



BRECKENRIDGE TOWN COUNCIL WORK SESSION

Tuesday, January 24, 2012; 3:00 PM

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>	3
3:15 - 3:45 p.m.	II	<u>LEGISLATIVE REVIEW*</u>	
		Election Ordinance	8
		Water Rates Ordinance	12
		Open Containers	17
		Supplemental Appropriations (2)	21
		Childcare, Golf, and Water Funds	26
		April 3, 2012 Mail Ballot Election Resolution	29
3:45 - 4:45 p.m.	III	<u>MANAGERS REPORT</u>	
		Housing/Childcare Update (Verbal)	
		Committee Reports	32
		Financials - Reserve Analysis	36
		Flow Control Presentation by Summit County	46
4:45 - 5:45 p.m.	IV	<u>PLANNING MATTERS</u>	
		Pinewood Village Annual Review	48
		Code Amendment: TDRs and Employee Housing	55
		USFS Breckenridge/Ophir Mountain Fuels Program	61
		Transition Standards	68
5:45 - 6:00 p.m.	V	<u>EXECUTIVE SESSION – OPEN SPACE</u>	
6:00 - 7:15 p.m.	VI	<u>ISSC OPENING RECEPTION</u>	

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 the 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: January 18, 2012

Re: Town Council Consent Calendar from the Planning Commission Decisions of the January 17, 2012, Meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF January 17, 2012:

CLASS C APPLICATIONS:

None

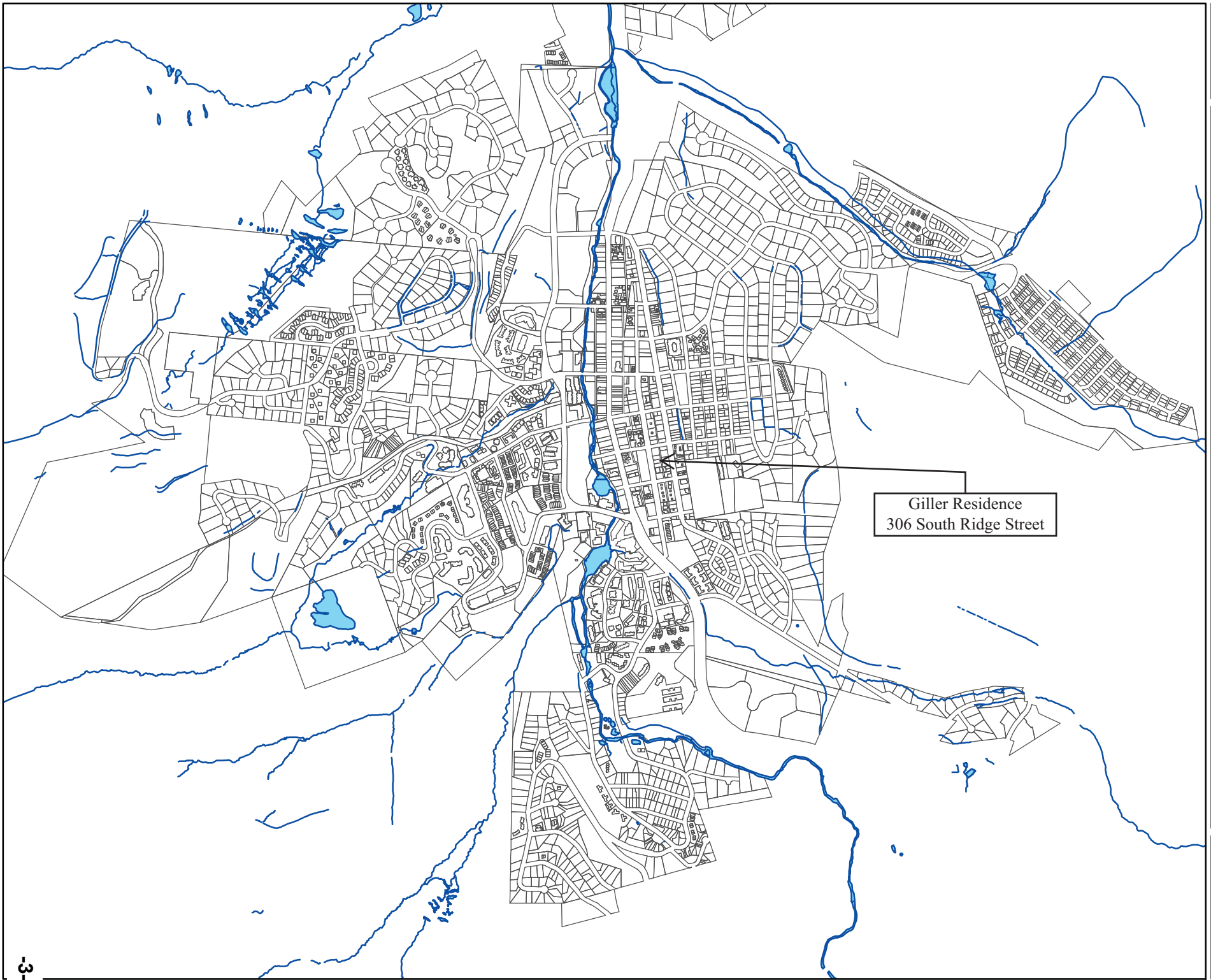
CLASS B APPLICATIONS:

1. Giller Residence (MM) PC#2011054; 306 S Ridge Street

Restore the exterior of the historic house to an earlier period, landmark the historic house, add a full basement beneath the historic house, demolish newer historic addition to the house along with a non-historic shed addition at the back of the site. The property would be used as a residential duplex, with a three-car garage (with a vehicle lift over one space). Continued to a future meeting.

CLASS A APPLICATIONS:

None



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 7:04 p.m.

ROLL CALL

Kate Christopher Jim Lamb Trip Butler
Gretchen Dudney Michael Rath Dan Schroder
Jennifer McAtamney, Town Council
Dave Pringle arrived at 7:05

APPROVAL OF MINUTES

With no changes, the January 3, 2012 Planning Commission meeting minutes were approved unanimously (7-0).

APPROVAL OF AGENDA

Mr. Neubecker suggested discussing Joint Planning Commission and Town Council meeting dates and topics after the Town Council update. With no further changes, the January 17, 2012 Planning Commission meeting agenda was approved unanimously (7-0).

WORKSESSIONS:

1) Landscaping Ordinance (JC)

Mr. Neubecker presented on behalf of Ms. Cram. The purpose of the Landscaping Guide is to provide more detail with regard to species selection, location, spacing between plants, planting details and maintenance of plants than what is outlined in the Landscaping Policy within the Development Code.

The Planning Commission reviewed Section 1 of the Landscape Guide on August 16th 2011. Section 1 specifically discussed species selection. Since that time, Staff has included the mature size for all trees and shrubs under Section 1 and completed Sections 2, 3 and 4.

Section 2 covers location and spacing. Section 3 includes details for planting and Section 4 discusses maintenance. Section 5 will cover common pests and diseases and is currently in progress. Graphics have been included to aid in descriptions. Some portions of this draft need additional work. This is to act as a guide for property owners.

Commissioner Questions / Comments:

- Mr. Pringle: Some plants are encouraged others are not. How will the Town handle this? (Mr. Neubecker: Staff will review plans and likely not assign any positive points if selected plants won't survive in this environment.) How about after any review; not subject to points? Is anything discouraged? (Mr. Neubecker: Not subject to review by Staff. Does the Commission want to include direction on discouraging specific species of plants?) Maybe allow or encourage fescue vs. bluegrasses when planting grasses. In Section 1, you mention a microclimate requires shelter from the wind, etc. What others do you mean by "etc.?"
- Ms. Dudney: The Town does not really need to identify the plantings that are discouraged, unless it is part of an application that is seeking points. I am surprised irrigation systems are encouraged. Irrigation systems can use a lot of water. Sod uses a lot of water. Would we regulate how often people can use their irrigation? Don't prohibit any species if people want to take a chance.
- Mr. Rath: Lawns use a lot of water as they cover large areas and there is more evaporation. Drip irrigation is locally placed at each plant, delivered below grade. Drip irrigation is encouraged by the Town. (Mr. Neubecker: Encouraged to allow plantings to establish, for at least two years.) The suggestions in this book are going to affect a development application given to the Town? (Mr. Grosshuesch: That is what the Development Code is for, these are guidelines.)
- Mr. Schroder: Noted that the changes note "No known vines in this area". Maybe add cautionary note that if plants are not listed here, don't bother planting them since they won't survive. Like the way this is being presented.
- Ms. Christopher: The document acts as a good guideline for anyone wanting to plant in this environment.
- Mr. Lamb: Don't prohibit sod, but give people access to the information.
- Ms. McAtamney: Good to point out plants that don't grow here since people buy plants in other places and bring them back to Breckenridge. Often the local stores sell plants that do poorly here. With the grasses, pumping

verses broadcasting seed could be defined in more detail. If you cut grasses and not allow them going to seed, may not spread as well. (Mr. Grosshuesch: The Landscaping Policies in the Development Code identify the general guidelines and refers to this guide.) (Mr. Truckey: We are trying to not get too specific as the existing code covers much of this already.)

2) Town Council Update

Ms. McAtamney: End of the year was only one meeting. Ski Area Lift Tax was big issues. Looked at Council's Top Ten List, which was reviewed and some items were crossed off and modified. MMD, Summit Stage was modified, plastic bags was incorporated into a sustainable business program (i.e. not propping door open in winter.) (Mr. Neubecker: Maybe an airlock entry could allow outer door to stay open.) Amusement tax was another idea; some thought lift ticket tax was punitive to ski area, some thought it was rational. Consolidating the transportation system throughout the Town and the ski area is another goal; we are not at the point of solidifying this idea, but looking for opportunities for other partnerships with the ski area. Council has started talking about the round-about at Four O'clock Road and Park Avenue; CDOT does not have the money, so Town Council may fund more of improvements; then we looked at Town wide road and traffic issues. Water planning, the Riverwalk study, and F-Lot redevelopment are other goals.

Council passed an emergency ordinance to allow open containers at the Ullr Parade. We will be bringing back a regular ordinance allowing open containers at other events. Manure ordinance was adopted. Landscape Architect signature requirement was not supported by Town Council and did not pass. Carriage rides was resolved at Welcome Center location.

The Town Attorney is looking at sign code changes and limits of signs on private property and vehicles.

Mr. Pringle: Don't see a lot of presence of Staff helping patrons around town, on the bus systems or getting around or out of Town, etc. Hard to find an officer to ask directions. As a charter home rule community (not statutory) we can allow open containers. What about signs on vehicles? It used to be a small magnetic sign on the side of a truck. Now the whole vehicle is a sign. (Mr. Neubecker: We can look at this when sign code revisions come up.)

Mr. Rath: Regarding traffic, has anyone thought of a smart-phone application to aid guests? (Mr. Grosshuesch: The Variable Message Sign does some of this.) (Mr. Neubecker: The Ski Area is adding some signs too.) Lift ticket tax would be only for tickets sold in Town? Could tickets be sold out of town, or in remote lots, without the tax? (Ms. McAtamney: Most are season pass holders and we want them to not park in the remote lots, as the remote guest usually spend less in Town.)

Mr. Neubecker: Joint PC and TC topics and dates?

Mr. Schroder: April 7-14 is Spring Break.

Ms. McAtamney: Sign Code revisions could be a topic.

Mr. Lamb: Improved transit; smart phone apps.

FINAL HEARINGS:

1. Giller Residence (MM) PC#2011054; 306 South Ridge Street

Mr. Mosher presented an application to restore the exterior of the historic house to an earlier period, landmark the historic house, add a full basement beneath the historic house, and demolish a newer historic addition to the house along with a non-historic shed addition at the back of the site. The property would be used as a residential duplex, with a three-car garage (with a vehicle lift over one space). A color material board was also presented.

Changes since the last Preliminary Hearing on November 15, 2011

1. The landscaping plan has been modified to meet the suggested criteria under the Landscaping Policy of the Development Code to be awarded positive two (+2) points.
2. Overall square footage has increased by four square feet.
3. A draft HERS index rating has been included.

This is the fourth review of this proposal. The applicant and agent have responded to all concerns and direction provided over the last meetings. At this time, Staff had only one question: Did the Commission support assigning negative two (-2) points for heating the internal courtyard for the project?

Negative points proposed for snow removal/heated driveway (-2 points); All parking in rear of house away from street (positive points); Landscaping plan improved, planting sizes increased, more in line with code suggestions for positive points (positive two (+2) points recommended); Positive twelve (+12) points suggested for historic preservation; Local Landmarking recommended since it exceeds minimum requirements; Draft HERS rating proposed; Index of 60 needed for positive three (+3) points. Staff noted that this needs to be certified before the building permit issued. A total of negative nineteen (-19) points, and positive nineteen (+19) points were suggested. Total score is zero (0) points. Staff requested the Commission confirm negative two (-2) points for heated driveway.

Staff welcomed any other comments.

Staff recommended approval of the Giller Residence Restoration, Rehabilitation, Addition and Landmarking, PC#2011054, by supporting the presented Point Analysis. Staff recommended approval of the same with the presented Findings and Conditions.

Staff also suggested the Planning Commission recommend that the Town Council adopt an ordinance to Landmark the historic structure based on proposed restoration efforts and the fulfillment of criteria for Architectural and Physical Integrity significance as stated in Section 9-11-4 of the Landmarking Ordinance.

Commissioner Questions / Comments:

- Mr. Lamb: Is it sprayed-in foam for high R-value? I think there is space to park two reasonable cars. This meets the parking requirement.
- Mr. Pringle: Please explain how lift will work in garage. (Mr. Giller, Applicant: Lift is high enough to allow one vehicle to park above another. Attraction of Breckenridge is that it is walk-able. Lift does work. However, it won't accommodate height of two Range Rovers, but will hold two normal sedans. Garage is about 9'10" overall height. We slightly lowered the garage floor to accommodate the lift.) Is this required parking? (Mr. Mosher: Yes.) I know the Code has a two dimensional requirement for parking spaces. What about three dimensions, for height? This is an absolute parking requirement, but it only works for small vehicles. A Jeep Grand Cherokee is not a tall vehicle, but very popular here. If three parking spots are required, the presumption is that parking will accommodate a reasonable vehicle. Not sure this is what was intended. Don't want to design parking for only one type of vehicle that will fit. Don't think there is precedent for this. Storm Residence is not good precedent, since the lift was not for required parking. Anything bigger than a sedan or compact car may not fit. Question if it complies with absolute policy. We are not getting parking in garage. I question positive points. Bad precedent to set. What does the Fire Department and Building Department say about this?
- Mr. Butler: I think a Subaru and an Audi will fit.
- Ms. Christopher: Average garage door height is 7 feet. Toyota Corollas, which I own, are 57" high. I am concerned about all the other issues related to garage doors. Other than that, we love it. Maybe the floor can be lowered some more.
- Mr. Rath: Lots of people have ski racks too. Most garages now have 8 foot doors. What about BMW X5; an SUV won't ever be parked in garage? We need to be reasonable about the cars people drive up here, with ski racks on them.
- Mr. Schroder: What we are saying is that reasonable vehicles need to fit. We need to see what the code says about this. Code does not address height.
- Ms. Dudney: What happens if they can't fit 2 cars? How big is the garage? (Ms. Sutterley, Architect: 22' x 22'.) What car could you park? Parking spot does not need to fit every conceivable car, but it should accommodate reasonable vehicles. If it was a relative policy, we could assign negative points. I need to know a car that will fit for sure. I don't have any problem with the lift idea. It does not have to fit the tallest car, but an average car.
- Ms. Sutterley: (To Mr. Mosher): During your narrative you mentioned negative six (-6) points, not negative nine (-9) points for above ground density. On parking, there is one spot behind the building. We have room to have 5 more cars in driveway. We can't do that since we would have to ask someone to move their

- car. Technically it blocks a parking spot. (Mr. Giller: I acknowledge that garage is tight. It is not ideal but I think it works.)
- Mr. Pringle: It may work for you. I have seen so many projects go to sale after approved. But what do we do with the next guy? (Mr. Giller: I did calculate that my car and my wife's car will fit. She drives an Audi A3 and I have an A4. Both are 56" tall. That is 9'5".)
- Ms. Dudney: According to the calculations described by Ms. Christopher, you can't even fit those cars. (Mr. Giller: We will go back and make sure it fits.)

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

Mr. Mosher suggested that we continue this discussion to a future meeting, to allow for more research and to provide exhibits and details on the parking lift.

Mr. Pringle moved to continue the Giller Residence (PC#2011054), 306 South Ridge Street, to a future meeting date. Ms. Christopher seconded. The motion was approved unanimously (7-0).

OTHER MATTERS:

None.

ADJOURNMENT:

The meeting was adjourned at 9:09 p.m.

Dan Schroder, Chair

MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 1 (Amending Town Code Concerning Municipal Elections)

DATE: January 12, 2012 (for January 24th meeting)

The second reading of the ordinance amending various sections of the Town Code concerning municipal elections is scheduled for your meeting on January 24th. There are no changes proposed to ordinance from first reading.

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

1 **FOR WORKSESSION/SECOND READING – JAN. 24**

2
3 **NO CHANGE FROM FIRST READING**

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

6
7
8 COUNCIL BILL NO. 1

9
10 Series 2012

11
12 AN ORDINANCE AMENDING CHAPTER 12 OF TITLE 1 OF THE BRECKENRIDGE
13 TOWN CODE CONCERNING MUNICIPAL ELECTIONS

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

17
18 Section 1. Section 1-12-1 of the Breckenridge Town Code is amended by to read in its
19 entirety as follows:

20
21 1-12-1: MUNICIPAL ELECTION CODE: Except as otherwise provided by
22 ordinance, or in connection with a coordinated election as provided in Section 1-
23 12-6 of this **Chapter or a mail ballot election as provided in Section 1-12-10 of**
24 **this Chapter**, all municipal elections shall be held in accordance with the
25 provisions of the Colorado Municipal Election Code of 1965, Article 10 of title
26 31, Colorado Revised Statutes.

27
28 Section 2. Chapter 12 of Title 1 of the Breckenridge Town Code is amended by the
29 addition of new a Section 1-12-8, which shall read in its entirety as follows:

30
31 **1-12-8: WRITE-IN CANDIDATE AFFIDAVIT: No write-in vote for any**
32 **Town office shall be counted unless an affidavit of intent has been filed with**
33 **the Town Clerk by the person whose name is written in prior to twenty (20)**
34 **days before the date of the election indicating that such person desires the**
35 **office and is qualified to assume the duties of that office if elected.**

36
37 Section 3. Chapter 12 of Title 1 of the Breckenridge Town Code is amended by the
38 addition of new a Section 1-12-9, which shall read in its entirety as follows:

39
40 **1-12-9: ELECTION MAY BE CANCELLED – WHEN: If the only matter**
41 **before the voters is the election of persons to Town office and if, at the close**
42 **of business on the nineteenth (19th) day before the election, there are not**
43 **more candidates than offices to be filled at such election, including write-in**
44 **candidates filing affidavits of intent pursuant to Section 1-12-8 of this**
45 **Chapter, the Town Clerk, if instructed by resolution of the Town Council**

1 either before or after such date, shall cancel the election and by resolution
2 declare the candidates elected. Upon such declaration the candidates shall be
3 deemed elected. Notice of cancellation shall be published by the Town Clerk,
4 if possible, in order to inform the electors of the Town, and notice of
5 cancellation shall be posted at each polling place and in not less than one (1)
6 other public place.

7
8 Section 4. Chapter 12 of Title 1 of the Breckenridge Town Code is amended by the
9 addition of new a Section 1-12-10, which shall read in its entirety as follows:

10
11 1-12-10: MAIL BALLOT ELECTIONS: Pursuant to the authority granted
12 by Section 1-7.5-104(1), C.R.S., unless otherwise prohibited by law the Town
13 Council may determine by resolution that any municipal election shall be
14 conducted as a mail ballot election under the supervision of the Colorado
15 Secretary of State and pursuant to the rules for mail ballot elections
16 promulgated by the Colorado Secretary of State.

17
18 Section 5. Except as specifically amended hereby, the Breckenridge Town Code, and the
19 various secondary codes adopted by reference therein, shall continue in full force and effect.

20
21 Section 6. The Town Council hereby finds, determines and declares that it has the power
22 to adopt this ordinance pursuant to: (i) the Colorado Municipal Election Code of 1965 (Article
23 10 of Title 31, C.R.S.); (ii) the Uniform Election Code of 1992 (Articles 1 through 13, inclusive,
24 of Title 1, C.R.S.); (iii) the authority granted to home rule municipalities by Article XX of the
25 Colorado Constitution; and (iv) the powers contained in the Breckenridge Town Charter.

26
27 Section 7. 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 ORDERED
31 PUBLISHED IN FULL this ____ day of _____, 2012. A Public Hearing shall be held at the
32 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ___ day of
33 _____, 2012, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
34 Town.

35
36 TOWN OF BRECKENRIDGE, a Colorado
37 municipal corporation

38
39
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41 By _____
42 John G. Warner, Mayor
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ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

TO: MAYOR AND TOWN COUNCIL
FROM: CLERK AND FINANCE DIVISION
SUBJECT: 2011 WATER ORDINANCE
DATE: 1/19/2012
CC: TIM GAGEN

Enclosed is the 2012 Water Rates Ordinance. It has been marked to show the changes in the water fees that will occur effective January 1, 2012.

The changes in the ordinance include an increase in existing fees (1%/year for water user fees, 5%/year for PIF's) as well as an increased fee for paper statements (\$10/billing cycle).

1 ***FOR WORKSESSION/SECOND READING –JAN. 24***

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

5
6 COUNCIL BILL NO. 5

7
8 Series 2012

9
10 AN ORDINANCE PROVIDING FOR AN INCREASE IN MUNICIPAL WATER USER FEES
11 EFFECTIVE JANUARY 1, 2012; AND INCREASING THE FEE FOR MAILING PAPER
12 BILLING STATEMENTS

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

16
17 Section 1. The Town Council of the Town of Breckenridge hereby finds and determines
18 as follows:

19
20 A. The Town of Breckenridge is a home rule municipal corporation organized and
21 existing pursuant to Article XX of the Colorado Constitution.

22
23 B. The Town owns and operates a municipal water utility pursuant to the authority
24 granted by Section 13.1 of the Breckenridge Town Charter and §31-35-402(1)(b), C.R.S.

25
26 C. Section 13.3 of the Breckenridge Town Charter provides that "(t)he council shall by
27 ordinance establish rates for services provided by municipality-owned utilities."

28
29 D. The rates, fees, tolls and charges imposed in connection with the operation of a
30 municipal water system should raise revenue required to construct, operate, repair and replace
31 the water works, meet bonded indebtedness requirements, pay the overhead and other costs of
32 providing service. Such rates, fees, tolls and charges may also recover an acceptable rate of
33 return on investment. The rates, fees, tolls and charges imposed by this ordinance accomplish the
34 Town's goals and objectives of raising revenue required to construct, operate, repair and replace
35 the Town's water works and to service the bonded indebtedness of the Town's enterprise water
36 fund.

37
38 E. The action of the Town Council in setting the rates, fees, tolls, and charges to be
39 charged and collected by the Town in connection with the operation of its municipal water
40 system is a legislative matter.

41
42 Section 2. Section 12-4-11 of the Breckenridge Town Code is hereby amended so as to
43 read in its entirety as follows:

12-4-11: WATER USER FEES; RESIDENTIAL:

A. The in town base rate user fee for all residential water users, regardless of the size of the water meter, includes a usage allowance of not to exceed twelve thousand (12,000) gallons of water per SFE per billing cycle, and shall be computed according to the following table:

<u>Water Use Date</u>	<u>Base User Fee</u>
Effective January 1, 2011	\$30.34 per billing cycle per SFE
<u>Effective January 1, 2012</u>	<u>\$30.64 per billing cycle per SFE</u>

B. In addition to the base user fee set forth in subsection A of this section, each in town residential water user shall pay an excess use charge for each one thousand (1,000) gallons of metered water, or fraction thereof, used per SFE per billing cycle in excess of the usage allowance of twelve thousand (12,000) gallons of water per SFE per billing cycle. The amount of the excess use charge shall be computed according to the following table:

<u>Water Use Date</u>	<u>Excess Use Charge</u>
Effective January 1, 2011	\$3.02
<u>Effective January 1, 2012</u>	<u>\$3.05</u>

Section 3. Section 12-4-12(A) of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

12-4-12: WATER USER FEES; NONRESIDENTIAL:

A. The in town base rate user fee per SFE per billing cycle and the usage allowance per SFE per billing cycle for all nonresidential water users shall be determined based upon the size of the water meter which connects the water using property to the water system, as follows:

For water used commencing January 1, ~~2011~~**2012**

<u>Meter Size</u>	<u>Base Water Fee Per Account</u>	<u>Usage Allowance Per Account (Gallons)</u>
Less than 1 inch	\$ 34.74 <u>35.09</u>	13,000
1 inch	52.12 <u>52.64</u>	20,000
1½ inch	90.93 <u>91.84</u>	35,000

1	2 inch	143.18	54,000
2		<u>144.61</u>	
3	3 inch	275.30	105,000
4		<u>278.06</u>	
5	4 inch	425.59	162,000
6		<u>429.84</u>	
7	6 inch	836.19	318,000
8		<u>844.55</u>	
9			

10 Section 4. Section 12-4-13 of the Breckenridge Town Code is hereby amended so as to
11 read in its entirety as follows:

12
13 12-4-13: WATER USER FEES; MIXED USE:

14
15 The in town base rate user fee and the usage allowance per billing cycle for all
16 mixed use water using properties shall be calculated based upon the predominant
17 use of the water using property as determined by the finance director. In addition
18 to the base user fee, each in town mixed use water user shall pay an excess use
19 charge of ~~three~~ three dollars ~~two~~ five cents (~~\$3.02~~ \$3.05) per one thousand
20 (1,000) gallons of metered water, or fraction thereof, used per billing cycle in
21 excess of the applicable usage allowance.

22
23 Section 5. Chapter 4 of Title 12 of the Breckenridge Town Code is hereby amended so as
24 to read in its entirety as follows:

25
26
27 12-4-21: FEE FOR PAPER STATEMENTS; ACCOUNT SET UP FEE:

28
29 A. Commencing with the periodic billing statement issued by the Town in March ~~2011~~
30 2012 (for water service provided during the months of January-February ~~2011~~ 2012),
31 there shall be added to each paper billing statement mailed by the Town through the
32 United States Postal Service, and there shall be assessed and paid by the owner of the
33 property that is the subject of the billing statement, a statement fee in the amount of ~~five~~
34 ten dollars (~~\$5.00~~ 10.00) per statement per billing cycle. The statement fee shall be a
35 water charge within the meaning of section 12-1-6 of this title, and shall be due and
36 payable to the town at the same time and in the same manner as other water charges are
37 due and payable to the town under this chapter. There shall be no statement fee charged if
38 the owner elects to have the billing statement delivered by electronic means.

39
40 B. A fee of \$25.00 shall be collected from each owner to either set up a new water
41 account, or to effect a change in ownership of a water account.

42
43 Section 6. Except as specifically amended hereby, the Breckenridge Town Code, and the
44 various secondary codes adopted by reference therein, shall continue in full force and effect.
45



MEMORANDUM

To: Mayor and Town Council
From: Rick Holman, Chief of Police
Date: January 17, 2012
Subject: Open Container Ordinance

Once or twice a year, the Town will host an event that does not have an event liquor permit associated with the event. Because of the long history of those events, many participants will often attend with an alcoholic beverage. Under our current Town Code, it is illegal to possess an open container of alcohol in a public place. Staff is recommending the Council consider amending this ordinance which will allow for an exception to the law for permitted events that do not have an associated liquor license and which the Town Manager considers appropriate. In addition, this exception is only valid during the scheduled time of a designated event. Under the new law, participants could attend those designated events with an open container of alcohol and not be in violation of a Town ordinance. Staff does not feel this change in the law will lead to more problems at any event as there are other laws that still would pertain to participants who become disorderly or problematic.

At the Council's recommendation, staff is bringing back this proposal in a non-emergency format. The amended ordinance is set for first reading at the January 24th Town Council meeting. I will be available for questions and discussions.

1 ***FOR WORKSESSION/FIRST READING – JAN. 24***

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

5
6 COUNCIL BILL NO. 6

7
8 Series 2012

9
10 AN ORDINANCE AMENDING SECTION 6-3F-16 OF THE BRECKENRIDGE TOWN
11 CODE CONCERNING THE MUNICIPAL OFFENSE OF “OPEN CONTAINERS
12 PROHIBITED”

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

16
17 Section 1. Section 6-3F-16 of the Breckenridge Town Code is amended to read in its
18 entirety as follows:

19
20 6-3F-16: OPEN CONTAINERS PROHIBITED:

21
22 A. 1. It is unlawful for any person to possess any alcoholic beverage in any open
23 container or to consume any alcoholic beverage in any public place within the
24 town, or in the interior of any motor vehicle while the motor vehicle is either
25 parked on a public street, right of way or alley within the town or is being
26 operated on a public street, right of way or alley within the town.

27
28 2. The provisions of subsection A1 of this section shall not apply to the
29 possession of an open container or the consumption of an alcoholic beverage
30 within the licensed premises of an establishment licensed by the town to sell such
31 beverage for consumption upon the premises, or to the possession of an open
32 container or the consumption of a malt liquor or a vinous liquor as defined in the
33 Colorado liquor code in those public parks known as “Kingdom park” and “Carter
34 park”.

35
36 3. The provisions of this subsection A1 shall not apply to a person in possession
37 of one opened but resealed container of partially consumed vinous liquor which
38 was lawfully removed from the licensed premises of an establishment holding a
39 liquor license pursuant to section 12-47-411(3.5), CRS.

40
41 **4. The provisions of subsection A1 of this section shall not apply to the**
42 **possession of an open container or the consumption of an alcoholic beverage**
43 **within the permitted area of a special event for which a special event permit**
44 **has been issued pursuant to chapter 13 of title 4 of this code if: (a) no special**
45 **event liquor license has been issued and is in effect for the special event; and**

1 **(b) the Town Manager or his designee approves the application of this**
2 **subsection A4 to such event. When made applicable, this exception applies**
3 **only during those times when the special event is approved to operate.**
4

5 B. The provisions of subsection 6-3F-2F of this article shall be applicable to any
6 trial for a violation of subsection A of this section.
7

8 C. Any peace officer is authorized to seize any alcoholic beverage which is used
9 in the commission of a violation of subsection A of this section. If no summons or
10 complaint is issued for a violation of this section, and if the circumstances
11 reasonably permit, the peace officer may require the person who has committed a
12 violation of this section to abandon the alcoholic beverage to the officer for
13 destruction.
14

15 ~~D. The provisions of this subsection A1 shall not apply to a person in possession~~
16 ~~of one opened but resealed container of partially consumed vinous liquor which~~
17 ~~was lawfully removed from the licensed premises of an establishment holding a~~
18 ~~liquor license pursuant to section 12-47-411(3.5), CRS.~~
19

20 ~~ED.~~ The town council hereby finds, determines and declares that the provisions of
21 this section are no less restrictive than the provisions of section 42-4-1305, CRS.
22

23 ~~FE.~~ An underage person and one or two (2) other persons shall be immune from
24 criminal prosecution under this section if they establish the following:
25

- 26 1. One of the underage persons called 911 and reported that another underage
27 person was in need of medical assistance due to alcohol consumption;
28
- 29 2. The underage person who called 911 and, if applicable, one or two (2) other
30 persons acting in concert with the underage person who called 911 provided each
31 of their names to the 911 operator;
32
- 33 3. The underage person was the first person to make the 911 report; and
34
- 35 4. The underage person and, if applicable, one or two (2) other persons acting in
36 concert with the underage person who made the 911 call remained on the scene
37 with the underage person in need of medical assistance until assistance arrived
38 and cooperated with medical assistance and law enforcement personnel on the
39 scene.
40

41 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the
42 various secondary codes adopted by reference therein, shall continue in full force and effect.
43

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

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

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this ____ day of _____, 2012. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of _____, 2012, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By _____
John G. Warner, Mayor

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

INTEROFFICE MEMORANDUM

TO: MAYOR AND TOWN COUNCIL
FROM: FINANCE DEPARTMENT
SUBJECT: 2011 SUPPLEMENTAL APPROPRIATION RESOLUTION
DATE: JANUARY 16, 2012

Purpose: The two attached resolutions have been prepared for Council’s review during the January 24th work session and subsequent action as appropriate during the Council meeting.

Description: The resolution titled “**A Resolution Making a Supplemental Appropriation to the 2011 Town Budget**” is intended to provide additional 2011 budget authority for the following purposes:

Golf Debt Service: to reflect transfers between General Fund and Golf Fund for Golf Debt Service. The tax payments for the golf debt are paid into the General Fund (001), but a portion of debt service payments are made from the Golf Fund (005):

General Fund Revenue:	\$659,460
General Fund Expense:	\$659,460
Golf Fund Revenue:	\$659,460
Golf Fund Expense:	\$659,460

General Fund Revenues and Expenses (001): to reflect revenue received and expenses paid in 2011 that were unforeseen at the time of the adoption of the 2011 budget.

Revenue

- | | |
|--|-----------|
| • Transit Operating Grant | \$113,000 |
| • RWC-change in accounting for third party tickets | \$112,000 |
| • Town Clerk-grant | \$ 3,800 |

Expense

- | | |
|--|-----------|
| • Coyne Valley Road repair | \$225,000 |
| • RWC-change in accounting for third party tickets | \$112,000 |

Marketing: the award of the USAPCC stage was uncertain at the time of the adoption of the 2011 budget. The Town commitment was \$150k but the net of expenditures less sponsorship revenue was only \$108k (\$42k under budget).

Revenue

- | | |
|------------------------------|-----------|
| • USAPCC sponsorship revenue | \$ 77,000 |
|------------------------------|-----------|

Expense

- | | |
|------------------------------|-----------|
| • USAPCC sponsorship expense | \$185,000 |
|------------------------------|-----------|

Excise

Expense

- Additional transfer to Capital fund for Main Street Improvements \$ 50,000
- Additional transfer to Capital fund for Airport Road sidewalks \$220,000
- Additional transfer to Capital fund for Asphalt Overlays \$155,000

Capital Fund

Revenue

- Locomotive Grant \$100,000
- Additional transfer from Excise for Main Street Improvements \$ 50,000
- Additional transfer from Excise for Airport Road sidewalks \$220,000
- Additional transfer from Excise for Asphalt Overlays \$155,000
- Riverwalk Center Roof contribution \$ 10,000

Expense

- Main Street Improvements \$ 50,000
- Airport Road sidewalks \$220,000
- Asphalt Overlays \$155,000

Affordable Housing; Revenue-Housing grants \$ 86,197

Open Space; Revenue-Grant \$ 62,377

Facilities Fund; Expenses-Rec Center roof replacement ahead of schedule \$ 80,000

Description: The resolution titled “**A Resolution Making a Supplemental Appropriation to the 2012 Town Budget**” requests changes to the 2012 budget authority for the following purposes:

- The Police Department requests a rollover from the 2011 budget to 2012 for the COPLINK Grant Revenue. The police department received a data sharing grant but the remaining \$28,000 will not be spent until 2012.
- The Transit Department requests a rollover of \$5,000 to complete the Transit Ridership Collection System project.
- The Community Development Department requests a rollover of \$8,000 received from the High Country Conservation Center to be used in 2012 for Sustainable Breck Business program as well as a rollover of \$30,000 in the Special Projects Fund for the BHA’s Reiling Dredge Stabilization project.

Recommended Action: We request that Council review the attached resolutions named above. Staff will also be present during the January 24th Work Session to respond to any questions that Council may have. It is also requested that Council hold a public hearing and be prepared to vote on the resolutions during the January 24th Council Meeting.

A RESOLUTION

SERIES 2012

A RESOLUTION MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2011 TOWN BUDGET

WHEREAS, the Town Council of the Town of Breckenridge desires to amend the Town's 2011 budget by making supplemental appropriations in the amount of \$2,308,294 in revenues and \$2,770,920 in expenditures; and

WHEREAS, pursuant to Section 10.12(a) of the Breckenridge Town Charter, the Finance Department, on behalf of the Town Manager, has certified that there are available for appropriation revenues in excess of those estimated in the Town's 2011 budget or revenues not previously appropriated in an amount sufficient for the proposed supplemental appropriation; and

WHEREAS, a public hearing on the proposed supplemental appropriation was held on January 24, 2012, in accordance with the requirements of Section 10.12(a) of the Breckenridge Town Charter.

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

General Fund Revenues (001):

- Town Clerk grant \$ 3,800
- Transit Operating Grant \$113,000
- RWC-change in accounting for third party tickets \$112,000
- Golf Debt Service \$659,460

Total General Fund Revenue Increase: \$888,260

General Fund Expense (001):

- Coyne Valley Road Repair \$225,000
- RWC-change in accounting for 3rd party tickets \$112,000
- Golf Debt Service \$659,460

Total General Fund Expenditure Increase: \$996,460

Excise Fund Expense (006):

- Transfer to Capital for Airport Road Sidewalks \$220,000
- Transfer to Capital for Main Street Improvements \$ 50,000
- Transfer to Capital for Asphalt Overlays \$155,000

Total Excise Fund Expenditure Increase: \$425,000

Capital Fund Revenue (003):

- Transfer to Capital for Airport Road Sidewalks \$220,000
- Transfer to Capital for Main Street Improvements \$ 50,000
- Transfer to Capital for Asphalt Overlays \$155,000
- Locomotive Grant \$100,000
- Riverwalk Roof Replacement Contribution \$ 10,000

Total Capital Fund Revenue Increase: \$535,000

Capital Fund Expense (003):

- Airport Road Sidewalks \$220,000
- Main Street Improvements \$ 50,000
- Asphalt Overlays \$155,000

Capital Fund Expenditure Increase: \$425,000

A RESOLUTION

SERIES 2012

A RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2012 TOWN BUDGET FOR PROJECTS NOT COMPLETED IN BUDGET YEAR 2011

WHEREAS, the Town Council of the Town of Breckenridge desires to amend the Town's 2012 budget by making supplemental appropriations in the amount of \$71,000; and

WHEREAS, pursuant to Section 10.12(a) of the Breckenridge Town Charter, the Finance Department, on behalf of the Town Manager, has certified that there are available for appropriation revenues in excess of those estimated in the Town's 2012 budget or revenues not previously appropriated in an amount sufficient for the proposed supplemental appropriation; and

WHEREAS, a public hearing on the proposed supplemental appropriation was held on January 24th, 2012, in accordance with the requirements of Section 10.12(a) of the Breckenridge Town Charter.

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

Section 1. A supplemental appropriation is made to the General Fund in the amount of \$41,000 to rollover 2011 authority to continue funding of police equipment purchases (\$28,000), complete the Transit Ridership Collection System project (\$5,000), Sustainable Breck Business program (\$8,000).

Section 2. A supplemental appropriation is made to the Special Projects Fund in the amount of \$30,000 to complete the Breckenridge Historical Association's Reiling Dredge Stabilization project.

Section 3. This Resolution shall become effective upon its adoption.

RESOLUTION APPROVED AND ADOPTED THIS 24th DAY OF JANUARY 2012.

ATTEST

TOWN OF BRECKENRIDGE

Mary Jean Loufek, CMC, Town Clerk

By _____
John G. Warner, Mayor

APPROVED IN FORM

Town Attorney

Date



MEMORANDUM

To: Mayor & Town Council
From: Tim Gagen, Town Manager
Date: January 17, 2012
Subject: *Policy on Child Care Funding, Golf Fund and Utility Fund*

Background

As part of the 2012 budget approval process, the Council heard from the Child Care Task Force who had been asked to recommend a permanent funding source for continuing the Town's Child Care program. The Task Force suggested a possible ballot issue for April 2012 which would have asked voters to approve an increase to the Town's property tax to fund this program beginning in 2013. Due to current economic conditions, the Council decided not to pursue a ballot issue in 2012. Instead, Council committed to the Task Force continued funding for the Child Care Program through 2014 when the Council would consider a possible ballot issue for permanent funding. To document this funding commitment, the Council has requested a policy statement to be prepared for approval that commits the Council to funding through 2014.

The Council has also been reviewing the different funds of the Town and their reserves and has asked that a policy statement also be prepared for the Golf Fund and the Utility (Water) Fund. These funds are enterprise funds under the meaning of TABOR and are primarily supported by user fees for the respective fund. The reserves within each fund are earmarked for future improvements to the Golf Course and Water Utility. As such, Council wishes by policy to keep those reserves for the exclusive use of these enterprises by the adoption of a written policy.

Staff has prepared a policy resolution dealing with each of these policy issues for Councils consideration and possible adoption.

A RESOLUTION

SERIES 2012

A RESOLUTION DECLARING IT TO BE THE POLICY OF THE TOWN COUNCIL ON
CERTAIN FINANCIAL MATTERS ---

WHEREAS, Rule 6.1(b) of the Council Procedures and Rules of Order provides that a resolution may be used on formal statements of policy that are not required to be adopted by ordinance,

WHEREAS, the Town of Breckenridge maintains a separate Affordable Housing fund which supports the Affordable Housing and Childcare programs of the Town, and

WHEREAS, current funding for the Childcare program will expire in 2013 and the Council has not determined a permanent new revenue source for the program and

WHEREAS, the Council wish to ensure that funding for the Childcare program will be forthcoming through 2014, and

WHEREAS, the Town of Breckenridge has established two enterprise funds, the Golf Fund and the Utility (Water) Fund, which are primarily supported by user fees and comply with the TABOR definition of enterprises, and

WHEREAS, within the Golf Fund and Utility Fund, the Town maintains reserves which are generated by the user fees of each fund for the future needs of each of the enterprises.

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

Section 1. It is declared to be the policy of the Town Council that it will appropriate sufficient funds in the budget for years 2013 and 2014 to support the Childcare program of the Town.

Section 2. It is declared to be the policy of the Town Council that reserves that are accumulated in the Golf Fund from the various user revenues of the golf operation shall be restricted for the future uses of the golf enterprise.

Section 3. It is declared to be the policy of the Town Council that reserves that are accumulated in the Utility (Water) Fund from the various user revenues of the water utility operation shall be restricted for future uses of the water utility enterprise.

Section 4. It is declared to be the policy of the Town Council that notwithstanding the restrictions of the above policies for the Golf and Water Fund, the Town Council may make

temporary use of the reserves for other purposes of the Town so long as those funds are restored to those respective enterprise funds and they do not jeopardize the future needs of the enterprise.

RESOLUTION APPROVED AND ADOPTED this ___ day of ___, 2012.

TOWN OF BRECKENRIDGE

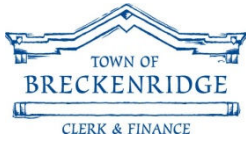
By _____
John G. Warner, Mayor

ATTEST:

Mary Jean Loufek,
CMC, Town Clerk

APPROVED IN FORM

Town Attorney Date



MEMORANDUM

TO: Mayor & Town Council
FROM: MJ Loufek, Town Clerk
DATE: January 18, 2011
SUBJECT: Resolution to Designate the April 3, 2012 Election as a Mail Ballot Election

Attached to this memo is a resolution designating the April 3, 2012 Election as a mail ballot election. If approved by the Council, this would be Breckenridge's first municipal mail ballot election. Municipalities are allowed to conduct mail ballot elections for nonpartisan candidates or ballot issues.

Many more small municipalities are choosing to conduct their municipal elections by mail ballot, following a change to the Municipal Election Code that went into effect for the 2010 municipal election. That change required the Town of Breckenridge to mail ballots to all persons who are registered as a "permanent mail-in voter" in the voter registration records of the county clerk and recorder. Of the 1,968 current, active Breckenridge voters, 701 (36%) are permanent mail-in voters.

Following is some information about how a mail ballot election is run:

- **February 8:** This is the last day to notify the Secretary of State that the Town will conduct a mail ballot election. Notification includes a proposed plan for conducting the election. The Secretary of State must approve or disapprove the plan within 15 days of its receipt.
- **March 12-16:** Mail ballot packets are sent to all active Breckenridge voters. If a voter is designated inactive for any reason, they may contact the Town Clerk's office to obtain a ballot packet. Inactive voters will be required to submit an application requesting a change in status prior to being given a ballot packet.
- Mailed ballot packets may not be forwarded and no ballots returned as "undeliverable" will be re-mailed. The Town Clerk will meet and coordinate with local USPS officials to review election procedures.
- The ballot number of the ballot assigned to each registered elector is recorded on the registration list/poll book at the time the ballots are mailed.
- **March 12-April 3:** Voters may walk-in to Town Hall during normal business hours (8 a.m.-5 p.m., Monday-Friday; 7 a.m.-7 p.m. on Election Day only) where:
 - Ballots can be dropped off.
 - Replacement ballots can be issued. Any eligible elector who did not receive a ballot packet, or who lost, spoiled or damaged their ballot and upon completion of a Replacement Ballot Application, may be issued a replacement ballot.
 - Issuance of a replacement ballot automatically voids the original ballot issued.

Any person may check their Colorado voter registration information by visiting the Town of Breckenridge website: www.townofbreckenridge.com and selecting "Departments & Services > Clerk & Finance > Elections > Voter Registration" and clicking on the link to the Secretary of State's website. The success of Breckenridge's first mail ballot election will depend on a good program of public outreach and education, including press releases and web site updates.

The Breckenridge Election Commission and the Town Clerk recommend that the Town Council consider authorizing a mail ballot election for the April 3, 2012 Regular Municipal Election.

1 A RESOLUTION

2
3 SERIES 2012

4
5 A RESOLUTION DETERMINING THAT THE APRIL 3, 2012 REGULAR TOWN
6 ELECTION SHALL BE A MAIL BALLOT ELECTION

7
8 WHEREAS, Section 1-7.5-104(1), C.R.S., and Section 1-12-10 of the Breckenridge
9 Town Code authorize the Town Council, by resolution, to determine that any municipal election
10 shall be conducted as a mail ballot election; and

11
12 WHEREAS, the Town Council determines that the regular Town election to be held on
13 Tuesday, April 3, 2012 shall be conducted as a mail ballot election.

14
15 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
16 BRECKENRIDGE, COLORADO, as follows:

17
18 Section 1. The regular Town election to be held on Tuesday, April 3, 2012 shall be
19 conducted as a mail ballot election.

20
21 Section 2. The mail ballot election to be held on Tuesday, April 3, 2012, shall be
22 conducted under the supervision of the Colorado Secretary of State and pursuant to the rules for
23 mail ballot elections promulgated by the Colorado Secretary of State.

24
25 Section 3. The mail ballot election to be held on Tuesday, April 3, 2012, shall be held in
26 accordance with the Colorado Municipal Election Code of 1965 and the Uniform Election Code
27 of 1992.

28
29 Section 4. This resolution shall become effective upon its adoption.

30
31 RESOLUTION APPROVED AND ADOPTED this ___ day of ___, 2012.

32
33 TOWN OF BRECKENRIDGE

34
35
36 By _____
37 John G. Warner, Mayor

38
39 ATTEST:

40
41
42 _____
43 Mary Jean Loufek,
44 CMC, Town Clerk

MEMO

TO: Mayor & Town Council
FROM: Tim Gagen, Town Manager
DATE: January 18, 2012
SUBJECT: Committee Reports for 1.24.2012 Council Packet

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

Liquor Licensing Authority **MJ Loufek** **January 17, 2012**

- All consent calendar items were approved, including an optional premise license for Harvest Catering for the Riverwalk Center lawn.
- A “Resolution Adopting Amended Rules and Regulations for the Town of Breckenridge Liquor Licensing Authority” was adopted. Amendments include: a requirement to have applicants for a transfer of ownership of a liquor license appear before the Authority; establishing guidelines for site visits; and several other minor housekeeping matters.
- The Authority reviewed the 2011 Annual Report. A copy of the report is included for council’s review.

Summit Stage Advisory Board Meeting **James Phelps** **January 18, 2012**

- John Jones reported under ‘Old Business’ that the Stage was awarded \$708K for 2013 State Faster Funds. The money will be used to purchase new busses. It was also reported that the Stage is awaiting a final contract from the State in order to proceed with the Strategic Study Planning Contract. John is optimistic the project could commence in February. The project will be awarded to Transit Plus, Inc., the same consultant that the TOB is utilizing for our Transit Feasibility Study.
- New Business – a proposal for a “new” restructure of summer service plan was approved by the advisory board. The new summer plan will restore ½ hr bus service to the summer schedule (April 22nd) for (3) main line routes. The (3) routes: Frisco-Breckenridge, Silverthorne-Keystone, & Copper Mtn will operate ½ hr service between 6a-6p. The proposal was part of an internal working group study that examined route performance. It is understood that the plan change will provide better service/convenience, increase ridership, bike racks (more frequent), and improve business activities during the mid-day hours. For the past several years there has been a reduced service during the mid day hours for cost containment purposes. This service change is viewed as beneficial and with the additional proposed minor changes to the residential routes, will be close to cost neutral.
- Total Ridership for 2011: decrease of 3.82% under 2010. Para transit Ridership for 2011: decrease of 5.07% under 2010. Late Night Ridership for 2011: decrease of 10.3% under 2010. Lake County 2011 Ridership: increase of 89.36% over 2010. Tax collection thru Nov. 2011 are up 4.1% or \$240,808.00

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	Included
Wildfire Council	Matt Thompson	No Meeting/Report
Public Art Commission*	Jenn Cram	No Meeting/Report
Summit Stage Advisory Board*	James Phelps	Included
Police Advisory Committee	Rick Holman	No Meeting/Report
Housing/Childcare Committee	Laurie Best	Verbal Report
CMC Advisory Committee	Tim Gagen	No Meeting/Report

Note: Reports 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
LIQUOR LICENSING AUTHORITY
ANNUAL REPORT
2011**

Authority Members:

**Jeri Beth Katz, Chair
David Blank, Vice-Chair
David Garrett
Turk Montepare
William H. Tatro, III**

Number of applications acted upon: 127

- New License/Public Hearing: 8
- Transfer of Ownership: 4
- Renewals: 74
- Modification of Premises: 24
- Change of Manager: 5
- Change of Corporate Structure: 6
- Art Gallery Permit: 4
- Tastings Permit: 1
- Addition of Related Premises: 1

New license activity was up significantly in 2011, continuing a trend that started in 2010.

In addition to the applications above, the Town Clerk approved thirty-three (33) special event liquor permits, a sixty three percent (63%) increase over 2010.

Public Hearings - New Licenses

Ten Mile Café Inc. d/b/a Ten Mile Café*
1900A Airport Road, Unit A3 & A4
Beer & Wine License

Mauka, Inc. d/b/a Twist
200 S. Ridge St.
Hotel & Restaurant Liquor License

Colorado Mountain Junior College District d/b/a Colorado Mountain College*
107 Denison Placer Rd
Hotel & Restaurant Liquor License

Windriver Investments LLC d/b/a Speakeasy Movie Theatre*
103 S. Harris St.
Beer & Wine License

The Liquor Shed, LLC d/b/a Liquor Shed*
116 N. Main St.
Retail Liquor Store License

Ullr's Sports Bar & Grill LLC d/b/a Ullr's Sports Bar & Grill
505 S. Main St., Unit B1
Tavern Liquor License

Turano Ltd. d/b/a The Sloppy Dog*
500 S. Main St., Unit 1L
Hotel & Restaurant Liquor License

The Warming Hut Restaurant Inc. d/b/a The Warming Hut*
207 N. Main St.
Hotel & Restaurant Liquor License

*Six of the eight new liquor licenses were for premises that were being licensed for the first time.

Number of licenses denied: 0

Other highlights and actions during the past year:

The Liquor Licensing Authority adopted a resolution setting a show cause hearing for the Copper Top Bar at Beaver Run. The resolution found probable cause to believe that the licensee violated Liquor Regulation 47-900(A) "Conduct of Establishment." At the hearing, the liquor licensing authority considered and approved a proposed settlement as follows: the licensee admitted that a violation of Regulation 47-900 "Conduct of Establishment" occurred at the Copper Top on March 21, 2011; the Related Facility Permit for Copper Top was suspended for fourteen (14) days; the licensee was permitted to ask for permission to pay a fine in lieu of suspension in accordance with the applicable Town ordinance; the licensee agreed to pay a fine of \$5,000, which is the maximum fine allowable under state law; upon payment of the fine, the suspension was stayed; and the licensee agreed to maintain until at least July, 2012 certain new management policies including: prohibiting service of multi-person drinks (including pitchers of beer), prohibiting drinking contests, and prohibiting hourly employees from consuming alcohol on the premises.

A resolution was adopted allowing the local licensing authority to issue special event permits without requiring state authority approval. This change will give the Town more flexibility in the amount of time it takes for special event permit approval and issuance.

A resolution establishing a \$50 expedited application processing fee for special event permits that are submitted between 15 and 29 days prior to the event was adopted. The resolution also specified that applications submitted 14 days or less may not be accepted.

Dave Garrett and Dave Blank were reappointed to four-year terms on the Liquor Licensing Authority.

At the organizational meeting held in September, J.B. Katz was elected as the new Liquor Licensing Authority Chair, and Dave Blank was re-elected as Vice Chair.

The Authority held one special meeting during 2011.

Submitted by:

Mary Jean Loufek, CMC, Town Clerk
and ex-officio Clerk to the Liquor
Licensing Authority

Jeri Beth Katz, Chair
Town of Breckenridge Liquor Licensing
Authority

FINANCIAL MEMORANDUM

TO: TIM GAGEN, TOWN MANAGER
FROM: CLERK AND FINANCE DIVISION
SUBJECT: NOVEMBER TAX COLLECTIONS
DATE: 1/18/2012

This memo explains significant items of note in relation to collections that occurred within the Town of Breckenridge in the month of November.

New Items of Note:

- Overall, tax collections for November were up 4.8% from 2010 and 97.8% of the month's budget.
- Overall YTD, we are 3.1% behind prior year and 105.4% of budget.
- Due to the variance between November 2009 and November 2010, sales tax was up 12.3% from 2010, and down 2.1% from budget. YTD, sales tax is down 3.8% from prior year and down .7% from budget.
- Like sales tax, accommodations tax was a mixed bag. It was behind prior year by 10.2% but exceeded budget by 13.8% for the month. YTD, it is up 8.5% over last year and 110.3% of budget. It is the only tax ahead of prior year, year to date.
- Real Estate Transfer Tax in November was down from prior year by 10.5% and 94.6% of budget.
- As expected, housing tax followed sales tax and was up from prior year (27.6%), but down from budget (1.1%). YTD, housing is down 6.6% from prior year and down .8% from budget.

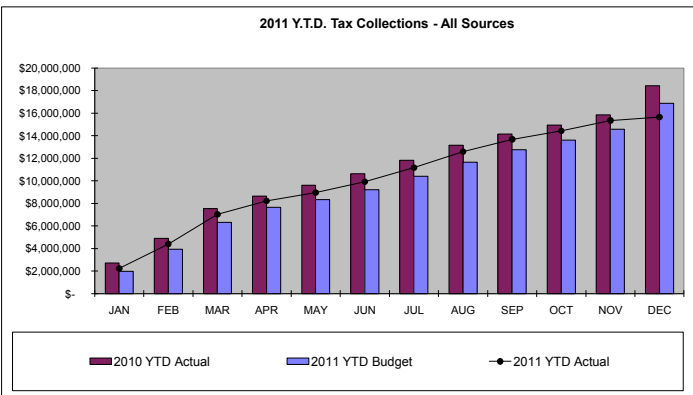
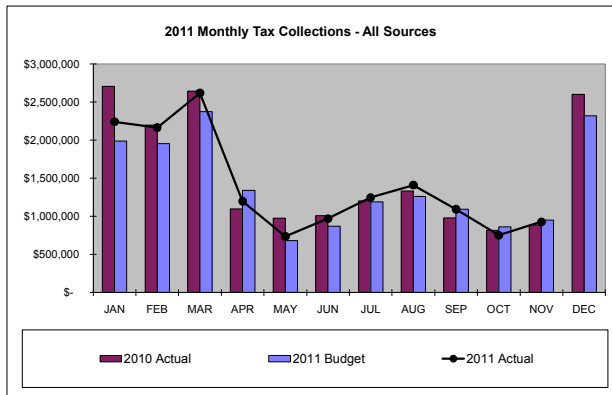
Continuing Items of Note:

- Tax collections are reported in the second Council meeting following the due date of the tax remittance to the Town of Breckenridge. The taxes in these reports are listed in the month that they were paid by the customer. The tax may have been remitted to the Town in any month and therefore these reports will vary from the amounts reported in the financial statements.
- Town of Breckenridge taxes collected from the customer by the vendor are remitted to the Town on the 20th of the following month.
- Taxes remitted to the State of Colorado, department of revenue for Summit County are distributed to the Town around the 8th business day of the month following the due date – ex. taxes collected by the vendor in January are due to the State on February 20th and distributed to the Town on the 8th business day of March.
- Quarterly taxes are reported in the last month of the period. For example, taxes collected in the first quarter of the year (January – March), are include on the report for the period of March.
- Sales and accommodations tax collections are continually updated as late tax returns are submitted to the Town of Breckenridge. Therefore, you may notice slight changes in prior months, in addition to the reporting for the current month.
- Sales & accommodations tax collections are reported as of the day that the reports are generated. Therefore, if late returns have been remitted in the current month that revenue is included in the tax collection reports. However, that revenue would not be included in the financial statements provided to Council for the same meeting. This difference can cause the total collections to exceed the total tax reported in the financial statements.

- Sales & accommodations tax collections are reported as of the day that the reports are generated. Therefore, if late returns have been remitted in the current month, that revenue is included in the tax collection reports. However, that revenue would not be included in the financial statements provided to Council for the same meeting. This difference can cause the total collections to exceed the total tax reported in the financial statements.

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

Sales Period	2010 Collections			2011 Budget			2011 Monthly			2011 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2010	% of Budget	Actual	% Change from 2010	% of Budget
JAN	\$ 2,704,530	\$ 2,704,530	14.7%	\$ 1,984,911	\$ 1,984,911	11.8%	\$ 2,239,772	-17.2%	112.8%	\$ 2,239,772	-17.2%	112.8%
FEB	\$ 2,196,643	\$ 4,901,172	26.6%	\$ 1,951,696	\$ 3,936,607	23.3%	\$ 2,163,144	-1.5%	110.8%	\$ 4,402,917	-10.2%	111.8%
MAR	\$ 2,640,013	\$ 7,541,185	40.9%	\$ 2,373,496	\$ 6,310,104	37.4%	\$ 2,618,397	-0.8%	110.3%	\$ 7,021,313	-6.9%	111.3%
APR	\$ 1,097,223	\$ 8,638,408	46.9%	\$ 1,341,437	\$ 7,651,541	45.3%	\$ 1,197,379	9.1%	89.3%	\$ 8,218,692	-4.9%	107.4%
MAY	\$ 977,114	\$ 9,615,523	52.2%	\$ 681,560	\$ 8,333,101	49.4%	\$ 735,991	-24.7%	108.0%	\$ 8,954,683	-6.9%	107.5%
JUN	\$ 1,007,403	\$ 10,622,926	57.6%	\$ 871,759	\$ 9,204,860	54.5%	\$ 969,215	-3.8%	111.2%	\$ 9,923,898	-6.6%	107.8%
JUL	\$ 1,203,311	\$ 11,826,237	64.1%	\$ 1,188,112	\$ 10,392,972	61.6%	\$ 1,246,082	3.6%	104.9%	\$ 11,169,980	-5.5%	107.5%
AUG	\$ 1,332,356	\$ 13,158,593	71.4%	\$ 1,261,679	\$ 11,654,652	69.1%	\$ 1,408,790	5.7%	111.7%	\$ 12,578,770	-4.4%	107.9%
SEP	\$ 978,953	\$ 14,137,546	76.7%	\$ 1,094,547	\$ 12,749,198	75.5%	\$ 1,092,052	11.6%	99.8%	\$ 13,670,822	-3.3%	107.2%
OCT	\$ 813,921	\$ 14,951,467	81.1%	\$ 859,985	\$ 13,609,183	80.6%	\$ 751,070	-7.7%	87.3%	\$ 14,421,892	-3.5%	106.0%
NOV	\$ 885,093	\$ 15,836,560	85.9%	\$ 949,013	\$ 14,558,196	86.3%	\$ 927,698	4.8%	97.8%	\$ 15,349,590	-3.1%	105.4%
DEC	\$ 2,601,273	\$ 18,437,833	100.0%	\$ 2,319,674	\$ 16,877,870	100.0%	\$ 301,397	-88.4%	13.0%	\$ 15,650,987	-15.1%	92.7%

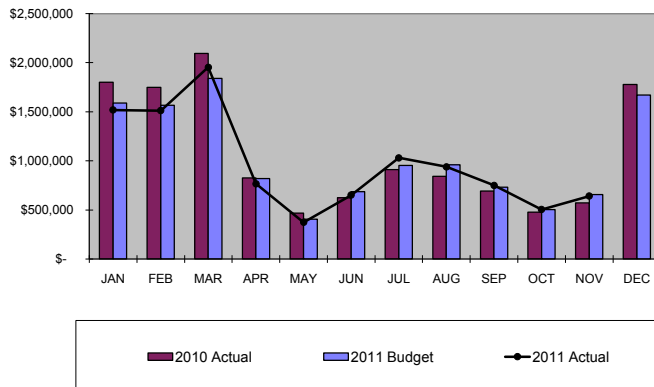


Prior Year Actual and Current Year Budget Variances					
	TOTAL	Sales	Accommodations	RETT	Housing
vs. Nov 10 Actual	42,604	70,448	(5,206)	(26,312)	3,674
Nov 11 Budget	(21,315)	(13,941)	5,571	(12,751)	(195)
vs. YTD 10 Actual	(486,970)	(419,551)	104,333	(152,286)	(19,466)
vs. YTD 11 Budget	791,394	(73,763)	124,870	742,627	(2,340)

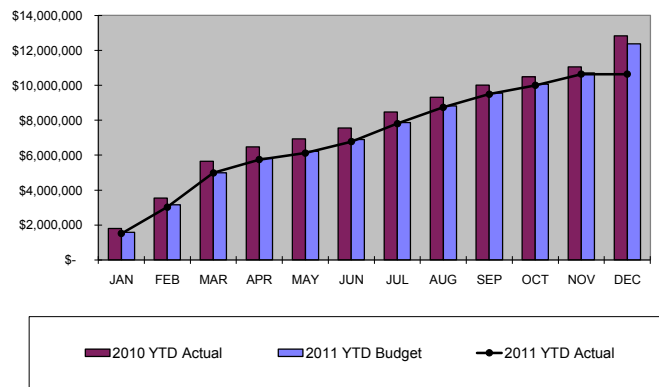
**TOWN OF BRECKENRIDGE
SALES TAX COLLECTIONS
REPORTED IN THE PERIOD EARNED**

Sales Period	2010 Collections			2011 Budget			2011 Monthly			2011 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2010	% of Budget	Actual	% Change from 2010	% of Budget
JAN	\$ 1,801,834	\$ 1,801,834	14.0%	\$ 1,589,208	\$ 1,589,208	12.8%	\$ 1,518,065	-15.7%	95.5%	\$ 1,518,065	-15.7%	95.5%
FEB	1,748,748	3,550,582	27.7%	1,565,285	3,154,493	25.5%	\$ 1,510,814	-13.6%	96.5%	3,028,879	-14.7%	96.0%
MAR	2,095,513	5,646,094	44.0%	1,839,058	4,993,551	40.3%	\$ 1,952,461	-6.8%	106.2%	4,981,340	-11.8%	99.8%
APR	826,063	6,472,157	50.4%	820,716	5,814,267	47.0%	\$ 765,975	-7.3%	93.3%	5,747,316	-11.2%	98.8%
MAY	466,655	6,938,812	54.1%	404,562	6,218,829	50.2%	\$ 374,368	-19.8%	92.5%	6,121,684	-11.8%	98.4%
JUN	625,370	7,564,182	58.9%	685,463	6,904,291	55.8%	\$ 651,209	4.1%	95.0%	6,772,893	-10.5%	98.1%
JUL	909,629	8,473,811	66.0%	954,293	7,858,584	63.5%	\$ 1,030,257	13.3%	108.0%	7,803,150	-7.9%	99.3%
AUG	840,855	9,314,666	72.6%	961,257	8,819,841	71.2%	\$ 939,237	11.7%	97.7%	8,742,388	-6.1%	99.1%
SEP	693,592	10,008,257	78.0%	733,049	9,552,891	77.2%	\$ 749,831	8.1%	102.3%	9,492,218	-5.2%	99.4%
OCT	478,831	10,487,088	81.7%	504,021	10,056,911	81.2%	\$ 504,871	5.4%	100.2%	9,997,089	-4.7%	99.4%
NOV	571,080	11,058,168	86.1%	655,468	10,712,380	86.5%	\$ 641,528	12.3%	97.9%	10,638,617	-3.8%	99.3%
DEC	\$ 1,778,688	\$ 12,836,856	100.0%	\$ 1,669,265	12,381,645	100.0%		n/a	0.0%	\$ 10,638,617	-17.1%	85.9%

2011 Monthly Sales Tax Collections



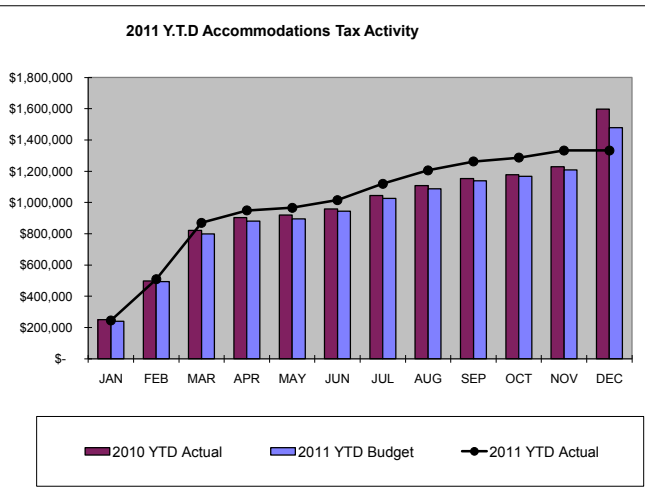
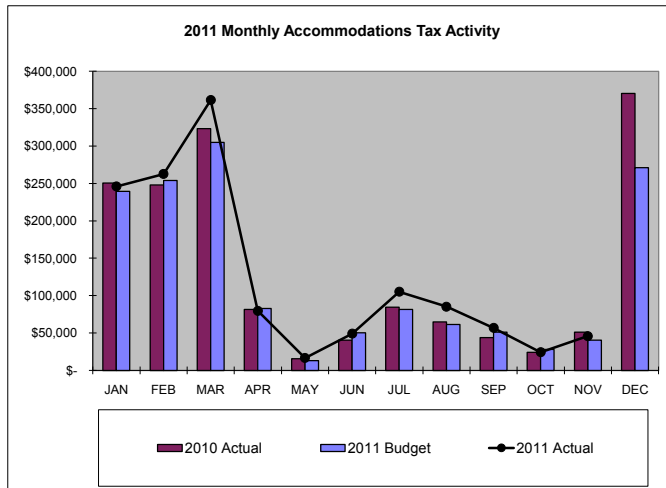
2011 Y.T.D. Sales Tax Collections



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

Sales Period	2010 Collections			2011 Budget			2011 Monthly			2011 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2010	% of Budget	Actual	% Change from 2010	% of Budget
JAN	\$ 250,450	\$ 250,450	15.7%	\$ 239,518	\$ 239,518	16.2%	\$ 245,846	-1.8%	102.6%	\$ 245,846	-1.8%	102.6%
FEB	247,884	498,334	31.2%	253,918	493,436	33.4%	\$ 262,582	5.9%	103.4%	508,427	2.0%	103.0%
MAR	323,218	821,552	51.4%	304,840	798,276	54.0%	\$ 361,430	11.8%	118.6%	869,857	5.9%	109.0%
APR	81,743	903,295	56.5%	82,971	881,247	59.6%	\$ 79,625	-2.6%	96.0%	949,482	5.1%	107.7%
MAY	15,579	918,875	57.5%	13,167	894,414	60.5%	\$ 16,637	6.8%	126.3%	966,119	5.1%	108.0%
JUN	40,624	959,499	60.0%	50,494	944,908	63.9%	\$ 49,159	21.0%	97.4%	1,015,278	5.8%	107.4%
JUL	84,378	1,043,876	65.3%	81,549	1,026,457	69.4%	\$ 105,084	24.5%	128.9%	1,120,361	7.3%	109.1%
AUG	64,959	1,108,835	69.4%	61,362	1,087,819	73.6%	\$ 85,202	31.2%	138.9%	1,205,563	8.7%	110.8%
SEP	43,974	1,152,809	72.1%	51,368	1,139,187	77.0%	\$ 56,768	29.1%	110.5%	1,262,331	9.5%	110.8%
OCT	24,239	1,177,048	73.6%	28,101	1,167,288	78.9%	\$ 24,256	0.1%	86.3%	1,286,587	9.3%	110.2%
NOV	51,123	1,228,170	76.8%	40,346	1,207,634	81.7%	\$ 45,917	-10.2%	113.8%	1,332,504	8.5%	110.3%
DEC	\$ 370,273	\$ 1,598,444	100.0%	\$ 271,074	1,478,708	100.0%		n/a	0.0%	\$ 1,332,504	-16.6%	90.1%

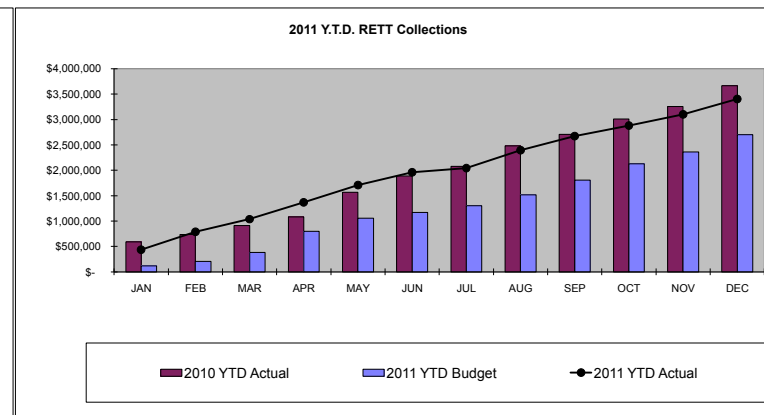
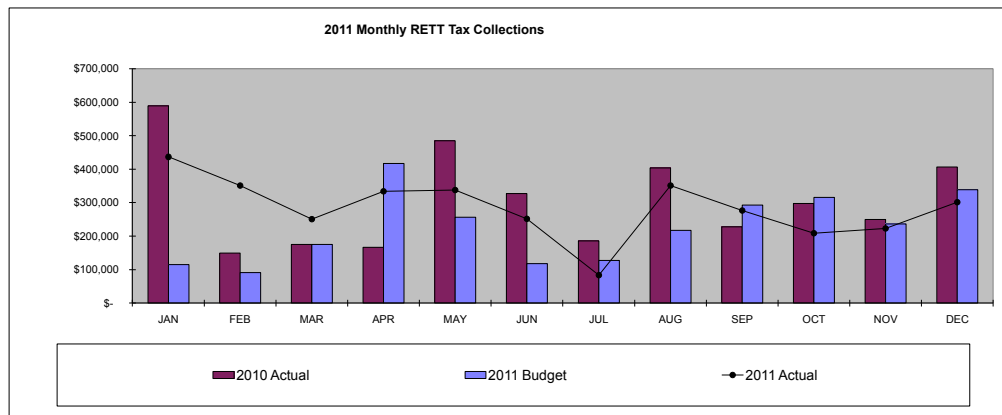
Accommodation tax amounts reflect collections at the 2% rate.



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

Sales Period	2007 Collections			2010 Collections			2011 Budget			2011 Monthly				2011 Year to Date			
	Tax Collected	Year To Date	Percent of Total	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% of Budget	% Change from 2007	% Change from 2010	Actual	% of Budget	% Change from 2007	% Change from 2010
JAN	\$ 352,958	\$ 352,958	6.2%	\$ 588,874	\$ 588,874	16.1%	\$ 115,354	\$ 115,354	4.3%	\$ 436,605	378.5%	23.7%	-25.9%	\$ 436,605	378.5%	23.7%	-25.9%
FEB	342,995	695,953	12.3%	149,303	738,178	20.2%	90,951	206,306	7.6%	350,866	385.8%	2.3%	135.0%	787,471	381.7%	13.2%	6.7%
MAR	271,817	967,770	17.1%	175,161	913,339	24.9%	175,256	381,562	14.1%	250,986	143.2%	-7.7%	43.3%	1,038,457	272.2%	7.3%	13.7%
APR	564,624	1,532,394	27.0%	167,038	1,080,377	29.5%	417,147	798,708	29.6%	333,424	79.9%	-40.9%	99.6%	1,371,881	171.8%	-10.5%	27.0%
MAY	533,680	2,066,074	36.4%	484,618	1,564,995	42.7%	256,110	1,054,819	39.1%	337,577	131.8%	-36.7%	-30.3%	1,709,458	162.1%	-17.3%	9.2%
JUN	522,999	2,589,073	45.6%	326,779	1,891,775	51.6%	117,793	1,172,611	43.4%	251,806	213.8%	-51.9%	-22.9%	1,961,263	167.3%	-24.2%	3.7%
JUL	343,610	2,932,683	51.7%	186,067	2,077,841	56.7%	127,768	1,300,380	48.2%	83,522	65.4%	-75.7%	-55.1%	2,044,785	157.2%	-30.3%	-1.6%
AUG	594,349	3,527,032	62.1%	404,004	2,481,846	67.8%	217,061	1,517,440	56.2%	350,730	161.6%	-41.0%	-13.2%	2,395,515	157.9%	-32.1%	-3.5%
SEP	711,996	4,239,028	74.7%	227,440	2,709,285	74.0%	292,261	1,809,701	67.0%	276,774	94.7%	-61.1%	21.7%	2,672,289	147.7%	-37.0%	-1.4%
OCT	392,752	4,631,779	81.6%	297,809	3,007,094	82.1%	316,040	2,125,742	78.7%	208,831	66.1%	-46.8%	-29.9%	2,881,120	135.5%	-37.8%	-4.2%
NOV	459,147	5,090,926	89.7%	249,583	3,256,677	88.9%	236,022	2,361,764	87.5%	223,271	94.6%	-51.4%	-10.5%	3,104,391	131.4%	-39.0%	-4.7%
DEC	\$ 584,308	\$ 5,675,235	100.0%	\$ 406,078	\$ 3,662,755	100.0%	\$ 338,238	\$ 2,700,002	100.0%	\$ 301,397	89.1%	-48.4%	-25.8%	\$ 3,405,788	126.1%	-40.0%	-7.0%

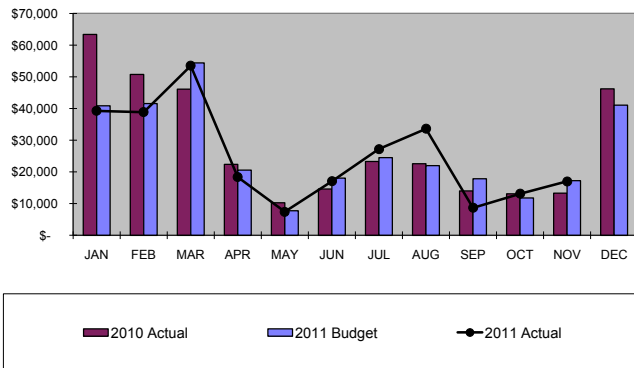
December RETT #s through 12/31/2011



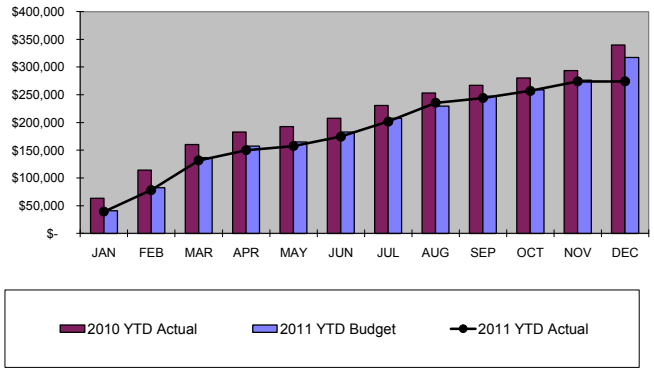
**TOWN OF BRECKENRIDGE
AFFORDABLE HOUSING SALES TAX COLLECTIONS
REPORTED IN THE PERIOD EARNED**

Sales Period	2010 Collections			2011 Budget			2011 Monthly			2011 Year to Date		
	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% Change from 2010	% of Budget	Actual	% Change from 2010	% of Budget
JAN	\$ 63,372	\$ 63,372	18.7%	\$ 40,831	\$ 40,831	12.9%	\$ 39,257	-38.1%	96.1%	\$ 39,257	-38.1%	96.1%
FEB	50,707	114,079	33.6%	41,542	82,373	25.9%	38,882	-23.3%	93.6%	78,139	-31.5%	94.9%
MAR	46,121	160,200	47.1%	54,342	136,715	43.1%	53,520	16.0%	98.5%	131,660	-17.8%	96.3%
APR	22,379	182,579	53.7%	20,604	157,319	49.5%	18,354	-18.0%	89.1%	150,014	-17.8%	95.4%
MAY	10,262	192,841	56.8%	7,721	165,040	52.0%	7,409	-27.8%	96.0%	157,423	-18.4%	95.4%
JUN	14,630	207,471	61.1%	18,010	183,050	57.7%	17,042	16.5%	94.6%	174,465	-15.9%	95.3%
JUL	23,238	230,709	67.9%	24,502	207,552	65.4%	27,219	17.1%	111.1%	201,684	-12.6%	97.2%
AUG	22,538	253,247	74.5%	21,999	229,551	72.3%	33,621	49.2%	152.8%	235,305	-7.1%	102.5%
SEP	13,947	267,194	78.6%	17,868	247,420	77.9%	8,679	-37.8%	48.6%	243,984	-8.7%	98.6%
OCT	13,042	280,237	82.5%	11,823	259,242	81.6%	13,113	0.5%	110.9%	257,097	-8.3%	99.2%
NOV	13,308	293,545	86.4%	17,177	276,419	87.1%	16,982	27.6%	98.9%	274,079	-6.6%	99.2%
DEC	\$ 46,234	\$ 339,779	100.0%	\$ 41,096	317,515	100.0%		n/a	0.0%	\$ 274,079	-19.3%	86.3%

2011 Monthly Aff. Housing Sales Tax Collections



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



TO: BRECKENRIDGE TOWN COUNCIL
FROM: BRIAN WALDES, FINANCIAL SERVICES MANAGER
SUBJECT: FUND BALANCE RESERVES
DATE: 1/16/12
CC: TIM GAGEN, KATE BONIFACE

The purpose of this memo is to analyze and explain for Council the methodologies behind the Town's fund balance reserves. These reserves were quantified for Council in the "Fund Balance and Reserves Analysis" spreadsheet supplied in the 1-10-12 Council Work Session packet, which has been included herein as well. For the purposes of this memo, the fund balance reserves will be presented in a similar manner to the spreadsheet, i.e. by the required and discretionary categories.

Please note that this analysis is based on 12/31/2012 budgeted fund balances.

Required Reserves

General Fund

1. TABOR reserve - This reserve is required by Colorado State Law. It is calculated as 3% of projected annual revenue in governmental funds only, with some exclusions. These funds are only available for use under extreme conditions, and even then have complex payback requirements. Essentially, this number serves as our lowest possible fund balance.
2. Debt reserve - This amount is required to be reserved as part of the G.O. debt agreements held by the Town. This debt will be extinguished in 2013 and, as such, the Town will no longer be required to hold this reserve at that time.
3. PPA - This amount was required to be held in reserve as part of the Solar Power Purchase Agreement (PPA) signed in 2010. It was put in place as a result of the non-appropriation clause the Town required in the contract as a result of TABOR. Staff is planning on applying this amount to the buyout of the panels in 2016.

Excise Fund

1. Debt reserve - Required as part of the C.O.P. debt issued for the Timberline Childcare and Police facilities. These debt issues are scheduled to be retired in 2027 and 2025 respectively.

Utility (Water) Fund

1. Debt reserve - required as part of the Colorado Water Board Debt, to be extinguished in 2022.

Affordable Housing

1. Dedicated revenue - Refers to the amount of revenue collected directly by the Affordable Housing fund for SCHA Affordable Housing Tax and Impact Fees per ballot question. These revenues must be used for Affordable Housing programs.

Open Space

1. Dedicated revenue - Town open space tax (a portion of sales tax) dedicated to the open space fund.

Conservation Trust Fund

1. All revenue for this fund comes from GOCO (lottery proceeds) and is restricted to use for recreation facilities.

Discretionary Reserves

General Fund

1. Medical reserve – The Town’s health insurance plan is self-funded. As such, we maintain a fund balance reserve to meet any potential severe claim(s) and to cover the potential costs of implementing Federal Health Care Reform legislation.
2. Debt – This amount, in addition to the required reserve for the G.O. debt issues, represents 2 full years of debt service. This reserve will no longer be required as part of the 2013 budget, as the final payment for the G.O. debt will be appropriated as part of that budget.
3. Operations Reserve – Represents 3 months operating expenses for the General fund, which is in line with the CGFOA recommendation. Communities typically use anywhere from 3 to 6 months reserve.

Excise Fund

1. Debt – As in the General fund, Excise fund maintains a discretionary reserve to equal 2 full years of debt payments reserved. In this fund, however, these reserves will persist until 2025 for one COP issue and 2027 for the other.

Special Projects

1. BHA –For the Breckenridge Heritage Alliance’s historic preservation and maintenance reserve. This was set-up as part of the 2012 budget approval process.

Golf

1. Equipment – Reflects total accumulation of annual allocations for golf cart replacement (5 year cycle).

Affordable Housing

1. Affordable Housing – Fund balance amount that is neither dedicated for Child Care nor dedicated revenue for current year. This reserve was established and is being funded currently to close the gap between the SCHA and Impact Fee revenues and the estimated total cost of the Affordable Housing goal as a whole, an estimated \$45,000,000.
2. Childcare – Reserve reflects the amount of transfers into the fund for Childcare over and above program expenses since inception (2007).

Capital, Special Projects, Garage, Information Tech., and Facilities

1. Appropriated – Column reflects balances in funds that are specified in purpose. For example, the Garage Fund balance compromises several years of allocations and is appropriated for vehicle maintenance and replacement.

Town of Breckenridge Fund Balance and Reserves Analysis

	Projected Net 12/31/12	Required Reserves					Discretionary Reserves and Appropriated Amounts										
		TABOR	Debt	PPA	Dedicated Revenue	Total	Net	Medical	Debt	Operations Reserve	BHA	Equipment	Aff. Housing	Childcare	Appropriated	Total	Net
General Fund	19,596,186	1,009,379	171,212	1,200,000		2,380,591	17,215,595	600,000	1,928,788	4,000,000						6,528,788	10,686,807
Excise Fund	14,061,369		573,815			573,815	13,487,554		526,185							526,185	12,961,369
Sub 1							30,703,149										23,648,176
Capital	2,989,500					-	2,989,500									2,989,500	2,989,500
Special Projects	41,544					-	41,544				41,544					41,544	-
Sub 2							33,734,193										23,648,176
Utility	7,711,871		37,000			37,000	7,674,871									-	7,674,871
Golf	1,571,081					-	1,571,081					(198,000)				(198,000)	1,769,081
Sub 3							42,980,145										33,092,128
Garage Fund	4,555,480					-	4,555,480									4,555,480	4,555,480
Information Tech.	1,508,919					-	1,508,919									1,508,919	1,508,919
Facilities	1,260,226					-	1,260,226									1,260,226	1,260,226
Sub 4							50,304,770										33,092,128
Affordable Housing	7,868,331				448,400	448,400	7,419,931					4,649,474	2,770,457			7,419,931	-
Open Space	925,330				925,330	925,330	-									-	-
Conservation Trust	3,634				3,634	3,634	-									-	-
Marketing	275,000				-	-	275,000									275,000	275,000
TOTAL	62,368,471	1,009,379	782,027	1,200,000	1,377,364	4,368,770	57,999,701	600,000	2,454,973	4,000,000	41,544	(198,000)	4,649,474	2,770,457	10,589,125	24,907,573	33,092,128
Sub 1	The totals of the General and Excise funds. These are the most accessible funds for the Town, i.e. they have not been earmarked for specific purposes																
Sub 2	This includes the Capital and Special projects fund totals. These funds have been designated for projects by Council, but they are not legally restricted.																
Sub 3	Golf and Utility, the Town's enterprise funds, are included in this total. These funds are also not legally restricted, but do exist in enterprise funds and are nominally designated for specific purposes. The operations and fund balances represented by these funds are funded by user fees.																
Sub 4	The Town's internal service funds are included in this amount. These fund balances represent reserves for ongoing capital replacement expenses and have been accumulated over the years to service all the other funds' operations																
TOTAL	Included in this total are the special revenue funds. Part or all of these fund balances are legally designated for specific purposes and cannot be used for any purpose other than those designated.																
	Budgeted Capital Expenses																
	2012	2013	2014	2015	2016	TOTAL											
Utility	800,000	800,000	800,000	1,100,000	1,177,500	4,677,500											
Golf	252,000	176,000	174,000	180,000	172,000	954,000											
Capital	2,989,500	4,965,000	3,580,000	4,045,000	13,145,000	28,724,500											
NOTES	Capital expenses are budgeted assuming future revenue streams are adequate to fund at the budgeted level. As such, short and long term Capital budgeted amounts are subject to change.																



OFFICE OF THE COUNTY MANAGER

970-453-2561
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Post Office Box 68
208 East Lincoln Avenue
Breckenridge, Colorado 80424

TO: Breckenridge Town Council

FROM: Thad Noll, Assistant County Manager

DATE: January 16, 2012

SUBJECT: Cooperative Solid Waste Management Including Flow Controls for Solid Waste Disposal

BACKGROUND:

The landfill in Summit County has been in operation for decades, but until the County took over control of the facility, it was largely unregulated. In 1976, Tim McClure started Summit Recycling Project (SRP) in an effort to begin reusing and recycling resources that were being buried in the landfill. With financial help from the County and the Towns to cover about 75% of the operation, SRP made it through some tough times, including shutting down completely for a few years until revived in 1989 by Bob & Rose Wentzell. In 1994, the County received the property from the USFS in a land trade along with a requirement to clean up the facility over time and bring it into compliance with state and federal regulations. At the time, the facility was a true “dump” with limited oversight, waste management activities and environmental protections. After using a contractor for several years, the County took over operations in 2004 with goals to clean up the site, increase diversion programs and create a “modern solid waste facility” with appropriate practices and facilities in place to protect and improve water and air quality.

In 2005, the County began construction of the Material Recovery Facility (MRF) and completed it in 2006. During the few years leading up to construction, SRP was pushing for the County to take over the recycling operations from SRP, knowing that without governmental effort, the program would never achieve its real goals of increasing diversion and reducing the amount of resources being buried. That goal was achieved in January 2006 and since that time, the County has been working to promote more robust diversion, with programs that include traditional recycling (aluminum, paper, glass, cardboard, plastic, tin), organic composting, construction wood, appliances, scrap metal, concrete, asphalt, forest slash, household hazardous waste (HHW), electronics, and more

To facilitate the community recycling goals, the County created pricing structures that help promote waste diversion and the associated benefits; however, those cost structures do not generate the revenues needed to run the programs. Since the early recycling days, these programs have been subsidized by tipping fees from trash and that “public utility” model continues today – fees from the core landfill business help support the outlying programs that are offered because the community demands them and they are the right thing to do to reduce waste, improve water and air quality, increase the life of the landfill and protect our natural resources.

DISCUSSION:

Revenues from landfill tipping fees support our many diversion programs by design, but over the past few years we’ve been faced with a dual problem:

1. The economy accelerated what we hoped our diversion programs would do – reduced trash volumes by 1/3 – with a significant loss of revenues. This is mostly due to decreases in construction waste, but slowdowns in tourism have also had an impact.

2. More and more trash is being sent to the Front Range where dump fees are cheaper. Many of those landfills can charge less to bury trash not only because land is cheaper, but because they may not support other critical diversion programs like electronics collection, HHW, recycling, etc. The landfill portion of the Solid Waste program can easily support itself, but our diversion programs cannot function without about \$400k/year support from tipping fees, and the entire program now struggles each year to operate under severely reduced budget due to reduced trash revenue.

Loss of revenue comes at a time when the public is asking us to increase recycling and composting programs but we are struggling to stay afloat. The County has invested a great deal of public revenues in developing a modern, environmentally safe landfill that promotes a progressive solid waste management strategy, but it can't survive when companies may be taking advantage of the free and subsidized programs but finding cheaper places to bring trash.

Our goal is not to increase the overall amounts of trash, but we need to pay for the solid waste management programs that we offer with the trash that is already generated in our County. Similar to other public utilities where competition is limited in an effort to provide sustainable public benefits (electricity, natural gas, sewer, etc), Colorado law allows governmental entities to restrict flow of trash out of their jurisdictions and designate a government-owned landfill site as the sole disposal site for trash generated within that jurisdiction. Additionally, the US Supreme Court has ruled that controlling the flow of trash by local jurisdictions to promote solid waste management goals and promote the health and welfare of the community is indeed constitutional.

Flow control measures substantially facilitate a community's goal of establishing a comprehensive waste management system that encourages waste volume reduction, recycling, and reuse and ensures the proper disposal of wastes, reducing the community's exposure to costly environmental liability or litigation.

We understand that flow control won't fix the existing long-term conundrum but it will help stop the bleeding and provide some immediate relief. Ultimately, we need to address the paradox:

“We are funding recycling with trash revenues at the same time we are developing programs to reduce trash and increase recycling.”

RECOMMENDATIONS:

1. We need town support to make any cooperative solid waste management and proposed flow control regulations most effective
2. Flow control regulations could be imposed by the County and the Towns via ordinance along with a requirement for all trash haulers to obtain a license to operate in the Towns and unincorporated areas of the County. The license would serve as a simple but effective enforcement mechanism so that a violation of the flow control ordinance could result in a license revocation. Licenses would be granted in a nondiscriminatory manner to all applicants who satisfy the minimal licensing requirements.
3. The flow control and licensing ordinance would follow the execution of an IGA between the Towns and County providing for coordinated solid waste management and authorizing the County to administer the licensing requirement to avoid redundant administrative efforts for the Towns.
4. The County will develop a proposed IGA and model solid waste management ordinance that would exclude certain substances from the flow control requirements such as hazardous materials not accepted at our landfill, recycling and fill dirt.
5. The County will initiate a stakeholder forum with representatives from the towns, County, HC3, trash haulers and general public to develop a long-term vision for recycling and waste diversion and recommend funding options for the desired programs.

MEMORANDUM

To: Mayor and Town Council

From: Laurie Best
Community Development Department

Date: January 16, 2012 (for worksession January 24th)

Subject: Pinewood Village Apartments

Purpose: Because the Town has a long-term investment in the Pinewood Village Apartments, the management company, Corum Real Estate Group provides a regular update to the Town Council. The last Council update was presented in 2010. An updated report is included in your January 24, 2012 worksession packet.

Background: In recognition of the need for affordable housing, the Town entered into a 50 year land lease commencing in 1995 that assisted Corum Real Estate Group to build the affordable housing community referred to as Pinewood Village Apartments. The subject property, described as Lot 5, Block 1 Parkway Center Subdivision, is across from the North Branch of the Summit County Library at 605 Airport Road. There are 74 apartment units that were constructed in 1997.

The Town's investment in the project consists of the 50-year lease of the real property (with an option to renew for 15 years) plus fee waivers that were provided to the project. The Town waived development permit fees, application review fees, a percentage of building and mechanical permit charges, Plant Investment Fees, and other fees such as plans and specifications check fees in support of the development. The Town also elected to delay lease payments until such time as the Summit Housing Authority, the Development Partnership, and the Tax Credit Owner received repayment. The lease payment due to the Town is equal to 40% of the Operation Proceeds for the first ten years and 50% for the remainder of the lease. Operational Proceeds are defined as all proceeds less cost and expenses incurred, and a preferred return equal to 13.21% of the Company's invested equity in the project. According to the current projection by Corum Real Estate Group lease payments to the Town are projected to begin in 2024.

In exchange for the land lease, the fee waivers, and the deferred payment, the Town secured 74 affordable income-tested housing units for a minimum of 50 years. The maximum rents are prescribed in the lease with 19 units capped at 50% AMI and 55 units capped at 100% AMI. The average rental rate may not exceed 83.75% of AMI. Current rates range from \$740 month to \$1,500 a month.

Summary: An overview of Pinewood Village's Property History and Summary of Operations has been prepared by Corum Real Estate Group and follows this cover memo. The report provides information on the occupancy rates, rental rates, resident profiles, and operating/ capital budgets. The report indicates that the apartment complex continues

to meet housing needs in the community for a variety of employees while meeting financial obligations related to the financing, operations, and capital improvements. Staff walked the site with representatives on June 29, 2010, and it appears that repair and maintenance issues are being planned for and addressed. Representatives from Corum Real Estate Group will attend the Council worksession to discuss the project and/or answer any questions.

PINWOOD VILLAGE APARTMENTS

PROPERTY HISTORY & SUMMARY OF OPERATIONS Breckenridge Town Council Presentation, January 24th, 2012

Project History

Pinewood Village Apartments is comprised of 74 units including 55 market units and 19 Very Low-Income Restricted units (Tax Credit Units) and 51 garages. The rents are restricted both in accordance with the Breckenridge Land Lease and the area median income (AMI) levels for Summit County Residents as determined by the U.S. Department of Housing and Urban Development (HUD) and provided by the Colorado Housing and Finance Authority, (CHFA). Per the Land Lease with the Town of Breckenridge, on average Pinewood Village’s market rents can’t exceed 83.75% of AMI as determined by HUD and in no case can exceed 100% of AMI. The very low income units are based on 50% of AMI as determined by HUD.

Income restrictions and current rents for the Market units are as follows:

<u>Annual Income</u>	<u>Monthly Rent</u>
1 person household - \$62,900	1 Bedroom/1 Bath - \$950
2 person household - \$71,900	2 Bedroom/1 Bath - \$1,200
3 person household - \$80,900	2 Bedroom/2 Bath - \$1,250
4 person household - \$89,800	3 Bedroom/2 Bath - \$1,500
5 person household - \$97,000	

Income restrictions and current rents for the Very Low Income units (Tax Credit) are as follows:

<u>Annual Income</u>	<u>Monthly Rent</u>
1 person household - \$31,450	1 Bedroom/1 Bath - \$740
2 person household - \$35,950	2 Bedroom/1 Bath - \$890
3 person household - \$40,450	2 Bedroom/2 Bath - \$900
4 person household - \$44,900	3 Bedroom/2 Bath - \$1,035
5 person household - \$48,500	

On average the combined market rate rents and tax credit rents remain well below the maximum average of 83.75% for all units as required under the Land Lease with the Town.

Both market and tax credit residents pay separately for gas for hot water and heat in the form of a monthly utility charge equating to \$55, \$60 or \$65 for 1, 2 and 3 bedroom units respectively. Water, sewer and trash are included in the monthly rent. Washing machines and dryers are included in each unit at no extra charge. Typically all leases are initially written for one year with options to renew for anywhere from 30 days to one year. In most cases the lease renewals are executed for one-year periods since there is a fee for leases rolling into 6 month or month to month as opposed to one-year terms. Garages are available for lease to all residents for \$65 per month so as long as the resident agrees to use the garage for parking a vehicle. Each unit is

allowed 1 vehicle parked outside, any additional vehicles must be parked in a garage or off-site. Parking remains tight but is not as much of an issue today as in past years as a result of enforcing the parking of vehicles in garage units along with the strict enforcement of parking passes for all residents.

Pinewood Village’s first building was completed in February of 1997 with the eighth and final building being completed in August of 1997. Since that time period the property has traditionally operated with occupancy rates between 88% and 100% depending on the time of year. The fall months tend to have the highest vacancy rates while the winter, spring, and summer months continue to maintain incredibly high occupancy rates. During 2011 the average occupancy rate at Pinewood Village throughout the entire year was 98%. The winter months averaged 99%. Pinewood is currently 99% leased and preleased.

Resident Profile

The typical Pinewood Village Resident works in one of many services industries primarily in the Town of Breckenridge or on the ski mountain. Below is a summary of the type of employment that the current residents are involved in for both the market and low-income units:

<u>Market Units (54 Units)</u>	<u>Low-Income Units (20 Units)</u>
6% Ski Industry	5% Ski Industry
20% Retail Sales & Rentals	0% Retail Sales/Rentals
11% Hospitality Industry	11% Hospitality Industry
15% Restaurant Business	21% Restaurant Business
13% Clerical/Office	5% Clerical/Office
27% Service Industry	16% Service Industry
6% Construction	11% Disabled/SSI
2% Disabled/SSI	31% Retired/Social Security

Operating Budget

Pinewood Village’s financial condition as of November 2011 remains sound. Rental Income is favorable to budget by \$11,615 year to date or 1%. Operating expenses are favorable to budget \$19,295 for the year or 4%. Overall net operating income (NOI) year to date is favorable to budget \$38,534 on a \$439,329 budget. By year end NOI is anticipated to meet or exceed the budget as a result of the anticipated fall and winter occupancy rates that should be in the high 90’s while the property continues to maintain a positive variance in expenses. Currently Pinewood Village is 99% leased and preleased and is expected to maintain this high occupancy rate in to late summer of 2012. Pinewood Village has experienced this same type of success financially in the year 2010.

Capital Improvements

Pinewood Village overall is in good physical shape. Replacement of 1900 square feet of cracked sidewalk/concrete was replaced and the parking lot was also resurfaced and re-striped this past summer. Over the 14 years there are a number of exterior stairways and walkways that have

shifted and resulted in failures in the concrete, stair treads, wood stringers and railings. As of this year 80% of those repairs and / or replacements have occurred. The balance of the repair and replacement work is scheduled to take place in 2012. Garage door replacements and roof repairs are also scheduled for 2012. There are also aging carpets and appliances that are now being replaced on an as needed basis as has also happened in the past several years.

Refinancing of CHFA Note

In early 2006 the CHFA (Colorado Housing and Finance Authority) note was refinanced. The interest rate was decreased from 7.1% to 6.0% in April of 2006. Additionally, a second note was put in place for \$425,000 at an interest rate of 5.75% amortized over 30 years. The net decrease to debt service by refinancing is \$6,400 annually. We have the ability to refinance again in April of this year with some yield maintenance. Because there is a significant interest rate differential from 2006 to today, we will be evaluating the feasibility of a refinance over the next couple of months.

Summary

In summary, Pinewood Village is once again anticipating a successful year. Occupancy rates have remained fairly strong throughout 2010 and 2011 while enduring tough economic times that has created a challenging rental market in Summit County. On average throughout the past year and a half the average occupancy rate has continued to hover somewhere in the mid to high 90's although rental income has remained fairly flat. The property has continued to operate in compliance with all financing agreements, including the Breckenridge Land Lease, the Land Use Agreement with CHFA and the regulatory agreement with HUD. Pinewood Village has continued to make timely payments to the Summit Housing Authority in accordance with the note. Furthermore, the property appears to be serving a need of the community by offering housing to full time year round residents of Breckenridge at affordable rates.

PINEWOOD VILLAGE
20 YEAR CASH FLOW
November 1, 2011

Annual Inflation Factors:
Residential Rents: 2% starting 2013
Expenses: 3% starting 2013

	Budget																			
Annual Projections	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Residential Income - Net of Vacancy	871,559	879,110	819,698	863,190	902,510	920,560	938,971	957,751	976,906	996,444	1,016,373	1,036,700	1,057,434	1,078,583	1,100,155	1,122,158	1,144,601	1,167,493	1,190,843	1,214,660
Parking Income - Net of Vacancy	36,278	36,339	34,902	36,023	37,050	37,791	38,547	39,318	40,104	40,906	41,724	42,559	43,410	44,278	45,164	46,067	46,988	47,928	48,887	49,864
Laundry Income - Net of Vacancy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Income - Net of Vacancy	49,394	52,050	54,411	56,857	49,600	50,592	51,604	52,636	53,689	54,762	55,858	56,975	58,114	59,277	60,462	61,671	62,905	64,163	65,446	66,755
Effective Gross Income	957,231	967,499	909,011	956,070	989,160	1,008,943	1,029,122	1,049,705	1,070,699	1,092,113	1,113,955	1,136,234	1,158,959	1,182,138	1,205,781	1,229,896	1,254,494	1,279,584	1,305,176	1,331,279
Project Expenses	424,238	434,244	472,442	456,572	466,737	480,739	495,161	510,016	525,317	541,076	557,308	574,028	591,248	608,986	627,255	646,073	665,455	685,419	705,982	727,161
Net Operating Income	532,993	533,255	436,569	499,498	522,423	528,204	533,961	539,688	545,382	551,036	556,646	562,206	567,710	573,152	578,525	583,823	589,039	594,165	599,194	604,118
Draw Operating Def. Reserve																				
<u>First Mortgage</u>																				
Principal & Interest	374,603	374,603	374,603	374,603	374,603	374,603	374,603	374,603	374,603	374,603	374,603	374,603	374,603	374,603	374,603	374,603	374,603	374,603	374,603	374,603
<u>Second Mortgage</u>																				
Principal & Interest	16,615	16,615	16,615	16,615	16,615	16,615	16,615	16,615	16,615	16,615	16,615	16,615	16,615	16,615	16,615	16,615	16,615	16,615	16,615	16,615
Capital Costs not paid by Reserve	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Debt Service & Capital	391,218	391,218	391,218	391,218	391,218	391,218	391,218	391,218	391,218	391,218	391,218	391,218	391,218	391,218	391,218	391,218	391,218	391,218	391,218	391,218
Net Project Cash Flow	141,775	142,037	45,351	108,280	131,205	136,986	142,743	148,471	154,164	159,819	165,429	170,989	176,492	181,934	187,307	192,605	197,821	202,947	207,976	212,900
Debt Service Coverage	1.36	1.36	1.12	1.28	1.34	1.35	1.36	1.38	1.39	1.41	1.42	1.44	1.45	1.47	1.48	1.49	1.51	1.52	1.53	1.54

**Pinewood Village
Surplus Cash Distributions**

Actuals	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011						
Preferred Return per Audit	120,786	120,786	120,786	120,786	120,786	120,786	120,786	120,786	120,786	120,786	120,786	120,786	1,811,790	Cumulative Pref Return				
Surplus Cash Distributed per Audit	-	-	-	-	-	-	-	20,583	119,837	124,899	71,421	-	336,740	Pref Return Paid				
Preferred Return less Surplus Cash Distributed =													1,475,050	Thru 12/11				
Projected	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
Land Lease Calculation:																		
Cumulative Preferred Return	1,475,050	1,520,836	1,504,636	1,482,678	1,454,994	1,421,615	1,261,797	1,096,368	925,379	748,887	566,952	379,645	187,040	(10,781)	(213,729)	(421,705)	(634,605)	(852,317)
Annual Preferred Return	120,786	120,786	120,786	120,786	120,786	-	-	-	-	-	-	-	-	-	-	-	-	-
Less: Surplus Cash - est	(75,000)	(136,986)	(142,743)	(148,471)	(154,164)	(159,819)	(165,429)	(170,989)	(176,492)	(181,934)	(187,307)	(192,605)	(197,821)	(202,947)	(207,976)	(212,900)	(217,711)	(222,400)
Preferred Return Balance If greater than \$-0-, then no land rent due	1,520,836	1,504,636	1,482,678	1,454,994	1,421,615	1,261,797	1,096,368	925,379	748,887	566,952	379,645	187,040	(10,781)	(213,729)	(421,705)	(634,605)	(852,317)	(1,074,717)
Land Lease Rent	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,391	\$ 106,864	\$ 210,852	\$ 317,303	\$ 426,158	\$ 537,358

MEMORANDUM

TO: Town Council

FROM: Mark Truckey, Assistant Director of Community Development

SUBJECT: Code Amendments for TDRs, Employee Housing, and Related Issues

DATE: January 18, 2012 for January 24 Meeting

At the Council's December 13, 2011 meeting we discussed transferring density from Town-owned property (e.g., the Carter museum property) to the Valley Brook affordable housing site. This transfer is necessary in order to comply with the recently updated Joint Upper Blue Master Plan policy regarding the Town extinguishing density to compensate for new affordable housing projects.

In order to complete the density transfer, a code amendment to the TDR section of the Development Code is necessary. The current Code (section 9-1-17-12, Transfer of Density) only authorizes town-to-town TDRs per approval of a development agreement or master plan. Town projects such as Valley Brook housing may not have either a development agreement or master plan associated with them. Staff has proposed a minor change to the code section that would also authorize the Town to transfer density from properties owned by the Town either "in conjunction with an approved development permit or by resolution of the Town Council".

In reviewing the Code further, staff also found a few other changes that would be beneficial in clarifying TDR and employee housing provisions. Thus, staff is also suggesting several other amendments to address these issues. The attached document shows proposed code changes in highlighted and overstruck fashion. Four different amendment sections are outlined, with italicized text at the beginning of each amendment section that explains the reason for the proposed code amendments. A couple of these changes are expanded on below:

- The code language that allows TDRs if approved through a "master plan" has been clarified to allow density to move to different locations within the property boundaries of a master plan, but to not allow it to be transferred to another non-contiguous location. Staff believes this is consistent with the original intent of the Council when this provision was initially adopted.
- In 2007 the Town and County jointly adopted an updated version of the Intergovernmental Agreement regarding TDRs. In the map that is an exhibit to the IGA, text specifies that "the Historic District and Land Use District 1 within the town boundaries are not suitable to receive density". A code amendment is proposed to acknowledge that density cannot be transferred to the Historic District and LUD 1.

Staff did not include any code changes that relate directly to the 1:4 density transfer ratio previously approved by the Town Council. The policy is included in the Joint Upper Blue Master Plan. By not including the ratio in the Code, it leaves the Council some flexibility in dealing with future density transfers.

Council Action

Staff requests feedback from the Council on the attached proposed code amendments. If Council is generally comfortable with the proposed amendments, staff will bring these to the Planning Commission for review and then we will return to the Council for final adoption by ordinance.

Proposed Code Amendments related to TDRs and Employee Housing Units

Note: all proposed amendments are shown in underscoring text and ~~overstruck~~ text.

Amendment 1. *Intents of these changes include*

- *Clarify that town-to-town TDRs done through a master plan are only intended to allow density to be moved to different locations within the master plan area*
- *Allow for the Town to transfer density from properties it owns*
- *Clarify that density cannot be transferred to the Historic District or LUD 1*
- *Establish a point in the development process (building permit issuance) prior to which approved density transfers must occur*
- *For TDRs subject to the IGA and purchased through the Upper Blue TDR Bank, note that number of units may be specified in the development approval but not the \$ amount (i.e., the price of TDRs change on an annual basis, thus an applicant cannot "lock" in a price).*

Amend section 9-1-17-12 of the Development Code as follows:

9-1-17-12: TRANSFER OF DENSITY:

- A. Town-To-Town Transfers: A transfer of density from one lot or parcel within the town to another lot or parcel within the town may be approved by the town council only in connection with the approval of a development agreement. ~~or~~ Density may be transferred between locations within a master plan through an approved original or amended master plan. Transfers of density from properties owned by the Town of Breckenridge may also be allowed, in conjunction with an approved development permit or by resolution of the Town Council. In no case may density be transferred into the Historic District or Land Use District 1. If a density transfer is approved, the transfer shall be evidenced by a written covenant which shall be in a form and substance acceptable to the town attorney. Such covenant shall provide: 1) the amount of density transferred; 2) the total amount of density remaining on the sending parcel; 3) the new total amount of density on the receiving parcel; and 4) an acknowledgment by the owner of the receiving parcel that the density which has been transferred may be used on the receiving parcel only in accordance with a separate development permit obtained in accordance with the requirements of this chapter. The covenant shall be recorded with the clerk and recorder of Summit County, and shall conclusively establish the amount of density on both the sending and receiving parcels as of the date of such covenant. Upon the execution of the density transfer covenant described above, the owners of both the sending and receiving parcels shall execute such documents as may be required by the director in order to assure that the records of the town correctly reflect the current amount of allowed density for both parcels. All requirements set forth above for transfers of density shall occur prior to approval of building permits for the transferred density.
- B. Other Transfers: A transfer of density to a lot or parcel within the town from either one lot or parcel located outside of the town, but within the Upper Blue River Basin, or pursuant to a certificate of development rights issued pursuant to that certain "Intergovernmental Agreement Concerning Transferred Development Rights between the Town and Summit

County, Colorado", as amended from time to time, may be approved by the town only in compliance with this chapter. In no case may such density transfers be allowed to transfer density into the Historic District or Land Use District 1. If such density transfer is approved, the transfer shall be evidenced by a written covenant which shall be in a form and substance acceptable to the town attorney. Such covenant shall provide: 1) the amount of density transferred; 2) the new total amount of density on the receiving parcel; and 3) an acknowledgment by the owner of the receiving parcel that the density which has been transferred may be used on the receiving parcel only in accordance with this chapter. The covenant shall be recorded with the clerk and recorder of Summit County, and shall conclusively establish the amount of density on the receiving parcel as of the date of such covenant. Upon the execution of the density transfer covenant described above, the owner of the receiving parcel shall execute such documents as may be required by the director in order to assure that the records of the town correctly reflect the current amount of allowed density on the receiving parcel. All requirements set forth above for transfers of density shall occur prior to approval of building permits for the transferred density. Development permit conditions of approval shall state the amount of density required to be transferred and shall not include specific dollar amounts for purchasing such density. The cost of purchasing density shall be based on the current rate established for sale of TDRs at the time of purchase, as outlined in the Intergovernmental Agreement.

Amendment 2. *Intent of these changes include:*

- *Referencing the 4A mass section of the Code related to the Neighborhood Preservation Policy, which further limits mass/density and would negate the "unlimited square footage" in certain subdivisions*

Amend Section 9-1-19 3. of the Development Code as follows:

3. **(ABSOLUTE) DENSITY/INTENSITY (3/A):** It is the intention of the town to limit the total intensity of development by limiting the maximum allowed square footage of each project. To accomplish this policy, the allowed base square footage for any specific project shall be based on the following methods for calculating square footages:

A. Commercial: Commercial, office, and certain residential uses' densities are designated within the land use guidelines in terms of a floor area ratio (FAR). All developments which lie in a district where the density is designated in the terms of floor area ratio shall continue to utilize the allowed density as calculated through the particular FAR as the basis for determining compliance with this policy.

B. Residential: Residential uses whose allowed densities are calculated in terms of units within the land use guidelines shall utilize the following square footage conversion tables to determine the maximum dwelling area allowed within a specific project. (The town requires dwelling units to be converted to square footage rather than units because the town has determined that the impacts of a development are more closely related to the total square footage of the project

than the number of units.) Furthermore, it is the intention of the town to encourage uses which have been determined to be needed and desirable for the general benefit of the town, and to discourage those uses which it determines provide little or no benefit or are a detriment to the community.

Conversion Table - Residential Uses

Within Conservation District:

Single-family	One unit = 1,600 sq. ft.
Duplexes and townhouses	One unit = 1,600 sq. ft.
Condominiums or boarding houses	One unit = 900 sq. ft.
All other residential (including bed and breakfast, apartment, and condo-hotel)	One unit = 1,200 sq. ft.

Outside Conservation District:

Single-family	One unit = unlimited sq. ft.*
Duplex included within site plan level development permit with net density of less than 5 units per acre	One unit = unlimited sq. ft.*
Duplex included within site plan level development permit with net density of 5 units per acre or more	One unit = 1,600 sq. ft.
Townhouse	One unit = 1,600 sq. ft.
Hotel, inn, motel, bed and breakfast	One unit = 1,380 sq. ft.
Condominiums or boarding houses	One unit = 900 sq. ft.
All other residential (including apartment and condo-hotel)	One unit = 1,200 sq. ft.

* Refer to Section 4/A A. for mass limitations in certain subdivisions that further limit density.

Amendment 3. *The intent of these changes are:*

- *Elimination of last sentence under D.4. that does not allow employee housing density to exceed LUGs guidance—this seems to conflict with sections 1 and 3, which provide bonus densities.*

Amend Section 9-1-19 3.D. of the Development Code as follows:

D. Employee Housing Density Calculations:

- (1) A maximum of ten percent (10%) of the density of a project which is located outside of the

conservation district shall be excluded from the calculated density of the project if such density is used to construct "employee housing" as defined in section 9-1-5 of this chapter. An employee housing unit which is located within the conservation district shall count against the density and mass of the project for which such unit was provided. Employee housing units that are condominiums shall be calculated as one thousand two hundred (1,200) square feet under subsection B of this policy.

- (2) There shall be no density bonus or adjustment allowed for employee housing constructed as part of a project located within the conservation district.
- (3) Notwithstanding subsection D(1) of this policy, a project located outside of the conservation district which consists of all employee housing units as herein defined, shall be allowed one hundred fifteen percent (115%) of its otherwise permitted density under the controlling development policy or document, including, but not limited to, the land use guidelines, master plan, planned unit development agreement or other controlling site specific rule, regulation or court order.
- (4) In connection with the annexation to the town of real property, the town shall establish the density for the property in accordance with the Summit County zoning density for residential uses or the town land use guideline recommended density, whichever is less. Density recommended for nonresidential uses under Summit County zoning shall not be recognized by the town. If upon such property there is to be constructed a project which includes one or more employee housing units as herein defined, the town may establish a density that exceeds the lesser of the county or town density, for the portion of the property devoted to employee housing, ~~without requiring a density transfer. However, in no event shall density on such a site exceed the density recommended in the land use guidelines as further interpreted by this code, unless density is transferred onto the site.~~

Amendment 4. *The intent of these changes are:*

- *Allow employee housing units to be provided within the Town of Breckenridge or unincorporated areas in the Upper Blue Basin, but not in the Town of Blue River. The 2011 update to the Joint Upper Blue Master Plan contains a policy that states the following: "Affordable workforce housing or buy-down units will not be located within the Town of Blue River to meet or fulfill County or Town of Breckenridge affordable housing requirements or obligations".*

Amend Section 9-1-19 24/R as follows:

24. (RELATIVE) SOCIAL COMMUNITY (24/R):

A. Employee Housing:

(2) General Provisions:

c. Employee housing units provided under this Section may be on- or off-site, but shall be within the Town of Breckenridge or other unincorporated areas of the Upper Blue River Basin.

(4) Restrictive Covenants: The owner of an employee housing unit which is restricted by a restrictive covenant as described in subsection A(2)f of this policy shall have the right to obtain the release of the restrictive covenant by substituting for the restricted unit another unit or property located in the Town of Breckenridge or other unincorporated areas of the Upper Blue River basin which satisfies the definition of "employee housing" set forth in section 9-1-5 of this chapter. Such right of substitution shall be subject to the town's approval of such substitute unit or property as being of comparable size and condition using the class D development permit process. No such substitution shall be permitted unless the substitute unit or property shall be subjected to a restrictive covenant as required by subsection A(2)f of this policy. (Ord. 4, Series 1998)

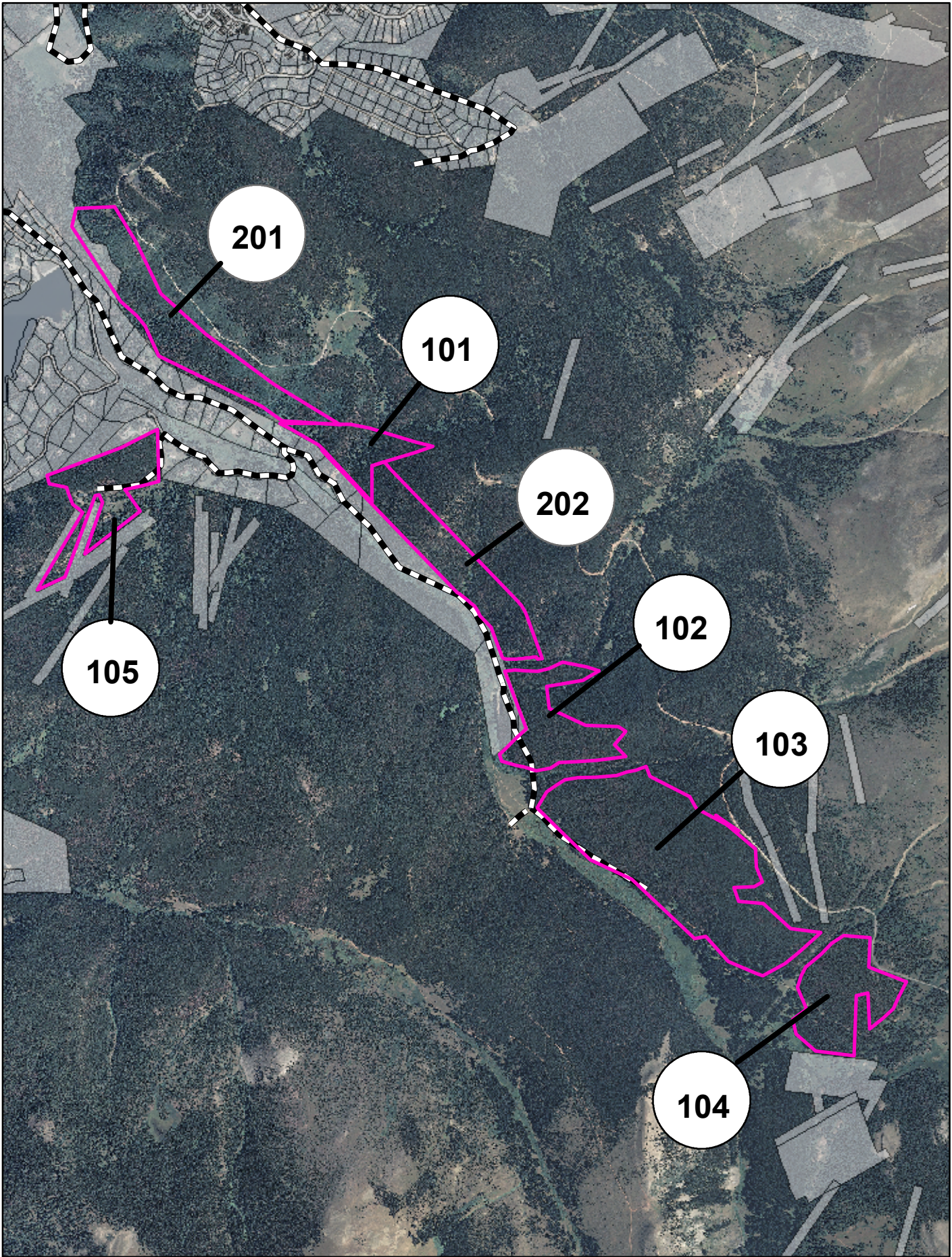
MEMORANDUM

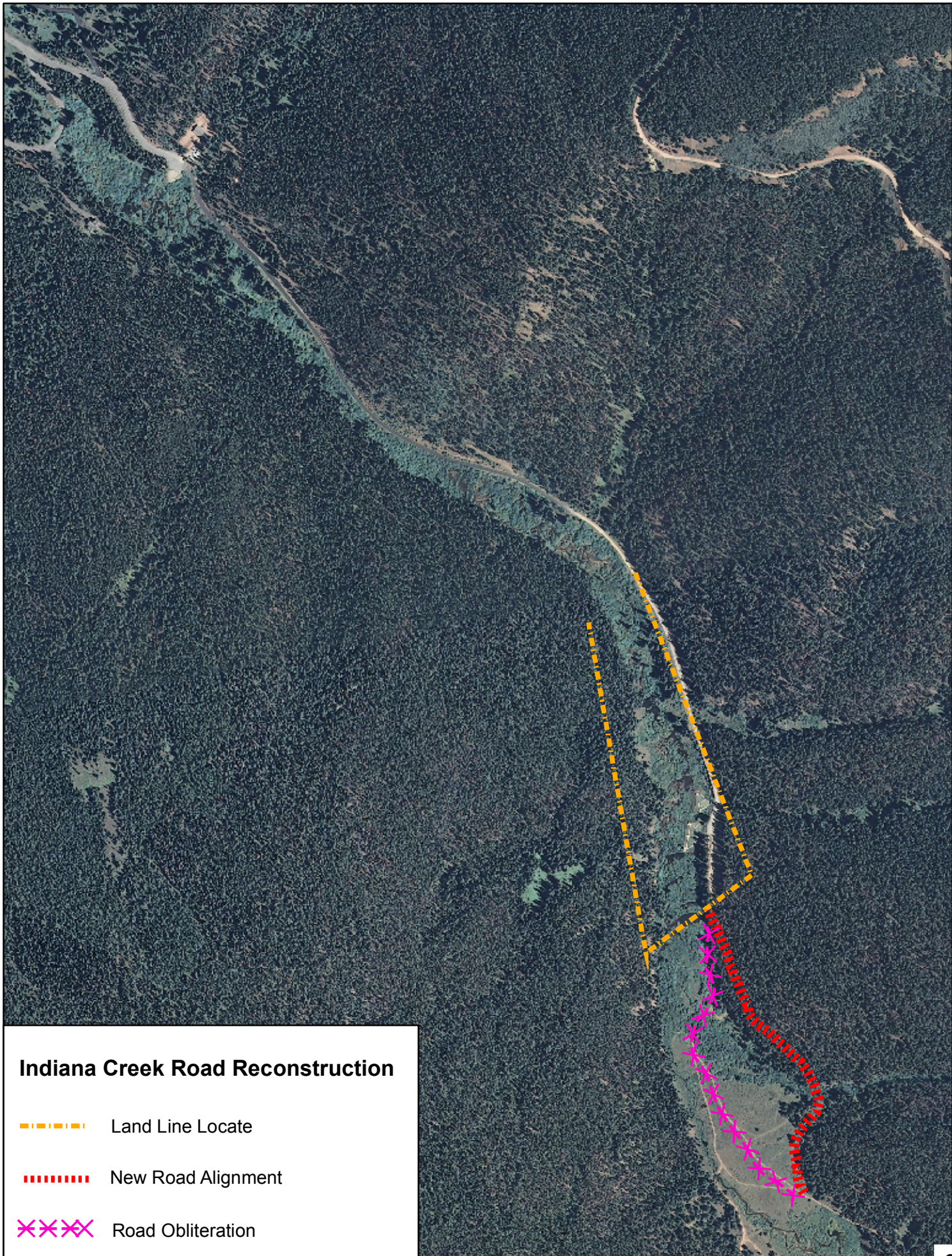
TO: Town Council
FROM: Matt Thompson, AICP
DATE: 1/17/2012
SUBJECT: USFS Breckenridge/Ophir Fuels Program Update

The Forest Service is moving forward with undertaking some forest fuel reduction projects in the Upper Blue Basin that are recommended as part of the USFS Breckenridge/Ophir Fuels Program. This memo is intended to provide an update on progress related to these projects.

- 1. Indiana Creek watershed:** The Forest Service would like to cut 368 acres in the **Indiana Gulch** area, leveraging matching funds from Denver Water. The number of acres will likely be smaller once the project is laid out on the ground. Also, the Forest Service would like to improve the dirt road so a wild land fire fighting truck could get in and out of the area safely. This cut could help to protect Breckenridge's water supply in the Goose Tarn Pasture. The Forest Service is waiting for a road use agreement with the Spruce Valley Ranch (SVR) home owners' association for access over their paved and private roads through the subdivision. Road reconstruction above SVR and cutting unit layout would possibly take place in 2012, if the USFS can come to terms with the SVR on the road use agreement. Contract to cut units would likely occur in 2013, if road use agreement is reached.
- 2. Dry Gulch:** The Forest Service would like to have this under contract in 2012. This would be a two-year contract to remove **80** acres of trees.
- 3. Peak 7 and Peaks Trail:** 35 acres near the "Green Gate" to the Peaks Trailhead is under contract, and work should begin in 2012.
- 4. Barton Creek (Peak 7 and Red Tail Ranch area):** 160 acres are proposed to be cut between Peak 7 and Red Tail Ranch. This cutting unit needs a road use agreement prior to starting.
- 5. Ophir Mountain and County Commons:** 500 acres are proposed to be cut in the Ophir Mountain/County Commons area. This project should be laid out and under contract in 2012.
- 6. Highlands Stewardship Project:** Approximately 420 acres are proposed to be cut, but the acreage will likely change once the project is totally laid out on the ground. The Forest Service is in the process of laying out the cut and still needs to cruise the property and get it under contract.

Staff will be available at the meeting to answer any questions the Council may have related to the fuels reduction projects.





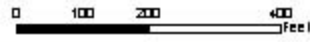


Peak 7 South Stewardship

T.6S, R.78W, Sections 25 and 36
Dillon Ranger District
Summit County, Colorado

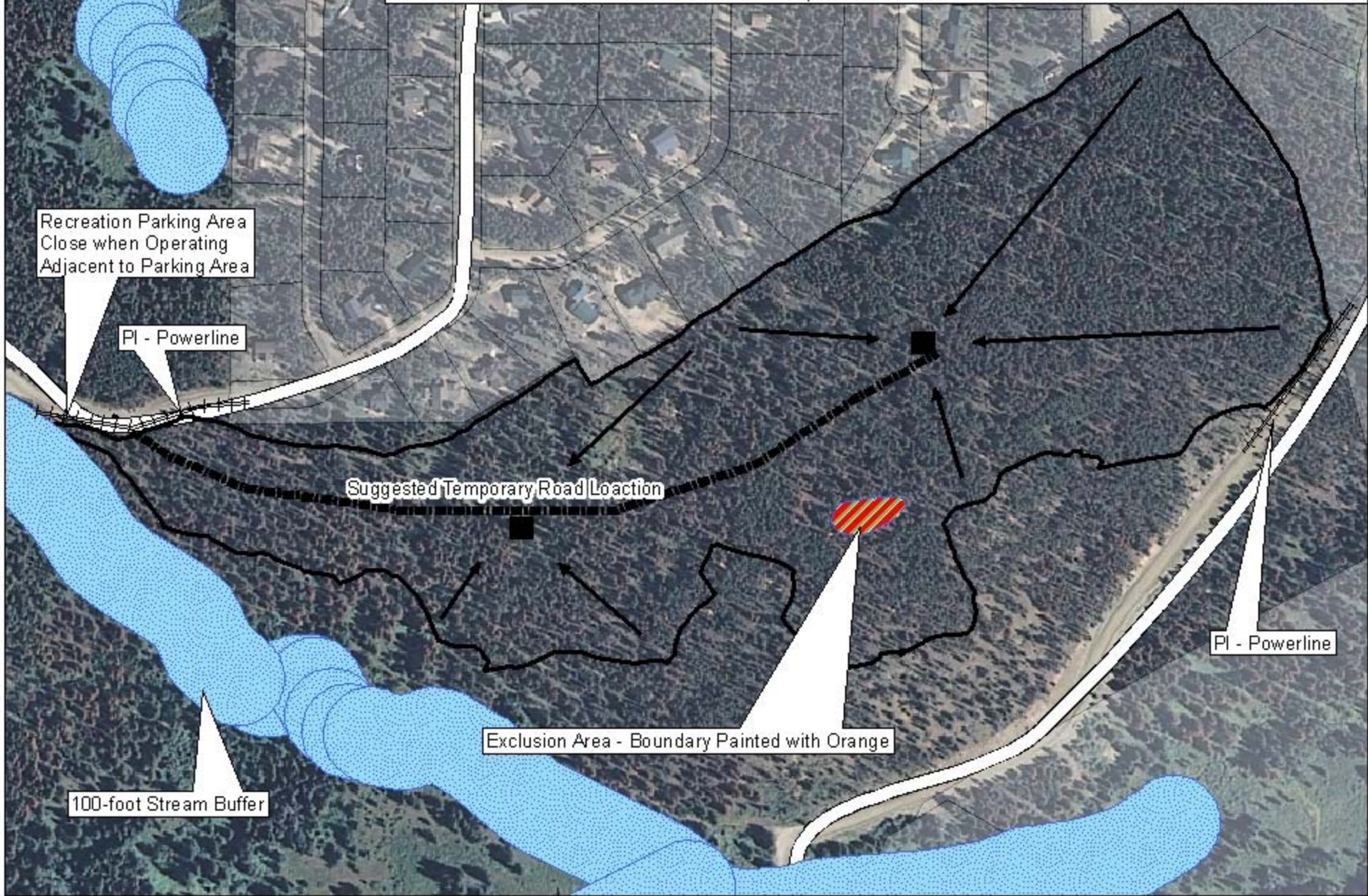
Silviculture Prescription:
Clearcut with Leave Trees

Scale:
1:3,500



Legend

- | | |
|-------------------|---------------|
| Unit Boundary | Landing |
| Exclusion | Skid Route |
| PI - Powerline | Stream Buffer |
| Temp Rd. Location | |

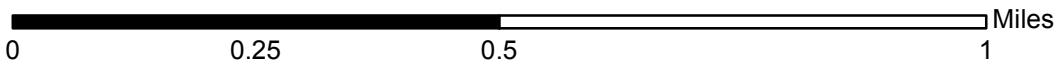




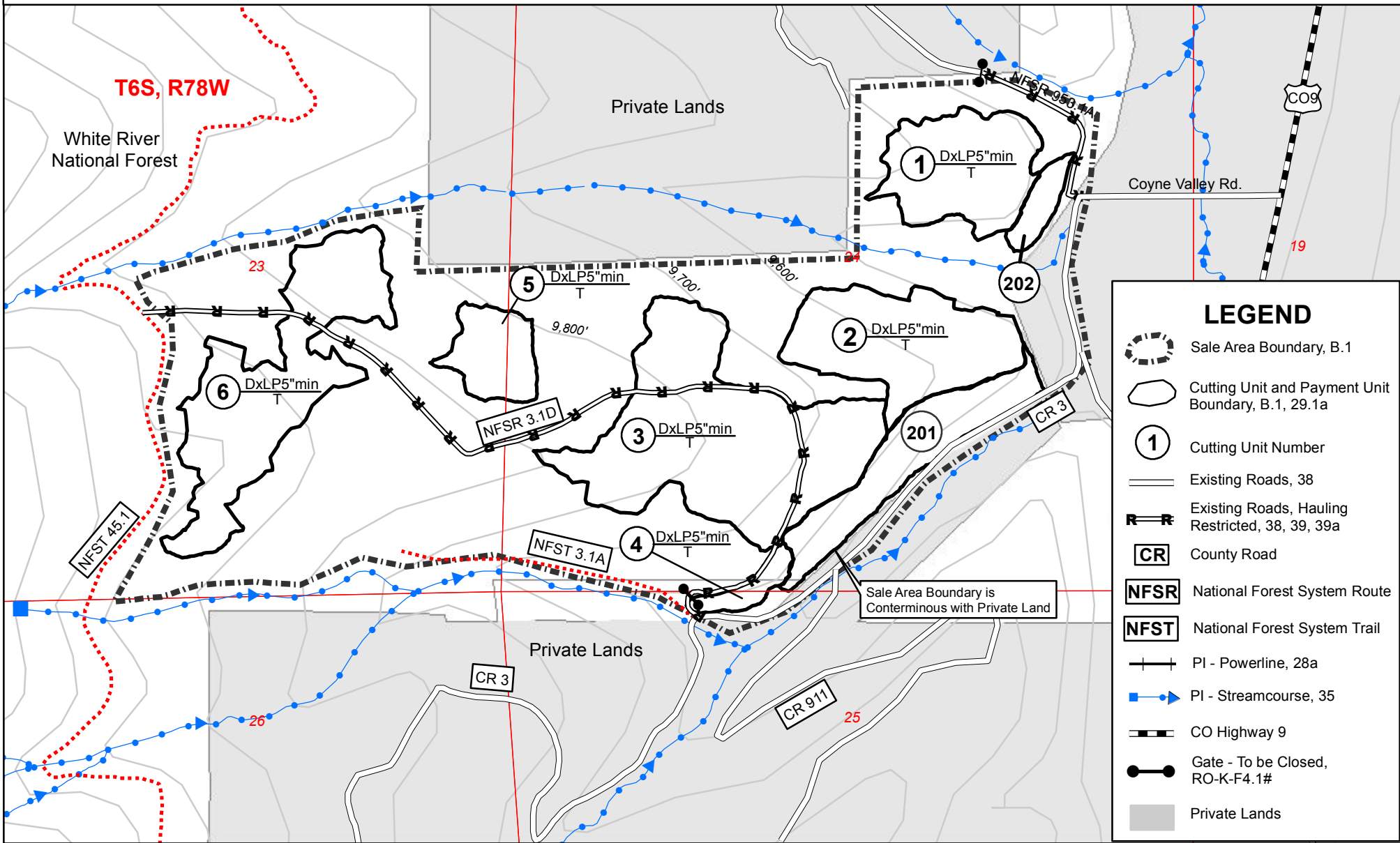
Scale: 1:12,500

Barton Creek Stewardship Dillon Ranger District White River National Forest Summit County, Colorado

Portions of Sections 23, 24 and 25
T. 6S, R. 78W; 6th Principle Merriidian
Summit County, CO

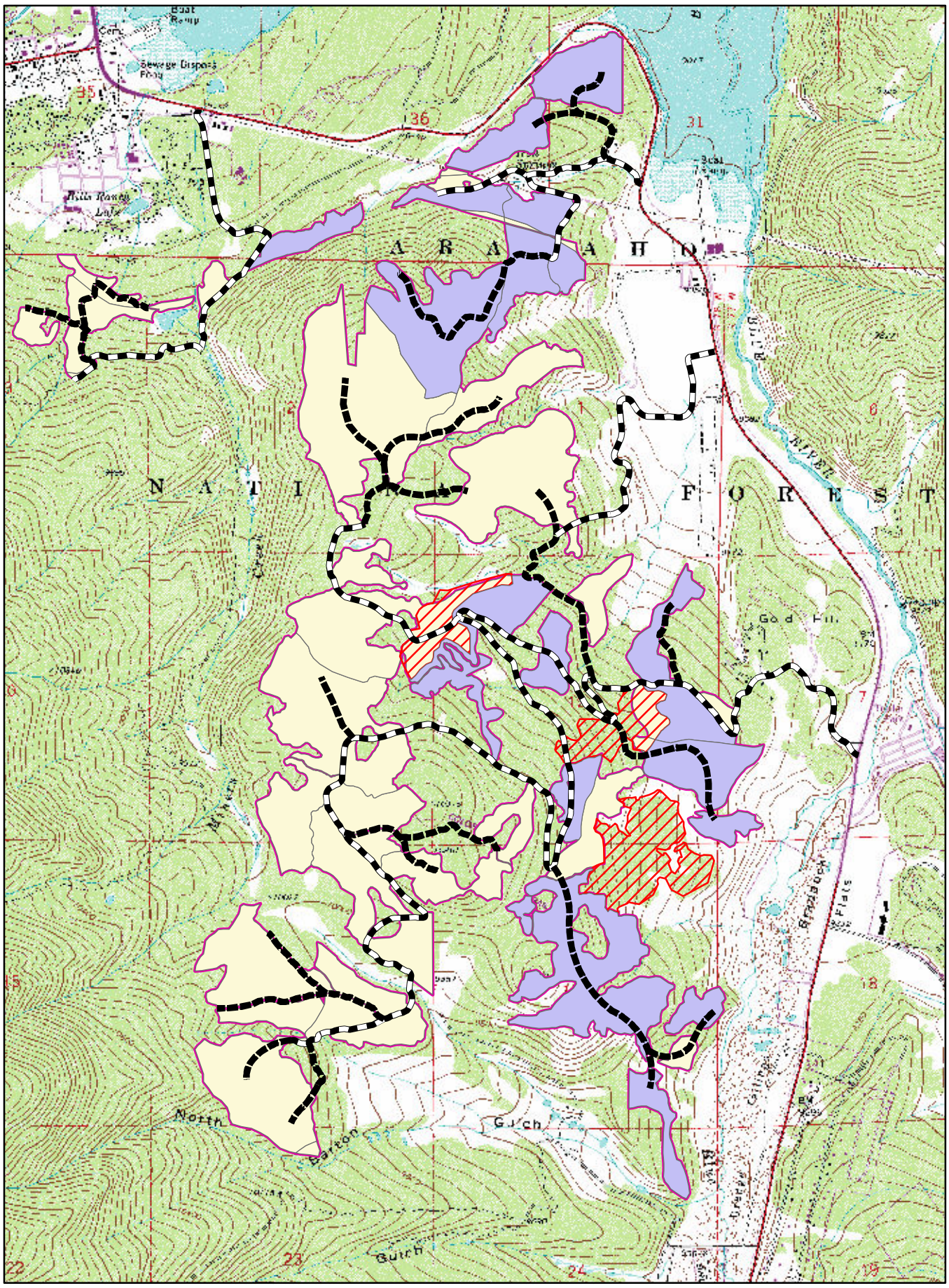


BCC 12/12/2012



LEGEND

- Sale Area Boundary, B.1
- Cutting Unit and Payment Unit Boundary, B.1, 29.1a
- Cutting Unit Number
- Existing Roads, 38
- Existing Roads, Hauling Restricted, 38, 39, 39a
- County Road
- National Forest System Route
- National Forest System Trail
- PI - Powerline, 28a
- PI - Streamcourse, 35
- CO Highway 9
- Gate - To be Closed, RO-K-F4.1#
- Private Lands



MEMO

Date: January 18, 2012
To: Town Council
From: Michael Mosher, Planner III, Community Development
Subject: Adoption of the “Handbook of Design Standards for the Transition Character Areas of the Conservation District”

The Town of Breckenridge has one of the largest historic districts in the state. The Town’s Historic District conveys the sense of character of the Town during its early phases of development. In the early 1990’s, the Town contracted with Winter and Company to create design standards to preserve and enhance the district. The *“Handbook of Design Standards for the Historic and Conservation Districts”* was adopted in 1992 and serves as design standards and rules for all development within the Historic and Conservation Districts.

The adopted Character Area Map for the Historic District identifies the surrounding “Conservation District” boundary and the “Transition Areas” boundaries.

- The Conservation District encompasses both the Historic District and Transition Character Areas.
- Transition Character Areas are areas within the Conservation District that lie outside the Historic District and serve as buffers from the impacts of development in newer areas of the community to the Historic District.
- The Historic District is a core area surrounded by the Conservation District and Transition Areas that contains the greatest concentration of historic structures / properties and most clearly conveys the sense of historic character of the Town.

As part of this process, Winter and Company also drafted the *“Handbook of Design Standards for the Transition Character Areas of the Conservation District”*. One purpose of the Transition Areas is to protect the edges of the Historic District from development that would cause an abrupt change in character, as viewed from within the Historic District. These standards were never completed or codified. Over time, Staff has been loosely using the un-adopted *“Handbook of Design Standards for the Transition Character Areas of the Conservation District”* as guidelines for the few newer developments that have been processed since the standards were drafted.

Several attempts have been made to finalize and adopt these standards, but there were issues with some boundary definitions and architectural character in some areas like the Briar Rose Transition Character Area.

Over the past year, Planning Staff has presented the Planning Commission with detailed reviews of the individual character areas in the un-adopted *“Handbook of Design Standards for the Transition Character Areas of the Conservation District”*. Similar to the adopted *“Handbook of Design Standards for the Historic and Conservation Districts”*, there are seven separate Character Areas or “Transition Areas” in the standards. (Please see the map included in the handbook.)

Our goal was to review each Transition Character Area individually and then compile the chapters into the final handbook for adoption by the Town Council. The Planning Commission has completed their review, Staff conducted a public Open House with notice mailed to over three hundred (300) property

owners, and we are recommending adoption of these standards by the Town Council. A summary of the review process follows.

We began the review process on March 2, 2010. At that time, Staff reviewed the “Overview” portion of the proposed “*Handbook of Design Standards for the Transition Areas of the Conservation District*” with the Planning Commission. In addition, we reviewed Chapters 4.0 and 5.2 of the “*Handbook of Design Standards for the Historic and Conservation Districts*”, which also relates to the Transition Areas. (Staff notes that Chapters 4.0 and 5.2 of the adopted “*Handbook of Design Standards for the Historic and Conservation Districts*” are the only currently adopted policies addressing both the Historic District and the Conservation District, which includes the Transition Areas. These sections are referenced in the “*Handbook of Design Standards for the Transition Areas of the Conservation District*”.)

During the review process, the Commission suggested renaming the individual Transition Areas as “Transition *Character* Areas” to match the existing wording in the Handbook of Design Standards and also recommended some minor changes to the definitions of the Conservation District, Transition Areas and Historic District (See handbook).

There are two other changes that will affect *all* of the Transition Character Areas (with the exception of the Briar Rose Transition Area). These include increasing the *above ground density* by 50% and increasing the allowed building height.

The maximum height of buildings would increase from the 23-feet to 26-feet (measured to the mean). The exception is the Briar Rose Transition Character area. With larger lots and greater separation from the Historic District, the Briar Rose area would be allowed 5 UPA of above ground density and a maximum overall building height of 35-feet (measured to the ridge).

Increasing the above ground density means that instead of the 9 units per acre (UPA) of above ground density typically recommended in the Historic District, 13.5 UPA of above ground density would be allowed. This greater above ground density was proposed in the drafted Transition Standards in 1992. In practice, the Town has been allowing this additional above ground density of 13.5 units per acre in the Transition Areas even though Chapters 4.0 and 5.2 of the adopted “Handbook of Design Standards for the Historic and Conservation Districts” calls for 9 UPA of above ground density. (Note that even though above ground density would change, the total zoned density would remain the same.)

Other key changes proposed for *Handbook of Design Standards for the Transition Character Areas of the Conservation District*” are listed below. (There were no significant changes to Transitions Character Areas #9, North Main Transition Character Area and #11, North End Residential Transition Character Area.)

- **#8 - River Park Corridor Transition Character Area**
 - Adjust western boundary of map to align with the west edge of the Blue River.
 - Define visual impacts of parking structures (See handbook for examples).
 - Delete Design Standard #296 regarding wetland protection (the current Town Code has provisions addressing this).
- **#10 - Briar Rose Transition Character Area**
 - Briar Rose is allowed 5 UPA and an overall Building Height of 35 feet. (Pursuant to a change in the Land Use Guidelines approved in 2002 and to the fact that the lots along

Briar Rose Lane are much larger with a greater separation from the Historic District. Therefore, 5 UPA is appropriate).

- Added an illustration to the handbook showing examples of solid-to-void* ratios (*the ratio of opaque wall to window openings on a given building exterior wall).
- Add some clarifications and descriptions for the Briar Rose Character area.
- Standards for front yard setbacks for garages were added.
- **#12 - East Side Residential Transition Character Area**
 - No paint necessary for siding in the area; stain shall be allowed.
 - Garages do not have to be placed at rear of lots as previously proposed.
 - Adjust Boundary Map to remove the upper portions of the lots along Gold Flake Terrace.
- **#14 - South Main Transition Character Area**
 - Remove reference to Core Commercial style architecture.
 - Reduce the required size of front and side yards the for residential character.

A Public Open House was held on August 22, 2011 in the Council Chambers. All property owners within the Transition Areas were noticed for the Open House. The public turnout consisted of a total of 6 persons. All attendees interacted with planning staff and a presentation was made describing the concept and process of the Transition Standards.

All attendees were supportive of the proposed character and concept of the Transition Area proposal. One attendee noted an error in the advertised map for the East Side Residential Transition Character Area. This was corrected and a notice was published in the Summit Daily News immediately following. No other changes were needed after the meeting.

The Planning Commission and Staff recommend approval and adoption of the *“Handbook of Design Standards for the Transition Character Areas of the Conservation District”*. The final draft of the booklet is included for you review.

Staff will be available to discuss any concerns and questions at the worksession.

HANDBOOK OF DESIGN STANDARDS FOR THE TRANSITION CHARACTER AREAS OF THE CONSERVATION DISTRICT



**Handbook of Design Standards
for the
Transition Character Areas
of the
Conservation District
Breckenridge, Colorado**

January 2012

Winter & Company
Boulder, Colorado

Community Development Department
Breckenridge, Colorado

CREDITS

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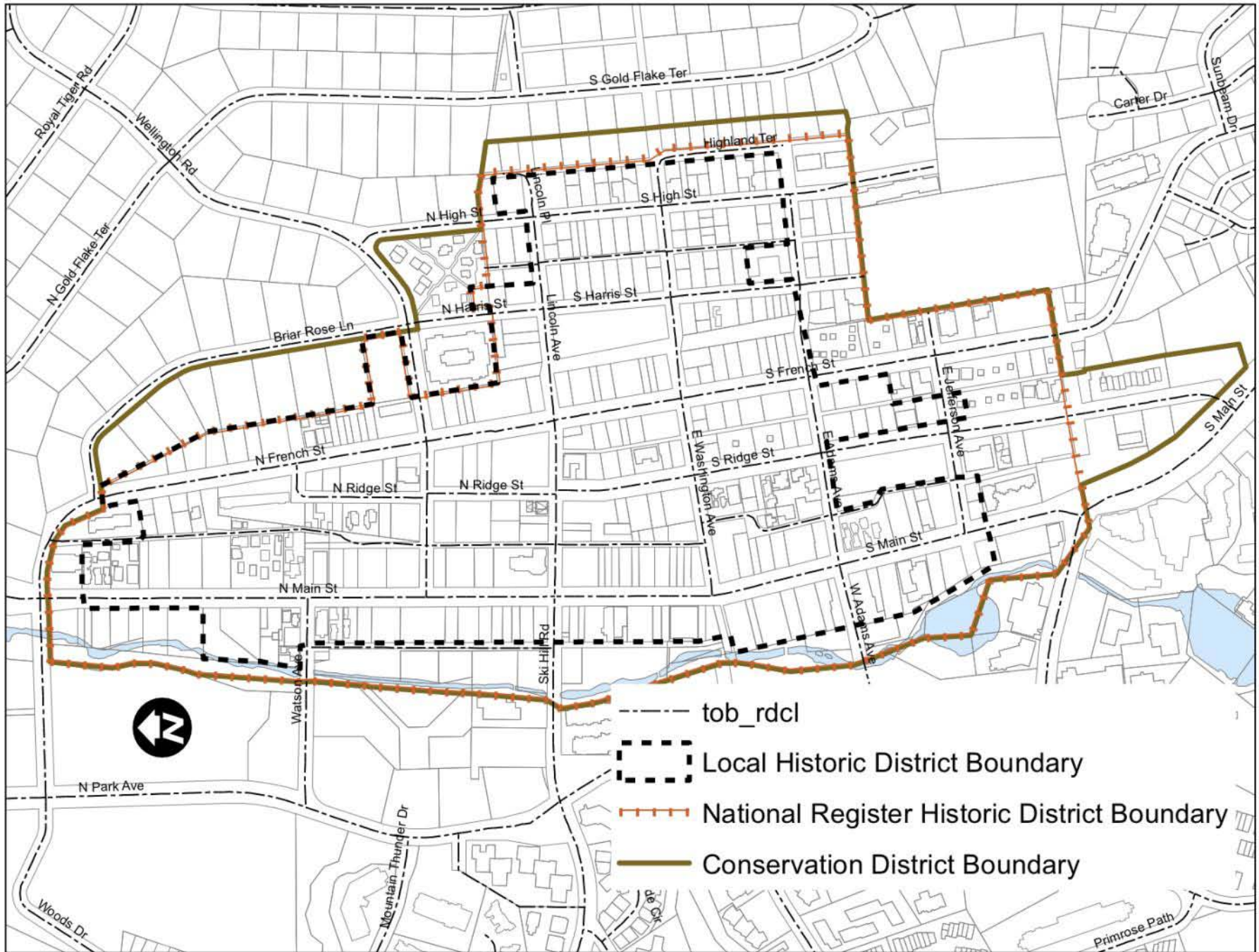
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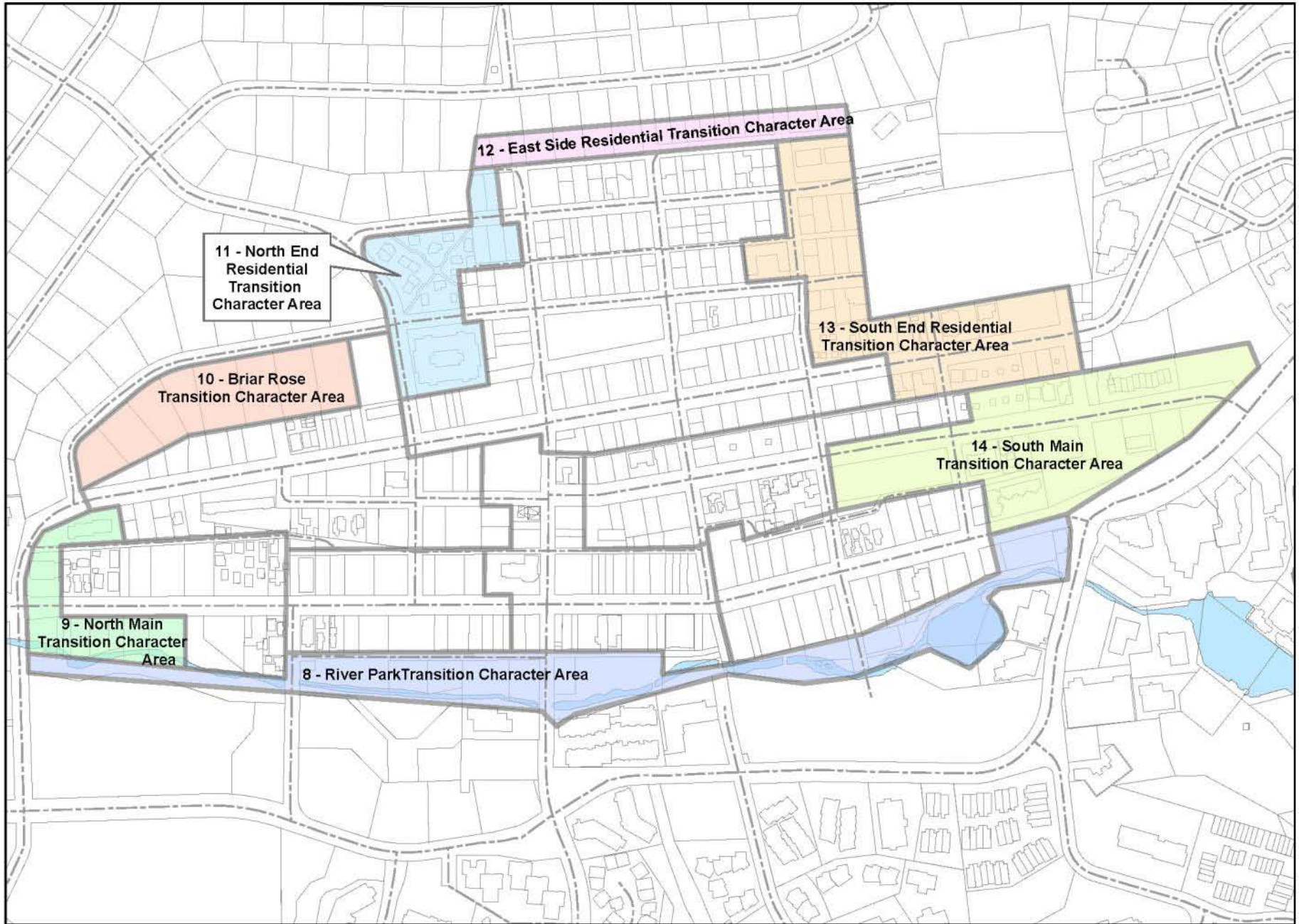
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Note that the General Design Standards in the Town of Breckenridge Handbook of Design Standards for the Historic and Conservation Districts also apply to all properties in the Conservation District.

SPECIAL AREAS MAP



CHARACTER AREAS MAP



Transition Character Area Boundaries

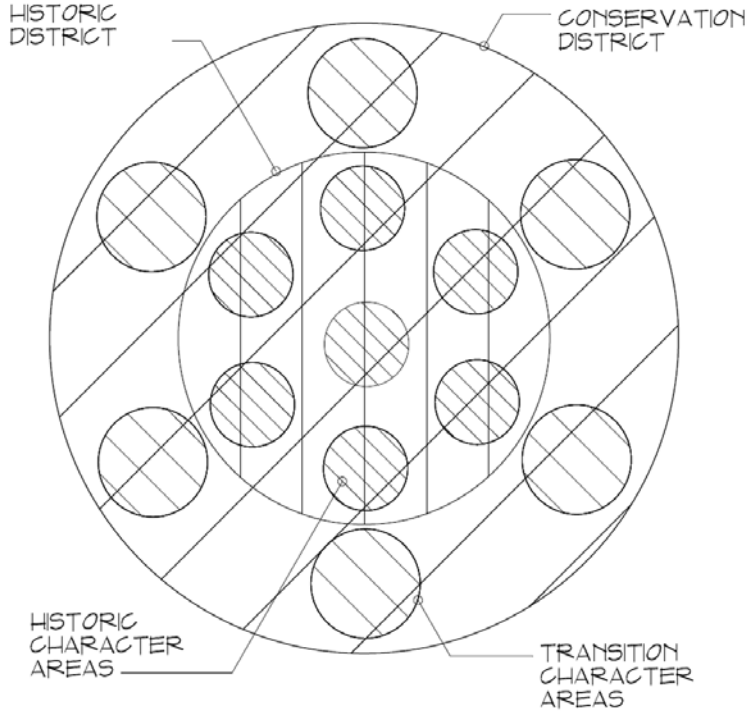


Introduction

The Conservation District is an area surrounding and encompassing the Historic District and Transition Character Areas. The Conservation District has been determined by the community to contain resources of value to the community, together with any adjacent area that may have substantial impact such that design review of new development is deemed necessary. The outer boundary of the Conservation District defines the outer edges of the Transition Character Areas.

Transition Character Areas are areas within the Conservation District that lie *outside* the Historic District and serve as buffers from the impacts of development in newer areas of the community to the Historic District. Development in the Transition Character Areas visually contributes to the traditional character of the core of the community. Within the Transition Areas, there are individual Character Areas that have specific design standards relating to the adjacent Historic Districts.

The Historic District is an area surrounded by the Conservation District and Transition Areas that contains the greatest concentration of historic structures / properties and most clearly conveys the sense of character of the town during its early phases of development. Within the Historic District, there are individual Character Areas that have specific design standards addressing the early phases of development unique to that part of the district.



Overview

The Town of Breckenridge has defined a series of Transition Areas surrounding the Town's Historic District that serve as buffers from the impacts of development in newer areas of the community. Each of these Transition Character Areas exhibits different features that require slight variations in design policies.

Portions of the Transition Areas were once contained in an earlier historic district boundary, but were designated to be Transition Areas in the Conservation District when the historic district boundary was re-drawn in 1991. Other areas, such as portions of Park Avenue, were defined as Transition Areas at that time as well. Traditionally, these areas have been a part of the Town and they bear many similarities with the historic core. But remaining historic buildings only occur as isolated buildings in a few of the Transition Areas.

In general, the Conservation District is an area where the scale and character of buildings is similar to that found in the historic core, but where few historic buildings are actually found. While it is not appropriate to consider the area a historic district, the Town does wish to direct development such that it will contribute to the traditional character of the core of the community. A major concern is that these neighborhoods should have a human scale, enhance livability, and appear to be visually related to the traditional Town core.



Portions of the Transition Character Areas lie to the east and west of the Historic District in Breckenridge. The Historic District lies in the beyond the Transition Character Areas, in the foreground.

Goals for the Transition Areas

The Town holds two primary design goals for the Transition Areas:

Goal 1: To buffer the edges of the Historic District

One purpose of the Transition Areas is to protect the edges of the Historic District from development that would cause an abrupt change in character, as viewed from *within* the Historic District. In this sense, the Transition Areas serve as a transition from the Historic District to outlying areas. By doing so, the integrity of the Historic District will be preserved. A key concern, therefore, is how the edges of the Historic District may be affected by development within the Conservation District. This new development should create a smooth transition from the Historic District to outlying areas. To do so, architecture should have some characteristics that are similar to those seen historically, without directly imitating the historic buildings.

Goal 2: To establish and enhance a sense of neighborhood identity

Another reason for establishing the Transition Areas is to retain a sense of scale and feeling of “neighborhood” such as seen traditionally in the Historic District, in the interest of promoting livability and stability of residential areas. Many of the recent buildings that are located in the Conservation District convey an appealing sense of scale that is especially attractive to pedestrians and may encourage long-term occupancy. Building elements, such as porches, and landscape features, such as front yards, are examples of components of the neighborhoods that give them a sense of identity and pedestrian scale.



One purpose of the Transition Area within the Conservation District is to protect the edges of the Historic District from building that would cause an abrupt change in character or have a negative impact upon the street scene, as viewed from within the Historic District.

Scope of the Design Standards for the Transition Areas

The design standards for the Transition Character Areas within the Conservation District address design at a more general level than those for the Historic District. The mass and scale of buildings are of particular concern, as is the orientation of structures on their sites. Other site design issues are also considered, such as the placement of parking areas. They do not address some of the more detailed aspects of design that are more of a concern in the Historic District.

These standards apply in addition to those in the Town’s Development Code and other relevant policy documents. Applicants should carefully consider these other regulations while developing their design concepts. The Development Code uses a scoring system to determine the appropriateness of proposed development projects and as a part of that scoring system, substantial compliance with these design standards is required.

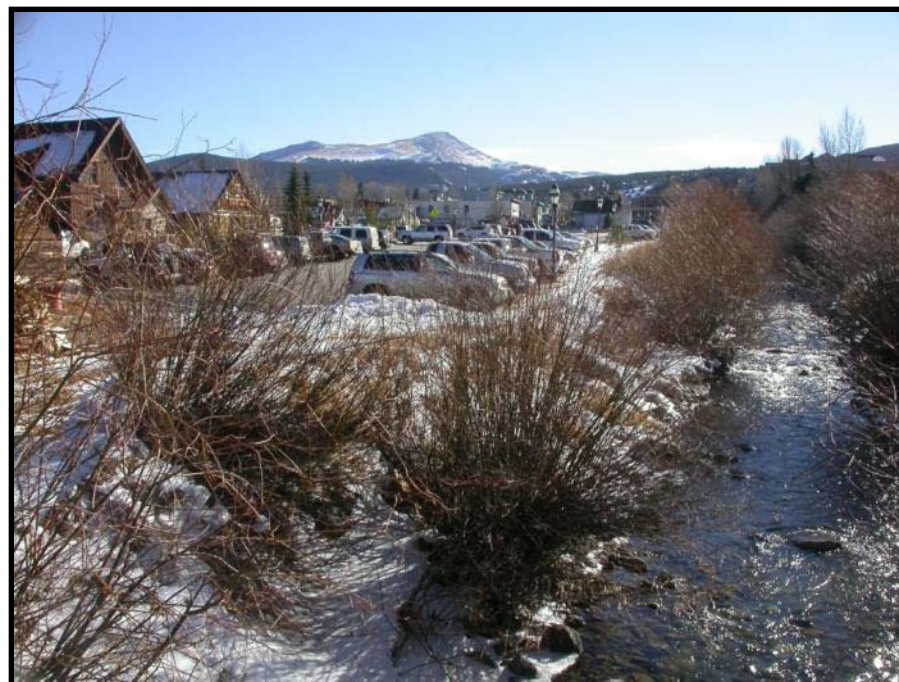
Priority Standards

Some standards have a high priority and, according to Section 9-1-19-5-A of the Development Code, projects *must* meet these standards in order to be considered in “substantial compliance” with the code provisions. These high priority standards have a “P” in a circle adjacent to the guideline statement: **P**

In addition to the design standards contained in this document, all of the “General Design Principles for All Projects,” pp 19-26 in the Town’s “Handbook of Design Standards for the Historic and Conservation Districts” apply to the entire Conservation District.

Substantial compliance with the remaining non-priority designated policies is required for all developments as well.

Failure to achieve substantial compliance with the non-priority policies will result in negative points being assigned to the application pursuant to Policy 5, Relative, Architectural Compatibility, of the Development Code.



In some cases, a strong sense of neighborhood identity has not yet emerged, and in these areas the objective is to create a sense of neighborhood by promoting the use of design elements that will enhance the streetscape. This is especially true in those areas where a mix of uses is more likely and in new developing areas.

How to Use the Design Standards

The design standards should be used in three ways:

First, when one is considering the purchase of property in the Conservation District, the design standards should be consulted to gain a general sense of the character of design that will be appropriate. In this regard, real estate agents should also advise their clients of the design standards and the influence they may have upon potential development of the property.

A second, and very important consideration, is when a design is being developed for a property in the Conservation District. Property owners are encouraged to engage a professional architect at the outset to develop designs for their properties for these projects. (In most cases, a Colorado State Licensed Architect may be required by Code. See the Department of Community Development for details.) Designers should review the standards in detail and consult with the Community Development Department before proceeding with schematic design and they should refer to individual standards frequently during the design process. The objective should be to meet all of the design standards as possible from the outset.

Finally, the Planning Commission and the Community Development staff will use the design standards to make determinations about the appropriateness of proposed designs prior to review by the Planning Commission and the Town Council. In formal public hearings, the Commission will refer to the standards as a part of its review of submitted designs.

Note:

*Also see: The "Overview" portion of the proposed "Handbook of Design Standards for the Transition Character Areas of the Conservation District" and Chapters 4.0 and 5.2 of the adopted "Handbook of Design Standards for the Historic and Conservation Districts". **

General Standards for the Transition Areas

These standards apply to all projects throughout the Transition Areas

Impact on Historic Structures within the Conservation District

Policy:

Although historic preservation is not an overall objective of the Transition Areas, some individual historic buildings are found within the Transition Areas, and these are considered extremely important resources to the community. These structures, therefore, should be treated with the same level of respect as those found within the Historic District.

Design Standards

P 256. When considering alterations to individual historic buildings in the Conservation District, the design standards for the rehabilitation of historic properties, found in the Town of Breckenridge Handbook of Design Standards, shall apply.

- Also note that, when planning a new building that is adjacent to historic properties, special consideration should be given to minimizing negative impacts on historic structures. Such negative impacts are usually structural, and may include undermining foundations by over-excavating or causing drainage to flow toward historic building foundations.



When considering alterations to individual historic buildings in the Conservation District, the design standards for the rehabilitation of historic properties, found in the Town of Breckenridge Handbook of Design Standards, shall apply.



New buildings should step down in scale along the edges of properties that lie adjacent to smaller historic properties. This side shed helps reduce the perceived scale of this new structure in relation to the adjacent historic structure.

P 257. New buildings should step down in scale along the edges of properties that lie adjacent to smaller historic properties.

- In general, buildings of one and two stories that are similar in height to those seen historically are more appropriate.
- Also locate one-story wings along the edges of properties that abut historic buildings to reduce the perceived sense of building scale.

Impact on Edges of the Historic District

Policy:

While the scale of new buildings that are adjacent to individual historic structures is a concern, the impact of new building upon the edges of the Historic District itself is of special concern.

Design Standard:

P 258. Where new buildings in the Conservation District are to be built near the edge of the Historic District, they should step down in scale to more closely match the scale of historic buildings found within the Historic District.

- In general, building heights should appear to be similar to historic heights when near the edge of the Historic District.
- Building widths also should appear similar to historic widths in such a context.
- If nearby historic buildings are one story in height, then new structures should step down to a similar dimension; if nearby historic buildings are two stories in height, then matching that dimension is appropriate.

Mass and Scale

Policy:

In their overall dimensions, new buildings in the Conservation District may be moderately larger than those in the Historic District. It remains important, however, that new building should help to enhance the sense of neighborhood and establish a pedestrian- friendly environment. To do so, buildings and their subordinate components should have a human scale. Any increase in building size, therefore, should be gradual, increasing in scale as development moves farther out from the edge of the Historic District.

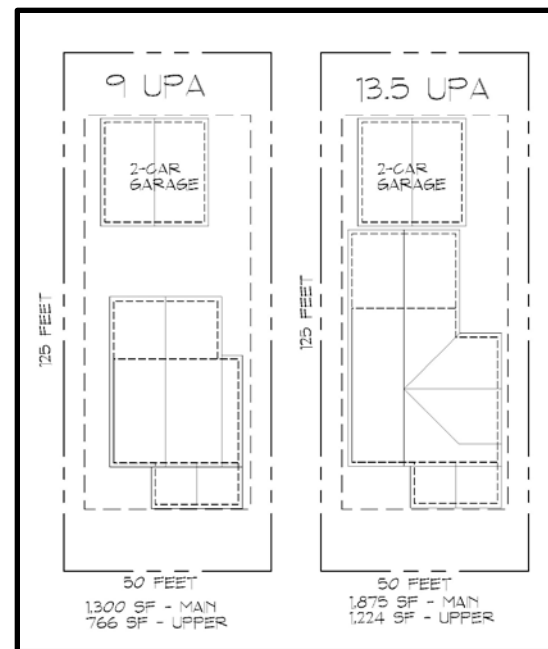
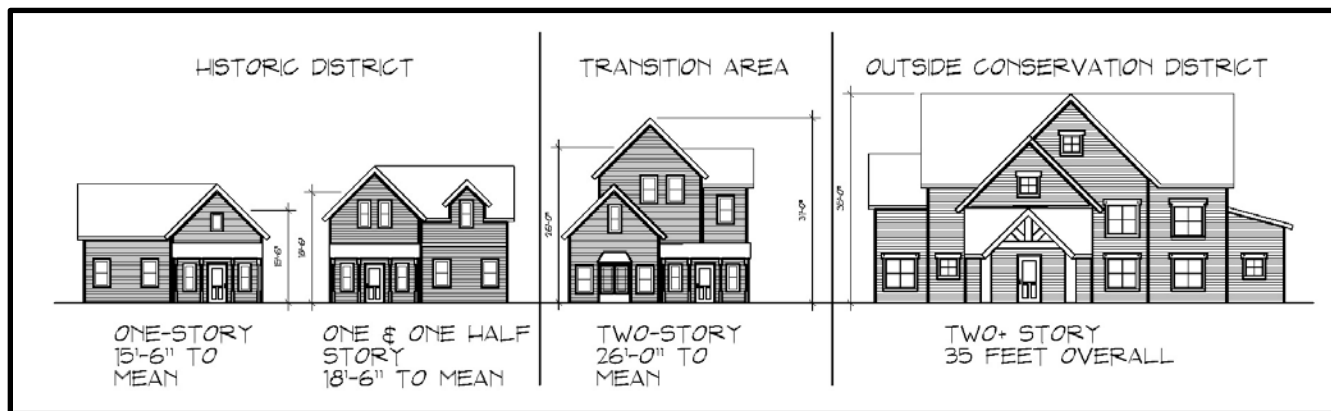
Design Standards:

P 259 Buildings should convey a sense of pedestrian scale.

- A building that is composed of a set of smaller masses is preferred in order to reduce the overall perceived mass of the structure.

P 260. Buildings should not be dramatically larger than those found in the neighboring character areas within the Historic District.

- Structures shall appear no more than 50% larger than those found in the neighboring character areas within the Historic District.
- 13.5 UPA (50% more than 9 UPA) represents the maximum allowed above ground density.



Buildings should not be dramatically larger than those found in the historic district.

Roof and Building Forms

Policy:

Historically, buildings had simple forms. Basic rectangular shapes were seen, some in modest combinations in which one form appeared to be the main structure and smaller wings appeared as subordinate additions. New buildings should appear to be similar in form to those found traditionally in Town, in order to establish a sense of visual continuity between new development and the established core. A greater variety in the interpretation of building forms is appropriate in the Transition Area as compared with the Historic District.



In residential areas, a gable roof should be the primary roof form.

Design Standards:

- **P** 261. In residential areas, a gable roof should be the primary roof form in an individual building design.
 - Buildings that have a combination of sloping roof forms are encouraged because this configuration will help to reduce the perceived scale of building.
 - The use of dormers is encouraged to break up large roof surfaces and thereby reduce their perceived scale.
 - Mansard, A-frame, barrel and flat roofs are inappropriate.
 - Simple combinations of gable and other roof forms are appropriate.
 - A shed roof also is inappropriate as the primary roof form. It may be considered for a subordinate roof element or a secondary structure.
 - Mechanical equipment should be hidden; incorporate it into roofs.

- **P** 262. A simple rectangular mass should be the primary building form of a new building.
 - Buildings that appear to be an assemblage of a set of rectangular building forms are particularly encouraged.

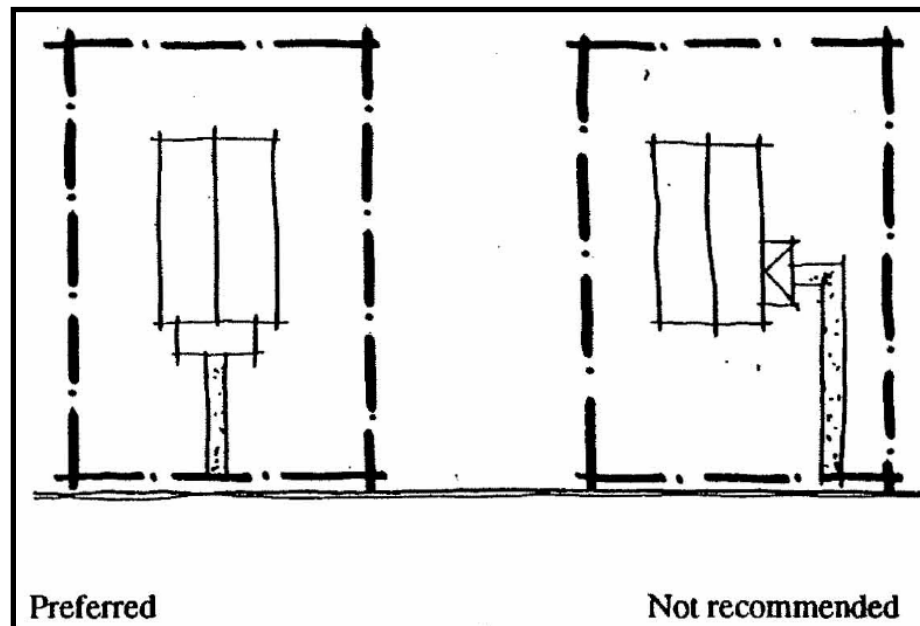
Pedestrian Orientation

Policy:

All development within the Conservation District should enhance the streetscape as a pedestrian-oriented experience.

Design Standards:

- P** 263. Orient the primary entrance toward the street or other major pedestrian way.
- This will provide visual interest to pedestrians and help establish a sense of pedestrian scale.
264. Clearly identify primary entrances.
- These should also be oriented to the street or other major pedestrian ways.
 - In residential contexts, provide porches or stoops with projecting roofs to identify entrances.
 - Wood decks are inappropriate at primary entrances.
265. A building's mass should step down in scale as it approaches the street or other major pedestrian ways.
- One-and-a-half story elements facing the street are encouraged in residential contexts.
 - In commercial and mixed-use contexts, two-story elements are encouraged along the edges of major pedestrian ways.



Orient the primary entrance toward the street or other major pedestrian way.



These features help to establish a sense of human scale in this new construction design.

P 266. Incorporate features that help to establish a sense of human scale in new construction.

- Use materials and building components in sizes that are typical of historic buildings in the Historic District. Some typical building materials, when used in sizes seen traditionally, help to establish a sense of human scale. Examples are wood siding (in a lap dimension of no greater than four and one-half (4 1/2) inches), vertical siding or natural stone foundations no taller than 12-inches.
- Windows and doors in sizes typical of historic buildings in the Historic District also help establish a sense of human scale.
- Step down buildings with smaller forms, including shed addition and porches.

Automobiles and Parking

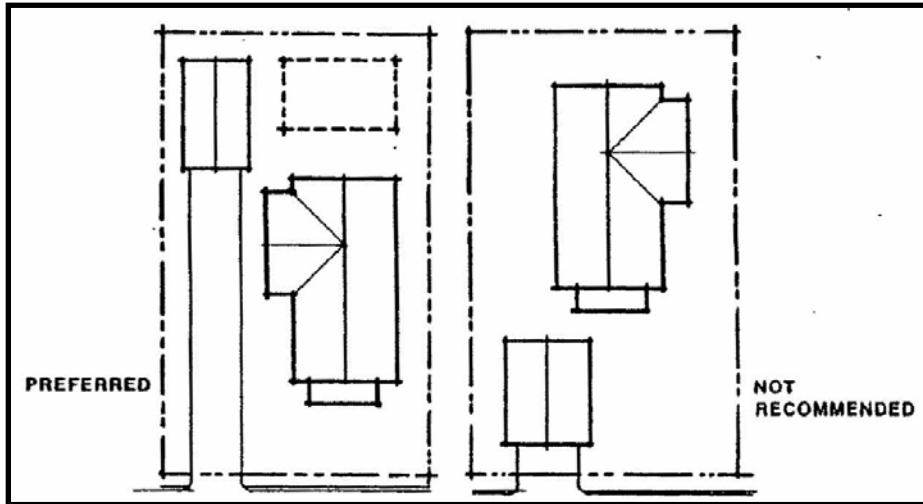
Policy:

The visual impacts of automobiles should be minimized throughout the Conservation District. A particular concern is that garages not dominate the primary façade.

Design Standards:

267. Minimize the visual impacts of garages.

- Avoid locating garages such that they dominate the primary façade.
- Minimize garage door widths. When a garage door will face the street, use single car garages. (Consider parking in tandem.)
- On larger lots, orient garage doors such that they are perpendicular to the street, to minimize their visibility.
- See also individual guidelines for each Transition Character Area in the Conservation District.
- Consider using detached garages to minimize the scale of buildings.



Minimize the visual impacts of garages. Locating a detached garage to the side or rear of a primary structure is preferred.

General Design Standards

268. Minimize the visual impacts of driveways.

- Keep the driveway width to a minimum. The entire front of a property should not be paving materials.
- Locate outdoor parking areas to the side or rear of the primary structure where feasible.
- Use paving materials, textures and colors that are muted and that distinguish driveways from the street. Textured and colored concrete or interlocking pavers are preferred.
- Use landscape elements to screen parking areas where feasible.

Orientation to the Grid

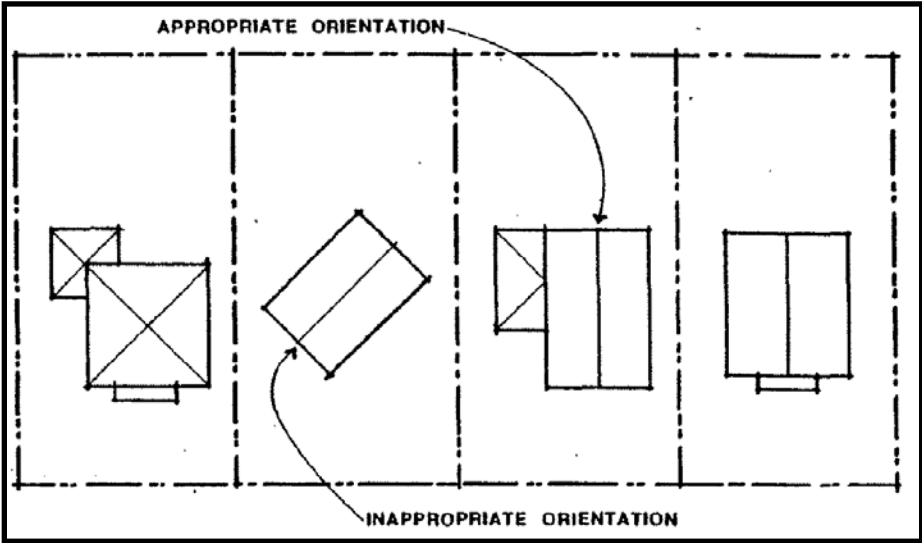
Policy:

In most areas of the Conservation District, the primary axis of a building should be oriented in line with the established Town grid, specifically, in an east-west direction. Greater flexibility in building orientation may be considered, however, on larger, outlying parcels, where an internal focus of the site organization may be considered.

Design Standard:

269. Orient primary structures such that they will align with the established town grid.

- This is especially important east of Main Street.
- In general, the main ridge of a structure should run perpendicular to the street.



Orient primary structures such that they will align with the established town grid.

Building Setbacks

Design Standard:

270. Use building setbacks that are similar to those in comparable neighborhoods.

- In residential neighborhoods, buildings should be set back, with front yards that are similar to those seen on other historic building sites in the area.
- In commercial neighborhoods, storefronts should align at the sidewalk edge, although some variety in setback within a project is appropriate.
- In the River Park Corridor, a variety of set-backs is encouraged, with the objective being that the edges of sites here should be pedestrian-friendly.

Architectural Style

Policy:

Buildings should “relate” in character to those seen traditionally in town, but new buildings should not be identical, stylistically, to those in the Historic District. Greater flexibility in the expression of building styles is appropriate on outlying parcels.

Design Standards:

271. Contemporary interpretations of structures traditionally found in Breckenridge are encouraged in the Transition Character Areas.

- Buildings should be simple in character and consistent in their design.
- Historic imitations are discouraged.

P 272. Exterior split level design styles are not traditional in character and are therefore strongly discouraged in the Conservation District.

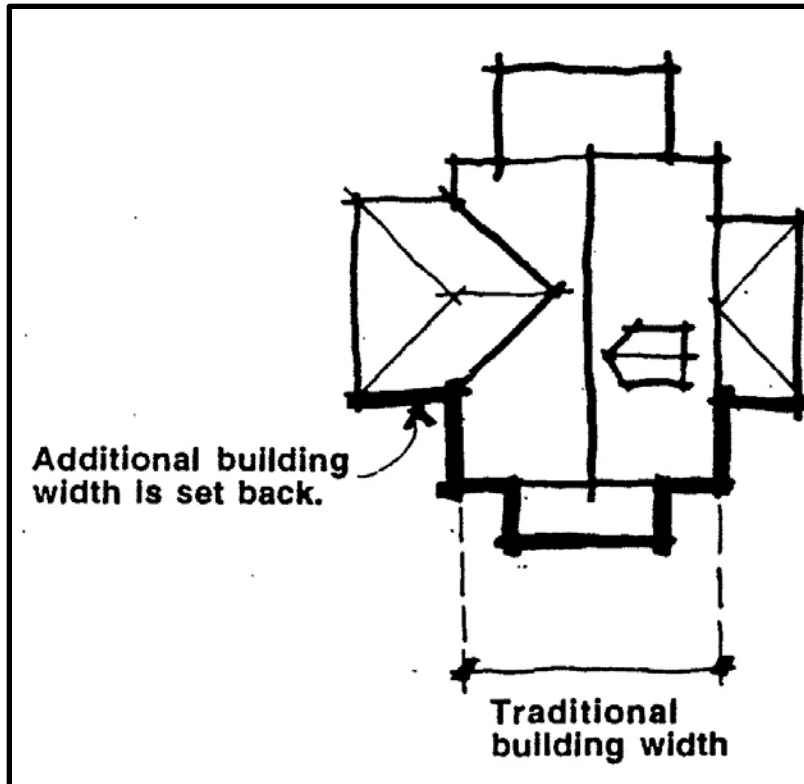
- Split level design styles are not appropriate on the primary façade or oriented to the public right-of-way.
- The design style may be used in limited amounts on the back of buildings if it is not visible from a public right-of-way such as the Riverwalk.
- On sloped sites, the front façade shall appear as a full story, starting from near the grade.

Building Materials

Design Standard:

P 272a. Use materials that appear to be the similar to those seen historically.

- Greater variety in materials may be considered in the Transition Character Areas than in the Historic District.



Buildings should include components that appear similar in width to buildings seen traditionally. In this design, the primary façade is similar to widths of buildings seen traditionally. Other portions are set back to reduce the perceived width of the structure.

Policy:

In general, buildings may be wider than those seen in the Historic District, however, the primary façade that faces the street should appear similar in width to those seen traditionally. All façades also should be composed of a series of smaller wall planes that repeat proportions of façades found on historic buildings in the Historic District. Composing a design to be a combination of familiar widths is therefore encouraged.

In predominantly residential neighborhoods, which typically are located on the east side of Main Street, residential building styles are typical. In the commercial neighborhoods, commercial storefronts are typical. These establish the typical façade widths that should be respected in these contexts.

Design Standard:

P 273. Buildings should include components that appear similar in width to buildings seen historically.

- These components may be combined to create overall building widths that exceed those seen historically in similar neighborhoods of Breckenridge, as seen in the adjacent sketch.
- In residential neighborhoods, the primary façade should appear to be similar in width to those seen historically on houses in town.
- In commercial neighborhoods, the primary façade should appear to be similar in width to storefronts seen historically in town.
- In the River Park Corridor Transition Character Area, buildings should include widths that are similar to both residential and commercial buildings that were seen historically in the core of town.

Solid-to-Void Ratio

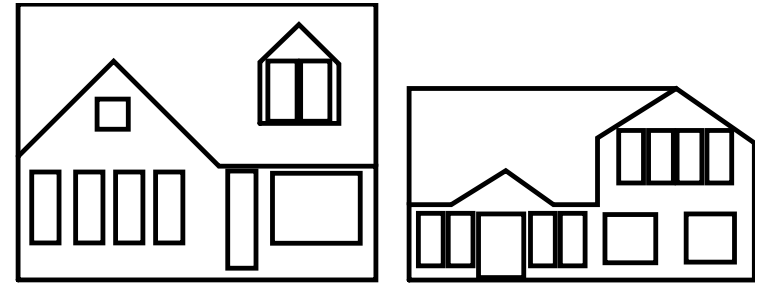
Policy:

Traditionally, most buildings in Breckenridge appeared as solid masses, with smaller openings for doors and windows cut out of the wall planes. Proportionately, the ratio of solid to void was high. This is especially true of residential structures. Storefronts had a higher ratio of glass at the ground level, but upper stories were more like residential ratios with less glass. This relative proportion of solid-to-void should be continued, although with some flexibility, in the Transition Character Areas.

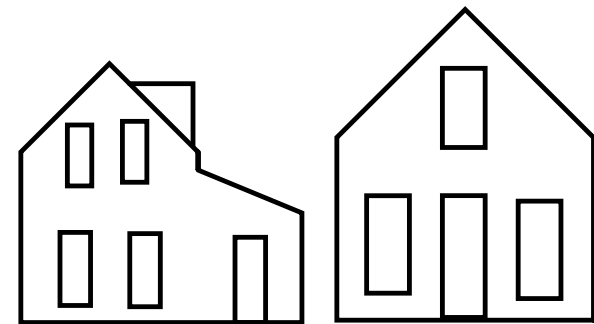
Design Standard:

274. Use a solid-to-void ratio resembling that seen historically in similar neighborhoods.

- In areas abutting the Historic District, and along major pedestrian ways, similarity in the ratio of solid-to-void is appropriate. Greater flexibility is appropriate farther away from the Historic District, and on secondary façades.
- In terms of solid-to-void ratios, Transition Areas that are residential in character should relate to adjacent historic residential neighborhoods and Transition Areas that are commercial in character should relate to adjacent historic commercial neighborhoods.



INAPPROPRIATE SOLID TO VOID RATIO



HISTORIC SOLID TO VOID RATIO



Use secondary structures in new development whenever feasible.

Outbuildings

Policy:

Although some outbuildings were larger, smaller outbuildings were seen traditionally on most lots in Breckenridge, usually located to the rear of larger primary structures. Barns, storage sheds, and outhouses were typical examples of these structures which served practical functions that were essential to daily life in the community. The scale of the primary structure is established by contrast with these smaller structures. Secondary structures are therefore important features of the Conservation District.

- Using secondary structures will help reduce the perceived scale of the development by subdividing the total floor area into a cluster of smaller structures rather than one large building.

Design Standard:

275. The use of secondary structures in new development is strongly recommended.

- This particularly applies to properties on the east side of the river.
- Consider housing utilitarian functions, such as parking, storage, and waste receptacles in secondary structures.
- Use simple building forms and materials for these structures.
- Consider clustering trash receptacles or other service functions in secondary structures that may be shared among properties.

Utilities

Design Standard:

P 276. Screen mechanical equipment, utility boxes and service areas.

- Use native plant materials or create screen walls with natural rock or wood. Consider locating utilities in “secondary structures.” Locate mechanical equipment in secondary structures or in roof forms.

#8. River Park Corridor Transition Character Area

The River Park Corridor Transition Character Area lies along the western edge of the Breckenridge Historic District. It extends from North French Street to South Park Avenue along the west edges of the properties of the Historic and Transition Areas to the Blue River. Its eastern boundary lies along the rear property lines of lots on the west side of Main Street, while the western boundary is the west edges of the Blue River or adjacent property lines.

Historic photographs of this area show many more secondary structures and outbuildings than exist today. These effectively "stepped down" the scale of buildings from Main Street to the river. A few residential structures were also seen, along with a collection of larger, industrial type buildings. Presently, there are a few non-historic structures, some newer structures and parking areas along this Transition Character Area.

The River Park Corridor Transition Character Area is included within the Downtown Overlay District. Therefore, there may be potential for small commercial projects on the east side of the river, along with parking lots, outdoor dining terraces and mini-parks. The following guidelines apply to all projects, both public and private.

The River Park Corridor Transition Character Area should serve as a visual transition, from the historic district on the east, to new developing areas on the west. This is a very sensitive area and because of its relationship to the river, the Historic District and the mountain backdrop, development should respond in a balanced fashion to the influences of all these factors.



The River Park Corridor is moderately developed at present.





The Blue River is a potential major amenity for the Town, and development here should enhance its character.

The Blue River is a major amenity for the Town, and development here should enhance its character. Historically, the river was radically altered as a part of dredge boat extraction activity. A present goal is to re-establish a more "natural" character to the river, including enhanced wildlife habitat and recreational amenities for the public.

Pedestrian and bicycle trails exist in some areas adjacent to the river. All development should facilitate optimum performance of these routes and plan connections along the entire length of this Transition Character Area. A major objective is to create a visually interesting experience along the entire length of the river in the downtown area, for users along the river as well as for those viewing the river at a distance. The river should become more effectively integrated into the community as a recreational and visual amenity as well as a circulation corridor. All development should reinforce these objectives.

Where feasible, development should appear integral to the landscape, but practically speaking, the scale of any building that will occur will significantly affect the visual character of the area. Architectural designs therefore should also contribute to a sense of visual continuity for the area by expressing a uniform palette of materials and finishes and through similarity of building siting and scale.

Any improvements to the publicly owned parcels should be designed to complement the character, design features and materials of the existing public improvements that already occur in the southern half of this Character Area.

The basic design policies for the River Park Corridor Transition Character Area which are presented below, along with the associated design standards, are intended to help accomplish this vision.



Buildings in the background are oriented with the traditional town grid. New development in the River Park Corridor should continue to express the established grid.

Policy:

The Town of Breckenridge has traditionally been perceived as a grid-oriented settlement nestled in the high valley of the Blue River. Although the street grid has idiosyncrasies, it does provide a general sense of visual order as viewed from higher elevations. The result is that the Town has been perceived as an integrated whole. More recent developments on the perimeter of the core have begun to deviate from this grid pattern and in some cases the result is to visually separate these areas from the established downtown. This approach is discouraged in the valley floor, where topography is gentle and does not impose constraints on development.

Design Standard:

277. Continue to express the established town grid in new development.

- Orient buildings on an axis similar to those established in Town and to neighboring historic structures.
- Align roadways or other circulation corridors with the grid where feasible. In most cases, these will be perpendicular to the street.

View Corridors

Policy:

Views of the mountains have dominated the setting of Breckenridge, and are expected to continue to do so, simply because of their overpowering scale; however, some development has obscured important view opportunities from eastern portions of town. This approach is discouraged. Developments that enhance view opportunities should be encouraged.

Views of the Blue River and of historic sites are also important resources that contribute to the distinct identity of Breckenridge and are to be protected and enhanced as well. Since so many view opportunities exist in town, individual view corridors will be identified on a case-by-case basis for individual development projects. The following design standards apply.

Design Standards:

278. Create view opportunities of the river.

- Provide balconies and terraces that offer views to the river.
- Site buildings such that they do not block these view opportunities.
- Avoid creating blank building walls facing onto the river.

279. Enhance views down river.

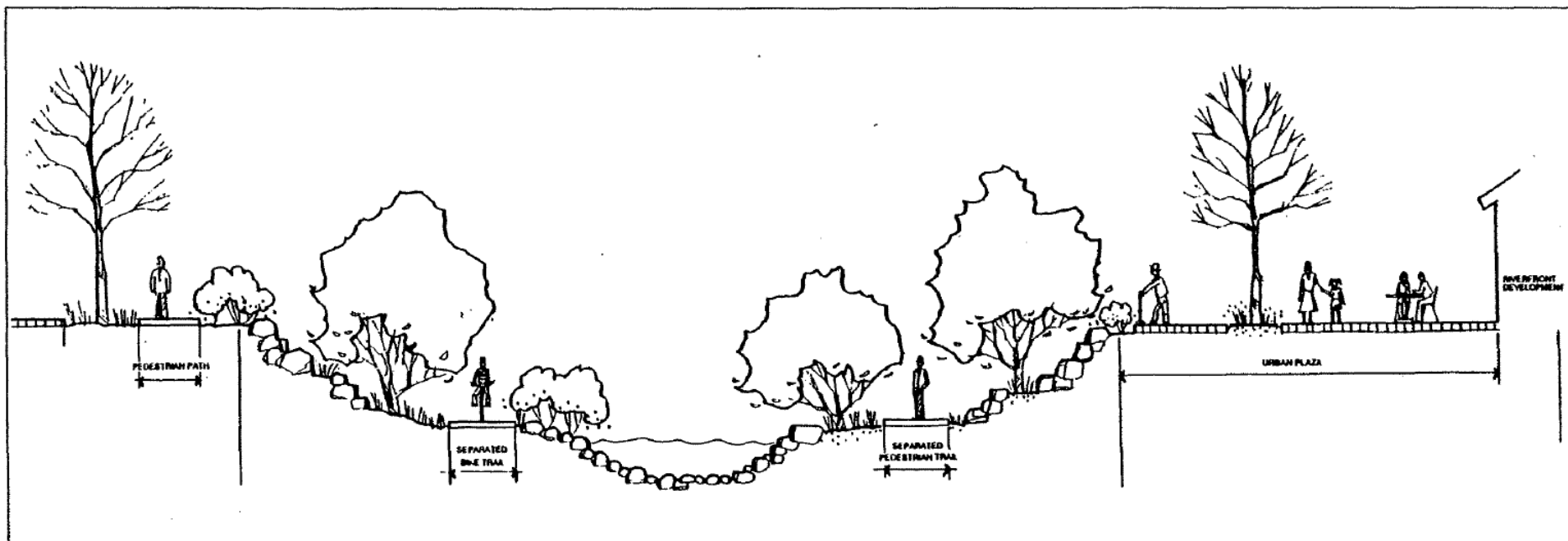
- Provide overlooks where feasible, such as on bridges that allow one to view long stretches of the waterway.
- Bridges are preferred rather than culverts due to their historic use and better views of the river.
- Covered bridges are specifically inappropriate.

280. Enhance view corridors across Town to the mountains.

- Consider views to the east, west and south.
- Frame views with clusters of buildings rather than blocking them with a single mass.
- Use landscape and site design concepts that provide view opportunities as well.

281. Protect and enhance view corridors to historic landmarks.

- The Court House, Carter Museum, and the Barney Ford House are examples.



Orient public areas to the Blue River to “celebrate” this resource.

Building Orientation

Policy:

Historically, lots adjacent to this Character Area and west of the river were a part of town. Today, little evidence remains to express this relationship. As seen from view points on higher slopes, buildings within the corridor should appear to be oriented in a manner similar to those in the historic district (east-west axis for long dimensions).

Design Standards:

282. Orient the long dimension of buildings in an east-west direction wherever feasible.

- Basic rectangular building foot prints that have a directional emphasis are preferred for this reason.

283. On lots abutting cross streets, establish a pedestrian interesting building edge along the street.

- Where feasible, provide pedestrian connections between Main Street and the River Park Corridor.
- Orient building entrances to these cross streets.
- Provide storefronts, porticoes, bay windows, ornamental details and other visually interesting building features to add interest along these side street elevations.
- Also include landscaping along these cross streets.

284. Orient public areas to the Blue River to "celebrate" this resource.

- Where feasible, plazas and court yards should incorporate views and access to the river.
- Orientation of public use areas, lobbies, and balconies to the river is also encouraged.

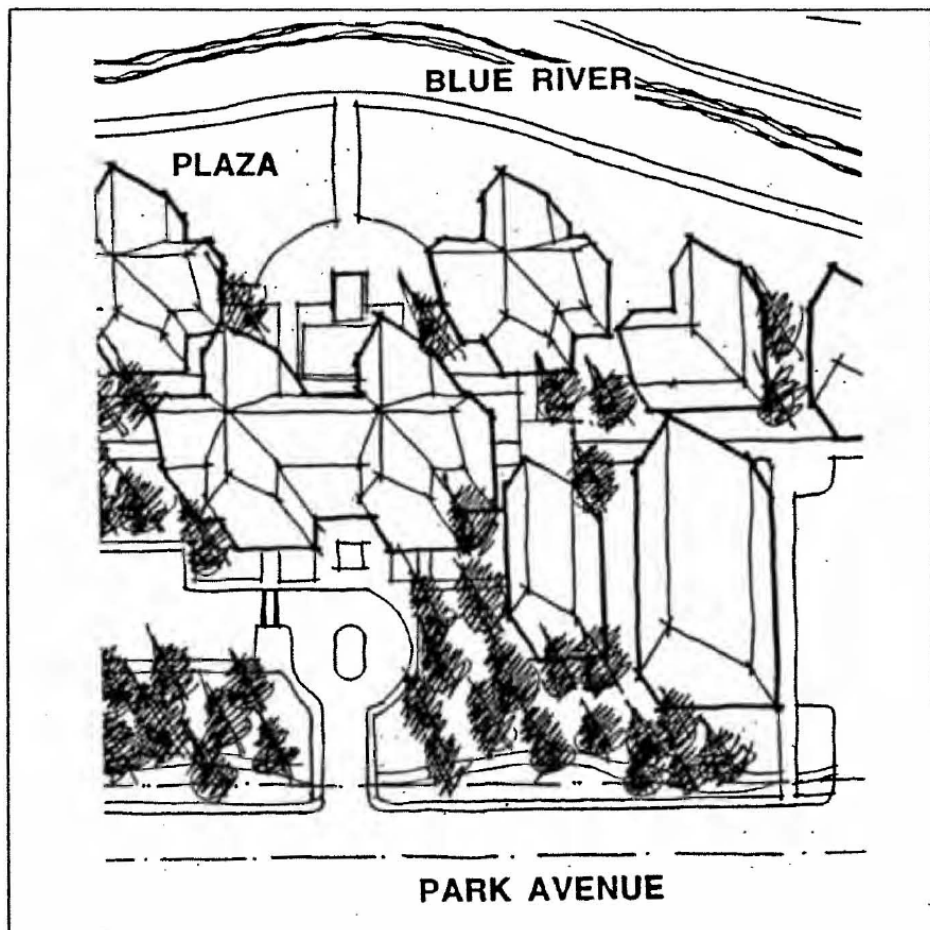
Building Scale

Policy:

For projects abutting the river on the east side, new buildings should appear to be similar in scale to the utilitarian structures found along the back sides of structures on Main Street.

Design Standards:

- P** 285. Divide site functions into separate structures, where physically feasible, in order to reduce the mass of individual buildings.
- Consider creating outbuildings to provide additional storage space or to house special functions, rather than increasing the bulk of the main building.
 - Locate trash compactors and storage areas in sheds, for example.
- P** 286. Subdivide larger buildings into subordinate components such that they will appear to be smaller in scale.
- Organize buildings as a collection of smaller volumes that step down in scale as seen from sidewalks and other pedestrian ways.
 - Break large wall surfaces into smaller areas that are similar in scale to those found historically.
 - Use landscaping to screen larger building masses where necessary.
- P** 287. Locate some project floor area in basements to reduce the perceived mass of buildings.
- This is particularly appropriate where the buildings step down to the river and lower levels can have direct walk-out access to the river walk.



Rectangular building forms and gable roofs are appropriate into River Park

Corridor Transition Character Area. Note that these building also are oriented with many roof ridges in an east-west direction, which is appropriate. A landscape strip buffers the site from Park Avenue.

Building Form

Policy:

Historically, buildings in this part of town had simple forms. Basic rectangular shapes were seen, some in modest combinations in which one form appeared to be the main structure and smaller wings appeared as subordinate additions. New buildings should appear to be similar in form to those found traditionally in town, in order to establish a sense of visual continuity between new development and the established core.

Design Standard:

288. Rectangular building forms are appropriate.

- Buildings that appear to be composed of simple rectangles or combinations of simple rectangles are preferred.
- Avoid "exotic" building forms.

Roof Forms

Policy:

Roof forms are particularly important in Breckenridge because of the topographic conditions, in which structures are viewed from higher elevations. Roof forms should reinforce a sense of visual relatedness between newer developing areas and the established core area. In essence, roofs should be considered a "fifth elevation."

Design Standard:

289. Traditional roof forms are encouraged.

- Gable and hip roofs are appropriate.
- Use flat roofs in limited amounts only and screen them from view.
- Dormers may be considered to add interest to roofs and to help reduce the perceived mass of buildings.
- Shed roofs may be used on secondary masses.

Materials

Policy:

Finished wood was the traditional building material in Breckenridge, although metal, brick (rarely) and stone were also used. (Finished wood usually means painted wood). Materials for new buildings should appear to be similar to those found historically in the river corridor and downtown along Main Street.

Design Standards:

P 290. Use wood as the dominant building materials of a new building.

- Lap siding or logs may be considered for wood finishes. Rough sawn, board-and-batten wood treatments may also be considered.
- Where brick is used, it should be of traditional size and as accent only.
- Complementary design interpretations using these historically compatible materials are encouraged.
- Other materials may be considered for smaller surfaces, such as for accent and trim. Stucco or stone, for example may be considered for foundations, but not as a primary building material.

291. Material finishes should be similar to those found historically in town.

- Painted wood is preferred for primary structures, but rough finished, stained wood may also be considered, especially for secondary buildings.
- Native stone, including river rock, is preferred over imported stone. Rough finishes, either "natural" or ashlar, may be considered. Use of polished stone in large amounts is discouraged.

292. Use building materials that will help to establish a sense of pedestrian scale.

- See also Design Standard #266.

Landscaping

Design Standards:



Along the river, landscape materials should convey a "natural" quality that complements the river image.

P 293. Provide a modest landscaped edge along all streets.

- The landscaping should convey a natural mountain landscape.
- A planted buffer, in which evergreens are dominant, is encouraged where buildings are set back from the street.
- See also the town's Urban Design Plan.

294. Any landscaping improvements to the publicly owned parcels should be designed to complement the character, design features and materials of the existing public improvements that already occur in the southern half of this Character Area.

295. Along the river, landscape materials should convey a "natural" quality that complements the river image.

- Native materials, including plants, rock, and wood are encouraged.
- Matte finishes are generally preferred over polished finishes for wood and rock.
- Avoid extremely "formal" designs that would contrast too strongly with the historic building character or the natural character of the river.

Blue River Edges

Blue River Edges

Policy:

Native vegetation survives in small quantities at isolated areas along the river. These provide habitat for wildlife and they also provide visual clues as to the location of the river. This is especially important because the river channel is well below the street grade and it therefore is not readily visible at a distance. A goal for the river is to increase its visibility to the public, both up close and at a distance. Natural habitats that survive along the Blue River therefore should be protected, and additional natural planting areas should be established. Other design treatments that increase the visibility and access to the river should also be encouraged.

Design Standards:

- P** 296. Protect and enhance wetlands.
 - Avoid impacting existing wetlands.
 - Increase the amount of wetlands where feasible.
 - Where opportunities occur, include construction of new wetlands as buffers to development.
 - Consider developing new wetlands as filtering zones for run-off from paved areas.
 - See also the Town's regulations affecting wetlands.
- P** 297. Orient amenities to the Blue River.
 - Locate plazas, plant beds, and other public spaces toward the river, rather than internal to projects.

- 298. Use predominantly native plantings and materials.
 - Feature native plant materials wherever feasible.
 - Avoid planting schemes that rely mostly on imported plant materials.
 - Include cottonwoods and other native trees near the river to help identify the location of this resource from a distance.
 - Limit the use of exotic plants to building entrances and other “structured” areas around terraces, rather than along natural river edges.

- P** 299. All developments abutting the river shall include completion of the relevant segments of the regional river trails system.
 - The design standards for trails provided in the Downtown Urban Design Plan shall apply.

- 300. Develop river edges as amenities.
 - Use gently sloping banks, stepped walls or terraces to define river edges. Steep retaining walls are inappropriate, in general.

Circulation Systems

Policy:

Breckenridge seeks to establish a balance between modes of circulation, including pedestrians, bicycles, mass transit and private automobiles. New development should help to assure efficiency and continuity of all these modes of circulation in the downtown. A key to achieving this objective is to build more effective routes for pedestrian and bicycle circulation within the River Park Corridor Transition Character Area.

Design Standards:

P 301. Establish continuity of walkways and trails across properties.

- Provide pedestrian access through projects that connect with corresponding routes on abutting properties. These are in addition to those regional trails along the river shown in the downtown plan.
- Provide cross-property easements where necessary.
- Use materials for trail and walkway construction and retaining walls that are similar to those used on adjacent properties to strengthen a sense of continuity.

302. Minimize curb cuts.

- Use shared drives and alleys for site access where feasible.
- This will reduce crossing conflicts between pedestrians and automobiles.

303. Distinguish routes used by differing modes of circulation.

- Vary paving materials to differentiate auto ways, walkways and bicycle trails.
- Also use different lighting designs to differentiate auto ways, walkways and bicycle trails.

304. Design walkways and trails in a “softer” arrangement in the River Park Transition Character Area than in the downtown core.

- Sidewalks that have gentle curves in plan are encouraged.
- Use native landscape materials along walkways.
- See also the Town's Urban Design Plan.

Parking

Policy:

In general, the visual and functional impacts of parking in the area should be minimized, in the interest of enhancing the pedestrian orientation of the area. Because of the densities of development anticipated in this area, structured parking, located under inhabited structures, is encouraged; however, in some circumstances, surface lots are expected to occur. Property owners may also agree to join a parking district and thereby provide for parking off site.

Design Standards:

305. Locate parking areas away from major pedestrian routes.

- Especially avoid placing large paved parking areas adjacent to the river edge.

306. Design the perimeter of parking facilities to be "pedestrian-friendly".

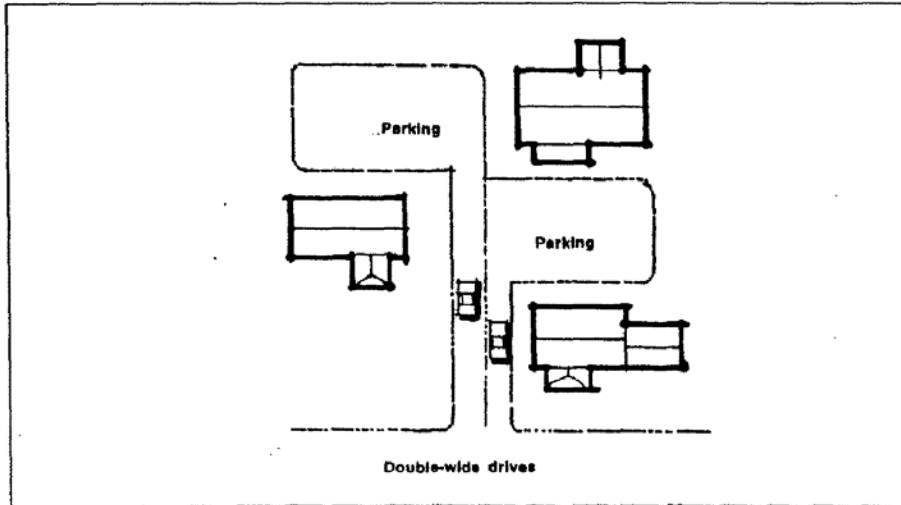
- Provide landscaped buffers around parking lots.
- Provide occupied space, decorative surfaces or landscaping at the ground level of parking structures, to create visual interest for pedestrians.

307. Develop shared access to parking facilities.

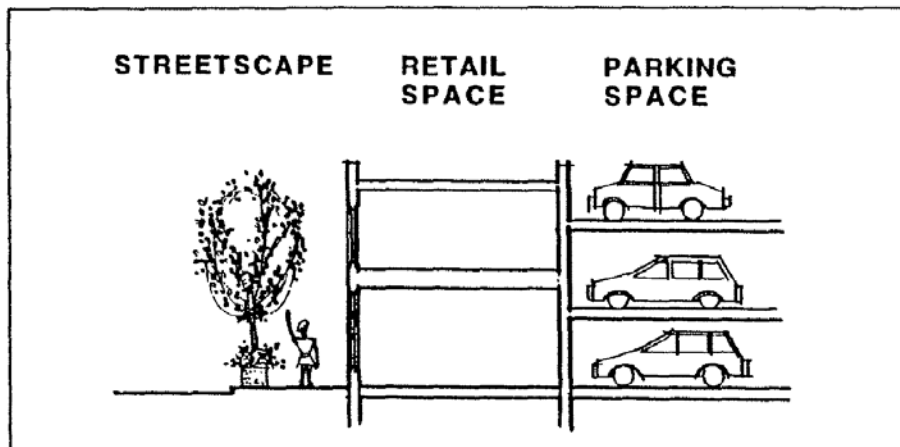
- Minimize curb cuts by sharing driveways between adjoining developments.
- This will help to reduce conflicts with pedestrians where sidewalks cross driveways.
- Provide cross-property easements where necessary.

308. Design structured parking such that levels of parked cars are not exposed to view from major public ways.

- Locate parking areas behind other uses in structures, or screen parking with landscaping.
- Bury parking structures where possible.



Locate parking areas behind other uses in structures, or screen parking with landscaping.



Open Space

Policy:

Private open space should be planned to encourage non-motorized circulation by facilitating pedestrian movement between developments.

Design Standard:

309. Orient plazas and terraces such that they may connect conveniently with similar spaces on abutting properties.

Signs

Policy:

Signs should be subordinate to the setting. These design standards apply in addition to the provisions of the sign code.

Design Standards:

310. Low-scale “monument” type signs are encouraged.

- Locate signs in areas with landscaping.
- See also the Town's Sign Code.

311. *(Omitted)*

#9. North Main Transition Character Area

The North Main Transition Character Area spans Main Street at the intersection of French Street and forms the northern gateway to downtown. Much of the character in this neighborhood is well-established, in that many of the lots are already developed. There are no remaining historic structures in this area. A mixture of newer residential and commercial buildings has been constructed since the 1990's.

The character of development should be similar to that of the North Main Street Residential Area in the Historic District, with the understanding the building may be moderately larger. An architectural character that appears to be that of residences adapted to commercial use is desired.

Building Orientation

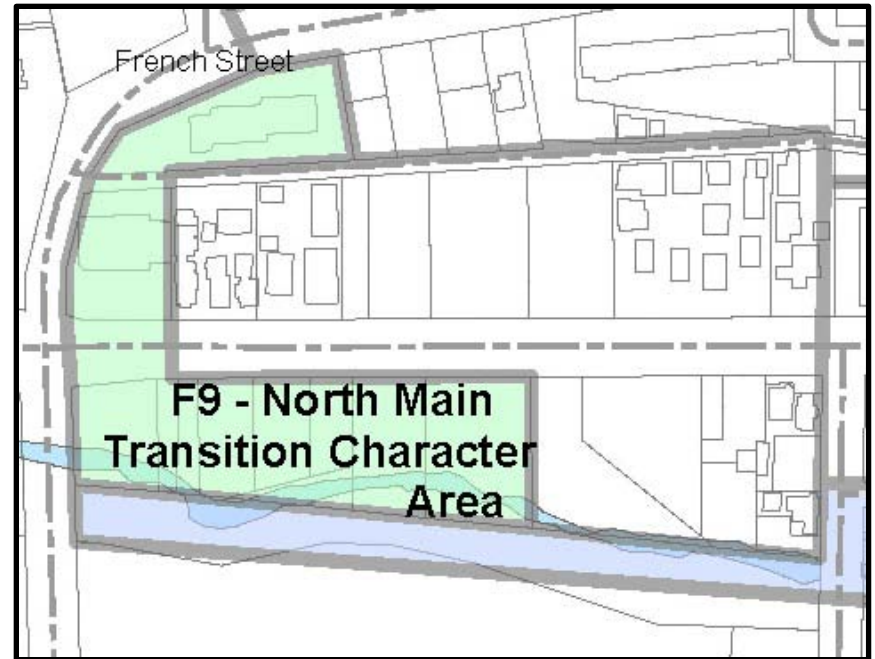
Design Standard:

- P** 312. Buildings should orient to the street.
 - Primary entrances should face the street.
 - Use porches to define building entries.

Building and Roof Forms

Design Standard:

- P** 313 Buildings should have residential forms.
 - The primary roof form should be a gable.
 - They may be a slightly larger scale than seen traditionally.
 - The primary ridge should orient perpendicular to the street.



The North Main Transition Character Area.

Setbacks

Design Standard:

314. Buildings should be set back a distance that is similar to those in the North Main Street Residential Character Area in the Historic District.

Architectural Character

Design Standard:

315. Architectural character should be similar to, without exactly imitating, the North Main Street Residential Character Area.

- The ratio of window to wall should be similar to those of historical residential buildings.

Items generally not as critical

Design Standard:

316. The character of windows, doors and architectural details generally are not as critical in the North Main Transition Character Area.

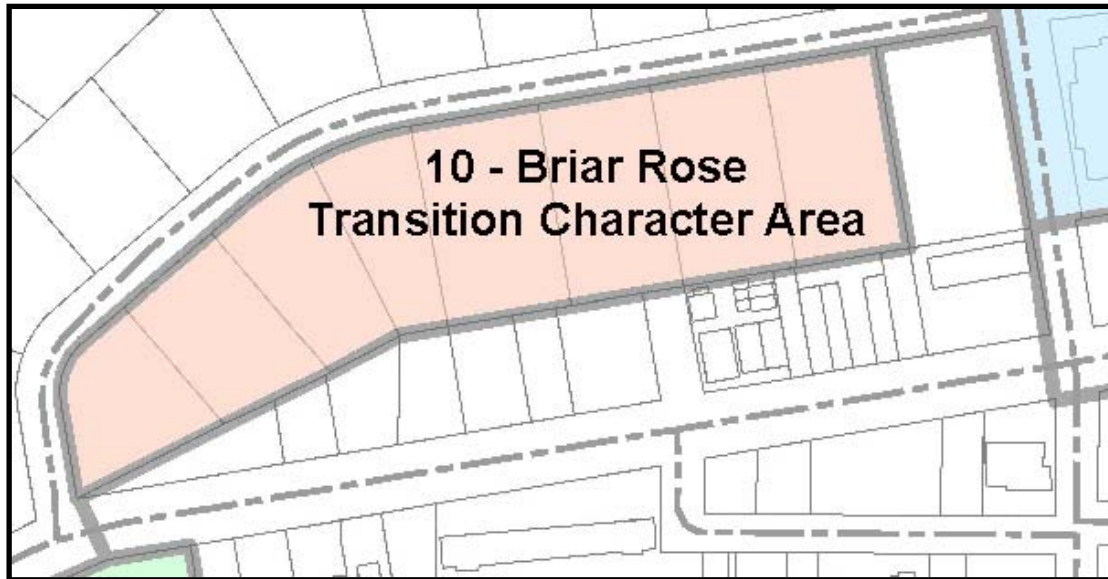
- An exception is when such elements are so configured as to affect the overall scale or character of a building as it relates to other design standards in this document.



The North Main Transition Character Area spans Main Street at the intersection of French Street and forms the northern gateway to downtown.

#10. Briar Rose Transition Character Area

The Briar Rose Transition Character Area lies along the west side of Briar Rose Lane, north of Wellington, forming the northeast buffer to the Historic District. The area contains large lots that slope down from the street to the west. Existing structures are large single-family structures, sited facing the Briar Rose Lane. Stained wood siding is the primary building material. Large evergreen trees provide a distinct character. The scale of buildings, as perceived from the west in the Historic District, is a special concern here.



The Briar Rose Transition Character Area

Mass and Scale

Policy:

Building mass is the major concern in the Briar Rose Transition Character Area, especially as seen from the Historic District below. The perception of the scale of single family residences is preferred.

Design Standard:

317. The west facing masses of new development should be smaller and reflect more of the architectural character of the Historic District.

- On west facing façades, create subordinate masses off the primary building mass that step down in scale, use a gable roof forms, and exhibit a generally simpler character.
- Façade widths should be similar to those found in within the Briar Rose neighborhood and be parallel to Briar Rose Lane.
- Greater flexibility for the solid to void ratio is appropriate in this character area since it is farther away from the Historic District.
- Buildings in the Briar Rose Character Area are allowed a maximum 35-foot building height overall (measured to the ridge).
- New development should appear to have a mass and scale similar to neighboring houses.

317a. The rear yard setback of new structures should generally align with the rear yard setbacks of the existing neighboring structures leaving a large back yard abutting the Klack.

- This character area exhibits large back yards with on-grade decks set away from the Klack drainage.



The Klack Placer separates the Briar Rose Transition Character Area from the Historic District, to the left.

Automobiles and Parking

Policy:

The visual impacts of automobiles should be minimized in the Briar Rose Transition Character Neighborhood. A particular concern is that garage doors not dominate the street view.

Design Standard:

318. Minimize the visual impacts of garages.

- A detached garage or a garage with a smaller link, set to the side of the primary structure, is allowed, because it will help reduce mass of the overall development.
- Set garages, with the doors facing Briar Rose Lane, behind the primary façade where feasible.
- If the garage is turned such that the doors are not facing Briar Rose Lane, the garage may be in front of the primary façade.

Items generally not as critical

Design Standard:

319. The character of windows, doors and architectural details generally are not as critical in the Briar Rose Transition Character Area.

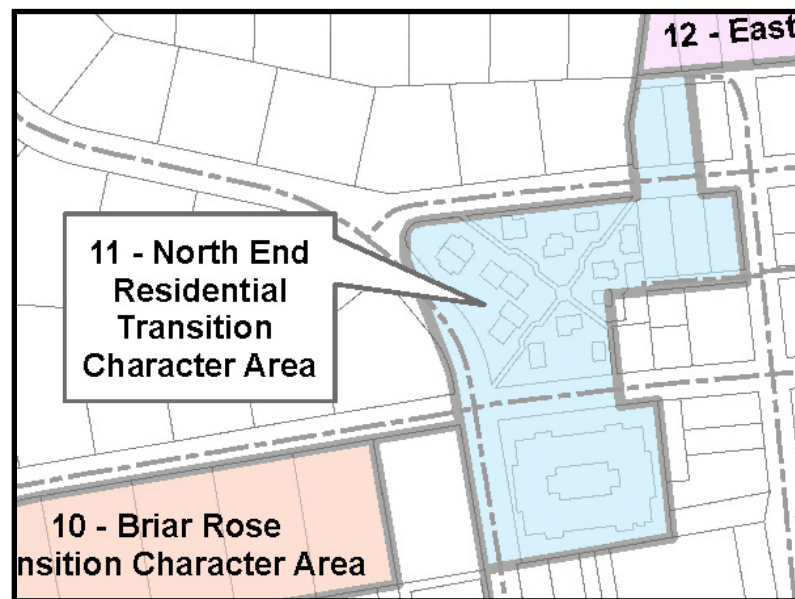
- An exception is when such elements are so configured as to affect the overall scale or character of a building as it relates to other design standards in this document.

#11. North End Residential Transition Character Area

The North End Residential Transition Character Area lies at the north end of High and Harris Streets and contains a variety of lot sizes. Much of the character in this neighborhood is well-established, in that many of the lots are already developed. Redevelopment of some of these parcels, however, may certainly occur. Most buildings are single family residences in appearance, and are built of painted wood siding. Most face the street, although some are arranged in planned clusters.

Design Goals for the Character Area

The goal for the North End Residential Transition Character Area is to strengthen the visual association with the traditional town grid and to maintain a character that is primarily single family residential. Although some recent projects have deviated from the traditional grid setting, these do not set a precedent for future building. In fact, any future development should once again re-emphasize the established town grid.



The North End Residential Transition Character Area.

Parking

Policy:

Because some houses are clustered, garage structures may be proposed in this area that would serve several units. Because these structures may appear larger than seen traditionally, they may negatively affect the character of the street, if a large expanse of street frontage is occupied by garage doors and driveways rather than front yards and building entrances.

Design Standards:

320. Minimize the view of parking facilities as seen from the street.

- Where feasible, locate the primary structure at the front of the lot and locate garages and other parking areas to the rear or side of the primary structure.
- A significant portion of the front façade may not be garage, but rather must be composed of traditional residential components, including porches, doors, windows and dormers.
- See also Design Standard 267.

321. Minimize the perceived scale of parking structures.

- Garages should appear subordinate to the primary structure. They should be smaller in scale than primary structures and simple in detail.

Mass & Scale

Policy:

The scale of building in this area is a concern. New development should appear to be the scale of historical single family residences.

Design Standard:

P 322. Use building components similar in scale to those historical homes seen in the Historic District.

- The primary building mass, as well as subordinate wings, dormers and porches, are examples of building components that should be similar.

Items generally not as critical

Design Standard:

323. The character of windows, doors and architectural details generally are not as critical in the North End Transition Character Area.

- An exception is when such elements are so configured as to affect the overall scale or character of a building as it relates to other design standards in this document.

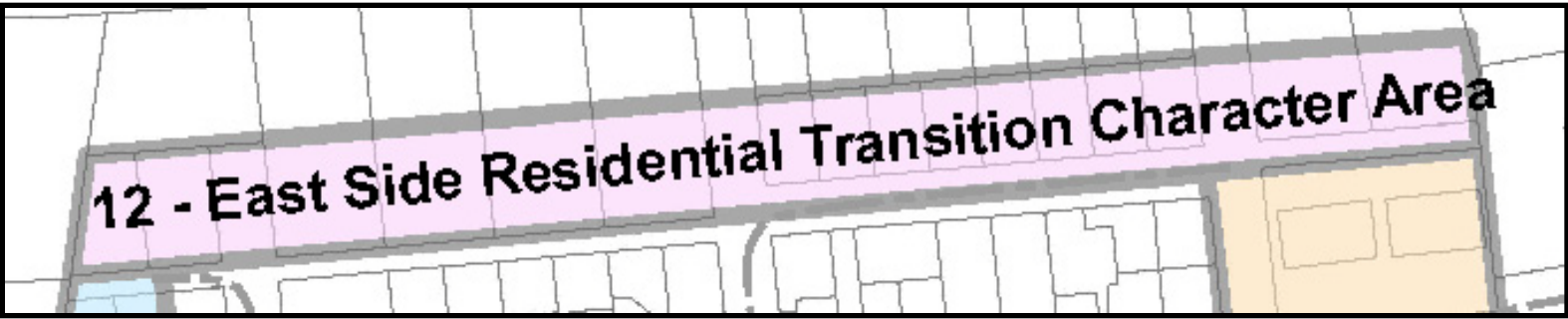
#12. East Side Residential Transition Character Area

The East Side Residential Transition Character Area lies along the west side of Gold Flake Terrace, approximately from Adams Avenue on the south to just beyond Lincoln on the north. The area slopes down steeply to the west and forms the easternmost edge of the Historic District. Many of these lots back up to lots on Highland Terrace. Of particular concern is how development on these parcels is perceived from the lower portion of these lots, the portions visible from the Historic District.

The area is densely built, with single family houses sited on narrow lots. Garages and lower level entries are typical features along Highland Terrace. The backs of the homes on Gold Flake Terrace face this Transition Character Area. This is a sensitive edge to the Historic District, because buildings face the boundary of the Historic District. The scale of building along this edge is therefore particularly important.

Design Goals for the Character Area

The goal for this area is to maintain a scale that is compatible with the Historic District and to enhance the street edge as a pedestrian friendly experience. Because the slopes are so steep, buildings uphill are highly visible. Therefore, their overall mass and scale is a concern.



The East Side Residential Transition Character Area

Building Setbacks

Design Standards:

324. Provide significant side yard setback when feasible.
- With taller buildings in this area, minimum setbacks create a canyon effect, which is to be avoided.

Building Widths

Design Standards:

325. Buildings should be similar in width to those historic homes seen in the adjacent neighborhoods of the Historic District.
- Break the overall mass down into smaller components to reduce its perceived scale.

Mass and Scale

Design Standards:

P 326. Use building components similar to those historic homes seen in the Historic District.

P 327. The building form should follow the slope of the hillside, stepping down in scale.

Architectural Character

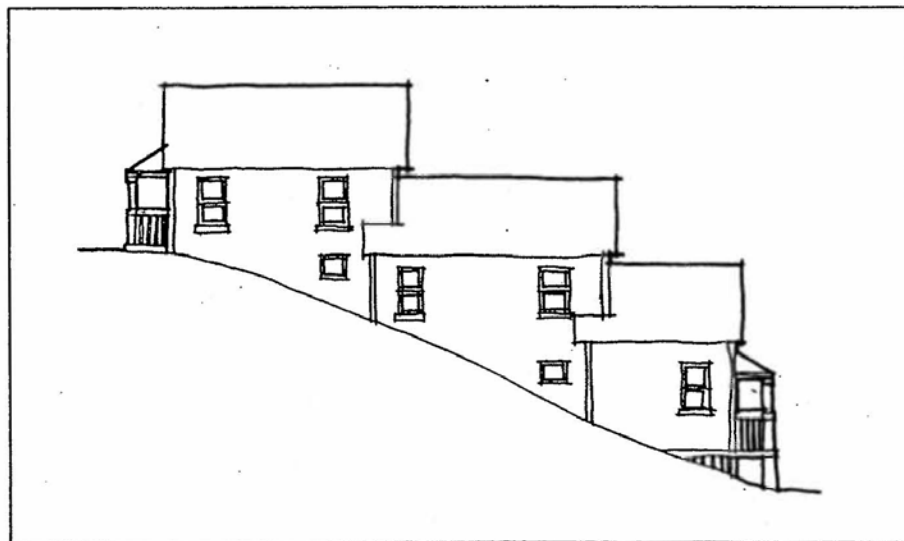
Policy:

The East Side Transition Character Area is a relatively young neighborhood, and this fact should be expressed in the architecture found there. On the other hand, as a transition from the Historic District, there should be a strong sense of association with the Historic District. Buildings, therefore, should appear to have a sense of being visually related to older buildings in the Historic District, while not literally imitating them.

Design Standards:

328. Buildings should exhibit architectural elements that are similar to those found in the Historic District.

- Use windows and doors that are similar in size, shape and proportion to those used historically in Breckenridge. Greater variety in the manner in which the elements are arrayed in the design is appropriate in this area, however.
- Use building materials that are similar to those used historically for residential structures.



The building form should follow the slope of the hillside, stepping down in scale.

Orientation on the Lot



Provide porches to identify primary entrances.

Design Standards:

329. Orient the primary entrance toward the street.

- This will provide visual interest to pedestrians and help establish a sense of pedestrian scale.
- Orient the primary roof ridge perpendicular to the street.
- See also the general standards for building orientation.

330. Provide porches to identify primary entrances.

- These also should be oriented to the street.

Landscaping

Design Standards:

331. Retain a natural alpine forest image in landscaping.

- Preserve trees whenever feasible.
- Use native plants in landscaping.

Parking

Policy:

Because some houses are clustered, garage structures may be proposed in this area that would serve several units. Because these structures may appear larger than seen traditionally, they may negatively affect the character of the street, if a large expanse of street frontage is occupied by garage doors and driveways rather than front yards and building entrances.

Design Standards:

332. Minimize the view of parking facilities as seen from the street.

- A significant portion of the front façade may not be garage, but rather must be composed of traditional residential components, including porches, doors, windows and dormers.
- See also Design Standard #267 (Minimize the Visual Impacts of Garages).

333. Minimize the perceived scale of parking structures.

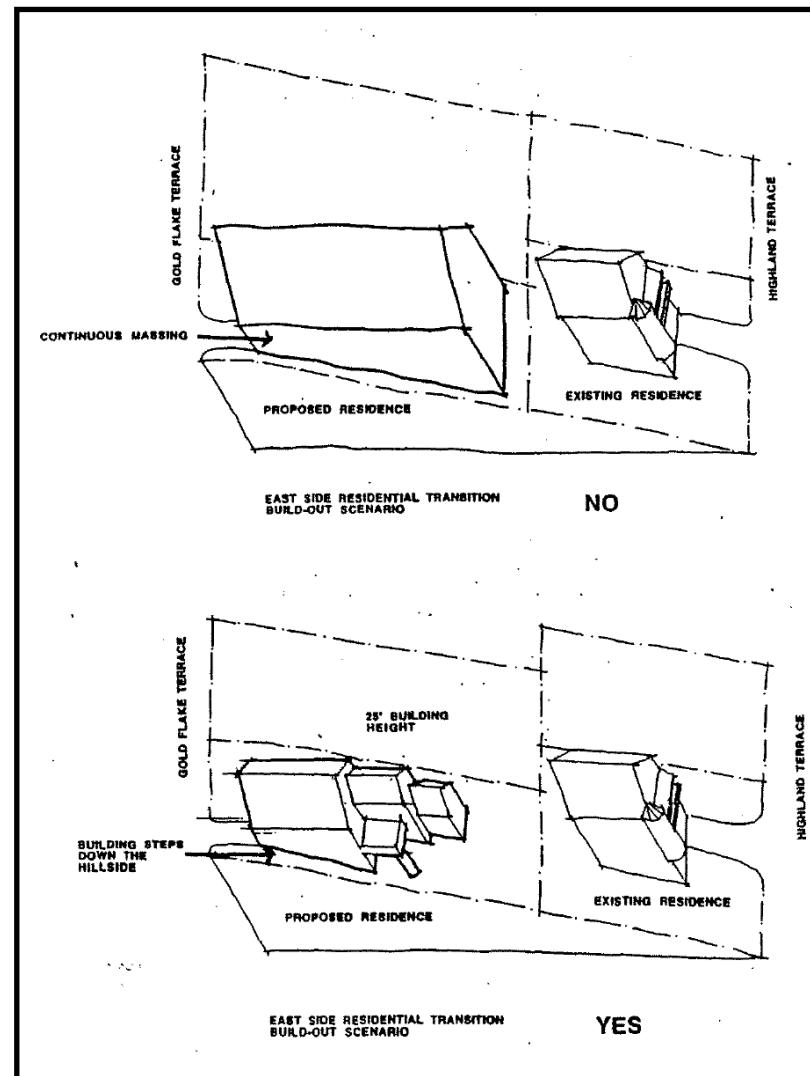
- Garages should appear subordinate to the primary structure. They should be smaller in scale than primary structures and simple in detail.

Items generally not as critical

Design Standard:

334. The character of windows, doors and architectural details generally are not as critical in the East Side Residential Transition Character Area.

- An exception is when such elements are so configured as to affect the overall scale or character of a building as it relates to other design standards in this document.



As seen from below, buildings should appear similar in mass and scale to historic structures across the street in the Historic District.

#13. South End Residential Transition Character Area

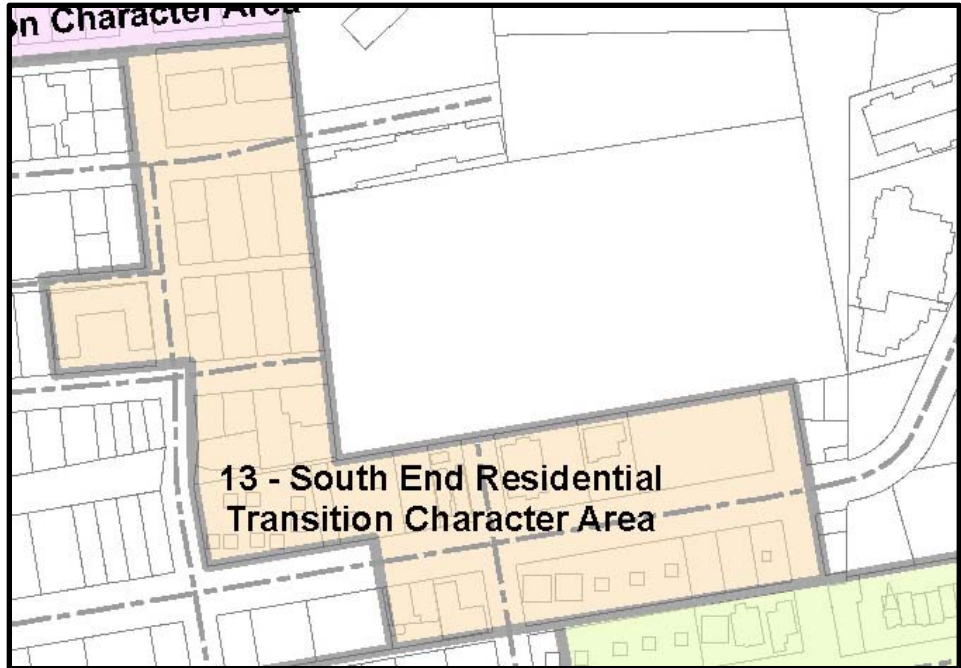
The South End Residential Transition Character Area lies along the southern edge of the Historic District, ranging from Highland Terrace on the east to Ridge Street on the west. A southern portion extends below Madison Avenue on Ridge Street. This area was historically part of the early Town of Breckenridge, although it has been sparsely developed until recent years.

Design Goals for the Character Area

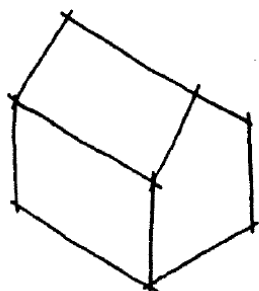
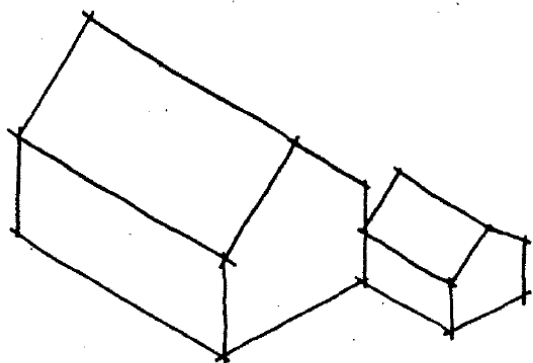
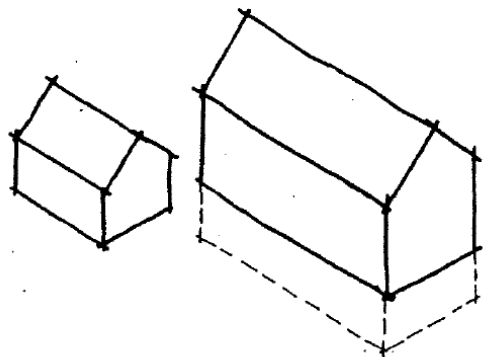
The design goal for this area is to reverse the trend toward large, massive structures and instead promote the development of buildings that are more in scale with the historic residential core. Strengthening of the character of the street is also desired, in terms of making it more attractive to pedestrians. The development of front yards and creation of a clear definition of the street edge are therefore goals for this area as well.

A particularly distinctive feature is Carter Park, which appears in many early historic photographs. This large open space is an historic feature of the community, which should be preserved. Any future development should retain the image of open space that is found here. The school is also a noteworthy feature, which also contains significant amounts of open space. Should these properties redevelop, it will be important to respect the traditional residential character of the area while also maintaining some open space.

The area also lies along a very sensitive edge of the Historic District, because the scale of new development in recent years has been larger than seen traditionally with the result that the scale of building adjacent to the Historic District changes abruptly in some areas. Future development should more closely relate to the scale of the Historic District.



South end Residential Transition Character Area

**TRADITIONAL SCALE****MORE MASSIVE SCALE****PREFERRED NEW SCALE**

Reduce mass by placing some floor area in basements and secondary structures.

Mass and Scale

Policy:

Single family residential development is preferred in this area and any future development should appear to be similar in scale to single family detached houses found traditionally in Breckenridge.

Design Standard:

335. Along the street edge, buildings should appear similar in mass and scale to historic structures across the street.

- Use building components similar in scale to those seen traditionally on residential structures in the Historic District.
- The primary building mass, as well as its subordinate wings, dormers and porches, are examples of building components that should be similar in scale to those seen on historic residential structures. This is especially important along edges of the Historic District.

Architectural Character

Policy:

The South End Residential Transition Character Area is a relatively young neighborhood, and this fact should be expressed stylistically in the architecture found there in that direct copies of historic buildings should not occur. On the other hand, as a transition from the Historic District, there should be a strong sense of association with the Historic District. Buildings, therefore, should appear to have a sense of being visually related to older buildings in the Historic District, while not literally imitating them.

Design Standards:

- P** 336. Buildings should exhibit architectural elements that are similar to those found on historic homes in the Historic District.
 - Use windows and doors that are similar in size, shape and proportion to those used historically in Breckenridge. Greater variety in the manner in which the elements are arrayed in the design is appropriate in this area, however.
 - Use building materials that are similar to those used historically for residential structures. Painted wood siding is the preferred material.

Orientation on the Lot

Design Standards:

- 337. Orient the primary entrance toward the street.
 - This will provide visual interest to pedestrians and help establish a sense of pedestrian scale.
 - Orient the primary roof ridge perpendicular to the street.
 - Also see the general standards for building orientation to the street.

- 338. Provide porches to identify primary entrances. These also should be oriented to the street.



Buildings should exhibit architectural elements that are similar to those found in the Historic District.

Automobiles and Parking

Policy:

The visual impacts of automobiles should be minimized in the South End Residential Transition Character Neighborhood. A particular concern is that garages not dominate the street view.

Design Standard:

339. Minimize the visual impacts of garages.

- A detached garage, set to the side or rear of the primary structure, is preferred.
- Set garages behind the primary façade where feasible.
- A significant portion of the front façade may not be garage, but rather must be composed of traditional residential components, including porches, doors, windows and dormers.

Items generally not as critical

Design Standard:

340. The character of windows, doors and architectural details generally are not as critical in the South End Residential Transition Character Area.

- An exception is when such elements are so configured as to affect the overall scale or character of a building as it relates to other design standards in this document.

#14. South Main Transition Character Area

The South Main Transition Character Area lies along Main Street, beginning at Adams Avenue and Ridge Street and proceeding south along Main Street to the intersection with Ridge Street and Main Street. This forms the southernmost buffer to the Historic District. Much of the character in this neighborhood is well-established, in that most of the lots are already developed. Redevelopment of some of these parcels, however, may certainly occur. Many buildings are single family residences in appearance, and are built of painted wood siding. Most face the street, although some are arranged in planned clusters. There are several large lots with oversized buildings, out of character with the desired goal for this district.

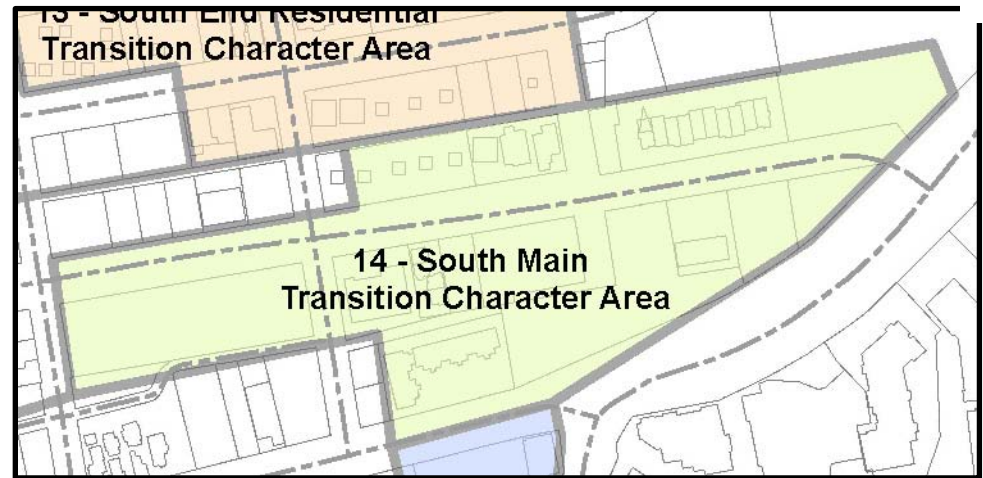
Design Goals for the Character Area

The goal for the South Main Transition Character Area is to strengthen the visual association with the traditional town grid and to maintain a character that is primarily single-family residential. Although some recent projects have deviated from the traditional grid setting, these do not set a precedent for future building. In fact, any future development should once again re-emphasize the established town grid. It is anticipated that both residential and commercial uses will be in this character area. New commercial development should maintain a single family residential character. Future development should also convey the rhythm of the smaller historic lots wherever feasible.

Pedestrian Orientation

Policy:

The South Main Transition Character Area should be predominantly pedestrian-oriented, while also accommodating other modes of circulation.



The South Main Transition Character Area



Use building components similar to those used traditionally on commercial storefront type structures.

Design Standard:

P 341. Enhance the pedestrian-orientation in all commercial development. For development fronting Main Street:

Use these techniques to contribute to a sense of pedestrian scale and provide visual interest:

- Create paths through sites that allow pedestrians to filter onto Main Street from adjoining areas.
- Provide sitting areas and nooks to encourage leisurely enjoyment of the street.
- Create pedestrian-scaled signs that can be read by passers-by.
- Provide interpretive markers that explain the historic and natural resources of the area to pedestrians.
- Sponsor public art installations that add accent to the street.
- Create areas of landscaping using materials that encourage pedestrian use.

Orient building fronts to the street.

Building Fronts

Design Standard:

P 342. Develop building fronts that reinforce the pedestrian-friendly character of the area.

- Avoid large blank wall surfaces that diminish pedestrian interest.
- Split level entries at elevations other than sidewalk grade are inappropriate. Sunken terraces also are inappropriate.

Façade Alignment

Policy:

Because this area is a transition from commercial to residential building types, a variety in building setbacks is appropriate. Development along Main Street should have reduced front and side yards. Buildings along Ridge Street should maintain a small front yard to support the residential character of buildings

Design Standard:

343. Provide a variety in building setbacks.

- Setback areas should be developed as pedestrian amenities, including landscaped seating areas.

Building Form

Building forms should be similar to traditional residential buildings, in order to extend the perception the residential character of the South Main Street Residential Character Area to the north.

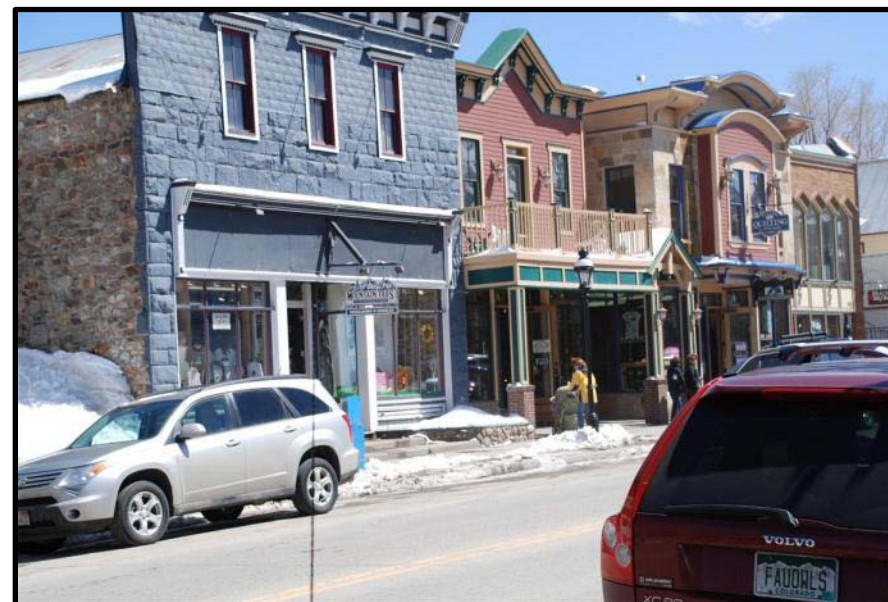
Design Standards:

344. Use building forms similar to traditional single-family residential structures.

345. Use gable roof forms is recommended

Include gable roofs in the design.

- Secondary shed elements may be allowed.
- Conceal mechanical equipment in roof forms.



As seen at the street edge, building fronts should reflect the reflect the widths seen traditionally in Town

Building Widths

Design Standard:

346. As seen at the street edge, building fronts should reflect the widths seen traditionally in Town on residential buildings.

- This will help to retain the perceived pattern of historic lot sizes.
- Building widths also should be expressed in roof plan.

Mass and Scale

Design Standard:

347. Buildings also should appear to be similar in scale to those seen historically in the South Main Street Residential Character Area.

- Express the scale of historic building modules with changes in width, material setback, fenestration and details.
- Locate some density in basements to reduce perceived mass.

Landscaping

Policy:

Landscape elements should contribute to the visual continuity of the area by repeating similar materials along the street. The overall image of landscaping along Main Street should be more "urban" similar to the South Main Street Residential Character Area. Properties along Ridge Street should provide front yards similar to historic residential properties along Ridge Street.

Design Standards:

348. Street plantings in the public right of way shall comply with the Downtown Urban Design Plan.

349. Street plantings within the property line shall comply with the plant and material list defined in the landscaping ordinance.

- Use native plants for large areas of plantings.
- Reserve exotic plantings for limited accents.

Parking

Policy:

In general, the visual and functional impacts of parking should be minimized, in the interest of enhancing the pedestrian orientation of the area. Because of the densities of development anticipated in this area, structured parking, located under inhabited structures, is encouraged; however, in some circumstances, surface lots are expected to occur at the back of the lots.

Design Standards:

350. Design the perimeter of parking facilities to be "pedestrian-friendly."

- Provide landscaped buffers around parking lots.
- Provide occupied space, decorative surfaces or landscaping at the ground level of parking areas, to create visual interest for pedestrians.

351. Design structured parking such that floors of parking cars are not exposed to view from major public ways.

- Locate parking areas behind other uses in structures, or screen parking with landscaping.

Items generally not as critical

Design Standard:

352. The character of windows, doors and architectural details generally are not as critical in the South Main Transition Character Area.

- An exception is when such elements are so configured as to affect the overall scale or character of a building as it relates to other design standards in this document.