



BRECKENRIDGE TOWN COUNCIL WORK SESSION

Tuesday, February 28, 2012

2:00 p.m. – Computer Training – 3rd Floor Conference Room

3:00 p.m. – Work Session Begins - 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.*

2:00 - 3:00 P.M.	I	<u>COMPUTER TRAINING</u>	Page
3:00 - 3:15 P.M.	II	<u>PLANNING COMMISSION DECISIONS</u>	2
3:15 - 4:00 P.M.	III	<u>LEGISLATIVE REVIEW*</u>	
		Vendor Carts Moratorium Extension	10
		Development Agreement for Extended Vesting Cucumber Creek Estates	13
		Code Amendment: TDRs and Employee Housing	24
		Golden Horseshoe Management Plan	31
4:00 - 4:30 P.M.	IV	<u>MANAGERS REPORT</u>	
		Housing/Childcare Update	Verbal
		Committee Reports	71
		Financials	72
		Fund Balance Reserves Analysis	87
		Information Only - Solar Garden Update Memo	90
4:30 - 5:00 P.M.	V	<u>OTHER</u>	
		Summer Gondola Use	91
5:00 - 6:00 P.M.	VI	<u>PLANNING MATTERS</u>	
		Cucumber Gulch Hydrology Monitoring Report	104
		Vendor Cart Policy	111
		Transition Area Standards	115
6:00 P.M.	VII	<u>DINNER PROVIDED</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: February 22, 2012

Re: Town Council Consent Calendar from the Planning Commission Decisions of the February 21, 2012, Meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF February 21, 2012:

CLASS C APPLICATIONS:

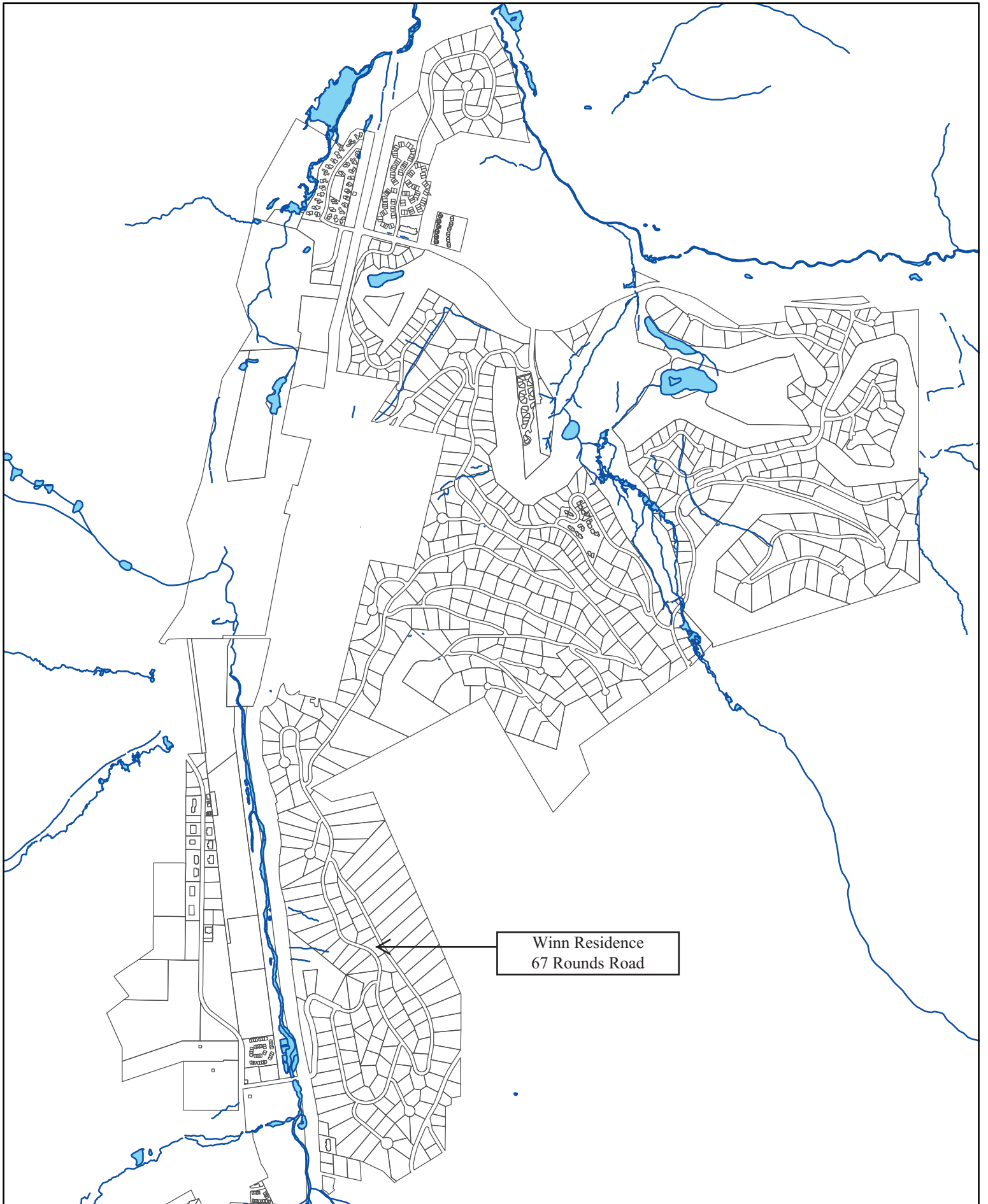
1. Blass Residence PC#2012006, 215 South Gold Flake Terrace
Construct a new single family residence with 4 bedrooms, 4.5 bathrooms, 5,277 sq. ft. of density and 5,998 sq. ft. of mass for a F.A.R. of 1:1.30. Approved.
2. Winn Residence PC#2012007, 67 Rounds Road
Construct a new single family residence with 6 bedrooms, 6.5 bathrooms, 4,712 sq. ft. of density and 5,347 sq. ft. of mass for a F.A.R. of 1:8.20. Approved.
3. Kesselring Accessory Apartment PC#2012008, 402 Wellington Road
Addition of a 660 sq. ft., 1 bedroom, 1 bath, accessory apartment above the garage of an existing single family residence to create a total of 3,030 sq. ft. of density and 4,047 sq. ft. of mass for a F.A.R. of 1:6.10. Approved.
4. Park and Main Change of Use PC#2012009, 500 South Main Street
Change of use of existing property / use from general commercial (retail / office) to a restaurant with on-site seating. Approved.

CLASS B APPLICATIONS:

None

CLASS A APPLICATIONS:

None



Winn Residence
67 Rounds Road

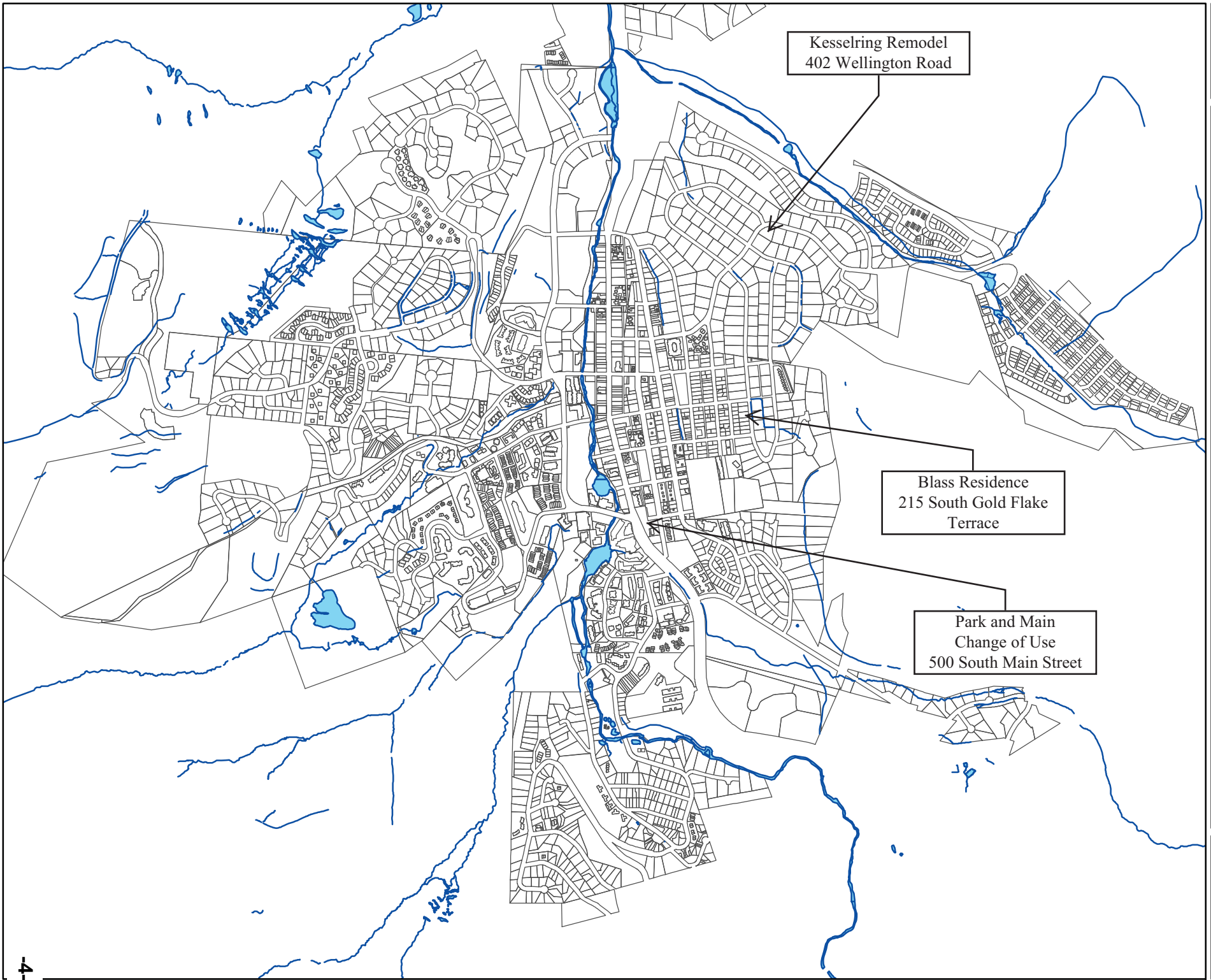


Town of Breckenridge and Summit County governments
assume no responsibility for the accuracy of the data, and
use of the product for any purpose is at user's sole risk.

Breckenridge North

printed 4/12/2011



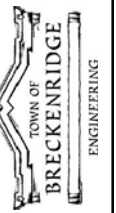


NOT TO SCALE

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
Dave Pringle		
Jennifer McAtamney, Town Council		

APPROVAL OF MINUTES

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

APPROVAL OF AGENDA

With no changes, the February 21, 2012 Planning Commission meeting agenda was approved unanimously (7-0).

CONSENT CALENDAR:

- 1) Blass Residence (MGT) PC#2012006, 215 South Gold Flake Terrace
Mr. Pringle: Are those unlimited density lots? (Mr. Neubecker: Yes, since they are outside of the conservation district.) The conservation district boundary was moved back in 1991. (Mr. Neubecker: Since it is outside of this district it is unlimited density, and since it does have a building envelope it is subject to unlimited mass. Allowed is as much as you can fit meeting our policies.) I was just questioning when we came up with unlimited above ground density. I just want to make sure that I am correct in my presumption. (Mr. Neubecker: I was not here at that time, but we can do more research.)
- 2) Winn Residence (MGT) PC#2012007, 67 Rounds Road
- 3) Kesselring Remodel (MGT) PC#2012008, 402 Wellington Road
- 4) Park and Main Change of Use (CN) PC#2012009, 500 South Main Street

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

WORKSESSIONS:

- 1) Air Quality Policy (CN)
Mr. Neubecker presented. The Town's current Air Quality Policy is designed to encourage alternative methods of heating and cooking, rather than wood burning appliances. The current policy assigns negative two (-2) points for the installation of a wood burning cooking appliance in a restaurant or bar.

Recently, staff received inquiries into the use of fruit hardwoods as a fuel for a wood burning pizza oven. Wood burning pizza ovens, which generally burn hardwoods, tend to burn at very high temperatures and typical wood burning pizza oven temperatures reach between 650 – 800 degrees Fahrenheit. As a result, there is much less smoke than wood burning stoves or fireplaces.

Staff would like the Commission to consider if the negative points for wood burning cooking appliances in a restaurant or bar should be eliminated. These cooking appliances appear to be significantly cleaner burning than traditional wood burning fireplaces or wood stoves. Staff does not anticipate any noticeable impact on local air quality, due to a potential small number of applications for this type of oven. There could also be a change in the variety of local restaurant offerings.

If the Commission supported this proposed code change, Staff would next bring this issue to the Town Council before writing the amended policy.

Mr. Daniel Lewis, Flatbread Pizza Company, also presented his findings on the stoves. Mentioned a company called Woodstone which offers ovens driven with gas but that can also burn wood. Wood ovens exhale strictly hot air; emissions readings do not exist at this time.

Commissioner Questions / Comments:

- Mr. Schroder: Stated that he knows Mr. Lewis personally. Have the negative two (-2) points been on the books forever? (Mr. Neubecker: Policy has been in place since 1978, but we aren't sure that it was so specific for these purposes. Just for fireplaces.)
- Mr. Lamb: I think in 1978 the town was responding to what seemed to be a problem, here we are many years later, still with this policy. Fireplaces weren't EPA regulated back then. The fact that the EPA hasn't weighed in on this, it seems like it isn't an issue to me. It indicates to me that this isn't a big issue. (Ms. Christopher: I agree.) (Mr. Pringle: Just because the EPA hasn't weighed in on this doesn't mean that they don't regulate them. It would open up different restaurant options.) (Mr. Neubecker: I called the EPA in Denver. We can't pinpoint a study that shows us numbers that it is cleaner, hence why I have been hesitant to present this to you all. We have had requests from the public. These are not regulated by the EPA. I think if we insist on commissioning a study that won't happen.)
- Ms. McAtamney: What happens in Denver when they have a "red" day (regarding air quality)?
- Mr. Rath: A wood burning pizza oven produces 11x more pollution than gas; so then what about BBQ's? That produces even more pollution and is even worse overall air quality.
- Ms. Christopher: I'm almost positive that if the EPA is driven by public concerns and if there is no data available, then there shouldn't be a problem.
- Mr. Rath: All restaurants produce pollution. If we really wanted to investigate this situation we, would have to look into cooking, burning, etc. Apparently there is something out there that you can put on the exhaust (catalytic converter?) to improve the air quality.
- Ms. Dudney: The current code allows a wood burning appliance in a home and gets 0 points. (Mr. Neubecker: Yes, but it has to be EPA Phase II.) (Mr. Schroder: It seems like the EPA has yet to have ratings for this.) Are you saying that even an EPA Phase II in a home might have more particulates than a pizza oven? (Mr. Lewis: There is data on this that people in homes have more emissions because what wood they are burning; i.e. pine, etc.)
- Mr. Schroder: The trouble is that they come in with negative two (-2) points. Do we want to put the brakes on potential new services on our town? I don't think we do. I don't think it is a good policy for our Town to not be doing new innovative things. (Mr. Neubecker: He has the pizza trailer because he is catering etcetera; so it is hard to attach that to a particular property.)
- Mr. Butler: How do our BBQ restaurants cook? Like Saltcreek? (Mr. Neubecker: They have been in town before I worked for the town, so I am not sure what they use. I don't think that they use smoke for the whole process. I do not know what points were assigned to that use.)
- Mr. Schroder: What kind of feedback can we offer you? (Mr. Neubecker: Ideas of any other things we can look into, etc.)

Commission Support vs. Reservation & Why?

- Ms. Dudney: Benefits of the greater diversification offerings offset the deterrents that may not even exist. There aren't that many restaurants that would use this and it is not regulated by the EPA. I am in favor of changing the code.
- Mr. Rath: We can't ignore the facts that there are harmful things coming out of all the restaurants. I agree with Ms. Dudney that we need diversification in our restaurants and it is almost unfair to pick on wood burning pizza ovens because there is so much more out there.
- Mr. Butler: It would be an absolute policy instead of a relative policy. I am in favor.
- Ms. Christopher: If it were an issue, the EPA would address it. With the facts presented, I feel like there is not a problem.
- Mr. Lamb: In agreement with everything that has been said here. The fact that the EPA doesn't have an opinion makes me think it's not an issue. How many restaurants are really going to go to this expense? It will be good to have diversification. I would be in favor of eliminating the negative two (-2) points. Maybe it is time to look at this a little closer since it is still on the books. Maybe Staff could do a little more research with the catalytic converters and wood burners. Seems like a non-issue. I think it could go away without harming the Town.
- Mr. Pringle: Reluctant to ban it from the code. It just gets negative points, just like everyone else has to. Maybe this code is acting as it was intended to. Reluctant to change code without evidence of what is actually happening; we need to be clearer about which stoves will be allowed. What happens to the next applicant that comes in and says his stove burns cleaner but we have no proof or evidence? (Mr. Lewis: I can't make up those negative two (-2) points when I am leasing the building.) We need to

look into the question: is there a reasonable way for them to make up the negative two (-2) points? There is no evidence to prove the claims that have been made.

Mr. Schroder: In support of relieving any applicant, any restaurant that wants to use wood, in order to fulfill opportunities in Town for guests and ourselves. We are giving them the opportunity to go down that specialty avenue. I like the idea of fresh and new ideas. In support of passing issue to Town Council.

2) Vendor Carts (CN)

Mr. Neubecker presented. The Town's current policy on Temporary Structures (Policy 36/Absolute) allows temporary vendor carts for the sale of food and beverages in a form suited for immediate consumption. Vendor Carts are currently under a moratorium while Staff works on a new policy.

Staff has met a few times with the Town Council over the past year to discuss concerns with the current policy and options for a new policy. Most recently, we met on February 14, 2012 and the Town Council provided the following direction to the staff:

- Continue to allow vendor carts in the historic district, but with stricter design standards
- Vendor carts do not need to follow historic district design standards; create new vendor cart standards
- Place a limit on the total number of vendor carts allowed in the town and/or historic district
- Do not require existing vendors to go out of business, but to come into compliance with new standards upon permit renewal
- Do not allow entire side of vendor cart to be "a sign"
- Require Planning Commission review with public notice

The Town Council indicated that they liked the design of Crêpes à la Cart, but had concerns with newer vendor carts such as Stella's Hungry Horse and Wyatt's Western Walking Pies. Based on Town Council direction, Staff will be presenting recommendations on how to revise the current policy. Some of the ideas Staff has for these changes include:

- Developing different standards for small push carts (hot dog carts) that are removed each night versus those that remain in place over night
- Developing different standards for vendor carts inside and outside the historic district
- Require 360 degree design on carts (do not allow blank trailers)
- Encourage use of landscaping, decks and awnings to help large carts look less temporary
- Create a more specific policy on vendor cart signs
- Consider limiting color chroma and value differently from permanent buildings
- Require trailer hitches and wheels to be hidden from public view

The Town Council did not indicate that parking was a problem or that parking service area fees should be required for these temporary uses. Also, water Plant Investment Fees would likely not be required, since most vendor carts are not connected to the Town's water system. Staff will bring the draft policy back to the Planning Commission after the policy has been further developed and received general consensus from the Town Council. Staff appreciated any feedback that the Commission had.

Commissioner Questions / Comments:

Mr. Pringle: When we talk about temporary vendor carts, maybe we should think of it in the context of popcorn wagons and hotdog wagons. It is my opinion that the more permanent looking you make it, it reduces the temporariness of the vendor cart. We started using the Crepe cart as a model for when this was written. Those are different than the "trailer kitchens". (Ms. McAtamney: I think that is what we are trying to wrap our heads around. They are different from restaurants; they have food for immediate consumption.) (Mr. Neubecker: Restaurants are a different animal from this; you can still get some of the things the food carts offer in restaurants. There is a slight bit of competition.)

Ms. Dudney: Did the Council not have a problem with the competitiveness between these places and restaurants? (Ms. McAtamney: The food carts offer a different option. It is a less expensive option for some families. It does create a challenge on the competitive landscape, but in a limited quantity. It is a trend around the nation right now. It does create a vibe and ambiance on the street.)

- Mr. Pringle: A restaurant opening in La Cima has \$75,000 in town fees to pay before getting a permit. They would be worried about this little cart. They have water plant investment fees, parking, etc. I think we have to be careful when we start bringing in temporary food carts that are offering lunches and not just snack options. What is fair to the guy that we just approved to start his restaurant? These vendors don't pay anything. (Mr. Neubecker: A few Council members are concerned about that; we are looking into similar fees that restaurants pay. May base it on square footage (e.g.: 100 sq. ft. restaurant, approximately \$4,300 in parking fees.) The Town identified it as an issue and we are looking into it. They also asked us to change it from a Staff review to a Planning Commission review with public notice.)
- Ms. McAtamney: We want the businesses that are already there to come to compliance with new standards.
- Mr. Pringle: Can we add a grandfather a clause, that once they pull up stakes they are done? I don't like the trailer. I like the hotdog vendor and the jerky wagon because they go away at night. I think we like the Crepe wagon because it has been here as long as a lot of us and it fits with the Town. I don't think that we want to see all these places popping up without paying fees. They are in direct competition with our lunch options. (Mr. Neubecker: One thing that seems to be missing, people don't like the colors. I was thinking we limit the color "value" (we now limit the chroma); it would limit how close it could be to white. No mobile food trucks. We are thinking we will allow carts to go outside conservation district to construction sites but we are really focusing on the push carts and the vendor carts.)
- Mr. Pringle: In the code it says "booth"; somehow that portion of the code morphed into Stella's and Beaver Tails. (Mr. Neubecker: We realized that this was a problem and that we need to nail this down for applicants and for Staff. The code talks generically about aesthetics; that is why we are working on this. We will be working on the policy. We have a meeting with the Town Council next Tuesday to talk about it.)
- Mr. Rath: I keep coming back to the historical context. My concern is that we spend all these years making the buildings be homogenous and then we have trailers sitting out in front of them. We ought to be able to do something. We don't want to put them out of business, but we don't want them to be sitting out there for much longer.
- Ms. Christopher: The design standards need to be developed; needs to include old fashion items, items that fit in the historical relevance of the Town. We aren't trying to make it a house. It should relate to Breckenridge.
- Mr. Lamb: We almost need to figure out what makes them bad, good, etc. and what we find acceptable. It is hard to pin down because you are legislating taste. What would make these things look appealing?
- Mr. Pringle: Sense of connection with people selling; now they just stand inside the cart. This is where we crossed the line. Now it isn't a vendor cart but it is something other than a vendor selling something. (Mr. Lamb: We need to figure out where that line is that we crossed.) What we find objectionable, there should be a restaurant standard, some fees that put them on an even playing field. The more we try to dress these things up with landscaping, etc, the more permanent looking they become and less temporary they look. There is nothing wrong with the jerky wagon and a popcorn wagon because they are gone at night. (Ms. Brooke Comai, Jerky Cart Owner: We appreciate being able to be in the Town of Breckenridge and I feel like we fit in. We are trying to make our opportunity good for everyone in Town.)
- Mr. Schroder: Maybe a tiered approach to what people are selling; i.e., jerky vs. hamburger.

OTHER MATTERS:

1. Town Council Update

Ms. McAtamney, Town Council Member, presented.

- We approved an open container law for events that do not have a liquor license associated with them. It must be events put on by the Town or by marketing. (i.e.: Ullr Parade). This helps the police so they don't have to feel like they need to ticket people.
- Extended vesting agreement for Cucumber Creek Estates: We extended the vesting for them. It is a subdivision near where the existing Nordic Center is now. Public benefit in return for vesting. Supported unanimously.
- Adopted Management Plan for Cucumber Gulch/Gondola with Ski Area: Guiding principles for managing the land.
- The "Wedge" land, on NW Corner of Cucumber Gulch: We have been pursuing that land for a long time, actively been working on this exchange since I have been on Town Council.
- Claimjumper parcel: Affordable rental housing, looking to close on deal at the end of March.

- Fund Balance Analysis: Council wants to be able to continue to fund water projects, etc. We are going through fund balances and trying to attach more firm policies toward them so people understand why the money is where it is.
- Catastrophic Wildfire: 3 months support; researching other communities that have experienced potential hardships. Looking to extend that to support to 6 months; will continue to look into this. Looking to set policy about this so people can understand why.
- Arts District: Possibility to accelerate portions of art district.
- Public Engagement: Is there a way we can do more to engage the public? Videotaping? Advertisements?
- Breckenridge Fuels Project: What we are doing for fuel mitigation this summer.

Other Matters:

Mr. Pringle: Rolling advertisements? Billboards on trucks? (Mr. Neubecker: We might be able to enforce our current ordinance.) What about the 5-hour Energy that sets up a booth and has a table outside near the Blue River Plaza?

2. Planning Commission Norms

Mr. Neubecker presented. A memo was placed in the Planning Commissioner's notebooks with a reminder as to the Planning Commission Norms.

Commissioner Questions / Comments:

Mr. Pringle: Good etiquette.

ADJOURNMENT:

The meeting was adjourned at 8:51p.m.

Dan Schroder, Chair

MEMO

TO: Town Council
FROM: Town Attorney
RE: Council Bill No. 7 (Extension of Vendor Cart Moratorium)
DATE: February 15, 2012 (for February 28th meeting)

The second reading of the ordinance extending the current vendor cart moratorium to July 1, 2012 is scheduled for your meeting on February 28th. There are no changes proposed to the ordinance from first reading.

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

1 ***FOR WORKSESSION/SECOND READING – FEB. 28***

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

4
5 COUNCIL BILL NO. 7

6
7 Series 2012

8
9 AN ORDINANCE AMENDING ORDINANCE NO. 10, SERIES 2011, BY EXTENDING THE
10 TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING,
11 AND APPROVAL OF NEW APPLICATIONS FOR DEVELOPMENT PERMITS TO
12 OPERATE TEMPORARY VENDOR CARTS
13

14 WHEREAS, by Ordinance No. 10, Series 2011, the Town Council imposed a moratorium
15 on the submission, acceptance, processing, and approval of new applications for development
16 permits to operate temporary vendor carts within the Town; and
17

18 WHEREAS, the Town Council finds and determines that an extension of the temporary
19 moratorium is necessary to allow the Town’s staff to complete revisions to Policy 36 (Absolute)
20 of Section 9-1-19 of the Breckenridge Town Code (part of the Town’s “Development Code”).
21

22 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
23 BRECKENRIDGE, COLORADO:
24

25 Section 1. Section 4 of Ordinance No. 10, Series 2011, is amended to read in its entirety
26 as follows:
27

28 Section 4. Effective Dates of Moratorium. The moratorium imposed by this
29 ordinance shall commence on the effective date of this ordinance, and shall expire
30 ~~one (1) year thereafter~~ on July 1, 2012, unless sooner repealed.
31

32 Section 2. Except as specifically amended, Ordinance No. 10, Series 2011, shall continue
33 in full force and effect.
34

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

40 Section 4. The Town Council hereby finds, determines and declares that it has the power
41 to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act,
42 Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal
43 zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv)
44 Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to

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

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

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

10
11 TOWN OF BRECKENRIDGE, a Colorado
12 municipal corporation
13

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15
16 By _____
17 John G. Warner, Mayor
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19 ATTEST:
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23 _____
24 Mary Jean Loufek, CMC,
25 Town Clerk
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MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 8 (Cucumber Creek Estates Extended Vested Property Rights Development Agreement)

DATE: February 16, 2012 (for February 28th meeting)

The second reading of the ordinance approving the Cucumber Creek Estates Extended Vested Property Rights Development Agreement is scheduled for your meeting on February 28th.

There are no changes proposed to ordinance from first reading. However, a new Section 5 has been added to the Development Agreement providing that the normal development agreement application fee has been waived, but that Christie Heights Partnership will reimburse the Town for my time related to the development agreement and the approving ordinance.

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

1 ***FOR WORKSESSION/SECOND READING – FEB. 28***

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

5
6 COUNCIL BILL NO. 8

7
8 Series 2012

9
10 AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH
11 CHRISTIE HEIGHTS PARTNERSHIP, a California general partnership
12 (Extended Vested Property Rights – Cucumber Creek Estates)

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

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

19
20 A. Pursuant to the Development Permit No. 1998-3-3 (the “**Development Permit**”),
21 the Town has approved an amended subdivision plan for Cucumber Creek Estates (the
22 “**Subdivision Plan**”).

23
24 B. Pursuant to the Breckenridge Town Code the vested property rights period for the
25 Subdivision Plan is three years. As used in this Agreement, the term “vested property rights
26 period” shall have the meaning, purpose and effect afforded such term in the Breckenridge Town
27 Code.

28
29 C. The Breckenridge Town Code, including Section 9-1-17-11:E of the Development
30 Code, authorizes the vested property rights for a phased development to be as provided for in a
31 development permit and Section 9-1-17-11:K of the Development Code authorizes the Town
32 Council to enter into a development agreement to provide for a vested property rights period of
33 more than three years when warranted in light of all relevant circumstances including, but not
34 limited to, the size and phasing of the development, economic cycles and market conditions.

35
36 D. By that Development Agreement For Cucumber Creek Estates (Extended Vested
37 Property Rights) the Town and Christie Heights Partnership, a California general partnership
38 (“**Developer**”), agreed that the vested property rights for the Subdivision Plan were extended
39 until January 9, 2016.

40
41 E. The Developer has submitted a completed application for a new development
42 agreement to extend the vested property rights for the Subdivision Plan until January 9, 2021.

43
44 F. The Town Council has received the completed application; had a preliminary
45 discussion of the application and the proposed agreement; determined that it should commence

1 proceedings for the approval of the agreement without referring the application to the Planning
2 Commission. For good cause, the Town Council agreed to waive the application fee for the
3 requested Development Agreement.
4

5 G. A Development Agreement between the Town and the Developer providing for
6 the requested extension of the vested property rights has been prepared, a copy of which is
7 marked **Exhibit “A”**, attached hereto, and incorporated herein by reference (“**Development**
8 **Agreement**”).
9

10 H. The commitments to the Town to enable the Town to obtain supplemental
11 benefits that could not be obtained by the Town through existing regulations, standards or
12 policies, as encouraged in Section 9-9-4 of the Breckenridge Town Code, are provided for in the
13 Development Agreement.
14

15 I. The Town Council has reviewed the Development Agreement.
16

17 J. The extension of the vested property rights for the Development Permit as
18 provided for in the Development Agreement is warranted in light of all relevant circumstances.
19

20 K. The procedures to be used to review and approve a Development Agreement are
21 provided in Chapter 9 of Title 9 of the Breckenridge Town Code. The requirements of such
22 Chapter have been met in connection with the approval of the Development Agreement and this
23 ordinance.
24

25 Section 2. Approval of Development Agreement. The Development Agreement between
26 the Town and Developer (**Exhibit “A”** to this ordinance) is approved, and the Town Manager is
27 authorized, empowered, and directed to execute such Agreement for and on behalf of the Town
28 of Breckenridge.
29

30 Section 3. Notice of Approval. The Development Agreement shall contain a notice in the
31 form provided in Section 9-9-13 of the Breckenridge Town Code. In addition, a notice in
32 compliance with the requirements of Section 9-9-13 of the Breckenridge Town Code shall be
33 published by the Town Clerk one time in a newspaper of general circulation in the Town within
34 fourteen days after the adoption of this ordinance. Such notice shall satisfy the requirement of
35 Section 24-68-103, C.R.S.
36

37 Section 4. Police Power Finding. The Town Council hereby finds, determines and
38 declares that this ordinance is necessary and proper to provide for the safety, preserve the health,
39 promote the prosperity, and improve the order, comfort and convenience of the Town of
40 Breckenridge and the inhabitants thereof.
41

42 Section 5. Authority. The Town Council hereby finds, determines and declares that it has
43 the power to adopt this ordinance pursuant to the authority granted to home rule municipalities
44 by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town
45 Charter.
46

1
2 APPROVAL OF THIS DEVELOPMENT AGREEMENT CONSTITUTES A VESTED PROPERTY
3 RIGHT PURSUANT TO ARTICLE 68 OF TITLE 24, COLORADO REVISED STATUTES, AS
4 AMENDED
5

6
7 DEVELOPMENT AGREEMENT
8 FOR
9 EXTENDED VESTING
10 OF
11 DEVELOPMENT PERMIT #1998-3-3
12 FOR
13 CUCUMBER CREEK ESTATES
14

15 This Development Agreement for Extended Vesting of Development Permit #1998-3-3 for
16 Cucumber Creek Estates (“Agreement”) is made as of the ____ day of _____,
17 2012 between the TOWN OF BRECKENRIDGE, a municipal corporation of the State of
18 Colorado, (the “Town”) and CHRISTIE HEIGHTS PARTNERSHIP, a California general
19 partnership (the “Developer”).
20

21 Recitals
22

23 A. Developer is the owner of the real property described as follows:
24

25 TRACT B, CHRISTIE HEIGHTS SUBDIVISION FILING NO. 2, ACCORDING
26 TO THE PLAT THEREOF RECORDED JANUARY 31, 2001 UNDER
27 RECEPTION NO. 644114, SUMMIT COUNTY, COLORADO
28

29 (“Tract B”).

30 B. Pursuant to Development Permit #1998-3-3 (“Permit”), the Town has approved the
31 Subdivision Plan for Cucumber Creek Estates as a site specific development plan for Tract B.

32 C. Pursuant to the Development Agreement for Cucumber Creek Estates (Extended
33 Vested Property Rights) dated January 18, 2001 and recorded January 31, 2001 under Reception
34 No. 644110, Summit County, Colorado (“Original Agreement”), the vested property rights period
35 for the Permit is fifteen (15) years, which will expire on January 9, 2016. As used in this
36 Agreement, the term “vested property rights period” shall have the meaning, purpose and effect
37 afforded such term in the Breckenridge Development Code, including, but not limited to, Section
38 9-1-17-11 and Policy 39 of Section 9-1-19.

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

1 E. As the result of the current market conditions for single family residential property,
2 the number of residences and lots available, and the rate at those residences and lots are anticipated
3 to sell, adding five (5) additional years to the current vested property rights period is reasonable.

4 F. As the commitments encouraged to be made in connection with an application for a
5 development agreement in accordance with Section 9-1-4 of the Breckenridge Town Code,
6 developer proposes to amend the Lease between Developer and the Town dated October 9, 2009
7 for Tract B (“Lease”): first, to eliminate Developer’s right as Landlord under the Lease to
8 terminate the term of the Lease on thirty (30) days’ notice and to substitute a right to terminate only
9 in the event that developer intends to begin construction of improvements to Tract B in accordance
10 with the Permit by notice that must be given at least ninety (90) days prior to the date of
11 termination and may not be given between September 1 of any year and January 31 of the next
12 calendar year; and, second, to include the areas of Tract B currently excluded from the Lease.

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

18
19 Agreement

20 1. The Town acknowledges and agrees that it has determined that circumstances
21 warrant an extension of the vested property rights period for the Permit because current market
22 conditions and anticipated economic cycles indicate that the single family lots should be
23 subdivided when there is demand for such lots and that an additional five (5) years is reasonable
24 for such subdivision to take place.

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

27 3. Pursuant to its authority under paragraph K of Section 9-1-17-11 of the
28 Breckenridge Development Code, the Town Council, on behalf of the Town, agrees that the vested
29 property rights period for the Permit, including any amendments thereto, shall be extended to
30 January 9, 2021.

31 4. As commitments to the Town to enter into this Agreement, Developer agrees: to
32 eliminate Developer’s right as Landlord under the Lease to terminate the term of the Lease on
33 thirty (30) days’ notice and to substitute a right to terminate only in the event that developer
34 intends to begin construction of improvements to Tract B in accordance with the Permit by notice
35 that must be given at least ninety (90) days prior to the date of termination and may not be given
36 between September 1 of any year and January 31 of the next calendar year; and to include the
37 entirety of Tract B under the Lease for use by the Town by adding the areas of Tract B currently
38 excluded from the Lease.

39 **5. For good cause, the Town has agreed to waive such application fee as may be**

1 required pursuant to Section 9-9-7 of the Breckenridge Development Code in connection
2 with the application for this Agreement, and, in lieu of payment of an application fee,
3 Developer agrees to pay for the Town's reasonable legal fees incurred in connection with the
4 review and approval of this Agreement and the related ordinance.

5 6. ~~5.~~The Original Agreement is hereby terminated and released as a burden upon or
6 benefit to Tract B.

7 7. ~~6.~~Except as provided in Section 24-68-105, C.R.S. and except as specifically
8 provided for herein or in the Permit, the execution of this Agreement shall not preclude the current
9 or future application of municipal, state or federal ordinances, laws, rules or regulations to Tract B
10 (collectively, "laws"), including, but not limited to, building, fire, plumbing, engineering,
11 electrical and mechanical codes, and the Town's Development Code, Subdivision Standards and
12 other land use laws, as the same may be in effect from time to time throughout the term of this
13 Agreement. Except to the extent the Town otherwise specifically agrees, any development of
14 Tract B which is the subject of this Agreement shall be done in compliance with the then-current
15 laws of the Town.

16
17 8. ~~7.~~Nothing in this Agreement shall preclude or otherwise limit the lawful authority
18 of the Town to adopt or amend any Town law, including, but not limited to the Town's: (i)
19 Development Code, (ii) Master Plan, (iii) Land Use Guidelines and (iv) Subdivision Standards.

20 9. ~~8.~~This Agreement shall run with title to the land and be binding upon and inure to
21 the benefit of Developer, its successors and assigns.

22
23 10. ~~9.~~Prior to any action against the Town for breach of this Agreement, Developer
24 shall give the Town a sixty (60) day written notice of any claim by the Developer of a breach or
25 default by the Town, and the Town shall have the opportunity to cure such alleged default within
26 such time period.

27 11. ~~10.~~The Town shall not be responsible for and the Developer shall have no remedy
28 against the Town if development of Tract B is prevented or delayed for reasons beyond the control
29 of the Town.

30
31 12. ~~11.~~Actual development of Tract B shall require the issuance of such other and
32 further permits and approvals by the Town as may be required from time to time by applicable
33 Town ordinances.

34
35 13. ~~12.~~No official or employee of the Town shall be personally responsible for any
36 actual or alleged breach of this Agreement by the Town.

37
38 14. ~~13.~~The Developer agrees to indemnify and hold the Town, its officers, employees,
39 insurers, and self-insurance pool, harmless from and against all liability, claims, and demands, on
40 account of injury, loss, or damage, including without limitation claims arising from bodily injury,
41 personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind
42 whatsoever, which arise out of or are in any manner connected with this Agreement, if such injury,

1 loss, or damage is caused in whole or in part by, or is claimed to be caused in whole or in part by,
2 the negligence or intentional act or omission of Developer; any subcontractor of Developer, or any
3 officer, employee, representative, or agent of Developer or of any subcontractor of Developer, or
4 which arise out of any worker's compensation claim of any employee of Developer, or of any
5 employee of any subcontractor of Developer; except to the extent such liability, claim or demand
6 arises through the negligence or intentional act or omission of Town, its officers, employees, or
7 agents. Developer agrees to investigate, handle, respond to, and to provide defense for and defend
8 against, any such liability, claims, or demands at the sole expense of the Developer. Developer
9 also agrees to bear all other costs and expenses related thereto, including court costs and attorney's
10 fees.

11
12 15. ~~14.~~ If any provision of this Agreement shall be invalid, illegal or unenforceable, it
13 shall not affect or impair the validity, legality or enforceability of the remaining provisions of the
14 Agreement.

15
16 16. ~~15.~~ This Agreement constitutes a vested property right pursuant to Article 68 of
17 Title 24, Colorado Revised Statutes, as amended.

18
19 17. ~~16.~~ No waiver of any provision of this Agreement shall be deemed or constitute a
20 waiver of any other provision, nor shall it be deemed to constitute a continuing waiver unless
21 expressly provided for by a written amendment to this Agreement signed by both Town and
22 Developer; nor shall the waiver of any default under this Agreement be deemed a waiver of any
23 subsequent default or defaults of the same type. The Town's failure to exercise any right under
24 this Agreement shall not constitute the approval of any wrongful act by the Developer or the
25 acceptance of any improvements.

26
27 18. ~~17.~~ This Agreement shall be recorded in the office of the Clerk and Recorder of
28 Summit County, Colorado.

29
30 19. ~~18.~~ Nothing contained in this Agreement shall constitute a waiver of the Town's
31 sovereign immunity under any applicable state or federal law.

32
33 20. ~~19.~~ Personal jurisdiction and venue for any civil action commenced by either party
34 to this Agreement shall be deemed to be proper only if such action is commenced in District Court
35 of Summit County, Colorado. The Developer expressly waives its right to bring such action in or
36 to remove such action to any other court, whether state or federal.

37
38 21. ~~20.~~ Any notice required or permitted hereunder shall be in writing and shall be
39 sufficient if personally delivered or mailed by certified mail, return receipt requested, addressed as
40 follows:

41
42 If To The Town:

Timothy J. Gagen, Town Manager
Town of Breckenridge
P.O. Box 168
Breckenridge, CO 80424

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With A Copy (which shall not constitute notice to the Town) to:

Timothy H. Berry, Esq.
Town Attorney
P.O. Box 2
Leadville, CO 80461

If To The Developer:

Timothy J. Casey
Christie Heights Partnership
P.O. Box 2340
Breckenridge, CO 80424

With A Copy (which shall not constitute notice) to:

Stephen C. West, Esq.
West Brown Huntley & Hunter, P.C.
P.O. Box 588
Breckenridge, CO 80424

Notices mailed in accordance with the provisions of this paragraph shall be deemed to have been given upon delivery. Notices personally delivered shall be deemed to have been given upon delivery. Nothing herein shall prohibit the giving of notice in the manner provided for in the Colorado Rules of Civil Procedure for service of civil process.

22. ~~21.~~ This Agreement constitutes the entire agreement and understanding between the parties relating to the subject matter of this Agreement and supersedes any prior agreement or understanding relating to such subject matter.

23. ~~22.~~ This Agreement shall be interpreted in accordance with the laws of the State of Colorado.

[Separate Signature Pages Follow]

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TOWN OF BRECKENRIDGE,
a municipal corporation
of the State of Colorado

Attest:

Mary Jean Loufek, CMC
Town Clerk

By: _____
Timothy J. Gagen, Town Manager

STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

The foregoing was acknowledged before me this _____ day of _____,
2012 by Timothy J. Gagen as Town Manager and Mary Jean Loufek, CMC, of the Town of
Breckenridge, a Colorado municipal corporation of the State of Colorado.

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

Notary Public

MEMORANDUM

TO: Town Council

FROM: Mark Truckey, Assistant Director of Community Development

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

DATE: February 17, 2012 for February 28 Meeting

At the Council's January 24 meeting, staff presented a series of code amendments intended to implement the TDR policy from the Joint Upper Blue Master Plan related to transferring density to affordable housing sites. The attached ordinance includes all of the proposed code amendments.

Changes to Draft Code Amendments

At Council's January 24 meeting, Council provided direction on several items. The Council agreed that they felt that the 1:4 transfer ratio for affordable housing projects, which is included in the Joint Upper Blue Master Plan, should be included in the Development Code. Staff has accommodated this by adding the following wording as a Code amendment:

"When new attainable workforce housing projects are developed within the corporate limits of the Town, the Town government shall transfer density it owns to the attainable workforce housing project at a 1:4 ratio (i.e., transfer one development right for every four attainable workforce housing project units permitted to be built)."

The Council discussed what level of specificity was needed in the Code regarding the timing of purchasing TDRs for a project. Staff has added wording that makes this determination at the time of development approval:

"Development approval shall include a condition of approval that specifies the time at which all requirements as set forth above are complied with (e.g., prior to issuance of building permits)."

The Council also wanted to ensure that master plans could not allow density transfers to locations outside of the master plan area. It was felt that this should only be authorized through a development agreement. The new Code wording addresses this:

"A master plan shall not authorize the transfer of density between different master plans or between a location inside a master plan and another location outside the same master plan."

The Planning Commission reviewed the proposed code amendments on February 7 and was supportive of the changes. A couple very minor text changes have been added to address Planning Commission comments and further clarifications that staff has identified.

Council Action

A first reading of the attached ordinance will occur at the February 28 night meeting. Council is requested to provide feedback on the proposed code amendments to staff.

1 **FOR WORKSESSION/FIRST READING – FEB. 28**

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

5
6 COUNCIL BILL NO. ____

7
8 Series 2012

9
10 AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE
11 TOWN CODE, KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE”,
12 CONCERNING DENSITY

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

16
17 Section 1. Section 9-1-5 of the Breckenridge Town Code is amended by the addition of
18 the following definitions:

DEVELOPMENT RIGHT:

**Unless otherwise specified in
this Code, the right to develop
one single family equivalent of
density (SFE), or portion
thereof.**

**SINGLE FAMILY
EQUIVALENT (SFE):**

**One unit of residential density
as defined in Section 9-1-19-3A,
“Policy 3 (Absolute) Density/
Intensity” of this Chapter; or
one thousand (1,000) square
feet of non-residential density.**

**TRANSFERABLE
DEVELOPMENT RIGHT
(TDR):**

**A development right that has
been approved by the Town for
transfer from a TDR Sending
Site to a TDR Receiving Site.**

TDR RECEIVING SITE:

**A site authorized by the Town
to accept the transfer of a TDR
from a TDR Sending Site.**

TDR SENDING SITE:

**A site authorized by the Town
to transfer a TDR to a TDR
Receiving Site.**

1 Section 2. Section 9-1-17-12(A) of the Breckenridge Town Code is amended to read in
2 its entirety as follows:

3 A. Town-To-Town Transfers: A transfer of density from one lot or parcel within
4 the town to another lot or parcel within the town may be approved by the town
5 council only in connection with the approval of a development agreement. ~~or~~
6 **Density may be transferred between locations within a master plan**
7 **through** an approved original or amended master plan. **A master plan shall**
8 **not authorize the transfer of density between different master plans or**
9 **between a location inside a master plan and another location outside the**
10 **same master plan. Transfers of density from properties owned by the**
11 **Town may also be allowed, in conjunction with an approved development**
12 **permit or by resolution of the Town Council. In no case may density be**
13 **transferred into the Historic District or Land Use District 1.** If a density
14 transfer is approved, the transfer shall be evidenced by a written covenant
15 which shall be in a form and substance acceptable to the town attorney. Such
16 covenant shall provide: 1) the amount of density transferred; 2) the total
17 amount of density remaining on the sending parcel; 3) the new total amount of
18 density on the receiving parcel; and 4) an acknowledgment by the owner of
19 the receiving parcel that the density which has been transferred may be used
20 on the receiving parcel only in accordance with a separate development permit
21 obtained in accordance with the requirements of this chapter. The covenant
22 shall be recorded with the clerk and recorder of Summit County, and shall
23 conclusively establish the amount of density on both the sending and
24 receiving parcels as of the date of such covenant. Upon the execution of the
25 density transfer covenant described above, the owners of both the sending and
26 receiving parcels shall execute such documents as may be required by the
27 director in order to assure that the records of the town correctly reflect the
28 current amount of allowed density for both parcels. **Development approval**
29 **shall include a condition of approval that specifies the time at which all**
30 **requirements as set forth above are complied with (e.g., prior to issuance**
31 **of building permits).**

32
33 Section 3. Section 9-1-17-12(B) of the Breckenridge Town Code is amended to read in its
34 entirety as follows:

35 B. Other Transfers: A transfer of density to a lot or parcel within the town from
36 either one lot or parcel located outside of the town, but within the Upper Blue
37 River Basin, or pursuant to a certificate of development rights issued pursuant
38 to that certain “Intergovernmental Agreement Concerning Transferred
39 Development Rights between the Town and Summit County, Colorado”, as
40 amended from time to time, may be approved by the town only in compliance
41 with this chapter. **In no case may a density transfer be allowed into the**
42 **Historic District or Land Use District 1.** If a density transfer is approved,
43 the transfer shall be evidenced by a written covenant which shall be in a form
44 and substance acceptable to the town attorney. Such covenant shall provide: 1)
45 the amount of density transferred; 2) the new total amount of density on the

receiving parcel; 3) the total new amount of density on the sending 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 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. **Development approval shall include a condition of approval that specifies the time at which all requirements as set forth above are complied with (e.g., prior to issuance of building permits). 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.**

Section 4. Section B of Policy 3(Absolute)(“Density/Intensity”) of Section 9-1-19 of the Breckenridge Town Code is amended to read in its entirety as follows:

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:

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

13
14 ***Refer to Section A of Section 9-1-19-4A, “Policy 4 (Absolute) Mass”, for**
15 **mass limitations in certain subdivisions that may further limit above ground**
16 **density.**
17

18 Section 5. Section D(4) of Policy 3(Absolute)(“Density/Intensity”) of Section 9-1-19 of
19 the Breckenridge Town Code is amended to read in its entirety as follows:

- 20 (4) In connection with the annexation to the town of real property, the town shall
21 establish the density for the property in accordance with the Summit County
22 zoning density for residential uses or the town land use guideline recommended
23 density, whichever is less. Density recommended for nonresidential uses under
24 Summit County zoning shall not be recognized by the town. If upon such property
25 there is to be constructed a project which includes one or more employee housing
26 units as herein defined, the town may establish a density that exceeds the lesser of
27 the county or town density, for the portion of the property devoted to employee
28 housing, ~~without requiring a density transfer. However, in no event shall density~~
29 ~~on such a site exceed the density recommended in the land use guidelines as~~
30 ~~further interpreted by this code, unless density is transferred onto the site.~~
31

32 Section 6. Policy 3(Absolute)(“Density/Intensity”) of Section 9-1-19 of the Breckenridge
33 Town Code is amended by the addition of a new Section E, which shall read in its entirety as
34 follows:
35

36 **E. DENSITY FOR ATTAINABLE WORKFORCE HOUSING PROJECTS**
37

38 **A. When new attainable workforce housing projects are developed within the**
39 **corporate limits of the Town, the Town government shall transfer density it**
40 **owns to the attainable workforce housing project at a 1:4 ratio (i.e., transfer one**
41 **development right for every four attainable workforce housing project units**
42 **permitted to be built).**
43

44 **B. The density provisions for Employee Housing under Section D of this Policy**
45 **3(Absolute) shall also apply to attainable workforce housing projects.**
46

1 Section 7. Subsection A(2)c of Policy 24 (Relative)(“Social Community”) of Section 9-
2 1-19 of the Breckenridge Town Code is amended to read in its entirety as follows:

3 c. Employee housing units provided under this Section may be on- or off-site, but
4 shall be within the Town or an unincorporated area of the Upper Blue River
5 Basin.
6

7 Section 8. Subsection A(4) of Policy 24 (Relative)(“Social Community”) of Section 9-1-
8 19 of the Breckenridge Town Code is amended to read in its entirety as follows:

9 (4) Restrictive Covenants: The owner of an employee housing unit which is
10 restricted by a restrictive covenant as described in subsection A(2)f of this policy
11 shall have the right to obtain the release of the restrictive covenant by substituting
12 for the restricted unit another unit or property located in the Town or an
13 unincorporated area of the Upper Blue River basin which satisfies the definition
14 of “employee housing” set forth in section 9-1-5 of this chapter. Such right of
15 substitution shall be subject to the town's approval of such substitute unit or
16 property as being of comparable size and condition using the class D development
17 permit process. No such substitution shall be permitted unless the substitute unit
18 or property shall be subjected to a restrictive covenant as required by subsection
19 A(2)f of this policy.
20

21 Section 9. Except as specifically amended hereby, the Breckenridge Town Code, and the
22 various secondary codes adopted by reference therein, shall continue in full force and effect.
23

24 Section 10. The Town Council hereby finds, determines and declares that this ordinance
25 is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
26 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
27 thereof.
28

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

36 Section 12. This ordinance shall be published and become effective as provided by
37 Section 5.9 of the Breckenridge Town Charter.

38 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
39 PUBLISHED IN FULL this ____ day of _____, 2012. A Public Hearing shall be held at the
40 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
41 _____, 2012, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
42 Town.
43

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By _____
John G. Warner, Mayor

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

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MEMORANDUM

TO: Town Council
FROM: Open Space and Trails Staff
DATE: February 28, 2012
SUBJECT: Golden Horseshoe Management Plan

Summary

Attached for Council's review is the final draft of the Golden Horseshoe Management Plan. The Town of Breckenridge, Summit County and U.S. Forest Service jointly manage the public lands in the Golden Horseshoe area. This management plan is intended to memorialize the lengthy public planning process, and formalize policy guidelines for the land management partners. Staff requests Council review the document, offer suggestions, and prepare for formal adoption at an upcoming Council meeting.

Background

The Golden Horseshoe area is a 9,000-acre geographic area directly east of Breckenridge that is rich in natural resources, recreational opportunities, and cultural sites. The majority of the land is in public ownership, with 51% managed by the U.S. Forest Service (USFS), and over 32% owned jointly by the Town of Breckenridge (Town) and Summit County Open Space (County). The remaining 17% is in private ownership. As agency partners, the USFS, County and Town have committed to managing the public lands in the Golden Horseshoe collaboratively and "seamlessly," so that public land management is consistent regardless of jurisdiction.

Over the past fifteen years, the Town and County have devoted considerable resources to acquiring and managing lands in the Golden Horseshoe. These open space acquisitions are intended to preserve community values (such as resource protection, recreational access, historical interpretation, and others) and work in conjunction with the USFS mosaic of lands. The management plan being considered would guide future management across the public lands and dovetail with the USFS travel management plan decision.

Public Process

The plan is intended to provide a coherent review of previous planning efforts and a vision for future management efforts. Planning for the Golden Horseshoe has been extensive and inclusive. Beginning in 1999 with the *Golden Horseshoe Backcountry Protection Strategy*, the area has been well inventoried, researched and discussed in public meetings.

In 2006, the USFS travel management planning process led to a consensus-based planning process with over 30 public meetings. During this process, BOSAC and OSAC served as a plenary committee, overseeing subcommittees on Recreation, Natural Resources and Cultural Resources. Members of the public representing a broad array of interests volunteered for over two years producing the summer and winter travel management plan recommendations, and the natural resource and historic resource assessments documented in this management plan. The plan has also been reviewed in public meetings by BOSAC, OSAC and the USFS District Ranger. At a joint meeting on February 1, 2012, BOSAC and OSAC, along with the USFS staff, recommended adoption of this document by Town Council and the Summit Board of Commissioners (BOCC). The BOCC is scheduled to review the document at a work session on February 28th as well.

Staff requests Town Council review the attached document, recommend any changes, and respond to the following question:

- 1. Is the Council supportive of adopting the draft Golden Horseshoe Management Plan at an upcoming Council meeting?***

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

3
4 Section 1. The “Golden Horseshoe Management Plan (February 2012)” (Exhibit
5 “A” hereto) is adopted as the joint plan of the Town, Summit County Government, and
6 the United States Forest Service for the current and future management of the Golden
7 Horseshoe.

8
9 Section 2. Town staff is directed to continue to work cooperatively with Summit
10 County Government and the United States Forest Service to implement the “Golden
11 Horseshoe Management Plan (February 2012).”

12
13 Section 3. This resolution is effective upon adoption.

14
15 RESOLUTION APPROVED AND ADOPTED THIS ____ DAY OF _____, 2012.

16
17 TOWN OF BRECKENRIDGE

18
19
20
21 By _____
22 John G. Warner, Mayor

23 ATTEST:

24
25
26 _____
27 Mary Jean Loufek, CMC,
28 Town Clerk

29
30 APPROVED IN FORM

31
32
33 _____
34 Town Attorney date

Golden Horseshoe Management Plan



Golden Horseshoe Management Plan



Town Council

John Warner, Mayor
Eric Mamula
Mike Dudick
Jeffrey Bergeron
Peter Joyce
Jennifer McAtamney
Mark Burke

Open Space Advisory Commission

Dennis Kuhn, Chair
Devon O'Neil
Erin Hunter
Jeff Carlson
Jeff Cospolich
Scott Yule

Prepared by the

Community Development Department

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Mark Truckey, Assistant Director
Scott Reid, Open Space & Trails Planner
Chris Kulick, Open Space & Trails Planner
Joanie Brewster, Administrative Assistant



Board of County Commissioners

Karn Stiegelmeier, Chair
Thomas Davidson, Vice Chair
Dan Gibbs

Open Space Advisory Commission

Lynn Amstutz - Lower Blue Basin
Russ Camp - At-large
Charlotte Clarke - Tenmile Basin
Mike Clary - Snake River Basin
Robert Craig - Snake River Basin
Tim Scanlon - At-Large
Art Girten - Upper Blue Basin
Jeff Leigh - At-Large
Bruce Fitch - Tenmile Basin
Turk Montepare - Upper Blue Basin
Dan Pins - Lower Blue Basin
Nancy Redner - At-large

Prepared by the

Open Space & Trails Department

Brian Lorch, Director
Brad Eckert, Senior Resource Specialist
Katherine King, Senior Resource Specialist
Starr Jamison, Resource Specialist
Karen Russell, Administrative Clerk



White River National Forest

Dillon Ranger District

Jan Cutts, District Ranger
Paul Semmer, Land Use Minerals Manager
Ken Waugh, Recreation Manager
Cindy Ebert, Wilderness, Trails, Dispersed Recreation Manager

DRAFT

GOLDEN HORSESHOE MANAGEMENT PLAN

SUMMIT COUNTY, COLORADO

DRAFT January 10, 2012

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Executive Summary



The Golden Horseshoe area in the Upper Blue Basin of Summit County, Colorado is rich in natural resources, recreational opportunities, and cultural resources. The majority of the land is in public ownership, with 51% managed by the United States Forest Service (USFS), and over 35% owned jointly by the Town of Breckenridge (Town) and Summit County Open Space and Trails (County). The remaining 14% is in private ownership. The three governmental entities (the Partners) are working cooperatively to create and implement this Management Plan. The area is frequented by a multitude of recreationists – from hikers, snowshoers, cross country skiers, mountain bikers and equestrians, to ATV riders, snowmobilers, dirt bikers and four wheel drive enthusiasts. The Partners’ overarching goal is to protect important natural and historic resources while balancing the development and management of recreational opportunities. Due to the diverse resources of the area, and the demands placed upon them by visitors, a management plan was deemed necessary to identify the area’s important resources and strategies for their long-term protection.

This Golden Horseshoe Management Plan (“Plan”) was developed in accordance with the following vision developed during the citizen-based collaborative planning process:

“The Golden Horseshoe is valued for its variety of summer and winter recreational opportunities, its rich mining heritage, its unique natural resources, and its proximity to the Town of Breckenridge. The Golden Horseshoe continues to inspire the community to work together to provide and maintain quality recreational opportunities that complement and protect its unique resources.”

The Plan incorporates the following elements:

- Collaborative Ownership and Management
- Natural Resources
- Recreation Resources
- Cultural Resources

Each plan element includes the following sections:

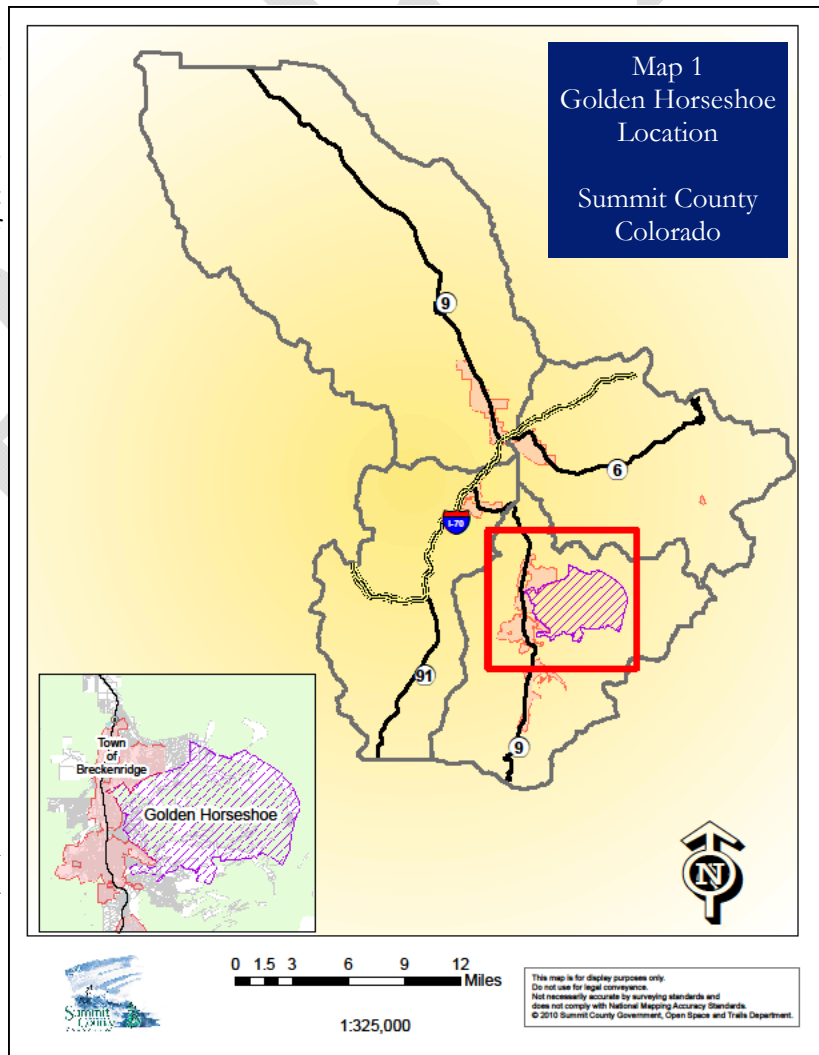
1. Introduction/Background section, which introduces the element, provides relevant data on issues related to the element, and discusses other pertinent issues.
2. Goals, Policies, Actions section, which sets forth the policy direction upon which future planning decisions and management actions will be based.

1.0 Introduction

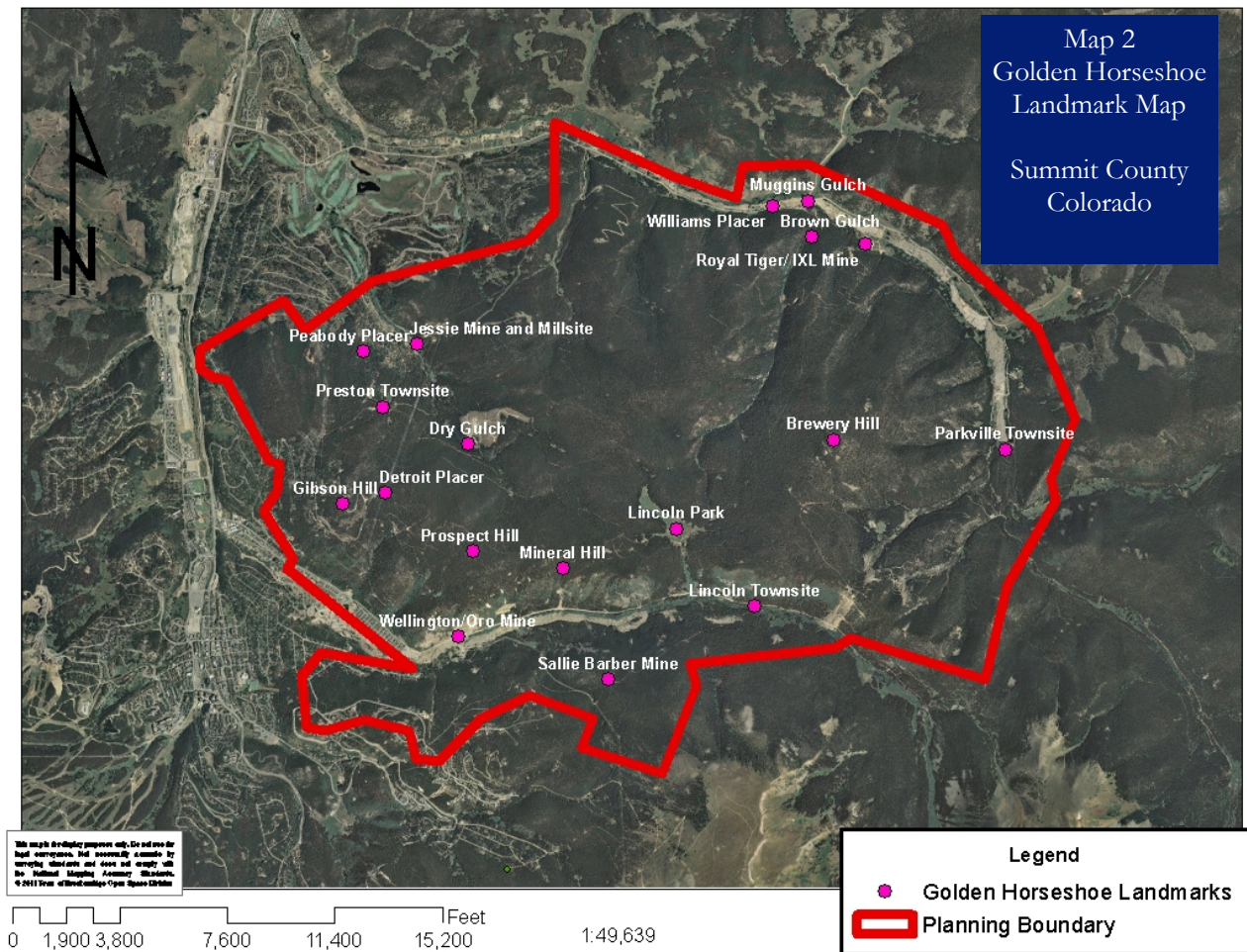
1.1 Location and Background

The Golden Horseshoe is an approximately 8,900 acre area that lies between French Gulch on the south, Colorado Highway 9 on the west, and the Swan River drainage on the north ([Map 1](#)). It lies north and east of the core of the Town. The name “Golden Horseshoe” captures both the historic gold mining era and the physical shape of the area outlined by French Gulch and the South Fork of the Swan River. The Golden Horseshoe is rich in natural resources, recreational opportunities, and cultural resources. It has long been an important part of the Town’s “backyard” and the County’s accessible “backcountry experience.”

This Management Plan is designed to provide a common vision and management strategy while conforming to the guiding documents for the three public land agencies that manage this land:



- White River National Forest Plan
- White River National Forest Travel Management Plan
- Summit County Open Space Plan
- Countywide Comprehensive Plan
- Joint Upper Blue Master Plan
- Upper Blue Master Plan
- Town of Breckenridge Open Space Plan
- Town of Breckenridge Trails Master Plan



The major resources within the Golden Horseshoe identified by the Partners include the natural, recreational, and cultural resources. The area has very unique habitat areas and wildlife populations. Of particular interest are the high montane and fen wetlands, lynx habitat, elk and deer forage and cover habitat, and sensitive plant species. At the same time, there are over 100 miles of recreational trails in the area, providing access for a number of both summer and winter trail user groups. Because of its mining history, there are also a myriad of historical artifacts and other cultural resources found throughout the area.

The land ownership in the Golden Horseshoe is characterized as a patchwork of private and public ownership. The majority of the area is in public ownership (86%), managed by the USFS and by the Golden Horseshoe Management Plan

open space programs of Summit County and Breckenridge. The balance is in private ownership, predominantly in the form of 5-acre lode claims to 40-acre placer claims scattered throughout the area. The County and Town began their process of land acquisition in 1998 with the purchase of the Detroit Placer. Since that time, the two open space programs have continued to acquire more property and now manage approximately 3118 acres, or 35 percent, of the Golden Horseshoe.

The mining activities that occurred between the mid-1800s and the late 1930s played a significant role in physically shaping the Golden Horseshoe to its present-day condition. Placer, lode, and hydraulic mining all historically occurred in the Golden Horseshoe, and the area's peak population is estimated to have been 10,000 people. As a result, many sites within the area have been significantly ecologically disturbed. These sites are discussed further in the Plan as both a natural resource concern and a valued historic resource.



Hydraulic Mining on the Peabody Placer

The Golden Horseshoe is proximal to the Town of Breckenridge, is easily accessible to the public, and is popular with ATV riders, four wheel drive enthusiasts, off-road motorcyclists, mountain bikers, hikers, equestrians, snowmobilers, snowsho-

ers, and cross-country skiers. Some of the natural resource impacts from recreational activities include wildlife disruption and/or displacement, habitat modification, damage to sensitive natural areas and plant communities, erosion and sedimentation. There are also social conflicts between user groups using the same routes or areas. Management of recreational opportunities to protect the character and resources of the Golden Horseshoe and the experience for the residents and visitors is addressed in the Plan.



Motorized Recreation in the Golden Horseshoe

1.2 Management Plan Process

Identification of specific management measures related to the Golden Horseshoe began in 1999 with the initiation of the Golden Horseshoe Backcountry Protection Strategy project (“Backcountry Protection Strategy”) ([Appendix A](#)). It was through the Backcountry Protection Strategy process that the natural, recreation, and visual resources of the Golden Horseshoe were inventoried for the first time, providing a baseline upon which the agencies could work. From these inventories, management recommendations were presented in the final project report to address threats to the resources identified. These recommendations have directed much of the Golden Horseshoe management actions from the time that the Backcountry Protection Strategy was approved (March 2000) to the present.

In 2005, following the purchase of the B&B Mines Property, the Town and County initiated a facilitated process (the Golden Horseshoe Consensus-Based Planning Process: see ([Appendix B](#)) to

solicit public input into future management decisions. Groups of citizens provided input into the management of Recreational Resources ([Appendix B](#)), Natural Resources ([Appendix C](#)), and Historical Resources ([Appendix D](#)).

1.3 Purpose and Scope of Management Plan

Developed collaboratively between the public, USFS, and the County and Town Open Space and Trails staff, the Golden Horseshoe Management Plan outlines management goals and implementation strategies. Overall, the Plan was designed to balance the development and management of recreational opportunities with the responsibility to protect natural and historical resources.

The Plan is divided into four critical elements: 1) collaborative ownership and management, 2) natural resources, 3) recreation resources, and 4) cultural resources. These elements were inventoried by the groups during the collaborative planning process, and the resulting information and recommendations have been incorporated throughout the Plan.

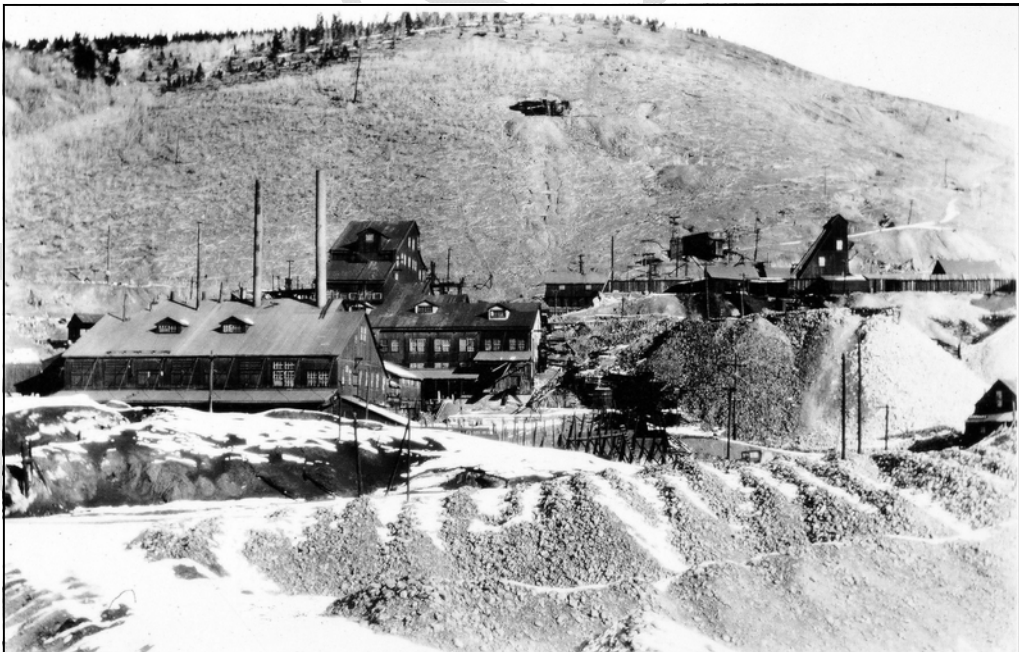
2.0 Collaborative Ownership and Management

2.1 Collaborative Ownership

Ownership History of the Golden Horseshoe

The Golden Horseshoe was one of the richest known mining areas in the nation during the nineteenth and early twentieth century. Gold was discovered along the Blue River in 1859, and the

Town of Breckenridge was founded to support gold miners working the rich gold placers. Lands in the federal domain were patented as mining (lode and placer) claims, mill sites and town sites, providing the ownership rights to a productive period of placer, hydraulic and hard-rock mining. Gold production de-



The Wellington Oro Mine in 1920

creased greatly by the late 1800s, but the gold mining industry was revived again in the early 1900s by gold dredging operations on the Blue and Swan Rivers and French Creek. Most of the remaining unpatented lands eventually became part of the White River National Forest.

Numerous unpatented mining claims have also been filed on federal land in the Golden Horseshoe. In 1872, The United States Government granted any citizen the right to explore, locate, and claim certain rights upon public lands. An unpatented mining claim is a parcel of federal land for which an individual has asserted a right of possession with the intent to explore its mining value. The right is restricted to activities related to working a



The Wellington Oro Mine in 2003

mining claim, but no land ownership is conveyed. Individuals holding these unpatented claims must perform annual “work” on their claim and file reports with the U.S. Bureau of Land Management. These claims and the continued potential for new claims represent a management concern because of their future mining development potential, illegal structures, perceived ownership rights by the claim holders, complications they create in land ownership adjustment, and potential for trespass and encroachment on adjacent private lands. Several of the unauthorized cabins and structures built on unpatented



An example of a structure constructed on an un-patented mining claim

claims in the Golden Horseshoe have been removed by the USFS in recent years and the USFS continues to evaluate remaining structures.

Recent Land Ownership in the Golden Horseshoe

The County and Town began acquiring land in the Golden Horseshoe in 1998 with the purchase of the Detroit Placer. Since that time, the two open space programs have prioritized acquisition of private properties

in this area and now own and manage approximately 3118 acres, or approximately one third, of the Golden Horseshoe as of February 2012.

Much of the County and Town owned property in the Golden Horseshoe was acquired in 2005 as part of the 1840-acre B&B Mines purchase. In order to purchase the B&B Mines property, and protect its natural, recreational and cultural values, the County and Town were required to take on the responsibility of cleaning up the Wellington-Oro mine site, the Jessie Mill, and the Royal Tiger/IXL mine. The land was important enough to the two agencies that they spent almost five years working out agreements with the Environmental Protection Agency and other federal and state agencies to build a water treatment plant to address environmental concerns at the Wellington-Oro mine site and conduct mine reclamation projects (State Voluntary Cleanup Projects) on the other two mine sites. The Settlement Agreement, Covenants Not to Sue and Consent Decree (“Consent Decree”) identifies specific clean up responsibilities as well as land use restrictions with respect to clean up actions and open space and recreational activities related to the B&B Mines property, while specifically limiting requirements for future cleanup actions on other sites.

Because the Consent Decree provided limits on future land uses of the B&B Mines properties, as well as significant future costs, the County and Town excluded two parcels, and reserved the right to sell them in the future if necessary for financial reasons – a 10-acre portion of the Peabody Placer parcel (just south of the Breckenridge Municipal Golf Course) and the Williams Placer parcel (just east of Muggins Gulch). These potential land transfers may allow limited development that would be proximal to and in character with existing development in both areas. The Town has since expanded its Nordic Center facilities onto the Peabody Placer and the Partners have restored the stream and riparian corridor on the Williams Placer. Neither of these properties is currently being considered for disposal, and as such, they will be managed in accordance with this Plan.

Transfer of Development Rights (TDR)

Most of the joint Town/County lands and private lands in the Golden Horseshoe have been designated as TDR sending areas on the “Official Transfer of Development Rights Sending and Receiving Areas Map” by the Board of County Commissioners (March 2007, updated 2010). Current regulations allow development rights to be transferred away from these sending areas to receiving areas in or near the Town of Breckenridge, where greater density is deemed more appropriate. These TDR transactions help preserve the backcountry and open space character of the Upper Blue Basin and have provided another tool for the Town and County to use to acquire open space.

When development rights are transferred off a site in the Upper Blue Basin, the land becomes the property of the County and Town. Policies in the Joint Upper Blue Master Plan (adopted by the County and towns of Breckenridge and Blue River) generally prohibit any upzonings (e.g., increases in density) on properties in the basin unless TDRs are used to account for any new density added to a property. These policies thus create a demand for TDRs. An Upper Blue TDR Bank, administered by the County, holds density from jointly owned properties in TDR sending areas that is available for sale. The price of development rights purchased from the TDR Bank is determined on an annual basis after the County has reviewed comparable land prices in the backcountry.

There have been numerous successful TDR transactions that resulted in protection of open space in the Golden Horseshoe. Examples include: 1) The developer of the Corkscrew Flats subdivision in Breckenridge transferred all of the development rights (7.69 units) off of 154 acres of land they held on the New York/Harum claims in the Golden Horseshoe to the TDR program, in order to

increase density in the subdivision; 2) The Parkville Subdivision, an unbuilt 41 lot subdivision in the Golden Horseshoe backcountry, was acquired by the County and Town and subsequently density has been stripped off of almost all of the lots in the subdivision and transferred through the TDR program to development sites in the urban receiving area; and 3) 154 acres of land in the Carpenter Placer were protected as open space and placed in the TDR Bank. In all cases, the TDR sending properties acquired by the Town and County are managed for their open space values.

The funding agreement with Great Outdoors Colorado (GOCO) for the Cobb & Ebert parcel of the B&B Mines purchase stipulates that the development rights will never be transferred and will be thereby effectively extinguished or “sunsetting.” As part of ongoing collaborative management, the County and Town will continue to jointly determine which parcels are appropriate for density transfers as opportunities arise.

Access Easements

There are a number of existing access easements in the Golden Horseshoe. The Partners are continuing to work with private property owners as appropriate to secure permanent legal access to travel routes. The Partners will also encourage the development of public trails and access points as part of the development review process, as applicable. A recent example is the Western Sky Ranch Planned Unit Development (PUD), where the developer has provided public access easements and has constructed several trails connecting to the Golden Horseshoe trail network.

In addition to the public access easements, there are several perfected access easements through Town and County open space parcels to the benefit of private property owners. Many of these were granted by B&B Mines prior to County and Town ownership.

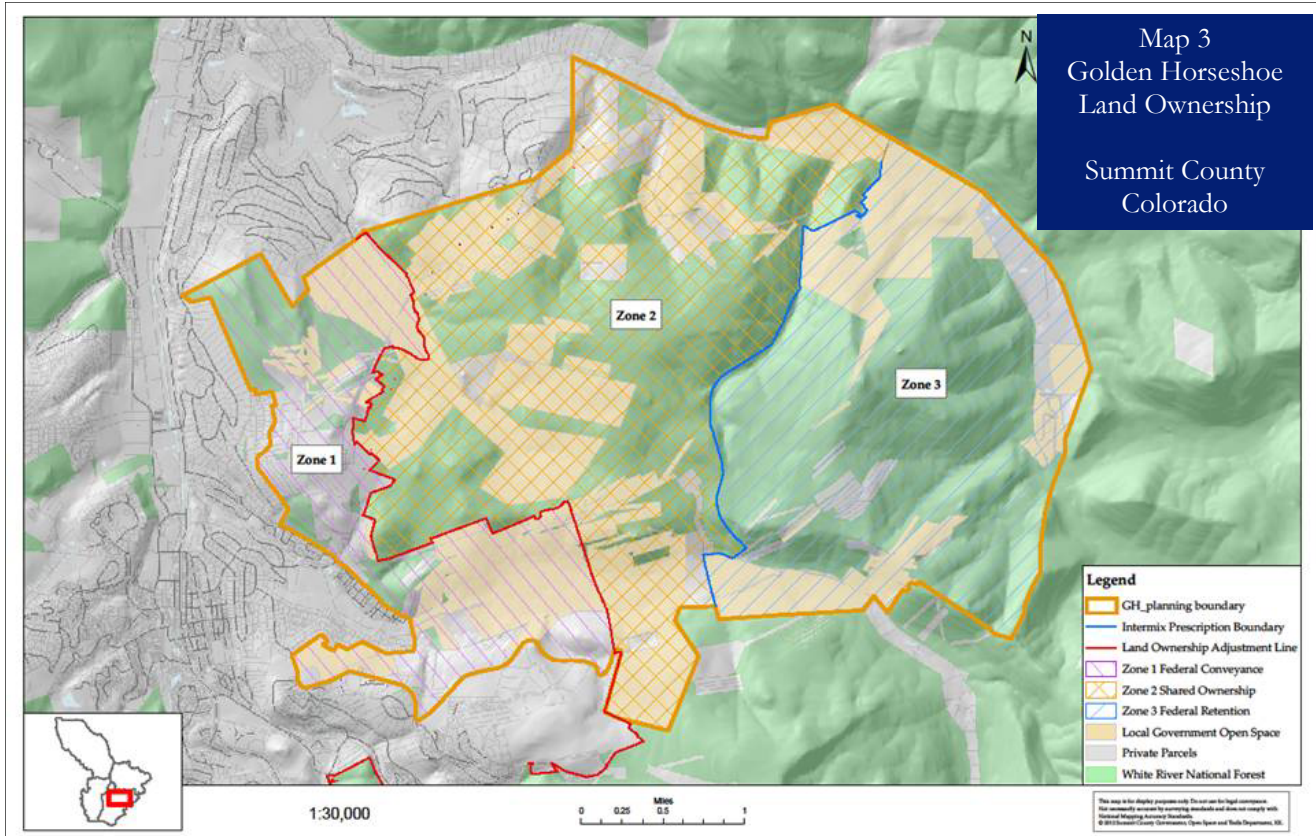
Water Rights

The Partners hold substantial water rights and are currently undertaking due diligence required to pursue water storage in the Swan River drainage. A full review of water rights is outside the scope of this document.

Land Adjustments

The Partners to the Plan may identify a need for future federal land adjustments for the purpose of facilitating management within the Golden Horseshoe by consolidating ownership. In 1993, the USFS established guidelines for a Land Ownership Adjustment Analysis (LOAA), which identified areas throughout the Dillon Ranger District that may be appropriate for conveyance out of Federal ownership and lands suitable to acquire into the National Forest system. Since then, there have been substantial public land acquisitions in the Golden Horseshoe by the USFS, County and Town for open space protection purposes. In addition, the 2002 WRNF Forest Plan designated much of the Golden Horseshoe area as 7.1 Intermix, which emphasizes cooperative relationships with other agencies, local governmental jurisdictions, and adjacent landowners to develop land ownership adjustments to benefit public interests.

The Partners have discussed the practicality of ownership adjustments and have agreed that the 1993 LOAA boundary guidelines should be consistent with the attached [Map 3: Land Ownership](#). The land ownership adjustment and Intermix prescription boundary lines identified on this map break the Golden Horseshoe into three zones with differing land ownership strategies. National Forest lands in the western portion of the Golden Horseshoe near Town boundaries (Zone 1: west of the land ownership adjustment line) remain identified for potential transfer out of Federal ownership. The County and Town have indicated particular interest in providing permanent protection Golden Horseshoe Management Plan



and management of the larger blocks of land, as well as “interstitial” parcels adjacent to County and Town owned lands west of this line. Areas to the east of the Intermix boundary (Zone 3) are identified for acquisition or retention by the USFS. In the area between these lines (Zone 2), which represents the majority of the 7.1 Intermix prescription, the Partners will generally retain the current public ownership patterns, while working cooperatively to acquire private lands. Future ownership adjustments in this middle zone will be specifically tailored to facilitate the implementation of this Plan. It is anticipated that the Partners will initiate one or more land exchanges to implement this strategy following adoption of this Plan.

Future Collaborative Land Acquisition

The Partners are committed to working together to expand and consolidate public land ownership in all areas of the Golden Horseshoe in a strategic and opportunistic manner, prioritizing parcels with high natural resource or recreational values, or those slated for incompatible development. This joint strategy continues the long history of cooperative property acquisitions and will enable the governmental entities to manage the Golden Horseshoe most practically. The Partners have committed to working cooperatively and communicating any potential for land acquisition or disposal.

2.2 Collaborative Management

General

The USFS, County and Town face a variety of management challenges in the Golden Horseshoe. The area has an extremely high density of trails, including many popular but unsustainable routes. Increasing recreational use has caused severe negative impacts to natural and historic resources in

some areas, and conflicts often arise between non-motorized and motorized recreationists. To date, on-the-ground management presence in the Golden Horseshoe has been limited, especially in relation to its level of public use. Enforcement of regulations has been difficult due to unmarked property boundaries, limited personnel and financial resources, and no formal identification of open and closed routes.

The Partners' overarching goal is to protect natural and historic resources while balancing the development and management of recreational opportunities. To this end, The Partners are working toward collaborative management among public and private entities. Their managing philosophy has been to foster a flexible and efficient management organization that includes coordination with adjacent landowners and other entities.



Trail damage resulting from unsustainable trail

Summit County Zoning



The Golden Horseshoe is popular in all seasons for motorized & non-motorized recreation

Successful management of recreational activities and/or any infrastructure within the Golden Horseshoe will need to consider both the current Summit County zoning and prescriptions outlined in the White River National Forest Plan. The majority of the non-federal parcels within the Golden Horseshoe are in the Backcountry Zone, with a few areas in the A-1 (Agricultural) zone. The Backcountry Zone is intended to provide for a development pattern, intensity, scale and impact that is harmonious with the characteristics and constraints in the relatively undeveloped backcountry. The A-1 zone allows a broad list of additional uses, some of which may not be deemed

<u>A-1 Zoning District</u>		<u>Backcountry Zoning District</u>	
<u>Use</u>	<u>Category</u>	<u>Use</u>	<u>Category</u>
Packing/Outfitting	Permitted	Packing/Outfitting	Conditional
Snowmobile, Jeep and Mountain Bike Tours	Not allowed	Snowmobile, Jeep and Mountain Bike Tours	Not allowed
Recreational Vehicle Park	Not allowed	Recreational Vehicle Park	Not allowed
Crushing, Gravel/Rock	Conditional	Crushing, Gravel/Rock	Not allowed
Mining	Conditional	Mining	Permitted
Nordic Ski Center	Permitted/Conditional	Nordic Ski Center	Conditional
Nordic Ski Huts	Permitted/Conditional	Nordic Ski Huts	Conditional
Trail	Permitted	Trail	Conditional
Trailhead	Accessory	Trailhead	Conditional
Water Treatment Plant	Conditional	Water Treatment Plant	Conditional
Silviculture	Permitted	Silviculture	Not allowed
Lumbering (commercial)	Permitted	Lumbering (commercial)	Conditional
Lumbering (private)	Permitted	Lumbering (private)	Permitted

compatible. The County has also established an Open Space Zone District which further limits development potential, but this zone district has not been utilized in the Golden Horseshoe to date. The following table provides a partial list of land uses that may be proposed within the Golden Horseshoe and how they are considered under the County’s Land Use Matrix:

Table 1. Land uses and their categories:

It is important to note that some of the management activities in the Backcountry Zone, such as trail and trailhead construction, forest health actions, and concessionaire activities, may require conditional authorizations per the County Land Use Development Code. Similar actions taking part on National Forest lands may require USFS special use authorizations following appropriate environmental analyses as required by the National Environmental Policy Act (NEPA).

Forest Service Management Areas

In the Golden Horseshoe area there are two Management areas: 7.1 – *Intermix* and 5.41 – *Elk and Deer Winter Range*. In the 7.1 – *Intermix*, the area is characterized by an interface between National Forest lands and other public and private lands and are managed to protect natural resources, pro-

vide compatible multiple uses, and maintain cooperative relationships between private landowners and other governments with jurisdiction. Opportunities to consolidate landownership are pursued. Cooperative relationships are emphasized with other agencies, local governmental jurisdictions and adjacent landowners. Opportunities are sought for coordinated, multi-jurisdictional management approaches to address resource issues and impacts that transcend the national forest boundary. The portion of the Golden Horseshoe west of Brown Gulch is within the Intermix Management Area.

The area east of Brown Gulch is in the 5.41 Elk and Deer Winter Range, Management Area. Deer and elk winter ranges are managed to provide adequate amounts of quality forage, cover and solitude for deer, elk and other species. This is an area where multiple-use principles are applied to emphasize habitat management for deer and elk. They include lands classified as winter ranges and areas used during average winters. Human activities are managed so that deer and elk can effectively use the area. Activities that may be managed or restricted include burning, rangeland management, timber harvest, habitat manipulation, recreation, minerals exploration and development, and road management. Population herd objectives are established in coordination with the Colorado Division of Wildlife.

In the 5.41 Management Area, road systems and trails are relatively undeveloped. Motorized traffic, including over-the-snow vehicles, is restricted during winter and spring. Camping is restricted during the winter. To protect wintering big game from disturbance, winter recreation use, both motorized and non-motorized, is generally confined to designated travelways or use corridors.

2.3 Goals, Policies, Actions

Collaborative Ownership

Goal A. Continue to prioritize and pursue acquisition of property interests in the Golden Horseshoe and adjacent areas in order to protect natural resources, backcountry character and recreational opportunities.

Policy/Action 1. The Partners will work collaboratively to pursue strategic and opportunistic joint acquisitions of property interests within the Golden Horseshoe area. Any of the Partners may take the lead on pursuing property acquisitions.

Policy/Action 2. The Partners will work collaboratively to obtain appropriate public access agreements pursuant to this Plan.

Goal B. Continue working to identify appropriate locations for land ownership adjustments, both interagency and with private land owners.

Policy/Action 1. The Partners will continue to evaluate the holdings of each land management agency and determine which agency (or agencies) would be the best to manage specific areas in terms of land ownership consolidation and resources.

Policy/Action 2. Initiate land adjustments focused upon the Golden Horseshoe as deemed appropriate. If necessary, include lands outside the Golden Horseshoe to complete the transactions.

Policy/Action 3. Evaluate the application of the Open Space Zone District to properties held jointly by the Town and County.

Collaborative Management

Goal C. Develop seamless management strategies for specific resources that are not based on the boundaries of land ownership, but on appropriate topography or resources (wildlife habitat, user patterns, etc.).

Policy/Action 1. Develop project specific agreements as appropriate for short and long-term cooperative management by the Partners, including management and financial responsibilities.

Policy/Action 2. Meet on a staff level annually at a minimum to prioritize on-the-ground projects to fulfill the goals set forth in this Plan.

3.0 Natural Resources



Upper French Gulch

3.1 Introduction

The Golden Horseshoe is rich in natural areas and resources, including forested hillsides with unbroken ridgelines and unobstructed views of the Continental Divide and the Ten Mile Range. The area also contains abundant wildlife habitat including critical habitat for threatened and endangered species and other species of management interest, such as meadows, wetlands and riparian areas.

Natural resource inventories of the Golden Horseshoe in [Appendix C](#) are derived from (the) Golden Horseshoe Backcountry Protection Strategy's (1999) surveys of natural resources by drainage, completed by citizen members of the Natural Resources Group (2006), and incorporating ad-

ditional information from the U.S. Fish and Wildlife Service (USFWS), the Colorado Division of Wildlife (CDOW), the USFS, and the Natural Heritage Program. The Partners have also commissioned biological studies in the Golden Horseshoe area to address specific projects (trail construction and forest health/fire mitigation projects).

3.2 Vegetation

The varying topography and water availability in the Golden Horseshoe has created high ecological diversity. Conifer forests are predominately composed of lodgepole pine, Engelmann spruce and subalpine fir. Aspen stands dominate south facing slopes above French Gulch and elsewhere. The area is also interspersed with riparian areas with shallow streams, wetland areas with willow carrs and peat bogs, subalpine wet meadows, and alpine meadows dominated by grasses and wildflowers, as well as areas that have been extensively mined and are mostly devoid of vegetation.

3.3 Noxious Weeds

As of the summer of 2011, limited areas of noxious weeds were found in the Golden Horseshoe. Canada thistle, scentless chamomile and yellow toadflax that have been identified were treated with herbicides in 2007-2011, by the Summit County Weed Department. The Summit County Weed Department will continue to monitor the Golden Horseshoe, and collaborate with the County and Town to prioritize treatments.



Scentless Chamomile is a common invasive weed to Summit County

3.4 Wildlife

While a detailed wildlife inventory has not been conducted in the area, information regarding the common species, as well as Threatened, Endangered, or Sensitive Species of wildlife and plants and their likelihood of occurrence in the Golden Horseshoe can be found in Appendix C.

3.5 Sensitive Ecological Areas

Appendices A and C identify several areas in the Golden Horseshoe that will be given special management consideration due to the vegetation communities and/or wildlife species that they support. Examples include:

Upper French Gulch – a narrow, subalpine riparian willow carr, designated with “high significance” for biodiversity because of its potential habitat for Colorado River cutthroat trout.

Lincoln Park – a large, wetland complex meadow classified as a subalpine wet meadow. Wet meadows at this elevation (above 10,000 feet) are somewhat rare. Lincoln Park is used by wildlife, including a variety of birds that prefer the presence of willows for nesting, and large mammals such as deer and elk.

Brown Gulch – extending from just north of Lincoln Park and flowing into the Swan River, an area of concern due to its significant biodiversity of plants and animals. Wetlands are prevalent in this area and the presence of scat and numerous game trails throughout this Gulch indicate that it is heavily used as a movement corridor by large mammals, particularly elk and deer.

Gold Run Gulch Corridor— A narrow, subalpine riparian stream corridor with “high significance” of vegetative biodiversity. The corridor during seasonal run-off provides expanded water storage, increased wetlands and downstream filtered water due to the heavy vegetation along the corridor. The stream corridor provides a variety of habitats for large mammals, birds and insects. Willows, Rocky Mountain Alder and Bog Birch make this a sensitive ecological area.

Old Growth Forest— Below Brewery Hill is a significant roadless area dominated by the Subalpine Fir and Engleman Spruce forest. This old growth forest provides habitat for specific sensitive species that require or prefer this type of ecosystem. Pine Marten, Brown Creeper, Pygmy Nuthatch, and bryophytes are some important species found frequently in this old growth forest environment of the Golden Horseshoe.

3.6 Areas of Disturbance

The Golden Horseshoe is littered with abandoned mining disturbances of varying scales, including building sites, prospect mine pits, open and collapsed mine adits and shafts, and old roads and trails. In more recent decades, these sites and roads have become desired attractions and now form the backbone of the recreational travel system. Some areas have experienced additional resource disturbance from intensified recreational use.



Many areas of the Golden Horseshoe have been impacted by previous mining activity

Placer, lode, and hydraulic mining all historically occurred in the Golden Horseshoe. As a result, many areas within the region have been significantly ecologically disturbed. The French Gulch and Swan River riparian corridors are two of the most disturbed areas. These river valleys were heavily dredged in the first half of the 20th Century, and the resulting dredge rock piles lack soil and provide very little vegetation or habitat for wildlife.

Numerous locations, including the Wirepatch Mine in French Gulch, Farncomb Hill in American Gulch, and the Peabody Placer in Gold Run Gulch, were hydraulically mined. The sides of these gulches are now steep, eroded, and largely devoid of vegetation. Because of the nature of this mining activity, the slopes are often over 30 percent, leaving them susceptible to further erosion.

Working in collaboration with the Colorado Division of Reclamation and Mine Safety, the Partners have inventoried several mine sites and continue to identify new sites that will be evaluated for physical hazards and potential for remediation.

3.7 Forest Health

The Partners have begun to inventory and identify appropriate management actions to address forest health and wildfire mitigation in the Golden Horseshoe. Goals for these efforts include managing stands for greater diversity, improved wildlife habitat, and mitigating potential for fire on the urban interface. An adaptive management approach will need to be taken with respect to forest health management in the Golden Horseshoe area, given the complexity of resources and values involved.

Recently, the USFS collaborated with representatives from the County, Town, the Red White and Blue Fire Protection District, homeowners' associations and private landowners to develop a proposal to implement a variety of vegetation treatments on National Forest lands that have been severely affected by the mountain pine beetle epidemic within the wildland-urban interface of Breckenridge, and surrounding communities. The project area identified approximately 5,700 acres of forest that extend from Farmers Korner on the north, to Hoosier Pass on the south, and along the base of the Ten Mile Range on the west, and to the Golden Horseshoe on the east, that could benefit from some kind of treatment. These treatments would expedite forest regeneration, salvage dead and dying lodgepole pine, and help create 400- to 600-foot wide community protection zones. The creation of the community protection zones would reduce hazardous fuels to create an area where firefighters could deploy a full range of strategies and tactics during wildfire suppression operations. This project is referred to as the *Breckenridge Forest Health and Fuels Project*, and was released for public comment in October 2010, followed by an environmental analysis, and then approved by the Dillon District Ranger in July 2011.

It is anticipated that the Town and County will concentrate forest management actions on the wildland urban interface in the near future, while working with the USFS to identify forest management goals and projects for joint properties in the Golden Horseshoe.

3.8 Water Quality



Jessie Millsite

Water quality in some streams and ponds of the Golden Horseshoe has been significantly degraded by the mining activities of the previous century. Both French Creek and the Swan River are tributaries to the Blue River, sections of which are Gold Medal trout fisheries. Upstream of the Wellington-Oro mine in French Creek, the water quality is unimpaired, and the stream provides suitable habitat for the Colorado cutthroat trout. The County and Town are addressing water quality issues in French Gulch through the construction and operation of a water treatment plant at the Wellington-Oro mine site, pursuant to the consent decree.

The Jessie Mine and Mill also historically degraded water quality in Gold Run Gulch. The Town and County completed a restoration project under the supervision of the Colorado Division of

Public Health and Environment at the Jessie Mine that re-routed the stream and the road, thereby diverting surface water away from the mine wastes and into a newly-created stream channel to avoid the interface of water with mine wastes.

Water quality issues associated with the historic Royal Tiger/IXL Mine were also addressed by the Town and County under agreements with the EPA and State of Colorado. The reclamation project included rerouting a ditch adjacent to mine wastes away from the mine, creating approximately 0.5 acres of wetlands in this channel, rerouting adit water away from the mine waste, improving a cap covering mine wastes that had been installed by the previous owners, and capping additional wastes in place. Following reclamation, both of the Jessie and Royal Tiger project sites received “no further action” determinations by the State of Colorado with EPA concurrence.

The Partners are also exploring voluntary restoration opportunities for sections of the Swan River and French Gulch valley floors that were highly impacted by dredge mining. The Town and County hired a contractor to develop a Conceptual Plan and implementation cost estimates for restoration of the section of the Swan River on joint County/Town property. The Partners are also working with the Blue River Watershed Group and others to utilize this design as a basis for work on adjacent private and public lands with the eventual goal of establishing a meta-population of Colorado cutthroat trout in the North, Middle, and South Forks of the Swan River.

3.9 Goals, Policies, Actions

Vegetation

Goal A. Protect and enhance the diversity of flora in the Golden Horseshoe.

Policy/Action 1. Recreational use in the Golden Horseshoe will be managed in a manner that minimizes new areas of disturbance and protects the viability and integrity of existing plant communities.

Policy/Action 2. Efforts will be made to restore and improve the condition of adversely impacted plant communities in the Golden Horseshoe where practicable .

Policy/Action 3. Explore opportunities to establish biological monitoring and baseline information on vegetation in the Golden Horseshoe.

Noxious Weeds

Goal B. Prevent and treat noxious weeds in the Golden Horseshoe to the degree possible.

Policy/Action 1. Continue to inventory locations where noxious weeds have been identified in the past.

Policy/Action 2. Chronicle the locations of new sightings of noxious weeds.

Policy/Action 3. Maintain an active and effective weed treatment program for the Golden Horseshoe.

Wildlife

Goal C. Protect and enhance the diversity of fauna in the Golden Horseshoe.

Policy/Action 1. Maintain and enhance the range of habitat types necessary to support a diversity of wildlife species.

Policy/Action 2. Minimize human impacts to wildlife by avoiding disturbance to sensitive habitat areas and their related species. Minimize activities that cause wildlife displacement, behavior modification, and direct mortality, as well as maintaining critical breeding, movement, and foraging habitat.

Policy/Action 3. Continue to inventory and monitor wildlife activity in the Golden Horseshoe.

Policy/Action 4. Develop best management practices in accordance with wildlife findings.

Policy/Action 5. Continue to work with the CDOW, USFS and the USFWS to monitor species of local, regional, and national concern.

Policy/Action 6. Use best management practices as necessary to protect species of concern.

Sensitive Ecological Areas

Goal D. Protect and enhance sensitive ecological areas.

Policy/Action 1. Minimize negative impacts to sensitive natural areas by closing and restoring unauthorized trails and use of trails not part of the identified travel system.

Policy/Action 2. Install active and effective closures and restore sensitive natural areas damaged through visitor use.

Policy/Action 3. Develop monitoring protocols and limits of acceptable change standards for sensitive areas.

Policy/Action 4. Implement adaptive management strategies accordingly.

Areas of Disturbance

Goal E. Restore areas of disturbance and reduce additional resource damage.

Policy/Action 1. Identify and inventory disturbed areas that may warrant restoration efforts.

Policy/Action 2. Implement those reclamation projects deemed appropriate by the Partners based on funding availability and priorities.

Policy/Action 3. Minimize new and on-going resource impacts associated with recreational uses through sustainable practices, as outlined in Appendix C.

Forest Health

Goal F. Maintain and improve forest health and diversity.

Policy/Action 1. Develop a forest management plan that addresses wildfire mitigation (e.g., fire breaks, etc.) as well as forest health and the need for increasing forest diversity. The plan will identify areas affected by mountain pine beetle and appropriate treatments and mitigation strategies.

Policy/Action 2. Work cooperatively to efficiently implement forest management strategies.

Water Quality

Goal G. Maintain and improve water quality and riparian habitat in the Golden Horseshoe.

Policy/Action 1. Continue to operate the water treatment plant to treat drainage from the Wellington/Oro Mine as required by the Consent Decree.

Policy/Action 2. Identify abandoned mine sites where restoration actions could improve habitat and/or water quality while maintaining historic elements of the site, and implement those reclamation projects deemed appropriate by the Partners based upon funding availability and priorities.

Policy/Action 3. Develop and implement restoration plans for the Swan River and French Gulch in cooperation with private landowners to improve water quality, riparian habitat, aesthetics, and recreational resources. Plans should balance historic preservation values with restoration efforts.

Policy/Action 4. Identify and implement environmental and restoration interpretive opportunities to promote education and stewardship of water resources.

4.0 Recreation Resources



Mountain Biking is a popular form of Recreation in the Golden Horseshoe. Several notable races make use of the area's extensive trail network.

4.1 Introduction

The Golden Horseshoe is a popular Summit County outdoor recreation area, drawing visitors to its wide array of recreational trails. Over the last hundred years, the roads, trails and ditches once used to support mining activities have become a system of routes that are appealing to motorized and non-motorized recreational pursuits, including mountain biking, motorcycle riding, horseback riding, dog walking, trail running, hiking, and four-wheel driving in the summer; and Nordic skiing, snowshoeing, and snowmobiling in the winter.

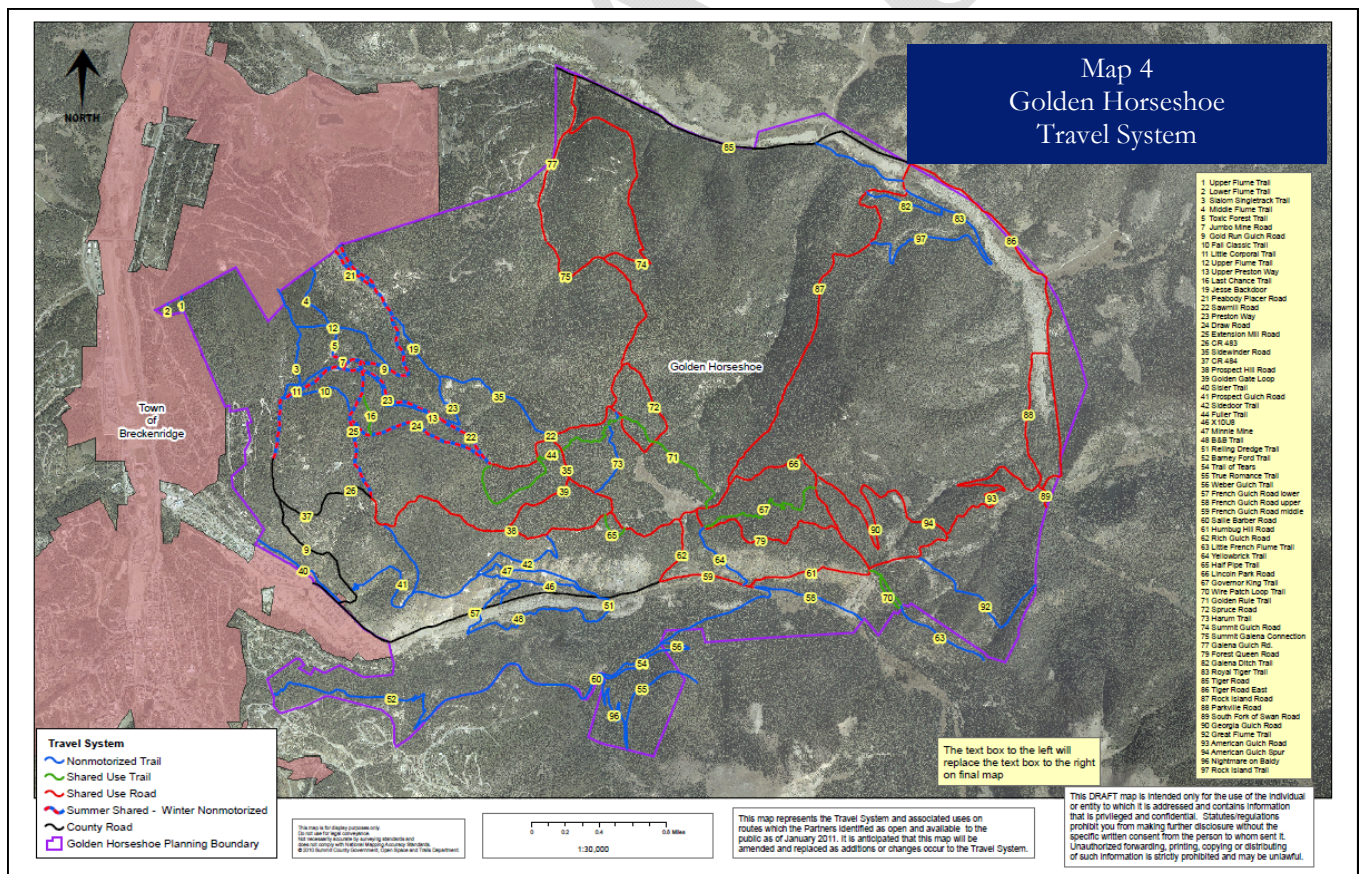
The Partners inventoried over 98 miles of roads and trails as a part of the Golden Horseshoe Backcountry Protection Strategy project. This equated to over eight miles of roads and trails per square mile of land. The majority of these roads and trails were considered social (or non-system) routes by the USFS as a part of the 2002 White River National Forest Plan.

When the Town and the County completed the B&B Mines acquisition, both entities recognized the need for a plan to manage the previously free-for-all trail system in the Golden Horseshoe. This recognition initiated the hiring of a consultant to facilitate a citizen-based collaborative planning process. Through this [process](#), recreational user groups outlined a desired trail system and use patterns based on recreational, natural resource, and historic resource considerations. This was then presented to the Board of County Commissioners and Breckenridge Town Council. The

BOCC and Town Council subsequently forwarded comments to the USFS Travel Management Plan including these [recommendations](#). A review of the ability of the Partners to manage the trail system from legal, economic, sustainability, and resource perspectives (management filters) was completed by staff of the County, Town and USFS. The Golden Horseshoe Travel System Map (Map 4) is based on the citizen-based planning process and comments submitted from the County and the Town to the USFS for inclusion in the Supplemental Travel Management Plan in 2009. These were reviewed by the Town and County Open Space Boards, the Upper Blue Planning Commission, the Town Council and the Board of County Commissioners and formally submitted as comments to the USFS on January 5, 2009. After an extensive planning process a record of decision was reached on March 17, 2011, for the Final White River National Forest Travel Management Plan.

4.2 Travel Routes

The Golden Horseshoe Travel System Map ([Map 4](#)) shows the routes in the Golden Horseshoe proposed for inclusion in the travel management system. This map also identifies the recreational uses allowed on each route. The Travel System map will be updated regularly to provide desired recreational experiences for a variety of users while addressing natural resource protection, historic resource preservation, or general maintenance concerns. In addition to professional crews employed by the Partners, volunteer projects will continue to be organized for work in the Golden Horseshoe. Such efforts assist with necessary maintenance and help foster a stewardship ethic among the public.



The Town has worked to identify and pursue winter Nordic ski and snowshoe opportunities within the Golden Horseshoe (see [Appendix G-Golden Horseshoe Nordic Assessment Executive Summary](#)). Other pertinent Nordic-related planning documents undertaken by the Town include: Golden Horseshoe Nordic Trails Plan (Morton) and the [Upper Blue Nordic Master Plan](#). These plans outline potential future Nordic ski routes, as well as sustainable design and construction trail standards. Both reports are available from the Town Open Space Department.

Trail and Road Standards

The Partners, through the planning process, have identified sustainability as a primary goal for the trail system in the Golden Horseshoe. Sustainability on natural surface routes is defined as the characteristic of a travel surface to support currently planned and future uses with minimal impact to the natural systems of the area. Sustainable routes require little rerouting and minimal maintenance over extended time periods. They have minimal soil loss or movement while allowing the naturally occurring adjacent plant systems to inhabit the area. Sustainable routes also minimize negative effects on wildlife and other natural resources. Proper trail alignment, grading and drainage are necessary to create a sustainable trail.

Sustainable trails minimize the need for ongoing trail maintenance by using construction techniques and materials designed for long term self-sustaining use, and by using on-site materials as much as possible. Appropriate design minimizes or eliminates expensive future maintenance and repairs while establishing an enjoyable trail experience for users.

There are specific sustainability standards that apply to different user groups and their particular impacts ([Appendix F](#)). For example, the Town Trail Standards and Guidelines and the USFS Trail Construction Manual incorporate many of these accepted standards. These standards will be referenced in the construction and maintenance for all roads and trails in the Golden Horseshoe, motorized and non-motorized alike.

Where the protection of natural or historic resources is compromised due to unsustainable route alignment or user behavior, these issues will be addressed through custodial maintenance reroutes or closure.

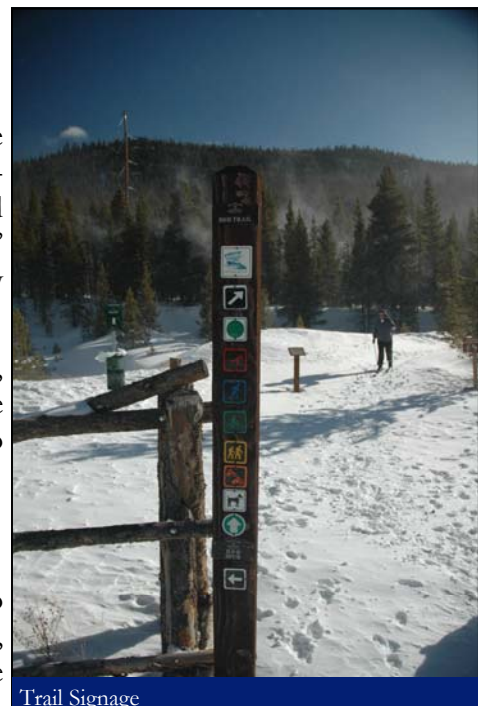
4.3 Signage

Signs inform trail users of important information about route location, safety considerations, rules and regulations, and education and interpretation. Signs should be carefully designed and installed to inform trail users and avoid “sign pollution,” or an overabundance of signs. Signs should be strategically located, clear, concise, and legible.

Signs will be placed at the main trailheads, trail intersections, and other key locations. More heavily traveled routes will be well-signed, while more remote routes will have fewer or no signs to reflect and maintain the backcountry character.

4.4 Trailheads and Access Portals

Numerous trail portals and parking areas provide access to the Golden Horseshoe. Trailheads have managed parking, whereas portals do not have parking facilities available. The



Trail Signage



Lincoln Townsite Trailhead

Golden Horseshoe area is most frequently accessed via Tiger Road and French Gulch Road. Trailhead access areas in the Golden Horseshoe will be evaluated on an ongoing basis to determine appropriate infrastructure requirements such as the need for designated parking areas, trailhead kiosks, signs, restrooms or other public facilities. Signs may include trailhead kiosk and access portal signs. Trailhead kiosks are currently in place at the Tiger Road and Lincoln Townsite trailheads. Future kiosks will incorporate the existing general design, and provide applicable information and regulations. Access portal signs will identify route names, numbers and allowed uses.

4.5 Rules and Regulations

The successful management of the Golden Horseshoe depends upon mutual respect among the various user groups, and communal respect for the invaluable resources being protected for the benefit of all current and future residents and visitors. The Town and County properties are governed by the Rules and Regulations for County Open Space Properties reviewed by the Breckenridge Town Council and adopted by the Board of County Commissioners in 2007 as joint property owners ([Appendix E](#)). The USFS Rules and Regulations and area-specific Supervisor Orders apply on the National Forest Lands. The Partners have also agreed to take actions to make these two sets of regulations consistent and enforceable.

For the past several years, public education and law enforcement has been primarily undertaken by the Summit County Sheriff's Office in cooperation with Forest Service law enforcement. The Partners will continue to evaluate this arrangement to determine the most efficient method of educating the public and enforcing these regulations.

4.6 Goals, Policies, Actions

Trails and Trailheads

Goal A. Maintain and improve trail access.

Policy/Action 1. Identify and manage motorized and non-motorized trails that provide appropriate recreational experiences while protecting the area's natural and historic resources.

Policy/Action 2. Secure easements, property interest, or other agreements and authorizations to retain and enhance public recreational access to existing and proposed routes and trailheads.

Policy/Action 3. Design and build trailheads to address use type, volume of use and the long and short capacity of the resource.

Goal B. Plan and provide for the sustainable maintenance of trails and trailheads.

Policy/Action 1. Close and restore user created routes that are not part of the identified travel system.

Policy/Action 2. Use trail design and construction standards that incorporate sustainability guidelines.

Goal C. Manage the travel system in cooperation with other public and private entities.

Policy/Action 1. Create and expand public/private partnerships, including “Adopt-a-Trail” programs.

Policy/Action 2. Work to minimize existing and potential conflicts between property owners and recreational users.

Policy/Action 3. The partners will cooperate to create a consistent policy on concessionaires and Special Events in the Golden Horseshoe on a permitted basis, evaluating each request on its own merits and affects to environmental and cultural resources..

Goal D. Provide public information to promote stewardship and appropriate recreational use.

Policy/Action 1. Install signage at trailheads/portals with appropriate information.

Policy/Action 2. Post pertinent information to encourage sustainable resource use and facilitate law enforcement.

Policy/Action 3. Continue to work cooperatively to make regulations consistent and enforceable across jurisdictional boundaries, including USFS Supervisor’s Order or other mechanism.

Policy/Action 4. Provide accurate information about trails and access points to publishers of trail guides and maps.

Signage

Goal E. Maintain and improve travel signage.

Policy/Action 1. Provide uniform signage to direct users to appropriate recreational opportunities.

Policy/Action 2. Incorporate Leave No Trace and Tread Lightly messages on signs to educate users on rules and codes of conduct.

Policy/Action 3. Install directional signage at trail intersections identifying routes and allowed uses.

5.0 Cultural Resources

5.1 Introduction

Hundreds of sites with evidence of historic human activity exist throughout the Golden Horseshoe. These cultural resources chronicle the colorful mining past of the Breckenridge area and generally date from the 1860s through the late 1970s. All major phases of the mining history of the area are represented in the Golden Horseshoe, starting with the surface placer operations of the late 1850s and



The Reiling Dredge Boat is an important cultural resource bringing context to area's dredge mining history

early 1860s, then the underground gold, lead and silver mining of the late 1800s and early 1900s, and finally the dredging operations of the first half of the 20th Century.

Aspects of each phase of the actual mining operations may also be found, including mine and mill waste dumps, towns and settlements, ditches and flumes that brought water to mining operations, roads and trails that provided access and transit, and isolated log cabins and mines.

Remnants of the various mining techniques and technologies also remain, including sluicing, hydraulic, underground stoping, hand-sorting, milling, storage, and dredging. Sites in the Golden Horseshoe also illustrate the relationship, over time, between these different eras. In most sites, evidence is clear that later generations of miners lived on and/or reworked sites from earlier times.

Historic sites can also pose safety challenges and dangers. There are unmarked abandoned open mine shafts, open prospect pits, accessible horizontal mine accesses (adits), old structures that could collapse, rusty nails, broken glass, etc. The Partners are working with the Colorado Division of Reclamation and Mine Safety to locate and correct identified physical and environmental hazards related to abandoned mines.

5.2 Cultural Resource Inventory

During the course of the Management Planning process in 2006, an extensive inventory was developed of known historic resources and sites in the Golden Horseshoe (Appendix D). Each identified site was described or characterized using 23 separate criteria ranging from its GPS location to whether the site represents a significant danger to public safety, to the type of access existing to the site (road, trail, etc.).

The inventory also contains site descriptions and management goals for each of the sites listed. Each site is ranked on a scale of “1” to “5” concerning a number of important management criteria, including: local historical significance, access, interpretation potential, threat of damage or theft, public safety, and structural integrity.

5.3 Management of Cultural Resources

The collection of historic sites in the Golden Horseshoe chronicles all aspects of the colorful mining history of the Breckenridge area and provides a priceless resource for the enjoyment and education of local residents and visitors alike. The Partners' two primary goals related to historic resources in the Golden Horseshoe are to: 1) protect the sites themselves from natural or human-caused deterioration and destruction, and 2) protect public safety. To address public safety concerns, action will be taken to close off hazardous mine features, including open adits and shafts, using appropriate measures for abandoned mine reclamation and improved public safety. The Partners have initiated plans with the Colorado Division of Mining, Reclamation, and Safety to address concerns at numerous sites in the Golden Horseshoe



Interpretive signage is used to identify prominent historical landmarks in the Golden Horseshoe.

As new uses of public lands or specific projects are proposed, the Partners will evaluate potential impacts using the paradigm: first avoid impacts, then minimize potential impacts, and finally mitigate those that cannot be avoided or minimized. Examples of strategies include avoiding publicizing the locations of sites, minimizing access to sites, and providing educational and interpretive opportunities to encourage stewardship of the sites. Additional inventories may be required before undertaking new actions to ensure that cultural resources are properly identified and protected.

Many mining relics are constructed of wood, and are succumbing very quickly to natural deterioration through rotting or exposure to the elements, or damage through vandalism or theft. The Partners anticipate that public efforts will focus on maintenance and/or stabilization of identified historic features, including clean-up of sites where modern rubbish has accumulated. If cultural sites

are identified as under risk of damage by recreational uses, the Partners will evaluate potential mitigation measures, such as trail maintenance or reroutes, interpretive signage, or the installation of physical barriers to discourage public contact with remaining relics.

Restoration of historic sites or structures will be completed on a more limited basis, depending on the priorities of the individual Partners. It is likely that restoration of historic structures in the Golden Horseshoe will require funding from a combination of sources including the Partners, Colorado Historical Fund and private foundations.

5.4 Interpretation

Interpretation offers opportunities to both inform the outdoor public about the historic nature of the Golden Horseshoe and engage them in the stewardship of these resources. Various levels of opportunity for the public to learn about and experience the area's history will be provided with an emphasis on public interpretation of the more popular historic sites closer to the Town.

Several cultural sites lend themselves to thoughtfully designed interpretive signage – small signs placed in unobtrusive locations. Areas away from current heavy use would be designated as “backcountry” and would not have signage. An example of “front country” interpretation is the project led by the Breckenridge Heritage Alliance which has installed interpretative signs along the Minnie, X10U8, and B&B trails in western French Gulch. All signs should convey a historical preservation message to visitors.

5.5 Goals, Policies, Actions

Goal A. Preserve/restore significant historical sites and structures to protect and enhance the value and character of the Golden Horseshoe.

Policy/Action 1. Identify highly valued, significant sites and prioritize their protection, stabilization and/or restoration.

Policy/Action 2. Identify and acquire funding to restore and maintain priority historical sites.

Goal B. Ensure safe, public legal access to priority historic sites via the recreational travel network.

Policy/Action 1. Integrate historical site access and potential interpretation with the recreational travel system.

Policy/Action 2. Ensure that sensitive historical sites are not accessed by travel routes where deemed inappropriate.

Policy/Action 3. Determine the level of public use and access, if any, of the various cabins and other structures.

Goal C. Create safe, interactive interpretive opportunities for identified historical sites, including signs and trail access where appropriate.

Policy/Action 1. Identify high quality, accessible sites that “tell the story” of the area, and establish corresponding interpretive materials and trails.

6.0 Stewardship and Monitoring

The Partners concur that adaptive management through the use of monitoring is critical to exemplary management of the Golden Horseshoe. Goals of monitoring will include:

1. Ensure that all uses are consistent with the goals of the Plan;
2. Ensure that management actions are consistent with the goals of this Plan;
3. Evaluate the provisions of the Plan to ensure they adequately protect the resources identified therein;
4. Evaluate the necessity for modifications or amendments to this Plan.

The Partners will continue to monitor the Golden Horseshoe throughout the life of the Plan to ensure that the conservation values are being protected.

7.0 Management Plan Approval and Amendment Process

The Golden Horseshoe Management Plan has been reviewed and approved by the Breckenridge Town Council as Resolution #_____, and by the Summit County Board of County Commissioners (BOCC) as Resolution #_____, and by the District Ranger of the Dillon Ranger District, White River National Forest. The Summit County Open Space Advisory Council (OSAC) and the Breckenridge Open Space Advisory Commission (BOSAC) made a recommendation to the BOCC and the Town Council to adopt a draft of this Plan at their joint meeting on February 1, 2012. These meetings were noticed through newspaper ads, and public posting of the OSAC and BOSAC, Town Council, and BOCC agendas."

The adopted Plan will be reviewed on a periodic basis as deemed appropriate by the Partners. The OSAC and BOSAC will evaluate proposed amendments and make recommendations for review by the BOCC, Town Council, and USFS. Amendments to the Plan shall continue to preserve or strengthen the open space and conservation values associated with the Golden Horseshoe.

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E-mail:
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MEMO

TO: Mayor & Town Council
FROM: Tim Gagen, Town Manager
DATE: February 22, 2012
SUBJECT: Committee Reports for 2.28.2012 Council Packet

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

Liquor Licensing Authority	MJ Loufek	February 21, 2012
<ul style="list-style-type: none"> All consent calendar items were approved. Assistant Chief Morrison sought the Authority's input on the possibility of establishing additional neighborhoods within the Town for liquor licensing purposes. The Town currently utilizes one neighborhood, that being the Upper Blue River Basin. Neighborhoods can be used to ensure that there is not a concentration of tavern or retail liquor store licenses in any one area of Town. The Authority was sensitive to the issue but felt there may be other ways to address concerns. They noted the difficulty for businesses to find infrastructure for these uses, that the mathematical formula used to calculate population and license ratios may not work for a resort town, that the market tends to take care of imbalances and that there may be some benefits to an entertainment zone. The Authority believes the Police Department is doing a great job, and that the Authority has been sensitive to the needs of the neighborhood when considering new license applications. The Authority was unanimous against proceeding with redistricting liquor licensing boundaries. 		

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	No Meeting/Report
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.

FINANCIAL MEMORANDUM

TO: TIM GAGEN, TOWN MANAGER
FROM: CLERK AND FINANCE DIVISION
SUBJECT: DECEMBER TAX COLLECTIONS
DATE: 2/22/2012

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

New Items of Note:

- Overall, tax collections for December were down 3% from 2010 and 108.8% of the month's budget.
- Overall for the year, we ended at 3.1% behind prior year and 105.9% of budget.
- Sales tax was up 5.6% from 2010, and up 12.6% from budget. For the year, sales tax ended down 2.5% from prior year, but up 1.1% from budget.
- Accommodations tax was again a mixed bag. It was behind prior year by 21.3% but exceeded budget by 8.1% for the month. For the year, it ended up 1.6% over last year and 109.9% of budget. It is the only tax that ended ahead of prior year. I would have to presume that this difference for the month vs. prior year is at least somewhat attributable to the compromise that Council offered in relation to the 1/1/2011 accommodations tax increase to allow accommodations filers to report some of their January revenues on the December 2010 tax return.
- Real Estate Transfer Tax in December was down from prior year by 25.8% and 89.1% of budget. For February, while we are considerably behind prior year, we have met budget for the month.
- Housing tax was up 9.3% from 2010, and up 22.9% from budget. For the year, housing tax ended down 5.5% from prior year, but up 2.2% from budget.

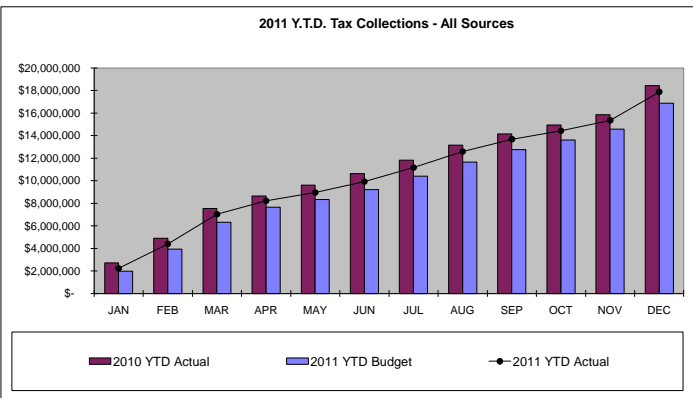
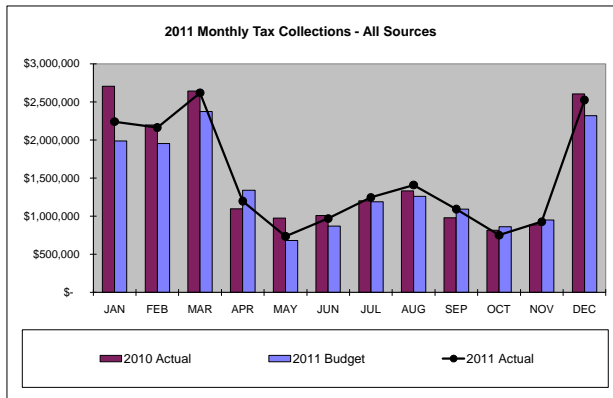
Continuing Items of Note:

- 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 included 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.

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	46.8%	\$ 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	52.1%	\$ 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	\$ 2,603,038	\$ 18,439,597	100.0%	\$ 2,319,674	\$ 16,877,870	100.0%	\$ 2,523,992	-3.0%	108.8%	\$ 17,873,581	-3.1%	105.9%



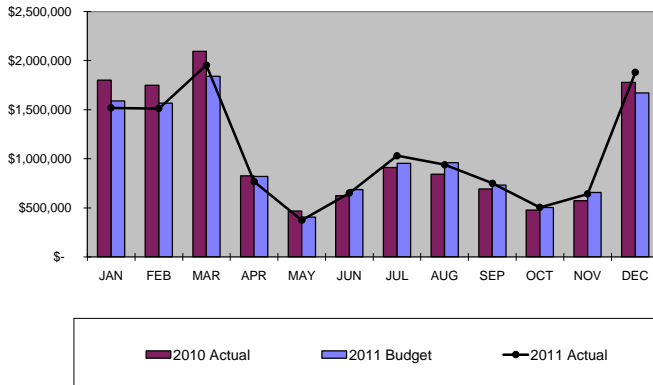
Prior Year Actual and Current Year Budget Variances

	TOTAL	Sales	Accommodations	RETT	Housing
vs. Dec 10 Actual	(79,046)	100,467	(79,119)	(104,682)	4,288
Dec 11 Budget	204,318	209,890	21,844	(36,842)	9,426
vs. YTD 10 Actual	(566,016)	(319,084)	25,215	(256,968)	(15,179)
vs. YTD 11 Budget	995,711	136,126	146,714	705,786	7,085

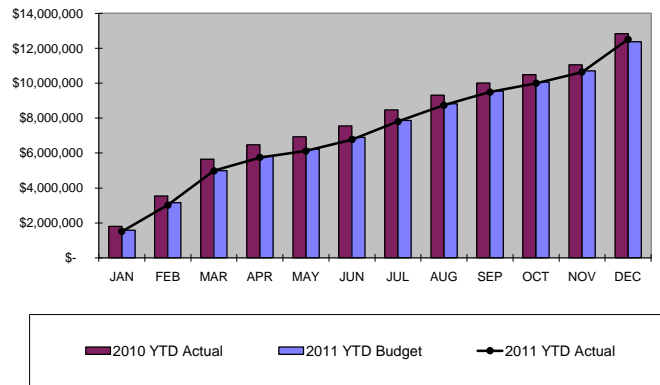
**TOWN OF BRECKENRIDGE
SALES TAX COLLECTIONS
REPORTED IN THE PERIOD EARNED**

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%	\$ 1,879,155	5.6%	112.6%	\$ 12,517,771	-2.5%	101.1%

2011 Monthly Sales Tax Collections



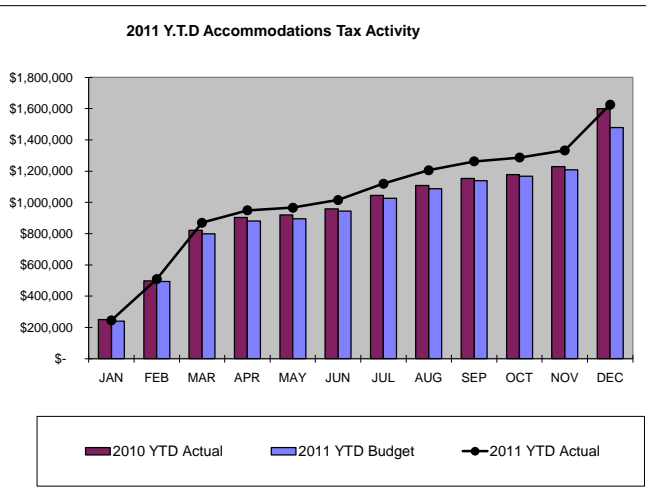
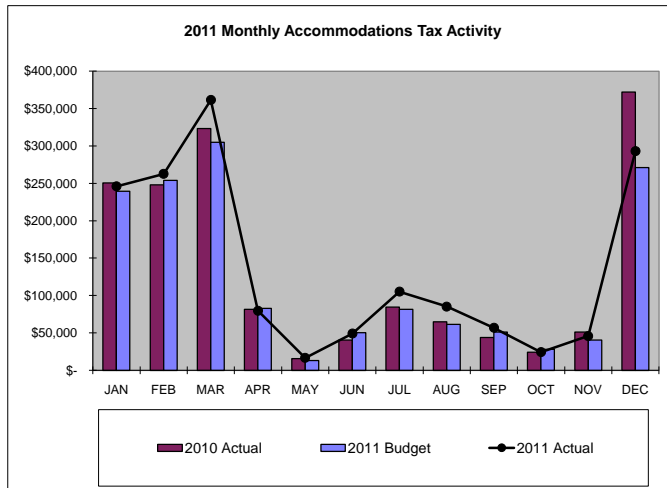
2011 Y.T.D. Sales Tax Collections



**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	31.1%	253,918	493,436	33.4%	\$ 262,582	5.9%	103.4%	508,427	2.0%	103.0%
MAR	323,218	821,552	51.3%	304,840	798,276	54.0%	\$ 361,430	11.8%	118.6%	869,857	5.9%	109.0%
APR	81,743	903,295	56.4%	82,971	881,247	59.6%	\$ 79,625	-2.6%	96.0%	949,482	5.1%	107.7%
MAY	15,579	918,875	57.4%	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	65.2%	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	69.3%	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	72.0%	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	\$ 372,038	\$ 1,600,208	100.0%	\$ 271,074	1,478,708	100.0%	\$ 292,919	-21.3%	108.1%	\$ 1,625,422	1.6%	109.9%

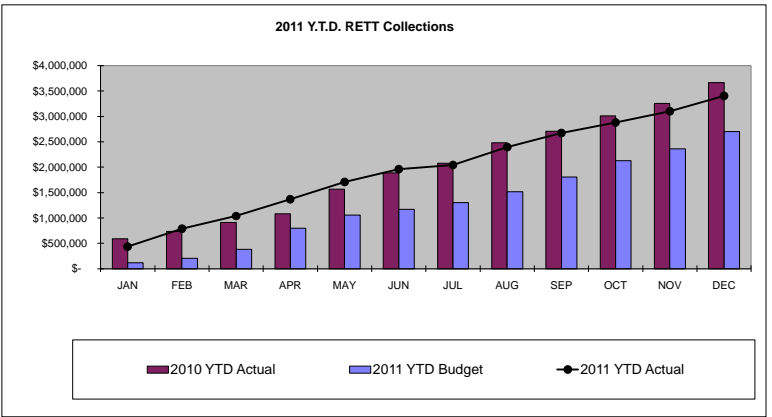
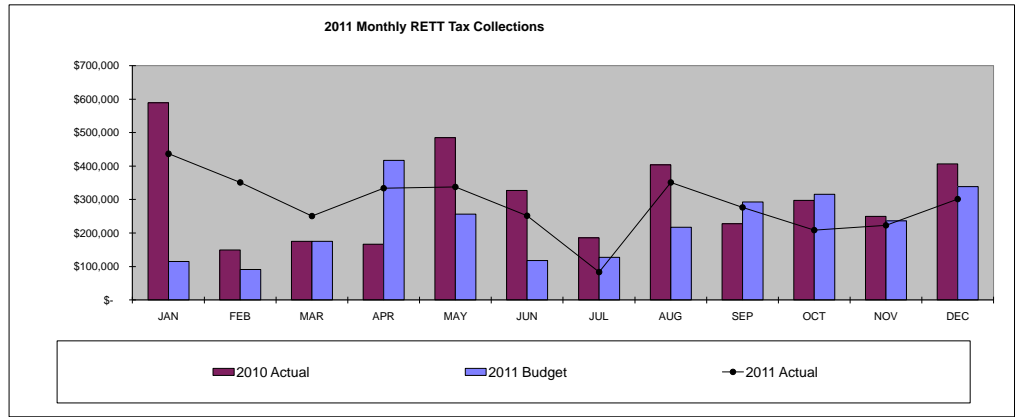
Accommodation tax amounts reflect collections at the 2% rate.



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%

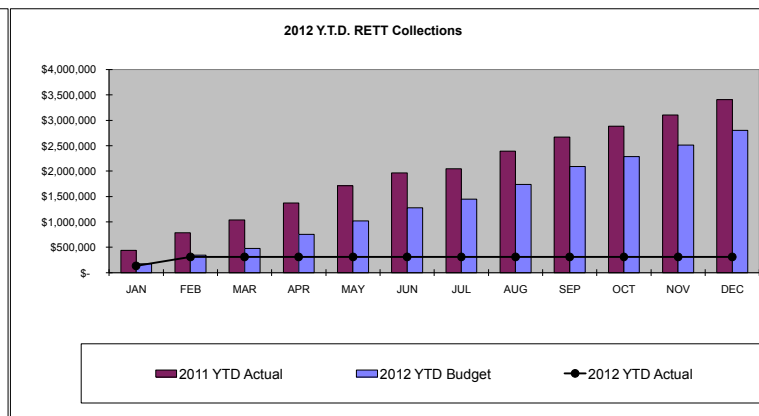
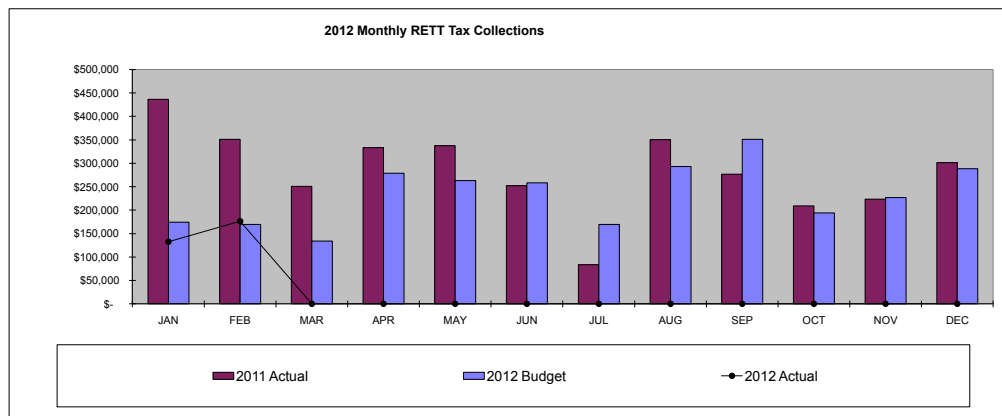
December RETT #s through 12/31/2011



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

Sales Period	2007 Collections			2011 Collections			2012 Budget			2012 Monthly				2012 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 2011	Actual	% of Budget	% Change from 2007	% Change from 2011
JAN	\$ 352,958	\$ 352,958	6.2%	\$ 436,605	\$ 436,605	12.8%	\$ 174,140	\$ 174,140	6.2%	\$ 132,557	76.1%	-62.4%	-69.6%	\$ 132,557	76.1%	-62.4%	-69.6%
FEB	342,995	695,953	12.3%	350,866	787,471	23.1%	\$ 169,224	\$ 343,364	12.3%	176,051	104.0%	-48.7%	-49.8%	308,608	89.9%	-55.7%	-60.8%
MAR	271,817	967,770	17.1%	250,986	1,038,457	30.5%	\$ 134,107	\$ 477,470	17.1%	-	0.0%	n/a	n/a	308,608	64.6%	-68.1%	-70.3%
APR	564,624	1,532,394	27.0%	333,424	1,371,881	40.3%	\$ 278,570	\$ 756,040	27.0%	-	0.0%	n/a	n/a	308,608	40.8%	-79.9%	-77.5%
MAY	533,680	2,066,074	36.4%	337,577	1,709,458	50.2%	\$ 263,303	\$ 1,019,342	36.4%	-	0.0%	n/a	n/a	308,608	30.3%	-85.1%	-81.9%
JUN	522,999	2,589,073	45.6%	251,806	1,961,263	57.6%	\$ 258,033	\$ 1,277,375	45.6%	-	0.0%	n/a	n/a	308,608	24.2%	-88.1%	-84.3%
JUL	343,610	2,932,683	51.7%	83,522	2,044,785	60.0%	\$ 169,527	\$ 1,446,903	51.7%	-	0.0%	n/a	n/a	308,608	21.3%	-89.5%	-84.9%
AUG	594,349	3,527,032	62.1%	350,730	2,395,515	70.3%	\$ 293,235	\$ 1,740,138	62.1%	-	0.0%	n/a	n/a	308,608	17.7%	-91.3%	-87.1%
SEP	711,996	4,239,028	74.7%	276,774	2,672,289	78.5%	\$ 351,278	\$ 2,091,416	74.7%	-	0.0%	n/a	n/a	308,608	14.8%	-92.7%	-88.5%
OCT	392,752	4,631,779	81.6%	208,831	2,881,120	84.6%	\$ 193,773	\$ 2,285,189	81.6%	-	0.0%	n/a	n/a	308,608	13.5%	-93.3%	-89.3%
NOV	459,147	5,090,926	89.7%	223,271	3,104,391	91.2%	\$ 226,530	\$ 2,511,719	89.7%	-	0.0%	n/a	n/a	308,608	12.3%	-93.9%	-90.1%
DEC	\$ 584,308	\$ 5,675,235	100.0%	\$ 301,397	\$ 3,405,788	100.0%	\$ 288,281	\$ 2,800,000	100.0%	\$ -	0.0%	n/a	n/a	\$ 308,608	11.0%	-94.6%	-90.9%

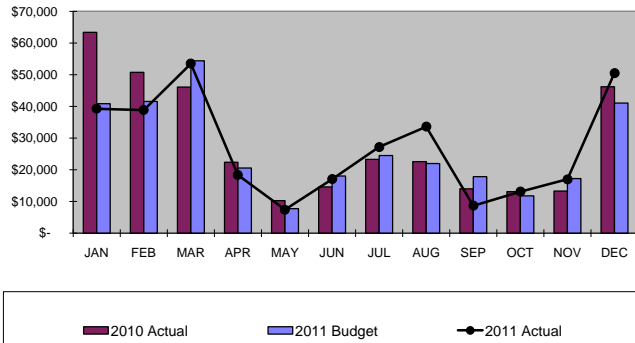
2012 budget is based upon 2007 monthly distribution
February #s are through 2/21/12.



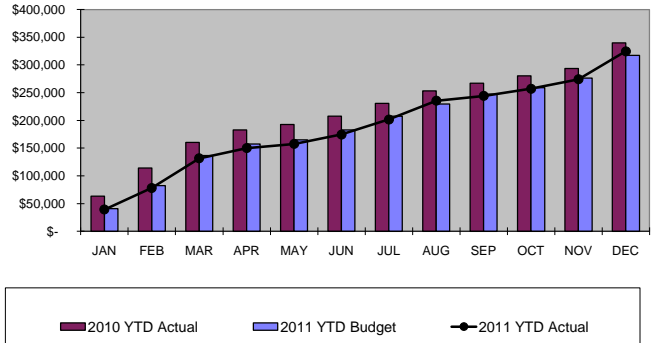
**TOWN OF BRECKENRIDGE
AFFORDABLE HOUSING SALES TAX COLLECTIONS
REPORTED IN THE PERIOD EARNED**

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%	\$ 50,521	9.3%	122.9%	\$ 324,600	-4.5%	102.2%

2011 Monthly Aff. Housing Sales Tax Collections



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



INTEROFFICE MEMORANDUM

TO: TIM GAGEN, TOWN MANAGER; KATE BONIFACE, ASSISTANT TOWN MANAGER
FROM: CLERK AND FINANCE DIVISION
SUBJECT: DECEMBER 2011 FINANCIAL VARIANCE HIGHLIGHTS MEMO (PRE-AUDIT)
DATE: 2/17/2012

This memo explains significant variations between the 2011 budget and actual figures for the Town of Breckenridge for the period ending December 31, 2011. It includes some year-end adjustments such as supplemental appropriations, but does not represent the *final* 2011 financials as there will be additional year-end audit adjustments during the preparation of the Comprehensive Annual Financial Report (CAFR).

Variances explained in prior months that continue to appear in this month's reports are explained on page 2 of this memo.

Fund Updates:

General Fund

Revenue ahead of budget by \$797k (104% of YTD budget).

Expenses are below YTD budget at 93% (\$1,474,336)

Excise Fund:

- Sales tax revenue 103% of budget (\$366,649 ahead of budget)
- Accommodations taxes are at 127% of budget (\$401k more than budget).
- RETT collections through December 31, 2011 exceeded budget by 36% or \$973k
- Excise Fund transfers were made according to the 2011 budget, except for the transfer to the Marketing Fund, which is based on actual Accommodation Taxes collected and is 25% ahead of budget (\$91k).

All Funds

No new variances in December.

Variations Explained in Prior Months:

General Fund:

Revenue:

- Municipal Court revenue is over budget in the Penal Fine account by 37% due to an increase in ski pass violations.
- Special Events is at 133% of the YTD 2011 budget for revenue due to BMF/NRO expenditures and Special Events/Programs. This is offset by pass through payments which are also above budget.
- The Transit Services Program department: over budget by 15% due to a grant received.
- Public Safety Community Service is over budget by \$89k due to Pay Parking/Permit revenue and Parking Tickets.
- Building Services is at 168% of budget (over budget by \$357k) due to Building Permits, Electrical Permits and Plan Check Fees/Building. They are tracking further ahead of budget due to a 58% increase in permit approvals this year over last year. In August, 17 single family homes were approved which is more than the whole of 2009.
- Parks and Facilities Admin revenue over budget due to insurance recoveries and rental income.
- Recreation Programs is \$57k over budget (16%) due to Summer Recreation Fees.
- Property Tax/Excise Transfer/Investment Income line is under budget due to investment income. As investments in our portfolio mature, the funds are reinvested at the current lower rates.
- Nordic Center Operations over budget by 16% (\$25k) primarily due to Pro Shop Sales
- Ice Rink under budget due to Leagues and Not-For-Profit Rentals

Expenses:

- The Administrative Management Program is under budget by 14% (\$85k) due to a reduction in personnel.
- Special Events is at 113% of the YTD 2011 budget for expenditures due to BMF/NRO expenditures and Programs-this is offset by revenues (see above).
- Transit Services Program under budget by 8% (\$160k) due to personnel costs (wages, h. insurance)
- Streets Program under budget by \$130k due to personnel costs and Misc. R&M supplies
- Facilities Admin. Program under budget by \$50k due to personnel costs
- Public Safety Patrol Services and Public Safety Community Service are under budget by \$326k (combined) due to staffing/open positions.
- Recreation Operations Programs is under budget by \$229k due to staffing and electric/gas expenditures.
- Ice Rink Operations are under budget by \$157k due to staffing and electric and gas expenditures.

Excise Fund:

- Public Service Franchise Fees are under budget due to Xcel previously remitting tax to the Town for customers not located in the Town of Breckenridge (Blue River & unincorporated). They are no longer remitting for these areas.

Utility Fund:

- Revenue is ahead of budget by \$335k due to Plant Investment Fees.
- Expense variance is due to Major System Improvement budgeted expenses of \$2 million for the pump back project for which no expenditures have been made.

Marketing Fund: Revenues ahead of budget due to Accommodation Tax and Transfer from Excise (based on Accommodation tax). Expense variance is due to costs related to the US Pro Cycling Challenge.

Golf: Golf Fund revenues are at 100% of the annual budget (see All Funds Net of Transfers report).

Housing Fund: the revenue variance is due to Valley Brook units. The proceeds from home sales are being held by the Summit Housing Authority rather than being paid to the Town and then reimbursed by the Town. The expenditure variance is also due to Valley Brook.

Garage Fund: Revenue variance due to the sale of assets. Expenditures are under budget due to budgeted Capital Acquisitions.

Information Technology Fund: over budget due to purchases of minor equipment and computer support/maintenance. Fund balance is fully appropriated.

**TOWN OF BRECKENRIDGE
ALL FUNDS
CURRENT YEAR TO PRIOR YEAR COMPARISON
FOR THE 12 MONTHS ENDING DECEMBER 31, 2011**

100 % OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR			2010 ACTUAL/ 2011 ACTUAL % CHANGE	CURRENT YEAR					
	YTD ACTUAL	YE TOTAL	% OF YE REC'D/SPENT		YTD ACTUAL	YTD BUDGET	ACTUAL/BUDGET \$ VARIANCE FAVORABLE/(UNFAVORABLE)	ACTUAL AS A % OF BUDGET	ANNUAL BUDGET	% OF BUDGET REC'D/SPENT
REVENUE										
1 GENERAL FUND	23,463,818	24,017,652	98%	92%	21,653,783	20,856,628	797,155	104%	20,856,628	104%
2 UTILITY FUND	2,893,139	2,965,173	98%	113%	3,279,463	2,944,170	335,293	111%	2,944,170	111%
3 CAPITAL FUND	1,220,292	1,434,970	85%	176%	2,146,063	2,717,447	(571,384)	79%	2,717,447	79%
4 MARKETING FUND	1,812,861	1,913,019	95%	129%	2,346,536	2,148,459	198,077	109%	2,148,459	109%
5 GOLF COURSE FUND	2,200,777	2,860,938	77%	103%	2,276,690	2,269,730	6,960	100%	2,269,730	100%
6 EXCISE TAX FUND	16,949,942	19,447,400	87%	110%	18,621,438	17,428,280	1,193,158	107%	17,428,280	107%
7 HOUSING FUND	4,089,481	4,137,220	99%	81%	3,295,941	5,618,809	(2,322,868)	59%	5,618,809	59%
8 OPEN SPACE ACQUISITION FUND	1,595,901	1,802,211	89%	117%	1,866,214	1,745,021	121,193	107%	1,745,021	107%
9 CONSERVATION TRUST FUND	32,550	32,531	100%	112%	36,471	32,083	4,388	114%	32,083	114%
10 GARAGE SERVICES FUND	3,039,176	3,007,777	101%	73%	2,220,492	2,144,466	76,026	104%	2,144,466	104%
11 INFORMATION TECHNOLOGY FUND	1,043,978	1,043,978	100%	85%	886,464	886,464	-	100%	886,464	100%
12 FACILITIES MAINTENANCE FUND	230,436	230,436	100%	115%	265,092	265,056	36	100%	265,056	100%
13 SPECIAL PROJECTS FUND	434,004	434,004	100%	91%	395,004	395,004	-	100%	395,004	100%
TOTAL REVENUE	59,006,355	63,327,309	93%	100%	59,289,651	59,451,617	(161,966)	100%	59,451,617	100%
EXPENDITURES										
1 GENERAL FUND	20,009,703	20,888,817	96%	97%	19,498,923	20,973,263	1,474,340	93%	20,973,263	93%
2 UTILITY FUND	2,350,946	2,885,988	81%	118%	2,780,016	5,293,563	2,513,547	53%	5,293,563	53%
3 CAPITAL FUND	1,271,301	1,269,129	100%	110%	1,403,261	2,821,928	1,418,667	50%	2,821,928	50%
4 MARKETING FUND	1,788,213	1,788,213	100%	130%	2,319,618	2,298,452	(21,166)	101%	2,298,452	101%
5 GOLF COURSE FUND	2,100,105	2,553,742	82%	100%	2,093,128	2,268,821	175,693	92%	2,268,821	92%
6 EXCISE TAX FUND	16,471,436	16,589,936	99%	99%	16,332,749	16,363,719	30,970	100%	16,363,719	100%
7 HOUSING FUND	4,119,633	4,119,633	100%	66%	2,738,973	6,350,971	3,611,998	43%	6,350,971	43%
8 OPEN SPACE ACQUISITION FUND	1,752,781	1,753,425	100%	185%	3,243,437	3,094,093	(149,344)	105%	3,094,093	105%
9 CONSERVATION TRUST FUND	30,996	30,996	100%	142%	44,004	44,000	(4)	100%	44,000	100%
10 GARAGE SERVICES FUND	1,719,116	2,121,357	81%	87%	1,502,423	1,982,668	480,245	76%	1,982,668	76%
11 INFORMATION TECHNOLOGY FUND	617,748	619,326	100%	155%	957,096	769,777	(187,319)	124%	769,777	124%
12 FACILITIES MAINTENANCE FUND	85,963	85,963	0%	N/A	51,000	76,078	25,078	67%	76,078	67%
13 SPECIAL PROJECTS FUND	388,903	388,903	100%	N/A	329,716	395,001	65,285	83%	395,001	83%
TOTAL EXPENDITURES	52,706,844	55,095,428	96%	101%	53,294,344	62,732,334	9,437,990	85%	62,732,334	85%
	6,299,511	8,231,881			5,995,307	(3,280,717)	9,276,024		(3,280,717)	

**TOWN OF BRECKENRIDGE
ALL FUNDS, NET OF TRANSFERS
CURRENT YEAR TO PRIOR YEAR COMPARISON
FOR THE 12 MONTHS ENDING DECEMBER 31, 2011**

100 % OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR			2010 ACTUAL/ 2011 ACTUAL % CHANGE	CURRENT YEAR					
	YTD ACTUAL	YE TOTAL	% OF YE REC'D/SPENT		YTD ACTUAL	YTD BUDGET	ACTUAL/BUDGET \$ VARIANCE FAVORABLE/(UNFAVORABLE)	ACTUAL/BUDGET % CHANGE	ANNUAL BUDGET	% OF BUDGET REC'D/SPENT
REVENUE										
1 GENERAL FUND	11,673,998	12,227,832	95%	93%	10,877,483	10,080,328	797,155	108%	10,080,328	108%
2 UTILITY FUND	2,893,139	2,965,173	98%	113%	3,279,463	2,944,170	335,293	111%	2,944,170	111%
3 CAPITAL FUND	264,288	360,466	73%	117%	310,067	881,447	(571,380)	35%	881,447	35%
4 MARKETING FUND	1,079,565	1,179,723	92%	183%	1,976,855	1,778,778	198,077	111%	1,778,778	111%
5 GOLF COURSE FUND	2,072,451	2,730,942	76%	98%	2,026,694	2,019,730	6,964	100%	2,019,730	100%
6 EXCISE TAX FUND	16,949,942	19,447,400	87%	110%	18,621,438	17,428,280	1,193,158	107%	17,428,280	107%
7 HOUSING FUND	1,756,561	1,804,300	97%	41%	714,873	3,037,741	(2,322,868)	24%	3,037,741	24%
8 OPEN SPACE ACQUISITION FUND	1,595,901	1,802,211	89%	102%	1,623,828	1,745,021	(121,193)	93%	1,745,021	93%
9 CONSERVATION TRUST FUND	32,550	32,531	100%	112%	36,471	32,083	4,388	114%	32,083	114%
10 GARAGE SERVICES FUND	569,995	538,596	106%	28%	157,524	81,498	76,026	0%	81,498	193%
11 INFORMATION TECHNOLOGY FUND	2	2	100%	0%	0	-	-	0%	-	0%
12 FACILITIES MAINTENANCE FUND	-	-	N/A	N/A	0	-	-	N/A	-	N/A
13 SPECIAL PROJECTS FUND	69,000	69,000	100%	0%	0	-	-	N/A	-	N/A
TOTAL REVENUE	38,957,392	43,158,176	90%	102%	39,624,696	40,029,076	(404,380)	99%	40,029,076	99%
EXPENDITURES										
1 GENERAL FUND	17,606,906	17,726,560	99%	100%	17,532,459	19,006,775	1,474,316	92%	19,006,775	92%
2 UTILITY FUND	1,906,310	2,441,352	78%	121%	2,309,400	4,822,947	2,513,547	48%	4,822,947	48%
3 CAPITAL FUND	1,271,301	1,269,129	100%	110%	1,403,261	2,821,928	1,418,667	50%	2,821,928	50%
4 MARKETING FUND	1,788,213	1,788,213	100%	130%	2,319,618	2,298,452	(21,166)	101%	2,298,452	101%
5 GOLF COURSE FUND	2,100,105	1,894,282	111%	100%	2,093,128	2,268,821	175,693	92%	2,268,821	92%
6 EXCISE TAX FUND	566,540	566,540	100%	101%	571,828	569,878	(1,950)	100%	569,878	100%
7 HOUSING FUND	4,119,633	4,119,633	100%	66%	2,738,973	6,350,971	3,611,998	43%	6,350,971	43%
8 OPEN SPACE ACQUISITION FUND	1,746,769	1,747,413	100%	185%	3,234,269	3,084,925	(149,344)	105%	3,084,925	105%
9 CONSERVATION TRUST FUND	0	0	N/A	N/A	0	0	-	N/A	0	N/A
10 GARAGE SERVICES FUND	1,703,984	2,106,225	81%	87%	1,475,039	1,955,284	480,245	75%	1,955,284	75%
11 INFORMATION TECHNOLOGY FUND	615,000	616,578	100%	155%	953,556	766,237	(187,319)	124%	766,237	124%
12 FACILITIES MAINTENANCE FUND	85,963	85,963	100%	59%	51,000	76,078	25,078	67%	76,078	N/A
13 SPECIAL PROJECTS FUND	388,903	388,903	100%	85%	329,716	395,001	65,285	83%	395,001	83%
TOTAL EXPENDITURES	33,899,627	34,750,791	98%	103%	35,012,247	44,417,297	9,405,050	79%	44,417,297	79%
Revenue Less Expenditures	5,057,765	8,407,385			4,612,449	(4,388,221)	9,000,670		(4,388,221)	

**TOWN OF BRECKENRIDGE
EXCISE TAX FUND
CURRENT YEAR TO PRIOR YEAR COMPARISON
FOR THE 12 MONTHS ENDING DECEMBER 31, 2011**

100 % OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR			2010 vs. 2011 ACTUAL % VARIANCE	CURRENT YEAR					
	YTD ACTUAL	YE TOTAL	% OF YE REC'D/SPENT		YTD ACTUAL	YTD BUDGET	ACTUAL/BUDGET \$ VARIANCE	ACTUAL/BUDGET % VARIANCE	ANNUAL BUDGET	% OF BUDGET REC'D/SPENT
TAX REVENUE										
SALES TAX	11,248,076	13,253,186	85%	113%	12,748,293	12,381,644	366,649	103%	12,381,645	103%
ACCOMMODATIONS TAX	1,250,729	1,607,129	78%	150%	1,879,246	1,478,709	400,537	127%	1,478,709	127%
CIGARETTE TAX	51,070	51,070	100%	100%	51,304	48,001	3,303	107%	48,001	107%
TELEPHONE FRANCHISE TAX	27,154	27,154	100%	93%	25,282	28,500	(3,218)	89%	28,500	89%
PUBLIC SERVICE FRANCHISE	512,097	621,971	82%	92%	473,631	600,004	(126,373)	79%	600,003	79%
CABLEVISION FRANCHISE TAX	113,776	153,277	74%	103%	117,104	140,000	(22,896)	84%	140,000	84%
REAL ESTATE TRANSFER TAX	3,662,755	3,662,755	100%	100%	3,672,727	2,700,002	972,725	136%	2,700,002	136%
INVESTMENT INCOME	55,208	41,780	132%	46%	25,446	51,420	(25,974)	49%	51,420	49%
TOTAL FUND REVENUE	16,920,865	19,418,322	87%	112%	18,993,033	17,428,280	1,564,753	109%	17,428,280	109%
EXCISE TAX DEBT SERVICE										
COP FEES	650	650	0%	0%	1,950	-	(1,950)	N/A	-	N/A
2005 COP'S PRINCIPAL	155,000	155,000	100%	106%	165,000	165,000	-	100%	165,000	0%
2005 COP'S INTEREST	142,825	142,825	100%	96%	137,013	137,014	1	100%	137,014	100%
2007 COP'S PRINCIPAL	130,000	130,000	100%	104%	135,000	135,000	-	100%	135,000	100%
2007 COP'S INTEREST	138,065	138,065	100%	96%	132,865	132,864	(1)	100%	132,864	100%
TOTAL EXCISE TAX DEBT SERVICE	566,540	566,540	100%	101%	571,828	569,878	(1,950)	100%	569,878	100%
TRANSFERS										
TRANSFER TO GENERAL FUND	11,387,676	11,387,676	100%	91%	10,362,096	10,362,096	-	100%	10,362,096	100%
TRANSFER TO GOLF FUND	129,996	129,996	100%	192%	249,996	249,996	-	100%	249,996	100%
TRANSFERS TO CAPITAL FUND	956,004	1,074,504	89%	192%	1,835,996	1,835,996	-	100%	1,835,996	100%
TRANSFER TO MARKETING	733,296	733,296	100%	63%	460,621	369,681	(90,940)	125%	369,681	125%
TRFS TO EMPLOYEE HSG FUND	2,332,920	2,332,920	100%	111%	2,581,068	2,581,068	-	100%	2,581,068	100%
TRFS TO SPECIAL PROJECTS FUND	365,004	365,004	100%	108%	395,004	395,004	-	100%	395,004	100%
TOTAL TRANSFERS	15,904,896	16,023,396	99%	100%	15,884,781	15,793,841	(90,940)	101%	15,793,841	101%
TOTAL FUND EXPENDITURES	16,471,436	16,589,936	99%	100%	16,456,609	16,363,719	(92,890)	101%	16,363,719	101%
NET REVENUE OVER EXPENDITURES	449,429	2,828,386			2,536,424	1,064,561	1,657,643		1,064,561	

**TOWN OF BRECKENRIDGE
GENERAL FUND
CURRENT YEAR TO PRIOR YEAR COMPARISON
FOR THE 12 MONTHS ENDING DECEMBER 31, 2011**

100 % OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR				CURRENT YEAR					
	YTD ACTUAL	YE TOTAL	% OF YE REC'D/SPENT	2010 ACTUAL/ 2011 ACTUAL % CHANGE	YTD ACTUAL	YTD BUDGET	ACTUAL/BUDGET \$ VARIANCE FAVORABLE/(UNFAVORABLE)	ACTUAL/BUDGET % VARIANCE	ANNUAL BUDGET	% OF BUDGET REC'D/SPENT
REVENUE										
MUNICIPAL COURT PROGRAM	235,922	231,448	102%	84%	281,167	204,668	76,499	137%	204,668	137%
ADVICE & LITIGATION PROGRAM	1,046,746	1,046,746	100%	0%	0	0	-	N/A	-	N/A
ADMINISTRATIVE MGT PROGRAM	1,580	1,580	100%	221%	716	302	414	237%	302	237%
SPECIAL EVENTS/COMM PROGRAM	546,860	552,703	99%	99%	554,606	417,406	137,200	133%	417,406	133%
TOWN CLERK ADMIN PROGRAM	26,588	26,588	100%	58%	46,167	21,001	25,166	220%	21,001	220%
FINANCE ADMINISTRATION PROGRAM	1,332	1,332	100%	431%	309	234	75	132%	234	132%
TRANSIT ADMIN PROGRAM	100,000	100,000	100%	667%	15,000	32,000	(17,000)	47%	32,000	47%
TRANSIT SERVICES PROGRAM	642,861	642,861	100%	115%	558,208	484,067	74,141	115%	484,067	115%
PUBLIC SAFETY ADMIN/RECORDS	83,092	83,092	100%	177%	46,909	46,001	908	102%	46,001	102%
PUBLIC SAFETY PATROL SVCS PROG	-	-	0%	0%	10,000	11,000	(1,000)	91%	11,000	91%
PUBLIC SAFETY COMMNTY SVC PROG	517,400	517,400	100%	86%	599,507	510,600	88,907	117%	510,600	117%
PLANNING SERVICES ADMIN PROGRAM	204,413	204,413	100%	180%	113,794	87,567	26,227	130%	87,567	130%
ARTS DISTRICT	27,329	27,329	100%	68%	40,240	31,545	8,695	128%	31,545	128%
BUILDING SERVICES ADMIN PROGRAM	521,286	521,286	100%	59%	882,764	525,362	357,402	168%	525,362	168%
PUBLIC WORKS ADMIN PROGRAM	575,770	579,993	99%	98%	587,584	582,689	4,895	101%	582,689	101%
STREETS PROGRAM	41,785	41,785	100%	98%	42,631	33,196	9,435	128%	33,196	128%
PARKS PROGRAM	31,043	31,043	100%	143%	21,713	0	21,713	N/A	-	N/A
FACILITIES ADMIN PROGRAM	69,661	69,661	100%	86%	80,699	46,800	33,899	172%	46,800	172%
ENGINEERING ADMIN PROGRAM	1,717	1,717	100%	39%	4,408	2,200	2,208	200%	2,200	200%
CONTINGENCIES	-	-	0%	0%	0	-2,100	2,100	0%	(2,100)	0%
RECREATION ADMIN PROGRAM	-	(25,000)			60	0			-	
RECREATION PROGRAM	331,139	306,139	108%	82%	404,283	347,031	57,252	116%	347,031	116%
RECREATION OPERATIONS PROGRAM	1,415,219	1,365,219	104%	94%	1,504,517	1,473,275	31,242	102%	1,473,275	102%
NORDIC CENTER OPERATIONS	212,438	212,438	100%	115%	184,554	159,210	25,344	116%	159,210	116%
ICE RINK OPERATIONS PROGRAM	608,782	608,782	100%	96%	632,324	674,990	(42,666)	94%	674,990	94%
PRPRTY TX/EXCISE TSFER/INV INCOME	16,218,854	16,867,097	96%	108%	15,041,625	15,167,584	(125,959)	99%	15,167,584	99%
COMMITTEES	2,000	2,000	100%	0%	0	0	-	N/A	-	N/A
TOTAL REVENUE	23,463,817	24,017,652	98%	108%	21,653,785	20,856,628	797,157	104%	20,856,628	104%

**TOWN OF BRECKENRIDGE
GENERAL FUND
CURRENT YEAR TO PRIOR YEAR COMPARISON
FOR THE 12 MONTHS ENDING DECEMBER 31, 2011**

100 % OF THE FISCAL YEAR HAS ELAPSED

	PRIOR YEAR				CURRENT YEAR					
	YTD ACTUAL	YE TOTAL	% OF YE REC'D/SPENT	2010 ACTUAL/ 2011 ACTUAL % CHANGE	YTD ACTUAL	YTD BUDGET	ACTUAL/BUDGET \$ VARIANCE FAVORABLE/(UNFAVORABLE)	ACTUAL/BUDGET % VARIANCE	ANNUAL BUDGET	% OF BUDGET REC'D/SPENT
EXPENDITURES										
LAW & POLICY MAKING PROGRAM	138,984	138,984	100%	116%	119,623	146,253	26,630	82%	146,253	82%
MUNICIPAL COURT PROGRAM	181,867	181,505	100%	94%	192,765	218,010	25,245	88%	218,010	88%
ADVICE & LITIGATION PROGRAM	203,897	203,897	100%	150%	135,796	228,584	92,788	59%	228,584	59%
ADMINISTRATIVE MGT PROGRAM	527,970	538,193	98%	101%	523,261	608,521	85,260	86%	608,521	86%
HUMAN RESOURCES ADMIN PROGRAM	387,292	392,183	99%	100%	385,925	424,000	38,075	91%	424,000	91%
SPECIAL EVENTS/COMM PROGRAM	1,026,110	1,025,932	100%	101%	1,019,630	905,028	(114,602)	113%	905,028	113%
TOWN CLERK ADMIN PROGRAM	253,992	258,885	98%	96%	263,894	288,586	24,692	91%	288,586	91%
FINANCE ADMINISTRATION PROGRAM	290,031	294,828	98%	99%	292,448	328,172	35,724	89%	328,172	89%
ACCOUNTING PROGRAM	326,292	325,780	100%	99%	329,462	377,757	48,295	87%	377,757	87%
TRANSIT ADMIN PROGRAM	120,883	120,798	100%	69%	176,089	190,556	14,467	92%	190,556	92%
TRANSIT SERVICES PROGRAM	2,238,617	2,248,358	100%	130%	1,727,430	1,887,814	160,384	92%	1,887,814	92%
PUBLIC SAFETY ADMIN/RECORDS	900,569	900,402	100%	104%	868,187	883,295	15,108	98%	883,295	98%
PUBLIC SAFETY COMMUNICATN PROG	326,791	326,791	100%	107%	305,632	305,139	(493)	100%	305,139	100%
PUBLIC SAFETY PATROL SVCS PROG	1,523,812	1,542,585	99%	99%	1,538,747	1,736,121	197,374	89%	1,736,121	89%
PUBLIC SAFETY COMMNTY SVC PROG	421,095	431,312	98%	99%	425,684	494,378	68,694	86%	494,378	86%
PLANNING SERVICES ADMIN PROGRAM	1,133,656	1,143,037	99%	109%	1,044,248	1,104,145	59,897	95%	1,104,145	95%
ARTS DISTRICT	30,487	30,487	100%	75%	40,820	25,984	(14,836)	157%	25,984	157%
BUILDING SERVICES ADMIN PROGRAM	397,106	396,728	100%	106%	373,798	404,624	30,826	92%	404,624	92%
PUBLIC WORKS ADMIN PROGRAM	475,745	475,897	100%	96%	495,046	534,348	39,302	93%	534,348	93%
STREETS PROGRAM	1,779,828	1,789,272	99%	98%	1,811,677	1,942,186	130,509	93%	1,942,186	93%
PARKS PROGRAM	1,048,801	1,046,999	100%	93%	1,132,938	1,159,109	26,171	98%	1,159,109	98%
FACILITIES ADMIN PROGRAM	1,221,914	1,225,784	100%	94%	1,294,673	1,344,429	49,756	96%	1,344,429	96%
ENGINEERING ADMIN PROGRAM	306,147	305,533	100%	101%	304,609	317,405	12,796	96%	317,405	96%
GRANTS TO OTHER AGENCIES	132,620	132,620	100%	105%	126,350	122,496	(3,854)	103%	122,496	103%
RECREATION ADMIN PROGRAM	613,816	613,366	100%	101%	609,664	642,277	32,613	95%	642,277	95%
RECREATION PROGRAM	541,826	541,483	100%	85%	634,903	629,021	(5,882)	101%	629,021	101%
RECREATION OPERATIONS PROGRAM	1,633,898	1,672,029	98%	99%	1,658,465	1,888,001	229,536	88%	1,888,001	88%
NORDIC CENTER OPERATIONS	262,745	263,367	100%	108%	244,209	241,566	(2,643)	101%	241,566	101%
ICE RINK OPERATIONS PROGRAM	952,688	952,098	100%	98%	968,098	1,125,615	157,517	86%	1,125,615	86%
LONG TERM DEBT	416,966	416,966	100%	99%	419,997	419,851	(146)	100%	419,851	100%
SHORT TERM DEBT	128,441	128,441	100%	0%	0	0	-	0%	-	N/A
GENERAL EXPENDITURES	47,143	47,143	100%	1656%	2,847	0	(2,847)	0%	-	N/A
COMMITTEES	13,657	13,657	100%	44%	30,979	49,992	19,013	62%	49,992	62%
TOTAL EXPENDITURES	20,009,702	20,129,356	99%	103%	19,498,927	20,973,263	1,474,336	93%	20,973,263	93%
REVENUE LESS EXPENDITURES	3,454,115	3,888,296			2,154,858	(116,635)	2,271,493		(116,635)	

TO: BRECKENRIDGE TOWN COUNCIL
FROM: BRIAN WALDES, FINANCIAL SERVICES MANAGER
SUBJECT: FUND BALANCE ANALYSIS SPREADSHEET REVISIONS
DATE: 2-20-12
CC: TIM GAGEN, KATE BONIFACE

The purpose of this memo is to briefly describe the latest revisions made to the Fund Balance and Reserves Analysis spreadsheet (attached).

Council discussed this item during the 2-14-12 work session and requested of staff that several changes be made to the document. The changes have been made and the revised spreadsheet document is attached. The changes are highlighted.

The revisions include;

1. The General Fund total debt reserve (sum of discretionary and required amounts) has been reduced to \$926,000. This reserve is for the retirement of the G.O. debt currently held by the Town. The revised amount reflects the amount left to be paid in 2013 only, as the debt will be retired after that year's payment and the 2012 payment has been appropriated in the 2012 budget document.
2. The General Fund Operations Reserve has been increased to a total of \$8mm. This includes the TABOR required reserve, leaving the discretionary reserve at \$6.99mm.
3. The Capital Reserve column has been added to reflect the addition of 3 years funding reserve. The reserve was calculated assuming a budgetary funding level of \$2.75mm annually. The amounts programmed in the 2012-2016 CIP document above that level have been reserved, totaling \$4.34mm (see calculation below).

Year	2013	2014	2015	TOTAL
Base Funding Level	\$ 2,750,000	\$ 2,750,000	\$ 2,750,000	\$ 8,250,000
CIP Funding Level	4,965,000	3,580,000	4,045,000	12,590,000
Reserve Amount	\$ 2,215,000	\$ 830,000	\$ 1,295,000	\$ 4,340,000

This reserve exists in the Excise fund because the Capital fund does not have an adequate fund balance to cover this amount, and because the Excise fund transfers money to the Capital fund for budgeted amounts.

The end goal for this discussion is a final document reflecting the amount, purpose, and philosophy behind each of the Town's fund reserves.

Five Year Capital Improvement Plan Summary 2012 to 2016

11/22/2011

Dept/Project	2012	2013	2014	2015	2016	TOTAL
Administration						
Welcome Center Exhibit Update	50,000	-	-	-	-	50,000
RWC Bathroom Remodel	50,000	-	-	-	-	50,000
Riverwalk Center Master Plan	230,000	-	-	-	-	230,000
TOTAL	330,000	-	-	-	-	330,000

Recreation						
Rec Ctr Major Mtce & Repl	400,000	-	-	-	-	400,000
Rec Ctr Renovation & Upgrades	-	-	1,000,000	1,000,000	625,000	2,625,000
Artificial Turf Field	-	885,000	-	-	-	885,000
Water Slide Replacement	-	-	-	130,000	-	130,000
TOTAL	400,000	885,000	1,000,000	1,130,000	625,000	4,040,000

Public Works						
Utility Undergrounding	100,000	200,000	200,000	200,000	200,000	900,000
Roadway Resurfacing	500,000	380,000	400,000	420,000	440,000	2,140,000
Main Street/Riverwalk	600,000	450,000	450,000	250,000	250,000	2,000,000
Core Parking Lot Improvements	-	-	-	150,000	2,000,000	2,150,000
McCain MP/Implementation	80,000	80,000	80,000	80,000	80,000	400,000
Old High School Building	500,000	1,250,000	1,250,000	1,250,000	1,250,000	5,500,000
North Main Street Alley Realignment	100,000	-	-	-	-	100,000
Blue River Reclam/ACOE	1,750,000	-	-	-	-	1,750,000
Transit Next Bus	-	-	-	115,000	-	115,000
Public Works Admin Building	800,000	-	-	-	-	800,000
Town Hall HVAC Upgrade	40,000	-	-	-	-	40,000
Gondola Lot Development Partnership	-	-	-	-	1,000,000	1,000,000
Childcare Facility #2	-	-	-	250,000	3,500,000	3,750,000
Coyne Valley Road Bridge	-	1,500,000	-	-	-	1,500,000
Robert Whyte House Resoration	-	-	-	-	1,450,000	1,450,000
S. Park Avenue Underpass	-	-	-	-	1,650,000	1,650,000
Solar Buy Out	-	-	-	-	500,000	500,000
TOTAL	4,470,000	3,860,000	2,380,000	2,715,000	12,320,000	25,745,000

Community Development						
Public Art Commission	44,500	100,000	100,000	100,000	100,000	444,500
Arts District Improvements	-	120,000	100,000	100,000	100,000	420,000
Robert Whyte House Restoration	120,000	-	-	-	-	120,000
Barney Ford Lot	150,000	-	-	-	-	150,000
Burro Barn	200,000	-	-	-	-	200,000
TOTAL	514,500	220,000	200,000	200,000	200,000	1,334,500

GRAND TOTAL	5,714,500	4,965,000	3,580,000	4,045,000	13,145,000	31,449,500
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Funding Sources						
Current Revenue/Reserves	2,277,500	4,853,000	3,468,000	3,933,000	11,833,000	26,364,500
McCain Royalties	80,000	80,000	80,000	80,000	80,000	400,000
CDOT-S.Park Underpass	-	-	-	-	1,200,000	1,200,000
PW Admin Building funds	600,000	-	-	-	-	600,000
Arts District Bldg Grants	-	-	-	-	-	-
Conservation Trust Transfer	32,000	32,000	32,000	32,000	32,000	160,000
Total	2,989,500	4,965,000	3,580,000	4,045,000	13,145,000	28,724,500

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	Capital Reserve	Council Policy of 1/24/12	Total	Net
General Fund	19,596,186	1,009,379	171,212	1,200,000	2,380,591	17,215,595	600,000	754,788	6,990,621								8,345,409	8,870,186	
Excise Fund	14,061,369		573,815		573,815	13,487,554		526,185							4,340,000		4,866,185	8,621,369	
Sub 1						30,703,149												17,491,555	
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												17,491,555	
Utility	7,711,871		37,000		37,000	7,674,871											7,674,871	7,674,871	
Golf	1,571,081				-	1,571,081					(198,000)						1,769,081	1,571,081	
Sub 3						42,980,145												17,491,555	
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												17,491,555	
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	600,000	1,280,973	6,990,621	41,544	(198,000)	4,649,474	-	10,589,125	4,340,000		40,508,146	17,491,555	
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 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.																		

TO: BRECKENRIDGE TOWN COUNCIL
FROM: BRIAN WALDES, FINANCIAL SERVICES MANAGER
SUBJECT: SOLAR GARDEN UPDATE
DATE: 2-22-12
CC: TIM GAGEN, KATE BONIFACE

The purpose of this memo is to update Council with regards to the latest developments concerning the Town's two potential solar garden (SG) projects.

Both projects have been approved in principle by Council for construction. The two properties involved are the Stillson and McCain parcels. Currently, Xcel has still not released the parameters for the application and proposal processes. Xcel has delayed this process several times and latest estimate from the utility for the opening of the program is May 2012.

Our development partner, Clean Energy Collective (CEC), has been marketing the potential projects here in Summit County. They have been taking non-binding letters of intent for each site. The Stillson SG, 500 kW, is spoken for outside of 75 kW remaining for small subscribers. The McCain 2mW project is roughly 50% reserved on that same LOI basis.

We are still in negotiations with Alpine Rock with regards to their ownership interests on the McCain parcel. As such, the exact location of the array has yet to be finalized.

In summary, the Town and CEC have done everything we can to be ready for participation in this project. The series of delays on the part of Xcel have put the feasibility of summer 2012 construction in doubt, but it is still a possibility at this time.

Please feel free to contact me with any questions you may have.



MEMORANDUM

TO: Town Council
FROM: Scott Reid, Open Space and Trails Planner
DATE: February 28, 2012
SUBJECT: BreckConnect Gondola 2012 Summer Operating Hours

Summary

The Breckenridge Ski Resort has requested an earlier starting date and different operational hours for the BreckConnect Gondola for summer, 2012. Please see the attached letter from COO Pat Campbell. In 2010, Town Council established a July 1st starting date for summer gondola operations, largely in an effort to prevent disturbances during sensitive wildlife periods. Council also previously stated that any gondola starting date earlier than July 1st would require additional wildlife research to be funded by BSR. BSR representatives opted not to undertake this expense in 2011. Staff seeks Council direction regarding the 2012 request.

Background

The BreckConnect Gondola provides access between the Town of Breckenridge and the Breckenridge Ski Resort (BSR) and crosses the Cucumber Gulch Preserve, an open space property valued for its fen wetland complex and biodiversity. As outlined in the management plan, in the primary goal in Cucumber Gulch Preserve is to protect the wetland processes and biodiversity values.

Under the gondola development agreement, summer operation of the gondola is at Town Council's discretion. 2010 was the first summer in which the gondola operated and BSR requested a June 18th starting date. Dr. Christy Carello, the Town's wildlife consultant, recommended an August starting date in order to avoid gondola operations during bird nesting, chick rearing and moose calving periods, among others. Council opted for a July 1st gondola starting date in 2010, and dedicated funds to evaluate impacts of the gondola operation on wildlife. Dr. Carello conducted the 2010 gondola impacts study, which showed localized impacts to avian abundance, specifically Wilson's warbler populations, along the gondola corridor during the week in which the gondola began summer operation. In agreeing to the July 1st start date, BSR agreed to the conditions outlined in the attached 2010 letter from Tim Gagen to Pat Campbell.

In summary, those conditions included:

1. Date and time limitations.
2. Limitations on uphill loaded bicycles to only those with bike park tickets.
Allowances for any downhill loaded bicycles to reduce downhill trail use in Cucumber Gulch Preserve.
3. Signage requirements, addressing both trail users and gondola passengers.
4. Cost sharing on the "Peaks Connect" trail to provide an alternate route around Cucumber Gulch Preserve.

5. Exclusion of Toad Alley trail from the BSR summer trail map.
6. Cost sharing on gondola impact research for the 2010 study.

In 2011, BSR reiterated the request for a mid-June gondola start date. Town Council agreed to the earlier start date with the condition that the ski resort fund additional research into the impacts of gondola operations on area wildlife. The proposed study, based on Dr. Carello's earlier findings, was intended to replicate the 2010 research model during the earlier June timeframe. The study would compare avian abundance for a week prior to, and a week after, the gondola start date. By repeating the study earlier in June, the study would test the hypothesis that birds are in a more sensitive nesting stage during a mid-June timeframe and would be more likely to abandon their nests. In order to effectively conduct this study, gondola operations during the week prior to the start date would need to be severely curtailed (even for maintenance) and would need to be timed to avoid sensitive time periods each day (dawn and dusk). In 2011, BSR representatives declined to fund the proposed study and opted instead for the July 1st start date, and the previous 2010 conditions.

Since that time, Council has reviewed and approved the Cucumber Gulch Preserve Management Plan. The plan is intended to articulate and memorialize policy for Cucumber Gulch Preserve. Regarding gondola operations, the management plan states, "Due to the unknown effects on area species, additional impact studies should be required prior to the consideration of additional operating hours for the Gondola."

Previous letters and memos pertaining to gondola summer operational hours are provided for your review.

2012 Summer Gondola Hours

Attached is the 2012 request from Breckenridge Ski Resort COO Pat Campbell to Tim Gagen. The request includes an earlier start date (June 17th) and different operational hours (9:15am-5:30pm Sun-Thurs; 9:15am-8:00pm Fri-Sat). In 2010 and 2011, Council established a July 1st start date and operational hours were 8:30am to 5:45pm daily.

Staff requests Council respond to the following questions:

1. *Does Council approve of the requested June 17th start date and longer operational hours for the BreckConnect Gondola?*
2. *If so, does Council still agree that an avian impacts study, paid for by BSR, should be required to determine impacts of June gondola operations on songbird abundance?*
3. *What other conditions does Council require as part of the summertime operations approval?*



February 3, 2012

Timothy J. Gagen
Town Manager
Town of Breckenridge
Post Office Box 168
150 Ski Hill Road
Breckenridge, CO 80424

Dear Tim,

This letter is to notify you that Breckenridge Ski Resort would like to operate the Breck Connect Gondola again for the 2012 summer season in conjunction with its Breck Summer Fun Park operation. We believe that summer 2011 operations were successful and continuing to operate in future years will prove to be beneficial for the community, our guests, and BSR's operations.

Proposed public operating hours for the gondola for the 2012 summer season are from 9:15am until 5:30pm Sunday through Thursday, and 9:15am until 8:00pm Friday and Saturday beginning June 16, 2012 through September 3, 2012, September 7-September 9, 2012 and September 14-September 16, 2012. The Breck Summer Fun Park operating hours for activities including the alpine slide, coaster and scenic chair lift rides are 9:30am until 5:00pm Sunday through Thursday, and 9:30am until 7:30pm Friday and Saturday.

Per last summer's operations, all foot passengers will be able to access the gondola for free, and bicycle transport will be subject to the purchase of a Fun Park bike haul ticket or pass.

Please let me know if you have any further questions or concerns.


Sincerely,

A handwritten signature in blue ink that reads 'Pat Campbell'.

Pat Campbell,
SVP & COO Breckenridge Ski Resort



MEMORANDUM

To: Town Council
From: Tim Gagen, Town Manager 
Date: January 5, 2011
Subject: Summer Gondola Operations - 2011

As requested by the Council, the Ski Area has submitted their letter requesting summer gondola operations for 2011.

The request varies from the 2010 operation by requesting an earlier start date of June 17, as opposed to July 1. In addition, they are requesting a later gondola start time of 9:30 a.m., as opposed to 8:30 am. Finally, they are requesting extended hours for Friday and Saturday operations from July 1 through August 14 to 8:00 p.m.

As reference materials, I am including the following documents:

- Ski Area's request from 2010;
- Agreement letter between the Ski Area and Town for 2010 gondola operations;
- Summary of Dr. Carello's comments regarding possible impacts from an earlier start of gondola operations; and,
- BOSAC comments regarding start time of gondola operations.

This item will be included on the January 11th work session for discussion and Council direction.

CC: Kate Boniface, ATM



January 3, 2011

Timothy J Gagen
Town Manager
Town of Breckenridge
PO Box 168
150 Ski Hill Road
Breckenridge, CO 80424

Dear Tim,

This letter is to notify you that Breckenridge Ski Resort would like to operate the Breck Connect Gondola again for the 2011 summer season in conjunction with its Peak 8 Fun Park operation. We believe that summer 2010 operations were successful and continuing to operate in future years will prove to be beneficial for the community, our guests, and BSR's operations.

Proposed public operating hours for the gondola for the 2011 summer season are from 9:30 am until 6:00 pm daily beginning June 17, 2011 through September 5, 2011. Peak 8 Fun Park hours including the alpine slide, coaster and scenic chair lift rides operate daily from 10:00 am until 5:45 pm. In addition to the proposed regular hours, we would like to have the option to extend operations until 8:00 pm on Fridays and Saturdays from July 1 through August 14, 2011.

Per last summer's operations, all foot passengers will be able to access the gondola for free and bicycle transport will be subject to the purchase of a Fun Park bike haul ticket or pass.

Please let me know if you have any further questions or concerns.

Sincerely,

A handwritten signature in black ink that reads 'Pat Campbell'.

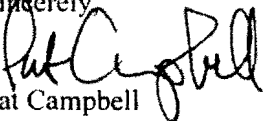
Pat Campbell
SVP & COO Breckenridge Ski Resort

- We will support any reasonable recommendation from BOSAC on how to help mitigate impacts in the gulch from hiking or biking related to our customers having increased access to the gulch because of gondola operations. We understand the importance of a complete and thorough review by BOSAC and see that process as distinct from our gondola operation proposal.

We expect to operate the gondola in subsequent summer seasons for similar time periods, although the exact dates and times may be adjusted based on how holidays fall and to react to changing guest preferences or other similar factors.

Thank you for your consideration and support. As stated in our original proposal, we feel the expansion of gondola operations to the summer season will prove beneficial for our guests and the community. Please contact me if you have any further questions or concerns.

Sincerely,



Pat Campbell
SVP & COO Breckenridge Ski Resort



March 1, 2010

Timothy J. Gagen
Town Manager
Town of Breckenridge
PO Box 168
150 Ski Hill Road
Breckenridge, CO 80424

Dear Tim,

This letter is to notify you that Breckenridge Ski Resort would like to expand operations of the Breck Connect Gondola this coming summer in conjunction with its Peak 8 Fun Park operation. The Gondola Agreement contemplated expanded operations outside the winter season and we believe it will be beneficial for our guests, our operation and the community. We are asking for the Town's support of expanded operations.

The benefits of expanded gondola operation include:

- reduce traffic, noise and pollution by eliminating ski resort buses from Ski Hill Road and Park Avenue;
- decrease parking and congestion on Main Street by encouraging guests to park in gondola lots for free and without time limitations, which should increase the connectivity between town and the mountain and encourage guests to use transit to experience all of town from there;
- provide a free amenity/attraction for town enabling large number of visitors to experience Cucumber Gulch without impacting the trails or the environment of the Gulch;
- improve Fun Park experience enabling visitors to flow in and out rather than pulsing in larger numbers by bus.

Proposed operating hours for the gondola for the first summer season are from 8:30 am until 5:45 pm daily beginning June 18, 2010 through September 6, 2010. Peak 8 Fun Park hours including the alpine slide and scenic chair lift rides operate daily from 9 am until 5 pm. All foot passengers will be able to access the gondola for free. In addition to free foot passenger access, we would like to propose a fee for bicycle transport to help manage demand and offset cabin cleaning costs, and may need your support with CDOT to implement such a fee. We feel that if bike transport were free that we could see significant usage resulting in some potentially negative impacts including, gondola capacity issues, impacts to trails in Cucumber Gulch and significant volume of downhill bicycle traffic on Ski Hill Road.

We expect to operate the gondola in subsequent summer seasons for similar time periods, although the exact dates and times may be adjusted based on how holidays fall and to react to changing guest preferences or other similar factors.

Our proposed operating plan does not require an amendment to the Variance from the Cucumber Gulch Overlay Protection District Regulations and we are committed to remaining in compliance with the Variance. However, we understand that the Town's agreement to expanded seasonal operations is needed and that there are questions regarding potential environmental impacts of summer gondola operation. To address these questions, we have asked Rick Thompson, Western Ecosystems, Inc., to respond to a memorandum from the Town's environmental consultant, Christy Carello. Mr. Thompson is a well respected biologist and has extensive experience in the Breckenridge area. His attached letter speaks for itself and I believe addresses Ms. Carello's questions in a thorough fashion.

Given the original intent when the gondola was installed (that operations would be expanded), the many benefits to the Town and Ski Area of summer gondola operation and the limited potential environmental impacts of operation described in Mr. Thompson's letter, we believe that the gondola operations should be extended as we propose.

Finally, as the expansion of the gondola operating times does not require any changes to the Variance, we hope you will agree that no formal action by the Town Council is necessary but rather our proposal can be addressed by some informal consent or even as an administrative matter.

Please let me know if you have any further questions or concerns.

Sincerely,



Pat Campbell
SVP & COO Breckenridge Ski Resort



April 16, 2010

Timothy J Gagen
Town Manager
Town of Breckenridge
PO Box 168
150 Ski Hill Road
Breckenridge, CO 80424

Dear Tim,

This letter is in follow up to the summer gondola proposal that was discussed at the March 23, 2010 Town Council work session. We are asking for the Town's support and approval of summer gondola operations at the upcoming April 21, 2010 Town Council work session.

Based on comments and feedback from the March 23 session, we would like to propose the following for your consideration:

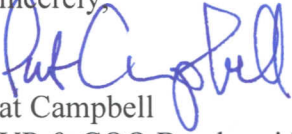
- We have reviewed Christy Carello's April 16 letter and appreciate her willingness to respond to Rick Thompson's analysis. It is clear that the two biologists concur on much of their analysis but that Ms. Carello's opinions diverge significantly from the conclusions drawn from Mr. Thompson's analysis. Given the continued divergence in analysis, I'm not sure that further efforts to push the biologists to consensus would be fruitful.
- While we would still like to operate the gondola beginning June 18 with the opening of our Fun Park, we understand that concerns surrounding potential environmental impacts could suggest a later start date in this first summer of operations. We would be willing to delay our start date until July 1 and to work with the Town to explore ways of determining the impacts in Cucumber Gulch due to gondola operations and reevaluate start dates for future years.
- Regarding daily operating hours, we feel it is necessary to operate the gondola per the original proposed operating hours (8:30 am until 5:45 pm). Managing the guest experience between two different types of access during the day would not work well for our guests, our staffing and for managing guest flow into the resort. We feel that operating reduced gondola hours in combination with buses would potentially negate the overall benefits of using the gondola and as a result we would likely choose to operate only buses and not operate the gondola at all during the summer.

- We will support any reasonable recommendation from BOSAC on how to help mitigate impacts in the gulch from hiking or biking related to our customers having increased access to the gulch because of gondola operations. We understand the importance of a complete and thorough review by BOSAC and see that process as distinct from our gondola operation proposal.

We expect to operate the gondola in subsequent summer seasons for similar time periods, although the exact dates and times may be adjusted based on how holidays fall and to react to changing guest preferences or other similar factors.

Thank you for your consideration and support. As stated in our original proposal, we feel the expansion of gondola operations to the summer season will prove beneficial for our guests and the community. Please contact me if you have any further questions or concerns.

Sincerely,



Pat Campbell
SVP & COO Breckenridge Ski Resort



April 27, 2010

Pat Campbell
Senior Vice President/Chief Operating Officer
Breckenridge Ski Resort
P.O. Box 1058
Breckenridge, Colorado 80424

RE: 2010 Gondola Summer Operations

Dear Pat:

As you know, the Breckenridge Town Council met in special session on April 21, 2010 to consider the Ski Area's request to operate the BreckConnect gondola ("**Gondola**") during the upcoming summer months. This letter sets forth the Council's final judgment with respect to such request.

The Council agreed to allow the Gondola to operate during summer 2010 under the following conditions:

1. The Gondola may be operated only from July 1, 2010 through Labor Day (September 6, 2010). Operation on any other day is not allowed, except as required for necessary maintenance.
2. The Gondola may be operated only from 8:30 A.M. to 5:45 P.M. each day (weather permitting). Operation during any other hours is not allowed.
3. Bicycles may be carried on the Gondola only by those persons that have a ticket to use the Ski Area lifts and trails.
4. Persons transporting bicycles in the Gondola will only be permitted to ride up the Gondola once during the day to avoid "yo-yoing" (taking the Gondola up and riding bicycles down through Cucumber Gulch). However, persons will be allowed to take their bicycles down the Gondola at any time, free of charge, to help provide a way of getting people back to town without going through Cucumber Gulch.
5. The Ski Area will provide signage at the base of the Gondola advising guests of the sensitive nature of Cucumber Gulch and requesting that riders avoid engaging in conduct that could cause any harm to the Gulch.
6. The Ski Area will partner with the Town by paying one half of the total cost of constructing a new trail to be used for hiking and mountain biking that will start in the vicinity of the Peaks Trailhead, run along the base of the ski resort, travel through an easement in the Timber Trail Subdivision, and run down the Four O'clock ski run. This new trail will replace the existing Four O'clock trail that runs down the fall-line and is unsustainable. The new trail will be signed to provide the main access to Town from the Peak 7/8 base area and avoid impacts to Cucumber Gulch. The trail will be constructed and opened for public use as soon as practicable.

7. The Ski Area will work with Town staff to determine the most appropriate types of signs to have at the bottom of the Gondola and at the top of the Peaks Connect trail that will address the use of the Cucumber Gulch area. Signs will be installed at the terminus of the Peaks Trail to direct people to Ski Hill Road, the Gondola, the Peaks 7 and 8 base areas, the busses, and other ways of getting into Town other than the Peaks Connect trail. The Ski Area will be responsible for signage in the Peak 8 base area directing bicyclists back to Town via the gondola, Ski Hill Road or Four O'Clock Run trail.
8. The Ski Area will exclude the Peaks Connect Trail from its summer map.
9. The Town will do an evaluation of this summer's Gondola operations on Cucumber Gulch for the purpose of determining what impacts, if any, the 2010 summertime operation of the Gondola had on Cucumber Gulch, including, but not limited to, the wildlife in the Gulch. The Ski Area will cooperate with the Town's evaluation by providing the Town's environmental consultant with the data and other information that was agreed upon by the Town and the Ski Area prior to the signing of this letter, together with any additional data and information that may be subsequently agreed upon by the Town and the Ski Area. If any of the information requested by the Town is considered by the Ski Area to be confidential or proprietary, the Town will receive such information with the understanding and agreement that the information will be treated as "confidential commercial information" under the Colorado Open Record Act, and not disclosed to anyone outside of the Town staff or the Town's consultant without a final court order. The Ski Area will have access to the data and other information collected by the Town related to the 2010 summertime operation of the Gondola in Cucumber Gulch.
10. The Ski Area will reimburse the Town for the costs incurred by the Town in performing the additional monitoring and evaluation of Cucumber Gulch described in Condition No. 9 in accordance with the budget that was agreed upon by the Town and the Ski Area prior to the signing of this letter. The agreed budget will not be exceeded without the prior approval of the Ski Area. The Ski Area is not required to reimburse the Town for the normal monitoring and evaluation of Cucumber Gulch undertaken by the Town; reimbursement will be required only for the additional monitoring and evaluation directly related to the impacts on Cucumber Gulch of this summer's Gondola operations. Before incurring any charge for which reimbursement by the Ski Area will be required, the Town will provide the Ski Area with an opportunity to review and comment on the proposed additional monitoring and evaluation of Cucumber Gulch, as well as advising the Ski Area of the anticipated amount of the required reimbursement.
11. Failure to comply with these conditions of approval may result in the Council's revocation of its permission for the summertime operation of the Gondola. Should the Council consider revoking its permission, the Ski Area will be given notice and an opportunity to be heard before the Council makes its final decision.

The Council couched its approval of the 2010 summer operation of the Gondola as a "trial", and nothing in the Council's approval is an agreement that the Gondola may be operated during the summer months after 2010. Before considering summertime operations in future years, the Council will want to thoroughly evaluate this summer's operations and, in particular, the impacts of summertime operations on Cucumber Gulch. If the Ski Area wants to operate the Gondola during the 2011 summer season a request for Council approval will have to be

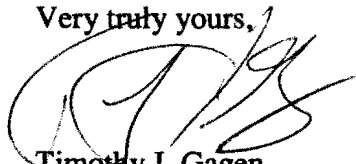
submitted to me not later than January 31, 2011 in order to provide the Council with adequate time to properly review and consider such request.

At its meeting on April 18, 2010 the Breckenridge Open Space Advisory Commission made a series of recommendations related to the Ski Area's hiking program for this coming summer. The Council wants the Ski Area to follow BOSAC's recommendations, and they will be addressed in a separate agreement between the Town and the Ski Area.

To avoid any misunderstanding about the conditions of the Council's approval of this summer's Gondola operations, please sign the "Acceptance of Conditions" acknowledgement at the end of this letter and return it to me.

If you have any questions about the Council's decision in this matter, please give me a call.

Very truly yours,



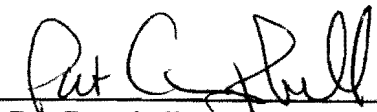
Timothy J. Gagen
Town Manager

Acceptance of Conditions

Vail Summit Resorts, Inc., a Colorado corporation d/b/a Breckenridge Ski Area, accepts and will comply with all of the conditions for the 2010 summertime operation of the BreckConnect Gondola set forth above. We understand that a violation of the conditions of approval may result in the revocation of permission to operate the BreckConnect Gondola during Summer 2010.

Dated: June 22, 2010

VAIL SUMMIT RESORTS, INC., a Colorado corporation d/b/a Breckenridge Ski Area

By: 
Pat Campbell, Senior Vice President/Chief Operating Officer



MEMORANDUM

TO: Town Council
FROM: Open Space Staff
DATE: February 28, 2012
SUBJECT: Cucumber Gulch Preserve Conservation Monitoring Program

Summary

Conservation monitoring in Cucumber Gulch Preserve is intended to inform and direct management of this sensitive open space property. The 2011 monitoring program evaluated the overall wetland system health, and highlighted specific management issues of concern in Upper Cucumber Gulch. Staff seeks to summarize these results, outline potential mitigation efforts, and seek initial Council direction regarding the 2012 conservation monitoring program.

Background

Since 2001, the Town has conducted biological and hydrological resource monitoring in Cucumber Gulch Preserve to better understand, and therefore manage, the sensitive fen wetland complex. In 2011, water quality monitoring received additional focus and resources because: 1) Council and BOSAC directed staff to conduct a more thorough wetland and water quality review; and 2) A record snowpack followed by significant runoff and rain events prompted drainage issues throughout the Upper Blue basin. Elevated water flows stressed the overall hydrologic system and exacerbated existing drainage issues (e.g. Sawmill Creek and Coyne Valley Road).

To help structure Town Council's review of these monitoring reports, the water quality information is presented in depth below. Then, a preview of the biodiversity research results (wildlife and vegetation) is also provided. 2012 Cucumber Gulch Preserve monitoring priorities are then outlined and proposed.

a. Water Quality Monitoring

In 2011, Ecometrics and Johnson Environmental Consulting ("Ecometrics") were contracted to provide a holistic wetland health evaluation of Cucumber Gulch Preserve. Ecometrics is a wetland and hydrologic consultant whose expertise is the "[FACWet](#)" assessment of wetland systems, which targets specific stressors affecting wetland health. In addition to the FACWet assessment, Ecometrics was asked to formally delineate wetlands throughout Cucumber Gulch Preserve, and evaluate the existing elements in the Preserve's water quality monitoring program. The intent was to provide an overall wetlands health report, benchmark existing wetland size and distribution, and improve and streamline future monitoring.

Attached, please find a copy of Ecometrics' 2011 monitoring report and a cover memo summarizing the findings. In general, the report indicates the following:

1. Overall, Cucumber Gulch Preserve continues to contain a valuable and productive wetland complex with high functioning water quality and biodiversity values. The Preserve's interior wetlands are intact and functional.
2. Wetlands in Upper Cucumber Gulch below the Peak 8 base area appear to be shrinking in size. This wetland area loss may be related to the drying of beaver ponds and the concentration of water flows in Boreas Creek.
3. The primary issues facing the wetlands in Upper Cucumber Gulch include:
 - Altered sediment budget
 - Altered water source and distribution
 - Loss of beaver
4. Existing threats and stressors on the edge of the Preserve will likely impair interior wetlands over time.
5. Management actions should be immediately evaluated and undertaken to prevent further degradation.
6. The 2012 monitoring program should be refined to inform management objectives related to these results.

Ecometrics contends that many of the stressors in Upper Cucumber Gulch are related to Boreas Creek below the culvert that carries flows from the Peak 8 drainage into Cucumber Gulch Preserve. The Breckenridge Ski Area has hired a consultant to review Ecometrics' report, and brainstorm and evaluate potential management actions to address these concerns. To date, ski area representatives and Town staff have been willing partners in trying to outline and assess strategies to improve management of the Preserve. Potential short and long term solutions include improving riprap structures, directing water laterally to "rewater" drying areas, dredging beaver ponds, facilitating a beaver dam 'starter kit,' and others. Staff will keep BOSAC and Council updated on the ongoing discussions with ski area representatives, who will also be available at the Council work session.

Please read the attached memo from Ecometrics. If you seek additional information, a link for the full report is provided. The Discussion section of the report (pages 57-66) is worthy of particular focus.

b. Wildlife Monitoring

Dr. Christy Carello also provided initial findings for the wildlife and vegetation research in Cucumber Gulch Preserve. These findings are a preview, and are being presented now to provide context for the 2012 monitoring program. Town Council will receive a complete 2011 biodiversity monitoring report at a later date.

In summary, Dr. Carello's initial findings include:

1. There are no notable or significant changes in vegetative species richness, diversity, composition or abundance in the Preserve.
2. Although limited in the interior of the preserve, noxious weeds appear to be expanding on the periphery, generally following recently disturbed areas such as the gondola alignment and the area below the Peak 8 base.
3. Vegetation patterns in Upper Cucumber Gulch have begun to change, consistent with a loss of wetland area.

4. Avian research in Upper Cucumber Gulch suggests a reduction of species diversity, abundance, and richness.
5. Willow reproduction research on maintained and groomed Nordic ski trails suggests that Nordic ski management alters willow reproduction within the area of the groomed ski trails.
6. The willow exclosure study indicates that browsing mammals (e.g. moose and beavers) prefer to browse in unaffected areas, when compared to managed ski trail alignments.
7. Avian research along summer recreational routes indicates no change in abundance between closed and open trails.
8. Trail camera-based research suggests that moose, coyotes and foxes are displaced from trail corridors when a trail experiences significant recreational use. Coyotes and foxes tend to accept a 40 person per day threshold along trails without being displaced.
9. The months of May and June are particularly sensitive for wildlife in the Preserve. Trail and gondola closures until July 1st at the earliest are recommended.

These findings will be more thoroughly discussed at an upcoming Council work session.

c. 2012 Monitoring Program

Based on the findings above, Dr. Carello and Ecometrics have worked with Town staff to draft the 2012 conservation monitoring plan for Cucumber Gulch Preserve. In general, the consultants recommend the following:

1. Thoroughly evaluate the wetland distribution and condition in Upper Cucumber Gulch.
2. Quantify water flows and impacts at Boreas Creek culvert.
3. Quantify sediment loads at Boreas Creek culvert.
4. Monitor channel instability and erosion rates in Boreas Creek.
5. Research beaver health and habitat requirements.
6. Establish wetland habitat photo points.
7. Evaluate and revise current ambient wildlife monitoring program.

The Town is committed to a long-term monitoring program to inform and improve Cucumber Gulch Preserve management. However, this program should also be well-designed and financially sustainable. In 2010, BOSAC and staff evaluated and reprioritized the Cucumber Gulch conservation monitoring program, yielding the 2011 water quality evaluation. The 2011 evaluation provided a holistic assessment of wetland health in the Preserve, identified specific issues of concern, and outlined a more streamlined future monitoring program.

The proposed 2012 monitoring program represents a shift from baseline data gathering toward research of specific known problems. This targeted research approach, and the monitoring program in general, is consistent with the goals and actions outlined in the pending Cucumber Gulch Preserve Management Plan. With the consultants' input, staff recommends:

1. Retaining previously prioritized research elements (e.g. site-specific trail or gondola impacts, weed surveys, some water quality elements, wildlife photo points)
2. Reducing the frequency of some monitoring elements (e.g. general vegetation research, some wildlife-focused studies, some redundant water quality measures).
3. Redirecting research monies towards known problem elements (e.g. weed surveys, channel stability measures, wetland photo plots, beaver health evaluations outlined above).

The goal of this monitoring strategy is to downsize research costs, while targeting specific information that will help staff design and implement solutions to the concerns raised in Ecometrics' and Dr. Carello's reports. Research should effectively inform management of the Preserve, and decline in cost over time. Staff will present a Cucumber Gulch research design budget to BOSAC at its 2/27 meeting.

Staff requests Town Council consider the proposed 2012 monitoring goals and respond to the following questions:

1. ***Does Town Council support the proposed 2012 monitoring program goals to research issues outlined in Ecometrics' 2011 report and reduce resource allocations for other less relevant monitoring elements previously evaluated?***
2. ***Does Town Council have any additional questions or recommendations regarding the 2012 Cucumber Gulch Preserve monitoring program?***

Memo

To: Scott Reid, Open Space and Trails Planner, Town of Breckenridge

From: Mark Beardsley, EcoMetrics, LLC, and
Dr. Brad Johnson, Johnson Environmental Consulting, LLC

Date: November 14, 2011

Re: Cucumber Gulch Preserve Wetlands Assessment

(The complete report can be accessed [here](#).)

EcoMetrics, LLC and Johnson Environmental Consulting, LLC were contracted by the Town of Breckenridge to map existing wetland boundaries within its Cucumber Gulch Preserve (CGP) and to assess the functional condition, or ecological health, of those wetlands. The study culminated in a report to the Town on October 31, 2011 titled *A Comprehensive Assessment of Wetland Condition in Cucumber Gulch Preserve, Breckenridge, CO*, which contains a full account of our findings and supporting evidence. The study area includes lands owned by the Town of Breckenridge within CGP. To increase the resolution of the evaluation, we divided the area into three individual units: Upper CG, Lower CG, and the Peak 7 Side Slopes.

We mapped the extent of wetlands in CGP according to US Army Corps of Engineers delineation protocol¹ and compared the resulting wetland boundaries to past wetland maps from 1997 and 2007 provided to us by the Town. While our 2011 map is finer resolution, there is otherwise generally good correspondence between the 1997 and 2011 maps. Most of the boundary discrepancies can seemingly be attributed to technological advances, presumed differences in methodology, or mapping and file errors. However, both the 2007 and 2011 wetlands delineations do indicate a very clear pattern of wetland habitat loss in the Upper CG portion of the Preserve near the Peak 8 Base Area. By coarse estimation, these losses may amount to about 2.5 acres, which is about 5% of the total wetland area of the Preserve. The pattern of wetland decline in this area closely follows the drying of beaver ponds and distributary channels as water distribution became concentrated into a single Boreas Creek channel.

¹ Corps delineation protocols are found in: 1987 *Corps of Engineers Wetland Delineation Handbook* and the 2008 *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region*.

Our assessment of wetland condition began with the evaluation of existing monitoring information including 25 research reports and raw dataset of 23,152 water quality observations made in and around Cucumber Gulch between 1999 and 2010. We did a comprehensive analysis of the water quality database (which is summarized in the report) and combined this with the findings from existing reports to focus our 2011 field surveys. We then incorporated our own field measurements and observations to complete the assessment according to the FACWet² structure and methodology.

Following FACWet, we compiled a list of ecological stressors affecting the Preserve and evaluated their impact on the nine state variables that drive wetland function. Our report outlines evidence for stressors as well as quantitative and qualitative observations of their impacts to wetland state variables. In general, the interior of the Preserve has been well protected. Nevertheless, the wetland system within it is subject to various ecological stressors – some of them severe – that impair its ability to function to its potential as habitat for the diversity of biota native to the site.

Currently, the majority of stressor-induced impacts are confined to the edges of the Preserve, with peripheral habitats serving as a buffer from surrounding development. Consequently, the interior portions of the Preserve, including most of Lower CG, are largely in good condition and highly functional. Similarly, the conditional status of wetlands in the Peak 7 Side Slopes (SS) area appears to be relatively secure, despite the presence of considerable nearby development. While we acknowledge that the Peak 7 SS wetlands may be sensitive to environmental alterations, their primary water source is tied to deep groundwater that appears to be relatively unaffected by existing up-gradient modifications. The typical habitat on the Peak 7 SS is also much less dependent on the vagaries of beaver activity.

Our assessment of the wetlands in Upper CG, on the other hand, is much less positive. Evidence strongly suggests that a substantial alteration of the wetland's sediment budget and hydrologic regime, coupled with a lack of buffer area due to adjacent developments and the recent loss of a keystone species (the beaver) have reduced the level of wetland functioning to "impaired" or even "non-functional." Aquatic and wetland habitat within Upper CG has been visibly disappearing at a rapid rate.

The extent of this negative impact is capable of penetrating deeper into the Preserve, and available evidence points to real and serious threats to the interior wetlands. The recent rapid collapse of the pond and wetland complex in Upper CG may well be viewed as "the canary in the coal mine" and a harbinger of what may soon happen to down-valley habitats if stressors

² *The Functional Assessment of Colorado Wetlands (FACWet) Method: User Manual Version 2.0.* Colorado Department of Transportation Research Report.

are not effectively managed. In short, the same stressors and mechanisms that caused failure of the Upper CG system are beginning to intrude into Lower CG, which is the largest and most diverse wetland complex in the Preserve.

There are three fundamental issues facing the preservation of Cucumber Gulch wetlands at this time: 1) disruption of the sediment budget, 2) altered water source and distribution, and 3) loss of beaver. The effects of all of the other stressors are minor in comparison to the fundamental importance of these three. From a management perspective, we suggest that the Town would be best suited to direct the bulk of their resources towards addressing these three primary issues.

The causes of sediment and water impairment generally originate outside of the Preserve, and are, therefore, difficult or impossible to manage at the source. Consequently, watershed-scale impacts to sediment and hydrology would probably best be mitigated by creative engineering solutions on the periphery of the Preserve (at the head of Upper CG), and we highly recommend that the Town take this approach to stressor mitigation. Effectively dealing with these first two issues (sediment and water) would also be a primary step towards correcting the third (loss of beavers). The factors driving the recent decline of beaver activity in CGP are not well understood, but we suspect that mitigating impacts to sedimentation and hydrology would be important components to restoring viable beaver habitat in the Preserve.

In addition to the above management prescriptions, we also suggest that this would be an ideal time for the Town to review and update its monitoring strategy for the Preserve. Extensive monitoring over the past decade has effectively defined baseline conditions and trends in many hydrology, water quality, vegetation, and wildlife parameters. The Town could probably scale back much of this ambient monitoring without sacrificing the quality of the information by leveraging the efforts of related studies rather than duplicating them. Large-scale surveys of vegetation and bird populations, for example, could be sampled on a less frequent basis, for instance every 3 years rather than annually, and still effectively track these parameters.

We highly recommend that the Town focus a greater percentage of its monitoring resources towards targeted studies designed to inform specific management objectives. Studies related to quantifying the magnitude of sediment and hydrology impacts would be particularly useful, as would a monitoring program aimed at quantifying the effectiveness of mitigating these problems. Likewise, targeted studies to support beaver restoration efforts would be invaluable at this time.



MEMORANDUM

TO: Town Council

FROM: Chris Neubecker, Current Planning Manager

DATE: February 22, 2012

SUBJECT: Temporary Vendor Carts

On February 22, 2011 the Town Council adopted a one-year moratorium on the issuance of permits for temporary vendor carts due to concerns with the current policy and to give staff time to research and make recommendations on revisions to Policy 36/Temporary Structures. The moratorium was effective March 30, 2011, and expires on March 30, 2012. (An ordinance extending the moratorium until July 1, 2012 is presented as a separate agenda item.)

Staff last presented this issue to the Town Council at the February 14, 2012 meeting. At that meeting, the Council supported creating new design standards for vendor carts and expressed support for limiting the number of vendor carts in town. The Council asked staff to return with ideas on how to make temporary vendor carts more compatible with the community. Staff has completed our research, including an analysis of how other jurisdictions regulate vendor carts and we have developed some ideas as listed below for Council feedback. We have also discussed some of the proposed changes with Planning Commission on February 21, 2012.

If temporary vendor carts are allowed, a new approach will be needed to ensure quality design and fair application of fees and other regulations. Within the Conservation and Historic District, Town Council directed that we have a higher design standard to protect the historic character of this area of town. Staff proposes the following changes to the current policy on temporary vendor carts:

Cart Size

Staff suggests that temporary vendor carts be divided into two categories, large carts and small carts, with the following determining factors for large and small carts:

Large Carts:

- Any cart larger than 40 square feet.
- Also, any cart that is not removed at the end of business each day.

Small Cart:

- Any cart equal to or less than 40 square feet.
- Must be removed at the end of business each day.

Examples of a small cart would be a hot dog cart that is removed at the close of business each day. There was most recently a small hot dog cart operating from the Shops at Historic South Main during the summer of 2011. The Jerky Cart at the Lincoln West Mall would also qualify as a small cart.

Within the Conservation District

If vendor carts are allowed within the Conservation District, adequate design standards should be developed to ensure compatibility with the existing character. Staff believes that vendor carts within the Conservation District should be allowed, but should be designed to complement the existing historic character. We believe that this can be accomplished through the proper use of architecture, materials, colors and site planning. Vendors could also improve the immediate area around their business through the installation of landscaping, awnings, and small decks to help the vendor carts to look less temporary and to blend into the surrounding character. We recommend the following design standards:

Design Standards

Large vendor carts within the Conservation District should be designed to blend in with the existing historic character. In the Conservation District, large vendor carts should complement the surrounding building character through the use of high quality materials and detailing. If a large vendor cart has wheels, the wheels should be permanently screened with a skirting design architecturally compatible with the exterior of the cart. Carts are encouraged to provide improvements to the surrounding site through the use of landscaping, patios/decks, fencing and seating areas. Placing a temporary vendor cart in an unfinished vacant lot with no site improvements is discouraged. All carts must be professionally constructed for use as a food vending cart. Vending carts must be in good working condition. All exterior materials must be kept clean and in a neat appearance. Wood is the preferred external material due to its historic use as the primary materials on buildings. The use of windows is encouraged to help carts blend in with the existing character of the Conservation District. No rust or broken metal or chipped or broken wood is allowed. All exposed edges must be finished. All wood details and finishes must be suitable for long wear in an exterior location. All detailing, construction and finishing shall be done in a craftsman like manner.

Small vendor carts must be professionally constructed for use as a food vending cart. Small vending carts must be in good working condition. All exterior materials must be kept clean and in neat appearance. No rust or broken metal or chipped or broken wood is allowed. Metal and wood may be used as exterior finishes. The gauge, detailing and finish of all metal surfaces shall be suitable for long-term use in an exterior location. All exposed edges must be finished. All metal used in carts shall have concealed seams and overlapping joints. All wood details and finishes must be suitable for long wear in an exterior location. All detailing, construction and finishing shall be done in a craftsman like manner. No rough-cut, unfinished or distressed woods will be considered as finish materials.

Colors

One of the elements of cart design that can help a vendor cart to blend in or stand out is its color. Colors that are light (such as white or light yellow) are more conspicuous visually, while darker colors can help structures to blend with the background (depending, of course, on the color of the background). Staff believes that limiting the color value (lightness) could help eliminate light colors which tend to stand out more. For example, a cart that is white, or near white, stands out more than a black or dark colored cart. A color value limitation is easily implemented within the Munsell color notation system currently used.

Outside the Conservation District

Staff believes that vending carts outside the Conservation District should have different design standards than those inside the Conservation District. For example, vending carts at the Breckenridge Building Center

or within the Village at Breckenridge should not have to follow the same design standards as one on historic Main Street. Staff suggests the following design standards for all vendor carts (both large and small) outside the Conservation District:

Design Standards

All carts must be professionally constructed for use as a food vending cart. Vending carts must be in good working condition. All exterior materials must be kept clean and in neat appearance. No rust or broken metal or chipped or broken wood is allowed. Metal and wood may be used as exterior finishes. The gauge, detailing and finish of all metal surfaces shall be suitable for long-term use in an exterior location. All exposed edges must be finished. All metal used in carts shall have concealed seams and overlapping joints. All wood details and finishes must be suitable for long wear in an exterior location. All detailing, construction and finishing shall be done in a craftsman like manner. No rough-cut, unfinished or distressed woods will be considered as finish materials.

Other Regulations and Standards

There are many other issues relating to the Town's temporary vending cart policy that also need to be addressed. The current policy does not provide enough information for the staff or applicants on other issues relating to the design, review, and operation of temporary vendor carts. Therefore, staff believes that we should create separate regulations for Temporary Vendor Carts, apart from other temporary structures. We believe that a new Policy 49 could be established to address temporary vendor carts. In addition to the design standards listed above, staff recommends the following rules:

Small Carts

- Require nightly removal
- Not counted as density
- Must be on private property
- Must be removed from public view and stored on private property when not in use.
- May only sell food and beverage in a form suited for immediate consumption.
- Umbrellas allowed; Tents prohibited
- Signage must be attached to cart (not free standing)
- All storage boxes, cartons, and coolers shall be hidden from public view.
- Water Plant Investment Fees (PIFs) due if connected to Town's water system
- Commissary kitchen must be identified on permit application.
- No decks, tables or outdoor seating allowed (except 1 seat for the vendor)
- Carts must have self contained power. No external piping or plumbing is allowed. Up to ten (10) feet of electric cords may be allowed if cords are away from public traffic.
- Cart must be on wheels and small enough to be moved by one person.
- Colors of carts must comply with existing color limitations for buildings (or new color limitations, if adopted).
- Applicant must maintain a valid Town of Breckenridge business license.
- All signs shall be subject to the Breckenridge Sign Code. (The maximum allowed sign area would be 66% of the linear frontage of the cart. This is the same sign allotment for buildings.)

Large Carts

- Must be on private property
- Carts may remain in place each night
- Counts as density
- Maximum size of 100 square feet. Maximum height of 10 feet
- May only sell food and beverage in a form suited for immediate consumption.
- If connected to water system, pay water Plant Investment Fees

- Commissary kitchen must be identified
- Require 360° design (No blank trailers. Siding and other compatible materials must wrap all sides of the vendor cart).
- Applicant must maintain a valid Town of Breckenridge business license.
- Colors of carts must comply with existing color limitations for buildings (or new color limitations, if adopted).
- Encourage the use of landscaping, decks, fencing, awnings, and outdoor seating (with site plan approval.)
- Signs may be permanent and free-standing. All signs shall be subject to the Breckenridge Sign Code.
- Generators prohibited
- Wheels must be shielded from public view.
- Trailer hitch must be removed.
- Carts must be wind-proof, water proof and locked when not in operation.
- Allow outdoor music? (Currently allowed for outdoor patios/decks of restaurants and bars.)
- No additional parking or parking fees required.

Zoning

- Allowed only in commercial Land Use Districts.

Fees

One of the goals of the Town Council was to make temporary vendor carts equitable with restaurants concerning the fees and associated start up costs. The most significant fees paid by restaurants to the Town include water plant investment fees (PIFs) and parking service area “in lieu” fees. Parking fees for a vendor cart, based on 100 square feet at the restaurant rate, would equal \$4,550 (based on \$13,000 per parking space). This assumes that there is no room to add on-site parking. This fee, along with a Class C Minor application fee, would be \$5,235 for a 3 year permit. Water plant investment fees for a 100 square foot restaurant are currently \$2,362.05, but most vendors are not connected to the water system. Staff believes that an application fee in the range of \$1,000 - \$2,000 could help offset staffing costs and reduce the equity gap with restaurants without being excessive.

Review Process

On February 14, 2012 the Town Council supported Planning Commission review of temporary vendor carts with public notice. We recommend the following changes:

- Class C Major permit (currently Class D permit is required, with administrative review).
- Public notice to all property owners with 300 feet. (Alternately, notice could be sent to property owners within 100 feet, which are those properties most immediately affected.)
- Applicant provides site plan, landscaping plan (if any) and elevations (images) of proposed cart.
- Permit duration of 3 years. (If higher fees are required, would the Council support a longer duration for these uses?)

We believe this revised policy allows current vendors to stay in business, but requires a higher standard for new vendors and for permit renewals. If there are other issues that we have not yet addressed, please let us know.

Staff will be available during the work session to answer questions and receive feedback from the Council.

M E M O

Date: February 22, 2012
To: Town Council - For the February 28, 2012 Worksession
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 in 1992, Winter and Company also drafted the “*Handbook of Design Standards for the Transition Character Areas of the Conservation District*”. The main 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.

The major goals of the Transition Area Standards include:

1. Buffer the edges of the Historic District
2. Establish and enhance a sense of neighborhood identity.

In order to accomplish these goals, a variety of design standards are included in the proposed “*Handbook of Design Standards for the Character Areas of the Conservation District*”. These design standards focus on the following major topics:

- Preserve historic structures
- Reduce the scale of new buildings adjacent to historic structures
- Mass and scale inside Transition Areas allowed at 13.5 units per acre (50% larger than 9 units per acre in the historic district.)

- Similar roof and building forms
- Pedestrian orientation / orient buildings to the street
- Parking in the rear of structures
- Architecture and materials similar to historic structures
- Maintain historic setbacks
- Similar solid-to-void ratios as historic buildings (a bit more glass allowed in the Transition Areas)
- Use out-buildings to reduce building scale

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. (Staff notes that all properties within the Transition Areas see an increase in density and building height compared to the Historic District.)

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 also conducted a public Open House with notice mailed to over three hundred (300) property owners,. A summary of the review process follows.

We began the review process with the Planning Commission on March 2, 2010. At that time, Staff presented the “Overview” portion of the proposed *“Handbook of Design Standards for the Transition Areas of the Conservation District”*. 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 for the Historic and Conservation District”* 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%, as mentioned above, 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*” from the 1992 version 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.
 - The approved Ski Area Master Plan is sensitive to the river edges.
 - F-Lot can be included at the Town’s discretion.
 - 176.56 SFEs of total remaining density on 7.25 acres (F Lot)
 - 156,600 allowed above ground density @ 13.5 UPA
 - Building height is restricted to 26-feet, measured to the mean.
 - 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.
- **#13 South End Residential Transition Area**
 - Commission agreed to use the adopted boundary map instead of the un-adopted map that included the school property and Carter Park. The adopted map provides sufficient boundary for the Transition Area and the underlying Land Use Guidelines restrict development that would be too large or tall.
 - This Land Use District suggests; Residential Use, 4 units per acre and design with special review.
- **#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 mailed notice of 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 your 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

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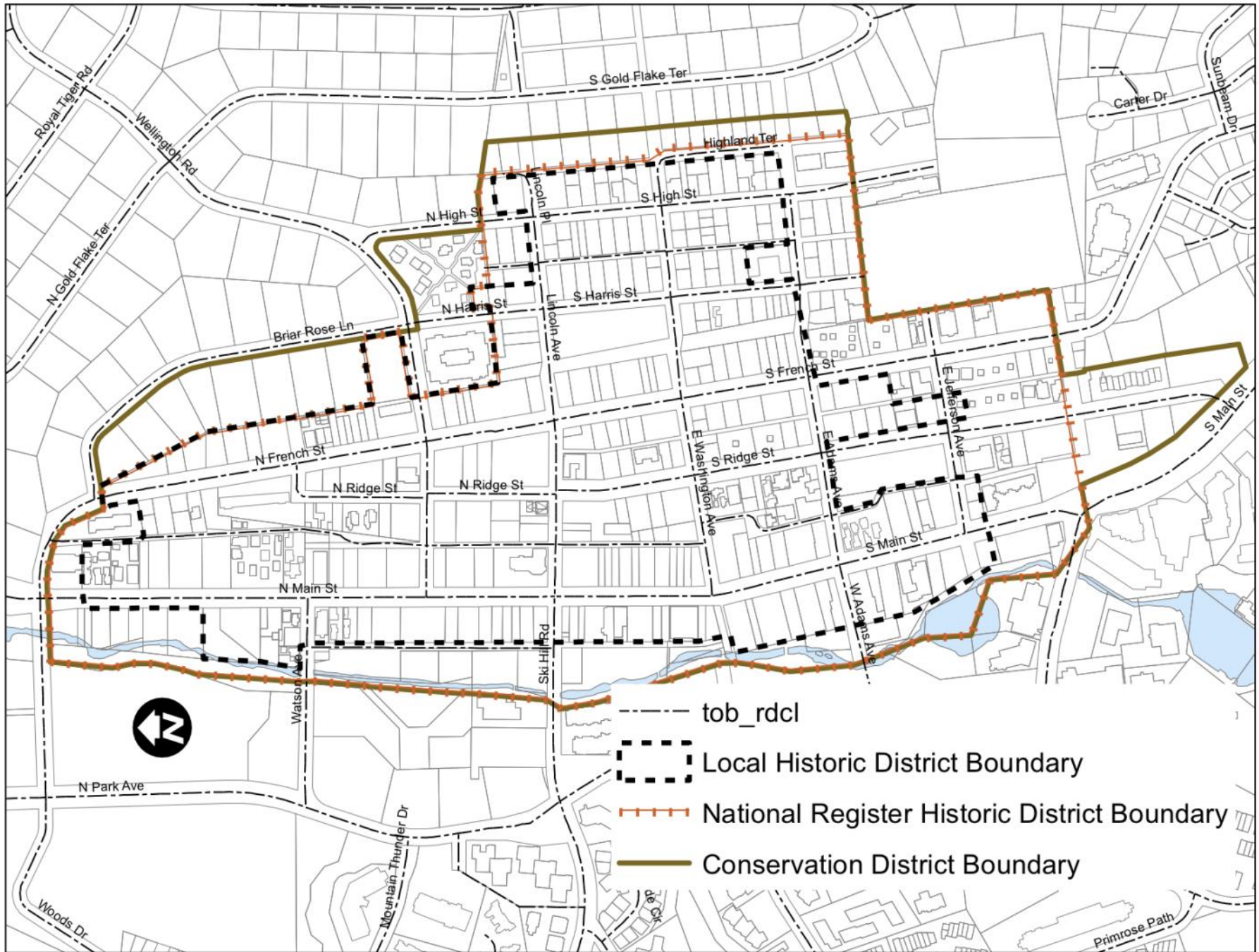
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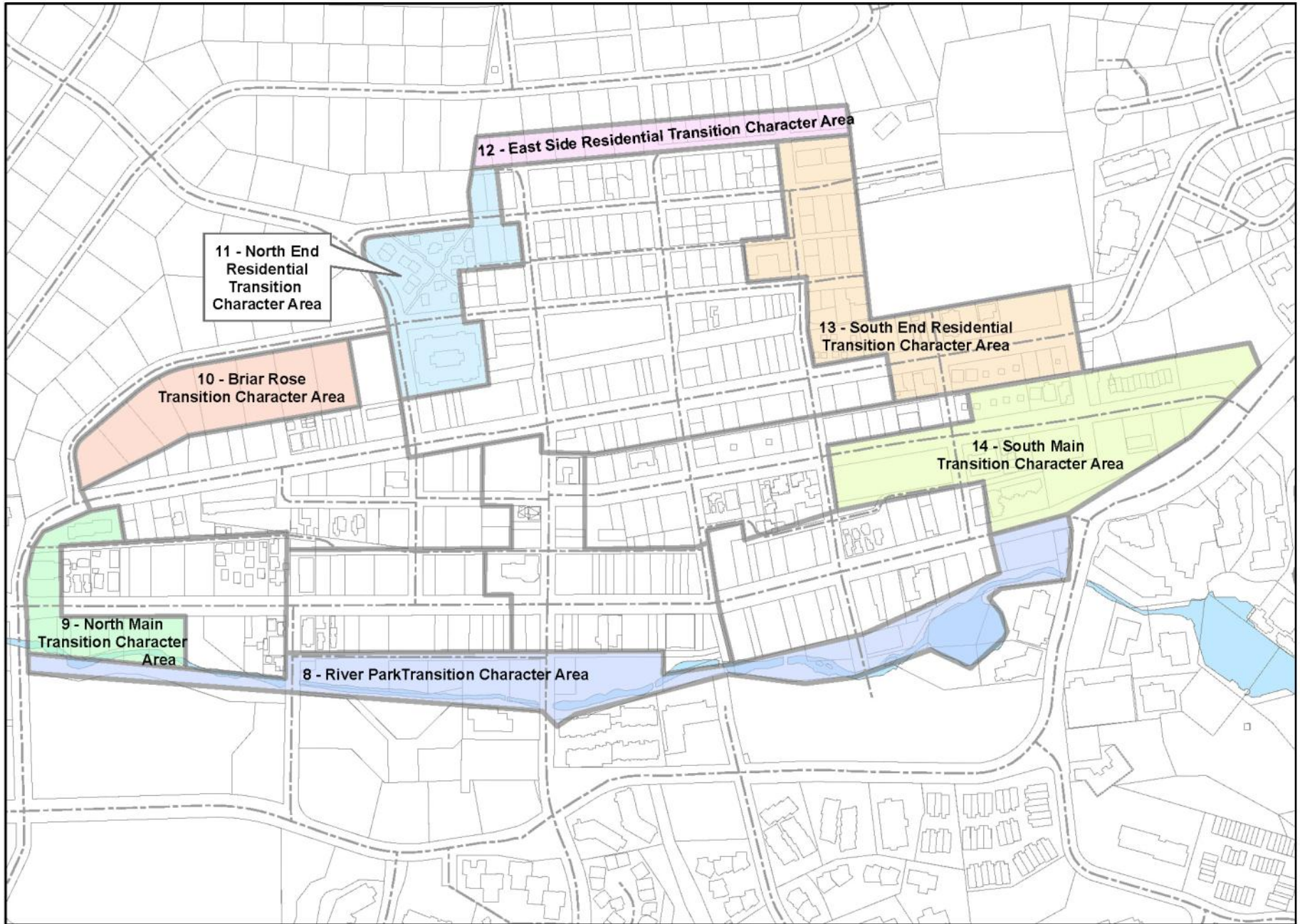
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Note that the General Design Standards in the Town of Breckenridge Handbook of Design Standards for the Historic and Conservation Districts also apply to all properties in the Conservation District.

SPECIAL AREAS MAP



CHARACTER AREAS MAP



Transition Character Area Boundaries

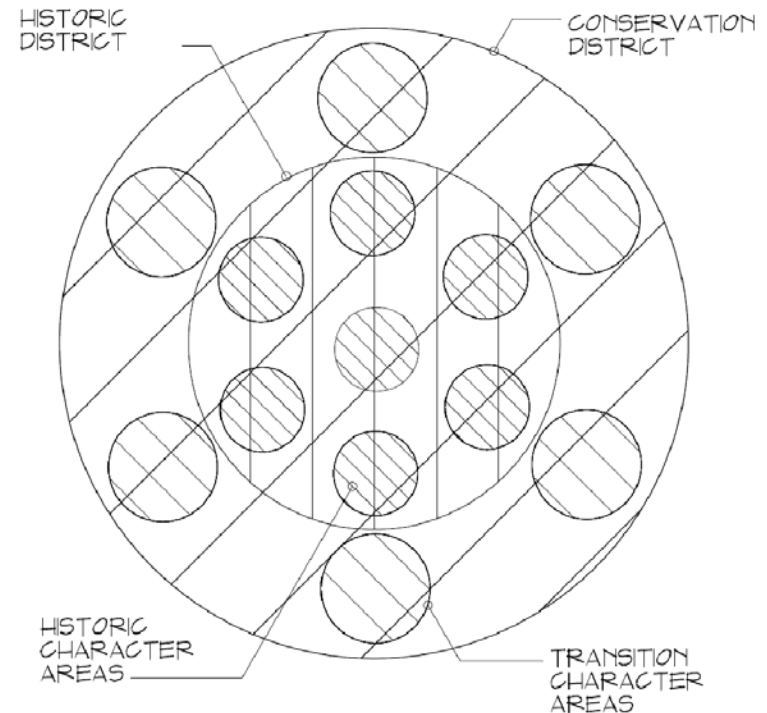


Introduction

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

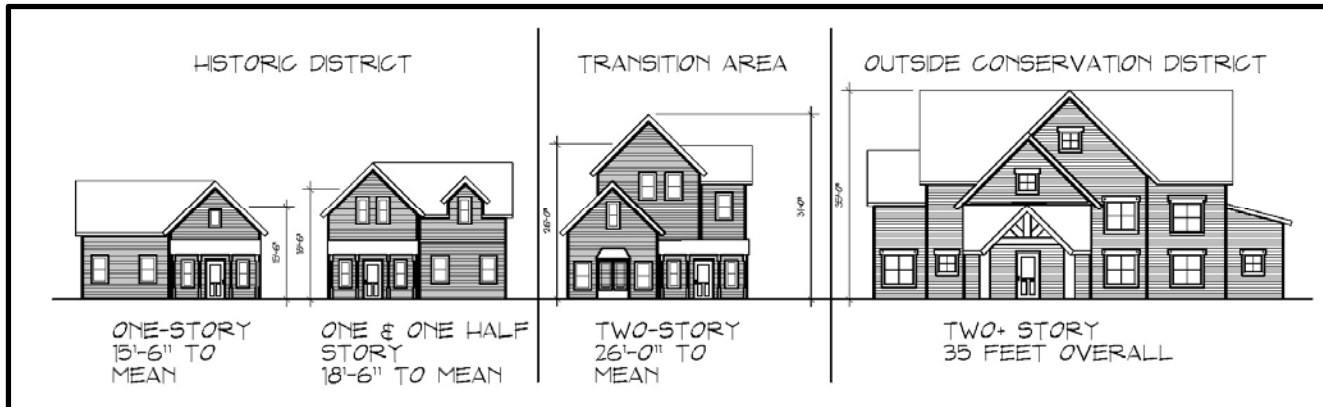
Policy:

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 buildings 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:

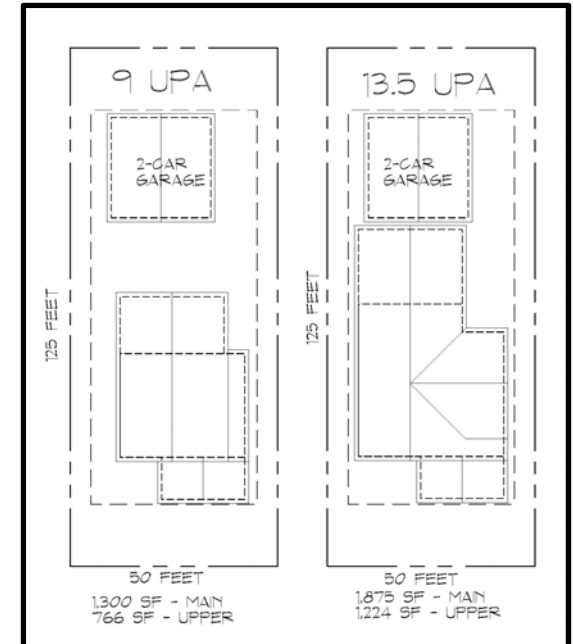
P 259 Buildings should convey a sense of pedestrian scale.

- 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.

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.



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

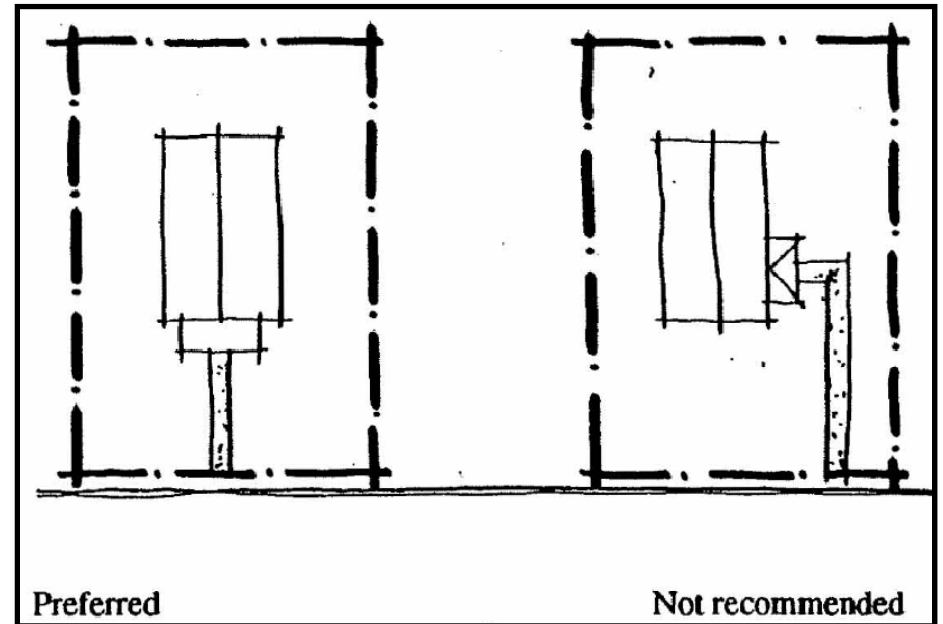
Pedestrian Orientation

Policy:

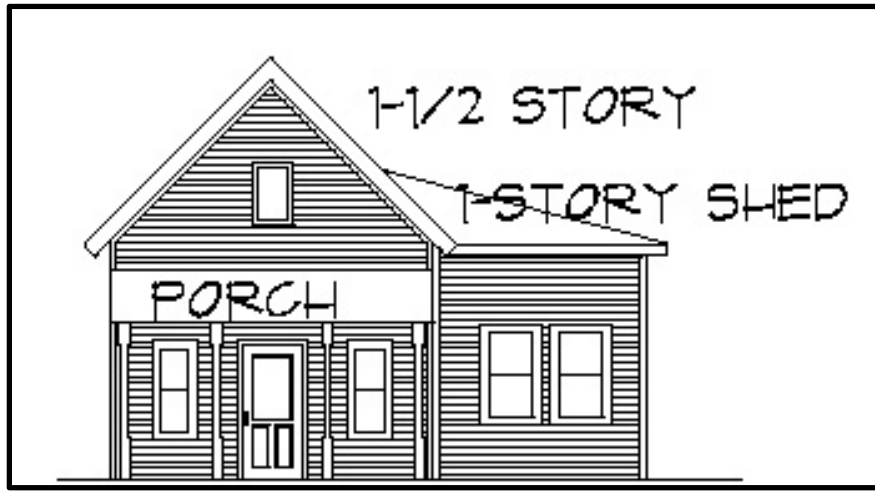
All development within the Conservation District should enhance the streetscape as a pedestrian-oriented experience.

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

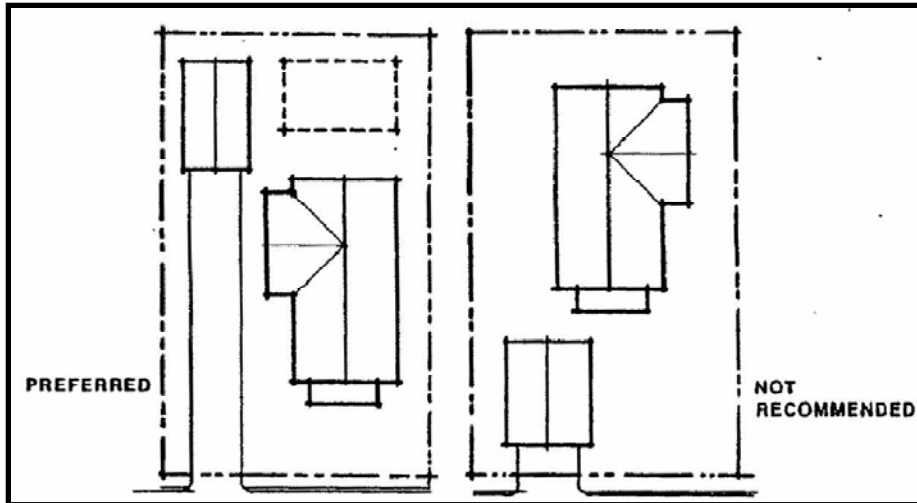
Policy:

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

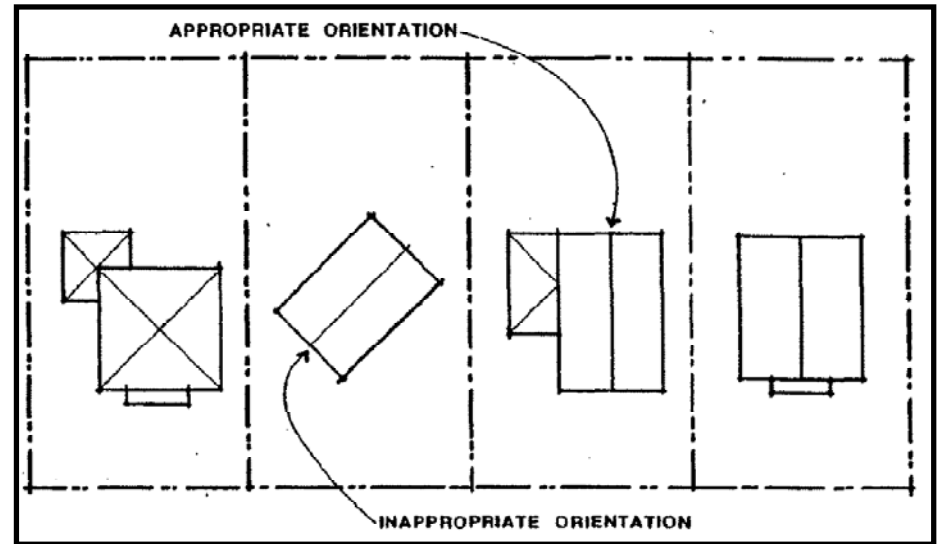
Policy:

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.

Building Widths

Policy:

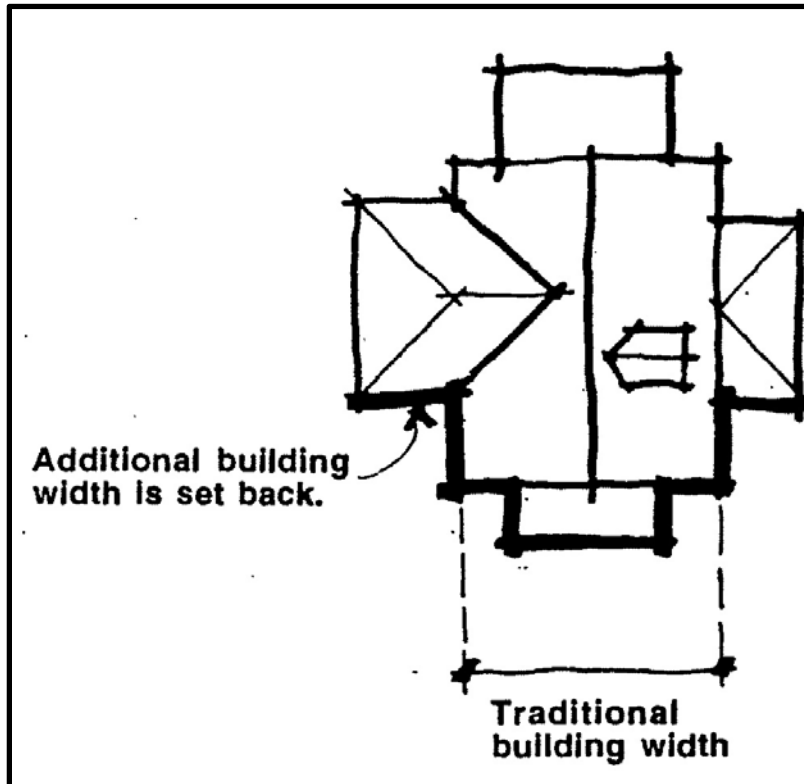
In general, buildings may be wider than those seen in the Historic District, however, the primary façade that faces the street should appear similar in width to those seen traditionally. All façades also should be composed of a series of smaller wall planes that repeat proportions of façades found on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



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.

Solid-to-Void Ratio

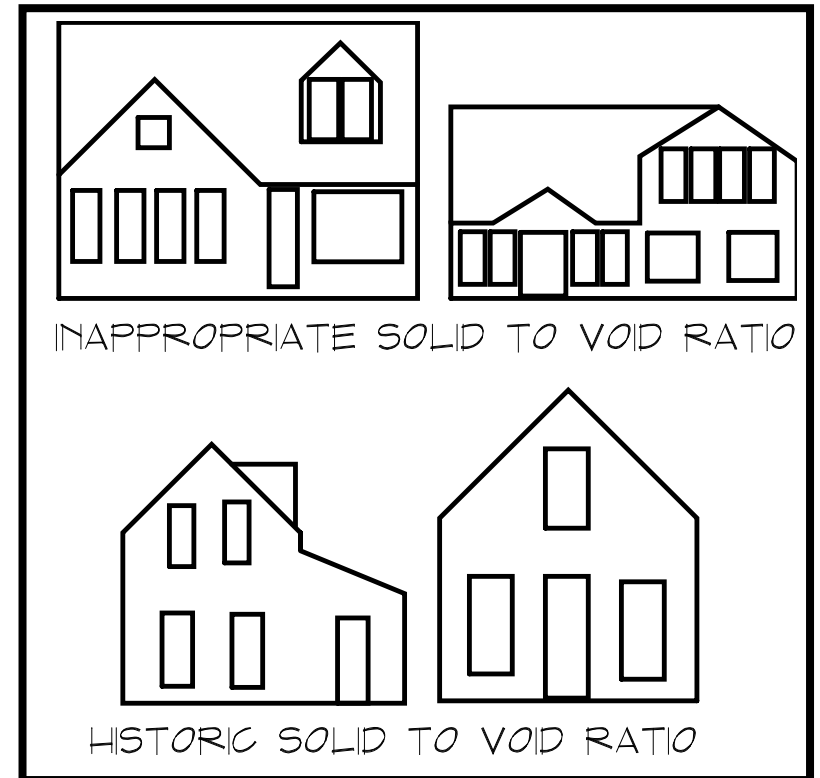
Policy:

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.





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.

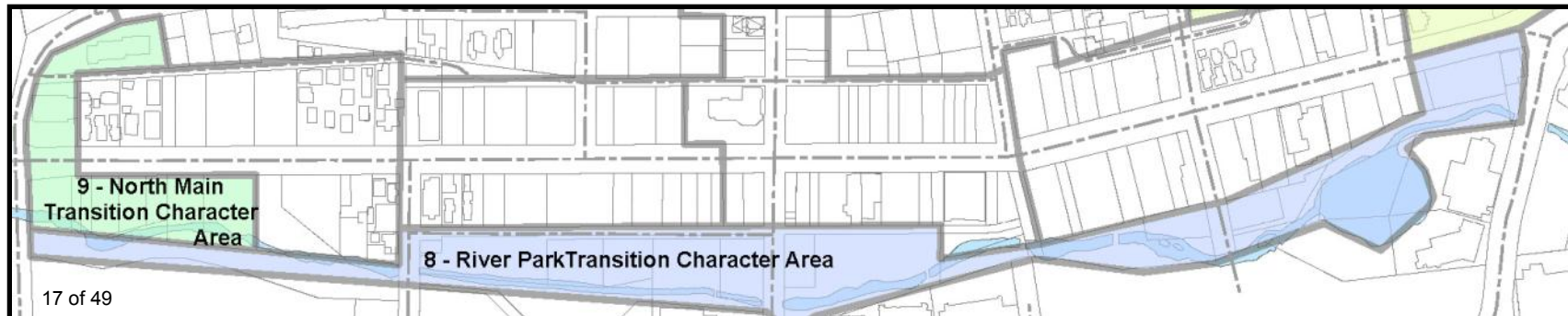
Historic photographs of this area show many more secondary structures and outbuildings than exist today. These effectively "stepped down" the scale of buildings from Main Street to the river. A few residential structures were also seen, along with a collection of larger, industrial type buildings. Presently, 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.

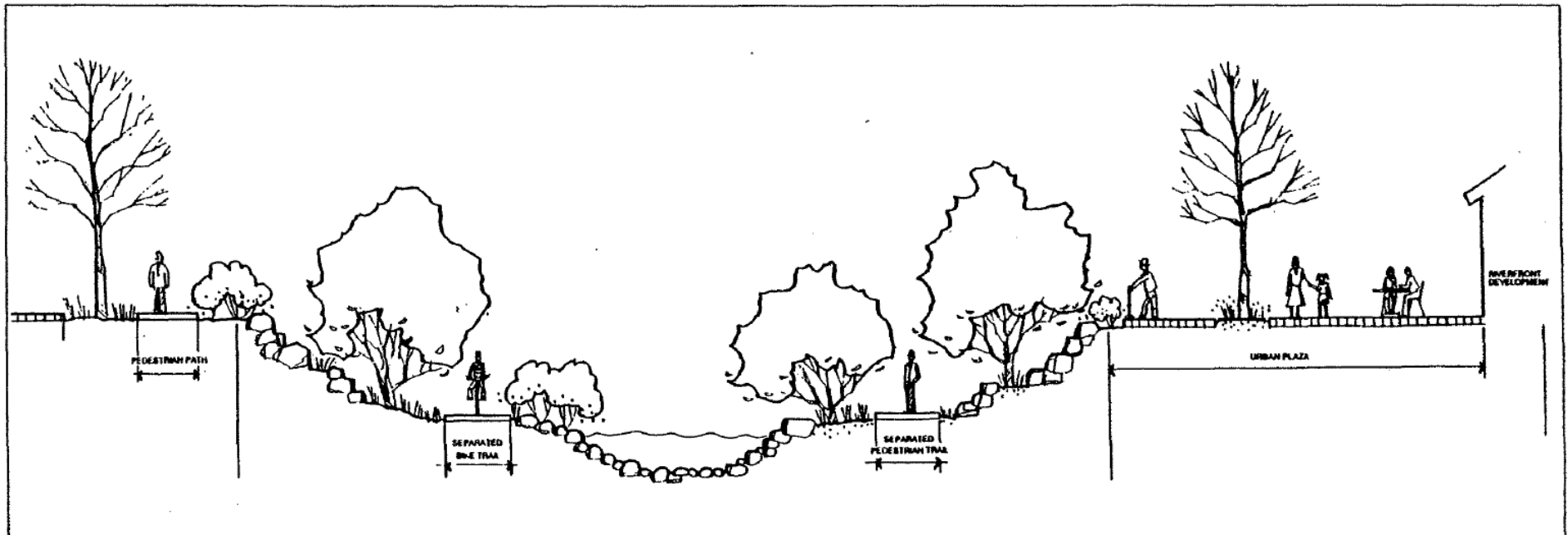
- Provide overlooks where feasible, such as on bridges that allow one to view long stretches of the waterway.
- Bridges are preferred rather than culverts due to their historic use and better views of the river.
- Covered bridges are specifically inappropriate.

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.

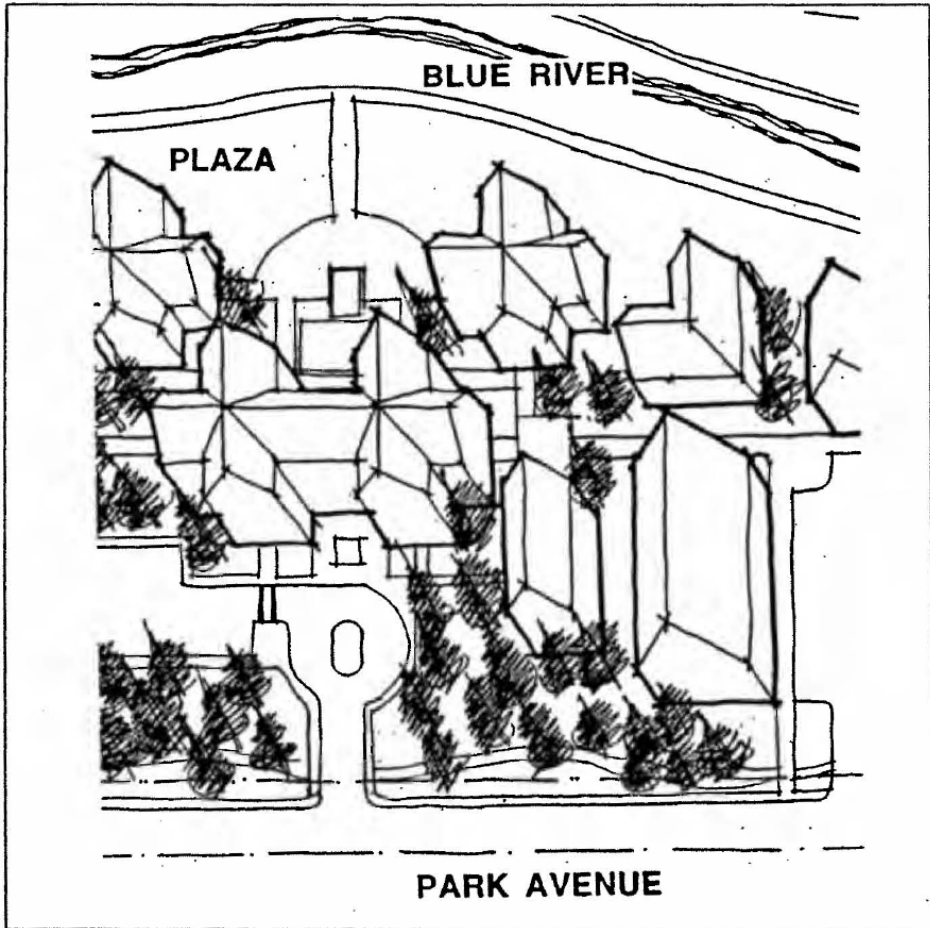
Building Scale

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".

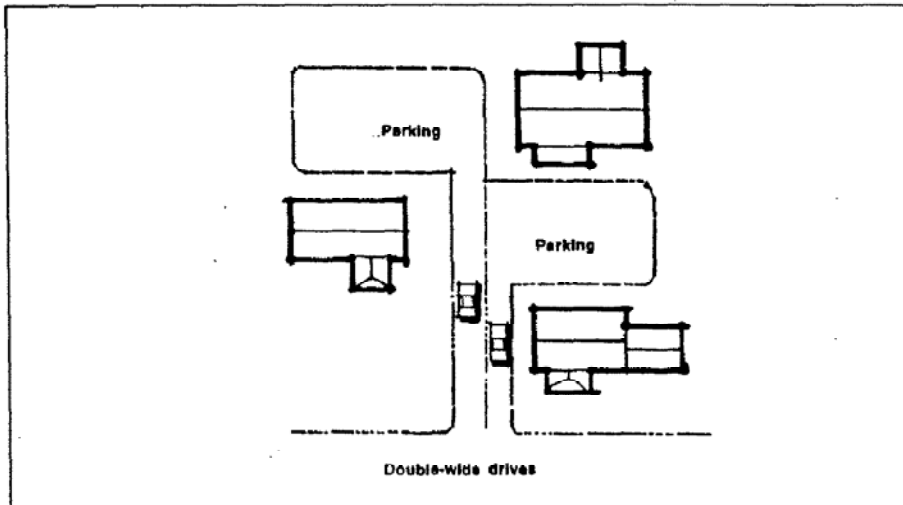
- Provide landscaped buffers around parking lots.
- Provide occupied space, decorative surfaces or landscaping at the ground level of parking structures, to create visual interest for pedestrians.

307. Develop shared access to parking facilities.

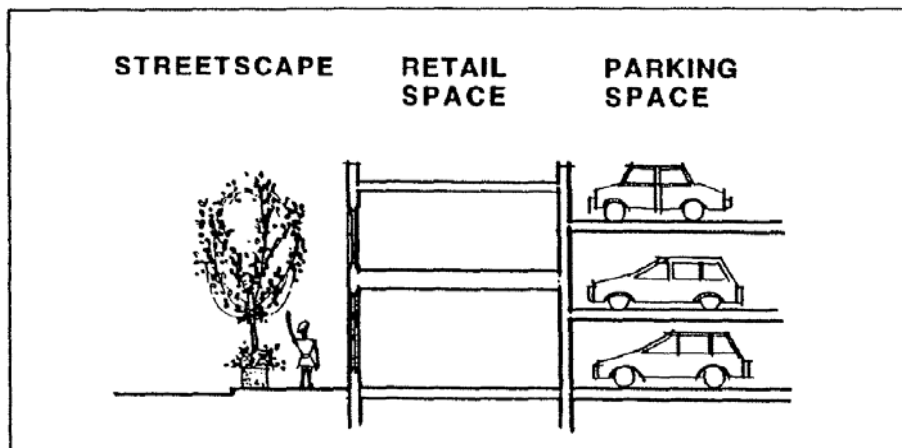
- Minimize curb cuts by sharing driveways between adjoining developments.
- This will help to reduce conflicts with pedestrians where sidewalks cross driveways.
- Provide cross-property easements where necessary.

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

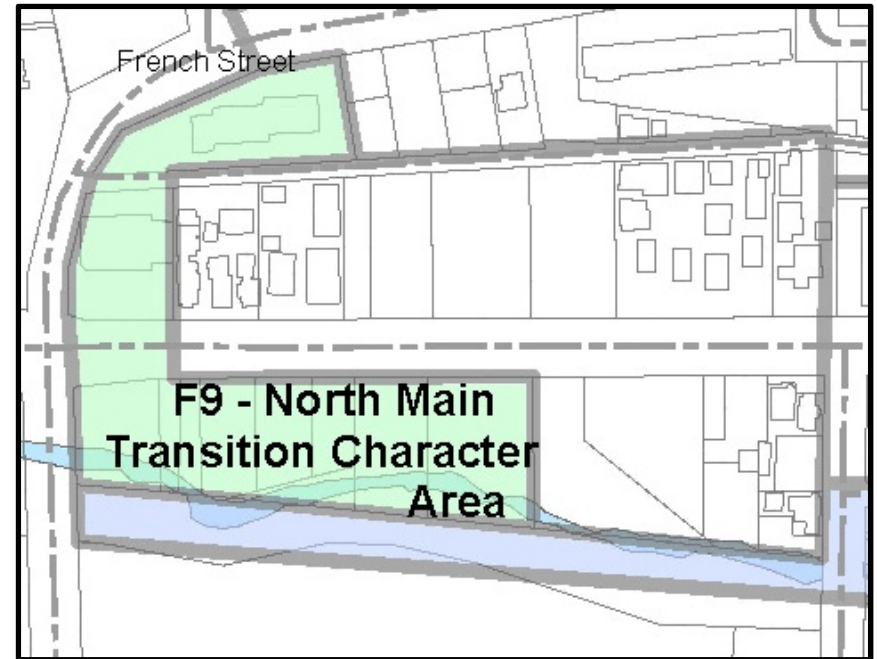
Design Standard:

- 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.

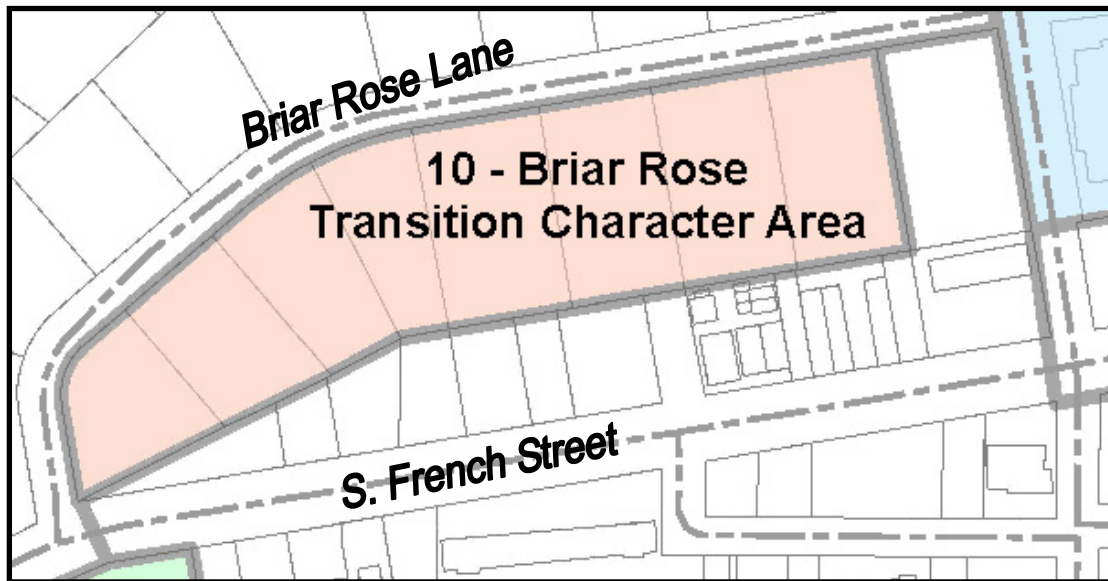
- An exception is when such elements are so configured as to affect the overall scale or character of a building as it relates to other design standards in this document.



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.

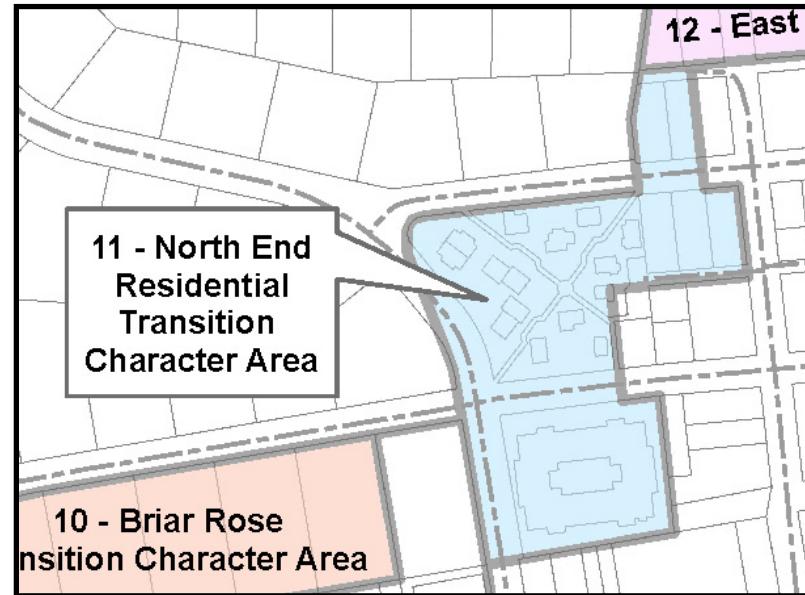
- An exception is when such elements are so configured as to affect the overall scale or character of a building as it relates to other design standards in this document.

#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.

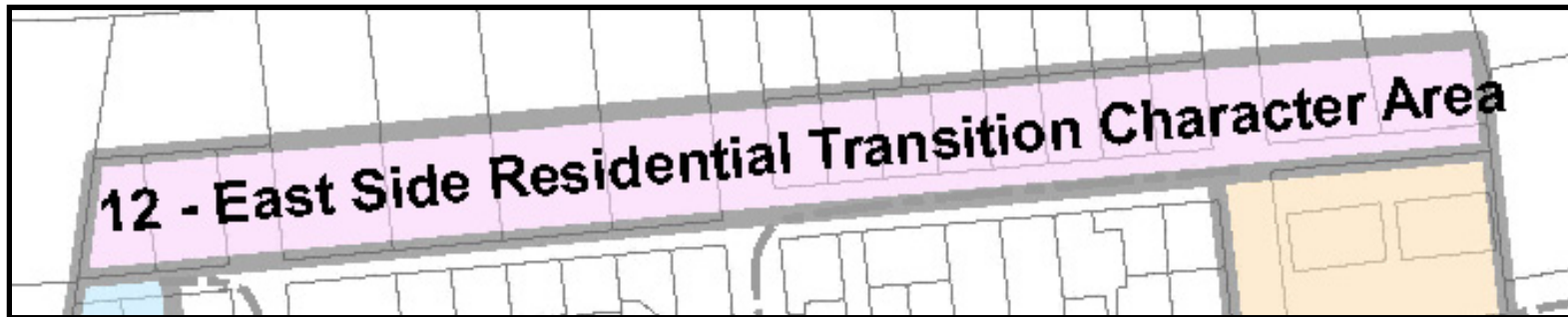
#12. East Side Residential Transition Character Area

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

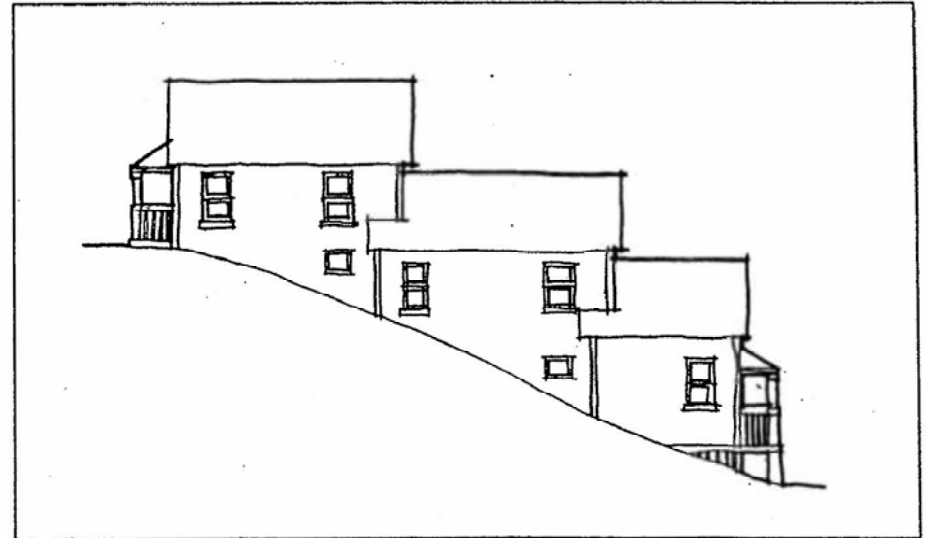
Policy:

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.

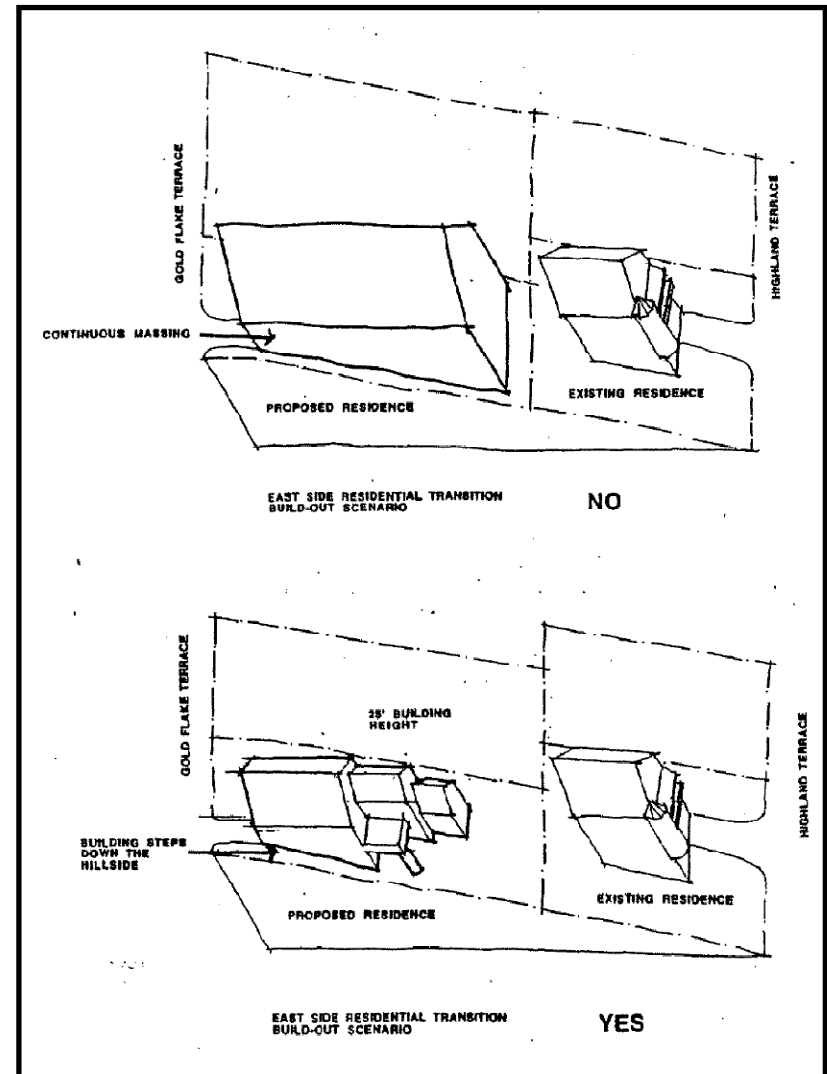
- Garages should appear subordinate to the primary structure. They should be smaller in scale than primary structures and simple in detail.

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

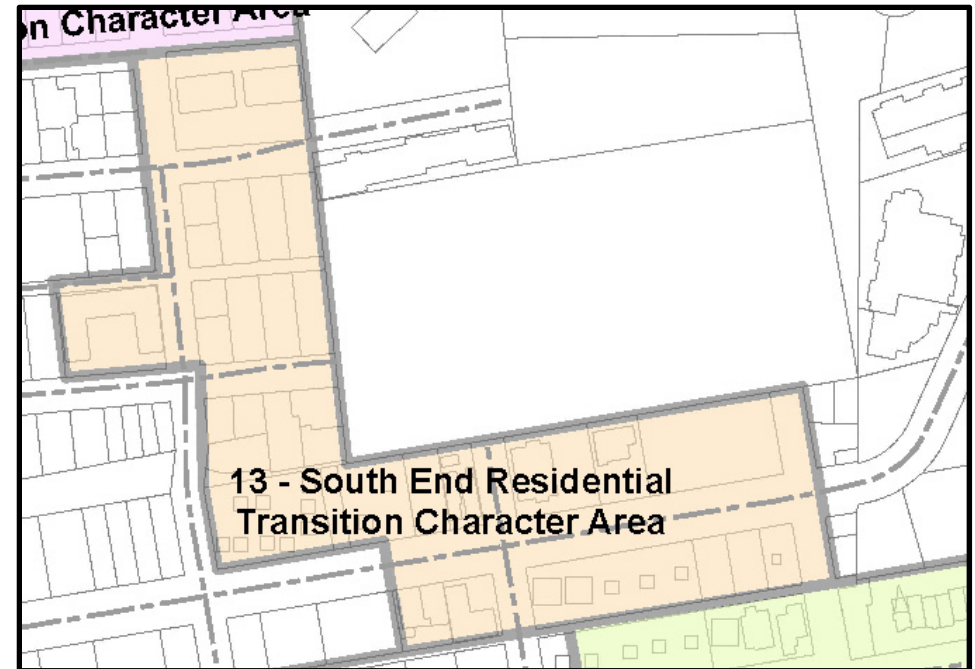
The South End Residential Transition Character Area lies along the southern edge of the Historic District, ranging from Highland Terrace on the east to Ridge Street on the west. A southern portion extends below Madison Avenue on Ridge Street. This area was historically part of the early Town of Breckenridge,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

Design Goals for the Character Area

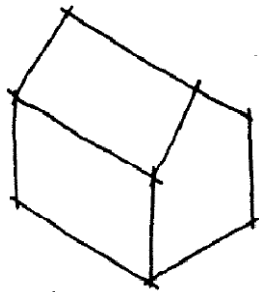
The design goal for this area is to reverse the trend toward large, massive structures and instead promote the development of buildings that are more in scale with the historic residential core. Strengthening of the character of the street is also desired, in terms of making it more attractive to pedestrians. 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.

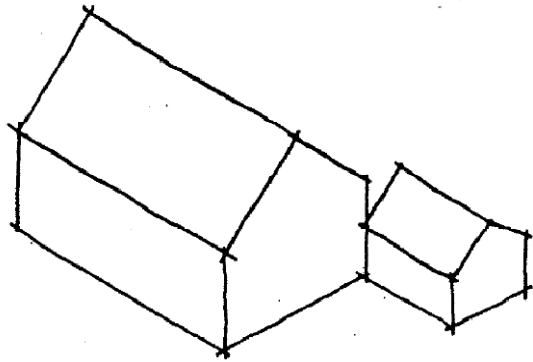
The area also lies along a very sensitive edge of the Historic District, because the scale of new development in recent years has been larger than seen traditionally with the result that the scale of building adjacent to the Historic District changes abruptly in some areas. Future development should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



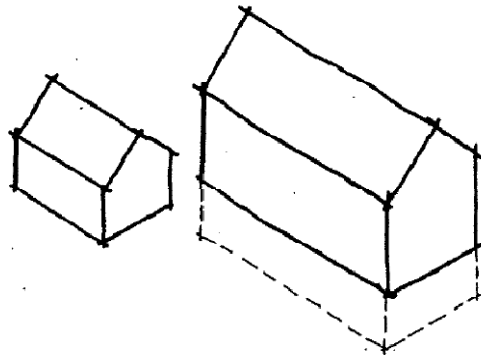
South end Residential Transition Character Area



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.

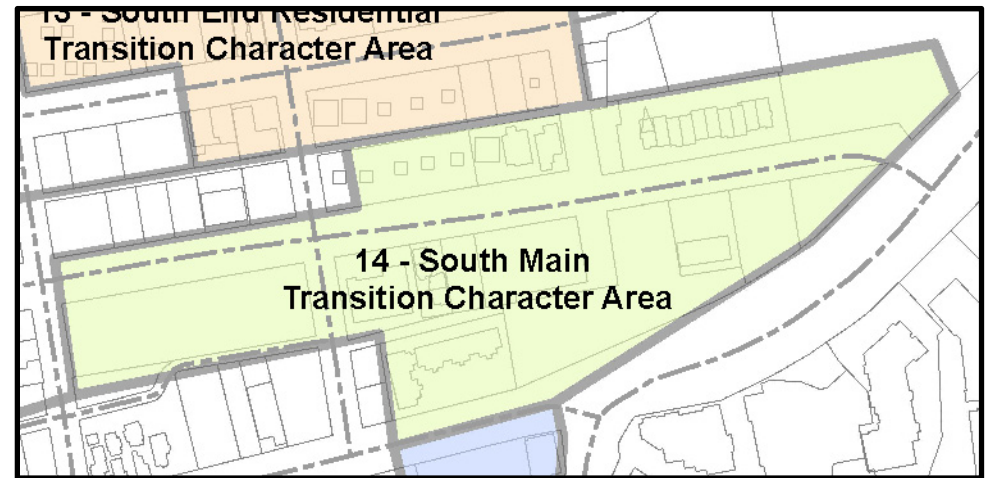
Design Goals for the Character Area

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.

Facade 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.