.

6 C. Temporary license for pending reservations. Upon transfer of title, a subsequent
7 owner may request a temporary license for no longer than six-months to allow such owner to
8 honor reservations for the property that existed on the date of the transfer of legal title to the real
9 property that was the subject of the previous license.

10 **4-6-9 Right of entry for inspections or investigations; complaints:**

11 A. Inspections.

12 1. Warrantless.

13 a. A representative of the Town's finance department or community development, as the
14 case may be, may enter such accommodation unit at all reasonable times to inspect the same
15 for the purpose of enforcing health, safety, and welfare conditions.

16 b. If such accommodation unit is occupied, the a Town inspector shall first present proper
17 credentials and request entry, and if such accommodation unit is unoccupied, shall first make a
18 reasonable effort to locate the owner, the local responsible agent, or other person having
19 charge or control of the accommodation unit and request entry. If such entry is refused, or if the
20 accommodation unit is locked, the Town inspector shall have recourse to every remedy
21 provided by law to secure entry.

22 c. Upon consent of an owner who has requested an inspection to determine the number of
23 bedrooms as set forth in section 4-6-4.

24 3. No inspection warrant or permission shall be required for the Town to enter and inspect
25 an accommodation unit in the case of an emergency involving the potential loss of property or
26 human life.

27 2. Warrant inspections.

28 a. The Municipal Court Judge may issue an inspection warrant authorizing the inspection of
29 an accommodation unit pursuant to this section in accordance with rule 241(b) of the Colorado
30 Municipal Court Rules of Procedure.

1 b. Any inspection warrant issued pursuant to this section shall fully comply with the
2 applicable provisions of rule 241 of the Colorado Municipal Court Rules of Procedure.

3 c. The Municipal Judge may impose such conditions on an inspection warrant as may be
4 necessary in the judge's opinion to protect the private property rights of the owner of the
5 accommodation unit to be inspected, or to otherwise make the warrant comply with applicable
6 law.

7 d. When a representative of the Town has obtained a proper inspection warrant or other
8 remedy provided by law to secure entry, no owner, occupant, or any other persons having
9 charge, care, or control of any accommodation unit shall fail or refuse, after proper request is
10 made as herein provided, to promptly permit entry therein by the authorized public inspector for
11 the purpose of inspection of the accommodation unit.

12 B. Complaints.

13 1. The responsible agent shall be available twenty four (24) hours per day, seven (7) days
14 per week, to respond to any complaint filed with or through the town, or a website provided by
15 the town for such purpose, about the operation or condition of the licensee's accommodation
16 unit.

17 2. The responsible agent shall respond to a complaint within sixty (60) minutes of receiving
18 notice of such complaint.

19 **4-6-10 Mitigation of health safety and secondary impacts:**

20 Accommodation unit licensees shall be responsible for the safety of the occupants and welfare
21 of the surrounding areas and residential habitants. In so doing, the licensee or the responsible
22 agent shall:

23 A. Accommodation units shall at all times be equipped with a functioning smoke detector,
24 carbon monoxide detector, and fire extinguisher.

25 B. Motor vehicles used by occupants shall be parked only on the site of the
26 accommodation unit or in a Town designated parking area located off of the site of the
27 accommodation unit.

28 C. Motor vehicles shall be parked without causing negative impacts to adjacent lawn or
29 landscaped areas of an accommodation unit, or in the public street or right-of-way adjacent to
30 the accommodation unit.

1 D. Occupants shall not sleep in motor vehicles and further, cause motor vehicles parked at
2 an accommodation unit to comply with the requirements and be subject to the limitations of
3 section 9-3-11 of this Code.

4 E. Trash and garbage from an accommodation unit shall be stored and disposed of in
5 compliance with title 4, chapter 16 and title 5, chapter 6 of this Code.

6 F. Unreasonable noise shall not emanate from an accommodation unit or the real property
7 upon which an accommodation unit is located. In determining whether a particular noise is
8 unreasonable, the following factors will be considered: (i) the time of the day that the noise
9 emanated from the accommodation unit; (ii) the location of the noise in relation to the location of
10 the person who heard such noise; and (iii) all other relevant factors.

11 G. The occupancy limit for all accommodation units except studios shall be two (2) persons
12 per bedroom plus four (4) additional persons. The occupancy limit for studio accommodation
13 units shall be a total of four (4) persons.

14 **4-6-11 Advertising requirements:**

15 A. An accommodation unit for rent shall only be advertised in a method or identified in
16 writing to the finance director.

17 B. An advertisement offering to rent an accommodation unit must prominently display:

18 1. The town's business and occupational license number in the advertisement as,
19 "Breckenridge Business License No. [insert number]"; and

20 2. The occupancy limit for the accommodation unit as, "Maximum overnight occupancy
21 [insert number]."

22 C. The licensee and/or owner of an accommodation unit shall be given written notice of an
23 advertising violation of this section and fifteen (15) days within which to comply with the
24 requirements of this section.

25 **4-6-12 Rules and regulations:**

26 The finance director is authorized to adopt rules and regulations to implement the requirements
27 of the short term rental regulations under this chapter 6 of title 4.

28 **4-6-13 Fines, Penalties, Denial of License:**

1 A. In addition to citation for infractions or general penalties, the finance director may
2 impose an administrative fine for failing to comply with this title 4 or any other ordinance, rule or
3 regulation of this Town code.

4 1. The amount of the fine imposed may be up to one-thousand (1000) dollars per
5 day until the violation is cured.

6 2. Written notice of an administrative penalty shall be provided by first class United
7 States mail to such person at such person's last known address.

8 3. The administrative fine shall be due and payable within fourteen (14) days of the
9 date of the notice.

10 B. A licensee may appeal the imposition of administrative fines and decisions to
11 deny a license to the Town Manager or their designated hearing officer.

12 **4-6-14 Disciplinary proceedings prior to suspension or revocation:**

13 A. In addition to any other penalties prescribed by the code, the finance director
14 may, on his or her own motion or on complaint, and after investigation and a show-cause
15 hearing conducted by the Town manager or a designated hearing officer at which the licensee
16 shall be afforded an opportunity to be heard, suspend, revoke, or place conditions on any
17 license for any of the following circumstances:

18 B. The finance director shall provide the Licensee with a copy of an order to show
19 cause. Such order shall include the basis of the complaint and notice of the date and time of a
20 hearing at which the Licensee must show cause why its license should not be suspended or
21 revoked.

22 **4-6-15 Conduct and procedures at hearings:**

23 A. The licensee shall be allowed to be represented by counsel, the parties shall
24 have the right to present evidence, and cross examine witnesses. The burden of proof shall be
25 on the Town to prove a violation by a preponderance of the evidence.

26 B. The hearing officer shall make findings of fact for review by the Town manager.

27 C. Upon receipt of the findings of fact, the Town manager shall make a final
28 determination as to the sanctions to be imposed.

29 D. In determining what sanction to impose, the Town shall consider: 1) the nature
30 and seriousness of the violation; 2) corrective action, if any, taken by the licensee; 3) prior
31 violation(s), if any, at the licensed premises by the licensee and the effectiveness of prior
32 corrective action, if any; 4) the likelihood of recurrence; 5) all circumstances surrounding the
33 violation; and 6) whether the violation was willful.

1 E. The Town’s manager’s decision shall be delivered in writing to the licensee and
2 shall be final, subject to the right of any aggrieved party to contest the matter in an appropriate
3 court action commenced under rule 106(a)(4) of the Colorado rules of civil procedure.

4 F. Stipulation in Lieu of Public Hearing. A licensee subject to disciplinary
5 proceedings or under review of an administrative decision may contact the Town Attorney to
6 discuss allegations in the Complaint and in attempt to resolve the matter without a hearing;
7 provided however, the licensee shall contact the Town attorney no later than fourteen (14) days
8 prior to the scheduled hearing date.

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

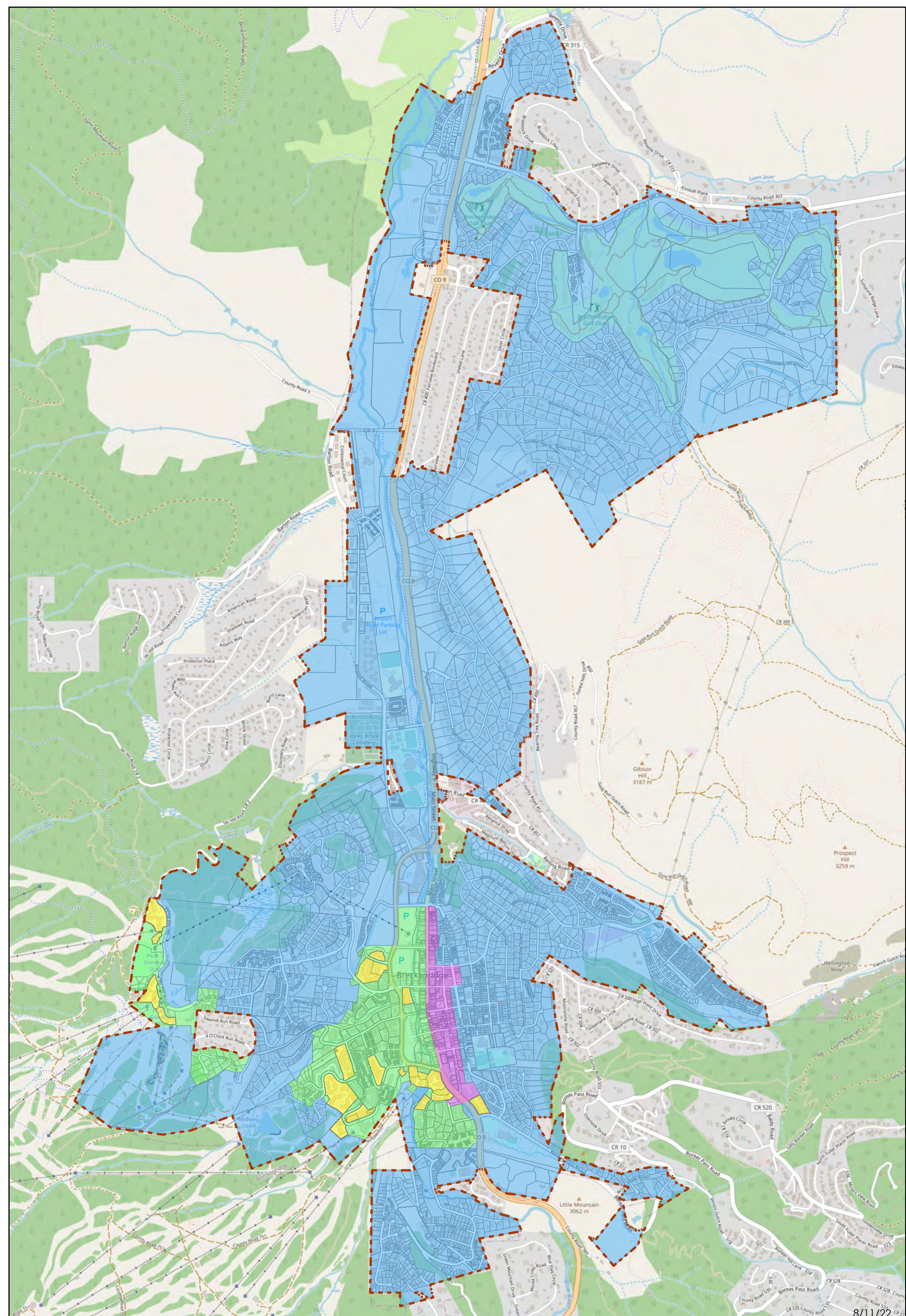
11
12 **Section 3.** The Town Council hereby finds, determines and declares that this ordinance
13 is necessary and proper to provide for the safety, preserve the health, promote the prosperity,
14 and improve the order, comfort and convenience of the Town of Breckenridge and the
15 inhabitants thereof.

16
17 **Section 4.** This ordinance shall be published and become effective as provided by
18 Section 5.9 of the Breckenridge Town Charter.

19
20 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
21 PUBLISHED IN FULL this 9th day of August, 2022. A Public Hearing shall be held at the regular
22 meeting of the Town Council of the Town of Breckenridge, Colorado on the ___ day of ____,
23 2022.

24 TOWN OF BRECKENRIDGE, a Colorado
25 municipal corporation

26
27
28
29 By: _____
30 Eric S. Mamula, Mayor



8/11/22

Tourism Overlay Zones Town of Breckenridge

1 Mile

Tourism Overlay Zones

- Resort
- Zone 1
- Zone 2
- Zone 3
- Town Boundary



TOWN OF
BRECKENRIDGE 50

Comments to Town Council regarding short-term rental regulations received between July 5 and August 3, 2022 are attached.

July 11, 2022

The Honorable Eric Mamola
The Council of the Town of Breckenridge

Dear Mr. Mayor and Council members:

We write to you today to express our views and preference on the matter of the Short Term Rental Overlay District that the Council is considering at their upcoming July 12, 2022 meeting.

As owners in the Main Street Junction Condominium Association, located adjacent to the Marriott Residence Inn on Main Street in Breckenridge and just across Main Street from Main Street Junction and Waterhouse, we enjoy permanent membership to the Pioneer Club, situate in the Main Street Station facilities. Member properties of the Pioneer Club enjoy the many resort amenities of the Main Street Station complex, including a 24/7 front desk, conference facilities, Base 9 ski valet services, security and more. This Pioneer Club membership is Association wide and compulsory—individual owners do not have the option to elect or decline individual membership.

We believe that this membership in the Main Street Station amenities complex places our Association firmly into the resort property definition being considered presently by the Council. Furthermore, **this membership raises our monthly HOA dues to a such a level that prices our units above the long term rental market value.** Main Street Junction therefore does not meet the definition of a long term rental candidate that the Council is attempting to delineate. Furthermore, Main Street Junction is **located directly in the Main Street business corridor, which is evidently aligned to service the tourism industry in Breckenridge.** Our association has been served by short term rental managers located in Main Street Station as an affiliated property since its construction more than 20 years ago. Main Street Junction was designed to be and continues to operate as a short term rental property.

As the Council deliberates on how this Short Term rental overlay district will be constructed, **we ask that the Council adequately consider which properties are situate in this apparent Main Street tourism corridor, both in location and in property service/amenities configuration.** As we understand the Council's current approach, Main Street Junction will be denied assignment to this Short Term Rental Overlay District (Zone 1), a decision which seems not only contrary to the Council's stated goal regarding the availability of long term rental units, but also inaccurate considering Main Street Junction's configuration and location.

In summary, with the criteria being met for short term rentals, we do not see how our status should be revoked now or in the future!

Best regards,

Brenda and Steven Boulet
Main Street Junction owners MSJ Unit 9

From: [Kim Stevenson](#)
To: [mayor](#)
Cc: [Sarah Crump](#)
Subject: Breckenridge Short-term rental regulations - Resort Zone and Zone 1
Date: Thursday, July 21, 2022 12:30:38 PM

[EXTERNAL MESSAGE]

To: Breckenridge Town Council

It appears that Town Council keeps raising the bar for the Resort Zone requirements (currently the Exempt Zone).

I ask that you delete #4 and #5 below, as some of the properties in the Resort Zone do not have these required items. They may use an outside laundry service or the town shuttle system. Why are you considering a requirement to add onsite shuttle vehicles and laundry onsite when we have an affordable housing crisis? Where are these workers supposed to live? More shuttles will clog the roadways and cause more pollution. A lot of the Resort Zone properties are next to or ½ block away from Main Street and renters can use Town shuttle buses to the ski lifts or they can walk to the ski lifts, they can ski back close to the properties, they can ride their bikes and they enjoy walking everywhere around the town. They have convenient garage parking onsite.

Zone 1 should also have 100% rental licenses available. If you are the unlucky seller when Zone 1 reaches the 90% cap, then your potential buyer will not be able to obtain a short-term rental license; and therefore, you will not be able to sell your property. That's what the Zone 1 properties were zoned for, built for, and sold as – short-term rentals.

From Bela Del Valle: “Please see the draft definition of resort properties we currently have. Please keep in mind that it is subject to change until it gets voted into the Town Code.

Resort properties are multi-unit accommodation properties, with each unit having separate ownership, where guests have access to numerous onsite amenities. Resort property operations are similar to the operations of a resort hotel.

Resort properties must provide all of the following:

1. Twenty four (24) hour onsite front desk that is monitored by a person onsite.
2. Twenty four (24) hour phone line that is monitored by a person onsite.
3. Twenty four (24) hour private security capable of responding to complaints within a reasonable amount of time. The person responsible for staffing the front desk and the security personnel cannot be the same staff member.
4. Onsite housekeeping and laundry services. Self-service laundry machines do not meet this requirement.
5. A shuttle service to guests which is available daily, at least during scheduled peak hours and for the peak visitation months, June through September and December through March. Shared shuttle services with another resort property is encouraged.
6. Enclosed garage parking.

Resort properties must meet at least one of the following two criteria:

1. A minimum of 15,000 square feet of developed amenity or conference space (Total Resort Area) that is located on the premises of the property.
2. A minimum of 7,000 square feet of developed amenity or conference space (Total Resort Area) that is located on the premises of the property and a property entrance that is within 150 feet walking distance of a ski area lift terminal.

“Total Resort Area” is the total combined amenity and conference space on property. Amenity spaces can include: pools and pool decks, hot tubs, spas, saunas, steam rooms, fitness centers, sports courts, locker rooms, ski locker rooms, arcades, common patios, grilling areas, lounges, theaters, media rooms, playgrounds, activity rooms, and business centers. Conference space can include meeting rooms, ballrooms, and associated kitchens and service areas. Other areas, not listed here, deemed to be amenity or conference space are subject to review by the Director. Amenity and conference spaces available to the Resort Property’s guests may be located on an adjacent property if the amenity and conference areas are well connected to the main property via pedestrian walkways and access by pedestrians is not impeded by a public right-of-way. Conversions of existing residential uses do not qualify for purposes of meeting the above requirements or Total Resort Area definition.”

Kind regards,

Kim Stevenson

Breckenridge Business Owner

Breckenridge Property Owner

970-390-3150 cell

Kim@BreckenridgeAssociates.com

From: [Greg Hegemann](#)
To: [Sarah Crump](#); [mayor](#); [Council](#)
Cc: Office@blueriverpropertymgmt.com
Subject: Breckenridge STR Overlay Zoning 1 for Four O'clock Run
Date: Saturday, July 30, 2022 5:39:56 PM

[EXTERNAL MESSAGE]

Breckenridge STR Overlay Zoning 1 for Four O'clock Run

sarahc@townofbreckenridge.com

mayor@townofbreckenridge.com

council@townofbreckenridge.com

Office@blueriverpropertymgmt.com

Dear Honorable Mayor and Town Council:

I read the following with great interest and want to have additional consideration for the Zone 1/3 overlay determination specifically around the 4 o'clock ski run/trail on the Peak 8 area.

[Proposed Short Term Rental Zoning and Regulations | Breckenridge, CO](#)

**Proposed Short Term Rental Zoning and
Regulations | Breckenridge, CO**

The updated overlay zoning around the Peak 8 area with the 4 O'Clock ski run/trail is confusing that it is now Zone 3 instead of Zone 1. These are ski in/out properties and designed to be ski in/out properties and designed to support short term rentals. The properties on either side of 4 O'Clock ski run should be considered for Zone 1 since they are specifically setup for ski in/out access and above the snowflake ski lift.

We request reconsideration for Zone 1 overlay for properties within some distance (say 150 yards) of the Four o'clock ski run. This would include Tyra Summit Buildings A and B where 28 of the 36 units have current short term licenses. These buildings are directly on the 4 O'Clock ski run/trail and above snowflake lift.

Our property at 25 Meadows Lane was designed and intended for short term rentals when we purchased and built our home and is within 150 yards walk to Four O'Clock ski run and above Snowflake lift.

Timber Trail Road homes are included in Zone 1, I think also for Zone 1 should be the properties on Four O'clock Road, Grandview Drive (The section between Beavers/Four O'clock Run Road), Beavers Drive, Meadows Lane, and Tall Pines Drive. All of these properties are ski in/out and directly on 4 o'clock ski run/trail and above the snowflake lift. I understand the Gold Crown units have been part of the buyback program so maybe it makes sense to keep those Zone 3.

Thank you

Greg and Mary Hegemann

25 Meadows Lane/Tyra Summit Unit B1D

800 4 O'clock Road Breckenridge, CO 80424

303-944-1520

gmdenco@yahoo.com

Sarah Crump

From: Peyton Rogers
Sent: Monday, July 11, 2022 12:06 PM
To: Sarah Crump
Subject: FW: STR determination concerns

From: K C <kathychilds3@gmail.com>
Sent: Monday, July 11, 2022 11:34 AM
To: mayor <mayor@townofbreckenridge.com>
Cc: Kathy Childs <kathychilds3@gmail.com>
Subject: STR determination concerns

[EXTERNAL MESSAGE]

Re: Woods Manor Short Term Rental Status

The intention of this communication is two fold. Point one communicates STR zone philosophy and law. Point two reviews the more personal issue of Woods Manor where I am a condo owner. Woods Manor is in a ski in/ski out location but recommended as zone 3 while properties next door and across the street are zone 1.

Point One: As a trained urban planner, I understand the proposed purpose for protecting quiet residential zones versus short term rental zones. Many fast growing cities suffer from the ill effects of not managing proper zoning restrictions. However, the newly proposed STR zones require an open dialog with the community as well as a rational approach.

It appears that the current approach does not offer up exactly how the city officials of Breckenridge are determining the zone boundaries. The proposed map appears to squirrel around without rhyme or reason.

Without a clear, concise ability to tell the community how the zones are determined the STR zone map could be accused of partisan gerrymandering. An internet search on the Fourteenth Amendment, Section 1 pertaining to gerrymandering states: no one should be deprived due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. (Amdt14.S1.5.3.3.3.1.2 Partisan Gerrymandering)

As stated, I understand the need for zoning, but without clear definitions of how Breckenridge is creating the zones, I anticipate the STR issue will continue to be fought well into the future.

Point Two: It's my understanding Woods Manor Condos located on Broken Lance, is in zone 3 residential while the Village Townhomes located less than 75 feet away are zone 1 STR. Initially Woods Manor was in zone 1, but without reason changed to zone 3. It's this kind of arbitrary decision making that is causing so much anger in the community.

In case you are not familiar with Woods Manor, it is a unique four acre property of 24 units. At least two of the four acres are forested with pine and aspen trees. Trails cut through the property that serve the entire community for short cuts into town from behind Woods Manor and walking of dogs.

The forest is a wonderful asset but also comes with responsibility; forest management including fire mitigation and removal of dead trees. Our HOA anticipates future special assessments to address these responsibilities that benefit and protect the entire community. The ability to rent our properties cushions the financial burden of these future expenditures.

With our ski in/ski out location, trail access, forest management responsibilities, and next door proximity to zone 1 properties, I ask you to change Woods Manor to zone 1.

Regards,
Kathy Childs

Dear Mayor and Breckenridge Town Council,

I want to thank you for your additional consideration and work to enhance the STR ordinance. Based on articles in the Summit Daily, your efforts appear to be moving in the right direction to both support an economically valuable tourism industry while preserving the authentic mountain town character of Breckenridge. At the same time, I understand there is discussion on the classification of District 10. I would strongly urge the council to include District 10 within the Zone 1 overlay. *Zone 1 is the correct classification that matches the character and multi-decade pattern of use for District 10.*

My wife and I have been property owners in District 10 for over 15 years and spend almost half of a year in Breckenridge, mostly in the summers. We could not have afforded our property without the ability to short term rent and rely on STR's to simply cover our ownership costs. Someday, we would hope to sell our property to another family that values Breckenridge as much as we do and, like us, might also need a STR license to afford a 2nd home.

I understand that some of the council might not agree to classify District 10, based on the historical zoning description, which to my understanding was generated back in 1994. While I applaud the use of explicit guidelines, the zoning description for District 10 is both misleading and a false description for District 10. Here are a just a few example excerpts from the description along with the current truths for the District.

- *“District be developed into a low density, low impact residential area”.*
 - The reality is that this district has multiple high density developments including the condo buildings along Grandview Dr, the townhomes on Tall Pines Dr , the townhomes in Cucumber Patch, and the condos and townhomes of Tyra Summit I, just to mention a few.
 - And rather than a residential area, the majority of District 10 units are used for for the tourism industry, which can be confirmed by the fact that **54% of the units have STRs** (data as of 5/25/2022).
- *“The primary function of District 10 is to allow development of diverse housing types, thus providing greater opportunity for the permanent resident”.*
 - In reality, the singular intent of District 10 is to support ski tourism. That is why there are ski runs (Lower 4 O’Clock Run) in District 10 and why the District 10 is serviced by both the Gondola and Snowflake Lift.
 - District 10 is not used by permanent residents. I used the Summit County Parcel Viewer and did my best to assess ownership for the parcels in District 10. My analysis shows that **78% of the owners in Zone 10 do not have 80424 addresses**. So with a few exceptions, there are very few permanent residents in district 10 with a very high percentage of the units are second homes used exclusively by owners for vacations and/or part of the STR pool when not used by owners. (This data was generated by looking at which District 10 units are registered to persons with 80424 mailing addresses).

- “Residential uses of two units per acre, not to exceed eight units per building, are acceptable.”
 - A large portion of District 10 is at a density that exceeds two units per acre. Even the currently being constructed Cucumber Estates townhomes, *recently approved by this council*, greatly exceeds the 2 units per acre definition of District 10’s zoning description (the townhomes are being built on 0.08 acre lots).
 - The District includes buildings with more than 8 units, including Tyra Summit, SkiSide Condominiums and Grandview at Breckenridge. As an example, Tyra Summit 1 has 11, 16 and 16 units within its 3 buildings.
 - I have attached the district map which clearly shows a large number of units that exceed the 2 per acre zoning. Note, the official district map is further misleading as it does not visually depict the highest density units in District 10, such as SkiSide Condominiums, Grandview at Breckenridge and Tyra Summit 1, which have 20-50 units on a single parcels.

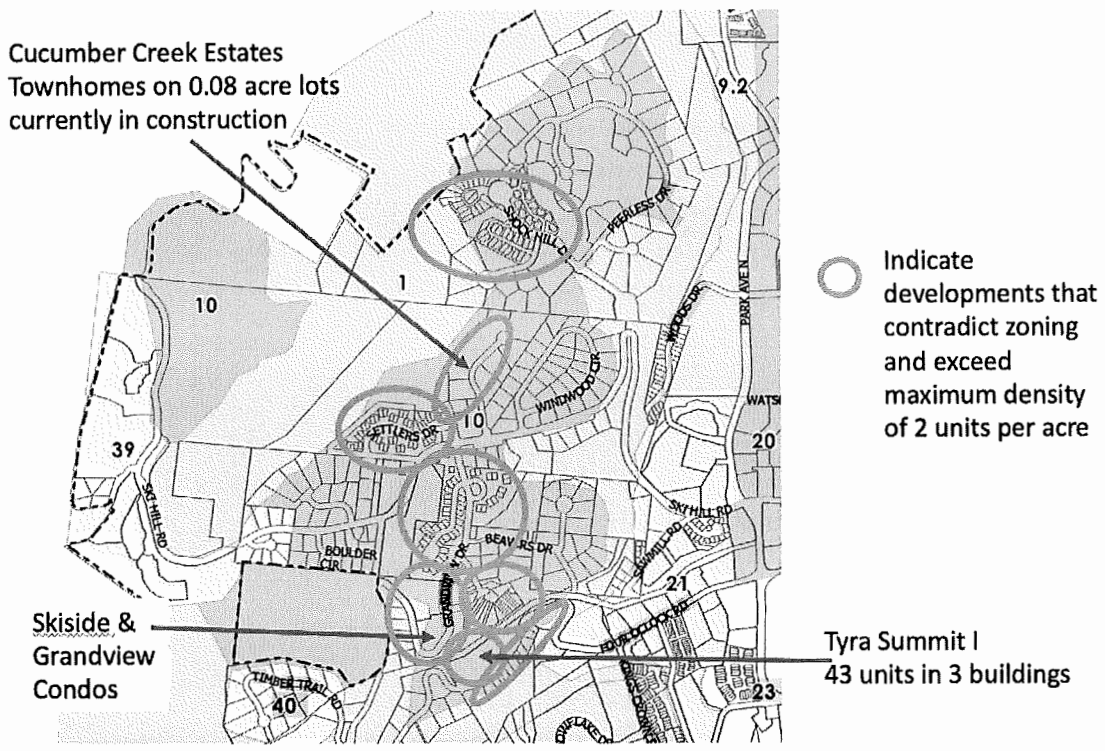
The above are simply examples of how the description of District 10 is misleading and a categorically false description of the district, nearly 30 years after the zoning regulations were drafted. Using a misleading and false zoning description to assign an STR overlay would be irresponsible, even if it would be convenient. It would also be inconsistent to use the District 10 description for the STR ordinance and to not have used the guidelines when approving developments, for example the recent approval of Cucumber Creek Estates and previous approval of Cucumber Patch. I imagine the council and city planning teams that approved those developments ignored the zoning description and correctly recognized that they fit the character of District 10, which is a ski tourism district.

I would strongly urge the council to include District 10 within the Zone 1 overlay. *Zone 1 is the correct classification that matches the character and multi-decade pattern of use for District 10.* If some council members continue to be concerned about the legacy zoning description, the simple and only responsible action is to update the zoning description to accurately reflect the primary use as a ski tourism district and to reflect the actual land use and housing densities, at which point, the description of District 10 would be consistent with Zone 1.

Sincerely,



Stan Dotson
840 Four O’Clock Rd, Unit A3E
Breckenridge



From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: Email the Mayor & Town Council
Date: Thursday, July 7, 2022 10:09:35 AM

From: breckenridge@visioninternet.com <breckenridge@visioninternet.com>
Sent: Thursday, July 7, 2022 9:01 AM
To: WebsiteCouncil <WebsiteCouncil@townofbreckenridge.com>
Subject: Breckenridge, CO: Website Email the Mayor & Town Council

Thank you for taking the time to contact the Breckenridge Mayor and Town Council. We value your opinions, concerns and suggestions and appreciate your efforts to make Breckenridge a wonderful place to live.

Your Message Here:

River Mountain Lodge
HOA Board of Directors 100 South Park Avenue
Paul Rushfeldt, President Breckenridge, CO 8424
Stan Turney, Vice President
Daryl Martin, Secretary
John Hesemann, Treasurer
Ron Blunck, Member at Large
Kevin Kilstrom, Member at Large
Bill, Mestrezat, Member at Large

July 7, 2022

To: Breckenridge Town Council
Subject: Restriction of Short-Term Rental Licenses
Please read this letter into the minutes of July 12, 2022.

River Mountain Lodge was designed as a hotel style property. It is recognized as a condotel by mortgage and insurance companies. It operates through a front desk; it has 24-hour security, on-site underground parking, restaurant, lounge, and conferences rooms. The building is a 5-minute walk to the gondola with a ski-in location to the front entrance. River Mountain Lodge has been operating as a short-term rental complex for over 30 years. The units are small and not conducive to long-term family-living quarters. Many of the units are simple hotel rooms.

To place an artificial cap on STR licenses on a facility of this nature within a resort designated area, leads to discriminatory results. Restriction on STR license to any degree would have a negative impact on property values and adversely impact local businesses.

If a STR license is available in a complex when a buyer and seller come to terms on a property, how can the buyer be assured that an STR license will be available at the time of closing when the buyer applies for the license? The availability of a STR license in a capped complex will be a dynamic situation as units are sold, rented long term, or taken off the rental market. How will the Town monitor, control and equitably redistribute licenses on a real-time basis? Are licenses to be granted just once a year? We believe this situation will lead to conflicts between the buyer and seller, the realtor, and the Town. A property will surely be devalued if a buyer cannot be assured of obtaining a STR license.

If owners in a building designed to be a short-term rental complex, find themselves unable to offset the cost of ownership and deprived the revenue that previous owners enjoyed, they would be unable or unwilling to invest in that property. Maintenance will suffer and capital improvements would slow or stop. Properties around Breckenridge will be in slow decline.

River Mountain Lodge with the amenities of a hotel and with small units designed for short-term stays should be granted a permanent exemption from STR restrictions and allowed to continue to operate as designed.

Sincerely,

River Mountain Lodge Board of Directors

Your Name (required): John Q. Hesemann

Your Email (required): jghesemann@charter.net

Thank you,

Breckenridge, CO

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Please do not pass the proposed Short Term Rental Cap
Date: Tuesday, July 12, 2022 10:06:05 AM

From: Hess, Dan <DHess@foley.com>
Sent: Monday, July 11, 2022 3:11 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Re: Please do not pass the proposed Short Term Rental Cap

[EXTERNAL MESSAGE]

Dear Mayor Mamula and Breckenridge Town Council:

I strongly urge all of you to oppose any cap on short-term rental properties. Any cap would decrease property values throughout the community. This will lead to reduced tax revenue and, necessarily, reduced services and opportunities for all members of the community.

My family has owned a four bedroom condo in Breckenridge for more than 30 years. We use it for family vacations and rent it out when we are not able to use the condo. We could not have afforded to buy the condo if we the town prevented us from renting it to vacationers.

Our property is managed through a professional management company and in compliance with all HOA rules and local ordinances. We pay our taxes and rental fees every year. We are good owners and strong supporters of the Breckenridge community.

This proposed ordinance will directly reduce our property value and the value of all rental properties in the area. Why would you want to depress property values and is that even legal? If you are concerned about bad tenants, I suggest you make owners use a local, professional management company. If you are concerned about crowding, you could much more easily control that through proper development control. Regardless of the town's goal, you should not discriminate against my property by preventing me from renting it to people spending time (and money) in the Breckenridge area.

The SRT cap is a bad idea that will reduce property values and tax revenue without solving the supposed problems you are trying to address.

Dan Hess
Owner of Tyra Unit 335
Breckenridge, Colorado
414-297-5891

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From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW:
Date: Monday, July 11, 2022 9:45:34 AM

From: Jay Molter <jay.molter@gmail.com>
Sent: Monday, July 11, 2022 6:37 AM
To: mayor <mayor@townofbreckenridge.com>; Council <council@townofbreckenridge.com>
Subject:

[EXTERNAL MESSAGE]

July 11, 2022

The Honorable Eric Mamola

The Council of the Town of Breckenridge

Dear Mr. Mayor and Council members:

We write to you today to express our views and preference on the matter of the Short Term Rental Overlay District that the Council is considering at their upcoming July 12, 2022 meeting.

We have been owners in the Main Street Junction Condominium Association since 2008. As you are aware, Main Street Junction is located adjacent to the Marriott Residence Inn on Main Street in Breckenridge and just across Main Street from Main Street Station and Waterhouse. We enjoy permanent membership to the Pioneer Club which is situated in the Main Street Station facilities. Member properties of the Pioneer Club enjoy the many resort amenities of the Main Street Station complex, including a 24/7 front desk, pool and fitness center, conference facilities, Base 9 ski valet services, security and more. This Pioneer Club membership is Association wide and compulsory—individual owners do not have the option to elect or decline individual membership.

We believe that this membership in the Main Street Station amenities complex places our Association firmly into the resort property definition being considered presently by the Council. Furthermore, **this membership raises our monthly HOA dues to a such a level**

that prices our units above the long term rental market value. Main Street Junction therefore does not meet the definition of a long term rental candidate that the Council is attempting to delineate. Furthermore, Main Street Junction is **located directly in the Main Street business corridor, which is evidently aligned to service the tourism industry in Breckenridge.** Our association has been served by short term rental managers located in Main Street Station as an affiliated property since its construction more than 20 years ago. Main Street Junction was designed to be and continues to operate as a short term rental property.

As the Council deliberates on how this Short Term rental overlay district will be constructed, **we ask that the Council adequately consider which properties are situated in this apparent Main Street tourism corridor, both in location and in property service/amenities configuration.** As we understand the Council's current approach, Main Street Junction will be denied assignment to this Short Term Rental Overlay District (Zone 1), a decision which seems not only contrary to the Council's stated goal regarding the availability of long term rental units, but also inaccurate considering Main Street Junction's configuration and location.

Best regards,

Jay & Terri Molter

Main Street Junction #34

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: 7/12/22 Meeting & STR Zones
Date: Tuesday, July 12, 2022 9:54:41 AM

From: Laurel McQuate <laurel.lydecker@gmail.com>
Sent: Monday, July 11, 2022 2:33 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: 7/12/22 Meeting & STR Zones

[EXTERNAL MESSAGE]

Greetings All,

I am writing in support of Cap Scenario C, specifically where "resort" and "Zone 1" units have no cap on STR licenses and Zone 2 and 3 have fewer.

I believe Scenario C is best for 3 reasons:

1) The area west of Park Ave, specifically the 4 O'clock Road and Ski Hill Road corridors seems to have clearly been designed and developed for guests of Breckenridge. The location between the downtown commercial zone and the ski area (with many of the buildings having ski-in and/ or ski-out) as well as the type and density of the units indicates that these areas were developed as an alternative to the more traditional hotel style building. Additionally, the initial Condo Declaration (from when the buildings were first built and the condo formed) for many of the buildings specifically address, and allow, the short-term renting of the units. Finally, and perhaps most importantly the town's own Comprehensive Plan states in the "Land Use" chapter *"Multi-family residential development with densities of up to 20 units/acre, primarily used for short term visitor housing accommodations, is found in some locations primarily on the west side of town near the ski area."*, while at the same time mentioning other specific areas that are meant for "long term residents". The Comprehensive Plan goes on *"Residential development trends in the last 35 years have included a phase of primarily multi-family visitor accommodations being built in the 1970s and 1980s to develop the town as a resort destination."* The majority of buildings along the 4 O'clock Rd corridor were built during this time so the Comprehensive Plan again indicates that the area was specifically developed and promoted for the short term guest in order to increase visitor traffic to town. In short, the buildings along the 4 O'clock and Ski Hill Road corridors were built specifically to be STRs with the primary goal of driving the town's (tourism) economy forward. One could argue that these units were the original AirBnB and were instrumental in putting Breck "on the map". These units were never meant to be occupied by long-term renters or full-time owner-occupants. Capping STRs in these areas negates the very reason these units were built.

2) Not capping, and allowing more STRs, in the 4 O'clock and Ski Hill Rd corridors dovetails perfectly with the town's "more boots and bikes, less cars" initiative. Virtually all guests who stay in the "core" park their car when they arrive, walk and bus everywhere while visiting, and then only get back in their car to leave town at the end of their vacation. Imagine if STR units decrease in the town core

and more guests are forced to stay further afield. Now the guests are forced to drive into town, on snow covered roads, multiple times a day for skiing, eating and shopping. These drivers are not accustomed to driving in, and on, snow and often don't have appropriate vehicles with proper safety features (AWD, 4WD, chains). We all know that car rental companies on the Front Range rarely provide suitable vehicles for driving in our high alpine environment and I imagine that we have all seen, and likely helped, stuck visitors. And while the new parking garage can certainly accommodate many cars, there will undoubtedly be more competition for in town parking as well. If visitors are forced to stay out of town, or just further from the downtown commercial district, some may very well opt to not come to town after skiing and consequently not spend money at our local shops and restaurants.

3) Many locals do not like STRs in their neighborhoods. Move the STR licenses and guests to where they were originally meant to be: base areas and those areas (4 O'Clock and Ski Hill) with easy access to ski-in and/ or ski-out. Having more guests in Resort and Zone 1 areas will also likely lead to more revenue for local businesses due to the proximity of the accommodation to the town's business core. This is better for local business owners, their employees and the town's tax revenue.

Consolidating guests to the geographic areas and housing stock that was meant for them seems to be the most simple, most financially beneficial, option. Neighborhoods are preserved, there will be less car traffic, businesses will make more revenue/ town visitor, local jobs will be preserved (and hopefully pay more) and there COULD be less development that virtually every single local would thoroughly appreciate (below).

As an aside, how can the Town Council reconcile the contradictory actions of restricting STRs in existing housing stock while allowing yet another large BGV development that will bring in yet more development and visitors? Council has already admitted publicly that capping STRs is less about increasing/ maintaining LTR units and more about preserving the character of the community. If that is indeed the case, how does adding another 100 (or whatever the figure may be) newly built units to the market not contradict that stated goal? While moving STRs out of "neighborhoods" helps with that goal, it's obvious that to many locals, that to preserve the character of the town there should not be more building and more visitors (many even want less visitors). If BGV sales people do their job these units will be occupied 100% of the year, leading to a significant increase in visitors, more strain on infrastructure, etc.

Consolidating ST guests to specific parts of town makes sense. Adding newly constructed ST accommodation to house ST guests when the town already has purpose-built STR units, does not. Why would council cap STR licenses on existing units but then allow new units to be built that will house ST guests? And every BGV development to this point has included amenities that dissuade guests from going into town to spend money. Guests at Resort and Zone 1 units will spend more at the locally owned business in the town core. Does allowing another BGV development really align with council's stated goal? Why allow yet more development? How do more buildings, more cars and more visitors preserve the character of Breckenridge, and just as importantly, increase (or at the very least not further deteriorate) the quality of life for those who live here?

In summary, capping STRs in the core of town's ski in/ ski out area is contradictory to both past and present town initiatives. Instituting a cap for base areas and the area

west of Park Ave would restrict ST guests in the part of town that was specifically designed, developed and built for STR guests. If the council's goal is to "preserve the small town nature" of Breckenridge, then shift licenses to Resort & Zone 1 (with no cap) and dont approve BGV's development the North Gondola/ Gold Rush lots. Neighborhoods will retain their character, there will be enough guests to support local businesses and locals will get to keep enjoying small-town Breck.

Thank you for your time and consideration of the above.

-Laurel McQuate

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: 1158 Settlers Drive White Wolf Breckenridge
Date: Monday, July 18, 2022 10:44:26 AM
Importance: High

From: Paul Huffman <phuffman@harmanhuffman.com>
Sent: Monday, July 18, 2022 7:30 AM
To: mayor <mayor@townofbreckenridge.com>
Cc: phuffman2@cox.net
Subject: FW: 1158 Settlers Drive White Wolf Breckenridge
Importance: High

[EXTERNAL MESSAGE]

Mayor Mamula and Town Council,

As a 23-year owner of a White Wolf property that has always been part of an STR program for resort guest along with probably more than half of the other properties in the neighborhood it is very frustrating to now learn that White Wolf will not be in zone 1 as originally proposed. I would strongly ask that you reconsider this decision. Trying to base this decision off old LUDs (Land Use Districts) in today's environment for neighborhoods that were not even in existence at the time the LUDs were established makes no sense. White Wolf is .5 mile from the base of peak 8 on Ski Hill Road, and the Nordic trails are in our backyard with sidewalks to town and to peak 8. White wolfs proximity and location to Peak 8 should put it right in the path and perfect location for resort short term guest, as well as second homes for many others. White Wolf homes have never been or probably never will be the type of property or location where Resort employees or young people moving to Breckenridge are going to be long-term renting or trying to purchase. I do not agree that STR licensing restrictions is the solution to community affordable housing especially in neighborhoods such as White Wolf, Park Forest, and the Settlement. The very existence and success of these neighborhoods is due to their desirability to resort guest and second homeowners. Most all the homeowners in these areas are individuals not large corporations and very much share your love and equally want the best for all of Breckenridge and its future success. I think it is very important that the interest of all those that love Breckenridge whether they be part time or full-time residents be considered.

Paul and Cathy Huffman,
2144 South Welsh
Wichita, Kansas 67230
Email: phuffman@harmanhuffman.com

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Breckenridge Short Term Rental Policy-Main Street Junction Owner
Date: Monday, July 11, 2022 10:27:51 AM
Attachments: [ToB Letter 10JUL2022.docx](#)

From: Tim Knapp <the_knapp_family@yahoo.com>
Sent: Monday, July 11, 2022 10:09 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Breckenridge Short Term Rental Policy-Main Street Junction Owner

[EXTERNAL MESSAGE]

Dear Mayor Mamola,

My wife and I reside in Arvada, Colorado and have been owners of Main Street Junction, Unit 1, in Breckenridge since early 2011. We spend a significant amount of time each year in our Breckenridge property. During this period we have witnessed the Town attempt to control traffic and keep up with the volume of visitors. My wife and I believe that the town has done an adequate job in addressing these issues while maintaining the town's historic charm. I am on the Planning Commission for the City of Arvada. A city that is experiencing significant growth issues. We have addressed our issues in a data driven a systematic manner. My wife and I do not believe that the manner in which the Town is attempting to control its labor shortage, growth, and traffic issues, through the discussed short term rental policy, is the appropriate means to a successful result. The town's proposed actions will not curtail tourism, result in affordable housing for employees, nor will it resolve traffic congestion.

We ask that the town analyze data to determine what is driving the issues it deems significant and develop solutions that are not emotionally charged and that include the voice of all property owners, regardless of whether they have the right to vote in Breckenridge. The direction the town is headed will result in a negative financial impact to shop owners and residential property owners alike.

We are available to discuss workable solutions. Thank you for your time and consideration.

Regards,

Tim and Peggy Knapp
Main Street Junction, Unit 1

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Breckenridge, CO: Website Email the Mayor & Town Council
Date: Tuesday, July 26, 2022 8:40:44 AM

From: breckenridge@visioninternet.com <breckenridge@visioninternet.com>
Sent: Monday, July 25, 2022 4:50 PM
To: WebsiteCouncil <WebsiteCouncil@townofbreckenridge.com>
Subject: Breckenridge, CO: Website Email the Mayor & Town Council

Thank you for taking the time to contact the Breckenridge Mayor and Town Council. We value your opinions, concerns and suggestions and appreciate your efforts to make Breckenridge a wonderful place to live.

Your Message Here:

As a long time home owner and board member of MillRun Over Breckenridge on Broken Lance, I am concerned and frustrated that the city has made a change in their proposed zones for Short Term Rentals. According to the proposed map of April 2022, our complex was included in Zone 1. The most recent proposed map show our complex in Zone 3. I can not find any minutes from meetings to explain this sudden change. Our complex, originally built in anticipation of the 1976 Olympics has a very similar density to the many complex just to our north in Zone 1. They are not single family detached dwelling like much of Warriors Mark. Our complex should really be treated and considered as part of the similar complexes found in Zone 1 immediately adjacent to us.

Your Name (required): Dennis Griffin
Your Email (required): dennisgriffin@icloud.com

Thank you,
Breckenridge, CO

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Breckenridge, CO: Website Email the Mayor & Town Council
Date: Monday, July 11, 2022 9:52:14 AM

From: breckenridge@visioninternet.com <breckenridge@visioninternet.com>
Sent: Monday, July 11, 2022 8:17 AM
To: WebsiteCouncil <WebsiteCouncil@townofbreckenridge.com>
Subject: Breckenridge, CO: Website Email the Mayor & Town Council

Thank you for taking the time to contact the Breckenridge Mayor and Town Council. We value your opinions, concerns and suggestions and appreciate your efforts to make Breckenridge a wonderful place to live.

Your Message Here:

Your Honor and Distinguished Council

We as a family have owned a home for 19 years in the Warriors Mark addition--paying thousands of dollars in taxes. We would ask that you please do not further restrict the STR number in this area.

Regards,

Dianne and Ken Gile

Your Name (required): Kenneth L Gile

Your Email (required): ken.gile@gmail.com

Thank you,
Breckenridge, CO

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Breckenridge, CO: Website Email the Mayor & Town Council
Date: Monday, July 25, 2022 9:58:53 AM

From: breckenridge@visioninternet.com <breckenridge@visioninternet.com>
Sent: Friday, July 22, 2022 3:45 PM
To: WebsiteCouncil <WebsiteCouncil@townofbreckenridge.com>
Subject: Breckenridge, CO: Website Email the Mayor & Town Council

Thank you for taking the time to contact the Breckenridge Mayor and Town Council. We value your opinions, concerns and suggestions and appreciate your efforts to make Breckenridge a wonderful place to live.

Your Message Here:

Hello, Please retain River Mountain Lodge (at S Park Ave & Lincoln/Ski Hill Rd designated as a Resort Property (for Short Term Rental without an "in-house" Shuttle Service). The property is so conveniently located that visitors can easily walk almost everywhere without adding another private Shuttle Bus to our already crowded streets. RML has 3 Free Ride routes that stop at our front door. It is also 1 block from Blue River Plaza, 1 block from the Gondola/Transit Center, and across the street from 4 o'clock Ski Run. I would encourage you that any/every Breck resort property so close to a Breck Free Ride route/stop, should be able to use Breck Free Ride to fulfill its resort Shuttle requirement. Common sense. Thank you, Christi Johnson - RML condo owner/occupant/Summit workforce since 2012.

Your Name (required): Christi Johnson
Your Email (required): rjandcmj@gmail.com

Thank you,
Breckenridge, CO

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Breckenridge, CO: Website Email the Mayor & Town Council
Date: Monday, July 11, 2022 10:19:44 AM

From: breckenridge@visioninternet.com <breckenridge@visioninternet.com>
Sent: Monday, July 11, 2022 9:32 AM
To: WebsiteCouncil <WebsiteCouncil@townofbreckenridge.com>
Subject: Breckenridge, CO: Website Email the Mayor & Town Council

Thank you for taking the time to contact the Breckenridge Mayor and Town Council. We value your opinions, concerns and suggestions and appreciate your efforts to make Breckenridge a wonderful place to live.

Your Message Here:

Good Morning Mayor and Town Council,

As you move into the work session July 12, 2022, I as a resident, business owner, Realtor and member of the STR Overlay Task Force Committee, I would like to add my support again for No STR Cap for Zone 1, Land Use Districts West of Park Avenue, and Four O'Clock Corridor.

1. The fees will be increasing from \$400 to \$765 per bedroom this 2023 year which will deter some from even obtaining or even maintaining a current license.
2. By restricting this area, you will be pushing more day traffic to the streets. Guests and Residents in this area walk to town or take the shuttle.
3. Shuttles aren't even needed in the Four o'clock Corridor as most guests walk to town or the mountain.
4. VAIL EVEN HAS NO CAP ON STR's and a 260.00 a year license. They didn't want to infringe on property owners rights.
5. STEAMBOAT HAS NO CAP on STR's near the mountain/in town.
6. By adding a resort properties zone, it appears it is just changing the name and still keeping exempt and non exempt properties. Many perceived as winners and losers.
7. The purpose of these zones, I thought, was to move STR out of residential single family residence neighborhoods to town which was meant for lodging and guests. That has been the goal for all the years I have been following this.

Thank you for your consideration,
Abby Epperson
Overlay STR Task Force Member
Realtor

Your Name (required): Abby Epperson
Your Email (required): aepperson1967@msn.com

Thank you,
Breckenridge, CO

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Breckenridge, CO: Website Email the Mayor & Town Council
Date: Tuesday, July 26, 2022 8:49:16 AM

From: breckenridge@visioninternet.com <breckenridge@visioninternet.com>
Sent: Tuesday, July 26, 2022 8:19 AM
To: WebsiteCouncil <WebsiteCouncil@townofbreckenridge.com>
Subject: Breckenridge, CO: Website Email the Mayor & Town Council

Thank you for taking the time to contact the Breckenridge Mayor and Town Council. We value your opinions, concerns and suggestions and appreciate your efforts to make Breckenridge a wonderful place to live.

Your Message Here:

Hello, my name is James Howard and we own Mill Run unit #3 at 1446 Broken Lance Dr. I am concerned about the recent zoning proposals and would like to ask that Mill Run be included zone 1 if you believe a change to STR is needed. Mill Run is already on the boarder of the zones and this would be consistent with the original purpose of Mill Run as a short term rental property when it was built. There are already similar properties around us included in zone 1 - I as an owner am concerned about a decreased property value as STRs are not transferable and again, this was the original purpose for building the property. It is also my understanding that we were also originally included in zone 1 and was changed without explanation. I believe the original zoning was consistent with Mill Run and not as a single family home. Thank you for your consideration and appreciate your service to our community.

James

Your Name (required): James Howard
Your Email (required): jhoward8811@gmail.com

Thank you,
Breckenridge, CO

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Comment on Upper Warriors Mark classification in STR proposals
Date: Monday, July 11, 2022 9:32:04 AM

-----Original Message-----

From: Greg Lawless <greglawless133@gmail.com>
Sent: Sunday, July 10, 2022 7:09 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Comment on Upper Warriors Mark classification in STR proposals

[EXTERNAL MESSAGE]

Dear Mr. Mayor:

My name is Greg Lawless and my wife and I are the owners of 88 Gold King Way, a property in the Upper Warriors Mark neighborhood of Breckenridge. I am writing to you to express my vehement opposition as a taxpayer to the town council's comments seeking to move the neighborhood from the task force and staff proposal of Zone 2 to Zone 3 under the current tourism zoning proposals.

We understand the concerns regarding affordable workforce housing in Breckenridge and Summit County. We do not believe however that placing Upper Warriors Mark in Zone 3 in any way addresses this issue. In fact, I would submit that a lodging surcharge on each rental may do more than blocking STRs in this neighborhood and therefore generate more income for use in addressing affordable housing. Placing Upper Warriors Mark in Zone 3 will not make the properties affordable, in fact, it will cut off revenue dollars to local businesses and the current licensure fees that those of us with STR licenses pay.

Our personal intention is to retire in three years and establish our primary residence for most of the year in Breckenridge. We view STR income during ski season as a way to maintain the property when we go someplace potentially a bit warmer for those months. We are committed to Colorado with a daughter who graduated from a state school and is now working in Denver and a son attending university in the state too. We are not a nameless, faceless corporate entity. We are in fact taxpayers, business owners, and soon to be voters - your constituents.

The Upper Warriors Mark neighborhood has a number of STRs. These properties cater to large families and gatherings creating memories. Part of the appeal to the neighborhood is the easy access to downtown and the fact that guests can use the designated Forest Service access to ski-in and ski-out to the Breckenridge Ski Resort. When we were at our property for three weeks in May, we noticed how the Forest Service logging plan maintained that access and the signage at the end of Gold King Way on White Cloud indicated skiing as a permissible activity headed down that trail (trail maintained by the town based on the trail maintenance we observed the staff conducting to prevent erosion).

We understand the desire to have zoning to manage STRs and provide affordable housing. We believe that the Council should follow the task force and staff recommendations to continue STRs in Upper Warriors Mark. To bar STRs in our neighborhood by going to Zone 3 classification does not make sense and would be detrimental to home values, retirement plans and in our opinion an egregious overreach on the part of the council given the recommendation that has already been made. We pay professionals to be on the town staff - please respect their professional assessment and recommendation and respect my request and rights as a property owner.

Sincerely,
Greg & Charlotte Lawless
847-917-4742

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: comments on short-term rentals
Date: Thursday, July 21, 2022 2:24:24 PM

From: Roger Pielke, Jr. <rpielkejr@gmail.com>
Sent: Thursday, July 21, 2022 8:20 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: comments on short-term rentals

[EXTERNAL MESSAGE]

Hi Erik,

I am a second home owner in Upper Warriors Mark and am sharing a few thoughts on the proposed new short-term rental caps, at the request of a neighbor and friend, new Warriors Mark Association president, Mark Gastman. (BTW, I've chatted you up a few times while you have been hosting, I appreciate your work for the community.)

- We do not rent our place and do not plan to. Our youngest just graduated from high school and we intend to gradually transition to living more in Breckenridge (we also live in Boulder)
- We appreciate the effort being spent to focus short-term rentals in particular neighborhoods
- That said, the WM and especially UWM neighborhoods are mainly owned by non-residents and I do not see this changing, due mainly to the home prices (especially UWM)
- That said, we also appreciate that many of our neighbors (and future neighbors) will want to use their homes as STRs
- The Upper Warriors Mark community is ski-in, ski-out, as it is just a few hundred yards above Lower Lehman trail and is easily accessed on return via Peak 10
- Also, the Upper Warriors Mark shuttle service has been essential to the community over the past several years, and surely helps to alleviate traffic and parking in town -- I am concerned that with less STR the city might also eliminate the shuttle -- whatever is done, please keep the shuttle!
- My understanding is that about 50% of the WM community has a STR currently
- A long-term goal of 10% is probably too restrictive, even if it takes many years to get there
- There is probably a middle ground here that better reflects the community's position adjacent to the ski area, and particularly for UWM
- I am unclear what effect the STR limits will have on property prices in the community, but this should be understood and communicated before a decision is made. It is not a major issue for us, but if the effects are significant, it will be an issue for many in the community

Thanks for listening, all best,

Roger and Julie Pielke

Roger Pielke Jr.
Subscribe to [The Honest Broker](#)
<http://rogerpielkejr.com>

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Concerns over STR Overlay
Date: Monday, July 11, 2022 9:41:26 AM

-----Original Message-----

From: Alan Rechter <alanrechter@yahoo.com>
Sent: Sunday, July 10, 2022 8:55 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Concerns over STR Overlay

[EXTERNAL MESSAGE]

Mr. Mayor,

I've read, with dismay, that my house and its area are not considered part of a "tourism zone." Furthermore, it's classification as non ski resort access is simply not true. I ski out and back to my house every time I ski without needing to use any shuttle, as do my guests. But my guests do use the Warrior's Mark West shuttle for their smaller children and those skiers that are not comfortable skiing in or out. Furthermore, with our properties at the highest rental rates on the Breckenridge market, we bring the wealthiest guests to Breckenridge who shop, eat at Downstairs at Eric's, Mi Casa, Hearthstone, etc and are amongst the city's classiest renters, respectful of the environment and respectful of others so that they, too, may enjoy their vacations.

Upper Warrior's Mark should be ZONE 1, even though the Tourism Task Force recommended ZONE 2, but in no circumstance should it be considered a non-tourism ZONE 3. If it's been a while since you or the other council members have done it, I welcome you all to come to my house and ski out the back and return to the house without burdening the shuttle system.

Tourism this coming season seems to be way down based on rentals and likely from the economy skid, compounded by lower than predicted snowfall for the upcoming season based on some predictive models. Shouldn't we be inclusive of areas like UWMW that is no less important in the rental market and economy as are those others in Zone 1 or 2?

Please reconsider. I feel the council's current course is not in the best interest of Breckenridge's economy or those that have supported it for decades and made it what it is today.

Thank you for taking the time to read and consider my concerns.

Dr. Alan J Rechter
Owner of 523 White Cloud Drive

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: District #39/Short-term Rental Licenses
Date: Monday, July 18, 2022 10:42:25 AM

From: Sharon Porter <sporter@sunshinestateplumbing.com>
Sent: Saturday, July 16, 2022 5:39 AM
To: mayor <mayor@townofbreckenridge.com>; Council <council@townofbreckenridge.com>
Cc: Lou Cirillo <loucir@comcast.net>; Greg Hegemann <gmdenco@yahoo.com>; Mary Hegemann <mary.hegemann@wakely.com>; Mike Porter <mporter@sunshinestateplumbing.com>; John Green <john@greenfv.com>; Victoria Himmelstein <bikecolo@outlook.com>
Subject: District #39/Short-term Rental Licenses

[EXTERNAL MESSAGE]

Subject: Re: District #39/Short-term Rental Licenses

Dear Honorable Mayor and Town Council:

I read the below article with great interest:

<https://www.summitdaily.com/news/breckenridge-prepares-for-first-reading-of-short-term-rental-regulations/>

Our property, at 27 Peak Eight Court, is in close proximity to the Grand Colorado, with easy ski in/out access.

Our property was designed and intended for short term rentals when we purchased and built our home.

It would be unfair to possibly have STR licenses available in the Highlands but not a property immediately adjacent to the ski resort (designed/built for short-term rentals). Further, this would conflict with the **Land Use Guideline for our District #39**.

Thank you for your time and consideration.

Regards,
Sharon and Mike Porter
27 Peak Eight Court
Breckenridge, CO 80424

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: District #39/Short-term Rental Licenses
Date: Monday, July 18, 2022 10:33:59 AM

From: Richard Himmelstein <richard.himmelstein@gmail.com>
Sent: Friday, July 15, 2022 12:03 PM
To: mayor <mayor@townofbreckenridge.com>; Council <council@townofbreckenridge.com>
Cc: Lou Cirillo <loucir@comcast.net>; Greg Hegemann <gmdenco@yahoo.com>; Mary Hegemann <mary.hegemann@wakely.com>; Sharon Porter <sporter@sunshinestateplumbing.com>; Mike Porter <mporter@sunshinestateplumbing.com>; John Green <john@greenfv.com>; Victoria Himmelstein <bikecolo@outlook.com>
Subject: Re: District #39/Short-term Rental Licenses

[EXTERNAL MESSAGE]

Dear Honorable Mayor and Town Council:

I read the below article with great interest:

<https://www.summitdaily.com/news/breckenridge-prepares-for-first-reading-of-short-term-rental-regulations/>

Our property, at 19 Peak Eight Court, is the closest house that will ever be built to the Colorado and Rockies chair lifts, with easy ski in/out access.

Our property was expressly designed for short term rentals.

It would be unfair to possibly have STR licenses available in the Highlands but not a property immediately adjacent to the ski resort (designed/built for short-term rentals). Further, this would conflict with the Land Use Guideline for our District #39.

Thank you for your time and consideration.

Regards,

Richard B. Himmelstein
Phone: (970) 368-2010
email: richard.himmelstein@gmail.com

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From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Email the Mayor & Town Council
Date: Friday, July 8, 2022 12:38:55 PM

From: breckenridge@visioninternet.com <breckenridge@visioninternet.com>
Sent: Friday, July 8, 2022 11:28 AM
To: WebsiteCouncil <WebsiteCouncil@townofbreckenridge.com>
Subject: Breckenridge, CO: Website Email the Mayor & Town Council

Thank you for taking the time to contact the Breckenridge Mayor and Town Council. We value your opinions, concerns and suggestions and appreciate your efforts to make Breckenridge a wonderful place to live.

Your Message Here:

Mr Mayor and Members of the Town Council:

Further to my recent email, the Town has taken away my property rights by not allowing me to obtain a STR license or a prospective buyer of my home to obtain a STR license. The financial impacts are material. The Highlands is not a source of employee housing and the overwhelming number of STR in the Highlands behave responsibly. Charge more for licenses if there is a concern about impacts and raise fines if there is a concern about "bad actors." It is also unfair to disproportionately allocate fewer licenses to Zone 3. Why are Highlands property owners any different than other Breckenridge property owners? Why the lower allocation? What is the legal basis? Treat every one the same. Don't pick winners and losers. It sure feels like I am against powerful interests. I hope the Town addresses my concerns by exempting the Highlands. In the absence of relief, my only recourse is to organize other like minded property owners and investigate whether the Town's actions constitute a "Regulatory Taking" as described by the US Supreme Court.

Respectfully submitted,

Matt Schroeder

1883 Highlands Drive

Your Name (required): Matthew Schroeder

Your Email (required): mlschroe60@gmail.com

Thank you,
Breckenridge, CO

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Inaccurate designation of Warriors Mark as Zone three.
Date: Monday, July 25, 2022 10:17:17 AM

From: Bob Eskridge <bullet1977@hotmail.com>
Sent: Sunday, July 24, 2022 7:20 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Inaccurate designation of Warriors Mark as Zone three.

[EXTERNAL MESSAGE]

Mr Mayor and council,

Let me add my voice to calling out the inaccurate characterization of Warriors Mark as potentially Zone 3 in the ongoing short term rental debate. We ARE a ski in/ski out area. The lower Lehman trail has been maintained by Breckenridge Ski Resort for 40 years and it's an easy walk to access and than ski down to the Beaver Run or QuickSilver superchairs. Skiing home via Peak 10 is also accessible. We are definitely NOT a Nordic ski area, we're Alpine skiing.

Upper Warriors Mark currently has over 50% short term rental properties, this issue was discussed at the latest homeowners meeting and everyone agreed they aren't interested to changing to long term rentals as they want to be able to enjoy the use of their property and long term rental doesn't give that flexibility. They would prefer the house sit empty instead of long term rental. More housing won't become available because even if an owner was willing to long term rent, the average town worker wouldn't be able to afford the rent a multimillion dollar property would rightly charge. Trying to drop Warriors Mark to a very unrealistic 10% goal will take decades if ever—certainly not a fix to what is seen as a more immediate problem. Without those short term rentals the town as a whole will see less visitors and less spending in our town.

In short, I'm asking the council to change Warriors Mark to "Resort, or Zone 1" designation which is a more accurate reflection of our neighborhood. Thanks.

Bob and Sheila Eskridge
43 Red Feather Road
Breckenridge, CO
Sent from [Mail](#) for Windows

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Main St Junction/short term rental
Date: Monday, July 11, 2022 10:55:24 AM
Attachments: [ToB Letter 10JUL2022 RL.docx](#)
[ATT00001.txt](#)

-----Original Message-----

From: Jill Renuart <jill.renuart@gmail.com>
Sent: Monday, July 11, 2022 10:48 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Main St Junction/short term rental

[EXTERNAL MESSAGE]

Dear Mayor,

Please read the attached. In addition, long term parking would be a huge issue in our condos. Rent would most likely require more than one occupant. Each condo has a one car garage and in most that is the only parking spot with a handful of first come, first serve spots. Owners should not lose out on those spots due to a long term renter. That's already a bit of an issue because enforcement is weak as is. Main St Junction is not ideal for long term rentals and it was never meant to be a long term rental. Sincerely, Gen(Ret) and Mrs Gene Renuart, 608 Main St #35.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Main Street Junction
Date: Monday, July 11, 2022 9:49:57 AM
Attachments: [ToB Letter 10JUL2022 RL.docx](#)

From: Sharon Gardner <sharon.gardner@hotmail.com>
Sent: Monday, July 11, 2022 8:15 AM
To: Council <council@townofbreckenridge.com>; mayor <mayor@townofbreckenridge.com>
Cc: Victor Gardner <victor_gardner@msn.com>
Subject: Main Street Junction

[EXTERNAL MESSAGE]

My husband and I bought a condo at Main Street Junction 13 years ago. We use this condo for our own use and for short term rental. The Main Street Junction property has always been a part of the Pioneer club and shares the amenities associated with Main Street Station. We feel strongly that if Main Street Station enjoys Resort status as defined by the city that Main Street Junction should as well.

I am attaching a letter that details Main Street Junction's association with The Pioneer Club.

Respectfully,

Sharon and Victor Gardner
Main Street Junction #3

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Main Street Junction and Short term Rentals
Date: Monday, July 11, 2022 2:07:55 PM

From: mark@msj11.com <mark@msj11.com>
Sent: Monday, July 11, 2022 1:09 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Main Street Junction and Short term Rentals

[EXTERNAL MESSAGE]

July 11, 2022

The Honorable Eric Mamola
The Council of the Town of Breckenridge

Dear Mr. Mayor and Council members:

We write to you today to express our views and preference on the matter of the Short Term Rental Overlay District that the Council is considering at their upcoming July 12, 2022 meeting.

As owners in the Main Street Junction Condominium Association, located adjacent to the Marriott Residence Inn on Main Street in Breckenridge and just across Main Street from Main Street Junction and Waterhouse, we enjoy permanent membership to the Pioneer Club, situate in the Main Street Station facilities. Member properties of the Pioneer Club enjoy the many resort amenities of the Main Street Station complex, including a 24/7 front desk, conference facilities, Base 9 ski valet services, security and more. This Pioneer Club membership is Association wide and compulsory—individual owners do not have the option to elect or decline individual membership.

We believe that this membership in the Main Street Station amenities complex places our Association firmly into the resort property definition being considered presently by the Council. Furthermore, **this membership raises our monthly HOA dues to a such a level that prices our units above the long term rental market value.** Main Street Junction therefore does not meet the definition of a long term rental candidate that the Council is attempting to delineate. Furthermore, Main Street Junction is **located directly in the Main Street business corridor, which is evidently aligned to service the tourism industry in Breckenridge.** Our association has been served by short term rental managers located in Main Street Station as an affiliated property since its construction more than 20 years ago. Main Street Junction was designed to be and continues to operate as a short term rental property.

As the Council deliberates on how this Short Term rental overlay district will be constructed, **we ask that the Council adequately consider which properties are situate in this apparent Main Street tourism corridor, both in location and in property service/amenities configuration.** As we understand the Council's current approach, Main Street Junction will be denied assignment to this Short Term Rental Overlay District (Zone 1), a decision which seems not only contrary to the Council's stated goal regarding the availability of long term rental units, but also inaccurate

considering Main Street Junction's configuration and location.

Best regards,

Mark Nicaastro

Owner

Main street Junction #11

303-549-3665

MAIN STREET JUNCTION 11
"The Perfect Location"
Breckenridge, Colorado
3665

www.msj11.com
3 bedroom/3 bath
(sleeps 8 to 10)

owner: Mark Nicaastro
dba: MTN Properties
phone: 303-549-

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Main Street Junction Condominium Complex move to STR Zone 2
Date: Monday, July 11, 2022 10:09:28 AM

From: Cindy Baker <cindy.baker@yahoo.com>
Sent: Monday, July 11, 2022 9:01 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Main Street Junction Condominium Complex move to STR Zone 2

[EXTERNAL MESSAGE]

Dear Mr. Mayor and Council members:

I write to you today to express my views and preference on the matter of the Short Term Rental Overlay District that the Council is considering at their upcoming July 12, 2022 meeting.

As an owner in the Main Street Junction Condominium Association, located adjacent to the Marriott Residence Inn on Main Street in Breckenridge and just across Main Street from Main Street Station and Waterhouse, I enjoy permanent membership to the Pioneer Club, situated in the Main Street Station facilities. Member properties of the Pioneer Club enjoy the many **resort amenities of the Main Street Station complex, including a 24/7 front desk, conference facilities, Base 9 ski valet services, security** and more. This Pioneer Club membership is Association wide and **compulsory**—individual owners do not have the option to elect or decline individual membership.

I believe that this membership in the Main Street Station amenities complex places our Association firmly into the **resort property definition** being considered presently by the Council. Furthermore, this membership raises our monthly HOA dues to a such a level that prices our units above the long-term rental market value. Main Street Junction therefore **does not meet the definition of a long-term rental candidate that the Council is attempting to delineate**. Furthermore, Main Street Junction is located directly in the Main Street business corridor, which is evidently aligned to service the tourism industry in Breckenridge. Our association has been served by **short term rental managers located in Main Street Station as an affiliated property since its construction more than 20 years ago**. Main Street Junction was designed to be and continues to operate as a short term rental property.

As the Council deliberates on how this Short Term Rental overlay district will be constructed, I ask that the Council adequately consider which properties are situated in this apparent Main Street tourism corridor, both in location and in property service/amenities configuration. As I understand the Council's current approach, Main Street Junction will be denied assignment to this Short Term Rental Overlay District (Zone 1), a decision which seems not only contrary to the Council's stated goal regarding the availability of long term rental units, but also inaccurate considering Main Street Junction's configuration, amenities and location. I write this letter to request that you **re-assign Main Street Junction back to Zone 1**, where it was originally, and by the Council's definitions, correctly located.

Best regards,

Cindy Baker

Main Street Junction #29

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Main Street Junction status
Date: Monday, July 11, 2022 9:59:53 AM

From: Craig Cummings <craigacummings@gmail.com>
Sent: Monday, July 11, 2022 8:32 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Main Street Junction status

[EXTERNAL MESSAGE]

The Honorable Eric Mamola
The Council of the Town of Breckenridge

Dear Mr. Mayor and Council members:

I'm writing to you in regards to the Short Term Rental Overlay District that the Council is considering at the July, 12 2022 meeting.

As a brand new owner in the Main Street Junction Condominium Association, located adjacent to the Marriott Residence Inn on Main Street in Breckenridge and just across Main Street from Main Street Station and Waterhouse, we enjoy permanent membership to the Pioneer Club situated in the Main Street Station facilities. Member properties of the Pioneer Club enjoy the many resort amenities of the Main Street Station complex, including a 24/7 front desk, conference facilities, Base 9 ski valet services, security and more. This Pioneer Club membership is Association wide and compulsory—individual owners do not have the option to elect or decline individual membership.

My partner and I specifically purchased this property one month ago for these amazing resort amenities!! Our membership in the Main Street Station amenities complex places our Association firmly into the resort property definition being considered presently by the Council. Furthermore, this membership raises our monthly HOA dues to a such a level that prices our units above the long term rental market value. Main Street Junction therefore does not meet the definition of a long term rental candidate that the Council is attempting to delineate.

Main Street Junction is located directly in the Main Street business corridor, which is evidently aligned to service the tourism industry in Breckenridge!! Our association has been served by short term rental managers located in Main Street Station as an affiliated property since its construction more than 20 years ago. Main Street Junction was designed to be and continues to operate as a short term rental property.

As the Council deliberates on how this Short Term rental overlay district will be constructed, we ask that the Council adequately consider which properties are situated in this apparent Main Street tourism corridor, both in location and in property service/amenities configuration. As we understand the Council's current approach, Main Street Junction will be denied assignment to this Short Term Rental Overlay District (Zone 1), a decision which seems not only contrary to the Council's stated goal regarding the availability of long term

rental units, but also inaccurate considering Main Street Junction's configuration and location.

Please, take a closer look at Main Street Junction and place it back in Zone 1!!

Thank you for your time and serious consideration!

Very best,

Craig Cummings
Main Street Junction Owner, Unit #26

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Opposition to changing zone areas
Date: Monday, July 25, 2022 10:05:28 AM

From: Kevin Hunt <holbrookllc1@gmail.com>
Sent: Saturday, July 23, 2022 8:35 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Opposition to changing zone areas

[EXTERNAL MESSAGE]

Dear counsel,

I recently sent an email expressing my opposition to changing The zone areas in Breckenridge.

I wanted to clarify:

After 30 years of building homes, owning short-term and long-term residential rental units, owning and developing commercial properties, I have often seen well intended governments on all levels create policies ultimately result in unintended consequences. Especially, when it comes to affordable housing.

I thought I might forward this timely New York Times article. It may shed a little more light on the ever persistent affordable housing issue facing most communities.

<https://www.nytimes.com/2022/07/23/business/housing-market-crisis-supply.html?referringSource=articleShare>

Regards,
KEVIN HUNT

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Opposition to designating Warriors Mark as Zone 3
Date: Thursday, July 21, 2022 2:12:00 PM

From: Kellie Hynes <kelliehynes@yahoo.com>
Sent: Wednesday, July 20, 2022 6:59 PM
To: mayor <mayor@townofbreckenridge.com>
Cc: Bob Guller <rguller@bebmanagement.com>; info@warriorsmark.info
Subject: Opposition to designating Warriors Mark as Zone 3

[EXTERNAL MESSAGE]

Dear Mayor and Town Council Members,

We, the owners of 71 Sunrise Point Drive in Upper Warriors Mark, oppose the proposal to designate Warriors Mark as Zone 3, which would, over time, allow only 10% of our neighborhood's homes to obtain STR licenses.

Our opposition is based on two key elements:

- 1) Our home is ski-in (via Flapjack), and ski-out (via lower Lehman). The other neighborhoods that are ski-in, ski-out are in the resort or Zone 1.
- 2) While we personally do not rent out our home, many of our neighbors do, and the value of their homes (and therefore ours) will devalue without providing the increased workforce housing you are hoping to achieve.

If you would like to discuss further, please contact either of us.

Thank you for your service to the town we all love so much.

Sincerely,
Kellie Hynes and Bob Guller
71 Sunrise Point Drive

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Overlay Zone caps change proposal
Date: Monday, July 11, 2022 9:45:59 AM

From: Beth Visscher <bmvissscher@gmail.com>
Sent: Monday, July 11, 2022 6:01 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Overlay Zone caps change proposal

As an owner of a property in Upper Warriors Mark for 17+ years (127 Gold King Way), I have been informed that the city is proposing to change our area to a Tourism Zone 3.

Although we do not rent our home at 127 Gold King Way, this change would have a significant impact for many reasons....

1. It could have a significant impact on the value of our property in the future.
2. Our neighborhood is an area of high rentals (60%+). Given the high rental area, I do not see how you can justify moving our area to a new zone that basically means we have little to no short term rentals. It just doesn't make any sense.
3. These are bigger homes that would not help with affordable housing in any way.
4. Upper Warriors Mark is actually a ski in/out area. If you come up the hill in the mornings, you will see for yourself how many people ski down to the lifts.
5. My understanding is that this could also impact our shuttle that runs during the ski season. This again would significantly impact our area. We just the shuttle bus to ski home: when we are tired and don't want to risk injury at the end of the day by skiing back home and to go into town for dinner. The shuttle has allowed us to support local shops/restaurants. Before the shuttle was added, we did not go into town very often to shop and eat because it was a hassle to park in town. Tourism ridership is what determines if our shuttle will be funded. Also, a frustrating point because we pay the transfer fee and real estate taxes like everyone else in town and yet get very limited bus service.

I believe our area should be Zone 1 due to the high number of short term rentals. I do not understand how you can even consider moving us to a "non-tourism" zone and classify us as a non ski resort access area. This is absolutely not true.

Beth Visscher
Gold King Way LLC

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Overlay Zone caps change proposal
Date: Monday, July 11, 2022 10:23:54 AM

-----Original Message-----

From: Lew Visscher <lew@lewslist.com>
Sent: Monday, July 11, 2022 9:57 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Overlay Zone caps change proposal

[EXTERNAL MESSAGE]

Dear mayor and council,

As an owner of a property in Upper Warriors Mark for 17+ years (127 Gold King Way), I have been informed that the city is proposing to change our area to a Tourism Zone 3. Although we do not rent our home at 127 Gold King Way, this change would have a significant impact for many reasons....

It appears many may be misinformed about the area you are considering a zone change for.

1. Our neighborhood is an area of high rentals (60%+). Given the high rental area, I do not see how you can justify moving our area to a new zone that basically mans we have little to no short term rentals. It just doesn't make any sense.
2. Upper Warriors Mark is actually a ski in/out area. If you come up the hill in the mornings, you will see for yourself how many people ski down to the lifts.
3. My understanding is that this could also impact our shuttle that runs during the ski season. This again would significantly impact our area. We just the shuttle bus to ski home: when we are tired and don't want to risk injury at then end of the day by skiing back home and to go into town for dinner. The shuttle has allowed us to support local shops/restaurants. Before the shuttle was added, we did not go into town very often to shop and eat because it was a hassle to park in town. Tourism ridership is what determines if our shuttle will be funded. Also, a frustrating point because we pay the transfer fee and real estate taxes like everyone else in town and yet get very limited bus service.

Your proposed change will dramatically impact the value of the homes in the Upper Warriors Mark corridor and severely impact patrons that frequent the Breckenridge community.

I believe our area should be Zone 1 due to the high number of short term rentals. I do not understand how you can even consider moving us to a "non-tourism" zone and classify us as a non ski resort access area. This is absolutely not true.

Please consider this area as Zone 1 - it is the right choice!

Thanks for listening!

Lew Visscher
Gold King Way

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Please consider zoning Warriors Mark as Zone 2 (50%) rather than Zone 3 (10%)
Date: Thursday, July 21, 2022 2:15:09 PM

From: bktobey@aol.com <bktobey@aol.com>
Sent: Wednesday, July 20, 2022 7:45 PM
To: mayor <mayor@townofbreckenridge.com>
Cc: bktobey@aol.com
Subject: Please consider zoning Warriors Mark as Zone 2 (50%) rather than Zone 3 (10%)

[EXTERNAL MESSAGE]

Breckenridge Town Council,

Thank you for your service to Breckenridge, I can only imagine the stress associated with balancing the diverse priorities that exist in our beautiful mountain town. My wife and I had our first date at The Whales Tail (now the Blue Stag Saloon) in 1978 and we have been visiting and in love with the town ever since. We became home owners in Warriors Mark West in 2014 and own both 61 and 63 New England Drive. We have no intention of ever renting out either side of our duplex nor applying for a short-term license for either unit.

The purpose of this e-mail is to share our belief that it does not seem appropriate for Warriors Mark to be included in Zone 3 rather than Zone 2. The houses and duplexes on our street are a nice mix of full-time residents, long-term rentals and short-term rentals. Dropping the number of short-term rentals to 10% does not make sense for a neighborhood with ski in / ski out accessibility. With the completion of the White Cloud Fuels Reduction, our ski in / ski out access to Lower Lehman on Peak 10 will likely be enhanced, making Upper Warriors a neighborhood that does directly connect with the resort. The short-term rentals that exist in our area are a bit unique in that they attract a clientele that must provide a significant boost to the town's tourism.

Please consider zoning Warriors Mark as Zone 2 (50%) rather than Zone 3 (10%).

Thank you, Brett & Kathy Tobey
61 & 63 New England Drive, Breckenridge
303-905-5650

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Please do not make Upper Warrior's Mark part of Zone 3
Date: Monday, July 11, 2022 9:29:29 AM

From: embricate@gmail.com <embricate@gmail.com>
Sent: Sunday, July 10, 2022 2:37 PM
To: mayor <mayor@townofbreckenridge.com>; Council <council@townofbreckenridge.com>
Subject: Please do not make Upper Warrior's Mark part of Zone 3

[EXTERNAL MESSAGE]

Dear Town Council,

My fiancé and I live on New England Drive. We are both full time residents, tax payers, and employees. We attend St. John the Baptist church, where we are planning on getting married in September. My fiancé is a public health nurse with the county, and I work as a doctor at the Breckenridge Medical Center. Our monthly mortgage is greater than \$6,000 / month.

While its hard to complain about living in Breckenridge, Colorado, living here has been very stressful. We have been vaccinating and treating our neighbors and the town's visitors against Covid-19 for the past 2.5 years. We both recently struggled through Covid ourselves.

One of the ways that have helped us afford to live here has been to rent our second unit to short term renters. We are very selective of who we allow to stay in our home. For example, we currently have a lovely couple with two small children who are staying here for two weeks. It is a real joy in our life to be able to share our home, our trails, and our town with people. It also helps us afford to live here.

It was with great anxiety that I read of your plans to make Upper Warriors Mark part of Zone 3 in your plan to restrict rentals in our neighborhood. It caused me to have a panic attack, and nearly drove me to tears while Jayme and I were grocery shopping in City Market today.

I know that you all joined town council because you want to make our town a better place. I know you are good people. I'm just not sure if you are considering how your actions are harming your constituents. It would be very hard, for example, for Jayme and I to continue to live in our community, and build our family here, if we had to carry the full brunt of our mortgage.

If we had to leave the community, that would leave the county with one less public health nurse, and the town with one less doctor. Jayme's boss has lamented how hard it is to hire public health nurses in Summit County, so the loss of a public health nurse would be a detriment to our county.

The truth is, there are no or very few workers renting housing in Upper Warriors Mark. They are used by their primary owners, and preventing short term rentals will do nothing to help "restore the feeling of community" or solve the housing crisis. My understanding of zone 3 is that it is for areas that are not close to the ski area. But our neighborhood IS connected to the ski area. I can assure

you of that, because I ski and hike through Breckenridge Ski Area every day when I go to work. I also see many other people doing this. Skiing in and out of our neighborhood is so common, in fact, that the ski area placed an exit gate on Flapjack for skiers to return to Upper Warriors Mark. If you don't believe me, I would love to hike these trails with you, and show you where we ski in, and ski out.

I have now written you on multiple occasions imploring you to consider the multitudes of perspectives and needs in our community. I have never received a response from my mayor or anyone from town council. I ask that you think through the STR Overlay and attempt to consider a multitude of perspectives. I feel very unrepresented on the town council. When these issues are discussed no one asks "who are we hurting?" or "will this plan do what we want it to?" or "what evidence is our decision based on?" I want to assure you that you are hurting me, even if just in that I was unable to enjoy this beautiful day with my fiancé because I am so afraid of how my elected officials may harm me. If Jayme and I have to leave Summit County because of the actions of Breckenridge Town Council, then our town and our county will also be the worse off for losing experienced health care providers.

Sincerely,

Andrew Nyberg, MD

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Please Revise Definition of "Resort Property", and Unrestrict Zone 1
Date: Thursday, July 21, 2022 4:51:51 PM

From: Timothy Paynter <paynterlawoffice@gmail.com>
Sent: Thursday, July 21, 2022 4:26 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Please Revise Definition of "Resort Property", and Unrestrict Zone 1

[EXTERNAL MESSAGE]

Dear Mayor and Council Members,

Please revise the definition of "Resort Zone" as follows:

1. Laundry and housekeeping services should not be required on site under requirement #4 since the modern resort often contracts for linen and even housekeeping services. **This provides labor cost savings, water and wastewater savings since many linen services are based in Denver hence use water, wastewater and labor from OUTSIDE THE COUNTY.**
2. Shuttle service should not be required by resorts under #5 of the requirements. We found my fellow owners at River Mountain Lodge use public transportation rather than waiting for on-call shuttle service. **The object of reducing congestion and pollution is not achieved by having every resort put shuttle buses onto the road.**

PLEASE ALLOW UNLIMITED SHORT TERM RENTALS IN ZONE 1

3. The town has achieved it's objectives by restricting short term rentals in the neighborhoods. However, Zone 1 is a tourist zone and should have 100% license availability just as the resort zone should have the same. This fits the goal of directing tourists into areas suitable for them while directing those same tourists out of areas less suitable, namely the neighborhoods. It also sends the message Breckenridge is open for business and welcomes tourists so long as they frequent areas designed for high volume visitation.

We know the town planners and council have worked hard on the regulations. Please take these minor changes under consideration.

Sincerely,

Tim Paynter
720.951.1700

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The contents of this communication are confidential, intended only for the party to whom this message is sent, and may be protected by attorney-client privilege. In the event of mis-

delivery, please notify Tim Paynter, Attorney at Law, then destroy this communication. Tim Paynter, Attorney at Law, 720.951.1700.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Proposed Breckenridge Resort Zones (Warrior's Mark)
Date: Friday, July 22, 2022 11:16:37 AM

From: Nick White <Nick.white@cobnks.com>
Sent: Friday, July 22, 2022 11:12 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Proposed Breckenridge Resort Zones (Warrior's Mark)

[EXTERNAL MESSAGE]

Hello!

I'm writing to express my opinion on the proposed new zones and how my neighborhood, Warrior's Mark could be adversely affected by these new proposed zones.

First and foremost, I oppose the idea of dividing the town into "zones" in general, as it relates to short-term rental properties. As someone who is employed in the mortgage and real estate industries, I have seen how recent changes (implemented by Fannie Mae and Freddie Mac) for 2nd home financing have effectively killed demand for 2nd home purchases – previously, you could put 10% down on a 2nd home and get a great rate. Now, 20-25% down barely gets you a better rate than you'd get on a full-time rental/investment property. This change alone has had the intended effect of slowing demand for 2nd homes, thus making primary homeownership more attainable for first time buyers.

In addition to the Fannie/Freddie changes, the recently implemented short-term rental licensing changes (\$400 fee charged per bedroom, added registration fees, etc.), have also appeared to have had the intended effect so far when it comes to real estate demand and rapidly rising home prices.

Third, if you haven't heard – interest rates are really high and mortgage demand is at a 22 year low – ALL of these factors are contributing to what's happening right now – the market is correcting and showing signs of a more "balanced" market.

In my opinion, adding these new "zones" and the restrictions that go along with them when it comes to new owners being able to short-term rent, will cause an over correction and effectively destroy the resale market for all of us in Warrior's Mark – who all bought our houses at prices reflective of the ability to short-term rent our properties when we're not using them personally. As someone who works in this industry, I understand how important it is for local affordable homeownership to be attainable, but a) don't think that should happen at the expense of people that already own property and b) don't believe these changes really make it any easier for the average local to buy real estate.

The MUCH bigger problem here isn't 2nd homeowner's, but moreso the fact that Vail Resorts employes so many people in this town at super low wages, and it doesn't seem like the town has

done much to deter them from this practice (which is also having the same effect in EVERY market that has allowed Vail Resorts to come in and do whatever they want.

I realize it's easier to stick it to us homeowners than it is to go after a behemoth like Vail Resorts to ask them to change their ways, but it's not the right thing to do.

I spent money on lodging, skiing, food, etc., in this town for 20+ years before FINALLY being able to buy my own place here in 2020 (which felt like a huge risk at the time) and to think my property value could take a HUGE hit in 2022 due to some very arbitrary determination as to which "zones" should be forced to play by completely different rules than other "zones" just a few blocks away.

Which brings me to my next point: If we're going to have zones, it's completely ridiculous to think Warrior's Mark shouldn't be in zone 1 or 2. When I look out the window, I see out of towners walking up and down Broken Lance all day, every day, taking pictures and doing all the tourist stuff.

Using Lower Lehman, our neighborhood IS ski in/ski out. We can walk to Maggie Pond in 5 minutes during the summer, and pretty much ski right to the house from Peak 10 in the winter. When I do rent my property to out of towners here to enjoy the RESORT, they all comment on how perfect this location is relative to the ski mountain, the shuttle stop, etc.

Sometimes doing nothing is the best option. Vail Resorts has contributed to the local housing/inaffordability moreso than any other factor, and they have the billions of dollars needed to fix the problem if they actually care.

In this case, with a market already correcting itself, adding these proposed zones and the restrictions that go along with them would be detrimental to our neighborhood and the hit to our home values could takt 15-20 years to recover from

DON'T DO IT! Let's not sell our own local taxpaying homeowner's out when we're not the reason for the problem in the first place!

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From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Proposed Short Term Rental Regulations
Date: Thursday, July 21, 2022 2:37:02 PM

From: KIM HEADLEY <kheadley@comcast.net>
Sent: Thursday, July 21, 2022 12:22 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Proposed Short Term Rental Regulations

[EXTERNAL MESSAGE]

We are owners and residents within the Warrior's Mark area of Breckenridge. Upon reviewing the the proposed "Zone" designations within this area I believe the area has been mischaracterized in the analysis and the resultant Zone 3 proposal. Based on staff's own analysis, in excess of 30% of the existing housing units in this area hold STR licenses. My own observations based upon daily walks through the area suggest the actual STR usage of units is closer to 85%. The majority of the structures in Lower Warrior's Mark are multifamily units and with the exception of two apartment complexes, are being used, at least a major portion of the year, as STR's (licensed or not).

Attempting to increase workforce housing on the backs (mortgages) of second home owner's is not only unfair but will result in fewer, not more, units available for long term rent.

Please reconsider the proposed Zone 3 designation of both Upper and Lower Warrior's Mark. Such classification ignores existing reality and is a disservice to those who help drive the economy of the community.

With Respect,
Kim Headley
1119 Broken Lance Drive

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Proposed Short Term Rental Zoning
Date: Thursday, July 21, 2022 2:42:39 PM

From: Paul Reeder <pwreeder@yahoo.com>
Sent: Thursday, July 21, 2022 2:06 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Proposed Short Term Rental Zoning

[EXTERNAL MESSAGE]

Mayor Mamula -

My family owns property on Flintstone Lane in Warriors Mark (since January 2000). It's my understanding that the town has proposed a 10% cap on the number of short-term rental licenses for Zone 3. The proposed rental license percentage gap between Zones 1, 2, and 3 will likely push a disproportionate share of the local, often seasonal workforce into Warriors Mark. It is my observation that homes rented by seasonal workers are often over crowded and poorly maintained. Many/most seasonal workers have no vested interest in maintaining property condition, honoring parking regulations, or respecting neighboring property. I am concerned that a disproportionate migration of seasonal workers will result in degradation of the entire Warriors Mark neighborhood.

Affordable housing for Breckenridge's workers is town problem/concern that should be mitigated by spreading rental licenses and affordable workforce housing more evenly across the entire community. Please consider narrowing the huge license percentage gap between zones.

Respectfully,

Paul Reeder
719-217-3033
120 Flintstone Lane

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Proposed zoning for Upper Warriors Mark
Date: Thursday, July 21, 2022 2:19:15 PM

From: rkornmesser@comcast.net <rkornmesser@comcast.net>
Sent: Wednesday, July 20, 2022 8:37 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Proposed zoning for Upper Warriors Mark

[EXTERNAL MESSAGE]

To Town Council,

My husband and I have owned a townhome at 557 White Cloud drive for nearly 13 years. We have short term rented this for years. We just heard that the zoning may only allow 10% STRs, but our upper warriors mark area has 50% or so STRs today. We are very concerned about this for several main reasons:

1. The property is Ski in/Ski out resort property / location and should be zoned that way with higher # of STRs. Our renters can ski to resort via Lower Lehman and also via trails off falcon lift or via return on Lower Lehman with a short hike. To our renters and to us, its truly a resort location, bordering on Peak 9 skiing.
2. Our property is near many Multi Million-dollar properties on White Cloud Drive. When you look at this area its unlikely that a local worker can afford these higher cost locations. The city and the local workforce would benefit more if these were allowed to be STRs with renters visiting the city and putting dollars and money into the local businesses. With the current 10% STRs, its likely these larger more expensive properties will remain vacant, with less people visiting the town and contributing to the local city businesses and economy.
3. We heard that there may be a misunderstanding that our property and others are on Nordic skiing trails, we are actually Ski in/ out to the Resort, and that designation should be alpine skiing. I understand the designation of alpine skiing may have changed the zoning to a zone 1 or zone 2 for our property location.

Please consider zoning the Warriors Mark area same as the other resort zone 1 or zone 2 as it truly is bordering the resort area! This will bring in more revenue to the city for these multi million dollar properties.

Thank you,

Regina Kornmesser

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Question RE Warriors Mark STR Zone?
Date: Thursday, July 21, 2022 2:16:28 PM

-----Original Message-----

From: Luke Ledbetter <luke@ledbetter.com>
Sent: Wednesday, July 20, 2022 8:20 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Question RE Warriors Mark STR Zone?

[EXTERNAL MESSAGE]

Mr. Mayor,

I've heard you are planning to make my neighborhood (Warriors Mark) Zone 3 on the STR rules.

This doesn't make any sense to me as I thought zone 3 was for areas removed from the ski slopes. Is that not correct?

We have been in our home in Warriors Mark since 1979 and our community skis out regularly via the quicksilver chair and we ski in regularly via Peak 10.

I'd think zone 1 (or one could make a zone 2 argument) is much more appropriate for Warriors Mark.

By the way, I get it. You have to do this STR stuff because you need to get re-elected and your constituency largely wants it, what I don't understand is why an area that should be Zone 1 is being made Zone 3.

Call or text if I can be of use to you.

Thanks,
Luke

Luke Ledbetter
512.751.0650

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Re:
Date: Monday, July 25, 2022 11:58:48 AM

From: Jay Molter <jay.molter@gmail.com>
Sent: Monday, July 25, 2022 8:19 AM
To: mayor <mayor@townofbreckenridge.com>; Council <council@townofbreckenridge.com>
Subject: Re:

[EXTERNAL MESSAGE]

July 25, 2022

The Honorable Eric Mamola
The Council of the Town of Breckenridge

Dear Mr. Mayor and Council members:

We are writing to you today as a follow up to our July 10, 2022 letter. We have reviewed the latest Proposed Tourism Overlay Zones and we have some questions as to how the committee arrived at the designation of Zone 3 for Main Street Junction? We see that Waterhouse, which is located just across the street from Main Street Junction, is considered a resort property. We would consider ourselves a similar property to Waterhouse. We both utilize the 24/7 front desk at Main Street Station to access keys for our properties. We are both members of Pioneer Club which is situated in the Main Street Station facilities and provides the many resort amenities of the Main Street Station complex, including the pool and fitness center, conference facilities, Base 9 ski valet services, security and more. In our minds, the only difference between the Waterhouse property and Main Street Junction is that we are located on the other side of Main Street.

Is it possible to have a discussion to help us better understand the reasoning that places Main Street Junction in Zone 3? If not the Resort Zone, at a minimum we should be placed in Zone 1 like the Corral which is also just across the street from our complex.

Finally, if the goal of the proposed Short Term Rental Zoning Regulations is to increase the number of longer-term rentals to provide for more worker housing, we don't see the proposed cap creating any additional longer-term rentals in Main Street Junction. Given the current market pricing per unit and HOA fees which are very similar to Main Street Station, Main Street Junction properties would likely not be affordable for this purpose.

We live in Ohio, so it is not convenient for us to attend a Council meeting in person, so a phone call or a Teams/Zoom discussion would be helpful, if that would be possible.

We look forward to your reply.

Jay & Terri Molter
Main Street Junction #34

Email: jay.molter@gmail.com

Phone: (419) 699-1847

On Mon, Jul 11, 2022 at 8:37 AM Jay Molter <jay.molter@gmail.com> wrote:

July 11, 2022

The Honorable Eric Mamola

The Council of the Town of Breckenridge

Dear Mr. Mayor and Council members:

We write to you today to express our views and preference on the matter of the Short Term Rental Overlay District that the Council is considering at their upcoming July 12, 2022 meeting.

We have been owners in the Main Street Junction Condominium Association since 2008. As you are aware, Main Street Junction is located adjacent to the Marriott Residence Inn on Main Street in Breckenridge and just across Main Street from Main Street Station and Waterhouse. We enjoy permanent membership to the Pioneer Club which is situated in the Main Street Station facilities. Member properties of the Pioneer Club enjoy the many resort amenities of the Main Street Station complex, including a 24/7 front desk, pool and fitness center, conference facilities, Base 9 ski valet services, security and more. This Pioneer Club membership is Association wide and compulsory—individual owners do not have the option to elect or decline individual membership.

We believe that this membership in the Main Street Station amenities complex places our Association firmly into the resort property definition being considered presently by the Council. Furthermore, **this membership raises our monthly HOA dues to a such a level that prices our units above the long term rental market value.** Main Street Junction therefore does not meet the definition of a long term rental candidate that the Council is attempting to delineate. Furthermore, Main Street Junction is **located directly in the Main Street business corridor, which is evidently aligned to service the tourism industry in Breckenridge.** Our association has been served by short term rental managers located in Main Street Station as an affiliated property since its construction more than 20 years ago. Main Street Junction was designed to be and continues to operate as a short term rental property.

As the Council deliberates on how this Short Term rental overlay district will be constructed, **we ask that the Council adequately consider which properties are situated in this apparent Main Street tourism corridor, both in location and in property service/amenities configuration.** As we understand the Council's current approach, Main Street Junction will be denied assignment to this Short Term Rental Overlay District (Zone 1), a decision which seems not only contrary to the Council's stated goal regarding the availability of long term rental units, but also inaccurate considering Main Street Junction's configuration and location.

Best regards,

Jay & Terri Molter

Main Street Junction #34

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Request for Main Street Junction resort classification
Date: Tuesday, July 12, 2022 10:09:45 AM

From: Theo Prins <theo@escali.com>
Sent: Monday, July 11, 2022 3:41 PM
To: Council <council@townofbreckenridge.com>; mayor <mayor@townofbreckenridge.com>
Subject: Request for Main Street Junction resort classification

[EXTERNAL MESSAGE]

The Honorable Eric Mamola
The Council of the Town of Breckenridge

Dear Mr. Mayor and Council members:

We write to you today to express our views and preference on the matter of the Short Term Rental Overlay District that the Council is considering at their upcoming July 12, 2022 meeting.

As owners in the Main Street Junction Condominium Association, located adjacent to the Marriott Residence Inn on Main Street in Breckenridge and just across Main Street from Main Street Junction and Waterhouse, we enjoy permanent membership to the Pioneer Club, situate in the Main Street Station facilities. Member properties of the Pioneer Club enjoy the many resort amenities of the Main Street Station complex, including a 24/7 front desk, conference facilities, Base 9 ski valet services, security and more. This Pioneer Club membership is Association wide and compulsory—individual owners do not have the option to elect or decline individual membership.

We believe that this membership in the Main Street Station amenities complex places our Association firmly into the resort property definition being considered presently by the Council. Furthermore, **this membership raises our monthly HOA dues to a such a level that prices our units above the long term rental market value.** Main Street Junction therefore does not meet the definition of a long term rental candidate that the Council is attempting to delineate. Furthermore, Main Street Junction is **located directly in the Main Street business corridor, which is evidently aligned to service the tourism industry in Breckenridge.** Our association has been served by short term rental managers located in Main Street Station as an affiliated property since its construction more than 20 years ago. Main Street Junction was designed to be and continues to operate as a short term rental property.

As the Council deliberates on how this Short Term rental overlay district will be constructed, **we ask that the Council adequately consider which properties are situate in this apparent Main Street tourism corridor, both in location and in property service/amenities configuration.** As we understand the Council's current approach, Main Street Junction will be denied assignment to this Short Term Rental Overlay District (Zone 1), a decision which seems not only contrary to the Council's stated goal regarding the availability of long term rental units, but also inaccurate considering Main Street Junction's configuration and location.

Best regards,

Theo Prins
680 South Main Street, Unit 36
Breckenridge

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Residential vs tourism zoning
Date: Thursday, July 7, 2022 10:35:50 AM

From: Lisa ostroff <lm.ostroff@gmail.com>
Sent: Thursday, July 7, 2022 9:29 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Residential vs tourism zoning

[EXTERNAL MESSAGE]

Dear Town Council:

I own a residence at 110 Streamside Circle. We are 1 block from Park Ave. and adjacent to Four O'Clock run. My home is a ski-in, walk to lifts location. If that doesn't describe a tourist friendly property, I don't know what does.

I have in the past had a short term rental license for this home. I am currently renting long term (they are on their second two year lease) to a family of four. The husband works for the water department, the wife for the ski area and two children go to Summit schools. I rented intentionally to support our working community. I will continue to do so. However, my inability to obtain a short term license does affect the market value of my home. If a potential buyer has no hope of obtaining a short term license, they will look for a property that does. My understanding is that the change in zoning was brought about after complaints by residents of Christie Heights. That community is miles away from Sawmill Creek Village!
Please reconsider the mapping of Sawmill Creek Village.

Sincerely,
Lisa Ostroff

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Resort Property Comment
Date: Thursday, July 7, 2022 10:10:25 AM

From: Vivek Bommi <vbommi@gmail.com>
Sent: Wednesday, July 6, 2022 5:13 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Resort Property Comment

[EXTERNAL MESSAGE]

To whom it may concern,

I have been recently been aware of the recent proposal regarding properties that are currently exempt under the STR cap and wanted to give my comment.

I have been an owner at Water House at Main St station since it opened 8 years ago. I was able to purchase this as a vacation home for me and my family because of the ability to rent out the property when we were not using it, as we live out of state. We have had a lot of memorable experiences due to this ability.

While I truly empathize with the plight of the workers in Summit for affordable housing, I dont think that doing this will have any effect on this issue.

- 1) The proposed need for a shuttle will simply just increase the monthly maintenance fee for owners. Given where the location of the property is (in town, by a station) not sure what this accomplishes. We own a 3 bedroom, and the monthly is about 1500 per month, likely to go to 2500 - given need some amount to cover other expenses, i dont think the monthly rental would be considered affordable.
- 2) reducing the STR licences for resort units. What will happen here is prices will simply just drop to a person who is willing to own and leave empty when they do not use. I dont believe that this would again solve the issue, and frankly would likely take more rentals off the market for vacationers, and make is even harder to vacation here.

I am very sorry for what is going on with housing for the workers in the area, that really make Breck a great place, and I applaud the city for trying to take some steps to alleviate. I dont however think the recent proposal is something that at all solves this.

Thank you

Vivek Bommi

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Responses to the Short Term Rental Overlay Discussion
Date: Monday, July 11, 2022 9:38:44 AM
Attachments: [ToB Letter 10JUL2022 JPV.pdf](#)

From: J.P. Van't Hof <jpvanthof@gmail.com>
Sent: Sunday, July 10, 2022 8:46 PM
To: Council <council@townofbreckenridge.com>; mayor <mayor@townofbreckenridge.com>
Subject: Responses to the Short Term Rental Overlay Discussion

[EXTERNAL MESSAGE]

Dear Mr. Mayor and Council--

Please see the attached letter providing comment on the recent discussions on the Short Term Rental Overlay.

Thank you,

Jonathan Van't Hof

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Rezoning of Woods Manor
Date: Monday, August 1, 2022 10:57:00 AM

-----Original Message-----

From: JOHANNA FIGGE <drfigge@aol.com>
Sent: Monday, August 1, 2022 8:21 AM
To: mayor <mayor@townofbreckenridge.com>
Cc: stu@propertyinbreck.com; Mom <hahns@aol.com>
Subject: Rezoning of Woods Manor

[EXTERNAL MESSAGE]

Dear Mayor and Town Council,

My name is Johanna Figge and I have been a homeowner in the town of Breckenridge since 2007 and in Wood's Manor since 2015. I strongly object to the rezoning of Woods Manor to Zone 3. While I acknowledge there is an affordable housing crisis in Breckenridge and the county, it seems arbitrary, discriminatory, and punitive to single out our property to rezone. Here are my issues with this proposal:

1. Our building has been a rental property since it was built in 1985. There is a 37 year precedent of its status as a vacation rental property. Woods Manor has never provided a significant number of residential units in the community, but has brought huge amounts of income to the city and community by providing both timeshare and short term rentals over the years.
2. Woods Manor is surrounded by rental properties with much larger capacities for residents. It feels discriminatory to chose our small 24 unit complex to rezone amongst the giants around us. It seems predatory to choose us, who have less financial resources to fight the change, than the many large complexes in the area.
3. The housing crisis is a result of years of lack of building affordable housing and insufficient municipal planning. Rezoning our small complex to residential will not make a dent in the current housing crisis, but will cause significant financial damage to the current owners in Woods Manor in terms of property values and potential rental income.

This is potentially hundreds of thousands of dollars of lost income per unit.

Please reconsider the proposed change. While I understand the motivation, these changes will not generate a significant number of affordable housing units, if any, and will cause substantial financial damages to the current owners.

Thank you for your time.
Johanna Figge
Woods Manor Owner
Sent from my iPhone

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: River Mountain Lodge
Date: Monday, July 25, 2022 9:56:38 AM

From: Ryan Persaud <ryan.persaud@gmail.com>
Sent: Friday, July 22, 2022 3:17 PM
To: Council <council@townofbreckenridge.com>
Subject: River Mountain Lodge

[EXTERNAL MESSAGE]

Hello,

I own a unit in River Mountain Lodge (RML) and it is my understanding that there is some question as to whether RML qualifies as a resort since it currently does not have a shuttle. Given RML's proximity to the gondola and bus stop, a shuttle seems superfluous, and adding a shuttle would just add to the congestion in Breckenridge and likely put more CO2 into the atmosphere. If a shuttle is required for RML to maintain its resort classification, I'll support it, but it seems like it will be a net negative for the town.

Thanks,
-Ryan
(571-213-6543)

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Short Term Overlay Zones
Date: Thursday, July 21, 2022 4:53:49 PM
Attachments: [image002.png](#)

From: Michael Yearout <mike@mkyphotography.com>
Sent: Thursday, July 21, 2022 4:31 PM
To: Council <council@townofbreckenridge.com>
Subject: Short Term Overlay Zones

[EXTERNAL MESSAGE]

Hello Mayor and Council.

I just looked at the overlay map and my property – Mill Run, 1436 Broken Lance Dr. – is now in Zone 3, while the Tamarisk condos (located just 25 feet from my unit) are in Zone 1.

What are you thinking? Mill Run was build in the early 70's specifically for rental. Each unit has 2 normal size bedrooms and 2 tiny bedrooms and would comfortably sleep 10 people.

Chopping off Zone 1 at Tamarisk is an insult to all of the owners at Mill Run.

You have put us in the same zone as the Highlands. The Highlands are 3 miles out of town. Mill Run is about 200 yards from the Peak 9 Base Area.

This does not make sense.

I plan on selling my unit next summer and being in Zone 3 means the purchaser will never be able to get a short term rental license. That will reduce the value of my property. You are taking value from me without compensation. This violates the constitution of the United States of America.

I strongly urge you to reconsider.

Michael Yearout



970-485-0292

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Short Term Rental Excessive Licensing in Peak 8 residential neighborhoods
Date: Tuesday, July 12, 2022 5:40:17 PM

From: cheryl.meier@maroc-group.com <cheryl.meier@maroc-group.com>
Sent: Tuesday, July 12, 2022 3:59 PM
To: mayor <mayor@townofbreckenridge.com>; cheryl.meier@maroc-group.com
Subject: Short Term Rental Excessive Licensing in Peak 8 residential neighborhoods

[EXTERNAL MESSAGE]

To: The Town of Breckenridge Mayor and Breckenridge Town Council
From: Cheryl Meier (part time resident of Breckenridge)
Subject: Rental Licenses Percentages Around Town

Background:

My husband and I bought our Breckenridge home 14 years ago with the intent to eventually retire in the home in Park Forest Estates. We learned about VRBO at the time and secured all proper licenses and started a very limited number of annual short-term rentals. This was a very different time (it truly was families that came and kept your home nice, clean & quiet). Now the rental booking companies of [Booking.com](#), Expedia, (VRBO was bought by Homeaway which was bought by [Booking.com](#)) and AirBnB have inundated the market as businesses instead of a homeowner having a few rentals that basically covered taxes and insurance. The booking companies are becoming bigger and bigger and consolidating as well. These firms could care less about the individual homeowner's property or the Town – they just focus on more bookings and discount to extreme lower levels just to achieve occupancy with no regard to the nature of the renters. Additionally, 14 years ago owners had to handle the rental process themselves which made it harder and renting less. Now there are management companies in Town actively trying to maximize the rentals which adds to the short term renter issues.

Issues:

I see several issues with the future and current Town/County approaches to STR's and the consideration of excessive licensing in some areas and not in others. For our neighborhood we need limited rentals. Capping the entire number of rentals was good. Here are my concerns with where you are going now and how I think we need deeper refinement on ideas.

- 1) The nature of the type of ownership is going to change as quickly as the ballooning of the short-term booking companies. I think you should be worried about the type of ownership of properties that were designed strictly and built as single-family residential properties like my subdivision, Park Forest Estates. This subdivision as are all of these small subdivisions were built for single family residential occupancy. Insufficient parking exists to host the excessively high occupancy allowed by the town. Park Forest Estates is made of a mix of homeowners that don't rent & own another home somewhere else, full-time resident, part time residents (they have a primary home somewhere else but live in Breck seasonally), and owners that rent every week of the year. But we are seeing corporations bidding on the properties now. These are not an individual creating a small LLC for liability purposes or a family trust. These are REITs and Private Equity Firms entering the previously considered housing that was designated single residential family as now business properties for short term rentals. These corporate owners are NOT a part of the community - they are huge asset companies with unlimited pockets. If you don't restrict the type of ownership soon all these properties will be bought up by Vail Resorts (or similar resort conglomerates), REITS and Private Equity firms as business locations. The mix of part time homeowners (an actual person that comes seasonally for either the ski season or just the summer) are more

important to the community than “locals” seem to understand. And these types of owners consider themselves “locals” when they are here. This category of owner does want to be, and from what I see in our community are an active part of the community. I think the importance of this type of owner is being grossly under appreciated. These types of part time owner/residents fund our local charities and provide volunteer time for these same local charities. In our neighborhood these types of owners have participated in both time and money in the following: local churches food banks and dinners, Breckenridge Film Festival, Summit Community & Senior Center, Summit Public Radio & TV, Summit Foundation, FIRC, HCCC, Friends of Breckenridge Trails, Breckenridge Music Festival, Blue River Watershed, NRO, Friends of the Summit County Library, Summit Community Care Clinic, Breckenridge Outdoor Education Center, Colorado Avalanche Center, Summit County Rescue, Cycling Events volunteers, and more. Corporations will not do this kind of community support; they will just gobble up the properties and the entire Town will become another corporate owned town like Vail. This is what will absolutely make the town unaffordable for anyone except as business corporation. This has already happened a lot with the businesses in Town. Don't let this undermine housing too. You think we have an affordable housing problem now – this corporate ownership will eventually have it all.

- 2) This rent every week with 75% or more of homes allowed to rent is crazy. You are going to destroy the community. This is way to oversimplified to provide a good outcome. Distributing all of the rental licenses into concentrated areas doesn't seem like a good idea. Why should a homeowner (whether full or part-time) be penalized to be surrounded by excessive renting when they purchased their home to be a part of the community? Rental licenses should be equally distributed around the entire Town. Additionally, in the subdivisions, rentals need to be limited as they were not designed for multi-family housing (including not enough parking). Only condos or apartments that have on site management should be allowed to manage properties being rented every week of the year. The type of owner buying and renting all year round want to pave the entire front yards to accommodate excessive parking needs. This is not a community based approach – this is big business.
- 3) I think you need to consider a tiered licensing system that enables ownership that will promote the community health.
 - a. Tiered licensing example to consider:
 - i. Local owner who works full time and receives a paycheck all year round. – I have a friend in this category. They would rent their house out once a year over New Year's for six or seven days. This helped them afford to live and work here.
 1. So, \$125/year (the old license rate) license rate for a proven full time working local owner - 1 rental per year not to exceed 10 days.
 - ii. Part time owner who comes seasonally in ski season and/or summer (a part-time local).
 1. The current \$1250/annual license fee. Rentals limited to 32 days a year and no more than 8 separate rentals. This will satisfy most of the community minded part time owners. Plus, this eliminates the excessive STR in residential neighborhoods.
 - iii. Owner (whether an individual or a corporation) where property is available to rent basically 50 weeks or more a year. This is no longer a residential property. It is a business. It should require a distinct rental business license of say \$10K per year. This fee should be set to ensure that the town can enforce rental restrictions and resolve rental issues. Including dedicated police just to STR's to ticket, tow and evict. This is essentially running a hotel. The homes should have to meet all fire codes and alarms for a hotel. If guests are unruly in a hotel the police can be called to remove them and this needs to happen in this category of rental.

- 4) On a separate note: I think the occupancy limits were made to lenient by the town. In Park Forest one can have up to 12 renters. This should have been capped at 8 for Park Forest Estates and homes with short and narrow drives only 6. The town should have factored into the occupancy limits the square footage of the homes and the parking limitations of each home. Some homes in our neighborhood the driveway length will not even hold a 15-passenger van let alone two vehicles. The excessive number of renters allowed compounds the issues with short term rentals in too small of a space with insufficient parking. Other homes that are larger like in Shock Hill, Beaver Run Road, they are being used as commercial event space not homes. This needs to be cut back. This is what destroys the community.
- 5) Please step back and revisit this insane effort to commercialize and actively try to destroy the entire Peak 8 area community residential neighborhoods. I find it sad that a lot of the community who live here full time (referring to themselves as “locals”) refer to individuals who happen to have two homes and choose to live seasonally in a derogatory fashion as “second homeowners” and are not thought of well, discount their financial and volunteer time to the community and have their needs and desire to be a part of the community discounted. I can tell you – in our subdivision we think of ourselves as fully invested part time “locals”. This harsh, uneven distribution targeting excessive licensing in some areas of Town and not equally around Town reflects thinking that these part time owner/residents’ community needs are NOT being considered and that other areas of Town are exempt from the issues of excessive STR’s. It's Almost like taxation without representation. These maps have not been created fairly or evenly distributing the renter problem. The corporate ownership is going to plow through this Town if you don’t fix that soon too.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Short Term Rental License Zones
Date: Thursday, July 7, 2022 10:10:33 AM

From: Christopher Friedman <christopherfriedman@hotmail.com>
Sent: Wednesday, July 6, 2022 5:51 PM
To: Council <council@townofbreckenridge.com>
Subject: Short Term Rental License Zones

[EXTERNAL MESSAGE]

Dear Mayor and Town Council,

I am writing to express my concern related to the process surrounding the designation of properties for short term rental licenses. My property is located at 117 Streamside Circle in Sawmill Creek Village, just off 4 O'clock Run (ski in/ski out), easy walking distance to the Snowflake Lift and two blocks from Main Street. Based on the Preliminary Draft of Short Term License Zones (link below) posted on the Town of Breckenridge Website our residence is located in Zone 1. It's my understanding, through the grapevine (and hopefully incorrectly), that the Town Council is considering another proposal to make most of the area off Ski Hill Road, including Sawmill Creek Village, designated "Residential" and not in the "Tourist" zone. Such a change would seem to contradict objective criteria which, I would assume, would take into account distance from the ski runs, distance from the lifts and distance from town. If Sawmill Creek Village was to be considered "residential" than it would seem that virtually all other areas in Breckenridge, including most of the properties on 4 O'clock Road and all those on Kings Crown Road and Primrose Path would also be "residential" as they are all further from the ski runs, the ski lifts and town. Moreover, I really can't imagine which properties could be considered more within a "tourist" area than our property with its ski in/ski out location, close proximity to the lift and close proximity to town.

Moreover, if true, the fact that this new map/concept being considered by the Town Council, with "Tourist" and "Residential" designations, is not available for public review is very alarming. I think we can all agree that transparency, and an opportunity for public comment are essential.

I understand that this is a very difficult issue, but I also feel that an objective approach with full transparency is critical, and required, when such important decisions are being made.

Thank you for your time and consideration. Any further information concerning the issues raised above would be greatly appreciated.

Chris Friedman
117 Streamside Circle
Breckenridge, CO

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Short Term Rental Overlay
Date: Monday, July 11, 2022 2:09:23 PM

From: Alex Lindquist <alexlindquist5@gmail.com>
Sent: Monday, July 11, 2022 1:40 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Short Term Rental Overlay

[EXTERNAL MESSAGE]

The Honorable Eric Mamola
The Council of the Town of Breckenridge

Dear Mr. Mayor and Council members:

I'm writing to you in regards to the Short Term Rental Overlay District that the Council is considering at the July, 12 2022 meeting.

As a brand new owner in the Main Street Junction Condominium Association, located adjacent to the Marriott Residence Inn on Main Street in Breckenridge and just across Main Street from Main Street Station and Waterhouse, we enjoy permanent membership to the Pioneer Club situated in the Main Street Station facilities. Member properties of the Pioneer Club enjoy the many resort amenities of the Main Street Station complex, including a 24/7 front desk, conference facilities, Base 9 ski valet services, security and more. This Pioneer Club membership is Association wide and compulsory—individual owners do not have the option to elect or decline individual membership.

My partner and I specifically purchased this property one month ago for these amazing resort amenities!! Our membership in the Main Street Station amenities complex places our Association firmly into the resort property definition being considered presently by the Council. Furthermore, this membership raises our monthly HOA dues to a such a level that prices our units above the long term rental market value. Main Street Junction therefore does not meet the definition of a long term rental candidate that the Council is attempting to delineate.

Main Street Junction is located directly in the Main Street business corridor, which is evidently aligned to service the tourism industry in Breckenridge!! Our association has been served by short term rental managers located in Main Street Station as an affiliated property since its construction more than 20 years ago. Main Street Junction was designed to be and continues to operate as a short term rental property.

As the Council deliberates on how this Short Term rental overlay district will be constructed, we ask that the Council adequately consider which properties are situated in this apparent Main Street tourism corridor, both in location and in property service/amenities configuration. As we understand the Council's current approach, Main Street Junction will be denied assignment to this Short Term Rental Overlay District (Zone 1), a decision which seems not only contrary to the Council's stated goal regarding the availability of long term

rental units, but also inaccurate considering Main Street Junction's configuration and location.

Please, take a closer look at Main Street Junction and place it back in Zone 1!!

Thank you for your time and serious consideration!

Very best,

Alex Lindquist
Main Street Junction Owner, Unit #26

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Short Term Rental Regulations - full thoughts
Date: Tuesday, July 12, 2022 10:36:03 AM

From: Michael Nelson <michael1nelson@yahoo.com>
Sent: Tuesday, July 12, 2022 7:09 AM
To: Peyton Rogers <peytonr@townofbreckenridge.com>; Shannon Haynes <shannonh@townofbreckenridge.com>; mayor <mayor@townofbreckenridge.com>
Subject: Re: Short Term Rental Regulations - full thoughts

[EXTERNAL MESSAGE]

Dear Mayor and Town Council -

Thank you for your service and consideration of all property owners, residents and workers in our community. I understand that you are continuing to deliberate on the short term rental license cap today.

I've laid out a number of thoughts previously in the email thread below and I reiterate them by sending once again. We saved up many years to be able to afford our dream of a second home in Breckenridge and your current cap decision to treat our property - a ski in, ski out townhome in the Pines; truly a resort-like experience for my family and our rental guests - differently from other near by rental options as discriminatory and anti-small business. Big companies like Breckenridge Grand Vacations, Vail Resorts properties (i.e. River Mountain Lodge, Thunder Mountain Lodge, The Village at Breckenridge etc.) and Beaver Run are EXEMPT from the STR cap. This is unfair.

Please do the right thing and allow for the Pines and other resort-like properties on peak 8 to be exempt from the Cap.

Thank you.

Mike

Mike Nelson
303.883.2237

On Aug 27, 2021, at 7:10 AM, Michael Nelson <michael1nelson@yahoo.com> wrote:

Dear Mayor and Team (Peyton, Shannon, others),

I was extremely disappointed to learn of the Town Council's recent support to limit the

number of non-exempt short term rental licenses. First, because it was in direct conflict the expectation that the Town Council set through an email dated August 18 “... In the discussion, Council may consider a cap on the total number of licenses allowed for non-exempt units (those without onsite security, front desk, and phone). This cap would be **higher** than the number of **existing** licenses...” and secondarily because this decision will have very negative consequences for property owners, small businesses, and employee workers in Breckenridge. Moreover, the haphazard nature of the radical proposed plan is absent any communication of an expected timeframe whereby the Town Council would objectively measure its effectiveness in achieving its goals, or ability to revert back to a system as it has existed for decades allowing for the prosperity that the Breckenridge community has already achieved.

By way of introduction, I live in Denver, CO, and have been a property owner in Breckenridge since 2018, but town visitor, tourist, and Breckenridge renter and skier going back to when we moved to Colorado in 2007. My family and I use our Breckenridge townhome as a second home for vacationing and family reunions about 10 days per year, and as a small business investment, making it available for short-term renters during the duration of the year. This rental income helps finance the high costs of acquisition and operation. We have a great property management partner that lives in Breckenridge (Mindy and Matt Brewer) that helps us find and book guests and her team and crew help clean and maintain the property.

The Pines community where we live at the base of Peak 8 (steps from 4 O’clock run) is full of similarly situated people – 2nd homeowners that use their properties on a limited basis, and then rent their units on a short term basis as small business owners and independent real estate investors to earn a return on a financial investment. With only one known (to me) exception (a year round resident), all of us in the Pines operate under non-exempt short term rental licenses. We acquired our properties in an environment where we intended to use the properties due to great surrounds, fantastic proximity to skiing, and a community feel that would accommodate a sound investment. We were willing to pay the price of acquisition knowing that we would be able to recoup the investment through rental income over the long-term, and benefit from long-term appreciation. So we all have a vested interest in the long-term health of the town and the experience that we have as visitors and as hosts to our rental guests.

As I understand it, there are just under 2,500 non-exempt licenses today, and the Town Council is targeting a reduction in non-exempt licenses to 2,200. Moreover, I understand that the Town Council is not willing to make the existing licenses transferable, which makes a cap even worse for existing homeowners. Basic economics principles demonstrate the following negative consequences that will result from this decision:

1. Property values for non-exempt license units will suffer – I can put myself in the shoes of any new prospective owner that is shopping in Breckenridge because

just a few years ago, I was in that position. A new potential owner will look at the proposed short-term non-exempt (non-transferable) rental license cap as a greater risk of ownership, and greater risk means diminished ability/willingness to pay for that property. If 4 years ago when we were shopping for a unit I believed there was a risk of not being able to rent the unit, we would not have been able to pay the price that we paid. To the extent that the town's short-term licenses are not available, or there is a concern about subsequent availability (and the existing licenses non-transferable), those new potential property owners will look elsewhere, or simply not move forward. When its time to sell, all existing short-term rental license holders where the license is non-transferral will have to sell to someone that can't definitively plan on having a non-exempt license, and therefore, importantly, non-exempt units would be more likely to be acquired by folks only looking for second homes (non-reliant on rental income). But this suppressed property value will be felt by all property owners, weather or not the new owner intends to attempt to acquire a short-term rental license.

2. Property values for exempt units will skyrocket – with limited competition from 2nd home owners and small business real estate investors such as myself, owners of exempt properties will benefit from the contrived scarcity of choices. Competition helps keep the costs of housing to guests in check, which promotes a greater number of guest visits and the economic benefits to the town via other forms of spending. Town visitors will have fewer choices for their stays, and artificially limited supply will raise short-term property rental prices. As a result, I would like to request that an audit of the members of Town Council be performed to confirm that they are not economically incentivized by the large hospitality corporations (Vacasa, Wyndham, Vail, etc.) or otherwise conflicted by benefiting from the expected appreciation of exempt units.
3. Real estate transactions will decline – on the margin, existing 2nd homeowners like myself will not sell their non-exempt properties when they might otherwise prefer or need to. Our incentives as existing license holders will be to continue operating short-term rentals through annual license renewals, and we will likely have some benefit from the higher rental prices that we'll be able to earn due to the reduced competition that this policy would create. However, I feel terrible for the real estate agents and brokers that would ordinarily not have to worry about their potential clients inability to rent units subsequently. Erika Schmidt helped us acquire our property 3 years ago, and many of her customers are like us – reliant on the availability of short term rental income. If that income source isn't available through uncapped or transferable non-exempt licenses for new owners, not only will existing home owners be more reluctant to sell (and upgrade or reinvest into alternative properties in the Town) but many new buyers will stay away. As a result, this policy would hurt the Town's transfer tax proceeds (helps finance the free bus routes) and negatively impact mortgage lenders and brokers, like Kevin Berkley who helped

us when we acquired our property, who will have diminished opportunity to earn their livelihood.

4. Fewer non-exempt and non-transferable licenses will result in more properties operating only as 2nd homes, with those properties no longer being available for guest visits. This will increase rental prices to guests and decrease number of visitor stays and the resulting other spend that benefits other local businesses (recreation activities, shuttles, Uber drivers, equipment rental, restaurants, bars, parking, groceries, etc.) and the jobs that those businesses create.
5. Fewer non-exempt and non-transferable licenses will result in fewer jobs in Breckenridge – exempt properties already operate at scale. They have fixed schedules for renter/guest turnover and maintenance. Small operators such as myself use the services of our property manager and her team and crew and contractors. With fewer short term rental properties, those employees and contractors will have less opportunity to earn a living. Plumbers, cleaning crews, repairmen and others benefit from the use and wear and tear that results from short term rental use will have less opportunity to earn a livelihood.
6. Reduced Town-dependent tax proceeds – as already mentioned, transfer tax proceeds will decline. Lodging tax proceeds from reduced number of non-exempt units will also decline. Please provide a summary of the Town Council's economic impact assessment of these reductions and its plan to replace the proceeds from these taxes as relates to the Town's operating budget before moving forward (any failure to have these estimates or alternatives that serve as the basis for the Town Council's plan would be irresponsible and grossly negligent).

I understand that the Town Council is trying to alleviate the cost of living and increase the availability of housing for local workers. I support this goal and believe in this cause, but the proposed cap on short term non-exempt rental licenses is NOT the answer and will have far reaching negative unintended consequences and not produced the desired result.

Thank you for your consideration.

Mike Nelson

Mike Nelson
303.883.2237

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Short Term Rental Restrictions - Warriors Mark
Date: Monday, August 1, 2022 10:28:12 AM

From: teskinner4@gmail.com <teskinner4@gmail.com>
Sent: Friday, July 29, 2022 12:20 PM
To: mayor <mayor@townofbreckenridge.com>; Council <council@townofbreckenridge.com>
Subject: Short Term Rental Restrictions - Warriors Mark

[EXTERNAL MESSAGE]

Dear Mayor Mamula and Breckenridge City Council,

My wife and I have owned 2 properties (sold one, purchased another) in Upper Warriors Mark since January 2015. We love the area and all it has to offer along with Breckenridge and its many amenities besides skiing, biking, and hiking. Anyway, with regard to short term rentals, I hope I'm not too late regarding the final vote on zoning areas for short-term rental licenses. I've aware the City Council would like to put Warriors Mark in Zone 3, which I wholeheartedly support for the reasons listed below.

- Many of the homes (excluding condo units) in Warriors Mark appear to be primary or second homes and not rentals
- No new condo units have been constructed in Warriors Mark for many years, but large, single-family homes have been
- We much prefer neighbors to be residents rather than noisy & messy renters with excessive vehicles parked roadside
- Home values will appreciate faster under a Zone 3 designation vs. Zones 1 or 2 with its 50-95% cap of short-term rentals

Please stay the course and vote **Zone 3 for Warriors Mark**. Let me know if you have any questions. Thank you for your consideration...

Ted Skinner, P.E.

77 Gold King Way
Breckenridge, CO 80424
(303) 489-4543
Teskinner4@gmail.com

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Short Term Rental restrictions
Date: Monday, July 25, 2022 9:54:59 AM

From: H K TOWNSEND <kctownsend@comcast.net>
Sent: Friday, July 22, 2022 1:54 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Short Term Rental restrictions

[EXTERNAL MESSAGE]

I am shocked and dismayed about the proposed zoning approach regarding limiting Breckenridge short term license permits. It is extremely unfair and inaccurate that Warriors Mark should be considered in zone 3.

My family and I have lived in Warriors Mark West since 1998. We lived for 10 years at 62 New England and then moved to 51 New England as our family grew to its current size of 5 adult children and their spouses and 10 grandchildren. There is no way I could afford to own a home in Warriors Mark for the benefit of my family without renting it to help out with housing expenses and the mortgage payment. It is not a business for me to generate additional income but solely to be able to afford to enjoy the wonderful Breckenridge lifestyle with my family for the past 24 years.

The LUD zoning is entirely incorrect. It should not be labeled 30.5. Our neighborhood is much more like zones 22 and 40. Both my family and our renters have loved the location and easy access to Breckenridge's down hill ski slopes. My family often just skies to the adjacent lifts while my renters both ski and take the shuttle bus. I only see down hill skiers and occasional snow shoers.

I beg you please don't destroy our wonderful neighborhood with the proposed inaccurate and extremely unfair LUD report.

Keyes Townsend
51 New England

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Short Term Rental Zones and Effects
Date: Monday, August 1, 2022 5:16:29 PM

From: Bob Musser <BobM@dbsinfo.com>
Sent: Monday, August 1, 2022 3:21 PM
To: mayor <mayor@townofbreckenridge.com>
Cc: 'Nora Ryan (Home)' <nora_ryan@hotmail.com>; 'Bob Musser' <BobM@dbsinfo.com>
Subject: Short Term Rental Zones and Effects

[EXTERNAL MESSAGE]

Mayor, Council:

My wife and I purchased a unit in Tyra Summit Building A about two years ago. We use it as a second home, and spent almost the entire ski season there the last two years. At the time, there was no \$400 per bedroom tax, no caps on Short term rentals, and no hint that such things were being considered. We have never done a short term rental from our unit, although we obtained a permit and are paying the special taxes.

Two points:

The first is: While we understand the need for affordable housing for the local workforce, we do not understand how taking away property rights from a million dollar unit helps even one local worker. Whether my unit is worth \$1.3 million (the estimate before the meeting with the proposed Zone maps), or the \$1.1 million it is now worth after missing out on the Zone 1 designation, how did that help a local worker? Is a restaurant employee going to purchase my home at \$1.1 million, but \$1.3 million was out of the question? I lose \$200,000, but what did a single local worker gain?

Second: The Zone 3 designation, according to your website, is for “Single family residential areas”. Tyra is a 36 unit condominium with a common pool, hot tub, and clubhouse. It has common parking, snow removal and unmetered water with the bill shared among all owners. I have never lived in, nor heard, or any single family housing that included those attributes. Most of the units spend part of the year as short term rentals. The Zone 1 map ends just before our two buildings, and could be extended to include Tyra Summit A and B with very little alteration. We are one of the true ski-in ski-out properties in Breckenridge – most require walking as much a two blocks. I am hard pressed to imagine a better place for short term rentals than Tyra Summit A and B.

Bottom Line: This set of rules, and in particular leaving Tyra Summit A and B out of the Zone 1 where it so obviously belongs, will hurt us financially. With the huge overage of short term rentals in Zone 3, and the low target number, it would be years before a potential buyer could ever do short term rentals again. I see no benefit to the local workers in this case, just a hit in the pocket book for my wife and myself.

Please consider adding Tyra Summit A and B to the Zone 1 area.

Bob Musser 407-252-1881
BobM@dbsinfo.com Unit A1B, Tyra Summit

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Short Term Rental Zoning
Date: Thursday, July 21, 2022 2:43:53 PM

-----Original Message-----

From: SUE KELLEY <sjkelleyr@aol.com>
Sent: Thursday, July 21, 2022 2:28 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Short Term Rental Zoning

[EXTERNAL MESSAGE]

We live in Upper Warriors Mark West as full time residents. In the zoning designations being created for Short Term Rentals (STR) our neighborhood is being misclassified in the Land Use Descriptions (LUD) and therefore inappropriately being put in Zone 3. Our neighborhood is labeled 30.5 in the LUD report. It states that we are not a ski in/ ski out area. This is incorrect. It says that the trails we use go to a very obscure and not often used ski run. That trail is Lower Lehman. It has been maintained for over 40 years by Breckenridge Ski resort. The LUD also says that our neighborhood is adjacent to Nordic skiing due to the topography. This is incorrect. It should say alpine skiing.

We are currently above 50% in STRs. Lowering the number of STRs to 10% would result in many empty homes as most were built as short term rentals and not housing that would be feasible for long term rentals/employee housing. We would ask that consideration be made to move us into Zone 2.

Thank you,
Ken & Sue Kelley
90 New England Drive

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Short Term Rental
Date: Monday, July 11, 2022 12:02:27 PM

From: David Ryan <ryandt97@gmail.com>
Sent: Monday, July 11, 2022 11:23 AM
To: Council <council@townofbreckenridge.com>; mayor <mayor@townofbreckenridge.com>
Subject: Short Term Rental

[EXTERNAL MESSAGE]

Hello,

We are property owners in Woods Manor condominiums and write to object to any restrictions in obtaining short term rental licenses. We have a lifelong history in Colorado and have been spending time in Summit County and Breckenridge for decades. One of our kids worked for Vail Resorts in Breckenridge for two years so we understand the housing issues which affect local workers.

In our view, those who purchase properties in Breckenridge do so with the intent of spending their own time and money on vacations throughout the year. Having the ability to offset the cost of ownership through short term rentals also attracts visitors from the front range and beyond. Many of which are repeat visitors spending tourism dollars locally. With the very limited number of hotels in the area the short term rentals fill a very valuable need to attract visitors and tourism to Breckenridge on an ongoing basis. By limiting the number of rentals you are doing a tremendous disservice to the town and local economy. As an owner, we can assure you that we will not rent our property to local workers for long term or seasonally and limit our own enjoyment of our property. At the very least, we request that the Woods Manor Condominiums and Warriors Mark in general be included in the Zone A overlay for short term rental licenses.

Respectfully,

David and Karyn Ryan
Woods Manor Condominiums
290 Broken Lance Dr. B-103
Ryandt97@gmail.com
321-258-7017

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Short-term rental licenses
Date: Wednesday, July 20, 2022 5:28:46 PM

-----Original Message-----

From: Mark gastman <mngastman@gmail.com>
Sent: Wednesday, July 20, 2022 5:06 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Short-term rental licenses

[EXTERNAL MESSAGE]

>

> July 20, 2022

> Dear Mayor Mamula and Council Members,

>

> At a 7/18/22 meeting of the Warrior's Mark Association board, the majority of the board were strongly opposed to the Zone 3 Designation for Warriors Mark West, also known as LUD 30.5. Currently this LUD has 53% STRs, and the majority of the other homes in this area are vacation homes that aren't rented. If this LUD were converted to 10% STRs, then 90% of our neighborhood would become empty cold beds. You should note that the board is comprised of mostly full time residents, and we don't want to see the STRs kicked out. We want our neighborhood to maintain the character it has always had. Much of our area is ski-in/ski out, or walk to the slopes. We feel that we qualify for a zone 2 designation to maintain the character of our neighborhood.

>

> Our neighborhood is a mix of local residents, second home owners, and visitors. It has taken many years for our neighborhood to develop its current makeup and character. We have single family homes, multi-family homes, and condos. Depending on their location in the neighborhood, these housing units have direct access to the national forest, ski resort, and downtown. These features appeal to both the local residents, and the many visitors that our neighborhood supports each year.

>

> The proposed zoning that will apply to our neighborhood is not in keeping with its current and past use. It will not preserve the character of our part of Breckenridge. Our neighborhood is distinct and diverse. Vacation homes here host wedding parties, family reunions, and are meeting places where families can live together while enjoying our great town. The proposed zone designations and applicable areas do not account for these housing needs in any way.

>

> It is realistic that we could meet the cap requirements of zone 2 in the next 5 years. A zone 3 designation is a drastic departure from the current makeup of our area. Achieving the cap goals of that designation will likely never happen. How does applying an unrealistic cap to specific areas help the Town reach its overall cap goals? It doesn't. Misapplying zone designations negatively affects the property owners in that area and does nothing to impact the overall number of STR licenses in the near future. Whether our residents are full time, part time, or only here for a weekend, we are all here because we love the area and want to be part of Breckenridge. We are not a group of faceless STR license numbers. Please consider this when you are making decisions that affect the citizens and property owners of our neighborhood.

>

> Let our neighborhood continue to be the place it has always been. A zone 2 designation will allow that to happen. Our neighborhood qualifies to be in zone 2 based on our population and STR mix and access to the ski slopes. Please give this your careful consideration.

>

> Sincerely, The Board Members of the Warriors Mark Association Mark
> Gastman, President

>

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Short-Term Rental Licenses
Date: Monday, July 25, 2022 10:07:07 AM

-----Original Message-----

From: Michael Koban <mkoban@prodigy.net>
Sent: Saturday, July 23, 2022 1:25 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Short-Term Rental Licenses

[EXTERNAL MESSAGE]

To the Mayor and Members of the Town Council of Breckenridge, Colorado:

Ladies and Gentlemen:

My name is Michael Koban, Jr., and my wife, Pamela Koban, and I have owned a home in Breckenridge located at 21 New England Drive in Upper Warriors Mark since January 2000. We have never rented out home and have no intention of doing so in the future. Since we are both in our 70s, either we or our heirs will sell our home at some time in the future. Your proposed 10% short-term rental license limit appears to be designed for many good and valuable purposes which may or may not be achieved. One certain result of a 10% short-term rental license limit is that when any homeowner in the affected area decides to sell his or her home, there will be fewer interested buyers which always results in a lower price. The economic effect to a homeowner is the same one that would occur if Breckenridge determined that merchants and restaurants could no longer operate on Saturday and Sunday as the number of customers of each business would decline, and the value of the businesses owned by the merchants and restauranteurs would go down as well. Those merchants and restauranteurs would suffer economic loss as will homeowners affected by a 10% short-term rental license limit. I trust that you will take a moment to put yourselves in the position of a homeowner affected by the 10% short-term rental license limit and think about what your reaction might be to a regulation that will significantly and negatively impact the value of an important asset that you own. I am happy to discuss this matter with you at any time and can be reached at 615-604-1453.

Respectfully Submitted - Michael Koban, Jr.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Short-term rental licenses
Date: Wednesday, July 6, 2022 2:50:13 PM
Attachments: [image002.png](#)

From: Kim Stevenson <kim@breckenridgeassociates.com>
Sent: Wednesday, July 6, 2022 1:34 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Short-term rental licenses

Please give this note to all Town Council members.

One example of many: I am trying to sell a client's Park Ave Lofts Condo in your proposed Zone 1. The potential Buyers all want short-term rental licenses, and it's a short-term rental currently. The Buyers do not want to rent for 30 days+, because they want to use the condo themselves in between rentals. The Sellers want to purchase a Breckenridge home and live there full time, but they can't sell their Park Ave Lofts due to your current Town Ordinance with no new short-term rental licenses to the Buyers. What are you trying to accomplish with your restrictions? Please let the Buyers in the Resort Zone and Zone 1 have unlimited short-term rental licenses, and no cap on the number of rental nights, so that this Seller and others can sell their condominiums.


We have condos here in Breck instead of hotels. The timeshares/interval ownerships are more like hotels, so the current and past Breck Town Councils have allowed way too many timeshares to be built and now more to be approved to be built, at the detriment of the current whole ownership condos.

I would like to see Town Council put a restriction on timeshare/interval ownership condos, since you say they have the zoning rights to build them. The deeded owner only can use the condo for their week, but they are not allowed to rent their week or trade it into a pool of rentals. Seems only fair in consideration of your current restrictions.

Kind regards,

Kim Stevenson

Broker/Partner

 **Breckenridge
Associates**
REAL ESTATE
229 S. Main St, Breckenridge, CO
970-390-3150 cell
970-453-2200 office
Kim@BreckenridgeAssociates.com

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Short-Term Rental Zones - Re; Main Street Junction
Date: Monday, July 11, 2022 2:00:20 PM

From: Jeff Baker <j_baker07@yahoo.com>
Sent: Monday, July 11, 2022 12:35 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Short-Term Rental Zones - Re; Main Street Junction

[EXTERNAL MESSAGE]

July 11, 2022

The Honorable Eric Mamola

The Council of the Town of Breckenridge

Dear Mr. Mayor and Council Members:

I am writing to you today to express my views and preference on the matter of the Short Term Rental Overlay District that the Council is considering at their upcoming July 12, 2022 meeting. As the Council deliberates on how this Short Term rental overlay district will be constructed, **we ask that the Council adequately consider which properties are situated in the Main Street tourism corridor, the characteristics of those properties, and the property service and amenities configuration.**

I am an owner in the Main Street Junction Condominium Association. You may be aware that the condominiums are located adjacent to the Marriott Residence Inn on Main Street in Breckenridge, and just across Main Street from Main Street Junction and Waterhouse. Owners enjoy permanent membership to the Pioneer Club, which situated in the Main Street Station facilities at the base of Peak 9. Members of the Pioneer Club enjoy the many resort amenities of the Main Street Station complex, including a 24/7 front desk, conference facilities, Base 9 ski valet services, security, and more. This Pioneer Club membership is Association-wide and compulsory—individual owners do not have the option to elect or decline individual membership. Thus, **the other owners and I believe that this membership in the Main Street Station amenities complex places our Association firmly into the resort property definition being considered presently by the Council.**

Furthermore, **this membership raises our monthly HOA dues to a such a level that prices our units above the long-term rental market value.** Main Street Junction therefore does not meet the definition of a long-term rental candidate that the Council is attempting to delineate.

Additionally, Main Street Junction is **located directly in the Main Street business corridor, which is aligned to service the tourism industry in Breckenridge.** Our association has been served by short term rental managers located in Main Street Station as an affiliated property since its construction more than 20 years ago. Main Street Junction was designed to be and continues to operate as a short-termrental property.

As I understand the Council's current approach, Main Street Junction will be denied assignment to the Short Term Rental Overlay District (Zone 1), a decision which seems not only contrary to the Council's stated goal regarding the availability of long term rental units, but also inaccurate considering Main Street Junction's configuration and location. I respectfully ask that the assignment of Main Street Junction be reconsidered.

With Best Regards,

Jeff Baker

Main Street Junction Homeowner

e-mail: j_baker07@yahoo.com

phone: 469-636-6223

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Shot Term Rental Overlay
Date: Monday, July 11, 2022 10:07:26 AM

From: Maria Hubing <mariahubing@gmail.com>
Sent: Monday, July 11, 2022 8:58 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Shot Term Rental Overlay

[EXTERNAL MESSAGE]

July 10, 2022

The Honorable Eric Mamola
The Council of the Town of Breckenridge

Dear Mr. Mayor and Council members:

We write to you today to express our views and preference on the matter of the Short Term Rental Overlay District that the Council is considering at their upcoming July 12, 2022 meeting.

As owners in the Main Street Junction Condominium Association, located adjacent to the Marriott Residence Inn on Main Street in Breckenridge and just across Main Street from Main Street Junction and Waterhouse, we enjoy permanent membership to the Pioneer Club, situate in the Main Street Station facilities. Member properties of the Pioneer Club enjoy the many resort amenities of the Main Street Station complex, including a 24/7 front desk, conference facilities, Base 9 ski valet services, security and more. This Pioneer Club membership is Association wide and compulsory—individual owners do not have the option to elect or decline individual membership.

We believe that this membership in the Main Street Station amenities complex places our Association firmly into the resort property definition being considered presently by the Council. Furthermore, **this membership raises our monthly HOA dues to a such a level that prices our units above the long term rental market value.** Main Street Junction therefore does not meet the definition of a long term rental candidate that the Council is attempting to delineate. Furthermore, Main Street Junction is **located directly in the Main Street business corridor, which is evidently aligned to service the tourism industry in Breckenridge.** Our association has been served by short term rental managers located in Main Street Station as an affiliated property since its construction more than 20 years ago. Main Street Junction was designed to be and continues to operate as a short term rental property.

As the Council deliberates on how this Short Term rental overlay district will be constructed, **we ask that the Council adequately consider which properties are situate in this apparent Main Street tourism corridor, both in location and in property service/amenities configuration.** As we understand the Council's current approach, Main Street Junction will be denied assignment to this Short Term Rental Overlay District (Zone 1), a decision which seems not only contrary to the

Council's stated goal regarding the availability of long term rental units, but also inaccurate considering Main Street Junction's configuration and location.

Best regards,

Nick and Maria Hubing
Owners in Main Street Junction Unit 13

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: STR - newcomers opinion
Date: Monday, July 25, 2022 10:15:43 AM

From: Shawn Simmons <shawn87iu@gmail.com>
Sent: Sunday, July 24, 2022 4:18 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: STR - newcomers opinion

[EXTERNAL MESSAGE]

Dear Mayor,

I have been following the efforts of the town council as it relates to the districting of property to various Zones. I feel you and council members have been incredibly thoughtful as you try to solve worker housing and keep the feel of Breckenridge as a great place to live. I haven't agreed on everything that is being proposed, but I appreciate all the efforts of council.

I wanted to share something that I feel is particularly appropriate. I purchased a home on White Cloud in 2020. The SOLE reason I purchased this home was its location across the street from access to Breckenridge - ski in and ski out. It was advertised that way - both in the listing and surrounding homes list their home rental as ski in/ski out. It was THE determining factor for my purchase. I bring this up as it relates to our LUD 30-5 and its designation. I believe the description I have read is inaccurate and may have been inaccurate for quite some time. We ARE ski in/ski out. I literally walk down my driveway, cross the street, strap on my skis and within seconds of skiing I am on Breckenridge property.

So, like many other ski in/ski out properties, I feel our 30-5 LUD designation/description should be updated to include words like ski in/ski out and its Zone placement should be in Zone 1, not Zone 3.

Thank you for your consideration.

Shawn Simmons

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: STR Cap in Warriors Mark West
Date: Thursday, July 21, 2022 2:28:00 PM

From: Tania Kopystianskyj <T@summitnettrekker.com>
Sent: Thursday, July 21, 2022 9:29 AM
To: Council <council@townofbreckenridge.com>
Cc: Bud Robinson <bud@summitnettrekker.com>
Subject: STR Cap in Warriors Mark West

[EXTERNAL MESSAGE]

Tania & Bud Robinson
PO Box 5692
Breckenridge, CO 80424

07/21/2022

Breckenridge Town Council,

We have lived in Breckenridge since the early 1990s. We bought our current home on New England Dr in Warriors Mark West in 2006 but have lived in the subdivision for over 20 years. We are the first ones to admit that living next door to short term rentals is not always easy. But, from late night noise to the renters next door parking in our driveway, we have always known what we were getting into. We bought a house at market value rather than a much more affordable deed restricted home because we believed in the draw if this town and what it would one day become. Our house is not only our home, but a piece of our net worth and that piece's value rests on what we are allowed to do with it.

Our home is one of the furthest in the subdivision from the trailhead, yet in the winter we still take the 3-minute walk to the White Cloud entrance and ski into the Beaver Run lift to enjoy the playground of ski runs. In our many years living in Breckenridge, we have lived on 4 O'Clock Rd, Peak 7, historic downtown, and Lower Warriors Mark before settling in Upper Warriors Mark. We accepted paying a premium for this home because of the ski resort access. It takes us less time to get from our home to the lifts than it took to get there from any of our previous residences. Why our neighborhood would not be considered to have resort access and put into zone 2 or zone 1 is confounding. Using 40-year-old land use guidelines without appropriate revisions is at the very least, unsettling. Sadly, we believe we have been moved from zone 2 to zone 3 because of one or two very loud opponents of short-term rentals in the neighborhood. We respect and sympathize with the problems that these neighbors have encountered. But their problems can and should be addressed by enforcing current rules about noise, parking, and events. We have a hotline already in place to address these issues.

Warriors Mark West has never provided any significant amount of workforce housing. While we respect efforts the town has put toward mitigating these crippling problems, the curbing of short-

term rentals in Warriors Mark West will not help the situation. The value of my home would need to be cut down by over 75% in order to be deemed as affordable in today's market. I have just as many primary homeowners on my block today, as I did 16 years ago when we moved in. The subdivision has always been predominantly a 2nd home market.

Warriors Mark West has an HOA that can be utilized if there is a consensus by homeowners to limit short term rentals. While we believe the town should let the people that live in these subdivisions decide if they wish to have these caps put into place, we understand it has already been decided by Council to step in and cap the rentals. We ask Council to put Warriors Mark West back where it belongs in zone 2 (or even better...zone 1). There is no reason to let outdated land use guidelines or a small number of vocal neighbors dictate what the rest of us can do. Thanks for listening.

Tania Robinson
Reckoning Inc.
Po Box 5692
[970-409-9103](tel:970-409-9103)

[Bud Robinson](#)

Summit Net Trekker, home of Sherpa Link

P.O. 2586

432 South Ridge St, Building F, COMM. Unit III

Breckenridge, CO 80424 |

bud@summitnettrekker.com

970-453-7687 |

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: STR coffee talk follow up
Date: Friday, July 8, 2022 12:35:49 PM
Attachments: [image002.png](#)

From: James Shingles <James@BreckenridgeAssociates.com>
Sent: Friday, July 8, 2022 11:14 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: STR coffee talk follow up

[EXTERNAL MESSAGE]

Dear Mayor Eric,

Thank you for taking the time to talk to me about the STR regulations this morning. I wanted to offer a quick follow up to share with the rest of the council prior to the 12th July council meeting.

In review of our conversation I would hope the council will favorably consider the following items;

1. In reference to Table 1 in the latest work session package, a hybrid of Cap Scenario B and Cap Scenario C – where by Resort and Zone 1 are at 100% and Zone 3 is maintained at 15% - This would only increase the cap from 2200 to 2512 and in my opinion offer those with concerns the reality that the town is indeed flexible on this matter and addressing fears that the property sector may remain ‘frozen’
2. Include all or significant portions of district 10 in Zone 1 – this slopeside location is a vital part of the ‘ski town’ bed base for families and larger groups. Removing this area really compromises the inventory of larger homes that are close to the ski resort.
3. Ensure that all licenses that have been issued are actively being used. This will make sure that the number ‘in use’ and the wait time is as accurate as possible.

Thank you for your consideration and time
James

James Shingles - RSPS, Realtor



Broker / Partner / Business Operations Manager
Breckenridge Associates Real Estate
229 South Main St - PO Box 768
Breckenridge, Colorado, 80424
Toll Free: (800) 774 7970
Office: (970) 453 2200
Cell: (970) 389 1654

Email: james@breckenridgeassociates.com

Broker website: www.propertyinbreckenridge.com

Website: www.breckenridgeassociates.com

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****Be aware! Online banking fraud is on the rise. I will NEVER ask you for or send you WIRING INSTRUCTIONS, nor will anyone from Breckenridge Associates. If you receive an email regarding wiring instructions, please call me.**

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: STR district consideration
Date: Monday, July 11, 2022 12:04:15 PM

From: Maria <maria.poeppelmeier@gmail.com>
Sent: Monday, July 11, 2022 11:24 AM
To: mayor <mayor@townofbreckenridge.com>
Cc: Ken Poeppelmeier <krp@northwestern.edu>; Poeppelmeier Adam <apoeppelmeier@gmail.com>; Poeppelmeier Neal <neal.poeppelmeier@gmail.com>; Poeppelmeier Mark <mark.poeppelmeier@gmail.com>
Subject: STR district consideration

[EXTERNAL MESSAGE]

July 10, 2022

The Honorable Eric Mamola
The Council of the Town of Breckenridge

Dear Mr. Mayor and Council members:

We write to you today to express our views and preference on the matter of the Short Term Rental Overlay District that the Council is considering at their upcoming July 12, 2022 meeting.

As owners in the Main Street Junction Condominium Association, located adjacent to the Marriott Residence Inn on Main Street in Breckenridge and just across Main Street from Main Street Junction and Waterhouse, we enjoy permanent membership to the Pioneer Club, situate in the Main Street Station facilities. Member properties of the Pioneer Club enjoy the many resort amenities of the Main Street Station complex, including a 24/7 front desk, conference facilities, Base 9 ski valet services, security and more. This Pioneer Club membership is Association wide and compulsory—individual owners do not have the option to elect or decline individual membership.

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the tourism industry in Breckenridge. Our association has been served by short term rental managers located in Main Street Station as an affiliated property since its construction more than 20 years ago. Main Street Junction was designed to be and continues to operate as a short term rental property.

As the Council deliberates on how this Short Term rental overlay district will be constructed, **we ask that the Council adequately consider which properties are situate in this apparent Main Street tourism corridor, both in location and in property service/amenities configuration.** As we understand the Council's current approach, Main Street Junction will be denied assignment to this Short Term Rental Overlay District (Zone 1), a decision which seems not only contrary to the Council's stated goal regarding the availability of long term rental units, but also inaccurate considering Main Street Junction's configuration and location.

Best regards,
Maria and Ken Poepelmeier
Main Street Junction #16

Sent from my iPhone

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: STR license CAP
Date: Monday, July 11, 2022 2:06:36 PM

-----Original Message-----

From: Jane Depper <jdepper@comcast.net>
Sent: Monday, July 11, 2022 1:07 PM
To: mayor <mayor@townofbreckenridge.com>
Cc: Mark Depper <mdepper@comcast.net>;
ef7ccabc5d0fde365edae6db943b3e8b4ccc4eeaf170cdfb50ab87caa7832307@vacasa.mailer.appfolio.us
Subject: STR license CAP

Good Morning Honorable Mayor Mamula,

We are property owners in Breckenridge who may be affected by the proposed implementation of the STR CAP. Specifically, we own a Waterhouse Condominium.

We noted recent changes regarding STR licenses within the City of Breckenridge. Specifically, the implementation of a CAP on the available licenses, the appointment of a third party nuisance management system, and the appointment of Harmari by LTAS technologies for management of noncompliance. These seem to be reasonable steps to insure the size and character of the city.

We understand the need for the city of Breckenridge to maintain the character and livability of our beautiful city while providing access to housing for all. But what, exactly, is the city attempting to achieve by potentially restricting current STR licenses?

We also noted that the City of Breckenridge has approved over 150 additional short term rental units to be constructed in the form of the Breckenridge Grand Vacations on the North Gondola Lots.

Under proposed regulations, the density of housing within the Waterhouse condominium complex may not reach the threshold necessary to qualify for a STR license within the city of Breckenridge. Will we still be granted a STR license based on the definition of a "resort"? If the Waterhouse Condominium complex is denied access to STR licensing, this will have a significant negative effect upon the value of our property in Breckenridge.

The above actions of restricting/withdrawing existing STR licenses in good standing and awarding them to another entity may leave the City of Breckenridge vulnerable to a class action lawsuit under the Takings Clause of the Fifth Amendment of the US Constitution because the City will be illegally taking the value of the Waterhouse properties without compensation. Has the City retained counsel to advise them during this period?

There is also a potential conflict of interest regarding the denial of STR licenses in good standing in an existing property while simultaneously approving over 150 new STR licenses to a separate entity that has yet to be constructed. Are there any relationships between the existing executive/legislative members and the new construction company? How does clawing back STR licenses serve the overall interests of the city? Do the above actions in regards to STR allotment truly represent responsible stewardship of the City of Breckenridge? Does the construction of Breckenridge Grand Vacations violate the CAP established in November 2021? These are all important questions that the City of Breckenridge must take very seriously.

On a separate note, we pay over 12% in accommodation taxes on our STR condominium. Under the new ordinances, we will now be responsible for providing 24 hour security for this property. Does the Main Street Station complex use a large amount of police resources for security? I would be surprised if this were true. And, we are being asked to provide a shuttle system despite the fact that our property is within walking distance of the ski slopes, the city, and a city shuttle bus stop. I am uncertain how a second shuttle for this property will reduce pollution and traffic within the City of Breckenridge.

Thank you very much for your time and for your service to the City of Breckenridge.

Sincerely,

Jane Depper
Mark Depper
600 Columbine Rd, Unit 5205
Breckenridge, CO

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: STR Overlay District - Main Street Junction
Date: Tuesday, July 12, 2022 10:31:22 AM
Attachments: [STR Overlay District Main Street Junction.docx](#)

From: Kathryn Jacobs <kathyj1200@yahoo.com.au>
Sent: Monday, July 11, 2022 9:46 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: STR Overlay District - Main Street Junction

[EXTERNAL MESSAGE]

The Honorable Eric Mamola

The Council of the Town of Breckenridge

Dear Mr. Mayor and Council members:

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Best regards,

Ms Jacobs, Main Street Junction Unit 8

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: STR overlay district
Date: Tuesday, July 12, 2022 10:32:53 AM

From: Rich Curry <richwcurry@gmail.com>
Sent: Tuesday, July 12, 2022 5:34 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: STR overlay district

[EXTERNAL MESSAGE]

I am a owner of a unit at 290 Broken Lance in Woods Manor.

The original draft we were in zone one but it appears that we have been changed to zone three which is extremely concerning, and even more so we are right at the border. Our property is no different than the adjacent and is perfect distance to walk in town during the summer and walk to ski lift in the winter. We have a short term rental permit as many others in our building and those that don't rent only occupy the property part of the year. By not including the property in zone one all you are going to do is increase vacancy in the building for seasonal owners.

I don't see how our property is any different that the adjacent and why it should be treated differently, this doesn't seem justified and extremely concerning for being handled differently.

Richard Curry
Woods Manor 203B

--

Rich Curry
913-526-3614

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: STR Permit Caps
Date: Tuesday, July 12, 2022 10:28:51 AM

From: Sally Buchanan <sallyb2525@gmail.com>
Sent: Monday, July 11, 2022 6:49 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: STR Permit Caps

[EXTERNAL MESSAGE]

Attention Mayor and Council Members -

As a property owner in Breckenridge for over 30 years, I am both disappointed and saddened to learn of the potential new short term rental caps the City of Breckenridge is looking to impose. This new ordinance would directly affect my property as well as all of the properties of my Breckenridge neighbors. The limits you are thinking of imposing will negatively affect the City of Breckenridge, the residents of Breckenridge and the business owners of Breckenridge. Why would you want to do this? What you are contemplating is complete *discrimination* against my property as well as the hundreds of units that are owned by my neighbors. This proposal would result in reduced tax revenue, reduced property values, and reduced services for all locals. Please DO NOT pass this unjust ordinance.

Sally Buchanan
Owner - Tyra Chalet #335
Breckenridge, CO

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: STR regulations- Warriors Mark
Date: Thursday, July 21, 2022 2:07:39 PM

From: Brad Vodicka <bjvodicka@gmail.com>
Sent: Wednesday, July 20, 2022 5:37 PM
To: mayor <mayor@townofbreckenridge.com>; Cam Vodicka <cammievodicka@yahoo.com>; Brad Vodicka <bjvodicka@gmail.com>
Subject: STR regulations- Warriors Mark

[EXTERNAL MESSAGE]

Dear Mayor-

I am writing to voice my opinion about the proposed zones in the new short term rental proposals. Specifically Upper Warriors Mark possibly being listed as zone 3. Make Upper Warriors mark a resort zone or at a minimum a zone 1 area.

- All or most all of these homes are ski-in ski-out right either right off of White Cloud or literally out of back yards
- 53% of homes in Upper Warriors Mark are Short Term Rental properties
- We pay taxes and fees just like the rest of Breckenridge and it seems as if town council is discriminating against our neighborhood
- Discriminating against our neighborhood will likely lower our property values while increasing property values in neighborhoods where you all decide
- Putting an additional limitation on STR license in specific neighborhoods after capping the entire town to begin with has the look of a council that has very specific bias or maybe even personal financial reasons to do so
- Moving from 53% rentals to 10% will greatly change the character of our neighborhood. Homes will be empty most of the year and the character of the neighborhood will be lost.

The original STR restrictions are ridiculous and will never achieve the outcome the town council is looking for. Please do not place even stronger restrictions by discriminating against certain neighborhoods when we all pay our taxes and fees just like the other zones do. The local workforce will not be able to afford homes like these even if you bring the values of them down like you are trying. Upper Warriors Mark is a highly sought after STR area and the town stands to lose a lot of tourists that want the open space and large homes. These travelers will not settle for a hotel or condo in town; they just will not come to Breckeneridge at all.

I hope you are taking comments from me and others like me seriously as this is a big deal for a lot of people involved.

Sincerely,

Brad Vodicka
19 White Cloud Dr.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: STR Zones & 7/12/22 Meeting
Date: Monday, July 11, 2022 2:11:18 PM

From: Dustin McQuate <dustinmcquate@gmail.com>
Sent: Monday, July 11, 2022 1:58 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: STR Zones & 7/12/22 Meeting

[EXTERNAL MESSAGE]

Please forward to the Mayor & Town Council prior to 7/12/22 work session.

Greetings All,

I am writing in support of Cap Scenario C, specifically where "resort" and "Zone 1" units have no cap on STR licenses and Zone 2 and 3 have fewer.

I believe Scenario C is best for 3 reasons:

1) The area west of Park Ave, specifically the 4 O'clock Road and Ski Hill Road corridors seems to have clearly been designed and developed for guests of Breckenridge. The location between the downtown commercial zone and the ski area (with many of the buildings having ski-in and/ or ski-out) as well as the type and density of the units indicates that these areas were developed as an alternative to the more traditional hotel style building. Additionally, the initial Condo Declaration (from when the buildings were first built and the condo formed) for many of the buildings specifically address, and allow, the short-term renting of the units. Finally, and perhaps most importantly the town's own Comprehensive Plan states in the "Land Use" chapter *"Multi-family residential development with densities of up to 20 units/acre, primarily used for short term visitor housing accommodations, is found in some locations primarily on the west side of town near the ski area."*, while at the same time mentioning other specific areas that are meant for "long term residents". The Comprehensive Plan goes on *"Residential development trends in the last 35 years have included a phase of primarily multi-family visitor accommodations being built in the 1970s and 1980s to develop the town as a resort destination."* The majority of buildings along the 4 O'clock Rd corridor were built during this time so the Comprehensive Plan again indicates that the area was specifically developed and promoted for the short term guest in order to increase visitor traffic to town. In short, the buildings along the 4 O'clock and Ski Hill Road corridors were built specifically to be STRs with the primary goal of driving the town's (tourism) economy forward. One could argue that these units were the original AirBnB and were instrumental in putting Breck "on the map". These units were never meant to be occupied by long-term renters or full-time owner-occupants. Capping STRs in these areas negates the very reason these units were built.

2) Not capping, and allowing more STRs, in the 4 O'clock and Ski Hill Rd corridors dovetails perfectly with the town's "more boots and bikes, less cars" initiative. Virtually all guests who stay in the "core" park their car when they arrive, walk and bus everywhere while visiting, and then only get back in their car to leave town at the end of their vacation. Imagine if STR units decrease in the town core

and more guests are forced to stay further afield. Now the guests are forced to drive into town, on snow covered roads, multiple times a day for skiing, eating and shopping. These drivers are not accustomed to driving in, and on, snow and often don't have appropriate vehicles with proper safety features (AWD, 4WD, chains). We all know that car rental companies on the Front Range rarely provide suitable vehicles for driving in our high alpine environment and I imagine that we have all seen, and likely helped, stuck visitors. And while the new parking garage can certainly accommodate many cars, there will undoubtedly be more competition for in town parking as well. If visitors are forced to stay out of town, or just further from the downtown commercial district, some may very well opt to not come to town after skiing and consequently not spend money at our local shops and restaurants.

3) Many locals do not like STRs in their neighborhoods. Move the STR licenses and guests to where they were originally meant to be: base areas and those areas (4 O'Clock and Ski Hill) with easy access to ski-in and/ or ski-out. Having more guests in Resort and Zone 1 areas will also likely lead to more revenue for local businesses due to the proximity of the accommodation to the town's business core. This is better for local business owners, their employees and the town's tax revenue.

Consolidating guests to the geographic areas and housing stock that was meant for them seems to be the most simple, most financially beneficial, option. Neighborhoods are preserved, there will be less car traffic, businesses will make more revenue/ town visitor, local jobs will be preserved (and hopefully pay more) and there COULD be less development that virtually every single local would thoroughly appreciate (below).

As an aside, how can the Town Council reconcile the contradictory actions of restricting STRs in existing housing stock while allowing yet another large BGV development that will bring in yet more development and visitors? Council has already admitted publicly that capping STRs is less about increasing/ maintaining LTR units and more about preserving the character of the community. If that is indeed the case, how does adding another 100 (or whatever the figure may be) newly built units to the market not contradict that stated goal? While moving STRs out of "neighborhoods" helps with that goal, it's obvious that to many locals, that to preserve the character of the town there should not be more building and more visitors (many even want less visitors). If BGV sales people do their job these units will be occupied 100% of the year, leading to a significant increase in visitors, more strain on infrastructure, etc.

Consolidating ST guests to specific parts of town makes sense. Adding newly constructed ST accommodation to house ST guests when the town already has purpose-built STR units, does not. Why would council cap STR licenses on existing units but then allow new units to be built that will house ST guests? And every BGV development to this point has included amenities that dissuade guests from going into town to spend money. Guests at Resort and Zone 1 units will spend more at the locally owned business in the town core. Does allowing another BGV development really align with council's stated goal? Why allow yet more development? How do more buildings, more cars and more visitors preserve the character of Breckenridge, and just as importantly, increase (or at the very least not further deteriorate) the quality of life for those who live here?

In summary, capping STRs in the core of town's ski in/ ski out area is contradictory to both past and present town initiatives. Instituting a cap for base areas and the area

west of Park Ave would restrict ST guests in the part of town that was specifically designed, developed and built for STR guests. If the council's goal is to "preserve the small town nature" of Breckenridge, then shift licenses to Resort & Zone 1 (with no cap) and dont approve BGV's development the North Gondola/ Gold Rush lots. Neighborhoods will retain their character, there will be enough guests to support local businesses and locals will get to keep enjoying small-town Breck.

Thank you for your time and consideration of the above.

--

Thanks,

Dustin P. McQuate
443-226-4923

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: STR Zones
Date: Tuesday, July 26, 2022 3:52:11 PM

From: jerrodjohnson@gmail.com <jerrodjohnson@gmail.com>
Sent: Tuesday, July 26, 2022 1:45 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: STR Zones

[EXTERNAL MESSAGE]

Howdy Mr. Mayor,

Thanks for giving me my first job back in the 90's at your restaurant.

Anyway, I am writing to let you know that I am extremely dissatisfied with you and the Town's handling of Short-Term Rental Regulations. Creating the overlay zones is not the solution. For example, I manage a 16-person house in Warrior's Mark West. This house was built intended to be a short-term rental, was designed as such, and is advertised as ski-in/ski-out. Not allowing it to be a short-term rental will immediately make it less valuable. Middle-class second-homeowners won't be able to buy it because they can't offset their expenses with some income. That will only leave it to be a second-home for some rich Texan and it will sit empty for 90percent of the year. You are effectively taking value from this property without due compensation! It is tyranny at the core!

If you want to solve the housing issue, you should be using taxation, deed restriction, and/or making the biggest employers responsible: Vail Resorts and BGV. Instead, you are approving their new timeshare projects, diminishing the character of town and creating more needs for housing. Makes me wonder what kickbacks the council is getting because that's the only reason I can see why you guys are doing this.

I hope that the town reconsiders this proposal.

Jerrod Johnson
720.289.1448

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: STR
Date: Friday, July 22, 2022 10:13:34 AM

From: Jay alley <jalley1961@yahoo.com>
Sent: Friday, July 22, 2022 4:53 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: STR

[EXTERNAL MESSAGE]

I have lived and owned property in Breckenridge' since 2015. I am alarmed at the City's recent assault on Property Owners, Business Owners, and the Character of what the town is becoming

I currently live in the Highlands.

With your current plan if a Property Owner decided to sell, the potential buyers would not be able to get a short-term rental license until our neighborhood reached the 10% level. That could take 10,15,20 years... perhaps longer for this to happen. Most people feel this will lower potential home prices in the Highlands , while prices will continue to go up in the resort and zones 1 and 2.

- 1) The town is trying to change the character of our neighborhood. They want to change the number of rental properties down to 10%.
- 2) Our neighborhood is one of many being singled out by the Town Council to help it get to an unreasonable short term rental license cap.
- 3) If buyers can't get a short-term license they will go to a zone where they can get one.

Go look at what's going on in Silverthorne. They are getting ready for the influx of Buyers that will be moving to their City. If buyers migrate to other cities they are going to spend far less in Breckenridge. Tax revenue will go down, transfer taxes will be lower based on fewer home sales and lower prices. Property tax collectors will fall based on lower home prices, ultimately causing Tax Rates to go up to cover the shortfall.

Somehow, The town has the impression that if these short-term rentals caps are approved, there will be more housing available for our workforce. This is not realistic as most town workers could not afford to live in multimillion \$ homes. Instead, these homes may sit empty most of the time. If that happens, there will be fewer people going to our restaurants, shops, and spending in our town.

I have talked to several owners about these issues. Both permanent residents and renters feel the town's actions will change the character of our neighborhood. It will lower the potential prices if we decide to sell compared to properties in zones 1 or 2.

The economy and housing markets go through natural price swings and the Market is already self correcting as interest rates rise. I believe there are only 9 houses slated to close this July vrs. 60 a year ago.

Please reconsider your actions and while i understand the need for worker housing that is affordable, this plan is not going to work. The character of Breckenridge is that of a Ski Resort where families want to be able to come and be together and not cooped up in Small condos or hotels. You are going to change the character to that of a Ghost Town if you continue.

Sincerely

Jay Alley

Sent from my I-Phone

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: STR
Date: Tuesday, July 12, 2022 5:37:11 PM

From: Jeff Sims <jeff@wrsimsagency.com>
Sent: Tuesday, July 12, 2022 3:12 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: STR

[EXTERNAL MESSAGE]

I am still confused as to what the Town Council of Breckenridge is trying to accomplish with the STR tax. Do you want to reduce the influx of visitors or provide employee housing? The Time Share Condo Hotels caused both problems, not the STR community. The STR HOA's have been around since the 70's and we never had such traffic problems until the Condo Hotels were constructed.

I own three condominiums in Breckenridge which are Short Term Rentals, and my family uses them often. I do not understand why the STR community is being penalized by paying additional fees to provide housing for community employees. We did not cause the employee housing problem. A majority of the STR HOA's do not have employees, they hire management companies to provide the maintenance and care of the facilities. These management companies provide their services to multiple HOA's.

You have affected the resale value of my properties by not being able to transfer the STR license to a new buyer. In many cases the ability to transfer the STR license is the only way to make it affordable to a new owner. It would be like trying to sell a restaurant without an occupancy permit. How much do you think you would get??? Nothing close to the actual value.

The time share condo hotels are the cause of the employee housing and congestion problems. They should not be exempt from the STR cap. The time share hotels double sell their units, you can buy a time share condo for every other year use. Their occupancy density is much higher than a STR property. The prior town council boards did not have the foresight to see this problem and only required these time share hotels to provide 30% of their employees housing. They should be required to provide 100% of their employee's housing. They are the ones creating the employee housing problem and they should be held responsible for their housing not the STR owners.

I feel there should be an immediate moratorium on the building of any new Time Share Condo Hotels in Breckenridge. With new condo hotels being built, it is just going to make the influx of traffic that much worse and create a bigger employee housing problem. How would you expect to catch up with employee housing when you only require 30% of the employees housing for new condo hotels? It can't happen, you are always going to be 70% behind the need.

You are penalizing the STR property owners, and you should be putting the burden on the creators of the problem, the Time Share Hotel developer.

Sincerely,
Jeff Sims

Jeffery B Sims

W. R . Sims Agency, Inc.
Keystone Insurers Group
1036 Washington Blvd.
Williamsport, PA 17701-3634
570-326-4188

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Strongly disagree dividing Breckenridge into Resort zones
Date: Thursday, July 21, 2022 2:29:28 PM

From: Kevin Hunt <holbrookllc1@gmail.com>
Sent: Thursday, July 21, 2022 10:05 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Strongly disagree dividing Breckenridge into Resort zones

[EXTERNAL MESSAGE]

Council,

I strongly disagree with the councils plan to divide Breckenridge into resort zone districts.

I own a house on Gold King Way In Warriors Mark subdivision. It's a great **ski in / ski out** property ,via lower Lehman, that my family enjoys. When we are not using the house, we rent it to short term guest's.

The idea that limiting short term rentals, manipulating the zones, placing other restrictions on property owners, etc. will increase affordable housing options Is flawed. The simple fact is that workers cannot afford multi million dollar homes.

I have not yet found an example of where a city or municipality that has implemented rental restrictions, growth caps, rent rate caps, or any other type of restrictive steps that has ultimately increased affordable housing options. In case after case after case such as Portland, Boulder, San Francisco, New York, etc. restrictive measures put into place ultimately lead to a tighter market and higher rent rates.

Can anyone on city council provide its citizens real conclusive data that supports its decision to continue down and ever increasingly restrictive path.

Instead of looking outward at the problems with the market, maybe, Council should look inward and start discussing why developers cannot build affordable housing to meet the market needs. I've done numerous real estate developments. I am finishing up my last. It has become so difficult to get a development started and finished that it is no longer worth the effort. The last development I sold in Colorado Springs took four years before we could put a shovel in the ground. The number of restrictions, rules, regs, etc. etc. make it incredibly difficult for builders to meet market demand.

Is it possible that more and more restrictions work against the goal of providing more affordable housing?

Thank you,

KEVIN HUNT

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: tourist designation
Date: Tuesday, July 12, 2022 12:14:44 PM

From: Marc Castelluccio <mcastell@areanetworks.com>
Sent: Monday, July 11, 2022 2:55 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: tourist designation

I feel that it is very important that our condos have the tourist designation. We are ski in from the four o'clock run which is the primary reason that tourists visit Breckenridge in the winter. Although we have lower density and some of the units are stand-alone, they have virtually identical floorplans that are set up extremely well for rentals. With 3 bedrooms, each having attached baths on three different levels, the bedroom/bath combination has privacy that would not be expected in a residential home for families with children. My unit is rented 66% of the available days this July-August and even more December through April. The location, surrounded by condominium complexes and hotels, is tourist, not residential. The majority of the residents in Sawmill Creek Village desire to be included in the tourism area.

If Sawmill Creek Village does not receive the tourism designation, the resale values will be very negatively affected because many buyers will prefer properties that can be rented. In that case, the assessment for our condos should be significantly less reflecting the lower resale value due to short term renting not being an option.

As you review the maps for the STRs, I understand that our condo complex has gone back and forth between residential and tourist designation.

I appreciate your consideration in our unique situation when making decisions on the short term rental designations.

Marc Castelluccio
CTO

AREA NETWORKS

Area Temps

www.areanetworks.com
marc@areanetworks.com
www.areasemps.com
marc@areasemps.com

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Town Council
Date: Thursday, July 21, 2022 2:35:42 PM

From: Steve Slater <slatersteve796@gmail.com>
Sent: Thursday, July 21, 2022 11:32 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Town Council

[EXTERNAL MESSAGE]

Please make us leave our dream home. We realize this is unintentional but this is what is happening to us. We are retired teachers and we bought our townhome seven years ago in the Tall Pines HOA. We supplement our fixed income by renting out one of our bedrooms during the ski season. We can only rent out one of our bedrooms but we have four bedrooms so the license fees are difficult for us. We are long time Breckenridge residents. My family built a rustic log cabin way up French Gulch over fifty years ago. I'm fourth generation Coloradan on my father's side. I've been skiing here since 1965. We love Breckenridge. My wife works for Breckenridge History. I volunteer with Unsheltered in Summit and was part of the Ready for 100 project. We both volunteer with our local church. Tall Pines has been designated as a residential area. We are the only full time residents who have ever lived in this HOA. Soon enough our age and health will force us to leave Breckenridge. My wife has to use oxygen every night now. The day we leave will be a very difficult day for us. Please don't make this happen sooner. Thank you for your consideration. Does the Council have any questions for me?

Steve Slater
31 Tall Pines Drive

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Town overlay districts
Date: Tuesday, July 19, 2022 3:03:07 PM

From: Beth Eisenman <bethpt@bellsouth.net>
Sent: Tuesday, July 19, 2022 2:02 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Town overlay districts

[EXTERNAL MESSAGE]

To Mayor Mamula and Town Council

I am a resident of Woods Manor Condominiums. I purchased my unit 5 years ago. Up until that time my unit had been a time share, one of six in the complex of 24 total units. While I currently do not rent, the assignment of Woods Manor to Zone 3 will greatly negatively impact the value of my property should I decide to sell. And, as I own the property outright (no mortgage or other incumbrance) I have no incentive to add this to the long term rental pool.

I sympathize with the problems presented by the lack of long term rentals. For as long as I have lived in the complex, the majority of Units have been used for a combination personal use and short term rentals. It is unlikely that any of these properties will become available for longterm rental. I would also point out that while we are effectively grouped with the Warriors Mark community, we are NOT a part of it. I would strongly encourage you to reconsider our classification as Zone 3 and change that back to a Zone 1, as indicated in earlier drafts of the overlay zones.

Thank you for your consideration.

Beth Eisenman

Beth Eisenman
561 662 0032 cell
561 624 5510 home

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: townhouse
Date: Tuesday, July 12, 2022 10:27:31 AM

From: Jeffrey Robert <jmrobert@gmail.com>
Sent: Monday, July 11, 2022 5:11 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: townhouse

[EXTERNAL MESSAGE]

We kindly request that you free up additional short term rental licenses to townhouses west of town. We own a unit in Highlander and are looking to make it available for rentals. We find it discriminatory that time shares and resort owned properties have been exempt.

Thank you,

Jeff and Megan Robert
303-589-1448
302 kings crown rd.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Upper Warriors Mark -- Short-term rental licenses
Date: Thursday, July 21, 2022 2:34:01 PM

From: Frank W <fwegerich@gmail.com>
Sent: Thursday, July 21, 2022 11:24 AM
To: mayor <mayor@townofbreckenridge.com>
Cc: Shadi Wegerich <swegerich@live.com>
Subject: Upper Warriors Mark -- Short-term rental licenses

[EXTERNAL MESSAGE]

Dear Mayor Mamula and Council Members,

We are owners and residents in the Upper Warriors Mark area for a couple of years. We strongly oppose the proposed Zone3 designation of our neighborhood.

Let our ski in/out neighborhood continue to be the place it has always been. A zone 2 designation will allow that to happen. Our neighborhood qualifies to be in zone 2 based on our population and STR mix and access to the ski slopes. Please give this your careful consideration.

Sincerely,
Shadi and Frank Wegerich
37 Timber Hill Drive
Breckenridge

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Upper Warriors Mark - STR Issue
Date: Tuesday, July 19, 2022 1:48:06 PM

From: Sumer Liebold <sumer@8z.com>
Sent: Tuesday, July 19, 2022 1:31 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Upper Warriors Mark - STR Issue

[EXTERNAL MESSAGE]

Hello,

Hope you are doing well. I wanted to reach out with a letter of concern for the property we own at 33 New England, in Upper Warriors Mark. I do understand the stance the City has taken against STR as an effort to protect locals, hotel taxes and the local economy, but I do not believe we can go any further with it. Upper Warriors Mark moving into a low rental zone 3 will not help the City with any of their current issues like employee housing, it simply hurts the home owners and helps no one. As a Realtor (primarily in Colorado Springs) this could have a tremendous impact on our property values in Breck. The reason people can buy second homes at price points Summit requires is the off set of rental income. You take that away and even second home owners will not be able to afford Summit. If we decide to put them in zones as proposed, you will make the zones with less rentals suffer more than the ones with more permits.

We do not short term our home, we have rentals around us and have met amazing people through them. Having rentals around us gives the neighborhood a vacation vibrancy that would go away if you reduce the amount of rentals. We have a ski bus that we use, and these rentals fund it. Our neighborhood is ski in/ski out weather the City wants to accept that or not. People drive up every single morning and drop their skiers off at the ski in location to avoid parking downtown. Upper Warriors Mark has amazing rentals and as a home owner I believe we should have the chance to say if we want rentals or not, and our choice should have the most value.

What I am more worried about as I have seen it happen in Colorado Springs is people finding ways around the rules and not running them off Air BnB or VRBO where you get to rate the guests. People will run rentals on their own and try to hide the fact they are renting. This can cause so many more issues than what you are currently dealing with, these other avenues do not automatically run the local tax like the bigger sites, therefor you may never see that money.

Overall I do not agree with the zones, do not hurt one area of town to help the other. Especially when the home owners want it! We all bought our homes with the thought we can do what we please with it. I do not want City Council to take that freedom away.

I hope this is helpful and you will agree these Zones do not benefit anyone!

Sumer Liebold, 8z Realtor®

8z Real Estate Colorado Springs

[719.375.9015](tel:719.375.9015)

Sumer@8z.com

SumerLiebold.8z.com



From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Upper Warriors Mark - zone 1 vs 3...
Date: Monday, July 25, 2022 10:00:12 AM

From: HALEY SMITH <hsmithx2@msn.com>
Sent: Friday, July 22, 2022 10:41 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Upper Warriors Mark - zone 1 vs 3...

[EXTERNAL MESSAGE]

I hope you are doing well. I've read that the town of Breckenridge is still trying to come up with solutions to the housing issues. My understanding is that there is a new proposal on the table to limit short term rental licenses by zone and that my property (33 Timberhill) would be considered to be in zone 3. I also understand that there are several reasons why the upper warriors mark area should be considered as a zone 1 since it is ski in/ ski out (by trail). I bought my property in 2014 specifically because of this ski access. To treat this area as if it weren't prime for rentals will change the property values and the nature of the neighborhood. This is evidenced by the fact that over 50% of properties in this area are short term rentals. And many of those that aren't have self limited.

Please reconsider the zoning and preserve the nature of our rental properties.

Haley Smith
7139224938

Sent from my T-Mobile 4G LTE Device

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Upper Warriors Mark and Short Term Rentals
Date: Thursday, July 21, 2022 2:10:36 PM

From: Ron Krenzke <ronkrenzke@comcast.net>
Sent: Wednesday, July 20, 2022 6:29 PM
To: Council <council@townofbreckenridge.com>
Subject: Fwd: Upper Warriors Mark and Short Term Rentals

[EXTERNAL MESSAGE]

Mayor and Council Members,

I am writing to voice my disappointment with the actions being taken by the City Council with regard to short term rentals. I have been visiting Breckenridge since the 1980s. I currently own a home on White Cloud Drive in Warriors Mark. We have owned the property since January 2016. Our family uses it frequently, and we also rent it when not using it to offset costs for expenses, local and state taxes and fees. By renting we contribute to the economy of the town and county beyond simple property ownership. We have a local management firm which employs property management, maintenance, repair, cleaning, etc. personnel. In addition we individually utilize local workers to perform painting, lawn maintenance, snow removal, and hot tub maintenance. These services are all performed on a regular basis to accommodate the comings and goings of renters and would be required less frequently without the current level of property usage. Many of these service providers will be negatively affected by further restricting short term rentals and moving to a model that is primarily hotel rooms and condos.

Moving away from the financial disbenefits and commercial aspects for short term rentals and more to the general situation for our town. As a long term Breck lover, I do not think these actions are moving the town in the right direction. Personally, I do not like the way Breck has become a giant parking lot in the downtown areas. I do not like all of the high occupancy hotels and condos. The new large developments have very little architectural style and do not fit the cultural nature of Breckenridge. In addition by focusing growth in the downtown and lower slope areas the traffic has become terrible. It seems that those commercial operations are being promoted against the interests of the home owners when STRs are restricted. Furthermore the latest proposals to restrict the percentage of rentals in some areas vs others is discriminatory against certain neighborhoods. Homeowners in Warriors Mark should be treated equally with any other neighborhood in Breckenridge. How can the Council sensibly treat some homeowners unequally?

Warriors Mark is a neighborhood with a history of fine rental properties for short term

use. It is very popular especially with families. It is also very easy to get to the ski runs and downtown areas. It is probably easier to get to the slopes than it is in many of the other neighborhoods with a proposed higher percentage of rentals allowed.

I hope you will take these thoughts into consideration.

Ron Krenzke

(713) 562 0325

ronkrenzke@comcast.net

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Upper Warriors Mark Designation
Date: Thursday, July 21, 2022 2:05:59 PM

From: Anne Strock <annestrock@me.com>
Sent: Wednesday, July 20, 2022 5:37 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Upper Warriors Mark Designation

[EXTERNAL MESSAGE]

Mayor and Town Council,

I write to you concerning the upcoming vote on neighborhood designations for STRs. I am a full-time resident at 27 Timber Hill in Upper Warriors Mark. As I'm informed, you are considering designating our neighborhood as a Zone 3 area based on an inaccurate and outdated LUD.

I hope you've been informed our neighborhood is currently 53% STR properties. This Zone 3 designation would **significantly change the character of our neighborhood** by dropping it to 10%. This drastic of a change is completely wrong and unfair.

I completely understand and sympathize with the position you're in trying to make these difficult decisions. I also understand your desire to protect the character of neighborhoods that predominantly consist of full-time residents. Our neighborhood is NOT one of those areas, however. If you so drastically reduce the number of rentals, our vibrant neighborhood will become a collection of dark, unoccupied houses. With a current rental rate of 53%, I implore you to consider us at the very least a Zone 2. That still slightly reduces our rental pool, but more closely maintains the established character of our neighborhood.

Many renters are attracted to our neighborhood because:

- A. In the winter it is ski-in, ski-out to the resort (or a very short bus ride for beginner skiers).
- B. In the summer it's walkable to town via the Burro trail or the streets.
- C. Our neighborhood is one of the closest places where larger families can rent a house (not a condo) and still have this supreme close access to all the resort amenities.

As I'm told, the LUD you're using to base your criteria inaccurately represents our access to the resort. I can tell you from much first-hand experience the number of renters I see skiing from the trail head on White Cloud Drive. To get into the resort, it's an easy, straight shot to the Lower Lehman run (a trail that's been maintained by the resort for the last 40 years I'm told). To get back up to the properties, I encounter many people accessing via the backcountry gate on Flapjack on Peak 10 or even see people ski back down Lower Lehman and walk up the trail. Other areas with such premiere access to the resort are considered "resort property" or at least Zone 1...And we're suddenly being cast down as far as Zone 3? That makes absolutely no sense.

If you designate us as Zone 3, you are not only vastly changing the every-day character of the

neighborhood in which we chose to purchase homes, but you are damaging our potential resale values by driving away buyers that need the potential option to short-term rent. Our neighborhood only consists of multi-million dollar homes so we all know it will never be a viable option for local workforce housing.

As a final argument and one I'm sure you've weighed, by so significantly limiting the renters in a neighborhood so close to town, the town itself and its local business owners will suffer. It will mean less people paying occupancy taxes (on large, high dollar rental properties), and less people with easy access to town dining at our restaurants or shopping in our stores. This is a resort town and we depend on visitors and tourism dollars to continue to thrive. This vibrancy is why we chose Breckenridge as our full time home.

Sadly, it could also potentially cause people to explore options to rent their homes out under the radar and thus the town loses its ability to regulate and collect taxes on these rentals. Just look at how a company like Uber upended the "unbreakable" taxi business.

Thank you for your time reading this,
Anne Strock

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Upper Warriors Mark Designation
Date: Monday, July 11, 2022 11:07:58 AM

From: Mark Smith <markdsmith33@icloud.com>
Sent: Monday, July 11, 2022 11:02 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Upper Warriors Mark Designation

[EXTERNAL MESSAGE]

Mr. Mayor,

I am a homeowner in Upper Warriors Mark (86 New England Dr.) and want to voice my concern over some of the proposals that are on the table that can have a significant effect on my house evaluation and the vibrant growth that I have seen in Breckenridge over the past decade plus. We bought our property as land back in 2013 and there were a couple reasons we decided to do this. First, we loved the town feel of Breckenridge. As a couple looking for a second home, we wanted to be in a resort town that had a “town feel”. We didn’t like Silverthorne/Dillion because there was no “town” and we didn’t like Vail because it was all “resort”. We felt that Breckenridge had that combo feel we were looking for. We had been coming to Breckenridge to Ski since lift tickets were like \$35! Boy how times have changed.

We decided to sell our lake house in Texas and build our dream mountain home in 2015. This was before there was an Upper Warriors Mark shuttle, and before there was all the awesome places to eat and shop that now exist in Breckenridge. After we completed that build, we started to see the changes happening around town and were very excited. The addition of the Upper Warrior’s Mark shuttle in the winter was an awesome convenience and think added significant value to our Home. Anytime you can have a shuttle and don’t have to drive, it is a bonus. This allowed us in the beginning to get our kids to ski school and back without a lot of hassle. Now that they are older and more experienced, we love the ability to ski down to Peak 9 base from our house (through the path on White Cloud) and than get back to our house on the bus.

We also decided to begin to rent our place out to ensure that it stayed in good shape as we live in Tennessee and can only get there a few times a year and I am sure you know that an empty house can have lots of issues if things go unused. Pinnacle Homes built our very nice house, and Pinnacle Lodging does a great job of maintaining our home. I would say our house looks very close to what it did when we first built it in 2016. The fact that we have a very expenise rental, means that the folks who rent our house have the resources to spend lots of money in that town we love. I know that we spend \$10,000 plus per year just in the 3-4 weeks we are in town on ski rentals, food, bike rental, restaurants, parking, Breckenridge Theater tickets (and we are planning on donating to the theater this year as part of our charity giving because it was such a good play we saw this year (The Play that Went Wrong). I can only imagine how much revenue that renters who rent our house for a minimum of \$1200 per night bring in sales tax revenue, parking revenue and income to all the buisnesses in town. I can only imagine that the more tourists spend in Breckenridge the more money the Town has to

provide services.

We have also been very happy to see all the new shops and especially higher-end restaurants pop-up over that past 5 years has the support of more and more tourists have allowed these places to be in business. The food selection is now tremendous and we don't have to travel to Frisco or Silverthorne to eat anymore. I think this is a direct result of the amount of tourists in town. I am an owner of a restaurant here in Mid-town Nashville, Tennessee since 2018 and have first hand experience that the growth in Nashville from both folks moving here and increase in tourism (think we have added over 9000 hotel rooms alone since 2018) have increase my business (and one that is not even in the heart of Downtown) over 35% since 2018.. If you want to look at some interested statistics on the growth and economic impact (even those before the pandemic) please go to this link:

<https://www.visitmusiccity.com/research>

I would hope that the Town of Breckenridge would understand that tourism and folks coming to Breckenridge is extremely good for Everyone. Property values have increased and there for net-wealth of the current residents of Breckenridge have increase significantly, therefore Property Tax, Sales Tax and ancillary revenues are up for the town. This provides you extra money to continue to increase services and quality of life to the full-time residents of Breckenridge. I am sure you were at this year's 4th of July parade and saw the huge amount of people who attended. It was awesome.

I also understand there are some places where there are currently very few STR (or even LTR) and these area's are probably places that could have more restrictions as they are not places where tourists will have a significant effect. Upper Warriors Mark, however, is a place were there significant STR and STR in very pricey houses (which leads to increased spending in the city). This "demand" has had a significant impact on my home evaluation and therefore how much taxes I pay to the city. I am very happy with this increase in value and am more than glad to continue to pay the taxes that I owe as I enjoy the continued services the city provides for me and my guests. My hope is that the Council will see the overall positive impact that STR have on the city as I am sure the full-time residents are enjoying the added shops and restaurants that this has brought to the city.

Please consider Upper Warriors Mark as part of Zone 1 as it is a place like Shock Hill where high-end homes are rented to wealthy individuals that bring significant \$\$\$ to the Town of Breckenridge.

If you have any questions or would like to chat. My number is below.

Appreciate your time.

Regards,

Mark and Brandi Smith
210-410-1523

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Upper Warriors Mark re-zoning proposal
Date: Monday, July 25, 2022 11:56:56 AM

From: Thomas Dean <tjdean76@hotmail.com>
Sent: Monday, July 25, 2022 6:05 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Upper Warriors Mark re-zoning proposal

[EXTERNAL MESSAGE]

Dear Mayor~

I have to assume that there are no members of the Town Council that live in Upper Warriors Mark (or else they must be a full-time resident that never intends on selling their property), because you all seem to think that by re-zoning one neighborhood you can solve a problem that plagues most resort towns.

For the record we bought our house based on the ability to ski in /ski out (which both we and our renters do on a regular basis) as well as the ability to rent it out when we can't be there. It will be unfair to change our zoning to restrict the % of future STR licenses as it will immediately lower our property values and make our homes less desirable than the other Zones. By the way, most of our neighbors do the same as us (over 50%).

If this proposal is something you all feel so strongly about then you should change the % of STR licenses for all Zones (1-3) to the same. Anything different than this would be wrong. Changing our Zoning alone is not going to solve the housing problem you are trying to address so please be fair or leave things Status Quo.

Sincerely,

Thomas Dean

Sent from [Mail](#) for Windows

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Upper Warriors Mark short-term rental designation
Date: Thursday, July 21, 2022 2:09:05 PM

From: Chuck Schiller <chuck.schiller@me.com>
Sent: Wednesday, July 20, 2022 5:48 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Upper Warriors Mark short-term rental designation

[EXTERNAL MESSAGE]

Mayor and Town Council,

Hello. My name is Chuck Schiller and I am a full-time resident of Upper Warriors Mark. I reside on Timber Hill Drive in one of the most wonderful neighborhoods I've ever lived. Several of my neighbors are also long standing full-time residents and we're deeply concerned about how the town intends to vote to potentially change the character of our wonderful neighborhood by designating it as a "Zone 3" for short term rental licenses.

"Zone 3" simply makes no sense for our neighborhood.

I know you know the statistics far better than I do, but when you study the balance of full-time residents vs second home owners and owners with high-use rentals we just don't deserve to be put in "Zone 3". We do not want to become a "dark window" neighborhood. We do not want to lose our absolutely ideal shuttle service in the winters. (And, we hope it expands to summers soon!) We do not want to lose the character of our neighborhood because the town's zoning drives out the kind of buyers who love what our neighborhood provides; proximity to town, more affordable homes than areas like the Highlands and Shock Hill, ski-in-ski-out access to the mountain from our neighborhood with very easy access to Lower Lehman through the national forest. Also, we all ski out to our homes from the resort via Flapjack on Peak 10. We have the ability to walk to town on the Burrow Trail and also access the vast national forest right from our neighborhood. We should have an Alpine access destination in the Land Use Development plan given all of this, not just a Nordic access designation. The Land Use Development plan is obviously woefully out of date and inadequate as a guide for rental license zoning.

I've owned my home up here since 2016. The only way I could afford to invest in Breckenridge was to rent our home for a few years until we could move here full time. We employed a lot of local people as second home owners: Hot tub maintenance people, cleaning people and a fantastic management company. While renting out our home we promoted the best local restaurants and shops by making recommendations to our renters. We told them the "secrets" to the unique benefits of our area which is unlike any other neighborhood in Breckenridge. Rentals in our neighborhood drive A LOT of sales in town. We see it all summer and winter. We talk to the renters in our neighborhood, we hear where they are going, what they are doing with their friends and families. They are always on the go, always using the shuttle to head to the mountain or town. Groups of families rent the larger homes up here and we see them skiing in from the trail head all winter and going to town in droves all year long. They rent in our neighborhood because the condos and homes are still relatively

affordable to rent compared to other areas of Breck. To a person, everyone who lives in our neighborhood knows we're in what might be the *best* area of Breck. When I tell other locals where I live they reiterate my neighbor's sentiments; Upper Warriors Mark is a very special neighborhood. A true gem in Breck.

Please don't put us in "Zone 3" and risk all of the good things we have come to love up here.

We don't want people to start to rent their homes without proper licensing. Which, you know they will. The town will lose out on its taxes and license fees. We'll lose out by having rouge homeowners renting without proper licensing and controls. We want quality rental management companies to continue to do a great job managing properties our area, making sure everyone abides by the codes and rental rules strictly enforced by these rental companies. We also don't want to be a ghost town because renters were driven from our neighborhood with such a drastic reduction in available licenses. 10%? That makes no sense.

Again, you know far more than I do about the local workforce housing crisis and I appreciate how hard you're working on getting things in balance so locals can afford live a wonderful life in this ideal city... but... the homes in Upper Warriors Mark are not likely to provide easy solutions for affordable local housing. You know the value of most of the homes in our neighborhood. We're not a high-dollar prestigious real estate area (like the others I mentioned earlier) but we're certainly not the kind of affordable housing that is so badly needed for individuals and families who live and work here. Putting us in "Zone 3" solves nothing for the local workforce housing crisis and potentially damages the neighborhood we chose to call home.

We simply can not stand by and let the town put us into a zone that jeopardizes our home values and neighborhood character. We're writing to ask you to come up to our neighborhood. Join us at one of our weekly (sometimes twice a week) happy hours in the Timber Hill Cul-de-sac. Come see how we ski in and ski out from our front doors. And vote for us to be in a zone that more accurately reflects the current (and wonderful) character of our neighborhood.

We should be considered at the very least to be in "Zone 2." Some neighbors are making the argument we should even be in "Zone 1." I hope as you carefully review the facts about Upper Warriors Mark you'll reconsider designating us in one of these two zones and **NOT in "Zone 3"**.

It is likely you'll hear from several of us in the neighborhood. We're a tight group of neighbors and friends who look out for each other and each other's homes.

We represent the character of Breckenridge you have been working so hard to preserve.

We are friendly, outdoor-loving, involved people who love festivals, parades, art fairs, local restaurants and shops and living in the shadow of some of the most beautiful mountains in the world. We're investing in our homes and beautifying our neighborhood. Swing by and you'll see millions of dollars in renovations happening right now! We're fighting hard to preserve our investments AND lifestyles. For many of us, living here is a life's dream come true. We don't want an outdated LUD plan and insensitive zoning decision ruining our dreams. Our side of the story must be strongly considered before the upcoming vote.

Please take the time to hear us and if you can, come visit us before the vote. The town will see

we're unique and deserving of a zoning designation that does not destroy one of the best neighborhoods in Breckenridge.

Thank you for your time. We appreciate all you do.

Respectfully,

Chuck Schiller
970-389-9288

Sent from my rocketship.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Upper Warriors Mark West zoning
Date: Thursday, July 28, 2022 1:08:13 PM

From: Bill Rider <riderww@gmail.com>
Sent: Thursday, July 28, 2022 10:50 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Upper Warriors Mark West zoning

[EXTERNAL MESSAGE]

To the Town of Breck Council,
I have read and heard about your intention to designate our neighborhood to Zone 3 in your STR rental schematic and am writing to voice my concern and opposition to this proposition.

Currently this section of town is comprised of roughly 50% STR, 25-30% full time residents and the balance are vacation homes which are seldom rented.. My wife and I have been full time residents in this neighborhood for 10 years and have found the composition of rentals and residents to support a healthy active mix in this unique neighborhood. I do not understand your goal of mandating a drop, over time, of the STR component of the neighborhood to a cap of 10%. What purpose does it serve? Many of the single family homes in this area are multi million dollar residences with multiple bedrooms. If your intention is to engineer a severe dilution of real estate values to make these homes 'affordable' for local families or groups of renters to occupy then this has drastic economic consequences and implications not only for our neighborhood but Breckenridge as town for locals and a town for tourists and for Summit County as a destination. Your actions would not indicate that Breck is 'open' for business, but rather 'CLOSED'. My observation would be that a 10% STR rate, down from 50%, would grossly change the composition of the neighborhood and leave many windows 'dark' at night....again, to what purpose?

Given that we residents in the area do have mountain access, mostly walk-to, it would seem more consistent for our neighborhood to have a Zone 2 designation which is more consistent with other Zone 2 neighborhoods around town. I mentioned earlier that our neighborhood is unique. One can walk to the edge of the National Forest and walk or ski onto the ski resort and back. We are roughly 1 mile from downtown Breck and it is easy to walk or drive to town. This great location appeals to both full time residents and to the STR renters who stay in the area. Your proposal for our neighborhood to become a Zone 3 'hood is not consistent with our area which has a great balance of full time/part time residents and short term rental component. It seems to me that our neighborhood should be held up as a model rather than gutting a neighborhood that has evolved on it's own over time.

The Town of Breck and other resort communities are unfortunately 'behind', waaaay behind I might add, in managing the work force housing component of their towns. Covid exposed this perfect storm. Your now scrambling to 'zone' things and potentially drastically change neighborhoods and other economic areas may have other far reaching unintended consequences as well. Cutting the STR component of our neighborhood which is less than a mile from downtown?? Does that really make sense? Ha, funny that I as a full time resident

am defending STR, but in our neighborhood it works. I did not, even as a local realtor, disagree with your imposing STR license caps, however I do take issue with your now mandating zones other than the resort zones and fundamentally and potentially drastically altering neighborhoods that have eveloped quite nicely on their own. The council has, with the STR, cap nipped that in the bud but why now penalize full time homeowners/residents here by now trying to force down the value of our homes. Breckenridge is a resort community and the resort is one of the most visited in North America...property here should trade at a premium, one would expect it.

I urge you to carefully consider your decision regarding turning our neighborhood to Zone 3. It seems we are more 'uniquely' suited to be a Zone 2 area.

--

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**Regards,
Bill**

Bill Rider, Realtor

970-423-6347

Resort and Second Home Property Specialist

BillRider@KW.com

Keller Williams Realty

500 South Main Street

Breckenridge, Colorado 80424

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Upper Warriors Mark
Date: Monday, July 11, 2022 1:58:01 PM

-----Original Message-----

From: Andrew Prouse <afprouse@gmail.com>
Sent: Monday, July 11, 2022 12:19 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Upper Warriors Mark

[EXTERNAL MESSAGE]

Good Morning Mayor Mamula:

I wanted to reach out to you regarding the tourism overlay slated to be discussed at the up coming meeting. I am a current owner in Upper Warriors Mark at the top of White Cloud Drive on the cul-de-sac. The homes surrounding me consist of 8 rentals, one timeshare, one privately non rented home, and one full time resident.

I appreciate the towns desire to increase housing for locals and do support this cause. The houses on our street currently appraise for over 2 million. I am a real estate investor and have 3 rental properties in Denver. I can assure you that with interest rates on investments around 6% on a 2 million dollar purchase I can never profitably rent this to a local family. The finance charges alone would be \$9,592. This does not include any capital expenditure, repairs and maintenance, or emergency reserves. Simply put, my home could never be used as a long term rental unless you put a large number of locals 6-8 at \$1500 a bed.

It should also be noted that the property is located with direct ski access to the resort which I myself have used many times. The resort also maintains a green, Lower Lehman, to service the homes along White Cloud Drive. The homes in this area are all marketed as ski out with the option to ski in.

Given the high number of rentals, pricing that is out of reach for many of the locals you are hoping to help, and the proximity to the resort it seems discordant that the city would choose to classify this as a local neighborhood and not at a minimum in the Zone 2 designation.

I agree with the town's desire to provide affordable housing to locals. I have been trying over the last year to purchase housing for locals, but have not been able to find a deal that works without negative revenue figures. I have attended meetings and outlined the contribution that my company has made to the local economy including a significant economic stimulus supporting repairs, maintenance, cleaning companies, in addition to the funds my guests spend at groceries, shops, and restaurants. Yet the town continues to take a stance of isolationism and staunch protection of locals. I would promote you and the other council members to drive to my families home town in Colorado, Alma, and see what a small mining town without outside economic stimulus looks like. Breckenridge has been built on the investments of outsiders and isolationism only thumbs your noses at those which you have all profited so greatly from.

Finally I would like to leave you with a bit of advice from my other profession medicine. Many time we have swung the pendulum hard to a new path. Most deviations have been strong and severe only to later see the negative effects and watch the pendulum track back to a less obtuse position. Unfortunately hindsight often shows many were hurt and injured from this so called progress. Anecdotally this is where I see Breckenridge headed. To protect locals we will restrict business, thus making Breckenridge even more exclusive, less accessible to locals, and only available to those who can afford to buy and not rent their homes. I believe that the policies the town is adopting are to restrictive and to hasty. I believe that a stepwise measured approach would be better for our town, the business community, and ultimately better at preserving the community for all. Rome was not built in a day, you can't get to the summit of a mountain by bypassing the long uphill, and you don't treat cancer overnight. However Breckenridge does limit licenses, increase fees, and soon change the demographics of the economy in under 1 year. I do wish you luck in engineering this landing and hope that it does not make Breckenridge the next Vail where no one can afford

to live.

Thank you for your time.

Andrew F. Prouse MD, RPVI
Assistant Professor of Cardiology
Denver Health Medical Center
University of Colorado School of Medicine Andrew.Prouse@dhha.org Andrew.Prouse@CUAnschutz.edu
(o) 303-602-3853
(c) 407-451-0559

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Upper Warriors Mark
Date: Monday, July 18, 2022 10:42:09 AM

From: Kevin Dumler <kdumler2@gmail.com>
Sent: Saturday, July 16, 2022 11:35 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Upper Warriors Mark

[EXTERNAL MESSAGE]

Good Afternoon,

I am writing to you in concern of the proposal to severely limit or eliminate Short Term Rentals in the Upper Warriors Mark Neighborhood. As part of the council discussion, it listed this as not having ski resort access, which could not be farther from the truth. Our house is at 677 White Cloud and my guest and I always ski in/out by Christmas. The Ski resort even grooms the trail on Lower Lehman almost entirely for the use of all of us homeowners.

While I enjoy my house 10 times+ a year, I also like being able to allow other families to enjoy Breckenridge from our house. These large houses like many in the Upper Warriors Mark have 6,000++ sq ft, 6+ bedrooms allowing multi-generational families to enjoy time together, relax and reconnect. Many of the houses in the neighborhood are not particularly set up for year round living and are more purpose built for family rental setups.

I can completely agree with the town being over-populated on many popular travel weekends. Traffic problems, rowdy crowds, etc. create many problems, including employee housing issues. The root of the problem is not houses like mine that focus on multi-generational connections, but rather the town's drunken obsession with letting the Resort build HUGE, extremely high density condo projects that place extreme excess stress on the system. Quite frankly the town is looking at this backwards and should actually LIMIT these properties from rentals as these are the areas that create the Traffic, parties and rowdy crowds and ridiculous population that swarms the system. While these also are not necessarily set up for employee housing, they are the reason the town has completely lost it's identity and allow crowds to swell ruining the cool, relaxing mountain vibe that we all want to be a part of when we come to the Mountains.

Everytime I visit my house, our neighborhood is quiet, relaxing and enjoyable. Rentals are not a problem, as looking around I see parents and kids creating memories for a lifetime. Please don't ruin these dreams that are being created by not allowing us to rent our property.

Thank you for your consideration.

Kevin Dumler
677 White Cloud Drive

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: URGENT: STR at MainStreet Junction
Date: Monday, July 11, 2022 10:10:58 AM

From: Tammy Ala <vantagetammy@gmail.com>
Sent: Monday, July 11, 2022 9:30 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: URGENT: STR at MainStreet Junction

[EXTERNAL MESSAGE]

July 10, 2022

The Honorable Eric Mamola

The Council of the Town of Breckenridge

Dear Mr. Mayor and Council members:

We write to you today to express our views and preference on the matter of the Short Term Rental Overlay District that the Council is considering at their upcoming July 12, 2022 meeting.

As owners in the Main Street Junction Condominium Association, located adjacent to the Marriott Residence Inn on Main Street in Breckenridge and just across Main Street from Main Street Junction and Waterhouse, we enjoy permanent membership to the Pioneer Club, situated in the Main Street Station facilities. Member properties of the Pioneer Club enjoy the many resort amenities of the Main Street Station complex, including a 24/7 front desk, conference facilities, Base 9 ski valet services, security and more. This Pioneer Club membership is Association wide and compulsory—individual owners do not have the option to elect or decline individual membership.

We believe that this membership in the Main Street Station amenities complex places our Association firmly into the resort property definition being considered presently by the Council. Furthermore, **this membership raises our monthly HOA dues to a such a level that prices our units above the long term rental market value.** Main Street Junction therefore does not meet the definition of a long term rental candidate that the Council is attempting to delineate. Furthermore, Main Street Junction is **located directly in the Main Street business corridor, which is evidently aligned to service the tourism industry in**

Breckenridge. Our association has been served by short term rental managers located in Main Street Station as an affiliated property since its construction more than 20 years ago. **Main Street Junction was designed to be and continues to operate as a short term rental property.**

As the Council deliberates on how this Short Term rental overlay district will be constructed, **we ask that the Council adequately consider which properties are situated in this apparent Main Street tourism corridor, both in location and in property service/amenities configuration.** As we understand the Council's current approach, Main Street Junction will be denied assignment to this Short Term Rental Overlay District (Zone 1), a decision which seems not only contrary to the Council's stated goal regarding the availability of long term rental units, but also inaccurate considering Main Street Junction's configuration and location.

Best regards,

Tammy Alairys

Main Street Junction Homeowner, Unit #30

From: [Jessica Burley](#)
To: [Community Development](#)
Subject: FW: Warriors Mark - Zoning for short-term rental license.
Date: Tuesday, July 26, 2022 4:09:10 PM

Hi Team,

Not sure who is collecting comments on this, but for some reason sustainablebreck@townofbreckenridge.com was copied.

Jessie Burley
Sustainability & Parking Manager
Town of Breckenridge
O: 970-547-3110

From: Stacy Pocrass <spocrass@comcast.net>
Sent: Tuesday, July 26, 2022 4:08 PM
To: Sustainable Breck <Sustainablebreck@townofbreckenridge.com>; mayor@townofbreckenridge.com.
Cc: spocrass@comcast.net
Subject: Warriors Mark - Zoning for short-term rental license.

[EXTERNAL MESSAGE]

Breckenridge Major and Town Council,

It appears our neighborhood, those in the Warriors Mark Association, and my home in that area of Breckenridge, are now being singled out by the town council to implement unreasonable short term rental licenses and caps. This position is very unfair to us in terms of the few rentals that we have during any one year. We are Denver residences who utilize our townhome the majority of the time but allow for the times we are not in Breckenridge to have a local agency rent our unit. Our unit would never be made available to long term locals. This last rental increase in our fees did not take use in consideration as we have very few rental in most years, however we paid those fees even though our rentals this year will be few as we are doing work to our townhome and thus not readily available.

Our use, willingness to allow for short-term rentals already supports your goals for tourism and occupancy. We strive to not leave our unit vacant. It does not, however, support, nor would it support, your reasoning for the creation of more housing for the local workforce based upon the zoning and the limitation you are establishing in the current plan. The zoning plan does not support the occupancy you expect from our zone classification of a zone 3 for our neighborhood. Our neighborhood, as it includes higher rental units under short term rentals has a much higher rental rate. In fact the rate is more equal to your zone 2 classification. Your analysis of the zone is incorrect; not accurate at all.

Additionally, your action will lower the value of my home at future time when we decide to either purchase another unit in Breckenridge, or sell our property. First, my property is a second home for

which we enjoy in occupancy over 70% of the time, but the unit is also an investment for which when purchased over 17 years ago was based a model for our retirement. Grandfathering us does not allow for us to pass the license on to a new owner. They would have to separately apply and may not be granted a license.

I would like for you to reconsider the zoning in Warriors Mark properties. We are within a short walk to a 5-10 minute walk or ride on a free shuttle to lifts, and a 10 minute walk to town. There are also units in the current zoning which are ski-in / ski-out.

Thank you for your consideration.

Stacy D Pocrass
1113 Brokenlance Drive, Breckenridge, CO – Property Address
spocrass@comcast.net
303-246-3226 cell

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Warriors mark
Date: Thursday, July 21, 2022 2:17:58 PM

-----Original Message-----

From: Trace ledbetter <traled@outlook.com>
Sent: Wednesday, July 20, 2022 8:25 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Warriors mark

[EXTERNAL MESSAGE]

Mayor,

I am writing regarding the proposed changes to the STR rules in our neighborhood, we have owned our property since 1979 and is within walking distance to several ski lifts. Until a couple of years ago our home sat empty 95% of the time. We are currently "in the pool", our property is occupied much more and tourist are bringing revenue to the town, generating income and opportunity for local workers. I'm sure that like many other owners or potential owners, if we weren't able participate in the STR market our house would again sit empty and not contribute to the local economy.

While I appreciate the difficult situation local workers are in, limiting STRs won't solve that challenge. Limitations will only reduce revenue for the city while simultaneously limiting income and opportunities for workers - rather than expanding them.

Regards,
Trace Ledbetter

Sent from my iPad

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Warriors Mark and Short Term Rental
Date: Thursday, July 28, 2022 1:06:34 PM

-----Original Message-----

From: Sheryl Rider <coloriders@gmail.com>
Sent: Thursday, July 28, 2022 10:22 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Warriors Mark and Short Term Rental

[EXTERNAL MESSAGE]

To Town Council Members,

I have been made aware of the discussions at your recent town council meetings. I understand that you are trying to create more long term rental housing in our town to help the employment situation. As an employee of a local company, I fully understand the need. However, I believe your approach will not create more LT housing and I believe it is quite unethical.....

1. How does the Town Council have the right to "dictate" how we use our property? If a property owner wants to ST rent or LT rent, it is not the Town Council's decision. I have a hard time with the whole concept of "you" telling "me" what I can or can't do with my home. Is it even legal?
2. There are mostly multi million dollar properties in our neighborhood. Do you really think that these owners are going to long term rent and never use their homes? I don't. If your goal is to create LT housing, you are unrealistic thinking this neighborhood is the right place.
3. We have several ski in/ski out trails that are well used to go to Beaver Run or The Quicksilver. The trails and the shuttle service are used by renters and owners alike. We meet short term renters on the shuttle frequently. We also see ST renters in the hiking trails by our neighborhood. That is our neighborhood. Ski in/ski out to the ski resort, hike in/hike out--
4. If anything, the smaller properties that tend to be in town are perfect for LT renters. How can the Town Council say that the Upper Warriors Mark neighborhood should be less ST rentals than it already is? That IS the character of our neighborhood.

Again, overall, to create more LT housing, this is NOT the way. Telling us what we can or can't do with our property? Multi million dollar property owners renting long term?

While I don't like the idea of ST rental license caps in general, for you to further say what neighborhoods can or can not do is really quite unfair. Where do you Town Council members own property? Where is Grand Vacations in all this?

Regards,
Sheryl Rider
Amber Court
Breckenridge.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Warriors Mark neighborhood - short term rentals
Date: Monday, July 25, 2022 3:13:36 PM

From: Scott Bond <sgbond777@gmail.com>
Sent: Monday, July 25, 2022 3:02 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Warriors Mark neighborhood - short term rentals

[EXTERNAL MESSAGE]

To the Mayor & Town Council of Breckenridge:

My wife and I bought a townhouse in Warriors Mark in 2007. Although we have rented in the past (overall good experience), we no longer rent our property, but still have strong opinions on this topic.

We believe Zone 3 designation for Warriors Mark is completely inappropriate (e.g. 10% rental cap). We consider our townhouse as ski-in / ski-out. We can easily ski/walk to Quick Silver lift to start the day, and we can ski/walk home from Peak 10. In other words, we are adjacent to the ski area, which is similar to other zones which have 100% & 95% rental caps (vs. 10%).

We're not sure why, but it appears Warriors Mark is being singled out by the Town Council to reach their overall short term rental goals.

In addition, two important points:

-The LUD, which is what the town council used for info is inaccurate. Our neighborhood is labeled 30.5 in the LUD report. It also states that we are not a ski in/ ski out area. Per my above comments, that is incorrect. It also says that the trails we use go to a very obscure and not often used ski run. That trail is Lower Lehman. It has been maintained for over 40 years by Breckenridge Ski Resort.

-The LUD also says that our neighborhood (30.5) is adjacent to Nordic skiing due to the topography. This is incorrect. It should say Alpine skiing. If this is corrected, our designation would likely be changed to zone 1 or 2.

We fully understand that Breck has a worker housing shortage, but arbitrarily picking who can rent their home (or not) is totally unfair and will not materially improve the immediate problem. Unfortunately we assume the majority of homes in Warriors Mark are not affordable to the average/seasonal worker in Breck. With a 10% cap, it would likely result in these same homes sitting empty for long periods of time. If so, that only hurts all the businesses/shops of Breck who rely on both full time residents and visitors to sustain their business.

As homeowners in Breck, we ask that Warrior's Mark be designated as Zone 1, or if not, at least Zone 2.

Sincerely,

Scott & Janey Bond
1386 Broken Lance Drive, Unit #5

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Warriors Mark proposed zoning changes and rental restrictions
Date: Tuesday, July 26, 2022 3:46:25 PM

-----Original Message-----

From: Mary Russell <m3russ@gmail.com>
Sent: Tuesday, July 26, 2022 11:46 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Warriors Mark proposed zoning changes and rental restrictions

[EXTERNAL MESSAGE]

To whom It May Concern:

I have owned property in upper Warriors mark since 1982, first on Timberhill Drive and now on Sunrise Point Drive. The upper part of Warriors Mark has always included many short -term rental houses (50% according to the association) , and it has always been marketed and used as ski-in,ski-out. All of the homes that back up to the National forest ski down via lower Lehman and home either using Lehman and Red Rover or from the 10 runs and Flapjack. Most others simply walk the short distance to the public access for the Burro trail and ski it to Lehman. Burro and the other connecting to Lehman trails are used extensively by hikers and snow-shoers as well, but I have not seen a cross-country skier on them for at least 25 years, if then. To classify them as Nordic trails is very diisceptive. Furthermore, the town in its proposal is making zero distinction between upper and lower Warriors Mark. Most of the homes in upper Warriors Mark are large and designed for large family gatherings, a big part of their appeal to the families who are attracted to Breck's family oriented atmosphere and marketing. They are not really suited to workforce housing; they're too big and expensive to maintain. Very few include caretaker's apartments (i know of one). In contrast, the homes in lower Warriors Mark are not ski-in, ski-out, are much smaller and more modest in scale (in general), and are occupied (I have the impression and have known several workers through the years that lived there) full time by people who live and work in Breck. To treat these very disparate areas homogeneously because they share the same name is extremely unrealistic and will perpetate a grave injustice that will reverberate negatively across many aspects of our local economy.

I hope the Town Council will carefully consider these perspectives and strongly urge you to reevaluate the present recommendations for Warriors Mark. I would also like to add that I am very pleased the town is addressing the workforce housing shortage and trying to be pro-active in zoning to support those who keep our local economy humming. I recognize that these are very complex and difficult issues, but hence the vital need for as many perspectives as possible.

Sincerely,

Mary M. Russell
23 Sunrise Point Drive
Breckenridge 80424

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Warriors Mark short term rental designation
Date: Thursday, July 21, 2022 2:13:27 PM

From: Thomas Reece <tlr1492@gmail.com>
Sent: Wednesday, July 20, 2022 7:09 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Warriors Mark short term rental designation

[EXTERNAL MESSAGE]

Mr. Mayor,

I am very concerned about the action that I understand the town is preparing to make in regard to short-term rentals in Warriors Mark and particularly Warriors Mark West which was only annexed by the town of Breckenridge a few years ago. Although we have never rented our second home at 0168 Goldking Way we know that many of the homes in our area are rental properties. It is un-American to pull the rug out from under those owners with little or no regard to financial consequences. If there is a need to reduce short-term rentals in the town then it should be done in a far more equitable manner than what I hear is being planned.

Respectfully,
Tom Reece

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Warriors Mark STR's
Date: Friday, July 22, 2022 10:10:26 AM

From: Sara Whittemore <swhittemore88@gmail.com>
Sent: Thursday, July 21, 2022 9:11 PM
To: Council <council@townofbreckenridge.com>; mayor <mayor@townofbreckenridge.com>
Subject: Warriors Mark STR's

[EXTERNAL MESSAGE]

To whom it may concern:

I am writing as a full time resident of Warrior's Mark and I, along with most of my community, believe that we were put into the Zone 3 category incorrectly. I want to give you a few reasons why and some ideas I have.

Currently we consist of over 50% short term rentals, but they all vary in what they look like. I am a full time resident and have a license for when I go out of town. I also rent out the other side of my duplex and that is how I make a living/survive. Almost all of my closest neighbors are retired are elderly and I see them every summer for the entire summer. Being here is their dream. In the winters they leave to somewhere warmer, rent out their homes to keep paying the mortgage, and anticipate their next summer here. Others that live in the multi-million dollar homes in my neighborhood (that couldn't be afforded by workforce housing regardless) mainly use it as a second home and will let their homes sit empty, meaning our neighborhood would be EMPTY. Talk about having zero community.

My house specifically also only has one neighbor with no one else to the other side or behind. I walk to the ski lift. I am on call 24/7 for my short term rental next door. The complex across the street from me is all rentals (different complex). How is my home not at the very least Zone 2? I know it would be difficult to look at every case, but there should be an appeals process. It's hard to wrap my mind around council clumping a bunch of houses together in the same category and then bam, you lose hundreds of thousands of dollars in your home's value.

If this is a lack of housing issue BGV (the largest employer in town) and Vail resorts NEED TO BE HELD RESPONSIBLE. Not the little guys, like me. They need to be coming up with plans and funding to build employee housing. Lord knows they have the millions and millions of dollars to do so.

Aside from that, every vacation town I know has workforce that commutes. Ouray and Telluride have employees that commute from Montrose and beyond. Out of the state The Hamptons, NY has employees that come all the way from the Bronx. Beach cities in LA have employees that commute HOURS a day. The list goes on. This is a nationwide reality. Furthermore there needs to be preference to who is receiving help with housing and that is our first responders and low income workers. Restaurant industry workers make more than I do (a lot more) so why am I being forced to pay into a fund to help them get housing? This doesn't make sense.

My idea for a solution is to make STR licenses limited to out of state residents first, then in state, then locals. It is hard to believe that I pay taxes and contribute to my community and I am being penalized and then some random investor from Texas can just scoop up a property in Zone 1 or 2 and never have a single worry. When I bought my house it was long term rented and it was a slum. Since then I have done tens of thousands of dollars of improvements and added to my neighborhood's value and aesthetic. I've had MULTIPLE neighbors stop by my house to thank me for what I've done to my house since purchasing it. THAT is what a neighborhood is about. Not just renting rooms out to 20 year olds and letting homes fall apart. It's really sad how backwards all of this is and how the fate of a lot of us good, hard working people is just a non-issue.

I appreciate any considerations. Thank you.

Sara Whittemore

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Warriors Mark West should not be in Zone 3
Date: Monday, July 18, 2022 10:36:29 AM

From: tsweetin@comcast.net <tsweetin@comcast.net>
Sent: Friday, July 15, 2022 4:25 PM
To: mayor <mayor@townofbreckenridge.com>; Council <council@townofbreckenridge.com>
Subject: Warriors Mark West should not be in Zone 3

[EXTERNAL MESSAGE]

Dear Town Council and Mayor Eric,

I just attended the work session for the overlay discussion on Tuesday. I know that some of my clients and neighbors have written and spoken at the public comment session as well. I am very distraught to hear that the decision to leave Warriors Mark West in Zone 3 because as Kelly stated “it will encourage these homeowners to long term rent their properties to locals”. With all due respect, that is absolutely not the case – if these homeowners wanted to long term rent to locals, they would be doing it now. Furthermore, Warriors Mark West is prime for short term rentals and second homeowners. This subdivision is “ski-in, ski-out” and directly adjacent to the ski resort, with the winter shuttle and the ability to walk to town in the summer. The Burro Trail is the connecting trail through Warriors Mark West over to Spruce Creek and is our access to and from town. It gives visitors the option to not be in the hustle and bustle of the middle of town but have a quieter option close to town to enjoy the mountain experience. Also, Warriors Mark West like Warriors Mark was annexed into the town in 2002 from the county adding revenue in the form of sales tax, real estate transfer taxes, etc., from homeowners and their guests. This subdivision is being utilized as intended – a mix of 2nd homes, short term rentals with some owner use and a dozen or so fulltime residents (me included). To consider Warriors Mark West as a “residential” zone is not accurate – this subdivision is not a Wellington Neighborhood which was specifically developed for locals with a few market homes, as was Locals Lane, Valley Brook and Blue52. Did you ever consider that this strong arm approach to the overlay and STR restrictions is doing more harm than good? Imposing more restrictions on homeowners and removing their choices to do what they want with their properties is going to hurt the character of the town unless the goal is to drive everyone away including the locals.

We do not live in a residential area. I moved up here 16 years ago because this was not a residential area like Monument, Colorado. This is a unique mountain resort town which relies on tourism for sustenance. Every decision that you make on behalf of the town should consider everyone and the impacts to all of us. You were elected in a **non-partisan** capacity and work for US. You owe it to all of us to listen to **all of us**. Before making drastic changes such as this, there should be a careful impact analysis and data collection done. Basing decisions like the overlay discussion on “I feel” or “it seems” is not doing your homework first. If you want buy-in on this agenda, you need to do a better job of including all of us locals in your decisions not just the select few who want to see restrictions on STRs.

I am a local too. I am not being represented by this supposed “non-partisan” local government in any way. My business has been seriously impacted by the decisions of TOB council and like so many other locals (and second homeowners) concerns have fallen on deaf ears. I would suggest a more middle of the road approach but first identify clearly what the problem is. Secondly, the TOB needs a plan for growth, short term and longer term. Do we really want to become Montezuma?

If there are problems with STRs then better manage the problem by fines and revocation of licenses by the offending owners. Stop using STRs as a springboard for affordable housing as they are not connected.

As for affordable housing, Summit County has been collecting tax for affordable housing for 20 years. I hold the Town and County officials accountable for that crisis – the money has been there but the focus has not.

I love this town and this beautiful place. What a gift it is to live here or even visit Breckenridge. I want to continue bragging about this town and not convey the resounding message “Town of Breck is not welcoming to tourists”.

Finally, I do expect a reply to my email. I find it totally unacceptable that emails go unanswered. A few years ago, I sent an email to Julie McCluskie who has a considerably larger constituency and still I received a respectful and kind response back.

Teri Sweetin
167 Gold King Way

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Warriors Mark Zone
Date: Thursday, July 21, 2022 2:20:35 PM

From: Lisa Norton <ltracynorton@gmail.com>
Sent: Wednesday, July 20, 2022 9:11 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Warriors Mark Zone

[EXTERNAL MESSAGE]

Dear Mayor,

We am writing to voice our opinion about the proposed short term rental cap, and proposed zoning of the Warriors Mark neighborhood as a Zone 3.

I believe our neighborhood is being singled out by the town council to help it get to an unreasonable short tern rental license cap. Placing our neighborhood in Zone 3, with a 10% cap will greatly effect our property values.

If buyers can't get a short-term license they will go to a zone where they can get one, and leave our properties at a great disadvantage.

Please take this into consideration.

Thank you,

Lisa and John Norton

Sent from my iPhone

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Wood Manor Board of Directors Official Correspondence
Date: Tuesday, July 19, 2022 1:52:50 PM
Attachments: [07-19-2022 - Stu Van Anderson - Woods Manor BOD.jpg](#)
[image009.png](#)
[image010.png](#)

From: Stu Van Anderson <stu@propertyinbreck.com>
Sent: Tuesday, July 19, 2022 1:44 PM
To: mayor <mayor@townofbreckenridge.com>
Cc: 'Chuck Sebald' <chucksebald@gmail.com>; bethpt@bellsouth.net; 'Sandra Hahn' <hahns@aol.com>; 'Deb Frye' <deborahfg11@gmail.com>; 'WoodsManorBoard' <woodsmanorboard@wildernest.com>
Subject: Wood Manor Board of Directors Official Correspondence

[EXTERNAL MESSAGE]

Dear Mayor Mamula and Breckenridge Town Council.

We as the board of Directors, representing the homeowners at Wood Manor officially object to being moved out of Zone 1 and into Zone 3.

Several items are of note here. Most of the current town representation were not around town when Woods Manor was built. So this may help you understand our position.

- 1. The Town Council is using a Land Use Guideline map created in 1979 to push Woods Manor out of Zone 1. Note: these are just guidelines.**
- 2. Woods Manor was built in 1985.**
- 3. In 1985 Woods Manor was built and its recorded declarations were approved at that time, and Woods Manor was annexed as is into the Town of Breckenridge in 2002.**
- 4. When completed 40% of the building was timeshare with 300 timeshare owners and the building was approved and has been used for short term rentals ever since.**
- 5. The Town of Breckenridge set precedence for Woods Manor as our facility has operated unconditionally for 37 years now with time shares and short term rentals and has been unconditionally allowed by the Town of Breckenridge after 2002 after we were annexed into the Town. Until now**

when you have unilaterally decided to push us into Zone 3. That change will lower our property values by hundreds of thousands of dollars for each individual unit. That is millions of dollars of potential losses.

6. The reason is that if an owner decides to rent or a property sells it will take up to 10 years or longer to obtain a license in Zone 3.

7. If this area is deemed to be in Zone 3 then Woods Manor should be made an exception based on prior approval and historical usage.

THIS IS NOT RIGHT AND WE OFFICIALLY OBJECT TO THE MOVE TO ZONE 3.

We formally request that you reconsider your position and relocate us back into Zone 1, or we will be forced to reconsider our position further.

We are happy to meet in person to discuss and this is advisable in our opinion.

Thank you,
Woods Manor Board of Directors

Stu Van Anderson, Real Estate Broker
Coldwell Banker Mountain Properties Breckenridge
Direct: 970-485-1214
Email: stu@propertyinbreck.com
Email: stuvananderson@cbmp.com



AT CBMP IN BRECKENRIDGE WE WILL NEVER ASK YOU TO WIRE MONEY OR PROVIDE WIRING INSTRUCTIONS.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Wood manor
Date: Monday, July 11, 2022 11:05:18 AM
Attachments: [image001.png](#)

From: Stu Van Anderson <stu@propertyinbreck.com>
Sent: Friday, July 8, 2022 3:51 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Wood manor

[EXTERNAL MESSAGE]

Dear Eric and Town Council,

Woods Manor should be in Zone 1. Historically and rationally this is the proper zone for Woods Manor.

Stu

Stu Van Anderson
Coldwell Banker Mountain Properties Breckenridge
970-485-1214
stu@propertyinbreck.com
stuvananderson@cbmp.com



www.firstbreckenridgerealestate.com

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Woods manor
Date: Wednesday, July 20, 2022 9:17:20 AM

-----Original Message-----

From: Karen Thompson <karenkept@yahoo.com>
Sent: Tuesday, July 19, 2022 9:25 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Woods manor

[EXTERNAL MESSAGE]

Concerned with the change

Owner from my parents. Who purchased in 1999 Unit 102 A has been passed onto myself and my family I am not approving of the changes of Zoning Woods manor has been a stellar property for owners and renters alike including for elderly who need elevators and underground parking Please reconsider Karen Thompson

3035942203

Sent from my iPhone

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Woods Manor
Date: Monday, July 25, 2022 10:02:22 AM

From: Vikie Mason <vikiemmason@gmail.com>
Sent: Saturday, July 23, 2022 6:03 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Woods Manor

[EXTERNAL MESSAGE]

Dear Mayor Mamula and Breckenridge Town Council.

We are homeowners at Woods Manor whom officially object to being moved out of Zone 1 and into Zone 3.

Several items are of note here. Most of the current town representation were not around town when Woods Manor was built. So this may help you understand our position.

- 1. The Town Council is using a Land Use Guideline map created in 1979 to push Woods Manor out of Zone 1. Note: these are just guidelines.**
- 2. Woods Manor was built in 1985.**
- 3. In 1985 Woods Manor was built and its recorded declarations were approved at that time, and Woods Manor was annexed as is into the Town of Breckenridge in 2002.**
- 4. When completed 40% of the building was timeshare with 300 timeshare owners and the building was approved and has been used for short term rentals ever since.**
- 5. The Town of Breckenridge set precedence for Woods Manor as our facility has operated unconditionally for 37 years now with time shares and short term rentals and has been unconditionally allowed by the Town of Breckenridge after 2002 after we were annexed into the Town. Until now when you have unilaterally decided to push us into Zone 3. That change will lower our property values by hundreds of thousands of dollars for each**

individual unit. That is millions of dollars of potential losses.

6. The reason is that if an owner decides to rent or a property sells it will take up to 10 years or longer to obtain a license in Zone 3.

7. If this area is deemed to be in Zone 3 then Woods Manor should be made an exception based on prior approval and historical usage.

THIS IS NOT RIGHT AND WE OFFICIALLY OBJECT TO THE MOVE TO ZONE 3.

We formally request that you reconsider your position and relocate us back into Zone 1, or we will be forced to reconsider our position further.

We are happy to meet in person to discuss and this is advisable in our opinion.

Thank you,

The Lejonvarn Family

Sent from my iPhone

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Woods Manor Amenities
Date: Monday, July 25, 2022 10:14:14 AM

From: Stu Van Anderson <stuvananderson@gmail.com>
Sent: Sunday, July 24, 2022 3:27 PM
To: mayor <mayor@townofbreckenridge.com>
Cc: woodsmanorboard@wilderness.com; Stu Van Anderson <stu@propertyinbreck.com>; chucksebald@gmail.com
Subject: Woods Manor Amenities

[EXTERNAL MESSAGE]

Dear Mayor Mamula and The Breckenridge Town Council,

Here are a few things that we offer at Woods Manor that were designed for the Short Term Rentals and Time Share Owners from the beginning. These we feel make a strong case for Zone 1 VS Zone 3. Please consider these factors as we move forward.

- 1. A 24/7 onsite manager living in our designated onsite manager quarters.**
- 2. Heated underground Parking.**
- 3. Individual unit Ski Lockers.**

In our separate clubhouse building:

- 1. Hot Tub room**
- 4. Game room**
- 5. Steam Room and Sauna, Changing rooms and showers.**
- 6. Large meeting room and lounge complete with a full kitchen for private gatherings.**

Also out of 24 units only 2 are full time residents, one of which is on the STR waitlist to rent his property, and the rest rent short term and/or use their properties as second homes. None are long term rentals.

We are very much a resort style property. We would love to meet any of you and walk to property for a few minutes, so that we can show you in person.

**Sincerely,
The Woods Manor Board of Directors.**

**Stu Van Anderson
P.O. Box 3238
Breckenridge, Colorado, 80424**

Direct: 970-485-1214

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Woods Manor and Zone 1 to 3 move
Date: Monday, July 18, 2022 2:19:56 PM
Attachments: [Selected Tourism Overlay 7.6.22.pdf](#)
[image005.png](#)
[image006.png](#)
Importance: High

From: Stu Van Anderson <stu@propertyinbreck.com>
Sent: Monday, July 18, 2022 2:17 PM
To: mayor <mayor@townofbreckenridge.com>
Cc: stu@propertyinbreck.com
Subject: Woods Manor and Zone 1 to 3 move
Importance: High

[EXTERNAL MESSAGE]

Hello Mayor Mamula and The Breckenridge Town Council,

Moving Woods Manor from Zone 1 to Zone 3 in a quiet and unwarranted fashion, really sets us homeowner's back, here at our excellent local rental property. In Zone 3 it will take 10 years to obtain an STR License for a new owner or one who does not rent currently. And this building was built as a short term rental AND time share property. Our values will be negatively affected by this change. The new zone line runs right down our property line between Village Point and Woods Manor. It's really obvious that you all are aware of this and that our building is for lack of a better word really getting screwed here.

Please reconsider this position and move Woods Manor back into Zone 1 where in no uncertain terms it should be.

Feel free to reach out and discuss if you like.

Stu

Stu Van Anderson, Real Estate Broker
Coldwell Banker Mountain Properties Breckenridge
Direct: 970-485-1214
Email: stu@propertyinbreck.com
Email: stuvananderson@cbmp.com



AT CBMP IN BRECKENRIDGE WE WILL NEVER ASK YOU TO WIRE MONEY OR PROVIDE WIRING INSTRUCTIONS.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Woods Manor Rezoning
Date: Wednesday, July 20, 2022 1:02:57 PM

From: Trammell, Molly Kate <MTrammell@BSWRehab.com>
Sent: Wednesday, July 20, 2022 12:36 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Woods Manor Rezoning

[EXTERNAL MESSAGE]

Good morning Mr. Mamula!

I hope this email finds you well.

Ever since I was a kid, I'd loved visiting Colorado and the mountains so when the opportunity became available to purchase a property in our favorite town in Colorado, we didn't hesitate on making Breckenridge our second place of residence.

With the start of the pandemic in 2020 and now high inflation rates, it has become difficult to maintain and upkeep our condo so the rental income has certainly helped keep our good standing with the bank, HOA and the city of Breckenridge.

We rely heavily on rental income to keep our property. Please consider including Woods Manor condominiums in the rental district so we may continue keeping, maintaining, and enjoying our treasured town. We appreciate your time and understanding on this issue.

Kind regards,
Molly Trammell
325-829-0898
Woods Manor Condominiums

Note: The information contained in this message may be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer. Thank you.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Woods Manor Short Term Rental Zone
Date: Wednesday, July 20, 2022 9:21:00 AM

-----Original Message-----

From: Paul Goodwin <prg0819@comcast.net>
Sent: Wednesday, July 20, 2022 5:44 AM
To: mayor <mayor@townofbreckenridge.com>
Cc: Paul Goodwin <prg0819@comcast.net>; Rhonda Goodwin <javachip@comcast.net>
Subject: Woods Manor Short Term Rental Zone

[EXTERNAL MESSAGE]

Dear Mayor Mamula and Breckenridge Town Council.

As a homeowner & resident of Woods Manor I officially object to being moved out of Zone 1 and into Zone 3. I ask that you provide me with the rationale as to why, and what prompted the move of Woods Manor from Zone 1 to Zone 3.

Several items are of note:

1. The Town Council is using a Land Use Guideline map created in 1979 to push Woods Manor out of Zone 1. Note: these are just guidelines.
2. Woods Manor was built in 1985 and its recorded declarations were approved at that time.
3. Woods Manor was annexed, as is, into the Town of Breckenridge in 2002.
4. When completed in 1985 40% of the building was timeshares with 300 timeshare owners.
5. Woods Manor has been used for short term rentals since 1985.
5. The Town of Breckenridge set precedence for Woods Manor. The facility has operated unconditionally for 37 years with time shares and short term rentals.

I don't understand why Woods Manor is being moved to Zone 3 for the reasons noted above. I strongly believe Woods Manor should be a Zone 1 property.

If Woods Manor is deemed to be in Zone 3, then Woods Manor should granted an exception based on prior approval and historical usage.

I formally request that you reconsider your position and locate Woods Manor in Zone 1.

Thank you

Paul Goodwin
prg0819@comcast.net
732-735-2094

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Woods Manor Short Term Rental Zone
Date: Thursday, July 21, 2022 2:32:30 PM

-----Original Message-----

From: Rhonda <javachip@comcast.net>
Sent: Thursday, July 21, 2022 11:17 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Woods Manor Short Term Rental Zone

[EXTERNAL MESSAGE]

Dear Mayor Mamula and Breckenridge Town Council.

As a homeowner & resident of Woods Manor, I officially object to being moved out of Zone 1 and into Zone 3. I ask that you provide me with the rationale as to why, and what prompted the move of Woods Manor from Zone 1 to Zone 3.

Several items are of note:

1. The Town Council is using a Land Use Guideline map created in 1979 to push Woods Manor out of Zone 1.
Note: these are just guidelines.
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3. Woods Manor was annexed, as is, into the Town of Breckenridge in 2002.
4. When completed in 1985, 40% of the building was timeshares with 300 timeshare owners.
5. Woods Manor has been used for short term rentals since 1985.
6. The Town of Breckenridge set precedence for Woods Manor. The facility has operated unconditionally for 37 years with time shares and short term rentals.

I don't understand why Woods Manor is being moved to Zone 3 for the reasons noted above. I strongly believe Woods Manor should be a Zone 1 property. If Woods Manor is deemed to be in Zone 3, then Woods Manor should be granted an exception based on prior approval and historical usage.

I formally request that you reconsider your position and locate Woods Manor in Zone 1.

Thank you

Rhonda Goodwin
javachip@comcast.net
908-208-8858

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Woods Manor Zone 1 move
Date: Tuesday, July 19, 2022 6:02:10 PM

From: Louis Roselle <louis.rellc@icloud.com>
Sent: Tuesday, July 19, 2022 5:15 PM
To: mayor <mayor@townofbreckenridge.com>
Cc: Stu W.M. 303B <stu@propertyinbreck.com>; Chuck Sebald <chucksebald@gmail.com>; Bob Gregory <Bob@brecklaw.com>; scott@summitstyleliving.com
Subject: Woods Manor Zone 1 move

[EXTERNAL MESSAGE]

Good Afternoon Mayor Eric Mamula and Breckenridge town council,

1. I recently learned that the town council moved Woods Manor to zone 3 from zone 1.
2. For the record, prior to making an offer on my short term rental investment in March of 2022, I did my research and made sure that Woods Manor was a zone 1 property.
3. Before closing on my s.t.r. investment in April of 2022. My realtor and I double checked that Woods Manor was a zone 1 property, AND IT WAS according to the towns map of the zones. We immediately filled out an s.t.r. wait list form from the town upon closing.
4. There are only 2 reasons I invested 1.1 million dollars into a Woods Manor property. The first, being able to receive a zone 1 s.t.r. license from the town. And again, I was informed before closing on my rental unit this past April that Woods Manor was indeed within the zone 1 borders set by the township. The second reason was to collect on the future equity of having a zone 1 property in the town Breckenridge.
5. This seems arbitrary that town moved the zone 1 line from one side of the Woods Manor property to the other side, over night this month. According to town of Breckenridge's Accommodations Compliance Administrator, the town is now using a map from the 1970s for zoning. In 1985 the woods manor was built and approved for a large number of time share units, along with most of its other units being s.t.r. investments. The Accommodations Compliance Administrator stated that it would now be ten + years for me to receive my s.t.r. license, if possibly at all.
6. In my situation, for the town of Breckenridge to have switched the zones after having borders set that I used as guidelines to turn my life's savings into an investment with the town, seems extremely unethical. Again, I checked repeatedly with the town zones before closing on my property.
7. Please contact me and explain how you can justify my situation. I was thorough in following the towns guidelines for the s.t.r. zone 1 licenses before investigating 1.1 million dollars.

My Hoa, my lawyer and my realtor are attached in this email.

Thank you,

Louis Roselle
Roselle Enterprises L.L.C.

P.O. Box 8507
Breckenridge, Co 80424

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Woods Manor Zone placement
Date: Monday, July 11, 2022 9:35:01 AM

From: marcrw@yahoo.com <marcrw@yahoo.com>
Sent: Sunday, July 10, 2022 8:23 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Woods Manor Zone placement

[EXTERNAL MESSAGE]

As a residential owner at Woods Manor, I want to express my position in requesting a Zone 1 status for our property.

I have been visiting Breckenridge for over 20 years, feel in love with the mountains, city and community. From our first visit, we wanted to own a place in Breck. That dream came finely came true and we are now the proud owners (and renter) of a unit in Woods Manor. That dream came through hard work and financial planning that included the ability to periodically rent our unit to help subsidize the cost of owning in Breckenridge. We view our condo as a second home to be shared with family, friends and guests to of our mountain community. There were a few restless days ensuring that we received a license before the deadline and breaded easier when the application was completed.

I closely followed the discussions last fall and am concerned with Woods Manor being placed in Zone 3. A Zone 3 classification would be an error.

- Woods Manor is a 24 unit a mix of owners who rent and those that do not currently rent (but want the option)
- We have a full time manager who lives and manages the property and is available 24/7
- Have a secured main door for each of the two buildings
- We are within a short walking distance to town
- There is interest among the owners for personal use as well as rental income
- Rental income off sets the costs of owning and maintaining the building
- Units were purchased for a variety of reasons including personal use, rental use, retirement protection and legacy. Restricting a future owners ability to rent will likely have a negative impact on a current owners ability to sell with a longer selling period, limiting the pool of prospective buyers, and potentially a lower value on the property given exceedingly long wait times of license or the in ability to acquire a license.

As you evaluate property classifications and Zone placement, please consider my comments. I attended the Woods Manor HOA meeting Saturday, and I am sharing my own personal feelings and the sentiments of fellow owners .

Marc Wheeler
Woods Manor
290 Broken Lance Dr
201A
Breckenridge, CO

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Woods Manor
Date: Friday, July 22, 2022 12:16:48 PM

From: Shannon Dev <shannonpdev@gmail.com>
Sent: Friday, July 22, 2022 12:02 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Woods Manor

[EXTERNAL MESSAGE]

Dear Mayor Mamula and Breckenridge Town Council.

We as the board of Directors, representing the homeowners at Wood Manor officially object to being moved out of Zone 1 and into Zone 3.

Several items are of note here. Most of the current town representations were not around town when Woods Manor was built. So this may help you understand our position.

- 1. The Town Council is using a Land Use Guideline map created in 1979 to push Woods Manor out of Zone 1. Note: these are just guidelines.**
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- 3. In 1985 Woods Manor was built and its recorded declarations were approved at that time, and Woods Manor was annexed as is into the Town of Breckenridge in 2002.**
- 4. When completed 40% of the building was timeshare with 300 timeshare owners and the building was approved and has been used for short term rentals ever since.**
- 5. The Town of Breckenridge set precedence for Woods Manor as our facility has operated unconditionally for 37 years now with time shares and short term rentals and has been unconditionally allowed by the Town of Breckenridge after 2002 after we were annexed into the Town. Until now when you have unilaterally decided to push us into Zone 3. That change will lower our property values by hundreds of thousands of dollars for each individual unit. That is millions of dollars of potential losses.**
- 6. The reason is that if an owner decides to rent or a property sells it will take up to 10 years or longer to obtain a license in Zone 3.**
- 7. If this area is deemed to be in Zone 3 then Woods Manor should be made an exception based on prior approval and historical usage.**

THIS IS NOT RIGHT AND WE OFFICIALLY OBJECT TO THE MOVE TO ZONE 3. We formally request that you reconsider your position and relocate us back into Zone 1, or we will be forced to reconsider our position further.

We are happy to meet in person to discuss and this is advisable in our opinion.

**Thank you,
Shannon Dev
303-886-1773**

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Zoning Designation for the Warriors Mark Neighborhood
Date: Thursday, July 21, 2022 3:02:58 PM

From: David Angelidis <davidangelidis@hotmail.com>
Sent: Thursday, July 21, 2022 2:56 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Zoning Designation for the Warriors Mark Neighborhood

[EXTERNAL MESSAGE]

Hello Office of the Mayor,

I am writing today as a concerned resident and homeowner in the Warriors Mark Neighborhood of Breckenridge and the impact of the impending zoning areas as they apply to my neighborhood.

Currently, Warriors Mark has been placed in Zone 3 and I feel this is a mistake for several reasons.

1. The Zone 3 designation will significantly change the character of our neighborhood. We currently see approximately 50% short term rentals in the neighborhood and the new proposed zoning designation would reduce this to 10%, a very significant decrease for a neighborhood that has ski in/ski out amenities, including the ability to Ski home from Peak 10. The other areas with similar adjacent ski access are currently designated as Resort and Zone 1, and I believe our neighborhood should be the same.
2. The Zone 3 designation would also have a significant negative impact on the property values of homes in this neighborhood. Potential buyers would be aware that they could not obtain the required short term licenses and would look elsewhere for properties that fall within the Zone 1 and Zone 2 areas.
3. I also believe the LUD, which is what the town council used for information about our neighborhood, is inaccurate. Our neighborhood is labeled 30.5 in the LUD report and also states that we are not a ski in/ski out area, which as stated above, is incorrect. It says that the trails we use go to a very obscure and not often used ski run, that trail is Lower Lehman, and it has been maintained by Breckenridge Ski resort for over 40 years. The LUD also says that our neighborhood (30.5) is adjacent to Nordic skiing due to the topography, which is also incorrect, as it should be labelled as alpine skiing. It is my belief that if this incorrect information was fixed, our designation would likely be changed to zone 1 or 2, as our neighborhood is much more like LUD zones 22 and 40.
4. The town has the impression that if these short-term rentals caps are approved, there will be more housing available for our workforce. However, this is not realistic, as most town workers could not afford to live in the multi-million dollar homes that make up Warriors Mark. Instead, these homes may sit empty most of the time and there will be fewer people going to our restaurants, shops, and spending money in our town. Both permanent residents and renters feel the town's actions will change the character of our neighborhood

and will lower potential prices if we decide to sell compared to properties in zones 1 or 2. Additionally, with lower rentals in our neighborhood, the town may also consider eliminating our shuttle, further reducing the appeal of the neighborhood to existing residents, would-be residents, and renters.

Thank you for attention and consideration to this urgent matter. I hope you and the town council will reconsider our neighborhood designation based on the details above.

Kind Regards,

David Angelidis

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Zoning Designation for the Warriors Mark Neighborhood
Date: Monday, July 25, 2022 12:02:06 PM

From: Angelidis, Matthew <Matthew.Angelidis@uchealth.org>
Sent: Monday, July 25, 2022 9:59 AM
To: mayor <mayor@townofbreckenridge.com>
Cc: Sallie Kate Angelidis <ska9e@hotmail.com>; Sumer Liebold <Sumer.Liebold@8z.com>; mhess@vhco.com; april.biernat@gmail.com
Subject: Zoning Designation for the Warriors Mark Neighborhood

[EXTERNAL MESSAGE]

Hello Office of the Mayor,

I am writing today as a concerned resident and homeowner (33 New England Dr) in the Warriors Mark Neighborhood of Breckenridge and the impact of the impending zoning areas as they apply to my neighborhood.

Currently, Warriors Mark has been placed in Zone 3 and I feel this is a mistake for several reasons.

1. My neighbors and I have been skiing in and out of our homes since 2014 on the Barr Trail to Lower Lehman ski trail to Peak 9 lifts and back down Barr Trail from peak 10. **This is clearly a ski in ski out neighborhood.** The Zone 3 designation will significantly change the character of our neighborhood. We currently see approximately 50% short term rentals in the neighborhood and the new proposed zoning designation would reduce this to 10%, a very significant decrease for a neighborhood that has ski in/ski out amenities, including the ability to Ski home from Peak 10. The other areas with similar adjacent ski access are currently designated as Resort and Zone 1, and I believe our neighborhood should be the same.
2. The Zone 3 designation would also have a significant negative impact on the property values of homes in this neighborhood. Potential buyers would be aware that they could not obtain the required short-term licenses and would look elsewhere for properties that fall within the Zone 1 and Zone 2 areas.
3. I also believe the LUD, which is what the town council used for information about our neighborhood, is inaccurate. Our neighborhood is labeled 30.5 in the LUD report and also states that we are not a ski in/ski out area, which as stated above, is incorrect (**I have skied into and out of my home in warriors mark since buying my home in 2014**). All you need to confirm this is to park at the end of Gold King and watch family after family click into their skis to ski down to the resort and ski up to walk home in the afternoon from peak 10. It says that the trails we use go to a very obscure and not often used ski run, that trail is Lower Lehman, and it has been maintained by Breckenridge Ski resort for over 40 years. The LUD also says that our neighborhood (30.5) is adjacent to Nordic skiing due to the topography, which is also incorrect, as it should be labelled as alpine skiing. It is my belief that if this incorrect information was fixed, our designation would likely be changed to zone 1 or 2, as our neighborhood is much more like LUD zones 22 and 40.

4. The town has the impression that if these short-term rentals caps are approved, there will be more housing available for our workforce. However, this is not realistic, as most town workers could not afford to live in the multi-million-dollar homes that make up Warriors Mark. Instead, these homes may sit empty most of the time and there will be fewer people going to our restaurants, shops, and spending money in our town. Both permanent residents and renters feel the town's actions will change the character of our neighborhood and will lower potential prices if we decide to sell compared to properties in zones 1 or 2. Additionally, with lower rentals in our neighborhood, the town may also consider eliminating our shuttle, further reducing the appeal of the neighborhood to existing residents, would-be residents, and renters.

5.

Thank you for attention and consideration to this urgent matter. I hope you and the town council will reconsider our neighborhood designation based on the details above.

Kind Regards,
Matt

Matthew Angelidis, MD

Medical Director UCHealth EMS
Co-Chief Medical Director, Colorado Springs Fire Department
Co-Chief Medical Director, El Paso County AMR
Co-Chief Medical Director, Plains to Peaks RETAC
UCHealth Emergency Medicine Physician
1400 E. Boulder Street
Colorado Springs, CO 80909

C 301.938.9744
O 719.365.2007
F 719.365.9962

matthew.angelidis@uchealth.org
matthew.angelidis@coloradosprings.gov
jmumatt@hotmail.com

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Zoning for Main St. Junction - Consideration of Inclusion in Zone 1 Overlay District
Date: Monday, July 11, 2022 9:55:15 AM
Attachments: [ShortTerm Rental Overlay Zones RTKiel LTR 11July.pdf](#)

From: Rick Kiel <richard.kiel55@gmail.com>
Sent: Monday, July 11, 2022 8:16 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Zoning for Main St. Junction - Consideration of Inclusion in Zone 1 Overlay District

[EXTERNAL MESSAGE]

Hello Mayor and Town Council Members,

We understand that the current zoning maps being considered do not include the Main St. Junction condos, which are part of the Main St. Station complex located adjacent to the Marriott Residence Inn on Main Street in Breckenridge and just across Main Street from Main Street Junction and Waterhouse. We specifically bought our condo to be able to enjoy the resort-style benefits of the Pioneer Club that both we and our guests get to use including all the resort amenities of the Main Street Station complex, including a 24/7 front desk, conference facilities, Base 9 ski valet services, security and more. This Pioneer Club membership is Association wide and compulsory—individual owners do not have the option to elect or decline individual membership.

We pay \$1,002.33 per month in elevated HOA dues to be included in the Pioneer Club and all of the resort services offered and this is a level that prices our units above the long-term rental market value.

While we support efforts to find more affordable housing for staff in Breckenridge to support the resorts, the exclusion of the MSJ condo complex from Zone 1 doesn't seem to be a fair and reasonable decision. We hope that you will reconsider the zoning map in this case.

Best Regards,

Rick Kiel
680 S. Main St. #4

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Zoning for short term rental permits - 1001 Boreas Pass
Date: Wednesday, July 27, 2022 11:43:38 AM

-----Original Message-----

From: Denise Smith <dpsmiths@mac.com>
Sent: Wednesday, July 27, 2022 11:03 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Zoning for short term rental permits - 1001 Boreas Pass

[EXTERNAL MESSAGE]

Hello Mayor Eric,

We are writing to inquire about the zoning of our home at 1001 Boreas Pass. We are the first home on the right, less than a 1/4 of a mile from Isak Heartstone, which is not in a subdivision with other homes. In fact we have only 2 neighbors. One is just up Boreas Pass from us and the second is Isak. We were surprised to see that we landed in Zone 3 for the short term rental permits, which we understand to consist mostly of residential homes. We are wondering whether we could appeal to get our home zoned as a 1, for tourists. Based on the fact that we get some foot traffic through our yard of people looking for Isak, and that we have him as our neighbor, we would say that our home has become very touristy in the last two years.

Please let us know if you need anything else from us in order to make a decision on this matter.

Thank you,
Dan & Denise Smith
1001 Boreas Pass

From: [Susan Brown](#)
To: [Sarah Clune](#)
Subject: FW: Zoning incorrect for Upper Warriors Mark
Date: Thursday, July 21, 2022 2:22:25 PM
Attachments: [photos.010](#)

From: CHRIS KORNMESSEER <kornmesser@comcast.net>
Sent: Thursday, July 21, 2022 5:53 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Zoning incorrect for Upper Warriors Mark

[EXTERNAL MESSAGE]

To Mayor and Council,

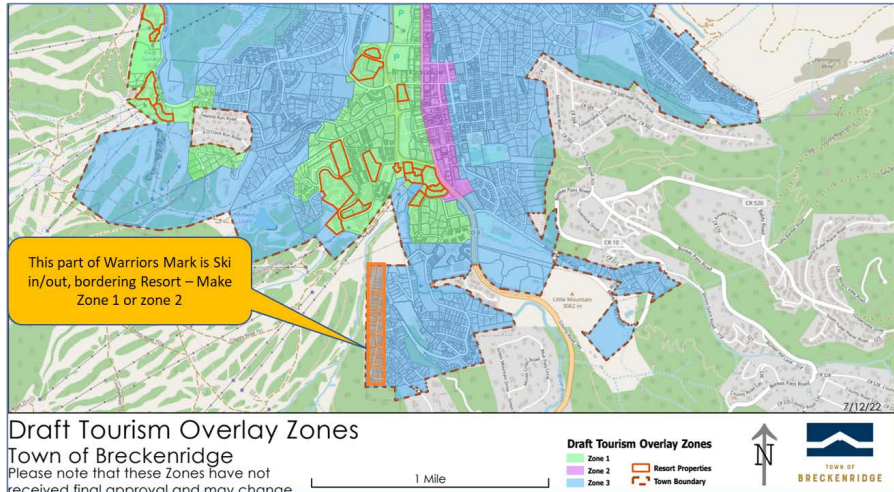
My wife and I own a STR on White Cloud Drive in Upper Warriors Mark, and our unit borders the Peak 9 ski resort and is Ski in / Ski out.

We heard that our unit falls into zone 3 as its assumed to be local neighborhood and not the resort area, but its actually bordering the resort and falls more into Zone 1 or Zone 2.

See below for proposed change to the zoning, you can see how our unit and others border the ski resort and align more to the Resort zoning of Zone 1 and Zone 2.

Proposed Zoning

- Warriors Mark borders ski Resort
 - Access to Peak 9 on Lower Lehman ski run
 - Access back to property via Trails off Falcone
- This is Alpine Skiing (incorrectly discussed as Nordic)



Recommend Parts or all of Warriors Mark be Zone 1 or Zone 2, not Zone 3

Additionally, this area is multi Million-dollar properties on White Cloud Drive and the surrounding area. It is not likely these units would be in the right cost range for the local city workers, and if these were not allowed to be STRs due to the 10% limit in Zone 3, its likely they would be vacant and not rented... The city and the local workforce would benefit more if these were allowed to be STRs with renters visiting the city and putting dollars and money into the local businesses.

I ask you the council to consider zoning this area as Zone 1 or Zone 2!

Thank you,

Chris Kornmesser
Certified Residential Appraiser
Kornmesser Appraisal Services
719-930-8215
kornmesser@comcast.net

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Zoning of Saw Mill Creek Village
Date: Thursday, July 14, 2022 4:09:16 PM

From: mike.cantor@gmail.com <mike.cantor@gmail.com>
Sent: Thursday, July 14, 2022 1:29 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Zoning of Saw Mill Creek Village

[EXTERNAL MESSAGE]

Dear Mayor and Town Council:

I am the owner of 105 Streamside Circle. I am hearing that you have placed our community as non-tourism zone. This seems hard to believe considering we are connected to the 4:00 run, behind Sawmill Creek Village, across the street from Thunder Mountain Lodge and a short walk to the Snowflake lift. In addition we are a block to Riverwalk Center and Main Street. If that is not a tourist friendly location than I am not sure what a tourist friendly location is. Please note that I must deal with all the tourist noise and other excitements that the tourists bring to my location (e.g., various sirens in the middle of the night, people knocking on my door in the middle of the night thinking my house is their rental, etc).

I currently do not rent my property. I use it most of the winter and summer seasons and I have had bad short-term rental experiences. However, the inability to obtain a short term license does significantly effect the market value of my home. If a potential buyer has little hope of obtaining a short term license, they will look for a property that does or look to pay below market prices. In other words I experience many negative aspects of being in a tourism zone and will take a very significant financial hit with very limited at best benefits from the towns zoning plans.

My understanding is that the change in zoning was brought about after complaints by residents of Christie Heights. That community is miles away from Sawmill Creek Village where my home is located. However this is just my understanding as I am not engaged in the planning process, I am not sure of the planning process, I have not been asked for input although your actions have significant impact on me.

I strongly request that you reconsider the designation of Sawmill Creek Village. Please designate it as a tourism zone.

Yours,

Mike Cantor

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Zoning of Upper Warrior's Mark
Date: Thursday, July 28, 2022 1:10:05 PM

From: John scruton-wilson <scrutonwilson@gmail.com>
Sent: Thursday, July 28, 2022 11:29 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Zoning of Upper Warrior's Mark

[EXTERNAL MESSAGE]

Dear Mayor Mamula

I am writing in relation to the Draft Tourism Overlay Zones for the Town of Breckenridge which would put Upper Warrior's Mark in Zone 3.

Let me start by saying that I support your efforts to address affordable housing for the workforce that sustains the Town of Breckenridge. That said, we have owned property in Breckenridge since 2006, have and continue to pay substantial taxes to the community and been an active part of the community. However, we have always valued the ability to rent out our properties including our current property at 440 White Cloud Drive in Upper Warrior's Mark which we rent out during the ski season.

Perhaps there is a misconception of our location, we enjoy **direct access** to the ski slopes and lifts (Lower Lehman slope, and Beaver Run & Quick Silver lifts) and can return via the Peak 10 slope. Other areas with this proximity to the slope are in Zone 1.

We feel singled out in the plans to reduce the current number of licensed properties from approximately 50% to the proposed level of 10% in zone 3 which would undoubtedly have a negative impact on our property values. Additionally, it is unlikely that this would accomplish the Town's objective of making more properties available for the local workforce since these are large luxury homes with selling prices in excess of \$2 million.

Since I do support the Town's objectives regarding affordable workforce housing and ensuring a balance between Breckenridge as a first class tourist destination as well as a desirable place to live, I do support the following:

1. Increased licensing fees (beyond the increases implement at the beginning of this year) with monies directed at workforce housing
2. A 180 day per year limit on rentals
3. Licensed property managers so that there is an increased focus on managers knowing

and applying the rules for rental properties. This is important to ensure that Breckenridge remain a premium location for visitors.

Thank you for your tireless work on behalf of the Town of Breckenridge.

John Scruton-Wilson
440 White Cloud Drive
Upper Warrior's Mark
Breckenridge, CO 80424
Tel: 630 699 2159

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Zoning Protest on Short Term Rentals-- Warriors Mark
Date: Monday, July 25, 2022 1:22:59 PM

From: Quinn, Ron <rquinn@TENASKA.com>
Sent: Monday, July 25, 2022 12:32 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Zoning Protest on Short Term Rentals-- Warriors Mark

[EXTERNAL MESSAGE]

My wife and I own a townhouse in Warriors Mark housing area and want to express strong opposition to the designation of Warriors Mark as in Zone 3 for purposes of Short Term rentals.

Designation in Zone 3 is wholly inappropriate. We do not rent our unit, but properties in the area are rented and that is good for Breckenridge and Warrior's Mark.

Our properties are ski in/ ski out. We park our car when we arrive and never use it until we leave. With a short walk to the national forest, we can ski to lower Lehman and to the Beaver and Quick Silver lifts. We can ski home from peak 10. Other areas that are adjacent to the ski area are within the resort or zone 1.

It seems our neighborhood is being singled out by the town council to help it get to an unreasonable short term rental license cap.

If buyers can't get a short-term license they will go to a zone where they can get one.

The LUD, which the town council used for info, is inaccurate. Our neighborhood is labeled 30.5 in the LUD report. It also states that we are not a ski in/ ski out area. This is incorrect. It says that the trails we use go to a very obscure and not often used ski run. That trail is Lower Lehman. It has been maintained for over 40 years by Breckenridge Ski resort.

The LUD also says that our neighborhood (30.5) is adjacent to Nordic skiing due to the topography. This is incorrect. It should say alpine skiing. If this is corrected,

Our designation would likely be changed to zone 1 or 2.

Our neighborhood is much more like LUD zones 22 and 40.

The town has the impression that if these short-term rentals caps are approved, there will be more housing available for our workforce. This is not realistic as most town workers could not afford to live in multimillion \$ homes. Instead, these homes may sit empty most of the time. If that happens, there will be fewer people going to our restaurants, shops, and spending in our town.

We ask that Warrior's Mark be designated as Zone 1, or if not, at least Zone 2.

Thank you,.

Sincerely,

Ron Quinn
1386 Broken Lance Drive, Unit #3
Breckenridge, CO 80424

July 11, 2022

The Honorable Eric Mamola
The Council of the Town of Breckenridge

Dear Mr. Mayor and Council members:

I write to you today to express my views and preference on the matter of the Short Term Rental Overlay District that the Council is considering at their upcoming July 12, 2022 meeting.

As an owner in the Main Street Junction Condominium Association, located adjacent to the Marriott Residence Inn on Main Street in Breckenridge and just across Main Street from Main Street Junction and Waterhouse, we enjoy permanent membership to the Pioneer Club, situate in the Main Street Station facilities. Member properties of the Pioneer Club enjoy the many resort amenities of the Main Street Station complex, including a 24/7 front desk, conference facilities, Base 9 ski valet services, security and more. This Pioneer Club membership is Association wide and compulsory—individual owners do not have the option to elect or decline individual membership.

We believe that this membership in the Main Street Station amenities complex places our Association firmly into the resort property definition being considered presently by the Council. Furthermore, **this membership raises our monthly HOA dues to a such a level that prices our units above the long term rental market value.** Main Street Junction therefore does not meet the definition of a long term rental candidate that the Council is attempting to delineate. Furthermore, Main Street Junction is **located directly in the Main Street business corridor, which is evidently aligned to service the tourism industry in Breckenridge.** Our association has been served by short term rental managers located in Main Street Station as an affiliated property since its construction more than 20 years ago. Main Street Junction was designed to be and continues to operate as a short term rental property.

As the Council deliberates on how this Short Term rental overlay district will be constructed, **we ask that the Council adequately consider which properties are situate in this apparent Main Street tourism corridor, both in location and in property service/amenities configuration.** As we understand the Council's current approach, Main Street Junction will be denied assignment to this Short Term Rental Overlay District (Zone 1), a decision which seems not only contrary to the Council's stated goal regarding the availability of long term rental units, but also inaccurate considering Main Street Junction's configuration and location.

Best regards,

Doug Harris
Main Street Junction Unit # 6

Sarah Crump

From: Peyton Rogers
Sent: Thursday, July 7, 2022 3:29 PM
To: Sarah Crump
Subject: FW: Short-Term Rental License Cap

From: Claudia King <claudiamking@gmail.com>
Sent: Thursday, July 7, 2022 2:48 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Short-Term Rental License Cap

[EXTERNAL MESSAGE]

Mayor Mamula and Town Council Members:

I have been following TOB's progress on short-term rental licenses, and I was happy to hear at the last work session that the council is committed to implementing a solution sooner rather than later (ideally in the next few weeks). The current allowance of licenses for "exempt" or "resort" properties while there is a moratorium for all other properties has created an unbalanced real estate market, giving the appearance that the council has chosen "winners" (resort properties) and "losers" (all other property owners).

I would like to advocate that there be no license cap in the LUDs preliminarily designated at the last work session to be allowed STR licenses, as discussed by one Councilmember during that work session. It was stated that in those LUDs, there are a total of 610 properties that currently do not have STR licenses. The fear that suddenly all 610 would go out and acquire licenses seems contradicted by the low number of properties currently on the Town STR license wait-list. Additionally, if these areas have been deemed a "tourist-overlay" district which the Town believes best suits the needs of tourists, then all properties in this area should have equal opportunities.

The Town could also look to HOA's to assist with the workforce housing issue and reward those who have made workforce housing a priority. For example, the HOA at Base 9 Condos, where I live, owns three units, and all are deed-restricted/designated for local workforce. Our HOA has successfully rented two units for years and houses our property manager in the third. We have a total of 27 units at Base 9 (including the three aforementioned), meaning our HOA has dedicated more than ten percent of available units to assist the local workforce. Because our HOA had the foresight to prioritize locals, the owners in our complex should not be penalized by not allowing new licenses or making owners wait the potentially lengthy time it would take for attrition to allow new licenses under a cap. Because this complex is in the area that presumably will allow new STR-licenses going forward, I respectfully request that all Base 9 owners have the same opportunities to short-term rent in a complex that is walkable to town, walkable to a ski lift, right on the bus route, and other than the three "local workforce" units, houses only 2-3 full-time families.

Thank you for your time and consideration.

Respectfully,
Claudia King

July 26, 2022 Breckenridge Town Council Meeting

Citizen Remarks by:

Matthew Schroeder

1883 Highlands Drive

1. Mr. Mayor, members of the Council, my name is Matthew Schroeder. My wife and I own the home at 1883 Highlands Drive, which is located in Zone 3.
2. We purchased our home in 2011 and have been Town residents since moving to Breck in 2013 nine years ago.
3. Before moving to Breck, we rented our home on a limited basis through Paragon Lodging. As a second home owner at the time, the extra cash from short term rentals was very helpful.

4. We have not rented our home since moving to Breck.
5. I am here for two reasons:
6. First, I am here to voice my strong protest against the proposed 10% cap on STR licenses in Zone 3 if the Council implements the cap without providing some relief to Zone 3 property owners.
7. Second, I am here to offer a compromise proposal that provides some relief to Zone 3 property owners but recognizes the clear neighborhood differences between Zones 1 and 3.
8. I'm sure you have heard the proposed 10% cap is having a chilling effect on Zone 3 real estate sales because the cap has effectively removed from the market

potential buyers who incorporate short term rentals into their purchase decision.

9. In short, a significant source of buyers has been eliminated from the market.

10. I would add that does not portend well for the future direction of Zone 3 property values.

11. As someone who has lived in the Highlands for nine years, I understand the concerns of some of my neighbors who feel STRs have gotten out of hand.

12. But the 10% cap is crushing and goes way too far in my opinion.

13. As an alternative, I respectfully ask the Council to consider creating a new category of STR license, what I term the “Second Homeowner License” that

would permit STRs in Zone 3 only in the months of February, March, July and the holiday season.

14. In short, you could only STR your Zone 3 home three and a half months out of the year.

15. I feel that would take us back to a time when STRs were not as pervasive as they are today.

16. The ability to rent in those high season periods would attract more buyers, supporting sales and property values.

17. But it would not allow unfettered STRs that are of understandable concern.

18. The Council was concerned about the effects of its proposed regulations on

Zone 1 property owners and provided relief. I hope the Council will show the same level of concern towards Zone 3 property owners and provide needed relief.

19. Thank you for considering my proposal.

July 11, 2022

The Honorable Eric Mamola
The Council of the Town of Breckenridge

Dear Mr. Mayor and Council members:

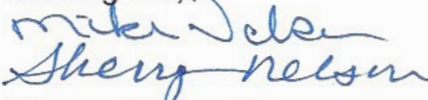
We write to you today to express our views and preference on the matter of the Short Term Rental Overlay District that the Council is considering at their upcoming July 12, 2022 meeting.

As owners in the Main Street Junction Condominium Association, located adjacent to the Marriott Residence Inn on Main Street in Breckenridge and just across Main Street from Main Street Junction and Waterhouse, we enjoy permanent membership to the Pioneer Club, situate in the Main Street Station facilities. Member properties of the Pioneer Club enjoy the many resort amenities of the Main Street Station complex, including a 24/7 front desk, conference facilities, Base 9 ski valet services, security and more. This Pioneer Club membership is Association wide and compulsory—individual owners do not have the option to elect or decline individual membership.

We believe that this membership in the Main Street Station amenities complex places our Association firmly into the resort property definition being considered presently by the council. Furthermore, **this membership raises our monthly HOA dues to a such a level that prices our units above the long term rental market value.** Main Street Junction therefore does not meet the definition of a long term rental candidate that the Council is attempting to delineate. Furthermore, Main Street Junction is **located directly in the Main Street business corridor, which is evidently aligned to service the tourism industry in Breckenridge.** Our association has been served by short term rental managers located in Main Street Station as an affiliated property since its construction more than 20 years ago. Main Street Junction was designed to be and continues to operate as a short term rental property.

As the Council deliberates on how this Short Term rental overlay district will be constructed, **we ask that the Council adequately consider which properties are situate in this apparent Main Street tourism corridor, both in location and in property service/amenities configuration.** As we understand the Council's current approach, Main Street Junction will be denied assignment to this Short Term Rental Overlay District (Zone 1), a decision which seems not only contrary to the Council's stated goal regarding the availability of long term rental units, but also inaccurate considering Main Street Junction's configuration and location.

Best regards,



Mike and Sherry Nelson
680 S Main Street #2

Norris Mountain Top Properties, LLC
Joseph and Laurie Norris
Main Street Junction
680 South Main St., Unit 18
Breckenridge, CO 80424

July 10, 2022

The Honorable Eric Mamola
The Council of the Town of Breckenridge

Dear Hon. Mayor and Council Members:

We write to you today to express our views and preference on the matter of the Short-Term Rental Overlay District that the Council is considering at their upcoming July 12, 2022 meeting.

Our property was purchased in 2015, for the purposes of enjoyment, sharing, and most importantly helping middle school youth with issues they face today. We teach leadership, self-worth Our ministry depends on some relief from short term rental income which barely covers HOA, taxes and utilities. Removing STR ability eliminates the ability to maintain our property values our complex was designed for.



1 Middle School Boys Resting Before Hike



2 Middle School Boy Time of Their Lives

As owners in the Main Street Junction Condominium Association, located adjacent to the Marriott Residence Inn on Main Street in Breckenridge and just across Main Street from Main Street Junction and Waterhouse, we enjoy permanent membership to the Pioneer Club, situate in the Main Street Station facilities. Member properties of the Pioneer Club enjoy the many resort amenities of the Main Street Station complex, including a 24/7 front desk, conference facilities, Base 9 ski valet services, security and more. This Pioneer Club membership is Association wide and compulsory—individual owners do not have the option to elect or decline individual membership.

We believe that this membership in the Main Street Station amenities complex places our Association firmly into the resort property definition being considered presently by the Council. Furthermore, this

membership raises our monthly HOA dues to a such a level that prices our units above the long-term rental market value. Main Street Junction therefore does not meet the definition of a long-term rental candidate that the Council is attempting to delineate. Furthermore, Main Street Junction is located directly in the Main Street business corridor, which is evidently aligned to service the tourism industry in Breckenridge. Our association has been served by short term rental managers located in Main Street Station as an affiliated property since its construction more than 20 years ago. Main Street Junction was designed to be and continues to operate as a short-term rental property.

As the Council deliberates on how this Short-Term rental overlay district will be constructed, we ask that the Council adequately consider which properties are situate in this apparent Main Street tourism corridor, both in location and in property service/amenities configuration. As we understand the Council's current approach, Main Street Junction will be denied assignment to this Short-Term Rental Overlay District (Zone 1), a decision which seems not only contrary to the Council's stated goal regarding the availability of long-term rental units, but also inaccurate considering Main Street Junction's configuration and location.

Best regards,

A handwritten signature in black ink, appearing to read 'JWN', written in a cursive style.

Joseph W. Norris
Owner

7/14/2022

Dear Members of Breckenridge Town Council,

My name is Jim Pinion, and my wife, Anne, and I have been a part of the Breckenridge community for over 25 years. Specifically, we have owned 102 Streamside Circle since 1994, which is located in the Sawmill Creek Village ("SCV") directly behind the Sawmill Creek Condominiums on 4 O'clock ski run.

We are very well aware of the struggles Breckenridge has faced over the last decade or so in dealing with the town's growing residential and tourist population. In response to this, it is our understanding that the Council is moving toward designating certain areas of the town as "Tourism Zones" and others as "Residential Zones." Clearly, this designation will have a major impact on property owners throughout the town.

As longtime members of the Breckenridge community, we feel obligated to voice our concerns that the SCV neighborhood be included in the Tourism Zone. None of the eighteen property owners in SCV are full-time residents. All 18 properties in SCV are owned as second homes or as STR properties, specializing in high, net-worth renters. It is undeniable that the renters these STRs bring in contribute immensely to the financial health of Breckenridge. It should also be recognized that SCV is more of a pedestrian property—being less than a block from town and easily walkable in both summer and winter and, for skiers in the winter, is a bus-out and ski-in property. So, concerns about interfering with traffic and congestion caused by these properties is unfounded. More importantly, we are not located near any residential neighborhoods.

We simply ask that you all review your designation of the SCV neighborhood and how, when looked at with objective parameters, it is more fitting for this area to be designated as a Tourism Zone. I welcome any further discussion and communication as my wife and I, and the rest of our community, have a vested interest in the future of the Town of Breckenridge as both one of the best tourist destinations and one of the most amazing places to live.

Sincerely,

Jim Pinion

970-547-0309 Home

713-898-9259 Cell

From: [Matt Schroeder](#)
To: [Sarah Crump](#)
Subject: Proposal for Zone 3 Relief--Creation of Second Homeowner Limited STR License
Date: Sunday, July 24, 2022 10:34:39 AM

[EXTERNAL MESSAGE]

Sarah

The proposed 10% limit for Zone 3 effectively means no more new STR licenses in the Highlands as it will take "decades" to get a new license in Zone 3, as a member of the Council recently observed. I have previously written that this is having a significant negative effect on Zone 3 home values.

To provide some relief to Zone 3 property owners while acknowledging the neighborhood differences between Zone 1 and Zone 3, I propose the creation of a Limited Second Homeowner STR License for Zone 3. Under my proposal, a Zone 3 property owner would only be allowed to engage in STRs during the following time periods:

1. February
2. March
3. July
4. Holiday period (for example, December 15-January 5)

The Council has shown that it cares about the effects of its regulations on Zone 1 property owners. I am asking the Council to show it also cares about the effects on Zone 3.

I respectfully ask that you present my proposal to the Council for consideration. The proposed 10% limit is crushing.

Respectfully submitted
Matt Schroeder
1883 Highlands Drive

From: [Daniel Lucchesi](#)
To: [Sarah Crump](#)
Subject: Re: Gold Camp II
Date: Friday, July 8, 2022 5:42:28 PM

[EXTERNAL MESSAGE]

Sarah,

Thanks for your response. It has been pretty obvious that GCII has been and continues to be targeted in efforts to ensure affordable housing for local workforce. I'm unsure if that is because the Town owns one or more units in the building, because of the price point, or some other unclear reason. However, it's becoming overbearing and it's not equitable to target one (or two) communities to bear the brunt of the Town's efforts toward a solution. Thus far, all of the Town's solutions seem oriented around helping some at the expense and detriment of others. We would like to see the Town proposing solutions that do not burden GCII owners (or other communities) with these proposed solutions.

Many of the measures proposed, including this current one, will devalue the real estate. So, while we may still be able to short term rent our unit, the fact that no future buyers can, devalues the property and that becomes inequitable and is not a good solution. The draft map is a clear indicator of the Town Council's continued targeting of GCII, when it is completely surrounded by zones that will continued to allow future STR.

Best,
Dan Lucchesi

On Jun 22, 2022, at 11:18 AM, Sarah Crump <sarahc@townofbreckenridge.com> wrote:

Thank you for your comments. They will be shared with Town Council.

I wanted to respond to your comment on a couple points and hopefully clear up any misinformation about the STR regulations that Breckenridge Town Council is considering. The current map of the Zones is considered draft and preliminary.

Additionally, anyone who currently holds an STR license will be able to keep their license and continue to short-term rent as they always have. The Council has not discussed limitations on the number of days that a license holder may rent. This is not the case of STRs in unincorporated Summit County which I believe do have limitations on the number of nights rented which might create some confusion. The only way for an existing Town of Breckenridge license to be relinquished is if the owner chooses not to renew or through sale of the property.

Please let me know if you have any questions about the current STR regulations the Town Council is considering.

Sarah Crump

sarahc@townofbreckenridge.com

Community Development | Planner I

Direct: (970) 453-3168 | Main: (970) 453-3160

www.townofbreckenridge.com

Community Development has new hours:
We are now open to the public M-Th 8-5 and Friday 8-noon.

-----Original Message-----

From: Peyton Rogers <peytonr@townofbreckenridge.com>

Sent: Wednesday, June 22, 2022 11:04 AM

To: Sarah Crump <sarahc@townofbreckenridge.com>

Subject: FW: Gold Camp II

-----Original Message-----

From: Daniel Lucchesi <drucchesi@gmail.com>

Sent: Tuesday, June 21, 2022 7:12 PM

To: mayor <mayor@townofbreckenridge.com>

Subject: Gold Camp II

I own a condo in Gold Camp II and we believe Gold Camp II should be treated the same as Gold Camp as part of Zone 1. There are many owners including ourselves who rely on the ability to off set mortgage expenses during off-use times to afford it. While we understand the town has a legitimate problem to solve, it continues to target Gold Camp II owners with punitive measures. Please focus on solutions that do not harm other property owners.

Dan Lucchesi

Sent from my iPhone

Sarah Crump

From: Peyton Rogers
Sent: Tuesday, July 19, 2022 2:57 PM
To: Sarah Crump
Subject: FW: Short-Term Zone 3 Restrictions
Attachments: Selected Tourism Overlay_7.6.22.pdf

From: Adam Reese <Adam.Reese@homestreet.com>
Sent: Tuesday, July 19, 2022 2:24 PM
To: mayor <mayor@townofbreckenridge.com>; Council <council@townofbreckenridge.com>
Subject: Short-Term Zone 3 Restrictions

[EXTERNAL MESSAGE]

Mayor & Town Council,

Please do not change the zoning for Woods Manor located at 290 Broken Lance Dr. As I understand it, you have moved (or are planning to move) Woods Manor out of Zone 1 and into Zone 3 for the new short-term rental overlay district ordinance. [See page 105 here](#). What will this do to my current STR License? What will it do for a future buyer of my unit that wants a STR License? Please let me know.

I bought our condo in 2015 with my mom and dad. We have had many fond memories coming up to Breckenridge, being outdoors, and spending time in the community. My mom loves all the concerts! The only way that we could afford to buy a vacation home was to rent it out when we are not there. We must continue to do so as well. This is a fundamental, basic legal right as a property owner.

I understand that there is an affordable housing crisis and that you must do something to combat that, but the steps you are taking are not the answer. When the Lease to Locals incentive program came out, I was initially against it, but tried to keep an open mind and did my research. I actually looked into it converting our place because of how good the incentive was. However, most of my questions about the program could not be answered by the people running it. So, in the end we decided to keep our place as a short-term rental.

I was surprised to find out that after countless people from the community stood up and asked you not to pass Lease to Locals ordinance, you did so anyways and on top of that the vote was unanimous. This begs the question: Are you voting for your own self-interest and beliefs? Or are you voting for the constituents that you represent?

In conclusion, please do not change the zoning for Woods Manor located at 290 Broken Lance Dr.

I look forward to your reply and welcome any of you to call me if you would like to discuss further. We need to have open, civil discourse and I would like to have that with you all.

Adam Reese
303 564 6501

July 11, 2022

The Honorable Eric Mamola
The Council of the Town of Breckenridge

Dear Mr. Mayor and Council members:

We write to you today to express our strong views regarding the Short Term Rental Overlay District that the Council is considering at their upcoming July 12, 2022 meeting.

As owners in the Main Street Junction Condominium Association, located adjacent to the Marriott Residence Inn on Main Street in Breckenridge and just across Main Street from Main Street Junction and Waterhouse, we enjoy permanent membership to the Pioneer Club, situate in the Main Street Station facilities. Member properties of the Pioneer Club enjoy the many resort amenities of the Main Street Station complex, including a 24/7 front desk, conference facilities, Base 9 ski valet services, security and more. This Pioneer Club membership is Association wide and compulsory—individual owners do not have the option to elect or decline individual membership. Moreover, Main Street Junction was developed in association with Main Street Station. The units were all fitted with electronic locks controlled by the Main Street Station front desk. These facts put Main Street Junction in functionally identical position, in terms of rental usage, as Main Street Station.

We believe that our membership in the Main Street Station amenities complex, as well as the functional connection with Main Street Station places Main Street Junction firmly into the resort property definition being considered presently by the Council. Furthermore, this membership raises our monthly HOA dues to a such a level that prices our units above the long term rental market value. Main Street Junction therefore does not meet the definition of a long term rental candidate that the Council is attempting to delineate. Furthermore, Main Street Junction is located directly in the Main Street business corridor, which is evidently aligned to service the tourism industry in Breckenridge. Our association has been served by short term rental managers located in Main Street Station as an affiliated property since its construction more than 20 years ago. Main Street Junction was designed to be and continues to operate as a short term rental property.

As the Council deliberates on how this Short Term rental overlay district will be constructed, we ask that the Council adequately consider which properties are situated in this apparent Main Street tourism corridor, both in location and in property service/amenities configuration. As we understand the Council's current approach, Main Street Junction will be denied assignment to this Short Term Rental Overlay District (Zone 1), a decision which seems not only contrary to the Council's stated goal regarding the availability of long term rental units, but also inaccurate considering Main Street Junction's configuration and location.

Very truly yours,


Brad Richards

Main Street Junction #33
(713) 819-3960


Amy Richards

River Mountain Lodge**HOA Board of Directors**

Paul Rushfeldt, President
Stan Turney, Vice President
Daryl Martin, Secretary
John Hesemann, Treasurer
Ron Blunck, Member at Large
Kevin Kilstrom, Member at Large
Bill, Mestrezat, Member at Large

100 South Park Avenue
Breckenridge, CO 8424

July 20, 2022

Breckenridge Town Council

Subject: Restriction of Short-Term Rental Licenses

Please read this letter into the minutes of the July 26th, meeting

River Mountain Lodge meets all the "Resort Property" criteria discussed by the Town Council with the exception of a shuttle service. River Mountain Lodge is located in the Historic District of the town and is within easy walking distance to virtually all restaurants, grocery stores, the gondola and it is a ski-in building.

It would be contrary the Town's objectives of reducing traffic and adding pressure on the workforce to needlessly add one more vehicle and driver to the town.

We ask that this criterion be dropped for complexes in the Historic District of the Town or waived with regard to River Mountain Lodge.

Sincerely,
River Mountain Lodge Board of Directors

JULY 11, 2022

VIA EMAIL: PEYTONR@TOWNOFBRECKENRIDGE.COM

TOWN OF BRECKENRIDGE
150 SKI HILL ROAD
BRECKENRIDGE, CO 80424
ATTN: MAYOR OF BRECKENRIDGE &
MEMBERS OF TOWN COUNCIL

BY WAY OF INTRODUCTION, I AM THE OWNER OF A TOWNEHOME SITUATED ON LOT 10 IN SAWMILL CREEK VILLAGE WHICH IS COMPRISED OF 18 TOWNEHOMES. THE TOWNEHOME I OWN IS COMMONLY REFERRED TO AS 101 STREAMSIDE CIRCLE (THE "TOWNEHOME"). I ACQUIRED OWNERSHIP OF THE TOWNEHOME IN 2000, AND HAVE IN THE PAST HELD, AND CURRENTLY AM A HOLDER OF A "SHORT TERM RENTAL LICENSE". THE TOWNEHOME ABUTS 4 O'CLOCK RUN AS DO MANY OTHER UNITS IN SAWMILL CREEK VILLAGE. BECAUSE OF ITS PROXIMITY TO 4 O'CLOCK RUN, THE TOWNEHOME IS CONSIDERED A SKI-IN UNIT WITH SKI-OUT AVAILABLE BY BUS VIA SKI HILL ROAD WHICH ABUTS SAWMILL CREEK VILLAGE AT ITS NORTH PROPERTY LINE. ALSO ABUTTING THE TOWNEHOME, TO THE SOUTHEAST, IS THE MULTI UNIT COMPLEX KNOWN AS THE SAWMILL CREEK CONDOMINIUMS, AND, TO THE SOUTH, IS THE MULTI UNIT COMPLEX KNOWN AS THE PINE RIDGE CONDOMINIUMS. SINCE ITS DEVELOPMENT IN 1993, THE RESIDENCES IN SAWMILL CREEK VILLAGE HAVE BEEN ENTITLED TO SHORT TERM LICENSES PROVIDED REGULATORY COMPLIANCE WAS MET.

IT IS MY UNDERSTANDING THAT THE TOWN IS CONSIDERING A "ZONING CLASSIFICATION" OR "CHANGE" THE NET EFFECT OF WHICH WOULD PRECLUDE THE RESIDENCES OF SAWMILL CREEK VILLAGE FROM OFFERING SHORT TERM RENTALS EXCEPT OF COURSE FOR "GRANDFATHER RIGHTS".

BECAUSE OF THE LOCATION OF SAWMILL CREEK VILLAGE, ITS SURROUNDINGS BY HIGH RISE CONDOMINIUMS, AND CONNECTION TO 4 O'CLOCK RUN, I RECOMMEND THAT SAWMILL CREEK VILLAGE NOT BE CLASSIFIED A "NEIGHBORHOOD ZONE" AND THUS PRECLUDED, EXCEPT FOR GRANDFATHER RIGHTS, FROM OFFERING SHORT TERM RENTALS.

I APPRECIATE YOUR CONSIDERATION OF THIS LETTER AND TRUST THAT ONCE THE LOCATION OF SAWMILL CREEK VILLAGE IS CONSIDERED VIS A VIS ITS SURROUNDING "NEIGHBORS" THE TOWN WILL RETAIN THE CURRENT STATUS OR CLASSIFICATION OF SAWMILL CREEK VILLAGE. THANK YOU.

RESPECTFULLY,
SALVADORE CARTA, TRUSTEE OF THE SALVADORE CARTA REVOCABLE TRUST, AS AMENDED
BRECKENRIDGE TELEPHONE: 970-547-1248
CELL: 402-672-0987
EMAIL: SCARTA@COX.NET



Town of Breckenridge
Attn: Breckenridge Town Council
P.O. Box 168
Breckenridge, CO 80424

July 19, 2022

Dear Mayor Mamula and Breckenridge Town Council Members:

The Summit Alliance of Vacation Rental Managers expresses our gratitude on behalf of our board and more than 4600 property owners across our community for your continued engagement with our industry and recognize that the ongoing tourism zone conversations have presented many unique challenges along the way. As we have closely observed the alteration of task force recommendations and the resulting actions taken by Council, we write to you today to offer some additional insights which may be helpful to your decision process ahead of the July 26th meeting. We are proud to have volunteered many hours of our organization's time throughout the course of this year working on the data and potential scenarios of a variety of options on the tourism zoning discussion, and while things have transformed dramatically since discussions began, we feel there is still more work to be done.

I'd like to begin today by offering our key recommendations. We are here to assist in any way possible and appreciate your time and efforts on this monumental task which will have long lasting implications for this amazing community.

1. Zone 1 Modifications

- a. Open Zone 1 to 100%. Following the recommendations and discussion on Tuesday July 12th by Councilmembers Beckerman and Rankin, we agree that opening Zone 1 up to 100% availability of STR permits is a logical decision. Given that the neighborhoods in this zone are designed with tourism in mind – shuttles, amenities, the type of properties in general – we believe that it is in Breckenridge's best interest to accommodate visitors in neighborhoods designed to do so.
- b. Provide certainty in the market. In reviewing historical data, pre-cap, the neighborhoods currently in Zone 1 have never exceeded a 70% saturation of vacation rentals. That in mind, the concept of opening the ability to rent simply accomplishes two things, generally optics-based: it creates a sense of freedom for buyers/owners and stability for the real estate market, and also shows good faith to the community that these neighborhoods are where we expect tourism to thrive. Based on the tables provided at council, there could be as many as 350 unused licenses available within that zone which reduces the total licenses significantly below the goal cap presented by Council.

- c. Opening Zone 1 to full capacity potential also helps move the needle closer to the 2600 cap number that was discussed among task force members, assuming Zones 2 and 3 are maintained at the numbers discussed on July 12th. (More on this to follow in Item 3, below.)
2. Land Use Districts
 - a. Include Land Use Districts (LUDs) 10, 25, 30.2 and 30.5 in Zone 1. We appreciated the discourse regarding Land Use Districts and can understand the motivation behind this concept. In addition to including LUD 10 in the tourism zones, we would also concur with councilmembers who suggested including 25 and 30.5 in Zone 1. These areas closely mirror their neighboring LUDs, have prevalent vacation rentals (and very minimal local residents) and these areas also have amenities to support guests.
 - b. The inclusion of these LUDs into Zone 1 does not automatically indicate that they must stay with that designation. Many of these areas have homeowners associations with the ability to adjust their own classifications through association declarations. For example, one neighborhood might decide that they would prefer to self-govern and create their own limits on the number of licenses within their HOA. With a vote among the HOA members, a community that so desires could self-restrict vacation rentals much the way others are able to restrict types of pets allowed or parking regulations.
 - c. In addition to LUDs 10, 25 and 30.5, we recommend council include LUD 30.2 within Zone 1 as recommended by the Task Force. There were significant numbers of existing licenses within this small area and the Task Force felt it was appropriate to include them.
 3. Increase cap to 2600 based on task force recommendations. The discussion brought up that by controlling the areas where tourism would be denser allowed for a slightly higher number of licenses than initially suggested. As stated above, opening Zone 1 as you have would leave a significant number of licenses unused. Increasing the cap to 2600 rather than 2200 allows for those unused licenses and maintains the actual number of licenses Council has expressed they would like to see.

There has been a lot of discussion on changing these designations based on the LUD descriptions. Those descriptions were written many years ago as recommendations on development, not as Rules. I understand that it is an easy way to parse up the town, but that does not make it the best way. If you are not able to adjust the LUD descriptions to more accurately reflect their current uses, perhaps another method may be used. In defining the Resort Zone, certain standards were created that a property had to meet to be defined as within; how could we come up with a different set of standards for each of the other zones which would allow for movement outside of their LUDs?

Attached are some spreadsheets with options for you all to consider. The first attachment uses the same tables as provided at your work session on July 12th. The tables provide options by adding the different LUDs and properties to different zones to discover how the totals land. Even if we were to move forward with the standards method, this offers an example of what the numbers could become. The second attachment contains some possible standards by Zone which could be applicable to bring some of the desired properties out of the Residential Zone 3.

Finally, we would urge you to reconsider using percentages rather than hard numbers. Percentages allow for easily flexibility in the future as well as development. While few and far between, there are still places that can be developed. Those projects would still have to come to the table with concessions in order to be developed, why also restrict them by licenses?

We welcome continued conversations with Town Council and SAVRM, our board members, and members of our executive committee so that these lasting decisions will be in the best interest of our entire community.

Thanks again for working with us.

On behalf of the SAVRM Board Members and our Community,

Julie Koster
Executive Director
Summit Alliance of Vacation Rental Managers
info@savrm.org

Attached: Tables showing different Zone scenarios

Attachment 1: Tables Presenting Different Zone Scenarios based on July 12th Meeting

Current Proposed by Town Council				
Zone	Total Units	STR Licenses Current	STR Licenses Proposed	Percentage
Resort	1780	1663	1780	100%
Zone 1	1798	1271	1618.2	90%
Zone 2	259	142	129.5	50%
Zone 3	3893	1267	389.3	10%
Total	7730	2680	2137	

Proposed by Task Force				
Zone	Total Units	STR Licenses Current	STR Licenses Proposed	Percentage
Resort	1780	1663	1780	100%
Zone 1	2524	1652	2524	100%
Zone 2	373	323	187	50%
Zone 3	3053	822	458	15%
Total	7730	2797	3168	

Including LUD 10, LUD 25 and LUD 30.2
Including LUD30.5

Option with Peak 8 in Zone 2				
Zone	Total Units	STR Licenses Current	STR Licenses Proposed	Percentage
Resort	1780	1663	1780	100%
Zone 1	1905	1334	1905	100%
Zone 2	992	524	496	50%
Zone 3	3053	822	305	10%
Total	7730	2680	2706	

Including LUD 25 and 30.2
Including LUD 10 and 30.5

Option with slight adjustments to percentages				
Zone	Total Units	STR Licenses Current	STR Licenses Proposed	Percentage
Resort	1780	1663	1780	100%
Zone 1	1905	1334	1715	90%
Zone 2	992	525	546	55%
Zone 3	3053	822	458	15%
Total	7730	2681	2718	

Including LUD 25 and 30.2
Including LUD 10 and 30.5

Attachment 2: Proposed Zone Criteria to Consider

Possible Criteria by Zone				
Zone 1				
2 out of the following 3:				
1. West of Hwy 9				
2. Within 100 feet of an alpine ski run or lift terminal				
3. Multi-family dwelling				
Zone 2				
Within 1 block of Main Street				
OR...have all 3 of the following				
1. Have a private garage by unit				
2. West of Hwy 9				
3. Within 150 feet of a nordic or alpine trail				
Zone 3				
Everyone else				



Town of Breckenridge
Attn: Town Council
PO Box 168
Breckenridge, Colorado 80424

Dear Mayor Mamula and Town Council members,

I'm writing to you today on behalf of the Summit Alliance of Vacation Rental Managers, our members and our board, to convey our continued dedication to the short-term rental discussion. We currently represent over 220 members and 4500 properties county-wide, comprised of individual homeowners, HOA representatives, and locally owned businesses throughout Summit County – but our highest concentration by far is within Breckenridge. This letter today represents the opinion of our board of directors and the feedback we've received from members on the current state of affairs in Breckenridge.

We've sent a call to action to our members to engage in the ongoing discussions in Breckenridge and expect several to be in attendance, including myself, at today's work session as well as the meeting on July 26th, where we will continue to offer feedback and solutions that represent the voice of our membership. Though this feedback may not always align with the solutions proposed by council or staff, please do accept it as feedback from taxpayers, voters, residents and community members that have an alternate perspective that should be represented by our elected officials.

Our goal continues to be positive engagement with Town Council, and to preserve the ongoing opportunity to have a seat at the table for the Tourism Overlay Task Force. We would like to express our gratitude for the engagement thus far.

While it seems you are interested in hearing our recommendations and reviewing the data crafted by an industry that is purely data-driven, your most recent actions have indicated that perhaps this data is being dismissed and the recommendations cast aside.

This is a difficult and complex topic, one that should not be taken lightly nor attempted to be solved by finding the easy way out. Land Use Districts were created and developed more than 30 years ago, and in the time since, the natural development of this community has caused some of those areas to change. The Town should work to change and grow with those trends, rather than trying to reshape everything based on an outdated plan.

The task force that you designed was established to gather information and gain input from the community. Since the development of the task force, you have decided to make significant changes to their recommendation without seeking additional input. While some council members have noted that this would be an ongoing task force, the council members who participate with the work group have said on numerous occasions that there would likely not be a need to meet again.

We cannot help but feel very concerned by this current state of affairs and are feeling that the value of our participation has been met with resistance and disregard.

So, we must ask today, what is your true goal here? In the beginning of conversations last year, you cited workforce housing concerns. That conversation then evolved to a slightly more nebulous concept of "the character of Breckenridge."

We must ask, what is the "character" you are trying to preserve? In a town built purely on the dollar of tourism and our visitors? Do you recognize that without tourism, and without vacation rental guests, this town would all but dry up? What is the "balance," and how do we achieve and measure that? This community does not belong to one constituent group, but is made up of residents, business owners, visitors and second homeowners – each deserving representation by the elected representatives of the Town we call "our community."

We have ample data, gathered through the State and local tax agencies prepared by a non-biased third party that we would be more than willing to share with you in this process, that may challenge your assumptions and provide additional and valuable context for these continued discussions.

We would hope you, as our elected representatives, would consider this data rather than simply discount that data as biased because it came from the industry.

Though many of you have stated that “vacation rentals are part of this community,” many of you have made and encourage very destructive and false messaging that has done irrefutable damage to our industry, and the public opinion of us. We are part of this community and deserve fair and equitable treatment by our elected officials, no matter your personal opinions.

While an overwhelming majority of our community is supported in some way – either directly or indirectly – by vacation rentals, public perception has been shifted to paint us in a very negative light on the coattails of messaging spouted directly at the elected level. I should add that we have ample data to demonstrate the economic impacts of vacation rentals, including jobs and industries directly supported by us and our guests.

Perhaps without realizing it, you have enflamed the public against the industry that built Breckenridge to what it is today. A world class, highest-ranking resort destination thanks in large part to vacation rentals, the ski resort and the town’s business with Vail Resorts (among many other successful corporations). We are not now and never truly were a “bedroom community” – by forcing us that direction now, you will do decades of economic damage that perhaps you do not care to acknowledge or simply may not even realize.

As we continue forward in these discussions, please know that we as a vacation rental industry are prepared to support you in any way possible – if you are in fact willing to work with and listen to our data-based recommendations that will provide some insights of potential impacts your decisions carry.

With nowhere to stay in Breckenridge or the surrounding communities – let’s face it, the rest of Summit County is paying attention and following your lead – guests will choose to go elsewhere. Perhaps that is what you want. But the unintended economic impacts will devastate this community well beyond any of our employment tenures and perhaps even that of our oldest children. The restaurants and shops on Main Street cannot survive on local business alone. We need tourism. And whether you like it or not, you need us and our data to help you.

The majority of business owners are already feeling effects of a reduction in our tourism economy this summer. With the increase in labor rates and other costs, many small businesses may not survive a recession or even a slight economic downturn. Let us not discount the recession we are already experiencing, and what will likely be a replay of 2008. We learned in 2008 how difficult it is to bring in tourism during such trying times. The decisions you make now can either insulate us from this type of economically devastating recession, or exacerbate it to the point where businesses are forced to close and jobs are lost.

We take this messaging very serious and come to you today with this grave message to try to awaken you to the dangerous possibilities of the path you’re exploring. We want to help you avoid these potential damages, and I am prepared to assist you in any way possible. Please do reach out via phone or email and I will be more than happy to provide any data you seek in this process. I will continue to be your friend and ally, provided you can commit to honest, collaborative and continued engagement.

On behalf of the Summit Alliance of Vacation Rental Managers,

Julie Koster
Executive Director
info@savrm.org
(970) 333-1847

From: [Cindy Baker](#)
To: [Sarah Crump](#)
Subject: STR: Main Street Junction move to Zone 3
Date: Thursday, July 21, 2022 10:12:33 AM

[EXTERNAL MESSAGE]

Dear Sarah:

First, thank you for your work on the STR initiative in the Town of Breckenridge. This initiative is needed, it is difficult, and you do not hold an enviable position during this time! I cannot imagine the hours that have been put into this and the difficult conversations you have had. Thank you for your work in, and your service to, the Town.

I am an owner at Main Street Junction (SE Corner of Main and Boreas Pass Rd) and am writing about the latest move of our complex to Zone 3. We spent most of the year in (draft) Zone 1, was moved to Zone 2 earlier this summer and then last week was moved, again, to Zone 3. The recent changes have caught me by surprise and I disagree with the movement of our complex away from Zone 1. From my perspective, it seems the Town Council, the Planning Commission and the Task Force do not have a clear understanding of the *inextricable* link between Main Street Junction and Main Street Station (defined as a resort property/area).

- To access our residence in Main Street Junction, we must obtain a key **from Main Street Station**
- The keycards for Main Street Junction are controlled by **Main Street Station**
- **Main Street Station** controls and pays for our internet
- **Main Street Station** controls and pays for our water
- **Main Street Station** controls and pays for our building maintenance (cleaning windows, painting, replacing window screens, cleaning indoor common areas)
- **Main street Station** controls, maintains, and pays for the hot tubs at the complex
- **Main Street Station** maintains the grounds of the complex
- **Main Street Station** provides a 24/7 front desk
- **Main Street Station** employs a Community Association Manager for Main Street Junction

Main Street Junction is *inextricably* linked to Main Street Station.

In addition, our home owner's association (HOA) has been served by short term rental managers located in Main Street Station as an affiliated property since its construction more than 20 years ago. Main Street Junction was designed to be, and continues to operate, as a short term rental property. As an owner at Main Street Junction, through my *obligatory* HOA.

- I own a locker at the Peak 9 base area and have ski valet services
- I own access to the gym at Main Street Station
- I own access to the pool at Main Street Station
- I own access to the movie theater at Main Street Station
- I own access to the Pioneer Club at Main Street Station
- I own access to conference facilities at Main Street Station

Again, because of my obligatory (and expensive!) membership to the HOA, Main Street Junction is *inextricably* linked to Main Street Station. I write to you to please reconsider the Zoning of Main Street Junction, and more specifically, moving Main Street Junction back to Zone 1.

Finally, thank you again for your efforts. As Summit Daily said today, STRs are the million dollar question without a great answer. Your efforts are needed and appreciated.

Best regards,

Cindy Baker
Main Street Junction #29



352 Lake Dillon Dr
PO BOX 2397
Dillon, CO 80435
summitrealtors.org

July 11, 2022

Town Council
Town of Breckenridge
PO Box 168
Breckenridge, Colorado 80424

Dear Mayor Mamula and Town Council members,

On behalf of the Board of Directors of Summit REALTORS®, I'm writing to express our continued interest in working with the Town towards a common goal on short-term rental restrictions. Summit REALTORS® is an association representing nearly 700 REALTORS® and affiliates and property owners across Summit, Park, and Lake Counties. This letter solely represents the opinion of the Board of Directors and is based on the overwhelming feedback we've received from many of our members.

As you probably heard, we sent a Call-for-Action to our members on Friday to encourage them to show up at the work session today and engage before your final vote on July 26 regarding the Overlay Zones and the proposed caps. We don't take that messaging lightly. Since the proposal to restrict short-term rental permits was announced last year, our goal was and continues to be to have a seat at the table with you in formulating the policy. Despite many individual meetings with Council members and our leadership, you have expressed no interest in working with us. No one is more committed to the community than those who sell the Breckenridge mountain lifestyle. We are frustrated that you refuse to work with our membership. We ask you, what is your goal with short-term rental restrictions? We want to work with you to achieve a goal, but we need to know your goal. When you talk about the Breckenridge "brand," what "brand" do you see the Town similarly?

We believe that Council has a fiduciary duty to the business owners and all constituents of this community. We've researched and provided data, results/challenges of STR restrictions in other similar resort areas. We found in many communities that "Billionaires outbid Millionaires" for properties they don't need to rent, and the property sits empty much of the year. Breck will become a more exclusive community with less spending on Main Street and beyond. Small Business Owners will be negatively impacted financially. We know this is not how you intend to change the community character of Breckenridge. Quite simply put, Breckenridge is a resort town and a destination community, and tourism is the only sustainable industry supporting the community. The implications of the decisions being made, with seemingly no regard for data and the economic impact, could have serious lasting effects and put many business owners at a great disadvantage in the future. Historically, our local economy has relied heavily on our neighbors in the front range. Summit and Park Counties provide a nearby escape from the city life to some of the finest mountain activities and scenery in the USA. Actions such as restricting rental properties will likely not deter these visitors. Instead, the community will experience the negative impacts of encouraging tourists to visit Breckenridge, but then offering them nowhere to stay. This will result in more traffic on the road, and



352 Lake Dillon Dr
PO BOX 2397
Dillon, CO 80435
summitrealtors.org

less dollars spent in restaurants, shops, and bars during the early morning and evening hours while they are making their commutes back to the front range.

Now is not the time to restrict rentals. Brokers already see a big shift in our community, even if our locals haven't noticed it yet. COVID caused an explosion of visitors and buyers to Summit. Now that the world is reopened for business, those visitors are moving on to other destinations. See the statistical data below that shows new inventory and pending listings are almost back to 2020 levels. There's no question the COVID frenzy to be in Breckenridge is easing. What will happen in two years when the national economy has slowed with STR restrictions in place? It is easier to slow an economy than to ramp it up.

Finally, we ask that the Town remove the cap on STR's within the resort zone. These properties are, very simply, designed to be short-term rented.

If you have questions, feel free to contact me, any of our leadership, or Sarah Thorsteinson, our Executive Director.

Sincerely,

Steve Fisher
2022 Summit REALTORS® President

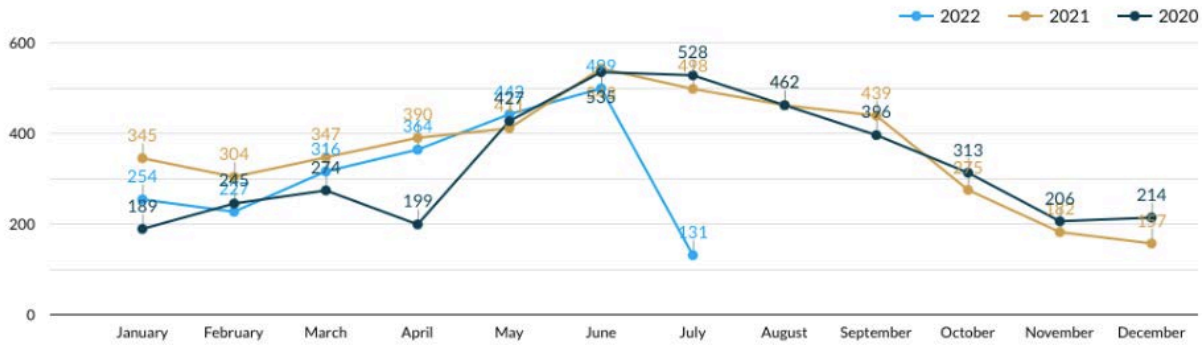


352 Lake Dillon Dr
 PO BOX 2397
 Dillon, CO 80435
 summitrealtors.org

New Inventory

Are we seeing more or less inventory now than in previous years?

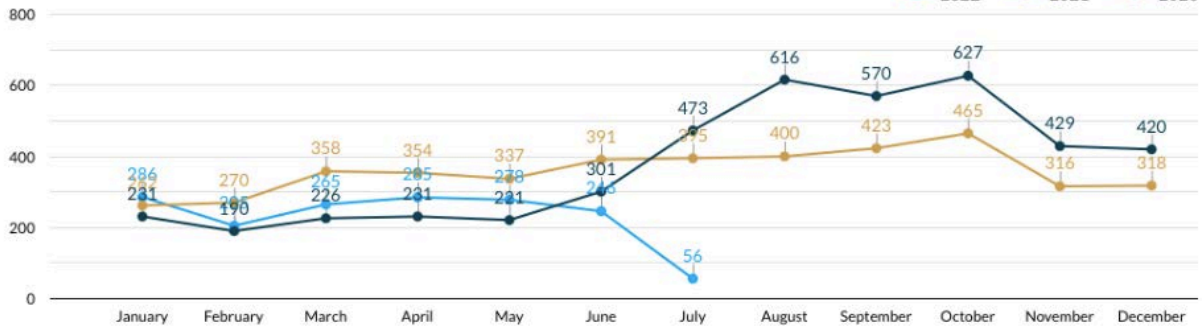
[View Map](#)



New Pendings

Are new contracts keeping up with new inventory?

2022 2021 2020





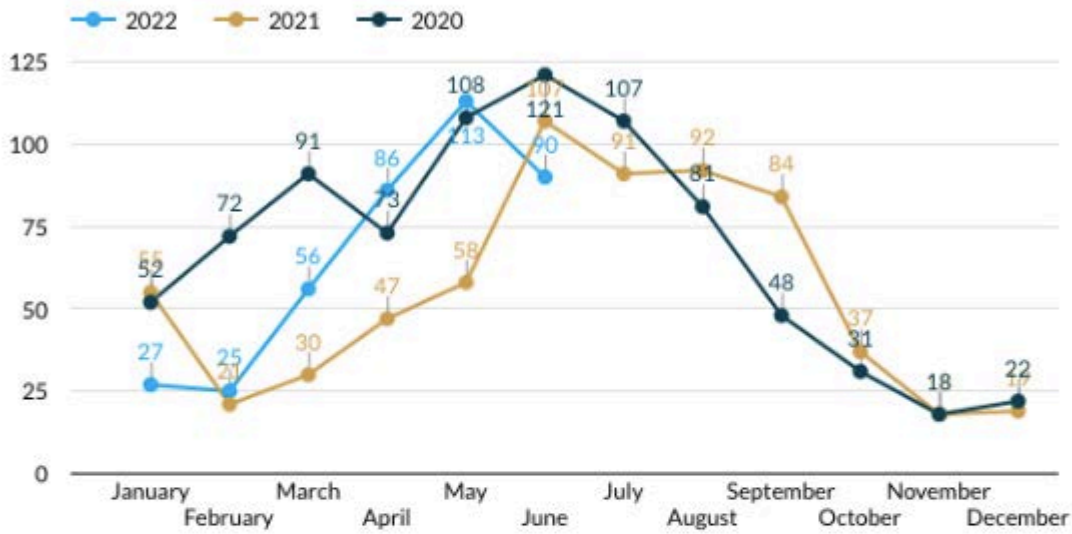
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Price-Drops

What price drop amount is consistent with this market?
 How many properties from the month we listed have lowered their asking prices?

Median List Price
\$600,000

Median Price Drop
\$40,000



From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Email the Mayor & Town Council
Date: Tuesday, July 26, 2022 8:46:09 AM

From: breckenridge@visioninternet.com <breckenridge@visioninternet.com>
Sent: Monday, July 25, 2022 9:00 PM
To: WebsiteCouncil <WebsiteCouncil@townofbreckenridge.com>
Subject: Breckenridge, CO: Website Email the Mayor & Town Council

Thank you for taking the time to contact the Breckenridge Mayor and Town Council. We value your opinions, concerns and suggestions and appreciate your efforts to make Breckenridge a wonderful place to live.

Your Message Here:

I'd like to address the topic of Short Term Rental (STR) zoning that Town Council will do a second reading on during the 7/26/2022 meeting.

Based on the Summit Daily "Letters" from former mayor John Warner at al, on 7/25/2022 edition, I concur with most of their feedback that we are not looking at all options to serve the community and creating a level playing field. I diverge on the topic of the "zones" being created, and believe using options like "impact fees" to balance the profit motive are a much better option.

The crude model for addressing the short term rental issue in Breckenridge with "zones" creates a system of "haves" (Zone 1 & Zone 2) and "have not's" (Zone 3) with respect to real estate. I happen to be a "have not" because my property is an inexplicable 10 feet away from the line for the "haves". This makes no sense and will disproportionately affect the property values of the "have not's" simply because of where they purchased in town. We all pay the same property tax levies and transfer tax percentages. Why is town council playing favorites in the real estate market?

What council needs to do is level the playing field between STR and LTR. They must make the profit motive roughly equal in these two scenarios. As someone who was looking to buy in a community that did just that, I can tell you it makes a huge difference. I was leaning toward a long-term rental simply because the profit was very similar for the hassle. Former mayor John Warner mentions "Impact fees" in the Summit Daily Letters on 7/25/2022. I can only presume instituting this instead of a system of "Haves" and "Have not's" would a) create a larger pool of money for Breckenridge to use in creation of more affordable housing options and b) present a fair approach that allows those who want to STR to be able to do so without town council playing favorites in the real estate market.

I urge town council to scrap the idea of "Zones", despite the current investment, and look at a broader set of options the better serves the community, property owners and those in need of affordable housing.

Your Name (required): Dave Rishavy
Your Email (required): dave_rishavy@comcast.net

Thank you,
Breckenridge, CO

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Overlay Zone caps change proposal
Date: Tuesday, July 12, 2022 1:43:10 PM

From: PAUL KRALOVEC <KRALOVEC@msn.com>
Sent: Tuesday, July 12, 2022 1:19 PM
To: mayor <mayor@townofbreckenridge.com>
Cc: bmvisscher@gmail.com
Subject: Overlay Zone caps change proposal

[EXTERNAL MESSAGE]

My wife and I are owners of a property in Upper Warriors Mark for 17+ years (127 Gold King Way), we believe that the city's proposing to change our area to a Tourism Zone 3 is in error. Although we do not rent our home currently this change would have a significant impact for many reasons....

1. It would have a significant impact on the value of our property in the future because house with the ability to be used as rental units carry a higher resale value than those without his option .
2. Our neighborhood is an area of high rentals (60%+). Given the high rental area means we would have no option in the future to use the home for short term rentals
3. These are bigger homes that would not help with affordable housing problem since they are not really designed to be broken into smaller rental units.
4. Upper Warriors Mark is actually a ski in/out area. Which is one of the factors that renters consider when picking a place to rent.
5. Our understanding is that this could also impact our shuttle that runs during the ski season. This again would significantly impact our area. We often use the shuttle bus rather than ski home and to go into town for dinner. The shuttle has allowed us to support local shops/restaurants. Before the shuttle was added, we did not go into town very often to shop and eat because it was a hassle to park in town. Tourism ridership is what determines if our shuttle will be funded. This has been a frustrating point for many years because we pay the transfer fee and real estate taxes like everyone else in town and yet get very limited bus service. We have a seen a great many renters using the shuttle as well. We would now be concerned that this service would be eliminated if the ridership numbers would be decreased due to few renters in the our area.

We believe our area should be Zone 1 due to the high number of short term rentals and moved to a "non-tourism" zone and classify us as a non-ski resort access area.

Paul and Nancy Kralovec

Gold King Way LLC

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Short Term Rentals
Date: Wednesday, August 3, 2022 9:36:27 AM

From: Mike Hebert <mike.d.hebert@gmail.com>
Sent: Wednesday, August 3, 2022 9:15 AM
To: Council <council@townofbreckenridge.com>
Subject: Short Term Rentals

[EXTERNAL MESSAGE]

We bought in Breckenridge thirty years ago because we thought it had the feel of a real town, not just a resort. In the last 15 to 20 years, it has become more and more commercialized with the increase in short term rentals adding to the commercialized feel: more people, more cars resulting in more parking issues including parking in resident parking spaces, trash left where it does not belong and more late-night noise. We would like to see the short term rentals limited to those areas that are already commercialized, downtown and the ski areas.

While Breckenridge will not be returning to the old days, we are happy to see some regulation of short term rentals being put in place. As we live in Warriors Mark which we understand will be in Zone 3 with limited short term rentals, we expect the reduction in time of short term rentals will improve the quality of life in our neighborhood. We believe that the improvement in quality of life will more than offset any loss of property value due to not being able to make short term rentals.

In conclusion, we support the regulation of short term rentals including Warriors Mark being in Zone 3, and we think that it will be in the long term interest of our neighborhood and the town of Breckenridge.

Mike and Janet Hebert

--

Mike Hebert
512-585-5891

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: STR Overlay Map
Date: Wednesday, August 3, 2022 9:32:50 AM

-----Original Message-----

From: Dale and Judy Kesler <daleandjudy@djkesler.com>
Sent: Tuesday, August 2, 2022 3:52 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: STR Overlay Map

[EXTERNAL MESSAGE]

Dear Mayor and Town Council,

We have owned a second home in Upper Warriors Mark since 1991 and we agree that our area should be designated Zone 3 on the STR Map. We are historically a residential neighborhood of permanent residents and second home owners who do not rent their homes to short term renters. Please keep Upper Warriors Mark in Breckenridge as a viable, beautiful neighborhood, not into more of a tourist enclave.

My discussion with other home owners confirmed to me that the main people interested in a zone permitting more short term rentals are realtors not actual home owners.

Our family has enjoyed many years in Breckenridge as a family and the peace and quiet of our neighborhood.

Dale Kesler
Stephanie Kesler Enlow
David Kesler
Craig Kesler
178 Gold King Way
Breckenridge, CO 80424

Sent from my iPad

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: We Support Proposed STR Regulations
Date: Wednesday, August 3, 2022 9:34:47 AM

From: Jerry Dziedzic <jerdz@earthlink.net>
Sent: Wednesday, August 3, 2022 6:47 AM
To: Council <council@townofbreckenridge.com>
Cc: Laura <lauradzied@gmail.com>
Subject: We Support Proposed STR Regulations

[EXTERNAL MESSAGE]

Dear Mayor and Council,

We are pleased with the inclusion of our Warrior's Mark neighborhood in residential Zone 3. Long-time Breckenridge residents, we've suffered the nuisances of nearby short-term rentals: renters parking cars in space intended for residents, late-night noise, and trash discarded neglectfully.

Short term rentals also impact the community. Parking, traffic and other effects strain infrastructure. High demand challenges businesses and their workers. Making a bad impression on visitors is a significant risk. Customer complaints spread quickly and it's hard to overcome a bad reputation.

The short-term rental license caps in the proposed regulations seek sustainable visitation. The regulations allow more licenses in the Resort Zone, Zone 1 and Zone 2 where existing licenses are most concentrated. The regulations do not terminate existing licenses in any zone.

Opponents argue that the proposed regulations will have a negative effect on residential property values. This argument ignores the uncertainties of the stock market and mortgage interest rates. We have a different opinion.

Breckenridge is and can continue to be an attractive community whose outdoor recreation amenities and location near a major metropolitan area attract home buyers. The regulations protect neat, peaceful neighborhoods which have more appeal to home buyers committed to our community than properties surrounded by rentals.

We support Town Council's actions. Serving the long-term well-being of our community is a wise investment for every property owner.

Jerry and Laura Dziedzic
296 Broken Lance Drive

Comments to Town Council regarding short-term rental regulations received between August 3 and August 17, 2022 are attached.



August 15, 2022

The Honorable Eric Mamula
Mayor of the Town of Breckenridge
150 Ski Hill Road
PO Box 168
Breckenridge, CO 80424

RE: Short Term Rentals - Resort Classification

Mayor Mamula:

The Village at Breckenridge HOA continues to be supportive of the Town's efforts to address short term rental (STR) licensing concerns.

During the August 2nd Town Council meeting for the Short-Term Rental Ordinance's first reading, the debate of guest shuttle mandate regardless of location is valid, as councilmembers suggesting a year to implement this service. The HOA's stance that this requirement does not assist in achieving the Town's goal of minimizing the car culture for all its citizens and guests. We share this goal as our owners and their rental management companies promote multiple airport shuttle services.

Providing a shuttle service that serves only our guests is an opportunity lost for the Town to improve existing Town and County Transit Stop infrastructure using Resort property (HOA) funds. In our June 22nd letter we presented an alternative to the internal guest only shuttle service by providing a community-wide benefit of improving existing transit stops. We are reiterating this concept for consideration.

Our location is unique as our internal guest needs for a shuttle is non-existent since our campus contains Quicksilver Lift terminal and is directly adjacent to Main Street, the two primary destinations for Breckenridge guests. The transit stops are further than our accommodation units to the Quicksilver Lift, which eliminates a lift destination. Going to downtown, our guests find it faster and more convenient to walk which eliminates this destination. This is evident because our guests had access to a shuttle service; however, it was discontinued as demand did not warrant labor (cost and pool) and vehicle costs.

Our location is served by two existing Town and County Transit bus stops, Stop ID 15 and Stop ID 86 respectfully, benefiting all of Breckenridge stakeholders (guests, employees, and citizens). Since 2010, the Village provides a safe user experience with 695 square feet of public-right-of-way snowmelted sidewalk from the stops to our property entrance. We could further enhance these stops, ideas include e-bike chargers and lockers, improved landscaping, and a waiting shelter.

This concept provides a win-win solution for both the Town, The HOA, and all guests. Before the August 23 Town Council meeting, we are requesting a meeting with the Mayor, Board Representatives, and both organization's staff members.

Thank you for your time and attention.

Village at Breckenridge HOA Board of Directors

Village at Breckenridge Homeowners' Association
P.O. Box 1317 Breckenridge, Colorado 80424 Phone 970-547-2513 Fax 970-547-2510



August 9, 2022

TO: Mayor Eric Mamula
Mayor Pro Tem Kelly Owens
Council Members:
Jeffrey Bergeron
Dick Carleton
Carol Saade
Jay Beckerman
Todd Rankin

FR: AMERICAN RESORT DEVELOPMENT ASSOCIATION

- RE: COUNCIL BILL NO. 28, SERIES 2022 - AN ORDINANCE AMENDING THE ACCOMMODATION UNIT LICENSE REGULATIONS TO ESTABLISH MAPPED AREAS BASED ON THE UNDERLYING LAND USE CHARACTERISTICS OF THE TOWN AND IN CONNECTION THEREWITH SETTING LIMITS ON THE CONCENTRATION OF LICENSES BY MAPPED AREA AND ESTABLISHING FINES; and
- RE: COUNCIL BILL NO. 29, SERIES 2022 - AN ORDINANCE REORGANIZING TITLE 4, CHAPTER 1 REPEALING REGULATIONS OF ACCOMMODATION UNITS AND REPLACING THOSE PROVISIONS IN A COMPANION BILL ENTITLED "AN ORDINANCE AMENDING THE ACCOMMODATION UNIT LICENSE REGULATIONS TO ESTABLISH MAPPED AREAS BASED ON THE UNDERLYING LAND USE CHARACTERISTICS OF THE TOWN AND IN CONNECTION THEREWITH SETTING LIMITS ON THE CONCENTRATION OF LICENSES BY MAPPED AREA AND ESTABLISHING FINES"

Council Meeting Date: Tuesday, August 9, 2022

Mayor Mamula, Mayor Pro Tem Owens and Council Members:

The following comments are being offered on behalf of the American Resort Development Association (ARDA). ARDA is the trade association for the timeshare industry. ARDA's membership comprises over 500 companies (both privately held firms and publicly traded corporations), which house 5,000-plus individual ARDA members representing more than 95% of the U.S. timeshare industry. Advocating on behalf of America's resort developers and timeshare owners at federal, state and local levels is one of our primary roles.

ARDA recognizes the unique issues that affect jurisdictions with significant tourism and hospitality economies and believe that timeshare is a valuable contributor that provides a stable number of annual visitors with a greater stake in the overall health of the local



community than typical transient visitors. We agree that focusing resort style development in specific areas within a jurisdiction, as has been proposed in the Town of Breckinridge, is a useful method to provide balance between the needs of town residents and visitors.

We also understand the challenges posed by the rapid growth of short-term rentals in resort areas. It has removed significant numbers of housing units from long-term rental markets and limited the inventory available for purchase by permanent residents. It has also led to code enforcement issues related parking, noise and more.

ARDA is concerned that these proposed ordinances, as well as the previously enacted short-term rental licensing ordinance, incorrectly equate timeshare properties with short-term rentals and the issues they present. Timeshare properties are often legally structured as condominiums with owner/member governance through an elected board and funded by annual assessments on owners and typically operate in a manner similar to resort hotels. However, timeshare properties are planned, approved and developed as resorts. They place no new or unexpected burden on city services and don't impact residential housing inventory. Additionally, it is our practice to collect and remit appropriate taxes when an owner rents a unit rather than using it themselves.

We do not believe that timeshare properties, as defined in Colorado Statutes, should be grouped with short-term rentals as is currently the case and ask that they be excluded from the definition.

If no changes are made to the definition, we ask that implementation of any new requirements that will require a timeshare association to approve unplanned expenses (Example: required shuttle service) be delayed until 2023 allowing the expense to be addressed in the regular annual budgeting process.

Ultimately, the proposed ordinances and the existing licensing ordinance create financial and operational challenges for timeshare associations without addressing the issues posed by the explosive expansion of short-term rentals.

Thank you for your consideration of my comments.

Respectfully,

**Chris Stewart
Vice President, State Government Affairs
American Resort Development Association**

From: [Greg Hegemann](#)
To: [Sarah Crump](#); [mayor](#); [Council](#); [Peyton Rogers](#)
Cc: [Office@blueriverpropertymgmt.com](#)
Subject: Breckenridge STR Overlay Zoning 1 for Breckenridge, CO Land Use District 10
Date: Monday, August 15, 2022 1:54:56 PM

[EXTERNAL MESSAGE]

Breckenridge STR Overlay Zoning 1 for Breckenridge, CO Land Use District 10

sarahc@townofbreckenridge.com

mayor@townofbreckenridge.com

council@townofbreckenridge.com

Office@blueriverpropertymgmt.com

peytonr@townofbreckenridge.com

Dear Honorable Mayor and Town Council:

I (Greg) virtually attended the first reading of the zoning overlay and commentary and wanted to followup with our request for consideration regarding the Zone 1 designations if being determined by Land Use Category.

The updated overlay zoning around Land Use District 10 with the 4 O'Clock ski run/trail is confusing that it is currently designated Zone 3 instead of Zone 1. These are ski in/out properties and designed to be ski in/out properties and designed and utilized to support short term rentals. The properties on either side of 4 O'Clock ski run should be considered for Zone 1 since they are specifically setup for ski in/out access and above the snowflake ski lift. I can provide the feedback we have for our properties from visitors.

We request reconsideration for Zone 1 overlay for properties within Land Use District 10. This would include Tyra Summit Buildings A and B where 28 of the 36 units have current short term licenses. These buildings are directly on the 4 O'Clock ski run/trail and above snowflake lift.

We do have a home that we love and also short term rent to support expenses, the property at 25 Meadows Lane was designed and intended for short term rentals when we purchased (2015) and built our home and is within 150 yards walk to Four O'Clock ski run and above Snowflake lift and also within Land Use District 10.

Timber Trail Road homes are included in Zone 1, I think also for Zone 1 is appropriate for the properties in Land Use district 10 or if even more specified, on Four O'clock Road, Grandview Drive (The section between Beavers/Four Oclock Run Road), Beavers Drive, Meadows Lane, and Tall Pines Drive. All of these properties are ski in/out and directly on 4 o'clock ski run/trail and above the snowflake lift.

Thank you

Greg and Mary Hegemann

25 Meadows Lane/Tyra Summit Unit B1D 800 4 O'clock Road

Breckenridge, CO 80424

303-944-1520

gmdenco@yahoo.com

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: Email the Mayor & Town Council
Date: Wednesday, August 17, 2022 11:03:57 AM

From: breckenridge@visioninternet.com <breckenridge@visioninternet.com>
Sent: Wednesday, August 17, 2022 10:32 AM
To: WebsiteCouncil <WebsiteCouncil@townofbreckenridge.com>
Subject: Breckenridge, CO: Website Email the Mayor & Town Council

Thank you for taking the time to contact the Breckenridge Mayor and Town Council. We value your opinions, concerns and suggestions and appreciate your efforts to make Breckenridge a wonderful place to live.

Your Message Here:

To the mayor, town council, planning commission and overlay committee:

I own a condo at Mill Run which is in Land Use District 30.2. It abuts Land Use District 24 and Land Use District 30. Let's review the guidelines for these LUD's.

LUD 24 is in Zone 1 of the Short Term Rental Overlay Map. LUD 30.2 abuts LUD 24 and is adjacent to LUD 30. What are the guidelines for the LUD's?

LUD 24 guidelines: District 24 is a forested area close to the base of Peak 9. The existing high density residential uses have been concentrated in this area, which is within walking distance of the ski lifts and Town core. The District contains the old cemetery which was used prior to the current Valley Brook Cemetery. Acceptable Land Uses and Intensities Land Use Type: Intensity of Use: Structural Type: Architectural Treatment Residential 20 UPA Multi-Family.

LUD 30.2 guidelines: District 30-2 is located south of downtown within Warrior's Mark. The district includes high density townhome and condominium developments approved and constructed prior to annexation by the Town of Breckenridge. The topography is within this district is fairly level with some lodge pole as well as mature Spruce and Pines. The Blue River runs north to south through the district. The primary function of this District is to accommodate the existing high density residential development. Acceptable Land Uses and Intensities Land Use Type: Intensity of Use: Structural Type: Residential.

LUD's 30 and 30.4 also abut LUD 24 and essentially have the same guidelines. In LUD 30, which is further away from the ski area than LUD 30.2 it also states "District 30 is very compatible with Districts 24 and 29 in both land use types and intensities.

Using the rationale the Overlay Committee seems to have used I do not understand how they could exclude LUD 30.2 from Zone 1 and move it all the way down to Zone 3. LUD 30.2 abuts LUD 24 and was essentially built as short term rental housing for skiers (as it is so close to the base of Peak 9 and to Main Street and downtown.

It does not make any logical sense what-so-ever.

The whole thing seems arbitrary and unfair.

If you are going to divide up the town and tell people who and who cannot short term rent their property I believe it needs to be voted on by the citizens of the town.

Your Name (required): Michael Yearout

Your Email (required): mike@mkyphotography.com

Thank you,

Breckenridge, CO

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Breckenridge, CO: Website Email the Mayor & Town Council
Date: Monday, August 8, 2022 8:52:01 AM

From: breckenridge@visioninternet.com <breckenridge@visioninternet.com>
Sent: Friday, August 5, 2022 5:50 PM
To: WebsiteCouncil <WebsiteCouncil@townofbreckenridge.com>
Subject: Breckenridge, CO: Website Email the Mayor & Town Council

Thank you for taking the time to contact the Breckenridge Mayor and Town Council. We value your opinions, concerns and suggestions and appreciate your efforts to make Breckenridge a wonderful place to live.

Your Message Here:

we wish to express our concerns on the proposed legislation restricting short -term rental for our home in the White Wolf subdivision. We have never rented our home & are original owners since the home was built in 1996. However upon purchasing the home we had the option for rental & have always believed in having no rental restrictions was highly valuable for a resale option in the future. To change the rental program we have explored other communities that have adopted a similar legislation as being reviewed. After 10 years these other places have found a 30% reduction in resale homes of a similar size that are restricted to allow short-term rentals, To us it is a significant change & is unfair to change midstream on our ownership. We strongly believe this is not a fair approach & not achieving the goals originally intended with these restrictions

Your Name (required): james nuxoll
Your Email (required): nuxoll2@gmail.com

Thank you,
Breckenridge, CO

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Concerns about zone 3 - Breckenridge Town Council Considering STR Ordinance
Date: Tuesday, August 9, 2022 3:02:32 PM

From: Bridget Adle <bltonryetoast@yahoo.com>
Sent: Tuesday, August 9, 2022 2:44 PM
To: Council <council@townofbreckenridge.com>
Subject: Concerns about zone 3 - Breckenridge Town Council Considering STR Ordinance

[EXTERNAL MESSAGE]

Dear Breckenridge Town Council,

Adding restrictions and reducing number of STRs (zone 3) is not your solution local housing.

Our family has a small condo in Breckenridge in proposed zone 3. I am very concerned with the town's wish to dramatically reduce the STR numbers in zone 3. We are an average family who lives in Denver area and were thrilled be able to purchase our small piece of Colorado Heaven many years ago. We actively use our place throughout the year and support the town with shopping and eating excursions. However, we are only able to keep this condo by way of renting out via short term rentals. We do not make a profit from these rentals and with the absorbent fees the town has added to the license, it makes even harder to break even. We actively maintain the property, handle all renters & reservations and keep our place accountable. We have yet to have received a complaint. We know our neighbors. Please re-evaluate your actions and proposed number of licenses in zone 3. If for some reason down the line, we would lose our license we definitely would not be able to re-obtain. This would result in the financial need for us to sell as the reason we own is for our use too. (We cannot afford to not rent out nor would we like to keep a place we could not use). Seeing current sales prices, I would think a local would not be able to purchase and live financially comfortably nor would a new owner be able to rent for long term without a high rent cost to cover mortgage + HOA. No one wins here. Town will lose rental license money, local does not obtain affordable housing, and we as a family were pushed out of a town that we love. Perhaps consider those with current licenses, in cases where unforeseeable circumstances occur, can re-obtain a license easily, without being in the queue. I am concerned if a bogus complaint was to occur by someone with a grudge against STRs, this would take away our ability to keep our license and thus 2nd home.

Sincerely,

An Owner in the Warriors Mark Neighborhood

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Email the Mayor & Town Council
Date: Tuesday, August 9, 2022 2:14:24 PM

From: breckenridge@visioninternet.com <breckenridge@visioninternet.com>
Sent: Tuesday, August 9, 2022 12:34 PM
To: WebsiteCouncil <WebsiteCouncil@townofbreckenridge.com>
Subject: Breckenridge, CO: Website Email the Mayor & Town Council

Thank you for taking the time to contact the Breckenridge Mayor and Town Council. We value your opinions, concerns and suggestions and appreciate your efforts to make Breckenridge a wonderful place to live.

Your Message Here:

Our neighborhoods. My neighborhood is Warriors Mark and has been off and on since 1999. 17 years ago we bought our home in Warriors Mark. I attended the town council meeting on 4/26/2022. I heard repeated by the council and the mayor how you need to protect our neighborhoods but I don't think you know anything about my neighborhood.

My neighborhood is full of a mix of property uses; long time owner locals, long term rentals that I know you are so desperately trying to keep, to second home owners and short term rentals. We love the mix. If we didn't we would never have bought here. It's fun to ride the bus with someone on vacation who asks what to do and where to eat. What's not always fun is to live next to long term rentals. Have you been up down Tomahawk and Red Feather? Both are full of duplexes rented to so-called locals, long term rentals. I'm guessing you haven't noticed the trash that is left out for the bears to get into at these long term rentals. I'm guessing the extra cars parked a little in the street that the plows can't get around haven't bothered you either. Well I'm also guessing you don't know the horror of your beloved dog being attacked in her back yard by a "locals' " unattended dog, I do. Five summers ago my husband was out in our backyard when out of nowhere a very large dog came and attacked our 30 pound dog. She was bitten twice, once in the back and once in the neck. If my husband had not been there to kick this dog off of her, she might not have survived. While it did most definitely shorten her life. She was being treated for hereditary degenerative heart disease. She was treated for her wounds and we were advised to call the police, and they did find the owner. He lived a few doors down and apparently a roommate had let the dog out. Dogs running loose used to be a daily occurrence but as we have seen some of these long term rentals turn into short term rentals we have seen less of this. We have also seen more homes that are painted, yards are taken care of. Does Warriors Mark have issues with cars and noise and trash from str's, you bet, but no worse than from the long term rentals.

We had a neighbor that lived in Denver full time, he and his wife and son would come up on the weekends. They come up with coolers of food. They buy all their ski equipment in Denver, then take the town bus to ski, then return home to eat the food they bought in Denver. They even drive their trash back to Denver. They sold and moved into a non deed restricted Wellington neighborhood home. The next owner did the same thing, never spent a dime in town. Would have happy hour on their deck, with the chips and beer they bought in Denver, after taking the town bus to ski. Do you want my neighbor who is a second home owner from Denver that spends zero dollars in this town? This was my second neighbor that does all of these things, now we are on the third in the same place. Except this new neighbor has a short term rental license that is never rented. He did say with the price increase of the license he might rent it out for two

nights to cover the license fee. How many people have neighbors just like this? Is this what we want? If you don't allow a property to have a license it's not going to become a long term rental it will become another second home owner that uses the bus. It will be someone that can come up from Denver or work from anywhere. Why do you care so little about how a license is being used, if at all?

When we bought we never would have expected a resort town to try and turn into a suburb. You're trying to protect my neighborhood are just words to placat the small number of people that are registered to vote here, and the small number of those that did and voted your way as you so claim. Did you happen to do any exit polling? Because I did and the vast majority that did vote didn't vote for short term rental restriction they didn't even know it was going on. How many people own property in Breckenridge but aren't registered to vote here? Why do you continue to ignore property owners that don't vote here. Why do you continue to ignore so many that live just outside of town limits but work in Breck and are affected by this?

In my neighborhood our roads are narrow, we don't have sidewalks or high speed internet. Our bus line is the first to be cut back on. We're the forgotten ignored neighborhood, with a mix of property usage. I would appreciate you going back to forgetting about my neighborhood and allowing us to continue to have as many short term rentals as the market will sustain.

Julia Regan

Your Name (required): Julia Regan
Your Email (required): juliakregan@gmail.com

Thank you,
Breckenridge, CO

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Email the Mayor & Town Council
Date: Thursday, August 11, 2022 10:42:11 AM

From: breckenridge@visioninternet.com <breckenridge@visioninternet.com>
Sent: Thursday, August 11, 2022 7:12 AM
To: WebsiteCouncil <WebsiteCouncil@townofbreckenridge.com>
Subject: Breckenridge, CO: Website Email the Mayor & Town Council

Thank you for taking the time to contact the Breckenridge Mayor and Town Council. We value your opinions, concerns and suggestions and appreciate your efforts to make Breckenridge a wonderful place to live.

Your Message Here:

To Council and Mayor, THANK YOU for having the courage to implement restrictions in short term rentals. That activity of buying homes and turning them into rentals provides substantial wealth gains for those who can participate but at the expense of hurting the community by extinguishing full-time residents who can participate in community jobs, volunteer work, government needs, maintenance of infrastructure, etc. etc. etc. The impact is dramatic. At this point I would encourage you to increase this effort until the majority of rental homes are no longer in that status. "Baby step" it out of existence. People who visit Breckenridge can stay at HOTELS - this will greatly increase there revenue and normalize real estate values to the degree possible.

My wife and I have been visiting your community for over 40 years and despite good employment during this period we will never be able to buy a home there. That is to the detriment of the community as we and many others like us have much to offer.

Your Name (required): Douglas Stimits
Your Email (required): Dkstimits@aol.com

Thank you,
Breckenridge, CO

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Email the Mayor & Town Council
Date: Tuesday, August 9, 2022 2:11:28 PM

From: Peyton Rogers
Sent: Tuesday, August 9, 2022 2:06 PM
To: 'tom@tomdayrealestate.com' <tom@tomdayrealestate.com>
Subject: Email the Mayor & Town Council

Dear Tom:

Thank you for the e-mail below.

This will be shared with the Mayor and Town Council.

Thank you again.

Sincerely,

V. Peyton Rogers
(She/Her/Hers)
Executive Administration Assistant
Town of Breckenridge
150 Ski Hill Road – PO Box 168
Breckenridge, CO 80424
P: 970-547-3166
peytonr@townofbreckenridge.com



TOWN OF BRECKENRIDGE
ADMINISTRATION

From: breckenridge@visioninternet.com <breckenridge@visioninternet.com>
Sent: Tuesday, August 9, 2022 11:44 AM
To: WebsiteCouncil <WebsiteCouncil@townofbreckenridge.com>
Subject: Breckenridge, CO: Website Email the Mayor & Town Council

Thank you for taking the time to contact the Breckenridge Mayor and Town Council. We value your opinions, concerns and suggestions and appreciate your efforts to make Breckenridge a wonderful place to live.

Your Message Here:

Eric and Town Council I am emailing you very heartfelt to let you know of my situation. I have lived in Breckenridge for 35 yearsen a realtor for 32 years and a snow sculptor for 28 years. I have never felt more alienated by the town of Breckenridge than I do now. I started a new business a little over a year ago with my real estate company Day/ Palazola Group Real Estate during a very challenging time with COVID with

mandates fear and shutdowns. Since then my ex father inlaw has died of cancer in Australia and my exwife had to go there for several months because of quarantine and so has my partner Bo's mom and his dog is close. I elected to help my partner in his mothers fight with cancer which has put me in a situation where my home is in forclosure and my business has been devistated beacause of the Short Term Rental Restrictions you have emposed. Yes interst rates have also increased but pale in comparison to the effect of the rental restrictions. Do you all not realize we just came out of the most devistating global pandemic in the history of humanity?

I dont understand why you are willing to sacrifice one group of town residence for another. I have so many clients and friends who are against your legislation but you do not seem to show any care at all. Most of my clients live out of town and are 2nd homeowners so they have no voice in our elections while people who do NOT own property pay taxes and town expenses have the ability to control the direction of our town which I think you have taken full advantage of. How people who dont own property here and maybe gone tomorrow are allowed to dictate the direction of a town is beyond my comprehension.

I would go to the meeting tonight to voice my opinion but quite frankly I am embarased to be there because my house is in foreclosure and also from what I have experienced at previous meetings my opinion would fall on deaf ears. I am probably wasting my time with this e-mail but I am hoping that you all will show some care and concern for a 35 year resident of our beautiful town.

Your Name (required): Tom Day
Your Email (required): tom@tomdayrealestate.com

Thank you,
Breckenridge, CO

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Email the Mayor & Town Council
Date: Monday, August 15, 2022 1:55:25 PM

From: breckenridge@visioninternet.com <breckenridge@visioninternet.com>
Sent: Monday, August 15, 2022 1:46 PM
To: WebsiteCouncil <WebsiteCouncil@townofbreckenridge.com>
Subject: Breckenridge, CO: Website Email the Mayor & Town Council

Thank you for taking the time to contact the Breckenridge Mayor and Town Council. We value your opinions, concerns and suggestions and appreciate your efforts to make Breckenridge a wonderful place to live.

Your Message Here:

Greetings –

I am the owner of Unit 702 Asgard Haus located at 246 Broken Lance Drive. Asgard Haus is a condominium consisting of:

- 24 residential units with studio, 1 or 2 bedroom designs. The units range in size from 573 square feet to 816 square feet
- A single, three story structure
- Shared garages, shared open parking spaces, shared trash disposal and common facilities.
- Public sidewalk
- Easy walking distance to Quicksilver Super Chair (base of Peak 9) and to downtown

The Asgard Haus Condominium Map was recorded on March 20, 1973 under Reception No. 132496 in the office of the Clerk and Recorder of Summit County. The Asgard Haus abuts the Woods Manor condominiums directly to the West. Asgard Haus is in district #30-2. The district includes high density townhome and condominium developments approved and constructed prior to annexation by the Town of Breckenridge.

According to the GIS map, Asgard Haus is in Zone 3 of the proposed Overlay Zones. District #24 (and subsequently Zone 1) abuts Asgard Haus directly North. District #30-2 has all of the same characteristics as District #24. The desired Character and Function of District #24 is “The existing high density residential uses have been concentrated in this area, which is within walking distance of the ski lifts and Town core”. I submit that this description is appropriate to District #30-2 as well. A layperson walking South on Broken Lance Drive wouldn’t be able to distinguish the difference between Tamarisk Condominiums (District #24 located on the corner of Broken Lance Drive and Columbine Road) and Asgard Haus.

My request is that you please reconsider the GIS map and ask yourself; “Does this make sense?”, “Should District #30-2 be in Zone 3 or Zone 1?” I ask that you walk the neighborhood and observe the identical characteristics of Districts #30-2 and #24.

Thank you in advance for your reconsideration. Please feel free to contact me directly at 860.729.7765

All the best,

Kirk Drees

Your Name (required): Kirk Drees

Your Email (required): kirkdrees@comcast.net

Thank you,

Breckenridge, CO

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From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Email the Mayor & Town Council
Date: Tuesday, August 9, 2022 9:04:00 PM

From: breckenridge@visioninternet.com <breckenridge@visioninternet.com>
Sent: Tuesday, August 9, 2022 8:21 PM
To: WebsiteCouncil <WebsiteCouncil@townofbreckenridge.com>
Subject: Breckenridge, CO: Website Email the Mayor & Town Council

Thank you for taking the time to contact the Breckenridge Mayor and Town Council. We value your opinions, concerns and suggestions and appreciate your efforts to make Breckenridge a wonderful place to live.

Your Message Here:

Hello Breckenridge Town Council! I just wanted to let you know that I have lived and worked in the Breckenridge area for 40+ years. I wanted to let you know that my thoughts on STRs are that they are fine at the base of the ski areas but they do not belong in our residential neighborhoods. I didn't buy my home to live in a hotel zone. We enjoy the peace and quiet of our neighborhood and don't want large groups of visitors coming in week after week to party and be loud.. They do not care about our community. They are just here to have a good time. I am in favor of limitations on STRs in residential neighborhoods. I live in Silver Shekel which I know is not in the town, but we are surrounded by the town and are impacted by the town STRs in our backyard. Thanks for trying to come up with a solution. I recognize it is not going to be easy.

Marty Ferris
752 Silver Circle
Breckenridge

Your Name (required): Marty Ferris
Your Email (required): Martinamferris@gmail.com

Thank you,
Breckenridge, CO

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Email the Mayor & Town Council
Date: Monday, August 15, 2022 9:45:38 AM

From: breckenridge@visioninternet.com <breckenridge@visioninternet.com>
Sent: Saturday, August 13, 2022 9:10 AM
To: WebsiteCouncil <WebsiteCouncil@townofbreckenridge.com>
Subject: Breckenridge, CO: Website Email the Mayor & Town Council

Thank you for taking the time to contact the Breckenridge Mayor and Town Council. We value your opinions, concerns and suggestions and appreciate your efforts to make Breckenridge a wonderful place to live.

Your Message Here:

Hello. We moved to Breck within the past year. Had a second home here prior but made the permanent move & are thrilled to be here.

We have been following the short-term rental debate and wanted to send comment for our support of the new zoning regulations. We know that many times all you (as governing officials) hear are negative comments. So wanted to express our support!

We live in zone 3 (Highlands) and have had a couple experiences with rowdy/loud short-term renters. We'd rather have not had these encounters. We moved her from Charlotte, NC, and the neighborhoods/communities where we lived while in Charlotte would not have allowed such behavior from occupants (permanent residents or short-term renters). We are now aware of how to report such activities & will do so if warranted.

I guess we simply feel opinions/desires of permanent residents should carry more weight than those of investors. Investors do not have right to vote in local elections anywhere in the US - at least to my knowledge. This tells me our intent of our structure of governance is to prioritize residents over investors.

Thanks for your hard work as I know it's hard to please everyone.

Michael & Meliss Wike

Your Name (required): Michael Wike
Your Email (required): mwike@asw-cpa.com

Thank you,
Breckenridge, CO

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Email the Mayor & Town Council
Date: Wednesday, August 17, 2022 9:26:41 AM

From: breckenridge@visioninternet.com <breckenridge@visioninternet.com>
Sent: Wednesday, August 17, 2022 5:40 AM
To: WebsiteCouncil <WebsiteCouncil@townofbreckenridge.com>
Subject: Breckenridge, CO: Website Email the Mayor & Town Council

Thank you for taking the time to contact the Breckenridge Mayor and Town Council. We value your opinions, concerns and suggestions and appreciate your efforts to make Breckenridge a wonderful place to live.

Your Message Here:

River Mountain Lodge
HOA Board of Directors 100 South Park Avenue
Paul Rushfeldt, President Breckenridge, CO 8424
Stan Turney, Vice President
Daryl Martin, Secretary
John Hesemann, Treasurer
Ron Blunck, Member at Large
Kevin Kilstrom, Member at Large
Bill, Mestrezat, Member at Large

Breckenridge Town Council

Subject: Restriction of Short-Term Rental Licenses

Please read this letter into the minutes of the August 23rd, meeting.

We reiterate our earlier comments regard the requirement of a shuttle service for River Mountain Lodge. See earlier letter below

- The Lodge had a shuttle some years ago that went unused and was discontinued
- Located in the Historic District of Town and subject the restrictions for that area
- The complex is located one-half block from Main Street.
- Gondola and grocery markets are a two-block walk
- Ski-In Location

To require a shuttle for this facility, runs counter to reducing the demand on the workforce and reducing traffic.

Sincerely,
River Mountain Lodge Board of Directors

July 2, 2022

Breckenridge Town Council

Subject: Restriction of Short-Term Rental Licenses

Please read this letter into the minutes of the July 26th, meeting

River Mountain Lodge meets all the "Resort Property" criteria discussed by the Town Council with the exception of a shuttle service. River Mountain Lodge is located in the Historic District of the town and is within easy walking distance to virtually all restaurants, grocery stores, the gondola and it is a ski-in building.

It would be contrary the Town's objectives of reducing traffic and adding pressure on the workforce to needlessly add one more vehicle and driver to the town.

We ask that this criterion be dropped for complexes in the Historic District of the Town or waived with regard to River Mountain Lodge.

Sincerely,

River Mountain Lodge Board of Directors

Your Name (required): John Hesemann

Your Email (required): jghesemann@charter.net

Thank you,

Breckenridge, CO

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Email the Mayor & Town Council
Date: Tuesday, August 9, 2022 2:18:50 PM

From: breckenridge@visioninternet.com <breckenridge@visioninternet.com>
Sent: Tuesday, August 9, 2022 12:44 PM
To: WebsiteCouncil <WebsiteCouncil@townofbreckenridge.com>
Subject: Breckenridge, CO: Website Email the Mayor & Town Council

Thank you for taking the time to contact the Breckenridge Mayor and Town Council. We value your opinions, concerns and suggestions and appreciate your efforts to make Breckenridge a wonderful place to live.

Your Message Here:

As owners in the Mill Run Condo complex we have a number of concerns relating the licensing process for short term rentals.

It has come to our attention that the area of the Mill Run Condos has been designated as Zone 3 for the purposes of rental licenses. After we purchased our home last fall we were informed of the licensing requirement if we wish to take advantage of short term rental of our unit. We obtained our license and then subsequently were informed of and paid the new regulatory fee. We did all this just as a failsafe in case we do decide to rent it, although currently being used as a family second home.

We understood that this was an attempt to limit the number of available licenses in Breckenridge.

However, the arbitrary nature of the establishment of the zones is not understood. Zone 1 went from 71% to allowing up to 90%. Zone 2 stayed pretty consistent going from 55% to 50%. Zone 3 went from existing of almost 33% to 10%. While we assume that the grandfathered licenses would be considered "safe", it also means that if we sell there will be NO licenses available under the current rule that the license is not transferable. And none will be available for a very long time in Zone 3.

First question is how were the zone boundaries established? In an earlier draft, Mill Run was not in Zone 3. Mill Run was in Zone 1 which is consistent with other units in Zone 1 in relation to its the age and original intent of the complex as a short term rental. What precipitated the change?

Property taxes will be directly affected and if not reflected in assessment will be contested. Resale property values will be affected by the ability to transfer and/or acquire licenses. This is spite of the fact that short term rentals are the norm in the area immediately adjacent to Mill Run.

Your Name (required): Pamela Arment
Your Email (required): pjarment@comcast.net

Thank you,
Breckenridge, CO

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Email the Mayor & Town Council
Date: Thursday, August 11, 2022 10:51:51 AM

From: breckenridge@visioninternet.com <breckenridge@visioninternet.com>
Sent: Thursday, August 11, 2022 10:30 AM
To: WebsiteCouncil <WebsiteCouncil@townofbreckenridge.com>
Subject: Breckenridge, CO: Website Email the Mayor & Town Council

Thank you for taking the time to contact the Breckenridge Mayor and Town Council. We value your opinions, concerns and suggestions and appreciate your efforts to make Breckenridge a wonderful place to live.

Your Message Here:

Dear Mayor and Town Council:

I wanted to take a quick moment to thank you for your continued work on the short-term rentals. As a 20+ year local, I have become quite frustrated with how current events and circumstances have affected and changed our community. If I didn't have a child in the school district, I don't know that I would stay much longer. However, it's always a breath of fresh air to read Council Member's comments in support of the locals and our community. We aren't as vocal of a group as those that attend your meetings but we are here and we are watching.

Sincerely,
Tracie J.S. Hulbert

Your Name (required): Tracie Hulbert
Your Email (required): tracie@hulbertlaw.com

Thank you,
Breckenridge, CO

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From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Email the Mayor & Town Council
Date: Thursday, August 11, 2022 4:30:39 PM

From: breckenridge@visioninternet.com <breckenridge@visioninternet.com>
Sent: Thursday, August 11, 2022 12:28 PM
To: WebsiteCouncil <WebsiteCouncil@townofbreckenridge.com>
Subject: Breckenridge, CO: Website Email the Mayor & Town Council

Thank you for taking the time to contact the Breckenridge Mayor and Town Council. We value your opinions, concerns and suggestions and appreciate your efforts to make Breckenridge a wonderful place to live.

Your Message Here:

We fully support the STR ordinance.

Full time Breckenridge residents since 1999.

George & Nancy Karklins

Your Name (required): George Karklins

Your Email (required): gkarklins@gmail.com

Thank you,
Breckenridge, CO

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Eric; You are not the Magnificent 7
Date: Wednesday, August 10, 2022 2:14:44 PM

From: Cori Tucker <ctuck1222@gmail.com>
Sent: Wednesday, August 10, 2022 1:33 PM
To: Peyton Rogers <peytonr@townofbreckenridge.com>
Subject: Fwd: Eric; You are not the Magnificent 7

[EXTERNAL MESSAGE]

Hi Peyton and Eric,

I'm not a player in the game of Breckenridge issues per se- I moved to Fairhope, Alabama nearly 8 years ago after calling Breck home for nearly 15 years. I come back to visit from time to time, will actually be there next week.

I know the short term rental issues have been difficult to navigate and I'm not certain what other cities you might be looking at for examples, guidance etc. but, I did get to thinking if you haven't looked at Gulf Shores and Orange Beach, AL and how they addressed zoning and the myriad of issues that come with a tourist destination and short term rentals, it's worth a look. They have areas where there are no restrictions, or there is a 14 day min or even 30 day min and so on.

<https://www.orangebeachal.gov/departments/planning-zoning/maps>

<https://www.gulfshoresal.gov/309/City-Maps>

Good luck on your continued efforts to find a solution!

PS- Steve was a client of mine during my 15 years of selling real estate in Summit County.

Thank you,
Cori Tucker

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Keep Zone 3
Date: Tuesday, August 9, 2022 11:34:38 AM

From: sally.baron@gmail.com <sally.baron@gmail.com>
Sent: Tuesday, August 9, 2022 11:27 AM
To: mayor <mayor@townofbreckenridge.com>
Cc: ed.baron@brxtn.com
Subject: Keep Zone 3

[EXTERNAL MESSAGE]

Dear Mayor Mamula and Council Members,

I am writing to voice our family's strong support for maintaining Upper Warrior's Mark as residential – Zone 3.

Our family built a home in Warrior's Mark in 2003 which we love. Our three daughters grew up skiing and hiking beautiful Breckenridge, and the Baron family is proud of taking care of our lovely neighborhood and the stunning natural surroundings.

Over the past several years we have seen the neighborhood go from a tranquil area for nature- and outdoor-lovers, to an area that caters to short term rentals (STR). Houses have turned into hotels; but worse, they are not controlled or “hosted” by anyone like old-time bed-and-breakfasts. Rather, they have become money-making mansions crammed with visitors who show little concern for the homes around them or the lovely wilderness crowning them. Most guests arrive never having met their hosts and with no sense of how to behave. There is no incentive whatsoever for greedy owners and realtors to ensure their guests behave sensibly or even in accordance with the law. We have had hordes of trespassers leave garbage on our lot or scream and swear when they find themselves lost. We kindly remind them they are trespassing and point out the public trails.

Outdoor hot tubs (a hideous waster of energy!) have become more and more common, but landlords and realtors love them as they entice guests. We have heard large groups arrive late Friday nights, subsequently shouting over the outdoor hot-tub bubbles in a drunken stupor. Frequently they are left uncovered, wasting the energy require to heat it.

Please keep the proposed Zone 3 so that we have actual residents who care about our surroundings.

Very truly yours,
Sally and Ed Baron
715 White Cloud Drive

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Land Use Designation within District #10 for SFR Rentals
Date: Monday, August 8, 2022 1:22:10 PM
Attachments: [image.png](#)

From: Jaclyn Fitts <jaclynfitts@gmail.com>
Sent: Monday, August 8, 2022 12:54 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Land Use Designation within District #10 for SFR Rentals

[EXTERNAL MESSAGE]

As an owner of a townhome in White Wolf HOA, which directly abuts Ski Hill Road, I am vehemently opposed to ALL of Land Use District 10 being considered part of Zone 3. As stated in the District #10 Land Use Guidelines (pasted below), the portions of District 10 directly abutting Ski Hill Road are in the path of anticipated growth or community expansion. Additionally, this area has a higher allowable land density of 4 units per acre. Assuming the higher density zoning was put in place to accommodate more homes closer to the ski lifts, it stands to reason that this area was built with the intent of uses related to tourism, like the homes in Zone 1. Please consider these higher density areas to be a part of Zone 1, especially when, as the Guidelines clearly states, this is an anticipated area of growth within Breckenridge.

Thank you,
Jaclyn Fitts
681 Settlers Drive

Annexation Suitability

With the exception of those portions of District 10 directly abutting Ski Hill Road, this District is not located in the apparent path of anticipated growth or community expansion. There are 243 acres within District 10 of which only 34 acres are presently developed. Annexation priorities for this District are broken down into two ranges, high and moderate. They are as follows:

High Priority. The areas of District 10 directly abutting Ski Hill Road and those areas with improved infrastructure are considered a high priority for annexation.

Moderate Priority. Those areas of District 10 which have no direct access to Ski Hill Road or Four O'Clock Road and are undeveloped or without existing infrastructure are of moderate priority for annexation. At this time, it is not likely the Town could serve areas beyond adjacent Ski Hill Road developments with capital improvements or daily services to the same standard and cost effectiveness as currently provided.

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Limited short term licenses
Date: Thursday, August 11, 2022 10:43:34 AM

From: Arlene Moss <arlene@breckconnect.com>
Sent: Thursday, August 11, 2022 7:42 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Limited short term licenses

[EXTERNAL MESSAGE]

Hello,

I've been reading about the push back from Zone 3 owners on the short term rental restrictions. I think the zones you've identified make sense. However I can also see why owners would like to make a bit of money without ruining the character of residential neighborhoods.

I suggest you reach out to Madison, Wisconsin. They have a thirty night limit. That allows for football game weekends, graduation, or just renting while you are on vacation. I'm not sure how they monitor it, that's the catch, but it seems like a great compromise. It would give people that two weeks at Christmas which is the bulk of revenue and a crazy busy time in Breckenridge when you'll need that capacity.

Thank you,

Arlene Moss

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Limiting Short-Term Rental Licenses
Date: Monday, August 15, 2022 9:40:10 AM

From: jerrycarlsen@yahoo.com <jerrycarlsen@yahoo.com>
Sent: Friday, August 12, 2022 4:39 PM
Subject: RE: Limiting Short-Term Rental Licenses

I reviewed the recent assessment on establishing zones for ST rentals. While I appreciate what you are trying to do, there is a big gap in your logic. People rent in Breckenridge based on two “desired states”. One is ski in / ski out, or close proximity to a lift, and/or lacking that, the other is “walkability” to Main St. These two criteria is what captures much of the “tourism”. Applying this logic forward, then having Zone 2 not include all of Harris St, and even a block back from Harris St, makes no sense whatsoever. Zone 2 should be 3-4 blocks back from Main St, in the East direction. You already have the West direction covered for the most part.

The other option is to establish another zone that takes in this area East of Main and allocate sufficient allowable rental license’s to actually make a difference to people’s lives and property values, - the 10% cap, like what you currently have in Zone 3 is ludicrous and insulting to property owners.

Best Regards.

Jerry Carlsen

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Mill Run Condominiums - 1436 Broken Lance Drive
Date: Monday, August 8, 2022 8:55:44 AM
Attachments: [image002.png](#)
Importance: High

From: Michael Yearout <mike@mkyphotography.com>
Sent: Saturday, August 6, 2022 10:58 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Mill Run Condominiums - 1436 Broken Lance Drive
Importance: High

[EXTERNAL MESSAGE]

Mr. Mayor:

The confusion caused by multiple maps showing different designations for zones 1, 2 and 3 is very concerning.

The first few maps showed Mill Run in zone 1 along with Tamarisk, Timbernest, Powderhorn and the other condos clustered around the base of Peak 9.

For whatever reason the final (?) map now shows Mill Run has been moved into zone 3.

Please explain why the move was made.

I have attached a photo of my unit and Tamarisk, which is only 25 feet from my front door.

If Tamarisk is in zone 1, Mill Run should also be.

Singling out Mill Run is very unfair.

Of the 18 units the vast majority short term rent and have for years and years. It will never be suitable for workforce housing as the value of the units now exceeds \$1.5 million. A Local family could never afford to purchase a Mill Run unit based on the salaries that are paid in town.

I urge you and the entire council to move Mill Run back into Zone 1.

Sincerely,

Michael Yearout



970-485-0292

<https://www.mkyphotography.com>

mike@mkyphotography.com



From: [Payton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Proposed STR Restrictions/Zoning
Date: Wednesday, August 17, 2022 9:30:15 AM

From: SmittyNYUSA <smittynyusa@gmail.com>
Sent: Wednesday, August 17, 2022 7:49 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Proposed STR Restrictions/Zoning

[EXTERNAL MESSAGE]

Mayor Eric Mamula
Breckenridge City Council

Honorable Mayor Mamula and Breckenridge Town Council,

I am Scott Smith, President of the HOA Board of Trappeur Villas Condominiums.

I have pasted below Tim Dorpinghaus' recent letter to you which I agree with. I would like to point out one more fact that is pertinent to this decision.

All the properties in LD-24 (Zone 1) that are on the West side of Broken Lance Drive are a **considerably further** walk from the base of the Quicksilver lift than Trappeur Villas is, which is now proposed in Zone 3. This is easily discerned from the attached images. I firmly believe that Trappeur Villas and the adjacent properties should be designated Zone 1.

Thank you for your consideration.

Scott Smith
Pres: Trappeur Villas HOA

Begin forwarded message:

From: Tim Dorpinghaus <timdorp@comcast.net>
Date: August 15, 2022 at 9:46:37 PM MDT
To: mayor@townofbreckenridge.com
Cc: timdorp@comcast.net, Buffy Dorpinghaus <buffydorp@comcast.net>
Subject: Land Use District Zone request

Mayor Eric Mamula
City Council

Honorable Mayor Mamula and Town Council,

My name is Tim Dorpinghaus and I am a property owner in the Trappeur Villa condominiums which is in Land Use District 30-2. I appreciate the complexity of the housing issue that is faced by Breckenridge and understand that town has proposed to use Land Use District ("LUD") information as the basis to determine short-term housing license zones. Given that LUDs were used as the starting place for determining the appropriate zone, I am requesting that the Mayor and Town Council reconsider zoning of LUD #30-2 from Zone 3 to Zone 1 for the reasons described below.

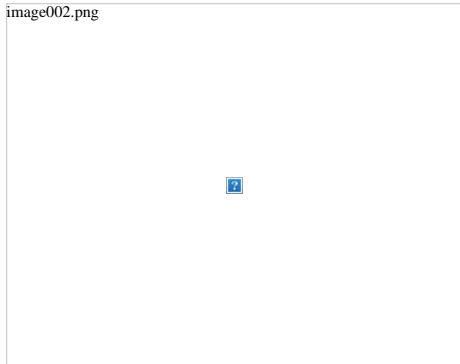
Land Use District descriptions:

As I understand, the character and function of the district was used to guide the placement of LUDs in an appropriate Zone. Specifically, I understand that if the LUD information contained a reference to "walking access to ski lifts" or referenced the ski resort then those LUDs were designated as Zone 1 or a Resort property.

In regards to Trappeur Villa's LUD (LUD 30-2), it only references that it is within walking distance of Town and does not explicitly state that it is within walking distance of the ski lifts. However, clearly looking at the map provided below, all the condominiums in LUD 30-2 are within walking distance of the ski lifts, particularly given the access to the resort via the Warrior's Mark trail. In the case of the Village Point condominiums, which is a LUD 24 Zone 1 property, it is easily outside of the radius of most of the LUD 30-2 properties which are designated as Zone 3.

For purposes of identifying the Zone for LUD 30-2, the district is within walking distance of the lifts and the fact that it does not state that explicitly in the LUD description should not override the reality that it is. This may have simply been something that was overlooked or not considered important when the description was written and consideration should be given. I will note that LUD 30-2 was annexed by the town from Summit County and that may have factored into the description not being consistent with other LUDs in the area that did have reference to being within walking distance of the ski resort.

image002.png



Land Use District comparisons:

In addition, the LUD information typically compares the district to other districts in the area. I note that LUD 30-2 states that it is a high-density development and "very compatible" with District 24 which is designated as a Zone 1 district. Given the proximity of the condominiums in LUD 30-2 to LUD 24, it is hard to discern that there was a different intent for these two districts. As you can see on the proposed Zone map below, the demarcation is effectively splitting the neighborhood in half. Some condominiums that are literally yards from each other will not be treated equitably.

image003.png

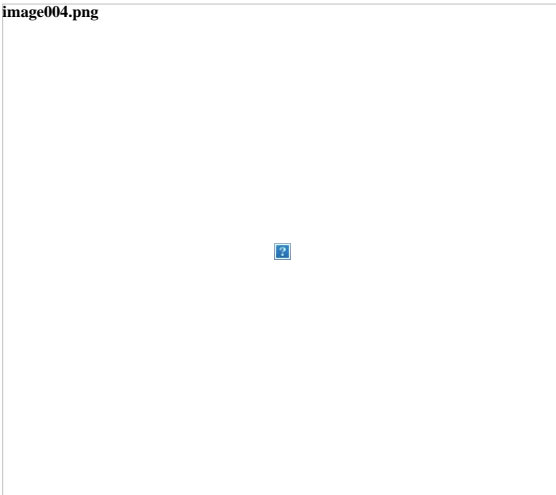


I realize that you and the council have worked hard on the proposal and I applaud your efforts in coming up with a solution to a very difficult problem. I think the basis for the solution is very solid but the second reading should allow for tweaks where there are other nuances that should be considered in determining which zone is appropriate for each district. Due to the significance of the impact to property owners in LUD 30-2, I am asking you and the council to err on the side of caution and reconsider the Zone 3 designation for Land Use District 30-2 given the information above. If you have any questions then feel free to contact me at your convenience.

Regards,

Tim Dorpinghaus
719 684 5165
timdorp@comcast.net

image004.png



From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Proposed Zoning
Date: Tuesday, August 9, 2022 10:12:00 AM

From: Andrea Still <andreastill61@gmail.com>
Sent: Monday, August 8, 2022 8:46 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Proposed Zoning

[EXTERNAL MESSAGE]

To Mayor Mamula and the town council:

Hello! My name is Andrea Still and my husband Tony and I own the property at 102 S. French St which under the proposed plan is slated to fall into Zone 3—single family residential. We do not believe Zone 3 is an accurate designation for our block, and we are respectfully requesting that our property (and the entire block of French between Lincoln and Washington) be changed from Zone 3 (single family residential) to Zone 2 (downtown core) with the following considerations :

1. The block directly adjacent to our block to the north on French Street has been designated as Zone 2 (downtown core,)
2. Our block contains a restaurant (Amazing Grace); The Breckenridge Laundromat which is open 24 hrs a day seven days a week and is extremely busy; St, Mary's Catholic Church; St. John's Episcopal Church; and the French Street Public parking lot.
3. Our own property previously operated as The French Street Inn under a commercial license.
4. Another consideration is that the Public Library property (which also houses the Eclipse movie theater and the Summit Foundation) stretches behind the entire block with parking lots on both ends.

In light of the number of businesses, churches, parking lots, and public buildings that are on our block or surround it, we feel that a Zone 2 classification (downtown core) would be a more accurate designation for our block. Thank you so much for your consideration.

Sincerely,
Andrea Still
andreastill61@gmail.com
417-872-8699

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Public Comment for Breck STR Overlay Vote Tuesday
Date: Wednesday, August 10, 2022 10:34:12 AM
Attachments: [image002.png](#)
[image001.png](#)
[image003.png](#)

From: Amanda Jones <amanda.jones@fortunatoproperties.com>
Sent: Tuesday, August 9, 2022 9:31 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Re: Public Comment for Breck STR Overlay Vote Tuesday

[EXTERNAL MESSAGE]

Mayor — thank you for recognizing South French Street for Zone 2. Very appreciated and hopeful for the change.

Full letter below.

On Aug 7, 2022, at 3:43 PM, Amanda Jones <amanda.jones@fortunatoproperties.com> wrote:

Dear Mayor & Town Council Members,

District 17 (historic district) should be part of the proposed overlay of Zone 2. District 17 has far more similar characteristics and proximity to proposed STR Resort, Zone 1 and Zone 2 than anything in STR Zone 3.

District 17 is already subject to very strict building guidelines and usage for our homes due to its proximity, historic, touristed core nature of its existence. There are many businesses, public buildings and public parking lots in District 17. Furthermore, many of the homes in the district have been used for 115+ years as income producing properties of Breckenridge. Much longer than anything in the Resort Zone and therefore should qualify as part of the proposed STR Zone 2 Downtown Core Zone.

Above has been reflected in the sales prices of these homes and a change will cost millions of dollars in lost equity that has been acquired and paid for over the last century. And WILL NOT result in more local housing.

The majority of the homes in District 17 are, and have been income producing rental properties for 70 to 100 years. There are virtually **no** full-time residents in the district. This is a tourism driven district 100%. The cost of the homes are completely prohibitive to Full Time housing and the proposed overlay will not encourage more FT housing but just cause catastrophic loss of equity and homes that sit empty while wealthy owners that live out of state utilize them a few weeks out of the year.

Additionally, District 17 is walkable to the Ski Resort and further means it should not be part of the proposed STR Zone 3 but of adjacent proposed STR Zone 2. It has thrived as a ski tourist resort community forever.

Owners of the homes in District 17 are subject to far more restrictions and the resulting costs of such restrictions because the district is such a central part of Breckenridge. For example restricted number of bedrooms, additional parking, height restrictions and required distance

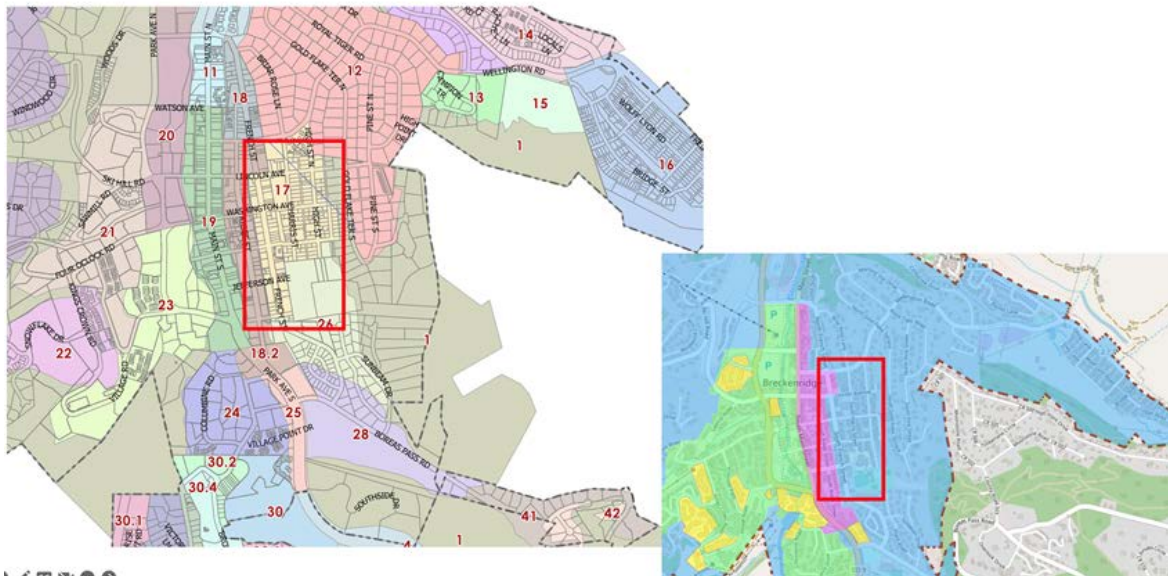
from a historic building to new garages that limit the sizes and land use. It is because we are subject to these regulations that we should not be doubly penalized by not being part of STR Zone 2 Downtown Core. It makes no sense to include District 17th with STR Zone 3 and to limit our use after more than a hundred years of operating as a merchants district. Additionally it is because of the income produced that owners of homes in District 17 are able to keep the homes current and in great historic condition.

The homes in the currently proposed STR Downtown Core Zone 2 are the same style and built dates as in District 17, however District 17 also has plenty of businesses, parking, public buildings, churches and commercial properties and has for over a century – and is very much adjacent to the resort as well as historically a tourism driven market with housing prices that will never turn it into a full time housing area -- making it completely eligible to be part of the proposed STR Zone 2 and not proposed Zone 3.

District 17 (historic district) should be part of the proposed overlay of Zone 2. District 17 has FAR more similar characteristics and proximity to STR Resort, Zone 1 and Zone 2 than anything in STR Zone 3.

Thank you for your consideration.

Amanda Jones
Owner of 106 South French Street.
Circa 1910



Amanda Jones, Co-Owner
Fortunato Properties, Inc.
212 S Ridge St #6
400 N. Park Ave #10-B *Mailing
Breckenridge, CO 80424
970.423.6697 (Office and Emergency Maintenance)
720.576.2903
www.fortunatoproperties.com

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: S French - Between Lincoln and Washington Zone 2 Inclusion
Date: Wednesday, August 10, 2022 12:43:36 PM

From: Amanda Jones <amanda.jones@fortunatoproperties.com>
Sent: Wednesday, August 10, 2022 12:31 PM
To: Council <council@townofbreckenridge.com>
Subject: S French - Between Lincoln and Washington Zone 2 Inclusion

[EXTERNAL MESSAGE]

Dear Mayor and Council,

Thank you for recognizing at the August 9th meeting that the block of South French Street between Lincoln and Washington should be included in Zone 2. These 6 homes, 102, 104, 106, 107, 107 ½ , 112 S. French Street are surrounded and entwined by commercial property and is part of the core downtown business district – therefore we respectfully request to be part of the STR overlay of Zone 2.

There are many businesses, public buildings and public parking lots (see map bottom) on this block. These historic homes, most zoned for mixed-use, have been used for 100+ years as income producing properties of Breckenridge.

Add to Zone 2 Downtown Core - 1 Block of South French Street, Between Lincoln & Washington, Established circa 1900
ON THIS SINGLE BLOCK:

- 6 homes: S. French
 - 102, 104, 106, 107, 107.5, 112
- Amazing Grace Restaurant
- St. John's Church
- St. Mary's Church
- Laundromat 24/7
- French Street Public Town Parking Lot

Backs/Lines up to:

- Public Library
- Summit Foundation Offices
- Eclipse Movie Theater
- Community Center
- Community Center Parking

Adjacent on North and West to Downtown
Core Zone 2.

There are virtually no full-time residents in the district. This is a tourism driven district 100%. The cost of the homes are completely prohibitive to Full Time housing and the proposed overlay will not encourage more FT housing.

This block is adjacent on 2 sides, to the STR Zone 2 to the North and West.

Additionally, this block is walkable to the Ski Resort and has been a rental housing location for the ski resort for 75 years.



This block has FAR more similar characteristics and proximity to STR Zone 2 than anything in STR Zone 3.

The homes in the currently proposed STR Downtown Core Zone 2 are the same style and dates as in this adjacent block and includes businesses, parking, public buildings, churches and commercial properties and has for over a century – and is very much adjacent to the resort as well as historically a tourism driven market with housing prices that will never turn it into a full time housing area -- making it completely eligible to be part of STR Zone 2.



Thank you for your consideration!

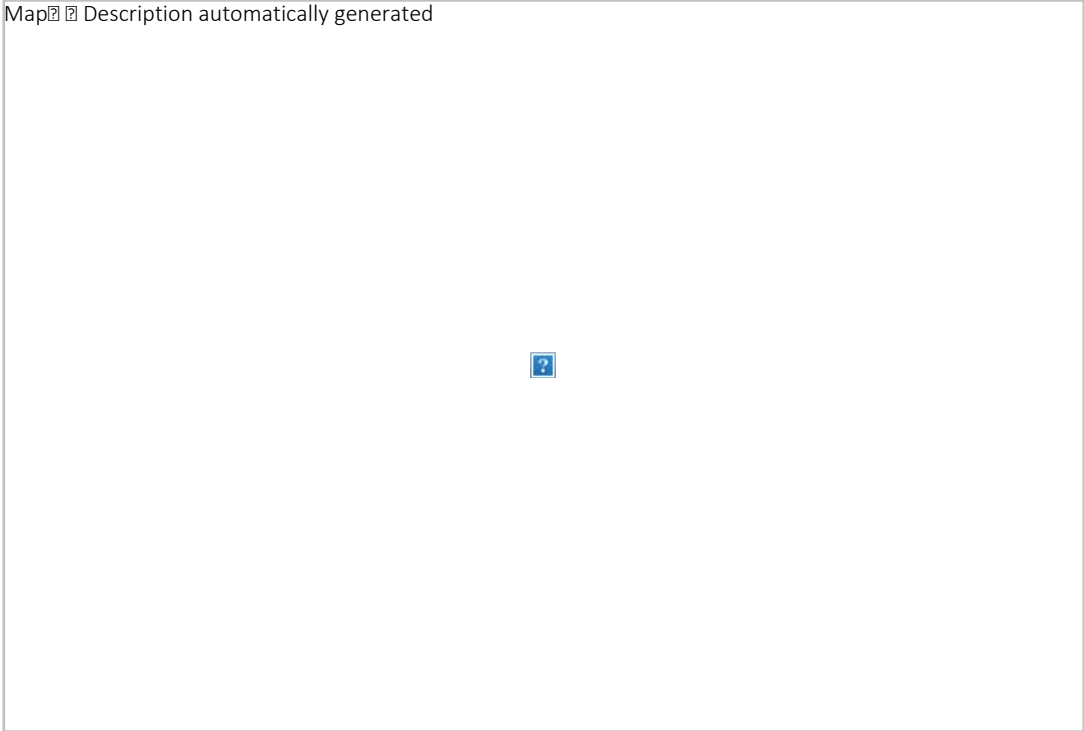
Amanda Jones

Owner of 106 South French Street

Graphical user interface, application   Description automatically generated



Map   Description automatically generated



Amanda Jones, Co-Owner
Fortunato Properties, Inc.
212 S Ridge St #6
400 N. Park Ave #10-B *Mailing
Breckenridge, CO 80424
970.423.6697 (Office and Emergency Maintenance)
720.576.2903
www.fortunatoproperties.com

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: short term rentals
Date: Monday, August 8, 2022 2:56:35 PM

From: I Velte <lvelte2@comcast.net>
Sent: Monday, August 8, 2022 2:52 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: short term rentals

[EXTERNAL MESSAGE]

I understand you will be having a meeting this week regarding short term rentals.

As a full time, all year round, resident for over 20 years, I would like to provide my input.

I am sure you will get varied opinions - mine to be included.

When I first chose Breckenridge as my home, there was a wonderful sense of community, groups of residents who came together and worked together. Yes, there were rentals, but here were also spaces for seasonal workers to reside, nice areas for professionals and business owners to reside, and activities where residents could meet and socialize.

Slowly, this changed as STR's, because of the financial incentive of the unit owners, took over. Prices of real estate sky-rocketed and locals have been pushed away because of the housing costs. I would even venture to say the experience of the visitors has decreased with more traffic and longer waits at restaurants. without our local workforce, there is only so much that can be done to service our visitors.

There must be a balance!!!

I am not against STR's. Honestly 10 years ago there WAS a great economy here that had a balance between visitors and locals. I owned a business and it was very profitable.

As for how to designate which areas have higher percentage of STR's - again there has to be a balance. Perhaps some units - or groups of units - could be designated STR and some not, but in groups so locals can form a community again. Yes, the units designated as not STR may not have the resale value, but there is preservation of accommodating locals. I think locals would like to live just about anywhere throughout the town based on their interests and needs. I happen to live close to the mountain base because I love having easy access to ski. I shouldn't be penalized for that, by being surrounded by STR's where there is incessant noise and parking issues.

Also, on the subject of the monetary incentive for property owners to rent - isnt that obtaining a residentially zoned property as a BUSINESS!
They should be subject to commercial taxes as it is a business at the very least otherwise a violation of zoning.

Thanks for listening

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Short Term Rentals
Date: Monday, August 8, 2022 1:55:05 PM

-----Original Message-----

From: Barb Behmer <writebreck@gmail.com>
Sent: Monday, August 8, 2022 1:50 PM
To: mayor <mayor@townofbreckenridge.com>; Council <council@townofbreckenridge.com>
Subject: Short Term Rentals

[EXTERNAL MESSAGE]

Dear Mayor Mamula and Council Members:

I am writing to voice my support of the current STR overlay map which puts Upper Warriors Mark in zone 3 (residential). We are traditionally a residential neighborhood of permanent residents and home owners who do not short term rent. The outcry from realtors and management companies who want more neighborhoods placed in zone 2 are "all about the money" lining their own pockets. I'm encouraged that the mayor and council recognize when enough is enough. Thank you for listening to those of us who would like to see the neighborhoods return to places where people live and visit long-term rather than selling house after house to investors who care little about the problems STR's cause as long as the money keeps flowing.

A real problem that I see with the rise in property values in my neighborhood is the coming assessment when my house will be assessed alongside these STR's that were bought for millions, sometimes sight-unseen, just so they could be rented short term. I'd really like to see a concerted effort by town governments within Summit County and in unincorporated Summit County to have the state legislature pass legislation requiring STR's to be taxed as commercial enterprises (which they are). They should be kept separate from the comparables when assessing homes that are not short term rented. Not only do we have a housing shortage for workers, but the high assessment rates will drive taxes up for those people already on a budget who aren't making cash from renting their properties short term.

Reading the Letters to the Editor in the Summit Daily, I'm appalled by a realtor who resorts to bullying and name-calling to try and make his point. Yes, Breckenridge is a resort town, but it is also a place where people want to live and enjoy their neighborhoods without the constant hassle of STR's. No, I don't think Breckenridge will become a "ghost town" with fewer STR's. Perhaps a few less tourists is what the town actually needs to make it a more desirable place to live and to visit.

Thank you for the work you've done, trying to find a solution to the STR problems. I am so happy to see Upper Warriors Mark designated as residential (zone 3).

Sincerely,

Barbara Behmer
permanent resident of Upper Warriors Mark since 1989

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: South French Street
Date: Thursday, August 11, 2022 10:39:04 AM

From: Jonathan Jones <jonathan.jones@fortunatoproperties.com>
Sent: Wednesday, August 10, 2022 9:27 PM
To: Council <council@townofbreckenridge.com>
Subject: South French Street

[EXTERNAL MESSAGE]

Dear Mayor and Council,

Thank you for revisiting the LUD boundary lines along S. French Street. As the owner of 106 S. French Street I wanted to mention a couple points for your consideration both on a general and property specific level.

This block being surrounded by both commercial and public uses and it's immediate access to Breckenridge Town amenities and ski area align it completely with a tourist focused commercial district. Due to the commercial, public uses and constant tourism activity on this block it will not appeal to full-time residents and more appropriately belongs in Zone 2.

When purchasing and restoring 106 S. French currently, we could justify purchasing and investing the large amount of money into the property renovation that will preserve its historic nature, convert it from 3 STR's to a single residence with an accessory long-term resident apartment, in this type of commercial/tourism location, because of the equity value that the mixed use zoning/STR contributes.

Three sides of our property are surrounded by commercial and Town public uses. French Street public parking lot bordering 100% of the South side of our property (constant activity/limited privacy), the Community Center and Eclipse Theatre on the entire East side and across the street the Laundromat (a 24/7 operation), St Mary's Church on the West side with Amazing Grace and St. John's on the corners. There is a constant flow of tourists walking through our driveway, etc because it is a commercial location. This makes us completely different than anything else in zone 3. This block is a commercial block.

It's about more than just our property, all residential properties on this block are in the same boat (I believe also all zoned as mixed use), being surrounded by commercial, Town public uses, constant tourism activity, immediate access to Town and ski amenities that align it with a tourist/commercial district.

Again, thank you for your consideration in revisiting the boundary lines on S. French Street.

Jonathan S. Jones

Owner and Managing Broker
Fortunato Properties

Office: (970) 423-6697
Direct: (970) 743-0733
Mobile: (303) 909 1660
jon@fortuntatoproperties.com

212 S. Ridge Street **(physical)**
400 N. Park Avenue, #10-B **(mailing)**
Breckenridge, Colorado 80424



From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: STR's
Date: Tuesday, August 9, 2022 3:04:30 PM

From: Scott Toepfer <snoscott55@gmail.com>
Sent: Tuesday, August 9, 2022 2:50 PM
To: Council <council@townofbreckenridge.com>
Subject: STR's

[EXTERNAL MESSAGE]

First of all, I want to wish all of you good luck tonight. It will likely be contentious due to a certain element that has no cure.

Next, I do not live within the town limits so my say does not carry much weight, but I do work for people that are based in Breckenridge and what happens there does have a very direct impact on my daily life. With that said, here are a couple comments.

- 1) Short term rental fees do not come close to covering the social and physical impacts they create. Infrastructure, traffic issues, general congestion everywhere from the post office to the grocery stores, general everyday costs of everything are driven upwards.
- 2) Anybody that claims Short term rentals create high paying jobs is delusional. Maybe for the small group of property managers and high end real estate agents, but certainly not for the maids, the hot tub repair people, the fix it guys, the snow shovelers, landscapers, and shuttle drivers.
- 3) Personally I think short term rentals should be banned, period, but we all know that will never happen, there is too much money being made to make that intelligent choice.
- 4) How are local people supposed to buy any housing up here when "investors" will pay 100,000 to 150,000 dollars in cash over the asking price? These short term rental people are driving us into another unsustainable bubble. Short term rental properties are one of the primary drivers of our shortage of workers. Period.

Anyway, again, I wish you all the best tonight, I support you and believe you are doing the best you can to keep Breckenridge a community rather than another Beaver Creek, Telluride Mountain Village, Aspen ghost town of 1 percenters.

Scott Toepfer
970-453-7004

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: This map is ill-defined
Date: Tuesday, August 9, 2022 7:06:30 PM

From: B. Fosser <bfosser@gmail.com>
Sent: Tuesday, August 9, 2022 5:23 PM
To: Council <council@townofbreckenridge.com>
Subject: This map is ill-defined

[EXTERNAL MESSAGE]

Dear Council,

I write today to implore you to take more time to get this right, vs done. I'm aware that there is pressure to have this issue "resolved" so lawsuits etc can move forward, but just looking at this map tells me that little good-faith has been put into actually understanding the issue, and what both your locals and visitors want. You have buildings at the base of ski runs in zone 3. You clearly only favored condotels and BGV properties for zone 1, and zone 2 is a mess of select properties within an unspecified radius of downtown. You can't possibly tell me that buildings at the end of ski runs weren't built for STR's and tourists? This is laughable at best. Worst- the city will bear the brunt (and cost) of the lawsuits brought forward by owners as a result.

You've led the way so far in this fight in regulating STR's, and I for one believe that this map is a massive step backward in your fight to find balance. Please reconsider and make the RIGHT decision for Breckenridge.

Sincerely,

--

Brad Fosser

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Town of Breckenridge - Short Term Rentals
Date: Tuesday, August 9, 2022 7:08:33 PM

From: Ford, Andreas <Andreas.Ford@vacationclub.com>
Sent: Tuesday, August 9, 2022 5:31 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Town of Breckenridge - Short Term Rentals

[EXTERNAL MESSAGE]

Dear Mayor Mamula and Members of the Town Council of the Town of Breckenridge:

On behalf of Marriott Resorts Hospitality Corporation, we would like to provide initial comments on Council Bill 28 to be discussed at the Town Council's Regular Meeting on August 9, 2022.

We understand the Town's concerns with the recent growth in short-term-rentals and agree that the related issues surrounding these rentals need to be addressed. However, we would ask for the deletion of the shuttle services and 24-hour front desk requirements from Section 4-4-6 A & E of Council Bill 28 or at a minimum, the delayed implementation of these requirements for timeshare properties.

Timeshare properties are governed by owners through homeowner association boards and funded through annual assessments paid by the owners. The implementation of shuttle services and 24 hour front desks are extremely large expenses for owners to burden and may create negative sentiment against the Town. While timeshare units are occasionally rented to the public, a large percentage of owners do use and occupy their timeshare week in Breckenridge, and requiring these owners to pay for a shuttle service, for example, for themselves when other property owners in the Town of Breckenridge are not required to do so seems unfair.

At least, please give the timeshare associations time to build any new expenses, such as shuttle service and 24 hour front desk, that you choose to impose into the next year's budget.

We welcome further discussion with the Town on this matter and greatly appreciate your time and consideration as to our comments.

Thank you,

Andy Ford
General Manager

T 970-547-2000 **M** 970-331-6861

Marriott's Mountain Valley Lodge®
655 Columbine Rd.
Breckenridge, Colorado 80424

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Town of Breckenridge - Short Term Rentals
Date: Tuesday, August 9, 2022 7:14:28 PM
Attachments: [image001.png](#)

From: Garrison, Travis <travis.garrison@vacationclub.com>
Sent: Tuesday, August 9, 2022 5:55 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Town of Breckenridge - Short Term Rentals

[EXTERNAL MESSAGE]

Dear Mayor Mamula and Members of the Town Council of the Town of Breckenridge:

On behalf of HV Global Management Corporation, we would like to provide initial comments on Council Bill 28 to be discussed at the Town Council's Regular Meeting on August 9, 2022.

We understand the Town's concerns with the recent growth in short-term-rentals and agree that the related issues surrounding these rentals need to be addressed. However, we would ask for the deletion of the shuttle services and 24-hour front desk requirements from Section 4-4-6 A & E of Council Bill 28 or at a minimum, the delayed implementation of these requirements for timeshare properties.

Timeshare properties are governed by owners through homeowner association boards and funded through annual assessments paid by the owners. The implementation of shuttle services and 24 hour front desks are extremely large expenses for owners to burden and may create negative sentiment against the Town. While timeshare units are occasionally rented to the public, a large percentage of owners do use and occupy their timeshare week in Breckenridge and requiring these owners to pay for a shuttle service, for example, for themselves when other property owners in the Town of Breckenridge are not required to do so seems unfair.

At least, please give the timeshare associations time to build any new expenses, such as shuttle service and 24 hour front desk, that you choose to impose into the next year's budget.

We welcome further discussion with the Town on this matter and greatly appreciate your time and consideration as to our comments.

Thank you,

Travis Garrison
General Manager

Hyatt Residence Club Breckenridge, Main Street Station

Office 970.547.8577 Resort 970.547.2700
Email travis.garrison@vacationclub.com
505 South Main Street
Breckenridge, Colorado 80424
hyattresidenceclub.com



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From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Town of Breckenridge real estate sales
Date: Wednesday, August 10, 2022 12:06:29 PM

----- Forwarded message -----

From: **Bruce K Johnson** <Bruce.Johnson@westernunion.com>
Date: Tue, Aug 9, 2022 at 2:33 PM
Subject: Town of Breckenridge real estate sales
To: todd@toddrankin.com <todd@toddrankin.com>

Hi Todd – I was curious if you have any real estate statistics for just the Town of Breck on what the average number of housing units sold each year is (for say the last 5-10 years)? The reason I ask is I am trying to estimate how long it will likely take to churn through housing unit inventory in relation to the STR cap that the TOB has implemented and specifically for Zone 3 (assuming the new regulation passes)? We own a Zone 3 property and will likely need to hold onto it until the effects of the STR cap are fully absorbed by the market, which I am guessing could be 5-10 years for Zone 3 properties. The town council's decisioning is incredibly flawed, in particular in relation to Zone 3 properties which will bear substantially all of the negative effects of the cap. Ironically, the cap will compel many Zone 3 STR licensees to hold their properties and licenses longer than they would otherwise hold it (because the combination of the property + license is more valuable (from an investment return perspective) to them than just the property itself would be to a new buyer without the license). The cap will also incent STR licensees to seek to monetize their properties (while owned) to a greater extent by increasing per night rental rates (which will be achievable due to lower competition from fewer STRs available, all else equal), and renting the properties out more nights per year. We purchased our property with the intention of using it significantly ourselves and renting it out periodically to offset some of the holding costs. Now, considering the significant negative effect the STR cap will have on Zone 3 properties resale values, the only way for us to recover the lost equity caused by the town council's cap will be to: 1) hold the property longer than we might have otherwise held it, resulting in a slower rate of reduction of excess STR licenses to achieve the cap, and 2) rent the property out to short term renters more and using it less ourselves. This outcome (i.e more tourist concentration and less use by owners, slower turnover and inventory of properties available for purchase by locals or second homeowners not interested in renting their properties, etc.) is the complete opposite from what the town's intent was. Additionally, very few STRs (which tend to be finished/equipped with higher end/luxury finishes in prime locations) will actually be converted to long term rentals as they are not designed with seasonal worker accommodations in mind (i.e. inadequate parking for high concentration of workers/roommates, floorplans not conducive to roommates, etc.). Therefore, the Zone 3 cap will not meaningfully increase the number of affordable housing units available to the population of local workers (including a high concentration of seasonal workers who would not be in the market to buy a home regardless), which was the town's primary intent of enacting these measures. The cap's effects will primarily be reduced real estate resale values for Zone 3 properties which negatively affects both 2nd homeowners and local homeowners alike.

Incidentally, considering the Zone 1 properties' "cap" is actually greater than the number of STR licenses that are currently outstanding (by 349 licenses), I am curious if any of the Town Council members have investment (or other) interests in Zone 1 properties (which would

represent a conflict of interest)? Given the significant inequitable treatment between Zone 1 and Zone 3 units, Zone 1 properties' values will increase significantly due to the excess number of STR licenses available, whereas Zone 3 properties price appreciation potential will be limited until approximately 877 units turnover. Therefore, Zone 1 properties will attract significant investment dollars that otherwise would have gone to Zone 3 properties under normal free and fair market conditions.

Thanks,

Bruce Johnson

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Upper Warriors Mark
Date: Tuesday, August 9, 2022 10:09:34 AM

-----Original Message-----

From: Dick Bremer <dickbremer2@gmail.com>
Sent: Monday, August 8, 2022 5:15 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Upper Warriors Mark

[EXTERNAL MESSAGE]

Mayor and members of the council we appreciate the work that you do for the betterment of Breckenridge. We respectfully request that Upper Warriors Mark be designated as zone 3. Breck has been our second home for 20 years. The Upper Warriors Mark neighborhood has been wonderful and we together with all family members continue to enjoy this area. We believe that the zone 3 designation will help maintain this special neighborhood. Thank you for your consideration. Dick and Mary Bremer, 557 White Cloud Drive.

Sent from my iPad

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: URGENT: ordination for limitation of short-term rentals - concerns over process of implementation
Date: Tuesday, August 9, 2022 2:25:45 PM

From: Abbey Browne <Abbey@woodwindsbreck.com>
Sent: Tuesday, August 9, 2022 2:21 PM
To: mayor <mayor@townofbreckenridge.com>
Cc: Mary Betley and John Bloomer <marybetley@yahoo.com>; John Bloomer <bloomer.john@btinternet.com>
Subject: URGENT: ordination for limitation of short-term rentals - concerns over process of implementation

[EXTERNAL MESSAGE]

From: John Bloomer <bloomer.john@btinternet.com>
Subject: **URGENT: ordination for limitation of short-term rentals - concerns over process of implementation**
Date: 9 August 2022 at 16:18:10 BST
To: mayor@townofbreckenridge.com
Cc: Mary Betley <marybetley@yahoo.com>

Dear Mayor Mamula

We are writing to you regarding the plan to limit short term rentals, both as a concerned Breckenridge home-owner since 2013, and regular visitor to Breckenridge since the late 1990's. My wife and I own a home in White Wolf, off Ski Hill Road, close to the Peak 8 (as well as Peak 7 and now 6) ski areas and backing onto the Nordic ski trails. We understand that this is to be discussed at today's Town meeting.

We note that as a result of the Town of Breckenridge's implementation of a zoned plan to limit short term rentals in Breckenridge based on certain Land Use Designations, the homes in our community of White Wolf have been moved out of the recommended "Tourism Zone" into the highly restricted "Residential Zone".

We would like to voice our concerns and surprise about this change, and designation as a "Residential Zone", and request that White Wolf be designated as a "Tourism Zone" as was originally recommended. The basis of our request is as follows:

1. The White Wolf housing area was built intentionally as properties to stay in for those wanting to come to Breckenridge to ski during some or all of the winter months. The original purpose of the housing area was **not** intended for permanent residents.
2. As the properties in White Wolf are Nordic ski in-ski out, they are clearly tourism-focused.

3. Using the Land Use Designation without discrimination for the whole Peak 8 area (including White Wolf) combines together areas intended for tourism (e.g. White Wolf and Peak 8 resorts) with those properties which we understand the Town of Breckenridge has intended for permanent (long-term) residents (e.g. Gold Camp, where we understand the Town of Breckenridge has first right of refusal).

4. While we understand the need for the Town of Breckenridge to secure affordable housing for workers seeking long-term residential homes, White Wolf townhouses would be unaffordable for the Town to acquire for this purpose, given their very high market values.

5. The Breckenridge ski area has been intentionally developed and expanded in our area, from Peak 8 to Peak 7 and now Peak 6 (that we witnessed being built). This significant part of the Breckenridge ski resort needs a variety of rental properties, including those in White Wolf, to encourage skiers to visit, stay and support the local economy.

My wife and I have invested in our second home in White Wolf with two purposes in mind: to have a home in Breckenridge as we love both the town and our local community (in which we are actively involved) and to provide the opportunity for visitors (as we were from the late 1990's to 2013) to stay in a lovely townhome in the mountains for their vacations. We have invested significantly in the property to make it the second home that we love, and a special place for visitors. However, we and many other White Wolf owners who care about Breckenridge rely on the ability to rent out our properties to both host visitors in this beautiful area of Peak 8 (instead of leaving the properties empty) and, at the same time, ensure our properties are properly maintained. Without some rental income, only property speculators and absent multi-millionaires have the incentive to purchase a property in White Wolf, leaving it empty for most of the year. We would hope we, and our rental guests, add significantly more value to the Breckenridge community and economy than such alternative owners.

Many thanks for your attention, and your service to our community,
John Bloomer and Mary Betley
962 Settlers Drive, White Wolf, Breckenridge

Abbey Browne
Wood Winds Property Management
(970)453-0458
www.woodwindsbreck.com

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Woods Manor Zone 1 vs 3
Date: Monday, August 8, 2022 10:14:07 AM

From: Grant Lejonvarn <heyitsgrant@yahoo.com>
Sent: Monday, August 8, 2022 9:15 AM
To: mayor <mayor@townofbreckenridge.com>
Subject: Woods Manor Zone 1 vs 3

[EXTERNAL MESSAGE]

Dear Mayor Mamula and The Breckenridge Town Council,

Here are a few features that we offer at Woods Manor that were designed for the Short-Term Rentals and Time Share Owners from initial construction in the mid 80's. We feel these features make a strong case for Zone 1 VS Zone 3. Please consider these factors as we move forward.

1. **A 24/7 onsite manager living in our designated onsite manager quarters.**
2. **Heated underground Parking.**
3. **Individual unit Ski Lockers.**
4. **Walking distance to the ski lift and the Main Street Shops & Restaurants**

In our separate clubhouse building:

1. **Hot Tub Room**
4. **Game Room**
5. **Steam Room and Sauna, Changing Rooms and Showers.**
6. **Large meeting room and lounge complete with a full kitchen for private gatherings.**

Also, out of 24 units only 2 are full time residents, one of which is on the STR waitlist to rent his property, and the rest rent short term and/or use their properties as second homes. None are long term rentals.

We are very much a resort style property. We would love to meet any of you and walk the property for a few minutes, so that we can show you in person.

With regard to fees, I'd be happy to pay more if the funds go directly to support workforce housing and maintain our unique family friendly ski resort community. We are projected to gross \$35,000 in income this year from our 1BR Condo, I'd be happy to contribute 5% to workforce housing, maybe a campaign titled "5% For Housing."

**Sincerely,
Grant Lejonvarn**

Woods Manor Resident

From: [Peyton Rogers](#)
To: [Sarah Crump](#)
Subject: FW: Zoning reconsideration
Date: Wednesday, August 10, 2022 10:32:52 AM

From: Andrea Still <andreastill61@gmail.com>
Sent: Tuesday, August 9, 2022 10:07 PM
To: Council <council@townofbreckenridge.com>
Subject: Zoning reconsideration

[EXTERNAL MESSAGE]

Dear Council members,

Thank you for allowing me to present my request for a zoning change for the block of French Street between Lincoln and Washington. Here is a written copy of my request. Thank you so much for your consideration.

Respectfully, Andrea Still

Hello! My name is Andrea Still and my husband Tony and I own a historic property at 102 S. French St. which under the proposed plan is slated to fall into Zone 3 –single family residential. We do not believe Zone 3 is an accurate designation for our block, and we are respectfully requesting that our property (and the entire block of French between Lincoln and Washington) be changed from Zone 3 (single family residential) to Zone 2 (downtown core) with the following considerations :

1. The block directly adjacent to our block to the north on French Street has already been designated as Zone 2 (downtown core,)
2. Our block contains a restaurant (Amazing Grace); The Breckenridge Laundromat which is open 24 hrs a day seven days a week and is extremely busy; St, Mary's Catholic Church; St. John's Episcopal Church; and the French Street Public parking lot.
3. Our own property previously operated as The French Street Inn under a commercial license. It has 8 bedrooms and 6 ½ bathrooms with a lock off apartment in the back. It is clearly not set up as a single family home.
4. Another consideration is that the Public Library property (which also houses the Eclipse movie theater and the Summit Foundation) stretches behind the entire block with parking lots on both ends. In fact, people quite often walk down our driveway and hop over our fence to go to the movie!

In light of the number of businesses, churches, parking lots, and public buildings that are on our block or surround it, we feel that a Zone 2 classification (downtown core) would be a more accurate designation for our block. Thank you for your consideration.

Sincerely,
Andrea Still
andreastill61@gmail.com
417-872-8699

From: Andrea Still <andreastill61@gmail.com>
Sent: Tuesday, August 9, 2022 9:56 PM
To: mayor <mayor@townofbreckenridge.com>
Subject: Zone Proposal

[EXTERNAL MESSAGE]

Dear Mayor Mamula,

Thank you so much for the chance to present my request tonight for a zoning change for the block of French Street between Lincoln and Washington. It is our firm belief that the block does not fit into the category of "single family residential" and would be much more in line with the "downtown core" zone. We really appreciate your willingness to look at the map more closely.

Sincerely, Andrea Still

Sarah Crump

From: Peyton Rogers
Sent: Friday, August 12, 2022 11:04 AM
To: Sarah Crump
Subject: FW: Comments to STR Regulations

From: Krisko, Kenneth <kkrisco@cooley.com>
Sent: Friday, August 12, 2022 9:07 AM
To: mayor <mayor@townofbreckenridge.com>
Cc: Krisko, Ken and Michele <mgkrisko1@icloud.com>
Subject: Comments to STR Regulations

[EXTERNAL MESSAGE]

To whom it may concern:

I am a potential prospective purchaser in Breck and wanted to share my thoughts in opposition and context of the proposed STR amendments. I clearly don't get to vote in the town, except with my dollars which I will likely take elsewhere given the regulations.

The regulations make no allowance for purchasers who hope to supplement their purchase with income while they are not able to use the property. I live on the east coast and, until retirement, will not be able to spend seasons at a time a new property. I am also not of the means where I can (and feel like it's appropriate) to have a house sit vacant. It doesn't generate dollars for the town or me. We planned to use this as a starter home in Breck and consider it as a retirement destination. This is likely not our plan given the regulations and it's my loss – along with your town. You are discouraging new investment in the town by people who want to live there but can't do so for a meaningful amount of time.

There should have been consideration given to the amount of time or cap on how much you can rent on a short term basis. The response to rent the property for 30-days or more is inadequate. That market does not exist in any meaningful way. Regular folks and families do not rent or vacation a month at a time. Renting it to a local resident denies me the benefit of using the property as a local will likely not be interested in a short term lease. It's back for me to having the property sitting empty and fronting the costs.

I hear the justification for the caps but am not persuaded they will do any of the things the Town suggests. Noise and parking ordinances will deal with the nuisance of short term rentals. Higher taxes and fees on vacation rentals could be used to subsidize or build housing. Not surprisingly, residents who rent do not want to bear these costs. Rather, they would rather pass them through to new purchasers who are subject to restriction. Not great policy – protectionist and elitist at best. Residents with money (and don't have to rent) want residents with more money as neighbors. If the town residents are so opposed to short term rentals – why didn't they surrender licenses. Instead, they took them out in droves when the regulations first passed.

The idea of opening up more licenses in Zone 1 is optics and of no help. I'm sure the Town has done the math on how many properties would have to sell in Breck to start making new licenses available. Licenses should have been available for transfer on sale. Or, you should grandfather or sunset existing licenses over time.

Thanks for the consideration.

Kenneth J. Krisko

Cooley LLP • One Freedom Square • Reston Town Center
11951 Freedom Drive • Reston, VA 20190-5656

Direct: 703/456-8581 • Fax: 703/456-8100

Bio: [//www.cooley.com/kkrisko](http://www.cooley.com/kkrisko) • Practice: [//www.cooley.com/lifesciences](http://www.cooley.com/lifesciences)

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Series 2022

AN ORDINANCE REORGANIZING TITLE 4, CHAPTER 1 REPEALING REGULATIONS OF ACCOMMODATION UNITS AND REPLACING THOSE PROVISIONS IN A COMPANION BILL ENTITLED “AN ORDINANCE AMENDING THE ACCOMMODATION UNIT LICENSE REGULATIONS TO ESTABLISH MAPPED AREAS BASED ON THE UNDERLYING LAND USE CHARACTERISTICS OF THE TOWN AND IN CONNECTION THEREWITH SETTING LIMITS ON THE CONCENTRATION OF LICENSES BY MAPPED AREA AND ESTABLISHING ADMINISTRATIVE FINES.”

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

Section 1. That chapter 1 of title 4 entitled “Business and License Regulations” is hereby amended by deleting the words stricken, adding the words underlined, and renumbering accordingly, to read as follows:

Chapter 1

BUSINESS AND OCCUPATIONAL LICENSES AND TAX

Sections:

4-1-1: Purpose

4-1-2: Definitions

4-1-3: License required; Exception for retailer having only an economic nexus to the town; Obligation to provide information

4-1-4: Annual license tax

~~4-1-4-1: Annual accommodation unit regulatory fee~~

4-1-5: Issuance of license

4-1-6: Requirements of licensee

4-1-7: Denial of license

4-1-8: Conditions of license

~~4-1-8-1: Special conditions of license – All accommodation units~~

4-1-8-2: Administrative license

~~4-1-8-3: Special conditions of a license; Advertisement of an accommodation unit~~

- 1 ~~4-1-8-4: Limit on the number of accommodation unit licenses~~
- 2 4-1-9: Exemptions
- 3 4-1-10: Administration and enforcement
- 4 4-1-10-1: Suspension or revocation of licenses; Payment of fine in lieu of suspension
- 5 4-1-11: Due date, delinquencies and penalties
- 6 4-1-12: Enforcement; Lien
- 7 4-1-13: Attorney fees and costs
- 8 4-1-14: Intended use of proceeds
- 9 4-1-15: Enforcement date
- 10 4-1-16: Severability
- 11 4-1-17: Repeal of conflicting ordinances

12 4-1-1 Purpose:

13 The purpose of this chapter shall be to require the licensing and regulation of business
 14 activities, occupations and enterprises conducted within the town and provide the town with
 15 necessary information relating to businesses and professions operating within the town in order
 16 to protect the health, welfare and safety of its inhabitants, and to generate and raise additional
 17 revenues for the town for the purpose of marketing and promoting the town and its environs as
 18 a year round resort, to promote and market activities and events beneficial to the economic
 19 vitality of the community.

20 4-1-2 Definitions:

21 For the purpose of this chapter, the following terms, phrases, words and their derivations shall
 22 have the meanings given herein:

23 ~~ACCOMMODATION UNIT: A separate and distinct living unit including condominium,~~
 24 ~~townhome, house, trailer, studio unit, condominium unit, or any such other similar unit which is~~
 25 ~~rented to any person, who, for consideration, uses, possesses or has the right to use or possess~~
 26 ~~such accommodation unit for a period of less than thirty (30) consecutive days, regardless of the~~
 27 ~~number of days during a license year such unit is rented.~~ Has the same meaning as set forth in
 28 section 4-6-1 of this code.

29 ADMINISTRATIVE LICENSE: A license issued by the finance director pursuant to section 4-1-8-
 30 2 of this chapter.

31 ~~ADVERTISEMENT: A form of marketing communication that employs a non-personal message~~
 32 ~~to promote the rental of an accommodation unit. This includes, but is not limited to, mailing,~~
 33 ~~brochures, print, internet listing, e-mail publication, social media, other electronic means, or~~
 34 ~~other means or methods regardless of the medium used.~~

35 APPLICANT: A person who has made an application for the initial issuance or renewal of an
 36 annual business and occupational license under the provisions of this chapter.

1 ~~AUTHORIZED PUBLIC INSPECTOR: With respect to inspections to be conducted pursuant to~~
2 ~~subsection 4-1-8-1A10 of this chapter, any employee or representative of the town's Finance~~
3 ~~Department, except the finance director.~~

4 ~~BEDROOM: A separate room in an accommodation unit meeting the requirements of Section 4-~~
5 ~~1-8-1A9 of this chapter.~~

6 BUSINESS: The word "business" shall include all kinds of vocations, occupations, professions,
7 enterprises, establishments, and all other kinds of activities and matters, together with all
8 devices, machines, vehicles and appurtenances used therein, any of which are conducted for
9 profit, gain, or benefit, either directly or indirectly, on any premises in the town.

10 BUSINESS DAY: Has the meaning provided in Section 9-1-5 of this code.

11 ECONOMIC NEXUS: Has the meaning provided in Section 3-1-2 of this Code.

12 EMPLOYEE: Any person receiving compensation from a business licensee subject only to the
13 following: any person who works twenty (20) hours or more per week is considered a full time
14 employee. Any combination of persons who together work twenty (20) hours or more per week
15 are counted as one full time employee for each increment of twenty (20) hours, or fraction
16 thereof, worked per week. An employee includes an owner, manager, partner, associate or
17 proprietor who works for and receives compensation from his/her business and, further,
18 includes commissioned agents.

19 ~~EXEMPT ACCOMMODATION UNIT: An accommodation unit described in Section 4-1-8-1G.~~

20 FINANCE DIRECTOR: The Finance Director of the town of Breckenridge, or his or her designee
21 acting pursuant to Section 1-7-2 of this Code.

22 HEARING OFFICER: The town manager of the town of Breckenridge, or his or her designee
23 acting pursuant to Section 1-7-2 of this Code.

24 IN HOME OCCUPATION:

25 A. Any business legally operated from a residential structure in a residential district within the
26 town; or

27 B. A primary caregiver who cultivates marijuana within the town for a patient in the primary
28 residence of either the patient or primary caregiver.

29 IN TOWN BUSINESS: Any business operated from a fixed location within the town. "In Town
30 business" does not include in home occupations.

31 LICENSE: A license issued by the finance director pursuant to this chapter.

32 LICENSED PREMISES: A premises for which a license has been issued by the finance director
33 pursuant to this chapter.

34 LICENSEE: A person to whom a license has been issued by the finance director pursuant to
35 this chapter.

36 ~~LICENSING YEAR: The period for which a license issued under this chapter is valid as provided~~
37 ~~in section 4-1-5 of this chapter.~~

- 1 LODGE: Any premises consisting of multiple rental rooms or units all held in common
 2 ownership, which shall include hotels, motels, and boarding houses, ~~and apartment buildings.~~ A
 3 lodge is not a property that was designed for the purposes of generally housing members of a
 4 single household, such as a single-family residence, duplex, townhome, apartment buildings
 5 and condominium unit.
- 6 LONG TERM RENTALS: Lease of premises to a person for a term in excess of thirty (30)
 7 consecutive days.
- 8 ~~MOTOR VEHICLE: As defined by the town's Traffic Code adopted pursuant to title 7, chapter 4~~
 9 ~~of this Code.~~
- 10 ~~NONEXEMPT ACCOMMODATION UNIT: An accommodation unit other than those~~
 11 ~~accommodation units described in Section 4-1-8-1G.~~
- 12 ~~OCCUPANCY LIMIT: The maximum number of persons permitted to reside overnight in an~~
 13 ~~accommodation unit.~~
- 14 PERSON: Includes individuals, firms, partnerships, joint ventures, societies, associations, clubs,
 15 trustees, trusts, or corporations, or any officers, agents, employees, factors, or any types of
 16 personal representatives of any other person, under either personal appointment or pursuant to
 17 law.
- 18 PREMISES: Includes all lands, structures, places, and also the equipment and appurtenances
 19 connected or used therewith, in any business, and also any personal property which is either
 20 affixed to, or is otherwise used in connection with any business on such premises.
- 21 ~~PRIMARY CAREGIVER: Has the meaning provided in section 4-4-5 of this title.~~
- 22 PRIMARY RESIDENCE: The place in which a person's habitation is fixed for the term of the
 23 license and is the person's usual place of return. A person can have only one (1) primary
 24 residence.
- 25 ~~RENTAL AGENT: A management company, rental agent, or other person employed or engaged~~
 26 ~~by the licensee to advertise the accommodation unit for rent, or to remit any required tax to the~~
 27 ~~town.~~
- 28 ~~RESPONSIBLE AGENT: A management company, rental agent, or individual who is identified~~
 29 ~~by a licensee as the licensee's responsible agent pursuant to subsection 4-1-8-1A6 of this~~
 30 ~~chapter. A licensee may, at the licensee's option, identify an alternate responsible agent to act~~
 31 ~~for the licensee if the responsible agent, for any reason, is not successfully contacted by the~~
 32 ~~town in response to a complaint, or the administrative regulations adopted by the finance~~
 33 ~~director pursuant to subsection 4-1-10A3 of this chapter.~~
- 34 RETAILER: Has the meaning provided in Section 3-1-2 of this Code.
- 35 ~~STUDIO: An accommodation unit which does not contain a bedroom.~~
- 36 VENDOR: Any person conducting business within the town without a permanent operating
 37 location.
- 38 A. Seasonal Vendor: A vendor doing business within the town for between fourteen (14) days
 39 and four (4) months during each calendar year.

1 B. Regular Vendor: A vendor doing business within the town in excess of four (4) months each
2 calendar year.

3 4-1-3 License required; Exception for retailer having only an economic nexus to the town;
4 Obligation to provide information:

5 ~~A. Except as provided in section B, below, and in Section 4-1-9, it shall be unlawful for any~~
6 ~~person to maintain, operate, or conduct any retail business or engage in any business activity in~~
7 ~~the town, including the delivery of goods (excluding wholesale) within the town which are~~
8 ~~purchased or contracted for outside the corporate limits of the town, without having first~~
9 ~~obtained a business and occupational license pursuant to this chapter. Advertisement of an~~
10 ~~accommodation unit that is located within the town is considered engaging in a business activity~~
11 ~~within the town. If business is transacted at two (2) or more separate locations by one person, a~~
12 ~~separate license for each place of business shall be required.~~

13 B. Any retailer having only an economic nexus with the town that has not established a physical
14 presence in the town shall be exempt from the licensing license tax requirements of this
15 chapter; provided, however, that: (i) within thirty (30) days of notice from the finance director
16 such retailer shall furnish to the finance director the name, address, email address, and
17 telephone number of the retailer; and (ii) the retailer shall notify the finance director in writing
18 within thirty (30) days of any change to the name, address, email address, or telephone number
19 of the retailer previously provided to the finance director.

20 4-1-4 Annual license tax:

21 An annual business and occupational license tax is hereby levied upon every person doing
22 business within the town according to the following schedule:

23 A. Accommodation Units: The person owning such accommodation unit shall pay annual tax
24 of:

25	Type Of Unit	Tax
26	Studio unit	\$ 75.00
27	1 bedroom unit	100.00
28	2 bedroom unit	125.00
29	3 bedroom unit	150.00
30	4 or more bedroom unit	175.00

31 ~~Each applicant shall advise the town, by affidavit, under oath, at the time of application~~
32 ~~hereunder, of the number of accommodation units applicant had for the prior year and the~~
33 ~~number of such units applicant intends to have for the present year. The tax payable under this~~
34 ~~subsection shall be based upon the number of accommodation units set forth for the current~~
35 ~~year in such affidavit.~~

36 B. In Home Business Occupation: The owner of each "in home occupation" as defined in this
37 chapter shall pay an annual tax of fifty dollars (\$50.00) per annum; provided, however, that no
38 annual tax shall be required to be paid by a primary caregiver.

1 C. Lodge: In addition to the tax required by subsection E of this section, each owner of a
2 "lodge" as defined herein shall pay one hundred dollars (\$100.00) per rental unit or fifty dollars
3 (\$50.00) per bedroom per annum, whichever is less.

4 D. Vendors: Each regular vendor shall pay one hundred dollars (\$100.00) per annum. Each
5 seasonal vendor shall pay fifty dollars (\$50.00) per annum.

6 E. In Town Business: All in town businesses shall pay an annual business and occupational
7 license tax levy as follows:

8 An annual ~~fee~~ tax of two hundred dollars (\$200.00) per annum, plus ten dollars (\$10.00) per
9 employee per annum.

10 Applicant shall advise the town, by affidavit, under oath, at the time of application hereunder, of
11 the highest number of employees applicant had for the subject business for any one month in
12 the prior year, or for any new businesses the highest number of employees applicant intends to
13 employ for any one month for the current year. The ~~fees~~ taxes payable under this subsection
14 shall be based upon the number of employees set forth in such affidavit.

15 ~~4-1-4-1 Annual accommodation unit regulatory fee:~~

16 ~~A. Legislative Intent and Findings:~~

17 ~~1. It is the purpose of this section to protect the public health, safety, and welfare by~~
18 ~~establishing a comprehensive accommodation unit regulatory scheme that will strike an~~
19 ~~equitable balance between the short term rental industry and the local community.~~

20 ~~2. The regulatory fee will benefit accommodation unit licensees by supporting housing policies~~
21 ~~and programs for the local workforce that supports industries that create the world class resort~~
22 ~~experience.~~

23 ~~3. The regulatory fee will help address the secondary impacts caused by the short term rental~~
24 ~~industry by protecting the character of the local community and town neighborhoods where~~
25 ~~accommodation units are located.~~

26 ~~4. To ensure that the amount of the fee bears a reasonable relationship to the direct and~~
27 ~~indirect costs of implementing the town's comprehensive regulatory program established by this~~
28 ~~chapter, the administration retained an expert consulting firm to conduct a fee study and~~
29 ~~establish the reasonable amount of the fee.~~

30 ~~5. The fee established by this section is not designed to raise revenues to defray the general~~
31 ~~expenses of town government, but rather is a charge imposed for the purpose of defraying~~
32 ~~some of the costs of the particular town services and programs described in subsection D of this~~
33 ~~section.~~

34 ~~6. Consistent with Colorado Union of Taxpayers Foundation v. City of Aspen, 418 P.3d 506~~
35 ~~(2018), that a charge is not a tax if the primary purpose of the charge is not to raise revenue for~~
36 ~~general governmental purposes but is instead to defray some of the costs of regulating an~~
37 ~~activity under a comprehensive regulatory scheme, the fee imposed by the town under this~~
38 ~~section is collected from the short term rental licensees for the primary purpose of defraying the~~
39 ~~costs of housing policies and programs for the local workforce essential to the tourism economy~~
40 ~~that benefits the short term rental licensees.~~

- 1 B.—Establishment of Accommodation Unit Regulatory Fee:
- 2 1.—Commencing with licenses for accommodation units issued on or after January 1, 2022,
3 licensing period there shall be added to each accommodation unit license issued by the finance
4 director pursuant to this chapter, and there shall be paid by the licensee of such license, an
5 annual accommodation unit fee. The amount of the annual accommodation unit fee for 2022
6 shall be four hundred dollars (\$400.00) per studio and/or per bedroom in any accommodation
7 unit; provided, however, the regulatory fee established in this section shall not be imposed
8 where the accommodation unit is the applicant's primary residence and is rented out for a
9 period of time not to exceed twenty one (21) days out of the year.
- 10 2.—Beginning with the town's 2023 fiscal year, the amount of the accommodation unit fee
11 described in this section shall be fixed by the town council as part of its annual budget process
12 in an amount not to exceed seven hundred fifty six dollars (\$756.00). Annually at the time of the
13 budget process, the director shall submit for review by council a report confirming that the fee
14 amount from the prior year is adequately and reasonably covering the direct and indirect costs
15 of the regulatory program. If, for any reason, the amount of such fee is not fixed by the town
16 council as part of its annual budget process, the fee for the preceding year shall continue in full
17 force and effect until changed by the town council.
- 18 3.—No accommodation unit license shall be issued until the applicable accommodation unit fee
19 has been received by the finance director.
- 20 C.—Due Date of Fee: The accommodation unit fee shall be due and payable to the town at the
21 same time the tax required by section 4-1-4 of this chapter is due per section 4-1-11 of this
22 chapter and is delinquent if it remains unpaid for thirty (30) days thereafter. Failure to pay the
23 fee in accordance with this section will result in the nonissuance or nonrenewal of a license.
- 24 D.—Regulatory Fee Fund:
- 25 1.—Administration of the Fund:
- 26 a.—All sums of money collected by the town per this section are intended exclusively for use as
27 outlined in subsection D(2) of this section.
- 28 b.—The fee shall be administered by the finance director. The finance director is authorized to
29 adopt administrative rules pursuant to title 1, chapter 18 of this Code to implement this chapter,
30 prescribe forms and provide methods of payment and collection, and otherwise implement
31 requirements of this chapter.
- 32 c.—The fees collected in accordance with this section shall be accounted for by the finance
33 director in such a manner that the finance director can separately track the collection and
34 expenditure of such fees.
- 35 d.—The fees collected in accordance with this section shall not be used for general municipal or
36 governmental purposes or spending. Nor shall the fund ever be transferred to or become part of
37 the town's general fund.
- 38 e.—The finance director shall establish a method for separately accounting for all of the
39 accommodation unit regulatory fees collected by the town pursuant to this section, and the
40 expenditure of such fees.

1 ~~2. Purpose and Use of the Regulatory Fees: Funds collected by the town from the~~
2 ~~accommodation unit fee established by this section shall be used to defray the reasonable direct~~
3 ~~and indirect costs of the following:~~

4 ~~a. The town's housing policies and programs, including buy downs, lease to locals, acquisition~~
5 ~~of deed restricted units, and/or construction of new units;~~

6 ~~b. To address the secondary impacts caused by the short term rental industry by protecting the~~
7 ~~character of the local community and town neighborhoods where accommodation units are~~
8 ~~located including but not limited to lack of parking, loud noise, and increased trash associated~~
9 ~~with the higher density use; and~~

10 ~~c. To defray the costs to the town, including, but not limited to, for staff and personnel required~~
11 ~~for the administration and enforcement of the regulatory program. (Ord. 19, Series 2018; amd.~~
12 ~~Ord. 35, Series 2021)~~

13 4-1-5 Issuance of license:

14 A. The Finance Director shall issue a license under this chapter upon presentation of a
15 completed license application, and payment of the fee required by section 4-1-4 of this chapter.
16 Provided, however, the finance director shall not issue more accommodation unit licenses than
17 is authorized pursuant to Section 4-1-8-4A of this Chapter.

18 ~~1. The Finance Director shall issue a license for an accommodation unit under this chapter~~
19 ~~only to the owner of such accommodation unit.~~

20 B. Except as otherwise provided in ~~Section 4-1-8-4~~this code, a license issued under this
21 chapter shall be valid for one year commencing with the date of issuance and shall be renewed
22 annually, ~~until the occurrence of an event described in Section 4-1-8-4C.~~

23 ~~C. If an accommodation unit license is lost because the licensee no longer holds legal title to~~
24 ~~the real property that is the subject of the license, the finance director shall, upon request of the~~
25 ~~subsequent owner of such real property, issue to such owner a temporary six-month~~
26 ~~accommodation unit licensee to allow such owner to honor, insofar as possible, reservations for~~
27 ~~the property that existed on the date that the previous owner's accommodation unit license was~~
28 ~~lost due to the transfer of legal title to the real property that was the subject of the previous~~
29 ~~license.~~

30 4-1-6 Requirements of licensee:

31 Every licensee under this chapter shall do the following:

32 A. Ascertain and at all times comply with all laws and regulations applicable to a licensed
33 business;

34 B. Avoid any illegal, dangerous or harmful practices or conditions which are detrimental to the
35 public property, health, welfare, peace or safety;

36 C. Refrain from engaging in business on the licensed premises during the period his license is
37 revoked or suspended.

38 4-1-7 Denial of license:

- 1 A. An application for the initial issuance or renewal of an annual business license shall be
2 denied by the finance director:
- 3 1. If the business for which the license is sought is an unlawful business;
- 4 2. If the applicant is not qualified to engage in such business under applicable Federal, State
5 or local law; or
- 6 3. If the applicant or, in the event of an applicant which is other than a natural person, if any
7 principal of the applicants, owes to the town any unpaid and delinquent tax of any kind. As used
8 in this subsection, the term "principal" means: a) as to a corporation, any officer, director, or
9 shareholder owning fifty percent (50%) or more of the issued and outstanding capital stock of
10 the corporation, b) as to any general partnership, any partner, c) as to any limited partnership,
11 any general partner, and d) as to any limited liability company, any manager or member owning
12 more than fifty percent (50%) interest in the entity. The term "delinquent" means the
13 nonpayment of any tax obligation owed to the town within sixty (60) days of the date such
14 obligation is due.
- 15 B. In the event an application is denied, the finance director shall deliver to the applicant a
16 written order of denial stating the reason for denial.
- 17 C. An applicant whose application for a license has been denied by the finance director may
18 appeal such denial by filing a request for a hearing with the Hearing Officer within twenty (20)
19 days of the date of the finance director's written order of denial. If a request for a hearing is
20 timely filed, the Hearing Officer shall cause a hearing to be held using the general procedures
21 provided for the suspension or revocation of a license in section 4-1-10-1 of this chapter.
- 22 D. An applicant whose application for a license is finally denied shall be entitled to a refund of
23 the license fee submitted with the application.
- 24 4-1-8 Conditions of license:
- 25 A. Public Streets And Rights-Of-Way: It shall be unlawful to conduct any business on the
26 public streets or public rights-of-way in the town without a permit issued pursuant to chapter 15
27 of this title, or as otherwise authorized by applicable law.
- 28 B. Posting: The licensee shall post his current business license in a conspicuous place on the
29 licensed premises at all times.
- 30 C. Nontransferable:
- 31 1. No license issued pursuant to this chapter shall be transferable.
- 32 2. Upon the transfer of a business or premises licensed by the town pursuant to this chapter
33 ~~that is not an accommodation unit~~, the existing license shall terminate. The transferee of such
34 business or premises may apply for a new annual business license. The transferee shall receive
35 a pro rata credit on the license fees for the portion of the year remaining of the existing business
36 license.
- 37 ~~3. Unless exempted by Section 4-1-8-1H or Section 4-1-8-1I, below, upon transfer of legal title~~
38 ~~to real property for which a valid accommodation unit license issued by the town pursuant to this~~
39 ~~chapter is in effect the existing accommodation unit license for such property shall terminate.~~

1 The new owner of such real property may apply for a new accommodation unit license subject
2 to the limitations and requirements of Section 4-1-8-4 of this Chapter.

3 ~~4-1-8-1 Special conditions of license—All accommodation units:~~

4 ~~A.—Special Conditions: Except as provided in subsection G of this section, in addition to the~~
5 ~~other requirements of this chapter, the owner of an accommodation unit licensed pursuant to~~
6 ~~this chapter shall, as a condition of such license, be subject to the following requirements:~~

7 ~~1.—The motor vehicles of all occupants of the accommodation unit shall be parked only on the~~
8 ~~site of the accommodation unit, or in a Town designated parking area located off of the site of~~
9 ~~the accommodation unit. No motor vehicles shall be parked on the lawn or landscaped areas of~~
10 ~~an accommodation unit, or in the public street or right-of-way adjacent to the accommodation~~
11 ~~unit. No person shall be permitted to stay overnight in any motor vehicle which is parked at an~~
12 ~~accommodation unit. Further, all motor vehicles parked at an accommodation unit shall comply~~
13 ~~with the requirements and be subject to the limitations of section 9-3-11 of this Code.~~

14 ~~2.—The storage and disposal of all trash and garbage from an accommodation unit shall comply~~
15 ~~with the requirements of title 5, chapter 2 of this Code.~~

16 ~~3.—No unreasonable noise shall be permitted to emanate from an accommodation unit or the~~
17 ~~real property upon which an accommodation unit is located. In determining whether a particular~~
18 ~~noise is unreasonable, the Hearing Official shall consider: (i) the time of the day that the noise~~
19 ~~emanated from the accommodation unit; (ii) the location of the noise in relation to the location of~~
20 ~~the person who heard such noise; and (iii) all other relevant factors.~~

21 ~~4.—Reserved.~~

22 ~~5.—The licensee shall provide to the finance director the name, address and telephone number~~
23 ~~of any current rental agent for the accommodation unit. The rental agent may be changed by the~~
24 ~~licensee from time to time throughout the term of the license. To effect such change, the~~
25 ~~licensee shall notify the finance director of the change in writing and shall, at the same time,~~
26 ~~provide the finance director with the name, address and telephone number of the licensee's~~
27 ~~replacement rental agent.~~

28 ~~6.—At the time of the issuance of the license the licensee shall also provide to the finance~~
29 ~~director the name, address and telephone number of a responsible agent who is authorized by~~
30 ~~the licensee to receive communications from the town concerning the accommodation unit, and~~
31 ~~who agrees in writing to comply with the requirements of subsection A7 of this section. The~~
32 ~~responsible agent may be the same person designated by licensee pursuant to subsection A5~~
33 ~~of this section. The designated responsible agent may be changed by the licensee from time to~~
34 ~~time throughout the term of the license. To effect such change, the licensee shall notify the~~
35 ~~finance director of the change in writing and shall, at the same time, provide the finance director~~
36 ~~with the name, address and telephone number of the licensee's replacement responsible agent.~~

37 ~~7.—A licensee's responsible agent, or such person's employee or designee, shall be available~~
38 ~~twenty four (24) hours per day, seven (7) days per week, to respond (as defined in the~~
39 ~~administrative rules and regulations) to any complaint filed with or through the town, or a~~
40 ~~website provided by the town for such purpose, about the operation or condition of the~~
41 ~~licensee's accommodation unit. Such responsible agent shall respond to a complaint within sixty~~
42 ~~(60) minutes of receiving notice of such complaint. The responsible agent's failure to respond to~~

1 a complaint as required by this section is chargeable to the owner pursuant to subsection B of
2 this section.

3 ~~8.—Each accommodation unit shall comply with all of the following minimum health and safety
4 standards at all times while the property is being occupied:~~

5 ~~a.—The applicable requirements of the town's Building and Technical Codes adopted by
6 reference in title 8, chapter 1 of this Code;~~

7 ~~b.—The applicable requirements of any other ordinance, rule, or administrative regulation of the
8 town;~~

9 ~~c.—The terms and conditions of any development permit issued to the licensee with respect to
10 the accommodation unit;~~

11 ~~d.—Smoke detectors and carbon monoxide detectors shall be installed in the accommodation
12 unit and shall be operable at all times; and~~

13 ~~e.—Wood-burning fireplaces and stoves in the accommodation unit shall be cleaned on an
14 annual basis.~~

15 ~~9.~~

16 ~~a.—The occupancy limit for all accommodation units except studios shall be two (2) persons per
17 bedroom plus four (4) additional persons. The occupancy limit for studio accommodation units
18 shall be a total of four (4) persons. Condominiums, condominium/hotels, and
19 hotels/lodgings/inns as defined in section 9-1-5 of this Code are exempt from the occupancy
20 limits of this section.~~

21 ~~b.—The number of bedrooms in an accommodation unit shall be determined by the finance
22 director.~~

23 ~~c.—A space in an accommodation unit shall be classified as a bedroom if such space is either:
24 (a) designated in Summit County Assessor's database as a bedroom, or (b) designated as a
25 bedroom on building plans that have been approved by the town's chief building official.~~

26 ~~d.—A space in an accommodation unit that is not classified as a bedroom pursuant to
27 subsection C of this Section may be designated as a bedroom if the space meets all of the
28 following requirements:~~

29 ~~1.—The space must have interior walls and door(s) on the same level of the building as the
30 space in order to separate the space and provide privacy. The space cannot be a through way
31 to another room of the accommodation unit or to the exterior.~~

32 ~~2.—The space must have an egress window as required by the town's building and technical
33 code adopted by reference in chapter 1, title 8 of this code.~~

34 ~~3.—The space must contain a built-in closet (consisting of dry wall), or built-in clothes storage
35 area. A built-in clothes storage area must be permanently affixed to the wall, requiring repairs to
36 the accommodation unit if removed. Built-in bunk beds with built-in clothes storage space
37 complies with this requirement. But, bunk bed with drawers purchased from a furniture store
38 does not comply. An armoire also does not meet the closet criteria.~~

1 ~~4. The space must contain operable smoke and carbon monoxide detectors pursuant to~~
2 ~~Colorado law (within 15 feet of any bedroom).~~

3 ~~5. The space must have not less than 5 feet of ceiling height; and~~

4 ~~6. The space must be not less than least 70 square feet in size.~~

5 ~~e. The Finance Director's determination of the number of bedrooms in an accommodation unit~~
6 ~~may be appealed to the town council. To appeal the finance director's determination the owner~~
7 ~~of the accommodation unit must file a letter of appeal with the town manager within ten (10)~~
8 ~~days after the date of mailing of the finance director's written determination of the number of~~
9 ~~bedrooms. Upon the timely filing of a letter of appeal, the town council shall conduct a de novo~~
10 ~~hearing on the appeal at a regular or special town council meeting held within thirty (30) days of~~
11 ~~date of the filing of the letter of appeal, unless the owner of the accommodation unit agrees to a~~
12 ~~longer time. Notice of the de novo hearing shall be given to the appealing accommodation unit~~
13 ~~owner by the town clerk at least twenty (20) days before the hearing. The burden of proof in the~~
14 ~~appeal shall be on the finance director. At the appeal, the appealing accommodation unit owner~~
15 ~~may appear with or without counsel, and present such evidence as may be relevant. The strict~~
16 ~~rules of evidence shall not apply to the de novo hearing. If the town council finds by a~~
17 ~~preponderance of the evidence that the finance director's determination of the number of~~
18 ~~bedrooms in the subject accommodation unit was correct, the appeal shall be denied. If the~~
19 ~~town council finds by a preponderance of the evidence that the finance director's determination~~
20 ~~of the number of bedrooms in the subject accommodation unit was incorrect, the appeal shall be~~
21 ~~sustained, and the finance director's determination shall be set aside. As part of its order~~
22 ~~sustaining an appeal, the town council shall fix the appropriate number of bedrooms that are in~~
23 ~~the accommodation unit based upon the criteria in this section. The town council's decision shall~~
24 ~~be final, subject to the right of the accommodation unit owner to contest the matter in an~~
25 ~~appropriate court action commenced under rule 106(a)(4) of the Colorado Rules of Civil~~
26 ~~Procedure. For purposes of determining the time limit for the commencement of an action under~~
27 ~~rule 106(a)(4) of the Colorado Rules of Civil Procedure, the town council's decision shall be~~
28 ~~deemed to be final upon the Council's issuance of a written order sustaining the accommodation~~
29 ~~unit owner's appeal and fixing the number of bedrooms that are in the owner's accommodation~~
30 ~~unit.~~

31 ~~10. Because accommodation units are, by their nature, intended to be occupied by numerous~~
32 ~~guests for short periods of occupancy, it is determined that the town's ability to inspect~~
33 ~~accommodation units is in the interest of public safety. Therefore, whenever it is necessary or~~
34 ~~desirable to make an inspection to enforce the special requirements of this subsection A, an~~
35 ~~authorized public inspector may enter such accommodation unit at all reasonable times to~~
36 ~~inspect the same for the purpose of enforcing such special conditions. Provided, that if such~~
37 ~~accommodation unit is occupied, the authorized public inspector shall first present proper~~
38 ~~credentials and request entry, and if such accommodation unit is unoccupied, shall first make a~~
39 ~~reasonable effort to locate the owner, the local responsible agent, or other person having~~
40 ~~charge or control of the accommodation unit and request entry. If such entry is refused, or if the~~
41 ~~accommodation unit is locked, the authorized public inspector shall have recourse to every~~
42 ~~remedy provided by law to secure entry. When an authorized public inspector has obtained a~~
43 ~~proper inspection warrant or other remedy provided by law to secure entry, no owner, occupant,~~
44 ~~or any other persons having charge, care, or control of any accommodation unit shall fail or~~
45 ~~refuse, after proper request is made as herein provided, to promptly permit entry therein by the~~

1 authorized public inspector for the purpose of inspection of the accommodation unit. No
2 inspection warrant or permission shall be required for an authorized public inspector to enter
3 and inspect an accommodation unit in the case of an emergency involving the potential loss of
4 property or human life.

5 ~~11.— The Municipal Court Judge may issue an inspection warrant authorizing the inspection of~~
6 ~~an accommodation unit pursuant to this section in accordance with rule 241(b) of the Colorado~~
7 ~~Municipal Court Rules of Procedure. Any inspection warrant issued pursuant to this section shall~~
8 ~~fully comply with the applicable provisions of rule 241 of the Colorado Municipal Court Rules of~~
9 ~~Procedure. The Municipal Judge may impose such conditions on an inspection warrant as may~~
10 ~~be necessary in the judge's opinion to protect the private property rights of the owner of the~~
11 ~~accommodation unit to be inspected, or to otherwise make the warrant comply with applicable~~
12 ~~law.~~

13 ~~12.— All Property Taxes that are lawfully assessed against an accommodation unit shall be paid~~
14 ~~to the appropriate taxing authority.~~

15 ~~B.— Owner Liable: Compliance with the special conditions set forth in subsection A of this~~
16 ~~section shall be the nondelegable responsibility of the owner of an accommodation unit; and~~
17 ~~each owner of an accommodation unit shall be strictly liable for any violation of the special~~
18 ~~conditions set forth in subsection A of this section occurring on the premises of the owner's~~
19 ~~accommodation unit.~~

20 ~~C.— Licensee To Receive Special Conditions: At the time of the issuance of a license, the~~
21 ~~finance director shall provide the licensee with a copy of the special conditions set forth in~~
22 ~~subsection A of this section.~~

23 ~~D.— Licensee To Post License And Special Conditions: The licensee shall post a copy of the~~
24 ~~license and the special conditions set forth in subsection A of this section within five feet (5') of~~
25 ~~the main entrance of the accommodation unit. The license and the special conditions shall~~
26 ~~remain continuously posted in the accommodation unit throughout the term of the license.~~

27 ~~E.— Licensee To Provide Rental Agent And Responsible Agent With Special Conditions: The~~
28 ~~licensee shall provide any rental agent and the licensee's responsible agent with a copy of the~~
29 ~~special conditions set forth in subsection A of this section.~~

30 ~~F.— Revocation Or Suspension Of License: The failure of the licensee of an accommodation unit~~
31 ~~to comply with the special conditions set forth in subsection A of this section shall constitute~~
32 ~~grounds for the suspension or revocation of the license. Any action to suspend or revoke the~~
33 ~~license shall be conducted by the finance director in accordance with section 4-1-10-1 of this~~
34 ~~chapter.~~

35 ~~Before an action is commenced to suspend or revoke a license for an accommodation unit, the~~
36 ~~finance director shall first provide the licensee with a written warning that an apparent violation~~
37 ~~of the special conditions of subsection A of this section has occurred, and the licensee shall be~~
38 ~~given a reasonable opportunity to cure such apparent violation. A copy of such warning notice~~
39 ~~shall also be sent to any rental agent who has been properly identified by the licensee pursuant~~
40 ~~to subsection A5 of this section and to the responsible agent identified by the licensee pursuant~~
41 ~~to subsection A6 of this section. Not more than one written warning shall be required to be sent~~
42 ~~during the term of each license.~~

1 ~~G.—Exemptions: Condominiums, condominium/hotels, and hotels/lodgings/inns as defined in~~
2 ~~section 9-1-5 of this Code are exempt from the provisions of this section if they have: 1) an on-~~
3 ~~site twenty four (24) hour staffed front desk; 2) a twenty four (24) hour telephone system that is~~
4 ~~monitored by a person; and 3) twenty four (24) hour private security capable of responding to~~
5 ~~complaints involving the property's accommodation units within a reasonable amount of time.~~
6 ~~Chalet houses as defined in section 9-1-5 of this Code are exempt from the provisions of this~~
7 ~~section. The person responsible for staffing the front desk cannot be a member of the security~~
8 ~~personnel. The condominiums, condominium/hotels, and hotels/lodgings/inns described in the~~
9 ~~preceding sentence shall not be counted when determining the maximum number of~~
10 ~~accommodation unit licenses that may be issued pursuant to Section 4-1-8-4 of this Chapter.~~

11 ~~H.—Exempted Title Transfers: If the real property for which a valid accommodation unit license~~
12 ~~has been issued is transferred pursuant to a deed meeting any of the following conditions, the~~
13 ~~Director may issue a new accommodation unit license to the grantee named in such deed:~~

14 ~~1.—The transfer of title to real property if the grantee is a member of the grantor's family.~~
15 ~~2.—The transfer of title to real property from a grantor to a trust established by the grantor.~~
16 ~~3.—The transfer of title to real property from a grantor to a limited liability company or another~~
17 ~~form of business entity recognized by Colorado law so long as the grantor has a controlling~~
18 ~~interest in such limited liability company or other business entity.~~

19 ~~4.—Any transfer of the property between the same parties creating or terminating a joint tenancy~~
20 ~~in such property.~~

21 ~~5.—The transfer of title or change of interest in real property by reason of death, pursuant to a~~
22 ~~will, the law of descent and distribution, or otherwise.~~

23 ~~6.—The transfer of title to make effective any plan confirmed or ordered by a court of competent~~
24 ~~jurisdiction under the bankruptcy code or in an equity receivership proceeding.~~

25 ~~7.—The transfer of title without consideration for the purpose of confirming, correcting,~~
26 ~~modifying, or supplementing a transfer previously recorded; making minor boundary~~
27 ~~adjustments; removing clouds of titles; or granting rights-of-way, easements, or licenses.~~

28 ~~8.—The transfer of title pursuant to any decree or order of a court of record quieting,~~
29 ~~determining, or vesting title, including a final order awarding title pursuant to a condemnation~~
30 ~~proceeding.~~

31 ~~9.—The transfer of title between spouses or former spouses made pursuant to a separation~~
32 ~~agreement, decree of legal separation, or dissolution of marriage.~~

33 ~~10.—The transfer of title if required to obtain compliance with applicable law concerning like-kind~~
34 ~~exchanges.~~

35 ~~11.—The transfer of title pursuant to a valid real estate contract that was fully signed up to and~~
36 ~~including September 28, 2021 if: (i) the transfer of title occurs within six (6) months of the~~
37 ~~signing of the contract; and (ii) if a completed license application is filed with the town not later~~
38 ~~than twenty (20) days after the transfer of title.~~

1 Any new license issued pursuant to this ~~Section H~~ shall not count against the limitation on the
2 number of accommodation unit license established in ~~Section 4-1-8-4~~.

3 ~~I.—Exemption For New Construction: The owner of a residential structure for which a building
4 permit was issued and in effect on September 14, 2021, may obtain an accommodation license
5 for such structure if a completed license application is filed with the town not later than twenty
6 (20) days after a certificate of occupancy for such structure is issued by the Building Official.
7 Any new license issued pursuant to this ~~Section H~~ shall not count against the limitation on the
8 number of accommodation unit license established in ~~Section 4-1-8-4~~. (Ord. 19, Series 2018;
9 amd. Ord. 30, Series 2019; Ord. 5, Series 2021; Ord. 22, Series 2021; Ord. 29, Series 2021;
10 Ord. 35, Series 2021)~~

11 4-1-8-2 Administrative license:

12 The Finance Director may issue an administrative business and occupational license to an
13 applicant if doing so would be in the best interest of the town because either: a) the town is the
14 applicant's only customer within the town limits; or b) the only location within the town limits at
15 which the applicant does business is a Town owned facility. All provisions of this chapter shall
16 apply to an administrative business and occupational license issued pursuant to this chapter
17 unless the finance director determines otherwise; provided, however, there shall be no license
18 fee required in connection with such license. The Finance Director may issue administrative
19 regulations governing administrative business and occupational licenses issued pursuant to this
20 section.

21 ~~4-1-8-3 Special conditions of a license; Advertisement of an accommodation unit:~~

22 ~~A.—In addition to the other requirements of this chapter, the owner of an accommodation unit
23 licensed pursuant to this chapter shall, as a condition of such license, be subject to the following
24 requirements:~~

25 ~~1.—The owner of the accommodation unit shall list in the initial license application filed pursuant
26 to this chapter all means, methods, and locations of advertisement for the rental of the
27 accommodation unit that the owner intends to use, including, but not limited to, print publications
28 advertisement and website advertisements.~~

29 ~~2.—After a license has been issued, a licensee shall update the list of advertising information
30 that was provided to the town with the initial license application within thirty (30) days of utilizing
31 a means, method, or location of advertising the accommodation unit for rental.~~

32 ~~3.—An advertisement offering to rent an accommodation unit must prominently display:~~

33 ~~a.—The town's business and occupational license number in the advertisement as,
34 "Breckenridge Business License No. [insert number]"; and~~

35 ~~b.—The occupancy limit for the accommodation unit as, "Maximum overnight occupancy [insert
36 number]."~~

37 ~~The failure to prominently display the required information in any advertisement of
38 accommodation shall be a violation of this section. Condominiums, condominium/hotels, and
39 hotels/lodgings/inns as defined in section 9-1-5 of this Code are exempt from the requirements
40 of this section.~~

1 ~~B.—The licensee and owner of the accommodation unit shall each be liable for compliance with~~
2 ~~the requirements of this section. The licensee and owner of an accommodation unit shall be~~
3 ~~given written notice of a violation of this section and fifteen (15) days within which to comply with~~
4 ~~the requirements of this section. It shall be an infraction for a licensee and owner of an~~
5 ~~accommodation unit to fail to comply with the requirements of this section. A person found to be~~
6 ~~in violation of this section, or against whom a default judgment has been entered, shall be~~
7 ~~subject to a minimum fine of two hundred dollars (\$200.00) up to a maximum fine of one~~
8 ~~thousand dollars (\$1,000.00) for each day of a violation of this section. (Ord. 19, Series 2017;~~
9 ~~amd. Ord. 30, Series 2019; Ord. 35, Series 2021)~~

10 ~~4-1-8-4~~Limit on the number of accommodation unit licenses:

11 ~~A.—Effective November 2, 2021, the maximum number of valid nonexempt accommodation unit~~
12 ~~licenses that may be in effect at any one time shall be 2,200. The Finance Director shall not~~
13 ~~issue any accommodation unit license that would result in there being in effect at any one time~~
14 ~~more than 2,200 valid accommodation unit licenses.~~

15 ~~B.—Notwithstanding subsection A of this Section, and subject to the requirements of subsection~~
16 ~~C of this Section, the holder of a valid nonexempt accommodation unit license on the date set~~
17 ~~forth in subsection A of the Section may continue to renew such license in the manner provided~~
18 ~~in Section 4-1-5B.~~

19 ~~C.—A nonexempt accommodation unit license issued pursuant to this Chapter shall be valid~~
20 ~~until the first to occur of: (i) the license is revoked by the finance director as provided in Section~~
21 ~~4-1-10-2; (ii) the license is abandoned, voluntarily surrendered, or not renewed by the licensee;~~
22 ~~or (iii) the licensee no longer holds legal title to the real property for which the accommodation~~
23 ~~unit license was issued.~~

24 ~~D.—The Finance Director shall maintain a list of persons who have requested a nonexempt~~
25 ~~accommodation unit license but who have not been issued such license because of the limit on~~
26 ~~the number of nonexempt accommodation unit licenses established in subsection A of this~~
27 ~~Section.~~

28 ~~E.—Whenever a nonexempt accommodation unit license may lawfully be issued by the finance~~
29 ~~director without violating subsection A of this Section, the finance director shall notify the person~~
30 ~~who has been on the finance director's nonexempt accommodation unit license waiting list~~
31 ~~described in subsection D of this section for the longest period of time. Such person shall have~~
32 ~~five (5) business days to submit a complete nonexempt accommodation unit license application~~
33 ~~to the finance director. If such person fails to submit a complete license application to the~~
34 ~~finance director within such five business day period, or if such person notifies the finance~~
35 ~~director within five business day period that such person no longer wants a nonexempt~~
36 ~~accommodation unit license, the finance director shall notify the next person on the nonexempt~~
37 ~~accommodation unit license waiting list that a license is available and such person may obtain a~~
38 ~~license in the same manner as set forth above. The Finance Director shall continue notifying~~
39 ~~persons on the nonexempt accommodation unit license waiting list until the available license is~~
40 ~~issued. (Ord. 29, Series 2021)~~

41 4-1-9 Exemptions:

42 Persons exempt from the provisions of this chapter are as follows:

- 1 Accommodation units held for long term rental only.
- 2 Charitable corporations.
- 3 Churches or established religious organizations.
- 4 Governments.
- 5 Hospitals.
- 6 Persons exempt under Federal or Colorado law (nonprofit organizations).
- 7 Schools.
- 8 4-1-10 Administration and enforcement:
 - 9 A. Administration: The administration of the annual business licenses required by this chapter
 - 10 shall be vested in the finance director who is authorized to do the following:
 - 11 1. Collect license fees;
 - 12 2. Adopt all forms and prescribe the information to be given therein;
 - 13 3. Promulgate and enforce all reasonable rules and regulations necessary to the operations
 - 14 and enforcement of this chapter. Such administrative rules and regulations shall be adopted in
 - 15 accordance with the procedures established by title 1, chapter 18 of this Code. A violation of the
 - 16 administrative rules and regulations issued by the finance director pursuant to the authority
 - 17 granted by this section shall be a misdemeanor Municipal offense and may be enforced by
 - 18 appropriate action in the town's Municipal Court.
 - 19 4. Investigate and determine the eligibility of each applicant for an annual business license;
 - 20 5. Examine at any time those records of each licensee which the finance director determines
 - 21 are necessary to verify license requirements provided the contents of such records shall remain
 - 22 confidential and not a part of the public records.
 - 23 B. Enforcement: The town may seek an injunction pursuant to section 1-8-10 of this Code, or
 - 24 other applicable law, to restrain a person from engaging in business on premises within the
 - 25 town who has not obtained an annual business license under this chapter or whose license is
 - 26 revoked or suspended, and this remedy shall be in addition to all other remedies prescribed in
 - 27 this chapter by law.
 - 28 C. Presumption Of Continued Use: With respect to a license issued under this chapter ~~to the~~
 - 29 ~~owner of an accommodation unit~~, the finance director shall be entitled to presume that such ~~unit~~
 - 30 license will continue to be rented as an accommodation unit in the next license year, thereby
 - 31 obligating such person to obtain a license for such unit under this chapter, until such time as
 - 32 the owner of such unit submits information to the finance director, under oath, which
 - 33 demonstrates that such unit will not be rented as an accommodation unit.
 - 34 D. Obligation To Provide Information: It shall be unlawful for any owner of real property within
 - 35 the town to fail or refuse to provide to the finance director upon request information sufficient to
 - 36 permit the finance director to determine if such person is required to obtain a license pursuant to
 - 37 this chapter. Any person convicted of violating the provisions of this subsection shall be
 - 38 punished as provided in subsection 4-1-11B of this chapter.

1 4-1-10-1 Suspension or revocation of licenses; Payment of fine in lieu of suspension:

2 A. A license issued pursuant to this chapter may be revoked by the Officer Town after a

3 hearing for the following reasons:

4 1. Fraud, misrepresentation or a false statement of material fact contained in the license

5 application or any document submitted to the finance director pursuant to the finance director's

6 administrative rules and regulations in connection with the application for a license;

7 ~~2. The failure or refusal of an owner of an accommodation unit to permit inspection of the~~

8 ~~owner's accommodation unit by an authorized public inspector as required by section 4-1-8-1 of~~

9 ~~this chapter;~~

10 ~~32.~~ Any violation of the provisions of this chapter; or

11 ~~43.~~ As to any person required to have a Town Sales Tax license pursuant to title 3, chapter 1

12 of this Code, proof that such license has been revoked by the finance director in accordance

13 with section 3-1-26 of this Code.

14 B. Notice of a hearing to be held pursuant to this chapter shall be given by the Hearing Officer

15 in writing to the licensee at the address shown on the license application and, ~~if the hearing~~

16 ~~involves an accommodation unit, to any rental agent identified by the licensee pursuant to~~

17 ~~subsection 4-1-8-1A5 of this chapter, and to the responsible agent identified by the licensee~~

18 ~~pursuant to subsection 4-1-8-1A6 of this chapter.~~ Such notice shall be mailed postage prepaid,

19 at least twenty (20) days prior to the date set for the hearing. At the hearing the licensee may

20 appear with or without counsel and present such evidence as may be relevant.

21 C. Each day during any portion of which a licensee violates any provision of this chapter shall

22 be considered to be a separate violation, and the licensee may be sanctioned accordingly.

23 D. In deciding what sanction to impose for a proven violation the Hearing Officer shall

24 consider: 1) the nature and seriousness of the violation; 2) corrective action, if any, taken by the

25 licensee; 3) prior violation(s), if any, at the licensed premises by the licensee and the

26 effectiveness of prior corrective action, if any; 4) the likelihood of recurrence; 5) all

27 circumstances surrounding the violation; and 6) whether the violation was willful. If the proven

28 violation involves an accommodation unit license, the Hearing Officer shall additionally consider:

29 1) the length of time the license has been held by the licensee; 2) the number of violations by

30 the licensee within the applicable twelve (12) month period; 3) the nature of all prior complaints

31 against the licensee with respect to the operation the licensed premises, including both resolved

32 and unresolved complaints; 4) previous sanctions, if any, imposed against the licensee; and 5)

33 other factors making the situation with respect to the licensee or the licensed premises unique.

34 ~~E. If the Hearing Officer determines that the holder of a non-accommodation unit license has~~

35 ~~violated any applicable provision of this chapter, the Hearing Officer may impose one or more of~~

36 ~~the following sanctions: (i) suspend such license for a fixed period of time not to exceed one (1)~~

37 ~~year; (ii) impose an administrative fine of not more than \$999.00; or (iii) revoke the license. The~~

38 ~~Hearing Officer may also impose other reasonable conditions as sanctions against the licensee.~~

39 ~~F. Except as provided in subsection G, below, if the Hearing Officer determines after a hearing~~

40 ~~that cause exists for the imposition of a sanction against a licensee of an accommodation unit~~

1 for a proven violation of section 4-1-8-1 of this chapter, the Hearing Officer shall impose the
2 following sanction against the licensee:

3 First violation within 12 months — Suspension of license for 30 days. Licensee may pay
4 administrative fine of \$200.00 within 3 days of entry of suspension order in lieu of serving
5 suspension.

6 Second violation within 12 months — Suspension of license for 60 days. Licensee may pay
7 administrative fine of \$500.00 within 3 days of entry of suspension order in lieu of serving
8 suspension.

9 Third violation within 12 months — Suspension of license for 90 days. Licensee may pay
10 administrative fine of \$999.00 within 3 days of entry of suspension order in lieu of serving
11 suspension.

12 Fourth and each subsequent violation within 12 months — Suspension for such period of time
13 as Hearing Officer may determine, not to exceed 1 year, or revocation of license.

14 In determining what sanction to impose, for a fourth and each subsequent violation the Hearing
15 Officer shall consider the factors set forth in subsection C of this section. For a fourth and each
16 subsequent violation occurring within a 12 month period, no administrative fine may be
17 accepted by the Hearing Officer in lieu of the licensee serving a suspension or revocation.

18 G. If the Hearing Officer determines after a hearing that cause exists for the imposition of a
19 sanction against a licensee of an accommodation unit for a proven violation of section 4-1-8-
20 1A9 of this chapter, the Hearing Officer shall impose the following sanction against the licensee:

21 First violation within 12 months — Suspension of license for 30 days. Licensee may pay
22 administrative fine of \$999.00 within 3 days of entry of suspension order in lieu of serving
23 suspension.

24 Second violation within 12 months — Suspension of license for 60 days. Licensee may pay
25 administrative fine of \$1,999.00 within 3 days of entry of suspension order in lieu of serving
26 suspension.

27 Third violation within 12 months — Suspension of license for 90 days. Licensee may pay
28 administrative fine of \$2,650.00 within 3 days of entry of suspension order in lieu of serving
29 suspension.

30 Fourth and each subsequent violation within 12 months — Suspension for such period of time
31 as Hearing Officer may determine, not to exceed 1 year, or revocation of license. In determining
32 whether to suspend or revoke a license for a fourth and each subsequent violation, the Hearing
33 Officer shall consider the factors set forth in subsection D of this section. For a fourth and each
34 subsequent violation occurring within a 12 month period, no administrative fine may be
35 accepted by the Hearing Officer in lieu of the licensee serving a suspension or revocation.

36 H. When assessing sanctions against a licensee pursuant to subsection F or subsection G of
37 this section, the Hearing Officer is authorized to suspend all or any required sanction on the
38 condition that there shall be no further violations of this chapter for a specific period of time, not
39 to exceed one (1) year.

1 I.—If an accommodation unit license is suspended by the Hearing Officer, upon the timely
2 payment of the optional administrative fine as set forth above, the suspension order shall be
3 deemed to have been satisfied. If a licensee shall elect not to pay the optional administrative
4 fine as set forth above, the order of suspension shall become effective immediately, and no
5 business shall be conducted by the licensee at the licensed premises during the period of
6 suspension. The Hearing Officer may stay the order of suspension until the time for the filing of
7 an appeal of such order has expired without a timely appeal from such order being taken.

8 J.—If the hearing officer determines after a hearing that cause exists for a licensee's failure to
9 pay the regulatory fee based on improperly declaring an exemption under section 4-1-4-1(B)(1)
10 of this chapter, the hearing officer shall impose a sanction of an automatic revocation of the
11 license.

12 K.—If the hearing officer suspends or revokes a license, the aggrieved licensee may appeal said
13 suspension or revocation decision of the hearing officer to the town council by filing a letter of
14 appeal with the hearing officer within twenty (20) days after the date of mailing of the hearing
15 officer's order of suspension or revocation. The hearing officer's suspension or revocation of the
16 accommodation unit license shall be stayed until the appeal has been determined by the town
17 council. The town council shall conduct a de novo hearing on the appeal at a regular or special
18 town council meeting held within thirty (30) days of date of the filing of the letter of appeal,
19 unless the licensee agrees to a longer time. Notice of the de novo hearing shall be given to the
20 licensee by the hearing officer at least twenty (20) days before the hearing. The burden of proof
21 in the appeal shall be on the town. At the appeal, the licensee may appear with or without
22 counsel and present such evidence as may be relevant. The strict rules of evidence shall not
23 apply to the de novo hearing. If the town council finds by a preponderance of the evidence that
24 grounds for suspension or revocation of the accommodation unit license exist as specified in
25 this chapter, the town council may order the license suspended or revoked; provided, however,
26 that if the license is for an accommodation unit the town council shall adhere to the provisions of
27 subsection D of this section. If the town council finds by a preponderance of the evidence that
28 no grounds exist for the suspension or revocation of the accommodation unit license, the appeal
29 shall be sustained, and the hearing officer's order of suspension or revocation shall be set
30 aside. The town council's decision shall be final, subject to the right of the licensee to contest
31 the matter in an appropriate court action commenced under rule 106(a)(4) of the Colorado
32 Rules of Civil Procedure. For purposes of determining the time limit for the commencement of
33 an action under rule 106(a)(4) of the Colorado Rules of Civil Procedure, the town council's
34 decision shall be deemed to be final upon the council's issuance of a written order of
35 suspension or revocation of the accommodation unit license.

36 L.—A person whose accommodation unit license has been revoked under this section may not
37 apply for a new license for the same premises a period of one year from the date the revocation
38 took effect.

39 M.—No portion of a license fee previously paid by a licensee shall be refunded if such license is
40 suspended or revoked.

41 4-1-11 Due date, delinquencies and penalties:

42 A. Payment Of Tax: The tax imposed under this chapter is due and payable at the time of
43 application and annually prior to the time the license expires, and is delinquent if it remains
44 unpaid for thirty (30) days thereafter. In the event that the tax is not paid prior to becoming

1 delinquent, a delinquency charge of ten percent (10%) of the amount of tax due shall be
2 assessed in addition to the License Tax.

3 B. Violations; Penalties: It is an "infraction", as defined in section 1-3-2 of this Code, for any
4 person to violate any of the provisions of this chapter. Every person found liable for a violation of
5 any provision of this chapter shall be punished as provided in section 1-4-1-1 of this Code.

6 4-1-12 Enforcement; Lien:

7 A. Enforcement: Pursuant to section 31-20-101 et seq., Colorado Revised Statutes, the town
8 may cause any delinquent charges for fees made or levied hereunder to be certified to the
9 Summit County Treasurer, to be collected and paid over by said Treasurer in the same manner
10 as real or personal Property Taxes.

11 B. Lien: As to any license due with respect to an accommodation unit, the licensing fees
12 imposed by that chapter, and any penalty and attorney fees due with respect thereto, if not paid
13 when due, shall constitute a perpetual lien upon the accommodation unit and shall have priority
14 over all other liens except general tax liens, special improvement district assessment liens and
15 those bona fide mortgages or trust deeds which were of record prior to the recording of this
16 town's lien statement as hereafter provided. The town's lien shall continue until the amount due
17 to the town is paid in full, or until the lien is discharged in the manner provided for by law. To
18 perfect its lien hereunder, the town shall record with the Clerk and Recorder of Summit County a
19 statement of lien describing the affected accommodation unit and setting forth the amount then
20 due to the town. The lien granted to the town hereunder shall be effective from and after the
21 date of the recording of such lien statement.

22 C. Action: In addition to other remedies available to the town, the town may commence an
23 action pursuant to section 1-8-10 of this Code to enjoin the alleged violation of any provision of
24 this chapter.

25 4-1-13 Attorney fees and costs:

26 In the event it is necessary for the town to take action for the enforcement of this chapter, there
27 shall be added to any fees due hereunder all reasonable costs and fees incurred by the town,
28 including reasonable attorney fees. If any action is brought in a court of law by or against the
29 town relating to the enforcement, interpretation on construction of this chapter, or of any
30 document provided for herein, or of any proceeding hereunder, the prevailing party in such
31 action shall be entitled to reasonable attorney fees as well as all costs incurred in the
32 prosecution or defense of such action.

33 4-1-14 Intended use of proceeds:

34 It is intended that the proceeds from the levy of the tax imposed pursuant to this chapter will be
35 used for the payment of reasonable costs incurred in connection with the administration of this
36 chapter, and for marketing and promotion of the town's principal industry, being tourism, and for
37 payment of expenses related to such marketing and promotion and to promote and market
38 activities and events beneficial to the economic vitality of the community.

39 4-1-15 Enforcement date:

40 This chapter shall be in full force and effect for collection of the applicable business and
41 occupational license fees on December 1, 1986.

1 4-1-16 Severability:

2 If any section, sentence, clause, phrase, word or other provision of this chapter is for any reason
3 held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the
4 remaining sections, sentences, clauses, phrases, words or other provisions of this chapter, or
5 the validity of this chapter in its entirety, it being the legislative intent that this chapter shall stand
6 notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

7 **Section 2.** 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 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 **Section 4.** This ordinance shall be published and become effective as provided by
14 Section 5.9 of the Breckenridge Town Charter.

15

16 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
17 PUBLISHED IN FULL this 9th day of August, 2022. A Public Hearing shall be held at the regular
18 meeting of the Town Council of the Town of Breckenridge, Colorado on the ___ day of ____,
19 2022.

20

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

21

22

23

24

25

By: _____

26

Eric S. Mamula, Mayor

27

28



Memo

To: Breckenridge Town Council Members
Cc: Rick Holman, Shannon Haynes
From: James Phelps, Director Public Works
Date: 8/17/2022
Subject: Ordinance for loan approval - Colorado Water Conservation Board (CWCB) for Goose Pasture Tarn Dam Rehabilitation Project

The Town of Breckenridge is the owner/operator of the Goose Pasture Tarn Dam, which is under the administrative oversight of Colorado Division of Water Resources/Dam Safety Branch (DSB). The Dam Safety Branch carries out statutorily defined duties. One of the duties is determining the safe storage levels of reservoir dams.

The Town of Breckenridge has been approved for a loan with the State of Colorado – Department of Natural Resources/Colorado Water Conservation Board (CWCB). The Intergovernmental loan request of \$13,130,000 will be spent for the Goose Pasture Tarn Dam (GPTD) rehabilitation project. The Town was previously awarded (2020) a Pre-Disaster Mitigation (PDM) grant from the Federal Emergency Management Administration (FEMA) for \$10M dollars. The current GPTD project is projected to be approximately \$23M with project completion fall 2023.

The rehabilitation of the GPTD is at the direction of the Colorado Division of Water Resources Dam Safety Branch. In 2016, the Chief Engineer/Dam Safety imposed a restricted storage level until a repair could be completed. At project completion, the Town of Breckenridge will be able to store the full water capacity of the Goose Pasture Tarn.

Town Council may be aware, the federal and state government have very stringent rules governing the oversight of expenditures of both the federal grant and state loan, including, but not limited to ongoing requirements by the Town to oversee the expenditures in compliance with the contract documents. Specifically, with respect to the state loan, there is a requirement that the Town seek a bond counsel opinion and that the ordinance sets forth certain other parameters that must be met. Town staff has the subject matter expertise in monitoring how these grants and loans are spent.

The Town Council's approval of the attached ordinance will be submitted as part of the contract documents as required by the State of Colorado, Colorado Water Conservation Board for loan acceptance.

Staff will be present to answer any questions.

COUNCIL BILL NO. __
ORDINANCE NO. __
SERIES 2022

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE FUND, APPROVING A LOAN FROM THE COLORADO WATER CONSERVATION BOARD; AUTHORIZING THE FORM AND EXECUTION OF THE LOAN CONTRACT, PROMISSORY NOTE TO EVIDENCE SUCH LOAN, AND SECURITY AGREEMENT IN CONNECTION THEREWITH; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH.

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

Section 1. Recitals.

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

B. The members of the Town Council of the Town (the “Council”) have been duly elected, chosen, and qualified.

C. Pursuant to C.R.S. §37-45.1-103, the Town owns and operates its municipal water system (the “System”).

D. Pursuant to Section 12-1-2 of the Town’s Municipal Code, the Town has determined that the System constitutes an enterprise (the “Enterprise”) pursuant to Article X, Section 20 of the Colorado Constitution.

E. The Council is the governing body of the Enterprise.

F. The Council has heretofore determined that the interest of the Town and the public interest and necessity demand and require the restoration of the Goose Pasture Tarn Dam’s

ability to safely store its full design capacity and remove the storage restriction imposed by the Colorado DSB (the “Project”).

G. The cost of the Project to the Town is estimated at \$23,000,000 including design, engineering, legal, financing and administrative costs relating thereto, and any other costs incidental thereto.

H. The Council has determined that in order to finance the Project, it is necessary and advisable and in the best interests of the Town to enter into a loan contract (the “Loan Contract”) and a security agreement (the “Security Agreement”) with the Colorado Water Conservation Board (“CWCB”), a body corporate and political subdivision of the State of Colorado, pursuant to which the CWCB will loan the Town \$13,130,000 pursuant to the Loan Contract to finance the Project.

I. The Town’s repayment obligations under the Loan Contract shall be evidenced by a promissory note (the “Promissory Note”) to be executed and delivered by the Town to the CWCB, which Promissory Note will be on parity with the Town’s Loan Agreement dated November 1, 2017, between the Town and the Colorado Water and Power Development Authority in the amount of \$56,990,796 (the “Parity Obligations”).

J. Except for the Parity Obligations, the Town has not pledged nor hypothecated the net revenues derived or to be derived from the operation of the System, or any part thereof, to the payment of bonds or for any other purposes, with the result that the net revenue may now be pledged lawfully and irrevocably to the payment of the Loan.

K. Under Section 11.6 of the Charter, the Town is authorized to issue revenue bonds payable solely from the net revenue of the System.

L. Article X, Section 20 of the Colorado Constitution (“TABOR”), requires an election to incur any multiple fiscal year obligations unless such obligation is incurred by an enterprise.

M. Under TABOR, an enterprise is a government-owned business authorized to issue its own revenue bonds and receiving under 10% of its annual revenue in grants from all Colorado state and local governments combined.

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N. In 2021, the Enterprise did not receive grants from state and local governments in excess of 10% of the annual revenue of the System.

O. The Promissory Note, the Loan Contract and the Security Agreement (collectively, the “Financing Documents”) may be approved by the Council acting in its enterprise capacity without an election pursuant to C.R.S. §§ 37-45.1-104 to 106.

P. The Financing Documents shall be revenue obligations of the Town, payable from the Pledged Revenues (as defined in the Financing Documents and herein) and under TABOR may be approved by the Council without an election.

Q. There have been presented to the Council the forms of the Financing Documents.

R. The Council desires to approve the forms of the Financing Documents and authorize the execution thereof.

Section 2. Approvals, Authorizations, and Amendments. The forms of the Financing Documents presented at this meeting are incorporated herein by reference and are hereby approved. The Town shall enter into and perform its obligations under the Financing Documents in the forms of such documents, with such changes as are not inconsistent herewith and as are hereafter approved by the Mayor of the Town (the “Mayor”), the Town Manager (the “Town Manager”) or the Town Director of Finance (the “Finance Director”). The Mayor and Town Clerk of the Town (the “Town Clerk”) are hereby authorized and directed to execute the Financing Documents and to affix the seal of the Town thereto, and further to execute and authenticate such other documents or certificates as are deemed necessary or desirable in connection therewith. The Financing Documents shall be executed in substantially the forms approved at this meeting.

The execution of any instrument or certificate or other document in connection with the matters referred to herein by the Mayor, the Town Manager, the Finance Director, and Town Clerk or by other appropriate officers of the Town, shall be conclusive evidence of the approval by the Town of such instrument.

Section 3. Election to Apply Supplemental Act. Section 11-57-204 of the Supplemental Public Securities Act, constituting Title 11, Article 57, Part 2, C.R.S. (the “Supplemental Act”) provides that a public entity, including the Town, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act. The Board hereby elects to apply all of the Supplemental Act to the Financing Documents.

Section 4. Delegation.

(a) Pursuant to Section 11-57-205 of the Supplemental Act, the Board hereby delegates to the Mayor or Mayor Pro Tem the authority to make the following determinations relating to and contained in the Financing Documents, subject to the restrictions contained in paragraph (b) of this Section 3:

- (i) The interest rate on the Loan;
 - (ii) The principal amount of the Loan;
 - (iii) The amount of principal of the Loan maturing in any given year and the final maturity of the Loan;
 - (iv) The dates on which the principal of and interest on the Loan is paid;
- and
- (v) The existence and amount of a reserve fund for the Loan, if any.

(b) The delegation in paragraph (a) of this Section 3 shall be subject to the following parameters and restrictions:

- (i) the interest rate on the Loan shall not exceed 2.00%;
- (ii) the aggregate principal amount of the Loan shall not exceed \$13,130,000; and
- (iii) the final maturity of the Loan shall not be any later than December 31, 2055.

Section 5. Conclusive Recital. Pursuant to Section 11-57-210 of the Supplemental Act, the Promissory Note and Security Agreement shall contain a recital that each is issued pursuant to certain provisions of the Supplemental Act. Such recital shall be conclusive

evidence of the validity and the regularity of the issuance of the Promissory Note and Security Agreement after its delivery for value.

Section 6. Pledge of Revenues. The creation, perfection, enforcement, and priority of the pledge of revenues to secure or pay the Financing Documents provided herein shall be governed by Section 11-57-208 of the Supplemental Act and this Ordinance. The amounts pledged to the payment of the Financing Documents shall immediately be subject to the lien of such pledge without any physical delivery, filing, or further act. The lien of such pledge shall have the priority described in the Loan Contract. The lien of such pledge shall be valid, binding, and enforceable as against all persons having claims of any kind in tort, contract, or otherwise against the Town irrespective of whether such persons have notice of such liens.

For purposes of this Ordinance and the Loan Contract, “Pledged Revenue” shall mean the Net Revenue of the Town. “Net Revenue” shall mean the Gross Revenue less the Operation and Maintenance Expenses plus all proceeds of insurance in excess of or not applied to the repair and replacement of the System, and the proceeds or any sale, conveyance, or exchange of the System in excess of that applied to replace the System sold or exchanged.

“*Gross Revenue*” means all income and revenues directly or indirectly derived by the Enterprise from the operation and use of the System, or any part thereof, including without limitation, any rates, fees (including without limitation plant investment fees and availability fees) and charges for the services furnished by, or for the use of, the System, and all income attributable to any past or future dispositions of property or rights or related contracts, settlements, or judgments held or obtained in connection with the System or its operations, and including investment income accruing from such moneys; provided however, that there shall be excluded from Gross Revenue: ad valorem property taxes; any moneys borrowed and used for providing Capital Improvements; any money and securities and investment income therefrom in any refunding fund, escrow account, or similar account pledged to the payment of any bonds or other obligations; and any moneys received as grants or appropriations from the United States, the State of Colorado, or other sources, the use of which is limited or restricted by the grantor or donor to the provision of Capital Improvements or for other purposes resulting in the general unavailability

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thereof, except to the extent any such moneys shall be received as payments for the use of the System, services rendered thereby, the availability of any such service, or the disposal of any commodities therefrom. Notwithstanding anything contained above, amounts deposited in a rate stabilization account shall not be deemed Gross Revenue in the calendar year deposited and amounts withdrawn from the rate stabilization account shall be deemed Gross Revenue in the year withdrawn.

“*Capital Improvements*” means the acquisition of land, easements, facilities and equipment (other than ordinary repairs and replacements), and the construction or reconstruction of improvements, betterments and extensions, for use by or in connection with the System.

“*Operation and Maintenance Expenses*” means all reasonable and necessary current expenses of the Enterprise, paid or accrued, for operating, maintaining, and repairing the System, including without limitation legal and overhead expenses of the Enterprise directly related to the administration of the System, insurance premiums, audits, professional services, salaries and administrative expenses, labor and the cost of materials and supplies for current operation; provided however, that there shall be excluded from Operation and Maintenance Expenses any allowance for depreciation, payments in lieu of taxes or franchise fees, expenses incurred in connection with Capital Improvements, payments due in connection with any bonds or other obligations, and expenses that are otherwise paid from ad valorem property taxes.

“*System*” shall mean the property and facilities comprising the water system of the Town, including real and personal property and any easements, and also any and all additions and betterments thereto and improvements and extensions hereafter constructed or acquired by the Town and used in connection with the water facilities of the Town.

Section 7. Limitation of Actions. Pursuant to Section 11-57-212 of the Supplemental Act, no legal or equitable action brought with respect to any legislative acts or proceedings in connection with the Financing Documents shall be commenced more than thirty days after the issuance of the Promissory Note.

Section 8. Limited Obligation; Special Obligation. The Financing Documents are payable solely from the Pledged Revenue and the Financing Documents do not constitute a debt within the meaning of any constitutional or statutory limitation or provision.

Section 9. No Recourse against Officers and Agents. Pursuant to Section 11-57-209 of the Supplemental Act, if a member of the Board, or any officer or agent of the Town acts in good faith, no civil recourse shall be available against such member, officer, or agent for payment of the principal of or interest on the Promissory Note. Such recourse shall not be available either directly or indirectly through the Board or the Town, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty, or otherwise. By the acceptance of the Promissory Note and as a part of the consideration of its sale or purchase, CWCB specifically waives any such recourse.

Section 10. Disposition and Investment of Proceeds of the Loan Contract. The proceeds of the Loan Contract shall be applied only to pay the costs and expenses of acquiring, constructing and equipping the Project, including costs related thereto and reimbursement to the Town for capital expenditures heretofore incurred and paid from Town funds in anticipation of the incurrence of long-term financing therefor, and all other costs and expenses incident thereto, including without limitation the costs of obtaining the Loan Contract. The CWCB shall not be responsible for the application or disposal by the Town or any of its officers of the funds derived from the Loan Contract.

Section 11. Estimated Life of Improvements. It is hereby determined that the estimated life of the Project to be financed with the proceeds of the Loan Contract is not less than the final maturity of the Loan.

Section 12. Issuance of Additional Debts or Bonds. The Town will not issue any indebtedness payable from the Pledged Revenue and having a lien thereon which is superior to the lien created by the Financing Documents. The Town will issue parity debt only with the prior written approval of CWCB, provided that:

- (a) the Town is at the time approval is requested from CWCB and at the time of the issuance of the parity debt in substantial compliance with all of the obligations of

the Loan Contract, including, but not limited to, being current on the annual payments due under the Loan Contracts and in the accumulation of all amounts then required to be accumulated in the Town's debt service reserve account or fund; and

(b) the Town provides to the CWCB a Parity Certificate from an independent certified public accountant certifying that, based on an analysis of the Town's revenues, for 12 consecutive months out of the 18 months immediately preceding the date of issuance of such parity debt, the Town's revenues are sufficient to pay its annual Operation and Maintenance Expenses, annual debt service on all outstanding indebtedness having a lien on the Pledged Revenue, including the Loan Contract, the annual debt service on the proposed indebtedness to be issued, and all required deposits to any reserve funds required by the Loan Contract or by the lender(s) of any indebtedness having a lien on the Pledged Revenue. No more than 10% of total revenues may originate from tap and/or connection fees.

Section 13. Direction to Take Authorizing Action. The appropriate officers of the Town and members of the Council are hereby authorized and directed to take all other actions necessary or appropriate to effectuate the provisions of this Ordinance, including but not limited to such certificates and affidavits as may reasonably be required by CWCB.

Section 14. Ratification and Approval of Prior Actions. All actions heretofore taken by the officers of the Town and members of the Council, not inconsistent with the provisions of this Ordinance, relating to the Financing Documents, or actions to be taken in respect thereof, are hereby authorized, ratified, approved, and confirmed.

Section 15. Repealer. All acts, orders, ordinances, or resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

Section 16. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such determination shall not affect, impair, or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

Section 17. Inconsistencies. In the event of any inconsistencies between this Ordinance and the Loan Contract, this Ordinance is controlling.

Section 18. Ordinance Irrepealable. After the Promissory Note issued, this Ordinance shall constitute an irrevocable contract between the Town and the CWCB, and shall be and remain irrepealable until the Promissory Note and the interest thereon shall have been fully paid, satisfied, and discharged. No provisions of any constitution, statute, ordinance, resolution or other measure enacted after the issuance of the Promissory Note shall in any manner be construed as impairing the obligations of the Town to keep and perform the covenants contained in this Ordinance.

Section 19. Charter Controls. Pursuant to Article XX of the State Constitution and the Charter, all State statutes that might otherwise apply in connection with the provisions of this ordinance are hereby superseded to the extent of any inconsistencies or conflicts between the provisions of this ordinance and the Sale Certificate authorized hereby and such statutes. Any such inconsistency or conflict is intended by the Council and shall be deemed made pursuant to the authority of Article XX of the State Constitution and the Charter.

Section 20. Recording and Authentication. Immediately on its passage this Ordinance shall be recorded in a book kept for that purpose, authenticated by the signatures of the Mayor and clerk, and shall be published in accordance with law.

Section 21. Effective Date, Recording, Authentication, and Publication. A true copy of this ordinance shall be numbered and recorded in the official records of the Town, authenticated by the signatures of the Mayor and the Town Clerk, and published in accordance with the Charter and the Town's municipal code. In accordance with Section 5.9 of the Charter, this ordinance will take effect thirty days after final publication.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED this 23rd of August, 2022. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the __ day of ____ 2022. A copy of this ordinance is available for inspection in the office of the Town Clerk.

(SEAL)

ATTEST:

TOWN OF BRECKENRIDGE, COLORADO

Town Clerk

Mayor

APPROVED IN FORM:

Town Attorney

**STATE OF COLORADO
INTERGOVERNMENTAL LOAN CONTRACT
COVER PAGE**

State Agency Colorado Department of Natural Resources Colorado Water Conservation Board (CWCB) 1313 Sherman St, Room 718 Denver, CO 80203	Loan Contract Number CMS 172884 CT2023-0673		
Borrower's Name and Address Town of Breckenridge acting by and through its Utility Enterprise Fund	Loan Contract Project Performance Beginning Date The Loan Effective Date Loan Contract Project Performance End Date Four (4) years from the Project Performance Beginning Date or upon the Project Performance End Date stated within CWCB's "Notice of Project Substantial Completion."		
Base Loan Amount (Amount in CORE) \$13,000,000.00 One Percent (1%) Loan Origination Fee \$130,000.00 Total Loan Amount (Includes One Percent (1%) Origination Fee) \$13,130,000.00	Loan Effective Date The date the State Controller or an authorized delegate signs this Loan Contract Loan Contract Terms 2.00% for 30 years		
Project Name Goose Pasture Tran Dam Rehabilitation	Contract Authority Authority to enter into this Contract exists in §37-60-119 (2), C.R.S., §37-60-120, C.R.S., and §37-60-121, C.R.S. And HB22-1316 Section 14		
Contract Purpose The purpose of the Project is to restore the Goose Pasture Tarn Dam's ability to safely store its full design capacity and remove the storage restriction imposed by the Colorado DSB.			
Appendices and Order of Precedence The following Appendices are included with this Contract: <ol style="list-style-type: none"> 1. Appendix 1, Project Summary 2. Appendix 2, Sample Option Letter 3. Appendix 3, Promissory Note 4. Appendix 4, Resolution or Ordinance 5. Appendix 5, Security Agreement In the event of a conflict or inconsistency between this Contract and any Appendices such conflict or inconsistency shall be resolved by reference to the documents in the following order of priority: <ol style="list-style-type: none"> 1. Colorado Special Provisions in §24 of the main body of this Contract. 2. The provisions of the other sections of the main body of this Contract. 3. Appendix 3, Promissory Note 4. Appendix 5, Security Agreement 5. All other Appendices 			
Principal Representatives <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> For the State: Cole Bedford Colorado Water Conservation Board 1313 Sherman St., Room 718 Denver, CO 80203 cole.bedford@state.co.us 303-866-3441 ext. 3234 </td> <td style="width: 50%; border: none;"> For Borrower: Laura Lynch PO Box 168 Breckenridge, CO 80424 monty@threesranch.com laural@townofbreckernridge.com 970-453-3378 </td> </tr> </table>		For the State: Cole Bedford Colorado Water Conservation Board 1313 Sherman St., Room 718 Denver, CO 80203 cole.bedford@state.co.us 303-866-3441 ext. 3234	For Borrower: Laura Lynch PO Box 168 Breckenridge, CO 80424 monty@threesranch.com laural@townofbreckernridge.com 970-453-3378
For the State: Cole Bedford Colorado Water Conservation Board 1313 Sherman St., Room 718 Denver, CO 80203 cole.bedford@state.co.us 303-866-3441 ext. 3234	For Borrower: Laura Lynch PO Box 168 Breckenridge, CO 80424 monty@threesranch.com laural@townofbreckernridge.com 970-453-3378		

SIGNATURE PAGE

THE PARTIES HERETO HAVE EXECUTED THIS CONTRACT

Each person signing this Contract represents and warrants that the signer is duly authorized to execute this Contract and to bind the Party authorizing such signature.

<p style="text-align: center;">BORROWER Town of Breckenridge acting by and through its Utility Enterprise Fund</p> <p>By: _____ (Signature)</p> <p>Name: _____</p> <p>Title: _____</p> <p>Date: _____</p>	<p style="text-align: center;">STATE OF COLORADO Jared Polis, Governor Colorado Department of Natural Resources Dan Gibbs, Executive Director Colorado Water Conservation Board (CWCB)</p> <p>By: _____ (Signature)</p> <p>Name: Kirk Russell, P.E., Section Chief</p> <p>Date: _____</p>
<p style="text-align: center;">ATTEST:</p> <p>By: _____ (Signature)</p> <p>Name: _____</p> <p>Title: _____</p> <p>Date: _____</p>	<p style="text-align: center;">LEGAL REVIEW Phil Weiser, Attorney General</p> <p>By: _____ N/A Assistant Attorney General</p> <p>Date: _____</p>
<p style="text-align: center;">In accordance with §24-30-202, C.R.S., this Contract is not valid until signed and dated below by the State Controller or an authorized delegate.</p> <p style="text-align: center;">STATE CONTROLLER Robert Jaros, CPA, MBA, JD</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p> <p>Effective Date: _____</p>	

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1. PARTIES

This Contract is entered into by and between Borrower named on the Cover Page for this Contract (the “Borrower” or “District”) and the STATE OF COLORADO acting by and through the State agency named on the Cover Page for this Contract (the “State” or ”CWCB”). Borrower and the State agree to the terms and conditions in this Contract.

2. TERM AND EFFECTIVE DATE

A. Loan Effective Date

The Loan Effective Date means the date on which this Contract is approved and signed by the Colorado State Controller or designee, as shown on the signature page for this Contract. This Contract shall not be valid or enforceable until the Loan Effective Date. The State shall not be bound by any provision of this Contract before the Loan Effective Date, and

shall have no obligation to pay the Borrower for any expense incurred before the Loan Effective Date or after the expiration or sooner termination of this Contract.

B. Project Term

The Parties' respective performances, of the Project, under this Contract shall commence on the Contract Project Performance Beginning Date shown on the Cover Page for this Contract and shall terminate on the Loan Contract Project Performance End Date shown on the Cover Page for this Contract unless sooner terminated or further extended in accordance with the terms of this Contract. **This Project Term does not include the full repayment period for the Loan or this Contract.**

C. Loan Expiration Date

The loan expiration date is the date on which this Contract expires. The loan expiration date is when the *full repayment period for the loan ends*.

D. Project Extension Term - State's Option

The State, at its discretion, shall have the option to extend the Project Performance End Date under this Contract under the same terms specified in the Contract (each such period a "Project Extension Term"). In order to exercise this option, the Borrower shall provide written justification to CWCB and CWCB will provide written authorization for the Project Extension Term.

E. Early Termination in the Public Interest

The State is entering into this Contract to serve the public interest of the State of Colorado as determined by its Governor, General Assembly, or Courts. If this Contract ceases to further the public interest of the State, the State, in its discretion, may terminate this Contract in whole or in part. A determination that this Contract should be terminated in the public interest shall not be equivalent to a State right to terminate for convenience. This subsection shall not apply to a termination of this Contract by the State for breach by Borrower, which shall be governed by **§18**.

i. Method and Content

The State shall notify Borrower of such termination in accordance with **§21**. The notice shall specify the effective date of the termination and whether it affects all or a portion of this Contract, and shall include, to the extent practicable, the public interest justification for the termination.

ii. Obligations and Rights

Upon receipt of a termination notice for termination in the public interest, Borrower shall be subject to the rights and obligations set forth in **§20**.

iii. Payments

If the State terminates this Contract in the public interest, the State shall pay Borrower an amount equal to the percentage of the total reimbursement payable under this Contract that corresponds to the percentage of Work satisfactorily completed and accepted, as determined by the State, less payments previously made.

3. DEFINITIONS

The following terms shall be construed and interpreted as follows:

- A. **“Base Loan Amount”** means the amount disbursed to the Borrower, which does not include the one percent (1%) Loan Origination Fee.
- B. **“Breach of Contract”** means the failure of a Party to perform any of its obligations in accordance with this Contract, in whole or in part or in a timely or satisfactory manner. The institution of proceedings under any bankruptcy, insolvency, reorganization or similar law, by or against Borrower, or the appointment of a receiver or similar officer for Borrower or any of its property, which is not vacated or fully stayed within 30 days after the institution of such proceeding, shall also constitute a breach. If Borrower is debarred or suspended under §24-109-105, C.R.S. at any time during the term of this Contract, then such debarment or suspension shall constitute a breach.
- C. **“Business Day”** means any day other than Saturday, Sunday, or a Legal Holiday as listed in §24-11-101(1), C.R.S.
- D. **“Contract”** means this agreement, including all attached Appendices, all documents incorporated by reference, all referenced statutes, rules and cited authorities, and any future modifications thereto.
- E. **“Contract Funds”** means the funds that have been appropriated, designated, encumbered, or otherwise made available for payment by the State under this Contract.
- F. **“CORA”** means the Colorado Open Records Act, §§24-72-200.1, *et. seq.*, C.R.S.
- G. **“Incident”** means any accidental or deliberate event that results in or constitutes an imminent threat of the unauthorized access, loss, disclosure, modification, disruption, or destruction of any communications or information resources of the State, which are included as part of the Work, as described in §§24-37.5-401, *et. seq.*, C.R.S. Incidents include, without limitation, (i) successful attempts to gain unauthorized access to a State system or State Information regardless of where such information is located; (ii) unwanted disruption or denial of service; (iii) the unauthorized use of a State system for the processing or storage of data; or (iv) changes to State system hardware, firmware, or software characteristics without the State’s knowledge, instruction, or consent.
- H. **“Loan Effective Date”** means the date on which this Contract is approved and signed by the Colorado State Controller or designee, as shown on the Signature Page for this Contract.
- I. **“Loan Origination Fee”** means CWCB’s Origination Fee of one percent (1%), added to the Base Loan Amount in accordance with CWCB Policy No. 16, resulting in the Total Loan Amount shown on the Cover page of this Contract.
- J. **“Parity Indebtedness”** means any existing parity debt and additional indebtedness that may be secured in the future.
- K. **“Party”** means the State or Borrower, and **“Parties”** means both the State and Borrower.
- L. **“Pledged Revenues”** means the revenues that consist solely of the Borrower’s revenues pledged for repayment of this loan, as defined in the Resolution and set forth in the Security Agreement.

- M. **“Project Extension Terms-State Option”** means the time period defined in §2.D.
- N. **“Project Term”** means the time period defined in §2.B.
- O. **“Promissory Note”** means the document issued to secure repayment of this loan.
- P. **“Resolution” or “Ordinance”** means the Borrower’s written authority to enter into this Contract.
- Q. **“Security Agreement”** means the document that provides a security interest in a specified revenue pledged to repay this loan.
- R. **“State Confidential Information”** means any and all State Records not subject to disclosure under CORA. State Confidential Information shall include, but is not limited to, PII, PHI, PCI, Tax Information, CJI, and State personnel records not subject to disclosure under CORA. State Confidential Information shall not include information or data concerning individuals that is not deemed confidential but nevertheless belongs to the State, which has been communicated, furnished, or disclosed by the State to Borrower which (i) is subject to disclosure pursuant to CORA; (ii) is already known to Borrower without restrictions at the time of its disclosure to Borrower; (iii) is or subsequently becomes publicly available without breach of any obligation owed by Borrower to the State; (iv) is disclosed to Borrower, without confidentiality obligations, by a third party who has the right to disclose such information; or (v) was independently developed without reliance on any State Confidential Information.
- S. **“State Fiscal Rules”** means that fiscal rules promulgated by the Colorado State Controller pursuant to §24-30-202(13)(a), C.R.S.
- T. **“State Fiscal Year”** means a 12 month period beginning on July 1 of each calendar year and ending on June 30 of the following calendar year. If a single calendar year follows the term, then it means the State Fiscal Year ending in that calendar year.
- U. **“State Records”** means any and all State data, information, and records, regardless of physical form, including, but not limited to, information subject to disclosure under CORA.
- V. **“Total Loan Amount”** means the total of the Base Loan Amount plus the Origination fee of one percent (1%).

Any other term used in this Contract that is defined in an Exhibit shall be construed and interpreted as defined in that Exhibit.

4. AMENDMENTS AND OPTION LETTERS

In the event that the Borrower does not use the full amount authorized, the Parties shall amend this Contract or the State may exercise an Option Letter (attached as Appendix 2) and incorporated herein, to decrease the Total Loan Amount including an adjustment of the Origination Fee to reflect 1% of the actual amount disbursed to the Borrower. An amendment to this Contract shall be executed for the following changes including, but not limited to, a change in Pledged Revenues, an increase in Total Loan Amount, and a decrease in Total Loan Amount with a change in the annual loan payment. Additionally, upon substantial completion of the Project, the following applies:

- A. **Upon substantial completion of the Project** with a decrease in the Total Loan Amount and if the Borrower requests a change in the annual loan payment; the Parties may amend this Contract to modify the annual loan payment accordingly.

- B. **Upon substantial completion of the Project** with a decrease in the Total Loan Amount but no change in the annual payment, which then results in a shortened term of the loan, the State may exercise an option and shall provide written notice to the Borrower in form substantially equivalent to Appendix 2 to decrease the term of the loan. If exercised, the provisions of the Option Letter and supporting documentation shall become part of and be incorporated into this Contract for the total duration of this Contract.

5. CONTRACT AMENDMENT SERVICE FEES

Under certain circumstances, the Borrower may be assessed a service fee for amending the Contract.

- A. A service fee may be imposed on the Borrower for amendments processed for the benefit of the Borrower and necessary for the Borrower's course of business but not necessary for the CWCB, including, but not limited to, a change in the Borrower's name, assignment of Contract, substitution of Pledged Revenues, loan payment deferrals in excess of three (3) per loan, and loan consolidation. Amendments in the course of CWCB business will be processed at no additional charge to the Borrower.
- B. The amount charged shall be in accordance with the service fee rate structure set forth in the CWCB Loan Service Charge Policy in effect at the time the Borrower shall request an amendment. The current service fee for an amendment is one thousand and no/100 dollars (\$1,000).
- C. The Borrower shall remit the service fee to the CWCB prior to initiation of the amendment. Any service fee remitted to the CWCB cannot be refunded.

6. PROMISSORY NOTE PROVISIONS

The Promissory Note shall identify the Total Loan Amount. The CWCB agrees to loan to the Borrower an amount not to exceed the Total Loan Amount and the Borrower agrees to repay the loan in accordance with the terms as set forth in the Promissory Note, (attached as Appendix 3) and incorporated herein.

7. INTEREST PRIOR TO PROJECT COMPLETION

For all loan funds disbursed by the CWCB to the Borrower prior to the Contract Project Performance End Date, interest shall accrue on the disbursed funds at the rate set by the CWCB for this loan. The CWCB shall calculate the amount of the interest that accrued prior to the Project's substantial completion (as determined by the CWCB) and notify the Borrower of such amount. The Borrower shall repay that amount to the CWCB either (1) within thirty (30) days from the date of notification from the CWCB, (2) at the CWCB's discretion, said interest shall be deducted from the final disbursement of loan funds that the CWCB makes to the Borrower, or (3) at the CWCB's discretion, said interest shall be rolled into the Total Loan Amount due.

8. RETURN OF UNUSED LOAN FUNDS

Any loan funds disbursed but not expended for the Project in accordance with the terms of this Contract shall be remitted to the CWCB within twenty (20) calendar days from notification from the CWCB of either (1) completion of the Project or (2) determination by the CWCB that the

Project will not be completed. Any such loan funds so remitted to CWCB shall be applied to the principal payment of amounts due on the Loan.

9. BORROWER'S AUTHORITY TO CONTRACT

The Borrower warrants that it has full power and authority to enter into this Loan Contract. The execution and delivery of this Contract and the performance and observation of its terms, conditions and obligations have been duly authorized by all necessary actions of the Borrower. The Borrower's Authorizing Resolution(s) or Ordinance (attached as Appendix 4) and incorporated herein, include the authority to enter into this Loan Contract.

10. BOND COUNSEL OPINION LETTER

Prior to the final execution of this Contract the Borrower shall submit to the CWCB a letter from its bond counsel stating that it is the bond counsel's opinion that:

- A. The Contract has been duly executed by officers of the Borrower who are duly elected or appointed and are authorized to execute the Contract and to bind the Borrower; and
- B. The Resolution (or Ordinances) of the Borrower authorizing the execution and delivery of the Contract were duly adopted by the governing bodies of the Borrower; and
- C. There are no provisions in the Borrower's articles of incorporation or bylaws or any state or local law that prevent this Contract from binding the Borrower; and
- D. The Borrower formed a utility enterprise pursuant to the provisions of C.R.S. 37-45.1-101, et. seq., and is operated as a utility enterprise pursuant to the provisions of C.R.S. 37-45.1-101, et. seq., and is a government-owned business authorized to issue its own revenue bonds and receiving fewer than 10% of annual revenue in grants from all Colorado state and local governments combined within the meaning of Article X, Section 20 of the Colorado Constitution.

11. PLEDGE OF REVENUES

The Borrower irrevocably (but not exclusively) pledges to the CWCB, for the purpose of repaying the Total Loan Amount, the Pledged Revenues, in such amount as is necessary to make each annual payment due under this Contract. Such pledge of the Pledged Revenues is on parity with the debt identified in Section 5 of Appendix 1 (Schedule of Existing Debt) and any additional indebtedness that may be secured by the Pledged Revenues in the future that is incurred in accordance with Section 11.E., hereof, and together with the Existing Parity Debt, shall be the Borrower's "Parity Indebtedness."

- A. **Segregation of Pledged Revenues.** The Pledged Revenues shall be accounted for and maintained in an account separate from other Borrower revenues at all times. The Pledged Revenues shall be used first to pay debt service on the Total Loan Amount and all other Parity Indebtedness on an equal basis and thereafter may be used for any and all other expenses.
- B. **Establish Security Interest.** The Borrower has duly executed a Security Agreement, (attached as Appendix 5) and incorporated herein, to provide a security interest to the CWCB in the Pledged Revenues. The lien of this Contract on the Pledged Revenues shall have priority over all other competing claims with respect to the Pledged Revenues, except for the parity lien on the Pledged Revenues of any Parity Indebtedness.

- C. **Assessment Covenant.** Pursuant to its statutory authority and as permitted by law, the Borrower shall take all necessary actions consistent therewith during the term of this Contract to establish, levy and collect rates, charges and fees as described in Appendix 5, in amounts sufficient to pay this loan as required by the terms of this Contract and the Promissory Note, to cover all expenditures for operation and maintenance and emergency repair services, and to maintain adequate debt service reserves.
- D. **Debt Service Reserve Account or Fund.** To establish and maintain the debt service reserve account or fund, the Borrower shall deposit an amount equal to one-tenth (0.1) of an annual payment into its debt service reserve account or fund on the due date of its first annual loan payment and annually thereafter for the first ten years of repayment of this loan. In the event that the Borrower applies funds from this account to repayment of the loan, the Borrower shall replenish the account within ninety (90) days of withdrawal of the funds. The debt service reserve account or fund requirement is in effect until the loan is paid in full.
- E. **Additional Debts or Bonds.** The Borrower shall not issue any indebtedness payable from the Pledged Revenues or have a lien thereon which is superior to the lien of this loan. The Borrower may issue parity debt only with the prior written approval of the CWCB, provided that:
- i. The Borrower is currently and at the time of the issuance of the parity debt in substantial compliance with all of the obligations of this Contract, including, but not limited to, being current on the annual payments due under this Contract.
 - ii. The Borrower provides to the CWCB a Parity Certificate from an independent certified public accountant certifying that, based on an analysis of the Borrower's revenues, for twelve (12) consecutive months out of the eighteen (18) months immediately preceding the date of issuance of such parity debt, the Borrower's revenues are sufficient to pay its annual operating and maintenance expenses, annual debt service on all outstanding indebtedness having a lien on the Pledged Revenues, including this loan, and the annual debt service on the proposed indebtedness to be issued. The analysis of revenues shall be based on the Borrower's current rate structure or the rate structure most recently adopted. No more than ten percent (10%) of total revenues may originate from tap and/or connection fees;
 - iii. The Borrower acknowledges and understands that any request for approval of the issuance of additional debt must be reviewed and approved by the CWCB prior to the issuance of any additional debt.
- F. **Annual Statement of Debt Coverage.** Each year during the term of this Contract, the Borrower shall promptly submit, to CWCB, a copy of the annual audit report of an audit performed on Borrower's records that relates to this Contract or the Project.
- G. **Pledged Revenues During Loan Repayment.** The Borrower shall not sell, convey, assign, grant, transfer, mortgage, pledge, encumber, or otherwise dispose of the Pledged Revenues, so long as any of the principal, accrued interest, and late charges, if any, on this loan remain unpaid, without the prior written concurrence of the CWCB.

12. RELEASE AFTER LOAN IS REPAID

Upon complete repayment to the CWCB of the entire principal, all accrued interest, and late charges, if any, as specified in the Promissory Note, the CWCB agrees to release and terminate any and all of the CWCB's right, title, and interest in and to the Pledged Revenues.

13. WARRANTIES

- A. The Borrower warrants that, by acceptance of the loan under this Contract and by its representations herein, the Borrower shall be estopped from asserting for any reason that it is not authorized or obligated to repay the loan to the CWCB as required by this Contract.
- B. The Borrower warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Borrower, to solicit or secure this Contract and has not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee, any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the award or the making of this Contract.
- C. The Borrower warrants that the Pledged Revenues for this loan are not encumbered by any other deeds of trust or liens of any party other than the CWCB or in any other manner, except for the Existing Parity Indebtedness which sets forth the position of the lien created by this Contract in relation to any existing lien(s). Documentation establishing the relative priorities of said liens, if necessary, is attached to the Project Summary and incorporated herein.

14. OPERATION OF PROJECT

The Borrower shall, without expense or legal liability to the CWCB, manage, operate, and maintain the Project continuously in an efficient and economical manner.

15. CONFIDENTIAL INFORMATION-STATE RECORDS

A. Confidentiality

Borrower shall keep confidential, and cause all Subcontractors to keep confidential, all State Records, unless those State Records are publicly available. Borrower shall not, without prior written approval of the State, use, publish, copy, disclose to any third party, or permit the use by any third party of any State Records, except as otherwise stated in this Contract, permitted by law or approved in Writing by the State. Borrower shall provide for the security of all State Confidential Information in accordance with all policies promulgated by the Colorado Office of Information Security and all applicable laws, rules, policies, publications, and guidelines. If Borrower or any of its Subcontractors will or may receive the following types of data, Borrower or its Subcontractors shall provide for the security of such data according to the following: **(i)** the most recently promulgated IRS Publication 1075 for all Tax Information and in accordance with the Safeguarding Requirements for Federal Tax Information attached to this Contract as an Exhibit, if applicable, **(ii)** the most recently updated PCI Data Security Standard from the PCI Security Standards Council for all PCI, **(iii)** the most recently issued version of the U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Security Policy for all CJI, and **(iv)** the

federal Health Insurance Portability and Accountability Act for all PHI and the HIPAA Business Associate Agreement attached to this Contract, if applicable. Borrower shall immediately forward any request or demand for State Records to the State's principal representative.

B. Other Entity Access and Nondisclosure Agreements

Borrower may provide State Records to its agents, employees, assigns and Subcontractors as necessary to perform the Work, but shall restrict access to State Confidential Information to those agents, employees, assigns and Subcontractors who require access to perform their obligations under this Contract. Borrower shall ensure all such agents, employees, assigns, and Subcontractors sign agreements containing nondisclosure provisions at least as protective as those in this Contract, and that the nondisclosure provisions are in force at all times the agent, employee, assign or Subcontractor has access to any State Confidential Information. Borrower shall provide copies of those signed nondisclosure provisions to the State upon execution of the nondisclosure provisions.

C. Use, Security, and Retention

Borrower shall use, hold and maintain State Confidential Information in compliance with any and all applicable laws and regulations in facilities located within the United States, and shall maintain a secure environment that ensures confidentiality of all State Confidential Information wherever located. Borrower shall provide the State with access, subject to Borrower's reasonable security requirements, for purposes of inspecting and monitoring access and use of State Confidential Information and evaluating security control effectiveness. Upon the expiration or termination of this Contract, Borrower shall return State Records provided to Borrower or destroy such State Records and certify to the State that it has done so, as directed by the State. If Borrower is prevented by law or regulation from returning or destroying State Confidential Information, Borrower warrants it will guarantee the confidentiality of, and cease to use, such State Confidential Information.

D. Incident Notice and Remediation

If Borrower becomes aware of any Incident, it shall notify the State immediately and cooperate with the State regarding recovery, remediation, and the necessity to involve law enforcement, as determined by the State. Unless Borrower can establish that none of Borrower or any of its agents, employees, assigns or Subcontractors are the cause or source of the Incident, Borrower shall be responsible for the cost of notifying each person who may have been impacted by the Incident. After an Incident, Borrower shall take steps to reduce the risk of incurring a similar type of Incident in the future as directed by the State, which may include, but is not limited to, developing and implementing a remediation plan that is approved by the State at no additional cost to the State. The State may, in its sole discretion and at Borrower's sole expense, require Borrower to engage the services of an independent, qualified, State-approved third party to conduct a security audit. Borrower shall provide the State with the results of such audit and evidence of Borrower's planned remediation in response to any negative findings.

E. Data Protection and Handling

Borrower shall ensure that all State Records and Work Product in the possession of Borrower or any Subcontractors are protected and handled in accordance with the

requirements of this Contract, including the requirements of any Exhibits hereto, at all times.

16. CONFLICTS OF INTEREST

A. Actual Conflicts of Interest

Borrower shall not engage in any business or activities, or maintain any relationships that conflict in any way with the full performance of the obligations of Borrower under this Contract. Such a conflict of interest would arise when a Borrower's employee, officer or agent were to offer or provide any tangible personal benefit to an employee of the State, or any member of his or her immediate family or his or her partner, related to the award of, entry into or management or oversight of this Contract.

B. Apparent Conflicts of Interest

Borrower acknowledges that, with respect to this Contract, even the appearance of a conflict of interest shall be harmful to the State's interests. Absent the State's prior written approval, Borrower shall refrain from any practices, activities or relationships that reasonably appear to be in conflict with the full performance of Borrower's obligations under this Contract.

C. Disclosure to the State

If a conflict or the appearance of a conflict arises, or if Borrower is uncertain whether a conflict or the appearance of a conflict has arisen, Borrower shall submit to the State a disclosure statement setting forth the relevant details for the State's consideration. Failure to promptly submit a disclosure statement or to follow the State's direction in regard to the actual or apparent conflict constitutes a breach of this Contract.

17. INSURANCE

The Borrower is a "public entity" within the meaning of the Colorado Governmental Immunity Act, §24-10-101, *et seq.*, C.R.S. (the "GIA") and shall maintain at all times during the term of this Loan Contract such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the GIA. Borrower shall ensure that any Subcontractors maintain all insurance customary for the completion of the work done by that Subcontractor and as required by the State Risk Manager, Department of Personnel and Administration or the GIA.

18. BREACH OF CONTRACT

In the event of a Breach of Contract, the aggrieved Party shall give written notice of breach to the other Party. If the notified Party does not cure the Breach of Contract, at its sole expense, within thirty (30) days after the delivery of written notice, the Party may exercise any of the remedies as described in §19., for that Party. Notwithstanding any provision of this Contract to the contrary, the State, in its discretion, need not provide notice or a cure period and may immediately terminate this Contract in whole or in part or institute any other remedy in this Contract in order to protect the public interest of the State; or if Borrower is debarred or suspended under §24-109-105, C.R.S., the State, in its discretion, need not provide notice or cure period and may terminate this Contract in whole or in part or institute any other remedy in this Contract as of the date that the debarment or suspension takes effect.

19. REMEDIES

A. State's Remedies

i. Loan Default Remedies

Upon default in the payments to be made by the Borrower under this Contract, or default in the performance of any covenant or agreement contained herein, the CWCB, at its option, may do any of the following:

- a. Suspend this Contract and withhold further loan disbursements pending corrective action by the Borrower and if the Borrower does not cure the default as provided for below, permanently cease loan disbursements and deem the Project substantially complete.
- b. Declare the entire unpaid principal amount of the Promissory Note, accrued interest, and late charges, if any, then outstanding immediately due and payable.
- c. Exercise its rights under any appendices to this Contract, including, but not limited to, the Promissory Note and Security Agreement securing Pledged Revenues.
- d. Take any other action deemed appropriate by the CWCB.

The CWCB shall provide written notice to the Borrower of any such default and shall give the Borrower an opportunity to cure within sixty (60) days of receipt of such notice. All remedies described herein may be simultaneously or selectively and successively enforced. The CWCB may enforce the provisions of this Contract at its option without regard to prior waivers of previous defaults by the Borrower, through judicial proceedings to require specific performance of this Contract, or by such other proceedings in law or equity as may be deemed necessary by the CWCB to ensure compliance with provisions of this Contract and the laws and regulations under which this Contract is executed. The CWCB's exercise of any or all of the remedies described herein shall not relieve the Borrower of any of its duties and obligations under this Contract.

B. Borrower's Remedies

If the State is in breach of any provision of this Contract and does not cure such breach, Borrower, following the notice and cure period in **§19.A.i.d.**, and the dispute resolution process in **§20.**, shall have all remedies available at law and equity.

20. DISPUTE RESOLUTION

A. Initial Resolution

Except as herein specifically provided otherwise, disputes concerning the performance of this Contract which cannot be resolved by the designated Contract representatives shall be referred in writing to the board for review, who will determine a resolution to the dispute.

B. Resolution of Controversies, Not Involving Loan Default

If the initial resolution described in **§20.A.**, fails to resolve the dispute within ten (10) Business Days, Borrower shall submit any alleged breach of this Contract by the State to the Procurement Official of the State Agency named on the Cover Page of this Contract as

described in §24-101-301(30), C.R.S. for resolution in accordance with the provisions of §§24-109-101.1 through 24-109-505, C.R.S., (the “Resolution Statutes”), except that if Borrower wishes to challenge any decision rendered by the Procurement Official, Borrower’s challenge shall be an appeal to the executive director of the Department of Personnel and Administration, or their delegate, under the Resolution Statutes before Borrower pursues any further action as permitted by such statutes. Except as otherwise stated in this Section, all requirements of the Resolution Statutes shall apply including, without limitation, time limitations.

21. NOTICES AND REPRESENTATIVES

Each individual identified as a Principal Representative on the Cover Page for this Contract shall be the principal representative of the designating Party. All notices required or permitted to be given under this Contract shall be in writing, and shall be delivered **(A)** by hand with receipt required, **(B)** by certified or registered mail to such Party’s principal representative at the address set forth below or **(C)** as an email with read receipt requested to the principal representative at the email address, if any, set forth on the Cover Page for this Contract. If a Party delivers a notice to another through email and the email is undeliverable, then, unless the Party has been provided with an alternate email contact, the Party delivering the notice shall deliver the notice by hand with receipt required or by certified or registered mail to such Party’s principal representative at the address set forth on the Cover Page for this Contract. Either Party may change its principal representative or principal representative contact information, or may designate specific other individuals to receive certain types of notices in addition to or in lieu of a principal representative by notice submitted in accordance with this section without a formal amendment to this Contract. Unless otherwise provided in this Contract, notices shall be effective upon delivery of the written notice.

22. STATEWIDE CONTRACT MANAGEMENT SYSTEM

If the maximum amount payable to Borrower under this Contract is \$100,000 or greater, either on the Effective Date or at any time thereafter, this section shall apply. Borrower agrees to be governed by and comply with the provisions of §§24-106-103, 24-102-206, 24-106-106, and 24-106-107, C.R.S. regarding the monitoring of vendor performance and the reporting of contract performance information in the State’s contract management system (“Contract Management System” or “CMS”). Borrower’s performance shall be subject to evaluation and review in accordance with the terms and conditions of this Contract, Colorado statutes governing CMS, and State Fiscal Rules and State Controller policies.

23. GENERAL PROVISIONS

A. Assignment

Borrower’s rights and obligations under this Contract are personal and may not be transferred or assigned without the prior, written consent of the State. Any attempt at assignment or transfer without such consent shall be void. Any assignment or transfer of Borrower’s rights and obligations approved by the State shall be subject to the provisions of this Contract

B. Binding Effect

Except as otherwise provided in **§23.A.**, all provisions of this Contract, including the benefits and burdens, shall extend to and be binding upon the Parties’ respective successors and assigns.

C. Authority

Each Party represents and warrants to the other that the execution and delivery of this Contract and the performance of such Party's obligations have been duly authorized.

D. Captions and References

The captions and headings in this Contract are for convenience of reference only, and shall not be used to interpret, define, or limit its provisions. All references in this Contract to sections (whether spelled out or using the § symbol), subsections, exhibits or other attachments, are references to sections, subsections, exhibits or other attachments contained herein or incorporated as a part hereof, unless otherwise noted.

E. Counterparts

This Contract may be executed in multiple, identical, original counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

F. Entire Understanding

This Contract represents the complete integration of all understandings between the Parties related to the Work, and all prior representations and understandings related to the Work, oral or written, are merged into this Contract. Prior or contemporaneous additions, deletions, or other changes to this Contract shall not have any force or effect whatsoever, unless embodied herein.

G. Digital Signatures

If any signatory signs this agreement using a digital signature in accordance with the Colorado State Controller Contract, Grant and Purchase Order Policies regarding the use of digital signatures issued under the State Fiscal Rules, then any agreement or consent to use digital signatures within the electronic system through which that signatory signed shall be incorporated into this Contract by reference.

H. Modification

Except as otherwise provided in this Contract, any modification to this Contract shall only be effective if agreed to in a formal amendment to this Contract, properly executed and approved in accordance with applicable Colorado State law and State Fiscal Rules. Modifications permitted under this Contract, other than Contract amendments, shall conform to the policies issued by the Colorado State Controller.

I. Statutes, Regulations, Fiscal Rules, and Other Authority.

Any reference in this Contract to a statute, regulation, State Fiscal Rule, fiscal policy or other authority shall be interpreted to refer to such authority then current, as may have been changed or amended since the Effective Date of this Contract.

J. External Terms and Conditions

Notwithstanding anything to the contrary herein, the State shall not be subject to any provision included in any terms, conditions, or agreements appearing on Borrower's website or any provision incorporated into any click-through or online agreements related to the Work unless that provision is specifically referenced in this Contract.

K. Severability

The invalidity or unenforceability of any provision of this Contract shall not affect the validity or enforceability of any other provision of this Contract, which shall remain in full force and effect, provided that the Parties can continue to perform their obligations under this Contract in accordance with the intent of this Contract.

L. Survival of Certain Contract Terms

Any provision of this Contract that imposes an obligation on a Party after termination or expiration of this Contract shall survive the termination or expiration of this Contract and shall be enforceable by the other Party.

M. Third Party Beneficiaries

Except for the Parties' respective successors and assigns described in §23.A., this Contract does not and is not intended to confer any rights or remedies upon any person or entity other than the Parties. Enforcement of this Contract and all rights and obligations hereunder are reserved solely to the Parties. Any services or benefits which third parties receive as a result of this Contract are incidental to this Contract, and do not create any rights for such third parties.

N. Waiver

A Party's failure or delay in exercising any right, power, or privilege under this Contract, whether explicit or by lack of enforcement, shall not operate as a waiver, nor shall any single or partial exercise of any right, power, or privilege preclude any other or further exercise of such right, power, or privilege.

O. CORA Disclosure

To the extent not prohibited by federal law, this Contract and the performance measures and standards required under §24-106-107, C.R.S., if any, are subject to public release through the CORA.

P. Standard and Manner of Performance

Borrower shall perform its obligations under this Contract in accordance with the highest standards of care, skill and diligence in Borrower's industry, trade, or profession.

Q. Licenses, Permits, and Other Authorizations.

Subject to the conditions in Appendix 1, Section 7, Borrower shall secure, prior to the Effective Date, and maintain at all times during the term of this Contract, at its sole expense, all licenses, certifications, permits, and other authorizations required to perform its obligations under this Contract, and shall ensure that all employees, agents and Subcontractors secure and maintain at all times during the term of their employment, agency or subcontract, all license, certifications, permits and other authorizations required to perform their obligations in relation to this Contract.

R. Indemnification

i. General Indemnification

Borrower shall indemnify, save, and hold harmless the State, its employees, agents and assignees (the "Indemnified Parties"), against any and all costs, expenses, claims,

damages, liabilities, court awards and other amounts (including attorneys' fees and related costs) incurred by any of the Indemnified Parties in relation to any act or omission by Borrower, or its employees, agents, Subcontractors, or assignees in connection with this Contract.

ii. Confidential Information Indemnification

Disclosure or use of State Confidential Information by Borrower in violation of §15., may be cause for legal action by third parties against Borrower, the State, or their respective agents. Borrower shall indemnify, save, and hold harmless the Indemnified Parties, against any and all claims, damages, liabilities, losses, costs, expenses (including attorneys' fees and costs) incurred by the State in relation to any act or omission by Borrower, or its employees, agents, assigns, or Subcontractors in violation of §15.

iii. Intellectual Property Indemnification

Borrower shall indemnify, save, and hold harmless the Indemnified Parties, against any and all costs, expenses, claims, damages, liabilities, and other amounts (including attorneys' fees and costs) incurred by the Indemnified Parties in relation to any claim that any Work infringes a patent, copyright, trademark, trade secret, or any other intellectual property right.

24. COLORADO SPECIAL PROVISIONS (COLORADO FISCAL RULE 3-3)

These Special Provisions apply to all contracts except where noted in italics.

A. STATUTORY APPROVAL. §24-30-202(1), C.R.S.

This Contract shall not be valid until it has been approved by the Colorado State Controller or designee. If this Contract is for a Major Information Technology Project, as defined in §24-37.5-102(2.6), then this Contract shall not be valid until it has been approved by the State's Chief Information Officer or designee.

B. FUND AVAILABILITY. §24-30-202(5.5), C.R.S.

Financial obligations of the State payable after the current State Fiscal Year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.

C. GOVERNMENTAL IMMUNITY.

Liability for claims for injuries to persons or property arising from the negligence of the State, its departments, boards, commissions committees, bureaus, offices, employees and officials shall be controlled and limited by the provisions of the Colorado Governmental Immunity Act, §24-10-101, et seq., C.R.S.; the Federal Tort Claims Act, 28 U.S.C. Pt. VI, Ch. 171 and 28 U.S.C. 1346(b), and the State's risk management statutes, §§24-30-1501, et seq. C.R.S. No term or condition of this Contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, contained in these statutes.

D. INDEPENDENT CONTRACTOR

Contractor shall perform its duties hereunder as an independent contractor and not as an employee. Neither Contractor nor any agent or employee of Contractor shall be deemed to be an agent or employee of the State. Contractor shall not have authorization, express or

implied, to bind the State to any agreement, liability or understanding, except as expressly set forth herein. Contractor and its employees and agents are not entitled to unemployment insurance or workers compensation benefits through the State and the State shall not pay for or otherwise provide such coverage for Contractor or any of its agents or employees. Contractor shall pay when due all applicable employment taxes and income taxes and local head taxes incurred pursuant to this Contract. Contractor shall (i) provide and keep in force workers' compensation and unemployment compensation insurance in the amounts required by law, (ii) provide proof thereof when requested by the State, and (iii) be solely responsible for its acts and those of its employees and agents.

E. COMPLIANCE WITH LAW.

Contractor shall comply with all applicable federal and State laws, rules, and regulations in effect or hereafter established, including, without limitation, laws applicable to discrimination and unfair employment practices.

F. CHOICE OF LAW, JURISDICTION, AND VENUE.

Colorado law, and rules and regulations issued pursuant thereto, shall be applied in the interpretation, execution, and enforcement of this Contract. Any provision included or incorporated herein by reference which conflicts with said laws, rules, and regulations shall be null and void. All suits or actions related to this Contract shall be filed and proceedings held in the State of Colorado and exclusive venue shall be in the City and County of Denver.

G. PROHIBITED TERMS.

Any term included in this Contract that requires the State to indemnify or hold Contractor harmless; requires the State to agree to binding arbitration; limits Contractor's liability for damages resulting from death, bodily injury, or damage to tangible property; or that conflicts with this provision in any way shall be void ab initio. Nothing in this Contract shall be construed as a waiver of any provision of §24-106-109 C.R.S.

H. SOFTWARE PIRACY PROHIBITION.

State or other public funds payable under this Contract shall not be used for the acquisition, operation, or maintenance of computer software in violation of federal copyright laws or applicable licensing restrictions. Contractor hereby certifies and warrants that, during the term of this Contract and any extensions, Contractor has and shall maintain in place appropriate systems and controls to prevent such improper use of public funds. If the State determines that Contractor is in violation of this provision, the State may exercise any remedy available at law or in equity or under this Contract, including, without limitation, immediate termination of this Contract and any remedy consistent with federal copyright laws or applicable licensing restrictions.

I. EMPLOYEE FINANCIAL INTEREST/CONFLICT OF INTEREST. §§24-18-201 and 24-50-507, C.R.S.

The signatories aver that to their knowledge, no employee of the State has any personal or beneficial interest whatsoever in the service or property described in this Contract. Contractor has no interest and shall not acquire any interest, direct or indirect, that would conflict in any manner or degree with the performance of Contractor's services and Contractor shall not employ any person having such known interests.

J. VENDOR OFFSET AND ERRONEOUS PAYMENTS. §§24-30-202(1) and 24-30-202.4, C.R.S.

[Not applicable to intergovernmental agreements] Subject to §24-30-202.4(3.5), C.R.S., the State Controller may withhold payment under the State's vendor offset intercept system for debts owed to State agencies for: (i) unpaid child support debts or child support arrearages; (ii) unpaid balances of tax, accrued interest, or other charges specified in §§39-21-101, et seq., C.R.S.; (iii) unpaid loans due to the Student Loan Division of the Department of Higher Education; (iv) amounts required to be paid to the Unemployment Compensation Fund; and (v) other unpaid debts owing to the State as a result of final agency determination or judicial action. The State may also recover, at the State's discretion, payments made to Contractor in error for any reason, including, but not limited to, overpayments or improper payments, and unexpended or excess funds received by Contractor by deduction from subsequent payments under this Contract, deduction from any payment due under any other contracts, grants or agreements between the State and Contractor, or by any other appropriate method for collecting debts owed to the State.

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APPENDIX 1, PROJECT SUMMARY

Loan Contract Number CT2023-0673

Section 1 –Borrower’s Name

Town of Breckenridge, acting by and through its Utility Enterprise Fund

- A. Description of Project: The Borrower applied to the CWCB for a loan to be used for Goose Pasture Tarn Dam Rehabilitation (Project), located in Summit County, at a total estimated Project cost of \$23,000,000.00. The purpose of the Project is to restore the Goose Pasture Tarn Dam’s ability to safely store its full design capacity and remove the storage restriction imposed by the Colorado DSB.
- B. The Loan Feasibility Study titled “Feasibility of Goose Pasture Tarn Spillway Rehabilitation” dated July 19, 2021 was prepared by the Town of Breckenridge Public Works staff with support from Greg Monley, P.E. of W.W. Wheeler & Associates. The feasibility study was prepared in accordance with CWCB guidelines and includes an analysis of alternatives, preliminary engineering, and estimated engineering costs and is incorporated herein by this reference. Based upon the feasibility report, the CWCB determined the Project to be technically and financially feasible.

Section 3 – Authority

This loan is made pursuant to the provisions of §§37-60-119 and 37-60-120, C.R.S., which authorizes the CWCB to loan money for water projects from the CWCB Construction Fund for the benefit of the people of the state, provided that the Borrower assures repayment of that money.

Pursuant to HB22-1316, Section 14, the Colorado General Assembly authorized CWCB to loan to the Borrower an amount up to \$13,000,000.00 for the Project.

Section 4 - CWCB Approval

At its November 2021 meeting, the CWCB approved a Project Loan from the Construction Fund, to the Borrower, in an amount up to \$13,000,000.00 for Project Costs. CWCB’s Origination Fee of 1% in the amount of \$130,000.00, in accordance with CWCB Policy No. 16, added to the Base Loan Amount results in a Total Loan Amount of **\$13,130,000.00**, at an interest rate of 2.00% per annum for a repayment term of thirty (30) years.

Section 5 – Schedule of Existing Debt

As of the date of the CWCB loan approval, The Town’s Utility Fund has one loan currently in repayment. A \$58,000,000.00 loan was secured from the Colorado Water and Power Development Authority (CWRPDA) for the construction of the North Water Treatment Plant with a maturity date of 2039 and an annual payment of 3,000,000.00. The Town is currently in good standing with the CWRPDA. Per Financial Policy #6, parity will be required.

The Borrower shall provide, to the CWCB, a Parity Certificate from an independent certified public accountant certifying that, based on an analysis of the Borrower’s revenues, for twelve (12) consecutive months out of the eighteen (18) months immediately preceding the date of issuance of the CWCB loan, the debt service requirements related to the portion of existing debt and the proposed loan do not exceed the maximum annual and total repayment cost parameters and that the Borrower has sufficient authorization for the issuance of the loan. The Lenders and

the CWCB hereby agree that the CWCB's interest in the pledged revenues resulting from the referenced loan contract shall be on parity with the Lender's existing loans to the Borrower, and in the event of default by the Borrower, the Lenders and the CWCB will divide the available assets on a pro-rata basis. The analysis of revenues shall be based on the Borrower's current rate structure or the rate structure most recently adopted. No more than ten percent (10%) of total revenues may originate from tap and/or connection fees.

Section 6 – Loan Security

The Security for this loan, as evidenced by the executed Security Agreement (Appendix 5) and incorporated herein, shall be: (i) an irrevocable (but not exclusive) pledge to the CWCB of the Pledged Revenues in such amount as is necessary to make each annual payment due under this Contract, and (ii) an assessment covenant as evidenced by annual financial reporting. The CWCB requires that all security for this loan be in accordance with CWCB Policy No. 5.

Section 7 – Additional Conditions and Requirements

None.

Section 8 – “Loan Program” Procedures for Projects

- A. An engineer, registered in the State of Colorado shall prepare plans and specifications for the Project.
- B. Engineering contracts and the plans and specifications must be submitted to the CWCB staff for verification of compliance with the terms of this Contract when available prior to bidding. Any modifications, to the plans and specifications that effect changes to the construction costs must be approved in writing by CWCB.
- C. For plans and specifications for all jurisdictional dams and reservoirs, as defined by §37-87-105 C.R.S., the Borrower shall provide a letter of approval from the State Engineer's Office prior to construction.
- D. Construction of the work shall be contracted with an engineering company that is also a responsible and capable construction firm, agreed to by the Borrower and found acceptable by the CWCB staff.
- E. The Borrower must provide a copy of the following construction contract documents: executed construction contract, notice to proceed, sample change order, and sample field order.
- F. The Borrower shall conduct a pre-construction conference at which time the CWCB staff shall have the opportunity to review and approve the construction schedule.
- G. If the CWCB staff determines that the Project requires a resident inspector during construction, the
- H. Borrower shall employ an inspector who has been approved by the CWCB staff.
- I. Project shall be constructed in accordance with the approved plans and specifications.
- J. Upon completion of the Project construction, the Borrower shall provide as-built drawings of the Project to the CWCB staff, or, if required by §37-87-105, C.R.S., the Borrower shall provide the as-built drawings to the State Engineer's Office for approval and filing.
- K. Upon completion of the Project construction, the Borrower shall arrange a final inspection for the

CWCB staff.

- L. The Borrower shall ensure all of the expenses related to the Project are paid when such bills are due.

Section 9 – Eligible Expenses

The Borrower shall initiate disbursement requests by invoice to CWCB, in a form and manner approved by CWCB. The following items are eligible for loan disbursements:

- A. Engineering associated with the feasibility report prepared as a requirement for this loan.
- B. Preparing final designs and specifications for the Project.
- C. Preparing bid and construction contract documents.
- D. Preparing environmental assessment or environmental impact statements, and otherwise complying with the Federal National Environmental Policy Act.
- E. Complying with all federal, state, and local regulatory requirements, including the obtaining of all required permits.
- F. Fish and wildlife mitigation measures required by federal, state, or local laws and regulations.
- G. Actual construction as called for in the design documents and in change orders approved by the CWCB and the Borrower.
- H. Engineering services for construction management, including design and construction management for CWCB approved change orders.
- I. Interest prior to completion of the Project pursuant to Section 7., of the Contract.
- J. Legal services for reviewing engineering services contracts, reviewing this Contract, reviewing construction contract documents, and for complying with all federal, state, and local regulatory requirements.
- K. Project related expenses incurred prior to the Effective Date of this Contract in accordance with the approval of this loan.

Section 10 – Disbursement Schedule

For Project expenses: The Borrower shall prepare a periodic progress report that sets forth a statement of the Project costs expended for that period and shall forward said statement to the CWCB. After receipt of the periodic progress report from the Borrower, and review and acceptance of the items therein as eligible expenses, as described above, the CWCB will pay to the Borrower the amount set forth in the report or such portion as has been approved by the CWCB. Such payment shall be made within thirty (30) days from the CWCB's approval of each progress report.

Section 11 – Time for Performance

Project To Begin: Loan Effective Date.

Project To End: Four (4) years from the Effective Date of this Contract or based upon the date stated within the CWCB Notice of Project Substantial Completion.

**APPENDIX 2, SAMPLE OPTION LETTER
(TO BE USED AT SUBSTANTIAL COMPLETION OF PROJECT)**

State Agency Department of Natural Resources Colorado Water Conservation Board (CWCB) 1313 Sherman St, Room 718 Denver, CO 80203	Option Letter Number
Borrower	Original Contract Number CMS CT
	Option Contract Number
	Loan Contract Effective Date
	Loan Contract Expiration Date

1. OPTIONS:

- a. Option to decrease total Contract amount and revise Contract expiration date upon CWCB *Notice of Project Substantial Completion*.

2. REQUIRED PROVISIONS:

- a. The amount of the current Loan Contract Amount is decreased by (\$ amount of change) from \$ _____ to \$ _____ in consideration of substantial completion of the Project. The Total Loan Amount is hereby modified accordingly.
- b. This change does not include a change to the annual payment and interest rate.
- c. This Option Letter and supporting documentation shall become part of and be incorporated into this Contract for the total duration of the Loan Contract.
- d. This Option Letter shall include the written *Notice of Project Substantial Completion*.
- e. The Contract Maximum Amount table on the Contract Cover Page is hereby deleted and replaced with the Current Contract Maximum Amount table shown above.

3. OPTION EFFECTIVE DATE:

- a. The effective date of this Option Letter is upon approval of the State Controller or an authorized delegate.

<p align="center">STATE OF COLORADO Jared Polis, Governor Department of Natural Resources Dan Gibbs, Executive Director Colorado Water Conservation Board</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p> <p>Date: _____</p>	<p align="center">In accordance with §24-30-202, C.R.S., this Option is not valid until signed and dated below by the State Controller or an authorized delegate.</p> <p align="center">STATE CONTROLLER Robert Jaros, CPA, MBA, JD</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p> <p>Option Effective Date: _____</p>
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APPENDIX 3, PROMISSORY NOTE

Date: _____, 2022

Borrower: Town of Breckenridge, acting by and through its Utility Enterprise Fund

Total Loan Amount: \$13,130,000.00

Interest Rate: 2.00% per annum

Term of Repayment: Thirty (30) years

Loan Contract Number: CT2023-0673

Annual Loan Payment: \$586,253.48

Payment Initiation Date*: _____
(To be filled in at Substantial Completion of Project)

Maturity Date*: _____
(To be filled in at Substantial Completion of Project)

* Payment Initiation Date and Maturity Date fields are filled in *after* the Project has been substantially completed.

1. For Value Received, the Borrower promises to pay the Colorado Water Conservation Board ("CWCB"), the Principal Amount plus Interest for the Term of Repayment, pursuant to the Contract and this Promissory Note.
2. Principal and interest shall be payable in annual equal payments as set forth in "Annual Loan Payment" above, with the first payment due and payable one year from the Payment Initiation Date (the date the CWCB determines that the Project is substantially complete), and annually thereafter. All principal, interest, and late charges, if any, then remaining unpaid shall be due and payable on or before the Maturity Date.
3. Payments shall be made to the Colorado Water Conservation Board at 1313 Sherman Street, Room 718, Denver, Colorado 80203.
4. The CWCB may impose a late charge in the amount of five percent (5%) of the annual payment if the CWCB does not receive the annual payment within sixty (60) calendar days of the due date. At the discretion of the CWCB, and if the Borrower requests in writing with sufficient justification, the late fee may be waived by the CWCB. CWCB will review the request from the Borrower, and may, in its sole discretion, choose to waive the late fee.
5. This Promissory Note may be prepaid in whole or in part at any time without premium or penalty. Any partial prepayment shall not postpone the due date of any subsequent payments or change the amount of such payments.
6. This Promissory Note is issued pursuant to the Contract between the CWCB and the Borrower. The Contract creates security interests in favor of the CWCB to secure the prompt payment of all amounts that may become due hereunder. Said security interests are evidenced by a Security Agreement of even date and amount herewith and cover the Pledged Revenues. The Contract and Security Agreement grant additional rights to the CWCB, including the right to accelerate the maturity of this Promissory Note in certain events.

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7. If any annual payment is not paid when due or any default under the Contract or the Security Agreement securing this Promissory Note occurs, the CWCB may declare the entire outstanding principal balance of the Note, all accrued interest, and any outstanding late charges immediately due and payable, and the indebtedness shall bear interest at the rate of seven percent (7%) per annum from the date of default. The CWCB shall give the Borrower written notice of any alleged default and an opportunity to cure within sixty (60) days of receipt of such notice before the Borrower shall be considered in default for purposes of this Promissory Note.
8. The Borrower hereby agrees that if this Note or interest thereon is not paid when due or if suit is brought, then it shall pay all reasonable costs of collection, including reasonable attorney fees. In the event of any bankruptcy or similar proceedings, costs of collection shall include all costs and attorney fees incurred in connection with such proceedings, including the fees of counsel for attendance at meetings of creditors' committees or other committees.
9. This Promissory Note is authorized pursuant to and in accordance with the Constitution of the State of Colorado and all other laws of the State thereunto enabling. Specifically, but not by way of limitation, the Contract and this Promissory Note are authorized pursuant to and under the authority of Title 31, Article 35; Title 37, Article 45.1; and Title 11, Article 57, Part 2, C.R.S., and in full conformity therewith. Pursuant to Section 11-57-210, C.R.S., and Section 31-35-413, C.R.S., this recital shall be conclusive evidence of the validity and the regularity of the issuance of this Promissory Note and the Promissory Note shall be incontestable for any cause whatsoever after its delivery for value.

Town of Breckenridge
 acting by and through its Utility Enterprise Fund

By: _____
 Signature

Name: _____

Title: _____

Date: _____

Attest:

By: _____
 Signature

Name: _____

Title: _____

Date: _____

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APPENDIX 4 RESOLUTION OR ORDINANCE

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APPENDIX 5, SECURITY AGREEMENT

Date: _____, 2022

Borrower: Town of Breckenridge, acting by and through its Utility Enterprise Fund

Secured Party: Colorado Water Conservation Board

Promissory Note: \$13,130,000.00

Terms of Repayment: 2.00% per annum interest for thirty (30) years

Loan Contract Number: CT2023-0673

Pledged Revenues: All pledged revenues from the utility enterprise in such amount as is necessary to make each annual payment due under this Contract and all of Borrower's right to receive said revenues to repay the loan as described in Pledged Revenues provisions of the Contract and Borrower's Resolution or Ordinance adopted _____, 2022.

To secure payment of the loan evidenced by the Promissory Note payable in accordance with the terms of repayment, or until all principal, interest, and late charges, if any, are paid in full, the Borrower grants to Secured Party a security interest in the above described Pledged Revenues.

BORROWER EXPRESSLY WARRANTS AND COVENANTS:

1. That except for the security interest granted hereby and any other security interests described in Appendix 1, Project Summary, Section 5, the Borrower is the owner of the Pledged Revenues free from any adverse lien, security interest or encumbrances; and that the Borrower will defend the Pledged Revenues against all claims and demands of all persons at any time claiming the same or any interest therein.
2. That the execution and delivery of this agreement by the Borrower will not violate any law or agreement governing the Borrower or to which the Borrower is a party.
3. Except in accordance with Section 11.E., of the Loan Contract, to not permit or allow any adverse lien, security interest or encumbrance whatsoever upon the Pledged Revenues and not to permit the same to be attached or replevined.
4. That by its acceptance of the loan money pursuant to the terms of the Contract and by its representations herein, the Borrower shall be estopped from asserting for any reason that it is not authorized to grant a security interest in the Pledged Revenues pursuant to the terms of this agreement.
5. To pay all taxes and assessments of every nature that may be levied or assessed against the Pledged Revenues.
6. That the Borrower's articles of incorporation and by-laws do not prohibit any term or condition of this agreement.

UNTIL DEFAULT Borrower may have possession of the Pledged Revenues, provided that Borrower keeps the Pledged Revenues in an account separate from other revenues of Borrower and does not use Pledged Revenues for any purpose not permitted by the Contract. Upon default, Secured Party shall have the immediate right to the possession of the Pledged Revenues.

BORROWER SHALL BE IN DEFAULT under this agreement upon any of the following events or conditions:

- a. default in the payment or performance of any obligation contained herein or in the Promissory Note or

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Contract; or

- b. dissolution, termination of existence, insolvency, business failure, appointment of a receiver of any part of the property of, assignment for the benefit of creditors by, or the commencement of any proceeding under any bankruptcy or insolvency law of, by or against the Borrower; or
- c. the making or furnishing of any warranty, representation or statement to Secured Party by or on behalf of the Borrower which proves to have been false in any material respect when made or furnished.

Upon such default and at any time thereafter, Secured Party shall have the remedies of a secured party under Section 11-57-208, Colorado Revised Statutes. Secured Party may require the Borrower to deliver or make the Pledged Revenues available to Secured Party at a place to be designated by Secured Party, which is reasonably convenient to both parties. Expenses of retaking, holding, preparing for sale, selling or the like shall include Secured Party's reasonable attorney's fees and legal expenses.

The Secured Party shall give the Borrower written notice of any alleged default and an opportunity to cure within sixty (60) Business Days of receipt of such notice before the Borrower shall be considered in default for purposes of this Security Agreement. No default shall be waived by Secured Party except in writing, and no waiver by Secured Party of any default shall operate as a waiver of any other default or of the same default on a future occasion. The taking of this Security Agreement shall not waive or impair any other security Secured Party may have or hereafter acquire for the payment of the above indebtedness, nor shall the taking of any such additional security waive or impair this Security Agreement; but Secured Party shall retain its rights of set-off against the Borrower. In the event court action is deemed necessary to enforce the terms and conditions set forth herein, said action shall only be brought in the District Court for the City and County of Denver, State of Colorado, and the Borrower consents to venue and personal jurisdiction in said Court.

All rights of Secured Party hereunder shall inure to the benefit of its successors and assigns; and all promises and duties of the Borrower shall bind its successors or assigns.

Town of Breckenridge
acting by and through its Utility Enterprise Fund

By: _____
Signature

Attest:

By: _____
Signature

Name: _____

Title: _____

Name: _____

Date: _____

Title: _____

Date: _____

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Memo

To: Breckenridge Town Council Members
From: Mark Truckey, Director of Community Development
Date: August 17, 2022
Subject: Planning Commission Decisions of the August 16, 2022 Meeting

DECISIONS FROM THE PLANNING COMMISSION MEETING, August 16, 2022:

CLASS A APPLICATIONS: None.

CLASS B APPLICATIONS: None.

CLASS C APPLICATIONS:

1. Gold Flake Residence, 216 N. Gold Flake Terrace, PL-2022-0300

A proposal to demolish an existing single family residence and construct a new 6,944 sq. ft. single family residence with 7 bedrooms and 7.5 bathrooms. *Approved.*

TOWN PROJECT HEARINGS: None.

OTHER: None.



**Gold Flake
Residence, 216
N. Gold Flake
Terrace**

PLANNING COMMISSION MEETING

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

ROLL CALL

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

APPROVAL OF MINUTES

With no changes, the August 2, 2022 Planning Commission Minutes were approved.

APPROVAL OF AGENDA

With no changes, the August 16, 2022 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- None.

CONSENT CALENDAR:

1. Gold Flake Residence (SVC) 216 N. Gold Flake Terrace; PL-2022-0300

Mr. Gerard made a request to transpose the existing site plan over the new site plan for readability in the future. A few commissioners asked clarifying questions. With no call ups, the Consent Calendar was approved as presented.

WORK SESSIONS:

1. Policy 5R Architectural Compatibility/Building Materials (SVC)

Ms. Crump presented a work session to gather input on proposed updates to the development code regarding exterior siding materials. The following specific questions were asked of the Commission:

1. Does the Commission wish to recommend the use of materials like the composite wood material presented above as an approved material, in addition to the already allowed fiber cement plank?
2. Does the Commission wish to recommend that fiber cement or composite wood siding be allowed without negative points assigned without any natural material requirements or wish to clarify the amount of natural material required on each façade to prevent assignment of negative points?
3. Does the Commission wish to recommend the allowance for brick as an approved exterior material in an amount to exceed more than “smaller building elements” in certain circumstances without points?

Commissioner Discussion:

Mr. Leas: I take issue with most of the things you said. Fly ash product is a waste product that needs to be taken care of. Coal is a product that will be used worldwide for a while. I have a different perspective on sustainability than the Town. As a builder, the highest issue is quality and longevity. Keeping things out of the landfill, low replacement, etc. Budget is important. The products that challenge Hardie do not stand up as well. Hardie has a 30 year guarantee. I wouldn't build a house with Diamond Kote or LP Smartside. It's particle board.

Mr. Gerard: Does Hardie use existing ash like a recycling of a byproduct? (Mr. Leas: Coal plants need to get rid of the material so it's either that or the landfill or create the building material. Depends on laws and municipality.) But they don't burn the coal to get the product? (Mr. Leas: No, it's a waste byproduct.)

Mr. Giller: Also used in cement, it is a waste product.

- Mr. Guerra: I appreciate the background. I have never used Hardie in Town except for my garage. Is it our place to question the durability? Or should we be discussing based on architectural standards and aesthetics? The fiber product like the Diamond Kote – no idea if it is resistant or not. OSB was not weather resistant. Trying to figure out what the place is for our judgement. (Mr. Truckey: Mainly architectural compatibility, but if it is a poor product it will not look good after 10-15 years.)
- Mr. Gerard: What about cost? If we want to allow this, are we steering some builders to go the cheaper route? Less durability? Could be an unintended consequence.
- Mr. Giller: For Gold Creek, I said it wasn't per town code and not as durable as Hardie Plank. It was a quick discussion.
- Mr. Guerra: Is there data on durability? Might not be our place to state that without knowing. It is more so speculation. (Ms. Crump: Diamond Kote does have a 50-year warranty although that does not have bearing on durability necessarily.) Cheaper doesn't always mean not as good.
- Mr. Frechter: Single family is one thing but some of the bigger workforce projects are another. Big savings, but will we see this and will it come back to bite us on projects where Town is the owner. (Mr. Kulick: To clarify – they can use it but with the assignment of negative points currently, we have had a lot of builders ask about this product. Staff is not qualified to make that judgement. It took several years to vet and allow cementitious siding).
- Mr. Giller: There are objective sites that test this and speak to this (green builder), if we think durability is an issue, and I do, we should create a separate panel to explore this further.
- Mr. Swintz: For the environmental issue, in the LEED sense, part of that is how far a product travels to get to the construction site. None are local and it takes fossil fuels to get here. Durability is an issue and we should try to find studies. This has to do with maintenance. The chipboard is on the inside. There are different styles? (Ms. Crump: Yes, different styles and colors (board and batten, etc.). Is this for everything or historic? (Ms. Crump: The design guidelines apply for the historic district, but we have allowed fiber cement board in the historic district). I prefer the ones with the wood look texture.
- Ms. Delahoz: I don't have building experience, but we are seeing this come up a lot so I appreciate this work session. Might be good to look into durability and sustainability.
- Mr. Gerard: Are we looking to bless these such as Hardie board has been, to see if other types of products can be allowed without negative points? I think Hardie has a good track record, if someone wants to try these they can take negative points.
- Mr. Frechter: Architecturally it is okay, but the lack of durability is the concern. Technical data would help.
- Mr. Guerra: In my eyes the Diamond Kote is very similar to Hardie. We have allowed Hardie. So unless it is proven as not durable at all, I would give a blessing based on the experience with Hardie. For us to say you can use one and not another that has the same "look" doesn't seem correct.
- Mr. Giller: A foot tall strip of siding that has 3-4 inch lap, is something you wouldn't see in real wood siding. The Batten sheet of Diamond Kote would look like plywood (Mr. Guerra: not once it's up though). The devil is in the detail, might not read well. Some of this is craftsmanship. Durability and installation details. (Mr. Kulick: You could add dimension language to the code, traditional dimensions could be required for non-traditional products).
- Ms. Puester: In my research, what I found was if it doesn't get installed properly, water can get behind or in-between. I have installed Diamond Kote on an historic property in a dry desert environment. We did woodgrain look in a historic profile. It reads very well and

you cannot tell the difference between the product and natural wood. That was my personal experience.

Mr. Swintz: I echo that we don't close the door on the idea. Let's investigate more.

Commissioner Comments:

Mr. Swintz: For No. 2, that is the wrong direction to not require some natural materials. Do we want clarification on how much natural materials? What percentage? (Mr. Leas the use of natural material adds a genuineness and makes the Hardie belong).

Mr. Giller: Do we want some solid wood pieces? Goes into compatible look.

Mr. Frechter: Wellington has Hardie with real wood trim. I wish it was AZEK trim. Less rotting.

Mr. Leas: AZEK is better for longevity.

Mr. Gerard: I think we should move to be objective and not subjective. A percentage lets the architect know what standard to design to. "Some natural material" is hard to articulate. [For metal] they come in and tell us the percentage and it's objective and we don't have to analyze. I like the blend of materials. There is an appearance to a solid wood material. We should say how much.

Ms. Delahoz: I agree we need a clear percentage and eliminate any grey area.

Mr. Giller: Those 30-45 year old redwood cedar sided condo buildings, if they want to use one of these, and we don't deem it natural, what would they do? (Ms. Crump: They could get negative points.)

Mr. Gerard: Or they could add a stone base, etc.

Mr. Guerra: Can we clarify by saying "contrasting" materials? (Mr. Kulick: That is a possible way to define what is appropriate.)

Mr. Leas: We need assessment for what is best for a particular building.

Ms. Delahoz: Buyer beware – they need to do their due diligence when they buy. Like Julia said, you have to stay on top of the builder. As we look at the composite wood and durability, that thought resonates. If they want a product that might not have durability, they should know. They can take negative points, but a builder would know if it's good. I would like to see more research on durability.

Ms. Crump: To summarize everyone's comments: staff should conduct more durability research on composite wood. We also need to look at the installation standards and ensure they meet our architectural standards. And staff should present an objective answer to the percentage for non-natural materials section.

All nodded in agreement.

Ms. Crump presented the second half of the presentation on brick as a material.

Commissioner Discussion:

Ms. Delahoz: On brick, I always thought yes. To allow without points.

Mr. Giller: Do we regulate colors? (Ms. Crump: We can refine that. The current Code says natural brick colors are allowed). I am thinking of the 1950s tan, which might not be appropriate, something to consider.

Mr. Kulick: Historically, on residential we don't see hardly any brick, but we do for institutional buildings. Breckenridge wasn't as formal of a town as Leadville, etc.

Mr. Giller: What design standards would we tie this to? A previous design we saw included decorative gables in the Flemish style. There are many ways to use this material, some incompatible. Not sure how we would designate that.

Mr. Giller: Aspen is a great example. There is a lot of gaudy brick modern Victorian that would be inappropriate here. People would try to bring that here.

Ms. Delahoz: Elements of brick are a great touch, and I like the durability.

Mr. Giller: They age well but we want them to have a sense of place.

- Mr. Leas: I think of the three brick malls on Main Street – we want to avoid this.
- Mr. Frechter: I view brick as natural, when used appropriately, why do we give negative points when it is mostly a natural material? It will be hard to set a percentage for this.
- Ms. Puester: You could tie it to a use, like institutional uses only.
- Mr. Leas: That is a good way to categorize. What Chris stated, the residences in Breckenridge were not brick. Malls are not institutional uses. We can turn down the next brick mall and tie it to the use only.
- Mr. Swintz: I think that's appropriate. We didn't have mountain modern when Breckenridge started either. Salida – has little cute brick buildings. I don't know when they were built. I think brick residential could work here if done well (Ms. Puester: Brick was part of Salida's history and style and was not as much in the Victorian era here).
- Mr. Giller: The Red Ugly is a Denver Four Square. These were built in Denver in the 1920s, it is an adaptation between Prairie and Victorian.
- Mr. Kulick: We could develop a matrix to place in the Code. Identify those various materials and say this is the threshold and situation. This may be easier for designers to interpret.
- Mr. Gerard: I like that idea of a matrix, it is more objective.
- Ms. Szrek: Something to think about is mixed uses when assigning a material to a use. Also adaptive reuse and if that institutional use ever leaves or moves out / how do we regulate this.
- Ms. Puester: Institutional is defined in our code. Quotes Code.

Commissioners all agree there is nothing problematic with the current definition of “institutional” and agree that the types of buildings meeting the institutional definition could appropriately be brick material. On non-institutional uses, the desire to keep brick to smaller elements of a building.

2. Subdivision Code Amendment (CK)

Mr. Kulick presented a work session to gather input on a proposed code amendment regarding lot shapes in Subdivisions. The Commission was asked for any questions, comments, or concerns on the proposed modifications.

Commissioner Questions / Comments:

- Mr. Swintz: What is a vested master plan and why is it only to master plans and not all subdivisions? (Mr. Kulick: Vested means one that is still valid. That hasn't expired. Master plans we would allow it because the master plan has already looked at specific uses and general location of the proposal and a consensus on desired direction) (Ms. Puester: Vested Master Plan is three years unless there is a Development Agreement. The layout is seen with the MP, but if a residential sub came in and put in odd jogs and we wouldn't know the whole layout, that provides the owners/developer some odd leeway to put things in odd places. There is a comfort level there with a master plan). What about natural features? (Mr. Kulick: This is included in the code already). My idea was about a radial and limiting the radius so it can't be 30 degrees, just throwing that out there.
- Ms. Delahoz: This is more of a clean-up and housekeeping. Thank you for putting this together. Looks like we have no additional comments.

OTHER MATTERS:

1. Town Council Summary

- Mr. Giller: I wanted to thank Steve for his work in the STR Task Force.

- Mr. Guerra: I wanted to bring up a comment about that meeting. During the public comment period, Chair Delahoz addressed the Council, while she has the right to comment as a private citizen but I wanted to state that I believe that it was inappropriate for her to identify as chair of the PC and state that she represented some of the Commissioners and that those Commissioners shared her stated opinions. If any of the Commissioners shared her opinions, and wished that opinion to be heard, that Commissioner should make that opinion heard as a private citizen individually and not as a Commissioner.
- Ms. Delahoz: Thank you for your comments.
- Mr. Gerard: Tanya, that comment didn't go unnoticed by the Council as I was immediately contacted by council members wondering how we came up with the idea that we all somehow disagreed.
- Ms. Delahoz: My comment did not say that I spoke on behalf of everyone. It clearly did not say that.
- Mr. Guerra: It does not, but however stating that you are representing some of the Commission left that question open regarding which commissioner and that includes me or anybody else. They were your comments not mine nor the Commission's.
- Mr. Gerard: We sit here as quasi-judicial board which provides us with some greater insight than the average citizen and if we are expressing an opinion because we are a Planning Commissioner or the chair, people in the public are going to look at that differently. We don't have a Planning Commission opinion about what the Council should do. We take the rules that they formulate and we apply them to projects and we make a decision. As Planning Commissioners whether we like the trash program or other program, we don't frame our opinions as "I am a Planning Commissioner and therefore..." we have to be careful.
- Ms. Delahoz: My comments of addressing the public and saying that I am on the PC was a matter of transparency. That is being honest with them as who I am. That is part of my identity. I clearly said if the Council wants me to resign I will.
- Mr. Leas: I would take that as being disclosure to the public. Not that this is the opinion of the board but as a part of disclosure.
- Mr. Guerra: It would be appropriate for transparency to say I am a Commissioner. However, what I take issue with, is your represented your opinion as that of Commissioners, and that you represented some or few, not all, of the Commissioners. I am automatically lumped in. Additionally, if someone has an opinion, state it. Shouldn't be curtailed on yours. That is my opinion.
- Mr. Swintz: We are on the same team. We want to learn from mistakes. We all become better because of it. The way I would approach is let's ask questions and is it appropriate for us to represent other Commission members. Let's band together and see how we would do it in the future. If we have an axe to grind I don't think we do it in public.
- Ms. Delahoz: In Ethan's defense, I did the exact opposite. So I get what he is saying and hear what he is saying. I appreciate your words George.
- Mr. Guerra: I am not singling out Tanya, I found it personal that her comments, whatever they were – I have no comments on the opinions itself, that I would be lumped into that opinion and I may have an exact opposite one. I understand you saying it shouldn't be in a public forum and I wrestled with that. I did mention it to her before, but that's causal. But I think it's important we all present ourselves in a consistent manner. And it needs to be discussed with all of us.
- Mr. Gerard: In the past Saving Places had a Town official training session. There have been classes. I took away from these trainings that in exchange for the privilege to work on the Planning Commission, you give up some of your opinions or free speech regarding whatever issues are in front of the council. I don't remember the exact terms. We haven't had a lot of training because many of us are new and COVID, so I would welcome a refresher from the Town on that so we know how to conduct ourselves. We

could all learn. Tanya has done a great job as the chair and I would like to learn from this.

Mr. Gerard: When we identify ourselves in a public setting as a Planning Commissioner I don't think it is transparency. I think it perceived by the public as this person has more knowledge than others and they're privy to things that I don't know so I have to listen carefully. When you said you were chair I immediately thought that you were speaking for the Planning Commission and that is how I think the public in the audience is going to see it and their ears perk up –it is someone on the inside. That is the risk.

Ms. Delahoz: I understand.

Mr. Gerard: It includes any one of us potentially in your opinions.

Mr. Guerra: Thank you for clarifying that, that was my point.

Mr. Swintz: The Planning Commission are perceived as experts since we are on the Planning Commission. We as a body have more authority if we identify as a Planning Commissioner.

Mr. Guerra: Perhaps, could have been said, I am chair, but I speak tonight as a private citizen.

Mr. Swintz: There is an element of Freedom of Speech. To me that doesn't require a resignation.

Mr. Guerra: I would not call for a resignation at all.

Ms. Delahoz: If you all felt it was warranted, I would resign.

Mr. Giller: None of us want a resignation.

Ms. Delahoz: I appreciate your comments and I am a big believer of discussion and I take things to heart so thank you. Thank you for your support and for wanting me to continue on the Commission.

ADJOURNMENT:

The meeting was adjourned at 7:40 pm.

Tanya Delahoz, Chair



Scheduled Meetings

Shading indicates Council required attendance – others are optional

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

August 2022

August 18th, 2022	Copper Canyon	Site Visit	1:00pm
August 19th, 2022	Copper Canyon	Site Visit	8:30am
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

September 6th, 2022	Beaver Run	Town Council Retreat	8:00am - 6:00pm
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

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	I-70 Coalition	11:30am
	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	7:30am
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



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.

September 22nd, 2022	Transit Advisory Council Meeting	8:10am
	Summit Stage Transit Board Meeting	8:15am
	Breckenridge Tourism Office Board Meeting	8:30am
	RW&B Board Meeting	3:00pm
September 26th, 2022	Open Space & Trails Meeting	5:30pm
September 27th, 2022	Board of County Commissioners Meeting	9:00am / 1:30pm
October 4th, 2022	Board of County Commissioners Meeting	9:00am
	Planning Commission Meeting	5:30pm
October 5th, 2022	Breckenridge Events Committee	9:00am
	Childcare Advisory Committee	3:00pm
October 11th, 2022	Board of County Commissioners Meeting	9:00am / 1:30pm
	Workforce Housing Committee	10:30am
October 12th, 2022	Breckenridge Heritage Alliance	Noon
October 13th, 2022	I-70 Coalition	3:30pm
	Upper Blue Sanitation District	5:30pm
October 17th, 2022	Social Equity Advisory Commission	7:30am
October 18th, 2022	Board of County Commissioners Meeting	9:00am
	Liquor & Marijuana Licensing Authority	9:00am
	Planning Commission Meeting	5:30pm
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
	Transit Advisory Council Meeting	8:00am