



BRECKENRIDGE TOWN COUNCIL REGULAR MEETING

Tuesday, March 27, 2012; 7:30 PM

Town Hall Auditorium

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	C. BRC (MR. BURKE)	
	D. MARKETING COMMITTEE (MR. DUDICK)	

*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. 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.

- E. SUMMIT COMBINED HOUSING AUTHORITY (MR. JOYCE)
- F. BRECKENRIDGE HERITAGE ALLIANCE (MR. BURKE)
- G. WATER TASK FORCE (MR. MAMULA)

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138

XII ADJOURNMENT

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CALL TO ORDER, ROLL CALL

Mayor Warner called the March 13, 2012 meeting to order at 7:30 pm.

The following members answered roll call: Mr. Bergeron, Mr. Burke, Mr. Dudick, Mr. Mamula, Ms. McAtamney, Mr. Joyce, and Mayor Warner.

APPROVAL OF MINUTES - FEBRUARY 28, 2012

Mayor Warner made on correction on page 2, top of the page Christie Heights Partnership, change from "marketing" to "market" conditions. Mayor Warner declared the minutes would stand approved as corrected.

APPROVAL OF AGENDA

Mr. Gagen requested addition of an executive session under Other Matters for negotiations and acquisition updates.

COMMUNICATIONS TO COUNCIL

A. CITIZEN'S COMMENT - (NON-AGENDA ITEMS ONLY: 3-MINUTE LIMIT PLEASE)

Daniel Lewis, owner of The Flatbread Pizza Co, stated he is in the process of opening a restaurant in Breckenridge, and is in negotiations with the Planning Department where there is an issue with air quality. He stated the EPA regulations are meant for a fireplace in the home, and because he leases the space instead of owning the space he receives negative points for the wood burning pizza oven. He asked that the Town Council consider a way to work this into the points system. Mayor Warner asked if he owned if he could work the points system. Mr. Lewis stated that is correct. Chris Neubecker, Senior Planner, stated they are looking for numbers regarding wood burning pizza ovens, but cannot find hard numbers, so there is not enough evidence to make a code change. He stated 6 out of 7 Planning Commission members said they are all right with a code change, but would like some direction. Town Council agreed the planning department should look at the numbers, and see if they could put together a recommendation for the Planning Commission and the Town Council.

George Ulrich, addressed the Council regarding Vendor Carts. Mayor Warner asked Dr. Ulrich to refrain until the Vendor Cart agenda item, when he would allow comments during the first reading.

B. BRECKENRIDGE RESORT CHAMBER UPDATE

John McMahon, mentioned they are currently looking at Winter occupancy where ADR is up; February Mtrip occupancy is up 5%, and ADR is up 1%. The BRC has deployed tactics to promote the early opening of the Gondola to help broaden Kingdom Days, which includes the NRO performing on Friday, and a Sunday picnic for overnight guests to enjoy; they are deep in the process of the Spring and Summer process; they spoke with "Today in America" which features shows that are made for television hosted by Terry Bradshaw, could have tourism opportunities for this destination, and airs on Fox media and 19 different markets, but thinks the show is about working and living in a community, and is less about tourism; the BRC received an award as a Destination Marketing Organization of the Year for a population under 25,000 in Colorado, which comes from peers. He thanked the staff, stake holders, and Town Council for making it possible. Mr. Gagen asked about the General Managers meeting regarding the lodging survey. Mr. McMahon stated the original discussion looked unfavorably at the survey, and then opinion was turned around at the next GM round table. He mentioned they are looking at key hotels, and looking to obtain insight regarding the quality of accommodations and the experience of Breckenridge, which would gain net promoter scores for how likely a guest is to recommend Breckenridge. He remarked they will hear about the new initiative from the BRC moving forward.

CONTINUED BUSINESS

A. SECOND READING OF COUNCILS BILLS, SERIES 2012 - PUBLIC HEARINGS

1. COUNCIL BILL NO. 9, SERIES 2012 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", CONCERNING DENSITY

Mayor Warner read the title into the minutes. Mark Truckey, Assistant Director Community Development, stated they adjusted a few small portions of the development code for the transfer of density from the town to town properties, from the Joint Upper Blue Master Plan to allow transfers of density to any new affordable housing sights, and the Town will use this to transfer to density to the Valley Brook development sight. He mentioned there are other few changes with employee housing, and with the JUBMP policy by not transferring out to Blue River that which is already in the Town.

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Mayor Warner opened the public hearing. There were no comments and the public hearing was closed. Mr. Mamula moved to approve COUNCIL BILL NO. 9, SERIES 2012 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", CONCERNING DENSITY. Mr. Bergeron seconded.

The motion Passed 7-0.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILLS, SERIES 2012

1. COUNCIL BILL NO. 10, SERIES 2012 - AN ORDINANCE AMENDING CHAPTER 5 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE BY ADOPTING BY REFERENCE "THE HANDBOOK FOR DESIGN STANDARDS FOR THE TRANSITION CHARACTER AREAS OF THE CONSERVATION DISTRICT, BRECKENRIDGE, COLORADO, MARCH 2012"; AND MAKING CONFORMING AMENDMENTS TO THE BRECKENRIDGE TOWN CODE

Mayor Warner read the title into the minutes. Chris Neubecker, Senior Planner, stated they have been working on getting standards adopted for some time since the original standards were written back in 1992. He mentioned some disagreements regarding map boundaries have been worked out. He stated staff is recommending approval on first reading of the standards, and will make suggested changes before the second reading. Mayor Warner asked if they are going to publish it in paper form, or just publish on the web. Mr. Neubecker said they usually direct people to the web site or email it to them. Mayor Warner thanked them for their persistence and efforts.

Mr. Bergeron moved approve COUNCIL BILL NO. 10, SERIES 2012 - AN ORDINANCE AMENDING CHAPTER 5 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE BY ADOPTING BY REFERENCE "THE HANDBOOK FOR DESIGN STANDARDS FOR THE TRANSITION CHARACTER AREAS OF THE CONSERVATION DISTRICT, BRECKENRIDGE, COLORADO, MARCH 2012"; AND MAKING CONFORMING AMENDMENTS TO THE BRECKENRIDGE TOWN CODE. Mr. Mamula seconded the motion.

The motion Passed 7-0.

2. COUNCIL BILL NO.11, SERIES 2012 - AN ORDINANCE AMENDING CHAPTER 14 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE TOWN OF BRECKENRIDGE MEDICAL MARIJUANA LICENSES AND REGULATIONS

Mayor Warner read the title into the minutes. Tim Berry, Town Attorney stated as a result of the discussion during the work session he revised and handed out a new ordinance to the Town Council. The revised ordinance updates the licensing fee to reflect the State's annual fee structure and administrative fees; due to the conflict between the State's 1,000 foot rule and the Town's 500 foot rule, he has removed the distance section from this ordinance; and has added a one year renewal period, stating the license is valid for one year, and may be renewed.

Mr. Bergeron moved to approve the revised COUNCIL BILL NO.11, SERIES 2012 - AN ORDINANCE AMENDING CHAPTER 14 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE TOWN OF BRECKENRIDGE MEDICAL MARIJUANA LICENSES AND REGULATIONS. Mr. Mamula seconded the motion. The motion Passed 6-1 with Mr. Dudick voting in opposition.

3. COUNCIL BILL NO. 12, SERIES 2012 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", BY ADOPTING A NEW POLICY 49 (ABSOLUTE), ENTITLED "VENDOR CARTS", AND MAKING MISCELLANEOUS AMENDMENTS TO THE BRECKENRIDGE TOWN CODE RELATED TO SUCH NEW DEVELOPMENT POLICY

Mayor Warner read the title into the minutes. Mr. Neubecker stated policy 36 addresses temporary vendor carts, and this ordinance would set new regulations for design standards and take vendor cards out of policy 36 and create policy 49 with more clear rules of what is required. He mentioned the earlier cap of 4 small vendor carts, a cap of existing vendor carts for large vendor carts, a couple of changes in the revisions passed out by the Town Attorney. He stated the policy previously did not allow outdoor seating, and now allows 3 tables with up to 4 seats; now allows extension cords in places where they do not cross a public place; trailer hitches be covered, shrouded or removed; and added landmark status for Crepes a la Carte, that has been in operation for more than 25 years. He stated staff is making the recommendation to approve on first reading. He stated he appreciates the willingness of the Town Council to take public comments tonight. He stated landscaping would be approved by the Planning Commission, with a higher level of scrutiny. He also mentioned the ordinance includes language on colors which limits the value of the color, so there will be no light-colored trailers, and addressed signage to fit in with the existing sign code. He mentioned there will be

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revisions to the overall sign code which will be addressed in the new ordinance at that time. Mayor Warner opened the public hearing.

Dr. Ulrich stated although he is very in favor of business, it should be done in an aesthetically appropriate manner. He mentioned he has submitted pictures from his view of the food cart which is pretty messy with garbage cans, cooking outside of the food cart, and storage outside of the food cart. He stated he bought a condo in February and noticed the clutter behind. He asked that the Council consider aesthetic styles, shielding and storage. Mayor Warner asked if one of his issues is clutter, and that the cart is not containing it. The Council discussed the containment issue, and that if the cart is going to exist it should be free from garbage, clutter and self-contained. Mr. Berry said he could add self-containment for the second reading. Tara Griffith, Stella's Hungry Horse vendor cart, read a prepared statement citing the Town's Mission; said it is very clear they do not wish to promote a revenue generating business; stated the new ordinance singles some of the carts out; mentioned how each part of the ordinance affects her business; and stated the items make it more of a small building ordinance where she would need to spend \$15,000 - 20,000 to become compliant. She stated that carts are different from everyone else, and consumers enjoy the experience of eating good cheap food at a picnic table. She stated she does not want to keep operating when she feels unwelcome by the very same people that are supposed to represent her. She remarked her main question out of all this is if we could keep rolling along as is until our permits expire, for about 1 year. Mr. Berry clarified that as long as she complies with the current development permit, she is good to go until it expires. Mr. Bergeron saying that no one wants to put anyone out of business and a lot of these restrictions are for the next permits. Alex LaMarca, Crepes a la Carte, did not think the original owner knew what would happen with the cart when it was first parked there. He stated this business has done fairly well, and addressed the issues with outdoor seating, stating that not everyone sitting there is their customer, and that there is public use, with non-customers putting trash in trash the crepe stand's trash can from their car. He mentioned building out the deck helped to hide certain things, including trash in a box or a bear proof container. He stated crepes loves the cart and the situation, and if the landlord puts in a building he hopes he gets preference, but does not want to change the character of the cart and hopes it can continue to be an outdoor eatery. Carla Orlandi wanted to put a fence behind for trash, because she fills up the trash easily in 8 hours, and wants to have trash outside instead of inside, since she limited to very small square footage with all of the appliances inside, only a small space for an extra garbage, and wanted it originally to be a small Victorian house, paint it to the same color as the surrounding building, and she could upgrade the color without too much more expense. She stated one thing that was brought up that concerns her is that a little fencing or more fencing to shade the view of someone else is understandable, but having a cooler outside is a lot of space to keep drinks cold in the summer, and they should allow some sort of provision for extra activity, since the restaurant inspectors said she could have a grill and cook outside as long as I brought it inside to serve. She addressed Dr. Ulrich's issues and said when he took his pictures, it was in the very beginning when they were trying to get organized. She apologized to the neighbors that were offended. She stated she lives here and took over the food business to try and make ends meet; she continues to contribute to the tax base; does not disagree with the proposed improvements; does not want to see more carts; and, has dumped all of her money into living and working in Breckenridge, and it has not got anything out of it yet.

Mr. Bergeron moved approve COUNCIL BILL NO. 12, SERIES 2012 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", BY ADOPTING A NEW POLICY 49 (ABSOLUTE), ENTITLED "VENDOR CARTS", AND MAKING MISCELLANEOUS AMENDMENTS TO THE BRECKENRIDGE TOWN CODE RELATED TO SUCH NEW DEVELOPMENT POLICY. Mr. Mamula seconded the motion.

The motion None 7-0.

Mayor Warner asked for discussion. Mr. Burke says you hear the comments from people, and is torn on so many issues. Mayor Warner recommended that Mr. Burke talk with Chris Neubecker. Mr. Neubecker asked about the storage issue and if everything should be contained inside the cart. Mayor Warner said everything should be contained inside the cart, and storage could be monitored. The Council discussed the sprawl of the carts, and that it should be contained; grand-fathering in existing carts to keep them in business; a menu of options, so cart owners could select improvements that they could afford; how every business in town has expenses they must pay that come up; and, that the time Town Council and the planning department has spent on this matter and Medical Marijuana is about trying to keep citizens in business, and trying to find a way to make it work for business owners.

B. RESOLUTIONS, SERIES 2012

1. None

C. OTHER

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1. None

PLANNING MATTERS

A. PLANNING COMMISSION DECISIONS

With no request to call an item off the consent calendar, Mayor Warner declared the Planning Commission Decisions of March 6, 2012 would stand approved as presented.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen stated his items that were not covered during the work session are part of the Executive Session.

REPORT OF MAYOR AND COUNCILMEMBERS

A. CAST/MMC (MAYOR WARNER)

No Report.

B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MR. DUDICK)

C. BRC (MR. BURKE)

No Report.

D. MARKETING COMMITTEE (MR. DUDICK)

Mr. Dudick continued his report of the marketing committee from the work session, mentioning that the Dew Tour is scheduled for December 13-16; the tour has added two new events; the room requirement has increased from 500 to 1,100 room nights due to the extra night; Beaver Run has issues with the Ski Resort's focus to open Peak 8 first each year, and then asking Beaver Run to donate rooms to an event that draws guests away from their property. The Council discussed supporting the Dew Tour; the amount of money available from Town funds, and Marketing Committee funds; the revenue that the Dew Tour generates during what is usually a dead week; and that the Dew Tour is an infomercial for Breckenridge that runs all over the world during the winter. Mayor Warner closed the discussion stating that contractual negotiations should be discussed during an executive session. Mr. Dudick reported the Today in America program is an infomercial that runs on CNN and Fox Business News. He mentioned no one in the room has seen it. Mayor Warner will send a link to council members from the production company. Mr. Dudick says in his business he always says no. He stated the program focuses on economic development, where people are encouraged to move here and work out of their homes, and that people move here from skiing here a few times and not because they saw it on TV.

E. SUMMIT COMBINED HOUSING AUTHORITY (MR. JOYCE)

No report.

F. BRECKENRIDGE HERITAGE ALLIANCE (MR. BURKE)

No Report.

G. WATER TASK FORCE (MR. MAMULA)

Mr. Bergeron mentioned the multi-family home energy assessment for energy loss and how they can save energy; and, a green team business menu of options for compliance which could rate a business from bronze to platinum. Mayor Warner remarked that Fort Collins and Aspen have programs that they are looking at.

OTHER MATTERS

Mr. Dudick mentioned the Harris Street building and the earlier library presentation during the work session, as another potential use of the building; his discussion with Mr. Hogan regarding thinking of the building as a new building with 10,000 feet of library space, instead of spending \$2.5 million to build a library, donating \$50,000 to improve the Harris Street building. He mentioned a potential scenario if the Peaks School does well, and they want to use the building while they build their new school. Mr. Joyce stated that we are not talking about a lot of money, \$32,000 for one year, and could expand their space with more rent. Mr. Dudick said the library has 86,000 visitors, that is a lot of use, and libraries are usually in the core of the town not on the perimeter. Mr. Mamula stated that there are not enough trash cans in this town, and requested the town bring in extras when town is busy, and on the edge of the core near Wellington. He mentioned tent presence on the River walk cheapens the town park; the French bakery has a sign that does not meet town code; and, Velo News came out with their destination guide that has an ad for Frisco, with a picture taken in Breckenridge near his house.

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Mr. Joyce mentioned the excellent customer service at the Breckenridge Ski Resort where a scanner printed a pass for his friend who lost his season's pass, while he was waiting in line and did not have to go to the ticket office and lose his spot. He stated he would mention it to Pat Campbell. Mr. Dudick asked the Council members' opinion for rethinking the use of the Harris Street Building as a shell for a new space that can be reprogrammed for libraries and non-profits. Mayor Warner took a verbal survey of the Council members and they generally preferred using it for Town Hall with other community uses, but not a private school.

EXECUTIVE SESSION

Mr. Mamula moved to go into executive session pursuant to: Paragraph 4(a) of Section 24-6-402, C.R.S., relating to the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest, and Paragraph 4(e) of Section 24-6-402, C.R.S., relating to determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations; and instructing negotiators. Mayor Warner stated a motion has been made for the Town Council to go into executive session pursuant to: Paragraph 4(a) of Section 24-6-402, C.R.S., relating to the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest, and Paragraph 4(e) of Section 24-6-402, C.R.S., relating to determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations; and instructing negotiators. The property that is the subject of the executive session is: (1) the land that is the subject of the pending exchange with the United States Forest Service; and (2) land the Town may have an interest in purchasing. The matters that are subject to negotiation include the new Lease for the Golf Course Clubhouse, and the Dew Tour. Mr. Bergeron made the second. The motion Passed 7-0.

SCHEDULED MEETINGS

ADJOURNMENT

Mr. Bergeron moved to come out of Executive Session. Mr. Joyce seconded the motion. All were in favor of the motion.

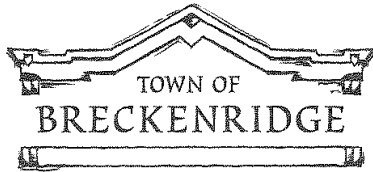
With no further business to discuss the meeting adjourned at 10:02 pm.

Submitted by Cathy Boland, Municipal Court Clerk.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor



MEMORANDUM

TO: Town Council

FROM: Chris Neubecker and Michael Mosher; Community Development Department

SUBJECT: Council Bill No. 10 (Transition Character Area Standards)

DATE: March 21, 2012

The second reading of an ordinance adopting the “Handbook of Design Standards for the Transition Character Areas of the Conservation District” is scheduled for your meeting on March 27th. There are a few changes to the Handbook from the version presented to the Council on March 13th. In addition to minor text clean-up, these changes include:

1. Page 5: Modify map boundary (Special Areas Map) Revisions to both map boundaries (Special Areas Map and Character Area Map) for the River Park Corridor Transition Character Area, to include the Riverwalk Center and Tiger Dredge parking lot. (The F Lot parking area is not included.)
2. Page 6: Add street names to map (Character Area Map)
3. Page 8: Overview. Change the caption on the photo (second sentence) to read: “The Historic District lies beyond the Transition Areas, in the foreground.”
4. Page 27: Building Orientation: Remove “Today, little evidence remains to express this relationship.”
5. Page 29: Change the graphic caption from: “A landscape strip buffers the site from Park Avenue” to “A landscape strip buffers the site from the street.”
6. Page 35: Signs. Remove: “These design standards apply in addition to the provisions of the sign code.” Add “Refer to the Breckenridge Sign Code for specific sign requirements.”
7. Page 42: Rewrote introduction to “South End Residential Transition Character Area” and identified boundaries that matched map.
8. Page 53: Remove photo of Breckenridge Brewery. Replace with Colorado Cantina (Ridge Street). Change caption under photo to “Use building components similar to those used traditionally on historic single family structures.”

Staff will be at the meeting on Tuesday to answer any questions or receive any feedback from the Council.

1 **FOR WORKSESSION/SECOND READING – MAR. 27**

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

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

7
8 COUNCIL BILL NO. 10

9
10 Series 2012

11
12 AN ORDINANCE AMENDING CHAPTER 5 OF TITLE 9 OF THE BRECKENRIDGE
13 TOWN CODE BY ADOPTING BY REFERENCE “THE HANDBOOK FOR DESIGN
14 STANDARDS FOR THE TRANSITION CHARACTER AREAS OF THE CONSERVATION
15 DISTRICT, BRECKENRIDGE, COLORADO, MARCH 2012”; AND MAKING
16 CONFORMING AMENDMENTS TO THE BRECKENRIDGE TOWN CODE

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

20
21 Section 1. Section 9-5-3 of the Breckenridge Town Code is amended to read in its
22 entirety as follows:

23 9-5-3: DESIGN STANDARDS ADOPTED:

24
25 A. The “Handbook Of Design Standards **For the Historic and Conservation**
26 **Districts**”, dated February 1992, is hereby adopted by reference, including the
27 specific design standards for character areas no. 1 (east side residential), no. 2
28 (north end residential), no. 3 (south end residential), no. 4 (north Main Street
29 residential), no. 5 (Main Street residential/commercial), no. 6 (Main Street core
30 commercial) and no. 7 (south Main Street residential).

31
32 B. **The “Handbook of Design Standards for the Transition Character Areas**
33 **of the Conservation District, Breckenridge, Colorado”, dated March 2012, is**
34 **adopted by reference.**

35
36 C. The subject matter of the adopted standards includes comprehensive
37 provisions and standards which govern the development of real property within
38 the town’s historic and conservation districts as defined in such standards.

39
40 D. **When used in this Code, unless the context clearly requires otherwise, the**
41 **term “Handbook of Design Standards” includes both the standards adopted**
42 **in Section A of this Section, and the standards adopted in Section B of this**
43 **Section.**
44

1 Section 2. The introductory portion of Section 9-5-3-1(A) of the Breckenridge Town
2 Code is amended to read in its entirety as follows:

3 A. The third unnumbered paragraph of section 4.2 of the “Handbook of Design Standards
4 **for the Historic and Conservation Districts**” is hereby amended so as to read in its
5 entirety as follows:

6 Section 3. The introductory portion of Section 9-5-3-1(B) of the Breckenridge Town
7 Code is amended to read in its entirety as follows:

8 B. The “Handbook of Design Standards **for the Historic and Conservation Districts**” is
9 amended by the addition of a new priority policy 80C, which shall read in its entirety as
10 follows:

11 Section 4. Section 9-1-5 of the Breckenridge Development Code is amended by the
12 inclusion of the following definitions:

HANDBOOK OF DESIGN STANDARDS/ HANDBOOK OF DESIGN STANDARDS FOR THE HISTORIC AND CONSERVATION DISTRICTS : **Have the meanings provided in Section 9-5-3 of this Code.**

TRANSITION CHARACTER AREA: **Has the meaning provided in the Handbook of Design Standards.**

13
14 Section 5. Subsection B of Policy 5 (Absolute) (Architectural Compatibility) of Section
15 9-1-15 the Breckenridge Town Code, is amended to read in its entirety as follows:

16 B. Conservation District: Within the conservation district, which area contains the
17 historic district **and the transition character areas** (see special areas map)
18 substantial compliance with both the design standards contained in the
19 “Handbook of Design Standards” and all specific individual standards for the
20 transition or character area within which the project is located is required to
21 promote the educational, cultural, economic and general welfare of the
22 community through the protection, enhancement and use of the district structures,
23 sites and objects significant to its history, architectural and cultural values.
24

25 Section 6. Subsection B of Policy 5 (Relative) (Architectural Compatibility) of Section
26 9-1-15 the Breckenridge Town Code, is amended to read in its entirety as follows:

27 5 x (-5/0) Conservation District: Within the conservation district, which area
28 contains the historic district **and the transition character areas**,
29 compatibility of a proposed project with the surrounding area and the
30 district as a whole is of the highest priority. Within this district, the
31 preservation and rehabilitation of any historic structure or any “town
32 designated landmark” or “federally designated landmark” on the site (as

1 defined in chapter 11 of this title) is the primary goal. Any action which is
2 in conflict with this primary goal or the “Handbook Of Design Standards”
3 is strongly discouraged, while the preservation of the town’s historic fiber
4 and compliance with the historic district design standards is strongly
5 encouraged. Applications concerning development adjacent to Main Street
6 are the most critical under this policy.

7 Section 7. Subsection 9-2-12(G) of the Breckenridge Town Code is amended to read in
8 its entirety as follows:

9 G. Assuring that all subdivisions, plats, and dedications of land are in conformance with
10 the Breckenridge master plan, land use guidelines, handbook of design standards ~~for the~~
11 ~~historic district~~, urban design plan, street standards, storm drainage standards, flood
12 damage prevention regulations, water quality and sediment transport control standards,
13 Breckenridge development code;

14 Section 8. Subsection 9-2-4-1(A)(2) of the Breckenridge Town Code is amended to read
15 in its entirety as follows:

16 2. The town master plan, land use guidelines, handbook of design standards ~~for the~~
17 ~~historic district~~, urban design plan, street standards, storm drainage standards, flood
18 damage prevention regulations, water quality and sediment transport control standards,
19 development code, building code, and all applicable town laws, codes, regulations, and
20 development related policies.

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

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

34 Section 12. The Town Council hereby finds, determines and declares that it has the
35 power to adopt this ordinance pursuant to the authority granted to home rule municipalities by
36 Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town
37 Charter.

38 Section 13. This ordinance shall be published and become effective as provided by
39 Section 5.9 of the Breckenridge Town Charter.

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

6
7 TOWN OF BRECKENRIDGE, a Colorado
8 municipal corporation
9

10
11
12 By _____
13 John G. Warner, Mayor
14

15 ATTEST:

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19 _____
20 Mary Jean Loufek, CMC,
21 Town Clerk
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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**

March 2012

Winter & Company
Boulder, Colorado

Community Development Department
Breckenridge, Colorado

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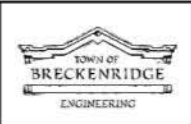
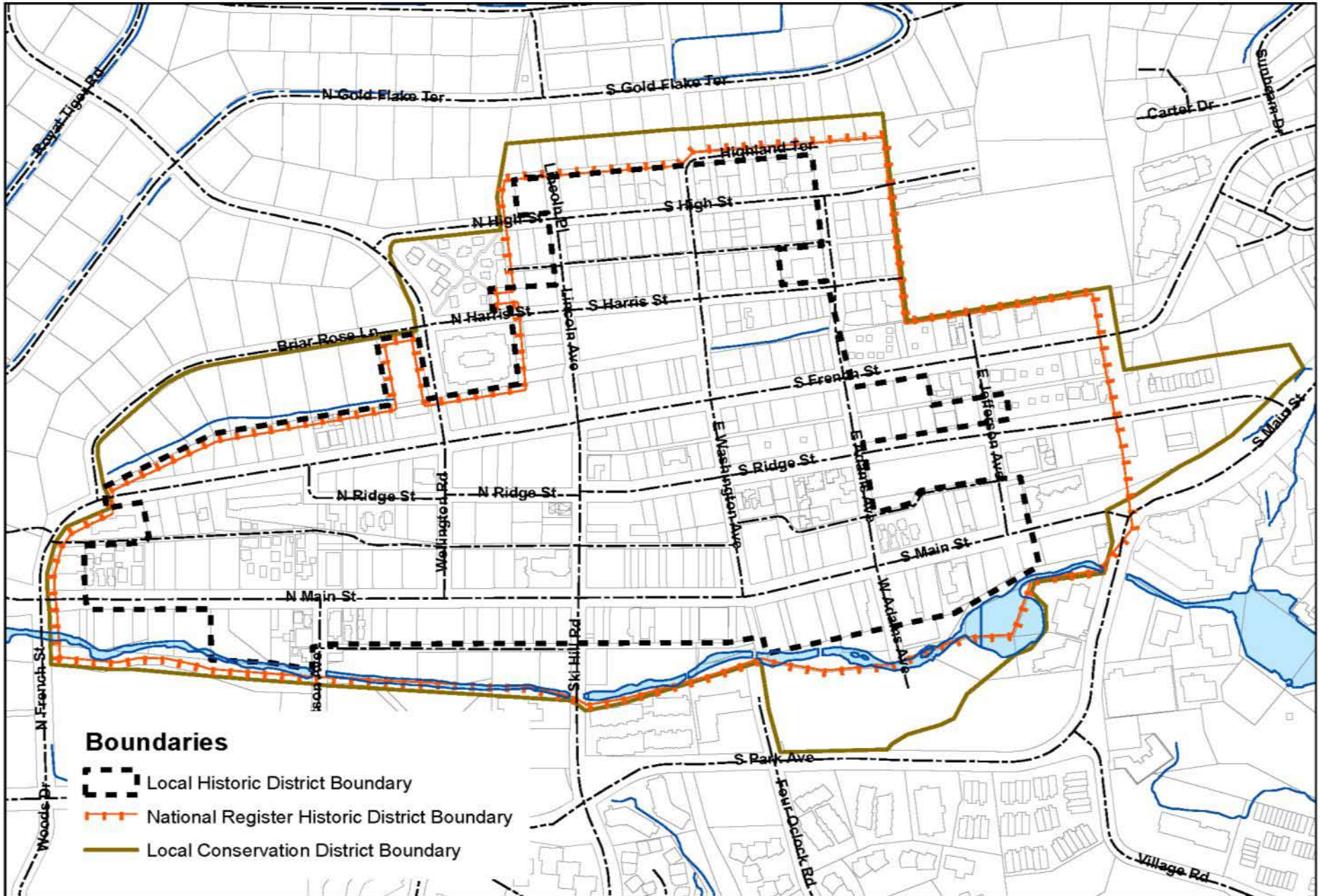
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Note that the General Design Standards in the Town of Breckenridge Handbook of Design Standards for the Historic and Conservation Districts also apply to all properties in the Conservation District.

SPECIAL AREAS MAP



Special Areas Boundaries

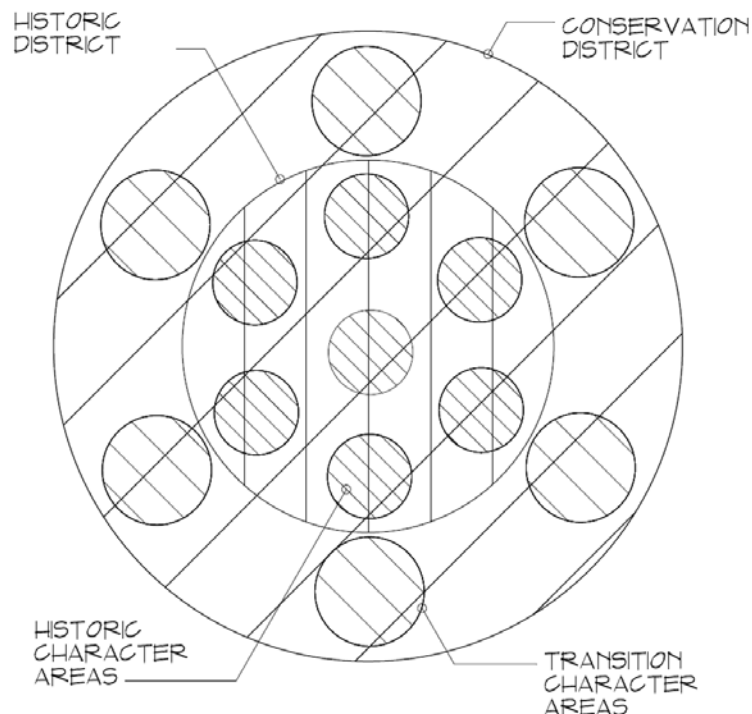


Introduction

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, 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 overall 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.

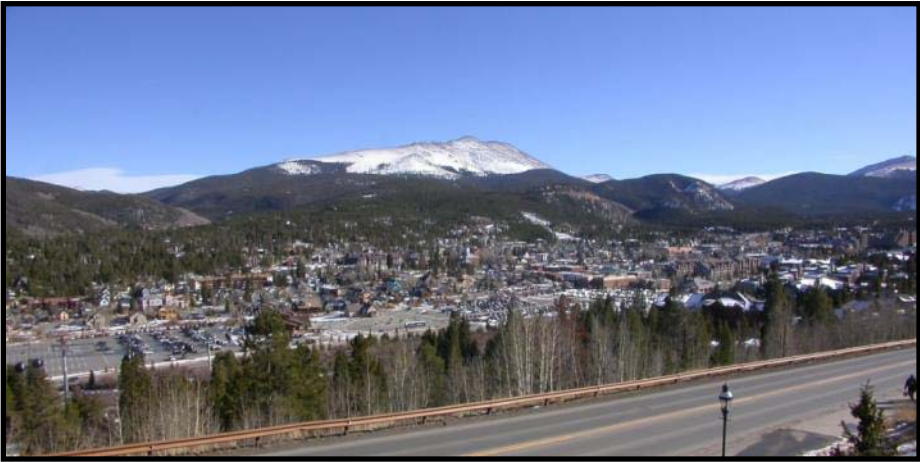


Overview

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 beyond the Transition Character Areas, in the foreground.

Goals for the Transition Areas

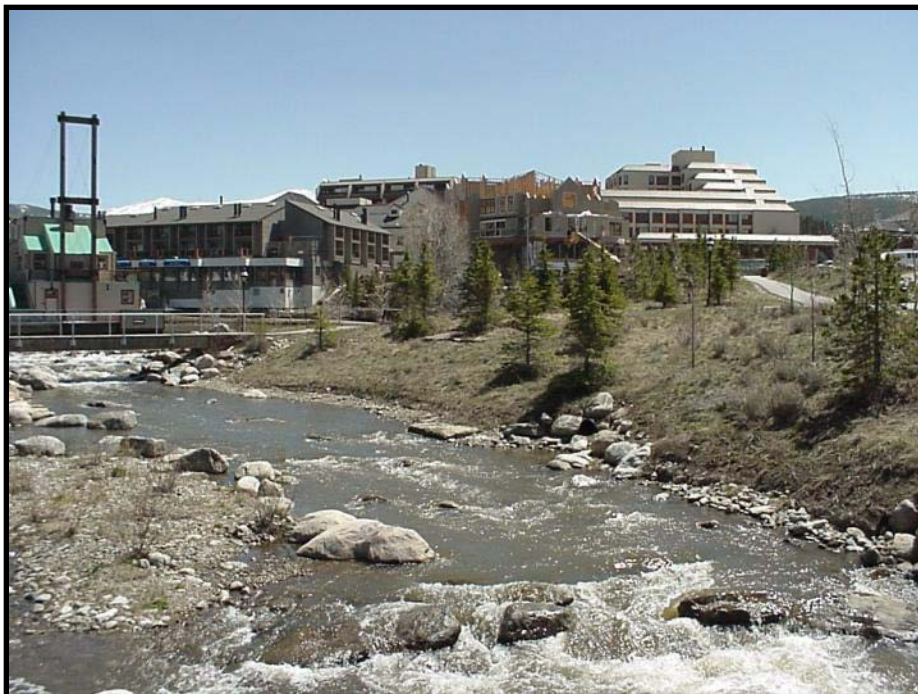
The Town holds two primary design goals for the Transition Areas:

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. Any new development should create a smooth transition from the Historic District to outlying areas. To do so, architecture should exhibit 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” 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 planted 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

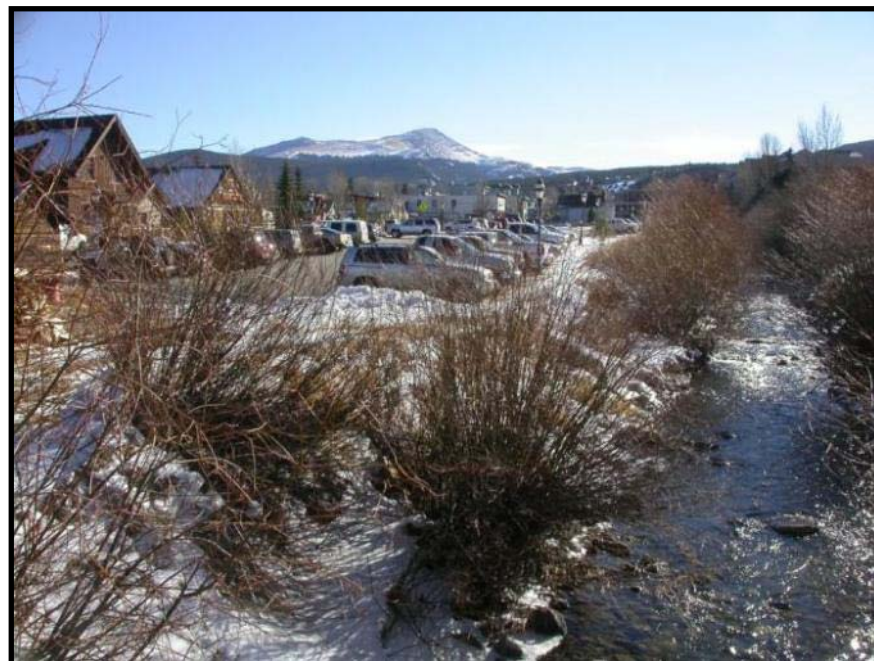
Some design standards have a high priority and, according to Section 9-1-19-5-A of the Development Code, projects *must* meet these standards in order to be considered in “substantial compliance” with the Code provisions. These high priority standards have a “P” in a circle adjacent to the guideline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

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.



Historic Building

New Building

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.

Mass and Scale

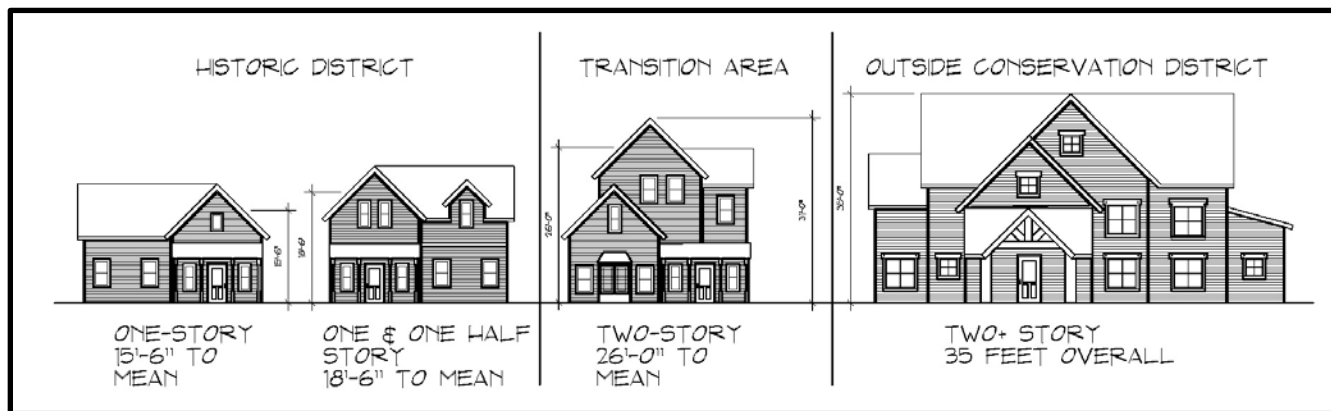
Policy:

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

Design Standards:

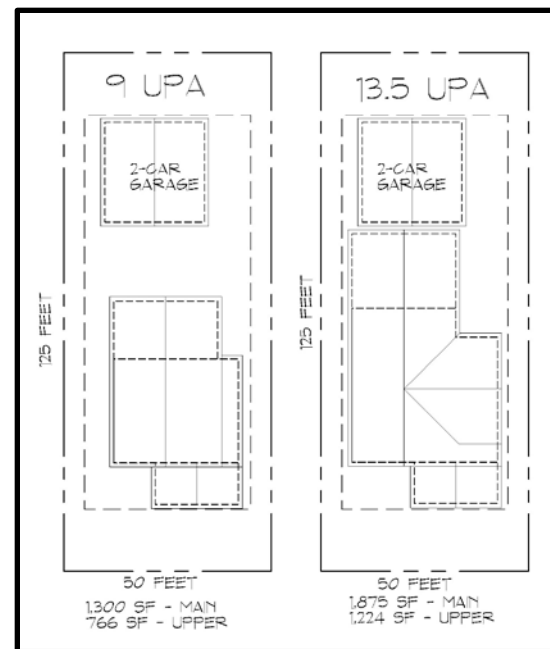
P 259 Buildings should convey a sense of pedestrian scale.

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



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

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



Buildings should not be dramatically larger than those found in the Historic District.

Roof and Building Forms

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

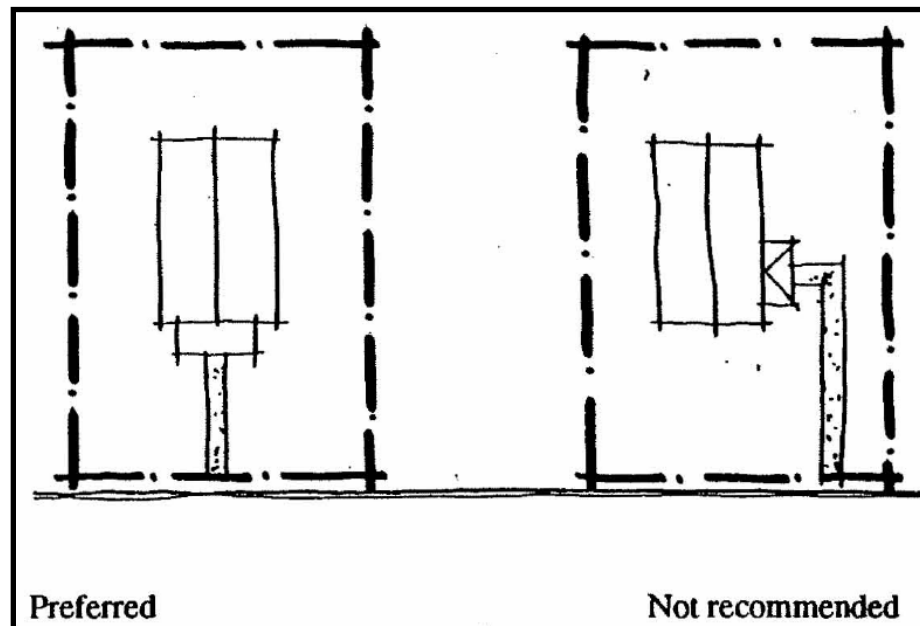
- This will provide visual interest to pedestrians and help establish a sense of pedestrian scale.

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 to 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 twelve (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

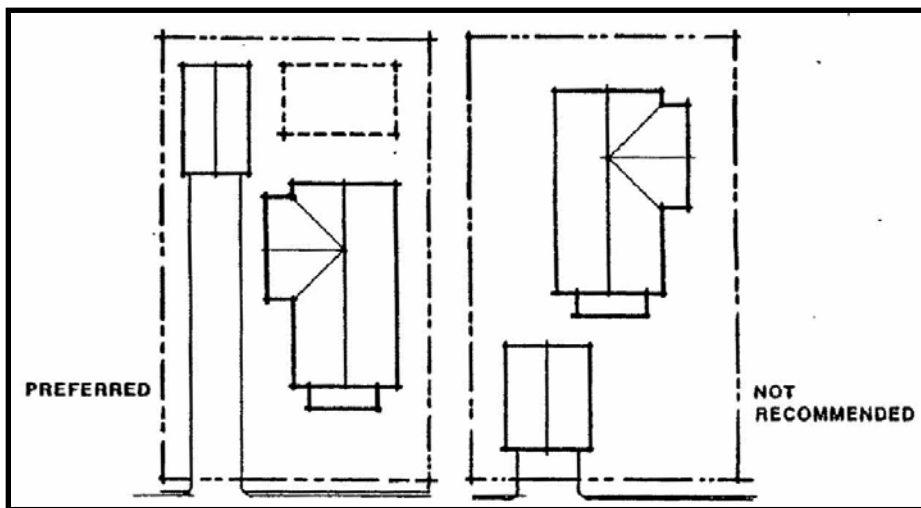
Policy:

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, off of alleys, 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

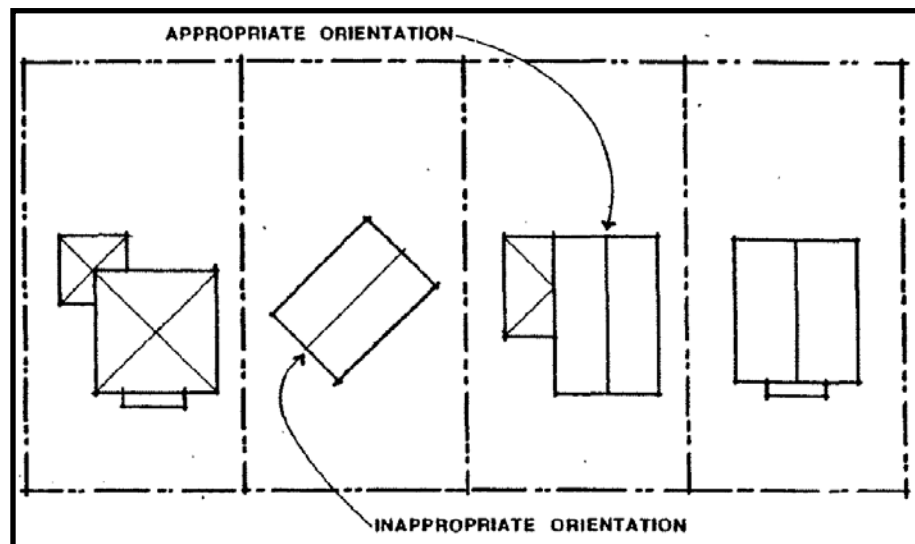
Policy:

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.

Policy:

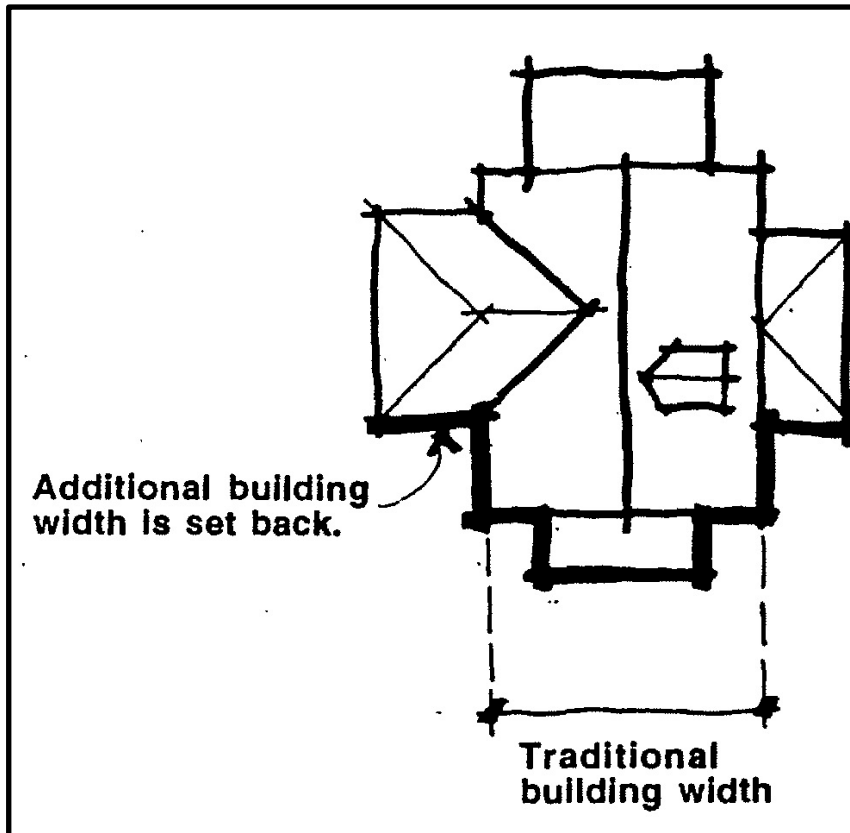
In general, buildings may be wider than those seen in the Historic District, however, the primary façade that faces the street should appear similar in width to those seen traditionally. All façades also should be composed of a series of smaller wall planes that repeat proportions of façades found on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

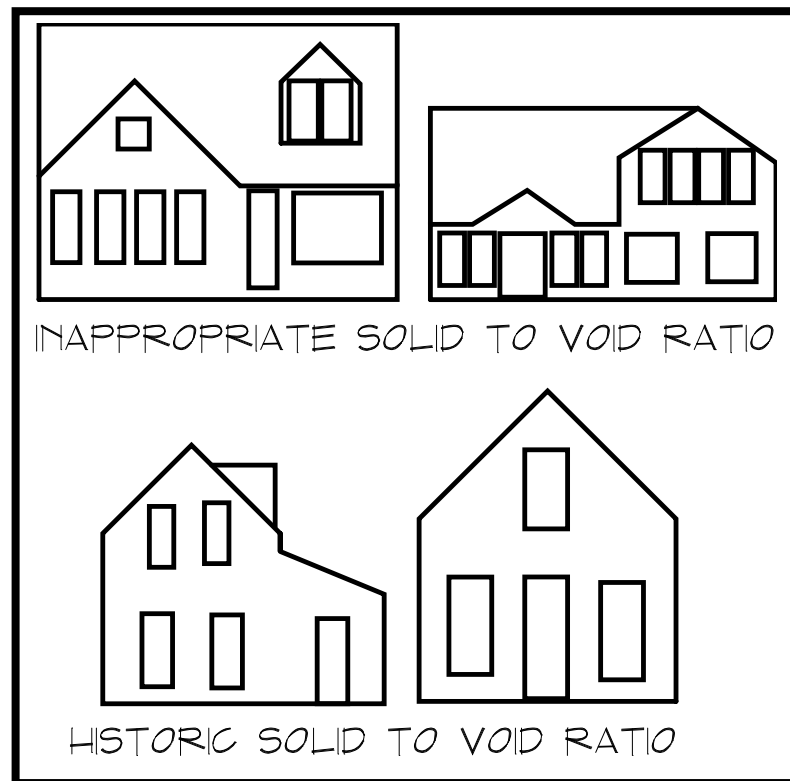
Policy:

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 a solid-to-void ratio resembling that seen historically in similar 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 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 and across the Blue River to Park Avenue between Washington Avenue and West Adams Avenue. 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 edge of the Blue River or adjacent property lines and Park Avenue between Washington Avenue and West Adams Avenue.

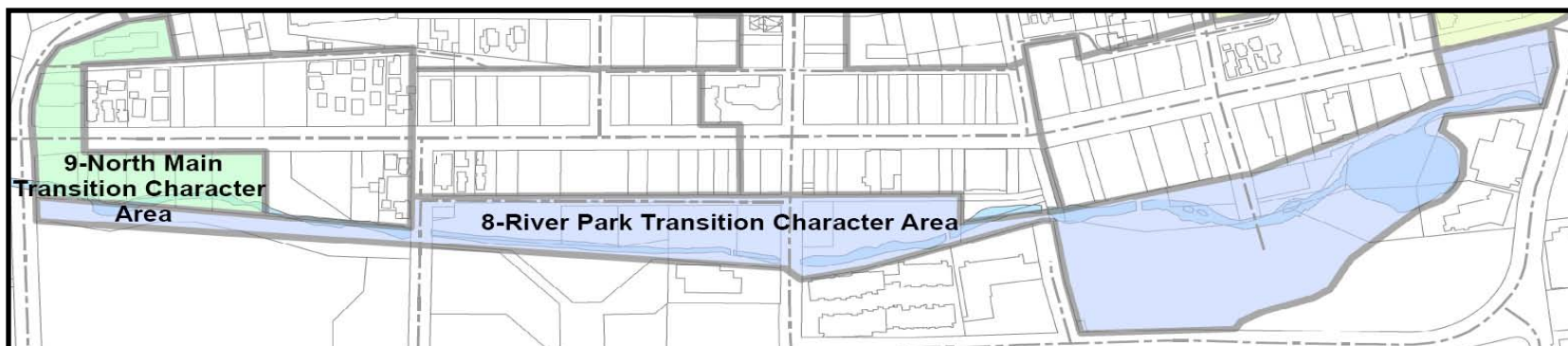
Historic photographs of this area show many more secondary structures and outbuildings than exist today. These effectively "stepped down" the scale of buildings from Main Street to the river. A few residential structures were also seen, along with a collection of larger, industrial type buildings. Presently,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

Portions of the River Park Corridor Transition Character Area are 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 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.

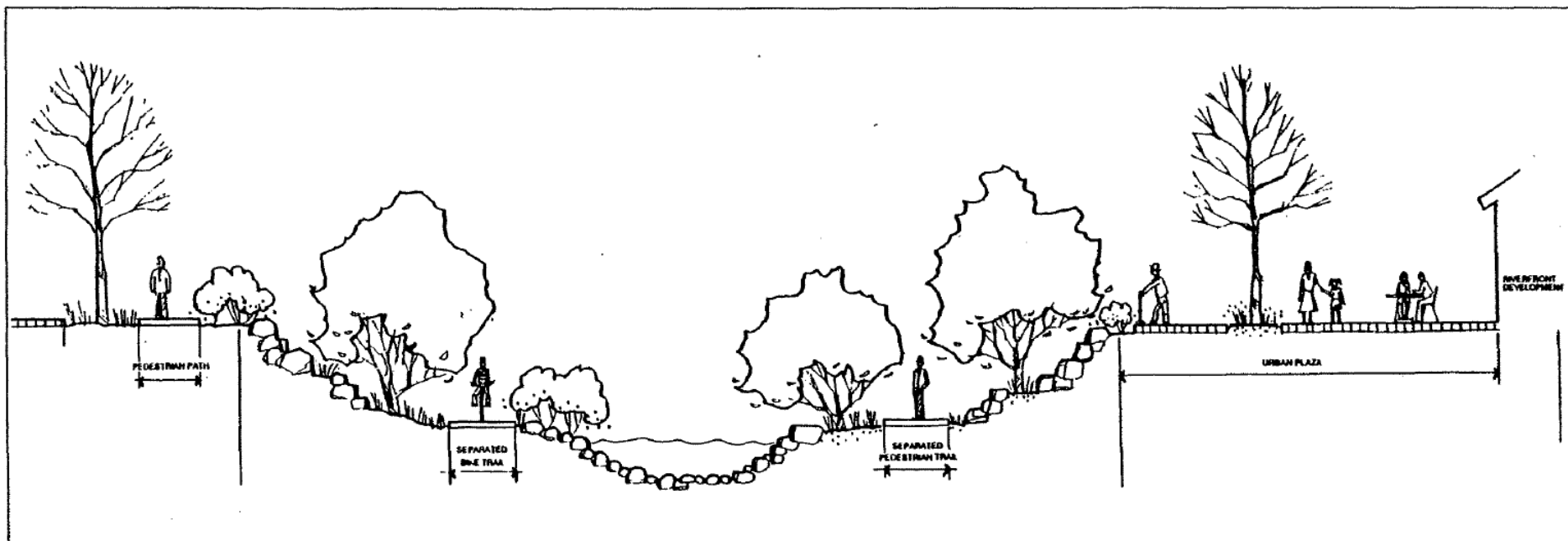
- Provide overlooks where feasible, such as on bridges that allow one to view long stretches of the waterway.
- Bridges are preferred rather than culverts due to their historic use and better views of the river.
- Covered bridges are specifically inappropriate.

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. Divide 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.

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

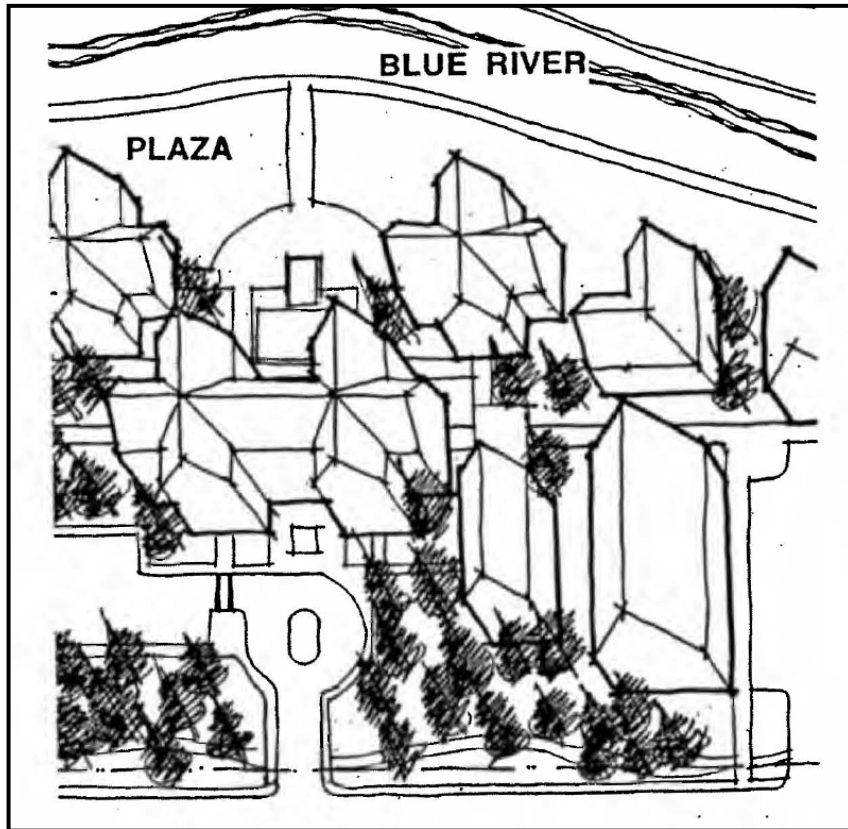
Policy:

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.



Rectangular building forms and gable roofs are appropriate in the River Park Corridor Transition Character Area. Note that these buildings also are oriented with many roof ridges in an east-west direction, which is appropriate. A landscape strip buffers the site from the street.

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 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

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 regarding 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”.

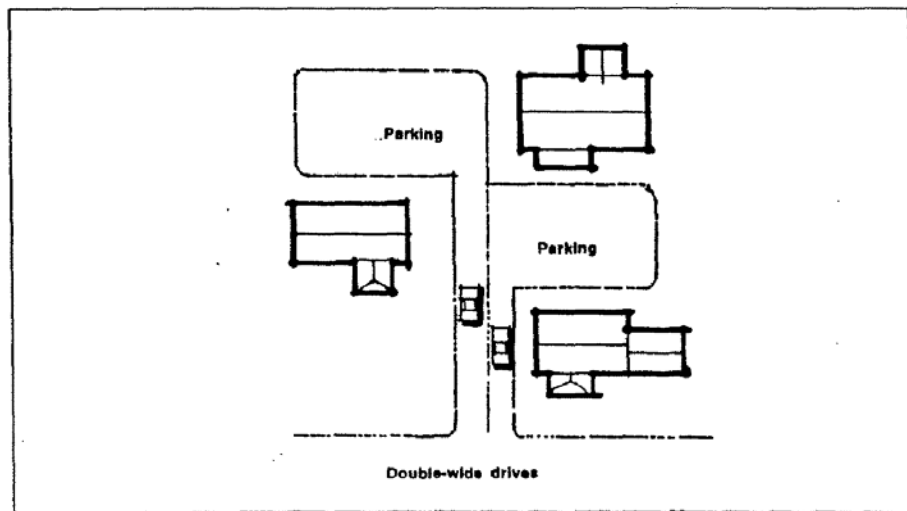
- Provide landscaped buffers around parking lots.
- Provide occupied space, decorative surfaces or landscaping at the ground level of parking structures, to create visual interest for pedestrians.

307. Develop shared access to parking facilities.

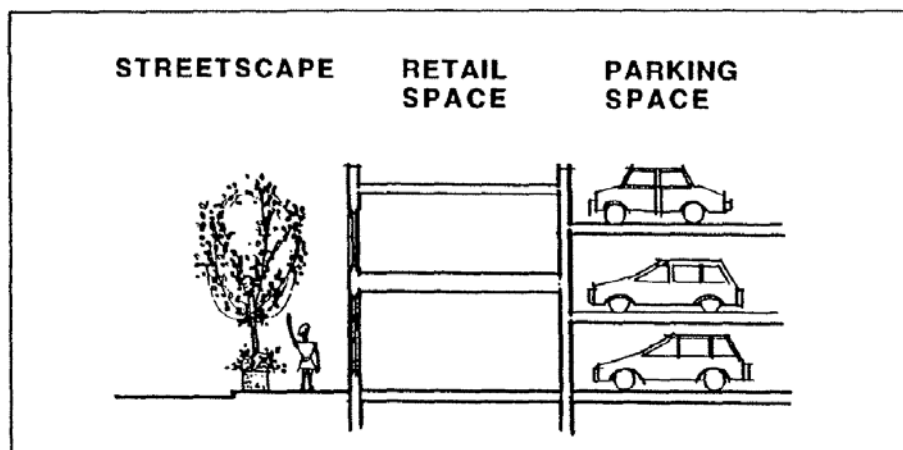
- Minimize curb cuts by sharing driveways between adjoining developments.
- This will help to reduce conflicts with pedestrians where sidewalks cross driveways.
- Provide cross-property easements where necessary.

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. *(Omitted)*

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

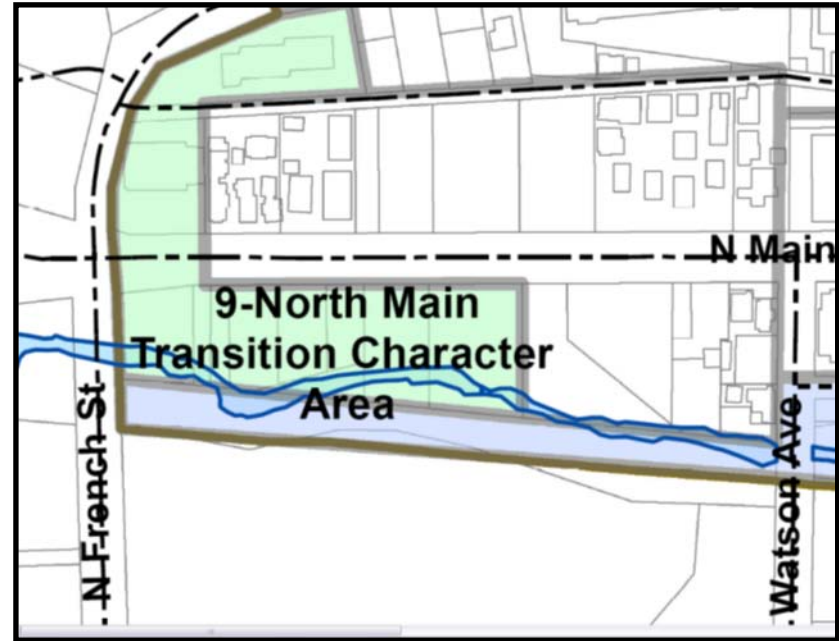
Design Standard:

- 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 slightly larger in 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.

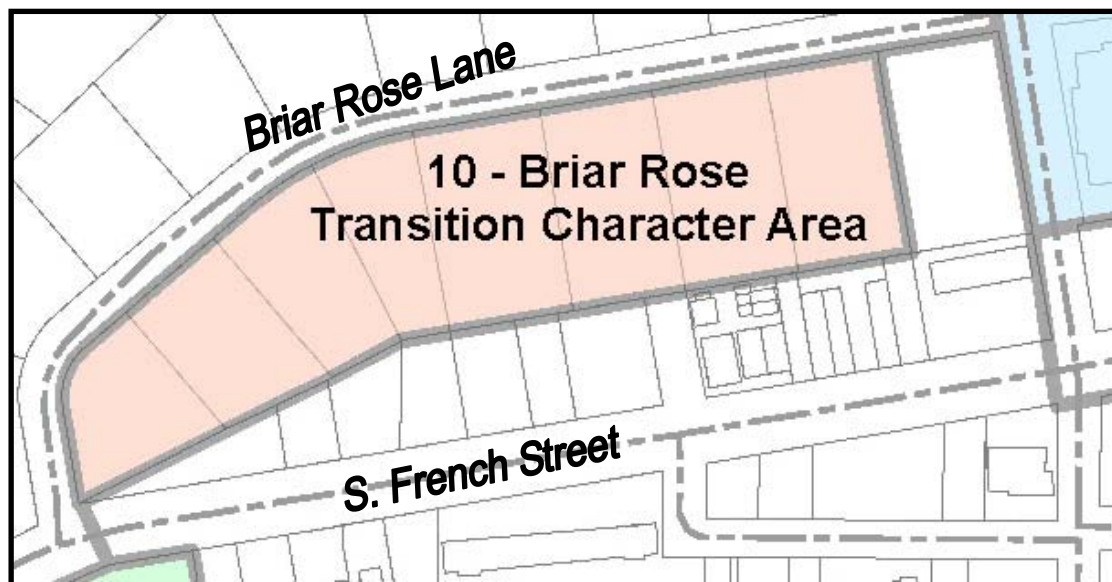


The North Main Transition Character Area spans Main Street at the intersection of French Street and forms the northern gateway to downtown.

#10. Briar Rose Transition Character Area

The Briar Rose Transition Character Area lies along the west side of Briar Rose Lane, north of Wellington Road, 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 newer 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 preferred, because it will help reduce mass of the overall development.
- If garages have the doors facing Briar Rose Lane, set garage doors 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.

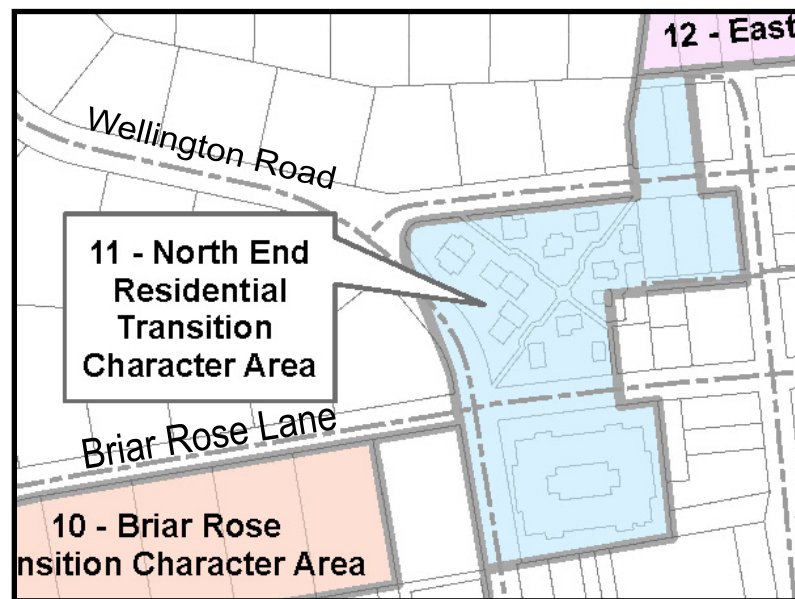
- An exception is when such elements are so configured as to affect the overall scale or character of a building as it relates to other design standards in this document.

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

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.

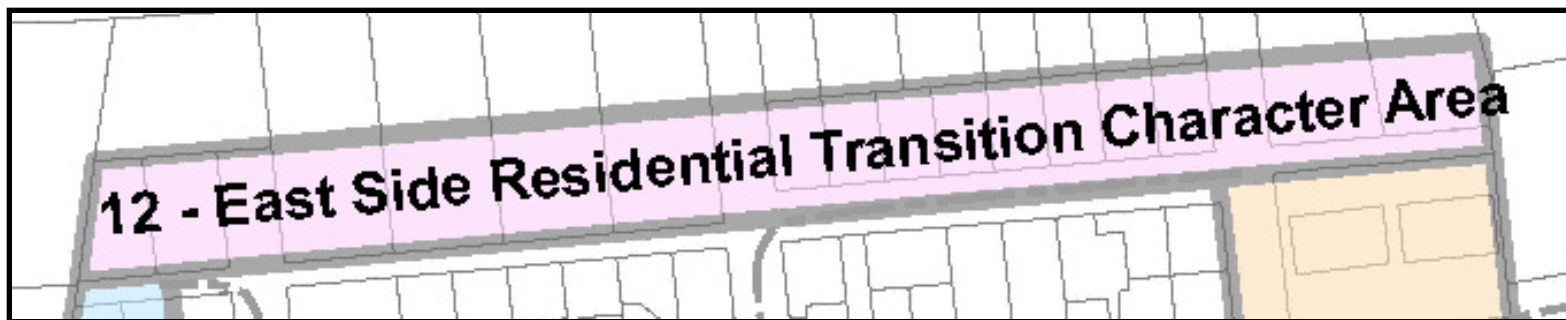
#12. East Side Residential Transition Character Area

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 Avenue on the north. The area slopes down steeply to the west and forms the easternmost edge of the Conservation 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 and the portions visible from the Historic District below.

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

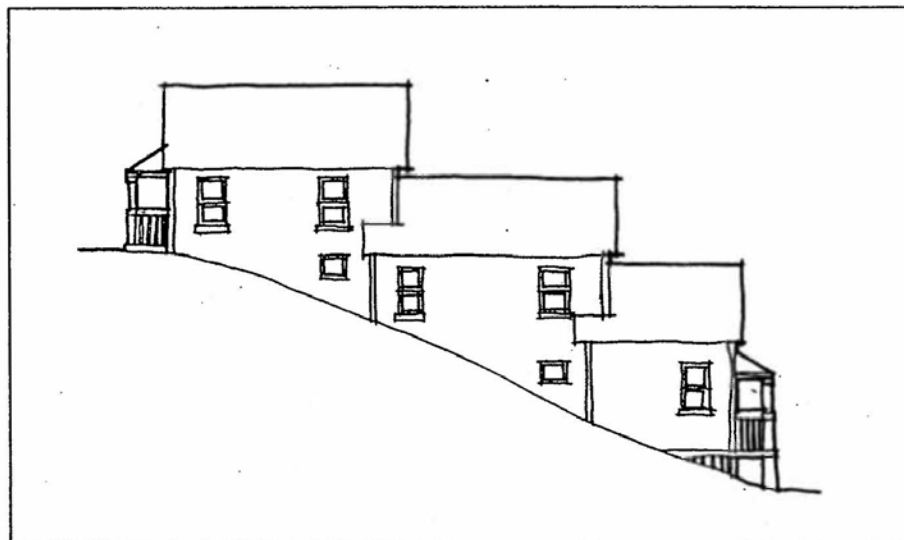
Policy:

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.



Provide porches to identify primary entrances.

Orientation on the Lot

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:

Many of the homes in this Character Area have minimal front and side yards. Hence, these structures may appear larger than seen traditionally, and 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.

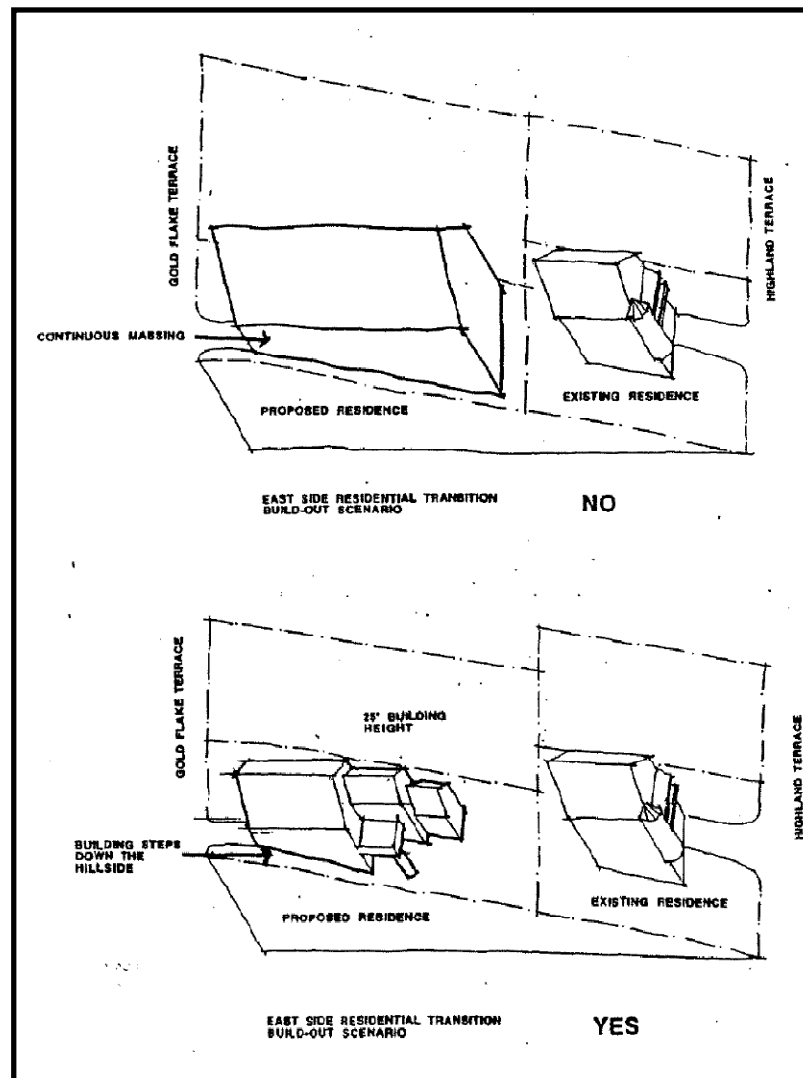
- Garages should appear subordinate to the primary structure. They should be smaller in scale than primary structures and simple in detail.

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

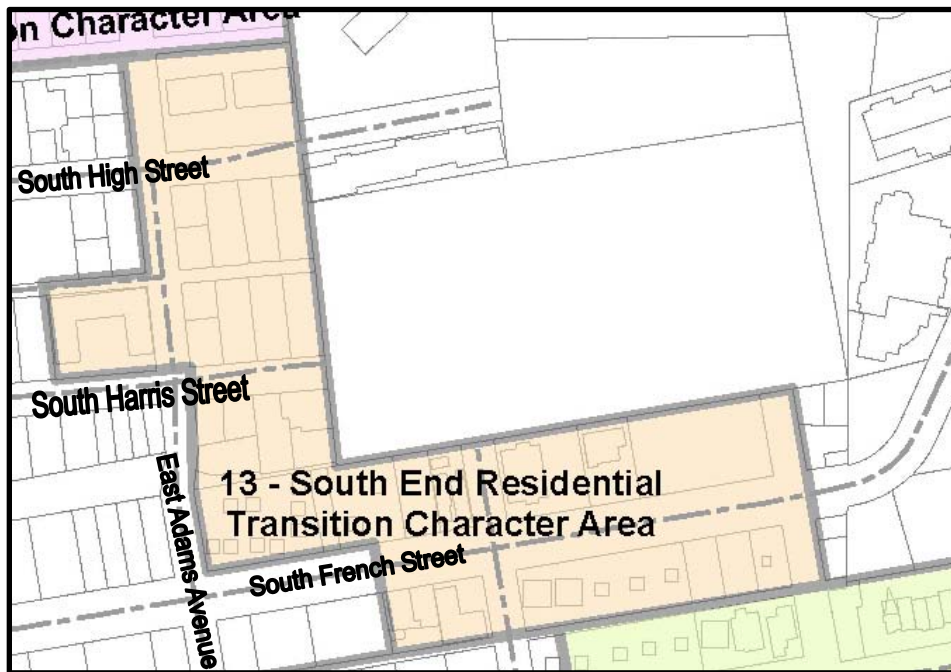
The South End Residential Transition Character Area lies along the southern edge of the Historic District, ranging from the west edge of Highland Terrace on the east to the Ridge Street Alley on the west. This area was historically part of the early Town of Breckenridge, although it has been sparsely 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.

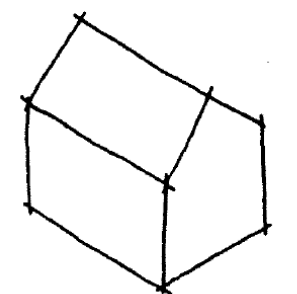
A particularly distinctive feature is neighboring Carter Park, which appears in many early historic photographs. This large open space is a historic feature of the community. Any future development should protect the image of this open space. The school is also a noteworthy feature, which also contains significant amounts of open space. Should neighboring properties be redeveloped, it will be important to respect the traditional residential character of the area while also maintaining visual links to the neighboring 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.

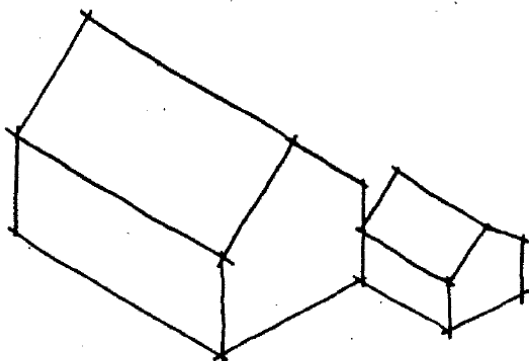


South End Residential Transition Character Area

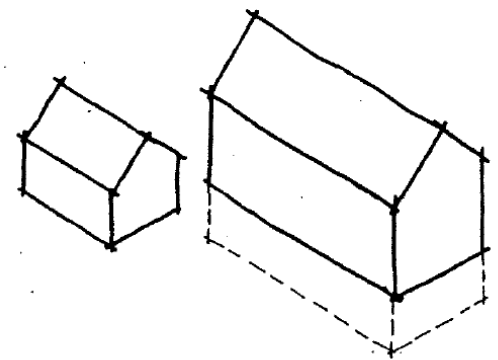
Mass and Scale



TRADITIONAL SCALE



MORE MASSIVE SCALE



PREFERRED NEW SCALE

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

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 in the neighboring Historic District.

- 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. 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.

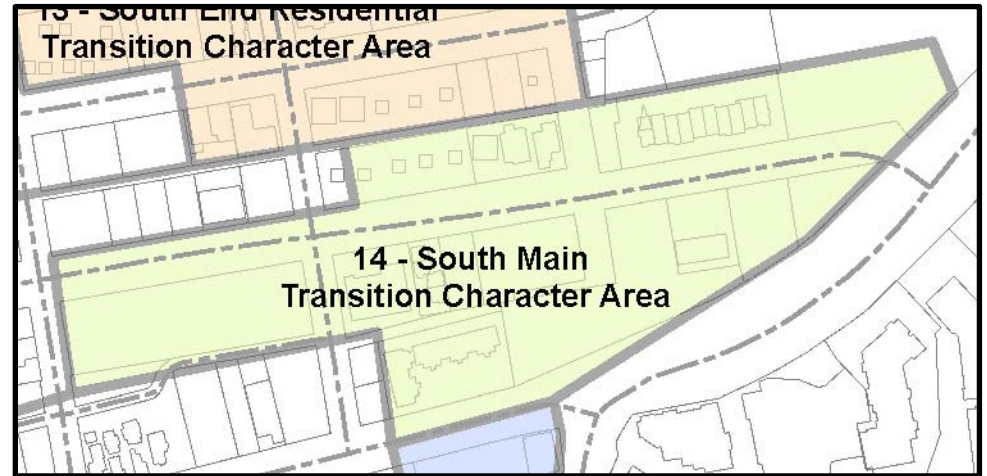
Design Goals for the Character Area

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



New commercial development should maintain a single family residential character. Future development should also convey the rhythm of the smaller historic lots wherever feasible.

Design Standard:

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

- Use these techniques to contribute to a sense of pedestrian scale and provide visual interest:
- Create paths through sites that allow pedestrians to filter onto Main Street from adjoining areas.
- Provide sitting areas and nooks to encourage leisurely enjoyment of the street.
- Create pedestrian-scaled signs that can be read by passers-by.
- Provide interpretive markers that explain the historic and natural resources of the area to pedestrians.
- Sponsor public art installations that add accent to the street.
- Create areas of landscaping using materials that encourage pedestrian use.
- Orient building fronts to the street.

Building Fronts

Design Standard:

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

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

Façade Alignment

Policy:

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

Design Standard:

343. Provide a variety in building setbacks.

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

Building Form

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

Design Standards:

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

345. Use of 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 Landscape Guide.

- 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.

MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 11 (Medical Marijuana Licensing Ordinance Amendments)

DATE: March 21, 2012 (for March 27th meeting)

The second reading of the ordinance amending the Town's Medical Marijuana Licensing Ordinance is scheduled for your meeting on March 27th. There are no changes proposed to ordinance from first reading.

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

1 **FOR WORKSESSION/SECOND READING – MAR. 27**

2
3 **NO CHANGE FROM FIRST READING**

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

7
8 COUNCIL BILL NO. 11

9
10 Series 2012

11
12 AN ORDINANCE AMENDING CHAPTER 14 OF TITLE 4 OF THE BRECKENRIDGE
13 TOWN CODE CONCERNING THE TOWN OF BRECKENRIDGE MEDICAL MARIJUANA
14 LICENSES AND REGULATIONS

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

18
19 Section 1. Section 4-14-9 of the Breckenridge Town Code is amended so as to read in its
20 entirety as follows:

21 4-14-9: APPLICATION FEE; **ADMINISTRATIVE SERVICE FEES**:

22
23 A. An applicant shall pay to the Town a non-refundable application fee when the
24 application is filed. The purpose of the fee is to cover the direct and indirect costs
25 to the Town of administering the local licensing mechanism established by this
26 Chapter. For applications filed in ~~2011~~ **2012** the application fees are as follows:

27 1. New Medical Marijuana Center License:

<u>Number of Patients</u> <u>Type of License</u>	<u>Local Application Fee</u>
6-300 <u>Type 1 Center</u>	\$5,625.00 <u>\$2,812.50</u>
301-500 <u>Type 2</u> <u>Center</u>	\$9,375.00 <u>\$6,562.50</u>
501 or more <u>Type 3</u> <u>Center</u>	\$13,500.00 <u>\$10,500.00</u>

28
29
30 *0-5 patients can be cared for by caregiver without a local license

31
32 2. New Optional Premises Cultivation License = ~~\$937.50~~ **\$2,062.50**

1 3. New Medical Marijuana-Infused Products Manufacturers' License =
2 ~~\$937.50~~**\$2,062.50**

3
4 B. Fees for the **annual** renewal of any license issued by the Town shall be fifty
5 percent of the fee for the issuance of a new license as described in subsection A of
6 this Section.

7 C. **The following administrative service fees shall be paid to Town at the time**
8 **the service is requested:**

<u>Service Requested</u>	<u>Fee</u>
<u>Change of Ownership of Business License or Application</u>	<u>\$250.00</u>
<u>Corporation or LLC Structure Change (per person)</u>	<u>\$100.00</u>
<u>Change of Location</u>	<u>\$500.00</u>
<u>Modification of Premises</u>	<u>\$150.00</u>

10
11 D. At least annually, the amount of fees charged pursuant to this Section shall be
12 reviewed and, if necessary, adjusted to reflect the direct and indirect costs
13 incurred by the Town in connection with the administration and enforcement of
14 this Chapter.

15 E. Beginning with the fiscal ~~2012~~**2013** budget, the amount of the local application
16 fee and renewal fee shall be fixed by the Town Council as part of its annual
17 budget process. If, for any reason, the local application fee or the annual renewal
18 fee are not fixed by the Town Council as part of its annual budget process, the
19 local application fee and renewal fee for the preceding year shall continue in full
20 force and effect until changed by the Town Council.

21 Section 2. Chapter 14 of Title 4 of the Breckenridge Town Code is amended by the
22 addition of a new Section 4-14-14-1, to be entitled "Term of License", which shall read in its
23 entirety as follows:

24 4-14-14-1: TERM OF LICENSE: Each license issued pursuant to this chapter shall be
25 valid for one year from the date of issuance, and may be renewed as provided in the
26 Colorado Medical Marijuana Code.

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



MEMORANDUM

TO: Town Council

FROM: Chris Neubecker, Current Planning Manager

SUBJECT: Council Bill No. 12 – Second Reading
Policy 49 (Absolute) Vendor Carts

DATE: March 21, 2012

The second reading of an ordinance adopting a new Policy 49 (Absolute) Vendor Carts is scheduled for your meeting on March 27th. Following are the most significant changes to the ordinance from first reading:

- Allow exemptions for vendor carts operating in the same location for 25 consecutive years that have acquired historic, cultural or other special significance.
- Remove language from Policy 36 (Absolute) Temporary Structures that is repeated in this new policy.
- Add language allowing Planning Commission to add reasonable conditions of approval to a permit.
- Clarify language on food for “immediate consumption”.
- Add height measurement details.

Staff will also be developing graphics that will help explain to applicants the site improvements that are required by this new policy. The graphics will not be codified in the policy, but rather will be used as a guide. Staff will share the graphics with Town Council later this spring.

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

1 **FOR WORKSESSION/SECOND READING – MAR. 27**

2
3 **CHANGES TO THE ORDINANCE ARE MARKED**

4
5 COUNCIL BILL NO. 12

6
7 Series 2012

8
9 AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE
10 TOWN CODE, KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE”, BY
11 ADOPTING A NEW POLICY 49 (ABSOLUTE), ENTITLED “VENDOR CARTS”, AND
12 MAKING MISCELLANEOUS AMENDMENTS TO THE BRECKENRIDGE TOWN CODE
13 RELATED TO SUCH NEW DEVELOPMENT POLICY

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

17
18 Section 1. The definitions of “Transient Vendor Cart”, “Temporary Vendor Cart,” and
19 “Transient Vendor Carts” set forth in Section 9-1-5 of the Breckenridge Town Code are deleted.

20 Section 2. Section 9-1-5 of the Breckenridge Town Code is amended by the adoption of
21 the following additional definitions:

LARGE VENDOR CART: A vendor cart that is either: (i) larger than forty square feet in size; or (ii) is not removed from its site and properly stored out of public view each day.

SMALL VENDOR CART: A vendor cart that is both: (i) forty square feet or smaller in size; and (ii) removed from its site and properly stored out of public view each day.

SPECIAL EVENT VENDOR CART: A wagon, cart, booth, or similar temporary structure designed and used for the sale of goods and services at a special event for which the Town has issued a special event permit pursuant to Chapter 13 of Title 4 of this Code.

VENDOR CART: A temporary structure in the form of a wagon, cart, booth, or other similar structure designed and intended for the sale of goods and services. The term “vendor cart” includes (i) a large vendor cart; (ii) a small vendor cart; and (iii) a special event vendor cart.

1
2 Section 3. Item S (Temporary vendor carts.) in the definition of “Class D Development”
3 in Section 9-1-5 of the Breckenridge Town Code is deleted.

4
5 Section 4. The definition of “Class B – Minor” development in Section 9-1-5 of the
6 Breckenridge Town Code is amended by the addition of a new items E and F, which shall read
7 in their entirety as follows:

- 8
9 E. Vendor Carts (Large Vendor Carts and Small Vendor Carts)
10 F. Application for Exempt Large Vendor Cart designation

11
12 Section 5. Policy 36 (Absolute) of Section 9-1-19 of the Breckenridge Town Code is
13 repealed and adopted with changes so as to read in its entirety as follows:

14
15 **36. (ABSOLUTE) TEMPORARY STRUCTURES:** The placement of
16 temporary structures within the Town is strongly discouraged.

17
18 **A. Temporary Structures or Uses:** Temporary structures as defined in section 9-
19 1-5 of this Code are allowed subject to the following conditions:

20
21 (1) Temporary structures shall only be utilized to replace an existing structure
22 being demolished on site while a new, permanent structure on the same site is
23 being constructed.

24
25 (2) The temporary structure shall have no greater floor area than the structure it is
26 temporarily replacing.

27
28 (3) The temporary structure shall not be placed on site until a building permit has
29 been issued for the new structure, and shall be removed once a certificate of
30 occupancy for the new structure has been issued.

31
32 (4) The holder of the development permit for a temporary structure shall provide a
33 monetary guarantee to the Town, in a form acceptable to the Town Attorney,
34 ensuring the complete removal of the structure, site clean-up, and site
35 revegetation, once a certificate of occupancy for the new structure has been
36 issued. In addition, the holder of the development permit shall enter into an
37 agreement with the Town authorizing the Town to take possession of the
38 temporary structure and to dispose of the structure, without the Town being
39 accountable for any damages for the loss or destruction of the structure, if the
40 permit holder fails to remove the structure within a reasonable period of time after
41 a certificate of occupancy for the new structure has been issued.

42
43 **B. Other Permitted Temporary Structures:** Subsection A of this Section does
44 not prohibit temporary tents, air structures, or other similar temporary structures
45 that are not designed and intended for office, retail, industrial or commercial uses,

1 and such temporary structures may be approved subject to all other relevant
2 development code policies.

3
4 **C. Temporary Construction Trailers:** Temporary construction trailers may be
5 utilized for storage or office uses during the construction of a project within the
6 Town. The construction trailer's location, size and general design shall be
7 disclosed to the Town as a component of the construction staging plan as required
8 by policy 29 "(Absolute) Construction Activities" of this section. Construction
9 trailers shall not be placed on site prior to the issuance of a building permit and
10 shall be removed upon issuance of a certificate of occupancy.

11
12 **D. Seasonal Noncommercial Greenhouses:** Seasonal noncommercial
13 greenhouses may be allowed when they meet the following criteria:

14
15 (1) A seasonal noncommercial greenhouse may be erected and operated only from
16 May 1 to July 1 of the same year. Not later than July 2, the seasonal
17 noncommercial greenhouse (including frame) shall be completely removed from
18 its location;

19
20 (2) A seasonal noncommercial greenhouse shall not exceed five hundred (500)
21 square feet in size;

22
23 (3) A seasonal noncommercial greenhouse shall not be placed on a permanent
24 foundation;

25
26 (4) A seasonal noncommercial greenhouse shall be constructed of materials
27 which, taken as a whole, give the appearance of a unified and coordinated design;

28
29 (5) A seasonal noncommercial greenhouse shall be maintained at all times in a
30 neat and orderly condition;

31
32 (6) All materials related to the operation of a seasonal noncommercial greenhouse
33 shall be stored within the greenhouse. The outdoor storage of such materials is
34 prohibited; and

35
36 (7) If a seasonal noncommercial greenhouse is located on land normally used for
37 required off street parking, the greenhouse shall not occupy more than two (2)
38 parking spaces.

39
40 A seasonal noncommercial greenhouse authorized by a permit issued under this
41 policy shall not count as density or mass.

42
43 The director of the department of community development shall not collect an
44 application fee in connection with a class D development permit application to
45 construct a seasonal noncommercial greenhouse which is submitted by the owner
46 of a single-family residential structure.

1
2 Section 6. Chapter 1 of Title 9 of the Breckenridge Town Code is amended by the
3 addition of a new Policy 49 (Absolute)(Vendor Carts), which shall read in its entirety as follows:
4

5 **49. (ABSOLUTE) VENDOR CARTS:**
6

7 **A. Vendor Cart Locations:** Large vendor carts and small vendor carts are
8 permitted only in those Land Use Districts where commercial uses are an allowed
9 or recommended land use. Special event vendor carts are permitted anywhere
10 within the Town if authorized by a special event permit issued by the Town
11 pursuant to Chapter 13 of Title 4 of this Code
12

13 **B. Vendor Cart General Design Standards:** Large vendor carts and small
14 vendor carts are subject to the following general design standards:
15

16 **1. General Design Standards - Within the Conservation District:** The
17 following general design standards apply as indicated to large vendor carts and
18 small vendor carts located within the Conservation District:
19

20 A. All large vendor carts and small vendor carts shall be designed to
21 blend in with the existing historic character. This shall be accomplished through
22 the proper use of architecture, materials and site planning. In the Conservation
23 District, large vendor carts shall complement the surrounding building character
24 through the use of high quality materials and detailing. Placing a large vendor cart
25 in an unfinished vacant lot with no site improvements is prohibited.
26

27 B. All large vendor carts and small vendor carts must be constructed of
28 professional quality for use as a food vending cart.
29

30 C. All large vendor carts and small vendor carts must be maintained in
31 good working condition with no broken or rusty parts. All exterior materials must
32 be kept clean and in a neat appearance. No rusty or broken metal or chipped or
33 broken wood is allowed. All exposed edges must be finished. All wood details
34 and finishes must be suitable for long wear in an exterior location. All detailing,
35 construction and finishing shall be done in a craftsman like manner.
36

37 **2. General Design Standards - Outside the Conservation District:** The
38 following general design standards apply as indicated to large vendor carts and
39 small vendor carts located outside of the Conservation District:
40

41 A. All large vendor carts and small vendor carts must be constructed of a
42 professionally quality for use as a food vending cart.
43

44 B. All large vendor carts and small vendor carts must be in good working
45 condition, with no broken or rusty parts. All exterior materials must be kept clean
46 and in neat appearance. No rusty or broken metal or chipped or broken wood is

1 allowed. Metal and wood may be used as exterior finishes. The gauge, detailing
2 and finish of all metal surfaces shall be suitable for long-term use in an exterior
3 location. All exposed edges must be finished. All metal used in carts shall have
4 concealed seams and overlapping joints. All wood details and finishes must be
5 suitable for long wear in an exterior location. All detailing, construction and
6 finishing shall be done in a craftsman like manner. No rough-cut, unfinished or
7 distressed woods will be considered as finish materials.

8
9 **3. Additional Requirements for All Vendor Carts:**

10
11 **A. Large Vendor Carts:** The following additional design and operational
12 standards apply to large vendor carts:

- 13
- 14 1. Large vendor carts must be located on private property.
- 15 2. Large vendor carts may only sell food and beverages in forms suited for
16 immediate consumption. This shall include hot or cold prepared foods and
17 beverages, and pre-packaged food and snacks, whether eaten at the site of sale, or
18 “carry out/to go”. Fresh fruits and vegetables may be sold from a large vendor
19 cart in limited amounts if they are normally and customarily eaten in a raw form,
20 but a large vendor cart shall not be used primarily to sell fresh foods and
21 vegetables.
- 22 3. The area of a large vendor cart counts as density. The density shall be assessed
23 against the real property on which the vendor cart is located.
- 24 4. Large vendor cart owners shall improve the immediate area around their
25 business through the installation of pavers, landscaping, awnings, and/or
26 small decks to help the vendor carts to look less temporary, and to blend
27 into the surrounding character. Where the surrounding area is already
28 improved with such finishes as listed above, this requirement may be
29 waived by the Planning Commission.
- 30 5. The maximum size of a large vendor cart is 100 square feet.
- 31 6. The maximum height of a large vendor cart is 10 feet. The height of the cart shall
32 be measured vertically from the ground to the highest point of the cart including
33 signage or other equipment, if any.
- 34 7. If a large vendor cart is connected to the Town’s municipal water system, the
35 owner must pay water plant investment fees for the vendor cart. If a large vendor
36 cart is connected to the Town’s municipal water system, it must also be connected
37 to the public sanitation system.
- 38 8. If a large vendor cart uses a commissary kitchen, the commissary kitchen must be
39 identified on the vendor cart permit application, and any applicable water plant
40 investment fees must be paid by the owner of the commissary kitchen. If the
41 commissary kitchen changes during the term of the permit, the large vendor cart
42 permit holder must notify the Director within 10 days of the date of the change.
- 43 9. Siding and other compatible materials used on a large vendor cart must wrap all
44 sides of the vendor cart.
- 45 10. Exterior colors used on a large vendor cart must meet Town's color chroma

1 palette. The color of all large vending carts shall be selected from the Munsell
2 Book of Color on file with the Community Development Department. The
3 maximum chroma for the exterior of a large vending cart shall be 4 (unless red or
4 yellow are used, then a maximum chroma of 6) and a maximum value of 6.

- 5 11. All signs for a large vendor cart shall be subject to the Breckenridge Sign Code.
6 One permanent free standing sign is allowed for a large vendor cart, unless
7 otherwise prohibited by the Breckenridge Sign Code.
- 8 12. Generators are prohibited for large vendor carts, except for use as an emergency
9 source of power when the permanent source of power to the large vendor cart is
10 temporarily unavailable.
- 11 13. If a large vendor cart has wheels, the wheels shall be permanently screened with a
12 skirting design architecturally compatible with the exterior of the cart.
- 13 14. Any trailer hitch on a large vendor cart must be removed or completely covered
14 from view.
- 15 15. Owners of large vendor carts must obtain and maintain in full force and effect
16 throughout the permit a valid Town of Breckenridge business license.
- 17 16. Large vendor carts must be wind-proof, water proof and locked when not in
18 operation.
- 19 17. Outdoor seating for a large vendor cart is limited to a maximum of 12 seats and 3
20 tables .
- 21 18. The operator of a large vendor cart shall comply with all applicable health
22 regulations with respect to the operation of the large vendor cart.

23
24 **B. Small Vendor Carts:** The following additional design and operational
25 standards apply to small vendor carts:

- 26
- 27 1. Small vendor carts must be located on private property.
- 28 2. Small vendor carts may only sell food and beverages in forms suited for
29 immediate consumption.
- 30 3. Small vendor carts must be removed from its site and properly stored out of
31 public view each day.
- 32 4. If a small vendor cart is connected to the Town's municipal water system, the
33 owner must pay water plant investment fees. If a small vendor cart is connected to
34 the Town's municipal water system, it must also be connected to the public
35 sanitation system.
- 36 5. If a small vendor cart uses a commissary kitchen, the commissary kitchen must be
37 identified on the vendor cart permit application. If the commissary kitchen
38 changes during the term of the permit, the small vendor cart permit holder must
39 notify the Director within 10 days of the date of the change.
- 40 6. Umbrellas may be used on a small vendor cart. Tents on or at small vendor carts
41 are prohibited.
- 42 7. All signage must be attached to small vendor cart. Free standing signage on or for
43 a small vendor cart is prohibited.
- 44 8. All storage boxes, cartons, and coolers used in connection with the operation of a

- 1 small vendor cart shall be hidden from public view.
- 2 9. No decks, tables, or outdoor seating are allowed for a small vendor cart, except
- 3 one seat for the operator of the small vendor cart.
- 4 10. No external piping or plumbing is allowed.
- 5 11. Extension cords may be used for a small vendor cart only if the cord is not located
- 6 in an area where the public walks, and the placement of the extension cord does
- 7 not create a public safety hazard.
- 8 12. Small vendor cart must be on wheels.
- 9 13. Owners of small vendor carts must obtain and maintain in full force and effect
- 10 throughout the permit a valid Town of Breckenridge business license.
- 11 14. All signs for a small vendor cart shall be subject to the Breckenridge Sign Code.
- 12 The maximum allowed sign area for a small vendor cart is 66% of the linear
- 13 frontage of the cart.
- 14 15. The operator of a small vendor cart shall comply with all applicable health
- 15 regulations with respect to the operation of the small vendor cart.
- 16

17 **C. Special Event Vendor Carts:** Special event vendor carts may be approved

18 only in connection with and pursuant to the procedures for the review and

19 approval of a special event permit issued by the Town pursuant to Chapter 13 of

20 Title 4 of this Code. Special event vendor carts are subject to the applicable terms

21 and conditions of the special event permit. Except as specifically provided in this

22 Policy, the provisions of this Policy do not apply to special event vendor carts.

23

24 **D. Duration of Development Permit:** A development permit for a large vendor

25 cart issued pursuant to this Policy shall be valid for three (3) years as provided in

26 Section 9-1-17-8 of this Chapter, and may be renewed. A development permit for

27 a small vendor cart issued pursuant to this Policy shall be valid for one (1) year,

28 and may be renewed. A development permit issued pursuant to this Policy may

29 also be revoked for cause as provided in Section 9-1-6 of this Chapter.

30

31 **E. Limitation on Number of Vendor Cart Permits:**

32

33 1. The total number of development permits for each type of vendor cart that may

34 be issued by the Town under this Policy for locations within the Conservation

35 District are as follows:

36

Permit Type	Maximum No. of Permits
Large Vendor Carts	3
Small Vendor Carts	4
Special Event Vendor Carts	No limit

37 The Town shall never issue more permits of any type than the number of permits

38 provided in this Subsection 1.

39

40

1 2. There is no limit on the number of development permits that may be issued by the
2 Town for large vendor carts or small vendor carts located outside of the Conservation
3 District.
4

5 3. The limitations of subsection 1 of this Section E do not require the closure or
6 removal of any vendor cart operating within the Town as of the effective date of
7 this Policy pursuant to a valid development permit. On the effective date of this
8 Policy all vendor carts for which a valid development permit exists may continue
9 to be operated under the terms and conditions of the approved development
10 permit until the first to occur of: (i) the permit expires; (ii) the permit is revoked
11 by Town in accordance with this Chapter; (iii) the permit is voluntarily
12 surrendered; (iv) the permit is not renewed by the permittee or the Planning
13 Commission; or (v) the vendor cart is otherwise required to be closed or removed
14 for any lawful reason. Upon the occurrence of any event described in the
15 preceding sentence the owner or operator of the vendor cart that was previously
16 permitted must obtain a new development permit, and in connection therewith
17 must be brought into compliance with the requirements of this Policy.
18

19 4. The limitations of subsection 1 of this Section E do not require the closure or
20 removal of any vendor cart operating within the Town as of the effective date of
21 this Policy for which a development permit was previously issued prior to the
22 effective date of this Policy, but which expired during the moratorium period that
23 occurred immediately prior to the effective date of this Policy. Within sixty (60)
24 days after the effective date of this Policy the owners or operators of all vendor
25 carts for which an expired development permit existed must submit an application
26 for a new development permit. The vendor cart that is the subject of the
27 application may remain in operation until the new development permit application
28 is finally decided by the Town. In connection with approval of the new
29 development permit application, the vendor cart must be brought into compliance
30 with the requirements of this Policy.
31

32 5. A large vendor cart for which a development permit is issued pursuant to this
33 Policy may continue in operation until the first to occur of: (i) the permit is
34 revoked by Town in accordance with this Chapter; (ii) the permitted vendor cart is
35 not operated pursuant to the permit for a period of six (6) consecutive months;
36 (iii) the permit is voluntarily surrendered (iv) the permit is not renewed by the
37 permittee or the Planning Commission; or (v) the permitted vendor cart is
38 otherwise required to be closed or removed for any lawful reason. Upon the
39 occurrence of any of events described in the preceding sentence, the number of
40 permitted large vendor carts described in subsection 1 of this Section E shall be
41 permanently reduced by one (1) permit. A development permit for a large vendor
42 cart may be transferred to a purchaser in the event of the sale of the vendor cart if
43 the purchaser assumes and agrees to be bound by all of the terms and conditions
44 of the development permit. The provisions of this subsection 5 do not apply to
45 small vendor carts.
46

1 6. If the total number of small vendor cart permits issued by the Town ever drops
2 below the cap number established in subsection 1 of this Section E, the Director
3 shall conduct a random drawing of applications for a new small vendor cart
4 development permit submitted by qualified applicants, and shall allow the
5 development permit application to be processed only by the winner of the
6 drawing. All unsuccessful development permit applications shall not be
7 processed, and the application fee shall be refunded to the unsuccessful
8 applicant(s). If the successful applicant withdraws the application, or if the
9 application is not approved by the Town or accepted by the applicant, the Director
10 shall conduct a second random drawing among the qualified applicants, and shall
11 allow the development permit application to be processed only by the winner of
12 the second drawing. To be permitted to participate in the drawing an applicant
13 must have: (i) submitted a completed application; and (ii) paid the required
14 application fee. The Director may establish further rules and regulations for the
15 administration of the required random drawing by administrative rule and
16 regulation adopted pursuant to Section 9-1-28. Such rules and regulations shall be
17 consistent with the requirements of this Section.
18

19 **F. Exempt Large Vendor Cart Designation:**
20

- 21 1. A large vendor cart that is determined by the Planning Commission to have:
22
23 A. been operated in the same location for a period of 25 consecutive years
24 (excluding seasonal closures) immediately preceding the filing of the application
25 described in this subsection F; and
26
27 B. acquired historic, cultural or other special significance,
28
29 may apply for designation as an exempt large vendor cart.
30
31 2. An application for designation as an exempt large vendor cart shall be
32 processed as a Class B minor Development Permit application.
33
34 3. An exempt large vendor cart is not subject to the requirements and limitations
35 of this Policy, and may continue to be operated without being brought into
36 compliance with the requirements and limitations of this Policy. However, an
37 exempt large vendor cart is subject to the following requirements:
38
39 A. If an exempt large vendor cart is discontinued from active and continuous use
40 (excluding seasonal closures) for a period of 12 consecutive months, the large
41 vendor cart loses its designation as an exempt large vendor cart. Such large
42 vendor cart shall not be used again until it is brought into compliance with the
43 requirements and limitations of this Policy, and a new development permit issued
44 pursuant to this Policy.
45

1 B. A large vendor cart that is once brought into compliance with the requirements
2 of this Policy is no longer eligible for designation as an exempt vendor cart.
3

4 C. An exempt large vendor cart that is damaged by fire or other calamity to the
5 extent of more than 50% of its replacement value at the time of the damage loses
6 its designation an exempt large vendor cart, and must be brought into compliance
7 with the requirements of this Policy.
8

9 **G. Conditions of Approval.**

10
11 The Planning Commission may impose reasonable conditions when approving a
12 development permit under this Policy as provided in Section 9-1-17-7 of this
13 Chapter. Such conditions may include, if appropriate, the requirement that the
14 permittee provide a monetary guarantee to the Town, in a form acceptable to the
15 Town Attorney, ensuring the complete removal of the vendor cart, site clean-up,
16 and site revegetation, when the development expires without being renewed, or is
17 revoked.
18

19 Section 7. Except as specifically amended hereby, the Breckenridge Town Code, and the
20 various secondary codes adopted by reference therein, shall continue in full force and effect.
21

22 Section 8. The following ordinances are repealed: (i) Ordinance No. 10, Series No. 2011,
23 entitled “An Ordinance Imposing A Temporary Moratorium On The Submission, Acceptance,
24 Processing, And Approval Of New Applications For Development Permits To Operate
25 Temporary Vendor Carts”, and (ii) Ordinance No. 10, Series 2012, entitled “An Ordinance
26 Amending Ordinance No. 10, Series 2011, By Extending The Temporary Moratorium On The
27 Submission, Acceptance, Processing, And Approval Of New Applications For Development
28 Permits To Operate Temporary Vendor Carts.”
29

30 Section 9. The Town Council hereby finds, determines, and declares that this ordinance
31 is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
32 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
33 thereof.
34

35 Section 10. The Town Council hereby finds, determines and declares that it has the
36 power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling
37 Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning
38 municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers);
39 (iv) Section 31-15-401, C.R.S.(concerning municipal police powers); (v) Section 31-15-501(1),
40 C.R.S. (concerning the regulation of businesses); (vi) the authority granted to home rule
41 municipalities by Article XX of the Colorado Constitution; and (vii) the powers contained in the
42 Breckenridge Town Charter.
43

44 Section 11. This ordinance shall be published and become effective as provided by
45 Section 5.9 of the Breckenridge Town Charter.
46

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

6
7 TOWN OF BRECKENRIDGE, a Colorado
8 municipal corporation
9

10
11
12 By _____
13 John G. Warner, Mayor
14

15 ATTEST:

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19 _____
20 Mary Jean Loufek, CMC,
21 Town Clerk
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Memorandum

To: Town Council

From: Jennifer Cram, Planner III

Date: 03/19/2012

Re: Breckenridge Public Art Commission Staggered Terms Resolution

For several reasons, the staggering of term limits for the Public Art Commission has gotten off track. In order to get the seven-member Public Art Commission on a cycle of staggered terms of three years each, the Town Attorney has drafted a resolution. The resolution as proposed results in extending two Commissioners terms for two years each. This results in having three Commissioners terms that expire in December 2013 and four Commissioners that expire in December of 2014.

Staff and the Town Attorney will be available during the worksession to answer any questions.

1
2 ***FOR WORKSESSION/ADOPTION – MARCH. 27***

3
4 A RESOLUTION

5
6 SERIES 2012

7
8 A RESOLUTION AMENDING RESOLUTION NO. 8, SERIES 2008, CONCERNING THE
9 TERMS OF OFFICE OF THE MEMBERS OF THE TOWN OF BRECKENRIDGE PUBLIC
10 ARTS COMMISSION

11
12 WHEREAS, the Town of Breckenridge Public Arts Commission (“**Commission**”) was
13 restructured and reestablished by Resolution No. 8, Series 2008, adopted by the Town Council
14 on March 11, 2008; and

15
16 WHEREAS, the Commission is a temporary advisory committee of the Town, and is not
17 a Town “board or commission” within the meaning of Article IX of the Breckenridge Town
18 Charter; and

19
20 WHEREAS, the Town Council finds, determines, and declares that it is necessary to
21 amend Resolution No. 8, Series 2008, to clarify the terms of the members of the Commission; to
22 extend the terms of two of the members of the Public Arts Commission to achieve the desired
23 staggering of the terms of office of the Commission members; and to restate and confirm the
24 terms of office of the current members of the Commission.

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

28
29 Section 1. Section 4(A) of Resolution No. 8, Series 2008, entitled “A Resolution
30 Restructuring and Reestablishing the Town of Breckenridge Public Arts Commission”, is
31 amended to read in its entirety as follows:

32
33 A. The term of office of the members of the Commission shall be three years, or
34 until the functions and duties of the Commission have been completed and the
35 Commission has been dissolved and terminated by action of the Town Council,
36 whichever shall first occur; ~~except that in order to obtain staggered terms the term~~
37 ~~of office of four of the members initially appointed to the Commission following~~
38 ~~the adoption of this resolution shall be three years; and the term of office of the~~
39 ~~remaining three members initially appointed to the Commission following the~~
40 ~~adoption of this resolution shall be only two years.~~ **The terms of office of the**
41 **Commission members shall be staggered, with the terms of four Commission**
42 **members expiring one year, and the terms of the remaining three**
43 **Commission members expiring the following year.**

44
45 Section 2. In order to achieve the desired staggered terms for members of the Public Arts
46 Commission as provided in Section 1 of this resolution, the terms of office of Commission

1 members Stephen Henderson and Stephanie Sadler (with their respective consents), are extended
2 so as to expire in December, 2014.

3
4 Section 3. For the purpose of clarifying the terms of the current members of the Public
5 Arts Commission, the Town Council confirms as follows:
6

Commission Member	Date Term Expires
Lisa Bennison Noll	December, 2013
Robin Theobald	December, 2013
Gene Sosville	December, 2013
Janis Bunchman	December, 2014
Tom Kramer	December, 2014
Stephen Henderson	December, 2014
Stephanie Sadler	December, 2014

7
8 Section 4. Except as amended by this resolution, Resolution No. 8, Series 2008 shall
9 continue in full force and effect.

10
11 Section 5. This resolution shall become effective upon its adoption.

12
13 RESOLUTION APPROVED AND ADOPTED this ___ day of ___, 2012.

14
15 TOWN OF BRECKENRIDGE

16
17
18
19 By _____
20 John G. Warner, Mayor

21
22 ATTEST:

23
24
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26 _____
27 Mary Jean Loufek,
28 CMC, Town Clerk

29
30 APPROVED IN FORM

31
32
33
34 _____
35 Town Attorney Date

36
37
38 100-16\Public Arts Commission Term Amendment Resolution (02-16-12)



March 14, 2012 – for Council Work Session on March 27, 2012

TO: Breckenridge Town Council

FROM: Maribeth Lewis-Baker and James Phelps

RE: Disadvantaged Business Enterprise (DBE) Plan Amendment

Ladies and Gentlemen of the Breckenridge Town Council:

As a recipient of federal financial assistance grant funds, the Free Ride is required by the Federal Transit Administration to have a DBE Plan. The Council had adopted the original DBE Plan on July 13, 2010. This amended version includes a small business element, a requirement that was added to 49 CFR Part 26.

When Council's approval was requested in 2010 for the DBE Plan, Transit also established Annual DBE Participation Level (ADPL) goals for Federal Fiscal Years 2011, 2012, and 2013. ADPL goals for future years are not required to be determined and approved unless we receive more than \$250,000 in federal financial assistance funds into the transportation program that is not related to vehicle purchases. The ARRA funds we received in 2010 for bus refurbishment is what had triggered our goal setting requirement for 2011-2013. Regardless of whether we are required to establish ADPL goals, we are required to have and maintain a DBE Plan with the Federal Transit Administration.

Section 26.39 "Small Business Participation" and Section 26.47 "Goal Setting and Accountability" have been added to the DBE Plan in order to meet recently enacted changes to 49 CFR Part 26. There are no other substantial changes to the document that was previously approved and adopted by the Town Council.

By way of resolution, we are seeking your adoption of the amended DBE Plan. At this time, we anticipate that we will be exempt from the next set of Triennial ADPL goals. The amended DBE Plan will be filed with the Federal Transit Administration/US DOT.

Staff will be on-hand at the Council Work Session to answer any questions you may have regarding the DBE Plan or the process for our DBE Compliance.

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

3
4 Section 1. The amended “Town of Breckenridge – Free Ride Transit System
5 Disadvantaged Business Enterprise (DBE) Plan For Federal Fiscal Years 2011, 2012, and 2013,
6 updated with the Small Business Element on February 28, 2012” (**Exhibit “A”** hereto), is
7 approved.

8 Section 2. The Town Manager is authorized, empowered, and directed to sign the
9 approved amended Plan document on behalf of the Town of Breckenridge, and the appropriate
10 officers and employees of the Town are directed to take all necessary and appropriate steps to
11 fully implement the approved amended Plan. All action previously taken by the officers and
12 employees of the Town of Breckenridge with respect to the approved amended Plan is hereby
13 ratified, confirmed, and approved in all respects.

14 Section 3. This resolution is effective upon adoption.

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
24 ATTEST:

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

31
32 APPROVED IN FORM

33
34
35
36 _____
37 Town Attorney Date

38
39
40
41
42 200-17-1\Resolution Adopting Amended DBE Plan (03-13-12)

RESOLUTION NO. 14

SERIES 2010

A RESOLUTION APPROVING THE "TOWN OF BRECKENRIDGE 'FREE RIDE' DISADVANTAGED BUSINESS ENTERPRISE PLAN" AND THE TOWN'S ANNUAL DISADVANTAGED BUSINESS PARTICIPATION LEVEL GOALS FOR FEDERAL FISCAL YEARS 2011, 2012, AND 2013

WHEREAS, the Town of Breckenridge owns and operates the "Town of Breckenridge Free Ride Transit System" ("Free Ride Transit System"); and

WHEREAS, the Town has received financial assistance from the United States Department of Transportation ("DOT") in connection with the Free Ride Transit System; and

WHEREAS, as a condition of receiving federal assistance the Town, on behalf of the Free Ride Transit System, has signed an assurance that it will comply with the DOT regulations set forth in 49 CFR Part 26; and

WHEREAS, the Town, on behalf of the Free Ride Transit System, has established a Disadvantaged Business Enterprise ("DBE") Program as required by 49 CFR Part 26; and

WHEREAS, the Town's Transit Manager has prepared a proposed "Town of Breckenridge – Free Ride Transit System Disadvantaged Business Enterprise (DBE) Plan" in accordance 49 CFR Part 26, a copy of which is marked Exhibit "A", attached hereto and incorporated herein by reference ("the Plan"); and

WHEREAS, included within the Plan are the Town's "Annual DBE Participation Level Goals" for federal fiscal years 2011, 2012, and 2013; and

WHEREAS, the Town, on behalf of the Free Ride Transit System, has disseminated the Plan to DBE and non-DBE business communities that perform work for the Town on DOT-assisted contracts by publishing public notice of the Plan for public review in *The Summit Daily News* and by posting the Plan on the Town's website; and

WHEREAS, the Town, on behalf of the Free Ride Transit System, has received and considered all public comments submitted to the Town concerning the Plan; and

WHEREAS, the Town Council has reviewed the Plan, and finds and determines that both it and the Town's "Annual DBE Participation Level Goals" for federal fiscal years 2011, 2012, and 2013 set forth therein should be approved.

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

Section 1. The "Town of Breckenridge – Free Ride Transit System Disadvantaged Business Enterprise (DBE) Plan For Federal Fiscal Years 2011, 2012, and 2013" (Exhibit "A" hereto) is approved.

Section 2. The Town Manager is authorized, empowered, and directed to sign the approved Plan document on behalf of the Town of Breckenridge, and the appropriate officers and employees of the Town are directed to take all necessary and appropriate steps to fully implement the approved Plan. All action previously taken by the officers and employees of the Town of Breckenridge with respect to the approved Plan is hereby ratified, confirmed, and approved in all respects.

Section 3. The Town of Breckenridge "Annual DBE Participation Level Goals" for the Free Ride Transit System for federal fiscal years 2011, 2012 and 2013 as set forth in the approved Plan are approved.

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

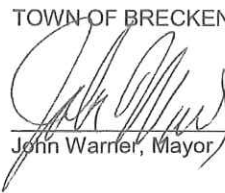
RESOLUTION APPROVED AND ADOPTED this 13th day of July, 2010.

ATTEST:

TOWN OF BRECKENRIDGE



Mary Jean Loufek, CMC, Town Clerk



John Warner, Mayor

APPROVED IN FORM



Town Attorney

7/13/10
Date



**TOWN OF BRECKENRIDGE – FREE RIDE TRANSIT SYSTEM
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PLAN
for Federal Fiscal Years 2011, 2012, and 2013**

**Endorsed and Approved on July 13, 2010 by the:
TOWN OF BRECKENRIDGE
COUNCIL**

Updated with a Small Business Element on February 28, 2012

Submitted to:
Federal Transit Administration
Region 8
12300 West Dakota Avenue, Suite 310
Lakewood, Colorado 80228-2583

June 10, 2010

RECIPIENT INFORMATION

RECIPIENT: Town of Breckenridge – Free Ride Transit System
Rural Transit Agency (population under 200,000)

SUBMITTAL DATE: August 1, 2010

GOAL EFFECTIVE: October 1, 2010

GOAL EXPIRATION: September 30, 2013

CONTACT INFORMATION:

Maribeth Lewis-Baker
Transit Manager
Town of Breckenridge – Free Ride Transit System
1105 Airport Road
P.O. Box 168
Breckenridge, Colorado 80424
maribethL@townofbreckenridge.com
Phone: 970-547-3141
Fax: 970-453-0693

Timothy J. Gagen
Town Manager
Town of Breckenridge
150 Ski Hill Road
P.O. Box 168
Breckenridge, Colorado 80424
timj@townofbreckenridge.com
Phone: 970-453-1166
Fax: 970-547-3104

TOWN OF BRECKENRIDGE – FREE RIDE TRANSIT SYSTEM POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement Disadvantaged Business Enterprise (DBE)

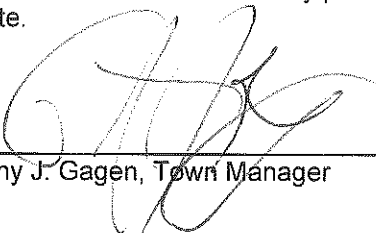
The Town of Breckenridge Free Ride Transit System has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The Town of Breckenridge Free Ride Transit System has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the Town of Breckenridge Free Ride Transit System has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the Town of Breckenridge Free Ride Transit System to ensure that DBEs as defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT – assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

The Transit Manager of the Town of Breckenridge Free Ride Transit System has been designated as the DBE Liaison Officer. In that capacity, the Transit Manager is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the Town of Breckenridge Free Ride Transit System in its financial assistance agreements with the Department of Transportation.

The Town of Breckenridge Free Ride Transit System has disseminated this policy statement to the Town Council of the Town of Breckenridge and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts by publishing it in the Summit Daily News and on the Town's website.



Timothy J. Gagen, Town Manager



Date

TOWN OF BRECKENRIDGE – FREE RIDE TRANSIT SYSTEM POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement Disadvantaged Business Enterprise (DBE)

The Town of Breckenridge Free Ride Transit System has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The Town of Breckenridge Free Ride Transit System has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the Town of Breckenridge Free Ride Transit System has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the Town of Breckenridge Free Ride Transit System to ensure that DBEs are defined in part 26, have an equal opportunity to receive and participate in DOT–assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT – assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

The Transit Manager of the Town of Breckenridge Free Ride Transit System has been delegated as the DBE Liaison Officer. In that capacity, the Transit Manager is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the Town of Breckenridge Free Ride Transit System in its financial assistance agreements with the Department of Transportation.

The Town of Breckenridge Free Ride Transit System has disseminated this policy statement to the Town Council of the Town of Breckenridge and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts by publishing it in the Summit Daily News and on the Town's website.

Timothy J. Gagen, Town Manager

Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1, 26.23 Objectives

The objectives are found in the policy statement on the first page of this program.

Section 26.3 Applicability

The Town of Breckenridge Free Ride Transit System is the recipient of federal transit funds authorized by Titles I, III, V, and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of the Teas-21, Pub. L. 105-178.

Section 26.5 Definitions

The Town of Breckenridge Free Ride Transit System adopts the definitions contained in Section 26.5 for this program.

Section 26.7 Non-discrimination Requirements

The Town of Breckenridge Free Ride Transit System will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the Town of Breckenridge Free Ride Transit System will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11(b)

We will report DBE participation to DOT as follows:

For most years, we anticipate that we will be exempt from DBE program requirements under the exemption for small transit systems, with federal dollar contracting opportunities of less than \$250,000 per year as provided in CFR 49 Part 26.21. In those years, we will provide an annual statement of exclusion and the Town of Breckenridge Free Ride Transit System shall ensure compliance with the requirements of 49 CFR 18.36(e) et al. See Attachment 11 – Alternate Rule

In years where we are not exempt, we will report DBE participation on a semi-annual basis. The first report is due June 1 for period Oct. 1 through March 31 and the second report is due Dec. 1 for April 1 through September 30. The reporting form is called Uniform Report of DBE Commitments/Awards and Payment. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

Bidders List: 26.11(c)

The Town of Breckenridge Free Ride Transit System will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals. The bidder list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

We will collect this information in the following ways:

The Town of Breckenridge Free Ride Transit System has never maintained an independent directory identifying all the firms eligible to participate as DBEs but rather has relied upon the State of Colorado's list of certified DBEs. This list is compiled by the Colorado Department of Transportation and is accessible at: <http://www.dot.state.co.us/Bidding/listings.html> The Colorado Department of Transportation is part of a United Certification Program Plan (UCP).

If a non-sufficient number of DBE's are found in our local community through the UCP, we will conduct outreach in which to attempt a good faith effort to compile a bidder's list of local bidders, in addition to the DBE's listed on the CDOT certified DBE list, for a specific procurement. The Town of Breckenridge Free Ride Transit System shall also include past DBE's that have successfully completed contracts with the Town of Breckenridge Free Ride Transit System for inclusion in future procurements.

Section 26.13 Assurances

The Town of Breckenridge Free Ride Transit System has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Federal Financial Assistance Agreement Assurance: 26.13(a)

The Town of Breckenridge Free Ride Transit System shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient's DBE Program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Town of Breckenridge Free Ride Transit System of its failure to carry out its approved program, the Department may impose sanction as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

This language will appear in financial assistance agreements with sub-recipients.

[Note: This language is to be used verbatim, as it is stated in 26.13(a).]

Contract Assurance: 26.13b

We will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

[Note: This language is to be used verbatim, as it is stated in 26.13(b)]

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

In any federal fiscal year that the Town of Breckenridge Free Ride Transit System has received federal financial assistance grant funds of \$250,000 or more in FTA planning, capital, and/or operating assistance, we will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

Section 26.23 Policy Statement

The Policy Statement is elaborated on the first page of this program.

Section 26.25 DBE Liaison Officer (DBELO)

We have designated the following individual as our DBE Liaison Officer:

*Maribeth Lewis-Baker
Transit Manager
Town of Breckenridge Free Ride Transit System
P.O. Box 168
Breckenridge, Colorado 80424
(970) 547-3141
maribethL@townofbreckenridge.com*

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Town of Breckenridge Free Ride Transit System complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Town Manager concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has a staff of four to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment) and identifies ways to improve progress.
6. Analyzes the Town of Breckenridge Free Ride Transit System's progress toward goal attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO\governing body on DBE matters and achievement.
9. Chairs the DBE/Free Ride Transit Advisory Committee.
10. Provides DBEs with information and assistance in preparing bids, obtaining bonding, and insurance.
11. Plans and participates in DBE training seminars.
12. Certifies DBEs according to the criteria set by DOT and acts as liaison to the Uniform Certification Process in the State of Colorado.

13. Provides outreach to DBEs and community organizations to advise them of opportunities.
14. Maintains the Town Transit System's updated directory on certified DBEs.

Section 26.27 DBE Financial Institutions

It is the policy of the Town of Breckenridge Free Ride Transit System to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contract to make use of these institutions. The Town has not identified any DBE financial institutions in the community. A review for DBE financial institutions availability will be conducted on a triennial basis. As information on the availability of DBE financial institutions becomes known, it may be obtained from the DBELO.

Section 26.29 Prompt Payment Mechanisms

In accordance with 49 C.F.R. Section 26.29, the Town of Breckenridge Free Ride Transit System will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 calendar days from the receipt of each payment the prime contract receives from the Town of Breckenridge Free Ride Transit System. The prime contractor agrees further to return retainage payments to each subcontractor within 30 calendar days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following prior written approval of the Town of Breckenridge Free Ride Transit System. This clause applies to both DBE and non-DBE subcontracts.

The Town of Breckenridge Free Ride System has also established as part of its DBE program, the following additional mechanisms to monitor and enforce that prompt payment and return of retainage is in fact occurring: (i) a contract clause that requires prime contractors to include in their subcontracts language providing that prime contractors and subcontractors will use appropriate alternative dispute mechanisms to resolved payment disputes; (ii) a contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contract ensures that the subcontractors are promptly paid for the work they have performed; and (iii) in the discretion of the Town of Breckenridge Free Ride, other mechanisms, consistent with 49 C.F.R. Part 26 and applicable state and local law, to ensure that DBE's and contractors are fully and promptly paid, including the return of any retainage.

Section 26.31 Directory

The Town of Breckenridge Free Ride Transit System utilizes a directory maintained by the Colorado Department of Transportation (CDOT) for identifying all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. The **CDOT Bidders List** is updated monthly and represents a rolling two-year cumulative list of bidders.

The Directory is accessible at: <http://www.dot.state.co.us/Bidding/listings.html>

Persons interested in being added to the Directory may submit a United Certification Program Plan application. This certification would be applicable for both City and County of Denver's Mayors Office of Contract Compliance (MOCC) and the Colorado Department of Transportation.

The application is available by contacting:

Colorado Department of Transportation
Center for Equal Opportunity
4201 East Arkansas Avenue, Room 200
Denver, Colorado 80222
(303) 757-9303

The Town of Breckenridge Free Ride Transit System shall maintain a directory of all past DBE's that have successfully completed contracts with the Town of Breckenridge Free Ride Transit System who remain eligible to participate as DBEs in future procurements with the Town of Breckenridge Free Ride Transit System. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. The directory shall be updated on an annual basis.

Attachment 2 is a current listing of the Directory of past DBE's utilized by the Town of Breckenridge Free Ride Transit System.

Section 26.33 Overconcentration

The Town of Breckenridge Free Ride Transit System has not identified that overconcentration exists in the types of work that DBEs perform. We will re-evaluate for overconcentration on a triennial basis.

Section 26.35 Business Development Programs

The Town of Breckenridge Free Ride Transit System has not established a business development program. We will re-evaluate the need for such a program on a triennial basis.

Section 26.37 Monitoring and Enforcement Mechanisms

The Town of Breckenridge Free Ride Transit System will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment 3 lists the contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our procurement activities.
3. We will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by project progress updates, site visits, or by other means as applicable and will occur for each contract/project on which DBEs are participating.
4. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

Section 26.39 Small Business Participation

The Town of Breckenridge Free Ride Transit System has incorporated the following non-discriminatory element to its DBE program, in order to facilitate competition on DOT-assisted public works projects by small business concerns (both DBEs and non-DBE small businesses):

- When feasible, the removal of unnecessary and unjustified bundling of contract requirements.
- When feasible, limit certain small contracts to proposals by small firms only.
- Requiring bidders on large contracts to identify and/or provide specific subcontracts appropriate for small business participation. This is particularly true in the case of a bus refurbishment where the company would have the opportunity to purchase component parts for the project from a small business or DBE firm.
- Structuring procurements to facilitate bids by and awards to small business consortia or joint ventures. By allowing firms to team and submit proposals as a joint venture or consortium, smaller businesses would have an opportunity to leverage their competitiveness.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The Town of Breckenridge Free Ride Transit System does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 4 to this program. This section of the program will be updated on a triennial basis.

The Town of Breckenridge Free Ride Transit System will also request use of project-specific DBE goals as appropriate, and/or will establish project-specific DBE goals as directed by FTA.

In accordance with Section 26.45(f) the Town of Breckenridge Free Ride Transit System will submit its overall goal to FTA on August 1 of each year. Before establishing the overall goal each year, Town of Breckenridge Free Ride Transit System will consult with the DBE/UDBE firms in Summit County to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Town of Breckenridge Free Ride Transit System's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, we will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at our principal office for 30 calendar days following the date of the notice, and informing the public that the Town of Breckenridge and FTA will accept comments on the goals for 45 calendar days from the date of the notice. The notice shall be published in the Summit Daily News and on the Town website. Normally, we will issue this notice by June 1 of each year. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

Our overall goal submission to FTA will include: the goal (including the breakout of estimated race-neutral and race-conscious participation, as appropriate); a copy of the methodology, worksheets, etc., used to develop the goal; a summary of information and comments received during this public participation process and our responses; and proof of publication of the goal in media outlets listed above.

We will begin using our overall goal on October 1 of each year, unless we have received other instructions from the FTA.

Section 26.47 Goal Setting and Accountability

If the awards and commitments shown on The Town of Breckenridge Free Ride Transit System's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall applicable to that fiscal year, we will:

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments;
2. Establish specific steps and milestones to correct the problems identified in the analysis; and
3. Make a good faith effort to work towards goal attainment.

Section 26.49 Transit Vehicle Manufacturers Goals

The Town of Breckenridge Free Ride Transit System will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, the Town of Breckenridge Free Ride Transit System may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation

The breakout of estimated race-neutral and race-conscious participation can be found in [Attachment 5](#) to this program. This section of the program will be updated annually when the goal calculation is updated.

Section 26.51(d-g) Contract Goals

The Town of Breckenridge Free Ride Transit System will meet the maximum feasible portion of its overall goal using race-neutral means of facilitating DBE participation. In order to do so, the Town of Breckenridge Free Ride Transit System will:

- Publish an on-line newsletter for DBE/SBE firms on the Town of Breckenridge Free Ride Transit System website.
- When feasible, unbundle contracts (breaking large contracts into multiple smaller contracts) to allow and encourage DBEs to bid as prime contractors or quote on subcontracts.
- When feasible, limit certain small contracts to proposals by small firms only.

- Advertise solicitations for bids to include DBE participation and offer additional evaluation scoring points to qualified DBE firms.
- Providing qualified DBE firms with bidding assistance, such as holding mock workshops on the bidding process to help them produce a responsive bid, if requested.

The Town of Breckenridge Free Ride Transit System will use contract goals to meet any portion of the overall goal the Town of Breckenridge Free Ride Transit System does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.)

We will express our contract goals as a percentage of the Federal share of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

Award of Contracts with a DBE Contract Goal: 26.53(a)

In those instances where a contract-specific DBE goal is included in a procurement/solicitation, The Town of Breckenridge Free Ride Transit System will not award the contract to a bidder who does not either: (1) meet the contract goal with verified, countable DBE participation; or (2) documents it has made adequate good faith efforts to meet the DBE contract goal, even though it was unable to do so. It is the obligation of the bidder to demonstrate it has made sufficient good faith efforts prior to submission of its bid.

Evaluation of good faith efforts (26.53(a) & (c))

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

The process used to determine whether good faith efforts have been made by a bidder are as follows:

- In general, The Town of Breckenridge Free Ride Transit System will review the examples in Appendix A to make a fair and reasonable judgment call as to whether the bidder/offeror that did not meet the goal has demonstrated adequate good faith efforts.
- We will consider the quality, quantity, and intensity of the different kinds of efforts that the bidder has made. The efforts employed by the bidder should be those that one could reasonably expect a bidder to take if the bidder were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal.

The Transit Manager shall be responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

We will ensure that all information is complete and accurate and that the bidder/offeror had adequately documented the bidder/offeror's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Attachment 6 Form 1 & 2 for Demonstration of Good Faith EffortsInformation to be submitted (26.53(b))

The Town of Breckenridge Free Ride Transit System treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/offers to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (26.53(d))

Within 15 calendar days of being informed by the Town of Breckenridge Free Ride Transit System that it is not *responsive* because it has not documented sufficient good faith efforts, a bidder/offers may request administrative reconsideration. Bidder/offers should make this request in writing to the following reconsideration official:

Public Works Director
Town of Breckenridge
P.O. Box 168
Breckenridge, Colorado 80424

The reconsideration official will not have played any role in the original determination that the bidder/offers did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offers will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offers will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. We will send the bidder/offers a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts when a DBE is replace on a contract (26.53(f))

The Town of Breckenridge Free Ride Transit System requires that prime contractors not terminate a DBE subcontractor listed on a bid/contract with a DBE contract goal without the Town of Breckenridge Free Ride Transit System's prior written consent. Prior written consent will only be provided where there is "good cause" for termination of the DBE firm, as established by Section 26.53(f)(3) of the DBE regulation.

Before transmitting to the Town of Breckenridge Free Ride Transit System its request to terminate, the prime contractor must give notice in writing to the DBE of its intent to do so. A copy of this notice must be provided to the Town of Breckenridge Free Ride Transit System prior to

consideration of the request to terminate. The DBE will then have five (5) days to respond and advise the Town of Breckenridge Free Ride Transit System of why it objects to the proposed termination.

In those instances where "good cause" exists to terminate a DBE's contract, the Town of Breckenridge Free Ride Transit System will require the prime contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the Town of Breckenridge DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the Town of Breckenridge Free Ride Transit System to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of _____ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

SUBPART D & E – CERTIFICATION

Section 26.61 – 26.73 Certification Process

The Town of Breckenridge Free Ride Transit System will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. We will make our certification decisions based on the facts as a whole. The Town of Breckenridge

certification is not universal to the United Certification Program and would be a standalone determination.

Reference Attachment 7: Agency DBE Certification Application Forms

For information about the certification process or to apply for certification, firms should contact:

Maribeth Lewis-Baker
Transit Manager
Town of Breckenridge Free Ride Transit System
P.O. Box 168
Breckenridge, Colorado 80424
(970) 547-3141
maribethL@townofbreckenridge.com

Applicants desiring to be certified as a DBE with the Town of Breckenridge Free Ride Transit System are also encouraged to apply for UCP certification with the Colorado Department of Transportation by contacting:

Colorado Department of Transportation
Center for Equal Opportunity
4201 East Arkansas Avenue, Room 200
Denver, Colorado 80222
(303) 757-9303

Section 26.81 Unified Certification Programs

The Town of Breckenridge Free Ride Transit System is the member of a Unified Certification Program (UCP) administered by the Colorado Department of Transportation. The UCP will meet all of the requirements of this section. The following is a description of the UCP:

The Center for Equal Opportunity investigates DBE applicants under the requirements of 49 CFR Part 26 to ensure that only firms owned and controlled by disadvantaged individuals are certified as eligible DBE's.

In addition to providing DBE certification services for CDOT's DBE program, the Office of Certification continues to provide those same services for the Regional Transportation District (RTD) and Denver Water Department, as it has since 1991.

Unified Certification Program

For many years, firms seeking DBE certification with CDOT and the City and County of Denver's Mayors Office of Contract Compliance (MOCC) had to submit two separate applications. In 2002 CDOT and Denver entered into a Unified Certification Program (UCP). A firm wanting DBE certification with both agencies need now submit only one application and, if successful, will be recognized as an eligible DBE with both agencies.

Section 26.83 Procedures for Certification Decisions

Re-certifications 26.83(a) & (c)

We will review the eligibility of DBEs that we certified under former part 23, to make sure that they will meet the standards of Subpart E of Part 26. We will complete this review no later than three

years from the most recent certification date of each firm. Our schedule for this review process shall be within 60 calendar days.

For firms that we have certified or reviewed and found eligible under part 26, we will again review their eligibility every three years. These reviews will include the following components: filling out a new application will be mandated.

"No Change" Affidavits and Notices of Change (26.83(j))

We require all DBEs to inform us, in a written affidavit, of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or of any material changes in the information provided with the Town of Breckenridge Free Ride Transit System application for certification.

We also require all owners of all DBEs we have certified to submit, on the anniversary date of their certification, a "no change" affidavit meeting the requirements of 26.83(j). The text of this affidavit is the following:

I swear (or affirm) that there have been no changes in the circumstances of [name of DBE firm] affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR part 26. There have been no material changes in the information provided with [name of DBE]'s application for certification, except for any changes about which you have provided written notice to the [Recipient] under 26.83(j). [Name of firm] meets Small Business Administration (SBA) criteria for being a small business concern and its average annual gross receipts (as defined by SBA rules) over the firm's previous three fiscal years do not exceed \$16.6 million.

We require DBEs to submit with this affidavit documentation of the firm's size and gross receipts.

We will notify all currently certified DBE firms of these obligations on an annual basis via U.S. Mail. This notification will inform DBEs that to submit the "no change" affidavit, their owners must swear or affirm that they meet all regulatory requirements of part 26, including personal net worth. Likewise, if a firm's owner knows or should know that he or she, or the firm, fails to meet a part 26 eligibility requirement (e.g. personal net worth), the obligation to submit a notice of change applies.

Section 26.85 Denials of Initial Requests for Certification

If we deny a firm's application or decertify it, it may not reapply until 12 months have passed from the date of our action.

Section 26.87 Removal of a DBE's Eligibility

In the event we propose to remove a DBE's certification, we will follow procedures consistent with 26.87. Attachment 8 to this program sets forth these procedures in detail. To ensure separation of functions in a de-certification, we have determined that the Public Works Director will serve as the decision-maker/Hearing Officer in de-certification proceedings. We have established an administrative "firewall" to ensure that the Public Works Director will not have participated in any way in the de-certification proceeding against the firm (including in the decision to initiate such a proceeding).

Section 26.89 Certification Appeals

Any firm or complainant may appeal our decision, after having exhausted the Town of Breckenridge Free Ride Transit System complaint procedures (Attachment 9), in a certification matter to DOT. Such appeals may be sent to:

Department of Transportation
Office of Civil Rights Certification Appeals Branch
400 7th Street, SW
Room 2104
Washington, D.C. 20590

We will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting (e.g., certify a firm if DOT has determined that our denial of its application was erroneous).

SUBPART F – COMPLIANCE AND ENFORCEMENT**Section 26.109 Information, Confidentiality, Cooperation**

We will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

The Town of Breckenridge is subject to the provisions of the Colorado Open Records Act, Part 2 of Article 72 of Title 24, Colorado Revised Statutes (CORA). Section 24-72-204(3)(a)(IV), which is part of CORA, provides that the Town's record custodian shall deny the right of inspection of any record that contains trade secrets, privileged information, and confidential commercial, financial, geological, or geophysical data. The records custodian's denial of a request to inspect any such record is subject to challenge in front of the Summit County, Colorado district court in accordance with the applicable provisions of CORA.

Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter or as may be required by a final, non-appealable order of a court of competent jurisdiction issued under CORA or other applicable law.

Monitoring Payments to DBEs

We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the Town of Breckenridge Free Ride Transit System or DOT. This reporting requirement also extends to any certified DBE subcontractor.

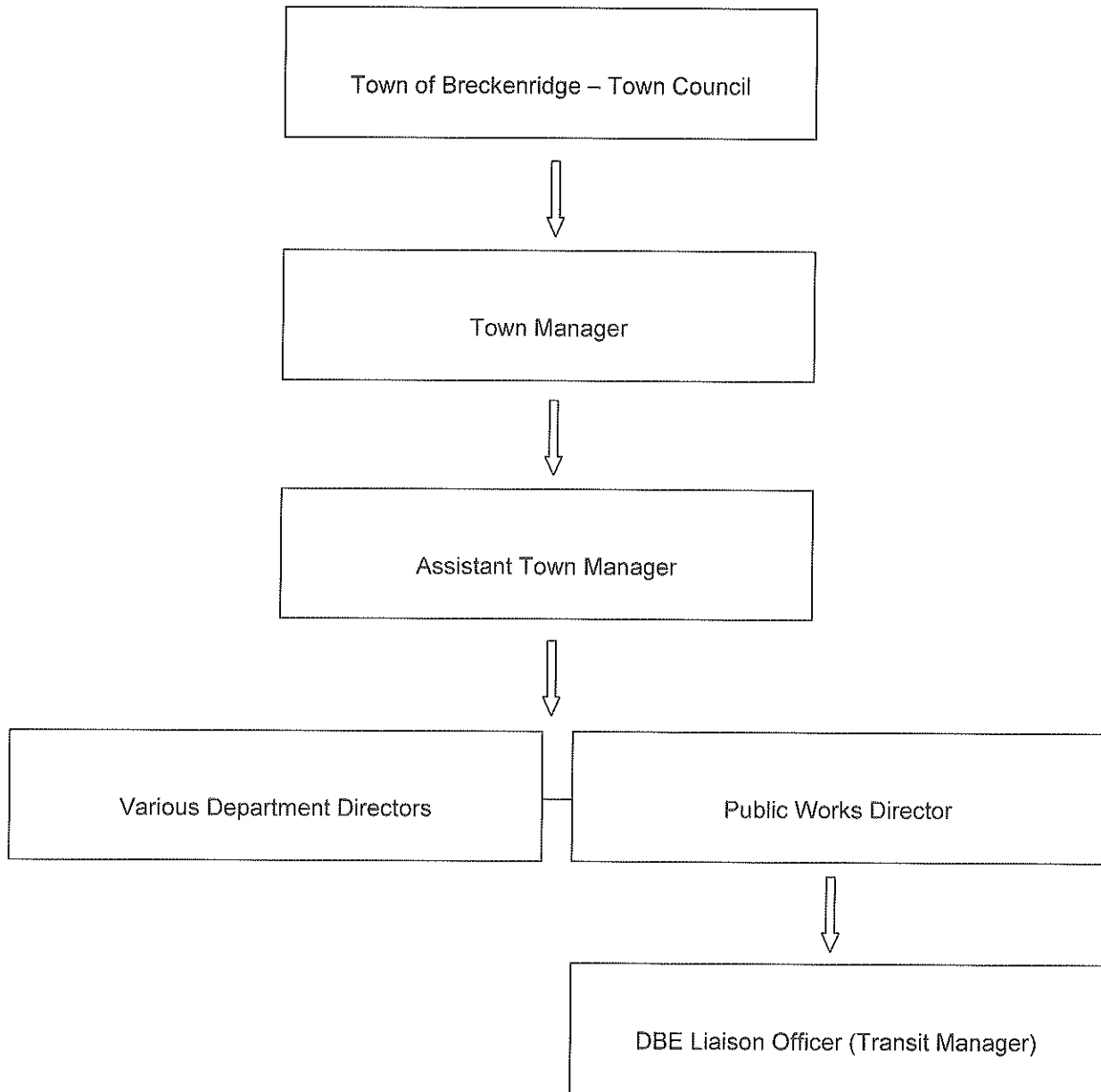
We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts states in the schedule of DBE participation.

ATTACHMENTS

Following is a list of attachments as referenced in this DBE Plan:

Attachment 1	Organizational Chart
Attachment 2	DBE Directory
Attachment 3	Monitoring and Enforcement Mechanisms
Attachment 4	Overall Goal Calculation
Attachment 5	Breakout of Estimated Race-Neutral & Race-Conscious Participation
Attachment 6	Form 1 & 2 for Demonstration of Good Faith Efforts
Attachment 7	Certification Application Forms
Attachment 8	Procedures for Removal of DBE's Eligibility
Attachment 9	DBE Complaint Procedures
Attachment 10	Regulations: 49 CRR part 26
Attachment 11	Alternate Rule - Regulation: 49 CFR Part 18.36(e)
Attachment 12	Public Notice

Attachment 1
Organizational Chart



Attachment 2

DBE Directory

A & M Locksmiths, Inc.
861 Rainbow Drive
Silverthorne, Colorado 80497
(970) 513-9680

Engraving, Locksmith Service

Esteban Ortega
P.O. Box 168
Breckenridge, CO 80424
(970) 453-2251

Translation Services

Ostrander Consulting, Inc.
1250 Humboldt Street
Suite 1401
Denver, Colorado 80217
720-855-7404

Transit Planning Consultant

Cert# 4613

Attachment 3**Monitoring and Enforcement Mechanisms**

The Town of Breckenridge Free Ride Transit System has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to CRS 24-109-106

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR part 26
2. Enforcement action pursuant to 49 CFR part 31
3. Prosecution pursuant to 18 USC 1001.

Attachment 4

Section 26.45: Overall Goal Calculation

Statement of Goal

The amount of Annual DBE Participation level (ADPL) and methodology are presented herein, in accordance with Title 49 United States Code, Part 26.

The Town of Breckenridge Free Ride Transit System has established an ADPL of 0% for the Federal Fiscal Years of 2011, 2012, and 2013. The percentage goal is the % of the Federal portion of financial assistance we will expend in DOT-assisted contracts, exclusive of FTA funds to be used for the purchase of transit vehicles.

The Town of Breckenridge Free Ride Transit System shall provide an annual goal update to provide the total federal portion of the financial assistance for DOT-assisted contracts that would be applicable for each Fiscal Year and the dollar figure the ADPL goal would equate to for the years that Part 26 is applicable for the Town of Breckenridge Free Ride Transit System.

For most years, we anticipate that we will be exempt from DBE program requirements under the exemption for small transit systems, with federal dollar contracting opportunities of less than \$250,000 per year as provided in CFR 49 Part 26.21. In those years, we will provide an annual statement of exclusion and the Town of Breckenridge Free Ride Transit System shall follow the requirements of 49 CFR 18.36(e) et al.

Methodology

Step 1: 26.45(c)

Please refer to the attached DBE Goal Calculations spreadsheet for the methodology used to obtain this goal.

The Town of Breckenridge Free Ride Transit System utilized the Colorado Department of Transportation (CDOT) Unified Certification Program (UCP) database for the following Colorado counties:

- Clear Creek County
- Eagle County
- Grand County
- Lake County
- Park County
- Summit County

This represents our home county and all bordering counties to our home county as the core consideration area for our plan. Being that Breckenridge has a year-round population of 3,407 residents, we believed that expanding the core consideration area was the best way to develop an ADPL that would be meaningful.

The Town of Breckenridge Free Ride Transit System matched activities associated with eligible prospective projects during the plan period with their respective North American Industry Classifications (NAICS) codes, which was used to identify the DBE firms in the CDOT UCP database.

**TOWN OF BRECKENRIDGE - FREE RIDE TRANSIT SYSTEM
PROPOSED PROJECTS FOR FFY 2011, 2012, 2013 for DBE GOAL SETTING**

Step 1 - Determine the weight of each type of work by NAICS Code:

* Enter all the FTA-assisted projects below. Project amounts should be assigned relevant NAICS Code(s).

	NAICS Codes	Project	Amount of DOT funds on project:	% of total DOT funds (weight)
1)	exempt	Purchase Replacement Bus	\$575,000.00	17%
	30000 30201 30200 64801	Bus Refurbishment for (3) Optima LFB-29 Transit Coaches	\$390,000.00	12%
2)				
3)	exempt	Purchase (3) Expansion Buses	\$1,875,000.00	57%
	11700 21103 23908 30900	Electronic GPS Status Communication System (Next Bus or similar)	\$120,000.00	4%
4)				
	10000 10701 10702 10503	Training Room Completion	\$60,000.00	2%
6)	60200			
	30000 30201 30200 64801	Bus Refurbishment for (2) Chevy El Dorado Cutaway buses	\$200,000.00	6%
7)				
8)	67001	Radio upgrade to Digital Radios	\$80,000.00	2%
				0%
				0%
Total FTA-Assisted Contract Funds			\$3,300,000.00	1

NOTE: Bus purchases are exempt from the DBE Goal.

Step 2 - Determine the relative availability of DBE's by NAICS Code:

* Use DBE Directory, census data and/or a bidders list to enter the number of available DBE firms and the number of available firms.

	NAICS Codes	Project	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Relative Availability	
1)	30000 30201 30200 64801	Bus Refurbishment for (3) Optima LFB-29 Transit Coaches	0	10	0.0000	
	11700 21103 23908 30900	Electronic GPS Status Communication System (Next Bus or similar)	0	0		Specialty Items
2)						
	10000 10701 10702 10503	Training Room Completion	0	68	0.0000	
3)	60200					
	30000 30201 30200 64801	Bus Refurbishment for (2) Chevy El Dorado Cutaway buses	0	10	0.0000	
4)						
	67001	Radio Upgrade to Digital Radios	0	0		Specialty Items
5)						
Combined Totals			0	88	0.0000	Overall availability of DBEs

Step 3 - (Weight) x (Availability) = Weighted Base Figure

	NAICS Codes	Project	Weight	x	Availability	Weighted Base Figure
1)	exempt	Purchase Replacment Bus	0.17424	x	0.00000	
	30000 30201 30200 64801	Bus Refurbishment for (3) Optima LFB-29 Transit Coaches		x	0.00000	
2)			0.11818	x	0.00000	
3)	exempt	Purchase (3) Expansion Buses	0.56818	x	0.00000	
	11700 21103 23908 30900	Electronic GPS Status Communication System (Next Bus or similar)		x	0.00000	
4)			0.03636	x	0.00000	
	10000 10701 10702 10503	Training Room Completion		x	0.00000	
6)	60200		0.01818	x	0.00000	
	30000 30201 30200 64801	Bus Refurbishment for (2) Chevy El Dorado Cutaway buses		x	0.00000	
7)			0.06061	x	0.00000	
8)	67001	Radio Upgrade to Digital Radios	0.02424	x	0.00000	
9)			0.00000	x	0.00000	
10)			0.00000	x	0.00000	
Total						0.0000
Expressed as a % (*100)						0.00%
Rounded, Weighted Base Figure:						0%

Public Participation

We published our goal information in these publications:
Summit Daily News, Town of Breckenridge website

We received comments from these individuals or organizations: **NONE**

Attachment 5**Section 26.51: Breakout of Estimated
Race-Neutral & Race Conscious Participation**

Town of Breckenridge Free Ride Transit System will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The Town of Breckenridge Free Ride Transit System uses the following race-neutral means to increase DBE participation:

Race-neutral means include, but are not limited to, the following:

- Develop a DBE list as extensively as possible,
- Send notices of projects to contractors on the Town's DBE list,
- Provide prime contractors a list of DBEs to partner with or provide subcontract services, and
- Advertise using available minority media the projects that could accommodate small business.

We estimate that, in meeting our overall goal of 0%, we will obtain 100% from race-neutral participation and 0% through race-conscious measures.

In order to ensure that our DBE program will be narrowly tailored to overcome the effects of discrimination, if we use contract goals we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and we will track and report race-neutral and race conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

We will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively.

Attachment 6

Forms 1 & 2 for Demonstration of Good Faith Efforts

[Forms 1 and 2 should be provided as part of the solicitation documents.]

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

_____ The bidder/offeror is committed to a minimum of _____ % DBE utilization on this contract.

_____ The bidder/offeror (if unable to meet the DBE goal of _____%) is committed to a minimum of _____% DBE utilization on this contract a submits documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

By _____
(Signature) Title

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ _____.

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By _____
(Signature) (Title)

If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.

(Submit this page for each DBE subcontractor.)

Attachment 7

Certification Application Forms

The Town of Breckenridge Free Ride Transit System shall use the same forms as the Colorado Department of Transportation for its certification.

The forms are accessible on the Internet at:

<http://www.dot.state.co.us/EEO/CERTIFICATION/ApplicationForms.htm>

Attachment 8

Procedures for Removal of DBE's Eligibility

As set forth 26.87, the procedure for the removal of DBE's eligibility is below:

(a) Ineligibility complaints.

(1) Any person may file with the Town of Breckenridge Free Ride Transit System a written complaint alleging that a currently-certified firm is ineligible and specifying the alleged reasons why the firm is ineligible. No general allegation that a firm is ineligible or an anonymous complaint will be accepted. The complaint may include any information or arguments supporting the complainant's assertion that the firm is ineligible and should not continue to be certified. Confidentiality of complainants' identities must be protected as provided in §26.109(b).

(2) The Town of Breckenridge Free Ride Transit System will review our records concerning the firm, any material provided by the firm and the complainant, and other available information. The Town of Breckenridge Free Ride Transit System may request additional information from the firm or conduct any other investigation that you deem necessary.

(3) If it is determined, based on this review, that there is reasonable cause to believe that the firm is ineligible, written notice will be provided to the firm that a proposed action to find the firm ineligible, setting forth the reasons for the proposed determination. If it is determined that such reasonable cause does not exist, the complainant and the firm shall be notified in writing of this determination and the reasons for it. All statements of reasons for findings on the issue of reasonable cause must specifically reference the evidence in the record on which each reason is based.

(b) Recipient-initiated proceedings.

If, based on notification by the firm of a change in its circumstances or other information that comes to your attention, you determine that there is reasonable cause to believe that a currently certified firm is ineligible, the Town of Breckenridge Free Ride Transit System shall provide written notice to the firm that you propose to find the firm ineligible, setting forth the reasons for the proposed determination. The statement of reasons for the finding of reasonable cause must specifically reference the evidence in the record on which each reason is based.

(c) DOT directive to initiate proceeding.

(1) If the concerned operating administration determines that information in your certification records, or other information available to the concerned operating administration, provides reasonable cause to believe that a firm you certified does not meet the eligibility criteria of this part, the concerned operating administration may direct the Town of Breckenridge Free Ride Transit System to initiate a proceeding to remove the firm's certification.

(2) The concerned operating administration must provide you and the firm a notice setting forth the reasons for the directive, including any relevant documentation or other information.

(3) The Town of Breckenridge Free Ride Transit System must immediately commence and prosecute a proceeding to remove eligibility as provided by paragraph (b) of this section.

(d) Hearing.

When the Town of Breckenridge Free Ride Transit System notifies a firm that there is reasonable cause to remove its eligibility, as provided in paragraph (a), (b), or (c) of this section, the firm will be given an opportunity to attend an informal hearing, at which the firm may respond to the reasons for the proposal to

remove its eligibility in person and provide information and arguments concerning why it should remain certified.

(1) In such a proceeding, the Town of Breckenridge Free Ride Transit System bears the burden of proving, by a preponderance of the evidence, that the firm does not meet the certification standards of this part.

(2) The Town of Breckenridge Free Ride Transit System must maintain a complete record of the hearing, by any means acceptable under state law for the retention of a verbatim record of an administrative hearing. If there is an appeal to DOT under §26.89, you must provide a transcript of the hearing to DOT and, on request, to the firm. The Town of Breckenridge Free Ride Transit System must retain the original record of the hearing. The Town of Breckenridge Free Ride Transit System may charge the firm only for the cost of copying the record.

(3) The firm may elect to present information and arguments in writing, without going to a hearing. In such a situation, The Town of Breckenridge Free Ride Transit System bears the same burden of proving, by a preponderance of the evidence, that the firm does not meet the certification standards, as it would during a hearing.

(e) Separation of functions.

The Town of Breckenridge Free Ride Transit System must ensure that the decision in a proceeding to remove a firm's eligibility is made by an office and personnel that did not take part in actions leading to or seeking to implement the proposal to remove the firm's eligibility and are not subject, with respect to the matter, to direction from the office or personnel who did take part in these actions.

(1) The Public Works Director for the Town of Breckenridge has been designated as the decision-maker/Hearing Officer in the Town of Breckenridge Free Ride Transit System's **DBE** program.

(2) The decision-maker must be an individual who is knowledgeable about the certification requirements of your **DBE** program and this part.

(3) A small transit authority (*i.e.* transit authority serving an area with less than 250,000 population) is required to meet this requirement only to the extent feasible.

(f) Grounds for decision.

The Town of Breckenridge Free Ride Transit System must not base a decision to remove eligibility on a reinterpretation or changed opinion of information available to the recipient at the time of its certification of the firm. Such a decision may be based on only one or more of the following:

(1) Changes in the firm's circumstances since the certification of the firm by the recipient that render the firm unable to meet the eligibility standards of this part;

(2) Information or evidence not available to you at the time the firm was certified;

(3) Information that was concealed or misrepresented by the firm in previous certification actions by a recipient;

(4) A change in the certification standards or requirements of the Department since you certified the firm; or

(5) A documented finding that your determination to certify the firm was factually erroneous.

(g) Notice of decision.

Following a decision, the Town of Breckenridge Free Ride Transit System must provide the firm written notice of the decision and the reasons for it, including specific references to the evidence in the record that supports each reason for the decision. The notice must inform the firm of the consequences of your decision and of the availability of an appeal to the Town of Breckenridge and an appeal Department of Transportation under §26.89 only after other administrative efforts have been exhausted. The Town of Breckenridge Free Ride Transit System must send copies of the notice to the complainant in an ineligibility complaint or the concerned operating administration that had directed you to initiate the proceeding.

(h) Small Business Administration DBE's.

When the Town of Breckenridge Free Ride Transit System decertifies a **DBE** firm certified by the SBA, we will notify the SBA in writing. The notification will include the reason for denial.

(i) Status of firm during proceeding.

- (1) A firm remains an eligible **DBE** during the pendency of your proceeding to remove its eligibility.
- (2) The firm does not become ineligible until the issuance of the notice provided for in paragraph (g) of this section.

(j) Effects of removal of eligibility.

The Town of Breckenridge Free Ride Transit System shall take the following action when you removing a firm's eligibility:

- (1) When a prime contractor has made a commitment to using the ineligible firm, or you have made a commitment to using a **DBE** prime contractor, but a subcontract or contract has not been executed before you issue the decertification notice provided for in paragraph (g) of this section, the ineligible firm does not count toward the contract goal or overall goal. The Town of Breckenridge Free Ride Transit System shall direct the prime contractor to meet the contract goal with an eligible **DBE** firm or demonstrate to us that it has made a good faith effort to do so.
- (2) If a prime contractor has executed a subcontract with the firm before we have notified the firm of its ineligibility, the prime contractor may continue to use the firm on the contract and may continue to receive credit toward its **DBE** goal for the firm's work. In this case, or in a case where we have let a prime contract to the **DBE** that was later ruled ineligible, the portion of the ineligible firm's performance of the contract remaining after you issued the notice of its ineligibility shall not count toward the overall goal, but may count toward the contract goal.
- (3) *Exception:* If the **DBE's** ineligibility is caused solely by its having exceeded the size standard during the performance of the contract, we may continue to count its participation on that contract toward overall and contract goals.

(k) Availability of appeal.

When the Town of Breckenridge Free Ride Transit System make an administratively final removal of a firm's eligibility under this section, the firm may appeal the removal to the Department under §26.89.

Attachment 9DBE Certification Complaint Procedures

Within 15 calendar days of being informed by the Town of Breckenridge Free Ride Transit System that it is not being certified as a DBE, a bidder/offeror may request an administrative reconsideration.

Bidder/offerors should make this request in writing to the following reconsideration official:

Public Works Director
Town of Breckenridge
P.O. Box 168
Breckenridge, Colorado 80424

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not meet the certification standards.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. We will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. In some cases, the Town of Breckenridge may have utilized the UCP for certification and their involvement may necessitate that a subsequent complaint be made with the UCP.

Any firm or complainant may appeal our decision, after having exhausted the Town of Breckenridge Free Ride Transit System complaint procedures in a certification matter to DOT. Such appeals may be sent to:

Department of Transportation
Office of Civil Rights Certification Appeals Branch
400 7th Street, SW
Room 2104
Washington, D.C. 20590

We will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting (e.g., certify a firm if DOT has determined that our denial of its application was erroneous).

Attachment 10

Regulations: 49 CFR Part 26

Any person having questions regarding the regulations governing Disadvantaged Business Enterprises (DBE) in the area of transportation financial assistance programs is encouraged to research 49 CFR Part 26, which is readily accessible on the Internet.

Below is the overview of sections contained within the Regulation.

TITLE 49--Transportation

Subtitle A--Office of the Secretary of Transportation

PART 26—PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS

Section Contents

Subpart A—General

- [§ 26.1 What are the objectives of this part?](#)
- [§ 26.3 To whom does this part apply?](#)
- [§ 26.5 What do the terms used in this part mean?](#)
- [§ 26.7 What discriminatory actions are forbidden?](#)
- [§ 26.9 How does the Department issue guidance and interpretations under this part?](#)
- [§ 26.11 What records do recipients keep and report?](#)
- [§ 26.13 What assurances must recipients and contractors make?](#)
- [§ 26.15 How can recipients apply for exemptions or waivers?](#)

Subpart B—Administrative Requirements for DBE Programs for Federally-Assisted Contracting

- [§ 26.21 Who must have a DBE program?](#)
- [§ 26.23 What is the requirement for a policy statement?](#)
- [§ 26.25 What is the requirement for a liaison officer?](#)
- [§ 26.27 What efforts must recipients make concerning DBE financial institutions?](#)
- [§ 26.29 What prompt payment mechanisms must recipients have?](#)
- [§ 26.31 What information must you include in your DBE directory?](#)
- [§ 26.33 What steps must a recipient take to address overconcentration of DBEs in certain types of work?](#)
- [§ 26.35 What role do business development and mentor-protégé programs have in the DBE program?](#)
- [§ 26.37 What are a recipient's responsibilities for monitoring the performance of other program participants?](#)
- [§ 26.39 Fostering small business participation.](#)

Subpart C—Goals, Good Faith Efforts, and Counting

- [§ 26.41 What is the role of the statutory 10 percent goal in this program?](#)
- [§ 26.43 Can recipients use set-asides or quotas as part of this program?](#)
- [§ 26.45 How do recipients set overall goals?](#)
- [§ 26.47 Can recipients be penalized for failing to meet overall goals?](#)
- [§ 26.49 How are overall goals established for transit vehicle manufacturers?](#)
- [§ 26.51 What means do recipients use to meet overall goals?](#)
- [§ 26.53 What are the good faith efforts procedures recipients follow in situations where there are contract goals?](#)
- [§ 26.55 How is DBE participation counted toward goals?](#)

Subpart D—Certification Standards

- [§ 26.61 How are burdens of proof allocated in the certification process?](#)
- [§ 26.63 What rules govern group membership determinations?](#)
- [§ 26.65 What rules govern business size determinations?](#)
- [§ 26.67 What rules determine social and economic disadvantage?](#)
- [§ 26.69 What rules govern determinations of ownership?](#)
- [§ 26.71 What rules govern determinations concerning control?](#)
- [§ 26.73 What are other rules affecting certification?](#)

Subpart E—Certification Procedures

- [§ 26.81 What are the requirements for Unified Certification Programs?](#)
- [§ 26.83 What procedures do recipients follow in making certification decisions?](#)
- [§ 26.85 Interstate certification.](#)
- [§ 26.86 What rules govern recipients' denials of initial requests for certification?](#)
- [§ 26.87 What procedures does a recipient use to remove a DBE's eligibility?](#)
- [§ 26.89 What is the process for certification appeals to the Department of Transportation?](#)
- [§ 26.91 What actions do recipients take following DOT certification appeal decisions?](#)

Subpart F—Compliance and Enforcement

- [§ 26.101 What compliance procedures apply to recipients?](#)
- [§ 26.103 What enforcement actions apply in FHWA and FTA programs?](#)
- [§ 26.105 What enforcement actions apply in FAA programs?](#)
- [§ 26.107 What enforcement actions apply to firms participating in the DBE program?](#)
- [§ 26.109 What are the rules governing information, confidentiality, cooperation, and intimidation or retaliation?](#)

[Appendix A to Part 26—Guidance Concerning Good Faith Efforts](#)

[Appendix B to Part 26—Uniform Report of DBE Awards or Commitments and Payments Form](#)

[Appendix C to Part 26—DBE Business Development Program Guidelines](#)

[Appendix D to Part 26—Mentor-Protégé Program Guidelines](#)

[Appendix E to Part 26—Individual Determinations of Social and Economic Disadvantage](#)

[Appendix F to Part 26—Uniform Certification Application Form](#)

Authority: 23 U.S.C. 304 and 324; 42 U.S.C. 2000d, *et seq.* ; 49 U.S.C. 47107, 47113, 47123; Sec. 1101(b), Pub. L. 105–178, 112 Stat. 107, 113.

Source: 64 FR 5126, Feb. 2, 1999, unless otherwise noted.

Attachment 11Alternate Rule - Regulation: 49 CFR Part 18.36(e)

For most years, we anticipate that we will be exempt from DBE program requirements under the exemption for small transit systems, with federal dollar contracting opportunities of less than \$250,000 per year as provided in CFR 49 Part 26.21. In those years, we will provide an annual statement of exclusion to the FTA and the Town of Breckenridge Free Ride Transit System shall follow the requirements of 49 CFR 18.36(e) et al.

In years when the agency is exempt from the Part 26 requirements, due to the receipt of applicable funding levels below the \$250,000 threshold, the requirements of 49 CFR 18.36(e) apply.

That section reads...

(e) Contracting with small and minority firms, women's business enterprise and labor surplus area firms.

(1) The grantee and subgrantee will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.

(2) Affirmative steps shall include:

(i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;

(iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;

(v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and

(vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (e)(2) (i) through (v) of this section.

Attachment 12**Public Notice**

The following verbiage shall be printed in the local newspaper to solicit for public involvement. The verbiage shall be updated for the segment of time and ADPL as applicable for the DBE Plan. The Transit Manager shall be responsible for advertising the proposed annual ADPL to ensure there is a minimum of a 45 calendar day comment period available prior to the submission deadline for the DBE Plan.

PUBLIC NOTICE

Town of Breckenridge – Free Ride Transit System
DBE Goal for the Federal Transit Administration for
Federal Fiscal Years XXXX, XXXX, and XXXX

In accordance with the requirements of the U.S. Dept of Transportation as set forth in 49 CFR, Part 26 as amended, the Town of Breckenridge Free Ride Transit System, P.O. Box 168, Breckenridge, CO 80424, hereby notifies the public that it is recommending the following Disadvantaged Business Enterprise (DBE) Goal for applicable professional services, construction, and procurement contracts during the calendar Fiscal Year XXXX, XXXX, and XXXX, beginning October 1 and ending on September 30 annually. The overall goal for Fiscal Years XXXX, XXXX, and XXXX is X%. Information pertaining to this goal and a description of how it was selected is available for inspection from 8:30 am to 4:30 pm MDT at the Free Ride Transit System office at 1105 Airport Road, Breckenridge, CO 80424 for 30 calendar days following the date of this publication. The DBE plan and goal are also available online at www.townofbreckenridge.com. Written comments on this goal will be accepted for 45 calendar days from the date of publication of this notice. The comments are for informational purposes only and may be sent to the DBE Liaison Officer, Free Ride Transit System, P.O. Box 168, Breckenridge, CO 80424 AND to the Regional Civil Rights Officer, Federal Transit Administration, Region 8, 12300 West Dakota Avenue, Suite 310, Lakewood, CO 80228.
Comments or questions must be submitted in writing.

PUBLIC NOTICE
 Town of Breckenridge - Free Ride Transit System
 DBE Goal for the Federal Transit Administration
 for
 Federal Fiscal Years 2011, 2012, and 2013

In accordance with the requirements of the U.S. Dept of Transportation as set forth in 49 CFR, Part 26 as amended, the Town of Breckenridge Free Ride Transit System, P.O. Box 168, Breckenridge, CO 80424, hereby notifies the public that it is recommending the following Disadvantaged Business Enterprise (DBE) Goal for applicable professional services, construction, and procurement contracts during the calendar Fiscal Year 2011, 2012, and 2013, beginning October 1 and ending on September 30 annually. The overall goal for Fiscal Years 2011, 2012, and 2013 is 0%. Information pertaining to this goal and a description of how it was selected is available for inspection from 8:30 am to 4:30 pm MDT at the Free Ride Transit System office at 1105 Airport Road, Breckenridge, CO 80424 for 30 calendar days following the date of this publication. The DBE plan and goal are also available online at www.townofbreckenridge.com. Written comments on this goal will be accepted for 45 calendar days from the date of publication of this notice. The comments are for informational purposes only and may be sent to the DBE Liaison Officer, Free Ride Transit System, P.O. Box 168, Breckenridge, CO 80424 AND to the Regional Civil Rights Officer, Federal Transit Administration, Region 8, 12300 West Dakota Avenue, Suite 310, Lakewood, CO 80228. Comments or questions must be submitted in writing. Published in the Summit Daily News on June 23, 2010.

State of Colorado
County of Summit ss.

I, Caitlin Morris being duly sworn, depose and say:

1. That they are the agent of the Summit Daily News newspaper printed and published in the County of Summit, State of Colorado, and has a personal knowledge of all the facts set forth in this affidavit.
2. That the said newspaper is printed and published daily and that it has a general circulation in Summit County, Colorado.
3. That the said Summit Daily News was established and has been printed and published in said county of at least 52 consecutive weeks prior to the first issue containing the said publication, a copy of which is hereto attached.
4. That the said Summit Daily News is a daily newspaper of general circulation, and is printed and published in whole or part in the County of Summit in which said publication, a copy of which is hereto attached.
5. That the said annexed publication was published in the regular and entire edition of the Summit Daily News.
6. That the original ad which was regularly published in each of the regular and entire issues of said newspaper, for 1 days and the first publication thereof was in the issue dated

June 23 2002010
and the last publication was in the issue dated

June 23 2002010
Caitlin Morris
Subscribed and sworn to before me this at

day of July 2002010
Jaqueline Hunsley
Notary Public

My Commission Expires 7-18-2012

MEMORANDUM

To: Town Council

From: Peter Grosshuesch

Date: March 21, 2012

Re: Town Council Consent Calendar from the Planning Commission Decisions of the March 20, 2012, Meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF March 20, 2012:

CLASS C APPLICATIONS:

1. Beaver Run Resort Summer Tent, PC#2012014, 620 Village Road

Construct a temporary tent for use as additional conference space during the summer only. Approved.

2. Khavari Residence, PC#2012015, 210 South Pine Street

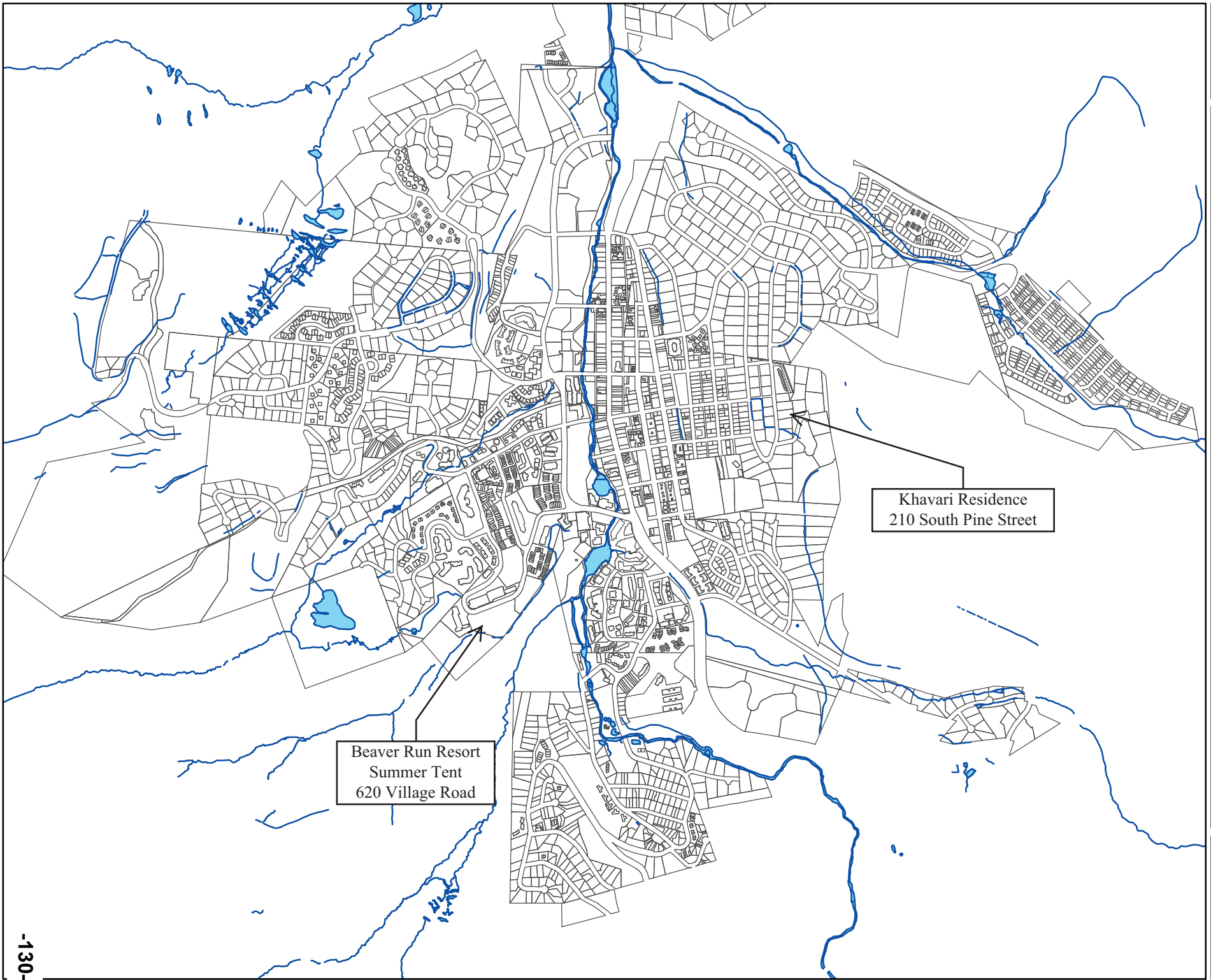
Construct a new, single family residence with 4 bedrooms, 4.5 bathrooms, 4,441 sq. ft. of density and 5,086 sq. ft. of mass for a F.A.R. of 1:4.30. Approved.

CLASS B APPLICATIONS:

None

CLASS A APPLICATIONS:

None

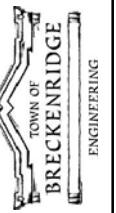


NOT TO SCALE

printed 4/12/2011

Breckenridge South

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



PLANNING COMMISSION MEETING

The meeting was called to order at 7:01 p.m.

ROLL CALL

Kate Christopher	Jim Lamb	Trip Butler
Gretchen Dudney	Michael Rath	Dan Schroder
Dave Pringle		

APPROVAL OF MINUTES

With one change, the March 6, 2012 Planning Commission meeting minutes were approved unanimously (7-0).

On page 4, under Preliminary Hearings: Mr. Pringle asked for clarification on “one picture for a thousand words”. Please show a photo in the Landscape Guide of how the forest was healthy before the pine beetle infestation, and one of how it is now.

Mr. Schroder asked the Commission to keep a Top 9 in mind, but think about knocking it down to a Top 5 for the Joint Town Council meeting.

APPROVAL OF AGENDA

With no changes, the March 20, 2012 Planning Commission meeting agenda was approved unanimously (7-0).

CONSENT CALENDAR:

1) Beaver Run Resort Summer Tent (MGT) PC#2012014, 620 Village Road

Mr. Lamb: Is this permit required every year? (Mr. Thompson: No. Every other summer.)

2) Khavari Residence (MGT) PC#2012015, 210 South Pine Street

Mr. Pringle: At the last meeting, I made a comment on the house across the street; this is similar. Big house on smaller lot. How did we get to this point, with unlimited density? Lots across the street, which were part of the original town grid, were what I was concerned about. Maybe we can discuss that sometime soon.

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

WORKSESSIONS:

1) Vendor Carts (CN)

Mr. Neubecker presented. The Town of Breckenridge is currently under a moratorium on the submission, acceptance, processing and approval of applications for temporary vendor carts while staff develops a new policy to address these uses. The moratorium expires July 1, 2012.

Staff presented an ordinance to the Town Council for first reading on March 13th to create a new Development Code Policy 49 (Absolute) Vendor Carts. The new policy is designed to allow existing vendors to stay in business, but requires that vendors come into compliance with new design standards upon renewal of their permits. The ordinance also sets a cap of 4 small vendor carts in the Conservation District, and prohibits any additional large vendor carts in the Conservation District other than those currently permitted.

Some changes to the ordinance from the last time Staff presented this issue to the Commission include:

- Define “large vendor carts” as larger than 40 square feet, or any cart that stays in its location overnight.
- Define “small vendor carts” as any cart 40 square feet or smaller which is removed each night.
- Limit outdoor seating at large vendor carts to 3 tables with 12 seats.
- Prohibit outdoor seating at small vendor carts.
- Require a Class B Minor application with public notice. The application fee would be higher at \$1,370.
- Vendors provide some type of site improvements, such as patio, decking, awnings, landscaping, etc.
- Require vendor carts to count as density.
- Must connect to sewer system if connected to Town water system.

- Allow generators only as emergency backup power.
- All extension cords must be located out of public view and not create a public safety hazard.
- Require trailer hitches to be covered, but not removed.

The Town Council also wanted to allow a vendor cart that has been in operation in the same location for a period of 25 years or longer that has acquired historic, cultural or other special significance to be exempt from these new regulations. Staff will be adding language to address this issue in the new ordinance.

Staff welcomed feedback from the Commission on the proposed ordinance. This ordinance version shows changes between Council worksession and night meeting, however does not include desired language for an exemption for Crêpes a la Cart, which has been in operation for 30 years. This is the language we will bring to Council next week for any large or small cart. Council also suggested that graphics would be helpful, similar to Landscape Guide graphics.

Commissioner Questions / Comments:

- Mr. Lamb: Curious of site improvements when this is temporary.
- Mr. Schroder: We are being asked by Council to make suggestions to make this policy better.
- Mr. Pringle: Policy 36A is where this morphing started. The first sentence in the Temporary Structures policy is that they are strongly discouraged. (Mr. Neubecker: Policy 36 will be removed in the new vendor carts ordinance.) Vision Plan talks about maintaining community character. Does not think that vendor carts do protect community character, and not wise to imply that they are welcome in Town, both inside and outside of the conservation district. (Mr. Neubecker: We propose a limit of 3 large vendor carts. But you are correct, no cap outside of the district. The Town Attorney is also working on ordinance that prohibits mobile vendor carts on public streets. The Town wants to specifically allow those outside the district.) Does not think that we should allow for carts outside of the district. (Mr. Grosshuesch: Plenty of disincentives are built in here, with required site improvements, so they will likely be temporary in nature. Maybe larger sites outside the district, maybe at the BBC. Land is too valuable to have carts on for long time.) (Mr. Lamb: You would want carts in high traffic areas. There is a supply and demand. Cannot have too many.) Carts could go on the Gondola lots; commercial core is expanding outside of the district.
- Mr. Rath: What happens when you put a motor in a vendor cart? (Mr. Neubecker: We are working on a different ordinance to address that. New ordinance would not allow something like that.) Will we have control over what graphics are carts? (Mr. Neubecker: Yes, through the sign code.)
- Mr. Schroder: Page 28, line 4, Paragraph B and C, materials used feels like a wooden finish. Stella's has clean finishes of metal. Does it apply to both? (Mr. Neubecker: Applies to both, just wanted them to be in good shape, look good.) When would we see these applications? (Mr. Neubecker: When they renew their permits.) What about AstroTurf or carpets as site improvements? (Mr. Neubecker: The Commission could say no, that is not appropriate. Council does recognize those who are currently in business; Council does not want to put them out of business.)
- Ms. Dudney: What were vendors concerned about? (Mr. Neubecker: Outside seating limitations, and requiring site improvements. We do not want to force anyone out of business, but they are competing with some restaurants; Council wants them to not look so temporary.) (Mr. Schroder: Not strong language, page 28, line 24. Can planter boxes with trees be brought in?) (Mr. Neubecker: Yes, we didn't want to write it so tight so it would fit more situations.) (Mr. Lamb: Ok with site improvements but not very extensive. Trees in pots sound appropriate. Pavers are Ok, but not pouring concrete.) Do those that are grandfathered have to renew? (Mr. Neubecker: Yes, permit renewal is required, but could ask for additional conditions of approval at that time.) (Mr. Grosshuesch: Council likes ambiance of Crepes a La Cart. This is a work in progress. We think that we would permit what is there.) You wouldn't want it to be torn down and returned to dirt.
- Mr. Butler: I was at the Town Council meeting. I thought that this is what they are looking for; temporary in nature.
- Mr. Pringle: I am not sure that everything at Crepes has been permitted (deck, soda machine, fireplaces).
- Mr. Rath: If we are limiting number of carts, then their business is more valuable. So there is a balance there with asking them for improvements. They use carts to get around a lot of stuff. Should be an insurance requirement and hold harmless to Town so they don't sue the Town. If they have city water and sewer, how do they tie into the municipal system? They should be code compliant with waste and electrical systems. (Mr. Grosshuesch: Water hook in would be inspected, if they wanted to connect;

but it's not required. Intent is that if they hook into water, it is per codes-plumbing, electrical, sanitation and water inspections. Some of these carts are self contained. We will look at where they get their water from.)

- Ms. Dudney: If you have site improvements, you should have requirements to remove them. Not all owners to disappear in middle of night. (Mr. Rath: What if there are seasonal closures and they come back?)
- Mr. Pringle: What if a trailer pulls into Parkway Center pad site? What stops them from leaving for 2 months and coming back? (Mr. Grosshuesch: Maybe we need something that says if you shut down for a season, then you need to clean up the site.) (Mr. Rath: They will use extension cords, throwing pans of water out the back unless we prohibit it. It should look like they belong there. Builders have to pay fees and inspections. Why should they not have to pay what other people pay? On the lot next to the bank, I do not want a whole bunch of these together.) (Mr. Neubecker: Limitation of number of carts written into ordinance; the number allowed goes down as they go out of business.)
- Mr. Pringle: Why not just not renew these permits? (Mr. Neubecker: The Council does not want to put these out of business.) How many could be placed on Parkway Center, outside of district? (Mr. Neubecker: Unlimited number right now, but not identified by Council as problem. No interest there right now.)
- Mr. Schroder: I would like a rule with not using a garden hose attached to a building. (Mr. Grosshuesch: I do not think that Environmental Health would allow for that.)
- Mr. Neubecker: I do not see insurance info written into policy now, so will talk to the Town Attorney. Line 36, if not operating for 6 months, then not a concern, but should we address that? (Ms. Dudney: Should take into consideration what improvements look like.) Some things might not look right; for example, the Beavertail countertop. (Mr. Pringle: For 6 months, you could have improvements out there but what if they don't come back and you have those improvements remaining?) (Mr. Grosshuesch: 3 months, 6 weeks? If you have deck and trailer?) Is there a requirement that lot owner has to clean up? (Mr. Grosshuesch: I think we have to write into the ordinance that the cart needs to be there all the time with improvements and if you leave, then all improvements also have to be removed at the same time. We can put into permit as condition of approval, or cite property owner into municipal court. Large cart is big investment.) 3 months may not even get you through mud season. The 6 months would be mud season and was intended if they shut down.
- Mr. Pringle: Don't even want to have this problem in town. What if you have generators? (Mr. Neubecker: Would allow in generators in emergency situations but not every day, due to noise and odor.)
- Mr. Rath: The property owner should be responsible if improvements remain.
- Ms. Kate: They could take a deposit.

Mr. Schroder opened the worksession to public comment.

- Alfredo Kasan: Every town has to have someone to say no to a situation. Shopping (vendor) carts not in one place. Big cities have areas that are not clean, what they sell is food and it is not safe. Area around them are not healthy. If they are establishing a place and do not move, they should follow construction codes. The codes are completely different- in violation of that. Rule should be if you move it, Main Street should look like the value is original. If you keep historic places and improve the rest. Not healthy, no bathrooms, location against traffic on street. If they use parking lots, who owns it? It is possible that Council, Health Department for hand washing, extension cords per OSHA are not allowed, carts should be inside steel, not wood for health. If fiberglass inside for cooking, cannot be chipped. Surrounding areas, waste waters cannot apply. Council could give 6 months to comply, owner of property and cart. Self contained unit are better for health. (Mr. Neubecker: The Health Department inspects washable surfaces, stainless steel.) Cart at City Market inside gets water from bathroom. Landlord should have meter and parking lot does not have anything. (Mr. Neubecker: The Health Department addresses those issues.)

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

OTHER MATTERS:

Mr. Neubecker thanks the Commissioners for going to Mary Hart's house for the site visit today. May 8th is joint Town Council and Planning Commission meeting.

ADJOURNMENT:

The meeting was adjourned at 8:24 p.m.

Dan Schroder, Chair

Town of Breckenridge Executive Summary
Economic Indicators
(Published March 21, 2012)

Indicator Monitoring System

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



Unemployment: Local (December 2011)

Summit County's December unemployment rate dropped one and a half percent from November's rate to 6%. December's rate is significantly lower than the December 2010 rate of 6.6% yet higher than December 2009 rate of 5.3%. Summit's December rate is in the same range as surrounding counties tracked including Pitkin County (5.9%) and Eagle County (6.9%), however our rate is still considered high for the time of year. *(Note that the arrow follows the KEY for all of the indicators. In this case, the arrow pointing up meaning that the unemployment rate has dropped and is 'getting better' and yellow indicates the condition as "fair".)*
(Source: BLS)



Unemployment: State (January 2011)

The Colorado State unemployment rate dipped one tenth of a percent for the fifth month in a row in January reaching 7.8%. (The highest unemployment rate the State has ever seen was 9.3% in February 2011-rates tracked since 1976) *(Note that the arrow follows the KEY for all of the indicators. In this case, the arrow pointing up meaning that the unemployment rate has dropped and is 'getting better' and yellow indicates the condition as "fair".)*(Source: State of Colorado)



Unemployment: National (February 2012)

National unemployment rate stabilized in February at 8.3% after four months of incremental decreases. February 2012 also remains trending down from last February's rate of 8.9% and February's 2010 rate of 9.7%, however is still considered relatively high. (Source: BLS)



Destination Lodging Reservations Activity (February 2012)

Occupancy rates saw an increase of 4.9%. The Average Daily Rate (ADR) also rose 1.2% for the month of February over February 2011 (as reported to MTrip). (Source: MTrip)



6 Month Projected YTD Occupancy (March-Aug 2012)

Future bookings for the upcoming March-August 2012 period shows a slight increase of 0.4% in projected occupancy rate over the corresponding period last year and increase in ADR of 4.9%. This indicator will continue to be monitored closely and we are optimistic to see an increase despite this season's snow conditions. (Source: MTrip)



Traffic Counts and Sales Trend (February 2012)

February traffic count in town on Highway 9 at Tiger Road was 20,867 total vehicles. As the traffic count is over 20,000 and above last year's count, we expect to see increased sales tax revenues for February. *(Note: There is a strong correlation between high net taxable sales and traffic once a 20,000 vehicle count has been reached. Please see detailed report for chart.)* (Source: CDOT and Town of Breckenridge Finance)



Traffic Count at Eisenhower Tunnel and Highway 9 (February 2012)

During the month of February, the traffic count at the Eisenhower tunnel (westbound) was up 4.4% over February 2011. Despite poor snowfall, data showed February traffic coming into town on Highway 9 rose significantly by 9.7% from February 2011 (20,867) over February 2011 (19,013). Traffic flows indicate that the Town is gaining its relative capture rate coming from the tunnel. (Source: CDOT)



Consumer Confidence Index-CCI (February 2012)

The Consumer Confidence Index (CCI), which saw a steep drop to 61.1 in January came back with marked improvement to 70.8 (1985=100) in February. Moves of 5% or more often indicate a change in the direction of the economy. An Index of 50 or more typically translates to a "good" level of consumer confidence and indicates an increase in consumer spending. Based on the index levels rising and falling, we expect that real estate transfer tax revenues will also fluctuate over the same period until the index sees consistent improvement. (Source: CCB)



Mountain Communities Sales Tax Comparisons (January 2012)

The amount of taxable sales in Town for January 2012 was up 3.6% from January 2011 levels. For January, Breckenridge fell to the midrange (4th out of 8) of the mountain communities for sales tax collected for the month in comparison to last year's January numbers. Mountain communities in the top three spots include Snowmass (up 13.45%), Aspen (11.55%) and Glenwood Springs (4.59%) (Source: Steamboat Springs Finance Dept.)



Standard & Poor’s 500 Index and Town Real Estate Transfer Tax (February 2012)

The S&P 500 average monthly adjusted closing price saw gains for the third month in a row after a relatively fluctuating 2011. We saw our RETT receipts decrease this month from Town collections in February 2011, however up from February 2010. We believe that RETT will continue to lag the growth rates that the S&P 500 achieves for the near future. A prolonged positive change in RETT will likely require a long sustained recovery in the S&P 500 index, with an increase in the wealth effect. *See website for detailed chart and additional information.* (Source: S&P 500 and Town Finance)



Town of Breckenridge RETT Collection (February 2012)

February 2012 RETT collection (\$234,630) is down 33% from February 2011 (\$350,866). This February is up from February 2010 (\$149,303) by 57%. (Source: Town Finance)



Real Estate Sales (February 2012)

February 2012 compared to February 2011 Summit County real estate sales were up in \$ volume by 12%, but down 11% in the number of transactions. Of that, Breckenridge took in 38% of the \$ volume and 27% of the transactions countywide for this month. This month reflects the first month of positive gain after four consecutive months of decline in the \$ volume. (Source: Land Title)



Foreclosure Stressed Properties (February 2012)

Breckenridge properties (excluding timeshares) which have started the foreclosure process are at 35% (17 properties) of the total units within Summit County in 2012 YTD. These are considered distressed properties which may or may not undergo the foreclosure process. Should these properties actually undergo foreclosure, these properties may sell at an accelerated rate and lower price per square foot in the short term. (Source: Land Title)



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



Scheduled Meetings, Important Dates and Events

Shading indicates Council attendance – others are optional

The Council has been invited to the following meetings and events. A quorum may be in attendance at any or all of them. All Council Meetings are held in the Council Chambers, 150 Ski Hill Road, Breckenridge, unless otherwise noted.

MARCH 2012

- Monday, March 19; Town Hall Auditorium, 7:00 p.m. "Meet the Candidates" Forum
Tuesday, March 27; 3:00/7:30 p.m. Second Meeting of the Month

APRIL 2012

- Tuesday, April 3; Town Hall, 7 a.m.-7 p.m. ELECTION DAY
Tuesday, April 10; 3:00/7:30 p.m. First Meeting of the Month
Tuesday, April 24; 3:00/7:30 p.m. Second Meeting of the Month
Friday, April 27; Location TBD, 8 a.m. Coffee Talk

OTHER MEETINGS

- 1st & 3rd Tuesday of the Month; 7:00 p.m. Planning Commission; Council Chambers
1st Wednesday of the Month; 4:00 p.m. Public Art Commission; 3rd floor Conf Room
2nd & 4th Tuesday of the Month; 1:30 p.m. Board of County Commissioners; County
2nd Thursday of every other month (Dec, Feb, Apr, June, Aug, Oct) 12:00 noon Breckenridge Heritage Alliance
2nd & 4th Tuesday of the month; 2:00 p.m. Housing/Childcare Committee
2nd Thursday of the Month; 5:30 p.m. Sanitation District
3rd Monday of the Month; 5:30 p.m. BOSAC; 3rd floor Conf Room
3rd Tuesday of the Month; 9:00 a.m. Liquor Licensing Authority; Council Chambers
3rd Thursday of the Month; 7:00 p.m. Red White and Blue; Main Fire Station
4th Wednesday of the Month; 9:00 a.m. Summit Combined Housing Authority
4th Wednesday of the Month; 8:30 a.m. Breckenridge Resort Chamber; BRC Offices
TBD (on web site as meetings are scheduled) Breckenridge Marketing Advisory Committee; 3rd floor Conf Room
Other Meetings: CAST, CML, NWCCOG, RRR, QQ, I-70 Coalition