



BRECKENRIDGE TOWN COUNCIL WORK SESSION
Tuesday, May 10, 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 – 3:15 p.m.	I	<u>PLANNING COMMISSION DECISIONS</u>	2
3:15 – 3:30 p.m.	II	<u>LEGISLATIVE REVIEW*</u> Town Council Liaison to Planning Commission Fence Policy Bicycles, Pedicabs, And Other Human-Powered Vehicles JUBMP Public Hearing Columbia Lode Development Agreement	78 83 91 99 14
3:30 – 4:00 p.m.	III	<u>MANAGERS REPORT</u> Ski Area Report Public Projects Update Housing/Childcare Update Committee Reports Financials	Verbal 27 Verbal 28 30
4:00– 5:00 p.m.	IV	<u>OTHER</u> Summer Preview Water E-billing Update Sponsorship/Advertising on Town Facilities	Verbal 38 39
5:00 – 6:15 p.m.	V	<u>PLANNING MATTERS</u> F-Lot discussion Cucumber Monitoring Budget Commercial Basement Density – PIFs Parking Upper Blue Nordic Management Plan Vendor Carts	Verbal 41 45 49 67

***ACTION ITEMS THAT APPEAR ON THE EVENING AGENDA** 71

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: May 4, 2011

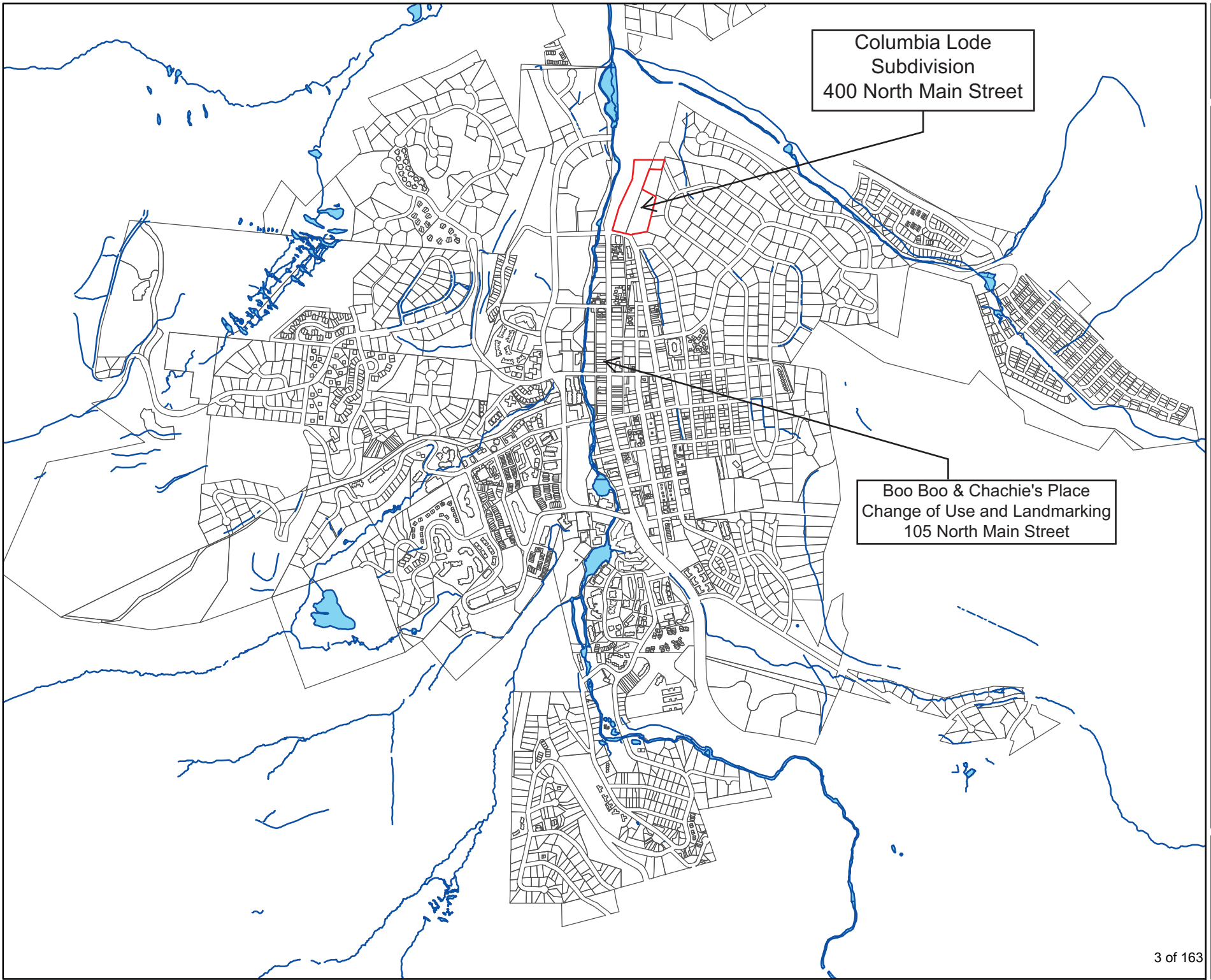
Re: Town Council Consent Calendar from the Planning Commission Decisions of the May 3, 2011, Meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF May 3, 2011:

CLASS A APPLICATIONS:

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

Re-subdivide Lot 1 of the Corkscrew Subdivision Filing 1 and include portions of Columbia Lode and Louisa Lode into a total of five parcels: one to be developed as multi-family units, one as a single family home-site and the remaining parcels as Public and Private Open Spaces. Approved.



Columbia Lode
Subdivision
400 North Main Street

Boo Boo & Chachie's Place
Change of Use and Landmarking
105 North Main Street



NOT TO SCALE

printed 4/12/2011

Breckenridge South

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.



PLANNING COMMISSION MEETING

The meeting was called to order at 7:05 p.m.

ROLL CALL

Trip Butler	Kate Christopher	Gretchen Dudney
Rodney Allen	Dan Schroder	Jack Wolfe
Dave Pringle		
Mark Burke (Town Council representative)		

APPROVAL OF MINUTES

With no changes, the April 19, 2011, Planning Commission meeting minutes were approved unanimously (7-0).

APPROVAL OF AGENDA

Mayor Warner will make a short presentation at the beginning of the meeting.

With no other changes, the April 19, 2011 Planning Commission meeting agenda was approved unanimously (7-0).

Mayor Warner was present for two reasons: first of all to thank Rodney Allen for his three plus years of service, hats off from the Town Council, sorry to see you go but we wish you the best. (Round of applause for Mr. Allen.)

Second, I wanted to give the Commission a heads up that when Town Council heard about Mr. Allen's resignation, we met with Tim Gagen, Peter Joyce, Eric Mamula and myself to rethink what we call the "John Warner experiment". Town Council had been criticized for having a Town Council member participating in quasi judicial decisions. It felt like that member was walking on thin ice. A presentation to Planning Commission, which the Town Council rep would hear, could then be presented to Town Council. The Town Council rep would then have a second opportunity to have quasi judicial contact with the applicant. Mayor Warner wanted to go to a seven member Planning Commission, with all seven members being residents of the Town, then the eighth member would be a Town Council rep who did not sit in on presentations of regular applications, just on worksessions. That has been the way for the past three years. The Town Attorney, Tim Berry, is ok with changing to old format, where the Town Council rep will be the seventh member, will stay for the entire presentation to Planning Commission, will vote, and then recuse themselves from the Town Council presentation or call up. The rep then can't influence the Town Council as they have one vote only at the Planning Commission meeting. The second reading is next Tuesday and I expect it to pass. If we call up and the Town Council vote is 3-3 the application will be considered a failure. Makes Tim Berry, Dave Pringle and Jack Wolfe happy; this is about what works for both the Planning Commission and the Town Council. The current situation is not a great proving ground as Mr. Burke can attest, to only sit in on worksessions instead of the entire discussion.

Ms. Dudney: Is this just for one year, does the Town Council member change every year? (Mr. Warner: Typically yes, despite the fact that you just start to feel more confidence on code related topics at about 8 months. Mr. Sam Mamula started the one year process to reduce the burden on every Town Council member to have to be here every Tuesday; it is a lot of time.) Who will it be? (Mr. Warner: We haven't decided.)

Mr. Pringle: When you say Council vs. Planning, what can the Town Council member do? (Mr. Warner: They can't vote in Town Council on planning matters, can't influence the Town Council, but can assist with questions etc. I am hoping for the best.) I would say thank you, John, this will strengthen the connection between Planning Commission and Town Council.

Mr. Allen: With council member in call up, it will be more personal view instead of council view, how will that be resolved? (Mr. Warner: That may happen, but it will be similar to your situation here, you need to evaluate and be trained on this; it's not about your opinion, not a knee jerk reaction which is personal.) I am thinking of it more in legislative, what does Town Council think about that? (Mr. Warner: Town Council will want to bring Council's consensus to the Planning Commission to let them know. We always want you to hear what the wishes are of the Council up front. There is concern that Town Council reps exert more influence than they should; the Planning Commission needs to be cautious and make sure they are about Planning Commission decisions and not Town Council wishes and authority.)

Mr. Pringle: When we do worksessions, on Sustainable Breck for example, the Town Council rep will be more representing Town Council than Planning Commission. (Mr. Warner: Yes, they can express their opinion, but there has to be communication on the consensus of the Town Council.)

WORKSESSIONS:

1. Sustainable Breckenridge Update (MT)

Mr. Truckey presented. Staff last updated the Planning Commission on the SustainableBreck project at the February 1, 2011 meeting. That memo provided documentation of all the steps the Town has gone through to get to this point in the Plan's adoption process. On the evening of May 11, a public open house will be held at the Breckenridge Recreation Center to unveil the Plan to the public. Planning commissioners are encouraged to attend the open house, which goes from 6:30 pm to 8:00 pm.

Staff will be using a process similar to the adoption process for the Comprehensive Plan to adopt the SustainableBreck Plan. This process will include a meeting with the Planning Commission where the Commission makes a recommendation on the Plan to forward to the Town Council. This meeting may occur as soon as June. Formal action to adopt the Plan would be taken subsequently by the Town Council.

Staff presented a copy of the table outlining the SustainableBreck actions that are proposed to be included in the Plan. The table has been revised since the Planning Commission last saw it. A draft copy of the entire Plan has not yet been prepared.

There are a few of the actions in the plan itself that directly relate to what the Planning Commission does and how you present the code. One is to amend the Town's Development code to encourage energy efficient development. Ms. Puester has already presented this to you and the Energy policy has been adopted by Council. Also, there are several land use actions to be undertaken within next year that are related to the Code. Staff is working with the County on the Joint Upper Blue Master plan. The County has indicated they are willing to look at developing design standards that are similar to ours for an area of mutual concern. Ridgeline development, for example. In addition to that, an action relates to amending the land use guidelines to identify service commercial as a preferred use in certain locations. This is getting to the idea of providing enough service commercial for auto repair, auto body shops, contractor yards etc. These are not always the most attractive uses, but crucial to keeping a community sustainable. There may be some redevelopment of service commercial at County Road 450. Finally, some small scale service commercial at the North end of Town. There is some recognition by Town Council that those uses may be appropriate in those areas. One final item under wildlife habitat is to adopt a new code policy relevant to protection of wildlife habitat. These are items that are directly related to the work of the Planning Commission.

Mr. Truckey demonstrated the SustainableBreck monitoring; this will be online. You can see exactly how we are proceeding on any topic. Using the example of Town Government Energy Consumption, you will be able to see how town energy use changes from year to year. This is an ongoing and living plan.

The Planning Commission was requested to review the presented table and provide any pertinent comments or questions to staff.

Ms. Dudney: I am a little confused to our role here; we are not a legislative body. Now this is saying we are going to make a recommendation as to whether Town Council should proceed. Does it mean if I vote to proceed, I need to ask questions about every detail of this plan? (Mr. Truckey: You are acting in a legislative manner. On the JUBMP, you are not going to make a formal recommendation on that, Town Council has been so involved, and a formal recommendation from the Planning Commission is not required by the Code. This plan does require a recommendation from Planning Commission. Just taking initial comments tonight, you will get another chance when we finalize the plan after the open house.)

Mr. Burke: Planning Commission will have another time to make recommendation to Town Council, but you are presenting to the public, so it can change? (Mr. Truckey: Yes.)

Ms. Christopher: So the changes can be initialized by the public? (Mr. Truckey: Yes, we will be asking for public comment at the open house and those comments will be forwarded to the Town Council.)

Energy Policy:

Mr. Wolfe: How is the new energy policy working? Can we get feedback from staff on this on a regular basis? Installation of solar panels on public buildings, do we need to amend that? I think there was a problem with that. (Mr. Truckey: We can modify that, to say as approved or in appropriate locations.) My problem is having finance people telling us how many panels to be on a site. (Mr. Grosshuesch: That is basically over; we will never get another stab at a PPA again.) So why do we include it? (Mr. Grosshuesch: We want the public to see the pieces we are getting done.)

Ms. Dudney: You need to put "some" rather than inferring that "all" Town buildings will have solar panels.

Mr. Wolfe: Can construction recycling be in here? (Mr. Neubecker: There weren't a lot of good ways to ascertain the ratings for the Energy policy.) (Ms. Puester: That is a part of the building code, not the development code, and positive points are awarded.) Is LEED really the right thing to say, is that what we are driving

- for—there is a cost to certify LEED? (Mr. Grosshuesch: It says the “equivalent of LEED”.) (Mr. Truckey: That is why we added Green Globes and said “equivalent”—so there are options available.) (Ms. Puester: We have been having buildings run through that preliminarily to see how they do.)
- Mr. Pringle: Lots of environmental, cultural, etc. items in there that are difficult to codify, to make code based decisions. Is there any way to separate out what is germane to our code function? (Mr. Truckey: That is why I pointed out the code related items. Any other comments you have we will also pass on.)
- Ms. Dudney: Under long term actions, put something referencing the fact that part of the golf course solar proposal has been rejected. “Create a community solar garden” sounds like a done deal. (Mr. Truckey: We could say “Pursue” instead of “Create”). I am not saying this with the intention that I am trying to edit, some people look at it and are saying, “What is going on, I thought at golf course was voted down?”
- Ms. Christopher: I think the solar can be done properly; we can’t eliminate the golf course entirely.
- Ms. Dudney: Say “explore” instead of “create”. I am trying to avoid any misperceptions after what we just did with the solar.
- Mr. Allen: Add “at an appropriate site as approved by the public”.
- Mr. Burke: Don’t identify the specific location for a solar garden. We might buy land outside of Town and use that. (Mr. Grosshuesch: We will pursue, if there is a public process contemplated by those laws, then that is the process.)
- Ms. Dudney: Regarding plastic bags, the word “consider” is very vague, I don’t want this to be a back door to say Planning Commission approved. Can you put the word “public process” in there? (Mr. Truckey: We could end up putting “after public process” after most of the actions in the Plan. This table is the Reader’s Digest version. When we come back to the Commission with the final plan, we can address those types of issues in the narrative that accompanies each of the action bullets.)

Local Economy:

- Mr. Wolfe: Two comments: 1) the Town should be a catalyst for the economy and we should pursue marketing partnerships; and 2) largest user is Breckenridge Ski Resort, but there are no comments in there that we should partner with them on marketing efforts. We can’t do without them; shouldn’t we be cooperating with them on certain aspects of their business? (Mr. Truckey: There is a statement under marketing about working on programs with the BSR.) It felt like there was more of a partnership between the ski area and town when we visited Vail. We are more separate here.
- Mr. Butler: For example, a joint item with the Ski Area could be locating solar on the resort somewhere, perhaps to power ski lifts.
- Mr. Pringle: Under actions, encourage second homeowners to use homes more and become invested in the community. That is a little touchy feely for me. (Mr. Truckey: We discussed this a great deal. There is a benefit economically to have them here more frequently; we probably need to do some more work on this one. Task force discussed a lot.) (Mr. Allen: Second homeowners were large part of public process, particularly getting them more involved in the community.) Second homeowners need to be incorporated more. (Mr. Allen: I don’t remember encouraging them to use their homes more; I thought it was more become more engaged when they are here.) (Ms. Dudney: You have incredible resources in terms of career experience with second homeowners, maybe appeal to their ego, have a career day with kids.) (Mr. Neubecker: That came up at the Governors’ Bottoms Up Economic Development meetings with service corp of retirees, starting small business, serving on board or commission.)
- Mr. Allen: I support Mr. Wolfe’s comment on cooperation, work with other entities. (Ms. Christopher: Nobody can do it alone.) Exactly. (Mr. Butler: Competing entities, can we get them together instead?)
- Mr. Pringle: Regarding central reservations for dining; is that worthwhile? (Mr. Truckey: The idea is to make Open Table accessible or have a similar access at the Welcome Center—not to create our own reservation system.)

Transportation:

- Ms. Dudney: Back to energy, why does the Town not provide recycling bins for neighborhoods and residences? Seems like recycling is not as big a deal here as it should be. On plastic bags, why don’t you print up those recyclable bags with Town of Breckenridge on them and give them out? (Mr. Truckey: We did do that; we haven’t lately, due to budget. We have a Green Team at the Town working with lodging companies in town encouraging them to hand out reusable bags with their logo on it to hand out to their customers. We have not necessarily noted all the Green Team efforts in this document.)
- Mr. Schroder: Overarching, the document as written is appropriately presented, if we try to drill down to every action, it will be far too burdensome. This is organized, has nice headings, we have limited funds and staff. (Mr. Allen: Focused on the what, not the how.) (Ms. Christopher: Isn’t this a living document, doesn’t it

change?) (Mr. Truckey: Yes, absolutely, we will update the Town Council annually and we can evaluate and change as we go along.) This is a recommendation to Town Council? As is I would absolutely support sending this to council as is, it is a great document, the work that has been done is tremendous, I love that it is a living document. Great start.

Mr. Wolfe: Don't we want higher density work force housing closer in town—the statement implies we want it on any transit route such as Boreas Pass Road. (Mr. Truckey: The intent was to create density that makes transit work. For example Block 11, Valley Brook, that is what this is referring to. We will revise that.) Two, I am still disturbed by sidewalks. Example of Parkway Center, if developers offer to build the sidewalk, shouldn't we be supporting that? We shouldn't be basing those decisions on budget and public works. Can't we combine the three different bus systems? It is confusing to the visitor and we should combine the three. I know there have been discussions with Vail Resorts, why don't we operate as the Breckenridge Bus System? (Mr. Burke: I spoke to a Town employee who takes calls for the Free Ride, ¾ of calls he gets are for Summit Stage or Ski area buses, not the Free Ride.)

Ms. Dudney: What is public safety plan for traffic etc. in case of fire? What is the plan; is it part of this? (Mr. Allen: There is a separate plan.) (Mr. Burke: We do feel the communication on that plan is lacking, Town Council raised the same question. Really significant evacuation plan was presented to us; we want to know how it will be publicized.) (Mr. Neubecker: We can pass this information onto the Police Department, as they are the ones working on the evacuation plan, we can let them know the comment.) (Ms. Christopher: The evacuation plan is on the Town of Breckenridge website.)

Land Use:

Mr. Wolfe: Overall idea that back in the mid 90s when we started incentivizing affordable housing, putting it ahead of impacts. The plan needs to acknowledge the impacts that housing creates. (Mr. Truckey: In the 90s we never thought we would see the growth we did. Wellington is great, but now we recognize there are impacts.) (Mr. Allen: We should move to balance the impacts. It does say impacts at full buildout.)

Mr. Pringle: All of the area on Airport Road was in the Land Use Guidelines as service commercial, not affordable or workforce housing, but it has morphed into that, now we have lost service commercial square footage, that seems to be a problem.

Water:

(No comments)

Housing:

Mr. Pringle: Housing buy downs all based on fluctuations in the market, we may need to take a step back rather than continue that.

Mr. Wolfe: Is there a sense on Town Council that we have enough work force housing? (Mr. Burke: There has been some discussion on Council of is there too much on the market, do we need more rentals than purchases?)

Mr. Pringle: We are making policies on very specific things, once it gets passed, things may have changed. I hope this does not make us start producing policies that are not appropriate down the road.

Mr. Marc Hogan: (Local Architect and present in the audience.) I work on the housing task force. Encourage accessory units within existing homes, makes 2nd homes more viable. Second, encourage long term rentals over short term rentals, education that income may be as good as or better than short term. Housing is a critical issue; people that live here and work here are struggling, as it is still very expensive to purchase a home even with the downturn. I don't think we have enough affordable housing, I wouldn't discount it. (Mr. Burke: We don't want to compete with existing housing; we had at least 8 examples of contracts being backed out of due to Valley Brook being less expensive. We do need to discuss more.)

Mr. Pringle: I hope we don't make too specific a policy decision. (Mr. Neubecker: These are things we are working on now, some things have come up, but we are specific on the items we have accomplished.) (Mr. Truckey: We heard a lot of these specifics from the public comments, and we wanted to be sure to include them.)

Child Care:

(No comments)

Wildlife:

(No Comments)

Forest Health:

(No Comments)

Open Space:

Mr. Wolfe: I am not against open space, but shouldn't we have metrics on open space? When we buy something miles from town, 3% of our population does not experience it. I have this belief that we have passed this

tax that goes into perpetuity, but when do we have enough land instead of something closer to town, or maintenance of existing open space? Don't we have metrics to say let's do something closer to town? (Mr. Truckey: We have had lots of discussion on BOSAC over the last five years. Some past BOSAC members have felt we should lock land down now and worry about maintenance later. Other members have been more supportive of putting dollars towards management/stewardship. Staff has proposed that BOSAC contemplate more focus on maintenance and management issues, because of our responsibility to maintain what we have now.) (Mr. Burke: This also came up during our budget process this year, and Open Space dollars will assist with Valley Brook landscaping, for example.) (Mr. Truckey: I would suggest that your concern is being addressed.) Thank you very much for the clarification.

Mr. Pringle: Maybe we could redefine sidewalks as trails, and then we would have all kinds of money to plow them!

TOWN COUNCIL REPORT:

Mr. Burke: One of things I was going to share was the Council rep discussion that Mayor Warner shared earlier. It is very difficult to learn a lot when I have to leave before the folks present get to present their project. Last week we heard comment by Daniel Webster Johnson, who has been a big proponent of affordable housing, that there are now some folks who are facing foreclosure, and we are considering if we have enough or do we need to refocus our priorities as far as workforce housing? Second reading on basement density issue for historic landmarks passed unanimously. We still have not addressed the concern about how some people will afford the fees associated with it. (Mr. Wolfe: Density is free but fees need to be paid?) Correct, as an example the Gold Pan would have a \$130,000 construction project with \$100,000 fees. (Mr. Neubecker: Town Council will look at fees as a separate ordinance.) Our intent was to get historic structures repaired. We had eight applications for BOSAC, and re-elected Jeff Cospolich and Erin Hunter and elected Jeff Carlson as a new member. I have enjoyed my year with Planning Commission. I will probably sit in and visit some times in future. I do want to have a shot at other issues. I ran for Council because most of the significant issues that come in front of Council are planning issues. I want to have a shot at commenting on those projects. I think whoever serves here as Council rep will struggle. Mr. Allen, good luck to you.

Mr. Allen: I want to thank you, you have been the best Town Council rep during my tenure, you have communicated what Town Council thought to us, not what Mark Burke's opinion was, and I appreciate that

(Round of applause for Mr. Burke.)

FINAL HEARINGS:

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

Mr. Mosher presented. As part of the pending 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 Louisa Lode into a total of five parcels. One parcel is to be developed as multi-family units, one parcel as a single family home-site and the remaining parcels as Public and Private Open Spaces.

The subdivision will include property for a public trail and easements for a 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 French Street traffic at the northeast corner of the French Street and Main Street intersection.

This application was last reviewed on March 15, 2011. Some of the items identified on the plans are associated with the Development Agreement between the Applicant 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.

The drawings also indicate property for a dedicated soft-surface public trail along the eastern portion of the site. There is more detail on the landscaping and separated sidewalk. If the Town damages their landscaping, they do not have to replace. Plan shows detail at the perimeter, as main portion of the site will be developed over time. Town Staff will be working with the owner of Lot 22 of the Weisshorn on the north end trail. The plans indicate the required 10% dedication of open space is provided. Trail will be constructed by the Applicant. Open Space and Trails department has no concerns.

This is the final review of this subdivision. The layout and design conforms to the Subdivision Standards. The applicant and agent have worked closely with staff to address the specific findings and conditions associated with this proposal.

Staff recommended approval of the Columbia Lode Subdivision, PC#2011005, with the presented Findings and Conditions.

Commissioner Questions / Comments:

- Ms. Dudney: What is happening at the culvert? (Mr. Mosher: Indicated on the plan where the detention ponds/bioswales were indicated and how the underground pipes lead to the main detention area and drainage system.) So an 18” pipe goes all along there, or does it go under? (Mr. Mosher: Up at the top of the site above all the development there is general water flow being channeled to collection areas below.) How deep? (Mr. Mosher: Six feet.)
- Ms. Christopher: Is the detention pond covered or not? (Mr. Mosher: The detention and bioswales are on the surface and planted with water tolerant plantings; there are also underground facilities, there is a detention area above the developed areas and below the single family lot as well.)
- Mr. Allen: Where is the Klack? (Mr. Mosher: Indicated on plat; that is all being placed underground.)
- Mr. Wolfe: On the agreement between two property owners, what happens if that goes away? (Mr. Mosher: Applicant would have to go through a modification to this plat.) (Mr. Marc Hogan, Architect for the Applicant: The trail agreement for the owner of Lot 1, Block 1 of the Weisshorn is close to being finalized. It is a tremendous benefit to the property owner, we have not done final agreement, they are agreeable and it will be completed.) Who pays for the turn lane? (Mr. Steve West, Attorney for the Applicant: We don’t pay for that under this application; we will pen that agreement under the application for extended vesting associated with the Master Plan vesting.)
- Mr. Hogan: We appreciate all the work from staff will answer any questions the Commission has.

Mr. Allen opened the hearing to Public Comment.

Mr. Ron Schuman, Gold Creek Property Manager: We support the project and support the extended vesting on the master plan.

There was no further comment and the hearing was closed.

Commissioner Questions / Comments:

- Ms. Christopher: Appreciate changes; my biggest concern was always public safety for the detention ponds. On landscaping plan, I want to see your money go the right way; I don’t believe plum trees grow in Summit County. (Mr. Mosher: These are high altitude varieties that survive this environment.)
- Mr. Butler: As one of first projects, I have enjoyed this process, I like the project, and I look forward to seeing it go forward.
- Mr. Wolfe: Appreciate all the hard work.
- Mr. Schroder: Looking forward to it.
- Mr. Pringle: No comments.
- Ms. Dudney: No comments.
- Mr. Allen: Dangerous intersection with French Street; anything you can do with Public Works to make that safer, I appreciate. Otherwise thank you for the process and making the application work.

Mr. Wolfe made a motion to approve the Columbia Lode Subdivision, PC#2011005, 400 North Main Street, including the proposed findings and conditions. Ms. Christopher seconded, and the motion was approved unanimously (7-0).

PRELIMINARY HEARINGS:

1. BooBoo & Chachie’s Place Change of Use and Landmarking (MM) PC#2011021; 105 North Main Street (Mr. Allen recused himself from discussion on this project based on his relationship with the Applicant, Mr. Jeff Palomo, on this and other development projects. Vice Chair Schroder ran this portion of the hearing.)

Mr. Mosher presented a proposal to perform minor alterations to the non-historic portion of the building, restore two historic openings on the historic portion of the building, locally landmark the historic portion of the building, add a full basement

beneath the historic portion of the building and add a deli use and residential use to the existing full commercial use. Correct name will be the Palomo Building. The Applicants are Mr. Jeff Palomo and Margarita Palomo.

Mr. Wolfe: Parking and density is not going to be discussed since there is an existing agreement, correct? (Mr. Mosher: Correct.)

(Mr. Mosher showed a photo of the existing building as well as the historic building.) Applicant is bringing back a window on the south elevation that was boarded over. Ms. Rebecca Waugh, Town Historian, has reviewed and is supportive. We will have a condition of approval that any time an historic structure is worked on; Staff and contractor meet on site to agree on process for renovation. There are two and maybe three logs that will need replacement.

In the front portion of the building (historic), the drawings show:

The Upper Level:

- On the east elevation facing Main Street, the upper level opening was originally a full height door (based on photographs). The smaller window is proposed to be replaced with a historically accurate wooden full-height window. The Town Historian has approved this change.
- A small portion of the roof overhanging the connector link was proposed to be removed to fit in a new gable dormer in the connector link. Staff had concerns with the removal of historic material to accomplish this minor addition, especially considering that local Landmarking is proposed. Applicant has already made changes to eliminate the overhang on the historic building.
Policy 21 in the Handbook of Design Standard for the Historic and Conservation Districts states: *“Minimize intervention with historic elements. Preserve the original roof materials where feasible. Avoid removing historic roof material that is in good condition.”*

The Main Level:

- On the south elevation, there is one historic opening that is covered and is proposed to be restored, matching the existing window on the same elevation.
- Damaged logs will either be repaired or replaced (with Staff direction) and new historically accepted chinking added to damaged chinking.

The Lower Level:

- The applicant is seeking to locally landmark the historic portion of the building.
- A full basement is proposed beneath the historic portion of the cabin. Staff notes that there is existing basement beneath the non-historic portion already. This basement will connect to the existing basement.

In the center portion of the building (non-historic), the drawings show:

The Upper Level:

- A small gable-dormer is proposed over the center ‘link’ on the south elevation. This is being added to allow natural light and a small amount of floor area into this area.

At the rear of the building (non-historic) there are several changes proposed:

The Upper Level:

- The upper level deck is being enlarged from 7-feet wide to 15’-6” wide.
- The depth is being enlarged from 3-feet deep to 7’-6” deep.
- Stairs are being proposed connecting this deck to the main level walkway.

The Main Level:

- The existing main level stairs that access the lower window well are shown to be removed and the window well will be decked over at grade. A narrow section of the window well will not be covered at the north edge of the window well.
- The two groupings of two double hung windows are to be replaced with a folding door system to open onto the new deck. The intent is to have this door system replicate the look of the original windows.

The Lower Level:

- The egress stairs are being removed, and the upper portion of the window well is being decked over.

This proposal is off to a good start. The building is in need of a foundation/basement to address water damage to the logs. The restoration efforts have the full support of staff. Staff does have concerns about the visibility of the deck and stairs at the back of the building.

The project easily passes the three criteria for Local Landmarking. (Mr. Wolfe: Are there concerns with the decks?) We have allowed upper level decks in the past, use building components similar size and shape to those in the district. They were small, non issue; this deck has gotten bigger with stairs, incurring negative points. (Mr. Pringle: As far as the depth and width?) Yes. (Mr. Pringle: If they diminish both, what do they have to do to reduce negative points?) This is a matter of the character; they cannot reduce negative points; we want to choose which option works better for those negative points.

Staff had the following questions for the Commission:

1. Staff would like the Commission to comment on the two options for the exterior stairs and deck. Did the Commission believe negative points should be awarded for the design?
2. Did the Commission support the landmarking findings that Staff has presented?
3. Would the Commission support awarding positive six (+6) points for the restoration efforts to the historic cabin?
4. What other concerns or direction did the Commission have?

Commissioner Questions / Comments:

Ms. Christopher: In deck option A or B, can they make a turn? (Mr. Mosher: Making a turn in the stair lessens the visual impacts to the west elevation.)

Mr. Wolfe: Need for stairway is driven by what? (Mr. Mosher: Use upstairs may proposed as either residential or MMD. Residential has to have its own ingress or egress while MMD entry has to be 50' from street.) If it is required for residential, they can't do stairs inside? (Mr. Mosher: There is no space for stairs inside since this is an existing building. I am asking the Planning Commission to look at option A or option B, to review the design impact of stair crossing the west elevation.) Under either scenario, they incur the negative five (-5) points? (Mr. Mosher: Yes.) (Mr. Pringle: If they leave it as is, will that suffice?) (Mr. Mosher: We want to minimize the aesthetic impact.) (Mr. Jeff Palomo, Applicant: We support option B, stairs on the side.) (Ms. Dudney: You agree with Mr. Mosher?) (Mr. Palomo: Yes.) Do we encourage residential here? (Mr. Mosher: Not necessarily.) Applicants' intent is to have residential. (Mr. Palomo: Let me clarify, we were approached as soon as we bought the building by MMD entities. We don't want to be tagged as that use, necessarily.) (Mr. Neubecker: Building Code for residential would require separate entrance for ingress or egress?) (Mr. Mosher: Both. For separation and security, we spoke to the Chief Building Official at length about this. Only one use proposed on the upper level, two commercial uses on the main level.)

Ms. Dudney: What happens to the patio below, unused area; is there any access? (Mr. Mosher: No need to have egress as long as the adjacent inside use is kept as storage.) Could that be usable density? (Mr. Mosher: No, they could not enclose that space, the building is over density already. This area is accessed from storage area in basement.)

Mr. Wolfe: Are Riverwalk improvements in the master plan approved? (Mr. Mosher: No, the project is in the "Riverwalk Area", but not subject to the Code "Riverwalk Improvements".) Is that forthcoming? (Mr. Grosshuesch: Yes, ultimately.)

Ms. Dudney: Does the Town own the parking across the alley? (Mr. Grosshuesch: Yes, but it is deed restricted for the private use of the Professional Building next door.)

Mr. Mosher: We want to know from the Planning Commission the least impactful way to deal with negative five points. Mr. Palomo will present in his discussion.

Mr. Jeff Palomo: First of all we want to thank Mosh (Mr. Mosher) for all his work with us. The main design issue is the deck. We were constrained by the snow stack easement issues. These were really the only two options. Plan B is what Staff and us, as the Applicants, prefer. It provides best use and look. With that said, I respectfully disagree with the criticism of the design for an upper level deck. We have assembled a selection of photos of all the buildings on Main Street with decks on both the front and the back of those buildings. (Passes them out to the Commission) (Mr. Mosher: Staff notes to the Commission that we have seen or reviewed any of these photos and some of these examples may not be historic.) We were approached immediately when we bought the building by MMDs. They are legal to the State and the local jurisdiction, but not the Feds. As investors, we reviewed with our attorney and are not proposing an MMD. Our Application is for residential on the second floor. Considering the west of the building a primary façade is incorrect. Development plans on empty lot consist of a garage on the back, so how can that be considered a primary façade?

On the example of the building on Main Street that houses Cabin Fever (122 S. Main Street), the deck spans the entire building, mirrors the patio with no setback.

On the Wildflower building, same thing. (Mr. Wolfe: Is your point that this is not “primary”?) We walked Main Street front and back; there is not a single façade. (Mr. Pringle: You will still get negative points.) This is our first play here. Mr. Mosher’s concern was the size of the deck being expanded. (Mr. Pringle: Mr. Mosher is correct that size of deck is not compatible with Historic District. On façade, primary façade is on Main Street.) (Mr. Mosher: Three feet deck has less visual impacts, but enlarging deck is visually impactful; let’s pick the “best” negative points option. You have positive six (+6) and a passing project, let’s pick the best option for the negative five (-5) points.) Application is for residence up there, stairs are necessary. Nowhere along Main Street front or back could we find a deck the same size that is on there now. Everything else has decks that are the full width of the building.

Ms. Margarita Palomo: We are getting negative five (-5) points for the size of the deck and the stair and we are being penalized. (Mr. Pringle: We give you negative five (-5) points to stay consistent with code.)

Mr. Schroder: Any more comments?

Mr. Palomo: We are doing historic restoration, lifting building and repairing or replacing logs, we are changing and upgrading the building. I think we should potentially have positive nine (+9) points for these efforts. Looking at the building next door, there are positive points for public thoroughfare between the buildings, but some of that passageway is on our property. That said, we may not need those additional points. (Mr. Mosher: Not at this point. Se are seeking a passing project. We can work prior to final on some of these issues.) We have worked on the agreement to do an easement with building next door. They do show part of that thoroughfare being on our property. We have not talked specifics but, based on initial discussions, we will maintain the items on our property. (Mr. Neubecker: Sounds like we have feedback for points on the deck. On the restoration, if the Commission feels it should be other than positive six (+6) points, which Staff recommends, we want to hear from you. If you feel the project warrants points under another policy, please let us know.

Mr. Schroder: You have asked for answers to five questions. There is no need for issue #2 anymore.

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

Commissioner Questions / Comments:

Mr. Butler: I would like to see a site plan with the Elk building, can we see them together? (Mr. Mosher: The Elk is still under review. However, when the Elk comes back, they will show this building as well as the Gold Pan. This building is existing. The side stair is coming out no further than the existing porch.) (Mr. Neubecker: We can try to work with applicants on that.)

Ms. Christopher: Stair overlaps window half way, is that a concern? (Mr. Mosher: It is non historic at that part of the building.) (Mr. Neubecker: It might need to be tempered glass)

Mr. Butler: Real reason for stairs is to do residential on second floor? (Mr. Palomo: Absolutely.) I like the second option for the stairs, I prefer it. A good look for the negative five (-5) points. I think positive six (+6) points for restoration is great. No other concerns. None on primary façade. Great start. Basement level under the deck? (Mr. Mosher: Right now it is a large window well.)

Mr. Christopher: Is there any issue if they do put patio furniture out there? (Mr. Neubecker: No.)

Mr. Wolfe: Question one, I support the option 2 or south stairs; is there a way to reduce the deck, if residential door swings in, less of an issue? If commercial, then door swings out. Concern is use; will it turn into a party deck? On question #3, support the landmarking. On #4, support positive six (+6) points. General comment, I support Mr. Mosher and where you are going with the negative five (-5) points, but it is an unfortunate requirement of outside access creates negative points. Do we need to look at that later on? Thank you for the efforts.

Mr. Pringle: Looks like a very nice project. Support second option, south side stairs. I support landmarking findings. You have positive six (+6) points for historic preservation, I believe that is correct. We all seem to think large decks are nice, but they are difficult to maintain; you have to shovel them and stairs off all winter long. I encourage you to consider reducing size, only incentive is to reduce maintenance. I would caution about calling this primary façade, it has a façade of great import, but it is not primary.

Ms. Dudney: I agree with Mr. Mosher’s analysis. I appreciate the work you are doing, adding windows and lifting the building.

- Ms Christopher: Thank you for your improvements. I support Mr. Mosher's analysis of the negative five (-5) and positive six (+6) points; however, I support option A. There is not a lot of space between the two buildings; pull it back to the west side. (Mr. Mosher: I think you misunderstood plans. Mr. Mosher showed existing and proposed to Ms. Christopher.) Upon being re-educated, there are table and chairs there, I support option B.
- Mr. Schroder: I don't think we spent enough time applauding the positive. What you are doing is really positive. I support positive six (+6) points. If code requires exterior access, how can we put negative points on that? I agree with Mr. Wolfe, on the negative five (-5) points, I agree with that. I support landmarking. On the deck, I would go with option 2; I don't mind the size of it. Party deck did not necessarily come to mind. If you are going to have a deck, have a deck; however, I do see Mr. Pringle's point. I got a great deal of clarification, residential is the purpose. The negative five (-5) points and the positive six (+6) points equates to a passing score. Refine it; bring it back to us for final. (Mr. Palomo: Final in two weeks?) That is between you and Mr. Mosher. (Mr. Mosher: Next meeting will be a quick review.)
- Mr. Pringle: Are you able to dovetail with the Elk for construction? (Mr. Mosher: The owner of the Elk is being very gracious to get written agreements going. Gold Pan access is starting. Jeff and Margarita are doing the same.) (Mr. Palomo: We are very excited both projects, the Elk and ours, are moving the vibrancy to North Main Street.)

OTHER MATTERS:

- Mr. Neubecker: Staff would like to talk to the Commission about training opportunities, what types of training opportunities do you?

Commissioner Questions / Comments:

- Mr. Pringle: Historic preservation is critical to maintaining our historic district. How does historic preservation work in different areas of the Town, how important it is to the Town?
- Mr. Wolfe: How do all these different documents overlap one another? Very confusing to me to use this document here, but that document there, seems like same area, but we are using different documents.
- Mr. Schroder: I agree, Ms. Puester touched on it this evening, the Building Code says this, but SustainableBreck says that. How do they overlap?
- Mr. Pringle: Historic character areas over historic guidelines, good opportunity for retreat; half day in here going over stuff, then go out into Town to see how it applies.
(Many on commission agreed with this suggestion.)
- Ms. Christopher: Would love to go see our own back yard.
- Mr. Pringle: Key to retreat is that we all go together and we see things as a group.
- Ms. Dudley: I agree, but I feel like the Town Council feels we have been in error on things, and I want to know what we have been in error on, perhaps the Council can tell us what we need training on.
- Mr. Pringle: We are not flooded with development right now, but we also have a Town Council where Mr. Warner has Planning Commission experience, Mr. Mamula has Planning Commission experience, Mr. Joyce has Planning Commission experience. Ms. McAtamney has never been to Planning Commission meeting. It is a little offensive to me that the Town Council members are critical of the Planning Commission when they have not been to our meetings! They have a working knowledge, Mr. Mamula is very up to speed, but others are not.

ADJOURNMENT:

The meeting was adjourned at 10:07 pm.

Dan Schroder, Vice Chair

MEMO

TO: Town Council

FROM: Town Attorney

RE: Proposed Columbia Lode Development Agreement (Extended Vesting)

DATE: May 3, 2011 (for May 10th meeting)

Columbia Lode Partners, LLC, the redeveloper of the “Old BBC” site (commonly known as the “Columbia Lode” property) has submitted a proposed Development Agreement for your consideration. A copy of the proposed Development Agreement, together with the accompanying letter from Steve West, are enclosed with this memo.

The purpose of the proposed Development Agreement is to obtain from the Town “extended vested property rights” for the recently-approved Columbia Lode Master Plan.

A “vested property right” is the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan. Under Colorado law, a vested property right precludes any action by a local government (such as a change of the Development Code) that would “alter, impair, prevent, diminish, impose a moratorium on development, or otherwise delay the development of the property, except for: (i) local government action taken with the consent of the affected landowner; (ii) local government action based upon the discovery of a natural or man-made hazard on or in the immediate vicinity of the property to be developed which could not reasonably have been discovered at the time of approval of the site specific development plan and which, if not corrected, would pose a serious threat to the public health, safety, and welfare; or (iii) when the local government pays the affected landowner just compensation. However, a vested property right does not preclude the application of ordinances or regulations of general applicability, such as building codes.

From the developer’s perspective, the significance of a vested property right is that during the vested property rights period the development can be built as originally approved, without regard for intervening land use code changes. As noted above, the development would still have to comply with the local government’s building and technical codes, even if those codes were adopted or revised during the vested property rights period.

The basic period of vested property rights under the Town’s Development Code is three years. This amount of “vesting” occurs upon the final approval of a site specific development plan. Here, the Columbia Lode Master Plan automatically received three years of vesting upon its approval by the Town.

However, the Development Code authorizes the Town Council to provide for “extended vested property rights” by agreement with a developer. The Code authorizes such an agreement “when warranted in light of all relevant circumstances, including, but not limited to, the size and

phasing of the development, economic cycles and market conditions.” This broadly worded standard leaves it to the discretion of the Council as to whether to approve a development agreement for extended vested property rights.

In the case of the proposed Columbia Lode Development Agreement, the developer is seeking a total of ten years of vesting for the approved Master Plan. As you consider the proposed Agreement, it is important for you to recall that a developer is never entitled to extended vested property rights. It is up to Council, in its discretion, to determine if the facts and circumstances presented justify an extension of the project’s vested property rights and, if so, for how long and under what terms and conditions. One important factor you will want to consider are the “commitments” being proposed by the Developer in return for the extended vested property rights sought by the Developer.¹ The commitments being offered by the Columbia Lode developer are discussed in Mr. West’s letter.

In accordance with the Town’s Development Agreement Ordinance, the proposed Development Agreement has been scheduled for your review at next Tuesday’s worksession. At that time, the Code provides that you may either: (i) terminate further discussions concerning the proposed development agreement, in which case all proceedings concerning the proposed development agreement shall terminate; or (ii) direct staff to begin the proceedings for the approval of the requested development agreement. Additionally, you could either suggest to the developer that further modifications to the proposed Agreement be made, and that a revised version of the proposed Development Agreement be submitted to you for your consideration, or you could refer the matter to the Planning Commission for its review and comment.

Finally, if you decide to move ahead with formal approval of the proposed Development Agreement such action requires the adoption of a non-emergency ordinance. If the Council decides to proceed with formal consideration of the proposed Development Agreement, the ordinance will be ready for your consideration whenever you direct.

I look forward to discussing this matter with you on Tuesday.

¹ Section 9-9-4 of the Town Code provides as follows:

Applicants for development agreements are encouraged to make commitments to the Town which enable the Town to obtain supplemental facilities or benefits which cannot lawfully be obtained by the Town through existing regulations, standards or policies. The Town Council may consider commitments which may include, but shall not be limited to, the following:

- A. The provision of open space, trails and environmentally sensitive lands through dedication or other means.
- B. The establishment and implementation of site-design or other standards above and beyond established Town requirements or existing development entitlements.
- C. The provision of employee housing.
- D. The reduction of density.

LAW OFFICES
WEST BROWN HUNTLEY & HUNTER, P.C.

100 SOUTH RIDGE STREET, SUITE 204
POST OFFICE BOX 588
BRECKENRIDGE, COLORADO 80424

TELEPHONE (970) 453-2901
FAX (970) 453-0192
WWW.WESTBROWN.COM

STEPHEN C. WEST
D. WAYNE BROWN
FELICE F. HUNTLEY
ERIN C. HUNTER
MIRO KOVACEVIC

DANIEL TEODORU
Special Counsel
JILL D. BLOCK
Paralegal

April 15, 2011

VIA HAND DELIVERY
and EMAIL (mosh@townofbreckenridge.com)

Michael Mosher
Department of Community Development
Town of Breckenridge
150 Ski Hill Road
Breckenridge, CO 80424

Re: Development Agreement for Extending Vesting of Development Permit
#2010017 for Columbia Lode Master Plan

Dear Mosh:

As has been discussed with the Town Council, the owner of the Columbia Lode Master Plan property believes that substantially more than the normal three (3) years of vesting would be necessary and appropriate for the Columbia Lode Master Plan because of the current and anticipated market conditions and the plan to construct the permitted single family and duplex structures only as there is demand.

A preliminary matter that needs to be addressed, before proceeding further, is that the property subject to the Columbia Lode Master Plan is being transferred from B & D Limited Partnership to Columbia Lode Partners, LLC ("Columbia"). We expect that transfer to be complete by the time this letter and the proposed Development Agreement are presented to the Town Council and certainly before the Development Agreement is approved by Council and ready for execution. Accordingly, we have prepared the Agreement in the name of Columbia Lode Partners, LLC and references to the owner of the property will be to Columbia.

The purpose of this letter is to serve as the required application for a development agreement to authorize the extension of the vesting of the Columbia Lode Master Plan by seven (7) years to a total of ten (10) years.

Michael Mosher
Department of Community Development
Town of Breckenridge
April 15, 2011
Page 2

With respect to the encouraged commitments provided for in Section 9-9-4 of the Town Code in connection with an application for a development agreement the owner is proposing, and the attached Development Agreement provides for, the following commitments: actual construction this year of the right turn lane and related improvements within the additional right of way to be dedicated, as provided for in the Columbia Lode Master Plan and as will be accomplished by the filing of a subdivision plat; and construction of a soft surface trail within the property, which will be dedicated as open space, and also within two easement areas to be obtained over Lot 1, Block 2, Weisshorn Filing No. 1. Columbia is proposing to make every reasonable effort to complete the right turn lane by October 31, 2011 and no later than October 31, 2012. Columbia proposes to complete the soft surface trail no later than 2013, and the additional time is being suggested to insure that infrastructure construction activities in the area of the trail are as complete as possible before the new trail is completed and open to the public.

Based on the foregoing, Columbia respectfully requests that this letter be considered as the formal application for consideration of the proposed Development Agreement attached. Because the proposed Development Agreement is an integral part of the recently approved Columbia Lode Master Plan (Development Permit #2010017) and the pending application for subdivision (Development Permit #2011005), and the improvements that will be part of the subdivision, we have not included a separate application fee. The remainder of the submittal requirements of Section 9-9-9 of the Town Code are complied with as follows: Subsection A will be satisfied by the delivery to you and the Town Attorney of a commitment for title insurance showing ownership of the Properties in the name of B & D; Subsections B and C are not applicable because Columbia will be the owner of the Property before final approval by the Council of the Development Agreement; Subsections D and E are satisfied by this letter and the attached Development Agreement; Subsection F is satisfied with the submittal of the proposed Development Agreement itself.

If any additional information or documentation is needed, please do not hesitate to let me know. Otherwise, I hope that this matter can be scheduled for the Town Council's work session on April 26 and further hope that, based on previous conversations with the Council about making the right turn lane improvements as consideration for extended vesting, Council will agree that the proposed Development Agreement is appropriate and authorize a first reading of an ordinance to approve it at its meeting on the evening of April 26.

Michael Mosher
Department of Community Development
Town of Breckenridge
April 15, 2011
Page 3

We look forward to working with you, Tim Berry and the Town Council on the approval of the Development Agreement. Thanks.

Respectfully,



Stephen C. West
Attorney and Agent for
B & D Limited Partnership

SCW/amw

cc: Timothy J. Berry, Esq. (w/enc. via email)
Tom Daugherty, Town Engineer (w/enc. via email)
Jon Brownson (w/enc. via email)
Marc Hogan (w/enc. via email)

4697.06

APPROVAL OF THIS DEVELOPMENT AGREEMENT CONSTITUTES A VESTED
PROPERTY RIGHT PURSUANT TO ARTICLE 68 OF TITLE 24, COLORADO REVISED
STATUTES, AS AMENDED

DEVELOPMENT AGREEMENT
FOR
EXTENDED VESTING
OF
DEVELOPMENT PERMIT #2010017

This Development Agreement for Extended Vesting of Development Permit #2010017 (“Agreement”) is made as of the ____ day of _____, 2011 between the TOWN OF BRECKENRIDGE, a municipal corporation of the State of Colorado, (the “Town”) and COLUMBIA LODGE PARTNERS, LLC, a Colorado limited liability company, (the “Developer”).

Recitals

A. Developer is the owner of the real property described in Exhibit A attached hereto (“Property”).

B. Pursuant to Development Permit #2010017 (“Permit”), the Town has approved the “Columbia Lodge Master Plan” as a site specific development plan for the Property.

C. Pursuant to Section 9-1-17-11 and Policy 39 of Section 9-1-19 of the Breckenridge Development Code, the vested property rights period for the Permit is three (3) years and the Permit will expire on March 21, 2014. As used in this Agreement, the term “vested property rights period” shall have the meaning, purpose and effect afforded such term in the Breckenridge Development Code, including, but not limited to, Section 9-1-17-11 and Policy 39 of Section 9-1-19.

D. Paragraph K of Section 9-1-17-11 of the Breckenridge Development Code authorizes the Town Council to enter into an agreement with a land owner to provide for a vested property rights period of more than three (3) years.

E. As the commitments encouraged to be made in connection with an application for a development agreement in accordance with Section 9-1-4 of the Breckenridge Town Code, developer proposes to construct: the improvements for the right turn lane which is provided for in the Columbia Lodge Master Plan and for which right of way will be dedicated by Developer to the Town in accordance with Development Permit #2011005 for the subdivision of the Property; and the improvements to create the trail for which an open space parcel is to be dedicated by Developer to the Town in accordance with Development Permit #2011005.

F. The Town Council has received a completed application and all required submittals for a development agreement, had a preliminary discussion of the application and this Agreement, determined that it should commence proceedings for the approval of this Agreement and, in accordance with the procedures set forth in Subsection 9-9-10:C of the Breckenridge Town Code, has approved this Agreement by non-emergency ordinance.

Agreement

1. The Town acknowledges and agrees that it has determined that circumstances warrant an extension of the vested property rights period for the Permit because current market conditions and anticipated economic cycles indicate that the single family and duplex units should and are planned to be constructed only as there is demand for such units and that a total of ten (10) years is reasonable for such construction to take place.

2. The Town acknowledges and agrees that the Permit constitutes a site specific development plan and that it is hereby designated as a site specific development plan.

3. Pursuant to its authority under paragraph K of Section 9-1-17-11 of the Breckenridge Development Code, the Town Council, on behalf of the Town, agrees that the vested property rights period for the Permit shall be extended to March 21, 2021.

4. As commitments to the Town to enter into this Agreement, Developer, at its cost, agrees to the following:

(a) subject to the issuance by the Town of such permits as may be required, make every reasonable effort to complete construction of the right turn lane and all improvements associated therewith on or before October 31, 2011 and no later than October 31, 2012; and

(b) subject to such permits as may be required, complete construction of a soft surface trail meeting the Town of Breckenridge Trail Standards and Guidelines on or before October 31, 2013 within the trail open space parcel to be dedicated to the Town upon the subdivision of the Property and the two (2) easement areas on the adjacent Lot 1, Block 2, Weisshorn Subdivision Filing No. 1 to be obtained by Developer for the Town.

(c) For all proposed improvements, the Developer shall provide designs acceptable to the Town. Work will not begin until these plans have been approved by the Town.

5. Except as provided in Section 24-68-105, C.R.S. and except as specifically provided for herein or in the Permit, the execution of this Agreement shall not preclude the current or future application of municipal, state or federal ordinances, laws, rules or regulations to the Property (collectively, "laws"), including, but not limited to, building, fire, plumbing, engineering, electrical and mechanical codes, and the Town's Development Code, Subdivision Standards and other land use laws, as the same may be in effect from time to time throughout the

term of this Agreement. Except to the extent the Town otherwise specifically agrees, any development of the Property which is the subject of this Agreement and the master plan shall be done in compliance with the then-current laws of the Town.

6. Nothing in this Agreement shall preclude or otherwise limit the lawful authority of the Town to adopt or amend any Town law, including, but not limited to the Town's: (i) Development Code, (ii) Master Plan, (iii) Land Use Guidelines and (iv) Subdivision Standards.

7. This Agreement shall run with title to the land and be binding upon and inure to the benefit of Developer, its successors and assigns.

8. Prior to any action against the Town for breach of this Agreement, Developer shall give the Town a sixty (60) day written notice of any claim by the Developer of a breach or default by the Town, and the Town shall have the opportunity to cure such alleged default within such time period.

9. The Town shall not be responsible for and the Developer shall have no remedy against the Town if development of the Property is prevented or delayed for reasons beyond the control of the Town.

10. Actual development of the Property shall require the issuance of such other and further permits and approvals by the Town as may be required from time to time by applicable Town ordinances.

11. No official or employee of the Town shall be personally responsible for any actual or alleged breach of this Agreement by the Town.

12. The Developer agrees to indemnify and hold the Town, its officers, employees, insurers, and self-insurance pool, harmless from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with this Agreement, if such injury, loss, or damage is caused in whole or in part by, or is claimed to be caused in whole or in part by, the negligence or intentional act or omission of Developer; any subcontractor of Developer, or any officer, employee, representative, or agent of Developer or of any subcontractor of Developer, or which arise out of any worker's compensation claim of any employee of Developer, or of any employee of any subcontractor of Developer; except to the extent such liability, claim or demand arises through the negligence or intentional act or omission of Town, its officers, employees, or agents. Developer agrees to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims, or demands at the sole expense of the Developer. Developer also agrees to bear all other costs and expenses related thereto, including court costs and attorney's fees.

13. If any provision of this Agreement shall be invalid, illegal or unenforceable, it shall not affect or impair the validity, legality or enforceability of the remaining provisions of the Agreement.

14. This Agreement constitutes a vested property right pursuant to Article 68 of Title 24, Colorado Revised Statutes, as amended.

15. No waiver of any provision of this Agreement shall be deemed or constitute a waiver of any other provision, nor shall it be deemed to constitute a continuing waiver unless expressly provided for by a written amendment to this Agreement signed by both Town and Developer; nor shall the waiver of any default under this Agreement be deemed a waiver of any subsequent default or defaults of the same type. The Town's failure to exercise any right under this Agreement shall not constitute the approval of any wrongful act by the Developer or the acceptance of any improvements.

16. This Agreement shall be recorded in the office of the Clerk and Recorder of Summit County, Colorado.

17. Nothing contained in this Agreement shall constitute a waiver of the Town's sovereign immunity under any applicable state or federal law.

18. Personal jurisdiction and venue for any civil action commenced by either party to this Agreement shall be deemed to be proper only if such action is commenced in District Court of Summit County, Colorado. The Developer expressly waives its right to bring such action in or to remove such action to any other court, whether state or federal.

19. Any notice required or permitted hereunder shall be in writing and shall be sufficient if personally delivered or mailed by certified mail, return receipt requested, addressed as follows:

If To The Town: Timothy J. Gagen, Town Manager
Town of Breckenridge
P.O. Box 168
Breckenridge, CO 80424

With A Copy (which shall not constitute notice to the Town) to: Timothy H. Berry, Esq.
Town Attorney
P.O. Box 2
Leadville, CO 80461

If To The Developer: Jon A. Brownson
Columbia Lode Partners, LLC
P.O. Box 2065
Breckenridge, CO 80424

With A Copy (which shall not constitute notice) to: Stephen C. West, Esq.

COLUMBIA LODE PARTNERS, LLC,
a Colorado limited liability company

By: _____
Jon A. Brownson, Member

STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

The foregoing was acknowledged before me this _____ day of _____,
2011 by Jon A. Brownson, Member of Columbia Lode Partners, LLC, a Colorado limited
liability company.

Witness my hand and official seal.
My commission expires: _____

Notary Public

Exhibit A

LEGAL DESCRIPTION

The land referred to in herein is located in the County of Summit, State of Colorado, and described as follows:

Parcel A:

A portion of the Columbia Lode M.S. 2515 and the Louisa Lode M.S. 2516, Section 31, Township 6 South, Range 77 West of the 6th Principal Meridian, situate in the Town of Breckenridge, County of Summit, State of Colorado and more particularly described as follows:

Beginning at Corner No. 3 of said Louisa Lode and running S 19E55'00" W 436.07' more or less along lines 3-4 of said Louisa Lode to a point which point is, in fact, the true point of beginning, thence S 19E55'00" W 730.46' more or less, thence N 70E05'00" W 200.62' to a point on the easterly right of way of Colorado Highway No. 9, thence N 23E29'00" E 158.83' along said right of way, then N 25E40'00" E 238.30' more or less along said right of way, thence N 04E39'30" E 255.60' more or less along said right of way, thence East 250.66' more or less to the true point of beginning.

Parcel B:

A parcel of land lying within the Columbia Lode M.S. 2515 and the Louisa Lode M.S. 2516, lying wholly within NW-1/4, Section 31, Township 6 South, Range 77 West of the 6th Principal Meridian, situate in the Town of Breckenridge, County of Summit, State of Colorado and more particularly described as follows:

Beginning at Corner No. 4 of said Louisa Lode, which point is, in fact, the true point of beginning, then N 70E05'00" W 171.14' to a point on the easterly right of way of Colorado State Highway No. 9, thence Northeasterly 335.00' along the arc of a 1106.00' radius curve to the right whose long chord bears N 14E48'22" E a distance of 333.72', along said right of way, thence N 23E29'00" E 4.07' along said right of way, thence S 70E05'00" E 200.62' to a point on Line 3-4 of said Louisa Lode, thence S 19E55'00" W 336.46' along said Line 3-4 to the true point of beginning.

SAVE AND EXCEPT: A parcel of land lying wholly within the Columbia Lode M.S. 2515 and the Louisa Lode M.S. 2516, Section 31, Township 6 South, Range 77 West of the 6th Principal Meridian, situate in the Town of Breckenridge, County of Summit, State of Colorado and more particularly described as follows:

Beginning at Corner No. 4 of said Louisa Lode, which point is, in fact, the true point of beginning, thence N 70E05' W 178.87' to a point in the Easterly Right of Way of Colorado State Highway No. 9, thence Northwesterly 15.90' along the arc of a 1106.00' radius curve to the right whose long chord bears N 00E14'17" W 15.90', thence East 62.19' thence S 77E13'12" E 127.05'

to a point on the Easterly line of said Louisa Lode, thence S 19E55' W 52.12' along said Easterly line to the true point of beginning.

Parcel C:

Lot 1, Corkscrew Subdivision Filing No. 1 according to the plat thereof recorded March 22, 1994 at Reception No. 464462.

Parcel D:

Tract A, Corkscrew Subdivision Filing No. 1 according to the plat thereof recorded March 22, 1994 at Reception No. 464462.

Memorandum

TO: Town Council
FROM: Tom Daugherty, Town Engineer
DATE: May 5, 2011
RE: Public Projects Update

Asphalt Overlay

This year's overlay work includes Ski Hill Rd from Park Ave to Grandview, and the Rec Path from Watson to Kingdom Park. During the work the Rec Path will be closed between the Rec Center and Watson Ave and users will be detoured onto a marked route using Park Ave and Airport Rd. Work is scheduled to begin mid-May, with the Rec Path being re-opened by May 27th (Memorial Day weekend), weather permitting. Daily updates of road closures and detours will be provided on the Town website under "In The News- Public Works Projects and Scheduled Maintenance".

MEMO

TO: Mayor & Town Council
FROM: Tim Gagen, Town Manager
DATE: May 5, 2011
SUBJECT: Committee Reports for 5.10.2011 Council Packet

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

Police Advisory Committee (PAC)	Chief Holman	May 4, 2011
--	---------------------	--------------------

- **Winter Overnight Parking in Town lots:** Chief Holman introduced James Phelps and Scott Jackman from Public Works. The group was briefed on the request by a council member to discuss possible options for late night parking. At issue is overnight parking, during the winter months, within the core of town. Currently, overnight parking is restricted during winter months in response to snow removal needs. The committee was briefed on the concern that intoxicated individuals do not feel comfortable leaving their vehicles on street, or in lots, for fear of being ticketed and/or towed.

During the 2010/2011 ski season eleven (11) cars were towed for snow removal between 2am and 6am. Two hundred twelve (212) requests for “No Tows” were called in during the same time period. The committee stated that they did not feel additional accommodations should be made for overnight parking. The town allows parking in the lower exchange lot, the option of a patron pass, and the ability to call into dispatch and ask for a “No Tow”, with the understanding that the patron pass and “No Tow” request may not be honored if there is a need for snow removal. Even though it is sometimes challenging to use, there is also free bus service and taxi/limo service available to patrons if they choose to pre-plan and use it.

The Committee felt the onus should be on the liquor establishments to assist with alternative arrangements if necessary. Committee members also supported increased education for bar staff and an expectation that bar staff will educate customers on options. The committee feels it is far more important to make sure our streets and lots are able to be cleared of snow effectively than run the risk of a few cars being towed over the course of a winter because a few individuals failed to plan accordingly.

- **Parking:** Commander Haynes discussed changes in Summer parking rules. The committee asked questions regarding winter parking trends. Overall, the committee did not have suggestions for changes in the current parking model. One committee member felt the \$50 employee parking permit cost is too high.

Committee members asked to discuss the Variable Message Sign. There was discussion on the messages displayed on the portable VMS during March. Messages need to be specific to skier parking. Business owners wanted to ensure shoppers/diners were aware of available parking.

- **Detox Funding:** Chief Holman discussed the short fall in the Detox budget for 2011. Committee members discussed the need for better marketing and the need for education on over-service. They were also concerned about the possible options for reducing costs, which will likely hinge on reduced services.
- **Investigations Update:** Assistant Chief Morrison reviewed several recent cases including: a gold coin scam that was recently highlighted on 9News, credit card frauds and alcohol violations.
- **Comments from the Committee:** Committee member Phil Gallagher gave the group an update on an upcoming SCY event called the “Goodness Epidemic”. From May 14th through May 20th members of SCY will take initiative to “plot goodness”. Members will be sending all teachers in Summit County a flower and hang tag with an inspirational message. There will be both organized and individual events.

Committees	Representative	Report Status
CAST	Mayor Warner	Verbal Report
CDOT	Tim Gagen	No Meeting/Report
CML	Tim Gagen	No Meeting/Report
I-70 Coalition	Tim Gagen	No Meeting/Report
Mayors, Managers & Commissions Meeting	Mayor Warner	Verbal Report

Summit Leadership Forum	Tim Gagen	No Meeting/Report
Liquor Licensing Authority*	MJ Loufek	No Meeting/Report
Wildfire Council	Matt Thompson	Next Meeting May 19
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.

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

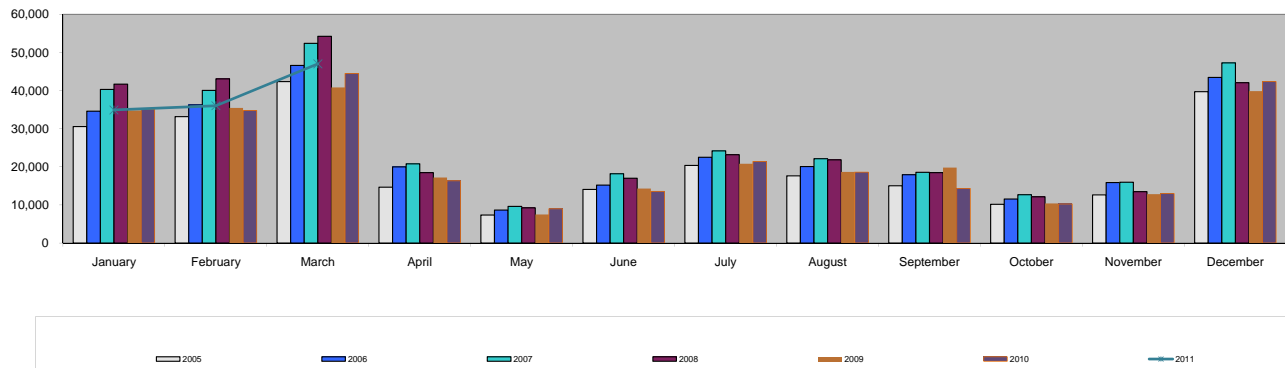
(in Thousands of Dollars)

Total - All Categories*

* excluding Undefined and Utilities categories

	Actual 2005	YTD 2005	Actual 2006	YTD 2006	Actual 2007	YTD 2007	Actual 2008	YTD 2008	Actual 2009	YTD 2009	Actual 2010	YTD 2010	Actual 2011	YTD 2011	Monthly 10-11	YTD % Change 10-11
January	30,549	30,549	34,589	34,589	40,283	40,283	41,665	41,665	34,783	34,783	35,105	35,105	34,903	34,903	-0.6%	-0.6%
February	33,171	63,720	36,236	70,825	40,034	80,317	43,052	84,717	35,453	70,236	34,791	69,896	36,012	70,915	3.5%	1.5%
March	42,370	106,090	46,603	117,428	52,390	132,707	54,237	138,954	40,810	111,046	44,485	114,381	46,998	117,913	5.6%	3.1%
April	14,635	120,725	19,963	137,391	20,758	153,465	18,483	157,437	17,171	128,217	16,346	130,727	0	117,913	n/a	n/a
May	7,355	128,080	8,661	146,052	9,629	163,094	9,251	166,688	7,475	135,692	8,999	139,726	0	117,913	n/a	n/a
June	14,043	142,123	15,209	161,261	18,166	181,260	16,988	183,676	14,286	149,978	13,557	153,283	0	117,913	n/a	n/a
July	20,366	162,489	22,498	183,759	24,168	205,428	23,160	206,836	20,788	170,766	21,346	174,629	0	117,913	n/a	n/a
August	17,625	180,114	20,071	203,830	22,125	227,553	21,845	228,681	18,656	189,422	18,603	193,232	0	117,913	n/a	n/a
September	15,020	195,134	17,912	221,742	18,560	246,113	18,481	247,162	19,806	209,228	14,320	207,552	0	117,913	n/a	n/a
October	10,170	205,304	11,544	233,286	12,687	258,800	12,120	259,282	10,410	219,638	10,226	217,778	0	117,913	n/a	n/a
November	12,647	217,951	15,877	249,163	15,943	274,743	13,483	272,765	12,809	232,447	12,985	230,763	0	117,913	n/a	n/a
December	39,687	257,638	43,431	292,594	47,258	322,001	42,076	314,841	39,859	272,306	42,343	273,106	0	117,913	n/a	n/a
Totals	257,638		292,594		322,001		314,841		272,306		273,106		117,913			

2011 Monthly Sales Tax Activity (in thousands of dollars)



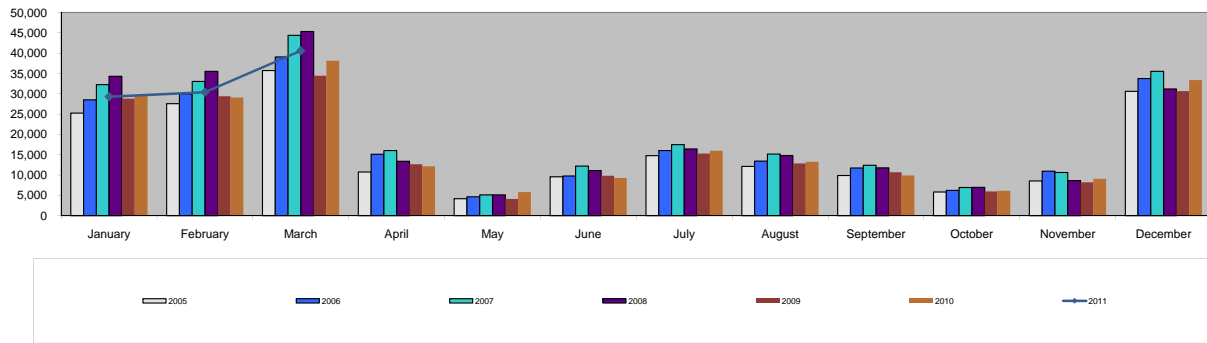
**TOWN OF BRECKENRIDGE
TAXABLE SALES ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Retail-Restaurant-Lodging Summary

	2005		2006		2007		2008		2009		2010		2011		Monthly 10-11	YTD % Change 10-11
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD		
January	25,240	25,240	28,528	28,528	32,258	32,258	34,290	34,290	28,802	28,802	29,538	29,538	29,272	29,272	-0.9%	-0.9%
February	27,553	52,793	29,972	58,500	33,039	65,297	35,511	69,801	29,401	58,203	29,090	58,628	30,388	59,660	4.5%	1.8%
March	35,705	88,498	39,051	97,551	44,390	109,687	45,338	115,139	34,428	92,631	38,136	96,764	40,579	100,239	6.4%	3.6%
April	10,773	99,271	15,134	112,685	16,025	125,712	13,410	128,549	12,653	105,284	12,154	108,918	0	100,239	n/a	n/a
May	4,179	103,450	4,647	117,332	5,146	130,858	5,111	133,660	4,125	109,409	5,836	114,754	0	100,239	n/a	n/a
June	9,568	113,018	9,789	127,121	12,225	143,083	11,112	144,772	9,829	119,238	9,302	124,056	0	100,239	n/a	n/a
July	14,766	127,784	16,038	143,159	17,499	160,582	16,446	161,218	15,305	134,543	15,993	140,049	0	100,239	n/a	n/a
August	12,122	139,906	13,446	156,605	15,167	175,749	14,815	176,033	12,859	147,402	13,261	153,310	0	100,239	n/a	n/a
September	9,897	149,803	11,761	168,366	12,418	188,167	11,794	187,827	10,705	158,107	9,894	163,204	0	100,239	n/a	n/a
October	5,824	155,627	6,248	174,614	6,934	195,101	6,977	194,804	5,986	164,093	6,143	169,347	0	100,239	n/a	n/a
November	8,557	164,184	10,963	185,577	10,650	205,751	8,637	203,441	8,234	172,327	9,068	178,415	0	100,239	n/a	n/a
December	30,619	194,803	33,736	219,313	35,517	241,268	31,211	234,652	30,667	202,994	33,363	211,778	0	100,239	n/a	n/a
Totals	194,803		219,313		241,268		234,652		202,994		211,778		100,239			

2011 Monthly Sales Tax Activity (in thousands of dollars)



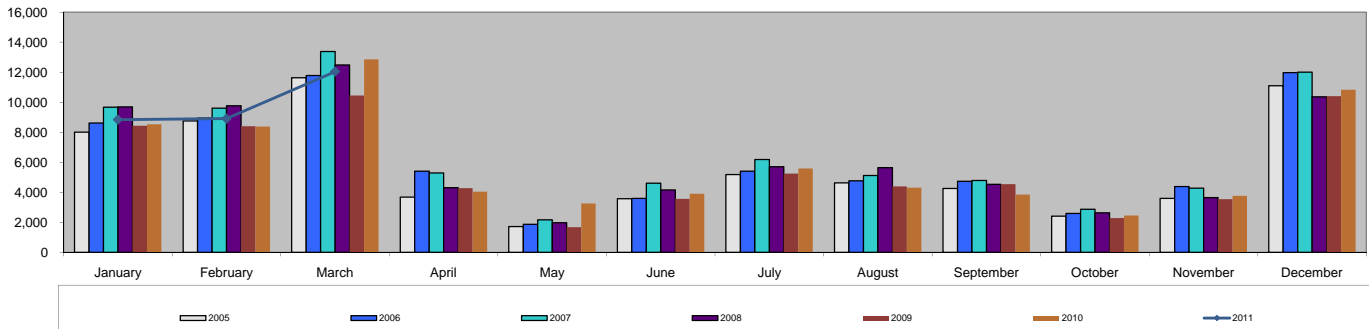
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Retail Sales

	2005		2006		2007		2008		2009		2010		2011		Monthly 10-11	YTD 10-11
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD		
January	8,001	8,001	8,607	8,607	9,665	9,665	9,684	9,684	8,430	8,430	8,530	8,530	8,839	8,839	3.6%	3.6%
February	8,744	16,745	8,942	17,549	9,607	19,272	9,763	19,447	8,401	16,831	8,378	16,908	8,906	17,745	6.3%	5.0%
March	11,632	28,377	11,774	29,323	13,373	32,645	12,479	31,926	10,449	27,280	12,851	29,759	12,038	29,783	-6.3%	0.1%
April	3,678	32,055	5,406	34,729	5,287	37,932	4,301	36,227	4,274	31,554	4,032	33,791	0	29,783	n/a	n/a
May	1,708	33,763	1,858	36,587	2,165	40,097	1,965	38,192	1,675	33,229	3,251	37,042	0	29,783	n/a	n/a
June	3,565	37,328	3,589	40,176	4,597	44,694	4,153	42,345	3,558	36,787	3,895	40,937	0	29,783	n/a	n/a
July	5,174	42,502	5,403	45,579	6,176	50,870	5,700	48,045	5,240	42,027	5,582	46,519	0	29,783	n/a	n/a
August	4,620	47,122	4,757	50,336	5,110	55,980	5,631	53,676	4,384	46,411	4,302	50,821	0	29,783	n/a	n/a
September	4,249	51,371	4,726	55,062	4,783	60,763	4,527	58,203	4,536	50,947	3,848	54,669	0	29,783	n/a	n/a
October	2,404	53,775	2,591	57,653	2,866	63,629	2,635	60,838	2,277	53,224	2,453	57,122	0	29,783	n/a	n/a
November	3,586	57,361	4,376	62,029	4,267	67,896	3,641	64,479	3,540	56,764	3,764	60,886	0	29,783	n/a	n/a
December	11,099	68,460	11,971	74,000	12,000	79,896	10,358	74,837	10,403	67,167	10,824	71,710	0	29,783	n/a	n/a
Totals	68,460		74,000		79,896		74,837		67,167		71,710		29,783			

2011 Monthly Sales Tax Activity (in thousands of dollars)



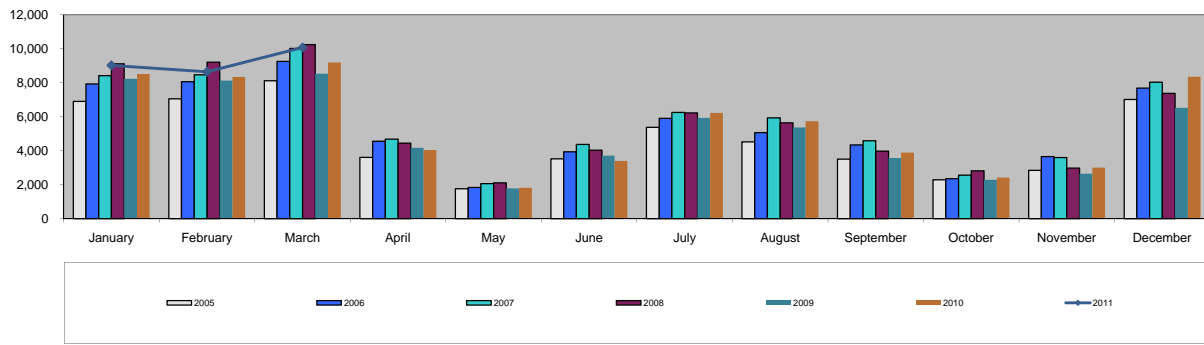
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Restaurants/Bars

	2005		2006		2007		2008		2009		2010		2011		Monthly 10-11	YTD 10-11
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD		
January	6,897	6,897	7,924	7,924	8,414	8,414	9,117	9,117	8,231	8,231	8,515	8,515	9,023	9,023	6.0%	6.0%
February	7,047	13,944	8,058	15,982	8,467	16,881	9,208	18,325	8,129	16,360	8,343	16,858	8,642	17,665	3.6%	4.8%
March	8,117	22,061	9,256	25,238	10,015	26,896	10,240	28,565	8,527	24,887	9,186	26,044	10,069	27,734	9.6%	6.5%
April	3,609	25,670	4,552	29,790	4,678	31,574	4,440	33,005	4,173	29,060	4,042	30,086	0	27,734	n/a	n/a
May	1,760	27,430	1,832	31,622	2,058	33,632	2,107	35,112	1,783	30,843	1,812	31,898	0	27,734	n/a	n/a
June	3,525	30,955	3,938	35,560	4,370	38,002	4,030	39,142	3,712	34,555	3,397	35,295	0	27,734	n/a	n/a
July	5,375	36,330	5,905	41,465	6,249	44,251	6,218	45,360	5,931	40,486	6,222	41,517	0	27,734	n/a	n/a
August	4,521	40,851	5,067	46,532	5,933	50,184	5,639	50,999	5,365	45,851	5,729	47,246	0	27,734	n/a	n/a
September	3,498	44,349	4,340	50,872	4,585	54,769	3,971	54,970	3,565	49,416	3,883	51,129	0	27,734	n/a	n/a
October	2,290	46,639	2,352	53,224	2,564	57,333	2,818	57,788	2,285	51,701	2,420	53,549	0	27,734	n/a	n/a
November	2,841	49,480	3,651	56,875	3,593	60,926	2,972	60,760	2,649	54,350	3,006	56,555	0	27,734	n/a	n/a
December	7,017	56,497	7,681	64,556	8,028	68,954	7,371	68,131	6,524	60,874	8,351	64,906	0	27,734	n/a	n/a
Totals	56,497		64,556		68,954		68,131		60,874		64,906		27,734			

2011 Monthly Sales Tax Activity (in thousands of dollars)



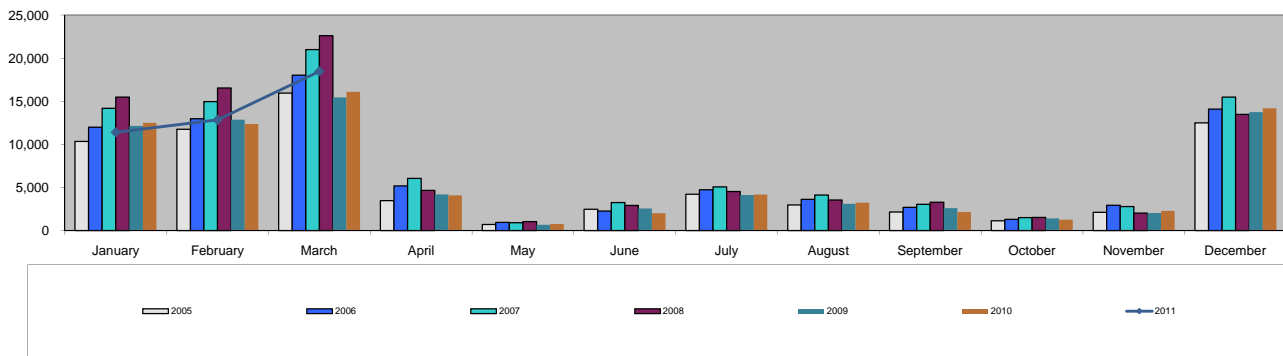
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Short-Term Lodging

	2005		2006		2007		2008		2009		2010		2011		Monthly 10-11	YTD 10-11
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD		
January	10,342	10,342	11,997	11,997	14,179	14,179	15,489	15,489	12,141	12,141	12,493	12,493	11,410	11,410	-8.7%	-8.7%
February	11,762	22,104	12,972	24,969	14,965	29,144	16,540	32,029	12,871	25,012	12,369	24,862	12,840	24,250	3.8%	-2.5%
March	15,956	38,060	18,021	42,990	21,002	50,146	22,619	54,648	15,452	40,464	16,099	40,961	18,472	42,722	14.7%	4.3%
April	3,486	41,546	5,176	48,166	6,060	56,206	4,669	59,317	4,206	44,670	4,080	45,041	0	42,722	n/a	n/a
May	711	42,257	957	49,123	923	57,129	1,039	60,356	667	45,337	773	45,814	0	42,722	n/a	n/a
June	2,478	44,735	2,262	51,385	3,258	60,387	2,929	63,285	2,559	47,896	2,010	47,824	0	42,722	n/a	n/a
July	4,217	48,952	4,730	56,115	5,074	65,461	4,528	67,813	4,134	52,030	4,189	52,013	0	42,722	n/a	n/a
August	2,981	51,933	3,622	59,737	4,124	69,585	3,545	71,358	3,110	55,140	3,230	55,243	0	42,722	n/a	n/a
September	2,150	54,083	2,695	62,432	3,050	72,635	3,296	74,654	2,604	57,744	2,163	57,406	0	42,722	n/a	n/a
October	1,130	55,213	1,305	63,737	1,504	74,139	1,524	76,178	1,424	59,168	1,270	58,676	0	42,722	n/a	n/a
November	2,130	57,343	2,936	66,673	2,790	76,929	2,024	78,202	2,045	61,213	2,298	60,974	0	42,722	n/a	n/a
December	12,503	69,846	14,084	80,757	15,489	92,418	13,482	91,684	13,740	74,953	14,188	75,162	0	42,722	n/a	n/a
Totals	69,846		80,757		92,418		91,684		74,953		75,162		42,722			

2011 Monthly Sales Tax Activity (in thousands of dollars)



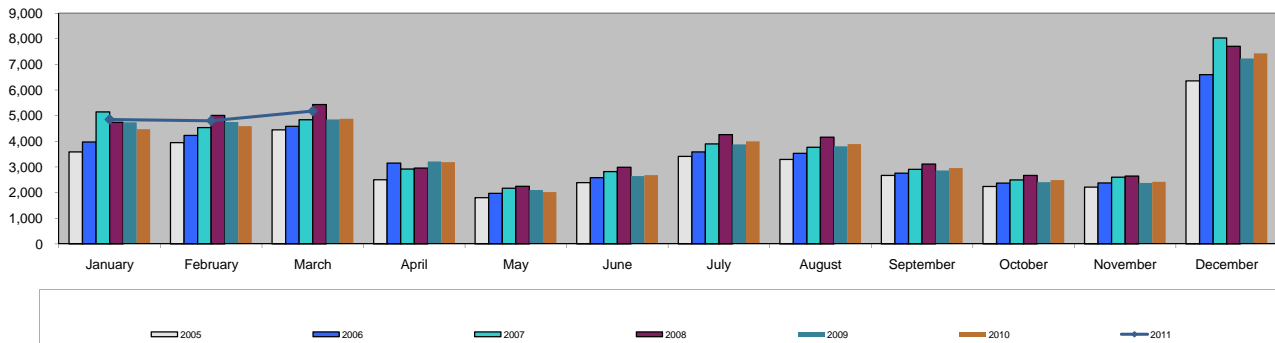
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Grocery/Liquor Stores

	2005		2006		2007		2008		2009		2010		2011		Monthly 10-11	YTD 10-11
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD		
January	3,589	3,589	3,977	3,977	5,149	5,149	4,744	4,744	4,741	4,741	4,472	4,472	4,854	4,854	8.5%	8.5%
February	3,949	7,538	4,233	8,210	4,536	9,685	5,009	9,753	4,755	9,496	4,590	9,062	4,803	9,657	4.6%	6.6%
March	4,449	11,987	4,585	12,795	4,844	14,529	5,436	15,189	4,852	14,348	4,877	13,939	5,180	14,837	6.2%	6.4%
April	2,503	14,490	3,149	15,944	2,920	17,449	2,959	18,148	3,213	17,561	3,186	17,125	0	14,837	n/a	n/a
May	1,806	16,296	1,969	17,913	2,169	19,618	2,246	20,394	2,100	19,661	2,024	19,149	0	14,837	n/a	n/a
June	2,392	18,688	2,584	20,497	2,822	22,440	2,990	23,384	2,643	22,304	2,682	21,831	0	14,837	n/a	n/a
July	3,414	22,102	3,588	24,085	3,899	26,339	4,264	27,648	3,881	26,185	3,999	25,830	0	14,837	n/a	n/a
August	3,292	25,394	3,529	27,614	3,771	30,110	4,161	31,809	3,807	29,992	3,896	29,726	0	14,837	n/a	n/a
September	2,671	28,065	2,757	30,371	2,908	33,018	3,113	34,922	2,864	32,856	2,955	32,681	0	14,837	n/a	n/a
October	2,239	30,304	2,372	32,743	2,494	35,512	2,673	37,595	2,408	35,264	2,488	35,169	0	14,837	n/a	n/a
November	2,214	32,518	2,377	35,120	2,600	38,112	2,647	40,242	2,379	37,643	2,422	37,591	0	14,837	n/a	n/a
December	6,356	38,874	6,604	41,724	8,028	46,140	7,705	47,947	7,234	44,877	7,432	45,023	0	14,837	n/a	n/a
Totals	38,874		41,724		46,140		47,947		44,877		45,023		14,837			

2011 Monthly Sales Tax Activity (in thousands of dollars)



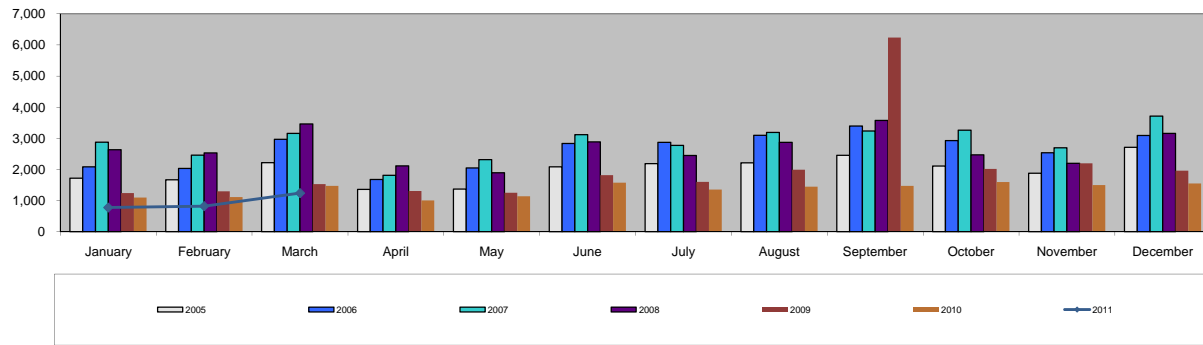
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Supplies

	2005		2006		2007		2008		2009		2010		2011		Monthly 10-11	YTD 10-11
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD		
January	1,720	1,720	2,084	2,084	2,876	2,876	2,631	2,631	1,240	1,240	1,095	1,095	777	777	-29.0%	-29.0%
February	1,669	3,389	2,031	4,115	2,459	5,335	2,532	5,163	1,297	2,537	1,111	2,206	821	1,598	-26.1%	-27.6%
March	2,216	5,605	2,967	7,082	3,156	8,491	3,463	8,626	1,530	4,067	1,472	3,678	1,239	2,837	-15.8%	-22.9%
April	1,359	6,964	1,680	8,762	1,813	10,304	2,114	10,740	1,305	5,372	1,006	4,684	0	2,837	n/a	n/a
May	1,370	8,334	2,045	10,807	2,314	12,618	1,894	12,634	1,250	6,622	1,139	5,823	0	2,837	n/a	n/a
June	2,083	10,417	2,836	13,643	3,119	15,737	2,886	15,520	1,814	8,436	1,573	7,396	0	2,837	n/a	n/a
July	2,186	12,603	2,872	16,515	2,770	18,507	2,450	17,970	1,602	10,038	1,354	8,750	0	2,837	n/a	n/a
August	2,211	14,814	3,096	19,611	3,187	21,694	2,869	20,839	1,990	12,028	1,446	10,196	0	2,837	n/a	n/a
September	2,452	17,266	3,394	23,005	3,234	24,928	3,574	24,413	6,237	18,265	1,471	11,667	0	2,837	n/a	n/a
October	2,107	19,373	2,924	25,929	3,259	28,187	2,470	26,883	2,016	20,281	1,595	13,262	0	2,837	n/a	n/a
November	1,876	21,249	2,537	28,466	2,693	30,880	2,199	29,082	2,196	22,477	1,495	14,757	0	2,837	n/a	n/a
December	2,712	23,961	3,091	31,557	3,713	34,593	3,160	32,242	1,958	24,435	1,548	16,305	0	2,837	n/a	n/a
Totals	23,961		31,557		34,593		32,242		24,435		16,305		2,837			

2011 Monthly Sales Tax Activity (in thousands of dollars)



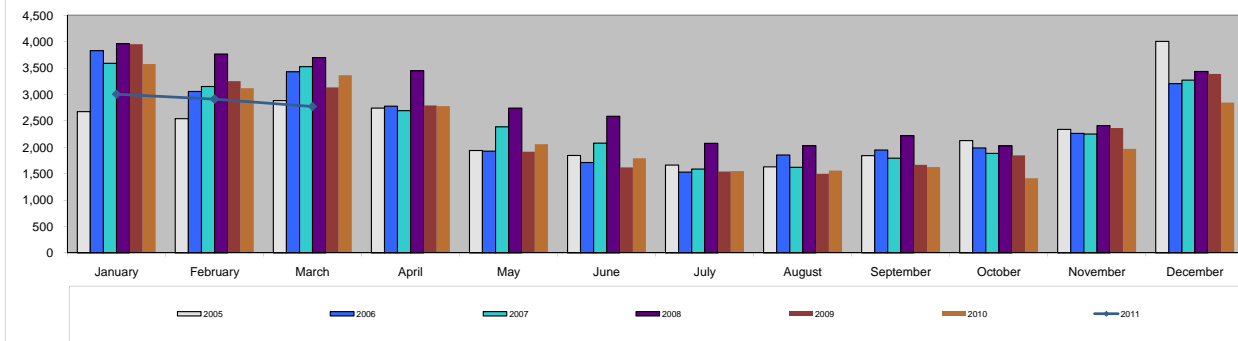
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Utilities

	2005		2006		2007		2008		2009		2010		2011		Monthly 10-11	YTD 10-11
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD		
January	2,675	2,675	3,829	3,829	3,591	3,591	3,961	3,961	3,950	3,950	3,577	3,577	3,004	3,004	-16.0%	-16.0%
February	2,540	5,215	3,056	6,885	3,149	6,740	3,765	7,726	3,253	7,203	3,118	6,695	2,912	5,916	-6.6%	-11.6%
March	2,883	8,098	3,428	10,313	3,525	10,265	3,699	11,425	3,134	10,337	3,365	10,060	2,771	8,687	-17.7%	-13.6%
April	2,741	10,839	2,778	13,091	2,694	12,959	3,448	14,873	2,792	13,129	2,779	12,839	0	8,687	n/a	n/a
May	1,939	12,778	1,926	15,017	2,386	15,345	2,742	17,615	1,917	15,046	2,057	14,896	0	8,687	n/a	n/a
June	1,846	14,624	1,713	16,730	2,078	17,423	2,588	20,203	1,620	16,666	1,793	16,689	0	8,687	n/a	n/a
July	1,663	16,287	1,529	18,259	1,588	19,011	2,075	22,278	1,539	18,205	1,548	18,237	0	8,687	n/a	n/a
August	1,629	17,916	1,854	20,113	1,621	20,632	2,031	24,309	1,497	19,702	1,558	19,795	0	8,687	n/a	n/a
September	1,843	19,759	1,949	22,062	1,792	22,424	2,219	26,528	1,667	21,369	1,625	21,420	0	8,687	n/a	n/a
October	2,127	21,886	1,987	24,049	1,883	24,307	2,026	28,554	1,845	23,214	1,412	22,832	0	8,687	n/a	n/a
November	2,340	24,226	2,264	26,313	2,251	26,558	2,411	30,965	2,364	25,578	1,972	24,804	0	8,687	n/a	n/a
December	4,005	28,231	3,206	29,519	3,271	29,829	3,435	34,400	3,389	28,967	2,845	27,649	0	8,687	n/a	n/a
Totals	28,231		29,519		29,829		34,400		28,967		27,649		8,688			

2011 Monthly Sales Tax Activity (in thousands of dollars)



INTEROFFICE MEMORANDUM

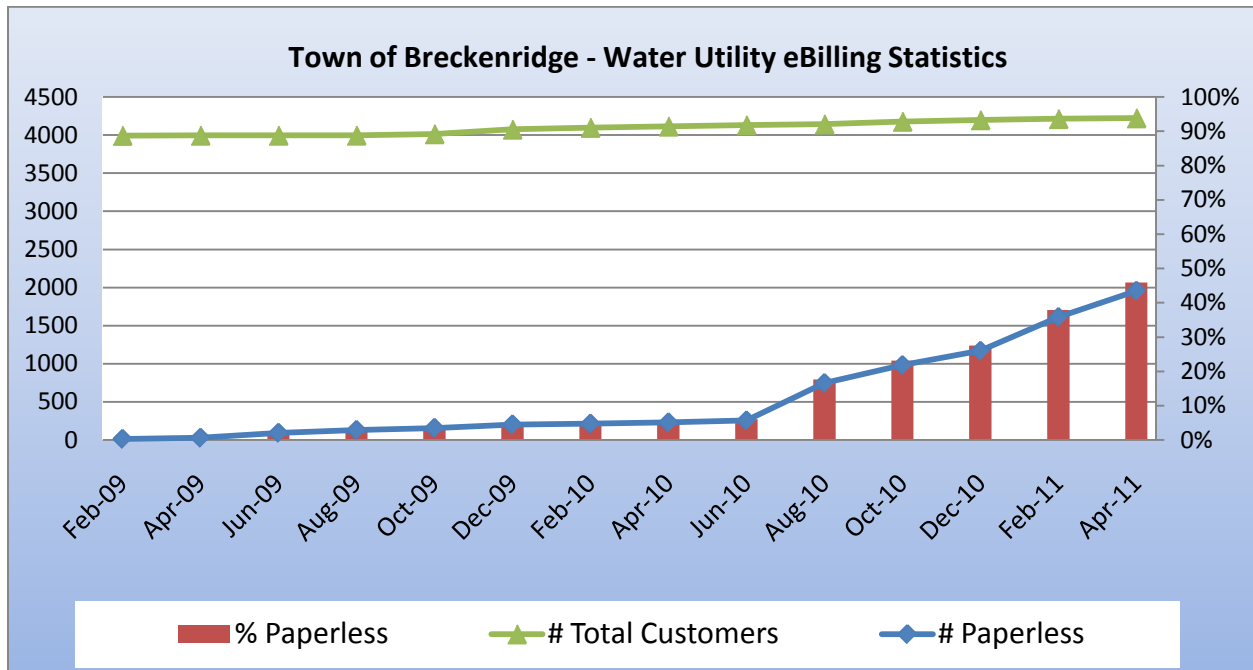
TO: BRECKENRIDGE TOWN COUNCIL
FROM: CLERK AND FINANCE DIVISION
SUBJECT: INITIAL EFFECTS OF \$5 STATEMENT FEE ON UTILITY BILLING
DATE: 5/2/2011
CC: TIM GAGEN, KATE BONIFACE

The purpose of this memo is to briefly update Council with regards to citizen participation in the Water Utility E-billing service provided by the Town.

At the 2010 fall retreat, a proposed \$5 per cycle paper billing fee was accepted by Council. The measure was implemented beginning during the first billing cycle in 2011. Per Council directive, we have maintained a grace period for the first two billing cycles of the year. Any customer who signed on for E-billing by April 30, 2011, had their paper billing fees waived.

Utility customers were notified of the upcoming charge on the January, 2011 bill (for usage period November-December 2010) with a message and directions for signing up for online billing. The Town website was updated with links to Xpress Bill Pay to enroll as well as answers to frequently asked questions. As a result, 788 people elected to receive their water bill electronically.

The implementation of the billing fee initiated a huge jump in paperless billing enrollment. Just fewer than 50% of all customers (1,958 of 4,267) have now enrolled:



The revenue generated year-to-date from the statement fee is \$23,845. The original charges were over \$27k, but \$4k was credited back to customers during the grace period. In addition, staff time and postage/supplies expense have been reduced. C&F estimates dollar savings from postage/supplies to be \$850 (55%) per billing cycle, or \$5,100 annually. In addition, staff time required has been reduced 7 hours (58%) per cycle, or 42 hours annually.

Memo

To: Town Council Members
From: Michael Barney, Director of Recreation
CC: Tim Gagen, Kate Boniface
Date: 5/5/2011
Re: *Private sponsorship of public facilities / amenities*

In an effort to increase partnerships with the private sector to help support and enhance town owned facilities and amenities, I am requesting approval to pursue interest in and negotiate sponsorships from the local business community. As demonstrated in numerous municipalities across the country, sponsorships of public facilities and amenities present local governmental agencies with unique opportunities to acquire and / or enhance assets without placing additional tax burden on its residents. I believe that the Recreation Department specifically, presently owns and manages a variety of facilities / amenities that could successfully attract sponsorships. The scoreboard and dasher boards at the Stephen C. West Ice Arena are examples of successful sponsorship programs that are already in existence.

In developing a sponsorship policy, several factors must be assessed including the types of facilities / amenities that are appropriate for sponsorships, resident's tolerance for the "corporatization" of public assets, the types of corporations that may not be appropriate for sponsorship, and the value that a sponsorship presents. Of particular consideration is an additional issue regarding off-site signage as currently prohibited under the regulations of the Town of Breckenridge sign code. It is reasonably expected that sponsorship of any outdoor facilities / amenities (ie: ball field, tennis court, skatepark) would be accompanied by formal recognition of the sponsor, which could constitute off-site signage. This is why I am requesting discussion by the council – should you be open to considering this as an exemption before staff works to develop a policy on this matter. One pending example of this opportunity is the planned replacement of score boards for our Kingdom Park ball fields (see attached sketch).

Scoreboard Sponsorship

The Breckenridge Recreation department is offering a scoreboard sponsorship program to appeal to your business. As a scoreboard sponsor, your business or logo will be displayed on two areas of the scoreboard.

DAKTRONICS



Logo/sponsor areas are 1'6" high by 1'8" wide.

Copy is applied directly to the face of the scoreboard.

MS-915 MULTISPORT SCOREBOARD SPECIFICATIONS

This multisport scoreboard features PanaView® LED digits to display time to 99:59, HOME and GUEST scores to 99 and PERIOD to nine. Digits can be dimmed for night viewing. Scoreboard shown with optional striping.

Model	LED Color	Volts	Amps	Watts	Digit Size(s)
MS-915-11	Red	120 V AC	2.5 A	300 W	15" (381 mm)
MS-915-21	Amber				
MS-915-12	Red	240 V AC	1.25 A		
MS-915-22	Amber				

# of Sections	Dimensions (Height, Width, Depth)	Weight	Driver Address
One (1) Total	H 4'-0", W 8'-0", D 6" (1219 mm, 2438 mm, 152 mm)	88 lb (40 kg)	A1 11

PRODUCT SPECIFICATIONS

PRODUCT SAFETY

APPROVAL: ETL listed to UL Standards 48 and 1433. Tested to CSA standards and CE labeled for outdoor use.

CONSTRUCTION: Alcoa aluminum alloy 5052 for excellent corrosion resistance

CAPTIONS: HOME and GUEST captions are 8" (203 mm) high. PERIOD and INNING captions are on 6" (152 mm) high reversible caption panel. Other captions are white vinyl, applied directly to the display face.

CABINET COLOR: More than 150 colors (from Martin Senour® paint book) are available at no additional cost.

OPERATING TEMPERATURES: Display: -22 to 122 degrees Fahrenheit (-30 to 50 degrees Celsius)
Console: 32 to 122 degrees Fahrenheit (0 to 50 degrees Celsius)

SL-03595(DD1756705) 111110 Page 1 of 3

201 Daktronics Drive, PO Box 5128, Brookings, SD 57006
Phone: 1-800-325-8766 or 605-697-4300 Fax: 605-697-4700
www.daktronics.com E-mail: sales@daktronics.com





MEMORANDUM

TO: Town Council
FROM: Open Space Staff
DATE: April 26, 2011
SUBJECT: Open Space Budget Amendment: 2011 Cucumber Gulch Monitoring program

2011 Cucumber Gulch Preserve Monitoring

At its March meeting, BOSAC discussed potential changes to the 2011 Cucumber Gulch Preserve monitoring program. Staff seeks Council's feedback regarding BOSAC's direction, including the budgetary approval to proceed with any of the proposed changes.

The monitoring program in Cucumber Gulch Preserve is intended to track changes in water quality and quantity, wildlife habitat, and recreational values in the Town's most biodiverse open space. Based on direction from both Council and BOSAC, staff has recently evaluated the intent and efficacy of the 10-year old Cucumber Gulch monitoring program. Staff presented the findings to BOSAC and they recommended the following changes to the monitoring program:

1. Amend Dr. Christy Carello's scope of work to remove some previously monitored elements and add the human trail use/wildlife impact study requested by Council.
2. Hire EcoMetrics and Johnson Environmental Consulting to assume the annual water quality monitoring program and perform an overall FACwet survey of the wetlands. Consider a full wetland delineation as proposed by EcoMetrics, but consider this expenditure less of a priority if costs prohibit.
3. Hire ERO Resources to assist with the transition of the water quality monitoring program, and then release them as a consultant for this program.

Staff seeks Council's direction regarding BOSAC's recommendations.

Background

Monitoring priorities recommended by both BOSAC and Town Council during previous discussions (12/20/10 and 1/11/11, respectively) include:

- Continued monitoring of water quality, avian population, amphibian, and vegetation elements (including weed and willow surveys) with no significant changes.
- Expanded use of motion detection cameras to evaluate the impacts of trail use on ungulates and other large mammals. (Trailside cameras will also provide general recreational use information to work in consort with trail counter data collection.)

To accomplish the 2011 monitoring goals, staff solicited three proposals for conducting different Cucumber monitoring components. Full copies of these proposals are available for your review via staff or the March BOSAC packet.

Dr. Christy Carello, PhD

As in past years, Dr. Christy Carello submitted a proposal to conduct much of the wildlife and vegetative monitoring in Cucumber Gulch. Staff supports the majority of Dr. Carello's proposal, which is based on previous BOSAC and Council input.

Dr. Carello also included a "baseline avian monitoring in the gondola corridor" proposal to repeat the gondola corridor study from 2010. This research would allow for a true treatment and control evaluation of avian presence when the gondola is running (2010) and not running (2011). In 2010, Dr. Carello's research into the impacts of gondola operation on avian species was somewhat compromised when, during the 'control' period, the gondola was operated for maintenance purposes. Performing the same avian survey in 2011 when the gondola is not in operation would provide a better control comparison for hypothesis testing. Unlike 2010, Breckenridge Ski Resort would not help pay for the proposed research costs in 2011.

EcoMetrics, LLC and Johnson Environmental Consulting, LLC

EcoMetrics, an environmental consulting firm based in Fairplay, CO, submitted a proposal to oversee the water quality element of the 2011 Cucumber Gulch monitoring program. Staff solicited a proposal from EcoMetrics to replace ERO Resources' role for two primary reasons:

1. EcoMetrics' expertise is a wetland evaluation process known as FACwet. (<http://rydberg.biology.colostate.edu/FACWet/>) that provides an overall bill of health, and then prioritizes specific wetland threats and potential responses.
2. EcoMetrics is locally-based and can respond onsite quickly when Cucumber-related issues arise, including significant weather occurrences and maximum water flows.

EcoMetrics' proposal is divided into three tasks:

Task 1: FACwet Assessment and Plan Development

Task 1 is the holistic 'patient assessment' that will provide an overall bill of health, help refine and streamline the monitoring program, and identify specific wetland threats to be addressed. It involves assembling and reviewing all relevant past data and studies, reviewing existing wetlands delineation and fen mapping, geographically dividing the Gulch into separate wetland assessment areas, and using past data and on-site observations to document specific stressors acting on each assessment area.

Task 2: Implementation and initiation of monitoring in 2011

Task 2 is essentially continuing the water quality monitoring role ERO has played since 2007. For this task, EcoMetrics would conduct and analyze the water quality and quantity research in coordination with Dr. Carello's wildlife and vegetation monitoring.

Task 3: Wetland Delineation

Task 3 was unanticipated but could provide valuable benchmarking information to measure the long term growth or contraction of the Cucumber Gulch wetland complex. EcoMetrics staff proposed this task because it would show changes in wetland size and distribution over time. They point out the wetland delineation can be conducted simultaneously to Tasks 1 and 2, yielding some cost savings. The delineation is

considered a one-time cost because once the wetland boundary is established, it can be monitored periodically without a complete re-delineation process.

ERO Resources Corporation

ERO has overseen the Town's water quality testing in Cucumber Gulch since 2007. This year, ERO scaled down its proposal because Barbara Galloway agreed with staff that 2011 is a good opportunity to enlist a local, holistic and solution-oriented consultant to manage the water quality monitoring program. ERO's 2011 proposal was similar to EcoMetrics' Task 2 proposal, but did not include the data collection, digging of datalogging wells, or "on-call" elements. In 2009 and 2010, annual consulting costs for ERO's water quality monitoring averaged \$23,000.

BOSAC recommended limiting ERO's consulting role to transitional duties, including providing all pertinent data to EcoMetrics and transferring the database within a reasonable timeframe so that the data is housed with the Town and EcoMetrics.

2011 Monitoring Budget

Please see the attached spreadsheet outlining the proposed costs for the 2011 Cucumber Gulch Preserve monitoring program. Town Council earmarked a budget of \$80,000 for 2011 efforts (\$70,000, same as the 2010 budget, plus an additional \$10,000 specifically focused on human/wildlife trail impacts). The total costs outlined in the attached spreadsheet equal \$111,656. It is important to note, however, that \$52,364 of the costs outlined on the spreadsheet are onetime or periodic costs.

Those onetime costs include:

- \$4,520 (plus \$1,000 in supplies) for the final willow exclosure study by Dr. Carello
- \$8,664 for five new wildlife cameras to conduct the human/wildlife impacts study
- \$16,720 for the one-time FACwet assessment by EcoMetrics
- \$3,200 for one-time cost of digging new water datalogging wells
- \$18,260 for the proposed wetland delineation

At its March meeting, BOSAC discussed the monitoring program and costs of the proposed research and agreed that all proposed monitoring elements had value, but that some costs may be prohibitive. Specifically, BOSAC recommended approval of all of the monitoring elements, but if portions had to be cut for budgetary reasons, the avian-gondola study (\$3,500) and wetland delineation (\$18,260) elements should be the first to be removed. BOSAC members also requested that staff work with Dr. Carello to improve the usability of the reports and to strive to reduce the costs of the report generation.

Staff requests that Council review the attached information and provide direction regarding the scope and cost of the 2011 Cucumber Gulch Preserve monitoring program.

Dr. Carello																
	Avian	Amphibia	Beaver Lodge	Vegetation	Weeds	Willow Exlosure	Photo	Existing Photo	Outreach	H2O Quilty Transition	Trail/Wildlife	Avian- Gondola	Report	BNC Training	Admin	TOTAL
	\$ 8,980	\$ 660	\$ 720	\$ 3,960	\$ 1,240	\$ 4,520	\$ 630	\$ 4,600	\$ 1,260	\$ 560	\$ 5,620	\$ 3,500	\$ 8,625	\$ 420	\$ 4,487	\$ 49,782
						\$ 1,000	\$ 500				\$ 8,664					\$ 10,164
																\$ 59,946
EcoMetrics, Inc.																
	Task 1- FacWet	Task 2- annual	Task 3- delin													
	\$ 16,720	\$ 7,530	\$ 18,260													
		\$ 3,200														
		\$ 4,000														
	\$ 16,720	\$ 14,730	\$ 18,260		TOTAL	\$ 49,710										\$ 49,710
ERO, Inc.																
	Labor	Lab Analysis	Datalogging wells	Database	Data Transfer											
	\$ 2,000		hourly	\$125/hr	\$125/hr											\$ 2,000
																\$ 111,656
						One time/ periodic costs	\$ 52,364									



MEMORANDUM

TO: Town Council

FROM: Michael Mosher and Chris Neubecker

DATE: May 4, 2011 for the May 10, 2011 Town Council Worksession

SUBJECT: Free Basement Density under Historic Commercial Buildings - Incentives

The second reading of Council Bill No. 15, Series 2011, regarding the uses associated with the free basement density under historic commercial buildings was recently approved on the April 26, 2011 Town Council meeting. Separately, the Council gave staff direction to explore possible financial incentives associated with the added density, such as waiving or reducing Water Plant Investment Fees (PIFs) and parking fees in the Parking Service Area as an additional tool to promote restoration of historic buildings.

Basements beneath commercial historic structures with retail/restaurant uses may create space generally associated with non-public needs: storage, manager's offices, food preparation/equipment, employee lockers, etc. These uses, in turn, would free up additional floor space on the public level(s). On larger buildings, the basement space may be used to expand the public areas with additional retail/restaurant space. The overall benefit to the property owner is increased sales, and a benefit to the Town is increased sales tax.

Fee Waivers

As part of any development application, there are several fees associated with an application. These include: development permit, building permit, water Plant Investment Fees (PIFs), and Parking Service Area in-lieu fees. These are fees that are paid directly to the Town of Breckenridge. As an additional incentive for restoration of historic buildings, the Town could waive some or all of these fees. (Other fees, such as sewer tap fees, are paid to the Upper Blue Sanitation District, and are not controlled by the Town of Breckenridge.) Below is a discussion of some of the fees charged by the Town for historic preservation and new construction projects. As a reminder, all commercial buildings currently have paid or would have to pay the full fees currently in place.

Plant Investment Fees (PIFs)

Per the Town Code Title 12, Municipal Water System, Water PIFs vary in price based on the use of the building space. Uses that require more water pay higher water PIFs (such as restaurant) and those that use less water pay lower fees (such as retail and warehousing). For the purpose of this discussion, we will compare the PIFs for the non-residential uses of "Light industrial, service commercial, warehousing", "Offices and office buildings", "Retail Stores", and "Restaurant and lounges".

For a restaurant, the multiplier is **4.5 times** the base PIF of \$4,999.00. For offices and retail uses is set at **0.40 times**. For light industrial, service commercial, warehousing, the fee is **0.30 times**. Each of these uses is charged a fee based on the relative size of the business, in square feet. (Note: The fees are generally “per 1,000 square feet”, so the examples below are each divided by 1,000.) As an example:

Restaurant 1,500 square feet
1,500 square feet / 1,000 = 1.5
1.5 x 4.5 = 6.75 SFEs
6.75 x \$4,999 = \$33,743.25 water Plant Investment Fee

Retail 1,500 square feet
1,500 square feet / 1,000 = 1.5
1.5 x 0.40 = 0.60 SFEs
0.60 x \$4,999 = 2,999.40 water Plant Investment Fee

Light Industrial, Service Commercial, Warehousing 1,500 square feet
1,500 square feet / 1,000 = 1.5
1.5 x 0.30 = 0.45
0.45 x \$4,999 = \$2,249.55

As you can see, different uses have significantly different fees. As written today, the Town Code requires that the free basement density be identified as the same use of the structure above. If the Council would like to waive or reduce fees, this could result in a reduction in revenues. However, it could also result in the restoration of significant historic structures.

One suggestion, that with a recorded covenant, the Town allow the basement beneath commercial structures be identified as “storage” no matter how used with the same PIF rate as “light industrial, service commercial, warehousing” (0.30). The remaining uses on the main and upper levels (office, retail, restaurant, etc.) would remain at the same rate as the existing use.

Parking:

Most all historic commercial buildings are located within the Parking Service area which allows properties the option to pay a fee for the parking needs off-site in lieu of providing parking spaces on the property. For many historic buildings, there is physically no space on the site to add parking, and thus owners are forced into paying the Parking Service fee. Currently, one full parking space costs \$13,000.

Creating a basement for storage would result in an increase in main level public uses. Restaurants would gain additional seating; retail would gain additional space for merchandise; and offices could add more employees. Each of these increases would generate more people in the main level space and result in increased parking impacts. Waiving or reducing the parking requirement, or in-lieu fees, could be another incentive for preservation of historic structures.

Parking requirements are based on a similar formula, based on use and square feet (also usually per 1,000 square feet). Restaurants require 3.5 spaces per 1,000 square feet. Retail and office uses require 1.4 spaces per 1,000 square feet. (There is no Service Commercial or Warehousing rate inside the Parking Service Area.) The examples below assume that there is no additional space on the property to add parking, and that the deficient parking is provided through the in-lieu fee in the Parking Service Area.

Restaurant 1,500 square feet
1,500 square feet / 1,000 = 1.5
1.5 x 3.5 = 5.25 parking spaces
5.25 x \$13,000 = \$68,250 Parking Service Area fee

Retail or Office 1,500 square feet
1,500 square feet / 1,000 = 1.5
1.5 x 1.4 = 2.1 spaces
2.1 x \$13,000 = \$27,300 Parking Service Area fee

Other Possible Incentives

Additional incentives could help to get historic structures stabilized and renovated. These ideas include:

- Point banking for historic preservation,
- Allowing the use of mass and density overages when non-sympathetic additions are removed,
- Removal of employee housing deed-restrictions for good preservation efforts,
- Better education about tax credits,
- Allow for waivers of building code requirements for historic structures,
- Reinstitution of plaque program for recognition of historic structures,
- Refund of Town of Breckenridge property taxes
- Refund of Town of Breckenridge sales taxes
- Revolving loan funds

We realize that not all of these incentives may be possible at this time. Staff looks forward to hearing direction from the Town Council on the incentives that you support, and how we can move forward to further encourage the restoration and preservation of our historic built environment. Staff will be available at the work session to answer any questions.

Address	Pending Application?	PARKING SERVICE AREA?	Common Name (Past/ Present)	Rough Estimate of Possible Free Basement Density	Cost of TDR of SFEs	PARKING SPACES + Cost in Service Area				WATER - Plant Investment Fees				TOTALS	
						Retail and Office	COST	Restaurant	COST	Retail and Office	COST	Restaurant	COST	Retail and Office	Restaurant
103 S. Main Street		Y	Mother Loaded - Restaurant	3,200 SF	\$142,592.00	4.5 Spaces	\$58,240.00	11.2 Spaces	\$145,600.00	1.28 SFEs	\$6,398.72	14.40 SFEs	\$71,985.60	\$64,638.72	\$217,585.60
105 N. Main Street	Yes	Y	SCI Building	913 SF	\$40,683.28	1.3 Spaces	\$16,616.60	3.2 Spaces	\$41,541.50	0.37 SFEs	\$1,825.63	0.37 SFEs	\$1,825.63	\$18,442.23	\$43,367.13
114 S. Main Street		Y	Canary in a Clothes Mine	1,746 SF	\$77,801.76	2.4 Spaces	\$31,777.20	6.1 Spaces	\$79,443.00	0.70 SFEs	\$3,491.30	0.70 SFEs	\$3,491.30	\$35,268.50	\$82,934.30
120 S. Main Street		Y	Mountain Tees	3,174 SF	\$141,433.44	4.4 Spaces	\$57,766.80	11.1 Spaces	\$144,417.00	1.27 SFEs	\$6,346.73	1.27 SFEs	\$6,346.73	\$64,113.53	\$150,763.73
121 S. Main Street	Yes	Y	Skinny Winter	1,088 SF	\$48,481.28	1.5 Spaces	\$19,801.60	3.8 Spaces	\$49,504.00	0.44 SFEs	\$2,175.56	0.44 SFEs	\$2,175.56	\$21,977.16	\$51,679.56
128 S. Main Street		Y	Mary's Mtn. Cookies	2,013 SF	\$89,699.28	2.8 Spaces	\$36,636.60	7.0 Spaces	\$91,591.50	0.81 SFEs	\$4,025.19	0.81 SFEs	\$4,025.19	\$40,661.79	\$95,616.69
130 S. Main Street		Y	Prospector - Restaurant	1,994 SF	\$88,852.64	7.0 Spaces	\$90,727.00	7.0 Spaces	\$90,727.00	0.80 SFEs	\$3,987.20	8.97 SFEs	\$44,856.03	\$94,714.20	\$135,583.03
132 S. Main Street		Y	Wildflower Gifts	1,826 SF	\$81,366.56	2.6 Spaces	\$33,233.20	6.4 Spaces	\$83,083.00	0.73 SFEs	\$3,651.27	0.73 SFEs	\$3,651.27	\$36,884.47	\$86,734.27
136 S. Main Street	Yes	Y	Abby Hall	1,532 SF	\$68,265.92	2.1 Spaces	\$27,882.40	5.4 Spaces	\$69,706.00	0.61 SFEs	\$3,063.39	0.61 SFEs	\$3,063.39	\$30,945.79	\$72,769.39
221 S. Main Street		Y	Colorado West Real Estate	1,538 SF	\$68,533.28	2.2 Spaces	\$27,991.60	5.4 Spaces	\$69,979.00	0.62 SFEs	\$3,075.38	0.62 SFEs	\$3,075.38	\$31,066.98	\$73,054.38
225 S. Main Street		Y	Frank Brown (Starbucks)	1,683 SF	\$74,994.48	2.4 Spaces	\$30,630.60	5.9 Spaces	\$76,576.50	0.67 SFEs	\$3,365.33	0.67 SFEs	\$3,365.33	\$33,995.93	\$79,941.83
229 S. Main Street		Y	Red Ugly (Breck Associates)	1,105 SF	\$49,238.80	1.5 Spaces	\$20,111.00	3.9 Spaces	\$50,277.50	0.44 SFEs	\$2,209.56	0.44 SFEs	\$2,209.56	\$22,320.56	\$52,487.06
300 S. Main Street		Y	Photo Shop	1,521 SF	\$67,775.76	2.1 Spaces	\$27,682.20	5.3 Spaces	\$69,205.50	0.61 SFEs	\$3,041.39	0.61 SFEs	\$3,041.39	\$30,723.59	\$72,246.89
306 S. Ridge Street	Yes	Y	Old Bertaux House	1,290 SF	\$57,482.40	1.8 Spaces	\$23,478.00	4.5 Spaces	\$58,695.00	0.52 SFEs	\$2,579.48	0.52 SFEs	\$2,579.48	\$26,057.48	\$61,274.48
309 S. Main Street		Y	Miller House (Peak Performance)	1,424 SF	\$63,453.44	2.0 Spaces	\$25,916.80	5.0 Spaces	\$64,792.00	0.57 SFEs	\$2,847.43	0.57 SFEs	\$2,847.43	\$28,764.23	\$67,639.43
310 S. Main Street		Y	Phillips House	1,275 SF	\$56,814.00	1.8 Spaces	\$23,205.00	4.5 Spaces	\$58,012.50	0.51 SFEs	\$2,549.49	0.51 SFEs	\$2,549.49	\$25,754.49	\$60,561.99
114 Lincoln Avenue	Yes	Y	Blue Front Bakery	565 SF	\$25,176.40	2.0 Spaces	\$25,707.50	2.0 Spaces	\$25,707.50	0.23 SFEs	\$1,129.77	2.54 SFEs	\$12,709.96	\$1,129.77	\$38,417.46
208 North Ridge	Yes	N	Brown Hotel Stable - NOT COUNTED	625 SF	\$27,850.00	0.9 Spaces	N/A	N/A	N/A	0.25 SFEs	\$1,249.75	N/A			

Average	1,640 SF	\$73,096.75	2.7 Spaces	\$34,481.04	6.0 Spaces	\$77,696.94	0.68 SFEs	\$3,414.57	2.01 SFEs	\$10,068.05	\$37,895.60	\$87,764.99
Total	27,887 SF	\$1,242,644.72	42.4 Spaces	\$551,696.60	97.6 Spaces	\$1,268,858.50	11.15 SFEs	\$55,762.85	34.77 SFEs	\$173,798.73	\$607,459.45	\$1,442,657.23
Total SFEs	27.89 SFEs											

ONE TDR= \$44,560.00



MEMORANDUM

TO: Town Council
FROM: Scott Reid, Open Space and Trails Planner
Mark Truckey, Assistant Director of Community Development
DATE: May 10, 2011
SUBJECT: Draft Upper Blue Nordic Master Plan

Staff is updating Town Council on the progress of the Upper Blue Nordic Master Plan (UBNMP) revision process and will have presented similar information to the Summit Board of County Commissioners at their April 26th work session.

Initially approved by the Breckenridge Town Council in 2001, the UBNMP summarized nordic skiing opportunities in the Upper Blue basin and offered a vision for preserving and improving local nordic access. The plan was initiated solely under direction of the Breckenridge Town Council, and was developed by the Town of Breckenridge staff with broad input from local nordic stakeholders. Summit County staff was apprised of the 2001 process and document, but no formal County approval was sought.

Since 2001, many of the recommendations from the UBNMP were fulfilled and other factors affecting nordic skiing have changed, including:

- The Golden Horseshoe management planning process took place, in part addressing groomed and undeveloped nordic skiing in the Golden Horseshoe area.
- The golf course-based Gold Run Nordic Center was established in 2003 and has been operated by the Town of Breckenridge ever since.
- Successful joint Town and County open space acquisitions, including the B&B mines properties, secured additional groomed nordic skiing terrain. Additional grooming has occurred on the Preston Loop in the Golden Horseshoe since 2007.
- Many of the nordic ski trails in the Shock Hill area have been secured as public trail easements. Construction of the BreckConnect gondola in 2007 diversified access portals to the Breckenridge Nordic Center. Planning for the relocation of the Breckenridge Nordic Center building is currently underway.
- Backcountry, snowshoe and ski touring accesses have changed in the Upper Blue basin via developmental pressures, open space acquisitions, and new trail and trailhead construction.

Based on Council and BOSAC direction, staff has organized a UBNMP review committee to include representatives from Summit County Government, the U.S. Forest Service, BOSAC, Backcountry Snowsports Alliance, nordic ski concessionaires, Summit Huts, the local ski racing community, and Town of Breckenridge Planning and Recreation Department staffs. The group reviewed, discussed, and revised the nordic document.

The attached draft has been reviewed by BOSAC and recommended for approval by Town Council. The plan now addresses the groomed nordic skiing vision for both Breckenridge and Gold Run Nordic Centers, and includes more backcountry skiing and ski touring recommendations in unincorporated Summit County lands. Since many of the recommendations in the plan are in unincorporated Summit County, Town staff has approached Summit County Government and requested they consider jointly adopting the revised UBNMP as an open space management plan. The BOCC supported the content of the plan, but deferred to Town officials to decide whether to pursue adoption of the plan by Summit County's Upper Blue Planning Commission.

The UBNMP is a non-binding document. The plan is intended to provide a vision for the desired future nordic improvements in the basin. Any actual improvements will be funding decisions authorized by town Council, the BOCC etc. The document's value is in outlining broad recommendations for preserving or improving nordic skiing opportunities in the Upper Blue basin. It can be used in planning development review, for outlining management goals of the two nordic centers, in seeking ways to improve backcountry ski access, and for formulating comments for travel management planning (e.g. USFS planning process).

Adoption of the plan by the Upper Blue Planning Commission would lend the document additional credibility because many of the recommendations pertain to unincorporated Summit County areas. In addition, the adoption process by the Upper Blue Planning Commission would involve broader public input than the UBNMP review committee. Without adoption by the Upper Blue Planning Commission, the document would still be valuable for Town purposes, but would not be a County-approved document, and therefore may lead to more cumbersome approvals with the County permitting process for improvements called for in the plan.

Staff requests Council provide any initial feedback regarding the content of the UBNMP. We also request direction as to whether Council believes that moving the document through the Upper Blue Planning Commission is advisable. Following direction from Council, staff will proceed with the appropriate adoption process for the document.

1.0 Background

1.1 History

The sport of nordic skiing has a special heritage in Summit County, the Town of Breckenridge, and the Upper Blue River Basin. The founders of the local ski community were themselves largely responsible for introducing nordic skiing from Norway to the area. Since that time, the sport has evolved to become a popular activity for those seeking an introduction to the backcountry as well as those training to compete on an international level in racing. Nordic opportunities have existed in the Upper Blue Basin for many years, and long standing public and private efforts have been made to protect the access and available terrain from being transformed to other uses.

The Town of Breckenridge Open Space and Trails program also owes its inception to the sport of nordic skiing. The potential for loss of nordic (and summer) trails through the Shock Hill and Cucumber Creek Estates development review processes partially prompted the nordic community to organize themselves and bring an open space ballot initiative to vote by the general public in 1996. The initiative passed, giving the Breckenridge community a .5% sales tax dedicated to open space acquisition and management.

The Town of Breckenridge (Town) first became directly engaged in the support of nordic skiing when the Town accepted nordic trail easements in the Shock Hill development. Since that time, the Town has continued to receive dedications of other sections of the nordic trail system around the Breckenridge Nordic Center. In the winter of 2001, the Town acquired the Preservation Parcel of the Cucumber Creek Estates development. This \$4.75 million purchase was the largest expense at that time that the Town had invested in open space and trails. The purchase of this property also meant that the Breckenridge Nordic Center would need to be eventually moved from its present site to one that was designated specifically as a nordic skiing facility on an adjacent lot. Once the Breckenridge Town Council discussed the Town's investment in the relocation and potential reconstruction of the Breckenridge Nordic Center, they realized that there may be other nordic facility opportunities worthy of the Town's investment. As a result, the Breckenridge Town Council sought to thoroughly investigate all potential locations for nordic facilities and trails and determine the best array of sites and allocation of resources.

The Breckenridge Town Council called for the creation of the Upper Blue Nordic Master Plan Committee to accomplish this task. The committee was established with representatives from the Breckenridge Open Space Advisory Commission (BOSAC), nordic ski concessionaires, media, local racing community, local nordic advocacy organizations, and Town Planning Department and Recreation staff. The committee met on a monthly basis beginning in the winter of 2001 to develop the Master Plan.

The following were the goals outlined by the Upper Blue Nordic Master Plan Committee in 2001 and approved by both the Breckenridge Open Space Advisory Commission and the Breckenridge Town Council:

- 1) Expand the Breckenridge Municipal Golf Course trails network to approximately twenty kilometers and utilize the clubhouse as a nordic center building.
- 2) Reconstruct and expand the Breckenridge Nordic Center, and an associated nature center, with future expansion of both uses incorporated into one building.
- 3) Consider a satellite facility with the potential for future expansion at the Shock Hill Nordic Site. This would include lighted trails, incorporating low-level directional lights.
- 4) Find and secure an alternative alignment of the Breckenridge to Frisco groomed ski trail (which was the Rec Path at the time).
- 5) Seek a commitment by Vail Resorts to contribute to proposed nordic facilities, trails, and/or grooming.

In the nine years since the original 2001 UBNMP was approved, the following progress has occurred:

- The Gold Run Nordic Center was created, utilizing the Breckenridge Municipal Golf Course Clubhouse as the main facility. Approximately 20 kilometers are groomed on the golf course. The facility is owned and managed by the Town of Breckenridge.
- The Golden Horseshoe management planning process occurred during 2006 and 2007, part of which addressed groomed and undeveloped nordic trails in the Golden Horseshoe area.
- Nordic Group International was hired by the Town of Breckenridge to write a feasibility study addressing the expansion of the Gold Run Nordic Center into the Golden Horseshoe (Appendix A).
- The results of the nordic-related Golden Horseshoe management planning process included: a bubble was drawn around the area adjacent to the Gold Run Nordic Center (GRNC) where up to 30 kilometers of future nordic trails could be improved and constructed to bring the total kilometers of groomed nordic trails to 50 kilometers (Map 1); the decision was made to manage Sallie Barber road as non-motorized during the winter months; and a number of designated non-motorized ski routes in the Golden Horseshoe area were identified.

- Morton Trails, Inc. was hired by the Town of Breckenridge to phase and design the 30 kilometer expansion area in the Golden Horseshoe adjacent to the GRNC (Appendix B).
- Morton Trails recommended three phases of expansion. The first phase was a five kilometer loop in the Peabody Placer, designed for intermediate and advanced skiers, and suitable for a race venue. (Map 2)
- The Hoodoo Voodoo Trail was constructed in 2009 and represents the first phase of the expansion.
- The Breckenridge Open Space Advisory Commission held a retreat in February 2009 and discussed the question of whether the goal still existed to make Breckenridge a “regionally significant nordic destination.” BOSAC was in consensus that this goal had been reached, but that improvements should continue to be pursued.
- At the February 2009 retreat, BOSAC recommended that staff initiate a revision of the Upper Blue Nordic Master Plan that was approved in 2001 that would include both the developed nordic centers and the undeveloped cross country and backcountry ski areas.
- In 2010 and early 2011, staff held meetings to address the UBNMP revision. These meetings were attended by representatives from the Breckenridge Open Space Advisory Commission, Town Planning and Recreation departments, U.S. Forest Service, Summit County Open Space and Trails department, Breckenridge Nordic Center, Summit Huts Association, Summit Nordic Council, and interested users.
- Town of Breckenridge staff took the recommendations from the Upper Blue Nordic Master Plan Committee to draft the 2011 UBNMP revision.

1.2 Role of Nordic skiing in the community

Nordic skiing plays an important role for the local community. As an alternative activity for alpine ski resort visitors, it is also popular with local residents for several reasons. Some citizens are competitive nordic skiers that utilize the groomed trails for training and racing. Others nordic ski as a way to explore the backcountry, get exercise on their nearby trails, or cross train for other sports. During the 2009/2010 season, the skier numbers at nordic centers in Summit County were 40,000 and they are estimated to be 45,000 for the 2010/2011 season.

1.3 Entities involved

The process of revising of the UBNMP has involved the Breckenridge Town Council, Breckenridge Open Space Advisory Commission, Town of Breckenridge staff (from Community Development Department, Open Space and Trails Division, Recreation Department, and Gold Run Nordic Center), Summit County Government, U.S. Forest Service, Summit Huts, Summit Nordic Ski Club, and interested users.

1.4 User groups

The following user groups are defined and are being addressed as a part of this UBNMP:

- Skate skiers: these skiers utilize trails that are groomed specifically for skate skiing.
- Classic skiers: these skiers utilize trails that are groomed specifically for classic skiing.
- Cross country skiers: these skiers utilize ungroomed backcountry routes that are often also existing summertime roads or trails. These skiers park at trailheads throughout the Upper Blue Basin. The trails utilized by these skiers are occasionally marked by blue diamonds on trees.
- Backcountry skiers: these skiers are utilizing trailheads and ungroomed trails to access backcountry terrain for making alpine or telemark turns. They do not necessarily remain on established routes for their entire experience, but often will start on marked and ungroomed trails to access their desired terrain.

2.0 Vision

The vision that was established as a part of the original 2001 Upper Blue Nordic Master Plan was as follows:

“The vision of the Breckenridge Town Council is to provide an exceptional and well-rounded nordic skiing experience. There will be opportunities for the whole spectrum of nordic skiers, including those who have never attempted the sport and need basic instruction and beginner trails, those looking for a respite from an alpine ski vacation, those needing a backcountry excursion, and competitors requiring long distance training and racing opportunities with an array of terrain features.”

This vision continues to be valid and has been retained for the purposes of this revised nordic plan.

3.0 Nordic trails guidelines

Because the vision for nordic skiing in the Upper Blue River Basin includes the need for trails that are managed for racing and training, groomed recreational skiing (skating and classic), and backcountry touring, the terrain and maintenance of these trails should be appropriate for the user group addressed.

Guidelines for the design and construction of nordic ski trails are discussed more in-depth in the Golden Horseshoe Nordic Assessment (Nordic Group International, 2006) (Appendix A) and the

Golden Horseshoe Nordic Trails Plan: Nordic Expansion Area (Morton Trails, 2008) (Appendix B).

3.1 Design Considerations

Racing/training: Generally the terrain for this use should be more challenging, with more hills and elevation grade changes.

Recreational groomed skiing: The terrain for this use should be flatter with less abrupt elevation changes and turns.

Cross Country skiing: The terrain for this use should be undulating yet moderate with long sweeping alignments as opposed to sharp corners or curves.

Backcountry skiing: The terrain for this use can be varied, but should provide a rustic experience that is easily accessible yet also integrates more rural and remote experiences. These users can tolerate and often prefer steeper approaches and descents that expedite their travel to alpine terrain.

3.2 Grooming

The following chart displays typical grooming dimensions for the different types of nordic skiing. The format of the chart was adapted from the Pitkin County Nordic Trails Plan (2008).

Categories	Full Width	Medium Width	Narrow Width	Ungroomed
Width	Up to 24 feet	14-16 feet	5-8 feet	N/A
Track Type	Dual or single classic and 12-foot skate lane	Single classic and 8-foot or wider skate lane	Skate lane with or without classic track, or a classic only track	Tracked by skiers themselves
Examples	Buffalo Flats	Hoodoo Voodoo	Preston Loop	Peaks Trail
User Groups	Skiers/Snowshoers possibly on the side	Skiers/Snowshoers possibly on the side	Generally classic skiers	Cross Country skiers, Backcountry skiers, snowshoers and snow walkers
Grooming	Snowcat	Snowcat	Snowmobile	N/A

Categories	Full Width	Medium Width	Narrow Width	Ungroomed
Equipment				

4.0 Infrastructure

Structures associated with nordic skiing pursuits, such as warming huts, trailheads and informational kiosks, should generally reflect the nordic community goals of being energy efficient and unobtrusive, and should not alter the backcountry character of the open space program. The existing clubhouse at Gold Run should be utilized due to its exceptional space, parking and accessibility. The proposed Breckenridge Nordic Center building should be designed and built in a way that meets the needs of the nordic concessionaire and the Town while also minimizing impacts to the Cucumber Gulch Preserve open space.

5.0 Guiding principles for trail improvements and expansion

Trail improvements for nordic skiing should be well planned to accommodate nordic skiing, summer uses and forest health access, where applicable. Improvements should be considered when there is the appropriate demand, political support, and available resources. Trails should increase connectivity with other existing nordic routes while maximizing the benefit to trail users and protecting open space values. The onetime impact of trail construction should be considered in light of the long term maintenance of those routes. The long term maintenance and grooming (where appropriate) should be given consideration over the short term construction impacts.

6.0 Winter trail system proposed improvements

Table A is a list of each of the focus areas that were discussed by the Upper Blue Nordic Master Plan Committee. Map 3 depicts the locations of these areas. The table lists each of the developed nordic areas, including their existing trail systems and proposed expansions, as well as the proposed expansion areas. For each area, the particular characteristics and values were identified, in addition to possible risks, needs or limitations that were noteworthy. The last category “Suggested Enhancements,” contains recommendations by members of the Committee on possible improvements for each of the focus areas. A summary of the primary characteristics and priority recommendations, as agreed upon for each focus area by the Committee, are provided below.

6.1 Developed systems

The Town of Breckenridge is directly involved in the management of the two developed nordic centers in the Upper Blue Basin. The Town manages all aspects of the Gold Run Nordic Center and would be responsible for any related improvements or enhancements. The Breckenridge Nordic Center is a public/private enterprise that is a joint effort between the Town and a

concessionaire. Any efforts taken to address enhancements of the existing Breckenridge Nordic Center would be done collaboratively between the Town and the concessionaire. The Peak 6 and 7 expansion areas, however, lie outside of the Town limits and would be the responsibility of the concessionaire and the U.S. Forest Service.

6.1.1 Gold Run Nordic Center

6.1.1.1 Golf Course Terrain

The area of the Gold Run Nordic Center that exists on the Breckenridge Municipal Golf Course terrain is owned and operated by the Town of Breckenridge. It is centrally located and has its own on-site maintenance facility. GRNC is an excellent event venue and allows the public to utilize the clubhouse and parking amenities created for the summer golf operation. In combination with the Golden Horseshoe area, GRNC has a good variety of terrain for different ability levels.

Priority enhancements for the *Gold Run Nordic Center that exist on the golf course terrain*:

- Re-evaluate the existing trail alignments for a better user experience. Enhance the terrain that already exists, while creating more efficient loops for both grooming and events.
- Develop a common vision between the golf course and nordic operations. Encourage grooming that will enhance the nordic experience while preserving the golf course and its operations. Evaluate rubber tracks for the snow cat, which might reduce the impacts to the golf course.
- Develop a homologated loop¹ from the golf course terrain for the purpose of destination events, having a “destination trail,” etc. This loop would likely incorporate the Peabody terrain.

6.1.1.2 Peabody/Preston Area

The Peabody/Preston area is located to the east of the golf course terrain of the Gold Run Nordic Center. Although this area lies on jointly owned Town of Breckenridge and Summit County Government property, it is a part of the Gold Run Nordic Center. This area accommodates a variety of user groups and ability levels. With its northerly aspect, it holds snow well and does not have the greens-related grooming issues present on the golf course portion of the nordic

¹ Although an international level event could not be held at the Upper Blue River Basin elevation, the other characteristics of a “homologated” trail could be achieved, such as climbs of varying lengths and grades, sections of undulating terrain, particular widths, staging area, etc.

center. There are several historical structures that can be seen from the trails network with excellent wildlife viewing and interpretive opportunities as well. This trail network is very popular with local nordic and cross country skiers, in part due to the dog-friendly trails.

Priority enhancements for the *Peabody/Preston areas of the Gold Run Nordic Center*:

- Create a homologated trail without two-way traffic.
- Construct the Above the Bench and Sluice trails. These proposed trails are a natural extension to the existing network and would increase the amount of moderate terrain close to existing trails.
- Redesign the Preston Loop for a better experience, with a focus on the widening of the trail prism and the rerouting of the Extension Mill Road.

6.1.1.3 Proposed Expansion Area

The area beyond the Peabody/Preston area that was included in the Town of Breckenridge Golden Horse Nordic Trails Plan is considered the proposed expansion area. Phase II of the expansion area is called the Upper Bench and includes the terrain upslope of the Peabody Placer and to the west of Gold Run Road. This terrain is very moderate, user friendly and proximal to the existing groomed nordic trails. Phase III of the plan lies between Dry Gulch and Discovery Hill and has more challenging terrain and exposure issues.

Priority enhancement for the *Golden Horseshoe Expansion Area* is:

- As mentioned above, the short-term focus is on the design and construction of the Above the Bench/Sluice trail (which would help with the race loop concept described above) and the Upper Bench Trail, as described in the Morton Trail plan in Appendix B.

6.1.2 Breckenridge Nordic Center

6.1.2.1 Peak 8 Base

The Breckenridge Nordic Center (BNC) is a well established facility over 30 years old that is located close to town and can be accessed by either public busses or the gondola. The BNC receives early season snow and contains good terrain for a variety of users. The trail system lies largely within the Cucumber Gulch Preserve and so integrates an environmental education component, particularly with the interpretive signage that already exists. The restored Josie's Cabin at the bottom of the wetlands complex provides a historical element as well. This nordic

center is a good example of a public/private partnership between the concessionaire and the Town of Breckenridge.

Priority enhancements for the existing *Peak 8 base of the Breckenridge Nordic Center* are as follows:

- Create a year-round facility.
- Establish a stewardship/sentry/guardian presence for the Cucumber Gulch Preserve.
- Provide better management of Josie's Cabin.

6.1.2.2 Peaks 6 and 7

The concessionaire at the Breckenridge Nordic Center holds a special use permit on USFS lands in the area below Peaks 6 and 7. Currently there are approximately 12 kilometers of trails that exist on old alignments and road grades. The concessionaire has been working with the USFS on a long-term plan for the management of the area and an expanded trail network. Currently the trail system is an excellent amenity for locals, has great early and late season snow conditions, and has moderate terrain with expansive views once skiers can access the higher elevation trails.

Priority recommendations for the *proposed Peak 7 expansion area* are the following:

- Build a year-round facility.
- Construct additional 20 kilometers of nordic-specific, machine-built trails that are easily groomed, and more moderate and contoured for a better user experience.
- Reroute the Gluteous Maximus, Minumus, and Jeffrey's Biff trails.
- Maintain dog-friendly trails, but with more management and oversight.
- Maintain free public backcountry access through the groomed nordic system.
- Incorporate an environmental interpretive component.
- Coordinate plans and uses with the surrounding stakeholders.

6.2 Undeveloped systems

The undeveloped areas are largely ungroomed cross country and backcountry skiing trailheads and trails that are skied in by the users. They are often destinations for a combination of cross country skiers, backcountry skiers, snowshoers, and walkers. Although some of these areas lie on property that is owned and managed by Summit County and/or the Town of Breckenridge, many of these areas fall under the U.S. Forest Service jurisdiction and will be subject to the direction of the agency's approved White River National Forest Travel Management Plan. This

plan provides recommendations from the Town of Breckenridge with respect to the management of some of these areas, but the approval and implementation of related actions will be subject to approval by the U.S. Forest Service and in some cases, Summit County Government. It should be noted that the U.S. Forest Service currently does not limit ungroomed skiing to designated routes. Skiing, snowshoeing and walking are allowed throughout the Forest.

6.2.1 General considerations

Some considerations for winter ski routes (primarily for cross country skiing) as both summer and winter trails in the Upper Blue River area are further developed and managed area as follows:

- Provide more education about winter trail etiquette (e.g. separation of uses within a corridor, picking up dog waste, etc.).
- Develop winter-specific trail standards for design and construction.
- Evaluate the snow compaction routes as designated by the USFS for accuracy and appropriateness and alter the system as necessary to reflect use patterns.

6.2.2 Swan River Drainage

Horseshoe Gulch (a.k.a. Tiger Dredge area) is a popular winter recreation destination for non-motorized users. There is a trailhead with good parking and a variety of moderate terrain with many loop opportunities. The area is good winter elk habitat, so there are plenty of opportunities for wildlife viewing, but also the possibility of skier-generated wildlife impacts.

Priority enhancements In the *Horseshoe Gulch* area:

- Establish a trail connection between Horseshoe Gulch and the Galena Ditch.
- Create a trail connection between the Tiger Townsite and Rock Island (accessing the Galena Ditch from the east).

Further east up the Swan River drainage, the terrain is steeper and there is a greater mixture of motorized and non-motorized use.

Priority enhancements for the *North Fork* area:

- Provide increased law enforcement related to unauthorized motorized use.
- Provide a winter gate and signage for Wise Mountain.

Priority enhancements for the *American Gulch* area:

- Install signage or barriers to help protect Monitor Gulch from encroaching motorized use

6.2.3 French Gulch

French Gulch is one of the most popular areas for ungroomed cross country skiing in the Upper Blue Basin. It is very close to the Town of Breckenridge and local neighborhoods, there is abundant easy and moderate terrain, the motorized and non-motorized uses are segregated, designated parking areas are plowed and maintained, and there are many dog-friendly trails. Most of the land in this area is in public ownership and public access is secure.

Priority enhancements for the *French Gulch* area:

- Create a complete east-west route that would connect the Wellington Neighborhood, the B&B trail, Sallie Barber, and Black Gulch. This would be contingent upon an evaluation of the wildlife impacts and permission to cross private properties.
- Expand the parking at the Lincoln Townsite to accommodate more users and snowmobile trailers effectively.
- Gain legal access to Australia Gulch and between the B&B trail and Barney Ford.
- Construct a sustainable reroute of the Weber Gulch Trail.

6.2.4 Baldy to Boreas Pass

This area is close to town and one of the most popular backcountry ski destinations. The variety of terrain, between the Boreas Pass Road and the slopes of Baldy Mountain, and the good snow conditions provide a variety of opportunities for users. Boreas Pass Road provides access to the Section House, a backcountry ski hut managed by Summit Huts Association.

Priority enhancements for the Baldy to Boreas Pass area:

- Enforce the non-motorized designation on Baldy Mountain.
- Pursue trailhead parking for Baldy Mountain area.

6.2.5 Indiana/Pennsylvania Gulches

This is also a very popular destination area for groomed nordic, cross country and backcountry skiing. The Spruce Valley Ranch homeowners' association grooms an out-and-back section of

Indiana Gulch which is used by many skiers. This trail accesses additional moderate terrain that is very popular with cross country and backcountry users seeking a more remote experience.

Pennsylvania Gulch is popular primarily because of the steeper backcountry ski terrain. The trailhead is owned and managed jointly by the Town of Breckenridge and Summit County Government.

Priority enhancements for *Indiana/Pennsylvania Gulches*:

- Close the central Indiana Gulch and Dyersville roads to motorized use. These provide an excellent cross country ski loop with the main Indiana Gulch trail.
- Pursuant to the outcome of the USFS Travel Management Plan for the White River National Forest, install a gate at the Pennsylvania Gulch trailhead or pursue a non-motorized trail route that would separate users.
- Expand the parking area at the Pennsylvania Gulch trailhead where possible.

6.2.6 Fredonia Gulch

This area only receives light use. It is easily accessible from Highway 9 and provides a good neighborhood amenity. Some skiers use it as an out-and-back route and others utilize it as an access for more backcountry terrain. There is no legal parking and there are private property issues along the main route.

Priority enhancements for *Fredonia Gulch*:

- Secure legal parking for access to Fredonia Gulch.
- Create a connection between Fredonia Gulch, the Blue River Extension Trail, and Pennsylvania Gulch.

6.2.7 Red Mountain

This area only receives light use. It is easily accessible from Highway 9 and provides a good neighborhood amenity. Some skiers use it as an out-and-back route and others utilize it as an access for more backcountry terrain. There is no legal parking and there are private property issues along the main route.

Priority enhancements for *Fredonia Gulch*:

- Secure legal parking for access to Fredonia Gulch.

- Create a connection between Fredonia Gulch, the Blue River Extension Trail, and Pennsylvania Gulch.

6.2.8 Bemrose Ski Circus

This is a very popular area for many users. The parking at Hoosier Pass is convenient and adequate. The main trail is contouring and provides moderate terrain. This area has excellent early season snow conditions and provides easy access to the higher peaks and steeper terrain surrounding it.

Priority enhancements for the *Bemrose Ski Circus* area:

- Provide better motorized/non-motorized signage, strategic barriers and enforcement at both the north and south ends.
- Install pedestrian crossing signs at the top of Hoosier Pass.
- Develop a designated trail between the upper and lower sections.
- Reroute sections of the main trail to avoid wetland impacts.
- Provide legal parking at the lower Bemrose access point.

6.2.9 Hoosier Pass (West)

This area is very popular due to the ease of access. Most of the area is above treeline and therefore very scenic with easy access to high alpine terrain. Like the Bemrose area, this is a great place to ski during the early and late ski season. There are several loop options and Tractor Bowl is a destination area for backcountry skiers seeking steeper terrain.

Priority enhancements for the *Hoosier Pass (West)* area:

- Regulate the motorized and hybrid use, working jointly with the Pike San-Isabel and White River National Forests.
- Re-establish the Wheeler Trail from the summit with blue diamonds.

6.2.10 Quandary/McCullough Gulch

Like the other areas in the Hoosier Pass vicinity, the Quandary/McCullough Gulch area is popular because it has early and late season snow, it provides for a variety of users, and it offers access to higher alpine terrain. Quandary is one of the most popular peaks for backcountry skiers and snowshoers, given its easy access and moderate approach.

Priority enhancements for the *Quandary/McCullough Gulch* area:

- Improve and expand the trailhead parking on the Quandary side.
- Improve the system of contouring routes. One possibility would be marking the Wheeler Trail across the base of Quandary with blue diamonds while decommissioning other routes.

6.2.11 Spruce Creek

Spruce Creek offers a separated use opportunity, where non-motorized users can utilize the narrower trail and motorized users can use the road grade. There is a parking lot with adequate space for the large numbers of users that come to this area. The trail and road are used to access Francie's Hut, which is managed by the Summit Huts Association. This area is very popular with locals and visitors alike. It is used primarily by cross country skiers and snowshoers, although backcountry skiers will use the trail system to access the higher alpine terrain above the hut.

Priority enhancements for the *Spruce Creek* area:

- Monitor and manage unauthorized motorized use.
- Improve the signage leading to the parking area.
- Provide earlier season vehicular closures.

6.2.12 Burro Trail

The Burro Trail is close to Breckenridge, it is already well marked with blue diamonds, and has a wide corridor, making the route finding easy. The trail holds snow well and usually has good ski conditions. It has very moderate terrain, making it a great trail for cross country skiing and snowshoeing. It provides good links to other trails on the adjacent USFS lands and is accessible from the base of Peak 9 of the Breckenridge Ski Resort.

Priority enhancements for the *Burro Trail* area:

- Improve the parking options. There should be dedicated public parking and better signage to access the northern end of the trail.
- Improve the trailhead. Besides expanded parking options, a kiosk at the beginning of the trail would improve wayfinding and streamline access.

6.2.13 Peaks Trail

The Peaks Trail is among the most popular winter nordic ski trails in the Upper Blue basin. From the trailhead on CR 3, skiers can find a groomed experience, a moderate cross country ski, or access to excellent backcountry terrain (such as Peaks 4,5, and 6). There are multiple trail connections and loop opportunities for a variety of users and the trails are all dog-friendly.

Priority enhancements for the *Peaks Trail*:

- Develop and install an information kiosk at the trailhead.
- Coordinate the access and continued use with the Breckenridge Nordic Center master development plan for Peak 7.
- Work with the County, Breckenridge Ski Resort, and the U.S. Forest Service to manage the trailhead for nordic, cross country, and backcountry skiers only.

6.2.14 Peak 7 Neighborhood (Green Gate, North Barton)

The skiing out of the Peak 7 neighborhood is a great amenity for locals. There are multiple trail connections and loop opportunities. Users can access the groomed skiing, the cross country skiing on the Peaks Trail or other trails, or access the higher alpine skiing on Peaks 4, 5, and 6 for backcountry skiing.

Priority enhancements for the *Peak 7 neighborhood* area:

- Address the parking issues. This could be done through a combination of monitoring and policing the existing parking areas (e.g. unauthorized alpine ski area use parking at the Peaks Trailhead, pushing cross country skiers to the Green Gate or Slalom Drive), and/or developing a more official trailhead at the Green Gate with delineated parking, signage and a kiosk for the nordic, cross country and backcountry skiers.
- Provide designated backcountry trail access to Peaks 4, 5, and 6 through the groomed system with diamonds on trees or something similar.
- Investigate a new access to Peak 5 in the event that the Breckenridge Ski Resort Peak 6 expansion occurs.
- Monitor the tree clearing from the Breckenridge Fuels Project to continue to provide a buffer of trees to preserve and protect snow quality where possible.

6.2.15 Gold Hill (Colorado Trail trailhead and USFS road)

The Gold Hill area is very popular with easy access and moderate terrain for cross country skiers and snowshoers. There are good loop opportunities with the array of old logging roads and the Colorado Trail is well marked.

Priority enhancements for the *Gold Hill* area:

- Monitor the tree clearing from the Breckenridge Fuels Project to continue to provide a buffer of trees to preserve and protect snow quality where possible.

MEMO

TO: Town Council

FROM: Chris Neubecker

RE: Temporary Vendor Carts (Policy 36 (Absolute) Temporary Structures)

DATE: May 2, 2011

Vendor carts for the sale of food and beverages are a common sight in many cities and small towns. They provide a quick snack or a place to grab fresh flowers, add activity to the street, provide an alternative to a sit-down restaurant, and act as a source of income for many enterprising business owners. But vendor carts can also be seen as clutter, unfair competition, unsafe, and in existence only for a quick buck with little investment in the community.

On February 22, 2011 the Town Council adopted a moratorium on the acceptance and issuance of new development permits for temporary vendor carts. The moratorium was adopted in order to provide time to research vendor cart issues, and seek ways to reduce the negative impacts that poorly designed, located and operated carts have on the Breckenridge community. The moratorium is in effect until March 30, 2012, unless repealed earlier.

Following is the current definition of a temporary vendor cart:

“A structure of less than one hundred (100) square feet in size in the form of a wagon, cart, booth or other similar structure, intended for the sale of goods and services on a temporary basis for a period of time of not less than four (4) days nor more than three (3) years.”

Temporary vendor carts are currently allowed in Breckenridge (yet subject to the moratorium) based on the following regulations:

- They provide no service other than the sale of food or beverages in a form suited for immediate consumption.
- They are located entirely on private property, or on public property specifically designated for vending by the town. (*Note: There is currently no public property designated for vending.*)
- They are no greater than one hundred (100) square feet in size.
- They provide a positive impact upon the community, as determined by an evaluation of the application against all relevant policies of the development code. These include, but are not be limited to, aesthetics, site design, architectural compatibility, etc.

This last paragraph, which states *“positive impact upon the community, as determined by an evaluation of the application against all relevant policies of the development code”* is too vague and has led to trailers, small booths, etc. which are unattractive in the eyes of many. Questions have also emerged on the application of the Town’s water Planet Investment Fees (PIFs), parking requirements, density and other regulations to these “temporary” uses.

Some of the problems or criticisms that we have heard or seen on vendor carts that have been approved include:

- Vendor carts are not attractive. Applicants are using trailers converted into food carts, and the design is not appropriate for downtown or the historic district.
- Applicants install decks, porches, outdoor seating, fences and other “add-ons” making these businesses look more permanent.
- Vendor carts can set up a business with less investment than permanent restaurants, and undercut on price.
- Carts should be removed each night.
- Vendor carts should be required to pay the same fees as other restaurants.
- Vendor carts should be required to use density.
- Vendor trucks and carts should not be allowed to operate on public property.
- Outdoor music at temporary vendor carts is bothersome to neighbors. (Current codes allow music only at outdoor seating areas of a “restaurant or bar.”)

Some other inquiries we have had for similar food operations include:

- food trucks that sell food to workers at construction sites;
- food trucks to sell food from a parking space along Main Street;
- bicycle carts to sell food.

We have issued permits that allow for selling food from trucks at construction sites. We also issued a permit several years ago (2003) for a bicycle ice cream cart, which was authorized by the Town Council.

Staff sent a survey to the Colorado Association of Ski Towns (CAST) to see how other similar communities regulate vendor carts, and the survey results are attached.

Some ideas for how we might change our current regulations on temporary vendor carts include:

- Require vendor carts to be reviewed by Planning Commission.
- Require public notice of Commission meetings if carts are adjacent to residential uses.
- Allow vendor carts only in commercially zoned Land Use Districts.
- Allow vendor carts only in pre-designated locations. (This approach is used by cities that allow carts on public property.)
- Count carts or booths as density if vendors operate from inside the cart.
- Require trash cans and recycling at each cart, and require vendors to pick up trash within 25 feet of their business.
- Require water and sewer tap fees if connected to utilities.
- Reduce the allowed size of carts from the currently allowed 100 square feet.
- Require a constructed building/booth to meet setbacks and historic district standards.
- Require carts to be removed each night, or stored in a screened location.
- Allow push carts that are moved each evening to not meet historic district standards.
- Prohibit construction of decks, counters and storage areas to qualify as “temporary”.
- Require a deposit or surety bond to guarantee cart is removed upon discontinued use.

- Consider limiting the number of vendor carts allowed each year. Permits could be auctioned to highest bidder.
- Require landscaping to enhance the appeal of the area surrounding vendor carts.
- Develop design standards for all carts, including signage standards.
- Develop specific regulations on the use, hours, and conditions for vendor carts.
- Consider providing storage places for carts that are removed each night.
- Allow local businesses the first opportunity to operate a vendor cart.
- Consider allowing other items for sale (such as fresh flowers, fruits/vegetable, and balloons).
- Establish a vendor cart task force (possibly made up vendors) to self-police for aesthetics and code violations.

Some ways to make the vendor carts more user-friendly include allowing additions like decks, counters, outdoor seating and landscaping. These would also make the vendor carts appear slightly more permanent. If the Council wants the carts to appear temporary (but maybe less attractive), we suggest limiting these add-ons.

Following are some ideas on how we can move forward on this issue:

Option #1: No change. Keep rules as they currently exist.

Option #2: Eliminate all vendor carts. Currently permitted carts may remain in operation (“Grandfathered”)

Option #3: Allow vendor carts, but tighten up design regulations (size, shape, location, etc.)

Option #4: Expand vendor carts to allow other uses.

Conclusion:

Staff does not have a strong opinion either way on the use of vendor carts. On the one hand, we believe that they provide a service to our guests, add animation and variety for the visitor, and help to keep Breckenridge an affordable and fun place to visit. On the other hand, vendors are competition to existing restaurants, some carts are not attractive and there have been some complaints by neighbors. The decision to have vendor carts is really a question for the Town Council to answer. Staff can write a policy to address most issues, once we clearly understand the concerns.

Staff will be available answer any questions during the meeting on Tuesday afternoon.

	Do you regulate vendor carts?	What permit is required?	Permit Fee	Staff or Planning Commission Review?	Allowed on Public Property?	Remove Carts at Night?	Food Trucks Allowed?	Food trucks in ROW?	Time limit for food trucks in ROW?	Regulate Aesthetics?	Different Rules in Special Districts?	Carts Count as Density?	Pay Water Tap Fees?	Notes
Aspen	Yes	Temporary Outdoor Food Vending License	\$50	Staff	No	No	No (unless on private property, under 50 sq. ft.)	No	N/A	No (only size and signage)	Only allowed in Commercial Core district	No	No	Only 4 carts allowed in town at one time
Avon	Yes	Peddlers / Solicitors License	\$200 per year	Staff	Yes	Not yet an issue	Yes	Yes	No	No	N/A	No	No	
Breckenridge	Yes	Class D	\$50	Staff	No	No	No (unless on private property, under 100 sq. ft.)	No	N/A	Yes, sort of....but no clear criteria	No	No	No	Food trucks can drive to construction sites, but not park on the street.
Dillon	Yes	Special Use Permit	\$5 / day, \$25/month, \$100/year	Staff	Yes	Yes	Yes	Yes, with ROW permit	Established by permit; no set time limit.	No	No	No	No	
Frisco	Yes	Outdoor Commercial Establishment	\$50	Staff	No (unless approved by Town Council)	No	Yes	Yes, with Town Council approval.	Not yet	No	No	No	Only if required by water and sewer dept.	Can be review by PC at staff discretion
Park City	Yes	Street Vendors License	\$95 plus \$7.75 per cart, wagon or vehicle	Staff (including planning, business license coordinator, public safety, building, legal)	Yes (with franchise agreement)	Yes	Yes	No; only allowed at construction sites	Max 2 hours; only at construction sites	No	No	No	No	
Silverthorne	Yes	Business license and site plan approval	\$75	Staff	No. Only for special events	Yes	Yes	No	N/A	No	No	No	Yes, if applicable	Site plan review includes pedestrian circulation, access, signage and trash receptacles.
Telluride	Yes	Vending permit	\$10	Staff reviews if private property; Council subcommittee reviews public property	Yes (limited number of carts)	Yes	No (only bicycle carts allowed)	Yes, if summoned by customer; no set location	N/A	Yes		No	No	
Vail	Yes, but only allowed at special events	N/A	N/A	Special Events Committee	No	Yes	Yes	No	No	N/A	No	No	No	Carts allowed only at special events.
Winter Park	Yes	Special Use Permit	\$150	PC and TC (private property) or just TC if public property	Yes	Yes	Yes	Yes	No	Yes	N/A	No	No	70 of 163



BRECKENRIDGE TOWN COUNCIL REGULAR MEETING

Tuesday, May 10, 2011; 7:30 p.m.

Town Hall Auditorium

I	CALL TO ORDER and ROLL CALL	
II	APPROVAL OF MINUTES – April 26, 2011	72
III	APPROVAL OF AGENDA	
IV	COMMUNICATIONS TO COUNCIL	
	A. Citizen’s Comment - (Non-Agenda Items ONLY; 3 minute limit please)	
	B. Proclamation – Public Works Week	76
	C. Breckenridge Resort Chamber – Director’s Report	
V	CONTINUED BUSINESS	
	A. SECOND READING OF COUNCIL BILLS, SERIES 2011 - PUBLIC HEARING	
	1. Council Bill No. 19, Series 2011 - An Ordinance Amending Chapter 2 Of Title 2 Of The Breckenridge Town Code By Eliminating The Position Of Town Council Liaison To The Planning Commission; Authorizing One Member Of The Town Council To Serve On The Planning Commission; And Providing Other Matters Related To The Town Council Member Of The Planning Commission	78
VI	NEW BUSINESS	
	A. FIRST READING OF COUNCIL BILLS, SERIES 2011	
	1. Council Bill No. 18, Series 2011 – An Ordinance Amending Chapter 1 Of Title 9 Of The <u>Breckenridge Town Code</u> , Known As The “Breckenridge Development Code”, By Repealing And Readopting With Changes Policy 47 (Absolute) Concerning Fences, Gates And Gateway Entrance Monuments	83
	2. Council Bill No. 20, Series 2011 - An Ordinance Amending The Model Traffic Code For Colorado, 2010 Edition, Concerning The Operation Of Bicycles, Pedicabs, And Other Human-Powered Vehicles Within The Town Of Breckenridge	91
	B. RESOLUTIONS, SERIES 2011 – PUBLIC HEARING	
	1. A Resolution Adopting the “Joint Upper Blue Master Plan, May 2011”	99
	C. OTHER	
	None	
VII	PLANNING MATTERS	
	A. Planning Commission Decisions of May 3, 2011	
	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 (Mr. Dudick)	
	C. BRC (Mr. Burke)	
	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)	
	I. Water Task Force (Mr. Mamula)	
X	OTHER MATTERS	
XI	SCHEDULED MEETINGS	163
XII	ADJOURNMENT	

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

CALL TO ORDER and ROLL CALL

Mayor Warner called the April 26, 2011 Town Council Meeting to order at 7:33 p.m. The following members answered roll call: Ms. McAtamney, Mr. Bergeron, Mr. Mamula, Mr. Joyce, Mr. Burke, Mr. Dudick and Mayor Warner.

APPROVAL OF MINUTES – April 12, 2011

With no changes or corrections, Mayor Warner declared the minutes were approved as submitted.

APPROVAL OF AGENDA

Mr. Gagen removed from New Business Council Bill No. 18, Fences Policy, and added Council Bill No. 19, Town Council Liaison to the Planning Commission, and under Other Matters added a discussion for Council committee appointments.

COMMUNICATIONS TO COUNCIL

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

Daniel Johnson handed the Council several examples of how decisions made years ago that continue to be implemented now are causing problems for individuals with affordable housing. He stated three examples of people who are having difficulty within the affordable housing system, and asked the Council to consider these issues. Mayor Warner stated the Council discussed the affordable housing issues during the work session, and will discuss it further during the Council retreat on May 24, 2011.

Mayor Warner seeing no other comments closed the communications to council.

CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILLS, SERIES 2011 - PUBLIC HEARINGS

1. 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 if adopted the ordinance would revise the Town’s policy regarding basement density. He mentioned the second reading of the ordinance was continued from the previous Council meeting, and the staff’s recommendation is not to change the ordinance with respect to grade or level of a building due to the variance process already in place, and to address the fee structure outside of the ordinance. He stated there are no changes to the ordinance from the last reading.

Mr. Joyce abstained from the discussion.

Mayor Warner opened the public hearing.

Janet Sutterly stated that the Engineering Department is able to make elevation recommendations on a case by case basis, and mentioned if there is no change to the ordinance the Council should ensure that the fee structure is financially feasible to incentivize builders to stabilize their structures.

Lee Edwards stated he appreciates the Council is working to save these structures; mentioned the history of grade and elevation changes to structures; asked the Council to consider the financial aspects of the ordinance; and stated that the USGS (United States Geological Survey) statement on page 110 line 32 does not have any practical reason to be in the ordinance.

Chris Neubecker addressed the issues and stated that USGS language is currently in the policy, and the historic preservation processes are a class B process, which is run through the same application process. The Council discussed the fee and time constraints of the process, and whether or not a new fee structure would incentivize builders or buyers to stabilize the structures, or cause a financial hardship.

Mayor Warner asked for a motion.

Mr. Mamula moved to approve Council Bill No. 15, Series 2011. Mr. Bergeron seconded the motion. The motion passed 5-1, with Mr. Dudick voting against and Mr. Joyce abstaining.

Mr. Dudick stated for the record his vote was not against density, but against the variance process.

2. Council Bill No. 16, Series 2011 – An Ordinance Making Miscellaneous Amendments To Chapter 1 Of Title 9 Of The Breckenridge Town Code, Known As The “Breckenridge Development Code”, Chapter 2 Of Title 9 Of The Breckenridge Town Code, Known As The “Breckenridge Subdivision Standards”, And Chapter 10 Of Title 9 Of The Breckenridge Town Code Concerning Development And Subdivision Application Fees

Mayor Warner read the title into the record.

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, APRIL 26, 2011
PAGE 2**

Mr. Berry stated if adopted the ordinance would allow the Director of Community Development to lower the classification of a particular development permit. He mentioned that the current code allows a change to a higher classification but not to a lower classification. He stated this amendment also changes administrative rules and regulations, and codifies how fees are handled if a development permit is reclassified. He stated there are no changes from the first reading.

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

Mr. Burke moved to approve Council Bill No. 16, Series 2011. Mr. Dudick seconded the motion. The motion passed 7-0.

3. **Council Bill No. 17, Series 2011** – An Ordinance Amending Section 4-3-2 Of The Breckenridge Town Code To Authorize The Issuance Of An Optional Premises Liquor License For A Performing Arts Facility
Mayor Warner read the title into the minutes.

Mr. Berry stated the Colorado Liquor Code allows for the issuing of an optional premise liquor license, which are currently authorized for the golf course and the ski area. If adopted this ordinance would add performing arts centers to the list, including but not limited to the Riverwalk Center lawn, and would streamline the approval process.

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

Mr. Bergeron moved to approve Council Bill No. 17, Series 2011. Mr. Mamula seconded the motion. The motion passed 7-0.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILLS, SERIES 2011

1. **Council Bill No. 19, Series 2011** – An Ordinance Amending Chapter 2 of Title 2 of The Breckenridge Town Code By Eliminating The Position Of Town Council Liaison To The Planning Commission; Authorizing One Member Of The Town Council To Serve On The Planning Commission; And Providing Other Matters Related To The Town Council Member Of The Planning Commission.

Mr. Berry stated this ordinance repeals the Town Council Liaison ordinance, and returns to ordinance to the original language that existed prior to the ordinance. He mentioned the ordinance makes conforming amendments to the Planning Commission section of the code, and makes the Town Council representative a voting member. He stated if there is a call up, the Town Council representative cannot participate.

Mr. Bergeron moved to approve Council Bill No. 18, Series 2011. Mr. Burke seconded the motion. The motion passed 7-0.

B. RESOLUTIONS, SERIES 2011

1. None

C. OTHER

1. Breckenridge Open Space Advisory Committee (BOSAC) Appointments

Mayor Warner stated two council members will speak on the incumbent BOSAC committee members' behalf since they were not interviewed.

The Council discussed the voting process.

Ms. McAtamney stated that the current commission felt that Jeff Cospolich and Erin Hunter have been good contributors to BOSAC, and asked that the council give them a highly functioning commission. The Council discussed the make-up of the current committee and the residency of one of the candidates with the historical relevance of former Town Council members, Planning Commission and board members. Mayor Warner spoke on behalf of Jeff Cospolich. Mr. Bergeron spoke on the behalf of Erin Hunter. The Council discussed the merits of the various applicants. Mr. Gagen tallied the results, and announced the three open positions would be filled by Jeff Cospolich, Jeff Carlson, and Erin Hunter. Mr. Gagen will check to make sure they are all for four year terms, and if not, the persons with the most votes will get the longer terms.

2. 2010-2011 Committee Appointments.

The Council discussed the appointment for Mayor Pro-Tem. The Council discussed the possible appointments on the Planning Commission in light of the changes to the ordinance; the additional training from the planning staff regarding the mission and job description; and, the time constraints of serving on both the Council and Planning Commission. The Council also discussed the importance of experience and knowledge of the town code. Mayor Warner stated he would confer with Tim Gagen about the Planning Commission appointment. The Mayor stated he would discuss the other committee appointments with the Council members individually and get back to them with the appointments.

PLANNING MATTERS

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, APRIL 26, 2011
PAGE 3**

A. Planning Commission Decisions of April 5 and April 19, 2011

With no request to call an item off the consent calendars of April 5 and April 19, 2011, the Mayor declared the Planning Commission Decisions would stand approved as presented.

B. Town Council Representative Report (Mr. Burke) – No report.

REPORT OF TOWN MANAGER AND STAFF*

Mr. Gagen mentioned the Sanitation District new plant tour on May 12th, and that most of the Council will be able to attend. He stated there will be a formal announcement of the water agreement at Devil's Thumb, and Governor Hickenlooper will attend. He stated there will be a summary of public comments regarding the proposed transit changes for summer through fall in the Warrior's Mark area. He mentioned Nikki Arcieri will be the new Council contact, and Kim DiLallo discussed her part-time hours. He mentioned the Swan Mountain project will be completed by the Fourth of July, and budget money was already committed, but is being bumped up one year. He mentioned the staff should be called up to discuss the change in monitoring in the Cucumber Gulch area.

Mayor Warner mentioned that he wants new ideas on the transit services brought to the retreat, and does not want the Council to simply react to the public comments. He stated the Council should look at a prime-time scheduling, time shifting of schedules, or a fee for low performing routes.

REPORT OF MAYOR AND COUNCILMEMBERS*

A. CAST/MMC (Mayor Warner)-No report.

B. Breckenridge Open Space Advisory Commission (Ms. McAtamney)-Ms. McAtamney reported on a site visit to the BnB trailhead where the primary topics were the costs of dog poop cleanup and the trail monitoring system.

C. BRC (Mr. Dudick)-No. report. Mr. Bergeron mentioned the Breckenridge Resort Chamber hired Sandy Metzger.

D. Marketing Committee (Mr. Dudick)- No Report.

E. Summit Combined Housing Authority (Mr. Joyce)-Mr. Joyce stated the last meeting was an Executive Session. He stated the Housing Authority is currently working on proper job descriptions for the staff to fit within the current County pay structure.

F. Breckenridge Heritage Alliance (Mr. Burke)-Mr. Burke reported that Peter Grossheusch updated the alliance on the progress with the tender; the Alliance is hiring a commission-based sales person to work out of the Welcome Center who will put together tour packages including stamps for each museum; the Alliance is working on signs for the tender and other sites; and, the Reiling Dredge stabilization project is held up waiting to find an expert, and will have some testing done. He mentioned the success of the Royal Afternoon tea, which raised \$1000.00 in one afternoon. He stated they will start charging for Museum tours, and that the tours will be part of the new passport system. He discussed the relationship of the alliance with the BRC with regards to adding Heritage places to their tours.

G. Sustainability Committee (Mr. Bergeron, Mr. Joyce, Mayor Warner)-no report.

H. Joint Upper Blue Master Plan Update Committee (Mr. Bergeron, Mr. Mamula)-Mr. Mamula reported on the open house last week which had decent attendance, also heard John Roberts is leaving and going to Mt. Hood.

OTHER MATTERS

Mr. Dudick mentioned he saw a presentation on solar powered golf carts, but that Robbins Manley said they were expensive. He remarked he would like to know how expensive they are in regards to costs of the fleet. He mentioned City Market's value card is a blatant invasion of privacy; that the real price is actually the sale price; and, if there is anything the Town council can do about it.

Mr. Mamula showed the council pictures of a solar installation at a middle school in Boulder, where they incorporated the solar as a cover for a bike rack, and stated if a PPA is available in the future, they push for a good design. He mentioned the amount of recreation benefits that the council receives, and stated a Council person should be able to use the Recreation Center. Mr. Gagen stated the current council cannot benefit from an increase in their compensation. He stated the retreat is an ideal time to talk about that since they will be discussing ballot questions at that time.

Mr. Burke mentioned the size of the screen at the Riverwalk Center looked too small for the stage, and stated that they should look into a bigger screen since most concerts have a screen in their show. The Council discussed the new business model, and how the original design of the Riverwalk included a bigger screen, but the parties involved at the time did not want to contribute. The Council decided to discuss a menu of items that could be offered at the Riverwalk at the retreat.

SCHEDULED MEETINGS

ADJOURNMENT

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, APRIL 26, 2011
PAGE 4**

With no further business to discuss, Mr. Burke moved to adjourn the meeting at 9:23 p.m.
Submitted by Cathy Boland, Municipal Court Clerk.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor



PROCLAMATION

Public Works Week 2011

WHEREAS, the many services provided by Public Works to our community are an integral part of our citizen's everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water treatment and distribution, streets maintenance, public buildings and facility maintenance, parks and landscaping, transit & parking services and fleet, maintenance and operations; and

WHEREAS, the health, safety, economic vitality and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these services, as well as their planning, design, and construction of public facilities and utilities, is vitally dependent upon the efforts and skills of public works representatives; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff Public Works Departments is materially influenced by the public's attitude and understanding of the importance of the work they perform,

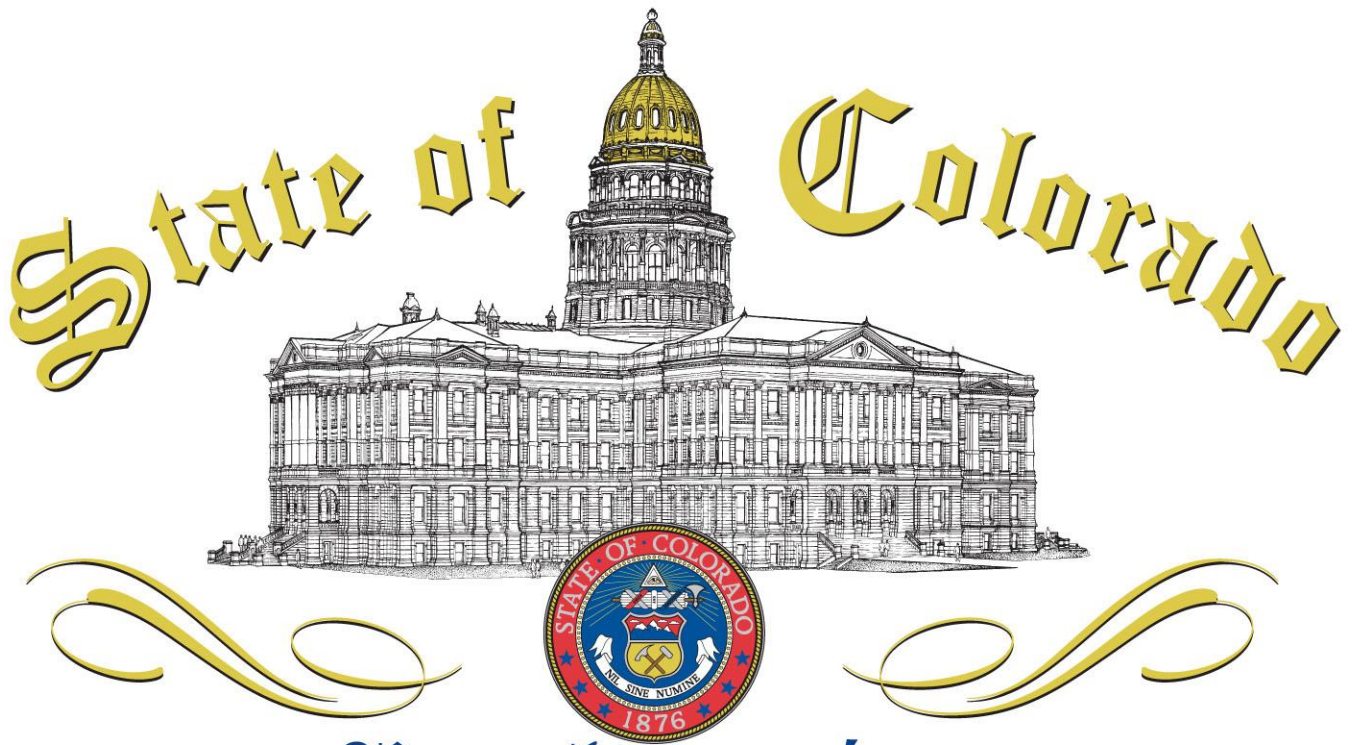
NOW, THEREFORE, I, Mayor John Warner, on behalf of the Town Council and the Town of Breckenridge, do hereby proclaim the week of May 15 – 21, 2011 as "National Public Works Week" in the Town of Breckenridge, and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing quality Public Works services and to recognize the contributions which Public Works representatives make every day to our health, safety, comfort, and quality of life, not only this week but throughout the year.

Adopted this 10th day of May, 2011.

Mayor John Warner

Attest:

Town Clerk Mary Jean Loufek



Proclamation

WHEREAS, public works infrastructure, facilities and services are of vital importance to sustainable communities and to the health, safety and well-being of the people of Colorado; and

WHEREAS, such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, managers and employees from state and local units of government and the private sector, who are responsible for and must plan, design, build, operate, and maintain the transportation, water supply, sewage and refuse disposal systems, public buildings, and other structures and facilities essential to serve our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders and children in the United States of America to gain knowledge of and to maintain a progressive interest and understand the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2011 marks the 51st annual National Public Works Week sponsored by the American Public Works Association;

Therefore, I, John Hickenlooper, Governor of the State of Colorado do hereby proclaim May 15-21, 2011,

NATIONAL PUBLIC WORKS WEEK

in the State of Colorado.

GIVEN under my hand and the Executive Seal of the State of Colorado, this eighteenth day of April, 2011

A handwritten signature in black ink that reads "John Hickenlooper". The signature is written in a cursive style.

*John Hickenlooper
Governor*



MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 19 (Eliminating Town Council Liaison to the Planning Commission)

DATE: April 28, 2011 (for May 10th meeting)

The second reading of the ordinance eliminating the position of Town Council liaison to the Planning Commission is scheduled for your meeting on May 10th.

Two minor changes are proposed to the ordinance from first reading. In Section 2 of the ordinance I have added language clarifying that the four year terms of office described in that section apply only to the non-Council members of the Planning Commission.

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

1 ***FOR WORKSESSION/SECOND READING – MAY 10***

2
3 Additions To The Ordinance As Approved on First Reading Are
4 Indicated By **Bold + Dbf Underline**; Deletions By ~~Strikeout~~

5
6 COUNCIL BILL NO. 19

7
8 Series 2011

9
10 AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 2 OF THE BRECKENRIDGE
11 TOWN CODE BY ELIMINATING THE POSITION OF TOWN COUNCIL LIAISON TO THE
12 PLANNING COMMISSION; AUTHORIZING ONE MEMBER OF THE TOWN COUNCIL
13 TO SERVE ON THE PLANNING COMMISSION; AND PROVIDING OTHER MATTERS
14 RELATED TO THE TOWN COUNCIL MEMBER OF THE PLANNING COMMISSION
15

16 WHEREAS, Section 9.3 of the Breckenridge Town Charter provides that the Town
17 Council may determine by ordinance whether one member of the Town Council is to serve as a
18 member of the Town of Breckenridge Planning Commission; and
19

20 WHEREAS, Chapter 2 of Title 2 of the Breckenridge Town Code currently provides that
21 one member of the Town Council is to serve as the Town Council’s non-voting liaison to the
22 Planning Commission; and
23

24 WHEREAS, the Town Council finds and determines that the position of Town Council
25 liaison is no longer necessary, and that Chapter 2 of Title 2 of the Breckenridge Town Code
26 should be amended to eliminate the position of Town Council liaison to the Planning
27 Commission, and to allow the Town Council to appoint one of its members as a regular, voting
28 member of the Planning Commission
29

30 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
31 BRECKENRIDGE, COLORADO:
32

33 Section 1. Section 2-2-2 of the Breckenridge Town Code is amended so as to read in its
34 entirety as follows:
35

36 2-2-2: MEMBERSHIP REQUIREMENTS, APPOINTMENT:
37

38 The planning commission shall consist of seven (7) members who are residents
39 and electors of the town. Unless the town council decides otherwise, one member
40 of the town council shall be a member of the planning commission.
41

42 Section 2. Section 2-2-3 of the Breckenridge Town Code is amended so as to read in its
43 entirety as follows:
44

45 2-2-3: TERM OF OFFICE:

1
2 The term of office for all non-council members of the planning commission shall
3 be four (4) years, or until a successor takes office. Each term of office for the non-
4 council members shall commence on November 1 of the year of appointment and
5 shall end on October 31 of the final year of the term. The terms of office shall be
6 staggered. The terms of office of three (3) non-council members of the
7 commission shall expire in 2012 (and every fourth year thereafter), and the terms
8 of office of the other three (3) non-council members expire in 2014 (and every
9 fourth year thereafter). The town council may appoint one of its members to serve
10 on the planning commission as provided in Section 2-2-2-1. The term of the town
11 council member on the planning commission shall commence on the second
12 Tuesday of April in the year the appointment is made, and shall expire, subject to
13 the right of the council to remove the town council representative as provided in
14 section 2-2-5 of this chapter, on the second Tuesday of April the following year.
15

16 Section 3. Section 2-2-5 of the Breckenridge Town Code is hereby amended so as to
17 read in its entirety as follows:
18

19 2-2-5: REMOVAL:
20

21 After six (6) months of service, any noncouncil member of the planning
22 commission may be removed by an affirmative vote by five (5) members of the
23 town council; provided, however, that the council may not remove more than
24 three (3) non town council members in any twelve (12) month period, except the
25 council may remove additional noncouncil members upon a finding of
26 misconduct in office.
27

28 If removed under this section, the planning commissioner shall be given written
29 notice of such action within a three (3) day period. The removed planning
30 commission member may appeal the council's decision in writing within five (5)
31 days after said notice, and if appealed, the council shall set a hearing within
32 fourteen (14) days of written notice of the appeal, at which time the issue shall be
33 heard and a decision rendered.
34

35 The town council representative to the planning commission may be removed at
36 any time by a majority vote of the entire council.
37

38 Section 4. Subsection 2-2-9(B) of the Breckenridge Town Code is hereby amended so as
39 to read in its entirety as follows:
40

41 B. Notwithstanding the provisions of subsection A of this section, the town
42 council member who serves on the planning commission shall only receive the
43 compensation provided by section 1-7-1 of this code, and shall not receive the
44 additional compensation provided by subsection A of this section.
45

1 Section 5. Section 2-2-10 of the Breckenridge Town Code, entitled “Town Council
2 Liaison to the Planning Commission”, is deleted.

3
4 Section 6. Subsection 9-1-18-5(A)(1) of the Breckenridge Town Code is amended by the
5 addition of a new subsection (f), which shall read in its entirety as follows:

6
7 f. If a member of the town council participated in the planning commission
8 decision, he or she shall abstain from the council's call up hearing and decision.

9
10 Section 7. Subsection 9-2-3-4(B) of the Breckenridge Town Code is amended by the
11 addition of a new subsection (5), which shall read in its entirety as follows:

12
13 5. If a member of the town council participated in the planning commission
14 decision, he or she shall abstain from the council's call up hearing and decision.

15
16 Section 8. Except as specifically amended hereby, the Breckenridge Town Code, and the
17 various secondary codes adopted by reference therein, shall continue in full force and effect.

18
19 Section 9. The term of office on the Town of Breckenridge Planning Commission held
20 by Rodney Allen (expiring in 2014) will become vacant by virtue of Mr. Allen’s resignation
21 effective May 4, 2011. Mr. Allen’s position on the Planning Commission shall be filled by
22 appointment of a member of the Town Council as provided in this ordinance. Nothing in this
23 ordinance affects the terms of office of any current member of the Planning Commission, except
24 the term of office of Rodney Allen.

25
26 Section 10. Notwithstanding the amendment to Section 2-2-3 of the Breckenridge Town
27 Code as provided in Section 2 of this ordinance, the term of office of the Town Council member
28 of the Planning Commission appointed in May, 2011 shall commence upon appointment, and
29 shall end on the second Tuesday of April, 2012.

30
31 Section 11. The Town Council hereby finds, determines and declares that it has the power
32 to adopt this ordinance pursuant to: (i) Section 9.3 of the Breckenridge Town Charter; (ii)
33 the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (iii) Part 3
34 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iv) Section 31-15-103,
35 C.R.S. (concerning municipal police powers); (v) Section 31-15-401, C.R.S.(concerning
36 municipal police powers); and (vi) the authority granted to home rule municipalities by Article
37 XX of the Colorado Constitution.

38
39 Section 11. This ordinance shall be published and become effective as provided by
40 Section 5.9 of the Breckenridge Town Charter.

41
42 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
43 PUBLISHED IN FULL this ____ day of _____, 2011. A Public Hearing shall be held at the
44 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
45 _____, 2011, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
46 Town.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By _____
John G. Warner, Mayor

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk



MEMORANDUM

TO: Town Council

FROM: Chris Neubecker

DATE: May 3, 2011

SUBJECT: First Reading: Council Bill No. 18
(Policy 47 (Absolute) Fences, Privacy Gates and Gateway Entrance Monuments)

Attached for first reading is an ordinance to update Development Code Policy 47 (Absolute) Fences, Privacy Gates and Gateway Entrance Monuments. Staff last presented this topic to the Council on April 26. At that time, the Council requested additional revisions and chose to not have the first reading of the ordinance that evening.

Following is a summary of the proposed changes to the fence policy from the version presented on April 26:

- Non-natural materials may be used on fences if the material is architecturally compatible with the surrounding neighborhood.
- Changed language from “may” to “shall” on the use of vinyl coatings for chain link fences at ball parks and outdoor recreating areas.
- Require contractors to maintain construction fences.
- Clarify that recycled materials are acceptable “alternative” materials.
- Prohibit arches at gateways to subdivisions, condominiums and hotel projects.
- Allow only one gateway entrance monument at private residences.

Staff and the Town Attorney will be available at the meeting on Tuesday to answer any questions.

1 **FOR WORKSESSION/FIRST READING – MAY 10**

2
3 Additions To The Ordinance As Reviewed At Worksession on April 26, 2011 Are
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5
6 COUNCIL BILL NO. ____

7
8 Series 2011

9
10 AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE
11 TOWN CODE, KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE”, BY
12 REPEALING AND READOPTING WITH CHANGES POLICY 47 (ABSOLUTE)
13 CONCERNING FENCES, GATES AND GATEWAY ENTRANCE MONUMENTS

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

17
18 Section 1. Policy 47 (Absolute)(Fences, Gates and Gateway Entrance Monuments) of
19 Section 9-1-19 of the Breckenridge Town Code is repealed and readopted with changes so as to
20 read in its entirety as follows:

21
22 47: (ABSOLUTE) FENCES, GATES AND GATEWAY ENTRANCE MONUMENTS
23 (47/A):

24
25 A. General Statement: The welfare of the Town is based to a great extent on the character
26 of the community, which includes natural terrain, open spaces, wildlife corridors and
27 wooded hillsides. The installation of fences and privacy gates in residential areas can
28 erode this character by impeding views, hindering wildlife movement and creating the
29 image of a closed, unwelcoming community. It is the intent of the Town to prohibit
30 fences in most situations in areas outside of the Conservation District in order to:
31 maintain the open, natural and wooded alpine character of the community; establish
32 mandatory requirements for the erection of allowed fences in other parts of the Town;
33 allow for fences on small lots in master planned communities; regulate the design of
34 gateway entrance monuments; and prohibit privacy gates anywhere within the Town.
35

36
37 B. Within the Conservation District: Fences within the Conservation District shall be
38 reviewed under the criteria of the “Handbook of Design Standards for the Historic and
39 Conservation District”. Where fences are required by law and the proposed fence design
40 does not meet the Handbook of Design Standards, the Planning Commission may
41 approve an alternate design if all of the following required criteria are met: 1.) the project
42 as a whole is in substantial compliance with the Handbook of Design Standards for the
43 Historic and Conservation Districts; 2.) the alternate fence design does not have a
44 significant negative aesthetic impact on the development and it complies as much as
45 feasible with the Handbook of Design Standards; 3.) a fence design that meets the
46 Handbook of Design Standards for the Historic and Conservation Districts could not meet
the design required by law.

1
2 C. Outside the Conservation District: Fences and landscape walls are prohibited outside
3 the Conservation District, except the following fences are permitted when constructed in
4 accordance with the design standards described in section D of this policy:
5

- 6 (1) pet fences;
- 7 (2) fences around children’s play areas;
- 8 (3) fences around ball fields, tennis courts, swimming pools, ski lifts or other
9 outdoor recreation areas;
- 10 (4) construction fences;
- 11 (5) temporary fences used for crowd control or to limit access or egress to or from
12 a short-term special event;
- 13 (6) fencing required by law;
- 14 (7) privacy fencing to screen hot tubs;
- 15 (8) fencing around cemeteries;
- 16 (9) fences specifically authorized in a vested master plan containing specific
17 fence design standards;
- 18 (10) Town fences to delineate public trails or protect open space values;
- 19 (11) fencing at public improvement projects proposed by the town;
- 20 (12) private fences to delineate the boundary between private land and a public
21 trail or public open space, but only if authorized by a variance granted
22 pursuant to section K of this policy;
- 23 (13) fencing at parking lots to protect pedestrians and designate crosswalks;
- 24 (14) fencing at self-storage warehouses; and
- 25 (15) fences installed by utility companies around utility equipment

26
27 D. Design Standards for fences: All fencing outside the Conservation District shall
28 comply with the following design standards:
29

- 30 (1) Fences in residential areas shall be constructed of natural materials, and ~~shall~~
31 may be either a split rail, buck-and-rail, or log fence design because such
32 designs have a natural appearance, blend well into the natural terrain, and have
33 an open character. Fences of other materials or designs are prohibited.
34 (Exception: Where an applicant can demonstrate to the satisfaction of the Town
35 that an alternative material would be ~~indistinguishable from natural materials~~
36 architecturally compatible with the surrounding neighborhood, the ~~Town~~
37 Director may authorize such materials.) Fences in residential areas shall have a
38 maximum solid to void ratio of 1:3 (example: one inch of solid material for
39 every three inches of opening.) Solid privacy fences are prohibited, except for
40 short lengths of fencing used to screen hot tubs, if they comply with Section
41 D9 of this policy.
- 42 (2) PVC, vinyl and plastic fences are prohibited. Rough sawn timbers or natural
43 logs are preferred.
- 44 (3) Pet fences shall be located in a rear or side yard or where the fence is not visible
45 from a public right-of-way. Pet fences shall be located to minimize their
46 visibility to the greatest extent possible, which in most instances will require the

1 fence to be located behind or to the side of a structure. Pet fences may
2 incorporate a wire mesh material to control pets. The wire mesh may be
3 installed vertically on the fence, or may extend horizontally over the top of the
4 enclosed pet area, or both. The maximum area of a fenced pet enclosure shall be
5 400 square feet. Pet fences are limited to fifty-four (54) inches in height, and
6 shall have a maximum solid to void ratio of 1:3.

7 (4) Fences around children’s play areas shall be located in a rear or side yard where
8 possible, or where the fence is not visible from a public right-of-way, which in
9 most instances will require the fence to be located behind or to the side of a
10 structure. The fence may incorporate a wire mesh material to enclose the yard.
11 The maximum area of a fenced children’s play area on private property shall be
12 400 square feet. Fences around children’s play areas are limited to fifty-four
13 (54) inches in height, and shall have a maximum solid to void ratio of 1:3.
14 Fencing at state licensed child-care centers may exceed 400 square feet if
15 required by their state license.

16 (5) Fences around ball fields, tennis courts, or other outdoor recreation areas shall
17 ~~may~~ use black or dark green coated chain link fencing, steel or aluminum, or
18 wood. Uncoated or galvanized chain link fencing is prohibited. This standard
19 applies to fencing of both public and private recreation areas. Wind privacy
20 screens may be incorporated into the fence.

21 (6) Fences at outdoor swimming pools shall be constructed of steel or
22 aluminum tubing or wood, and may include a tempered glass windscreen.
23 Chain link fencing is prohibited. The use of acrylic glass or Plexiglas is
24 prohibited, except at access control points in an amount sufficient to prevent
25 unauthorized users from reaching inward to unlock or open gates.

26 (7) Fencing at ski lifts and gondolas may be used to protect pedestrians and skiers
27 from overhead lifts and mechanical equipment, or to delineate passenger
28 loading zones. Such fencing may be constructed of natural materials, such
29 as split rail wood, or steel or aluminum. Chain link and plastic or PVC fencing
30 is prohibited. Safety fencing and netting on ski runs is allowed and may be
31 constructed of plastic, high density polyethylene or similar materials.

32 (8) Construction fencing may be constructed of plastic, chain link, wood or other
33 material, as approved by the Town. Wind and/or privacy screens may be
34 incorporated into the construction fence. Temporary construction fencing shall
35 be removed upon completion of the project or upon issuance of a Certificate
36 of Occupancy or Certificate of Compliance, where applicable. Construction
37 fencing shall be maintained in good condition by the general contractor
38 during its use.

39 (9) Privacy fences around hot tubs and spas shall not exceed six feet (6’) in height
40 and shall not exceed fifteen feet (15’) in total length. Such fences shall be
41 architecturally compatible with the adjacent buildings. Where a fence around a
42 hot tub or spa is highly visible, landscaping may be required to soften the visual
43 impact of the fence.

44 (10) Fencing around cemeteries is exempt from this ordinance. The design of
45 cemetery fencing is encouraged to emulate historic fencing from local
46 cemeteries and follow the fence policy in the “Handbook of Design Standards

1 for the Historic and Conservations Districts”. Historically fences were
2 generally constructed of wrought iron, cast iron, or wood pickets, and were
3 generally about three feet (3’) tall.

4 (11)Fences approved by the Town to delineate public trails or protect open spaces
5 shall be constructed of natural materials, and shall be either a split rail, buck-
6 and-rail, or log fence design because such designs have a natural appearance,
7 blend well into the natural terrain, and have an open character. These fences
8 should be designed to accommodate wildlife, and may be substantially different
9 from fences on residential or commercial properties, due to the unique needs
10 and goals of public trails and open spaces.

11 (12) Fences in parking lots may be allowed when necessary to delineate pedestrian
12 areas from parking and circulation areas, and to designate drive aisles. The
13 design of fences in parking lots shall reflect the surrounding character of the
14 neighborhood. Within the Conservation District, fences shall reflect the
15 character of historic fences. Outside the Conservation District natural materials
16 and greater openings between rails shall be used to reflect the more open and
17 natural character of the neighborhood. In most cases, split rail fences will
18 be most appropriate.

19 (13)Fences at self-storage warehouses shall not exceed six (6) feet in height,
20 and shall be designed to allow visibility through the fence. Such fences shall
21 be designed with a maximum solid to void ratio of 1:3, shall be constructed of
22 steel, aluminum or wood, and may be painted. Chain link fencing is prohibited.
23 Self-storage warehouses may incorporate a gate to control access to the site,
24 notwithstanding Section H of this policy.

25 (14)Fencing around utility equipment shall not exceed six (6) feet tall. Such fencing
26 may be constructed of chain link, metal, or wood.

27 (15)Where natural materials are required by this policy, and where an applicant can
28 demonstrate to the satisfaction of the Town that an alternative material,
29 including, but not limited to, recycled materials, would be
30 indistinguishable from natural materials, or where other materials or designs are
31 required by law, the Town may authorize such materials or designs.

32
33 E. Site Plan; Survey: A site plan showing the location of existing structures, property
34 lines, and the location of the proposed fence may be required by the Director as part
35 of the submittal requirements for a fence. A survey from a Colorado licensed
36 surveyor may also be required by the Director to verify property lines and easements.

37
38 F. Architectural Specifications: Architectural elevations showing the design, material,
39 color, and size of the proposed fence may be required by the Director as part of the
40 submittal requirements for a fence.

41
42 G. Fences on Easements: If a fence crosses an easement, the fence shall not interfere
43 with the use of the easement.

44
45 H. Privacy gates: Privacy gates are prohibited anywhere within the Town.
46

- 1 I. Vested Master Plan: This policy shall not apply to any fence to be constructed upon
2 land that is subject to a vested master plan containing specific fence design standards
3 and criteria. The construction of such fence shall be governed by the applicable
4 design standards and criteria contained in the master plan.
5
- 6 J. Gateway Entrance Monuments: Gateway entrance monuments within the
7 Conservation District are prohibited. Outside the Conservation District, gateway
8 entrance monuments may be allowed only when they meet the following criteria:
9
- 10 (1) Gateway entrance monuments shall be permitted only for residential
11 subdivisions of five (5) or more lots, and for hotels and condominiums located
12 outside of the Conservation District. Such gateway entrance monuments shall
13 not exceed eight feet (8') in height, and shall not exceed twenty feet (20') in
14 length. One (1) monument is allowed to each side of the road or driveway at the
15 entrance to the subdivision, with up to two (2) monuments total at each
16 vehicular entrance to the subdivision. Entry monuments shall not be constructed
17 in the public right-of-way. Such entrance monuments shall be constructed of
18 natural materials, such as stone and/or wood, and may incorporate the
19 subdivision entrance sign, under a separate permit. Gateway entrance
20 monuments shall not incorporate an arch or other structure over the road.
21 ~~Gateway entrance monuments at hotels, condo-hotels and commercial~~
22 ~~properties may incorporate an arch feature over the private road or driveway,~~
23 ~~but such arches are prohibited in other residential projects. Gateway entrance~~
24 ~~arches shall be in scale with the development, as determined by the Town.~~
25 Privacy gates shall not be incorporated into the gateway entrance monument.
26
- 27 (2) Gateway entrance monuments at private residences shall not exceed five feet
28 (5') in height, and shall not exceed a footprint of ten (10) square feet in ground
29 area. One (1) monument is allowed, and may be located on either each side of
30 the driveway at the entrance to the property, ~~with up to two (2) monuments total~~
31 ~~at the entrance.~~ Entry monuments shall not be constructed in the public right-of-
32 way. Such entrance monuments shall be constructed of the same natural
33 materials that are installed on the private residence, ~~such as stone and/or~~
34 ~~wood,~~ and may incorporate the residence name or street address and light
35 fixtures. Gateway entrance monuments shall not incorporate an arch or other
36 structure over the road. Privacy gates shall not be incorporated into the gateway
37 entrance monument.
38
- 39 K. Variance: The planning commission or town council may authorize the erection
40 of a private fence to delineate the boundary between private land and a public trail
41 or public open space by granting a variance from the limitations of this policy. A
42 variance shall be granted under this subsection only upon the written request of
43 the applicant, and a finding that the applicant has satisfactorily demonstrated that:
44 1) the fence is needed in order to reduce public confusion as to the location of the
45 boundary between the applicant's land and the public trail or public open space;
46 2) the applicant's inability to erect the fence would present a hardship; and 3) the

1 purposes of this policy will be adequately served by the granting of the variance.
2 No variance shall have the effect of nullifying the intent and purpose of this
3 policy. Section 9-1-11D of this chapter is not applicable to the granting of a
4 variance to erect a private fence to delineate the boundary between private land
5 and a public trail under this section.
6

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

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

15 Section 4. The Town Council hereby finds, determines and declares that it has the power
16 to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act,
17 Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal
18 zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv)
19 Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to
20 home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers
21 contained in the Breckenridge Town Charter.
22

23 Section 5. The Town Council hereby finds, determines and declares that it has the power
24 to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article
25 XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.
26

27 Section 6. This ordinance shall be published and become effective as provided by
28 Section 5.9 of the Breckenridge Town Charter.
29

30 INTRODUCED, READ ON FIRST READING, APPROVED AND
31 ORDERED PUBLISHED IN FULL this ____ day of _____, 2011. A Public Hearing shall be
32 held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the
33 ____ day of _____, 2011, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building
34 of the Town.
35

36 TOWN OF BRECKENRIDGE, a Colorado
37 municipal corporation
38
39

40
41 By _____
42 John G. Warner, Mayor
43
44

1 ATTEST:

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65

Mary Jean Loufek, CMC,
Town Clerk



MEMORANDUM

To: Mayor and Town Council
From: Rick Holman, Chief of Police
Date: May 10, 2011
Subject: Amendment to Model Traffic Code for Bicycle Operations

Under current Model Traffic Code regulations in the state and as adopted by the Town, a bicyclist is required to come to a complete stop at all stop signs and required to stop and wait at all red lights just like a motor vehicle. From a practical standpoint, we know this does not occur with the majority of bicycle riders. Recently, the State of Idaho adopted a "Due Care" standard for the operation of bicycles. Although no effort is underway to change our existing bike rules at the state level at this time, we do have the ability to change these rules at the local level. Discussions have occurred in the county between the police chiefs about adopting a standard similar to the State of Idaho. Dillon is currently moving forward with an ordinance change and I am bringing forward this proposed change for your consideration.

Staff is proposing an amendment to our existing Town Code that governs the operation of bicycles and pedicabs. Section 1412 of the Model Traffic Code states that a person riding a bicycle or electrical assisted bicycle shall have all the rights and duties applicable to the driver of any other vehicle, except for stated exceptions. What I am proposing is an amendment that would allow for two exceptions to those rules. Under 12(a), a person riding a bike or electrical assisted bike is required to slow down when approaching a stop sign to a reasonable speed to check for other traffic and then proceed through when safe. The bicyclist is only required to stop if another vehicle has the right of way. Sub-section 12(b) requires a bicyclist to stop at a red light and then proceed through the red light when it is safe to do so. This section also allows a bicyclist to make a right turn on a red light without coming to a stop. We have also added this same language in the ordinance that makes these two new rules applicable to the operation of a pedicab.

The Town Attorney has checked with CDOT and the State Attorney General's office to make sure these proposed changes are acceptable under the rules of the State's Model Traffic Code and we were given approval to make these changes at our local level.

I will be available at the May 10th work session to discuss this proposal with the Council.

1 ***For Worksession/ First Reading May 10, 2011***

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

5
6 COUNCIL BILL NO. ____

7
8 Series 2011

9
10 AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2010
11 EDITION, CONCERNING THE OPERATION OF BICYCLES, PEDICABS, AND OTHER
12 HUMAN-POWERED VEHICLES WITHIN THE TOWN OF BRECKENRIDGE

13
14 WHEREAS, Section 42-4-110(1)(b), C.R.S., authorizes local authorities to adopt by
15 reference a model traffic code embodying the rules of the road and vehicle requirements set forth
16 in Article 4 of Title 42, C.R.S., and such additional local regulations as are provided for in
17 Section 42-4-111, C.R.S.; and

18
19 WHEREAS, the Town of Breckenridge has adopted (and amended) the Model Traffic
20 Code For Colorado, 2010 edition, as the Traffic Code for the Town; and

21
22 WHEREAS, Section 42-4-111(1)(h), C.R.S., provides that nothing in Article 4 of Title
23 42, C.R.S., prevents local authorities, with respect to streets and highways under their
24 jurisdiction and within the reasonable exercise of the police power (except streets and highways
25 that are part of the state highway system), from regulating the operation of bicycles or electrical
26 assisted bicycles consistent with the provision of Article 4 of Title 42, C.R.S.; and

27
28 WHEREAS, the Town Council finds, determines, and declares that the Model Traffic
29 Code For Colorado, 2010 edition, should be amended as set forth in this ordinance.

30
31 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
32 BRECKENRIDGE, COLORADO:

33
34 Section 1. All existing letter designations for the various subsections of Section
35 7-1-2 of the Breckenridge Town Code are deleted; provided, however, that nothing in this
36 Section affects the substance of the amendments to the Town's Model Traffic Code set
37 forth in Section 7-1-2 of the Breckenridge Town Code. Future amendments to Section
38 7-1-2 of the Breckenridge Town Code shall not include any letter designations for the any
39 subsections of Section 7-1-2.

40
41 Section 2. All existing subsections of Section 7-1-2 of the Breckenridge Town
42 Code that relate to amendments to Section 1412 of the Town's Model Traffic Code are
43 repealed, and Section 7-1-2 of the Breckenridge Town Code is amended by the addition
44 of a new unnumbered subsection that reads in its entirety as follows:

1 Section 1412 of the adopted code is amended so as to read in its entirety as
2 follows:

3
4 **1412. Operation of bicycles and other human-powered vehicles**
5

6 (1) Every person riding a bicycle or electrical assisted bicycle shall have all of the
7 rights and duties applicable to the driver of any other vehicle under this article,
8 except as to special regulations in this article and except as to those provisions
9 which by their nature can have no application. Said riders shall comply with the
10 rules set forth in this section and section 221, and, when using streets and
11 highways within incorporated cities and towns, shall be subject to local
12 ordinances regulating the operation of bicycles and electrical assisted bicycles as
13 provided in section 111.
14

15 (2) [DELETED]
16

17 (3) No bicycle or electrical assisted bicycle shall be used to carry more persons at
18 one time than the number for which it is designed or equipped.
19

20 (4) No person riding upon any bicycle or electrical assisted bicycle shall attach
21 the same or himself or herself to any motor vehicle upon a roadway.
22

23 (5)(a) Any person operating a bicycle or an electrical assisted bicycle upon a
24 roadway at less than the normal speed of traffic shall ride in the right-hand lane,
25 subject to the following conditions:
26

27 (I) If the right-hand lane then available for traffic is wide enough to be safely
28 shared with overtaking vehicles, a bicyclist shall ride far enough to the right as
29 judged safe by the bicyclist to facilitate the movement of such overtaking vehicles
30 unless other conditions make it unsafe to do so.
31

32 (II) A bicyclist may use a lane other than the right-hand lane when:
33

34 (A) Preparing for a left turn at an intersection or into a private roadway or
35 driveway;
36

37 (B) Overtaking a slower vehicle; or
38

39 (C) Taking reasonably necessary precautions to avoid hazards or road conditions.
40

41 (III) Upon approaching an intersection where right turns are permitted and there is
42 a dedicated right-turn lane, a bicyclist may ride on the left-hand portion of the
43 dedicated right-turn lane even if the bicyclist does not intend to turn right.
44

45 (b) A bicyclist shall not be expected or required to:
46

1 (I) Ride over or through hazards at the edge of a roadway, including but not
2 limited to fixed or moving objects, parked or moving vehicles, bicycles,
3 pedestrians, animals, surface hazards, or narrow lanes; or
4

5 (II) Ride without a reasonable safety margin on the right-hand side of the
6 roadway.
7

8 (c) A person operating a bicycle or an electrical assisted bicycle upon a one-way
9 roadway with two or more marked traffic lanes may ride as near to the left-hand
10 curb or edge of such roadway as judged safe by the bicyclist, subject to the
11 following conditions:
12

13 (I) If the left-hand lane then available for traffic is wide enough to be safely
14 shared with overtaking vehicles, a bicyclist shall ride far enough to the left as
15 judged safe by the bicyclist to facilitate the movement of such overtaking vehicles
16 unless other conditions make it unsafe to do so.
17

18 (II) A bicyclist shall not be expected or required to:
19

20 (A) Ride over or through hazards at the edge of a roadway, including but not
21 limited to fixed or moving objects, parked or moving vehicles, bicycles,
22 pedestrians, animals, surface hazards, or narrow lanes; or
23

24 (B) Ride without a reasonable safety margin on the left-hand side of the roadway.
25

26 (6)(a) Persons riding bicycles or electrical assisted bicycles upon a roadway shall
27 not ride more than two abreast except on paths or parts of roadways set aside for
28 the exclusive use of bicycles.
29

30 (b) Persons riding bicycles or electrical assisted bicycles two abreast shall not
31 impede the normal and reasonable movement of traffic and, on a laned roadway,
32 shall ride within a single lane.
33

34 (7) A person operating a bicycle or electrical assisted bicycle shall keep at least
35 one hand on the handlebars at all times.
36

37 (8)(a) A person riding a bicycle or electrical assisted bicycle intending to turn left
38 shall follow a course described in sections 901(1), 903, and 1007 or may make a
39 left turn in the manner prescribed in paragraph (b) of this subsection (8).
40

41 (b) A person riding a bicycle or electrical assisted bicycle intending to turn left
42 shall approach the turn as closely as practicable to the right-hand curb or edge of
43 the roadway. After proceeding across the intersecting roadway to the far corner of
44 the curb or intersection of the roadway edges, the bicyclist shall stop, as much as
45 practicable, out of the way of traffic. After stopping, the bicyclist shall yield to
46 any traffic proceeding in either direction along the roadway that the bicyclist had

1 been using. After yielding and complying with any official traffic control device
2 or police officer regulating traffic on the highway along which the bicyclist
3 intends to proceed, the bicyclist may proceed in the new direction.
4

5 (c) Notwithstanding the provisions of paragraphs (a) and (b) of this subsection
6 (8), the transportation commission and local authorities in their respective
7 jurisdictions may cause official traffic control devices to be placed on roadways
8 and thereby require and direct that a specific course be traveled.
9

10 (9)(a) Except as otherwise provided in this subsection (9), every person riding a
11 bicycle or electrical assisted bicycle shall signal the intention to turn or stop in
12 accordance with section 903; except that a person riding a bicycle or electrical
13 assisted bicycle may signal a right turn with the right arm extended horizontally.
14

15 (b) A signal of intention to turn right or left when required shall be given
16 continuously during not less than the last one hundred feet traveled by the bicycle
17 or electrical assisted bicycle before turning and shall be given while the bicycle or
18 electrical assisted bicycle is stopped waiting to turn. A signal by hand and arm
19 need not be given continuously if the hand is needed in the control or operation of
20 the bicycle or electrical assisted bicycle.
21

22 (10)(a) A person riding a bicycle or electrical assisted bicycle upon and along a
23 sidewalk or pathway or across a roadway upon and along a crosswalk shall yield
24 the right-of-way to any pedestrian and shall give an audible signal before
25 overtaking and passing such pedestrian. A person riding a bicycle in a crosswalk
26 shall do so in a manner that is safe for pedestrians.
27

28 (b) A person shall not ride a bicycle or electrical assisted bicycle upon and along a
29 sidewalk or pathway or across a roadway upon and along a crosswalk where such
30 use of bicycles or electrical assisted bicycles is prohibited by official traffic
31 control devices or local ordinances. A person riding a bicycle or electrical assisted
32 bicycle shall dismount before entering any crosswalk where required by official
33 traffic control devices or local ordinances.
34

35 (c) A person riding or walking a bicycle or electrical assisted bicycle upon and
36 along a sidewalk or pathway or across a roadway upon and along a crosswalk
37 shall have all the rights and duties applicable to a pedestrian under the same
38 circumstances, including, but not limited to, the rights and duties granted and
39 required by section 802.
40

41 (11)(a) A person may park a bicycle or electrical assisted bicycle on a sidewalk
42 unless prohibited or restricted by an official traffic control device or local
43 ordinance.
44

45 (b) A bicycle or electrical assisted bicycle parked on a sidewalk shall not impede
46 the normal and reasonable movement of pedestrian or other traffic.

1
2 (c) A bicycle or electrical assisted bicycle may be parked on the road at any angle
3 to the curb or edge of the road at any location where parking is allowed.
4

5 (d) A bicycle or electrical assisted bicycle may be parked on the road abreast of
6 another such bicycle or bicycles near the side of the road or any location where
7 parking is allowed in such a manner as does not impede the normal and
8 reasonable movement of traffic.
9

10 (e) In all other respects, bicycles or electrical assisted bicycles parked anywhere
11 on a highway shall conform to the provisions of part 12 of this article regulating
12 the parking of vehicles.
13

14 **(12) (a) A person operating a bicycle or electrical assisted bicycle**
15 **approaching a stop sign shall slow down and, if required for safety, stop**
16 **before entering the intersection. After slowing to a reasonable speed or**
17 **stopping, the person shall yield the right-of-way to any vehicle in the**
18 **intersection or approaching on another roadway so closely as to constitute an**
19 **immediate hazard during the time the person is moving across or within the**
20 **intersection, except that a person after slowing to a reasonable speed and**
21 **yielding the right-of-way if required, may cautiously make a turn or proceed**
22 **through the intersection without stopping.**
23

24 **(b) A person operating a bicycle or electrical assisted bicycle approaching a**
25 **steady red traffic control signal shall stop before entering the intersection,**
26 **except that a person after slowing to a reasonable speed and yielding the**
27 **right of way if required, may cautiously make a right hand turn without**
28 **stopping or may cautiously make a left hand turn onto a one-way roadway**
29 **without stopping.**
30

31 **(c) The provisions of this subsection 12 shall control over any conflicting**
32 **portion of this code or any Town ordinance.**
33

34 ~~(12)~~ (a) Any person who violates any provision of this Section commits a
35 misdemeanor traffic offense; except that Section 42-2-127, C.R.S. shall not apply.
36

37 (b) Any person riding a bicycle or electrical assisted bicycle who violates any
38 provision of this Code other than this Section which is applicable to such a
39 vehicle and for which a penalty is specified shall be subject to the same specified
40 penalty as any other vehicle; except that Section 42-2-127, C.R.S. shall not apply.
41

42 ~~(13)~~ (14) Upon request, the law enforcement agency having jurisdiction shall
43 complete a report concerning an injury or death incident that involves a bicycle or
44 electrical assisted bicycle on the roadways of the state, even if such accident does
45 not involve a motor vehicle.
46

1 (~~1415~~) Except as authorized by Section 42-4-111, C.R.S., the rider of an electrical
2 assisted bicycle shall not use the electrical motor on a bike or pedestrian path.
3

4 Section 3. The unnumbered subsection of Section 7-1-2 of the Breckenridge
5 Town Code that relates to Section 1412 of the Town’s Model Traffic Code is amended by
6 the addition of a new subsection that reads in its entirety as follows, and the subsequent
7 subsections of Section 1412 of the Town’s Model Traffic Code are renumbered as
8 follows:
9

10 **(12) (a) A person operating a pedicab approaching a stop sign shall slow**
11 **down and, if required for safety, stop before entering the intersection. After**
12 **slowing to a reasonable speed or stopping, the person shall yield the right-of-**
13 **way to any vehicle in the intersection or approaching on another roadway so**
14 **closely as to constitute an immediate hazard during the time the person is**
15 **moving across or within the intersection, except that a person after slowing**
16 **to a reasonable speed and yielding the right-of-way if required, may**
17 **cautiously make a turn or proceed through the intersection without stopping.**
18

19 **(b) A person operating a pedicab approaching a steady red traffic control**
20 **signal shall stop before entering the intersection, except that a person after**
21 **slowing to a reasonable speed and yielding the right of way if required, may**
22 **cautiously make a right hand turn without stopping or may cautiously make**
23 **a left hand turn onto a one-way roadway without stopping.**
24

25 **(c) The provisions of this subsection 12 shall control over any conflicting**
26 **portion of this code or any Town ordinance.**
27

28 (~~1213~~) Any person who violates any provision of this section commits a
29 misdemeanor traffic offense; except that section 42-2-127, C.R.S., shall not apply.
30

31 (~~1314~~) Upon request, the law enforcement agency having jurisdiction shall
32 complete a report concerning an injury or death incident that involves a pedicab
33 anywhere within the Town, even if such accident does not involve a motor
34 vehicle.
35

36 Section 4. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary
37 codes adopted by reference therein, shall continue in full force and effect.
38

39 Section 5. The Town Council hereby finds, determines and declares that this ordinance is
40 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
41 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
42 thereof.
43

44 Section 6. The Town Council hereby finds, determines and declares that it has the power
45 to adopt this ordinance pursuant to: (i); Section 42-4-111(1)(h), C.R.S; (ii) Section 42-4-
46 110(1)(a), C.R.S.; (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv)
47 Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to

1 home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers
2 contained in the Breckenridge Town Charter.

3
4 Section 7. This ordinance shall be published and become effective as provided by
5 Section 5.9 of the Breckenridge Town Charter.

6
7 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
8 PUBLISHED IN FULL this ____ day of _____, 2011. A Public Hearing shall be held at the
9 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
10 _____, 2011, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
11 Town.

12
13 TOWN OF BRECKENRIDGE, a Colorado
14 municipal corporation

15
16 By _____
17 John G. Warner, Mayor

18
19 ATTEST:

20
21 _____
22 Mary Jean Loufek, CMC,
23 Town Clerk

MEMORANDUM

TO: Town Council

FROM: Mark Truckey, Assistant Director of Community Development
Julia Puester, Planner II

SUBJECT: May 10, 2011 Joint Upper Blue Master Plan Hearing

Staff presented a draft update of the Joint Upper Blue Master Plan to the Council at its March 8, 2011 meeting. Since that time, the JUBMP Update Committee has met once more and an open house on the JUBMP was held on April 21 at the Breckenridge Recreation Center. The Council also had further discussions on the affordable housing density issue at its April 26 work session.

Attached is an updated draft of the JUBMP. Changes since the March 8 version are shown in underline and overstrike. There have been numerous modifications to the document compared to the draft the Council reviewed in March. However, most of the changes have not been substantive in nature. Most of the changes are related to updating of numbers in tables, additional clarifying language, or text that has been moved to other sections of the document.

Key Goals/Policies of JUBMP Update

Included below is a bulleted summary of the principle goals and policy direction contained in the Plan.

- Maintain a cap on overall density in the Upper Blue Basin (i.e. no upzonings in the Basin without utilizing Transferable Development Rights/TDRs).
- Recognize a new realistic build-out, which is higher than the one contained in the 1997 edition of the Plan, and incorporate the envisioned demand for affordable workforce housing.
- Target a recognized realistic build-out [of between 13,960 and 14,900] residential units in consideration of pursuing realistic density reduction strategies. A list of realistic density reduction strategies is included in Table 7 of the Plan draft.
- The targeted build-out in the Basin is based on maintaining community character, not necessarily infrastructure capacity.
- Continue to preserve the undeveloped character of the Upper Blue Basin's backcountry areas and limit development in the backcountry to the maximum extent possible. Continue to promote the TDR program as a means of protecting backcountry areas.
- Work to increase the supply of affordable housing units in the basin.
- A commitment from the Town of Breckenridge and Summit County to extinguish density that they own as new affordable workforce housing units are constructed, to offset impacts to activity levels.
- Increase capacities and efficiencies in the basin's transportation and transit

systems, including an emphasis on “complete streets” and providing for the full range of alternative transportation modes (e.g., biking, walking).

- Promotion of “sustainable” development and support for the Town and County sustainability planning efforts.
- Support for forest management projects that improve forest health and for long-term planning efforts to avoid impacts of wildfire and protect our watershed.
- Commitment of the County and Town to continue to jointly acquire open space and improve the basin’s trail network.
- A goal to continue to develop active recreational and park spaces.
- Policies that support provision of adequate infrastructure while recognizing that growth should be driven by character issues as opposed to ability to service areas.
- Policies suggesting that the County adopt development standards similar to the Town’s in an area of mutual interest.
- Policies suggesting amending the current intergovernmental agreement on TDRs and in re-evaluating the methodology used to determine the price of TDRs.
- Support for retaining lands that are zoned for commercial service/light industrial uses.
- Policies addressing redevelopment.
- Policies in the draft Plan would preclude the Town of Breckenridge or the County from allowing deed restricted units in the Town of Blue River to meet Breckenridge or County housing requirements/obligations. The Town of Blue River is also exempt from the overall Plan recommendations to reduce density.

Open House Results

The April 21 Open House provided the public with an overview of all the key issues addressed in the JUBMP Update. A questionnaire was handed out at the meeting to solicit public input. Sixteen questionnaires were returned. The full results are attached. A summary of the input received included:

- The existing amount of activity in the Basin is acceptable, but the Basin is nearing its capacity
- Most attendees strongly agreed that no new density should be created in the basin
- Most attendees agreed that the towns and County should aggressively pursue reducing density in the basin to maintain community character
- Additional transit park and ride facilities should be considered, particularly near the Town of Blue River.
- Density should not continue to be created (i.e. “free”) for new affordable housing projects and it should count against the Basin’s density cap
- The impacts of constructing new affordable workforce housing units should be offset by permanently eliminating zoned density elsewhere in the Upper Blue Basin
- A significant amount of density should be eliminated to offset impacts of new affordable housing.
- Regarding “other issues” (i.e., besides those discussed in the above bullets), the following topics were listed as “highest priority” issues: water resources and watershed protection,

access to open space, trails, and recreation, protection of backcountry areas in the Basin, and forest management (e.g., wildfire protection and forest health).

Density for Affordable Housing

At the April 26 Council meeting, the Council agreed by a 4-3 vote to extinguish density the Town owns as new affordable housing is constructed, at a ratio of 1:4 (one unit of density will be extinguished for every four units of affordable housing constructed). The Upper Blue Planning Commission met on April 28 and voted to establishing a ratio of 1:2 for the County. The Board of County Commissioners will still need to weigh in on this ratio. The policy in the attached draft plan does not include new wording to address these concepts. It still needs to be determined how this JUBMP policy will ultimately be crafted. The two primary options that have been discussed are:

- Include a general policy that states the Town of Breckenridge and Summit County commitment to extinguishing density to offset the impacts of new affordable housing, but not identify any specific reduction ratios (these would be determined by each jurisdiction).
- Include a more specific policy that identifies the ratios (1:4 for Town and 1:2 for County) that each jurisdiction intends to use to extinguish density to offset new housing impacts.

We anticipate having the JUBMP Update Committee meet one more time later in May. The Committee, which includes representatives from each jurisdiction, will decide which option to develop policy from. If Council members have a strong preference regarding this issue, please let staff and your JUBMP Committee representatives know at Tuesday's meeting.

Plan Adoption Process

The Town Code requires the Council to hold a public hearing on the JUBMP prior to adoption. This hearing is scheduled for the May 10 evening agenda. At the hearing, the Council should consider any public testimony and provide staff with direction regarding any of the issues discussed above and in the attached draft plan.

A resolution adopting JUBMP is attached. However, the Council should not take action on the resolution on May 10. A separate time will be scheduled, probably in June, for the Council to meet with the Blue River Board and the Upper Blue Planning Commission to jointly adopt the updated JUBMP.

Council Action

The Council is requested to:

- Hold public hearing and receive public testimony
- Provide input to staff regarding any desired changes they would like to see to the attached draft Plan.
- Provide input to staff on any of the issues outlined in this memo



JOINT UPPER BLUE MASTER PLAN UPDATE QUESTIONNAIRE / COMMENT SHEET

Please circle one answer to each question and provide any additional comments you have in the space provided under each topic.

Carrying Capacity & Livability of the Upper Blue Basin

- 1) What do you think about the current activity levels in the Upper Blue Basin (i.e. the amount of development, traffic, demands for public services, lines at the grocery store, etc.)?
- A. The Basin is already too busy and my quality of life is being negatively affected. **3.5**
 - B. The existing amount of activity in the Basin is acceptable, but the Basin is nearing its capacity. **9.5**
 - C. Activity in the Basin could continue to increase without negatively impacting my quality of life. **1**

Comments:

- **The Basin is very near capacity, development is inevitable but we must tread carefully.**

Density Cap and Density Reduction Strategies

- 2) Do you agree that no new density should be created in the Upper Blue Basin (i.e. the permitted number of housing units and amount of commercial space should not be increased beyond what is already allowed by existing zoning)?
- A. I strongly agree **12**
 - B. I somewhat agree **3**
 - C. I somewhat disagree **0**
 - D. I strongly disagree **0**
- 3) Do you think that the remaining development potential in the Upper Blue Basin should be “reduced” to preserve the community character and quality of life in the Basin?
- A. YES, strategies to reduce remaining development should be **AGGRESSIVELY** pursued. **9**
 - B. YES, strategies to reduce remaining development should be pursued **TO SOME DEGREE**. **4**
 - C. NO, strategies to reduce remaining development are **NOT NEEDED**. **1**

Comments: _____

Transportation & Transit

- 4) If public transportation service is expanded throughout the Upper Blue Basin, with park-n-rides developed to the north and south of Breckenridge, where do you think are the preferred locations for these park-n-rides? (Circle all that apply)
- Highway 9 / Swan Mountain Rd. **6**
 - Tiger Road area north of Breckenridge **7**
 - Town of Blue River **10**

- South of the Town of Blue River **6**
- Other Locations (please specify): **1**
 - **Alma/Fairplay**
 - **Top of Hoosier Pass**
 - **No park and ride**

Affordable Workforce Housing

- 5) Do you think that continuing to create “new” density for affordable workforce housing (i.e. creating density that is not currently available per zoning) is in the interest of maintaining the community character of the Upper Blue Basin?
- A. YES, density SHOULD continue to be created (i.e. “free”) for new affordable housing projects as an exception to the basin-wide density cap. **2**
- B. NO, density should NOT continue to be created (i.e. “free”) for new affordable housing projects and should count against the Basin’s density cap. **13**
- 6) Do you think the impacts of constructing new affordable workforce housing units should be offset by permanently eliminating zoned density elsewhere in the Upper Blue Basin?
- A. YES **12**
- B. NO **1**
- 7) Hypothetically, if density were to be permanently eliminated elsewhere in the Upper Blue Basin in conjunction with a new affordable workforce housing project, the amount of density to be eliminated should be:
- A. Very Significant (e.g., eliminating one unit of density for every new unit of affordable housing constructed). **9**
- B. Less Significant (e.g., eliminating some amount of density, but LESS THAN one unit of density for every new unit of affordable housing). **4**
- C. DON’T KNOW — To be determined on a case-by-case basis in light of project specifics and other community benefits (e.g., provision of affordable childcare). **1**

Comments: _____

Other Significant Basin Issues

8) Please indicate the priority that you think should be given to each of the topics listed below, by checking either **High**, **Medium** or **Low** Priority for each:

Topic	High Priority	Medium Priority	Low Priority
Protection of backcountry areas in the Basin	10	3	
Access to open space, trails & recreation	11	4	
Forest management (e.g., wildfire protection and forest health)	9	4	1
Water resources and watershed protection	12	3	
Sustainability initiatives (e.g., increase energy efficiency and renewable energy production)	8	5	2
Develop adequate levels of infrastructure (e.g. water and sewer service capacity)	8	7	
Cooperative planning and design standards for properties adjacent to the Town of Breckenridge (e.g., highly visible properties)	5	8	1
Maintain an adequate amount of land for service commercial / light industrial land uses within the Basin	6	6	4
Plan for infill and redevelopment of properties within the urban areas of the Basin	2	10	1

Please provide us with any additional comments you have on any topics or issues not addressed in this brief survey:

- The Blue River is the sole source of water supply for the Town of Breckenridge via direct flow diversion, not from the goose pasture tarn reservoir storage. There is some storage reserved for the worst drought on record occurrence-winter flows. (Town of Breck, Water manager).
- Your forest health wildfire efforts are totally misplaced. The fire danger is diminishing not increasing with beetle kill. Your plan is a total waste of money.
- Don't zone out service commercial or allow too much of it to be rezoned to residential or other uses. We may regret it someday if we do.
- Include a sustainability section- it is a limited resource and drought any make it more limited. Consider water rights purchases by Denver Water, water transfers and other impacts to water quantity. Consider landscaping reqs, conservation, other measures.
- No new affordable housing should be developed.
- More enforcement in the backcountry.

1 **FOR WORKSESSION/ADOPTION – _____**

2
3 A RESOLUTION

4
5 SERIES 2011

6
7 A RESOLUTION ADOPTING THE “JOINT UPPER BLUE MASTER PLAN, MAY
8 2011”
9

10 WHEREAS, Section 9-4-6 of the Breckenridge Town Code authorizes the Town
11 Council of the Town of Breckenridge from time to time to join with Summit County
12 government and the Town of Blue River to adopt or amend a joint plan for the
13 development of the Upper Blue Basin; and
14

15 WHEREAS, in 1997 the Town, Summit County government, and the Town of
16 Blue River adopted the “Joint Upper Blue Master Plan”; and
17

18 WHEREAS, with the assistance of the Joint Upper Blue Master Plan Advisory
19 Committee a revised “Joint Upper Blue Master Plan, May 2011” has been prepared, a
20 copy of which is marked Exhibit “A”, attached hereto, and incorporated herein by
21 reference; and
22

23 WHEREAS, the Town Council has reviewed the proposed “Joint Upper Blue
24 Master Plan, May 2011” and is familiar with its contents; and
25

26 WHEREAS, Section 9-4-4 of the Breckenridge Town Code requires that a public
27 hearing be held by the Town Council prior to its consideration of a resolution to adopt a
28 Joint Upper Blue Master Plan; and
29

30 WHEREAS, Section 9-4-6 of the Breckenridge Town Code provides that the
31 adoption of a Joint Upper Blue Master Plan may be adopted in accordance with the
32 procedures established in Section 9-4-4 of the Breckenridge Town Code; and
33

34 WHEREAS, a public hearing on the proposed adoption of the Joint Upper Blue
35 Master Plan, May 2011 was held on _____, 2011, notice of which was
36 published on the Town’s website in accordance with Section 9-4-4 of the Breckenridge
37 Town Code; and
38

39 WHEREAS, at the public hearing the Town Council received public comment
40 concerning the proposed adoption of the Joint Upper Blue Master Plan, May 2011; and
41

42 WHEREAS, the Town Council has considered the public comment concerning
43 the proposed adoption of the Joint Upper Blue Master Plan, May 2011 that was received
44 at the public hearing; and
45

1 WHEREAS, the Town Council finds and determines that the Joint Upper Blue
2 Master Plan, May 2011, should be approved.

3
4 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN
5 OF BRECKENRIDGE, COLORADO, as follows:

6
7 Section 1. The Joint Upper Blue Master Plan, May 2011 is approved, and the
8 Town Manager is authorized, empowered, and directed to execute such document for and
9 on behalf of the Town of Breckenridge.

10
11 Section 2. The 1997 edition of the Joint Upper Blue Master Plan is repealed.

12
13 Section 3. Pursuant to Section 9-4-4 of the Breckenridge Town Code, an attested
14 copy of this resolution shall be certified by the Town Clerk to the Board of County
15 Commissioners of Summit County.

16
17 Section 4. This resolution is effective upon adoption.

18
19 RESOLUTION APPROVED AND ADOPTED THIS _____ DAY OF _____, 2011.

20
21 TOWN OF BRECKENRIDGE

22
23
24
25 By _____
26 John G. Warner, Mayor

27 ATTEST:

28
29
30 _____
31 Mary Jean Loufek, CMC,
32 Town Clerk

33
34 APPROVED IN FORM

35
36
37 _____
38 Town Attorney date

~~JUBMP Update—Working Draft~~

~~(Note—most numbers are anticipated to be updated slightly
as the Plan is finalized)~~

~~Cover Pages & Acknowledgements~~

~~[To be inserted]~~

JOINT UPPER BLUE MASTER PLAN

FOR SUMMIT COUNTY AND THE TOWNS OF BRECKENRIDGE AND BLUE RIVER



PREPARED BY:

**JOINT UPPER BLUE MASTER PLAN
ADVISORY COMMITTEE**

ADOPTED MAY 2011

**JOINT UPPER BLUE MASTER PLAN
FOR SUMMIT COUNTY AND THE TOWNS OF
BRECKENRIDGE AND BLUE RIVER**

Adopted May ?? 2011

Prepared by:

Joint Upper Blue Master Plan Advisory Committee

Jeffrey Bergeron, Breckenridge Town Councilman
Eric Mamula, Breckenridge Town Councilman
Dan Gibbs, County Commissioner
Jim Just, Upper Blue Planning Commissioner
Robin Theobald, Upper Blue Planning Commissioner
Larry Nelson, Town of Blue River Trustee
Rob Theobald, Town of Blue River Trustee

Summit County Planning Department

Jim Curnutte, Community Development Director
John Roberts, Planning Department, Long Range Planning
Kate Berg, Planner II

Town of Breckenridge Planning Department

Peter Grosshuesch, Community Development Director
Mark Truckey, Assistant Community Development Director
Julia Puester, Planner II

Adopted by the Upper Blue Planning Commission

May 2011
Resolution No. _____

Adopted by the Breckenridge Town Council

May 2011
Resolution No. _____

Adopted by the Town of Blue River Board of Trustees

May 2011
Resolution No. _____

TABLE OF CONTENTS

[To be inserted]

Organization of the Plan

I. Executive Summary

II. A Vision.....

III. Introduction.....

 Purpose and Intent.....

 Guiding Tenets of the Plan.....

IV. Overview & Background.....

 Background – 1997 Edition of the Plan

 Significant Themes and Goals – 1997 Edition of the Plan.....

 Implementation – 1997 Edition of the Plan

 2011 Plan Update Effort

V. Basin Overview/Existing Conditions & Future Growth Projections

 Geographic Setting.....

 Land Use Inventory & Ownership

 Population & Visitation.....

 Basin Build-Out

 Residential Growth Experienced Since 1997.....

 2010 Build-Out Analysis: Three-Tiers.....

 Commercial Build-Out Analysis.....

 Community Character

VI. Land Use.....

 Basin Development Pattern.....

 Growth Center Concept.....

 Transition to Urban and Rural Concept

 Basin Growth and Development – Infrastructure Considerations.....

 Activity Level Approach.....

 Reducing Build-Out Impacts.....

 Density Reduction Strategies

 Other Density Reduction Strategies

VII. Backcountry Protection.....

VIII. Affordable Workforce Housing.....

 Affordable Workforce Housing – Increase in Supply Since 1997.....

 Projected Affordable Workforce Housing Needs

 Other Adopted Affordable Workforce Housing Plans.....

 Appropriate Locations for Affordable Workforce Housing.....

Density Reduction Strategy: Mitigating Impacts on Density & Activity Levels.....

IX. Transportation & Transit.....

X. Other Significant Basin Issues

Community Sustainability.....

Forest Management.....

Water Resources/Watershed Protection.....

Open Space and Trails

Recreation

Infrastructure.....

Cooperative Planning & Design Standards.....

Service Commercial/Light Industrial Uses

Redevelopment.....

XI. Implementation Strategies

APPENDIX A. Implementation Strategies

Organization of the Plan

The Joint Upper Blue Master Plan is organized and presented in the following sections:

- I. **Executive Summary:** Overviews the core themes and identifies the significant goals, policies/actions and recommendations contained in the Plan.
- ~~III.~~ **A Vision:** Presents a statement of the community's vision for the Upper Blue Basin's future on which the goals, policies/actions, and implementation strategies of the Plan are based.
- III. **Introduction:** Includes basic information on the purpose and scope of the Plan and the guiding tenets.
- ~~IIIIV.~~ **Overview & Background:** Presents a summary of the development and adoption of the Plan in 1997, implementation, and background on the update to the Plan in 2011.
- ~~IVV.~~ **Basin Overview/Existing Conditions & Future Growth Projections:** Provides an overview of the Upper Blue Basin's geographic setting, land use ownership, population, visitation, build-out and community character.
- ~~V.~~ **A Vision:** Presents a statement of the community's vision for the future on which the goals, policies/actions, and implementation strategies of the Plan are based.
- VI. **Land Use:** Identifies and defines Upper Blue Basin specific land use issues accompanied by related goals and policies/actions.
- VII. **Backcountry Protection:** Summarizes efforts to protect the backcountry and reinforces reasons to champion continued programs to safeguard it.
- VIII. **Affordable Workforce Housing:** Reviews the importance of continuing to provide for affordable workforce housing, estimated demand and policy directive to ~~extinguish~~ reduce density ~~at a 1:2 ratio~~ to offset impacts to activity levels and build-out.
- IX. **Transportation & Transit:** Overviews previous studies, recommendations and accomplishments to address transportation and transit system capacity in the Upper Blue Basin, and identifies strategies to continue to increase efficiency and effectiveness of said systems.
- X. **Other Significant Issues:** Identifies other important issues in the Upper Blue Basin and provides a general policy foundation and statements that can be used and referenced.
- XI. **Implementation Strategies:** Provides a list of measures that should be pursued to implement the action steps identified by goals and policies/actions contained in the Plan. Strategies are prioritized and agencies responsible for implementation identified.

APPENDIX – UPPER BLUE BASIN BUILD-OUT: Presents a detailed analysis of existing and potential absolute and realistic build-out within the Upper Blue Basin.

I. Executive Summary

Through the goals, and policies/actions contained in the following pages, the Joint Upper Blue Master Plan, hereafter referred to as “the Plan,” seeks to sustain the quality of the valley's resources and the character of the community as we know it today. Meaningful ways to accomplish this are through: encouraging reduced development density, activity levels and insuring that ~~are~~ new development is compatible with surrounding land uses and comparable developments that reflect the policies set forth herein, protecting the Upper Blue Basin's backcountry areas and natural systems, promoting enhancements to transportation and transit systems, and promoting adequate supplies of affordable workforce housing. The Plan recognizes that some amount of additional growth will occur. Therefore, the Plan fosters an urban and rural development pattern, emphasizes the need to develop in a sensitive manner, ~~and provide~~ accommodate affordable workforce housing, recreation and open space to adequately serve the needs of the community and visitors as it grows. If fulfilled, the Plan's goals and policies/actions are intended to preserve a sense of place and spirit of the community while allowing for growth that can be comfortably accommodated without requiring dramatic increases in infrastructure and service capacities.

Following are the principle goals and policy direction contained in the Plan. These represent the major policy conclusions and recommendations:

- Maintain a cap on overall density in the Upper Blue Basin (i.e. no upzonings in the Basin without utilizing Transferable Development Rights/TDRs).
- Recognize a new realistic build-out, which is higher than the one contained in the 1997 edition of the Plan, and ~~incorporate the envisioned demand for~~ accommodates the density associated with affordable workforce housing.
- Target a recognized realistic build-out ~~of 14,200~~ 10,000 residential units ~~in consideration~~ that reflects implementation of ~~pursuing realistic~~ effective density reduction strategies.
- The targeted build-out in the Upper Blue Basin is based on maintaining community character, not necessarily infrastructure capacity.
- Continue to preserve the undeveloped character of the Upper Blue Basin's backcountry areas and limit development in the backcountry to the maximum extent possible.
- ~~Extinguish~~ Reduce density ~~at a 1:2 ratio~~ when building new affordable workforce housing units to offset corresponding development impacts ~~to activity levels~~.

II. A Vision

The Upper Blue Basin (hereafter referred to as “the Basin”) is both a valuable and vulnerable resource. The Basin sustains the community in many ways. The sense of place and the spirit of the community are largely defined by the high alpine setting and pristine natural environment of the Upper Blue. The relatively unspoiled quality of the Basin’s resources - its clean air and water, spectacular mountain vistas, abundant open spaces, diverse and easily seen wildlife as well as rare plants and animals; relative lack of urban problems or annoyances such as serious crime, noise and light pollution; easy access to multiple outdoor recreation and opportunities for solitude in the backcountry; and the small town atmosphere are just some of the attributes which define this community. It is both individual and shared beliefs about the value of these intangibles, much more than measurable components like traffic volume and sewer capacity, which define our community as it is today and how we wish it to be maintained in the future.

The Basin’s resources and character have always been the mainstay which attracts residents and visitors to this area and made the community what it is today - a thriving resort area. At the same time, our economic success can threaten the values that we all hold dear. We are at a critical juncture. Recognizing that our high alpine setting is a fragile ecosystem, "Killing the goose that laid the golden egg," is a real risk if urbanization or unplanned growth and the resulting impacts created degrade the valley's resources.

The Plan’s vision, simply put, is to preserve the quality of the valley's resources and the character of the community as we know it today. That is not to suggest that continued economic growth should not or will not occur. Rather, a chief goal of this Plan is to ensure that such economic vitality, borne in the unique character of the community, be maintained. The guiding theme of the Plan is to implement a shared set of policies among the towns of Breckenridge and Blue River and the County in order to preserve our high alpine environment along with the character and spirit of the community that we enjoy and value today as growth and inevitable change occurs.

III. Introduction

Purpose and Intent

The Plan articulates a common vision for the future, and informs citizens, landowners and developers of the goals, policies and desired actions which will shape the future of the Basin. The purpose of the Plan is to serve as an advisory guide to sustain community character in light of changes implicated by future growth and development in the ~~Upper Blue Basin (hereafter referred to a “the Basin”)~~. Basin. In this context, it will be used by the Upper Blue Planning Commission, Board of County Commissioners (“BOCC”), Breckenridge Planning Commission, Breckenridge Town Council ~~and~~, Blue River Town Trustees and Town of Blue River Planning and Zoning Committee as a reference and guide for decisions which affect the physical development of the Basin. It also provides a means for communication and coordination between the towns of Breckenridge and Blue River, Summit County (“the County”), special districts and federal, regional and state agencies.

The Plan is not the equivalent of zoning or other land use regulations ~~in that~~ and it does not regulate use of land. The Plan is not binding upon the decision making authority of the County, or the towns of Breckenridge and Blue River. However, it is recognized that the Plan should inform all such decisions, and that each of these jurisdictions will strive to make decisions which are aligned and consistent with the Plan.

Guiding Tenets of the Plan

The underlying tenets that guide how the Plan is intended to be interpreted and applied include the following:

Narrative

The narrative contained herein serves to explain some of the background and important considerations in developing the Plan, and provides a summary of significant issues and policy direction presented. The narrative does not serve as a goal or policy/action in its own right, or the basis for any determination as to applicable master plan goals and policies, and is for illustration and guidance only.

Umbrella Document/Hierarchy of Master Plans

In regards to unincorporated portions of the County, ~~the County's Countywide Comprehensive Plan and~~ located in the Basin, the Joint Upper Blue Master Plan ~~are~~ is intended to provide general policy guidance, and serve along with the County's Countywide Comprehensive Plan as the umbrella documents for the Upper Blue Master Plan. In contrast, the Upper Blue Master Plan serves as the primary document for particular guidance envisioned for the Basin, and is intended to be in harmony with the Countywide Comprehensive Plan and Joint Upper Blue Master Plan. It is expressly intended that the Countywide Comprehensive Plan and Joint Upper Blue Master Plan address broader issues and defer specific goals and policies/actions to the Upper Blue Master Plan for specific issues pertaining to unincorporated portions of the Basin. ~~In turn, the County's Countywide Comprehensive Plan and the Joint Upper Blue Master Plan are also expressly intended to complement each other, and shall be interpreted in a harmonious nature whenever possible.~~

~~In regards to~~ For the Town of Breckenridge, the Town's Comprehensive Plan provides specific policy direction for the Town as it considers future decisions affecting the Town's land use, transportation systems, and a host of other important issues. The Comprehensive Plan is intended to more fully carry out the general policy guidance provided in the Joint Upper Blue Master Plan and Town's Vision Plan. Specific development review guidance is provided in the Town of Breckenridge's Development Code and Land Use Guidelines.

~~In regards to~~ For the Town of Blue River, the Town's zoning designations provide specific direction on future land use decisions. This Plan can be used in conjunction with the zoning to help guide or evaluate proposed changes in land use within the Town's limits.

The County and towns of Breckenridge and Blue River should also use the Plan in conjunction with the other plans which may address more specific issues, limited areas or functions such as comprehensive plans, subbasin and neighborhood plans, trails plans and open space plans.

Consistency Between Goals and Policies

The goals and policies/actions articulated in the Plan are the primary mechanism to carry out the vision of this particular master plan. Nevertheless, the vision, goals and policies/actions in the Countywide Comprehensive Plan, Upper Blue Master Plan and Town of Breckenridge Comprehensive Plan, are all intended to be in harmony with each other.

Advisory Nature, Application and Interpretation

The Plan is an advisory document and contains goals and policies/actions recommended to carry out the vision for the community in a number of different areas. Such goals or policies/actions do not have the force and effect of law. Nevertheless, the County's Land Use and Development Code makes "general conformance" with the provisions of master plans a requirement for certain development applications. The BOCC and County planning commissions have the authority to consider and even require compliance with the Plan and certain goals and policies contained herein in particular applications (i.e. rezonings, PUDs, subdivisions, conditional use permits and regulatory revisions).

Density and Zoning – County Considerations

A number of considerations under federal, state, and local law allow or enable the County and towns to impose more restrictive development standards or otherwise create a higher degree of restriction on the development of property, including the density related thereto. It is expressly anticipated that the application of this Plan's provisions and other policy documents by the County during the review of a development proposal, and other laws and regulations, may limit and affect the type of land uses and/or related density that may be located on the given property to a level below the maximum potential density permitted by zoning.

Accordingly, this Plan by design goes beyond the simple linear or direct contemplation of density afforded by zoning and establishes overarching goals and policies that attempt to shape the actual physical development of the community and the Basin. Thus, this Plan, in conjunction with the Upper Blue Master Plan and Countywide Comprehensive Plan, may have the effect of limiting the potential development of the theoretical maximum density allowed by zoning on property.

Review Authority – County

When using and applying a master plan, a County Review Authority (i.e. BOCC, planning commission or staff) is entitled to discretion in evaluating whether there has been "general conformity" and compliance with the county's master plans and assigning weight to particular goals and policies/actions in the Plan on a case-by-case basis. Accordingly, Chapter 15 of the County's Land Use and Development Code defines general conformance as:

"When a development application is evaluated regarding its general conformance with applicable master plans, the Review Authority shall evaluate the application against the entirety of the goals, policies and actions contained in the master plans and need not require compliance with every provision contained therein. Nonetheless, the Review Authority may require that an applicant satisfy any particular goal, action or policy if such compliance is deemed necessary to attain general conformance."

Nexus to County's Land Use and Development Code

In the County, master plans are utilized to set out the broad goals, policies, information and concerns that speak to the issues implicated by growth and development, and, in turn, may affect the manner in which such development occurs. In this regard, within the framework of master planning, local ordinances and land use regulations are developed and adopted in consideration of master plan policies. Thus, such regulations, including the County's Land Use and Development Code and regulations contained therein for procedures such as subdivisions, rezonings, and permits are regulatory and contain specific standards.

III

IV. Overview & Background

Background – 1997 Edition of the Plan

In the early 1990s the towns of Breckenridge and Blue River, together with the County, started a cooperative planning effort to address land use and related issues, which were considered crucial to

maintaining the special sense of community and quality of life in the Basin. In 1994 the Joint Upper Blue Master Plan Committee was formed and charged with the challenging task of reviewing the existing master plans for the Basin and charting a course for the future. As stated in the 1997 edition of the Plan, the goal of this effort was to “adopt a seamless plan which provides for a unified vision and consistent land use policy for the entire basin.”

Once initiated, the Plan took 3 ½ years to develop, and over 30 public meetings were held to discuss issues and garner community input. The Joint Upper Blue Master Plan Committee began public meetings in March 1994, and in-depth analyses of existing development, build-out, zoning, subdivided areas, land ownership patterns and environmental factors were started for the entire Basin. As part of the planning effort there were three significant professional studies conducted. These studies were important as they served as the backbone and foundation to form the Plan’s framework and included:

Land Use Inventory and Analysis – Prepared by RRC Associates, John Humphreys Associates and RG Plans ~~(Year)~~ in October 1995. The land use inventory analyzed potential and projected build-out by subdivision in the Basin.

Upper Blue River Basin Transportation Plan – Prepared by Flesburg, Holt & Ullevig ~~(Year)~~ in January 1996. The Transportation Plan defined and quantified the major transportation constraints and opportunities in consideration of potential build-out of the Basin.

Commercial Zoning Analysis Upper Blue River Basin – Prepared by Economies Research Associates ~~(Year)~~ in June 1997. The analysis assessed and projected the amount of supportable commercial in the Basin in consideration of future residential build-out and visitor volume growth.

In August 1997, the County, along with the towns of Breckenridge and Blue River, adopted the Plan. In 1998 the Colorado Chapter of the American Planning Association recognized and awarded the Plan as an “Outstanding Project” at their annual conference. The following year, the Plan was awarded the 1999 Governor’s Smart Growth Award.

Significant Themes and Goals - 1997 Edition of the Plan

The 1997 edition of the Plan was developed in response to heightened pressures and awareness related to growth and development in the Basin. The Plan was unique for a number of reasons. First, it represented a collaborative effort between the towns of Breckenridge and Blue River and the County to create a common vision, goals and strategies for the Basin. Secondly, the Plan attempted to focus on both broad and more specific policies to guide and direct overall growth within the entire Basin.

It was apparent in developing the Plan that the Basin’s community showed support for the concepts ~~of~~ ~~not~~ eliminating the creation of new density, ~~reduced~~ with the exception of affordable workforce housing, reducing development potential, and ~~better control over~~ controlling land use development patterns in the Basin. As a result the more significant key goals/policy directives developed and provided in the 1997 edition of the Plan included:

- **Density Cap** - No additional density should be created in the Basin (with the exception of deed-restricted affordable workforce housing).
- **Reduce Activity Levels and Density Levels (Basin Density Target of 75% of Build-Out Potential)** – Reduce activity levels and ultimate build-out in the Basin to less than could potentially be allowed by existing zoning. Target a reduction of 2,500 residential units and adopt strategies to reduce development levels to this target of 75% of the projected full build-out.
- **Backcountry Protection** - Preserve the undeveloped character of the Basin’s backcountry areas, limit

development in the backcountry to the extent possible, and establish an open space/development rights acquisition program and new backcountry zoning district.

- **Establish Transferable Development Rights (“TDR”) Program** - Develop a TDR program and a requirement that upzonings on properties only be allowed when TDRs are used to transfer the density to the property proposed for upzoning. Moreover, designate the backcountry as the TDR sending area.
- **Recreational Resources** - Preserve and enhance recreational and trail opportunities in the Basin.

The following excerpts from the 1997 edition of the Plan best summarize the rationale behind the basic premise, driving tenets and framework for capping density, reducing activity levels and build-out, and protecting the backcountry:

“Public testimony and research conducted by the Joint Upper Blue Master Plan Committee show that at the zoned maximum potential, full build out would erode the quality of life, change the character of the community, degrade aesthetic qualities and threaten the associated economic benefits so critical to a resort community's economic well being.”

“In summary, through the recommendations contained in the following pages, the plan seeks to sustain the quality of the valley's resources and the character of the community as we know it today through protecting community assets and natural systems, allowing for reduced development potential that is compatible with surrounding land uses, promoting adequate supplies of affordable housing and providing for efficient delivery of services.”

Implementation – 1997 Edition of the Plan

The 1997 edition of the Plan has been recognized as a very successful joint planning venture. There was a strong desire, commitment and steady resolve by the towns and County to implement the Plan after it was adopted. Overall, there were 22 key goals/policies contained in the Plan and approximately 90 recommended actions/implementation strategies. As of 2011 approximately 85% of the recommended actions⁴ and identified strategies were implemented or realized to some degree. Some of the significant accomplishments between 1997 and 2011 included: reducing density by 2,3871,841 units through identified density reduction strategies; development of an award winning joint TDR program which protected 987 acres of backcountry and generated \$1,572,000 to supplement the County's and Town of Breckenridge's open space programs; rezoning of approximately 450 properties to a newly created Backcountry zone district; adoption of the Upper Blue Master Plan by the Upper Blue Planning Commission; and acquisition/purchase of approximately 3,820 acres for open space protection (of which 2,003 acres was backcountry). As a result of these implementation efforts, approximately 78% of the backcountry lands within the Basin have been protected from development as of February 2011.

There were only approximately 13 (or 15%) of the recommended actions⁴ and implementation strategies contained in the Plan that were not realized to some degree between 1997 and 2011. These strategies centered on: use of residual density, the Highway 9 corridor, modified town transit, traffic/transportation, parking, and roadway design standards ~~and affordable workforce housing provisions~~. Implementation of most of these strategies was explored, but the strategies were not diligently pursued for a number of reasons.

2011 Plan Update Effort

In the later part of 2010 the staffing resources and work program priorities of the towns and County were galvanized to undertake a joint effort to update the Plan. The important circumstances that prompted the need to update the Plan included:

- The Plan was over thirteen years old and it was recognized that an update would enable conditions that had changed since 1997 to be reflected in the Plan. For example, the Plan's density target has been exceeded and must be revised. The build-out numbers, density reduction strategies and implementation strategies also needed to be revisited and updated.
- In August 2009 the BOCC reprioritized the County's Planning Department's work program to amend all of the County's master plans and Land Use and Development Code to more thoroughly address issues related to the balance and interaction between the various master plan policies. This direction was squarely based on the implications of a decision at the Colorado District Court level (i.e. Polanski, May 2009) which appeared to suggest that the Countywide Comprehensive Plan worked to establish an absolute mandate that zoned density be allowed, and that any basin plans that served to abrogate such zoned density were invalid because they were in conflict with the Countywide Comprehensive Plan.
- An update would provide an opportunity to address new issues that the community and elected officials thought were important to further examine in consideration of changing conditions, future growth and community values.

Nevertheless, it was felt that the existing Plan was a sound planning document, relevant and useful. As such the update was envisioned not to be a comprehensive one but rather more limited in scope to refine existing issues and address only a few new topics. In light of this envisioned scope and mindset, in October 2010, a Joint Upper Blue Master Plan Advisory Committee was formed to serve as the body to work through the core issues and develop the majority of the update to Plan. The Advisory Committee was modeled after the committee created to develop the 1997 edition of the Plan and included seven members: two Breckenridge Town Council members, two Town of Blue River Trustees, two Upper Blue planning commissioners and one County Commissioner.

The Advisory Committee met seven times between November 2010 and April 2011 to work through issues and develop consensus. The committee expressed continued support for the key policy directives and recommendations provided in the 1997 edition of the plan. Specifically, in the context of maintaining community character: continue to cap overall density in the Basin (i.e. no upzonings in the Basin without TDRs), support density reductions and protect the backcountry. Moreover, the committee recognized the need to update realistic build-out and adjust it to reflect density reduction strategies which could realistically be pursued.

It was acknowledged that the realistic build-out number would be higher than the 10,500 units targeted in the 1997 edition of the Plan. This change in realistic build-out results primarily from the completion of more detailed analysis and ~~the corresponding~~ better understanding of existing land inventories. In addition, it was recognized that the prior numeric goal to reduce activity levels and density by a flat numerical target of 25% would not be ~~a realistic~~ the most practical means of articulating density reduction ~~target for~~ objectives in the updated version of the Plan. Therefore, a more realistic build-out target, in consideration of potential density reduction strategies, was developed. This modified build-out target remains focused on the very effective results of the prior 25% target. However, as discussed in greater detail in this Plan, that target is best characterized by means of a qualitative rather than flatly quantitative approach.

As the update to the Plan progressed, opportunities for ongoing feedback between the Advisory Committee, elected officials, planning commissions and the public were provided. Additionally, a community open house was held on March 24, 2011 to seek public input and feedback. The Plan was endorsed by the Advisory Committee on ~~_____~~ Due to the multijurisdictional nature of the Plan and procedural issues, it was adopted by the respective entities on the following dates: Upper Blue Planning Commission; Breckenridge Town Council; Town of Blue River Town Trustees.

IVV. Basin Overview/Existing Conditions & Future Growth Projections

This section is intended to provide an understanding of the physical and social context of the Basin and provide an overview of the Basin's key characteristics, existing conditions and future growth projections. The overview includes information on the Basin's geographic setting, population and visitation, land ownership, residential and commercial build-out and transportation systems. It concludes with a synopsis of the desired community character.

Geographic Setting

Located in west central Colorado, the Basin is approximately 75 miles west of Denver and lies entirely on the western slope of the Continental Divide. The Basin is positioned in the southern end of the County and includes the towns of Breckenridge and Blue River as well as unincorporated areas of the County.

The majority of the Basin is defined by beautiful and undeveloped mountainsides, a high alpine environment and serves as the headwaters of the magnificent Blue River. The Blue River runs northwest through the Basin until it reaches the Dillon Reservoir/Farmer's Korner area, which defines the Basin's northern limits. The rest of the Basin is completely surrounded by mountain ranges, as it is bounded on the east and south by the Continental Divide and on the west by the Ten Mile Range. Elevation in the Basin ranges from approximately 9,014 feet at Lake Dillon to 14,265 feet at the summit of Quandary Peak. Traffic is funneled into the Basin on Highway 9 from two points: southern traffic must cross over Hoosier Pass (elevation 11,542 feet) and traffic from the north comes through the Town of Frisco and Farmer's Korner. The climate can best be described as one of long, cold winters and short, cool summers.

Land Use Inventory & Ownership

The Basin contains approximately 80,412 acres, of which, 5,222 acres (6.5%) are located within the incorporated towns of Breckenridge and Blue River, and the remaining 75,190 acres (93.5%) are located within the unincorporated areas of the Basin.

Table 1. Land Area in the Upper Blue Basin by Jurisdiction

Jurisdiction	Approximate Acres	% of Total Upper Blue Basin Land Area
Town of Blue River	1,471	1.83%
Town of Breckenridge	3,751	4.66%
Unincorporated Areas ¹	75,190	93.51%
Total Basin Land Area	80,412	100%

Source: Summit County Geographic Information Systems (GIS) Department.

¹ Approximately 62,446 acres (83%) of unincorporated areas are National Forest System lands, leaving approximately 12,744 acres (17%) of unincorporated areas outside the National Forest System.

As shown in Table 2, approximately 86% of the land in the Basin is publicly owned and managed. The majority of this publicly owned land is National Forest System land (approximately 62,446 acres, or 78% of the total Basin land area). The County and towns are also significant landowners, owning approximately 4,979 acres or 6% of the total Basin land area. Privately owned lands within the Basin make up approximately 14% of the total Basin land area, with approximately 3,638 acres of privately owned land located within the incorporated towns and approximately 7,735 acres of privately owned land in the unincorporated areas of the Basin.

Table 2. Upper Blue Basin Land Ownership

Entity	Approximate Acres	Percent Ownership of Total Upper Blue Basin Land Area
Publicly Owned Land:		
National Forest System lands	62,446	77.66%
Summit County Government & Town of Breckenridge	4,889	6.08%
CDOT / Public Rights-of-Way	1,129	1.40%
Denver Water	244	0.30%
Summit School District	113	0.14%
Town of Blue River	90	0.11%
Colorado Springs	85	0.11%
Upper Blue Sanitation District	30	0.04%
Other Publicly Owned Lands ¹	13	0.02%
Publicly Owned Land Total	69,039	85.86%
Privately Owned Land:		
Town of Blue River Jurisdiction	1,166	1.45%
Town of Breckenridge Jurisdiction	2,472	3.07%
County Jurisdiction	7,735	9.62%
Privately Owned Land Total	11,373	14.14%
Total Basin Land Area	80,412	100%

Source: Summit County Geographic Information Systems (GIS) Department.

¹ Other Publicly Owned Lands includes 5 acres owned by the U.S. Postal Service, 5 acres owned by the Summit Historical Society, and 3 acres owned by the Summit County Finance Corporation.

Population & Visitation

Population in a resort community includes permanent residents, second homeowners, overnight visitors and day visitor components. Over the past 45 years, the Town of Breckenridge and Upper Blue Basin have been transformed from a sleepy mountain community of 400 people to a thriving year round resort center of approximately 98,600 permanent residents and over 58,000 people during peak periods. Under these conditions, Breckenridge and the surrounding developed areas take on many of the characteristics of a small city.

The 1997 edition of the Plan noted that, in 1995 there were approximately 5,500 permanent residents living in the Basin, and that over 35,000 people could be accommodated during maximum peak periods. Since 1995, the permanent resident population has grown by approximately 43,100 people or 7557%. Moreover, it is now estimated that the Basin accommodates up to approximately 58,650387 people per day during peak periods. Visitation to the Basin is primarily driven by Breckenridge Ski Resort, which hosted more than 1.6 million skiers and riders during the 2009-2010 ski season. The ski area regularly accommodates over 23,000 visitors on peak days and is consistently the first or second most heavily visited ski resort in North America.

In consideration of existing development approvals and growth trends, it is projected that the permanent resident population could grow by approximately 4,3003,800 residents, or 4445%, with approximately 13,90012,500 permanent residents living in the Basin at full build-out. As build-out approaches it is also

projected that the Basin could experience nearly 70,600²,300 people per day during the "high" season peak periods (typically occurring during December and March). This represents a projected growth of 2024% in peak population. Thus, full build-out of the Basin would result in an estimated permanent population of 13,900¹ approximately 12,500 residents, and an estimated maximum peak population of approximately 70,600²,300 people per day.

Permanent resident and peak population estimates are shown in Table 3 below. These estimates are based on assumptions about occupancy rates and build-out that are described in the footnotes.

	1995 Estimate	2010 Estimate	Increase 1995 - 2010		Projected Population at Build-Out	Projected Increase 2010 – Build Out	
			People	Percent		People	Percent
Permanent Residents¹	5,513	9,634 ³ ,63	4,121 ³ ,12	7557%	13,912 ² ,498	4,278 ³ ,86	4445%
Maximum Peak Population²³							
Permanent Residents	5,513	9,634 ³ ,63	4,121 ³ ,12	7557%	13,912 ² ,498	4,278 ³ ,86	4445%
2 nd Homeowners/ Overnight Visitors	25,324	38,799 ³ ,531	13,475 ³ ,207	5356%	45,415 ³ ,600	6,616 ³ ,06	1723%
Day Skiers & Visitors ³⁴	4,619	10,223	5,604	121%	11,245	1,022	10%
Totals	35,456	58,656³,38	23,200³,22,	65%	70,572³,34	11,916³,956	2024%

Source: Summit County and Town of Breckenridge planning departments. ~~Update numbers in consideration of~~

¹. The 2010 permanent resident population estimate was calculated using the U.S. Census data to be released soon. Also the County and Bureau's 2010 Census counts for the Town of Breckenridge planning staffs are working on a revision to the methodology used to estimate permanent resident and maximum peak populations, based on revised assumptions about occupancy rates and (4,540 people) and the Town of Blue River (849 people), and by estimating the population within the unincorporated areas of the basin by multiplying the total existing housing units in the unincorporated County (per the attached build-out analysis) by the estimated occupancy rate and persons/household for within the towns and unincorporated County. The population projections and footnotes will be modified to reflect the improved methodology. that are enumerated in the 2010 Census: [3,381 housing units built x 39.81% occupancy x 2.41 persons/household = 3,244 permanent residents in the unincorporated areas of the basin].

². The projected permanent resident population at build-out was calculated using the assumptions that, at build-out, 40% of by multiplying the projected number of housing units that will exist at realistic build-out (incorporating targeted density reductions) by the occupancy rates and number of persons/household enumerated in the 2010 Census for each respective jurisdiction. It was assumed that the projected 778 additional affordable workforce housing units that could be built within the basin would all housing units

~~will be owner-occupied by permanent residents~~ at 100% occupancy with ~~an estimated 2.44~~ the number of persons/household enumerated in the 2010 Census for each respective jurisdiction. Using these assumptions, the projected permanent resident population at build-out for each jurisdiction was calculated as follows: ~~14,255 projected~~

Town of Breckenridge: [8,026 housing units ~~at realistic build-out~~ x ~~.40~~28.16% occupancy x ~~2.44~~33 persons ~~per~~/household = ~~13,912~~] + [628 affordable workforce housing units x 100% occupancy x 2.33 persons/household] = 6,729 permanent residents ~~projected~~.

Town of Blue River: 838 housing units x 46.28% occupancy x 2.53 persons/household = 981 permanent residents.

Unincorporated Summit County: [4,613 housing units x 39.81% occupancy x 2.41 persons/household] + [150 affordable workforce housing units x 100% occupancy x 2.41 persons/household] = 4,788 permanent residents.

These estimates were then added together to arrive at a projected population of 12,498 permanent residents at build-out.

²

³. Maximum Peak Population estimates include: permanent residents, second homeowners/overnight visitors, and day skiers and visitors during peak season. Maximum peak population was calculated using the methodology for projecting the permanent resident population described in ~~footnote~~ footnotes #1 and #2, and the following methodology and assumptions regarding 2nd homes / overnight accommodations: ~~60%~~

- The percentage of the housing stock that is second homes ~~and 100%~~ in each jurisdiction, as enumerated in the 2010 Census (71.84% in the Town of ~~these units~~ Breckenridge, 53.72% in the Town of Blue River, and 60.19% in the unincorporated areas of the basin), will be 100% occupied with 5.5 persons per unit during maximum peak periods.
- At peak occupancy, 100% of the lodge units within the basin will be occupied with 2.5 persons/lodge unit. Within the Town of Breckenridge the estimated number of lodge units is based on the historic percentage of lodge units being 7.44% of the existing housing units. Within the unincorporated areas of the County, the actual number of existing lodge units and projected lodge units at build-out were utilized. No lodge units were accounted for within the Town of Blue River.
- Day skiers are estimated based on a peak day at Breckenridge Ski Resort with approximately 23,000 skiers, assuming approximately one-third (7,667) are day skiers. Day visitors are then estimated based on the assumption of one non-skier for every three day skiers (2,556). 7,667 day skiers + 2,556 non-skier day visitors = 10,223 day visitors. (Source: Town of Breckenridge 2009 Overview.)

³⁴. Future growth in day visitors at full build-out of the Basin is difficult to project, and could range significantly from a conservative estimate of 2% to a more aggressive estimate of 10%. For purposes of projecting the potential maximum peak population at build-out, an estimated 10% growth in day visitors was utilized.

Basin Build-Out

A very thorough and extensive analysis of existing and potential build-out within the Basin was conducted by the County and Town planning departments in 2010 as part of the update to the Plan. The build-out was critical to gaining an understanding of growth trends since 1997, development potential remaining in the Basin, and to provide a solid foundation for the update effort. Moreover, the build-out analysis was intended to illustrate the status and the scope of potential additional development that could occur in the Basin given existing development regulations and standards. A review of the build-out analysis conducted is provided below. For more detailed build-out data and an explanation of the methodologies used to conduct the analysis, reference the Appendix - Upper Blue Basin Build Out.

Residential Growth Experienced Since 1997

The build-out analysis included in the 1997 edition of the Plan indicated that, as of the end of 1996, there

were approximately 7,664 residential units built within the Basin. The 2010 build-out analysis indicated that 3,189 residential units had been built in the Basin since 1996, bringing the total number of units in the Basin to approximately 10,850. This amount of development roughly equates to adding the number of housing units within the Town of Frisco to the Basin over the past 13 years. As shown in Table 4 the majority of this development (81%) has occurred within the Town of Breckenridge.

Jurisdiction	1996 Existing Units	2010 Existing Units	Units Increase 1996 – 2010	Percent Increase 1996 - 2010	Percent of Total Basin Growth
County	2,843	3,381	538	19%	17%
Breckenridge	4,243	6,812	2,569 ¹	61%	81% ¹
Blue River	578	660	82	14%	2%
Total	7,664	10,853	3,189	42%	100%

Source: Summit County and Town of Breckenridge planning departments.

¹ A significant portion of the Town of Breckenridge’s growth over the 13 year period was a result of annexation of unincorporated portions of the County by the Town of Breckenridge (e.g., Warrior’s Mark). Residential unit counts for the County were correspondingly decreased based on these annexations.

2010 Build-Out Analysis: Three-Tiers

The 2010 residential build-out analysis shown in Table 5 is broken out into three categories: 1) absolute build-out, 2) realistic build-out, and 3) realistic build-out with implementation of the density reduction strategies recommended in this Plan. An explanation of each build-out category is provided below.

Jurisdiction	2010 Existing Units	Projected Absolute Build-Out (Including Future Affordable Housing)	Current % of Absolute Build-Out	Projected Realistic Build-Out (Including Future Affordable Housing)	Current % of Realistic Build-Out	Projected Realistic Build-Out with Future Density Reductions	Current % of Realistic Build-Out with Future Density Reductions
County	3,381	5,673,820	60.58%	5,098,455	66.62%	504 – 670,159 units targeted to be reduced	
Breckenridge	6,812	8,661,290	79.73%	8,989,126	76.75%		
Blue River	660	838	79%	838	79%		
Total ¹	10,853	15,172,948	72.68%	14,925,419	73.70%	13,960 - 14,255 - 14,421,904	73% - 78%

Source: Summit County and Town of Breckenridge planning departments.

¹ Accessory dwelling units (i.e. accessory apartments ~~and~~, caretaker units and guest units) have not been included in the residential build-out analysis for two main reasons: 1) ~~Unapproved / illegal accessory apartments and caretaker units are difficult to account for.~~ 2) Estimating the potential for new accessory apartments or caretaker units to be constructed on single-family residential lots throughout the basin is very difficult to predict. Since ~~every~~ most single-family residential property in the Basin has the potential ability to construct an accessory ~~apartment or caretaker~~ dwelling unit (if approved in accordance with applicable regulations), estimating the total number of accessory ~~apartments and caretaker~~ dwelling units that could exist at full build-out could artificially inflate the projected build-out, and is speculative and problematic. ~~As of February 2011, there were approximately 55 approved accessory apartments and 9 approved caretaker units within the unincorporated areas of the Basin and approximately [redacted] within the towns of Breckenridge and Blue River.~~ 2) Unapproved / illegal accessory dwelling units are difficult to account for.

Absolute Build-Out (Including Future Affordable Workforce Housing)

Absolute build-out represents an evaluation of the existing zoning on every parcel of land in the Basin and identifies the maximum potential residential development allowed by ~~that~~ such zoning on each respective parcel. This is referred to as absolute build-out, because it represents the absolute or ultimate build-out potential that is permitted by existing zoning. ~~As shown in Table 5, projected~~

Inclusion of Future Affordable Workforce Housing Units

Both absolute and realistic build-out have been calculated to account for additional density that could potentially be added to the Basin beyond what is currently permitted by existing zoning. This includes a total of 914 deed-restricted affordable workforce housing units, as identified in the Town of Breckenridge 2006 Housing Needs Assessment (above what had been built or was projected to be built during development of the 2006 Housing Needs Assessment).

It is important to note that inclusion of these 914 affordable housing units in the build-out analysis does not imply that these units *will* be constructed. Rather, it is recognized that the 914-unit target is a *goal*, which is currently based on the 2006 Housing Needs Assessment. Affordable housing needs within the Basin will be continually evaluated over time. Thus, the 914-unit target may change over time, in response to improved assessment techniques, changing market conditions, available inventories of deed-restricted and market rate housing, and other factors. Nevertheless, the current goal of 914 additional affordable housing units has been factored into the build-out analysis, so the potential impacts of these units on the overall activity levels and carrying capacity of the basin can be accounted for and appropriately mitigated when making future planning decisions.

Summary of Absolute Build-Out

Without accounting for future deed-restricted affordable housing units, projected absolute build-out of the Basin is approximately 15,172 ~~residential units.~~ ~~With about~~ 170 units. Using the methodology described in the Appendix attached to this Plan, overall it is estimated that an additional 778 units of density would be created in the Basin to meet the identified affordable housing needs outlined in the 2006 Housing Needs Assessment (914 total units – 136 units already permitted by zoning = 778 new units). Adding these 778 affordable housing units to the Basin's build-out results in a projected absolute build-out of approximately 15,948 units. Thus, with approximately 10,850 units now constructed, the Basin is ~~currently~~ approximately 72.68% built-out in terms of absolute build-out.

Realistic Build-Out (Including Future Affordable Workforce Housing)

Realistic build-out factors in natural constraints and development standards that could preclude realization of the full development potential allowed under the existing zoning regulations (e.g., access or environmental constraints such as steep slopes or wetlands). Thus, realistic build-out is intended to represent a more likely picture of the build-out that may occur in the Basin, which accounts for the fact that it is unlikely absolute build-out will be realized. Realistic build-out also contemplates to a degree the wide array of regulatory restrictions that are reflected in the various planning documents and Codes adopted by the respective communities.

Inclusion of Future Affordable Workforce Housing Units

~~Realistic build-out has been calculated to account for additional density that could potentially be~~

~~added to the Basin. This includes a total of 914 deed-restricted affordable workforce housing units, as identified in the Town of Breckenridge 2006 Housing Needs Assessment (above what had been built or was projected to be built during development of the 2006 Housing Needs Assessment).~~

~~It is important to note that inclusion of these 914 affordable housing units in realistic build-out does not imply that these units will be constructed. Rather, it is recognized that the 914-unit target is a goal, which is currently based on the 2006 Housing Needs Assessment. Affordable housing needs within the Basin will be continually evaluated over time. Thus, the 914-unit target may change over time, in response to improved assessment techniques, changing market conditions and other factors. Nevertheless, the current goal of 914 additional affordable housing units has been factored into realistic build-out, so the potential impacts of these units on the overall activity levels and carrying capacity of the basin can be accounted for and appropriately mitigated when making future planning decisions.~~

Summary of Realistic Build-Out

~~Without accounting for future deed-restricted affordable housing units, projected realistic build-out of the Basin is approximately 14,147 units. Using the methodology described in the Appendix attached to this Plan, overall it is estimated that an additional 15,419 residential units (including the 778 units of density would be created in the Basin to meet the identified affordable housing needs outlined in the 2006 Housing Needs Assessment (914 total units — 136 units already permitted by zoning = 778 new units). Adding these 778 affordable housing units to the Basin's build-out results in a projected realistic build-out of approximately 14,925 units.~~ affordable housing units discussed above). Thus, with approximately 10,850 units now constructed, the Basin is approximately ~~73~~70% built-out in terms of realistic build-out. This recognizes approximately ~~4,072~~566 units remaining to be built in the Basin over the coming years.

Realistic Build-Out (Inclusive of Recommended Density Reduction Strategies)

As discussed in detail in the Land Use section below, one of the main goals of the Plan is to reduce overall activity levels and impacts from potential build-out and density in the Basin through implementation of various density reduction strategies (e.g., extinguishing density to offset impacts of new affordable housing units). The Land Use section sets forth policies aimed at reducing overall density in the Basin, ranging from a conservative reduction of ~~504~~515 units to a more aggressive targeted reduction of ~~670~~1,459 units. Thus, depending on how aggressively the density reduction strategies identified in the Plan are implemented, realistic build-out of the Basin could be reduced to approximately 13,960 – ~~14,255~~–~~14,421~~1904 units.

In consideration of the density reduction strategies recommended in this Plan, there are still approximately ~~3,400~~–~~3,500~~100 – 4,000 units remaining to be built in the Basin. According to the build-out analysis, approximately ~~53~~55% of this remaining development potential is located within the Town of Breckenridge (~~1,800~~–~~1,850~~700 – 2,200 units), ~~42~~41% within the unincorporated areas of the Basin (~~1,430~~270 – ~~1,470~~640 units), and the remaining 4% within the Town of Blue River.

Commercial Build-Out Analysis

In conjunction with the above residential build-out analysis, an estimate of commercial build-out in the Basin was conducted by the County and Town of Breckenridge planning department staffs based on existing commercial zoning and development approvals. Included in the estimates is all retail, office,

warehousing and other business uses in the Basin. Hotel and lodge rooms are not included as commercial - they are counted in the residential estimates noted above.

Jurisdiction	2010 Existing Commercial (sq. ft.)	Projected Absolute Build-Out (sq. ft.)	Existing as a % of Absolute Build-Out	Projected Realistic Build-Out (sq. ft.)	Existing as a % of Realistic Build-Out
Breckenridge ⁺	1,615,171	2,353,098	69%	1,915,045 , 257,065	84 71%
County	354,488	728,574	49%	594,828	60%
Total	1,969,659	3,081,672	64%	2,509,873 1,893	79 69%

⁺ ~~Realistic commercial build-out in the Town does not include any density on parking lots (— square feet) that may eventually be redeveloped.~~

Currently there is approximately 1.97 million square feet of commercial development in the Basin. The majority of this commercial (82%) is located within the Town of Breckenridge. The commercial build-out analysis indicates that, according to existing zoning, absolute build-out of commercial space within the Basin could total up to approximately 3 million square feet. However, realistic build-out accounts for the fact that realization of absolute build-out is unlikely due to site constraints and other limiting factors.

Realistically, the Basin could see up to 2.585 million square feet of commercial space developed at full build-out, most of which would be located within the Town of Breckenridge. Of the approximately ~~540~~882,000 square feet of commercial space remaining to be built in the Basin, ~~55~~73% is located within the Town of Breckenridge (approximately ~~300~~642,000 square feet) and ~~45~~27% is located in the unincorporated areas of the County adjacent to the Town of Breckenridge (approximately 240,000 square feet). The majority of the remaining realistic commercial development within the Town of Breckenridge is located in the Parkway Center (137,800 square feet) and the Breckenridge Airport Subdivision (92,163 square feet).

Community Character

During the creation of the 1997 edition of the Plan and the 2011 update to the Plan, citizens repeatedly expressed concern that values connected to the natural environment and small town atmosphere in the Basin may become endangered by unrestrained growth and development. The high quality of the character and natural environs of the Basin play a key role in not only the aesthetic appeal of the community, but also in its economic vitality. Accordingly, the public has expressed a strong interest, both aesthetically and economically, in ensuring that the character of the community is preserved and protected from the impacts of future development. The public has expressed a strong desire to curtail development potential, preserve the rural character of outlying or backcountry areas and the small mountain resort character of the Town of Breckenridge. Additional high priority concerns expressed by the public include affordable housing, traffic and parking - problems typically found in urban and resort areas.

Ski town development is unique and is frequently characterized as "micro urban." That is to say that the typical development pattern is a small urban community surrounded by rural areas and public lands. Such a micro urban community must provide urban levels of service and contend with planning and development issues that are common in urban areas. At the same time, these types of ~~communities~~community areas are often ~~think of themselves as~~ identified with characteristics reflecting

rural or small town qualities. That identity also fosters a strong economic appeal for residents and visitors, and preserves and enhances property values in the process. The community and this Plan place a high priority on maintaining a small town lifestyle and rural surroundings. Residents and visitors value the surrounding open spaces, a high quality natural environment, easy access to recreation on public lands, comfort in knowing one's neighbors and the friendly lifestyle that is associated with a small community. However, residents and visitors also desire urban services and amenities such as reliable mass transit, high quality law enforcement, fire and emergency response, recreation centers, arts and cultural programs, and varied opportunities for dining and entertainment.

Retaining a small mountain town character and rural surroundings while enjoying the benefits of urban type amenities and conveniences defines the dilemma of planning in a resort community. It follows that not only the continued community character but also the very economic vitality of this major tourist destination rely on planning for the proper balance of these community values. As development in the Basin continues, the concerns and issues that define this dilemma will continue to become more and more critical unless strategies and programs are put in place to address them. In other words - a plan.

~~V. A Vision~~

~~The Upper Blue River Valley is both a valuable and vulnerable resource. The valley sustains the community in many ways. The sense of place and the spirit of the community are largely defined by the high alpine setting and pristine natural environment of the Upper Blue. The relatively unspoiled quality of the valley's resources—its clean air and water, spectacular mountain vistas, abundant open spaces, diverse and easily seen wildlife as well as rare plants and animals; relative lack of urban problems or annoyances such as serious crime, noise and light pollution; easy access to multiple outdoor recreation and opportunities for solitude in the backcountry; and the small town atmosphere are just some of the values which define this community. It is both individual and shared beliefs about the value of these intangibles, much more than measurable components like traffic volume and sewer capacity, which define our community as it is today and how we wish it to be in the future.~~

~~The valley's resources have brought us all here and made the community what it is today—a thriving resort area. At the same time, our economic success can threaten the values that we all hold dear. We are at a critical juncture. Recognizing that our high alpine setting is a fragile ecosystem, "Killing the goose that laid the golden egg," is a real possibility if urbanization as well as scattered growth and the resulting impacts created degrade the valley's resources.~~

~~The vision of the Plan, simply put, is to preserve the quality of the valley's resources and the character of the community as we know it today. That is not to suggest that continued economic growth should not or will not occur. Rather, the guiding theme of the Plan is to implement a shared set of policies among the towns of Breckenridge and Blue River and the County in order to preserve our high alpine environment along with the character and spirit of the community that we enjoy and value today as growth and inevitable change occurs.~~

VI. Land Use

The following Land Use section narrative does not serve as a goal or policy/action in its own right and is for illustration and guidance only.

Basin Development Pattern

The nature of development pressure and the resulting activity patterns in a mountain setting such as the Upper Blue ~~River Valley~~ Basin is very different than in areas with fewer constraints. The amount of developable land in the ~~Valley~~ Basin is severely limited by the extensive public land holdings: approximately 78% of the land area in the Basin is managed by the U.S. Forest Service and approximately 6% is owned by the County and Town of Breckenridge. Most of the private land that is suitable for higher densities is already developed. Within the unincorporated areas of the Basin, a large portion of the remaining private land to be developed is generally too steep, too remote or too wet for all but low density rural residential development.

As stated in the 1997 edition of the Plan, the overall development pattern in the Basin can best be described as linear - generally following the Blue River Valley from Farmer's Korner to Hoosier Pass. Breckenridge is the urban (or "micro urban") center. South to Hoosier Pass the predominant pattern is single family residential in the 1 unit to 2 units per acre range. North and east of Breckenridge, densities tend to transition from urban or suburban to rural. The more remote areas of the Basin (Upper Swan, French Gulch, and Upper Boreas) are largely undeveloped. Since 1978, land use planning in the basin has embraced a growth center concept where high density development is concentrated in an urban core. Outside of the core, densities are significantly lower and eventually transition into a rural or undeveloped character.

The desired development pattern and growth center concept has not changed for the Basin since the Plan was adopted in 1997. However, the updated edition of the Plan attempts to repackage the growth center concept into a more clearly delineated development pattern of "urban" and "rural". It is felt this will provide more consistency with development patterns established in master plans that have been adopted since 1997.

Growth Center Concept

"One of the keys to achieving a "seamless" land use plan is to reach consensus on development patterns in transition areas where town and county jurisdictions meet."

—1997 Joint Upper Blue Master Plan

-- 1997 Joint Upper Blue Master Plan

The growth center concept in the 1997 edition of the Plan can best be described as an urban or micro urban core and limited transition areas within the development area, surrounded by rural or undeveloped lands. Per the 1997 Plan, the urban/micro urban area consists of what is best described as the developed portions of the Basin. It includes all of the incorporated areas within the towns of Breckenridge and Blue River, and most of the developed or partially developed areas in the County. Land uses include high density residential, lodging, commercial and mixed use development in the core area of Breckenridge, service commercial and light industrial uses located along County Road 450, airport and north valley areas, and moderate to lower density residential areas surrounding the towns and in outlying areas. The Breckenridge Ski Area is also located within the urban/micro urban area. Providing for high quality development of a full service resort community while maintaining the rural/small town character of the Basin as additional development occurs is the focus of the urban/micro urban area.

The 1997 edition of the Plan affirmed the growth center concept. However, in doing so it significantly modified the transition scheme of the 1988 Upper Blue Master Plan (the County's basin master plan for all unincorporated property in the Basin) by defining a boundary between development and rural/backcountry - i.e. a rural/backcountry boundary. The 1997 Plan contemplated that rural and backcountry areas remain primarily undeveloped. As a consequence it is important to note many of the

transition areas in the 1988 Upper Blue Master Plan were significantly reduced or eliminated altogether.

Transition to Urban and Rural Concept

The growth center concept contained in the 1997 edition of the Plan (i.e. urban or micro urban core and limited transition areas within the development area, surrounded by rural or undeveloped lands) significantly influenced subsequent master planning conducted by the County. Primarily the growth center concept carried over into master plan discussions and decisions in updating the County's 2003 Countywide Comprehensive Plan and all ensuing basin and subbasin master plans (particularly the 2005 Upper Blue Basin Master Plan).

The County's 2003 Countywide Comprehensive Plan attempted to focus new development within or adjacent to existing urban areas (primarily to limit impacts of development in rural or environmentally sensitive areas). More specifically the Countywide Comprehensive Plan embraced the notion that land use should be characterized as either "urban land use" or "rural land use". The Countywide Comprehensive Plan embodied this concept through specific goals and policies/actions in the Land Use Element, such as: focus development within existing urban areas and future land use decisions in rural areas should be consistent and harmonious with the rural character of the land. Moreover, the Countywide Comprehensive Plan prescribed that "urban" and "rural" areas be identified in basin master plans and provided criteria and considerations when determining such locations.

The significance of the urban/rural framework established in the County's 2003 Countywide Comprehensive Plan to the Basin was that when the 1988 Upper Blue Master Plan was amended in 2005, the land use maps and land use designations were delineated and focused into urban or rural categories. Although pre-existing land use patterns in the Basin may not completely fit within the urban/rural land use concept, it is the desire of the Plan that future development follow this concept to the extent possible.

Basin Growth and Development – Infrastructure Considerations

As a result of land ownership and development constraints in the Basin, the settlement pattern of the Valley as we know it has emerged. The densities at the heart of ~~the~~ this settlement pattern, the downtown area of Breckenridge, are high and relatively concentrated for a small community. This development pattern has necessitated more urban style solutions in terms of public transportation infrastructure, such as the use of remote parking lots and the development of a substantial public transit system to link them with the downtown core and the Breckenridge Ski Area.

~~Building~~ The approach of building more and larger infrastructure elements to keep pace with continued development is a ~~never-ending~~ perpetual cycle that could have multiple negative consequences for the community. A self fulfilling prophecy can occur where expanding infrastructure allows additional growth which, in turn, creates demand for more infrastructure. When this happens without regard to more important community values, the results will not be satisfactory to the community. At the root of the constraints is the roadway network which serves the Valley and the Town of Breckenridge, which was established in the historic mining era. Given the small amount of land on the valley floor, and the existing development patterns, there are very few alternatives for adding meaningful roadway capacity in the Basin. While new road way configurations and capacity increases could be designed and ~~probably~~ possibly funded, they probably cannot be constructed without dramatically altering the landscape and creating significant aesthetic and functional impacts that are not consistent with the community's values and its distinctive character.

In addition, the economic impacts of an expanding infrastructure pattern can be detrimental to the community. This is particularly so given the dramatic fluctuation in the demand placed upon such

infrastructure at varying times of the year, week, and even day. In light of the current pressures on local governments to effectively budget for maintenance of existing infrastructure and services, it is simply not feasible to allow for expanded infrastructure in expanded service areas away from the present urban core. Accordingly, a crucial goal of this Plan should be to ensure greater compaction towards that urban core.

Goal and Policies/Actions

Goal A. Future land use decisions should advance an urban/rural development pattern and not increase overall density in the Basin.

Policy/Action 1. Locate new development within existing urban areas to the maximum extent possible.

Policy/Action 2. Land use decisions in rural areas should be consistent and harmonious with protecting the backcountry character of the Basin.

Policy/Action 3. No new density (beyond that currently zoned) shall be approved or allocated to any parcel within the Basin unless such density is transferred to the proposed development site in accordance with the guidelines established in Basin Transferable Development Rights (TDR) programs and the Town and County Development Codes.

- An exception to the density cap shall be allowed for deed-restricted affordable workforce housing units, as described in the Affordable Workforce Housing section.

Policy/Action 4. Rezoning or other actions which increase density beyond the level currently zoned should require a transfer of development rights in accordance with established TDR program regulations. Exceptions to the transfer requirements include community facilities and institutional uses and affordable housing as identified in the Affordable Workforce Housing section.

- Identified TDR Receiving Areas for density transfers shall be able to accommodate additional development within the limits of available services and infrastructure, site constraints and neighborhood compatibility, and also be in conformance with the Town and County Development Codes.
- In the County, in addition to rezonings/upzonings, TDRs may be used as an equity tool when evaluating other types of development applications. Utilization of TDRs for such applications may be warranted as a means of mitigating impacts of proposed developments and to address development and planning concerns that allow discretion, such as:
 - Attaining satisfaction or general conformance with other master plans and applicable master plan goals and policies.
 - Mitigating impacts to the immediate neighborhood or community.
 - Negating unusual/atypical types of impacts.
 - Addressing other development policies.

Policy/Action 5. Vacant land annexations should restrict development levels to the density established by County zoning or the Town of Breckenridge Land Use Guideline recommended density, whichever is less, unless additional density is transferred to the site.

Policy/Action 6. Commercial activity is not encouraged in rural or outlying areas of the Basin, but rather should be focused in the urban core or urban areas.

Policy/Action 7. Individual sites should be developed within the limitations of site specific constraints

and overall infrastructure and service capacities within the Basin.

Activity Level Approach

It is the goal of the Plan to establish a balance between saving the Basin's small town, rural character and allowing a reasonable increment of growth. This is based on public response and the Plan's theme to reduce potential build-out and that the burden of any reductions should be fairly distributed among the various land use types and activity generators within the Basin. Therefore, the Plan identifies and recommends strategies to reduce or control activity levels. The following identifies and describes the key components that contribute to generating activity in the Basin:

Human and Vehicular Activity

Activity levels are best defined as the amount of human and vehicular activity associated with a specified level of development. The hustle and bustle of Breckenridge Main Street creates an exciting and vibrant downtown. However, as more and more people are attracted to the commercial core area of Breckenridge, the congestion that results from large numbers of cars and people moving into and through downtown is a negative component of activity. Similarly, traffic activity on Highway 9 leading into and out of Breckenridge can easily become a negative experience during peak periods. Thus activity levels can have negative impacts on the economic vitality of the community.

Residential Development

Activity levels also can be related to residential development in the Basin. Neighborhoods that are quiet most of the year can experience the negative aspects of increased activity when single family homes or other residential units are occupied by large numbers of short term and overnight visitors who come and go frequently in private automobiles or shuttles. This dramatic fluctuation in demands upon infrastructure and services invariably place great stress on the resources of a community and its ability to meet such demands.

Recreation

There are also activity level impacts associated with recreational pursuits. With more and more visitors and residents looking for solitude or a backcountry experience, it is inevitable that a favorite backcountry road or trail will become more crowded and more user conflicts will occur. Day skiers are also a significant contributor to activity levels as they generate traffic flow into the Breckenridge area and drive the need for additional parking facilities and transit service.

Day Skiers

Day skier impacts are difficult to quantify, but have a significant effect on activity levels within the Basin. It is expected that day ~~skiers~~ skier numbers and impacts from that demographic will continue to grow in the foreseeable future as population on the Front Range grows. Day skiers impact the activity levels and increase demand in the Basin in many ways, including traffic congestion and parking; infrastructure (water, sewer, roads, sidewalks); provision of adequate public and private services (transportation, medical, auto related, police); and services and housing related to the need for seasonal employees.

From a more intangible perspective, increasing activity levels will result in an increasingly faster urban pace and lifestyle, consequences which are contrary to the community's expressed desire to retain a small town character and informal lifestyle. However, it is recognized that limiting future growth will ~~likely~~ have an effect on the affordable nature of the community and could result in a more expensive community to live in. Already high housing costs could be pushed even higher, forcing more workers to live elsewhere and commute into the valley and adding to traffic congestion and overall activity levels. Over time, the result could be a loss of community diversity and increased activity levels as more workers are forced to drive into the valley every day. Strong incentives and other measures which seek to provide

adequate supplies of affordable workforce housing must be coupled with any limitations on development.

Goal and Policies/Actions

Goal B. Potential activity levels within the Basin should be reduced to a level which is consistent with the vision of this Plan and desired community character.

Policy/Action 1. Additional density should not be created anywhere within the Basin, whether through upzonings, annexations or some other mechanism. An exception is for community facilities and institutional uses and those identified in the Affordable Workforce Housing section.

Policy/Action 2. The County and towns should work with the Breckenridge Resort Ski Area to mitigate existing and future impacts associated with day ~~skiers~~ skier visits.

Reducing Build-Out Impacts

The basic premise of this Plan is to strike a reasonable balance between those who feel strongly that the Basin is at its capacity now, and those who believe that few if any restrictions are necessary. Activity levels and development impacts associated with absolute and realistic build-out in the Basin, coupled with growth in day skier numbers could lead to a scenario that is inconsistent with the community's vision and values.

As noted, the effects of such impacts are far more than aesthetic. The myriad of economic impacts that could emanate from growth at build-out could have significant effects on the fiscal health of the community. For example, expanding infrastructure to accommodate such growth could encumber the budgets of local entities and homeowners. Also, development at build-out could compromise the character of the community and dilute the qualities that make the Basin such an attractive destination for tourists and residents. The fiscal impacts felt in that regard could be very real and underscore the need to pursue density reduction strategies.

The 1997 edition of the Plan proposed that the build-out level for the Basin should not exceed the equivalent of 10,500 residential dwelling units, or approximately 75% of the zoned maximum potential density (the specific target was to reduce residential density by 2,550 units). This conclusion, premised upon a detailed 1996 study, was based primarily on a concern that build-out beyond this level would dramatically change the character of the community and erode the quality of life in a way that is contrary to the vision of the Plan. However, as indicated in the build-out section, as of January 2011, the 10,500 target had been exceeded and approximately 10,853 units were built in the Basin.

Nevertheless, this quantitative reduction strategy, as applied, has proven to be highly effective in preserving the character of the community, its economic vitality, and ensuring that development and community demands do not outstrip the infrastructure or services available or developed. Therefore, a key focus in this edition of the Plan is to address density reduction concerns in a more qualitative manner, while still recognizing and memorializing the great benefits that have been realized by the longstanding density reduction approach of the Plan.

In updating the Plan it was recognized that the realistic build-out of the Basin could approach 14,500⁹⁰⁰ units. This is significantly more than the 10,500 units originally targeted in the 1997 edition of the Plan, which served as the barometer of a desired comfortable carrying capacity and associated activity levels. Thus, the update to the Plan in 2011 brought to light the fact that another 3,500^{4,000} units ~~may~~ could be built in the Basin and those units would invariably have a considerable impact ~~to~~ on community character. Therefore, the Plan stresses the need to continue to pursue strategies to reduce anticipated development

levels in order to move toward a desirable activity level at build-out.

Density Reduction Strategies

This section identifies strategies which, if realized, will move the Basin toward a reduced targeted build-out. The strategies represent a wide range of realistic alternatives that distribute the burden of reductions among a range of land use types and activity generators in the Basin. Each projection and strategy includes a conservative and aggressive estimate of the development level reduction that might be expected if the projection or strategy is realized. These projections were based on the updated build-out analysis and in-depth review of the density reduction strategies achieved between 1997 and 2011.

[Paragraph to be revisited after April 21, 2011 Open House] The strategy which could result in the largest reduction in density is extinguishing development rights ~~at a 1:2 ratio~~ for new affordable workforce housing projects, with the County and Town of Breckenridge retiring density on County and Town-owned properties in conjunction with new affordable housing developments. This strategy is discussed in more detail in the affordable workforce housing section. When combined, all of the identified strategies will, if realized, move the Basin toward a targeted build-out of approximately 14,000 residential units and reduce realistic build-out by 504 a range of 515 to 6701,459 units.

A slight deviation from the recommendations to reduce density in the Basin is recognized for the Town of Blue River, allowing the Town to be excluded from implementing these types of strategies. A land use inventory and zoning analysis of remaining development potential in the Town revealed very few opportunities to reduce density within their boundaries. The lack of opportunities to reduce density coupled with the Town's desire to increase its property tax base advances the notion that the Town of Blue River should not be subject to the identified density reduction strategies outlined below.

While overall numerical goals have been articulated in these strategies, the means to attain those goals are set forth in policies that reflect a more qualitative approach to each development. Each land use application will be reviewed on its own merits, and as applicable the various strategies and goals enumerated below will be considered in the review process. The qualities reflected in successful subdivisions and development in the past, which incorporated any number of approaches to attain a successful project that reflected a significant reduction in realistic density, such as Big Star PUD in the County and Delaware Flats in the Town of Breckenridge, set forth a model of the qualitative level of successful density reduction that future development should seek to attain. Regulatory provisions as well as master plan policies should be established and applied that direct any future development towards such standards.

Goal and Policies/Actions

Goal C. Pursue strategies to reduce density and development potential anywhere from 504515 to 6701,459 residential units in the Basin.

- Policy/Action 1. The County and Town of Breckenridge shall encourage and facilitate the reduction of density and development potential in the Basin through implementation of the strategies identified and summarized in Table 7 below.
- The Town of Blue River shall not be subject to the ~~recommend~~ recommended density reduction strategies to be pursued by the County and Town of Breckenridge.

Table 7. Upper Blue Basin: Density Reduction Strategies & Estimated Reduction in Density

	Potential Density Reduction		
	Conservative	Aggressive	
Affordable Workforce Housing	3890	389778	Extinguish development rights at a 1:2 ratio to offset impacts from affordable workforce housing.
Review of Development Applications in Town and County	35435	70470	As part of reviewing development applications, density may be reduced through application of goals and policies in the Plan- or development standards in the Codes or other planning documents of the respective jurisdictions.
Town and County Single Family Lot Combinations	30	55	On contiguous platted parcels owned by the same individual – encourage density reductions through the vacation of lot lines and recordation of a perpetual restrictive covenant on the property prohibiting re-subdivision.
Conversion of Density Through Acquisition of Backcountry Property	20	36	The County and Town will continue to purchase properties zoned Backcountry (BC) for open space protection. Density reduced through the TDR conversion ratio would result in a reduction of density (i.e. conversion from 1 unit per parcel to 1 unit per 20 acres), application of effective merger regulations or other means available.
Creation of Site-Specific Master Plans Within the Town of Breckenridge	10	60	Extinguishing 25% of zoned density may be considered an eligible public benefit as part of a Development Agreement for large projects.
Mitigating Impacts of Development Proposals Through Use of TDRs	5	15	Applicants may voluntarily propose to utilize development rights/TDRs as a means of mitigation to ameliorate concerns with development project proposals other than rezonings/upzonings.
Conservation Easements	5	15	Voluntary conservation easements placed on properties by private landowners, land trusts or other entities.
U.S. Forest Service Land Trades	5	15	County and Town owned land traded to the U.S. Forest Service would effectively reduce the density previously entitled or zoned on the property.
Other Strategies	5	15	There could be other strategies or unanticipated situations which result in density being extinguished.
Total	504515	6701,459	This represents a 3% to 9% reduction in realistic build-out.

- Policy/Action 2. Work with the County Assessor’s office to create incentives or other voluntary mechanisms to encourage single family lots to be combined. Incentives from local government could be provided for properties ineligible for Federal tax deductions. For example, savings in property tax payments that may be realized when single family zoned lots are combined.
- Policy/Action 3. As part of the Town of Breckenridge development review process and procedures, 25% of zoned density may be extinguished and considered an eligible public benefit (e.g., as part of a Development Agreement for large projects).
- Policy/Action 4. When a property within the Basin is traded to the U.S. Forest Service, the property should subsequently be rezoned to the County’s Natural Resources (NR-2) zoning district to permanently extinguish any density that previously existed on the property.
- Policy/Action 5. To enable a better understanding of the impact of various land uses on activity levels and their interrelationship, the towns and County shall continue to monitor build-out and reductions in development potential that occur in the future.

Other Density Reduction Strategies

In addition to the strategies identified in Table 7 above, reductions in density and potential build-out can be expected elsewhere and through other actions. However, it is difficult to estimate how many development rights could be reduced through these types of actions. Examples of these types of strategies include but are not limited to:

- Voluntary reduction efforts on properties purchased or owned by the County or Town of Breckenridge.
- Selected rezonings initiated by either individuals or the County or Town of Breckenridge of properties, ~~which~~ initiated in zoned areas that are ~~significantly~~ markedly out of conformance with respective master plan/comprehensive plan land use designations or guidelines, incompatible with present area development, or otherwise inconsistent with the conditions in the vicinity
- Selected rezoning of antiquated zoning designations, where deemed effective at attaining the overall policies and goals of this Plan.
- Reductions in commercial build-out.
- ~~Application of development standards (i.e. codified standards might not make it possible to develop a site at the maximum density potentially allowed on the site through zoning or land use guidelines).~~
- Establishment of development standards and regulatory restrictions and application of the same to address and reduce or mitigate the impacts of development at levels approaching realistic build-out. Ensure developments that reflect the qualitative standards reflected in other existing successful developments throughout the Basin that have effectively reduced the impacts of such maximum allowed density.
- Adjustments to the density ranges contained within the Town of Breckenridge Land Use Guidelines in consideration of the Town’s Comprehensive Plan.

Goal and Policies/Actions

Goal D. Pursue other voluntary and market driven decreases in density and potential development as opportunities present themselves.

- Policy/Action 1. The County and Town of Breckenridge shall commit to exploring other creative density reduction strategies in the future. Examples of these strategies include, but are not limited to: voluntary reduction efforts and rezoning of properties significantly out of conformance with respective master plans.
- Policy/Action 2. The County and Town of Breckenridge should look for opportunities to limit or reduce the amount of commercial development that can occur. This approach should recognize the unique location and market sector factors that influence commercial development potential within existing commercial nodes or commercial areas, traffic impacts, infrastructure availability, and compatibility with surrounding areas.
- Policy/Action 3. Ensure that all new development meets current site design and development standards regardless of the zoning designation on the parcel.
- Policy/Action 4. Review and where necessary adjust the density ranges contained within the Town of Breckenridge Land Use Guidelines, giving consideration to the following factors:
- Updates to the Town’s Comprehensive Plan.
 - Recent changes to the Town’s Land Use and Development Code.
 - Refined information on physical characteristics of land within the Town.

VII. Backcountry Protection

The 1997 edition of the Plan expressed an overwhelming desire to see development in the rural/backcountry area limited to the greatest extent possible. This desire was driven, in large part, by the importance of protecting the diverse wildlife habitat, unspoiled ridgeline and mountain vistas, forested hillsides and backdrops, along with the opportunities for solitude and outdoor recreation that characterize the rural/backcountry areas of the Basin. Put another way, protecting the rural/backcountry areas was considered a critical component to help maintain the sense of place and spirit of the community that existed in the Basin. As stated in the 1997 edition of the Plan, “These areas provide residents and visitors a respite from the urban activity of Breckenridge and the more developed areas of the Basin, in addition to major metropolitan areas where most visitors come from.”

To ~~accomplish protecting~~ help protect the rural/backcountry areas, the implementation strategies included in the 1997 edition of the Plan placed emphasis on: designating the rural/backcountry area as a sending area for transferable development rights; establishing an Upper Blue Basin open space/development rights acquisition program; and establishing a new backcountry zoning district that could be applied to backcountry areas and limit the impacts of development by limiting structure size, site disturbance and the construction of new roads. As indicated in the Overview and Background section, these strategies were successfully implemented and have resulted in approximately 5,635 acres, or 78% of the backcountry zoned properties within the Basin being protected from development as of February 2011.

In 2001, the County adopted the backcountry zoning district, which was applied to approximately 7,200 acres of property in the Upper Blue Basin. The adoption of the backcountry zoning district implemented a major goal in the 1997 Plan. The zoning regulations ensure that development on backcountry properties is constructed in a manner that preserves the rural, high alpine character of these areas. The zoning district works together with the TDR regulations, giving a property owner the choice to either build on their property in accordance with the backcountry zoning regulations, or to voluntarily sell or transfer their development right out of backcountry areas to more suitable locations in the urban/developed portions of the Basin. The Towns and County recognize the success of this zoning district and are supportive of maintaining the backcountry zoning district to keep this effective tool in place for protecting the character of the Basin’s backcountry areas.

Although the Basin's rural or backcountry areas are, for the most part, sparsely developed or substantially protected, there is remaining development potential that could have undesirable impacts. There are currently 122 private properties zoned Backcountry (21.9% of the Backcountry zoned properties). It is anticipated that the County and Town of Breckenridge will continue to pursue the purchase of many of these remaining privately owned Backcountry zoned properties. Using a conservative estimate, the County and Town will probably acquire at least half of these claims. Thus, in light of the remaining development potential and possible impacts, continued implementation of programs to protect and preserve the rural/backcountry areas of the Basin is recommended.

Goal and Policies/Actions

Goal E. Preserve the natural resources and undeveloped character of rural/backcountry areas to the fullest extent possible.

Policy/Action 1. As opportunities present themselves, programs, regulations or policies should be enacted and land use recommendations adopted in order to preserve and protect the character of the backcountry.

Policy/Action 2. Continue to explore the creation of incentives that encourage landowners to limit the scale and intensity of development, preserve open spaces, views and other

environmental values, and retain access to roads, trails and public lands.

- Policy/Action 3. Continue to encourage and incentivize development rights to be transferred out of designated backcountry TDR sending areas to designated TDR receiving areas in the urban area, which are more appropriate for development.
- Policy/Action 4. The County and Town of Breckenridge shall continue to coordinate open space protection programs and other innovative methods to acquire properties zoned Backcountry (BC) for open space protection.
- Policy/Action 5. Encourage land exchanges which increase the amount of public land in rural/backcountry areas as suggested in the Land Ownership Adjustment Analysis for the Dillon Ranger District. Identify and map national forest system lands properties that should not be transferred to private ownership, and move expeditiously to preserve them as publicly held whether through acquisition or some other method.
- If National Forest System land comes into private ownership it shall retain its NR-2 zoning until such time as a rezoning is approved by the County. Where new density is proposed to be created on an NR-2 zoned property proposed for rezoning, development rights shall be transferred to the property corresponding to the requested density.
- Policy/Action 6. Preserve the existing character of roads in rural/backcountry areas to the fullest extent possible given the need to provide for reasonable access to properties and the protection of public health, safety and welfare.
- Policy/Action 7. Discourage construction of new roads in rural/backcountry areas.
- Policy/Action 8. Winter maintenance of roads in the rural/backcountry areas that have significant value for over the snow recreational uses should be prohibited or restricted to the fullest extent possible.
- Policy/Action 9. The County should continue to maintain its Backcountry Zoning District as a means of preserving the backcountry character of the Basin.

VIII. Affordable Workforce Housing

~~Laek~~Low inventories of affordable housing is consistently identified as one of the most pressing ~~problems in~~challenges within the Basin. An adequate supply and availability of affordable housing is critical to ~~retaining~~supporting r a healthy community and economy.

During the creation of the 1997 edition of the Plan, the median price of a single family home in the Basin was approximately \$265,000. By 2006, the median price of a single family home in the Basin had increased to \$950,000. This represents a 260% increase in the price of a single family home between 1996 and 2006 for the area. In comparison to median home price, the area median income (AMI) for a 4 person family in the Basin in 1996 was \$56,350 and increased to \$78,400 in 2006. This represents an

AMI increase of 39% over the same 10-year timeframe. Thus, it is evident that real estate appreciation prior to 2006 of 260% far outpaced the 39% increase in the median income of workers in the area during the same time period.

~~As a result, the “gap” between the cost of housing and the income of workers continues to grow at an alarming rate.~~ Current home prices are beyond the means of most area ~~residents and~~ workers. . Therefore, many people ~~are forced to~~ live in surrounding areas and commute to work from adjacent counties where housing costs ~~of housing are more reasonable~~ lower. This ~~in turn~~ has ~~led~~ contributed to increased traffic congestion and demand for parking in Breckenridge and on Highway 9 due to workers commuting into the Breckenridge area, and, over the long term, an increasing shortage of workforce housing could lead to a loss of community diversity and vitality. - As a result, the “gap” between the cost of housing and the income of workers merits frequent monitoring.

Affordable Workforce Housing – Increase in Supply Since 1997

The 1997 edition of the Plan recognized ~~the~~ a shortage of affordable workforce housing within the Basin as a significant issue of concern. Therefore, the Plan identified the need to create a strategic affordable housing plan and recommended a number of other policies and implementation strategies aimed at increasing the supply of affordable housing throughout the Basin.

Since adoption of the 1997 Plan, the Town of Breckenridge has taken a leading role in proactively pursuing efforts to develop affordable housing. The Town adopted an Affordable Housing Strategy in 2000, which outlined a program to utilizing resources to incentivize the private sector to develop workforce housing and strategies for the Town to participate directly in the development of affordable housing projects such as the Valleybrook Subdivision. Although the lack of affordable units within the Basin remains an issue, ~~great strides have~~ progress has been made since adoption of the 1997 edition of the Plan. Table 8 displays that, as of February 2011, a total of 756 deed-restricted affordable housing units have been developed within the Basin. The majority of these units (89%) are located within the Town of Breckenridge. With the addition of another 107 units currently planned and vested within future phases of the Valleybrook and Wellington Neighborhoods, there will be a total of 863 affordable workforce housing units developed within the Basin at build-out of said projects. 91% of these (782 of 863 units) will be located within the Town of Breckenridge limits.

Table 8. Upper Blue Basin: Inventory of Affordable Workforce Housing Units Provided Between 1997 – February 2011				
Project Name	Average Area Median Income (AMI) Target	Existing Units	Planned Future Phase Units	Total Units (Existing & Future Planned)
Town of Breckenridge Housing Units				
Wellington 1	99%	98		98
Wellington 2	110%	128	78	226
Gibson Heights	71%	40		40
Vista Point	113%	19		19
Breckenridge Terrace	90%	180		180
Pinewood Village	83%	74		74
Vic’s Landing	86%	24		24
Valleybrook	85%	13	29	42
Other Dispersed Units	N/A	99		99
Total Units in Town of Breckenridge		675	107	782
Unincorporated Area Housing Units				

Project Name	Average Area Median Income (AMI) Target	Existing Units	Planned Future Phase Units	Total Units (Existing & Future Planned)
Kennington Townhomes	N/A	36		36
Farmers Grove	N/A	15		15
Monarch Townhomes	90%	13		13
Other Dispersed Units	N/A	17		17
Total Units in Unincorporated Area		81		81
Total Affordable Workforce Housing Units Built or Approved in the Upper Blue Basin		756	107	863

Source: Town of Breckenridge and Summit County planning departments.

[Note— The total number of future planned housing units listed in Table 8 is in the process of being refined by the Town of Breckenridge and County Planning Department staffs. Therefore the numbers in Table 8 will change slightly as the Plan is finalized].

Projected Affordable Workforce Housing Needs

Projected needs for additional affordable workforce housing units within the Basin are based on a 2006 Housing Needs Assessment that was completed for the Town of Breckenridge by RRC Associates, Inc. This housing needs assessment identified a need for 914 additional affordable housing units throughout the Basin by the time realistic build-out is reached (above what had been built or was projected to be built during the 2006 housing needs assessment). It is recognized that the 2006 assessment, now 5 years old, will need to be updated regularly to reflect current market dynamics and changes in local economic growth rates.

The housing needs identified in the 2006 assessment included both “catch-up” housing and “keep-up” housing. Catch-up housing is housing needed to address current deficiencies in the existing housing supply. Catch-up housing needs are based on an evaluation of current resident households with housing problems (e.g., cost-burdened, overcrowded or substandard living conditions), local renters looking to purchase housing, and in-commuters that would prefer to live in the Breckenridge area if affordable and suitable housing was available. Keep-up housing is housing that will be needed to keep up with projected future demands for housing. ~~Keep~~ Subject to the actual rate of demand, keep-up housing needs focused on new housing units that ~~will~~ may be needed as a result of job growth within the Basin. The housing needs assessment has been considered a conservative study, as it did not account for the projected loss of existing market-rate units, which are currently owned and occupied by area employees, as these employees retire and sell their units over time at market prices which may now be unaffordable to local workers.

It is important to acknowledge that the current 914 unit target is a “living number” that will need to be continually re-evaluated over time. Recognizing this, the Plan establishes a policy stating that the Basin’s affordable workforce housing needs should be continually analyzed over time by conducting periodic housing needs assessments- and considering available inventories of homes for sale within affordable price ranges. Thus, the 914-unit target could change over time, in response to changing market conditions, improved assessment techniques, additional loss of employee occupied market-rate units as units are sold over time to second homeowners, and other factors.

Lastly, it is also important to note that, since the 914 unit target was first established in the 2006 housing needs assessment, the first phase of the Town of Breckenridge’s Valleybrook development (13 units) has been completed, thus reducing the projected need to 901 units. Upon completion of the remaining phases of the Valleybrook development (an additional 29 units), the projected housing need will be reduced to

872 units.

Future affordable housing projects planned on identified properties within the Basin will help to further close the previously estimated 872-unit gap. Based on market conditions, completion of the Town of Breckenridge's future Block 11 development, which has been planned for 350 units, would reduce the projected affordable housing need to 522 units. Additional affordable housing projects being planned on identified properties within the Basin, if developed, would provide an estimated 200 additional housing units, thus reducing the projected affordable housing need to approximately 300 units that are not currently planned on identified properties.

Other Adopted Affordable Workforce Housing Plans

Since adoption of the 1997 edition of the Plan, there have been a number of affordable workforce housing-related plans developed, which outline specific goals, policies and implementation strategies to increase the supply of affordable workforce housing within the Basin, as well as within other areas of the County. These include the Countywide Comprehensive Plan Housing Element, Upper Blue Basin Master Plan Housing Element, Joint Summit County Housing Strategy, and Town of Breckenridge 2008 Workforce Housing Action Plan.

The primary goal for the Basin, which is expressed in these respective plans, is to ensure that ~~the targeted 914 additional~~adequate levels of affordable ~~workforce~~housing ~~units~~are ~~constructed~~available by the time the Basin reaches realistic build-out. This goal was derived from the 2006 Housing Needs Assessment, and is to be achieved through a combination of local government resources, impact fee and sales tax revenue, incentives, policies placed on new development, and partnerships among the towns, County, Summit Combined Housing Authority, and other appropriate entities.

Appropriate Locations for Affordable Workforce Housing

When planning for the development of additional affordable workforce housing within the Basin, it is recognized that ~~the majority of future affordable workforce housing should be located~~suitable locations have been identified within ~~the Town of Breckenridge limits or~~urban core areas across the County. Key criteria in selecting locations include being within close proximity to employment centers, ~~and should be~~sited to allow employees convenient access to public transit, ~~to ensure the efficient provision of~~existence of adequate infrastructure to accommodate residential densities (i.e. minimize required extension of services into rural, outlying areas), and ~~to provide~~identified opportunities for infill and redevelopment within the existing urban area. Concentrating affordable workforce housing within ~~and adjacent to~~~~Town~~existing urban core areas is consistent with the vision of this Plan, the County's Countywide Comprehensive Plan and Upper Blue Master Plans philosophy and goals of focusing development in existing urban areas and protecting rural, outlying areas of the Basin from development.

Accordingly, a policy has been included in this section of the Plan, stating that affordable workforce housing should be located within ~~the Town of Breckenridge limits or within close proximity to the~~~~Town~~urban areas of the Basin. It is important to note that this policy applies to both new construction of affordable housing units and buy-down efforts to deed-restrict existing housing units for affordable housing purposes. In this vein the Plan also recognizes that the County and Town of Breckenridge ~~should~~will not ~~require~~allow housing units within the Town of Blue River to be deed restricted as a way of meeting County or Town of Breckenridge affordable housing obligations. This is primarily based on keeping affordable workforce housing in close proximity to the urban employment center. Similarly, the County, Town of Breckenridge and/or Summit Housing Authority ~~should~~are not encouraged to purchase buy-down units in the Town of Blue River or other locations outside of the urban areas of the Basin where public transit service is not available.

Density Reduction Strategy: Mitigating Impacts on Density & Activity Levels

The 1997 edition of the Plan included a policy that exempted affordable housing projects targeted to low and moderate income residents and employees from requirements to transfer in density, thus allowing “free” density to be created for affordable housing units as an exception to the basin-wide density cap. The purpose of this exemption was to prevent the basin-wide density cap and corresponding transferable development rights requirements from impeding the construction of affordable housing within the Basin.

As noted above, since 1997, there have been approximately 756 affordable workforce housing units constructed within the Basin and the 2006 Housing Needs Assessment points to an identified potential need for an additional 914 affordable housing units by the time realistic build-out of the Basin is reached. Thus, at realistic build-out of the Basin, there could be a total of approximately 1,670 deed-restricted affordable workforce housing units. These units are required to be occupied on a full-time basis by persons residing and employed within the County, thus creating real impacts on overall activity levels and service demands within the Basin.

During the 2011 Plan update process, it was recognized that continuing to create “new” density for affordable workforce housing units could significantly increase activity levels within the Basin in a manner that is not consistent with the vision of this Plan and would likely result in the degradation of the desired community character within the Basin. For this reason, the Breckenridge Town Council and Board of County Commissioners expressed the desire to begin offsetting the impacts of new affordable housing units on the overall density and activity levels within the Basin by extinguishing density on County and Town of Breckenridge-owned properties in conjunction with new affordable workforce housing developments. The Town Council and BOCC therefore committed to establish a new Plan policy, requiring the Town and/or County to extinguish density for new affordable housing developments at a minimum 1:2 ratio (i.e. extinguish 1 development right for every 2 affordable workforce housing units permitted to be built).

Both the Town of Breckenridge and County ~~own~~ owned lands that have density assigned to the properties. In order to meet the obligations of the above referenced policy, the Town and County will endeavor to extinguish the density that they own at a 1:2 ratio as new affordable housing projects are developed.

As noted in the discussion of realistic residential build-out above, overall it is estimated that an additional 778 units of density would need to be created in the Basin to meet the identified need for an additional 914 affordable workforce housing units outlined in the 2006 Housing Needs Assessment (914 total units – 136 units already permitted by zoning on identified housing parcels = 778 new units). Establishing a policy that requires existing density located elsewhere in the Basin to be extinguished in conjunction with new affordable housing projects will help to reduce the impact of these 778 units on the realistic build-out of the Basin. Extinguishing density for these 778 units at a ratio of 1:2 will result in 389 fewer residential units being constructed within the Basin, thus reducing overall activity levels at build-out and helping to maintain the desired community character expressed in this Plan. [This policy to be revisited and revised based on feedback from April 21 Open House, Town Council, BOCC, planning commission and Advisory committee feedback.]

Goal and Policies / Actions

Goal F. ~~Increase~~Consistent with demand studies, increase the supply of affordable workforce housing within the Basin by pursuing the goals, policies and implementation strategies set forth in the County’s Countywide Comprehensive Plan Housing Element, Upper Blue Master Plan Housing Element, Joint Summit County Housing Strategy, and Town of Breckenridge 2008 Housing Action Work Plan.

Policy/Action 1. Affordable workforce housing should be located within urban areas of the ~~Town of Breckenridge~~Basin or within close proximity to employment centers, and should be sited to allow convenient access to public transit, to ensure the efficient provision of infrastructure and utilities (i.e. minimize required extension of services into rural, outlying areas), and to provide opportunities for infill and redevelopment within the existing urban area.

- Affordable workforce housing or buy-down units ~~shall~~will not be located within the Town of Blue River to meet or fulfill County or Town of Breckenridge affordable housing requirements or obligations.

Policy/Action 2. ~~The~~Subject to updated demand forecasts, the County and Town of Breckenridge should continue to work together to provide affordable workforce housing on the Valleybrook and Claimjumper sites, and to pursue other housing projects within and adjacent to the Town as jointly determined to be appropriate. Cooperative efforts to provide affordable workforce housing within the Basin should focus on the following prioritized locations, which have been identified as appropriate areas to accommodate affordable workforce housing:

- Block 11, Airport Subdivision on Airport Rd.
- County-owned property on CR 450 adjacent to Kennington Townhomes (currently utilized for recycling drop-off center and other County uses).
- Stan Miller Property along Highway 9.
- City Market redevelopment on Park Avenue.
- Alpanse Condos/Farmer’s Grove area in Farmer’s Korner.

Policy/Action 3. The County and Town of Breckenridge should work together to ensure sufficient water rights and supply are allocated to connect future affordable housing developments to public water systems.

Policy/Action 4. The local governments should provide ~~strong~~appropriate incentives such as land, density, and to the extent possible financing, fee waivers and tap fees to facilitate the development of affordable workforce housing within the Basin by the private sector.

- Incentives and other measures, which seek to provide adequate supplies of affordable workforce housing, shall not be pursued at the expense of other important master plan policies or development standards that would otherwise limit development (e.g., regulations intended to protect wetlands or other environmentally sensitive areas from development).

Policy/Action 5. Work to preserve existing market-rate units that are now occupied by local residents or employees for continued occupancy as affordable workforce housing into the future through buy-down initiatives (i.e. acquisition and resale / rental or buying the right to impose deed restrictions) or other appropriate strategies.

Policy/Action 6. The Breckenridge Ski Resort and other major employers in the Basin should be encouraged to actively participate in providing housing for their employees with special attention to the needs of seasonal employees.

- Local governments should ~~incentivize~~collaborate with employers to provide

additional affordable workforce housing for their employees within the urban areas of the Basin.

Policy/Action 7. The County, Town of Breckenridge and Summit Combined Housing Authority should work to continually analyze the Basin's affordable workforce housing needs over time, by conducting periodic housing needs assessments. The scope of these assessments could consider local economic growth and employment trends, inventories of existing homes for sale within affordable price ranges, available funding, and the resulting forecast of new affordable housing demand.

Goal G. Mitigate the impacts of new affordable workforce housing on the overall density and activity levels within the Basin.

Policy/Action 1. Affordable workforce housing, as defined by respective jurisdictions, shall not be subject to transferable development rights (TDR) requirements.

Policy/Action 2. Impacts of affordable housing on the overall density and activity levels within the Basin shall be mitigated by extinguishing density at a 1:2 ratio from County and/or Town of Breckenridge-owned properties in conjunction with new affordable workforce housing developments (i.e. extinguish 1 development right for every 2 affordable workforce housing units permitted to be built). [This policy to be revisited and revised based on feedback from April 21 Open House, Town Council, BOCC, planning commission and Advisory committee feedback.]

IX. Transportation & Transit

During development of the 1997 edition of the Plan, a traffic analysis ("Upper Blue River Basin Transportation Plan-~~Year~~"), January 1996) was completed by Felsburg, Holt & Ullevig ("FHU"). The Plan evaluated the current transportation system and road capacities within the urban/micro urban area of the Basin in 1996. The key findings of this analysis were:

- If the then-projected build-out of 13,762 units were realized, the resultant travel demands would exceed the existing 1996 transportation system capacity by 50% to 60%. Thus, travel demand management options would need to be pursued within the Breckenridge core area to accommodate projected travel demands at build-out.
- The existing 1996 transportation system would reach capacity at approximately 9,000 units. However, there were identified improvements recommended to the existing system that would increase efficiency of movement and allow the system to adequately serve up to 10,500 dwelling units and an associated level of commercial development.
- Physical improvement options to the Highway 9 corridor north of Breckenridge were limited to a four lane configuration or developing a two lane parallel road west of the Blue River.

The recommendations in the Transportation Plan fell into two categories: "Highway 9 Corridor Alternatives" and "Breckenridge Travel Demand Alternatives". Regarding the Highway 9 Corridor Alternative, the Transportation Plan stressed: mass transit solutions over increasing highway capacity north of Breckenridge to preserve the existing rural small town character of the valley; and minor improvements to accommodate a desired build-out of 10,500 units. However, if build-out was to exceed 10,500 dwelling units, it was recommended that Highway 9 north of Breckenridge be widened to a full four lane cross section with turning lanes as needed (this alternative was preferable to a west valley floor arterial).

Although creating four lanes was not the recommended strategy in the 1997 edition of the Plan, the widening of Highway 9 to four lanes north of Breckenridge to Tiger Run Road was realized in 2010 and

has helped to significantly address overall capacity and congestion in the Basin. Interestingly, the build-out of the Basin was at approximately 10,800 units when the four lanes were constructed. The 1996 Transportation Plan accurately noted that 10,500 dwelling units would serve as a tipping point for additional increased capacity needs on Highway 9 north of Breckenridge.

The 1996 Transportation Plan projected a significant increase in congestion within the Town of Breckenridge if improvements were not made to the Town's transportation system to address capacity (particularly at a build-out of 10,500 units and in light of potentially expanding Highway 9 north of Breckenridge to four lanes). The Transportation Plan broke the Breckenridge Travel Demand Alternatives into the following categories: intercept parking/mode transfer, expanded/modified transit, core area parking management, pedestrian and bicycle and other. Under each category there were a number of specific strategies ranging from developing a downtown circulator to making improvements to turning lane configurations at major intersections with Highway 9. Almost every strategy identified under the Travel Demand Alternative section of the Plan was addressed to some degree between 1997 and 2010.

A catalyst to implement the Breckenridge Travel Demand Alternatives was *The Town of Breckenridge Transportation, Circulation and Main Street Reconstruction Plan* produced in 2001 by Charlier and Associates. This 2001 Transportation Plan built upon the recommendations contained in the 1997 edition of the Plan and similarly outlined several specific recommendations for improvements to the transportation system within the urban/micro urban area of the Basin. Some of the key recommendations contained in the Transportation Plan, which have subsequently been implemented, include:

- Realignment of State Highway 9 from Main Street to Park Avenue, and re-design of the Main Street and Park Avenue intersection (completed in 2006).
- Creation of an intermodal transit center within the Town of Breckenridge, and construction of a gondola from the intermodal transit center to Peaks 7 & 8 (completed in 2006).
- Creation of a parking management plan (analyzed yearly).

Overall, the Town transportation system's efficiency and capacity have been successfully enhanced to accommodate the projected increase in demand, as originally identified in 1996 Upper Blue River Basin Transportation Plan.

In 2008, the Town of Breckenridge worked with FHU to further analyze existing roadway capacity within the Basin and estimate future traffic levels based on updated build-out projections and skier information. This analysis estimated that there are currently approximately 20 days of traffic congestion per year within the urban/micro urban area of the Basin. According to the FHU analysis, the number of traffic congested days is projected to increase to 40-45 days at full realistic build-out of the Basin, if no further transportation improvements are implemented. However, the FHU study notes that the additional travel demands anticipated at build-out can be accommodated without increasing the number of days of traffic congestion if upgrades to the Basin's transit system and roadways are implemented.

Nevertheless, successfully addressing transportation, transit, parking, pedestrian and related congestion issues will remain an ongoing challenge in the years ahead. Continued development pressure coupled with likely increases in visitation will make it essential to increase the efficiency and capacity of travel and transit systems through improved performance and management. In this regard some of the salient strategies that could still be evaluated and implemented in the Basin include:

- Consider construction of an in-town people mover to facilitate non-automobile transportation within the Town of Breckenridge downtown core.
- Extension of the Riverwalk south under Park Avenue and north from Ski Hill Road to French

Street.

- Additional intercept parking areas north and south of the Town of Breckenridge.
- Widening of Highway 9 from Tiger ~~Run~~ Road to Agape/Farmer's Korner.
- Improving Highway 9 from Frisco to Farmer's Korner.
- Construction of a roundabout at Park Avenue and Four O'Clock Road, and Park Avenue and French Street.

Goal and Policies/Actions

Goal H. Maximize the capacity and efficiency of the existing transportation and transit systems through improved performance and management or construction of appropriate transportation improvements.

- Policy/Action 1. Enhance and improve transit service throughout the Basin based on existing development patterns to better serve visitors, commuters and employees.
- Policy/Action 2. Encourage and emphasize the use of roundabouts rather than improvements to turning lane configurations and additional traffic signals whenever possible, to enable the transportation system to reasonably handle the traffic associated with realistic build-out in a manner that effectively accommodates multiple modes of travel (i.e. efficiently move traffic through intersections, while providing pedestrian friendly road crossings).
- Policy/Action 3. Continue to explore opportunities to shift the transportation modal split from auto to transit through investments in new park-n-rides and other transit-oriented improvements (e.g., transit stops and stations).
- Explore and where appropriate construct intercept parking/mode transfer facilities on the north and south ends of ~~Breckenridge~~ the Basin (e.g., Tiger ~~Run~~ Road area, Town of Blue River Town Hall, Tordal Estates and Blue River Condos) to increase commuter and day skier use of the Summit Stage and mitigate impacts to ~~in-town~~ parking in Breckenridge.
- Policy/Action 4. Increase the capacity and efficiency of transportation and transit systems:
- Extend the Riverwalk south under Park Avenue and north from Ski Hill Road to French Street.
 - Widen Highway 9 from Tiger ~~Run~~ Road to Agape/Farmer's Korner.
 - Improve Highway 9 from Frisco to Farmer's Korner.
 - Construct a roundabout at Park Avenue and Four O'Clock Road, and Park Avenue and French Street.
- Policy/Action 5. Increase opportunities for pedestrian and bicycle modes of travel, and enhance their related facilities, including commuter routes and connections and construction of "complete streets" when roadway improvements are undertaken. "Complete streets" are designed to accommodate all modes of travel within the roadway (e.g., pedestrians, bicyclists, automobiles, transit riders).
- Policy/Action 6. To the extent possible roadway design should be compatible with a mountain resort community image and the unique constraints of a high mountain environment.
- Policy/Action 7. Marketing for visitor accommodations should emphasize the use of mass transit and the ability to move around the Basin and County without a car.
- Policy/Action 8. Consider the effects of noise from Highway 9 and design future improvements to

reduce the impacts of noise from Highway 9.

X. Other Significant Basin Issues

This Plan is intended to articulate a common vision for the future and serve as an advisory guide for decisions that affect the physical development and community character of the Basin. It provides a public policy base from which sound planning decisions can be made and guidance for decisions pertaining primarily to land use, density and development potential. However, master plans can address a host of other important issues, as they are effective mechanisms to guide and assist in the decision-making processes that invariably accompany growth and changes in a community.

In this regard, this section is intended to identify and describe other issues that are important to recognize in the context of joint planning, growth and the future of the Basin. The section seeks to provide information and broad goals and policies that speak to the significant issues in relation the Basin's vision, activity levels and community character. These issues are not addressed in the level of detail or specificity as the issues above, but are important to acknowledge. These issues will also play a role in shaping the Basin's community character, services or infrastructure. As such, the following issues and policies should be evaluated and weighed in making decisions or evaluating programs or projects that affect the Basin.

Community Sustainability

Although the phrase "Sustainability" was not expressly used in the 1997 edition of the Plan, many of the core concepts contained in the 1997 edition of the Plan carry a sustainable message, despite the fact that the term was not in vogue at the time. For example, the policy to not create new density in the Basin was established to avoid a situation where the population could eventually overwhelm the Basin's infrastructure and negatively impact the character of the community. In other words, a sustainable and livable community for the long-term was envisioned.

When the original Plan was developed a more holistic approach towards sustaining our environment was not a key issue for consideration ~~at the time~~. Today Sustainability is being embraced by many communities, including the Town of Breckenridge and Summit County. Both jurisdictions have recently undertaken efforts to adopt "Sustainability Plans". In the Town's case, the Sustainable Breck effort has emphasized a broad-based approach towards taking action on the different components that make up a sustainable community (e.g., housing, energy consumption, economy). In the County's case, the effort has been more focused on steps that the County government can undertake to reduce its carbon footprint (particularly regarding improvements to County facilities and operations).

In 2010, the High Country Conservation Center (a local non-profit organization) started to facilitate a community-based, collaborative planning process to develop and implement a community-wide Energy Action Plan for the County. The Energy Action Plan, once completed, is intended to guide collaborative efforts to reduce energy use and fossil fuel emissions, and increase renewable energy production throughout the multiple jurisdictions within the County. The Energy Action Plan is being developed and implemented with input from a local Energy Advisory Group, which is made up of representatives from the County and town governments, Colorado Governor's Energy Office, Xcel Energy, Vail Resorts, and other local businesses and community organizations.

This section, thus, has been added to the Plan not because its tenor was absent before, but as recognition of the efforts that have been taken in subsequent years regarding this topic. There is a much better understanding today of the ways in which our different planning efforts truly affect our sustainability.

Goal and Policies/Actions

Goal I. Future land use and growth decisions in the Basin should be based on our ability to sustain for future generations the resources and community character we currently enjoy.

- Policy/Action 1. Protection and maintenance of the Basin's environment and natural systems should continue to be emphasized in all public decision making.
- Policy/Action 2. New development in the Basin should strive to be completed in a manner that fits with the natural environment and minimizes the carbon footprint and energy consumption required by such new development.
- Renewable energy sources should be explored and encouraged for public and private development in a manner that is complimentary to the natural environment.
- Policy/Action 3. Goals and policies of this Plan are intended to complement and support governmental efforts such as the Summit County Energy Action Plan, Sustainable Breck Plan, and Summit County Sustainability Action Plan for County Facilities & Operations to help reduce the overall carbon footprint of the developed areas within the Basin.
- Policy/Action 4. Transportation planning and road construction projects should occur with a focus on making streets, sidewalks, and other movement corridors easily accessible and useable by bikers, walkers, and transit users, making such uses viable and important alternative modes of transportation, without significantly sacrificing the ability of visitors to use cars.
- Policy/Action 5. Land in the Basin should be acquired and/or designated to accommodate the possible location of community solar gardens and other appropriate forms of renewable energy production.
- Policy/Action 6. Through adopting or implementing applicable programs, regulations or policies support the establishment of community food gardens and the ability to produce foods locally.

Forest Management

The severe regional drought that occurred in 2002 left our monoculture lodgepole forests in a greatly compromised state, affecting its ability to ward off stand clearing infestations like the mountain pine beetle infestation, which we have experienced from about 2006 to the present (2011). Our Basin's forest lacks species and age diversity, has an overly dense growth pattern, and is nearing the end of its normal life expectancy. The presence of all these stress factors in the forest made it ripe for the effects of the mountain pine beetle to become greatly exacerbated. Forest health experts predict an eventual lodgepole mortality rate to be as high as 90-95% in the Basin and County.

Efforts to combat the unprecedented, rapid and widespread advance of the pine beetle have proven to be largely ineffective. Management agencies have refocused their efforts on the wildfire related public safety concerns and on restoring the forest to a more healthy condition in the aftermath of the infestation. The potential for large fires in the wildland urban interface ("WUI"), where many subdivisions are at risk, has attracted the most public resources to date.

Related to mitigating risks in identified WUI areas there are a number of other initiatives to protect

valuable public infrastructure elements such as power lines, roads and watersheds that provide municipal drinking water supplies. ~~Watershed protection also involves retention of wetlands that provide natural purification of the flowing waters of the valley.~~ All of these efforts to protect the public infrastructure are coordinated by the Summit Wildfire Council and are consistent with their guiding policy document, the Summit County Community Wildfire Protection Plan (CWPP), first adopted in 2006, (subsequently updated in 2010) by all the local governments and fire districts in the County, the Colorado State Forest Service (CSF), and the USDA Forest Service (U.S. Forest Service).

In the broad scheme, the strategy the agencies are implementing in accordance with the CWPP can be thought of as being arranged in a layered fashion in scale, ranging from the broad landscape approach of the U.S. Forest Service fuels reduction projects to homeowner associations creating fuel breaks between their subdivisions and the forest beyond and down to individual property owners creating defensible space around their homes. This approach fills in gaps that address the wildfire threat, and avoids the duplication of efforts. Moreover, the adoption of the CWPP qualifies our programs for state and federal funding assistance.

Goal and Policies/Actions

- Goal J. Continue to design, fund and implement projects in the Basin that will:**
- **Protect the public safety at the home owner level, the subdivision level and at the community level.**
 - **Protect the public infrastructure.**
 - **Protect healthy forests.**
 - **Incentivize reforestation.**
 - **Restore forest health and maintain the health of the surrounding ecological structure.**
 - **Maintain the aesthetic qualities of the Basin wherever feasible by striking an appropriate balance between aesthetics and what is necessary to protect the public safety and infrastructure.**

Policy/Action 1. Support the U.S. Forest Service in their efforts to implement their broad scale forest management and fuels reduction projects in the WUI. As part of this effort, encourage the preservation of recreation and intrinsic resources through commenting on and contributing to the design of U.S. Forest Service proposals.

Policy/Action 2. Work with the Summit Wildfire Council, CFS, Red White and Blue Fire Protection District and homeowner associations in creating fire breaks and reducing fuel loads in subdivisions and on non-federal public properties in accordance with the CWFP.

Policy/Action 3. Support individual property owners in: creating defensible space; reducing fuels on their properties; using firewise plant materials; and using fire resistant exterior building materials and construction methods. At the same time, work with homeowners to retain and replant visual buffers wherever feasible.

Policy/Action 4. Use integrated pest management measures to address and prevent pine beetle attacks in established formal landscape areas around homes, public buildings and recreation facilities, etc. Integrated pest management includes a combination of tree cutting, selective spraying outside of wetlands or riparian areas, and the creation of species diverse firewise landscapes.

Policy/Action 5. Implement more public education strategies about what homeowners can do to protect themselves and their property from the effects of a wildfire.

Policy/Action 6. Continue to work with local police, sheriff, and fire districts to ensure that adequate

wildfire emergency evacuation planning is in place.

- Policy/Action 7. **Increase** Incentivize and increase reforestation efforts including reseeded, weed control, and replanting of trees and shrubs to promote forest and habitat regeneration, watershed protection and species and age diversification.
- Policy/Action 8. Explore and pursue diverse funding sources to secure the resources needed to implement recommended forest health projects.
- Policy/Action 9. Plan for the financial implications of fighting a major wildfire in the Basin.
- Policy/Action 10. In light of deforestation, deteriorating forest health and loss of critical habitat caused by the pine beetle epidemic, make efforts to protect existing healthy forests in the Basin.

Water Resources/Watershed Protection

“The snow we ski on is what waters Denver’s lawns.” – Jim Shaw, Blue River Watershed Group

Water quantity pertains to water as it is owned, operated, stored, moved and left in streams and rivers. Water is a scarce resource and there are a host of considerations that make water quantity and supply in the County an ominous issue. The entire State of Colorado and Rocky Mountain region is finding its water supply stretched and over allocated, with potential shortfalls in the future. In addition, Front Range residents and industry are expected to need more water annually, a significant portion of which comes from a network of dams, diversions, pumps and pipelines in Summit County. Moreover, water quantity shortfalls will likely be exacerbated by anticipated climate change, declining snowpack or earlier spring runoff. These changes alone to the water cycle will likely have negative implications for reservoir storage, aquatic habitat, tourism, ski seasons, rafting seasons and water quality. In this context, protecting our rivers and streams, and finding creative ways to better manager or conserve much-needed water in the County will be imperative to the health of the Basin in the future.

In response to the aging and at risk health of the Basin’s forest, planning to maintain its water resources, water quality and protect sensitive habitats is a reoccurring and important topic. Drinking water for the Town of Breckenridge residents and visitors is provided solely by the Blue River which is stored in the Goose Pasture Tarn reservoir, located within the Town of Blue River. The water serving unincorporated portions of the County and the Town of Blue River’s is primarily groundwater/wells. The Blue River, which runs through the Basin and feeds into Lake Dillon, provides access to rich recreational opportunities and serves as a water resource for the City of Denver.

A wildfire in the Basin could significantly impact water quality in the Basin. (i.e., resulting in loss of vegetation that anchors soil and minimizes erosion). It is anticipated subsequent melting snow and rain in the aftermath of a wildfire, accompanied by loss of vegetation, will result in erosion and increased sedimentation in locations such as Good Pasture Tarn. To prevent degradation of water quality and increased soil erosion, watershed management is important. Protecting the Basin’s watershed is critical for restoring soil conditions and existing vegetation, protecting important ecosystems such as wetlands, preserving other natural resources and ultimately protecting human health.

Goal K. Protect and preserve water resources in the Upper Blue Basin watershed.

- Policy/Action 1. Monitor water development activities and legislative initiatives that affect water quality or quantity in the Basin.
- Policy/Action 2. Provide opportunities to enable the County and towns to protect and enhance the quality of the Basin’s waters, while facilitating the responsible use of those resources for the good of Colorado’s citizens and environment.
- Policy/Action 3. Explore techniques and creative methods to better manage and conserve water to meet future water needs.
- Policy/Action 1. Watershed Protection:
- Pursue cooperative efforts between the County, towns, and U.S. Forest Service for specific watershed protection strategies designed to prevent post wildfire sedimentation from impacting the Goose Pasture Tarn water treatment plant and reservoir and other water bodies throughout the Basin.
 - Continue to purchase properties that contain high quality wetlands or wetlands of concern through the County’s and Town’s open space acquisition programs and manage these properties to protect or improve their wetland functionality.
 - Explore the feasibility of establishing a wetland mitigation bank within the Upper Blue River Basin in order to implement the recommendations found in the “Conceptual Strategy for the Enhanced Management of Wetlands within Summit County”.
 - Pursue a “pump back” solution for increased water system capacity and storage for the benefit of the residents and visitors of the County and towns in the Basin.

Open Space and Trails

Since adoption of the 1997 edition of the Plan, the County and Town of Breckenridge have forged a very impressive partnership aimed at protecting important open space and backcountry lands in the Basin. Over 3,800 acres have been acquired by the two entities (of which most has been jointly acquired). The Town has recognized the value of protecting lands that, although they may be five or more miles from Town limits, are still used and appreciated by the Town’s residents for various recreational pursuits. One acquisition, the old B&B Mines land acquisition, amassed close to 2,000 acres of backcountry land in close proximity to the Town of Breckenridge.

The Basin has a rich and varied trail network consisting of old ditches, burro trails, historic mining roads, jeep trails, single track, bike paths, and newer recreation trails. In addition to the Basin's internal trail network, there are many important trails or routes that connect outside of the Basin. Georgia Pass and Boreas Pass were some of the first routes into the Breckenridge area. The Colorado Trail and Wheeler Pack Trail are two significant backcountry hiking trails that have statewide and regional importance. In recent years, the County and Town of Breckenridge have constructed a number of miles of new trails that have added to the Basin’s system and increased connectivity for users. The Basin's trail system is a profound community asset. The ability to enjoy, from one's front door, a quiet walk in the woods, access to a favorite fishing spot, motorized vehicular trail, or mountain bike trail is critical to overall quality of life and ability to hike, ski or ride in the Basin’s backcountry and alpine areas ~~is critical to overall quality of life.~~

Many trails in the Basin, and in particular those located east of Highway 9, cross through a patchwork of private and public lands created by mining claims which were patented during the Basin's mining era. In many cases, public access across private lands has not been restricted, due in large part to the undeveloped status of most of these areas. However, as development expands outward into more remote

areas and fills valley bottoms, public access could be endangered. Ensuring continued public access to this valuable trail network and the public lands and waters of the Basin is a high priority of this Plan.

One of these large recreational areas east of Highway 9 includes the Golden Horseshoe area. This area, some 8,900 acres in size, is a mix of predominantly public lands (national forest system lands along with jointly held County/Town land) and some smaller private lands. Due to its close proximity to the Town of Breckenridge and the relatively heavy levels of recreational use it receives from a diverse group of recreationists, in 2006 an extensive public planning process was undertaken. In late 2007, the County and Town agreed to a draft management plan for the Golden Horseshoe, pending final approval on national forest system lands by the U.S. Forest Service. The Golden Horseshoe plan primarily focuses on the Golden Horseshoe's trail network and identification of open routes and the appropriate types of users allowed on each route, with protection of natural and historic resources being a focus. The recommendations of this management plan represent the outcome of months of challenging discussions between different user groups and hard-fought compromises. The County, Town, and U.S. Forest Service have committed to continue to work together to manage uses and activities in the area in a sustainable manner, based on the recommendations of the management plan.

Goals and Policies/Actions

Goal KL. The County and Town of Breckenridge should continue to work cooperatively to jointly acquire and protect open space and improve the trail network in the Basin.

- Policy/Action 1. A rich and varied trail network that provides a variety of recreational opportunities should be preserved and enhanced. This network shall also provide for easy accessibility from residential neighborhoods and the core area of Breckenridge to public lands, trails, water and other recreation areas.
- Policy/Action 2. Public access to public lands and water should be retained wherever it exists and should be obtained wherever feasible where it does not exist.
- Policy/Action 3. Commuter use of bicycle and pedestrian trails should be accommodated and encouraged wherever possible. Extension of the Rec Path along Highway 9 south of Breckenridge to Hoosier Pass should be pursued.
- Policy/Action 4. Management of trail systems and trail head access should minimize conflicts among various user groups, minimize environmental impacts and provide for a quality recreational experience.
- Policy/Action 5. Improve and develop trail heads in order to facilitate easy public access to trails and minimize potential user conflicts.
- Policy/Action 6. A uniform requirement for improvement of shoulders to occur concurrent with improvement to state highways and other roads that are primary bicycle routes should be pursued.
- Policy/Action 7. The County, Town of Breckenridge, and the U.S. Forest Service should work cooperatively to implement the goals and actions of the Golden Horseshoe Management Plan.
- Policy/Action 8. Local governments should take an active role in facilitating expansion of noncommercial recreational activities. Examples could include: fishing access, active play/park areas in neighborhoods, nordic/backcountry skiing, recreational trails, wildlife viewing, sightseeing, etc.

- Policy/Action 9. Maintain, establish or re-establish access to the backcountry.
- Policy/Action 10. Trail design and construction standards, which result in trails which follow natural terrain with minimal environmental impact and provide buffers between trails and developed areas, should be adopted.
- Policy/Action 11. Traffic impacts and parking needs should be considered before establishing new trail heads or trail access points within neighborhoods.

Recreation

In addition to the bountiful open space and trails system found in the Basin, there are also numerous more developed recreational facilities (e.g., ballfields, formal parks, etc.). It is the goal of this Plan to see new developed recreational facilities constructed or expanded to meet future population growth in the Basin.

Neighborhood recreation facilities include small park areas, open space and local pathways. In many of the Basin's neighborhoods, undeveloped private properties have often functioned as open space. These undeveloped areas often have pathways where residents can walk and also can provide safe places for children to play. These lots are slowly being built on as neighborhoods continue to grow and develop. In many cases, there are no nearby parks or playground areas.

Goal and Policy/Action

Goal LM. Develop active recreational spaces and public parks within the urban areas of the Basin to continue to meet the needs of the Basin's population.

- Policy/Action 1. Opportunities to acquire and develop small neighborhood parks should be identified. Both developed pocket parks and natural areas should be provided.
- Policy/Action 2. Prior to the development of any neighborhood park within the unincorporated areas of the County, provisions shall be made to ensure the ongoing maintenance of the developed park space by a neighborhood association or other appropriate entity.

Infrastructure

The adequacy of infrastructure (i.e., water and sanitation services, utilities and community facilities) is key to a well functioning community. Service levels must be sufficient to serve anticipated development. Central water and sewer services are currently provided within the Town of Breckenridge and most of the larger residential subdivisions adjoining the town (Woodmoor, Tyrollean Terrace, Silver Shekel, Peak 7). Service providers include the Town of Breckenridge, ~~Breckenridge~~Upper Blue Sanitation District, ~~Woodmoor Water District~~ and Swan's Nest Metropolitan District.

The Town of Blue River is served entirely by individual wells with sewer service provided by on site septic in most portions of the town. ~~The exception is a limited area on~~ However, most of the ~~south end of~~ Town has been annexed into the Upper Blue ~~River which is served by~~ Sanitation District. The sanitation district operates the South Blue River Waste Water Treatment Plant ~~operated by the Breckenridge Sanitation District. Small satellite waste water~~, which serves a vast majority of the Town via lift stations. Utilization of the treatment ~~plants operated by the Breckenridge~~ plant and lift stations address ground water recharge and bypass issues. These lift stations will need to be monitored and maintained into the future and it is the goal of the Sanitation District ~~serve Valley of the Blue Condos, Skiers Edge and McDill Placer~~ to provide sanitary sewer service to the entire Town of Blue River by 2021. The remaining lower density and remote areas in the Basin are served by on site wells and septic systems. ~~It~~

~~is the goal of the Upper Blue Sanitation District to provide sanitary sewer service to the entire Town of Blue River by 2021.~~ Other utilities (electricity, cable and phone) are generally available within all developed portions of the Basin.

The potential public benefits of sewer extensions into developed areas that are currently served by individual sewage disposal systems (i.e. septic systems) include improved public health and water quality through removal of older septic systems that may have been poorly designed, located in areas of marginal soil suitability or are not performing properly. Additionally, converting septic systems to central sewer could decrease septic effluent impacts on local ground and surface water, and will reduce the amount of phosphorus loading in Dillon Reservoir. With that said, conversion of septic systems to central sewer could have impacts to ground water recharge, which should be considered and monitored.

The County and Town of Breckenridge provide a variety of community services and facilities (recreation center, library and social services). The Summit School District RE-1 provides K-12 education. Colorado Mountain College provides both community and college level education programs. Fire and emergency response protection in the Basin is provided by the Red, White and Blue Fire Protection District and Summit County Ambulance. An emergency medical clinic is located in Breckenridge.

Goal and Policies/Actions

Goal MN. Develop adequate levels of infrastructure to support the potential realistic build-out identified in this Plan while respecting compatibility with the Basin's high alpine environment and community character.

Policy/Action 1. Development should be located adjacent to existing communities, when consistent with desired land use patterns, and designed so as to minimize the need for expansion of services.

Policy/Action 2. New growth should be responsible for funding the capital improvements which it requires. The developers of new growth should be responsible for all necessary capital improvements.

Policy/Action 3. The County and towns should cooperate in coordinated planning for schools, parks and other facilities with the Summit School District.

Policy/Action 4. The Town of Breckenridge and County should investigate opportunities to partner on new water or service opportunities and infrastructure, such as the Pumpback project from Dillon Reservoir to Breckenridge, and provision of services for affordable workforce housing developments.

Policy/Action 5. The ~~Breckenridge~~Upper Blue Sanitation District should continue to work with appropriate jurisdictions and property owners to meet its ten-year goal to extend central sewer systems into the Town of Blue River and other areas identified as having poor suitability for septic systems, substandard or failing systems. Areas with potential public health and water quality concerns should have priority for extension of central sewer service. However, conversion of septic systems to central sewer could have impacts to ground water recharge which should be considered and monitored.

- The Upper Blue Sanitation District should continue to offer incentives and financing provisions to connect septic systems to central sewer.

Policy/Action 6. Careful consideration should be given to the growth impacts and potential change in

character that may result if central sewer becomes widely available within the Basin. Many lots which are currently "unbuildable" may be developed if central sewer is available.

Policy/Action 7. ~~Decisions to provide central sewer into an area should be consistent with respective County and town master/comprehensive plans. Extensions of sewage collection systems and expansion of treatment facilities should not drive land use patterns.~~

~~Policy/Action 8.~~ The impact of new development on ~~aquifers and~~ water tables that serve existing homes on individual wells should be evaluated on a project by project or specific area basis.

~~COOPERATIVE PLANNING/ DESIGN STANDARDS~~

Policy/Action 8. Explore the feasibility of implementing storm water management regulations which address groundwater recharge issues in the Basin for public and private development. For example, where possible increased runoff should be mitigated by infiltration management strategies.

Cooperative Planning & Design Standards

The design and appearance of development can greatly impact the overall sense and feel of the community. The welfare of the Basin is based to a great extent on the natural beauty of the valley, scenic backdrops, and other natural features. Because of the importance of visual aesthetics to the community, views are crucial and must be preserved. Protecting the scenic backdrop of the valley helps to protect property values, enhances the visitor and resident experience, improves recreation experiences, expands the economic viability of the local economy, increases the desirability of the town and county as a destination resort, and adds to the overall health of the community. From an overall community character perspective, preservation of important view corridors, ridgelines and prominent hillsides from major roadways and public areas is very important. Poor location and design of development in these areas can significantly detract from overall community appearance and sense of place.

Design issues range from view corridors and ridgeline development to more neighborhood and site specific concerns with basic site layout, massing of structures and identification of appropriate building design and materials. The landscape scale issues are usually addressed as part of the land use approval process (i.e. zoning and subdivision). Site plan review addresses site layout, building mass, building design, materials and colors.

The Towns of Breckenridge and Blue River have detailed architectural review processes, which occur in conjunction with site plan development. The Town of Breckenridge's development regulations are particularly rigorous within the historic district. Currently, there are some basic architectural design standards included in the County's Development Code (e.g., design standards addressing exterior building materials, colors, and lighting), and there are also heightened or more specific design guidelines outlined for certain subdivisions or properties, as specified in respective planned unit developments (PUDs).

In response to the recommendations of the 1997 Plan, the Town of Breckenridge has adopted design regulations restricting development on hillsides and ridgelines, residential home size, landscaping and firewise planting material, solar devices, exterior lighting, and appropriate subdivision updates. During the 2011 Plan update, it was suggested by the ~~community voiced a desire for~~ Town of Breckenridge the County ~~to~~ adopt an Overlay District, which would apply design standards similar to the Town of Breckenridge's within certain areas surrounding the Town, which are visible from major roadways or public spaces.

Goal and Policies/Actions

Goal NO. The visual appearance of the Upper Blue Basin should be one where spectacular mountain vistas and unique environments are retained, and development blends with the natural landscape to the fullest extent possible.

Policy/Action 1. Significant view corridors and other highly visible properties adjacent to the Town of Breckenridge should be identified, and special design criteria should be established for future development within these areas. This effort should focus on identifying: properties which are visible from major transportation routes within the Basin; properties that serve as a gateway into the Town; and properties that are visible from other important public spaces within and adjacent to the Town.

Policy/Action 2. The County should ~~adopt~~ explore adopting an Overlay District encompassing the identified boundary of the highly visible properties described above, which ~~requires~~ includes heightened design standards more compatible with the Town's within the Overlay District. These standards ~~should include~~ could address issues associated with:

- a. Setbacks
- b. Street standards and sidewalks
- c. Landscaping
- d. Building design, height, materials and colors
- e. Building massing
- f. Ridgeline and hillside development
- g. Utilities
- h. Solar devices
- i. Exterior lighting
- j. Disturbance envelopes

Policy/Action 3. The Towns and County should explore and develop ~~a formal joint development review~~ an enhanced referral process for properties within the County's Overlay District as well as incorporated parcels in close proximity to the unincorporated boundaries or unincorporated area annexation proposals.

Transferable Development Rights (TDRs)

As a means to help achieve important goals of the Plan and protect the rural/backcountry areas in the Basin, one of the high priority implementation strategies included in the 1997 edition of the Plan was to establish a transfer of development rights mechanism that allows for development rights to be moved from "sending areas" to "receiving areas". Moreover, the Plan recommended that each jurisdiction adopt an ordinance with consistent goals and an Intergovernmental Agreement allowing the transfer of development rights across jurisdictional boundaries. As indicated in the Overview and Background section, this strategy was successfully implemented as an operational and permanent TDR program for the Basin was established.

In July 2000 the County and Town of Breckenridge adopted the "Intergovernmental Agreement Between County of Summit and the Town of Breckenridge Concerning Transferred Development Rights". The IGA accomplished two primary purposes: 1) allowed density to be transferred from TDR Sending Areas in the County to TDR Receiving Areas mainly in the Town of Breckenridge; and 2) established the Joint Upper Blue TDR Bank—an administrative program run by the County which both purchases and sells development rights. Per the Section 6.8 of the IGA, the County and Town of Breckenridge are required

to set a sales price for TDRs to be sold from the Joint Upper Blue TDR Bank on an annual basis. As a result, the price of a TDR sold from the TDR Bank has ranged from \$30,000 in 2000 to \$45,870 in 2011. The methodology used to establish the sales price of a TDR has changed somewhat over the years but has been based on either sales prices of parcels in the backcountry or the change in assessed value of backcountry zoned properties.

The County and towns have had the opportunity to observe how the different sales prices of TDRs have worked. There are a number of reasons that could possibly warrant revisiting the methodology to determine a new sales price of a TDR. These reasons range from the perceived value of a development right when it lands in a TDR Receiving Area to the differences in value of vacant backcountry zoned properties. As such, this Plan recognizes the need for the County and towns to jointly re-evaluate the current methodology used to determine the price of a TDR sold by the Joint Upper Blue TDR Bank and amend Section 6.8 of the IGA accordingly.

Another component of the IGA is the “Official Upper Blue Basin Transferable Development Rights Sending and Receiving Areas Map” (the Map was last amended in April 2007). The IGA governs respective TDR programs and transactions, and the accompanying TDR Map identifies TDR Receiving and Sending areas. The significance of the Official TDR Map is that County and town development and rezoning applications need to be consistent with the TDR Map designations.

In 2010 the Upper Blue Master Plan TDR Map was significantly amended to address changing conditions, growth and development patterns, land use approvals, availability of infrastructure and community sentiments (the Upper Blue Master Plan provides policy guidance and recommendations for the unincorporated portions of the Basin). The amended TDR Map focused on refining and identifying appropriate TDR Receiving and Neutral areas on unincorporated properties. Neutral Areas delineate those parcels that have been determined to not be suitable for transferring development rights from or to, and therefore are not eligible to send or receive density. To complement the County’s new Upper Blue Master Plan TDR Map, Upper Blue TDR program regulations and spirit and intent of the IGA, it is suggested to amend the IGA to incorporate a new Official TDR Map for the entire Basin.

In 2005 the Town of Blue River approved a subdivision proposal that required the applicant to purchase 4 TDRs. This demonstrated the Town’s commitment to uphold the intent of the Plan and not create new density unless it is transferred in. However, as part of this process, it was recognized that the IGA should be amended to more clearly make the Town of Blue River party to its provisions. More formally including the Town of Blue River as part of the IGA would create more consistency and clarity in allowing density transfers across jurisdictional boundaries.

Goal and Policies/Actions

Goal OP. Amend the “Intergovernmental Agreement Between Summit County and the Town of Breckenridge Concerning Transferable Development Rights” to address changing conditions.

Policy/Action 1. The County and towns shall re-evaluate the current methodology used to annually determine the price of a Transferable Development Right sold by the Joint Upper Blue TDR Bank, and amend the IGA accordingly.

- A new methodology or TDR pricing should, to the extent practicable, strike a balance between encouraging protection of the backcountry, utilization of the TDR program and adequate compensation.

Policy/Action 2. Amend the IGA to reflect consistency with the Upper Blue Master Plan TDR Map

(particularly identified Receiving and Neutral areas on unincorporated properties), where mutually agreed upon by all parties to the IGA.

Policy/Action 3. Amend the IGA to include the Town of Blue River as a party to its provisions and regulations.

Service Commercial/Light Industrial Uses

Service commercial/light industrial uses include uses such as auto repair, landscaping/nurseries, mini-storage and contractor yards. These uses serve vital needs of the community. In the Basin, service commercial uses are located primarily in three outlying locations - along Airport Road, and areas of County Road 450 and Farmers Korner. These areas are largely built-out and there is a limited opportunity for new development, although there are some redevelopment opportunities. As land values increase there is a concern that alternative, more lucrative land uses (e.g., offices, retail) may eventually replace the few remaining parcels available for service commercial/light industrial space. As a result, service commercial/light industrial uses may eventually be displaced, potentially to locations outside of the Basin. This Plan aims to recognize the need to maintain a healthy amount of these types of important uses in the Basin to meet the needs of the Upper Blue community.

Goals and Policies/Actions

Goal PQ. Properties currently zoned and designated for service commercial/light industrial land use areas should be retained for such uses to the maximum extent possible.

Policy/Action 1. The County and Town of Breckenridge should discourage the conversion of service commercial/light industrial land uses to other uses, unless determined to be appropriate in light of other equally important master plan goals and policies that would be achieved.

Policy/Action 2. The County and Town of Breckenridge should look for opportunities to designate additional land areas to accommodate service commercial/light industrial uses, provided they are sited in a compatible manner in appropriate locations.

Redevelopment

As the Basin continues to approach realistic build-out and vacant land becomes more scarce, development activity will inevitably shift away from “green field” or vacant land development toward infill, redevelopment and adaptive reuse of existing developed properties.

This projected shift toward infill and redevelopment has the potential to significantly reshape the physical development of the Basin over the next 10 – 20 years. Redevelopment provides opportunities for the public and private sectors to act collaboratively to renew and revitalize important components of the community. Key benefits of redevelopment include spurring economic development, utilizing land more efficiently, and improving the aesthetic appeal and overall quality of life within important community spaces. Recognizing the potential benefits that redevelopment could bring to the Basin, during the 2011 Plan update process, the community indicated that the time to proactively plan for such redevelopment activities is now.

Redevelopment planning should include an analysis of potentially viable redevelopment opportunities within the Basin, and development of appropriate strategies, parameters and criteria for encouraging and facilitating redevelopment within these areas. Potentially appropriate areas in the Basin to encourage and facilitate redevelopment activities include underutilized and/or deteriorating properties in urban areas and gateway locations along major transportation corridors (e.g., Farmers Korner area, and properties at the north end of the Town of Breckenridge near the Highway 9 / CR 450 intersection).

Goal and Policies / Actions

Goal QR. Plan for infill and redevelopment of properties within the urban areas of the Basin, to guide such development activities in a manner that is consistent with the vision of this Plan and desired community character.

Policy / Action 1. Conduct a thorough analysis of properties within the Basin to identify potentially appropriate and viable redevelopment opportunities. The analysis should focus on identifying underutilized and/or deteriorating properties within the urban areas of the Basin and within gateway locations along major transportation corridors, while preserving important view corridors.

Policy / Action 2. Develop a plan to guide redevelopment activities within the areas identified as viable redevelopment locations, ~~which outlines~~. The plan should:

- Outline appropriate strategies to encourage, facilitate and provide incentives for recommended redevelopment activities within these identified areas.
- Establish specific parameters and criteria to guide redevelopment of appropriate properties (e.g., provisions for density and the use of TDRs in receiving and neutral areas).

Policy / Action 3. Explore ~~creative financing~~ and evaluate mechanisms and ~~partnership~~ opportunities to implement identified redevelopment strategies in appropriate locations within the Basin.

XI. — Implementation Strategies/Implementation Program To

The following represent the major recommendations and key strategies that should ~~be completed~~ prioritized and pursued to implement the action steps identified by goals and policies/actions contained in the preceding sections of the Plan.

G:\MAJPROJ\Update Joint Upper Blue Master Plan\JUBMP Update 2010_2011\Draft Plan\Draft Plan Prioritized Joint Upper Blue Master Plan Implementation Strategies			
Goal, Policy/Action	Project Description	Priority	Recommended Timeframe to Initiate Project
Land Use			
C.1	The County and Town of Breckenridge shall encourage and facilitate the reduction of density and development potential in the Basin through implementation of the strategies identified and summarized in Table 7	High	Ongoing

Prioritized Joint Upper Blue Master Plan Implementation Strategies

Goal, Policy/Action	Project Description	Priority	Recommended Timeframe to Initiate Project
	of this Plan.		
	-		
C.2	Work with the County Assessor’s office to create incentives or other voluntary mechanisms to encourage single family lots to be combined. Incentives from local government could be provided for properties ineligible for Federal tax deductions. For example, savings in property tax payments that may be realized when single family zoned lots are combined.	Medium	2-4 years
Backcountry Protection			
E.5	Encourage land exchanges which increase the amount of public land in rural/backcountry areas as suggested in the Land Ownership Adjustment Analysis for the Dillon Ranger District. Identify and map national forest system lands properties that should not be transferred to private ownership, and move expeditiously to preserve them as publicly held whether through acquisition or some other method.	Medium	Ongoing
Affordable Workforce Housing			
F.2	The County and Town of Breckenridge should continue to work together to provide affordable workforce housing on the Valleybrook and Claimjumper sites, and to pursue other housing projects within and adjacent to the Town as jointly determined to be appropriate. Cooperative efforts to provide affordable workforce housing within the Basin should focus on the following prioritized locations, which have been identified as appropriate areas to accommodate affordable workforce housing: <ul style="list-style-type: none"> - Block 11, Airport Subdivision on Airport Rd. - County-owned property on CR 450 adjacent to Kennington Townhomes (currently utilized for recycling drop-off center and other County uses). - Stan Miller Property along Highway 9. - City Market redevelopment on Park Avenue. - Alpensee Condos/Farmer’s Grove area in Farmer’s Korner. 	High	Ongoing
F.5	Work to preserve existing market-rate units that are now occupied by local residents or employees for continued occupancy as affordable workforce housing into the future through buy-down initiatives (i.e. acquisition and resale / rental or buying the right to impose deed restrictions) or other appropriate strategies.	High	Ongoing
F.7	The County, Town of Breckenridge and Summit Combined Housing Authority should work to regularly analyze the Basin’s affordable workforce housing needs by conducting periodic housing needs assessments.	High	Ongoing
Transportation & Transit			
H.1	Enhance and improve transit service throughout the Basin based on existing development patterns to better serve visitors, commuters and employees.	High	Ongoing
H.3, H.4	Continue to explore opportunities to shift the transportation modal split from auto to transit through investments in new park-n-rides and other transit-oriented improvements (e.g., transit stops and stations). <ul style="list-style-type: none"> • Explore and construct intercept parking/mode transfer facilities on the north 	High	Ongoing

Prioritized Joint Upper Blue Master Plan Implementation Strategies

Goal, Policy/Action	Project Description	Priority	Recommended Timeframe to Initiate Project
	<p>and south ends of the Basin (e.g., Tiger Road area, Town of Blue River Town Hall, Tordal Estates and Blue River Condos) to increase commuter and day skier use of the Summit Stage and mitigate impacts to parking in Breckenridge.</p> <ul style="list-style-type: none"> • Increase the capacity and efficiency of transportation and transit systems: <ul style="list-style-type: none"> - Extend the Riverwalk south under Park Avenue and north from Ski Hill Road to French Street. - Widen Highway 9 from Tiger Road to Agape/Farmer’s Korner. - Improve Highway 9 from Frisco to Farmer’s Korner. - Construct a roundabout at Park Avenue and Four O’Clock Road, and Park Avenue and French Street. 		
H.5	<p>Increase opportunities for pedestrian and bicycle modes of travel, and enhance their related facilities, including commuter routes and connections and construction of “complete streets” when roadway improvements are undertaken. “Complete streets” are designed to accommodate all modes of travel within the roadway (e.g., pedestrians, bicyclists, automobiles, transit riders).</p>	High	Ongoing
Community Sustainability			
I.4	<p>Transportation planning and road construction projects should occur with a focus on making streets, sidewalks, and other movement corridors easily accessible and useable by bikers, walkers, and transit users, making such uses viable and important alternative modes of transportation, without significantly sacrificing the ability of visitors to use cars.</p>	High	Ongoing
I.5	<p>Land in the Basin should be acquired and/or designated to accommodate the possible location of community solar gardens and other appropriate forms of renewable energy production.</p>	High	1-2 years
Cooperative Planning / Design Standards			
O.1	<p>Significant view corridors and other highly visible properties adjacent to the Town of Breckenridge should be identified, and special design criteria should be established for future development within these areas. This effort should focus on identifying: properties which are visible from major transportation routes within the Basin; properties that serve as a gateway into the Town; and properties that are visible from other important public spaces within and adjacent to the Town.</p>	Medium (discuss with BOCC)	2 – 4 years
O.2	<p>The County should explore adopting an Overlay District encompassing the identified boundary of the highly visible properties described above, which includes heightened design standards more compatible with the Town’s within the Overlay District. These standards could address issues associated with:</p> <ul style="list-style-type: none"> • Setbacks • Street standards and sidewalks • Landscaping • Building design, height, materials and colors • Building massing • Ridgeline and hillside development • Utilities • Solar devices • Exterior lighting • Disturbance envelopes 	Medium (discuss with BOCC)	2 – 4 years

Prioritized Joint Upper Blue Master Plan Implementation Strategies

Goal, Policy/Action	Project Description	Priority	Recommended Timeframe to Initiate Project
O.3	The Towns and County should explore and develop an enhanced referral process for properties within the County’s Overlay District as well as incorporated parcels in close proximity to the unincorporated boundaries or unincorporated area annexation proposals.	Medium (discuss with BOCC)	2 – 4 years
Transferable Development Rights (TDRs)			
P.1	The County and towns shall re-evaluate the current methodology used to annually determine the price of a Transferable Development Right sold by the Joint Upper Blue TDR Bank, and amend the IGA accordingly.	High	1 year
P.2	Amend the TDR IGA to reflect consistency with the Upper Blue Master Plan TDR Map (particularly identified Receiving and Neutral areas on unincorporated properties), where mutually agreed upon by all parties to the IGA.	High	1 year
P.3	Amend the IGA to include the Town of Blue River as a party to its provisions and regulations.	High	1 year
Redevelopment			
R.1	Conduct a thorough analysis of properties within the Basin to identify potentially appropriate and viable redevelopment opportunities. The analysis should focus on identifying underutilized and/or deteriorating properties within the urban areas of the Basin and within gateway locations along major transportation corridors while preserving important view corridors.	Medium	2 – 4 years
R.2	Develop a plan to guide redevelopment activities within the areas identified as viable redevelopment locations, which outlines appropriate strategies to encourage, facilitate and provide incentives for recommended redevelopment activities within these areas.	Medium	2 – 4 years



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.

MAY 2011

Tuesday, May 10; 3:00/7:30 p.m.	First Meeting of the Month
May 12; 3:30 p.m. Farmer’s Korner Wastewater Treatment Plant (*please wear closed toe shoes for construction tour)	Presentation and Tour*
Saturday, May 14; 9:00 a.m. Riverwalk Center	Town Clean Up
Tuesday, May 24; Time & Location TBA	Town Council Retreat
Tuesday, May 24; 7:30 p.m.	Second Meeting of the Month

JUNE 2011

Tuesday, June 14; 3:00/7:30 p.m.	First Meeting of the Month
June Coffee Talk	Cancelled
Friday, June 17; 4:00 p.m.	Town Party
Tuesday, June 28; 3:00/7:30 p.m.	Second Meeting of the Month

OTHER MEETINGS

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

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