



BRECKENRIDGE TOWN COUNCIL WORK SESSION

Tuesday, June 12, 2012; 3:00 PM

Town Hall Auditorium

ESTIMATED TIMES: *The times indicated are intended only as a guide. They are at the discretion of the Mayor, depending on the length of the discussion, and are subject to change.*

3:00 - 3:15 p.m.	I	<u>PLANNING COMMISSION DECISIONS</u>	2
3:15 - 3:45 p.m.	II	<u>LEGISLATIVE REVIEW*</u>	
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		Amendment to Town's Alcoholic Beverage Ordinances	39
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4:30 - 5:45 p.m.	V	<u>PLANNING MATTERS</u>	
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		Maggie Placer Annexation Modification	81
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5:45 - 6:00 p.m.	VI	<u>EXECUTIVE SESSION (IF TIME PERMITS)</u>	
6:00 - 7:15 p.m.	VII	<u>JOINT MEETING</u>	
		Red, White and Blue	226

Note: Public hearings are not held during Town Council Work Sessions. The public is invited to attend the Work Session and listen to the Council's discussion. However, the Council is not required to take public comments during Work Sessions. At the discretion of the Council, public comment may be allowed if time permits and, if allowed, public comment may be limited. The Town Council may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item. The public will be excluded from any portion of the Work Session during which an Executive Session is held. Report of the Town Manager; Report of Mayor and Council members; Scheduled Meetings and Other Matters are topics listed on the 7:30 pm Town Council Agenda. If time permits at the afternoon work session, the Mayor and Council may discuss these items.

MEMORANDUM

To: Town Council

From: Peter Grosshuesch

Date: June 6, 2012

Re: Town Council Consent Calendar from the Planning Commission Decisions of the June 5, 2012, Meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF June 5, 2012:

CLASS C APPLICATIONS:

1. Lots 3A & 3B, Shores at the Highlands (MM) PC#2012038; 349 & 359 Shores Lane
Construct a new duplex to consist of: (Lot 3A) 4 bedrooms, 3.5 bathrooms, 2,425 sq. ft. of density and 3,148 sq. ft. of mass; (Lot 3B) 4 bedrooms, 3.5 bathrooms, 2,574 sq. ft. of density and 3,314 sq. ft. of mass. Approved.
2. Corbett Residence (MGT) PC#2012037; 34 Beavers Drive
Construct a new single family residence (the previous single family residence has already been removed) to consist of 4 bedrooms, 4.5 bathrooms, 4,737 sq. ft. of density and 5,596 sq. ft. of mass for a F.A.R. of 1:7.10. Approved.
3. Trafalgar Lot 5 (MGT) PC#2012036; 3 Riverwood Drive
Construct a new single family residence to consist of 4 bedrooms, 3.5 bathrooms, 3,827 sq. ft. of density and 4,460 sq. ft. of mass for a F.A.R. of 1:3.46. Approved.
4. Gaffney Residence (MGT) PC#2012040; 158 Stillson Placer Terrace
Construct a new single family residence to consist of 5 bedrooms, 6.5 bathrooms, 5,924 sq. ft. of density and 6,791 sq. ft. of mass for a F.A.R. of 1:9.80. Approved.

CLASS C CONTINUED APPLICATIONS:

1. Ski Side Condo Exterior Remodel (JP) PC#2012022; 1001 Grandview Drive
Exterior remodel of the three connected residential buildings, hot tub building and dumpster enclosure, including: new fiber cement siding and trim on the residential and hot tub building; natural wood post and beam timbers at decking; corrugated metal siding at base and metal handrails and railings, and upgrades to the insulation and heating system (windows replaced 10 years ago). Denied.

CLASS B APPLICATIONS:

1. Stroble Residence (MM) PC#2011060; 206 South Harris Street, Lot 3A
 - a) Move and restore the exterior of the historic house to an earlier period, remove the non-historic upper level addition, replace and add to the non-historic addition at the back, add a full basement beneath the historic house to create a total density of 1,684 sq. ft. (1,282 sq. ft. above ground) and total mass of 1,332 sq. ft. for a F.A.R. of 1:1.90. Approved.
 - b) Recommendation that the Town Council adopt an ordinance to Landmark the historic structure based on proposed restoration efforts and the fulfillment of criteria for Architectural and Physical Integrity significance as stated in Section 9-11-4 of the Landmarking Ordinance. Approved.

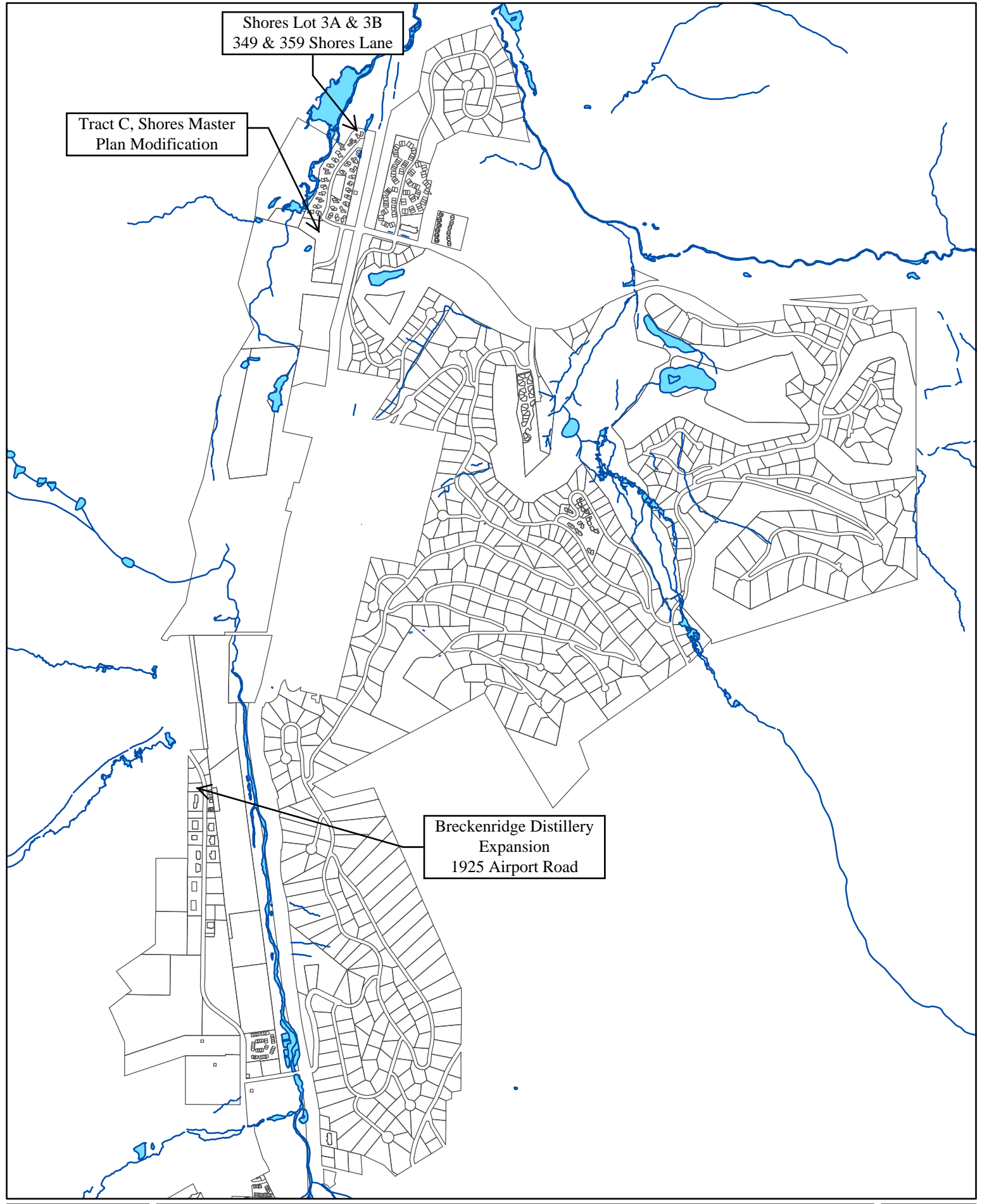
CLASS A APPLICATIONS:

None

Shores Lot 3A & 3B
349 & 359 Shores Lane

Tract C, Shores Master
Plan Modification

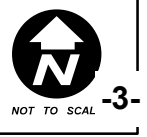
Breckenridge Distillery
Expansion
1925 Airport Road

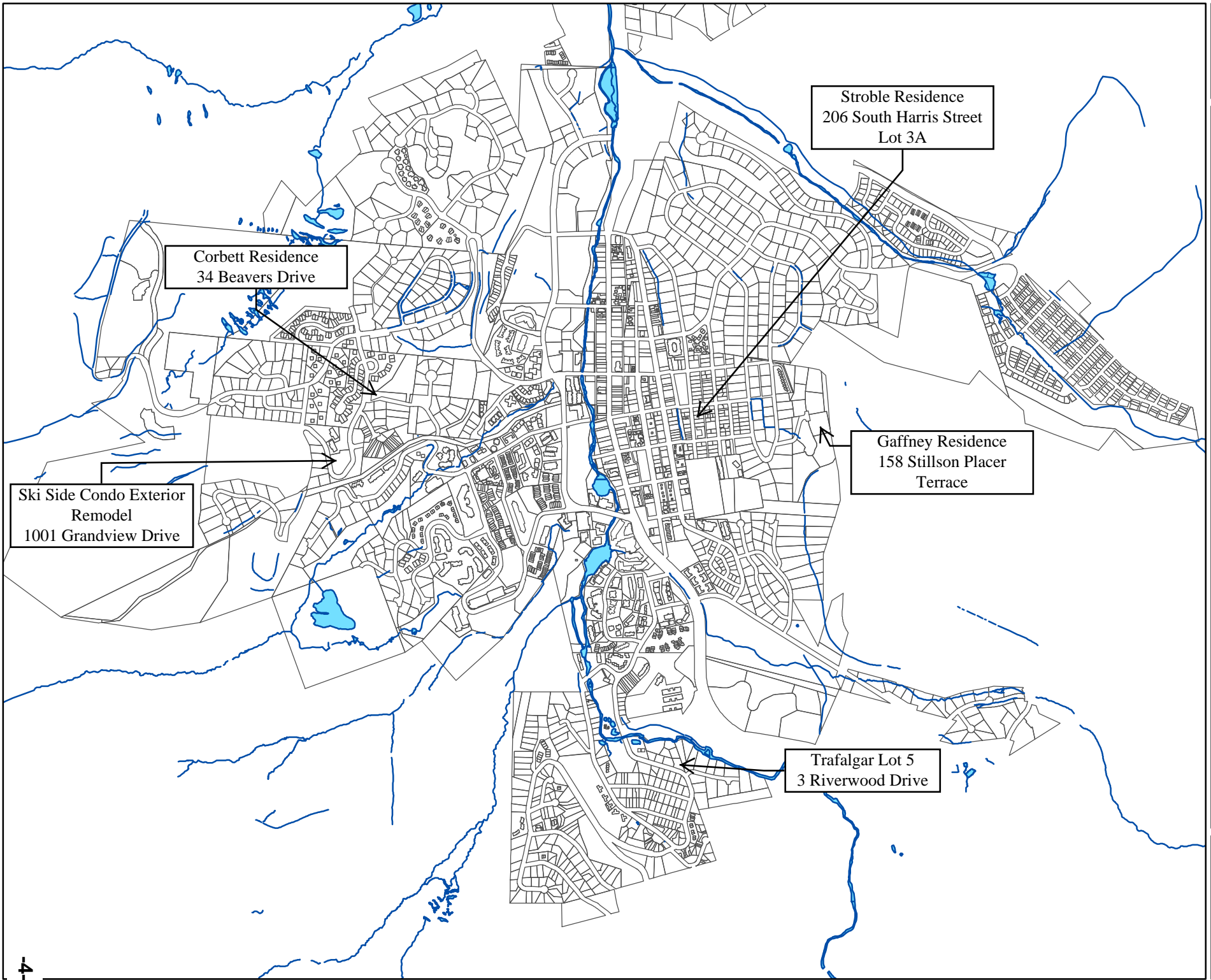


Breckenridge North

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.

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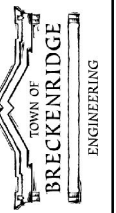


NOT TO SCALE

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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

TOWN COUNCIL REPORT:

Mr. Gary Gallagher, Town Council Liaison, presented.

- Town Council had an all-day retreat last Tuesday
 - Financial: Revenue for town is down about \$4.5 million
 - Size of Town's Fund Balance: \$62 million (\$4 to \$5 million is legally restricted); decisions will be made determining where the \$17 million will go
 - Street Lights/Snow Removal: Could we do a better job (streets/sidewalks)?
 - Arts District/River Walk Center Master Plan: Program elements, business plans. Council is very supportive of getting Arts District done potentially within the next 3-5 years; potentially looking into other assets of town (ice-rink, etc.). We may follow the Heritage Alliance model for operations of the Arts District.
- Admissions Tax: Has been taken off the table; studies are still on-going regarding transit system/Ski Area; consolidation of functions/operations?
- Term Limit Ballot Initiative: Decision was made to not put a term limit initiative on the November election; two 4-year terms is sufficient enough (4/3 split votes from Town Council members).
- Childcare (November 2013): Focusing on what the deficit would be for operations (scholarships; what families can afford to pay vs. cost to pay teachers, etc.); potentially could be funded through sales tax vs. real-estate tax? Can't forget capital reserves; do we have a significant amount to do this? Want voters to make decisions and want them to have a sustainable revenue source. Key will be to get the business community behind us.

WORKSESSIONS:

1. Energy Policy 33/R Modification (Existing Structures) (JP)

Ms. Puester presented. In January 2011, the Town Council approved an amendment to Policy 33R *Energy Conservation* which quantifies the amount of energy being conserved and allocates positive points accordingly. This was accomplished using a home energy rating system (HERS) for residential development and a similar method for commercial development. The advantage of these systems is that they are internationally recognized by certified raters (as established by the Residential Energy Services Network). The results are calculated and measurable.

While the code language has worked well for development applications consisting of new construction, it has not been useful for existing structures. New construction starts from scratch, and can take advantage of new materials installed such that there are no major air leaks and new windows, creating a tight building envelope. Existing structures, however, have aged over time. The materials and construction methods used on older structures also lack many advanced building techniques that we see today.

When the policy was written it was not the intent to exclude energy improvements on existing structures from receiving positive points. It is important that the Town encourage existing structures to make strides toward energy efficiency and conservation. Staff's concern is that as currently written, the policy does not easily allow for properties looking to remodel or expand to receive any benefit for these efforts.

To address this issue, staff presented a draft modification to Policy 33R. This change would modify the way positive points are awarded for existing structures undergoing energy improvements. Points would be based on the percentage change of the HERS index of the existing structure from before to after improvements have been made. A similar change is proposed for existing commercial uses, mixed use, and residential buildings over 3 stories in height (which is the maximum height of the HERS system). In this case, positive points would be based on the projected energy savings by comparing the existing structure to the proposed remodeled structure (with improvements included).

Staff has proposed a draft policy with the following highlights of changes:

- Residential HERS rating: Projected energy savings beyond the existing structure's energy consumption history, based on percentage improvement.
- International Energy Code (IECC): Projected energy savings beyond the existing structure's energy consumption history, based on percentage improvement.
- Clarification on HERS and IECC analysis submittal timing. These must be submitted for review with the development permit application and building permit application. Each analysis must be performed by a certified HERS rater, or a licensed Colorado Engineer, respectively.
- Detailed description of required information for commercial structures (for clarification to applicants).

Staff requested Commissioner feedback on the proposed Policy 33R.

Commissioner Questions / Comments:

- Mr. Gallagher: So you can get a positive point (+1) for just getting a HERS index? (Ms. Puester: Yes, with the hopes that owners learn from the test, and they will see a value to make the changes which would benefit them as well.)
- Ms. Dudney: How much does it cost to get a HERS index? (Ms. Puester: It depends on the size of the building. I believe it ranges from \$1500-\$2500.) Did you review of the actual breakdown of the percentages? Did those come out of your head or is there some kind of likelihood that an older building could achieve 19% energy savings? What is the probability of somebody achieving 100%? (Ms. Puester: Probably not likely to obtain 100%, but nor would they likely achieve that with a new building either. You can accomplish anything if you want to put the money and the effort to do it. It is expensive and time consuming.) Do we know where the bulk of the buildings will fall? Or is it too hard to know? (Ms. Puester: I think it will depend on the applicant, the type of improvements they are willing to do, etc.) Are they required have two HERS ratings? (Ms. Puester: Yes, before and after construction.)
- Mr. Schroder: Regarding approving applications, projecting an energy savings with potential number of points. How do you help us digest that uncertainty? (Mr. Glen Morgan, Chief Building Official: HERS is a from nonprofit organization that has a lot of qualified people with training, and the computer training is very accurate in its analysis. With all of these included in the building the projected rating is pretty much guaranteed. You will have a projected rating from qualified individuals through HERS; that is why we chose this system.) (Mr. Neubecker: HERS raters are verifying that construction is done the way that they said it would be done.) (Mr. Morgan: Raters are with owners/contractors beforehand ensuring them they can get to the projected rating. That is part of the cost. You have a projected analysis, time in the field with the rater and time in the end as well.)
- Ms. Dudney: If once this is passed the professional community gives you feedback that something needs to be moved around, could you come back and amend it? (Ms. Puester: Existing structures that try this should get the credit for that.)
- Mr. Gallagher: Are there other communities that have done this with more history? Benchmark for decisions? (Ms. Puester: We are unique that we have a point based development code. We have taken on more of an incentive based program.) (Mr. Morgan: Boulder has tied HERS ratings to buildings codes; came into place about two years ago.)
- Ms. Dudney: Complement you for taking advantage of this and spending the time on this. Good job.
- Mr. Pringle: Strongly suggest buildings to get a HERS rating; does this mean everyone needs to? (Mr. Neubecker: The Development Code only applies to people doing "development". Anyone going through development review process is encouraged to use this system ; someone who is doing an addition or a remodel, too.) "All existing homes are strongly encouraged..." the

statement makes it ambiguous, even for people not doing developments.. (Mr. Neubecker: We will look into tweaking the language.)

2. Tract C, Shores Master Plan Modification (MM)

Mr. Mosher presented. The applicants are proposing a 72-unit Condo-hotel on the Tract that had been approved for the Shores Lodge (expired permit), at the intersection of Highway 9 and Tiger Road. In addition, they are proposing to modify the Third Amended Master Plan of the Delaware Flats Planning Area 3A, by modifying the recently platted Tract C-1, C-2, and a future platted portion of Tract A, Shores Master Plan Modification, and Subdivision.

The applicants are seeking comments regarding the general concept as presented. There will be additional detail when the application returns for a Class A Development review.

Staff has identified concerns over the general layout of the parking area. Staff believes the expanse of parking should be broken up with pockets of landscaping and that a landscape berm be added along the edge abutting the Right of Way. Does the Commission concur?

Staff also has concerns that the height of the three-story building should be mitigated by placing some of the density in the roof forms and stepping the roof forms down at the edges. Does the Commission agree?

Staff welcomed any additional comments.

Mr. Jon Fredricks, President of Welk Resorts: Presented a Power Point Presentation on his company, and the types of resorts that they build.

Commissioner Questions / Comments:

Mr. Lamb: Will parking evolve into something that is potentially “bermable”?

Ms. Dudney: Are you thinking the same kind of resort here? Or is this a resort where people come to ski? (Mr. Fredricks: We don’t have a big site, we would have onsite amenities and activities section but we want to connect people with all of the wonderful things you can do here in Breckenridge.)

Mr. Rath: How do you mitigate the fact that you are 5 miles out of town? (Mr. Fredricks: We would be right on the bike path and on the shuttle route. In the event we need to have a shuttle we would offer that. We don’t see that being 5 miles out would be a problem.)

Ms. Dudney: What is the timing? (Mr. Fredricks: We would build it in two phases.)

Mr. Schroder: I like that this project is outside of town. We would receive visitors but we wouldn’t feel the impact of 72 units directly in town. (Mr. Lamb: Plus the direction of the town is growing north.) It is like this space/area is missing something, so I think what you are potentially bringing forward will help; the high quality would complement our town.

Mr. Pringle: As far as the shuttle service, they are going to have to work on that in the management plan. I think amenities would be important since you are a little further out of town. You may want to look at that enhanced area. (Mr. Fredricks: We believe in overdoing amenities.)

Mr. Lamb: It sounds like parking is in flux and it needs a little more buffer.

Ms. Christopher: It does look like a sea of cars. Breaking it up a little would be nice.

Mr. Rath: It is in 2012, I would say that given the quality of your other resorts I would think you would do something a little bit more unique than what you have shown us. It seems like they are all lined up on the parking lot. I know that duplexes have a certain character but my theory is when you have something this isolated it needs to develop its own mass/meaning. It can’t look like anything else we see in town. Uniqueness! (Mr. Fredricks: There is very little market risk, with the points it won’t be a challenge to sell out. Our

phases won't take too long and there will be people here.) Are you going to have transportation from the airport? It seems like you have more parking than what you need. Some people are going to have other means of transportation and they aren't going to have a need for this much parking.

Ms. Christopher: Is this all inclusive/gated community or is this part of the Breckenridge community? (Mr. Fredricks: I think it is more of a private development in the sense that our owners have some concern about safety.) So public access would be discouraged but not prohibited? (Mr. Fredricks: Yes.)

Mr. Pringle: Maybe instead of having 6 modules, is there an idea of having a development that creates its own story? What about building a more prominent structure? No problem with general concept but would like to tell more of a story.

Ms. Christopher: Confidence that Welk can create something special to encompass our town and history. It looks like any other townhome in Breckenridge.

The meeting was called to order at 7:32 p.m.

ROLL CALL

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

Gary Gallagher, Town Council Liaison, was present for the first worksession prior to the meeting and then was excused due to the remaining items being development related.

APPROVAL OF MINUTES

With no changes, the May 15, 2012 Planning Commission meeting minutes were approved unanimously (7-0).

APPROVAL OF AGENDA

With no changes, the June 5, 2012 Planning Commission meeting agenda was approved unanimously (7-0).

CONSENT CALENDAR:

- 1) Lots 3A & 3B, Shores at the Highlands (MM) PC#2012038; 349 & 359 Shores Lane
- 2) Corbett Residence (MGT) PC#2012037; 34 Beavers Drive
- 3) Trafalgar Lot 5 (MGT) PC#2012036; 3 Riverwood Drive
- 4) Gaffney Residence (MGT) PC#2012040; 158 Stillson Placer Terrace

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

CONTINUED HEARINGS:

- 1) Ski Side Condo Exterior Remodel (JP) PC#2012022; 1001 Grandview Drive

Ms. Puester presented a proposal for an exterior remodel of the three connected residential buildings, hot tub building and dumpster enclosure. The proposal includes: new fiber cement siding and trim on the residential and hot tub building; natural wood post and beam timbers at decking; corrugated metal siding at base and metal handrails and railings. Upgrades to the insulation and heating system will also be included (windows were replaced 10 years ago).

As proposed, all of the siding and trim boards are to be made of fiber cement material on the residential and hot tub buildings. The base of the residential buildings will be corrugated metal, the base of the hot tub building and retaining walls which are currently concrete will have a micro finish (material board available at the meeting). The deck railings will be black powder coated metal. The only natural material on the

residential buildings consists of timber posts at the deck ends. The hot tub building will have timber posts on the deck and wood trim on the corners of the building. The dumpster enclosure is proposed to remain as wood siding (existing) and be painted to match the proposed colors.

Staff recognizes that this is a large building and we are encouraged to see the owner make upgrades both aesthetically and with regard to energy conservation; however, based on precedent, Staff does not believe that the amount of natural material proposed (the deck post and beams on residential buildings and the deck posts and corner trim on the hot tub building), meet the intent of Policy 5R above for accents on each elevation. Since the language was effective April 27, 2011, to permit fiber cement siding without negative points, there has not been an application which utilizes such a small amount of natural materials per elevation. This is a relative policy with minimal natural materials proposed, and Staff believes that this application warrants negative three (-3) points based on the proposal.

Ms. Darcy Hughes, Architect for the Applicant: No good alternative to existing heating, so we were not able to earn points under Energy Conservation; would like to proceed and feel that application meets the code as presented.

Mr. Ron Carlson, Attorney for the Applicant: My understanding is that there are natural materials on all elevations but you are saying that there isn't enough? Your regulation doesn't give a specific amount and I don't think that there is a basis of that regulation to interpret your point. (Mr. Neubecker: We don't feel the application is the same as others in the amount of natural materials and that is why we recommend the negative points. Mr. Neubecker read the "Burden of Proof" section C, 9-1-17-6.)

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

Commissioner Questions / Comments:

Ms. Dudney: I agree with the Staff. It was this Planning Commission that wrote this addition to the development code but it was our intent that there would be more of a natural materials accent than what we have seen in this design. It is important for precedent's sake not to have this go through.

Mr. Lamb: I agree with Ms. Dudney. I thought this would come back fixed but it came back to us exactly as last time. I thought it would be a pretty easy fix; there were a couple of ways it could have been fixed. So close it is a shame.

Mr. Schroder: When I zoom back on the code and the precedent, I need to stand with how I interpret the code and I support Staff's decision with negative three (-3) points.

Mr. Butler: I don't know why they were reluctant to put more natural features. I agree with Staff's decision.

Ms. Christopher: I agree with Staff's decision. We don't want all our condos in Breckenridge to look like suburbia. We are looking for a little more creativity and natural materials.

Mr. Rath: I agree with what all of my colleagues have said. You have to draw the line somewhere. We are interested in raising the bar in general and not lowering the bar. This is the second time we have heard this and I don't know why we would change our minds at this point.

Mr. Pringle: I agree with the Staff. We have always wanted a natural alpine look to the town. What we have seen is this incremental creep from a natural look to a more suburban look. We left that particular part of the code silent with regards to percentages so we could see some creative interpretation and let people bring in different things. What we are seeing is people going the other way. We don't want to have to specify things but maybe that is the answer. We want to make these look more distinguished. Disappointed this applicant hasn't addressed a different way to fix this so a good statement would be made for this building. I approve what the Staff has come up with and I hope we can come up with a solution.

Ms. Dudney made a motion to approve the point analysis for the Ski Side Condo Exterior Remodel, PC#2012022, 1001 Grandview Drive, showing a failing score of negative three (-3) points. Mr. Butler seconded, and the motion was carried unanimously (7-0).

Ms. Dudney made a motion to deny the Ski Side Condo Exterior Remodel, PC#2012022, 1001 Grandview Drive, with the presented denial findings and conditions, page 75-81 of the packet. Mr. Butler seconded, and the motion was carried unanimously (7-0).

FINAL HEARINGS:

1) Stroble Residence (MM) PC#2011060; 206 South Harris Street, Lot 3A

Mr. Mosher presented a proposal to move and restore the exterior of the historic house to an earlier period, remove the non-historic upper level addition, replace and add to the non-historic addition at the back, landmark and add a full basement beneath the historic house.

As it stands today and with the current Development Code, the existing house on the subdivided lot is 620 feet over density, 735 feet over aboveground density and 368 feet over mass. Also, it does not meet the absolute setbacks on the north side and rear of the property. These conditions are considered existing legal non-conforming.

Changes since the November 15, 2011 Preliminary Hearing:

- The accessory apartment/employee housing unit has been removed from the property. A special Condition of Approval has been added addressing this.
- Only two parking spaces are required as a result.
- Landmarking criteria have been identified and the proposal meets enough to be locally landmarked.

Assignment of Points:

A total of negative 8 (-8) points are recommended:

- Policy 5/R (-5 points) for relocating the building to accommodate development.
- Policy 9/R (-3 points) for not meeting one suggested building setback.

A total of positive nine (+9) points are recommended;

- Policy 24/R (+9 points) for the restoration/rehabilitation efforts.

This results in a passing score of positive one (+1) point.

Staff believes that the restoration of this historic house is a good public benefit for the community. Staff understands some of the hardships the property has incurred from past additions and the non-compliant subdivision of the historic lot.

The Applicant and Agent have responded to all concerns and direction provided over the last meeting. At this time we have the following questions:

1. Did the Commission support awarding positive nine (+9) points for the restoration efforts?
2. Did the Commission support the listed criteria for locally landmarking the historic structure?

Staff recommended approval of the Stroble Residence Restoration, Rehabilitation, Addition and Landmarking, PC#2011060, by supporting the presented Point Analysis. Staff recommended approval of the same with the presented Findings and Conditions.

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

Staff welcomed any additional comments.

Commissioner Questions / Comments:

Ms. Christopher: Snow stacking easement; why did our Streets Department say they could build into that? (Mr. Mosher: They could pick up and move snow. They will be lifting and setting it down. It isn't an encroachment license, it is on their property.)

Ms. Janet Sutterley, Architect for the Applicant: Thank you to Staff for doing such a great job with this. This is one of our historic structures where you have to go for it and do it right otherwise somebody else will do it poorly. I commend him for even looking at this and making it a possibility. Until everyone is out and we start cutting apart the house we won't know about the logs. We are passing this project with a positive one (+1) point; however, I feel that this may create precedent in the future. I really am wondering about the Policy 103 on Relocation of Structures. It says in bullet point two, "relocating the building within its original site,; by making this statement it seems as though we are moving structures off the site. I didn't understand how 103 is being introduced.

Mr. Pringle: I do think that Policy 104 relates back to Policy 103. Bullet points #2 and #4 are what we are asking you to do. Maybe relocating it on its original site. That is where I think 104 relates back to 103. The prevailing thought was that if you move your shed within your original site there should be no harm, no foul. There have been times where there have been no negative points incurred. If that shed had been across the property line or on the property line and you had moved it one foot, how many points would be given? (Mr. Mosher: That would be a hardship if it was off the property.) If they wanted to incorporate it within a new development, then they get negative five (-5) points?

Ms. Sutterley: On historic preservation points, this is double jeopardy. This is not average public benefit. It is significant; the only reason in my mind that this is not a twelve (+12) point project. This is a really good restoration project. We now have a front yard which is mandatory for historic guidelines. This is truly a twelve point (+12) restoration project. I would really like to ask Commissions opinion on that.

Commissioner Questions / Comments:

Ms. Christopher: Where is the new parking? (Ms. Sutterley: Paver strips up to the side of the house.)

Mr. Pringle: I would like to change the point analysis from negative five (-5) to zero for moving the house. Historical house being accommodated to meet development.

Mr. Rath: I would agree. Or it would be a 12 point (+12) project with negative five (-5) points?

Mr. Lamb: This is a fantastic restoration. I see it as a nine (+9) point restoration. That word "pristine" jumps out at me. I think it falls just out of pristine.

Ms. Christopher: I would agree with Mr. Lamb. Positive nine points (+9) instead of positive twelve (+12). I don't like this double jeopardy though. I feel like something needs to be worked out there.

Mr. Rath: Here is my argument with pristine. For some projects, that would be like taking off a back porch. They are sacrificing a hell of a lot without making the building unmarketable and inhabitable. (Ms. Christopher: Is the one thing that is keeping it from pristine being that it is being moved?) (Mr. Neubecker: There are some projects out there that will never get the positive 15 points (+15) and it isn't/wasn't in their control. There are some projects that won't ever be eligible, based on their site. This project does have additions on the back of it and there is parking in the front yard. How far short from pristine is the question. Precedent wise, Staff felt that it was closer to nine (+9) points.)

Mr. Pringle: I think the negative five (-5) points is not warranted for moving the structure. (Mr. Neubecker: Historic preservation is about preserving as much as possible and the more you change it the more you lose.)

- Ms. Dudney: The language in the Staff report is part of what caused the problem here. You should state that it is because of the additions. (Mr. Mosher: It is because the house is being moved and the addition.)
- Mr. Rath: If you are going to move the house, in another application this (negative points) could cause them to be denied.
- Ms. Dudney: It does seem that there is room for interpretation. The terms aren't absolute. So those precedents are for moving the houses. (Mr. Mosher: Yes.)

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

Mr. Pringle made a motion to change the point analysis Policy 5/R from negative five (-5) to zero (0) for the Stroble Residence, PC #2011060, 206 South Harris Street, Lot 3A. Mr. Rath seconded and the motion was denied (4-3).

Ms. Dudney made a motion to change the point analysis Policy 24/R from positive nine points (+9) to positive twelve points (+12) for the Stroble Residence, PC #2011060, 206 South Harris Street, Lot 3A. Mr. Rath seconded and the motion was denied (5-2).

Mr. Pringle made a motion to approve the point analysis for the Stroble Residence, PC#2011060, 206 South Harris Street, Lot 3A. Mr. Lamb seconded, and the motion was carried unanimously (7-0).

Mr. Pringle made a motion to approve the Stroble Residence, PC#2011060, 206 South Harris Street, Lot 3A, with the presented findings and conditions. Mr. Lamb seconded, and the motion was carried unanimously (7-0).

Mr. Pringle made a motion to recommend the Town Council adopt an ordinance to Landmark the historic structure of the Stroble Residence, PC#2011060, 206 South Harris Street, Lot 3A, based on the proposed restoration efforts and the fulfillment of criteria for Architectural and Physical Integrity significance as stated in Section 9-11-4 of the Landmarking Ordinance. Mr. Lamb seconded, and the motion was carried unanimously (7-0).

PRELIMINARY HEARINGS:

1. Breckenridge Distillery Expansion (MGT) PC#2012039; 1925 Airport Road

Mr. Thompson presented a proposal to build a 2,703 square foot addition to the existing 3,896 distillery building. The expansion is needed for additional storage and daily operations. Three new corn, rye, and barley silos are also proposed for the addition. The new silos would allow for more storage, which would reduce the number of deliveries to the business. The addition will match the colors and materials of the existing structure.

The original owner, Josh Child, constructed a 3,000 square foot one story building on Lot 1, Block 9, Breckenridge Airport Subdivision in the year 2000. The building served as Summit Landscaping headquarters, and housed six offices and a shop area. In February of 2010, Breckenridge Distillery opened for business in this location.

There have been many density transfers in the past related to this property. The most recent density apportionment agreement recorded June 22, 2010 (Reception #941319) calls out 14,690 square feet for the new larger single lot (10,640 square feet for Lot 1B1 and 4,050 for Lot 1). After the lot-line vacation, these will be one lot.

The Planning Department believes this proposal is headed in the right direction. Staff had the following questions for the Planning Commission:

1. Did the Commission agree that the 10' tall cupola is exempt from the height measurement?
2. Did the Commission agree that the addition and silos are well-screened from public view?

Commissioner Questions / Comments:

- Mr. Schroder: Access circulation; have you had any conversation with the neighbors about this? (Mr. Thompson: Will let the Applicant, Mr. Brian Nolt, talk about his relationship with this neighbor.)
- Mr. Rath: How long/wide/narrow can this cupola be to be considered a feature? How many feet long is it? (Mr. Neubecker read from the definition of Building Height, Exemptions, Section 2: Non-Residential Structures: Focal Elements that have no density or mass. In no instance can it go over 10'.)
- Mr. Pringle: This is an architectural element as opposed to a needed chimney or an elevator shaft.
- Mr. Rath: It is a practical element; we have a 30' height limit for a reason. (Staff clarified that the height limit is 35 feet in the Land Use District.)
- Ms. Dudney: The language in the code allows this.
- Mr. Rath: This is a significant area of the roof; it is 15' wide and at least 10' tall.
- Ms. Dudney: There is no specification in the code.
- Mr. Lamb: But the code doesn't give us this as an example.
- Ms. Dudney: This is an embellishment. I think that it was probably written because there is an advantage to have some architectural differentiation.
- Mr. Rath: I am not sure that the code allows it.
- Ms. Christopher: We wouldn't just approve it if there was no cupola. It needs that little section on the roof to break up the ridge line.

Mr. Bryan Nolt, Owner/Applicant: This is a much needed expansion for us. In regards to the cupola tower, we wanted to do something different to add a little different element. This is the first step to getting rid of a big mud pile to the west. Hopefully after this, in the future we can do a little more. We would really like to have these silos so we could operate more efficiently and effectively. Silos would be painted to match the exterior.

Mr. Ken Robertson: The cupola, besides breaking up the roof line, would help with energy costs as temperature and natural light could be easily controlled.

Commissioner Questions / Comments:

- Ms. Christopher: Getting the grains from the silos? (Mr. Nolt: It would go through a screw that would go straight into a hopper. It is all hard piped.)
- Mr. Schroder: Your trucks will be going through their property; have you had conversation with your neighbors about your operations? (Mr. Nolt: They don't have concerns at this point. They are happy that we are staying since we are landlords.) (Mr. Neubecker: There are some existing easements that need to be moved and vacating that lot line will eliminate density transfers and will help with setbacks.)

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

Commissioner Questions / Comments:

- Mr. Pringle: Independent of Summit Landscaping, will the silos be independently screened? (Mr. Thompson: There are 8 trees that are not for sale (not part of the landscaping business stock). If the need for the cupola is for light, this will be a rather translucent part of that

- roof and sticking up at 45° at night will we see a lot of light sticking out? I think they could have dormers with ventilation and they wouldn't have to exceed the height.
- Mr. Rath: I think that there is a point of compromise here, it is 10' tall. You could lower that and bring the windows into the roof line and it would be less imposing. That is 1,500 cubic feet of additional space that we are creating. If you drop it down 3 or 4 feet it becomes more settled into the roof line and it could still serve its purpose.
- Mr. Lamb: But the code allows it. I think it adds to the look and it adds to the function. I think it would function in better green fashion. (Mr. Rath: There is a question whether this is a feature.) Yes it is exempt from code.
- Mr. Pringle: I would call it something other than a "similar structure".

Regarding the Questions to the Commission: "1. Did the Commission agree that the 10' tall cupola is exempt from the height measurement?"; and, "2. Did the Commission agree that the addition and silos are well-screened from public view?"

- Mr. Lamb: It is allowed in the code, it is exempt from the height measurement. / I don't think you will see silos from road; very well screened.
- Mr. Pringle: It does not meet the code. / Yes.
- Ms. Dudney: Acceptable. / Yes.
- Mr. Rath: Not acceptable, could be better designed. / Yes.
- Ms. Christopher: Acceptable for me. / Yes.
- Mr. Butler: Exempt. / Yes.
- Mr. Schroder: Exempt. / Yes.
- Ms. Christopher: If I could add that you don't have to push the 10 feet to the absolute limit and still come up with a great design.

OTHER MATTERS:

None.

ADJOURNMENT:

The meeting was adjourned at 9:20 p.m.

Dan Schroder, Chair

Memorandum

TO: Town Council
FROM: Tom Daugherty, Public Works Director
DATE: June 6, 2012
RE: Public Works Lease to County

Attached is the second reading of the ordinance giving permission to enter into a long term lease with Summit County to use space in the Public Works yard. The only changes shown on the lease are in article 6.B.2.c that makes it clear that the additional building that the County may build will be managed by the Town.

1 ***FOR WORKSESSION/SECOND READING – JUNE 12***

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

4
5 COUNCIL BILL NO. 15

6
7 Series 2012

8
9 AN ORDINANCE APPROVING A LEASE WITH THE BOARD OF COUNTY
10 COMMISSIONERS OF SUMMIT COUNTY, COLORADO
11 (Part of Town’s Public Works Facility)

12
13 WHEREAS, the Town of Breckenridge owns the real property commonly known as “the
14 Town of Breckenridge Public Works Facility” located at 1095 Airport Road, Breckenridge,
15 Colorado (“**Public Works Facility**”); and

16
17 WHEREAS, a portion of the Public Works Facility is suitable for use by the Board of
18 County Commissioners of Summit County, Colorado (“**County**”) as the location of the County’s
19 Road & Bridge equipment and material storage facility; and

20
21 WHEREAS, the Town is willing to lease a portion of the Public Works Facility to the
22 County for use as the County’s Road & Bridge equipment and material storage facility; and

23
24 WHEREAS, a proposed Lease between the Town and the County has been prepared by
25 the Town Attorney and reviewed by the Town Council; and

26
27 WHEREAS, Section 15.4 of the Breckenridge Town Charter provides:

28
29 The council may lease, for such time as council shall determine, any real or
30 personal property to or from any person, firm, corporation, public and private,
31 governmental or otherwise.

32
33 and;

34
35 WHEREAS, the term of the proposed Lease with the County exceeds one year in length;
36 and

37
38 WHEREAS, Section 1-11-4 of the Breckenridge Town Code requires that any real estate
39 lease entered into by the Town that exceeds one year in length must be approved by ordinance.

40
41 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
42 BRECKENRIDGE, COLORADO:

1 ***DRAFT June 6, 2012 DRAFT***

2
3 Additions To The Prior Draft Dated December 9, 2011 Are
4 Indicated By **Bold + Dbl Underline**; Deletions By ~~Strikeout~~

5
6 **LEASE**

7
8 THIS LEASE (“**Lease**”) is dated _____, 2012 and is between the
9 TOWN OF BRECKENRIDGE, a Colorado municipal corporation (“**Town**”) and the BOARD
10 OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO (“**County**”). The
11 Town and the County are sometimes referred individually as a “**Party**”, and together as the
12 “**Parties.**”
13

14 **Article 1. - BASIC LEASE PROVISIONS**

15 **A. Intent and Purpose.** The purpose of this Lease is provide land for the relocation of the
16 County’s Road & Bridge equipment and material storage facility from its current location on
17 County Road 450 to the Leased Premises, and to partially implement the Parties’
18 Memorandum of Understanding dated _____, 2011 (“**MOU**”).

19 **B. Leased Premises.**

20 1. In consideration of County’s payment of the sums due to Town under this Lease, and
21 the keeping of the promises, covenants, and conditions required of County by this Lease,
22 Town leases to County, and County leases from Town, for the term and upon the
23 conditions of this Lease, the real property described and depicted on the attached Exhibit
24 “A” (“**Leased Premises**”). The Leased Premises are a part the “**Town of Breckenridge**
25 **Public Works Facility**” located at 1095 Airport Road, Breckenridge, Colorado (“**Public**
26 **Works Facility**”), and include the Town’s current Public Works Administration Building
27 consisting of approximately 3,200 square feet.

28 2. In order to expedite and reduce conflict on the site, the Town will remodel the Leased
29 Premises so that it functions as an equipment storage space similar to the other equipment
30 storage buildings currently on site. This work generally includes demolishing the
31 existing office finish, placing bay doors in each bay, replacing the existing boiler with
32 radiant heating, replacing a portion of the concrete floor with a sloped floor and drains
33 and relocating the electric outlets to the outside walls.

34 3. To replace its current Public Works Administration Building (that will be become the

1 County's Public Works Facility as described in this Lease) the Town will plan, design,
2 and construct a new Public Works Administration Building at the Public Works Facility.
3 The Town will determine the location, size, and design of its new building.

4 **C. Common Area.** As part of this Lease County also has the right to use the common area
5 of the Public Works Facility ("Common Area"), subject to the Town's rules concerning the
6 use of such area. County has no interest in, or right to use or occupy, any portion of the
7 Public Works Facility except for the Leased Premises and the Common Area.

8 **D. Use of Leased Premises.** The Leased Premises will be used by County only for the
9 location and operation of the County's Road & Bridge equipment and material storage
10 facility, and for directly related public works uses. County will not use the Leased Premises
11 for any other purpose without Town's prior written consent.

12 **E. Term.** The term of this Lease ("Term") begins at 12:01 A.M., local time, on
13 _____, 2012 and ends, unless sooner terminated as hereafter provided, at
14 11:59 P.M., local time, on _____, 2042. Prior to the expiration of the Term, the
15 Town and County will negotiate in good faith to attempt to reach agreement on the possible
16 extension of the Term, or to enter into a new lease for the Leased Premises; provided,
17 however, that nothing in this Lease obligates either Party to agree to an extension of the
18 Term, or to enter into a new lease for the Leased Premises.

19 **F. Surrender of Leased Premises.**

20 1. Upon the expiration or earlier termination of this Lease County will surrender the
21 Leased Premises to Town broom clean and in good condition, ordinary wear and tear
22 excepted. Not later than the last day of the Term, County will remove its personal
23 property and fixtures (including, but not limited to, trade fixtures) from the Leased
24 Premises. The cost of such removal will be borne by County, and County will repair all
25 injury or damage done to the Leased Premises in connection with the installation or
26 removal of County's personal property and trade fixtures. All of County's fixtures
27 (including, but not limited to, trade fixtures) that are so attached to the Leased Premises
28 that they cannot be removed without material injury to the Leased Premises will, at
29 Town's option, become the property of Town upon installation and remain with the
30 Leased Premises upon surrender.

31 2. Town may retain or dispose of any personal property, fixtures (including, but not
32 limited to, trade fixtures), alterations, or improvements left remaining by County at or
33 upon the Leased Premises following the expiration or earlier termination of this Lease,
34 and Town is not accountable to County for any damages for the loss or destruction
35 thereof, or for any part of the proceeds of sale, if any, realized by Town. County waives
36 all claims against Town for any damages suffered by County resulting from Town's
37 retention or disposition of such personal property, fixtures (including, but not limited to,
38 trade fixtures), alterations or improvements. County is liable to Town for Town's costs
39 for storing, removing and disposing of any such personal property, fixtures (including

1 trade fixtures), or alterations.

2 Article 2. - **RENT AND SECURITY**

3 A. **Rent.** There is no periodic rent to be paid by the County for the lease of the Leased
4 Premises. However, County will pay to Town as and when due any amount required to be
5 paid by County under this Lease.

6 B. **Interest on Past Due Amounts.** County will pay interest to Town on any sum due to
7 Town under this Lease that is 30 days or more past due at the rate of 12% per annum from
8 the date due until the date such payment is fully paid.

9 C. **Due Date, Place and Manner of Payments.**

10 1. All sums payable to Town under this Lease are due 30 days after County’s receipt of
11 Town’s properly documented invoice. County will notify Town of any objection within
12 14 days of the invoice date, identifying the reasons for such objection in writing, and
13 timely paying that portion of the invoice not in dispute. Invoices will be considered
14 acceptable to County if no such objections are made. If objections to an invoice are made
15 by the County, the dispute shall be resolved in accordance with Article 13.

16 Sums due to the Town will be paid to:

17 Town of Breckenridge
18 Clerk & Finance Division
19 Attn: Accounts Receivable
20 P. O. Box 168
21 Breckenridge, CO 80424
22

23 or at such other place as the Town Manager of the Town of Breckenridge (“Town
24 Manager”) may hereafter designate by written notice provided to County in accordance
25 with Section 16.1 of this Lease.

26 Article 3. - **TOWN’S DISCLAIMERS AND EXCULPATORY**
27 **PROVISIONS**
28

29 A. **Delay In Delivery of Possession of Leased Premises.** Town is not liable to County for
30 any delay in delivery of possession of the Leased Premises to County.

31 B. **Town’s Non-liability.** As a material part of the consideration to be received by Town
32 under this Lease, County assumes all risk of damage to property or injury to persons in or
33 upon the Leased Premises from any cause other than Town’s gross negligence or intentional
34 wrongful act, and County hereby waives all claims in respect thereof against Town.

1 C. **Limitation of Remedies.** Town is not liable for any indirect, special, or consequential
2 damages, including, but not limited to, loss of anticipated profits, revenue or savings,
3 business interruption, or any similar claim arising from the Town's breach of this Lease, even
4 if Town has been advised of the possibility of such damages. This limitation applies
5 notwithstanding the failure of an essential purpose of any limited remedy.

6
7 **Article 4. - COUNTY'S AFFIRMATIVE OBLIGATIONS**

8 A. **Damages to Leased Premises and Public Works Facility.** County will pay for any
9 damage to the Leased Premises caused by County or resulting from County's use of the
10 Leased Premises pursuant to this Lease. County will also pay for any damage to other
11 portions of the Public Works Facility caused by County's negligence or intentional wrongful
12 act. County will pay for any such damage within 30 days of receipt of notice from the Town.

13 B. **Taxes.** Because both Town and Country are tax-exempt entities under Colorado law, the
14 parties anticipate that the Leased Premises will be tax-exempt throughout the Term.
15 However, if any taxes are lawfully assessed against the Leased Premises as a result of
16 County's use of the Leased Premises County will pay such taxes before they become
17 delinquent.

18 C. **Signs.** County will not post, place, affix, erect, or display any sign within or outside of
19 the Leased Premises without Town's prior approval. In considering County's request to place
20 a sign within or outside of the Leased Premises, Town acts in its capacity as landlord of the
21 Leased Premises, and not in its governmental capacity. Town may remove any sign placed
22 within or outside of the Leased Premises in violation of the portions of this Section. County
23 will maintain all signs located within or outside of the Leased Premises in good, clean, and
24 attractive condition. County will remove all signs placed by it within or outside of the Leased
25 Premises at the expiration or earlier termination of this Lease, and repair any damage or
26 injury caused thereby. If not so removed by County, the Town may remove such sign(s) at
27 County's expense.

28 D. **Inspection and Entry.** Town and Town's authorized representatives may enter the
29 Leased Premises at all times during reasonable hours to inspect the Leased Premises. County
30 further agrees that the Town may go upon the Leased Premises at all times and:

- 31 1. perform any work therein that may be necessary to comply with any laws, ordinances,
32 rules or regulations of any public authority or that the Town may deem necessary to
33 prevent waste or deterioration of the Leased Premises;
- 34 2. post any notice provided for by law; or
- 35 3. otherwise protect any and all rights of Town,
- 36 4. all without any liability to County for damages.

1 5. Nothing in this Section implies or creates any duty on the part of the Town to do any
2 work that under any provision of this Lease the County may be required to do, nor will it
3 constitute a waiver of County's default in failing to do such work. No reasonable exercise
4 by the Town of any rights herein reserved will entitle the County to any damage or
5 compensation of any kind from Town for any injury, loss, damage, or inconvenience
6 occasioned thereby, or to any abatement of rent.

7 **E. Compliance With Laws.** County, at its sole cost and expense, will comply with all laws,
8 ordinances, orders, and regulations of all governmental authorities with respect to the use of
9 the Leased Premises. A judgment of any court or the admission of County in any action or
10 proceeding against County, whether Town is a Party thereto or not, that County has violated
11 any law, ordinance, requirement or order in the use of the Leased Premises will be conclusive
12 of the fact as between Town and County.

13 **Article 5. – UTILITIES AND MAINTENANCE**

14 **A. Utilities.**

15 1. Town will provide water, gas, and electricity for County's use at the Leased Premises
16 if it is not being provided by a separate meter.

17 2. County will reimburse to the Town the cost of water, gas, and electricity provided to
18 the Leased Premises. For any utility service that is not separately metered the Parties will
19 agree on a formula whereby the County will pay its pro rata share of the cost of the
20 unmetered utilities used or consumed by it at the County Public Works Building. County,
21 at its cost, may elect to install meters for any utility service used by it at the County
22 Public Works Building.

23 3. County will contract pay for any telephone, cable television, and internet services
24 used by County at the Leased Premises.

25 **B. Facility Maintenance Fee.** County will pay its pro rata share of the total cost of
26 maintenance, upkeep, repair, and replacement of the Common Area (exclusive of costs
27 attributable only to the Town's new Public Works Administration Building and other
28 facilities used exclusively by the Town), including, but not limited to, a Facility Maintenance
29 Fee that will establish a cash reserve to pay for needed maintenance, upkeep, repair and
30 replacement of the Common Area.

31 **C. Maintenance and Snow Plowing.**

32 1. County's Maintenance Duties. County will provide, at its expense, all required
33 maintenance and upkeep of the Leased Premises.

34 2. Town's Maintenance Duties. Town will provide, at its expense (but subject to
35 County's obligation to pay the Facility Maintenance Fee described in Section 5.2) all

1 required cleaning and maintenance of the Common Area.

2 3. Snow Removal. Town will provide all snow plowing, and snow and ice removal for
3 the Public Works Facility.

4 **D. Sand Piles.** The Parties will jointly share the use of the “sand pile” that is located at the
5 Town’s Public Works Facility. With respect to the sand piles, it is agreed that:

6 1. each Party will purchase and pay for their own sand that will be stored in the sand
7 pile;

8 2. the Parties will not share in the cost of purchasing sand; and

9 3. the Parties will be responsible for accounting for their respective usage of sand stored
10 at the sand pile.

11 **Article 6. - COUNTY’S NEGATIVE OBLIGATIONS**

12 **A. Alterations and Improvements.**

13 1. “Alteration” means:

14 a. The remodeling of the County Public Works Building as described in Section 4.1;

15 b. The construction of the Additional Building as described in Section 6.2; and

16 c. Any other alteration, addition, substitution, installation, change, and improvement
17 to the Leased Premises.

18 2. County is responsible for constructing and paying for all Alterations once they
19 receive possession of the Leased Premises.

20 3. However, County will not make any Alteration to the Leased Premises without the
21 prior written consent of Town, which consent may be granted, withheld, or conditionally
22 approved in Town’s sole, absolute, and subjective discretion.

23 4. The exterior of any Alteration must be architecturally compatible with the current
24 Public Works Facility, it being the Parties’ intention that all of the buildings located (and
25 to be located) at the Public Works Facility during the Term will have the same general
26 appearance.

27 5. County will provide Town with plans for the construction or installation of any
28 proposed Alteration at least 60 days prior to the planned commencement of construction.
29 County will also provide any supplemental information requested by Town. County will
30 not make any Alteration that has not been approved by Town.

1 6. The following will be conditions of Town’s consent to the construction of any
2 alteration to the Leased Premises by County:

- 3 a. The work will be performed and completed:
- 4 b. In accord with the submitted plans and specifications;
- 5 c. In a workmanlike manner.
- 6 d. In compliance with the Town’s building and technical codes, and may be
7 inspected by the Town’s Building Official to determine compliance with the applicable
8 codes.
- 9 e. In compliance with all applicable laws, rules, regulations, ordinances, and other
10 requirements of governmental authorities.
- 11 f. Using new materials, unless otherwise agreed by Town.
- 12 g. With due diligence.
- 13 h. County will only use workers and contractors who Town approves.
- 14 i. County will modify plans and specifications because of reasonable conditions set
15 by Town after reviewing the plans and specifications.
- 16 j. County’s contractors will carry builders risk insurance in an amount then
17 customarily carried by prudent contractors, and workers’ compensation insurance for its
18 employees complying with applicable law.
- 19 k. Upon request County will give Town evidence that it complied with any condition
20 set by Town.

21 7. Any Alteration made by County to the Leased Premises will become the property of
22 the Town; will be considered as part of the Leased Premises; and will not be removed
23 from the Leased Premises by County upon the expiration or earlier termination of this
24 Lease unless removal is ordered by the Town.

25 8. County will not make any Alteration without first having submitted the proposed
26 Alteration to the Town for review in accordance with the Town’s “Public Project”
27 process described in the Town’s Development Code.

28 **B. Additional Building.** In addition to the County Public Works Building, the County may
29 construct one additional building at the Leased Premises (“Additional Building”) on a site of
30 a maximum size of 50 feet deep by 60 feet wide. If the County desires to construct the
31 Additional Building, then:

1 1. The site of the Additional Building must be acceptable to the Town (currently
2 expected to be adjacent to the County Public Works Building).

3 2. The County will pay to plan, design, and construct the Additional Building.

4 a. Section 6.1 will apply to the construction of the Additional Building.

5 b. If the County constructs the Additional Building, all provisions of this Lease
6 (unless otherwise indicated) apply to both the Additional Building and the County
7 Public Works Building.

8 c. In order to expedite and reduce conflict on the site, the Town ~~is willing to will~~
9 manage the ~~project and construct~~ **construction** of the Additional Building ~~as part of its~~
10 ~~contract to build the new Public Works Administration Building.~~

11 i. The County and the Town will work together to negotiate a price that is
12 acceptable to the County with the Town's contractor.

13 ii. The Town will make payment to the contractor for the costs of the Additional
14 Building.

15 iii. The County will reimburse the Town within thirty (30) days for any costs paid
16 to the contractor for the Additional Building.

17 iv. The contractor will provide separate billing to the Town for the Additional
18 Building to account for the costs of the Additional Building.

19 **C. Assignment and Subletting.**

20 1. County will not assign, sublet, license, pledge, encumber, or allow any other person
21 or entity to occupy or use any or all of the Leased Premises without first obtaining
22 Town's prior written consent. Any assignment, sublease, license, pledge or encumbrance
23 without Town's prior written consent is voidable by Town and, at Town's election, will
24 constitute a default under this Lease. No consent by Town to any of the above acts will
25 constitute a further waiver of the provisions of this Section.

26 2. If Town consents to an assignment, sublease, or license County may be required, as a
27 condition of granting consent, to pay Town's reasonable costs incurred in considering the
28 proposed assignment, sublease, or license including, but not limited to, legal fees and
29 credit checks.

30 **D. Waste or Nuisance.** County will not commit or permit to be committed any waste upon
31 the Leased Premises. County will not commit or permit to be committed upon the Leased
32 Premises any public or private nuisance, or any other act or thing prohibited by law.

33 **Article 7. – COUNTY'S PAYMENT TO TOWN IN LIEU OF RENT**

1 A. **Payment Due to Town.** In recognition of the fact that the County will not be required to
2 pay periodic rent to occupy the Leased Premises, the County will pay to the Town a mutually
3 acceptable sum of \$454,000.

4 Article 8. - **INSURANCE**

5 A. **County's Liability Insurance.** Throughout the Term County will, at its expense,
6 continuously maintain comprehensive general liability insurance with limits of liability not
7 less than the limits of liability for local governments established from time to time by the
8 Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S. ("Act"), which
9 limits are, as of the effective date of this Lease, One Hundred Fifty Thousand Dollars
10 (\$150,000) for injuries or damages sustained to one person in any single occurrence and Six
11 Hundred Thousand Dollars (\$600,000) for injuries or damages sustained to two or more
12 persons in any single occurrence. County's liability insurance policy will be endorsed to
13 include the Town as an additional insured.

14 B. **Worker's Compensation Insurance.** County will maintain at all times throughout the
15 Term worker's compensation insurance as required by Colorado law insuring the payment of
16 compensation to all its employees engaged in the performance of work at the Leased
17 Premises.

18 C. **Property and Casualty Insurance.**

19 1. Town will provide property (casualty) insurance on all of the buildings located (or to
20 be located) at the Public Works Facility, including all buildings owned by the Town and
21 all buildings owned by the County. County will reimburse Town for the cost of insuring
22 the County Public Works Building under the Town's property (casualty) insurance
23 policy.

24 2. County will provide its own property (casualty) insurance for its personal property,
25 motor vehicles, and equipment to be stored in the County Public Works Building.

26 D. **Additional Insurance Provisions.** Every insurance policy required to be carried by this
27 Article to be carried by County will be primary insurance, and any insurance carried by
28 Town, its officers, or its employees, or carried by or provided through any insurance pool of
29 which Town is a member, will be excess and not contributory insurance to that provided by
30 County. County is solely responsible for any deductible losses under its required insurance
31 policies.

32 E. **Insurance Criteria.** Insurance policies required by this Lease will:

33 1. be issued by insurance companies licensed to do business in the State of Colorado
34 with general policyholder's ratings of at least A and a financial rating of at least XI in the
35 most current *Best's Insurance Reports* available at the time such insurance is to be
36 procured; and

1 C. **Partial Taking.** If the taking of a part of the Leased Premises materially interferes with
2 County's ability to continue its business operations in substantially the same manner then
3 County may terminate this Lease on the earlier of:

- 4 1. the date when title vests;
- 5 2. the date County is dispossessed by the condemning authority; or
- 6 3. 60 days following notice to County of the date when vesting or dispossession is to
7 occur.

8 If the taking of a part of the Leased Premises does not materially interfere with County's ability
9 to continue its business operations in substantially the same manner, then this Lease will
10 terminate only as to part of the Leased Premises taken, and the rent will abate in proportion to
11 the part of the Leased Premises taken.

12
13 D. **Awards and Damages.** Any compensation or damages paid by a condemning authority
14 will be divided between the Town and County as follows:

- 15 1. County is entitled to that portion of the compensation or damages that represents the
16 amount of County's moving expenses, business dislocation damages, County's personal
17 property and fixtures, and the unamortized costs of leasehold improvements paid for by
18 County; and
- 19 2. the balance of such compensation or damages belongs to the Town.

20 Article 11. - HAZARDOUS MATERIALS

21 A. **Hazardous Materials - Defined.** As used in this Section, the term "**Hazardous**
22 **Materials**" means any chemical, material, substance or waste:

- 23 1. exposure to which is prohibited, limited, or regulated by any federal, state, county,
24 regional or local authority, or other governmental authority of any nature; or
- 25 2. that, even if not so regulated, may or could pose a hazard to the health or safety of the
26 occupants of the Leased Premises including, without limitation, any petroleum, crude oil
27 (any fraction thereof), natural gas, natural gas liquids, and those substances defined as
28 "hazardous substances", "hazardous materials", "hazardous wastes" or other similar
29 designations in the Comprehensive Environmental Response, Compensation and Liability
30 Act of 1980, as amended, 42 U.S.C. Section 6901 *et seq.*, the Hazardous Materials
31 Transportation Act, 49 U.S.C. Section 1801 *et seq.*, and any other governmental statutes,
32 laws, ordinances, rules, regulations, and precautions.

33 B. **Hazardous Materials - Prohibited.** County will fully comply with all statutes, laws,
34 ordinances, rules, regulations, and precautions now or hereafter mandated or advised by any

1 federal, state, local, or other governmental agency with respect to the use, generation,
2 storage, or disposal of Hazardous Materials. County will not cause, or allow anyone else to
3 cause, any Hazardous Materials to be used, generated, stored, or disposed of on or about the
4 Leased Premises without the prior written consent of Town, which consent may be revoked
5 at any time. County's indemnification of Town pursuant to this Lease extends to all liability,
6 including all foreseeable and unforeseeable consequential damages, directly or indirectly
7 arising out of the use, generation, storage, or disposal of Hazardous Materials at the Leased
8 Premises by County, or any person claiming under County, including, without limitation, the
9 cost of any required or necessary repair, cleanup, or detoxification and the preparation of any
10 closure or other required plans, whether such action is required or necessary prior to or
11 following the termination of this Lease, to the full extent that such action is attributable,
12 directly or indirectly, to the use, generation, storage, or disposal of Hazardous Materials by
13 County or any person claiming under County; provided, however, the written consent by
14 Town to the use, generation, storage, or disposal of Hazardous Materials will excuse County
15 from County's obligation of indemnification. In the event County is in breach of the
16 covenants herein, after notice to County and the expiration of the earlier of:

- 17 1. the cure period provided in Section 12.1(c);
- 18 2. the cure period permitted under applicable law, regulation, or order,

19 then Town may, in its sole discretion, declare a default under this Lease and/or cause the
20 Leased Premises to be freed from the Hazardous Material and the cost thereof will be
21 deemed additional rent hereunder and will immediately be due and payable from County.
22 The obligations of County under this Section will survive the expiration or termination of
23 this Lease.

24 Article 12. - DEFAULT

25 A. **Default by County.** The occurrence of any one or more of the following events will
26 constitute a default and breach of the Lease by County:

- 27 1. The vacating or abandonment of the Leased Premises by County.
- 28 2. The failure by County to make any payment due from County hereunder as and when
29 due, when such failure will continue for a period of 10 days after service of written notice
30 thereof by Town to County.
- 31 3. The failure by County to observe or perform any of the other covenants, conditions,
32 or provisions of this Lease to be observed or performed by the County, or to obey rules
33 promulgated by Town, within 10 days after service of written notice thereof by the Town
34 to the County. In the event of a non-monetary default that is not capable of being
35 corrected within 10 days, County will not be default if it commences correcting the
36 default within 10 days of service of a demand for compliance notice and thereafter
37 corrects the default with due diligence.

1 4. The filing by or against County of a petition to have County adjudged bankrupt.

2 **B. Exceptions to Cure Periods.** The cure period provided in Section 12.1(c) does not apply
3 to:

4 1. Emergencies;

5 2. County’s failure to maintain the insurance required by Article 8.

6 **C. Town’s Remedies Upon Default.** If the County is in default under this Lease, Town has
7 all of the remedies provided for in such circumstances by Colorado law; provided, however,
8 the Town will comply with dispute resolution provisions of Article 13. Town’s exercise of
9 any of its remedies or its receipt of County’s keys will be not an acceptance of County’s
10 surrender of the Leased Premises. A surrender must be agreed to in writing and signed by
11 both parties.

12 **D. Default by Town.** Town will be in default under this Lease if Town fails to comply with
13 any of the terms, provisions, or covenants of this Lease within 10 days following service of
14 written notice thereof by County. In the event of a non-monetary default that is not capable
15 of being corrected within 10 days, Town will not be default if Town commences correcting
16 the default within 10 days of receipt of notification thereof and thereafter corrects the default
17 with due diligence.

18 **E. County’s Remedies Upon Default.** If the Town is in default under this Lease, County
19 has all of the remedies provided for in such circumstances by Colorado law; provided,
20 however, the County will comply with dispute resolution provisions of Article 13.

21 **Article 13. – DISPUTE RESOLUTION**

22 **A. Negotiation.** The Parties will attempt in good faith to resolve any dispute arising out of
23 or relating to this Lease not resolved promptly by negotiations between persons who have
24 authority to settle the controversy (“**Executives**”). Any Party may give the other Party
25 written notice of any dispute not resolved in the normal course of business. Within five days
26 after receipt of said notice Executives of the Parties to the dispute will meet at a mutually
27 acceptable time and place, and thereafter as often as they reasonably deem necessary, to
28 exchange relevant information and to attempt to resolve the dispute. If the matter has not
29 been resolved within ten days of the notice of dispute, or if the Parties fail to meet within five
30 days, any Party to the dispute may initiate mediation of the controversy as provided in
31 Section 13.2.

32 **B. Mediation.** If the dispute has not been resolved by negotiation as provided above, the
33 Parties will endeavor to settle the dispute by mediation with a neutral third Party. If the
34 Parties encounter difficulty in agreeing on a neutral third Party, they may each appoint a
35 neutral third Party, such third Parties to appoint a neutral third Party to mediate. Each Party
36 will pay their own attorneys’ fees incurred in connection with mediation.

1 C. **Judicial Action.** Any dispute arising out of or relating to this Lease or the breach,
2 termination or validity hereof, which has not been resolved by the methods set forth above
3 within 30 days of the initiation of mediation, may be finally resolved by appropriate judicial
4 action commenced in a court of competent jurisdiction. The Parties agree to exclusive venue
5 in the courts of Summit County, Colorado with respect to any dispute arising out of or
6 relating to this Agreement. Both Parties waive the right to a jury trial in action to enforce,
7 interpret, or construe this Lease.

8 D. **Attorneys' Fees** If any action is brought in a court of law by either Party to this
9 Agreement concerning the enforcement, interpretation or construction of this Agreement, the
10 prevailing Party, either at trial or upon appeal, will be entitled to reasonable attorneys' fees,
11 as well as costs, including expert witness' fees, incurred in the prosecution or defense of such
12 action.

13 E. **Equitable Relief.** Nothing in this Article prevents a Party from seeking to obtain from a
14 court of competent jurisdiction a temporary restraining order, preliminary injunction,
15 permanent injunction, or other appropriate form of equitable relief, to enforce the provisions
16 of this Lease if such action is authorized by applicable law.

17 **Article 14. - NO DISTURBANCE**

18 A. **Quiet Enjoyment.** Subject to the terms and conditions of this Lease, Town covenants
19 that so long as the amounts due to Town under this Lease are paid as and when due, and there
20 is no default in any of the other covenants, conditions, or provisions of this Lease to be
21 performed, observed or kept by County, the County will peaceably and quietly hold and
22 enjoy the Leased Premises for the entire Term.

23 **Article 15. - TOWN'S RULES**

24 A. **Rules.** County will faithfully observe and comply with any rules and regulations
25 promulgated by Town with respect to the Leased Premises. The Town's rules and regulations
26 must be reasonable, and may not unilaterally change or significantly alter the material terms
27 and conditions of this Lease. The rules and regulations, and any amendments thereto, will be
28 binding upon the County upon delivery to County.

29 **Article 16. - MISCELLANEOUS**

30 A. **Notices.** All notices required or permitted under this Lease must be given by registered or
31 certified mail, return receipt requested, postage prepaid, or by hand or commercial carrier
32 delivery, or by telecopies, directed as follows:

33 If intended for Town to:

34
35 Town of Breckenridge
36 P.O. Box 168

1 150 Ski Hill Road
2 Breckenridge, Colorado 80424
3 Attn: Town Manager
4 Telecopier number: (970)547-3104
5 Telephone number: (970)453-2251
6

7 with a copy in each case (that will not constitute notice) to:

8
9 Timothy H. Berry, Esq.
10 Timothy H. Berry, P.C.
11 131 West 5th Street
12 P. O. Box 2
13 Leadville, Colorado 80461
14 Telecopier number: (719)486-3039
15 Telephone number: (719)486-1889
16

17 If intended for County to:

18
19 Board of County Commissioners
20 P.O. Box 68
21 Breckenridge, Colorado 80424
22 Attn: Gary Martinez, County Manager
23 Telephone number: (970)453-3401
24 Telecopier number: (970)453-3535
25

26 with a copy in each case (which will not constitute notice) to:

27
28 Jeff Huntley, Esq.
29 Summit County Attorney
30 P.O. Box 68
31 Breckenridge, Colorado 80424
32 Telephone number: (970)453-3407
33 Telecopier number: (970)454-3535
34

35 Any notice delivered by mail in accordance with this Section will be effective on the
36 third business day after the same is deposited in any post office or postal box regularly
37 maintained by the United States postal service. Any notice delivered by telecopier in
38 accordance with this Section will be effective upon receipt if concurrently with sending
39 by telecopier receipt is confirmed orally by telephone and a copy of said notice is sent by
40 certified mail, return receipt requested, on the same day to the intended recipient. Any
41 notice delivered by hand or commercial carrier will be effective upon actual receipt.
42 Either Party, by notice given as provided above, may change the address to which future
43 notices may be sent. The provisions of this Section do not apply to any notice or demand
44 that is required to be served in a particular manner by applicable law; and any such notice

1 or demand will be served as required by law notwithstanding the provisions of this
2 Section. E-mail is not a valid way to give notice under this Lease.

3 B. **“Day” Defined.** Unless otherwise indicated, the term “day” means a calendar (and not a
4 business) day.

5 C. **“Will” or “Will Not” Defined.** “Will” or “will not” indicates a mandatory obligation to
6 act or to refrain from acting as specifically indicated in the context of the sentence in which
7 such word is used.

8 D. **Complete Agreement.** It is understood and agreed that this Lease contains the complete
9 and final expression of the agreement between the Parties, and there are no promises,
10 representations, or inducements except as are herein provided. All negotiations,
11 considerations, representations, and understandings between the Parties related to this Lease
12 are contained herein.

13 E. **Amendment.** This Lease may not be modified except by a written Lease signed by both
14 the Town and County. Oral modifications of this Lease are not permitted.

15 F. **Captions.** The headings of the sections and paragraphs contained in this Lease are for
16 convenience only and do not define, limit, or construe the contents of the articles, sections
17 and paragraphs.

18 G. **Waiver.** The failure of either Party to exercise any of such Party’s rights under this Lease
19 is not a waiver of those rights. A Party waives only those rights specified in writing and
20 signed by the Party waiving such rights.

21 H. **Severability.** If any provision of this Lease is held to be invalid, illegal, or unenforceable
22 in any respect, the validity, legality and enforceability of the remaining provisions contained
23 in this Lease and the application hereof will not in any way be affected or impaired thereby.

24 I. **Force Majeure.** Neither Party will be liable to the other for any failure, delay, or
25 interruption in the performance of any of the terms, covenants, or conditions of this Lease
26 due to causes beyond the control of that Party including, without limitation, strikes, boycotts,
27 labor dispute, embargoes, shortages of materials, acts of God, acts of the public enemy, acts
28 of superior governmental authority, weather conditions, floods, riots, rebellion, terrorism,
29 sabotage or any other circumstance for which such Party is not responsible or that is not in its
30 power to control.

31 J. **Advances by Town For County.** If County fails to do anything required to be done by it
32 under the terms of this Lease (other than a failure to make the payments to Town herein
33 required) the Town may, at its sole option, but without any obligation to do so, do or perform
34 such act or thing on behalf of County, and in doing so the Town will not be deemed to be a
35 volunteer; provided, however, that before exercising its rights under this Section Town must
36 give notice to County as provided in Section 16.1, and afford the County not less than five

1 days from the giving of such notice within which to do or perform the act required by
2 County. Upon notification to County of the costs incurred by the Town County will promptly
3 pay to Town the full amount of costs and/or expenses incurred by Town pursuant to this
4 Section, together with interest thereon at the rate of 12% per annum.

5 **K. Governmental Immunity.** Both the Town and the County are relying on, and do not
6 waive or intend to waive by any provision of this Lease, the monetary limitations (presently
7 \$150,000 per person and \$600,000 per occurrence) or any other rights, immunities, and
8 protections provided by the Act, as from time to time amended, or any other limitation, right,
9 immunity or protection otherwise available to Town or the County, or their respective elected
10 officials, officers, or employees.

11 **L. No Adverse Construction Based On Authorship.** Each Party had the opportunity to
12 participate in the drafting of this Lease. This Lease is not to be construed against either Party
13 by virtue of such Party having drafted this Lease.

14 **M. Town's Consent.** Except as otherwise expressly provided to the contrary in this Lease,
15 wherever in this Lease it is provided that some act requires the Town's prior consent, such
16 consent will not be unreasonably withheld by Town.

17 **N. Third Parties.** There are no third Party beneficiaries of this Lease.

18 **O. Lease Not To Be Recorded.** This Lease **MAY NOT BE RECORDED** with the Clerk
19 and Recorder of Summit County, Colorado.

20 **P. Time of Essence.** Time is of the essence of this Lease.

21 **Q. Governing Laws; Venue; Waiver of Jury Trial.** The laws of the State of Colorado will
22 govern the interpretation, validity, performance, and enforcement of this Lease. Any
23 litigation brought to interpret or enforce this Lease must be commenced in Summit County,
24 Colorado.

25 **R. Non-Discrimination; Compliance with Applicable Laws.** County:

26 1. will not discriminate against any employee or applicant for employment to work at
27 the Leased Premises because of race, color, creed, sex, sexual orientation, religion,
28 national origin, or disability;

29 2. will insure that applicants who are to work at the Leased Premises are employed and
30 that employees are treated during employment without regard to their race, color, creed,
31 sex, sexual orientation, religion, national origin, or disability;

32 3. will in all solicitations or advertisements for employees to be engaged in the
33 performance of work at the Leased Premises state that all qualified applicants will receive
34 consideration for employment without regard to race, color, creed, sex, sexual
35 orientation, religion, national original or disability; and

1 4. will comply with all applicable federal, state, and local laws, rules and regulations.
2 Without limiting the generality of the foregoing, County will comply with the applicable
3 provisions of the Americans With Disabilities Act, 42 U.S.C. §12101, et seq. (Public
4 Law 101-336), and all applicable regulations and rules promulgated thereunder by any
5 regulatory agency. The indemnification and termination provisions of this Lease apply to
6 County's failure to comply with all applicable laws or regulations.

7 **S. No Partnership.** The Town is not a partner, associate, or joint venturer of the County in
8 the conduct of County's business at the Leased Premises. County is an independent
9 contractor without the right or authority to impose tort or contractual liability upon the Town.

10 **T. Binding Effect.** The covenants, conditions, and obligations herein contained extend to,
11 bind, and inure to the benefit of, not only the Parties hereto, but their respective successors
12 and permitted assigns.

13 **U. Annual Appropriation.**

14 1. Town's financial obligations under this Lease are subject to an annual appropriation
15 being made by the Town Council of the Town of Breckenridge, Colorado in an amount
16 sufficient to allow Town to perform its obligations under this Lease. If sufficient funds
17 are not appropriated for such purpose, this Lease may be terminated by either Party
18 without penalty; provided, however, all sums due to the County under this Lease up to
19 date of termination will be budgeted, appropriated, and paid by Town. Town's financial
20 obligations under this Lease do not constitute a general obligation indebtedness or
21 multiple year direct or indirect debt or other financial obligation whatsoever within the
22 meaning of the Constitution or laws of the State of Colorado.

23 2. County's financial obligations under this Lease are subject to an annual appropriation
24 being made by the Board of County Commissioners of Summit County, Colorado in an
25 amount sufficient to allow County to perform its obligations under this Lease. If
26 sufficient funds are not appropriated for such purpose, this Lease may be terminated by
27 either Party without penalty; provided, however, all sums due to the Town under this
28 Lease up to date of termination will be budgeted, appropriated, and paid by County.
29 County's financial obligations hereunder do not constitute a general obligation
30 indebtedness or multiple year direct or indirect debt or other financial obligation
31 whatsoever within the meaning of the Constitution or laws of the State of Colorado.

32 **V. Conflict With MOU.** If there is any conflict between the terms and provisions of this
33 Lease and the MOU, the terms and provisions of this Lease will control.

34 **W. Incorporation of Exhibit.** The attached **Exhibit "A"** is incorporated herein by reference.

35
36 TOWN OF BRECKENRIDGE, a Colorado
37 municipal corporation

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By _____
Timothy J. Gagen, Town Manager

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

BOARD OF COUNTY COMMISSIONERS OF
SUMMIT COUNTY, COLORADO

By: _____
Chair

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ATTEST:

Kathleen Neel, Clerk and Recorder, and ex-officio
clerk to the Board of County Commissioners

1500-69 Lease Blackline (v1 vs. v2) (12-14-11)

Exhibit "A"

DESCRIPTION AND DEPICTION OF LEASED PREMISES

[TO BE INSERTED]

Exhibit "A"

MEMO

TO: Town Council

FROM: Town Attorney

RE: Ordinance Making Miscellaneous Amendments to Town's Alcoholic Beverages Ordinances

DATE: May 29, 2012 (for June 12th meeting)

In Colorado the sale, possession, and consumption of fermented malt beverages and intoxicating liquors are matters of "statewide concern." As a result, even home rule municipalities (such as the Town) must follow the applicable state laws and cannot adopt any local law that conflicts with the state's liquor laws. The applicable state laws include the "Colorado Liquor Code" and the "Colorado Beer Code", as well as various other liquor-related state laws.

The Town has a series of local laws relating to alcoholic beverages. The enclosed ordinance would make the following changes to the Town's alcoholic beverage ordinances:

1. Section 6-3F-9 of the Town Code makes it illegal to remove an alcoholic beverage from a liquor-licensed premises, with certain exceptions. Section 1 of the ordinance amends Section 6-3F-9 to add to the list of exceptions a "licensed brew-pub that sells only its manufactured products in sealed containers for off premises consumption." This additional language is necessary to make the Town's ordinance comply with Liquor Regulation 47-918 promulgated by the State Department of Revenue, Liquor Enforcement Division.

2. State law generally prohibits the consumption of alcoholic beverages or the possession of an open alcoholic beverage container within a motor vehicle that is on a public highway. Although the law is of statewide applicability, the statute expressly authorizes local municipalities to adopt their own local ordinance so long as the ordinance is no less restrictive than the state law. For years, the Town has its own "Open Container Ordinance" that I believe is at least as restrictive (and is, in fact, more restrictive) than the state law.

The Town's current Open Container Ordinance makes it unlawful for any person to possess any alcoholic beverage in any open container or to consume any alcoholic beverage in the follow two places: (1) in any public place within the Town; and (2) in the interior of any motor vehicle while the motor vehicle is either parked on a public street, right-of-way or alley within the Town.

Section 2 of the proposed ordinance would extend the prohibition against open containers to pedal busses, pedicabs, and horse drawn carriages. The Town has recently approved the operation of these three kinds of vehicles on the Town's streets, and it strikes me that it might be advisable for the Open Container Ordinance to apply to these vehicles. Although it could be

argued that the Open Container Ordinance already applies to these vehicles (because of they may constitute a “public place”), it seems to me that if the Council wants the Open Container Ordinance to apply to pedal busses, pedicabs, and horse drawn carriages the safest approach is to expressly say so in the ordinance. Section 2 of the proposed ordinance does just that.

Section 2 of the ordinance also adds back into the Open Container Ordinance the phrase “any fermented malt beverage” that was inadvertently deleted from the Open Container Ordinance the last time the ordinance was amended.

3. The Colorado Liquor Code prohibits the consumption of an alcoholic beverage at a liquor-licensed premise between the hours of 2 A.M. and 7 A.M. The Town has a similar ordinance that makes it unlawful for a licensee or an employee of a licensee to sell, serve, or distribute an alcoholic beverage at the licensed premises between the hours of 2 A.M. and 7 A.M. Section 3 of the proposed ordinance amends Section 6-3F-20 of the Town Code to add the words “for consumption on” to the Town’s ordinance, so that the prohibition would be against selling, serving, or distributing an alcoholic beverage “for consumption on the licensed premises” between 2 A.M. and 7 A.M. This change is needed to make the Town’s ordinance track the language of the state law.

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

1 **FOR WORKSESSION/FIRST READING – JUNE 12**

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

5
6 COUNCIL BILL NO. ____

7
8 Series 2012

9
10 AN ORDINANCE AMENDING ARTICLE F OR CHAPTER 3 OF THE BRECKENRIDGE
11 TOWN CODE CONCERNING MUNICIPAL OFFENSES RELATING TO ALCOHOL,
12 CIGARETTES AND AMUSEMENT ESTABLISHMENTS

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

16
17 Section 1. Subsection 6-3F-9(C) of the Breckenridge Town Code is amended to read in
18 its entirety as follows:

19 C. This section shall not apply to a duly licensed package liquor store or vendor,
20 **or to a brew pub licensed pursuant to Section 12-47-415, C.R.S., that sells**
21 **only its own manufactured products in sealed container for off premises**
22 **consumption.**

23
24 Section 2. Subsection 6-3F-16(A) of the Breckenridge Town Code is amended to read in
25 its entirety as follows:

26 A. 1. It is unlawful for any person to possess any alcoholic beverage in any open
27 container or to consume any alcoholic beverage:

28 **(a)** in any public place within the town,

29 **(b)** ~~or~~ in the interior of any motor vehicle while the motor vehicle is either
30 parked on a public street, right of way or alley within the town, or is being
31 operated on a public street, right of way or alley within the town; **or**

32 **(c) in the passenger seating area or driver's seat of a pedal bus, pedicab,**
33 **or horse drawn carriage while the pedal bus, pedicab, or horse drawn**
34 **carriage is either parked on a public street, right of way or alley within**
35 **the town, or is being operated on a public street, right of way or alley**
36 **within the town.**

37
38
39 **2. As used in subsection (A)(1):**

40
41 **“Horse drawn carriage” means a wheeled vehicle pulled by a horse and**
42 **used to carry people for a fee.**

43

1 “Passenger seating area” means the area designed to seat passengers
2 while the pedal bus, pedicab, or horse and carriage (as applicable) is in
3 operation.

4
5 “Pedal bus” has the meaning provided in the Town’s Traffic Code,
6 Chapter 1 of Title 7 of this Code.

7
8 “Pedicab” has the meaning provided in the Town’s Traffic Code,
9 Chapter 1 of Title 7 of this Code.

10
11 2. The provisions of subsection A1 of this section shall not apply to the
12 possession of an open container or the consumption of an alcoholic beverage
13 within ~~the a~~ licensed premises ~~of an establishment licensed by the town to sell~~
14 ~~such beverage for consumption upon the premises,~~ or to the possession of an open
15 container or the consumption of a any fermented malt beverage, malt liquor or a
16 vinous liquor as defined in the Colorado liquor code in those public parks known
17 as “Kingdom Park” and “Carter Park.”

18
19 Section 3. Section 6-3F-20 of the Breckenridge Town Code is amended to read in its
20 entirety as follows:

21
22 6-3F-20: TIME RESTRICTION- LICENSEE: It shall be unlawful for a licensee
23 or an employee of a licensee to sell, serve, or distribute an alcoholic beverage for
24 consumption on ~~at~~ the licensed premises between the hours of 2 A.M. and 7
25 A.M.

26
27 Section 4. 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.

29
30 Section 5. The Town Council hereby finds, determines and declares that this ordinance is
31 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
thereof.

33
34 Section 6. The Town Council hereby finds, determines and declares that it has the power
35 to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article
XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

36
37 Section 7. This ordinance shall be published and become effective as provided by
Section 5.9 of the Breckenridge Town Charter.

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

By _____
John G. Warner, Mayor

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

MEMO

TO: Town Council
FROM: Town Attorney
RE: Ordinance Authorizing Town Manager to Issue Special Open Burning Permits
DATE: June 5, 2012

At the last meeting the Council asked that I prepare an ordinance to allow the Town Manager (instead of the Town Council) to issue special open burning permits. A proposed ordinance making this change is enclosed.

The ordinance authorizes and directs the Town Manager to make the initial decision on an application for a special open burn permit. The ordinance also allows a dissatisfied applicant to appeal the Town Manager's decision to the Town Council.

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

1 ***FOR WORKSESSION/FIRST READING – JUNE 12***

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

5
6 COUNCIL BILL NO. ____

7
8 Series 2012

9
10 AN ORDINANCE AMENDING SECTION 5-5-5 OF THE BRECKENRIDGE TOWN CODE
11 CONCERNING THE ISSUANCE OF A SPECIAL PERMIT AUTHORIZING OPEN
12 BURNING WITHIN THE TOWN

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

16
17 Section 1. Section 5-5-5 of the Breckenridge Town Code is amended to read in its
18 entirety as follows:

19
20 5-5-5: SPECIAL PERMITS:

21
22 A. Notwithstanding the provisions of section 5-5-3 of this chapter, the ~~town~~
23 ~~council~~ **town manager** shall have the authority to issue a special permit for the
24 purpose of authorizing open burning within the town. An application for such a
25 permit shall be made in writing to the ~~town council~~ **town manager** and shall state
26 the date, time, location and purpose of such fire, and a description of all safety
27 and precautionary measures planned. **The burden of proof with respect to an**
28 **application filed under this subsection A shall be upon the applicant.** The
29 ~~town council~~ **town manager** shall act upon such request at its next regularly
30 scheduled meeting following **within ten days of the town manager's** receipt of
31 the completed application; **provided, however, that the town manager may**
32 **extend the deadline for deciding an application by an additional seven days if**
33 **required to complete the review of the application.** The ~~town council~~ **town**
34 **manager** may grant such application if ~~it~~ **the town manager** finds that there are
35 special and unique circumstances ~~which~~ that justify granting the application. All
36 open burning conducted within the town pursuant to a special permit issued
37 pursuant to this section shall be conducted in accordance with the rules pertaining
38 to open burning contained in the town's fire code. The ~~town council~~ **town**
39 **manager** may impose such other reasonable conditions upon a special permit as ~~it~~
40 **the town manager** ~~shall determine~~ to be necessary to adequately protect the
41 health, safety and welfare of the town and its inhabitants. It shall be unlawful for
42 any person to conduct any open burning within the town in violation of the terms
43 and conditions of a special permit issued pursuant to this section.
44

1 **B. An applicant for a special burn permit submitted pursuant to subsection**
2 **A of this section has the right to appeal the town manager’s denial or**
3 **conditional approval of an application submitted under subsection A of this**
4 **section to the town council. An applicant’s appeal of the town manager’s**
5 **denial or conditional approval of an application shall be conducted in**
6 **accordance with Section 1-19-13 of this code. The burden of proof in an**
7 **appeal filed under this subsection B is upon the applicant. If the town council**
8 **finds by a preponderance of the evidence that the decision of the town**
9 **manager was correct, the town council shall uphold the decision of the town**
10 **manager. If the town council finds by a preponderance of the evidence that**
11 **the decision of the town manager was incorrect, the town manager’s decision**
12 **shall be set aside and the special burn permit issued (if it was previously**
13 **denied) or the conditions of approval of such permit stricken or modified.**
14 **The applicant’s failure to timely appeal the town manager’s decision of an**
15 **application submitted pursuant to subsection A of this section is a waiver the**
16 **applicant’s right to contest the denial or conditional approval of the**
17 **application. If there is any conflict between the provisions and requirements**
18 **of this subsection B and the provisions and requirements of Section 1-19-13**
19 **of this code, the provisions and requirements of this subsection B control.**
20

21 Section 3. Except as specifically amended hereby, the Breckenridge Town Code, and the
22 various secondary codes adopted by reference therein, shall continue in full force and effect.
23

24 Section 4. The town council hereby finds, determines and declares that this ordinance is
25 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
26 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
27 thereof.
28

29 Section 5. The town council hereby finds, determines and declares that it has the power
30 to adopt this ordinance pursuant to the provisions of Section 31-15-601, C.R.S., and the powers
31 possessed by home rule municipalities in Colorado.
32

33 Section 6. This ordinance shall be published and become effective as provided by
34 Section 5.9 of the Breckenridge Town Charter.
35

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

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TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By _____
John G. Warner, Mayor

ATTEST:

Town Clerk



MEMORANDUM

To: Mayor and Town Council
From: Tim Gagen, Town Manager
Date: June 5, 2012
Subject: *Pinewood Phase II Preliminary Agreement*

With the completion of the acquisition of the Claimjumper parcel, we have entered into discussion with Corum regarding a phase II development of the successful Pinewood Village project using the same framework as was done in 1995. As part of that discussion, Staff and Corum have developed a Preliminary Agreement. to allow Corum to move forward with spending money for a feasibility analysis of a phase II project. This P.A. provides that the Town will work in exclusive partnership with Corum to assess the feasibility for the next 120 days with the goal of entering into a development agreement with Corum to proceed with actual construction of phase II if both parties agree.

Corum will front all the funds necessary to conduct the feasibility analysis. The Town's only obligation financially in the MOU is in the unlikely event the Town decides not to do a development agreement with Corum. In this case, we would reimburse Corum one-half of the cost of the feasibility studies. If Corum decides not to proceed with the project, then they get no reimbursement.

The MOU outlines the pre-development cost anticipated in the feasibility analysis at \$45,000. The Town Attorney participated in the preparation of the agreement and is comfortable with its form.

Staff will be available to answer questions regarding the agreement and if Council is comfortable with the agreement, we would recommend action during the evening meeting.

1 ***FOR WORKSESSION/ADOPTION – JUNE 12***

2
3 A RESOLUTION

4
5 SERIES 2012

6
7 A RESOLUTION APPROVING A PRELIMINARY AGREEMENT WITH CORUM REAL
8 ESTATE GROUP, INC. AND MARKETING ASSOCIATES, LTD. CONCERNING THE
9 DEVELOPMENT OF PINEWOOD VILLAGE, PHASE 2

10 WHEREAS, the Town, Corum Real Estate Group, Inc. and Mountain Marketing
11 Associates, Ltd. desire to establish the framework and conditions of discussion concerning the
12 development of a new affordable housing project and associated infrastructure on certain Town-
13 owned real property, which development has been preliminarily called “Pinewood Village, Phase
14 2”; and

15 WHEREAS, a proposed Preliminary Agreement between the Town, Corum Real Estate
16 Group, Inc. and Mountain Marketing Associates, Ltd. concerning Pinewood Village, Phase 2 has
17 been prepared, a copy of which is attached to this resolution as **Exhibit “A”**; and

18 WHEREAS, the Town Council has reviewed the proposed Preliminary Agreement, and
19 finds and determines that it would be in the best interests of the Town and its residents for the
20 Town to enter into the proposed Preliminary Agreement; and

21
22 WHEREAS, Rule 6.1(b) of the Council Procedures and Rules of Order provides that a
23 resolution may be used to approve a contract.

24
25 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
26 BRECKENRIDGE, COLORADO, as follows:

27
28 Section 1. The Preliminary Agreement with Corum Real Estate Group, Inc. and
29 Mountain Marketing Associates, Ltd. concerning the proposed development of Pinewood
30 Village, Phase 2 (**Exhibit “A”** hereto) is approved; and the Town Manager is hereby authorized,
31 empowered, and directed to execute such Preliminary Agreement for and on behalf of the Town
32 of Breckenridge.

33 Section 2. This resolution is effective upon adoption.

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

35
36 TOWN OF BRECKENRIDGE

37
38
39 By _____
40 John G. Warner, Mayor
41

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ATTEST:

Town Clerk

APPROVED IN FORM

Town Attorney Date

PRELIMINARY AGREEMENT

THIS PRELIMINARY AGREEMENT (“Agreement”) is executed by and among CORUM REAL ESTATE GROUP, INC., a Colorado corporation (“Corum”), and MOUNTAIN MARKETING ASSOCIATES, LTD., a Colorado limited partnership, (“MM”), (Corum and MM are collectively, “Developer”) and THE TOWN OF BRECKENRIDGE, a Colorado municipal corporation (“Breckenridge”), effective as of the ___ day of _____, 2012 (the “Effective Date”). Developer and Breckenridge are sometimes individually referred to as “Party” and collectively, as the “Parties.”

1. Nature of Agreement. This Agreement establishes the framework and conditions of discussions among the Parties for (i) the acquisition by Developer of the real property located in Breckenridge, Colorado and more particularly described on **Exhibit A** attached hereto and incorporated herein by this reference (the “Property”); (ii) the zoning and master planning of a residential development which is anticipated to consist of 75-100 market rate and affordable housing units and associated infrastructure on the Property (the “Project”); and (iii) the development, construction, financing, operation and management of the Project, which is anticipated to consist of a number of residential buildings and associated infrastructure (collectively, the “Development”).

2. Definitive Agreement. All terms of the Development shall be specified in a definitive Development Agreement and related documentation (collectively, the “Development Agreement”), which shall become effective and binding when duly executed by the Parties. The Development Agreement shall include an acknowledgement by Breckenridge that it contains vested property rights in favor of Developer.

3. Term of Agreement. This Agreement shall be effective on the Effective Date set forth above and remain in effect until superseded by the Parties’ execution and delivery of the Development Agreement, or 120 days after the Effective Date, whichever occurs first. In the event that the Development Agreement is not executed between the Parties within 120 days after the Effective Date, this Agreement shall automatically terminate unless extended by the written mutual agreement of the Parties. Notwithstanding the foregoing, Sections 5, 8, 9, 10 and 11 herein are binding on the Parties and shall survive any termination of this Agreement regardless of the reason for termination.

4. Scope of Development. It is anticipated that the Project will consist of market rate and affordable housing and will generally follow the terms of that certain development agreement entered into between Corum and Breckenridge for the development of the Pinewood Village Apartments (“Pinewood Apartments”). The Project will essentially be Phase II of the Pinewood Apartments. Breckenridge will enter into a ground lease with Developer on terms generally modeled after the terms of the Ground Lease for the Pinewood Apartments, but containing such changes to the Ground Lease as the Parties may agree upon.

5. Allocation of Responsibilities.

(a) Breckenridge. Breckenridge, in coordination with Developer, will be responsible for annexing the Property into the Town of Breckenridge. Breckenridge will

also identify persons with authority to manage the design review and approval process for Breckenridge. Breckenridge will provide input to Developer to define the Project scale, design, economics, and budget. To the extent Breckenridge wishes to employ consultants, the same will be subject to the mutual approval of Developer and Breckenridge, not to be unreasonably withheld, but the cost of such consultants will be paid for by Breckenridge. Developer will fund all other pre-development costs itself, including architect, engineering, application fees and other related charges as set forth on **Exhibit B** attached hereto, (“Pre-Development Costs”). The Pre-Developments Costs are an estimate of amounts necessary during the first 120 days, for obtaining all appropriate zoning of the Property and the adoption of the Master Plan for the Development from all applicable governmental authorities (the “Approving Authorities”). Developer, or a related entity, will be responsible for the submittal and approval of the Development application. Except for its consultants, and except as provided in subsection (d) of this section, Breckenridge will not contribute any amount towards Pre-Development Costs related to the Development.

(b) Developer. Developer will be responsible for the Project scale, design economics and budget for the Development. Developer will also be responsible for identifying and securing the best capitalization for the Development available in the current market, including debt and equity for the construction, development, leasing, operation and sale of the Development. The Development Agreement shall provide that upon final approval of the zoning and development plan by the Approving Authorities and issuance of a building permit by the Town of Breckenridge Planning Department, Developer will enter into a Ground Lease with the Town of Breckenridge as set forth above.

(c) In the event the Parties are not able to agree upon the terms of a Development Agreement, this Agreement shall be null and void.

(d) If this Agreement is terminated solely as a result of Breckenridge’s unilateral decision not to proceed with the Development Agreement, Breckenridge will repay to Developer fifty percent (50%) of all Pre-Development Costs paid by Developer.

6. Development Agreement. The Parties intend that upon mutual execution of this Agreement, they will mutually work diligently towards the preparation, execution and delivery of the Development Agreement. The Development Agreement shall, among other provisions, incorporate the following provisions:

(a) Provide for Breckenridge to obtain all necessary zoning, site plan, subdivision and other development approvals from the Approving Authorities.

(b) Provide for the ground lease by the Town of Breckenridge to Developer of the Property.

(c) Provide for the development and implementation of a master development budget for the Development.

7. Schedule of Performance. The Parties will use commercially-reasonable good faith efforts during the term of this Agreement to adhere to the development schedule identified

on Exhibit C attached hereto. The Parties acknowledge and agree that such schedule is preliminary in nature and is subject to further revision following input by all of the Parties.

8. Relationship Among the Parties. Nothing in this Agreement shall be deemed to constitute, create, give effect to or otherwise recognize a joint venture, partnership or business entity of any kind, and the rights and obligations of the Parties shall be limited to those expressly set forth herein. Nothing herein shall be construed as providing for the sharing of profits or losses arising out of the efforts of the Parties hereto, except as may be provided for in any resulting agreement among the Parties.

9. Liability and Disputes. None of the Parties shall be liable to any other Party for any incidental, exemplary, consequential or indirect damages arising under or in connection with this Agreement. The prevailing party in any litigation or consensual arbitration shall be awarded its reasonable attorneys' fees and costs incurred in such litigation or arbitration proceeding. Notwithstanding the above, before referring any matter to litigation or arbitration, the Parties shall endeavor to equitably settle any dispute by good faith discussion and negotiation. The laws of the State of Colorado as applied to contracts to be performed within such State by residents of such State shall govern this Agreement and the Development Agreement.

10. Amendment. No amendment of this Agreement shall be effective upon the Parties unless such amendment is in writing and signed by all Parties.

11. No Brokers. Corum and MM disclose that they are each real estate brokers licensed in the State of Colorado. Each Party represents to the other that no other brokers are involved and no brokerage fee shall be due or payable to any third party in connection with the Development.

12. Counterparts; Facsimile Signatures. This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which taken together shall constitute one and the same instrument. Facsimile signatures hereon shall be deemed originals for all purposes.

13. No Disqualification. The thoughts, concerns, and opinions of those Town Council members who participated in the approval of this Agreement, or any agreement contemplated by this Agreement, will not be construed or interpreted as a pre-judgment of a development permit application that may hereafter be submitted with respect to the development of the Property, and may not form the basis of any claim by any Party that any Town Council member should be disqualified from reviewing any subsequent development permit application submitted with respect to the Property.

The Parties have executed this Agreement or have caused this Agreement to be duly executed on the dates set forth below to be effective as of the date first written above.

DEVELOPER:

CORUM REAL ESTATE GROUP, INC., a
Colorado corporation

By: _____

Name: _____

Title: _____

Date: _____

MOUNTAIN MARKETING ASSOCIATES, LTD,
a Colorado limited partnership

By: _____

Name: _____

Title: _____

Date: _____

BRECKENRIDGE:

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____

Name: _____

Title: _____

Date: _____

Exhibit A

Property Legal Description

Forest Service Lot 47, in Section 30, Township 6 South, Range 77 West of the 6th P.M., County of Summit, State of Colorado

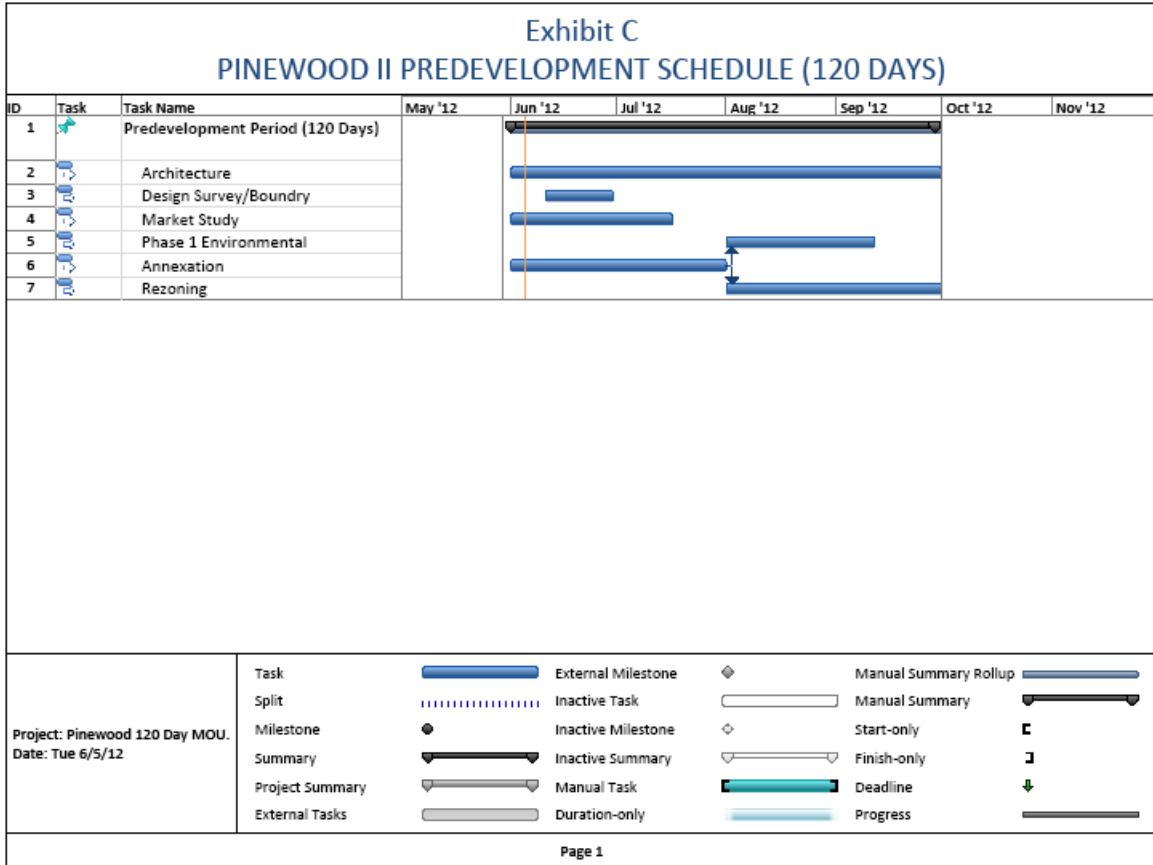
Exhibit B

Exhibit B

Preliminary Budget (120 Days)					
Pinewood II Apartments					
Breckenridge, Colorado					
<u>Month</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>Total</u>
Paul Bergner - Architects	\$5,000	\$5,000	\$5,000	\$5,000	\$20,000
Calibre Eng. - Design Survey/Boundary		\$3,500			\$3,500
Rees Consulting - Market Study	\$3,400			\$5,400	\$8,800
CTL Thompson - Phase I Study			\$3,500		\$3,500
Owner/Developer Legal Annexation/Rezoning Fee **	\$2,000	\$2,000	\$2,000	\$4,000	\$10,000
TOTAL PRE-DEVELOPMENT BUDGET	\$10,400	\$10,500	\$10,500	\$14,400	\$45,800
CUMULATIVE COSTS	\$10,400	\$20,900	\$31,400	\$45,800	

*** Fees unknown at this time*

Exhibit C



Memorandum

TO: TOWN COUNCIL
FROM: Dale Stein, Assistant Town Engineer
DATE: June 6, 2012
RE: Public Projects Update

Main Street Revitalization

The majority of the concrete work at both the Watson and Wellington intersections will be completed in the next week. Asphalt paving operations are scheduled for June 15th and Main Street is planned to be back to two-way traffic beginning Wednesday June 20th. Landscaping, rock paving and final clean-up work will continue between Ski Hill and Watson through the end of June, requiring closures of the on-street parking during the week. Concrete work is planned to begin at the French intersection the week of June 18th. There are no major detours required on Main Street while the work is completed at the French Street intersection.

Columbia Lode/ French Street Right-Turn Lane

As part of the development agreement, a new right-turn lane at the northeast corner of French and Main is being constructed by the private developer. To complete the remaining work on the island, valley pan, and ADA ramps, one westbound lane on French will have a scheduled closure. The through and left turning traffic will be moved into the left turn lane and the right turning traffic will utilize the new turn lane. Work in this is scheduled to begin the week of June 11th and is planned to be completed by June 20th.

Concrete Replacement

The 2012 Concrete Replacement work throughout Town is scheduled to begin the week of June 11th. There will be little impact to traffic in most work areas; however, road closures will be required at the French St/Park Ave intersection and the Valley Brook/Airport Rd intersection. Advanced public notice will be given when the dates of the closures are determined. All work in the core of Town will be completed by July 4th.

Harris Street Building Library

The architect Anderson Hall has recently completed programming efforts and schematic library sketches in cooperation with the Town and County. Staff will update Council in July with the preferred library concept and an estimate of order of magnitude costs for the building renovation.

MEMO

TO: Mayor & Town Council
FROM: Tim Gagen, Town Manager
DATE: June 6, 2012
SUBJECT: Committee Reports for 5.22.2012 Council Packet

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

There were no committee reports submitted for this meeting.

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

Note: Reports provided by the Mayor and Council Members are listed in the council agenda.

* Minutes to some meetings are provided in the Manager's Newsletter.

FINANCIAL MEMORANDUM

TO: TIM GAGEN, TOWN MANAGER
FROM: CLERK AND FINANCE DIVISION
SUBJECT: APRIL NET TAXABLE SALES & RETT REPORTING
DATE: 6/6/2012

This memo explains significant items of note in relation to sales that occurred within the Town of Breckenridge in the month of April. Real Estate Transfer Tax, including an analysis of the monthly “churn” and sales by property type, is also included.

New Items of Note:

Net Taxable Sales

- Overall, although net taxable sales for April were ahead of 2011 by 5.5%, the month fell below 2006 #s for the first time in 2012.
- Restaurants were up 8.6%, but broke the prior 4 month streak as the best month ever.
- Retail sales declined over prior year in addition to falling behind 2006.
- Grocery and Liquor is the only category that had its best month ever. It also tracked ahead of 2011 by 5.9%
- Utilities were down 9.6% & behind 2005. However, it was an exceptionally warm April with average temperatures at 34 degrees in 2012 versus 29 degrees in 2011.

Real Estate Transfer Tax

- May was a better month for RETT than we’ve had recently. While collections for the month fell behind prior year by 13.3%, we exceeded budget by 11.2%.
- YTD collections fell behind PY by 44.5%. We are still behind YTD budget – now by 6.9%
- For the first time in 2012, we exceeded the prior year churn – by 15.8%.
- Vacant land continues to track ahead of prior years, which may relate to new construction in our future. Townhomes also fared well against prior years.

Continuing Items of Note:

- Net Taxable Sales are reported in the first Council meeting following the due date of the tax remittance to the Town of Breckenridge. Taxes collected from the customer by the vendor are remitted to the Town on the 20th of the following month.
- Quarterly taxes are reported in the last month of the period. For example, taxes collected in the first quarter of the year (January – March), are include on the report for the period of March.
- Net Taxable Sales are continually updated as late tax returns are submitted to the Town of Breckenridge. Therefore, you may notice slight changes in prior months, in addition to the reporting for the current month.
- 2012 Real Estate Transfer Tax budget is based upon the monthly distribution for 2007. The reasoning is that we should compare to a year with a “normal distribution.”

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

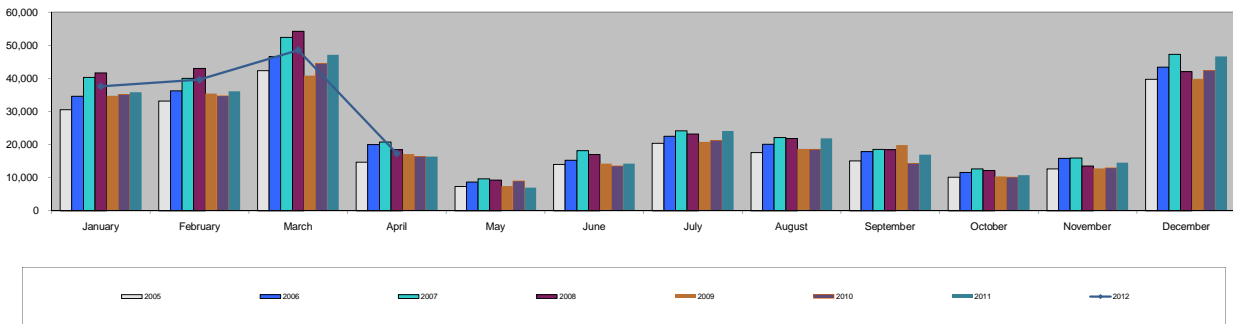
(in Thousands of Dollars)

Total - All Categories*

* excluding Undefined and Utilities categories

	Actual 2005	YTD 2005	Actual 2006	YTD 2006	Actual 2007	YTD 2007	Actual 2008	YTD 2008	Actual 2009	YTD 2009	Actual 2010	YTD 2010	Actual 2011	YTD 2011	Actual 2012	YTD 2012	Monthly 11-12	YTD % Change 11-12
January	30,549	30,549	34,589	34,589	40,283	40,283	41,665	41,665	34,783	34,783	35,105	35,105	35,805	35,805	37,617	37,617	5.1%	5.1%
February	33,171	63,720	36,236	70,825	40,034	80,317	43,052	84,717	35,453	70,236	34,791	69,896	36,128	71,933	39,609	77,226	9.6%	7.4%
March	42,370	106,090	46,603	117,428	52,390	132,707	54,237	138,954	40,810	111,046	44,485	114,381	47,101	119,034	48,549	125,775	3.1%	5.7%
April	14,635	120,725	19,963	137,391	20,758	153,465	18,483	157,437	17,171	128,217	16,346	130,727	16,371	135,405	17,279	143,054	5.5%	5.6%
May	7,355	128,080	8,661	146,052	9,629	163,094	9,251	166,688	7,475	135,692	8,999	139,726	6,971	142,376	0	143,054	n/a	n/a
June	14,043	142,123	15,209	161,261	18,166	181,260	16,988	183,676	14,286	149,978	13,557	153,283	14,235	156,611	0	143,054	n/a	n/a
July	20,366	162,489	22,498	183,759	24,168	205,428	23,160	206,836	20,788	170,766	21,346	174,629	24,134	180,745	0	143,054	n/a	n/a
August	17,625	180,114	20,071	203,830	22,125	227,553	21,845	228,681	18,656	189,422	18,603	193,232	21,878	202,623	0	143,054	n/a	n/a
September	15,020	195,134	17,912	221,742	18,560	246,113	18,481	247,162	19,806	209,228	14,320	207,552	16,969	219,592	0	143,054	n/a	n/a
October	10,170	205,304	11,544	233,286	12,687	258,800	12,120	259,282	10,410	219,638	10,226	217,778	10,740	230,332	0	143,054	n/a	n/a
November	12,647	217,951	15,877	249,163	15,943	274,743	13,483	272,765	12,809	232,447	12,985	230,763	14,549	244,881	0	143,054	n/a	n/a
December	39,687	257,638	43,431	292,594	47,258	322,001	42,076	314,841	39,859	272,306	42,343	273,106	46,651	291,532	0	143,054	n/a	n/a
Totals	257,638		292,594		322,001		314,841		272,306		273,106		291,532		143,054			

2012 Monthly Sales Tax Activity (in thousands of dollars)



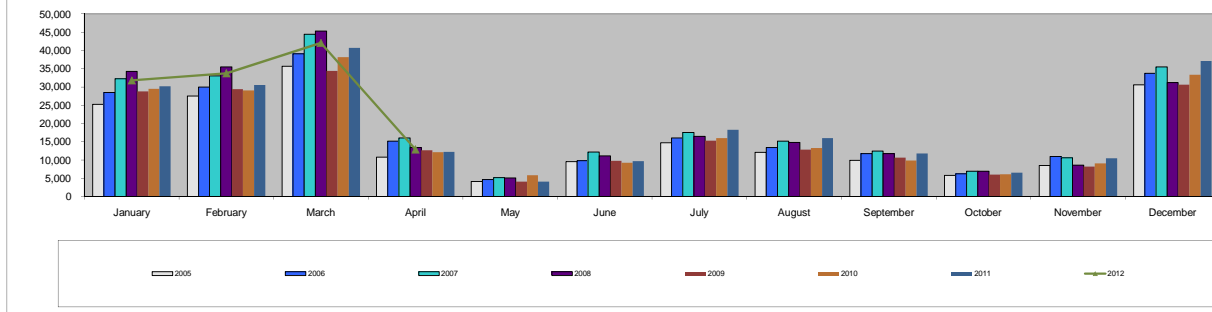
**TOWN OF BRECKENRIDGE
TAXABLE SALES ANALYSIS BY BUSINESS SECTOR**

(In Thousands of Dollars)

Retail-Restaurant-Lodging Summary

	2005		2006		2007		2008		2009		2010		2011		2012		Monthly 11-12	YTD % Change 11-12
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD		
January	25,240	25,240	28,528	28,528	32,258	32,258	34,290	34,290	28,802	28,802	29,538	29,538	30,174	30,174	31,783	31,783	5.3%	5.3%
February	27,553	52,793	29,972	58,500	33,039	65,297	35,511	69,801	29,401	58,203	29,090	58,628	30,504	60,678	33,737	65,520	10.6%	8.0%
March	35,705	88,498	39,051	97,551	44,390	109,687	45,338	115,139	34,428	92,631	38,136	96,764	40,676	101,354	42,026	107,546	3.3%	6.1%
April	10,773	99,271	15,134	112,685	16,025	125,712	13,410	128,549	12,653	105,284	12,154	108,918	12,281	113,635	12,931	120,477	5.3%	6.0%
May	4,179	103,450	4,647	117,332	5,146	130,858	5,111	133,660	4,125	109,409	5,836	114,754	4,077	117,712	0	120,477	n/a	n/a
June	9,568	113,018	9,789	127,121	12,225	143,083	11,112	144,772	9,829	119,238	9,302	124,056	9,713	127,425	0	120,477	n/a	n/a
July	14,766	127,784	16,038	143,159	17,499	160,582	16,446	161,218	15,305	134,543	15,993	140,049	18,296	145,721	0	120,477	n/a	n/a
August	12,122	139,906	13,446	156,605	15,167	175,749	14,815	176,033	12,859	147,402	13,261	153,310	16,010	161,731	0	120,477	n/a	n/a
September	9,897	149,803	11,761	168,366	12,418	188,167	11,794	187,827	10,705	158,107	9,894	163,204	11,834	173,565	0	120,477	n/a	n/a
October	5,824	155,627	6,248	174,614	6,934	195,101	6,977	194,804	5,986	164,093	6,143	169,347	6,517	180,082	0	120,477	n/a	n/a
November	8,557	164,184	10,963	185,577	10,650	205,751	8,637	203,441	8,234	172,327	9,068	178,415	10,513	190,595	0	120,477	n/a	n/a
December	30,619	194,803	33,736	219,313	35,517	241,268	31,211	234,652	30,667	202,994	33,363	211,778	37,081	227,676	0	120,477	n/a	n/a
Totals	194,803		219,313		241,268		234,652		202,994		211,778		227,676		120,477			

2012 Monthly Sales Tax Activity (in thousands of dollars)



Tourism Ratio (Retail + Restaurant)/Lodging

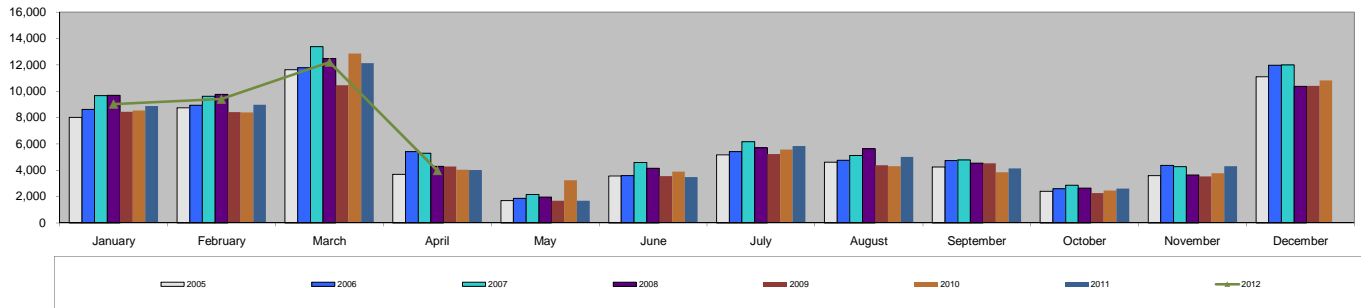
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Retail Sales

	2005		2006		2007		2008		2009		2010		2011		2012		Monthly 11-12	YTD 11-12
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD				
January	8,001	8,001	8,607	8,607	9,665	9,665	9,684	9,684	8,430	8,430	8,530	8,530	8,862	8,862	9,028	9,028	1.9%	1.9%
February	8,744	16,745	8,942	17,549	9,607	19,272	9,763	19,447	8,401	16,831	8,378	16,908	8,982	17,844	9,401	18,429	4.7%	3.3%
March	11,632	28,377	11,774	29,323	13,373	32,645	12,479	31,926	10,449	27,280	12,851	29,759	12,125	29,969	12,208	30,637	0.7%	2.2%
April	3,678	32,055	5,406	34,729	5,287	37,932	4,301	36,227	4,274	31,554	4,032	33,791	4,006	33,975	3,967	34,604	-1.0%	1.9%
May	1,708	33,763	1,858	36,587	2,165	40,097	1,965	38,192	1,675	33,229	3,251	37,042	1,679	35,654	0	34,604	n/a	n/a
June	3,565	37,328	3,589	40,176	4,597	44,694	4,153	42,345	3,558	36,787	3,895	40,937	3,477	39,131	0	34,604	n/a	n/a
July	5,174	42,502	5,403	45,579	6,176	50,870	5,700	48,045	5,240	42,027	5,582	46,519	5,834	44,965	0	34,604	n/a	n/a
August	4,620	47,122	4,757	50,336	5,110	55,980	5,631	53,676	4,384	46,411	4,302	50,821	5,003	49,968	0	34,604	n/a	n/a
September	4,249	51,371	4,726	55,062	4,783	60,763	4,527	58,203	4,536	50,947	3,848	54,669	4,132	54,100	0	34,604	n/a	n/a
October	2,404	53,775	2,591	57,653	2,866	63,629	2,635	60,838	2,277	53,224	2,453	57,122	2,609	56,709	0	34,604	n/a	n/a
November	3,586	57,361	4,376	62,029	4,267	67,896	3,641	64,479	3,540	56,764	3,764	60,886	4,301	61,010	0	34,604	n/a	n/a
December	11,099	68,460	11,971	74,000	12,000	79,896	10,358	74,837	10,403	67,167	10,824	71,710	11,629	72,639	0	34,604	n/a	n/a
Totals	68,460		74,000		79,896		74,837		67,167		71,710		72,639		34,604			

2012 Monthly Sales Tax Activity (in thousands of dollars)



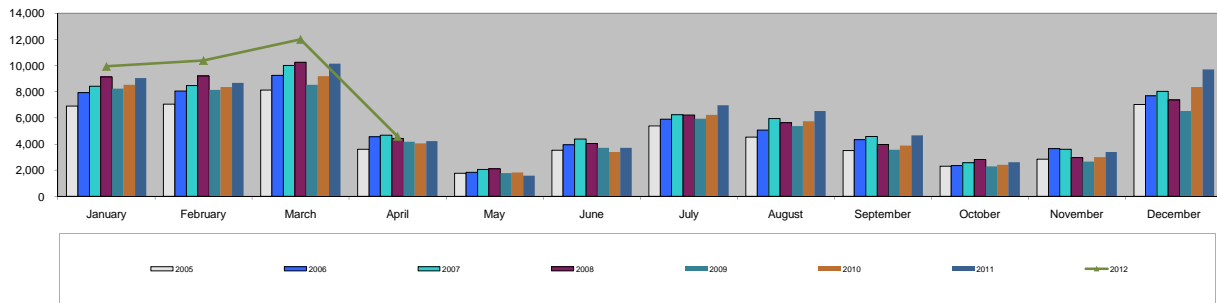
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Restaurants/Bars

	2005		2006		2007		2008		2009		2010		2011		2012		Monthly 11-12	YTD 11-12
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD				
January	6,897	6,897	7,924	7,924	8,414	8,414	9,117	9,117	8,231	8,231	8,515	8,515	9,039	9,039	9,942	9,942	10.0%	10.0%
February	7,047	13,944	8,058	15,982	8,467	16,881	9,208	18,325	8,129	16,360	8,343	16,858	8,660	17,699	10,381	20,323	19.9%	14.8%
March	8,117	22,061	9,256	25,238	10,015	26,896	10,240	28,565	8,527	24,887	9,186	26,044	10,151	27,850	11,996	32,319	18.2%	16.0%
April	3,609	25,670	4,552	29,790	4,678	31,574	4,440	33,005	4,173	29,060	4,042	30,086	4,222	32,072	4,585	36,904	8.6%	15.1%
May	1,760	27,430	1,832	31,622	2,058	33,632	2,107	35,112	1,783	30,843	1,812	31,898	1,570	33,642	0	36,904	n/a	n/a
June	3,525	30,955	3,938	35,560	4,370	38,002	4,030	39,142	3,712	34,555	3,397	35,295	3,704	37,346	0	36,904	n/a	n/a
July	5,375	36,330	5,905	41,465	6,249	44,251	6,218	45,360	5,931	40,486	6,222	41,517	6,949	44,295	0	36,904	n/a	n/a
August	4,521	40,851	5,067	46,532	5,933	50,184	5,639	50,999	5,365	45,851	5,729	47,246	6,526	50,821	0	36,904	n/a	n/a
September	3,498	44,349	4,340	50,872	4,585	54,769	3,971	54,970	3,565	49,416	3,883	51,129	4,656	55,477	0	36,904	n/a	n/a
October	2,290	46,639	2,352	53,224	2,564	57,333	2,818	57,788	2,285	51,701	2,420	53,549	2,618	58,095	0	36,904	n/a	n/a
November	2,841	49,480	3,651	56,875	3,593	60,926	2,972	60,760	2,649	54,350	3,006	56,555	3,380	61,475	0	36,904	n/a	n/a
December	7,017	56,497	7,681	64,556	8,028	68,954	7,371	68,131	6,524	60,874	8,351	64,906	9,701	71,176	0	36,904	n/a	n/a
Totals	56,497		64,556		68,954		68,131		60,874		64,906		71,176		36,904			

2012 Monthly Sales Tax Activity (in thousands of dollars)



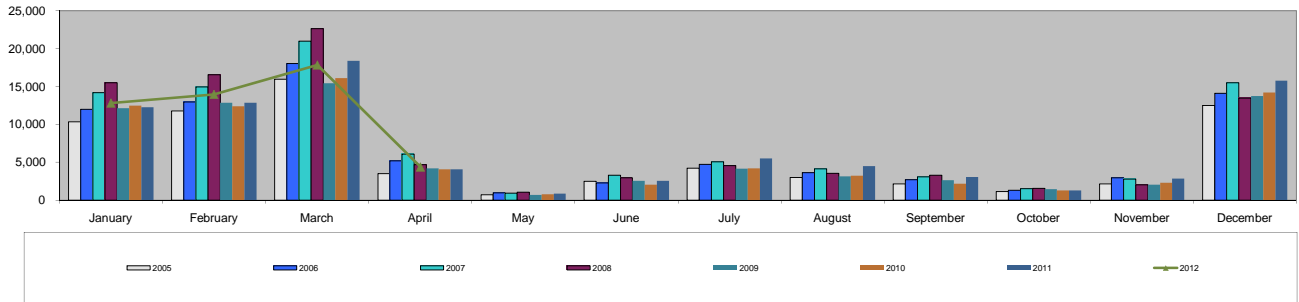
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Short-Term Lodging

	2005		2006		2007		2008		2009		2010		2011		2012		Monthly 11-12	YTD 11-12
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD		
January	10,342	10,342	11,997	11,997	14,179	14,179	15,489	15,489	12,141	12,141	12,493	12,493	12,273	12,273	12,813	12,813	4.4%	4.4%
February	11,762	22,104	12,972	24,969	14,965	29,144	16,540	32,029	12,871	25,012	12,369	24,862	12,862	25,135	13,955	26,768	8.5%	6.5%
March	15,956	38,060	18,021	42,990	21,002	50,146	22,619	54,648	15,452	40,464	16,099	40,961	18,400	43,535	17,822	44,590	-3.1%	2.4%
April	3,486	41,546	5,176	48,166	6,060	56,206	4,669	59,317	4,206	44,670	4,080	45,041	4,053	47,588	4,379	48,969	8.0%	2.9%
May	711	42,257	957	49,123	923	57,129	1,039	60,356	667	45,337	773	45,814	828	48,416	0	48,969	n/a	n/a
June	2,478	44,735	2,262	51,385	3,258	60,387	2,929	63,285	2,559	47,896	2,010	47,824	2,532	50,948	0	48,969	n/a	n/a
July	4,217	48,952	4,730	56,115	5,074	65,461	4,528	67,813	4,134	52,030	4,189	52,013	5,513	56,461	0	48,969	n/a	n/a
August	2,981	51,933	3,622	59,737	4,124	69,585	3,545	71,358	3,110	55,140	3,230	55,243	4,481	60,942	0	48,969	n/a	n/a
September	2,150	54,083	2,695	62,432	3,050	72,635	3,296	74,654	2,604	57,744	2,163	57,406	3,046	63,988	0	48,969	n/a	n/a
October	1,130	55,213	1,305	63,737	1,504	74,139	1,524	76,178	1,424	59,168	1,270	58,676	1,290	65,278	0	48,969	n/a	n/a
November	2,130	57,343	2,936	66,673	2,790	76,929	2,024	78,202	2,045	61,213	2,298	60,974	2,832	68,110	0	48,969	n/a	n/a
December	12,503	69,846	14,084	80,757	15,489	92,418	13,482	91,684	13,740	74,953	14,188	75,162	15,751	83,861	0	48,969	n/a	n/a
Totals	69,846		80,757		92,418		91,684		74,953		75,162		83,861		48,969			

2012 Monthly Sales Tax Activity (in thousands of dollars)



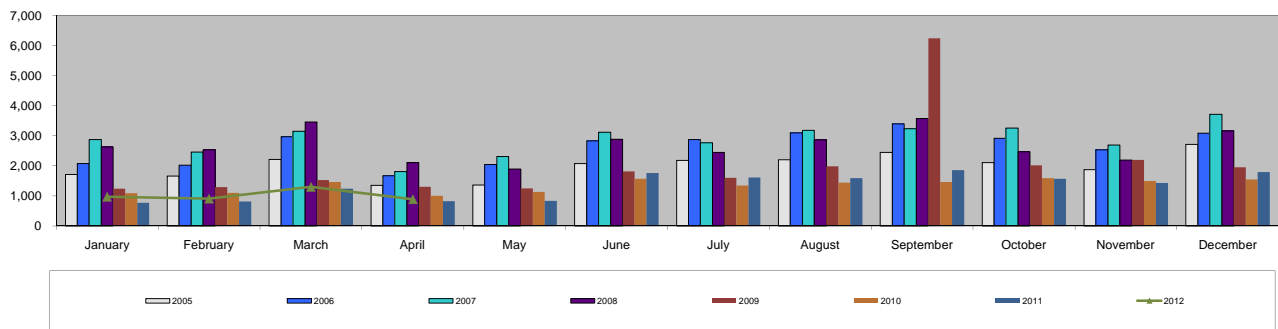
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Supplies

	2005		2006		2007		2008		2009		2010		2011		2012		Monthly 11-12	YTD 11-12
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD				
January	1,720	1,720	2,084	2,084	2,876	2,876	2,631	2,631	1,240	1,240	1,095	1,095	777	777	977	977	25.7%	25.7%
February	1,669	3,389	2,031	4,115	2,459	5,335	2,532	5,163	1,297	2,537	1,111	2,206	821	1,598	910	1,887	10.8%	18.1%
March	2,216	5,605	2,967	7,082	3,156	8,491	3,463	8,626	1,530	4,067	1,472	3,678	1,245	2,843	1,303	3,190	4.7%	12.2%
April	1,359	6,964	1,680	8,762	1,813	10,304	2,114	10,740	1,305	5,372	1,006	4,684	829	3,672	894	4,084	7.8%	11.2%
May	1,370	8,334	2,045	10,807	2,314	12,618	1,894	12,634	1,250	6,622	1,139	5,823	841	4,513	0	4,084	n/a	n/a
June	2,083	10,417	2,836	13,643	3,119	15,737	2,886	15,520	1,814	8,436	1,573	7,396	1,765	6,278	0	4,084	n/a	n/a
July	2,186	12,603	2,872	16,515	2,770	18,507	2,450	17,970	1,602	10,038	1,354	8,750	1,619	7,897	0	4,084	n/a	n/a
August	2,211	14,814	3,096	19,611	3,187	21,694	2,869	20,839	1,990	12,028	1,446	10,196	1,597	9,494	0	4,084	n/a	n/a
September	2,452	17,266	3,394	23,005	3,234	24,928	3,574	24,413	6,237	18,265	1,471	11,667	1,857	11,351	0	4,084	n/a	n/a
October	2,107	19,373	2,924	25,929	3,259	28,187	2,470	26,883	2,016	20,281	1,595	13,262	1,575	12,926	0	4,084	n/a	n/a
November	1,876	21,249	2,537	28,466	2,693	30,880	2,199	29,082	2,196	22,477	1,495	14,757	1,437	14,363	0	4,084	n/a	n/a
December	2,712	23,961	3,091	31,557	3,713	34,593	3,160	32,242	1,958	24,435	1,548	16,305	1,794	16,157	0	4,084	n/a	n/a
Totals	23,961		31,557		34,593		32,242		24,435		16,305		16,157		4,084			

2012 Monthly Sales Tax Activity (in thousands of dollars)



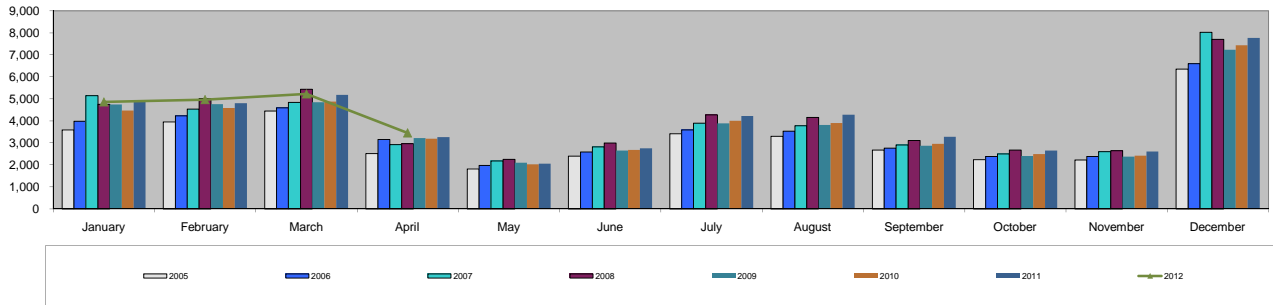
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Grocery/Liquor Stores

	2005		2006		2007		2008		2009		2010		2011		2012		Monthly 11-12	YTD 11-12
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD				
January	3,589	3,589	3,977	3,977	5,149	5,149	4,744	4,744	4,741	4,741	4,472	4,472	4,854	4,854	4,857	4,857	0.1%	0.1%
February	3,949	7,538	4,233	8,210	4,536	9,685	5,009	9,753	4,755	9,496	4,590	9,062	4,803	9,657	4,962	9,819	3.3%	1.7%
March	4,449	11,987	4,585	12,795	4,844	14,529	5,436	15,189	4,852	14,348	4,877	13,939	5,180	14,837	5,220	15,039	0.8%	1.4%
April	2,503	14,490	3,149	15,944	2,920	17,449	2,959	18,148	3,213	17,561	3,186	17,125	3,261	18,098	3,454	18,493	5.9%	2.2%
May	1,806	16,296	1,969	17,913	2,169	19,618	2,246	20,394	2,100	19,661	2,024	19,149	2,053	20,151	0	18,493	n/a	n/a
June	2,392	18,688	2,584	20,497	2,822	22,440	2,990	23,384	2,643	22,304	2,682	21,831	2,757	22,908	0	18,493	n/a	n/a
July	3,414	22,102	3,588	24,085	3,899	26,339	4,264	27,648	3,881	26,185	3,999	25,830	4,219	27,127	0	18,493	n/a	n/a
August	3,292	25,394	3,529	27,614	3,771	30,110	4,161	31,809	3,807	29,992	3,896	29,726	4,271	31,398	0	18,493	n/a	n/a
September	2,671	28,065	2,757	30,371	2,908	33,018	3,113	34,922	2,864	32,856	2,955	32,681	3,278	34,676	0	18,493	n/a	n/a
October	2,239	30,304	2,372	32,743	2,494	35,512	2,673	37,595	2,408	35,264	2,488	35,169	2,648	37,324	0	18,493	n/a	n/a
November	2,214	32,518	2,377	35,120	2,600	38,112	2,647	40,242	2,379	37,643	2,422	37,591	2,599	39,923	0	18,493	n/a	n/a
December	6,356	38,874	6,604	41,724	8,028	46,140	7,705	47,947	7,234	44,877	7,432	45,023	7,776	47,699	0	18,493	n/a	n/a
Totals	38,874		41,724		46,140		47,947		44,877		45,023		47,699		18,493			

2012 Monthly Sales Tax Activity (in thousands of dollars)



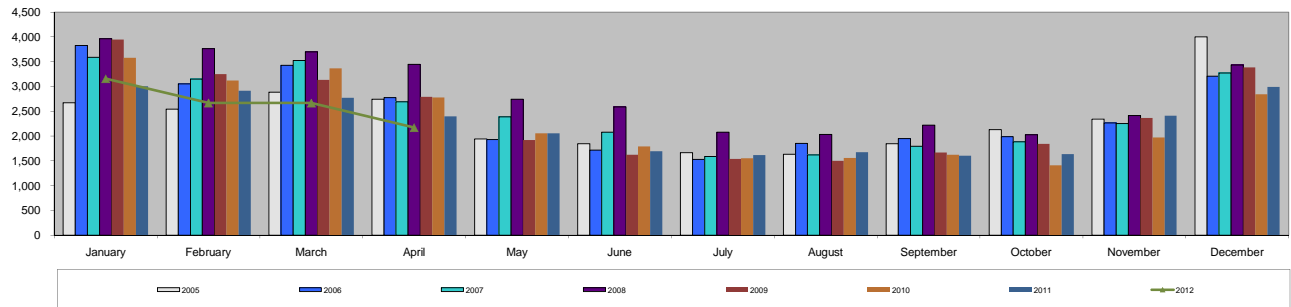
**TOWN OF BRECKENRIDGE
TAXABLE REVENUE ANALYSIS BY BUSINESS SECTOR**

(in Thousands of Dollars)

Utilities

	2005		2006		2007		2008		2009		2010		2011		2012		Monthly 11-12	YTD 11-12
	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD	Actual	YTD				
January	2,675	2,675	3,829	3,829	3,591	3,591	3,961	3,961	3,950	3,950	3,577	3,577	3,004	3,004	3,159	3,159	5.2%	5.2%
February	2,540	5,215	3,056	6,885	3,149	6,740	3,765	7,726	3,253	7,203	3,118	6,695	2,913	5,917	2,668	5,827	-8.4%	-1.5%
March	2,883	8,098	3,428	10,313	3,525	10,265	3,699	11,425	3,134	10,337	3,365	10,060	2,772	8,689	2,667	8,494	-3.8%	-2.2%
April	2,741	10,839	2,778	13,091	2,694	12,959	3,448	14,873	2,792	13,129	2,779	12,839	2,400	11,089	2,170	10,664	-9.6%	-3.8%
May	1,939	12,778	1,926	15,017	2,386	15,345	2,742	17,615	1,917	15,046	2,057	14,896	2,057	13,146	0	10,664	n/a	n/a
June	1,846	14,624	1,713	16,730	2,078	17,423	2,588	20,203	1,620	16,666	1,793	16,689	1,693	14,839	0	10,664	n/a	n/a
July	1,663	16,287	1,529	18,259	1,588	19,011	2,075	22,278	1,539	18,205	1,548	18,237	1,614	16,453	0	10,664	n/a	n/a
August	1,629	17,916	1,854	20,113	1,621	20,632	2,031	24,309	1,497	19,702	1,558	19,795	1,673	18,126	0	10,664	n/a	n/a
September	1,843	19,759	1,949	22,062	1,792	22,424	2,219	26,528	1,667	21,369	1,625	21,420	1,604	19,730	0	10,664	n/a	n/a
October	2,127	21,886	1,987	24,049	1,883	24,307	2,026	28,554	1,845	23,214	1,412	22,832	1,632	21,362	0	10,664	n/a	n/a
November	2,340	24,226	2,264	26,313	2,251	26,558	2,411	30,965	2,364	25,578	1,972	24,804	2,409	23,771	0	10,664	n/a	n/a
December	4,005	28,231	3,206	29,519	3,271	29,829	3,435	34,400	3,389	28,967	2,845	27,649	2,991	26,762	0	10,664	n/a	n/a
Totals	28,231		29,519		29,829		34,400		28,967		27,649		26,762		10,664			

2012 Monthly Sales Tax Activity (in thousands of dollars)

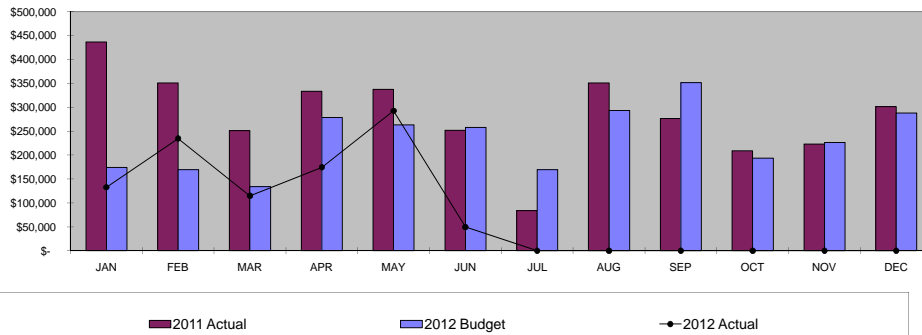


**TOWN OF BRECKENRIDGE
REAL ESTATE TRANSFER TAX COLLECTIONS
REPORTED IN THE PERIOD EARNED**

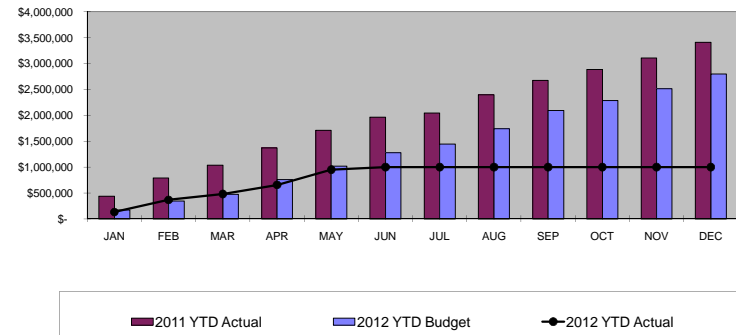
Sales Period	2007 Collections			2011 Collections			2012 Budget			2012 Monthly				2012 Year to Date			
	Tax Collected	Year To Date	Percent of Total	Tax Collected	Year To Date	Percent of Total	Tax Budgeted	Year To Date	Percent of Total	Actual	% of Budget	% Change from 2007	% Change from 2011	Actual	% of Budget	% Change from 2007	% Change from 2011
JAN	\$ 352,958	\$ 352,958	6.2%	\$ 436,605	\$ 436,605	12.8%	\$ 174,140	\$ 174,140	6.2%	\$ 132,557	76.1%	-62.4%	-69.6%	\$ 132,557	76.1%	-62.4%	-69.6%
FEB	342,995	695,953	12.3%	350,866	787,471	23.1%	\$ 169,224	\$ 343,364	12.3%	234,630	138.7%	-31.6%	-33.1%	367,186	106.9%	-47.2%	-53.4%
MAR	271,817	967,770	17.1%	250,986	1,038,457	30.5%	\$ 134,107	\$ 477,470	17.1%	114,921	85.7%	-57.7%	-54.2%	482,107	101.0%	-50.2%	-53.6%
APR	564,624	1,532,394	27.0%	333,424	1,371,881	40.3%	\$ 278,570	\$ 756,040	27.0%	174,514	62.6%	-69.1%	-47.7%	656,621	86.9%	-57.2%	-52.1%
MAY	533,680	2,066,074	36.4%	337,577	1,709,458	50.2%	\$ 263,303	\$ 1,019,342	36.4%	292,708	111.2%	-45.2%	-13.3%	949,329	93.1%	-54.1%	-44.5%
JUN	522,999	2,589,073	45.6%	251,806	1,961,263	57.6%	\$ 258,033	\$ 1,277,375	45.6%	49,495	19.2%	-90.5%	-80.3%	998,824	78.2%	-61.4%	-49.1%
JUL	343,610	2,932,683	51.7%	83,522	2,044,785	60.0%	\$ 169,527	\$ 1,446,903	51.7%	-	0.0%	n/a	n/a	998,824	69.0%	-65.9%	-51.2%
AUG	594,349	3,527,032	62.1%	350,730	2,395,515	70.3%	\$ 293,235	\$ 1,740,138	62.1%	-	0.0%	n/a	n/a	998,824	57.4%	-71.7%	-58.3%
SEP	711,996	4,239,028	74.7%	276,774	2,672,289	78.5%	\$ 351,278	\$ 2,091,416	74.7%	-	0.0%	n/a	n/a	998,824	47.8%	-76.4%	-62.6%
OCT	392,752	4,631,779	81.6%	208,831	2,881,120	84.6%	\$ 193,773	\$ 2,285,189	81.6%	-	0.0%	n/a	n/a	998,824	43.7%	-78.4%	-65.3%
NOV	459,147	5,090,926	89.7%	223,271	3,104,391	91.2%	\$ 226,530	\$ 2,511,719	89.7%	-	0.0%	n/a	n/a	998,824	39.8%	-80.4%	-67.8%
DEC	\$ 584,308	\$ 5,675,235	100.0%	\$ 301,397	\$ 3,405,788	100.0%	\$ 288,281	\$ 2,800,000	100.0%	\$ -	0.0%	n/a	n/a	\$ 998,824	35.7%	-82.4%	-70.7%

2012 budget is based upon 2007 monthly distribution
June Collections through 06/04/12

2012 Monthly RETT Tax Collections



2012 Y.T.D. RETT Collections

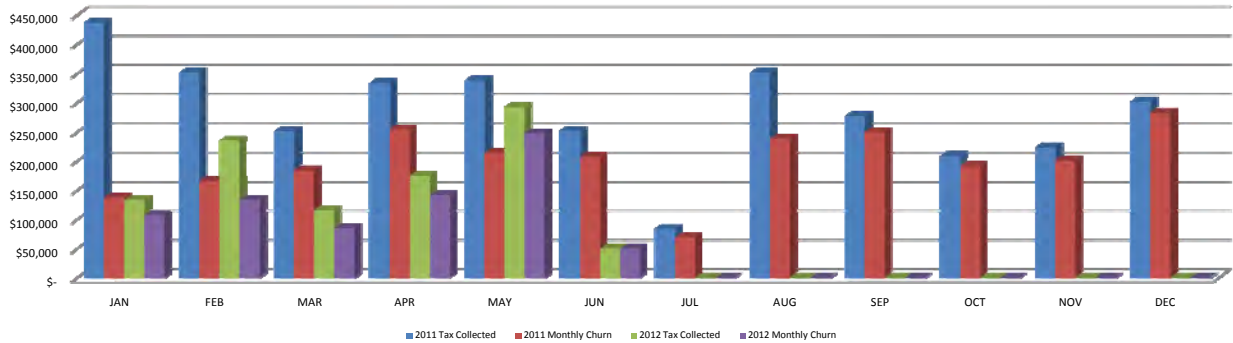


**TOWN OF BRECKENRIDGE
REAL ESTATE TRANSFER TAX CHURN
REPORTED IN THE PERIOD EARNED**

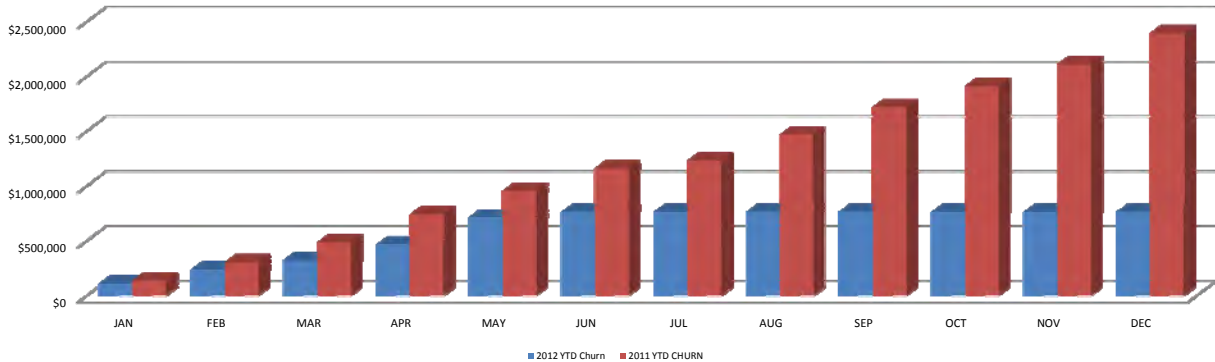
Sales Period	Tax Collected	Year To Date	2011 Collections				Monthly Churn	YTD Churn	% of YTD Total
			New Construction						
			Grand Lodge	1 Ski Hill	Water House	Other			
JAN	\$ 436,605	\$ 436,605	246,243	0	53,370	0	\$ 136,992	\$136,992	31.4%
FEB	\$ 350,866	\$ 787,471	147,234	26,482	11,550	0	\$ 165,599	\$302,592	38.4%
MAR	\$ 250,986	\$ 1,038,457	57,703	0	9,300	0	\$ 183,982	\$486,574	46.9%
APR	\$ 333,424	\$ 1,371,881	41,651	7,296	19,170	11,300	\$ 254,006	\$740,580	54.0%
MAY	\$ 337,577	\$ 1,709,458	87,830	36,403	0	0	\$ 213,344	\$953,925	55.8%
JUN	\$ 251,806	\$ 1,961,263	44,417	0	0	0	\$ 207,389	\$1,161,314	59.2%
JUL	\$ 83,522	\$ 2,044,785	14,277	0	0	0	\$ 69,244	\$1,230,558	60.2%
AUG	\$ 350,730	\$ 2,395,515	107,470	0	0	5,050	\$ 238,210	\$1,468,768	61.3%
SEP	\$ 276,774	\$ 2,672,289	27,114	0	0	0	\$ 249,660	\$1,718,428	64.3%
OCT	\$ 208,381	\$ 2,880,670	2,223	0	0	14,800	\$ 191,359	\$1,909,787	66.3%
NOV	\$ 223,271	\$ 3,103,941	5,083	17,212	0	0	\$ 200,975	\$2,110,762	68.0%
DEC	\$ 301,397	\$ 3,405,338	7,928	0	0	11,300	\$ 282,169	\$2,392,931	70.3%

Sales Period	Tax Collected	Year To Date	2012 Collections				Monthly Churn	YTD Budget	YTD Churn	% of YTD Total	% Change In Churn from Prior Year
			New Construction								
			Grand Lodge	1 Ski Hill	Water House	Other					
JAN	\$ 132,557	\$ 132,557	26,492	0	0	0	\$ 106,065	\$ 174,140	\$106,065	80.0%	-22.6%
FEB	\$ 234,630	\$ 367,186	69,718	0	0	32,250	\$ 132,661	\$ 343,364	\$238,726	65.0%	-21.1%
MAR	\$ 114,921	\$ 482,107	29,935	0	0	0	\$ 84,985	\$ 477,470	\$323,712	67.1%	-33.5%
APR	\$ 174,514	\$ 656,621	33,127	0	0	0	\$ 141,388	\$ 756,040	\$465,099	70.8%	-37.2%
MAY	\$ 292,708	\$ 949,329	45,605	0	0	0	\$ 247,103	\$ 1,019,342	\$712,203	75.0%	-25.3%
JUN	\$ 49,495	\$ 998,824					\$ 49,495	\$ 1,277,375	\$761,697	76.3%	-34.4%
JUL	\$ -	\$ 998,824					\$ -	\$ 1,446,903	\$761,697	n/a	n/a
AUG	\$ -	\$ 998,824					\$ -	\$ 1,740,138	\$761,697	n/a	n/a
SEP	\$ -	\$ 998,824					\$ -	\$ 2,091,416	\$761,697	n/a	n/a
OCT	\$ -	\$ 998,824					\$ -	\$ 2,285,189	\$761,697	n/a	n/a
NOV	\$ -	\$ 998,824					\$ -	\$ 2,511,719	\$761,697	n/a	n/a
DEC	\$ -	\$ 998,824					\$ -	\$ 2,800,000	\$761,697	n/a	n/a

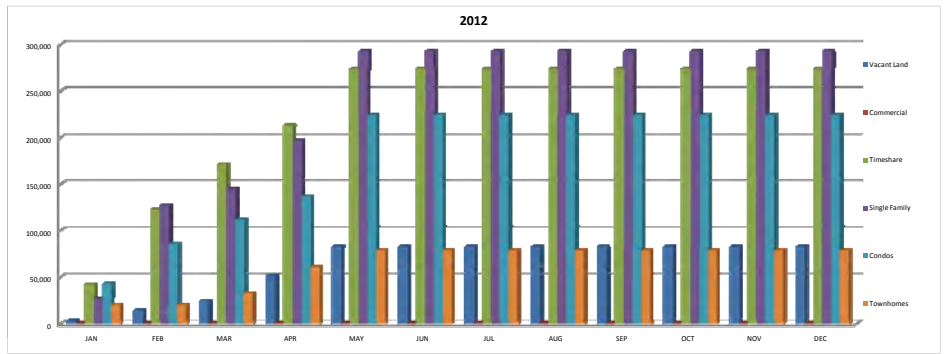
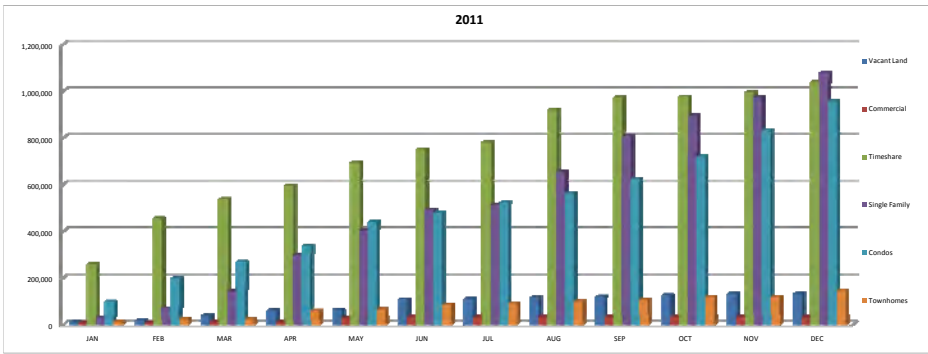
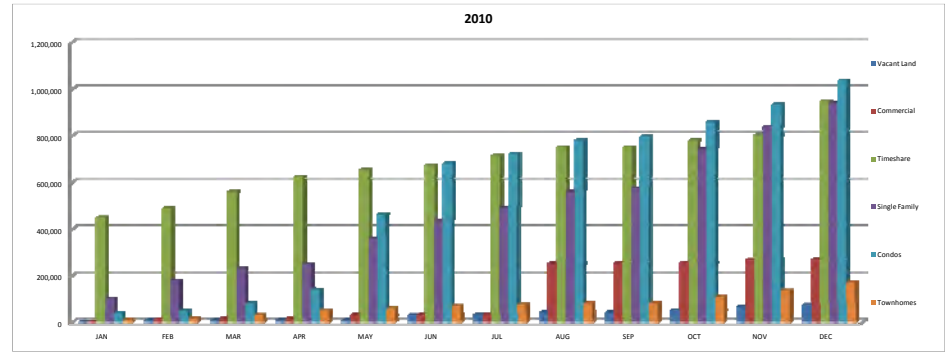
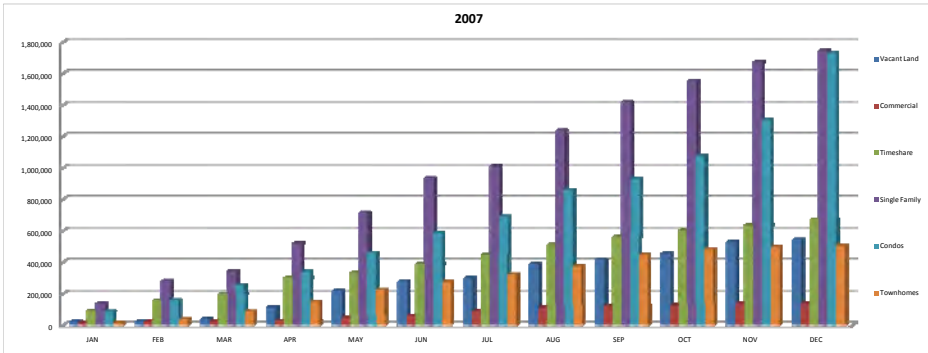
RETT Monthly Collections vs. Churn



YTD Churn Analysis

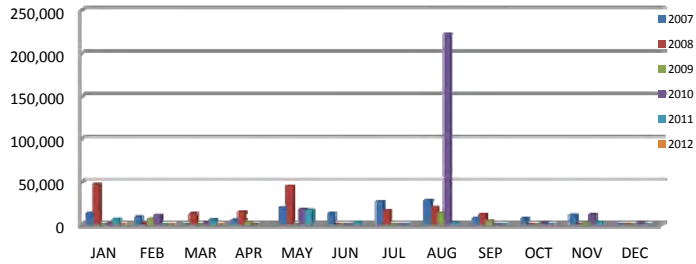


**TOWN OF BRECKENRIDGE
REAL ESTATE TRANSFER TAX COLLECTIONS
YTD CATEGORIES BY MONTH**

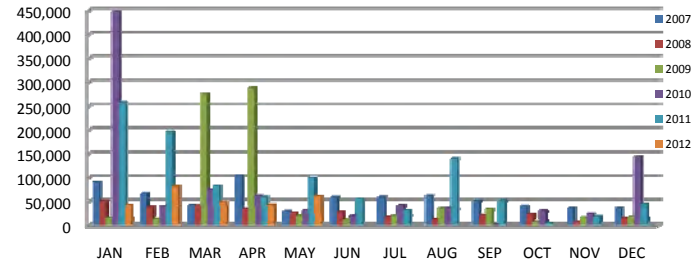


TOWN OF BRECKENRIDGE REAL ESTATE TRANSFER TAX COLLECTIONS MONTHLY BY CATEGORY

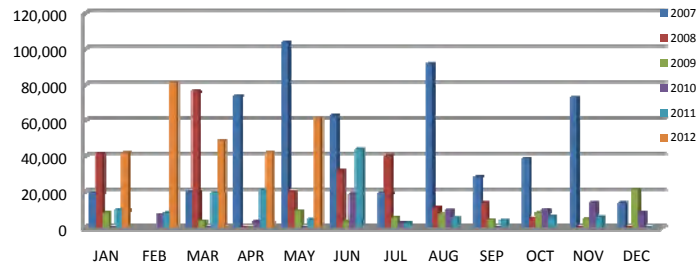
Commercial



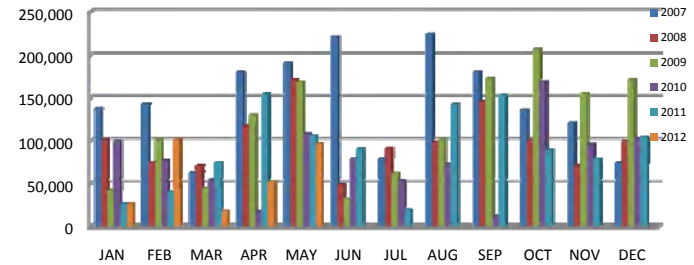
Timeshare



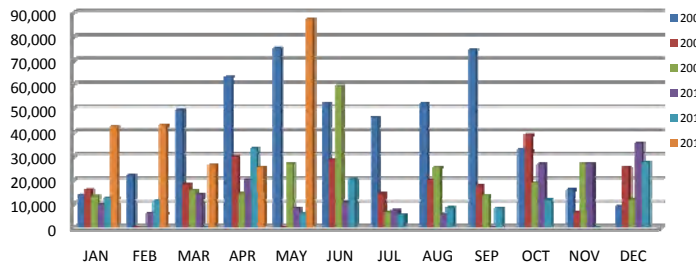
Vacant Land



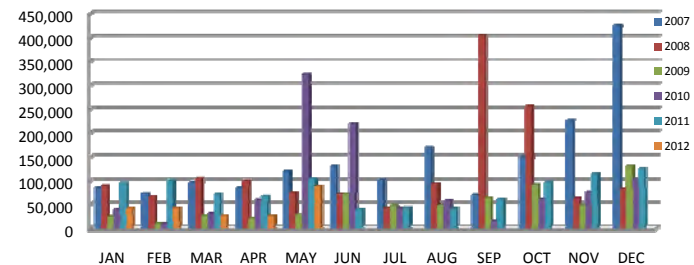
Single Family



Townhomes



Condos





June 4, 2012 – for Work Session June 12, 2012

TO: Breckenridge Town Council

CC: Tim Gagen, Rick Holman, Tom Daugherty

FROM: Maribeth Lewis-Baker, Transit Manager & James Phelps, Asst Director Public Works

RE: Breckenridge Integrated Transportation Feasibility Study

Ladies and Gentlemen of the Breckenridge Town Council,

Transit received a 5304 Transit Planning Grant from the Colorado Department of Transportation in which to study the feasibility of merging the Free Ride Transit and Breckenridge Ski Resort transportation systems. Transit conducted an RFP Process in September 2011 to hire a consultant firm for the project.

Transit Plus, Inc. was the selected consultant for the project. Transit Plus is a well-established transportation consultant firm. One of the identified value-added benefits with Transit Plus was that Suzanne O'Neill (Principal, Transit Plus) was the Transit Manager in Steamboat Springs at the point in time when the ski area and town transit operations had merged. It was felt by transit management that her operational experience within a ski resort town and with the merging of a public/private system would be beneficial.

Transit Plus began work on the project in November 2011 and has had interface with both the Town's and BSR's transportation personnel.

To date, Transit Plus has issued two technical memorandums. TM #1 consisted of an analysis of both transit systems, the existing capacities, of future potential transit demands, and of the future redevelopment of the Breckenridge Station. TM #2 consisted of an analysis of the different levels of potential integration.

At the Work Session, Ms. Suzanne O'Neill of Transit Plus will make a presentation to Council of some conceptual alternatives and recommendations. This is intended for Council to have the opportunity to weigh-in on the various alternatives before an Implementation Plan is constructed.

Staff will also be on hand at the Council Work Session to answer any questions you may have.



MEMORANDUM

To: Mayor and Town Council
From: Tim Gagen, Town Manager
Date: June 5, 2012
Subject: *Proposed Peak 8 Development Agreement*

Staff is in receipt of a letter from Rob Millisor representing Breckenridge Grand Vacations (BGV) proposing a development agreement for a possible development at Peak 8. A development agreement usually requests conditions that vary from an approved master plan or code and/or extended vesting for a development.

If Council approves the development agreement, it provides direction to the Planning Commission so that they can consider these conditions as a part of their review and fit test. It is important to note that even if Council approves a development agreement, the proposed development must still receive planning approval before it can proceed.

This specific proposal is slightly different from other requests the Council sees where in addition to the request specific to the proposed BGV development, there is also a request to vary the master plan allocation for skier services which affects the ski area. Staff has attached a summary of the ski area approved master plan and its allocation of density; how that is modified by the approved developments so far for Peak 7 & 8 and how this request modifies these totals. The requested density changes involve both purchase of TDR's which if approved would be split by the Town and County and go into our Open Space Fund and as we understand it, free density for skier services. The Council will also see an offer of public benefit in the proposal which serves to enhance the Council consideration of the request. Staff will have available at the Work Session a conceptual drawing of the proposed development.

Staff would encourage Council to use the Work Session time to fully understand the request and how it changes the approved master plan. Since this is the first proposed development agreement for the new Council, I would also suggest that prior to giving direction on the proposal that you seek our Town Attorneys legal advice related to development agreements in Executive Session. If the Council is favorable to all or parts of the proposal, the next step would be to prepare the actual development agreement for Council consideration.

MEMO

DATE: June 5, 2012

TO: Town of Breckenridge Town Council

FROM: Rob Millisor, Mike Millisor, Mike Dudick

Breckenridge Grand Vacations

We are pleased to work with the Town Council in an effort to bring to fruition another successful timeshare resort on the base of Peak 8 at the present location of the Bergenhof Restaurant.

Our present development, the Grand Lodge on Peak 7, is approximately 60% sold and is projected to reach sell out by fall of 2014. At that point our company either dramatically down sizes, losing approximately 150 highly compensated jobs and slashing sales by 90% (\$54 million annually); or we continue to be an economic engine for the community by developing another world class timeshare resort.

Our consumer driven development model requires that our resort feature an amazing amenity package that includes, but is not limited to, a large aquatic area, multiple movie theatres, full service spa, fitness center, owners lounge, owners day use area, kids fun center, arcade, and skier concierge. In order for the resort to be financially viable with the amenity package outlined above, we must build a resort with a minimum of 80 units. For these reasons we are asking the town, in the form of a development agreement to allow us to:

1. **Increase density on Peak 8 including an increase of skier service density at Peak 8 by 22 sfes; transfer of 11.5 residential sfes and 5 commercial sfes via TDRs from the open space bank to the Bergenhof parcel on Peak 8, a receiving site in the Upper Blue Master Plan.** The additional 22 sfes of skier services are necessary so that the Breckenridge Ski Resort can continue to provide the exceptional skier experience that all Breckenridge visitors deserve. When the master plan was approved it was contemplated that VR would simply replace the existing skier services. As stated above, the demands of our skiers have increased. For Breckenridge to remain a world class destination resort, VR understands that they must invest more into providing the highest level of service for all of our guests in Breckenridge.

The 16.5 (11.5 Residential and 5 Commercial) TDR transfer to the Bergenhof parcel will generate \$816,750 of revenue to the TOB and Summit County open space funds. Of course Breckenridge Grand Vacations ("BGV") understands that any TDR transfers will require a fit test by the planning commission and ultimately the town council and will only be granted if we can demonstrate our resort fits on the site. BGV wants to emphasize that we are not increasing the intensity of usage at the resort as we are utilizing 80 sfes that exist in the current master plan. Our two bedroom units at both Grand Timber Lodge and Grand Lodge on Peak 7 averaged 1,200 square feet. Over 50% of our

sales volume comes from our owners buying additional weeks from us and we need to provide a compelling reason for them to purchase more in a new Peak 8 resort. As such we are planning on increasing the average unit size from 1,200 sq. ft. to 1,350 sq. ft. with most of the additional space devoted to enlarged kitchen, dining and living room space. BGV is keeping within the spirit of the 80 SFEs on site but asking to bring in 11.5 residential TDRs in order to provide the additional square footage our customers require. The 5 SFEs of commercial are for our spa, café, and sundry shop. Quite simply we cannot sell a first class timeshare resort without a limited café for guest use as well as a full service spa.

2. **Commence infrastructure improvements including demolition of the current Berghof, relocation of deep utilities, construction of storm water management systems, and mass excavation during the spring and summer of 2013 prior to the issuance of a building permit.**

This is necessary so that we can begin vertical construction in spring of 2014 which is necessary to meet our Certificate of Occupancy date of December 2015 for our first phase. The December 2015 C.O. date is critical because we simply cannot “turn off” our sales and marketing machine, terminating 150 highly compensated jobs, and then turn it back on in the future. It took many years for us to build the sales and marketing organization we have in place today. It would be nearly impossible to start over and go through that process again. Staff believes that this can be accomplished administratively, but asked that we include this as a place holder in the development agreement.

3. **Extend vesting for 1 additional year for a total of 4 years of vesting.** As we have done at both Grand Timber Lodge and Grand Lodge on Peak 7, we are forced to build in phases of approximately 24-28 units per year due to financing limitations.

4. **Increase the bonus multiplier for conference/amenity space from approximately 6,000 sq ft of amenities (per existing development code) to allow approximately 18,000 sq ft of amenity space which reflects the current reality of Breckenridge’s visitors expectations.** The current conference/amenity multiplier in the code has been in place since 1988. Obviously, the resort market and consumer demands have changed in the last 24 years and successful resorts have changed with them. We can only sell a resort that features the amenities outlined above. We believe we should be encouraged to build a first class resort with exceptional amenities rather than discouraged.

5. **Decrease the parking requirement for our two bedroom lock-off units from 2 indoor spaces to 1.7 spaces.** As the attached data details, we have averaged approximately 1.6 cars per two bedroom lock-off unit at both Grand Lodging on Peak 7 and Grand Timber Lodge over the past year.

We understand the importance to our community of preserving our natural surroundings while continuing smart growth. To that end we would like to donate \$25,000 to the continued preservation of Cucumber Gulch to meet our public benefit obligations for the above requests. We believe this \$25,000 is commensurate with past precedent including the Grand Lodge on Peak 7 and Shock Hill developments.

We are looking forward to working with the Town to develop a resort that will help maintain the economic sustainability of Breckenridge.

Respectfully,

Rob Millisor, Mike Millisor, Mike Dudick

Owners, Breckenridge Grand Vacations

**Breckenridge Grand Vacations
Parking Analysis**

April 2011 thru March 2012

Grand Timber Lodge

Month	In-house Cars	Rooms Occupied	2 Bdrm Equilivant Units Occupied	Cars per 2 Bdrm Equilivant
Apr-11	3,210	4,677	2,339	1.4
May-11	no data	no data	-	-
Jun-11	6,228	7,699	3,850	1.6
Jul-11	6,411	8,296	4,148	1.5
Aug-11	7,215	9,253	4,627	1.6
Sep-11	5,215	6,217	3,109	1.7
Oct-11	3,896	4,726	2,363	1.6
Nov-11	3,780	4,786	2,393	1.6
Dec-11	5,480	7,322	3,661	1.5
Jan-12	5,878	7,879	3,940	1.5
Feb-12	6,166	7,805	3,903	1.6
Mar-12	7,161	8,319	4,160	1.7
Totals Grand Timber Lodge	60,640	76,979	38,490	1.58

Grand Lodge on Peak 7

Month	In-house Cars	Rooms Occupied	2 Bdrm Equilivant Units Occupied	Cars per 2 Bdrm Equilivant
Apr-11	1,962	2,455	1,228	1.6
May-11	1,134	1,479	-	-
Jun-11	2,360	2,935	1,468	1.6
Jul-11	2,577	3,361	1,681	1.5
Aug-11	2,700	3,356	1,678	1.6
Sep-11	2,244	2,610	1,305	1.7
Oct-11	1,556	1,787	894	1.7
Nov-11	1,836	2,209	1,105	1.7
Dec-11	2,091	3,017	1,509	1.4
Jan-12	2,434	3,271	1,636	1.5
Feb-12	1,144	2,932	1,466	0.8
Mar-12	2,378	3,529	1,765	1.3
Totals Grand Lodge on Peak 7	24,416	32,941	16,471	1.48
Totals GTL and GL7	85,056	109,920	54,960	1.55

DENSITY per Peak 7 and 8 Amended Master Plan

PEAK 8

	Residential SFEs	Commercial SFEs	Guest Services SFES	Total SFEs
CURRENT MASTER PLAN PEAK 8	282.0 SFE	14.5 SFE	48.0 SFE	344.5 SFE
One Ski Hill Place	-85.4 SFE	-3.1 SFE	-23.1 SFE	-111.7 SFE
BGV - Lodge at Peak 8	-80.0 SFE	-5.0 SFE		-85.0 SFE
REMAINING AT PEAK 8	116.6 SFE	6.4 SFE	24.9 SFE	147.8 SFE
<i>BGV - TDR Request</i>	<i>TDR 11.5 SFE</i>	<i>TDR 5.0 SFE</i>		<i>16.5 SFE</i>
<i>VAIL Request (FREE)</i>			<i>FREE 22.0 SFE</i>	<i>22.0 SFE</i>
REMAINING AT PEAK 8 for Vail	128.1 SFE	11.4 SFE	46.9 SFE	186.3 SFE

PEAK 7

	Residential SFEs	Commercial SFEs	Guest Services SFES	
CURRENT MASTER PLAN PEAK 7	171.3 SFE	5.0 SFE	9.0 SFE	185.3 SFE
CRYSTAL PEAK LODGE	-48.7 SFE	-0.5 SFE	-2.1 SFE	-51.3 SFE
GRAND LODGE AT PEAK 7	-122.2 SFE	-4.5 SFE	-6.7 SFE	-133.4 SFE
REMAINING AT PEAK 7 for Vail	0.4 SFE	0.0 SFE	0.2 SFE	0.6 SFE

**Note: Per Master Plan, Peak
7 & 8 Guest Services
totalled 57 SFES**

GUEST SERVICE DENSITY ANALYSIS

06/06/2012

Peak 8 Guest Service Square Footage Prior to Master Plan Amendment

Bergenhof Restaurant	13890
Ullr Building	14830
Slopeside Building	2400
Kids Ski School Buildings	6350
Administration Building	11250
Rental Sprung	4800
Employee Locker	3480
Total	57000

Peak 7/8 Master Plan Estimates / Allowed

<u>Peak 8 Estimate / Allowed</u>	
Children's ski school	15000
Ski Rental	2400
Skier restaurant, incl. restrooms	12000
Tickets / Ski School sales	3300
Administration	4300
Employee lockers	8800
Ski Patrol / First Aid	1200
Guest lockers/Guest Svcs.	1000
Total	48000

<u>Peak 7 Estimate / Allowed</u>	
Administration	5000
Ski Rental	1500
Tickets / Ski School	2500
Total	9000

<u>Peak 7/8 Master Plan Total</u>	57000
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Peak 7/8 Actual / Future Needs

<u>Peak 8 Actual / Future Needs</u>	
Children's Ski School / Daycare	17000
Ski Rental	3500
Skier Restaurant / Restrooms	20410
Tickets / Ski School	4000
Administration	12000
Employee Lockers	9000
Ski Patrol / First Aid	1500
Guest Lockers / Guest Svc.	2700
Total	70110

<u>Peak 7 Actual</u>	
Ski Rental / Tickets	2126
Restaurant / Restrooms	6670
Total	8796

<u>Peak 7/8 Actual / Future Needs</u>	78906
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Additional Guest Services Square Footage	21906
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To: Town Council
From: Laurie Best Community Development Department
Date: June 5, 2012 (for worksession June 12th)
Re: Maggie Placer Annexation Modification

The owner of the Maggie Placer property is requesting the Town Council consider a modification to their annexation agreement which was approved in 2009. The owner would like to move forward immediately with an affordable housing development on the site located at the south end of Town, immediately north of Ski and Racquet. However, the owner is concerned that the 2009 agreement with the Town, that outlines the number of units and price targets, is not feasible given the current market. The owner would like the Council to consider a modification to the number of deed restricted versus market units in return for lower price points for the deed restricted units. This issue was discussed with the Housing Committee and they recommended it be referred to the Council for a full discussion.

Background:

The subject site was annexed to the Town in October of 2007 and the development was subject to an agreement that was executed at the same time. The original agreement allowed 18 deed restricted units and 4 market units on the 1.82 acre site. The deed restricted units would be priced for households earning between 90-115% of the area median income. That annexation agreement was consistent with the Town's guidelines (2000 Affordable Housing Strategy), which recommends that 80% of the units in an annexation be deed restricted units.

Subsequent to the agreement there were concerns raised about the plan, which included 18 deed restricted units in a three story stacked condo with surface parking and 4 single family detached market units. The concerns included issues with the scale, height, mass, lack of parking, and site disturbance. In response, the applicant modified the plan in 2009, eliminated one unit and changed the units from stacked condos to duplexes/townhomes. Under the new plan, which was approved by the Planning Commission on August 18, 2009, a total of 17 deed restricted units and 4 market units would be constructed in a duplex/townhome configuration. The plan was viewed as an improvement because it reduced the site disturbance, lowered the building height, increased the parking including some garages, eliminated a curb cut on Highway 9, and eliminated one unit. The Council agreed to modify the original annexation agreement to reflect this approved plan. As part of that modification the Town added income testing as a requirement and allowed the owner to increase the pricing from the 90-115% AMI to 110%-140% AMI (average 106% AMI to an average 117% AMI). This increased the price points from \$244,600 and \$349,000 for the two and three bedroom units to \$299,000 and \$425,000. At that time the Housing Authority and the applicant both felt that there was sufficient demand for deed restricted units priced at the 110%-140% AMI to justify the price increase and that the increased revenue would cover the costs associated with the improved plan.

Current Conditions/Request:

The owner's 2009 Development Permit will expire this August and no construction has begun. The applicant would like to begin construction immediately but believes that the demand for the 110%-140% AMI units, which would list at \$299,000 and \$425,000, is not as strong as it was in 2009. They are requesting that the Council consider modifications to the annexation agreement that would allow them to build 20 units instead of 21 units (in the same townhomes/duplexes configuration), to deed restrict 10 of

the units instead of 17 of the units, and to reduce their initial sale prices from \$299,000 and \$425,000 to \$251,000 and \$331,500 which reduces the average AMI from 117% to 92% based on 7.5% interest rate. The TDRs would be purchased by the owner for the market units, and the market units would be constructed at an approved ratio that is based on completion of deed restricted units.

After discussing the proposal with the Housing Authority the owner/representatives believe that demand is still strong for units under 100% AMI, and that the modifications are necessary to create a viable project that addresses the current demand. It is unlikely that the approved plan can move forward without a modification. It should also be noted that the proposed pricing is actually affordable to a much lower AMI than 92% if the current interest rates are used instead of 7.5%. The rate of 7.5% was used in 2007 and 2009 so it was used only for the purpose of analyzing the proposed prices relative to the previous pricing. In realty the Town typically allows developers to use current rates in setting prices (Wellington Neighborhood, Vic's Landing, etc.). Under the Town's typical pricing formula all of the proposed prices at Maggie Placer would be affordable to households earning less than 80% of the AMI (3.75% rate, 10% down payment, 1.5 persons per bedroom to determine household size).**

It should be noted that Wellington Neighborhood was approved with an 80/20 ratio (deed restricted/market) and pricing based on current interest rates. Approximately half of the units are affordable to households over 100% AMI and half affordable to households under 100%. But, both the Council and the Housing Committee have expressed some support for adjusting the typical 80/20 ratio in return for lower price points. As an example, in 2006 the Town approved Vic's Landing with twelve 80% AMI units, twelve 100% units, and twelve market units. That project was also allowed to price units based on current interest rates which were approximately 5% at the time.

Summary:

The owner and her representatives would like to move forward with construction immediately to take advantage of lower construction pricing and financing expenses. Staff supports the proposal because it results in ten well- priced deed restricted units with no financial subsidy from the Town, other than standard fee waivers. The owner is lowering the price points considerably and averages 92% AMI using a very conservative 7.5% interest rate. The prices are all well under 80% using current rates. The proposal would also include purchase of TDRs for the market units, which is consistent with goals to preserve the backcountry and focus development into Town. It is staffs' understanding that the construction would begin immediately but it would be phased based on demand. If the Council approves this project, staff recommends a condition be included to require use of local vendors/labor for the construction. The owner is looking forward to the worksession with Council to determine if there is support for moving forward with this project with the 50/50 ratio. If approved by Council, the next steps would be a resolution to formally amend the annexation agreement and an application to extend the development permit that expires on August 25, 2012.

** It should be noted that the interest rate that is used to set pricing has a dramatic impact on the cost of providing lower AMI units. The lower the rate the more the units can be sold for and as the rate is increased for pricing purposes, the permissible price must be reduced to insure the mortgage is affordable to the income target. As sale prices are reduced, the project revenue is impacted and the cost to the developer increases. The Housing Authority has recommended a very conservative 7.5% interest rate while the Towns guidelines allow developer to use the current interest rate for pricing purposes. Historically, most of the developments in Breckenridge (including Wellington Neighborhood and Vic's Landing) have been authorized to use the current interest rates for pricing purposes. When rates are low this allows higher price points and less subsidy by the developer. But, given concerns about the potential for eventual rate increases some adjustment is prudent. For example, the Town used a 7% interest rate at Valley Brook which was 2 percentage points higher than the average 5% rate in effect at the time. The current Maggie Placer pricing is based on a 6.5% rate which is 2.75% higher than market.

MEMO TO COUNCIL

TO: Breckenridge Town Council
FROM: Laurie Best-Community Development Department
DATE: June 4, 2012 (for June 12, 2012 worksession)
RE: Valley Brook Neighborhood Owners Survey

The purpose of this memo is to brief the Town Council in regard to the Valley Brook owners survey that was conducted in February of 2012. Thirty of the owners were surveyed utilizing Survey Monkey with a response rate of 90% (27 owners). The goal was to measure customer satisfaction, especially relative to the Towns initial goals for the project (livability, affordability, quality, sustainability). This information will be used in the project recap meetings that will be scheduled with all of the entities that participated. The goal is to identify the strengths of project team and any opportunities for improvement.

As a second part of the survey, we collected information on the household profiles including employment, commuting patterns, length of residency, family size, etc. which helps staff to identify the characteristics of the families served and some of the measures by which the project can be evaluated. While the preliminary results were presented to the Housing Committee in March, staff felt that the information would also be of interest to the Council. The results are summarized below.

Customer Satisfaction

This portion of the survey was based on the Net Promoter (NPS) approach to evaluating customer satisfaction. Questions are scored based on a scale of one (strongly agree) to ten (strongly disagree). In calculating a Net Promoter score, the percent of detractors (5 thru 10) is combined with the percent of neutrals (3-4), and then subtracted from percent of promoters/advocates (1-2). The resulting score will fall between -100 where everyone is a detractor and +100 where everyone is a promoter. Because the scoring is weighted heavily on the detractors and neutrals, a score below -50 is considered poor, between -50 and zero is considered average/neutral, in excess of zero is considered good, and in excess of 50 is considered excellent. As shown below, the responses from the Valley Brook owners indicate strong support and satisfaction. It should be noted that this approach to measuring customer satisfaction is just one of many different options and results can vary over time, but this does give us a pretty good idea about the perceptions of the first buyers in Valley Brook and it is particularly useful in comparing the different parts of the projects, such as construction, design, sales, management, etc. With this information we can identify opportunities for improvement in the future.

<u>Sample of Questions:</u>	<u>NPS Score</u>
Satisfied with purchase	77 (excellent)
Would recommend to a friend	71 (excellent)
Good value	71 (excellent)
Importance of garage	71 (excellent)
Importance of energy star	41 (good)
Town should continue to invest in workforce housing	41 (good)
Floorplan	25 (good)
Home Owners Association	-3 (neutral)
Purchase/sale process	-10 (neutral)
Homebuyer Class	-45 (neutral)

There were no components of the project that scored poor (less than -50) but some components scored only as average/neutral. This included the homebuyers class, the sales process, and the property management. This feedback will be used in our project closeout/recap which will be scheduled as soon as the project is complete with all of the entities that have been involved.

Owner Profiles

A second goal of the survey was to collect information on the households/residents. This information is summarized on the attachment. The employment, income, and residency data gives a good overview of the household characteristics. (see attachment)

Summary

The data that was collected during this survey will be used by staff as we evaluate the project and identify opportunities in the future. Staff recommends that we continue to monitor the satisfaction of the residents as well as their household characteristics. Staff will be available to discuss the results and answer any questions during your worksession.

ATTACHMENT TO COUNCIL MEMO (JUNE 4, 2012)

Valley Brook Survey Monkey

Sent to all 30 owners in February 2012

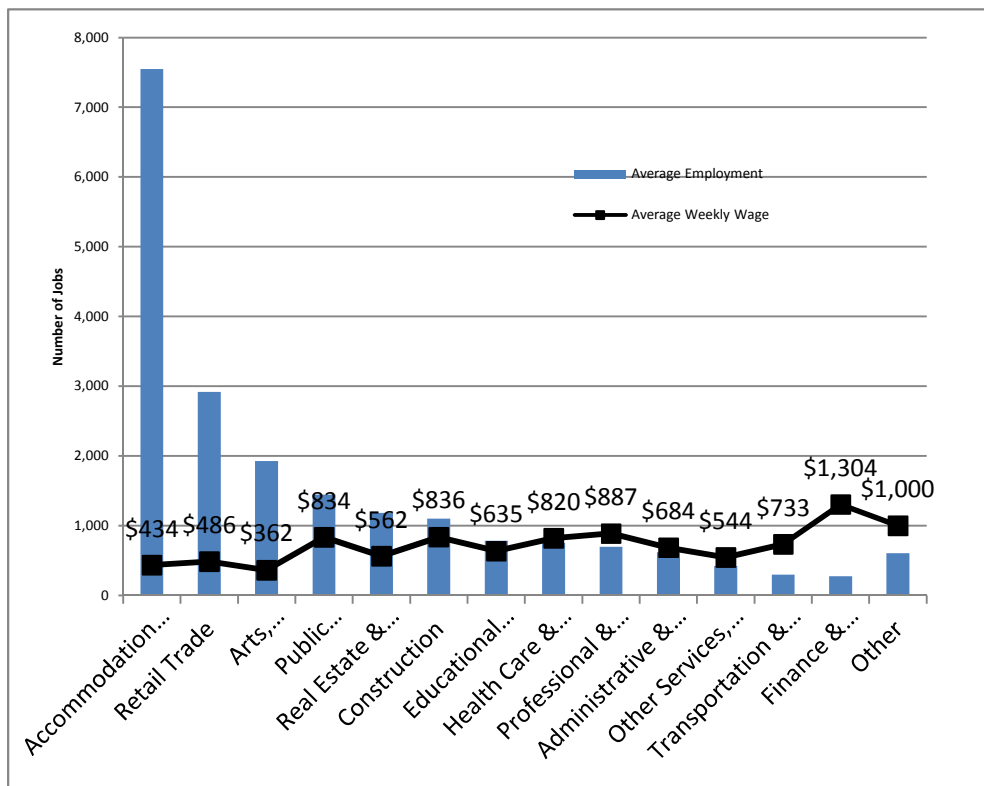
Responses from 27 homeowners

Employment:

Location

- 62% In-town
- 19% Own a business in Town
- 17% In-County (not in Town)
- 2% Own a business in County (not in Town)

Employment Type:



Countywide	37% Accommodations and Food Service	VB:	(19%)
	14% Retail		(6%)
	9% Arts, Entertainment, Recreation		(12%)
	7% Public Admin/Government		(8%)
	6% Real Estate/Property Management		(12%)
	6% Construction		(6%)
	4% Health Care		(4%)
	4% Education		(14%)

Work Commute

Distance:

Prior to purchase at Valley Brook 50% commuted more than 5 miles to work

After purchase 24% commute more than 5 miles to work

Mode:

Summer 43% bike or walk as principle mode

Winter 20% bike or walk as principle mode

41% of residents have used transit since moving into Valley Brook, but few use it as principal mode (6 residents in summer/8 residents in winter)

Cars:

60% have 2 cars

33% have 1 car

7% have 3 cars

Residency

53% of owners have lived in Summit County 3-10 years

46% of owners have lived in Summit County more than 10 years

33% expect to stay 3-10 years

53% expect to stay 10 + years

63% rented in Breck prior to purchasing at VB

17% rented elsewhere in the County prior to purchasing at VB

20% owned prior to purchasing at VB

Family

26% family with children

33% couple

20% single w/roommates

11% single

10% single parent

Household Size

48 % 2 person

30% 3 person

15% 1 person

7% 4 person

Income

40% \$46,000-60,000

30% \$31,000-45,000

22% \$61,000-75,000

7% \$75,000+

Reason for choosing VB (prioritize)

Top reasons: Price/Value
Opportunity to own a home

Other reasons:

Proximity to work
Garage
Live in local's neighborhood
Lifestyle for family/kids
Energy efficiency

Open Ended Questions

Best thing

Location
Value/Price

Worst thing

Parking, dogs, HOA dues, too tight, noisy street



MEMORANDUM

TO: Town Council
FROM: Scott Reid, Open Space and Trails Planner
DATE: June 18, 2012
SUBJECT: Central Mountain Outdoor Heritage Wilderness Proposal

Summary

Staff seeks Town Council's direction regarding Senator Mark Udall's Central Mountain Outdoor Heritage proposal, which includes portions of the previously discussed Hidden Gems Wilderness concept.

Background

The Hidden Gems Wilderness proposal has been discussed with Town Council multiple times over the past several years. The proposal, in its various forms, would add new, and increase the size of existing, congressionally-designated wilderness areas in Summit and Eagle counties. Federal wilderness regulations prohibit the use of motorized or mechanized vehicles and chainsaws, among other things, in a conscious effort to restrain human influence in wild places. Recently, some federal wilderness bills have also considered adjacent lands as "Special Consideration Areas," offering an increased level of land protection, while allowing bicycles, chainsaws, military helicopter training or other activities prohibited in wilderness. The attached proposal from the Colorado Environmental Coalition summarizes the overall Hidden Gems concept pertaining to Summit County. Of particular interest are the Hoosier Ridge area (pp. 41-44) and the Tenmile area (pp 61-62), which are located in the Upper Blue basin.

In past discussions, Town Council has generally supported the Hidden Gems idea, but has expressed concerns about:

- 1) Ensuring long-term wildfire and watershed protection efforts for the Town,
- 2) Retaining the possibility of adding future mountain bike trails in appropriate locations, and
- 3) Allowing limited chainsaw use to clear inevitable tree blowdowns related to the current mountain pine beetle infestation.

In 2010, Representative Jared Polis introduced the Eagle and Summit County Wilderness Protection Act. The House [bill](#) remains in committee. More recently, Senator Mark Udall proposed the Central Mountains Outdoor Heritage [concept](#) identical to Rep. Polis' within Summit and Eagle counties. Senator Udall has requested a community dialogue to evaluate the proposal prior to introduction on the Senate side. As part of that dialogue, on May 3rd staff was invited to participate in a free [airplane fly-over](#) of the proposed wilderness areas in both Eagle and Summit Counties.

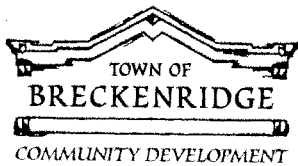
Attached is the most recent correspondence from Town Council regarding the wilderness proposal. Additionally, Council directed staff work with the Summit Fat Tire Society, the International Mountain Bicycling Association, and others to provide a consensus recommendation to be considered for the overall wilderness bill. The recommendation will likely suggest an expansion of the proposed Tenmile wilderness area to include Quandary Peak, and an expansion of some of the Special Consideration Areas to include and protect trails pursuant to the U.S. Forest Service travel management plan designations (e.g. the Peaks, Colorado and Wheeler

Trails). These recommendations would also reflect recent open space land acquisitions and expand buffers to wilderness in appropriate areas.

Action

Based on Council direction, staff will draft a letter for Mayor Warner's signature in response to Senator Udall's proposal. Staff requests Council answer the following questions:

1. Does Council still support the concepts most recently stated in the April 6, 2010 letter to Representative Polis?
2. If not, how should the concepts be amended for inclusion in the correspondence to Senator Udall?



April 6, 2010

Rep. Jared Polis
P.O. Box 1453
Frisco, CO 80443

Hidden Gems Wilderness Campaign
c/o Colorado Environmental Coalition
1536 Wynkoop Street, #5C
Denver, CO 80202

Dear Rep. Polis:

The Town of Breckenridge would like to state our endorsement of the Hidden Gems Wilderness Proposal, as portrayed on the Hidden Gems Campaign website March 17, 2010, for the Hoosier Ridge and Tenmile areas.

In our letter dated January 28, 2010, the Town of Breckenridge listed concerns that were at that time not yet resolved:

- Wilderness designation could impede our ability to fight wildfires and protect our watershed in the aftermath of wildfire. This is particularly of issue because of the potential increased susceptibility of our forests in the wake of the mountain pine beetle infestation. The Town may need the ability to take proactive fire mitigation actions (i.e. firebreaks and other fuels management prescriptions), use roads and mechanical equipment to fight a fire, and locate and construct water quality protection structures or ancillary roads within some of the areas proposed as wilderness.
- Wilderness designation affects the extent to which mountain bike trail systems can be utilized and further expanded.
- Wilderness designation would preclude the use of mechanized equipment in clearing trails of downed trees. Considering the fire danger and potential for subsequent blow-down, the Town feels that it is important that chainsaws and other mechanized equipment be allowed in order to adequately clear trails and provide for the safety of the trail users in a timely manner.

The Hidden Gems Wilderness proposal has been adjusted since that time to address many of these issues. The boundaries of the proposed wilderness now largely match that of the Wildland Urban Interface (WUI) boundaries, helping alleviate Town concerns and those of the Red, White and Blue Fire Department regarding proactive fire mitigation, fire suppression, and post-fire watershed protection efforts in the Upper Blue Basin. Further, many mountain bike trails in the Town and County trail master plans, along with those identified as important by user groups such as the Summit Fat Tire Society, have been excluded from Wilderness designation.

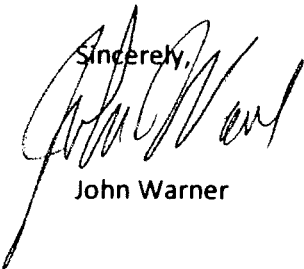
The Town still believes any final language must address the need to manage large-scale downfall through mechanical means on trails in wilderness, both for trails in existing wilderness areas and in areas recommended through the Hidden Gems proposal. Regardless of the outcome of the Hidden Gems Campaign, this is of great concern to our community as the trees infested by the mountain pine beetle eventually fall.

In our January 28th letter, we asked that the Hidden Gems proposal address those areas no longer included within proposed wilderness, as well as other areas appropriate as a non-motorized wilderness buffer in order to expand protection. Through the use of a companion designation, natural resources and trails that were taken out of the original citizen's wilderness proposal could receive a higher level of protection that they might otherwise have without a congressionally legislated designation. At the same time, wildfire and watershed protection could be provided with less restrictions than would be the case in a designated wilderness area. Both the International Mountain Biking Association and the Hidden Gems Campaign are working on companion designation maps and language for inclusion in the proposal.

The Town of Breckenridge can officially endorse the Wilderness-specific boundaries that have been arrived at, as long as the above-mentioned companion designation is also included in the final legislation submitted. Moving forward, the multi-faceted lands protection approach appears to be a solution with broad appeal, a consensus-building option that will become more critical as development and extractive industries place greater demands upon the stewards of our public lands. It is our opinion that this approach enhances and complements the sanctity of wilderness, but also addresses the lingering issues of wildfire mitigation, watershed protection and historical recreational use.

Please feel free to call Heide Andersen at 970.547.3110 if you have any questions. In the meantime, we look forward to working further with your office on the companion designation wording and mapping.

Sincerely,



John Warner

Cc: U.S. Sen. Mark Udall
U.S. Sen. Michael Bennett
State Sen. Dan Gibbs
State Rep. Christine Scanlan

A scenic landscape photograph of a mountain valley. In the foreground, there are large, grey, rocky outcrops with some green vegetation. A clear, blue lake is nestled in the valley, surrounded by more rocks and patches of green grass. In the background, there are large, rugged mountains with some snow patches and dense evergreen forests. The sky is a clear, bright blue with a few wispy white clouds.

the
Hidden Gems
wilderness proposal

COLORADO 2ND CONGRESSIONAL DISTRICT

Eagle and Summit Counties

MARCH 2010

for a new generation of wilderness
in the greater White River
National Forest region

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Maps Attached to Proposal

- Hidden Gems Wilderness Proposal, 2nd Congressional District (11x17 in.)
- Lands Removed from the Hidden Gems Wilderness Proposal, 2nd Congressional District (22x34 in.)

Hidden Gems Wilderness Proposal

Colorado Second Congressional District

March 2010

Summary and Data

The carefully crafted Hidden Gems Wilderness Proposal for federal public lands in Colorado's Second Congressional District represents extensive field research into wildland values. It has been refined over the past ten years. Boundary clarifications and other adjustments made over that time reflect detailed discussions with local, state, and regional staff for the United States Forest Service and the Bureau of Land Management, extensive consultation with federal, state, and local elected officials and their staff and advisory boards, and several dozen meetings with interested organizations and individuals.

The proposal is a grassroots effort, spanning more than ten years, by residents of Colorado who value the wild and untrammelled nature of the Rocky Mountains.

The proposal for the Second Congressional District, submitted at this time for consideration and approval by the 111th Congress, now includes 23 areas:

- 11 additions to existing wilderness areas;
- 8 new free-standing wilderness areas;
- 1 interim protection special management area;
- 1 wildlife land bridge special management area;
- 2 subject to additional discussions, now active.

Twenty of the areas include national forest land. Three areas are on Bureau of Land Management land. Sixteen areas or portions of areas are in Eagle County (201,220 acres), eight in Summit County (42,630 acres). The complete proposal in the Second Congressional District encompasses 243,850 acres of unique and essential public lands.

Following is an outline the citizen work leading to this proposal, including extensive stakeholder outreach and thoughtful boundary adjustments, to introduce key policy recommendations and showcase the importance of wilderness to Colorado's identity and economy.

Outreach and consultations

The Hidden Gems Campaign represents the most extensive, professional, and collaborative wilderness outreach and research effort ever seen in Colorado. Beginning with draft maps, first published for public review and comment in 2003, Hidden Gems representatives sought out expertise and opinions from a wide variety of interests, disciplines, and authority.

Meanwhile, the Hidden Gems team has continuously field-checked boundaries and other details, often based on new information from conversations and recommendations from the people who live, work, and recreate in lands adjacent and within the Hidden Gems Proposal.

The historic outreach effort results in a proposal that makes sense for the affected communities and for the environment.

Consultations undertaken include meetings with:

- Local and regional water districts, providers, and watershed managers;
- Ranchers and outfitters;
- Private landowners and neighborhood associations;
- Towns and cities, including Breckenridge, Eagle, Gypsum, Dillon, and Silverthorne.
- Eagle County Commissioners and staff;
- Summit County Commissioners and staff;
- Local and national bicycling advocacy organizations;
- Local climbing enthusiasts;
- Local hiking and equestrian enthusiasts;
- Local fire departments and fire managers;
- Motorized recreation enthusiasts;
- Local government citizen advisory groups;
- U.S. Forest Service;
- Bureau of Land Management;
- Colorado National Guard and United States Army; and
- Key state agencies, including:
 - Colorado Department of Transportation;
 - Colorado Division of Wildlife;
 - Colorado Natural Heritage Program.

Issues, adjustments, and accommodations

A variety of adjustments have been made to the Hidden Gems Wilderness Proposal, first published in 2003. Some adjustments were made based on seasonal field inventory updates. Other, more extensive adjustments were made in response to comments, requests, and new information provided by local elected officials, local government staff, federal land managers, and the variety of citizen groups, user groups, and facilities managers (noted above) with whom campaign staff have met in the years since.

Some adjustments were simply changes in area boundaries, made to exclude essential non-wilderness facilities or activities. In other instances, entire proposal areas were either removed from the proposal or postponed for continuing discussions and proposal refinements.

In addition to boundary and area changes, the Hidden Gems proposal now includes specific policy proposals—for inclusion in legislative language, in legislative history documents, or in other public affirmations. Primary among these policy provisions are measures that will:

- Affirm federal agencies authority promptly to take actions, and to approve actions by appropriate local agencies, in response to wildfire, search & rescue, and other emergency situations;
- Clarify authority and need for selective fuels removal and other forest treatments in the name community safety;
- Affirm provisions in The Wilderness Act (and subsequent clarifying congressional measures) that ensure continued use of wilderness lands for livestock grazing;
- Affirm continued scientific research opportunities in wilderness areas;
- Affirm recognition of valid existing rights; and
- Ensure the continued effective and successful military helicopter training operations over and on certain lands in the proposal.

March 2010

Not all requests for adjustments were accommodated—particularly those that either would severely compromise essential ecological values, were unreasonable, or would allow for non-wilderness activities that can be accommodated elsewhere. In many instances, however, adjustments have been made, either through modifying proposal boundaries or through removal of whole areas from the proposal.

Attached to this proposal summary are three sets of materials detailing these important community discussions and resulting wilderness proposal refinements:

- Maps of original proposal areas, showing adjustments made;
- Detailed list of adjustments made by area; and
- Detailed list of adjustments made by issue or community need.

The areas that have survived this rigorous filtering process represent the majority of our region's last best unprotected places, places that are so special and so important to wildlife that they should be allowed to remain as they are in perpetuity. They are a precious resource that we who live here hold in trust for a world in which wildness is in increasingly short supply. Our existing wilderness areas compose a priceless gift to us from an earlier generation of farsighted conservationists. We owe it to future generations to protect and add to this legacy.

Special issues

Wildfire and fuels

Some portions of the Hidden Gems region have seen extensive impact from mountain pine beetle in recent years. The resulting tree mortality cycle, along with general concerns about wildfire and community safety, have prompted extensive discussions and collaborations with homeowners, local governments, firefighting agencies, and the U.S. Forest Service.

To ensure continued access near communities and watersheds for fuels-reduction projects, safe firefighting, and post-fire rehabilitation projects, the boundaries for several Hidden Gems proposal areas have been adjusted.

In addition, Hidden Gems recommends legislative language, applicable to all areas in the proposal, affirming the intent of Congress regarding these natural dynamics and the issues that come with them.

() The Secretary may take such measures in the wilderness area or wilderness addition designated by this Act as are necessary for the control of fire, insects, and disease in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C 1133(d)(1)) and with House Report 95-540.

The referenced section of The Wilderness Act (above) is clarified by the House Report to allow all necessary measures and use of all necessary equipment "...necessary for the protection of the public health and safety..."

These provisions are particularly important for the proposal areas in Summit County, where many communities and neighborhoods lie near or in the forest and near the wilderness proposal areas. They are



Wilderness allows backcountry firefighting and helps burned areas rejuvenate naturally

also uniquely important at Red Table proposal area, which contains the entire watershed for Town of Gypsum's water supply system.

Water facilities

Extensive networks of existing reservoirs, water diversion structures, pipelines, and other infrastructure lace through the Hidden Gems region. Hidden Gems has teamed with the Colorado River Water Conservation District in mapping all existing water rights (both absolute and conditional) in or near the proposal areas. Using these maps and accompanying data, Hidden Gems outreach has included extensive conversations with water management agencies that have facilities and interests in Eagle and Summit Counties, including:

- Individual irrigators, ditch operators, and irrigation associations
- Town of Breckenridge
- Town of Dillon
- Town of Eagle
- Town of Gypsum
- Town of Silverthorne
- City of Aurora
- City of Colorado Springs
- City of Pueblo
- Eagle River Water & Sanitation District
- Southeastern Colorado Water Conservancy District
- Colorado River Water Conservation District

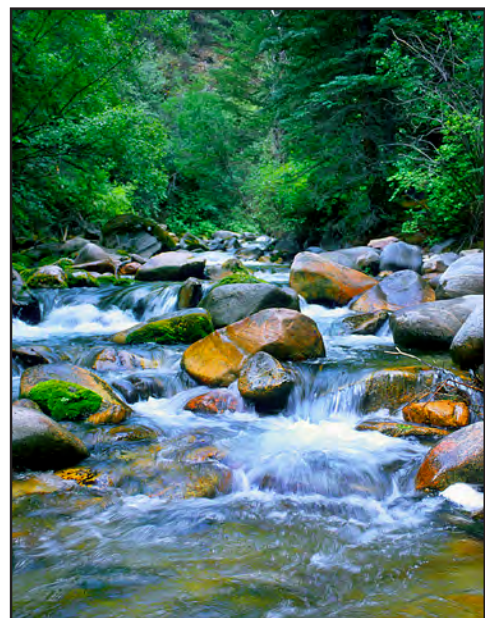
In response to these maps review and discussions, Hidden Gems has made extensive adjustments to the boundaries of several proposal areas, based in its commitment to ensure continued operation and maintenance of all existing water supply facilities; to allow for the future exercise of existing conditional water rights; and to allow for the planned construction of additional water facilities.

All new wilderness designations should also be legislated subject to valid existing rights, further ensuring continued use of and access to existing water rights and water facilities.

Water protection

The natural flow of water in streams and wetlands is an essential component of healthy wilderness. It is important, therefore, to ensure the best possible protection for streamflows in the Hidden Gems proposed wilderness areas, while honoring existing water rights and existing water uses.

Hidden Gems wilderness proposals in Eagle and Summit Counties are headwaters areas (or essentially so). They are wilderness that lies at the top of watersheds, with no water rights or water uses upstream of the wilderness. Proposed new headwaters wilderness areas are Adam Mountain, Basalt Mountain, Bull Gulch, Castle Peak, Crazy Horse Creek, Hoosier Ridge, Porcupine



Hidden Gems protects wilderness streams and keeps water facilities operating.

March 2010

Gulch, Tenmile; possibly Pisgah Mountain, Red Table).

Legislative language was crafted for the Colorado Wilderness Act of 1993 regarding water protection in such headwaters wilderness. Essentially, that language a) affirms that streamflows in headwaters wilderness are inherently protected from upstream diversions, b) no federal official shall assert water rights for wilderness streamflows, and c) no new water facilities may be constructed in the wilderness.

Hidden Gems recommends relying on that existing water language in legislation designating new wilderness areas in Eagle and Summit Counties. This can be accomplished in either of two ways: designate new headwaters wilderness areas by amending the 1993 Act to add the new areas; or replicate the 1993 water provisions in new Hidden Gems legislation.

Some Hidden Gems proposal areas are additions to existing wilderness areas. These additions should simply be subject to any water protection provisions applicable to the original wilderness area. The proposed wilderness additions are Acorn Creek/Ute Pass, Elliott Ridge, Freeman Creek, Homestake, Lower Piney, No Name, Ptarmigan A, Spraddle Creek, West Lake Creek, Williams Fork, Woods Lake and (once designated) Corral Creek).

Military helicopter training

The Colorado Army National Guard operates the High Altitude Aviation Training Site (HAATS), based at Eagle County Airport near Gypsum. This important program provides unique training for military helicopter pilots, preparing them for combat and rescue missions in rugged terrain, changeable atmospheric conditions, and high altitudes.

Hidden Gems is committed to ensuring that HAATS operations continue in their service to the nation and to local communities. Since some training operations—including both low-level flights and practice landings—overlap with some Hidden Gems proposal areas, the campaign is engaged in continuing discussions with the military and with congressional representatives. These discussions seek to establish the highest possible level of protection for the natural, scenic, and habitat features of the proposal areas—with wilderness or other enduring designations—that also keep the HAATS program sustainable and successful.

Some details of that combination of protection and success are yet to be resolved—specifically for the Red Table and Pisgah Mountain proposal areas—but discussions will likely conclude in the coming weeks, resulting in more detailed proposals to Congress.

Transportation facilities and operations

CDOT manages mountain travelways in the Hidden Gems region with maintenance, repairs, avalanche control, and operation of the keystone Eisenhower/Johnson Tunnels on Interstate Highway 70.

In response, the original Hidden Gems proposal has been modified in several areas lying close to highways. In some instances, as along Colorado Highway 9, wilderness proposal boundaries have been drawn farther from existing highway rights-of-way. Proposal areas have also been adjusted to leave out of wil-



Hidden Gems accommodates essential military helicopter training.

derness lands above the tunnels. The Corral Creek area is now proposed for a special interim protection designation, pending decisions about route for potential high-speed transit facilities.

Specifically, Hidden Gems recommends legislative language affecting Wildlife Land Bridge lands near the Eisenhower/Johnson Tunnels:

Certain lands in the White River National Forest are hereby designated as the Ptarmigan Peak Wildlife Land Bridge, as depicted on a map...., for the purpose of ensuring safe and natural movement of wildlife through the area.

() Subject to valid existing rights, all Federal lands in the area shall be withdrawn from a) all forms of entry, appropriate, or disposal under the public land laws; b) location entry, and patent under the mining laws; and c) the operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto; and

- permanent roads;*
- permanent structures;*
- commercial enterprises;*
- timber harvesting; and*
- except for administrative access necessary to meet the minimum requirements of the Federal land, to protect public health and safety, or to facilitate safe operation and maintenance of sub-surface transportation and utility facilities in existence on the date of enactment of this Act,*
 - the use of mechanized or motorized vehicles, including over-the-snow motorized vehicles; and*
 - the establishment of temporary roads.*

() Nothing in this Act shall preclude or restrict the authority of the Secretary to evaluate the suitability of lands in the area for inclusion in the National Wilderness Preservation System or to make recommendations to Congress for such inclusion.

Hidden Gems also recommends special designation provisions for the Corral Creek area:

Certain lands in the White River National Forest are hereby designated as the Corral Creek Special Management Area, as depicted on the map...for the purpose of preserving the wilderness values of the area until such time as final decisions are made regarding nearby transportation facilities and corresponding designation of portions of the area as wilderness.

The Secretary shall manage Federal land in the Corral Creek area in a manner that preserves the character of the land for eventual inclusion of the land in the National Wilderness Preservation System pending final decisions about use of federal lands within the area for state and interstate transportation and transit facilities. In particular:

() Subject to valid existing rights, all Federal lands in the area shall be withdrawn from a) all forms of entry, appropriate, or disposal under the public land laws; b) location entry, and patent under the mining laws; and c) the operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto; and

() The following shall be prohibited on the Federal land in the area:

- permanent roads;*
- permanent structures;*
- commercial enterprises;*
- timber harvesting; and*
- except for administrative access necessary to meet the minimum requirements of the Federal land or to protect public health and safety;*
 - the use of mechanized or motorized vehicles, including over-the-snow motorized vehicles;*

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- the establishment of temporary roads.

() Once the selection of Federal lands within the area for transportation and transit facilities is completed, lands within the area not used for those facilities shall be designated as components of the National Wilderness Preservation System on the date on which the Secretary publishes a notice in the Federal Register to that effect.

Grazing

The Wilderness Act specifically allows the grazing of livestock in wilderness. Congress has subsequently clarified details of that allowance, both in legislation and in legislative reports accompanying legislation.

Hidden Gems recommends affirmation of those provisions in legislation designating new wilderness areas:

() Grazing in areas designated as wilderness by this Act shall be administered in accordance with section 4(d)(2) of the Wilderness Act (16 U.S.C. 1133(d)(4)), as further interpreted by section 108 of Public Law 96-560, by House Report 96-617, and by the guidelines set forth in appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101-405).

Attached to this proposal summary are recommended legislative provisions addressing:

- Continued grazing in wilderness;
- Wildfire and fuels in wilderness;
- Water and wilderness.

Benefits of Hidden Gems Wilderness

Colorado is among the few states that is defined by its wilderness. The grasslands stretching across the plains of eastern Colorado. The peaks that create a jagged spine along the Continental Divide. The deep and remote canyons and rivers in the deserts near the state's western edge. No matter what part of Colorado you are in, a wild, untrammelled and untamed place is within reach.

Human experience and enjoyment

Whether it's a backpacking trip with friends, a rafting trip with our sons and daughters, or a hunting expedition with a guide in the fall, a trip into the wilderness, even if only occasional, is a vital part of our lives. For wintertime visitors to Colorado, the excitement over the annual ski trip is sparked in part by that image of undeveloped, untrammelled landscapes that are the predominate view from our ski resorts. No matter what one's relationship with the wilderness in Colorado, all who live or visit here have been profoundly affected by it.



Wilderness provides healthy recreation and restores the human spirit.

The Hidden Gems proposal builds on these opportunities by expanding wilderness protection to lower-elevation, closer-to-home treasured landscapes.

Citizen-crafted

Wilderness protection, in its own right, is a vital part of Colorado's modern heritage. From the mid-



Hidden Gems is crafted by local people and communities.

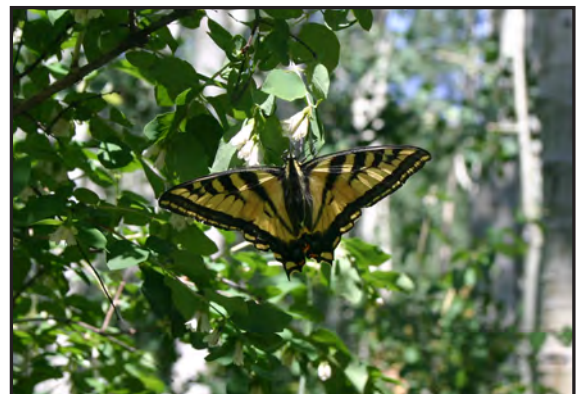
1960s until today, Coloradoans have been working to identify and protect the wilderness quality land around them. The Maroon Bells-Snowmass and West Elk Wilderness Areas were both designated in 1964 as part of the original Wilderness Act. The Hunter-Fryingpan Wilderness, Eagle's Nest, Collegiate Peaks Wilderness, Raggeds, and other wilderness areas have been added around the state since—including Dominguez Canyon Wilderness just last year—all thanks to the hard work of Coloradans of all different stripes. Overall, Colorado has 3,707,338 acres of protected wilderness in 43 separate wilderness areas and national parks.

Hidden Gems builds on the work of previous generations by expanding existing wilderness areas and adding new ones where they make sense. It is a grassroots, citizen-driven proposal that has taken unprecedented steps to ensure that all voices with a stake in the proposal can be heard and in most cases accommodated.

Ecological importance

Central Colorado's backcountry is a landscape of national importance. It straddles an ecologically vital portion of the Upper Colorado River watershed, contains a critical stretch of a key continent-scale wildlife migration corridor, and provides core habitat for many important wildlife species, including Colorado's recently reintroduced lynx population. Most of the existing designated wilderness in Colorado is at high elevation, generally well above 8,000 feet. Still left unprotected are the areas at the more ecologically diverse middle elevations, lands that provide habitat for a broad spectrum of wildlife.

In Eagle County, for instance, the Lower Piney proposal area would add 25,000 acres, ranging in elevation from 7,800 to 11,100 feet, to the existing Eagle's Nest Wilderness Area. Wilderness designation would protect much of the Piney River, a classic Colorado mountain stream marked by its short, turbulent course, importance to wildlife, and outstanding fishing opportunities. In Summit County, the proposed Tenmile Wilderness is a remarkable alpine environment that has remained almost entirely undeveloped, even though logging and mining and ski area development have been under way all around it for 150 years. The forested portions of Tenmile support elk, deer, and bear during the summer. Bighorn sheep and mountain goats also live along the Tenmile ridge, which provides prime habitat for the endangered Canada lynx.



Wilderness protects the most delicate natural features.

Agricultural heritage

Wilderness reflects Colorado's agricultural heritage, as well. The Wilderness Act of 1964 specifically allows existing grazing rights to be maintained in designated wilderness areas. The few limits that wilderness designation places on some use of machinery and motorized travel have sometimes been seen by

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ranchers as impediments. With increased recreational pressures and growing natural gas development, those perceptions are beginning to change. Today, there are ranchers in Colorado, including nine who run cattle on Hidden Gems proposal lands, who have agreed that wilderness designation be considered for the public lands where they hold grazing permits.

Economy

Many other segments of the Colorado's economy also benefit, directly and indirectly, from wilderness. Our state is known to have some of the best gold medal trout fishing in the nation, thanks to our stewardship of the wilderness where these streams begin. Wildlife, including the big game herds that draw thousands of hunters every fall from around the nation, requires healthy habitat, which is a fundamental benefit of protecting wilderness. Protection of the lower elevation Hidden Gems lands would be especially beneficial to maintaining healthy game populations. The views from the tops of Colorado's ski resorts are 360 degrees of wilderness, and help differentiate Colorado ski country from the rest of the country. Many of the state's scenic highways and back roads are known for their views of protected wilderness and draw tens of thousands of summer visitors to the state every year.

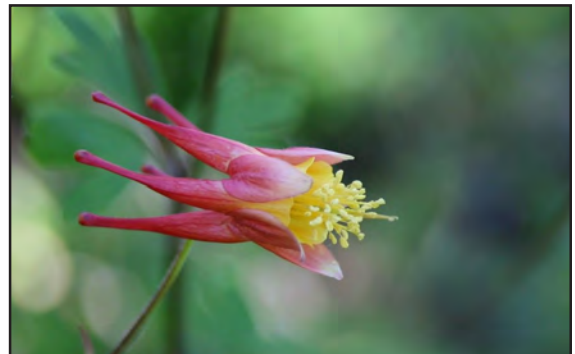
What makes Colorado majestic and thriving is its wilderness. The Hidden Gems Wilderness Proposal continues with this long tradition of citizen engagement and wilderness protection.

Specific Hidden Gems values

Each new wilderness area or addition to existing wilderness areas provides a distinct set of values to the people and wildlife of Colorado. These values are described in detail below, are listed in the descriptions of each proposal area, and are summarized attachments included with this proposal.

Under-represented ecosystem in existing protected areas

Most of the existing wilderness and protected areas in Colorado consist only of alpine tundra and high elevation conifer forests. These lands rarely include the variety of other ecological communities found in the state. Hidden Gems areas with this value would help to change this imbalance by protecting under-represented ecosystems such as aspen forests, mountain shrublands, and sage parklands.



Hidden Gems protects unique biological diversity.

Rich biodiversity

The Division of Wildlife, the Forest Service, the BLM and independent ecological studies have identified areas with this value as places with a high diversity of plant and animal species or places that provide important habitat for threatened or endangered species.

Core habitat

These areas represent large and contiguous areas of the landscape that provide the most valuable habitat to wildlife. Large protected areas are important for two main reasons: 1) animals within them are disturbed less by roads and human activity on their edges, and 2) all the resources (like food, den sites, and winter habitat) that wildlife depend on, are easily accessible.



Hidden Gems protects essential wildlife habitat and rare critters.

Habitat connectivity

These areas provide important connections between different areas where animals spend time. Hidden Gems areas with a high amount of connectivity link both existing protected areas and important habitat types which animals use at different times of the year. Think of them as animal transportation corridors.

Low-elevation habitat

Low elevation habitat provides important lands for wildlife during the winter when higher elevations are covered in snow and food is inaccessible. In general lower elevation

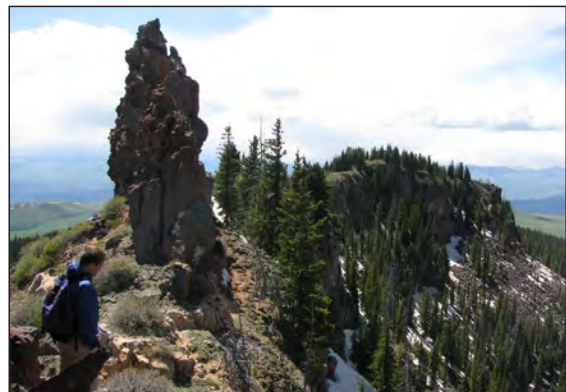
areas are not part of existing wilderness, the additions of those landscapes create connections between existing wilderness and add new types of habitat to protected lands.

Outstanding geologic, natural, scenic, and recreational characteristics

These areas have geologic, natural, scenic and recreational characteristics that are unique or outstanding. Whether it is the outcrops of Precambrian granites in the Williams Fork Area; the dozens of cirques, each graced with a sparkling lake, on the north side of Red Table Mountain; the dramatic vistas from the top of the Tenmile Range; or the remote solitude found along the ridges of Pisgah Mountain, these areas stand out as worthy of protection for our future generations to experience.

Backcountry hunting

These areas provide a true backcountry hunting experience. Characterized by abundant game and a lack of roads and other outside influences, they guarantee that neither hunters nor wildlife are disturbed by noise or intrusive human activity.



Wilderness defines the local landscape as a backdrop to our lives.

Conclusion

This Hidden Gems Wilderness Proposal represents a thorough, objective, inclusive, and fair representation of the most intact and ecologically healthy public lands in the Second Congressional District—lands that both warrant enduring and strong protection and would be threatened without that protection.

With new wilderness and other protective designations, the Hidden Gems proposal would add important mid-elevation public lands to the National Wilderness Preservation System. Such lands are underrepresented in the system, especially in Colorado. These lands provide critical wildlife habitat, important migratory corridors, and community watersheds. Lower in elevation and closer to area communities than much of the state's current wilderness, these lands provide close-in and popular recreational opportunities that set Colorado apart, helping to make the White River National Forest the most visited in the nation and providing a substantial boost for the area's economies.

The proximate nature of many of the Gems to towns like Eagle and Breckenridge, results in many stakeholders interested in, some passionately, about these lands and the proposal. As a result, and because it

is the sensible course, the Hidden Gems campaign has completed extensive outreach with area constituencies—from all manner of recreation groups to local water districts, fire councils, homeowners associations, ranchers, the Colorado Department of Transportation and the U.S. military. We are confident that this work, with great attention to detail, has resulted in the well-crafted, defensible, and prudent proposal submitted here.

As Colorado's population and interest in public lands uses continues to grow, the importance of acting early to ensure that the best of these lands will add to our state's wildlands heritage—an enduring resource of wilderness—cannot be over-emphasized. Future generations of Colorado citizens and residents will increasingly see the wisdom of these protections undertaken by citizens and by their elected leaders in 2010. And they will see their personal lives, their local communities, and their state's economy forever enhanced because of those protections.

In fact, many already do. Local support in Summit and Eagle counties mirrors the popularity of wilderness protection across the state. The Hidden Gems campaign has documented much of this support in an Open Letter, currently with nearly 2,000 signatures; dozens of business and organizational endorsements; and a growing list of active supporters.

We urge members of Colorado's delegation of elected representatives in Congress to thoroughly consider this local support and extensive stakeholder outreach, carefully scrutinize this proposal to discover its appropriateness for prompt action, and undertake legislation to implement the protections proposed this year.

No greater or more tangible legacy—the preservation of the natural health and beauty of our surroundings—can be found or accomplished.

For additional information on this important and timely wilderness proposal, please contact any of the following Hidden Gems partner organizations:

The Wilderness Society

Steve Smith
(303) 650-5818 ext 106

Wilderness Workshop

Sloan Shoemaker
(970) 963-3977

Colorado Environmental Coalition

Elise Jones
(303) 405-6704

Colorado Mountain Club

Bryan Martin
(303) 996-2768

Attachments

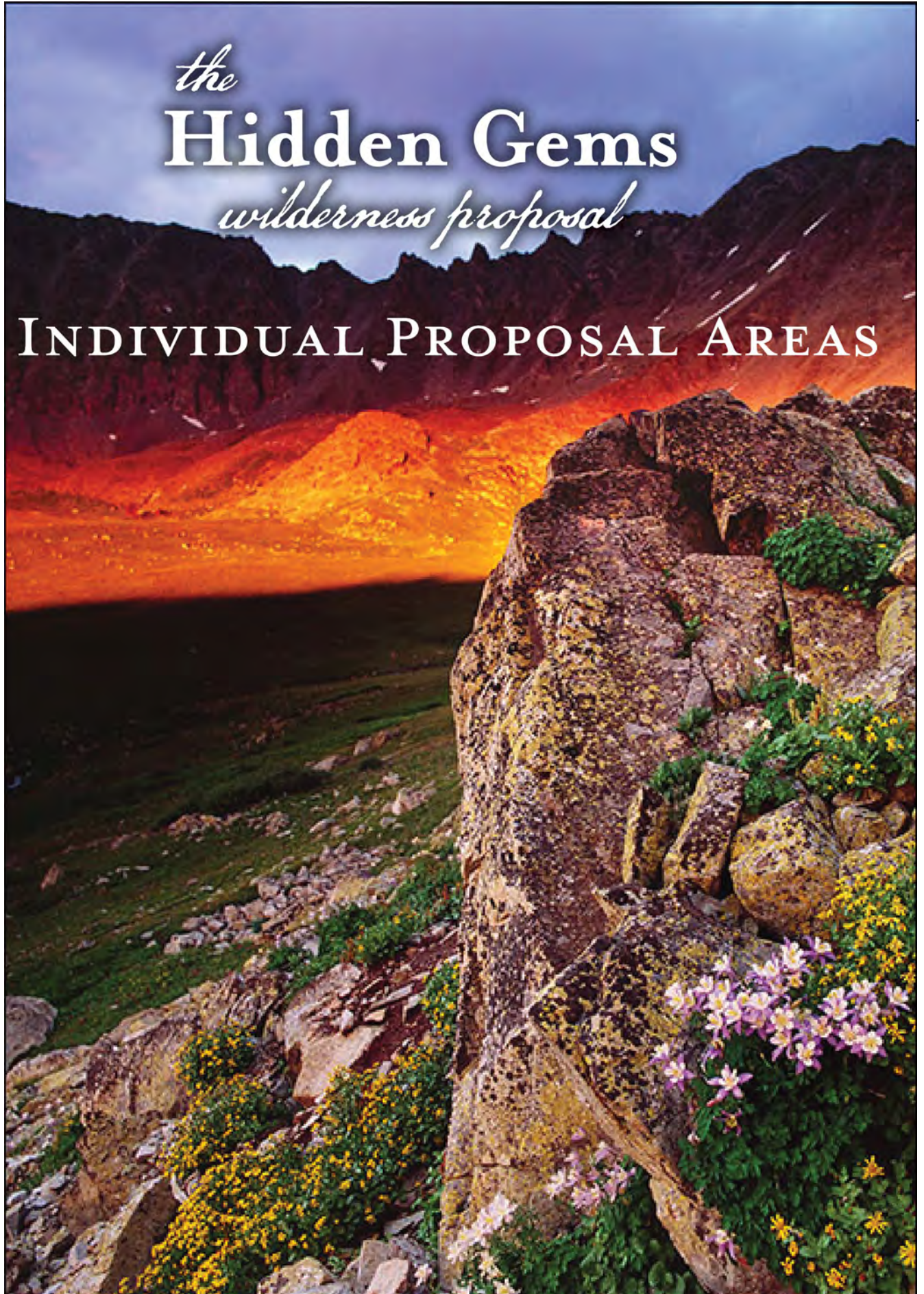
- Composite map, Hidden Gems Wilderness Proposal for Second Congressional District
- Values of and Threats to the Hidden Gems Wilderness Proposal Areas in the 2nd Congressional

the
Hidden Gems
wilderness proposal

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District

- Table of Forest Service and BLM values of areas within the Hidden Gems Wilderness Proposal in the 2nd Congressional District
- Adjustments made to original Hidden Gems Proposal, listed separately by proposal area
- Adjustments made to original Hidden Gems Proposal, listed by user interest
- Map of adjustments made to original Hidden Gems Proposal
- Grazing in wilderness, reference statutes and documents
- Wildfire management in wilderness, reference statutes and documents
- Water protection language, Colorado Wilderness Act of 1993



the
Hidden Gems
wilderness proposal

INDIVIDUAL PROPOSAL AREAS

Acorn Creek & Ute Pass

**Acorn Creek: 1,140 acres
(1.8 square miles)**

**Ute Pass: 2,860 acres
(4.5 square miles)**

Total: 4,000 acres (6.25 square miles)



Douglas firs in Acorn Creek

Setting

The proposed Acorn Creek and Ute Pass Additions to the Ptarmigan Wilderness Area are adjacent to the northern portion of Ptarmigan Peak Wilderness Area on the western flanks of the Williams Fork Mountains. The terrain consists of a high relief mountainside drained by Acorn and North Acorn Creeks. The vegetation varies with elevation from grass shrub steppe and lodgepole pines, up to aspens, and on up to alpine tundra on the top of the Williams Fork ridge. The elevation ranges from 8,800 feet at Acorn Creek to 12,254 at Ute Peak.

What's special about them

Ecology: These proposed Wilderness Areas provide a transition zone linking the Ptarmigan Peak Wilderness Area to important mid-elevation wildlife habitat. Lower Acorn Creek contains excellent winter range for deer and elk, and the upper elevations support a large elk herd and moderate deer herd in the summer. There is potential wolverine habitat in these units, and much of the Acorn Creek area has been identified by Colorado Division of Wildlife as having high priority habitat.

Geology: The western flanks of the Williams Fork Mountains exhibit the exposed core of the uplifted mountains, consisting of Precambrian granites and gneisses, Cretaceous shales, and sandstone. This creates spectacular geological scenery above the Lower Blue River Valley.

Recreation: These units receive fairly heavy hunting use in the fall, especially Acorn Creek. There is a high opportunity to experience solitude and naturalness here, and there are outstanding views of the Eagles Nest Wilderness Area.

Potential threats

Motor recreation: The main threat to these proposed wilderness areas is posed by illegal ORV uses.

Logging: There have been calls for fuel removal in these areas, but their rugged geography and remoteness make such investment of resources questionable.

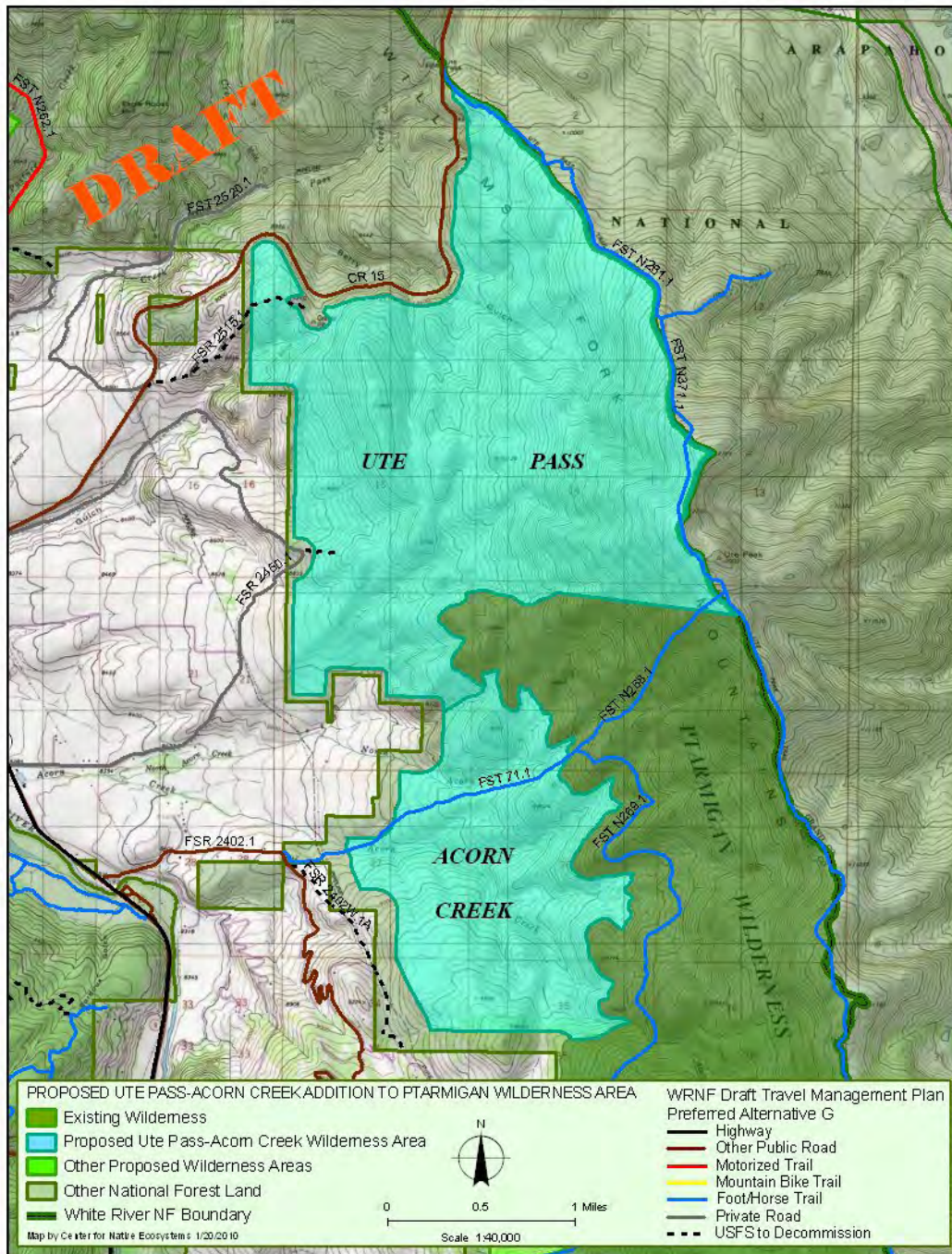
Outreach results

In response to extensive conversations with Summit County local officials, firefighting agencies and the U.S. Forest Service, this proposal reflects boundary changes that help ensure effective management of

forest fuel loads, wildfire fighting, and community safety. See attachments for details.

Other info

These proposed Areas, combined with the Ptarmigan Peak Wilderness Area and the adjacent Williams Fork Roadless Area on the Routt National Forest, form a roadless complex of 50,114 acres (78.2 square miles). The USFS has recommended that 1,982 acres of the Ute Pass and Acorn Creek RAs become part of the Ptarmigan Peak Wilderness Area, and they are being managed as such.



Adam Mountain

6,900 acres (10.8 square miles)

Setting

The proposed Adam Mountain Wilderness is at the end of an arm of the Sawatch Range that lies between East Brush and West Brush Creeks. It is a wooded divide with steep-sided drainages radiating down each side, and it is a significant feature in the beautiful Brush Creek Valley. The northern slopes are heavily-forested with old-growth lodgepole pine. The higher elevations have spruce/fir forests. The south facing slopes tend to be very steep. The elevation ranges from 7,800 feet at lower East Brush Creek, to 11,158 on Mount Eve.



North flank of Adam Mountain

What's special about it

Ecology: The proposed Adam Mountain Wilderness provides wildlife with a movement corridor from the Sawatch Range and Red Table Mountain down into the Brush Creek Valley and to Bellyache Ridge. The area supports a herd of elk year-round, and many deer and bear are present in the summer. Its proximity to the proposed Woods Lake and Red Table Wilderness Areas contributes to landscape connectivity in the Fryingpan River/Eagle River region.

Recreation: The area receives limited human activity and recreational use, and provides an excellent opportunity to experience solitude, naturalness, and challenge in a primitive landscape.

Potential threats

Adam Mountain was the site of the once-proposed Adam's Rib Ski Area, the construction of which was approved by the USFS in 1982, but later denied and withdrawn.

Division of Wildlife habitat qualities, species of significance

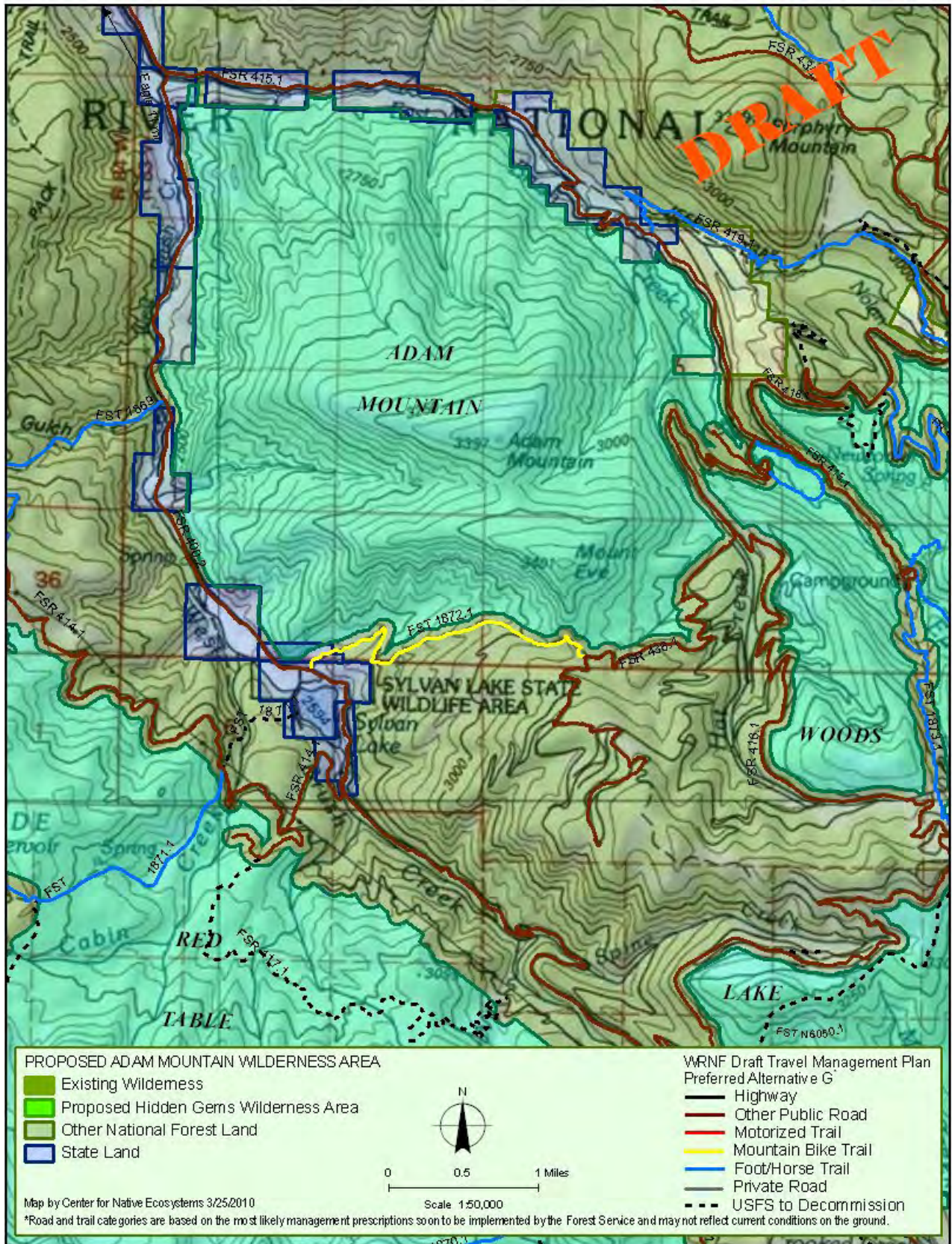
Lodgepole pine is the dominant vegetative feature within the area with some spruce fir at the higher elevations. Elk winter in the area; mule deer and black bear use the area in the spring, summer and fall. The recently reintroduced Merriam's turkeys are also utilizing the area during the non-snow months. The area has been classified as potential for lynx foraging and denning. On the southeastern border of the unit a viable Colorado Cutthroat population exists in an approximate two mile section of Hat Creek. Protection of this creek section from erosion and disturbance is essential for the continued survival of the fish population.

Outreach results

In response to conversations with local cycling organizations, the boundaries for this proposal area have been modified to accommodate continued popular bicycling opportunities. See attachments for details.

Other info

There are active cattle allotments in the unit. Cattle grazing is compatible with designated wilderness. Conservation groups have identified an additional 2,205 acres of roadless area in the vicinity of Hat Creek on the southeast side of the proposed wilderness area.



Basalt Mountain

12,150 acres (19 square miles)

Setting

The Proposed Basalt Mountain Wilderness covers Basalt Mountain and a heavily forested portion of the upper Cattle Creek drainage. It is a large area, separated from the even larger proposed Red Table Wilderness to the east by the soon to be commissioned 4WD Taylor Creek Road, and contiguous with adjacent BLM roadless land to the west. It ranges in elevation from 7,000 near the Fryingpan River to 11,000 feet near the Red Table Mountain crest, covering a wide variety of landforms and vegetation types. Some south-facing slopes are very steep, but much of the area is rolling terrain with mixed sagebrush/grasslands that yield to oak/piñon/juniper and aspen or dark timber, depending on elevation, with the top capped with a stand of old growth spruce-fir. Open boulder fields of eroded basalt rock are scattered throughout the area.



Iconic cattle-scaps of Basalt Mountain

What's special about it

Geology: Basalt Mountain is an ancient shield volcano, with south-facing basalt-rock cliffs. Farther east, dramatic amphitheaters and formations, like the Seven Castles, have been carved into the underlying sandstone, towering above the Fryingpan Valley.

Ecology: The Proposed Basalt Mountain Wilderness has a high degree of naturalness and provides critically important low-elevation habitat in the Roaring Fork Valley and a wildlife movement corridor between the Maroon Bells Wilderness and the Proposed Red Table Mountain Wilderness. Most of these lands are classified high habitat priority for the Colorado Division of Wildlife. Lower elevations are winter range for elk, deer and bighorn sheep. Dense old growth spruce-fir forest on top of the mountain provides important elk security habitat, some of the only available such habitat in the immediate region. The area safeguards sensitive elk calving and lynx habitat. Bighorn sheep and black bears can often be seen in the southern portion, with historical peregrine falcon sightings. Imperiled Colorado River cutthroat trout inhabit Cattle Creek. The globally rare Harrington's beardtongue penstemon is also found in the area. The area is also an underrepresented ecosystem in existing protected areas.

Recreation: Basalt Mountain is an important and easily-accessible elk hunting area. It is a popular destination for hikers, cross country skiers, and horseback riders, and provides the scenic backdrop for communities in the mid-Roaring Fork Valley.

Potential threats

Old-growth logging has been proposed for the portion atop Basalt Mountain, and allowing new road construction could enable that dormant project to awake. Without protection, much of the area remains vulnerable to renegade, illegal motorized use. New roads, forest thinning/harvesting, and mechanized trail development through the old growth stand on top of mountain would eliminate the important elk security habitat it provides.

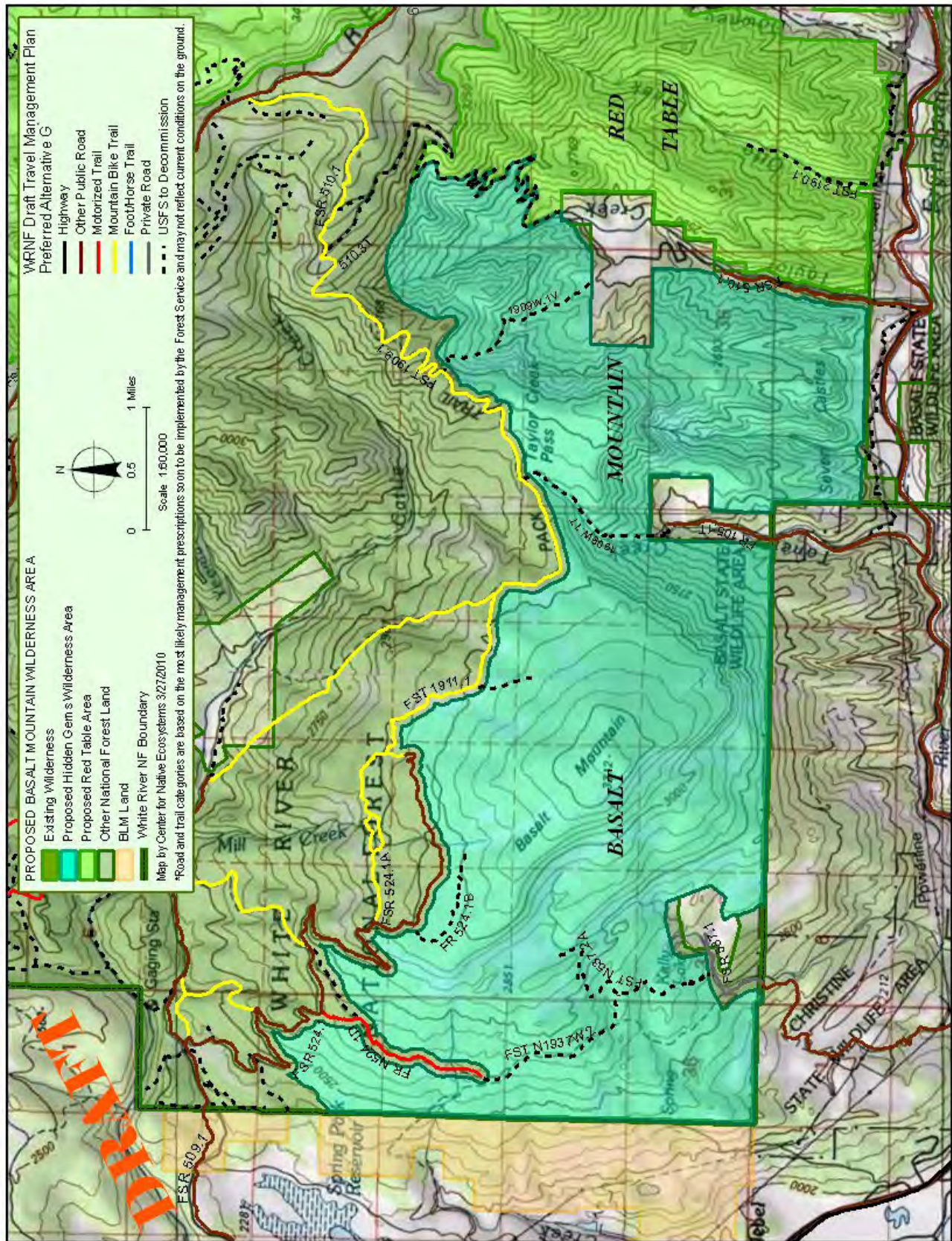
Division of Wildlife habitat qualities, species of significance

Vegetation within the area includes sagebrush, open meadows, pinon-juniper, aspen, oak, lodgepole pine, Douglas fir and spruce-fir. The steep slopes and red sandstone buttes at Seven Castles provides protection and production areas for bighorn sheep. Mule deer and elk winter habitat, as well as transitional and summer range occurs for these species. Black bear summer and fall range, Merriam's turkey overall range and mountain lion overall range are contained in this area. Lynx have been documented travelling through this area.

Outreach results

The boundaries for this proposal area have been modified to accommodate continued popular bicycling and outfitter opportunities. See attachments for details.

(See map on following page)



Bull Gulch

15,150 acres (23.7 square miles)

Setting

Bull Gulch marks the Colorado River's transition from its origin in the alpine high country to its desert path to the sea. Dropping precipitously from a forested rim at 9,700 feet, Bull Gulch slices through the deep red sandstone formations of Maroon Bells fame as it drains into the Colorado River at an elevation of 6,400 feet. The area is characterized by its steep, rugged topography with deeply incised gulches and canyons. The entrance to Bull Gulch is a labyrinth of



Bull Gulch's rugged splendor

twisting corridors and sculpted bowls carved through the maroon sandstone. The sound of the big river is replaced by the tinkle of dripping seeps that line the canyon walls. Bull Gulch borders the Colorado River, but none of the river's course lies within its boundaries. Several perennial streams exist within the area: Alamo Creek is entirely within the unit, and Posey Creek and Greenhorn Gulch drain from higher elevation lands east of the area.

The lower reaches of Bull Gulch are covered by dense pinyon-juniper forests, yielding to mixed sagebrush/grasslands/shrublands, which give way at higher elevations to stands of aspen, Douglas fir, blue spruce, and ponderosa pine. Bull Gulch is a bouquet of color in the fall as golden aspen highlight the red sandstone, dark green spruce and fir, and blue sky, all capped by towering cliffs of blinding white sandstone.

What's special about it

Geography: Bull Gulch is unique among wilderness candidates in Colorado as the only area that encompasses a substantial mid-elevation tributary of the Colorado River. Bull Gulch cuts through the forested redrock country of the Colorado River drainage above Dotsero, a remarkable ecological transition point between the alpine source of the Colorado and the desert canyon country through which the river travels on its way to the sea.

Ecology: The area provides important winter range for deer and elk. These populations are, in turn, prey for populations of mountain lion, bobcat, and coyote. Prairie falcons nest in the area, and hunting perches for endangered bald eagles have been identified as well. Colorado Division of Wildlife has identified Bull Gulch as habitat for greater sage grouse, river otters, and white-tailed prairie dog.

Recreation: The area has outstanding recreational characteristics including the Colorado River white-water boating opportunities along the area's western edge. Dramatic views of the Flat Tops to the west are available from the higher slopes in the eastern and southern portions of Bull Gulch. The area's unique geology offers outstanding hiking opportunities unique to this part of Colorado.

Archaeology: A comprehensive survey of archeological sites has not been undertaken for Bull Gulch, but four campsites with lithic scatter and one site containing rare tipi poles have been identified.

Potential threats

No deposits of locatable minerals are known to exist within Bull Gulch. The BLM considers Bull Gulch to have low potential for oil and gas reserves. There are no mineral leases within the area and no mining claims.

The area is vulnerable to irresponsible and destructive off-road vehicle use.

Agency analysis

Bureau of Land Management Wilderness Suitability Analysis excerpt:

A wide variety of wildlife is present within the WSA resulting from the diverse topography and vegetation. Deer and elk winter in the western and southwestern portions; mountain lion, coyote, and bobcat populations are also found in the WSA. The cliffs along the Colorado River are concentration areas for raptors. This wide range of wildlife and predatory birds offers prime opportunities for hunting, bird watching and photography.

The steep sandstone cliffs along the Colorado River, with some unusual pinnacles in the Jack Flats area, offer excellent opportunities for sightseeing and photography. Autumn heightens the sightseeing and photography opportunities in the eastern portion of the WSA with a colorful display of yellow and gold aspen leaves contrasting with the dark spruce-fir forest and red rock.

The unusual sandstone pinnacles and geological formations along the Colorado River provide the ESA with geological, educational and scenic values. The diversity of ecosystems including the riparian areas along the Colorado River, the arid cliffs and sagebrush areas, the spruce-fir and the relict community of ponderosa pine offer ecological and educational significance.

Nesting sites of the prairie falcon and hunting perches for the endangered bald eagle have been identified. Mountain lion are suspected to inhabit the area, although there has been no official siting. Deer and elk winter range areas are located in the western and southwestern areas of the WSA.

Other info

The Bull Gulch area is currently being managed by the BLM as a Wilderness Study Area.

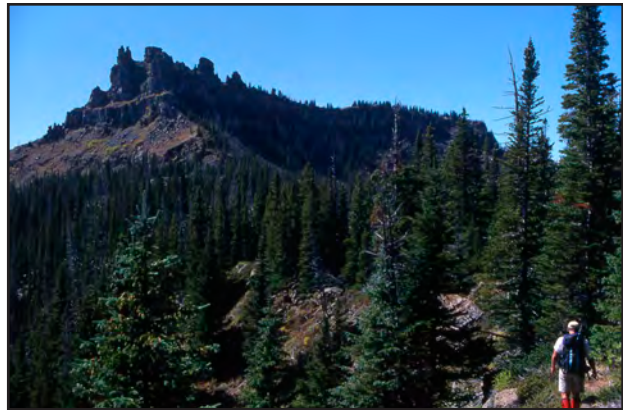
(See map on following page)

Castle Peak

17,810 acres (23.7 square miles)

Setting

Castle Peak is a prominent peak with steep rugged slopes, and rolling hills, basins, and meadows. It is an outlier of volcanic rock similar in age and origin to expanses of volcanic strata underlying the Flat Tops. Nestled between the Flat Tops, Gore Range and Sawatch Range, Castle Peak provides sweeping vistas of dramatic mountain landscape. Many springs, small lakes and perennial streams are found in the area; some streams provide aquatic habitat and support trout.



Castle Peak's namesake rock formation

In parts of the proposed Castle Peak Wilderness, a network of trails wind through the often chest-high grasses and downed timber. Castle Peak itself is not only a visual reference point for the whole area, but interesting in its own right, as an outlier of volcanic rock similar in age and origin to that covering the Flat Tops. Elevations range from 8,400 feet to 11,275 feet on Castle Peak. The expanded boundaries of the proposed wilderness add additional biodiversity by reaching down the hillside to include the lower elevation sagebrush/grasslands habitats. Castle Peak's location four miles from I-70 at the Wolcott exit, places it within easy driving distance of the Front Range, an added bonus for tourism and recreation.

What's special about it

Ecology: Due to its mid level elevation and plentiful precipitation, Castle Peak supports a wide variety of plants and wildlife. In addition to beaver ponds, the area offers superb summer range for 400 elk and 1,000 deer. The area also has outstanding geologic, natural, scenic and recreational characteristics, including low elevation habitat for a variety of species.

Recreation: In parts of Castle Peak, a network of hiking trails wind through the often chest-high grasses and downed timber. Jeep touring on the roadways surrounding the area is also popular as it affords a virtually unencumbered view of 5 surrounding Wilderness Areas. The area's qualities — numerous pack trails, creeks, beaver ponds, unusual rock formation, diverse plant and animal life — offers outstanding opportunities for primitive and unconfined recreation opportunities for hiking, backpacking, horseback riding, snowshoeing, photography, sightseeing, birdwatching and hunting.

Geology: Castle Peak itself is not only a visual reference point for the whole area, but interesting in its own right. It is a basalt dike, a column of volcanic rock left as the surrounding softer material has eroded away and is an outlier of volcanic rock similar in age and origin to that covering the Flat Tops.

Agency analysis

Bureau of Land Management Wilderness Suitability Analysis excerpt:

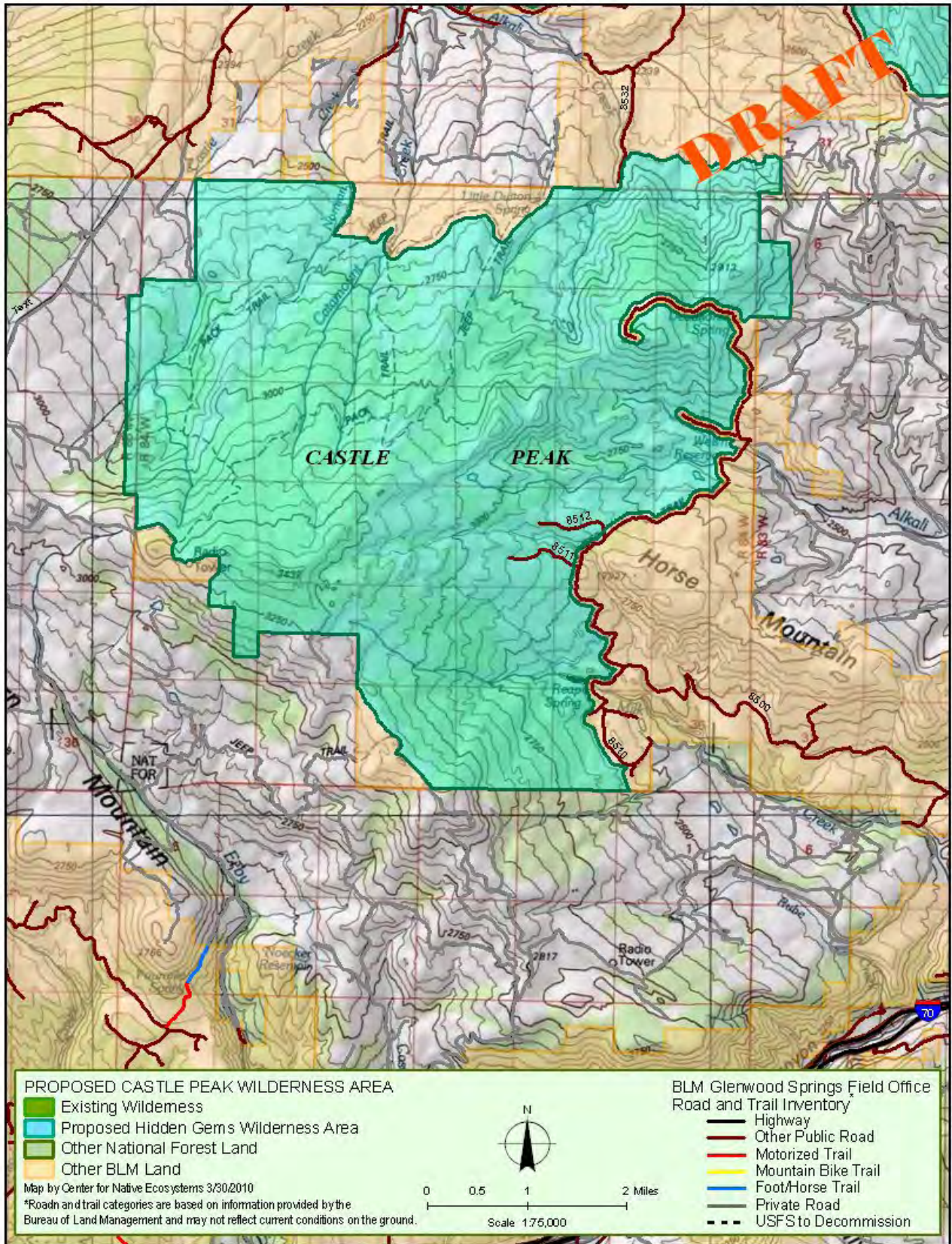
The diversity of ecosystems provides for a large variety of primitive and unconfined recreational activities including hiking, backpacking, hunting, horseback riding, photography, fishing, nature study and sight-seeing.

Special Features: The unusual basalt geological formation of Castle Peak (11,275 ft) is the most prominent geologic feature within the WSA and in the Eagle River Valley, being visible for a 10 mile radius. The diversity of topography and vegetation provides the WSA with outstanding scenic and ecological values. Most of the WSA has been rated as high quality (Class A) scenery in the Visual Resource Management analysis. The relatively unaltered ecosystems and scenery of the WSA contrast with the surroundings where man's influence is more noticeable and thus highlights the primeval character of the WSA. The vegetation also provides excellent habitat for deer and elk.

Outreach results

Several changes have been made to this proposal area's boundaries to accommodate continued access for backcountry outfitting businesses and agricultural operations, and to add new wilderness quality lands. The expanded boundaries of the proposed wilderness add additional biodiversity by reaching down the hillside to include the lower elevation sagebrush/grasslands habitats. See attachments for details.

(See map on following page)

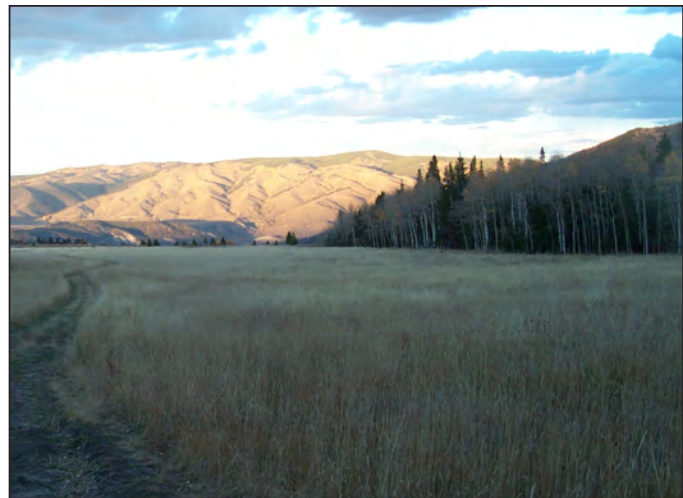


Crazy Horse Creek

6,920 acres (10.8 square miles)

Setting

The proposed Crazy Horse Creek Wilderness occupies the northwestern portion of Piney Ridge, an arm of the Gore Range that divides Sheephorn Creek from Piney River. The area towers above the Colorado River, which lies less than a mile away. Several springs, including Cottonwood Mesa Spring, Blas Spring, and High Trail Gulch Spring, feed streams that flow down off Piney Ridge. The elevation in the area ranges from about 7,200 feet near the Colorado River to 10,300 feet on Piney Ridge. The large vertical relief supports a variety of vegetation types, with spruce/fir forests dominating the highlands on the ridge, with lodgepole pine and aspen in the drainages, and dry shrubby woodlands on the lower slopes.



Foreground meadows emblematic of the Crazy Horse Creek area

What's special about it

Wildlife: The proposed area supports large herds of elk and mule deer, and provides an important corridor between the Eagles Nest Wilderness Area and lower-elevation BLM and state-owned rangelands in the Kremmling area, and to the northern Gore Range and Flat Tops area.

Recreation: Use by hunters is quite heavy here in the autumn.

Potential threats

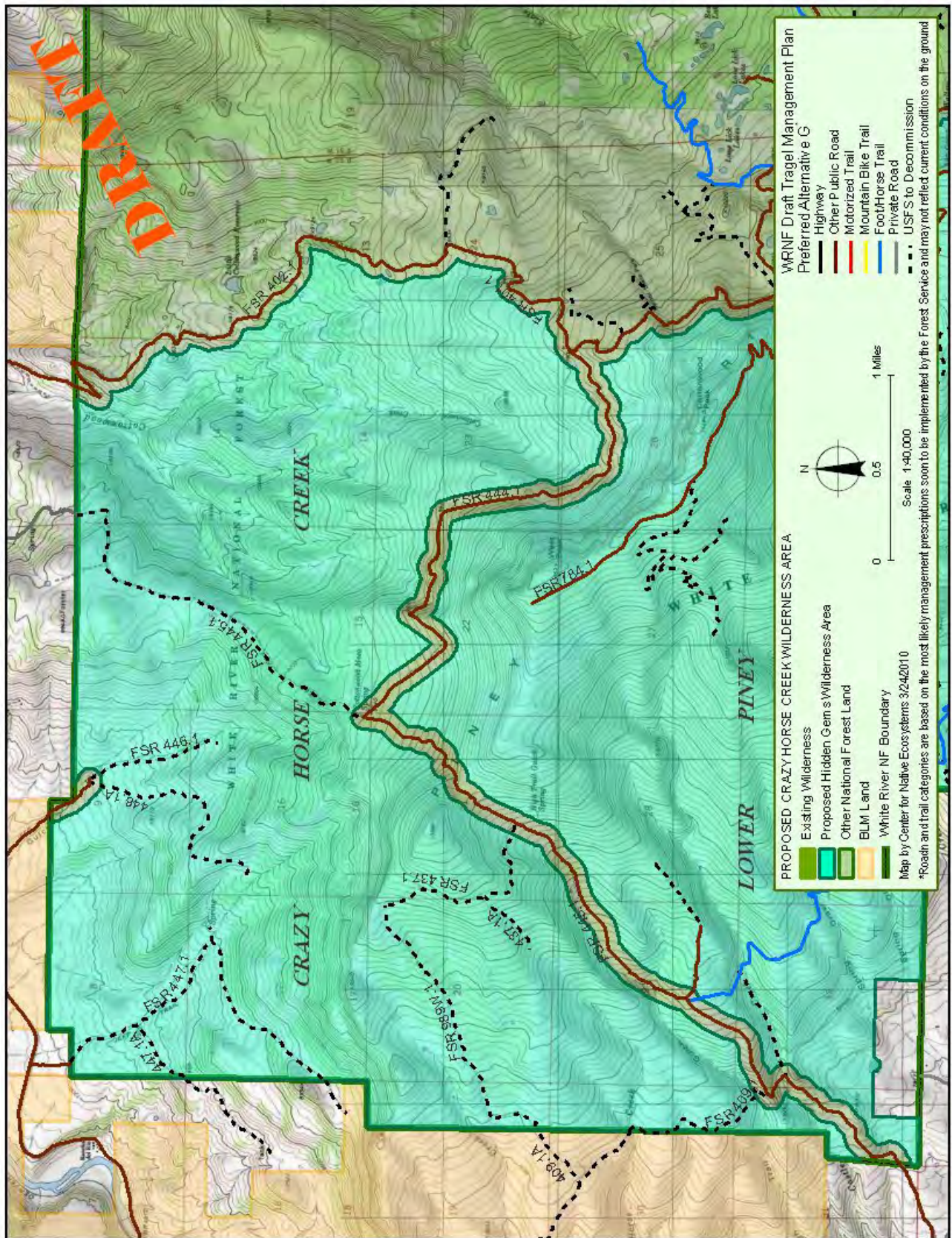
Motor recreation: The area is vulnerable to irresponsible and destructive off road vehicle use.

Logging: Significant lodgepole pine mortality as result of the current mountain pine beetle infestation has resulted in calls for salvage logging. Roads required for any timber treatments would cause soils damage, introducing noxious weeds, silt streams, usher in greatly expanded human uses, and generally destroy the important wilderness values that currently exist here.

Outreach results

In response to conversations with local outfitters and users, several boundary adjustments have been made to ensure continued motorized hunting access to select areas. See attachments for details.

the Hidden Gems wilderness proposal



Elliot Ridge

5,090 acres (8 square miles)

Setting

Elliot Ridge is a high, rocky divide on the crest of the Gore Range. It is a prominent spine of Precambrian granite. Its steep talus and screefields fall away into rolling hills blanketed in lodgepole pine forests that have seen some historic logging. The terrain here consists of the northern crest of Elliot Ridge and part of the Elliot Creek drainage that flows northeast into the Blue River, just below the dam of Green Mountain Reservoir. The elevation ranges from 8,600 feet at Elliot Creek to 11,645 feet on Elliot Ridge.



Fragile tundra meadow on Elliot Ridge

What's special about it

Ecology: The proposed Elliot Ridge Addition to the Eagles Nest Wilderness Area contains excellent summer range for big game. As a result, this area supports large herds of elk and mule deer. The animals use this landscape as a movement corridor between lower-elevation BLM lands in the Colorado River basin to the north, and higher-elevation mountains in the Eagles Nest Wilderness Area to the south. The Mahan Lake area is high priority wildlife habitat, and contains a large population of a very rare plant species, the brown lady slipper.

The area also provides habitat for a wide variety of animal species: black bear (overall range); elk (overall and severe winter range), lynx (potential habitat), moose (overall and severe winter range), mountain lion (overall range), mule deer (overall and severe winter range), wild turkey (overall range), Colorado River cutthroat trout, boreal toad (aquatic habitat).

Recreation: The proposed Elliot Ridge Wilderness Area is an important destination for hunters in the autumn, and it acts as a natural buffer between the Eagles Nest Wilderness Area and the heavily-logged lodgepole pine forests to the north of the proposed Area. The proposed Wilderness Area receives little summer use, and provides excellent opportunities to experience solitude year-round.

Potential threats

Logging: Numerous recent timber sales along the roads that access this area have dramatically altered the natural qualities of the forests there. The maze of obliterated roads will take many years to recover.

Motor recreation: The area is vulnerable to irresponsible and destructive off-road vehicle use.

Division of Wildlife habitat qualities, species of significance

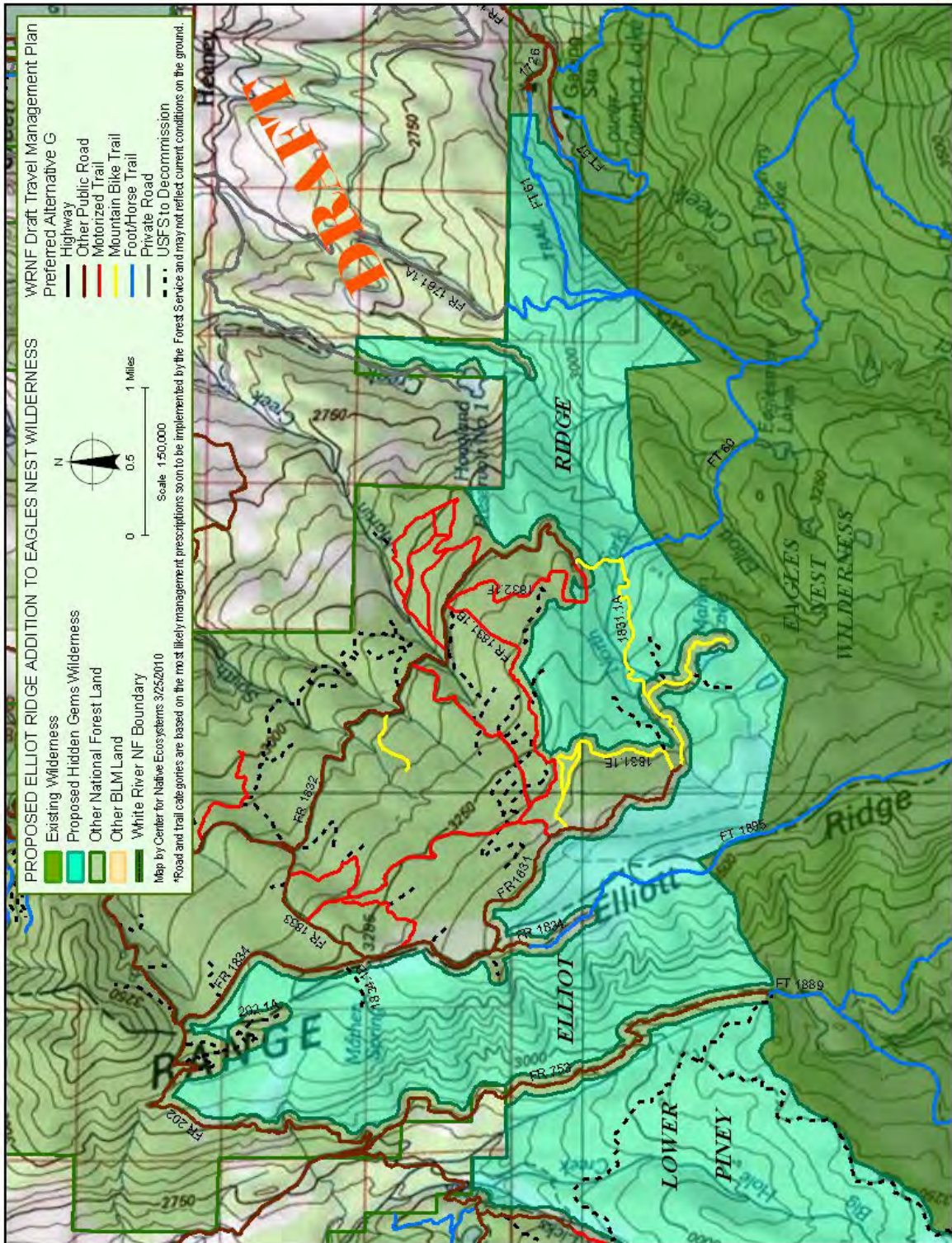
This area supports a strain Colorado River Cutthroat trout. Elliot Ridge also contains elk winter range and production areas.

Continuing discussions

Hidden Gems Campaign continues to meet with snowmobile groups about adjustments of the area.

Other info

The proposed Elliot Ridge Wilderness Area is one of 12 Roadless Areas that are contiguous with the Eagles Nest Wilderness Area, which together forms a roadless complex of over 168,000 acres (262 square miles).



Freeman Creek

1,290 acres (2.0 square miles)

Setting

This small area extends the Eagles Nest Wilderness Area down to the Piney River, the primary drainage from the high Gore Range into the Colorado River. The areas are forested mostly with lodgepole pine, although Engelmann spruce, subalpine fir, and aspen may be found as well. Freeman Creek features some large wet meadows. Freeman Creek itself is around 9,000 ft. in elevation.



Freeman Creek's lush wetlands support many species including this moose

What's special about it

Ecology: This landscape provides summer range for elk and mule deer, and moose are known to frequent in the wet meadows around Freeman Creek. The proposed Freeman Creek Addition also contains a well-preserved lower-montane willow carr (a unique wet shrub community). The area is an underrepresented ecosystem in existing protected areas.

Recreation: There is an opportunity to experience self-reliance and adventure in this remarkable area which retains an outstanding natural character.

Potential threats

Logging: This area is under USFS management for wood fiber production, as demonstrated by the clear-cut areas on the southern boundaries of the unit. Further harvesting in the area would have to occur very close to the wilderness boundary. Pine bark beetles are killing most mature lodgepole in the region and there is likely to be pressure to salvage the beetle killed trees. Salvage logging here would have significant negative ecological impacts while providing dubious wildfire risk reduction for communities.

Division of Wildlife habitat qualities, species of significance

Freeman Creek has areas of rolling valleys, to very steep slopes and high ridges containing spruce fir, aspen, lodgepole pine, and grassland meadows. The area supports abundant wildlife: elk, deer, black bear, mountain lion, moose, Colorado River Cutthroat trout, blue grouse, pine martin, snowshoe hare and lynx. Moose colonized this area on their own and use it as overall habitat. Winter use of the area is limited to pine martin, blue grouse, snowshoe hare, moose, Colorado River Cutthroat trout and lynx because of high elevation. In the summer, the area provides both high quality habitat for elk and deer; summer range, production areas and migration corridors. The area does contain potential lynx habitat. The area is significant for its lack of roads which provides excellent solitude and abundant wildlife. The USFS management prescriptions for the area are I.2 recommended wilderness and I.3I backcountry recreation non-motorized.

Outreach results

The boundaries for this proposal have been adjusted to accommodate convenient use of adjacent private

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land and to provide for an important local bicycle trail. See attachments for details.

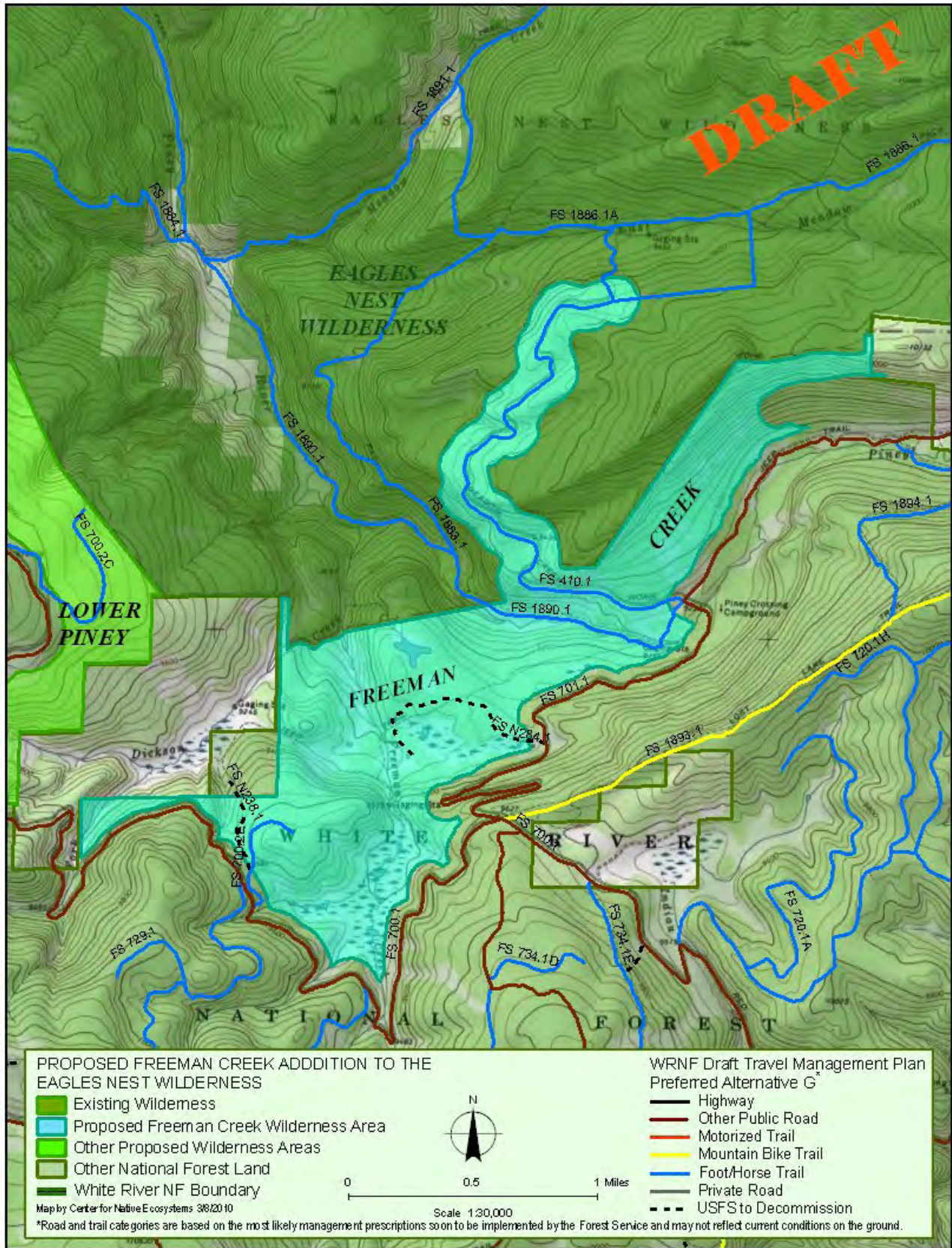
Other info

The proposed Elliot Ridge Wilderness Area is one of 12 Roadless Areas that are contiguous with the Eagles Nest Wilderness Area, which together forms a roadless complex of over 168,000 acres (262 square miles).

Other info

The proposed Elliot Ridge Wilderness Area is one of 12 Roadless Areas that are contiguous with the Eagles Nest Wilderness Area, which together forms a roadless complex of over 168,000 acres (262 square miles).

(See map on following page)



Homestake

3,410 acres (5.3 square miles)

Setting

The area occupies steep, northwest-facing hillsides on the east side of lush Homestake Creek. These hillsides are densely-forested with spruce and fir. The elevation varies from 8,800 feet at Homestake Creek to 11,500 feet at the current Wilderness boundary.

What's special about it

Ecology: This proposal area's inaccessibility and ruggedness, adjacent to the Holy Cross Wilderness, has allowed it to retain wild and natural qualities. There are reports of impressive old-growth forest in the southern portion of the unit, near the current wilderness boundary. The area along Homestake Creek is critical wildlife habitat and contains many ponds and wetlands.

Wildlife migration: This area is also part of the regionally important wildlife movement corridor from the Holy Cross Wilderness to the Eagles Nest Wilderness. All connectivity across this significantly impaired region must be preserved so as to provide for wildlife movement along the spine of the southern Rockies. This includes elk and deer who have critical winter habitat in the area.

Potential threats

Timber sales (including salvage sales) in the No Name Road area are the primary threat to the wild character of this landscape.

Division of Wildlife habitat qualities, species of significance

Homestake has areas of rolling valleys to very steep slopes and high ridges containing spruce fir, mountain shrub, aspen, lodgepole pine, riparian habitat and grassland meadows. The area supports abundant wildlife: elk, deer, black bear, mountain lion, ptarmigan, blue grouse, pine martin, snowshoe hare, moose and lynx. Even with its high elevation, the area provides critical elk winter range, severe winter range and winter concentration areas. Moose have colonized the area on their own and use the area as year round habitat. In the summer, the area provides high quality elk habitat, summer range, production areas and migration corridors. Lynx have been documented here. The area is significant for its lack of roads and trails which provide excellent solitude for abundant wildlife.

Outreach results

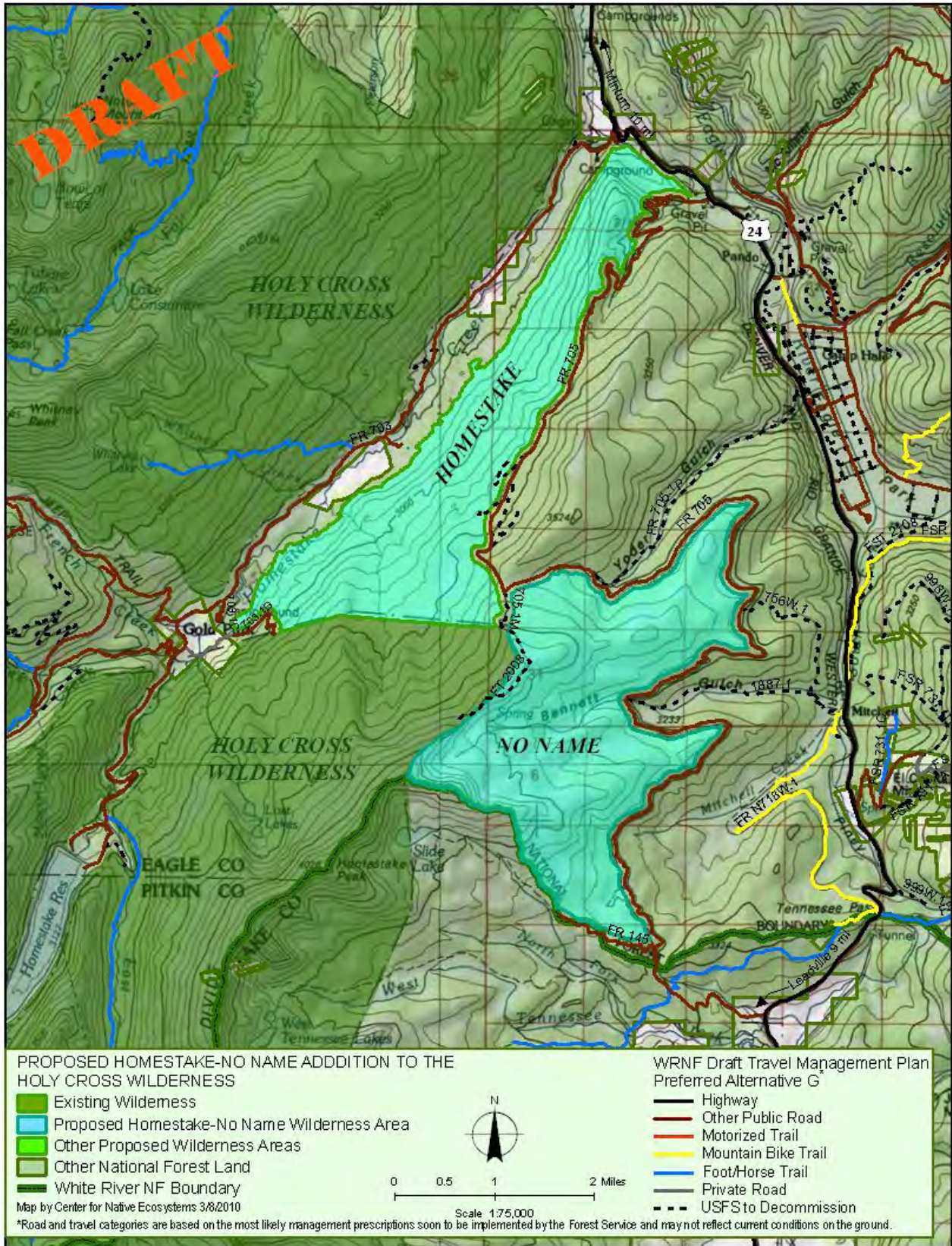
The boundaries for this proposal have been adjusted to allow for continued operation of essential municipal water supply facilities and to allow for their possible expansion. The boundary between Homestake and No Name was also pulled back to allow motorized hunter access to Holy Cross Wilderness boundary. See attachments for details.

Other info

The proposed Homestake Addition is one of ten roadless areas that surround the existing Holy Cross Wilderness. Together, they form a roadless complex of over 165,000 acres (257 square miles).



Rainbow over Homestake



Hoosier Ridge

4,560 acres (7.1 square miles)

Setting

The proposed Hoosier Ridge Wilderness sits on the north side of the Continental Divide, between the upper Blue River and Pennsylvania Creek. Red Mountain (13,229 feet), a huge rounded arm of the divide, occupies the center of the area. Most of the proposed area consists of high peaks and supports extensive alpine meadows and rugged screefields. Engelmann spruce and subalpine fir trees are scattered in the high basins, with lodgepole pines dominating the lower drainages. The elevation is 10,100 feet at the bottom of Pennsylvania Creek, and rises to 13,352 feet on the crest of Hoosier Ridge.



Hoosier Ridge consists of a variety of ecosystems



Bighorn sheep at home on Hoosier

What's special about it

Forest linkage: This proposed Wilderness Area provides a roadless link between the White River and Pike-San Isabel National Forests, as well as a rugged, high corridor from the area where the Mosquito, Tenmile, and Gore Ranges converge to the Mount Evans Wilderness.

Naturalness: This proposed Area, "untrammelled by man," is surrounded by areas that were heavily mined in the past. Excellent hiking and camping may be had here.

Ecology: The Hoosier Ridge Research Natural Area straddles the Continental Divide in this proposal area, and is considered a prime example of a native alpine ecosystem. Its vast alpine grasslands and subalpine forest provide habitat for ten rare plant species, as well as boreal toads, and also contains great habitat for very rare wolverine. This is also critical habitat for the Canada lynx, a species listed by the USFWS as Threatened nationwide and by the CDOW as Endangered within Colorado.

Potential threats

Illegal motorized incursion into the roadless area from adjacent private land threatens to significantly devalue the habitat of the area.

Division of Wildlife habitat qualities, species of significance

The IRA is located within overall range, summer and concentration area, and migration area for elk. This area is also overall range and summer range for mountain goat.

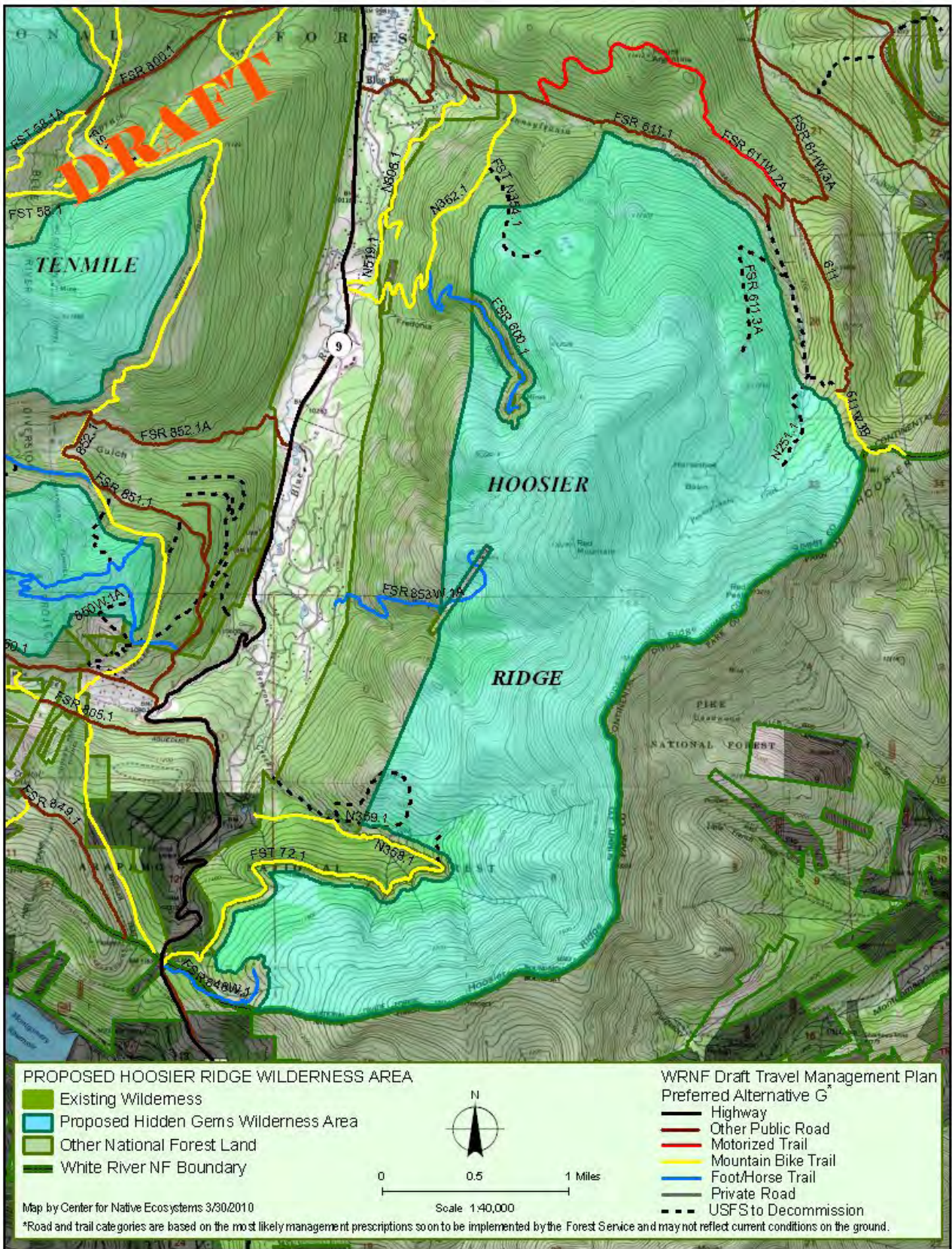
Outreach results

The boundaries for this proposal have been adjusted to allow for continued operation of essential municipal water supply facilities and to allow for their possible expansion. Also, as the result of extensive conversations with Summit County local officials, firefighting agencies, and the U.S. Forest Service, this proposal reflects boundary changes that ensure effective management of forest fuel loads, wildfire fighting, and community safety. See attachments for details.

Other info

The proposed Hoosier Ridge Wilderness Area is contiguous with a Roadless Area of the same name across the Continental Divide on the Pike-San Isabel National Forest. Together, they form a single roadless area of 11,157 acres (17.4 square miles).

(See map on following page)



Lower Piney

25,790 acres (40.3 square miles)

Setting

The proposed Lower Piney Addition occupies a large portion of the Piney River drainage. This river begins at Piney Lake, north of Vail, and flows into the Colorado River at State Bridge. The north portion of the area is on Piney Ridge, which separates Piney River from Sheephorn Creek. Many wooded tributary drainages dissect the landscape, which ranges in elevation from 7,800 feet on the Piney River to 11,107 feet at Chimney Rock. Spruce/fir forests dominate the hills, with lodgepole pine and aspen in the drainages.



Diverse ecosystem of Lower Piney

What's special about it

Ecology: Lower Piney supports large herds of elk and mule deer, and provides an important corridor between the Eagles Nest Wilderness Area and lower-elevation BLM and state-owned rangelands in the Kremmling area, and a corridor to the northern Gore Range.

Recreation: Use by hunters is quite heavy here in the autumn. Piney River supports an impressive diversity of native plants, and provides wonderful fishing opportunities. It is also eligible for Wild and Scenic River status due to its many remarkable values.

Potential threats

Motor recreation: Off-road motorized use occurs, damaging forest resources.

Logging: Lodgepole pine mortality caused by the mountain pine beetle has resulted in wide-spread calls for salvage logging. Any roads required for any timber treatments would cause soils damage, introduce noxious weeds, cause siltation of streams, usher in greatly expanded human uses and generally destroy roadless area values.

Division of Wildlife habitat qualities, species of significance

Lower Piney has areas of rolling valleys to very steep canyons; vegetation consists of spruce fir, aspen lodgepole pine, mountain shrubs, sagebrush, riparian and grassland meadows. The area supports abundant wildlife: elk, deer, black bear, mountain lion, moose, wild turkey, Colorado River Cutthroat trout, blue grouse, pine martin, snowshoe hare and lynx. The area contains extensive critical winter habitat for elk and deer, winter range, severe winter range, winter concentration areas, and migration corridors. In the summer, the area provides high quality habitat for elk and deer, summer range production areas and migration corridors. Moose colonized the area on their own and use the area as overall range. Colorado River Cutthroat trout are found in Piney River, Lava Creek and Elkhorn Park. The area is significant for its lack of roads and limited (2) system hiking trails. Illegal use by motorcycles and ATV's is moving elk and deer onto private lands early in the hunting season. Due to the limited vehicle access and system trails, the area provides excellent solitude and abundant wildlife.

Outreach results

The boundaries of this proposal have been extensively modified to allow continued use of a popular snowmobiling area. See attachments for details.

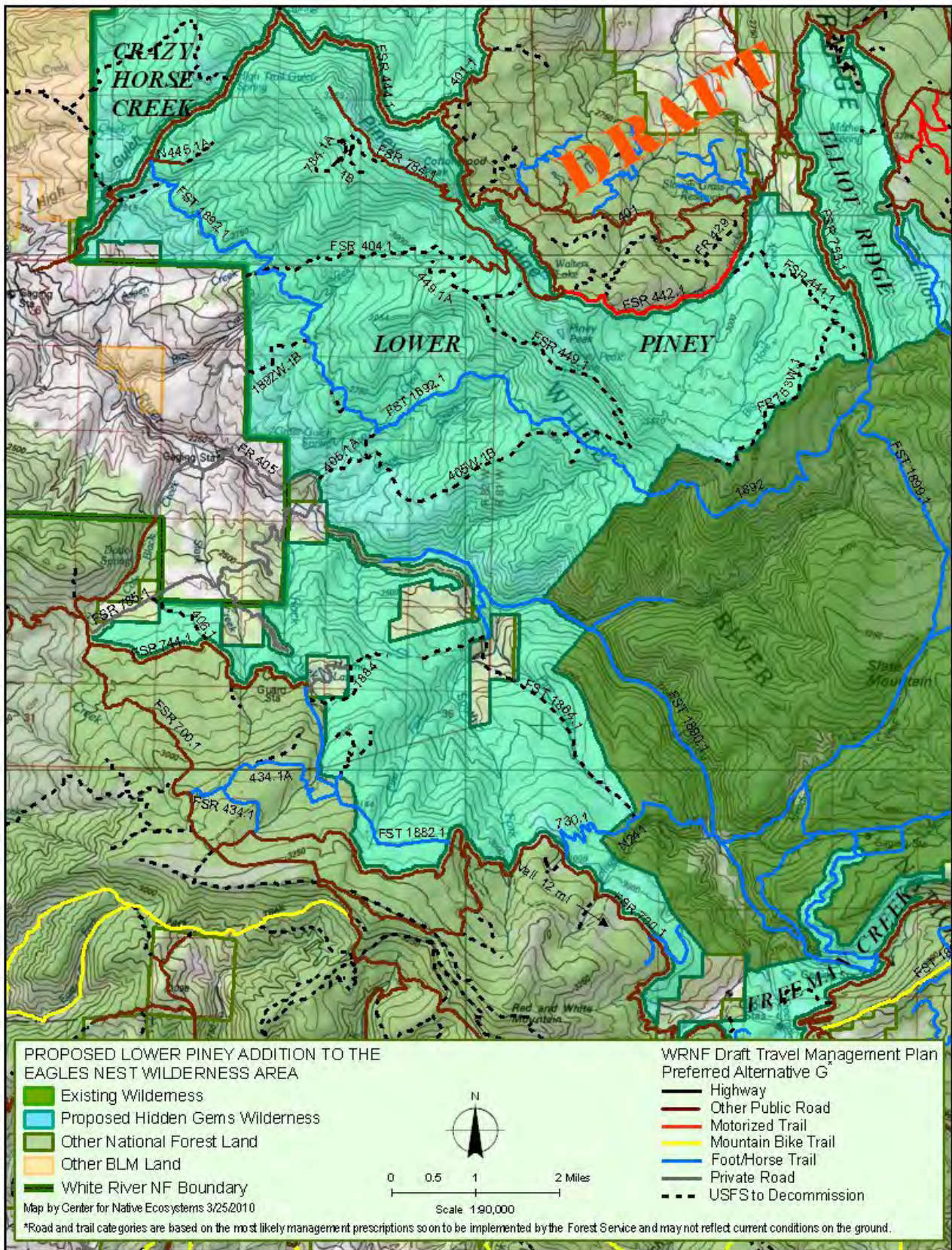
Continuing discussions

Additional boundary refinements might result from ongoing discussions with recreation user groups and with water supply providers.

Other info

The proposed Lower Piney Addition is the largest of 12 roadless areas that are contiguous with the Eagles Nest Wilderness Area, which together forms a roadless complex of over 168,000 acres (262 square miles).

(See map on following page)



No Name

3,810 acres (6 square miles)

Setting

The proposed No Name Wilderness Addition is dominated by the high Homestake Ridge along the Continental Divide, and the Bennett Gulch drainage to the Eagle River. The head of Bennett Gulch is a rugged, glacier-formed cirque, above an extensive wet subalpine meadow system. The ridge supports an alpine environment, giving way to forested uplands of Engelmann spruce and subalpine fir. Closer to FS 705, lodgepole pines and aspens are present. The elevation ranges



Forested expanse of No Name

from 10,600 feet (on FS 705) to 12,696 feet (at the head of Bennett Gulch). While much of the terrain is rolling forest, the Homestake and Continental Divide ridges are protected by very steep talus slopes.

What's special about it

Wild character: The proposed No Name Addition is adjacent to the southeast portion of the Holy Cross Wilderness, and has retained a high degree of wilderness quality. The area has historically been free from human disturbance, and is an excellent place for solitude in a pristine alpine setting with outstanding views of the Sawatch Range along Homestake Ridge.

Recreation: 10th Mountain Hut is just south of the proposed wilderness addition providing backcountry skiing access. This landscape also sees a moderate amount of use by hunters.

Ecology: The meadows in upper Bennett Gulch are prime examples of subalpine wetlands. This landscape contains habitat for the state-endangered (and USFWS threatened) lynx, and is part of a very important wildlife migration corridor along the Continental Divide connecting the Holy Cross and Eagles Nest Wilderness Areas. The Colorado Division of Wildlife has introduced bighorn sheep here, which provides critical winter habitat. It is also already summer range for both elk and mule deer.

Potential threats

Logging: The Yoder timber sale has been proposed in the northern portion of this area, and would necessitate road construction.

Motor recreation: An unmaintained trail along Homestake Ridge from FS 705 is occasionally illegally used by 4WD vehicles. The vehicle tracks may be seen crossing delicate sections of alpine tundra, and could be evident for decades.

Division of Wildlife habitat qualities, species of significance

No Name has areas of rolling valleys to very steep slopes and high ridges containing spruce fir, high alpine meadows (tundra), scree fields, mountain shrub, aspen, lodgepole pine and grassland meadows. The area supports abundant wildlife; elk, deer, black bear, mountain lion, ptarmigan, blue grouse, pine martin, snow shoe hare, bighorn sheep, moose, boreal toad, and lynx. Due to its high elevation, winter use is limited to bighorn sheep, ptarmigan, pine martin, blue grouse, moose, snowshoe hare and lynx. In the summer,

the area provides high quality elk habitat, summer concentration areas, summer range, production areas and migration corridors. The area is part of a bighorn sheep transplant to rebuild the historical bighorn sheep herd in the Holy Cross Wilderness Area. Lynx have been documented in the area and it provides a connection across the Continental Divide, one of the USFS management prescriptions is 5.5 forest landscape linkages.

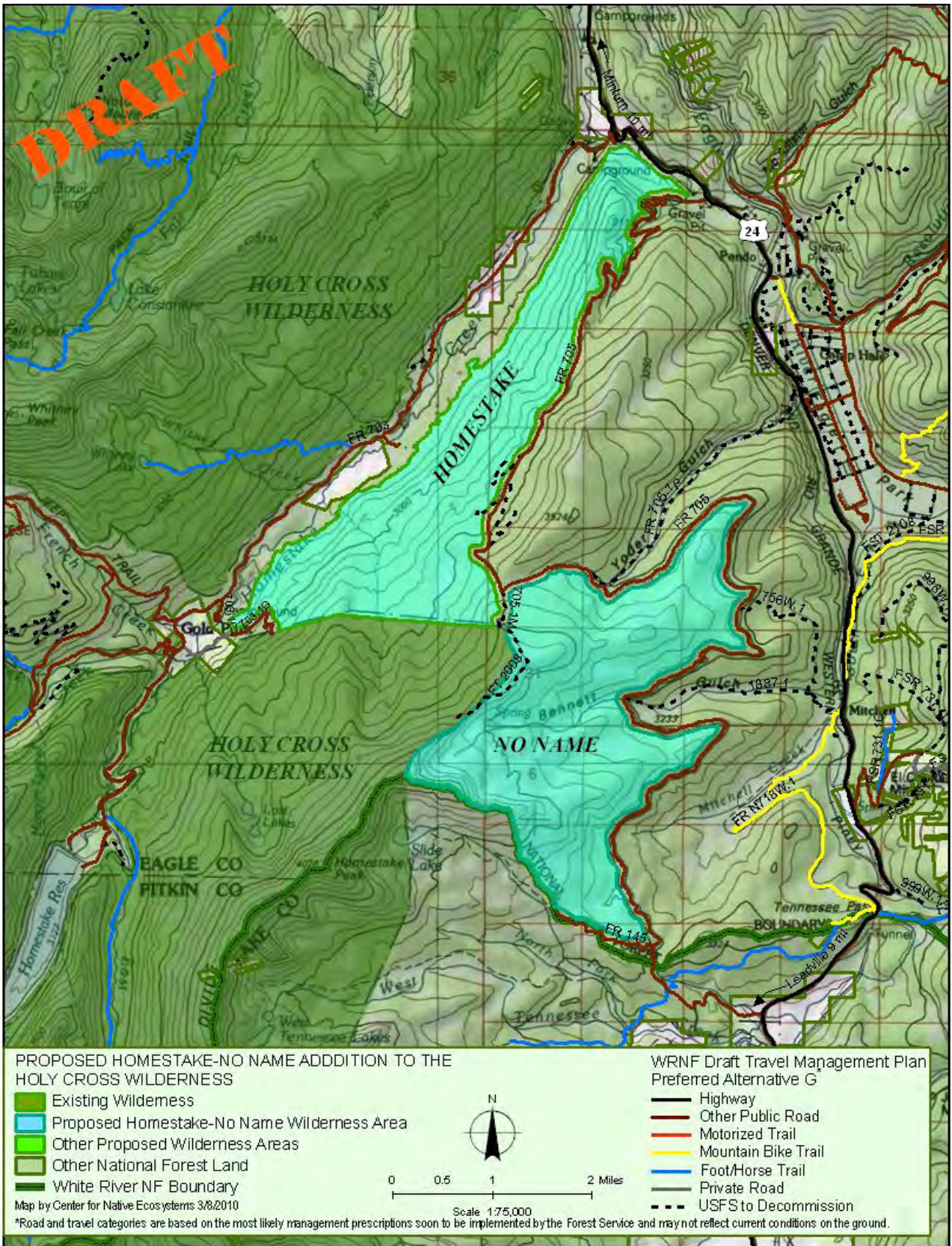
Outreach results

The boundaries for this proposal have been adjusted to allow for continued operation of essential municipal water supply facilities. An motorized access corridor providing hunter access to Holy Cross Wilderness boundary has been preserved between No Name and Homestake areas. See attachments for details.

Other info

A small and undeveloped private inholding exists in upper Bennett Gulch. The proposed No Name Addition is one of ten roadless areas that, with the Holy Cross Wilderness, comprise a large roadless complex of over 165,000 acres (257 square miles). It is contiguous with the 7,700 acre Holy Cross East Roadless Area on the San Isabel National Forest.

(See map on following page)



Porcupine Gulch

8,530 acres (13.3 square miles)

Setting

This unit sits on the west side of the Continental Divide, specifically between Loveland Pass and Eisenhower Tunnel and is the southern approach to the only land bridge across Interstate 70. It covers an arm of the Divide that separates the North Fork of the Snake River from Straight Creek. This arm is a rolling alpine tundra-covered ridge with slopes that drop steeply on the north and south sides.



Adam Mountain in the spring

The subalpine portions of this proposed Wilderness are forested in Engelmann spruce/subalpine fir and dense stands of lodgepole pine. There are riparian plant communities along the creeks at the borders of this unit as well.

What's special about it

Secure core habitat: The proposed Porcupine Gulch Wilderness Area has limited access, no maintained trails, little recreational visitation, and is relatively undisturbed.

Heritage preservation: The area has a high opportunity for solitude in a scenic alpine environment. This unit contains part of the Colorado Natural Heritage Program's proposed Porcupine Research Natural Area which contains many species of rare plants.

Ecology: Tenderfoot Mountain, west of the proposed Wilderness Area is critical winter range for big game, which move into the roadless area for summer. This unit is particularly critical as a lynx and boreal toad movement corridor because the Eisenhower Tunnel of I-70 is on its north side.

Wildlife migration: This area connects to the only land bridge across I-70 where wildlife may move freely across this very imposing wildlife movement barrier without fear of collision. Such connections must be kept ecologically whole so not to sever access to this singular crossing.

Potential threats

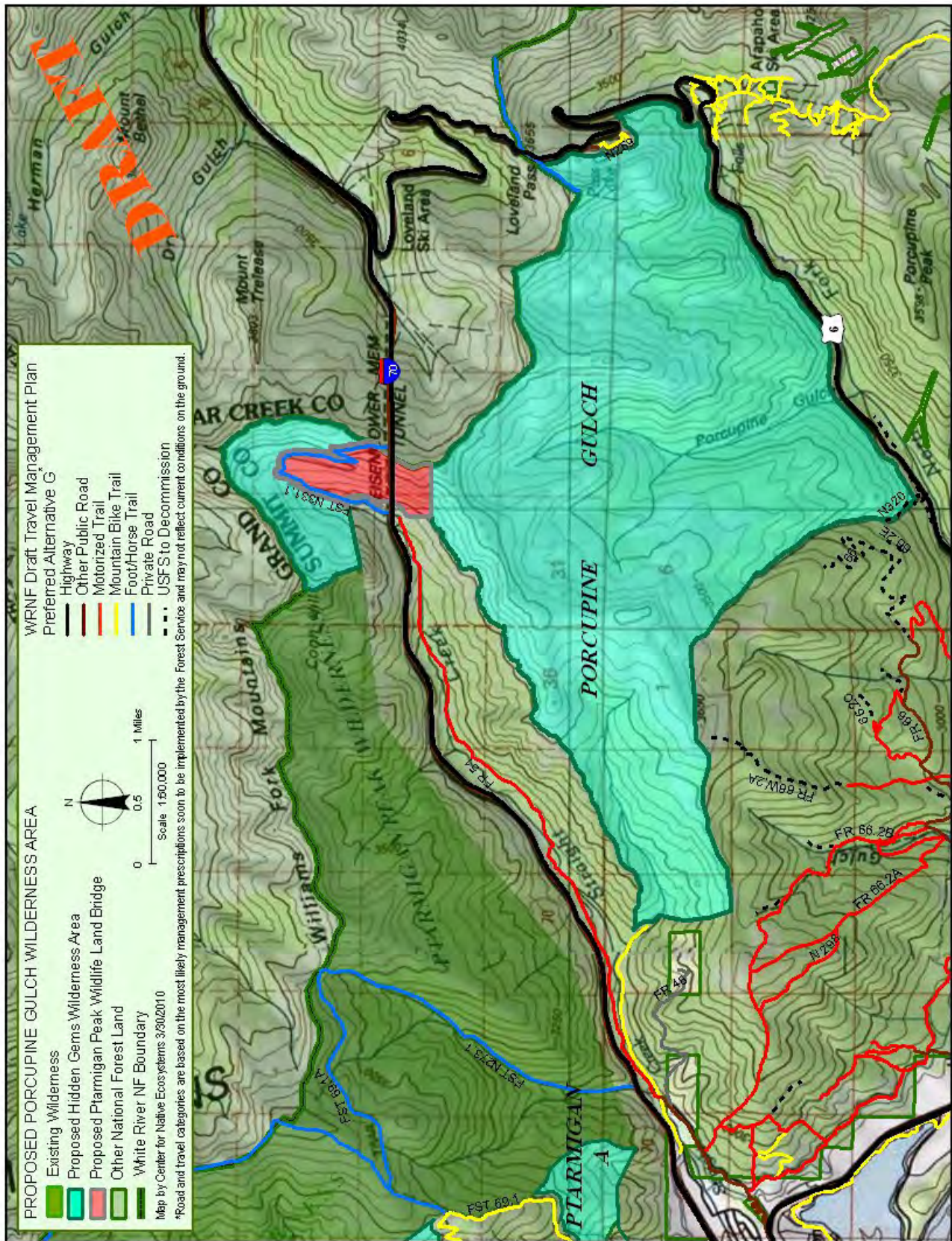
Motor recreation: Winter motorized recreation could significantly disrupt the winter habitat and connectivity values.

Outreach results

In response to request from municipal water supply operators, the boundary for this area has been significantly revised to accommodate continued management of the watershed. See attachments for details.

Other info

The Porcupine Gulch area was previously known as the Tenderfoot Mountain area; the Hidden Gems Campaign changed the name in 2009.



Ptarmigan A

2,190 acres (3.4 square miles)

Setting

The proposed Ptarmigan A Addition is adjacent to the Ptarmigan Peak Wilderness Area and occupies the steep slopes between Silverthorne and the wilderness boundary. The elevation ranges from 9,300 feet to 11,500 feet, and is forested with aspens.

What's special about it

Community access: This proposed wilderness addition would bring the Ptarmigan Peak Wilderness boundary down to the back doors of residents in the Dillon/Silverthorne area providing immediate access to high quality quiet recreation opportunities.



Enjoying the Columbine in Ptarmigan A

Wildlife migration: It is part of a major big game migration corridor that crosses I-70 where it passes through Eisenhower Tunnel. Mule deer and elk use this area in the winter and it has the potential for wolverine habitat. The Colorado Division of Wildlife has identified this proposed Wilderness Area as an area of high habitat priority.

Potential threats

Logging: This area is experiencing the same pressure from the mountain pine beetle as much of Summit and Eagle Counties, and thus faces the same calls for salvage harvest of beetle-kill lodgepole pines. Logging would degrade the important ecological values of the area, particularly this vital wildlife migration corridor that has been cited by state and federal officials as an important linkage.

Division of Wildlife habitat qualities, species of significance

Ptarmigan Hill has areas of rolling valleys to very steep slopes and high ridges containing spruce fir, high alpine meadows (tundra), mountain shrub, aspen, lodgepole pine, and grassland meadows. The area supports abundant wildlife; elk, deer, black bear, mountain lion, ptarmigan, blue grouse, pine marten, boreal toad, snowshoe hare and lynx. Due to its high elevation winter wildlife use is limited to pine marten, ptarmigan, blue grouse, snowshoe hare and lynx. The southern and western edges of the area do contain some elk winter range. In the summer the area provides high quality elk habitat: summer concentration areas, summer range, production areas, and migration corridors.

Lynx have been documented in the here, a value underscored by the Forest Service management prescriptions 5.5 is forested landscape linkages. The area does not have any system roads within its borders but there are several system hiking trails.

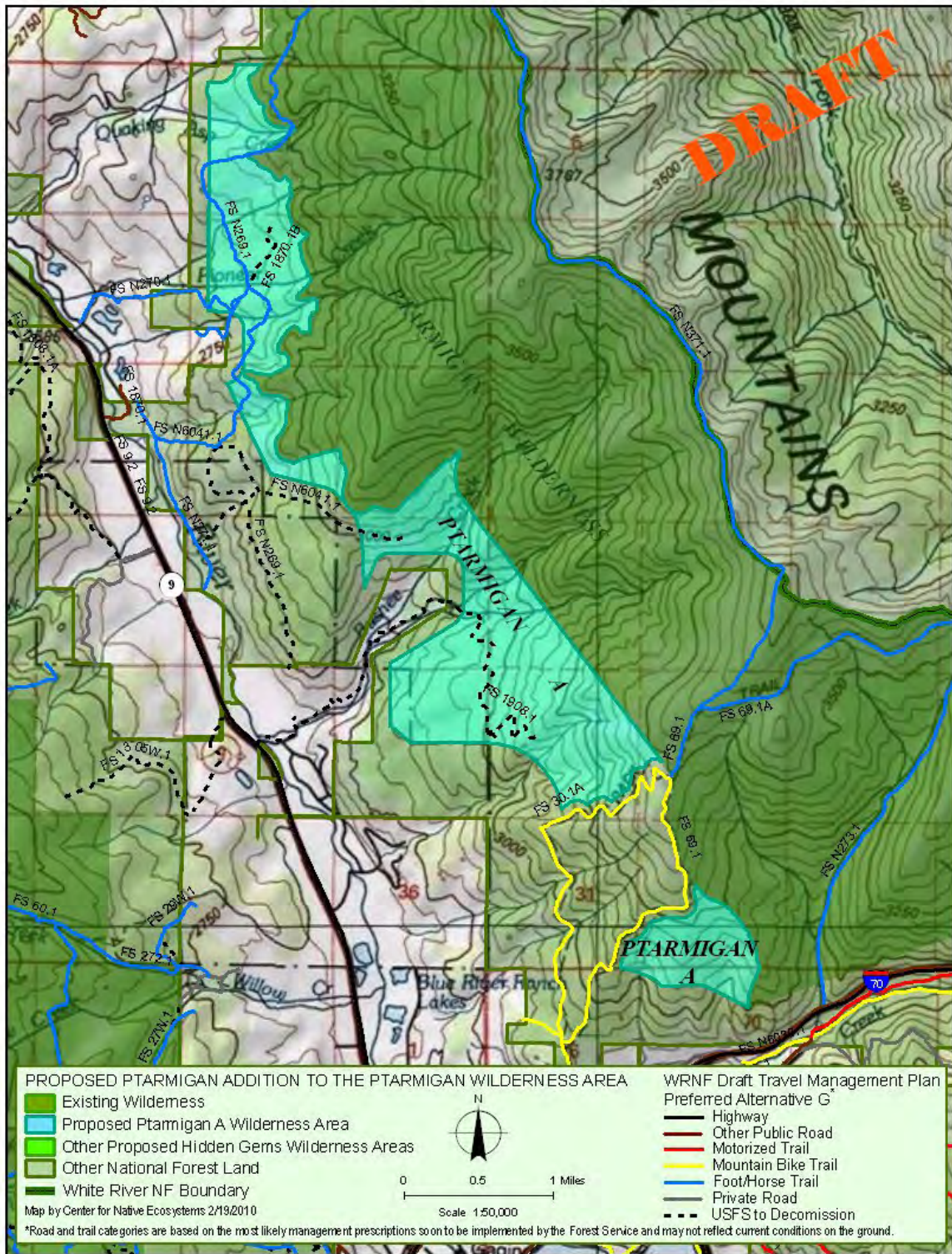
Outreach results

The boundaries for this proposal area have been modified to allow continued use of a popular bicycle trail; ensure community safety from wildfire; ensure continued operation of municipal water supply and facilities; and facilitate access for maintenance of a major highway tunnel. See attachments for details.

March 2010

Other info

There is an active cattle allotment within the proposed Ptarmigan Wilderness Area. This landscape is part of a 50,114 acre (78.2 square mile) roadless complex that consists of the Ptarmigan Peak Wilderness Area, the Williams Fork Roadless Area (on the Routt National Forest), and the Ute Pass/Acorn Creek RAs.



Spraddle Creek 9,440 acres (14.8 square miles)

Setting

The proposed Spraddle Creek Wilderness Addition occupies half of Bald Mountain. It includes both creeks that drain the western slopes of Bald Mountain: Middle Creek and Spraddle Creek flow into the Gore Creek within the Vail town limits. The elevation ranges from 8,300 feet near Vail to 12,136 feet on Bald Mountain. Bald Mountain is part of the Gore Range and is a significant landform that is highly visible from Vail Ski Area. The terrain here mostly consists of large moderately-steep hillsides heavily-forested with Engelmann spruce and subalpine fir. Lodgepole pines and aspens are also present in the lower elevations.

What's special about it

Transition zone: This area has critical importance as a buffer between urban development in Vail and the Eagles Nest Wilderness Area. The landscape west of the proposal area has seen significant ecosystem modification from road construction and logging, making the intact nature of Spraddle Creek evermore important.

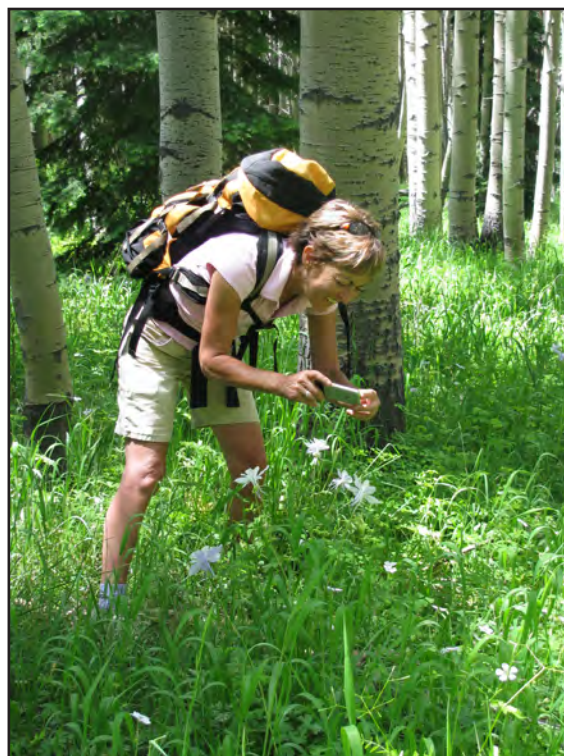
Ecology: Wildlife uses this area as a mid-elevation movement corridor between high peaks of the Gore Range and the Gore Creek valley. Mule deer and elk are abundant here in the summer and the area is used for elk calving. The ridge along the Area's eastern boundary is prime habitat for Canada lynx, a state-endangered and nationally-threatened species, as well as home to bighorn sheep and mountain goats.

Recreation: The proximity of this area to Vail makes it extremely valuable for recreational uses. It is a popular hunting and horseback riding destination. The Middle Creek and Son of Middle Creek Trails are very popular among mountain bikers, as they are easily accessible from town. The Eiseman Hut sits on a high ridge along the north edge of the proposal area, and provides access to excellent backcountry skiing terrain protected by the proposal. Spraddle Creek provides relatively easy access for quiet-use recreationists, opportunities that are increasingly rare and important as the hustle and bustle in the Vail Valley erodes many nearby quiet opportunities.

Potential threats

Motorized recreation: There has been some illegal motorized encroachment into this proposed Wilderness Addition from Spraddle Creek Road and Red Sandstone Road.

Logging: The area to the north of the unit was heavily logged during the 1940s. While the forest has regenerated well, the maze of closed and abandoned roads in the area may provide a launching point for illegal motorized use into the unit. As bark beetle-caused tree mortality increases in the area, there will



The lush understory of Spraddle Creek's aspen forest

be calls for more logging in an attempt to do something about this natural phenomenon. Any treatments intended to address beetle spread and tree mortality may cause more ecological harm than good and the landscape should be protected from the roads that would accompany potential beetle treatments.

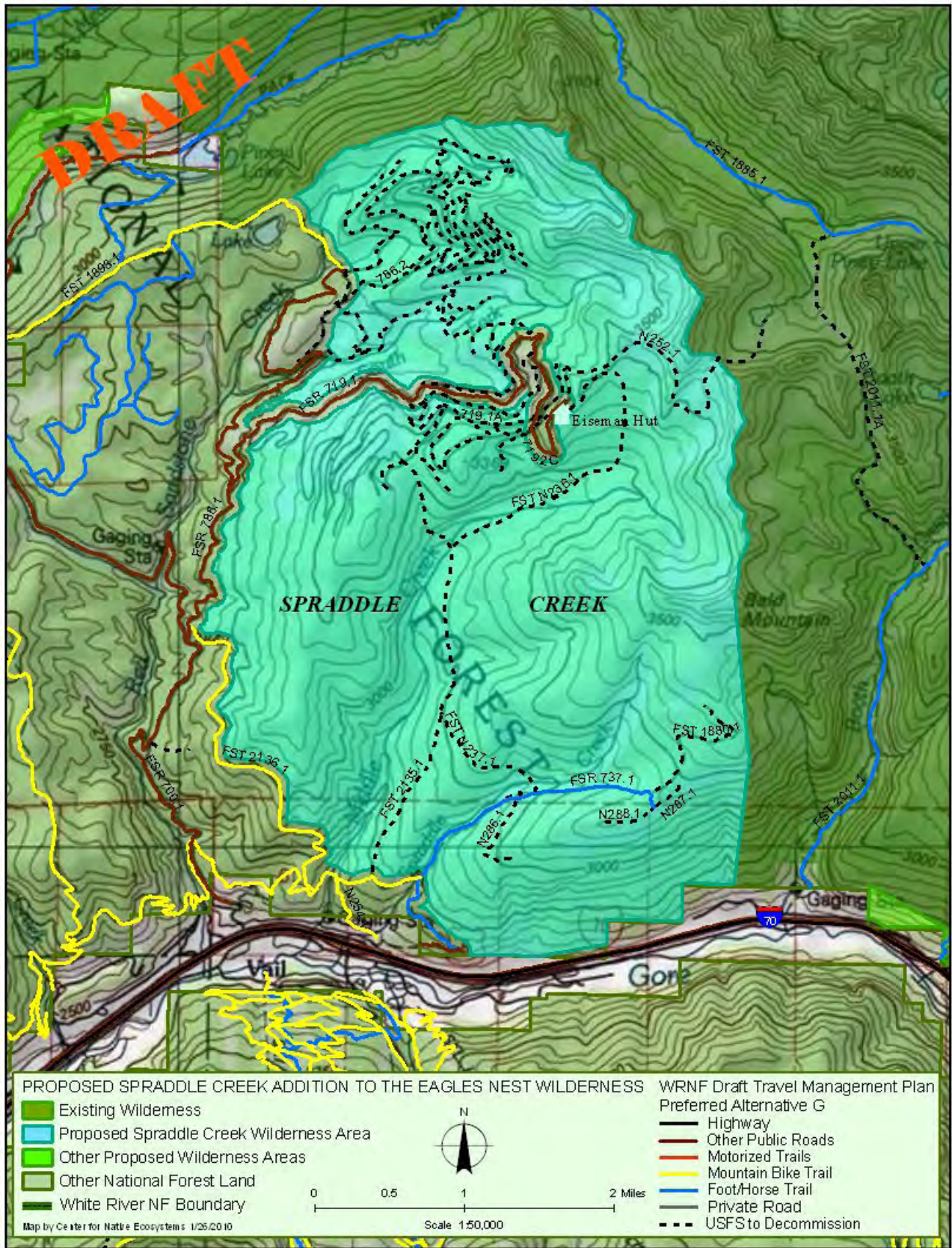
Division of Wildlife habitat qualities, species of significance

Spraddle Creek has areas of rolling valleys to very steep slopes and high ridges containing spruce fir, aspen, lodgepole pine and grassland meadows. The area supports abundant wildlife; elk, deer, black bear, mountain lion, bighorn sheep, rocky mountain goat, blue grouse, pine martin, snowshoe hare and lynx. Rocky mountain goats use the area as overall habitat. Winter use of the area is limited to pine martin, blue grouse, snowshoe hare and lynx because of the high elevation. In the summer the area provides high quality habitat for both elk and deer; summer range, production areas and migration corridors. The area does contain potential lynx habitat. The area is significant for its lack of roads which provides excellent solitude and abundant wildlife.

Continuing discussions

Clarifying accommodations might be necessary to ensure efficient operation of municipal water delivery facilities. Conversations about details of this continue.

(See map on following page)



Tenmile

13,240 acres (20.7 square miles)

Setting

The Tenmile Range is a high, narrow, peak-studded divide that separates Tenmile Creek from Blue River. The proposed Tenmile Wilderness occupies most of the crest and western slopes of the range. These slopes plunge dramatically to Tenmile Creek providing a spectacular view from the Copper Mountain Ski Area. The Tenmile divide is an outstanding alpine landmark, featuring Tenmile Peak (12,933 feet), Peaks 3 through 10 (12,438 to 13,633 feet), Crystal Peak (13,852 feet), Pacific Peak (13,950), and Quandary Peak (14,265).

Elevations in the unit range from 9,700 feet along Tenmile Creek to 14,200 feet on Quandary Peak.



One of the many alpine lakes in McCullough Gulch

The terrain consists of numerous glacial cirques very steep west-facing slopes, that divide steep west-facing slopes and funnel into narrow avalanche paths running into the dark timber below. Much of the area is above treeline, and supports an alpine environment dominated by tundra and scree. The forest is mostly comprised of Engelmann spruce and subalpine fir.

What's special about it

Ecology: The awesome alpine terrain of this proposed Wilderness Area has limited development and retains a wild and natural character despite the many roads and mines around it.

Recreation: The incredible scenery and close proximity to Copper Mountain, Breckenridge, and Frisco make this a very popular destination in the summer and winter. The famous Colorado Trail runs just to the north of the area; and the area has impressive backcountry skiing potential. Unlike much of the Hidden Gems, this area receives little hunting traffic in the fall.

Wildlife refuge: Bighorn sheep and mountain goats live along Tenmile ridge and the forested portions of the unit support elk, deer, and bear in the summer. The area is prime habitat for the Canada lynx, a state-endangered and nationally-threatened species, which often cross I-70 from here to reach the Eagles Nest Wilderness Area. The northern boundary excludes the Wheeler Trail to accommodate mountain biking.

Potential threats

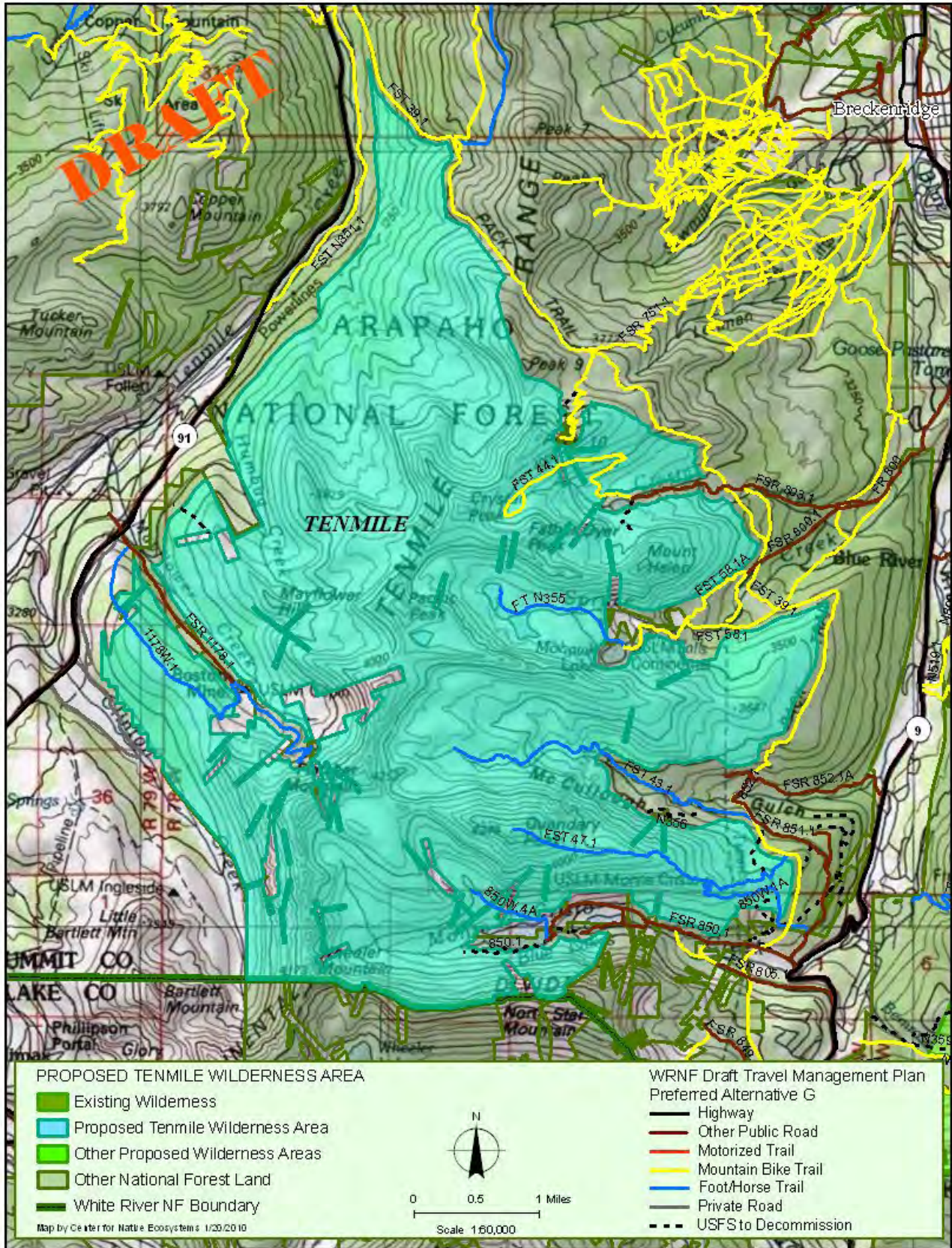
Mining: Development of patented mining claims that occur on the southeast and southwest borders of the unit will make it more difficult for wildlife to migrate.

Division of Wildlife habitat qualities, species of significance

The area contains elk summer range and production areas. It also has ptarmigan overall range and winter concentration areas, and has documented movement of lynx through the area.

Outreach results

The original boundaries for this proposal area have been extensively modified to ensure continued use of popular bicycling opportunities, and to ensure continued operation of existing municipal water supply facilities. See attachments for details.



West Lake Creek

3,200 acres (5.0 square miles)

Setting

The proposed West Lake Creek Addition to the Holy Cross Wilderness occupies parts of the Squaw Creek, Casteel Creek, and Card Creek drainages on the east side of Bellyache Mountain, in the northern foothills of the Sawatch Range. Bellyache Mountain is a broad flat-topped ridge with large open parks on its top. The creeks cut steeply into its flanks. The area is forested by Engelmann spruce and subalpine fir, interspersed with large stands of aspen. Elevations range from 8,000 feet at Squaw Creek to 10,460 feet above upper Salt Creek.



Diverse habitats of West Lake Creek

What's special about it

Ecology: The area provides important summer range for deer and elk.

Recreation: Hunting and hiking are popular here.

Potential threats

Motor recreation: Illegal off-road vehicle use is the primary threat to this area. This activity on the Porphyry Mountain and Bellyache Mountain areas have resulted in the creation of several illegally-developed trails. The USFS has deleted 4,969 acres from the west half of the Salt Creek roadless area due to excessive vehicular use.

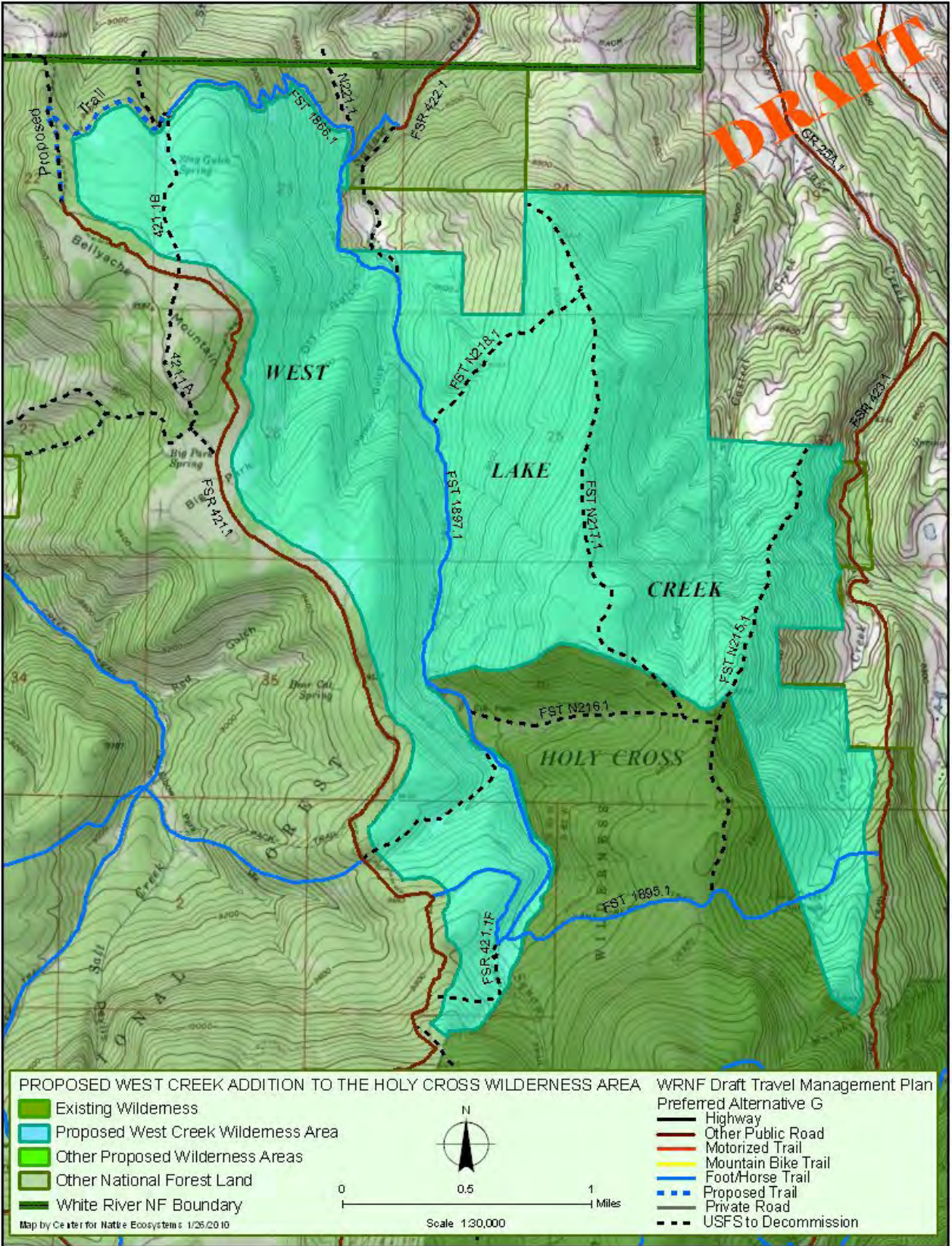
Division of Wildlife habitat qualities, species of significance

West Lake Creek is a small area which shares its southern boundary with the Holy Cross Wilderness Area. The area plays an essential role as a habitat link between the dedicated wildlife migration corridors of the Cordillera to the high summer habitat in the Holy Cross Wilderness Area. The area consists of lodgepole pine, aspen, mountain shrub and spruce-fir habitat types. The area serves as transitional and summer range for both mule deer and elk, summer range for black bear, and has determined to be suitable for lynx foraging and denning. West Lake Creek area is an important linkage area for wildlife wintering on private property and transitioning back to the higher elevation lands.

Management recommendations: New construction of roads and trails from private or public lands should be monitored and physically closed and rehabilitated to native vegetations.

Outreach results

In response to conversations with local users and advisory boards, boundaries for this proposal area have been modified to accommodate existing popular bicycling opportunities. See attachments for details.



Williams Fork

9,090 acres (14.2 square miles)

Setting

The proposed Williams Fork Wilderness sits on the western flanks of the Williams Fork Mountains above the Blue River. The proposed Area is divided by at least fifteen small drainages that descend steeply from the ridge crest to Blue River. The elevation ranges from 8,000 feet near Green Mountain Reservoir to 11,200 near Williams Peak. The lower elevations are covered in aspen and grass/shrub steppe, with lodgepole pines up higher. The ridge crest contains alpine tundra and even some bristlecone pines, considered the oldest living species on the planet.



Sweeping glasslands of Williams Fork

What's special about it

Recreation: The rugged, undeveloped nature of this landscape provides a fine opportunity to find solitude. The ridge provides excellent views of the Eagle's Nest Wilderness Area, as well as a wildlife corridor from the higher Ptarmigan Peak Wilderness Area to lower BLM lands near Kremmling.

Geology: The Williams Fork ridge is a dramatic uplift with an exposed core of Precambrian granites and gneisses, Cretaceous shales, and sandstone, and it therefore provides outstanding geological scenery along the lower Blue River Valley.

Ecology: This proposal Area has been designated by the USFS as critical big game winter range and supports a large elk herd, as well as a sizable mule deer herd. The area is heavily used in the fall by hunters. The northern portion of the proposed Wilderness borders the Colorado Natural Heritage Program's Horse Creek Potential Conservation Area, and has a high degree of biodiversity.

The unit is heavily used in the fall by hunters, as it is relatively easy to access, and teeming with wildlife.

Potential threats

Recreation: The primary threat to the wilderness character of this unit is illegal off-road 4WD use originating from private lands adjacent to the western boundary of the unit, or from the Williams Peak Road (FS 2950) on the top of the ridge.

Division of Wildlife habitat qualities, species of significance

The Williams Fork area is located on a deer and elk migration corridor and deer and elk winter range, and elk severe winter range, and winter concentration area. Greater sage-grouse use the area as winter range and there is potential habitat for sage-grouse lek.

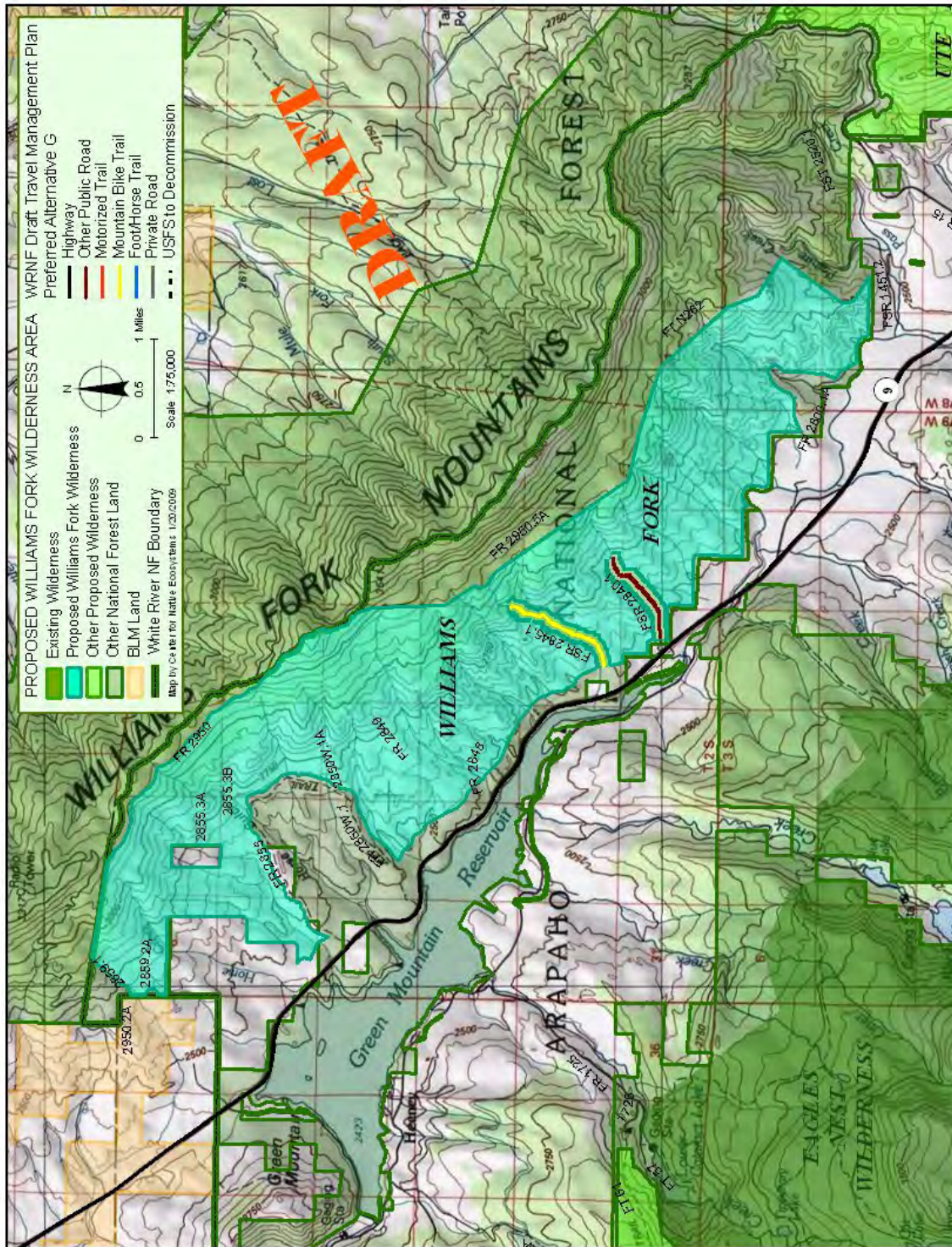
Outreach results

As the result of extensive conversations with Summit County local officials, firefighting agencies, and the U.S. Forest Service, this proposal reflects boundary changes that ensure effective management of forest fuel loads, wildfire fighting, and community safety. See attachments for details.

March 2010

Other info

There are two active cattle allotments within the proposed Williams Fork Wilderness Area, with associated fences and stock ponds. Whereas the USFS has identified this area to be 6,684 acres in size, conservation groups have identified an additional 2,082 acres of wilderness-worthy lands to the north along the forest boundary. There is a section of undeveloped state land within the unit.



Woods Lake

11,970 acres (18.7 square miles)

Setting

The proposed Woods Lake Addition is a westward extension of the Holy Cross Wilderness Area reaching from the Wilderness boundary to existing roads. It includes parts of Lime Creek, Little Lime Creek, Last Chance Creek, and all of Middle Creek, which support healthy and extensive riparian willow ecosystems. Woods Lake itself is a large natural lake. The terrain consists of gently rolling hillsides covered in aspen, lodgepole, and spruce/fir forests. There are two major peaks on the boundary of the unit (Charles Peak and Burnt Mountain), both of which have alpine characteristics. The unit contains the NE portion of Lime Park, which is the most extensive meadow system in the Fryingpan drainage, as well as limestone cliffs and extensive karst cave systems. The elevation ranges from 8,800 feet at the North Fork Fryingpan River to 12,050 feet at Charles Peak.



Forested hillside of the Woods Lake area as seen from Lime Park

What's special about it

Ecology: Because the proposed Woods Lake Wilderness Area is adjacent to existing Wilderness, it has retained significant wilderness quality.

Wildlife migration: It provides a critical mid-elevation addition to the high peaks of the Holy Cross region. It also provides an important wildlife movement corridor between the Red Table/Gypsum Creek/Basalt Mountain areas and the Holy Cross Wilderness via Crooked Creek Pass.

Ecology and hydrology: There is a large, ecologically-valuable beaver pond complex on Little Lime Creek. The southern portion of the unit is in the Colorado Natural Heritage Program's North Fork Fryingpan River Potential Conservation Area. The area has unique karst hydrology, in which large volumes of water flow underground through limestone caverns and discharge from springs. This has led to the development of many caves, which in turn provide rare habitat for sensitive bat species. In a meadow northwest of Tellurium Park, at the junction of the Woods Lake and Tellurium Lake trails, there is an unnamed stream that plunges hundreds of feet into a narrow sinkhole, where the stream continues underground. Drop a stone down there and listen for the splash about four seconds later. The hydrology of these Karst formations is closely connected with what happens on the surface — protecting the surface assures unimpaired function of the Karst system and sustains the ecology of these unique caves.

Recreation: This unit surrounds the Peter Estin and Harry Gates Huts in the 10th Mountain hut system, and is a popular backcountry skiing destination. It also provides excellent opportunities for hunting, fishing, hiking, horseback riding, mountain biking, and cave exploration.

Potential threats

Logging: Timber sales have been proposed south of Last Chance Creek and in the Tellurium Lake Trail area, but have not been pursued yet. Such activity would require new road construction in this unit.

Motor recreation: The area's relatively flat, open meadows may invite illegal motorized route development. New road development would disrupt the surface hydrology which in turn would impair the Karst cave system's hydrology below.

Division of Wildlife habitat qualities, species of significance

Wood's Lake area is adjacent to Holy Cross Wilderness. The area is composed of a variety of habitat types ranging from willowed riparian areas to alpine scree fields. Two 10th Mountain huts, Peter Estin and Polar Star are located within the area. With the unique mix of large expanses of unfragmented habitat and private land in holdings, this area requires unique management.

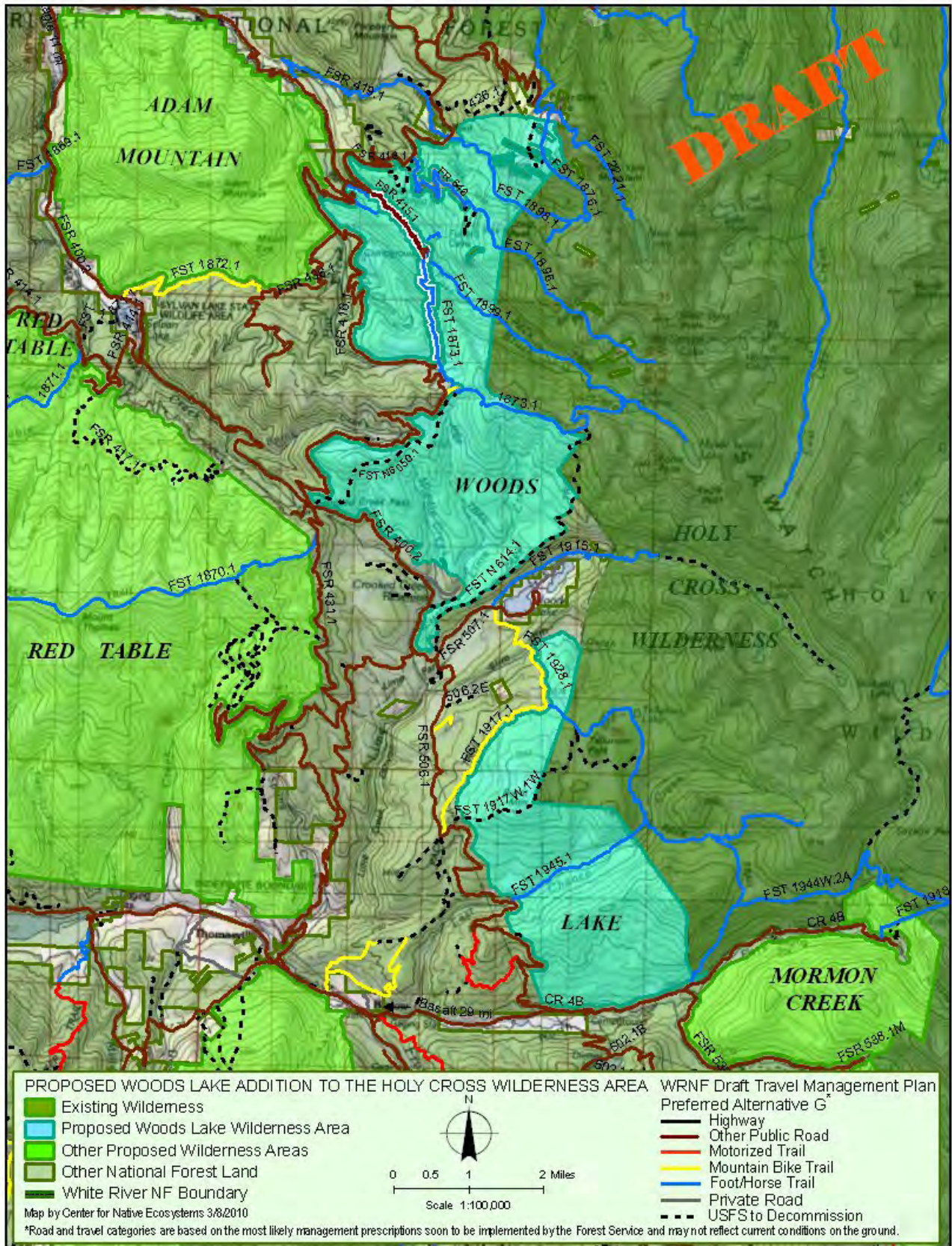
Outreach results

Many carefully crafted adjustments have been made to the boundary of this proposal to accommodate continued snowmobile and all-terrain vehicle use, ensure maintenance access to municipal water supply facilities, accommodate popular bicycling routes, and enhance access for big game hunting. See attachments for details.

Other info

The proposed Woods Lake Wilderness Area is the largest of ten Roadless Areas that adjoin with the Holy Cross Wilderness Area, to form a roadless complex of over 165,000 acres (257 square miles). The USFS has recommended 9,553 of these acres to be included in Holy Cross Wilderness Area. Conservation groups have identified 4,803 additional roadless acres on the north end of Woods Lake Roadless Area, stretching from Peter Estin Hut to Fulford and the Polar Star Inn.

(See map on following page)





the
Hidden Gems
wilderness proposal

OTHER DESIGNATIONS

Corral Creek

3,070 acres (4.8 square miles)

Setting

This area occupies a narrow strip of land between I-70 and the Eagles Nest Wilderness Area. The terrain consists of steep west and south facing hillsides above Black Gore Creek north of Vail Pass, and Tenmile Creek to the south. Many avalanche paths cross the unit. The bulk of the area is densely forested with spruce and fir, as well as some aspen in the Gore Creek campground area. Corral Creek is the major creek in the unit, and flows from Uneva Peak. The elevation ranges from 8,600 feet near Gore Creek, to 11,900 on the SW slopes of Uneva Peak.



A view of the west side of Corral Creek drainage

What's special about it

Wildlife migration: The primary importance for protecting this area is to extend Wilderness protection down to the edge of I-70 so to ensure the effectiveness of the wildlife movement corridor through the area. As a sub-alpine roadless strip, it plays an important role in connecting the Eagles Nest Wilderness to the Ptarmigan Hill roadless area to the south. This is part of an extremely vital north-south migration corridor for wildlife, particularly the endangered lynx, as well as bighorn sheep, mountain goats, and elk. A "wildlife bridge" is expected to be built just west of the Vail Pass summit that would link the Ptarmigan Hill and Corral Creek roadless areas.

Recreation: The area is also important access to five hiking and horseback trails that enter the Eagles Nest Wilderness Area from I-70. Polk Creek and Corral Creek are important fisheries for the imperiled Colorado River cutthroat trout. This roadless area acts a scenic corridor for the Tenmile-Vail Pass National Recreation Trail that passes along its northwest boundary.

Potential threats

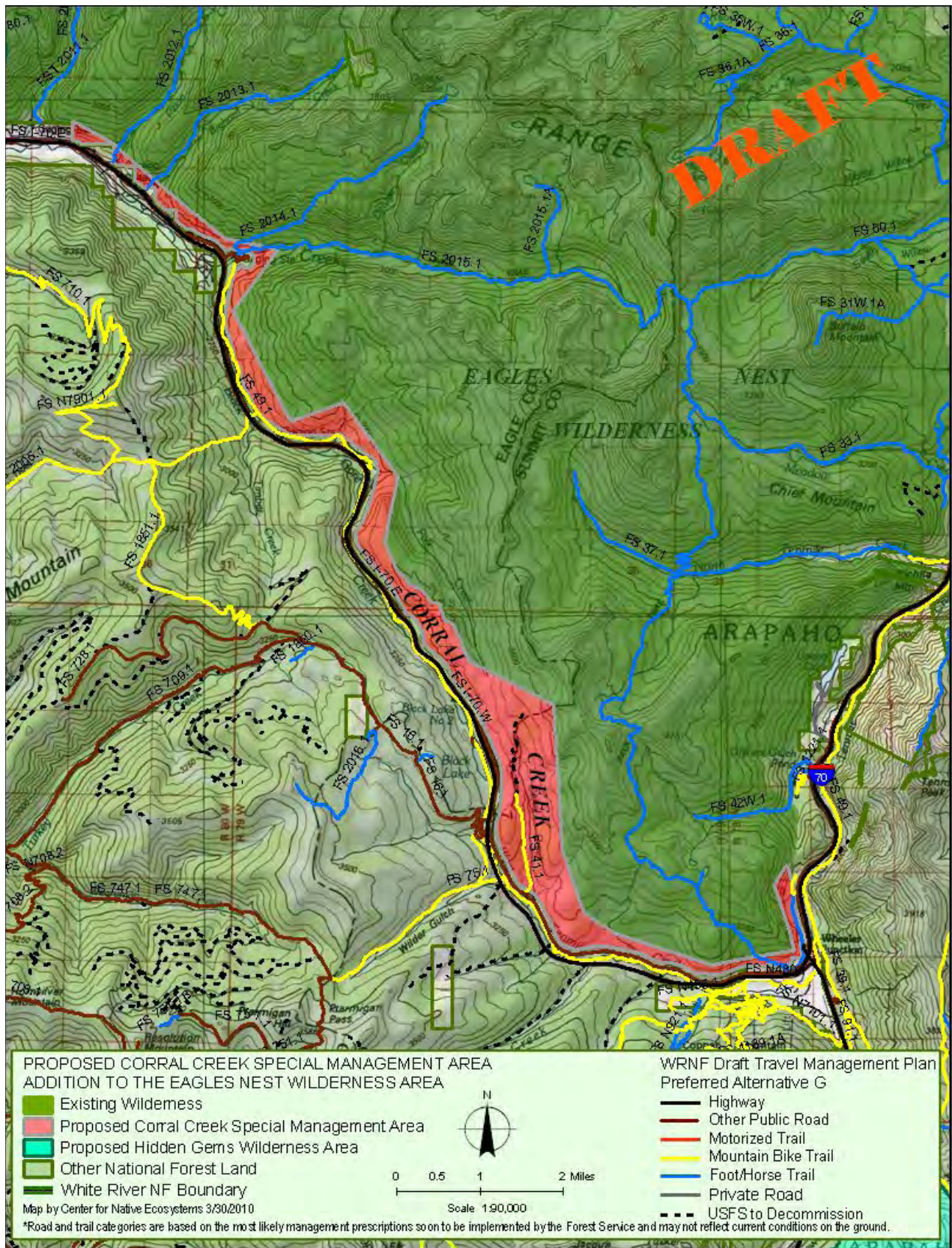
Given the ease of access from the Vail Pass Recreation Area, it is conceivable that rogue ORVs (including snowmobiles) could begin encroaching on the area if crowding on the south side of the interstate gets intolerable.

Division of Wildlife habitat qualities, species of significance

This area supports a strain Colorado River Cutthroat trout. Corral Creek is on a movement corridor for elk.

Outreach results

In anticipation of future regional transit opportunities, this area is proposed for interim protection of its wilderness values—using a special designation at this time, pending final decisions about the location of that transit route. Once the route is selected, remaining lands will become Wilderness. See attachments for details.



Ptarmigan Peak Wildlife Land Bridge

270 acres (.43 square miles)

Setting

Human encroachment on intact ecosystems leads to habitat fragmentation, recognized as a primary cause of the decline of species worldwide. Roads and highways, in particular, are a principal cause of habitat fragmentation, creating barriers to wildlife movement and resulting in animal-vehicle collisions. For federally threatened species like the Canada lynx, and for wildlife in general, highways and other development present serious barriers to movement throughout region. Global climate change will alter ecosystems and force wildlife to shift their range, underscoring the need for wildlife to move across the landscape.

Travel demand is increasing on the I-70 mountain corridor between Glenwood Springs and Denver. Creating and, where possible, retaining a wildlife bridge or bridges in this corridor is of national significance, as they would reconnect critical wildlife habitat that the interstate bisects.

What's special about it

Wildlife migration: This wildlife linkage serves as one of the last remaining forested connections for wildlife moving north-south through the heart of the Rocky Mountains. Heavily developed resort areas, high levels of recreational use, and streams of passenger and freight traffic severely constrict wildlife movement.

Vulnerable species that benefit from this crossing include: elk, mule deer, bighorn sheep, mountain goat, moose, black bear, lynx, coyote, American marten, marmot, and snowshoe hare.

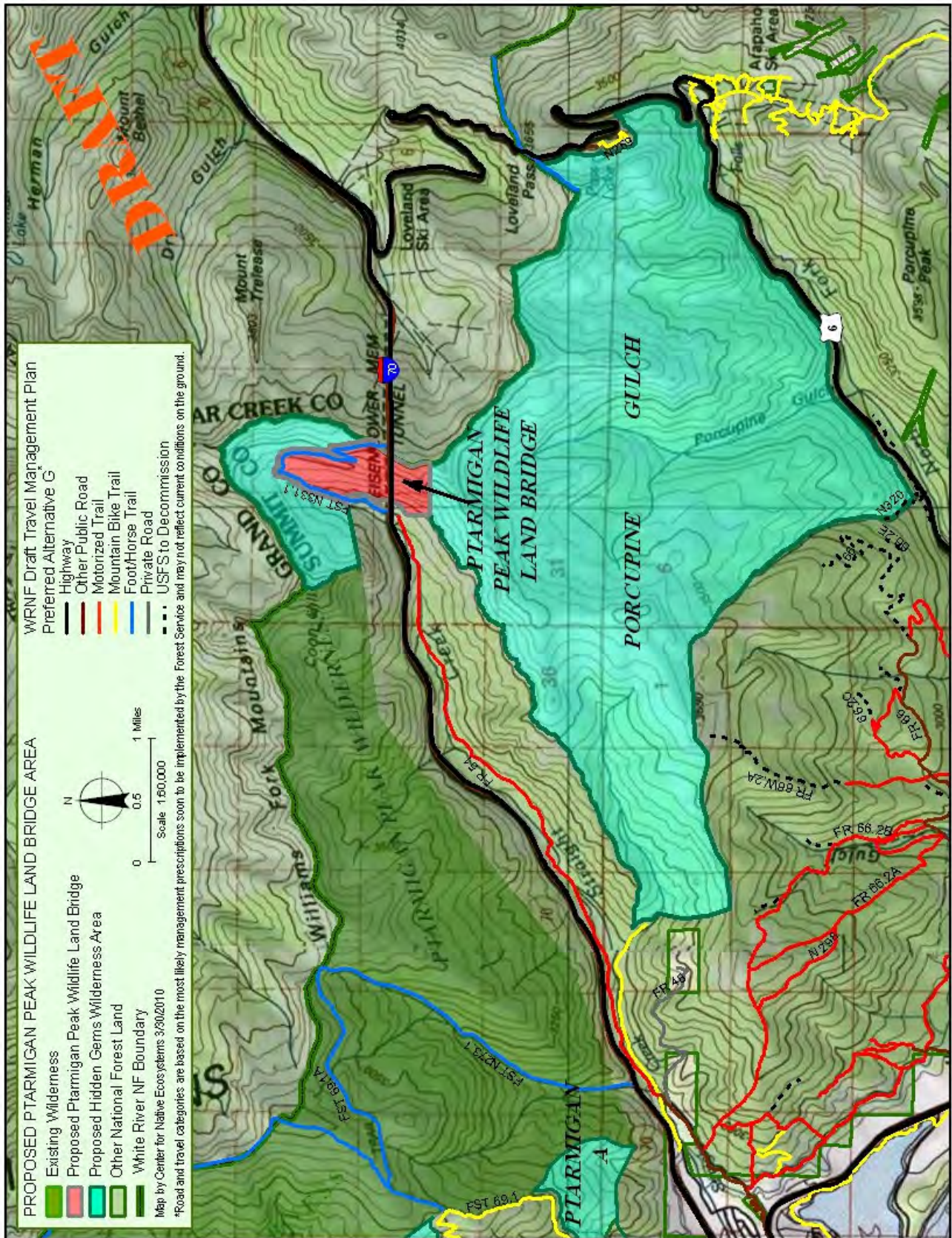
Potential threats

Motor and mechanized recreation: The corridor needs to be left unfettered in order to function effectively.

Structures and barriers: New structures, and potential human activity associated with them, would disrupt wildlife security and movement.

Other info

Proposed legislative language for this special management area will ensure continuing, secure, and successful wildlife crossing, with allowances for maintenance, repair, and security operations associated with the Eisenhower/Johnson Tunnels, operated by Colorado Department of Transportation on Interstate 70. Indeed, CDOT's need to keep the area clear of human intrusions helps enhance the wildlife crossing success.





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SPECIAL CONSIDERATION AREAS
(military helicopter training)

Pisgah Mountain

14,470 acres (22.6 square miles)

Setting

Pisgah Mountain rises 2,000 feet from the Colorado River, which has carved an extensive and scenic canyon on the north and east sides of the unit. The presence of the river's riparian ecosystem affords a great variety of flora and fauna and adds to the unit's outstanding scenic qualities. This is a diverse area in the foothills and lower montane life zones. The 8,600-foot elevation of Pisgah Mountain, which is the unit's high point, puts Pisgah well below the altitude of most designated Wilderness areas in Colorado. It is also an underrepresented ecosystem in existing protected areas.

The rugged topography of the Pisgah Mountain area reduces the frequency of visitation. This gives the area a wild, unpopulated feeling and makes it a prime resource for non-motorized, non-developed recreation. Red rock cliffs of the State Bridge formation fringe Pisgah Mountain and add to its sense of isolation.

Ponderosa pines grow along the Colorado River and arid, rock grasslands cover the flanks of Pisgah Mountain. Scattered aspen groves add diversity to an otherwise austere desert environment.

What's special about it

Archaeology: The area likely contains significant Ute artifacts, including dwellings known as wickiups, but no extensive archeological surveys have been conducted. In addition, the area provides a "habitat linkage zone" for the lynx.

Potential Threats

Gas development: The entire area is open to oil and gas leasing. Actual leasing is not likely on Pisgah due to its low potential for oil and gas deposits, and the area's important values can thus be protected as Wilderness without conflicting with regional gas development.

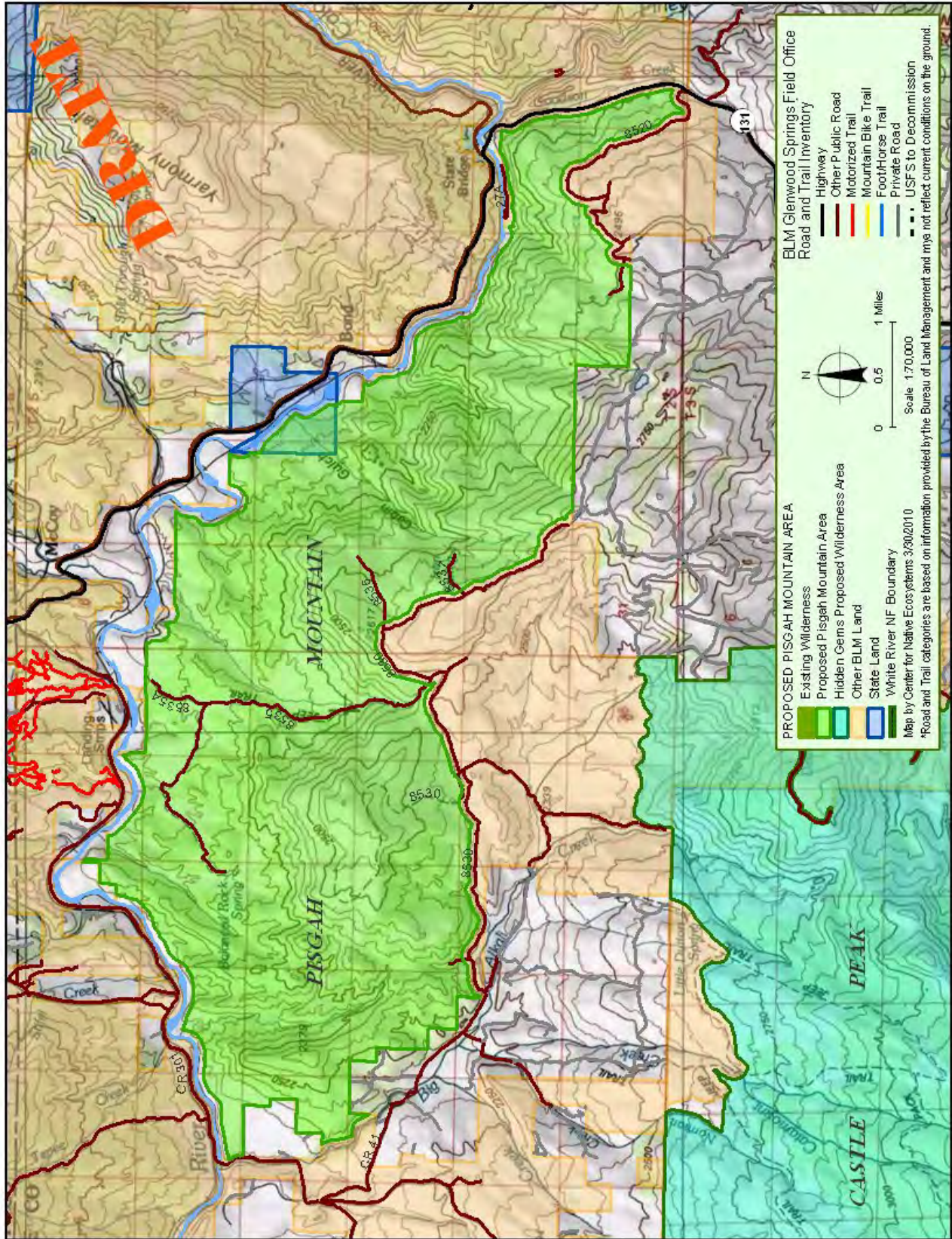
Motor recreation: Although the area is part of the successful Castle Peak Travel Plan, some illegal ORV occurs off of designated trails and has resulted in air pollution, water degradation, and damage to important wildlife habitat.

Continuing discussions

Currently, the Colorado Army National Guard High Altitude Aviation Training Site (HAATS) conducts military helicopter training operations over Pisgah Mountain. These operations are an important element in preparing troops for military action. Hidden Gems Campaign respects the HAATS program's contribution both to local communities and to national security. The Hidden Gems Campaign is committed to securing strong and enduring protection for the wildland features of Pisgah Mountain, in a manner that ensures the continued operation of the important HAATS program.

Also, adjustments to the proposal area might become necessary to accommodate exercise of existing water diversion rights on the north side of the area.

the Hidden Gems wilderness proposal



Red Table

61,750 acres (96.5 square miles)

Setting

The proposed Red Table area is dominated by Red Table Mountain, an enormous 18-mile long sandstone massif that divides the Eagle Creek watershed from the Fryingpan River watershed. It is separated from the proposed Basalt Mountain Wilderness Area only by the long-abandoned and soon to be decommissioned 4WD Taylor Creek Road (FS 510).



Glacier-carved cirque on the north flank of Red Table Mountain

The elevation ranges from 7,200 feet near the Fryingpan River to 12,000 feet at the top of Red Table Mountain. The terrain consists of vast areas of steeply rolling mountainsides covered with mixed conifer forests (Engelmann Spruce/Subalpine fir/Lodgepole pine), interspersed with areas of sagebrush, piñon/juniper, gambel oak, and aspen forests. The ridge itself is above timberline and supports an extensive alpine corridor. The north side of the massif contains many cliffed cirques and several small alpine lakes. Red Table Mountain is essentially a very long ridge with no distinct peaks.

What's special about it

Geology/geography: From a volume standpoint, Red Table Mountain is surely among the largest massifs in the state. It runs east-west, providing a unique mid- and high-elevation corridor from the Colorado and Roaring Fork Valleys to the Sawatch Range and Continental Divide. Its vertical relief provides a diversity of habitat types, many of which are currently underrepresented in the National Wilderness Preservation System. It is a massive sandstone deposit of the Maroon formation and very rare paleontological evidence of an early reptile has been discovered here.

This large area has had little historical disturbance and retains an excellent remote and primitive character. At least 40 separate drainages radiate from the crest of Red Table, providing outstanding topographical diversity.

Ecology: Red Table Mountain contains critical habitat for bighorn sheep, lynx, goshawk, and peregrine falcons, and is a calving area for deer and elk. The NW portion of the proposed Wilderness Area has been identified by the Colorado Division of Wildlife as one of ten trophy big game areas in the state. A sensitive plant species also occurs in the unit.

Recreation: Because it lacks any large lakes or 14,000-foot peaks, there has been little recreational tourism in the area. This has allowed it to retain great capability for solitude and challenge. The gently rolling terrain on its 18-mile ridge makes Red Table Mountain one of the greatest moderate ridge hikes in the Rocky Mountains, with excellent 180 degree views of five Wilderness Areas. The area is popular with hunters in the fall, and some outfitters run operations here, especially on the east side.

Potential threats

Illegal motor recreation: There are areas of this unit that regularly receive illegal use by motorized vehicles, especially motorcycles. The highest concentration of such use is in the Suicide Mountain area in the northwest portion of the proposed Wilderness Area, where several crisscrossing bandit trails have been blazed steeply through the forest. Illegal snowmobile and mountain bike use also occasionally occurs.

Division of Wildlife habitat qualities, species of significance

The Red Table area is located in Eagle County and is composed of a variety of habitat types ranging from willowed riparian areas to alpine scree fields. The USFS has found the Red Table area capable and available for wilderness designation. Current management is for dispersed recreation and elk habitat. This is a large and varied area which has multiple habitat types from mountain shrub, pinon-juniper, aspen, spruce fir and Douglas fir. Numerous cirque lakes are found below the ridge of Red Table Mountain. Access is currently available through the area which allows dispersal of big game hunters, high quality hunting experiences, and a harvest to help meet population management objectives.

Outreach results

The boundaries of this proposal area have been modified to accommodate continued use of a popular snowmobile area, ensure access to communications installations, allow operation and future expansion of essential municipal water supply facilities accommodate the Town of Gypsum, and for a stream gauge used to implement existing water rights. See attachments for details.

Continuing discussions

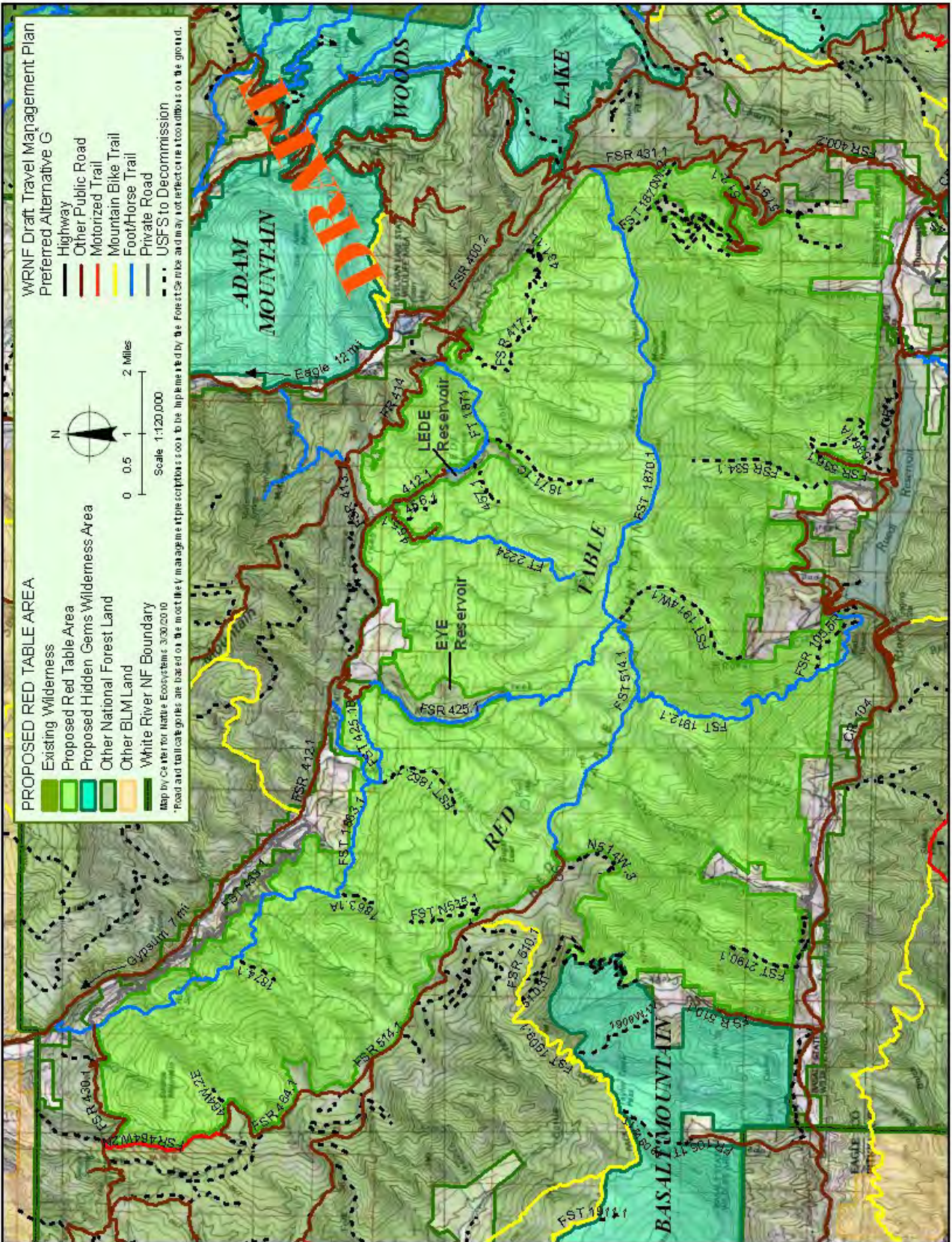
Currently, the Colorado Army National Guard High Altitude Aviation Training Site (HAATS) conducts military helicopter training operations over Red Table Mountain. These operations are an important element in preparing troops for military action. Hidden Gems Campaign respects the HAATS program's contribution both to local communities and to national security. The Hidden Gems Campaign is committed to securing strong and enduring protection for the wildland features of Red Table Mountain, in a manner that ensures the continued operation of the important HAATS program.

In addition, conversations continue over possible boundary adjustments for bicycling, and about possible additional accommodations for municipal watershed management.

Other Information

The USFS has recommended 49,848 acres of the Red Table Roadless Area to become a designated Wilderness Area, and is currently managing it as such. The Hidden Gems Campaign has identified an additional 14,085 roadless acres to be included in the proposed Red Table Wilderness Area.

(See map on following page)





the
Hidden Gems
wilderness proposal
ATTACHMENTS

**Values of and Threats to the
Hidden Gems Wilderness Proposal Areas in the 2nd Congressional District**

Proposal Area	Values	Threats
Acorn Creek	Low-elevation habitat; high-biodiversity; high-connectivity; back-country hunting	Logging; motorized recreation
Adam Mountain	High-connectivity; back-country hunting	Logging; ski area development
Basalt Mountain	Under-represented ecosystem in existing protected areas; high-biodiversity; high-connectivity; low-elevation habitat	Logging; motorized recreation
Bull Gulch	Outstanding geologic, natural, scenic or quiet recreational characteristics; under-represented ecosystem in existing protected areas; high-biodiversity; low-elevation habitat	No significant
Castle Peak	Outstanding geologic, natural, scenic or quiet recreational characteristics; low-elevation habitat	No significant
Corral Creek	High-connectivity	Motorized recreation
Crazy Horse Creek	Low-elevation habitat; under-represented ecosystem in existing protected areas; back-country hunting; high-connectivity	Logging; motorized recreation
Elliot Ridge	High-biodiversity; high-connectivity; back-country hunting	Logging; motorized recreation; privatization of public land
Freeman Creek	Under-represented ecosystem in existing protected areas; high-biodiversity	Logging
Homestake	High-connectivity; high-biodiversity	Logging
Hoosier Ridge	High-connectivity; high-biodiversity; outstanding geologic, natural, scenic or quiet recreational characteristics	Motorized recreation; in-holding development

Lower Piney	Under-represented ecosystem in existing protected areas; high-biodiversity; core habitat; high-connectivity; back-country hunting	Logging; motorized recreation
No Name	Outstanding geologic, natural, scenic or quiet recreational characteristics; back-country hunting	Logging; motorized recreation
Pisgah Mountain	Under-represented ecosystem in existing protected areas; high-connectivity; low-elevation habitat	Oil and gas development; motorized recreation
Porcupine Gulch	High-connectivity; outstanding geologic, natural, scenic or quiet recreational characteristics	Logging
Ptarmigan A	High-biodiversity	Logging
Red Table	Under-represented ecosystem in existing protected areas; High-biodiversity; core habitat; low-elevation habitat; outstanding geologic, natural, scenic or quiet recreational characteristics; back-country hunting	Logging; motorized recreation
Spraddle Creek	High-biodiversity; high-connectivity	Logging; motorized recreation
Tenmile	High-biodiversity; outstanding geologic, natural, scenic or quiet recreational characteristics	Mining;
Ute Pass	Low-elevation habitat; high-biodiversity; high-connectivity; back-country hunting	Logging; motorized recreation
West Lake Creek	Back-country hunting	Motorized recreation; development on adjacent private lands
Williams Fork	High-biodiversity; high-connectivity; outstanding geologic, natural, scenic or quiet recreational characteristics; back-country hunting	Motorized recreation
Woods Lake	High-biodiversity; high-connectivity; outstanding geologic, natural, scenic or quiet recreational characteristics	Logging; motorized recreation

**Forest Service and BLM Values of Areas within the
Hidden Gems Wilderness Proposal in the 2nd Congressional District**

Proposal Area	Forest Service and BLM Values
Acorn Creek/Ute Pass	Not inventoried by the Forest Service.
Adam Mountain	High opportunity to experience solitude; winter range for elk; remarkable for its lack of recreational use and development; retaining a primeval and natural character.
Basalt Mountain	Winter range for bighorn sheep; elk calving grounds; good opportunities for primitive and non-mechanized recreation.
Bull Gulch	Outstanding opportunities for solitude; outstanding opportunities for primitive and unconfined types of recreation; unique geologic formations; wide range of wildlife.
Castle Peak	Outstanding opportunities for solitude; outstanding opportunities for primitive and unconfined types of recreation; outstanding scenic and ecologic values.
Corral Creek	Critical winter habitat for bighorn sheep and mountain goats; habitat for Colorado River cutthroat trout.
Crazy Horse Creek	Not inventoried by the Forest Service.
Elliot Ridge	High opportunity to experience solitude year-round.
Freeman Creek	High opportunity to experience adventure and self-reliance; an open natural appearance that is free from development; retains its natural character.
Homestake	Critical winter habitat for elk and deer; high opportunity to experience solitude year-round.
Hoosier Ridge	High opportunity to experience solitude; excellent opportunities for scientific and educational values; many opportunities for primitive hiking and camping.
Lower Piney	Excellent opportunities for solitude; critical winter and summer big game range; Piney River is eligible for Wild and Scenic status.
No Name	Critical winter habitat for bighorn sheep; high opportunity to experience solitude year-round; opportunities for primitive, non-mechanized recreation.
Pisgah Mountain	The imprint of man is substantially unnoticeable; opportunities for sightseeing, photography, hunting,

	and river rafting.
Porcupine Gulch	Excellent mountain goat habitat; habitat for the endangered boreal toad.
Ptarmigan A	Potential wolverine habitat; excellent winter range for elk and deer; high opportunity to experience solitude.
Red Table	Excellent opportunities for solitude; summer and winter range for elk and bighorn sheep; elk calving area; high opportunity for primitive, non-mechanized recreation.
Spraddle Creek	Elk calving area.
Tenmile	High opportunity to experience solitude; potential lynx habitat; high opportunity to experience adventure and self-reliance.
West Lake Creek	Summer range for deer and elk; moderate opportunities for solitude.
Williams Fork	High opportunity for solitude; excellent winter range for big game.
Woods Lake	Has the same “feel” as adjacent wilderness; rare karst topography and caves.

Sources: *BLM Intensive wilderness Inventory, November 1980.*

Hidden Gems Boundary Adjustments by Area

The following table documents the adjustments made to the Hidden Gems Wilderness Proposal between 2006 and 2010. This table is organized to represent the changes made area-by-area, which are listed alphabetically in the first column on the left labeled “Proposal Area.”

Through four years of work and outreach, the Hidden Gems Wilderness Proposal for Summit and Eagle Counties has been amended 86 times, either at the behest of interested parties or ahead of time by Hidden Gems organizers as a result of detailed fieldwork. On two occasions, the requests involved adding lands to the proposal.

In all, 97,341 acres have been removed from proposal in Summit and Eagle Counties, representing nearly one-third of the original landscape contemplated for wilderness designation. These adjustments, as the table indicates, were made through a thorough and extensive program of stakeholder and user outreach.

Glossary of Referenced Organizations

CDOT: Colorado Department of Transportation.

Eagle Co. Mid-Valley Trails Committee: A county-appointed advisory committee that makes recommendations on trail development and maintenance in the portion of Eagle County located in the Roaring Fork Valley.

ECO Trails: An advisory board appointed by the Eagle County Commissioners that makes recommendations on trail development and maintenance in Eagle County.

Fryingpan Caucus: A neighborhood caucus in the upper Fryingpan River Valley in Pitkin County.

Roaring Fork Mountain Bike Association: A local mountain bike advocacy group based in the Roaring Fork Valley.

Summit Fat Tire Society: A local mountain bike advocacy group based in Summit County.

Summit Wildfire Council: A multi-agency task force that coordinates and plans for wildfire management in Summit County. It includes representatives from local fire departments, county administration, county open space, USFS, Colorado State Forest Service and local municipalities.

White River Forest Alliance: An organization that represents motorized recreation clubs on matters concerning access in the White River National Forest.

Vail Pass Task Force: A nonprofit citizen group based in Vail that works with the USFS to manage recreation and access on public lands in Vail Pass.

Proposal Area	Type of Adjustment	Boundary Adjustment	Acres Removed or Added (acres/% of existing area)	Adjustment Made Following Input Concerning:	Input Received From:	Date Adjustment was Made
Acorn Creek	Internal decision	Align boundary to WRNF utility corridor	53 acres removed/4.7%	Conformity with WRNF management prescriptions		7/1/08
Acorn Creek	Wildfire	600-foot setback from private land	148 acres removed/13%	Wildfire mitigation/ firefighting needs	Summit County Wildfire Council	1/20/10
Adam Mountain	Bicycles	Southern 1/3 of area removed	3,779 acres removed/36%	Sneve Gulch Trail 1872.1 open to Mountain bikes	ECO Trails	9/1/08
Basalt Mountain	Bicycles; Motorized recreation	Remove Basalt Mtn. IRA A from proposal	12,900 acres removed/49%	Mountain bikes, snowmobile, motorcycle use	Recreational users	6/1/06
Basalt Mountain	Bicycles; Motorized recreation	Cherrystem Trails 524.ID, 1937W.1	14 acres removed/0.1%	ATVs and mountain bikes	Roaring Fork Mountain Bike Association	6/1/09
Basalt Mountain	Bicycles	Move NW Boundary S of 524.IC	175 acres removed/1.4%	To allow for future mountain bike trail to ElJebel	ECO Trails	7/1/09
Basalt Mountain	Adjacent Land-owner/Outfitter	Remove area south of Kelly Lake Ranch	105 acres removed/0.7%	Rancher access to private land south of National Forest	Landowner	8/1/09

Castle Peak	Water	Area along middle of N boundary	474 acres removed/3%	Active ditch and service road	Water user	6/1/08
Castle Peak	Adjacent Landowner/Outfitter	Area along middle of N boundary	154 acres removed/1%	Outfitter access to hunting cabin	Outfitter	12/8/09
Castle Peak	Agriculture	Small area on SW boundary	35 acres removed/0.2%	Rancher access to stock ponds	Rancher	12/8/09
Castle Peak	Adjacent Landowner/Outfitter	Right of Way to cabin near SW boundary	54 acres removed/0.3%	Established right of way	Cabin owners	3/23/10
Castle Peak	Adjacent Landowner/Outfitter	Lands added on NE corner	1,229 acres ADDED/ 6.5%	Wilderness-quality lands	Landowner	3/15/10
Chicago Ridge	Motorized recreation	Remove entire area	9,141 acres removed/100%	Cat Skiing, snowmobiling	USFS, locals	3/1/07
Corral Creek	Internal decision	Powerline south of Officers' Gulch	174 acres removed/5.6%	Cartographic boundary check		6/1/09
Corral Creek	Internal decision	Gore Creek Campground	5 acres removed/0.2%	Cartographic boundary check		6/1/09
Corral Creek	Transportation	Specific area setback from I-70	159 acres removed/5.1%	Highway maintenance needs	CDOT	1/20/10

Proposal Area	Type of Adjustment	Boundary Adjustment	Acres Removed or Added (acres/% of existing area)	Adjustment Made Following Input Concerning:	Input Received From:	Date Adjustment was Made
Elliot Ridge	Internal decision	Hoaglund Reservoir #1	19 acres removed/0.4%	Cartographic boundary check		3/1/09
Elliot Ridge	Water	Guthrie Thomas Ditch	27 acres removed/0.5%	Ditch maintenance	State water board	3/3/10
Freeman Creek	Adjacent Land-owner/Outfitter	Remove eastern end of proposal	80 acres removed/6%	New private access road	Hidden Gems field inventory	8/1/09
Freeman Creek	Adjacent Land-owner/Outfitter	Remove quarter section in SW	32 acres removed/2%	Potential land swap	Adjacent landowner	12/9/09
Freeman Creek	Adjacent Land-owner/Outfitter	Extend boundary south to Rd 701.1 with standard setbacks	162 acres ADDED/13%	Wilderness quality	Addition at request of adjacent landowner	2/1/10
Freeman Creek	Bicycles	Wider buffer along SE boundary	124 acres removed/8%	Future bike trail development	ECO Trails	3/5/10

Homestake	Internal decision	Setback for powerline on US 24	20 acres removed/0.5%	Cartographic boundary check		10/1/08
Homestake	Water	Raise west boundary to 9,200' level for potential reservoir	886 acres removed/20%	Future water development	State water board	3/1/10
Homestake	Motorized recreation	Dispersed camping, parking area on ridge	30 acres removed/0.7%	Existing use	Local residents	12/1/09
Hoosier Ridge	Motorized recreation	Mount Argentine	2,196 acres removed/28%	Motorized recreation area	Recreational users	7/1/07
Hoosier Ridge	Bicycles	N354.I, N362.I bike trails in NW of area	240 acres removed/3%	Future trail development	Summit Fat Tire Society	6/1/09
Hoosier Ridge	Transportation	Hoosier Pass Communication Site	60 acres removed/0.7%	Access to infrastructure	Communications authorities	9/1/09
Hoosier Ridge	Bicycles	Bemrose Ski Circus Trails 72W.I, N358.I, N359.I	208 acres removed/2.7%	WRNF Travel Plan, mountain bike access	Summit Fat Tire Society	11/1/09
Hoosier Ridge	Wildfire	Set boundary to WUI S to Bemrose Trail	1,068 acres removed/14%	Wildfire mitigation/firefighting needs	Summit County Wildfire Council	1/20/10

Proposal Area	Type of Adjustment	Boundary Adjustment	Acres Removed or Added (acres/% of existing area)	Adjustment Made Following Input Concerning:	Input Received From:	Date Adjustment was Made
Lower Piney	Motorized recreation	High Trail Gulch Road	140 acres removed/0.5%	Hunting season access to N end Piney Ridge	Colorado Division of Wildlife	6/1/09
Lower Piney	Motorized recreation	Rock Creek Park Area	2471 acres removed/8.8%	Snowmobile use	Snowmobiler input	3/8/10
Pisgah Mountain	Motorized recreation	Remove areas from S side to exclude open roads	931 acres removed/6%	Actual use of routes	BLM	3/1/09
Pisgah Mountain	Adjacent Land-owners/Outfitters	Remove area near river to allow landowner access	42 acres removed/0.2%	Access to private land	Adjacent Landowners	1/20/10
Pisgah Mountain	Internal decision	Remove Colorado River	142 acres removed/1%	Cartographic boundary check		1/20/10
Porcupine Gulch	Transportation	Area between I-70 and Straight Creek	305 acres removed/3%	Need for maintenance in and along creek	Town of Dillon, CDOT	3/1/07
Porcupine Gulch	Transportation	Maintenance area around W tunnel portal	32 acres removed/0.3%	Use by CDOT	CDOT	9/1/08

Porcupine Gulch	Wildfire	Town of Dillon watershed	1,046 acres removed/10%	Need for forest and fire management	Town of Dillon	12/1/09
Porcupine Gulch	Transportation	I-70 Corridor	72 acres removed/0.7%	I-70 right of way,	CDOT	1/26/10
Ptarmigan A	Internal decision	Utility Corridor	148 acres removed/3.2%	Conformity with WRNF management prescriptions		7/1/08
Ptarmigan A	Bicycles	Ptarmigan Bike Loop	696 acres removed/15%	WRNF Travel Management Plan, actual use	Summit Fat Tire Society	9/1/09
Ptarmigan A	Transportation	Remove Portion Along I-70	713 acres removed/16%	Future highway expansion and watershed access	CDOT and Town of Dillon	1/20/10
Ptarmigan A	Wildfire	Boundary in N Central 600 feet from private land and S Central to WUI	651 acres removed/14%	Wildfire mitigation/firefighting needs	Summit County Wildfire Council	1/20/10

Red Table	Internal decision	Remove parts of powerlines on N side	36 acres removed/<0.1%	Cartographic boundary check		3/1/08
Red Table	Water	Ditch access on Ruedi Creek	9 acres removed/<0.1%	Maintenance needs	Land and Water rights owner	2/10/09
Red Table	Motorized recreation	Lime Park Snowmobile Play Area	36 acres removed/<0.1%	Snowmobile use	Fryingpan Caucus	6/1/09
Red Table	Water;Wildfire	LEDE Reservoir Antones Creek Ditch	205 acres removed/0.3%	Water rights and development plans	Town of Gypsum	9/1/09
Red Table	Motorized recreation	Gypsum Creek Snowmobile Play Area	87 acres removed/0.1%	Snowmobile use	Fryingpan Caucus	9/1/09
Red Table	Internal decision	Remove parts of powerlines on S side	46 acres removed/<0.1%	Cartographic boundary check		11/1/09
Red Table	Bicycles	Section of bike trail near Basalt	27 acres removed/<0.1%	Existing bike trail	Eagle Co. RFV trail committee	11/1/09
Red Table	Water; Wildfire	Proposed Eye Lake Reservoir	624 acres removed/1%	Water rights and development plans	Town of Gypsum	1/20/10
Red Table	Water	Water source for Mosher Ditch	32 acres removed/<0.1%	Water rights and development plans	Town of Gypsum	2/26/10
Red Table	Motorized recreation	Area along top of western ridge	560 acres removed/0.9%	Snowmobile use	White River Forest Alliance	3/8/10

Proposal Area	Type of Adjustment	Boundary Adjustment	Acres Removed or Added (acres/% of existing area)	Adjustment Made Following Input Concerning:	Input Received From:	Date Adjustment was Made
Spraddle Creek	Bicycles	Son of Middle Creek Trail 2136.1	670 acres removed/6.6%	Established mountain bike use	ECO Trails	6/1/07
Spraddle Creek	Motorized recreation	Area between Roads 786.1 and 786.1A	77 acres removed/0.8%	Snowmobile route along 786.1	Snowmobiler input	12/1/09
Salt Creek	Bicycles; Motorized recreation	Area between Adam Mtn. and W. Lake Creek	10,664 acres removed/100%	Multiple-types of recreation use	Recreational users	6/1/06
Tenmile	Bicycles	N half of range & E edge of southern roadless area for Wheeler Trail	12,592 acres removed/45%	Critical role of Wheeler trail mountain biking in local recreation scheme	Mountain Bikers	1/1/07
Tenmile	Bicycles	Crystal Lake Road 803.1	68 acres removed/0.2%	Mountain bike route	Summit Fat Tire Society	3/1/07
Tenmile	Adjacent Land-owners/Outfitters	Humbug Gulch Road 1178.1	77 acres removed/0.2%	Special use permit	WRNF Travel Management Plan	3/1/07

Tenmile	Bicycles	Old RR Grade N351.1	353 acres removed/1.3%	Mountain bike route, utility corridor	Summit Fat Tire Society	7/1/07
Tenmile	Water	Colorado Springs Water Rights	556 acres removed/2%	Colorado Springs reservoir rights and plans	City of Colorado Springs	11/1/09
Tenmile	Transportation	Specific area setback from CO 91	99 acres removed/0.3%	Highway maintenance needs	CDOT	1/20/10
Ute Pass	Transportation	Gravel Pit along Ute Pass Road CR 15	6.6 acres removed/0.2%	Active use of pit area	Transportation authorities	7/1/09
Ute Pass	Wildfire	200 foot setback from private land	84 acres removed/3%	Wildfire mitigation/firefighting needs	Summit County Wildfire Council	1/20/10
West Lake Creek	Bicycles	Remove area N of trail 1866 and proposed trail extension to the west	180 acres removed/5%	Mountain bike access to Salt Creek area	ECO Trails	12/4/09
Williams Fork	Internal decision	Utility Corridor on east side	403 acres removed/3.8%	Conformity with WRNF management prescriptions		7/1/08
Williams Fork	Adjacent Land-owners/Outfitters	Ranch Access at South end	172 acres removed/1.6%	Special use permit for access	Adjacent landowners	7/1/09
Williams Fork	Bicycles; Motorized recreation	Mumford Gulch Loop Route	1,000 acres removed/9.5%	Current and anticipated recreation needs	Summit Fat Tire Society	8/10/09

Proposal Area	Type of Adjustment	Boundary Adjustment	Acres Removed or Added (acres/% of existing area)	Adjustment Made Following Input Concerning:	Input Received From:	Date Adjustment was Made
Williams Fork	Transportation	Powerline at N end	55 acres removed/0.5%	Administrative access along line	Transportation authorities	9/20/09
Williams Fork	Transportation	Specific area setback from CO 9	315 acres removed/3%	Highway maintenance needs	CDOT	1/20/10
Williams Fork	Wildfire	200 foot setback from private land	186 acres removed/1.8%	Wildfire mitigation/firefighting needs	Summit County Wildfire Council	1/20/10
Woods Lake	Bicycles	Tellurium-Slim Jim mtn bike loop	1351 acres removed/9%	Mountain bike tour use	Mountain Bikers	1/1/07
Woods Lake	Internal decision	Powerline	131 acres removed/1%	Cartographic boundary check		6/1/09
Woods Lake	Motorized recreation	Lime Park Snowmobile Play Area	181 acres removed/1.2%	Snowmobile use	Fryingpan Caucus	6/1/09
Woods Lake	Adjacent Land-owners/Outfitters; Water	Area around major in-holding	900 acres removed/6%	Existing use and hydro facility around private in-holding	Landowners	8/10/09
Woods Lake	Motorized recreation	Cherrystem on Craig Peak Rd 646.1	30 acres removed/0.3%	Snowmobile use; hunting access	Fulford homeowners	12/1/09
Woods Lake	Water	Access to Fulford water supply	7 acres removed/0%	Town water source	Fulford homeowners	12/1/09
Woods Lake	Motorized recreation	Land along New York Mtn Rd	66 acres removed/0.5%	Snowmobile use	Snowmobiler Input	12/1/09
Woods Lake	Bicycles	Corridor on Ironedge Trail 1873.1	34 acres removed/0.3%	Current bike use and future need	ECO Trails	12/4/09

Hidden Gems Boundary Adjustments by Adjustment Type

The following table documents the adjustments made to the Hidden Gems Wilderness Proposal between 2006 and 2010. This table is organized by adjustment type, represented in the second column from the left labeled “Type of adjustment.”

Type of adjustment refers to the purpose for which it was made. For example, “Adjacent Landowner/Outfitter” thus refers to adjustments made to accommodate the needs of those people; and “Water” refers to changes made to accommodate existing water rights, current and future needs of water utilities and/or existing water diversion projects, etc.

Over nearly four years, the Hidden Gems Wilderness Proposal has been adjusted 86 times, resulting in the removal of 97,341 acres, or nearly one-third of the original landscape contemplated for wilderness designation in Summit and Eagle Counties. The short table below gives an overall picture of the adjustments made to accommodate various stakeholders and user groups.

Type of adjustment	Number of such adjustments	Acres removed as a result of that type
Adjacent Landowner/Outfitter	10	1,778
Agriculture	1	35
Bicycle	19	45,189
Internal Decision	14	1,800
Motorized recreation	19	60,872
Transportation	10	1,817
Water	11	8,446
Wildfire Management	6	3,183

As the table indicates, these adjustments were made through a thorough and extensive program of stakeholder outreach. In all, 86 adjustments, including 2 additions, were made either at the behest of interested parties or ahead of time by Hidden Gems organizers as a result of detailed field work.

Glossary of Referenced Organizations

CDOT: Colorado Department of Transportation.

Eagle Co. Mid-Valley Trails Committee: A county-appointed advisory committee that makes recommendations on trail development and maintenance in the portion of Eagle County located in the Roaring Fork Valley.

ECO Trails: An advisory board appointed by the Eagle County Commissioners that makes recommendations on trail development and maintenance in Eagle County.

Fryingpan Caucus: A neighborhood caucus in the upper Fryingpan River Valley in Pitkin County.

Roaring Fork Mountain Bike Association: A local mountain bike advocacy group based in the Roaring

Fork Valley.

Summit Fat Tire Society: A local mountain bike advocacy group based in Summit County.

Summit Wildfire Council: A multi-agency task force that coordinates and plans for wildfire management in Summit County. It includes representatives from local fire departments, county administration, county open space, USFS, Colorado State Forest Service and local municipalities.

White River Forest Alliance: An organization that represents motorized recreation clubs on matters concerning access in the White River National Forest.

Vail Pass Task Force: A nonprofit citizen group based in Vail that works with the USFS to manage recreation and access on public lands in Vail Pass.

Type of Adjustment	Proposal Area	Boundary Adjustment	Acres Removed or Added (acres/% of existing area)	Adjustment Made Following Input Concerning:	Input Received From:	Date Adjustment was Made
Adjacent Landowner/Outfitter	Basalt Mountain	Remove area south of Kelly Lake Ranch	105 acres removed/0.7%	Rancher access to private land South of National Forest	Landowner	8/1/09
Adjacent Landowner/Outfitter	Castle Peak	Area along middle of N boundary	154 acres removed/1%	Outfitter access to hunting cabin	Outfitter	12/8/09
Adjacent Landowner/Outfitter	Castle Peak	Right of Way to cabin near SW boundary	54 acres removed/0.3%	Established right of way	Cabin owners	3/23/10
Adjacent Landowner/Outfitter	Castle Peak	Lands added on NE corner	1,229 acres ADDED/6.5%	Wilderness-quality lands	Landowner	3/15/10
Adjacent Landowner/Outfitter	Freeman Creek	Remove eastern end of proposal	80 acres removed/6%	New private access road	Hidden Gems field inventory	8/1/09
Adjacent Landowner/Outfitter	Freeman Creek	Remove quarter section in SW	32 acres removed/2%	Potential land swap	Adjacent landowner	12/9/09
Adjacent Landowner/Outfitter	Freeman Creek	Extend boundary south to Rd 701.1 with standard setbacks	162 acres ADDED/13%	Wilderness quality	Adjacent landowner	2/1/10
Adjacent Landowner/Outfitter	Pisgah Mountain	Remove area near river to give landowner access	42 acres removed/0.2%	Access to private land	Adjacent Landowners	1/20/10

Type of Adjustment	Proposal Area	Boundary Adjustment	Acres Removed or Added (acres/% of existing area)	Adjustment Made Following Input Concerning:	Input Received From:	Date Adjustment was Made
Adjacent Landowner/Outfitter	Tenmile	Humbug Gulch Road 1178.1	77 acres removed/0.2%	Travel check showed special use permit	WRNF Travel Management Plan	3/1/07
Adjacent Landowner/Outfitter	Williams Fork	Ranch Access at South end	172 acres removed/1.6%	Special use permit for access	Adjacent landowners	7/1/09
Adjacent Landowner/Outfitter; Water	Woods Lake	Area around major in-holding	900 acres removed/6%	Existing use and hydro facility around private in-holding	Landowners	8/10/09
Agriculture	Castle Peak	Small area on SW boundary	35 acres removed/0.2%	Rancher access to stock ponds	Rancher	12/8/09
Bicycles	Adam Mountain	Southern 1/3 of area removed	3,779 acres removed/36%	Sneve Gulch Trail 1872.1 open to Mountain bikes	ECO Trails	9/1/08
Bicycles	Basalt Mountain	Move NW Boundary S of 524.1C	175 acres removed/1.4%	Allow for future mountain bike trail to El Jebel	ECO Trails	7/1/09
Bicycles	Freeman Creek	Wider buffer along SE boundary	124 acres removed/8%	Future bike trail development	ECO Trails	3/5/10
Bicycles	Hoosier Ridge	N354.1, N362.1 bike trails in NW of area	240 acres removed/3%	Future trail development	Summit Fat Tire Society	6/1/09

Bicycles	Hoosier Ridge	Bemrose Ski Circus Trails 72W.1, N358.1, N359.1	208 acres removed/2.7%	WRNF Travel Plan, mountain bike access	Summit Fat Tire Society	11/1/09
Bicycles	Ptarmigan A	Ptarmigan Bike Loop	696 acres removed/15%	WRNF Travel Management Plan, current use	Summit Fat Tire Society	9/1/09
Bicycles	Ptarmigan Ridge	Wilder Gulch Trail 75.1	114 acres removed/0%	Mountain bike use	Vail Pass Task Force	10/1/06
Bicycles	Red Table	Section of bike trail near Basalt	27 acres removed/<0.1%	Existing bike trail	Eagle Co RFV trail committee	11/1/09
Bicycles	Spraddle Creek	Son of Middle Creek Trail 2136.1	670 acres removed/6.6%	Established mountain bike use	ECO Trails	6/1/07
Bicycles	Tenmile	N half of range & E edge of southern roadless area for Wheeler Trail	12,592 acres removed/45%	Critical role of Wheeler Trail to mountain biking	Mountain Bikers	1/1/07
Bicycles	Tenmile	Crystal Lake Road 803.1	68 acres removed/0.2%	Mountain bike route	Summit Fat Tire Society	3/1/07
Bicycles	Tenmile	Old RR Grade N351.1	353 acres removed/1.3%	Mountain bike route, utility corridor	Summit Fat Tire Society	7/1/07
Bicycles	West Lake Creek	Remove area N of trail 1866 and proposed trail extension to the west	180 acres removed/5%	Mountain bike access to Salt Creek area	ECO Trails	12/4/09

Type of Adjustment	Proposal Area	Boundary Adjustment	Acres Removed or Added (acres/% of existing area)	Adjustment Made Following Input Concerning:	Input Received From:	Date Adjustment was Made
Bicycles	Woods Lake	Tellurium-Slim Jim mtn bike loop	1,351 acres removed/9%	Mountain bike tour use	Mountain Bikers	1/1/07
Bicycles	Woods Lake	Corridor on Ironedge Trail 1873.1	34 acres removed/0.3%	Current bike use and future need	ECO Trails	12/4/09
Bicycles; Motorized recreation	Basalt Mountain	Remove Basalt Mtn. IRA A from proposal	12,900 acres removed/49%	Mountain bikes, snowmobiles, motorcycles use	Recreational users	6/1/06
Bicycles; Motorized recreation	Basalt Mountain	Cherry-stem Trails 524.ID, 1937W.1	14 acres removed/0.1%	ATVs and mountain bikes	Roaring Fork Mountain Bike Assoc.	6/1/09
Bicycles; Motorized recreation	Salt Creek	Area between Adam Mtn. and W. Lake Creek	10,664 acres removed/100%	Multiple types of recreation use	Recreational users	6/1/06
Bicycles; Motorized recreation	Williams Fork	Mumford Gulch Loop Route	1,000 acres removed/9.5%	Current and anticipated recreation needs	Summit Fat Tire Society	8/10/09
Bicycles; Water	Ptarmigan Ridge	Remove areas on E & S for Mountain bikes on Colorado Trail; also for water rights in S part	4,726 acres removed/19%	Existing trail use and water rights	State water board; mountain bikers	6/1/06

Internal Decision	Acorn Creek	Align boundary to WRNF utility corridor	53 acres removed/4.7%	Conformity with WRNF management prescriptions	7/1/08
Internal Decision	Corral Creek	Powerline south of Officers' Gulch	174 acres removed/5.6%	Cartographic boundary check	6/1/09
Internal Decision	Corral Creek	Gore Creek Campground	5 acres removed/0.2%	Cartographic boundary check	6/1/09
Internal Decision	Elliot Ridge	Hoaglund Reservoir #1	19 acres removed/0.4%	Cartographic boundary check	3/1/09
Internal Decision	Homestake	Setback for powerline on US 24	20 acres removed/0.5%	Cartographic boundary check	10/1/08
Internal Decision	Pisgah Mountain	Remove Colorado River	142 acres removed/1%	Cartographic boundary check	1/20/10
Internal Decision	Ptarmigan A	Utility Corridor	148 acres removed/3.2%	Conformity with WRNF management prescriptions	7/1/08
Internal Decision	Red Table	Remove parts of powerlines on N & S sides	484 acres removed/0.75%	Cartographic boundary check	3/1/07
Internal Decision	Red Table	Short section private Ruedi Creek Road	3 acres removed/<0.1%	Cartographic boundary check	3/1/07
Internal Decision	Red Table	Open start of Red Cr Rd 425.1	136 acres removed/0.2%	Conform boundary to WRNF Forest & Travel Management Plans	3/1/07
Internal Decision	Red Table	Remove parts of powerlines on N side	36 acres removed/<0.1%	Cartographic boundary check	3/1/08

Type of Adjustment	Proposal Area	Boundary Adjustment	Acres Removed or Added (acres/% of existing area)	Adjustment Made Following Input Concerning:	Input Received From:	Date Adjustment was Made
Internal Decision	Red Table	Remove parts of powerlines on S side	46 acres removed/0%	Cartographic boundary check		11/1/09
Internal Decision	Williams Fork	Utility Corridor on east side	403 acres removed/3.8%	Conformity with WRNF management prescriptions		7/1/08
Internal Decision	Woods Lake	Powerline	131 acres removed/1%	Cartographic boundary check		6/1/09
Motorized recreation	Chicago Ridge	Remove entire area	9,141 acres removed/100%	Cat Skiing, snowmobiling	USFS, locals	3/1/07
Motorized recreation	Homestake	Dispersed camping, parking area on ridge	30 acres removed/0.7%	Existing use	Local residents	12/1/09
Motorized recreation	Lower Piney	High Trail Gulch Road	140 acres removed/0.5%	Hunting season access to N end Piney Ridge	Colorado Division of Wildlife	6/1/09
Motorized recreation	Lower Piney	Rock Creek Park Area	2471 acres removed/8.8%	Snowmobile use	Snowmobiler input	3/8/10
Motorized recreation	Hoosier Ridge	Mount Argentine	2,196 acres removed/28%	Motorized recreation area	Recreational users	7/1/07
Motorized recreation	Ptarmigan Ridge	Vail Pass winter recreation area	2,332 acres removed/9%	Motorized recreation area	Vail Pass Task Force	6/1/06

Motorized recreation	Ptarmigan Ridge	Remaining N and S pieces of proposal	18,016 acres removed/72%	Snowmobile use	Vail Pass Task Force	3/1/07
Motorized recreation	Red Table	Lime Park Snowmobile Play Area	36 acres removed/<0.1%	Snowmobile use	Fryingpan Caucus	6/1/09
Motorized recreation	Red Table	Gypsum Creek Snowmobile play area	87 acres removed/0.1%	Snowmobile use	Fryingpan Caucus	9/1/09
Motorized recreation	Red Table	Areas along top of western ridge	560 acres removed/0.9%	Snowmobile use	White River Forest Alliance	3/8/10
Motorized recreation	Spraddle Creek	Area between Roads 786.1 and 786.1A	77 acres removed/0.8%	Snowmobile route along 786.1	Snowmobiler input	12/1/09
Motorized recreation	Woods Lake	Lime Park Snowmobile Play Area	181 acres removed/1.2%	Snowmobile use	Fryingpan Caucus	6/1/09
Motorized recreation	Woods Lake	Cherrystem on Craig Peak Rd 646.1	30 acres removed/0.3%	Snowmobile use; hunting access	Fulford homeowners	12/1/09
Motorized recreation	Woods Lake	Land along New York Mtn Rd	66 acres removed/0.5%	Snowmobile use	Snowmobiler input	12/1/09
Motorized recreation	Pisgah Mountain	Remove areas from S side to exclude open roads	931 acres removed/6%	Motorized recreation	BLM	3/1/09
Motorized recreation; Bicycles	Basalt Mountain	Remove Basalt Mtn. IRA A from proposal	12,900 acres removed/49%	Mountain bikes, snowmobiles, motorcycles use	Recreational users	6/1/06

Type of Adjustment	Proposal Area	Boundary Adjustment	Acres Removed or Added (acres/% of existing area)	Adjustment Made Following Input Concerning:	Input Received From:	Date Adjustment was Made
Motorized recreation; Bicycles;	Basalt Mountain	Cherry-stem Trails 524.ID, 1937W.I	14 acres removed/0.1%	ATVs and mountain bikes	Roaring Fork Mountain Bike Assoc.	6/1/09
Motorized recreation; Bicycles	Salt Creek	Area between Adam Mtn. and W. Lake Creek	10,664 acres removed/100%	Multiple types of recreation use	Recreational users	6/1/06
Motorized recreation; Bicycles	Williams Fork	Mumford Gulch Loop Route	1,000 acres removed/9.5%	Current and anticipated recreation needs	Summit Fat Tire Society	8/10/09
Transportation	Corral Creek	Specific area setback from I-70	159 acres removed/5.1%	Highway maintenance needs	CDOT	1/20/10
Transportation	Hoosier Ridge	Hoosier Pass Communication Site	60 acres removed/0.7%	Access to infrastructure	Communications authorities	9/1/09
Transportation	Porcupine Gulch	Area between I-70 and Straight Creek	305 acres removed/3%	Need for maintenance in and along creek	Town of Dillon, CDOT	3/1/07
Transportation	Porcupine Gulch	Maintenance area around W tunnel portal	32 acres removed/0.3%	Use by CDOT	CDOT	9/1/08
Transportation	Porcupine Gulch	I-70 Corridor	72 acres removed/0.7%	I-70 Right of Way	CDOT	1/26/10

Transportation	Ptarmigan A	Remove Portion Along I-70	713 acres removed/16%	Future highway expansion and watershed access	CDOT and Town of Dillon	1/20/10
Transportation	Tenmile	Specific area setback from CO 91	99 acres removed/0.3%	Highway maintenance needs	CDOT	1/20/10
Transportation	Ute Pass	Gravel Pit along Ute Pass Road CR 15	6.6 acres removed/0.2%	Active use of pit area	Transportation authorities	7/1/09
Transportation	Williams Fork	Powerline at N end	55 acres removed/0.5%	Administrative access along powerline	Transportation authorities	9/20/09
Transportation	Williams Fork	Specific area setback from CO 9	315 acres removed/3%	Highway maintenance needs	CDOT	1/20/10
Water	Castle Peak	Area along middle of N boundary	474 acres removed/3%	Active ditch and service road	Water user	6/1/08
Water	Elliot Ridge	Guthrie Thomas Ditch	27 acres removed/0.5%	Ditch maintenance	State water board	3/3/10
Water	Homestake	Raise west boundary to 9,200' level for potential reservoir	886 acres removed/20%	Future water development	State water board	3/1/10
Water	Red Table	Ditch access on Ruedi Creek	9 acres removed/<0.1%	Maintenance needs	Land and Water rights owner	2/10/09
Water	Red Table	Water source for Mosher Ditch	32 acres removed/<0.1%	Water rights and development plans	Town of Gypsum	2/26/10

Type of Adjustment	Proposal Area	Boundary Adjustment	Acres Removed or Added (acres/% of existing area)	Adjustment Made Following Input Concerning:	Input Received From:	Date Adjustment was Made
Water	Tenmile	Colorado Springs Water Rights	556 acres removed/2%	Colorado Springs reservoir water rights and plans	City of Colorado Springs	11/1/09
Water	Woods Lake	Access to Fulford water supply	7 acres removed/0%	Town water source	Fulford homeowners	12/1/09
Water; Adjacent Landowners/ Outfitters	Woods Lake	Area around major in-holding	900 acres removed/6%	Existing use and hydro facility around private in-holding	Landowners	8/10/09
Water, Bicycles	Ptarmigan Ridge	Remove areas on E & S for Mountain bikes on Colorado Trail; also for water rights in S part	4,726 acres removed/19%	Existing trail use and water rights	State water board; mountain bikers	6/1/06
Water; Wildfire	Red Table	LEDE Reservoir Antones Creek Ditch	205 acres removed/0.3%	Water rights and development plans	Town of Gypsum	9/1/09
Water; Wildfire	Red Table	Proposed Eye Lake Reservoir	624 acres removed/1%	Water rights and development plans	Town of Gypsum	1/20/10
Wildfire	Acorn Creek	600-foot setback from private land	148 acres removed/13%	Wildfire mitigation/ firefighting needs	Summit County Wildfire Council	1/20/10

Wildfire	Hoosier Ridge	Set boundary to WUI S to Bemrose Trail	1,068 acres removed/14%	Wildfire mitigation/ firefighting needs	Summit County Wildfire Council	1/20/10
Wildfire	Porcupine Gulch	Town of Dillon watershed	1046 acres removed/10%	Need for forest and fire management	Town of Dillon	12/1/09
Wildfire	Ptarmigan A	Boundary in N Central 600 feet from private land and S Central to WUI	651 acres removed/14%	Wildfire mitigation/ firefighting needs	Summit County Wildfire Council	1/20/10
Wildfire	Ute Pass	200-foot setback from private land	84 acres removed/3%	Wildfire mitigation/ firefighting needs	Summit County Wildfire Council	1/20/10
Wildfire; Water	Red Table	LEDE Reservoir Antones Creek Ditch	205 acres removed/0.3%	Water rights and development plans	Town of Gypsum	9/1/09
Wildfire; Water	Red Table	Proposed Eye Lake Reservoir	624 acres removed/1%	Water rights and development plans	Town of Gypsum	1/20/10

Grazing in wilderness

Reference statutes and documents

Hidden Gems Wilderness Proposal, March 2010

The Wilderness Act, 1964

16 U.S.C. 1133(d)(4), Section 4(d)(4)(2): “...the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.”

Colorado Wilderness Act, 1980

Public Law 96-560, Section 108: “The Congress hereby declares that, without amending the Wilderness Act of 1964, with respect to livestock grazing in National Forest wilderness areas, the provisions of the Wilderness Act relating to grazing shall be interpreted and administered in accordance with the guidelines contained under the heading ‘Grazing in National Forest Wilderness’ in the House Committee Report accompanying this Act.”

House Report 96-617, accompanying Colorado Wilderness Act of 1980

“Grazing in National Forest Wilderness”

1. There shall be no curtailments of grazing in wilderness areas simply because an area is, or has been designated as wilderness, nor should wilderness designations be used as an excuse by administrators to slowly ‘phase out’ grazing. Any adjustments in the numbers of livestock permitted to graze in wilderness areas should be made as a result of revisions in the normal grazing and land management planning and policy setting process, giving consideration to legal mandates, range condition, and the protection of the range resource from deterioration.
It is anticipated that the numbers of livestock permitted to graze in wilderness would remain at the approximate levels existing at the time an area enters the wilderness system. If land management plans reveal conclusively that increased livestock numbers of animal unit months (AUMs) could be made available with no adverse impact on wilderness values such as plant communities, primitive, recreation, and wildlife populations or habitat, some increases in AUMs may be permissible. This is not to imply, however, that wilderness lends itself to AUM or livestock increases and construction of substantial new facilities that might be appropriate for intensive grazing management in non-wilderness areas.
2. The maintenance of supporting facilities, existing in an area prior to its classification as wilderness (including fences, line cabins, water wells and lines, stock tanks, etc.), is permissible in wilderness. Where practical alternatives do not exist, maintenance or other activities may be accomplished through the occasional use of motorized equipment. This may include, for example, the use of backhoes to maintain stock ponds, pickup trucks for major fence repairs, or specialized equipment to repair stock watering facilities. Such occasional use of motorized equipment should be expressly authorized in the grazing permits for the area involved. The use of motorized equipment should be based on rule of practical necessity and reasonableness. For example, motorized equipment need not be allowed for the placement of small quantities of salt or other activities where such activities can reasonably and practically be accomplished on horseback or foot. On the other hand, it may be appropriate to permit the occasional use of motorized equipment to haul large quantities of salt to distribution points. Moreover, under the rule of reasonableness, occasional use of motorized equipment should be permitted where practical alternatives are not available and such use would not have significant adverse impact on the natural environment. Such motorized equipment uses will normally only be permitted in those portions of a wilderness area where they had occurred prior to the area’s designation as wilderness or are established by prior agreement.
3. The replacement or reconstruction of deteriorated facilities or improvements should not be required to be accomplished using “natural materials, unless the material and labor cost of using natural materials are such that their use would not impose unreasonable additional costs on grazing permittees.

4. *The construction of new improvements or replacement of deteriorated facilities in wilderness is permissible if in accordance with these guidelines and management plans governing the area involved. However, the construction of new improvements should be primarily for the purpose of resource protection and the more effective management of these resources rather than to accommodate increased numbers of livestock.*
5. *The use of motorized equipment for emergency purposes such as rescuing sick animals or the placement of feed in emergency situations is also permissible. The privilege is to be exercised only in true emergencies, and should not be abused by permittees.*

In summary, subject to the conditions and policies outlined in this report, the general rule of thumb on grazing management in wilderness should be that activities or facilities established prior to the date of an area's designation as wilderness should be allowed to remain in place and may be replaced when necessary for the permittee to properly administer the grazing program. Thus, if livestock grazing activities and facilities were established in an area at the time Congress determined that the area was suitable for wilderness and placed the specific area in the wilderness system, they should be allowed to continue. With respect to areas designated as wilderness prior to the date of this Act, these guidelines should not be considered as a direction to reestablish uses where such uses have been discontinued.

House Report 101-405, accompanying on the Arizona Wilderness Act of 1990 Guidelines identical to those included in the 1980 House report (for national forests) were applied to all wilderness areas managed by the Bureau of Land Management.

Wildfire and fuels in wilderness

Reference statutes and documents

Hidden Gems Wilderness Proposal, March 2010

The Wilderness Act, 1964

16 U.S.C. 1133(d)(4), Section (4)(d)(4)(i): “...In addition, such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.”

House Report 95-540, accompanying Endangered American Wilderness Act of 1978

Report excerpt: *Section 4(d)(1) of the Wilderness Act permits any measures necessary to control fire, insect outbreaks or disease in wilderness areas. This includes the use of mechanized equipment, the building of fire roads, fire towers, fire breaks or fire suppression facilities where necessary, and other techniques for fire control. In short, anything necessary for the protection of the public health or safety is clearly permissible.*

Colorado Wilderness Act of 1980

PL 96-560, Section 109: *The Secretary of Agriculture is directed to review all policies, practices, and regulations of the Department of Agriculture regarding disease or insect outbreaks, forest fires, and the use of modern suppression methods and equipment in National Forest components of the National Wilderness Preservation System in the State of Colorado, to insure that—*

- (a) such policies, practices, and regulations fully conform with and implement the intent of Congress regarding forest fire, disease and insect control, as such intent is expressed in the Wilderness Act and this Act; and*
- (b) policies, practices, and regulations are developed that will allow timely, and efficient fire, insect, and disease control, to provide, to the extent reasonably practicable, adequate protection of adjacent Federal, State, and private nonwilderness lands from forest fires and disease or insect infestations.*

Cooperative measures

Fuels reduction and fire mitigation

Hidden Gems Campaign recommends that congressional representatives clarify—in statements to Congress and communications with the U.S. Forests, Bureau of Land Management, and local officials—their intention that federal wilderness managers undertake projects and measures that ensure community safety and that reduce potential wildfire intensity.

Such projects and measures will be based in existing federal land management plans and prescriptions. For each geographic fire management unit in White River National Forest, the U.S. Forest Service maintains both fire response plans and forest management guidance documents. Those plans and guidance’s will continue to apply to lands designated as wilderness.

Fuels reduction and fire mitigation treatments therefore rely on maintaining good working relationships among Forest Service fire managers, local governments in areas near potential fire areas, and local fire protection managers. This cooperation should be exercised to a) put in place management plans and guidance’s that are responsive to local needs and b) ensure that active forest management is undertaken where needed to ensure community safety.

Water and wilderness

Reference statute and sample language

Hidden Gems Wilderness Proposal, March 2010

Colorado Wilderness Act of 1993

Public Law 103-77, Section 8:

WATER.

(a) *FINDINGS, PURPOSE, AND DEFINITION.*—(1) *Congress finds that—*

(A) *the lands designated as wilderness by this Act are located at the headwaters of the streams and rivers on those lands, with few, if any, actual or proposed water resource facilities located upstream from such lands and few, if any, opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness values of such lands; and*

(B) *the lands designated as wilderness by this Act are not suitable for use for development of new water resource facilities, or for the expansion of existing facilities; and*

(C) *therefore, it is possible to provide for proper management and protection of the wilderness value of such lands in ways different from those utilized in other legislation designating as wilderness lands not sharing the attributes of the lands designated as wilderness by this Act.*

(2) *The purpose of this section is to protect the wilderness values of the lands designated as wilderness by this Act by means other than those based on a Federal reserved water right.*

(3) *As used in this section, the term “water resource facility” means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.*

(b) *RESTRICTIONS ON RIGHTS AND DISCLAIMER OF EFFECT.*—

(1) *Neither the Secretary of Agriculture nor the Secretary of the Interior, nor any other officer, employee, representative, or agent of the United States, nor any other person, shall assert in any court or agency, nor shall any court or agency consider, any claim to or for water or water rights in the State of Colorado, which is based on any construction of any portion of this Act, or the designation of any lands as wilderness by this Act, as constituting an express or implied reservation of water or water rights.*

(2)(A) *Nothing in this Act shall constitute or be construed to constitute either an express or implied reservation of any water or water rights with respect to the Piedra, Roubideau, and Tabeguache areas identified in section 9 of this Act, or the Bowen Gulch Protection Area or the Fossil Ridge Recreation Management Area identified in sections 5 and 6 of this Act.*

(B) *Nothing in this Act shall be construed as a creation, recognition, disclaimer, relinquishment, or reduction of any water rights of the United States in the State of Colorado existing before the date of enactment of this Act, except as provided in subsection (g)(2) of this section.*

(C) *Except as provided in subsection (g) of this section, nothing in this Act shall be construed as constituting an interpretation of any other Act or any designation made by or pursuant thereto.*

(D) *Nothing in this section shall be construed as establishing a precedent with regard to any future wilderness designations.*

(c) *NEW OR EXPANDED PROJECTS.*—*Notwithstanding any other provision of law, on and after the date of enactment of this Act neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the areas described in sections 2, 5, 6, and 9 of this Act or the enlargement of any water resource facility within the areas described in sections 2, 5, 6, and 9 of this Act.*

(d) *ACCESS AND OPERATION.*—(1) *Subject to the provisions of this subsection (d), the Secretary shall allow reasonable access to water resource facilities in existence on the date of enactment of this Act within the areas described in sections 2, 5, 6, and 9 of this Act, including motorized access where necessary and customarily employed on routes existing as of the date of enactment of this Act.*

(2) *Existing access routes within such areas customarily employed as of the date of enactment of this Act may be used, maintained, repaired, and replaced to the extent necessary to maintain their present function, design, and serviceable operation, so long as such activities have no increased adverse impacts on the resources and values of the areas described in sections 2, 5, 6, and 9 of this Act than existed as*

of the date of enactment of this Act.

(3) Subject to the provisions of subsections (c) and (d), the Secretary shall allow water resource facilities existing on the date of enactment of this Act within areas described in sections 2, 5, 6, and 9 of this Act to be used, operated, maintained, repaired, and replaced to the extent necessary for the continued exercise, in accordance with Colorado State law, of vested water rights adjudicated for use in connection with such facilities by a court of competent jurisdiction prior to the date of enactment of this Act: Provided, That the impact of an existing facility on the water resources and values of the area shall not be increased as a result of changes in the adjudicated type of use of such facility as of the date of enactment of this Act.

(4) Water resource facilities, and access routes serving such facilities, existing within the areas described in sections 2, 5, 6, and 9 of this Act on the date of enactment of this Act shall be maintained and repaired when and to the extent necessary to prevent increased adverse impacts on the resources and values of the areas described in sections 2, 5, 6, and 9 of this Act.

(e) EXISTING PROJECTS.—Except as provided in subsections (c) and (d) of this section, the provisions of this Act related to the areas described in sections 2, 5, 6, and 9 of this Act, and the inclusion in the National Wilderness Preservation System of the areas described in section 2 of this Act, shall not be construed to affect or limit the use, operation, maintenance, repair, modification, or replacement of water resources facilities in existence on the date of enactment of this Act within the boundaries of the areas described in sections 2, 5, 6, and 9 of this Act.

(f) MONITORING AND IMPLEMENTATION.—The Secretaries of Agriculture and the Interior shall monitor the operation of and access to water resource facilities within the areas described in sections 2, 5, 6, and 9 of this Act and take all steps necessary to implement the provisions of this section.

(g) INTERSTATE COMPACTS AND NORTH PLATTE RIVER.—(1)

Nothing in this Act, and nothing in any previous Act designating any lands as wilderness, shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Colorado and other States. Except as expressly provided in this section, nothing in this Act shall affect or limit the development or use by existing and future holders of vested water rights of Colorado's full apportionment of such waters.

(2) Notwithstanding any other provision of law, neither the Secretary of Agriculture nor any other officer, employee, or agent of the United States, or any other person, shall assert in any court or agency of the United States or any other jurisdiction any rights, and no court or agency of the United States shall consider any claim or defense asserted by any person based upon such rights, which may be determined to have been established for waters of the North Platte River for purposes of the Platte River Wilderness Area established by Public Law 98-550, located on the Colorado-Wyoming State boundary, to the extent such rights would limit the use or development of water within Colorado by present and future holders of vested water rights in the North Platte River and its tributaries, to the full extent allowed under interstate compact or United States Supreme Court equitable decree. Any such rights shall be exercised as if junior to, in a manner so as not to prevent, the use or development of Colorado's full entitlement to interstate waters of the North Platte River and its tributaries within Colorado allowed under interstate compact or United State Supreme Court equitable decree.

Sample legislative language, amendment approach

Add new freestanding national forest headwater areas to Colorado Wilderness Act of 1993, thus incorporating water protection language from that Act:

Public Law 103-77 is amended, adding to Section 2(a):

() Certain lands in the White River National Forest which comprise approximately 4,560 acres, as depicted on a map entitled "Hoosier Ridge Wilderness Proposal", dated March 2010, and which shall be know as the Hoosier Ridge Wilderness.

etcetera for:

- Adam Mountain
- Basalt Mountain
- Crazy Horse Creek

March 2010

- Tenmile
- Williams Fork
- and, depending on results of helicopter training discussions,
- Red Table

Add new freestanding BLM headwater areas to Colorado Wilderness Act of 1993, thus incorporating water protection language from that Act:

Public Law 103-77 is amended, adding to Section 2(a):

() Certain lands in the Colorado River Field Office, Bureau of Land Management which comprise approximately 15,150 acres, as depicted on a map entitled “Bull Gulch Wilderness Proposal”, dated March 2010, and which shall be known as the Bull Gulch Wilderness.

etcetera for:

- Castle Peak
- and, depending on results of helicopter training discussions,
- Pisgah Mountain

Designate new additions to wilderness already designated in Colorado Wilderness Act of 1993, thus incorporating water protection language from that Act:

Public Law 103-77 is amended, adding to Section 2(a):

() Certain lands in the White River National Forest which comprise approximately 4,000 acres, as depicted on a map entitled “Acorn Creek/Ute Pass Additions to Ptarmigan Peak Wilderness Proposal”, dated March 2010, and which are hereby incorporated in and shall be deemed part of the Ptarmigan Peak Wilderness designated by Public Law 103-77.

etcetera for:

- Ptarmigan A (*addition to Ptarmigan Peak Wilderness*)

Designate new additions to wilderness already designated in Colorado Wilderness Act of 1980, thus incorporating applicable language from that Act:

Public Law 96-560 is amended, adding to Section 102(a):

() Certain lands in the White River National Forest which comprise approximately 3,410 acres, as depicted on a map entitled “Homestake Addition to Holy Cross Wilderness”, dated March 2010, and which are hereby incorporated in and shall be deemed part of the Holy Cross Wilderness designated by Public Law 96-560.

etcetera for:

- No Name (*addition to Holy Cross Wilderness*)
- West Lake Creek (*addition to Holy Cross Wilderness*)
- Woods Lake (*addition to Holy Cross Wilderness*)

Designate new additions to wilderness already designated in Eagles Nest wilderness act of 1976, thus incorporating applicable language from that Act:

Public Law 94-352 is amended, adding to Section 2(a):

() Certain lands in the White River National Forest which comprise approximately 5,090 acres, as depicted on a map entitled “Proposed Elliott Ridge Addition to Eagles Nest Wilderness”, dated March 2010, and which are hereby incorporated in and shall be deemed part of the Eagles Nest Wilderness designated by Public Law 94-352.

the
Hidden Gems
wilderness proposal

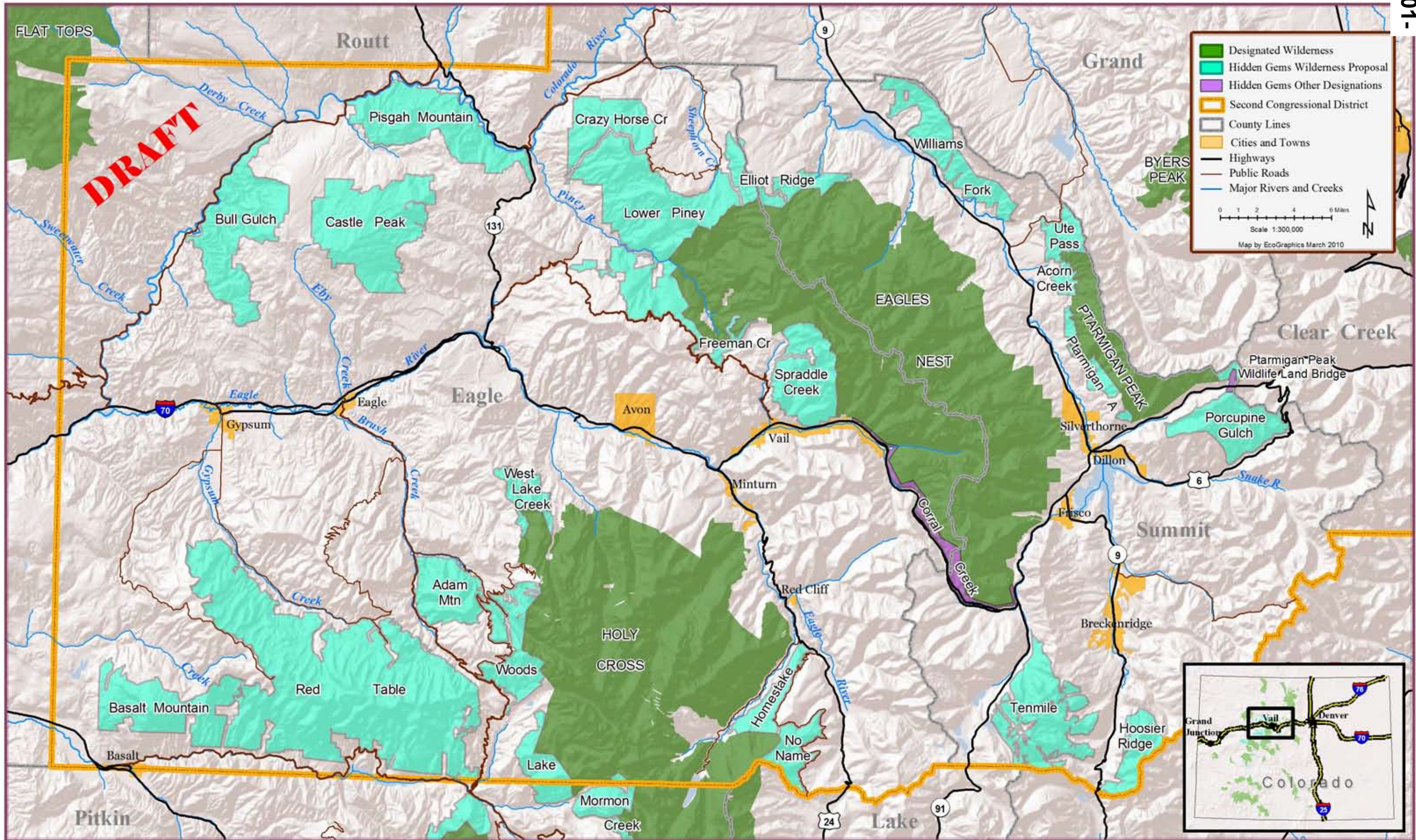
March 2010

etcetera for:

- Freeman Creek (addition to Eagles Nest Wilderness)
- Lower Piney (addition to Eagles Nest Wilderness)
- Spraddle Creek (addition to Eagles Nest Wilderness)

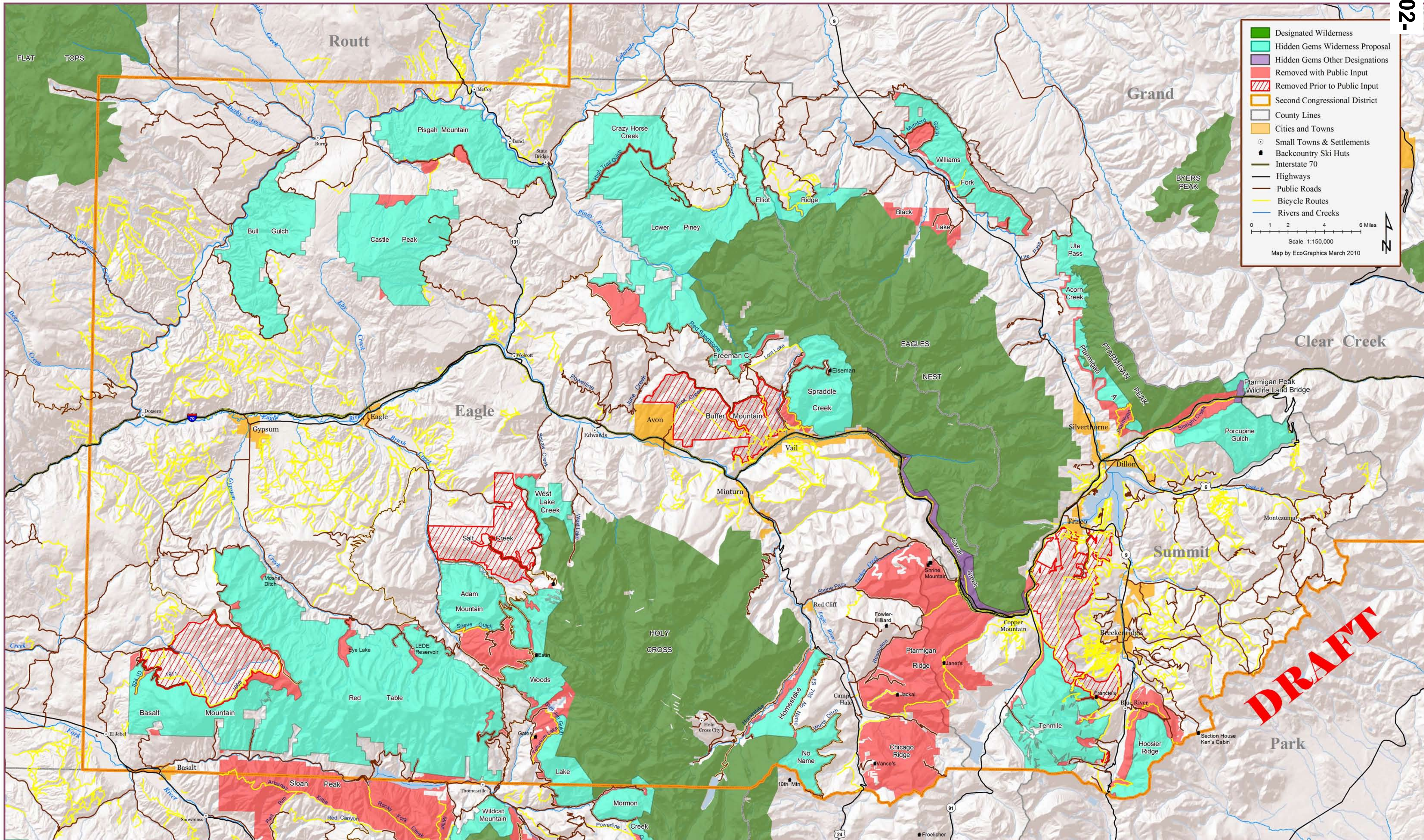
Hidden Gems Wilderness Proposal - Second Congressional District

-201-



Lands Removed from the Hidden Gems Wilderness Proposal - Second Congressional District

-202-



DRAFT

Background Document

Summit and Eagle County Wilderness Preservation Act Background

The Summit and Eagle County Wilderness Preservation Act is legislation introduced by Congressman Jared Polis built off the recommendations of numerous local stakeholder groups in Summit and Eagle Counties in Colorado. This legislation is not a comprehensive wilderness bill, but legislation that represents select areas which have shown broad consensus. It is important to note that work will continue on other areas in Summit and Eagle counties to see what, if any, could be right for future legislation.

The proposed legislation takes into account an extensive public outreach effort as well as the examination of a separate ongoing citizen led wilderness proposal known as the Hidden Gems proposal. While the Hidden Gems proposal, and the many negotiations and changes made to it, has informed Congressman Polis' legislation, his bill is the product of a separate extensive examination and public outreach effort with local stakeholders from every perspective and public land user group. The proposed legislation represents only areas that have garnered a great deal of support and consensus throughout that process.

Because of this outreach effort, the Summit and Eagle County Wilderness Preservation Act attempts to include only areas that are undoubtedly right for legislation and are ready to go today. Furthermore, many of the below areas have undergone additional adjustments from previous proposals. These changes incorporate comments and concerns raised during ongoing consideration of the Hidden Gems proposal as well as changes made by Congressman Polis to reflect the input his office has received directly. Other areas will continue to be worked on and gain further input and undergo further changes, but this proposed legislation will ensure that select areas, currently ready and suitable for legislative action, aren't potentially held up because of unrelated challenges or an association with areas that still need more work and greater examination.

Congressman Polis' legislation represents his belief that all forms of recreation allow individuals and families to enjoy our public lands and experience the outdoors in their own way, and that Colorado's recreation economy has benefited our state economically, culturally and environmentally, replacing previously dominant extractive industries and creating quality jobs. This belief has been further cemented through local town forums and his personal examination of previous wilderness proposals. Recreational activities from mountain biking to motorized recreation and even hang gliding have been integrated into his legislation.

The Summit and Eagle County Wilderness Preservation Act preserves in perpetuity a number of pristine Colorado wild areas through both designating some of these areas as Wilderness under the Wilderness Act of 1964, and designating other areas that have outstanding community needs, as special management areas. This bill would designate approximately 81,790 new acres of wilderness, and preserve an additional 84,130 acres as special management areas or companion designations.

While the corresponding map should be consulted for boundary details, below is a brief overview of the areas under consideration with clarifications on issues or common confusions:

Areas to be designated as Wilderness

- Adam Mountain
 - Notes: No existing roads or bike trails are in this parcel.
- Williams Fork
 - Notes: Boundary accommodation made for hang gliding launch area. Hang gliding is permitted over the Wilderness area. Additional considerations were made for hunting access and for a mountain biking trail.
- Bull Gulch
 - Notes: Area is a Bureau of Land Management Wilderness Study Area which already carries the same management policies as Wilderness, and has been recommended to become wilderness by the BLM. We are continuing to work with the Colorado Army National Guard and look forward to engaging experts from the congressional committees to ensure the Guard's mission is unaffected by this legislation.
- Additions to the Holy Cross Wilderness: Woods Lake, West Lake Creek, No Name
 - Notes: There have been additional adjustments made to what is included in the Woods Lake, West Lake Creek, and No Name areas. No Name accommodation for ditch on Northern boundary for water provider (note this area is not located near Glenwood Springs, it is a different No Name). West Lake Creek accommodation for meadow in Big Park for winter motorized use. USFS recommended Wilderness area in Eagle County for Woods Lake is included.
- Additions to the Ptarmigan Peak Wilderness: Acorn Creek, Ute Pass and Ptarmigan A
 - USFS recommended Wilderness areas are included. Popular mountain biking route on Ptarmigan A is not included in the Wilderness.
- Additions to the Eagles Nest Wilderness: Freeman Creek, Spraddle Creek
 - Notes: Boundary adjustment in Freeman Creek for Eagle River Water and Sanitation for stream gauges. The access road to Eiseman Hut is not included in the wilderness. Spraddle Creek has garnered particularly positive feedback from the Division of Wildlife for its habitat.

Areas that have portions to be designated both wilderness and a Companion Designation or Special Management Area.

- Hoosier Ridge
 - Notes: Boundary accommodations for Community Wildfire Protection Plan. Companion area includes popular mountain biking trails which will remain open for their express use.
- Castle Peak
 - Notes: Boundary adjustment for motorized roads 8511 and 8512 for popular hunting and camping access. Bureau of Land Management Wilderness Study Area is included. Special Management Area currently accommodates Army helicopter training under agreements between the US Forest Service, BLM and Colorado Army National Guard. This legislation will maintain the current framework, ensuring that this training will not be impeded while also ensuring that our land managers have full autonomy to direct

activities on our federal lands. Furthermore, the legislation will allow the companion area to become full wilderness should the National Guard ever cease needing use of this area.

- Tenmile
 - Notes: Boundary adjustment for Wilderness designation which excludes numerous in-holdings from the proposal area. Companion area includes popular mountain biking routes which will remain open. The Companion area also includes legislative language to ensure that the bill will not affect any future needs CDOT may have in implementing solutions to I-70 congestion. As the companion area is within proximity to I-70, this legislation ensures that the Forest Service and CDOT can continue to work together on everything from land needs to avalanche or other unforeseen safety measures.

Areas that have only Special Management Areas

- Red Table
 - Notes: Accommodation for mountain bike trail, Reudi Overlook Trail, 3-1912.1 (Reudi Overlook Trail) connecting to 3-514.1 (Red Table Road/Trail). USFS Recommended Wilderness area. Special Management Area also takes into consideration the needs of local communities and concerns of state water providers. Special Management Area currently accommodates Army helicopter training under agreements between the US Forest Service, BLM and Colorado Army National Guard. This legislation will maintain the current framework, ensuring that this training will not be impeded while also ensuring that our land managers have full autonomy to direct activities on our federal lands.
- Pisgah Mountain
 - Notes: Boundary adjustment for a water pumping station. Special Management Area currently accommodates Army helicopter training under agreements between the US Forest Service, BLM and Colorado Army National Guard. This legislation will maintain the current framework, ensuring that this training will not be impeded while also ensuring that our land managers have full autonomy to direct activities on our federal lands. Furthermore, the legislation will allow the companion area to become full wilderness should the National Guard ever cease needing use of this area.
- Porcupine Gulch
 - Notes: Accommodation made for Arapahoe Basin Ski Area future avalanche control work area per the ski area's request. Boundary accommodation made on the western portion for an area of motorized winter use. Adjacent to the only land bridge crossing Interstate 70 for wildlife. The Special Management area also includes legislative language to ensure that the bill will not affect any future needs CDOT may have in implementing solutions to I-70 congestion. As the companion area is within proximity to I-70, this legislation ensures that the Forest Service and CDOT can continue to work together on everything from land needs to avalanche or other unforeseen safety measures.

MEMO

TO: Town Council

FROM: Town Attorney

RE: Draft Street Use Licensing Ordinance

DATE: June 6, 2012 (for June 12th meeting)

Last year the Town Council conducted a call-up hearing on an application to operate a horse and carriage business on the Town streets. Although the application was finally approved, it became clear (at least to me) that the Town's Development Code is not a particularly good regulatory framework for dealing with requests to operate a business on the Town's streets and alleys. Perhaps this is because these kinds of businesses do not fit well into the Development Code's definition of "development."

As a result of the Council's struggles with the horse and carriage application, I thought a better approach would be to create a special licensing process for businesses like the horse and carriage, pedicabs, and pedal busses. This approach led me to draft the enclosed ordinance.

The ordinance establishes a new licensing and regulatory system for the horse and carriage, pedicabs, and pedal busses, as well as other businesses whose operations involve stopping on Town streets and alleys as part of their routine operations. The underlying philosophy of the ordinance is to take the regulation of these unique businesses out of the Development Code, and regulate them under their own ordinance.

The ordinance requires the operators of horse and carriage, pedicab and pedal bus businesses to obtain annual permits from the Town. The ordinance establishes a new licensing process for permits to operate these kinds of businesses on the Town's streets and alleys.

The ordinance requires the Town Manager to conduct a preliminary investigation of the application, but places the ultimate licensing decision in the hands of the Town Council. I toyed with the idea of allowing/requiring the Town Manager to make the initial licensing decision himself, with the Council becoming involved in the process only in the event of an appeal. However, as part of the recent horse and carriage application it became clear that these kinds of applications can generate substantial public interest, and that a public hearing on the application would be important so that the public can express their thoughts and concerns. The Town does not have any current procedure for the Town Manager to conduct a public hearing himself. As a result, I drafted the ordinance so that the actual licensing decision will be made by the Council after it conducts a public hearing on the application.

The general framework of the ordinance substantially follows the most recent version of the Town's Medical Marijuana Faculties Licensing Ordinance, although that ordinance does place the initial licensing decision in the hands of the Town Manager.

As you will see, there are proposed unique “Standard Terms and Conditions” for horse and carriages, pedicabs, and pedal busses. The suggested terms and conditions for horse and carriages are loosely based on the City and County of Denver’s regulations for the horse and carriages that operate on the 16th Street Mall and surrounding areas. I spoke with the attorney in the Denver City Attorney’s Office who prepared their regulations, and know that the Denver regulations were somewhat controversial when they were put in place. The Denver regulations require that a horse and carriage operator pass a test before the operator is permitted to operate the vehicle on the Mall. Although I understand that the operation of a horse and carriage on a public street can create the potential for danger to the public, I am unaware of any safety concerns with the current operator of the Town horse and carriage business. As a result, I thought that it would be regulatory overkill to require testing in Breckenridge (not to mention that the Town – unlike Denver – does not have anyone qualified to administer such a test). Thus, the draft ordinance does not include a test before a horse and carriage (or a pedicab or pedal bus for that matter) can be operated on the Town streets.

The suggested terms and conditions for pedicabs and pedal busses were not modeled after anybody else’s regulations, but were simply drafted to attempt to address what seemed to be obvious concerns with these two types of businesses. If the Council thinks the proposed ordinance is worth pursuing, it would be a good idea to seek input on the standard terms and conditions from the operators of the businesses currently operating in the Town that would be subject to the new ordinance.

One business the ordinance does not deal with are mobile food trucks. The proposed regulation of these types of vehicles within the Town has been discussed at the staff level for some time now, but staff is not sure whether the new Council wants to regulate these vehicles or not. Staff would appreciate receiving direction from the Council on this issue. If Council wants to establish new regulations for mobile food trucks, it might be possible to include them in the Street Use Licensing Ordinance (although they tend to stop on private property, not on the public streets), or a separate regulatory ordinance could be crafted.

The enclosed ordinance has been scheduled for worksession discussion only next Tuesday. Depending upon the Council’s direction, the ordinance can be revised and brought back for formal consideration at a later date, or discarded.

I look forward to discussing this draft ordinance with you next Tuesday.

1 ***FOR WORKSESSION ONLY – JUNE 12***

2
3 ORDINANCE NO. __

4
5 Series 2012

6
7 AN ORDINANCE AMENDING TITLE 4 OF THE BRECKENRIDGE TOWN CODE
8 BY ADOPTING PROVISIONS REQUIRING THE ISSUANCE OF A SPECIAL PERMIT TO
9 CONDUCT CERTAIN BUSINESS OPERATIONS ON TOWN STREETS

10
11 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
12 COLORADO:

13
14 Section 1. Title 4 of the Breckenridge Town Code is amended by the addition of a new
15 Chapter 15, to be entitled “Permits Required to Conduct Certain Businesses on Town Streets”,
16 that shall read in its entirety as follows:

17
18 CHAPTER 15

19
20 PERMITS REQUIRED TO CONDUCT CERTAIN BUSINESSES ON TOWN STREETS

21
22 SECTION:

- 23
24 4-15-1: Short Title
25 4-15-2: Authority
26 4-15-3: Findings
27 4-15-4: Definitions
28 4-15-5: Permit Required; Exceptions
29 4-15-6: Application For Permit
30 4-15-7: Application Fee
31 4-15-8: Town Manager’s Preliminary Investigation of Application
32 4-15-9: Town Council Review of Application
33 4-15-10: Decision By Town Council
34 4-15-11: Authority To Impose Conditions on Permit
35 4-15-12: Standard Terms and Conditions
36 4-15-13: Contents of Permit
37 4-15-14: Permit Not Transferable
38 4-15-15: Duration of Permit
39 4-15-16: Renewal of Permit
40 4-15-17: Duties of Permittee
41 4-15-18: Suspension Or Revocation of Permit
42 4-15-19: Town Council Decision Is Final
43 4-15-20: Signage

- 1 4-15-21: Transition From Prior Development Permit
- 2 4-15-22: Penalties; Injunctive Relief
- 3 4-15-23: No Town Liability
- 4 4-15-24: Rules and Regulations

5
6 4-15-1: SHORT TITLE: This Chapter shall be known and may be cited as the “2012 Town Of
7 Breckenridge Street Use Licensing Ordinance.”

8
9 4-15-2: AUTHORITY: The Town Council finds, determines, and declares that it has the power
10 to adopt this Chapter pursuant to:

- 11
- 12 A. Section 31-15-501, C.R.S. (concerning municipal regulation of business), and in
13 particular, Section 31-15-501(1)(h), C.R.S. (concerning municipal regulations of
14 hackmen, omnibus drivers, carters, cabmen, porters, expressmen, and all others
15 pursuing like occupations);
- 16 B. Section 31-15-702, C.R.S. (concerning municipal regulation of streets and alleys);
- 17 C. Section 31-15-103, C.R.S. (concerning municipal police powers);
- 18 D. Section 31-15-401, C.R.S.(concerning general municipal police powers);
- 19 E. The authority granted to home rule municipalities by article XX of the Colorado
20 Constitution; and
- 21 F. The powers contained in the Breckenridge Town Charter.

22 4-15-3: FINDINGS: The Town Council adopts this Chapter based upon the following findings
23 of fact:

- 24
- 25 A. The primary purpose of a public street is for public travel.
- 26 B. There is no natural right to use the public streets for the purposes of private
27 business or gain. Such rule is often stated as a cardinal doctrine of municipal law.
- 28 C. The Colorado courts have held that a municipality has the legal authority to
29 regulate, by the issuance of a license or permit, the private business use of a
30 public street that may obstruct the use of a public street for public travel.
- 31 D. If not regulated, the use of the public streets by those business activities regulated
32 by this Chapter can cause obstruction of the public streets along with the attendant
33 disruption to the right of the people to use the public streets as an avenue of
34 travel.

- 1 E. The use of the public streets by those business activities regulated by this Chapter
2 are private, not public, uses.
- 3 F. The public receives some benefit for the use of the public streets by those
4 business activities regulated by this Chapter.
- 5 G. The issuance of a permit to use the public streets as authorized by this Chapter is
6 not inconsistent with the primary purpose of the public streets as described in
7 finding A of this Section.
- 8 H. This Chapter is necessary and proper to provide for the safety, preserve the health,
9 promote the prosperity, and improve the order, comfort and convenience of the
10 Town and the inhabitants thereof.

11 4-15-4: DEFINITIONS:
12

- APPLICANT: A person who has submitted an application for permit pursuant to this Chapter.
- APPLICATION: An application for permit submitted pursuant to this Chapter.
- DAY: A calendar day, unless otherwise indicated.
- GOOD CAUSE (for the purpose of refusing or denying a permit renewal under this Chapter): Means:
- A. The permittee has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of this Chapter and any rule and regulation promulgated pursuant to this Chapter; or
 - B. The permittee has failed to comply with any special terms or conditions that were placed on its permit at the time the permit was issued, or that were placed on its permit in prior disciplinary proceedings or that arose in the context of potential disciplinary proceedings.
- HORSE DRAWN CARRIAGE: A wheeled vehicle pulled by a horse and used to carry people for a fee.
- PARTY IN INTEREST: The applicant; a resident of the Town; or the

owner or manager of a property or business located within the Town.

PEDAL BUS: Has the meaning provided in the Town’s Traffic Code, Chapter 1 of Title 7 of this Code.

PEDICAB: Has the meaning provided in the Town’s Traffic Code, Chapter 1 of Title 7 of this Code.

PERMITTEE: The person to whom a permit has been issued pursuant to this Chapter.

PERMITTED BUSINESS: A business authorized to be operated on Town streets and alleys by a permit issued pursuant to this Chapter.

PERSON: Has the meaning provided in Section 1-3-2 of this Code.

POLICE CHIEF: The Police Chief of the Town, or the Police Chief’s designee authorized to act pursuant to Section 1-7-2 of this Code.

TOWN: Has the meaning provided in Section 1-3-2 of this Code.

TOWN MANAGER: The Town Manager of the Town, or the Town Manager’s designee authorized to act pursuant to Section 1-7-2 of this Code.

1
2 4-15-5: PERMIT REQUIRED; EXCEPTIONS:

3 A. No person shall operate for hire any of the following business activities upon any
4 street or alley within the Town without a valid permit issued by the Town Council
5 in accordance with this Chapter:

6 1. a horse drawn carriage;

7 2. a pedicab;

8 3. a pedal bus; or

9 4. any other business whose operation on Town street or alleys routinely
10 includes, or may include, stopping on Town streets or alleys (except to
11 comply with applicable traffic regulations).

- 1 B. This Section shall not apply to:
- 2 1. a business engaged in interstate or intrastate commerce;
- 3 2. a business licensed or permitted to operate on Town streets or alleys by
- 4 the State of Colorado, including, but not limited to, taxicabs and similar
- 5 forms of public conveyance;
- 6 3. a business that operates on Town streets or alleys only to make deliveries;
- 7 4. a governmental or quasi-governmental entity while performing its lawful
- 8 governmental functions;
- 9 5. a business that the Town Manager determines is not subject to the terms
- 10 and conditions of this Chapter; and
- 11 6. any business that the Town may not lawfully require to have a permit to
- 12 operate on Town streets and alleys.
- 13 C. Any person operating a vehicle described in Subsection A of this Section on a
- 14 public street or alley in a special event authorized by the Town pursuant to
- 15 Chapter 13 of Title 4 of this Code shall be exempt from the requirements of this
- 16 Chapter, but shall comply with the terms and conditions of the special event
- 17 permit issued by the Town.
- 18 D. This Chapter does not apply to the use of the public streets of the Town by any
- 19 person authorized to operate a business on the public streets pursuant to a valid
- 20 license or permit issued by the state or federal government, or any agency or
- 21 instrumentality thereof.

22 4-15-6: APPLICATION FOR PERMIT:

23

- 24 A. A person seeking to obtain a permit pursuant to this Chapter shall file an
- 25 application with the Town Manager. The form of the application shall be provided
- 26 by the Town Manager.
- 27 B. A permit issued pursuant to this Chapter does not eliminate the need for the
- 28 permittee to obtain other required Town licenses and permits related to the
- 29 operation of the permitted business, including, without limitation:
- 30 1. a development permit if required by the terms of Chapter 1 of Title 9 of
- 31 this Code;
- 32 2. a sign permit if required by the terms of the Town's Sign Code (Chapter 2
- 33 of Title 8 of this Code);

- 1 3. a Town sales tax license; and
- 2 4. a Town Business and Occupational Tax License.
- 3 C. An application for a permit under this Chapter shall contain the following
- 4 information:
- 5 1. the applicant's name, address, and telephone number;
- 6 2. a statement of the nature of the applicant's proposed business;
- 7 3. the primary location of the business;
- 8 4. the primary route(s) over Town streets and alleys where the applicant
- 9 proposes to operate the business;
- 10 5. a statement of the applicant's qualifications and experience in operating
- 11 the proposed business;
- 12 6. a list of the applicant's equipment/animals that will be used to operate the
- 13 proposed business;
- 14 7. a statement of the training that will be provided to the applicant's
- 15 employees or contractors to be involved in the operation of the proposed
- 16 business
- 17 8. a list of any permit or license previously issued to the applicant
- 18 authorizing the operation of a business similar to the proposed business,
- 19 and a statement of any disciplinary action imposed by the issuing authority
- 20 with respect to such permit or license; and
- 21 9. any additional information that the Town Manager reasonably determines
- 22 to be necessary in connection with the investigation and review of the
- 23 application.

24 4-15-7: APPLICATION FEE: An applicant shall pay to the Town a non-refundable application
25 fee when the application is filed. The purpose of the fee is to cover the administrative costs of
26 processing the application, and monitoring and enforcing permits issued pursuant to this Chapter.
27 For applications filed in 2012 the application fee is \$ [REDACTED]. Thereafter, the amount of the
28 application fee shall be fixed by the Town Council as part of its annual budget process.

29
30 4-15-8: TOWN MANAGER'S PRELIMINARY INVESTIGATION OF APPLICATION:

- 31
- 32 A. Upon receipt of a properly completed application, together with all information
- 33 required in connection therewith, and the payment of the application fee as

1 required by Section 4-15-7, the Town Manager shall transmit copies of the
2 application to:

- 3 1. the Police Department;
- 4 2. the Department of Community Development;
- 5 3. the Public Works Department; and
- 6 4. any other person or agency that the Town Manager determines should
7 properly investigate and comment upon the application.

8 B. Within twenty days of receipt of a completed application those Town departments
9 and other referral agencies described in Subsection A of this Section shall provide
10 the Town Manager with comments concerning the application.

11 C. The Town Manager shall complete his preliminary investigation of the application
12 with within forty five days of his receipt of the application, unless the applicant
13 agrees to an extension of such time period. The Town Manager's preliminary
14 investigation of the application shall be provided to the Town Council and the
15 applicant in connection with the Town Council's review of the application.
16

17 4-15-9: TOWN COUNCIL REVIEW OF APPLICATION:
18

19 A. Once the Town Manager has completed his preliminary investigation of the
20 application as described in Section 4-15-8, the Town Manager shall schedule the
21 application for consideration by the Town Council at the earliest practicable date.

22 B. Written notice of the date and time of the meeting at which the Town Council will
23 consider the application shall be provided to the applicant at least ten days before
24 the meeting.

25 C. Before deciding the application the Town Council shall hold a public hearing to
26 receive public comments concerning the application.

27 D. Notice of the public hearing on the application shall be provided as follows:

- 28 1. Notice shall be published on the Town's website for at least five days
29 prior to the hearing;
- 30 2. Notice shall be published once in a newspaper of general circulation in the
31 Town at least five days prior to the public hearing; and
- 32 3. Notice shall be mailed by first class mail to all property owners whose
33 property lies within three hundred feet of the primary location of the

1 proposed business as described in the application. Such notice shall be
2 mailed by the Town not less than ten days prior to the public hearing.

- 3 E. At a public hearing held by the Town Council pursuant to this Chapter any party
4 in interest shall be allowed to present evidence.

5 4-15-10: DECISION BY TOWN COUNCIL:
6

- 7 A. The Town Council shall review an application submitted pursuant to this Chapter
8 and approve, deny, or conditionally approve an application within thirty days of
9 the conclusion of the public hearing on the application unless, by written notice to
10 the applicant, the decision period is extended for an additional ten days if
11 necessary for the Town Council to complete its review of the application.

- 12 B. The Town Council shall issue a permit under this Chapter when, from a
13 consideration of the application, the evidence received at the public hearing, and
14 from such other information as may otherwise be obtained, the Town Council
15 determines that:

- 16 1. The application (including any required attachments and submissions) is
17 complete and signed by the applicant;
- 18 2. The applicant has paid the application fee and any other fees required by
19 Section 4-15-7;
- 20 3. The application does not contain a material falsehood or
21 misrepresentation;
- 22 4. The application complies with all of the requirements of this Chapter;
- 23 5. The proposed primary location of the business will not substantially
24 interfere with motor vehicle or pedestrian travel, or pose a threat to the
25 public health, safety or welfare;
- 26 6. The operation of the proposed business on the Town streets and alleys is
27 not likely to:
- 28 a. cause substantial disruption of traffic or pedestrian flow in the area
29 of the Town where the proposed business will operate;
- 30 b. create a substantial inconvenience or annoyance to the public; or
- 31 c. cause a public nuisance.

32 In making this determination, the Town Council shall consider such
33 factors as:

- 1 a. the number of then-current permits issued under this Chapter;
- 2 b. the experience and qualification of the applicant to operate the
- 3 proposed business;
- 4 c. the quality of the equipment proposed to be used by the applicant
- 5 in operating the proposed business;
- 6 d. the days/hours of operation of the proposed business;
- 7 e. the proposed routes or area of operation of the proposed business;
- 8 f. the reasonable requirements of the Town and the desires of the
- 9 inhabitants as evidenced by petitions, remonstrances, or otherwise;
- 10 and
- 11 g. such other relevant and probative factors as may be determined by
- 12 the Town Council.

13 C. The Town Council shall deny an application for a permit under this Chapter if it
14 determines that:

- 15 1. Information contained in the application, or supplemental information
- 16 requested from the applicant, is found to be false in any material respect;
- 17 2. The applicant has had a permit issued under this Chapter revoked by the
- 18 Town Council within the two years immediately preceding the filing of
- 19 the application, or if the applicant owned a fifty percent or greater interest
- 20 in any business entity that has had a permit issued under this Chapter
- 21 revoked by the Town Council within the two years immediately preceding
- 22 the filing of the application;
- 23 3. The applicant is currently indebted to the Town for any lawfully assessed
- 24 tax or fee; or
- 25 4. The operation of the proposed business on the Town streets and alleys is
- 26 likely to:
 - 27 a. cause substantial disruption of traffic or pedestrian flow in the
 - 28 area of the Town where the proposed business will operate;
 - 29 b. create a substantial inconvenience or annoyance to the public; or
 - 30 c. cause a public nuisance.

1 D. If the application is denied, the Town Council shall clearly set forth in writing the
2 grounds for denial.

3 E. If the application is conditionally approved, the Town Council shall clearly set
4 forth in writing the conditions of approval.

5 F. If an application is denied the application fee shall not be refunded.

6 4-15-11: AUTHORITY TO IMPOSE CONDITIONS ON PERMIT: The Town Council shall
7 have the authority to impose such reasonable terms and conditions on a permit as may be
8 necessary to protect the public health, safety, and welfare, and to obtain compliance with the
9 requirements of this Chapter and applicable law.

10
11 4-15-12: STANDARD TERMS AND CONDITIONS: The following shall be standard terms
12 and conditions for any permit issued under this Chapter:

13
14 A. The permittee shall procure and continuously maintain throughout the term of the
15 permit a policy of comprehensive commercial general liability insurance with
16 limits of liability not less than One Million Dollars (\$1,000,000) per claim, One
17 Million Dollars (\$1,000,000) aggregate, and Fifty Thousand Dollars (\$50,000) for
18 property damage. The Town shall be named as an additional insured under such
19 insurance policy. An ACORD Form 27, or other certificate of insurance
20 acceptable to Town Clerk, shall be completed by the permittee's insurance agent
21 and provided to the Town Clerk as evidence that policies providing the required
22 coverages, conditions, and minimum limits are in full force and effect and shall be
23 reviewed and approved by Town prior to commencement of the operations of the
24 business pursuant to the permit, and on each renewal or replacement of the policy
25 during the term of the permit.

26 B. The permittee shall indemnify and defend the Town, its officers, employees,
27 insurers, and self-insurance pool (with counsel acceptable to the Town), from and
28 against all liability, claims, and demands, on account of injury, loss, or damage,
29 including without limitation, claims arising from bodily injury, personal injury,
30 sickness, disease, death, property loss or damage, or any other loss of any kind
31 whatsoever, arising out of in any manner connected with the operation of the
32 business for which the permit was issued. The permittee shall investigate, handle,
33 respond to, and to provide defense for and defend against, any such liability,
34 claims, or demands at the sole expense of the permittee, and bear all other costs
35 and expenses related thereto, including court costs and attorney fees. The
36 indemnity obligation of this Subsection shall survive the expiration or revocation
37 of the permit, and shall continue to be fully enforceable thereafter.

38 C. If the permit authorizes the operation of a horse and carriage, the following
39 additional standard terms and conditions apply:

- 1 1. The driver or operator of the horse drawn carriage must be at least 18
2 years of age, and have a valid Colorado driver's license.
- 3 2. The driver or operator of the horse drawn carriage must be qualified to
4 safely operate the horse drawn carriage.
- 5 3. The driver or operator of the horse drawn carriage must register with the
6 Police Chief by providing the Police Chief with a copy of the driver's or
7 operator's current Colorado driver's license.
- 8 4. The permittee shall:
- 9 a. Use new ropes or halters, not bridle ties, when stopped;
- 10 b. Properly adjust all equipment;
- 11 c. Not leave horses unattended while hitched or untied; and
- 12 d. Never remove the bridle while hitched to a horse drawn carriage.
- 13 e. Each horse drawn carriage shall be equipped with the following:
- 14 (i) Buckles only on hold back and driving end lines; snaps
15 allowed on other harness parts;
- 16 (ii) Throat latch;
- 17 (iii) Blinders;
- 18 (iv) Nose band;
- 19 (v) Brichen;
- 20 (vi) Buckle safes or keepers behind all buckles;
- 21 (vii) Round collar or breast collar style harness;
- 22 (viii) Kickstrap; and
- 23 (ix) Diapers/harness bags to trap manure.
- 24 f. The permittee shall maintain the horse drawn carriage and related
25 equipment in a clean and safe condition.
- 26 g. The permittee shall not permit horse waste to accumulate and
27 create an offensive odor.

- 1 h. The permittee shall properly collect and dispose of all horse waste.
 2 Manure shall not be deposited in either Town refuse containers or
 3 the Blue River. Urine shall be collected by an absorbent material
 4 and disposed of properly.
- 5 i. The permittee shall immediately clean up any manure or urine
 6 deposited onto a Town street, alley or sidewalk.
- 7 j. At the end of its operations each day the permittee shall wash
 8 down the area of the street where its horses stand.
- 9 k. The permittee shall clean the storm sewer inlet structure nearest to
 10 the area of the street where its horses stand at least two times each
 11 year, once in June and again in September. The permittee shall
 12 contact the Town's Public Works Department at least twenty four
 13 hours prior to each cleaning, and again within twenty four hours
 14 after each cleaning.
- 15 l. The permittee shall operate the horse drawn carriage in accordance
 16 with all applicable state and local traffic laws.
- 17 m. This list is not intended to be exclusive, and the permittee shall
 18 take such other and further action as may be needed to safely
 19 operate the horse drawn carriage.
- 20 D. If the permit authorizes the operation of a pedicab, the following additional
 21 standard terms and conditions apply:
- 22 1. A permittee shall comply with the following restrictions:
- 23 a. The driver or operator of the pedicab must be at least 18 years of
 24 age, and have a valid Colorado driver's license.
- 25 b. The driver of operator of the pedicab must be qualified to safely
 26 operate the pedicab.
- 27 c. The driver or operator of the pedicab must register with the Police
 28 Chief by providing the Police Chief with a copy of the driver's or
 29 operator's current Colorado driver's license.
- 30 2. The permittee shall maintain the pedicab in a clean and safe condition.
- 31 3. The permittee shall operate the pedicab in accordance with all applicable
 32 state and local traffic laws.

1 E. If the permit authorizes the operation of a pedal bus, the following additional
2 standard terms and conditions apply:

3 1. A permittee shall comply with the following restrictions:

4 a. The driver or operator of the pedal bus must be at least 18 years of
5 age, and have a valid Colorado driver's license.

6 b. The driver of operator of the pedal bus must be qualified to safely
7 operate the pedal bus.

8 c. The driver or operator of the pedal bus must register with the
9 Police Chief by providing the Police Chief with a copy of the
10 driver's or operator's current Colorado driver's license.

11 2. The permittee shall maintain the pedal bus in a clean and safe condition.

12 3. The permittee shall operate the pedal bus in accordance with all applicable
13 state and local traffic laws.

14 4-15-13: CONTENTS OF PERMIT: A permit shall contain the following information:
15

16 A. The name of the permittee;

17 B. The date of the issuance of the permit;

18 C. The address at which the permittee is authorized to operate the business; and

19 D. The date of the expiration of the license.

20 A permit must be signed by both the applicant and the Town Manager to be valid.
21

22 4-15-14: PERMIT NOT TRANSFERABLE: A permit is non-transferable and non-assignable.
23 Any attempt to transfer or assign a permit voids the permit.
24

25 4-15-15: DURATION OF PERMIT: Each permit issued pursuant to this Chapter shall be valid
26 for one year from the date of issuance, unless the Town Council specifies a shorter term for the
27 permit.
28

29 4-15-16: RENEWAL OF PERMIT:
30

31 A. Each permit issued pursuant to this Chapter may be renewed as provided in this
32 Section.

33 B. An application for the renewal of an existing permit shall be made to the Town
34 Manager not less than forty-five days prior to the date of expiration. No

1 application for renewal shall be accepted by the Town Manager after the date of
2 expiration. The Town Manager may waive the forty-five days time requirement
3 set forth in this Subsection if the applicant demonstrates an adequate reason.

4 C. The timely filing of a renewal application shall extend the current permit until a
5 final decision is made on the renewal application by the Town Council.

6 D. At the time of the filing of an application for the renewal of an existing permit the
7 applicant shall pay a renewal fee in an amount fixed by the Town Council as part
8 of its annual budget process.

9 E. The Town Council may, but is not required to, hold a public hearing on an
10 application for renewal of a permit.

11 F. The Town Council may refuse to renew a permit for good cause; provided,
12 however, that the Town Council shall not refuse to renew a permit without
13 holding a public hearing on the renewal application. If a public hearing on a
14 renewal application is held, notice of such hearing shall be given as provided in
15 Section 4-15-9(D).

16 4-15-17: DUTIES OF PERMITTEE: It is the duty and obligation of each permittee to do the
17 following:

18
19 A. Comply with all of the terms and conditions of the permit, and any special
20 conditions on the permit imposed by the Town Council pursuant to Section 4-15-
21 11;

22 B. Comply with all of the requirements of this Chapter; and

23 C. Comply with all other Town ordinances that are applicable to the business for
24 which the permit was issued.

25 4-15-18: SUSPENSION OR REVOCATION OF PERMIT:

26
27 A. A permit issued pursuant to this Chapter may be suspended or revoked by the
28 Town Council after a hearing for any of the following reasons:

29 1. Fraud, misrepresentation, or a false statement of material fact contained in
30 the permit application.

31 2. A violation of any Town, state, or federal law or regulation pertaining to
32 the operation of the business for which the permit was issued.

33 3. A violation of any of the terms and conditions of the permit, including any
34 special conditions of approval imposed upon the permit by the Town
35 Council pursuant to Section 4-15-11;

- 1 4. The permittee or the permittee’s employees, agents, or contractors were
2 involved in one or more accidents while operating the vehicle, device or
3 contrivance authorized by the permit that were determined to be the fault
4 of the operator.
- 5 5. Operations have ceased at the business for more than six months for any
6 reason.
- 7 6. Ownership of the permitted business has been transferred without the new
8 owner obtaining a permit pursuant to this Chapter.
- 9 B. In connection with the suspension of a permit, the Town Council may impose
10 reasonable conditions.
- 11 C. A hearing held pursuant to this Section shall be processed in accordance with
12 Chapter 19 of Title 1 of this Code.
- 13 D. For the purpose of disciplinary action imposed pursuant to this Section, a
14 permittee is responsible and accountable for the conduct of the permittee’s
15 employees, agents, and contractors occurring in connection with the operation of
16 the business for which a permit has been issued.
- 17 E. In deciding whether a permit should be suspended or revoked, and in deciding
18 what conditions to impose in the event of a suspension, if any, the Town Council
19 shall consider all of the following:
- 20 1. The nature and seriousness of the violation.
- 21 2. Corrective action, if any, taken by the permittee.
- 22 3. Prior violation(s), if any, by the permittee.
- 23 4. The likelihood of recurrence.
- 24 5. All circumstances surrounding the violation.
- 25 6. Whether the violation was willful.
- 26 7. The number of previous violations by the permittee.
- 27 8. Previous sanctions, if any, imposed against the permittee.
- 28 F. No fee previously paid by a permittee in connection with the application shall be
29 refunded if such permit is suspended or revoked.

1 4-15-19: TOWN COUNCIL DECISION IS FINAL: Any decision made by the Town Council
2 pursuant to this Chapter shall be a final decision of the Town and may be appealed to the district
3 court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The applicant's or
4 permittee's (as applicable) failure to timely appeal the decision is a waiver the applicant's or
5 permittee's right to contest the denial or conditional approval of the application.
6

7 4-15-20: SIGNAGE: All signage for a business for which a permit has been issued shall comply
8 with the requirements of Chapter 2 of Title 8 of this Code.
9

10 4-4-21: TRANSITION FROM PRIOR DEVELOPMENT PERMIT: Any person required to
11 obtain a permit pursuant to this Chapter who holds a valid development permit issued pursuant to
12 Chapter 1 of Title 9 of this Code authorizing the operation of the permittee's business is not
13 required to obtain a permit pursuant to this Chapter until the current development permit expires
14 or is revoked. Thereafter, the person must obtain a permit pursuant to this Chapter.
15

16 4-15-22: PENALTIES; INJUNCTIVE RELIEF:
17

18 A. It is a misdemeanor offense for any person to violate any provision of this
19 Chapter. Any person convicted of having violated any provision of this Chapter
20 shall be punished as set forth in Chapter 4 of Title 1 of this Code.

21 B. If a business is required to have a permit issued pursuant to this Chapter the
22 operation of such business on a Town street or alley without a valid permit issued
23 pursuant to this Chapter may be enjoined by the Town in an action brought in the
24 municipal court pursuant to Section 1-8-10 of this Code, or in any other court of
25 competent jurisdiction. In any case in which the Town prevails in a civil action
26 initiated pursuant to this Section, the Town may recover its reasonable attorney
27 fees plus costs of the proceeding.

28 C. The remedies provided in this Section are in addition to any other remedy
29 provided by applicable law.

30 4-15-23: NO TOWN LIABILITY: The adoption of this Chapter and the issuance of permits
31 pursuant to this Chapter shall not create any duty to any person. No person shall have any civil
32 liability remedy against the town, or its officers, employees or agents, for any damage or loss of
33 any kind arising out of or in any way connected with the issuance of any permit pursuant to this
34 Chapter. Nothing in this Chapter shall be construed to create any liability or to waive any of the
35 immunities, limitations on liability, or other provisions of the Colorado Governmental Immunity
36 Act, Section 24-10-101, et seq., C.R.S, or to waive any immunities or limitations on liability
37 otherwise available to the town, or its officers, employees or agents.
38

39 4-15-24: RULES AND REGULATIONS: The Town Manager shall have the authority from
40 time to time to adopt, amend, alter, and repeal administrative rules and regulations as may be

1 necessary for the proper administration of this Chapter. Such regulations shall be adopted in
2 accordance with the procedures established by Chapter 18, Title 1 of this Code.

3
4 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the
5 various secondary Codes adopted by reference therein, shall continue in full force and effect.

6
7 Section 3. This ordinance shall be published and become effective as provided by
8 Section 5.9 of the Breckenridge Town Charter.

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

15
16 TOWN OF BRECKENRIDGE, a Colorado
17 municipal corporation

18
19
20
21 By _____
22 John G. Warner, Mayor
23
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ATTEST:

Town Clerk

500-314\Street Use License Ordinance_4 (06-05-12)

Breckenridge Town Council
Red, White & Blue Fire Protection District

Joint Session Agenda

Tuesday, June 12, 2012

Time: 6:00 p.m.

Place: Town Hall

- Wildfire Forecast & Forest Health (Ross Wilmore – Fire Officer Manager, USFS)
- Fire District Consolidation Update
- EMS Update
- Potential County Ballot Question
- Evacuation Planning
- Importance of Incident Command for Elected Officials