



BRECKENRIDGE TOWN COUNCIL WORK SESSION

Tuesday, November 12, 2013; 3:00 PM

Town Hall Auditorium

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

3:00-3:15pm	I	<u>PLANNING COMMISSION DECISIONS</u>	2
3:10-3:45pm	II	<u>LEGISLATIVE REVIEW*</u>	
		Planning Classifications Ordinance	18
		Water Rates Ordinance	26
		Mill Levy Ordinance	31
		Xcel Easement Ordinances	33
3:45-4:30pm	III	<u>MANAGERS REPORT</u>	
		Public Projects Update	47
		Housing/Childcare Update	
		Committee Reports	48
		Budget Retreat Follow Up	50
4:30-5:00pm	IV	<u>OTHER</u>	
		Dog Breed Specific Restrictions	53
5:00-5:50pm	V	<u>PLANNING MATTERS</u>	
		Town Project: Wakefield Site Plan	63
		Administrative Rules: Disposable Bag Fee	66
5:50-6:00pm	VI	<u>EXECUTIVE SESSION</u>	
6:00pm	VII	<u>JOINT MEETING - PLANNING COMMISSION</u>	69

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

MEMORANDUM

To: Town Council

From: Peter Grosshuesch, 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.

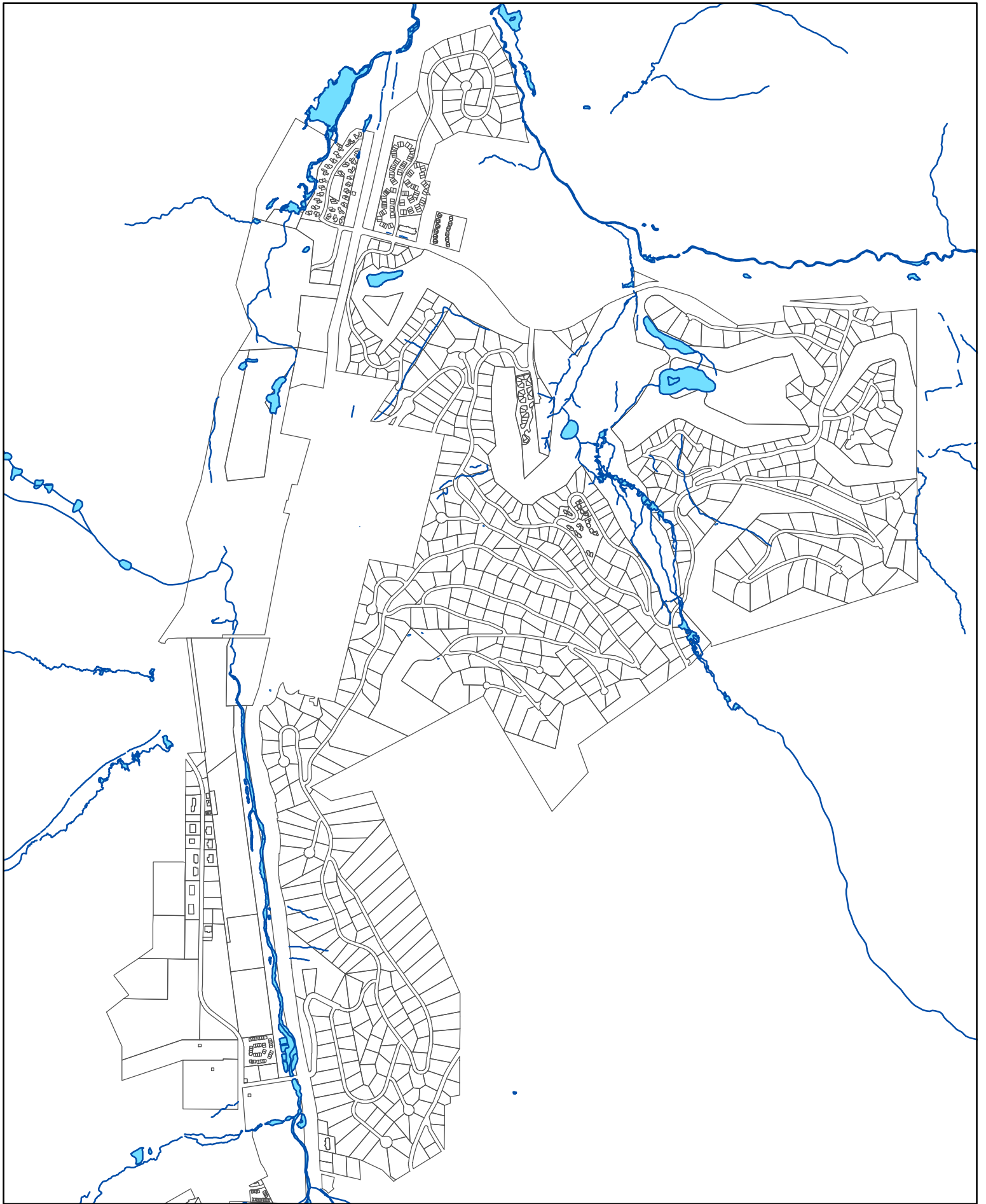
CLASS A APPLICATIONS:

- 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.



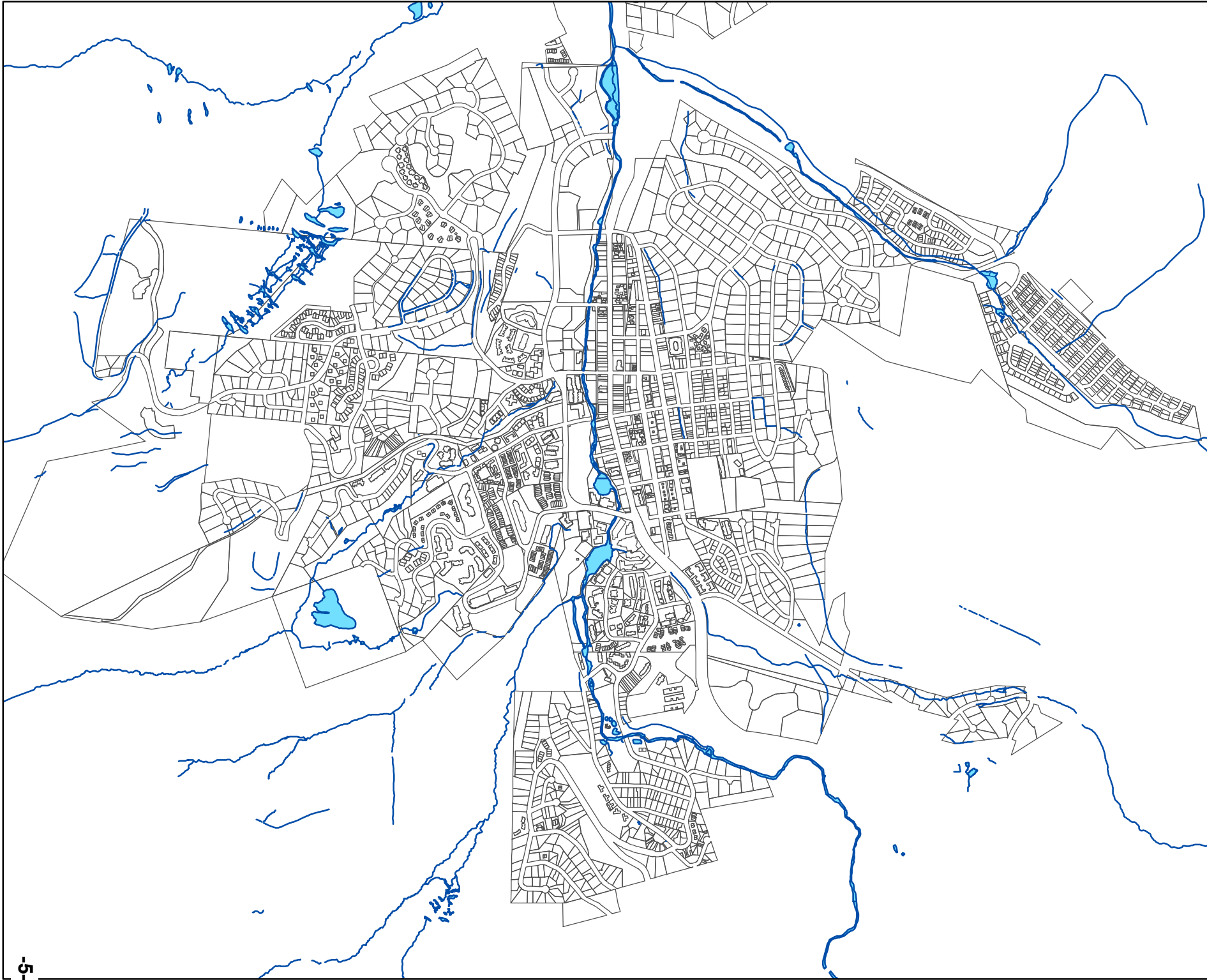
Breckenridge North

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NOT TO SCALE

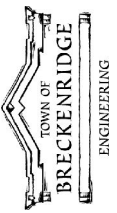


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Breckenridge South

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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

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
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25 By _____
26 John G. Warner, Mayor
27

28
29 ATTEST:

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33 _____
34 Helen Cospolich
35 Town Clerk
36

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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:

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

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

<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>

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

<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>

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

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

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

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

<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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41
42
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: 11/6/2013
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.
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 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 _____)

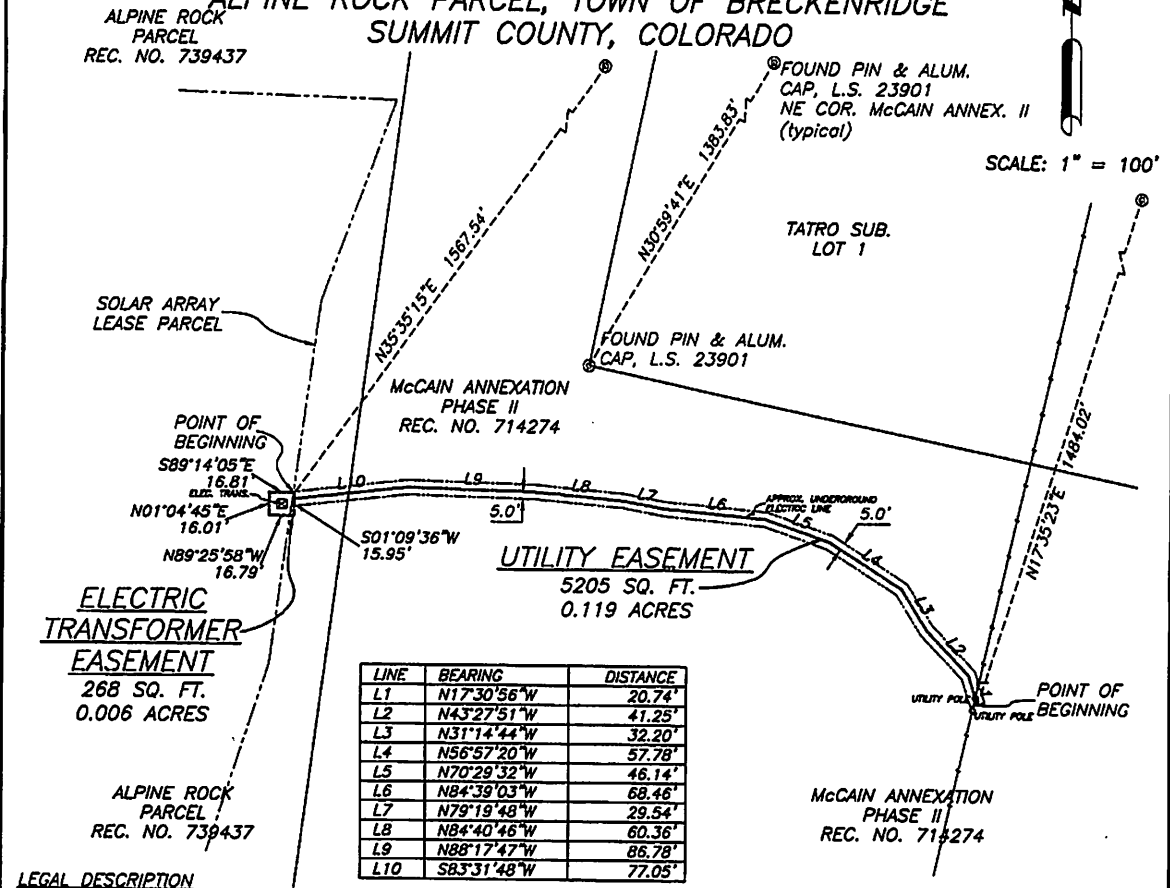
The foregoing instrument was acknowledged before me this _____ day of _____, 2005 by [Grantor name(s) from above]:

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
DRAWN BY:	MJW	CHECKED BY:	MJW
JOB NO.	131043	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 _____)

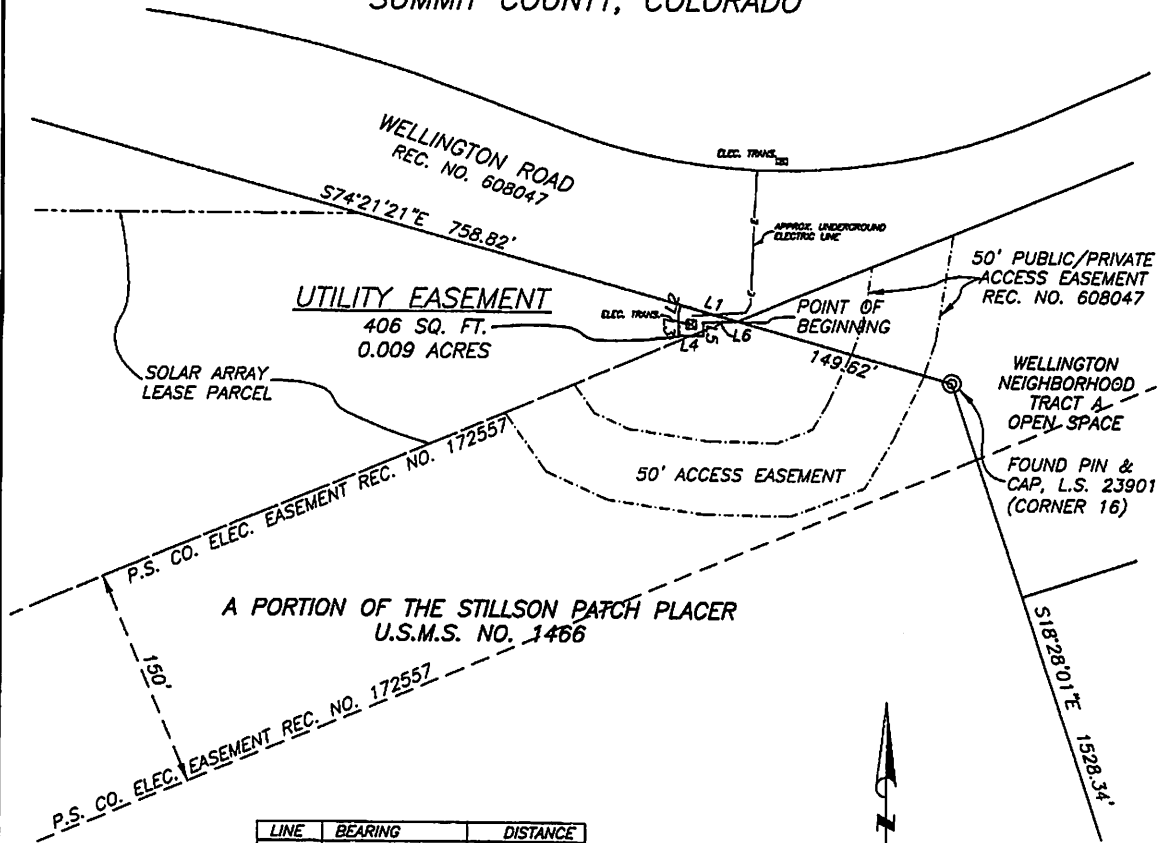
The foregoing instrument was acknowledged before me this _____ day of _____, 2005 by [Grantor name(s) from above]:

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°21'21"W	40.14'
L2	S15°38'39"W	5.57'
L3	S01°40'50"E	16.01'
L4	N88°41'58"E	16.73'
L5	N00°55'20"W	9.19'
L6	N87°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°21'21"E 149.62', thence along the north line of said Stillson Patch Placer N 74°21'21" W a distance of 40.14 feet; thence S 15°38'39" W a distance of 5.57 feet; thence S 01°40'50" E a distance of 16.01 feet; thence N 88°41'58" E a distance of 16.73 feet; thence N 00°55'20" W a distance of 9.19 feet; thence N 87°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.
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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:

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

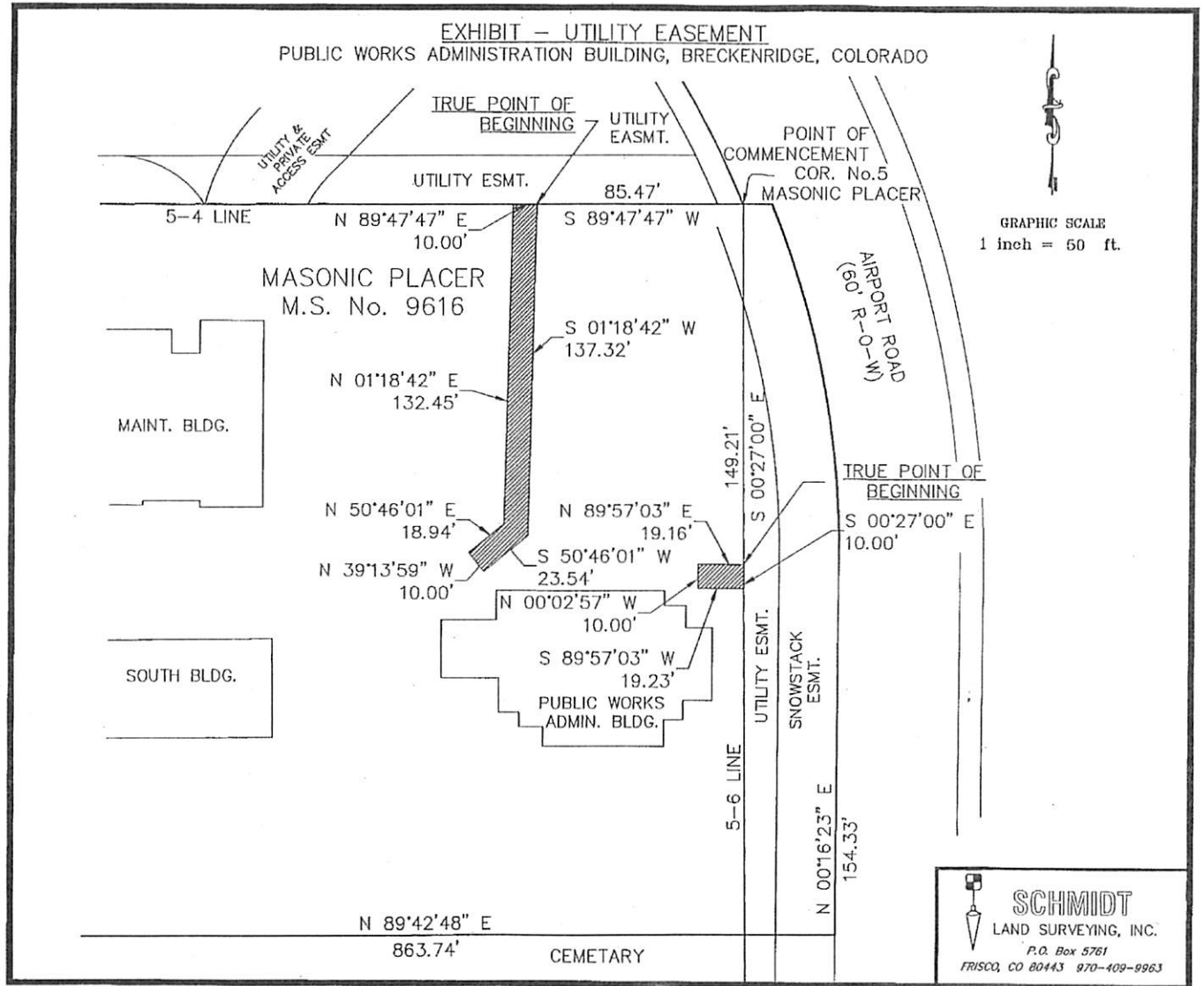
THENCE CONTINUING ALONG SAID EASTERLY LINE OF SAID MASONIC PLACER S 00°27'00" E A DISTANCE OF 10.00 FEET;

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: Dale Stein, Assistant Town Engineer
DATE: November 6, 2013
RE: Public Projects Update

Arts District

Vertical construction on the Arts District build out project has begun with the framing of the Mikolitis Barn. The Little Red Shed will be moved to the site on November 6th, followed by the move of the Robert Whyte House back to its historic location and new foundation.

Breckenridge Theater

Staff is now working with the architect, bhh Partners, and Backstage Theater representatives on the initial Programming design phase of the theater addition project. We will begin more detailed design and cost estimating during Schematic Design in the next month and will bring Council a more inclusive update at that time. The construction phase of the project is anticipated to begin in August 2014, after the Backstage Theater's performances have concluded for the season.

Breckenridge Grand Vacation Community Center

Work on the rehabilitation of the historic structure is continuing with the ongoing demolition of the interior of the building, new micro-pile installation at the building foundation corners and framing of the floors in the second level of the 1909 portion. The majority of the interior demolition of the main and second floor is nearing completion with efforts now focusing on the demolition of the basement level partition walls and floor slab. Recently the contractor confirmed the location of the existing swimming pool in the basement of the 1921 addition and will begin work soon to remove portions of the pool necessary to fit in the movie theatre space. Work installing new sewer and water services to the building has also been recently completed.

MEMO

TO: Mayor & Town Council
FROM: Tim Gagen, Town Manager
DATE: November 7, 2013
SUBJECT: Committee Reports for 11-12-2013 Council Packet

Police Advisory Committee **November 6, 2013** **Chief Haynes**

The Police Advisory Committee (PAC) held its bimonthly meeting on November 6, 2013. The Chief and PAC members discussed the following:

- **Council Updates:** Chief Haynes updated the committee on recent Council hot topics including: Arts Festivals, changes to the BRC, and Breed Specific Regulations.
- **Activity at LaCima Mall:** Committee member Jason Smith suggested the group have a late night meeting at LaCima to increase awareness of late night activity. The committee discussed ongoing issues, policing staffing and distribution of police staff when addressing late night problems. In addition, the group discussed the interaction between the Liquor Licensing Authority, the Police Department, and State Liquor Enforcement.
- **Marijuana:** Chief Haynes provided the committee with a brief description of the Marijuana Compliance Officer initial duties, including developing an educational component to be implemented by the retail establishments. Committee members mentioned that they were seeing an increase in the use of vaporizers or e-cigarettes in businesses and at CMC.

All committee members were provided with a Marijuana FAQ sheet. Dick Carleton suggested small cards that could be provided by employees to guests asking for information. The card would contain a link to additional information. Chief Haynes offered to review this option.

The committee as a group felt strongly that a hard line, zero tolerance position should be taken on public consumption in order to set the right tone.

- **Staffing & Recruiting:** Chief Haynes updated the group on the recent Assistant Chief Process, as well as police officer hiring.
- **Parking:** Officer Matthew Collver provided the committee with a brief overview of winter parking. The committee asked about the use of F Lot. Chief Haynes explained that Council had determined a hotel was not feasible on the property and they would be looking at other alternatives in conjunction with changes to the Riverwalk, the upcoming Parking & Transit Master Plan, as well as the development of the Gondola lots, and other community plans. Chief Haynes provided the group with a brief description of the 2009 Parking Survey and explained the intent and the expected timeline of the upcoming RRC Parking survey.
- **School Update:** Committee members and school representatives, Jim Smith (HS) and Jeff Chabot (MS) provided the committee with an update on the schools. Both indicated that discipline issues are down this year. Jim credited the work at the Middle School for setting behavior expectations for students entering the High School. Jim also commented on marijuana use and indicated that he felt that students were being “smarter” (sneakier) in their use and therefore not getting caught as often.

Committees	Representative	Report Status
CAST	Mayor Warner	Verbal Report
CDOT	Tim Gagen	No Meeting/Report
CML	Tim Gagen	No Meeting/Report
I-70 Coalition	Tim Gagen	No Meeting/Report
Mayors, Managers & Commissions Meeting	Mayor Warner	Verbal Report
Summit Leadership Forum	Tim Gagen	No Meeting/Report
Liquor Licensing Authority*	Taryn Power	No Meeting/Report
Wildfire Council	Matt Thompson	No Meeting/Report
Public Art Commission*	Jenn Cram	No Meeting/Report
Summit Stage Advisory Board*	James Phelps	No Meeting/Report
Police Advisory Committee	Chief Haynes	Included

Housing/Childcare Committee	Laurie Best	Verbal Report
CMC Advisory Committee	Tim Gagen	No Meeting/Report

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

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

TO: BRECKENRIDGE TOWN COUNCIL
FROM: BRIAN WALDES, FINANCIAL SERVICES MANAGER
SUBJECT: 10-29-13 BUDGET RETREAT CHANGES
DATE: 11/6/13
CC: TIM GAGEN, RICK HOLMAN

The following changes are noted from the 10-29-13 Council retreat;

1. **Marketing Fund** –
 - a- \$606,000 increase to Marketing from \$2,771,000 to \$3,377,000.
 - 1 – Budget will reflect a \$3,230,000 figure for the BRC assuming restructure is completed to Council’s satisfaction. Includes the \$180,000 for dues replacement and the \$500,000 in additional funds
 - 2 – This change to the transfer also reflects \$97,000 for the Dew Tour and \$50,000 for the Blue River Series
 - b- \$606,000 increase to transfer from Excise

2. **Excise Fund** –
 - a- \$606,000 increase to transfer to Marketing Fund
 - b- \$235,000 increase in transfer to Capital Fund

3. **Child Care Fund** –
 - a- \$2,300,000 transfer to Capital Fund. This transfer amount leaves \$800,000 in the Childcare fund, or an estimated one year’s scholarship expenditures

4. **Capital Fund (CIP)** –
 - a- The 2014 capital fund projects were amended as follows;

Skate Park	\$	640,000
Resurfacing	\$	850,000
Median "C"	\$	1,000,000
Main ST/RWC	\$	800,000
Heated Sidewalk	\$	110,000
Main Street Park	\$	260,000
Masonic Hall	\$	1,900,000
Breck. Theater	\$	1,180,000
Turf Field	\$	250,000
Riverwalk Study	\$	100,000

<u>\$</u>	<u>7,090,000</u>
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- b- \$2,300,000 additional transfer in to Capital from Child Care fund
- c- \$235,000 additional transfer in to Capital from Excise fund

Other Changes;

1. **RRC Parking Study** - \$13,000 for study was approved
2. **Grants** - \$1,100 increase to total grants amount approved

Capital Improvement Plan Summary for 2014

	A list			B List	Total of A & B Projects	Annual Impact on Operational Budget
	Other Funding	Capital Fund	Total cost			
Administration						
Riverwalk Center Park/Lobby	0	0	0	3,500,000	3,500,000	16,000
F-Lot/Tiger Dredge Parking Study		100,000	100,000		100,000	0
TOTAL	0	100,000	100,000	3,500,000	3,600,000	16,000

Recreation						
Skate Park	12,000	640,000	652,000	-	652,000	0
Turf Field	0	250,000	250,000		250,000	13,500
TOTAL	12,000	890,000	902,000	0	902,000	13,500

Public Works						
Roadway Resurfacing	0	850,000	850,000	0	850,000	0
SH 9 Median A (Coyne Valley to 4 Mile Bridge)	0	0	0	1,050,000	1,050,000	5,000
SH 9 Median B (Valley Brook to Coyne Valley)	0	0	0	500,000	500,000	5,000
SH 9 Median C (Roundabout to Valey Brook)	0	1,000,000	1,000,000	0	1,000,000	100,000
Main Street/Riverwalk	0	800,000	800,000	0	800,000	0
McCain MP/Implementation	81,000	0	81,000	0	81,000	0
Heated Sidewalks	0	110,000	110,000	0	110,000	1,800
Main Street Pocket Park	0	260,000	260,000	0	260,000	12,500
Blue River Reclamation	0	0	0	2,000,000	2,000,000	0
TOTAL	81,000	3,020,000	3,101,000	3,550,000	6,651,000	124,300

Community Development						
Masonic Hall	0	1,900,000	1,900,000	0	1,900,000	14,000
Breckenridge Theater Improvements	0	1,180,000	1,180,000	0	1,180,000	400
TOTAL	0	3,080,000	3,080,000	0	3,080,000	14,400

GRAND TOTAL	93,000	7,090,000	7,183,000	7,050,000	14,233,000	168,200
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Funding Sources	Other Funding	Capital Fund	Total Funds
Current Revenue/Reserves	-	7,035,000	7,035,000
McCain Revenues	81,000		81,000
Skate Park	12,000		12,000
Conservation Trust Transfer	55,000		55,000
TOTAL	148,000	7,035,000	7,183,000

* Indicates that staff will apply for grants

Five Year Capital Improvement Plan Summary 2014 to 2018

Dept/Project	2014	2015	2016	2017	2018	TOTAL
Administration						
Riverwalk Center Park/Lobby	3,500,000	550,000	-	-	-	4,050,000
F-lot/Tiger Dredge Parking Study	100,000	-	-	-	-	100,000
TOTAL	3,600,000	550,000	-	-	-	4,150,000

Recreation						
Skate Park	652,000	-	-	-	-	652,000
Turf Field	250,000	-	-	-	-	250,000
Rec Ctr Renovation	-	1,000,000	1,000,000	625,000	-	2,625,000
Water Slide Replacement	-	130,000	-	-	-	130,000
TOTAL	902,000	1,130,000	1,000,000	625,000	-	3,657,000

Public Works						
Utility Undergrounding	-	200,000	-	200,000	-	400,000
Roadway Resurfacing	850,000	600,000	620,000	640,000	660,000	3,370,000
SH 9 Median A(Coyne Valley to 4 mile)	1,050,000	-	-	-	-	1,050,000
SH 9 Median B (Coyne Valley to VB)	500,000	-	-	-	-	500,000
SH 9 Median C (VB to Roundabout)	1,000,000	-	-	-	-	1,000,000
Main Street/Riverwalk	800,000	-	-	-	-	800,000
McCain MP/Implementation	81,000	81,000	81,000	81,000	81,000	405,000
Heated Sidewalks	110,000	110,000	75,000	-	-	295,000
Main Street Pocket Park	260,000	-	-	-	-	260,000
Blue River Reclam	2,000,000	700,000	1,600,000	-	-	4,300,000
Coyne Valley Road Bridge	-	-	1,500,000	-	-	1,500,000
Childcare Facility #2	-	-	-	-	250,000	250,000
Solar Buy Out	-	-	500,000	-	-	500,000
Core Parking Lot Improvements	-	-	-	150,000	2,000,000	2,150,000
S. Park Avenue Underpass	-	-	-	-	1,650,000	1,650,000
Gondola Lot Development Partnership	-	-	-	-	1,000,000	1,000,000
TOTAL	6,651,000	1,691,000	4,376,000	1,071,000	5,641,000	19,430,000

Community Development						
Masonic Hall	1,900,000	-	-	-	-	1,900,000
Breckenridge Theater Improvements	1,180,000	-	-	-	-	1,180,000
TOTAL	3,080,000	-	-	-	-	3,080,000

GRAND TOTAL	14,233,000	3,371,000	5,376,000	1,696,000	5,641,000	30,317,000
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Funding Sources						
Current Revenue/Reserves	7,035,000	2,700,000	5,255,000	1,575,000	4,320,000	20,885,000
McCain Royalties	81,000	81,000	81,000	81,000	81,000	405,000
Blue River funds from Denver Water	-	200,000	-	-	-	200,000
CDOT-S.Park Underpass	-	-	-	-	1,200,000	1,200,000
GOCO (Blue River Park)	-	350,000	-	-	-	350,000
Skate Park user group funds	12,000	-	-	-	-	500,000
Conservation Trust Transfer	55,000	40,000	40,000	40,000	40,000	215,000
Total	7,183,000	3,371,000	5,376,000	1,696,000	5,641,000	23,755,000

* Indicates that staff will be applying for grants

MEMORANDUM

TO: Mayor and Town Council

FROM: Shannon Haynes, Chief of Police

DATE: November 4, 2013

SUBJECT: Breed Specific Regulation Feedback

On September 10th, I presented council with information on Breed Specific bans in Colorado. After that presentation, at the request of Council, staff initiated a community feedback process to determine the dog related issues most impacting our residents and to solicit public opinion on breed specific regulations.

Police Department staff worked with staff from the recreation department to initiate a survey distributed to the homeowner associations in Town. In addition, our Communications Director, Kim Dykstra-DiLallo, put the same survey on Engage Breckenridge. The survey then caught the attention of the Summit Daily News, which ran an article that spurred additional comments and feedback via email.

Survey efforts netted 1,374 total responses from the Survey Monkey and Engage Breckenridge survey instruments. Staff did not include email comments in the survey results unless they could determine the feedback was from Breckenridge residents. Staff did review those comments when considering the totality of information. A few respondent comments are attached, along with a table detailing the survey data.

Overwhelmingly, respondents did not feel a breed ban or restriction would improve public safety and they were not in favor of a banning or restricting a specific breed of dog. When asked their perception of the biggest dog issues, respondents listed:

- Irresponsible owners
- Dogs off leash and lack of enforcement
- Excrement

Given the overwhelming feedback against a breed specific ban or any proactive restrictions, I recommend we consider fine tuning our current ordinances with respect to vicious dogs and consider implementing specific sanctions and penalties as a response to behavior issues, which will serve to address ongoing safety concerns within our community. These changes may include:

- Updating our Animal Care & Control Ordinance to address "Dangerous" dogs by expanding our current "Vicious" dog description and providing conditions for keeping a dog deemed dangerous. Conditions may include: posting a warning sign, reporting to the state, registering as a "dangerous animal", requirement of an escape proof enclosure, and implantation of a microchip.
- Add "At-Risk" Dogs to our ordinances. This would include dogs that have not engaged in actions causing injury, but are found to menace or display threatening behavior, or repeatedly run at large.

- Recognize and encourage successful training by owners to alleviate the risk associated with their pet.

The above mentioned changes are reactionary in nature. In order to address the proactive need for change, I recommend investigating potential partnerships with local and non-local organizations to implement or offer programs designed to prevent incidents through education and training. We have been contacted by a number of local entities including The Dog House and the Summit County Animal Shelter to assist in building programs that will help dog owners.

In addition, a few local individuals are investigating and hoping to implement a program called "The Yellow Dog Project". This is a worldwide campaign to support dogs needing more space from people and animals. Owners place a yellow ribbon on their leash as a sign to others that the dog needs some room.

With regard to ongoing issues associated with dogs including leash law violations and removal of excrement, I have found that our rules are in keeping with ordinances in other locales. I recommend the Police Department work with other town departments and local stakeholders to develop a plan for education and enforcement in an effort to increase compliance.

If these next step recommendations are agreeable to council, staff will move forward with analyzing the current TOB ordinances. We will also reach out to local stakeholders and begin to develop a plan for training, owner support, education, and enforcement.

I will be available on November 12th to answer any questions.

Dog Breed Restrictions

Engage Breckenridge Responses:	360
Survey Monkey Responses:	1014
Emails and Facebook posts:	43
Total:	1417

Are you currently a dog owner?	
Yes: 1,022	No: 332

Do you believe some breeds of dogs are more dangerous than others?			
Yes: 479		No: 895	
If so, list which breed you believe is the most dangerous.			
Doberman Pinscher	7	Chow	25
Mastiff	5	Rottweiler	25
German Shepard	10	Husky	6
Pitbull	293	Other	197
Malamute	4		

Should there be more restrictions for breeds deemed more dangerous?	
Ex. Proof of homeowner's or renter's liability insurance, spaying/neutering, microchip insertion, confinement requirements, muzzle & leash requirements.	
Yes: 376	No: 998

Do you think banning or restricting a specific breed of dog will improve public safety?	
Yes: 234	No: 1,140

Would you be in favor of a Town Ordinance that would include restrictions for specific dog breeds?	
Yes: 267	No: 1,080

Would you be in favor of a Town Ordinance that prohibited specific dog breeds?	
Yes: 193	No: 1,159

From your perspective, what is the biggest dog issue in Breckenridge?	
<u>Most common answers:</u>	
Irresponsible Owners	
Dogs off leash	
Excrement	
Lack of Leash Law Enforcement	

Comments Opposed to breed specific legislation

Facebook

Ben Kelly: Enforcing these types of policies has been proven to be both ineffective and expensive and cities that have enacted BSL policies are now repealing them as a result. The town of Breckenridge is better than this. Passing discriminatory legislation will punish local families who have provided safe, loving homes for dogs who can't necessarily find them elsewhere. Please make an effort instead to punish bad dog owners, rather than every local with a dog whose breed has made its way onto your survey. The TOB should be ashamed of itself for even floating this idea.

Denise Fair: As a veterinarian that lives in Summit County, I will openly voice I am against breed bans.

Kathryn Davis Grohusky: Enforce leash laws, enforce littering laws by demanding that full dog poop plastic baggies are carried out of the woods, and enforce no barking noise ordinance...those are small steps that will benefit the community much more than banning a certain kind of dog. There are no bad dogs really...just bad owners....perhaps this questionnaire should be about types of dog owners to ban??? And if this survey is a reactive response to a single dog vs dog incident, that seems a inefficient method of managing the risk. Proactive measures are better in the long run.

Lu Snyder: Prohibiting or imposing restrictions on certain breeds of dogs perpetuates the myth that dangerous dogs are the result of the breed, not the owner. Consider changing your regulations to maximize the consequences for the owner instead.

Engage Breckenridge

Halle W - If anything, Breckenridge and/or Summit County should implement restrictions on WHO can own these "aggressive breeds". We see so many seasonal people who are irresponsible with their pet, whether its not leashing them, proper training, socializing or abandoning their pet when they leave the county. Most dogs are best as one owner dogs. Why would we punish a specific breed(s) when so many dogs are sent to kill shelters already? Places like Breckenridge or Glenwood Springs (where I've also lived) serve as a sanctuary for the breeds that are banned from denver and their owners. There are so many other ways to protect our community (I.e.- better enforced leash laws, better screening process for those adopting a certain breed, or any breed for that matter, training programs, seperate dog parks, educational classes for owners, etc). Can a pitpull change the fact that its jaw strength outweighs any other breed? No. Does that make it a bad breed? No. Again, the responsibility is the owners

Erin H - As another Breckenridge citizen, business owner, and owner of a pit bull mix, I ask like many others on this forum (from Summit County) that council note the the ineffectiveness of BSL legislation and not categorize dogs by their breed, and look to their owners for responsibility for any issues. I've not spent money in the City and County of Denver for a long time given their current laws about BSL, and hope the same doesn't happen here as well, not to mention the effects on us living in town?? Any questions from council welcome.

Sandra F - There are lots of bad owners and no bad breed! Enforce leash laws and why not add an amendment that the owner must have control of the dog on leash. None of this the dog dragging the owner around. A lot of young people own pitt bulls but, can't afford obedience classes it would be nice if the town of Breckenridge would offer to help with low cost training. I bet one of our local pet stores would offer space for it or maybe the rec center. This might also bring the dog community together and help in understanding different breeds.

Cori N - This is a PEOPLE issue not a DOG issue. Please do not confuse the facts. A well socialized and trained dog is capable of interacting in public in an acceptable manner. The responsibility is the person's not the dogs. All breeds have the ability to bite. No one can argue against that point. I propose to look at how the community responds to irresponsible dog owners and tackle the issue around pet conduct from that direction. Let's not

begin another cycle of punishing those who are responsible because of the few and far between issues from those who are irresponsible.

Ryne S - Adopting a clause to restrict breeds only shows an inability to accept responsibility. Patrons visit our community and enjoy the opportunity to walk main street and experience all encompassing hospitality to them and their pet. What will we say to the dog owner that invests time and money to visit the TOB only to be turned away or forced to leave their dog in their car on a hot or cold day? Doesn't sound like a place I'd like to visit. |

Karen M - As President and Executive Director of Animal Rescue of the Rockies, I have over 10 years of experience working with shelter dogs, rescue dogs, adopted dogs, foster dogs, and stray dogs of all breeds. There is simply no such thing as a dangerous breed. All dogs have the potential to bite or harm other dogs or people. Ultimately, people are the ones responsible for a dog's behavior, and people are the ones who should be held accountable for their actions. I've attended national workshops and conferences on this specific topic, and every one of them has concluded that breed specific legislation does not work. Dangerous dog ordinances are much more effective for ensuring public safety. These ordinances focus on individual dogs, not breeds. You can have an aggressive, dangerous lab right next to a sweet, friendly pit bull, and people who don't know any better will judge the lab to be the "better" dog. I'll be glad to supply supporting stats and info to anyone interested.

Email

Rebecca Bean - Owner, The Dog House

As the owner of the dog daycare in Breckenridge as well as a dog trainer myself, I can easily say that banning certain breeds would be a huge mistake on the part of the town. I can honestly tell you that some of the best, sweetest dogs we get in our facility are on your "list" and, knowing what we know about breeds and dogs, it would be so upsetting to exclude them from playing. Don't get me wrong, we are very careful about who plays together, but this is because we are knowledgeable about breeds and their behaviors. We have had way more aggressive dogs stay at our facility whose breeds would never be incorporated in any list, such as American Eskimos, Lhaso Apsos and even Chihuahuas. Personally, having worked here seven days a week in a facility that has been a very essential part of the community for over nine years, being the owner of The Dog House, I can honestly say I have never been bit by any dog. That's not because I avoid certain breeds. It is simply because I understand dog behavior, which is very easily trainable to all other citizens. That is the key, educating people, not excluding them. I can speak for The Dog House and say that we would be more than open to either hosting or putting on classes to the community on dog behavior and prevention so that incidents such as what happened in that dog attack at the bike race would not happen in the first place, as it was completely preventable after hearing the details. I know first hand that tourists as well as locals live and visit Summit County because of the outdoor activities, and the fact that they can experience all these things with their best friends (their dogs) up here with them makes it the icing on the cake. Telling them their dogs are no longer welcome just because they on a list that excludes them is a tragedy that is just not the answer, and it sends a really sad message about our town. Education is the answer to this problem, and like I said, we would be more than happy to help with this in any way we can. Dog attacks are a serious issue that need to be addressed, and there are definitely ways that this can be done in a more positive, effective manner. Please contact me at The Dog House, so that we work together in this.

Lisa Smith

With regards to the council considering passing breed discriminatory legislation (breed specific legislation), I would ask you that not pass this sort of ordinance.

There is no direct evidence that shows any particular breed is inherently dangerous. Dog bites/attacks need to be investigated and handled appropriately at that level. One dog bite/attack does not make the entire breed dangerous. There needs to be strict laws in place and enforced that hold dog owners responsible for their

animals. Responsible in all aspects. They need to be trained and socialized properly. They need to be leashed while in public (unless in authorized off leash dog parks) and not allowed to roam free under no control. The owners need to be held responsible for caring for their dogs - stronger abuse laws, no tethering etc... There need to be Laws in place that protect the community from any dangerous dog (it is possible to have a dangerous Labrador Retriever), not just ones perceived as dangerous by the way they look.

There have been studies done that show that breed discriminatory legislation does not work. It does not reduce the amount of dog bites/attacks, because pit bull terriers are not the only dogs that bite.

This document produced recently by the National Canine Research Council, <http://www.nationalcanineresearchcouncil.com/dogbites/state-by-state-information/co/denver>, shows how Denver's breed ban does not work.

Some websites that I feel have good information and statistics are 1) National Canine Research Council at nationalcanineresearchcouncil.com and 2) StopBSL at stopbsl.org. Plus many more once you start looking and researching.

A good book to read is, *The Pit Bull Placebo The Media, Myths and Politics of Canine Aggression*. And a good documentary to watch is *Beyond the Myth*. It is available on Netflix and available to watch for free on Hulu.com during the month of October.

I urge you to please take the time to research this issue carefully and thoroughly. It's an important one.

Linda Hart - State Legislative Liaison - Colorado Federation of Dog Clubs, Inc.

Per the local newspapers the City Council is considering a breed ban. I am the legislative liaison for the Colorado Federation of Dog Clubs, and would like to offer some alternatives that would resolve some of the problems you are trying to address without an ineffective breed ban. I am also a resident of Englewood, CO and am chair of the Englewood Code Enforcement Advisory Committee to the city council. About 6 years ago I helped Englewood develop a dangerous dog law that addressed such issues in a way that is effective and functional. The city has been very pleased with it and it has been used as a model by other cities across the country. I would offer any assistance to put such a law together for Breckenridge. Breed bans only affect limited breeds. It does nothing to stop dog bites, and has no educational component to teach dog owners how to be responsible owners so bites do not happen in the first place, no matter what the breed. If you review the bite stats from Denver, Aurora and other cities who have breed bans, it has not reduced bites. And, as in Denver it has no effective means of dealing with bites in non-banned breeds. Breed bans basically are feel good laws at the time passed, but are not effective and actually counterproductive.

Please accept my offer of assistance with information and expertise from our organization. We represent the best and most experienced dog owners in Colorado and are here to help. My cell # is 303-842-1033. I am also available anytime at kharahs@comcast.net.

Thanks for your time and consideration.

Kristin Angelopulos - Broomfield, CO

I am deeply concerned about your consideration of a breed specific dog ban. We own a pit bull dog and we visit your town with her a few times a year. We've stayed with her at Tiger Run RV resort and the Hilton hotel in the town. If you implement a ban we will not be able to enjoy your town.

Please do not jump on the fear based band wagon about the pit bull (or any aggressive dog breed) by restricting them from your town. It just reinforces the ignorance so many people have about these dogs. Unfortunately some of these dogs have irresponsible owners. Of course if you own a more aggressive dog you need to be respectful of their potential. Proper training, love and socialization help these dogs. Some people get them and

don't do this, causing problems for others. Please don't punish the responsible owners for the neglect of the bad seeds.

Get to know the breed on a personal level before you make a decision based on peer pressure. These dogs are very loving and loyal to their families. We have 2 young children and she is nothing but gentle with them and their friends.

Please explore other options. If a breed ban is implemented we will never visit Breckenridge again. Also, if this happens you may have citizens who live there who will have to make a tough choice. For many people, dogs are family.

Thank you

Comments in Favor of breed specific legislation

Facebook (none)

Engage Breckenridge

Lisa D - Owners of certain breeds should definitely receive training on how to handle their dog. I agree with putting a muzzle on certain breeds of dogs to protect the general public, however I do not agree with banning these dogs from Breckenridge. Every dog deserves a good home. Take measures to protect the public by enforcing leash laws, muzzles, etc. but please don't ban the dog. Perhaps offer classes for owners of these dogs on how to manage them. Call Cesar Milan. :)

Marie S - I have been discussing this issue and garnered new info, and based on that feel that banning pit bulls is a necessary rule, however unpopular it may be. Thanks

Thomas M - posted multiple comments in support of a breed specific ban.

"Pit bull type dogs killed fifteen children in 2012. They killed seventeen adults. Rottweilers killed two children and one adult. All other breeds combined killed three children and one adult. Any dog that is part pit bull or a breed created by adding 'bully' blood is much more dangerous than your average dog. As you can see, even the number two killer, the Rottweiler, trails the pit type by a huge margin.

So far this year, pit bulls have killed 14 children and 8 adults. So far this year, they are responsible for 92% of human deaths by dog. For half a decade they have been responsible for 100% of all dog inflicted injuries that required more than eight days in the hospital.

The main ignorance people suffer from is being told to ignore these statistics and to assume that the pit bull type dogs are 'just like any other dog'. Whether or not anyone thinks this type of dog should be banned or regulated, it should be obvious that a great many injuries and deaths could be prevented by acknowledging real life facts and statistics, and taking special precautions with this type of dog.

The usual instructions that protect a child from attack by other dogs don't work with the pit types. The best way to protect your child is to keep it away from pit bull type dogs.

Thomas M - In the last thirty years pit bulls have killed 241 humans and disfigured another 1,302 (that we're aware of). Fully half of these casualties, 126 of the fatalities and 640 of the disfigurements, have occurred in the last five years. That amounts to an average of 25 pit bull canine homicides of humans a year, or a death every two weeks.

Email

John A Vincze

I think I am up to speed on what you and the council are thinking.

I am 100% in support of what is being considered.

As a dog owner we always worry about our animals and kids being scared or attacked.

Thx

Pam Demma – Breckenridge, Colorado

I've heard there is a very good reason why most homeowners Insurance policies ban Pit Bulls. They are very capable of causing severe injuries and death, incurring huge medical bills and law suits. I am aware of 3 Pit Bull attacks that occurred locally this past summer.

All three caused horrible injuries. Two victims were dogs, the third was a young woman whom will have permanent facial scars. I heard that the wounds on her face became infected and had to be drained -- twice. The owner of the Pit Bull that attacked her had previously let children pet and feed his Pit Bull while he was sitting on the sidewalk on Main Street in Breck. He told me that he (the Pit Bull) was " a big baby".

What if your next door neighbor gets a Pit Bull?; will you feel that you, your children, and your pets will be safe from harm? If you asked a room full of people if they had ever heard of a Pit Bull attack with a fatality, surely every hand in that room would be raised; Golden Retriever? -- I doubt you would see a single hand raised. I love wolves but they should not be pets and neither should Pit Bulls.

I have hiked the mountains of Colorado for 21 years and the only time my hiking party was ever attacked, the attacking animal was a Pit Bull. Chaffee County law enforcement issued 2 tickets to the owner, one for having a vicious animal, the 2nd for dog at large. My friend was bitten on the hand and one of our dogs on his head. A man accompanying the Pit Bull and it's owner was able to pull it off of our dog. We were shaken and it really ruined our day. The hand injury required medical attention. Of course the owner told us and the officer what a good dog her Pit Bull was, he was her "favorite".

I have noticed more Pit Bulls than ever in this town recently and have heard some very negative comments from tourists as well. Please approve the ban, but grandfather in the Pit Bulls that are already registered, requiring strict compliance with leash laws. I am a former RN and have seen chunks of flesh ripped out of people from Pit Bulls. We don't need another tragedy to happen in this town; before that happens, let's be wise and approve the ban. Please! There are soooo many other dog breeds out there that are exceptionally good with children and make wonderful pets.

Thank you

Expanded Survey Questions

From your perspective, what is the biggest dog issue in Breckenridge?

Unleashed dogs! I road bike & numerous times throughout the summer/fall I encountered on the bike path & in town dog owners walking or riding with their dogs unleashed & the dogs are running loose in front of bikes & other pedestrians & this is extremely dangerous. Also, please keep most events as non-pet friendly as not all pet owners are responsible enough to keep their dog leashed.

Not following and no enforcement of leash laws. I encounter somewhere between 5 to 10 dogs a day that are not on leashes, in town or on trails. My girlfriend is afraid of dogs due to being attacked when she was younger

and it is a nightmare for her to walk around Breckenridge. I have had dogs sneak up on me on trails or I've incidentally sneaked up on them causing aggressive reactions or near accidents on a bike,

The biggest "dog" issue in Breckenridge isn't the dogs it's the owners. Lazy owners not taking the time to properly train their dogs or training their dog to behave badly. It's the attitude behind the people who raise them, not the dog.

The biggest issue is "off leash" dogs that not under control. It is the owners that are not properly trained, not the dogs. Properly enforcing the existing leash and off leash laws for Breck and Summit County is what is necessary.

The fact that people don't pick up their dog's waste... and that people continue to bring dogs to public events that are announced as dog-free (which makes navigating through events difficult and not good for humans or dogs)

I believe the biggest dog issue facing Breck is off-leash dogs. Even though an owner declares their dog friendly when it runs up to approach me and my dog, that is not enough. Fortunately my dog, which is always on leash, is friendly with other dogs. However, I know people that do not have a dog that is friendly with other dogs. This puts the responsible dog owner that has their dog on leash on the defensive to have to alter their course or change their behavior. This is not reasonable.

I love that Breckenridge is so dog-friendly! The town has been doing such a great job maintaining this image and feel. From the great dog park to the doggie doo bag dispensers all over town, it's so easy for a dog owner to feel welcomed in this beautiful town! The only problem that sometimes arises is the lack of rental opportunities for dog owners.

Breck is a great place for dogs. Maybe add directions to dog parks in the map and town attractions, visitors don't always know where carter park is.

Dog owners not taking responsibility for their dogs (training them, cleaning up after them) but members of the public need to take responsibility too by asking about a dog's temperament and giving all dogs space until introduced correctly.

Dogs in restaurants and supermarkets - raises health concerns. Dogs off-leash or on 10+ ft leashes allow dogs to invade other's personal space. Many dog owners don't pick up their dog dropping.

Additional Comments:

Banning certain breeds will not solve this problem, but public education will. Dachshunds bite more people than any other breed, but because the injuries are not as bad most do not even realize this. Leash ordinances will certainly help this problem. In fact, breed specific legislation will be expensive for the community and will be difficult to enforce. It also punishes responsible dog owners who have chosen a breed that may be considered "dangerous" because it fits in with their lifestyle.

BSL laws have been proven to be less than satisfactory solutions to dog attacks/bites. Owners need to take responsibility for their dogs - blame the deed, not the breed. And in reality, people tend not to report lesser bites by smaller dogs. Many years ago when cocker spaniels were the most popular breed, their bite statistics were extremely high. No one suggested banning them at the time. Leash/confinement laws need to be enforced and owners disobeying these laws must face the consequence

Enforcing the leash law!!! There is no such thing as "my dog is under voice control" dogs do what dogs do & if they see something they want to chase etc., they are going after it. I have owned well trained obedient dogs in the past & I know that they will at times not listen to voice commands.

I am a former dog owner and dog lover. I had a friend directly involved in the incident in Blue River during the pro challenge. My feeling is that dogs have been bred for genetic disposition. In the case of some breeds this is aggressiveness towards other dogs/animals while these breeds may be quite lovable towards humans. This includes dogs I have personally owned.

I am adamantly opposed to the passage of a breed specific law. The issue is with the owners, who might need more training or education about their responsibilities. Any animal is a risk to others if he has not been properly trained, not just these so-called dangerous breeds.

I know all pit bulls (and a few other breeds) are not dangerous, but the issue is, once they get engaged in any kind of altercation, they are deadly.

i often take my german shepherd to the dog park in breckenridge and feel it is a great place for dogs who are able to use it. i've always had great experiences there. i however do get very frustrated by owners who do not leash their dogs throughout the county.

I think an ordinance prohibiting a specific breed of dog is a horrible idea. There are dogs from all breeds that have behavioral issues. I think a better solution would be ticketing dog owners who don't abide by the laws currently in place. Whether it is a Golden Retriever, or a Pit Bull...I don't want a dog off a leash outside of a dog-park...even when it is walking into the dog park.

I think the important thing is to have ordinances to restrict or prohibit vicious dogs in general. Given that so many problem dogs are of mixed breeds, it might be problematic to legislate against specific breeds. Most Labs are loveable, but a rare few are very vicious. it's important to be able to protect against vicious dogs, regardless of breed.

I was not aware there was a leash law. I see so many dogs off leash, I assumed there wasn't one. Enforcement of an existing law would take care of the majority of problems. Any dog can bite, and the opportunity presents itself if the dog is not controlled.

Memorandum

TO: Town Council

FROM: Chris Kulick, AICP, Open Space & Trails Planner II

DATE: November 4, 2013 (for the November 12th Council meeting)

SUBJECT: Town Projects Worksession - Wakefield Sawmill Interpretive Site Overview

As permitted under the 2013 Town project ordinance, staff is presenting Town Council with a worksession for the Wakefield Sawmill Interpretive Site project located on Town-owned property. In May of 2013 the Town Council had annexed the Wakefield parcel in preparation of this sawmill restoration project. The project is proposed to go through planning approval this winter and constructed in the summer of 2014.

The Breckenridge Heritage Alliance is pursuing this project, in coordination with Town staff, and welcomes any Council input or feedback.

History of the Wakefield Sawmill:

The Wakefield Sawmill on Boreas Pass Road was built in 1938 by Marion Wakefield and operated until the fall of 1959. "Wakey", as he was known to locals during that period, came west from St. Louis during the Depression with his wife Zella. He worked as a carpenter on the construction of the Green Mountain Reservoir and built the sawmill in the late 1930s. He also attempted to develop some small mines on the site. The mill closed down in 1959, shortly before Wakefield's death. Within several hundred yards of the Wakefield site, another important sawmill - the Jacot mill - operated in the early 1900s.

Project Purpose:

The Breckenridge Heritage Alliance plans to restore the Wakefield site as a hands-on historical exhibit to interpret the history of sawmilling and its relationship to our local mining history. Nationwide, very few sawmill exhibits exist to tell the story of the vital (but nearly forgotten) part sawmills played in early frontier history, such as providing lumber for homes, commercial, and mining buildings, lumber for gold mining, sluice boxes, and flumes, and underground support timbers. Specifically, the project includes restoring the original sawmill, covering the sawmill with a shelter, and installing interpretive outdoor signs. Once it is complete, the Wakefield site will be staffed by Heritage Alliance employees during the summer season (mid-June to Labor Day). Like the Breckenridge Railroad Park outdoor display, the Wakefield site will be accessible to the public year round.

Project Outreach

The Wakefield descendants are in support of the project and have been kept apprised of the Alliance's plans. A number of family members have visited the site and are enthusiastic about the restoration. The Alliance and Town staff have had several meetings with Jon Gunson, neighboring property owner Jay Monroe's agent. Through these meetings it has been relayed to staff that Mr. Monroe still has some concerns with the project. Staff has considered most of the requests Mr. Monroe has made through the site design process but for practical reasons cannot accommodate all of them. It is the goal of the Alliance and staff to construct and manage the Wakefield site in a manner that it is not only harmonious with the Mr. Monroe's property but actually improves the appearance of his property entrance. The key

differences between staff and Mr. Monroe are over winter maintenance responsibilities, driveway design and the visibility of the display.

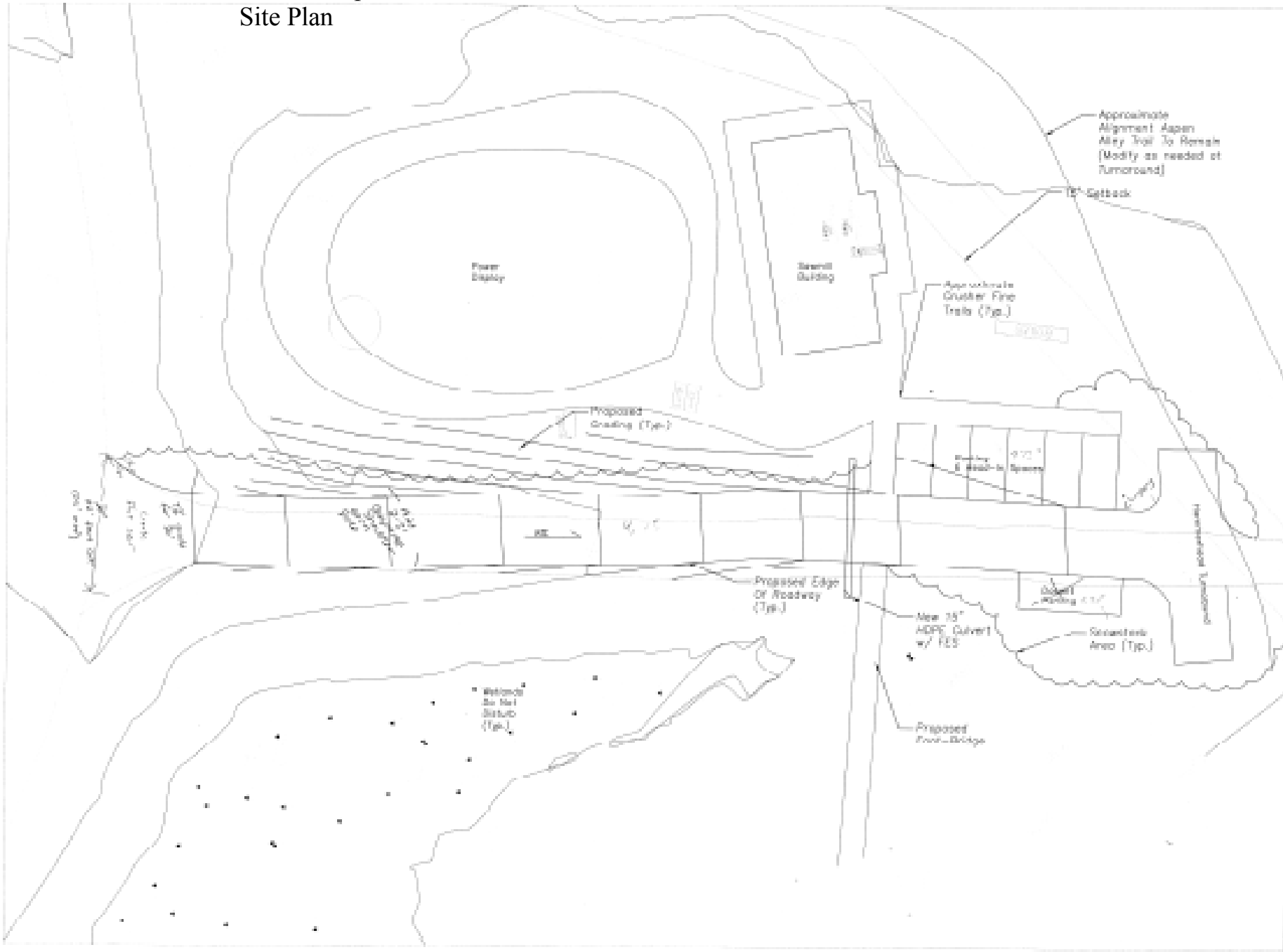
In addition to considering Mr. Monroe's input, staff has presented Mr. Monroe with a draft access and utility easement the Town would be willing to grant Mr. Monroe upon the successful completion of the Wakefield development process. Currently Staff is working with Mr. Monroe on his access rights.

Compliance Town Development Code

Staff has informally reviewed the project against the Town's development code and is comfortable that it will have a passing point analysis, earning several positive points. The project as proposed is in compliance with key regulations of the Development Code such as land use, architecture, structure setbacks, circulation and parking. The single project issue that does not conform to Town Standards is due to the driveway's alignment within wetland setbacks. The current driveway access on the property is within a 25' wetland setback and the proposed driveway would be in relatively the same location, still within the 25' wetland setback. This issue will require a wetland setback waiver from the Town Engineer. Staff has been working with the Town Engineer on this plan, and he has indicated a preliminary approval of a wetlands setback variance for the portions within 25' of delineated wetlands. One of the reasons that the Town Engineer may allow this variance or waiver is the realigned driveway will have a similar footprint to the existing driveway, and it is not anticipated to cause a significant increase in water runoff.

Staff will be available at the September 24th Council meeting to answer any questions.

Wakefield Sawmill Interpretive Site Site Plan



- 1) Call Before you Dig for Underground Utilities. 811
 - 2) All work shall be performed in a workman like manner conforming to industry standards.
 - 3) Any changes to plans shall be approved by Engineer prior to construction.
 - 4) All work shall conform to Town of Andoverbridge Code and Conditions of the Permit.
 - 5) Owner shall be responsible for observation.
 - 6) Roadway and Parking sections shall be 2" Asphalt Milling on 4" C&G Class 4-56C.
 - 7) All fill shall be compacted to at least 90% Standard Proctor.
 - 8) All Gravel shall be No. 57, 3/4" depth, capped w/ 2" Top Soil and having good mixture per 10A plans.
 - 9) All Retention and parking areas shall be covered to an 8" 50% for Slope-steps.
- | | |
|---------------------|--------------|
| Project Name: _____ | |
| Scale: _____ | Sheet: _____ |
| Date: _____ | |

MEMORANDUM

TO: Town Council

FROM: Mark Truckey, Assistant Director of Community Development
Brian Waldes, Financial Services Manager

SUBJECT: Administrative Rules for the Disposable Bag Fee

DATE: November 5, 2013 for November 12 Council Meeting

Section 2 of the Disposable Bag Fee ordinance authorizes the Financial Services Manager to adopt administrative rules for the fee. Now that the fee has been in place for several weeks, staff has had the opportunity to make a number of interpretations of the ordinance and we feel that further clarification of the ordinance through administrative rules is necessary. Attached is a copy of the proposed administrative rules and regulations. Key provisions in the proposed rules include:

- Members of the Community Development and Police departments are authorized to assist the Financial Services Manager in enforcement and administration of the Fee.
- Clarification is provided regarding the documentation required for Retail Stores that opt to use 2.25 or thicker mil plastic bags.
- Clarification is provided that all paper bags, with limited exceptions, are subject to the Fee.
- Clarification is provided that Retail Stores may not pay the fee for the customer or otherwise refund the fee to a customer.
- The rules further define “bags used for loose small retail items”, which are exempted from the fee, as being a paper or plastic bag 60 square inches (6”x10”) or less in size. Staff is having to make numerous interpretations of this exemption provision and it is frankly difficult to interpret. We feel exempting a certain size bag will be the most straight-forward way to administer this exemption and that the size proposed would be in keeping with the intent of the ordinance exemption.

We have also had several calls from the marijuana dispensaries questioning if the fee applies to them. Specifically, dispensary representatives have pointed to the exemption for “bags provided by pharmacists to contain prescription drugs” as being applicable to medical marijuana. The Town Attorney has noted that medical marijuana is not a prescription drug and thus the exemption does not apply. The dispensaries have also noted that the state law requires them to bag the marijuana they sell. However, the Town Attorney has only found requirements in the state law for a container for the marijuana, not an actual bag. Bags are being used by all the dispensaries because it is the most expeditious manner to hold a number of different marijuana containers and to attach state-required labeling, but they do not appear to be required per state law. Thus we have not proposed an exemption.

Staff is authorized to adopt the administrative rules after sharing the rules with the Town Council. We welcome any questions or comments the Council may have on these rules.

1 ***DRAFT November 12, 2013 DRAFT***

2
3 ADMINISTRATIVE RULES AND REGULATIONS CONCERNING TOWN OF
4 BRECKENRIDGE “DISPOSABLE BAG FEE ORDINANCE”
5

- 6 1. **Effective Date.** These regulations are effective November 27, 2013.
7
- 8 2. **Authority.** These regulations are issued by the Financial Services Manager of the Town of
9 Breckenridge pursuant to the authority granted by Section 5-12-9(F) of the Breckenridge
10 Town Code.
11
- 12 3. **Adoption Procedures.** The procedures set forth in Chapter 18 of Title 1 of the Breckenridge
13 Town Code were followed in connection with the issuance of these regulations. Notice of the
14 adoption of these regulations was given in accordance with the requirements set forth in
15 Section 1-18-3 of the Breckenridge Town Code.
16
- 17 4. **Conflict With Disposable Bag Fee Business Ordinance.** These regulations do not amend
18 the Town’s “Disposable Bag Fee Ordinance¹”. If there is an irreconcilable conflict between
19 these regulations and the Disposable Bag Fee Ordinance, the ordinance controls.
20
- 21 5. **Definitions.** All terms used in these regulations that are defined in the Disposable Bag Fee
22 Ordinance have the meanings provided in the ordinance.
23
- 24 6. **Department of Community Development and Police Department To Assist With**
25 **Enforcement of Disposable Bag Fee Business Ordinance.** The Financial Services Manager
26 has requested the assistance of the appropriate employees of the Town’s Department of
27 Community Development and Police Department with respect to the enforcement of the
28 Disposable Bag Fee Ordinance. Any member of the Town’s Department of Community
29 Development or Police Department is authorized to provide assistance to the Financial
30 Services Manager, and when doing so shall be a “designee” of the Financial Services
31 Manager within the meaning of the definition of “Financial Services Manager” found in
32 Section 5-12-6 of the Disposable Bag Fee Ordinance.
33
- 34 7. **Evidence Required To Support Determination of Classification as a “Reusable Bag.”**
35 The definition of a “Reusable Bag” in Section 5-12-6 of the Disposable Bag Fee Ordinance
36 includes a plastic bag that is at least 2.25 mils thick. To support a determination that a
37 particular plastic bag meets the thickness requirement of the definition a Retail Store must
38 provide acceptable evidence to the Town in the form of a verifiable order form for the
39 particular bag, together with a written confirmation from the bag manufacturer that the bag is
40 at least 2.25 mils thick. If deemed necessary, the Financial Services Manager or their
41 designee may independently inspect bags at Retail Stores to verify their mil thickness. If the
42 Retail Store changes to a plastic bag with a thickness less than 2.25 mils or to a paper bag
43 (except as exempted in Section 8 below) the Retail Store must begin collecting the

¹ Chapter 12 of Title 5 of the Breckenridge Town Code

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Disposable Bag Fee at the time it begins to use the new bag.

- 8. **Fee Applies to All Paper Bags Unless Exempted.** The Disposable Bag Fee provided for in Section 5-12-7 applies to all paper bags provided to a customer, unless specifically exempted by Section 5-12-11 of the Disposable Bag Fee Ordinance and as further defined in Section 10 below.
- 9. **Unlawful for Retail Store To Absorb Disposable Bag Fee.** Section 5-12-8(B) of the Disposable Bag Fee Ordinance provides that a Retail Store shall not refund to the customer any part of the Disposable Bag Fee, either directly or indirectly, and Section 5-12-8(C) of the ordinance prohibits a Retail Store from exempting any customer from any part of the Disposable Bag Fees for any reason except those exemptions specifically provided in Section 5-12-11 of the Disposable Bag Fee Ordinance. The Financial Services Manager interprets these two sections as making it unlawful for any Retail Store to advertise, hold out, or to state to the public or to any consumer, directly or indirectly, that the Disposable Bag Fee will be assumed or absorbed by the Retail Store, or refunded to the consumer.
- 10. **“Small Bag” Exemption.** Section 5-12-1(F) exempts from the Disposable Bag Fee “bags used for loose small retail items,” but does not specify the size of a bag that is covered by the exemption. Without a specific bag size this definition is very difficult to interpret and enforce. The general intent and focus of the Disposable Bag Fee ordinance was to reduce the use of larger bags more commonly distributed by Retail Stores. Therefore, Exemption F of Section 5-12-11 is interpreted to exempt all plastic and paper bags 60 square inches in size or less.

Dated: [Redacted], 2013

Brian Waldes, Financial Services Manager
Town of Breckenridge, Colorado

TOWN OF BRECKENRIDGE

*PLANNING COMMISSION AND TOWN COUNCIL
JOINT MEETING AGENDA*

Tuesday, November 12, 2013

Introductions

Condo-Hotel Definition, Requirements and Density Bonuses

Attainable Housing positive points for Annexations (memo attached)

Town Project Process

2014 Top Ten List (attached)

Questions

Adjourn



MEMORANDUM

TO: Town Council

FROM: Julia Puester, AICP, Senior Planner

DATE: November 6, 2013 for meeting of November 12, 2013

SUBJECT: Joint Planning Commission/Town Council Worksession

The purpose of this memo is to provide some background for the Town Council on Joint Planning Commission/Town Council meeting agenda topics. These topics include Condo-hotels and positive points for attainable housing with regard to annexed properties. This memo is intended to help prepare for the joint meeting.

Condo-Hotels

A Planning Commission Retreat was held October 25 which included site visits to condo-hotels. The Planning Commission has been discussing is the differences between how large condo-hotels operate versus small condo-hotels.

Definitions:

The Development Code definition of condo-hotels include requirements that are outdated and are no longer applicable to many smaller condo-hotel developments such as a twenty four (24) hour front desk check in operation, a central phone system to individual rental units, meeting rooms or recreation and leisure amenities, and food services.

The Commission has been discussing having different definitions for large and small condo-hotels. Many small condo-hotels (eg. Tyra Streamside, Trails End) no longer utilize a front desk due to third party property management companies or online booking. Similarly, a central phone system and food services in small condo-hotels do not function in most cases. On the other hand, large condo-hotels (eg. One Ski Hill Place, Beaver Run) require more amenities including a 24 hour desk, meeting room facilities, food services, etc.

- Should there be different definitions for small and large condo-hotels?
- Do we want to require the amenities at smaller condo-hotels?

Density and "Hot Beds":

Condo-hotels developments were incentivized in the Development Code to allow for “hot beds” rather than straight condominiums. One of these incentives is that the density multiplier is higher for condo-hotels than for condominiums. This allows for a larger condo-hotel unit in comparison. Secondly, Policy 24R allows for up to six positive points (+6) for developments which provide more than the required amenity square footage, up to a 200% bonus which does not count toward density or mass.

- Should the multiplier be the same for small and large condo-hotels?
- 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?

Existing Condo-hotel Unused Space:

There are some older small condo-hotel developments which have vacated their spaces which were designed and required to be 24 hours desks and meeting facilities as they were no longer functional. Planning staff has been approached regarding these unused spaces and whether the Town would consider modifying the code to allow these spaces to be converted into residential units. The Commission saw a few examples of these spaces on their retreat. Some of the Commission voiced the potential of allowing older vacated amenity space, which clearly cannot be used for its intended purpose, to be converted to deed-restricted employee housing.

- Should older small condo-hotels which have vacated their previously required amenity space to be converted to other uses (eg. Deed restricted employee housing)?

Attainable Housing Points for Annexed Properties

Both the Council and the Planning Commission have expressed interest in discussing the process to clarify the roles and responsibilities of the Planning Commission and the Town Council, and to clarify and understand concerns with point allocation for attainable housing projects on annexed properties. A memo from Laurie Best, Long Range Planner, is attached which provides some background on the Town’s housing policies and outlines issues to be discussed. This memo was presented to the Planning Commission at their November 5 worksession.

The goal of this memo is to provide the Council with some background on discussions had by the Planning Commission in preparation for the joint worksession, and to obtain some general direction on how to proceed with these issues.



MEMORANDUM

TO: Town Council

FROM: Laurie Best-Community Development Department

DATE: November 6, 2013 for meeting of November 12, 2013

SUBJECT: Joint Planning Commission/Town Council Worksession: Housing/Annexation Policies

The purpose of this memo is to provide the Town Council with the same background information regarding affordable housing policies and procedures as the Planning Commission received at their November 5 worksession. The purpose of the Planning Commission worksession was to solicit input from the Commission regarding points under Policy 24R with regard to annexed properties in preparation of the joint meeting.

Strategies

The policies that have been adopted by the Town to guide development of affordable housing are outlined in the Affordable Housing Strategy. The Strategy was adopted in May of 2000 and the key recommendations were:

- Land Banking
- Employer Programs
- Down Payment Assistance and Mortgage Assistance
- Dedicated Housing Fund
- Density Waivers
- Annexation Policies
- Buy Downs
- Preservation and Replacement in Redevelopment Activities

With the exception of a preservation/replacement program, which has not been implemented, the Town has used all of the strategies to significantly add affordable units in the community. When the Strategy was adopted in 2000 there were about 220 affordable housing units in the Upper Blue Basin, but most had very loose, if any, occupancy standards and no assurance of long term affordability. Today there are approximately 868 units built or under construction in the Upper Blue Basin and several sites have been acquired for additional units. Since 2000 only 11 units dispersed throughout the community have been added as a direct result of Town exactions in the development review process

(Policy 24R). The majority of the units have been developed as a result of annexation policies (Wellington Neighborhood, Vista Point, Gibson Heights, Vic's Landing), out of Town water service policies (Monarch Townhomes, Farmers Grove), and Town projects (Pinewood Village Apartments, Valley Brook Neighborhood). Each project is negotiated based on a variety of issues that impact the cost of the project and the financial feasibility of the project. Even with incentives that include fee waivers, land donations, and density, the gap per deed restricted unit, which is the difference in the cost to build and the revenue, is estimated in the \$40,000-\$50,000 range, and up to \$75,000 for lower income households (80%). The Town's annexation policies have been very effective because they enable a developer to offset the cost of the affordable units with the proceeds from market units. The annexation policy suggests an 80/20 split of deed restricted to market units, but the Council has been flexible, particularly if a project includes lower price points for lower income households. The most recent examples include Vic's Landing with a 65/35 split and Maggie Placer with a 50/50 split.

Needs Assessment

Despite these accomplishments, the recently completed Housing Needs Assessment forecasts that over the next 5 years the need for additional housing will be greater in the Upper Blue Basin than in any other Summit County basin. The projected 5-year Countywide need is between 1,035 and 1,785 additional units, of which 375 to 650 will be needed in the Upper Blue. Note that the range is due to different job growth projections with the higher estimate based on the State Demographers estimate of job growth and the lower estimate based on much slower job growth. In either case, it is important to note that contrary to previous needs assessments, the bulk of the future need will not be based on new jobs. Instead, over the next 5 years the demand will be driven more by retiring workers who sell their market unit and by an increase in out of Town buyers, seasonal residents, and seniors. Only a relatively small percent of the demand is expected to be associated with new jobs. Approximately 45% of the future need is ownership units priced below 120% AMI and 65% of the future need is rental units affordable at 80% and below. A chart is included in your packets to show existing inventory and anticipated projects that may help close some of the gap.

Policy 24R

Both the Council and the Planning Commission have expressed interest in discussing how Policy 24R should be applied to future affordable housing projects. In the past annexations and Town projects have been eligible for points pursuant to Policy 24R, but some concerns have been raised about compromised design so Staff has included this topic on the upcoming joint worksession. We look forward to your feedback regarding:

- Should any positive points under Policy 24R be available in cases of annexations where the Town Council is requiring the affordable housing, as a public benefit, in return for annexation?
- If positive points are allowed under Policy 24R should the maximum of 10 points be allowed only for projects that address the 100% AMI at an 80/20 split with a sliding scale for lower AMI or a different ratio? (ie Maggie Placer)

The goal of the Town is to provide reasonable incentives (and/or subsidies) to achieve financially feasible projects that meet the Town's expectations for quality, affordability, amenities, energy efficiency, and marketability. Each project and each negotiation is unique as costs and needs change over time. The following chart illustrates how positive points have been important to the projects. Note that the chart does not show all of the positive and

negative points assigned to each project, but gives an overview of the Policy 24R points and the most significant negative points assigned to each project.

Project	24 R points	Ratio	AMI	Negative Points	Final
<u>Wellington 2</u>	<u>+10</u>	<u>80/20</u>	<u>Average 100%</u>	<u>-9-Setbacks</u>	<u>+4</u>
<u>Vic's Landing</u>	<u>+10</u>	<u>65/35</u>	<u>Average 85%</u>	<u>-4 Buffers</u>	<u>+10</u>
<u>Stan Miller</u>	<u>+10</u>	<u>65/35</u>	<u>Average 117%</u>	<u>-9 Setbacks</u>	<u>+5</u>
<u>Maggie Placer</u>	<u>+6</u>	<u>50/50</u>	<u>Average 95%</u>	<u>-4 Buffers</u>	<u>+4</u>
<u>Valley Brook</u>	<u>+10</u>	<u>100%</u>	<u>Average 89%</u>	<u>-12 Material, Grading, Wall</u>	<u>+9</u>

- In cases of annexations, should the 80/20 split be applied to the square footage of deed restricted and market units as well as the unit count?
To date the annexations have been reviewed based on the unit count, but staff does support a change to the policies under which the 80/20 split would be applied to the square footage as well.

Property	Avg AMI	pre-1999	2000 Units	2001 Units	2002 Units	2003 Units	2004 Units	2005 Units	2006 Units	2007 Units	2008 Units	2009 Units	2010 Units	2011 Units	2012 Units	2013 Units	Total Existing Units	Future Units	Total Units
Dispersed in Upper Blue	None	99	2	6		1	1					1				-2	108		108
Buy downs sold											1				1		2		2
Wellington 1	99%		14	20	17	15	17	8	7								98		98
Wellington 2	110%								11	18	14	5	4	7	3	5	67	61	128
Gibson Heights	71%			1	34	5											40		40
Vista Point	113%				8	5	5										18		18
Kenington Place	None	36															36		36
Farmers Grove	None				2	4	7	2									15		15
Monarch Townhomes	90%		3	4		1	4	1									13		13
Breck Terrace	90%		20		11	5			15		4		46				101	79	180
Pinewood Village	83%			74													74		74
Vic Landing	86%										16	6	2				24		24
Valley Brook	80%-105%													32	9		41		41
Annual New DR Units			39	105	72	36	34	11	33	18	35	12	52	39	13	3			
Annual New DR w/o Breck Terrace			19	105	61	31	34	11	18	18	31	12	6	39	13	3			
Dispersed Units in unincorporated Summit County															92		92		91
TOTAL DR UNITS		135	174	279	351	387	421	432	465	483	518	530	582	621	726	729	729	140	868

note:includes all 180 Breck Terrace Units

		Additional Demand thru 2018	375-650*
Maggie Placer	80-100%		9
Stan Miller	117%		100
Pence Miller	TBD		81
Block 11	TBD		180-350
City Market Redev.?	TBD		10
TOTAL UNITS (existing inventory and 375-650 additional units)			1243-1518**

*2013 Needs Assessment Demand is 375-650 (45% ownership/65% rental)

with currently planned/anticipated developments the Town may be up to 200 units short of meeting all of the projected demand

**deed restricted units at buildout previously estimated at 1651



MEMORANDUM

TO: Town Council

FROM: Julia Puester, AICP, Senior Planner

DATE: November 6, 2013 for meeting of November 12, 2013

SUBJECT: Joint Planning Commission/Town Council Worksession: Top Ten List

The Planning Commission and Staff recommend the following priority items for the 2014 Top Ten list (in no particular order).

Top Ten Priorities

1. Planning Classification Class A-D modifications
2. Condo Hotels Update (Amenity Bonus, Check-In Desks, Shuttles)
3. Mass Policy: Airlock Entries and other mass consuming energy conservation features
4. Employee housing annexation positive point allocations
5. Temporary Structures
6. Transition Standards Near Carter Park
7. Wildlife Policy
8. Public Art (off site improvements)
9. Wireless Communication Towers/Antennas
10. Parking: Residential parking in garages (positive points)

We welcome any questions or comments the Council may have on the Top Ten list.