



TOWN OF
BRECKENRIDGE

Town Council Regular Meeting

Tuesday, July 11, 2023, 7:00 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. Login information is available in the calendar section of our website: www.townofbreckenridge.com. If you will need special assistance in order 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. CALL TO ORDER, ROLL CALL

II. APPROVAL OF MINUTES

A. TOWN COUNCIL MINUTES - JUNE 13, 2023

III. APPROVAL OF AGENDA

IV. COMMUNICATIONS TO COUNCIL

A. PUBLIC COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)

B. BRECKENRIDGE CREATIVE ARTS UPDATE

V. CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILLS, SERIES 2023

1. *COUNCIL BILL NO. 22, SERIES 2023 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE TO CREATE A PROGRAM TO REDUCE OUTDOOR ENERGY USE AND IN CONNECTION THEREWITH ESTABLISH FEES FOR THE ADMINISTRATION OF THE PROGRAM*

2. *COUNCIL BILL NO. 23, SERIES 2023 - A BILL FOR AN ORDINANCE CREATING A NEW ABSOLUTE POLICY FOR ENERGY CONSERVATION AND AMENDING POLICY 33 RELATIVE ACCORDINGLY*

VI. NEW BUSINESS

A. FIRST READING OF COUNCIL BILLS, SERIES 2023

1. *COUNCIL BILL NO. 24, SERIES 2023 - A BILL FOR AN ORDINANCE PROHIBITING WOOD SHINGLES ON ROOFS*

2. *COUNCIL BILL NO. 25, SERIES 2023 - A BILL FOR AN ORDINANCE UPDATING THE BUILDING CODE*

3. *COUNCIL BILL NO. 26, SERIES 2023 - AN ORDINANCE AMENDING THE*

DEVELOPMENT CODE PERTAINING TO OFF STREET PARKING REQUIREMENTS

4. *COUNCIL BILL NO. 27, SERIES 2023 - A BILL FOR AN ORDINANCE AMENDING THE MUNICIPAL CODE TO ALLOW THE DISPLAY OF MERCHANDISE OUTSIDE DURING MEMORIAL AND LABOR DAY WEEKENDS*

B. RESOLUTIONS, SERIES 2023

1. *RESOLUTION NO. 14, SERIES 2023 - A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR CONTINENTAL COURT/COYNE VALLEY ROAD RECONSTRUCTION AND DRAINAGE IMPROVEMENTS*

C. OTHER

1. *BRECKENRIDGE SOCIAL EQUITY ADVISORY COMMISSION (BSEAC) APPOINTMENT*

VII. PLANNING MATTERS

- A. PLANNING COMMISSION DECISIONS

VIII. REPORT OF TOWN MANAGER AND STAFF

IX. REPORT OF MAYOR AND COUNCIL MEMBERS

- A. CAST/MMC (Mayor/Town Manager)
- B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (Bergeron)
- C. BRECKENRIDGE TOURISM OFFICE (Carleton)
- D. BRECKENRIDGE HISTORY (Saade)
- E. BRECKENRIDGE CREATIVE ARTS (Rankin)
- F. BRECKENRIDGE EVENTS COMMITTEE (Owens)
- G. CHILD CARE ADVISORY COMMITTEE (Beckerman)
- H. SOCIAL EQUITY ADVISORY COMMISSION (Saade)

X. OTHER MATTERS

XI. SCHEDULED MEETINGS

- A. SCHEDULED MEETINGS FOR JULY, AUGUST AND SEPTEMBER

XII. ADJOURNMENT

D) CALL TO ORDER, ROLL CALL

Mayor Mamula called the meeting of June 13, 2023, to order at 7:01pm. The following members answered roll call: Todd Rankin, Carol Saade, Jeffrey Bergeron, Dick Carleton, Jay Beckerman, Kelly Owens and Mayor Eric Mamula.

II) APPROVAL OF MINUTES

A) TOWN COUNCIL MINUTES – MAY 23, 2023

With no changes or corrections to the meeting minutes of May 23, 2023, Mayor Mamula declared they would stand approved as presented.

III) APPROVAL OF AGENDA

Town Manager Rick Holman stated there were no changes to the agenda. Mayor Mamula declared the agenda approved as presented.

IV) COMMUNICATIONS TO COUNCIL

A) PUBLIC COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)

Mayor Mamula opened Public Comment.

David Depeters, CEO of the NRO, stated 87 musicians return to Town on June 18th, and this year's theme is the immigrant experience. He also stated this is the celebration of 30 years of the NRO in Breckenridge. The Town will be receiving an award at the first concert with a new piece about peaks 6, 7, 8, 9 and 10. Proud of partnerships in the community and will partner with Habitat for Humanity, Mtn Dreamers and First Responders. Offering family passes and reduced cost pricing for 17 and under. Local 8 discount for residents. Community programs and free concerts. Concerts are for everyone.

There were no additional comments and Mayor Mamula closed Public Comment.

V) CONTINUED BUSINESS

A) SECOND READING OF COUNCIL BILLS, SERIES 2023 - PUBLIC HEARINGS

1) COUNCIL BILL NO. 19, SERIES 2023 – A BILL FOR AN ORDINANCE AMENDING THE GENERAL OFFENSES TO PROHIBIT CARRYING CONCEALED FIREARMS IN TOWN BUILDINGS

Mayor Mamula read the title into the minutes. Town Attorney Kirsten Crawford stated there were no changes to this ordinance from first reading.

Mayor Mamula opened the public hearing.

There were no public comments and the hearing was closed.

Council Member Beckerman stated he still feels this ordinance is unenforceable and is token legislation that doesn't make us any safer. He further stated this ordinance stems from a single event and he doesn't feel like it's good legislation.

Council Member Bergeron moved to approve COUNCIL BILL NO. 19, SERIES 2023 – A BILL FOR AN ORDINANCE AMENDING THE GENERAL OFFENSES TO PROHIBIT CARRYING CONCEALED FIREARMS IN TOWN BUILDINGS. Council Member Rankin seconded the motion.

The motion passed 5-2. Council Member Bergeron and Council Member Beckerman voted no.

2) COUNCIL BILL NO. 20, SERIES 2023 – A BILL FOR AN ORDINANCE UPDATING THE TOWN BUILDINGS AND AREAS WHERE OPEN CARRYING OF FIREARMS IS PROHIBITED

Mayor Mamula read the title into the minutes. Town Attorney Kirsten Crawford stated there were no changes to this ordinance from first reading.

Mayor Mamula opened the public hearing. There were no public comments, and the hearing was closed.

Council Member Bergeron moved to approve COUNCIL BILL NO. 20, SERIES 2023 – A BILL FOR AN ORDINANCE UPDATING THE TOWN BUILDINGS AND AREAS

WHERE OPEN CARRYING OF FIREARMS IS PROHIBITED. Council Member Carleton seconded the motion.

The motion passed 7-0.

- 3) COUNCIL BILL NO. 21, SERIES 2023 – AN ORDINANCE AMENDING THE BRECKENRIDGE MUNICIPAL CODE TO ADOPT BY REFERENCE THE NATIONAL ELECTRICAL CODE, 2023 EDITION
Mayor Mamula read the title into the minutes. Rick Fout, Building Inspector, stated there were no changes to this ordinance from first reading.

Mayor Mamula opened the public hearing. There were no public comments, and the hearing was closed.

Council Member Bergeron moved to approve COUNCIL BILL NO. 21, SERIES 2023 – AN ORDINANCE AMENDING THE BRECKENRIDGE MUNICIPAL CODE TO ADOPT BY REFERENCE THE NATIONAL ELECTRICAL CODE, 2023 EDITION. Council Member Beckerman seconded the motion.

The motion passed 7-0.

VI) NEW BUSINESS

- A) FIRST READING OF COUNCIL BILLS, SERIES 2023
1) COUNCIL BILL NO. 22, SERIES 2023 – AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE TO CREATE A PROGRAM TO REDUCE OUTDOOR ENERGY USE AND IN CONNECTION THEREWITH ESTABLISH FEES FOR THE ADMINISTRATION OF THE PROGRAM
Mayor Mamula read the title into the minutes. Jessie Burley, Sustainability and Parking Manager, stated this ordinance would establish the REMP program and create a special fund to receive the revenues of the program. She further stated staff recommends adoption.

Mayor Mamula opened the public hearing.
Ryan Dineen, a local resident and President of the Breckenridge Ski Patrol Union, expressed support of the ordinance on behalf of his organization and to further protect the environment that is integral to his group.
There were no additional public comments, and the hearing was closed.

Council Member Bergeron moved to approve COUNCIL BILL NO. 22, SERIES 2023 – AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE TO CREATE A PROGRAM TO REDUCE OUTDOOR ENERGY USE AND IN CONNECTION THEREWITH ESTABLISH FEES FOR THE ADMINISTRATION OF THE PROGRAM. Council Member Saade seconded the motion.

The motion passed 7-0.

- 2) COUNCIL BILL NO. 23, SERIES 2023 – A BILL FOR AN ORDINANCE CREATING A NEW ABSOLUTE POLICY FOR ENERGY CONSERVATION AND AMENDING POLICY 33 RELATIVE ACCORDINGLY
Mayor Mamula read the title into the minutes. Mark Truckey, Director of Community Development, stated this ordinance would create a new absolute policy that limits the number of gas fireplaces in new homes and creates a structure of negative points for outdoor heated areas. He stated it also provides incentives for electrifying homes and removing gas lines.

Mayor Mamula opened the public hearing. There were no public comments, and the hearing was closed.

Council Member Bergeron moved to approve COUNCIL BILL NO. 23, SERIES 2023 – A BILL FOR AN ORDINANCE CREATING A NEW ABSOLUTE POLICY FOR ENERGY CONSERVATION AND AMENDING POLICY 33 RELATIVE ACCORDINGLY. Council Member Owens seconded the motion.

The motion passed 7-0.

- B) RESOLUTIONS, SERIES 2023
- 1) RESOLUTION NO. 11, SERIES 2023 – A RESOLUTION ADOPTING THE TOWN OF BRECKENRIDGE POLICY FOR ADVOCACY ON STATE AND FEDERAL POLICY AND LEGISLATION

Mayor Mamula read the title into the minutes. Attorney Kirsten Crawford stated this resolution would adopt an advocacy policy for the Town’s boards and commissions.

Mayor Mamula opened the public hearing. There were no public comments, and the hearing was closed.

Council Member Bergeron moved to approve RESOLUTION NO. 11, SERIES 2023 – A RESOLUTION ADOPTING THE TOWN OF BRECKENRIDGE POLICY FOR ADVOCACY ON STATE AND FEDERAL POLICY AND LEGISLATION. Council Member Owens seconded the motion.

The motion passed 7-0.

- 2) RESOLUTION NO. 12, SERIES 2023 – A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR SUMMIT COUNTY CHILD CARE TUITION ASSISTANCE AMONG SUMMIT COUNTY, COLORADO, AND THE TOWNS OF BLUE RIVER, BRECKENRIDGE, DILLON, FRISCO, AND SILVERTHORNE, COLORADO, AND EARLY CHILDHOOD OPTIONS

Mayor Mamula read the title into the minutes. Town Manager Rick Holman stated this resolution would authorize the Mayor to sign an IGA with the other Summit County municipalities for the joint operation of a county-wide childcare tuition assistance program.

Mayor Mamula opened the public hearing. There were no public comments, and the hearing was closed.

Council Member Bergeron moved to approve RESOLUTION NO. 12, SERIES 2023 – A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR SUMMIT COUNTY CHILD CARE TUITION ASSISTANCE AMONG SUMMIT COUNTY, COLORADO, AND THE TOWNS OF BLUE RIVER, BRECKENRIDGE, DILLON, FRISCO, AND SILVERTHORNE, COLORADO, AND EARLY CHILDHOOD OPTIONS. Council Member Beckerman seconded the motion.

The motion passed 7-0.

- 3) RESOLUTION NO. 13, SERIES 2023 – A RESOLUTION APPROVING A GRANT AGREEMENT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION FOR BLUE RIVER RECREATION PATH UNDERPASS AND BRIDGE DESIGN
- Mayor Mamula read the title into the minutes. James Phelps, Public Works Director, stated this resolution would approve a grant with CDOT for the purpose of underpass and bridge design.

Mayor Mamula opened the public hearing. There were no public comments, and the hearing was closed.

Council Member Bergeron moved to approve RESOLUTION NO. 13, SERIES 2023 – A RESOLUTION APPROVING A GRANT AGREEMENT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION FOR BLUE RIVER RECREATION PATH UNDERPASS AND BRIDGE DESIGN. Council Member Rankin seconded the motion.

The motion passed 7-0.

- C) OTHER

VII) PLANNING MATTERS

- A) PLANNING COMMISSION DECISIONS

Mayor Mamula declared the Planning Commission Decisions would stand approved as presented.

VIII) REPORT OF TOWN MANAGER AND STAFF

Reports of Town Manager and Staff were covered during the afternoon work session.

IX) REPORT OF MAYOR AND COUNCIL MEMBERS

Reports of Mayor and Council Members were covered during the afternoon work session.

A. CAST/MMC

B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE

C. BRECKENRIDGE TOURISM OFFICE

D. BRECKENRIDGE HISTORY

E. BRECKENRIDGE CREATIVE ARTS

F. BRECKENRIDGE EVENTS COMMITTEE

G. CHILD CARE ADVISORY COMMITTEE

H. SOCIAL EQUITY ADVISORY COMMISSION

X) OTHER MATTERS

Council Member Bergeron stated he attended an event to honor the two women who were murdered in Breckenridge in the 1980s.

Deputy Town Manager Shannon Haynes stated the BTO will be starting their resident sentiment survey soon, and hotels are being booked for Mountain Town 2030 and the CAST conference in Vail so please let staff know if you plan to attend.

Mayor Mamula stated he went to an event to honor Rick Bly for his reporting of weather for many years in our community.

XI) SCHEDULED MEETINGS

A) SCHEDULED MEETINGS FOR JUNE, JULY AND AUGUST

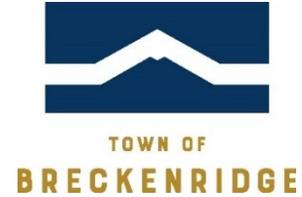
XII) ADJOURNMENT

With no further business to discuss, the meeting adjourned at 7:24pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

Helen Cospolich, CMC, Town Clerk

Eric S. Mamula, Mayor



Memo

To: Town Council
From: Jessie Burley, Sustainability + Parking Manager
Mark Truckey, Community Development Director
Date: 6/13/23
Subject: Second Reading – Ordinance Amending Chapter 1 of Title 8 of the Breckenridge Town Code to create a program to reduce outdoor energy use and in connection therewith establish fees for the administration of the program.

This item is before Council for second reading on July 11, 2023.

This bill establishes the REMP program in the building code and establishes the special REMP fund which shall be used for the following purposes:

1. To reduce fossil-fuel generated energy consumption by supporting community renewable energy and energy efficiency improvements in the community;
2. To administer the IECC and IRC provisions in the Breckenridge Town Code;
3. To educate the development industry and the public at large of the methods of energy efficient construction practices and the benefits of energy conservation; and,
4. To achieve the goals of the SustainableBreck Plan.

Contemporarily with this ordinance is a companion ordinance to adopt a new Absolute Policy 33 limiting fireplaces and amending Relative Policy 33 to disincentivize outdoor energy use and incentivize beneficial electrification.

There have been no changes to this ordinance since first reading.

Council Action: REMP is identified as a policy priority for greenhouse gas reductions in the SustainableBreck Plan and Summit Community Climate Action Plan. It is consistent with other mountain communities that mitigate outdoor energy use.

Staff recommends the council approve this ordinance on second reading.

1 WHEREAS, the Chief Building Official, also referred to herein as the “building official” is
2 authorized by the Town Council to administer and enforce this code; and

3 WHEREAS, the Town Council has determined that it is in the best interest of the
4 residents of Breckenridge to continue to have code compliance reviews performed by the Town;
5 and

6 WHEREAS, as the culmination of input from Town Council, staff expertise, consultant
7 expertise, and the feedback from local design, building, and engineering professionals; the
8 proposed code adoption will result in more efficient and higher performance of energy
9 associated with building use, including outdoor energy; and

10 WHEREAS, contemporaneously with this ordinance, is a companion ordinance to adopt
11 a new Absolute Policy 33 limiting fireplaces and amending Relative Policy 33 to disincentivize
12 outdoor energy use; and

13 WHEREAS, it is in the best interest of the citizens of and visitors to our community for
14 Breckenridge to continue to maintain a leadership role in energy code adoption and
15 administration.

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

18 **Section 1.** That a new paragraph 79 of section 8-1-5 A of “Amendments to the
19 International Residential Code” 2018 be added by adopting the language underlined to read as
20 follows:

21 79. Section N1101.4 Above code program is amended by adding new subsections to read
22 as follows:

23 N1101.4.2 Renewable Energy Mitigation Program (REMP). All exterior energy use as
24 defined in N1113.1 shall be designed and comply with the mandatory requirements of the
25 Breckenridge Renewable Energy Mitigation Program.

26 **Section 2.** That a new paragraph 80 of section 8-1-5 A of “Amendments to the
27 International Residential Code” 2018 be added by adopting the language underlined to read as
28 follows:

29 80. N1112.1 Title. Renewable Energy Mitigation Program (REMP)

1 N1112.2 Scope. This section establishes criteria for compliance with the Breckenridge
2 Renewable Energy Mitigation Program (REMP). The scope of this program includes exterior
3 energy uses and energy production to offset exterior energy use.

4 N1112.3 Mandatory Requirements. Compliance with this section requires that the
5 provisions of this section be followed for all exterior energy use as defined in N1113.1.
6 Compliance with this section will be documented via the free Public Domain tool “Breckenridge
7 REMP Calculation Sheet” in the most current version at the time of permit application. Projected
8 energy use, associated energy offset required, fees and credits are defined within this tool.

9
10 Credits for on-site renewable energy. The Renewable Energy Mitigation Payment (REMP)
11 option is voluntary. Applicants interested in exterior energy use systems can alternatively
12 choose to produce on-site renewable energy with renewable energy systems such as solar
13 photovoltaics and/or solar hot water, wind, or micro-hydro. The energy efficient technology of
14 ground source heat pumps is also permitted for supplemental on-site energy.

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16 N1113.1 Exterior energy uses. Residential exterior energy uses (per list below) may be
17 installed only if the supplemental energy meets the requirements of the Renewable Energy
18 Mitigation Program. This applies to all installation for which an application for a permit is filed or
19 is by law required to be filed. This does not apply to work on existing systems that were
20 permitted prior to this code.

21 1. Snowmelt (i.e. driveways, patios, walkways, etc.)

22 2. Exterior pools

23 3. Exterior hot tubs and spas

24 4. Permanent natural gas or electric systems or appliances for heating or cooking
25 outdoor residential spaces.

26
27 N1113.2 On-site renewable credits. Credits for renewable energy production will be calculated
28 and applied per “Breckenridge REMF Calculation Sheet” for energy generated on-site.
29 Renewable energy methods listed in the calculator include: solar photovoltaic, solar thermal,
30 ground source heat pumps, hydroelectric and wind power. Provision for alternative method
31 calculations is also provided, but it will require specific review and approval by the Building
32 Official.

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34 N1113.3 Snowmelt systems.

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- 1. R-10 insulation shall be installed under all areas to be snowmelted.
- 2. Required snowmelt controls. All systems are required to have automated controls to limit operation to when moisture is present, outdoor air temperature is below 40F and above 20F, and the slab temperature sensing. Idling of residential slabs is not permitted.
- 3. Snowmelt heating appliances will have a minimum efficiency of 92% AFUE. Electric resistance and heat pump heaters will be allowed. Where condensing boilers are used, the boiler supply water temperature shall be a maximum of 130F to allow for efficient boiler operation.
- 4. Up to 100 square feet of snowmelt continuous to a residential building is exempt for safety.

N1113.4 Exterior pools.

- 1. Pool covers are required for all pools, with a minimum R-value of 2.
- 2. Pool heating appliances will have a minimum efficiency of 92% AFUE. Electric resistance and heat pump heaters will be allowed. Where condensing boilers are used, the boiler supply water temperature shall be a maximum of 130F to allow for efficient boiler operation.

N1113.5 Exterior hot tubs and spas.

- 1. Hot tub and spa covers are required for all spas, with a minimum R-value of 12.
- 2. Packaged hot tubs and spas less than 64 square feet are exempt.
- 3. A maximum of (1) hot tub or spa per residential property is exempt. For residential HOAs with individual ownership, 64 square feet of hot tub or spa space is exempt for every 10 residential units.
- 4. Hot tub and spa heating appliances will have a minimum efficiency of 92% AFUE. Electric resistance and heat pump heaters will be allowed. Where condensing boilers are used, the boiler supply water temperature shall be a maximum of 130F to allow for efficient boiler operation.

N1113.6 Other permanent natural gas or electric heating or cooking elements.

- 1. A combined 200,000 BTU budget is allowed for permanent natural gas or electric heating or cooking elements at a reduced renewable offset requirement.

1 N1113.7 Gas fireplace, firepit, firetable controls. Residential outdoor natural gas
2 fireplaces, firepits, or firetables shall include timers required to limit the run time of the system.
3 Controls and switching shall be configured so as not to allow continuous operation.

4 N1113.8 Electric heat tape controls. Electric roof and gutter deicing systems shall
5 include either automatic controls capable of shutting off the system when outdoor temperature is
6 above 40F and below 25F, and which limit the use of the system to daylight hours by means of
7 a programmable timer or automated clock, or moisture detection sensors.

8 N1114.1. A permit shall not be valid until all fees as in effect at the time of permit
9 submittal are paid in full, or the renewable energy system is proposed for on-site credit. Nor
10 shall a change order to the permit be released until the additional fees, if any, have been paid.
11 REMP compliance will be verified at Certificate of Occupancy or Certificate of Completion
12 according to the proposed plans. C.O. can be withheld if the project is non-compliant.

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14 N1115.1 Pre-existing systems. Pre-existing systems, for which a permit was applied for
15 and granted prior to the effective date of this code, are exempt from this program. Additions or
16 expansions of existing systems that require a permit will require compliance with this above
17 code program.

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19 Pre-existing systems for which a prior REMF payment was paid and which seek to be
20 replaced shall receive a pro-rated credit calculated by the number of years since prior REMF
21 payment divided by 20 years. For example, a REMF payment made for a system permitted 10
22 years prior to the current replacement being sought will receive credit for ½ of the prior REMF
23 payment and that amount shall be deducted from the REMF payment owed on the replacement.
24 For renewable systems installed on site, full credit will be given for up to 20 years after the date
25 of installation. Credits will only be applied to properly permitted and functioning systems within
26 the scope of the adopted Energy Code and applicable Mechanical and Electrical Codes.
27 Systems installed prior to 20 years before the date of permit application are not eligible for pro-
28 ration of system credits.

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30 Upgrades to existing mechanical equipment (boilers, heat pumps, HVAC equipment,
31 etc.) or renewable energy systems will not require submittal to the REMF program.

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1 N1116.1 Solar photovoltaic systems. System designer and installer must be certified by
2 Colorado Solar Energy Industries Association (COSEIA) or North American Board of Certified
3 Energy Practitioners (NABCEP), or a licensed Professional Engineer in the State of Colorado.

4 N1116.2 Solar thermal. The size of solar hot water systems is limited to 500 ft2 of
5 collector area absent approval by the Building Official. Systems larger than this limit will be
6 considered, but will require documentation showing year-round utilization of the system.

7 N1116.3 Ground source heat pumps. In order to use ground source heat pumps for on-
8 site renewable credit, the GSHP system must supply at least 20% of the peak load for heating
9 the exterior energy uses. Each GSHP shall be tested and balanced and the design engineer
10 shall certify in writing that it meets or exceeds a design coefficient of performance of 3.0
11 inclusion of source pump power. Design conditions for determining COP will be 30F ground loop
12 temperature measured at the GSHP inlet, and 110F GSHP load side outlet.

13 **Section 2.** That reserved paragraph 3 of section 8-1-9A of “Amendments to the
14 International Energy Conservation Code” 2018 Edition be amended by adding the language
15 underlined to read as follows:

16 Paragraph 3. C102.1.1 Above code program is amended by adding new subsections to read
17 as follows:

18 C102.1.2 Renewable Energy Mitigation Program (REMP). All exterior energy use as
19 defined in C410 shall be designed and comply with the mandatory requirements of the
20 Breckenridge Renewable Energy Mitigation Program.

21 **Section 3.** That section 8-1-9A of “Amendments to the International Energy
22 Conservation Code” 2018 Edition be amended by adding a new paragraph 14 and renumber the
23 subsequent paragraphs accordingly:

24 Paragraph 14. C409 Title. Renewable Energy Mitigation Program (REMP)

25 C409.1 Scope. This section establishes criteria for compliance with the Breckenridge
26 Renewable Energy Mitigation Program (REMP). The scope of this program includes exterior
27 energy uses and energy production to offset exterior energy use.

28 C409.2 Mandatory Requirements. Mandatory Requirements. Compliance with this
29 section requires that the provisions of this section be followed for all exterior energy use.
30 Compliance with this section will be documented via the free Public Domain tool “Breckenridge
31 REMP Calculation Sheet” in the most current version at the time of permit application. Projected
32 energy use, associated energy offset required, fees and credits are defined within this tool.

33

1 Credits for on-site renewable energy. The Renewable Energy Mitigation Payment (REMP)
2 option is voluntary. Applicants interested in exterior energy use systems can alternatively
3 choose to produce on-site renewable energy with renewable energy systems such as solar
4 photovoltaics and/or solar hot water, wind, or micro-hydro. The energy efficient technology of
5 ground source heat pumps is also permitted for supplemental on-site energy.

6 C410 Exterior energy uses. Commercial exterior energy uses (per list below) may be
7 installed only if the supplemental energy meets the requirements of the Renewable Energy
8 Mitigation Program. This applies to all installation for which an application for a permit is filed or
9 is by law required to be filed with or without an associated Building Permit. This does not apply
10 to work on existing systems that were permitted prior to this code.

11
12 1. Snowmelt (i.e. driveways, patios, walkways, etc.)

13 2. Exterior pools

14 3. Exterior hot tubs and spas

15 4. Permanent natural gas or electric systems for heating outdoor commercial
16 spaces.

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18 C410.1 On-site renewable credits. Credits for renewable energy production will be
19 calculated and applied per "Breckenridge REMP Calculation Sheet" for energy generated on-
20 site. Renewable energy methods listed in the calculator include: solar photovoltaic, solar
21 thermal, ground source heat pumps, hydroelectric and wind power. Provision for alternative
22 method calculations is also provided, but it will require specific review and approval by the
23 Building Official.

24 C410.2 Snowmelt systems.

25 1. R-10 insulation shall be installed under all areas to be snowmelted.

26 2. Required snowmelt controls. All systems are required to have automated controls to limit
27 operation to when moisture is present, outdoor air temperature is below 40F and above 20F,
28 and the slab temperature sensing. Idling of commercial slabs is allowed where public safety is a
29 factor.

30 3. Snowmelt heating appliances will have a minimum efficiency of 92% AFUE. Electric
31 resistance and heat pump heaters will be allowed. Where condensing boilers are used, the
32 boiler supply water temperature shall be a maximum of 130F to allow for efficient boiler
33 operation.

1 4. Up to 100 square feet of snowmelt per emergency egress pathway is exempt.

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3 C410.3 Exterior pools.

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5 1. Pool covers are required for all pools, with a minimum R-value of 2.

6 2. Pool heating appliances will have a minimum efficiency of 92% AFUE. Electric resistance and
7 heat pump heaters will be allowed. Where condensing boilers are used, the boiler supply water
8 temperature shall be a maximum of 130F to allow for efficient boiler operation.

9
10 C410.4 Exterior hot tubs and spas.

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12 1. Hot tub and spa covers are required for all hot tubs and spas, with a minimum R-value of 12.

13 2. Hot tub and spa heating appliances will have a minimum efficiency of 92% AFUE. Electric
14 resistance and heat pump heaters will be allowed. Where condensing boilers are used, the
15 boiler supply water temperature shall be a maximum of 130F to allow for efficient boiler
16 operation.

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18 C410.5 Other permanent natural gas or electric heating and cooking elements.

19
20 1. A combined 350,000 BTU budget is allowed for permanent natural gas or electric heating
21 and cooking elements at a reduced renewable offset requirement.

22
23 C410.6 Gas fireplace, firepit, firetable controls. Commercial outdoor natural gas
24 fireplaces, firepits, and firetables shall include timers required to limit the run time of the
25 system. Controls and switching shall be configured so as not to allow continuous operation.

26 C410.7 Electric heat tape controls. Electric roof and gutter deicing systems shall include
27 either automatic controls capable of shutting off the system when outdoor temperature is above
28 40F and below 25F, and which limit the use of the system to daylight hours by means of a
29 programmable timer or automated clock, or moisture detection sensors.

30 C411 A permit shall not be valid until all fees as in effect at the time of permit submittal
31 are paid in full, or the renewable energy system is proposed for on-site credit. Nor shall a
32 change order to the permit be released until the additional fees, if any, have been paid. REMP
33 compliance will be verified at Certificate of Occupancy or Certificate of Completion according to
34 the proposed plans. C.O. can be withheld if the project is non-compliant.

1 C412 Pre-existing systems. Pre-existing systems, for which a prior permit was applied
2 for and granted prior to the effective date of this code, are exempt from this program. Additions
3 or expansions of existing systems that require a permit will require compliance with this above
4 code program.

5
6 Pre-existing systems for which a prior REMP payment was paid and which seek to be
7 replaced shall receive a pro-rated credit calculated by the number of years since prior REMP
8 payment divided by 20 years. For example, a REMP payment made for a system permitted 10
9 years prior to the current replacement being sought will receive credit for ½ of the prior REMP
10 payment and that amount shall be deducted from the REMP payment owed on the replacement.
11 For renewable systems installed on site, full credit will be given for up to 20 years after the date
12 of installation. Credits will only be applied to properly permitted and functioning systems within
13 the scope of the adopted Energy Code and applicable Mechanical and Electrical Codes.
14 Systems installed prior to 20 years before the date of permit application are not eligible for pro-
15 ration of system credits.

16 Upgrades to existing mechanical equipment (boilers, heat pumps, HVAC equipment,
17 etc.) or renewable energy systems will not require submittal to the REMP program.

18
19 C413 Solar photovoltaic systems. System designer and installer must be certified by
20 Colorado Solar Energy Industries Association (COSEIA) or North American Board of Certified
21 Energy Practitioners (NABCEP), or a licensed Professional Engineer in the State of Colorado.

22 C413.1 Solar thermal. The size of solar hot water systems is limited to 500 square feet
23 of collector area absent approval by the Building Official. Systems larger than this limit will be
24 considered, but will require documentation showing year-round utilization of the system.

25 C413.2 Ground source heat pumps. In order to use ground source heat pumps for on-
26 site renewable credit, the GSHP system must supply at least 20% of the peak load for heating
27 all the exterior energy uses. Each GSHP shall be tested and balanced and the design engineer
28 shall certify in writing that it meets or exceeds a design coefficient of performance of 3.0
29 inclusion of source pump power. Design conditions for determining COP will be 30F ground loop
30 temperature measured at the GSHP inlet, and 110F GSHP load side outlet.

31 **Section 4.** That existing paragraph 16 to section 8-1-9A of “Amendments to the
32 International Energy Conservation Code” 2018 Edition be replaced with the below language to
33 read as follows and that paragraph 16 along with the subsequent paragraphs be renumbered
34 accordingly:

1 16. R102.1.1 Above code program is amended by adding new subsections to read as
2 follows:

3 R102.1.2 Renewable Energy Mitigation Program (REMP). All exterior energy use as
4 defined in R408 shall be designed and comply with the mandatory requirements of the
5 Breckenridge Renewable Energy Mitigation Program.

6 **Section 5.** That existing paragraph 19 of section 8-1-9A of “Amendments to the
7 International Energy Conservation Code” 2018 Edition be replaced with the below underlined
8 language and that paragraph 19 and the subsequent paragraphs be renumbered accordingly:

9 19. R407 Title. Renewable Energy Mitigation Program (REMP)

10 R407.1 Scope. This section establishes criteria for compliance with the Breckenridge
11 Renewable Energy Mitigation Program (REMP). The scope of this program includes exterior
12 energy uses and energy production to offset exterior energy use.

13 R407.2 Mandatory Requirements. Compliance with this section requires that the
14 provisions of this section be followed for all exterior energy use. Compliance with this section
15 will be documented via the free Public Domain tool “Breckenridge REMF Calculation Sheet” in
16 the most current version at the time of permit application. Projected energy use, associated
17 energy offset required, fees and credits are defined within this tool.

18
19 Credits for on-site renewable energy. The Renewable Energy Payment (REP) option is
20 voluntary. Applicants interested in exterior energy use systems can alternatively choose to
21 produce on-site renewable energy (Section R412) with renewable energy sources such as solar
22 photovoltaics and/or solar hot water, wind, or micro-hydro. The energy efficient technology of
23 ground source heat pumps is also permitted for supplemental on-site energy.

24
25 R408 Exterior energy uses. Residential exterior energy uses (per list below) may be
26 installed only if the supplemental energy meets the requirements of the Renewable Energy
27 Mitigation Program. This applies to all installation for which an application for a permit is filed or
28 is by law required to be filed with or without an associated Building Permit. This does not apply
29 to work on existing systems that were permitted prior to this code.

30
31 1. Snowmelt (i.e. driveways, patios, walkways, etc.)

32 2. Exterior pools

33 3. Exterior hot tubs and spas

1 4. Permanent natural gas or electric systems for heating outdoor residential
2 spaces.

3
4 R408.1 On-site renewable credits. Credits for renewable energy production will be
5 calculated and applied per “Breckenridge REMP Calculation Sheet” for energy generated on-
6 site. Renewable energy methods listed in the calculator include: solar photovoltaic, solar
7 thermal, ground source heat pumps, hydroelectric and wind power. Provision for alternative
8 method calculations is also provided, but it will require specific review and approval by the
9 Building Official.

10
11 R408.2 Snowmelt systems.

12
13 1. R-10 insulation shall be installed under all areas to be snowmelted.

14
15 2. Required snowmelt controls. All systems are required to have automated controls to limit
16 operation to when moisture is present, outdoor air temperature is below 40F and above 20F,
17 and the slab temperature sensing. Idling of residential slabs is not permitted.

18
19 3. Snowmelt heating appliances will have a minimum efficiency of 92% AFUE. Electric
20 resistance and heat pump heaters will be allowed. Where condensing boilers are used, the
21 boiler supply water temperature shall be a maximum of 130F to allow for efficient boiler
22 operation.

23
24 4. Up to 100 square feet of snowmelt continuous to a residential building is exempt for safety.

25
26 R408.3 Exterior pools.

27
28 1. Pool covers are required for all pools, with a minimum R-value of 2.

29
30 2. Pool heating appliances will have a minimum efficiency of 92% AFUE. Electric resistance and
31 heat pump heaters will be allowed. Where condensing boilers are used, the boiler supply water
32 temperature shall be a maximum of 130F to allow for efficient boiler operation.

33
34 R408.4 Exterior hot tubs and spas.

- 1
- 2 1. Hot tub and spa covers are required for all spas, with a minimum R-value of 12.
- 3 2. Packaged spas less than 64 square feet are exempt.
- 4 3. A maximum of (1) hot tub or spa per residential property is exempt. For residential HOAs with
- 5 individual ownership, 64 square feet of hot tub or spa space is exempt for every 10 residential
- 6 units.
- 7 4. Hot tubs and spa heating appliances will have a minimum efficiency of 92% AFUE. Electric
- 8 resistance and heat pump heaters will be allowed. Where condensing boilers are used, the
- 9 boiler supply water temperature shall be a maximum of 130F to allow for efficient boiler
- 10 operation.

11

12 R408.5 Other permanent natural gas or electric heating and cooking elements.

- 13
- 14 1. A combined 200,000 BTU budget is allowed for permanent natural gas or electric heating or
- 15 cooking elements at a reduced renewable offset requirement.

16

17 R409 Gas fireplace, firepit, firetable controls. Residential outdoor natural gas fireplaces,

18 firepits, and firetables shall include timers required to limit the run time of the system. Controls

19 and switching shall be configured so as not to allow continuous operation.

20 R409.1 Electric heat tape controls. Electric roof and gutter deicing systems shall include

21 either automatic controls capable of shutting off the system when outdoor temperature is above

22 40F and below 25F, and which limit the use of the system to daylight hours by means of a

23 programmable timer or automated clock, or moisture detection sensors.

24 R410 Renewable energy mitigation payment. A permit shall not be valid until all fees as

25 in effect at the time of permit submittal are paid in full, or the renewable energy system is

26 proposed for on-site credit. Nor shall a change order to the permit be released until the

27 additional fees, if any, have been paid. REMP compliance will be verified at Certificate of

28 Occupancy or Certificate of Completion according to the proposed plans. C.O. can be withheld if

29 the project is non-compliant.

30

31 R411 Pre-existing systems. Pre-existing systems, for which a prior permit was applied

32 for and granted prior to the effective date of this code are exempt from this program. Additions

33 or expansions of existing systems that require a permit will require compliance with this above

34 code program.

1
2 Pre-existing systems for which a prior REMP payment was paid and which seek to be
3 replaced shall receive a pro-rated credit calculated by the number of years since prior REMP
4 payment divided by 20 years. For example, a REMP payment made for a system permitted 10
5 years prior to the current replacement being sought will receive credit for ½ of the prior REMP
6 payment and that amount shall be deducted from the REMP payment owed on the replacement.
7 For renewable systems installed on site, full credit will be given for up to 20 years after the date
8 of installation. Credits will only be applied to properly permitted and functioning systems within
9 the scope of the adopted Energy Code and applicable Mechanical and Electrical Codes.
10 Systems installed prior to 20 years before the date of permit application are not eligible for pro-
11 ration of system credits.
12

13 Upgrades to existing mechanical equipment (boilers, heat pumps, HVAC equipment,
14 etc.) or renewable energy systems will not require submittal to the REMP program.
15

16 R412 Solar photovoltaic systems. System designer and installer must be certified by
17 Colorado Solar Energy Industries Association (COSEIA) or North American Board of Certified
18 Energy Practitioners (NABCEP), or a licensed Professional Engineer in the State of Colorado.

19 R412.1 Solar thermal. The size of solar hot water systems is limited to 500 square feet
20 of collector area absent approval by the Building Official. Systems larger than this limit will be
21 considered, but will require documentation showing year-round utilization of the system.

22 R412.2 Ground source heat pumps. In order to use ground source heat pumps for on-
23 site renewable credit, the GSHP system must supply at least 20% of the peak load for heating
24 all the exterior energy uses. Each GSHP shall be tested and balanced and the design engineer
25 shall certify in writing that it meets or exceeds a design coefficient of performance of 3.0
26 inclusion of source pump power. Design conditions for determining COP will be 30F ground loop
27 temperature measured at the GSHP inlet, and 110F GSHP load side outlet.
28

29
30 **Section 6.** That a new section 8-1-26, entitled “REMP Fees”, is added to read as
31 follows:

32 8-1-26 REMP Fees.

33 A. Regulatory Fee:

1 1. Commencing with an application for a permit for outdoor energy use, a regulatory
2 fee shall be imposed where an applicant elects not to mitigate outdoor energy use on-site or
3 where the mitigation is not sufficient per the requirements.

4 2. The amount of the regulatory fee is established by calculations set forth in Exhibit
5 A, which calculations may be administratively amended based on the annual energy use
6 assumptions by energy use.

7 3. The regulatory fee bears a reasonable relationship to the direct and indirect costs
8 of implementing the town's comprehensive regulatory program established by this chapter.

9
10 4. The fee established by this section is not designed to raise revenues to defray the
11 general expenses of town government, but rather is a charge imposed for the purpose of
12 defraying some of the costs of the particular town services and programs described in this
13 section.

14 B. Uses: All monies collected under this section shall be recorded in a special fund
15 and shall be used for the following purposes:

16 1. To reduce fossil fuel-generated energy consumption by supporting community
17 renewable energy and energy efficiency improvements in the community;

18 2. To administer the IECC and IRC provisions in the Breckenridge Town Code;

19 3. To educate the development of industry and the public at large of the methods of
20 energy efficient construction practices and the benefits of energy conservation; and,

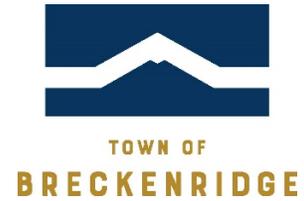
21 4. To achieve the goals of the SustainableBreck Plan.

22 **Section 7.** That a new section 8-1-27, entitled "Administrative Rules and Regulations"
23 shall be amended by adding the language underlined to reads as follows:

24 8-1-26 Rules and Regulations. The director of community development shall have the
25 authority from time to time to adopt, amend, alter, and repeal administrative rules and
26 regulations as may be necessary for the proper administration of this chapter. Such regulations
27 shall be adopted in accordance with the procedures established by title 1, chapter 18 of this
28 code.

1 **Section 8.** This ordinance shall be effective as provided in Section 5.9 of the
2 Breckenridge Town Charter.

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



Memo

To: Town Council
From: Mark Truckey, Community Development Director
Date: 7/5/2023 for July 11, 2023 Meeting
Subject: Policy 33 Revisions: Outdoor Energy Use Second Reading

Attached for Council's review are the amendments to Development Code Policy 33 to address outdoor energy use. These amendments are intended to work in conjunction with the REMP provisions in the Building Code. Only one small change has been made from First Reading. This change provides a clarification under Subsection E. that positive four (+4) points is the maximum that can be obtained under Subsection E. Staff recommends the Council approve the proposed Policy 33 amendment on Second Reading.

A BILL FOR AN ORDINANCE CREATING A NEW ABSOLUTE POLICY FOR ENERGY CONSERVATION AND AMENDING POLICY 33 RELATIVE ACCORDINGLY.

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

Section 1. That a new Absolute policy be added to section 9-1-19-33A., entitled “Policy 33 (Absolute) Energy Conservation” by adding the language underlined to read as follows:

Policy 33 (Absolute) Energy Conservation:

A. All new snowmelt, outdoor gas appliances, and outdoor heated pools/hot tubs are further regulated by the Renewable Energy Mitigation Program provisions of the Building Code.

B. Each residential units may install a maximum of three gas fireplaces, and a maximum of one of the three fireplaces may be outdoors. Anything over and above shall be prohibited, with the exception of fireplaces for common areas of multi-family residences or lodging properties.

Section 2. That subsection B of section 9-1-19-33R, entitled “Policy 33 (Relative) Energy Conservation” be amended by deleting the language stricken and adding the language underlined to read as follows:

B. Excessive Energy Usage: Developments with excessive energy components are discouraged. To encourage energy conservation, the following point schedule shall be utilized to evaluate how well a proposal meets this policy. Energy use from snowmelt, outdoor gas fireplaces, and outdoor heated pools/hot tubs is also regulated by the Renewable Energy Mitigation Program provisions of the Building Code.

| Point Range | Design Feature |
|-------------|---|
| 0 | If the Planning Commission determines that any of the following design features are required for the health, safety and welfare of the general public (e.g., heated sidewalk in a high traffic pedestrian area), then no negative points shall be assessed. |
| -1 | 1 – 500 square feet heated driveway, sidewalk, plaza, etc. |
| -2 | 501 – 999 square feet heated driveway, sidewalk, plaza, etc. |
| -3 | 1,000 – 2,499 square feet heated driveway, sidewalk, plaza, etc. |

| | |
|--|--|
| -4 | 2,500 – 5,000 square feet heated driveway, sidewalk, plaza, etc. |
| -4 | For each additional 5,000 square feet, or portion thereof, of heated driveway, sidewalk, plaza, etc. over 5,000 square feet |
| Snowmelt: Residential Less Than Ten Units | |
| <u>0</u> | <u>Up to 1,000 square feet of heated driveway, patio/deck, and walkway etc.</u> |
| <u>1 x (-1/0)</u> | <u>For each additional 250 square feet over 1,000 of heated driveway, patio/deck, and walkway etc.</u> |
| Snowmelt: Commercial and Residential Ten Units or Greater | |
| <u>0</u> | <u>Up to 5,000 square feet of heated driveway, sidewalk, plaza etc</u> |
| <u>1 x (-1/0)</u> | <u>For each additional 500 square feet over 5,000 square feet of heated driveway, sidewalk, plaza etc</u> |
| Gas Fireplaces | |
| 1x(-1/0) | Outdoor commercial or common space residential gas fireplace (per gas fireplace). |
| <u>0</u> | <u>Outdoor commercial or common space residential gas fireplaces up to 350,000 BTU</u> |
| <u>1 x (-1/0)</u> | <u>For each additional 50,000 BTU over 350,000 BTU used for outdoor commercial or common space residential gas fireplaces</u> |
| Outdoor Heated Pools/Hot Tubs | |
| -1 | 101-500 square feet of outdoor heated pool and/or hot tub in a commercial or multifamily development |
| -1 | For each additional 500 square feet, or portion thereof, of outdoor heated pool and/or hot tub in a commercial or multifamily development over the first 500 square feet |
| Water Features | |
| 0 | Water features powered completely by a renewable energy source (e.g., solar, wind). |
| -1 | Water features powered by conventional energy sources utilizing less than 4,000 watts or less than 5 horsepower. |
| -2 | Large outdoor water features (per feature) powered by conventional energy sources utilizing over 4,000 watts or 5 horsepower motor or greater. |

1
2

1 **Section 3.** That a new subsection E be added to 9-1-19-33R entitled “Policy 33
2 (Relative) Energy Conservation” and that existing entitled “E General Provisions” be
3 renumbered as F accordingly to read as follows:

4 E. Electrification:

5 +4 points may be awarded for new residential or commercial development that does not provide
6 gas to the property and provides all of its energy and heating demands through electric or
7 renewable energy sources, with a covenant recorded against the property in a form approved by
8 the Town attorney.

9 +4 points may also be awarded to existing residential or commercial development that fully and
10 permanently disconnect gas service to the property, with a covenant recorded against the
11 property in a form approved by the Town attorney.

12 +4 points may be awarded where an addition to a residential or commercial property is
13 proposed, where gas service is fully and permanently disconnected from any existing structures
14 on the property and gas is not provided to the addition, with a covenant recorded against the
15 property in a form approved by the Town attorney.

16 A maximum of +4 points may be awarded under this subsection E.

17 F. General Provisions:

18 1. A projected analysis shall be submitted at the time of development permit application if
19 positive points are requested as well as submittal of a confirmed analysis prior to the issuance
20 of a certificate of occupancy or certificate of completion. A HERS/ERI analysis shall be
21 performed by a certified HERS/ERI rater. An analysis of energy saved beyond the IECC or the
22 SSBC, whichever code is the most restrictive, shall be performed by the licensed Colorado
23 engineer of record for the project.

24 2. No development approved with required positive points under this policy shall be modified to
25 reduce the HERS/ERI index, percentage of improvement, or percentage of energy savings
26 above the IECC standards in connection with the issuance of such development permit.
27 ("Required positive points" means those points that were necessary for the project to be
28 approved with a passing point analysis.)

1 3. Prior to the issuance of a certificate of occupancy each development for which positive points
2 are awarded under this policy shall submit a letter of certification showing compliance with the
3 projected energy rating or percentage of energy savings in comparison to the IECC or the
4 SSBC, whichever code is the most restrictive. The required confirmed certification for a
5 residential development three (3) stories or less in height shall be submitted by a certified
6 HERS/ERI rater. The required confirmed certification for a residential development taller than
7 three (3) stories, and for all commercial development, shall be submitted by a licensed Colorado
8 engineer and accompanied by balance and commissioning reports.

9 **Section 4.** This ordinance shall be published and become effective as provided by
10 Section 5.9 of the Breckenridge Town Charter.

11
12 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
13 PUBLISHED IN FULL this ____ day of _____, 2023. A Public Hearing shall be held at the
14 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
15 _____, 2023, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
16 Town.

17
18 TOWN OF BRECKENRIDGE, a Colorado
19 municipal corporation
20

21
22
23 By: _____
24 Eric S. Mamula, Mayor
25

26 ATTEST:

27
28
29
30 _____
31 Helen Cospolich, CMC,
32 Town Clerk
33

Memo

To: Town Council
From: Rick Fout, Chief Building Official
Date: 7/3/2023 for the Council Meeting on 7/11/2023
Subject: 1st Reading: Proposed Prohibition on Wood Roof Shingles

This is the 1st reading to propose a prohibition on wood shingles as roofing material for replacement and new construction. The main reasons for implementing a prohibition on wood shingled roofs are 1) the difficulty to secure property insurance on any structures with wood roof shingles due to fire ignition potential, which staff has confirmed with local insurance carriers and 2) fire spread potential. This is a positive step towards preventing wildfire spread potential in the Breckenridge and Summit County areas. Staff has reached out to our neighboring jurisdictions and they are also interested in considering the same type of regulation. Other Colorado communities that have processed prohibitions on wood roof shingles include the Town of Basalt, the Town of Vail, and the City of Boulder.

Although building code requires a Class A Fire Resistance Ratings on all types roofing including wood shingles, wood shingles must be re-coated with a chemical that makes them Class A Fire Resistant every five years, which rarely happens. Alternatively, fire resistant synthetic wood shingles last longer overall and do not require the expensive, re-coating chemical/solution every five years. Staff also researched the cost difference between the two and the synthetic shingles are more economical in the long run.



We have done outreach on the proposed change/prohibition to our mailing lists that include architects, builders, designers, contractors, subcontractors, and realtors in the form of a MailChimp email blast. Two “comments” emails were received and are attached.



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

A BILL FOR AN ORDINANCE PROHIBITING WOOD SHINGLES ON ROOFS.

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

Section 1. That paragraph 29 of section 8-1-4A of the International Building Code, Edition 2018, is hereby repealed and replaced with the language underlined to read as follows:

29. Section 1505.1 is amended to read as follows:

1505.1 General. All roof coverings shall be Class A. Wood shakes and shingles are not permitted unless exempted for replacement or repair as defined in Section 1501.1.1. Where the roof profile allows space between the roof covering and the roof decking at the eave ends, the spaces shall be constructed to prevent intrusion of flames and embers or have one layer of 72-pound (32.4kg) mineral-surfaced non-perforated cap sheet complying with ASTM D3909 installed over the combustible decking.

Exception: Skylights and sloped glazing that comply with Chapter 24 or Section 2610.”

Section 1505.1.1: Section 1505.1.1 is added as follows:

Replacement or Repair: Each structure with a nonconforming roof covering or roof assembly shall be allowed one replacement or repair of 25% or less of the roof area. Replacement or repair in excess of 25% or a second replacement or repair of the roof covering or roof assembly shall trigger replacement of the nonconforming covering or assembly in its entirety. For purposes of this section, a two-family dwelling shall be considered two separate structures. Emergency repairs of less than 10 sq/ft shall not be subject to the 25% rule.

Table 1505.1 is deleted.

Section 1505.3, 1505.4, 1505.5, 1505.6 and 1505.7 are deleted.

Section 2. That paragraphs 30, 33, 34, and 35 of 8-1-4A are hereby deleted and reserved.

Section 3. That paragraph 37 of section 8-1-5A of the International Residential Code, 2018 Edition, is hereby repealed and replaced with the language underlined to read as follows:

37. Section R902.1 is amended to read as follows:

R902.1 Roofing covering materials. All roof assemblies and roof coverings shall be Class A. Wood shakes and shingles are prohibited unless exempted for replacement or repair as defined below. Where the roof profile allows space between the roof covering and the roof decking at the eave ends, the spaces shall be constructed to prevent intrusion of flames and embers, or

1 have one layer of 72-pound (32.4kg) mineral-surfaced non-perforated cap sheet complying with
2 ASTM D3909 installed over the combustible decking.

3 Section R902.1 is amended to read as follows:

4 Replacement or Repair: Each structure with a nonconforming roof covering or roof assembly
5 shall be allowed one replacement or repair of 25% or less of the roof area. Replacement or
6 repair in excess of 25% or a second replacement or repair of the roof covering or roof assembly
7 shall trigger replacement of the nonconforming covering or assembly in its entirety. Emergency
8 repairs of less than 10 sq/ft shall not be subject to the 25% rule.

9 For purposes of this section, a two-family dwelling shall be considered two separate structures.

10 Exception: Metal and concrete roofing systems.

11 Section R902.2 Fire-retardant-treated wood shingles and shakes is deleted.

12 **Section 4.** Except as specifically amended hereby, the Breckenridge Town Code, and
13 the various secondary codes adopted by reference therein, shall continue in full force and effect.

14 **Section 5.** The Town Council hereby finds, determines and declares that this ordinance
15 is necessary and proper to provide for the safety, preserve the health, promote the prosperity,
16 and improve the order, comfort and convenience of the Town of Breckenridge and the
17 inhabitants thereof.

18 **Section 6.** This ordinance shall be published and become effective as provided by
19 Section 5.9 of the Breckenridge Town Charter.

20
21 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
22 PUBLISHED IN FULL this ____ day of _____, 2023. A Public Hearing shall be held at the
23 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
24 _____, 2023, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
25 Town.

26
27 TOWN OF BRECKENRIDGE, a Colorado
28 municipal corporation

29
30
31
32 By: _____
33 Eric S. Mamula, Mayor

34
35 ATTEST:

1 _____
2 Helen Cospolich, CMC,
3 Town Clerk
4

From: [Building](#)
To: [Rick Fout](#)
Subject: FW: Comments on wood shingle product
Date: Thursday, June 1, 2023 7:29:00 AM

From: keith coloradocustomretreats.com <keith@coloradocustomretreats.com>
Sent: Wednesday, May 31, 2023 6:04 PM
To: Building <Building@townofbreckenridge.com>
Subject: Comments on wood shingle product

External Message - Please confirm you know the sender!

Hello,

I'm writing to comment on the prohibition of wood shingle products, which I do not support as a General Contractor for over 17 years. I have seen the steady increase in costs to build homes and complete remodeling projects over the years, much of which has come from the narrowing of allowable building materials that have resulted from proposals such as this. Homeowners and builders should decide together on which products work best for both budgetary considerations, aesthetics, and cost-benefit analyses. These are privately owned properties after all.

I have lived for many years in the foothills of Colorado which were significantly more prone to wildfires than Summit county and the town of Breckenridge. I have witnessed homes built in neighborhoods with the most fire mitigation possible to resist damage from wildfires, and I can attest to the fact that the wildfire will prevail under the ideal conditions. Exterior concrete walls, fire rated siding, exterior fire suppression (sprinklers), class-A roofing products are no match for the a fire that has adequate fuel to feed its growth. The overwhelming amount of this fuel comes from mismanaged forests, downed fuels, inadequate fire breaks, and not primarily home building materials used on structures.

The restrictions on allowable building materials have become onerous, cost prohibitive, and mostly without benefit to the individual nor the community as a whole. These have become "feel good" measures enacted by well-meaning people to put a feather in their cap without analyzing results from these restrictions, and I do not support this measure. to prohibit wood shingles.

Keith Boyle

Colorado Custom Retreats, Inc.

(303) 884-3436

113 Soda Creek Ct.

Dillon, CO 80435

keith@coloradocustomretreats.com

www.coloradocustomretreats.com

www.houzz.com/pro/coloradocustomretreats/colorado-custom-retreats-inc

From: [Jessie Launder](#)
To: [Jessie Launder](#)
Subject: Proposed Prohibition On Wood Shingles On Roofs In Breck Comments From A Local Fire Fighter
Date: Monday, July 3, 2023 12:50:25 PM
Attachments: [image001.png](#)
[FirewiseFactSheetsRoofingMaterials.pdf](#)

From: Jackie Pike <jpike@rwbfire.org>
Sent: Thursday, June 22, 2023 12:20 PM
To: Rick Fout <rckf@townofbreckenridge.com>; Jay Nelson <jnelson@rwbfire.org>
Cc: Matt Benedict <mbenedict@rwbfire.org>
Subject: RE: Proposed Prohibition On Wood Shingles On Roofs In Breck

Hi Rick,

The Red, White & Blue Fire Protection District supports the Town's proposal to prohibit natural wood shingles/roofing material on any future developments or re-roofs.

It is very difficult for owners to obtain insurance on structures with this type of roof. If an insurance company is willing to insure a home with a wood shake roof, the cost would be exorbitant. Most insurance companies will not consider insuring a home with this type of roof.

I attached a flyer from NFPA about roofing materials.

Roofs are a highly vulnerable part of a home during wildfires. Embers can and will ignite a home. Embers accumulate on combustible materials such as a wood shake roof. An untreated wood shake or shingle roof covering is the greatest threat to a home. Source: NFPA Firewise Fact Sheet
Natural wood roofing materials have to be treated with a fire retardant. The retardant wears off over time and by exposure to UV rays. We assume that wood roofs are untreated.

I believe that there are noncombustible alternatives to wood shake shingles that will give the appearance of a shake shingle roof.

Please contact me if you have questions or would like more information.

Sincerely,

Jackie Pike
Deputy Fire Marshal
Red, White & Blue Fire Protection District

From: Rick Fout <rckf@townofbreckenridge.com>
Sent: Wednesday, June 7, 2023 2:56 PM

To: Jay Nelson <jnelson@rwbfire.org>; Jackie Pike <jpik@rwbfire.org>

Subject: Proposed Prohibition On Wood Shingles On Roofs In Breck

Hey Jay & Jackie,

Care to comment on this? Hope so. [Proposed Prohibition on Wood Shingles \(mailchi.mp\)](#)

We have sent out this blitz in the link above to our roofers, builders, and architects. We are receiving comments back to show Town Council at an upcoming Work Session (7/11/23). Would love to include a couple from you two. Please reply back here on this email string or at building@townofbreckenridge.com like others are if you can.

Thanks!, Rick

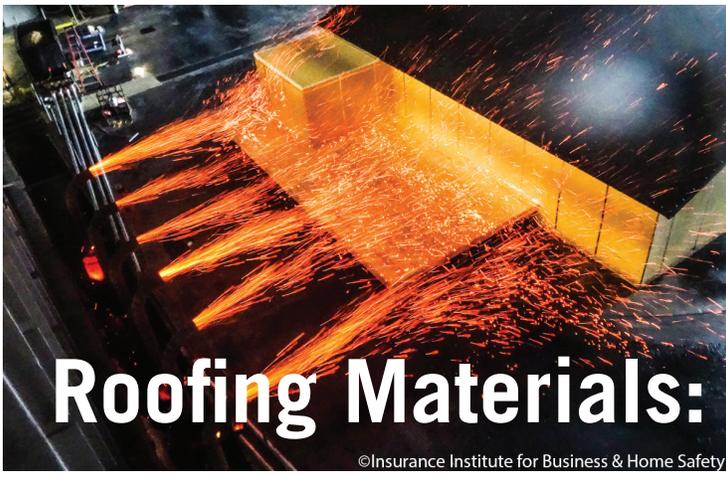
PS. This is a reply from a large local insurance company I am doing my due diligence with (plus others).

“Wood shingle roofs are impossible to insure. Our markets will completely decline any home with a wood roof. In the past, when carriers were less strict, they would allow us to insure these homes with a roof exclusion. But, that has all changed with the insurance market tightening up. To date, I have no markets for these homes, and we work with numerous carriers.”



Rick Fout

Chief Building Official
Town of Breckenridge
150 Ski Hill Road – PO Box 168
Breckenridge, CO 80424
P: 970-547-3197
E: rickf@townofbreckenridge.com



Roofing Materials:

©Insurance Institute for Business & Home Safety



©Insurance Institute for Business & Home Safety



©Insurance Institute for Business & Home Safety

Roofs are a highly vulnerable part of a home during wildfires

HOMEOWNERS NEED TO IMPLEMENT RISK REDUCTION ACTIONS THAT MAKE HOMES BETTER ABLE TO SURVIVE A WILDFIRE - AND THE ROOF IS A GREAT PLACE TO BEGIN!

HOW HOMES IGNITE

Homes ignite in one of three ways: embers/firebrands, radiant heat exposure or direct flame contact. An example of an ember ignition is when wind-blown embers accumulate on combustible materials such as a wood shake roof. An untreated wood shake or shingle roof covering is the greatest threat to a home.

ROOF COVERINGS AND ASSEMBLIES

Roof covering fire ratings are Class A, B, C, or unrated; with Class A providing the best performance. Common Class A roof coverings include asphalt fiberglass composition shingles, concrete and flat/barrel-shaped tiles. Some materials have a “by assembly” Class A fire rating which means, additional materials must be used between the roof covering and sheathing to attain that rating. Examples of roof coverings with a “by assembly” fire rating include aluminum, recycled plastic and rubber and some fire-retardant wood shake products. If a wood shake roof does not have the manufacturer’s documentation specifying the fire retardant, assume it’s untreated.

TILE AND ROOF COVERINGS WITH GAPS BETWEEN THE COVERING AND ROOF DECK

Flat and barrel-shaped tiles, metal, and cement roof coverings can have gaps between the roof covering and sheathing, which typically occur at the ridge and edge of roofs. These openings can allow birds and rodents to build nests with materials that are easily ignited by embers. Flames from this type of ignited debris can spread to the structural support members, bypassing the protection offered by a Class A rated roof covering. Plugging these openings between the roof covering and the roof deck, is commonly called “bird stopping”. Regularly inspect and maintain these areas.

DEBRIS ACCUMULATION – ROOF AND GUTTERS

Wind-blown debris (including leaves and pine needles from nearby and overhanging trees) will accumulate on roofs and in gutters. Dry debris can be ignited by wind-blown embers. These flames can extend to the edge of the roof and adjacent siding. Even with Class A fire-rated roof coverings, vertical surfaces next to the roof edge will be exposed to flames from the ignited debris. Regularly remove vegetative debris from your roof and gutters.

ATTICS, CRAWLSPACES, SOFFITS AND EAVES

Post-fire research has shown attic vents, roof and gable end vents and under-eave areas are entry points for embers and flames. Reduce the size and number of embers that pass through vents into attic and crawlspaces by covering them with a 1/8-inch metal mesh screen. When wildfires threaten, vents can be covered with 1/2-inch or thinner plywood, or a thin metal plate. Ensure these are removed when the threat has passed.

REDUCE YOUR ROOF'S VULNERABILITY TO WILDFIRE

1 Roofs should be Class A fire-rated, such as asphalt composition shingles. If you're unsure about your roof's rating, hire a professional roofer to make a determination.

2 Remove debris on the roof and in the gutters at least twice a year, or more often if necessary.

3 Remove tree branches that overhang the roof.

4 Periodically inspect exposed areas under eaves and soffits to ensure construction materials are in good condition.

5 Cover vents, e.g., with noncombustible, corrosion-resistant 1/8-inch metal mesh screens.

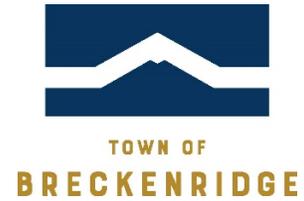
6 Inspect and maintain your roof on a regular basis. Replace when necessary.



©Insurance Institute for Business & Home Safety



FIREWISE USA™
RESIDENTS REDUCING WILDFIRE RISKS



Memo

To: Breckenridge Town Council Members
From: Jessie Launder, Administrative Supervisor
Date: June 23, 2023 (For July 11th Council Meeting)
Subject: Building Code Update

This Council Bill proposes to make a minor update and correction to Title 8, Chapter 1, Building Regulations. Below is a summary of the changes:

- Update the *Standard Codes Adopted by Reference* section to more clearly reference all applicable codes already utilized by the Building Division.
- Correct an error in the Electrical Permit Fee Schedule. In the right side of the fee chart, 4th row from the top, the number "1000" should be "100."

Staff will be available to answer questions.

A BILL FOR AN ORDINANCE UPDATING THE BUILDING CODE.

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

Section 1. That section 8-1-3, entitled “Standard Codes Adopted by Reference”, be amended by adding the new language underlined to read as follows:

K. International Fire Code, 2018 Edition, including Appendix B, C, D, E, F, G, H, I, J, K, M, N, O, and P, published by the International Code Council, Inc.

L. Accessible and Usable Buildings and Facilities, ICC A117.1-2009 Edition, Published by the International Code Council, Inc.

M. International Swimming Pool & Spa Code, 2018 Edition, Published by the International Code Council, Inc.

Section 2. That paragraph 14 of section 8-1-4 be amended to strike the zero (0) in the Electrical Permit Fees schedule for Unit Area over 2,000 sq. ft. to read as follows:

Section 109.2 Schedule of permit fees is amended to read as follows:

109.2 Schedule of permit fees. On buildings, structures, electrical, gas mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the following Town of Breckenridge Building Permit and Inspection Fee Schedule:

Electrical Permit Fees

| Unit Area | Permit Fee |
|---|--|
| Not more than 1,000 sq. ft. | \$120.00 |
| Over 1,000 sq. ft., and not more than 1,500 sq. ft. | \$168.00 |
| Over 1,500 sq. ft., and not more than 2,000 sq. ft. | \$216.00 |
| Over 2,000 sq. ft. | \$216.00 plus \$9.60 per 1000 sq. ft. or fraction thereof over 2,000 sq. ft. |

| Unit Area | Permit Fee |
|---|---|
| All Other Fees: Except for inspection in mobile homes and travel parks, all other permit fees shall be computed on the dollar value of the electrical installation, including labor and material, and such fees shall be computed as follows: | |
| Valuation | Permit Fee |
| Not more than \$2,000.00 | \$120.00 |
| More than \$2,000.00 | \$9.60 per thousand or fraction thereof plus \$120.00 |
| Mobile homes and travel parks per space | \$120.00 |
| Additional plan review | \$65.00 per hour or fraction thereof |
| Re-inspection on all above | \$65.00 |
| Temporary Power Permit | \$65.00 |
| Hot Tub Electrical Permit | \$120.00 |
| **Plan review fees – The plan review fees for electrical work shall be calculated as 65 percent of the electrical permit fee.** | |

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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 ____ day of _____, 2023. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of _____, 2023, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

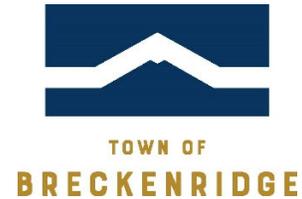
TOWN OF BRECKENRIDGE, a Colorado municipal corporation

By: _____
Eric S. Mamula, Mayor

ATTEST:

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Helen Cospolich, CMC,
Town Clerk



Memo

To: Town Council
From: Sarah Crump, Planner III
Date: July 5, 2023 for meeting of July 11, 2023
Subject: Parking Code Amendment Bill (First Reading)

Staff reviewed the proposed Code amendments regarding parking requirements for duplexes and townhomes with the Town Council at a work session on May 9, 2023.

The proposed changes to Section 9-3-8 Off Street Parking Requirement will add townhome units to the land use category column where they were omitted previously. The “duplex” land use category is proposed to be changed to “duplex and townhome” both inside and outside the parking service area (downtown core). The changes will also clarify the application of parking maximums for duplex and townhome units in the parking service area to allow parking maximums to be rounded up to the nearest number. This will allow for an equal distribution of parking among duplex and townhome units. Outside the service area, the minimum required number of spaces for duplex and townhome units has been modified from 1.5 to 2.0. There is also clarification that no parking maximum requirements exist for single-family, duplex, townhome, or accessory apartment land use categories outside the parking service area.

The Town Council was supportive of the Staff recommended changes at the time of the May 9th work session. This is the first reading of the attached Bill to implement code changes to *Chapter 3 Off Street Parking Regulations* of the Town Code. There are no substantive changes between the work session proposal and this first reading bill.

The draft Code for the Council’s review and approval are attached. Staff will be available at the meeting for any questions.

Series 2023

AN ORDINANCE AMENDING THE DEVELOPMENT CODE PERTAINING TO OFF STREET PARKING REQUIREMENTS.

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

Section 1. That section 9-3-8 of the Breckenridge Town Code, entitled "OFF STREET PARKING REQUIREMENT", be amended by adding the language underlined to the list of definitions and placed in alphabetical order, to read as follows:

A. *Within the Service Area*: In connection with the development of all property within the service area there shall be provided the following amount of off street parking:

| Land Use Category | Number of Required Off Street Parking Spaces (Per TSF-GFA Unless Otherwise Noted); no additional parking shall be allowed.** |
|----------------------------------|--|
| Residential: | |
| Single-family | 1.1 |
| Duplex or <u>Townhome</u> | 1.1 |
| Multi-family; efficiency, studio | 1.1 |
| Multi-family; 1 bedroom plus | 1.1 |
| Condominium; efficiency, studio | 1.1 |
| Condominium; 1 bedroom plus | 1.1 |
| Divisible unit | 1.1 |
| Lodging, hotel, motel | 1.1 |
| Dormitory | 1.1 |
| Commercial: | |
| Retail sale, commercial: | |
| General retail, commercial | 1.4 |
| Supermarket | 2.5 |
| Financial | 1.9 |
| Office: | |
| General office | 1.4 |
| Government office | 2.2 |
| Auto service station | 3.0 per bay plus 1 per pump |
| Restaurant, sit down | 3.5 |
| Auditorium, theater | 0.3 per seat |
| Church | 0.5 |
| Convention center | 3.1 |

| | |
|-----------------------|-----|
| Library, museum | 1.8 |
| Medical/dental clinic | 3.3 |
| Commercial recreation | 2.0 |

1 *TSF-GFA = 1,000 square feet of gross floor area. Note: If the required parking is less than one
2 (1) space, and for any fractional parking space required, the applicant shall be required to pay
3 the in lieu fee provided in section [9-3-12](#) of this chapter.

4 **For duplex and townhome units where the parking maximum would result in dedicated parking
5 spaces distributed unevenly across units, the allowed number of spaces may be rounded up to
6 the nearest number that would provide for an even distribution of parking spaces between units.

7 B. *Outside the Service Area:* In connection with the development of all property outside the
8 service area there shall be provided the following amount of off street parking:

| Land Use Category | Minimum Required | Maximum Allowed |
|--|---|-----------------------------------|
| Residential: | | |
| Single-family | 2.0 per dwelling unit* | None <u>No maximum</u> |
| Duplex or Townhome | 1.5 per dwelling unit <u>2 per dwelling unit</u> | None <u>No maximum</u> |
| Accessory apartment | 1.0 per dwelling unit | None <u>No maximum</u> |
| Multi-unit residential and condominiums: | | |
| Efficiency - studio | 1.0 per dwelling unit | 1.1 per dwelling unit |
| 1 bedroom and larger | 1.5 per dwelling unit | 1.65 per dwelling unit |
| Divisible unit | +0.5 for each divisible room | +0.6 for each divisible room |
| Lodging, hotel, motel | 1.0 per guestroom | 1.1 per guestroom |
| Dormitory | 0.5 per bed | 0.6 per bed |
| Schools: | | |
| Elementary and junior high | 2 per classroom | 2.2 per classroom |
| High school | 1 per 4 students and faculty | 1.1 per 4 students and faculty |
| College | 1 per 4 students and faculty | 1.1 per 4 students and faculty |
| Commercial: | | |
| Retail sale, commercial and office | 1 per 400 square feet GFA (minimum 2 per building) | 1.1 per 400 square feet GFA |
| Construction - contracting | 1 per 200 square feet | 1.1 per 200 square feet |
| Manufacturing | 1 per 400 square feet | 1.1 per 400 square feet |
| Warehouse | 1 per 1,000 square feet | 1.1 per 1,000 square feet |

| | | |
|---|--|---|
| Gas station/convenience market | 1 per pump plus 1 per 250 square feet GFA | 1.1 per pump plus 1.1 per 250 square feet GFA |
| Restaurants - sit down, breweries, and distilleries | 1 per 125 square feet | 1.1 per 125 square feet |
| Restaurants - drive-in | 1 per 100 square feet GFA | 1.1 per 100 square feet GFA |
| Supermarket/grocery store | 1 per 250 square feet GFA | 1.1 per 250 square feet GFA |
| Auditoriums - theaters | 1 per 4 seats | 1.1 per 4 seats |
| Churches | 1 per 6 seats | 1.1 per 6 seats |
| Convention center facility | By special review of the director and planning commission | By special review of the director and planning commission |
| Library and museum | 1 per 500 square feet GFA | 1.1 per 500 square feet GFA |
| Medical and dental clinics | 1 per 300 square feet GFA | 1.1 per 300 square feet GFA |
| Hospital | 1 per 3 beds | 1.1 per 3 beds |
| Commercial recreation indoor and outdoor | By special review of the director and planning commission | By special review of the director and planning commission |
| Recreation and leisure amenity club | No additional parking shall be required or allowed for a development that includes a recreation and leisure amenity club beyond the required residential or commercial parking, as applicable. | |

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Section 4. 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 ____ day of ____, 2023. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of ____, 2023.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

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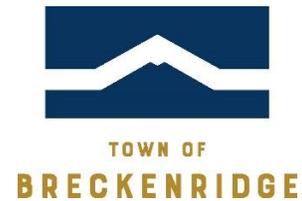
By: _____

Eric S. Mamula, Mayor

ATTEST:

Helen Cospolich, CMC,

Town Clerk



Memo

To: Town Council
From: Mark Truckey, Community Development Director
Date: 6/15/2023, for the meeting of July 11, 2023
Subject: Outdoor Sales Days First Reading

Chapter 9-7 of the Town Code (Outdoor Display of Merchandise) limits the outdoor display of merchandise to one item per business in the downtown area, with some exceptions. One of those exceptions is for declared Outdoor Sales Days (i.e., sidewalk sales). These Outdoor Sales Days have been historically limited to a maximum of two or three weekends a year.

The current Code requires that representatives of the business community coordinate with the Town Manager to determine the days that are proposed as Outdoor Sales Days and the Manager informs the Council of these days at least 30 days prior to the dates proposed. This communication has proven challenging at times and has resulted in situations such as this past Memorial Day weekend, when individual businesses thought they could set out merchandise outside but the dates had not been proposed by the business community.

Staff is proposing to change the existing Code language to allow for Outdoor Sales Days on Memorial Day and Labor Day weekends. Both of these weekends have historically been used for Outdoor Sales Days and establishing these weekends as regular authorized dates will remove the need for consultation with the business community on an annual basis.

The proposed Code amendment is attached for Council's review. Staff welcomes Council input.

COUNCIL BILL NO. ____

Series 2023

A BILL FOR AN ORDINANCE AMENDING THE MUNICIPAL CODE TO ALLOW THE DISPLAY OF MERCHANDISE OUTSIDE DURING MEMORIAL AND LABOR DAY WEEKENDS.

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

Section 1. That subsection I of section 9-7-6, entitled "Exemptions" be amended by deleting the language stricken and adding the underlined to read as follows:

I. Outdoor Sales Days: Outdoor displays of merchandise conducted on the following Outdoor Sales Days: Memorial Day weekend including Friday through Monday and Labor Day Weekend including Friday through Monday. ~~as established by the town manager. In setting Outdoor Sales Days, the town manager shall consult with representatives of the business community to determine appropriate dates. At least thirty (30) days before setting Outdoor Sales Days each year, the town manager shall advise the town council of the proposed dates of such event.~~

Section 2. 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 ____ day of _____, 2023. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of _____, 2023, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

TOWN OF BRECKENRIDGE, a Colorado municipal corporation

By: _____
Eric S. Mamula, Mayor

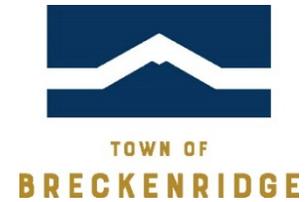
ATTEST:

Helen Cospolich, CMC,

1 Town Clerk
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Memo

To: Breckenridge Town Council Members
From: Shannon Smith, Town Engineer
Date: 7/2/2023
Subject: Resolution for IGA: Coyne Valley Rd. Paving



The Summit County Road and Bridge Department (County) is under contract to perform drainage improvements to Continental Court and Coyne Valley Road in late July 2023. As part of the Town's 2022 Coyne Valley Culvert Project, a portion of Coyne Valley Road adjacent to Continental Court was planned to be repaved, but was delayed to coordinate with the County's work. This intergovernmental agreement allows for cooperative coordination of the planned paving of Coyne Valley Road to be performed under the County's construction contract. The Town's cost of the work, \$136,770.85, is included in the previously appropriated Capital Improvement Plan budget for the Coyne Valley Culvert project and no additional funding is requested.

The attached resolution will authorize the Town to enter into an agreement with the County to compensate the County for the Town's portion of the work at \$136,770.85. Staff will be present to answer any questions.

1 RESOLUTION NO. ____

2
3 Series 2023

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5 **A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT**
6 **FOR CONTINENTAL COURT/COYNE VALLEY ROAD RECONSTRUCTION**
7 **AND DRAINAGE IMPROVEMENTS.**

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

10 Section 1. That the Town Council hereby approves an Intergovernmental Agreement
11 for Continental Court/Coyne Valley Road Reconstruction and Drainage Improvements.

12 Section 2. All resolutions, or parts thereof, inconsistent herewith are hereby repealed to
13 the extent only of such inconsistency. This repealer shall not be construed to revive any such
14 resolution, or part thereof, heretofore repealed.

15 Section 3. This resolution is effective upon adoption.

16
17 RESOLUTION APPROVED AND ADOPTED this ____ day of ____, 2023.

18
19 TOWN OF BRECKENRIDGE

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23 By: _____

24 Eric S. Mamula, Mayor

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26 ATTEST:

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30 _____

31 Helen Cospolich, CMC,

32 Town Clerk

1 APPROVED IN FORM

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6 Town Attorney

Date

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**INTERGOVERNMENTAL AGREEMENT FOR
CONTINENTAL COURT/ COYNE VALLEY ROAD RECONSTRUCTION AND
DRAINAGE IMPROVEMENTS**

This Intergovernmental Agreement (“Agreement”) is made and entered into on this 30 day of May, 2023, by and between the County of Summit, Colorado, a political subdivision of the State of Colorado (“County”) and the Town of Breckenridge, a body corporate and political subdivision of the State of Colorado (“Town”), also collectively referred to herein as the “Parties.”

WHEREAS, Coyne Valley Road is a public road that crosses the jurisdictional boundaries of both the Town and County (the “Road”); and

WHEREAS, County intends to reconstruct and make drainage improvements to the portion of the Road that lies within the County; and

WHEREAS, the drainage improvements on the County Road necessitate adjustments to the grade of the Town road, and

WHEREAS, the Town desires to make additional improvements to the surface of the Town road independent of the County’s project, and

WHEREAS, in order to conserve resources and make efficient use of public funding, the Parties desire to cooperate in the reconstruction and drainage improvements project for the Road by having the County contract for and perform the work for the entire Road regardless of jurisdictional boundaries; and

WHEREAS, in exchange, the Town will compensate the County for the portion of the work that relates to the re-paving that occurs within the Town boundaries; and

WHEREAS, pursuant to the provisions of Section 18 of Article XIV of the Colorado Constitution, Section 29-1-203, C.R.S., as amended, and other applicable authority, the Parties may cooperate or contract with one another to provide any function, service or facility lawfully authorized to each; and

WHEREAS, the Parties have determined that it is in the best interests of the public health, safety, and welfare to enter in this IGA to cooperate in the reconstruction of the Road.

NOW, THEREFORE, in consideration of the above and the mutual promises and benefits herein expressed and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties covenant and agree as following:

1. **COUNTY CONTRIBUTION.** County agrees to contract for and perform the work to raise Coyne Valley Road to improve drainage and rebuild the Coyne

Valley Road/ Continental Court intersection including new drainage and FDR with a 5” asphalt overlay pursuant to the scope of work attached as Exhibit A (the “Project”). County has already issued an RFP for the project and has selected a successful bidder. Total contract price for the project is **\$635,503.00** (the “Price”)

2. **TOWN CONTRIBUTION.** The Town agrees to reimburse County for roadway reconstruction quantities in the Town right of way as follows:

A. The breakdown of compensation provided by the Town to the County for the County’s provision of the Services shall be:

1. Traffic Control – \$19,054.18
2. FDR – \$10,266.67
3. Asphalt – \$103,950.00
4. Shouldering – \$3,500.00

Total projected financial responsibility for the Town based on the awarded Price is **\$136,770.85**.

B. Changes in the Price that would necessitate additional funding from the Town shall be mutually agreed upon in writing between Town and County.

3. **TERM.** The term of this Agreement commences as of the Effective Date of this agreement and end, subject to earlier termination as hereafter provided, on October 31, 2023

4. **NOTIFICATION.** All notices or other communications between the County and Town in connection with this Agreement must be in writing and signed by the party giving notice. Notice will be deemed properly delivered and received when personally delivered or upon deposit in the United States mail, first class postage prepaid. All such notices or other instruments will be addressed to the party at the address below or to such other addresses as the party may designate by written notice:

a. Notices to the County shall be addressed to:

Robert Jacobs, County Engineer/Road & Bridge Director
Summit County Government
P.O. Box 68
Breckenridge, CO 80424
robert.jacobs@summitcountyco.gov

b. Notices to the Town of Breckenridge shall be addressed to:

Christopher McGinnis
Civil Engineer
Town of Breckenridge

P.O. Box 168
Breckenridge, CO 80424
chrism@townofbreckenridge.com

If either party changes its address during the term herein, it shall so advise the other party in writing as herein provided and any notice thereafter provided to be given shall thereafter be sent by certified mail to such new address.

5. General Provisions.

A. Entire Agreement. This written Agreement is the entire agreement between the parties. Any and all prior or contemporaneous statements, understandings not contained herein shall be of no further force and effect. This Agreement may not be amended except in writing and signed by all parties.

B. Third Parties. It is expressly understood and agreed that the enforcement of the terms and conditions of this contract and all rights of action relating to such enforcement, shall be strictly reserved to the Parties. Nothing contained in this Agreement shall give or allow any claim or right of action whatsoever by any other third person.

C. Modification. This Agreement may be modified or amended only by a duly authorized written instrument executed by the Parties hereto.

D. Severability. If any of the provisions of this Agreement shall be invalid or unenforceable, such invalidity or unenforceability shall not invalidate or render unenforceable the entire Agreement, but rather the entire Agreement shall be construed as if not containing the particular invalid or unenforceable provision or provisions, and the rights and obligations of the party shall be construed and enforced accordingly, to effectuate the essential intent and purposes of this Agreement.

E. Enforcement and Waiver. The failure of a Party in any one or more instances to insist upon strict performance of any of the terms and provisions of this Agreement, shall not be construed as a waiver of the right to assert any such terms and provisions on any future occasion or of damages caused thereby.

F. Authorization. Each Party represents and warrants that it has the power and ability to enter into this Agreement, to grant the rights granted herein and to perform the duties and obligations hereunder.

G. Attorneys Fees. If an action is brought to enforce this Agreement, the prevailing Party shall be entitled to costs and reasonable attorney's fees.

H. Governmental Immunity. The Parties do not intend to waive by any provision of this Agreement, the monetary limits or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S. No term or condition of this Agreement shall be construed or interpreted as a waiver,

express or implied, of any of the immunities, rights, benefits, protection, or other provisions of the Colorado Governmental Immunity Act, Section 24-10-101, *et. seg.*, CRS, as now or thereafter amended, or any other applicable sovereign or governmental immunity.

I. Fund Availability/Annual Appropriation. Expenditure of funds pursuant to this Agreement, whether in whole or in part, is subject to and contingent upon the continuing availability of each of the Parties' funds for purposes hereof. In the event that said funds, or any part thereof, become unavailable as determined by a Party, the Party may immediately terminate its participation in this Agreement or amend it accordingly.

J. Multi-Year Contracts. The obligations of the Parties hereunder shall not constitute a general obligation indebtedness or multiple year direct or indirect debt or other financial obligation whatsoever within the meaning of the Constitution or laws of the State of Colorado.

K. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

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REVISED BID FORM # 2
SCP23-01 Continental Court Reconstruction

| Bid Item # | Spec Item # | Item Description | Quantity | Unit | Bidders Estimate for Project | |
|------------|-------------|---|----------|-----------|------------------------------|---------------|
| | | | | | Unit Price | Bidders Price |
| | 3/21/2023 | | | | | |
| 1 | 626.001 | Mobilization | 1 | Lump Sum | 54,150.00 | \$ 54,150.00 |
| 2 | 625.001 | Construction Surveying | 1 | Lump Sum | 9,250.00 | \$ 9,250.00 |
| 3 | 630.000 | Traffic Control Management | 20 | Day | 1,525.00 | \$ 30,500.00 |
| 4 | 630.002 | Traffic Control Inspection | 8 | Day | 450.00 | \$ 3,600.00 |
| 5 | 630.003 | Flagging | 800 | Hr | 68.00 | \$ 54,400.00 |
| 6 | 630.004 | Temporary Traffic Control Sign | 10 | EA | 235.00 | \$ 2,350.00 |
| 7 | 630.005 | Type 3 Barricade | 3 | EA | 775.00 | \$ 2,325.00 |
| 8 | 630.006 | Channelization Device (Drum/Cone) | 100 | EA | 65.00 | \$ 6,500.00 |
| 9 | 630.007 | Portable Message Sign Panel | 2 | EA | 275.00 | \$ 550.00 |
| 10 | 208.001 | Erosion Control Management | 6 | Day | 275.00 | \$ 1,650.00 |
| 11 | 208.002 | Erosion Log - 12' X 10" | 100 | EA | 90.00 | \$ 9,000.00 |
| 12 | 208.003 | Aggregate Bag | 10 | EA | 150.00 | \$ 1,500.00 |
| 13 | 208.004 | Soil Retention Blanket | 200 | Sq Yd | 11.75 | \$ 2,350.00 |
| 14 | 208.005 | Silt Fence | 500 | Linear Ft | 5.50 | \$ 2,750.00 |
| 15 | 208.007 | Stabilized Vehicle Tracking Pad | 1 | EA | 2,150.00 | \$ 2,150.00 |
| 16 | 209.001 | Dust Abatement (Water Truck) | 20 | Day | 165.00 | \$ 3,300.00 |
| 17 | 209.002 | Dust Abatement (Roadway Sweeper Truck) | 20 | Day | 215.00 | \$ 4,300.00 |
| 18 | 203.004 | Pothole Utilities | 10 | Hr | 285.00 | \$ 2,850.00 |
| 19 | 307.002 | Deep Sub-Grade Repair | 100 | Sq Yd | 95.00 | \$ 9,500.00 |
| 20 | 203.007 | Subgrade Prep | 4910 | Sq Yd | 5.75 | \$ 28,222.50 |
| 21 | 603.001 | Install 18" CMP Culvert Pipe | 40 | Linear Ft | 135.00 | \$ 5,400.00 |
| 22 | 603.003 | Install 24" CMP Culvert Pipe | 40 | Linear Ft | 145.00 | \$ 5,800.00 |
| 23 | 603.004 | Install 24" CMP Culvert Pipe End Sections | 2 | EA | 725.00 | \$ 1,450.00 |
| 24 | 203.010 | Import to Embankment | 450 | Cu Yd | 140.00 | \$ 63,000.00 |
| 25 | 406.002 | Full Depth Reclamation (FDR) | 4910 | Sq Yd | 5.50 | \$ 27,005.00 |
| 26 | 203.008 | FDR Removal and Replacement | 1333 | Sq Yd | 13.50 | \$ 17,995.50 |
| 27 | 403.001 | Asphalt (GR SX-75) WMA | 1380 | Ton | 198.00 | \$ 273,240.00 |
| 28 | 621.001 | Shouldering (2' Width) Recycled Asphalt Product | 3682 | Linear Ft | 2.50 | \$ 9,205.00 |
| | | | | | Total | \$ - |
| | | | | | Total | \$ 635,503.00 |

| Bid Alternate | Spec Item | Item Description | Quantity | Unit | Alt Unit Price | |
|---------------|-----------|--|----------|------|----------------|---------------|
| 27 Alt. | 403.002 | Asphalt (GR SX-75) HMA PGS8-28 20% RAP | 1380 | Ton | 194.00 | |
| | | | | | Total with Alt | \$ 261,720.00 |
| | | | | | Total with Alt | \$ 29,983.00 |

CONTRACTOR PROPOSED START AND COMPLETION DATE

| | | |
|---|-------------------------------|-------------------------------|
| Attachment No. 2 | | |
| Summit County Government - "SCP23-01 Continental Court Reconstruction" | | |
| Project | Contractors Start Date | Contractors Completion |
| SCP23-01 Continental Court Reconstruction | 7/24/23 | 8/25/23 |

Columbine Hills Construction, LLC
 COMPANY: _____ SIGNED: James Letson TITLE: President
 James Letson,

From: Christopher McGinnis <chrism@townofbreckenridge.com>
Date: April 6, 2023 at 4:29:07 PM MDT
To: Jim Benkelman <Jim.Benkelman@summitcountyco.gov>, Alice Gustafson <aliceg@townofbreckenridge.com>, Shannon Smith <shannons@townofbreckenridge.com>
Cc: Robert Jacobs <Robert.Jacobs@summitcountyco.gov>
Subject: RE: Coyne Valley/Continental Ct. Info

Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

Hi Jim,

The costs below look acceptable and we will pay this amount. Let me know as the work progresses if there are going to be any large changes to the cost. Once the work is complete, send us an invoice and we'll have it paid. Thanks for your work managing this project.

Thanks,
 Chris

From: Jim Benkelman <Jim.Benkelman@summitcountyco.gov>
Sent: Thursday, April 6, 2023 8:21 AM
To: Alice Gustafson <aliceg@townofbreckenridge.com>; Shannon Smith <shannons@townofbreckenridge.com>; Christopher McGinnis <chrism@townofbreckenridge.com>
Cc: Robert Jacobs <Robert.Jacobs@summitcountyco.gov>
Subject: RE: Coyne Valley/Continental Ct. Info

External Message - Please confirm you know the sender!

Hi Alice,

Based on the bid quantities that are directly in service of paving Coyne Valley Road, the following items make up the town's financial responsibilities of the project:

1. Traffic Control – Total is \$100,225.00, 38% is Coyne Valley (50% raising the rd./50% paving so 19% is TOB) = **\$19,054.18**
2. FDR – 700' (1866.7 sq. yd @ \$5.50) = **\$10,266.67**
3. Asphalt - 525 tons (700'x24'x5" thick) @ \$198.00 = **\$103,950.00**
4. Shouldering – 1,400 LF @ \$2.50 = **\$3,500.00**

The total estimated town financial responsibility based on the awarded bid prices is **\$136,770.85**.

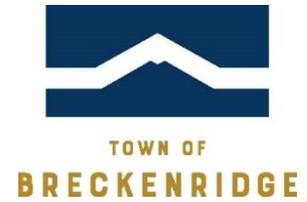
This total pricing is subject to change based on final asphalt prices. I have attached the bid for your records.

Please let us know if you have any questions.

Thanks

James Benkelman
Asset Technician
Road & Bridge Department
PO Box 626/0037 Peak One Dr.
Frisco CO. 80443
Jim.benkelman@summitcountyco.gov
(970) 668-4087





Memo

To: Breckenridge Town Council Members
From: Mack Russo, Community Outreach & Engagement Liaison
Date: 7/6/2023
Subject: Recommendations for Social Equity Commission Appointment

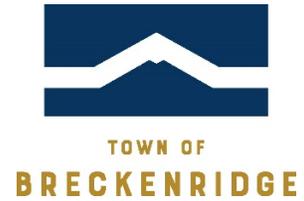
The Breckenridge Social Equity Advisory Commission consists of nine (9) members who are appointed by the Town Council. The Commission has a single vacancy that occurred in March 2023 when Commissioner Andrew Brotzman resigned.

The commission vacancy was advertised in English and Spanish in a variety of locations, including: the Town website, English and Spanish radio, Summit Daily News, on social media channels, as well as local organizations such as Mountain Dreamers, FIRC, and Building Hope. We received six (6) applications.

The selection committee for the commission consisted of Tahja Grier, who serves as the commission chair, along with Silvia Vicuna, June Walters, and Mack Russo. After carefully reviewing all the applications, the committee conducted email interviews with all six applicants. Following this initial round, three candidates were selected for a second interview. Based on their evaluation, the selection committee strongly recommends Eliana Crabb for the open commission seat and suggests that the Council appoint her. If appointed, Eliana will serve for a period of three years.

If Council agrees with the committee recommendation, an appointment may be made by motion during the Regular meeting. A sample motion follows:

Motion: "I move that we affirm the recommendation made by the selection committee of the Breckenridge Social Equity Advisory Commission and appoint Eliana Crabb as a member of the commission for a duration of three years, beginning in July 2023."



Memo

To: Breckenridge Town Council Members
From: Mark Truckey, Director of Community Development
Date: June 21, 2023
Subject: Planning Commission Decisions of the June 20, 2023 Meeting

DECISIONS FROM THE PLANNING COMMISSION MEETING, June 20, 2023:

CLASS A APPLICATIONS: None.

CLASS B APPLICATIONS: None.

CLASS C APPLICATIONS: None.

TOWN PROJECT HEARINGS: None.

OTHER: None.

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 **remote**
Ethan Guerra **absent** Steve Gerard Elaine Gort

APPROVAL OF MINUTES

With no changes, the June 6, 2023, Planning Commission Minutes were approved.

APPROVAL OF AGENDA

With no changes, the June 20, 2023, Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- None

WORK SESSIONS:

1. Policy 48A: Voluntary Defensible Space

Mr. Cross presented a work session to review Policy 48A Voluntary Defensible Space. The following questions were asked of the Commission:

1. Does the Commission agree with Staff's identification of the challenges faced when trying to implement the full guidance of Fire Wise Standards within the Downtown Core and certain properties outside of the core (e.g. Tyra example)?
2. Are there additional concerns that the Planning Commission would like to note for consideration?

Commissioner Questions / Comments:

Ms. Gort: We are not adopting any of the Firewise standards? (Mr. Cross: At this time, Staff would recommend keeping our own defensible space code and implementing Firewise when possible but leaving staff the flexibility.)

Mr. Gerard: Is there any benefit to the Town to being able to say "we have implemented Firewise standards" such as insurance requiring that certification? (Mr. Cross: In speaking with RWB, some properties do have issues obtaining insurance without a defensible space plan.)

Mr. Frechter: To follow-on, the Town could say "the Town has this policy, it doesn't exactly follow Firewise, but as a property owner they may have to follow the more strict Firewise standards to get insurance?" (Mr. Cross: The insurance issue is mostly with larger properties valued above \$10 million. Mr. Benedict, Wildland Fire Captain has been working with these properties to create plans for defensible space.) Would the Town Code trump any Firewise standards?

Mr. Gerard: I believe the Town Code would trump the Firewise standards.

Mr. Giller: Does the Town consider any fire resiliency codes such as measures for construction with fire resistant materials and regulations for clearing debris and storage of combustible materials? (Ms. Puester: Staff is bringing forward an ordinance to Town Council to ban the use of cedar shake shingles. There have been discussions with Red, White, and Blue on fire resistant siding and other materials. The cleaning and debris removal information is done through messaging, primarily through RWB.) (Mr. Cross: Both Firewise and the Town's Code say the same things regarding clearing up fuels, with the exception that the Town's Code does not prohibit mulch and other landscaping materials near structures.)

- Ms. Puester: The Firewise zone 1 within 5 feet of the structure doesn't always work with many of the small lots and historic homes we have in the core of Town as shown in the photos presented tonight.
- Mr. Leas: Most new homes to meet the code are required to have a gravel barrier around the base.
- Mr. Giller: Are you considering adopting more items from other fire resiliency codes? (Ms. Puester: We did recently make some additional code changes regarding allowing more fire resilient materials such as Hardie plank siding outside the Historic District.) Regarding the cedar shingles, are we saying that no historic buildings can have the cedar shake shingles going forward? (Ms. Puester: Yes, the cedar shingles would be prohibited anywhere in Town.) (Mr. Kulick: There have not been any applications that I can recall having cedar shake shingles in the past several years.)
- Ms. Gort: What are other mountain towns doing? (Mr. Cross: Aspen and Vail, I don't believe they are following exactly Firewise, but they are following similar codes where the vegetation allowed is broken into zones like Firewise.) (Mr. Kulick: Other towns like Aspen, with a more mature tree canopy than ours, have taken the position that maintaining the tree canopy is more important in the core of Town rather than implementing all components of Firewise.)
- Ms. Propper: Having owned properties at Wellington and Longbranch, I support having visual buffers in the core of Town. Having a required 5ft buffer of no vegetation would change the character of the core of town considerably. I agree with Staff's conclusions here. I also agree with eliminating cedar shake roofs if the Town Council approves that measure.
- Ms. Gort: I agree that there is a challenge with the 5ft zone. It would create a poor-looking area without trees. Moving closer to the Firewise standards outside the 5ft zone is important, considering the fires we have had in our own community.
- Mr. Gerard: I would not want to go to the strict interpretation of Firewise in the core of town. Staff has accurately considered the implications of doing so. I think Firewise should apply to all new construction. As a former member of the Highlands Park review board, we saw the unintended consequences of adopting Firewise after construction when many owners eliminated all trees close to their homes within their view corridors. It was hard to argue against this because of Firewise but they were using it as an opportunity for clear cutting and removed the buffering that contributed to the neighborhood character for better views.
- Mr. Leas: I strongly agree that Staff should have the flexibility to determine what is best for the Town. You need to make tradeoffs between good and bad, aesthetics in this Town which includes trees, are equally as important as fire protection. We need the flexibility to make decisions regarding landscaping that are best for Breckenridge.
- Mr. Giller: I agree on number one. This really should be implemented with fire resiliency codes as well. Embers can travel miles; these are good measures, but we should also look at other resiliency tools to implement to prevent fire from spreading when embers land in and are trapped in architectural features such as roof eaves.
- Mr. Frechter: On question one I agree and support. I think for Zone 2 and 3, I don't know if it would hurt our visual buffering if we were to align our outer zones more exact with Firewise. More language regarding spacing of trees could be important. (Mr. Kulick: We also recognize that having single trees can be susceptible to blow-down in this area from heavy wind gusts. That is why we generally encourage multiple trees to be grouped together.)

OTHER MATTERS:

1. Handbook of Design Standards Update

Ms. Crump gave an overview of the recently updated 2019 edition Handbook of Design Standards for the Historic and Conservation Districts.

2. Town Council Summary

ADJOURNMENT:

The meeting was adjourned at 6:40 pm.

Allen Frechter, Chair



TOWN OF BRECKENRIDGE
TOWN COUNCIL

Scheduled Meetings

Shading indicates Council required attendance – others are optional

The Council has been invited to the following meetings and events. A quorum may be in attendance at any or all of them.

July 2023

| | | | |
|---------------------------------|--|-------------------------------------|--------------------------|
| Monday, July 3rd, 2023 | Town Hall / Peak 8 | Special Town Council Meeting | 8:30am - 9:30am |
| July 4th, 2023 | Main Street | 4th of July Celebrations | All Day |
| Tuesday, July 11th, 2023 | Council Chambers | First Meeting of the Month | 3:00 pm / 7:00 pm |
| Tuesday, July 25th, 2023 | Council Chambers | Second Meeting of the Month | 3:00 pm / 7:00 pm |
| July 28th, 2023 | 30th Anniversary Celebration of the Riverwalk Center | | 4:00pm - 10:00pm |

August 2023

| | | | |
|-----------------------------------|-------------------------|------------------------------------|--------------------------|
| Tuesday, August 8th, 2023 | Council Chambers | First Meeting of the Month | 3:00 pm / 7:00 pm |
| August 11th - 20th, 2023 | Throughout Town | BIFA | All Day |
| Tuesday, August 22nd, 2023 | Council Chambers | Second Meeting of the Month | 3:00 pm / 7:00 pm |

Other Meetings

| | | |
|------------------|--|-----------------|
| July 11th, 2023 | Board of County Commissioners Meeting | 9:00am / 1:30pm |
| | Workforce Housing Committee | 10:30am |
| July 12th, 2023 | Breckenridge Heritage Alliance | Noon |
| July 13th, 2023 | I-70 Coalition | 11:30am |
| | Upper Blue Sanitation District | 5:30pm |
| July 17th, 2023 | Social Equity Advisory Commission | 7:30am |
| July 18th, 2023 | Board of County Commissioners Meeting | 9:00am |
| | Liquor & Marijuana Licensing Authority | 9:00am |
| | Planning Commission Meeting | 5:30pm |
| July 24th, 2023 | Open Space & Trails Meeting | 5:30pm |
| July 25th, 2023 | Board of County Commissioners Meeting | 9:00am / 1:30pm |
| July 27th, 2023 | Transit Advisory Council Meeting | 8:10am |
| | Summit Stage Transit Board Meeting | 8:15am |
| | Breckenridge Tourism Office Board Meeting | 8:30am |
| | QQ - Quality and Quantity - Water District | 10:00am |
| | RW&B Board Meeting | 3:00pm |
| August 1st, 2023 | Board of County Commissioners Meeting | 9:00am |
| | Planning Commission Meeting | 5:30pm |
| August 2nd, 2023 | Breckenridge Events Committee | 9:00am |
| | Childcare Advisory Committee | 3:00pm |
| August 8th, 2023 | Board of County Commissioners Meeting | 9:00am / 1:30pm |
| | Workforce Housing Committee | 10:30am |



Scheduled Meetings

Shading indicates Council required attendance – others are optional

The Council has been invited to the following meetings and events. A quorum may be in attendance at any or all of them.

| | | |
|----------------------|---|-----------------|
| August 9th, 2023 | Breckenridge Heritage Alliance | Noon |
| August 15th, 2023 | Board of County Commissioners Meeting | 9:00am |
| | Liquor & Marijuana Licensing Authority | 9:00am |
| | Planning Commission Meeting | 5:30pm |
| August 16th, 2023 | Summit Combined Housing Authority | 9:00am |
| August 20th, 2023 | I-70 Coalition | 3:30pm |
| | Upper Blue Sanitation District | 5:30pm |
| August 21st, 2023 | Social Equity Advisory Commission | 7:30am |
| August 22nd, 2023 | Board of County Commissioners Meeting | 9:00am / 1:30pm |
| August 24th, 2023 | Summit Stage Transit Board Meeting | 8:15am |
| | Breckenridge Tourism Office Board Meeting | 8:30am |
| | RW&B Board Meeting | 3:00pm |
| August 28th, 2023 | Open Space & Trails Meeting | 5:30pm |
| September 5th, 2023 | Board of County Commissioners Meeting | 9:00am |
| September 6th, 2023 | Police Advisory Committee | 7:30am |
| | Breckenridge Events Committee | 9:00am |
| | Childcare Advisory Committee | 10:00am |
| September 29th, 2023 | Breckenridge Creative Arts | Noon |
| TBD | Tourism Overlay District Advisory Committee Meeting | 10:30am |
| | Transit Advisory Council Meeting | 8:00am |
| | Water Task Force Meeting | 9:30am |