



TOWN OF  
**BRECKENRIDGE**

**Town Council Work Session**

Tuesday, January 24, 2023, 3:00 PM

Town Hall Council Chambers

150 Ski Hill Road

Breckenridge, Colorado

THE TOWN OF BRECKENRIDGE IS HOLDING HYBRID MEETINGS. This meeting will be held in person at Breckenridge Town Hall and will also be broadcast live over Zoom. Log-in information is available in the calendar section of our website:

[www.townofbreckenridge.com](http://www.townofbreckenridge.com). If you will need special assistance to attend any of the Town's public meetings, please notify the Town Clerk's Office at (970) 547-3127, at least 72 hours in advance of the meeting.

**I. CAPACITY ANALYSIS STUDY (3:00-3:45pm)**

Capacity Analysis Study

**II. PLANNING COMMISSION DECISIONS (3:45-3:50pm)**

Planning Commission Decisions

**III. LEGISLATIVE REVIEW (3:50-4:10pm)**

Alcohol Takeout and Delivery Permit Required (Second Reading)

Stillson Land Use Guidelines Amendment (First Reading)

Municipal Prosecutor Agreement (Resolution)

**IV. MANAGERS REPORT (4:10-4:30pm)**

Public Projects Update

Mobility Update

Sustainability Plan Update

Housing and Childcare Update

Committee Reports

Financials

**V. PLANNING MATTERS (4:30-5:15pm)**

Amendments to Policy 3A (Density) and 9-1-12 (Non-Conformities)

Dark Sky

TDR Pricing Methodology

**VI. OTHER (5:15-5:30pm)**

Liquor, Marijuana and Tobacco Licensing Authority Interviews



# Memo

To: Breckenridge Town Council  
From: Julia Puester, AICP, Assistant Community Development Director  
Date: 1/18/2023 for meeting of 1/24/23  
Subject: Capacity Analysis Work Session

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In 2022, the Town Council voiced concerns that Town seemed more congested and that we were experiencing more impacts to Town infrastructure. To address this, the Council directed staff to engage a study to determine if it was a perception or reality that Town was experiencing an increase in congestion and crowding in Town. The Town hired RRC Associates to answer the following questions:

1. Is Town seeing a significant increase in the number of people in the area over the past 5 years?
2. If so, what is the makeup and share of residents, commuters, and visitors contributing to this increase?
3. What does the data tell us regarding future projections of these trends? Which metrics are most useful for the Town to monitor and track year-over-year to better understand changes in visitation and growth over time?

RRC presented preliminary data at the September 2022 Council Retreat which has been refined since that time. In addition to the study attached, RRC will present a dashboard of the primary indicators at the work session.

Although many data sources were explored, some were not utilized if data points were not readily available, found to be irrelevant, unreliable, or inconsistently collected. The primary indicators found to provide the most relevant available data to date and therefore used in the study include:

1. Mobile location data (cell phone data)
2. Traffic counts
3. Trail user counts
4. Sales tax collection
5. Lodging room nights and Average Daily Rate
6. School enrollment numbers

Data not used such as parking counts and transit are believed to be important for future monitoring however, had been inconsistent in collection (e.g. transit routes eliminated during covid, parking counted inconsistently). Staff is working on plans to methodically collect these data points going forward and a placeholder has been included in the dashboard.

## Summary

The study points to an increase in visitation, not local residents, most recently from 2019 to 2021. The Highway 9/Tiger Road traffic counter and mobile location data showed an increase in visitor numbers. Sales tax, specifically related to short-term rentals, increased dramatically and in turn, sales tax overall increased. Trail usage was up and winter of 2021/2022 witnessed the highest average daily lodging room nights to date. While 2021 does appear to be the busiest we have seen, it may be an outlier that succumbed to pent

up demand for travel due to COVID impacts. In comparison, 2022 saw lower numbers in some indicators and the Town may be returning to lower levels of visitation.

RRC and staff look forward to the Town Council's discussion and questions at the work session.

# Town of Breckenridge 2022 Capacity Analysis



**PREPARED BY:**  
**RRC Associates**

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**PREPARED FOR:**  
Town of Breckenridge, CO



**TOWN OF  
BRECKENRIDGE**

## Executive Summary

The Town of Breckenridge 2022 Capacity Analysis uses a variety of data sources, both internal and external to the Town, to assess trends of use by and volume of different types of people in the area over time. The primary reasons for this study were to identify

- a) Whether the perception of increased crowding and congestion is a reality, and if so,
- b) If such increases are attributable to specific user groups (i.e., visitors vs. locals) and,
- c) To what extent these patterns can be analyzed and monitored.

At present, the analysis of all relevant data sources results in a variety of noteworthy trends. Sales tax collections are reaching all-time highs for Breckenridge in 2021 and 2022, despite the fear of a lack of spending due to COVID-19 and uncertain economic conditions. However, school enrollment and population statistics for Breckenridge show no or very modest increases. The traffic count data collected by CDOT along Highway 9 provides some of the most granular data available for monitoring overall congestion of vehicles. Calendar year 2021 saw extremely high numbers of vehicles on Highway 9, while summer 2022 has been down moderately from peaks seen last year. Overall, traffic counts are elevated when compared to prior years.

When taken together, all the best available data point to a very busy past few years in Breckenridge – especially 2021. While 2021 does seem to be somewhat of an anomaly, with a strong ‘over-correction’ from major travel and recreation disruptions in 2020, the area has most certainly seen an increasing trend when it comes to volume of use the past 5 years, with the outdoor recreation areas impacted most significantly.

The research team worked both with the Town and through its own external data review to identify the most relevant datasets for this project. While many datasets provided useful insight into the research questions at hand, they varied in granularity, regularity, and quality. Some, such as school enrollment data, may be useful to check in on periodically, but do not require regular monitoring. Others, such as parking data, could prove incredibly useful, but the current available data would require considerable cleaning and work to derive meaningful, reliable conclusions – and thus do not lend themselves readily to the goals and scope of this project.

As such, the highest priority datasets recommended for regular continual monitoring are:

- Traffic (vehicle) counts
- Trail user counts
- Sales tax collections
- Lodging room nights
- Mobile device geolocation data

- Parking counts (when consistently available)

While identifying the user groups to whom increased use is attributable may not change the outlook of the future, a better understanding of these trends does enable more accurate monitoring and management approaches. The present analysis does not indicate that changes in habits and/or volume of the local and regional Breckenridge population are a primary cause of increased crowding and congestion in the area. Rather, the Denver Front Range, commuters, and destination visitors all play a strong role. There is high demand for Breckenridge from outside the local area, both for employment and simply to enjoy all the area has to offer.

## Introduction

In recent years, Breckenridge, like many other popular resort destinations, has faced emerging and increasing concerns related to crowding, congestion, and the competing balance between destination marketing and destination management. The Town (led by the Breckenridge Tourism Office) conducted Resident Sentiment Surveys in 2017, 2019, and 2021 addressing these topics.



Results from these surveys have continually indicated that Breckenridge's residents, second homeowners, and business owners value the benefits that tourism brings to the community but seek to manage and reduce the negative impacts. Tourism is necessary for Breckenridge to survive, but it is important to also manage. While there are strong opinions on both ends of the spectrum, results have been consistent over time, even during the COVID-19 pandemic.

While resident sentiment toward tourism has remained consistent over time, the pressure of these concerns is mounting as the travel and tourism industry recovers and expands. Outdoor recreation travel, particularly in the Western U.S., exploded in 2021. Many destinations have received unprecedented pressure on infrastructure while also experiencing a significant shortage of workforce, especially in the hospitality and tourism industries. Understanding how visitation and movement patterns of people to and within the Breckenridge area have changed is critical when it comes to keeping a pulse on management of both local tourism and, where possible, long-range regional planning.

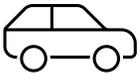
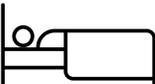
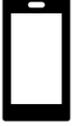
In Spring of 2022, the Town of Breckenridge contracted RRC, a market research and social science firm, to build an internal facing data dashboard and accompanying analysis that address the capacity and use of residents and visitors into and out of Breckenridge. The purpose of this analysis was to address the following research questions:

- 1) Is Breckenridge seeing a significant increase in the number of people in the area over the past 5+ years?
- 2) If so, what is the makeup and share of residents, commuters, and visitors contributing to this increase?
- 3) What does the best available data tell us regarding future projections of these trends? Which metrics are most useful for the Town to monitor and track year-over-year to better understand changes in visitation and growth over time?

## Data Sources

To answer the primary research questions, the research team both worked with the Town and utilized its own expertise to identify the most relevant datasets. Based on preliminary discussion and analysis, the team included the following datasets in the study.

### Primary Datasets

- 1) **Traffic Counts**. Highway 9 at Tiger Road is the only continuous traffic counter in Breckenridge. However, a temporary counter was placed at Main Street and Boreas Pass. This new counter allowed some additional monitoring, but longer-term tracking is necessary. 
- 2) **Trail User Counts**. Accurate, nearly complete counts are available for four primary trails in the Breckenridge area, providing 10 years of summer use data. The trail counter data show that outdoor recreation has been a major contributor to tourism growth in 2019-2022. 
- 3) **Sales Tax Collections**. Municipal sales tax collections are a key metric to understanding activity in Breckenridge. While they do not always correlate directly with visitation, they are a closely tracked and reliable data source that helps describe changes and growth in the local economy. 
- 4) **School Enrollment Numbers**. The Summit County School enrollment dataset was utilized to understand to what extent the population of school-aged children fluctuated over time. 
- 5) **Lodging Room Nights**. Lodging room nights help understand how long non-resident users are spending in the area. This metric is most helpful for helping to segment out to what extent changes in other metrics are attributable to day visitors versus overnight visitors. 
- 6) **Mobile location data (Cell phone data)**. Mobile location data collected passively through cell phone devices help tell a complete story of origins within town (e.g., local vs. visitors) and travel patterns through town over time. 

These data sources, all of which except mobile location data are collected by the Town, CDOT, and Summit County, are recommended as the key metrics at this time to inform the conclusions of this study. Other data sources are important to consider long-term (especially parking), but these data sources rose to the top of the list during the present analysis due to the following characteristics:

- 1) Current ease of access,
- 2) Consistency in long-term collection methods,
- 3) Relevancy to explaining current capacity of visitors and locals,
- 4) Long-term data reliability, and
- 5) Relevance to the questions most critical to the Town.

### Description of Mobile Location Data

While not collected by the town or readily publicly available, mobile location data provides unparalleled insight into visitor movement and patterns and is the sixth key metric informing the conclusions of this



**MOVEMENT**<sub>by RRC</sub>  
Mobile Data Consulting

study. The research team employed RRC's *Movement* mobility data analysis process to vet and understand the trends and patterns that are not accessible via any other metrics.

For this project, the research team used the entire Town of Breckenridge boundary along with a buffer to include the ski resort in the metrics included. With this boundary, devices will be sampled if they enter the boundary of Breckenridge, no matter where they stay. Therefore, locals, commuters, and visitors alike are captured based on the device activity in the town and immediate surrounding area. A variety of cleaning procedures are used to further validate the data and eliminate any possible issues of inaccurate data.

Mobile location data refers to passively collected information from cellular devices. This data comes in the form of "pings" which are essentially individual cases or "breadcrumbs" that involve three key data points:

- 1) A randomly assigned and anonymous device ID.
- 2) The precise location of that device (latitude and longitude).
- 3) The exact date and time the device was observed at that location.

A variety of information can be gleaned from these pings, akin to GPS data but with much more depth and in greater sample sizes. For instance, the following metrics can be generated:

- 1) Device movement patterns in a study area.
- 2) Dwell time in an area (length of time spent in specified location).
- 3) Geographic origin (i.e., home) of users.
  - a. Inferred from the device's common location in the evenings for 3+ months at a time.
  - b. Allows for metrics to be split among locals/non-locals; instate/out-of-state, etc.
  - c. Allows overlaying origin information with Census and other geographic data.

- 4) Temporal patterns by time of day, day of week, month (e.g., highest use periods and trends over time).
- 5) Spatial interaction with other onsite geographic data.

### Other Datasets Investigated

The research team investigated the potential usefulness of other data sources for answering the key questions around capacity and use in the Breckenridge area. Other data sources considered, but not ultimately utilized for purposes of this current analysis only. These include:

- 1) **Housing Units.** The team assessed whether building permits or total units would be a strong predictor of capacity in the area. However, housing data is challenging to incorporate due to the various definitions of unit-types, differences in measurements between entities, and the lack of correlation with expected growth. The team believes that local residents are better captured through the mobility data at this time. Over time, there is definite potential in monitoring housing data, but it was deemed less practical for this study as the current trends with available data do not correlate with other resident-related data such as population, school enrollment, or the mobility data. Housing is a major topic of concern in mountain communities, but the varying definitions and classifications make it difficult to extrapolate to some other analyses. For now, we recommend avoiding using housing data to predict local population and instead use other proxies. Housing should be considered as a metric to track in terms of building capacity for employees and residents, but it currently does not correlate with population or volume.
- 2) **U.S. Census.** Census data is used across the U.S. to estimate demographics, population statistics, and various special topics. However, it is irregularly updated, making year-to-year analysis difficult.

While the American Community Survey provides some estimates at a yearly level, the data has been historically challenging to use in mountain communities. The nature of these communities (many commuting workers, high volume of second homes) makes some of the statistics difficult to interpret.

- 3) **Short-term Rentals.** Short-term rentals are a very controversial topic in many resort communities. Breckenridge has kept quite accurate records of short-term rental units, and there is no question that the volume of short-term rentals has been on the rise in recent years.

However, there has also been a concerted effort to ensure permit compliance. A new capacity limit on permits also influenced the number of homeowners who sought a permit, influencing the data and disallowing measurement of true growth vs. rise in permit compliance.

4) **Parking Counts and Free Ride data.** Correlating strongly with traffic counts, parking counts can be an important metric, as the act of parking can be a trigger for many residents to feel aspects of crowding. Not only do parking counts play into infrastructure challenges but also psychologically with residents' day-to-day lives. More real-time and thorough parking information could be particularly powerful if overlaid with other data sources, such as mobile device data. However, current parking and Free Ride data provides only intermittent and spotty coverage and is not incredibly useful in its current form. The challenges related to this data are outlined below:

a. **Parking data:** Currently, parking data is collected sporadically with AM and PM counts at various lots across the Town. While this data is useful in terms of monitoring lot occupancy across time, there are challenges with comparing over time. The current primary challenge is a lack of data to correlate lot usage over a given time. Most lots on peak days will be 100% full on both an AM and PM count, but the counts don't occur on every day and vary from year-to-year. For instance, July of one year may include two Saturdays while the next year may only include one. This makes it difficult to assess whether accurate comparisons over time are being made. A parking accumulation/turnover study is likely necessary to monitor patterns over peak days along with more real-time collection of lot volumes.

b. **FreeRide Data:** The FreeRide data is more apt to monthly comparisons since ridership is captured at a monthly level. The primary challenge with this data is the impact of COVID-19. Using the current data from 2017-2021, the data and routes are consistent from 2017-2019; however, 2020 and 2021 are severely impacted due to the COVID-19 pandemic. In 2020, many routes were cut, ridership significantly decreased, with the same pattern occurring in 2021. Because of the impact of COVID-19 on public transit numbers, the interpretation of the results can be misleading. At first glance, many would assume that visitation decreased significantly, but that is not the case. Instead, the hesitancy to use public transit and decrease in routes running confounds the data for the past two years.

Furthermore, Breckenridge has conducted various marketing efforts to try and encourage more public transit use. While this is a positive step in the right direction long-term, it further confounds the trend of FreeRide data and crowding/congestion. The same number of visitors may be present but more willing to use FreeRide services due to marketing, thus providing a false interpretation of the data. For these reasons, we cannot make a clear assessment of whether FreeRide data is correlated to crowding and congestion but monitoring use is still valuable.

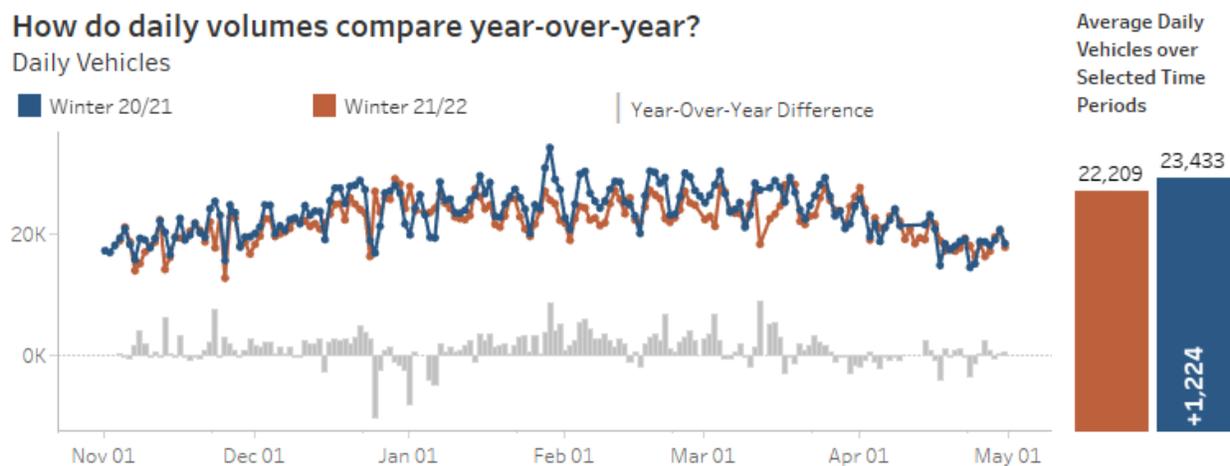
## Analysis and Findings

### Traffic Counts

The traffic counter data for Tiger Road on Highway 9 was used to assess how the total volume of vehicles passing through Breckenridge has changed over the past 5+ years. The primary objective for this data was to assess how traffic volume has changed from pre- through post- COVID-19. As expected, 2020 was an outlier for evaluating various data types. Traffic was one of the most impacted metrics during the pandemic. This is likely due to a variety of factors including residents seeking out new activities outside, regional visitors seeking activities away from large groups of people, and a restriction of travel for a period of time for out of state visitors.

Displayed below are traffic counts from Winter 2020/21 vs. Winter 2021/22. According to the traffic counter collection on Highway 9, Winter 2021/22 was one of the busiest recorded, with Winter 2020/21 not far behind in traffic totals. Overall, both seasons were shown to be higher in average daily vehicles over the season compared to any previous year back to 2017.

**Figure 1: Highway 9 and Tiger Road Traffic Data - Winter 2020/21 vs. Winter 2021/22**

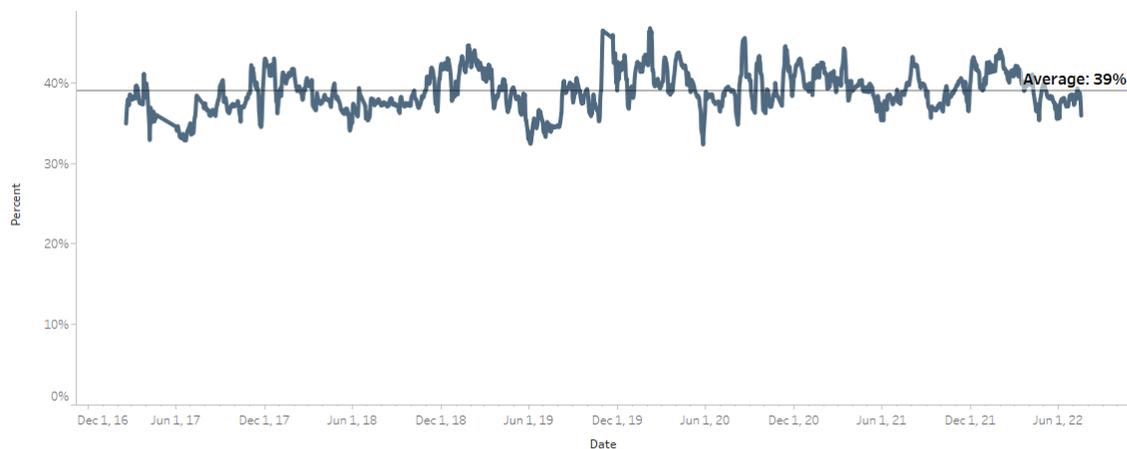


Summer 2022 traffic tells a different story. Compared to 2021, summer 2022 is down overall in terms of vehicle volume. However, average daily traffic is still higher than most previous seasons during the same time period.

**Figure 2: Highway 9 and Tiger Road Traffic Data - Summer 2021 vs. Summer 2022**


To further understand show how Highway 9 serves as a primary travel corridor for locals and visitors, the total counts of daily traffic were collected from CDOT at the I-70 Eisenhower Tunnel and Highway 9 at Tiger Road near Breckenridge. While I-70 is a massive, major travel corridor, it's noteworthy to show that the counts at Highway 9 can be fairly significant as well. On average, the traffic counts on Highway 9 can be nearly 40% of what is seen on I-70. That doesn't necessarily mean that 40% of I-70 travelers are going to Breckenridge, but rather that Highway 9 sees a large volume of traffic even when compared to a large interstate highway.

Additionally, the exits near Frisco rate as some of the most popular of users who are on the I-70 corridor. From a recent study with the I-70 coalition, winter and spring represent the most use in I-70 and 60% of the traffic occurs during peak times (Westbound Friday-Sunday and Eastbound Saturday-Monday). Overall, the I-70 corridor, especially near Frisco, is an incredibly busy area of travel with many visitors turning off to visit various sites near Breckenridge.

**Figure 3: Highway 9 Traffic Volumes as a Percent of I-70 Eisenhower Tunnel Traffic Volumes: 2017-2022**


Sources: CDOT Traffic Counts on Highway 9 at Tiger Road

Overall, traffic data has shown that volume has been significantly up since 2017. Seasonally, variation exists with Winter 2021/22 being one of the busiest on the road. This increase in traffic volume does place some strain on existing infrastructure, no matter the demographic of people using the road. Use does appear to be tapering down slightly as of Summer 2022, but a longer-term monitoring strategy is important. Moving into the future, a counter is being placed also on the southern end of Breckenridge on Highway 9. Historically, the traffic on this part of the highway has been unknown. With the growth in the Colorado Springs, CO area, understanding traffic patterns on this part of the highway is critical for the future.

## Trail User Counts

Trail counter data is displayed below for the summer season. The four primary trails evaluated were: 1) B&B trail, 2) Toad Alley, 3) Sallie Barber, and 4) Shock Hill. These four counters had the most complete data and provide the highest level of insight into long-term trends. Winter data was only available and complete for the B&B and Sallie Barber.

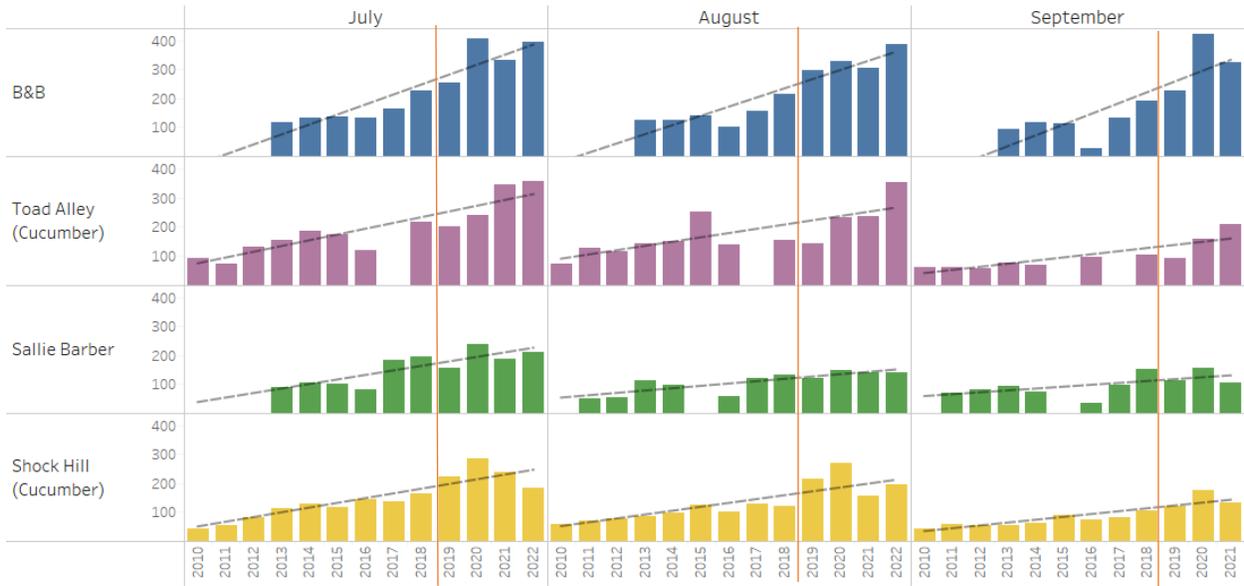
Trail count data over time shows a dramatic increase in the average daily counts since 2010. Since approximately 2016/17, average daily counts have increased year-over-year and at times at a significant level. The B&B and Toad Alley trails have seen some of the more dramatic increases from the peak summer season. For instance, the B&B trail was seeing average counts around ~150 people in July 2013. By 2020, almost 400 people were observed per day, an increase of 166% (Note the B&B trailhead parking lot was expanded in 2019 to accommodate additional users).

During winter, the B&B and Sallie Barber trails both have trail counts active for the past number of years. Similar to summer, both trails have seen increases over time with the B&B trail seeing the steepest jump in counts. Again, this continues to indicate overall growth and is likely a spot where the increases are most obvious since winter trail use used to be quite sparse.

The parking lot expansion at the B&B trailhead in 2019 likely led to more visitors being able to access the site. Increasing parking capacity likely contributed to an increase to trail counts. While expanding parking may be a benefit to most users, trail encounters (e.g., number of other users that people see on the trail) is a major factor to the perception of crowding. Outdoor recreation studies have been tracking encounters for years as it has shown to have an impact on the overall experience. Increases in trail counts have been seen across the board at trails in the Breckenridge area.

**Figure 4: Average Daily Trail Counts (Summer season)**
**Average Daily Trail Counts**

Summer (July - September), Selected Locations

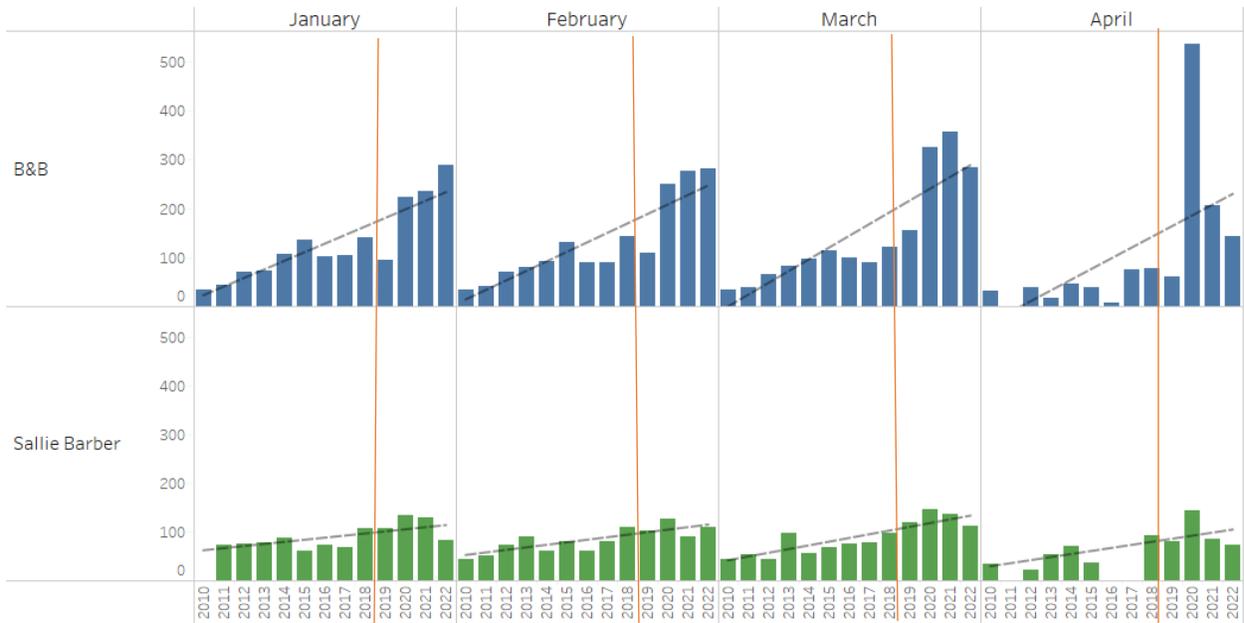


Source: Town of Breckenridge Trail Count Summary

\*Note: Orange vertical line indicates when parking lot expanded on B&B trailhead in 2019

**Figure 5: Winter Trail Counts, B&B and Sallie Barber, 2010-2022**
**Average Daily Trail Counts**

Winter (January - April), Selected Locations



Source: Town of Breckenridge Trail Count Summary

\*Note: Orange vertical line indicates when parking lot expanded on B&B trailhead in 2019

## Sales Tax Collections

Sales tax collections at the community level is displayed below. Contrary to initial thoughts, the COVID-19 pandemic was not as challenging for municipal sales tax figures in some locations as much as others. Breckenridge has seen a substantial increase in sales tax collections in both 2021 and current 2022. In fact, December (2021), January, February, and March of 2022 saw the highest grossing sales tax collections since 2014. An obvious dip occurred in collections during March, April, May of 2020, but the rebound since then has outpaced any other year on record (minus some outliers). This overall boom in collections has fueled discussions about its cause. Using the other available data in our analysis, it seems relatively clear that an increase in visitation after the height of the pandemic has directly led to such an increase.

**Figure 6: Breckenridge Sales Tax Equivalent (2014 – September 2022)**

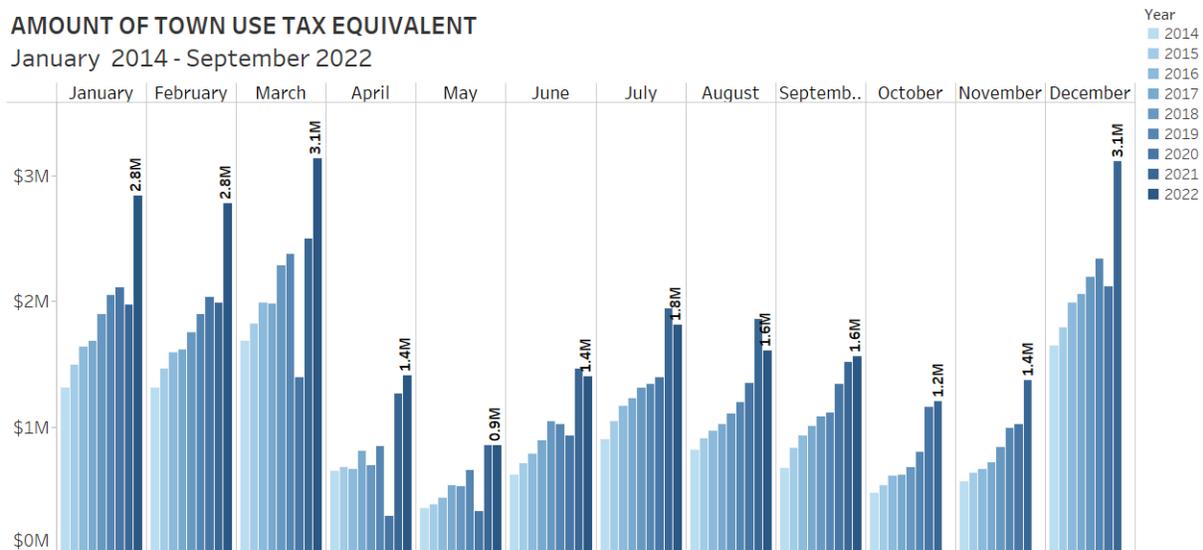
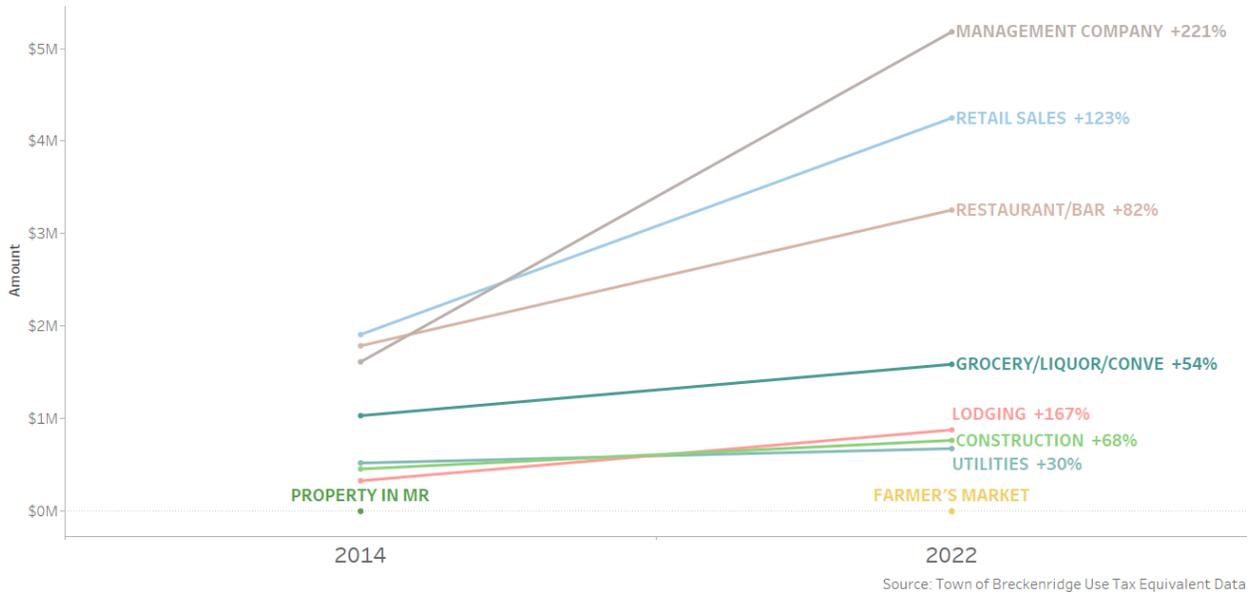


Figure 6 displays the composition of sales tax equivalent in Breckenridge among various business sectors. Measuring from 2014 to 2022, the largest sector growth is property management companies (which includes mostly multi-unit organizations) which at +221% jumping to well over \$4 million in year-to-date funding. Lodging (hotels, bed and breakfasts, lodges) comes in second at +167% with retail sales (+123%) and restaurant/bars (+82%) coming in just behind. Overall, all sectors have significantly increased, well past the point of inflationary effects.

By season, winter sales tax figures tend to be significantly higher than summer season (or shoulder seasons), especially in the past two years. As a seasonal metric, it would be expected that this trend would continue unless the summer season becomes a much larger spending period for visitors. Winter season draws visitors for a longer period of time with most skiing and spending money on various purchases throughout their time in the area. Summer season, while still busy, draws a lower sales tax equivalent. Visitors may be more likely to hike or participate in free activities than during winter, contributing to less overall spending.

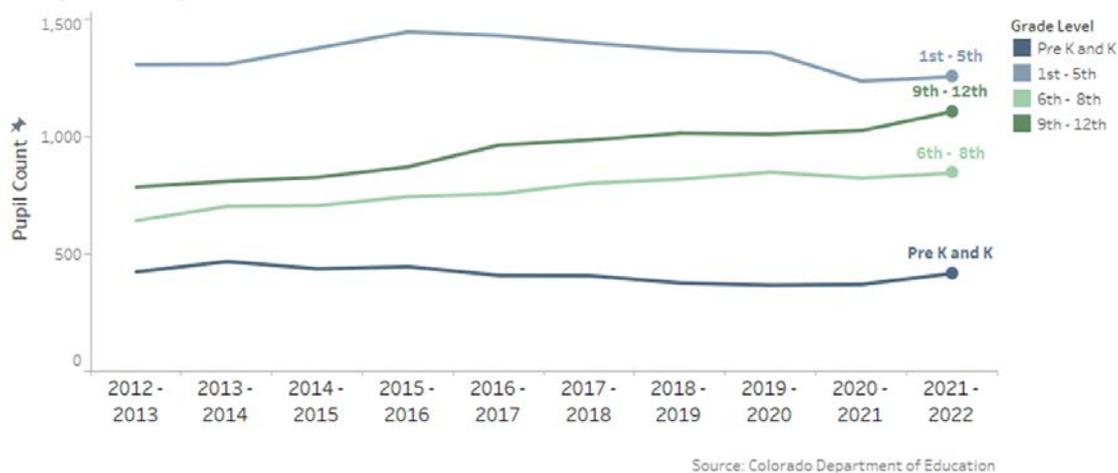
**Figure 7: Amount of Town Use Tax Equivalent - Selected Business Activities**
**AMOUNT OF TOWN USE TAX EQUIVALENT - SELECTED BUSINESS ACTIVITIES**

September 2022 VS 2014



### School Enrollment Data

According to current data from Colorado Department of Education, school enrollment has remained rather consistent over the past 10 years. Some fluctuations exist such as a slight dip in Pre-K and Kindergarten. Furthermore, 1<sup>st</sup>-5<sup>th</sup> has seen some decreases since 2020. However, 9<sup>th</sup>-12<sup>th</sup> has increased slowly at the same time. Therefore, all signs point to stability in terms of a typical resident population in the area. Couple this with Breckenridge's official population totals, the resident base has held quite steady despite a significant shift in cost of living, home prices, and mountain towns overall.

**Figure 8: Summit County School Enrollment - 2012/13 - 2021/22**


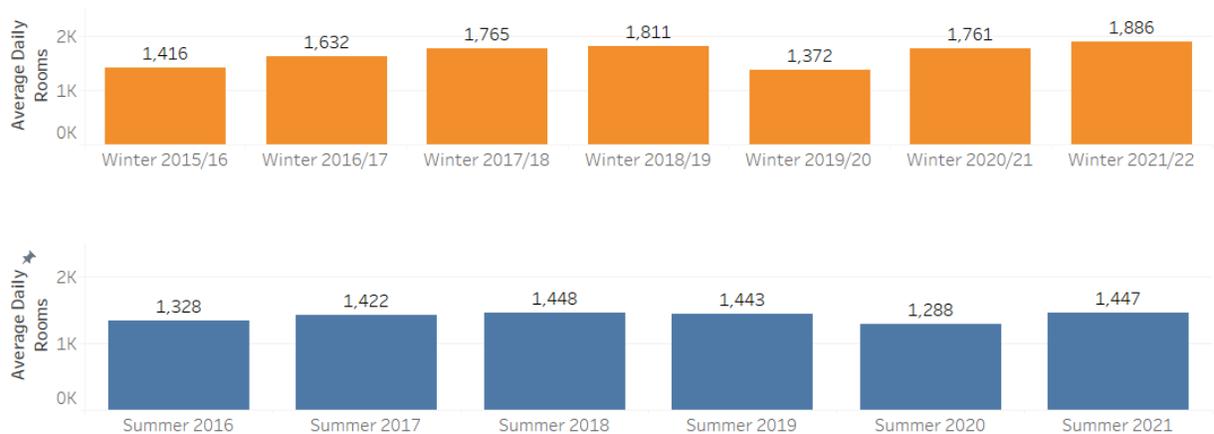
## Lodging Room Nights and ADR

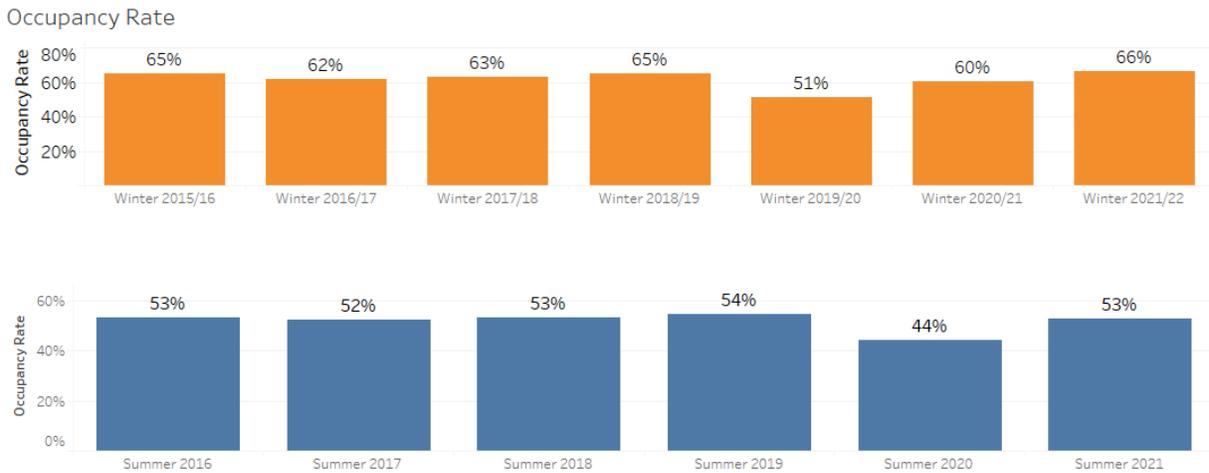
Lodging within the Breckenridge area has remained consistent, with a decrease in 2020 due to COVID. By season, average daily room nights have varied throughout the years. For Winter, from 2015/16 the average daily room nights have increased with the exception of Winter 2019/20 and 2020/21, the rebound from COVID. However, Winter 2021/22 was the strongest season on record. For summer, the average daily room nights have remained much more static with Summer 2016 starting at 1,328 and only increasing to a high of 1,448 in Summer 2018. As of 2021, the average daily room nights have remained consistent at 1,447, suggesting a rebound from COVID, but reliable results.

Overall, room nights have grown over time with the past season (Winter 2021/22) being the largest on the books despite the downturn from COVID in 2020 and early 2021. This metric appears to be important as it directly tracks use of rooms over time and therefore, visitors in Town. Monitoring average room nights over time should be considered a key metric to measure moving forward.

**Figure 9: Breckenridge Average Daily Room Nights, 2015 – Winter 201/22**

### Average Daily Room Nights



**Figure 10: Breckenridge Occupancy Rate Per Season, 2016 – Winter 2021/22**


Average Daily Room Rate (ADR) is displayed in the graph below. ADR has grown over time, while dipping during the peak of the COVID-19 pandemic but rising to a four year high in 2022. As of December of 2021, ADR peaked at \$547 a night with summer growing more modestly to \$263 a in July 2022. Shoulder seasons (April-May and September-November) have not seen as sharp of increases, but ADR in every month in 2022 is significantly higher than 2019 and most of 2021, especially during the winter season.

**Figure 11: Average Daily Breckenridge Room Rate, 2019 - November 2022**

## Town of Breckenridge - Average Daily Room Rate (2019 -2022)



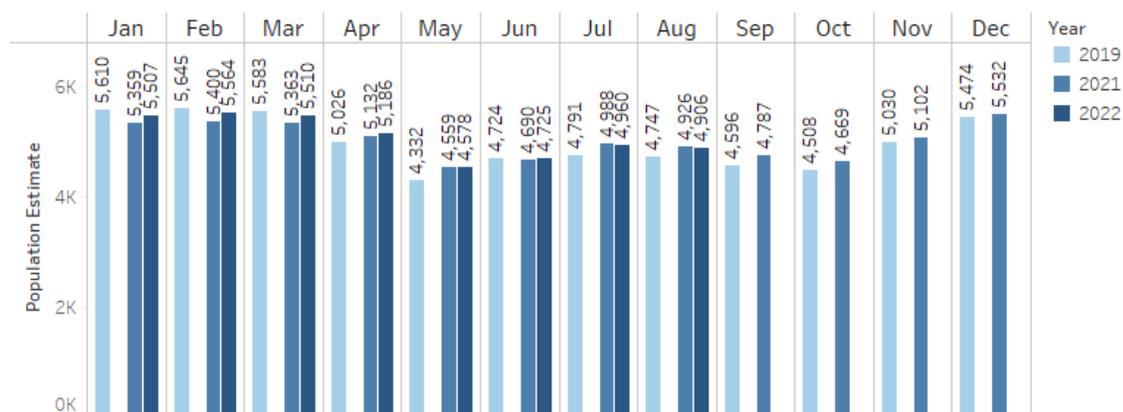
## Mobile Location Data

While mobile location data (cell phone data) provides a wealth of insight into the origins of residents and visitors to Breckenridge, it should not be solely relied upon to estimate total visitation or evaluate year-over-year trends in volumes of visitation. Although the use of smart phones is nearly ubiquitous among the travelling adult public, mobile location data providers have access to different volumes of data at different times. As such, mobile location data represents a sample (albeit a large and diverse sample) and not an accurate indicator of total use.

To estimate total visitation to the Town of Breckenridge, RRC utilized mobile location data to understand the composition of devices observed within Town boundaries. All devices within the Town of Breckenridge are counted and examined in this dataset. The figure below highlights the area used as a geographic boundary for Breckenridge (note: a buffer is required due to GPS error and erroneous data ping cleaning). Of the total devices observed in Breckenridge, we determined what share were local residents, what share commuted into Breckenridge for work, and what share were visitors. We then used American Community Survey (ACS) and Quarterly Census of Employment and Wages (QCEW) data to understand the size of the local population. Together, these three data sets enable us to estimate the total annual visitation to the Town of Breckenridge.

The ACS estimates the Breckenridge resident population for April of each year; however, popular tourist destinations such as Breckenridge experience seasonal fluctuations in population. In order to account for these seasonal shifts, RRC utilized monthly job count data for Summit County from QCEW. Combined, these two datasets provided an estimate of monthly population for the Town of Breckenridge for 2019, 2021, and 2022.

**Figure 12: Estimated monthly population based on ACS and QCEW data, January 2019 – July 2022**

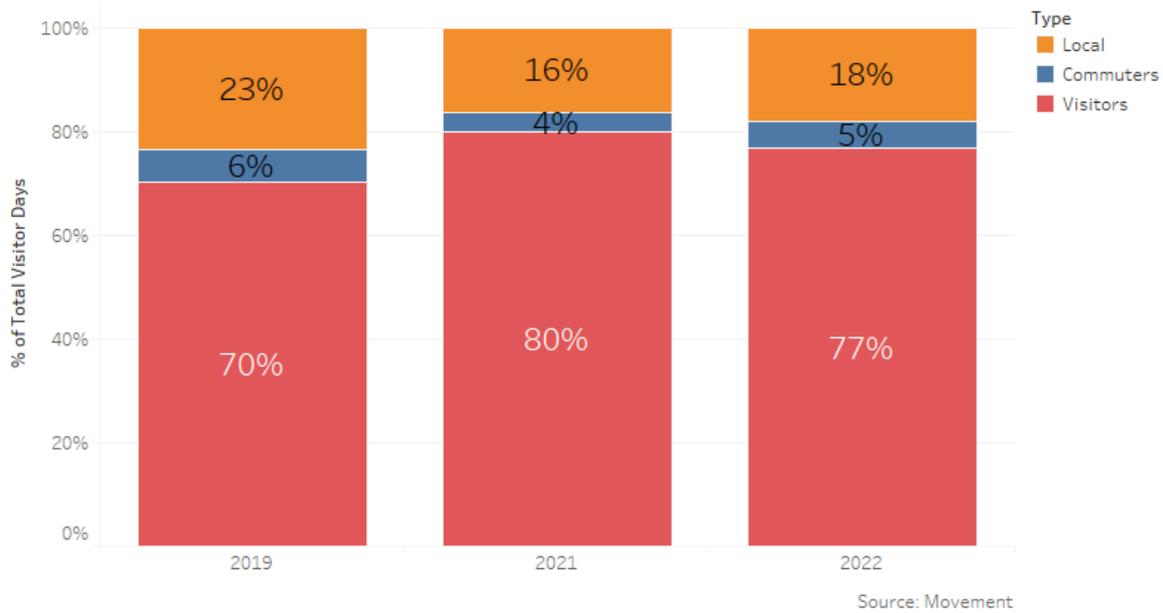
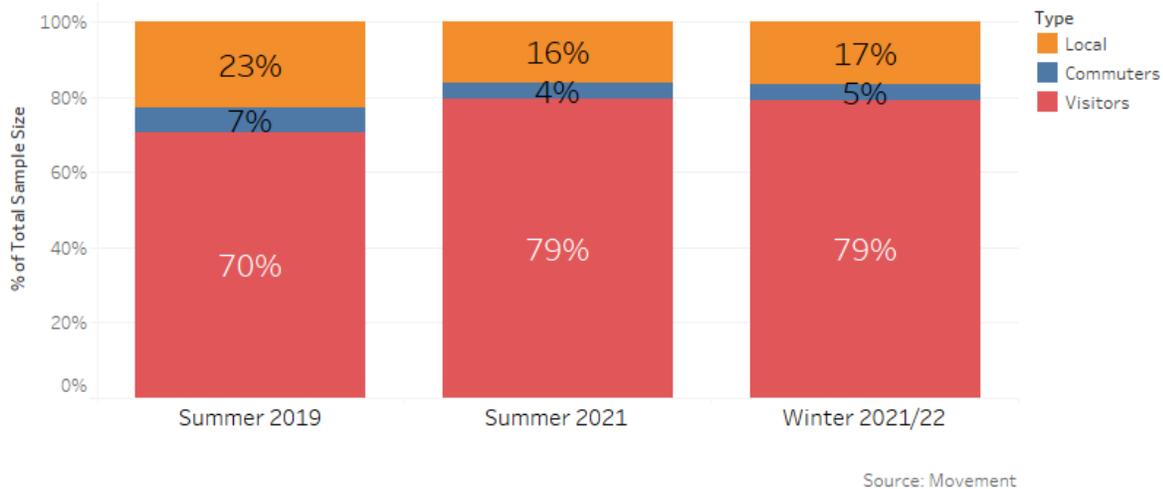


Source: American Community Survey and QCEW

As evidenced in the figure below, Breckenridge experienced a notable increase in the percent of total devices estimated to be visitors across the past 3 years. In 2019, 7 in 10 people in Breckenridge were visitors. In 2021, that number increased to 8 in 10.

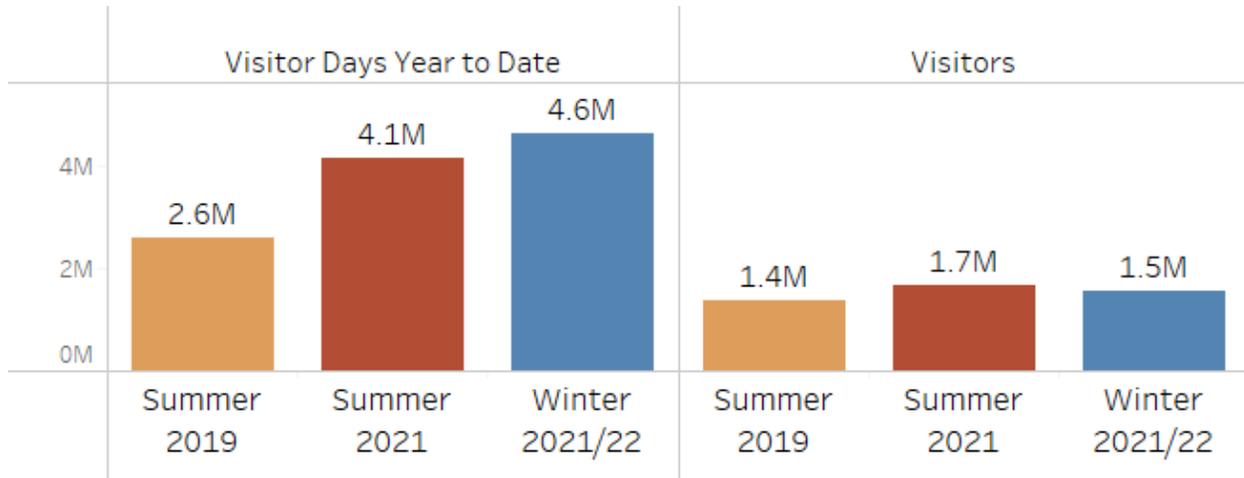
**Figure 13: Share of mobile devices by visitor type, January 2019 – July 2022**

Composition of Devices Observed Within the Town of Breckenridge

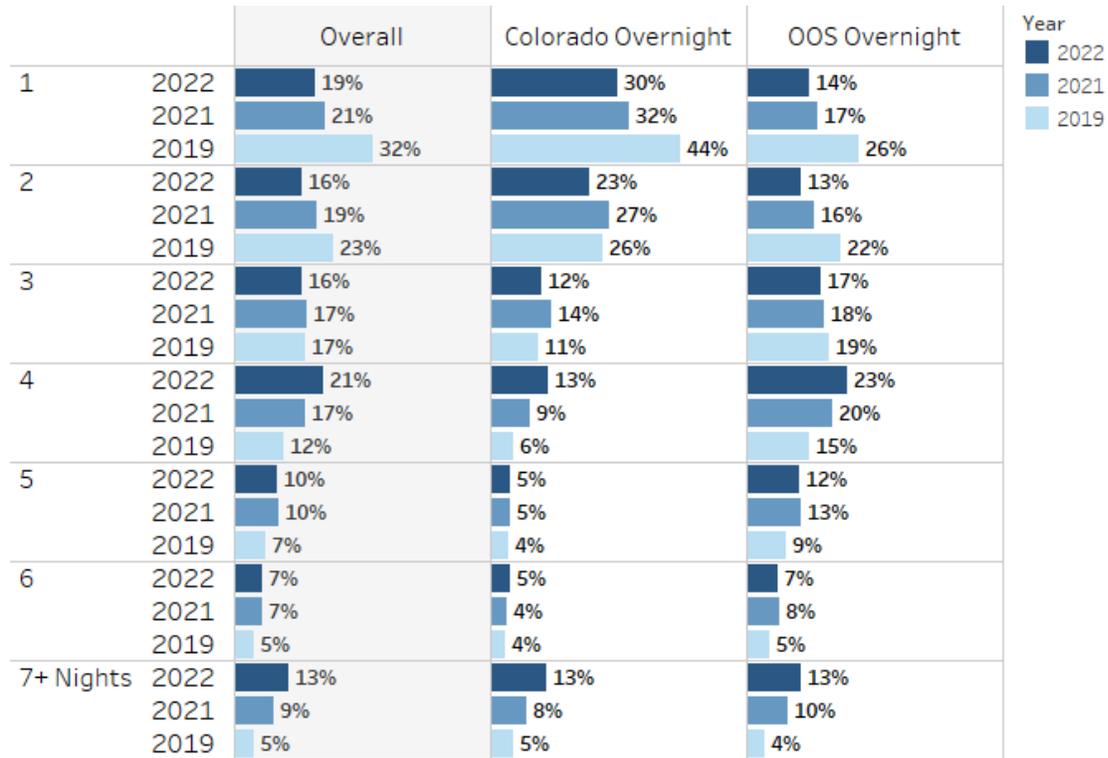

**Figure 14: Seasonal Shares of Visitor Segments (For complete seasons only, 2019-2022)**


The known percentage of locals from our mobile location data was then used with the known volume of locals to estimate the volume of total visitors to Breckenridge. Overall, the number of visitors has remained relatively consistent with some increases in 2021. For seasons with complete data, the trends match up on a seasonal basis as with the overall results as well.

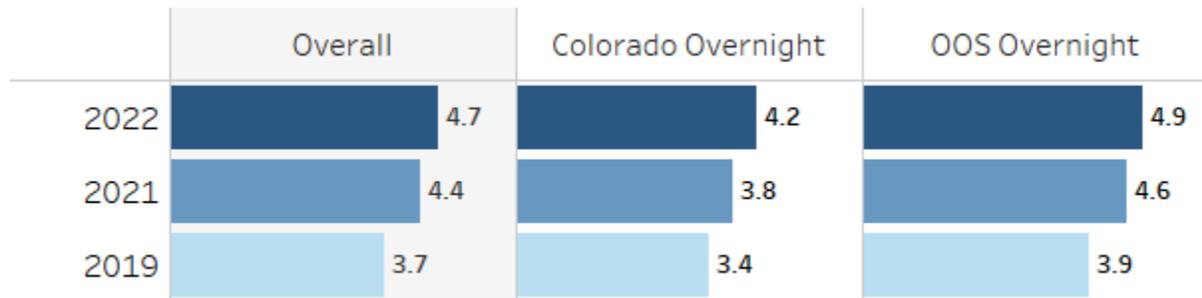
**Figure 15: Estimated visitors and visitor days by year, January 2019 – July 2022**

**Figure 16: Seasonal Visitation Metrics (For complete seasons only), 2019 - 2022**


In addition to increasing visitor day estimates, mobile location data enables us to understand the length of stay. Figures 17 and 18 display various length of stay statistics, which have changed over time. Since 2019, the length of stay among both Colorado and out of state overnight has increased. This is likely due to capturing more second homeowners and those staying in longer-term accommodations such as timeshares and short-term rentals. Typical survey data does not pick this kind of information up as easily, but there has been somewhat of an increase in length of stay over time in Breckenridge. The COVID-19 pandemic transformed the ability to travel for longer stays, which is likely the cause of the change presented.

**Figure 17: Estimated overnight visitor trip length in nights, January 2019 – July 2022**


Source: Movement

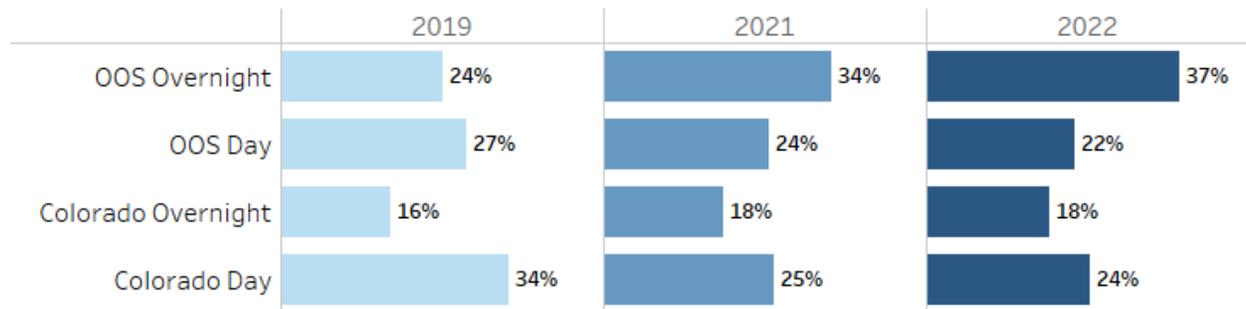
**Figure 18: Estimated average overnight visitor trip length (nights), January 2019 – July 2022**


Source: Movement

\*Note: OOS = “Out of State” visitor living away from Colorado.

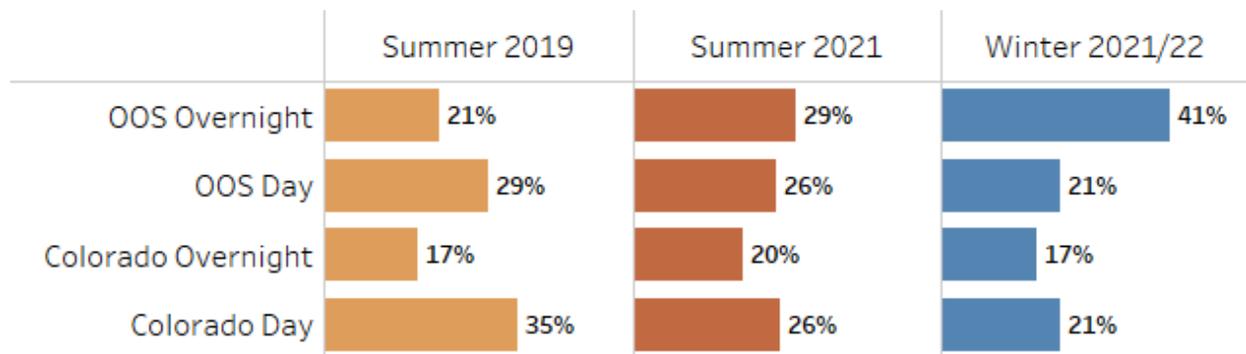
**Figure 19: Share of visitors to Breckenridge by Visitor Type, January 2019 – July 2022**

## Visitor Type



Source: Movement

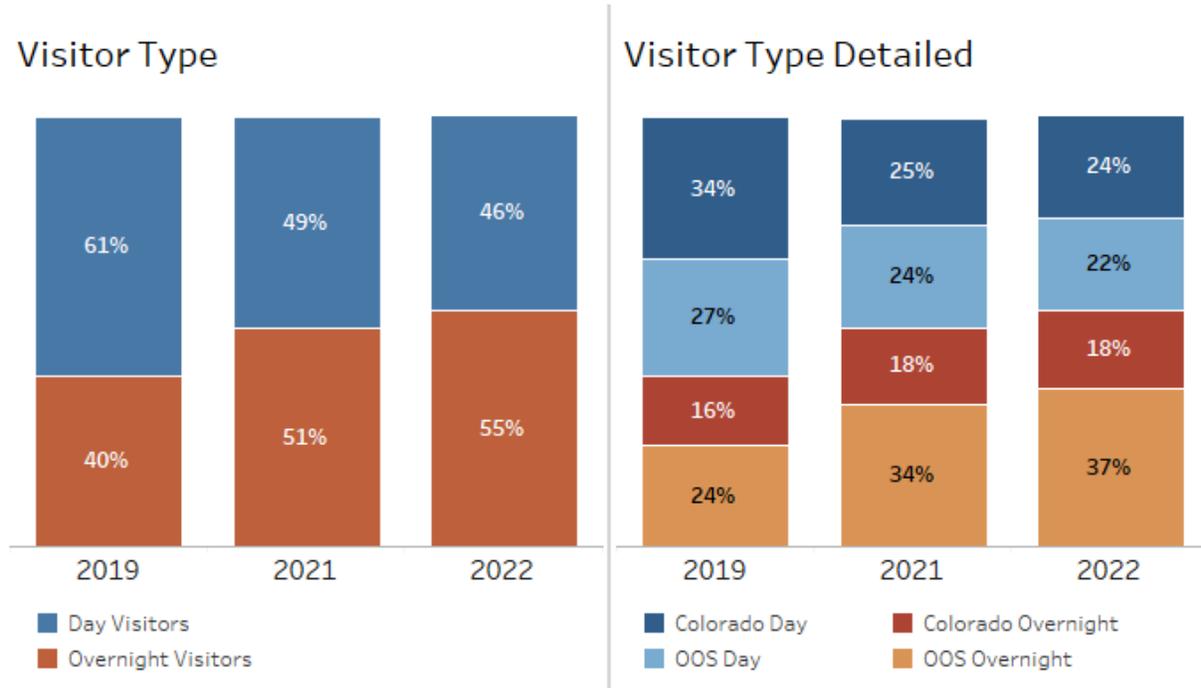
\*Note: OOS = “Out of State” visitor living away from Colorado.

**Figure 20: Seasonal Share of Visitor Types (For complete seasons only), 2019 - 2022**


Source: Movement

\*Note: OOS = “Out of State” visitor living away from Colorado.

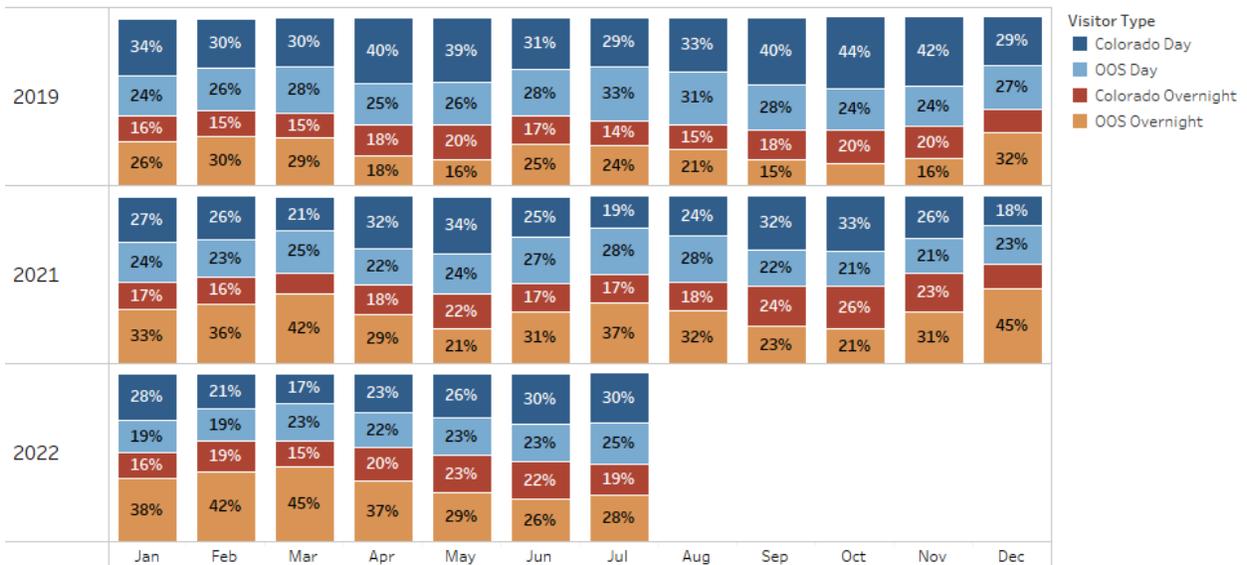
Figure 21 below highlights the different shares of visitor types. The share of overnight visitors in 2019 was approximately 40% and has grown to 55% in 2022. During the busiest year (2021), the split was nearly equal between day (49%) and overnight visitors (51%). However, when further examined, the share of out of state overnight visitors increased between 2019 to 2022, jumping by 13 percentage points to 37%. Further highlights are provided by month in Figure 22.

**Figure 21: Breckenridge Visitor Type Breakdown**


\*Note: OOS = “Out of State” visitor living away from Colorado.

**Figure 22: Visitor Type by Month of Arrival (2019-2022)**

## Visitor Type by Month of Arrival



Source: Movement

\*Note: OOS = “Out of State” visitor living away from Colorado.

## Study Limitations:

All research studies have limitations based on various factors. This project shares in those limitations. To be as transparent as possible, we acknowledge the following limitations:

1. The interpretation and conclusions from this study are based on the most recent and available data. We acknowledge that not all datasets are feasible to be considered for this study.
2. The COVID-19 pandemic introduced a variety of anomalies into various data sets. There is the possibility that trends seen in the past five years may change over time due to a variety of factors.
3. Some demographics of the Breckenridge area may be underrepresented due to various data collection methods (e.g., temporary workforce).
4. Despite data showing growth or decline in specific groups, it is unknown to what extent these changes impact the psychological factors of Breckenridge residents.

These are but a few limitations of this study that are acknowledged and present in any social science research study.

## Conclusions:

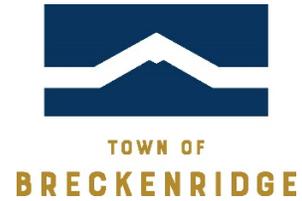
Using all the relevant data sources along with a thorough analysis of overall volume using mobile location data, the primary conclusions reached by the research team are below:

- 1) Overall use and volume of people in Breckenridge have significantly increased since the mid-2010's. Our team used 2017 as a baseline for most analyses, but some datasets show significant growth from 2010 – 2017 with even more increases from 2017 on. From 2017 on, data is much more readily available to understand overall changes. Traffic, trail use, and lodging room nights all point to a sustained, increased growth through 2021. However, 2022 looks to be moderating the demand and growth in use to a degree. There's no question that 2021 was the busiest year likely in Breckenridge's recent history, but there might be somewhat of a course correction in 2022. Although overall it is still quite a busy year when compared to the mid 2010's. Long-term monitoring of these data sources will help flag relevant changes and modifications over time.
- 2) At this time, an increase in residents is very likely not the primary cause of growth or strongly contributing to the impacts from increased perceptions of demand. All available data indicates stability in the immediate local resident population; however, there has been some growth in nearby communities within Summit County (e.g., Silverthorne). Even then, population growth has remained relatively stable over time with some shifts back and forth. The behavior of some residents may have changed over time (e.g., more Free Ride use, additional

remote work options), but the volume of these changes are low and are not likely to impact overall perceptions.

- 3) According to the mobility data analysis, the share of out of state visitors has continued to increase since 2019. Moreover, the total number of estimated visitor days increased significantly between 2019 to 2021. An increase in length of stay along with a further uptick in 2021 in estimated unique visitors likely adds to the perception of crowding. As stated, 2022 figures seem to be down when compared to 2021. It's unclear at this time, but 2021 may be an outlier due to impacts from COVID-19. However, it will be critical to monitor how these figures change moving forward into 2023 and beyond. Monitoring how these datapoints change over time will be important to understand if the trend has reversed to some degree.

Overall, the perceptions of increased number of people in the Breckenridge area seem to be valid. The number of people in the area have increased by most available metrics, and this increase seems to be from those living outside of the community. However, Breckenridge still relies on tourism and as the slate of recent resident sentiment surveys suggests, the large majority of residents understand and appreciate that. The analysis and framework laid out in this document suggest using multiple data sources and careful analysis to monitor how things change into the future. With hints of economic downturns, it's important to use all available data moving forward to ensure Breckenridge both benefits from tourism and creates a high quality of life.



# Memo

To: Breckenridge Town Council Members  
From: Mark Truckey, Director of Community Development  
Date: January 18, 2023  
Subject: Planning Commission Decisions of the January 17, 2023 Meeting

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## ***DECISIONS FROM THE PLANNING COMMISSION MEETING, January 17, 2023:***

### **CLASS A APPLICATIONS:**

1. Chair 5 Replacement and Peak 8 Base Area Improvements, Tract C Peak 8 Sub, PL-2023-0003  
A proposal to replace the existing two-person Chairlift 5 with a new detachable grip 4 passenger chairlift. Also proposed with the application is the relocation of the two magic carpets, regrading of the learning area, the removal of the guest services and alpine slide storage buildings, installation of new retaining walls of less than 4' in height and new fencing. *Approved, see second memo.*

**CLASS B APPLICATIONS:** None.

### **CLASS C APPLICATIONS:**

1. Tap House and Bangkok Happy Bowl Exterior Food & Beverage, 103.5 and 105 N. Main, PL-2022-0535

A proposal to convert seven parking spaces and hard surface area located on the west side of the Breckenridge Tap House and Bangkok Happy Bowl into an exterior food and beverage service area. The conversion of parking to a food and beverage service area is subject to Policies 24A and 52A and requires employee housing mitigation, in addition to provision of additional parking and payment of water PIFs. To meet the necessary required employee mitigation requirements of Policy 24A the applicant proposes to deed restrict the second-floor residential unit of the Breckenridge Tap House to serve as workforce housing in perpetuity. The residential parking requirements of the proposed deed restricted unit and the existing deed restricted unit of the Bangkok Happy Bowl will be waived because of the allowance for deed restricted properties within the parking service area to have required onsite parking waived. The two properties currently share the rear parking area and are subject to a recorded shared parking covenant, hence they are submitting a joint application to convert the parking area. Required commercial parking would be purchased in the Parking District. *Approved.*

2. Double Tree Remodel, 550 Village Rd., PL-2022-0545

A proposal to remodel the existing hotel building, including an exterior façade renovation, replacement of the outdoor amenity area, replacement of the porte-cochere with reconfigured entry drive, and a full interior remodel. The remodel will result in one less hotel room. *Called up and approved.*

**TOWN PROJECT HEARINGS:** None.

### **OTHER:**

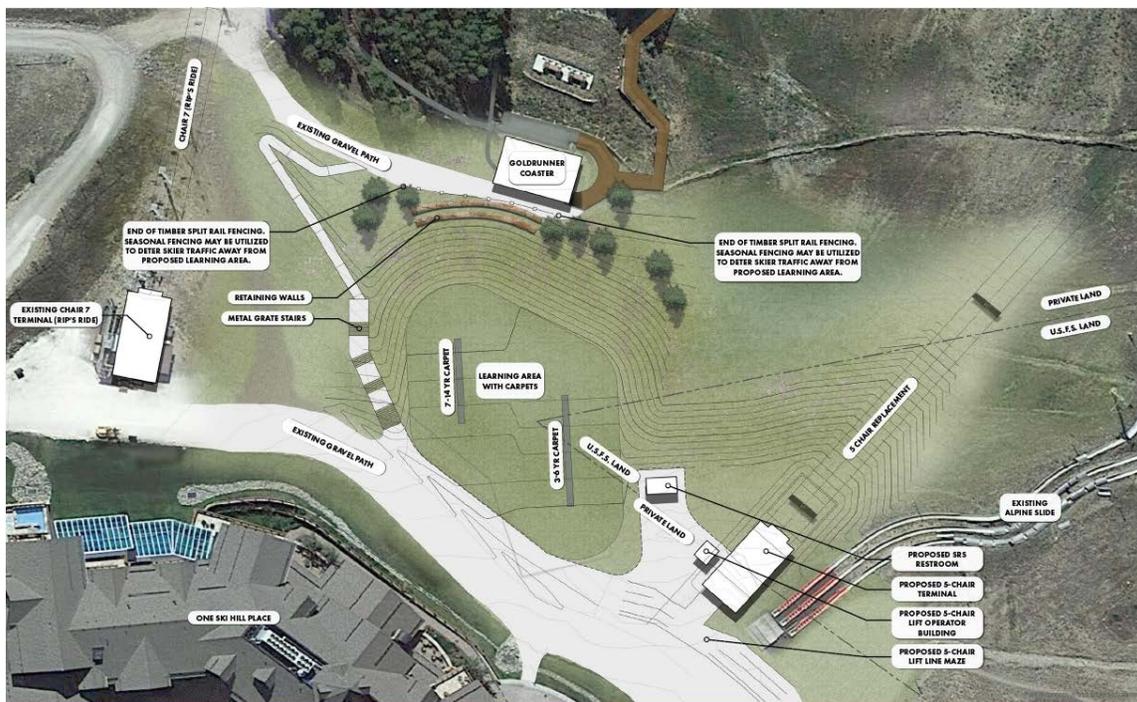
1. Stillson Property Land Use Guidelines Work Session

A work session was held for a proposal to create a new Land Use District 46 for approximately 8.5 acres of the Stillson "Stables Village" property. *Planning Commission recommends that Council place the Stillson Property into Land Use District 46.*

# Memo

To: Town Council  
 From: Chris Kulick, AICP, Planning Manager  
 Date: January 18, 2023 for meeting of January 24, 2023  
 Subject: Chairlift 5 Replacement and Peak 8 Area Improvements, Class A Planning Commission Approval Summary

A Combined Hearing for the Chairlift 5 Replacement and Peak 8 Area Improvements, Tract C, Peak 8 Subdivision, was held by the Planning Commission on January 17, 2023. The application proposes replacing the existing two-person Chairlift 5 with a new detachable grip 4 passenger chairlift. Also proposed with this application is the relocation of the two magic carpets, regrading of the learning area, the removal of the guest services and alpine slide storage buildings, installation of new retaining walls of less than 4' in height and new fencing.



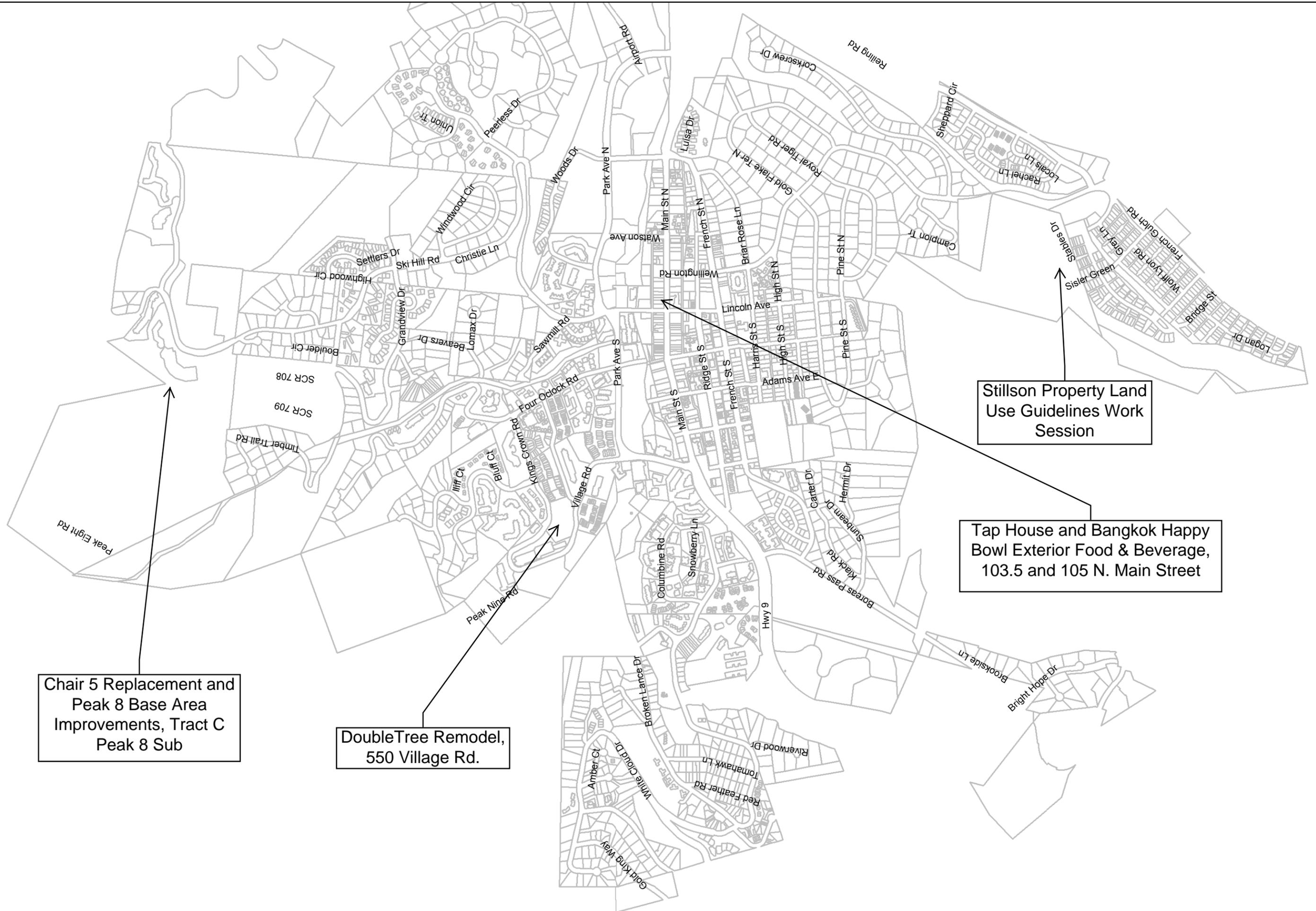
The proposed lift and relocation of the learning areas will be a significant improvement to the recreational experience on Peak 8. The lift services the primary beginner and intermediate runs as well as terrain parks on Peak 8. The lift will significantly reduce wait times for skiers by increasing lift capacity over the existing lift. Additionally, the proposed lift is a detachable grip chair which has a significantly lower speed for loading and unloading compared to the existing fixed grip lift which makes it better suited for beginner skiers. The proposed terminal structure is primarily horizontal wood siding with natural stain and non-reflective beige metal (see photo depiction below). This is similar to the new terminal at the Freedom Chair on Peak 7 and Rip's Ride and the Colorado Chair on Peak 8.

Throughout the pre-application phase, the Town's Engineering Department has been involved in the project review to ensure the highest levels of drainage, erosion and sediment control are maintained. From their involvement, and input from the Open Space Division, staff added an additional condition of approval, *“Applicant shall install erosion control measures on the downhill side of disturbance areas, in a manner acceptable to the Town Engineer. An on-site inspection shall be conducted prior to the commencement of construction to ensure Best Management Practices are utilized. Best Management Practices for controlling erosion and sediment may include, but not be limited to, blocking affected inlets with waddles and inflatable balloon/gaskets so that the inlets that are directly within the flows of the construction zone are blocked from transporting water and sediment during and after the project, until the revegetation efforts have proven successful.”* This is in addition to the standard condition, “Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.” Across all Town divisions maintaining or improving water quality entering Cucumber Gulch is our highest priority associated with this project.



The Commission found the project complied with all Absolute Policies, and assigned negative two (-2) points under Policy 7/R, Site and Environmental Design, for having a retaining wall that feature synthetic rock and assigned positive six points (+6) under Policy 20/R, Recreation, based on the historic allocation of points for new or improved lift systems. The Commission approved the application 7-0.

Staff will be available at the meeting to answer any questions.



Chair 5 Replacement and  
Peak 8 Base Area  
Improvements, Tract C  
Peak 8 Sub

DoubleTree Remodel,  
550 Village Rd.

Tap House and Bangkok Happy  
Bowl Exterior Food & Beverage,  
103.5 and 105 N. Main Street

Stillson Property Land  
Use Guidelines Work  
Session

## PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 pm by Chair Frechter.

### ROLL CALL

Mike Giller	Mark Leas	Allen Frechter	Susan Propper
Tanya Delahoz	Ethan Guerra-remote	Steve Gerard	

### APPROVAL OF MINUTES

With no changes, the January 3, 2023 Planning Commission Minutes were approved.

### APPROVAL OF AGENDA

With no changes, the January 17, 2023 Planning Commission Agenda was approved.

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- None.

### CONSENT CALENDAR:

1. Tap House and Bangkok Happy Bowl Exterior Food & Beverage (SVC), 103.5 and 105 N. Main Street, PL-2022-0535
2. Double Tree Remodel (SVC), 550 Village Rd., PL-2022-0545

Mr. Giller made a motion to call up Double Tree Remodel (SVC), 550 Village Rd., PL-2022-0545 seconded by Mr. Gerard. This motion passed unanimously.

Ms. Crump presented the proposal to remodel the existing hotel building, including an exterior facade renovation, replacement of the outdoor amenity area, replacement of the porte-cochere with reconfigured entry drive, and a full interior remodel.

#### *Commissioner Questions:*

- Ms. Propper: Is EV capable wired but not operational? (Ms. Crump: Yes, the points are for providing 20 EV capable spaces wired for future EV installation. Only older buildings that wouldn't be required to meet EV requirements are eligible for points for EV capable spaces. They are retrofitting it, they are updating electrical through the whole building). The 3 EV Chargers are EVSE? (Ms. Crump: Correct, those will likely be in the garage). Looking at EV Capable, I count 19 only. (Ms. Crump: They are committed to 20 in the Development Permit, we confirm during inspection, and they will not pass if they do not provide 20).
- Mr. Giller: Can you speak to the porte-cochere? (Ms. Crump: It is really tight in this area. This is decreasing the existing nonconformity with the setbacks. They were attempting to create a space where there could be parked cars and a still accessible drive aisle).
- Mr. Gerard: Included with underground parking, will they maintain site parking agreement with Beaver Run? (Ms. Crump: I'm not aware of any parking agreement with Beaver Run. There is a parking variance, this site is only required to have 157 spaces with the guest shuttle).

#### Becky Stone, OZ Architecture, Applicant:

For the EV spots, on the first level there is 1 ADA EV space plus 9 so 10 total, and on the second level there are 10 EV stalls so there are 20 total. The ADA spot will also be wired, hopefully that clears it up. We do not have a shared parking agreement with Beaver Run that any of us know of. For the renderings

with the canopy, one of the challenges is that it is very tight, you can maybe park one car, you can get in there maybe one car and one can pass, two can stack behind. Cars start to flow down the hill and stack in the street. We want 4 cars parked with the ability to have another lane to drive through. Not having as much stacking is what we were trying to solve. Pushes the front columns to the street, but they are further back than today. You can't walk out and walk up so guests just walk in the street. It's a bit chaotic. We pushed the canopy back the whole length of the property, but still tried to allow parked cars and space for one to pass. This doesn't cause stacking down the road. The columns we are scootching back. (Ms. Crump: Only one column doesn't meet the setback).

Mr. Giller: Can you pull the edge of the porte-cochere roof back so it is all conforming? (Ms. Stone: Yes, we can do that).

Mr. Gerard: There is a lot of foot traffic. A note for Engineering would be some kind of painted crosswalk to let motorists know there are people walking (Ms. Stone: We would love that too. We want people in there and dropped off and their cars to valet, the advantage is that they can park cars and then leave the cars there and not across the street).

*Commissioner Comments:*

Ms. Propper: None.

Mr. Giller: None.

Mr. Leas: None.

Mr. Gerard: As it relates to general development, wondering if this will be known as the decade of the charcoal color.

Ms. Delahoz: None.

Mr. Frechter: With lots of brutalist architecture surrounding it, it is a nice upgrade for that part of town.

Mr. Guerra: I have no comments.

Mr. Giller made a motion to add with a condition that the roof of the porte-cochere cannot encroach onto town property, seconded by Ms. Delahoz. Mr. Giller then amended the motion to approve the project with the aforementioned condition of approval. This passed 7 to 0.

With no additional call ups, the Consent Calendar was approved as presented.

**COMBINED HEARINGS:**

1. Chair 5 Replacement and Peak 8 Base Area Improvements (CK), Tract C Peak 8 Sub; PL-2023-0003

Mr. Kulick presented a proposal to replace the existing two-person Chairlift 5 with a new detachable grip 4 passenger chairlift. Also proposed with the application is the relocation of the two magic carpets, regrading of the learning area, the removal of the guest services and alpine slide storage buildings, installation of new retaining walls of less than 4' in height and new fencing. The following specific questions were asked of the Commission:

1. Recreation: Staff supports awarding positive six (6+) points for providing an upgraded chairlift. Does the Commission concur?
2. Retaining Wall: Does the Commission support awarding negative two (-2) points for the proposed non-natural, "Redi-rock LedgeStone" retaining wall?

*Commissioner Questions:*

Mr. Frechter: I am a parttime employee of the ski area (Mr. Guerra: I am also part time employee of the ski area) I don't feel there is a conflict (Ms. Puester: Do you have financial gain from this application?) We both do not. All commissioners agreed no conflict.

Jody Church, Vice President Mountain Operations, Vail Resorts

I want to say thank you to staff. We feel that with forest service and the mayor, it has been great to work with everyone. We have had considerable outreach to stakeholders with incredible engagement. I wanted to note we have seen success in our Peak 8 transformation with the install of Rip's Ride Chairlift. A couple of quick facts: we have seen double uphill capacity and 50% reduction in stops, so it is a big improvement for the learning area, and it has been a great improvement in flow and circulation. The chair 5 replacement is failing infrastructure, right now it's a 50-year-old, two-seater chair lift. We are seeking to move guests efficiently and provide progression from our learning areas.

Jim Testin, Mountain Planner, Vail Resorts:

Good evening. This is a product of many years of work, the impetus is to clean the area, create better flow, and reduce congestions. The resort completed a master development plan which is a visioning document, we thought "what are the goals, how do we get better?" The plan is better, not bigger. How do we look at infill projects? We created three goals for all of our improvements- to reduce congestion in the base area, improve ski and ride experiences, and replace failing infrastructure. This project hits all three of those goals. This project also helps to spread out the volume and disperse guests, take pressure off of the other Base area lifts. Like Jody mentioned, we are going through a NEPA review with the Forest Service. The project components on Forest Service land are primarily above the midstation which is tree removal, grading, and utility upgrades. As mentioned, the base area has some grading and utility work and the children's restroom facility on USFS land. We are looking to match the façade of One Ski Hill Place and the other architecture in the base area, both colors and materials. The restrooms will be winter use only. We can screen it with landscaping and amenities during the summer associated with Epic Discovery. With that, turning it over to Elena.

Elena Scott, Principal, Norris Design,

From a goal perspective, we have gotten a lot of information, but this project is really about improving the guest experience. Especially the ski school and progression on Peak 8 and Peak 9. This is an excellent way for kids to grow and learn in the winter and to explore the rest of the mountain. We are happy about the access improvements, view corridors, and the relocation of the large retaining wall. Improvements to safety and cleaning the area to make it look better. The forest service boundary is in green here to the right. We have the existing chair 5 on the right of the Alpine Slide, the kids castle has been removed, and the existing magic carpets. We talked with staff on moving this wall really helps to open up the entire area. The guest services building will be removed as is the wall and stairs. Really will open it up by removing the walls that create a pinch point. The chair lift, the new high speed quad is a huge recreational experience improvement for Peak 8, reducing wait time, improving the architectural quality, lowering the speed for loading and unloading for new skiers and riders as well as instructions to ride with more kids. The two magic carpets here are 60 feet and 90 feet letting skiers and riders learn. The area around the magic carpets is 30 ft on all sides heling with snow management and areas to queue. The restroom structure is only accessible to those kids. There will be a new stair and ramp combo to be utilized in the summer. The removal of the retaining wall accommodates the magic carper with a 2 to 1 slope regrade. It is a very natural looking material, and an easily implementable structure. Landscaping is also provided. On the 3d graphic the emphasis is the removal of the retaining wall and opening of this zone. At the midpoint, this is a summer unload. There is a 10ft paved accessible path leading to the alpine slide this will be for queueing and to get to the viewing deck. For this project was reclamation of road with single track bike trail, with the grade limited vegetation deduction. For drainage, we have incorporated drainage improvements to protect against erosion.

*Commissioner Questions / Comments:*

Mr. Gerard: Will you have a reload for bikers at the midpoint station? (Mr. Testin: It will be an unload zone only. They would have to go to the bottom to reload).

- Mr. Giller: For the revegetation and the 2 to 1 slope grading, can you speak to that? (Ms. Scott: The soil and topsoil is important to us so will do new soil, we have a native seed mix thatvail resorts has worked with the USFS on, lastly we would be following all requirements of engineering, requiring blankets for over 2 to 1 slope so we don't need to, but the seed mix will be able to revegetate the hillside. For the stormwater side, we have drainage around this side, and a swale at this location.) (Mr. Testin: I think about drainage management at Peak 8 in the long-term improvements and during construction is important. Preventing sediment, we learned during Rip's construction, and it was a wet summer. It came down to us monitoring on an hourly basis the forecast and having boots on the ground. We have drainage drop inlets around the base. We have erosion control logs and fabric clogs, preventing water from going into the piping. We manage our contractors and their driving and excavation; we also use a helicopter as much as possible for the least disturbance).
- Mr. Frechter: Will skiers be able to come down skier's right of the chair? (Mr. Testin: That will be blocked off. We are looking to put up temporary fencing to block off skiers from crossing over and the fencing would be removed for groomers at night. The slide track will be covered and groomed over so you can still come down and over).

Public Comment: None.

*Commissioner Comments:*

- Mr. Guerra: I am familiar with this area being ski patrol for 37 years, this is great and will really open things up. Chair 5 was the first chair I ever rode. Sad to see it go but happy with the reconfiguration 1. I concur 2. I support -2 for the material stone.
- Ms. Delahoz: Thanks for all the information, Chris. It will be a good project and a great upgrade. My kids have gone through this process, and we made it up the stairs with tears. Good upgrade. 1. Yes 2. Yes, I agree
- Mr. Gerard: Great project, it supports the resort in all the seasons, great addition for summer as well. Rode this will my kids, this will be a better experience. 1. I concur, proven by summer and winter upgrade. 2. It doesn't matter, you have plenty of positive points here. I would rather see native rock, it will be highly visible Siloam stone would look really nice.
- Mr. Leas: Thanks to staff. Surprised we got to go look at it. I was pleasantly surprised by the presentation and education given by Vail's staff and Norris. Great project. 1. I concur, 2. I agree
- Mr. Giller: Thank you Vail and Norris, great project 1. I concur. 2. I concur
- Ms. Propper: Thank you for the presentation I didn't know what chair 5 was, it was very helpful. 1. I concur 2. I concur
- Mr. Frechter: Great project functionally and aesthetically. Helps with the choke point, a lot of near collisions. Chris maybe for 20R the language could be changed, that should read "2-3 times as many children depending on the age". 1. I agree 2. I agree.

Mr. Giller made a motion to approve the Chair 5 Replacement and Peak 8 Base Area Improvements, seconded by Ms. Delahoz. The motion passed 7 to 0.

**WORK SESSIONS:**

1. Stillson Property Land Use Guidelines

Ms. Dollmaier presented a proposal to create a new Land Use District 46 for approximately 8.8 acres of the Town-owned Stillson future "Stables Village" property. The following specific questions were asked of the Commission:

1. Does the Commission recommend that the Town Council change the Land Use District for approximately 8.8 acres known as the Stables Property from LUD 1 and LUD 15 to LUD 46?

*Commissioner Questions / Comments:*

Mr. Giller: Was there not another LUD that fit? (Ms. Dollmaier: At this density and for workforce housing, with more contemporary architecture, there was not).

Mr. Leas: The town would have to transfer 61 units of density so I can presume there is none now? As it stands? (Ms. Dollmaier: There is currently 1 unit per 10 acres and 1 unit per 20 acres). Why do we need to transfer? (Mr. Kulick: We are requiring a transfer above what is existing to cover the total of what is proposed on the conceptual drawing. That is the deficit). Town is transferring whatever necessary? (Mr. Kulick: Following past policy of bringing density over from another site, like a parking reservoir, it is being moved from another area. This is not an upzoning and no new density is being created in the Upper Blue Basin).

Mr. Gerard: Another project is coming in behind this, likely larger lot single family? (Ms. Puester: The phase 2 language will be removed from the plan; there will not be a phase 2 due to in part, additional traffic concerns and density impacts from Council.) Would it make sense to then rezone the whole area? (Mr. Kulick: The Council desire was not to do so at this time. The existing governmental uses will remain in that area. We were asked to plan for what you see on the plan as “phase 1”).

Mr. Guerra: I need to disclose that the project is being designed by Allen Guerra whose principal architect is Suzanne Allen-Sabo who is my ex-wife and they will be contracting with my company for the site work on this, therefore I will have a financial interest in this project. I will be recusing myself as this project comes up.

*(Mr. Guerra leaves the meeting for the remainder of this discussion)*

Mr. Frechter: The Town will still add the 61 units of density from our pool? (Mr. Kulick: Any project raising density, we want to be consistent and move density from somewhere in the Basin and not just a blanket up zone). Are the Guidelines binding? (Mr. Kulick: The master plan would supersede it; if it speaks to it. If the master plan does not speak to a specific subject, the guidelines apply.) So, we can still tweak it? (Ms. Puester: You would not be able to modify the LUGs going forward, but during the master plan review process, if there is something more specific, beyond the LUGs that should be addressed, it could be done then).

Mr. Leas: This work session just enables the process to move forward to the next step? (Mr. Kulick: Yes).

Mr. Gerard made a motion that the Planning Commission recommend to the Town Council, that the new Land Use District 46 be created, seconded by Ms. Propper. This passed 6 to 0 with one recused member (Mr. Guerra).

**OTHER MATTERS:**

Ms. Delahoz informed the Planning Commission that she was resigning from the Commission, effective after the meeting. Ms. Puester stated that we will be advertising the position, which will close February 17<sup>th</sup>. Interviews at Council will be on February 28.

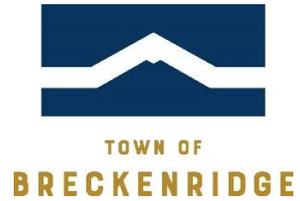
1. Town Council Summary
2. Class D Majors Q4 2022 (Memo Only)
3. Class C Subdivisions Q4 2022 (Memo Only)

**ADJOURNMENT:**

The meeting was adjourned at 7:25 pm.

---

Allen Frechter, Chair



# Memo

**To:** Breckenridge Town Council Members  
**From:** Helen Cospolich, Town Clerk  
**Date:** 1/18/2023  
**Subject:** Alcohol Takeout and Delivery Permit Required Ordinance (Second Reading)

---

The State of Colorado recently implemented a state-only permit allowing for takeout and delivery of alcohol from liquor-licensed establishments. As this permit is issued by the state without local approval, the Town is seeking to amend code to require local licensees to notify the Town within 10 days of receiving this type of permit. Staff believes it is important for enforcement purposes to have record of which businesses are allowing takeout and delivery alcohol.

There are no changes to this ordinance from first reading.

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 3 OF TITLE 4  
PERTAINING TO ALCOHOL TAKEOUT AND DELIVERY PERMIT  
NOTIFICATION.**

WHEREAS, under C.R.S. § 44-3-911, all eligible licensees wishing to provide alcohol beverages for takeout and delivery must apply for a state permit; and

WHEREAS, the Town Council wishes to require all licensees located within the Town who obtain a state takeout and delivery permit to notify the Town of such permit.

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

**Section 1.** The Breckenridge municipal code is hereby amended by adding a new section 4-3-27 to title 4, chapter 3, entitled "Takeout and delivery permit notification" underlined to read as follows:

4-3-27: Takeout and delivery permit notification.

A. Any licensee who receives a permit from the state licensing authority for takeout and delivery of alcohol must notify the Town Clerk of such permit within ten (10) days after receiving such permit.

B. Any licensee who has already received such permit prior to the effective date of this ordinance must notify the Town Clerk of such permit within ten (10) days after the effective date of this ordinance.

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

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

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
PUBLISHED IN FULL this 10th day of January, 2023. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 24th day of January, 2023, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

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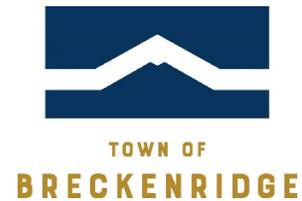
TOWN OF BRECKENRIDGE, a Colorado  
municipal corporation

By: \_\_\_\_\_  
Eric S. Mamula, Mayor

ATTEST:

\_\_\_\_\_  
Helen Cospolich, CMC,  
Town Clerk

DRAFT



# Memo

To: Town Council  
From: Michelle Dollmaier, Planner III  
Date: January 18, 2023 for meeting of January 24, 2023  
Subject: New Land Use District 46 for Stillson/Stables Village (First Reading)

---

This is the first reading of the attached ordinance to approve a new Land Use District 46 for approximately 8.8 acres of the Stillson Property known as Stables Village. The current Land Use Guidelines for Stables Village is LUD 1 and LUD 15. The southern portion is in LUD 1 and is focused on open space, recreation, and low density residential (1 unit/10 acres) uses. The northern portion is located within LUD 15 allows for government uses as well as affordable housing. However, the density assigned to LUD 15 is 1 unit/20 acres, which is not adequate for the affordable housing use and is inconsistent with the anticipated density of 8 UPA.

Staff finds the allowed density of 1 unit/20 acres is not appropriate for the allowed affordable housing land use. If the proposed concept plan was reviewed under the current LUGs, the project would incur a large amount of negative points for density and the inconsistency with the land use outlined in LUD 1. In addition to the accumulation of negative points, the Development Code does not allow for a transfer of density to LUD 1 of which a small portion of the plan would be on.

To accommodate the proposed density, the Town will need to transfer a total of 61 Single Family Equivalents of Town owned density (TDR's) to the site. Based on the various issues with land use, densities, and TDR's, Staff is proposing the creation of a new LUD 46 to accommodate the Stables Village workforce housing project and ensure the master plan will be in compliance with the Land Use Guidelines.

The proposed draft LUD 46 (Exhibit D) includes uses such as workforce housing (single family, duplex and triplex), recreation and open space uses. The architectural design of the neighborhood will include contemporary designs which will help to facilitate the use of solar panels to achieve the net zero energy goals of the Town. Since the neighboring Lincoln Park and Wellington subdivisions include similar residential uses and densities, Staff has no concerns changing the Stables Village site from LUD 1 and LUD 15 to the newly created LUD 46 and feels the use is compatible with the neighboring properties.

The remainder of the Stillson property will maintain the LUD 1 and LUD 15 zoning.

The Planning Commission recommends that the Town Council change the land use district for approximately 8.8 acres of the Stables property from LUD 1 and LUD 15 to LUD 46. This action will allow for workforce housing as a use at the appropriate density as the Stables Village goes through the master planning process.

Staff will be available to answer any questions.

COUNCIL BILL NO. XX

Series 2023

AN ORDINANCE CREATING LAND USE DISTRICT 46 AND PLACING 8.8 ACRES OF THE STILLSON PROPERTY IN THE NEW LAND USE DISTRICT 46. (A portion of TR 6-77 Sec 31 Qtr 4 Mining Claim(s) cont 38.868 acres STILLSON PATCH PLACER MYRTLE ANNIE LODE MS#1466, 8.8 acres, more or less)

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

Section 1. Findings. The Town Council has heard and considered the evidence presented in support of and in opposition to the adoption of this ordinance. Based upon the evidence presented to the Town Council in connection with its consideration of this ordinance, as more fully set forth in the record of the proceedings in this matter, the Town Council of the Town of Breckenridge, Colorado hereby finds and determines as follows:

1. By Ordinance No. 3, Series 1987, the Town Council adopted the Breckenridge Land Use Guidelines ("Land Use Guidelines").

2. The Land Use Guidelines contain provisions governing the development of real property located within the various Land Use Districts of the Town, and include a map of the various Land Use Districts described in the Land Use Guidelines.

3. In Section 9-1-15-1 of the Breckenridge Town Code, the Town Council adopted certain procedures to be followed to amend the Land Use Guidelines.

4. The amendment to the Land Use Guidelines made by this ordinance is quasi-judicial in nature.

5. The procedural requirements of Section 9-1-15-1 of the Breckenridge Town Code with respect to a proposed quasi-judicial amendment to the Land Use Guidelines have been fully satisfied. Without limiting the generality of the foregoing, the Town Council finds that a public hearing was held by the Town Council of the Town of Breckenridge on February 28, 2023 to consider the adoption of this ordinance. Notice of such hearing was published twice in the Summit County Journal, a newspaper of general circulation in the Town, the first publication occurring at least twelve (12) days prior to the hearing and the second occurring at least four (4) days prior to the hearing, all as required by Section 9 -1-15-1(B) of the Breckenridge Town Code. The Proof of Publication of such notice was admitted into evidence and made a part of the record in connection with the adoption of this ordinance. In addition to the newspaper notice, not less than twelve (12) days prior to the date of the public hearing the Director of the Department of Community Development mailed a copy of the text of the newspaper notice by first class mail to all owners of real property that would be affected by the adoption of this ordinance, also as required by Section 9 -1-15-1(C) of the Breckenridge Town Code. The Director's Certificate of Mailing was admitted into evidence and made a part of the record in connection with the adoption of this ordinance. All requirements for notice of a proposed quasi judicial amendment to the Land Use District Guidelines required by Section 9 -1-15-1(C) of the Breckenridge Town Code have been satisfied.

6. The change to the land use district designation for the hereinafter described real property is consistent with or in compliance with the Town's Comprehensive Plan, and all parts thereof; and the proposed change bears a reasonable relationship to the welfare of the community.

Section 2. Change of Land Use District Designation. The Land Use District designation for the following described real property:

A TRACT OF LAND BEING PORTIONS OF THE STILLSON PATCH PLACER AND THE MYRTLE ANNIE LODE, U.S.M.S.1466, MINERAL DISTRICT NO. 3, LOCATED WITHIN SECTIONS 31 AND 32, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6TH PRINCIPAL MERIDIAN, SUMMIT COUNTY, COLORADO. PREVIOUSLY RECORDED UNDER RECEPTION NO.512362 IN THE OFFICE OF THE CLERK AND RECORDER FOR SUMMIT COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

1 BEGINNING AT A POINT ON THE 1-16 LINE OF SAID STILLSON PATCH PLACER,  
2 ALSO BEING THE NORTHEAST CORNER OF THAT TRACT OF LAND RECORDED  
3 IN THE OFFICE OF THE CLERK AND RECORDER FOR SUMMIT COUNTY UNDER  
4 RECEPTION NO. 471836, THENCE, ALONG THE EASTERLY AND SOUTHERLY  
5 BOUNDARY OF SAID TRACT AS RECORDED UNDER RECEP/ON NO. 471839  
6 (ERROR 471836) THE FOLLOWING 2 COURSES: 1) SOUTH 14 DEGREES 57  
7 MINUTES 19 SECONDS WEST A DISTANCE OF 773.43 FEET; 2) NORTH 74  
8 DEGREES 18 MINUTES 53 SECONDS WEST, A DISTANCE OF 70.00 FEET TO  
9 CORNER NO. 2 OF SAID STILLSON PATCH PLACER, ALSO BEING CORNER NO. 2  
10 OF THE BLUE RIVER PLACER U.S.M.S. 816;

11  
12 THENCE, CONTINUING NORTH 74 DEGREES 18 MINUTES 53 SECONDS  
13 WEST, A DISTANCE OF 923.38 FEET TO CORNER NO. 3 OF SAID STILLSON  
14 PATCH PLACER, ALSO BEING CORNER NO. 11 OF SAID BLUE RIVER  
15 PLACER, THENCE SOUTH 13 DEGREES 42 MINUTES 16 SECONDS WEST,  
16 A DISTANCE OF 205.46 FEET TO CORNER NO. 4 OF SAID STILLSON PATCH  
17 PLACER, ALSO BEING CORNER NO. 10 OF SAID BLUE RIVER PLACER;  
18 THENCE SOUTH 56 DEGREES 49 MINUTES 32 SECONDS EAST, A  
19 DISTANCE OF 979.28 FEET TO CORNER NO. 5 OF SAID STILLSON PATCH  
20 PLACER, ALSO BEING CORNER NO. 3 OF THE ADA PLACER, U.S.M.S. 1437;  
21 THENCE SOUTH 75 DEGREES 47 MINUTES 01 SECONDS EAST, A  
22 DISTANCE OF 1116.79 FEET TO CORNER NO. 6 OF STILLSON PATCH  
23 PLACER, ALSO BEING CORNER NO. 4 OF SAID ADA PLACER; THENCE  
24 SOUTH 48 DEGREES 10 MINUTES 55 SECONDS EAST, A DISTANCE OF  
25 512.42 FEET TO A POINT ON THE 7-8 LINE OF SAID STILLSON PATCH  
26 PLACER, ALSO BEING A POINT ON THE 5-6 LINE OF SAID ADA PLACER,  
27 THENCE 18 DEGREES 28 MINUTES 01 SECONDS WEST, A DISTANCE  
28 1528.34 FEET TO CORNER NO. 16 OF SAID STILLSON PATCH PLACER,  
29 ALSO BEING CORNER NO. 2 OF THE FRENCH GULCH PLACER, U.S.M.S.  
30 2589; THENCE, ALONG THE 16-1 LINE OF SAID STILLSON PATCH PLACER,  
31 NORTH 74 DEGREES 21 MINUTES 21 SECONDS WEST A DISTANCE OF  
32 758.82 FEET TO THE POINT OF BEGINNING, TOGETHER WITH EASEMENT  
33 FOR INGRESS AND EGRESS AS SET FORTH IN INSTRUMENT RECORDED  
34 MARCH 6, 1973, UNDER RECEPTIONS NO. 13224 OF THE RECORDS OF  
35 THE CLERK AND RECORDER SUMMIT COUNTY COLORADO.

36  
37 CONTAINING 8.8 ACRES, MORE OR LESS.

38  
39 is changed from Land Use District 1 and 15 to Land Use District 46. The Town staff is directed  
40 to change the Town's Land Use District Map to indicate that the above described property has  
41 been placed within Land Use District 46.

42 Section 3. Continued Effect of Land Use Guidelines. Except as specifically amended  
43 hereby, the Breckenridge Land Use Guidelines, as adopted by Ordinance No. 3, Series 1987,  
44 shall continue in full force and effect.

45  
46 Section 4. Police Power Finding. The Town Council hereby finds, determines, and  
47 declares that this ordinance is necessary and proper to provide for the safety, preserve the  
48 health, promote the prosperity, and improve the order, comfort and convenience of the Town of  
49 Breckenridge and the inhabitants thereof.

50  
51 Section 5. Authority. The Town Council hereby finds, determines, and declares that it  
52 has the power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control  
53 Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning  
54 municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers);  
55 (iv) Section 31-15-401, C.R.S. (concerning municipal police powers); (v) the authority granted to  
56 home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers  
57 contained in the Breckenridge Town Charter.

58  
59 Section 6. Effective Date. This ordinance shall be published and become effective as  
60 provided by Section 5.9 of the Breckenridge Town Charter.

61  
62 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
63 PUBLISHED IN FULL this 24 day of January 2023. A Public Hearing shall be held at the  
64 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 28 day of  
65 February, 2023, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
66 Town.

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TOWN OF BRECKENRIDGE, a Colorado  
municipal corporation

By: \_\_\_\_\_/s/\_\_\_\_\_  
Eric S. Mamula, Mayor

ATTEST:

\_\_\_\_\_/s/\_\_\_\_\_  
Helen Cospolich, CMC,  
Town Clerk

# BRECKENRIDGE LAND USE GUIDELINES

## DISTRICT #46

### **Desired Character and Function**

District 46 is located west of the Lincoln Park at the Wellington Neighborhood Subdivision and along the west side of Stables Drive. Historically, the property was dredge mined and left as rock piles. The present physical characteristic of the area is barren land that was previously used as an equestrian center and for various governmental storage purposes.

The district will be used for workforce housing and allow medium density residential to accommodate either single family, duplex, or townhome developments.

### **Acceptable Land Uses and Intensities**

Land Use Type:	Workforce housing, recreation and open space
Intensity of Use:	8 UPA for deed restricted development
Structural Type:	Single family, duplex, townhomes

### **General Design Criteria**

#### ***Architectural Treatment***

Architectural design that includes contemporary designs are preferred to facilitate the use of solar panels and other renewable energy sources. Design characteristics should be those that are used to achieve net zero energy goals of the Town.

#### ***Building Heights***

Structures in excess of 35 feet above grade are prohibited. Building heights will be determined through the development review process of the Town.

#### ***Building Setbacks***

Relative policies within the Development Code should be used to provide general guidelines, however specific setbacks, lot sizes, and block designs should be developed within a site-specific master plan that recognizes the unique characteristics necessary to create an affordable and livable neighborhood and encourages creativity and flexibility.

#### ***Pedestrian Circulation***

Sidewalks should be installed along Stables Drive and connect to nearby sidewalks of Bridge Street and neighboring subdivisions. Facilitating pedestrian connections is critical to creating a sense of community and place. Internal pedestrian circulations systems should

connect to the existing Wellington Trail and the Wellington Bike Park, which in turn provide connections to the backcountry and downtown.

### ***Vehicular Circulation***

This District will have two accesses off Stables Drive and circulate as a half circle with a central alley. The traffic on these roads must be managed in order to ensure safe and efficient movement of traffic to and from this area and traffic calming methods should be implemented as necessary to maintain slow speeds in this residential neighborhood.

Limited Public Transit stops along Wellington Road and French Gulch Road are provided adjacent to the District, which are located in combination with pedestrian and bicycle paths, and/or located at neighborhood focal points.

## **District Improvements**

### ***Utility Improvements***

Water Facilities: Distribution lines exist within this District, and were developed as a component of development of the first phase of Wellington Neighborhood. Water supply and treatment capabilities can support the full development of this District. Depending upon the final design of the water distribution system some houses may be required to provide sprinkler systems for fire protection.

Sanitation Facilities: Collection lines exist within the District, and were developed as a component of the Lincoln Park and Wellington Neighborhoods. Adequate treatment capacity exists to accommodate full District development.

Natural Gas, Electricity, Telecommunication, Cable Television, Fiber Optic: Distribution lines for these utilities exist within the district. Utilities are adequate to serve the District at its full development. Installation of any new distribution lines must be underground and meet specifications of individual utility companies. Appropriate easements shall be provided for all new lines. An overhead transmission line exists behind the District, and its location and impacts should be taken into consideration when developing any Site Specific Master Plans.

### ***Capital Improvements***

In the event that a traffic study recommends improvements to the transportation system, such improvements should be undertaken over a period of time as the District is developed and installed prior to the impacts occurring that necessitated their installation. To the extent possible, and consistent with maintaining the affordability of the housing within the District, developers of this District should be encouraged to participate in the costs of improving the transportation systems, based on the roughly proportional impacts created by the development.

### ***Drainage Improvements***

Given the District's acceptable uses and intensities, a surface drainage plan should be prepared prior to any future development. Potential effects on adjacent properties and Districts should be specifically reviewed.

### **Relationships to Other Districts**

Portions of this District directly abut Land Use District 1 and 15. Given the existing and future uses of this District, compatibility conflicts should not occur as the use of District 46 for residential uses should not create any negative impacts. The District is compatible with the residential uses within adjacent Land Use District 16, which encompasses the Lincoln Park and Wellington Neighborhoods. The District is topographically lower and does not interfere with the hillside backdrop and the recreational uses associated with LUD 1.

### **Land Exchange Policy**

No land under Federal jurisdiction was identified within this District.

### **Annexation Suitability**

All property within this District is located within the Town of Breckenridge.

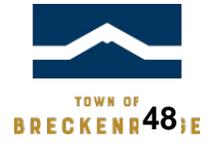
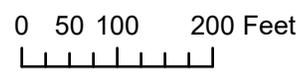


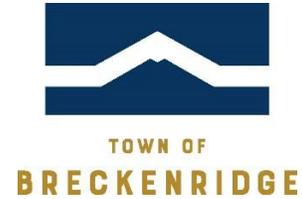
**Proposed LUD 46**  
**8.8 Acres**

**Stillson Patch Placer**

Proposed Land Use District 46 Boundary

-  Current LUDs
-  Proposed LUD 46
-  Parcels





Memo

**To:** Town Council  
**From:** Town Attorney  
**Date:** January 17, 2023  
**Subject:** Compensation of Municipal Prosecutor

---

The Town Attorney is requesting that Council approve the continued service of Bob Gregory in 2023 and is recommending a nominal increase in his compensation as set forth in the attached resolution. The prosecutor serves as an independent contractor and, as such, does not have the same benefits as Town employees. However, the agreement proposed that the prosecutor continue to enjoy the benefit of a municipal recreation wellness pass and a parking pass.

Per the Town of Breckenridge Charter, Article VIII, the Town Council has the authority to approve assistants to the Town Attorney and must establish the compensation of any such assistants. With respect to the Town Attorney's duty as the legal representative of the Town, the Town Attorney oversees the prosecution of both criminal and noncriminal infractions. Historically, the Town Council has provided the Town Attorney with one assistant who performs the function of municipal prosecution.

RESOLUTION NO. \_\_\_\_

SERIES 2022

A RESOLUTION PROVIDING TOWN ATTORNEY ASSISTANT FOR MUNICIPAL PROSECUTION AND ESTABLISHING RATES

WHEREAS, the Town Charter, Article VIII, entitled Legal and Judiciary, Section 8.1, provides, among other things, that the Town Attorney shall serve as the legal representative of the Town;

WHEREAS, the Town Charter further states that the Town Council must approve any assistants of the Town Attorney and establish their compensation;

WHEREAS, the Town Council has deemed it necessary for the Town Attorney to be provided an assistant attorney to represent the Town in municipal prosecution of criminal and noncriminal infractions ("Municipal Prosecutor");

WHEREAS, the Municipal Prosecutor shall further provide prosecutorial services for disciplinary actions against liquor licensees before the Town of Breckenridge Liquor Licensing Authority and to prosecute disciplinary actions against marijuana licensees before the Town of Breckenridge Marijuana Licensing Authority;

WHEREAS, the Town of Breckenridge approves the continued retention of WEST HUNTLEY GREGORY PC for 2022;

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

Section 1. The Town Council hereby provides for a municipal prosecutor under the terms of conditions established by the Town Attorney;

Section 2. The Town Council hereby establishes the hourly rate of \$137.16 of the Town Prosecutor.

RESOLUTION ADOPTED AND APPROVED this 11th day of January, 2022.

ATTEST:

TOWN OF BRECKENRIDGE

\_\_\_\_\_  
Helen J. Cospolich, CMC, Town Clerk

\_\_\_\_\_  
Eric S. Mamula, Mayor

APPROVED IN FORM

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Date

## MUNICIPAL COURT PROSECUTOR AGREEMENT

This Agreement ("Agreement") is made and entered into this 24<sup>h</sup> day of January, 2023, by and between the TOWN OF BRECKENRIDGE, a Colorado municipal corporation ("Town") and WEST HUNTLEY GREGORY P.C., a Colorado professional corporation ("Prosecutors").

The Town Attorney does hereby retain West Huntley, Gregory to act as the prosecutor in the Town's Municipal Court ("Prosecutors") for the period commencing January 1, 2023 and ending December 31, 2023. The Prosecutors shall perform the services as more fully described in Paragraph 3 of this Agreement.

1. The Prosecutor accepts agrees to perform the duties required of it as Prosecutor in a competent and professional manner.

2. The Prosecutor is retained to, and shall perform, the following duties:

A. Prosecute all matters brought in the Town's Municipal Court ("Municipal Court"), including having Robert Gregory, or another competent prosecuting attorney, appear on behalf of the Town in each session of the Municipal Court, which sessions are generally scheduled on the second and fourth Wednesday of each month, with additional sessions scheduled as required by the Municipal Court's schedule.

B. Unless otherwise requested by the Town Attorney, represent the Town in any appeals of Municipal Court matters.

C. Advise any Town officer, department head or staff member in matters relating to cases Prosecutors are handling in case pending before the Municipal Court.

D. Attend Town Council or other Town meetings when requested to do so by the Town Attorney.

E. Prosecute disciplinary actions against liquor licensees before the Town of Breckenridge Liquor Licensing Authority.

F. Prosecute disciplinary actions against marijuana licensees before the Town of Breckenridge Marijuana Licensing Authority.

3. As compensation for the services to be provided by the Prosecutors as set forth in Paragraph 3, the Town shall pay the Prosecutors the sum of One Hundred Forty One and 61/100 Dollars (\$141.61) per hour for each hour expended by the Prosecutors on matters related to the Municipal Court. Prosecutors shall also be reimbursed for all reasonable and necessary expenses which it may pay or incur on behalf of the Town in connection with Municipal Court matters including, but

not limited to, the cost of subpoenas, witness fees and photocopying costs incurred outside of Prosecutors' office, and in the event any of those expense are chargeable to any defendant, defense attorney, or other third party under the Colorado Municipal Court Rules of Procedure or through common custom, the Prosecutors agree to charge such amount to such third party, rather than seeking reimbursement for such items from the Town. It will occasionally be necessary and appropriate for the Prosecutors' paralegals or support staff to perform services on certain matters related to the Municipal Court rather than the Prosecutors, which shall be billed at a rate of Eighty Dollars (\$80.00) per hour. Computerized legal research services performed for the Town shall be billed to the Town at the same rate paid by the Prosecutors for such services, and the Town shall provide the Prosecutors with a portable laptop computer and remote access to court software . The Prosecutor shall submit to the Town Attorney on a monthly basis an itemized billing detailing all services performed for the Town during the preceding month. The Prosecutors' monthly statement for services rendered shall be mailed to the Town on or before the fifth day of each month and shall be paid by the Town not later than the 15th day of each month.

4. The Prosecutors shall not bill the Town for travel time to and from the Municipal Court. In the event that any other travel is required as part of Prosecutors' duties, such travel shall be billed at the hourly rate set forth above.

5. The Prosecutors shall at all times maintain professional liability insurance in an amount of not less than \$1,000,000.00 per claim/\$1,000,000.00 yearly aggregate.

6. The Prosecutors shall not be entitled to paid vacation, health benefits, sick leave or any other benefit paid, given or provided to Town employees; provided, however, Robert Gregory shall be granted an annual family Recreation Wellness Pass and an Employee Parking Pass.

7. The Prosecutors understand that (i) the Town will not pay or withhold any sum for income tax, unemployment insurance, Social Security or any other withholding pursuant to any law or requirement of any governmental body; (ii) Prosecutors are obligated to pay federal and state tax on any moneys earned pursuant to this Agreement; (iii) Prosecutors are not entitled to workers' compensation benefits from the Town or the Town's workers' compensation insurance carrier; and (iv) Prosecutors are not entitled to unemployment insurance benefits unless unemployment compensation coverage is provided by Prosecutors or some other entity. Prosecutors agree to indemnify and hold Town harmless from any liability resulting from Prosecutors' failure to pay or withhold state or federal taxes on the compensation paid hereunder.

The Prosecutors shall devote so much of the firm's time to the business of the Town as may be required to assure proper representation of the Town, but, subject only to the Colorado Rules of Professional Conduct, particularly Rule 1.7, the Prosecutors shall not be prevented from representing other clients which may have business with and against the Town, including, but not limited to, the Department of Community Development, the Planning Commission and the Town Council.

8. The Prosecutors understand and acknowledge that this Agreement may be terminated at any time by the Town Attorney or by action of the Town Council, without liability to the Prosecutors for breach, except liability for compensation due the Prosecutors for services performed prior to the termination, and without the need for either cause for the termination or a hearing.

9. Throughout the extended term of this Agreement, Prosecutors shall not:

A. knowingly employ or contract with a worker without authorization to perform work under this Agreement; or

B. enter into a contract with a subcontractor that fails to certify to Prosecutors that the subcontractor shall not knowingly employ or contract with a worker without authorization to perform work under this Agreement.

Prosecutors have verified or have attempted to verify through participation in the Federal Basic Pilot Program that Prosecutors do not employ any workers without authorization; and if Prosecutors are not accepted into the Federal Basic Pilot Program prior to the extension of the term of this Agreement, Prosecutors shall apply to participate in the Federal Basic Pilot Program every three months thereafter, until Prosecutors are accepted or this Agreement has been completed, whichever is earlier. The requirements of this section shall not be required or effective if the Federal Basic Pilot Program is discontinued.

Prosecutors are prohibited from using Federal Basic Pilot Program procedures to undertake pre-employment screening of job applicants while this Agreement is being performed.

10. If Prosecutors obtain actual knowledge that a subcontractor performing work under this Agreement knowingly employs or contracts with a worker without authorization, Prosecutors shall:

A. notify such subcontractor and the Town within three days that Prosecutors have actual knowledge that the subcontractor is employing or contracting with a worker without authorization; and

B. terminate the subcontract with the subcontractor if within three days of receiving the notice required pursuant to this section the subcontractor does not stop employing or contracting with a worker without authorization; except that Prosecutors shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with a worker without authorization.

Prosecutors shall comply with any reasonable request by the Colorado Department of Labor and Employment made in the course of an investigation that the Colorado Department of

Labor and Employment undertakes or is undertaking pursuant to the authority established in Subsection 8-17.5-102 (5), C.R.S.

If Prosecutors violate any provision of this Agreement pertaining to the duties imposed by Subsection 8-17.5-102, C.R.S. or this Section 13, the Town may terminate this Agreement for a breach of the contract. If this Agreement is so terminated, Prosecutors shall be liable for actual and consequential damages to the Town.

11. In the event that Robert Gregory is unavailable to attend any Municipal Court session, the Prosecutors shall find a substitute prosecutor, with the approval of the Town Attorney

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

ATTEST:

TOWN OF BRECKENRIDGE

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Town Attorney, Kirsten J. Crawford

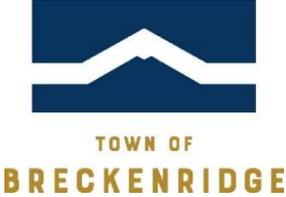
WEST HUNTLEY GREGORY P.C.

\_\_\_\_\_  
By: Robert Gregory, Attorney

# Memo

**To:** Breckenridge Town Council Members  
**From:** Town Staff  
**Date:** 1/18/2023  
**Subject:** Public Projects Update

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## River Walk Improvements

The River Walk Improvement project is a multiphase and multiyear project to improve, enhance, and revitalize the River Walk corridor in downtown. As staff begins design work for the 2023 tasks, specifically the design and construction of a new materials management center (MMC) near Watson Ave, we are looking for concurrence from Council on our overall approach and high-level schedule for the project prior to launching stake holder meetings on the new MMC.

The River Walk project is complex and will require extensive design work, public engagement, and phased construction projects. In addition to the typical updates provided in the Public Projects Update memos, Staff is proposing to have a series of presentations to Council during 2023 that allow focused discussions on project components. Staff, alongside Norris Design, is recommending to bring the following topics to work session meetings. The proposed timelines are for Council check-ins and will be adjusted based on meeting time availability and progression of the planning documents for each component of the project.

- A. Overall project goals: February 2023
- B. Living Lab review: March 2023
  - i. Circulation changes
  - ii. New rec path spur
  - iii. Delivery zones
  - iv. Summer vs. winter operations
- C. Watson Ave. Materials Management Center options: April 2023
- D. Schoonover Site re-development options: June 2023
- E. Ice House Lot materials management: July 2023
- F. Peak 9/Peak 10 enclosures (located between Adams Ave. and Jefferson Ave., 400 S. Main Street block, adjacent to the river) materials management: August 2023
- G. Other Topics?
- H. New CIP Construction Projects: Fall 2023 work session

The 2023 CIP approved projects include the design and construction of the new MMC near Watson Avenue and a feasibility study and design of new pedestrian and bike underpasses/bridges at Watson Ave and Ski Hill Road. In the coming weeks staff will be preparing an RFP for the underpass study consultant team and plan to begin stakeholder outreach with user groups of the new MMC.

Budget:

The underpass design project is funded by a 50% grant from CDOT's Multimodal Transportation and Mitigation Options Fund. Budget updates will be provided to Council as the project progresses and updated cost estimates are established.

Project Funding	
Prior Year's Remaining Funding	\$423,811
Rec Path Underpass Study & Design	
2023 CIP	\$675,000
MMOF Grant	\$675,000
Material Management Center (2023 CIP)	\$500,000



# Memo

To: Town Council  
From: Jessie Burley, Sustainability + Parking Manager  
Date: 1/18/2023  
Subject: Sustainability Update

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**PAYT** – Staff had meetings with WM and Timberline separately on Jan. 12 to discuss program roll out. Both companies are prepared to have pricing for new services by the February 1 deadline. Each indicated that roughly 2/3 of their residential customers do not currently have curbside recycling. They have indicated that customers are preemptively reaching out to add recycling. Both companies need to order container inventory before they can offer the new service sizes for all customers. Lead times vary based on suppliers. Paid advertising, marketing and neighborhood outreach will be deployed in conjunction with new service roll out.

**NEW Food Scrap Drop Off location @ Ice Rink** – A new 2-yard dumpster for collecting food scraps has been added in the West parking lot of the Ice Rink. HC3 and Town staff will begin work on getting the word out to residents about the new drop off location. We will also be monitoring the location closely for any contamination issues. As a reminder, the food scrap collection program is free for all summit county residents to participate in, they just need to [register](#) for the program to get the code to access the drop off bins.

**Sustainable Materials Management** – Staff is in the process of interviewing applicants for the sustainable materials management coordinator. The process for issuing the material management fee invoices has been ironed out and invoices will be sent to businesses and qualifying residential units the week of January 23. By ordinance, payments are due by April 1 of each year.

**Breck E-Ride** – Staff have been working on an additional grant application, CDOT’s Revitalizing Main Streets program, that would go towards covering some of the Town’s 50% cost share (~\$122,000) of this year’s pilot. The grant application is due January 25<sup>th</sup>, award notices are expected to be made in early March, and awardee contracts are expected to be executed in June. Due to the timing of grant contract execution, the initial 50% deposit already paid by the Town would not be considered an eligible expense, but if awarded the funds are good for up to 1 year from the contract date, and unused funds could potentially go towards a 2024 season implementation.

Staff met with Drop Mobility on 1/12 to discuss branding and logo design to be used by the *Breck E-Ride* system. They will have some logo design options for us to review in the next couple weeks. In the weeks/months ahead, Staff will continue working with Drop to finalize system details, including pricing structure, development of the app and website, and coordinating logistics around receiving and deploying of equipment. Goal is to launch the E-bike share system in late-May.

**Solarize Summit** – The Solarize program wrapped up in Breckenridge with 13 new systems installed in town for a total of 130 kW (1/3 the size of one solar garden). Combined with Alta Verde and Block 11’s solar systems, that’s nearly 1 MW of new renewables in 2022. Rebates for Solarize will increase to \$1650 in 2023 to adjust for inflation. The solar production tax credit will increase to 30% (retroactive for projects in 2022) and extend to 2032 under the IRA.

**SustainableBreck Plan** – AECOM has nominated the SustainableBreck Plan + process for the annual American Planning Association’s Excellence in Sustainability Awards.

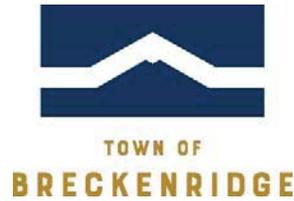
**Mayor’s Challenge** – There were 16 alternative commute entries during the [Mayor’s Challenge](#) January prize week. Five lucky winners were randomly selected to receive \$50 gift cards to various local restaurants/businesses. The winners were announced over the Town’s social media channels on 1/17.

In between prize weeks, Staff will also be providing additional on-the-spot rewards to people they see using alternative transportation to get around. The remaining Mayors Challenge prize-weeks scheduled for this season are:

- *Feb 13-19, 2023*
- *Mar 13-19, 2023*

Comments from participants include compliments to the Town’s Streets and Parks divisions for maintaining our mobility friendly infrastructure in the winter and to the Breckenridge Free Ride staff for keeping the buses moving. Several people commented about the new Verde route and the accessibility from the north end of town.

This memo was provided as an update to Council and no action is requested.



# Memo

To: Breckenridge Town Council Members  
From: Corrie Burr  
Date: January 24, 2023 Town Council Meeting  
Subject: January 4, 2023 Child Care Advisory Meeting Report/Minutes

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The Child Care Advisory Committee held a regular meeting on January 4, 2023. Committee members present: Greta Shackelford, Scott Perlow, Leslie Davis, Britton Fossett, Johanna Gibbs, Diana Morain, Jay Homola and Jay Beckerman. Staff from the Town of Breckenridge included Laurie Best, Julia Puester, Mark Truckey, and Corrie Burr.

## Calculation Review

The Committee reviewed comparison data for the change in the tuition assistance calculation for this current tuition year (September 2022-August 2023). Staff presented information on how families fared with the change to the sliding scale (report attached). Overall families are receiving more funds than they would have with the previous calculation. There were 3 families over the 150% AMI previous max threshold that would not have been included in the program prior to this year. At the next committee meeting, we will dig further into a few family examples since the center fees increased at the same time the program parameters changed. The overall expectation of the increase in grants appears to be around \$90,000 for the year. The CIRCLE grant that Town received to cover the increase in funds is \$100,000. With the addition of new families through the year, we expect to use all grant funds.

## Future of the Committee

The Committee addressed the need and goals of this group as the tuition assistance program goes to a County-wide solution. This year is a transition year for the program and the Committee feels it is important to remain status quo for 2023, but to review the goals of the program to address needs in the future. We will continue to meet every other month and cancel a scheduled meeting if it is deemed not necessary. Johanna offered to meet with Town staff to review the goals of the program along with potential added buckets the Committee could address or consider.

Adjourned at 11:40 a.m.  
Staff will be available at the Town Council meeting for questions.



# Child Care Tuition Assistance Calculation Change for 2022/2023

## HOW DID THE CALCULATION CHANGE EFFECT TUITION ASSISTANCE?

In 2022, we changed the calculation of tuition assistance to be a sliding scale based on income...meaning those with a lower income would receive the most assistance from the program. In addition, we raised the AMI to 180% to provide some assistance to families paying more than 20% of their income toward childcare. The program had been focused on keeping child care expenses to 13-16%. With the new scale, families pay between 5-19% of their income toward child care.

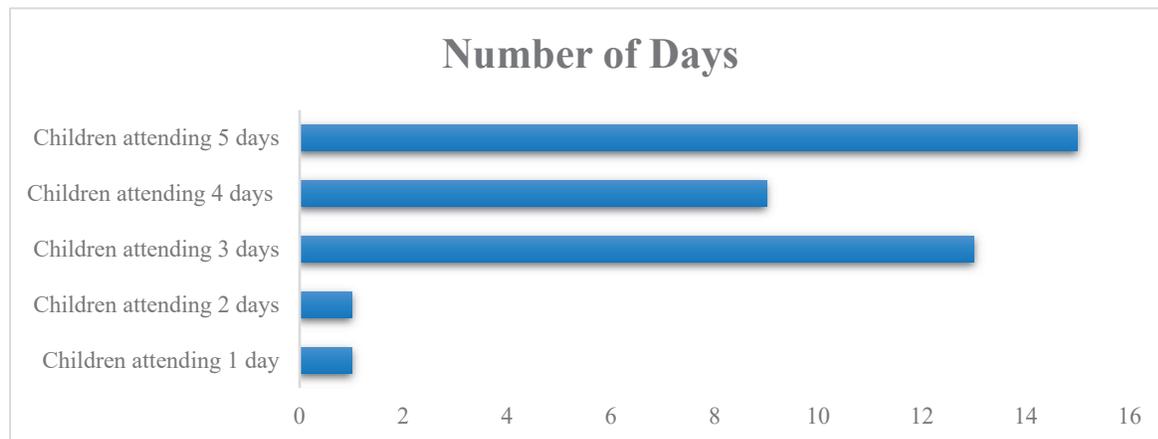
1 Child in Care		Days per week				
		1	2	3	4	5
0-120% AMI	LI	5%	6.50%	8.00%	9.50%	11.00%
121-150% AMI	MI	7%	8.50%	10.00%	11.50%	13.00%
151-180% AMI	HI	10%	11.50%	13.00%	14.50%	16.00%

2 Child in Care		Days per week combined for 2 kids									
		1	2	3	4	5	6	7	8	9	10
0-120% AMI	LI	5.00%	6.00%	6.75%	7.50%	8.25%	9.00%	9.75%	10.50%	11.25%	12.00%
121-150% AMI	MI	7.00%	9.00%	9.88%	10.75%	11.63%	12.50%	13.38%	14.25%	15.13%	16.00%
151-180% AMI	HI	10.00%	12.00%	12.88%	13.75%	14.63%	15.50%	16.38%	17.25%	18.13%	19.00%

## WHAT WE ARE SEEING WITH THE CURRENT APPLICATIONS

- For 2022/2023 we have 35 approved applications, 4 recently submitted and in review and 3 in the final stages of review. Last year we had 53 approved families.
- The average family income is \$117,849 with a median income of \$124,605.
- The average family AMI is 118%.

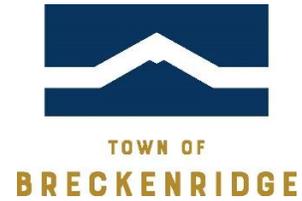


2% of children are attending 1-2 days  
 34% of children are attending 3 days  
 23% of children are attending 4 days  
 39% of children are attending 5 days

## ANALYSIS OF NEW FORMULA

Family Income	Family Annual Difference
\$40,000	\$1,716.00
\$73,800	\$2,496.00
\$77,784	\$987.92
\$77,784	\$1,972.00
\$78,876	\$1,560.00
\$82,548	\$520.08
\$82,548	\$520.08
\$92,592	\$4,680.00
\$93,040	\$3,120.00
\$96,953	\$4,524.00
\$99,996	\$4,524.00
\$100,578	\$5,148.00
\$102,000	\$3,743.96
\$104,272	\$3,120.12
\$108,000	\$4,160.04
\$110,175	\$3,380.04
\$114,504	\$4,160.00
\$117,996	\$3,900.00
\$120,359	\$1,663.92
\$124,605	\$2,287.92
\$124,608	\$2,280.00
\$125,000	\$4,160.08
\$127,000	\$1,820.04
\$130,992	\$624.00
\$130,992	\$624.00
\$131,000	\$4,783.96
\$131,945	\$1,716.00
\$133,245	\$1,716.00
\$135,207	\$780.00
\$135,600	\$3,120.00
\$137,110	\$1,560.08
\$144,000	-\$2,860.00
\$144,800	\$2,080.08
\$148,500	-\$779.88
\$148,500	-\$779.88
\$162,744	\$2,340.00
\$162,744	\$2,340.00
\$171,852	\$8,840.04
\$171,852	\$8,840.04

- Overall families saw an average increase of grant funds of \$2,570.
- 2 families saw a decrease in assistance due to higher income and therefore a higher % of income paid to child care.
- 3 families were over 150% AMI and would not have qualified for the program in prior years.
- Families highlighted in BLUE have 2 kids in care.



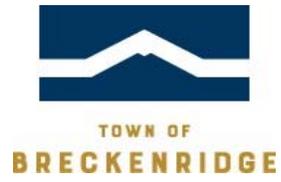
# Memo

**To:** Breckenridge Town Council Members  
**From:** Rick Holman, Town Manager  
**Date:** 1/18/2023  
**Subject:** Committee Reports

*No committee reports were submitted for this meeting.*

<b>Committees*</b>	<b>Representative</b>	<b>Report Status</b>
Summit Stage Advisory Board	Matt Hulsey	No Meeting/Report
Police Advisory Committee	Chief Jim Baird	No Meeting/Report
Recreation Advisory Committee	Scott Reid	No Meeting/Report
Transit and Parking Advisory Committee	Matt Hulsey	No Meeting/Report
Liquor and Marijuana Licensing Authority	Tara Olson	No Meeting/Report
Breckenridge Social Equity Advisory Commission	Shannon Haynes	No Meeting/Report
Communications	Brooke Attebery	No Meeting/Report

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



**11/30/2022**

Department of Finance



## Executive Summary

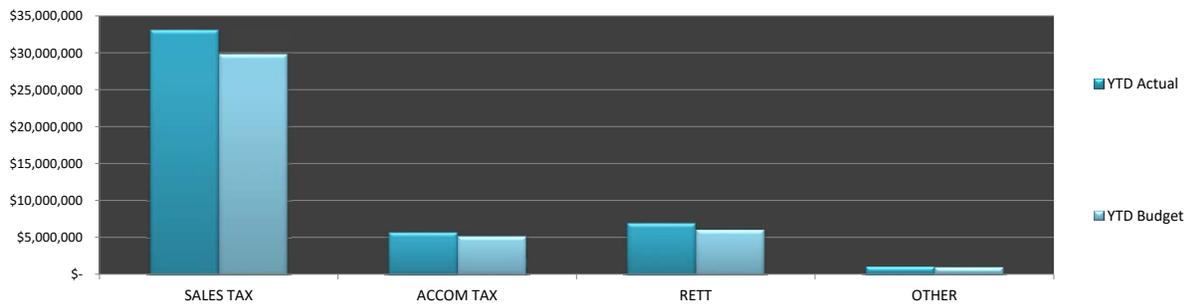
December 31, 2022

This report covers the 12 months of 2022. December is largely reflective of November tax collections

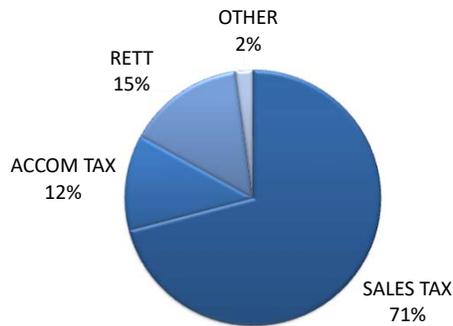
Overall, we are approximately \$4.7M over 2022 budgeted revenues in the Excise fund. Sales tax is currently \$3.2M over YTD budget, and \$3.4 ahead of prior year. Accommodations tax is \$.5M over budget, and \$.2M behind from last year. Real Estate Transfer Tax is \$.8M above budget, and \$4.1M behind prior year.

See the Tax Basics section of these financial reports for more detail on the sales, accommodations, and real estate transfer taxes.

**Excise YTD Actual vs. Budget - by Source**



**YTD Actual Revenues - Excise**



	YTD Actual	YTD Budget	% of Budget	Variance	2021 Actual	Variance
SALES TAX	\$ 33,078,928	\$ 29,805,800	111%	\$ 3,273,128	\$ 29,624,292	\$ 3,454,636
ACCOMMODATIONS TAX	5,659,313	5,118,200	111%	541,113	5,916,325	(257,012)
REAL ESTATE TRANSFER	6,872,481	6,000,000	115%	872,481	11,038,657	(4,166,177)
OTHER*	1,028,755	972,065	106%	56,690	818,191	210,564
<b>TOTAL</b>	<b>\$ 46,639,476</b>	<b>\$ 41,896,065</b>	<b>111%</b>	<b>\$ 4,743,411</b>	<b>\$ 47,397,466</b>	<b>\$ (757,989)</b>

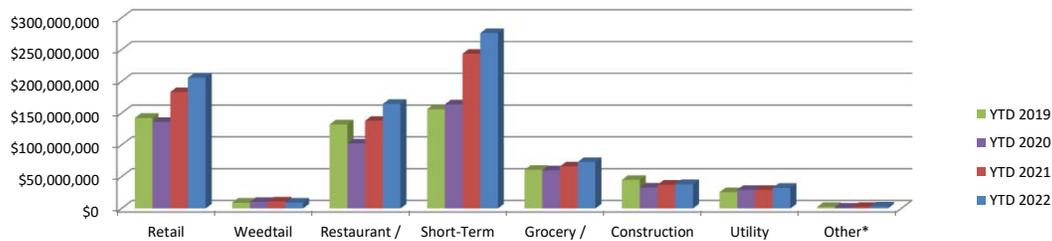
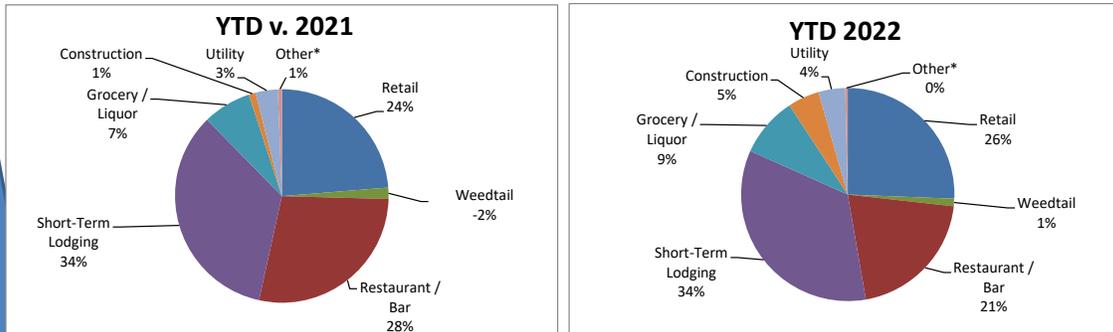
\* Other includes Franchise Fees (Telephone, Public Service and Cable), Cigarette Tax, and Investment Income

## The Tax Basics: November 2022

### Net Taxable Sales by Industry-YTD

Description	YTD 2019	YTD 2020	YTD 2021	2021		2021/2022		2022
				% of Total	YTD 2022	\$ Change	% Change	% of Total
Retail	\$142,532,405	\$136,174,560	\$183,112,660	25.76%	\$205,674,310	\$22,561,651	12.32%	25.63%
Weedtail	\$9,165,717	\$10,237,965	\$10,953,194	1.54%	\$9,307,970	(\$1,645,223)	-15.02%	1.16%
Restaurant / Bar	\$132,250,037	\$102,371,169	\$137,935,539	19.41%	\$164,525,252	\$26,589,713	19.28%	20.50%
Short-Term Lodging	\$156,198,209	\$163,794,212	\$243,509,862	34.26%	\$276,038,792	\$32,528,930	13.36%	34.40%
Grocery / Liquor	\$60,676,484	\$60,075,932	\$66,158,901	9.31%	\$73,100,108	\$6,941,207	10.49%	9.11%
Construction	\$45,111,102	\$33,064,365	\$37,273,238	5.24%	\$38,280,906	\$1,007,668	2.70%	4.77%
Utility	\$25,617,921	\$29,280,789	\$29,266,715	4.12%	\$32,466,941	\$3,200,226	10.93%	4.05%
Other*	\$2,324,125	\$1,437,375	\$2,565,464	0.36%	\$3,126,887	\$561,423	21.88%	0.39%
<b>Total</b>	<b>\$573,876,000</b>	<b>\$536,436,368</b>	<b>\$710,775,572</b>	<b>100.00%</b>	<b>\$802,521,166</b>	<b>\$91,745,594</b>	<b>12.91%</b>	<b>100.00%</b>

\* Other includes activities in Automobiles and Undefined Sales.



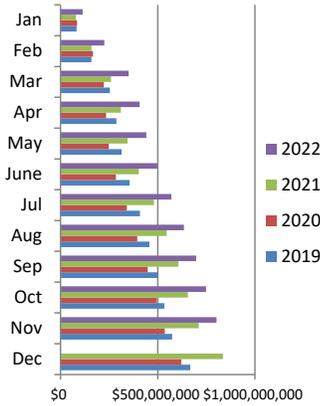
#### New Items of Note:

- Year to Date, net taxable sales are currently ahead of 2021 by 12.91%.
- For November YTD 2022, there were increases in Short Term Lodging (13.36%), Restaurant/Bar (19.28%) and Retail (12.32%), Grocery/Liquor (10.49%), Construction (10.49%), Utilities (10.93%) and Weedtail decline (-15.02%) compared to November, 2021.
- November YTD 2022 is ahead of November YTD 2019 by 39.84%.

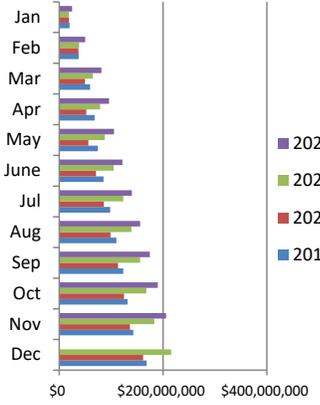
#### Historical Notes:

- Due to COVID-19, on March 16th, 2020 Town-Wide business closures/operating limitations went into effect. On November 22, 2020 indoor dining closed due to Summit County entering level red on the State COVID 19 dial dashboard on November 20th. Restaurants started reopening for indoor dining on December 18, 2020 through the five star certification program.
- By executive order, Town bag fees were waived for large grocers during the COVID-19 pandemic March 27, 2020 - September 9, 2020, and again November 19, 2020 - April 28, 2021.
- Short Term Lodging taxes are generally remitted based on reservation date.
- In 2014, a new category was added to the Sales by Sector pages for the Weedtail sector. The category encompasses all legal marijuana sales, regardless of medical or recreational designation.
- A section on Disposable Bag Fees was added in 2014.
- A section on Short Term Rentals was added in 2018.
- Taxes collected from the customer by the vendor are remitted to the Town on the 20<sup>th</sup> of the following month.
- Quarterly taxes are reported in the last month of the period. For example, taxes collected in the first quarter of the year (January – March), are included on the report for the period of March.
- Net Taxable Sales are continually updated as late tax returns are submitted to the Town of Breckenridge. Therefore, you may notice slight changes in prior months, in addition to the reporting for the current month.
- "Other" sales relate to returns that have yet to be classified. Much of this category will be reclassified to other sectors as more information becomes available.

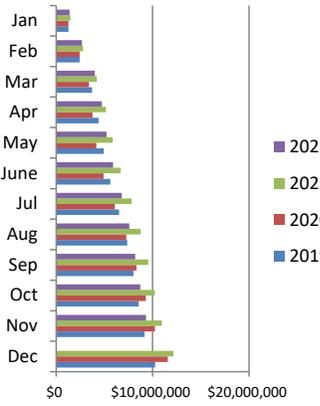
## Net Taxable Sales by Sector-Town of Breckenridge Tax Base



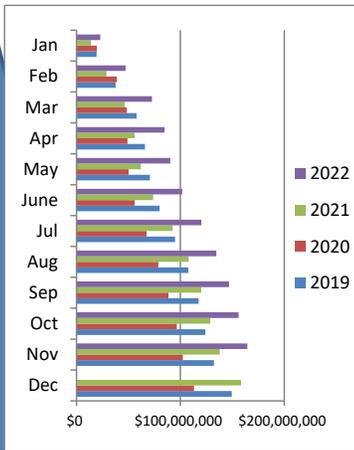
Total Net Taxable Sales						
	2019	2020	2021	2022	% change from PY	% change from '19
Jan	\$82,322,443	\$84,647,231	\$79,027,302	\$113,608,612	43.76%	38.00%
Feb	\$75,811,953	\$81,727,947	\$79,756,522	\$111,338,870	39.60%	46.86%
Mar	\$95,183,824	\$55,901,786	\$100,234,149	\$125,585,766	25.29%	31.94%
Apr	\$33,985,955	\$11,891,222	\$50,827,804	\$56,494,658	11.15%	66.23%
May	\$26,566,276	\$13,321,865	\$34,401,430	\$34,417,974	0.05%	29.56%
Jun	\$41,035,140	\$37,462,588	\$58,729,390	\$56,129,099	-4.43%	36.78%
Jul	\$53,771,241	\$55,894,765	\$77,769,014	\$72,705,486	-6.51%	35.21%
Aug	\$48,088,815	\$54,137,170	\$65,628,803	\$64,579,329	-1.60%	34.29%
Sep	\$44,881,947	\$53,787,268	\$60,882,123	\$62,839,196	3.21%	40.01%
Oct	\$32,297,790	\$46,505,550	\$48,306,167	\$51,340,894	6.28%	58.96%
Nov	\$39,930,615	\$41,158,975	\$55,212,868	\$53,481,282	-3.14%	33.94%
Dec	\$93,943,271	\$84,872,822	\$124,722,659	\$0	n/a	n/a
<b>Total</b>	<b>\$667,819,271</b>	<b>\$621,309,189</b>	<b>\$835,498,231</b>	<b>\$802,521,166</b>	<b>-3.95%</b>	<b>20.17%</b>



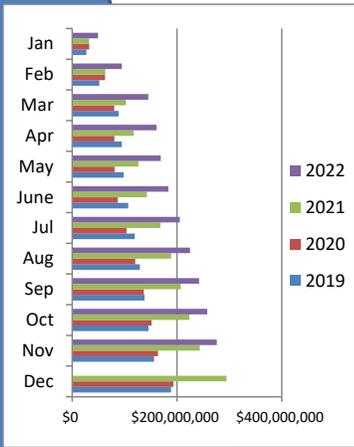
Retail						
	2019	2020	2021	2022	% change from PY	% change from '19
Jan	\$19,838,133	\$18,678,748	\$18,635,274	\$24,687,847	32.48%	24.45%
Feb	\$17,584,501	\$18,403,614	\$19,530,622	\$25,208,444	29.07%	43.36%
Mar	\$21,862,501	\$12,440,951	\$26,493,291	\$31,408,004	18.55%	43.66%
Apr	\$8,624,050	\$2,659,894	\$14,010,364	\$14,717,888	5.05%	70.66%
May	\$6,387,614	\$3,963,319	\$8,925,154	\$9,350,408	4.76%	46.38%
Jun	\$10,882,630	\$14,724,115	\$17,207,420	\$16,420,132	-4.58%	50.88%
Jul	\$12,872,629	\$14,796,473	\$18,335,899	\$17,915,479	-2.29%	39.17%
Aug	\$12,089,370	\$13,122,202	\$15,748,506	\$16,031,826	1.80%	32.61%
Sep	\$13,081,281	\$14,248,057	\$16,927,047	\$18,813,941	11.15%	43.82%
Oct	\$8,228,819	\$11,623,981	\$11,925,682	\$15,301,938	28.31%	85.96%
Nov	\$11,080,877	\$11,513,206	\$15,373,401	\$15,818,405	2.89%	42.75%
Dec	\$25,977,195	\$25,326,846	\$32,657,304	\$0	n/a	n/a
<b>Total</b>	<b>\$168,509,600</b>	<b>\$161,501,406</b>	<b>\$215,769,963</b>	<b>\$205,674,310</b>	<b>-4.68%</b>	<b>22.05%</b>



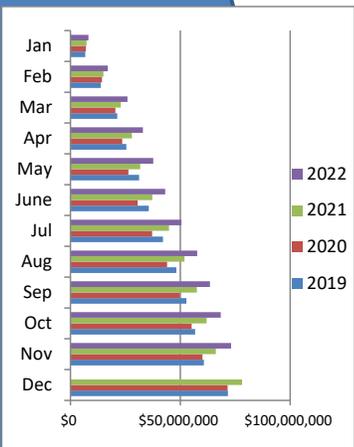
Weedtail						
	2019	2020	2021	2022	% change from PY	% change from '19
Jan	\$1,278,628	\$1,266,253	\$1,478,465	\$1,390,691	-5.94%	8.76%
Feb	\$1,143,834	\$1,155,097	\$1,294,638	\$1,290,570	-0.31%	12.83%
Mar	\$1,291,752	\$975,890	\$1,441,196	\$1,310,491	-9.07%	1.45%
Apr	\$682,583	\$371,068	\$942,276	\$732,968	-22.21%	7.38%
May	\$525,557	\$398,677	\$695,750	\$499,512	-28.21%	-4.96%
Jun	\$691,544	\$730,655	\$841,867	\$670,484	-20.36%	-3.05%
Jul	\$905,548	\$1,183,503	\$1,116,858	\$912,870	-18.26%	0.81%
Aug	\$845,682	\$1,189,922	\$936,140	\$777,363	-16.96%	-8.08%
Sep	\$658,693	\$1,058,643	\$802,336	\$611,456	-23.79%	-7.17%
Oct	\$536,078	\$961,909	\$665,889	\$529,983	-20.41%	-1.14%
Nov	\$605,820	\$946,348	\$737,780	\$581,583	-21.17%	-4.00%
Dec	\$1,088,987	\$1,344,482	\$1,195,620	\$0	n/a	n/a
<b>Total</b>	<b>\$10,254,704</b>	<b>\$11,582,448</b>	<b>\$12,148,814</b>	<b>\$9,307,970</b>	<b>-23.38%</b>	<b>-9.23%</b>



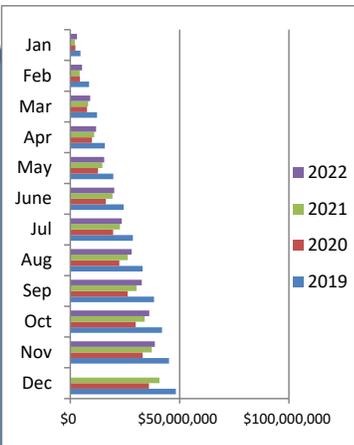
Restaurant / Bar						
	2019	2020	2021	2022	% change from PY	% change from '19
Jan	\$19,257,344	\$19,554,069	\$13,927,771	\$22,890,956	64.35%	18.87%
Feb	\$18,251,145	\$19,373,160	\$14,848,206	\$24,245,733	63.29%	32.84%
Mar	\$20,276,191	\$9,539,117	\$17,448,896	\$25,550,174	46.43%	26.01%
Apr	\$8,183,550	\$569,772	\$9,779,546	\$12,074,134	23.46%	47.54%
May	\$4,752,756	\$1,080,838	\$5,855,175	\$5,500,372	-6.06%	15.73%
Jun	\$9,334,516	\$5,757,644	\$11,939,566	\$11,550,668	-3.26%	23.74%
Jul	\$14,827,380	\$11,516,010	\$18,672,407	\$18,344,308	-1.76%	23.72%
Aug	\$12,693,004	\$11,328,814	\$15,402,713	\$14,368,622	-6.71%	13.20%
Sep	\$10,012,989	\$9,740,884	\$12,148,767	\$12,385,390	1.95%	23.69%
Oct	\$6,463,032	\$8,035,694	\$8,802,853	\$9,080,515	3.15%	40.50%
Nov	\$8,198,131	\$5,875,167	\$9,109,639	\$8,534,381	-6.31%	4.10%
Dec	\$17,153,063	\$10,821,262	\$20,385,358	\$0	n/a	n/a
<b>Total</b>	<b>\$149,403,100</b>	<b>\$113,192,431</b>	<b>\$158,320,897</b>	<b>\$164,525,252</b>	<b>3.92%</b>	<b>10.12%</b>



Short-Term Lodging						
	2019	2020	2021	2022	% change from PY	% change from '19
Jan	\$26,972,450	\$32,472,870	\$32,089,902	\$49,175,223	53.24%	82.32%
Feb	\$24,828,849	\$30,219,575	\$30,990,441	\$45,760,046	47.66%	84.30%
Mar	\$37,084,360	\$17,521,668	\$39,256,903	\$50,238,197	27.97%	35.47%
Apr	\$6,084,075	\$411,396	\$15,026,329	\$15,874,356	5.64%	160.92%
May	\$3,269,759	\$193,062	\$8,983,180	\$7,856,802	-12.54%	140.29%
Jun	\$8,616,999	\$6,255,691	\$16,171,040	\$14,634,733	-9.50%	69.84%
Jul	\$12,277,101	\$16,576,656	\$25,805,967	\$21,972,358	-14.86%	78.97%
Aug	\$10,003,552	\$16,660,637	\$20,489,851	\$19,422,204	-5.21%	94.15%
Sep	\$8,761,172	\$16,460,520	\$18,316,685	\$17,436,452	-4.81%	99.02%
Oct	\$7,656,277	\$14,549,116	\$16,463,389	\$15,458,508	-6.10%	101.91%
Nov	\$10,643,615	\$12,473,022	\$19,916,175	\$18,209,914	-8.57%	71.09%
Dec	\$32,570,216	\$29,486,210	\$51,116,216	\$0	n/a	n/a
<b>Total</b>	<b>\$188,768,425</b>	<b>\$193,280,422</b>	<b>\$294,626,077</b>	<b>\$276,038,792</b>	<b>-6.31%</b>	<b>46.23%</b>



Grocery / Liquor						
	2019	2020	2021	2022	% change from PY	% change from '19
Jan	\$6,728,312	\$6,999,424	\$7,287,839	\$8,170,578	12.11%	21.44%
Feb	\$6,986,584	\$7,348,579	\$7,698,418	\$8,753,193	13.70%	25.29%
Mar	\$7,555,406	\$6,076,156	\$7,875,044	\$9,019,659	14.53%	19.38%
Apr	\$4,143,198	\$3,106,559	\$5,116,542	\$6,998,996	36.79%	68.93%
May	\$5,770,430	\$2,826,463	\$3,756,571	\$4,696,309	25.02%	-18.61%
Jun	\$4,477,840	\$4,217,888	\$5,487,526	\$5,436,849	-0.92%	21.42%
Jul	\$6,441,916	\$6,538,290	\$7,596,984	\$7,431,072	-2.18%	15.35%
Aug	\$6,036,270	\$6,845,312	\$7,082,310	\$7,177,335	1.34%	18.90%
Sep	\$4,599,869	\$5,779,785	\$5,595,731	\$5,816,776	3.95%	26.46%
Oct	\$3,956,333	\$5,367,622	\$4,452,681	\$4,906,694	10.20%	24.02%
Nov	\$3,980,326	\$4,969,855	\$4,209,254	\$4,692,648	11.48%	17.90%
Dec	\$10,973,358	\$11,429,551	\$11,964,748	\$0	n/a	n/a
<b>Total</b>	<b>\$71,649,842</b>	<b>\$71,505,483</b>	<b>\$78,123,650</b>	<b>\$73,100,108</b>	<b>-6.43%</b>	<b>2.02%</b>

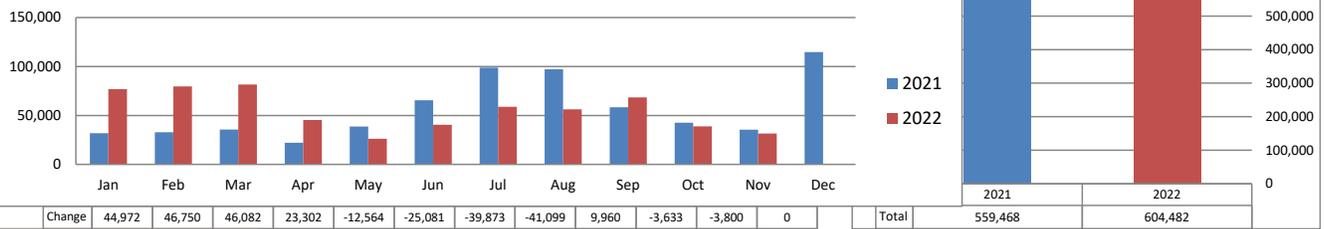


Construction						
	2019	2020	2021	2022	% change from PY	% change from '19
Jan	\$4,622,124	\$2,322,673	\$2,068,745	\$3,080,631	48.91%	-33.35%
Feb	\$3,928,370	\$2,026,803	\$2,195,750	\$2,329,985	6.11%	-40.69%
Mar	\$3,639,371	\$3,271,838	\$3,867,901	\$3,655,534	-5.49%	0.44%
Apr	\$3,600,032	\$2,300,346	\$2,801,202	\$2,689,995	-3.97%	-25.28%
May	\$3,855,082	\$2,761,828	\$3,686,232	\$3,753,221	1.82%	-2.64%
Jun	\$4,754,187	\$3,549,852	\$4,674,055	\$4,553,593	-2.58%	-4.22%
Jul	\$4,235,249	\$3,324,797	\$3,429,834	\$3,420,384	-0.28%	-19.24%
Aug	\$4,394,398	\$2,892,678	\$3,564,355	\$4,155,216	16.58%	-5.44%
Sep	\$5,281,990	\$3,736,263	\$4,018,448	\$4,623,511	15.06%	-12.47%
Oct	\$3,589,597	\$3,636,815	\$3,704,289	\$3,476,544	-6.15%	-3.15%
Nov	\$3,210,703	\$3,240,472	\$3,262,427	\$2,542,290	-22.07%	-20.82%
Dec	\$3,172,007	\$2,913,924	\$3,497,187	\$0	n/a	n/a
<b>Total</b>	<b>\$48,283,109</b>	<b>\$35,978,289</b>	<b>\$40,770,425</b>	<b>\$38,280,906</b>	<b>-6.11%</b>	<b>-20.72%</b>

### Disposable Bag Fees

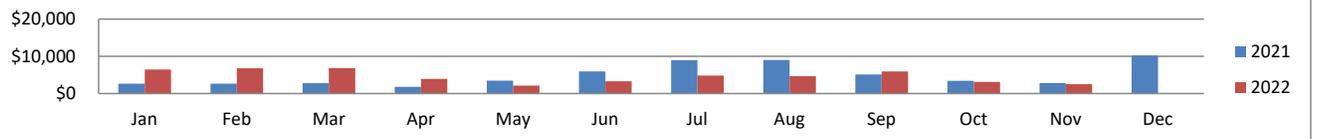
The Town adopted an ordinance April 9, 2013 (effective October 15, 2013) to discourage the use of disposable bags, achieving a goal of the SustainableBreck Plan. The \$.10 fee applies to most plastic and paper bags given out at retail and grocery stores in Breckenridge. The program is intended to encourage the use of reusable bags and discourage the use of disposable bags, thereby furthering the Town's sustainability efforts. Revenues from the fee are used to provide public information about the program and promote the use of reusable bags.

### # of Disposable Bags Reported by Month



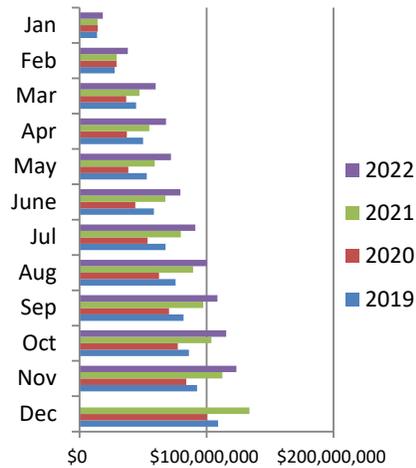
### Bag Fees Remitted by Month

Net of Retained Percentage\*

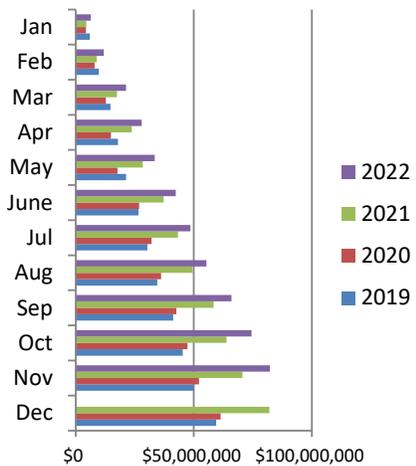


\*Retailers are permitted to retain 50% of the fee (up to a maximum of \$1000/month through October 31, 2014; changing to a maximum of \$100/month beginning November 1, 2014) in order to offset expenses incurred related to the program. The retained percent may be used by the retail store to provide educational information to customers; provide required signage; train staff; alter infrastructure; fee administration; develop/display informational signage; encourage the use of reusable bags or promote recycling of disposable bags; and improve infrastructure to increase disposable bag recycling.

## The Tax Basics: Retail Sales Sector Analysis

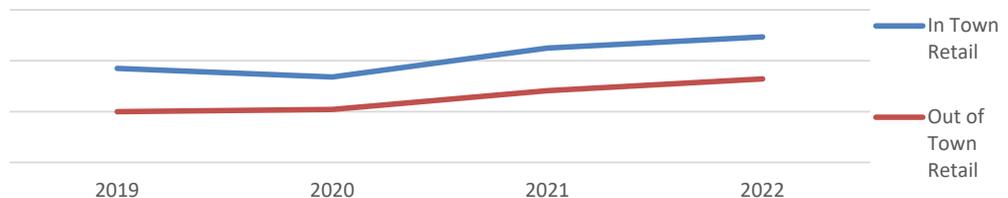


Retail: In-Town					
	2019	2020	2021	2022	% change
					2022 from PY
Jan	\$13,874,223	\$14,370,276	\$14,184,347	\$18,348,762	29.36%
Feb	\$13,755,726	\$14,718,338	\$15,039,976	\$19,675,561	30.82%
Mar	\$16,905,640	\$7,672,509	\$17,968,090	\$21,933,024	22.07%
Apr	\$5,471,956	\$501,878	\$7,736,099	\$8,097,878	4.68%
May	\$2,941,690	\$1,184,259	\$4,231,386	\$3,882,312	-8.25%
Jun	\$5,600,801	\$5,535,634	\$8,404,400	\$7,492,397	-10.85%
Jul	\$9,136,287	\$9,538,295	\$12,238,779	\$11,698,634	-4.41%
Aug	\$7,911,724	\$9,099,564	\$9,575,276	\$9,213,702	-3.78%
Sep	\$6,331,984	\$7,810,222	\$7,994,838	\$8,249,383	3.18%
Oct	\$4,203,590	\$6,896,334	\$6,485,159	\$6,834,202	5.38%
Nov	\$6,421,375	\$6,654,146	\$8,629,524	\$8,034,574	-6.89%
Dec	\$16,458,003	\$16,148,250	\$21,244,252	\$0	n/a
<b>Total</b>	<b>\$109,012,999</b>	<b>\$100,129,705</b>	<b>\$133,732,126</b>	<b>\$123,460,430</b>	



Retail: Out-of-Town					
	2019	2020	2021	2022	% change
					2022 from PY
Jan	\$5,961,807	\$4,308,472	\$4,450,927	\$6,339,085	42.42%
Feb	\$3,827,525	\$3,685,276	\$4,490,646	\$5,532,883	23.21%
Mar	\$4,955,611	\$4,768,442	\$8,525,202	\$9,474,980	11.14%
Apr	\$3,150,844	\$2,158,016	\$6,274,265	\$6,620,010	5.51%
May	\$3,445,924	\$2,779,060	\$4,693,767	\$5,468,095	16.50%
Jun	\$5,281,829	\$9,188,481	\$8,803,020	\$8,927,734	1.42%
Jul	\$3,736,342	\$5,258,178	\$6,097,120	\$6,216,846	1.96%
Aug	\$4,177,646	\$4,022,638	\$6,173,230	\$6,818,124	10.45%
Sep	\$6,749,297	\$6,437,835	\$8,932,209	\$10,564,558	18.27%
Oct	\$4,025,229	\$4,727,647	\$5,440,523	\$8,467,736	55.64%
Nov	\$4,659,502	\$4,859,060	\$6,743,877	\$7,783,831	15.42%
Dec	\$9,519,192	\$9,176,626	\$11,413,052	\$0	n/a
<b>Total</b>	<b>\$59,490,748</b>	<b>\$61,369,731</b>	<b>\$82,037,838</b>	<b>\$82,213,881</b>	

August YTD Trending Retail Sales



### New Items of Note:

- Starting in March 2019, the Finance Department has split the Retail sector into two categories, In-Town Retail sales and Out-of-Town Retail sales. In-Town Retail sales comprise businesses that are in Town limits, the sector had an overall increase of 13.1% in 2022 as compared to 2021. The Out-of-Town Retail Sales had a overall increase in sales of 16.7% for 2022 compared to 2021.

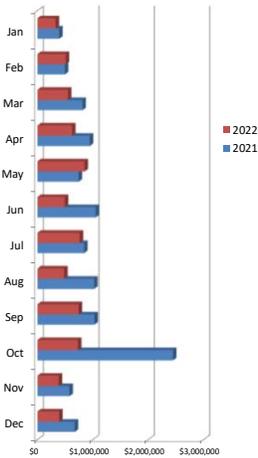
## Real Estate Transfer Tax

### New Items of Note:

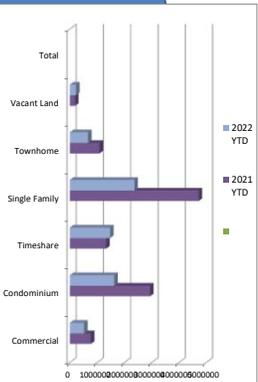
- Revenue December YTD is ahead of the budget by \$.8M and below the prior year by 4.1M.
- Single Family Home sales account for the majority of the sales (34.38%), with condominium sales in the second position of highest sales (23.61%) subject to the tax. Timeshare sales are higher YTD by 11.16% and Single Family sales are lower YTD by -49.91%. Townhome activity is representing 9.71% of the activity.
- December YTD 2022 churn was 42.37% below December 2021 and 3.7% higher than October YTD 2022.

### Continuing Items of Note:

- 2022 Real Estate Transfer Tax budget is based upon the monthly distribution for 2020.



Total RETT								
	2019	2020	2021	2022	% change	2022 budget	+/- Budget	
Jan	\$536,802	\$439,913	\$394,201	\$328,719	-16.61%	\$336,750	-\$8,031	
Feb	\$441,411	\$494,762	\$493,987	\$512,843	3.82%	\$378,737	\$134,106	
Mar	\$454,470	\$437,025	\$813,726	\$551,693	-32.20%	\$334,539	\$217,154	
Apr	\$674,070	\$296,555	\$946,247	\$627,842	-33.65%	\$227,011	\$400,832	
May	\$781,528	\$158,327	\$743,447	\$851,657	14.56%	\$121,198	\$730,459	
Jun	\$480,111	\$330,564	\$1,052,494	\$495,925	-52.88%	\$253,044	\$242,881	
Jul	\$510,302	\$417,437	\$841,992	\$765,641	-9.07%	\$319,545	\$446,096	
Aug	\$784,245	\$1,032,915	\$1,024,008	\$484,573	-52.68%	\$790,689	-\$306,116	
Sep	\$684,950	\$1,478,414	\$1,027,878	\$742,908	-27.72%	\$1,131,715	-\$388,807	
Oct	\$561,093	\$1,051,151	\$2,446,257	\$732,723	-70.05%	\$804,648	-\$71,925	
Nov	\$604,298	\$939,818	\$579,469	\$384,336	-33.67%	\$719,424	-\$335,087	
Dec	\$653,338	\$761,211	\$674,950	\$393,620	-41.68%	\$582,701	-\$189,081	
Total	\$7,166,618	\$7,838,092	\$11,038,657	\$6,872,481		\$6,000,000		



by Category					
Description	2021 YTD	2022 YTD	\$ change	% change	% of Total
Commercial	\$ 770,715	\$ 520,902	\$ (249,813)	-32.41%	7.58%
Condominium	\$ 2,937,823	\$ 1,622,324	\$ (1,315,499)	-44.78%	23.61%
Timeshare	\$ 1,328,086	\$ 1,476,273	\$ 148,187	11.16%	21.48%
Single Family	\$ 4,717,373	\$ 2,362,788	\$ (2,354,585)	-49.91%	34.38%
Townhome	\$ 1,085,693	\$ 667,080	\$ (418,613)	-38.56%	9.71%
Vacant Land	\$ 189,468	\$ 223,114	\$ 33,646	17.76%	3.25%
Total	\$ 11,038,657	\$ 6,872,481	\$ (4,156,676)	-37.69%	100.00%

(\$1)

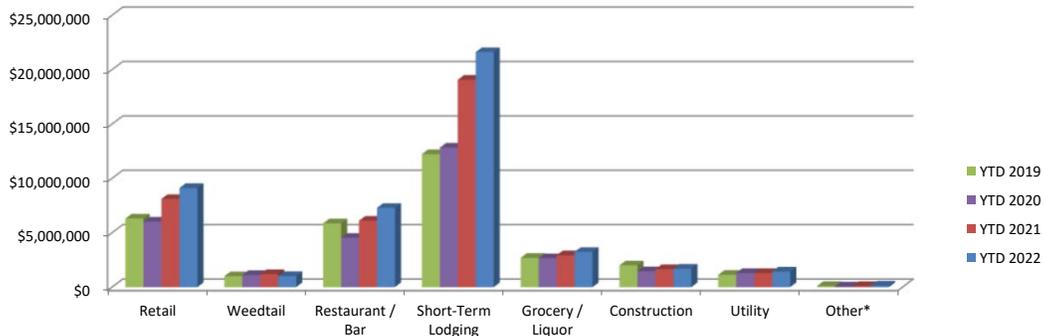
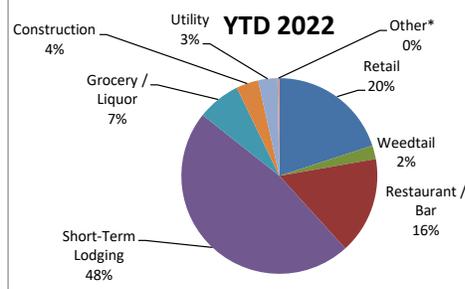
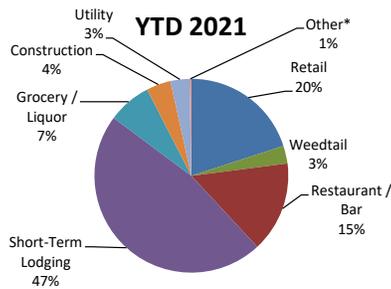


## TAXES DUE - SALES, ACCOMMODATIONS, AND MARIJUANA TAXES

### Tax Due by Industry-YTD

Description	YTD 2019	YTD 2020	YTD 2021	2021 % of Total	YTD 2022	2021/2022 \$ Change	2021/2022 % Change	2022 % of Total
Retail	\$6,314,186	\$6,032,533	\$8,111,891	20.04%	\$9,111,372	\$999,481	12.32%	20.01%
Weedtail	\$1,001,813	\$1,119,010	\$1,197,184	2.96%	\$1,017,361	(\$179,823)	-15.02%	2.23%
Restaurant / Bar	\$5,858,677	\$4,535,043	\$6,110,544	15.10%	\$7,288,469	\$1,177,924	19.28%	16.00%
Short-Term Lodging	\$12,230,320	\$12,825,087	\$19,066,822	47.10%	\$21,613,837	\$2,547,015	13.36%	47.46%
Grocery / Liquor	\$2,687,968	\$2,661,364	\$2,930,839	7.24%	\$3,238,335	\$307,495	10.49%	7.11%
Construction	\$1,998,422	\$1,464,751	\$1,651,204	4.08%	\$1,695,844	\$44,640	2.70%	3.72%
Utility	\$1,134,874	\$1,297,139	\$1,296,515	3.20%	\$1,438,285	\$141,770	10.93%	3.16%
Other*	\$102,959	\$63,676	\$113,650	0.28%	\$138,521	\$24,871	21.88%	0.30%
<b>Total</b>	<b>\$31,329,217</b>	<b>\$29,998,602</b>	<b>\$40,478,651</b>	<b>100.00%</b>	<b>\$45,542,025</b>	<b>\$5,063,374</b>	<b>12.51%</b>	<b>100.00%</b>

\* Other includes activities in Automobiles and Undefined Sales.

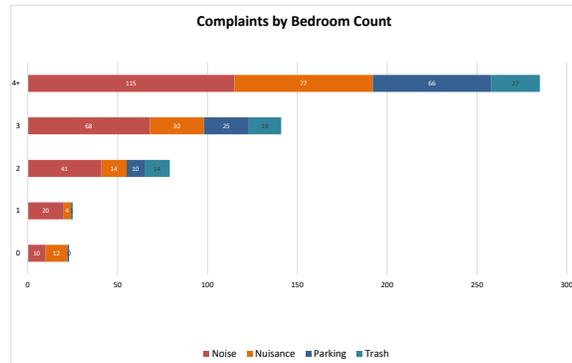
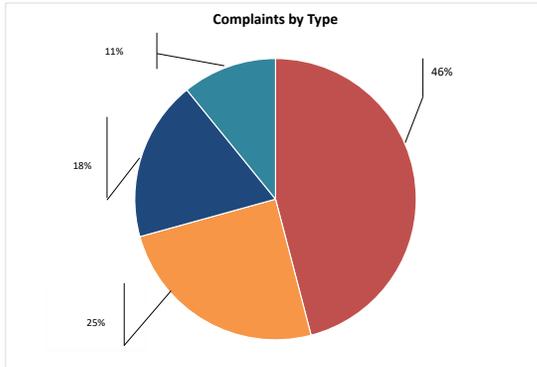


#### Items of Note:

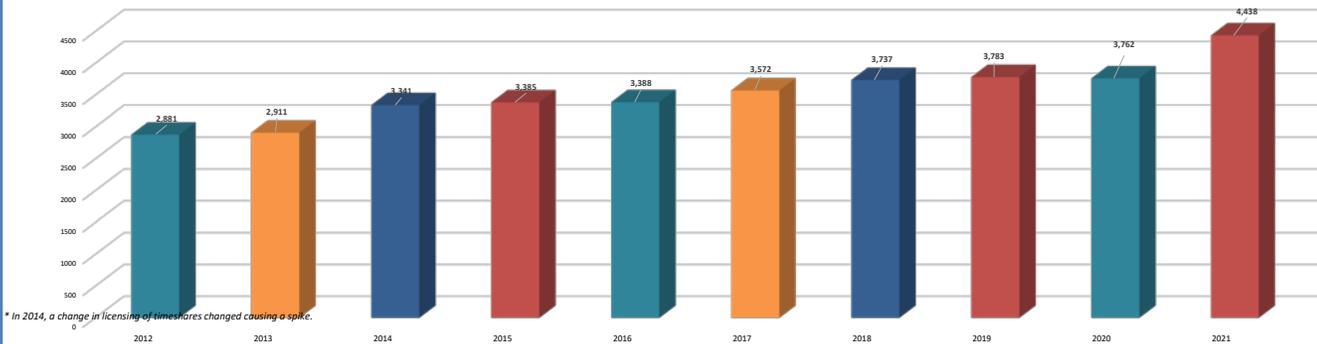
- The general sales tax rate includes the 2.5% Town sales tax + 1.93% County sales tax distributed to the Town.
- The Short -Term Lodging sector includes an additional 3.4% accommodation tax.
- Weedtail includes an additional 5% marijuana tax (recreational and medical). The 1.5% distribution from the State is also included in this category. While the State distribution is only due on recreational sales, the majority of weedtail sales are recreational and the distribution has been applied to the entire sector.
- Report assumptions include: applying tax specific to a sector to the entire sector, as well as assuming the same tax base across the State, County, and Town taxes due. As a result, the numbers indicated above are a rough picture of taxes due to the Town and not an exact representation. Additionally, the data is representative of taxes due to the Town and not necessarily taxes collected year to date.

The Short Term Rental Basics														
Complaints Made by Type														
Complaint Type	2020				2021				2022				Total Calls 01/2020-12/2022	Percentage
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4		
Noise	22	10	27	23	35	15	28	15	39	15	20	5	254	46%
Nuisance	16	45	27	17	11	2	4	2	4	2	3	4	137	25%
Parking	16	2	15	3	5	3	9	5	24	4	10	6	102	18%
Trash	3	4	19	1	5	0	4	7	7	4	3	3	60	11%
<b>Total</b>	<b>57</b>	<b>61</b>	<b>88</b>	<b>44</b>	<b>56</b>	<b>20</b>	<b>45</b>	<b>29</b>	<b>74</b>	<b>25</b>	<b>36</b>	<b>18</b>	<b>553</b>	<b>100%</b>

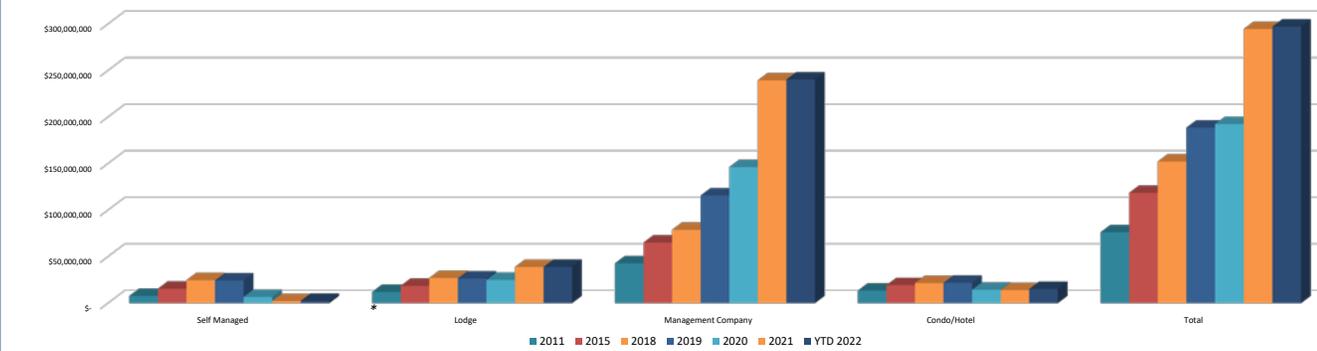
\* "Nuisance" includes complaints not concerning Parking, Trash, or Noise.



Number of Short Term Rental Licenses by Year



Taxable Sales by Management Type



**Continuing Items of Note:**

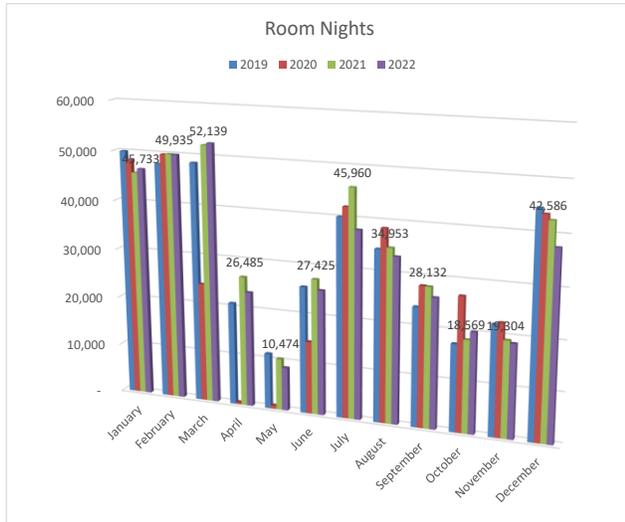
- Renewals for the 2023 STR were available from 11/15/2022 to 12/31/2022
- The regulatory fee for 2023 is \$756 per bedroom
- An ordinance defining 4 STR zones in town went into effect 09/27/2022
- New licensing software Munirevs was implemented and went live as of October 2021
- VRBO began collecting and remitting Breckenridge sales and accommodations tax for hosts on January 1, 2020.
- Airbnb began collecting and remitting Breckenridge sales and accommodations tax for hosts on October 1, 2019.
- Airbnb sales fall into all management categories.
- The number to lodge a complaint against a short term rental is 970-423-5334.
- This report will be provided to Town Council on a monthly basis.



Breckenridge - Source DMX RAO

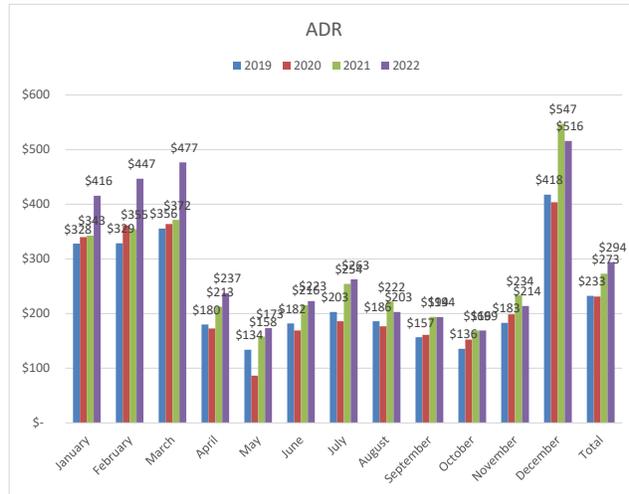
Occupied Room Nights

	2019	2020	2021	2022
January	49,948	48,246	45,733	46,576
February	47,850	49,813	49,935	49,887
March	48,554	24,202	52,139	52,571
April	20,895	350	26,485	23,454
May	11,274	637	10,474	8,763
June	25,696	14,696	27,425	25,328
July	40,131	42,162	45,960	37,893
August	34,515	38,623	34,953	33,341
September	23,973	28,205	28,132	26,125
October	17,516	26,959	18,569	20,214
November	22,132	22,574	19,304	18,795
December	44,693	43,650	42,586	37,665
<b>Total</b>	<b>387,177</b>	<b>340,117</b>	<b>401,695</b>	<b>380,612</b>



ADR

	2019	2020	2021	2022
January	\$ 328	\$ 340	\$ 343	\$ 416
February	\$ 329	\$ 361	\$ 355	\$ 447
March	\$ 356	\$ 364	\$ 372	\$ 477
April	\$ 180	\$ 173	\$ 213	\$ 237
May	\$ 134	\$ 87	\$ 158	\$ 173
June	\$ 182	\$ 169	\$ 216	\$ 223
July	\$ 203	\$ 186	\$ 254	\$ 263
August	\$ 186	\$ 177	\$ 222	\$ 203
September	\$ 157	\$ 161	\$ 194	\$ 194
October	\$ 136	\$ 152	\$ 169	\$ 169
November	\$ 183	\$ 199	\$ 234	\$ 214
December	\$ 418	\$ 404	\$ 547	\$ 516
<b>Total</b>	<b>\$ 233</b>	<b>\$ 231</b>	<b>\$ 273</b>	<b>\$ 294</b>





**Memo**

**To:** Town Council  
**From:** Stefi Szrek, AICP, Planner II  
**Date:** January 18, 2023 (for meeting of January 25, 2023)  
**Subject:** Work Session: Policy 3A/3R, and Policy 9-1-12 Amendments- Density and Non-Conformities Updates

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On November 11, 2022, the Town Council adopted code amendments that removed Policy 4, which addressed Mass and Mass Bonuses, and cleaned up other sections of code which addressed mass requirements. Now all interior square footage counts towards density and is regulated by Policy 3.

During the code amendment process, the Council requested staff return with additional code amendments pertaining to allowances for additional square footage for Wellington/ Lincoln Park Neighborhood Carriage Houses and garages and sheds on properties within the Historic District. The Council also requested amendments related to non-conforming properties. Based on this direction, staff is presenting the following amendments for consideration:

- Provide a 500 sq. ft. bonus for Carriage Houses (market rate) in the Wellington/Lincoln Park Neighborhoods. This would be applied similarly to the previously approved bonuses for Bonus Rooms on deed restricted properties. Providing Carriage Houses with a density bonus is in the spirit of the master plan and consistent with how deed restricted units are treated in the Wellington/ Lincoln Park Neighborhoods.
- Add an exemption for garages and/or sheds in the Historic District. Staff recommends an exemption of up to 500 sq. ft. which is the average size of a two car garage.
- Clarify the language for non-conformities, both in the Density section (Policy 3), as well as in the non-conformities section, (section 9-1-12). These code changes would strengthen the language and allow non-conforming properties damaged by fire or other calamity to be rebuilt to their existing densities and sizes by using the term *shall* instead of *may* rebuild.

Staff will be available at the meeting to answer any questions.



# Memo

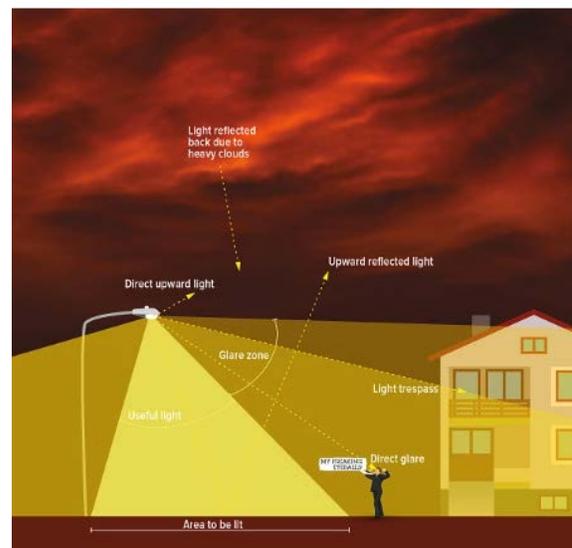
To: Breckenridge Town Council  
From: Julia Puester, AICP, Assistant Community Development Director  
Date: 1/18/2023 for meeting of 1/24/23  
Subject: Exterior Lighting and Dark Sky Community Certification Work Session

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Several Town Council members raised some questions on becoming International Dark Sky Community Certified through the International Dark Sky Association (IDA). A Certified Community is one which meets particular lighting legislative requirements to ensure quality lighting in the community and continually educates residents about the importance of dark skies. The purpose of this work session is to provide an overview of dark skies and identify primary changes staff foresees would be required to achieve a Dark Sky Community Certification. Staff is seeking direction from Town Council on whether to begin the IDA process, make immediate changes to the current [Town Exterior Lighting Code](#) and/or create general lighting practices for Town improvements.

## **Background**

The intent of dark sky is not to prevent lighting from being installed, but ensuring it is placed in the needed locations with the proper design for the use. Good lighting design directs light to where it is needed for its intended purpose (e.g. pathway lighting, street lighting), limits glare and excessive energy use. Good design also has beneficial effects on humans for sleep and even safety (e.g. pupil adjustment moving from an area that is poorly designed/overbright to dark), according to the IDA. Poor lighting including light glow around communities also effects the natural circadian cycles of animals as well as bird migration patterns. Glare from artificial lights can even impact wetland habitats, such as Cucumber Gulch, home to the boreal toad, whose nighttime croaking is part of its breeding ritual. Artificial lights disrupt this nocturnal activity, interfering with reproduction and reducing populations.<sup>1</sup> Staff has provided links below to videos which expand on all the benefits of good lighting design.



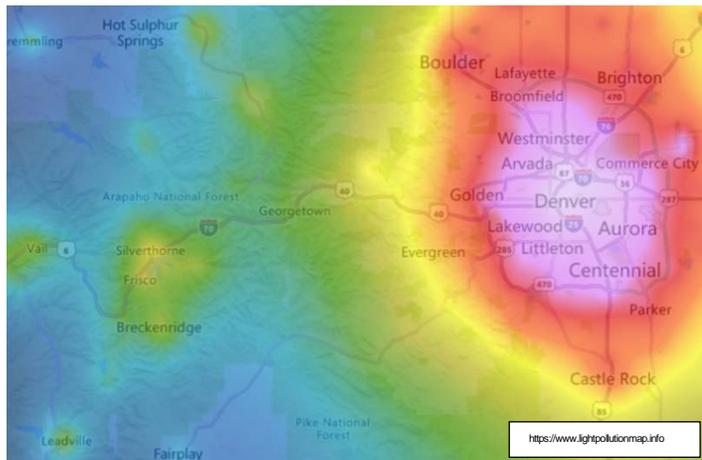
In 2007, concerned about maintaining dark skies, the Town Council adopted a very progressive exterior lighting ordinance to improve the night sky and the environment. Since its adoption, the lighting code has had modifications in 2010 (bistro and decorative lighting), 2019 (fixture types and temperatures), and 2020 (compliance date change from 2022 to 2025). The current code remains a good example of exterior lighting regulation; it is even mentioned as an example code in the IDA Local Legislator's Guide linked at the end of this memo. The Town's lighting regulations include many good design aspects such as requiring fully shielded fixtures, limiting color and temperature, and requiring compliance of non-conforming fixtures by

2025. Although modifications to the code have been made since 2007, even more advancements have been made within the realm of “protecting the night sky” with additional research/information, technological advancements, and regulatory efforts on an international scale. Therefore, to achieve certification, more stringent code requirements and best practices for municipal lighting need to be in place.

### **International Dark Sky Place Certification**

Last year, the State passed a bill to provide funding for 50 hours of assistance to start the process for Certification. The Office of Economic Development & International Trade (OEDIT) is looking to partner with tourism destinations across the state that are interested in advancing strategies that help achieve International Dark Sky Place (IDSP) certification and enhance Colorado’s visitor experience. The Breckenridge Tourism Office has expressed interest in pursuing certification since the state has been pushing out this initiative to gain more dark sky certified communities. OEDIT Program objectives include:

- Increased collaboration between state and local tourism leaders;
- Reduced energy consumption and economic impact from cost savings and increased property value;
- Increased local and regional quality of life through enhanced health and well-being, cultural heritage, and sense of place;
- Increased awareness of the value of visible night skies and their benefit to local wildlife and ecology; and
- Increased number of IDSP certifications in Colorado<sup>2</sup>



The SustainableBreck Plan, adopted in 2022, directly acknowledges the Program, “*Mountain communities like Breckenridge can be notable for their dark sky and brilliant stars at night. A certified International Dark Sky Community is one that has shown exceptional dedication to the preservation of the night sky through the implementation and enforcement of a quality outdoor lighting ordinance, dark sky education, and citizen support of dark skies. As Breckenridge continues efforts to encourage responsible use of the night sky, further examination of the Illuminating Engineering Society (IES) – International Dark Sky Association (IDA) “Five Principles for Responsible Outdoor Lighting” can help Breckenridge be a steward of our natural systems and reduce energy costs. International Dark-Sky Association*”.

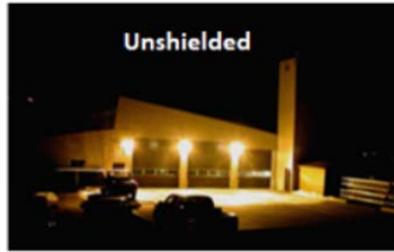
The certification requirement would require implementing more stringent code requirements and changes that would have to be made to municipal lighting as well. There are not many certified communities, including internationally, and it can take upwards of three years to go through the process. In Colorado, certified communities are relatively small and include Crestone, Westcliff, Silver Cliff, Norwood, Ridgeway, Nucla and Naturita. Larger certified communities in the U.S. include Flagstaff, Sedona and Ketchum.

#### *Requirements for Certification (beyond current Town Code):*

- Address over-lighting, such as energy density caps, lumens/acre caps, or maximum illuminance specifications. (code modification needed)
- Encouraging Adaptive Controls on all outdoor lighting, and requiring them on publicly owned lighting. (code modification and Town Owned Lighting Plan needed)
- Further regulations to prevent over lighting with decorative lighting, flagpoles and street lighting. (code modification needed)
- Regulatory plan for new installations of publicly-owned outdoor lighting which identifies where, when, and under what circumstances publicly owned outdoor lighting, including street lighting, is warranted and will be permitted; A provision that requires that adaptive controls and/or curfews be employed in all future installations of public outdoor lighting, restrictions on the installation and operation of illuminated signs Outdoor field lighting – light level adjustment/reduction, adjustable controls (dimmer) based on activity

needs, automatic timer to turn lights off one hour after play. (code modification and Town Owned Lighting Plan needed)

- Ongoing public education, events, and sky brightness monitoring (Town responsibility)
- Amortization period for public, applicable to all town owned lighting to end not more than five (5) years from the effective date of adoption. (Town Owned Lighting Plan and capital budget needed)



### Cost Implications

#### *Town Owned*

The required public lighting conversions (within 5 years of adoption) will result in a financial impact to the Town and needs to be considered. The current lighting ordinance does not include Town owned street or sign lighting however, the majority of lighting-on buildings and on street poles comply. Most non-conforming fixtures are street lights within the Town's historic district. These Welsbach fixtures would need to be replaced with a conforming fixture. In addition, should the street lights be replaced, the Town could put in smart city infrastructure which will allow for adjusting when they turn on with the seasons (e.g. later in the summer seasons) as well as add a dimming feature, automatic water lines for hanging baskets, autonomous vehicle features etc. Staff has not conducted an assessment of how many street lights would need to be converted at this time. Converting the public infrastructure also has the potential to save money through energy savings with the reduction of over lighting into the future as an estimated 35% of energy is wasted due to unshielded and poorly aimed lighting.<sup>3</sup>



#### *Private*

The financial impact to the private sector to convert non-conforming fixtures would be relatively unchanged with certification requirements as compliance is already required by 2025 in the current code. The additional requirements of energy density caps, lumens/acre caps will likely result in additional upfront lighting design costs to the private property owner.

### **Staff is seeking Council's policy direction on the following questions:**

1. Does Council want to begin the formal process of analysis of the Town's exterior lighting status and costs associated with pursuing Dark Sky Community Certification?
2. Does Council want staff to pursue code changes for some or all of the items identified at this time for immediate improvement, with or without direction to pursue certification?
3. Would the Council support staff in drafting Administrative Guidelines for Best Lighting Practices for future Town lighting installations, with or without direction to pursue certification?

### **Informational Links**

Why No One Can See the Stars Anymore (Video, reviews benefits of lighting design)

<https://www.youtube.com/watch?v=XJXsleqOKT0&list=PLDD79FC8870945AA5&index=61>

Losing the Dark (Video)

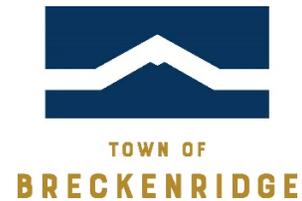
<https://www.youtube.com/watch?v=dd82jazitFlo&list=PLDD79FC8870945AA5&t=364s>

International Dark Sky Certified Places Program Overview

<https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/2020/08/Dark-Skies-Issue-Guide-7-27-2020.pdf>

### **Sources**

1. International Dark Sky Association, 2023 <https://www.darksky.org/light-pollution/wildlife/>
2. State of Colorado, OEDIT, 2023 <https://oedit.colorado.gov/colorado-dark-sky-certification-mentor-program>
3. U.S. Department of Energy, 2011



# Memo

To: Town Council  
From: Mark Truckey, Community Development Director  
Date: January 12, 2023 for January 24 Council Work Session  
Subject: TDR Price Methodology

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## Background

In August 2000, the Breckenridge Town Council and the Summit County Board of Commissioners jointly adopted a resolution establishing a price for the sale of Transfer of Development Rights (TDRs) by the county-administered Upper Blue TDR Bank. The TDR Bank was created to implement the Upper Blue TDR program, which had been established through an Intergovernmental Agreement (IGA) between the County and Town. The TDR Bank provides a known entity in which property owners in the backcountry sending areas can voluntarily sell their property interests and where developers in the urban receiving areas can purchase development rights.

The IGA regarding TDRs stipulates that the County and Town shall establish a sales price for TDRs and that price shall be set by a resolution adopted by both parties. The most recent resolution establishing the TDR price methodology was adopted by the County and Town in 2018. This memorandum outlines a new proposed price for TDRs and the rationale/methodology used to establish that price.

## Price Methodology

Since the TDR Program was established in 2000, the methodology for establishing TDR prices for the Upper Blue TDR Bank has been adjusted on several occasions. With these adjustments, one thing that has remained constant is that the price charged for a TDR is related to the price it costs the County/Town to buy backcountry land in the TDR Sending Area, which is used to seed the TDR bank. In our research, staff has found a couple examples of jurisdictions where the TDR price is based on the value of the TDR in the TDR Receiving Area. However, these programs establish that price on a case-by-case basis, because the value changes with the location. Staff feels basing the value on the cost of Sending Area land continues to be appropriate, as the goal of the revenues received through the TDR Bank is to use the money to acquire more backcountry land.

Currently the methodology used to determine the price of a TDR unit is based on the median sales price of all Backcountry Zone properties sold in the Upper Blue Basin in the last 22 years, since the TDR Program's inception. The current price is \$99,045 per TDR. County and Town staff have discussed the price methodology and believe an adjustment should be made to better reflect the cost of purchasing Backcountry land today. The price of buying Backcountry land has increased significantly over the years. In the early years of the TDR program, Backcountry land would sell for \$1,500 or less per acre. More recently, the price to acquire Backcountry land has jumped to over \$10,000 per acre and has been as high as \$23,000 per acre.

Because the current TDR price methodology considers the price of TDR sales from over 20 years ago in its calculations, the “median” value is skewed to the low side. Staff believes that a more accurate way to gauge the cost of buying Backcountry land is to base the TDR value on the last six or seven years of sales, thus eliminating older sales from the calculation. If we revised the methodology to be based on sales since 2016, the median price for Backcountry Land acquisition would change to \$11,853 per acre, or \$237,069 per TDR. Although this is a significant jump, this does more accurately reflect what it currently costs to acquire backcountry land.

Staff recommends using a seven-year period (2016-2022) as it allows more individual sales to be included, thus avoiding the anomalies that could occur if only one or two years of sales data (with only one or two data points) were used. Since 2016, there have been 13 different sales that can be used. The continued use of a median sales point, as opposed to an average sales point, also helps avoid these anomalies.

<b>Number of Transactions Backcountry Zone Property Sales Since 2000</b>	<b>Number of Transactions Backcountry Zone Property Sales Since 2016</b>
92	13
<b>Median price per acre since 2000</b>	<b>Median price per acre since 2016</b>
\$4,952.00	\$11,853.00
<b>TDR price 2022*</b>	<b>Proposed TDR price 2023*</b>
\$99,045.00	\$237,069.00
*20 acres of Backcountry Zoned land = One TDR	

**Council Action**

If the Town Council is agreeable to the proposed change in methodology for the price of a TDR, and assuming the Board of County Commissioners also agree, then staff will prepare a joint resolution to be adopted by both the County and Town establishing the new methodology for setting the price of TDRs. The joint resolution will specify that the annual adjusted TDR price will be based on the median sales price of backcountry property sales during the preceding seven years.



# Memo

To: Breckenridge Town Council Members  
From: Tara Olson, Deputy Town Clerk  
Date: 1/18/2023  
Subject: Liquor & Marijuana Licensing Authority Appointments

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One of Breckenridge's Liquor and Marijuana Licensing Authority (LMLA) members, Taryn Power, resigned from the Authority effective January 18, 2023. Ms. Power was nearing the end of a four-year term that expires at the end of December 2023.

This volunteer Authority position was advertised in the Summit Daily News, the Summit County Journal, and on the Town of Breckenridge website. Two letters of interest were received by the advertised deadline from:

Haley Littleton  
Sean Fitzsimmons

Copies of their letters are attached for your review.

Appointment may be made by motion and a sample motion follows.

**Sample Motion:**

"I move that we appoint Mr./Ms. .... to fulfill the remainder of the four-year term vacated by Ms. Taryn Power on the Breckenridge Liquor and Marijuana Licensing Authority."

Haley Littleton

107 North Harris Street, Unit 208

Breckenridge, CO 80424

haleykitlittleton@gmailcom | 864-704-0380

**To the Breckenridge Liquor & Marijuana Licensing Authority:**

My time working for the Town of Breckenridge as the Communications and Marketing Coordinator for four years (2017-2021) instilled in me a deep love and appreciation for the work of local government. After having transitioned out of my role, I missed the opportunity to serve the community that I love. After having the chance to return to Breckenridge and live downtown (107 North Harris Street), I am looking to give back to the community. I believe that I would be a great asset to the LMLA as I have the requisite background knowledge of procedures and the processes after working for the town for several years. I understand the rules and regulations, as well as the history of liquor and marijuana licensing in the town. I would be able to join the Authority with a running start and be able to immediately contribute.

I also believe that having a younger constituent on the Authority would represent a different demographic than is usually seen in local government. I believe that it could be a way to encourage younger residents to be more involved in the municipal process. I am interested in the vibrancy and the important economic value that restaurant and bars bring to the Town of Breckenridge while also understanding that there need to be limits and responsible regulation. I have several years of experience working in restaurants and bars, but I have no connection to any restaurant or bars and do not stand to gain in any way from any LMLA application. I am simply looking for a way to give back to my community.

Sincerely,

Haley Littleton

**From:** [Sean Fitzsimmons](#)  
**To:** [WebsiteClerk](#); [Tara Olson](#)  
**Subject:** Letter of interest for the liquor and marinuana licensing authority  
**Date:** Tuesday, January 17, 2023 5:10:55 PM

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[EXTERNAL MESSAGE]

Hello! My name is Sean Fitzsimmons and I am interested in the vacancy on the liquor and marijuana licensing authority.

I am a registered voter in Breckenridge, and my address is 12 Ontario green. My passion outside of work is all things culinary and beverage related. My professional job is as a director of application innovation for Microsoft.

Please let me know what else would be needed to consider me for this vacancy.

Get [Outlook for iOS](#)