



**BRECKENRIDGE TOWN COUNCIL
WORK SESSION
Tuesday, September 8, 2009**

ESTIMATED TIMES: *The times indicated are intended only as a guide. They are at the discretion of the Mayor, depending on the length of the discussion and are subject to change.*

3:00 – 3:15 pm	I. <u>PLANNING COMMISSION DECISIONS</u>	Page 2
3:15 – 3:45 pm	II. <u>LEGISLATIVE REVIEW</u> *	
	<ul style="list-style-type: none">• Medical Marijuana Dispensaries• Medical Marijuana Moratorium Extension• BOSAC Amendment	Page 86 Page 108 Page 112 & 115
3:45 – 4:15pm	III. <u>MANAGERS REPORT</u>	
	<ul style="list-style-type: none">• Public Projects Update• Housing/Childcare Update• Committee Reports• Financials• USPS Satellite Location	Page 12 Verbal Page 13 Page 14 Page 32
4:15 – 5:30 pm	IV. <u>PLANNING MATTERS</u>	
	<ul style="list-style-type: none">• Sustainability Task Force Recommendations• PDG Housing Project at Revetts Drive and Vista Point• Housing Impact Study• Huts on Open Space Recommendation	Page 34 Page 35 Page 49 Page 68
5:30 – 6:00pm	V. <u>OTHER</u>	
	<ul style="list-style-type: none">• Breck 150 Recap	Page 71
6:00 – 7:15 pm	VI. <u>PLANNING COMMISSION JOINT MEETING</u>	Page 76

Dinner will be served

***ACTION ITEMS THAT APPEAR ON THE EVENING AGENDA** **Page 79**

NOTE: Public hearings are not held during Town Council Work Sessions. The public is invited to attend the Work Session and listen to the Council's discussion. However, the Council is not required to take public comments during Work Sessions. At the discretion of the Council, public comment may be allowed if time permits and, if allowed, public comment may be limited. The Town Council may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item. The public will be excluded from any portion of the Work Session during which an Executive Session is held.

Report of Town Manager; Report of Mayor and Council members; Scheduled Meetings and Other Matters are topics listed on the 7:30 pm Town Council Agenda. If time permits at the afternoon work session, the Mayor and Council may discuss these items.

MEMORANDUM

To: Town Council

From: Peter Grosshuesch

Date: September 2, 2009

Re: Town Council Consent Calendar from the Planning Commission Decisions of the September 1, 2009, meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF September 1, 2009:

CLASS C APPLICATIONS:

1. Schaetzel Residence, PC#2009038, 597 Broken Lance Drive
Construct a new single family residence with 2 bedrooms, 2 bathrooms, 1,175 sq. ft. of density and 1,175 sq. ft. of mass for a F.A.R. of 1:7.98. Approved.
2. Baker Fence, PC#2009040, 52 Carter Drive
Construct a wooden buck and rail fence along the north property line for Lots 24 and 25 to separate the public use of Carter Park from the private lots abutting the park. Approved.
3. Gibbs Residence, PC#2009041, 100 Royal Tiger
Construct a new single family residence with 3 bedrooms, 4 bathrooms, 3,434 sq. ft. of density and 4,700 sq. ft. of mass for a F.A.R. of 1:9.26. Approved.

CLASS B APPLICATIONS:

1. Alpine Rock Renewal, PC#2009039, 13250 Colorado Highway 9
Renewal of a development permit (PC#2006170) to allow for the continuation of an existing mining and processing operation. Approved.

PLANNING COMMISSION MEETING

THE MEETING WAS CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Rodney Allen Michael Bertaux Leigh Girvin
Dan Schroder Dave Pringle
JB Katz and Jim Lamb were absent.

APPROVAL OF MINUTES

With one change, the minutes of the August 18, 2009 Planning Commission meeting were approved unanimously (5-0).

Ms. Katz's comment on page 6 on Preservation Homes at Maggie Placer should be changed to reflect that she was agreeing with Ms. Girvin regarding affordable housing, not that she was agreeing regarding the social trail.

APPROVAL OF AGENDA

With no changes, the September 1, 2009 Planning Commission agenda was approved unanimously (5-0).

CONSENT CALENDAR:

1. Schaezel Residence (CK) PC#2009038, 597 Broken Lance
2. Baker Fence (MMO) PC#2009040, 52 Carter Drive
3. Gibbs Residence (MGT) PC#2009041, 100 Royal Tiger

Ms. Girvin asked a question regarding the Schaezel Residence, PC#2009038: Is 1,175 square feet the correct home size? (Mr. Kulick: Yes, that is correct.)

Mr. Bertaux asked a question regarding the Schaezel Residence, PC#2009038: Was the application a renewal? (Mr. Kulick: Yes, they wanted to reduce the square footage. Same applicant.)

Ms. Girvin asked a question regarding the Baker Fence, PC#2009040: The fence that is being proposed along Carter Park, will that close off the social trail at the end of the cul-de-sac that passes through? (Mr. Mosher: Yes, the trail is passing through private property. New landscaping will be provided along the fence and the trail to discourage trespassers.) Concerned that people will follow path they are used to using. (Mr. Neubecker mentioned possibly including a sign on the fence that directs people to the platted Town trail on the east side of the property.)

Ms. Girvin asked a question regarding the Gibbs Residence, PC#2009041: Would the square footage of the proposed residence fit in with the neighborhood preservation policy if it was in effect? (Mr. Thompson: Yes, it would comply.) (Mr. Neubecker: Weisshorn is proposed with 1:4 FAR, and maximum home size of 8,000 square feet, and this is less than each.)

With no motions for call up, the consent calendar was approved as presented.

PRELIMINARY HEARING:

1. Carter Ridge Residence (MGT) PC#2008076, 114 North Ridge Street

Mr. Thompson presented a proposal to construct an 8,114 sq. ft. residence with four bedrooms, five bathrooms, and an accessory apartment. Staff believes the applicant, Mr. Stowell, has made some positive changes to this proposal since the worksession meeting and is headed in the right direction. Staff requested feedback from the Commission on the following issues:

1. Did the Planning Commission support the general layout of the plan?
2. Did the Planning Commission believe that adding one or two spruce trees to the property in between the connector element and French Street, and at least one spruce tree to the Ridge Street side of the project, would help to buffer the residence from French Street and Ridge Street as well as hide the connector element so the project looks more like two separate structures?
3. Did the Planning Commission agree that the revision of the roof pitch of the garage would help the project to meet the intent of Policy 141?

4. Would the proposed two-story elements be acceptable with this proposal? Did the two-story elements meet the intent of Priority Policy 142?
5. How did the Commission feel about the use of different materials on the north and south modules? Would this meet Policy 145?

Mr. Stowell, the applicant, spoke and discussed the history of the lot. The applicant's goal was to create a house that looked like it was built in the time of the historic buildings surrounding it, but with modern conveniences such as renewable energy. The applicant passed to the Commission pictures of the Carter Museum, the historic barn at 100 S. Harris Street, Fuqua Livery Stable, and other homes on the street. The pictures showed roof pitch, siding and veneer, and other characteristics similar to his proposal. Mr. Stowell noted that planting a spruce tree in staff's proposed location would in the future block the views for the nearby bed and breakfast, and potentially block sun for the home. Mr. Stowell proposes to plant a different type of evergreen.

Mr. Allen opened the hearing to public comment.

Andy Harris, owner of B&B to the east, 114 North French Street: We'd like to commend Mr. Stowell for his efforts. We are concerned about our view, and want to know what is the "ground zero" for building height measurement when the lot is concave? Planning staff has told us that the lot is measured from the high point. We were hoping that the roof pitch could be lowered to provide an additional 4' of view. (Mr. Allen: Mr. Thompson, is that correct regarding height measurement?) (Mr. Thompson explained the measurement to the mean elevation of a sloped roof: the greatest dimension, measured vertically, to a point between the ridge and the eave edge of a sloped roof, to a point measured directly below as described above.) (Mr. Bertaux: Could this be corrected during excavation of the lot?) (Mr. Thompson: No.) (Mr. Stowell noted that he had discussed dropping the roof pitch with Mr. Harris, and that he was okay with doing it if the Planning Commission would support it.)

Matt Stais, owner of property to the south, 108 North Ridge Street: I like the applicant's attempt to fit into the context of the historic district and the renewable energy. How will this project achieve the construction excavation at the south property line with only a 5' setback and full basement? There is a substantial existing pine tree also adjacent to the property line and a fence built in 1902. How will the construction be executed without compromising the adjacent historic buildings? Second concern is the window well egress that will be required for the basement bedrooms, and I'm not sure how this will work with snow shed off the steep roof into the window wells. The third comment is regarding the drainage and how the foundation and snow shed will drain. The grading is unclear and needs to be flushed out. There needs to be a construction management or phasing plan that addresses parking, shoring, backfill, etc. I think the detailing of the structure is going to be really important because of the height of the buildings. I appreciate the effort on the computer generated model, but the model makes the building appear to be a lot further away from the property line in this rendering than it really will be. On the design side, having the stair that accesses the basement apartment and roof overhang in the setback should generate negative points. The 4/12 roof pitch in the rear is going to look like an addition from the 1970's. The west side windows are also an issue.

Susie Craig, 110 North French: I think it sounds like an interesting plan. I have an issue with the building height because it is already a high lot. Why does everything have to be designed to the maximum height?

Mark Hogan, property owner on Ridge Street: Concept is refreshing to see a Camp Phase style home rather than another Victorian. Great that he maintained the setback.

There was no more public comment and the hearing was closed.

Commissioner Questions/Comments:

Mr. Schroder: Are you thinking two buildings and the connector is a third stain? (Mr. Stowell: Yes.) The general layout looks good to me. From the Ridge side it could look like a duplex. I am concerned with the setback to the south and the snow falling off the roof into this area. I think that the question regarding building height measurement should be followed up on. I like the idea of adding trees to break up massing and add character. What is a typical width for a garage in the historic district? I think it needs a steeper pitch roof to match the width. I think this looks like a two story building, and it should be 1-1.5 stories. The height needs to come down a little bit, and the windows in the

- elevation add to this perception. I like the materials. I appreciate the solar panels and agree with Mr. Allen regarding the positive six (+6) points if they provide 75% or more of their electrical needs.
- Ms. Girvin: I think you are on a good track with this. I like the general layout and courtyard that separates the two modules. I appreciate the 52' setback from Ridge Street. I would like to see area within the 52' setback be native vegetation and keep it as a "do not disturb" area. I support Mr. Stais' idea regarding a construction management plan. I think care for and not disturbing this area (natural yard) will add beauty to the property in the future. I support positive points for this. I would like to see this project look less like a duplex, with the primary structure looking larger than the accessory structure. I support using different materials for the two, but would prefer to see the materials and accents consistent with the historic context for accessory and primary structures, not nearby secondary structures. I would like to see more traditional window layouts. I don't care for the 4:12 roof pitch over the garage. We need to keep scale in mind, and a lower roof pitch works on a one-story building better than on a 1.5-2 story building. I would prefer to see no spruce on the Ridge Street side. I like the Bristlecone, Limber, or Engelmann spruce (native plantings) on the French Street side. I think a model would be appropriate or additional streetscape drawings.
- Mr. Pringle: The 52' setback from Ridge Street causes some of the issues and elements could be more spread out on the lot if it was reduced. Landscaping additions where shown on the plan should be fine, and I think any type of evergreen species would be okay. You should buffer the connector element and it would strengthen the separation of the structures. Roof pitch on the shed element is consistent with the Historic District at 4:12. You could lower the roof pitch on the two primary structures and it might help reduce the height and meet policy 142. I am not opposed to the materials but negative points should be assigned. Egress out of the basement window and stairwell needs more study. The window side on the front elevation needs to be reduced or broken up so that there are not two double-hung windows side by side. On the back where you show the beetle kill lap siding, is that correct? What is the size? (Mr. Thompson: Yes. They will be different sizes, not shown as 4" reveal lap siding.) We need to be careful about the reveal on that siding. The windows on the west elevation facing Ridge Street need to be broken up, two double hung windows right next to each other is not appropriate in the Historic District.
- Mr. Bertaux: What is the roof on the south side of the home that goes across the setback? (Mr. Thompson: This roof overhang is for the stairs down to the accessory apartment. Staff has requested the pillars that support the roof be moved out of the setback, but that code does allow a roof overhang of 18" into a setback in the historic district.) Changing the 12:12 roof to an 8:12 pitch would certainly help on the north building. I am not crazy about the large window. Break up the two double-hung windows to be more historic looking. I prefer lap siding and the 4" reveal that is on the adjacent buildings, many of the new vertical siding I've seen seem contrived. I agree with Mr. Stais about the stairway down to the accessory apartment. Possibly another way to enter the accessory apartment could be explored. I don't have a problem with the 4:12 roof pitch. The 12:12 is too steep. I think that a model would help for this project and agree that it can be computer generated, especially to see how this structure and height relates to the adjacent properties on French Street. I like the 52' setback from Ridge Street. I support the additional landscape buffering. I think the 3 points for energy conservation is appropriate. Some additional landscaping between the parking space and sidewalk should be added. Bristlecone pines may be appropriate rather than spruce. I don't understand why the hump in the middle of the lot has to be the point where the building height is measured from.
- Mr. Allen: Will Mr. Thompson please discuss the priority policies regarding roof pitches? (Mr. Thompson: Roof pitches in the policy talk about being in context with the character area, which is around 10:12 typical in this area and not less steep than that. Mr. Thompson read the policy.) (Mr. Bertaux: what are the pitches on the surrounding buildings?) (Mr. Thompson: About 8:12.) (Mr. Pringle: It seems that the roof pitch should match the adjacent buildings. There is no 12:12 in the adjacent area. If you change the roof pitch will it change the solar panel effectiveness?) (Ms. Alice Santman, Architect: Yes, it will make it better because the optimal pitch is around 40 degrees, 10:12 pitch.) (Mr. Mosher: A lower roof pitch may also allow roof dormers for additional light into the upper elevation.) I think you are off to a great start. I like the Camp Phase style it works well with the Carter Museum across Ridge Street. I like putting logs on the exterior of the structure. Thank you for providing the solar cell calculations. I think you should get positive six (+6) points for solar if you are at 75-100% energy requirements. I like the beetle kill and use of local materials. I support the different materials and staining. Recommend that the applicant work through Mr. Thompson's comments which were

great. Lowering the roof pitch could resolve a lot of issues. I think that maybe 10:12 is the answer for the neighbors, solar and streetscape. Right now we are looking at two story buildings and they need to be 1.5 stories. Uncomfortable with the 4:12 pitch on the garage roof and would like to see it steeper. Support additional landscaping on the French Street side and flexible on the species. I would like to see a model, could be computer generated, and also a streetscape that shows the elevations of the other homes on the block.

2. Dabl House Shed, Fence and Solar Panels (MMO) PC#2009036, 108 North French Street

Mr. Mosher presented a proposal to construct a new shed, with full basement, at the rear of Lot 6, Block 3 of the Abbetts Addition. The shed will function as storage for the commercial use of the property. A small matching fence will be added at the northwest corner of the shed connecting to existing fence along the north property line. The materials (vertical board and batten siding with rust color rolled metal roof) and form of the shed are similar to other historic sheds in the Historic District. An array of 12 photovoltaic solar panels is proposed on the main building. Five are proposed on the historic (front) portion and seven on the non-historic addition.

Staff noted that this initial review identified some key issues that need resolution before the next hearing. In addition, Staff sought Commissioner comment on the following:

1. Did the Commission believe the proposed solar panels are placed on a “non-character defining roofline of a non-primary elevation (not readily visible from public streets)”?
2. Staff believed the color of the roof and the color of the proposed panels are slightly contrasting in color and may not meet the intent of this priority policy. Did the Commission concur?
3. Did the Commission have any comments regarding the size, height, placement of the shed?
4. Did the Commission believe the proposed landscaping along the north property line negatively impacts the abutting neighbor?
5. Did the Commission support having the new fence be 6-feet tall, matching the existing fence?

Staff noted that the Klack drainage does not run adjacent to this property, it is owned by Longbranch Condos. Therefore the concerns regarding the parking setback to the east property line do not apply. Staff welcomed any additional comments and suggested this application return for another hearing.

Mr. Lee Edwards, Applicant, presented the historic Sanborn Maps that delineate historic sheds, stables, and barns in the general area to the Commission. There is historic information that shows that outbuildings buildings were all over the place in this area, and that there was a historic 25' x 25' outbuilding on this property. Many of the historic structures were larger than the primary homes. This proposed shed building measures 14' x 16'. Noted square footages and heights for other historic properties in the town that are currently being renovated or worked on. The solar panels on the rear 1/3 of the structure would not be visible. Two potential parking solutions: one is getting a parking permit on the street from the town. Another alternative could be paying someone for another space. We will find a solution prior to coming to final. The fence will match the adjacent property. This is a recycled building, reusing materials from Fatty's Pizzeria and other recycled materials and fixtures.

Mr. Allen opened the hearing to public comment.

Susan Craig, property next door, owned the property since 1978: The existing fence was put up to keep us from using the adjacent property, don't want to see it removed. Don't want the proposed new trees back between the houses because of the shade to our lower level and they could cause foundation and utility problems. I don't know why the shed has to be over 2' taller than the original house. The height of the shed could block light into our bedroom downstairs, which was required of us during a remodel because we weren't allowed add a second story. Shed only needs a space to bring items in and out, and I'm not sure what the parking conflict is. I am concerned that the shed will be later converted to an illegal residence.

There was no more public comment and the hearing was closed.

Commissioner Questions/Comments:

Mr. Bertaux: Does the fence go down toward the east? (Mr. Edwards pointed out the fence location on the plans.)
Does this shed require a sewer tap? (Mr. Edwards: No.) (Mr. Mosher: No sewer, heat, etc. will be

provided at the shed and it could not easily become a residence based on this application.) (Mr. Neubecker: This shed is considered added density because it is of commercial use.) I believe the proposed materials are compatible with the standards. The placement of the structure does fill in the site so much that it has taken away whatever side yard there ever could be. I am not sure that it complies with the Historic Standards, although it seems he is allowed to do that per Policy 9 of the Development Code. I think the fence height is fine because it matches an existing fence and is at the back of the yard. The added parking is a big issue, and I'm not sure how you cross another owner's property's parking to gain access to your parking and your shed. That should be left to the attorneys. Address as many neighbor concerns as possible. Address the landscaping and drainage issues. Solar panels on the roof are fine. But you probably should try to come back with a shed that is a little shorter.

Mr. Pringle: Does the bank understand they grant access to this property through the parking lot, which is needed to satisfy their parking needs? (Mr. Mosher: Yes, the current owner is aware of the conflict at hand from the pre-existing agreement. This will have to be resolved before the next hearing.) I think the color of the solar panels and the roof need to be compatible. Bring in a sample of the roof as it is today and the proposed panel to compare. The property is in a mixed-use Land Use District, allowing residential and commercial, but the Character Area is Residential. The proposed shed should not be allowed to go to a commercial setback. A 5' setback should be maintained. (Mr. Mosher: By the code there are no required setbacks for commercial properties, but the historic district standards requires a yard to be defined, but does not define a measurement of a yard. The question for the Commission is does the proposed placement of the shed define a yard that meets the historic standards?) Don't we have side yard setbacks in this district for the character area? (Mr. Mosher: The minimum required setback is determined by the Development Code, not historic guidelines which address character.) I think we should have a larger north side yard and all yards should be maintained similar to those of the house. It would be to your advantage to bring the height down, although you are within the height allowed. Landscaping is fine. Fence should match the existing fence. Parking is a big issue. If you can't get a finite answer on parking that stands the test of time, we can't go forward.

Ms. Girvin: I walk by this property every day. The back of the property looks like crap right now. It is very visible to the patrons of the bank. If this was a residential property and the shed was accessory, would the additional parking be required? (Mr. Mosher: They would be required to have two spaces; however, the bank provides four spaces for this property with the agreement.) I don't understand the point of the fence along the northwest corner of the shed. (Mr. Edwards: For screening purposes.) A lot of public drives through the bank drive-through or walk through the area. I don't have a problem with the solar panels. I think the current color of roof and panels should be provided to the Commission. I have an issue with the shed windows on the east elevation which go almost to the floor and above the door. Sheds are a place to store things, and I don't understand why the windows are so large. Sheds are historically in the back of the property, and not in the middle of the back yard, and I think the placement is strange. The examples of larger outbuildings were almost in all cases barns, not sheds. I think it is too tall and shouldn't be taller than the primary building. The parking is an issue, as well as the roll-up door on the shed that will require access, where will it be provided? Essentially two spaces may be abandoned from the bank. The Klack is adjacent to this property. Pedestrians do access the "alley" at the Klack and on the historic map shows it does go through the entire block. Abutting the parking space to this public access way may be an issue after all. The size, height, use of building, and placement are all issues for me. It's just not right. Match your neighbors' sheds. Landscaping can be worked out. Fence height should be matched. Connector fence for shed can likely also be worked out.

Mr. Schroder: Where could the parking be provided? (Mr. Mosher: We do not have resolution for this right now. Staff is investigating options if a permit can be purchased or granted by the town. The additional density creates a need for parking. This should not be a burden of the Town.) Solar panels seem to be located correctly per the Code. The colors of roof and panels seem fine, but I would like to see the actual materials. Agree with others that the north yard is too small for this part of the District and for this use. I believe a consistent yard on the north and south sides is appropriate to better meet the yard definition, as Mr. Pringle noted. Could the shed be compressed 2' to provide this? The fence should be uniform in height with existing fence. The shed height should be brought down too. I

agree with Ms. Girvin regarding issues with access to the shed and parking and the impacts to the bank. Landscaping concerns should be worked out with the neighbors.

Mr. Allen: Is the issue is that the four parking spaces provided at the bank are a non-exclusive, therefore they can be located anywhere on the bank property, but this property needs access from those four specific spaces? (Mr. Edwards noted that, according to the bank, the new property owner is assigning those four spaces go with his property, therefore access can come from that location.) (Mr. Mosher: This is between the bank and its current tenants. There is nothing in the recorded agreement that makes this binding.) What is the reason for the taller shed height? (Mr. Edwards: the garage door height.) Solar panel location and color are good. I would like to see landscaping worked out with neighbors, as well as other issues with them. The fence should be uniform. Big issues are the height of the shed, and a possible reduction should be proposed. I don't have a problem with an 8' garage door, just the height of the structure. I don't support the placement of the structure as it related to yards. I think it needs a wider yard, and you should take a look at the adjacent side yards in the block. Access is a huge hurdle, and Ms. Girvin brought up a good point. Good luck.

COMBINED HEARING:

1. Alpine Rock Renewal (CK) PC#2009039, 13250 Colorado Highway 9

Mr. Kulick presented a proposal to renew a development permit (PC#2006170) to allow for the continuation of an existing mining and processing operation. The operation includes mining, processing, and sale of aggregate on a 127-acre site just west of Highway 9 and north of County Road 3. Processing includes crushing and washing of material from on and off site, as well as asphalt and concrete manufacturing. No expansion to the existing operation is proposed; however, a modification to the permitted hours of operation and limits on asphalt production is requested by the applicants. The previously approved hours would be in effect for the renewed permit, and occasionally extended hours to allow nighttime operations would be approved through processing a Class D permit with staff. The previously approved hours are as follows:

Asphalt Plant and Crushing

Major Component Warm-Up	6:30am to 7:00am, weekdays
Material Production	7:00am to 5:00pm, weekdays
Major Component Shut-Down	5:30pm to 6:00pm, weekdays
Saturday Asphalt Operations	8:00am to 5:00pm, Saturdays

All Other Operations

Site Activities	6:00am to 6:00pm, weekdays
	8:00am to 5:00pm, Saturdays

Staff noted the application appeared to pass all absolute and relative policies. Staff added that if the Commission found that the Alpine Rock Mining and Aggregate Processing application met all absolute and relative policies and was comfortable with the modification for the temporary permitting of additional hours of operation, Staff recommended approval of PC#2009039, with the presented findings and conditions.

Mr. Robert Stewart, CFO, Alpine Rock: Discussed the strategic alliance with the town and history of the Alpine Rock operation. There has not been an asphalt lot in this location for several years, but welcome the opportunity to consider CDOT work in the future. We will continue to work with the town for future contracts with CDOT and potential night work.

Mr. Allen opened the hearing to public comment. There was no public comment and the hearing was closed.

Commissioner Questions/Comments:

Mr. Schroder: When is "night work"? (Mr. Stewart: 7pm-3am.) (Mr. Pringle: But you would come into the town and file a Class D permit for that work and meet with the task force prior to starting the project?) (Mr. Stewart: Yes. We would also have to be the successful low bidder on the job, which has been difficult. If we were awarded the work, we would come back to the town to let them know.) Has anyone else been recruited to join the task force? (Mr. Bertaux: One person is not enough for a task force. They need a variety of people providing opinions. At least two people should be on the task

force.) (Ms. Girvin: Agree.) (Mr. Stewart and Mr. Joe Dudley (Operations Manager, Alpine Rock) noted that more people had been recruited and been a part of the task force, and that working with the homeowners is a priority for Alpine Rock.)

Final Comments: Since there haven't been any recent complaints it seems like the adjacent property owners are okay. I appreciate the clarity of the application process and how it would relate to noise and time of operation. I think that the three year permit is okay given the track record.

Ms. Girvin: When we did the site visit today we did a sound test. Mr. Dudley said that a strobe light could be used rather than a sound test, and that it could be included as a condition of approval. (Mr. Stewart noted that OSHA has not yet permitted strobe lights this at this time, and that a back-up alarm would be required. A solution for night work could be to put in a strobe light plus a traffic control person and get it approved by OSHA.) (Mr. Kulick: This is part of the Class D permit. If night work is proposed, staff could go visit the site to examine these conditions and witness the night noise impacts.)

Final Comments: I am supportive of this and appreciate the good work.

Mr. Pringle: Final Comments: I think expansion of the permitted hours is fine as long as you work under the process as outlined. I think we continue to talk about noise attenuations in the future and that this should be approved.

Mr. Bertaux: Final Comments: I support the renewal.

Mr. Allen: On your contract with Vail Resorts, what will your delivery schedule be when you're heading up Ski Hill Road? (Mr. Stewart: Typical times are 7am-4:30pm.) Will trucks get on the road at 4:30am per the permit? (Mr. Stewart: Trucks will get on the road at around 5am.) Why was the type of permit selected? (Mr. Kulick: We thought sticking with the 3 year permit has been successful and would provide more comfort to the town.) Does the Class D permit account for the noise of trucks driving early in the morning? (Mr. Kulick: We think it is a greater benefit to have those trucks early to not get in the way of traffic. We think it helps the situation.)

Final Comments: I support the renewal. My only concern is that if Class D applications come in and if the delivery of that product is going into residential in the middle of the night it should be examined closely.

Condition of Approval #16: In the event that night work is approved via Class D permit per Finding #8, the applicant shall take all practical measures to reduce the noise impact to residential properties. This may include the use of flashers rather than back up beepers on vehicles subject to the approval of OSHA. Consideration of night work shall take into account the location of deliveries through residential area.

Mr. Pringle made a motion to approve the Alpine Rock Renewal, PC#2009039, 13250 Colorado Highway 9, with the presented findings and conditions including new condition #16. Ms. Girvin seconded, and the motion was approved unanimously (5-0).

WORKSESSIONS:

1. Neighborhood Preservation Policy (JP & MT)

Ms. Puester presented a summary of the Neighborhood Preservation Policy process timeline. The Council appointed a citizen based task force in April which took a fresh look at the topic. The task force came to a unanimous agreement with the proposal as presented tonight. She presented the Task Force's proposal and chart of specific Floor Area Ratios (FARs) and maximum above ground square footage for the effected neighborhoods.

The Task Force proposed a policy which they felt was a fair square footage allotment and allowed property owner's room for additions in the existing homes. The F.A.R.s and maximum square footages were determined by the Task Force to be generous and allow for growth of homes while keeping the general character of the subdivisions and eliminating the opportunity for the anomaly monster home. The proposal was presented to the Council at their July 28th worksession in which Council voiced support and directed Staff to proceed to the Planning Commission with the proposed policy as presented by the Task Force.

Questions for the Planning Commission

1. Was the Planning Commission comfortable with the proposed policy?
2. Were there any questions, suggestions or modifications that the Planning Commission would recommend to the proposal to forward to the Town Council?

Mr. Allen opened the hearing to public comment.

Mr. Beitscher, 200 Morning Star: On the Weisshorn subdivision how do we find out what the formula is? (Ms. Puester: It is in the packet and on the town website and I can calculate your specific lot for you. Maximum size for the neighborhood is 8,000 square foot but typically you would use the FAR (floor area ration) calculation 1:4 FAR.)

There was no more public comment and the hearing was closed.

Commissioner Questions/Comments:

Mr. Schroder: Let's make this a policy. I don't think that this takes away property rights. I think this helps us to know what we can see in our neighborhoods. Will eliminate the castles that could be built.

Ms. Girvin: Thanks to the task force for their work and for coming to consensus. I feel that this policy is very generous, and more generous than I may have liked it to be; however, it is a starting point. I applaud the Town Council for establishing this policy and I recommend adoption of a policy along these lines.

Mr. Pringle: If somebody comes in and builds to the maximum allowed and also has a 900 square foot garage, can they come back in and convert that garage into livable space? (Ms. Puester: If it was a new house coming in, then the FAR would limit the livable space and on top of that is the garage square footage. If someone tried to convert a portion of the 900 sf garage and they were already at their limitation, it would not be permitted as the policy is currently written. The intent of excluding the garage square footage is to encourage cars to be parked in garages and limit cars being parking all over the driveway, yard or street.) I am pleased how this has turned out. I think it achieves the goal of the ordinance to limit the monster homes. Now we all know if you live in these subdivisions what the maximum allowed is. I think it lets people know that they aren't going to get hit with a 20,000 square foot home next to them. I am really glad we didn't go to the 80th percentile home size. There will be incremental growth within the town over time and this allows for that. I thank the task force for their work.

Mr. Bertaux: Are the Highlands and Sunbeam the only areas on this list with some lots with building envelopes? I agree with Mr. Pringle and think that the 900 square foot garage calculation has helped make everything fall into place. Move forward with the policy.

Mr. Allen: What kind of noticing is given to affected owners in these subdivisions? (Ms. Puester: We have mailed over 1,000 notices to property owners and also have an email list for those that have attended open houses. We put a public notice in the Summit Daily and had a front page article run the day of the last open house.) So you haven't had a lot of fight back on this? (Ms. Puester: Most people that had been to the open house in July called or emailed questions and seem to think that the proposal is reasonable. Also, the task force has reached a lot of people in their neighborhoods.) I still don't like this policy. But to look at it for the Town Council, I mostly agree with the other commissioners. I support the shift in philosophy with not saying the "biggest house currently is the biggest house we can get". I am a little concerned that we will get the same reaction as defensible space at the last minute. If the public is okay with it, I can go with it. I think they have done a great job.

2. Joint Planning Commission / Town Council Meeting September 8th (memo only)

Chris Neubecker presented a memo reminding the Commission about the joint Town Council meeting on September 8th at 6:00pm. Topics to be discussed include:

1. Planning Commission Top 10 List.
2. Development Agreements/Business Plans/Annexations: What is PCs Role?
3. Neighborhood Preservation Policy: A general discussion of the program's goals and how the Commission will be involved.
4. Landscaping/Forest Health/Mountain Pine Beetle: A general discussion on the intent of the policy, and how these three goals can be combined into one comprehensive policy.
5. Planning Commission would like to add:
 - a. Detailed minutes should continue for Planning Commission
 - b. Discussion of voting "no" after the point analysis is approved

3. Additional questions from the Commission:

- Mr. Allen: Why are the worksessions moving to the beginning of the meeting? Mr. Allen and Ms. Girvin agree that consent calendar should be before worksessions.
- Mr. Pringle: The schedule should remain as it is, but if it must change then agree with Mr. Allen and Ms. Girvin. The public should not be put out.
- Mr. Allen: If we have the worksessions at the beginning of the meeting then we might get more public input on issues like defensible space.
- Mr. Bertaux: There needs to be a time limit on all agenda items and we should stick to it.

TOWN COUNCIL REPORT:

None

ADJOURNMENT

The meeting was adjourned at 10:30 p.m.

Rodney Allen, Chair

Memorandum

TO: Town Council
FROM: Tom Daugherty, Town Engineer
DATE: September 3, 2009
RE: Public Projects Update

Wellington Rd. Sidewalk Fence

Per your request, Staff has reviewed design options and received cost estimates for the installation of a fence along a portion of the Wellington Rd. sidewalk above Vista Point. The final design selected includes approx. 100 ft of metal tube fence along the portion of the sidewalk with very limited (less than 5 ft) shoulder width. The fence dimensions will match the existing metal fencing along the sidewalk near the river crossing. The total budget request for this project is \$7,200.

The final design was selected based the following criteria:

- Allowance for snow removal operations. Snow can be pushed against and through the fence.
- Metal powder-coated fence requires little maintenance.
- Length of fence increases safety in area of greatest hazard.
- Fence design meets current development code.

Staff will move forward with fence installation upon Council direction and approval of the budget for this project.

CDOT SH 9 Update (Coyne Valley Road to Valley Brook Street)

Construction for the 2009 season is currently on schedule, including earthwork on the west side of the highway and all bike path improvements. The new bike path bridge is scheduled to open the week beginning September 14th. As this phase of the project nears completion, intermittent night work is expected through September.

CDOT plans to shut down construction operations in the beginning of November (weather permitting). All construction equipment and signage will be removed prior to the winter season.

➤ **MEMO**

TO: Mayor & Town Council
FROM: Tim Gagen
DATE: September 2, 2009
RE: Committee Reports

Summit Stage

James Phelps

August 26, 2009

Surveys are currently taking place for Blue River/Bekkadahl and Summit Cove. The surveys are due back by end of month. Survey results are not expected to have any immediate changes to the Summit Stage Services. Current revenues will need to increase for any new or service expansion over what is currently adopted.

Other Business: Frisco has also verbally indicated but has not made official that they would not be favor of Exterior advertising on the busses. Twelve new bike racks have been placed out at high volume bus stops. Future 2010 capital projects may include a retro-fit of bike racks to accommodate 3” tires. The wooden bus shelters in Silverthorne are scheduled to be replaced with clear/open shelters this fall. CMC Stop will also be getting a shelter this fall. Grant funding will be used for these improvements.

Total Ridership for July: decrease of 25.06% under 2008. Para transit Ridership for July: increase of 23.86% over 2008. Late night Ridership for July: decrease of 12.04% under 2008. Tax Collections January through June 2009 are down 15.0% under same period collections for 2008 or -\$628,735.

Other Meetings

Police Advisory Committee	Rick Holman	No Meeting
CML	Tim Gagen	No Meeting
Summit Leadership Forum	Tim Gagen	No Meeting
SCHA	Laurie Best	No Meeting
CAST	Tim Gagen	No Meeting
Public Art Commission	Jen Cram	No Meeting
Wildfire Council	Peter Grosshuesch	No Meeting
Public Arts Commission	Jennifer Cram	No Meeting
CDOT	Tim Gagen	No Meeting
I-70 Coalition	Tim Gagen	No Meeting
LLA	MJ Loufek	No Meeting

INTEROFFICE MEMORANDUM

TO: TIM GAGEN, TOWN MANAGER
FROM: CLERK AND FINANCE DIVISION
SUBJECT: JULY FINANCIAL STATUS REPORT
DATE: 09/02/2009

Attached are new financial statement formats generated by the Town's new financial software that we installed in June. The summaries are for the period January 1 – July 31, 2009 (58% of the fiscal year). The new reports are the same four reports you are accustomed to seeing, but vary in appearance and format.

- The FUND SUMMARY report shows expenditures and revenues presented under each of the Town's thirteen funds.
- The EXCISE FUND SUMMARY shows the revenue and expenditure lines as prior summaries.
- The GENERAL FUND is presented a bit differently, as revenues and expenditures are reported by the individual cost centers assigned to the General Fund, as opposed to categories and programs as in past summaries.
- All summaries report year-to-date budget comparisons.

Comments below are limited to funds with significant variance from the prior year.

Revenue Overview by Fund:

GENERAL FUND: Across Departments, investment income for 2009 is lower than 2008 due to market interest rates. Public Works Administration is lower than 2008 primarily due to changes in accounting for reimbursements for fuel provided to other organizations. Building Services are higher in 2008 primarily due to building plan review fees for a large developer and decreased building permits. Transit Administration Revenue is higher than 2008 due primarily to the timing of receipt of Summit Stage revenue. Streets Program revenue is higher in 2009 due to the implantation of wood chipping permits in 2009. 2009 year-to-date General Fund revenue (net of transfers) is lower than 2008 by 23%.

WATER FUND: Revenues are derived from Water Rents, Plant Investment Fees (PIF), Water Service Maintenance Fees (WSMF), Investment Income, and Miscellaneous Income. 2008 revenues are higher than 2009 revenues year-to-date due to PIF of a large developer.

CAPITAL FUND: Revenues are derived from transfers from the Excise Fund, investment income, and various grants for projects. 2009 revenues are lower than 2008 primarily due to transfers from the Excise Fund which are budgeted to be less than 2008.

MARKETING FUND: Revenues (net of transfers) are driven by Business Licenses, Accommodations Tax, Sales Tax and transfers from the Excise Tax Fund. 2008 revenues are higher than 2009 due primarily to sales and accommodations taxes and the timing of collections of business license fees.

GOLF FUND: Revenues consist of residential card sales, greens fees, cart rental, driving range fees, investment income, and clubhouse rent. 2008 revenues are higher than 2009 primarily due to transfers from the Excise Tax Fund, which are not budgeted for 2009.

EXCISE TAX FUND: Sales Tax represents 67.3% of this fund's budgeted revenue, Real Estate Transfer Tax (RETT) 19.6%, Accommodation Tax 8.6%, Investment Income 1.3%, Cigarette and Franchise Taxes 3.2%. 2009 revenues are lower than 2008 due primarily to RETT, accommodations taxes, and sales taxes. The series of tax reports provides more information. The major difference between the sales tax revenue reported on this report and the sales tax collection report is the delay in receipt of the County sales tax received from the State the following month.

AFFORDABLE HOUSING FUND: Revenues are based on sales tax, impact fees, rental of properties owned or leased by the Town and repayment of housing assistance loans. Although 2009 sales tax revenues are down, overall 2009 revenues are higher than 2008 due primarily to SHA Development Impact Fees from a large developer.

OPEN SPACE FUND: Revenues are typically derived from sales tax and investment income and development contributions. 2008 revenues are higher than 2009 primarily due to sales tax and the Cucumber Gulch State Grant.

GARAGE SERVICES FUND: Revenue for this fund is derived by charging the departments within the Town a pro-rata cost based on use of Town vehicles. 2009 revenues are higher than 2008 due primarily to internal service revenue from other funds that are budgeted to be higher and the sale of assets.

FACILITIES MAINTENANCE FUND: This fund has been established to provide funding for maintenance and replacement of capital assets. Revenues are derived from other funds associated with primary use of the facility. Revenues are budgeted to be less than 2008.

SPECIAL PROJECTS FUND: This fund has been established to provide funding for non-reoccurring and non-routine projects and initiatives. Revenues are derived through transfers from the Excise Fund, which are budgeted to be less than 2008.

Expenditure Overview by Fund:

GENERAL FUND: Expenditures for 2009 are lower than 2008 primarily due to the tiered cuts implemented by all departments. Transit Administration expenditures are lower than 2008 due to the parking activity being transferred to the Police Department, and Police expenditures are higher than 2008 primarily for the same reason. Recreation expenditures for 2008 are higher than 2009 primarily due to building improvements and refunds of medical expenses. Contingencies expenditures are higher than 2008 due to grants to other

agencies that are budgeted to be higher. 2009 Debt Service expenditure is higher than 2008 due to debt service payments of the 2008 Refunding Bonds.

WATER FUND: 2008 expenditures are higher than 2009 due primarily to SCADA capital expenditures and repair and maintenance expenditures.

CAPITAL FUND: 2008 expenditures for this period are higher than 2009 due primarily to the RWC roof and childcare facility expenditures in 2008. Expenses are incurred as construction occurs and are subject to the timing of construction. For that reason, historical comparisons are not always useful

MARKETING FUND: Expenditures are primarily for contracted services (BRC) and contributions to community organizations. 2009 expenditures are higher than 2008 due primarily to BRC's supplemental winter marketing campaign.

GOLF FUND: 2009 expenditures for this period are higher than 2008 due primarily to capital expenditures for golf carts. In addition, current year "YTD Budget" column is modeled upon last year's spending pattern, and may not always reflect this year's spending activity (YTD Actual).

EXCISE TAX FUND: Because the Excise Tax Fund includes transfers to other funds and debt expenditures, any variances between fiscal years is a result of changes in budgeted transfers and changes in debt service payments.

AFFORDABLE HOUSING FUND: Expenditures are down payment assistance loans, rental down payment assistance, childcare support, and other affordable housing related expenditures. 2008 expenditures are higher than 2009 due to payments for property acquisition and childcare support. In addition, current year "YTD Budget" column is modeled upon last year's spending pattern, and may not always reflect this year's spending activity (YTD Actual).

OPEN SPACE FUND: 2008 expenditures are higher than 2009 due primarily to land acquisition expenditures.

CONSERVATION TRUST FUND: 2009 expenditures are budgeted and incurred on a recurring monthly basis, so long as an eligible CIP project has been identified. 2009 is budgeted to be lower than 2008

GARAGE SERVICES FUND: Expenditures for vehicle and equipment maintenance, repair and replacement occur in this fund. 2008 operational expenditures for this period are higher than 2009 due primarily to a significant reduction in fuel costs as well as vehicle repair and maintenance. 2009 capital expenditures are primarily for vehicle purchases. In addition, current year "YTD Budget" column is modeled upon last year's spending pattern, and may not always reflect this year's spending activity (YTD Actual).

INFORMATION TECHNOLOGY FUND: This fund provides telephone, computer equipment, software licenses, repair, and maintenance of the same. 2008 expenditures are higher than 2009 due primarily to computer equipment, and computer support and maintenance. In addition, current year "YTD Budget" column is modeled upon last year's spending pattern, and may not always reflect this year's spending activity (YTD Actual).

FACILITIES MAINTENANCE FUND: Expenditures for maintenance and replacement of capital assets occur in this fund. 2009 expenditures are for Ice Arena and Golf Course capital improvements.

SPECIAL PROJECTS FUND: Expenditures for specified special projects are expended as incurred in this fund, and are budgeted to be less than last year. 2009 expenditures are primarily for the Breckenridge Heritage Alliance in addition to Pine Beetle and Breck 150.

In Summary, the *All Funds Summary* reports 2009 YTD revenues approximately 23% lower than 2008, and YTD expenditures approximately 24% lower than 2008. And, the *All Funds Summary Net of Inter-Fund Transfers* reports 2009 YTD revenues approximately 24% lower than 2008, and YTD expenditures approximately 40% lower than 2008.

TOWN OF BRECKENRIDGE
ALL FUNDS
 CURRENT YEAR TO PRIOR YEAR COMPARISON
 FOR THE 7 MONTHS ENDING JULY 31, 2009

	PRIOR YEAR				58 % OF THE FISCAL YEAR HAS ELAPSED CURRENT YEAR					
	YTD	YE	% OF YE	ACTUAL/ACTUAL	YTD	YTD	ACTUAL/BUDGET	ANNUAL	% OF BUDGET	
	<u>ACTUAL</u>	<u>TOTAL</u>	<u>REC'D/SPENT</u>	<u>% CHANGE</u>	<u>ACTUAL</u>	<u>BUDGET</u>	<u>% CHANGE</u>	<u>BUDGET</u>	<u>REC'D/SPENT</u>	
REVENUE										
1 GENERAL FUND	14,491,217	24,409,415	59%	97%	14,083,116	15,098,018	93%	23,385,696	60%	
2 UTILITY FUND	2,760,967	5,060,764	55%	59%	1,641,624	1,790,971	92%	3,485,661	47%	
3 CAPITAL FUND	2,314,566	3,451,444	67%	27%	614,611	682,336	90%	1,175,024	52%	
4 MARKETING FUND	828,437	1,586,389	52%	93%	773,694	907,780	85%	1,596,976	48%	
5 GOLF COURSE FUND	1,370,414	2,473,872	55%	85%	1,166,544	1,312,120	89%	2,272,325	51%	
6 EXCISE TAX FUND	11,186,952	19,816,507	56%	82%	9,161,133	10,376,523	88%	18,431,797	50%	
7 AFFORDABLE HOUSING FUND	1,837,669	3,313,176	55%	105%	1,936,829	1,864,495	104%	3,299,262	59%	
8 OPEN SPACE ACQUISITION FUND	1,220,995	2,011,659	61%	82%	1,001,063	1,311,943	76%	1,920,498	52%	
9 CONSERVATION TRUST FUND	18,079	36,191	50%	92%	16,685	14,937	112%	30,123	55%	
10 GARAGE SERVICES FUND	1,220,855	2,938,578	42%	117%	1,424,945	1,362,733	105%	2,336,328	61%	
11 INFORMATION TECHNOLOGY FUND	558,760	957,874	58%	116%	649,894	568,659	114%	974,844	67%	
12 FACILITIES MAINTENANCE FUND	251,072	569,813	44%	54%	135,572	135,576	100%	232,416	58%	
13 SPECIAL PROJECTS FUND	2,647,167	2,269,000	117%	22%	586,639	586,390	100%	1,005,240	58%	
TOTAL FUND REVENUE	40,707,151	68,894,680	59%	77%	33,192,350	36,012,481	92%	60,146,190	55%	
EXPENDITURES										
1 GENERAL FUND	12,284,715	22,242,278	55%	96%	11,755,417	13,112,409	90%	23,504,383	50%	
2 UTILITY FUND	1,399,354	2,979,476	47%	87%	1,222,102	3,169,392	39%	5,324,195	23%	
3 CAPITAL FUND	6,728,090	9,727,977	69%	10%	690,228	685,419	101%	1,175,004	59%	
4 MARKETING FUND	999,987	1,553,644	64%	115%	1,152,917	1,047,019	110%	1,770,117	65%	
5 GOLF COURSE FUND	1,015,651	1,732,766	59%	136%	1,383,304	968,550	143%	2,454,405	56%	
6 EXCISE TAX FUND	11,181,017	21,746,535	51%	96%	10,721,882	10,721,793	100%	18,696,808	57%	
7 AFFORDABLE HOUSING FUND	1,977,009	2,902,911	68%	23%	462,485	1,939,383	24%	3,396,597	14%	
8 OPEN SPACE ACQUISITION FUND	1,625,000	2,855,811	57%	86%	1,401,544	1,126,470	124%	2,079,901	67%	
9 CONSERVATION TRUST FUND	26,250	45,000	58%	69%	18,083	18,081	100%	30,996	58%	
10 GARAGE SERVICES FUND	1,945,766	3,179,302	61%	37%	717,890	952,163	75%	1,950,711	37%	
11 INFORMATION TECHNOLOGY FUND	548,770	905,006	61%	65%	355,076	443,687	80%	774,940	46%	
12 FACILITIES MAINTENANCE FUND	0	0	0%	0%	247,562	16,219	1526%	194,632	127%	
13 SPECIAL PROJECTS FUND	2,623,796	2,055,864	128%	23%	599,738	586,390	102%	1,005,240	60%	
TOTAL FUND EXPENDITURES	42,355,405	71,926,569	59%	73%	30,728,228	34,786,975	88%	62,357,929	49%	
NET REVENUE OVER EXPENDITURES	-1,648,254	-3,031,889	0%	-149%	2,464,122	1,225,506	201%	-2,211,739	-111%	

TOWN OF BRECKENRIDGE
ALL FUNDS, NET OF TRANSFERS
 CURRENT YEAR TO PRIOR YEAR COMPARISON
 FOR THE 7 MONTHS ENDING JULY 31, 2009

58 % OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR				CURRENT YEAR					
	YTD <u>ACTUAL</u>	YE <u>TOTAL</u>	% OF YE <u>REC'D/SPENT</u>	<u>ACTUAL/ACTUAL</u> <u>% CHANGE</u>	YTD <u>ACTUAL</u>	YTD <u>BUDGET</u>	<u>ACTUAL/BUDGET</u> <u>% CHANGE</u>	<u>ANNUAL</u> <u>BUDGET</u>	<u>% OF BUDGET</u> <u>REC'D/SPENT</u>	
REVENUE										
1 GENERAL FUND	7,837,049	10,733,270	73%	77%	5,997,865	7,012,766	86%	9,525,264	63%	
2 UTILITY FUND	2,760,967	5,060,764	55%	59%	1,641,624	1,790,971	92%	3,485,661	47%	
3 CAPITAL FUND	820,649	890,444	92%	10%	79,111	146,836	54%	257,024	31%	
4 MARKETING FUND	653,437	1,286,389	51%	76%	493,876	654,030	76%	1,161,976	43%	
5 GOLF COURSE FUND	1,224,580	2,223,872	55%	95%	1,166,544	1,312,120	89%	2,272,325	51%	
6 EXCISE TAX FUND	11,186,952	19,816,507	56%	82%	9,161,133	10,376,523	88%	18,431,797	50%	
7 AFFORDABLE HOUSING FUND	459,579	950,735	48%	125%	575,960	503,625	114%	966,342	60%	
8 OPEN SPACE ACQUISITION FUND	1,220,995	2,011,659	61%	75%	912,013	1,311,943	70%	1,920,498	47%	
9 CONSERVATION TRUST FUND	18,079	36,191	50%	92%	16,685	14,937	112%	30,123	55%	
10 GARAGE SERVICES FUND	35,228	906,074	4%	204%	72,028	1,569	4591%	2,904	2480%	
11 INFORMATION TECHNOLOGY FUND	0	0	0%	0%	0	0	0%	0	0%	
12 FACILITIES MAINTENANCE FUND	0	0	0%	0%	0	0	0%	0	0%	
13 SPECIAL PROJECTS FUND	0	0	0%	0%	0	0	0%	0	0%	
TOTAL FUND REVENUE	26,217,515	43,915,905	60%	77%	20,116,839	23,125,320	87%	38,053,914	53%	
EXPENDITURES										
1 GENERAL FUND	10,504,504	19,192,202	55%	93%	9,725,597	10,940,751	89%	20,139,967	48%	
2 UTILITY FUND	1,133,166	2,521,566	45%	83%	941,615	2,893,081	33%	4,850,519	19%	
3 CAPITAL FUND	6,728,090	9,727,977	69%	10%	690,228	685,419	101%	1,175,004	59%	
4 MARKETING FUND	1,036,987	1,553,644	67%	111%	1,147,794	1,047,019	110%	1,770,117	65%	
5 GOLF COURSE FUND	966,676	1,646,839	59%	138%	1,336,007	925,983	144%	2,381,433	56%	
6 EXCISE TAX FUND	140,712	552,013	25%	104%	145,953	145,864	100%	566,644	26%	
7 AFFORDABLE HOUSING FUND	2,144,696	2,902,911	74%	22%	462,485	1,939,383	24%	3,396,597	14%	
8 OPEN SPACE ACQUISITION FUND	1,622,002	2,850,114	57%	86%	1,399,611	1,124,538	124%	2,076,589	67%	
9 CONSERVATION TRUST FUND	0	0	0%	0%	0	0	0%	0	0%	
10 GARAGE SERVICES FUND	1,946,292	3,179,302	61%	37%	717,890	943,917	76%	1,936,575	37%	
11 INFORMATION TECHNOLOGY FUND	549,133	904,764	61%	64%	353,533	442,147	80%	772,300	46%	
12 FACILITIES MAINTENANCE FUND	0	0	0%	0%	247,562	0	0%	194,632	127%	
13 SPECIAL PROJECTS FUND	2,623,380	2,055,864	128%	23%	599,738	586,390	102%	1,005,240	60%	
TOTAL FUND EXPENDITURES	29,395,638	47,087,196	60%	60%	17,768,013	21,674,492	82%	40,265,617	44%	
NET REVENUE OVER EXPENDITURES	-3,178,123	-3,171,291	100%	-74%	2,348,826	1,450,828	162%	-2,211,703	-106%	

TOWN OF BRECKENRIDGE
GENERAL FUND
 CURRENT YEAR TO PRIOR YEAR COMPARISON
 FOR THE 7 MONTHS ENDING JULY 31, 2009

	PRIOR YEAR				CURRENT YEAR				
	YTD	YE	% OF YE	ACTUAL/ACTUAL	YTD	YTD	ACTUAL/BUDGET	ANNUAL	% OF BUDGET
	<u>ACTUAL</u>	<u>TOTAL</u>	<u>REC'D/SPENT</u>	<u>% CHANGE</u>	<u>ACTUAL</u>	<u>BUDGET</u>	<u>% CHANGE</u>	<u>BUDGET</u>	<u>REC'D/SPENT</u>
REVENUE									
MUNICIPAL COURT PROGRAM	116,969	195,014	60%	109%	127,364	95,108	134%	172,598	74%
ADMINISTRATIVE MGT PROGRAM	42,760	48,282	89%	14%	5,795	25,254	23%	30,657	19%
SPECIAL EVENTS/COMM PROGRAM	48,643	118,694	41%	107%	51,855	49,365	105%	107,351	48%
TOWN CLERK ADMIN PROGRAM	14,182	27,565	51%	85%	12,103	14,782	82%	25,110	48%
FINANCE ADMINISTRATION PROGRAM	0	45	0%	0%	54	0	0%	0	0%
MARKETING	0	0	0%	0%	6,399	0	0%	0	0%
TRANSIT ADMIN PROGRAM	0	0	0%	0%	95,000	46,341	205%	95,000	100%
TRANSIT SERVICES PROGRAM	212,735	318,407	67%	133%	283,622	207,919	136%	354,811	80%
PARKING SERVICES PROGRAM	0	0	0%	0%	200	0	0%	0	0%
PUBLIC SAFETY ADMIN/RECORDS	68,020	121,392	56%	73%	49,315	42,028	117%	93,494	53%
PUBLIC SAFETY COMMNTY SVC PROG	375,197	507,643	74%	107%	400,591	379,989	105%	485,450	83%
PLANNING SERVICES ADMIN PROGRAM	137,813	201,089	69%	83%	114,689	109,101	105%	163,555	70%
BUILDING SERVICES ADMIN PROGRAM	1,218,748	1,755,243	69%	20%	244,142	554,968	44%	919,902	27%
PUBLIC WORKS ADMIN PROGRAM	403,703	505,002	80%	56%	228,001	395,462	58%	565,128	40%
STREETS PROGRAM	15,750	29,250	54%	300%	47,200	16,200	291%	27,000	175%
FACILITIES ADMIN PROGRAM	0	0	0%	0%	10,476	0	0%	0	0%
ENGINEERING ADMIN PROGRAM	200	450	44%	250%	500	0	0%	0	0%
SOURCE 0812	0	0	0%	0%	471	0	0%	0	0%
RECREATION ADMIN PROGRAM	1,435	1,604	89%	21%	304	0	0%	0	0%
RECREATION PROGRAM	194,110	339,832	57%	127%	246,832	203,196	121%	349,490	71%
RECREATION OPERATIONS PROGRAM	885,544	1,498,901	59%	98%	864,982	797,954	108%	1,409,753	61%
NORDIC CENTER OPERATIONS	142,556	172,591	83%	87%	123,796	142,310	87%	168,625	73%
ICE RINK OPERATIONS PROGRAM	418,063	660,643	63%	85%	354,753	380,091	93%	672,699	53%
OPEN SPACE ACQUISITION	0	0	0%	0%	730	0	0%	0	0%
REVENUE DEFAULT	10,192,791	17,906,029	57%	113%	11,558,921	11,637,950	99%	17,745,073	65%
TOTAL FUND REVENUE	14,491,217	24,409,415	59%	102%	14,828,095	15,098,018	98%	23,385,696	63%

	PRIOR YEAR				CURRENT YEAR				
	YTD	YE	% OF YE	ACTUAL/ACTUAL	YTD	YTD	ACTUAL/BUDGET	ANNUAL	% OF BUDGET
	<u>ACTUAL</u>	<u>TOTAL</u>	<u>REC'D/SPENT</u>	<u>% CHANGE</u>	<u>ACTUAL</u>	<u>BUDGET</u>	<u>% CHANGE</u>	<u>BUDGET</u>	<u>REC'D/SPENT</u>
EXPENDITURES									
LAW & POLICY MAKING PROGRAM	92,055	139,989	66%	96%	88,493	103,580	85%	159,103	56%
MUNICIPAL COURT PROGRAM	100,553	202,760	50%	97%	98,002	131,496	75%	227,057	43%
ADVICE & LITIGATION PROGRAM	109,585	201,725	54%	160%	175,527	104,400	168%	222,817	79%
GENERAL SERVICES	5,941	12,699	47%	147%	8,745	0	0%	0	0%
ADMINISTRATIVE MGT PROGRAM	339,317	636,610	53%	95%	323,409	350,346	92%	641,483	50%
HUMAN RESOURCES ADMIN PROGRAM	277,072	469,342	59%	87%	241,297	288,929	84%	524,798	46%
SPECIAL EVENTS/COMM PROGRAM	408,277	680,460	60%	82%	333,063	397,668	84%	692,441	48%
TOWN CLERK ADMIN PROGRAM	141,734	256,307	55%	87%	123,899	147,588	84%	294,688	42%
LICENSES & PERMITS PROGRAM	0	430	0%	0%	0	0	0%	0	0%
FINANCE ADMINISTRATION PROGRAM	157,164	254,086	62%	111%	174,137	178,889	97%	341,013	51%
ACCOUNTING PROGRAM	218,265	384,082	57%	90%	195,933	197,600	99%	378,675	52%
MARKETING	0	0	0%	0%	2,660	0	0%	0	0%
TRANSIT ADMIN PROGRAM	122,199	200,467	61%	58%	71,331	76,333	93%	133,533	53%
TRANSIT SERVICES PROGRAM	1,391,529	2,466,674	56%	92%	1,277,078	1,387,651	92%	2,440,099	52%
PARKING SERVICES PROGRAM	92,934	118,396	78%	0%	235	0	0%	0	0%
PUBLIC SAFETY ADMIN/RECORDS	534,573	924,281	58%	89%	477,394	526,418	91%	918,410	52%
PUBLIC SAFETY COMMUNICATN PROG	180,849	363,929	50%	136%	246,693	216,487	114%	337,570	73%
PUBLIC SAFETY PATROL SVCS PROG	1,176,772	2,012,053	58%	93%	1,093,768	1,176,603	93%	2,124,474	51%
PUBLIC SAFETY COMMNTY SVC PROG	75,994	207,494	37%	353%	268,512	346,234	78%	582,257	46%
PLANNING SERVICES ADMIN PROGRAM	801,515	1,347,389	59%	83%	665,916	746,585	89%	1,337,906	50%
BUILDING SERVICES ADMIN PROGRAM	230,946	428,018	54%	99%	228,978	262,839	87%	474,428	48%
PUBLIC WORKS ADMIN PROGRAM	230,829	424,244	54%	96%	221,664	324,033	68%	585,220	38%
STREETS PROGRAM	1,076,187	1,985,156	54%	99%	1,067,946	1,184,593	90%	2,069,860	52%
STREET SNOW & ICE REMOVAL PROG	0	0	0%	0%	58	0	0%	0	0%
PARKS PROGRAM	611,942	1,165,100	53%	99%	607,090	717,261	85%	1,252,464	48%
FACILITIES ADMIN PROGRAM	749,317	1,360,724	55%	97%	724,405	837,659	86%	1,516,938	48%
ENGINEERING ADMIN PROGRAM	283,411	508,275	56%	88%	250,417	192,825	130%	342,276	73%
CONTINGENCIES	127,700	135,700	94%	143%	183,000	179,170	102%	195,999	93%
RECREATION ADMIN PROGRAM	398,378	733,027	54%	98%	392,101	452,838	87%	772,143	51%
RECREATION PROGRAM	362,245	643,537	56%	84%	303,503	395,089	77%	692,576	44%
RECREATION OPERATIONS PROGRAM	1,149,542	2,038,052	56%	84%	960,422	1,133,862	85%	2,149,175	45%
NORDIC CENTER OPERATIONS	173,312	288,476	60%	108%	186,773	180,613	103%	338,739	55%
ICE RINK OPERATIONS PROGRAM	601,633	1,092,268	55%	90%	543,732	654,463	83%	1,207,067	45%
LONG TERM DEBT	54,178	426,746	13%	386%	209,101	209,082	100%	418,163	50%
SHORT TERM DEBT	8,767	133,783	7%	68%	5,929	11,275	53%	133,011	4%
INFORMATION SYSTEMS OPERATIONS	0	0	0%	0%	4,206	0	0%	0	0%
TOTAL FUND EXPENDITURES	12,284,715	22,242,278	55%	96%	11,755,417	13,112,409	90%	23,504,383	50%
NET REVENUE OVER EXPENDITURES	2,206,502	2,167,137	102%	139%	3,072,678	1,985,610	155%	(118,687)	-2589%

TOWN OF BRECKENRIDGE
EXCISE TAX FUND
 CURRENT YEAR TO PRIOR YEAR COMPARISON
 FOR THE 7 MONTHS ENDING JULY 31, 2009

58 % OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR				CURRENT YEAR				
	YTD <u>ACTUAL</u>	YE <u>TOTAL</u>	% OF YE <u>REC'D/SPENT</u>	<u>ACTUAL/ACTUAL</u> <u>% VARIANCE</u>	YTD <u>ACTUAL</u>	YTD <u>BUDGET</u>	<u>ACTUAL/BUDGET</u> <u>% VARIANCE</u>	ANNUAL <u>BUDGET</u>	% OF BUDGET <u>REC'D/SPENT</u>
<u>REVENUE</u>									
SALES TAX	7,315,749	13,291,228	55%	86%	6,281,170	6,813,023	92%	12,401,703	51%
ACCOMODATIONS TAX	1,241,078	1,783,019	70%	76%	945,536	1,037,543	91%	1,589,664	59%
INVESTMENT INCOME	181,986	293,992	62%	23%	41,775	153,946	27%	246,805	17%
TOTAL REVENUE DEFAULT	8,738,813	15,368,239	57%	83%	7,268,481	8,004,512	91%	14,238,172	51%
<u>MISCELLANEOUS TAX</u>									
CIGARETTE TAX	33,756	83,994	40%	92%	31,000	29,508	105%	54,999	56%
TELEPHONE FRANCHISE TAX	15,054	30,029	50%	95%	14,354	15,283	94%	30,499	47%
PUBLIC SERVICE FRANCHISE	284,482	464,908	61%	139%	394,924	280,449	141%	398,001	99%
CABLEVISION FRANCHISE TAX	65,857	135,552	49%	112%	73,897	68,385	108%	105,000	70%
REAL ESTATE TRANSFER TAX	2,048,990	3,733,785	55%	67%	1,378,477	1,978,386	70%	3,605,126	38%
TOTAL MISCELLANEOUS TAX	2,448,139	4,448,268	55%	77%	1,892,652	2,372,011	80%	4,193,625	45%
TOTAL FUND REVENUE	11,186,952	19,816,507	56%	82%	9,161,133	10,376,523	88%	18,431,797	50%
<u>EXPENDITURES</u>									
<u>EXCISE TAX DEBT SERVICE</u>									
OTHER CONTRACTED SERVICES	0	0			0	294	0%	504	0%
COP FEES	1,150	2,225	52%	33%	383	0	0%	0	0%
2005 COP'S PRINCIPAL	0	260,000	0%	0%	0	0	0%	275,000	0%
2005 COP'S INTEREST	139,562	289,788	48%	104%	145,570	145,570	100%	291,140	50%
TOTAL EXCISE TAX DEBT SERVICE	140,712	552,013	25%	104%	145,953	145,864	100%	566,644	26%
<u>TRANSFERS</u>									
TRANSFER TO GENERAL FUND	5,109,880	13,297,081	38%	154%	7,857,500	7,857,500	100%	13,470,000	58%
TRANSFER TO GOLF FUND	145,833	250,000	58%	0%	0	0	0%	0	0%
TRANSFERS TO CAPITAL FUND	1,467,667	2,516,000	58%	35%	517,419	517,419	100%	887,004	58%
TRANSFER TO MARKETING	175,000	300,000	58%	145%	253,750	253,750	100%	435,000	58%
TRFS TO EMPLOYEE HSG FUND	1,378,091	2,362,441	58%	99%	1,360,870	1,360,870	100%	2,332,920	58%
TRFS TO FACILITIES FUND	116,667	200,000	58%	0%	0	0	0%	0	0%
TRFS TO SPECIAL PROJECTS FUND	2,647,167	2,269,000	117%	22%	586,390	586,390	100%	1,005,240	58%
TOTAL TRANSFERS	11,040,305	21,194,522	52%	96%	10,575,929	10,575,929	100%	18,130,164	58%
TOTAL FUND EXPENDITURES	11,181,017	21,746,535	51%	96%	10,721,882	10,721,793	100%	18,696,808	57%
NET REVENUE OVER EXPENDITURES	5,935	-1,930,028	0%	-26297%	-1,560,749	-345,270	452%	-265,011	589%

**TOWN OF BRECKENRIDGE
TAXABLE SALES ANALYSIS BY BUSINESS SECTOR**

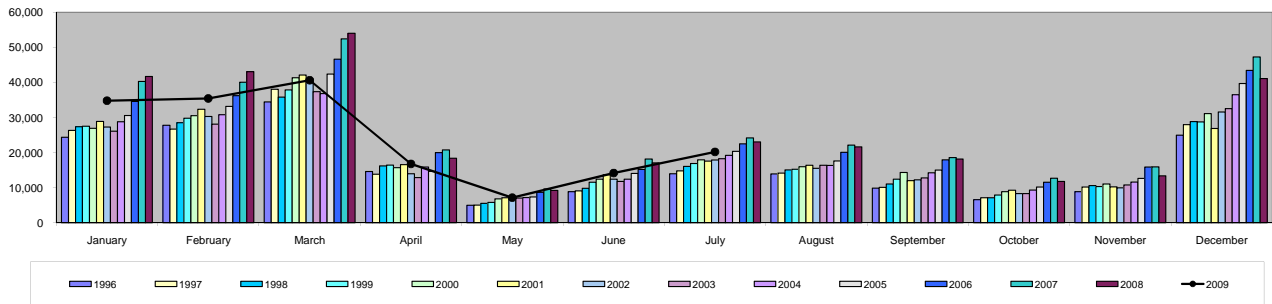
(in Thousands of Dollars)

Total - All Categories*

* excluding Undefined and Utilities categories

	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Monthly 08-09	YTD 2008	YTD 2009	YTD % Change 08-09
January	24,356	26,315	27,355	27,490	26,938	28,887	27,264	26,117	28,764	30,549	34,589	40,283	41,708	34,799	-16.6%	41,708	34,799	-16.6%
February	27,767	26,667	28,510	29,777	30,510	32,350	30,295	28,093	30,808	33,171	36,236	40,034	43,045	35,407	-17.7%	84,753	70,206	-17.2%
March	34,438	38,037	35,824	37,843	41,307	42,120	40,962	37,377	36,807	42,370	46,603	52,390	53,985	40,602	-24.8%	138,738	110,808	-20.1%
April	14,619	13,809	16,196	16,407	15,702	16,565	13,982	12,868	15,894	14,635	19,963	20,758	18,402	16,782	-8.8%	157,140	127,590	-18.8%
May	4,994	5,024	5,530	5,822	6,816	7,107	6,914	7,028	7,179	7,355	8,661	9,629	9,236	7,133	-22.8%	166,376	134,723	-19.0%
June	8,856	9,093	9,826	11,561	12,400	13,676	12,426	11,774	12,395	14,043	15,209	18,166	17,060	14,175	-16.9%	183,436	148,898	-18.8%
July	13,979	14,791	16,080	16,899	17,949	17,575	17,909	18,273	19,208	20,366	22,498	24,168	23,037	20,169	-12.4%	206,473	169,067	-18.1%
August	13,940	14,145	15,077	15,253	15,994	16,389	15,508	16,362	16,326	17,625	20,071	22,125	21,617	0	n/a	228,090	169,067	n/a
September	9,865	10,099	11,033	12,427	14,310	12,002	12,224	12,778	14,261	15,020	17,912	18,560	18,152	0	n/a	246,242	169,067	n/a
October	6,598	7,120	7,132	7,880	8,876	9,289	8,323	8,311	9,306	10,170	11,544	12,687	11,766	0	n/a	258,008	169,067	n/a
November	8,847	10,173	10,588	10,340	11,069	10,211	9,942	10,780	11,604	12,647	15,877	15,943	13,390	0	n/a	271,398	169,067	n/a
December	24,975	27,965	28,845	28,736	31,107	26,870	31,564	32,525	36,482	39,687	43,431	47,258	41,085	0	n/a	312,483	169,067	n/a
Totals	193,234	203,238	211,996	220,435	232,978	233,041	227,313	222,286	239,034	257,638	292,594	322,001	312,483	169,067				

2009 Monthly Sales Tax Activity (in thousands of dollars)



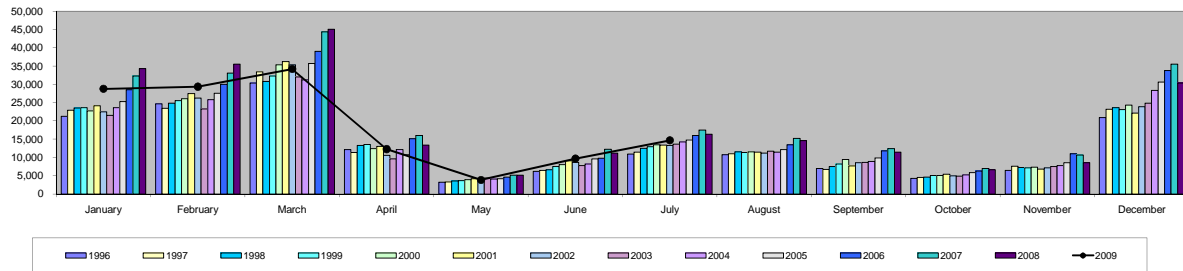
**TOWN OF BRECKENRIDGE
TAXABLE SALES ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Retail-Restaurant-Lodging Summary

	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Monthly 08-09	YTD 2008	YTD 2009	YTD % Change 08-09
January	21,263	22,893	23,523	23,629	22,723	24,118	22,465	21,509	23,620	25,240	28,528	32,258	34,333	28,779	-16.2%	34,333	28,779	-16.2%
February	24,673	23,443	24,805	25,532	26,044	27,464	26,258	23,253	25,826	27,553	29,972	33,039	35,504	29,366	-17.3%	69,837	58,145	-16.7%
March	30,343	33,414	30,809	32,254	35,348	36,196	35,344	31,988	31,209	35,705	39,051	44,390	45,086	34,215	-24.1%	114,923	92,360	-19.6%
April	12,182	11,347	13,256	13,579	12,426	13,029	10,587	9,562	12,102	10,773	15,134	16,025	13,329	12,280	-7.9%	128,252	104,640	-18.4%
May	3,167	3,264	3,565	3,610	3,949	4,203	3,950	4,331	4,095	4,179	4,647	5,146	5,096	3,840	-24.6%	133,348	108,480	-18.6%
June	6,174	6,451	6,588	7,513	8,001	9,058	8,619	7,724	8,217	9,568	9,789	12,225	11,184	9,665	-13.6%	144,532	118,145	-18.3%
July	10,950	11,405	12,527	12,944	13,464	13,406	13,292	13,590	14,248	14,766	16,038	17,499	16,323	14,659	-10.2%	160,855	132,804	-17.4%
August	10,738	10,981	11,517	11,352	11,542	11,407	11,174	11,717	11,429	12,122	13,446	15,167	14,587	0	n/a	175,442	132,804	n/a
September	6,966	6,687	7,492	8,160	9,443	7,666	8,513	8,599	8,940	9,897	11,761	12,418	11,465	0	n/a	186,907	132,804	n/a
October	4,232	4,560	4,578	5,049	5,054	5,425	4,991	4,855	5,257	5,824	6,248	6,934	6,623	0	n/a	193,530	132,804	n/a
November	6,426	7,617	7,255	7,122	7,352	6,816	7,174	7,511	7,771	8,557	10,963	10,650	8,544	0	n/a	202,074	132,804	n/a
December	20,928	23,219	23,650	23,124	24,361	22,090	23,901	24,818	28,314	30,619	33,736	35,517	30,337	0	n/a	232,411	132,804	n/a
Totals	158,042	165,281	169,565	173,868	179,707	180,878	176,268	169,457	181,028	194,803	219,313	241,268	232,411	132,804				

2009 Monthly Sales Tax Activity (in thousands of dollars)



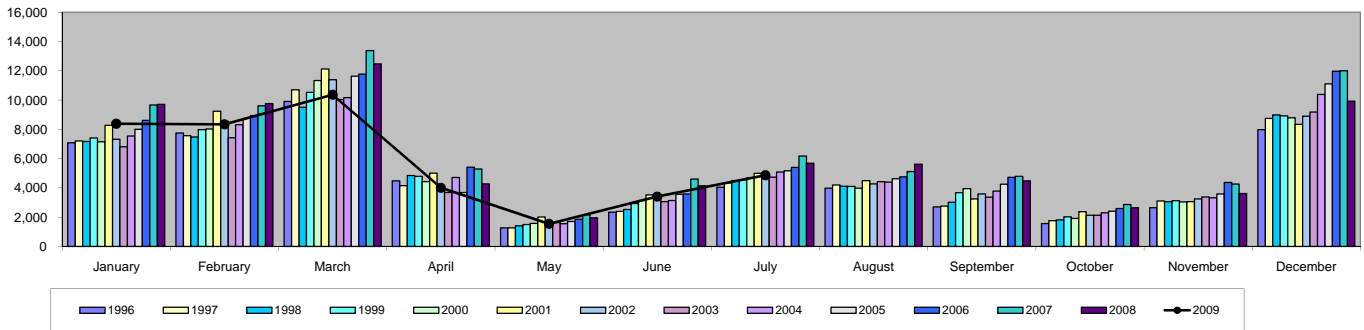
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Retail Sales

	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Monthly % CHG	Actual 2008	Actual 2009	YTD % CHG
January	7,079	7,205	7,173	7,411	7,149	8,271	7,320	6,807	7,545	8,001	8,607	9,665	9,707	8,382	-13.6%	9,707	8,382	-13.6%
February	7,753	7,568	7,474	7,983	8,024	9,231	8,549	7,418	8,312	8,744	8,942	9,607	9,756	8,338	-14.5%	19,463	16,720	-14.1%
March	9,902	10,702	9,507	10,525	11,337	12,116	11,390	10,028	10,162	11,632	11,774	13,373	12,473	10,366	-16.9%	31,936	27,086	-15.2%
April	4,481	4,156	4,841	4,789	4,423	5,008	4,105	3,679	4,714	3,678	5,406	5,287	4,277	4,006	-6.3%	36,213	31,092	-14.1%
May	1,263	1,272	1,408	1,492	1,569	2,014	1,583	1,626	1,549	1,708	1,858	2,165	1,957	1,546	-21.0%	38,170	32,638	-14.5%
June	2,335	2,391	2,521	2,931	3,135	3,514	3,227	3,062	3,140	3,565	3,589	4,597	4,140	3,408	-17.7%	42,310	36,046	-14.8%
July	4,040	4,336	4,499	4,543	4,678	4,998	4,838	4,732	5,087	5,174	5,403	6,176	5,678	4,864	-14.3%	47,988	40,910	-14.7%
August	3,981	4,199	4,109	4,100	3,973	4,492	4,269	4,429	4,397	4,620	4,757	5,110	5,620	0	n/a	53,608	40,910	n/a
September	2,698	2,753	3,021	3,671	3,944	3,242	3,587	3,370	3,781	4,249	4,726	4,783	4,479	0	n/a	58,087	40,910	n/a
October	1,563	1,759	1,815	2,024	1,908	2,374	2,132	2,127	2,298	2,404	2,591	2,866	2,641	0	n/a	60,728	40,910	n/a
November	2,650	3,108	3,060	3,124	3,041	3,057	3,249	3,378	3,326	3,586	4,376	4,267	3,622	0	n/a	64,350	40,910	n/a
December	7,978	8,746	8,985	8,919	8,782	8,338	8,893	9,184	10,388	11,099	11,971	12,000	9,924	0	n/a	74,274	40,910	n/a
Totals	55,723	58,195	58,413	61,512	61,963	66,655	63,142	59,840	64,699	68,460	74,000	79,896	74,274	40,910				

2009 Monthly Sales Tax Activity (in thousands of dollars)



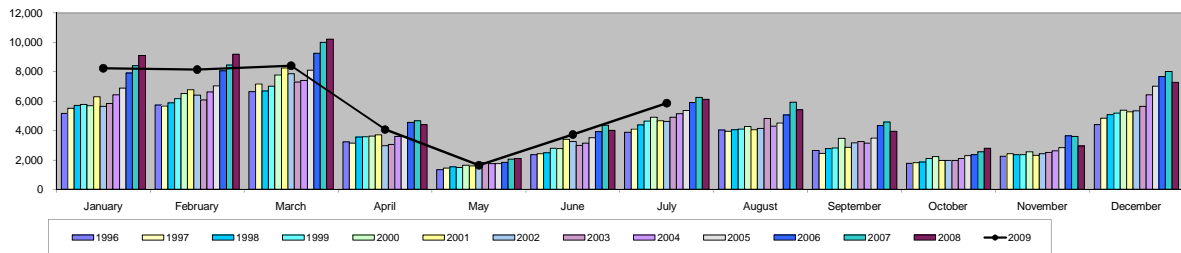
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Restaurants/Bars

	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Monthly % CHG	Actual 2008	Actual 2009	YTD % CHG
January	5,180	5,515	5,723	5,784	5,697	6,300	5,644	5,835	6,425	6,897	7,924	8,414	9,117	8,243	-9.6%	9,117	8,243	-9.6%
February	5,735	5,667	5,880	6,162	6,519	6,783	6,412	6,092	6,637	7,047	8,058	8,467	9,206	8,151	-11.5%	18,323	16,394	-10.5%
March	6,651	7,180	6,688	7,031	7,792	8,258	7,870	7,307	7,413	8,117	9,256	10,015	10,223	8,421	-17.6%	28,546	24,815	-13.1%
April	3,238	3,149	3,548	3,576	3,624	3,706	2,967	3,068	3,595	3,609	4,552	4,678	4,404	4,074	-7.5%	32,950	28,889	-12.3%
May	1,329	1,454	1,541	1,492	1,641	1,590	1,561	1,808	1,746	1,760	1,832	2,058	2,102	1,639	-22.0%	35,052	30,528	-12.9%
June	2,364	2,437	2,488	2,796	2,779	3,413	3,257	2,982	3,136	3,525	3,938	4,370	4,027	3,731	-7.4%	39,079	34,259	-12.3%
July	3,877	4,113	4,380	4,639	4,910	4,675	4,632	4,913	5,138	5,375	5,905	6,249	6,130	5,869	-4.3%	45,209	40,128	-11.2%
August	4,032	3,953	4,056	4,106	4,270	4,068	4,156	4,832	4,302	4,521	5,067	5,933	5,414	0	n/a	50,623	40,128	n/a
September	2,641	2,452	2,770	2,814	3,468	2,860	3,169	3,249	3,138	3,498	4,340	4,585	3,950	0	n/a	54,573	40,128	n/a
October	1,779	1,807	1,870	2,097	2,220	1,959	1,977	1,978	2,100	2,290	2,352	2,564	2,801	0	n/a	57,374	40,128	n/a
November	2,261	2,428	2,364	2,367	2,558	2,307	2,425	2,520	2,624	2,841	3,651	3,593	2,946	0	n/a	60,320	40,128	n/a
December	4,402	4,834	5,076	5,191	5,393	5,275	5,354	5,646	6,428	7,017	7,681	8,028	7,287	0	n/a	67,607	40,128	n/a
Totals	43,489	44,989	46,384	48,055	50,871	51,194	49,424	50,230	52,682	56,497	64,556	68,954	67,607	40,128				

2009 Monthly Sales Tax Activity (in thousands of dollars)



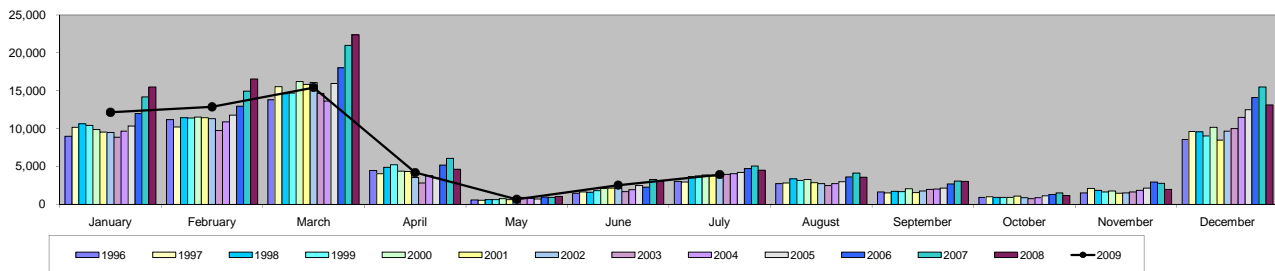
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Short-Term Lodging

	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Monthly % CHG	Actual 2008	Actual 2009	YTD % CHG
January	9,004	10,173	10,627	10,434	9,877	9,547	9,501	8,867	9,650	10,342	11,997	14,179	15,509	12,154	-21.6%	15,509	12,154	-21.6%
February	11,185	10,208	11,451	11,387	11,501	11,450	11,297	9,743	10,877	11,762	12,972	14,965	16,542	12,877	-22.2%	32,051	25,031	-21.9%
March	13,790	15,532	14,614	14,698	16,219	15,822	16,084	14,653	13,634	15,956	18,021	21,002	22,390	15,428	-31.1%	54,441	40,459	-25.7%
April	4,463	4,042	4,867	5,214	4,379	4,315	3,515	2,815	3,793	3,486	5,176	6,060	4,648	4,200	-9.6%	59,089	44,659	-24.4%
May	575	538	616	626	739	599	806	897	800	711	957	923	1,037	655	-36.8%	60,126	45,314	-24.6%
June	1,475	1,623	1,579	1,786	2,087	2,131	2,135	1,680	1,941	2,478	2,262	3,258	3,017	2,526	-16.3%	63,143	47,840	-24.2%
July	3,033	2,956	3,648	3,762	3,876	3,733	3,822	3,945	4,023	4,217	4,730	5,074	4,515	3,926	-13.0%	67,658	51,766	-23.5%
August	2,725	2,829	3,352	3,146	3,299	2,847	2,749	2,456	2,730	2,981	3,622	4,124	3,553	0	n/a	71,211	51,766	n/a
September	1,627	1,482	1,701	1,675	2,031	1,564	1,757	1,980	2,021	2,150	2,695	3,050	3,036	0	n/a	74,247	51,766	n/a
October	890	994	893	928	926	1,092	882	750	859	1,130	1,305	1,504	1,181	0	n/a	75,428	51,766	n/a
November	1,515	2,081	1,831	1,631	1,753	1,452	1,500	1,613	1,821	2,130	2,936	2,790	1,976	0	n/a	77,404	51,766	n/a
December	8,548	9,639	9,589	9,014	10,186	8,477	9,654	9,988	11,498	12,503	14,084	15,489	13,126	0	n/a	90,530	51,766	n/a
Totals	58,830	62,097	64,768	64,301	66,873	63,029	63,702	59,387	63,647	69,846	80,757	92,418	90,530	51,766				

2009 Monthly Sales Tax Activity (in thousands of dollars)



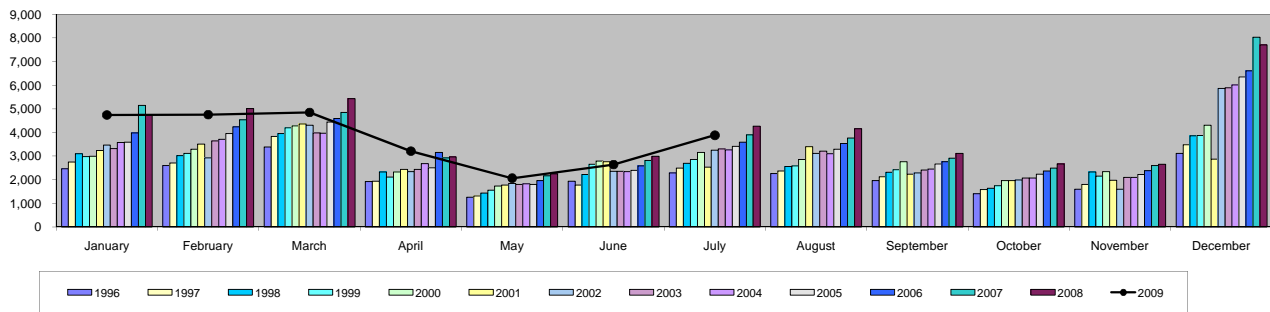
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Grocery/Liquor Stores

	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Monthly % CHG	Actual 2008	Actual 2009	YTD % CHG
January	2,458	2,746	3,104	2,977	2,999	3,242	3,472	3,314	3,570	3,589	3,977	5,149	4,744	4,741	-0.1%	4,744	4,741	-0.1%
February	2,595	2,702	3,020	3,119	3,296	3,501	2,931	3,643	3,714	3,949	4,233	4,536	5,009	4,755	-5.1%	9,753	9,496	-2.6%
March	3,383	3,839	3,960	4,199	4,282	4,366	4,311	3,988	3,968	4,449	4,585	4,844	5,436	4,852	-10.7%	15,189	14,348	-5.5%
April	1,928	1,937	2,325	2,105	2,330	2,441	2,336	2,437	2,682	2,503	3,149	2,920	2,959	3,213	8.6%	18,148	17,561	-3.2%
May	1,256	1,309	1,440	1,558	1,728	1,779	1,836	1,801	1,823	1,806	1,969	2,169	2,246	2,062	-8.2%	20,394	19,623	-3.8%
June	1,940	1,772	2,214	2,648	2,784	2,760	2,352	2,354	2,341	2,392	2,584	2,822	2,990	2,643	-11.6%	23,384	22,266	-4.8%
July	2,283	2,494	2,701	2,862	3,152	2,527	3,253	3,303	3,266	3,414	3,588	3,899	4,264	3,881	-9.0%	27,648	26,147	-5.4%
August	2,266	2,364	2,559	2,587	2,861	3,404	3,117	3,216	3,103	3,292	3,529	3,771	4,161	0	n/a	31,809	26,147	n/a
September	1,959	2,122	2,311	2,430	2,765	2,231	2,284	2,409	2,456	2,671	2,757	2,908	3,113	0	n/a	34,922	26,147	n/a
October	1,407	1,584	1,644	1,748	1,969	1,965	1,990	2,066	2,069	2,239	2,372	2,494	2,673	0	n/a	37,595	26,147	n/a
November	1,602	1,804	2,330	2,152	2,339	1,970	1,597	2,096	2,096	2,214	2,377	2,600	2,647	0	n/a	40,242	26,147	n/a
December	3,115	3,477	3,858	3,869	4,305	2,865	5,868	5,897	6,017	6,356	6,604	8,028	7,705	0	n/a	47,947	26,147	n/a
Totals	26,192	28,150	31,466	32,254	34,810	33,051	35,347	36,524	37,105	38,874	41,724	46,140	47,947	26,147				

2009 Monthly Sales Tax Activity (in thousands of dollars)



THE TOWN IS AWARE OF INCONSISTENT FILING PRACTICES THAT HAVE NEGATIVELY IMPACTED COMPARISONS FOR THIS SECTOR.

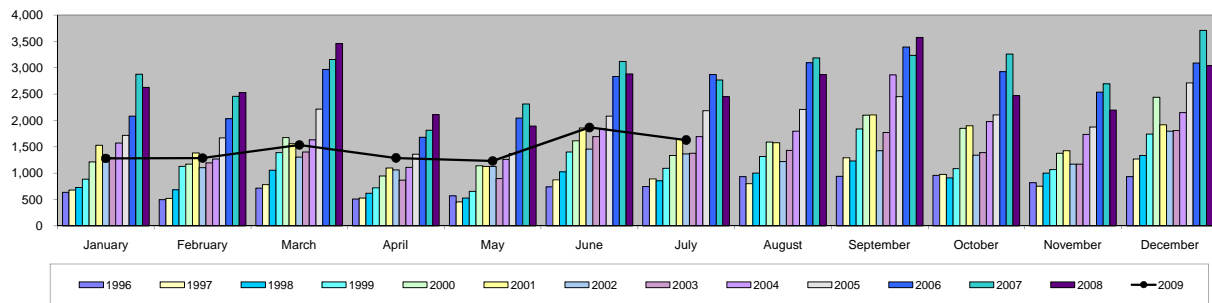
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

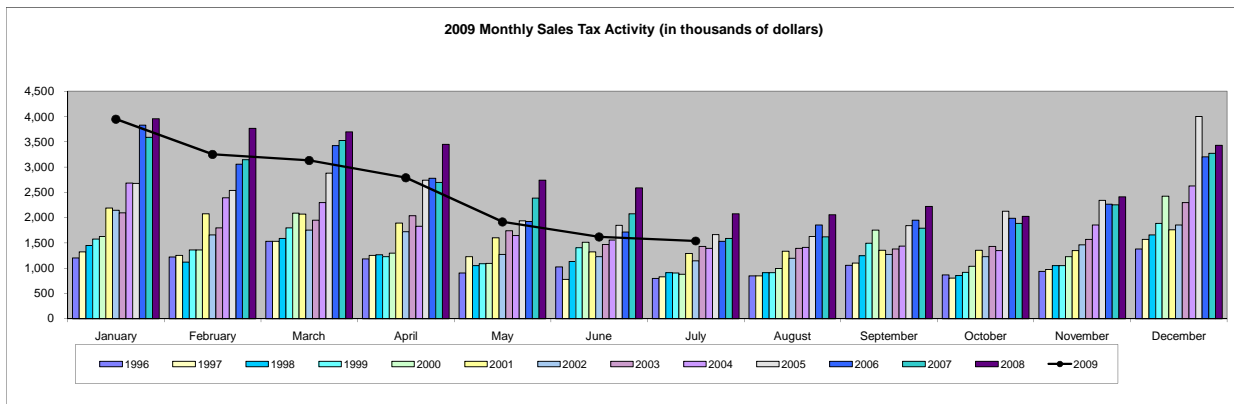
Supplies

	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Monthly % CHG	Actual 2008	Actual 2009	YTD % CHG
January	635	676	728	884	1,216	1,527	1,327	1,294	1,574	1,720	2,084	2,876	2,631	1,279	-51.4%	2,631	1,279	-51.4%
February	499	522	685	1,126	1,170	1,385	1,106	1,197	1,268	1,669	2,031	2,459	2,532	1,286	-49.2%	5,163	2,565	-50.3%
March	712	784	1,055	1,390	1,677	1,558	1,307	1,401	1,630	2,216	2,967	3,156	3,463	1,535	-55.7%	8,626	4,100	-52.5%
April	509	525	615	723	946	1,095	1,059	869	1,110	1,359	1,680	1,813	2,114	1,289	-39.0%	10,740	5,389	-49.8%
May	571	451	525	654	1,139	1,125	1,128	896	1,261	1,370	2,045	2,314	1,894	1,231	-35.0%	12,634	6,620	-47.6%
June	742	870	1,024	1,400	1,615	1,858	1,455	1,696	1,837	2,083	2,836	3,119	2,886	1,867	-35.3%	15,520	8,487	-45.3%
July	746	892	852	1,093	1,333	1,642	1,364	1,380	1,694	2,186	2,872	2,770	2,450	1,629	-33.5%	17,970	10,116	-43.7%
August	936	800	1,001	1,314	1,591	1,578	1,217	1,429	1,794	2,211	3,096	3,187	2,869	0	n/a	20,839	10,116	n/a
September	940	1,290	1,230	1,837	2,102	2,105	1,427	1,770	2,865	2,452	3,394	3,234	3,574	0	n/a	24,413	10,116	n/a
October	959	976	910	1,083	1,853	1,899	1,342	1,390	1,980	2,107	2,924	3,259	2,470	0	n/a	26,883	10,116	n/a
November	819	752	1,003	1,066	1,378	1,425	1,171	1,173	1,737	1,876	2,537	2,693	2,199	0	n/a	29,082	10,116	n/a
December	932	1,269	1,337	1,743	2,441	1,915	1,795	1,810	2,151	2,712	3,091	3,713	3,043	0	n/a	32,125	10,116	n/a
Totals	9,000	9,807	10,965	14,313	18,461	19,112	15,698	16,305	20,901	23,961	31,557	34,593	32,125	10,116				

2009 Monthly Sales Tax Activity (in thousands of dollars)

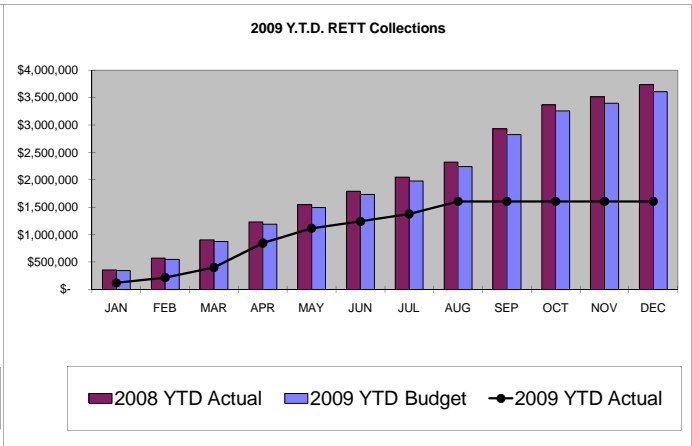
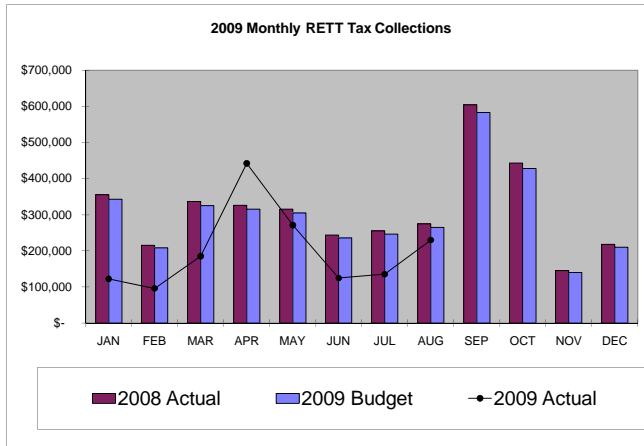


TOWN OF BRECKENRIDGE TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR																		
(In Thousands of Dollars)																		
Utilities																		
	Actual 1996	Actual 1997	Actual 1998	Actual 1999	Actual 2000	Actual 2001	Actual 2002	Actual 2003	Actual 2004	Actual 2005	Actual 2006	Actual 2007	Actual 2008	Actual 2009	Monthly % CHG	Actual 2008	Actual 2009	YTD % CHG
January	1,201	1,320	1,446	1,575	1,625	2,191	2,144	2,093	2,684	2,675	3,829	3,591	3,961	3,949	-0.3%	3,961	3,949	-0.3%
February	1,218	1,250	1,121	1,360	1,359	2,075	1,659	1,800	2,391	2,540	3,056	3,149	3,765	3,252	-13.6%	7,726	7,201	-6.8%
March	1,529	1,533	1,591	1,799	2,090	2,067	1,754	1,947	2,299	2,883	3,428	3,525	3,699	3,133	-15.3%	11,425	10,334	-9.5%
April	1,181	1,255	1,262	1,227	1,299	1,894	1,724	2,040	1,827	2,741	2,778	2,694	3,448	2,789	-19.1%	14,873	13,123	-11.8%
May	904	1,226	1,047	1,089	1,091	1,599	1,272	1,740	1,647	1,939	1,926	2,386	2,742	1,915	-30.2%	17,615	15,038	-14.6%
June	1,027	780	1,133	1,402	1,510	1,325	1,228	1,466	1,558	1,846	1,713	2,078	2,588	1,618	-37.5%	20,203	16,656	-17.6%
July	796	830	913	907	880	1,289	1,147	1,427	1,394	1,663	1,529	1,588	2,075	1,537	-25.9%	22,278	18,193	-18.3%
August	844	844	910	913	994	1,336	1,198	1,393	1,408	1,629	1,854	1,621	2,058	0	n/a	24,336	18,193	n/a
September	1,059	1,103	1,249	1,494	1,752	1,354	1,271	1,381	1,435	1,843	1,949	1,792	2,219	0	n/a	26,555	18,193	n/a
October	866	804	854	917	1,039	1,353	1,227	1,429	1,348	2,127	1,987	1,883	2,026	0	n/a	28,581	18,193	n/a
November	935	974	1,049	1,052	1,225	1,348	1,461	1,569	1,856	2,340	2,264	2,251	2,411	0	n/a	30,992	18,193	n/a
December	1,381	1,570	1,661	1,885	2,423	1,760	1,852	2,297	2,627	4,005	3,206	3,271	3,435	0	n/a	34,427	18,193	n/a
Totals	12,941	13,489	14,236	15,620	17,287	19,591	17,937	20,582	22,474	28,231	29,519	29,829	34,427	18,193				



**TOWN OF BRECKENRIDGE
REAL ESTATE TRANSFER TAX COLLECTIONS
REPORTED IN THE PERIOD EARNED**

Sales Period	2008 Collections			2009 Budget			2009 Monthly			2009 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2008	% of Budget	Actual	% Change from 2008	% of Budget
JAN	\$ 355,179	\$ 355,179	9.5%	\$ 342,940	\$ 342,940	9.51%	\$ 122,245	-65.6%	35.6%	\$ 122,245	-65.6%	3.4%
FEB	215,566	570,745	15.3%	208,138	551,078	15.29%	96,379	-55.3%	46.3%	218,623	-61.7%	6.1%
MAR	336,956	907,701	24.3%	325,345	876,423	24.31%	185,714	-44.9%	57.1%	404,337	-55.5%	11.2%
APR	326,521	1,234,222	33.1%	315,270	1,191,693	33.06%	442,039	35.4%	140.2%	846,376	-31.4%	23.5%
MAY	315,494	1,549,716	41.5%	304,623	1,496,317	41.51%	271,393	-14.0%	89.1%	1,117,770	-27.9%	31.0%
JUN	243,969	1,793,685	48.0%	235,562	1,731,879	48.04%	124,822	-48.8%	53.0%	1,242,591	-30.7%	34.5%
JUL	255,305	2,048,990	54.9%	246,508	1,978,387	54.88%	135,393	-47.0%	54.9%	1,377,984	-32.7%	38.2%
AUG	274,442	2,323,432	62.2%	264,985	2,243,372	62.23%	230,014	-16.2%	86.8%	1,607,997	-30.8%	44.6%
SEP	604,037	2,927,469	78.4%	583,223	2,826,596	78.40%	-	n/a	0.0%	1,607,997	-45.1%	44.6%
OCT	442,830	3,370,299	90.3%	427,571	3,254,167	90.26%	-	n/a	0.0%	1,607,997	-52.3%	44.6%
NOV	145,549	3,515,848	94.2%	140,534	3,394,701	94.16%	-	n/a	0.0%	1,607,997	-54.3%	44.6%
DEC	\$ 217,937	\$ 3,733,785	100.0%	\$ 210,427	\$ 3,605,128	100.00%	\$ -	n/a	0.0%	\$ 1,607,997	-56.9%	44.6%



MEMORANDUM

TO: Tim Gagen
FROM: Mark Truckey, Glen Morgan & Chris Kulick
DATE: September 1, 2009
SUBJECT: Satellite Post Office Site Visits with U.S.P.S.

Earlier today Town staff met with three individuals of the United States Postal Service to discuss possible Town owned sites to temporarily locate the Satellite Post Office for the next couple years. Prior to this discussion every individual Town owned property was reviewed as a potential location based on a variety of criteria. The evaluation criteria consisted of; the size of the parcel, surrounding land uses, walking accessibility, vehicular accessibility, parking, loss of current use, compliance with historic standards and potential costs to the Town. After sorting through all of these options Town staff came up with a list of 10 potential sites. These 10 sites are listed below.

- Tiger Dredge Parking Lot, 150 W. Adams Ave.
- F-Lot, 400 S. Park Ave.
- Ice Rink, 107 Boreas Pass Rd.
- Klack Placer Parking Lot, 418 S. French St.
- Colorado Mountain College, 103 N. Harris St.
- French Street Lot, 110 S. French St.
- Barney Ford Lot, 112 S. Ridge St.
- Sawmill Parking Lot, No Address
- Rec Center, 0857 Airport Rd.
- Lot 4, Block 5, Breckenridge Airport Subdivision, 1730 Airport Rd.

After visiting and reviewing each of these sites the U.S.P.S. indicated five of the locations would be preferable. Listed below are the top 5 sites ranked in order by the U.S.P.S. officials, with comments from both staff and the U.S.P.S. regarding these sites.

1. **Colorado Mountain** – U.S.P.S. officials liked the concept of utilizing part of the existing building or locating their present structure on one of the building's parking lots. The U.S.P.S. officials gave CMC high marks on accessibility, parking availability and low infrastructure costs. Staff agrees with them on accessibility and parking but would have concerns related to our historic district guidelines if their present modular structure were proposed to be relocated on the site.
2. **Lot 4, Block 5, Breckenridge Airport Subdivision** – U.S.P.S. officials noted political pressure from individuals north of Town as a main draw to this site. They also noted they liked the availability of parking and the ability to design the site from the ground up. The U.S.P.S. noted the cost of infrastructure required at this site as a major concern. Staff has reservations about this site due to its reliance to automobiles travel but City Market had that same limitation.
3. **F-Lot** – Postal Officials stated F-Lot would be an absolutely terrific site but felt it was

unlikely the Town Council would be willing to allow them use a portion of the parcel for their satellite facility because of its land value. Both the U.S.P.S. and staff agree F-Lot would be a good location based on its all around accessibility, plentiful parking and lack of historic conflicts. From measurements taken onsite it is estimated the Town would lose approximately 16 parking spaces to accommodate the satellite facility. According to parking counts conducted during the ski season last year, occupancy in F-Lot averaged 66% (118 spaces occupied of 179). It is anticipated a certain amount spaces would need to be signed as temporary parking for “postal customers only” in order to allow for sufficient parking availability for users of the facility.

4. **Tiger Dredge Lot** – The Postal Officials and Town staff like the Tiger Dredge Lot for many of the same reason as F-Lot. It is believed this site has slightly less good vehicular access but has less overall parking demand at peak times than F-Lot. Just like F-Lot, the site has great pedestrian access and no historic district conflicts. From measurements taken onsite, it is estimated the Town would lose approximately 7 parking spaces to accommodate the satellite facility. According to parking counts conducted during the ski season last year, occupancy in the Tiger Dredge Lot averaged 39% (78 spaces occupied of 199). Just like F-Lot it is recommended a certain amount spaces should be signed as temporary parking for “postal customers only” in order to allow for sufficient parking availability for users of the facility.
5. **Klack Placer Lot** – The Postal officials stated the Klack Placer Lot would be an acceptable site for the satellite facility but felt it was less desirable than the other mentioned locations. The site has is fairly sloped site that makes it less than ideal for placing the Postal Service’s existing building on it without doing much site work. The U.S.P.S. also stated that even though its only 1.5 blocks from the main post Office the political perception with the site would be that it’s out of the way. From measurements taken onsite, it is estimated the Town would lose approximately 16 parking spaces to accommodate the facility. Parking counts from last winter indicated this lot averaged one of the highest average occupancy rates in Town at 84%. This is largely due to ski resort employees using it because of its unrestricted time limits and proximity to the Peak 9 base area. Staff acknowledges this as an acceptable site but believes accessibility isn’t quite as good as some of the other in-town sites. Staff also points out the management of parking at this site would have to be changed if the satellite facility were to be located here.

MEMORANDUM

TO: Town Council

FROM: Chris Kulick, Planner I

DATE: August 26, 2009

SUBJECT: Sustainable Task Force Roadway Systems Study

Recently the Sustainability Task Force began taking a look at possible roadway systems upgrades that will address enhanced walkability, better traffic movement, more accessible parking and retention of community character. This review of roadway systems was driven by several issues:

- A 2030 forecast that expects a 26% increase of traffic on peak days at buildout.
- The possibility of handling increased traffic through the expansion of the Town's roadways.
- The awareness of the how expensive developing parking garages tend to be.
- Walking expert, Dan Burden's recently completed walkability survey of Town.

With an understanding that the Town needs to be proactive in addressing its roadway systems, the Sustainability Task wishes to get feedback from the full Council on some of the roadway systems concepts they have been discussing. To bring the full Council up to speed on these concepts, staff has prepared a presentation utilizing some newly acquired information from Dan Burden and will be showcasing some ideas for future consideration at our September 9th meeting.

MEMO

TO: Town Council
FROM: Matt Thompson and Laurie Best, Community Development Department
DATE: September 1, 2009
RE: Annexation Inquiry - Preservation Village at Hwy. 9 and Revett Drive

This site has been discussed previously with Town Council on two occasions. In December of 2008 the Council reviewed this site in conjunction with a Summit County project that was intended to identify sites/opportunities for affordable workforce housing. At that time the Council felt this was a marginal site because of the scenic corridor along Highway 9, the loss of community separation, potential impacts to adjacent open space tracts and wildlife, and distance to jobs and Town core. The concerns were relayed to the County, but they concluded that these issues could possibly be addressed with the right plan and density.

Staff was then approached by Preservation Development Group, Inc. (PDG) and they presented a plan to the Council on February 10, 2009. The primary intent was to present their plan for 34 units with a landscaped berm to screen the development from Highway 9. The Town's typical development setback of 150' from Highway 9 would eliminate more than half of the site. At that time the majority of the Council seemed receptive to some type of berm as a possible alternative to the Town's 150' development setback. Council advised PDG to continue to work on other issues including wildlife and density. As a result of input from their wildlife consultant PDG modified the plan and reduced the number of units from 34 to 31 units. This modified plan was reviewed at staff level and was presented to the Housing Committee on August 25, 2009. It was the consensus of staff and the committee that issues remain including: the distance from the core of Town/jobs, this project would contribute to sprawl, the intensity (density), and the impact to the visual corridor with another berm in this area. PDG has requested an opportunity to present their concept to the Council to determine the level of support since ultimately the decision regarding annexation/affordable housing density will be at the discretion of the Council.

Following is a brief summary of the proposal and the site issues.

Proposal Summary:

The proposal from PDG is to develop 31 units on approximately 3.5 buildable acres (out of 5.5 total acres) and to deed restrict 26 of the units for sale to local employees with pricing from \$175,000 to \$295,000 without a garage and \$210,000 to \$330,000 with a garage. Without garages the prices would be affordable to 90%-110% AMI and with garages the prices are affordable to 100%-120% AMI. The applicant would be asking for the typical fee waivers for affordable housing (water, permit fees) but is not asking for any further subsidy. The proposed development includes one and three bedroom units with one detached parking garage space per unit and 45 surface parking spaces. The majority of the units are configured as townhomes but there are nine one bedroom units above the garage structure which is buried into the berm. A copy of the plan is included in your packet.

Visual Impact to Scenic Corridor:

The Joint Upper Blue Master Plan identifies the Highway 9 corridor as an important scenic corridor and recommends a significant development setback. Within the Town a 150' development setback has been established. The setback under County code is only 50'. On this parcel a 150' development setback would eliminate more than half of the site leaving an irregular shaped parcel less than 1 acre. This significantly reduces the useable area. In response, the applicant proposed a development setback of 50', which matches the County setback requirement, and an undulating berm approximately 20' tall to screen development from the Highway. They believe the berm would preserve the visual corridor more effectively than a 150' development setback. This berm would be a variation from the Town's policy and it was discussed previously with the Council who seemed amenable. A copy of the site plan and section view of the berm is enclosed in your packet.

Open Space and Wildlife:

Open Space staff from the County and the Town have expressed concerns about residential development on this site. Under the current County PUD the site can be developed for 5,500 square feet of convenience retail, restaurant, or office uses with a 50' development and parking setback from Highway 9. The current maximum height under the County PUD is 25' and a berm approximately 8 to 10' along Highway 9 is required. Under the PUD, development on this site can generate no more than 1,000 average weekday trips. It should be noted that the Upper Blue Planning Commission did recommend approval of a PUD modification to allow a 15,500 square foot church/childcare on this site, but the request was withdrawn before final approval was granted by the Board of County Commissioners. Considerable public funds have been expended to acquire open space tracts in the vicinity. County Planning Staff has indicated that residential uses may have more of a negative effect to wildlife than the commercial uses. The applicant has been advised of the concerns regarding adjacent open space and wildlife. PDG hired John Lowsky of Colorado Wildlife Science, LLC to complete a wildlife study for this proposed project. A copy of that report is included in your packet. Mr. Lowsky states he spoke to Shannon Schwab, District Wildlife Manager, Colorado Division of Wildlife. Ms. Schwab believes that development of the subject property will, like the development of any undeveloped property, have some impacts on wildlife but agrees that these impacts are limited give the lack of habitat on the Property, the proximity to SH-9 and existing development adjacent to the Property (S. Schwab, personal communication). As a result PDG has proposed some modifications to protect access to the riparian area. Mitigation measures include: landscaping between the proposed development and the riparian area to screen animals from area of human activity; reduction and/or elimination of lighting on the river side of the Property; and, a dog-proof fence on the river side of the Property to prevent dogs from harassing wildlife using the underpass and riparian corridor.

Density and Community Separation:

The proposed density is approximately 8.8 units per acre (buildable). Staff and the committee both felt this density was not consistent with the surrounding property and would contribute to sprawl.

Summary:

While there is significant need for affordable workforce housing sites, there are constraints on this site which affect its development. Given that the County has recognized this site as a suitable option, the applicant is interested in your reaction to the site and to their plan.

REVISIONS:

JOB NO: 10455.11
 DATE: 01/4/09
 DRAWN BY: SKELLERMAN

CHECKED BY: M. HOGAN

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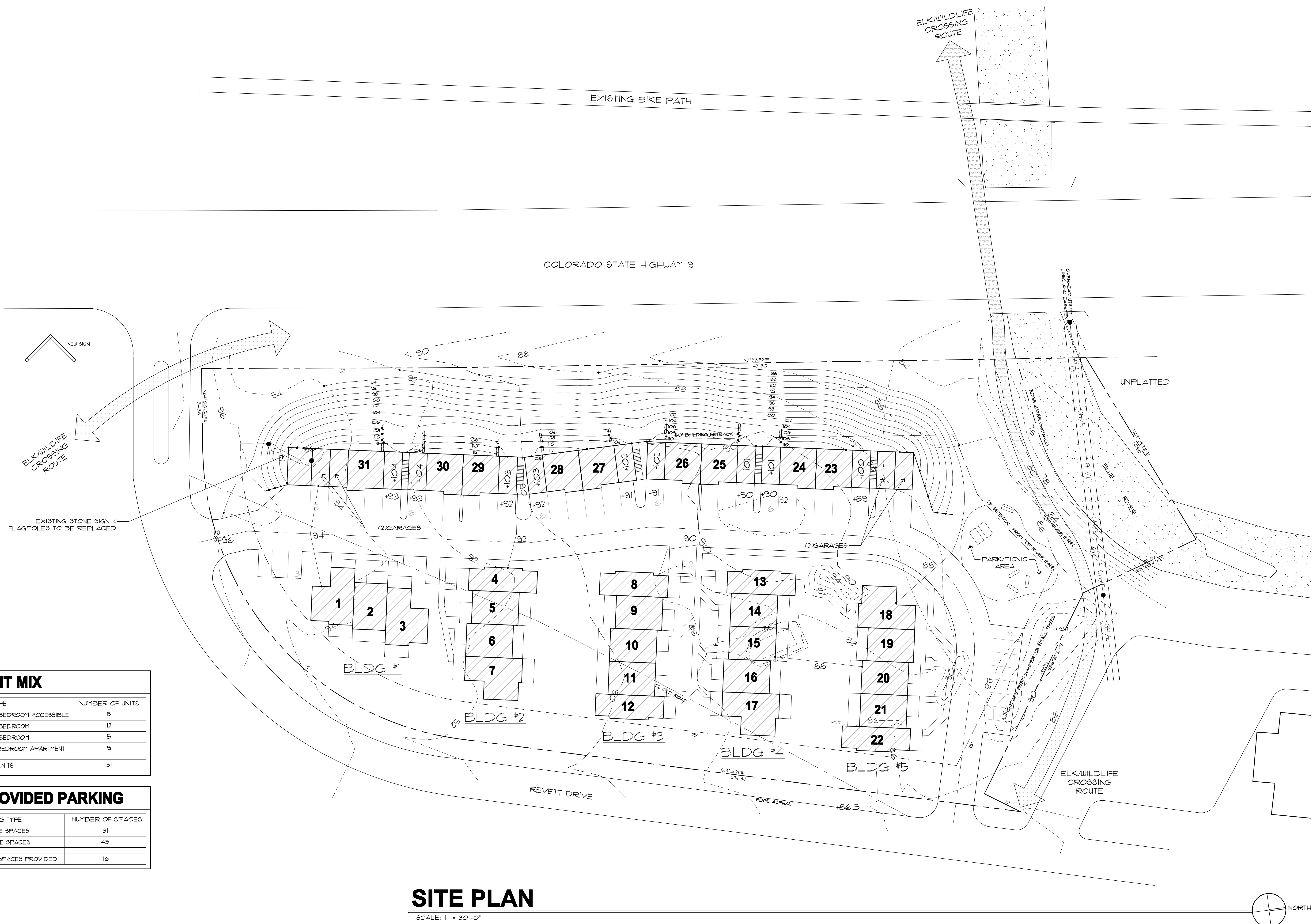
bhh Partners
 P.O. BOX 931 160 EAST ADAMS BRECKENRIDGE, CO 80424 (970) 453-6880
PRESERVATION VILLAGE AT TIGER RUN
 BRECKENRIDGE, COLORADO

© 2009

SHEET NUMBER:

SP-1
 ENLARGED SITE PLAN

OF 3

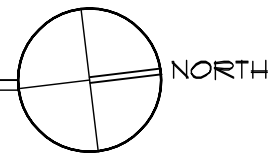


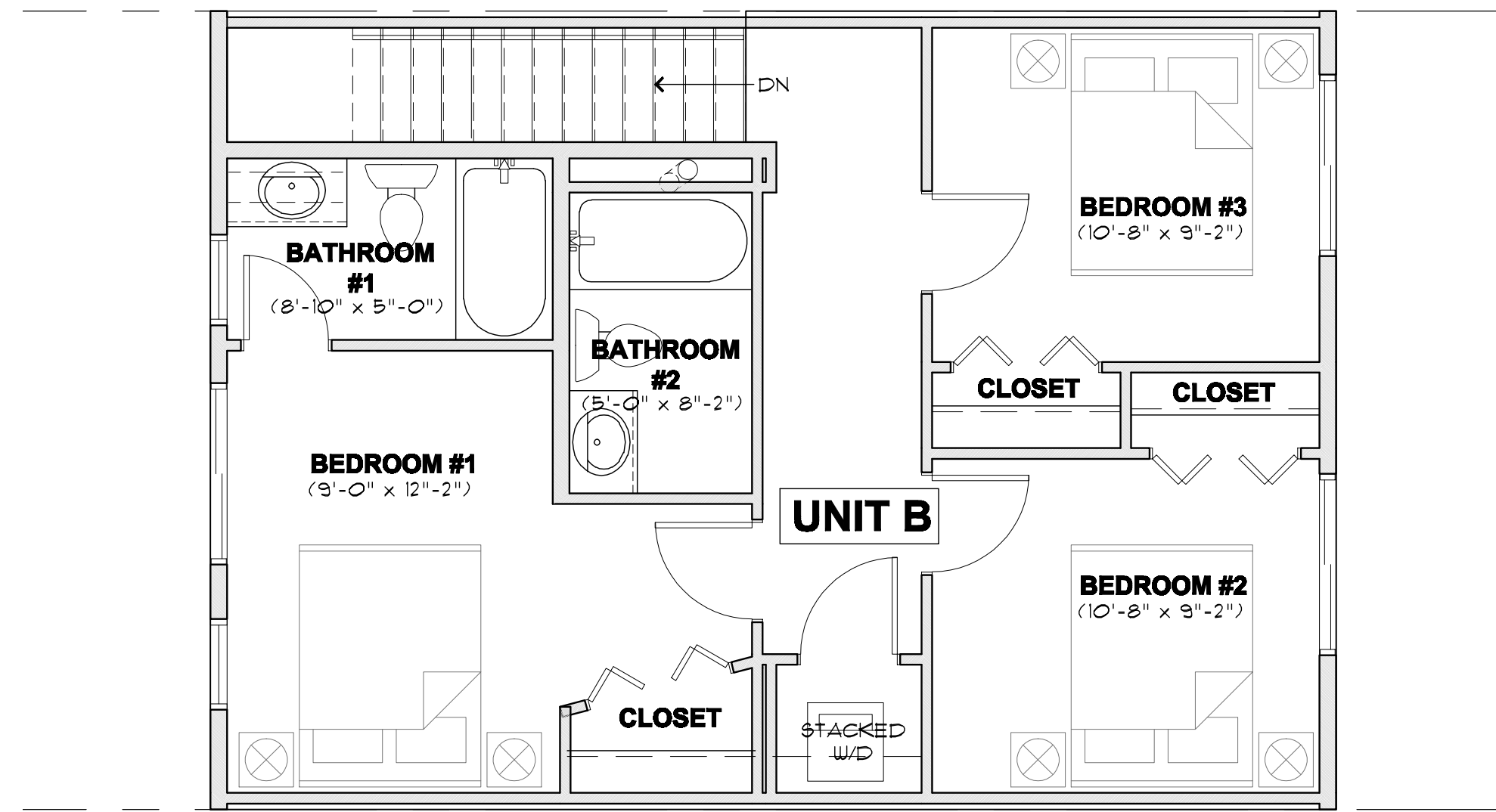
UNIT MIX	
UNIT TYPE	NUMBER OF UNITS
A' - 3 BEDROOM ACCESSIBLE	5
B' - 3 BEDROOM	12
C' - 3 BEDROOM	5
D' - 1 BEDROOM APARTMENT	9
TOTAL UNITS	31

PROVIDED PARKING	
PARKING TYPE	NUMBER OF SPACES
GARAGE SPACES	31
SURFACE SPACES	45
TOTAL SPACES PROVIDED	76

SITE PLAN

SCALE: 1" = 30'-0"





UNIT TYPE 'B' AREA CALCULATIONS

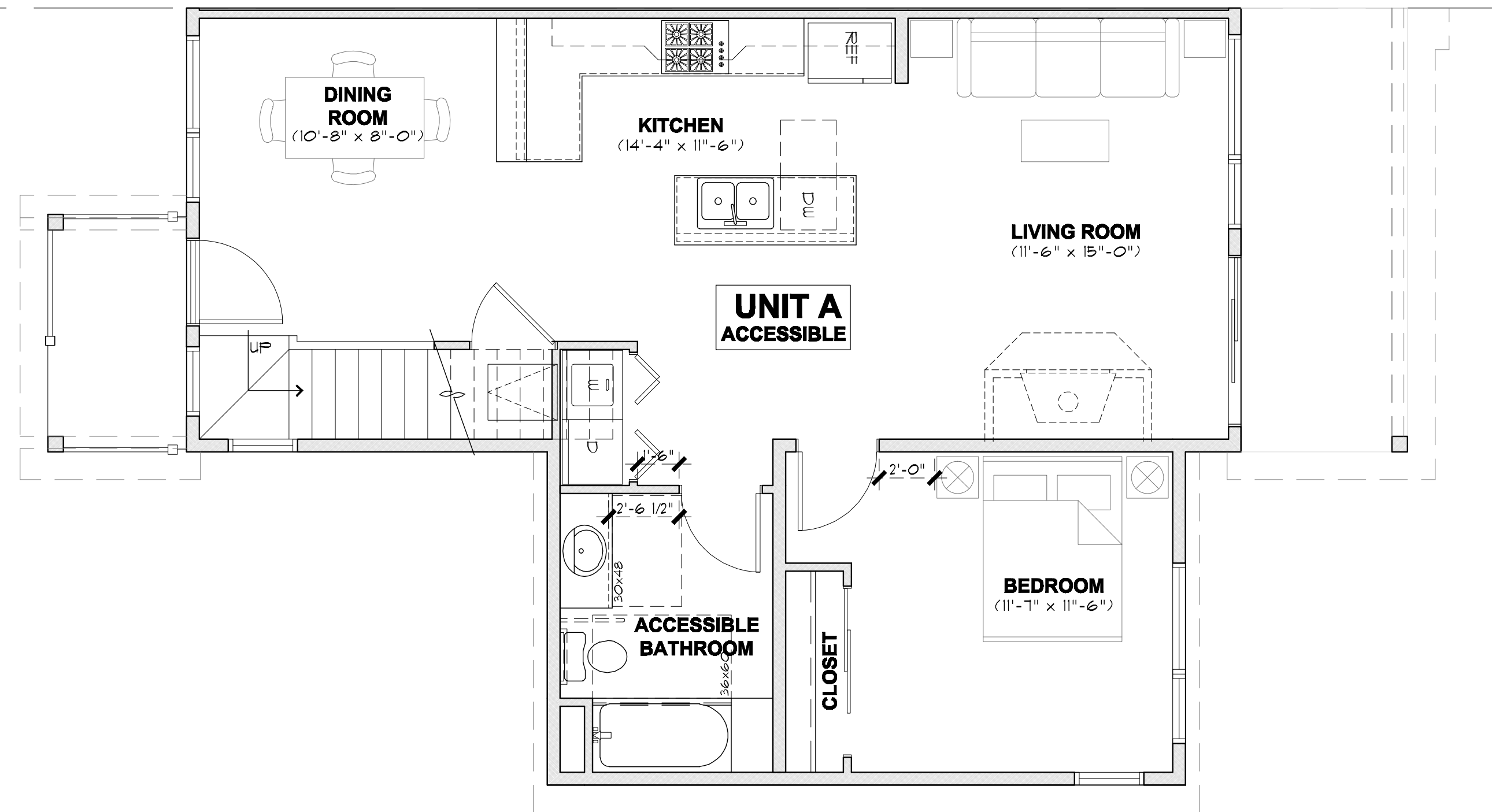
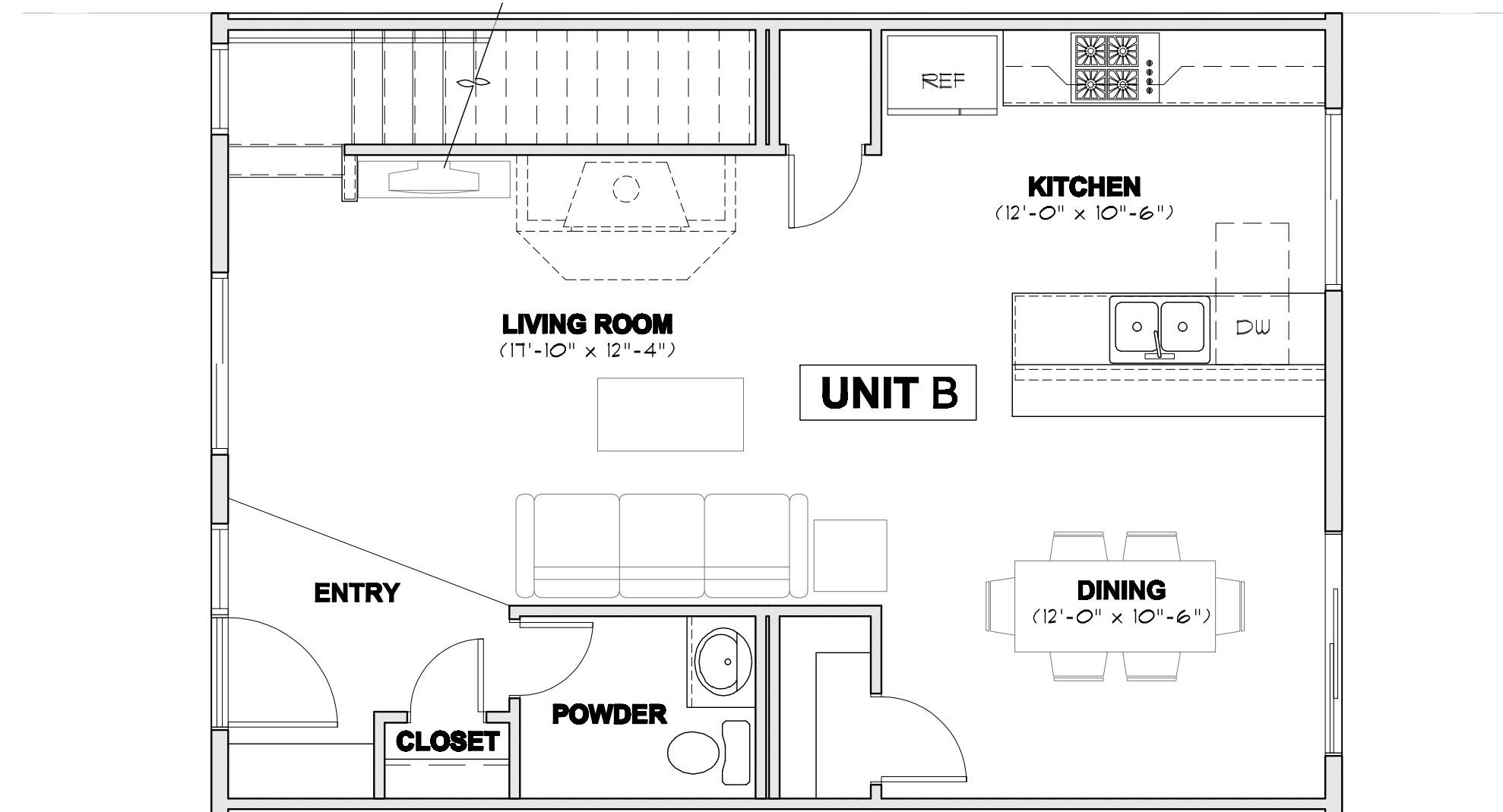
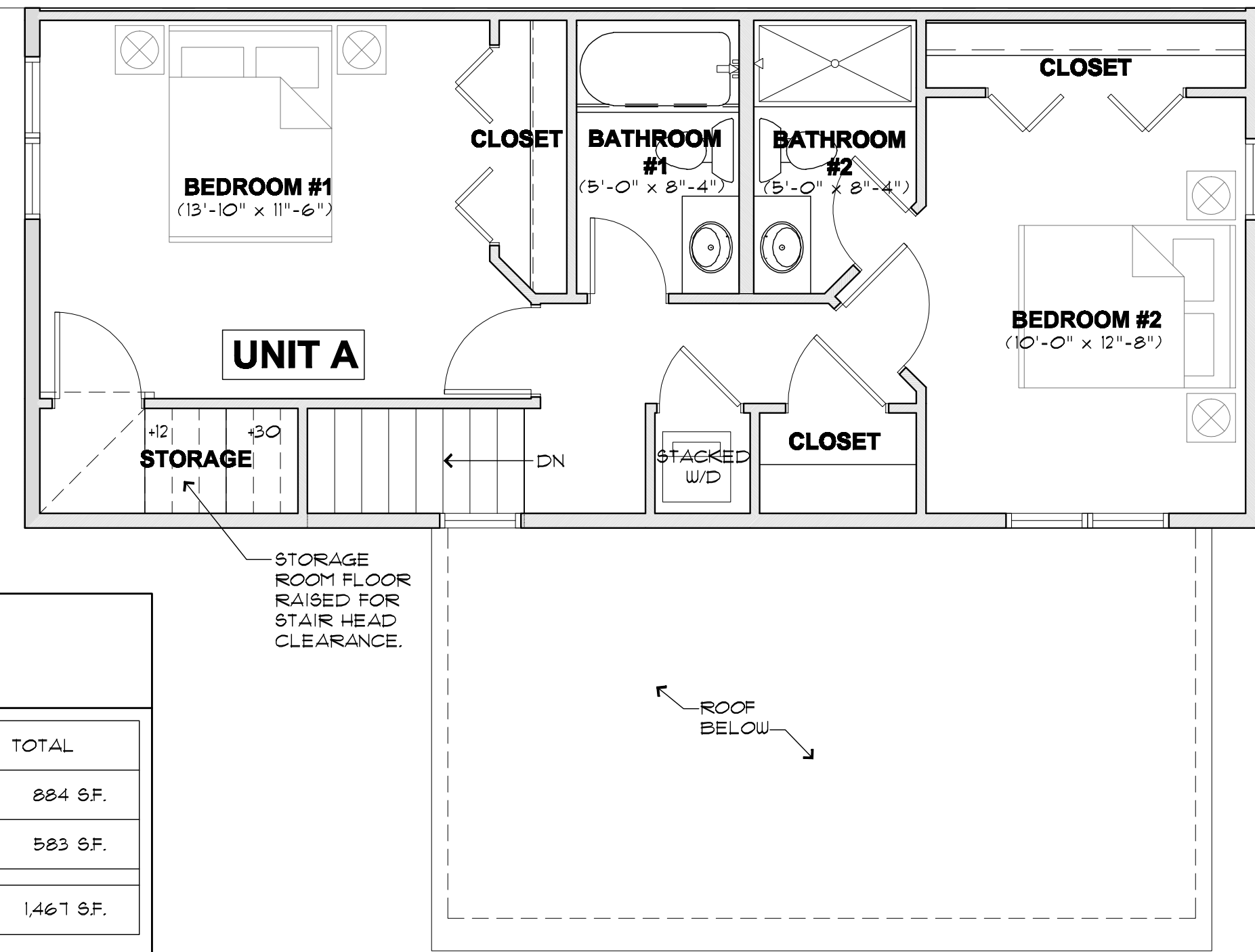
	UNFINISHED	FINISHED	TOTAL
MAIN	0 SF.	682 SF.	682 SF.
UPPER	0 SF.	630 SF.	630 SF.
TOTAL	0 SF.	1,312 SF.	1,312 SF.

NOTE: SQUARE FOOTAGES ARE CALCULATED FOR CODE PURPOSES ONLY AND SHOULD BE RECALCULATED FOR ANY OTHER PURPOSES.

UNIT TYPE 'A' AREA CALCULATIONS

	UNFINISHED	FINISHED	TOTAL
MAIN	0 SF.	884 SF.	884 SF.
UPPER	0 SF.	583 SF.	583 SF.
TOTAL	0 SF.	1,467 SF.	1,467 SF.

NOTE: SQUARE FOOTAGES ARE CALCULATED FOR CODE PURPOSES ONLY AND SHOULD BE RECALCULATED FOR ANY OTHER PURPOSES.



REVISIONS:

JOB NO: 18455.11
DATE: 01/4/08
DRAWN BY: SKELLERMAN
CHECKED BY: M. HOGAN

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PRESERVATION VILLAGE AT TIGER RUN
BRECKENRIDGE, COLORADO

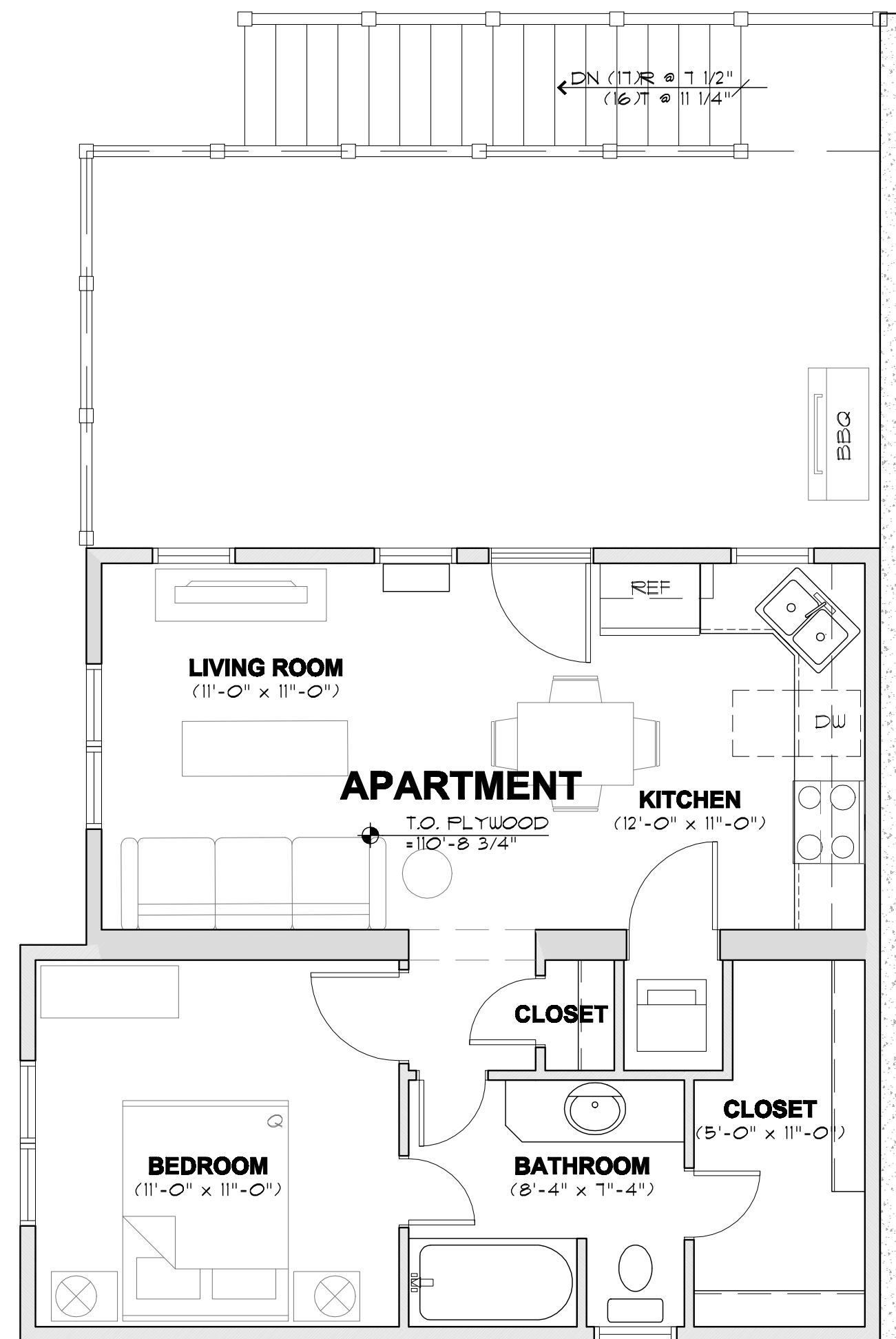
SHEET NUMBER:

A-2.0
UNIT TYPE 'A' & 'B'
FLOOR PLANS

OF: 3

UNIT TYPE 'D' AREA CALCULATIONS			
	UNFINISHED	FINISHED	TOTAL
GARAGE	888 S.F.	0 S.F.	888 S.F.
APARTMENT	0 S.F.	600 S.F.	600 S.F.
TOTAL	888 S.F.	600 S.F.	1,488 S.F.

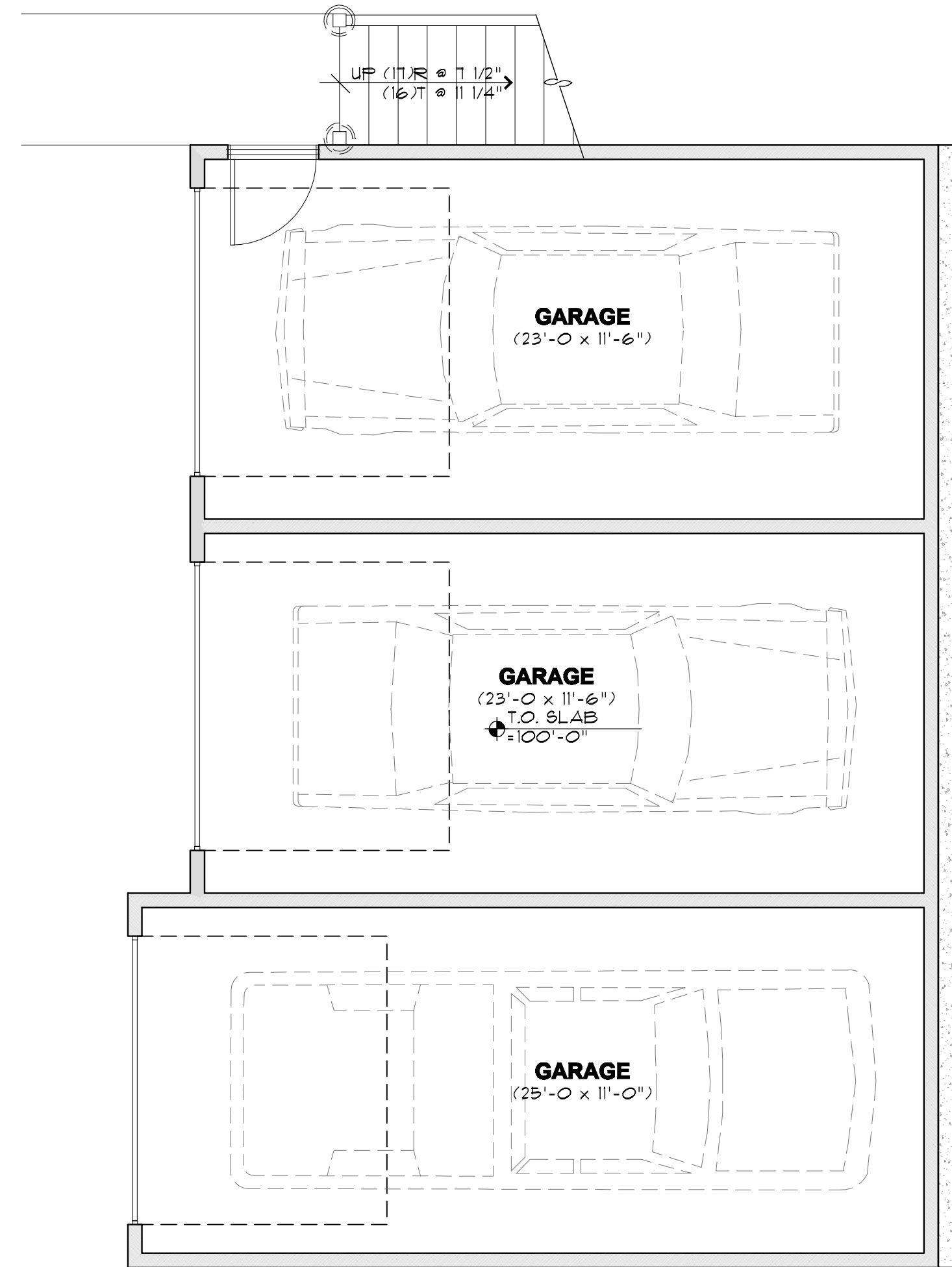
NOTE: SQUARE FOOTAGES ARE CALCULATED FOR CODE PURPOSES ONLY AND SHOULD BE RECALCULATED FOR ANY OTHER PURPOSES.



UPPER LEVEL PLAN

SCALE: 1/4" = 1'-0"

UNIT D: APARTMENT



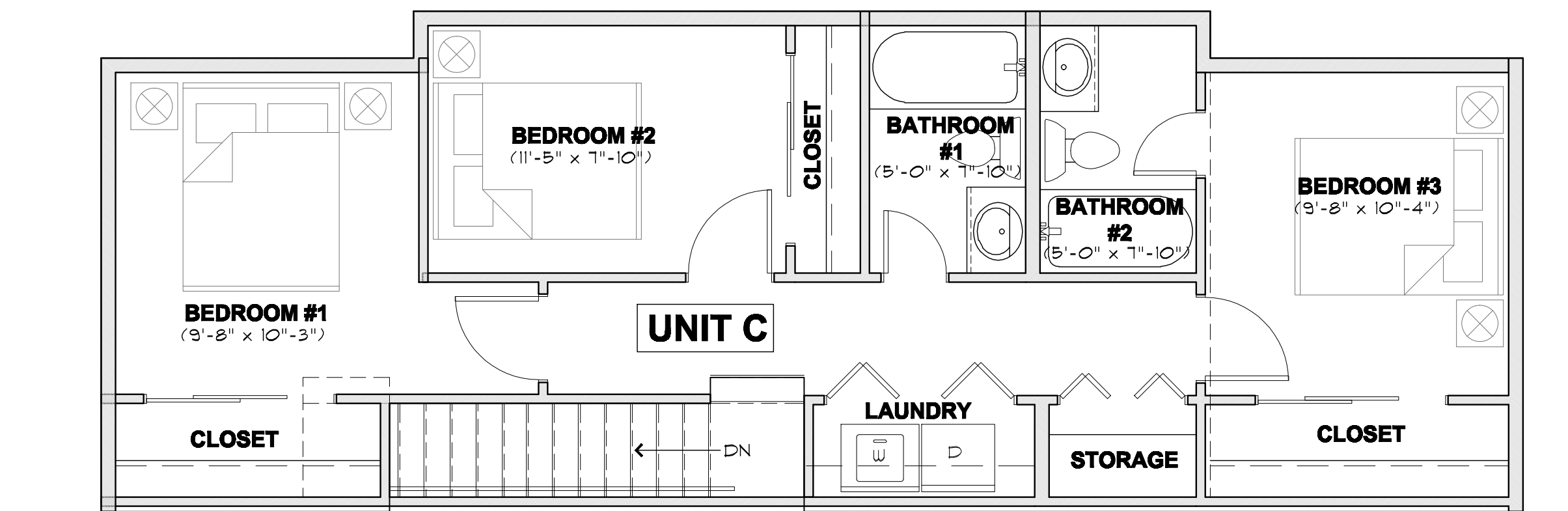
MAIN LEVEL PLAN

SCALE: 1/4" = 1'-0"

UNIT D: GARAGE

UNIT TYPE 'C' AREA CALCULATIONS			
	UNFINISHED	FINISHED	TOTAL
MAIN	0 S.F.	553 S.F.	553 S.F.
UPPER	0 S.F.	650 S.F.	650 S.F.
TOTAL	0 S.F.	1203 S.F.	1203 S.F.

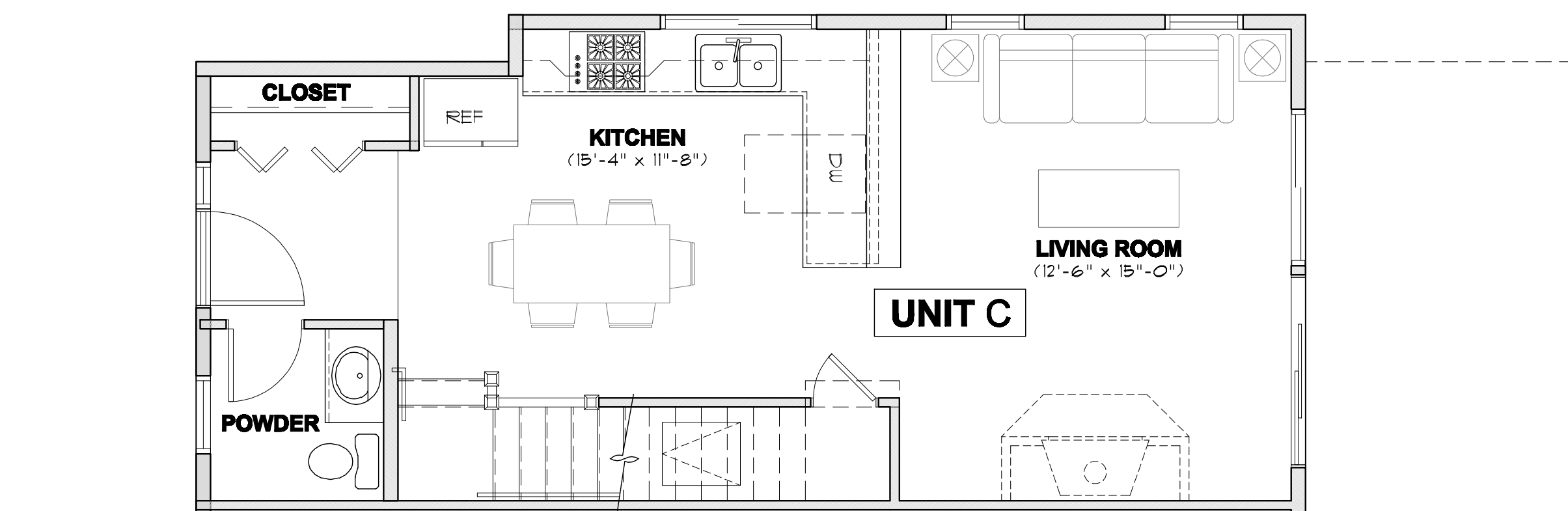
NOTE: SQUARE FOOTAGES ARE CALCULATED FOR CODE PURPOSES ONLY AND SHOULD BE RECALCULATED FOR ANY OTHER PURPOSES.



UPPER LEVEL PLAN

SCALE: 1/4" = 1'-0"

UNIT C



MAIN LEVEL PLAN

SCALE: 1/4" = 1'-0"

UNIT C

REVISIONS:

JOB NO: 18455.11
DATE: 01/4/08
DRAWN BY: SKELLERMAN

CHECKED BY: M. HOGAN

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bhh Partners
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PRESERVATION VILLAGE AT TIGER RUN
BRECKENRIDGE, COLORADO

SHEET NUMBER:

A-2.1
UNIT TYPE 'C' & 'D'
FLOOR PLANS

OF: 3

April 9, 2009

VIA EMAIL: roycetolley@msn.com

Mr. Royce Tolley
Preservation Development Group, Ltd.
7900 East Union Avenue
Suite 1100
Denver, CO 80237

Re: Swan's Nest/Tiger Run Preliminary Wildlife & Ecological Assessment

Dear Mr. Tolley;

At your request, I conducted a preliminary site assessment of a parcel of land known as the Swan's Nest/Tiger Run Preservation Development Group Property (Summit County PPI 2211-0740-04-003). The purpose of this assessment was to conduct a preliminary evaluation of the location and extent of wildlife habitat and other important ecological attributes on and adjacent to the subject property ("the Property").

METHODS

The information contained herein is based on the following: (1) An April 21, 2009 survey of the Property for the presence of wildlife via direct observation or indirect detection by sign (e.g., scat, tracks, and browse). In addition, plant communities present on the property were evaluated for their ability to support wildlife of interest; (2) A review of current Colorado Division of Wildlife (CDOW) Natural Diversity Information Source (NDIS) Species Distribution Data (CDOW 2009); and (3) The author's experience in evaluating and mitigating potential impacts of residential development on wildlife and other ecological resources in the western Colorado.

Surveys were conducted on foot and specifically focused on Federal and State listed Threatened and Endangered Species, State Species of Concern, mule deer (*Odocoileus hemionus*), Rocky Mountain elk (*Cervus elaphus*), and raptors. The Property was evaluated for ungulate (i.e., big game) movement patterns to determine how the site functions in the greater landscape.

SITE DESCRIPTION

The Property is situated in unincorporated Summit County, Colorado. The Property is bounded on the west by State Highway 9, on the south by Revette Drive, on the east by the Highlands at Breckenridge subdivision and on the north by the Tiger Run RV Park and the Blue River (Photo 1). Topography is relatively flat except where the grade drops steeply to the river at the north end of the Property. Vegetation is relatively sparse with remnants of a degraded mountain big sagebrush plant community interspersed with a few trees, a dirt driveway, bare ground, non-native pasture grasses, and weeds (Photo 2).

PRELIMINARY RESULTS

The Property is embedded in an exurban landscape with residential development on 3 sides and a heavily travelled state highway on the 4th (Map 1). The preliminary site assessment was conducted during the elk and mule deer transition period when animals are moving between winter and summer range. No ungulate tracks or pellets were found on or adjacent to the Property and browse on trees and shrubs was very light. CDOW NDIS mapping indicates that the Property is within mule deer and elk winter range and summer range and adjacent to a mule deer movement pattern. There is no evidence on the site that supports this mapping. Given the scale at which the NDIS mapping is created, it is likely that the inclusion of the site within the winter range polygon is an error of scale.

Based on our initial assessment, there are no federally listed Threatened, Endangered or Candidate plant or animal species known or suspected to occur on the Property nor is there critical habitat for any federally listed species occurring on the Property. Canada lynx (*Lynx canadensis*) are a forest-interior species. The Property is situated in a disturbed area that is surrounded by development. The site has no lynx habitat values and it is unlikely that a lynx would cross through such open terrain preferring heavily forested habitat located within a few miles of the site. Formal consultation regarding Canada lynx has been solicited from Kurt Broderdorp, US Fish & Wildlife Service.

No raptors or raptor nests were located on or immediately adjacent to the Property. The Property is mapped by the CDOW as part of a greater bald eagle (*Haliaeetus leucocephalus*) winter foraging area and winter range. It is important to note that there are no trees appropriate for roosting or as a foraging perch on the Property.

PRELIMINARY CONCLUSIONS

The site assessment and GIS analysis revealed that the Property does not contain valuable wildlife habitat or support intact plant communities. It is unlikely that any



Endangered, Threatened, or rare species, or Species of Concern occur on the Property. The Property is embedded within a developed landscape, bounded on 3 sides by residential development and a heavily traveled state highway that is going to be expanded in the near future (Colorado Department of Transportation 2009). Given appropriate measures to avoid impacts to the river and adherence to best management practices, this property can be developed with minimal direct or indirect impacts to wildlife and other valuable ecological resources.

As per our discussion, CWS will consult with CDOW to collect additional information regarding wildlife movement patterns in the area, USFWS regarding Canada lynx, and the Town of Breckenridge regarding any additional information that may be required. Once I have that information, CWS will submit a complete report regarding the wildlife and ecological effects of development on the Property with recommendations to reduce any potential impacts.

Please let me know if you have any questions or need additional information.

Sincerely,
COLORADO WILDLIFE SCIENCE, LLC



Jonathan Lowsky
Wildlife Biologist/Principal



BACKGROUND & QUALIFICATIONS

Colorado Wildlife Science, LLC is a small ecological consulting firm based in Basalt, Colorado specializing in wildlife and ecological assessments, conservation easement baseline inventories, ecological planning, wildlife research and monitoring, habitat management, wetlands and riparian evaluation, and ecological restoration.

Owner and Principal Ecologist Jonathan Lowsky holds a Master of Science degree in Wildlife Biology from Colorado State University. With more than 17 years of professional experience with the Colorado Division of Wildlife, US Forest Service, two major universities, and as the Pitkin County Wildlife Biologist, Jonathan's career has focused on a diverse array of wildlife from bighorn sheep, elk, and songbirds to northern goshawks, flying squirrels and spotted bats.

Jonathan Lowsky and Colorado Wildlife Science have authored numerous Wildlife and Ecological Assessments, Conservation Easement Baseline and Present Condition Reports, and Management Plans. Mr. Lowsky's experience includes biological assessments and evaluations for NEPA compliance, conservation planning, GIS mapping and modeling, wildlife research, and ecological monitoring design and implementation, as well as wetland and riparian delineations, evaluations, and restoration. He has authored numerous management plans and published scientific papers. An expert birder, certified wetlands delineator, and passionate observer of wildlife, Jonathan has spent countless hours studying and appreciating Colorado's diverse ecological communities.

Colorado Wildlife Science does all of its own work from wildlife and ecological surveys, research, and monitoring to GPS and GIS Mapping. As a result we have full control over the quality and accuracy of the work we produce for our clients.



Literature Cited

CDOW (2009). "Colorado Species Distribution Digital Data. Available online at <http://ndis.nrel.colostate.edu/>. Natural Diversity Information Source, Colorado Division of Wildlife, Fort Collins, CO."

Colorado Department of Transportation (2009). "State Highway 9 Frisco to Breckenridge Project Website." Retrieved April 12, 2009.



Photo 1. View from the south of the SH-9 and the Revette Drive-Tiger Run Area



Photo 2. Aerial view of the subject property

410500

411000

4377500

4377500

4377000

4377000



410500

411000

COLORADO WILDLIFE SCIENCE, LLC
 0100 Elk Run Dr, Ste 128A
 Basalt, CO 81621
 970.927.4549
 info@ColoradoWildlifeScience.com

Area Map
Swan's Nest/Tiger Run PDG Property

Basemap Source:
 USDA-FSA-APFO
 Digital Ortho Mosaic
 Summit County

Note: All property boundaries are approximate.

MAP
1

Drawn By: J. Lowsky
Project: 09.1756-01
Date: April 27, 2009



To: Town Council (Worksession)

From: Laurie Best and Michael Mosher, Community Development Department

Date: September 2, 2009

Re: Preservation Village at Reiling Road (*please note the name change*)

The Council last reviewed this proposal on July 14, 2009. In response to concerns from the Council we have received a revision to the original submittal from Royce Tolley, Preservation Development Group, LLC, and Marc Hogan, BHH Partners. The proposal involves development at Lots 1, 2 and 3 (3.85 acres) at the Vista Point Subdivision. The current Master Plan and Plat are for three single family lots located off Reiling Road across from the Little Red Schoolhouse.

Addressing concerns from Council and Staff, the applicants have submitted the following changes:

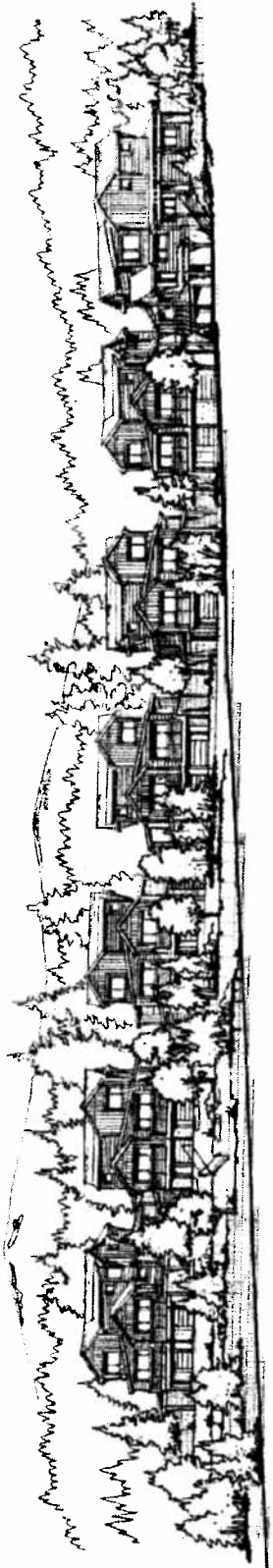
- A reduction of the scale and height of the development. Previously there were 14 three story units in 7 buildings. This has been reduced to 6 three story units centered in the development and 6 two story units at the edges. The most outer units (1 & 12) have one story elements. The total number of units is now 12 in six buildings.
- The retaining wall along the street at the northwest portion of the site was large and added to visual impact of homes looming over the street. The large retaining wall has been removed giving a reduction of 880 SF of retaining wall vertical surface area which accounted for 40% of the total front retaining wall.
- Units 11 & 12 have been rotated, and unit 12 is now a down-slope design. This brings the edge scale down closer to street level and reduces the length of paving by 74'.
- Site sections have been drawn to illustrate both the buildings relationship to Reiling Road and building heights in comparison to the maximum height allowed in relationship to natural grade.
- PDG is asking for market rate units per the density already allowed on site (three single family SFEs), and the additional 9 units would be deed restricted workforce housing.

This revised plan was presented to the Housing Committee on August 25th for comments. There were concerns about extending the development area beyond the current site disturbance area. Not all supported having 12 units of workforce housing located here. Generally, the reactions to the proposed changes were mixed.

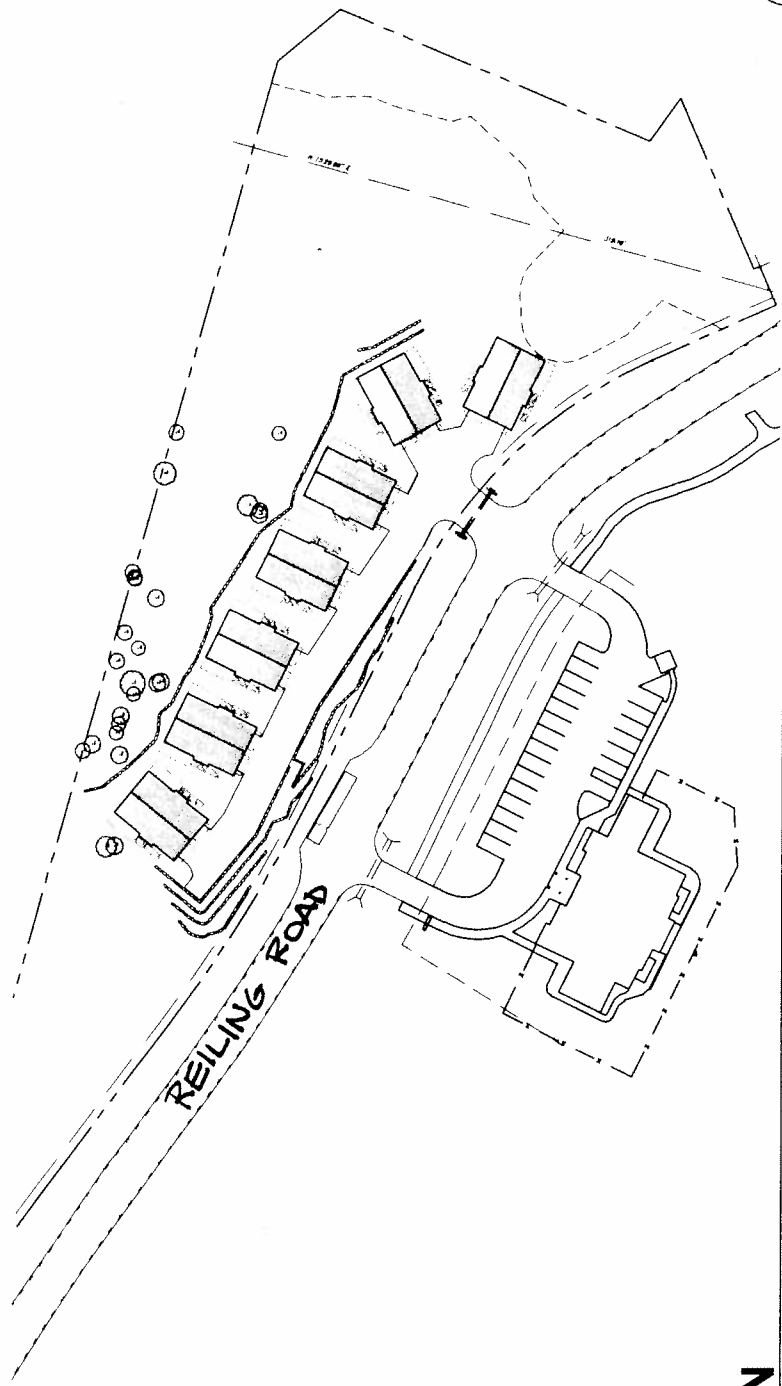
Staff believes that this is a good location for workforce housing (supported by the LUGs) and the development should be reduced to match the existing site disturbance. Staff recognizes that the platted three single family envelopes will likely have more site impact than the proposed workforce housing concept.

Taking into consideration the submitted changes, staff and the applicant are asking for Council comment and direction regarding the appropriateness of this site for increased density and for workforce housing.

PRESERVATION VILLAGE VISTA POINT



STREETSCAPE AT REILING ROAD



SITE PLAN

SCALE: 1" = 10'-0"

RELATIONSHIP
The intent and meaning of these drawings that the Contractor shall understand and provide all labor materials transportation and other services necessary for the complete job within the priced schedule of the industry.

NOTATIONS:
1. All "equal" products will be acceptable with Architect's approval. See specifications.

CONSTRUCTION SAFETY:
The Contractor shall provide for the safety of all workers and the public during construction. All work shall comply with state and federal safety regulations.

CONCRETE:
The Contractor shall obtain a soils report to inspect the subsurface conditions in order to determine the depth of foundation design. See specifications for details.

PAVING:
The Contractor shall obtain approval from the Engineer before any cutting, reworking or placement of any cast-in-place concrete, steel framing or any other material. Refer to the appropriate Code Requirements for details.

OTHER CONDITIONS:
The Contractor shall be responsible for obtaining all necessary permits, licenses, and approvals for the work. The Contractor shall be responsible for the work from the Architect.

ILLUSTRATIONS:
The Contractor shall verify all existing grades and stakes at all corners and driveway location for Owner/Architect and the Engineer's approval prior to beginning any site clearing.

PERMITS:
The Contractor shall be responsible for obtaining all necessary permits, licenses, and approvals for the work. The Contractor shall be responsible for the work from the Architect.

PROTECTION:
The Contractor shall be responsible for protecting all existing utilities, structures, and landscaping during construction. The Contractor shall provide protective fencing throughout construction.

QUALITY CONTROL:
The Contractor shall check and verify all grades including all areas before pouring any foundation. Survey work shall be verified in detail. See numbers 5 and 6.

DEVELOPMENT PERMIT:
The Contractor shall be responsible for obtaining all necessary permits, licenses, and approvals for the work. The Contractor shall be responsible for the work from the Architect.

TYPICAL UNIT AREA CALC

	UNFINISHED	FINISHED	TOTAL
WALL	528 SF	0 SF	528 SF
FLOOR	0 SF	751 SF	751 SF
PER UNIT	0 SF	528 SF	528 SF
TOTAL	528 SF	1266 SF	1894 SF

NOTE: SQUARE FOOTAGES ARE CALCULATED FOR FINISHED CONDITIONS. SQUARE FOOTAGES ARE CALCULATED FOR ANY OTHER PURPOSES.

HEET INDEX

- 1. SHEET 1 OVERALL SITE PLAN
- 2. ENLARGED SITE PLAN / LANDSCAPE PLAN
- 3. TYPICAL UNIT LOWER LEVEL FLOOR PLANS
- 4. TYPICAL UNIT UPPER LEVEL PLAN & ROOF PLAN
- 5. BUILDING ELEVATIONS

MEMORANDUM

TO: Town Council
FROM: Chris Kulick, Planner I
DATE: September 2, 2009
SUBJECT: Housing Impact Study

Earlier this summer on June 9th Council had a chance to review the first draft of the Town's Housing Impact Study. During that discussion there was not much of an opportunity for feedback from council relative to the study due to time constraints. For the September 8th meeting we ask Council to review the document once again and provide staff with any feedback or concerns they have about the study so that it can be incorporated into a final version of the document. Since Council's initial review of the study, staff has added an additional section on property tax and real estate transfer tax. In addition to the Housing Impact Study staff has included a memo from Melanie Rees and Chris Cares which gives further information on the 914 unit figure from the *Housing Needs Assessment*.

Memorandum

To: Breckenridge City Council and Staff

From: Melanie Rees
Rees Consulting, Inc.

Chris Cares
RRC Associates

RE: 2008 Workforce Housing Action Plan

Date: February 27, 2008

Over the past several months we have assisted your Affordable Housing Committee and Planning Department staff in the creation of a detailed, comprehensive plan for addressing workforce housing needs in Breckenridge. The plan builds upon strategies adopted in 2000, incorporates key elements of the *2002 Town of Breckenridge Vision Plan*, provides quantitative goals, and delineates 17 specific tasks to be undertaken in 2008.

The primary goal of the plan is to insure that 900 additional workforce housing units are approved and/or constructed by the time the community reaches full build out. This 900-unit goal is based upon the findings of the *2006 Breckenridge Housing Needs Assessment*. It is important to note, however, that the 900-unit deficit figure was conservative. Specifically:

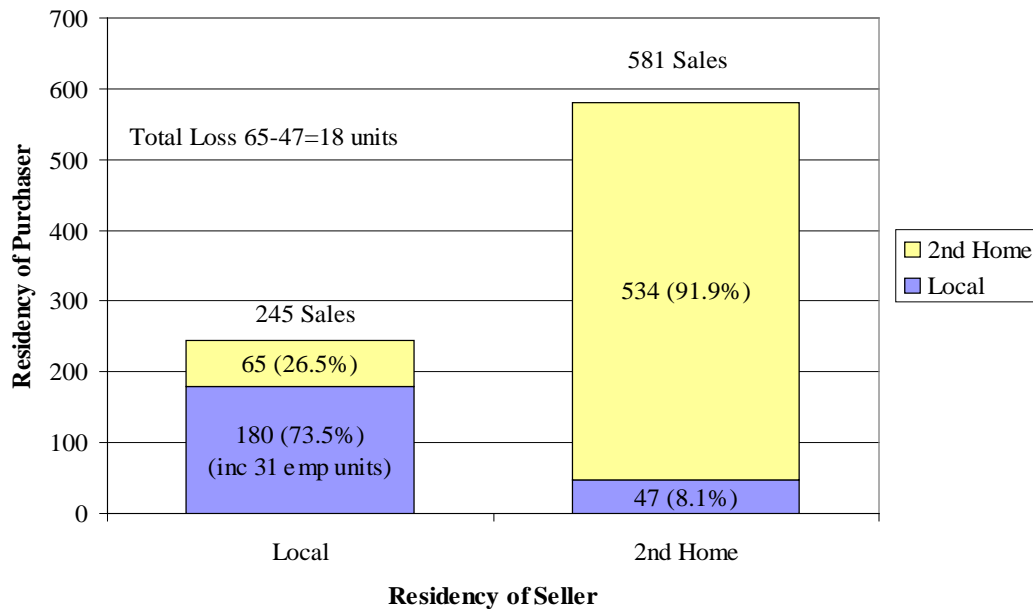
- Gaps were based only on the demand generated by income groups with the greatest need not met at historic housing prices; as rents and home prices escalate, the gap will increase;
- The needs of renters with incomes over 60% AMI were not included because they have historically been served by the market; the deficit does not include the needs of seasonal renters with incomes greater than 50% AMI.
- Existing housing problems such as overcrowding, cost burdened and living in substandard physical conditions were not included.
- Blue River residents who in commute and want to live in Breckenridge were excluded.
- It did not account for the loss of free-market units that are now occupied by members of the workforce.

This last point is particularly important since approximately 1,000 market units currently house employees and are at risk for a variety of reasons. Given experience in other high-cost mountain communities, information from the 2007 Community Survey and trends clearly evident in Breckenridge, it is likely that the majority of these units will become unaffordable or unavailable to local employees over time as owners retire, sell, relocate, or convert rentals to personal use. At some point in the future almost all local employees will only be able to live in deed-restricted housing given the escalating prices of real estate and the competition for units by retirees and second-home owners.

While it is difficult to project an exact rate of loss given multiple variables, it appears the rate of loss could average in the range of 60 to 100 units per year within the next 5 to 10 years due to the following trends:

- A higher percentage of the local resident population will be retired, as is the case across much of the nation with “baby boomers” reaching retirement age. The School District estimates that 29% of their employees are within 5 to 10 years of retirement.
- More retirees will be moving into Breckenridge and displacing local residents; 11% of second homeowners indicate they intend to retire to the area.
- Rental units are being lost and this trend will continue. A local property management company anticipates loss of long-term rentals at the rate of about 20% per year. Conversion of units now owned by out-of-town owners but occupied by renters is the main factor in this trend:
 - 9% of second homeowners rent their units full time but only 6% intend to continue to rent their units full time; and
 - 52% of second homeowners intend to use their second home more for personal use and use by friends and family.
- Units owned by local residents are being purchased by out-of-town owners for use as vacation/second homes. From 2006 to 2007, 65 units in Breckenridge that were owned by locals were sold to non-residents. While some residences also converted from out-of-town to local ownership, most of these appear to be retiree rather than workforce purchasers. On a net basis, the rate of loss in local ownership averaged about 16 units per year between 2003 and 2007. Given the size and values of units that converted, the rate of loss in workforce ownership was probably closer to 30 units per year.

Sales between June 2006 and June 2007 (Town of Breckenridge)



- Other resort communities have experienced dramatic reduction in unrestricted workforce housing. The Town of Aspen lost 600 locally-owned units (7% of housing stock) over three years.

TOWN OF BRECKENRIDGE



Workforce Housing Impact Study 2009



Town of Breckenridge Workforce Housing Impact Study

Prepared by the Community Development Department
P.O. Box 168
Breckenridge, Co. 80424

Town Council
John Warner, Mayor
Eric Mamula
Rob Millisor
Jeffrey Bergeron
Peter Joyce
Jennifer McAtamney
David Rossi

Planning Commission
Rodney Allen, Chair
Michael Bertaux
Dave Pringle
Dan Schroder
Leigh Girvin
Jim Lamb
J.B. Katz

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Cover Photo:

Wellington Neighborhood
By Laurie Best

Overview

Recently Town Council has requested Community Development staff to address the impacts associated with workforce housing unit generation. According to our latest needs assessment, 914 additional units of workforce housing are needed to meet demand. This study will focus on some of the perceived benefits (decreased vehicle miles traveled, employee retention, participation in the community, greater possibilities for alternative transit, stronger year round economy and community preservation) and perceived negatives (traffic congestion, Increased demand on services, facilities, and resources) that may be generated as by-products of workforce housing. The study is broken into 10 quantifiable categories and sub-categories. Many of the topics have been previously covered by the capacity analysis but are being specifically scrutinized in this document for the effect workforce housing generation has on them. Listed below are the 10 categories and a snapshot of their perceived impacts.

1. Water – neutral impact
2. Sewer – neutral impact
3. Community Character
 - Voter Participation – positive impact
 - Boards & Commissions/Town Staffing – positive impact
4. Recreation
 - Recommended Park Space – negative impact
 - Recommended Open Space – neutral impact
 - Town Recreation Facilities – negative impact
5. Traffic
 - Vehicle Miles Traveled – positive impact
 - Wildlife Conflict – positive impact
 - In-Town Congestion – negative impact
 - Highway 9 Congestion – positive impact
6. Parking
 - Town Controlled Parking – neutral impact
7. Transit – neutral impact
8. Schools – negative impact
9. Childcare – positive impact
10. Local Economy
 - Economic Benefits – positive impact
 - Workforce Retention & Performance – positive impact
 - Property Tax – neutral impact
 - Real Estate Transfer Tax – neutral impact

Assumptions

For this study we have made impact assumptions based on the addition of 914 workforce housing units beyond the Town's projected residential buildout of 7,351 units. We have also made the assumption there will be no loss of any of the estimated 1,000 market rate units that currently serve as workforce housing. While these assumptions were made to paint the most intensive scenario the impacts 914 additional work force housing units may create, it is anticipated that the majority of the 1,000 market units ultimately will be converted to retiree/ second homes. Of the assumed 914 new units, 51% are anticipated to be occupied by current in-commuters and 49% will be occupied by completely new residents. Each unit is expected to house 1.76 residents. These ratios are based off of information in the *2006 Town of Breckenridge Housing Needs Assessment*.

Populationⁱ

Current Population: 3,493

Anticipated population at buildout: 4,020

Anticipated Population at buildout + 914 workforce units: 5,629¹ (includes the 1,000 market rate units currently occupied as employee households)

Employment Base

Number of Jobs in 2006: 7,530

Anticipated Number of Jobs at Buildout: 10,000

Categories

Water

As previously noted in the Capacity Analysis, the water system at buildout is projected to exceed buildout demand by 1,125 water SFEs under the system capacity that was established by Water Division Manager Gary Roberts on April 11, 2007. The system capacity of 13,055 water SFEs is based off of wet water treatment capacity solely from the Goose Pasture Tarn Plant, with precipitation numbers from our worst recorded drought year in history, 1950.

Historically water SFEs for Affordable housing units average out to be exactly 1.0 water SFE. From this standpoint it is easy to see the exact impact any number of affordable housing units will have on our excess water SFEs. For instance if 350 affordable units are created on Block 11, this will result in lowering our surplus of 1,125 water SFEs down to 775 water SFEs, if density is not transferred. In another example, if we meet our 914 units of affordable housing need, and do so without transferring density; we would see a remaining surplus of 211 water SFEs.

Water Availability	
Total Future Residential	1936
Total Future Commercial	262
Total Future Residential & Commercial	2,198
Out of Town	490
Total Future Within District	2,688
Existing Within District	9,242
Projected Buildout	11,930
System Capacity	13,055
Excess SFEs at Buildout	1,125.00
Excess SFEs at Buildout + 914 WF Units	211

Sewer

Presently the Breckenridge Sanitation District has reviewed the Town's most recent buildout projections, along with Upper Blue Basin buildout projections; based off of this information the Sanitation District has developed a facilities master plan. The Sanitation District has engaged an engineer to begin designing a facility that will support the district through buildout, including the 914 units of additional workforce housing.

Community Character

The preservation of community character was identified in the Town's Vision Plan as the most important issue and should be considered a priority in future decision making. Many intangibles such as having strong relationships with neighbors, actively participating in community events and having local businesses, go into maintaining community character. Many of these types of items are difficult to identify in a quantifiable study such as this, but in general are supported through the creation of workforce housing.

Voter Participation

¹ The 2008 Town of Breckenridge Comprehensive Plan projected a maximum population of 5,681 residents.

One of the few quantifiable measures of community character is voter participation. Staff compared registered voter numbers and turnout percentage of the Town Council Election held just prior to the first certificates of occupancies for the Wellington Neighborhood, Gibson Heights and Vista Point to our most recent Town Council election held in April 2008. Over this same time period the Town increased the number of workforce housing units from 135 to 485. During the same time, total in-Town housing units increased from 4,748 to 6,228. Of the 1,480 unit increase 24% of the units were deed-restricted workforce units. Below are the numbers from the two elections.

Town Council Election	Total number Voting	Total # of Registered Voters	% of total # of Registered Voters Which Voted
2000	244	2,474	9.80%
2008	409	3,328	12.20%

As demonstrated above there was a 2.4% increase in voter turnout of all registered voters in comparing the 2000 to 2008 Town Council elections. 2.4% may not sound like much but considering voter turnout was only at 9.8%, it's actually a 24% increase of participating voters. The voter turnout increase of 24% is interestingly enough the same as the percentage of workforce units created out of the new total number of housing units.

Boards and Commissions and Town Staffing

Beyond voter participation, the make-up of the current major boards and commissions and Town staffing serves as a further example of the impact affordable housing has on community participation.

- Town Council – 3 of 7 members reside in workforce housing.
- Planning Commission – 2 of 7 members reside in workforce housing.
- Open Space Advisory Commission – 3 of 7 members reside in workforce housing.
- Town of Breckenridge full-time employees - 14.5% reside in workforce housing.

Recreation

Recommended Park Spaceⁱⁱ

At buildout, plus 914 additional units of employee housing, the Town will increase our current deficiency of 30.1 active park acres to 50.6 acres, unless new park space is created. In preliminary plans for Block 11, 4.55 acres of active park space is planned.

Recommended Open Space

With a potential year round population of 5,629 residents and a current total of 3,934 acres of Town managed open space this will equal 0.7 acres of open space per permanent resident. When the Town's projected maximum peak population of 61,305 is taken into account, the ratio of open space acreage per person will be lowered to 0.064 acres of open space per person². Despite 0.064 acres of open space per person being a much lower number, it is over six times greater than the 0.0105 acres of open space per person that the National Parks and Recreation Association recommends.

Town Recreation Facilities

With the possible large addition of workforce housing units, the Town's recreation facilities will not be able to handle the impacts very well. According to the Recreation Department, youth programs and fitness classes are currently at full capacity. Any additional growth beyond the present with or without workforce housing will place additional burden on these programs. In addition to youth programs and fitness classes, time allotted to hockey programs at the ice arena is also maxed out. No additional ice time for hockey programs is available currently without substantially cutting into the public skating and lesson programming elements at the ice arena. The Recreation Department further pointed out many other elements would be

² This assumes no additional open space will be purchased beyond our current 3,934 acres.

affected by the proposed scale of development of workforce housing, but without specific programming desires it is difficult to quantify the specific elements at the present time.

Traffic

Vehicle Miles Traveledⁱⁱⁱ

According to the *2006 Town of Breckenridge Housing Needs Assessment* there are 3,045 individuals that “in-commute” to Breckenridge for employment. The average round-trip distance for an “in-commuters” is 27.8 miles and for 90% the mode of travel is a single-occupancy vehicle. The byproduct of “in-commuting” is a serious amount of vehicle miles traveled and a large expenditure of greenhouse gases. From a global perspective this is an unsustainable practice.

Also within the same 2006 Housing Needs Assessment a total of 460 units were indicated as being needed for “in-commuters” desiring to move to Breckenridge to be closer to work. If 460 units targeted for “in-commuters” were successfully created, this could potentially reduce 53,859 vehicle miles traveled (VMT) per week, 12.7%, off the staggering total of 423,255 VMTs per week in-commuters totaled in 2006.

The environmental impacts associated with these VMTs are significant. If 648 of the 3,045 “in-commuters” were to move to Breckenridge there would be a potential reduction of 26.4 tons of CO₂ per work week over 2006 levels³. To put this in perspective it would take 1.37 solar installations the size of Denver International Airport’s two-megawatt system to have the same weekly CO₂ reduction.



Beyond the greenhouse gas implications of long daily commutes there is a concern for wildlife. “The primary way people kill wildlife is not by hunting or trapping, but with their automobiles. It is estimated motor vehicles kill over a million animals in collisions every day in the US” (Bikesatwork). All in-commuter routes to Breckenridge travel through known wildlife corridors and a reduction of VMTs could also mean a reduction in animals killed by automobiles.

In-Town Congestion

In-Town congestion has always been a concern for many residents and the thought of having an additional 914 units of workforce housing exacerbates that concern for many residents. In an earlier capacity analysis study it was estimated the volume of traffic will increase on peak days by 26.5% in the core of Town at buildout. If we factor in 914 additional workforce units into the equation, traffic volumes are expected to increase by 32.9% on peak days^{iv}. This is 6.4% beyond what is anticipated from buildout alone. It is important to note these predictions are made without any increases in alternative transportation usage or upgrades in roadway infrastructure, which would also alleviate some congestion.

Highway 9 Congestion^v

³ This is based off in-commuters driving a 2005 Subaru Outback AWD wagon.

Just as in-town congestion is a concern for many residents, congestion to the north and south of Town on Highway 9 is also a concern for the Town’s residents and visitors. Based off of information from the 2006 Town of Breckenridge Housing Needs Assessment on in-commuter travel patterns, it is estimated that annual average daily traffic (AADT) will decrease by 560 trips on Highway 9 at Tiger Road and AADT will decrease by 607 trips on Highway 9 south of Boreas Pass Road with the addition of 914 workforce housing units compared to having no further workforce housing developed. Based off of 2007 information from the Colorado Department of Transportation (CDOT), 560 trips equates to 3.2% of the entire AADT on Highway 9 at Tiger Road, and 607 trips equals 6.7% of the AADT on Highway 9 south of Boreas Pass Road.

Parking

Along with traffic congestion another subject that is of strong concern for local residents is availability of parking. Town staff has been closely monitoring the parking levels in Town for the past two winter seasons and has ample data to project how additional workforce housing will impact availability.

Town Controlled Parking

The average parking occupancy in Town-controlled spaces for the past two winter seasons has been 60%, with the peak day being 84%. These numbers indicate there is ample Town-controlled parking at the present time.

2007/2008 & 2008/2009 Winter Season	
Average Daily Occupancy	60%
Single Day Peak Occupancy	84%

These numbers are projected to increase by 23 %, based on buildout, to the numbers listed below.

Buildout Winter Season	
Average Daily Occupancy	79%
Single Day Peak Occupancy	109%

Unlike traffic congestion, parking occupancy at peak times is expected to be impacted very minimally by the prospect of 914 additional workforce housing units. If anything, parking occupancies during peak times will be slightly lessened through the creation of in-Town workforce housing. The rationale for this is 90% of in-commuters travel to work in single-occupancy vehicles. Each one of these vehicles requires a parking space all day long. Even if housing isn’t created there will still be demand for parking by workers that drive from their outlying housing. With in-Town employee housing there is at least the chance for increasing the use of alternative transportation, which is not possible for in-commuters. For the purpose of this study we are projecting Town-controlled parking occupancies to be the same with or without 914 units of workforce housing at peak times. It should be noted that occupancies at Town controlled spaces at non-peak times are anticipated to increase with the addition of workforce housing units. Quantifying the impacts additional units of workforce housing will have on Town controlled spaces at non-peak times cannot be carried out at this time because the entire baseline parking data has been collected at peak times.

Transit

With increased in-Town population and density through workforce housing, usage of alternative forms of transportation are expected to increase. Presently 5.2% of single-family, owner occupied, workforce housing trips and 16.1% of multi-family, rental, workforce housing trips utilize transit. If this trend continues, an additional 914 workforce housing units will generate approximately 628 additional transit trips per day and 229,220 trips per year^{vi}. The amount of trips anticipated to be generated by 914 additional units is equivalent to 33% of 2008's total ridership number, 697,185 trips. Staff's estimate of 629 trips per day is higher than the *Breckenridge 2009 Transit Plan* estimate of 150-200 transit trips per day for the proposed 231-400 workforce units on Block 11.

Schools

The impact on local school enrollment at buildout + 914 workforce housing units is shown below. In both situations Breckenridge Elementary is expected to be over capacity without any additional expansion. Upper Blue Elementary is only expected to be over capacity with additional workforce housing. Projections for both Summit Middle School and Summit High were unable to be calculated due to unavailable population and buildout information for other areas of the County.

School	Enrollment ^{vii}			School Capacity
	2006	At Buildout	At Buildout + 914 WF Units	
Breckenridge Elementary	226	299	339	279
Upper Blue Elementary	230	304	345	324
Middle School	654	Unknown	Unknown	900
High School	889	Unknown	Unknown	1,000

Childcare

Previous permanent residence estimates from the *2007 Town of Breckenridge Childcare Needs Assessment* were within 13% of what the unit count will be with 914 additional workforce housing units beyond buildout. The additional 353 permanent resident units (13%) actually lowers the need for childcare spaces a slight amount because they decrease the number of projected in-commuters. The needs assessment identified that in-commuters have different childcare needs than permanent residents. According to the needs assessment, most in-commuters use care 4 to 5 days per week as compared to 1 to 2 days for Breckenridge and Blue River residents. Below are tables of the total number of current

Childcare Facility	Number of Daily Spaces
Little Red	78
Carriage House	72
Breckenridge Montessori	30
Timberline Learning Center	68
Total	248

daily childcare spaces, the projected childcare spaces needed at buildout from the needs assessment information and the revised need at buildout, plus an additional 914 workforce housing units.

	At Buildout	At Buildout + 914
Daily Childcare Space Needed ^{viii}	271	270
Deficit	23	21

Local Economy

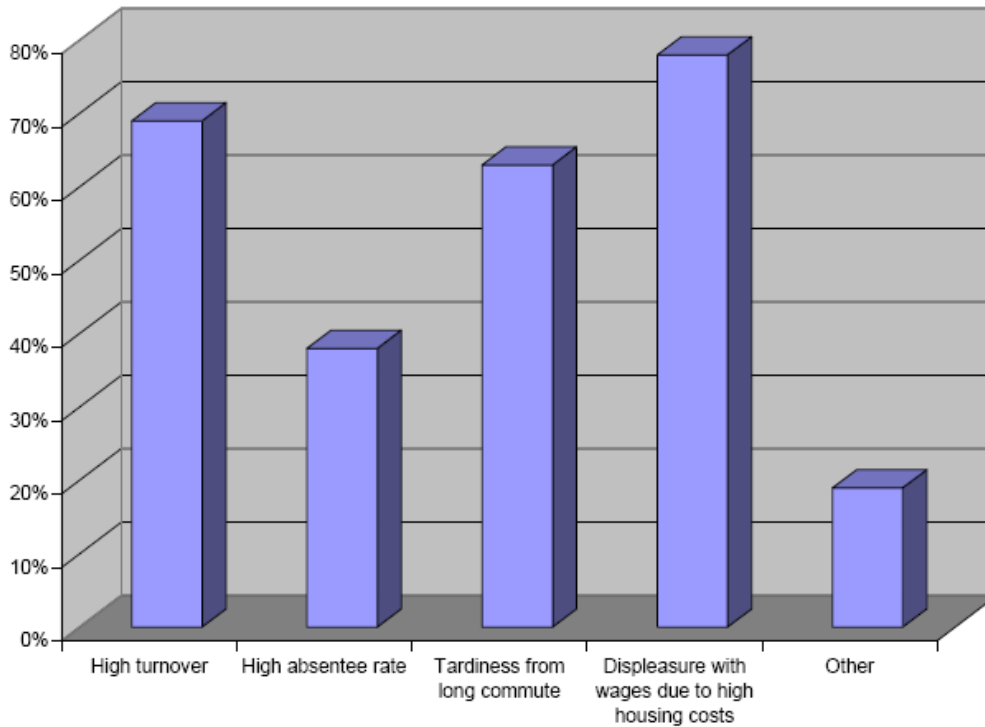
Economic Benefits

Having an additional 1,627 permanent residents has the potential to strengthen the local economy. Residents of workforce housing typically have additional money that previously went to transportation costs or high rents. This issue was addressed in a Sierra Club study, which found that in Colorado the “Spending Patterns of formerly rent/housing burdened households will have an average of \$2,460 additional annual income to spend on other goods, including health care, food, and transportation” (Sierra Club). Additionally residents tend to shop and dine closest to where they reside. Individuals that live in Breckenridge will mostly dine and shop in Breckenridge. Individuals that live in Frisco or Silverthorne will shop and dine near their homes. The greater the number of the workforce we have living in Town, the greater the chance we have for them to be spending money within Breckenridge.

Workforce Retention & Performance

Breckenridge prides itself on being a friendly, welcoming, real town. Many of our merchants have gone to great lengths to ensure superior experiences are delivered by their staffs and have subscribed to the successful “Friends Welcome” training program. Without adequate affordable housing many of these efforts will be undermined due to high costs and geographic barriers that are the reality for many in our workforce. According to an ULI/ Harris Interactive Survey released June 2007, “69 percent of companies believe a long commute increases employee stress; 63 percent believe it triggers negative emotion among employees; 48 percent said it causes more absenteeism; and 46 percent said it contributes to employee turnover/attrition” (ULI). Additionally the San Miguel County Housing Needs Assessment (Telluride) cites lack of close affordable housing as being responsible for variety of employee problems. The graph below summarizes the problems associated with relying on an in-commuter workforce as reported by employers in San Miguel County.

How Housing Problems Affect Work Performance



Source: San Miguel County Housing Needs Assessment

Property Tax

By controlling property prices through deed restrictions we have created the ancillary effect of artificially lowering property taxes for workforce units. In a comparison of homes in the Wellington Neighborhood we found on average deed restricted homes are taxed at a rate that is 63% of what the same model market-rate home is taxed. As a result of price control, the Town's portion of collected property taxes averages \$133.50 lower per property in the Wellington Neighborhood for deed restricted units compared with same model market rate units. It is important to note the overall difference for all workforce housing units is much lower than \$133.50 because of the Wellington Neighborhood's position in the upper end of the workforce housing market.

Real Estate Transfer Tax

Another form of taxable revenue the Town loses out on through the creation of workforce housing is Real Estate Transfer Tax. In the last nine years a total of \$78,064,521 of deed restricted workforce housing has been sold within the Town. This averages out to \$8.7 million in deed restricted sales per year. By exempting deed restricted housing from our 1% Real Estate Transfer Tax we have forfeited roughly \$87,000 of additional yearly revenue.

Another way of looking at both the Property Tax and Real Estate Transfer Tax losses described above is to consider them "phantom losses" or losses from profits we would not have received. Since most of the Town's Workforce housing has or will be created by annexation and up-zonings it isn't realistic to assume the units would have been built as free-market units. Since similar free-market units would not have been built in the place of workforce units, there are no actual revenues we are losing out on. In the case of property taxes the argument can be made that we are actually accruing funds we would have not otherwise received if workforce housing were not developed.

Conclusions

Positive Impacts

- Additional workforce housing will lower vehicle miles traveled considerably and in turn reduce CO2 emissions substantially.
- The year round economy will be strengthened through the addition of 1,627 additional residents.
- Workforce retention and job performance are anticipated to increase from workforce housing generation.
- There are some indicators suggesting increases in community participation associated with workforce housing creation.
- Less vehicle miles traveled reduces vehicle conflicts with wildlife.

Neutral Impacts

- Excess water SFEs reduce from 1,125 to 211 with workforce housing.
- Additional workforce housing has no capacity issues for the Sanitation District, as they are presently constructing a system to accommodate buildout.
- Even with additional workforce housing our current inventory of open space is over six times the recommended amount.
- Workforce housing impacts on parking, at peak times, is projected to be neutral.
- 401 additional transit trips per day are anticipated to be generated with increased workforce housing.
- The affect of workforce housing on childcare is projected to be neutral.
- Expecting transfer & property tax revenues from workforce housing units to be similar to market rate units isn't realistic.

Negative Impacts

- With additional workforce housing, in-Town vehicular congestion is anticipated to grow 6.4% beyond what was anticipated from buildout alone.
- Enrollment at local schools is projected to exceed capacity with additional workforce housing. Breck Elementary is anticipated to exceed capacity at buildout without additional workforce housing.
- Certain segments of the Town's recreation facilities are already over capacity. Any additional growth, of any kind, will impact fitness classes, youth programs and hockey programs.
- With additional workforce housing our current deficit in park space grows from 30.1 acres to 50.6 acres.

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End Notes

ⁱ **Population Calculations**

Current Population: (6,386 Housing units) x (25.32% Occupancy) x (2.16 Residents per unit) = 3,493

Buildout Population: (7,351 Housing units) x (25.32% Occupancy) x (2.16 Residents per unit) = 4,020

Buildout Population + 914 WF Units: (914 units) x (1.76 residents) = 1,609 + 4,020 = 5,629

ⁱⁱ **Revised Calculation for Recommended Park Space:**

Breckenridge Residents: (4,020 permanent population at buildout estimate) + (1,609 population from 914 units of WFH) = 5,629ⁱⁱ

Breckenridge Summer Peak population: $35,767 - 5,629 = 30,138 \times 0.5 = 15,069 + 5,629 = 20,698$

$15,069 + 5,629 = 20,698 / 1,000 = 20.7 \times 5 \text{ acres} = 103.5 \text{ acres needed}^*$

Total of All Park Space Located in Town = 52.9 Acres (Includes School District owned land)

Town's Future Number of Acres in deficiency of Park Space = 50.6 Acres

ⁱⁱⁱ **Calculation for Reduced Vehicle Miles Traveled**

(460 units) x (1.76 residents per unit) = 810 residents

80% of the 810 residents work in Breckenridge = 648 Breckenridge Workers

90% of the 648 workers commute in Single Occupancy Vehicles = 583.2

(583.2 SOVs) x (27.8 miles, Average in-commute) = reduction of 16,123 Vehicle Miles Traveled

(16,123 commuter miles) x (5 day work week) = 81,065 VMTs

(583.2 In-Town Commuters, in SOVs) x (4 miles of in-town commuting) x (5 day work week) = 11,664 VMTs

20% of the 810 residents out-commute = 162 resident out-commuters

90% of the 162 out-commuters do so in SOVs = 146

(146 out-commuters) x (21.32 mile average out-commute) x (5 day work week) = 15,564 weekly VMTs

(81,065 weekly in-commuter VMT savings) – (11,664 In-Town Commuter Gain) – (15,564 Out-Commuter Gain) = 53,837 projected weekly VMT savings

(53,837 projected VMT savings) / (423,255 Current in-commuter weekly VMTs) = 12.7%

iv Calculation for In-Town Congestion

- Number of units currently built – 6,455
- Number of Units at Buildout – 8,321; 23% More
- Number of Units at Buildout + 914 = 9,235; 30% More
- Projected average Traffic Volume Increase in Town Core = 26.5% (2008 FHU Study)

(26.5% = Average Traffic Volume Increase in Town Core) / (23% = remaining undeveloped units) = 1.152

1.152 x (30% = remaining undeveloped units + 914 WF units) = 34.6%

34.6% - 26.5% = (8.1%, gap between expected growth from buildout and addition of 914 WF housing units)

51% (460) of the identified 914 units are designed for in-commuting employees. On average in-commuting employees make 40% as many in-Town trips as Town residents.

49% of the identified 914 units are designed for individuals not currently working in Town but will eventually because of job growth.

8.1 x (0.51 units expected to go to in-commuters) = 4.131 x (0.6 percentage of new trips for previous in-commuters) = 2.4786

8.1 x (.49, new residents not previously in-commuting) = 3.969

2.4786 + 3.969 = (6.4476%, adjusted gap between expected growth from buildout and addition of 914 WF housing units)

(26.5%, Average Traffic Volume Increase in Town Core) + (6.4476%, adjusted gap between expected growth from buildout and addition of 914 WF housing unit) = (32.9% anticipated increase in traffic volume in core of Town at buildout + 914 WF units).

v Calculation for Highway 9 Congestion

Total in-commuters in 2006:	3,005,	100%
Total in-commuters traveling north:	1,443,	48%
Total in-commuters traveling south:	1,562,	52%

Number of previous in-commuters
Anticipated to be living in the 914
units of workforce housing: 583

North Reduction: (583 new residents) x 48% = 280 x (two way trip) = 560 AADT reduced

South Reduction: $(583 \text{ new residents}) \times 52\% = 303 \times (\text{two way trip}) = 606 \text{ AADT reduced}$

North Percentage of 2007 Hwy 9 + Tiger Road AADT: $560 / 17,500 = 3.2\%$

South percentage of 2007 HWY 9 + south of Boreas Pass AADT: $606 / 9,000 = 6.7\%$

^{vi} **Calculation for Transit Ridership**

Single-Family, Owner Occupied

5.2% transit is based off the 2008 yearly ridership of the Breckenridge Purple Route.

$(419 \text{ workforce households}) \times (8 \text{ auto trips per day}) = 3,352 \text{ daily auto trips}$

$(67,547: 2008 \text{ total purple route ridership}) / (365 \text{ days per year}) = 185 \text{ transit trips per day}$

$3,352 + 185 = 3,537 \text{ total trips}$

$185/3,537 = 5.2\% \text{ total transit ridership.}$

Multi-Family, Rental

16.1% is based off of 2008 yearly ridership of the Breckenridge Yellow Route's Breckenridge Terrace & Pinewood Village stops.

$(266 \text{ workforce households}) \times (6 \text{ auto trips per day}) = 1,596 \text{ daily auto trips}$

$(112,450: 2008 \text{ total Breckenridge Terrace \& Pinewood Village ridership}) / (365 \text{ days per year}) = 308 \text{ transit trips per day}$

$1,596 + 308 = 1,904 \text{ total trips}$

$308/1,904 = 16.1\% \text{ total transit ridership.}$

Future Ridership

Recommended Rental Units: 314

Recommended Owner Units: 600

$(308 \text{ transit trips per day}) / (266 \text{ units}) = 1.16 \text{ daily trips per rental unit}$

$(185 \text{ transit trips per day}) / (419 \text{ units}) = 0.44 \text{ daily trips per owner occupied unit}$

$(314 \text{ rental units}) \times 1.16 = 364 \text{ future daily trips}$

$(600 \text{ owner units}) \times 0.44 = 264 \text{ future daily trips}$

Total future daily trips = 628

Total future yearly trips $628 \times 365 = 229,220$

^{vii} **Calculation for Projected School Enrollment**

All enrollment & population numbers are from the year 2006

$(3,406, \text{ total Breckenridge population}) / (8,838, \text{ total Upper Blue population}) = 38\% \text{ population in Breckenridge \& } 62\% \text{ in un-incorporated County / Blue River}$

$0.38 \times (226, \text{ Breck Elementary enrollment}) = 86 \text{ students attributed to TOB residents}$

$(3,406, \text{ 2006 TOB permanent residents}) / (4,020 \text{ TOB permanent residents @ buildout}) = 85\%$

$(86 \text{ TOB students}) / 0.85 = 101, \text{ expected TOB students @ buildout}$

$(140 \text{ UB/ BR students}) / .7082 = 198, \text{ expected UB/BR students @ buildout}$

$(101, \text{ expected TOB students @ buildout}) + (198, \text{ expected UB/BR students @ buildout}) = 299 \text{ Students at buildout}$

$(3,406, \text{ 2006 TOB permanent residents}) / (5,629 \text{ TOB permanent residents @ buildout} + 914 \text{ WF housing units}) = 61\%$

$(86 \text{ TOB students}) / 0.61 = 141, \text{ expected TOB students @ buildout} + 914 \text{ WF housing units}$

$(141, \text{ expected TOB students @ buildout} + 914) + (198, \text{ expected UB/BR students @ buildout}) = 339 \text{ Students at buildout} + 914 \text{ WF housing units}$

viii Calculation for Childcare Spaces

Total number of Breckenridge & Blue River Children expected to need care: 329

Total number of in-commuter Children expected to need care: 174

Calculation for 13% more residents & 13% less in-commuters

Residents: $1.13 \times 329 = 372 \times (2 \text{ days per week}) = 744 \text{ slots}$

In-Commuters: $0.87 \times 174 = 151 \times (4 \text{ days per week}) = 604 \text{ slots}$

$(\text{Total Slots needed: } 1,348) / (5 \text{ day work week}) = 270 \text{ daily slots}$

Calculation for amount specified in Childcare Needs Assessment

Residents: $329 \times (2 \text{ days per week}) = 658 \text{ slots}$

In-Commuters: $174 \times (4 \text{ days per week}) = 696 \text{ slots}$

$(\text{Total Slots needed: } 1,354) / (5 \text{ day work week}) = 271 \text{ daily slots}$

Memorandum

To: Town Council
From: Open Space and Trails Staff
Re: Commercial Huts on Open Space
Date: September 2, 2009 (for September 8th meeting)

Background

The topic of huts on open space has been addressed at a number of BOSAC and OSAC meetings and a joint meeting between the two boards that was held in July. The discussion was originally discussed relative to a specific proposal to locate a Summit Huts Association hut on the Black Gulch property. This proposal came to both BOSAC and OSAC primarily because the Forest Service had required Summit Huts to exhaust all private property options before they further proceeded with a proposal on National Forest lands. For the July meeting, Town and County staff decided that before the particular details of this proposal could be further analyzed by either board, there should be a more general discussion on the appropriateness of a commercial hut operation on Town and County open space lands. The following information was provided to the two boards to help reach consensus on this issue.

The Town of Breckenridge Open Space Plan (revised in 2007) states:

“The Town established a legacy of open space land acquisition, as the Council had recognized that Town residents needed open space for parks and recreation, for protection of scenic areas, and for relief from development.”

The second place to look for policy direction on this particular topic is to look at what is in the guiding documents for each open space program as it relates to structures:

Summit County Development Code (2009) states:

Definition of Open Space: Lands that are in a predominantly undeveloped state and provide one (1) or more of the following community benefits: extensions to existing undeveloped open space lands; buffers to developed areas; view corridors; access to trails, trailheads, water bodies, or National Forest areas; passive recreation uses including trails; unique ecological habitats and historic sites.

The Summit County Comprehensive Plan (2003) states:

“Open Space ... [is] an area that provides some type of refuge from the developed landscape. At its core, ‘open space’ is a place to recharge one’s soul, to reconnect with the natural environment, and to recreate.”

The Town of Breckenridge Open Space Plan (revised in 2007) states:

“Small structures such as restrooms, bridges, platforms, kiosks and huts/cabins are appropriate on Town open space properties if the structures are intended to support non-motorized, trail-based recreation. To the greatest extent possible within sound engineering guidelines, the structures should fit in with the rustic, backcountry character

of open space properties and should be carefully designed, located and constructed so that the natural and scenic elements of the open space properties are not compromised.”

Summit County Open Space Protection Plan (1996) has no statements anticipating structural improvements on Open Space properties, but states:

"Each acquisition of a real property interest by the County will be accompanied by a requirement that any future efforts to dispose of or materially alter the property acquired will be subjected to appropriate scrutiny above and beyond that otherwise applicable to the disposition of County property."

Open Space Selection Criteria for Recreational properties: “Lands with significant recreational value, particularly non-motorized passive uses not requiring intensive maintenance or management.”

The concept of operating a facility that people pay to use on open space property can also be evaluated in the context of how the two open space programs manage other commercial uses on our lands.

- **Bike races and other Special Events:**
The Town of Breckenridge charges a trail fee to be paid by the event promoter that is based on the number of participants, the percentage of the event that takes place on Town property, and the likely impact that will result from the event. The promoter must fill out a Special Event Permit application.

County fees for Special Events are assessed primarily to recoup the costs associated with administration of the permits.
- **Sleigh rides:** The Town of Breckenridge has commercial sleigh ride operations on two different Town properties. For each of these operations, the Town has a License Agreement for the use of the trails and charges a flat fee based on the percentage of the trail that is on Town property. On the golf course, the sleigh ride operation is run entirely on Town land and the fee is 5% of gross income. On the Breck San District parcel, only half of the trail is on Town property, so the operator pays 2.5% of their gross revenues.
- **Dog sled rides:** Dog sled trips utilize both Town land and property that is jointly owned by the Town and the County in the Middle Fork of the Swan area. This operation is also under a license agreement and the fee is based on the same structure as that of the sleigh rides.
- **Fly-fishing:** Commercial fly-fishing takes place on both County and Town open space properties and land that is jointly owned and managed by the two entities. Thus far, this use has not been managed. There is no fee for use and no agreements in place. This topic needs to be evaluated further. To be consistent with other commercial uses, it may be appropriate for commercial fishing guides to operate under license agreements with associated fees in the future.

Although the two boards decided to get together separately to further discuss amongst themselves, the general sentiment at the joint meeting was that commercial huts were more appropriately located on U.S. Forest Service lands.

BOSAC decision

Following the joint OSAC/BOSAC meeting in July, BOSAC discussed this topic at its August meeting. The following points were prominent in the discussion:

- The existing structures on open space are okay and should perhaps be evaluated for improvement to provide day use for visitors/trail users.
- There is a hesitation to provide exclusive use to a commercial venture.
- There is not support of overnight lodging on open space in general.
- Public open space is not an appropriate area for commercial huts. They should be located on national forest lands, where the agency is better equipped to deal with their impacts.
- There is a need to revise the Open Space Plan to reflect this differentiation.

BOSAC's recommendation to Council coming from this discussion was to amend the Open Space Plan to prohibit commercial huts on public open space. This recommendation was not meant to prohibit all structures on open space and the exclusion was specifically not meant to include day use warming huts that might be associated with one of the nordic centers.

Discussion Items:

1. *Does Town Council support BOSAC's recommendation to exclude commercial use huts as an appropriate use of Town open space property?*
2. *Does Town Council support BOSAC's recommendation to amend the Open Space Plan to clarify this issue?*



To: Mayor and Town Council Members

From: Breck150 Steering Committee

Date: September 2, 2009 (*for 9.8.09 meeting*)

RE: Breck150 Recap Report

BRECK150 VISION: To strengthen Breckenridge's sense of community character and economic sustainability for 2009 and beyond. As a result, Breckenridge emerges as the "gold standard" of the classic western mountain town.

BRECK150 MISSION: Utilize Breckenridge's 150th anniversary as a means to strengthen locals' pride and commitment to our unique historical community, to elevate the visibility and brand awareness of Breckenridge as a heritage destination and to grow visitation by simultaneously improving Breckenridge's heritage products and raising the promotion of them.

First, *Thank you* for allowing us the privilege to bring Breckenridge's 150th birthday to life. It was a great experience for the past two+ years to work collaboratively to mark this once-in-a-lifetime opportunity. This written report is meant to provide you, and the community, a high level overview of our efforts. We will present a short video compilation of the Grand Celebration weekend at the work session.

CAPITAL/PRESERVATION

- *Edwin Carter Museum* – Rehabilitated the home and museum of this early-day pioneer and town leader into a first-class interactive learning center. This project gives the Town two of “the best house museums” in Colorado, according to one visitor.
- *Washington Interpretive Mine* – Rebuilt the dangerously deteriorating infrastructure of this popular site, adding a sluice box and gold-panning facilities for the enjoyment and education of tour-takers.
- *William Briggie House* – Repainted the exterior of this 1896 home of a local banker and his wife – both of whom featured prominently in the early-day Breckenridge social life. Replaced all weather stripping to reduce heating costs.
- *Iowa Hill Placer Mine Site* - Built three new exhibits and created and installed three new interpretive signs to expand and enhance the visitor experience. Hauled and positioned placer pipe from the Wakefield Site to Iowa Hill to explain the process of delivering water to a placer site.
- *Barney Ford House Museum* - Completed the upgrade of lighting in the museum; weatherproofed all exterior doors for energy conservation.

- *Valley Brook Cemetery Restoration* - Continued restoring historic headstones and grave markers; restored the wrought-iron finials on the fencing.
- *Rotary Snow Plow Park* - Volunteers painted the interior of the “station house” with donated supplies, and installed additional artifacts such as a switch and a collection of railroad spikes. A donated flat screen television replaced the bulky set with CD/DVD player formerly in place.
- *Lomax Placer Mine Site* – The assay cabin on this site was in disrepair at the end of the 2008 season, as its floor had collapsed. Volunteers from the Alliance and the Summit Historical Society, with donated concrete and gravel, repaired the floor and improved the exhibits.
- *Engine #9* - Began preliminary work to determine placement of Engine #9 and associated design work for creation of a railroad exhibit.

MARKETING (broken down by committee)

Organizing Committee:

- *Colorado Gold Trail* - similar to a scenic byway (i.e. a travel route along the Colorado gold mining discoveries); a collaboration with Boulder, Black Hawk/Central City, Idaho Springs, Park County (Fairplay, Alma and Como) and Leadville; funded partially by the Colorado Tourism Office; included a website (coloradogoldtrail.com), brochure, ads, and PR efforts resulting in about 2,000 site visits and 5,000 page views over the summer, 92,000 impressions on Colorado.com with a 1.2% click-through-rate, more than 800 information requests to the partners, ten domestic articles mentioning the Gold Trail and inquiries from media in the UK, Germany and Japan.

Marketing Committee:

- *Creative/logo*, including ‘Tool’ kit for BOLT license holders - provided opportunity for businesses to utilize a common ‘look’ in their own endeavors.
- *Heritage-specific advertising* – ad ran in May/June issue of The History Channel Magazine.
- *Website* – Breck150.com provided info on the events and activities, access to the tool kit and links to tourism information.
- *Front Range advertising* –
 - TV: KCNC - :30 and: 15 ads rotated throughout summer for high frequency from mid-June through August.
 - Print: Denver Post – Grand Celebration-focused August schedule supporting the event
 - Radio: National Public Radio (KCFR & KUNC) – underwriting mentions ran from mid-June through August.
 - Online: Colorado.com – 2 campaigns CTR 180x150 .42% – CTR formatted banners 1.29%
- *Breck150 Official Guide* – this 28-page glossy magazine (produced by Mountain News Media/SDN) was produced at no cost to Breck150! It was inserted in the SDN on June 19, July 3 and August 8, as well as distributed at various locations and events.
- *Breckenridge Festival of Film (BFF) program book* – a full page, four color ad ran at no charge promoting the special showing of the Golden Stories as part of the Film Fest.

PR/Community Involvement Committee:

- *Newsletters to BOLT holders* – five issues (October, March, May, June and July) were mailed to approx. 650 businesses; a final ‘report to the community’ remains; a portion of the printing was graciously donated by Laser Graphics.

- *Blogs* –included on the Summit Daily News, Examiner.com, MySpace page and Face Book group
- Breck150 *Summit Daily News* articles submitted by the Breck150 Committee - General overview of the Breck150 (3/21), Rope Tow to Heaven (4/4), History of BSR/Interview With Trygve (4/18), Fuqua (4/25), Get to Know Your Town Month (5/2), Time Capsule Submissions Request (mid-May and early June), Edwin Carter (5/20), Golden Stories/Peaks on the Past DVD (6/2 & 6/4), High Altitude Cooking (7/4), Female Pioneers (7/18), Masons (8/1); articles still to run include History of the Railroad, History of Education in Summit County and History of the Red, White and Blue Fire Department.
- *Photography/Videography* – images of various events have been captured, both in still photography as well as video, for future use by the Town, the BHA and the BRC.
- PR Media Coverage - Total Ad Value: \$3,446,657, Total Impressions: 41,053,654
 - Coverage highlights include: print articles in the *Wall Street Journal*, UK's *Daily Express*, *Dallas Morning News*, *Denver Post*, *Colorado Springs Gazette*, *AAA Encompass* magazine, *True West* magazine and more. Broadcast coverage on MSNBC, local Denver stations and more. Online coverage on Examiner.com, away.com, Yahoo!Finance, the Associate Press, msnmoney.com, earthtimes.org and more.
- *Mary Ellen Gilliland's Breck150 book*- written to capture the story of Breckenridge over the past 150 years in conjunction with Breck150.
- *Merchandise, brochures, ads produced by local businesses to tie in with Breck150.*

Events Committee:

- *Events* – the Steering Committee retained the services of Project Works to assist the Events Committee with various details of the summer 2009 major events.
 - *Locals Launch at the Gold Pan* – November 2008; hosted approximately 170 locals spanning many generations as well as a few visitors who stumbled upon the fun.
 - *Kick-off Party* – April 4 in Main Street Station Plaza; focused on the 'white gold' boom (skiing); included live music, kids activities, an anniversary 'toast', as well as a collaboration with Quantum Sports Club and the Breckenridge Restaurant Association. In true Breckenridge fashion, the "white" gold celebration was blessed with lots of snow, but about 500 people braved the elements to join in the celebration.
 - *Get to Know Your Town* – passport (adults)/scavenger hunt (children) program ran from early May to mid-June; more than 600 adults and children participated.
 - *Carter Museum Re-opening* – more than 100 guests attended the May 23rd reception.
 - *Golden Stories: Peaks on the Past* premiere – June 6 at the Breckenridge Theatre was a 'sell-out' crowd for the first showing so a second was added; June 11's BFF first show was also a 'sell-out' so a second was also added; the BHA has shown Peaks on the Past eleven times this summer with a total number of viewers to date of approximately 700.
 - *Courthouse Time Capsule* –August 8 as part of Grand Celebration; included a recreation of the 1909 procession by the Masons from Blue River Plaza to the Courthouse; an estimated 1,000 attended this ceremony.
 - *Grand Celebration* – August 8 – 10: Saturday's street party on Ridge Street from 11 a.m. – 6 p.m. saw over 6,000 attendees and included three live bands, the Arts District celebration (moved from Independence weekend), children's activities on Barney Ford Museum lawn (as a fundraiser for Little Red Schoolhouse), the Breckenridge myth buster booth, blacksmithing, mucking and jacking demonstrations, and fireworks at 10 p.m.

- Sunday saw over 100 runners at the Father Dyer Mail Run (coordinated by ToB's Recreation department and volunteers), a bucket brigade by Red White & Blue, old fashioned family field games on the Riverwalk lawn with approximately 200 participants, followed by the Breckenridge Police department scooping up ice cream for about 900 guests. Monday - the actual anniversary day – saw 500 attendees for a ceremony in the Blue River Plaza from 2 – 3 p.m. with a flag raising, cake and a special anniversary toast.
- *Railroad & Mining Days* – August 15 & 16; piggybacked on the USFS's existing Railroad Days, (more than 200 people visited the Rotary Snowplow Park), mining elements, storytelling and kids' train rides were added to enhance this weekend, including special events at Country Boy Mine on Saturday and Sunday (BBQ, tours, music, etc.) with more than 50 people attending the CBM events.
 - *Other events* – nonprofits and businesses incorporated Breck150, including:
 - *History Through the Children's Eyes* - April 8; the Breckenridge Public Art Commission (BPAC) and the Breckenridge Heritage Alliance (BHA) hosted an art exhibition by Breckenridge Elementary students, who used the heritage trunk lessons to create art; more than 200 pieces of "heritage art" were on display at the Breckenridge Theatre Gallery; made possible in part by Colorado Council on the Arts.
 - *Breckenridge Then (and Then) and Now* – April 9 at the Riverwalk Center; benefit for Continental Divide Land Trust; photo show from the 1970s and today.
 - *Historic Ski Tours* at Breckenridge Ski Resort – April 10 to 12; free historic ski tours were offered.
 - *Breck150 Art Show* – April 11 thru September at the Barney Ford House Museum; a collaboration of NRO, the Saddle Rock Society and BHA; exhibit featuring five local Breckenridge artists; proceeds benefit the BHA and NRO.
 - *Pioneer and Mining Days - Celebrating 150 Years of Education* – May 16; Breckenridge Elementary PTSA's Spring Fling Fundraiser at the Barney Ford House Museum lawn.
 - *NRO's Anniversary Bash* (July 3)
 - *BMF's Gold Rush Gala* (July 31), *BMF's special Breckenridge celebratory birthday suite* (August 8), and *BMF's Musical Tribute to Breckenridge and the Old West* (August 14).

Community Dressing Committee (NOTE: Merchandise was NOT developed so as not to compete with businesses):

- *Over-the-road banner* – across Main Street; utilized at times when there were no event-specific and non-profit needs.
- *Buildings: Then & Now* – framed historical snapshot of a specific building were displayed inside 50 businesses housed in historical structures.
- *Table Tents* – distributed to restaurants and other businesses to display.
- *The Golden Stories of Breckenridge: Peaks on the Past DVD* – Wendy Wolfe completed this 45-minute documentary in HD (High Definition); features seven historians telling the story of Breckenridge; the BHA has sold over 150 DVDs, and collected \$1,200 in donations from those who viewed the film at a public showing.
- *Lamp post banners* – approximately 50 banners were placed on various lamp posts; a combination of seven different images were utilized. Special thanks to Mark Johnston of ToB's Public Works for his efforts and innovation which resulted in time and financial savings (brackets and installation).
- *Bus ads* – 'Meet' character ads ran in the three transit systems: Free Ride, BSR and the Summit Stage throughout the year.

- *Buttons for employees* – distributed to businesses for employees to wear.
- *Window decals* –distributed to businesses to display for the year.
- *Flags* – twelve flags are hanging at various locations throughout town and were carried in summer parades/processions.

GOALS

- *300,000 Web page views throughout the “Breck150” celebration* – due to a variety of issues, we did not get Breck150.com up and running until April; our stats report approximately 12,000 visits and 30,000 for page views; top referring sites were: gobreck.com (25% of visits); townofbreckenridge.com (13%) , google (11%), and ski resort site (4%).
- *Generate sponsor cash contributions of at least \$50,000* – given the poor economic timing, we fell short, but we innovated and decreased various expenses (most notably the Official Guide came in at no cost and the event received 20% commission on food and beverage sales at street party)
- *Attract an additional 40,000 in event and site attendance* – Events: conservatively estimated at 10,000 (+). Sites: estimated at 16,000 visitors this summer which is relatively flat compared to last year.
- *Increase in knowledge and appreciation of heritage and heritage assets by local population, thereby improving the character of the town* – this is the ‘living legacies of the Breck150’, and while is intangible, we feel the success of this goal was achieved through the involvement of volunteers (such as CJ Mueller, Greg Gutzki, Rose Essary, Asa Armstrong, Karin Bearnath – just to name a few), the collaboration and improved relationships among our community’s historians, the elementary school students education and involvement through the art project, the elementary school and high school senior submissions for the new time capsule, the interest in the time capsule, the positive response of locals and business owners to all of the efforts, the positive energy on the streets during the celebration, and comments like “this event made me proud to have grown up in Breckenridge”.

FINANCIAL REPORT

Approved Marketing Expenses budget - \$258,000

Estimated Marketing Expenses - \$235,000

Estimated Marketing Revenues - \$3,000

Again, *Thank you* for your support of the Breck150.

Respectfully submitted by the Breck150 Committee: Sally Croker, Kim DiLallo, Scott Fortner, Carly Grimes, Corry Mihm, Larissa (Enns) O’Neil, Linda Kay Peterson, Kristen Pettitt and Wendy Wolfe.



MEMORANDUM

TO: Town Council
FROM: Chris Neubecker, Current Planning Manager
DATE: September 2, 2009
SUBJECT: Joint Meeting with Planning Commission

The joint meeting with the Planning Commission is scheduled for September 8th, from approximately 6:00 PM - 7:30 PM. Staff and the Commission have suggested the following agenda topics:

Topics for discussion include:

1. Planning Commission Top 10 List
2. Development Agreements/Business Plans/Annexations: What is PCs Role?
3. Neighborhood Preservation Policy: A general discussion of the program's goals and how the Commission will be involved.
4. Landscaping/Forest Health/Mountain Pine Beetle: A general discussion on the intent of the policy, and how these three goals can be combined into one comprehensive policy.
5. Detailed Planning Commission minutes.

Planning Commission "Top 10" List Updated 09/02/2009

Topic	Issue:	Comments:	Next Steps
Home Size Limits (JP)	Town Council has expressed a concern over the growth in single family home size and the impact on neighborhood character. They suggested we consider a policy that would set limits on single family home size outside the Conservation District, instead of unlimited, as currently allowed.	Presented at public open houses on 2/2/09 and 2/4/09. In general, those in attendance were opposed to placing a cap on home size. Task Force of residents was created, and changes made. Went to PC work session on September 1, 2009.	Task force and the Planning Commission are now on board with direction and size limits, with FAR and maximum cap. Next step is to finish writing ordinance and schedule for first reading.
Accessory Dwelling Units & Incentives (MGT)	Per Workforce Housing Plan, find ways to encourage construction of ADUs and deed restrict them. (Suggested by TC Housing Committee). Also need to address stoves and 2nd kitchens in basements, even if not intended as ADU.	ADUs are seen as de facto affordable housing by many. If we can encourage their construction, and/or require them to be occupied by locals, the stock of employee housing will increase. However, many owners never intend to rent the units, and build them strictly as guest quarters for visitors.	Need to talk with PC to see if they support idea, or what concerns they may have. Need to talk with PC to see how incentives could be implemented. No significant progress to date.
Landscaping/Weeds/Wildfire (JC)	Creating defensible space is a priority, considering the threat of wildfire due to MPB, steep slopes and an aging, monoculture forest. This policy (or policies) would address the mitigation of fuels, creation of separation between structures and heavily forested areas, prescribe forest management techniques, modify the current policies on Mountain Pine Beetle mitigation, and establish revised landscaping policies. These changes would likely involve several different policies including the landscaping policy in the Development Code, new policies on defensible space, and modifications to the current MPB ordinance. Landscaping policy needs minor revisions, including possibly lowering the multiplier for positive points. Landscaping makes it too easy for some bad projects to pass a point analysis. Also need to revise the Landscaping Handbook, as some currently recommended species do not grow well at this altitude, and to encourage greater species diversity.	Some public showed significant opposition to the Defensible Space ordinance at the TC meeting on 2/24/09. Main concerns raised were to the size of Zone 1, and the perceived need to clear-cut in this zone. Others were concerned with labeling their property as a high risk area, and the impact to insurance rates. Still others were concerned about the total cost to the community (private + public land owners) to implement these proposed policies.	Policy adopted June 9, 2009. POLICY REPEALED. Voluntary policy adopted on August 11, 2009. This is a suggested task for the Wildfire Mitigation Task Force to be educated on as well.
Solar Panels Update (JP)	The Governor's Energy Office has required 80% efficiency for solar hot water systems to participate in their grant program. In addition, recent applications reveal that our current code may be restricting property owners from achieving greater efficiency on solar PV systems. This change would modify the adopted code to allow systems to be more effective, which attempting to address architectural compatibility.	Presented to PC on 1/20/09. They generally supported changes, including allowing in historic district. Had some concerns on historic buildings, but not much. At 2/24/09 TC meeting, changes suggested include: no panels above ridgeline, minimize visibility, removing non-functional panels, establishing priorities for placement location, no loss of historic rating. PC work session on 3/3/09.	Revised ordinance ADOPTED April 14, 2009
LUD 31 Update (CN/LB)	Change guidelines to allow parking and affordable housing as allowed uses. Furthermore, need to remove language on Airport PUD, which is now expired.	On 2/24/09 TC approved an ordinance that amends LUD 31 to allow surface parking. Still need to modify LUGs to assign density for affordable housing.	ADOPTED April 28, 2009. Modification ADOPTED April 28, 2009.
Energy Conservation Policy (JP)	Comprehensive review of energy conservation, renewable energy, heated driveways, outdoor fire pits, subdivision code, etc.	No significant progress to date. Staff is working on this being the focus of this year's PC retreat. The interplay between the recently adopted Green Building Codes and the Development Code will be one issue on that agenda.	
Affordable Housing Policy (CN/LB)	Change requirement for residential developments/% of project as EH to get positive points. (Suggested by TC Housing Committee)	No significant progress to date.	
Ground Floor Offices (MT)	Continue to develop the existing policy, to address the use of offices on ground floor, similar to the existing prohibition of residential on the ground floor in the overlay district.	No significant progress to date. Concerns about adopting such a policy during slow economy.	

Planning Commission "Top 10" List Updated 09/02/2009

Topic	Issue:	Comments:	Next Steps
Footprint Lots (CN)	Change or eliminate policy. Policy is designed to allow footprints only for master planned projects. Has been allowed in past on smaller historic lots as means to subdivide, but this encourages construction of primary structures at rear of historic structures.	Presented to PC on 2/2/09 and 3/3/09. PC could support allowing footprints outside the Conservation District, but does not like the effect of allowing them inside the District. Suggested a site visit to see the effect of those already approved/built.	Focus on "primary looking structures" in rear yards. Use a form-based policy to address building scale and materials.
Free Basement Density Under Commercial Buildings (MM)	Allow commercial buildings to get real leasable basements as incentive for Landmarking and preservation.	Presented to PC on 2/3/09. They supported the idea of allowing the basement to be used for support functions for the main commercial use. This does not include additional retail space, but could include an office for the retail above, restrooms, and storage for the retail above. Need to provide more detail on potential impact to parking, and number of historic commercial properties.	
Restoring Historic Sheds Without Negative Points for Setbacks (MGT)	As an incentive for restoration, allow historic sheds or other structures currently over a property line to be relocated onto a property, restored and placed on a foundation, without allocating negative points under Policy 9/R.	Presented to PC on 2/3/09 4/7/09, 4/21/09. They generally supported idea. Supported 1' from alley, but must be 3' from side property lines. Should only allow for historic structures relocated from same site. Not allowed for structures moved to the property from another lot.	ADOPTED June 23, 2009.
Adopt Transition Area Standards (MM)	The transition area was established as the buffer around the historic district. While the overall Conservation District standards were adopted, individual standards for each transition area have not been adopted.	No significant progress to date.	Mosh has reviewed standards and made suggested changed. Need to review changes with staff, then schedule for PC work session.
Sunsetting Density for Positive Points (MM)	By creating an incentive, more developers may be willing to sunset extra density from the property. Could never be used in future.	Presented to PC on 2/3/09. They did not support the idea. Suggested that we forget about it.	Nothing planned at this time.
Historic District Period of Significance (CN)	Many communities use a 50-year rule to designate "historic" buildings. Some of our ski era buildings may be significant, or older than 50 years, but built after 1942.	Staff showed photos of early 1960s buildings to the Commission. There did not appear to be any significant qualities or a consistent theme of design that needed protection. Some of this concern was addressed in, or led to, the neighborhood preservation	Nothing planned at this time.
Transit Policy	Reduce points so a shelter or shuttle does not get +4 points. Considering requiring shuttles to qualify as a "condo-hotel".	No significant progress to date.	Nothing planned at this time. Could be rolled into the energy conservation policy update.
Parking at large single family homes (CK)	Large homes are often rented and/or used by many guests, placing greater burden on parking demands. Consider policy which would base parking spaces on number of bedrooms or master suites. Concerns include potential to require more paving and hardscape in front yards.	Chris Kulick presented to PC on 4/21/09. Staff research showed that this is a problem that does not exist. Suggested we forget about it for now.	Nothing planned at this time.
Historic Sheds stabilization incentives (MGT)	Historic sheds at to the character of the town and represent our heritage. These sheds are threatened by development or demolition by neglect. What incentives could be provided to encourage property owners to restore and use the sheds?	"Incentives" may mean fee waivers, loans, grants or density bonuses. Would need to run these by TC to see if any are feasible.	Nothing planned at this time.



TOWN OF BRECKENRIDGE TOWN COUNCIL AGENDA
Tuesday, September 8, 2009 (Regular Meeting); 7:30 p.m.

I	CALL TO ORDER and ROLL CALL	
II	APPROVAL OF MINUTES – August 25, 2009	Page 80
III	APPROVAL OF AGENDA	
IV	COMMUNICATIONS TO COUNCIL	
	A. Volunteers for Outdoor Colorado Recognition	Page 85
	B. Citizen’s Comment - (Non-Agenda Items ONLY; 3 minute limit please)	
V	CONTINUED BUSINESS	
	A. SECOND READING OF COUNCIL BILL, SERIES 2009 - PUBLIC HEARINGS*- NONE	
VI	NEW BUSINESS	
	A. FIRST READING OF COUNCIL BILL, SERIES 2009 –	
	1. Council Bill No. 30, Series 2009- AN ORDINANCE AMENDING TITLE 4 OF THE <u>BRECKENRIDGE TOWN CODE</u> BY ADOPTING PROVISIONS FOR THE REGULATION OF MEDICAL MARIJUANA DISPENSARIES; AND REPEALING CONFLICTING TOWN ORDINANCES	Page 86
	2. Council Bill No. 31, Series 2009- AN ORDINANCE EXTENDING UNTIL OCTOBER 7, 2009 THE TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF ANY APPLICATION FOR A TOWN OF BRECKENRIDGE PERMIT OR LICENSE RELATED TO THE OPERATION OF A BUSINESS THAT SELLS MEDICAL MARIJUANA; DECLARING AN EMERGENCY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE OF THIS ORDINANCE	Page 108
	3. Council Bill No. 32, Series 2009- AN ORDINANCE AMENDING SECTION 2-4-8 OF THE <u>BRECKENRIDGE TOWN CODE</u> CONCERNING THE RULES AND REGULATIONS OF THE BRECKENRIDGE OPEN SPACE ADVISORY COMMISSION	Page 112
	B. RESOLUTIONS, SERIES 2009-	
	1. A RESOLUTION APPROVING AN AMENDMENT TO RULE 5.1 OF THE RULES OF THE BRECKENRIDGE OPEN SPACE ADVISORY COMMISSION CONCERNING THE REGULAR MEETING OF THE COMMISSION	Page 115
	C. OTHER – NONE	
VII	PLANNING MATTERS	
	A. Planning Commission Decisions of September 1, 2009	Page 2
	B. Town Council Representative Report (Mr. Rossi)	
VIII	REPORT OF TOWN MANAGER AND STAFF*	
IX	REPORT OF MAYOR AND COUNCILMEMBERS*	
	A. CAST/MMC (Mayor Warner)	
	B. Breckenridge Open Space Advisory Commission (Mr. Joyce)	
	C. BRC (Ms. McAtamney)	
	D. Summit Combined Housing Authority (Mr. Millisor)	
	E. Breckenridge Heritage Alliance (Mr. Bergeron)	
	F. Sustainability Committee (Mr. Millisor)	
X	OTHER MATTERS	
XI	SCHEDULED MEETINGS	Page 120
XII	ADJOURNMENT	

*Report of Town Manager; Report of Mayor and Council Members; Scheduled Meetings and Other Matters are topics listed on the 7:30 pm Town Council Agenda. If time permits at the afternoon work session, the Mayor and Council may discuss these items. The Town Council may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item

CALL TO ORDER and ROLL CALL

Mayor Warner called the August 25, 2009 Town Council Meeting to order at 7:31 p.m. The following members answered roll call: Ms. McAtamney, Mr. Joyce, Mr. Bergeron, Mr. Millisor, Mr. Rossi, Mr. Mamula and Mayor Warner.

APPROVAL OF MINUTES – August 11, 2009 Regular Meeting

Mayor Warner commented that on Pg 80 line #5, “residents” was spelled wrong. With that one change to the minutes, Mayor Warner declared the minutes were approved.

APPROVAL OF AGENDA

Town Manager commented that there were no changes to the agenda.

COMMUNICATIONS TO COUNCIL

A. Citizen’s Comments - (Non-Agenda Items ONLY; 3 minute limit please)-

1. Peter Kuhn- Medical Marijuana Dispensary- If a ledger is used to identify quantities of the patients it could breach patient confidentiality. Having the dispensary on the second floor does not allow for handicap accessibility. Would be set up like a doctors office, show record, valid certificate and they could come in to dispense the marijuana. Asked if they were near a residence if they could have permission from the owners to be at that location.
2. Tim Casey- Met with some folks up at the Nordic Center today. Breckenridge Lands fenced their property line at the entrance to the Nordic Center. Need to escalate the discussion of the Nature Nordic Center. May want to consider discussion with the Dayton’s. Things are changing dramatically, including cutting 400 trees. Council had some discussion on this issue.
3. Richard Himmelstein- Against moving satellite post office. He does not believe it will meet ADA requirements. He requested a resolution against the relocation of the post office. The current satellite post office is the only location with a drive-up drop off. Mayor Warner explained where the Town is at with our work on this effort. The Council agreed to do a resolution.
4. Dell Bush- Thanked the Council for the work they do. He reiterated what Richard Himmelstein said about the Post Office.
5. Emily Tracy- Thanked Council for their consideration. Though this is a postal issue it is also a traffic issues. Worth asking USPS how does it meet ADA and ABA requirements? Hopes there is a good dialogue. What other options did they look at?
6. Mike Kirkbride- Encouraged the Town to look at easements strips that maybe could be used for drop boxes. Possibly bringing a solution to them. Be proactive to see what we can work with.
7. Dee Kirkbride- Came out to support Council in their efforts against the USPS relocation. No drop off locations.
8. Scott Yule- Picked up where Tim Casey left off in regard to the Nordic Center. He requested some involvement. They would like to provide input and be involved in any decisions.
9. Brian Kuhn- offered to do a walk-through of what a medical marijuana dispensary is like. He gave some suggestions of where to see one and offered to further educate them. Mayor Warner commented that there will be a first reading at the September 8th meeting.

CONTINUED BUSINESS

A. ***SECOND READING OF COUNCIL BILL, SERIES 2009 - PUBLIC HEARINGS*****

1. Council Bill No.28, Series 2009- AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE AT A SPECIAL TOWN ELECTION TO BE HELD ON NOVEMBER 3, 2009 THE QUESTION OF THE ADOPTION OR REJECTION OF A

PROPOSED INITIATED ORDINANCE, TO BE EFFECTIVE JANUARY 1, 2010, REMOVING ALL CRIMINAL PENALTIES UNDER TOWN LAW FOR THE POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA AND RELATED PARAPHERNALIA BY PERSONS TWENTY ONE YEARS OF AGE OR OLDER; SETTING FORTH THE BALLOT TITLE; AND PROVIDING FOR THE CONDUCT OF THE ELECTION

Tim Berry commented that a group of citizens have created and submitted a petition to decriminalize less than an ounce of marijuana. The ordinance would call a special election on November 3rd, 2009 to allow the Town voters to decide. There were no changes proposed to ordinance from first reading.

Mayor Warner asked for public comment. There was none. He closed the public hearing.

Mr. Bergeron moved to approve Council Bill No. 28, Series 2009. Ms. McAtamney seconded the motion. The motion passed 7-0.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILL, SERIES 2009-

There were no First Readings.

B. RESOLUTIONS, SERIES 2009 –

1. A RESOLUTION APPROVING AN AMENDED ANNEXATION AGREEMENT WITH MAGGIE PLACER, LLC, a Colorado limited liability company (Maggie Placer Annexation)

Tim Berry commented that the resolution would approve an Annexation Agreement for the 1.82 acre Maggie Placer parcel. An Annexation Ordinance was approved by the Town in October of 2007 and this property was annexed subject to several conditions established in an Annexation Agreement recorded October 19, 2007. The property owner attempted to work thru the planning process to obtain a development permit, but several concerns were raised in regard to scale, mass, site disturbance, and access. It wasn't until last week (August 18, 2009) that the Planning Commission approved a development plan for the property.

The approved plan is less intensive than the plan originally contemplated during the 2007 annexation process and many of the specific components of the plan have changed. The changes were discussed with the Council on June 9, 2009 and were acceptable to Council and to staff. Therefore, with the Planning Commission's review now complete, we have prepared a modified Annexation Agreement to replace the original Agreement. The modified Annexation Agreement addresses the revisions to the plan/project,

Mayor Warner asked for public comment. There was none. He closed the public hearing.

Mr. Mamula moved to approve the Resolution, Series 2009. Mr. Millisor seconded the motion. The motion passed 7-0.

2. A RESOLUTION ADOPTING “ANNEX C” TO THE SUMMIT COUNTY MULTI-HAZARD MITIGATION PLAN

Tim Berry commented that The 30 member Summit County Hazard Mitigation Planning Committee, comprised of representatives from each municipality in Summit County, Summit County Government, local fire districts, metropolitan districts and assisted by paid consultants from AMEC Earth and Environmental Services, produced the Summit County Multi-Hazard Mitigation Plan. The purpose of the plan is to reduce or eliminate long-term risk from natural hazards to people and property in Summit County. The planning process started with a county-wide risk assessment and culminated by identifying goals and objectives for reducing risks. The Plan has been approved by FEMA and adopted by the Summit County Government. Each municipality in the county must adopt the plan in order for that municipality to qualify for future FEMA risk mitigation grant funding. The resolution would adopt the Summit County Hazard Mitigation Plan.

Tim Berry commented that the motion needed to be made with the deletion of the second paragraph on pg 110, and the 1st paragraph on page 115 under “Ideas for Implementation.

Mayor Warner asked for public comment. There was none. He closed the public hearing.

Mr. Millisor moved to approve the Resolution, Series 2009 as presented in packet with the deletion of the second paragraph on pg 110, and the 1st paragraph on page 115 under “Ideas for Implementation.” Mr. Mamula seconded the motion. The motion passed 7-0.

C. OTHER –

1. Liquor Licensing Authority Appointments-

Mr. Mamula moved that the Town Council appoint J.B. Katz, Turk Montepare and Bill Tatro to four-year terms on the Breckenridge Liquor Licensing Authority. Mr. Rossi seconded the motion. The motion passed 7-0.

PLANNING MATTERS

A. Planning Commission Decisions of August 18, 2009

With no requests for call ups Mayor Warner declared the Planning Commission decisions of the August 18, 2009 meeting would stand as presented.

B. Report of Planning Commission Liaison (Mr. Rossi)-

Mr. Rossi commented that he did not get a phonecall about when he needed to be there. Chris Neubecker apologized. Council and staff agreed that the work session should be moved to the beginning of the meeting.

C. THE VALETTE RESIDENCE CALL UP HEARING

Mayor Warner stated “This is a call up hearing with respect to Class C Major Development Permit Application number PC2009034 which is a request to extend the previously issued development permit, and the vested property rights associated with the permit, for the Valette residence at 301 South French Street within the Town of Breckenridge. The Applicant is Dr. Brett Valette. At its meeting on August 11th the Town Council called up the Planning Commission’s decision on this Application. Pursuant to Section 9-1-18-5 of the Town’s Development Code, this is a de novo hearing at which the Town Council will make its own decision with respect to the Application.”

Mayor Warner asked Chris Neubecker: “It is my understanding that because this is a Class C development permit application, no special notice of this hearing is required to be given. Is that correct?” Chris Neubecker stated that it was correct. The applicant was notified and was unable to attend since he had a parent-teacher conference. He did not ask for a continuance.

Mayor Warner stated that “Pages 124-147, inclusive, of the Council’s Agenda Packet for this meeting is made a part of the record of these proceedings.”

Mayor Warner stated: “The following general procedures will be followed by the Council in connection with this hearing:

First, Chris Neubecker of the Town’s Department of Community Development will introduce the Application.

Next, the Applicant will be given an opportunity to present any evidence that he may wish to offer in support of the Application. Again, the applicant was not present.

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Then, any member of the public who wants to speak either in favor of or in opposition to the Application will be permitted to do so. Questioning of the public witnesses by the Staff, Applicant and Council will also be permitted.

Finally, the parties will be given an opportunity to present any rebuttal evidence that they desire to offer.

Members of the Council will be permitted to ask questions of any person who testifies. This will occur after the testimony has been offered and any questioning of the witness by the Staff and the Applicant has occurred. If there are further questions which the Applicant has as a result of any of Council's questions the Applicant will be permitted to ask those questions.

After all of the testimony and the questioning of the witnesses has been concluded, the hearing will be closed. It will then be time for Town Council to discuss this matter and to render its decision."

Mayor Warner stated: "For the record, I want to state that the Town Attorney Tim Berry will not be involved in the presentation of any evidence in this matter, and will remain available to advise the Town Council."

Mayor Warner stated: "We are making a record of this hearing. It will be necessary for any person who testifies to identify himself or herself for the record, and to speak slowly and clearly so that the tape can pick up the testimony."

Mayor Warner stated: "Are there any questions about the procedures to be followed?"

Mayor Warner stated: "It is now time for Mr. Neubecker to introduce the Application".

At this point, had the applicant been present they could have presented their evidence.

Mayor Warner stated: "Is there any member of the public who wants to speak either in favor of or in opposition to the Application?" There was none.

Mayor Warner stated: "Is there any further evidence to be offered in this matter?"

Mayor Warner stated: Does any member of the Council have any questions or desire any additional information from anyone who has spoken or who has presented information during this hearing?

Mayor Warner stated: "The call up hearing in this matter is now closed."

There was council discussion.

Mayor Warner stated: "Is there a motion?"

Mr. Mamula moved that the Town Council deny Application No. PC2009034 concerning the extension of the development permit and the associated vested property rights for the Valette Residence with the denial findings set forth on pages 151-153, inclusive, of tonight's Town Council Agenda Packet. Mr. Bergeron seconded the motion. The motion passed 6-2 with Mr. Millisor and Mr. Joyce objecting.

Mayor Warner stated "The Application is approved with the findings and conditions described in the motion.

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Mayor Warner stated: The record of this proceeding shall consist of: (i) pages 124-147, inclusive, of the Council's Agenda Packet for this meeting; (ii) all documents admitted into evidence by the Council; (iii) all documents offered into evidence at the hearing, but not admitted; (iv) copies of the applicable provisions of the Town's Development Code and other applicable Town ordinances; (v) a transcript of the public hearing; and (vi) such other documents as may properly be included in the record.

Mayor Warner stated: "Is there anything further on this matter?" There was nothing further. "That concludes this hearing. Thank you."

REPORT OF TOWN MANAGER AND STAFF

REPORT OF MAYOR AND COUNCILMEMBERS- Reports were done at the work session

- A. **CAST/MMC** (Mayor Warner) –
- B. **Breckenridge Open Space Advisory Commission** (Mr. Joyce) –
- C. **Breckenridge Resort Chamber** (Ms. McAtamney) –
- D. **Summit Combined Housing Authority** (Mr. Millisor) –
- E. **Breckenridge Heritage Alliance** (Mr. Bergeron)-
- F. **Sustainability** (Mr. Millisor) –

OTHER MATTERS

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:01p.m.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor



MAYORAL PROCLAMATION

WHEREAS, Volunteers for Outdoor Colorado (VOC) has organized and managed volunteer initiatives throughout the State of Colorado since 1984; and

WHEREAS, VOC helps creates experiences that encourage citizens to make an extraordinary difference through individual voluntary acts that yield long lasting public improvements; and

WHEREAS, the Town of Breckenridge seeks to recognize VOC for its commitment to a thriving environmental stewardship movement, lead by ordinary citizens who take individual and collective responsibility for outdoor resources through thousands of actions each day that make a difference in resource conservation, protection, enhancement and sustainability; and

WHEREAS, VOC has assisted the Town of Breckenridge and Summit County with several specific projects that engage the local community projects that help develop a volunteer and stewardship ethic.

THEREFORE, I, John G. Warner, Mayor of the Town of Breckenridge, do hereby recognize and thank Volunteers for Outdoor Colorado for their exceptional dedication to outdoor stewardship efforts in Summit County and throughout the State of Colorado.

GIVEN under my hand this eighth day of
September, 2009

John G. Warner

Mayor of Breckenridge



MEMORANDUM

To: Mayor and Town Council
From: Rick Holman, Chief of Police
Date: September 8, 2009
Subject: Draft Ordinance Regulating Medical Marijuana Dispensaries

Attached is a draft ordinance regulating a medical marijuana dispensary which is scheduled for first reading on September 8, 2009.

Based on direction received at the August 25, 2009 work session, the following changes have been incorporated into this draft:

1. Inclusion of new definition of “adjacent”, “building official”, “Downtown Overlay District”, “Land Use Guidelines” and “Residential Use” in Section 4-15-5.
2. Insertion of language in definition of MMD in 4-14-5 prohibiting a MMD from being used as a physician’s office.
3. Insertion of language in 4-14-7 (C) that requires the applicant to submit a “personal history” as part of the application process.
4. Insertion of an amount of application fee of \$875 in 4-14-8. This is the same as the fee for a new liquor license application.
5. Clarification of “good moral character” standard for issuance of permit (4-14-10).
6. Insertion of new requirement that premises be inspected for building code compliance prior to issuance of permit (4-14-17).
7. Substantial revisions to provision concerning location of MMDs (4-14-25).
8. Insertion of provision requiring permittee to maintain a record of sale (4-14-37).

Staff will be available for discussion at the work session.

1 ***FOR WORKSESSION/FIRST READING – SEPT. 8***

2
3 Additions To The Draft Reviewed at August 25, 2009 Meeting Are
4 Indicated By **Bold + Dbl Underline**; Deletions By ~~Strikeout~~

5
6 Series 2009

7
8 AN ORDINANCE AMENDING TITLE 4 OF THE BRECKENRIDGE TOWN CODE
9 BY ADOPTING PROVISIONS FOR THE REGULATION OF MEDICAL MARIJUANA
10 DISPENSARIES; AND REPEALING CONFLICTING TOWN ORDINANCES

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

14
15 Section 1. Regulations Adopted. Title 4 of the Breckenridge Town Code is amended by
16 the addition of a new chapter 14, to be entitled “Medical Marijuana Dispensaries”, which shall
17 read in its entirety as follows:

18
19 CHAPTER 14

20
21 MEDICAL MARIJUANA DISPENSARIES

22
23 SECTION:

- 24
25 4-14-1: SHORT TITLE
26 4-14-2: FINDINGS
27 4-14-3: PURPOSE
28 4-14-4: AUTHORITY
29 4-14-5: DEFINITIONS
30 4-14-6: PERMIT REQUIRED
31 4-14-7: APPLICATION FOR PERMIT
32 4-14-8: APPLICATION FEE
33 4-14-9: INVESTIGATION OF APPLICATION
34 4-14-10: STANDARDS FOR ISSUANCE OF PERMIT
35 4-14-11: DENIAL OF PERMIT
36 4-14-12: AUTHORITY TO IMPOSE CONDITIONS ON PERMIT
37 4-14-13: DECISION BY TOWN MANAGER
38 4-14-14: NOTICE OF DECISION
39 4-14-15: APPEAL OF DENIAL OR CONDITIONAL APPROVAL OF PERMIT
40 4-14-16: CONTENTS OF PERMIT
41 **4-14-17: INSPECTION OF PREMISES**
42 4-14-~~17~~**18**: PERMIT NOT TRANSFERABLE
43 4-14-~~18~~**19**: NOTICE OF ISSUANCE OF PERMIT

MEDICAL MARIJUANA DISPENSARY ORDINANCE

- 1 4-14-~~19~~20: DURATION OF PERMIT; RENEWAL
- 2 4-14-~~20~~21: DUTIES OF PERMITTEE
- 3 4-14-~~21~~22: POSTING OF PERMIT
- 4 4-14-~~22~~23: SUSPENSION OR REVOCATION OF PERMIT
- 5 4-14-~~23~~24: LIMITATION ON SALE OF MARIJUANA
- 6 4-14-~~24~~: ~~PROHIBITED LOCATIONS~~4-14-25: **DISPENSARY LOCATION**
- 7 **4-14-26**: HOURS OF OPERATION
- 8 4-14-~~26~~27: SIGNAGE
- 9 4-14-~~27~~28: REQUIRED WARNINGS TO BE POSTED
- 10 4-14-~~28~~29: ON-SITE CONSUMPTION
- 11 4-14-~~29~~30: PARAPHERNALIA
- 12 4-14-~~30~~31: ON-SITE CULTIVATION, GROWING AND PROCESSING
- 13 4-14-~~31~~32: ALCOHOL
- 14 4-14-~~32~~33: DISPLAY OF MEDICAL MARIJUANA
- 15 4-14-~~33~~34: SECURITY REQUIREMENTS
- 16 4-14-~~34~~35: BUSINESS LICENSE REQUIRED
- 17 4-14-~~35~~36: TAXES
- 18 **4-14-37: REQUIRED RECORD**
- 19 4-14-~~36~~38: PENALTIES; INJUNCTIVE RELIEF
- 20 4-14-~~37~~39: NO WAIVER OF GOVERNMENTAL IMMUNITY
- 21 4-14-~~38~~40: NO TOWN LIABILITY
- 22 4-14-~~39~~41: INDEMNIFICATION OF TOWN
- 23 4-14-~~40~~42: OTHER LAWS REMAIN APPLICABLE
- 24 4-14-~~41~~43: RULES AND REGULATIONS

25

26 4-14-1: SHORT TITLE: This chapter shall be known and may be cited as the “Town Of
 27 Breckenridge Medical Marijuana Dispensary Ordinance.”

28

29 4-14-2: FINDINGS: The Town Council adopts this chapter based upon the following findings
 30 of fact:

- 31
- 32 A. Because federal and state law prohibit the possession and sale of marijuana
- 33 generally, marijuana sales have never been specifically addressed by Town
- 34 ordinance.
- 35 B. On November 7, 2000 the voters of the State of Colorado approved Amendment
- 36 20. Amendment 20 added §14 of article 18 to the Colorado Constitution, and
- 37 created a limited exception from criminal liability under Colorado law (as
- 38 opposed to federal law) for seriously ill persons who are in need of marijuana for
- 39 specified medical purposes and who obtain and use medical marijuana under the
- 40 limited, specified circumstances described in Amendment 20.
- 41 C. The intent of Amendment 20 was to enable certain specified persons who
- 42 comply with the registration provisions of the law to legally obtain, possess,

MEDICAL MARIJUANA DISPENSARY ORDINANCE

1 cultivate, grow, use, and distribute marijuana without fear of criminal
2 prosecution under Colorado (as opposed to federal) law.

3 D. Despite the adoption of Amendment 20 marijuana is still a controlled substance
4 under Colorado and federal law. As a result, making it legal for a person to
5 obtain, possess, cultivate, grow, use, and distribute marijuana, even for medical
6 use as contemplated by Amendment 20, has the potential for abuse that should be
7 closely monitored and regulated by local authorities to the extent possible.

8 E. If not closely monitored and regulated the presence of marijuana, even for the
9 purposes legally permitted by Amendment 20, can cause an increase in illegal
10 activities within the Town affecting the health, safety, order, comfort,
11 convenience and general welfare of the residents of the Town.

12 F. If medical marijuana dispensaries operating pursuant Amendment 20 were
13 allowed to be established and to operate without appropriate local regulation of
14 their location, medical marijuana dispensaries might be established in areas that
15 would conflict with the Town's comprehensive land use plan; be inconsistent
16 with surrounding uses; or otherwise be detrimental to the public health, safety
17 and welfare.

18 G. Nothing in this chapter allows a person to:

- 19 1. engage in conduct that endangers others or causes a public nuisance;
- 20 2. possess, cultivate, grow, use, or distribute marijuana for any purpose other
21 than for use as medical marijuana as authorized and limited by
22 Amendment 20, and the implementing state statutes and administrative
23 regulations;
- 24 3. possess, cultivate, grow, use, or distribute marijuana that is otherwise
25 illegal under applicable law; or
- 26 4. engage in any activity related to the possession, cultivation, growing, use,
27 or distribution of marijuana that is otherwise not permitted under the laws
28 of the Town or the State of Colorado.

29 H. This chapter is necessary and proper to provide for the safety, preserve the
30 health, promote the prosperity, and improve the order, comfort, and convenience
31 of the Town and the inhabitants thereof.

32 I. No person, business, activity or use that distributed or involved the distribution
33 of marijuana within the Town prior to the enactment of this chapter shall be
34 deemed to have been legally established under this code, and no such person,

MEDICAL MARIJUANA DISPENSARY ORDINANCE

1 business, activity, or use shall be entitled to claim legal nonconforming status
2 under any provision of this code or applicable law.

3 4-14-3: PURPOSE: Recognizing that there is a potential conflict between federal and state law
4 with respect to the operation of medical marijuana dispensaries, it is the purpose of this chapter
5 to:

- 6 A. Impose specific requirements and limitations for those individuals registering
7 with the State of Colorado as a “patient” or “primary care-giver” as those terms
8 are defined in Amendment 20, and the statutes and administrative regulations
9 implementing Amendment 20.
- 10 B. Require that a medical marijuana dispensary (as defined in this chapter) be
11 operated in a safe manner that does not endanger the public welfare.
- 12 C. Mitigate potential negative impacts that a medical marijuana dispensary might
13 cause on surrounding properties and persons.
- 14 D. Regulate the conduct of persons owning, operating, and using a medical
15 marijuana dispensary in order to protect the public health, safety and welfare.
- 16 E. Establish a non-discriminatory mechanism by which the Town can control,
17 through appropriate regulation, the location and operation of medical marijuana
18 dispensaries within the Town.

19 4-14-4: AUTHORITY: The Town Council hereby finds, determines, and declares that it has the
20 power to adopt this chapter pursuant to:

- 21 A. The Local Government Land Use Control Enabling Act, article 20 of title 29,
22 C.R.S.;
- 23 B. Part 3 of article 23 of title 31, C.R.S. (concerning municipal zoning powers);
- 24 C. Section 31-15-103, C.R.S. (concerning municipal police powers);
- 25 D. Section 31-15-401, C.R.S. (concerning municipal police powers);
- 26 E. Section 31-15-501, C.R.S. (concerning municipal authority to regulate
27 businesses);
- 28 F. The authority granted to home rule municipalities by article XX of the Colorado
29 Constitution; and
- 30 G. The powers contained in the Breckenridge Town Charter.
- 31
- 32

MEDICAL MARIJUANA DISPENSARY ORDINANCE

1 4-14-5: DEFINITIONS:
2

3 A. As used in this chapter the following words shall have the following meanings,
4 unless the context clearly requires otherwise:

ADJACENT: **Adjacent to or contiguous with the proposed location of a medical marijuana dispensary. Adjacency shall be determined without regard to the existence of a platted or dedicated public street or alley, and real property that would otherwise be determined to be adjacent to a proposed medical marijuana dispensary does not lose its adjacency by virtue of the existence of a platted or dedicated public street or alley.**

ALCOHOLIC BEVERAGE: Has the meaning provided in Section 6-3F-1 of this code.

AMENDMENT 20: A voter-initiated amendment to the Colorado Constitution adopted November 7, 2000. Amendment 20 added §14 of Article 18 to the Colorado Constitution.

APPLICANT: A person twenty one years of age or older who has submitted an application for permit pursuant to this chapter.

APPLICATION: An application for permit submitted pursuant to this chapter.

BUILDING OFFICIAL: **The Building Official of the Town.**

DAY: A calendar day, unless otherwise indicated.

DOWNTOWN OVERLAY DISTRICT: **The geographic area of the Town identified as the Downtown Overlay District in the Town’s Land Use Guidelines, as amended from time to time.**

GOOD CAUSE (for the purpose of refusing or denying a permit renewal under this chapter): Means:
A. the permittee has violated, does not meet, or has failed to comply with any

of the terms, conditions, or provisions of this chapter and any rule and regulation promulgated pursuant to this chapter;

- B. the permittee has failed to comply with any special terms or conditions that were placed on its permit at the time the permit was issued, or that were placed on its permit in prior disciplinary proceedings or that arose in the context of potential disciplinary proceedings; or
- C. the permittee's medical marijuana dispensary have been operated in a manner that adversely affects the public health, welfare, or safety of the immediate neighborhood in which the medical marijuana dispensary is located. Evidence to support such a finding can include: (i) a continuing pattern of disorderly conduct as defined in section 6-3C-1 of this code; (ii) a continuing pattern of drug-related criminal conduct within the premises of the medical marijuana dispensary, or in the immediate area surrounding the medical marijuana dispensary; or (iii) a continuing pattern of criminal conduct directly related to or arising from the operation of the medical marijuana dispensary.

LAND USE GUIDELINES:

Has the meaning provided in section 9-1-5 of this code.

MEDICAL MARIJUANA
DISPENSARY OR DISPENSARY:

The use of any property or structure within the Town to distribute, transmit, give, dispense, or otherwise provide marijuana in any manner to patients or primary care-givers in accordance with Amendment 20, and the implementing state statutes and administrative regulations. **A medical marijuana dispensary may not be used as a physician's office to examine or**

consult with patients.

PATIENT: Has the meaning provided in Amendment 20.

PERMIT: A permit to operate a medical marijuana dispensary issued by the Town pursuant to this chapter.

PERMITTEE: The person to whom a permit has been issued pursuant to this chapter.

PERSON: Has the meaning provided in section 1-3-2 of this code.

PRIMARY CARE-GIVER: Has the meaning provided in Amendment 20.

RESIDENTIAL USE: **Has the meaning provided in section 9-1-5 of this code.**

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

TOWN MANAGER: The Town Manager of the Town, or the Town Manager's designee authorized to act pursuant to section 1-7-2 of this code.

1
2 B. In addition to the definitions provided in subsection A of this section, the other
3 defined terms in Amendment 20 are incorporated into this chapter by reference.

4 4-14-6: PERMIT REQUIRED: No person shall operate a medical marijuana dispensary within
5 the Town without a valid permit issued in accordance with this chapter.

6
7 4-14-7: APPLICATION FOR PERMIT:

8
9 A. A person seeking to obtain a permit pursuant to this chapter shall file an
10 application with the Town Manager. The form of the application shall be
11 provided by the Town Manager.

12 B. A permit issued pursuant to this chapter does not eliminate the need for the
13 permittee to obtain other required Town licenses and permits related to the
14 operation of the approved medical marijuana dispensary, including, without
15 limitation:

1. a development permit if required by the terms of chapter 1 of title 9 of this code;
2. a Town sales tax license;
3. a Town Business and Occupational Tax License; and
4. a building permit, mechanical permit, plumbing permit, or electrical permit.

C. An application for a permit under this chapter shall contain the following information:

1. the applicant's name, address, telephone number and social security number;
2. the street address of the proposed medical marijuana dispensary;
3. if the applicant is not the owner of the proposed location of the medical marijuana dispensary, a notarized statement from the owner of such property authorizing the submission of the application;
4. a **statement of the applicant's personal history**;
- 5.** **a completed set of the applicant's fingerprints on a form approved by the Town Manager**;
- 6.** ~~5-~~a statement to be initialed by the applicant that the applicant and the employees of the medical marijuana dispensary may be subject to prosecution under federal marijuana laws;
- 7.** ~~6-~~a statement to be initialed by the applicant that the Town accepts no legal liability in connection with the approval and subsequent operation of the medical marijuana dispensary; and
- 8.** ~~7-~~any additional information that the Town Manager reasonably determines to be necessary in connection with the investigation and review of the application.

Applications shall be processed by the Town Manager in order of receipt.

4-14-8: APPLICATION FEE: An applicant shall pay to the Town a non-refundable application fee when the application is filed. The purpose of the fee is to cover the administrative costs of processing the application. For applications filed in 2009 the application fee is \$~~_____~~**875.00.** Thereafter, the amount of the application fee shall be fixed by the Town Council as part of its annual budget process.

MEDICAL MARIJUANA DISPENSARY ORDINANCE

1
2 4-14-9: INVESTIGATION OF APPLICATION:
3

- 4 A. Upon receipt of a properly completed application, together with all information
5 required in connection therewith, and the payment of the application fee as
6 required by section 4-14-8, the Town Manager shall transmit copies of the
7 application to:
- 8 1. the Police Department;
 - 9 2. the Department of Community Development; and
 - 10 3. any other person or agency which the Town Manager determines should
11 properly investigate and comment upon the application.
- 12 B. Upon receipt of a completed application the Police Department shall obtain and
13 review a criminal background records search on the applicant from the Colorado
14 Bureau of Investigation.
- 15 C. Within twenty days of receipt of a completed application those Town
16 departments and other referral agencies described in subsection A of this section
17 shall provide the Town Manager with comments concerning the application.

18 4-14-10: STANDARDS FOR ISSUANCE OF PERMIT: The Town Manager shall issue a
19 permit under this chapter when, from a consideration of the application and from such other
20 information as may otherwise be obtained, the Town Manager determines that:

- 21
- 22 A. The application (including any required attachments and submissions) is
23 complete and signed by the applicant;
 - 24 B. The applicant has paid the application fee and any other fees required by section
25 4-14-8;
 - 26 C. The application does not contain a material falsehood or misrepresentation;
 - 27 D. The application complies with all of the requirements of this chapter;
 - 28 E. The applicant has ~~not previously been convicted of a felony violation of state law~~
29 ~~related to the sale, possession, or use of a scheduled control substance~~ **good**
30 **moral character**. In making this determination **or when considering a criminal**
31 **conviction**, the Town Manager shall be governed by the provisions of section
32 24-5-101, C.R.S. **If the Town Manager takes into consideration information**
33 **concerning the applicant's criminal history record, the Town Manager shall**
34 **also consider any information provided by the applicant regarding such**
35 **criminal history record, including but not limited to evidence of**

1 rehabilitation, character references, and educational achievements,
2 especially those items pertaining to the period of time between the
3 applicant's last criminal conviction and the consideration of the application
4 for a permit; and

- 5 F. The proposed location of the medical marijuana dispensary is permitted under
6 section 4-14-24.25.

7 4-14-11: DENIAL OF PERMIT: The Town Manager shall deny an application for a permit
8 under this chapter if the Town Manager determines that:

- 9
10 A. Information contained in the application, or supplemental information requested
11 from the applicant, is found to be false in any material respect; or
12 B. The application fails to meet any of the standards sets forth in section 4-14-10.

13 If an application is denied the application fee shall not be refunded.

14
15 4-14-12: AUTHORITY TO IMPOSE CONDITIONS ON PERMIT: The Town Manager shall
16 have the authority to impose such reasonable terms and conditions on a permit as may be
17 necessary to protect the public health, safety, and welfare, and to obtain compliance with the
18 requirements of this chapter and applicable law.

19
20 4-14-13: DECISION BY TOWN MANAGER:

- 21
22 A. The Town Manager shall approve, deny, or conditionally approve an application
23 within thirty days of the receipt of the completed application unless, by written
24 notice to the applicant, the decision period is extended for an additional ten days
25 if necessary for the Town Manager to complete his review of the application.
26 B. If an application is denied, the Town Manager shall clearly set forth in writing
27 the grounds for denial.
28 C. In the event an application is conditionally approved, the Town Manager shall
29 clearly set forth in writing the conditions of approval.

30 4-14-14: NOTICE OF DECISION: The Town Manager shall notify the applicant of the
31 decision on the application within three business days of rendering the decision. Notice shall be
32 given by mailing a copy of the Town Manager's decision to the applicant by regular mail,
33 postage prepaid, at the address shown in the application. Notice is deemed to have been properly
34 given upon mailing.

35
36 4-14-15: APPEAL OF DENIAL OR CONDITIONAL APPROVAL OF PERMIT:
37

- 1 A. An applicant has the right to appeal the Town Manager’s denial or conditional
2 approval of an application to the Town Council.

- 3 B. An applicant’s appeal of the Town Manager’s denial or conditional approval of
4 an application shall be processed in accordance with chapter 19 of title 1 of this
5 code; provided, however, that the applicant’s written notice of appeal shall be
6 filed with the Town Manager within ten days after the date of mailing of the
7 Town Manager’s decision on the application.

- 8 C. The applicant shall be provided with not less than ten days’ prior written notice
9 of the appeal hearing to be held by the Town Council.

- 10 D. The burden of proof in an appeal filed under this section shall be on the
11 applicant.

- 12 E. If the Town Council finds by a preponderance of the evidence that the decision
13 of the Town Manager was correct, the Town Council shall uphold the decision of
14 the Town Manager. If the Town Council finds by a preponderance of the
15 evidence that the decision of the Town Manager was incorrect, the Town
16 Manager’s decision shall be set aside and the permit issued (if it was previously
17 denied) or the conditions of approval stricken or modified.

- 18 F. Any decision made by the Town Council pursuant to this section shall be a final
19 decision and may be appealed to the district court pursuant to Rule 106(a)(4) of
20 the Colorado Rules of Civil Procedure. The applicant’s failure to timely appeal
21 the decision is a waiver the applicant’s right to contest the denial or conditional
22 approval of the application.

- 23 G. If there is any conflict between the provisions and requirements of this section
24 and the provisions and requirements of chapter 19 of title 1 of this code, the
25 provisions and requirements of this section shall control.

26 4-14-16: CONTENTS OF PERMIT: A permit shall contain the following information:
27

- 28 A. The name of the permittee;

- 29 B. The date of the issuance of the permit;

- 30 C. The address at which the permittee is authorized to operate the medical
31 marijuana dispensary;

- 32 D. Any special conditions of approval imposed upon the permit by the Town
33 Manager pursuant to section 4-14-12; and

- 34 E. The date of the expiration of the license.

MEDICAL MARIJUANA DISPENSARY ORDINANCE

1 A permit must be signed by both the applicant and the Town Manager to be valid.

2
3 **4-14-17: INSPECTION OF PREMISES: Prior to the issuance of a permit, the premises at**
4 **which the medical marijuana dispensary will be operated shall be inspected by the Town's**
5 **Building Official to determine compliance with the Town's building and technical codes.**
6 **No permit shall be issued if the premises at which the medical marijuana dispensary will be**
7 **operated do not comply with the Town's building and technical codes. Throughout the**
8 **term of the permit the Building Official may inspect the premises at which the medical**
9 **marijuana dispensary is operated to determine continuing compliance with the Town's**
10 **building and technical codes. Access to such premises may be obtained by the Building**
11 **Official in accordance with the applicable provisions of such codes or other applicable law.**

12
13 4-14-17~~18~~: PERMIT NOT TRANSFERABLE: A permit is non-transferable and non-assignable.
14 Any attempt to transfer or assign a permit voids the permit.

15
16 4-14-18~~19~~: NOTICE OF ISSUANCE OF PERMIT: Immediately upon the issuance of a permit,
17 the Town Manager shall send a copy of the permit to:

- 18
19 A. The Police Department;
20 B. The Community Development Department;
21 C. The Town Clerk;
22 D. The Director of Financial Services; and
23 E. Any other person as determined by the Town Manager.

24 4-14-19~~20~~: DURATION OF PERMIT; RENEWAL

- 25
26 A. Each permit issued pursuant to this chapter shall be valid for one year from the
27 date of issuance, and may be renewed as provided in this section.
28 B. An application for the renewal of an existing permit shall be made to the Town
29 Manager not less than forty-five days prior to the date of expiration. No
30 application for renewal shall be accepted by the Town Manager after the date of
31 expiration. The Town Manager may waive the forty-five days time requirement
32 set forth in this subsection if the applicant demonstrates an adequate reason.
33 C. The provisions of sections 4-14-9 through 4-14-15, inclusive, shall apply to the
34 processing of an application to renew a permit. The timely filing of a renewal
35 application shall extend the current permit until a final decision is made on the
36 renewal application, including any appeal of the Town Manager's decision to the
37 Town Council.

1 D. At the time of the filing of an application for the renewal of an existing permit
2 the applicant shall pay a renewal fee in an amount fixed by the Town Council as
3 part of its annual budget process.

4 E. The Town Manager may refuse to renew a permit for good cause.

5 ~~4-14-2021~~: DUTIES OF PERMITTEE: It is the duty and obligation of each permittee to do the
6 following:

7
8 A. Comply with all of the terms and conditions of the permit, and any special
9 conditions on the permit imposed by the Town Manager pursuant to section 4-
10 14-12;

11 B. Comply with all of the requirements of this chapter;

12 C. Comply with all other applicable Town ordinances;

13 D. Comply with all state laws and administrative regulations pertaining to the
14 medical use of marijuana, including, but not limited to, Amendment 20; section
15 18-18-406.3, C.R.S.; and the administrative regulations issued by the Colorado
16 Department of Public Health and Environment found at 5 CCR 1006-2, all as
17 amended from time to time.

18 E. Comply with all applicable federal laws, rules, or regulations, other than a
19 federal law, rule or regulation concerning the possession, sale or distribution of
20 marijuana that conflicts with Amendment 20; and

21 F. Permit inspection of its records, **building or structure**, and operation by the
22 Town Manager for the purpose of determining the permittee's compliance with
23 the terms and conditions of the permit.

24 ~~4-14-21~~22: POSTING OF PERMIT: A permit shall be continuously posted in a conspicuous
25 location at the medical marijuana dispensary.

26
27 ~~4-14-22~~23: SUSPENSION OR REVOCATION OF PERMIT:

28
29 A. A permit issued pursuant to this chapter may be suspended or revoked by the
30 Town Manager after a hearing for the following reasons:

31 1. fraud, misrepresentation, or a false statement of material fact contained in
32 the permit application;

33 2. a violation of any Town, state, or federal law or regulation, other than a
34 federal law or regulation concerning the possession, sale or distribution of
35 marijuana that conflicts with Amendment 20;

MEDICAL MARIJUANA DISPENSARY ORDINANCE

- 1 3. a violation of any of the terms and conditions of the permit, including any
2 special conditions of approval imposed upon the permit by the Town
3 Manager pursuant to section 4-14-12;
 - 4 4. a violation of any of the provisions of this chapter;
 - 5 5. operations have ceased at the medical marijuana dispensary for more than
6 90 days, including during a change of ownership of the dispensary; or
 - 7 6. ownership of the medical marijuana dispensary has been transferred
8 without the new owner obtaining a permit pursuant to this chapter.
- 9 B. In connection with the suspension of a permit, the Town Manager may impose
10 reasonable conditions.
- 11 C. A hearing held pursuant to this section shall be processed in accordance with
12 chapter 19 of title 1 of this code.
- 13 D. In deciding whether a permit should be suspended or revoked, and in deciding
14 what conditions to impose in the event of a suspension, if any, the Town
15 Manager shall consider:
- 16 1. the nature and seriousness of the violation;
 - 17 2. corrective action, if any, taken by the permittee;
 - 18 3. prior violation(s), if any, by the permittee;
 - 19 4. the likelihood of recurrence;
 - 20 5. all circumstances surrounding the violation;
 - 21 6. whether the violation was willful;
 - 22 7. the number of previous violations by the permittee; and
 - 23 8. previous sanctions, if any, imposed against the permittee.
- 24 E. If the Town Manager suspends a permit the permittee may appeal the suspension
25 or revocation to the Town Council in accordance with chapter 19 of title 1 of this
26 code. The burden of proof in such an appeal is on the permittee. If the Town
27 Council finds by a preponderance of the evidence that the Town Manager acted
28 correctly in suspending or revoking the permit, the Town Council shall uphold
29 the Town Manager's order of suspension or revocation. If the Town Council
30 finds by a preponderance of the evidence that the Town Manager acted
31 improperly in suspending or revoking the permit, the appeal shall be sustained,

MEDICAL MARIJUANA DISPENSARY ORDINANCE

1 and the Town Manager’s order of suspension or revocation shall be set aside.
2 Any decision made by the Town Council pursuant to this section shall be a final
3 decision and may be appealed to the district court pursuant to Rule 106(a)(4) of
4 the Colorado Rules of Civil Procedure. The applicant’s failure to timely appeal
5 the decision is a waiver the applicant’s right to contest the denial or conditional
6 approval of the application.

7 F. No fee previously paid by a permittee in connection with the application shall be
8 refunded if such permit is suspended or revoked.

9 ~~4-14-23~~24: LIMITATION ON SALE OF MARIJUANA: No marijuana may be sold, given
10 away, or transferred at a medical marijuana dispensary except to patients and to primary care-
11 givers.

12
13 ~~4-14-24: PROHIBITED LOCATIONS:~~

14 **4-14-25: DISPENSARY LOCATION:**

15
16 A. Except as provided in subsection F of this section, no medical marijuana
17 dispensary shall be located at a location that does not conform to the
18 requirements of this section.

19 B. No medical marijuana dispensary shall be located ~~in the core business district of~~
20 ~~the Town. Such area includes all of the area bounded by the 300 Block of North~~
21 ~~Main Street on the north; the 600 Block of South Main Street to the south; the~~
22 ~~100 block of North Ridge Street and the 500 block of South Ridge Street, and~~
23 ~~includes all public alleys included within or immediately adjacent to such~~
24 ~~area.~~**except within Land Use Districts 5, 9, 11,19, 20 or 31.**

25 C. ~~No~~**In addition to the restriction imposed by subsection B of this section, no**
26 medical marijuana dispensary shall be located:

- 27 1. within 500 feet of a licensed child care facility;
- 28 2. within 500 feet of any educational institution or school, college or
29 university, either public or private;
- 30 3. within 500 feet of any halfway house ~~or correctional facility;~~
- 31 4. ~~within 100 feet of any single or multi-family~~**adjacent to property being**
32 **used for a residential structure or unit; or use;**
- 33 5. within any building or structure that contains a residential unit; **or**
- 34 **6. on the ground floor, if located within the Downtown Overlay District.**

1 D. The distances described in subsection C shall be computed by direct
2 measurement from the nearest property line of the land used for child care,
3 school, college, university or halfway house, ~~single family or multi-family~~
4 ~~residential purposes to the nearest portion of the building housing~~ front door of
5 the medical marijuana dispensary using a straight line. The “front door” is the
6 dispensary’s main entrance facing the nearest public street.

7 E. Each medical marijuana dispensary shall be operated from a permanent and
8 fixed location. No medical marijuana dispensary shall be permitted to operate
9 from a moveable, mobile, or transitory location.

10 F. The suitability of a location for a medical marijuana dispensary shall be
11 determined at the time of the initial issuance of the ~~first~~ permit for such
12 dispensary. The fact that changes in the neighborhood that occur after the initial
13 issuance of the ~~first~~ permit might render the site unsuitable for a medical
14 marijuana dispensary under this section shall not be grounds to suspend, revoke
15 or refuse to renew the permit for such dispensary so long as the permit for the
16 dispensary remains in effect.

17 G. No medical marijuana dispensary shall be operated as a “home occupation”
18 as described in Policy 38(Absolute) of Section 9-1-19 of this code.

19 4-14-~~25~~26: HOURS OF OPERATION: A medical marijuana dispensary may open no earlier
20 than 9 A.M. and shall close no later than 7 P.M. the same day. A medical marijuana dispensary
21 may be open seven days a week.

22
23 4-14-~~26~~27: SIGNAGE: All signage for a medical marijuana dispensary shall comply with the
24 requirements of chapter 2 of title 8 of this code. In addition, no permittee shall display a sign for
25 the medical marijuana dispensary that contains the word “marijuana” or a graphic/image of any
26 portion of a marijuana plant.

27
28 4-14-~~27~~28: REQUIRED WARNINGS TO BE POSTED: There shall be posted in a conspicuous
29 location in each medical marijuana dispensary a legible sign containing the following warnings:

30
31 A. A warning that the diversion of marijuana for non-medical purposes is a
32 violation of state law;

33 B. A warning that the use of medical marijuana may impair a person’s ability to
34 drive a motor vehicle or operate machinery, and that it is illegal under state law
35 to drive a motor vehicle or to operate machinery when under the influence of or
36 impaired by marijuana; and

37 C. A warning that loitering in or around the medical marijuana dispensary is
38 prohibited by state law.

MEDICAL MARIJUANA DISPENSARY ORDINANCE

1 D. A warning that possession and distribution of marijuana is a violation of federal
2 law.

3 4-14-~~28~~29: ON-SITE CONSUMPTION: The consumption or inhalation of marijuana on or
4 within the premises of a medical marijuana dispensary is prohibited.

5
6 4-14-~~29~~30: PARAPHERNALIA: Devices, contrivances, instruments, and paraphernalia for
7 inhaling or otherwise consuming marijuana including, but not limited to, rolling papers and
8 related tools, water pipes, and vaporizers may lawfully be sold at a medical marijuana
9 dispensary. Such items may be sold or provided only to patients or primary care-givers.

10
11 4-14-~~30~~31: ON-SITE CULTIVATION, GROWING AND PROCESSING: The growing,
12 cultivation, or processing of marijuana on or within the premises of a medical marijuana
13 dispensary is prohibited unless the dispensary is equipped with a proper ventilation system that
14 filters out the odor of marijuana so that the odor is not capable of being detected by a person with
15 a normal sense of smell at the exterior of the dispensary or any adjoining business, parcel or tract
16 of real property.

17
18 4-14-~~31~~32: ALCOHOL: The sale or consumption of an alcoholic beverage within a medical
19 marijuana dispensary is prohibited.

20
21 4-14-~~32~~33: DISPLAY OF MEDICAL MARIJUANA: No marijuana shall be displayed so as to
22 be visible through glass, windows, or doors by a person of normal visual acuity standing at the
23 outside perimeter of the medical marijuana dispensary.

24
25 4-14-~~33~~34: SECURITY REQUIREMENTS: A permittee shall provide adequate security on the
26 premises of a medical marijuana dispensary including, but not limited to, the following:

27
28 A. Security surveillance cameras installed to monitor the main entrance along with
29 the interior and exterior of the premises to discourage and to facilitate the
30 reporting of criminal acts and nuisance activities occurring at the premises.
31 Security video shall be preserved for at least 72 hours by the permittee;

32 B. Robbery and burglary alarm systems which are professionally monitored and
33 maintained in good working conditions;

34 C. A locking safe permanently affixed to the premises that is suitable for storage of
35 all of the saleable inventory of marijuana; and

36 D. Exterior lighting that illuminates the exterior walls of the business and is
37 compliant with chapter 12 of title 9 of this code.

38 4-4-~~34~~35: BUSINESS LICENSE REQUIRED: At all times while a permit is in effect the
39 permittee shall possess a valid license issued under chapter 1 of title 4 of this code.
40

MEDICAL MARIJUANA DISPENSARY ORDINANCE

1 4-14-3536: TAXES: Each permittee shall ~~pay~~collect and remit sales tax on all medical
2 marijuana, paraphernalia, and other tangible personal property sold by the permittee at the
3 medical marijuana dispensary.

4
5 **4-14-37: REQUIRED RECORD:**

6
7 **A. Each permittee shall maintain an accurate and complete record of all**
8 **marijuana sold or dispensed at the medical marijuana dispensary. The**
9 **record shall contain the following information:**

10 **1. The quantity of marijuana sold or dispensed;**

11 **2. The date and time the marijuana was sold or dispensed;**

12 **3. The type and source of the marijuana sold or dispensed; and**

13 **4. The patient's medical marijuana registry identification card number.**

14 **B. The permittee's records described in subsection A of this section shall be**
15 **readily available for inspection by the Town's police department during**
16 **normal business hours.**

17 **C. Nothing in this section shall abrogate or affect any applicable confidentiality**
18 **provision of state or federal law. In the event of any conflict between this**
19 **section and any applicable state or federal law, the applicable provision of**
20 **state or federal law shall control.**

21 4-14-3638: PENALTIES; INJUNCTIVE RELIEF:

22
23 A. It is a misdemeanor offense for any person to violate any provision of this
24 chapter. Any person convicted of having violated any provision of this chapter
25 shall be punished as set forth in chapter 4 of title 1 of this code.

26 B. The operation of a medical marijuana dispensary without a valid permit issued
27 pursuant to this chapter may be enjoined by the Town in an action brought in a
28 court of competent jurisdiction. **In any case in which the Town prevails in a**
29 **civil action initiated pursuant to this section, the Town may recover its**
30 **reasonable attorney fees plus costs of the proceeding.**

31 **C. The remedies provided in this section are in addition to any other remedy**
32 **provided by applicable law.**

33 4-14-3739: NO WAIVER OF GOVERNMENTAL IMMUNITY: In adopting this chapter the
34 Town Council is relying on, and does not waive or intend to waive by any provision of this
35 chapter, the monetary limitations (presently \$150,000 per person and \$600,000 per occurrence)

1 or any other rights, immunities, and protections provided by the Colorado Governmental
2 Immunity Act, section 24-10-101 et seq., C.R.S., as from time to time amended, or any other
3 limitation, right, immunity, or protection otherwise available to the Town, its officers, or its
4 employees.

5
6 4-14-~~3840~~40: NO TOWN LIABILITY: By accepting a permit issued pursuant to this chapter a
7 permittee releases the Town, its officers, elected officials, employees, attorneys, and agents from
8 any liability for injuries, damages, or liabilities of any kind that result from any arrest or
9 prosecution of dispensary owners, operators, employees, clients, or customers for a violation of
10 state or federal laws, rules or regulations. The Town Manager may require a permittee to execute
11 a written instrument confirming the provisions of this section.

12
13 4-14-~~3941~~41: INDEMNIFICATION OF TOWN: By accepting a permit issued pursuant to this
14 chapter a permittee, jointly and severally if more than one, agrees to indemnify and defend the
15 Town, its officers, elected officials, employees, attorneys, agents, insurers, and self-insurance
16 pool against all liability, claims, and demands, on account of injury, loss, or damage, including,
17 without limitation, claims arising from bodily injury, personal injury, sickness, disease, death,
18 property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in
19 any manner connected with the operation of the medical marijuana dispensary that is the subject
20 of the permit. The permittee further agrees to investigate, handle, respond to, and to provide
21 defense for and defend against, any such liability, claims, or demands at its expense, and to bear
22 all other costs and expenses related thereto, including court costs and attorney fees. The Town
23 Manager may require a permittee to execute a written instrument confirming the provisions of
24 this section.

25
26 4-14-~~4042~~42: OTHER LAWS REMAIN APPLICABLE: The provisions of this chapter do not
27 protect permittees, operators, employees, customers and clients of a permitted medical marijuana
28 dispensary from prosecution pursuant to any laws that may prohibit the cultivation, sale, use, or
29 possession of controlled substances. In addition, as of the date of the adoption of this chapter the
30 cultivation, sale, possession, distribution, and use of marijuana remain violations of federal and
31 state law (except for conduct covered by Amendment 20), and this chapter affords no protection
32 against prosecution under such federal and state laws. Permittees, operators, employees,
33 customers and clients of a permitted medical marijuana dispensary assume any and all risk and
34 any and all liability arising or resulting from the operation of the dispensary under any state or
35 federal law. Further, to the greatest extent permitted by law, any actions taken under the
36 provisions of this chapter by any public officer or officers, elected or appointed officials,
37 employees, attorneys and agents of the Town of Breckenridge shall not become a personal
38 liability of such person or of the Town.

39
40 4-14-~~4143~~43: RULES AND REGULATIONS: The Town Manager shall have the authority from
41 time to time to adopt, amend, alter, and repeal administrative rules and regulations as may be
42 necessary for the proper administration of this chapter. Such regulations shall be adopted in
43 accordance with the procedures established by chapter 18, title 1 of this code.

44
MEDICAL MARIJUANA DISPENSARY ORDINANCE

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

4
5 Section 3. No Severability. If any section, paragraph, sentence, clause, or phrase of this
6 chapter is for any reason held to be unconstitutional or otherwise invalid or ineffective by the
7 final, nonappealable order or judgment of any court of competent jurisdiction, then the entirety
8 of this chapter shall be deemed invalid and unenforceable. The Town Council hereby declares
9 that it would not have adopted this chapter if it any of the sections, paragraphs, sentences,
10 clauses, or phrases of this chapter is finally declared unconstitutional, invalid or otherwise
11 invalid and unenforceable.

12
13 Section 4. Repeal of Ordinances.

14
15 A. Section 6-5-1 of the Breckenridge Town Code, entitled “Medical Marijuana
16 Ordinance” is repealed.

17 B. Ordinance No. 16, Series 2009, entitled “An Ordinance Imposing A
18 Temporary Moratorium On The Submission, Acceptance, Processing, And
19 Approval Of Any Application For A Town Of Breckenridge Permit Or
20 License Related To The Operation Of A Business That Sells Medical
21 Marijuana Pursuant To The Authority Granted By Article 18, Section 14 Of
22 The Colorado Constitution; Directing The Prompt Investigation Of The
23 Town’s Regulatory Authority Over Such Businesses; Declaring The
24 Intention Of The Town Council To Consider The Adoption Of Appropriate
25 Town Regulations With Respect To Such Businesses If Permitted By Law;
26 Declaring An Emergency; And Providing For An Immediate Effective Date
27 Of This Ordinance”, is repealed.

28 C. Ordinance No. ____, Series 2009, entitled “An Ordinance Extending Until
29 October 7, 2009 The Temporary Moratorium On The Submission,
30 Acceptance, Processing, And Approval Of Any Application For A Town Of
31 Breckenridge Permit Or License Related To The Operation Of A Business
32 That Sells Medical Marijuana; Declaring An Emergency; And Providing
33 For An Immediate Effective Date Of This Ordinance”, is repealed.

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

36
37 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
38 PUBLISHED IN FULL this ____ day of ____, 2009. A Public Hearing shall be held at the
39 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
40 ____, 2009, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
41 Town.

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TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By _____
John G. Warner, Mayor

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

MEMO

TO: Town Council

FROM: Town Attorney

RE: Ordinance Extending Medical Marijuana Dispensary Moratorium

DATE: September 1, 2009 (for September 8th meeting)

The Town's moratorium on medical marijuana dispensaries will expire on September 21st (90 days from when the Moratorium Ordinance was adopted on June 23rd).

As you know, it is anticipated that the new Medical Marijuana Dispensary Ordinance will be adopted on first reading on September 8th, and on final reading on September 22nd. Under the Charter, the new Dispensary Ordinance will not go into effect until five days after newspaper publication following final adoption. The Town Clerk advises that publication following second reading will occur on October 7th. That will be the effective date of the new Dispensary Ordinance.

To avoid the moratorium expiring before the new Dispensary Ordinance becomes effective it will be necessary to extend the moratorium until October 7th.

Enclosed is a proposed ordinance extending the moratorium until October 7th. In order for the Moratorium Extension Ordinance to be effective before the moratorium is scheduled to expire on September 21st it will be necessary for the Moratorium Extension Ordinance to be adopted as an emergency ordinance. As a result, the ordinance has been drafted as an emergency ordinance, and will require five affirmative votes to be adopted on September 8th.

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

1 ***FOR WORKSESSION/ADOPTION – SEPT. 8***

2
3 COUNCIL BILL NO. 31

4
5 Series 2009

6
7 AN ORDINANCE EXTENDING UNTIL OCTOBER 7, 2009 THE TEMPORARY
8 MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND
9 APPROVAL OF ANY APPLICATION FOR A TOWN OF BRECKENRIDGE PERMIT OR
10 LICENSE RELATED TO THE OPERATION OF A BUSINESS THAT SELLS MEDICAL
11 MARIJUANA; DECLARING AN EMERGENCY; AND PROVIDING FOR AN IMMEDIATE
12 EFFECTIVE DATE OF THIS ORDINANCE

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

16
17 WHEREAS, on June 23, 2009 the Town Council adopted Ordinance No. 16, Series 2009
18 imposing a temporary moratorium on the submission, acceptance, processing, and approval of all
19 applications for Town permits and licenses relating to the operation of a business that sells
20 medical marijuana to allow the Town staff and the Town Council to investigate the Town’s
21 ability to regulate such businesses, and to develop and implement any appropriate regulations
22 deemed necessary by the Town Council; and

23
24 WHEREAS, pursuant to its terms Ordinance No. 16, Series 2009 will expire on
25 September 21, 2009; and

26
27 WHEREAS, the Town staff has completed its investigation of the Town’s ability to
28 regulate businesses that sell medical marijuana, and has reported to the Town Council on such
29 matter; and

30
31 WHEREAS, the Town Council intends to adopt regulations concerning businesses that
32 sell medical marijuana within the Town; and

33
34 WHEREAS, the Town Council does not want to adopt its medical marijuana business
35 regulations as an emergency ordinance; and

36
37 WHEREAS, on September 8, 2009 the Town Council approved on first reading Council
38 Bill No. 30, entitled “An Ordinance Amending Title 4 Of the Breckenridge Town Code By
39 Adopting Provisions For The Regulation Of Medical Marijuana Dispensaries; And Repealing
40 Conflicting Town Ordinances” (the “Medical Marijuana Dispensary Ordinance”); and

41
42 WHEREAS, the Town Council anticipates that the Medical Marijuana Dispensary
43 Ordinance will be finally adopted on second reading on September 22, 2009; and

44
45 WHEREAS, Section 5.9 of the Breckenridge Town Charter provides that non-emergency
46 town ordinances take effect five days after newspaper publication following second reading; and

1
2 WHEREAS, if the Medical Marijuana Dispensary Ordinance is adopted on second
3 reading on September 22, 2009 it will not go into effect until October 7, 2009; and
4

5 WHEREAS, the Town Council finds and determines that the temporary moratorium
6 imposed by Ordinance No. 16, Series 2009 should be extended until October 7, 2009 in order to
7 allow for the Medical Marijuana Dispensary Ordinance to be finally adopted on second reading,
8 and then to be published and become effective as provided by the Town Charter.
9

10 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
11 BRECKENRIDGE, COLORADO:
12

13 Section 1. Extension of Moratorium. Section 3 of Ordinance No. 16, Series 2009, is
14 amended so as to read in its entirety as follows:
15

16 Section 3. Effective Dates of Moratorium. The moratorium imposed by this
17 ordinance shall commence as of the date of the adoption of this ordinance, and
18 shall expire on October 7, 2009, unless sooner repealed.
19

20 Section 2. Police Power Finding. The Town Council hereby finds, determines, and
21 declares that this ordinance is necessary and proper to provide for the safety, preserve the health,
22 promote the prosperity, and improve the order, comfort and convenience of the Town of
23 Breckenridge and the inhabitants thereof.
24

25 Section 3. Authority. The Town Council hereby finds, determines and declares that it has
26 the power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control
27 Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S.
28 (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal
29 police powers); (iv) Section 31-15-401, C.R.S.(concerning municipal police powers); (v) Section
30 31-15-501 (concerning municipal power to regulate businesses); (vi) the authority granted to
31 home rule municipalities by Article XX of the Colorado Constitution; and (vii) the powers
32 contained in the Breckenridge Town Charter.
33

34 Section 4. Emergency Declaration. The Town Council of the Town of Breckenridge
35 hereby finds, determines, and declares that an emergency exists and that this ordinance is
36 necessary for the immediate preservation of public property, health, welfare, peace or safety. The
37 adoption of this ordinance on an emergency basis is necessary in order to allow the Medical
38 Marijuana Dispensary Ordinance described above to be finally adopted by the Town Council as a
39 non-emergency ordinance on September 22, 2009, and to thereafter be published and become
40 effective as provided in Section 5.9 of the Breckenridge Town Charter. The Town Council
41 further determines that the adoption of this ordinance as an emergency ordinance is in the best
42 interest of the citizens of the Town of Breckenridge.
43

44 Section 5. Effective Date. Pursuant to Section 5.11 of the Breckenridge Town Charter
45 this ordinance shall take effect and be in full force upon adoption of this ordinance by the
46 affirmative votes of at least five (5) members of the Town Council.

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Section 6. Publication. This ordinance shall be published in full within ten (10) days after adoption, or as soon thereafter as possible, as required by Section 5.11 of the Breckenridge Town Charter.

ADOPTED AND APPROVED as an Emergency Ordinance this ____ day of _____, 2009.

TOWN OF BRECKENRIDGE, a Colorado municipal corporation

By: _____
John G. Warner, Mayor

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

APPROVED IN FORM

Town Attorney

Memorandum

To: Town Council
From: Open Space and Trails Staff
Re: Ordinance regarding Town Council approval of BOSAC Rules and Regulations
Date: September 2, 2009 (for September 8th meeting)

This ordinance would change the Breckenridge Town Code regarding the Rules and Regulations of the Breckenridge Open Space Advisory Commission. Currently in the Town Code any BOSAC rule or regulation, or changes thereto, must be approved by the Town Council before they become effective. This made sense in the earlier days of BOSAC, but now that it has been a commission for over ten years, it makes sense from a staff perspective to leave changes to BOSAC rules and regulations up to the Commission itself.

1 *FOR WORKSESSION/FIRST READING – SEPT. 8*

2
3 Additions To The Current Breckenridge Town Code Are
4 Indicated By **Bold + Dbl Underline**; Deletions By ~~Strikeout~~
5

6 COUNCIL BILL NO. ____

7
8 Series 2009
9

10 AN ORDINANCE AMENDING SECTION 2-4-8 OF THE BRECKENRIDGE TOWN CODE
11 CONCERNING THE RULES AND REGULATIONS OF THE BRECKENRIDGE OPEN
12 SPACE ADVISORY COMMISSION
13

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

17 Section 1. Section 2-4-8 of the Breckenridge Town Code is amended so as to read in its
18 entirety as follows:

19 2-4-8: RULES AND REGULATIONS: The Commission shall adopt rules and
20 regulations governing its operation; ~~provided, however, that no such rule or~~
21 ~~regulation, or amendment thereto, shall become effective until such rule,~~
22 ~~regulations or amendment has been approved by the Town Council.~~
23

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

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

29 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
30 PUBLISHED IN FULL this ____ day of _____, 2009. A Public Hearing shall be held at the
31 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
32 _____, 2009, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
33 Town.
34

35 TOWN OF BRECKENRIDGE, a Colorado
36 municipal corporation
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40 By _____
41 John G. Warner, Mayor
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ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

100-13\Rules Change Ordinance (09-01-09)

Memorandum

To: Town Council
From: Open Space and Trails Staff
Re: Resolution Approving BOSAC Rule Change
Date: September 2, 2009 (for September 8th meeting)

This resolution would change the Rules of the Breckenridge Open Space Advisory Commission to move the regular meeting day of the Commission from the 2nd Monday of the month to the 3rd Monday of every month. This change has been initiated to allow the draft minutes from the BOSAC meetings to be sent to Town Council members before a meeting where they might discuss some of the same topics.

1 **FOR WORKSESSION/ADOPTION – SEPT. 8**

2
3 A RESOLUTION

4
5 SERIES 2009

6
7 A RESOLUTION APPROVING AN AMENDMENT TO RULE 5.1 OF THE RULES OF THE
8 BRECKENRIDGE OPEN SPACE ADVISORY COMMISSION CONCERNING THE
9 REGULAR MEETING OF THE COMMISSION

10
11 WHEREAS, Section 2-4-8 of the Breckenridge Town Code requires the Breckenridge Open
12 Space Advisory Commission (“Commission”) to adopt rules and regulations governing its
13 operation; and

14
15 WHEREAS, in accordance with Section 2-4-8 of the Breckenridge Town Code the
16 Commission has heretofore adopted the “Rules of the Breckenridge Open Space Advisory
17 Commission” (“Rules”); and

18
19 WHEREAS, the Commission desires to amend Rule 5.1 of the Rules pertaining to the date
20 of the regular meeting of the Commission; and

21
22 WHEREAS, on August 17, 2009 the Commission adopted Resolution No. 1, Series 2009,
23 entitled “A Resolution Amending Rule 5.1 of the Rules of the Breckenridge Open Space Advisory
24 Commission Concerning The Regular Meeting of the Commission”, a copy of which is marked
25 Exhibit "A", attached hereto and incorporated herein by reference; and

26
27 WHEREAS, Section 2-4-8 of the Breckenridge Town Code further requires that no
28 amendment to the Rules shall become effective until the same has been approved by the Town
29 Council; and

30
31 WHEREAS, the Town Council has reviewed the proposed amendment to Rule 5.1 as set
32 forth on the attached Exhibit “A”, and finds and determines that such proposed amendment should
33 be approved by the Town Council.

34
35 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
36 BRECKENRIDGE, COLORADO, as follows:

37
38 Section 1. Resolution No. 1, Series 2009 of the Breckenridge Open Space Advisory
39 Commission, entitled “A Resolution Amending Rule 5.1 of the Rules of the Breckenridge Open
40 Space Advisory Commission Concerning The Regular Meeting of the Commission” (Exhibit "A"
41 hereto) is approved.

42
43 Section 2. This resolution shall become effective upon its adoption.

44
45 RESOLUTION APPROVED AND ADOPTED THIS ____ DAY OF _____, 2009.
46

TOWN OF BRECKENRIDGE

By _____
John G. Warner, Mayor

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

APPROVED IN FORM

Town Attorney date

1 Exhibit A

2
3 BEFORE THE BRECKENRIDGE OPEN SPACE ADVISORY COMMISSION

4
5 RESOLUTION NO. 1

6
7 SERIES 2009

8
9 A RESOLUTION AMENDING RULE 5.1 OF THE RULES OF THE BRECKENRIDGE OPEN
10 SPACE ADVISORY COMMISSION CONCERNING THE REGULAR MEETING OF THE
11 COMMISSION

12
13 WHEREAS, the Breckenridge Open Space Advisory Commission ("Commission") has
14 heretofore adopted rules and regulations governing the transaction of business by the Commission;
15 and

16
17 WHEREAS, the Commission desires to amend Rule 5.1 as hereafter provided; and

18
19 WHEREAS, Rule 18 of the Rules of the Breckenridge Open Space Advisory Commission
20 ("Rules") provides that the Rules may be amended at any regular or special meeting by the
21 affirmative vote of a majority of the Commission; provided, however, that (i) such proposed
22 amendment has been submitted to the Commission in writing at the preceding regular Commission
23 meeting so that the Commission members will have adequate time to review and consider such
24 proposed amendment, and (ii) no such amendment shall become effective until the same has been
25 approved by the Town Council; and

26
27 WHEREAS, this Resolution was submitted to the Commission at the regular Commission
28 meeting held May 18, 2009 as required by Rule 18 of the Rules of the Commission.

29
30 NOW, THEREFORE, BE IT RESOLVED BY THE BRECKENRIDGE OPEN SPACE
31 ADVISORY COMMISSION, as follows:

32
33 Section 1. Rule 5.1 of the Rules of the Breckenridge Open Space Advisory Commission is
34 hereby amended so as to read in its entirety as follows:

35
36 5.1 Regular Meetings. The regular meeting of the Commission shall be held at
37 5:30 P.M. in the Council Chambers of the Breckenridge Town Hall on the
38 third Monday of each month; provided, however, that if such day is a legal
39 holiday, the meeting shall be held on the next day which is not a Tuesday or
40 a holiday. A regular meeting may be held at any other convenient time or
41 place with the consent of the Commission. Notice of a regular meeting,
42 including specific agenda information where possible, shall be posted in the
43 place designated in Rule 9.3 not less than twenty-four (24) hours prior to the
44 holding of the meeting.

1 Section 2. This Resolution shall become effective upon its adoption, and the amendment to
2 the Rules as provided for herein shall become effective when approved by the Town Council of the
3 Town of Breckenridge as required by Section 2-4-8 of the Breckenridge Town Code.
4

5 APPROVED AND ADOPTED THIS _____ DAY OF _____, 2009.
6

7 BRECKENRIDGE OPEN SPACE ADVISORY
8 COMMISSION
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12 By: _____
13 Chair
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15 ATTEST:
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19 _____
20 Secretary
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Scheduled Meetings, Important Dates and Events

Shading indicates Council 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. All Council Meetings are held in the Council Chambers, 150 Ski Hill Road, Breckenridge.

SEPTEMBER 2009

Tuesday, September 8; 3:00/7:30pm	First Meeting of the Month
Thursday, September 10	CML Boards and Commissions Basics
Friday, September 11; 6:45pm	Turf Field Grand Opening
Saturday, September 19	Oktoberfest
Tuesday, September 22; 3:00/7:30pm	Second Meeting of the Month

OCTOBER 2009

Tuesday, October 13; 3:00/7:30pm	***BUDGET RETREAT***
Tuesday, October 13; 3:00/7:30pm	First Meeting of the Month
Tuesday, October 27; 3:00/7:30pm	Second Meeting of the Month

OTHER MEETINGS

1 st & 3 rd Tuesday of the Month; 7:00pm	Planning Commission; Council Chambers
1 st Wednesday of the Month; 4:00pm	Public Art Commission; 3 rd floor Conf Room
2 nd & 4 th Tuesday of the Month; 1:30pm	Board of County Commissioners; County
2 nd Wednesday of the Month; 12 pm	Breckenridge Heritage Alliance
2 nd Thursday of the Month; 5:30pm	Sanitation District
3 rd Monday of the Month; 5:30pm	BOSAC; 3 rd floor Conf Room
3 rd Thursday of the Month; 7:00pm	Red White and Blue; Main Fire Station
4 th Wednesday of the Month; 9am	Summit Combined Housing Authority
Last Wednesday of the Month; 8am	Breckenridge Resort Chamber; BRC Offices

Other Meetings: CAST, CML, NWCCOG, RRR, QQ, I-70 Coalition

3rd Monday of the Month; 5:30pm

BOSAC; 3rd floor Conf Room

3rd Thursday of the Month; 7:00pm

Red White and Blue; Main Fire Station

4th Wednesday of the Month; 9am

Summit Combined Housing Authority

Last Wednesday of the Month; 8am

Breckenridge Resort Chamber; BRC Offices

Other Meetings: CAST, CML, NWCCOG, RRR, QQ, I-70 Coalition