



BRECKENRIDGE TOWN COUNCIL REGULAR MEETING

Tuesday, November 12, 2013; 7:30 PM

Town Hall Auditorium

I	CALL TO ORDER, ROLL CALL	
II	APPROVAL OF MINUTES - OCTOBER 22, 2013	3
III	APPROVAL OF AGENDA	
IV	COMMUNICATIONS TO COUNCIL	
	A. CITIZEN'S COMMENT - (NON-AGENDA ITEMS ONLY: 3-MINUTE LIMIT PLEASE)	
V	CONTINUED BUSINESS	
	A. SECOND READING OF COUNCIL BILLS, SERIES 2013 - PUBLIC HEARINGS	
	1. COUNCIL BILL NO. 41, SERIES 2013 - AN ORDINANCE AMENDING CHAPTER 1, TITLE 9 OF THE BRECKENRIDGE DEVELOPMENT CODE CONCERNING THE CLASSIFICATION OF DEVELOPMENT	7
VI	NEW BUSINESS	
	A. FIRST READING OF COUNCIL BILLS, SERIES 2013	
	1. COUNCIL BILL NO. 42, SERIES 2013 - AN ORDINANCE PROVIDING FOR AN INCREASE IN MUNICIPAL WATER USER FEES EFFECTIVE JANUARY 1, 2014	15
	2. COUNCIL BILL NO. 43, SERIES 2013 - AN ORDINANCE SETTING THE MILL LEVY WITHIN THE TOWN OF BRECKENRIDGE FOR 2014	20
	3. COUNCIL BILL NO. 44, SERIES 2013 - AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO PUBLIC SERVICE COMPANY OF COLORADO (MCCAIN-ALPINE ROCK PARCELS)	22
	4. COUNCIL BILL NO. 45, SERIES 2013 - AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO PUBLIC SERVICE COMPANY OF COLORADO (STILLSON SOLAR TRANSFORMER)	27
	5. COUNCIL BILL NO. 46, SERIES 2013 - AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO PUBLIC SERVICE COMPANY OF COLORADO (PUBLIC WORKS YARD GAS AND ELECTRIC LINES)	31
	B. RESOLUTIONS, SERIES 2013	
	C. OTHER	
VII	PLANNING MATTERS	
	A. PLANNING COMMISSION DECISIONS	36
	B. PLANNING COMMISSION REPORT (MS. MCATAMNEY)	
VIII	REPORT OF TOWN MANAGER AND STAFF	
IX	REPORT OF MAYOR AND COUNCILMEMBERS	
	A. CAST/MMC (MAYOR WARNER)	
	B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MR. BREWER)	
	C. BRC (MR. BURKE)	
	D. MARKETING COMMITTEE (MS. WOLFE)	
	E. SUMMIT COMBINED HOUSING AUTHORITY (MR. DUDICK)	

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

- F. BRECKENRIDGE HERITAGE ALLIANCE (MR. DUDICK)
- G. WATER TASK FORCE (MR. GALLAGHER)
- H. LANDFILL TASK FORCE (MS. WOLFE)
- I. PUBLIC ART COMMISSION (MR. GALLAGHER)

X OTHER MATTERS

XI SCHEDULED MEETINGS

52

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.

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CALL TO ORDER, ROLL CALL

Mayor Warner called the meeting of October 22, 2013 to order at 7:35 pm. The following members answered roll call: Mr. Gallagher, Mr. Brewer, Ms. McAtamney, Ms. Wolfe, Mr. Dudick and Mayor Warner. Mr. Burke was absent.

APPROVAL OF MINUTES - OCTOBER 8, 2013

With no changes or corrections to the meeting minutes of October 8, 2013, Mayor Warner declared they would stand approved as submitted.

APPROVAL OF AGENDA

Mr. Gagen stated there were no changes to the agenda other than to add an Executive Session under Other Matters before adjournment.

COMMUNICATIONS TO COUNCIL

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

Mayor Warner opened Citizen's Comments.

Mr. Robert Gordman, a resident of the Highlands in Breckenridge, encouraged Council to take another look at street repair budgets. Mr. Gordman stated the roads in the Highlands are not in good condition in some areas. Mayor Warner invited Mr. Gordman to attend the Budget Retreat on October 29th that is open to the public.

Ms. Sheri Shelton, a representative of Breckenridge merchants, read a document into record regarding her opposition to the art fairs discussion during the Worksession. Ms. Shelton stated she is anxious to reach a compromise, but also against the status quo decision from the earlier meeting. Ms. Shelton suggested moving the art fairs to other dates during the season to avoid peak weekends.

Mr. Gary Soles, a gallery owner in Breckenridge, spoke in support of Ms. Shelton's sentiments about Arts Fairs. Mr. Soles stated he spoke to Mr. Mark Beling about a compromise and Mr. Beling indicated there was no room for compromise, although Mr. Soles could possibly be included in his fair. Mayor Warner then reiterated his challenge to the Art Fair owners to include local galleries in their fairs.

There were no further comments and Mayor Warner closed the citizen comments section.

B. Breckenridge Resort Chamber Update

Mr. John McMahon, Director of the Breckenridge Resort Chamber, stated Oktoberfest visitation was down 11% due to the Front Range floods, and the BRC made a \$5,000 donation on behalf of the Town to the flood relief efforts. Mr. McMahon stated the BRC is currently working toward the goal of activating the initiative discussed in past meetings. He then stated winter marketing is starting earlier than in the past and the BRC is seeing encouraging numbers for winter so far. Mr. McMahon stated Central Reservations is transitioning this week to VacationRoost, and there is a business roundtable on October 30th.

C. Breckenridge Ski Resort Update

Ms. Pat Campbell, COO of Breckenridge Ski Resort, stated snowmaking has started, with a focus on the Nov. 8th opening of the Resort. The Resort is working on transparency around

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snow reporting this year. Ms. Campbell further stated there will be several opening week events, and the Resort plans to open Peak 8 first, then Peak 9 (planning to open the Saturday before Thanksgiving), and Peak 7 in December. Ms. Campbell stated the Peak 6 lift towers are being set this week, Wake Up Breckenridge is set for Nov. 7th, the Dew Tour is looking at a nighttime halfpipe event, and the uphill access policy is being finalized.

D. USA Pro Cycling Challenge Recap

Ms. Kim Dykstra-Dilallo stated the memo was included in the packet. Ms. Dykstra-Dilallo stated she recently went to Denver to meet with other cities to recap the event. TV ratings were up by 15% this year, and event organizers are looking to reinstate evening coverage next year. Ms. Dykstra-Dilallo stated misses this year included the Main Street closure early in the week and School District impacts. She then acknowledged the local organizing committee for their hard work. Mr. Dudick asked about media value and stated he would like to see the online strategy before the next event, with the goal to create a more discernible ROI for the community. Ms. Wolfe stated she was surprised the evening recap show was cut due to sponsorship loss. Council then unanimously agreed to put in a bid for next year's race. Mayor Warner stated he would like to create a process to better manage website visitors. Mr. Brian Waldes then presented a commemorative poster signed by the stage winner.

CONTINUED BUSINESS

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

NEW BUSINESS

A. First Reading of Council Bills, Series 2013

1. COUNCIL BILL NO. 41, SERIES 2013 - AN ORDINANCE AMENDING CHAPTER 1, TITLE 9 OF THE BRECKENRIDGE DEVELOPMENT CODE CONCERNING THE CLASSIFICATION OF DEVELOPMENT

Mayor Warner read the title into the minutes. Ms. Puester stated this first reading cleans up the existing code and is supported by the Planning Commission.

Mr. Dudick moved to approve COUNCIL BILL NO. 41, SERIES 2013 - AN ORDINANCE AMENDING CHAPTER 1, TITLE 9 OF THE BRECKENRIDGE DEVELOPMENT CODE CONCERNING THE CLASSIFICATION OF DEVELOPMENT. Mr. Gallagher seconded the motion.

The motion passed 6-0. Mr. Burke was absent.

B. Resolutions, Series 2013

1. A RESOLUTION APPROVING UPDATES TO AND ADOPTING THE REVISED "TOWN OF BRECKENRIDGE TITLE VI PLAN RELATED TO TRANSPORTATION PLANNING, IMPROVEMENTS, AND TRANSPORTATION SERVICES"

Mayor Warner read the title into the minutes. Mr. Gagen stated this resolution is a requirement in order to receive federal grant funds.

Mr. Brewer moved to approve A RESOLUTION APPROVING UPDATES TO AND ADOPTING THE REVISED "TOWN OF BRECKENRIDGE TITLE VI PLAN RELATED TO TRANSPORTATION PLANNING, IMPROVEMENTS, AND TRANSPORTATION SERVICES". Mr. Dudick seconded the motion.

The motion passed 6-0. Mr. Burke was absent.

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. Mayor Warner also clarified that the Pence Miller project will be a Town Project on the November 12 agenda.
- B. Planning Commission Report (Ms. McAtamney)
Ms. McAtamney stated she didn't attend the meeting. Mr. Dudick stated he was disappointed that in his mind he saw the Planning Commissioners did not stick to the code, and in changing a point analysis, there was no clear reason to change the point analysis in the motion, interpretive. Mayor Warner and Ms. Wolfe then stated they shared the same concerns. Mr. Gagen stated they should decide how they will communicate that information with the Planning Commission and they can reiterate their sentiments at the November 12th meeting. Mayor Warner stated he and/or Jennifer could attend the next Planning Commission meeting on November 5th to deliver that message.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen stated they are excited about a possible mating of the beavers in Cucumber Gulch.

REPORT OF MAYOR AND COUNCILMEMBERS

- A. Cast/MMC (Mayor Warner)
Mayor Warner stated no report.
- B. Breckenridge Open Space Advisory Committee (Mr. Brewer)
Mr. Brewer stated he gave an update as part of the worksession. Beavers are doing a lot of work in Cucumber Gulch. He added that Mr. Brian Lorch from the County spoke to BOSAC about a fish hatchery restoration project on the Swan that is high on the priority list for the Forest Service.
- C. BRC (Mr. Burke)
Mr. Burke was not present for an update.
- D. Marketing Committee (Ms. Wolfe)
Ms. Wolfe stated the BRC membership will be voting on the articles of incorporation soon and BMAC is monitoring the situation of the changeover of the BRC.
- E. Summit Combined Housing Authority (Mr. Dudick)
Mr. Dudick stated there was no meeting.
- F. Breckenridge Heritage Alliance (Mr. Dudick)
Mr. Dudick stated he sent an email update to Council since he wasn't at the last meeting.
- G. Water Task Force (Mr. Gallagher)
Mr. Gallagher stated there was no update.
- H. Landfill Task Force (Ms. Wolfe)
Ms. Wolfe stated there was no meeting.

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- I. Public Art Commission (Mr. Gallagher)
Mr. Gallagher stated there was no meeting.

OTHER MATTERS

Ms. McAtamney stated she went to City Market with her children to give out bags as an outreach to the community. She further stated Copper Mountain has eliminated the sale of water bottles this year, and National Parks doing the same. Ms. McAtamney stated she would support a "free little library" in Breckenridge, and there are several 1A and 2B election events this week.

Mr. Gallagher stated he is concerned about the Pence Miller project and wants a better understanding of the financial implications for the Town as the project moves forward. Mr. Dudick also stated he would like to see a ballpark figure established before the developer moves forward.

Mr. Dudick asked if Council should push Block 11 development while the project is supported by this Council. Mr. Gagen stated they should take another look at the new affordable housing study and make decisions based on the pro-forma and 2014 budget that relate to timing.

Mr. Gallagher asked about the Rodeo and Mr. Gagen stated they are not continuing based on an unsuccessful summer this year.

EXECUTIVE SESSION

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:25pm. Submitted by Helen Cospolich, Municipal Services Manager.

ATTEST:

John Warner, Mayor

MEMO

TO: Town Council
FROM: Town Attorney
RE: Council Bill No. 41 (Development Permits Classification Ordinance)
DATE: November 1, 2013 (for November 12th meeting)

The second reading of the ordinance revising the way development permits are classified for processing under the Town's Development Code is scheduled for your meeting on November 12th. There are no changes proposed to ordinance from first reading.

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

1 **FOR WORKSESSION/SECOND READING – NOV. 12**

2
3 **NO CHANGE FROM FIRST READING**

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

7
8 COUNCIL BILL NO. 41

9
10 Series 2013

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

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

18
19 Section 1. The definition of “Class A Development” in Section 9-1-5 of the
20 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**

21
DEVELOPMENT CLASSIFICATION ORDINANCE

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

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

DEVELOPMENT CLASSIFICATION ORDINANCE

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.

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.

DEVELOPMENT CLASSIFICATION ORDINANCE

lodging, or hotel structure.

Class C development is divided into major and minor 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.

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Section 4. The definition of “Class D Development” in Section 9-1-5 of the 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.
- 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 CLASSIFICATION ORDINANCE

development in any town ordinance.
~~WV.~~ Installation of swimming pool, spa or hot tub.
~~XW.~~ Seasonal noncommercial greenhouse.
~~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.

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

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

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

14 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
15 PUBLISHED IN FULL this ____ day of ____, 2013. A Public Hearing shall be held at the
16 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
17 ____, 2013, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
18 Town.

19
20 TOWN OF BRECKENRIDGE, a Colorado
21 municipal corporation
22
23
24

25 By _____
26 John G. Warner, Mayor
27
28

29 ATTEST:

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31
32
33 _____
34 Helen Cospolich
35 Town Clerk
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41 500-351\Development Classification Ordinance (11-01-13)(Second Reading)

DEVELOPMENT CLASSIFICATION ORDINANCE

TO: MAYOR AND TOWN COUNCIL
FROM: CLERK AND FINANCE DIVISION
SUBJECT: 2014 WATER ORDINANCE
DATE: 11/6/2013
CC: TIM GAGEN

Enclosed is the 2014 Water Rates Ordinance. It has been marked to show the changes in the water fees that will occur effective January 1, 2014.

The changes in the ordinance include an increase in existing fees (1%/year for water user fees, 5%/year for PIF's).

1 ***FOR WORKSESSION/FIRST READING – NOV. 12***

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

5
6 COUNCIL BILL NO. 42

7
8 Series 2013

9
10 AN ORDINANCE PROVIDING FOR AN INCREASE IN MUNICIPAL WATER USER FEES
11 EFFECTIVE JANUARY 1, 2014

12
13 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
14 COLORADO:

15
16 Section 1. The Town Council of the Town of Breckenridge finds and determines as
17 follows:

18
19 A. The Town of Breckenridge is a home rule municipal corporation organized and
20 existing pursuant to Article XX of the Colorado Constitution.

21
22 B. The Town owns and operates a municipal water utility pursuant to the authority
23 granted by Section 13.1 of the Breckenridge Town Charter and §31-35-402(1)(b), C.R.S.

24
25 C. Section 13.3 of the Breckenridge Town Charter provides that “(t)he council shall by
26 ordinance establish rates for services provided by municipality-owned utilities.”

27
28 D. The rates, fees, tolls and charges imposed in connection with the operation of a
29 municipal water system should raise revenue required to construct, operate, repair and replace
30 the water works, meet bonded indebtedness requirements, pay the overhead and other costs of
31 providing service. Such rates, fees, tolls and charges may also recover an acceptable rate of
32 return on investment. The rates, fees, tolls and charges imposed by this ordinance accomplish the
33 Town’s goals and objectives of raising revenue required to construct, operate, repair and replace
34 the Town’s water works and to service the bonded indebtedness of the Town’s enterprise water
35 fund.

36
37 E. The action of the Town Council in setting the rates, fees, tolls, and charges to be
38 charged and collected by the Town in connection with the operation of its municipal water
39 system is a legislative matter.

40
41 Section 2. Effective January 1, 2014, Section 12-4-11 of the Breckenridge Town Code
42 is amended so as to read in its entirety as follows:

1 12-4-11: WATER USER FEES; RESIDENTIAL:
2

3 A. The in town base rate user fee for all residential water users, regardless of the
4 size of the water meter, includes a usage allowance of not to exceed twelve
5 thousand (12,000) gallons of water per SFE per billing cycle, and shall be
6 computed according to the following table:
7

<u>Water Use Date</u>	<u>Base User Fee</u>
Effective January 1, 2013	\$30.95 per billing cycle per SFE
<u>Effective January 1, 2014</u>	<u>\$31.25 per billing cycle per SFE</u>

8
9 B. In addition to the base user fee set forth in subsection A of this section, each in
10 town residential water user shall pay an excess use charge for each one thousand
11 (1,000) gallons of metered water, or fraction thereof, used per SFE per billing
12 cycle in excess of the usage allowance of twelve thousand (12,000) gallons of
13 water per SFE per billing cycle. The amount of the excess use charge shall be
14 computed according to the following table:
15

<u>Water Use Date</u>	<u>Excess Use Charge</u>
Effective January 1, 2013	\$3.08
<u>Effective January 1, 2014</u>	<u>\$3.11</u>

16
17 Section 3. Effective January 1, 2014, Section 12-4-12(A) of the Breckenridge Town
18 Code is amended so as to read in its entirety as follows:
19

20 12-4-12: WATER USER FEES; NONRESIDENTIAL:
21

22 A. The in town base rate user fee per SFE per billing cycle and the usage
23 allowance per SFE per billing cycle for all nonresidential water users shall be
24 determined based upon the size of the water meter which connects the water
25 using property to the water system, as follows:
26

27 For water used commencing January 1, ~~2013~~**2014**
28

<u>Meter Size</u>	<u>Base Water Fee Per Account</u>	<u>Usage Allowance Per Account (Gallons)</u>
Less than 1 inch	\$ 35.44 <u>\$ 35.79</u>	13,000
1 inch	53.16 <u>53.69</u>	20,000
1½ inch	92.76 <u>93.69</u>	35,000
2 inch	146.06	54,000

1		<u>147.52</u>	
2	3 inch	280.84	105,000
3		<u>283.65</u>	
4	4 inch	434.14	162,000
5		<u>438.48</u>	
6	6 inch	853.00	318,000
7		<u>861.53</u>	

8
9 Section 4. Effective January 1, 2014, Section 12-4-13 of the Breckenridge Town Code
10 is amended so as to read in its entirety as follows:

11
12 12-4-13: WATER USER FEES; MIXED USE:

13
14 The in town base rate user fee and the usage allowance per billing cycle for all
15 mixed use water using properties shall be calculated based upon the predominant
16 use of the water using property as determined by the finance director. In addition
17 to the base user fee, each in town mixed use water user shall pay an excess use
18 charge of three dollars ~~eight~~ eleven cents (~~\$3.08~~ \$3.11) per one thousand (1,000)
19 gallons of metered water, or fraction thereof, used per billing cycle in excess of
20 the applicable usage allowance.

21
22 Section 5. Except as specifically amended hereby, the Breckenridge Town Code, and
23 the various secondary codes adopted by reference therein, shall continue in full force and effect.

24
25 Section 6. The Town Council hereby finds, determines and declares that it has the
26 power to adopt this ordinance pursuant to the provisions of Section 31-35-402(1)(f), C.R.S., and
27 the powers possessed by home rule municipalities in Colorado.

28
29 Section 7. This ordinance shall be published and become effective as provided by
30 Section 5.9 of the Breckenridge Town Charter.

31
32 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
33 PUBLISHED IN FULL this __th day of _____, 2013. A Public Hearing shall be held at the
34 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ___ day of
35 _____, 2013, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
36 Town.

37
38 TOWN OF BRECKENRIDGE, a Colorado
39 municipal corporation

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43 By _____
44 John G. Warner, Mayor

45
46 ATTEST:

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Town Clerk

TO: MAYOR AND TOWN COUNCIL
FROM: FINANCE AND MUNICIPAL SERVICES DEPARTMENT
SUBJECT: 2014 MILL LEVY
DATE: 11/7/2013
CC: TIM GAGEN, RICK HOLMAN

The attached Council Bill establishing the 2014 Property Tax Mill Levy at the rate of 5.07 mills per dollar of assessed valuation of property within the limits of the Town of Breckenridge is hereby submitted to the Council for first reading.

The 5.07 mills are for the purpose of defraying the expenses of the General fund.

1 **FOR WORKSESSION/FIRST READING – NOV. 12**

2
3 COUNCIL BILL NO. 43

4
5 Series 2013

6
7 AN ORDINANCE SETTING THE MILL LEVY WITHIN THE
8 TOWN OF BRECKENRIDGE FOR 2014
9

10 WHEREAS, the Town Council of the Town of Breckenridge has determined that a mill
11 levy of 5.07 mills upon each dollar of the assessed valuation of all taxable property within the
12 Town of Breckenridge is needed to balance the 2014 Town budget.

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

16
17 Section 1. For the purposes of defraying the expense of the General Fund of
18 Breckenridge, Colorado for the fiscal year 2014, there is hereby levied a tax of 5.07 mills upon
19 each dollar of assessed valuation for all taxable property within the Town of Breckenridge.
20

21 Section 2. The Town Clerk is authorized and directed, after adoption of the budget by the
22 Town Council, to certify to the Board of County Commissioners of Summit County, Colorado,
23 the tax levies for the Town of Breckenridge, Colorado as herein set forth.
24

25 Section 3. This ordinance shall be published and become effective as provided by
26 Section 5.9 of the Breckenridge Town Charter.
27

28 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
29 PUBLISHED IN FULL this 12th day of November, 2013. A Public Hearing shall be held at the
30 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 26th day of
31 November, 2013, at 7:30 P.M. or as soon thereafter as possible in the Municipal Building of the
32 Town.
33

34 TOWN OF BRECKENRIDGE, a Colorado
35 municipal corporation
36

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

41 ATTEST:
42
43

44 _____
45 Helen Cospolich , Town Clerk
46

Memorandum

TO: Town Council
FROM: Tom Daugherty, Public Works Director
DATE: November 6, 2013
RE: PSCO Easements

The attached easements to PSCO (XCEL) are for the electric lines that connect the solar gardens at Stillson and McCain, and for the gas and electric lines on the Public Works yard that were placed during the construction of the PW Admin Building. Now that the lines are in place a more accurate easement could be put in place based on the actual line locations. These easements are satisfactory to staff.

1 ***FOR WORKSESSION/FIRST READING – NOV. 12***

2
3 COUNCIL BILL NO. _____

4
5 Series 2013

6
7 AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO PUBLIC
8 SERVICE COMPANY OF COLORADO
9 (McCain-Alpine Rock Parcels)

10
11 WHEREAS, Public Service Company of Colorado has requested the granting of an
12 easement over, across, and through certain Town property; and

13
14 WHEREAS, the Town Council of the Town of Breckenridge has determined that it
15 should grant the requested easement; and

16
17 WHEREAS, the Town Attorney has informed the Town Council that, in his opinion,
18 Section 15.3 of the Breckenridge Town Charter requires that granting of the easement be
19 authorized by ordinance.

20
21 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
22 BRECKENRIDGE, COLORADO:

23
24 Section 1. The Town Manager is authorized, empowered, and directed to execute,
25 acknowledge, and deliver to Public Service Company of Colorado an easement substantially in
26 the form marked **Exhibit "A"**, attached hereto, and incorporated herein by reference.

27
28 Section 2. The Town Council finds, determines, and declares that it has the power to
29 adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX
30 of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

31
32 Section 3. This ordinance shall be published and become effective as provided by
33 Section 5.9 of the Breckenridge Town Charter.

34
35 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
36 PUBLISHED IN FULL this ____ day of _____, 2013. A Public Hearing shall be
37 held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the
38 ____ day of _____, 2013, at 7:30 P.M., or as soon thereafter as possible in the
39 Municipal Building of the Town.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
John G. Warner, Mayor

ATTEST:

Helen Cospolich
Town Clerk

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DIVISION Mountain
LOCATION 12920 Hwy 9

ROW AGENT Loren Vawser
DESCRIPTION AUTHOR Summit Land
Surveying, Inc. Mathew J. Wentz
AUTHOR ADDRESS PO Box 24212
Silverthorne, CO 80497

DOC. NO. 194962
PLAT/GRID NO. 400/193 (E)
WO/DESIGN NO. 11843397/412379

PUBLIC SERVICE COMPANY OF COLORADO EASEMENT

The undersigned Grantor hereby acknowledges receipt of good and valuable consideration from PUBLIC SERVICE COMPANY OF COLORADO (Company), 1225-17th Street, Denver, Colorado, 80202-5533, in consideration of which Grantor(s) hereby grants unto said Company, its successors and assigns, a non-exclusive easement to construct, operate, maintain, repair, and replace utility lines and all fixtures and devices, used or useful in the operation of said lines, through, over, under, across, and along a course as said lines may be hereafter constructed in LOT ___, BLOCK ___, SUBDIVISION ___, in the SW 1/4 of Section 18, Township 6S, Range 77W of the 6th Principal Meridian in the City of Breckenridge County of Summit, State of Colorado, the easement being described as follows:

Located in a portion of The McCain Annexation and The Alpine Rock Parcel, Breckenridge, Summit County, Colorado, as described in the Legal Description attached hereto and made a part thereof.

The easement is _____ feet in width. The side boundary lines of the easement shall be lengthened and shortened as necessary to encompass a continuous strip of not less than the above width at all points on Grantor's property crossed by the above described easement and extending to the boundaries of adjacent properties.

Together with the right to enter upon said premises, to survey, construct, maintain, operate, repair, replace, control, and use said utility lines and related fixtures and devices, and to remove objects interfering therewith, including the trimming of trees and bushes, and together with the right to use so much of the adjoining premises of Grantor during surveying, construction, maintenance, repair, removal, or replacement of said utility lines and related fixtures and devices as may be required to permit the operation of standard utility construction or repair machinery. The Grantor reserves the right to use and occupy the easement for any purpose consistent with the rights and privileges above granted and which will not interfere with or endanger any of the said Company's facilities therein or use thereof. Such reservations by the Grantor shall in no event include the right to erect or cause to be erected any buildings or structures upon the easement granted or to locate any mobile home or trailer units thereon. In case of the permanent abandonment of the easement, all right, privilege, and interest granted shall terminate.

The work of installing and maintaining said lines and fixtures shall be done with care; the surface along the easement shall be restored substantially to its original level and condition.

Signed this _____ day of _____, 2013.

(Type or print name below each signature line with official title if corporation, partnership, etc.):

GRANTOR: Town of Breckenridge

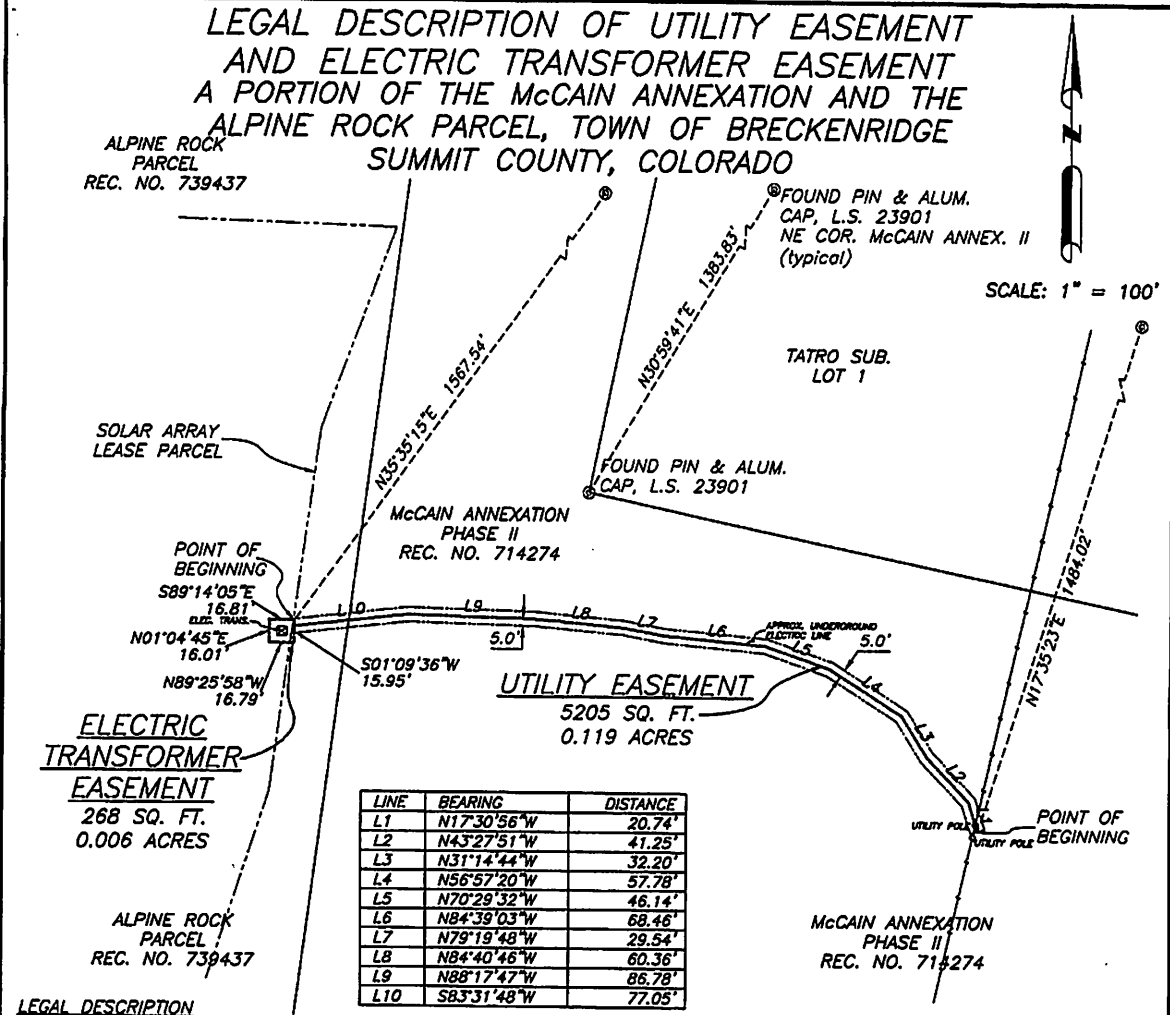
STATE OF COLORADO,)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2005 by [Grantor name(s) from above]:

Witness my hand and official seal.

My commission Expires _____ Notary Public

**LEGAL DESCRIPTION OF UTILITY EASEMENT
AND ELECTRIC TRANSFORMER EASEMENT
A PORTION OF THE McCAIN ANNEXATION AND THE
ALPINE ROCK PARCEL, TOWN OF BRECKENRIDGE
SUMMIT COUNTY, COLORADO**



LINE	BEARING	DISTANCE
L1	N17°30'56"W	20.74'
L2	N43°27'51"W	41.25'
L3	N31°14'44"W	32.20'
L4	N56°57'20"W	57.78'
L5	N70°29'32"W	46.14'
L6	N84°39'03"W	68.46'
L7	N79°19'48"W	29.54'
L8	N84°40'46"W	60.36'
L9	N88°17'47"W	86.78'
L10	S83°31'48"W	77.05'

LEGAL DESCRIPTION

A 10' Utility Easement across A PORTION OF THE McCAIN ANNEXATION AND THE ALPINE ROCK PARCEL, recorded at the Summit County Clerk and Recorders Office under Reception No. 739437 & Reception No. 714274, located in the Town of Breckenridge, County of Summit, State of Colorado, being more particularly described as follows:

Beginning at a point whence the NE cor. of the McCain Annex. II, recorded at the Summit County Clerk and Recorders Office under Reception No. 714274, bears N17°35'23"E 1484.02'; thence along the centerline of the 10' Utility Easement, N 17°30'56" W a distance of 20.74 feet; thence N 43°27'51" W a distance of 41.25 feet; thence N 31°14'44" W a distance of 32.20 feet; thence N 56°57'20" W a distance of 57.78 feet; thence N 70°29'32" W a distance of 46.14 feet; thence N 84°39'03" W a distance of 68.46 feet; thence N 79°19'48" W a distance of 29.54 feet; thence N 84°40'46" W a distance of 60.36 feet; thence N 88°17'47" W a distance of 86.78 feet; thence S 83°31'48" W a distance of 77.05 feet to a point on the east line of the Electric Transformer Easement. Said NE corner bears N01°09'36"E 4.36'. Described easement contains 5205 square feet or 0.119 acres more or less.

An Electric Transformer Easement across A PORTION OF THE ALPINE ROCK PARCEL, recorded at the Summit County Clerk and Recorders Office under Reception No. 739437, located in the Town of Breckenridge, County of Summit, State of Colorado, being more particularly described as follows:

Beginning at a point whence the NE cor. of the McCain Annex. II, recorded at the Summit County Clerk and Recorders Office under Reception No. 714274, bears N35°35'15"E 1567.54'; thence S 01°09'36" W a distance of 15.95 feet; thence N 89°25'58" W a distance of 16.79 feet; thence N 01°04'45" E a distance of 16.01 feet; thence S 89°14'05" E a distance of 16.81 feet to the point of beginning. Described easement contains 268 square feet or 0.006 acres more or less.

I, MATTHEW J. WENTZ, A COLORADO REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND EXHIBIT DRAWING IS BASED ON A SURVEY MADE BY ME AND UNDER MY SUPERVISION, AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS DRAWING DOES NOT REPRESENT A MONUMENTED LAND SURVEY. -BOUNDARY DATA BASED ON "ANNEXATION MAP, McCAIN ANNEXATION PHASE II" RECORDED AT THE SUMMIT CO. CLERK AND RECORDERS OFFICE UNDER REC. NO. 714274 AND "ANNEXATION MAP, ALPINE ROCK PARCEL" RECORDED AT THE SUMMIT CO. CLERK AND RECORDERS OFFICE UNDER REC. NO. 739437.

MATTHEW J. WENTZ, P.L.S. 37719

SUMMIT LAND SURVEYING, INC.		P.O. BOX 24212 SILVERTHORNE, CO 80497 970-513-0156
SCALE: 1" = 100'	DATE: 09/30/13	JOB NO. 131043
DRAWN BY: MJW	CHECKED BY: MJW	DRAWING NO. 131043XCEL

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

1 **FOR WORKSESSION/FIRST READING – NOV. 12**

2
3 COUNCIL BILL NO. ____

4
5 Series 2013

6
7 AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO PUBLIC
8 SERVICE COMPANY OF COLORADO
9 (Stillson Solar Transformer)

10
11 WHEREAS, Public Service Company of Colorado has requested the granting of an
12 easement over, across, and through certain Town property; and

13
14 WHEREAS, the Town Council of the Town of Breckenridge has determined that it
15 should grant the requested easement; and

16
17 WHEREAS, the Town Attorney has informed the Town Council that, in his opinion,
18 Section 15.3 of the Breckenridge Town Charter requires that granting of the easement be
19 authorized by ordinance.

20
21 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
22 BRECKENRIDGE, COLORADO:

23
24 Section 1. The Town Manager is authorized, empowered, and directed to execute,
25 acknowledge, and deliver to Public Service Company of Colorado an easement substantially in
26 the form marked Exhibit "A", attached hereto, and incorporated herein by reference.

27
28 Section 2. The Town Council finds, determines, and declares that it has the power to
29 adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX
30 of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

31
32 Section 3. This ordinance shall be published and become effective as provided by
33 Section 5.9 of the Breckenridge Town Charter.

34
35 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
36 PUBLISHED IN FULL this ____ day of _____, 2013. A Public Hearing shall be
37 held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the
38 ____ day of _____, 2013, at 7:30 P.M., or as soon thereafter as possible in the
39 Municipal Building of the Town.
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TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
John G. Warner, Mayor

ATTEST:

Helen Cospolich
Town Clerk

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DIVISION Mountain
LOCATION 710 Wellington Rd.

ROW AGENT Loren Vawser
DESCRIPTION AUTHOR Summit Land
Surveying, Inc. Mathew J. Wentz
AUTHOR ADDRESS PO Box 24212
Silverthorne, CO 80497

DOC. NO. 194961
PLAT/GRID NO. 841/168 (E)
WO/DESIGN NO. 11830918/407935

PUBLIC SERVICE COMPANY OF COLORADO EASEMENT

The undersigned Grantor hereby acknowledges receipt of good and valuable consideration from PUBLIC SERVICE COMPANY OF COLORADO (Company), 1225-17th Street, Denver, Colorado, 80202-5533, in consideration of which Grantor(s) hereby grants unto said Company, its successors and assigns, a non-exclusive easement to construct, operate, maintain, repair, and replace utility lines and all fixtures and devices, used or useful in the operation of said lines, through, over, under, across, and along a course as said lines may be hereafter constructed in LOT __, BLOCK __, SUBDIVISION __, in the SE 1/4 & SW 1/4 of Section 31 & 32, Township 6S, Range 77W of the 6th Principal Meridian in the City of Breckenridge County of Summit, State of Colorado, the easement being described as follows:

Located in a portion of the Stillson Patch Placer U.S.M.S No. 1466, Town of Breckenridge, Summit County, Colorado, as described in the Legal Description attached hereto and made a part thereof.

~~The easement is _____ feet in width.~~ The side boundary lines of the easement shall be lengthened and shortened as necessary to encompass a continuous strip of not less than the above width at all points on Grantor's property crossed by the above described easement and extending to the boundaries of adjacent properties.

Together with the right to enter upon said premises, to survey, construct, maintain, operate, repair, replace, control, and use said utility lines and related fixtures and devices, and to remove objects interfering therewith, including the trimming of trees and bushes, and together with the right to use so much of the adjoining premises of Grantor during surveying, construction, maintenance, repair, removal, or replacement of said utility lines and related fixtures and devices as may be required to permit the operation of standard utility construction or repair machinery. The Grantor reserves the right to use and occupy the easement for any purpose consistent with the rights and privileges above granted and which will not interfere with or endanger any of the said Company's facilities therein or use thereof. Such reservations by the Grantor shall in no event include the right to erect or cause to be erected any buildings or structures upon the easement granted or to locate any mobile home or trailer units thereon. In case of the permanent abandonment of the easement, all right, privilege, and interest granted shall terminate.

The work of installing and maintaining said lines and fixtures shall be done with care; the surface along the easement shall be restored substantially to its original level and condition.

Signed this _____ day of _____, 2013.

(Type or print name below each signature line with official title if corporation, partnership, etc.):

GRANTOR: Town of Breckenridge

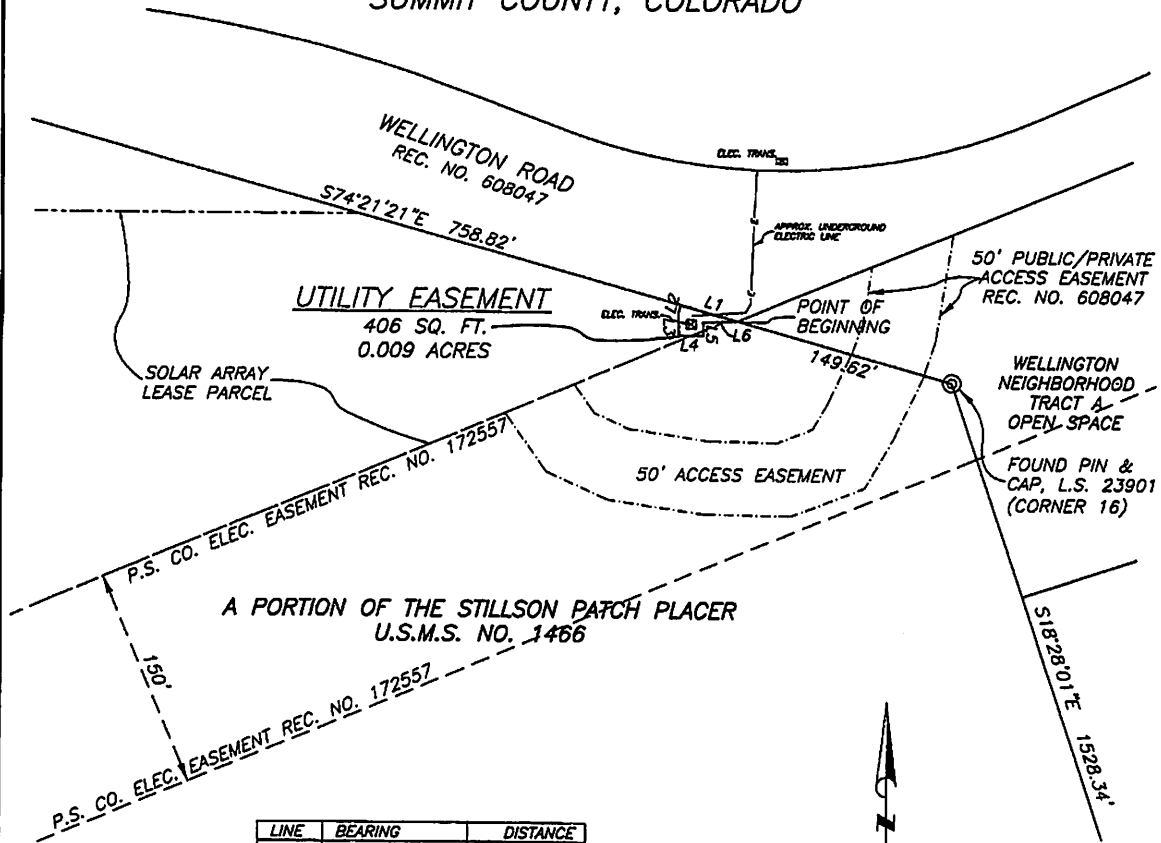
STATE OF COLORADO,)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2005 by [Grantor name(s) from above]:

Witness my hand and official seal.

My commission Expires _____ Notary Public

**LEGAL DESCRIPTION OF UTILITY EASEMENT
A PORTION OF THE STILLSON PATCH PLACER
U.S.M.S. NO. 1466, TOWN OF BRECKENRIDGE
SUMMIT COUNTY, COLORADO**



LINE	BEARING	DISTANCE
L1	$N74^{\circ}21'21''W$	40.14'
L2	$S15^{\circ}38'39''W$	5.57'
L3	$S01^{\circ}40'50''E$	16.01'
L4	$N88^{\circ}41'58''E$	16.73'
L5	$N00^{\circ}55'20''W$	9.19'
L6	$N87^{\circ}35'02''E$	23.13'

SCALE: 1" = 100'

LEGAL DESCRIPTION

A Utility Easement across A PORTION OF THE STILLSON PATCH PLACER U.S.M.S. NO. 1466, recorded at the Summit County Clerk and Recorders Office under Reception No. 544205, located in the Town of Brackenridge, County of Summit, State of Colorado, being more particularly described as follows:

Beginning at a point on the north line of said Stillson Patch Placer, whence corner 16 of said Stillson Patch Placer bears $S74^{\circ}21'21''E$ 149.62', thence along the north line of said Stillson Patch Placer $N74^{\circ}21'21''W$ a distance of 40.14 feet; thence $S15^{\circ}38'39''W$ a distance of 5.57 feet; thence $S01^{\circ}40'50''E$ a distance of 16.01 feet; thence $N88^{\circ}41'58''E$ a distance of 16.73 feet; thence $N00^{\circ}55'20''W$ a distance of 9.19 feet; thence $N87^{\circ}35'02''E$ a distance of 23.13 feet to the point of beginning. Described Utility Easement contains 406 square feet or 0.009 acres more or less.

I, MATTHEW J. WENTZ, A COLORADO REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND EXHIBIT DRAWING IS BASED ON A SURVEY MADE BY ME AND UNDER MY SUPERVISION, AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS DRAWING DOES NOT REPRESENT A MONUMENTED LAND SURVEY. BOUNDARY DATA BASED ON "ANNEXATION MAP OF A PORTION OF THE STILLSON PATCH PLACER" RECORDED AT THE SUMMIT CO. CLERK AND RECORDERS OFFICE UNDER REC. NO. 544205.

MATTHEW J. WENTZ, P.L.S. 37719

<p align="center">SUMMIT LAND SURVEYING, INC.</p>		P.O. BOX 24212 SILVERTHORNE, CO 80497 970-513-0156	
		SCALE: 1" = 100'	DATE: 09/30/13
DRAWN BY: MJW	CHECKED BY: MJW	DRAWING NO. 131042XCEL	

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

1 **FOR WORKSESSION/FIRST READING – NOV. 12**

2
3 COUNCIL BILL NO. ____

4
5 Series 2013

6
7 AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO PUBLIC
8 SERVICE COMPANY OF COLORADO
9 (Public Works Yard Gas and Electric Lines)

10
11 WHEREAS, Public Service Company of Colorado has requested the granting of an
12 easement over, across, and through certain Town property; and

13
14 WHEREAS, the Town Council of the Town of Breckenridge has determined that it
15 should grant the requested easement; and

16
17 WHEREAS, the Town Attorney has informed the Town Council that, in his opinion,
18 Section 15.3 of the Breckenridge Town Charter requires that granting of the easement be
19 authorized by ordinance.

20
21 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
22 BRECKENRIDGE, COLORADO:

23
24 Section 1. The Town Manager is authorized, empowered, and directed to execute,
25 acknowledge, and deliver to Public Service Company of Colorado an easement substantially in
26 the form marked **Exhibit "A"**, attached hereto, and incorporated herein by reference.

27
28 Section 2. The Town Council finds, determines, and declares that it has the power to
29 adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX
30 of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

31
32 Section 3. This ordinance shall be published and become effective as provided by
33 Section 5.9 of the Breckenridge Town Charter.

34
35 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
36 PUBLISHED IN FULL this ____ day of _____, 2013. A Public Hearing shall be
37 held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the
38 ____ day of _____, 2013, at 7:30 P.M., or as soon thereafter as possible in the
39 Municipal Building of the Town.
40
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TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
John G. Warner, Mayor

ATTEST:

Helen Cospolich
Town Clerk

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DIVISION Mountain
LOCATION 1091 Airport Rd.

ROW AGENT Loren Vawser
DESCRIPTION AUTHOR Schmidt Land
Surveying, Inc.
AUTHOR ADDRESS PO Box 5761
Frisco, CO 80443

DOC. NO. 193645
PLAT/GRID NO. 990/158 (E) (G)
WO/DESIGN NO. 11683970/384993

PUBLIC SERVICE COMPANY OF COLORADO EASEMENT

The undersigned Grantor hereby acknowledges receipt of good and valuable consideration from PUBLIC SERVICE COMPANY OF COLORADO (Company), 1225-17th Street, Denver, Colorado, 80202-5533, in consideration of which Grantor(s) hereby grants unto said Company, its successors and assigns, a non-exclusive easement to construct, operate, maintain, repair, and replace utility lines and all fixtures and devices, used or useful in the operation of said lines, through, over, under, across, and along a course as said lines may be hereafter constructed in LOT __, BLOCK __, SUBDIVISION __, in the SE 1/4 & SW 1/4 of Section 25 & 30, Township 6S, Range 78W of the 8th Principal Meridian in the City of Breckenridge County of Summit, State of Colorado, the easement being described as follows:

Located in The Town of Breckenridge, Summit County, Colorado, as described in the Legal Description attached hereto and made a part thereof.

The easement is 10 feet in width. The side boundary lines of the easement shall be lengthened and shortened as necessary to encompass a continuous strip of not less than the above width at all points on Grantor's property crossed by the above described easement and extending to the boundaries of adjacent properties.

Together with the right to enter upon said premises, to survey, construct, maintain, operate, repair, replace, control, and use said utility lines and related fixtures and devices, and to remove objects interfering therewith, including the trimming of trees and bushes, and together with the right to use so much of the adjoining premises of Grantor during surveying, construction, maintenance, repair, removal, or replacement of said utility lines and related fixtures and devices as may be required to permit the operation of standard utility construction or repair machinery. The Grantor reserves the right to use and occupy the easement for any purpose consistent with the rights and privileges above granted and which will not interfere with or endanger any of the said Company's facilities therein or use thereof. Such reservations by the Grantor shall in no event include the right to erect or cause to be erected any buildings or structures upon the easement granted or to locate any mobile home or trailer units thereon. In case of the permanent abandonment of the easement, all right, privilege, and interest granted shall terminate.

The work of installing and maintaining said lines and fixtures shall be done with care; the surface along the easement shall be restored substantially to its original level and condition.

Signed this _____ day of _____, 2013.

(Type or print name below each signature line with official title if corporation, partnership, etc.):

GRANTOR: Town of Breckenridge

STATE OF COLORADO,)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2005 by [Grantor name(s) from above]:

Witness my hand and official seal.

My commission Expires _____

Notary Public

EASEMENT DESCRIPTION

AN EASEMENT, OVER AND ACROSS LAND LOCATED IN A PORTION OF THE SE ¼ OF SECTION 25 AND THE SW ¼ OF SECTION 30, TOWNSHIP 6 SOUTH, RANGE 78 WEST OF THE 6TH P.M., COUNTY OF SUMMIT, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT CORNER NUMBER 5 OF MASONIC PLACER MINING CLAIM MINERAL SURVEY NUMBER 9616, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF "A REPLAT OF BLOCK 1, AN AMENDED REPLAT OF BRECKENRIDGE AIRPORT SUBDIVISION" AS RECORDED OCTOBER 14, 1998 AT RECEPTION NUMBER 578221 IN THE OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER.

THENCE CONTINUING ALONG THE 5-4 NORTH LINE OF SAID MASONIC PLACER S 89°47'47" W A DISTANCE OF 85.47 FEET TO THE TRUE POINT OF BEGINNING.

THENCE DEPARTING SAID NORTHERLY LINE OF SAID MASONIC PLACER THE FOLLOWING FIVE (5) COURSES:

- 1) S 01°18'42" W A DISTANCE OF 137.32 FEET;
- 2) S 50°46'01" W A DISTANCE OF 23.54 FEET;
- 3) N 39°13'59" W A DISTANCE OF 10.00 FEET;
- 4) N 50°46'01" E A DISTANCE OF 18.94 FEET;
- 5) N 01°18'42" E A DISTANCE OF 132.45 FEET TO A POINT ON SAID 5-4 LINE OF THE MASONIC PLACER;

THENCE CONTINUING ALONG THE NORTH LINE OF SAID 5-4 LINE OF THE MASONIC PLACER N 89°47'47" E A DISTANCE OF 10.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINING 1560.72 SQUARE FEET OR .036 ACRES MORE OR LESS.

AN EASEMENT, OVER AND ACROSS LAND LOCATED IN A PORTION OF THE SE ¼ OF SECTION 25 AND THE SW ¼ OF SECTION 30, TOWNSHIP 6 SOUTH, RANGE 78 WEST OF THE 6TH P.M., COUNTY OF SUMMIT, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE CONTINUING ALONG THE 5-6 EAST LINE OF SAID MASONIC PLACER S 00°27'00" E A DISTANCE OF 149.21 FEET TO THE TRUE POINT OF BEGINNING.

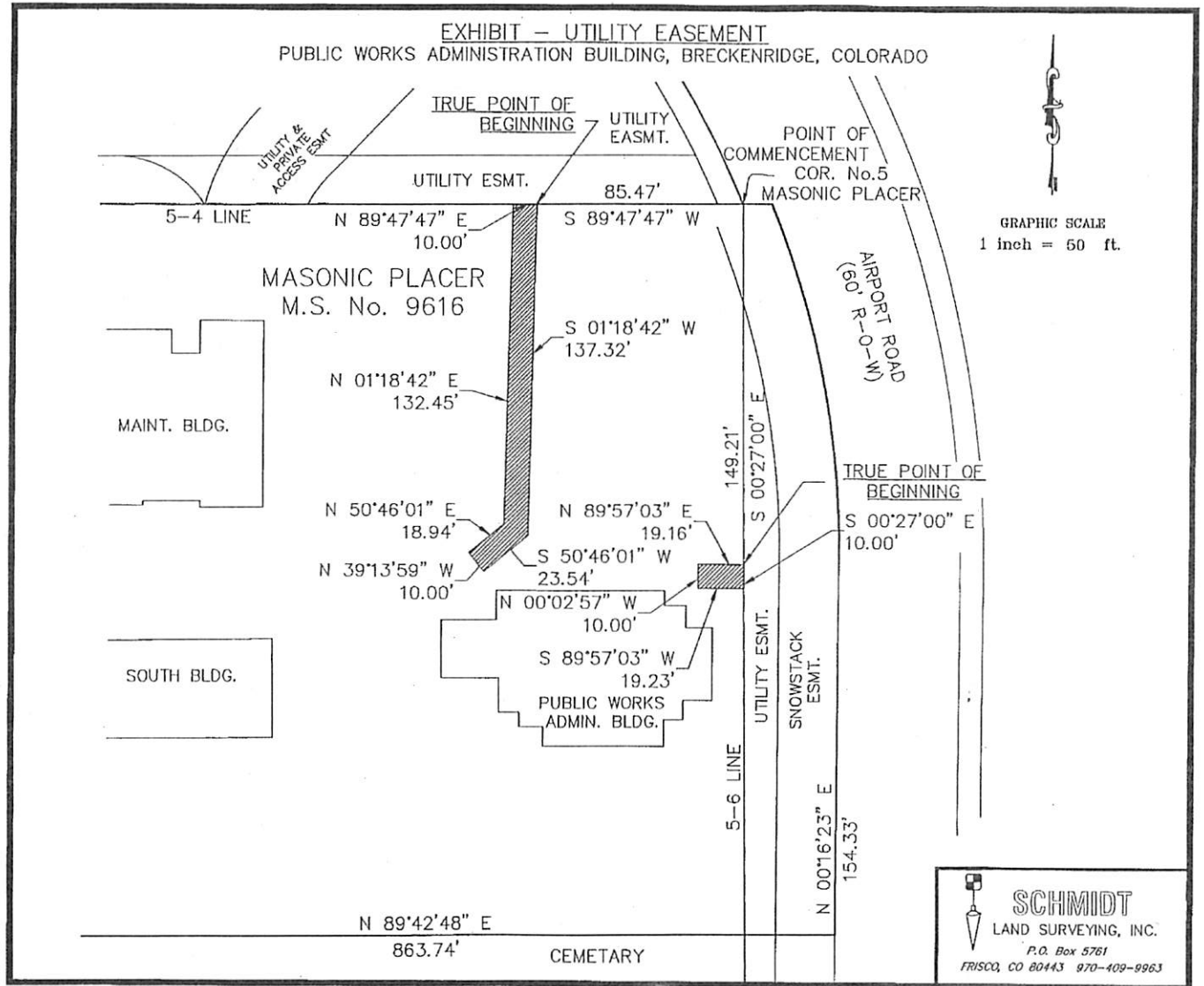
THENCE CONTINUING ALONG SAID EASTERLY LINE OF SAID MASONIC PLACER S 00°27'00" E A DISTANCE OF 10.00 FEET;

THENCE DEPARTING SAID EASTERLY LINE OF SAID MASONIC PLACER THE FOLLOWING THREE (3) COURSES:


- 1) S 89°57'03" W A DISTANCE OF 19.23 FEET;
- 2) N 00°02'57" W A DISTANCE OF 10.00 FEET;
- 3) N 89°57'03" E A DISTANCE OF 19.16 FEET TO A POINT ON SAID 5-4 LINE OF THE MASONIC PLACER; SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINING 191.92 SQUARE FEET MORE OR LESS.

EXHIBIT - UTILITY EASEMENT
 PUBLIC WORKS ADMINISTRATION BUILDING, BRECKENRIDGE, COLORADO



GRAPHIC SCALE
 1 inch = 50 ft.


SCHMIDT
 LAND SURVEYING, INC.
 P.O. Box 5761
 FRISCO, CO 80443 970-409-9963

MEMORANDUM

To: Town Council

From: Peter Grosshuesch, Director of Community Development

Date: November 6, 2013

Re: Planning Commission Decisions of the November 5, 2013, Meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF November 5, 2013:

CLASS C APPLICATIONS:

- 1) Shock Hill Landing Units 1 & 2 (MGT) PC#2013091, 12 & 16 Union Trail
New duplex with 4 bedrooms, 4.5 baths, 2,364 sq. ft. of density and 2,877 sq. ft. of mass (Unit 1) and 4 bedrooms, 4.5 bathrooms, 2,374 sq. ft. of density and 2,877 sq. ft. of mass (Unit 2). Approved.
- 2) Warrior's Mark West #3, Block 2, Tract 2 (MGT) PC#2013092, 620 White Cloud Drive
Remodel of existing single family residence to create a total of 5 bedrooms, 5 bathrooms, 3,968 sq. ft. of density and 4,228 sq. ft. of mass for a F.A.R. of 1:4.80. Approved.
- 3) Peak Ten Bluffs Building D Cluster Single Family (MM) PC#2013094, TBD Silver Queen Drive
New single family cluster home, 3 bedrooms, 3.5 bathrooms, 2,696 sq. ft. of density and 3,284 sq. ft. of mass. Approved.
- 4) Lot 10 Crescent (SG) PC#2013098, 682 Fairways Drive
New single family 3 bedrooms, 3.5 baths, 2,977 sq. ft. density and 3,558 sq. ft. of mass. Approved.
- 5) Lot 74 Highlands Park (SG) PC#2013099, 0396 Lake Edge Drive
New single family home with 4 bedrooms, 4.5 bathrooms, 4,186 sq. ft. of density and 5,185 sq. ft. of mass. Approved.
- 6) Lot 3 Sunrise Point Remodel (CK) PC#2013100, 15 Sunrise Point Drive
Remodel to finish basement and enclose breezeway and deck. 1,096 sq. ft. new mass for a total of 6,016 sq. ft. of total sq. ft. Approved.

CLASS B APPLICATIONS:

- 1) Shock Hill Lodge Development Permit Renewal Combined Hearing (JP) PC#2013095, 260 Shock Hill Drive
Request for second extension of the duration of the development permit and the vested property rights and Master Plan for the Shock Hill Lodge, pursuant to a previously approved Development Agreement including the transfer of 6 residential SFEs. A variance to Section 9-1-19-47A Fences for fence along Cucumber Gulch PMA border also requested. No changes were proposed to the plan which included a 57-unit condo-hotel with commercial spa, small bar, café, outdoor amenities area, and underground parking. Project reviewed to comply with recent code updates. Point Analysis: Policy 5/R-Architectural Compatibility (+3 points), 6/R-Building Height (+2 points), 7/R-Site and Environmental Design (+2 points), 15/R-Refuse (+1 point), 16/R-Internal Circulation (+3 points), 18/R-Parking (+4 points), 22/R-Landscaping (+4 points), and 25/R-Transit (+4 points). We recommend negative points under policy 6/R-Building Height (-10 points), Policy 33/R-Energy Conservation (-5 points), and Policy 37/R (-2 points). Passing point analysis of positive six (+6) points. Development permit and Master Plan extension approved. Variance to 47A approved.
- 2) Four Seasons Resubdivision Combined Hearing (MM) PC#2013097, Four Seasons, Filing 2
A Subdivision of Four Seasons Filing No. 2, a Re-plat of Pond Lease Tract (creating Lot 1) to allow Hotel Breckenridge Condominium Association (Marriott's Mountain Lodge) to

purchase the proposed Lot 1 from Columbine Condo HOA to better match land-use functions by each owner. Approved.

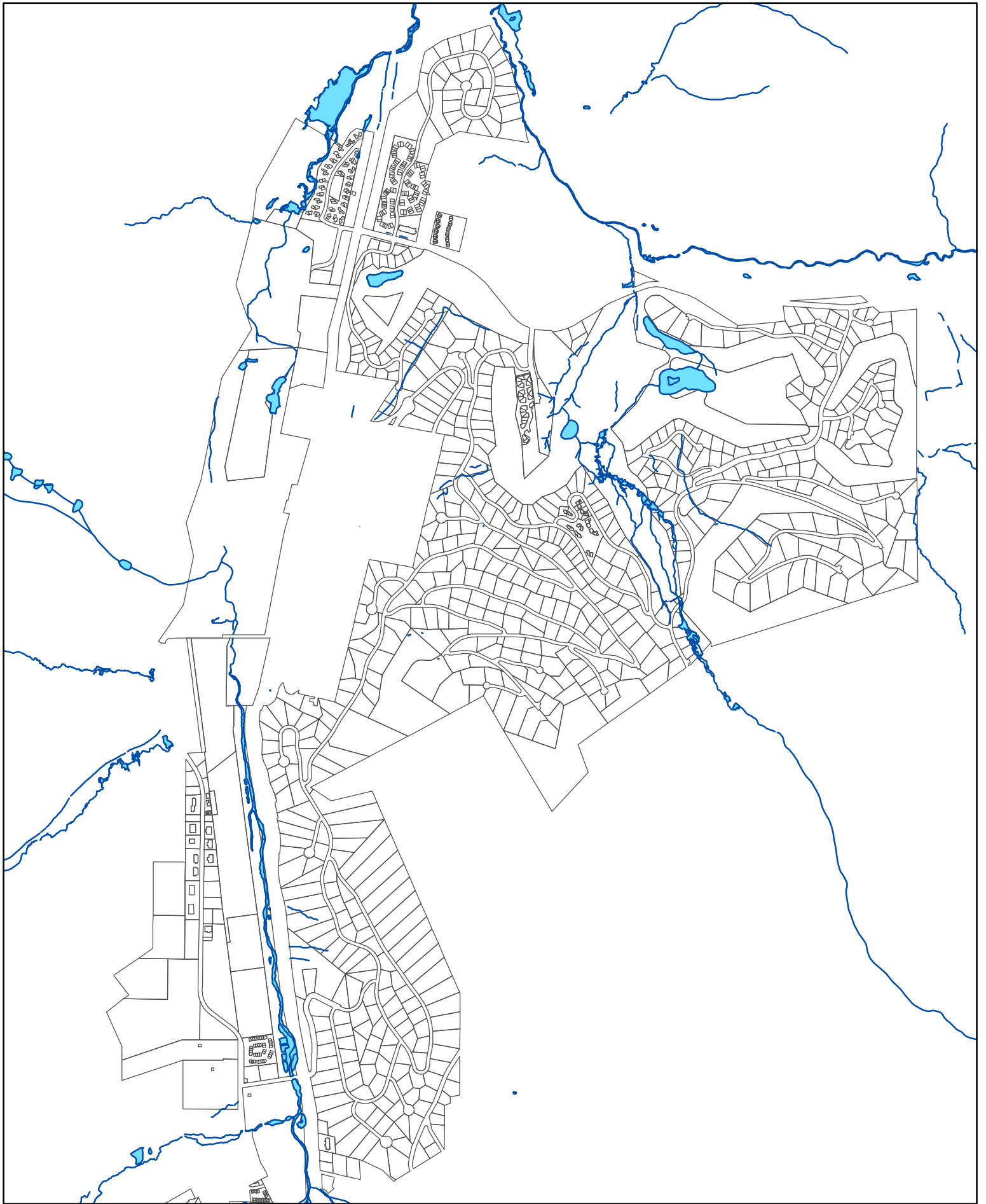
CLASS A APPLICATIONS:

- 1) Peak Ten Bluffs Master Plan Final Hearing (MM) PC#2013066, Silver Queen Drive
Master plan of the property previously known as Angel's Lookout for the development of eight cluster single-family homes on eight individual lots. Two existing private driveways will access the properties. The application meets all absolute policies and no negative points are warranted. Approved.

- 2) Peak Ten Bluffs Subdivision Final Hearing (MM) PC#2013067, Silver Queen Drive
Resubdivision of the property previously known as Angels Lookout for the development of eight cluster single-family homes on eight individual lots. Two existing private driveways will access the properties. The application was found to meet all applicable code sections. Approved.

TOWN PROJECT HEARINGS:

None.



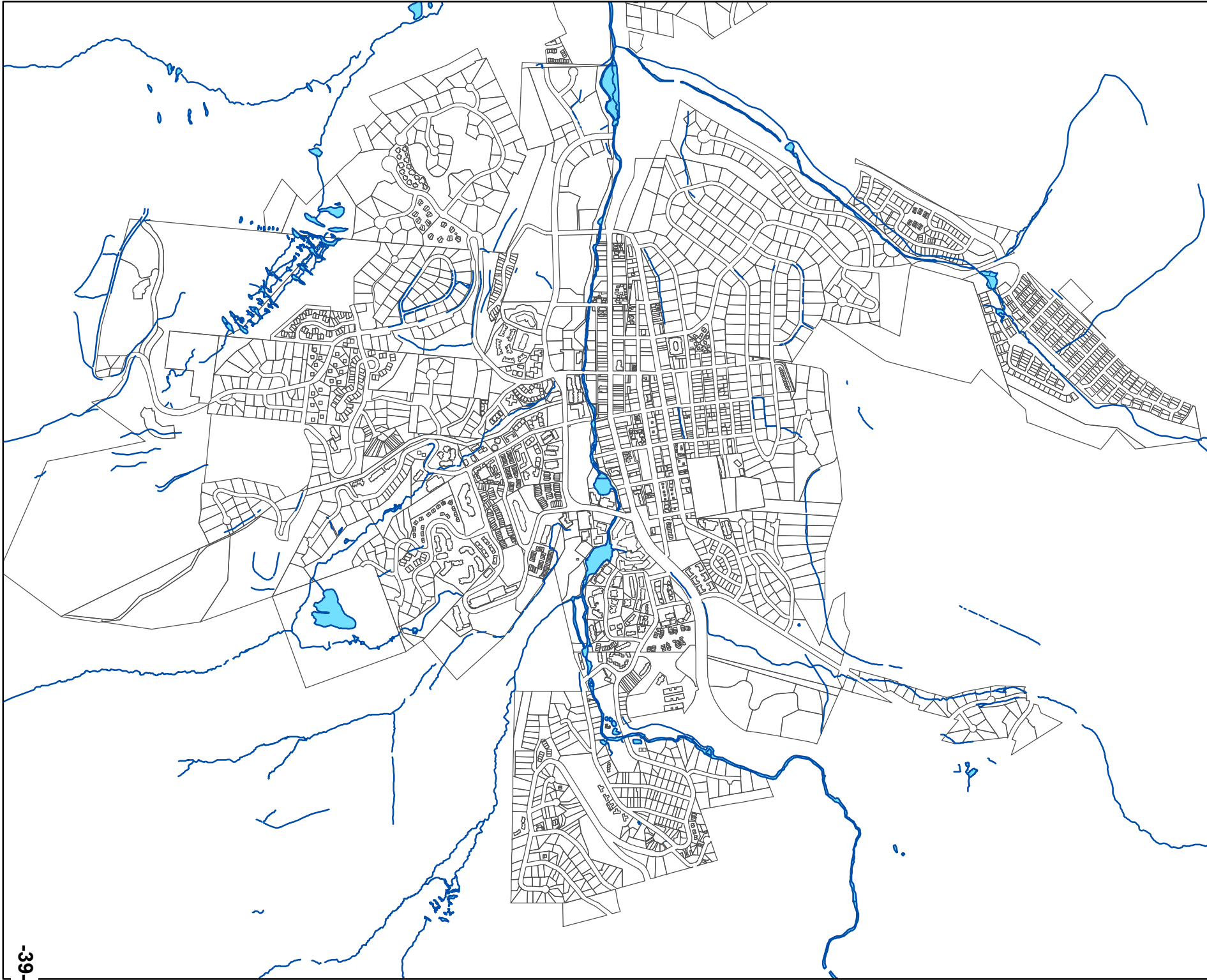
Breckenridge North

printed 4/12/2011



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



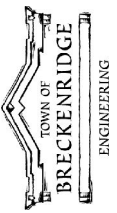


NOT TO SCALE

Breckenridge South

printed 4/12/2011

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PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

ROLL CALL

Commissioners in attendance: Jim Lamb, Eric Mamula, Trip Butler, Gretchen Dudney, Dave Pringle
Council members in attendance: Jennifer McAtamney, John Warner
Commissioners absent: Dan Schroder and Kate Christopher

APPROVAL OF AGENDA

The November 5, 2013 Planning Commission meeting agenda was approved unanimously (5-0).

APPROVAL OF MINUTES

With no changes, the October 15, 2013, Planning Commission Minutes were approved as presented.

CONSENT CALENDAR:

1. Shock Hill Landing Units 1 & 2 (MGT) PC#2013091, 12 & 16 Union Trail
2. Warrior's Mark West #3, Block 2, Tract 2 (MGT) PC#2013092, 620 White Cloud Drive
3. Peak Ten Bluffs Building D Cluster Single Family (MM) PC#2013094, TBD Silver Queen Drive
4. Lot 10 Crescent (SG) PC#2013098, 682 Fairways Drive
5. Lot 74 Highlands Park (SG) PC#2013099, 0396 Lake Edge Drive
6. Lot 3 Sunrise Point Remodel (CK) PC#2013100, 15 Sunrise Point Drive

Commissioner Questions / Comments:

M Mr. Pringle: I was interested in taking a look at the Peak Ten Bluffs, because we saw it on master plan. I want to make sure everyone had a chance to really digest it.

Mr. Mosher: This has all been reviewed and I feel like we have a tight hold on this.

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

TOWN COUNCIL REPORT:

Ms. McAtamney: Town Council had their budget retreat last week, and the Town had a very good year financially last year. We outperformed every other year. We didn't anticipate things coming back the way they did. Priorities are the same, we agreed that the hotel idea on F Lot is done. Regarding F Lot, 67% who parked there shopped and drank and ate in town according to a survey. We want to master plan the whole area and increase opportunities for pedestrian walkways to downtown and the ski area. This is a good investment for town. We are good at building infrastructure and this would be a good project.

Renovation of Abbey Hall was approved and will be a big project. Heated sidewalks will be installed on the steep slope on the south side of Lincoln Ave., but we didn't get good bids in time for construction this year. We will bring all streets up to a level 7 rating, which means that no streets will have potholes. We increased that budget to \$800,000. We will be going forward with a new skateboard park based on a community presentation at a recent Council meeting. The community group will raise about \$12,000 to build a shade structure. We will be working more on master plan for McCain property for parking and recreation features. Medians have been controversial, we've heard that people would like to see them improved. We had a good presentation from landscape architect and liked the

concepts. We will implement some of the landscaping recommendations up to Valley Brook.

Council approved one-half million dollars to be added to the marketing fund in addition to the one-half million dollars already designated there for the BRC to use. The Backstage Theater will be getting \$1.1 million for new seating and to fix the back of the house/concessionary and put in a shower for the professional actors. They seat a lot of people throughout the year which is comparable to NRO. Interviews for Cultural Arts CEO – including Arts District, Riverwalk, etc. are being conducted this week. We are very excited about the level of candidates for this position.

We looked at the housing subsidy, had better numbers from Corum for the Pence Miller project and decided that the subsidy needed for the project was too high (\$5 million). The structure and underground parking were too costly and the yet to be included in sanitation district fees would add another \$1 million that would have to be rolled into that project. Council asked them to make it look like Pinewood 1, which would be a much smaller project with no underground parking. It was a big day (the budget retreat), and all of Council was happy with what was accomplished.

John Warner: I want to talk about the Pence Miller project and want to be the “myth buster”. We don’t think that public projects are a waste of time for the Planning Commission. We were reading questions in your minutes about points, mass, and building height. Our feeling was that the body who was overseeing this should be the ones who were looking at it. We pulled the plug because of the business deal, but there were members of Council who were struggling with the code and public input. We do want the Planning Commission to review all projects and we don’t look at it that this is a rubber stamp when we send items like this to you. We do want the objective look to see if public projects fit on their intended sites. We are looking forward to meeting together with Planning Commission next Tuesday for the joint meeting. We got the message from your October 15 meeting. There is always room for disagreement. I want to assure you that we are pleased to have your input and your looking at the code and planning process. I urge you to look responsibly on the agenda and don’t think that because it is a public project that we don’t value your input.

Mr. Mr. Pringle: Thank you John, I’ve had an issue that with town projects or development agreements, developers want to divide and conquer between the Council and the Planning Commission. Maybe we need to articulate this better that any agreement needs to pass muster with us first.

Mayor Warner: I agree that they need to understand that the Council is responsible for the business deal and after that they have to make it work with the Planning Commission and the Code. I still want to see affordable housing for this property. I’m disappointed with the Sanitation District not seeing this as a good thing for the community and their lack of embrace for these types of projects for the common good. I think Corum worked hard to make this work, they didn’t do anything wrong. It was just something we couldn’t afford.

McAtamney: Also, the Council also directed that water restrictions would go to level 1 permanently, (not just in drought years) with exception of restaurants serving water.

WORKSESSIONS:

1. Top Three Discussion (JP)

Ms. Puester presented. The top three items from the Planning Commission Top Ten List are: Condo-Hotels, Airlock Entries Density Exemption and Attainable Housing Positive Points for Annexed Properties. This discussion is in preparation for the Joint Meeting with the Town Council on November 12.

The 20-year old definition of Condo-Hotel it is out of date. On our Planning Commission field trip we looked at the small condo-hotels and the large ones, very different animals. We looked at policy 24 as far as what is required for amenities. We started this at the retreat. Should we consider different definitions or a different density multiplier?

Condo-Hotels:

- Should there be a different definition for large versus small condo-hotels? (eg. 24 hour front desk, centralized phone system, food services functional in a small condo-hotel?)
- Should there be a different definition and/or density multiplier for timeshares?
- What is the purpose of the 25% amenity bonus? If the purpose is to provide for “hot beds”, is that being achieved by the small condo-hotels? Is the amenity bonus still relevant for the small condo-hotel?
- Do we want to require the amenities at a 1:35 ratio on smaller condo-hotels?
- Would the Commission be amenable to allowing older vacated amenity space, which clearly cannot be used for its intended purpose, to be converted to certain other uses (e.g., deed-restricted employee housing)?

Mr. Lamb: I think we are all in agreement that it is a different world now.

Ms. Puester: How do we address the smaller condo-hotels? Looking at different definitions, multipliers, amenity requirements.

Mr. Lamb: What is that threshold from small to large condo-hotel?

Ms. Puester: We don't need to solve this tonight and would be coming back with more detail later. But we do want to go to Town Council with an idea of a general direction for a new policy.

Mr. Mamula: I don't know what to do for timeshare. I stayed up at the Grand Lodge the last two nights and it functions like a hotel. We should allow for the older unit conversion as long as we require them to be a deed restricted. We convert the density benefit that the town gave for a condo hotel to density for an affordable housing unit. Maybe we look at check in functions for properties under 100 units- need staff research. We need to draw a line removing the 25% bonus at whatever the decided bed count is. Above that maybe keep the policies as they are now. Those still need a check in desk and function as a hotel function.

Ms. Dudney: It is my understanding that now, not only are they charged for the check in area but that they have a double advantage for the amenity and the density bonus. The density bonus is saleable area. I thought the code said that if for example a 100,000 sq ft building that is a hotel, they could propose a 125,000 sq ft building if it is classified as an amenity, so you have 125,000 sq ft building even though it may be zoned for a 100,000 building.

Mr. Mosher: Mass bonus is given for non livable space like hallways and maids closets. Are you speaking to the bonus for these spaces?

Ms. Dudney: I'm talking about the multiplier on the property, to provide an incentive to the developer to put those amenities there. Condo hotels have a 25% increase in the SFE multiplier compared to regular condominiums. Because it is an incentive to the developer to put in the amenities, I'm not at all sure they need the incentive. I would like to see what happens if we eliminate the density bonus and see if they really need the density bonus to create that use. I would like to see what the market factors are for them. If we don't allow extra density for it, they likely will do it anyway because it sells.

Mr. Mamula: We don't look at people's numbers or market factors here.

Ms. Dudney: When this density was created it was done to increase amenities, 25% bigger rooms, common areas and amenities. Why would you approve those types of densities if you didn't see an economic value? Unless you just want bigger buildings. It's tied.

Mr. Pringle: The reason it was done is because we wouldn't get anything beyond one owner building one condo, we wanted to incentivize more hotels. They got the density bonus.

- Ms. Dudney: I'm talking about what to do going forward, and if we really need the density bonus? You just throw out the question and give developers an opportunity to come back to us to tell what they really need it.
- Mr. Lamb: I think the 25% bonus worked at the time, but it may have run its course.
- Mr. Butler: I give credit to Grand Lodge, they do the amenities right. Where there has been a suspicion that they were trying to get away with something, they haven't, they are making it easy for older or smaller places to be competitive.
- Mr. Lamb: Grand Timber sets the standard, but Tyra is a whole different animal.
- Mr. Grosshuesch: The density multiplier bonus and the amenity bonus may be connected, in developer's minds. When Grand Lodge came in, they told us they looked at the amenity package and size is what is needed to compete in market place and then figured out how many rooms they would need to pay for that.
- Ms. Dudney: This tells me that only very large parcels of ground will work for "hot beds"?
- Mr. Grosshuesch: When we were approving small condo-hotels, the 1:35 ratio didn't yield much benefit except for very small conference rooms. So maybe we can set a standard for what level of amenities we would reward with a density multiplier bonus.
- Ms. Dudney: I bring this up because sometimes the neighbors don't understand the bonus and they think it is a loophole. I like zero based budgeting to say do you need that bonus to create the use.
- Mr. Pringle: I think the bonus has achieved a lot of good smaller projects that we want like Valdora and Great Divide. I'd hate to cut off only the mega-resorts because there is a possibility that smaller boutique hotels might come in and need amenities. I'm confident that the town wants to give incentives for more of these beds. But I'm not interested in companies who don't really want to be a condo-hotel, but they accept the density bonus, and then later want to be solely residential condos.
- Mr. Mamula: The other thing is do we take away the bonus for a straight hotel? This is what we really want do but do we really want to take this bonus away?
- Ms. Dudney: You only want to give the bonus to the ones who give us the hot-beds. We really want to add incentive to the amenities that encourage the hot beds.
- Mr. Mamula: I agree with what Dave says that we don't want bogus amenities.
- Mr. Pringle: I look at Mountain Thunder 1 who took advantage of it and they operate like a hotel. Mountain Thunder 2 is more like a drive up and they asked for the same bonuses, they are half townhomes and half condo-hotels. We are trying to get the use as the end goal. The Snowflake (Blue Sky) is operating that way. But if they are just gaming us for an extra 25%, we shouldn't allow it.
- Mr. Lamb: Converting the front desks into liveable space is ok, if they make it a deed restricted unit. I might be ok with converting to deed restricted areas.
- Ms. Dudney: I agree with Mr. Mamula. We went on a tour where a front desk space could be easily utilized, but another one was not set up to be redeveloped.

Airlock Entries:

- Should a density allowance be given for energy conserving airlocks added to existing structures outside and/or within the Conservation District?
- In the Conservation District under what circumstance should airlock density bonuses be allowed?
- Some potential issues with the placement or appearance of airlock entries for discussion: historic design character, architectural compatibility, size, and types of structures.

- Ms. Puester: We won't actually be talking to council about this one at the joint meeting. When airlocks are visible, do we want to give allowances for additional density? Do we want to look at this differently outside and inside the conservation district?
- Mr. Pringle: Why do we have to look at always outside the building?

- Mr. Mamula: I did enclose some floor space that had previously been approved but hadn't been constructed according to the approved plan. There will be others like South Ridge Seafood who has a cloth one attached because they cannot build permanent airlocks due to code reasons.
- Mr. Pringle: I would like to say do it first inside the building
- Ms. Puester: Let's push this to another meeting and move on for now.

Attainable Housing Points for Annexed Properties:

Ms. Best presented: The purpose of the memo is to provide the Planning Commission with an opportunity to discuss the application of policy 24R to affordable housing developments that are annexations. Ms. Laurie Best presented her memo which outlines the strategies for incentivizing affordable housing, the history of the program, a summary of units that have been built, and the current forecast for additional demand. As indicated in the memo the majority of the housing built in the last 13 years has been the result of annexations and positive points under 24R have been utilized. The Commission has expressed concern that the positive points under this policy can result in compromises on other important design components. We are looking for your feedback on the questions in the memo, specifically:

Should positive points be available under 24R when there is an annexation?

If positive points are allowed should the maximum of 10 points be allowed only for projects that address 100% AMI with an 80/20 split?

- Mr. Pringle: I thought that when we had an annexation and there is an 80/20 split that you don't get any positive points, the benefit/incentive to the developer is the annexation?
- Mr. Lamb: I know that council has allowed this to make the deals and incentivize housing units.
- Mr. Mamula: I would say no positive points in an annexation for employee housing. All of the projects Laurie listed would have passed with enough points without the additional positive points.
- Ms. Dudney: Were negative points awarded because it was an attainable design. Is there something about development of affordable housing that necessitates extra incentives?
- Ms. Best: Yes. Building affordable units requires subsidies and incentives because the revenue associated with the project doesn't cover the expenses. Typically the proceeds from the market unit can be used to offset the cost of the affordable units, but the 10 positive points also allows the developer some flexibility. The Town has made a lot of progress in the development of units, but we are still forecasting additional demand and still need to incentivize the private sector to participate
- Ms. Dudney: If it is a goal of the town to have attainable housing, you may have to have these points to make the project work.
- Mr. Mamula: I think there are other design considerations that they could use to earn positive points instead of just getting the 10 points. I also think that there are neighbors who shouldn't have to have a large unit right next to them just because they are employee housing.
- Mr. Lamb: 10 positive points is a lot and I'm not sure if that is appropriate
- Ms. Dudney: As far as the AMI and the market ratio, are you recommending anything?
- Ms. Best: Each housing project is different and market conditions change. Sometimes the 80/20 split works. Other times, if the developer plans to address lower price points they need more market units.
- Mr. Pringle: If council wants this then there are other ways that would be better than making us accept projects that don't work, that are too tight.
- Mr. Lamb: We need affordable housing but not at the sacrifice of the design.
- Ms. Dudney: So, are we saying they get the annexation, but no positive points.
- Ms. Best: What you are proposing is a significant change to the policy that has been in place for years and has been very effective. This might result in developers asking for even more market

units to offset their costs.

Mr. Grosshuesch: We've looked at the amount of available land and there is not enough land to cover the future needs the recent demand study has identified, especially if we use land for market units instead of deed restricted units. It is a balance to achieve the best design and still get the number of units that we need.

Mr. Pringle: In mixed projects (deed restricted and market) can you really build \$1 million homes and then deed restricted employee units right next to it? How do you make them look similar? And how do you enforce?

Ms. Best: Mixed projects are desirable from the business perspective and also from the character of the neighborhood. You use deed restrictions to enforce.

Mr. Grosshuesch: It works- as in areas of Wellington neighborhood and Maggie Placer.

Mr. Mamula: There are a lot of moving parts to this, more than just an appreciation cap and income test, like when interest rates change and units become unaffordable. I think this eliminating the positive points is the right path for the planning body. I think the town should offer other incentives like water taps / sewer taps.

Ms. Dudney: Is there a difference in employee housing verses affordable housing?

Ms. Best: Our focus is attainable housing that is affordable and restricted to local employees.

Mr. Mamula: Just because affordable housing is a need in the community, you can't overpack a site right next to other sites that have played by the rules. I think any annexation is your bonus and you don't get more

Mr. Butler: I agree with M. Mr. Mamula

Ms. Dudney: The town council is going to have to decide how important attainable housing is and how to incentivize it. Perhaps a density bonus is sufficient? Points are like density.

Mr. Mamula: I prefer a density bonus to points because you can't violate buffers, height, setbacks, snow storage, etc.

Mr. Lamb: How do you feel about the sliding scale?

Mr. Pringle: Projects shouldn't be awarded any points.

Mr. Lamb: I think we are ready for discussion with the Council.

Ms. Puester: Regarding other matters on the Top 10 list, I took off the snack bar and added public art on the top 10 list, but we aren't ready to discuss this tonight, will vet it later.

Mr. Mamula: Are we wanting to talk about getting points off site again?

Mr. Grosshuesch: I think perhaps we need to look at swinging the pendulum back and discuss how we probably aren't going to get public art on single family lots but we want public art in other, off site locations.

Mr. Pringle: I don't know that I want to mitigate structural or design faults in a project with other areas that don't address the project.

FINAL HEARINGS:

1. Peak Ten Bluffs Master Plan (MM) PC#2013066, Silver Queen Drive
2. Peak Ten Bluffs Subdivision (MM) PC#2013067, Silver Queen Drive

Mr. Mr. Mosher presented: The two presentations to master plan and re-subdivide the property topic overlap. Presented together, but will seek separate motions after presentation. Previously known as Angel's Lookout for the development of eight cluster single-family homes on eight individual lots. Both of these applications were presented as preliminary hearings on the September 17, 2013, Planning Commission meeting.

The applicant listened to the Commission's concerns and worked closely with Town staff to present a well thought out Master Plan and Subdivision. Since last review, the Applicant worked closely with the Town Engineering Department to work out the details on site drainage, retaining walls and other structural concerns

for the subdivision. Staff had no concerns on either application and welcomed any Commissioner comments.

Issues related to both the Master Plan and Subdivision are: Ridgeline design and wildfire mitigation. This site has a steep north facing slope. Need to address both policies so the fire mitigation is truncating some of the issues in Policy 8. The landscaping is shown with larger sizes of trees. The actual placement of landscaping will be finalized with on-site visits for proper placement. The landscape plan is showing both the 15-ft and 30-ft planting zones. There are still extensive existing trees to be preserved especially outside the property line and closer to the lower right of way. But the plans must take fire mitigation into account too. Staff is keenly aware of how steep this site is and we are looking at type of trees and irrigation

The overall site has met the required 25% for snow stacking the paving areas. As staff reviews individual homes we will look at opportunities to refine the snow stacking plan. The goal is to come up with a plat note on the final plat that will allow the snow stacking as a zone along the private drives. This would be more flexible as individual homes get designed. Staff feels confident that this can be worked out.

Utilities and underground infrastructure are coming up from White Cloud and we installed by the previous applicant then abandoned. The individual feeds are located along the 30-foot planting zone where conifers are to be removed for fire mitigation. No other existing trees are to be removed, just for the utilities. The applicant has been working hard with town staff and engineering to get this project to final review.

Staff recommended the Planning Commission approve the final Point Analysis for the Peak Ten Bluffs Master Plan PC#2013066. Staff recommended the Planning Commission approve the Peak Ten Bluffs Master Plan PC#2013066 along with the presented Findings and Conditions. Staff also recommended the approval of the Peak Ten Bluffs Subdivision, PC#2013067, with the presented Findings and Conditions.

Commissioner Questions / Comments:

Mr. Mamula: Please explain the utilities further, worried about the clear cut zone.

Mr. Mosher: Because of the existing development, the clear cut is already there. M. Mr. Mosher pointed out on the subdivision plans. They have gotten permission to re-vegetate even though utility company may dig them up later. The applicant is not concerned.

Mr. Mamula: I think there is going to be a straight line clear cut that the utilities are going to kept clear of landscaping.

Mr. Mosher: There intent is to landscape the actual line with shrubs, trees at the edges and a public path will help break up the visual line.

Mr. Mamula: I guess I want to know why the utilities are coming down the road. Can we abandon those and come down the road?

Mr. Mosher: They are preexisting and approved by the agencies. Abandoning them and then adding new along the two right of ways would incur very high cost

Mr. Mamula: I don't like the scar there that you can't hide.

Mr. Pringle: I share Mr. Mamula's concern but I think they will have to make the best of what they've got.

Mr. Mosher: What you see now will be greatly improved. The cut is easily twice the width of what was anticipated.

Elena Scott, Landscape Design: Update from last meeting. Added more screening at White Cloud, more evergreens to soften. Added a lot of tree height variety, 10-12-feet on the White Cloud side. Defensible space, moved evergreens out and increased aspens and tried to put these in the 15' zones and soften the existing walls. We also provided a phasing plan to show which homes go in first. The easement varies and we can use this visually meander the pedestrian trail and to visually address the big swath cut out where utilities are, tried to visually break it up with

landscaping. We think we will be able to landscape in the easement, we understand the risk that the utility companies will take trees out if line needs to be worked on.

Mr. Mr. Lamb: opened the hearing to public comment.

Steven Wesley, 439 White Cloud: Community of Warriors Mark is looking forward to something being redeveloped here. I'm concerned about the engineering of the retaining walls and the steep slope, I don't want to have houses slide. After looking at this scar for 10-years, we would like to see this area beautified, we would like the commission obtain a bond or to have something in the mechanics with this proposal that if the project does fail to be developed that the property be brought up to an appealing visual state.

Mr. Lamb: The Commission has complete faith with the Town Staff reviewing this entire proposal.

Elisabeth Wesley, 439 White Cloud: Concern that the wall was previously approved by town or county engineers twice and it seems to be falling down. Will the snow on the path be plowed onto White Cloud?

Mr. Glisan: It will be cleared by hand. It can't be plowed because of the steepness of the site and the stairs.

Ms. Wesley: Concerned where Silver Queen meets White Cloud which is steep and tight, utility vehicles having to go up and down to get onto Silver Queen? What are the plans to address this?

Mr. Lamb: Mr. Mosher will show on subdivision.

Mr. Mosher: The entire Silver Queen Drive will be brought up to Town standards, re-graded, with a stop sign and drainage. Basically it is all re-engineered so that it doesn't cause the existing issues. There will be a new culvert.

Mr. Glisan: The engineered plan will work for the fire department and the turning radius exceeds the requirements for the trucks.

Mr. Mosher: The HOA will cover the snow removal and maintenance for this Silver Queen, not the town. Going back to the subdivision, the snow stacking is being worked on by developer his attorney and Town attorney. All disturbed areas will be weed free and re-vegetated this is a condition of approval. The level of review and detail that came in with the engineering staff exceeded the level of what we normally see.

No point analysis just approval at this point.

Mr. Lamb: Opened Public Comment back up for the Peak Ten Bluffs Subdivision:

Brian Whitcomb, 111 New England drive: I will assume that there will be asphalt at the end of the property, no cul de sac?

M Glissen: that is correct

Whitcomb: There are a lot of massive boulders will these be used or removed?

Glissman: I fully intend to use the massive boulders.

Whitcomb: I appreciate the work you've done to create a good project here.

Commissioner Questions:

Mr. Mamula: My only concern is the utility corridor I would prefer to abandon what they have, but anything you can do to soften that impact.

Mr. Glisan: We will do that

Ms. Dudney: No additional comment

Mr. Pringle: Master Plan comment: I like the direction of the landscaping, better landscaping is better landscaping not more landscaping is good. I was hoping that we could gain as much space between the buildings as possible to be more visually appealing, anything you can do to

maintain views between each building would be appreciated. I think it is about time that the Town doesn't encourage trees being put right next to the buildings, it is nice to see the buildings. Subdivision – The concern with the walls is addressed there will be a provision put in that the walls be put in correctly. I would like to see you work with the existing utility cut you have.

Mr. Butler:

I concur.

Mr. Lamb:

It is going to be a difficult project, I appreciate you working so closely with the staff and I agree with the neighbors that it is nice to see a good project here.

Mr. Pringle made a motion to approve the point analysis for the Peak Ten Bluffs Master Plan, PC#2013066, Silver Queen Drive. Ms. Dudney seconded, and the motion was approved unanimously (5-0).

Mr. Pringle made a motion to approve the Peak Ten Bluffs Master Plan, PC#2013066, Silver Queen Drive, with the presented findings and conditions. Ms. Dudney seconded, and the motion was carried unanimously (5-0).

Mr. Pringle made a motion to approve the Peak Ten Bluffs Subdivision, PC#2013067, Silver Queen Drive, with the presented findings and conditions. Ms. Dudney seconded, and the motion was carried unanimously (5-0).

COMBINED HEARINGS:

1) Shock Hill Lodge Development Permit Renewal (JP) PC#2013095, 260 Shock Hill Drive

Ms. Ms. Puester presented an application to extend the duration of the development permit and the vested property rights for the Shock Hill Lodge. The original permit authorized the construction of a 57-unit condo-hotel with commercial spa, small bar, café, outdoor amenities area, and underground parking. The Shock Hill Master Plan modification is also requested to be extended, pursuant to a previously approved Development Agreement, for the transfer of six residential SFEs of density to this site. No changes proposed to the plan. This would be the second extension of the application.

Since this project was approved in 2008, there have been a few changes to the Development Code that relate to this project for which the applicant must comply with. These include:

Policy 22 (Absolute) and (Relative) Landscaping: These policies outline specific criteria for landscaping points as well as required fire mitigation and defensible space from structures. Will need to meet defensible space.

Policy 33 (Relative) Energy Conservation: An additional -5 points are recommended and point analysis changed to reflect for outdoor heating and outdoor fireplaces.

Policy 46 (Absolute) Exterior Lighting Policy: Modified a pedestrian bollard and now all fixtures meet.

Policy 47 (Absolute) Fences, Privacy Gates and Gateway Entrance Monuments: This policy was adopted to maintain the open and natural character of the town, to prevent hindering of wildlife movement, and to prevent fences and gates that create an unwelcoming community. The policy allows fences in certain circumstances, and sets design criteria where fences are allowed. This policy was modified since the 2010 development permit renewal. The applicant must receive a variance for the fence adjacent to what will be conveyed as public open space (Tract E-2).

Staff finds that the proposed project meets all Absolute policies of the Development Code with the exception of Policy 47/A Fences, for which a variance is requested under the Shock Hill Master Plan.

Staff recommends positive points under Policy 5/R-Architectural Compatibility (+3 points), 6/R-Building Height (+2 points), 7/R-Site and Environmental Design (+2 points), 15/R-Refuse (+1 point), 16/R-Internal Circulation (+3 points), 18/R-Parking (+4 points), 22/R-Landscaping (+4 points), and 25/R-Transit (+4 points). We recommend negative points under policy 6/R-Building Height (-10 points), Policy 33/R-Energy Conservation (-5 points), and Policy 37/R (-2 points). This would result in a passing score of positive six (+6) points.

This project went through a significant analysis by the staff, Commission and Council throughout 2007 and 2008 and again in 2010. Staff felt that this project is still appropriate for the community, and this design is optimal for this site. The use of natural exterior materials, excellent architecture, and a strong landscaping plan will help to make this a premiere development in Breckenridge. Staff appreciated the applicant's response to staff input and the changes that have been made. Staff appreciated the attention to detail, and the sensitivity to Cucumber Gulch, including the water quality monitoring.

Staff recommended approval of Shock Hill Lodge and Spa, Tract E, the Shock Hill Development Permit and Master Plan Second Extension and a variance to Policy 47/A Fences (Class B, Combined Hearing, PC#2013095), with the presented Point Analysis and Findings and Conditions handed out this evening (added findings for variance #11-14, standard findings for fence variance).

Staff noted that this application was advertised as a combined hearing (preliminary and final hearing together), as Staff believed that the project has been thoroughly scrutinized in past years. However, Staff understands that this is a large project, and if the Commission needs additional information, or if the Commission is not comfortable approving this project after one hearing, Staff suggested that the Commission consider this a preliminary hearing, continue the hearing, and direct Staff to the additional information be needed for approval.

Applicant Presentation:

Scott Neil, Applicant and Investor, 623 A Street South, Fargo, ND: We were involved in original project but are now the sole owners of the project. The economy and banking world have been challenging for the last few years. Have met with local homeowners' association and have tried to meet their expectations. We have been trying to be good stewards of the property and to keep the project as envisioned. HOA is supportive of project and we have done tree clearing and maintenance of the property.

Mr. Pringle: You still have plans to operate it as a hotel?

Mr. Neil: Yes, the vision is still to be a high-end hotel, Fairmont was the original plan, but if it isn't them then another. Not looking to change the plan.

Mr. Pringle: From our previous conversation we do want to encourage hot bed use?

Mr. Neil: Yes that is our intention as well.

Mr. Mr. Lamb opened the hearing to public comment.

John Quigley, 67 Bearcat Road, Shock Hill Road: Here to represent the Shock Hill HOA. We did submit a letter, our board for Shock Hill unanimously supports this project. The owners have kept up the property to standards in clearing dead wood and working with Red, White and Blue Fire Protection district. We fully and wholly support the intentions of the applicant

The public hearing was closed.

No Planning Commission comment.

Ms. Puester passed out the findings for the variance on the Fence Policy 47/A, note new 11-14 which are the standard fence variance findings, removed number 54 as it related to the previous fence provision in 2010.

Mr. Pringle made a motion to approve the point analysis for the Shock Hill Lodge with a passing score of +6, PC#2013095, 260 Shock Hill Drive. Mr. Butler seconded, and the motion was carried unanimously (5-0).

Mr. Pringle made a motion to approve a variance to Policy 47/A Fences for the Shock Hill Lodge, PC#2013095, 260 Shock Hill Drive and the findings and conditions that were passed out in the packet this evening. Mr. Mamula seconded, and the motion was carried unanimously (5-0).

Mr. Pringle made a motion to approve the Shock Hill Lodge and Spa, Tract E / the Shock Hill Master Plan and Development Permit Second Extension, PC#2013095, 260 Shock Hill Drive. Mr. Mamula seconded, and the motion was carried unanimously (5-0).

2) Four Seasons Resubdivision (MM) PC#2013097, Four Seasons, Filing 2

Mr. Moshier presented an application to subdivide Four Seasons Filing Number 2, a Re-plat of Pond Lease Tract (creating Lot 1) to allow Hotel Breckenridge Condominium Association (Marriott's Mountain Valley Lodge) to purchase the proposed Lot 1 from Columbine Condo Homeowner's Association to better match land-use functions by each owner. This application only creates Lot 1 as a separate parcel. The property owners associated with access to this Lot will then return and record separate plats that will define the associated public access and maintenance easements. Since this subdivision is creating a lot with no buildable area and no density, most of the Town's Subdivision policies do not apply.

The proposed Lot 1 currently has a connection to the existing bridge that crosses Maggie Pond. All of the neighboring multifamily residential buildings utilize this connection to get to the public trail and Ski Area on the west side of the river. Currently there are no platted easements crossing the applicant's or neighboring properties to access the bridge.

The applicants intend to first record this plat, transfer ownership and then return with applications for the needed 3 public easements on the neighboring properties. These easements will allow public access from Columbine Road, through associated properties, to Lot 1, across the bridge and onto the existing public trail easement on the west side of the Blue River.

This is a very simple subdivision, which only allows for the conveyance of ownership of a portion of property to the applicants. There is no associated change of use, added density, or other subdivision concerns with this application. Staff recommended the approval of Lot 1, a Re-subdivision of Four Seasons Filing No. 2, Pond Lease Tract, PC#2013097, with the presented Findings and Conditions.

Mr. Butler: Why they do this again?

Mr. Moshier: More for maintenance of this property and this is the simplest ways to do this?

Mr. Pringle: The easements will still go through to connect to this piece?

Mr. Moshier: Yes.

Mr. Butler: Do they have to grant easements?

Mr. Moshier: Yes, the easements have to come separately to avoid a lot of attorneys.

Applicant: Tom LeBau Hotel Breckenridge Condo Association, 655 Columbine Road;

The why dates back to the original land lease that was defaulted on over time, since then we were taking part of it, but bridge was being taken care of by another property owner, our staircase is on their property now. But this subdivision is cleaner for everyone so we can take care of it, but the easements will be available to everyone

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

Mr. Pringle made a motion to approve the Four Seasons Resubdivision (MM) PC#2013097, Four Seasons, Filing 2. Mr. Mamula seconded, and the motion was carried unanimously (5-0).

OTHER MATTERS:

The Joint Town Council worksession is next week. Please get there by 5:45.

ADJOURNMENT:

The meeting was adjourned at 9:35 p.m.

Jim Mr. Lamb, 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.

NOVEMBER 2013

Thursday, November 7, 2013	Wake Up Breckenridge
Friday, November 8, 2013; 8:00-9:00 am; Euro Deli	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

JANUARY 2014

Tuesday, January 8, 2013; 3:00/7:30 pm	First Meeting of the Month
Friday, January 10, 2013; 8:00-9:00 am; TBD	Coffee Talk
Tuesday, January 22, 2013; 3:00/7:30 pm	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