



BRECKENRIDGE TOWN COUNCIL REGULAR MEETING

Tuesday, October 22, 2013; 7:30 PM
Town Hall Auditorium

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	H. LANDFILL TASK FORCE (MS. WOLFE)	
	I. PUBLIC ART COMMISSION (MR. GALLAGHER)	

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

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XII ADJOURNMENT

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

CALL TO ORDER, ROLL CALL

Mayor Warner called the meeting of October 8, 2013 to order at 7:30 pm. The following members answered roll call: Mr. Gallagher, Mr. Brewer, Ms. McAtamney, Mr. Burke, Ms. Wolfe, Mr. Dudick and Mayor Warner.

APPROVAL OF MINUTES - SEPTEMBER 24, 2013

With no changes or corrections to the meeting minutes of September 24, 2013, Mayor Warner declared they would stand approved as submitted.

APPROVAL OF AGENDA

Mr. Gagen stated there were two changes to the agenda in titles for the ordinances, so the newest version was handed out to Council members at the start of the meeting.

COMMUNICATIONS TO COUNCIL

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

Mayor Warner opened Citizen's Comments.

Mr. Gary Freese, owner of Breckenridge Gallery, spoke relative to concerns about the timing of arts festivals. Mr. Freese stated that speaking for the five remaining galleries, the Town of Breckenridge has chosen to subsidize fairs directly or indirectly. Mr. Freese then asked the Council to re-evaluate class C & D permits, and to look at collective arts fairs, as well as the events at Main Street Station. He further stated that of the past galleries in Breckenridge, six have been successful in other locations.

Mr. Jack Wolfe and Ms. Sheri Shelton stated they have been organizing a grassroots effort to recognize merchants who decorate windows on Main Street. They further stated they are looking for cash prizes to offer participants this year to encourage a larger response. Mayor Warner and Mr. Dudick each offered \$250, and Ms. Wolfe suggested the rest might be covered by BMAC funds.

Ms. Cindy Love, a BRC Ambassador and former Board Member, stated she had hesitations to the restructuring of the BRC and would like current membership to be given the chance to vote on the matter at hand. Ms. Love further stated that if dues for members go away, tax dollars would make up the additional funding, and she believes that is a waste of tax dollars.

Ms. Bonnie Smith, a BRC Ambassador (but speaking as a private citizen), stated she believes it's critical that BRC members feel like they have a voice in the process, and that the Ambassadors exist in order to make a bridge between the Chamber and the community.

Ms. Dena Raitman, a realtor on Main Street, stated North Main Street hasn't been included in many Town events in the past and she would like to see more events on North Main Street.

Mr. Ross Raitman, from Art on a Whim, stated Breckenridge is the only mountain town with three major art festivals. Mr. Raitman further stated Vail and Aspen each have one festival, and he would like to see the festivals in Breckenridge cut to one. Mr. Burke asked Mr. Raitman about a letter from 2009 that he had written in support of galleries, and Mr. Raitman responded that his business was new at the time and the climate is different now.

Ms. Peyton Rodgers, a community member, asked a question about when BMAC is dissolved, does measure 2D (lodging tax supporting marketing) go away as well? Ms. Wolfe stated that BMAC will be coming together with the BRC board to make one marketing group. Mr. Burke further stated that as the BRC representative there were too many boards overseeing the marketing efforts of the BRC and all BOLT members will be included in this new business services model.

With no further comments, Mayor Warner closed the citizen comments section.

B. Red, White and Blue Fire District Update

Mr. Jay Nelson, Deputy Chief of Red, White and Blue Fire District (RWB), stated he handed out two documents (map and graph) to accompany an item in the packet. Mr. Nelson then gave a fire mitigation update and updated the Council on progress made toward a Firewise Certification. Mr. Gagen asked if there is any difference with insurance companies for Firewise Communities. Mr. Nelson stated yes, they have been known to change policy due to this certification. Mr. Nelson then stated education is an important piece of becoming Firewise. Mr. Gagen asked Mr. Nelson to finish coloring the map with areas that don't need mitigation.

Mr. Jim Keating, Chief of RWB, stated there was a lot of smaller-scale mitigation done this summer at residences and RWB will look to work more with landscape companies on fire

mitigation in the future. Mr. Keating stated that the EMS updates are nearing the end. He stated Lake Dillon and RWB may oversee a fire-based EMS system in the long-term. RWB is offering to staff two ambulances for our area and cover more of Summit County during the busy seasons. Mr. Keating then asked for Council's help and support in some upcoming EMS decisions.

C. Reusable Bag Day Proclamation

Mayor Warner read the Reusable Bag Day Proclamation into record to declare October 15, 2013, Reusable Bag Day in Breckenridge.

CONTINUED BUSINESS

A. Second Reading of Council Bills, Series 2013 - Public Hearings

1. COUNCIL BILL NO. 39, SERIES 2013 - AN ORDINANCE AMENDING THE BRECKENRIDGE TOWN CODE CONCERNING THE IMPLEMENTATION OF "AMENDMENT 64" TO THE COLORADO CONSTITUTION

Mayor Warner read the title into the minutes. Mr. Berry stated there were no changes to this ordinance from first reading. Mayor Warner opened the public hearing.

Mr. Buck Allen, Breckenridge Municipal Court Judge, stated he is in agreement with the penalty schedule for marijuana. Mayor Warner then introduced the Boy Scout Troop in attendance. Mr. Dudick explained that his resorts may ban marijuana smoking on all properties, as they are private.

Mr. Brian Costa, of the Boy Scouts, asked if marijuana shops would need to post about the health risks of the drug. Mayor Warner stated he didn't think so because there are no studies showing risks at this time, but there are labeling requirements.

Mr. Thomas Creen, of the Boy Scouts, asked about marijuana in schools. Mr. Berry stated this ordinance makes the drug illegal to consume on school property. Mr. Creen then asked about being under the influence of marijuana while driving. Chief Haynes stated there's a way to tell through a blood test and a threshold has been established has been established by the State.

Mr. Brennan Creen, of the Boy Scouts, asked about candy marijuana being used in public. Mayor Warner stated no marijuana products will be allowed to be used in public. There were no further public comments and the public hearing was closed.

Ms. McAtamney moved to approve COUNCIL BILL NO. 39, SERIES 2013 - AN ORDINANCE AMENDING THE BRECKENRIDGE TOWN CODE CONCERNING THE IMPLEMENTATION OF "AMENDMENT 64" TO THE COLORADO CONSTITUTION. Ms. Wolfe seconded the motion.

The motion passed 7 – 0.

2. COUNCIL BILL NO. 40, SERIES 2013 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 13 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE RESIDENTIAL GROWING OF MARIJUANA

Mayor Warner read the title into the minutes. Mr. Berry stated there were no changes to this ordinance from the first reading. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed.

Ms. McAtamney moved to approve COUNCIL BILL NO. 40, SERIES 2013 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 13 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE RESIDENTIAL GROWING OF MARIJUANA. Mr. Brewer seconded the motion.

The motion passed 7 – 0.

NEW BUSINESS

A. First Reading of Council Bills, Series 2013 - None

B. Resolutions, Series 2013

1. A RESOLUTION APPROVING THE TOWN OF BRECKENRIDGE "DISPOSABLE BAG PUBLIC OUTREACH PLAN"

Mayor Warner read the title into the minutes. Mr. Berry stated that when the Council adopted the original Bag Ban Ordinance, it was scheduled to become effective October 1st with the option to change the effective date. He further stated the Ordinance won't go into effect until this resolution with a new date is adopted and certified by the Town Manager.

Mr. Brewer moved to approve A RESOLUTION APPROVING THE TOWN OF BRECKENRIDGE "DISPOSABLE BAG PUBLIC OUTREACH PLAN". Mr. Burke seconded the motion.

The motion passed 7 – 0.

- C. Other

PLANNING MATTERS

- A. Planning Commission Decisions
With no request to call an item off the consent calendar, Mayor Warner declared the Planning Commission Decisions would stand approved as presented.
- B. Planning Commission Report (Ms. McAtamney)
Ms. McAtamney stated there was no report. She further stated a joint meeting with Council will take place the first meeting in November, and the Planning Commission Retreat is scheduled for October 25th.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen stated the State issued a report on high-risk fire wild land areas. Mr. Gagen also stated the Ice Castles have met Town event requirements to be located on the south end of the Tiger Dredge Lot. He further stated the art fair vendor spoke to him after the work session meeting and is looking to lock up event dates for 2014 as soon as possible. Mayor Warner stated Council may want to consider phasing in the changes to the art fairs over several years. Council agreed to look into the number of art fairs in the Town compared to other communities. Then Council agreed to work on phased-in changes at the next meeting.

REPORT OF MAYOR AND COUNCILMEMBERS

- A. Cast/MMC (Mayor Warner)
Mayor Warner stated he sent his MMC report to Council members.
Mr. Dudick attended a water rights meeting in Denver regarding ski area water rights vs. Forest Service rights. Mr. Dudick stated the Forest Service wants the water rights from leased lands, including the ski areas. He stated CAST's position was neutral on this issue. Mr. Dudick then stated he believes the Town should adopt a formal stance on this proposal. Mr. Gagen suggested the Council make a statement at CAST on behalf of the Town, and recommends the asset stay intact for recreational purposes.
- B. Breckenridge Open Space Advisory Committee (Mr. Brewer)
Mr. Brewer stated there was no meeting.
- C. BRC (Mr. Burke)
Mr. Burke stated the previous discussions addressed current issues with the BRC. Mr. Dudick stated he has some additional thoughts about how the BRC should be structured and the process to do that.
- D. Marketing Committee (Ms. Wolfe)
Ms. Wolfe stated there was no report other than what had been addressed in discussions already.
- E. Summit Combined Housing Authority (Mr. Dudick)
Mr. Dudick stated he sent an update to Council Members via email.
- F. Breckenridge Heritage Alliance (Mr. Dudick)
Mr. Dudick stated there was no meeting.
- G. Water Task Force (Mr. Gallagher)
Mr. Gallagher stated there have been no changes since the last report. He further stated there will be a joint meeting between Council and the Upper Blue Sanitation District at the end of November.
- H. Landfill Task Force (Ms. Wolfe)
Ms. Wolfe stated there may be a meeting in November.
- I. Public Art Commission (Mr. Gallagher)
Mr. Gallagher stated he sent meeting minutes to Council Members. He further stated there are three finalists coming in early November to interview for the Cultural CEO position.

OTHER MATTERS

Ms. McAtamney stated the Backcountry Ball is this weekend.

Mr. Gallagher stated regarding EMS, the County is not prepared to see any reduction in staff or revenues based on the new proposed models.

Ms. Wolfe stated in regards to the Wakefield property and the Heritage Alliance, Mr. Monroe, who owns the property, doesn't have easements to use the gate, or gas lines, but the Town holds an easement on the property. Mr. Gagen clarified that the Heritage Alliance

has been given rights to the easement. Mr. Gagen will further investigate the situation with Town staff and the Heritage Alliance.

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:38pm. Submitted by Helen Cospolich, Municipal Services Manager.

ATTEST:

John Warner, Mayor

DRAFT

TO: BRECKENRIDGE TOWN COUNCIL
FROM: BRECKENRIDGE L.O.C. STEERING COMMITTEE: LUCY KAY, RICK OSHLO, JEN CAWLEY,
BRIAN WALDES & KIMDYKSTRA-DILALLO
SUBJECT: 2013 PRO CHALLENGE RE-CAP
DATE: 10/16/13 (FOR 10/22/13 MEETING)

The purpose of this memo is to briefly summarize for Town Council the results of the USA Pro Challenge professional bike race that came to Breckenridge for a stage finish and start on August 20th and 21st. The hope is this data can help inform Council's decision regarding a potential bid for the race in 2014.

Financial Results

As in past years, the race came in very close to budget. To date, expenses for the race total \$250,000 of the budgeted \$290,000. Sponsorship and merchandise sales of \$45,000 reduce the net expense amount to \$205,000. The largest single expense for the race was for the band, Railroad Earth (roughly \$50,000).

Business Survey Results

A survey was distributed electronically via Survey Monkey to local business owners asking their feedback on the race. The summarized survey results, as well as the survey questions, are attached to this memo, as well as the actual comments submitted by the business owners.

The overall impression from the event, based on the survey results, is that the race has a mixed impact on local businesses the days of the event. When asked about the long term benefits of the event to the Town, respondents were overwhelmingly positive.

EngageBreckenridge Results

Utilizing similar questions to the business questions, a survey was also posted on Engage Breckenridge from Sept. 4 – 30, which generated 90 responses. The full report follows this memo. The results of both surveys are similar, and suggests that the community supports hosting this race again.

Media Value

For the overall race, USAPC reports: 22+ hours of race coverage domestically, and 42 hours of international coverage airing live in 177 countries. There were over 1.1 million visitors to the USAPC website and between their various mediums, boasted more than 110,000 social media followers. Over 6,000 articles were published on the race.

For the Breckenridge Stages: online bike race news that mentioned or featured Breckenridge received over 360 million web impressions, and the primary countries of coverage included U.S., U.K., Norway and Canada. Bike race images shot in Breckenridge and tagged with #BreckBecause generated over two million Instagram impressions. PR coverage generated with LOC/GoBreck support that mentioned key town messages (trails, in-town bike lanes, #BreckBecause, food/drink) included outlets such as VeloNews, Outside Online, Bicycling, 5280, CBS Denver, 9news, several Front Range blogs, and others. The Breckenridge Pro Challenge (hosted by GoBreck) had 7,231

unique visitors (a 171% increase over 2,668 visitors last year). The GoBreck.com page had over 6,000 unique visitors brought to the pro-cycling events page, a 26% increase over last year. Currently, the USA Pro Cycling – Breckenridge Stage Facebook page has 745 followers.

Volunteers

The week-long race reports 5,000 volunteers. Our Breck stages recruited 350 volunteers to fill 550 positions. The LOC began meeting in January and boasts nearly 40 enthusiasts.

Spectators

State-wide, the race estimated more than 1 million in attendance over 7 days; they hailed from 49 states and 49% traveled more than 50 miles away from host cities they visited; the average household income was \$110,000. In addition, there were 128 athletes from 31 countries.

Lodging occupancy

Part of these levels are reported in the Business Survey. A full report from overall town occupancies will be reported at the 10/22 meeting.

Shuttle Riders

Specific transportation was provided between the Satellite Lot and downtown. There were 851 riders for the race, and an additional 334 for the concert.

Highlights

The expansion and dedication of the LOC. Having all of SC work together on the Incident Management Plan. Having a Hill Climb. Crowds on a Tuesday in late August. Stage winner has been visiting Breck since he was a kid. Repeat visitors with an autistic son who rode the shuttle, son was ecstatic when given a cowbell. Strider Cup 'race'. Pond Crossing Race.

Misses

Main Street closure on Monday at 12noon. Merchandise (over ordered and wasn't in stores all summer).

Letters of support

Representatives from the Breckenridge Restaurant Association and the Lodging Association provided verbal and written support at the Town Council meetings during public comment.

Future

The USA Pro Challenge has asked Breckenridge to CONSIDER being a host town for the 2014 event, taking place from August 18 – 24, 2014.

What is the will of the Council?

USAPCC Town of Breckenridge Survey

Dear Breckenridge Merchant/Business Owner,

The Town Council and the Breckenridge Local Organizing Committee would like to understand the impact on your business of the U.S.A. Pro Cycling Challenge (USAPCC). To that end, we are requesting your feedback for certain dates (see below).

Please note, per Breckenridge Town Code, title 3, chapter 7, section 1, we are required to keep ALL individual sales tax information confidential. As such, please be assured that your individual information will not be viewed by anyone other than authorized Town personnel.

We request the survey be returned by SEPTEMBER 20th. Thank you in advance for your contribution and timeliness.

1. Business Name:

2. Contact Person:

3. Physical Address of Business:

4. Phone Number:

5. Email Address:

6. Type of Business

USAPCC Town of Breckenridge Survey

Gross Sales

Please report gross sales activity (in dollars) for:

7. August 23-29 2010

8. August 22-28 2011

9. August 20-26 2012

10. August 19-25 2013

11. What impact do you feel the USAPCC has on your business?

Very Positive Somewhat Positive No Impact Somewhat Negative Very Negative

12. What impact do you feel the USAPCC has on the Town overall?

Very Positive Somewhat Positive No Impact Somewhat Negative Very Negative

13. Do you feel the USAPCC is effective in drawing people to the Town overall?

Very Positive Somewhat Positive No Impact Somewhat Negative Very Negative

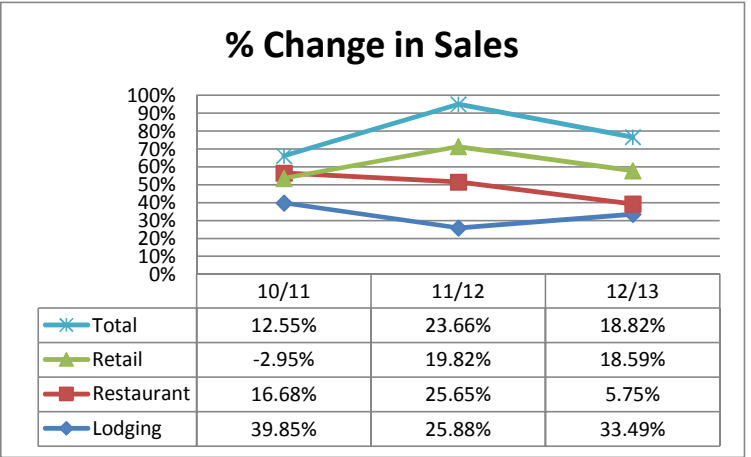
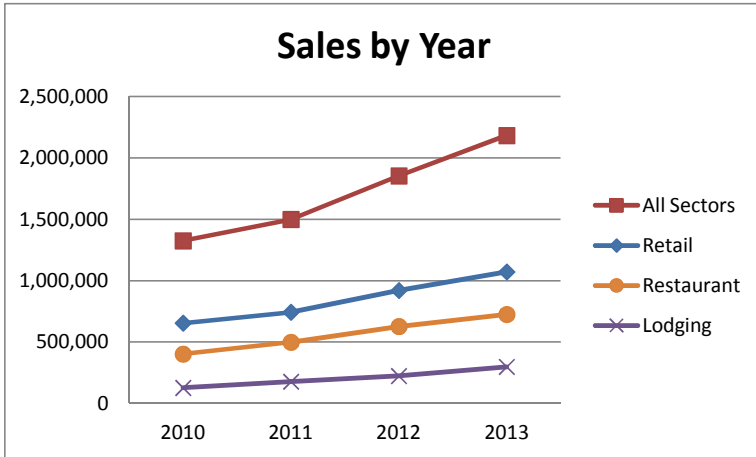
14. How do you see this event going forward?

15. Additional comments and feedback:

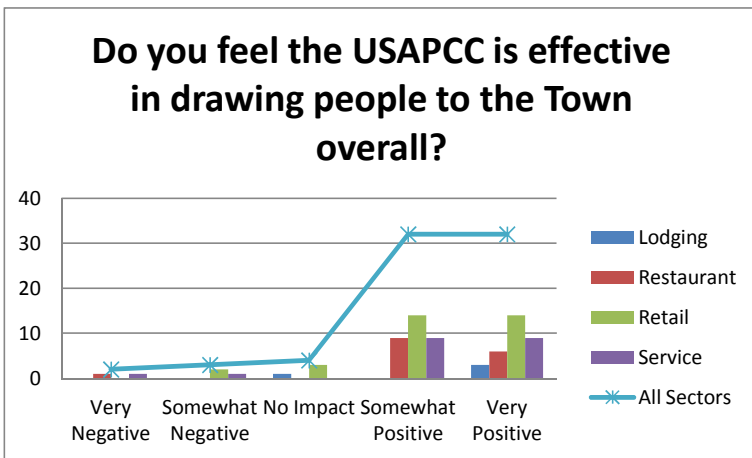
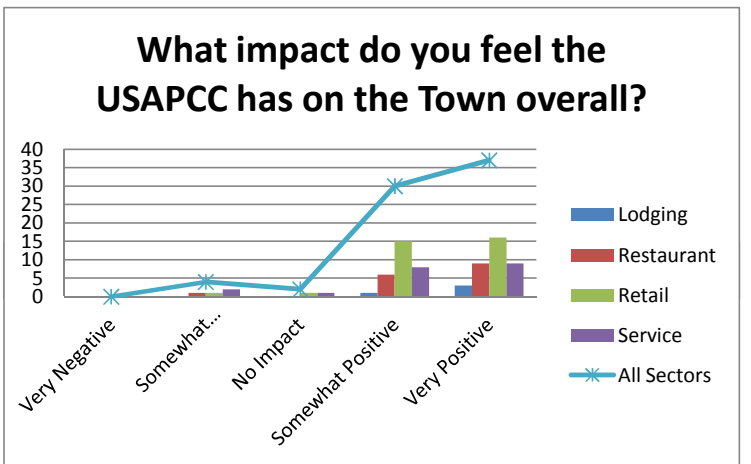
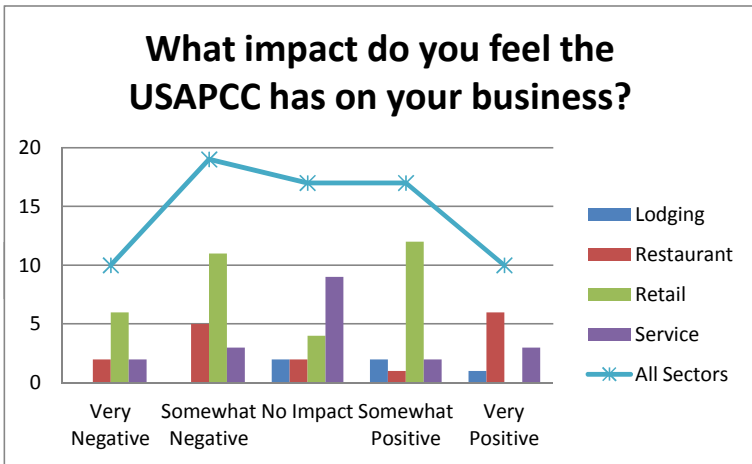
Thank you for taking the time to complete our survey. Please be assured that the sales information provided on your individual survey is confidential and would only be provided for reporting in summary format. If you have any questions or concerns, please contact Tax Auditor, Leslie Fischer via email at leslief@townofbreckenridge.com

USAPCC Merchant Survey 2013

Gross Sales Activity:



Impact:



How do you see this event going forward?

A Holiday
As a marketing tool good Very expensive for the return Should we not do an ROI as we do with other events
Do not block some stores, while other stores people can get to!
Even though we seem to be losing money due to all the activities around town, looks like the only time we had a little traffic was the first year, when the finish line was right in front of us, I suppose it is great advertising for the town overall. However, every business owner I have talked to, say they had terrible sales the days of the race, losing business due to all the road closures, and activities around the race. So, please consider changing the format somewhat, to allow for all the people who do come to town, to visit the local businesses, spend some money, and not just go to all the free events put on by the town and race organizers. For now, we are just going to have to hope lots of people saw the coverage on TV, and decided to come to Breckenridge at a later time?
Events that attract families and do not revolve around alcohol are appreciated
Exposure is good, but we don't they spend much money while here
Finish/Start combo is desirable even though it is most disruptive and logistically difficult.
From a business standpoint I do not have high expectations for short-term sales, but I think the event is good for long-term exposure & bringing people to Breckenridge during other times than the bike race.
fun to watch but does not help sales at all
getting bigger and better
Great event. However, my employees had a horrendous time trying to leave the town after work
Hope we can book it every year. What a fabulous event for Breckenridge
Hopefully continues with finishes and will increase the longevity of our town as Biking community
Hopefully returning to Breck! Not a huge boost to our sales that day - however - we hear a lot of return customers say they came to Breck for the ProChallenge and later returned to shop!!
hopefully we will not see this in the future!!
I don't know we can have a finish & start every year, but as shown above 2013 event was the only time sales were increased
I have had very positive comments from my clients, many of whom attended and other who said they wished they could be in town for the event. We feel that this event is far better than any other throughout the year to draw people to the town and spend money.
I hope we can continue to be successful in getting Finishes and Starts. I believe it is invaluable in the Branding of Breckenridge. I believe our ROI is incredible on this event! This is a very important event for our town and I believe we should aggressively pursue the race for years to come.
I hope we continue to get stages every year.
I love it, keep doing it.
I think it should be a focus to have it end in Breckenridge. It embodies all the values of Breckenridge and Colorado in genera
I think that it will continue to grow.
I think this a good PR move for the town. It's great for getting the name out to a national audience. We feel that in the long run it is a positive event, ever though in the short term it hurts our business.
I was a little unclear as the meaning of this question, if you are asking what do I think is going to happen to this event in the future? I think that the Town of Breckenridge local government is completely enamored with this race, despite the \$200,000 price tag plus whatever revenue is lost by the business community plus whatever is cost in additional Police payroll. I am not convinced that the publicity will necessarily translate into tourist dollars the following Winter or Summer. I expect the business community will for the most part respond negatively in this survey, however the Town will continue to host this event regardless. What would I like to see with this event? I would like to see it go away. However if the majority of the business community responds positively in this survey (which I doubt) then I can tolerate the event for the greater good. If this event were to go forward I would suggest; Only have the finish of the race hosted. Don't block roads off hours ahead of the event, it's incredibly inconvenient for everyone and seems unnecessary.
ideally, I support the town moving forward with securing this event for both finish and start indefinitely. It contributes tremendously in defining character of town, easily pays for itself.
if I were to support this event going forward I would support a one day finish only. ONE DAY ROAD CLOSURE
If race comes back, keep them on main street only so those of us who have to work to make a living and pay your taxes can actually get to work. This race cost numerous people (small businesses) a lot of money b/c they couldn't get to their jobs.
Involve ALL of Main St. Do not block us off at the NORTH end of town.
it a great event for all the people who loves it
It is important for our image to have the USPPC every year if possible.
it is nice to have, but the town needs to consider the employees that need to park. it seemed like this year in particular there was no parking for anyone
It would be great to have a finish and start every year if possible.
it's great from a family perspective/Town Pride event
Keep doing it
Keep doing it
Keep it here as long as possible. Great event.
Love the event and exposure for Breckenridge as something other than ski town
More the merrier!
Moved to a different location. Flies and dust issues were quite a bother.
non factor
Really does not matter.
Skip the free concert. It brought a ton of low end into town.
The north side of Main St. was completely shut out of the event's route for the day that we had the stage finish in Breckenridge. It looked like a ghost town on the north side of Ski Hill/Lincoln despite the fact that there were plenty of people in town. It is a continual struggle to get North Main included in event planning. Until the north side of town is included I don't see events like this helping at all. Rather, I see them as a detriment to our business, as people are wandering around the other end of town. In addition, it seemed like the street closures went into effect well before it was necessary. Feedback from customers was that they did not feel comfortable coming downtown because it was hard to navigate our community. Better event planning is a necessity for events such as this to thrive and receive the support of retail establishments in Breckenridge.

The people drawn are bike enthusiasts that move on with the bikers. It seems to me the huge price tag to attract the event for a one day crowd isn't worth it. Commerce, the ability to get into town and non-existent parking were shut down. Its very cool but 3 years in a row may be enough. I had clients in town trying to look at real estate that didn't give a hoot about the race and we couldn't get around.

This event is great, I think it helps get Breckenridge get exposure world wide. We really hope that it continues to come to our town. It seemed that some visitors were not aware that the event was going on upon booking their trip. Perhaps a reminder from the management/rental agencies would be nice for the guests. The road closures were hard for the guests to understand, I think more public notices for the major highways might help put them at ease.

This is something we will market more in the future, taking into consideration our location at the cross section of Broken Lance Drive, Boreas Pass Road & Highway 9

To manager it where as little impact to Main St as completely possible. DO NOT CLOSE THE STREET before it is absolutely necessary. Insist that all production people be "on there game". Do not over exaggerate the quantity of spectators that will be here to see it- it worse than exaggerating the income that it is bringing. But then again don't do that either. All in all getting REAL about it would be terrific.

We hope that it grows and brings more people and more international exposure to our town. We have plans for promoting ourselves during this event and getting people excited about art and bikes, they go well together. We are working on some ideas to get people to take the walk up from Main St. and see what's happening on Ridge St. and in the Arts District.

We saw the decrease in sales on the 2 days of the race. We feel the vendors in the dredge parking this year took people away from Main St We should always host this event!!

what ever we can do to ensure a finish. The start is great but all the energy and excitement is in the finish

Would love to see Breckenridge host a stage or stages every year!

Would love to see the same program every year. Great event! Very well run. Everyone in our office loves it

Additional comments and feedback:

95%of the people that comes to that event do not know about our type of merchandise

Although it basically forced us to close and work around it, I find it to be a great event for the overall health of Breckenridge. National and International exposure and a ton of people come in for it. I think has been executed well.

Although it made little to no difference in guest visits, we did see a lot more owner visits and they were excited and pleased to see the race

As in years prior, I strongly believe it would be a greater economic contribution if Main Street was closed through ski hill/Lincoln up to wellington. It would have patrons walk through all of Main Street, not just a portion.

Everyone had a good time

have someone from Main Street merchants be on the LOC. Start REALLY understanding the impact that you people that get REGULAR PAYCHECKS have on merchants in this town!!!! Every day counts towards the business Every single day! We live in a resort town that only generates revenue 6 months of the year therefore every single day that we HAVE tourism we need to make money. Especially when "tent people" come in and take income from us as well.

I am curious how much the town pays for this event to be here.

I feel a lot of people Come to town, leave trash everywhere, don't spend a lot of money and then leave. I do believe that it is good exposure for town, but a lot of customers that were not in town for the event where disappointed because of road closures and not knowing this was going to happen when they booked their vacations.

I had court and couldn't get back to my office after court. I just went home. Bicycle riders/fans don't spend money in town. It cost me money and my husband, who's a contractor also lost money b/c he couldn't get to his jobs.

I love the changes to the finish this year. And I think having a finish and a start is the best scenario

I think this event is great exposure for the brand of Breckenridge, but it was hard to maneuver around the town & visitors from the other towns in the county stayed away because of it. On the actual day of the end stage I only did \$60 in my shop & even closed early as there was no traffic once the race was over & everyone went to the concert. However, the week was good, but most of my sales were to people who didn't even realize there was a bike race.

Historically, it is a slow week anyway because schools have started & it's before Labor Day; so I think it is at an ideal time. If it was planned during July or early Aug. I would object because I think it would take away from business, but with the slow week I think it is fine. I like the event.

I will probably close for this event if you proceed with this event. You cant get around town!!!!

I wish the town would give retail the same consideration concerning the impact of the art fairs

I would like to have better access to merchandise well before the race. I have been unable to purchase jersey the last two years. SSV seems to have the control of these items. these are items that we would sell year round

if the event does continue , we will not open for business on that day. this event may draw people in to town however they are not consumers they seem to only follow the racers and not actually linger in town.

Maybe not the greatest boost for business but a great boost for town. It doesn't hurt business and in the long run I think it benefits town

My concern with the pro cycling challenge is that many of my clients were concerned about being able to get to my office for appointments. As such, I lost \$500 in sales because clients chose to cancel their appointment when they found out how hard it would be to travel around Breckenridge.

No one was on the North end of town. The barriers at Lincoln and Main very negatively impacted foot traffic at this end

On the criticism side, the parking and traffic control need some improvement.

Our sales were down 40% both days. We got very few visitors and our locals stayed away. Huge losses for us

Our sales were not impacted by this or any event. The only impact it had on our business was having to avoid road closures and covering for employees that wanted to attend the events.

Parking is always a problem. Our staff had to make arrangements to ride the bus for the days we could not park. I avoided Breck and worked out of our Frisco office. No place to park to conduct business

PLEASE! Do not have an event scheduled for right after the finish! We need all the people who were standing along Main street, to scatter, go to lunch, shopping etc. so that businesses around town can benefit from the crowds. I noticed this year, after the finish, everyone went straight to the Riverwalk, for the free concert and stuff, that was going on over there. Have a concert later in the evening, after everyone has had a chance to go check out the town, done some shopping and had their lunch or dinner:)

The people who come for this event are only coming for this event specifically. They are NOT here to spend money. They come see the event and then leave town, fast.

The reason you see a dip in 2013 sales for this week has to do with the timing of parties booked from year to year not the bike race - we actually saw a nice bump in business from the race.

this doesn't really effect my business but it is a great thing. Beats the hell out of the dew tour

We closed our business for the 2 days for inconvenience purposes. We did have extra business from tourist that stayed after the races were over

We overstaffed for the Tuesday finish and also had decreased business on Tuesday and Wednesday. Employees were excited and the town attitude was definitely pumped up. We view this event not as a one day windfall but as resume builder for the town. Producing and executing a major international sporting event, annually, is no simple task.

We simply do not benefit from town events of this nature. Lodging, Restaurants and T-Shirt Shops seem to do well. Seems there's no support for the small retail or art gallery when it comes to large town sponsored events.

We were up 100% on Tues, Wed, Thurs but the Friday sat sun following were not as strong as last year.

We were working full time during that week and with the construction on Tiger Road, I feel extra effort to direct traffic would have been beneficial. Please remember that not everyone is a tourist!!!

While our numbers increased every year for the dates shown, this is not a result of the Pro Cycling Challenge. It is a reflection of overall growth of our business.

With previous year sales history tough to say. Finish day seemed on par with days leading up to it. Start day seemed better than other surrounding days.



Survey: USA Pro Cycling Challenge

Question: Which best describes your relationship to Breckenridge? (may answer up to two)

Full-time resident of Breckenridge/Summit County : 52

Seasonal resident or second homeowner of Breckenridge/Summit County : 16

Business owner or manager in Breckenridge : 22

Question: If you are a business owner or manager, what type of business?

Lodging : 11

Restaurant : 5

Retail : 14

Other (please specify) : 26

Question: If a business owner or manager, what impact did the USAPC have on your business for the full week of Aug. 19 - 25?

Very Positive : 15

Somewhat Positive : 9

No Impact : 19

Somewhat Negative : 11

Very Negative : 3

Question: What impact – short term - did the USAPC have on Breckenridge overall?

Very Positive : 55

Somewhat Positive : 20



No Impact : 5

Somewhat Negative : 9

Very Negative : 1

Question: What impact – long term - does the USAPC have on Breckenridge overall?

Very Positive : 59

Somewhat Positive : 25

No Impact : 4

Somewhat Negative : 2

Very Negative : 0

Question: How effective is the USAPC in drawing guests that would normally not visit Breckenridge?

Very Positive : 35

Somewhat Positive : 45

No Impact : 5

Somewhat Negative : 4

Very Negative : 1

Question: Are you in favor hosting the USAPC again?

Yes : 77

No : 7

Maybe, need more info : 6

Question: What are your suggestions for this event in Breckenridge moving forward?



none(3)

.(2)

A non-drinking event that can grow every year and make Breckenridge a major player in a growing industry - I am all for it!

Absolutely better coordination with the school district (as in a no-school or testing day) and limit excessive closures. Both would bring in more locals. Any date in late August except a Friday just isn't going to drive additional business.

After reviewing the comments, I think including North Main in all the events makes sense.

Another Finish/Start set of stages!

**at what point do you continue again and again? and how much money?
What accountability and ROI have you received**

Better post race TV coverage, awards ceremony held on Main Street, not a remote location

Better TV coverage throughout the entire race including Breckenridge.

Bicycle week is great - maybe it could overlap the tour. How about a "Tour of Breck Road Climbs" Challenge of some sort (Boreas, Forest Hills, Ski Hill Rd, Warriors Mark, etc). More clinics (some were advertised but not held) - bike maintenance, fitting. Encourage pro riders to mingle at their bus or elsewhere if we get a start (some do, some hide until the last minute)

Bikers do not spend time or money hanging out in Breck

Concert or anything big after a Finish needs to start at 8pm, allow time for people to visit our restaurants on and near Main Street.

Also need to spread out the event, incorporate the North end of town more. The Finish at Wellington was great. Maybe the Start could be at Wellington, something to draw ppl down to that end of town more.



CONSIDER HOW TO BRING REVENUE ALONG WITH THE ADVERTISING THE EVENT BRINGS INTO TOWN. AS A LOCAL I WAS SURPRISED TO FIND RESTAURANTS EMPTY DURING THE TWO DAY EVENT. HAS THIS BEEN CHECKED OUT WITH THE RESTAURANT ASSOCIATION? IS MY PERCEPTION CORRECT?

Continue to inform everyone of road closures and events so we know what times and places we will need to avoid in town and the county.

Continuing the event, sans warrantless searches on public property.

The text below should serve to highlight the glaring inconsistency between the spirit of Madison & Jefferson and Breckenridge's new "procedures".

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated..."

"Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither". - Benjamin Franklin

Don't bother. Focus on bringing in events that encourage real visitors who will want to stay in town, enjoy what we have to offer, spend money and become lifelong visitors. The bike race appears to have attracted only bike race fans who spent no money and got out of town as soon as the race did. Road closures were also a real pain and, anecdotes from real visitors suggest, put off real visitors from coming to town until the event had ended.

don't close the roads for such a long period of time

Don't stress over having a start. TV coverage is non existent and the costs to host teams is substantial.

Draw too many people to a town already bursting. Great for those who want to make money, but not for those who wish to enjoy a mountain town. Don't we have enough t-shirt and sports shops?

Ensure the \$ spent on the race would not be better utilized on traditional media spend we can control.

Excellent event. Excited to see it stay as a part of the Breckenridge schedule.



Great event, start finish combo a must. Road closures and main street closure seemed excessive. Event planners need to continue to find good balance for the event and local business, so it can be a win-win, short term and long term, no easy task

Have at least the FINISH in Breck.

Have the race make laps of town so people can see the racers

Having a stage finish followed by a stage start the next day is fantastic in terms of bringing people to Breckenridge and highlighting the town. This is a very prestigious event and it is great to see the Town of Breckenridge be part of it.

I am in agreement that the event is "good for Breckenridge". However at who's expense? The retailers on Main Street don not benefit at all when you close Main Street 16 hours before there is ANY work being done..anywhere., Your past comment is that it "takes time" "it's a very complex event to set up". Yes,it is however; when it was staged in Denver they didn't close the street 16 hours in advance. Please hone your skills on this event to NOT make it at the COST of local business.

I did not attend any events this year - too crowded, parking a problem. Traffic patterns are disrupted for the benefit of a few. Nice photo op, but beyond that not much else. Did ToB manage to keep dogs out this year?

i don't have any suggestions

I don't think we did a good enough job combining lodging/activities/ food and drink packaging. Value adds always help to keep people around. This crowd is obviously very transient due to the nature of the race but for those we can hold for a extra day or two would help.

I enjoyed the combination of Pro and amateur events that made up "bike week"

I like the finish/start combo and think the town is very good at executing it. In general, I feel there is no measureable windfall - dollars that is - in the



retail and restaurant sectors for the day-of-event sales. Different for lodging? I don't know. But an annual international event of this stature on our resumé, the value is incalculable.

I liked the additional activities and "Village" areas this year with both a start and finish. Many guests did not know of the tour going on and were a little frustrated with the traffic, but once they got here were extremely excited to take part in the festivities. Please keep this event coming!!!!!!!

I love the event and would love to see Breckenridge host it again

I love watching the Tour de France because of the cycling and the visual tour through France we get to take with the riders. I feel the Pro Cycling Challenge has a similar impact. It may not have the impact during the race necessarily but highlights the state and Breckenridge to an international audience.

I loved having the start and finish. Breckenridge does a fantastic job and the "extra" events are wonderful and should continue.

I see the merits of hosting a historically significant event such as this, however I must tell you that it has negatively affected my business on the day of the event.

I think the best idea like Breckenridge had with this last event is-if possible-to get a finish and start day. I would hope this would help to keep visitors to stay in the area, spending \$ on the local businesses, instead of chasing the race to its' next destination which many people who come to town specifically for the USAPC seem to do. I also like the idea of bike themed events the week of the USAPC, once again encouraging families and visitors to stay and enjoy BRECK, not just the race.

I thought it was great I don't have any suggestions at this time.

I would like to see Breckenridge become a permanent sponser of the event. This is an international event which can go a long way in exposing international & USA based summer travelers to Breckenridge thus becoming a possible winter visitors. I also think that Hosting the overall Start to the race would be a boon for Breckenridge for the week leading up to the event. I fully support any Finish or Start for any stage but would also like to see the effects of an overall start.



I'd like to see more access to the riders. Maybe a panel discussion, Q and A session, etc. More video screens would be nice.

If it is about increasing revenue in the town I don't think it works. If the overall opinion is in favor of the race then I would suggest just having the finish hosted. The second day or start was even quieter and paralyzed the town for the morning

If the race isn't helping Main Street businesses, maybe having the town loop go on alternate roads would be better, French Street or High Street or something. Also, since it's an outdoor event, businesses might do better with an outdoor street fair type of things.

If we have the race again in Breckenridge, I feel that you need to include all of Main Street, not just South Main Street. Most of the events hosted in Breckenridge do not include North Main Street, and it negatively affects the business on this end of town. On Tuesday, when the race only looped through South Main Street, we had very little foot traffic and almost no sales. If we have the race again, include the entire stretch of Main Street from Park to French.

It was great. Lots of activities and they did a great job getting people to stay overnight this year.

Its a blast. Love the excitement. The party at the riverwalk after the finish was better than Town Party

Job well done!

keep hosting

Keep it comin.

Keep it coming back, huge international exposure and usually happens at a slow time of year so why not. Doesn't really boost our sales but doesn't hurt them either.

Keep it coming here as long as we can

Keep It!!!



keep trying for a start finish or at least push for finish.

Keep up the good work.

Keep up the great work!

Like the childrens' race and promote the women's race. Jumbotrons are great and a bouncie play area for kids are great to keep people in town. Restaurants/stores can promote "Pro Challenge" specials.

Local crit race pre start or post finish

Love the event! The long term benefits to our business far outweigh the short term negative effect!

make viewing easier by educating and maybe even setting up seating in other race areas besides main street.

Mix it up, I liked the finish up Moonstone. Maybe do laps around Lake Dillon with start and finish in Breck? Try different stuff but get it back here every year - it is invaluable to building our Brand

More music

Move finish line further north so some businesses aren't blocked off from the foot traffic

no comment

No suggestions

Not having it on the first day of school.

Off topic, what about a small airport in or very near Breck?

Offer more organized rides and other events with retired pro cyclists.

One key question is how much is it costing the Town of Breckenridge to host this event.



Overall this is a great event. However, during the morning before the start, my wife and I were walking around Main Street, which was virtually deserted around 9AM. We were told that we were in VIP area while we were watching some kids race by a rude hostess and that we had to leave immediately. Nothing was set up, no one besides us were there and there were no signs. This person needs to get a life and realize we were not infringing on any VIPs. Arrogance has no place and turns people off!

Please coordinate with the school district on dates/timing. It was a mess having a half-day for first day of school -- very difficult for working parents!!

push it back closer to a weekend. Try to get a "true" mountain top finish somewhere in Summit Co. None of this base of peak 8 BS, I'm talking a REAL MOUNTAIN.

reduce impact on Main St closure by closer coordination with event setup (ie- don't arbitrarily close the street when the crew is not even in town and ready to go), and require them to complete tear down more quickly, to allow traffic on the road sooner.

Repeat of this year OK by me...

Report out to us the financial impact

road closures impacted our guests...more information on all road closures

Road closures were upsetting and I wonder if we get much of a positive economic impact....seems the town emptied out as soon as bikers left....

Take a year off

the double day race caused locals and visitors a bit of stress with traffic issues and road closures.

The finish is always busier than the start. We had a massage booth this year and it was very busy and got the word out for our downtown location.

The problem stemmed from closing traffic on Main St. far in advance on the event. It was incredibly hard to get around and even more difficult to get to stores. We had several clients come in before the race tell us that they would not buy anything that week because they did not want to carry it around



while navigating the crowds. Crowds are great, but not without effective crowd management and a good distribution of people throughout town. Once again, North Main was left out of an event.

The Town should continue to solicit cycling events. Competitive cycling, both amateur and professional is increasing in popularity and reflects the level of fitness of people who live the State of Colorado and Summit County.

This event is a drain on our infrastructure. I saw zero economic gain.

Try and get it again!

Try to keep the Moonstone finish loop. It was a great addition

While the traffic situation is a bit of an inconvenience, this is something that gives the town an image beyond being a place to ski. Adding events such as Railroad Earth at the Riverwalk Center is an excellent idea.

Work with (Breckenridge nonprofit groups only)to create another \$\$ event ,!!

Would be nice to have school start after this event. It's hard to have kids starting school while an event of this size was going on. Less (or shorter) street closures would be nice. Why couldn't you watch live coverage on the Jumbo Tron? It is a fun event, but I see where people are coming from when they say it is inconvenient to their daily life. But I think "inconveniences" happen when you live in a ski town...

Would love to have it back with a finish again!

Comments

Number of Comments 12

Comment 1: To me the "long view" is what this kind of coverage and exposure does for the Breckenridge brand. I think it is very helpful for our brand. This year however I was disappointed in this years lack of a television re-broadcast. I would also prefer that the awards ceremony take place on Main Street. I do think the start and finish combo is a good one and I would like to understand if the placement of the Start and Finish can be changed from year to year so all of Main Street benefits. | By John W

Comment 2: This is BY FAR the best event in our county. The energy in Breck is fantastic and



it's a truly family friendly event. We love attending as a family as it's not a heavy drinking event like most of the other events. My only criticism is there needs to be better coordination with the school district -- having the first day of school be a half day was not ideal. | By Kate H

Comment 3: I actually received more business from the Leadville 100 that week than I did from the USA Pro- Challenge but I don't care. As a long time business owner now for 22 years, I have seen events come and go. But I for one really love this event as I can actually get out and enjoy it as i do not expect anything anymore. Some events are huge for me (Snow Sculpting) and some are not, so what. I still love this town (for the most part) and enjoy raising my family here. Great coverage from the media outlets only drives more attention to our town and does not hurt. Does it bring any real money to town or are we spending more than we are making to get this event here. So long as the town isn't pissing our money away uselessly, bring it on!
David Pfau

Breckenridge Photographics | By David P

Comment 4: I think an event of this stature is critical to keep in Breck. I think it's short sighted to think only about sales that day vs. the overall impact exposure for an event like this creates in overall awareness and visitation to Breck. I would love for us to have a finish or start on a weekend again though! | By Ginny V

Comment 5: If we have the Pro Challenge again, I would like to see North Main Street involved on all the days.

We were excluded on Tuesday which made our sales non-existent. When North Main Street was included on Wednesday, we had sales. The town needs to understand North Main Street is part of town and there is no excuse for us to be excluded if there are events being held. | By Dena R

Comment 6: As a business owner, I did not see any business as a result either. However, some things are bigger than that, and this is one of them. Not every event will drive business. Some are designed to create interest in our town that will drive business during the entire year. Expecting every event to put \$ in pockets is a sure way to become disappointed. | By Toby B

Comment 7: This year, with the finish on Tuesday, the restaurant I am associated with felt little increase in business compared to the same Tuesday last year. However, the finish in 2011 on a Friday or Sat... made a huge impact on business there. (off Main) The start does little for business. I am very much in favor of this event continuing as it is the most exciting event all year from my perspective. I stayed in town all day Tuesday and did eat at restaurants in town. |
By Maureen H

Comment 8: I am with Sheri, business was non-existent, in addition locals and (tourists if there were any at all trying to spend money) were severely inconvenienced by this event. Closing streets several hours ahead of the event made no sense to me.



| By Richard M

Comment 9: Agreed. I also took offense to the warrantless bag searches patrons were required to undergo, before being "allowed" to pass the "security checkpoint".

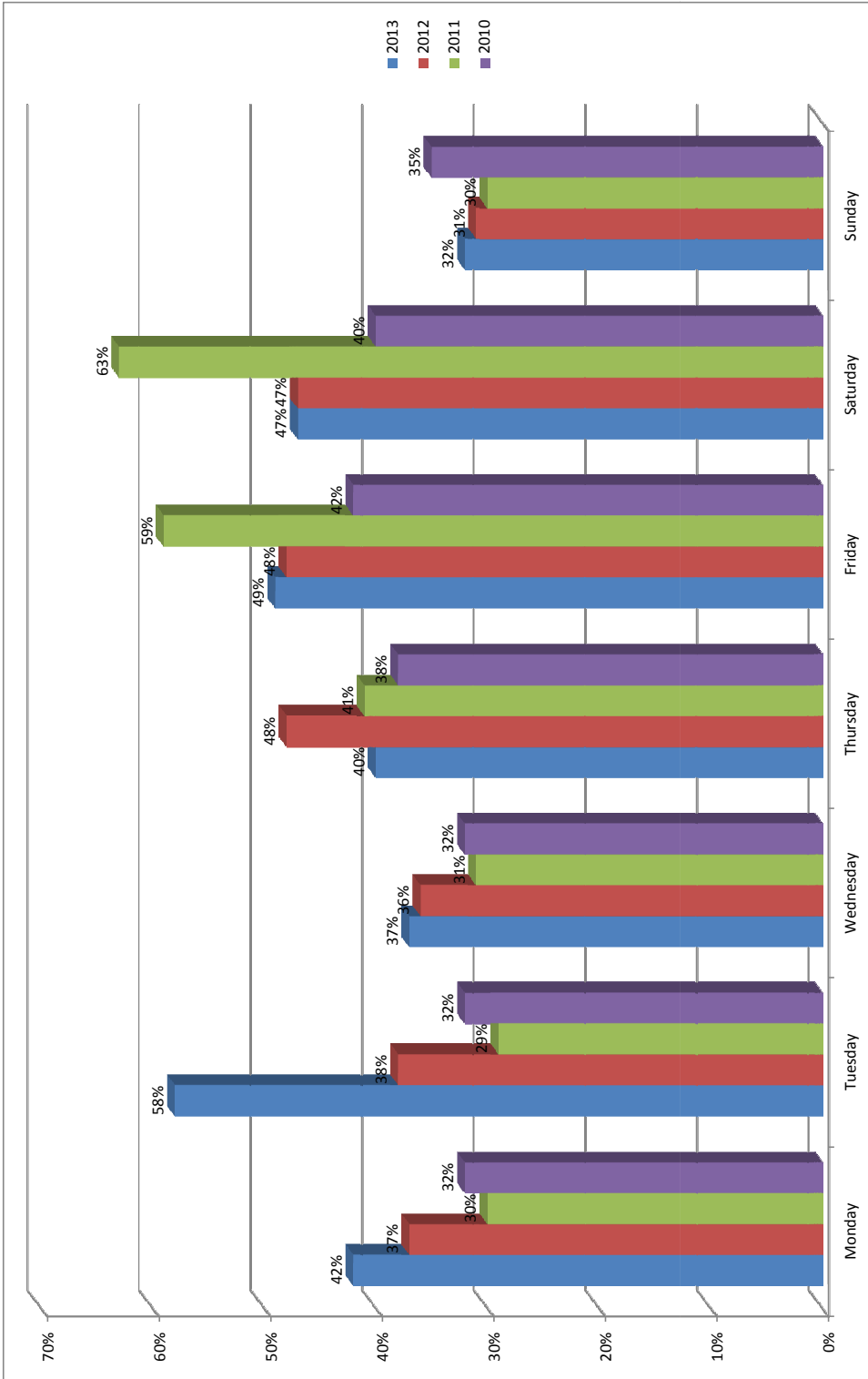
| By Chris T

Comment 10: It's not "just another Monday in August" for retailers... We need every single day to make our numbers happen * especially when we are sliding right into zero tourism months. You may want to keep in mind that some of us have done major events, worked with and in production. Closing Main St 16 hours in advance was uncalled for - as we stood in the middle of the street while leaving a message for K. DiLallo the were no workers, no street cleaners, no production trucks AND there were no customers.

Additionally the LOC sent PR out that said there was going to be some ridiculous amount of "fans" attending the event. Was it 100,000? Actually there may have 3,000- when sending those inflated PR messages out it further detoured regular tourism and normal shoppers. PLEASE do not scare away shoppers to Main St and don't think for a minute that the "fans" shop... | By Sheri S

Comment 11: I am with Sheri, as a business owner I thought from a retailer's perspective the event was a disaster. As you comment Sherri 'Fans' do not shop, at least not in my store or any other business I spoke to. Closing streets for hours ahead of the event only compounded the problem. | By Richard M

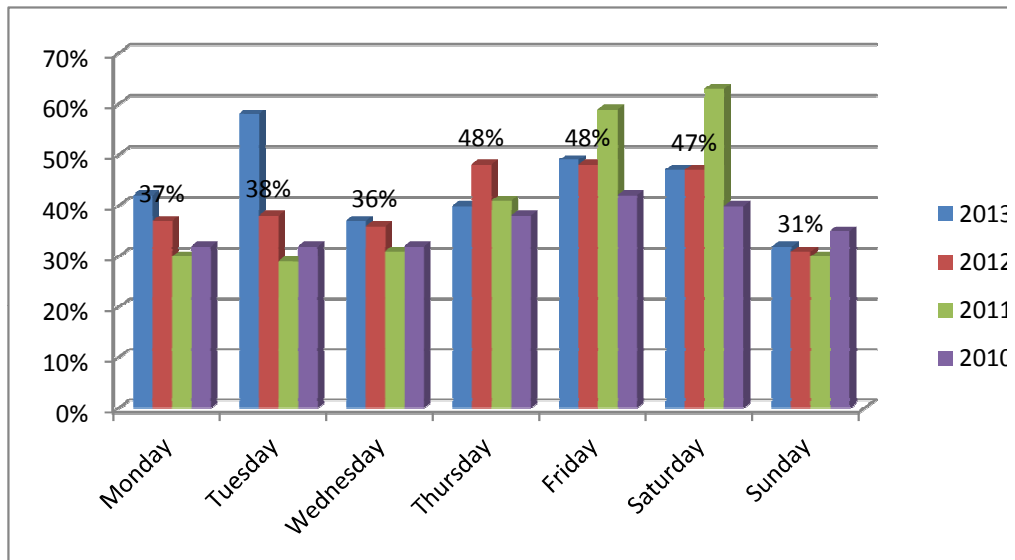
Comment 12: Sheri i agree-I had to cancel appointments with local clients who did not want to deal with the traffic on the day of the event, and new/visiting clients chose not to make an appointment at all once i informed them that the race was coming through town that day. Although I appreciate the cycling sport and the historical race through Colorado, I couldn't justify all the logistical nightmares just to see a few seconds of the racers whiz by. | By Erica R



	2013	2012	2011	2010	2013
Monday	42%	37%	30%	32%	19
Tuesday	58%	38%	29%	32%	20
Wednesday	37%	36%	31%	32%	21
Thursday	40%	48%	41%	38%	22
Friday	49%	48%	59%	42%	23
Saturday	47%	47%	63%	40%	24
Sunday	32%	31%	30%	35%	25

Dates

2013 August 19 - 25
2012 August 20 - 26
2011 August 22 - 28
2010 August 23 - 29



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MEMORANDUM

TO: Town Council

FROM: Julia Puester, AICP, Senior Planner

DATE: October 16, 2013 for meeting of October 22, 2013

SUBJECT: Classification of Development-1st Reading

Staff has recently reviewed the Development Classification definitions within the Development Code and identified modifications that could assist with efficiencies and clean up issues within the development review process. At their September 17 worksession the Planning Commission was supportive of the changes and recommended that staff proceed to the Town Council with the changes.

Staff reviewed the proposed changes to the Development Classifications with the Town Council at their October 8 worksession and received direction to proceed to first reading.

The main changes proposed in this ordinance include:

- Adding a new “*Wireless towers and antennas*” development under Class A applications. Staff believes that a more stringent review process is warranted to address potential issues such as land use, visibility and location, all of which have presented concerns in past applications. Staff has begun researching how other jurisdictions have addressed wireless towers and antennas in their regulations and intends to come back before the Council with a proposed review process for these facilities at a future worksession.
- Reclassify “*Vendor Carts, Small*” development from a Class B to a Class C with the stipulation that public notice is still required in accordance with the Class B development permit application guidelines. This will allow for notice to adjacent property owners and posting of the property.
- Adding “*seasonal*” structures into the Class C development temporary structures language which are currently not accommodated by the Code (i.e. ski locker building). This will require a future modification to Policy 9-1-36A *Temporary Structures*.
- Reclassify “*Single-family, duplex structure or major remodel outside of the conservation*” to a Class D development unless negative points are warranted or there is no platted building or

disturbance envelope. These Class D Permits, which are not reviewed by the Planning Commission, will be discussed and evaluated after a year under the new classification system by staff and the Planning Commission. Staff will also keep the Commission updated monthly regarding permits recently reviewed and approved by staff. (Note that application fees would remain the same as fees currently charged.)

- Adding a new “*Master Sign Plan Modification*” development Class D application. This will allow for older Master Sign Plans to be updated without a huge cost.
- Adding “*modification to unit floor plan*” of an employee housing unit to be a Class D development application. This would allow staff to have a formal check on any changes to employee housing units to identify any potential issues such as change in floor plan (unit size, kitchen, number of bedrooms, etc) which may affect the quality of the unit.
- Strike existing wording in Minor Remodel definition: *Additional residential square footage of ten percent (10%) or less of the existing structure's square footage and no change to the exterior of the structure.* This is a clean up item. Staff is proposing to remove the conflicting language addressing the “and no change to the exterior of the structure” (as any addition would cause a change to the exterior of the structure).

Staff and the Town Attorney will be available to answer questions about this ordinance during the meeting on Tuesday.

1 ***DRAFT October 10, 2013 DRAFT***

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

5
6 COUNCIL BILL NO. 41

7
8 Series 2013

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

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

16
17 Section 1. The definition of “Class A Development” in Section 9-1-5 of the
18 Breckenridge Town Code is amended to read as follows:

CLASS A DEVELOPMENT: Any development which includes any of the following activities or elements:

- A. Residential uses which include three (3) units or more.
- B. Lodging and hotel uses.
- C. Any site work or landscaping which is in excess of two hundred thousand dollars (\$200,000.00) in value, to include ski lifts and parking lots.
- D. Commercial and industrial uses, additions and remodels **thereto** which are one thousand (1,000) square feet in size or greater.
- E. Approval of a master plan on a site five (5) acres or more in size.
- F. Major amendment to a master plan pursuant to section 9-1-19-39A, "Policy 39 (Absolute) Master Plan", subsection L, of this chapter.
- G. Wireless communication facilities**

19
20 Section 2. The definition of “Class B Development” in Section 9-1-5 of the
21 Breckenridge Town Code is amended to read as follows:

CLASS B DEVELOPMENT: Any development which includes any of the following

DEVELOPMENT CLASSIFICATION ORDINANCE

activities or elements:

Class B - Major:

- A. New single-family **non historic** residential within the historic district or the conservation district.
- B. New duplex residential within the historic district **or conservation district**.
- C. Bed and breakfasts, and boarding houses.
- D. Commercial and industrial uses and additions which are less than one thousand (1,000) square feet in size **or 10% of the existing square footage (unless classified as a Class A development)**.
- E. Approval of a master plan on a site of less than five (5) acres.
- F. Demolition or moving of a landmark or historic structure (including any portion of the structure).

Class B - Minor:

- A. New or major remodel¹ of any **historic** residential structure within the historic district or the conservation district.
- B. Change of use within a residential district.
- C. Site work, landscaping, grading, and utility installations on steep slopes (greater than 15 percent) or within environmentally sensitive areas.
- D. Operation of a home childcare business.
- E. Vendor carts, **Large** (large vendor carts and small vendor carts). ~~Because a small vendor cart development permit is valid for only one year, the application fee for a small vendor cart development permit shall be one-third ($\frac{1}{3}$) of the normal class B-minor application fee.~~
- F. Application for exempt large vendor cart designation.

Class B development is divided into major and minor categories for purposes of payment of application fees² only. The procedures set forth in the development code for the processing of class B development permit applications apply to both major and minor categories.

DEVELOPMENT CLASSIFICATION ORDINANCE

Footnotes:

1. See asterisks following definition of “class D development.”
2. See chapter 10 of this title.

1 Section 3. The definition of “Class C Development” in Section 9-1-5 of the
2 Breckenridge Town Code is amended to read as follows:

CLASS C DEVELOPMENT:

Any development which includes any of the following activities or elements:

~~Class C Major: A. Single family structure outside of the historic district, with or without an accessory apartment, except where development occurs on a steep slope or within an environmentally sensitive area, in which case the project may be reclassified as a class B major.~~

~~B. Duplex residential outside of the historic district.~~

~~Class C Minor:~~

A. Change of use outside of a residential district.

B. Master sign plans.

C. Temporary **seasonal** structures or uses greater than three (3) days in duration.

D. ~~Minor remodels and~~ Additions to commercial, office or industrial structures **of less than 10% of the existing square footage.**

E. Matters relating to nonconforming uses.

F. Minor amendment to a master plan pursuant to section 9-1-19-39A, subsection L, of this chapter.

G. Installation of solar device within the conservation district.

H. Vendor Carts, Small. A Small Vendor Cart shall be processed as a Class C development permit with public notice requirements per a Class B development permit.

I. Major remodel to residential condominium, lodging, or hotel structure.

~~Class C development is divided into major and minor~~

DEVELOPMENT CLASSIFICATION ORDINANCE

categories for purposes of payment of application fees⁴ only. The procedures set forth in the development code for the processing of class C development permit applications apply to both major and minor categories.

1
2 Section 4. The definition of “Class D Development” in Section 9-1-5 of the
3 Breckenridge Town Code is amended to read as follows:

CLASS D DEVELOPMENT: Any development which includes any of the following activities and elements:

Class D - Major:

1. New single-family, duplex structure, or major remodel outside of the historic district, with or without an accessory apartment, except where the proposed development either:

a. Warrants the assessment of any negative points based upon the Director’s preliminary assessment at the time the application is initially filed; or

b. Is located on a lot, tract, or parcel without a platted building or disturbance envelope outside of the conservation district as defined in Section 9-1-19 4A (Mass).

A Class D - Major permit application that meets the conditions described in subsection a or b above, shall be reclassified as a Class C development permit application.

Class D - Minor:

- A. Banners and sponsor banners (all).
- B. Individual signs (all).
- C. Demolition or moving of any structure outside of the historic **or conservation** district.
- D. Demolition of nonhistoric structure within the historic **or conservation** district.
- E. Fencing (all).
- F. Home occupation.

DEVELOPMENT CLASSIFICATION ORDINANCE

- G. Minor remodel¹ of any residential structure.
- H. Temporary structures or events of three (3) days or less in duration.
- I. Operation of a chalet house.
- J. Any painting of a structure within the historic **or conservation** district, except for paint maintenance.
- K. Any painting of a structure with a commercial or lodging use outside of the historic district in land use districts 3, 4, 5, 6, 9, 13, 20, 23, 25, 28, 31, 32, 33, 35 or 39; except for paint maintenance.
- L. The painting of a contemporary landmark as provided in section 9-1-19-5A, "Policy 5 (Absolute) Architectural Compatibility", subsection A(2), of this chapter.
- M. The placement of a commercial handbill dispenser outside of a fully enclosed building as provided in section 11-5-6 of this code.
- N. Construction of approved trash dumpster enclosure or conversion of nonconforming trash dumpster enclosure to approved trash dumpster enclosure.
- O. Placement of public art.
- P. Substitution of employee housing unit **or modification to unit floor plan**.
- Q. Summer seasonal occupancy of employee housing unit as provided in section 9-1-19-24R, "Policy 24 (Relative) Social Community", subsection A(5), of this chapter.
- R. Placement of a satellite earth station larger than two meters (2 m) in diameter in land use districts where industrial or commercial uses are recommended, or larger than one meter (1 m) in diameter in land use districts where any other use is recommended.
- ~~S.~~ Repealed.
- ~~TS.~~ Site work, landscaping, grading, and utility installations unless done on steep slopes or within environmentally sensitive areas.
- ~~UT.~~ The outdoor display or storage of bicycles as provided in subsection 9-7-6C of this title.
- ~~VU.~~ Any other development described as a class D development in any town ordinance.
- ~~WV.~~ Installation of swimming pool, spa or hot tub.
- ~~XW.~~ Seasonal noncommercial greenhouse.

DEVELOPMENT CLASSIFICATION ORDINANCE

~~YX~~. Installation of solar device outside the conservation district.

~~ZY~~. Creation of voluntary defensible space around a building or structure, or on a parcel of land.

~~AAZ~~. Application for a renewable energy mechanical system under section 9-1-19-4A of this chapter.

AA. Master sign plan modification.

Class D development is divided into major and minor categories for purposes of payment of application fees only. The procedures set forth in the development code for the processing of Class D development permit applications apply to both major and minor categories.

*Major remodel - Additional residential square footage of more than ten percent (10%) of existing structure square footage and/or change of character to the exterior of the structure.

*Minor remodel - Additional residential square footage of ten percent (10%) or less of the existing structure's square footage ~~and no change to the exterior of the structure.~~

Footnote:

1. See asterisks following this definition

1
2 Section 5. The development permit application fees for Class C and Class D applications
3 shall be as follows: (i) the application fee for a Class C development permit application shall be
4 \$705; (ii) the application fee for a Class D – Major development permit application fee shall be
5 \$1,410; and the application fee for a Class D – Minor development permit application fee shall
6 be \$50. These fees shall remain in effect until a resolution modifying these fees is adopted by
7 the Town Council pursuant to Section 9-10-4 of the Breckenridge Town Code.

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

10 Section 7. The Town Council hereby finds, determines and declares that this ordinance is
11 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
12 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
13 thereof.

DEVELOPMENT CLASSIFICATION ORDINANCE

1 Section 8. The Town Council hereby finds, determines and declares that it has the power
2 to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act,
3 Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal
4 zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv)
5 Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to
6 home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers
7 contained in the Breckenridge Town Charter.

8 Section 9. This ordinance shall be published as provided by Section 5.9 of the
9 Breckenridge Town Charter, and shall become effective on January 1, 2014.

10 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
11 PUBLISHED IN FULL this ____ day of ____, 2013. 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 ____, 2013, 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

24
25 ATTEST:
26
27
28
29

30 _____
31 Helen Cospolich
32 Town Clerk
33
34
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36
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38
39

40 500-351\Development Classification Ordinance (10-09-13)

DEVELOPMENT CLASSIFICATION ORDINANCE



October 13, 2013 – for Council Work Session on October 22, 2013

TO: Breckenridge Town Council

FROM: Maribeth Lewis-Baker and James Phelps

RE: Title VI Plan and Limited English Proficiency (LEP) Plan Updates

Ladies and Gentlemen of the Breckenridge Town Council:

As a recipient of federal financial assistance grant funds, the Free Ride is required by the Federal Transit Administration to prepare a Title VI Civil Rights Plan and file triennial updates related to any complaints and how we are providing meaningful access to our Transportation Program for people with Limited English Proficiency. A Limited English Proficiency Person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

In 2009, the Council adopted by Resolution No. 1, a Title VI Program for the Free Ride Transit System to submit to the Federal Transit Administration (FTA). At this time, a triennial update is now due and we are updating our Plan to conform to some new regulations that were recently released in the FTA Circular 4702.1B

New in this Circular is the requirement to submit to the FTA some Service Standards to document that we have sufficient methodology in place to where we are not being discriminatory in how we assign buses to bus routes, place transit amenities such as bus shelters, benches, and trash cans, and in our selection process for the spacing between bus stops. These basic Service Standards for our transit system were previously adopted by the Council in the 2009 Master Transit Plan.

Due diligence was conducted by staff to determine the potential number of LEP individuals that are present within the Breckenridge community. We underwent a Four Factor Analyses using data from the 2010 US Census, American Community Survey, and the Summit School District. Upon conclusion of the exercise, we determined that we are below a 5% residential population for LEP individuals.

Pursuant to public involvement requirements set forth by the Federal Transit Administration, the proposed Title VI and LEP Plans are available for public review and comment. Public Notice was published in the Summit Daily News on October 19, 2013. The Free Ride shall accept comments for informational purposes from the public through November 13, 2013. Any public comments received shall be included with the final submittal to the FTA.

By way of resolution, we are seeking your adoption and approval for the revised Title VI Plan, inclusive of the LEP Plan, for the Free Ride Transit System.

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

1 ***FOR WORKSESSION/ADOPTION – OCT. 22***

2

3 A RESOLUTION

4

5 SERIES 2013

6

7 A RESOLUTION APPROVING UPDATES TO AND ADOPTING THE REVISED “TOWN
8 OF BRECKENRIDGE TITLE VI PLAN RELATED TO TRANSPORTATION PLANNING,
9 IMPROVEMENTS, AND TRANSPORTATION SERVICES”

10

11 WHEREAS, Title VI of the Civil Rights Act of 1964 prohibits discrimination against any
12 person on the basis of race, color, or national origin in the provision of benefits and services
13 from federally assisted programs and activities; and

14

15 WHEREAS, the Town of Breckenridge is currently receiving federal assistance under the
16 Urban Mass Transportation Act of 1964, as amended, and may seek further federal financial
17 assistance funds for its transportation program in the future; and

18

19 WHEREAS, it is necessary and appropriate for the Town of Breckenridge to approve and
20 submit to the Federal Transit Administration and the Colorado Department of Transportation a
21 plan evidencing the Town’s commitment and plan for fully complying with the requirements of
22 the Title VI of the Civil Rights Act of 1964, and the implementing federal regulations, in
23 connection with the operation of the Town’s transit system; and

24

25 WHEREAS, the Breckenridge Town Council had previously approved and adopted a
26 Title VI Plan through Resolution No.1, Series 2009, and a triennial update of said plan is now
27 due along with revisions to meet additional regulations as outlined in the Federal Transit
28 Administration Circular 4702.1B; and

29

30 WHEREAS, a proposed “Town of Breckenridge Title VI Plan related to Transportation
31 Planning, Improvements, and Transportation Services“ (“Title VI Plan”) has been prepared, a
32 copy of which is marked Exhibit “A”, attached hereto, and incorporated herein by reference; and

33

34 WHEREAS, the Town’s Transit Division has advertised the availability of the Title VI
35 Plan for public participation and solicitation of comments on the Town website and in the
36 Summit Daily News; and

37

38 WHEREAS, the Town Council has received and given due consideration to any
39 comments submitted concerning the Town’s Title VI Plan; and

40

41 WHEREAS, the Town Council of the Town of Breckenridge has reviewed the proposed
42 Title VI Plan, and finds and determines that it should be approved and adopted as the Town’s
43 required Title VI Plan for the Town’s transit system.

44

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

3
4 Section 1. The “Town of Breckenridge Title VI Plan Related to Transportation
5 Planning, Improvements, and Transportation Services“ (Exhibit “A” hereto) is approved and
6 adopted as the Town of Breckenridge Title VI Plan for the Town’s transit system; and the Town
7 Manager and Transit Manager are authorized, empowered, and directed to execute such
8 document and all related certificates and assurances, and to file such document, certificates and
9 assurances with the Federal Transit Administration and other applicable state or federal agencies
10 as required.

11 Section 2. This resolution shall become effective upon its adoption.

12 RESOLUTION APPROVED AND ADOPTED this 22nd day of October, 2013.

13
14 TOWN OF BRECKENRIDGE

15
16
17
18 By _____
19 John G. Warner, Mayor

20
21 ATTEST:

22
23
24
25 _____
26 Town Clerk

27
28 APPROVED IN FORM

29
30
31
32 _____
33 Town Attorney Date



Town of Breckenridge Title VI Plan

*Related to
Transportation Planning, Improvements, and Transportation Services*

**Endorsed and Approved January 13, 2009 by the:
TOWN OF BRECKENRIDGE
COUNCIL
Resolution No. 1 Series 2009**

Updated to meet Circular 4702.1B
"Title VI Requirements and Guidelines for Federal Transit Administration Recipients"

**Revisions & Additions Endorsed and Approved
October 22, 2013 by the:
TOWN OF BRECKENRIDGE
COUNCIL
Resolution No. 14 Series 2013**

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

CDOT Civil Rights & Business Resource Center
4201 East Arkansas Avenue, Room 150
Denver, CO 80222

October 23, 2013

RECIPIENT INFORMATION

RECIPIENT: Town of Breckenridge (TOB)
Rural Transit Agency (population under 200,000)

ORIGINAL TITLE VI PROGRAM SUBMISSION: January 13, 2009

ORIGINAL TITLE VI PROGRAM APPROVAL BY FTA: July 13, 2010

This submission is an UPDATE and conforms to FTA Circular 4702.1B

SUBMITTAL DATE: October 23, 2013

EXPIRATION YEAR: 2016

CONTACT INFORMATION:

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

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

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I. PROVISION OF TITLE VI ASSURANCES

The TOB hereby certifies that, as a condition of receiving Federal financial assistance from the Department of Transportation under the Urban Mass Transportation Act of 1964, as amended, it will ensure that:

- a. TOB shall submit on an annual basis, their Title VI Assurance, as part of their annual Certification and Assurance submission to the FTA.
- b. No person, on the basis of race, color, or national origin, will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
- c. TOB will compile, maintain, and submit in a timely manner, Title VI information required by FTA Circular 4702.1B and in compliance with the Department of Transportation's Title VI Regulation, 49 CFR, Part 21.7.
- d. TOB will make it known to the public that those persons or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration, and/or the U.S. Department of Transportation, and/or the Colorado Department of Transportation.

II. TITLE VI COMPLIANCE HISTORY

- a. During the course of the last three (3) years, there have not been any lawsuits or complaints received related to Title VI. Currently, there are no outstanding lawsuits or complaints naming the TOB which allege discrimination on the basis of race, color or national origin with respect to transit service or other transit benefits.
- b. Currently the TOB is applying for Section 5311 & 5339 federal financial assistance funding through the Colorado Department of Transportation as a sub-recipient of FTA pass-through assistance funds.
- c. During the course of the last three (3) years, there have not been any civil rights compliance review activities conducted with respect to the TOB and, to the best of our knowledge, there are not presently any ongoing civil rights compliance review activities being conducted with respect to the TOB.
- d. The Town of Breckenridge has not constructed a transit facility within the last three (3) years. There are currently no pending construction projects which would negatively impact minority communities being performed by the TOB.

III. INCORPORATION OF THE PROGRAM

The Town of Breckenridge (hereinafter referred to as the "TOB" or "Recipient") hereby agrees that, as a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations"), and other pertinent directives. No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Transit Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) of the Regulations.

More specifically, and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal Transit Administration program:

- a. That the Recipient agrees that each "program" and each "facility", as defined in subsections 21.23(e) and 21.23(b) of the Regulations will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated, in compliance with all requirements imposed by, or pursuant to, the Regulations.
- b. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Transit Administration programs and, in adapted form in all proposals or negotiated agreements:

The TOB, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders/proposers that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to the invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

- c. That the Recipient shall insert the clauses contained herein as **APPENDIX A** in every contract subject to this Act and the Regulations.
- d. That the Recipient shall insert the clauses contained herein as **APPENDIX B**, as a covenant running with the land, in any deed from the United States affecting a transfer of real property, structures, or improvements thereon, or interest herein.
- e. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
- f. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
- g. That the Recipient shall include the appropriate clauses contained herein as **APPENDIX C**, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under Federal Transit Administration programs; and (b) for the construction or use of, or access to, space on, over, or under real property acquired, or improved under Federal Administration programs.
- h. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
- i. The Recipient shall provide for such methods of administration for the programs as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
- j. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

- k. The Recipient assures that the level and quality of transit service and related benefits are provided in a manner consistent with Title VI of the Civil Rights Act of 1964.

THESE ASSURANCES are given in consideration of, and for the purpose of, obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the recipient by the Department of Transportation under the Federal Administration and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Transit Administration programs.

The person(s) whose signature appears below, are authorized to sign these assurances on behalf of the grant applicant, recipient, or sub-recipient.

Date:

Maribeth Lewis-Baker, Transit Manager
Town of Breckenridge (TOB)

Date:

Timothy Gagen, Town Manager
Town of Breckenridge (TOB)

IV. GENERAL GUIDELINES/REQUIREMENTS

a. Annual Certification and Assurance

As stated in Section I, TOB shall submit annually, their Title VI assurance, as part of their annual Certification and Assurance submission to the FTA and/or CDOT. The most recent submission for the TOB was approved by Town Council on October 22, 2013 *through Resolution No. 14 Series of 2013* and was executed and submitted to the FTA and CDOT October 23, 2013.

b. Complaint Procedures

In compliance with 49 CFR Section 21.9(b), TOB has developed procedures for investigating and tracking Title VI complaints filed against them. Such procedures shall be made available to the public upon request. TOB complaint procedures and complaint form are contained herein as **APPENDIX D**.

c. Record Title VI Activities

In compliance with 49 CFR Section 21.9(b), TOB shall prepare and maintain a list of any active investigations conducted by entities other than the FTA, lawsuits, or complaints naming TOB that allege discrimination on the basis of race, color, or nation origin. Such list shall include:

- 1) Date the investigation, lawsuit, or complaint was filed;
- 2) Summary of the allegation(s);
- 3) The status of the investigation, lawsuit, or complaint; and
- 4) Actions taken by the TOB in response to the investigation, lawsuit, or complaint.

d. Access for LEP Persons

TOB shall take steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP). TOB will assist persons with limited English proficiency to participate in the transportation planning process. TOB Staff will make every effort to provide translators and document translation, where feasible, upon request. TOB's Limited English Proficiency (LEP) Plan is contained herein as **APPENDIX E**.

e. Public Notification

In compliance with 49 CFT Section 21.9(d), TOB shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by the Title VI. TOB complaint procedures and public notification information are contained herein as **APPENDIX D**.

f. Additional Information

TOB acknowledges that, at the discretion of the FTA, information other than that which is required by FTA C 4702.1B, may be requested in writing of the TOB, to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

g. Timely Submission

TOB acknowledges that their Title VI submissions and/or updates thereto, shall be supplied to their FTA Regional Office and/or CDOT once every three (3) years. The submission shall include, but is not limited to:

- 1) A summary of public outreach and involvement activities undertaken since the last submission and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities;
- 2) TOB's process for persons with limited English proficiency (LEP) and the TOB's plan for Language Assistance;
- 3) Title VI Complaint and Tracking procedures;
- 4) A list of any Title VI investigations, complaints or lawsuits filed since the last submission; and
- 5) A copy of TOB's public notice regarding Title VI compliance and public access and instructions to TOB Title VI complaint procedures.
- 6) Service standards, service policies, and monitoring results.

Portions of the Plan which have not changed since the last submission will not be resubmitted, however, TOB shall include a statement to this effect in lieu of copies of the original documents in order to eliminate redundancy in resubmissions.

h. Environmental Analysis of Construction Projects

TOB shall integrate an environmental justice analysis into their National Environmental Policy Act (NEPA) documentation of transit related construction projects of which require NEPA. If a Categorical Exclusion (CE) is performed, TOB shall complete the FTA's standard CE check-list which includes a section on community disruption and environmental justice. While preparing an Environmental Assessment (EA) or Environmental Impact Statement (EIS), TOB shall integrate into their documents, the following:

- 1) A description of the low-income and minority population within the study area affected by the project, and a discussion of the method used to identify this population;
- 2) A discussion of all adverse effects that would affect the identified minority and low-income population;
- 3) A discussion of all positive effects that would affect the identified minority and low-income population;
- 4) A description of all mitigation and environmental enhancement actions incorporated into the project to address the adverse effects, including, but not limited to, any special features of the relocation program that go beyond the requirements of the Uniform Relocation Act and address adverse community effects such as separation or cohesion issues, and the replacement of the community resources destroyed by the project, if applicable;
- 5) A discussion of the remaining effects, if any, and why further mitigation is not proposed; and
- 6) For projects that traverse predominantly minority and low-income and predominantly non-minority and non-low-income areas, a comparison will be completed of mitigation and environmental enhancement actions between the two stated areas. If there is no basis for such a comparison, TOB shall describe why this is so.

i. Public Participation

The TOB shall seek out and consider viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities in regards to proposed transportation decisions. TOB shall make every effort to include the following practices:

- 1) Coordination with individuals, institutions, or organizations and implementing community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities;
- 2) Provision of opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments;
- 3) Utilization of locations, facilities and meeting times that are convenient and accessible to low-income and minority communities;
- 4) Utilization of different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities; and
- 5) Implementation of DOT's policy guidance regarding TOB's responsibilities to LEP persons.

The person(s) whose signature appears below, are authorized to sign these assurances on behalf of the grant applicant, recipient, or sub-recipient.

Date:

Maribeth Lewis-Baker, Transit Manager
Town of Breckenridge (TOB)

Date:

Timothy Gagen, Town Manager
Town of Breckenridge (TOB)



Town of Breckenridge Contract Clauses for Insertion APPENDIX A, B, and C

**Endorsed and Approved October 22, 2013 by the:
TOWN OF BRECKENRIDGE
COUNCIL**

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

October 23, 2013

APPENDIX A - TITLE VI PLAN
(to be inserted into every contract subject to Title VI)
The Town of Breckenridge is herein referred to as the "TOB"

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- 1) Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- 2) Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- 3) Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- 4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the **TOB** or the **FEDERAL TRANSIT ADMINISTRATION** to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the **TOB**, or the **FEDERAL TRANSIT ADMINISTRATION** as appropriate, and shall set forth what efforts it has made to obtain the information.
- 5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with nondiscrimination provision of this contract, the **TOB** shall impose contract sanctions as it or the **FEDERAL TRANSIT ADMINISTRATION** may determine to be appropriate, including but not limited to:
 - a) Withholding of payments to the contractor under the contract until the contractor complies; and/or
 - b) Cancellation, termination, or suspension of the contract, in whole or in part.

APPENDIX A - TITLE VI PLAN (Continued)

(to be inserted into every contract subject to Title VI)

- 6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the **TOB** or the **FEDERAL TRANSIT ADMINISTRATION** may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the **TOB** to enter into such litigation to protect the interests of the **TOB**, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B - TITLE VI PLAN
(to be inserted into real property transactions)
The Town of Breckenridge is herein referred to as the "TOB"

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by Law, and upon the condition that the **TOB** will accept title to the Lands and maintain the project constructed thereon, in accordance with **THE STATE OF COLORADO**, the Regulations for the Administration of **PROGRAM** and the policies and procedures prescribed by **FEDERAL TRANSIT ADMINISTRATION** of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **TOB** all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENOUOM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the **TOB** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the **TOB**, its successors and assigns.

The **TOB**, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby [,] [and]* (2) that the **TOB** shall use the lands and interest in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction. *

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C - TITLE VI PLAN

(to be inserted into Federally funded real property transactions or improvements)
The Town of Breckenridge Village is herein referred to as the "TOB"

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the **TOB** pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee Lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination of Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, the **TOB** shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said (licenses, lease, permit, etc.) to re-enter and repossess said land and facilities thereon, and hold the same as if said (license, lease, permit, etc) had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants the **TOB** shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the **TOB** and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the **TOB** pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing services thereon, no person on the grounds of race, color, or national origin shall be excluded from the participation in, be denied. the benefits of, or be otherwise subjected to discrimination, and (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

APPENDIX C - TITLE VI PLAN (Continued)

(to be inserted into Federally funded real property transactions or improvements)

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, the **TOB** shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities as thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, the **TOB** shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the **TOB** and its assigns.

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.



**Town of Breckenridge
Public Notice of Rights / Complaint Process
APPENDIX D**

**Endorsed and Approved October 22, 2013 by the:
TOWN OF BRECKENRIDGE
COUNCIL**

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

October 23, 2013

APPENDIX D

**TITLE VI PUBLIC NOTICE OF RIGHTS / COMPLAINT PROCESS
TOWN OF BRECKENRIDGE, COLORADO (TOB)**

Public Notice of Rights

The following statement shall be posted on site at the TOB office, the TOB Transit Center, on the TOB website (www.breckfreeride.com); permanently displayed on public transit vehicles; and other appropriate materials made available to the public: *(Documents will be translated into languages other than English, upon request.)*

Non-Discrimination - Your Rights Under Title VI of the Civil Rights Act of 1964

The United States Department of Transportation (DOT) ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color or national origin in the provisions of benefits and services resulting from federally assisted programs and activities. Any person, who believes the Town of Breckenridge (TOB) has violated his /her Title VI protections or would like additional information regarding the statutes or about our Title VI Plan, should contact the TOB Transit Division at 970-547-3141 or email transit@townofbreckenridge.com. TOB has also developed a policy to assist individuals who are Limited English Proficient (LEP). Translation services, in order to assist LEP individuals, shall be made available to TOB's customers upon request. TOB's Title VI policy, complaint procedures and LEP Plan shall be made available upon request by contacting the TOB Free Ride Transit System at the above-noted information. For Federal Title VI information, please contact the Federal Transit Administration (FTA), Region 8 at 720-963-3300. Federal Title VI information, including filing complaints, can also be accessed on the FTA web site at: www.fta.dot.gov.

A single sentence will be provided in Spanish for people to request information in Spanish.

In 2013, a notice to beneficiaries was included on every Free Ride bus stop sign. A larger copy of the notice is included at the end of this section.



Title VI Information, Limited English Proficient (LEP) information and Complaint Process (for printed materials, website, and other mediums upon request)

The Town of Breckenridge (TOB) grants all citizens equal access to all its public transportation services. It is further the intent of the TOB that all citizens are aware of their rights to such access. This is designed to serve as an educational tool for citizens so that they may understand one of the civil rights laws that protect their benefit of the TOB programs and services, specifically, as it relates to Title VI of the Civil Rights Act of 1964.

What is Title VI?

Title VI is a section of the Civil Rights Act of 1964 requiring that "No person in the United States shall on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Note that Title VI does not address gender discrimination. It only covers race, color, and national origin. Other Civil Rights laws prohibit gender discrimination.

What is LEP?

As part of Title VI requirements, the TOB has developed a Limited English Proficiency (LEP) Plan to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to TOB services as required by Executive Order 13166 "Improving Access to Services for Persons With Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000). A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

The person(s) whose signature appears below, are authorized to sign these assurances on behalf of the grant applicant, recipient, or sub-recipient.

TOB's Complaint and Investigation Procedures

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, for alleged discrimination in any program or activity administered by the TOB.

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the TOB may be utilized for resolution. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited under Title VI and related statutes may file a complaint.

The following measures will be taken to resolve Title VI complaints:

- 1) A formal complaint must be filed within calendar 180 days of the alleged occurrence. Complaints shall be in writing and signed by the individual or his/her representative, and will include the complainant's name, address and telephone number; name of alleged discriminating official, basis of complaint (race, color, or national origin) and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints.

The TOB strongly encourages the use of the attached **TOB Title VI Complaint Form** when filing official complaints.

The preferred method is to file your complaint in writing using the **TOB Title VI Complaint Form**, and sending it to:

APPENDIX D (Continued)
TITLE VI PUBLIC NOTICE OF RIGHTS / COMPLAINT PROCESS
TOWN OF BRECKENRIDGE, COLORADO (TOB)

Title VI Coordinator
Town of Breckenridge
Free Ride Transit System
P.O. Box 168
Breckenridge, CO 80424

- 2) In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the TOB Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the TOB Title VI Coordinator will assist the Complainant in converting the verbal allegations to writing.
- 3) When a complaint is received, the Title VI Coordinator will provide written acknowledgment to the Complainant, within ten (10) calendar days by registered mail.
- 4) If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided 60 calendar days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
- 5) Within 15 calendar days from receipt of a complete complaint, the TOB will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) calendar days of this decision, the TOB Transit Manager or his/her authorized designee will notify the Complainant and Respondent, by registered mail, informing them of the disposition.
 - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
 - b. If the complaint is to be investigated, the notification shall state the grounds of the TOB's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
- 6) When the TOB does not have sufficient jurisdiction, the TOB Transit Manager or his/her authorized designee will refer the complaint to the appropriate State or Federal agency holding such jurisdiction.
- 7) If the complaint has investigative merit, the TOB Transit Manager or his/her authorized designee will instruct the Title VI Coordinator to fully investigate the complaint. A complete investigation will be conducted, and an investigative report will be submitted to the Transit Manager within 60 calendar days from receipt of the complaint. The report will include a narrative description of the incident, summaries of all persons interviewed, and a finding with recommendations and conciliatory measures where appropriate. If the investigation is delayed for any reason, the Title VI Coordinator will notify the appropriate authorities, and an extension will be requested.
- 8) The TOB Transit Manager or his/her authorized designee will issue letters of finding to the Complainant and Respondent within 90 calendar days from receipt of the complaint.

APPENDIX D (Continued)

TITLE VI PUBLIC NOTICE OF RIGHTS / COMPLAINT PROCESS
TOWN OF BRECKENRIDGE, COLORADO (TOB)

- 9) If the Complainant is dissatisfied with the TOB's resolution of the complaint, he/she has the right to file a complaint with the:

Federal Transit Administration
Region 8
Attn: Civil Rights Officer
12300 West Dakota Avenue
Suite 310
Lakewood, CO 80228
720-963-3300
Fax 720-963-3333

FTA Complaint procedures can also be found on the FTA web site at: www.fta.dot.gov. These procedures are also outlined in FTA Circular 4702.1B, Chapter IX.

APPENDIX D (Continued)

TITLE VI PUBLIC NOTICE OF RIGHTS / COMPLAINT PROCESS/ COMPLAINT FORM
TOWN OF BRECKENRIDGE, COLORADO (TOB)



Title VI Complaint Form

Complaint Form

Instructions: If you would like to submit a Title VI complaint to the Town of Breckenridge (TOB) Free Ride Transit System, please fill out the form below and send it to: TOB Free Ride Transit System, Attn: Title VI Coordinator, P.O. Box 168, Breckenridge, CO 80424. For questions or a full copy of TOB's Title VI policy and complaint procedures call 970-547-3141 or email transit@townofbreckenridge.com.

1. Name (Complainant):	
2. Phone:	3. Home address (street no., city, state, zip):
4. If applicable, name of person(s) who allegedly discriminated against you:	
5. Location and position of person(s) if known:	6. Date of incident:
7. Discrimination because of: Race National origin Color Other Please specify:	

8. Explain as briefly and clearly as possible what happened and how you believe you were discriminated against. Indicate who was involved. Be sure to include how you feel other persons were treated differently than you. Also, attach any written material pertaining to your case.

9. Why do you believe these events occurred?

10. What other information do you think is relevant to the investigation?

11. How can this/these issue(s) be resolved to your satisfaction?

12. Please list below any person(s) we may contact for additional information to support or clarify your complaint (witnesses):

Name:

Address:

Phone number:

13. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court?

Yes

No

If yes, check all that apply:

Federal agency

Federal court

State court

Local agency

State agency

If filed at an agency and/or court, please provide information about a contact person at the agency/court where the complaint was filed.

Agency/Court:

Contact's Name:

Address:

Phone number:

Signature (Complainant):

Date of filing:

In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the TOB Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the TOB Title VI Coordinator will assist the Complainant in converting the verbal allegations to writing.

A translator will be provided for persons with Limited English Proficiency to assist with the process.

Non-Discrimination – Your Rights Under Title VI of the Civil Rights Act of 1964 - No discriminación - Sus derechos en virtud del título VI del Acta de Derechos Civiles de 1964

- The Town of Breckenridge operates its transportation program and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes he or she has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Town of Breckenridge.
- For more information on the Town of Breckenridge’s civil rights program, the obligations, and the procedures to file a complaint, contact 970-547-3140; or send an email to transit@townofbreckenridge.com; or visit our administrative office at 1105 Airport Road, Breckenridge, Colorado 80424. Visit the Title VI page on our website for additional information at www.BreckFreeRide.com
- A complainant may file a complaint directly with the Federal Transit Administration by contacting the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590
- If information is needed in another language contact, 970-547-3140
- *Si información es necesitada en otro contacto del idioma, el 970-547-3140*





TITLE VI / LEP COMPLAINT LOG

January 1, 2008 to December 31, 2008 - NONE

January 1, 2009 to December 31, 2009 - NONE

January 1, 2010 to December 31, 2010 - NONE

January 1, 2011 to December 31, 2011 - NONE

January 1, 2012 to December 31, 2012 - NONE

January 1, 2013 to date - NONE



**Town of Breckenridge
Limited English Proficiency (LEP) Plan
APPENDIX E**

**Endorsed and Approved October 22, 2013 by the:
TOWN OF BRECKENRIDGE
COUNCIL**

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

October 23, 2013

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I INTRODUCTION

The purpose of this limited English proficiency policy guidance is to clarify the responsibilities of recipients of federal financial assistance from the U.S. Department of Transportation (DOT) and assist them in fulfilling their responsibilities to limited English proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. It was prepared in accordance with **Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq.**, and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance, and;

II EXECUTIVE ORDER 13166

Executive Order 13166 "Improving Access to Services for Persons With Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled "Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons With Limited English Proficiency." (See 65 FR 50123, August 16, 2000 DOJ's General LEP Guidance). Different treatment based upon a person's inability to speak, read, write, or understand English may be a type of national origin discrimination.

Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies such as the Town of Breckenridge (TOB), and governments, private and non-profit entities, and sub-recipients.

III PLAN SUMMARY

The TOB has developed this Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to TOB services as required by Executive Order 13166. A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff, how to notify LEP persons that assistance is available, and information for future plan updates.

In developing the plan while determining the TOB's extent of obligation to provide LEP services, the TOB undertook a U.S. Department of Transportation four factor LEP

analysis which considers the following: 1) The number or proportion of LEP persons eligible in the TOB service area who maybe served or likely to encounter an TOB program, activity, or service; 2) the frequency with which LEP individuals come in contact with an TOB services; 3) the nature and importance of the program, activity or service provided by the TOB to the LEP population; and 4) the resources available to the TOB and overall costs to provide LEP assistance. A brief description of these considerations is provided in the following section.

IV FOUR FACTOR ANALYSES

1. The number or proportion of LEP persons eligible in the TOB service area who maybe served or likely to encounter a TOB program, activity, or service

The TOB examined the US Census report from 2010 (the Town of Breckenridge was included in an American Community Surveys) and was able to determine that approximately 7.6%, or 314 people spoke a language other than English. Of the 314 people reporting they speak other languages than English, 102 or 2.46% of respondents either speak English “not well” or “not at all.” This is an increase of (2) people since the 2000 US Census report.

In addition, to assist us in gauging the linguistics of the community, we requested enrollment information from the Summit County School District for the two local elementary schools. That data showed 7.5% of the enrolled students are participating in the English Learners Program. The school data may be disproportionately higher because most families likely have more than one student enrolled. (See **SUB-APPENDIX A** TOB Languages Spoken at Home Chart & Local School Enrollment).

2. The frequency with which LEP individuals come in contact with a TOB program, activity, or service

The TOB regularly assesses the frequency of which staff and drivers have or could possibly have contact with LEP persons. This includes documenting phone inquiries and verbally surveying drivers. The TOB has never had a request for interpreters, either on the bus or for meetings. The TOB provides, on its own accord, the public transportation use policy documents and bus schedules translated into Spanish. The TOB has had zero requests for other translated TOB documents. The staff and drivers have had very little contact with LEP individuals. Most of our foreign tourists that visit the TOB service area are bi-lingual. We conduct bi-annual on-board customer surveys to determine if our ridership demographics have changed.

3. The nature and importance of the program, activity, or service provided by the TOB to LEP community

There is no large geographic concentration of any one type of LEP individuals in the TOB service area. The overwhelming majority of the population, 92.4% or 3,819 speak only English. The Spanish speaking population appears to be bi-lingual with only 2.46% or 102 individuals reporting that they speak English “less than very well”.

The community has one social organization, the Family and Intercultural Resource Center, providing outreach services to LEP individuals within the TOB service area. We provide service information to that organization to assist with their outreach efforts and to ensure we are meeting the needs of our LEP population.

4. The resources available to the TOB and overall costs

The TOB assessed its available resources that could be used for providing LEP assistance. This included identifying how much a professional interpreter and translation service would cost on an as needed basis, which documents would be the most valuable to be translated if and when the populations supports the mandated need, taking an inventory of available organizations that the TOB could partner with for outreach and translation efforts, and what level of staff training is needed to be provided. TOB Transit budgets approximately \$5,000 per year for the support of our LEP Plan.

After analyzing the four factors, the TOB developed the plan outlined in the following section for assisting persons of limited English proficiency.

V LIMITED ENGLISH PROFICIENCY PLAN OUTLINE

a) **How to Identify an LEP Person who Needs Language Assistance** - Below are tools to help identify persons who may need language assistance:

- Examine records requests for language assistance from past meetings and events to anticipate the possible need for assistance at upcoming meetings;
- When TOB sponsored workshops or conferences are held, post on the public notices contact information for people with special needs and/or required translation. Also set up a sign-in sheet table, have a staff member greet and briefly speak to each attendee. To informally gauge the attendee's ability to speak and understand English, we will ask a question that requires a full sentence reply;
- Have the Census Bureau's "I Speak Cards" at the workshop or conference sign-in sheet table (contained herein as **SUB-APPENDIX B**). While staff may not be able to provide translation assistance at that particular day's meeting, the cards are an excellent tool to identify language needs for future meetings. Also, have the cards available at the TOB Transit Office and Customer Service Area; and
- Frequently survey transit operators and other first line staff of any direct or indirect contact with LEP individuals.
- Transit Operators will be trained to recognize people who appear to be confused and may be of need for some assistance. (Language barrier related or not)

b) **Language Assistance Measures** - The TOB has or will implement the following LEP procedures. The creation of these steps are based on the very low percentage of persons speaking other languages or not speaking English at least "well," and the lack of resources available in the TOB service area:

- Census Bureau's "I Speak Cards" are to be located at the TOB Transit Customer Service locations at all times.
- The computer(s) located at the TOB Transit office have AltaVista Babel Fish, Bing Translator, or Google Translate added to the favorites listing for easy access via Microsoft Internet Explorer for the translations of blocks of texts.
- Supervisors will have an Android tablet with the Google Translate App. This will aid the TOB staff in the interpretation of services on a one-on-one basis for LEP individuals visiting the TOB Transit Center.
- When the TOB Transit hosts public meetings or conferences and a special need is identified in advance, TOB will make every effort to have a translator available at the meeting. Our public meeting notices shall have a translation available sentence in Spanish and a phone number to arrange for such service.
- The Breck Free Ride website was redesigned in 2013 and the Google Translate feature was incorporated into the website design as an added feature.
- When an interpreter is needed, in person or on the telephone, and the TOB staff has exhausted the above options, staff will first attempt to determine what language is required. Staff shall use the telephone interpreter service - Language Line Services at <http://www.language.com>. On the Language Line home page the staff will select the Need an Interpreter Now link and follow the directions to receive and access code.

c) **TOB Staff Training** - All TOB transit staff will be provided with the LEP Plan and will be educated on procedures to follow. This information will also be part of the TOB staff orientation process for new hires. Training topics are listed below:

- Understanding the Title VI policy and LEP responsibilities;
- What language assistance services the TOB offers;
- Use of LEP "I Speak Cards";
- How to access translation programs via the transit computer(s) in the TOB Transit Office;

- How to use the tablet and the Google Translate App;
 - How to use the Language Line interpretation and translation services;
 - Documentation of all language assistance requests;
 - How to handle a Title VI and/or LEP complaint (this process is contained in APPENDIX D of the TOB Title VI Plan)
 - Annual classroom instruction using the Colorado Department of Transportation’s “Basic Spanish for Transit Employees” program or a Spanish instructor for basic vocabulary and common transit phrases in Spanish
- d) **Outreach Techniques** - Due to the lack of LEP population and resources available in the service area, the TOB does not have an overly formal practice of outreach techniques. However, the following are a few options that the TOB will incorporate for LEP outreach as the need arises:
- If staff knows that they will be presenting a topic that could be of potential importance to an LEP person or if staff will be hosting a meeting or a workshop in a geographic location with a known concentration of LEP persons, meeting notices, fliers, advertisements, and agendas will be printed in an alternative language, based on known LEP population in the area.
 - When running a general public meeting notice, staff will insert the clause, based on the LEP population and when relevant, that translates into “A (insert alternative Language) translator will be available”. For example: “Un traductor del idioma español estará disponible” This means “A Spanish translator will be available”.
 - Key print materials, including but limited to schedules and maps, will be translated and made available at the TOB Transit Center and on board transit vehicles. When a specific and concentrated LEP population is identified, we will make every effort to include the community. The TOB Transit Department will provide updated materials to the Family and Intercultural Resource Center to use for their outreach services as they are implemented. The Use Policies for the public transportation system are on public display both in English and Spanish at the Transit Center.
- e) **Monitoring and Updating the LEP Plan** - This plan is designed to be flexible and is one that can be easily updated. At a minimum, the TOB will follow the Title VI Program update schedule for the LEP Plan. However, major updates

most likely will not occur until the next Census in 2020 unless the TOB finds it necessary and crucial for an update before such time.

Each update should examine all plan components such as:

- How many LEP persons were encountered?
- Were their needs met?
- What is the current LEP population in TOB service area?
- Has there been a change in the types of languages where translation services are needed?
- Is there still a need for continued language assistance for previously identified TOB programs? Are there other programs that should be included?
- Have the TOB's available resources, such as technology, staff, and financial costs changed?
- Has the TOB fulfilled the goals of the LEP Plan? and
- Were any complaints received?

- f) **Dissemination of the TOB Limited English Proficiency Plan** - The TOB includes the LEP Plan with its Title IV Policy and Complaint Procedures. The TOB's Notice of Rights under Title VI to the public is posted in the TOB office, TOB Transit Center, on all TOB vehicles, on all TOB Bus Stops, and in selected printed materials. A statement in Spanish that indicates if information is needed in another language and contact information is included.

Any person, including social service, non-profit, and law enforcement agencies and other community partners with internet access will be able to access the plan.

Copies of the LEP Plan will be provided, on request, to any person(s) requesting the document via phone, in person, by mail or email. LEP persons may obtain copies/translations of the plan upon request.

Any questions or comments regarding this plan should be directed to the TOB Title VI Coordinator. That individual may be contacted at the coordinates listed below:

TOB Title VI Coordinator
Town of Breckenridge Free Ride Transit System
P.O. Box 168
Breckenridge, CO 80424
Phone: 970-547-3141
Fax: 970-453-0643
Email: transit@townofbreckenridge.com

SUB-APPENDIX A

TOB Languages Spoken at Home Chart

<p align="center">TOB Languages Spoken at Home Based on 2010 Census (ACS Data)</p>		
LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER	Total	Percent of population
Total resident population 5 years and over:	4,133	100.00%
Speak only English	3,819	92.4%
Language other than English	314	7.6%
Speak English less than "very well"	102	2.46%
Speak Spanish	265	6.4%
Speak English less than "very well"	95	36%
Speak Other Indo-European Languages	29	0.7%
Speak English less than "very well"	4	14%
Speak Asian and Pacific Island Languages	20	0.5%
Speak English less than "very well"	3	16%
<p>Final Findings on Town of Breckenridge "Non" or "Limited" English Speakers:</p> <p>There is a very small population of potential TOB riders or current riders who speak Spanish/Other Languages, and those that do, the majority speak English "very well" and "well."</p>		

Breckenridge School Enrollment as of October 1, 2012
Summit County School District

The Town of Breckenridge has two local elementary schools, Breckenridge Elementary and Upper Blue Elementary. As a whole, there are 529 elementary students attending school in Breckenridge. There are 127 students eligible for free or reduced school lunches. That is a 24% poverty rate. There are 40 students participating in the English Language Learners program (7.5% of the student body). This program supports students whose primary language at home is not English and they do not have sufficient language skills in English for their success in education. The numbers may be disproportionately high compared to the community because many families likely have more than one student enrolled in the local school system.

The table below shows the breakdown of enrollment demographics
on the Official County Day (October 1, 2012)


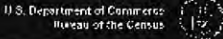
School	Am. Indian /Alaska Native	Asian Islander	Black (Not Hispanic)	Hispanic	White (Not Hispanic)	Native Hawaiian/ Pacific Islander	Two or More Categories	Total
Breckenridge	0	2	1	16	187	0	5	211
Upper Blue	0	2	0	83	220	0	7	312

Note: The demographics collected do not reflect any students who were absent on the official Count Day.

SUB-APPENDIX B
FREE RIDE PROCEDURES FOR LIMITED ENGLISH PROFICIENCY

1. USE THE "I SPEAK" CARD TO IDENTIFY THE PERSON'S LANGUAGE

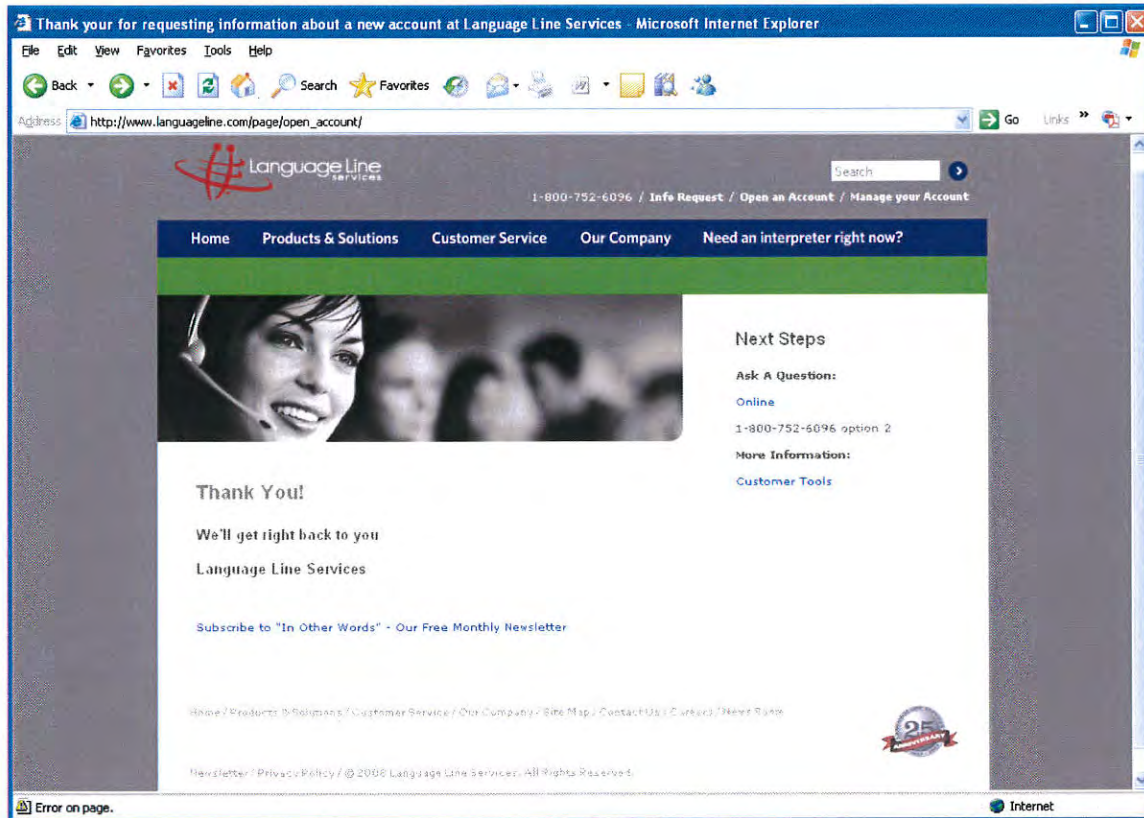
Census Bureau's "I Speak Cards"

 	
LANGUAGE IDENTIFICATION FLASHCARD	
<input type="checkbox"/> املأ هذا المربع إذا كنت تقرأ أو تتحدث العربية.	Arabic
<input type="checkbox"/> Խոսում ես կամ գրում ես հայերեն, կամ արարես լեզուս Կարգիս Կարգիս Կարգիս:	Armenian
<input type="checkbox"/> বান্ধা আপনি বান্ধা পড়ুন বা বাসন ক হলে এই বাক্য দাখ দিব	Bengali
<input type="checkbox"/> សូម បំពេញប្រអប់នេះ បើអ្នកនិយាយ រឺ អានភាសាខ្មែរ	Cambodian
<input type="checkbox"/> Matca'i kahhon k'ra'u un tsai'i pat un sang. Chamorro.	Chamorro
<input type="checkbox"/> 如果您有中文閱讀和會話能力，請在本空格內標上「亂號」。	Chinese
<input type="checkbox"/> Make kazyo sa a si ou ti oswa ou pale kreyòl ayisyen.	Creole
<input type="checkbox"/> Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	Croatian (Serbo Croatian)
<input type="checkbox"/> Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	Czech
<input type="checkbox"/> Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	Dutch
<input type="checkbox"/> Mark this box if you read or speak English.	English
<input type="checkbox"/> اگر خواندن و نوشتن فارسی در حد مبتدی، این مربع را علامت بگذارید.	Farsi

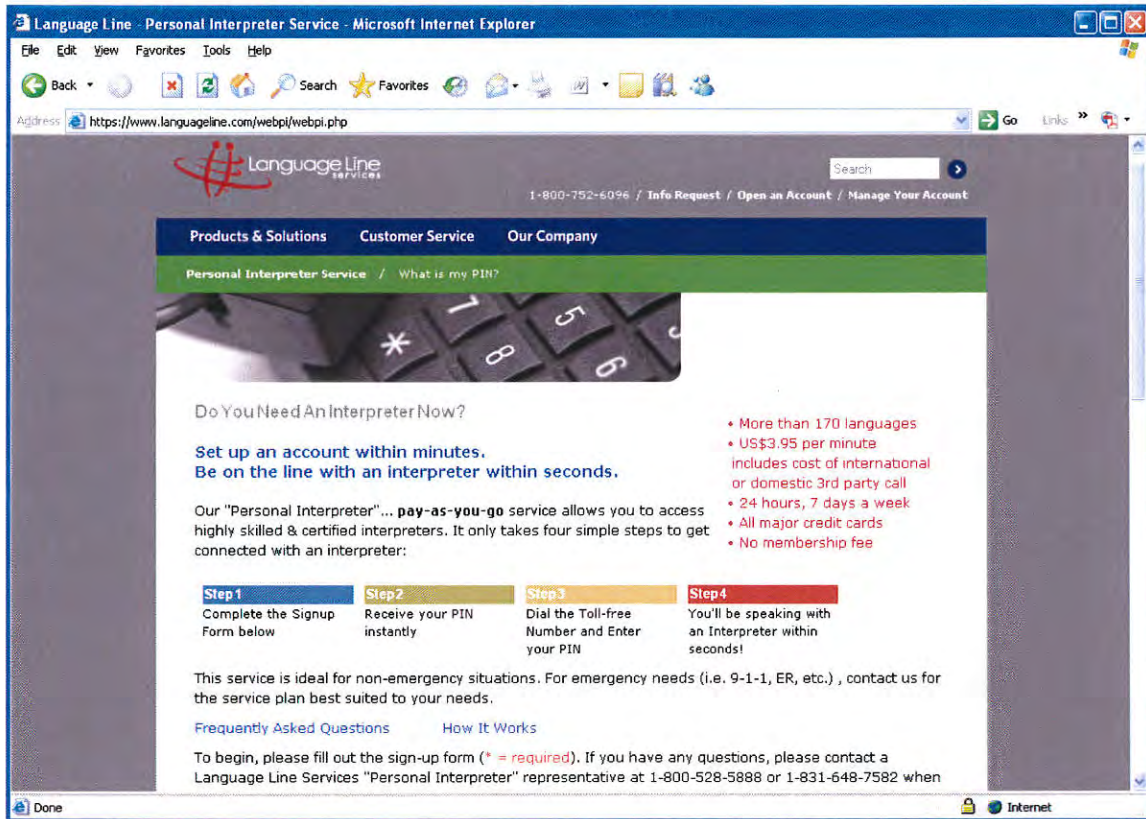
D-3316

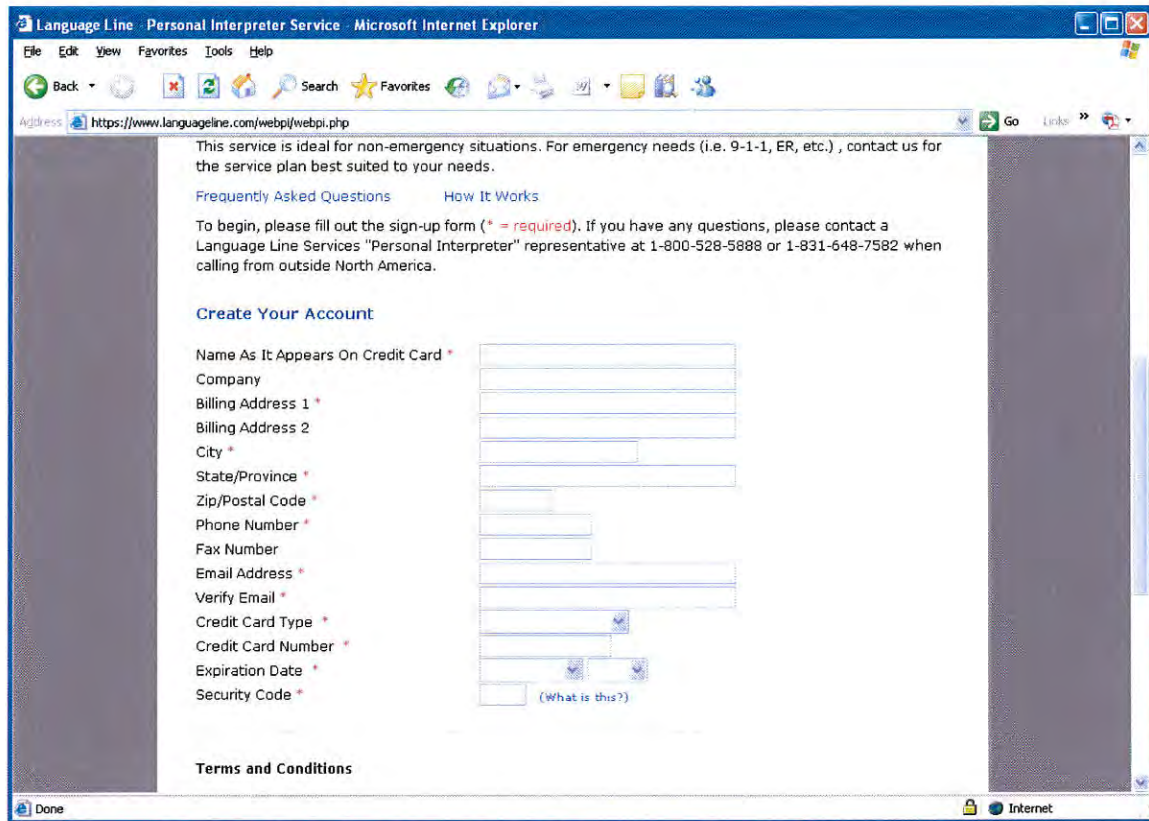
2. GO TO OUR INTERPRETER SERVICE www.languageine.com

3. CLICK ON “Need an interpreter right now?”



4. WE USE THE PAY AS YOU GO SERVICE. FOLLOW THE STEPS SHOWN.





5. ENTER THE CREDIT CARD NUMBER AND OTHER INFORMATION REQUIRED.
6. YOU WILL RECEIVE AN EMAIL WITH AN 800-NUMBER TO CALL AND YOUR PIN NUMBER.
7. MAKE THE CALL.
8. TELL THE INTERPRETER WHAT YOU WANT TO COMMUNICATE TO THE PERSON.
9. PUT THE PERSON ON THE PHONE AND THE INTERPRETER WILL TELL THE PERSON WHAT YOU SAID.
10. AND YOU GO BACK AND FORTH UNTIL YOU ARE DONE COMMUNICATING.

Please remember this call costs \$3.95 per minute so expedite your communications as much as possible. If you are requiring Spanish translation services, check to see if Officer Esteban Ortega or CSO Herrera is on duty to assist you before resorting to Language Line.

FREE RIDE PROCEDURES FOR LIMITED ENGLISH PROFICIENCY

- When TOB sponsored workshops or conferences are held, post on the public notices contact information for people with special needs. Also set up a sign-in sheet table, have a staff member greet and briefly speak to each attendee. To informally gage the attendee's ability to speak and understand English, ask a question that requires a full sentence reply;
- When the TOB Transit hosts public meetings or conferences and a special need is identified in advance, TOB will make every effort to have a translator available at the meeting.
- If staff knows that they will be presenting a topic that could be of potential importance to an LEP person or if staff will be hosting a meeting or a workshop in a geographic location with a known concentration of LEP persons, meeting notices, fliers, advertisements, and agendas will be printed in an alternative language, based on known LEP population in the area.
- When running a general public meeting notice, staff will insert the clause, based on the LEP population and when relevant, that translates into "A (insert alternative Language) translator will be available". For example: "Un traductor del idioma español estará disponible" This means "A Spanish translator will be available".

Public Notices can either have that a translator will be available at the meeting or we can post information where people with special needs can contact us in advance of the meeting to arrange for accommodations. Public Notices must contain one or the other.



TITLE VI / LEP REQUESTS FOR SERVICES

January 1, 2008 to December 31, 2008 - NONE

January 1, 2009 to December 31, 2009 - NONE

January 1, 2010 to December 31, 2010 - NONE

January 1, 2011 to December 31, 2011 - NONE

January 1, 2012 to December 31, 2012 - NONE

January 1, 2013 to Date - NONE



PUBLIC NOTICE

Breckenridge Free Ride Transit invites you to attend their Summer Route and Service Modifications presentation.

A Spanish translator will be available at the meeting.

Un traductor del idioma español estará disponible.

[Wednesday, April 8, 2009 | 6:00 pm - 7:30 pm]
[Breckenridge Town Hall | 150 Ski Hill Road]

The 2009 summer season schedule begins April 25 and remains in effect until November 14. Updated route and schedule information will be available April 25 at www.townofbreckenridge.com. New bus maps/schedules will be available at Breckenridge Station on April 19.



Town of Breckenridge Title VI Plan

*Related to
Transportation Planning, Improvements, and Transportation Services*

APPENDIX F

Policies and Procedures for the Use of Town of Breckenridge Public Transportation

The following document is on public display, both in English and in Spanish translation, at the TOB Transit Center and summarized on the official TOB website. The document was originally adopted on May 1, 2004 and is reviewed on an annual basis. Any revisions to the policy and procedure document are immediately updated for public information in both languages.

General Use Policies

1. General Policy. Free Ride public transportation vehicles and facilities (Free Ride) are provided by the Town of Breckenridge (Town) for the benefit of the Breckenridge community, visitors, and the general public. All permissible use of public transportation vehicles and facilities (Free Ride Services) shall be strictly limited to conduct consistency with the reasonable use and enjoyment of such services and for their safe and reliable operation.

2. Use of Free Ride Services.

- a. There are no user fees for the use of basic Free Ride Services.
- b. Use of Free Ride Services is available on a first-come, first-served basis until capacity is reached. The buses cannot wait for incomplete boarding parties.
- c. The Town reserves the right to impose user fees for Free Ride Services when it is deemed that such action is necessary and in the best interest of the Town.
- d. Use of the Free Ride Transit System constitutes an acceptance of the terms of use.
- e. All users must wear shirts and shoes and display proper hygiene as to not be overtly offensive to other passengers.

3. Standing Passengers. All standing passengers (whether adults or children) must use the handrails or other stabilization devices provided on the vehicles in order to stabilize themselves while the vehicle is in operation. Passengers are not permitted to stand forward of the Standee Line per federal regulations. Passengers stand at their own risk.

4. Children.

- a. Riders age eight (8) and younger must be under the supervision of a responsible adult at all times when using Free Ride Services.
- b. Children must be removed from strollers while on the Free Ride.
- c. All children under the age of six (6) must be seated.
- d. Diapers may not be changed aboard a Free Ride Transit vehicle.

5. Strollers; Wagons.

- a. Only collapsible strollers, wagons and similar child transport devices are permitted on the Free Ride. Non-collapsible strollers, wagons, and similar child transport devices are not permitted on the Free Ride.
- b. All strollers, wagons, and similar child transport devices shall be carried on the Free Ride in their collapsed condition.

6. Bicycles, Skis, and Snowboards.

- a. On a seasonal basis, public transportation vehicles are equipped to carry bicycles, skis, and snowboards on a first-come, first-served basis until capacity is reached.
- b. Any rider traveling with a bicycle, skis, or snowboard must be able to load without assistance.
- c. Bicycles may not be brought on-board transit vehicles. If space is available, skis and snowboards may be brought on-board. Use of the provided bicycle rack is at the user's own risk.

7. Carry-On Items.

- a. Free Ride Services do not have space specifically designed for storage.
- b. Riders may bring packages and groceries on-board vehicles if space is available and if they maintain control of these items within their immediate seating area.
- c. Any rider traveling with carry-on items must be able to board without assistance.
- d. Carry-on items must not interfere with passenger safety or obstruct the aisles.
- e. Portable music devices such as radios, iPods, etc. must not be played at a volume that would disrupt the safe operation of the transit vehicle or annoy other passengers. Transit riders are required to use headphones for their radios or iPods while on board a transit vehicle as a courtesy to your fellow passengers.
- f. No food or beverages may be consumed aboard a Free Ride transit vehicle. Beverages should be transported in a spill proof container. The Free Ride may impose a total ban of all beverage containers for special events and holidays. Notice will be posted.

8. Hazardous Materials. Hazardous materials such as car batteries, explosives, flammable liquids, firearms, or weapons (except as authorized by law) are prohibited on Free Ride Services. Mention of any such materials is considered to be threatening behavior and will not be tolerated. Any violation of this prohibition will result in immediate notification of the appropriate law enforcement officials.

9. Animals. All animals are prohibited from Free Ride Services, subject to the following limited exceptions:

- a. Legitimate service animals under the control of a guest with a disability as permitted by the ADA.
- b. Small animals stored in an approved carrier under the control of a responsible guest, at the discretion of the transit operator.
- c. Any rider traveling with an animal may be expelled if the animal's behavior compromises the safe operation of Free Ride Services or otherwise poses a threat to the health, safety, and welfare of the public.

10. Smoking. Smoking is strictly prohibited while using Free Ride Services. This includes inside the buses, inside transit facilities, and at bus stops. Outdoor smoking areas may be provided, as designated by the Town in the exercise of its sole discretion. Electronic cigarette devices and Marijuana are included in the definition of smoking as being prohibited.

11. Loitering. Remaining on board a Public Transit Vehicle without a destination, sleeping on-board a transit vehicle, or loitering at a Public Transit Station or designated Bus Stop is not permitted.

12. Disruptive Behavior. Loud, obnoxious behavior or the use of foul language is not permitted aboard a Free Ride Transit Vehicle, at a designated public bus stop, or at a Public Transit Station. Disruptive passengers may be denied Free Ride Services at the discretion of the Transit Operator.

13. Flash Photography, Laser Pointers. Taking flash photographs or the use of a laser pointer while on board a transit vehicle is extremely dangerous and not permitted.

14. Alcohol; Illegal Drugs.

- a. The consumption of alcohol is prohibited while using the Free Ride Services.
- b. The possession of an open alcoholic beverage container is prohibited while using the Free Ride Services.

- c. No person may ride the Free Ride Services while he or she is visibly intoxicated and not in control of their own person.
- e. The possession, sale, or use of any illegal drug is prohibited while using Free Ride Services.
- f. Medical marijuana or Recreational marijuana may not be used on-board, at designated bus stops, or at a Public Transit Station.

14. Fixed Route System. The Free Ride Transit System is a fixed route public transportation system. We are prohibited by federal law from making undesignated stops in which to board or disembark passengers. All bus stops are hail stops. The Free Ride Transit System complies with all state and federal regulations for public transportation and is under the jurisdiction of the Federal Transit Administration and Federal Motor Carrier Safety Regulations.

15. Emergencies. In the event of an unforeseen emergency, the Transit Operator shall provide passengers with specific directions for evacuation and/or other necessary actions. For your safety and that of our other passengers, you must comply with the directions provided. Transit Operators are licensed Commercial Drivers and are provided extensive training to meet federal regulations for safety.

16. Compliance with Use Policies. The Free Ride Transit System reserves the right to deny boarding or Free Ride Services to any person not complying with the "Use Policy and Procedures" for the transit system. Refusal to comply with the directions of a Transit Operator or Transit Supervisor and/or the hindering of the movement of public transportation is punishable by Federal Law with up to 16 years in prison and up to \$750,000 in fines. Other state and local laws may also apply. Persons not following the basic requirements for Use of the Free Ride Services will not be allowed to board or will be told they must disembark. The Free Ride Transit System will notify law enforcement officials of any misconduct involving Free Ride Services at its sole discretion.

17. Audio & Video Surveillance. The Free Ride Transit System has on-board camera surveillance technology for the safety and security of our passengers. Each bus and facility equipped with such technology shall have a notice posted.

18. Non-Discrimination. The Town of Breckenridge complies with Title VI of the Civil Rights Act of 1964. The level and quality of transportation service will be provided without regard to race, color, or national origin in accordance with Title VI. The Town of Breckenridge also does not discriminate based upon disability, religion, creed, sex, age, orientation, political ideology, or any other similar factor. All Free Ride services are provided with equal access to all.

19. Accessibility. All Free Ride Services provided by The Town shall meet the standards of accessibility for persons with disabilities established by the Federal Transit Administration pursuant to the Americans with Disabilities Act, 42 U.S.C. §12101, et

seq. (Public Law 101-336). Accessibility is provided along our fixed route system at designated bus stops only. All mobility devices aboard a Free Ride transit vehicle must be secured. Persons requiring point-to-point accessibility service may contact our contracted service provider, Mountain Mobility, at (970) 389-1041 to arrange for that type of ADA mobility service.

Notice

Any person who believes he/she or any specific class of persons is subjected to discrimination prohibited by Title VI Civil Rights Act or the provisions of the Americans with Disabilities Act may by him/herself or by a representative file a written complaint with Town of Breckenridge and/or the Federal Transit Administration. All complaints will be promptly investigated.

To request additional information on the Town of Breckenridge nondiscrimination obligations or the Americans with Disabilities Act, contact:

Transit Manager
Town of Breckenridge
Free Ride Transit System
1105 Airport Road
P.O. Box 168
Breckenridge, Colorado 80424-0168

Information in languages other than English will be provided as needed and will be consistent with DOT LEP Guidance. Additionally, alternative formats, i.e. large print, Braille, audio or video tapes of the use policies and procedures are available upon request.



Policies and Procedures
for the Use of Town of Breckenridge Public Transportation -
Free Ride Transit System

Adopted: May 1, 2004

Reviewed: May 6, 2013





Town of Breckenridge Title VI Plan

*Related to
Transportation Planning, Improvements, and Transportation Services*

APPENDIX G

Demographics of non-elected Commissions & Committees

The Town of Breckenridge Free Ride Transit System is governed by the Town Council of the Town of Breckenridge. All policy decisions, service plans, and budget appropriations must be approved by the Town Council. The Town Council is an elected body.

The Town of Breckenridge operates on the Council – Manager form of government. The Town of Breckenridge is a Home Rule municipality in the State of Colorado.

The Free Ride Transit System utilizes a citizen committee in an advisory role. The TAC (Transit Advisory Committee) is seated to provide broad representation of the community. Potential members are asked to submit a letter of interest and to commit to a two-year term on the committee. The committee serves without compensation on a volunteer basis.

The call for letters of interest was advertised in the Summit Daily News and on the town website. We received only three letters of interest and the Transit Division has been very challenged trying to find citizen participation for this committee. Since we are still trying to form a complete committee, the committee has not been active.

FREE RIDE TRANSIT ADVISORY COMMITTEE

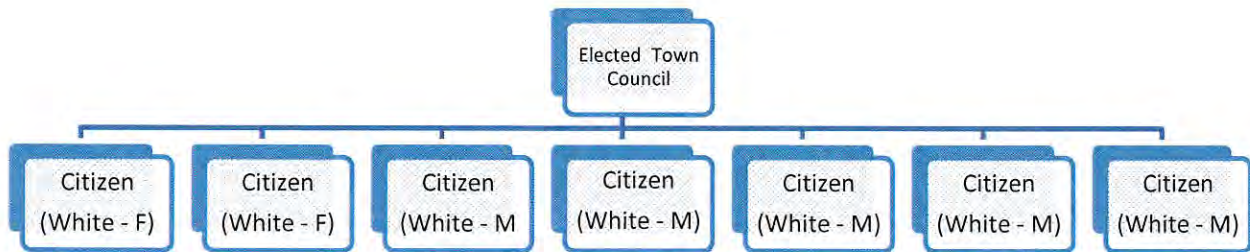


The demographics of this committee are representative of the community make-up at this time. We are actively trying to solicit more members for the committee. One of our key strategies has been to do a personal grass roots effort. The Transit Manager has been going out into the community and personally trying to solicit members to join the advisory committee. Minority participation on the committee would be very welcome.

For Transit Planning, the Town of Breckenridge Free Ride utilizes the services of the Town of Breckenridge Community Development Department. The Planning Commission is the body that reviews submitted planning applications and then recommends planning decisions to the Town Council for approval.

The Planning Commission is seated through a similar process to the TAC; however the Town Council performs interviews of the applicants and is the body that selects members for the Planning Commission.

TOWN OF BRECKENRIDGE PLANNING COMMISSION



The demographics of this commission are representative of the community make-up. It can be challenging in such a small community to get any participation for commissions or committees. All of our advertisements for commission/committee appointments are placed into the newspaper with the widest local circulation and on the town website.



Town of Breckenridge Title VI Plan

*Related to
Transportation Planning, Improvements, and Transportation Services*

APPENDIX H

Service Standards & Service Policies For Fixed Route Service

**No monitoring required – less than 200,000 population
and less than 50 vehicles in operation**

I. Vehicle Load for Fixed Route Service

The Town of Breckenridge Free Ride Transit System currently has four (4) different models of transit coaches in its Fleet. Vehicle load can be expressed as the ratio of passengers to the total number of seats on a vehicle.

FREE RIDE TRANSIT SYSTEM VEHICLE LOAD STANDARDS

Vehicle Type	Average Passenger Capacities			Maximum Load Factor	# of units in Fleet
	Seated	Standing	Total		
27' Low Floor Cutaway (Med Duty) Champion Bus	22	14	36	1.64	3
29' Low Floor Opus/Optima Bus	20	35	55	2.75	7
29' Low Floor Gillig Bus	22	23	45	2.05	1
35' Low Floor Hybrid Gillig Bus	28	48	76	2.71	2

The average of all loads during the peak operating period generally should not exceed vehicles' achievable capacities, which are 36 passengers for 27-foot cutaway buses, 55 passengers for 29-foot Opus/Optima buses, 45 for 29-foot Gillig buses, and 76 passengers for 35-foot Hybrid Gillig buses.

When consistent loads meeting these standards appear on any route, the route will be evaluated for increased service frequencies or other alternative strategies to meet the transit demand.

II. Vehicle Headways for Fixed Route Service

Vehicle headway is the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Vehicle headways are measured in minutes (e.g., every 15 minutes); service frequency is measured in vehicles per hour (e.g., 4 buses per hour).

The Town of Breckenridge Free Ride Transit System adjusts its service plan approximately five times per year. The levels of transit demand vary with much seasonality. The transit service ramps up and down throughout the year in response to the transit demand. With Breckenridge being home to the most visited ski area in North America, the highest transit demands level exist during the winter months and that is

when the greatest level of transit service is provided. The tables below outline the minimum service headways by season.

**FREE RIDE TRANSIT SYSTEM
POLICY HEADWAYS AND PERIODS OF OPERATION**

SPRING SEASON	Base Service Interval (in minutes)		
Yellow Route	60		
Black Route	60		
Purple Route	60		
Brown Route	60		
6:15 am - 11:45 pm			
SUMMER SEASON	MORNING Service Interval (in minutes)	DAY Service Interval (in minute s)	NIGHT Service Interval (in minutes)
Yellow Route	60	30	60
Black Route	60	60	60
Purple Route	60	60	60
Brown Route	60	60	60

The Breckenridge Ski Resort provides service on the Black Route from 9:45 am to 6:15 pm in the Summer. In lieu of providing redundant service, we realign our resources to provide an increased service frequency on the Yellow Route during the day. The Yellow Route produces the highest ridership levels in the summer.

Morning = 6:15 am to 9:45 am

Day = 9:45 am - 6:15 pm

Night = 6:15 pm to 11:45 pm

Headways will be improved first on routes that exceed the load factor standard or on routes that have the highest load factors.

FALL SEASON	Base Service Interval (in minutes)
Yellow Route	60
Black Route	60
Purple Route	60
Brown Route	60

6:15 am - 11:45 pm

EARLY WINTER SEASON	Base Service Interval (in minutes)
Yellow Route	30
Black Route	60
Purple Route	60
Brown Route	60
Orange Route	60

6:15 am - 11:45 pm

WINTER SEASON	DAY Service Interval (in minutes)	NIGHT Service Interval (in minutes)	PEAK Service Interval (in minutes)
Yellow Route	20	20	
Black PM Route	**	30	
Purple Route	30	30	
Brown Route	30	30	15
Orange Route	30	**	

Day = 6:15 am to 5:45 pm
 Night = 5:45 pm to 11:45 pm
 Peak = 7:30 am to 6:00 pm

Winter Table Notes:

** The Breckenridge Ski Resort operates the Black Route during the day.
Our Orange Route bus turns into the Black PM bus at 5:45 pm.

III. On-time Performance for Fixed Route Service

a. Definition of "On-time Window":

The Free Ride Transit System prohibits as a matter of policy any bus from servicing a bus stop ahead of the scheduled pick-up time or running early. (At times, we may fall behind during gridlock conditions to where the bus is late and not actually running early. This is different that running ahead of schedule.) The Free Ride further defines an on-time performance if a bus is no more than 2 minutes late for servicing a particular stop or the origin & destination points of an entire route. These guidelines are the established "On-time Window" for calculating the overall System On-Time Performance.

b. Established Service Standard

95 percent of all runs system-wide or on a particular route or line completed within the allowed "on-time" window during the Spring, Summer, and Fall seasons is the established standard.

During the winter season, we face conditions that are beyond our control, including weather and traffic congestion, so in the winter 90 percent of all runs system-wide or on a particular route or line completed within the allowed "on-time" window is the established standard.

IV. Service Availability for Fixed Route Service

The standard is expressed by bus stop spacing. Bus stop spacing generally depends on ridership. Ridership, in turn, is typically affected by surrounding land use type, such as residential, commercial, or Central Business District. The range of spacing between each stop in Breckenridge is standardized on average to be between 600 and 1,000 feet on all routes in developed areas.

Typical Bus Stop Spacing

Land Use	Range of Spacing	Typical Spacing
Central Business District	300 to 1,000 feet	600 feet
Service or Activity Center	500 to 1,200 feet	750 feet
Residential	600 to 2,500 feet	1,000 feet
Rural	650 to 2,640 feet	1,250 feet

V. Distribution of Transit Amenities for Fixed Route Service

Distribution of all transit amenities such as bus shelters, benches, and trash receptacles is determined through ridership levels. Based upon boarding counts and bus stop utilization, the following table outlines the standard for how the transit amenities are placed by the transit system.

Transit Amenity Placement

<u>Activity</u>	<u>Amenity</u>
Less than 25 passenger boardings per day	None
Between 25 and 80 passenger boardings per day	Bench
81 or more passenger boardings per day	Shelter

Many private entities, such as homeowner’s associations and property developers, have added their own transit amenities that may not conform to the standards above. We use the above standard when making a determination if an amenity is warranted that does not currently exist.

VI. Vehicle Assignment for Fixed Route Service

It is the policy of the Free Ride Transit System to assign vehicles with more capacity to routes with higher ridership and/or to routes with additional capacity needs during peak periods.

The Free Ride Transit System has performed mid-life cycle refurbishments on each bus in its Fleet; therefore the quality of the equipment available for use is equal - regardless of its age.

MEMORANDUM

To: Town Council

From: Peter Grosshuesch, Director of Community Development

Date: October 16, 2013

Re: Planning Commission Decisions of the October 15, 2013, Meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF October 15, 2013:

CLASS C APPLICATIONS:

- 1) Cedars #13 Addition and Remodel (SG) PC#2013088, 505 Village Road, Unit 13
Addition to an existing townhome to create a total of 3 bedrooms (1 new), 3.5 bathrooms (1 new), 1,642 sq. ft. of density and 1,955 sq. ft. of mass. Approved.
- 2) Wellington Block 4, Lot 1A New Detached Garage (SG) PC#2013089, 57 Midnight Sun
Construct a new, 484 sq. ft. detached 2-car garage and parking pad. Approved.

CLASS B APPLICATIONS:

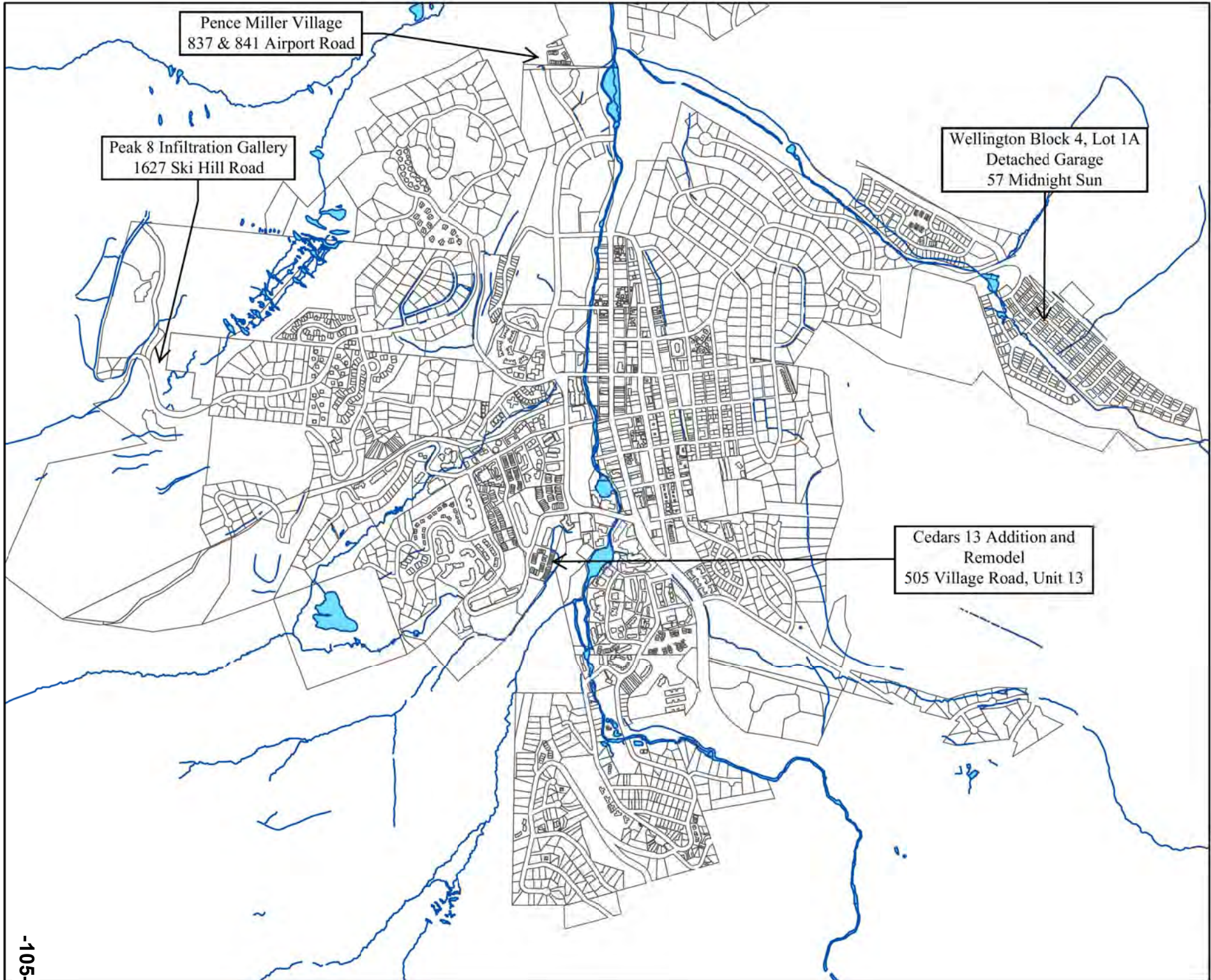
- 1) Peak 8 Infiltration Gallery PMA Variance (JP) PC#2013084, 1627 Ski Hill Road
Construct and maintain a groundwater infiltration gallery within the Cucumber Gulch Preserve PMA in association with the approved Breckenridge Grand Vacations Lodge on Peak 8 Development Permit. Approved.

CLASS A APPLICATIONS:

None.

TOWN PROJECT HEARINGS:

- 1) Pence Miller Village (MGT) PC#2013087, 837 & 841 Airport Road
Construction of an 81-unit affordable rental complex designed with two buildings. Advice and recommendations on Development Code policies- Application does not comply with Policy Section 9-1-19-3A Density/Intensity as the density applied is not from a contiguous parcel as previously reviewed by Town Council. Negative twenty (-20) points under 6/R Building Height; Positive one (+1) point under 15/R Refuse; Positive two (+2) points under 18/R Parking; Positive two (+2) points under Policy 22/R Landscaping; Positive ten (+10) points under 24/R Social Community; Positive four (+4) points under 25/R Transit; Positive four (+4) points under 26/R Infrastructure. This results in the application failing an absolute policy and passing a point analysis with positive three (+3) points.



Pence Miller Village
837 & 841 Airport Road

Peak 8 Infiltration Gallery
1627 Ski Hill Road

Wellington Block 4, Lot 1A
Detached Garage
57 Midnight Sun

Cedars 13 Addition and
Remodel
505 Village Road, Unit 13



NOT TO SCALE

printed 4/12/2011

Breckenridge South

Town of Breckenridge and Summit County governments
assume no responsibility for the accuracy of the data, and
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PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

ROLL CALL

Kate Christopher Jim Lamb Eric Mamula
Trip Butler Gretchen Dudney Dan Schroder, arrived at 7:11 pm
Dave Pringle, arrived at 7:06 pm
Jennifer McAtamney, Town Council Liaison, Absent

APPROVAL OF AGENDA

No Town Council report this evening as Ms. McAtamney is not present. The amended October 15, 2013 Planning Commission meeting agenda was approved unanimously (5-0).

APPROVAL OF MINUTES

With no changes, the October 1, 2013, Planning Commission Minutes were approved as presented.

CONSENT CALENDAR:

1. Cedars #13 Addition and Remodel (SG) PC#2013088, 505 Village Road, Unit 13
2. Wellington Block 4, Lot 1A New Detached Garage (SG) PC#2013089, 57 Midnight Sun

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

TOWN COUNCIL REPORT:

Ms. McAtamney was not present for the meeting.

COMINED HEARINGS:

1. Peak 8 Infiltration Gallery PMA Variance (JP) PC#2013084, 1627 Ski Hill Road

Ms. Puester presented a proposal to construct and maintain a groundwater infiltration gallery within the Cucumber Gulch Preserve PMA in association with the approved Breckenridge Grand Vacations Lodge on Peak 8 Development Permit.

Some alternatives to the construction of the proposed infiltration gallery:

1. Daylight the intercepted groundwater as surface water: This option would capture and divert the groundwater intercepted by the BGV Lodge on Peak 8 foundation to a surface water channel such as the 60-inch culvert that drains the Peak 8 watershed. Although this option would cause less ground disturbance, it would also turn the groundwater, which is critical to fen wetland development, into surface water. In the long term, this approach would likely contribute to the drying of some of the fen wetlands in Upper Cucumber Gulch.
2. Construct the infiltration gallery outside of the Cucumber Gulch PMA or in another location: BGV representatives and Town staff evaluated locations for the infiltration gallery but encountered several challenges with alternate locations. Locating the infiltration gallery uphill of Ski Hill Road would not directly benefit the wetlands and would likely prompt structural issues with the road. The Town Engineer did not support this location for the infiltration gallery. Other locations considered were too short to provide effective infiltration length needed, or caused greater wetland impacts.

It is the opinion of the Town Engineer and Town's hydrogeologist that locating the water spreader at the proposed location would minimize disruption of the natural groundwater flow caused by the building foundation drains because the water would be replaced into the Cucumber Gulch wetlands immediately

downhill of the proposed buildings. The Town Engineer is encouraged that the proposed location will also result in minimal existing vegetation disturbance and further protection of natural ground water recharge.

Staff believes that the proposal meets the criteria (A) of the Relief Procedures section as the Town Engineer and the Town's consultant (URS) have collaborated on the proposed design, and have agreed that the proposed plan is the most appropriate course of action for the health of the wetlands in the upper Cucumber Gulch. Also, under subsection (i) the granting of the variance will not result in substantial degradation of the natural and wildlife features and the granting of the variance will not nullify the intent and purpose of the Cucumber Gulch regulation. The consultant suggested some conditions of approval which have been included in the Findings and Conditions in the packet.

The granting of a variance from the prohibitions of Section 8.4 will in no way relieve the applicant, BGV from complying with all of the Development Standards and Best Management Practices provided for in Sections 11 and 12 of the PMA regulations. Engineering staff will confirm BMPs are in place prior to any site work starting.

Staff found that the proposal meets the requirements for a variance from the Preventive Management Area of the Cucumber Gulch Overlay Protection District, and recommended that the Planning Commission approve the Breckenridge Grand Vacations Lodge on Peak 8 Cucumber Gulch Variance from the PMA Regulations, PC#2013084, along with the presented Findings and Conditions.

Commissioner Questions / Comments:

Mr. Mamula Condition # 9 binds in perpetuity the owners, but after awhile BGV will no longer own the project and it will go to the HOA. Is Tim Berry satisfied that it is legally binding enough when it is turned over to the HOA? Does he think that the people who are there will pay attention to maintaining the infiltration unit?

Ms. Puester: Staff had this concern too. There will be a condition put in place per condition #9 that will bind BGV and the future owners which Tim Berry worked on. They also have to meet the intent of performance over the long term as well. We crafted a condition that the town attorney will develop the covenant outlining the expectations. Tim understands this is the intent as well. The Gulch is constantly monitored and it will trigger a review if the ground water level is unusually off, and we can catch it then as well.

Mr. Rob Millisor, BGV Owner/Applicant: I don't have a whole lot to say except that we've been working the past 2-3 months with town and engineer and we believe this is the best for everyone. We want to minimize impacts as much as possible. The gulch is the crown jewel of the community and we will do whatever we can to mitigate any disturbance.

Ms. Dudney opened the hearing to public comment. There was no public comment and the hearing was closed.

Mr. Schroder: We've been out for several site visits and looked at the runoff and this plan looks to remediate the issues.

Mr. Pringle: I was concerned about long term monitoring and maintenance and I suppose the covenant you write will be strong enough to hold 10-20 years from now. Condition #8 will allow for us to find another solution if this doesn't work. My concern is that the groundwater gets into at the system at roughly the same rate as it would have normally.

Mr. Lamb: If Tim Berry is comfortable with the language then I'm good. I think this is good.

Ms. Dudney: I'm good with it

Ms. Christopher: I'm good with it

- Mr. Butler: I'm good with it
- Mr. Mamula: Is this imminent; to be done right away? (Mr. Millisor: Yes, as soon as Town Council approves it hopefully on Oct 22.) I want to make sure that it gets done soon, because it is the right thing to do and I don't want it to get value engineered down the road if it is supposed to be done much later.
- Mr. Pringle: Is this eligible for negative points under 7R site disturbance? (Ms. Puester: It is a variance to PMA. Not much site disturbance will occur in comparison to other projects that receive negative points. It will also have the BMPs that will be in place, it won't be too impactful as designed.)
- Mr. Pringle: I'm good.
- Mr. Dudney: If an applicant makes a modification to the design, they can't just modify it without coming back to the Town Council or the Planning Commission right? (Ms. Puester: If there are any significant changes which are proposed, it would go back under review. The town's hydrogeologist as well as engineering, open space staff and the BGV hydrogeologist is fine with this as designed, so if there is a significant change it would come back.)

Mr. Schroder made a motion to approve the Peak 8 Infiltration Gallery PMA Variance, PC#2013084, 1627 Ski Hill Road, with the presented findings and conditions. Ms. Christopher seconded, and the motion was carried unanimously (7-0).

TOWN PROJECT HEARINGS:

1) Pence Miller Village (MGT) PC#2013087, 837 & 841 Airport Road

Mr. Thompson presented a proposal for an 81-unit, affordable rental apartment project. The project consists of two buildings with a majority of parking under the buildings. Each building consists of studio, 1 bedroom, and 2 bedroom units. The west building also contains one 3 bedroom unit and a leasing office. The trash collection for each building is by way of one trash chute and one recycle chute that are collected in the garage level.

Each parking garage contains 39 parking spaces and 39 storage lockers for tenants. The buildings are proposed nearly parallel to Airport Road on the site with one building closer to Airport Road and one further up the hill at the back of the site. The project style is typical mountain architecture incorporating stone veneer, board and battens siding and lap siding with heavy timber accents. The Town of Breckenridge owns the land for the proposed attainable housing project; hence this is being processed as a Town Project.

Changes From the Previous Submittal

- Height: An entire story from both Building 1 and Building 2 have been removed, which reduced their overall height by 8.5'. (From their original design the buildings have been reduced in height by 21'- 3 1/2".) The applicant has since proposed a height that is just below 50' submitted just today-different from packet.
- Garages: The entries have been reconfigured so both enter from the side of the buildings, instead of the front of Building 2.
- Elevations: The elevations have been reconfigured and some positive changes have been made to the roof lines in response to the need to break them up more.
- Density: There has been a reduction in total density from 65,142 sq. ft. down to 61,055 sq. ft. (Density reduced from 92,242 sq. ft. from first submittal).
- Number of units from 96 to now down to 81.

Point Analysis (Section: 9-1-17-3): Staff believes the proposal warrants the following points: Policy 24/R Employee Housing positive ten (+10) points, Policy 18/R Parking positive two (+2) points, Policy 22/R

Landscaping (+4) points staff believes this does provide above average landscaping for the community, beyond the minimum requirements, Policy 15/R Refuse positive one (+1) for placing the trash dumpster inside of a principal structure screened from public view, Policy 25/R Transit positive four (+4) points for a bus pull out with shelter for waiting guest, Policy 26/A &R Infrastructure positive four (+4) for installation of a sidewalk to the bus stop paralleling Airport Road, and installation of street lights, and negative ten points (-10) under Policy 6/R as the building height is more than one story over the land use guidelines recommendation, but are no more than one and (1) stories over the land use guidelines recommendation; for a total passing point analysis of positive fifteen (+15) points (revised based on new height proposed).

Policy 3A: Density is proposed at half of allowed density. Two parcels north of and south of Claimjumper Condos have been combined for the purposes of the density calculation even though they are not contiguous (separated by 11.53') per Council direction. The density would be permanently stripped from the north parcel where the conservation values are higher than the south parcel.

Applicant is retaining trees east of Building 1 between the building and Airport Road to meet the condition in Land Use District 9.2 to go from a two to three story land use district. Per LUD 9.2: *“Buildings in excess of two stories are discouraged. Buildings of three stories may be acceptable only if situated in such a way that the hill to the west provides an appropriate backdrop, and sufficient trees are left to the east to provide adequate screening.”*

Snow removal plan did have some problems, push down into the detention pond, but staff believes need to lose two parking spaces to allow for snow to realistically pushed in there. Applicant does have the necessary 25% for snow storage. Parking requirement would still be met even with two spots removed.

Emergency access gate near Pinewood. Internal access, there is a single track trail that will lead to Claimjumper and allow for travel to the bus stop.

Received comments today from the County. This site is adjacent to SC Govt. property. Matt Thompson handed them out. Concerns raised are that other than the single track trail there are no pedestrian connections coming out of building to existing sidewalks. Also, had concerns that three of the units did not have storage in the underground garage. Applicant agreed in writing to staff that they would add those pedestrian sidewalks and three more storage units so every unit has a designated storage area.

Received 15 e-mails, also received 4 more since staff deadline, Mr. Thompson passed these out Findings and conditions from the Town Attorney and are shown in tracked changes.

Drainage and detention pond met town codes.

Did the Planning Commission agree that the buildings are situated in such a way that the hill to the west provides an appropriate backdrop, and sufficient trees are left to the east to provide adequate screening as described in LUD 9.2?

This is a Town Project pursuant to the recently adopted ordinance amending the Town Projects Process (Council Bill No. 1, Series 2013), effective April 12, 2013. As a result, the Planning Commission is asked to identify any code issues they may have with this application. In addition, the Commission is asked to give advice and recommendations to the Town Council.

Staff has identified that the only policy that this application does not comply with is Policy 3A/3R *Density/Intensity* due to the lots not being contiguous.

As the proposal has a positive point analysis the Planning Department recommends the Planning Commission support approval of Pence Miller Village, PC#2013087 with the presented findings.

Questions

Mr. Schroder: If we approved, how are things like drainage that aren't yet addressed, how will they be worked out?

Mr. Thompson: I feel comfortable that the town's engineers and the applicants engineer will work out the final details on the drainage. The plan is to bring all the drainage from the site into a detention pond near the front of the project and then slowly release into a ditch along Airport Road, which will lead to the Cucumber Creek drainage.

Ms. Dudney: Addressing the letters. Want to confirm that there is a sidewalk and bus stop on the west side of road? (Christopher and Butler also were concerned about this) (Mr. Thompson: Yes there will be a sidewalk, bus pull out, and bus shelter on the west side of Airport Road at the proposed Pence Miller Village. The big thing for transit is the need for an appropriate pull-out so the transportation department was in favor of this new stop. The standard is that there should be a bus stop every 800-1200' along a street with significant riders, especially because this project would be adding riders at this location.)

Mr. Lamb: In that area you have one across the street from the recreation center entrance and one at Pinewood, would this be combined. (Mr. Thompson – No not combined, this would be an additional stop.)

Ms. Dudney: What if I disagree with the interpretation of the base height being 2 stories instead of 3? The project would still be approved, but with negative 15 points. (Mr. Thompson: If the Commission considered this to be a two story land use district the proposal would warrant negative twenty (-20) points.)

Ms. Dudney: Parcel 1 as 8.979 and parcel 2 at 6.79 acres? (Mr. Thompson: The Claimjumper land exchange was reviewed. When the land trade happened, the town decided to be consistent with land use district 9.2 and LUD 1. When the slope becomes very steep LUD 9.2 ends and LUD 1 begins. For LUD 9.2 we are not using land that is so steep that it is in LUD 1.)

Ms. Dudney: Question, above average points on landscaping is minimum of 10' for evergreens. (Mr. Thompson: Felt that the 12' trees off set having some of the 8' trees, and it is good to have some of the trees be of the larger sizes.)

Mr. Butler: Connectivity question, is it unusual to transfer density from the big plot to the little plot?

Mr. Thompson: I have never worked on a project that had the connectivity issue.

Mr. Butler: It is not a deal breaker, because this is a Town Project process.

Mr. Grosshuesch: The bigger parcel is a better candidate for open space and has best conservation values. (Mr. Thompson pointed out the larger parcel and the connectivity gap of 11.5' for the commissioners and the audience to help clarify.)

Mr. Butler: Question on the elevation drawing, the conversion is a sticking point, between stories and feet. If you look at the subfloors called out on the elevation that looks like 4 or 5 stories. Stories architecturally don't necessarily mean they are real on the inside. (Ms. Puester: The first 2 stories are 13' each, every story above that is 12'. This is the height conversion in the code. And 6' for half stories, In a multi-family development you are calculating stories to the median of the roof, halfway up that roofline and measure straight down to get building height.)

Ms. Christopher: On the height, is it -10 points based on the 3 story assumption baseline? (Mr. Thompson: Yes) Explain why it is off of 3 story not 2. (Mr. Thompson: Read the language on height LUD 9.2: "*Buildings in excess of two stories are discouraged. Buildings of three stories may be acceptable only if situated in such a way that the hill to the west provides an appropriate backdrop, and sufficient trees are left to the east to provide adequate screening.*")

(Mr. Thompson: We believe that it meets the condition to go to 3 stories. Code allows any applicant take any warranted negative points, but they cannot go over two stories over the land use guidelines recommendation, or they fail the absolute policy.)

Ms. Christopher: Still positive point analysis if the baseline is a 2 story assumption as I would propose. It would be negative -20 points but I feel this is better than going with a 3 story baseline.

Mr. Mamula: Explain how this has become a town project? I don't understand how a for-profit company is now allowed to use the Town Project process.

(Julia Puester: It is town land and is attainable housing. This ordinance was amended about a year ago.)

Mr. Mamula: This is a complete waste of this body's time if the Council is going to do this anyway. Frustrated with this process and disagree that it's a town project.

Applicant Presentation:

Mr. Robert Miller from (PBA Studio) Paul Bergner Architect, 1575 Gilpin Street, Denver: Mr. Thompson did a good job of the overview of site and plans. Mr. Miller wants to go over how feedback has been received in the planning process. Miller showed graphical renderings. In July 2012, showed concepts for the project, that included structured parking, originally proposed as Pinewood Village 2. At that time we showed a basement parking garage at grade on Airport road and then it got buried behind and 4 habitable floors above. As we heard feedback about the scale, massing and height concerns, we looked at different options. Lowering roof, habitable living in the roof, differences from front building and back building. As feedback and concerns continued we stepped it back again and looked at 2 story roofline along the front and building into the roof, 3 story elements and a dichotomy between the two buildings. But more feedback showed that the dichotomy between the 2 buildings is not what the town or neighbors wanted. Now both buildings are the exact same height and design. We really tried and succeeded in getting this below a 50' height building.

It is a buried parking garage for the most part, then we have 2 stories of habitable floors on one part, and 3 story habitable element in the middle of the building, with 2 story eave line and then a 3 story eave line. We are not providing a 4th floor of habitable living. We feel like we've responded to critiques on height, massing and scale and feel like it is compatible to the 9.2 district. Most of the housing along Airport Road is 3 stories because it is down sloping. This is similar in nature, but is pulled together so that we can provide structured parking. And the site area is more compact.

Mr. Miller showed original site plan and showed how much they responded to concerns previously raised and how it has re-oriented to save trees, comply with easements, improved landscaping and visuals along Claimjumper.

Mr. Casey, 1031 Boreas Pass Road, resident Town of Breckenridge, Applicant. Needs Assessment by Reese Consulting said that the demand for workforce housing far exceeds the supply. This is a town project, because Pinewood and this project reverts back to the town after 65 years. There are rent payments on the lease when there is appropriate cash flow. In this particular location, if we look at the available sites left in our community in proximity to amenities, it is a unique site and that is why the town went after it and that is why we were asked to create a product. Also, the building will have an elevator and will be accessible to anyone in the community. We are able to accommodate 81 storage units for residents toys and will install pedestrian walkways from the buildings to the sidewalk along Airport Road. We've addressed most Summit County Planning Department's, the Planning Commission and neighbor's concerns.

Ms. Christopher: Asked about the length of the middle ridge line, looks more than 50'?

Mr. Miller: We are 52', but we will modify the design to get to less than 50' in length.

Mr. Butler: Will you have handicap accessible units on ground floor?

Mr. Miller: All units will be type B, baseline accessibility, doorways will be big enough, the building code requires to be type A units so we will comply with all of these. We've found historically that the percentage of renters meet this code requirement. There is an elevator so all units may be accessible.

Mr. Pringle: Were you able to address concerns for more sidewalks?

Mr. Miller: We fully commit to provide sidewalks to Airport Road, we also have 81 storage units.

Mr. Pringle: Did not comply with 3A with density – can you explain. (Mr. Thompson: Took this proposal to the Council and they comfortable with combining the two parcels for the purpose of the density

and mass calculations. Since it doesn't meet 3A, 3 R doesn't apply for this Town Project. Wanted to point out density is from 2 parcels. Calculated all density numbers off of that.)

Mr. Pringle: Shouldn't we say that it doesn't meet 3A?

Mr. Grosshuesch: That is what we intend to do.

(Ms. Puester: Findings #6, you will see this is outlined how it does not comply with the density / intensity this is highlighted in the findings and report.)

Mr. Pringle: We are looking at this as carefully as we can but we have to look at what the council has presented as well.

Ms. Dudney opened the hearing to public comment.

Ms Carol Rockne: Owns 4 units across the street and long-term rents them. My son lives in one of my units. I have a great deal of respect for planning staff and commission, I've lived here since 1963 when we didn't have a commission and we got some big things built by people that we didn't want. This doesn't fit in the neighborhood. It is ironic that we've gone full circle. The planning commission and staff have saved this town, but now we are full circle that this piece of land that is untouched and the town is building something that is too big. The planning staff has been compromised by the town mayor and the town manager, I don't blame the developers. I don't forgive the town leaders. I didn't know that when they passed the town projects ordinance that they can do whatever they want to do. Big government is making their own rules. We have over 300 low income people living here. I know things are expensive, I don't see businesses going out of business because they can't find employees or that they are even paying people more. District 9.2 is 10 units per acre, more than 2 stories are discouraged. This is a 2 story district. Every project in 9.2 has met this. Previous projects in this area have met this. The points should be -20. Left old staff report for the commissioners. They have an upper blue density transfer, so now they have put that on this. You cannot take density from one parcel and put on another unless it fits. Can't put 8 acres of density and mass and put it on 3 acres and make it fit. The open space including detention plan is 85% of the site, the building and hard surface is only 15% but if you look at the picture this is not true. Setbacks should not have anything more than can fit on the parcel. The ordinance, there should be on the ballot to appeal this ordinance, the town council should be separate from the planning commission. Employee housing positive points was indented to encourage others to build, not the town. Landscaping, 4 positive points is what Kingdom park got, 41 spruce, 110 aspen, 126 shrubs, meandering berm and sidewalk and save 44 mature trees we got 4 positive points. Corum has proposed 27 Colorado spruce trees (8'-12'), 22 Engelmann spruce trees (8'-10'), and 7 aspen trees (3" minimum caliper). Pinewood put in landscaping and they got zero points and they put in twice as much landscaping as they did. The planning staff has been compromised because they've been told what to do. No surface drainage plan and they are doing a surface detention pond, looks like Mountain Thunder Lodge but is not in district 9.2 but it is in district 2.1 where the height fits. The detention pond will be filled with every rain, should all be going into a storm sewer not a detention pond. This is a residential district not a mixed use district, the lease office doesn't belong on this land.

Mr. Jeremy Worsester 1001 Riverstone Dr Parker, CO. I oppose the size of the building going on that size of lot and it will put our Unit 16 of Claimjumper in the shade. Left 2 copies of his concerns for the commissioners.

Mr. John Yelnick, Claimjumper 6 and 13. Do we have a volumetric of the amount of soil removed for the project? I understand that this will be approved by city council regardless of the Planning Commission recommendation tonight. This was federal property transferred to Breckenridge, it has an historical designation and did not show up in the transfer. It also has prescriptions, the Claimjumper has not given consent and the Town took these from the Claimjumper over a decade ago. These two parcels are both super fund sites and the arsenic and heavy metals will be a great concern to the EPA for remediation. We should be concerned about the dust and give notice to the residents living here. I'm sure that this is subject to

federal jurisdiction and this has not been addressed. The city manager said he would address the Claimjumper concerns at our HOA meeting and he has not. Policy 3A/ 3 R concerns – I have been a professor of law for thirty years and I've never seen this done. The drainage down the side the building and is going to pool on the Claimjumper property. Never seen a proposal where storm water is not addressed. This information was not given to the public nor the planning commission in the packet.

Mr. Perry Keller Claimjumper 34. I'm not sure what is being proposed. There are internal inconsistencies with real time changes just being introduced at this meeting. The comments about the two parcels being connected versus what is actually being built on. The density is either 130-150% of what is allowed. I've heard mention of 8-12' trees that look more like 5' trees from the renderings. The last piece of land being close to Rec Center, City market and library and it seems to me that it does not look like it is incredibly over built. The master plan talks about mixed use and this doesn't seem consistent. The façade of the claim jumper facing these properties is 3 stories, but the roof ends at the top of the 3rd floor, if something was similar that would take off 20'. The profiles between two properties are completely different. The garage does not appear to be mostly below grade, but the garage does not add to the appearance, maybe better to be completely below grade.

Mr. Rick Gleason, Overton Law Firm, speaking for Lacy Brewer, owner of unit 3 at Claimjumper. Why is this scale the minimum that would be acceptable? Clearly the height is way out of scale with the surrounding neighborhood. Agree completely with starting at the baseline of being 2 stories. The EPA question, I saw information about this being a superfund site and with all of this dirt moved, what steps will be taken to notify everyone. Final comment, the note for town to disregard the various standards that are used for every other project in town. I don't think the planning commission should go along lightly. It is not acceptable.

Mr. Frank Steen, 832 Airport Road, Town of Breckenridge. I'm appalled at how the point system is being used and pushed through. Too much height and density.

Ms. Barb Schaffer, 832 Kingdom Park. I don't know if you are familiar with the neighborhood, but the amount of density is too dense. If you cut the number of units in half it would be ok. Three quarters of residents in Kingdom Park don't live there year round and we have problems already with overcrowding with parking and noise problems. It is too much for us as a community. I have no problem with employee housing, reality is that when one person lives there are really 3 people living there. If we don't diversify that all the employees are living there with all of the marijuana shops and a school we are going to have a lot more issues to deal with in 5-10 years. I don't know the town code, I do know that people can manipulate points to get what they want. But please listen to the people here tonight and make the points work. Kingdom Park did not receive notice, so not sure if other neighborhoods didn't also.

Ms. Robin Reade, owner in Claimjumper, also part of home owner's board. I want to echo what others have said and I agree with them. In addition, my condo is #5 and my deck is facing the proposed development and back bedrooms of these units are close to the density. The elevations don't compare how the back deck from Claimjumper and views and sun light with the proposed buildings will block all of this. Robin showed a drawing of how the proposed would appear to be a whole other story than the Claimjumper. An extreme difference in elevation. The sunshine, view, landscaping will screen out the whole view.

Ms. Phyllis Emrich #33 Claimjumper. We all realize that property values will plummet, because parking lot right next door and density. If it was your place that you have lived in for a long time that you plan to retire too, it won't be good 5 years down the road when you have 5-6 people living there because they don't follow the rules. We have been gracious to work with the mobile home park. No one is against employee housing, but this is a monstrosity.

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

Commissioner Questions / Comments:

Mr. Mamula: The way that the ordinance reads, I don't understand how this becomes a town project when it is being built and funded by an outside business.

Ms. Puester: Read a section of 9-14-1 to the Planning Commission: *b) the planning, design, construction, erection, repair, maintenance, replacement, relocation, or improvement of any building, structure, facility, excavation or any other project or work of any kind undertaken with the consent of the town council on town owned real property by a nonprofit entity or the planning, design, construction, erection, repair, maintenance, replacement, relocation or improvement of an attainable work force housing project on town owned, leased, or controlled real property, regardless of whether the attainable work force housing project will be operated by the town or some other person.*

Mr. Mamula: It says construction by a non-profit entity. Tim Casey are you a non-profit?

Mr. Tim Casey: We are not a non-profit.

Mr. Mamula: There is very little planning commission experience on the Town Council and what we say may not even work. I believe that rental affordable housing is a desperate need, however I don't think we can look at this project any differently just because it is employee housing. I think we need to look at it like a Mountain Thunder Lodge. If Council just wants a reference that it meets the rules. I do not think the reading of 9.2 says 2 story district with possibility of 3, our code is very straight forward, it is 2 full stories, so 20 negative points. I made a lot of comments that 9.2 is not the district for a building of this size.

Density issue: I'm sure there are other calculations that the town could do where there is other property to make this land use density work. The Town would have treated you as a private developer by counting the entire bulk of the property.

Landscaping: I argue the landscaping points and recognize Carol's point.

Pinewood did an exemplary job, one of the best in landlord/ tenant relations. I don't think Corum will run it improperly, but I don't think that this is the right size for this. I don't think this passes the point analysis for me.

Ms. Christopher: We expect private homeowners to give us exact uses, without changes so this feels because this is town project, it feels like it needs to come back with all of the changes. All of the changes are in our packet and I don't feel like I can approve this.

Drainage: Needs to be addressed, Internal Circulation: Not in packet, Height is not in our packet, Ridgeline is more than 50' in length, landscaping and possibly additional berming for neighbors so that headlights don't shine.

2-story baseline with negative 20 points. I have a problem with no points for 3A/3R just because it is a town project, density added. We need to show all the negative points to the Council even though that is overall negative.

Mr. Butler: Even with negative 20 points, they have points to spare. I appreciate the efforts they have made to make it fit. I think the conversion factor is a double edged sword. I wish it said that buildings in excess of 26' are discouraged, buildings at 38' are acceptable. I'm glad that Christopher and Mamula said what they did. It does fit on the site, but I think that the scale is still pretty scary and the issues that the residents have pointed out make it difficult to give the Town Council a positive recommendation.

Ms. Dudney: Height: I agree with staff that baseline is 3 stories, if this wasn't there then there wouldn't be language in 9.2 based on hillside and trees, negative 10 points as Mr. Thompson presented in his staff report. I disagree with landscape points because minimum is a minimum, should be positive 2 points. Density was decided by town council, they shouldn't be combining

two parcels but that parcel is really 8.96 acres but part is in a different district, it can be in the building area so I'm divided on this, as it is it doesn't pass the density category and they should know that. Drainage and EPA superfund is a big void, I don't have enough information on these.

Mr. Lamb: Pretty clearly the audience doesn't like this project, but our job is to look at the code. This is coming in 1/2 of the density and 1/2 the allowed mass allocated to the site and it makes sense that this is combined between the two parcels. Employee housing is sorely needed in this community. I agree that we need more information with regards to height, drainage, landscaping, but we've seen this a couple of times. I think it can be done responsibly. Pinewood is a tight run operation and I don't see 8 people living in one apartment.

Mr. Pringle: This applicant is not the bad guy. They build good projects, Pinewood had the same objections initially but it is now one of the best run affordable housing projects we have. On one hand I love this project because it is exactly what we need. This is the right project for the site. Having said all that, I've always been uncomfortable when we have to deviate from the policies and it is in violation of 3A and could not pass an absolute. I think it should get -20 for being too high. Landscaping should be +2. This is a project that the Council wants and we've discussed for well over a year. I understand that it is a nice vacant lot and I don't know what the Claimjumper residents would like. I am not sure there is a project that Claimjumper would be happy with. It reminds me of solar panels on the McCain property, its up and now no one says anything. Any building put here will be fairly large. I think the project will pass on points and the town council will approve it as they want to. We need to recognize that the community objects to this and this is important to the process. These developers only want what's best for the town too.

Mr. Schroder: I feel strongly that we are charged with upholding the code and reviewing code requirements. There are a lot of things that aren't in our packet. I can only comment on what was presented before the meeting. Height – the mass density I agree that we are not meeting the threshold, I would be in support of -20 points, Not sure about sufficient screening to the east, hill is dramatic, but east is not. This would still pass a point analysis and I would support the rest of what was presented. This is a public meeting and no one came in support of this project. I feel uncomfortable with public feedback and then submitting the passing point analysis, but the human side needs to be presented to Council as well.

Mr. Pringle makes a motion to change on policy 6R from -10 to -20 points because it is two stories over than over that allowed in LUD 9.2: Mamula seconded.

Mr. Butler: yes
Ms. Christopher: yes
Ms. Dudney: no
Mr. Mamula: yes
Mr. Pringle: yes
Mr. Schroder: yes
Mr. Lamb: no

Motion passes.

Mr. Pringle makes a motion to change the points analysis on Policy 22/R from plus 4 to plus 2 on landscaping, Ms. Christopher seconded.

Mr. Lamb: no

Mr. Mamula: yes
Ms. Dudney: yes
Ms. Christopher: yes
Mr. Mamul: yes
Mr. Pringle: yes
Mr. Schroder: yes

Motion passes.

Mr. Mamula: We don't have full information because this is a town project. Under a normal project we would tell them to come back. This is a half-baked plan that we are proposing to send on to Council.

Ms. Dudney: Let's look at density and then make other motions.

Mr. Mamula: I don't think we can make comments on the EPA because this is not a planning code issue.

Mr. Lamb: I thought the remediation was done before town bought it.

Ms. Dudney: It could be site and design, I think it would be helpful to make motions on the notes of the items.

Mr. Lamb: It is tough to vote on something that we don't have all the information on

Mr. Pringle moves that on page 48 on the packet that this project is not compliant with 3A to change point analysis to say that 3A does not comply because the parcels are not contiguous, Seconded by Ms. Christopher.

Mr. Pringle: yes

Mr. Lamb: no

Mr. Butler: yes

Ms. Dudney: yes

Mr. Mamula: yes, I don't know but I want council to see this.

Mr. Schroder: no

Ms. Dudney: The Council can make the decision that the 11' gap doesn't matter but at least they know that we don't think this is compliant.

Mr. Pringle: Can we point out to them that we would like more information on drainage?
Commission agreed that it is just in the minutes.

Mr. Schroder: We are asked to make recommendations on these policies? Any other point analysis issues to bring up to town council?

Commission thanked all who showed up.

Mr. Pringle made a motion to approve the point analysis as amended for the Pence Miller Village, PC#2013087, 837 & 841 Airport Road. Ms. Christopher seconded, and the motion was carried unanimously (7-0). Point analysis of + 23 points total and -20 points, results in a point analysis of positive three (+3) points, and a failing of absolute policy 3A.

Re-opened meeting after a 5 minute break 9:45pm

OTHER MATTERS:

Ms. Puester stated it was time for the annual election of Chair and Vice Chair, to serve from November 1, 2-13, until October 31, 2014.

Mr. Pringle nominated Mr. Lamb for Chair as he has been Vice Chair and been doing a good job filling in. Nomination was carried unanimously (7-0).

Mr. Pringle nominated Ms. Christopher as Vice-Chair of the Planning Commission. Nomination was carried unanimously (7-0).

Planning Commission retreat on Friday 10/25 meet at 9:00am at Town Hall.

Today is the day which the disposable bag fee became effective day so in commemoration, Ms. Puester handed out reusable Breckenridge bags to the Commission. Mr. Grosshuesch asked if there are any bag questions and gave an overview of the program details.

Mr. Schroder asked about vegetable bags being used (Mr. Truckey: Those are still allowed and encouraged to separate meats and vegetables from other groceries.)

Mr. Truckey: These bags are for sale for 99 cents, in 25-30 stores, Welcome Center is selling them.

Dave Pringle thanked Gretchen Dudney for being Chair the last year.

ADJOURNMENT:

The meeting was adjourned at 9:51 p.m.

Gretchen Dudney, Chair



Scheduled Meetings, Important Dates and Events

Shading indicates Council attendance – others are optional

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

OCTOBER 2013

Tuesday, October 22, 2013; 3:00/7:30 pm	Second Meeting of the Month
Friday, October 25	Planning Commission Retreat
Tuesday, October 29, 2013; 8:30 am-5:00 pm	Council Budget Retreat

NOVEMBER 2013

Thursday, November 7, 2013	Wake Up Breckenridge
Friday, November 8, 2013; 8:00-9:00 am; TBD	Coffee Talk
Tuesday, November 12, 2013; 3:00/7:30 pm	First Meeting of the Month
Tuesday, November 26, 2013; 3:00/7:30 pm	Second Meeting of the Month

DECEMBER 2013

Saturday, December 7, 2013	Lighting of Breckenridge
Tuesday, December 10, 2013; 3:00/7:30 pm	First Meeting of the Month
Friday, December 13, 2013; 8:00-9:00 am; TBD	Coffee Talk
CANCELLED	Second Meeting of the Month

OTHER MEETINGS

1 st & 3 rd Tuesday of the Month; 7:00 p.m.	Planning Commission; Council Chambers
1 st Wednesday of the Month; 4:00 p.m.	Public Art Commission; 3 rd floor Conf Room
2 nd & 4 th Tuesday of the Month; 1:30 p.m.	Board of County Commissioners; County
2 nd Thursday of every other month (Dec, Feb, Apr, June, Aug, Oct) 12:00 noon	Breckenridge Heritage Alliance
2 nd & 4 th Tuesday of the month; 2:00 p.m.	Housing/Childcare Committee
2 nd Thursday of the Month; 5:30 p.m.	Sanitation District
3 rd Monday of the Month; 5:30 p.m.	BOSAC; 3 rd floor Conf Room
3 rd Tuesday of the Month; 9:00 a.m.	Liquor Licensing Authority; Council Chambers
4 th Wednesday of the Month; 9:00 a.m.	Summit Combined Housing Authority
4 th Wednesday of the Month; 8:30 a.m.	Breckenridge Resort Chamber; BRC Offices
4 th Thursday of the Month; 7:00 a.m.	Red White and Blue; Main Fire Station
3 rd Monday of the Month; 1:00 p.m.	Breckenridge Marketing Advisory Committee; Breck PD Training Room

Other Meetings: CAST, CML, NWCCOG, RRR, QQ, I-70 Coalition