



BRECKENRIDGE TOWN COUNCIL WORK SESSION
Tuesday, March 22, 2011; 3:00 p.m.
Town Hall Auditorium

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 – 3:30 p.m.	I	<u>PLANNING COMMISSION DECISIONS</u>	2
3:30 – 4:15 p.m.	II	<u>LEGISLATIVE REVIEW*</u>	
		Cementitious Siding	74
		Open House Signs Reauthorization	77
		Commercial Basement Density	80
		Development Reclassification	83
		Modify Optional Premises Ordinance	87
		Motion to Cancel April 12 Town Council Meeting	90
4:15 – 4:30 p.m.	III	<u>MANAGERS REPORT</u>	
		Public Projects Update	Verbal
		Housing/Childcare Update	Verbal
		Committee Reports	41
		Financials	42
4:30 – 4:45 p.m.	IV	<u>OTHER</u>	
		Public Properties Disposal Update	53
4:45 – 5:45 p.m.	V	<u>PLANNING MATTERS</u>	
		Sustainable Breck Action Plan Update	59
6:00 – 7:15 p.m.	VI	<u>JOINT MEETING – BRECK MARKETING ADVISORY COMMITTEE</u>	
		Dinner provided	

***ACTION ITEMS THAT APPEAR ON THE EVENING AGENDA** 68

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: March 16, 2011

Re: Town Council Consent Calendar from the Planning Commission Decisions of the March 15, 2011, Meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF March 1, 2011:

CLASS C APPLICATIONS:

1. Lot 30, Highlands Golf Course (MGT) PC#2011003, 150 Marks Lane
Construction of new single family residence with 4 bedrooms, 4 bathrooms, 3,033 sq. ft. of density and 3,672 sq. ft. of mass for a F.A.R. of 1:6.4. Approved.
2. Corkscrew Lot 19 (MGT) PC#2011006, 315 Corkscrew Drive
Construction of a new single family residence with 4 bedroom, 3.5 bathrooms, 3,176 sq. ft. of density and 3,810 sq. ft. of mass for an F.A.R. of 1:3.5. Approved.

FINAL HEARINGS:

1. Columbia Lode Master Plan (MM) PC #2010017, 400 North Main Street
A master plan in the location of the former Breckenridge Building Center, for 24 residential units including 21 market rate units, 2 potential employee housing units, and 1 single family residential lot. The plan includes a public trail, open space, and dedication of land for a right turn lane at the French Street and Main Street intersection. Approved.

PUBLIC PROJECTS HEARINGS:

1. Breckenridge Golf Course Clubhouse Solar Project (CN) PC#2011008
A proposal to install 105 kW of photovoltaic (PV) solar panels solar in the form of 16 pole-mounted systems adjacent to the parking lot at the Golf Course Clubhouse, plus flush mounted solar panels on the Clubhouse roof. The proposed solar panels would produce approximately 145,600 kWh of energy, out of approximately 206,560 kWh consumed annually at the site (71% solar powered).
Recommendation: The Planning Commission did not support this application, and recommended that the Town Council not proceed with this project.
2. Riverwalk Center Solar Panels: (CN) PC#2011007
Install 50 kW of photovoltaic (PV) solar panels solar in the form of 9 pole-mounted systems installed adjacent to the Tiger Dredge Lot at the Riverwalk Center, plus flush-mounted solar panels on the roof of the Riverwalk Center. There would also likely be a small flush-mounted system on the roof of a new dumpster enclosure building at the west terminus of W. Adams Street. The proposed solar panels would produce approximately 71,000 kWh of energy, out of approximately 300,000 kWh consumed annually at the site (23% solar powered). Recommendation: The Planning Commission did not support this application, and recommended that the Town Council not proceed with this project.

PLANNING COMMISSION MEETING

The meeting was called to order at 7:03 p.m.

ROLL CALL

Trip Butler Kate Christopher Gretchen Dudney
Rodney Allen Dan Schroder Jack Wolfe
Dave Pringle arrived at 7:07 p.m.
Mark Burke (Town Council)

APPROVAL OF MINUTES

- Ms. Dudney: Our Commissioner comments for the worksession from March 1st^t are out of order. (To Mr. Allen) On item 6, my comments were made after your comments – if you don't want to change your comments, I would prefer to have mine moved to the last part of the discussion to reflect this, because I made my comments last. I want to change the part that is not the black and white answer (on the impacts of gas vs. wood burning) to what you are going to be studying.
- Mr. Allen: Agree with Ms. Dudney, the wood burning appliances discussion was left out of the minutes. A whole conversation was omitted from the minutes.
- Ms. Dudney: The whole subject was left out. Also, we need to add my discussion about dead Lodgepole pines and Town policy against wood burning appliances.
- Ms. Dudney: Let me get this straight, the Council reads these minutes in their packet before we go over them? If there is something that we feel important to say, can we submit this in writing to staff to be sure it gets in the minutes? (Mr. Neubecker - No, these are a record of the comments discussed at the public hearing. We can't take written comments because those comments would not be made in a public hearing. If you have something that you want to make a particular point about, let us know when making the point, and we'll do our best to get it into the minutes the way you want it.)
- Mr. Burke: Can we get a professional typist to get to type the minutes?...No offence...this is such an important part. We need a professional. (Mr. Mosher - having a typist that has architectural and planning knowledge helps more than a "professional typist" that types everything down and doesn't understand the context or what part is important.) My wife is a clerk recorder and can get every word. (Mr. Neubecker - We are always trying to recruit typists. However, taking down every word is exactly what we don't want. We've tried it and it didn't work.)
- Mr. Allen: We need to let Council that the minutes have changed somehow since the Commission reads them two weeks later.
- Mr. Pringle: We've never had to amend the minutes as much as we have in the last 18 months. Council is not getting the full story. I made comment on page 5 that is not written correctly, I don't understand what I said – Depending on what USE you have one material may be appropriate and ANOTHER use may have another material. Council needs to get the gist of what we're saying. (Mr. Neubecker reiterated the difficulty of taking notes chronologically during worksessions with lively discussion.)
- Mr. Allen: That's why we need to have a girl do it. On page 8 - Condo hotels are becoming obsolete, not lodge developments in general. Just insert the word "condo-hotel".

(Staff noted that during worksession discussions, Commissioners are speaking out of sequence and back and forth with one subject. Also, following the exact conversation line between several persons concurrently can be difficult. We (including past typists) try to capture the key points in a concise manner. If the Commission would like to point out key issues after the discussion, or summarize decisions made, this might help.)

With no further changes, the March 1, 2011, Planning Commission meeting minutes were approved unanimously (7-0).

APPROVAL OF AGENDA

Staff noted that there was large public interested in the solar panels and the agenda time was advertised for later in the evening. So, although there have been requests to have this solar panels hearing earlier, Staff did not want to move that portion of the hearing at risk of people that already planned to be here would be missing the discussion.

Also noted, the Columbia Lode Subdivision will need to be heard as a worksession this evening, instead of a Preliminary Hearing, since the Severed Mineral Interests public notice documentation was not submitted to Staff in time. Staff did discuss this with the Town Attorney,

Mr. West: We would like to have the meeting heard as a worksession to get through some of the key issues and maybe come back as a combined/final if staff is supportive.

Mr. Pringle: I have no problem. This can be heard as either tonight.

Mr. Burke: Do I need to leave for this worksession? (Mr. Neubecker – Yes, since it is an active application.)

With no further changes, the March 15, 2011 Planning Commission meeting agenda was approved unanimously (7-0).

CONSENT CALENDAR:

1. Lot 30, Highlands Golf Course Filing 1 (MGT) PC#2011003; 150 Marks Lane
2. Corkscrew Lot 19 (MGT) PC#2011006; 315 Corkscrew Drive

With no requests for call up, the Consent Calendar was approved as presented.

TOWN COUNCIL REPORT:

Mr. Burke: Nothing specific to report. However, I want to be here for the solar panel report this evening. I will need to come back after the Columbia Lode presentations. (Staff will call or text Mr. Burke before the Public Project review of the solar panels at the Riverwalk Center and Golf Course.)

FINAL HEARINGS:

1. Columbia Lode Master Plan (Mr. Mosher) PC#2010017; 400 North Main Street

Mr. Pringle announced that he had talked with the Agent, Steve West, outside of the meeting, concerning some general frustrations he has had with the review processes of some applications, but did not go into detail about this particular project. (The Planning Commission and applicant did not have any problems with Mr. Pringle participating in this hearing.)

Mr. Mosher presented a proposal for a Master Plan for 24 residential units per an approved Development Agreement made with Town Council. He went into more of the background of the project for those in the audience. In past meetings, we reviewed land use, density architectural character (including the buildings closest to Main Street), building height measurement, road alignment, re-grading of site, view corridors between units, traffic study, Klack drainage, conceptual landscaping, and trails. Workforce housing is not required with the current point analysis at zero points, but the applicants would like to keep this as an option.

Mr. Pringle: Is it safe to say that at this point we are just assigning general uses and density, shown as big bubbles on the map? (Mr. Mosher: Yes. This is the Master Plan sheet. In addition, we will be including the lot grading plan. Workforce housing can still be an option in the future, but won't be a requirement. But this employee housing is taken into account, and there is a specific location in mind shown on the Master Plan.)

Staff will have a Condition of Approval on the final Subdivision approval or a plat note requiring a survey of the site during phases of development to make sure that the grade is recreated according to this plan. This will ensure that building heights for the future buildings are accurately measured. Since the last review, the entire multi-family development area was moved by 6 feet to the north to make sure Klack Drainage easement would fit better. Staff had no concerns about this minimal movement. In the future, individual homes will be reviewed as Class C applications, like the Shores at the Highlands (near Tiger Road). The Master Plan notes indicate that a licensed architect will be required for all designs, including remodels.

Mr. Mosher read the definition of Building Height Measurement from the Development Code, which allows for an average grade to be used to measure building height, since this is a heavily disturbed site. Traditionally we have had 17 to 20-feet or more between units. But some of the units on this plan became closer to each other, due to plan revisions from Commissioner comments. Staff will need to review these plans in detail when individual applications are submitted, to ensure privacy. Future applications would be reviewed against the language in the Master Plan. Portions of the trail goes off the property. The Applicant is working on getting a trail easement from the neighbor, in exchange for

some landscaping on the neighbor's lot. Town Staff is working on the easement needed at the north end of the site. That will be presented at the next Subdivision hearing. No negative or positive points are recommended.

On February 10, 2010, the Town Council approved a Development Agreement with B&D Limited Partnership associated with the proposed Columbia Lode Development. That agreement essentially allowed, with Planning Commission and Town Council approvals:

- for limited density to be reallocated from LUD 11 into LUD 1 and 4
- for the relocation of one single family equivalent (SFE) of existing single family density from the original Corkscrew Subdivision plat to a new location at the north end of the site in LUD 1.
- for any future development associated with the pending Columbia Lode Master Plan to be exempt from receiving any negative points for placing density within LUDs 1 or 4.

Other site specific items were addressed and are to be reviewed as part of the Master Plan permit process with the Planning Commission. After several public meetings and site visits with the Planning Commission, an amendment to the original agreement was approved (based on Commission input) by the Town Council on February 22, 2011.

The amendment retained Lot 1 (the single-family site) back in approximately the location as the original Lot 1 of the Corkscrew Subdivision had shown it. However, the lot and disturbance envelope sizes were both reduced to lessen the visual impacts of future development.

Staff recommended the Planning Commission endorse the Point Analysis and approve the Columbia Lode Master Plan, PC#2010017, with the presented Findings and Conditions.

Marc Hogan, Architect/Agent: Jon Brownson could not make the meeting, but thanks Mike Mosher, Scott Reid and Engineering staff for their assistance. We agree with staff report. We have worked with neighbors and staff. We think it's a good staff report. Staff did a thorough job on report.

Mr. Allen opened the hearing to public comment.

Bill Tinker: I am a 40-year resident of Breckenridge. I live on the French Street alley between Main Street and Ridge. I wrote a letter to Engineering Department about my concerns with driveway. Letter was sent to Engineering and Planning Department in January 2011. I never saw this letter in the packet. (Mr. Tinker then read his letter out loud to the Commission. The letter focused on safety concerns with the intersection of the new road with French Street and accessing the French Street Right of Way from the alley.) The Town really blew it when Gold Creek Condos was approved so close to the road. The proposed road for the Columbia Lode does not align with the French Street alley. There is poor visibility exiting from the alley to west and east. Both of my kids have had accidents trying to exit from the alley. I suggest that with this application, the Town fix these problems. Put in a sidewalk on south / west side of French Street. We also need a sidewalk across Main Street on French Street. It would be best to have the applicant give 40-50 feet of the south edge of the property to allow the Town to move the French Street ROW toward the north to get better separation from Gold Creek Condos. This has been a problem for a long time. Can't we get a bit more space to get a better view of the traffic?

Peyton Rogers: I work for Great Western Lodging, and also use the alley. I have had many near misses exiting onto French Street. It's a blind spot. Now I don't use this intersection anymore. I head south instead. Maybe install mirrors to help see the traffic coming.

Commissioner Questions / Comments:

Mr. Schroder: (Referring to the aerial photo of the existing site conditions.) Is the red line on the site plan showing property ownership? (Mr. Mosher: Yes). All the public comments that were made about the French Street road and alley alignment are outside the purview of this application. The private road for this project relates to the property the applicant owns. The applicant can't be forced to realign French Street or the alley. I am in support of the Master Plan as presented.

- Mr. Wolfe: Please show us on the plan where the original single-family home was approved. (Mr. Mosher showed the original location for the single family home, plus the most resent location.) Marc, will the landscaping in front of the first 6 homes on the south impact the appearance of the grid? (Mr. Hogan: It won't appear exactly as the elevation, because the trees shown in the elevation are in the rear.) (Mr. West: we are doing everything that the development agreement requires us to do.) There was something in the plan about an approved color. Who approves the color? (Mr. Mosher: Staff reviews colors). Is there an HOA Design Review Board? (Mr. West. As part of Class C application, staff will review).
- Final: I appreciate the changes made so far by the applicant. The master plan notes will be helpful in the future to staff and commission. The grading of the site is a better transition to the land above it. On the traffic issue, the applicant making the best of a bad situation. But also Staff, please listen to the public comments, and try to address those concerns. I support master plan as presented.
- Mr. Butler: As someone who uses the French Street alley, I can say it's a bad intersection. I agree with Mr. Wolfe on the over lot grading of the site. It will make it better across the board.
- Ms. Christopher: Overall, I like the design. I have never been a fan of the traffic on French Street. I would like to see traffic concerns addressed, but the problems are off-site, not part of this application. The existing grading is not natural, it's an eyesore now. I support the proposed the proposed grading, but would like to see it happen in the beginning of the project and finished, not phased over ten years.
- Ms. Dudney: How long is the vesting? (Mr. Mosher: The Development Code allows 3 years, but the Town Council can grant longer vesting periods as part of development agreement after the approval). This is new information to me about the transportation issues on French Street. I would like to refer it to the Transportation Department in the Town to address the safety concerns here. I see that a sidewalk is shown on the Master Plan. Speed bumps could slow down the traffic on French Street. However, I don't believe that it's the property owner's responsibility to solve the French Street visibility problems.
- Mr. Pringle: Is there phasing of the improvements? (Mr. Mosher: Yes. Phasing will be shown on subdivision.) Final Comments: Throughout the review of this application I have raised many concerns. Specifically, on Policy 2 (Land Use Guidelines): There were many cases in the past where commercial uses were converted to residential. This was a highly productive commercial use for past 40 years and in a good location. It's shortsighted of the Town to allow this to become residential. Policy 6, Building Height, I don't recall a situation where we have allowed an applicant to artificially raise the grade of a site to obtain views. Negative points could have been assigned to this under Policy 7/R (Site and Environmental Design), but there was no consensus for assigning negative points. However, I believe that the amount of disturbance and artificially raising the site warrants negative points under this policy. On Policy 17, External Circulation: I took exception with the Town Engineers' review of the traffic study. I agree with the public comments tonight. French Street is dangerous. Its an offset intersection on a hill and on a curve....we will have trouble with this. I have never supported the vehicular circulation plan that was submitted. On burying the Klack: It has been the Town's intent to reinforce waterways where they exist. By putting it in a pipe, I don't think it's in the Towns best interested. We should celebrate waterways, such as at Waterhouse/Main Street Station, and the reclamation of the Indiana Gulch. We have not talked about piping the Klack and the ramifications in detail. However, I would like to thank Mr. Hogan for providing the streetscape elevation. Kudos to applicant for trying to make the French and Main intersection better. It is highly used intersection. This corner gets used a lot, and the right turn lane is appreciated. All these un-addressed concerns and comments that I have stated would require a major change to the plan; if there is no consensus to change the point analysis, I won't waste the Commission's time. Just wanted to have the Council hear my concerns.
- Mr. Allen: Final: You have come a long way. I agree with previous comment that intersection with French is a mess, but I'm not sure what you can do (since it's off your site). I agree with Ms. Rogers comments. We can only judge an applicant based on the Development Code. Suggestions made may be good ideas, but they are not for the applicant, since it's off their property. Pay attention to

the proposed changes to Policy 5/R on fiber cement siding. Otherwise, I support the project. I acknowledge Mr. Pringle's issues regarding the site design, but I support this application with no negative points for grading.

Ms. Dudney made a motion to approve point analysis for the Columbia Lode Master Plan, PC#2010017, 400 North Main Street. Ms. Christopher seconded, and the motion was carried unanimously (7-0).

Mr. Wolfe made a motion to approve the Columbia Lode Master Plan, PC#2010017, 400 North Main Street, with the presented findings and conditions. Mr. Butler seconded, and the motion was carried unanimously (7-0).

WORK SESSIONS

1. Columbia Lode Subdivision (Mr. Mosher) PC#2011005; 400 North Main Street

Mr. Mosher presented. As part of the Columbia Lode Development plan, this is a proposal to re-subdivide Lot 1 of the Corkscrew Subdivision Filing 1 and include portions of Columbia Lode and Lousia Lodes into a total of three parcels. One parcel is to be developed as multi-family units, one parcel as a single family home-site and the remaining parcel as Private Open Space. The subdivision will include easements for a public trail and public walkway. A portion of the property will be dedicated to the Town of Breckenridge for the creation of a right-turn lane for westbound traffic at the northeast corner of the French Street and Main Street intersection.

Mr. Mosher discussed the current location of the single family lot, and the location of the proposed sidewalk. The sidewalk location has been approved by Public Works. Engineering staff is in process of reconfiguring the French / Main Street intersection, including the west side of the road. That work is expected to be done in fall 2011. There may be a bench or public art in the southwest corner of this subdivision. Mr. Mosher showed the trail location on the proposed plan. Trail will mostly be on the applicant's property. Initial drainage report is still being reviewed by Town Engineer. Most of the development is in areas that were already disturbed on the site. Driveway location to single family lot will be shown on the plat. Old BBC buildings will be torn down, and then the site will be in-filled and graded. The south end of site will likely not be fully graded till a later phase. But all of the site, at all of the time, will be re-seeded, irrigated, and will not be a bare hillside. Until site is completely developed, though, it will not have full finished landscaping.

The Red White and Blue Fire District was supportive of the circulation. With the initial subdivision improvements, the finished landscaping will be installed next to the rights-of-way (along Main Street and French Streets to provide buffers.) Staff supports how site drainage and water will be channeled through the site. Water will go to the existing storm drain system. Existing Klack drainage area in southeast of site on neighboring property will also be landscaped. All needed utilities are in the existing rights-of-way.

Street lighting: there are no fixtures currently along Main Street at this site. Engineering has requested four street lights, "Welsbach" style, to be placed along Main Street, but there will be no streetlights within the site. Turning movements at north entrance to the site: Left in, right in, right out (at Main Street). Street names not yet selected. (Steve West: "Columbia Lode" is planned to be used somehow in the project name or street name.) Private drive is proposed, but it is narrower than the street standards require. Town Engineer will grant a waiver for the reduced width at the next hearing. There is discussion ongoing about the dedication of open space, and if it should be public or private. It may be dedicated as private open space with public access.

Some of the items identified on the plans are associated with the Development Agreement between the applicant, B&D Limited Partnership, and the Town. The agreement identified specific criteria associated with the subdivision permit. These are:

- The extension of the public sidewalk from the north edge of the site to the intersection of French Street and Main Street.
- The dedication of enough land to allow a dedicated right-turn lane at the intersection of French Street and Main Street.
- The creation of a "significant landscaped open space area" along Main Street at the southwest corner of the property.
- Re-routing and burying of the Klack drainage.

This is the initial review of this subdivision and Staff believes it is off to a good start. The general layout and design conforms to the Subdivision Standards. At the next hearing, Staff will present some of the issues in detail. Staff notes that at final review, the Conditions of Approval will address the off-site developments associated with this subdivision.

Marc Hogan (Agent/Architect): Ken Curfman is our civil engineer. There is a lot of detail going into this. Phasing is as follows: Demolish building this summer. We will recycle much material, including the rusty tin; we will put in deep utilities the sewer and water lines; build the road, then install shallow utilities. Curb and gutter on both sides of the new road. Detention and site drainage will be installed. Klack culvert will be installed before the road is built. Ground water will filter through ground and be cleaned. Later this summer we would like to build units 9/10 and 12/13. Engineers have discussed phase one: We need to work out a detailed phasing plan. Exact nature of the initial landscaping has not been decided. We will provide the landscape plan at the next step. Streetlights and sidewalk and French Street turn lane will be in first phase of development. Shannon Smith (Town Engineer) has already explained the traffic report to the Commission. Gold Creek Condominiums building does create some problems on French Street. If they come in for an application, perhaps they could help to solve some of these problems. We generally attach sidewalks, but we are open to whatever the Town wants to see for the sidewalk. We are pleased with the trail location. Open Space and Trails department helped a lot. Town requires dedication of 10% of land for open space. We have looked into land dedication or easement. It's up to the Town to decide who maintains it. We can write that into the HOA documents. We will also dedicate land for the public park in southwest corner of the site. It could have public art or a landmark in that corner. This is a simple subdivision; three lots, include a development site (for future development), private open space and the single family site, plus easements. Townhome footprints would be platted. Utility layout was also shown.

Staff requested the Commission comment on the initial grading and the proposed phasing of the Base Map Grading plan.

Mr. Allen opened the hearing to public comment.

Eric Buck: What will prevent the public from using this road to avoid the traffic light? (Mr. Mosher: Actually nothing. However, the road meanders and is narrow to discourage this type of cut-through.) (Steve West: Right turn lane at Main Street will prevent need for that).

Commissioner Questions / Comments:

Ms. Dudney: Is the road open to the public before construction is complete? (Mr. Mosher: Road will be accessible to public when the first homes are completed.)

Mr. Schroder: Are you asking one question about the grading? It's only stated in the report as one item (Mr. Allen: Give them any comments you may have. The applicant will want to hear what they are.)
Final: Concerns about the phasing of the grading. I think the full grading needs to be installed before doing Class C applications. It will involve bringing in all the dirt first. I know it will cost more. (Steve West: Other subdivisions do not build out the entire subdivision all at once before building homes. There will be a grading plan, but it may not be installed all at once.) (Mr. Hogan: We will provide an interim plan that also shows the sidewalks and landscaping. Mr. Hogan showed on the plan how the grading and phasing of the subdivision would happen over time.)
What if they run out of money in 5 or 10 years? Will we see unfinished construction site? My main concern is on phasing of the site grading.

Mr. Wolfe: Is there a time specific commitment to when the work will be done? Is there a specific time as to when the building will be torn down? (Applicant will explain in a few minutes) We have gone to a lot of review to maintain the grid. We are asking applicant to install the sidewalk and the streetlamps. It will be too suburban. It will take away from the feeling of downtown. Will you have a monument sign? (Mr. Mosher: Signs are a separate permit). What does the Planning Department (not Engineering Department) think of the location of the sidewalk? (Mr. Mosher: The crown of the road (Mai Street) slopes down toward this sidewalk.) (Ms. Dudney: What is the reason to meander the sidewalk?)(Mr. Mosher: the drainage vault is one reason. (Ms. Christopher: I think Mr. Wolfe has a valid point. I'm not sure if it would be a dead zone, but we should look into that.)

Ms. Christopher: I don't want this to be an unfinished site for 5-10 years.

Mr. Butler: All good.

Mr. Pringle: Agree with Mr. Wolfe on the sidewalk. It makes it look suburban. It's easier to maintain if attached to road, and reduces the chance of making this a dead zone. Also makes it easier for the HOA to maintain. It is better planning to have it on the street. If sidewalk goes closer to Main Street, it will make it easier to make the park a green space. On the Klack drainage: When we did the Illinois Gulch drainage next to Main Street Station it turned out to look nice. Disappointed we could not use a similar solution here. I suppose we could have requested a bit more land to realign parts of French Street. (Mr. West: Mr. Pringle has made this point on how nice the Klack drainage could be, but this Klack is dry 9 years out of 10. Also, we had this Klack daylight in some locations, but the engineers said no to that. Illinois Creek actually has water in it on a regular basis. (Mr. Hogan: We did look into that early on. Problem is that when it runs, it runs a lot of water. We tried various solutions. It got too complicated to make it work. It's a storm sewer, that's what it is. It's a good concept, and we like it.) Maybe get a bit more space along French Street for some visibility.

Mr. Allen: Please talk us through the phasing, landscaping and bonding requirements. (Mr. Mosher: There are requirements to landscape along rights-of-way as part of the subdivision.)

Final: You are heading the right direction. Clean up some loose ends, then maybe you can come in for a final hearing.

PUBLIC PROJECT HEARINGS:

1. Breckenridge Golf Course Clubhouse Solar Project (CN) PC#2011008; 200 Clubhouse Drive

Mr. Neubecker explained how a public project is reviewed against applicable policies, and how the Commission would make a recommendation to the Town Council. The Town Council will then make the final decision.

Mr. Neubecker presented a proposal to install 105 kW of photovoltaic (PV) solar panels solar in the form of 16 pole-mounted systems adjacent to the parking lot at the Golf Course Clubhouse, plus flush mounted solar panels on the Clubhouse roof. The proposed solar panels would produce approximately 145,600 kWh of energy, out of approximately 206,560 kWh consumed annually at the site (71% solar powered).

The solar panels would be owned and installed by Renewable Social Benefit Fund (RSBF) at their own expense. They would then sell electricity to the Town at a rate lower than Xcel Energy. After six years, the Town has the option to purchase the solar panels (at a depreciated price) and receive all of the electricity at no cost to the Town (other than the purchase price of the panels). The estimated lifespan of the solar panels is up to 30 years.

Staff recommends positive three (+3) points under Policy 24/R - Council Goals, for the use of renewable energy, and positive six (+6) points under Policy 33/R - Energy Conservation. Staff recommends negative four (-4) points under Policy 7/R - Site and Environmental Design for lack of buffers. This would result in a passing score of +5 points.

The Planning Department has concerns with the installation of solar panels in location highly visible from the neighboring residences. However, Staff also supports the use of renewable sources of energy as an active step to reduce the Town's carbon footprint. In this case, a significant portion of the electrical energy use for the Clubhouse will be produced from renewable sources of energy.

Since this is a Public Project, the Planning Commission was asked to make a recommendation to the Town Council, and the Town Council will make a final decision.

Brian Waldes, Finance Department, Town of Breckenridge: The finances are generally a discussion point for the Council. Let me explain the finances to keep things short. The Town is only buying the power, not the hardware. Through the Power Purchase Agreement PPA we get a discount on the energy rate, as we cannot get a tax break (we are tax-exempt) to make it worth buying the panels. After 5-years, the Town may buy the panels from RSBF as an option. Purchasing these as soon as possible may be the best option for prolonged use and savings. Town pays insurance on the panels. If we buy the panels we have all responsibilities, otherwise RSBF maintains and looks after the panels.

Ms. Dudney - Finances are details that we will need to make a decision with public property. (Mr. Neubecker – you still have to base your discussion on the code only, not on finances.) “Effective means of renewable energy...”, what does this mean in relation to public benefit? My point is that this is different than other reviews. Positive points are based on vague terms “effective means” what are these? They seem to be financially based. What are the savings? (Mr. Waldes - \$10,000 in the first year). Is the savings linear? (Sean McPherson, Innovative Energy – each panel is 240 watts – could be broken down by each pole. Xcel Energy has cut off for the financial benefit at 100 KW.) Is there a roof repair issue (Mr. McPherson – 5-year warranty on no leaks. They helps shield the UV rays, too.) (Mr. Waldes – if repairs were needed on the roof, Town would be responsibility for labor and loss of power.)

Mr. Allen – We are possibly investing in something that may be obsolete. Is there a risk of technology changing? (Mr. Waldes – Yes, there is some risk.)

Mr. Pringle – What is the agreement? There is a 3% increase each year? (Mr. Waldes – Yes, there is a risk that electricity rates drop significantly. If Excel lowers the price, then we made a bad bet.) 7% saving each year at the Golf Course.

Mr. McPherson at Innovative Energy – Explained the mechanics of panel placement and angle of arrays. Our alpine environment dictates the design. We want the best energy for this altitude and weather. Each panel is 16-feet by 16-feet and bottom is 8-feet above ground; highest point at 17-feet at a 35-degree angle. They do not “track” the sun.

Chris Neubecker – “Power Flower” panel design option was looked at and not viable due to costs.

Mr. Allen opened the hearing to public comment.

Kim Stevenson – I have only seen one solar panel on a pole, in Blue River. It looks horrible. If everyone did this would look pretty bad. Can we see other examples somewhere in Colorado? (Mr. McPherson – Fleet Maintenance building in Frisco (the County shops) has a smaller array.) How many at panels proposed at the Clubhouse? (Mr. Neubecker - Sixteen.) In the whole state, are there any examples of where solar panels were installed at a golf course or public music facility?

Trish Holcroft – Question on the process. Who assigns the points for each policy? (Mr. Neubecker – Staff recommends points for each policy and the Commission agrees or disagrees. Then the Commission makes a recommendation to Town Council.) Some policies were not addressed in the review such as Historic Standards, Adverse Affect, Placement of Structures, and Historic Preservation. I have concerns that some policies were not identified in the report. Was it looked at fairly? This seems rather aggressive.

Ed Nolan – Agree with Ms. Dudney – you are buying a “pig in a poke”. What are the details on the costs, and is there a guarantee on any savings? We don’t have all the details. We make money three ways: tourism, tourism and tourism! Those who came before us created a beautiful mountain Town and the uniqueness and historic quality are important. The large 16’ x 16’ solar panel at the Clubhouse and along Park Avenue will not add to the beauty of Breckenridge. It may reduce carbon footprint. Tourism is the most important money making we have. We will be stuck looking at these for 30 years. If they run off the tourist, we can do nothing. The provider is out to make money. Do the math, it does not make sense. Too many unanswered questions.

Sherry Shelton - Technology has already surpassed this proposed technology. Tracking sun is standard. Look into “bloom box” technology - solar window glass. Technology will change faster than you think. Look at the use of satellite dishes. I agree that other energy savings need to be looked at. The company is working with Xcel on the whole deal too. 16’ x 16’ is obnoxiously big. Merchants are opposed.

Tom Byledbal – Opposed based on aesthetics. I can’t believe that the Town can’t tell us on how much electricity we spend bills. How much are we saving? This can be calculated. I would not accept this from any finance people. At my house I would have to cut trees and the panels are eye-sores. If I wanted to put these up in the Highlands, the neighbors would sting me up! How can you tell an applicant that they can’t do this but the Town can do it? You’ll get applications from all over town.

Ron Shelton –I’m in favor of solar power, but object to the array at the Golf Course. Giving maximum points to solar just because it’s solar. The Stovehaven residents would gladly pay the \$30 per day savings. No

consideration given to the owners of Stonehaven as it will reduce property values. Find a less obtrusive way to meet goals. Technology will certainly outpace this system. These are ugly. Appalled that the Town Council is making the Planning Commission take the heat. They have a lofty goal and you take the heat. Not in favor. Will shine at Stonehaven. Nobody wants this at Stonehaven. Process is not right. Please recommend a denial of this application to Town Council. The Golf Course is one of the most beautiful places in Colorado.

Greg Poli - Architecturally these get last place in the ghetto, third-world yard art contest.

Barbara Gibbs – Support the concept and the panel. They look great. It's the right thing to do. Like seeing a community as environmentally. As a tourist, I am more likely to go to a place that is environmentally conscience.

Trish Holcroft – Do you know the Town of Breckenridge Vision Statement? Places like Boulder or bigger cities are different places. Breckenridge is not the same. Mission Statement is to preserve historic heritage. I worked for the Town for 7 years, enforcing the sign code. Some panels, like Valley Brook and Timberline Learning Center are un-obtrusive. This is a huge leap to a product that does not work with our community. We may be turning people off. Put them on the roof. Why do we need something so large and in plain public view. Does not seem to be coming from the Planning Department, which I greatly respect.

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

Commissioner Questions / Comments:

Mr. Schroder: Appreciate the attendance of the public. I wholly support the solar. The Golf Course was first undisturbed wetlands and then homes and the golf course club house were built. The homes and the Golf Course are really 'unnatural' in their own sense. Additionally, we are using lots of energy just being there. The aesthetics are unnatural already. We get used to change over time. Breckenridge is very much a historic town, but we have embraced change. This does support tourism. This is emotional and heartfelt. I support the staff report and believe that it does comply with the Code. Detached arrays are the second best option per our Code. I agree with point analysis presented by Staff. The required buffers are the distance these are placed from the property lines. Support -4 points under Policy 7/R. Support the points under Policy 24/R, Community Need. I support thinking more progressively.

Mr. Wolfe: Appreciate the public turn-out. I am disappointed in the point analysis. This is not objective. Not all policies were reviewed; Policy 5/R (Architectural Compatibility) and 7/R (Site and Environmental Design) need to be looked at. This is impacting the open space at the Golf Course. I hold the Town to a higher standard with these applications. I do not support the point analysis. (Noted that Mr. Nolan walked out and maybe agreed with him.) What are we famous for? We want to be sustainable but not at all costs. This change is not consistent with the Towns values. We are not being consistent with the standards of the previous values of development.

Ms. Christopher: 100% for solar – however, this is not the best way to go about it. We should look at integration and screening. These are not an eyesore, but looking at the Code, it needs to better reflect our mountain community. Solar is the future, but we need to think about this carefully and get best application. Panels placed on roofs are great, but not here. Solar is part of the future, but think about it carefully.

Mr. Butler: I am a pro-solar guy, but don't think the arrays comply with Policy 5, Architectural Compatibility, both the absolute and the relative portions. They are too visible. Distance alone is not an adequate buffer. Not supportive of this application as presented.

Mr. Pringle: Expressed thanks to the crowd. Sometimes this (being a Planning Commissioner) is a crappy job. My issue with the panels at the Golf Course is not the roof-mounts, it's the arrays. The arrays of this size and nature overwhelm everything around them. It will be the first thing you see arriving at the Clubhouse. The policies in the Code did not anticipate arrays of this type. We need to balance interests here. I suggest that we build a solar farm outside of public view. This will proposal overwhelm the site. I believe should give maximum negative points under 5/R for aesthetics. Don't agree with point analysis. Take a closer look. Council may change and we'll still have the panels. Re-think the concept of the arrays. Support on roofs, but not arrays.

- Recommend that the Council not go forward.
- Ms. Dudney: Learned a lot here today. A key issue is the large visual impact. There is a cost associated with the roofs. Technological advancements will surpass this sooner. Aesthetics are a concern to the neighbors. Replacement is not that easy. There are risks of lower energy costs. On the positive, it saves \$30.00/day – Strongly recommend the Town Council not go forward with this.
- Mr. Burke: To the public - Come to the Council Meeting! Minutes are important. Council may call this up and re-address these issues. My comment is that I heard you. I support solar, but not at all costs. Sometimes you need to follow your heart. It's not all dollars and cents. Too many unknowns. Appreciate Brian Waldes research and information too. May be a bit misleading in discussion. At my pub, I have heard overwhelming negative comments, no support. If more were in favor, I might think differently. Most object. Was notice sent out? (Mr. Neubecker – yes, 300 feet mailing to property owners, and it was posted on-site, plus it was in the newspaper.)
- Mr. Allen: Apologize for the lateness of meeting. Agree with Mr. Schroeder. It is a Council goal. There are lots of places that can accommodate solar, but this is not one of them. Fails Policy 5/A. Policy 7/R should have maximum negative points, no buffering to Stonehaven. Policy 9/R, has adverse negative effect. On Policy 5/R, it's not compatible with neighboring buildings. Are these placed on Open Space? These are large structures and we may be placing this on open space. Obsolescence is a concern. Technology will surpass these panels. Concerns about the precedent we are setting. Vendor carts and MMD are examples. In roof of Club House is OK. Arrays are not. I'm concerned about the precedent. When this solar policy was adopted, we were thinking about a small array in the backyard.

Mr. Pringle – If Council gets comments, do we need to officially go through points?

Mr. Schroder motioned to approve the Point Analysis for the Breckenridge Golf Course Clubhouse Solar Project, PC#2011008, 200 Club House Drive as presented. There was no second and the motion failed.

Mr. Pringle: I would recommend to the Council that they reconsider the application because the Commission has concerns with the following – maximum negative points for the relative policies: Policy 5/A Architectural Compatibility (6-1 vote), inadequate buffering and 5/R, (6-1) aesthetics, 7/R (6-1) Site Buffers and Privacy, 9/R (6-1) Adverse Affects adjoining properties. It also fails second 'Finding' in the Findings and Conditions. Are any of these on Public Open Space?

Mr. Burke: Policy 5/A-Architectural Compatibility is the key concern.

Mr. Dudney: The policy seems too vague.

Mr. Pringle made a motion to recommend the Town Council against the Point Analysis for the Breckenridge Golf Course Clubhouse Solar Project, PC#2011008, 200 Club House Drive and the policies and Findings Policy 5/A Architectural Compatibility (6-1), adequate buffering, and 5/R, (6-1) aesthetics, 7/R (6-1) Site Buffers and Privacy, 9/R (6-1) Adverse Affects adjoining properties, Fails second 'Finding' in the Findings and Conditions, which states "The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect." Ms. Christopher seconded, and the motion was carried (6-1).

Commission took a 5-minute break. - Resumed at 11:32 PM

2. Riverwalk Center Solar Project (CN) PC#2011007; 150 West Adams Avenue

Mr. Neubecker presented a proposal to Install 50 kW of photovoltaic (PV) solar panels solar in the form of 9 pole-mounted systems installed adjacent to the Tiger Dredge Lot at the Riverwalk Center, plus flush-mounted solar panels on the roof of the Riverwalk Center. There would also likely be a small flush-mounted system on the roof of a new dumpster enclosure building at the west terminus of West Adams Street. (The dumpster enclosure has not yet been constructed.) The proposed solar panels would produce approximately 71,000 kWh of energy, out of approximately 300,000 kWh consumed annually at the site (23% solar powered).

The proposed solar panels would be owned and installed by RSBF at their own expense. They would they sell electricity to the Town at a rate lower than Xcel Energy. After six years, the Town has the option to purchase the solar panels (at a depreciated price) and receive all of the electricity at no cost to the Town (other than the purchase price). The estimated lifespan of the solar panels is 30 years.

Staff recommends positive three (+3) points under Policy 24/R-Council Goals for the use of renewable energy, and positive three points (+3) under Policy 33/R-Energy Conservation. Staff recommends negative four (-4) points under policy 7/R-Site and Environmental Design for lack of buffers and negative two (-2) points under policy 7/R-Site and Environmental Design for removal of mature trees. This would result in a passing score of 0 points.

The Planning Department has concerns with the installation of solar panels in such a highly visible location. Our concerns focus primarily on the removal of mature trees, and the highly visible placement of the solar panels. If the northern most panels could be relocated to the south side of the parking lot, where they would be much less visible, then some of our concerns would be reduced. However, we also support the use of renewable sources of energy as an active step to reduce the Town's carbon footprint.

There are a few other panel types that could also be installed at this site. One alternate under consideration is called a Power Flower, which is designed to look like a large flower, but our Finance Department and Consultants have researched these and they are cost prohibitive.

Since this is a Public Project, the Planning Commission was asked to make a recommendation to the Town Council, and the Town Council will make a final decision.

Mr. McPherson was explained the re-adjustment of moving two of the arrays to the south of the property to avoid removing the larger trees at the north. Also note removing an array for the dumpster building.

Ms. Dudney – Could this property be redeveloped by the Town in the future? (Mr. Neubecker: Yes, it's possible.)

Mr. Wolfe is this a Riverwalk Improvement area? (Mr. Neubecker – No) Is this in the Historic District? (No)

Mr. Pringle – Are there roof-mounts? (Mr. McPherson: Yes)

Mr. Burke what percentage of the panels is on the roof (Mr. McPherson: About 25%)

Mr. Allen opened the hearing to public comment.

Eric Buck – HOA Highlands: I solicited comments from HOA (about 6), they were all negative. This is really not for the savings, if you compare \$10,000 to the overall Town budget of about \$37 million. It is a small portion of the overall budget. It's a "feel good" project. Money could be made up with minute cost increase in Recreation Center fees, Riverwalk Tickets, etc. The Council and Commission are to look out of the citizens of Breckenridge. There are no positive impacts to the Town of Breckenridge. The negatives are seen by anyone driving on Park Avenue of playing golf or visiting town. Ski Magazine does not rate whether a ski area is "green", they look at the "feel" of the town. They look at the skiing, the restaurants, etc.

Sherry Shelton, Retail Association – I am completely opposed to this. Negative impacts will impact the merchants too. If we can show that other resort communities have warmly embraced big solar panels, they I would reconsider. Tourist will not want to be here and spend money. 23% energy savings is not enough.

Ron Shelton – Thank you for the time you put in the Commission. Especially Mr. Pringle. I am not against solar. Park Avenue is not the place to install these. They are an eye-sore. No fiscal sense. They do not comply with the mission or vision statement for the Town. The character of the Town is important. It's hard to define character, but these are very negative. The panels will look like billboards. It's not about the money but bragging rights. These will be backgrounds to every photo taken at the snow sculptures and for a savings of only \$18.35/day. Statement states to "preserve the views from Town". These do not do this. Recommend denial of this application. The look of this Town is most important. Planning Commission needs to preserve, protect and enhance the aesthetic of the town.

Lee Cohen – I help on the snow sculptures every year. The official portraits look up toward the ski area. How will they look now?? Picture what it will look like with solar panels. Not a strong point analysis at zero points. Staff

analysis over-estimates the positives and under-estimates the negatives. In this location, in addition to solar panels we will have “targets”. Our guests are not above vandalism.

Peyton Rodgers – Representing the One Breckenridge Place Townhomes – The owners of One Breckenridge Place are very concerned with these panels. They are unsightly in this location and a loss of values of aesthetic. The Riverwalk Center is near and dear to my heart (I was married there), and the arrays will negatively impact the look of the Riverwalk Center. Sell to groups and use the Riverwalk Center as a sales pitch. That will be much harder with these panels.

Bonnie Smith – I agree with all the public comment said so far. I ask the Planning Commission, if you were brought a project like this by a private builder would you approve it? Most likely not. It would be a public outcry. Since it is a Town project it is being treated differently.

Trish Holcroft – We represent several properties in this area. They just got notice yesterday. Park Place board is not happy and will lose views. Try to minimize impacts by keeping them on the roof. Standing arrays impact views. Less concern with panels on the roofs. Same concerns with Code policies that were mentioned on Golf Course application. Concerns include: Policy 7/R privacy, site impacts. 22/A and 22/R Landscaping, no significant landscaping being added. Park Place is adding \$20,000 dollars of landscaping for a remodel and the Town does not add any for the arrays. Look at the opening paragraph of the Town’s Development Code. Review the Code Policies 5, 6, 7, 9, 22, 24. I will process a petition to the unit owners I represent to present to the Council next week. Please add your guidance to the Council. Policy 6/A-Building Height – is this a building, structure, billboard?

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

Commissioner Questions / Comments:

Ms. Christopher: In the design standards solar panels are encouraged outside the Conservation District. The arrays are not the way to do this; put them on the building. It would be different if they were tucked away (in the rear). These are right in the view of the public, next to highway, not right.

Mr. Butler: I reiterate my comments about the Golf Course. There are more visible than those at the Golf Course. Screen these with a wind-farm.

Mr. Schroder: What about the “Progressive Historic” mountain community? I think the point analysis is accurate. I also represent a sector of the community. This is another avenue for a tourist attraction because we do have these. I don’t know if this is the right location. But I see it as a passing score.

Ms. Dudney: Shouldn’t be doing things because it makes us feel good, the risks outweigh the benefits.

Mr. Pringle: Being “green” doesn’t outweigh the other benefits of living in Town; this overwhelms the feeling driving down Park Avenue. We need to protect the historic character. Solar has a place, but I don’t know this is the right way of doing this. The Town Code did not envision these arrays. We thought about arrays in backyards. Sustainability means security, preservation. Let’s not, in our effort to make statement, override the other values we have. (It’s a travesty that the doors to Town Hall were locked during the meeting somehow). I’ll look for negative points in all the usual places.

Mr. Wolfe: Thanks for staying so late. I have same comments as before. Too close to the historic portion of Town. Agree with Mr., Pringle. Arrays are unacceptable, but on roofs they are more palatable. We can’t be sustainable at all costs.

Mr. Allen: Same comments are the Golf Club. In addition, cutting down trees to put up arrays conflict with Policy 5/A. Taking one tree down is too much. This conflicts with Vision Plan. Note: If Town Council goes forward with this, please send notice every homeowner – not just the HOAs. We need more input. There could be other places to put the panels.

3. Mr. Schroder motioned to approve the Point Analysis for the Riverwalk Center Solar Project (CN) PC#2011007; 150 West Adams Avenue as presented. There was no second and the motion failed.

Mr. Pringle I would recommend to the Council that they reconsider the application because the Commission had concerns with the following – maximum negative points for the relative policies: Policy 5/A Architectural Compatibility (6-1), adequate buffering, and 5/R, (6-1) aesthetics, 7/R (6-1) Site

Buffers and Privacy, 9/R (6-1) Adverse Affects adjoining properties, Fails second "Finding" in the Findings and Conditions.

4. Mr. Pringle made a motion to recommend that the Town Council not approve the Riverwalk Center Solar Project (CN) PC#2011007; 150 West Adams Avenue. Commission concerns, (or where the application does not meet the code or deserves negative points) included: Policy 5/A Architectural Compatibility (6-1 vote), adequate buffering, and 5/R, (6-1) aesthetics, 7/R (6-1) Site Buffers and Privacy, 9/R (6-1) Adverse Affects adjoining properties, 22/R. The application also fails second "Finding" in the Findings and Conditions. Also, Mr. Pringle noted that the doors to Town Hall were lock and some public comment was not heard. Ms. Christopher seconded, and the motion was carried (6-1).

Mr. Burke - Noted that the minutes are often not accurate enough and these need to be accurate and detailed.

OTHER MATTERS: to be discussed at a future meeting...

1. Planning Commission Field Trip

Mr. Neubecker presented a memo summarizing potential topics for the Planning Commission field trip, tentatively scheduled for some time in the fall.

Commissioner Questions / Comments:

Ms. Dudney:

Mr. Schroder:

Ms. Christopher:

Mr. Butler:

Mr. Wolfe:

Mr. Pringle:

Mr. Allen:

ADJOURNMENT:

The meeting was adjourned at 12:30 a.m.!!!

Rodney Allen, Chair

Town Council Staff Report

(This is the same report that was provided to the Planning Commission for the meeting on March 15th. No significant changes have been made by staff, and this report does not account for any comments made by the Commission or public during the public hearing on March 15th. For a review of comments made at the meeting, please review the minutes.)

Project Manager: Chris Neubecker

Date: March 16, 2011 (For meeting of March 22, 2011)

Subject: Golf Course Clubhouse and Parking Lot Solar Panels
Public Project Process: PC#2011008

Applicant: RSBF, L3C (Renewable Social Benefit Fund)

Owner: Town of Breckenridge

Agent: Innovative Energy; Sean McPherson

Proposal: Install 105 kW of photovoltaic (PV) solar panels solar in the form of 16 pole-mounted systems adjacent to the parking lot at the Golf Course Clubhouse, plus flush mounted solar panels on the Clubhouse roof. The proposed solar panels would produce approximately 145,600 kWh of energy, out of approximately 206,560 kWh consumed annually at the site (71% solar powered).

The proposed solar panels would be owned and installed by RSBF at their own expense. They would they sell electricity to the Town at a rate lower than Xcel Energy. After six years, the Town has the option to purchase the solar panels (at a depreciated price) and receive all of the electricity at no cost to the Town (other than the purchase price). The estimated lifespan of the solar panels is 30 years.

Address: 200 Clubhouse Drive

Legal Description: Parcel B, Highlands at Breckenridge Clubhouse Fieldstone

Land Use District: 6:Residential/Lodging/Commercial or Office (Delaware Flats Master Plan)
38: Recreation

Historic/Conservation

District: No

Site Conditions: The site is developed with the Breckenridge Golf Course, and the associated Clubhouse and parking lots. The site is primarily in a natural state, with some wetlands, but the proposed solar panels will remain outside of the wetlands. There were also mature trees planted when the golf course was development, but these trees will not be impacted. The parking lots are paved and lighted.

Adjacent Uses: North: Golf Course

South: Golf Course
East: Golf Course
West: Stonehaven Subdivision (Single Family)

Height: Recommended: 26' overall
Proposed: 17' 8" overall

This project does not include the construction of any buildings, and hence does not affect the allowed density, mass or parking. It also does not create additional paved surfaces, and should not affect snow storage or drainage. It also has no impact on the need for employee housing. This report will not discuss any of these items which do not apply to the application.

Public Projects Process

Since this is a public project, the Planning Commission was asked to review the proposal for compliance with applicable policies during the Meeting on March 15th, and make a recommendation to the Town Council, in order that the proposed project conform to the Town's Master Plan and ordinances, insofar as practical. For this reason, staff has identified the issues that we find relevant, and we will compare those policies with the proposed project.

Staff Comments

Architectural Compatibility (5/A): This policy addresses issues of architectural compatibility of buildings, as well as solar panel installations. The policy identifies a priority preference list for the location and type of solar panels. Following are the preference order for solar panels outside the conservation district:

Outside of the Conservation District a solar device shall be located based upon the following order of preference. Preference 1 is the highest and most preferred; preference 6 is the lowest and least preferred. A solar device shall be located in the highest preference possible. The order of preference for the location of a solar device outside of the Conservation District is as follows:

- (1) as a building-integrated photo-voltaic device;*
- (2) flush mounted (9" above the roofline) panel on an accessory structure roof, **or as a detached array of solar devices;***
- (3) flush mounted roof panel on the primary structure or screened detached array;*
- (4) a tilted roof mounted panel that is not highly visible from the public right of way;*
- (5) a tilted or angled and tilted roof mounted panel that is not highly visible from the public right of way; and*
- (6) a tilted or angled and tilted roof mounted panel that is highly visible from the public right of way.*
(Emphasis added)

This policy also considers the visibility of solar panels from adjacent properties and from public rights-of-way. It encourages that visibility of panels be reduced to the extent possible.

(e) The location of detached solar devices shall also consider visibility from adjacent properties and public right of way, which shall be reduced to the extent possible while still maintaining solar access. Detached solar devices which serve the structure on the site may be located outside of the building or

disturbance envelope if no significant existing vegetation must be removed for the installation and an adequate buffer is provided to adjacent properties.

While some of the panels proposed at the Golf Course are on the roof of the Clubhouse, and flush mounted, several others are proposed as pole-mounted, detached arrays near the parking lot. Staff has no concern with the roof mounted panels.

There is some concern with the proposed solar panels at the parking lot, due to the nearby single family neighborhood. The site is very open, and there are virtually trees or other buffers from these neighbors to the west. These panels will be visible to these neighbors, and to anyone going to the Clubhouse. However, they are not highly visible to others in the vicinity, due to the size of the golf course. Tiger Road is the next major right-of-way, and the panels will not be highly visible from this area (which is about 1,300 feet away).

The intent of this policy is to encourage solar panels in the locations that have the least visual impact on the community and adjacent properties while still maintaining good solar access. In this case, the panels will be visible to the residents of Stonehaven, but not highly visible to others (except for those guests arriving at the Clubhouse to play golf or Nordic ski).

Site and Environmental Design (7/R): This policy encourages design that is compatible with the natural features of a site, including topography and vegetation. It also encourages projects to provide visual buffering, and to limit the amount of paved surfaces, as well as to avoid development on physically constraining portions of the site.

4X(-2/+2) B. Site Buffering: Developments should be buffered from adjacent properties and public rights of way. To achieve this, buildings and other development impacts should be located in a manner that allows for site buffering (existing or proposed). Buffering between the developments and neighboring properties may include, but are not limited to:

- *Existing mature tree stands.*
- *The physical distance from property edge to the development.*
- *New landscaping.*
- *Landscaped berms at the property perimeter.*

Providing greater buffers than those required by building envelopes, disturbance envelopes, designated building locations, and/or recommended setbacks are encouraged. However, positive points awarded under this portion of this policy for new landscaping or landscaped berms shall not be awarded positive points under Policy 22 (Relative)(Landscaping) of this Chapter.

No significant vegetation (i.e. trees) will be removed in this area, which is relatively open. The proposed pole-mounted panels will be visible from Clubhouse Drive and the Stonehaven neighborhood. Based on this policy, staff recommends the assignment of negative four (-4) points.

Placement of Structures (9/A & 9/R): As a non-residential project, the proposed solar panels are not required to meet a specific setback from the property line. The panels would remain on Town owned property, and would not encroach into any adjacent property. The closest property line to the proposed panels is the right-of-way for Clubhouse Drive, about 75 feet away.

Snow Removal and Storage (13/R): The proposed panels are raised above grade and spaced enough that they should not impact snow removal. Also, since the panels are raised above grade, they should not significantly impact snow storage. Staff has no concern with the snow removal or snow storage.

Landscaping (22/A & 22/R): No significant new landscaping is proposed at this time.

Social Community / Community Needs (24/R): Each year the Town Council identifies its yearly goals and objectives in a list called Council Goals.

3 x (0/+2) B. Community Need: Developments which address specific needs of the community which are identified in the yearly goals and objectives report are encouraged. Positive points shall be awarded under this subsection only for development activities which occur on the applicant's property.

The most recent Council Goals identifies using renewable sources of energy as one of its priorities, and the proposed solar panels help to meet that goal. Staff recommends positive three (+3) points under Policy 24 for Council Goals.

Energy Conservation (33/A): (This policy was recently changed to remove points for renewable sources of energy, and to encourage projects to perform a full energy analysis of all aspects of the buildings energy uses, including heating, mechanical systems, insulation, etc. However, this application was submitted prior to the adoption of this policy, and this application should be reviewed under the old policy.)

This policy encourages the use of renewable sources of energy, such as solar panels. Specifically, the policy states:

Conservation Measures: Energy conservation measures beyond those required by the provision of the State Energy Code are encouraged.

3 x (0/+2) A. Renewable Sources of Energy: The implementation and operation of systems or devices which provide an effective means of renewable energy are encouraged. The provision of solar space heating and solar hot water heating, as well as other renewable sources, are strongly encouraged.

Staff recommends the assignment of three (+6) positive points for the use of solar energy to power 71% of the electricity demands for the Clubhouse.

Point Analysis (Section: 9-1-17-3): Staff recommends positive three (+3) points under Policy 24/R-Council Goals for the use of renewable energy, and positive six points (+6) under Policy 33/R-Energy Conservation. We recommend negative four (-4) points under policy 7/R-Site and Environmental Design for lack of buffers. This would result in a passing score of +5 points.

Staff Recommendation

The Planning Department has concerns with the installation of solar panels in location highly visible from the neighboring residences. However, we also support the use of renewable sources of energy as an active step to reduce the Town's carbon footprint. In this case, a significant portion of the electrical energy use for the Clubhouse will be produced from renewable sources of energy.

Town Council Staff Report

(This is the same report that was provided to the Planning Commission for the meeting on March 15th. No significant changes have been made by staff, and this report does not account for any comments made by the Commission or public during the public hearing on March 15th. For a review of comments made at the meeting, please review the minutes.)

Project Manager: Chris Neubecker

Date: March 16, 2011 (For meeting of March 22, 2011)

Subject: Riverwalk Center Solar Panels
Public Project Process: PC#2011007

Applicant: RSBF, L3C (Renewable Social Benefit Fund)

Owner: Town of Breckenridge

Agent: Innovative Energy; Sean McPherson

Proposal: Install 50 kW of photovoltaic (PV) solar panels solar in the form of 9 pole-mounted systems installed adjacent to the Tiger Dredge Lot at the Riverwalk Center, plus flush-mounted solar panels on the roof of the Riverwalk Center. There would also likely be a small flush-mounted system on the roof of a new dumpster enclosure building at the west terminus of W. Adams Street. (The dumpster enclosure has not yet been constructed.) The proposed solar panels would produce approximately 71,000 kWh of energy, out of approximately 300,000 kWh consumed annually at the site (23% solar powered).

The proposed solar panels would be owned and installed by RSBF at their own expense. They would they sell electricity to the Town at a rate lower than Xcel Energy. After six years, the Town has the option to purchase the solar panels (at a depreciated price) and receive all of the electricity at no cost to the Town (other than the purchase price). The estimated lifespan of the solar panels is 30 years.

Address: 150 W. Adams Avenue

Legal Description: Tract F, Four Seasons Subdivision

Land Use District: 20: Lodging or Commercial

Historic/Conservation

District: No

Site Conditions: The site is developed with the Riverwalk Center Performing Arts building, as well as public parking lots (the Tiger Dredge Lot at the Riverwalk Center, and the F-Lot, which is on the same parcel of land, further south.) The site is landscaped with mature trees, including a combination of deciduous (aspen and cottonwood) and conifers (spruce and pine). The parking lots are paved and lighted.

Adjacent Uses: North: Blazing Saddles Center (Mixed Use)
South: “F-Lot” Parking Lot and Village at Breckenridge (Mixed Use)
East: Tiger Dredge Lot, Riverwalk Center and Blue River
West: Park Avenue, and various multi-family residential properties

Height: Recommended: 38’ overall
Proposed: 17’ 8” overall

This project does not include the construction of any buildings, and hence does not affect the allowed density, mass or parking. (The dumpster enclosure was previously approved under a separate permit.) It also does not create additional paved surfaces, and should not affect snow storage or drainage. It also has no impact on the need for employee housing. This report will not discuss any of these items which do not apply to the application.

Public Projects Process

Since this is a public project, the Planning Commission was asked to review the proposal for compliance with applicable policies, and make a recommendation to the Town Council, in order that the proposed project conform to the Town’s Master Plan and ordinances, insofar as practical. For this reason, staff has identified the issues that we find relevant, and we compared those policies with the proposed project.

Staff Comments

Architectural Compatibility (5/A): This policy addresses issues of architectural compatibility of buildings, as well as solar panel installations. The policy identifies a priority preference list for the location and type of solar panels. Following are the preference order for solar panels outside the conservation district:

Outside of the Conservation District a solar device shall be located based upon the following order of preference. Preference 1 is the highest and most preferred; preference 6 is the lowest and least preferred. A solar device shall be located in the highest preference possible. The order of preference for the location of a solar device outside of the Conservation District is as follows:

- (1) as a building-integrated photo-voltaic device;*
- (2) flush mounted (9” above the roofline) panel on an accessory structure roof, **or as a detached array of solar devices;***
- (3) flush mounted roof panel on the primary structure or screened detached array;*
- (4) a tilted roof mounted panel that is not highly visible from the public right of way;*
- (5) a tilted or angled and tilted roof mounted panel that is not highly visible from the public right of way; and*
- (6) a tilted or angled and tilted roof mounted panel that is highly visible from the public right of way. **(Emphasis added)***

This policy also considers the visibility of solar panels from adjacent properties and from public rights-of-way. It encourages that visibility of panels be reduced to the extent possible.

(e) The location of detached solar devices shall also consider visibility from adjacent properties and public right of way, which shall be reduced to the extent possible while still maintaining solar access.

Detached solar devices which serve the structure on the site may be located outside of the building or disturbance envelope if no significant existing vegetation must be removed for the installation and an adequate buffer is provided to adjacent properties.

While some of the panels proposed at the Riverwalk Center are on the roof of the main building, and flush mounted, several others are proposed as pole-mounted, detached arrays. Staff has no concern with the roof mounted panels. Our concerns relate to the free-standing, pole mounted panels between the parking lot and Park Avenue. These panels will be very visible from the right-of-way and adjacent properties. The intent of this policy is to encourage solar panels in the locations that have the least visual impact on the community and adjacent properties while still maintaining good solar access. In this case, there is no “rear yard” where the panels could be located without being highly visible.

Site and Environmental Design (7/R): This policy encourages design that is compatible with the natural features of a site, including topography and vegetation. It also encourages projects to provide visual buffering, and to limit the amount of paved surfaces, as well as to avoid development on physically constraining portions of the site.

4X(-2/+2) B. Site Buffering: Developments should be buffered from adjacent properties and public rights of way. To achieve this, buildings and other development impacts should be located in a manner that allows for site buffering (existing or proposed). Buffering between the developments and neighboring properties may include, but are not limited to:

- *Existing mature tree stands.*
- *The physical distance from property edge to the development.*
- *New landscaping.*
- *Landscaped berms at the property perimeter.*

Providing greater buffers than those required by building envelopes, disturbance envelopes, designated building locations, and/or recommended setbacks are encouraged. However, positive points awarded under this portion of this policy for new landscaping or landscaped berms shall not be awarded positive points under Policy 22 (Relative)(Landscaping) of this Chapter.

The proposed pole-mounted panels will be visible from South Park Avenue and would require removing existing cottonwood trees which act as natural buffers to the Riverwalk Center. Based on this policy, staff recommends the assignment of negative four (-4) points.

The proposed solar panels do not significantly impact the topography of the site. However, some mature trees would need to be removed for this project, including some of the mature trees along South Park Avenue. The following more specific language from this policy applies to existing trees on the site:

2 (-2/+2) G. Significant Natural Features: Avoid development within areas of significant natural features, if present on site. Significant natural features may include, but are not limited to:

- *Significant tree stands or specimen trees*
- *Knolls or ridgelines*
- *Treed backdrop*
- *Rock outcroppings.*

Some trees between the parking lot and South Park Avenue would be removed with the proposed solar

panels. The trees were installed as part of the development of the Riverwalk Center and parking lot, and have grown to mature height. However, the trees would otherwise cast shade on the panels, effectively making the panels ineffective. The trees also have a positive aesthetic impact on the community, helping to provide buffer to the existing parking lot, and a more enjoyable pedestrian experience. The applicant's agent is researching the location of the panels, and is considering placing some panels at the south end of the parking lot, which would reduce the need to remove trees adjacent to South Park Avenue. Based on the current proposed removal of several mature trees in this area, staff recommends the assignment of two (-2) negative points under this policy.

Placement of Structures (9/A & 9/R): As a non-residential project, the proposed solar panels are not required to meet a specific setback from the property line. The panels would remain on Town owned property, and would not encroach into any adjacent property. The closest property line to the proposed panels is the Colorado Department of Transportation (CDOT) right-of-way for highway 9. The right-of-way would be a few feet from the northernmost panels, since the property line is approximately at the back edge of the existing sidewalk on South Park Avenue.

Snow Removal and Storage (13/R): The proposed panels are raised above grade and spaced enough that they should not impact snow removal. Also, since the panels are raised above grade, they should not significantly impact snow storage. Staff has no concern with the snow removal or snow storage.

Landscaping (22/A & 22/R): No significant new landscaping is proposed at this time, but the Town is considering the installation of landscaping along the back side of some of the panels. Any landscaping in these areas would need to be small, such as shrubs that are shade-tolerant, since taller trees would effectively block the next panels to the north.

Social Community / Community Needs (24/R): Each year the Town Council identifies its yearly goals and objectives in a list called Council Goals.

3 x (0/+2) B. Community Need: Developments which address specific needs of the community which are identified in the yearly goals and objectives report are encouraged. Positive points shall be awarded under this subsection only for development activities which occur on the applicant's property.

The most recent Council Goals identify using renewable sources of energy as one of its priorities, and the proposed solar panels help to meet that goal. Staff recommends positive three (+3) points under Policy 24 for Council Goals.

Energy Conservation (33/A): (This policy was recently changed to remove points for renewable sources of energy, and to encourage projects to perform a full energy analysis of all aspects of the buildings energy uses, including heating, mechanical systems, insulation, etc. However, this application was submitted prior to the adoption of this policy, and this application should be reviewed under the old policy.)

This policy encourages the use of renewable sources of energy, such as solar panels. Specifically, the policy states:

Conservation Measures: Energy conservation measures beyond those required by the provision of the State Energy Code are encouraged.

3 x (0/+2) A. *Renewable Sources of Energy: The implementation and operation of systems or devices which provide an effective means of renewable energy are encouraged. The provision of solar space heating and solar hot water heating, as well as other renewable sources, are strongly encouraged.*

Staff recommends the assignment of three (+3) positive points for the use of solar energy to power 23% of the electricity demands for the Riverwalk Center.

Point Analysis (Section: 9-1-17-3): Staff recommends positive three (+3) points under Policy 24/R-Council Goals for the use of renewable energy, and positive three points (+3) under Policy 33/R-Energy Conservation. We recommend negative four (-4) points under policy 7/R-Site and Environmental Design for lack of buffers and negative two (-2) points under policy 7/R-Site and Environmental Design for removal of mature trees. This would result in a passing score of 0 points.

Staff Recommendation

The Planning Department has concerns with the installation of solar panels in such a highly visible location. Our concerns focus primarily on the removal of mature trees, and the highly visible placement of the solar panels. If the northern most panels could be relocated to the south side of the parking lot, where they would be much less visible, then some of our concerns would be reduced. However, we also support the use of renewable sources of energy as an active step to reduce the Town's carbon footprint.

Final Hearing Impact Analysis				
Project:	Breckenridge Golf Course Solar Panels	Positive Points	+9	
PC#	2011008			
Date:	3/10/2011	Negative Points	- 4	
Staff:	Chris Neubecker			
		Total Allocation:	+5	
Items left blank are either not applicable or have no comment				
Sect.	Policy	Range	Points	Comments
1/A	Codes, Correlative Documents & Plat Notes	Complies		
2/A	Land Use Guidelines	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)		
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	Density/Intensity	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)		
5/A	Architectural Compatibility / Historic Priority Policies	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)		
5/R	Architectural Compatibility H.D. / Above Ground Density 12 UPA	(-3>-18)		
5/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3>-6)		
6/A	Building Height	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
	For all Single Family and Duplex Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)	- 4	Panels will be highly visible from South Park Avenue and nearby properties.
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	Ridgeline and Hillside Development	Complies		
9/A	Placement of Structures	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)		
12/A	Signs	Complies		
13/A	Snow Removal/Storage	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	Storage	Complies		
14/R	Storage	2x(-2/0)		
15/A	Refuse	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	Internal Circulation	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	External Circulation	Complies		
18/A	Parking	Complies		

18/R	Parking - General Requirements	1x(-2/+2)		
18/R	Parking-Public View/Usage	2x(-2/+2)		
18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)		
18/R	Parking - Downtown Service Area	2x(-2/+2)		
19/A	Loading	Complies		
20/R	Recreation Facilities	3x(-2/+2)		
21/R	Open Space - Private Open Space	3x(-2/+2)		
21/R	Open Space - Public Open Space	3x(0/+2)		
22/A	Landscaping	Complies		
22/R	Landscaping	4x(-2/+2)		
24/A	Social Community	Complies		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)	+3	Use of renewable sources of energy on Town owned facilities are a priority for the Town Council.
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15		
25/R	Transit	4x(-2/+2)		
26/A	Infrastructure	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	Drainage	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	Utilities - Power lines	Complies		
29/A	Construction Activities	Complies		
30/A	Air Quality	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	Water Quality	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	Water Conservation	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)	+6	Solar panels will provide approximately 71% of the electric power for the Clubhouse.
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)		
34/A	Hazardous Conditions	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	Subdivision	Complies		
36/A	Temporary Structures	Complies		
37/A	Special Areas	Complies		
37/R	Community Entrance	4x(-2/0)		
37/R	Individual Sites	3x(-2/+2)		
37/R	Blue River	2x(0/+2)		
37/R	Cucumber Gulch/Setbacks	2x(0/+2)		
37/R	Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
38/A	Home Occupation	Complies		
39/A	Master Plan	Complies		
40/A	Chalet House	Complies		
41/A	Satellite Earth Station Antennas	Complies		
42/A	Exterior Loudspeakers	Complies		
43/A	Public Art	Complies		
43/R	Public Art	1x(0/+1)		
44/A	Radio Broadcasts	Complies		
45/A	Special Commercial Events	Complies		
46/A	Exterior Lighting	Complies		
47/A	Fences, Gates And Gateway Entrance Monuments	Complies		

Final Hearing Impact Analysis				
Project:	Riverwalk Center Solar Panels	Positive Points	+6	
PC#	2011007			
Date:	3/10/2011	Negative Points	- 6	
Staff:	Chris Neubecker			
		Total Allocation:	0	
Items left blank are either not applicable or have no comment				
Sect.	Policy	Range	Points	Comments
1/A	Codes, Correlative Documents & Plat Notes	Complies		
2/A	Land Use Guidelines	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)		
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	Density/Intensity	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)		
5/A	Architectural Compatibility / Historic Priority Policies	Complies		
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6/A	Building Height	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
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6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)	- 4	Panels will be highly visible from S. Park Avenue and nearby properties.
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)	- 2	Some mature trees will need to be removed.
8/A	Ridgeline and Hillside Development	Complies		
9/A	Placement of Structures	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)		
12/A	Signs	Complies		
13/A	Snow Removal/Storage	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
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16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
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24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)	+3	Use of renewable sources of energy on Town owned facilities are a priority for the Town Council.
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15		
25/R	Transit	4x(-2/+2)		
26/A	Infrastructure	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	Drainage	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	Utilities - Power lines	Complies		
29/A	Construction Activities	Complies		
30/A	Air Quality	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	Water Quality	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	Water Conservation	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)	+3	Solar panels will provide approximately 23% of the electric power for the Riverwalk Center.
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)		
34/A	Hazardous Conditions	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	Subdivision	Complies		
36/A	Temporary Structures	Complies		
37/A	Special Areas	Complies		
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37/R	Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
38/A	Home Occupation	Complies		
39/A	Master Plan	Complies		
40/A	Chalet House	Complies		
41/A	Satellite Earth Station Antennas	Complies		
42/A	Exterior Loudspeakers	Complies		
43/A	Public Art	Complies		
43/R	Public Art	1x(0/+1)		
44/A	Radio Broadcasts	Complies		
45/A	Special Commercial Events	Complies		
46/A	Exterior Lighting	Complies		
47/A	Fences, Gates And Gateway Entrance Monuments	Complies		

TOWN OF BRECKENRIDGE

**Breckenridge Golf Course Solar Panels
Parcel B, Highlands at Breckenridge Clubhouse Fieldstone
200 Clubhouse Drive
PC#2011008**

FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated **March 16, 2011**, and findings made by the Town Council with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the Planning Commission hearing on the project held on **March 15, 2011** and the Town Council meeting on **March 22, 2011** as to the nature of the project. In addition to Commission and Council minutes, the meetings of the Commission and Council are tape-recorded.

CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit expires eighteen (18) months from date of issuance, on **September 15, 2012**, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be 18 months, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy or certificate of completion for the project covered by this permit. The determination of whether a certificate of occupancy or certificate of completion should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. Applicant shall field locate utility service lines to avoid existing trees.

7. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
8. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.
9. All solar devices and related mechanical equipment and mounting structures shall be non-reflective, such as an anodized finish. Mechanical equipment associated with the solar device such as invertors, convertors and tubing attached to the building shall be painted to match the build color and blend into the building.
10. Roof mounted solar devices shall not break the existing ridgeline to which the panels are mounted. All mounting structures shall be on the same roof line as the panels.
11. Any solar devices that falls into a state of disrepair or that ceases to be fully operational for more than 90 days shall be removed and properly discarded. The landowner's obligation to comply with this requirement shall be contained in a recorded restrictive covenant acceptable in form and substance to the Town Attorney.

PRIOR TO ISSUANCE OF BUILDING PERMIT

12. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans. This shall include silt fencing in areas with wetlands within 100 feet of the proposed ground-mounted solar panels.
13. Applicant shall identify all existing trees, which are specified on the site plan to be retained, by erecting temporary fence barriers around the trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers, and dirt and construction materials or debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Compliance.
14. Existing trees designated on the site plan for preservation which die due to site disturbance and/or construction activities will be required to be replaced at staff discretion with equivalent new trees, i.e. loss of a 12 inch diameter tree flagged for retention will be offset with the addition of four 3-inch diameter new trees.
15. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
16. Applicant shall install construction fencing and erosion control measures at the 25-foot no-disturbance setback to streams and wetlands in a manner acceptable to the Town Engineer.
17. No exterior lighting is approved with this permit.
18. No signs are approved with this permit.

PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLETION

19. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.

20. Applicant shall paint all metal flashing, vents, flues, rooftop mechanical equipment, meters, and utility boxes associated with the solar panels a flat, dark color or to match the building color.
21. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.
22. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town issuing a Stop Work Order and/or not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations. A Stop Work Order may not be released until a modification to the permit is reviewed and approved by the Town. Based upon the magnitude of the modification, another hearing before the Planning Commission may be required.
23. No Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions" generally means that work can not be done due to excessive snow and/or frozen ground. **As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.**
24. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.

TOWN OF BRECKENRIDGE

Riverwalk Center Solar Panels
Tract F, Four Season Subdivision
150 W. Adams Avenue
PC#2011007

FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated **March 10, 2011**, and findings made by the Town Council with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **March 15, 2011** as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape-recorded.

CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit expires eighteen (18) months from date of issuance, on **September 15, 2012**, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be 18 months, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy or certificate of completion for the project covered by this permit. The determination of whether a certificate of occupancy or certificate of completion should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.

7. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.
8. All solar devices and related mechanical equipment and mounting structures shall be non-reflective, such as an anodized finish. Mechanical equipment associated with the solar device such as invertors, convertors and tubing attached to the building shall be painted to match the build color and blend into the building.
9. Roof mounted solar devices shall not break the existing ridgeline to which the panels are mounted. All mounting structures shall be on the same roof line as the panels.
10. Any solar devices that falls into a state of disrepair or that ceases to be fully operational for more than 90 days shall be removed and properly discarded. The landowner's obligation to comply with this requirement shall be contained in a recorded restrictive covenant acceptable in form and substance to the Town Attorney.

PRIOR TO ISSUANCE OF BUILDING PERMIT

11. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans. This shall include silt fencing in areas with wetlands within 100 feet of the proposed ground-mounted solar panels.
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13. Existing trees designated on the site plan for preservation which die due to site disturbance and/or construction activities will be required to be replaced at staff discretion with equivalent new trees, i.e. loss of a 12 inch diameter tree flagged for retention will be offset with the addition of four 3-inch diameter new trees.
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16. No exterior lighting is approved with this permit.
17. No signs are approved with this permit.

PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLETION

18. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
19. Applicant shall paint all metal flashing, vents, flues, rooftop mechanical equipment, meters, and utility boxes associated with the solar panels a flat, dark color or to match the building color.
20. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction

material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.

21. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town issuing a Stop Work Order and/or not issuing a Certificate of Compliance for the project, and/or other appropriate legal action under the Town's development regulations. A Stop Work Order may not be released until a modification to the permit is reviewed and approved by the Town. Based upon the magnitude of the modification, another hearing before the Planning Commission may be required.
22. No Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions" generally means that work can not be done due to excessive snow and/or frozen ground. **As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.**
23. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.







INNOVATIVE ENERGY

Breckenridge Solar Project – Aerial Views

Site 9: Golf Course Clubhouse – 100.8 kW

In My Backyard - National Renewable Energy Laboratory (NREL)



Image and renderings created using the National Renewable Energy Laboratory (NREL)'s "In My Backyard (IMBY)" tool at: <http://www.nrel.gov/eis/imby/>.



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Power Purchase Riverwalk Center

Innovative Energy
www.renewablepower.com

9100
www.9100visualsolutions.com

Page 38 of 95

Visual Solutions
3-D rendering and illustration



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Page 39 of 95

Visual Solutions
3-D rendering and illustration

Town of Breckenridge Solar PPA Size Details

Riverwalk Center – 46.56 kW total

System Details: 36 kW – 150 modules on 10 -15 panel TPM's (Top of Pole Mount) on West Side of Tiger-Dredge Lot

TPM Dimensions: Array Plane: 195 5/8" (E-W) x 197 7/8" = 16' 8 5/8" x 16' 5"
 Horizontal Plane = 162" = 13' 6"
 Vertical Plane = 112" = 9'4"
 Max. Total Height = 212" = 17'8"
 Max. Clearance to Ground = 8'
 Hole Depth = 8'

Roof System - 10.56 kW Flush Mount: The roof system will consist of 44 modules mounted parallel to the roof line with approximately 4" clearance between the corrugated roof and the back of the module. The module surface will be app. 6" from roof surface. A special pedestal will be used to install the racking system on the corrugated roof.

Clubhouse: - 100.8 kW total:

- 9.36 kW Flush roof mount – 39 panels
- 40.32 kW Large Ground Mount on North End of Additional Parking: This array will consist of 168 modules arranged in a landscape matrix of 8 rows by 21 columns.
Size: 115' E-W x 22' N-S x 19' tall
- 39.6 kW on 11 – 15 module TPM around parking perimeter
Same Heights/Clearances as above
- 11.52 on 4 – 12 module TPM at south end of lot
Array Plane: 195 5/8" (E-W) x 156" (Up-Down) = 16' 8 5/5" x 13'
Horizontal Plane = 128" = 10'8"
Vertical Plane = 90" = 7'6"
Total Height = 212" = 15'7"
Clearance to Ground = 8'
Hole Depth = 8'

MEMO

TO: Mayor & Town Council
FROM: Tim Gagen, Town Manager
DATE: March 16, 2011
SUBJECT: Committee Reports for 3.22.11 Council Packet

The following committee reports were submitted by Town Employees and/or the Town Manager:

Police Advisory Committee	Rick Holman	March 9, 2011
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- **Meeting Format:** Commander Haynes explained to the committee the Chief Holman was sick and would be unable to attend the meeting as scheduled. DA Mark Hurlbert was in attendance and was introduced to the committee.
- **Drug Court:** DA Hurlbert provided the committee with an overview of the drug court, including recidivism statistics related to imprisonment, treatment programs and drug courts. He discussed the makeup of the participating staff, process, and funding for the Summit County drug court. Later, DA Hurlbert answered questions from the committee on local crime statistics, the possibility of a teen court, and local drug offenses.
- **Investigations Update:** Assistant Chief Morrison provided the committee with an update on recent crimes. He discussed recent credit card frauds, a house rental scam, ski thefts, and the increase in arrests for ski pass fraud.
- **Temporary Variable Message Sign (VMS):** Commander Haynes updated the committee on the arrival of the temporary VMS sign currently located north of Coyne Valley. Some members reported seeing the sign, while others had not. The group was supportive of the sign concept and many inquired on the arrival and location of the permanent sign.
- **Comments from the Committee:** Committee members discussed the success of Mardi gras as a marketing tool. Merchants in the group also discussed the overall success of Oktoberfest as a concept and talked about the possibility of similar type event/street closure in April. The group also indicated they have experienced a problem with the timing of the traffic light at the intersection of Ski Hill and Main Street. The light takes an exceptionally long time to cycle. AC Morrison stated he would pass along this information to our Public Works Department.

Liquor Licensing Authority	MJ Loufek	March 15, 2011
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- All consent calendar items were approved.
- A transfer of ownership for Ollie’s Breck LLC d/b/a Ollie’s Pub and Grub Breckenridge at 401 S. Main Street (formerly Ullr’s) was approved.
- The Town Clerk updated the Authority on proposed legislation to add “performing arts facilities” to the list of outdoor sports and recreational facilities that may apply for an optional premises license.

<u>Committees</u>	<u>Representative</u>	<u>Report Status</u>
CAST	Mayor Warner	Verbal Report
CDOT	Tim Gagen	Verbal
CML	Tim Gagen	No Meeting/Report
I-70 Coalition	Tim Gagen	No Meeting/Report
Mayors, Managers & Commissions Mtg	Mayor Warner	Verbal Report
Summit Leadership Forum	Tim Gagen	No Meeting/Report
Liquor Licensing Authority*	MJ Loufek	Included
Wildfire Council	Matt Thompson	No Meeting/Report
Public Art Commission*	Jenn Cram	No Meeting/Report
Summit Stage Advisory Board*	James Phelps	No Meeting/Report
Police Advisory Committee	Rick Holman	Included
Housing/Childcare Committee	Laurie Best	Verbal Report

Note: Reports by provided by the Mayor and Council Members are listed in the council agenda.
 * Minutes to some meetings are provided in the Manager’s Newsletter.

INTEROFFICE MEMORANDUM

TO: TIM GAGEN, TOWN MANAGER
FROM: CLERK AND FINANCE DIVISION
SUBJECT: JANUARY 2011 FINANCIAL VARIANCE HIGHLIGHTS MEMO
DATE: 3/15/2011

This report highlights variations between the 2011 budget and actual figures for the Town of Breckenridge for the period ending February 28, 2011.

Fund Updates:

General Fund

Revenue is on track at 98% of YTD budget.

Expenses are also right in line with YTD budget at 100%.

Excise Fund: Sales tax revenue is at 98% of budget and Accommodations taxes are at 81% of budget.

Public Service Franchise Fees were received at the beginning of March rather than the end of February (timing).

RETT collections through February 28, 2011 exceeded budget by 64% or \$132k

Excise Fund transfers were made according to the 2011 budget, except for the transfer to the Marketing Fund, which is based on actual Accommodation Taxes collected.

All Funds

Utility Fund: the expense variance is due to Major System Improvement budgeted expenses of \$2 million for the pump back project for which no expenditures have been made.

Variances Explained in Prior Months:

General Fund: The “Grants to Other Agencies” line is at 99% of the annual budget due to timing. We funded 2011 grants in January but the budget is spread out over 12 months.

Capital Fund: the budget for both revenues and expenditures in the Capital Fund is reflected at 100% as the expenditures in the Capital Fund do not follow a particular trend.

Housing Fund: the revenue variance is due to the timing of the sale of assets (Valley Brook units). Similarly, the expenditure variance is due to Valley Brook.

Open Space: YTD expenditures exceed budget due to the timing of the acquisition of 2856 Ski Hill Road.

**TOWN OF BRECKENRIDGE
GENERAL FUND
CURRENT YEAR TO PRIOR YEAR COMPARISON
FOR THE 2 MONTHS ENDING FEBRUARY 28, 2011**

16 % OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR				CURRENT YEAR						
	YTD ACTUAL	YE TOTAL	% OF YE REC'D/SPENT	2010 ACTUAL/ 2011 ACTUAL % CHANGE	YTD ACTUAL	YTD BUDGET	ACTUAL/BUDGET \$ VARIANCE FAVORABLE/(UNFAVORABLE)	ACTUAL/BUDGET % VARIANCE	ANNUAL BUDGET	% OF BUDGET REC'D/SPENT	
REVENUE											
MUNICIPAL COURT PROGRAM	29,732	235,922	13%	91%	32,777	31,647	1,130	104%	204,668	16%	
ADVICE & LITIGATION PROGRAM	-	1,046,746	0%	0%	-	-	-	N/A	-	N/A	
SPECIAL EVENTS/COMM PROGRAM	39,681	546,860	7%	885%	4,485	57,311	(52,826)	8%	417,406	1%	
TOWN CLERK ADMIN PROGRAM	8,932	26,588	34%	129%	6,935	1,943	4,992	357%	21,001	33%	
FINANCE ADMINISTRATION PROGRAM	1,055	1,332	79%	0%	-	34	(34)	0%	204	0%	
TRANSIT ADMIN PROGRM	-	100,000	0%	0%	-	-	-	N/A	32,000	0%	
TRANSIT SERVICES PROGRAM	81,375	642,861	13%	105%	77,438	75,006	2,432	103%	484,067	16%	
PUBLIC SAFETY ADMIN/RECORDS	4,512	83,092	5%	42%	10,866	1,899	8,967	572%	18,001	60%	
PUBLIC SAFETY COMMNTY SVC PROG	61,542	517,400	12%	37%	167,776	150,812	16,964	111%	510,600	33%	
PLANNING SERVICES ADMIN PROGRM	17,951	204,413	9%	172%	10,456	7,919	2,537	132%	87,567	12%	
ARTS DISTRICT	1,517	27,329	6%	48%	3,188	4,336	(1,148)	74%	26,016	12%	
BUILDING SERVICES ADMIN PROGRM	25,105	521,286	5%	49%	50,968	47,702	3,266	107%	525,362	10%	
PUBLIC WORKS ADMIN PROGRAM	51,804	575,770	9%	92%	56,379	43,617	12,762	129%	582,689	10%	
STREETS PROGRAM	13,837	41,785	33%	184%	7,511	18,166	(10,655)	41%	33,196	23%	
PARKS PROGRAM	12,390	31,043	40%	590%	2,100	-	2,100	N/A	-	N/A	
FACILITIES ADMIN PROGRAM	6,279	69,661	9%	26%	23,886	-	23,886	N/A	46,800	51%	
ENGINEERING ADMIN PROGRAM	131	1,717	8%	11%	1,140	256	884	445%	2,200	52%	
RECREATION PROGRAM	45,948	331,139	14%	82%	55,757	55,241	516	101%	347,031	16%	
RECREATION OPERATIONS PROGRAM	266,209	1,415,219	19%	102%	261,637	281,332	(19,695)	93%	1,473,275	18%	
NORDIC CENTER OPERATIONS	79,736	212,438	38%	123%	64,680	62,934	1,746	103%	159,210	41%	
ICE RINK OPERATIONS PROGRAM	125,367	608,782	21%	89%	141,304	143,577	(2,273)	98%	674,990	21%	
PROPERTY TAX/EXCISE TRANSFER	2,196,064	16,878,314	13%	107%	2,060,587	2,122,847	(62,260)	97%	15,167,584	14%	
COMMITTEES	-	2,000	0%	0%	-	-	-	N/A	-	N/A	
TOTAL REVENUE	3,069,569	24,123,277	13%	101%	3,039,870	3,106,229	(66,359)	98%	20,812,069	15%	

**TOWN OF BRECKENRIDGE
GENERAL FUND
CURRENT YEAR TO PRIOR YEAR COMPARISON
FOR THE 2 MONTHS ENDING FEBRUARY 28, 2011**

16 % OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR				CURRENT YEAR						
	YTD ACTUAL	YE TOTAL	% OF YE REC'D/SPENT	2010 ACTUAL/ 2011 ACTUAL % CHANGE	YTD ACTUAL	YTD BUDGET	ACTUAL/BUDGET \$ VARIANCE FAVORABLE/(UNFAVORABLE)	ACTUAL/BUDGET % VARIANCE	ANNUAL BUDGET	% OF BUDGET REC'D/SPENT	
EXPENDITURES											
LAW & POLICY MAKING PROGRAM	22,996	127,216	18%	132%	17,423	44,026	26,603	40%	146,253	12%	
MUNICIPAL COURT PROGRAM	23,492	183,359	13%	75%	31,425	32,582	1,157	96%	218,010	14%	
ADVICE & LITIGATION PROGRAM	37,771	203,897	19%	271%	13,914	7,326	(6,588)	190%	228,584	6%	
ADMINISTRATIVE MGT PROGRAM	126,450	543,666	23%	107%	118,562	116,874	(1,688)	101%	608,521	19%	
HUMAN RESOURCES ADMIN PROGRAM	53,462	389,680	14%	96%	55,632	65,244	9,612	85%	424,000	13%	
SPECIAL EVENTS/COMM PROGRAM	108,007	1,033,588	10%	141%	76,543	139,496	62,953	55%	905,028	8%	
TOWN CLERK ADMIN PROGRAM	35,049	256,796	14%	96%	36,338	37,587	1,249	97%	288,586	13%	
FINANCE ADMINISTRATION PROGRAM	49,041	291,406	17%	108%	45,528	53,993	8,465	84%	328,172	14%	
ACCOUNTING PROGRAM	45,100	332,512	14%	88%	51,082	59,801	8,719	85%	377,757	14%	
TRANSIT ADMIN PROGRAM	17,636	121,780	14%	36%	49,365	23,784	(25,581)	208%	190,556	26%	
TRANSIT SERVICES PROGRAM	385,299	2,264,146	17%	112%	343,520	340,452	(3,068)	101%	1,887,814	18%	
PUBLIC SAFETY ADMIN/RECORDS	132,879	894,676	15%	77%	172,490	143,024	(29,466)	121%	883,295	20%	
PUBLIC SAFETY COMMUNICATN PROG	80,250	326,791	25%	116%	69,168	78,910	9,742	88%	305,139	23%	
PUBLIC SAFETY PATROL SVCS PROG	255,374	1,515,176	17%	98%	261,773	293,163	31,390	89%	1,736,121	15%	
PUBLIC SAFETY COMMNTY SVC PROG	63,358	426,336	15%	96%	66,315	92,973	26,658	71%	494,378	13%	
PLANNING SERVICES ADMIN PROGRAM	170,414	1,140,984	15%	99%	172,334	171,253	(1,081)	101%	1,104,145	16%	
ARTS DISTRICT	2,376	30,487	8%	69%	3,433	2,914	(519)	118%	25,984	13%	
BUILDING SERVICES ADMIN PROGRAM	59,512	403,489	15%	97%	61,337	60,568	(769)	101%	404,624	15%	
PUBLIC WORKS ADMIN PROGRAM	70,435	477,818	15%	92%	76,644	66,741	(9,903)	115%	534,348	14%	
STREETS PROGRAM	301,115	1,798,809	17%	106%	282,792	304,870	22,078	93%	1,717,186	16%	
PARKS PROGRAM	141,916	1,055,668	13%	95%	149,921	152,773	2,852	98%	1,159,109	13%	
FACILITIES ADMIN PROGRAM	167,418	1,231,195	14%	66%	252,514	182,123	(70,391)	139%	1,344,429	19%	
ENGINEERING ADMIN PROGRAM	44,867	312,501	14%	82%	54,905	53,042	(1,863)	104%	317,405	17%	
GRANTS TO OTHER AGENCIES	102,200	132,620	77%	85%	120,850	20,416	(100,434)	592%	122,496	99%	
RECREATION ADMIN PROGRAM	94,790	612,367	15%	87%	108,786	89,197	(19,589)	122%	642,277	17%	
RECREATION PROGRAM	61,023	543,118	11%	85%	71,788	76,173	4,385	94%	629,021	11%	
RECREATION OPERATIONS PROGRAM	216,117	1,652,776	13%	77%	280,025	291,335	11,310	96%	1,888,001	15%	
NORDIC CENTER OPERATIONS	53,768	263,367	20%	98%	54,692	30,921	(23,771)	177%	241,566	23%	
ICE RINK OPERATIONS PROGRAM	142,132	960,890	15%	95%	149,362	163,677	14,315	91%	1,125,615	13%	
LONG TERM DEBT	-	416,966	0%	0%	75	-	(75)	0%	419,851	0%	
SHORT TERM DEBT	-	128,441	0%	0%	-	-	-	0%	-	N/A	
GENERAL EXPENDITURES	-	47,143	0%	0%	2,867	-	(2,867)	0%	-	N/A	
COMMITTEES	382	13,657	3%	51%	749	8,332	7,583	9%	49,992	1%	
TOTAL EXPENDITURES	3,064,686	20,137,337	15%	94%	3,252,152	3,203,570	(48,582)	102%	20,748,263	16%	
REVENUE LESS EXPENDITURES	4,883	3,985,940			(212,282)	(97,341)	(114,941)		63,806		

**TOWN OF BRECKENRIDGE
EXCISE TAX FUND
CURRENT YEAR TO PRIOR YEAR COMPARISON
FOR THE 2 MONTHS ENDING FEBRUARY 28, 2011**

16 % OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR			2010 vs. 2011 ACTUAL % VARIANCE	CURRENT YEAR					
	YTD ACTUAL	YE TOTAL	% OF YE REC'D/SPENT		YTD ACTUAL	YTD BUDGET	ACTUAL/BUDGET \$ VARIANCE	ACTUAL/BUDGET % VARIANCE	ANNUAL BUDGET	% OF BUDGET REC'D/SPENT
TAX REVENUE										
SALES TAX	746,283	13,431,647	6%	98%	732,003	687,944	44,059	106%	12,381,645	6%
ACCOMODATIONS TAX	264,099	1,607,129	16%	88%	231,706	286,620	(54,914)	81%	1,478,709	16%
CIGARETTE TAX	8,375	51,070	16%	104%	8,687	8,047	640	108%	48,001	18%
TELEPHONE FRANCHISE TAX	55	27,154	0%	60%	33	-	33	N/A	28,500	0%
PUBLIC SERVICE FRANCHISE	-	621,971	0%	N/A	0	77,343	(77,343)	0%	600,003	0%
CABLEVISION FRANCHISE TAX	-	153,277	0%	N/A	0	-	-	N/A	140,000	0%
REAL ESTATE TRANSFER TAX	738,178	3,662,755	20%	46%	338,502	206,306	132,196	164%	2,700,002	13%
INVESTMENT INCOME	6,939	55,208	13%	-56%	(3,912)	8,570	(12,482)	-46%	51,420	-8%
TOTAL FUND REVENUE	1,763,929	19,610,211	9%	74%	1,307,019	1,274,830	32,189	103%	17,428,280	7%
EXCISE TAX DEBT SERVICE										
COP FEES	0	650	0%	0%	650	0	(650)	N/A	-	N/A
2005 COP'S PRINCIPAL	0	155,000	0%	N/A	0	-	-	N/A	165,000	0%
2005 COP'S INTEREST	0	142,825	0%	N/A	0	0	-	N/A	137,014	0%
2007 COP'S PRINCIPAL	0	130,000	0%	N/A	0	0	-	N/A	135,000	0%
2007 COP'S INTEREST	0	138,065	0%	N/A	0	0	-	N/A	132,864	0%
TOTAL EXCISE TAX DEBT SERVICE	0	566,540	0%	N/A	650	0	(650)	N/A	569,878	0%
TRANSFERS										
TRANSFER TO GENERAL FUND	1,897,946	11,387,676	17%	91%	1,727,016	1,727,016	-	100%	10,362,096	17%
TRANSFER TO GOLF FUND	21,666	129,996	0%	N/A	41,666	41,666	-	100%	249,996	17%
TRANSFERS TO CAPITAL FUND	159,334	1,074,504	15%	148%	235,166	235,166	-	100%	1,411,007	17%
TRANSFER TO MARKETING	122,216	733,296	17%	47%	57,012	67,702	10,690	84%	369,671	15%
TRFS TO EMPLOYEE HSG FUND	388,820	2,332,920	17%	111%	430,178	430,178	-	100%	2,581,068	17%
TRFS TO SPECIAL PROJECTS FUND	60,834	365,004	17%	108%	65,834	65,834	-	100%	395,004	17%
TOTAL TRANSFERS	2,650,816	16,023,396	17%	96%	2,556,872	2,567,562	10,690	100%	15,368,842	17%
TOTAL FUND EXPENDITURES	2,650,816	16,589,936	16%	96%	2,557,522	2,567,562	10,040	100%	15,938,720	16%
NET REVENUE OVER EXPENDITURES	(886,887)	3,020,275			(1,250,503)	(1,292,732)	31,539		1,489,560	

**TOWN OF BRECKENRIDGE
ALL FUNDS
CURRENT YEAR TO PRIOR YEAR COMPARISON
FOR THE 2 MONTHS ENDING FEBRUARY 28, 2011**

16 % OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR			2009 ACTUAL/ 2010 ACTUAL % CHANGE	CURRENT YEAR					
	YTD ACTUAL	YE TOTAL	% OF YE REC'D/SPENT		YTD ACTUAL	YTD BUDGET	ACTUAL/BUDGET \$ VARIANCE FAVORABLE/(UNFAVORABLE)	ACTUAL AS A % OF BUDGET	ANNUAL BUDGET	% OF BUDGET REC'D/SPENT
REVENUE										
1 GENERAL FUND	3,069,568	24,123,278	13%	99%	3,039,867	3,106,229	(66,362)	98%	20,812,069	15%
2 UTILITY FUND	376,526	2,893,139	13%	127%	478,888	527,334	(48,446)	91%	2,944,244	16%
3 CAPITAL FUND	177,406	1,438,792	12%	148%	262,511	1,657,636	(1,395,125)	16%	1,657,636	16%
4 MARKETING FUND	305,465	1,552,662	20%	117%	357,083	350,987	6,096	102%	2,122,449	17%
5 GOLF COURSE FUND	32,332	2,860,237	1%	147%	47,491	3,773	43,718	1259%	2,269,730	2%
6 EXCISE TAX FUND	1,763,930	19,639,290	9%	74%	1,307,018	1,274,830	32,188	103%	17,428,279	7%
7 HOUSING FUND	423,940	4,149,023	10%	108%	456,817	878,329	(421,512)	52%	5,618,810	8%
8 OPEN SPACE ACQUISITION FUND	247,371	1,847,526	13%	86%	213,095	254,690	(41,595)	84%	1,745,020	12%
9 CONSERVATION TRUST FUND	11	32,550	0%	-55%	(6)	14	(20)	-43%	32,083	0%
10 GARAGE SERVICES FUND	435,668	3,039,176	14%	81%	352,344	343,828	8,516	102%	2,144,466	16%
11 INFORMATION TECHNOLOGY FUND	173,996	1,043,978	17%	85%	147,744	147,744	-	100%	886,464	17%
12 FACILITIES MAINTENANCE FUND	38,406	230,436	17%	115%	44,182	44,176	6	100%	265,056	17%
13 SPECIAL PROJECTS FUND	79,834	434,004	18%	82%	65,834	65,834	-	100%	395,004	17%
TOTAL REVENUE	7,124,453	63,284,091	11%	95%	6,772,868	8,655,404	(1,882,536)	78%	58,321,310	12%
EXPENDITURES										
1 GENERAL FUND	3,064,687	20,896,796	15%	106%	3,252,152	3,203,570	(48,582)	102%	20,748,263	16%
2 UTILITY FUND	334,348	2,361,176	14%	102%	340,362	677,528	337,166	50%	5,293,563	6%
3 CAPITAL FUND	-3,005	1,269,129	0%	-475%	14,260	1,674,117	1,659,857	1%	1,674,117	1%
4 MARKETING FUND	450,497	1,788,213	25%	113%	508,120	634,513	126,393	80%	2,122,452	24%
5 GOLF COURSE FUND	82,919	2,830,772	3%	108%	89,668	142,986	53,318	63%	2,268,821	4%
6 EXCISE TAX FUND	2,650,816	16,589,936	16%	96%	2,557,522	2,612,206	54,684	98%	15,938,709	16%
7 HOUSING FUND	199,601	4,119,633	5%	360%	719,369	143,482	(575,887)	501%	6,350,971	11%
8 OPEN SPACE ACQUISITION FUND	188,079	1,753,166	11%	904%	1,700,384	903,023	(797,361)	188%	3,094,093	55%
9 CONSERVATION TRUST FUND	5,166	30,996	17%	142%	7,334	7,334	-	100%	43,998	17%
10 GARAGE SERVICES FUND	413,346	1,716,570	24%	55%	227,587	210,272	(17,315)	108%	1,982,668	11%
11 INFORMATION TECHNOLOGY FUND	106,578	617,443	17%	141%	150,480	107,229	(43,251)	140%	769,777	20%
12 FACILITIES MAINTENANCE FUND	-	85,963	0%	N/A	0	6,572	6,572	0%	76,078	0%
13 SPECIAL PROJECTS FUND	62,500	388,903	16%	N/A	67,500	96,252	28,752	70%	395,001	17%
TOTAL EXPENDITURES	7,555,532	54,448,696	14%	128%	9,634,738	10,419,084	784,346	92%	60,758,511	16%
	(431,079)	8,835,395			(2,861,870)	(1,763,680)	(1,098,190)		(2,437,201)	

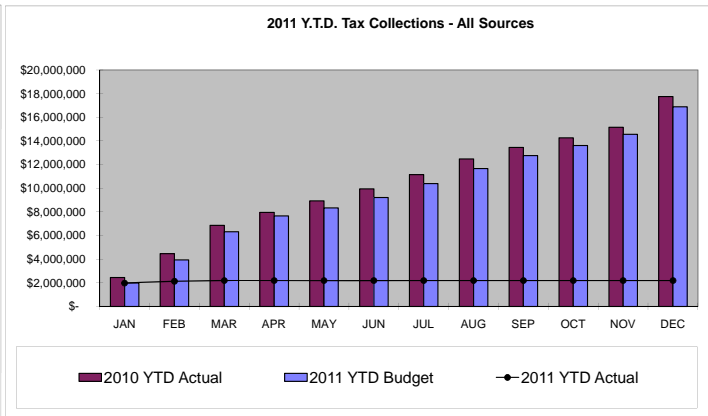
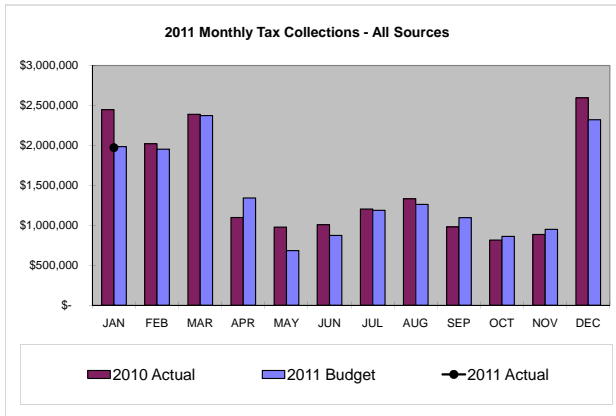
**TOWN OF BRECKENRIDGE
ALL FUNDS, NET OF TRANSFERS
CURRENT YEAR TO PRIOR YEAR COMPARISON
FOR THE 2 MONTHS ENDING FEBRUARY 28, 2011**

16 % OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR			2009 ACTUAL/ 2010 ACTUAL % CHANGE	CURRENT YEAR					
	YTD ACTUAL	YE TOTAL	% OF YE REC'D/SPENT		YTD ACTUAL	YTD BUDGET	ACTUAL/BUDGET \$ VARIANCE FAVORABLE/(UNFAVORABLE)	ACTUAL/BUDGET % CHANGE	ANNUAL BUDGET	% OF BUDGET REC'D/SPENT
REVENUE										
1 GENERAL FUND	1,104,598	12,333,458	9%	113%	1,243,817	1,310,179	(66,362)	95%	10,035,769	12%
2 UTILITY FUND	376,526	2,893,139	13%	127%	478,888	527,334	(48,446)	91%	2,944,244	16%
3 CAPITAL FUND	18,072	364,288	5%	151%	27,345	246,636	(219,291)	11%	246,636	11%
4 MARKETING FUND	183,249	819,366	22%	164%	300,071	283,285	16,786	106%	1,752,778	17%
5 GOLF COURSE FUND	10,666	2,731,911	0%	55%	5,825	3,773	2,052	154%	2,019,730	0%
6 EXCISE TAX FUND	1,763,930	19,639,290	9%	74%	1,307,018	1,274,830	32,188	103%	17,428,280	7%
7 HOUSING FUND	35,120	1,816,103	2%	76%	26,639	448,151	(421,512)	6%	3,037,742	1%
8 OPEN SPACE ACQUISITION FUND	247,371	1,847,526	13%	86%	213,095	254,690	(41,595)	84%	1,745,020	12%
9 CONSERVATION TRUST FUND	11	32,550	0%	-55%	-6	14	(20)	-43%	32,083	0%
10 GARAGE SERVICES FUND	24,138	569,995	4%	35%	8,516	-	8,516	0%	81,498	10%
11 INFORMATION TECHNOLOGY FUND	0	2	0%	N/A	0	-	-	0%	-	0%
12 FACILITIES MAINTENANCE FUND	0	0	N/A	N/A	0	-	-	N/A	-	N/A
13 SPECIAL PROJECTS FUND	19,000	69,000	28%	0%	0	-	-	N/A	-	N/A
TOTAL REVENUE	3,782,681	43,116,628	9%	95%	3,611,208	4,348,892	(737,684)	83%	39,323,780	9%
EXPENDITURES										
1 GENERAL FUND	2,664,180	17,734,539	15%	110%	2,924,408	2,875,824	(48,584)	102%	18,781,775	16%
2 UTILITY FUND	260,242	1,916,540	14%	101%	261,926	599,092	337,166	44%	4,822,947	5%
3 CAPITAL FUND	-3,005	1,269,129	0%	-475%	14,260	1,674,117	1,659,857	1%	1,674,117	1%
4 MARKETING FUND	450,497	1,788,213	25%	113%	508,120	634,513	126,393	80%	2,122,452	24%
5 GOLF COURSE FUND	82,919	2,171,312	4%	108%	89,668	142,986	53,318	63%	2,268,821	4%
6 EXCISE TAX FUND	-	566,540	0%	N/A	650	44,644	43,994	N/A	569,878	0%
7 HOUSING FUND	199,601	4,119,633	5%	360%	719,369	143,482	(575,887)	501%	6,350,971	11%
8 OPEN SPACE ACQUISITION FUND	187,077	1,747,154	11%	908%	1,698,856	901,495	(797,361)	188%	3,084,925	55%
9 CONSERVATION TRUST FUND	0	0	N/A	N/A	0	0	-	N/A	0	N/A
10 GARAGE SERVICES FUND	410,824	1,701,438	24%	54%	223,023	205,708	(17,315)	108%	1,955,284	11%
11 INFORMATION TECHNOLOGY FUND	106,120	614,695	17%	141%	149,890	106,639	(43,251)	141%	766,237	20%
12 FACILITIES MAINTENANCE FUND	0	85,963	0%	N/A	0	6,572	6,572	N/A	76,078	N/A
13 SPECIAL PROJECTS FUND	62,500	388,903	16%	108%	67,500	96,252	28,752	70%	395,001	17%
TOTAL EXPENDITURES	4,420,955	34,104,059	13%	151%	6,657,670	7,431,324	773,654	90%	42,868,486	16%
Revenue Less Expenditures	(638,274)	9,012,569			(3,046,462)	(3,082,432)	35,970		(3,544,706)	

TOWN OF BRECKENRIDGE
CASH TAX COLLECTIONS - ALL SOURCES - SALES, LODGING, RETT, ACCOMMODATIONS
REPORTED IN THE PERIOD EARNED

Sales Period	2010 Collections			2011 Budget			2011 Monthly			2011 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2010	% of Budget	Actual	% Change from 2010	% of Budget
JAN	\$ 2,446,840	\$ 2,446,840	13.8%	\$ 1,984,911	\$ 1,984,911	11.8%	\$ 1,971,065	-19.4%	99.3%	\$ 1,971,065	-19.4%	99.3%
FEB	\$ 2,019,951	\$ 4,466,791	25.2%	\$ 1,951,696	\$ 3,936,607	23.3%	\$ 157,530	-92.2%	8.1%	2,128,595	-52.3%	54.1%
MAR	\$ 2,387,949	\$ 6,854,740	38.6%	\$ 2,373,496	\$ 6,310,104	37.4%	\$ 58,428	-97.6%	2.5%	2,187,023	-68.1%	34.7%
APR	\$ 1,097,078	\$ 7,951,818	44.8%	\$ 1,341,437	\$ 7,651,541	45.3%	\$ -	n/a	0.0%	2,187,023	-72.5%	28.6%
MAY	\$ 976,999	\$ 8,928,817	50.3%	\$ 681,560	\$ 8,333,101	49.4%	\$ -	n/a	0.0%	2,187,023	-75.5%	26.2%
JUN	\$ 1,006,981	\$ 9,935,798	56.0%	\$ 871,759	\$ 9,204,860	54.5%	\$ -	n/a	0.0%	2,187,023	-78.0%	23.8%
JUL	\$ 1,202,708	\$ 11,138,506	62.8%	\$ 1,188,112	\$ 10,392,972	61.6%	\$ -	n/a	0.0%	2,187,023	-80.4%	21.0%
AUG	\$ 1,331,994	\$ 12,470,500	70.3%	\$ 1,261,679	\$ 11,654,652	69.1%	\$ -	n/a	0.0%	2,187,023	-82.5%	18.8%
SEP	\$ 978,488	\$ 13,448,988	75.8%	\$ 1,094,547	\$ 12,749,198	75.5%	\$ -	n/a	0.0%	2,187,023	-83.7%	17.2%
OCT	\$ 813,640	\$ 14,262,627	80.4%	\$ 859,985	\$ 13,609,183	80.6%	\$ -	n/a	0.0%	2,187,023	-84.7%	16.1%
NOV	\$ 884,439	\$ 15,147,066	85.4%	\$ 949,013	\$ 14,558,196	86.3%	\$ -	n/a	0.0%	2,187,023	-85.6%	15.0%
DEC	\$ 2,595,030	\$ 17,742,096	100.0%	\$ 2,319,674	\$ 16,877,870	100.0%	\$ -	n/a	0.0%	\$ 2,187,023	-87.7%	13.0%

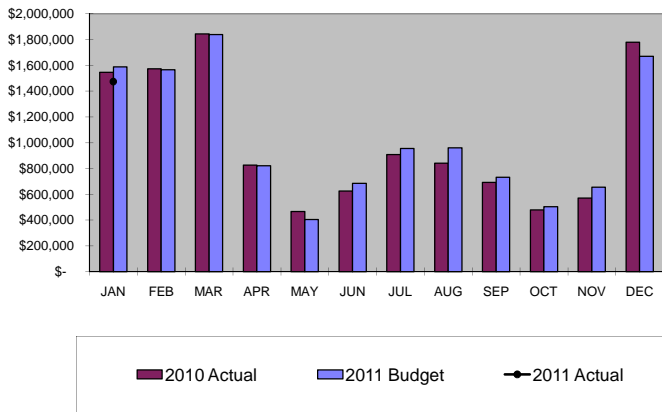


Prior Year Actual and Current Year Budget Variances					
	TOTAL	Sales	Accommodations	RETT	Housing
vs. Jan 10 Actual	(475,775)	(70,804)	(6,049)	(374,807)	(24,115)
vs. Jan 11 Budget	(13,847)	(115,287)	4,302	98,713	(1,575)
vs. YTD 10 Actual	(475,775)	(70,804)	(6,049)	(374,807)	(24,115)
vs. YTD 11 Budget	(13,847)	(115,287)	4,302	98,713	(1,575)

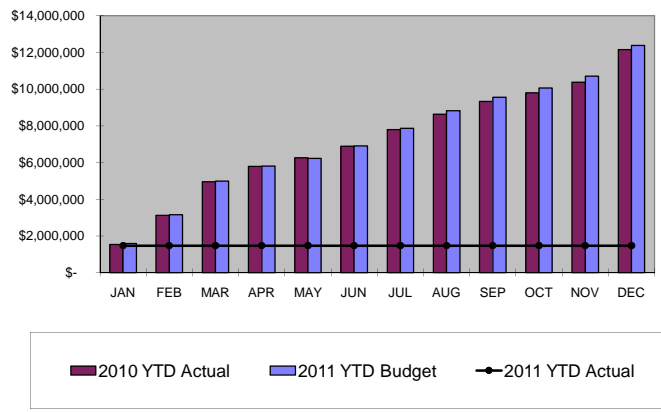
**TOWN OF BRECKENRIDGE
SALES TAX COLLECTIONS
REPORTED IN THE PERIOD EARNED**

Sales Period	2010 Collections			2011 Budget			2011 Monthly			2011 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2010	% of Budget	Actual	% Change from 2010	% of Budget
JAN	\$ 1,544,725	\$ 1,544,725	12.7%	\$ 1,589,208	\$ 1,589,208	12.8%	\$ 1,473,921	-4.6%	92.7%	\$ 1,473,921	-4.6%	92.7%
FEB	1,572,567	3,117,292	25.7%	1,565,285	3,154,493	25.5%		n/a	0.0%	1,473,921	-52.7%	46.7%
MAR	1,844,677	4,961,969	40.8%	1,839,058	4,993,551	40.3%		n/a	0.0%	1,473,921	-70.3%	29.5%
APR	826,063	5,788,032	47.6%	820,716	5,814,267	47.0%		n/a	0.0%	1,473,921	-74.5%	25.4%
MAY	466,655	6,254,686	51.5%	404,562	6,218,829	50.2%		n/a	0.0%	1,473,921	-76.4%	23.7%
JUN	625,370	6,880,056	56.6%	685,463	6,904,291	55.8%		n/a	0.0%	1,473,921	-78.6%	21.3%
JUL	909,629	7,789,685	64.1%	954,293	7,858,584	63.5%		n/a	0.0%	1,473,921	-81.1%	18.8%
AUG	840,855	8,630,540	71.0%	961,257	8,819,841	71.2%		n/a	0.0%	1,473,921	-82.9%	16.7%
SEP	693,592	9,324,132	76.7%	733,049	9,552,891	77.2%		n/a	0.0%	1,473,921	-84.2%	15.4%
OCT	478,831	9,802,962	80.7%	504,021	10,056,911	81.2%		n/a	0.0%	1,473,921	-85.0%	14.7%
NOV	571,080	10,374,042	85.4%	655,468	10,712,380	86.5%		n/a	0.0%	1,473,921	-85.8%	13.8%
DEC	\$ 1,778,688	\$ 12,152,730	100.0%	\$ 1,669,265	12,381,645	100.0%		n/a	0.0%	\$ 1,473,921	-87.9%	11.9%

2011 Monthly Sales Tax Collections



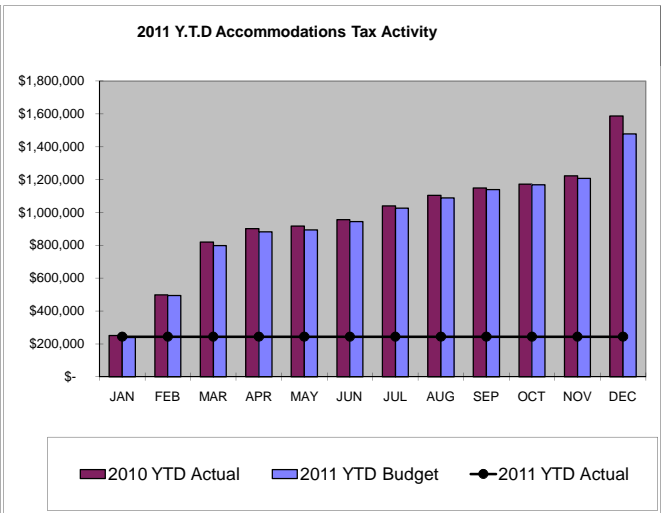
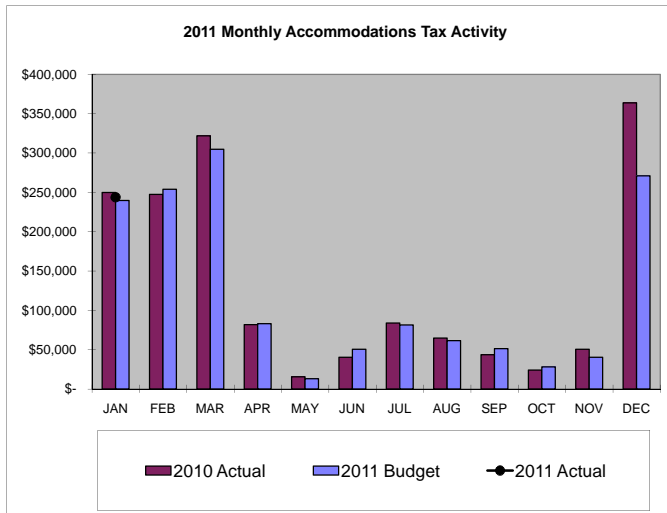
2011 Y.T.D. Sales Tax Collections



**TOWN OF BRECKENRIDGE
ACCOMMODATION TAX COLLECTIONS
REPORTED IN THE PERIOD EARNED**

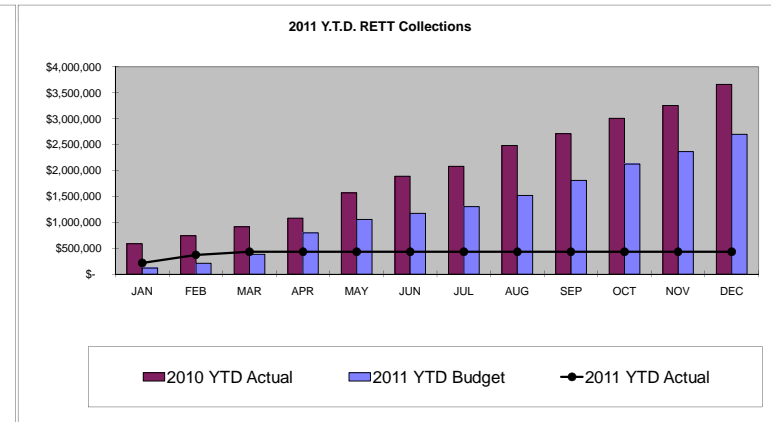
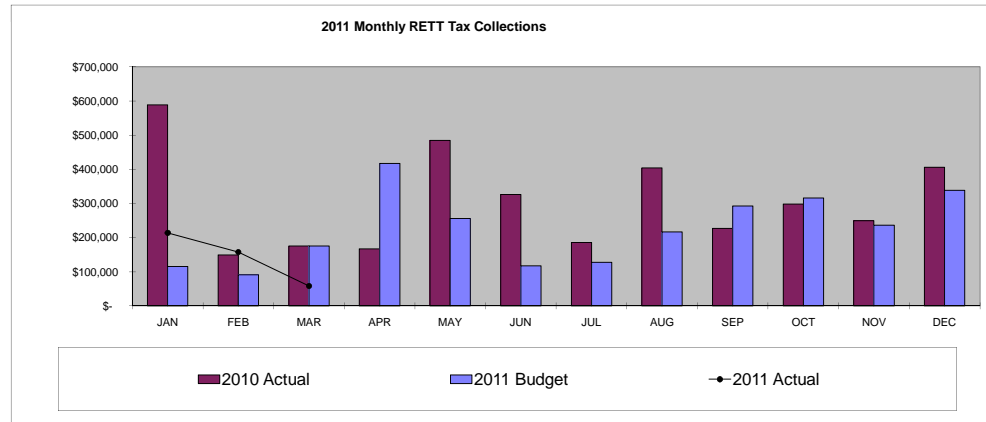
Sales Period	2010 Collections			2011 Budget			2011 Monthly			2011 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2010	% of Budget	Actual	% Change from 2010	% of Budget
JAN	\$ 249,870	\$ 249,870	15.7%	\$ 239,518	\$ 239,518	16.2%	\$ 243,820	-2.4%	101.8%	\$ 243,820	-2.4%	101.8%
FEB	247,373	497,243	31.3%	253,918	493,436	33.4%	n/a	0.0%		243,820	-51.0%	49.4%
MAR	321,989	819,232	51.6%	304,840	798,276	54.0%	n/a	0.0%		243,820	-70.2%	30.5%
APR	81,598	900,830	56.8%	82,971	881,247	59.6%	n/a	0.0%		243,820	-72.9%	27.7%
MAY	15,464	916,294	57.7%	13,167	894,414	60.5%	n/a	0.0%		243,820	-73.4%	27.3%
JUN	40,202	956,496	60.3%	50,494	944,908	63.9%	n/a	0.0%		243,820	-74.5%	25.8%
JUL	83,775	1,040,271	65.6%	81,549	1,026,457	69.4%	n/a	0.0%		243,820	-76.6%	23.8%
AUG	64,597	1,104,867	69.6%	61,362	1,087,819	73.6%	n/a	0.0%		243,820	-77.9%	22.4%
SEP	43,509	1,148,376	72.4%	51,368	1,139,187	77.0%	n/a	0.0%		243,820	-78.8%	21.4%
OCT	23,958	1,172,334	73.9%	28,101	1,167,288	78.9%	n/a	0.0%		243,820	-79.2%	20.9%
NOV	50,468	1,222,802	77.1%	40,346	1,207,634	81.7%	n/a	0.0%		243,820	-80.1%	20.2%
DEC	\$ 363,906	\$ 1,586,708	100.0%	\$ 271,074	1,478,708	100.0%	n/a	0.0%		\$ 243,820	-84.6%	16.5%

Accommodation tax amounts reflect collections at the 2% rate.



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

Sales Period	2007 Collections			2010 Collections			2011 Budget			2011 Monthly				2011 Year to Date			
	Tax Collected	Year To Date	Percent of Total	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% of Budget	% Change from 2007	% Change from 2010	Actual	% of Budget	% Change from 2007	% Change from 2010
JAN	\$ 352,958	\$ 352,958	6.2%	\$ 588,874	\$ 588,874	16.1%	\$ 115,354	\$ 115,354	4.3%	\$ 214,067	185.6%	-39.4%	-63.6%	\$ 214,067	185.6%	-39.4%	-63.6%
FEB	342,995	695,953	12.3%	149,303	738,178	20.2%	90,951	206,306	7.6%	157,530	173.2%	-54.1%	5.5%	371,598	180.1%	-46.6%	-49.7%
MAR	271,817	967,770	17.1%	175,161	913,339	24.9%	175,256	381,562	14.1%	58,428	33.3%	-78.5%	-66.6%	430,026	112.7%	-55.6%	-52.9%
APR	564,624	1,532,394	27.0%	167,038	1,080,377	29.5%	417,147	798,708	29.6%	0.0%	n/a	n/a	n/a	430,026	53.8%	-71.9%	-60.2%
MAY	533,680	2,066,074	36.4%	484,618	1,564,995	42.7%	256,110	1,054,819	39.1%	0.0%	n/a	n/a	n/a	430,026	40.8%	-79.2%	-72.5%
JUN	522,999	2,589,073	45.6%	326,779	1,891,775	51.6%	117,793	1,172,611	43.4%	0.0%	n/a	n/a	n/a	430,026	36.7%	-83.4%	-77.3%
JUL	343,610	2,932,683	51.7%	186,067	2,077,841	56.7%	127,768	1,300,380	48.2%	0.0%	n/a	n/a	n/a	430,026	33.1%	-85.3%	-79.3%
AUG	594,349	3,527,032	62.1%	404,004	2,481,846	67.8%	217,061	1,517,440	56.2%	0.0%	n/a	n/a	n/a	430,026	28.3%	-87.8%	-82.7%
SEP	711,996	4,239,028	74.7%	227,440	2,709,285	74.0%	292,261	1,809,701	67.0%	0.0%	n/a	n/a	n/a	430,026	23.8%	-89.9%	-84.1%
OCT	392,752	4,631,779	81.6%	297,809	3,007,094	82.1%	316,040	2,125,742	78.7%	0.0%	n/a	n/a	n/a	430,026	20.2%	-90.7%	-85.7%
NOV	459,147	5,090,926	89.7%	249,583	3,256,677	88.9%	236,022	2,361,764	87.5%	0.0%	n/a	n/a	n/a	430,026	18.2%	-91.6%	-86.8%
DEC	\$ 584,308	\$ 5,675,235	100.0%	\$ 406,202	\$ 3,662,879	100.0%	\$ 338,238	\$ 2,700,002	100.0%	0.0%	n/a	n/a	n/a	\$ 430,026	15.9%	-92.4%	-88.3%



RETT Churn Estimates

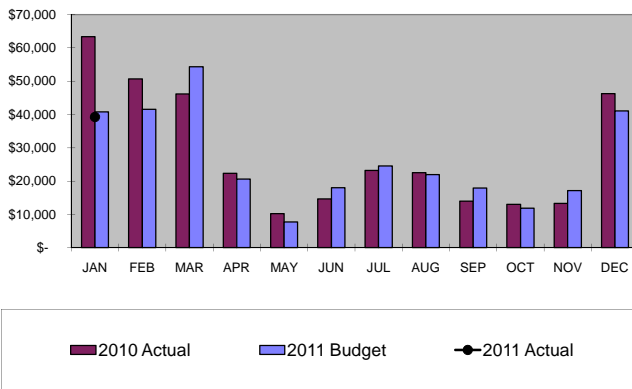
YTD	RETT Churn Estimates					YTD (projects excluded)			Year End	
	1 Ski Hill	Grand Lodge	Beaver Run	Water House	Total Projects					
2010	738,178	(445,042)	(543,903)	(220,000)	(35,908)	(1,244,853)	520,389	3,662,879	actual	
2011	371,598	(26,482)			(64,920)	(91,402)	463,000	2,700,002	budget	

NOTES: The above table shows 2010 actual RETT results as of 1/31 compared to 2011 RETT results as of 1/31. New Construction is then subtracted and the remaining activity is compared.

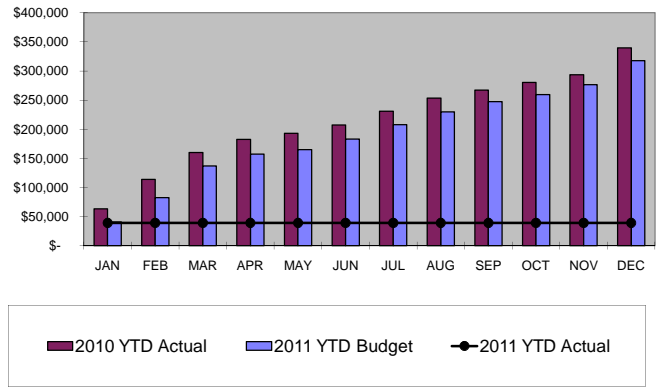
**TOWN OF BRECKENRIDGE
AFFORDABLE HOUSING SALES TAX COLLECTIONS
REPORTED IN THE PERIOD EARNED**

Sales Period	2010 Collections			2011 Budget			2011 Monthly			2011 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2010	% of Budget	Actual	% Change from 2010	% of Budget
JAN	\$ 63,372	\$ 63,372	18.7%	\$ 40,831	\$ 40,831	12.9%	\$ 39,257	-38.1%	96.1%	\$ 39,257	-38.1%	96.1%
FEB	50,707	114,079	33.6%	41,542	82,373	25.9%		n/a	0.0%	39,257	-65.6%	47.7%
MAR	46,121	160,200	47.1%	54,342	136,715	43.1%		n/a	0.0%	39,257	-75.5%	28.7%
APR	22,379	182,579	53.7%	20,604	157,319	49.5%		n/a	0.0%	39,257	-78.5%	25.0%
MAY	10,262	192,841	56.8%	7,721	165,040	52.0%		n/a	0.0%	39,257	-79.6%	23.8%
JUN	14,630	207,471	61.1%	18,010	183,050	57.7%		n/a	0.0%	39,257	-81.1%	21.4%
JUL	23,238	230,709	67.9%	24,502	207,552	65.4%		n/a	0.0%	39,257	-83.0%	18.9%
AUG	22,538	253,247	74.5%	21,999	229,551	72.3%		n/a	0.0%	39,257	-84.5%	17.1%
SEP	13,947	267,194	78.6%	17,868	247,420	77.9%		n/a	0.0%	39,257	-85.3%	15.9%
OCT	13,042	280,237	82.5%	11,823	259,242	81.6%		n/a	0.0%	39,257	-86.0%	15.1%
NOV	13,308	293,545	86.4%	17,177	276,419	87.1%		n/a	0.0%	39,257	-86.6%	14.2%
DEC	\$ 46,234	\$ 339,779	100.0%	\$ 41,096	317,515	100.0%		n/a	0.0%	\$ 39,257	-88.4%	12.4%

2011 Monthly Aff. Housing Sales Tax Collections



2011 Y.T.D. Aff. Housing Sales Tax Collections



Memorandum

TO: Town Council
FROM: Tom Daugherty, Town Engineer
DATE: March 17, 2011
RE: Public Property Disposal

Staff has reviewed the list of properties owned by the Town and have reduced the potential list as shown below. Before staff gathers additional information we wanted to get feedback from the Council on which properties would be appropriate for further consideration for disposal. The properties below have been split into “likely” and “possible” categories. Some aerial photos have been included in your packet on some of the properties.

Likely:

Town Hall – This property would be available once it is vacated.

BOEC on Wellington Road – This property currently has a contract with the BOEC.

Old Little Red lot – This property is located at 308 N. French Street. It is vacant and zoned for residential development.

Possible:

Lot 2C Runway Subdivision (next to Flora Dora). This property was purchased to provide access point to Block 11 (Flora Dora Drive). The remaining developable piece is approximately 0.38 acres. Currently it is used as a bus turn around for the Gray route. This could be developed but would be much smaller than adjacent properties.

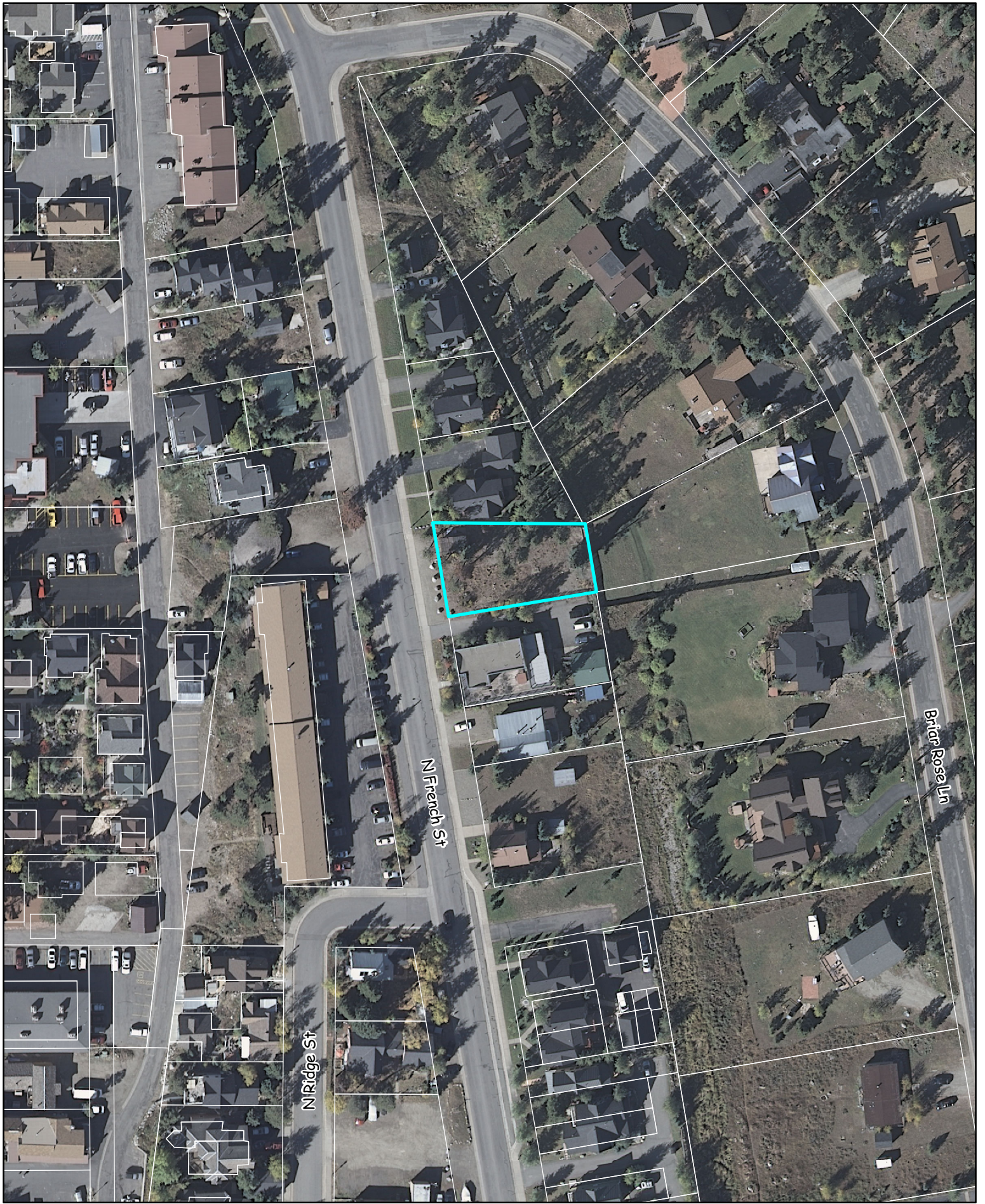
Lot 5 Block 5 Breck Airport Subdivision – This property serves as an access to Block 11 and the skier parking uses this for access during the winter. This property could be further developed after the road right-of-way is in place. Again the buildings would be smaller than the surrounding development.

Schoonover Lot – This property has been considered for use in the Riverwalk extension.

F&D Placer (Griffith Lodge) – The Town owns the land and the lodge is owned by the BOEC. The BOEC leases the land from the Town for their programs.

Iowa Hill – This parcel was considered for attainable housing and the expansion of the Sanitation District plant. The Sanitation district does not plan to expand the Iowa Hill plant. The lower portions of the parcel are considered developable.

McCain North – This parcel is the portion of the property north of the potential reservoir. This includes the area next to the BBC and the Alpine Rock property. This has not been fully master planned.



N Ridge St

N French St

Briar Rose Ln

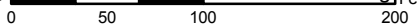


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Abbett Addition Block 1, Lots 1-3

1 inch = 100 feet





Floradora

Denison Placer Rd

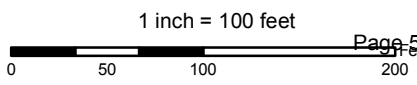
Airport Rd



printed 3/15/2011

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Runway Lot 2C





Airport Rd

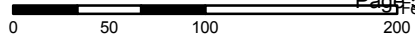


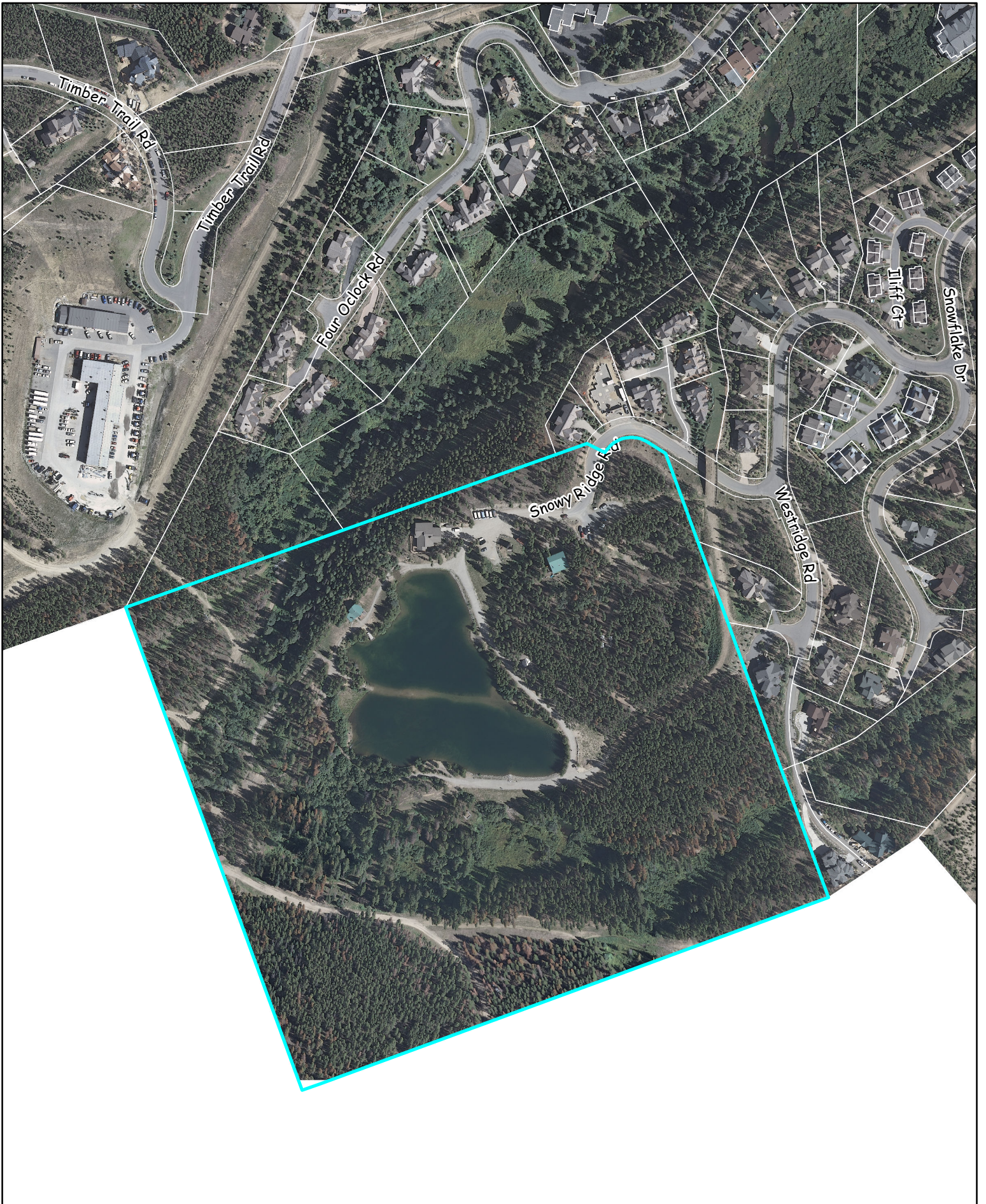
printed 3/15/2011

Town of Breckenridge and Summit County governments assume no responsibility for the accuracy of the data, and use of the product for any purpose is at user's sole risk.

Breck Airport Block 5, Lot 5

1 inch = 100 feet



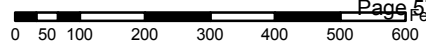


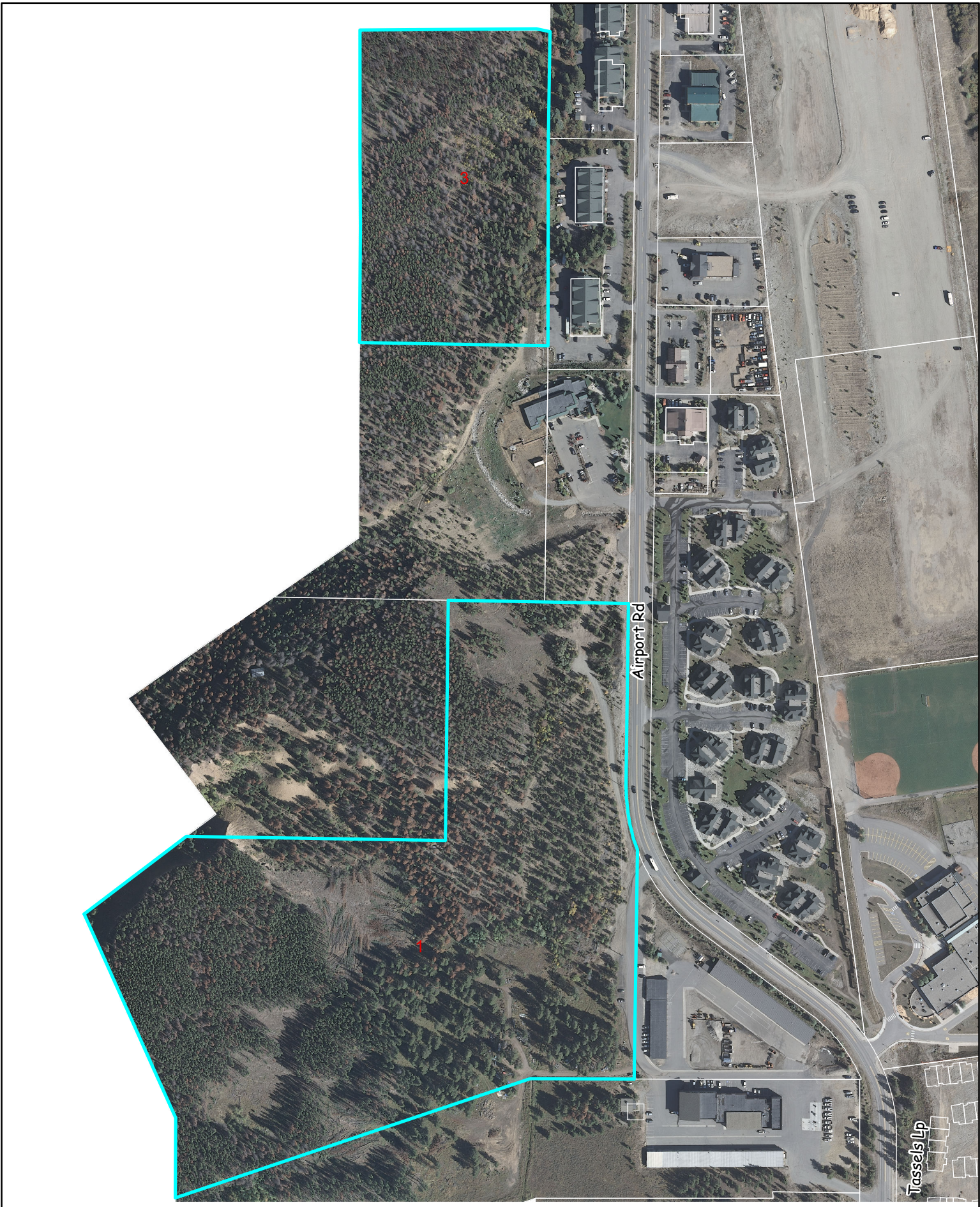
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F&D Placer

Town of Breckenridge and Summit County governments assume no responsibility for the accuracy of the data, and use of the product for any purpose is at user's sole risk.

1 inch = 295 feet



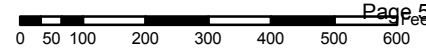


printed 3/15/2011

Town of Breckenridge and Summit County governments assume no responsibility for the accuracy of the data, and use of the product for any purpose is at user's sole risk.

Iowa Hill Lots 1 and 3

1 inch = 306 feet



MEMORANDUM

TO: Town Council

FROM: Mark Truckey, Assistant Director of Community Development
Chris Kulick, Planner II

DATE: March 16 for March 22 Meeting

SUBJECT: Sustainable Breck Update

Background

The Sustainable Breck project has reached a point where we are ready to go to the public with the proposed Action Plan. Included below is a quick list of steps that we have gone through in the last several years to get to this point. The Council has been regularly updated and involved in all these steps.

- Preparation by staff in 2008 of the Town “Capacity Analysis” and review of the document by Town Council. The Capacity Analysis evaluated the Town’s physical ability to accommodate projected buildout. The Analysis examined infrastructure needs such as roads, sewer, and water, but also examined social/community needs such as housing, child care, and schools.
- Development of the “2030” report/analysis in 2008. The intent of the 2030 project was to project what Summit County would look like in the year 2030, given that no major changes occurred to the way issues such as housing, the environment, etc. were being addressed by local government. This project was undertaken by Town planning staff in conjunction with planners from Summit County and other County municipalities. The results of the 2030 report painted a somewhat bleak outlook for the County as a whole, at least in some topic areas. For example, the 2030 report projects that there will be more traffic and congestion, increased demands on and scarcity of available developable land, a significant lack of affordable housing for locals, and potential changes to our local climate (e.g., shortening of ski season because of rising temperatures).
- The establishment of a Sustainability Task Force in 2009. The Sustainability Task Force, which is a subcommittee of the Town Council that includes three Council members, met for approximately one year. The Task Force’s mission was to evaluate the projected 2030 report conditions against the Town’s Vision Plan and to determine if there are corrective actions that can be taken to avoid an undesired 2030 forecast. The Task Force prepared its initial recommendations in March 2010 and presented them to Town Council, which endorsed the recommendations with some minor amendments.
- From June through September of 2010 an extensive public involvement process was undertaken to solicit public input and interest in the Sustainable Breck project. A well-attended kick-off meeting was followed by a series of working “focus group” meetings. Finally a “wrap-up” meeting was held to report back to the community on the results of their input. In addition to the public meetings, staff made use of electronic medium (e.g., interactive web page, Facebook, online survey) to solicit additional input.
- From October, 2010 through early March, 2011 the Sustainability Task Force reviewed the public comments and developed a final list of recommendations on each sustainability topic. The Task Force considered a number of issues, including financial implications, timelines, etc., in developing their final list of recommended actions.

Sustainable Breck Action Plan Matrix

The Task Force's final recommendations are included in the attached "Sustainable Breck Action Plan Matrix". The matrix is a concise listing of the actions the Town intends to take in furthering our Vision Plan and sustaining our community. The actual Sustainable Breck Plan, which staff has started drafting, will provide more detailed information on all the information contained in the matrix. The matrix is intended as an "executive summary" that can be used as a quick reference and will be part of our report back to the community.

Three headings are included in the Sustainable Breck Action Plan Matrix. The first heading "What We Heard" summarizes the higher priority items that were identified by the public during last summer's public process. The second heading "What We Intend to Do" outlines the proposed sustainability actions under three groupings: Actions Underway, Actions to be undertaken within the next year, and Long Term Actions. The final column heading titled "What We Will Measure" identifies the items that we will monitor in the future, on an annual or more frequent basis. The monitoring should provide a good indication of whether we are making progress on a specific sustainability issue or not.

Staff would like Council feedback on the actions identified in the Sustainable Breck Action Plan Matrix. We particularly are interested in Council feedback on the "Actions to be undertaken within the next year", as these actions are the new commitments the Town will be making to the public. They will also form much of the work plan for Town staff in the upcoming year. We also would like Council input on the listed long term actions.

Several things in the Action Matrix that staff wants to point out include:

- A number of the actions listed in the Matrix relate directly to the Council's Top Ten List. These include "Plastic Bags", "Open Space Acquisition", and "Energy Policy/Climate Action Plan". Particularly, under the "Energy" section of the Matrix, the proposed actions relate directly to implementing a climate action plan for the Town.
- A few of the actions listed are currently unfunded or underfunded and may require some additional funding commitment from the Council. We need your feedback on these items (they are noted with "additional funding required" in parenthesis).
- For actions to be undertaken in the next year, we have included an identification of the Town departments or other organizations (e.g., BRC) that would be taking a lead on the project (noted in parenthesis at the end of the listed action).
- Some of the actions to be undertaken in the next year may not be fully completed within the year.
- The actions under "Local Economy" still need some work in terms of responsible implementation parties. These have not yet been discussed in detail with BRC or BMAC, or other identified parties.

As noted earlier, the action items to be undertaken in the next year are intended to form the basis for a portion of the Town's work plan, particularly regarding Community Development. Our intent is to undertake all of the items listed but priorities and other workload issues will ultimately affect the timing of undertaking these actions.

Future Steps

Public Open House

Assuming the Council is generally supportive of the direction provided in the Sustainable Breck Action Plan Matrix, a public open house will be held in late April or May to share the Action Plan with the community. The public will be given a chance to comment on the Action Plan at the open house. A variety of information materials will be provided at the meeting for the public's benefit.

Plan Adoption

After the Open House, staff will complete the drafting of the Sustainable Breck Action Plan document and bring to the Council for review and adoption. Substantive public comments received at the open house will be presented. We anticipate the Council holding at least one public hearing on the Plan.

Annual Monitoring and Reporting

Staff has previously provided the Council an overview of the monitoring we intend to undertake to keep Sustainable Breck as an ongoing and living Plan. Monitoring will be updated at least annually, but more frequently in some cases. The Dashboard/Economic indicators that are already being forwarded to the Council are the first piece of this monitoring. These indicators are also located on the Town's web site and by this summer we intend to have all Sustainable Breck indicators included on the web site. We also intend to prepare an annual "report card", which will look at the annual monitoring and determine what progress (or lack thereof) is occurring on each sustainability issue. This report card would also be part of an annual update to the Town Council.

Council Questions

- Does the Council have any suggestions or modifications they feel are appropriate to the attached Sustainable Breck Action Matrix?
- Is Council comfortable particularly with the "Actions to be undertaken within the next year" section of the matrix?
- Is the Council comfortable with staff moving forward to hold a public open house on the proposed Sustainable Breck actions?
- Other Council comments are welcome.

ENERGY		
What We Heard	What We Intend to Do	What We Will Measure
<ul style="list-style-type: none"> Increase energy efficiency in residential and commercial structures 	<p><u>Actions Underway</u></p> <ul style="list-style-type: none"> Continue to implement energy efficiency upgrades in Town facilities Continue Green Commutes program Actively support County waste reduction/diversion strategies such as pay as you throw, recycling centers and composting Amend the Town's Development Code to provide additional incentives for energy efficient development. <p><u>Actions to be Undertaken within the next year</u></p> <ul style="list-style-type: none"> Installation of solar panels on public buildings and properties (Finance staff, PPA provider) Do energy audit on a multi-family residential complex as a pilot project and evaluate extending energy upgrade loan program to multi-family properties (Com Dev staff, High Country Conservation Center, consultant energy auditor: additional funding required) Community outreach on energy efficiency upgrades (High Country Conservation Center) Expand Green Commutes program to BRC/local businesses (Green Team) Investigate options and adopt a nationally recognized commercial sustainability code (Com Dev staff) Renew Colorado Association of Ski Town's Reusable Bag Challenge (Green Team) Consider disposable bag tax or outright ban on use (Green Team) Create "Breck Green Business" certification for businesses that meet certain criteria for energy efficiency, recycling and composting, etc. (Com Dev staff, Green Team, BRC) Make energy audits available to businesses (Com Dev, High Country Conservation Center, consultant energy auditors, additional funding required) Implement loan program for residential energy upgrades (Com Dev staff, High Country Conservation Center, Summit County: program currently on hold with unresolved loan subordination issues) <p><u>Long term actions</u></p> <ul style="list-style-type: none"> Create community solar garden Town commitment to attaining equivalent of LEEDs/Green Globe certification when constructing new Town facilities. Improve efficiency of Town fleet vehicles Establish recycling and composting programs at all Town facilities 	<p><u>Monitoring</u></p> <ul style="list-style-type: none"> Town energy use Government energy use % of Town's renewable energy % of Government's renewable energy Waste generation Waste diversion and diversion rates Green businesses (future monitoring component) Sustainability awareness (future monitoring component)

LOCAL ECONOMY		
What We Heard	What We Intend to Do	What We Will Measure
<ul style="list-style-type: none"> • Focus on tourism related businesses • Focus on economic stability in real estate and trades • Focus on marketing efforts for new visitors 	<p><u>Actions Underway</u></p> <ul style="list-style-type: none"> • Increase tourism marketing efforts • Focus Town economic development dollars towards tourism • Enhance Town recreation opportunities • Promote efforts for historic preservation efforts/increase retail and restaurant space • Provide economic indicator dashboard for business' use • Encourage BRC to market heritage and arts opportunities • Continue to enhance and change displays in arts and heritage sites • Maintain appropriate technology levels (e.g., wireless and broadband) for businesses and guests <p><u>Actions to be Undertaken within the next year</u></p> <ul style="list-style-type: none"> • Engage lodging companies in promoting events, downtown retail and restaurants to their clients (BRC, Lodging Assoc., BMAC) • Promote "Breck lifestyle" through marketing to Baby Boomers and Gen X'ers (BRC, BMAC, additional funding required) • Work on programs that encourage day visitors/skiers to stay in Town longer to visit retail and restaurant (BSR, BRC, BMAC Town staff, additional funding may be required) • Enhance information on variety of activities available (BRC; Lodging, Retail and Restaurant Assoc.) • Enhance marketing efforts of the Town's diverse recreational opportunities (BRC) • Explore a Sister City with an opposite season for cross marketing (eg. Moab) (Town staff) • Encourage second homeowners to utilize homes more and become invested in the community (Town staff, Summit Foundation) <p><u>Long term actions</u></p> <ul style="list-style-type: none"> • Enhance restaurant or retail experience through centralized reservation systems • Promote redevelopment efforts to enhance property values • Pursue alternative revenue streams 	<p><u>Monitoring</u></p> <ul style="list-style-type: none"> • Retail sales • Real estate sales • Lodging revenue • Skier days • Turnover of businesses • Unemployment • Building permits issued • Area median income • Other national indicators (e.g., SP 500)
TRANSPORTATION		
What We Heard	What We Intend to Do	What We Will Measure
<p>If Town residents had \$100 to spend on transportation improvements, the \$ would go towards the following priorities:</p>	<p><u>Actions Underway</u></p> <ul style="list-style-type: none"> • Review transit ridership & adjust routes • Complete Streets Policy 	<p><u>Monitoring</u></p> <ul style="list-style-type: none"> • Traffic counts • Transit use

<ul style="list-style-type: none"> • Transit (\$27) • Parking (\$23) • Walking (\$16) • Bicycling (\$15) • Reducing congestion (\$11) • Traffic calming (\$8) 	<ul style="list-style-type: none"> • Manual Traffic Control on peak days • Ski Resort incentives for carpooling day-skiers • Annual review of Town parking management strategies • Monitoring Ski Resort Parking <p><u>Actions to be Undertaken within the next year</u></p> <ul style="list-style-type: none"> • Main Street upgrades to facilitate pedestrian circulation (Engineering staff) • Bike Striping, way finding & mapping (Public Works and Com Dev staff) • Expand Green Commutes Program to Local Businesses (Com Dev staff, Green Team) • Enhance pedestrian movement along Block 11 and Airport Road (Engineering staff) <p><u>Long term actions</u></p> <ul style="list-style-type: none"> • Prioritize denser workforce housing development along existing transit routes • Snowplowing sidewalks • Construction of Roundabouts at Park Ave/4 O’Clock and Park Ave/French St. • Goal of increasing Transit Rideship mode share by 10% • Incentivize destination visitors to arrive through another means than a rented vehicle • Look at development of a park and ride facility at the north end of Town • Monitor and re-assess in-town parking as buildout approaches to ensure visitor needs are met • Develop a bike share program for local residents 	<ul style="list-style-type: none"> • Parking counts • Peak days • Alternative transportation (still exploring whether we have capability to monitor) • Town fleet fuel consumption • Vehicle miles travelled (still exploring whether we have capability to monitor)
LAND USE		
What We Heard	What We Intend to Do	What We Will Measure
<p>The community is concerned about:</p> <ul style="list-style-type: none"> • Loss of service commercial/light industrial uses • Impacts of full buildout of the basin • Development in rural/backcountry areas • Deterioration/loss of historic structures 	<p><u>Actions Underway</u></p> <ul style="list-style-type: none"> • Continue to purchase open space and encourage use of TDRs to protect backcountry areas • Promote private historic preservation projects and encourage adaptive reuse of historic structures • Prioritize and facilitate public historic preservation projects in the Town and in backcountry areas • Promote heritage tourism in the Town and support the efforts of the Breckenridge Heritage Alliance. <p><u>Actions to be Undertaken within the next year</u></p> <ul style="list-style-type: none"> • Amend the Joint Upper Blue Master Plan and re-evaluate basin density targets (Com Dev Staff) • Amend the Land Use Guidelines/Development Code to identify service commercial uses as a preferred use in appropriate locations (Com Dev staff) 	<p><u>Monitoring</u></p> <ul style="list-style-type: none"> • Update Town/Basin Buildout Inventory Annually • Backcountry Acres Acquired/Protected • Track number of public and private historic restoration projects • Track conversions of commercial uses and amount of service commercial uses

	<u>Long term actions</u> <ul style="list-style-type: none"> Evaluate and designate additional areas to accommodate service commercial uses Plan for potential redevelopment of CR 450 area and Designate an appropriate location at the north end of Town for limited small-scale commercial services 	
WATER		
What We Heard	What We Intend to Do	What We Will Measure
<ul style="list-style-type: none"> Water conservation Increase water storage and Town's ability to use water rights Minimize energy used to treat and transport water 	<u>Actions Underway</u> <ul style="list-style-type: none"> Water quality testing <u>Long term actions</u> <ul style="list-style-type: none"> Construction of Water Pumpback from Farmer's Korner returning water to Breckenridge Development of Reservoir on McCain Property Investigate potential and implement use of grey water systems on public locations such as golf course Explore opportunities to establish one water entity for the Upper Blue, combining Town and County water resources 	<u>Monitoring</u> <ul style="list-style-type: none"> Town water supply: number of existing customers and system capacity Water use Peak water usage Water quality monitoring in local waterways
HOUSING		
What We Heard	What We Intend to Do	What We Will Measure
<ul style="list-style-type: none"> Protect market rate housing that serves as workforce housing Create for-sale affordable housing for families with average income levels Create rental housing for lower income families 	<u>Actions Underway</u> <ul style="list-style-type: none"> Identify and land bank sites appropriate for workforce housing, including Town-owned parcels. Housing buy-down program to deed restrict properties for affordable housing Construction of for-sale affordable housing units at Valley Brook (22 units at lower income (80% AMI) targets and 20 units @ 105% AMI targets) Work with private developers on partnerships that result in construction of units for average income families. Homebuyer education program <u>Actions to be Undertaken within the next year</u> <ul style="list-style-type: none"> Modify Development Code to further incentivize private sector housing development (Com Dev staff) Develop full packages of incentives for providing lower income rental housing (Com Dev staff/Housing Committee) Consider putting existing buy-down units in low income rental housing pool (Com Dev staff, 	<u>Monitoring</u> <ul style="list-style-type: none"> Track the number of deed-restricted affordable housing units constructed on an annual basis (and AMI target for each) and compare to target housing need Track housing affordability gap over time

	<p>will impact housing fund which assumed revenues from sales of units)</p> <ul style="list-style-type: none"> • Partner with the County on developing affordable housing projects (Com Dev staff: County may purchase land for housing in next year) • Update the Town’s housing needs assessment (Comm Dev staff, consultant, additional funding required) <p><u>Long term actions</u></p> <ul style="list-style-type: none"> • Construction of lower AMI rental housing on the Claimjumper property • Plan for higher densities on Block 11 to maximize land efficiencies, while ensuring high quality design and development • Construction of lower AMI rental housing on Block 11 • Construction of average AMI for-sale units on Block 11 • Work with the business community to provide housing for their employers. • Engage the Summit School District in participating in workforce housing for their employees 	
CHILD CARE		
What We Heard	What We Intend to Do	What We Will Measure
<ul style="list-style-type: none"> • Identify long-term funding • Work with operators on cost reduction strategies 	<p><u>Actions Underway</u></p> <ul style="list-style-type: none"> • Provide child care scholarships to offset costs to working families • Provide salary supplements to teachers (phasing out in 2012) <p><u>Actions to be Undertaken within the next year</u></p> <ul style="list-style-type: none"> • Child care committee to be formed to make recommendations on cost savings, long-term funding, etc. (Com Dev staff) • Work with child care operators on cost-saving strategies (e.g., shared resources and administrative functions, etc.) (Com Dev staff, Child Care Committee) <p><u>Long term actions</u></p> <ul style="list-style-type: none"> • Identify and pursue long-term funding for child care initiatives • Monitor and plan for potential construction of new child care facility 	<p><u>Monitoring</u></p> <ul style="list-style-type: none"> • Periodically survey Town families and collect and analyze demographic data to determine anticipated child care needs in upcoming years. • Track enrollment and percent occupancy in existing child care facilities. • Child care costs • Wait lists at child care centers • Track child care affordability gap over time
WILDLIFE HABITAT		
What We Heard	What We Intend to Do	What We Will Measure
<ul style="list-style-type: none"> • Conserve large, connected open spaces • Holistically address wildlife issues through development of a wildlife management plan 	<p><u>Actions Underway</u></p> <ul style="list-style-type: none"> • Acquisition of lands with important wildlife habitat • Acquisition of important habitat areas in Cucumber Gulch <p><u>Actions to be Undertaken within the next year</u></p> <ul style="list-style-type: none"> • Develop wildlife management plan to holistically address basin wildlife issues (Com Dev staff, BOSAC, potential consultant/wildlife specialist assistance in mapping/habitat analysis: 	<p><u>Monitoring</u></p> <ul style="list-style-type: none"> • Cucumber Gulch wildlife monitoring • Other wildlife monitoring information from state, etc.

	<p>additional funding required)</p> <p><u>Long term actions</u></p> <ul style="list-style-type: none"> • Adopt new Development Code policy related to wildlife habitat protection • Habitat restoration in areas where degradation has occurred • Update wetlands setback regulations • Evaluate potential wildlife crossing opportunities on Hwy 9 	
FOREST HEALTH		
What We Heard	What We Intend to Do	What We Will Measure
<p>Community priorities are:</p> <ul style="list-style-type: none"> • Mountain pine beetle mitigation • Watershed protection • Wildfire protection • Replanting 	<p><u>Actions Underway</u></p> <ul style="list-style-type: none"> • Removal of dead and diseased trees • Creation of voluntary defensible space around homes to mitigate wildfire impacts • Forest health projects to create firebreaks, diversify forest, and reduce threat of wildfire • Wildfire evacuation planning <p><u>Actions to be Undertaken within the next year</u></p> <ul style="list-style-type: none"> • Watershed planning to identify facilities/actions to reduce runoff impacts after wildfire (Com Dev/Engineering staff) • Tree replanting program (Com Dev/Public Works staff) <p><u>Long term actions</u></p> <ul style="list-style-type: none"> • Installation of sedimentation facilities to intercept runoff after wildfire 	<p><u>Monitoring</u></p> <ul style="list-style-type: none"> • Pine beetle infestation levels • Acres of treated open space lands • Acres of treated National Forest lands • Defensible space created
RECREATION AND OPEN SPACE		
What We Heard	What We Intend to Do	What We Will Measure
<ul style="list-style-type: none"> • Maintain existing open space • Acquire open space • Renovate existing parks/facilities and develop new facilities 	<p><u>Actions Underway</u></p> <ul style="list-style-type: none"> • Continued acquisitions of open space properties • Sustainable trails construction and maintenance • Ecologic monitoring of Cucumber Gulch <p><u>Actions to be Undertaken within the next year</u></p> <ul style="list-style-type: none"> • Potential deconstruction of unsustainable trails and trails in sensitive areas (e.g., Cucumber Gulch, Golden Horseshoe) (Com Dev staff, trails crew, Summit County) • Development of Cucumber Gulch management plan (Com Dev staff, BOSAC) <p><u>Long term actions</u></p> <ul style="list-style-type: none"> • Develop additional active and passive park facilities as Block 11 and McCain properties are developed • Development of management plans for other open space properties • Blue River restoration 	<p><u>Monitoring</u></p> <ul style="list-style-type: none"> • Acres of open space acquired • Acres of park space developed • Miles of trails



BRECKENRIDGE TOWN COUNCIL REGULAR MEETING
Tuesday, March 22, 2011; 7:30 p.m.
Town Hall Auditorium

I	CALL TO ORDER and ROLL CALL	
II	APPROVAL OF MINUTES – March 8, 2011	70
III	APPROVAL OF AGENDA	
IV	COMMUNICATIONS TO COUNCIL	
	A. Citizen’s Comment - (Non-Agenda Items ONLY; 3 minute limit please)	
V	CONTINUED BUSINESS	
	A. SECOND READING OF COUNCIL BILLS, SERIES 2011 - PUBLIC HEARINGS	
	1. Council Bill No. 13, Series 2011 - An Ordinance Amending Policy 5 (Relative)(Architectural Compatibility) Of Section 9-1-19 Of The <u>Breckenridge Town Code</u> , Known As The “Breckenridge Development Code”, Concerning The Allowed Use Of Fiber-Cement Siding	74
	2. Council Bill No. 14, Series 2011 – An Ordinance Amending Ordinance No. 9, Series, 2009, By Eliminating The Sunset Date For The “Town Of Breckenridge Open House Sign Ordinance”	77
	3. Council Bill No. 15, Series 2011 – An Ordinance Amending Policy 3 (Absolute) Of Section 9-1-19 The <u>Breckenridge Town Code</u> , Known As The “Breckenridge Development Code”, Concerning The Density Exemption For Basement Areas Of Town-Designated Landmark Commercial Structures	80
VI	NEW BUSINESS	
	A. FIRST READING OF COUNCIL BILLS, SERIES 2011	
	1. Council Bill No. 16, Series 2011 – An Ordinance Making Miscellaneous Amendments To Chapter 1 Of Title 9 Of The <u>Breckenridge Town Code</u> , Known As The “Breckenridge Development Code”, Chapter 2 Of Title 9 Of The <u>Breckenridge Town Code</u> , Known As The “Breckenridge Subdivision Standards”, And Chapter 10 Of Title 9 Of The <u>Breckenridge Town Code</u> Concerning Development And Subdivision Application Fees	83
	2. Council Bill No. 17, Series 2011 – An Ordinance Amending Section 4-3-2 Of The <u>Breckenridge Town Code</u> To Authorize The Issuance Of An Optional Premises Liquor License For A Performing Arts Facility	87
	B. RESOLUTIONS, SERIES 2011	
	1. None	
	C. OTHER – Motion to cancel April 12 Town Council meeting	90
VII	PLANNING MATTERS	
	A. Planning Commission Decisions of March 15, 2011	2
	B. Town Council Representative Report (Mr. Burke)	
VIII	REPORT OF TOWN MANAGER AND STAFF*	
IX	REPORT OF MAYOR AND COUNCILMEMBERS*	
	A. CAST/MMC (Mayor Warner)	
	B. Breckenridge Open Space Advisory Commission (Ms. McAtamney)	
	C. BRC (Mr. Dudick)	
	D. Marketing Committee (Mr. Dudick)	
	E. Summit Combined Housing Authority (Mr. Joyce)	
	F. Breckenridge Heritage Alliance (Mr. Burke)	
	G. Sustainability Committee (Mr. Bergeron, Mr. Joyce, Mayor Warner)	
	H. Joint Upper Blue Master Plan Update Committee (Mr. Bergeron, Mr. Mamula)	
X	OTHER MATTERS	
XI	SCHEDULED MEETINGS	95
XII	ADJOURNMENT	

EXECUTIVE SESSION CERTIFICATE

Town of Breckenridge)
County of Summit)
State of Colorado)

John Warner, the duly elected, qualified and acting Mayor of the Town of Breckenridge, hereby certifies as follows:

As part of the Town Council Work Session on Tuesday, March 8, 2011 at 7:00 p.m., Mr. Joyce moved to convene in executive session pursuant to Paragraph 4(a) of Section 24-6-402, C.R.S., relating to the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; and Paragraph 4(e) of Section 24-6-402, C.R.S., relating to determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations; and instructing negotiators. Mayor Warner made the second.

The Mayor restated the motion. The Mayor further stated the property that is the subject of the executive session is: an open space parcel the Town Council may have an interest in purchasing.

A roll call vote was taken and all were in favor of the motion.

Mr. Mamula moved to adjourn the executive session at 7:28 p.m. Mr. Joyce made the second. All were in favor of the motion.

This certificate shall be included before the minutes of the regular Town Council meeting of Tuesday, March 8, 2011.

John Warner, Mayor

CALL TO ORDER and ROLL CALL

Mayor Warner called the March 8, 2011 Town Council Meeting to order at 7:34 p.m. The following members of council answered roll call: Mr. Bergeron, Mr. Dudick, Mr. Mamula, Ms. McAtamney, Mr. Joyce, and Mayor Warner. Mr. Burke was absent.

APPROVAL OF MINUTES – February 22, 2011 Regular Meeting

With no changes or corrections to the meeting minutes of February 22, Mayor Warner declared they would stand approved as presented.

APPROVAL OF AGENDA

Mr. Gagen, Town Manager, stated there will be a new title for Council Bill 14. Currently, that title reads "...by extending the sunset date". That portion of the title will be changed to "...by eliminating the sunset date".

COMMUNICATIONS TO COUNCIL

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

Dan Corwin addressed council concerning snow plowing on sidewalks and town streets. He stated Public Works is doing a good job. Mr. Corwin felt the process should be looked at to determine if there are better ways of doing the job. He understood problems associated with "high alpine environment" conditions and budget cuts. He felt the town could do better as a "world class resort". Mayor Warner relayed an event he recently witnessed and wondered how the town can make its guests aware of the importance of wearing appropriate shoes and clothing.

Ron Shelton was present to talk about the proposed solar panels. He was not in favor of having panels near the sidewalk adjacent to the Riverwalk Center. Mayor Warner summarized where the process is at this point. During the work session five members of council were in favor of solar panels at the Riverwalk Center and two members were in opposition to the panels. It was decided to move forward with the planning process. The solar panel application will go through the Planning Commission process. At that time the public will have its first opportunity to make public comment. Once that process is complete, town council will act on the matter. At that time there will be another opportunity to make public comment.

B. BRC Director Report

John McMahon was present and reported on Mardi Gras. The parade saw a very good turnout. Mark Burke was kingly. Snow Sculpture was a strong event. Spring break begins next week. The Spring Fever event is taking shape. Town will see concerts, Easter egg hunts and programs in conjunction with the Restaurant Association. Mr. McMahon indicated a need to begin a conversation about April Fool’s Day. This year the town’s April Fool’s Day event will be on April 2. Mr. Bergeron asked how the Bacchus Ball was received. The event saw 200 people and appears to be growing. The BRC has been investigating the possibility of holding Ullr Fest in December. The bonfire would be on December 8 with Ullr activities being held throughout the next week. The Dew Tour will follow. In closing, Mr. McMahon reported on the Quizno Pro Challenge.

C. Earth Hour Proclamation

Patrick Paden was present and gave a brief history of how Earth Hour came to be. He thanked council for their support. Mayor Warner read the Proclamation declaring Saturday, March 26, 2011 from 8:30 – 9:30 p.m. to be "Earth Hour".

CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILL, SERIES 2011 – PUBLIC HEARINGS

1. Council Bill No. 10, Series 2011 - AN ORDINANCE CONCERNING THE OPERATION OF PEDICABS WITHIN THE TOWN OF BRECKENRIDGE

Mr. Berry explained if approved on second reading, this ordinance would create traffic rules associated with the use of Pedicabs on public streets within the town. These regulations are loosely based on the State’s regulations that are applicable to bicycles. There are no changes from first reading.

Mayor Warner opened a public hearing. There were no comments from the public. He closed the public hearing and asked for any further questions or comments from council. There were none.

Mr. Bergeron moved to approve Council Bill No. 10, Series 2011 as previously read into the record. Mr. Mamula seconded the motion. A roll call vote was taken. The motion passed 6-0.

2. Council Bill No. 11, Series 2011 – AN ORDINANCE AMENDING ORDINANCE NO. 16, SERIES 2010 AND ORDINANCE NO. 38, SERIES 2010, TO ALLOW FOR THE CHANGE OF LOCATION OF TOWN OF BRECKENRIDGE MEDICAL MARIJUANA DISPENSARY PERMITS; AND SETTING FORTH THE TERMS AND CONDITIONS UNDER WHICH SUCH CHANGE OF LOCATION MAY BE APPROVED.

Mr. Berry explained the purpose of this council bill is to amend the existing Medical Marijuana Dispensary Moratorium Ordinance to allow for a change of location for existing dispensaries within the Downtown Overlay District. There were a few changes made to the ordinance since first reading. The first change prohibits signage that is visible from any

public street within the Downtown Overlay District. The second change changes reference to “garden level” to “ground floor” and matches the language in the existing Dispensary Ordinance. The third change addresses the entryway provision to refer to Ridge Street and Lincoln Avenue as well as referencing Main Street. Mr. Berry asked if there is a motion to approve this council bill that it referenced the form include in the council’s agenda packet.

Mayor Warner opened a public hearing. There were no comments from the public. He closed the public hearing and asked for any further questions or comments from council. There were none.

Mr. Bergeron moved to approve Council Bill No. 11, Series 2011 in the form included in the council’s agenda packet. Ms. McAtamney seconded the motion. A roll call vote was taken. The motion passed with five members of council in favor of the motion. Mr. Joyce voted in opposition to the motion.

3. **Council Bill No. 12, Series 2011 – AN ORDINANCE APPROVING AN OPTION AGREEMENT WITH THE BRECKENRIDGE OUTDOOR EDUCATION CENTER, A COLORADO NONPROFIT CORPORATION; AUTHORIZING THE SALE OF CERTAIN TOWN-OWNED REAL PROPERTY PURSUANT THERETO; AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH (524 WELLINGTON ROAD)**

Mr. Gagen stated the Breckenridge Outdoor Education Center (BOEC) has approached the town concerning the possibility of purchasing the property at 524 Wellington Road. In the Option Agreement, Article 7.1 has been revised to include a subsection (d) which includes language related to the town’s right to repurchase the property if BOEC decides to sell it at a later date. This item is before council as a second reading.

Mayor Warner opened a public hearing. Tim Casey was present to comment. He thanked council and staff for working with the BOEC on this item. He stated this community has been very generous to the BOEC. This opportunity enables the organization to make capital improvements to the building and have an even longer presence in the community.

With no further comments from the public, Mayor Warner closed the public hearing and asked if there were any further questions or comments from council. There were none.

Ms. McAtamney moved to approve Council Bill No. 12, Series 2011 as previously read into the record. Mr. Mamula seconded the motion. The motion passed 6-0.

NEW BUSINESS

- A. **FIRST READING OF COUNCIL BILL, SERIES 2011**

4. **Council Bill No. 13, Series 2011 - AN ORDINANCE AMENDING POLICY 5 (RELATIVE) (ARCHITECTURAL COMPATIBILITY) OF SECTION 9-1-19 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE”, CONCERNING THE ALLOWED USE OF FIBER-CEMENT SIDING**

Mr. Berry introduced this council bill for first reading. After the work session he was able to work on language to amend the council bill. That version was handed out to council before the evening meeting. Line 32 of the revised council bill states “fiber-cement siding may be used without the assignment of negative points only if there are natural materials on each elevation of the structure (such as accents or a natural stone base) and the fiber-cement siding is compatible with the general design criteria listed in the Land Use Guidelines”. Mr. Berry asked if there is a motion to approve this council bill the motion reference the change on line 32. Mr. Mamula asked if the word “other” should be included in “...only if there are other natural materials...” It was determined that the word “other” would not be included in the language.

Mr. Bergeron moved to approve Council Bill No. 13, Series 2011 in the version handed out to council before the meeting referencing the change appearing on line 32 which states “fiber-cement siding may be used without the assignment of negative points only if there are natural materials on each elevation of the structure (such as accents or a natural stone base) and the fiber-cement siding is compatible with the general design criteria listed in the Land Use Guidelines”. Ms. McAtamney seconded the motion. The motion passed 6-0.

5. **Council Bill No. 14, Series 2011 – AN ORDINANCE AMENDING ORDINANCE NO. 9, SERIES, 2009, BY ~~ELIMINATING~~ **EXTENDING** THE SUNSET DATE FOR THE “TOWN OF BRECKENRIDGE OPEN HOUSE SIGN ORDINANCE”**

Mr. Berry introduced this council bill for first reading. The current ordinance has been in effect since March 24, 2009 and had a one year sunset provision. That sunset provision was extended on February 9, 2010 and due to expire on April 1, 2011. After the work session discussion today, it was determined that council did not want to eliminate the sunset date, but rather extend the sunset date until April 1, 2014. Prior to that date, council will need to take some action to extend the Open House Sign provision or it will be automatically repealed. He believes the amended version of the council bill handed out to council before the evening meeting captures the desires of the council. Mr. Berry asked if there is a motion to approve this council bill the motion reference the form submitted to council before the meeting.

Mr. Mamula moved to approve on first reading Council Bill No. 14, Series 2011 as previously read into the record in the form handed out by the town attorney including changes on lines 19 and 20; deleting “is” and replacing it with “are” and adding an effective date. “Section 8. Section 1 and Section 2 of this ordinance ~~is~~ **are** repealed effective **April 1, 2014.**” Mr. Bergeron seconded the motion. The motion passed 6-0.

6. **Council Bill No. 15, Series 2011 – AN ORDINANCE AMENDING POLICY 3 (ABSOLUTE) OF SECTION 9-1-19 THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE”, CONCERNING THE DENSITY EXEMPTION FOR BASEMENT AREAS OF TOWN-DESIGNATED LANDMARK COMMERCIAL STRUCTURES**

Mr. Berry stated this council bill, if approved, would amend the town’s absolute density provision in the Development Code by eliminating the requirement that free density underneath a building be restricted for use as storage only. Mr. Berry pointed out this council bill also makes it clear that this amendment applies only to this provision of the Development Code and does not apply to any other provision of the Town Code, such as water PIFs. Mr. Joyce excused himself from the discussion and vote due to a pending project that would stand to benefit from the adoption of this ordinance. Mr. Joyce left the room. Mayor Warner asked for further discussion. There was none.

Mr. Bergeron moved to approve Council Bill No. 15, Series 2011 as previously read into the record. Ms. McAtamney seconded the motion. The motion passed 5-0. Mr. Joyce re-joined the meeting.

B. RESOLUTIONS, SERIES 2011

1. **A RESOLUTION AUTHORIZING THE DEFERRAL OF PLANT INVESTMENT FEES PURSUANT TO SECTION 12-4-9 OF THE BRECKENRIDGE TOWN CODE (PEAK 7 DEVELOPMENT COMPANY, LLC-LOT 1, PEAK 7 SUBDIVISION)**

Mr. Berry introduced this resolution stating the town’s Water Ordinance allows the town council to approve a deferred payment of PIFs under certain limited circumstances. Previously the council approved a PIF Deferral of Payment Agreement with Peak 7 Development Company for the first phase of the Peak 7 development. That agreement was fully performed by the developer.

Peak 7 Development Company LLC has applied for a building permit for the entire North Building, Phases Four and Five and has requested a second deferral of PIFs for Phase Five until the earlier of: (i) the issuance of a Certificate of Occupancy for Phase Four, or (ii) December 15, 2012. The second PIF Deferral Agreement is included in the council’s packet. Mr. Berry handed out new language to be added to #4 Substantial Public Benefit. The language reads “However, the amount paid as a substantial public benefit for the prior agreement and this second agreement is not intended to act as the substantial public benefit for any other agreement.” Mr. Berry asked that the record reflect that Mr. Dudick, as a principal of Peak 7 Development Company LLC, excused himself from the discussion and vote. Mr. Dudick left the room. Mayor Warner asked for further discussion. There was none.

Mr. Mamula moved to adopt a Resolution Authorizing the Deferral of Plant Investment Fees Pursuant to Section 12-4-9 of the Breckenridge Town Code (Peak 7 Development Company, LLC-Lot 1, Peak 7 Subdivision) in the form handed out by the town attorney with the addition that appears on line 28, page 2, Section 4 of the agreement, stating “However, the amount paid as a substantial public benefit for the Prior Agreement and this Second Agreement is not intended to act as the substantial public benefit for any other agreement.” Mr. Joyce seconded the motion. Mayor Warner asked for a roll call vote. The motion passed 5-0. Mr. Dudick re-joined the meeting.

C. OTHER

None.

PLANNING MATTERS

A. Planning Commission Decisions of February 15, 2011

With no request to call an item off the consent calendar, Mayor Warner declared the Planning Commission Decisions of February 15, 2011 would stand approved as presented.

B. Town Council Representative Report (Mr. Burke) – Mr. Burke was absent.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen referenced Planning Commission discussion concerning wood burning appliances. Since then, staff has received a letter concerning the use of wood burning ovens. Council will receive a copy of that letter. Staff will be looking at the matter further. Council may be seeing this matter at a later time.

REPORT OF MAYOR AND COUNCILMEMBERS

A. CAST/MMC (Mayor Warner) – Mr. Warner reported during work session.

B. **Breckenridge Open Space Advisory Commission** (Ms. McAtamney) – Ms. McAtamney reported the group talked about Cucumber Gulch and the decision to allow Nordic activities. The group also talked about forest health.

C. **Breckenridge Resort Chamber** (Mr. Dudick) - Mr. Dudick reported the group will be taking a look at long term calendar approval. The group wants to do the \$100 cash back deal in April. He voted in opposition to the idea. Mr. Dudick explained Central Reservations loses \$100 for every reservation they make (overhead). With this program they will then give away another \$100. He was concerned about the viability of this type of business model.

D. **Marketing Committee** (Mr. Dudick) – Mr. Dudick reported the group will meet on March 21.

E. **Summit Combined Housing Authority** (Mr. Joyce) – Mr. Joyce reported the group will meet next week.

F. **Breckenridge Heritage Alliance** (Mr. Burke) – Mr. Burke was absent. Mayor Warner appreciated the report given to council during the work session.

G. **Sustainability** (Mr. Bergeron, Mr. Joyce, Mayor Warner) – Mr. Joyce reported the group finished up talking about forest health. They discussed the summary document to be called The Sustainable Breck Action Plan Matrix. The document, in its final form, will summarize everything the group has been discussing and put that information into presentation form. Mr. Bergeron stated he would like to talk about re-forestation as an option within the public benefit discussion. Mayor Warner stated the group discussed this community embracing the use of electric vehicles and supplying charging stations.

H. **Joint Upper Blue Master Plan Update Committee (JUMB)** (Mr. Bergeron, Mr. Mamula) – Discussion occurred earlier in the day.

OTHER MATTERS

Mr. Bergeron brought up a matter that Mr. Dudick had discussed at an earlier meeting. The discussion concerned parking at the Peak’s Trail. Mayor Warner will bring up the matter with Pat Campbell at an upcoming lunch. Mr. Gagen will ask Mr. Iskenderian. Mr. Dudick will check to see if his employees have been parking at that location.

Ms. McAtamney commented on the variable message sign. She thinks it is too small and too hard to see. Concerning JUMB, she wondered if there could be a more unified development code. Could the town’s planning staff take a lead on this?

Mr. Dudick thanked Public Works for berming the edges of the Carter Park sledding hill. Another matter for discussion concerned his receipt of a letter for a detox center contribution. He asked if he could pass this contribution letter on to the Police Chief. Mr. Gagen confirmed the town already pays for any person the Breckenridge Police bring to detox.

Mr. Mamula commented on trash trucks picking up the trash and recycling in the same truck. He wondered if the recycling is being recycled. He asked Tim Gagen if he would ask Terry Perkins, Public Works, if he had any information.

Mayor Warner stated he attended the Colorado Immigration Reform meeting. He updated the group on the Arizona Copy Cat Laws. In addition, he and Mr. Joyce attended a meeting with Senator Udall in attendance, where the Summit County business community reported on a perception that our foreign visitors are, often times, making choices not to come to the United States because of difficulties at airports; strict passport evaluation and difficult TSA inspections (x-ray machines). At this meeting, the group talked about immigration reform. Pat Campbell and Alan Henceroth talked about the ski area’s process for securing international workers and how difficult it has become.

In closing, CJ Mueller asked Mayor Warner to ask council if there is an interest in having a Pioneers of Skiing event at the Gold Pan. It was mentioned that the Gold Pan might be too small. The Riverwalk Center was suggested.

SCHEDULED MEETINGS

Other than the meetings mentioned on page 156 of the packet, there was no mention of any additional meetings.

ADJOURNMENT

With no further business to discuss, Mr. Mamula moved to adjourn the meeting at 8:42 p.m.

Submitted by Wanda Creen, Deputy Town Clerk.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor

MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No.13 (Fiber-Cement Siding Ordinance)

DATE: March 15, 2011 (for March 22nd meeting)

The second reading of the Fiber-Cement Siding Ordinance is scheduled for your meeting on March 22nd. There are no changes proposed to ordinance from first reading.

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

1 FOR WORKSESSION/SECOND READING – MARCH 22

2
3 ***NO CHANGE FROM FIRST READING***

4
5 COUNCIL BILL NO. 13

6
7 Series 2011

8
9 AN ORDINANCE AMENDING POLICY 5 (RELATIVE)(ARCHITECTURAL
10 COMPATIBILITY) OF SECTION 9-1-19 OF THE BRECKENRIDGE TOWN CODE,
11 KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE”, CONCERNING THE
12 ALLOWED USE OF FIBER-CEMENT SIDING

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

16
17 Section 1. The second unnumbered paragraph of Section A of Policy 5
18 (Relative)(Architectural Compatibility) of Section 9-1-19 of the Breckenridge Town Code is
19 amended so as to read in its entirety as follows:

20 Exterior building materials and colors should not unduly contrast with the site's
21 background. The use of natural materials, such as logs, timbers, wood siding and
22 stone, are strongly encouraged because they weather well and reflect the area's
23 indigenous architecture. Brick is an acceptable building material on smaller
24 building elements, provided an earth tone color is selected. Stucco is an
25 acceptable building material so long as an earth tone color is selected, but its use
26 is discouraged and negative points shall be assessed if the application exceeds
27 twenty five percent (25%) on any elevation as measured from the bottom of the
28 fascia board to finished grade. Such measurement shall include column elements,
29 windows and chimneys, but shall not include decks and railing elements. Fiber-
30 cement siding may be used without the assignment of negative points only if there
31 are natural materials on each elevation of the structure (such as accents or a
32 natural stone base) and the fiber-cement siding is compatible with the general
33 design criteria listed in the Land Use Guidelines. Roof materials should be
34 nonreflective and blend into the site's backdrop as much as possible. Inappropriate
35 exterior building materials include, but are not limited to, untextured exposed
36 concrete, untextured or unfinished unit masonry, highly reflective glass, reflective
37 metal roof, and unpainted aluminum window frames. This section applies only to
38 areas outside of the historic district, but does not apply to the Cucumber Gulch
39 overlay protection district (see policy 5 (absolute), subsection D, of this section).

40
41 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and
42 the various secondary codes adopted by reference therein, shall continue in full force and effect.

MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 14 (Extension of Open House Signs Sunset Date)

DATE: March 15, 2011 (for March 22nd meeting)

The second reading of the ordinance extending the sunset date for the Open House Sign Ordinance to April 1, 2014 is scheduled for your meeting on March 22nd. There are no changes proposed to ordinance from first reading.

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

1 **FOR WORKSESSION/SECOND READING – MARCH 22**

2
3 **NO CHANGE FROM FIRST READING**

4
5 Additions To The Current Open House Sign Ordinance Are
6 Indicated By **Bold + Dbl Underline**; Deletions By ~~Strikeout~~

7
8 COUNCIL BILL NO. 14

9
10 Series 2011

11
12 AN ORDINANCE AMENDING ORDINANCE NO. 9, SERIES 2009, BY EXTENDING THE
13 SUNSET DATE FOR THE “TOWN OF BRECKENRIDGE OPEN HOUSE SIGN
14 ORDINANCE”

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

18
19 Section 1. Section 8 of Ordinance No. 9, Series 2009, is amended so as to read in its
20 entirety as follows:

21 Section 8. Section 1 and Section 2 of this ordinance ~~is~~are repealed effective April
22 1, ~~2011~~2014.

23
24 Section 2. Except as specifically amended, Ordinance No. 9, Series 2009, as previously
25 amended, shall continue in full force and effect.

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

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

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

39 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
40 PUBLISHED IN FULL this ____ day of _____, 2011. A Public Hearing shall be held at the
41 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of

1 _____, 2011, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
2 Town.

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

7
8
9 By _____
10 John G. Warner, Mayor

11
12 ATTEST:
13

14
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16 _____
17 Mary Jean Loufek, CMC,
18 Town Clerk
19

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MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No.15 (Underground Commercial Density Ordinance)

DATE: March 15, 2011 (for March 22nd meeting)

The second reading of the Underground Commercial Density Ordinance is scheduled for your meeting on March 22nd. There are no changes proposed to ordinance from first reading.

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

1 **FOR WORKSESSION/SECOND READING – MARCH 22**

2
3 **NO CHANGE FROM FIRST READING**

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

7
8 COUNCIL BILL NO. 15

9
10 Series 2011

11
12 AN ORDINANCE AMENDING POLICY 3 (ABSOLUTE) OF SECTION 9-1-19 THE
13 BRECKENRIDGE TOWN CODE, KNOWN AS THE “BRECKENRIDGE DEVELOPMENT
14 CODE”, CONCERNING THE DENSITY EXEMPTION FOR BASEMENT AREAS OF
15 TOWN-DESIGNATED LANDMARK COMMERCIAL STRUCTURES

16
17 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
18 COLORADO:

19
20 Section 1. The unnumbered paragraph of Section (C)(2) of Policy 3 (Absolute)
21 (Density/Intensity) of Section 9-1-19 of the Breckenridge Town Code that is entitled
22 “Commercial” is amended so as to read in its entirety as follows:

23
24 Commercial: Density shall be calculated by adding the total square footage of
25 each floor of the building. Except as provided below, this shall include any
26 basement areas or storage areas, no matter what the proposed use shall be, and
27 shall be measured from the outside of the exterior walls. Exceptions: (a) any
28 portion of a basement area of a "Town designated landmark" as defined in chapter
29 11 of this title, which is: (1) located directly underneath the existing building, and
30 (2) completely or partially buried below grade, ~~and (3) properly restricted to use~~
31 ~~as storage for tenants or occupants of the building~~, shall not be counted toward
32 allowed density for such building so long as the historic USGS floor elevation of
33 the building is maintained; and (b) any underground portion of a building which is
34 used to provide required or approved parking for the project. These exceptions
35 shall not apply to any other provision of this code.

36
37 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the
38 various secondary codes adopted by reference therein, shall continue in full force and effect.

39
40 Section 3. The Town Council hereby finds, determines and declares that this ordinance is
41 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
42 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
43 thereof.
44

MEMO

TO: Town Council

FROM: Town Attorney

RE: Ordinance Making Miscellaneous Amendments to the Development Code,
Subdivision Ordinance, and Land Use Fee Ordinance

DATE: March 15, 2011 (for March 22nd meeting)

Enclosed is an ordinance making a series of amendments to the Town's Development Code, Subdivision Ordinance, and the ordinance setting development permit application fees. The proposed changes to the various ordinances are as follows:

1. Section 1 of the proposed ordinance allows the Director of the Department of Community Development to lower the classification of a particular development permit application if he determines the purpose of the Development Code would best be served by such reclassification. The Code currently authorizes the Director only to move an application to a higher classification. Periodically, the staff encounters an application that it believes should properly be reclassified to a lower classification in order to avoid wasting the Planning Commission's (and staff's) time on an application that is not really deserving of such a thorough review. Staff would like to have the authority to reclassify such an application to a lower classification. Section 3 of the proposed ordinance inserts the same reclassification language into the Subdivision Ordinance (the Subdivision Ordinance does not currently contain any application reclassification provision).

2. Sections 2 and 4 of the proposed ordinance clarify the authority of the Director to promulgate administrative rules and regulations under both the Development Code and the Subdivision Ordinance. The current provisions only allow the Director to promulgate administrative rules "governing submittal deadlines and requirements." The proposed language strikes this limitation, and authorizes the Director to promulgate any administrative rule or regulation that he determines to be necessary for the proper administration of the ordinances. Recall, however, that before any administrative rule or regulation can be implemented by the Director it must be submitted to the Council for its review and comment.

3. Section 5 of the proposed ordinance inserts into the Town's Land Use Fee Ordinance a provision dealing with the payment of the application fee in the event the application is reclassified. If the application is reclassified to a higher classification, the applicant must pay the fee for the higher classification (with a credit for the application fee previously paid). If the application is reclassified to a lower classification, the applicant must pay only the fee for the lower classification (and will be entitled to a refund equal to the difference between the amount of the original application fee previously paid (if any) and the fee for the reclassified).

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

1 FOR WORKSESSION/FIRST READING – MARCH 22

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

5
6 COUNCIL BILL NO. 16

7
8 Series 2011

9
10 AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO CHAPTER 1 OF
11 TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “BRECKENRIDGE
12 DEVELOPMENT CODE”, CHAPTER 2 OF TITLE 9 OF THE BRECKENRIDGE TOWN
13 CODE, KNOWN AS THE “BRECKENRIDGE SUBDIVISION STANDARDS”, AND
14 CHAPTER 10 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING
15 DEVELOPMENT AND SUBDIVISION APPLICATION FEES

16
17 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
18 COLORADO:

19
20 Section 1. The definition of “Classification” set forth in Section 9-1-5 of the
21 Breckenridge Town Code is amended so as to read in its entirety as follows:
22

CLASSIFICATION:

A particular ~~class~~ classification that a development may be placed in for review under the provisions of this code. In those instances where a development does not fall under one of the four (4) classifications, the director shall place the project where he deems appropriate. The director shall also have the right to move a project to a higher or lower classification if he feels the purpose of this code would best be served by the reclassification. He must reclassify a project within five (5) days of receipt of an application.

23
24 Section 2. Section 9-1-28 of the Breckenridge Town Code is amended to read in its
25 entirety as follows:

26
27 9-1-28: RULES AND REGULATIONS:

28
29 The director shall have the authority from time to time to adopt, amend, alter and
30 repeal administrative rules and regulations ~~governing submittal deadlines and~~
31 ~~requirements~~ as may be necessary for the proper administration of this chapter.

1 Such regulations shall be adopted in accordance with the procedures established
2 by title 1, chapter 18 of this code.

3
4 Section 3. Section 9-2-2 of the Breckenridge Town Code is amended by the addition of
5 the following definition:
6

CLASSIFICATION:

A particular classification that a subdivision application may be placed in for review under the provisions of this chapter. In those instances where a subdivision application does not fall under one of the three (3) classifications, the director shall place the application where he deems appropriate. The director shall also have the right to move a project to a higher or lower classification if he feels the purpose of this chapter would best be served by the reclassification. He must reclassify an application within five (5) days of receipt of the application.

7
8 Section 4. Section 9-2-3-9 of the Breckenridge Town Code is amended to read in its
9 entirety as follows:

10
11 9-2-3-9: RULES AND REGULATIONS:

12
13 The director shall have the authority from time to time to adopt, amend, alter and
14 repeal administrative rules and regulations ~~governing submittal deadlines and~~
15 ~~requirements~~ as may be necessary for the proper administration of this chapter.
16 Such regulations shall be adopted in accordance with the procedures established
17 by title 1, chapter 18 of this code.
18

19 Section 5. Chapter 10 of Title 9 of the Breckenridge Town Code is amended by the
20 addition of a new Section 9-10-5-1, which shall read in its entirety as follows:

21
22 9-10-5-1: APPLICATION FEE FOR RECLASSIFIED DEVELOPMENT
23 PERMIT: If a development permit application is reclassified to a higher
24 classification, the applicant shall pay the full application fee for the class of
25 application to which the application was reclassified, less the amount of the
26 original application fee previously paid. If a development permit application
27 is reclassified to a lower classification, the applicant shall pay only the
28 application fee for the class of application to which the application was
29 reclassified, and shall receive a refund equal to the difference between the
30 amount of the original application fee previously paid (if any) and the fee for
31 the reclassified application.
32

M E M O R A N D U M

TO: Mayor & Town Council
FROM: Town Clerk
DATE: March 16, 2011
SUBJECT: Modify Optional Premises Ordinance to include Performing Arts Facilities

The State Liquor Code requires that the local authority define by ordinance the types of outdoor sport and recreational facilities that may be licensed as optional premises. "Outdoor sport and recreational facility" means a facility that charges a fee for the use of such facility. The current Town Code includes: country clubs, golf courses, ski areas, swimming pools and tennis courts.

At present, there are two facilities in Breckenridge that license some portion of their premise through use of an optional premise license – the golf course and the ski area. The benefit of using this licensing mechanism is that the licensed premise may be activated/deactivated upon 48 hours' written notice to the state and local licensing authorities.

The Riverwalk Center has several events each year when the liquor licensed premise must be modified to include the lawn area before alcohol may be sold or served. The current process requires a temporary modification of premises application that adds and deletes the lawn area from the licensed premise for the event. The application requires local and state licensing authority approval and can take 4-6 weeks to obtain.

Allowing the Riverwalk Center licensee to add an optional premise for the lawn area will give the Town more flexibility in scheduling events by cutting down on the lead time required to license the lawn area so that alcohol may be sold or served, provide a cost savings to the licensee, and result in a slight revenue increase to the Town.

The attached ordinance proposes to amend Section 4-3-2 of the Breckenridge Town Code to authorize the issuance of an optional premises license for a performing arts facility.

1 **FOR WORKSESSION/FIRST READING – MARCH 22**

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

5
6 COUNCIL BILL NO. 17

7
8 Series 2011

9
10 AN ORDINANCE AMENDING SECTION 4-3-2 OF THE BRECKENRIDGE TOWN CODE
11 TO AUTHORIZE THE ISSUANCE OF AN OPTIONAL PREMISES LIQUOR LICENSE FOR
12 A PERFORMING ARTS FACILITY

13
14 WHEREAS, Section 12-47-310, C.R.S., authorizes a municipality to adopt an ordinance
15 setting specific standards for the issuance of an optional premises liquor license or an optional
16 premises license for a hotel and restaurant liquor license; and

17
18 WHEREAS, the Town Council has previously adopted Section 4-3-2 of the Breckenridge
19 Town Code specifying those types of outdoor sports and recreational facilities for which an
20 optional premises liquor license may be issued; and

21
22 WHEREAS, the Town Council finds, determines, and declares that an optional premises
23 liquor license should also be allowed to be issued for a performing arts facility, including, but not
24 limited to, the Riverwalk Center Lawn.

25
26 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
27 BRECKENRIDGE, COLORADO:

28
29 Section 1. Section 4-3-2 of the Breckenridge Town Code is amended so as to read in
30 its entirety as follows:

31 4-3-2: LIMITATION ON ISSUANCE: Issuance of an optional premises license
32 **or an optional premises license for a hotel and restaurant license** shall be
33 limited to the following outdoor sports and recreational facilities:

34
35 Country clubs.

36
37 Golf courses.

38
39 Ski areas.

40
41 Swimming pools.

42
43 Tennis courts.

44

M E M O R A N D U M

TO: Mayor & Town Council
FROM: Town Clerk
DATE: March 9, 2011
SUBJECT: Cancellation of April 12, 2011 Town Council Meeting

Rule 4.5 "Quorum" of the Council Procedures and Rules of Order states that "a majority of the members of the Council in office at the time shall be a quorum for the transaction of business at all Council meetings, and a quorum shall be required to be present for the Council to take any action."

I understand that four members of the Town Council are unable to attend the regular April 12 Town Council meeting, therefore the Council may wish to cancel the meeting.

Rule 4.1 "Regular Meetings" of the Council Procedures and Rules of Order provides that "the Council, by majority consent, may dispense with the holding of any regular meeting." A sample motion follows.

Sample motion: "I move that the Town Council dispense with the holding of the April 12, 2011 regular meeting."

Town of Breckenridge Executive Summary

Economic Indicators

(Published March 2011)

Indicator Monitoring System

Up and down arrow symbols are used to show whether the indicator appears to be getting better, appears stable, or is getting worse. We have also designated the color green, yellow or red to display if the indicator is currently good, fair or poor.



Unemployment: Local (December 2010)

Summit County's December unemployment rate decreased to 6.6% from November's 8.3% rate. But December 2010 remains significantly higher than the December 2009 rate of 5.3%. Summit County, Pitkin and Eagle counties' unemployment rate all showed a decrease this month. *(Note that the arrow follows the Key. In this case, the arrow pointing up means that the unemployment rate has dropped and is 'getting better.'* (Source: BLS)



Unemployment: State (January 2011)

The Colorado State unemployment rate rose in January for the fifth month in a row, registering at 9.1%, stemming from fewer jobs and more people re-entering the job market search. This is the highest unemployment rate the State has ever seen (per rates tracked since 1976). *(Note that the arrow follows the KEY for all of the indicators. In this case, the arrow pointing down means that the unemployment rate has rose and is 'getting worse'.)* (Source: BLS)



Unemployment: National (February 2011)

National unemployment rate dropped slightly in February 2011 for the third month in a row to 8.9% from 9% the prior month of January. February 2011 is also down from last February's rate of 9.7%. Unemployment is at the lowest rate in 22 months (since April 2009). *(Note that the arrow follows the KEY for all of the indicators. In this case, the arrow pointing up meaning that the unemployment rate has dropped and is 'getting better'.)* (Source: BLS)



Destination Lodging Reservations Activity (January 2011)

The Occupancy rate saw a slight increase of 1.1%, while decreases were felt in ADR (-7%) and RevPAR (-6%) for the month of January over January 2010. (Source: MTrip)



6 Month Projected YTD Occupancy (January 2011)

Future bookings for the upcoming February-July 2011/2012 period shows a decline of 2.1% in projected occupancy rate over the corresponding period last year. This indicator will continue to be monitored closely however this may be reflective of a recent trend of visitors booking vacations closer to their date of departure than in previous years. (Source: MTrip)



Traffic Counts and Sales Trend (January 2011)

January traffic count in town on Highway 9 at Tiger Road was 19,904 total vehicles. As the traffic count was near 20,000, we expect to see a higher range of sales tax revenue in January. (Source: CDOT and Town of Breckenridge Finance)



Traffic Count at Eisenhower Tunnel and Highway 9 (January 2011)

During the month of January, the traffic count at the Eisenhower tunnel (westbound) was down 8% over January 2010. (Although, we note that January 2009 saw the highest traffic count of any January on record.) Traffic in town on Highway 9 also fell over the same time period at 5%. Although both traffic flows dropped we continue to encounter less slippage than I-70 flow would indicate. (Source: CDOT)



Consumer Confidence Index-CCI (January 2011)

The Consumer Confidence Index, which had rebounded in January, increased again in February, the highest in three years! The Index for February (as of Feb. 22) stands at 70.4 (1985=100), up 5.6 points over January. We expect that in turn, the real estate transfer tax will see an increase due to buyers re-entering the high end real estate market.

Says Lynn Franco, Director of The Conference Board Consumer Research Center: "The Consumer Confidence Index is now at a three-year high (Feb. 2008, 76.4), due to growing optimism about the short-term future. Consumers' assessment of current business and labor market conditions has improved moderately, but still remains rather weak. Looking ahead, consumers are more positive about the economy and their income prospects, but feel somewhat mixed about employment conditions." (Source: CCB)



Mountain Communities Sales Tax Comparisons (December 2010)

The amount of taxable sales in Town for December 2010 is up 2.37% from December 2009 levels. While all tracked mountain communities (reporting for December) showed an increase in sales, the Town showed the lowest percentage of increase for December taxable sales. 2010 total yearly taxable sales in Town were down 1.12% over 2009. (Source: City of Steamboat Springs)



Standard & Poor's 500 Index and Town Real Estate Transfer Tax (December 2010)

**Due to software conversion, RETT total collections has not been determined for January.* As of December 2010, the S&P 500 is in an upward trend. The S&P 500 adjusted closing price has not been this high since July 2008. We are pleased that our RETT this month is also up from what the Town collected in December 2008 and 2009. We do believe that RETT will somewhat lag the S&P 500 recovery due to seasonality of real estate sales. But a prolonged positive change in RETT will likely require a sustained recovery in the S&P 500 index, with an increase in the wealth effect. (Source: S&P 500 and Town Finance)



Town of Breckenridge RETT Collection (December 2010)

**Due to software conversion, RETT total collections has not been determined for January. December 2010 RETT collection (\$406,202) is up from December 2008 (\$217,937) and December 2009 (\$358,422). (Source: Town Finance)*



Real Estate Sales (January 2011)

January's Summit county real estate sales (excluding timeshares) were up in \$ volume by 45% and increased 61% in number of transactions in comparison to January 2010. Of that, Breckenridge took in 48% of the \$ volume and 43% of the transactions countywide for this month. We are optimistic to see a change for the positive in both \$ volume and transactions and will continue to monitor how the county and town perform during the next big real estate sales season in 2011 (typically May-November). (Source: Land Title)



Foreclosure Stressed Properties (January 2011)

Breckenridge showed properties (excluding timeshares) which have started the foreclosure process at 21% (4 properties) of the total units which have begun the foreclosure process within Summit County in January. Due to the foreclosure process, these properties may sell at an accelerated rate and lower price per square foot in the short term. (Source: Land Title)



Sales and Accommodation Tax Trend (December 2010)

In December, we saw a 32% increase over the same time last year in accommodation tax collected. *This month's totals however, are higher due to the nuances involving the 1% accommodation tax increase passed in November which permitted lodging companies to prepay January sales in December**. We are projecting that this difference would reduce the percentage increase to approximately 10% over the same time last year. As we continue into the winter season and the peak of our tourism yearly period, we expect the number of lodging rooms booked to continue to rise and therefore we expect the multiplier effect will result in a significant increase in net taxable sales.(Source: Town Finance)



Mountain Town Lodging Tax Comparisons (December 2010)

**Out of the tracked mountain communities below, Breckenridge saw the fourth highest growth in taxable lodging sales for 2010 compared to 2009. Of those communities with all year end sales numbers in, Breckenridge lagged behind Aspen, Avon and Silverthorne for lodging sales percentage growth over 2009. Total taxable lodging sales in Town for 2010 were up 5.85% over 2009. It should be noted that Breckenridge leads many months total \$ volume in comparison to the tracked mountain communities. *The Town's December totals however, are higher due to the nuances involving the 1% accommodation tax increase passed in November which permitted lodging companies to prepay January sales in December. This may change the Town's standing in comparison to the other communities and will be updated in next month's report. (Source: Town Finance)*



If you have any questions or comments, please contact Julia Puester at (970) 453-3174 or juliap@townofbreckenridge.com.

Memorandum Only

To: Town Council
From: Jennifer Cram, Planner III
Date: 3/16/2011
Re: Honorable Mention Governors Arts Award

The Town of Breckenridge received an honorable mention for the Governor's Arts Award on March 1st at a ceremony at the Denver Art Museum as part of Creative Industries Day. This annual award recognizes a Colorado town or city for efforts to enhance their community and economy through the arts.

Governor John Hickenlooper presented Breckenridge Mayor John Warner with an original painting of a Breckenridge scene by Colorado artist Jim Beckner.

Typically, one Colorado community is chosen for this annual award. However, this year the panel convened by Colorado Creative Industries, a division of the Office of Economic Development, recognized Breckenridge for their outstanding efforts in supporting the arts and cultural heritage by awarding an Honorable Mention. The nomination noted the growing Arts District, including the innovative renovation to the Fuqua Livery Stable, the Tin Shop Guest Artist program and the transformation to the Riverwalk Center, along with the Public Art Program and the International Snow Sculpture Championships.

The City of Fort Collins received this year's top honor. Alamosa, Black Hawk, Brighton, Crested Butte, Delta, Fort Morgan, Lafayette, Lone Tree, Mancos, Montrose, Ouray, Parker and Salida also submitted nominations for this prestigious award.

Staff is planning to hang the painting in Council Chambers and hopes to have the painting in place by the 22nd. If not, staff would like to share the painting with the Council on the 22nd and will have the painting hung permanently for the public to enjoy as soon as possible.



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, unless otherwise noted.

MARCH 2011

Tuesday, March 22; 3:00/7:30 p.m. Second Meeting of the Month

APRIL 2011

NOTE: The FIRST council meeting in April, scheduled for Tuesday, April 12, has been cancelled.

Friday, April 22; 8:00 – 9:00 a.m. Coffee Talk – Location TBA

Tuesday, April 26; 3:00/7:30 p.m. First/Only Meeting of the Month

OTHER MEETINGS

- 1st & 3rd Tuesday of the Month; 7:00p.m. Planning Commission; Council Chambers
1st Wednesday of the Month; 4:00p.m. Public Art Commission; 3rd floor Conf Room
2nd & 4th Tuesday of the Month; 1:30p.m. Board of County Commissioners; County
2nd Thursday of every other month (Dec, Feb, Apr, June, Aug, Oct) 12:00 noon Breckenridge Heritage Alliance
2nd & 4th Tuesday of the month; 2:00 p.m. Housing/Childcare Committee
2nd Thursday of the Month; 5:30p.m. Sanitation District
3rd Monday of the Month; 5:30p.m. BOSAC; 3rd floor Conf Room
3rd Tuesday of the Month; 9:00 a.m. Liquor Licensing Authority; Council Chambers
3rd Thursday of the Month; 7:00p.m. Red White and Blue; Main Fire Station
4th Wednesday of the Month; 9a.m. Summit Combined Housing Authority
4th Wednesday of the Month; 8:30a.m. Breckenridge Resort Chamber; BRC Offices
TBD (on web site as meetings are scheduled) Breckenridge Marketing Advisory Committee; 3rd floor Conf Room

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