



**TOWN OF  
BRECKENRIDGE**

**Town Council Work Session**

Tuesday, November 28, 2023, 3:00 PM

Town Hall Council Chambers

150 Ski Hill Road

Breckenridge, Colorado

THE TOWN OF BRECKENRIDGE IS HOLDING HYBRID MEETINGS. This meeting will be held in person at Breckenridge Town Hall and will also be broadcast live over Zoom. Login information is available in the calendar section of our website: [www.townofbreckenridge.com](http://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. PLANNING COMMISSION DECISIONS (3:00-3:05pm)**

Planning Commission Decisions

**II. LEGISLATIVE REVIEW (3:05-3:15pm)**

Appropriation of 2024 Budget Funds (Second Reading)

Long Term Lease for US Bank in Breckenridge Professional Building (First Reading)

**III. MANAGERS REPORT (3:15-4:00pm)**

Public Projects Update

Mobility Update

Sustainability Update

Housing and Childcare Update

Committee Reports

Financials

Town Attorney Update

Grants Update

**IV. OTHER (4:00-4:30pm)**

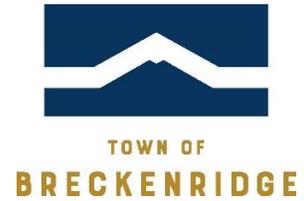
Kingdom Park Field Turf Project Discussion

**V. PLANNING MATTERS (4:30-5:45pm)**

Exterior Lighting Modifications

BGV Peak 8/Gold Rush Lot Development Discussion

**VI. EXECUTIVE SESSION - Property Acquisition (5:45pm)**



# Memo

**To:** Breckenridge Town Council Members  
**From:** Mark Truckey, Director of Community Development  
**Date:** November 22, 2023  
**Subject:** Planning Commission Decisions of the November 21, 2023 Meeting

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***DECISIONS FROM THE PLANNING COMMISSION MEETING, November 21, 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 Leas.

### ROLL CALL

Mike Giller	Mark Leas	Allen Frechter	Susan Propper - <b>remote</b>
Ethan Guerra	Steve Gerard	Elaine Gort	

### APPROVAL OF MINUTES

With no changes, the November 7, 2023 Planning Commission Minutes were approved.

### APPROVAL OF AGENDA

With no changes, the November 21, 2023 Planning Commission Agenda was approved.

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No comments

### WORK SESSIONS:

#### 1. Historic Sheds

This item is in response to a concern voiced by Janet Sutterley on a few deteriorating historic sheds in Town. Staff has researched the topic since and would like to present findings to the Planning Commission. Ms. Muncy gave an overview of the current state of historic sheds and secondary structures within the Historic District and showed an interactive location map. The following specific questions were asked of the Commission:

1. Are there other options that the Commission suggests staff further evaluate?
2. Does the Commission have any additional comments?

#### *Commissioner Questions / Comments:*

Ms. Gort: Are owners limited to what they can use the sheds for? (Ms. Muncy: It depends on land use districts and zoning. For example, Dynamite Cookies is an historic shed but used as a cookie shop. Some are used as a secondary residence while others are used for storage and garages.) Is there a note of what the use is for each shed? (Ms. Muncy: The use is not noted, but the importance, condition, and type is listed.)

Ms. Propper: What is the distinction between well maintained and maintained? (Ms. Muncy: Well maintained has been improved, very good condition and upkeep by the owner. Maintained is just good condition.)

Ms. Gort: How do you know they are historic and not just a shed? (Ms. Muncy: Research using architectural inventory forms previously performed by a third party expert, which often include sheds. Larrisa O'Neil of Breckenridge History will be cross checking the historic status of each of the sheds. Some sheds were moved to their current location from elsewhere and we are attempting to confirm historic locations. This is a working map.)

Mr. Leas: Is there a distinction between sheds and garages which store automobiles? (Ms. Puester: We don't differentiate between sheds use. Historic sheds in Town were primarily constructed prior to automobile use but may have been converted to that use later with restoration and reuse. We could also call these "secondary structures.") (Ms. Muncy: Barns, sheds, cabins, and outhouses were the type categories used.)

Mr. Giller: We should compare these locations to Sanborn Maps to see if these have been moved from their historic location.

- Ms. Gort: What have other towns done regarding regulation for historic sheds? (Ms. Muncy: I have researched “demolition by neglect” ordinances in other towns but have not found anything specific to sheds. We are continuing to research this topic.)
- Ms. Propper: These sheds are important to the character of Breckenridge. Is there anything the Town can do to require these to be maintained? (Ms. Muncy: We are considering code changes to the landmarking regulations and possibly adding a demolition-by-neglect ordinance.)
- Mr. Guerra: The first step would be landmarking these and then stabilizing them? (Ms. Puester: Landmarking is voluntary. We could also create an ordinance to not allow for demolition by neglect which would be mandatory. If we go that route, it would require a code change. If going that route, landmarking would not be required just stabilization. Landmarking is helpful to property owners to be able to obtain tax credits and assistance from the State.) We could do landmarking or change the code, what are the pros and cons of those different paths? (Ms. Puester: Landmarking is voluntary but a code change to prohibit demolition by neglect would be mandatory for compliance. It is largely a political decision. We are concerned about the few sheds identified which require more immediate attention hence the potential partnership with Breck History in administering a grant program.)
- Mr. Leas: Can you speak more on demolition by neglect? What are the reasons for an owner to do this? (Ms. Puester: There are a multitude of reasons. Often it is lack of funding or desire to do something else on their property.)
- Mr. Frechter: Can owners remove these or remove materials if they wanted, if they are not landmarked? (Ms. Puester: I don’t believe they could remove the historic materials but we will look further into the details on that.)
- Ms. Gort: What determines if they are historic? (Ms. Muncy: Sheds prior to the Town’s period of historic significance of 1942.)
- Mr. Gerard: One of the first things we could do is reach out to owners with an informational campaign now that we have the inventory. This could help determine if we need to incentivize maintenance or have enforcement with penalties, depending upon owner support. One shed, behind the Starbucks, is a former residence. There is a great importance to that being preserved. There may be sheds in areas outside the historic district that also have significance.
- Ms. Gort: The historic museum on Main Street could also use some maintenance.

The work session was opened to public comment.

Lee Edwards: I have a design build firm in Town. A lot of the structures you are discussing I have touched over the decades. You asked if owners have been contacted, one of the red [poor condition] shed owners is aware, but you should contact all owners. A lot of these sheds are not in prime locations if restoration of the primary residence occurs; you should continue to allow moving of sheds if restoration occurs. What kind of financial numbers or financial incentives would the Council consider to help with preservation and restoration? (Ms. Puester: We will be taking this topic including a potential grant program concept to the Town Council in January. I do not have any financial numbers for the grants at this time.)

Larissa O’Neil, Breckenridge History: From the perspective of Breckenridge History we are willing to help in any way. These structures very much contribute to the character of Town. We would support creative ways to help homeowners preserve these structures in the future.

The public comment period was closed.

- Mr. Frechter: Maybe there is a campaign, “save our sheds”, maybe the Town funds the piece for stabilization. What about a competition? What is an interesting use or reuse for historic sheds? Overall, this would increase awareness. There are many uses, garbage, storage, and garage; if I had one I would make it a cigar lounge. Something like this could encourage awareness that preservation is needed.
- Ms. Gort: I think this is great. What about a coffee table book to spread awareness? “Sheds of Breckenridge.”
- Mr. Gerard: This is an important project. Once you become aware of the historical properties. “Save our sheds” is great, Town Council can do things like waiving density for historic sheds, waiving negative points, potential funding opportunities to make this work. The public would likely support this to preserve our history. We all see these sheds, if you read APA materials, demolition by neglect is an important issue around the country. People are more interested in waiting on the building to become irreparable to use the valuable land. That may be what is happening with the museum on Main Street. We should strengthen our demolition by neglect ordinance.
- Ms. Propper: No further comments.
- Mr. Guerra: No further comments.
- Mr. Giller: Jurisdictions streamline the ADU process by standardizing materials that could easily be approved. Preservation number one is a sound roof- I would urge direction on roof and foundation work we would readily accept for owners to facilitate rehabilitation in a way that is historically acceptable to the Town. Think about a kit of parts that are acceptable. These historic outbuildings are an important part of the cultural landscape and character defining features to the Breckenridge historic district. The historic preservation community nationally has raised awareness of the parts and pieces of a district; it’s the context. These outbuildings tell the story of how early settlers lived in Breckenridge.
- Mr. Leas: I too applaud the effort to raise awareness and make this an issue. Often, items that don’t affect us directly are overlooked but this is important. The largest obstacle is financial. These are important to the history of Breckenridge and point to how people lived 100 years ago in Breckenridge.
- Mr. Frechter: It may be easier to persuade upkeep of the sheds if there is an intended use. (Ms. Muncy: Most of these structures that had a use besides storage were notably in a well-maintained condition.)
- Ms. Puester: We are planning to take this to Council in January for an update. In the meantime, we will be considering what demolition by neglect means to us and potentially considering a code amendment in the future.
- Lee Edwards: Possibly a financial incentive could be a loan of some sort to take care of the cost for owners.
- Ms. Puester: Two sheds are considered in danger of being lost currently; we may be more encouraging with those owners to start quickly with maintenance and preservation.

**OTHER MATTERS:**

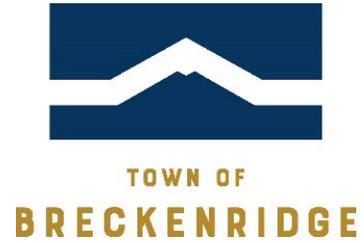
1. Town Council Summary

**ADJOURNMENT:**

The meeting was adjourned at 6:24 pm.

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Mark Leas, Chair



# Memo

**To:** Breckenridge Town Council  
**From:** Tracey Lambert, Senior Accountant  
**Date:** November 22, 2023 (for the November 28<sup>h</sup> meeting)  
**Subject:** 2024 Budget Appropriation

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Please find attached the ordinance appropriating the funds required for the Adopted Budget 2024. The ordinance is submitted for the second reading.

The Operating Budget 2024 Expenditures, inclusive of transfers is \$209.3M and considers Personnel, Materials and Supplies, Charges for Services, Capital, Debt Services, Grants, and Transfers.

COUNCIL BILL NO. XX

Series 2023

**AN ORDINANCE OF THE TOWN OF BRECKENRIDGE SETTING FORTH THE ANNUAL APPROPRIATION FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2024, AND ENDING DECEMBER 31, 2024**

WHEREAS, at the direction of the Town of Breckenridge Council, the Town Manager has prepared and submitted a proposed budget for the fiscal year beginning January 1, 2024, and ending December 31, 2024 to the Town Council; and

WHEREAS, in accordance with the municipal charter, §10.5, a public hearing was held on October 24, 2023, at which time interested taxpayers were given the opportunity to file or register any objections to said proposed budget; and

WHEREAS, in accordance with the municipal charter, § 5.8, the Town Council hereby appropriates to the various funds as hereinafter stated to be used for the purpose for which these funds were created and exist.

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

1. Town Council hereby approves the ordinance appropriating expenditure of the Town of Breckenridge for the year beginning January 1, 2024, and ending December 31, 2024, to the various funds as hereinafter stated to be used for the purpose for which these funds were created and exist.

<b>FUND #</b>	<b>FUND NAME</b>	<b>2024 TOTAL EXPENSE APPROPRIATIONS</b>
001	GENERAL FUND	\$34,513,877
002	UTILITY FUND	\$8,264,135
003	CAPITAL FUND	\$30,967,105
004	MARKETING FUND	\$5,701,184
005	GOLF COURSE FUND	\$3,936,347
006	EXCISE TAX FUND	\$51,172,347
007	HOUSING FUND	\$24,231,644
008	OPEN SPACE ACQUISITION FUND	\$3,964,665
009	CONSERVATION TRUST FUND	\$55,000
010	GARAGE SERVICES FUND	\$7,303,924
011	INFORMATION TECHNOLOGY FUND	\$2,058,817
012	FACILITIES MAINTENANCE FUND	\$1,018,466
013	SPECIAL PROJECTS FUND	\$3,668,209

014	MARIJUANA FUND	\$672,361
015	CEMETERY FUND	\$28,600
016	CHILDCARE FUND	\$895,848
017	PARKING & TRANSPORTATION FUND	\$15,594,130
018	HEALTH BENEFITS FUND	\$5,200,000
019	SUSTAINABILITY FUND	\$2,616,606
020	ACCOMMODATION UNIT COMPLIANCE FUND	\$7,486,680

\$209,349,945

2. The amounts set forth above and in the annual budget of 2024 as approved by Resolution No. 19, Series of 2023, are hereby appropriated to the uses stated and the Town Manager has the authority to expend the amounts shown for the purposes stated.

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 14<sup>th</sup> day of November 2023. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 28th day of November 2023, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE

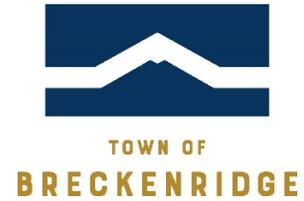
\_\_\_\_\_  
Helen Cospolich, Town Clerk

\_\_\_\_\_  
Eric Mamula, Mayor

APPROVED IN FORM

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

\_\_\_\_\_  
Date



# Memo

To: Town Council  
From: Scott Reid, Deputy Town Manager  
Date: 11/15/2023 (for 11/28/23 Town Council meeting)  
Subject: Ordinance to Approve USBank Lease Renewal (First Reading)

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USBank is a reliable tenant in good standing seeking to renew their lease in the Breckenridge Professional Building. Per Town Code, a lease renewal for a duration of more than one year must be approved by ordinance.

Attached, please find the ordinance approving the Fourth Amendment to the USBank lease, which would renew the lease for two years (June 1, 2024 – May 31, 2026) with an annual cost escalation as outlined in the ordinance. USBank will also have the option to extend the lease term twice for a period of three (3) years each. All other lease provisions are proposed to remain the same.

Staff will be available Tuesday to answer any questions about this lease renewal.

COUNCIL BILL NO. \_\_

Series 2023

**AN ORDINANCE CONCERNING THE LEASING OF THE BRECKENRIDGE PROFESSIONAL BUILDING.**

WHEREAS, the Town owns the real property commonly known as the Breckenridge Professional Building located at 130 Ski Hill Road, Breckenridge, Colorado; and

WHEREAS, Section 1-11-4 of the Breckenridge Town Code requires that any lease of Town-owned real property the term of which is longer than one year must be approved and authorized by ordinance; and

WHEREAS, the Town Council desires to authorize the Town Manager to enter into leases at the Breckenridge Professional Building that have a term longer than one year, all as more fully set forth in this ordinance.

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

Section 1. Town Council hereby approves the Fourth Amendment to the Lease (the "Amendment") between the Town of Breckenridge and U.S. Bank National Association, a national banking association ("Tenant").

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 28th day of November, 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

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ATTEST:

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

## FOURTH AMENDMENT TO LEASE

THIS FOURTH AMENDMENT TO LEASE (the “Amendment”) is made as of \_\_\_\_\_, 2024, between the **Town of Breckenridge**, as successor in interest to Breckenridge Professional Building, LLC (“Landlord”) and **U.S. Bank National Association**, a national banking association (“Tenant”).

- A. Pursuant to the Lease Agreement dated as of May 7, 1997, First Amendment to Lease dated November 28, 2006, Second Amendment to Lease dated April 19, 2013, and Third Amendment to Lease dated November 25, 2020 (collectively, the “Lease”), Landlord leased to Tenant approximately 1,892 square feet of space in the Breckenridge Professional Building located at 130 Ski Hill Road, Breckenridge, Colorado, 80424, as more particularly described in the Lease (the “Premises”).
- B. Landlord and Tenant desire to amend the Lease to alter certain provisions thereof on the terms and conditions hereinafter set forth.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant agree as follows:

- 1. **Lease Term.**
  - a. The Lease Term is hereby extended for a period of two (2) years commencing on June 1, 2024, and expiring on May 31, 2026 (the “Fourth Amendment Term”).
  - b. Tenant shall have two (2) options to extend the Lease Term for periods of three (3) years each. In order to exercise an option, Tenant shall give Landlord written notice not less than six (6) months prior to the end of the then current term. All terms and conditions shall remain the same during each extension term, with the exception of base rent which shall be as set forth in Section 3 below.
- 2. **Premises.** The parties agree that the Premises and the Building have been remeasured, and that effective as of June 1, 2024:
  - a. the Premises shall be deemed to contain 1,918 rentable square feet,
  - b. the Building shall be deemed to contain 17,489 rentable square feet.
  - c. Tenant’s Fraction of Operating Costs shall remain at 11%.
- 3. **Minimum Rent:** The Minimum Rent payable for the Second Amendment Term shall be payable as follows:

<u>Period</u>	<u>Monthly Minimum Rent</u>
06.01.2024 – 05.31.2025	\$5,434.33
06.01.2025 – 05.31.2026	\$5,597.36
06.01.2026 – 05.31.2027*	\$5,765.28
06.01.2027 – 05.31.2028*	\$5,938.24

06.01.2028 – 05.31.2029*	\$6,116.39
06.01.2029 – 05.31.2030*	\$6,299.88
06.01.2030 – 05.31.2031*	\$6,488.88
06.01.2031 – 05.31.2032*	\$6,683.54

\*if exercised pursuant to Section 1(b) above.

4. **Authority.** Landlord and Tenant each represents and warrants that it has all the necessary approvals and authority to enter into this Amendment and shall indemnify and hold each other harmless for any breach of this representation and warranty.

5. **No Existing Defaults.** Landlord and Tenant represent that there are currently no defaults by either party under the Lease.

6. **Counterparts.** This Amendment may be executed in two or more identical counterparts and delivered by facsimile or by .pdf or other comparable electronic format, with the same force and effect as if all required signatures were contained in a single, original instrument.

7. **Ratification.** All of the terms of the Lease, as amended hereby, are hereby ratified and confirmed.

8. **Defined Terms.** Unless otherwise stated, all capitalized words in this Amendment that are not normally capitalized shall have the meaning ascribed in the Lease.

*[Remainder of page intentionally left blank. Signature page follows.]*

WHEREFORE, Landlord and Tenant have executed this Amendment as of the date first above written.

**LANDLORD:**

Town of Breckenridge

By:

\_\_\_\_\_  
Shannon B. Haynes, Town Manager

ATTEST:

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

**TENANT:**

U.S. Bank National Association

By: \_\_\_\_\_

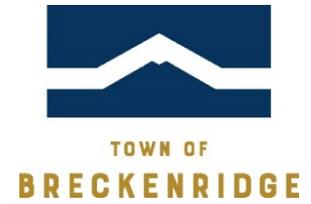
Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

# Memo

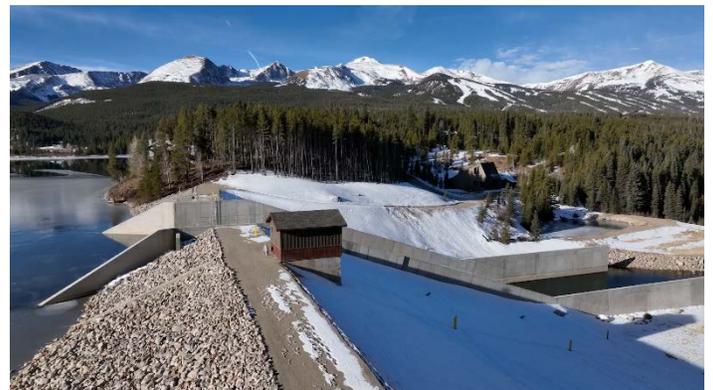
To: Breckenridge Town Council Members  
From: Town Staff  
Date: 11/17/2023 (for the 11/28/23 work session)  
Subject: Public Projects Update

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## Goose Pasture Tarn Dam

The rehabilitation of the Goose Pasture Tarn Dam is complete. Staff will continue to work with our grant partners on final documentation and close-out items over the next several months. There will also be landscaping work performed in 2024 on the neighboring properties as part of the negotiated construction agreements.



### **Fiber9600**

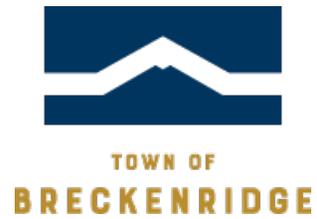
Work on our fiber network for 2023 continues with the completion of internal wiring at the Justice Center housing and Alta Verde II, along with designing the fiber layout for Stables Village. We are also reviewing proposals for the fiber strategic plan and are in discussions with Allo and NeuComm to use town-owned fiber in future 5G towers.

### **Carter Park Dog Park**

Staff is working with Norris Design to evaluate alternatives for the dog park design. We are reviewing solutions to improve the drainage on the north-west corner by adding inlets, swales, and other features. We are also looking at fence, sidewalk, and gate placement to make the park safe and inviting for all users. Staff will present the design concepts to Council in the coming months.

### **Blue River Rebuild**

Staff is working with Wright Water Engineers to finalize the floodplain mapping for the portion of the McCain parcel adjacent to the river rehabilitation project. Weed mitigation and landscape maintenance will continue on the site through 2024.



# Memo

To: Town Council  
 From: Sustainability Staff  
 Date: 11/28/2023  
 Subject: Sustainability Update

## Tennis Center Solar Update

Xcel's Level 2 Analysis during the solar interconnection application has yielded a need for a transformer upgrade to proceed with the Tennis Center solar project. Below are the additional costs and payback information. Note, for both options there is a 30% direct repayment that the Town can realize under the new IRS rules for solar tax credits. As a non-taxable entity, we can now realize the same project level benefits through the IRS program as a private developer.

Options are:

1. Proceed with the 110kW-AC (480 solar module) system as originally proposed **and have the transformer upgraded to 300kVA**. The cost of this upgrade is **\$17,000.00 +/-15%** and will take **14-17 weeks** to complete. We would be able to build the system during this time and align the commissioning with the placing of the transformer.
2. Reapply with the 150kW-AC (676 solar module) design (to maximize the available roof space) which would add a 3-4 of weeks for Xcel to assess that the 300kVA transformer is compatible with this system size (as already recommended). Once coordination with this transformer size is approved, the cost of the transformer upgrade and schedule would be the same. This option would include increasing the facility service size to 600A without modifying any equipment inside the facility.

We have \$500,000 budgeted in the CIP for this project. Option 2 would maximize roof space, increase the facility's offset, be more efficient at the price per watt, and have a 7-year payback after realizing the solar energy credit.

Option 1		Option 2	
Original proposal (480 panels)	\$512,796	Increase proposed system size (676 panels)	\$711,984
Required transformer upgrade (assume high end of estimated cost)	\$19,550	Required transformer upgrade (assume high end of estimated cost)	\$19,550
<i>Subtotal</i>	<i>\$532,346</i>	<i>Subtotal</i>	<i>\$731,537</i>
30% repayment	-\$159,703	30% repayment	-\$219,461
Total Project Cost after reimbursement	<b>\$372,643</b>	Total Project Cost after reimbursement	<b>\$512,076</b>
Price per watt before repayment	\$3.10/watt	Price per watt before repayment	\$3.00/watt
~60% electrical offset		~82% electrical offset	
ROI after solar credit	12.8% and 7 years	ROI after solar credit	12.7% and 7 years

Staff is looking for direction to proceed with one of these options. Staff recommends Option 2 to maximize roof space and ROI. With the 30% repayment included, we are still within \$12k of what is budgeted.

## **Plastic Pollution Reduction**

Staff at the Ice Arena are working with the Breckenridge Vipers hockey club and r.World to bring reusable cups to all Vipers home games this season to eliminate single-use cups. They rolled out the program for the first home games on 11/17 and 11/18 and saw a lot of success. Sustainability staff will assist when needed, but the program will be run by the Vipers organization and r.World.

## **Top 100 Story**

Every year the Green Destinations Top 100 Stories competition collects sustainable tourism stories and good practices from destinations all over the world to be shared as inspiring examples to others, from tourism professionals to travelers. By telling their stories, destinations are acknowledged and recognized for the solutions they have implemented in response to destination management and sustainability challenges. With the tourism sector facing very challenging times, the resiliency and hard work of these destinations to be more responsible in tourism should be celebrated.

The 2023 Top 100 Stories list was announced by Green Destinations on October 9<sup>th</sup> in Estonia. This annual competition celebrates international destinations that have notably implemented sustainability best practices. Breckenridge was recognized for its "More Boot and Bikes" submission that focused on mobility options that get people out of cars to experience Breckenridge.

Breckenridge has a goal to reduce greenhouse gas emissions from transportation 25% by 2030 and 91% by 2050 as well as to reduce vehicle trips and congestion. This year's Top 100 submission focused on mobility efforts implemented to help address greenhouse gas reductions, transit engagement, and last mile services. Most notably, the Town launched the Breck E-Ride in May which served to connect people from workforce neighborhoods and transit stops to workplaces, community hubs, and places of interest. Over 19,500 trips were taken between May and October with an average distance of 1.6 miles and over 16,700 pounds of carbon pollution saved.

For more information about Breckenridge's Good Practice Story, please visit <https://www.greendestinations.org/breckenridge-usa/>

## **Material Management**

Staff is still working to migrate the documentation for the shared enclosure program and material management fee invoicing to Xpress Bill Pay's form builder module. The program will be ready for 2024 invoicing in January and will be more efficient and user friendly for staff and program users.

# Housing Workgroup Meeting Minutes

November 14, 2023 - 10:30 to Noon

# Agenda

1. Justice Center Priority to Non-Profit groups - Discussion
2. Stable Lottery Process - Discussion
3. Highlands Riverfront Update / Income Caps
4. Rental Rates - Huron, COTO, Wayside, JC, ULLR
5. Wellington / LP Homeowner Meeting - lottery ?
6. SCHA Annual Monitoring Update - Verbal
7. Buy Down Update & 2024 Goals
8. Housing Helps Update
9. Other Items

NOTE: Workgroup Comments / Minutes from the 11/14/2023 meeting are highlighted in a text box on pertinent slides. Attendees - Dick Carlton, Shannon Haynes, Rick Holman, Scott Reid, Mark Truckey, Julia Puester, Melanie Leas, Darci Henning, Laurie Best and Corrie Burr.

# Justice Center Non-profit Set Aside

- The Housing team held a Housing Lunch and Learn with local non-profit groups on October 19<sup>th</sup>. This was coordinated with the Summit Foundation. The turn out was great with over 30 people attending. We shared programs and projects and answered lots of questions. Many people shared similar struggles with housing and how it effects their staff (obtaining and retaining). First Bank was also present and shared their new Nonprofit Mortgage Program.
- Discussion - In May, the Summit Foundation had requested a pilot program to support non-profits through a set aside of units in Town projects. Staff does not object to setting aside a few units (3-5) at the initial lease up, provided the Summit Foundation assists in establishing a fair process for allocating the units to key non-profits.

NOTE: Needs assessment recommends providing rental units for critical non-profits (support the health of our community - study from Mack). If we do a set aside, could have a first right for the established non-profits, so they don't sit empty. Committee is supportive of designating 3-5 units with Summit Foundation playing the lead role with leasing once parameters are established. Should be presented to TC for discussion / approval (provide a memo for 12/12 TC meeting) SF to decide how the non-profits are chosen.



## Nonprofit Mortgage Program

FirstBank is excited to share a new mortgage program to help nonprofits with workforce housing challenges in our mountain communities. Housing availability and affordability continue to be an obstacle in hiring and retaining talent. FirstBank is here to help.



Multiple loan options

### Multiple Options<sup>[1]</sup>

FirstBank offers Fixed-Rate and Adjustable-Rate options with competitive rates to better suit your needs.



Expert loan teams to advise you



Local decisions and support

### Program Criteria<sup>[2]</sup>

- The maximum lendable amount is 65% of the purchase price or appraisal.
- For deed restricted properties, the maximum lendable amount is 75%.



Competitive pricing

# Justice Center Update

The Justice Center is moving along nicely. The County and Town met on November 8<sup>th</sup> to discuss lease up, property management, rent and potential priority. Looking at lease up on March 1<sup>st</sup>.

Proposed Rents are:

Studios at 70% AMI \$1,358

1-bedrooms, half 80%/100% AMI- \$1,663 - \$2,073

2-bedrooms all at 100% AMI - \$2,495

The above will cover an estimated 45% of the debt service and will require approximately \$320k annual investment from the Town and the County (each).

Property Management - bidding this with 2 local groups

Workgroup Discussion - priority. Consideration to years living or working in SC, those making 80% AMI or below, non-profit staff?



NOTE: Priority discussion - years longevity for sale property is good, but rental feels differently. What is happening in other communities (Smith Ranch Apartments) for priority for working in the Basin? Discuss at Managers meeting to possibly remove priority for working / living in a specific area. Rent is approved by the workgroup.



# Stables Lottery Process

NOTE: The workgroup agrees to continue with the policy as written. Next lottery will be in the Spring and then a Summer lottery. Any policy / rule changes could be reviewed for future lotteries.

- There are 5 single family homes in Stables. In Phase 1A there is only one. With ever-changing interest rates and the low inventory of SFH, the Town has been asked by several people if the SFH becomes available due to a funding issue, could it be offered to the next person in line in the lottery. For example, if lottery slot #1 chose the SFH but then prior to closing could not obtain appropriate funding, could lottery slot #2 have the first option on this? Staff does not advocate to consider this with any other property type as there are more options but would like to discuss a potential solution for the single-family homes in Stables Village.
- Lottery rules state
  1. Once an applicant confirms their unit selection via email they are unable to change their initial selection.
  2. ...the applicant's name will be removed from the list and the wait list and the unit will be returned to the available unit pool.
  3. If a unit becomes available during the selection phase that occurs post-lottery, the current qualified applicant making a selection or any subsequent qualified applicants yet to make a selection will have the ability to select that unit. Applicants who have already selected a unit will not be eligible to select that unit.



# Highlands Riverfront Deed Restriction

The [Highlands Riverfront](#) project is about to complete their first deed restricted duplex properties. The deed restriction that was required is based on an older template. The developer has been advised that the terms, specifically the income cap, may create some challenges for buyers, but the developer has not expressed any interest in updating the deed restriction. We are bringing this to the workgroup's attention just as an FYI. The agreement is that 8 market-rate homes can be c/o'd and then 2 deed restricted homes must follow and then it becomes 1 for 1. The deed restriction has a very tight income buffer for all deed restricted units. 22 deed restricted units in this phase with 9 units affordable to 125%, 11 units affordable to 150% and 2 units affordable to 180% with a 10% income buffer only. We typically do not income cap any units over 100% AMI.

There is also a 60-day priority for Upper Blue Employees or "Key Employees" defined as including, but not limited to municipal employees, School District employees and emergency and medical personnel.

The resale calculation is the LESSER of 3% or the change in AMI, therefore if AMI goes down or is stagnant, the equity could be negative or remain unchanged.



NOTE: the Workgroup is supportive of looking at a proposal for a new DR, staff to propose parameters, discuss with developer and bring to Town Council if it is decided to move forward.

# Rental Rates - Huron, COTO, Ullr, Wayside

## General overview for 2024

NOTE: Review with the internal HR committee and Internal Transitional Housing committee. With Wayside, look at potential master lease during lower usage months. Show full annual subsidy on budget document and evaluate any vacancies.

Huron Landing - 26, 2-bedroom apartments open to all workforce. No anticipated increase in rent for 2024 which still provides an NOI to cover half the debt service, which has been our goal. Current rent is 2/1 - \$1,648 and 2/2 is \$1803 (approximately 70% AMI). Ultimately, the rents will need to be approved by HLA in December.

COTO\* - 9, 1-bedroom apartments for Town staff. No anticipated increase in rent for 2024. No debt on this project, current rent nets approximately \$30,000 to the Town. Current rent is \$1,150 for 4 units and \$1,380 for 5 units due to a 20% increase if staff stay more than 2 years (approximately 55% AMI and 65% AMI). The proposed budget for 2024 shows an increase in expense by \$30,000 or a 20% increase but Corum is not recommending rent increase.

ULLR\* - 27, 1-bedroom apartments for Town & child care staff (9). No anticipated increase in rent for 2024 which provides \$160k in NOI. The annual debt service on this property is just under \$700k, therefore the Town subsidy is approximately \$540k per year (\$20K per unit per year). Same rent and AMI as COTO.

PW2 - 45 apartments (studio and 1-bedroom) LIHTC property (income restricted). No anticipated increase in rent for 2024. This provides payment of approximately \$150,000 toward the interest and loan for the property. Current rent is studio \$915 and 1-bedroom \$990 (50% AMI).

Wayside\* - 19, studio / hotel rooms. Opened Nov 2022. No anticipated increase in rent, although, we are not currently filling the property, so the budgeted vacancy loss is approximately \$96k. With the current budget, we would be negative \$57k at the end of 2024 due to operation expense (with no debt). Current rent is \$800 (approximately 43% AMI).

\* The next step is to discuss the transition unit subsidies and vacancies with the internal transition unit team (HR) and review transition units in Justice Center.

# Verbal Updates

Wellington / LP Homeowner meeting is on 11/15 and TOB has been asked to attend to present the maintenance option. The homeowners & HOA have asked us to discuss the “rumors” of the Town implementing lottery sales.

Deed Monitoring Opened on 10/23 and will close on 11/30. As of 11/12, we have 388 responses for Breckenridge out of 662. Total County monitoring is 1,511.

NOTE: Enforcing a lottery in deed restricted neighborhoods - it has been discussed as a way to negate the abuse we have seen for many years. The homeowners control this potential. It would be a decision by TC to implement forced lottery at sale. Talk with homeowners about the Buyer / Seller acknowledgement that is now required.

NOTE: Discussed Block 11 Homes project and staff is recommending pulling together a group for pre-development discussions. Staff would like to bring in a housing consultant to facilitate pricing, design and sustainability. Look at pricing for this service (a few people) along with examples of projects they have done.

NOTE: Look at purchasing a few SFHs in 2024 - French Creek, Peak 7, Silver Shekel. Test the market with 350 Timberlane Circle (interest rates and the market for this high a home) closing on 12/1.

# Buy Down Update

2023 Sales									
BLUE = Sold									
BOLD = under contract									
	Purchase Date	Purchase Price	Projected Date	Projected Price	Beds	Bath	Total Cost of Buy Down	Cost per bedroom	
High Tor #9	6/3/2022	\$725,949.32	3/1/2023	\$423,278.47	2	2	-\$302,670.85	-\$151,335	-41.69%
58 Magnum Bonum	10/3/2022	\$817,760.19	1/10/2023	\$532,475.94	3	2	-\$285,284.25	-\$95,095	-34.89%
Highland Greens 309	3/30/2022	\$402,353.10	4/28/2023	\$380,030.50	1	1	-\$22,322.60	-\$22,323	-5.55%
Grandview B10	10/4/1991	\$1.00	9/15/2023	\$332,487.68	1	1			
Grandview B9	3/31/2022	\$636,151.30	4/28/2023	\$304,752.10	1	1	-\$331,399.20	-\$331,399	-52.09%
Tannhauser II, Unit 10	4/25/2022	\$650,246.52	3/22/2023	\$330,291.15	1	1	-\$319,955.37	-\$319,955	-49.21%
Wildflower A110	5/5/2022	\$550,166.92	3/29/2023	\$293,911.03	1	1	\$293,911.03	\$293,911	53.42%
Blazing Saddles (SG)*	5/13/2022	\$520,372.50	11/22/2023	\$315,000	1	1	-\$205,372.50	-\$205,373	-39.47%
Grandview C3	4/22/2022	\$810,085.71	9/15/2023	\$474,934.27	2	2	-\$335,151.44	-\$167,576	-41.37%
Val d'Isere 109 (SG)*	4/9/2008	\$0.00	12/8/2023	\$285,000	1	1			
Val d'Isere 111	6/26/2019	\$336,768.00	6/30/2023	\$262,266.41	1	1	-\$74,501.59	-\$74,502	-22.12%
Val d'Isere 207 (KV)*	4/23/2021	\$425,000.00	11/14/2023	\$335,000	1	1	-\$90,000.00	-\$90,000	-21.18%
Val d'Isere 308	8/18/2008	\$0.00	5/26/2023	\$261,297.32	1	1			
Sky Park 207	6/12/2021	\$422,363.89	9/1/2023	\$284,120.00	1	1	-\$138,243.89	-\$138,244	-32.73%
Highland Greens 205	3/27/2020	\$400,803.10	5/5/2023	\$380,180.48	1	1	-\$20,622.62	-\$20,623	-5.15%
Peak 8 Village E42	10/18/2021	\$735,372.39	9/1/2023	\$466,100.00	2	2	-\$269,272.39	-\$134,636	-36.62%
Ptarmigan 305	4/22/2008	\$226,229.50	7/17/2023	\$279,449.32	1	1			
Gold Camp A48	4/29/2022	\$814,673.89	2/24/2023	\$503,824.87	2	2	-\$310,849.02	-\$155,425	-38.16%
Gold Camp C66 (SG)*	12/3/2021	\$650,000	2023	\$475,000	2	1	-\$175,000	-\$87,500	-26.92%
		\$8,474,297		\$6,919,400	24		-\$2,411,734.69	-\$100,489	-26.25%
							\$1,148,233.00	Sold Asset Revenue(4)	
							-\$1,263,501.69	-\$52,645.90	25.04%
2023 Acquisitions									
	Purchase Date	Purchase Price	Sale Date	Sale Price	Beds	Bath	Cost of Buy Down	Cost per Bedroom	
Forest Haus 201*	5/3/2023	\$699,558.77	10/13/2023	\$444,353.93	2	1	-\$255,205	-\$127,602	-36.48%
Villas at Swans Nest 1904	4/25/2023	\$827,476.66	6/29/2023	\$612,175.06	2	2	-\$215,301.60	-\$107,651	-26.02%
Villas at Swans Nest 1903 (SG)*	6/1/2023	\$865,000	12/28/23	\$645,000.00	2	2	-\$220,000	-\$110,000	-25.43%
Villas at Swans Nest 606*	6/29/2023	\$860,000	9/29/2023	\$606,775.33	2	2	-\$253,225	-\$126,612	-29.44%
Avalanche Condo, F*	7/20/2023	\$620,000	9/19/2023	\$488,673.80	2	2	-\$131,326	-\$65,663	-21.18%
Villas at Swans Nest 1805 (SG)*	9/15/2023	\$860,000	2023	\$645,000.00	2	2	-\$215,000	-\$107,500	-25.00%
Villas at Swans Nest 1301 (SG)*	10/27/2023	\$858,795.45	2023	\$655,000.00	2	2	-\$203,795	-\$101,898	-23.73%
Charon PinesCondo #52 (KV)	9/27/2023	\$771,310.00	12/6/2023	\$600,000.00	3	2	-\$171,310	-\$57,103	-22.21%
350 Timberlane Circle	12/1/2023	\$1,580,000.00	7/16/1905	\$1,100,000.00	4	4	-\$480,000	-\$120,000	-30.38%
					21		-\$1,246,367	-\$59,351	-26.65%
* currently for sale							-\$2,509,869		
				Buy Down 2023 budget			\$3,274,200		
				Remaining 2023 budget			\$764,331		

Properties sold (or projected to sell) in 2023 as of today = 24

Properties purchased in 2023 = 9

Discuss goals for 2024 including possibility of focusing on SFH

# Housing Helps Update

- We have funded or are currently committed to funding 21 HH for 2023. The County is splitting 11 of them.
- Total committed funds from the town is \$2,349,576.
- The budget / goal is 2.5M with 20 properties in 2023.
- Still consistently seeing applications coming in but looking to fund most of those in 2024.



NOTE: met and exceeded goal for 2023 in number of properties.

# Other

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## Microsoft Teams meeting

**Join on your computer, mobile app or room device**

[Click here to join the meeting](#)

Meeting ID: 231 021 774 014

Passcode: F3h6RP

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[+1 929-352-2185,598723461#](#) United States, New York  
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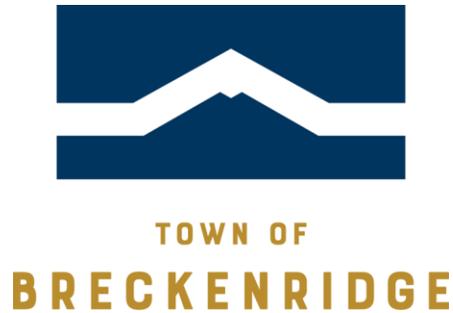
Phone Conference ID: 598 723 461#

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**Breckenridge Social Equity Advisory Commission**

November 20, 2023, 7:30am

*Striving for racial and social equity for all by removing barriers and  
facilitating opportunities to thrive*

**I. Call to Order (7:30-7:35)**

*Roll Call*

*Present: June Walters, Jason Smith, Jordan Burns, Tahja Grier, Carol Saade*

*Zoom: Joyce de la Torre, Eliana Crabb*

*Absent: Laurie Moroco, Silvia Vicuna*

*Discussion/Approval of Agenda*

*Amend the Agenda- Correct Date for the Agenda from October's BSEAC meeting day to reflect  
November 20, 2023*

*Discussion/Approval of the Minutes*

*Amend the minutes under the Commissioner Vacancies from CSU Boulder to CU Boulder*

**II. Presentation (7:35- 7:55)**

*Move United presented by Julia Ray*

*Presenter Julia Ray from Move United discussed two upcoming events. The first is The Hartford  
Ski Spectacular, held at Beaver Run Resort, which is one of the largest winter sports festivals for  
people with disabilities, hosting over 800 participants annually. The event features various  
programs, including skiing and snowboarding lessons, a race camp, Nordic skiing, free clinics, an  
instructor academy, banquets, and social events. Move United strives to offer scholarships to  
ease the financial burden for participants, including youth, veterans, and those with disabilities.  
Move United also invites everyone to participate in the "Race for everyBODY," a modified Giant  
Slalom race at Breckenridge Ski Resort on December 8, 2023, from 9 AM to 1 PM.*

*Questions and Answers:*

- *Registration: Jason Smith inquired about registration details. Teams (5 racers) can register for \$375, including one person with a physical disability. Teams without a disabled racer can request an assignment by Move United.*
- *Partnership with BOEC: Carol Saade asked about the partnership with Breckenridge Outdoor Education Center (BOEC), which is the host chapter for Ski Spec.*

- *Race Pass Requirement: Tahja Grier asked if a pass is needed to race. Yes, participants need their own pass as lift tickets are not included.*
- *Challenges for Adaptive Athletes: Jordan Burns raised concerns about challenges faced by adaptive athletes. Julia Ray answered historical limitations with the bus system. Which offers the opportunity to educate on Breck's free transportation.*
  - *Carol Saade highlighted Breck's well-equipped public transportation system and offered staff support for education on transportation options.*
    - *Shannon Haynes reached out to Matt Hulsey to provide Julia Ray with transit information, including schedules, app details, and disabled access.*
- *Barriers Beyond Financial: Tahja Grier asked about barriers beyond financial concerns. Julia Ray addressed barriers beyond financial concerns, including housing issues for participants and the critical need for affordable options. She also praised Gravity Haus for its universal design.*
  - *Future Partnerships: Carol Saade proposed considering larger partnerships for the future.*

*Overnight Parking Accessibility and Police Advisory Commission Update presented by Assistant Chief, Deric Gress and Chief of Police, James Baird*

***Deric Gress recently presented on "Unsheltered in Summit,"** a program designed to provide a legal and safe overnight parking option for individuals living out of their cars. The initiative initially operated in The Church at Agape Outpost parking lot near Summit High School but expanded after the Breckenridge Town Council amended camping ordinances.*

*The program's expansion included a new location at the Summit County Justice Center parking lot, offering 10 parking spaces. This location was chosen for its surveillance and increased safety for participants. Breckenridge implemented a permit application system, and a port-a-potty was added to the lot. Applicants are required to submit an extensive 8-page application along with proof of employment, driver's license, insurance, vehicle registration, and identity. A \$10 monthly fee is also required for overnight parking.*

*The program aims to provide a temporary solution for homelessness, especially during winter, mitigating safety concerns (carbon monoxide poisoning from exhausts backed into snowbanks) compared to other locations like trailheads. Challenges identified include winter plowing issues and the constant relocation of vehicles by law enforcement.*

*The commissioners raised questions about the program's advertising methods. The Family & Intercultural Resource Center (FIRC) supports the initiative, identifying 100 potential beneficiaries, leading to Breckenridge's involvement in providing Justice Center spots. Police distribute pamphlets about the program to individuals living in their vehicles, but currently, the pamphlets are not bilingual.*

*Commissioner Jordan Burns expressed concern about the lengthy 8-page application potentially acting as a barrier. However, Commissioner Jason Smith defended the process, stating that it adds legitimacy and safety to participants. The vetting of applicants is carried out by Unsheltered in Summit staff rather than the Town of Breckenridge.*

*In conclusion, the commission acknowledged that the program falls outside its immediate tactics. Carol Saade clarified that it may not be a focus for a subcommittee now.*

**Chief of Police, James Baird (Jim) presented on the Police Advisory Commission (PAC),** a group that Jim inherited with the goal of bridging the gap between the police department (PD) and the community. Initially created by Rick Holman to address a strained relationship, the PAC successfully achieved its original mission.

However, over the past couple of years, they have observed a decline in engagement, resulting in an unsustainable trend where PD members outnumbered community participants. To revitalize the PAC, they hosted an open house in September, and now have a group of 10 members. The members include representatives from the ski area, high school, middle school, Colorado Mountain College (CMC), and other community members. With the introduction of new members, there is a collective desire to transform the PAC with a new mission. Currently the PAC is a quasi-law enforcement group and citizen academy.

If you know of anyone interested or if you're keen on joining, please note that the PAC operates independently of the council and is less structured compared to most commissions. Their meetings take place at the PD on the 1st Wednesday of every odd month at 7:30 am. The group convenes five times a year.

### **III. Staff Summary (7:55-8:10)**

**General Comments presented by Shannon Haynes**

*Division of Responsibilities:* Scott Reid and Shannon Haynes are working together to efficiently cover subcommittee meetings. It's essential to note that certain items in subcommittee reports require the commission's approval. Moving forward, Mack Russo will identify these key items for commission review, notably, even pride-related efforts demand commission endorsement due to resource implications.

*Mini-Grant Application:* Regarding mini-grants, we're leveraging the town's grant expertise. In January, staff will propose a process for commission approval, building on our understanding of successful grant programs.

**Elaborated from Memo present by Mack Russo**

*Justice Center Update:*

- *Clarification regarding cultural competency training:* Mack Russo will not conduct the cultural competency training for the chosen property management company. Instead, Russo will share suggested existing training materials.

*Public Works Update:*

- *Water Plant Tour in Spanish:* Public Works is considering offering a tour of the new water plant in Spanish. While nothing is planned at this stage, the idea is to cater to the Spanish-speaking crews involved in water infrastructure repair. The tour, estimated to take about an hour, would be informal.

*DEI Initiatives:*

- *Equity Training and Community Panels Clarification:* In response to Carol Saade's request for clarification, equity training and community panels are something this group would like to host and have accessible to the public. For example, there are three equity training courses, budgeted for the BSEAC, and will coincide with commission meetings and will be open to the public that could count towards this initiative.

- *Draft of County Government's Equity Blueprint: Commissioners will receive the draft of the county government's equity blueprint at the earliest opportunity for review and input.*

#### **IV. Social Equity Discussion (8:10-8:25)**

##### *Commissioner Vacancies*

*The subcommittee (Carol Saade, June Walters, and Eliana Crabb) has successfully narrowed down the pool of applicants from 8 to 5 for the upcoming interviews to fill the three vacancies. Interviews are scheduled to take place on 11/30 from 8 am to 10 am and 12/1 from 8 am to 10 am, with each interview lasting 30 minutes.*

*Once the interviews are concluded, selected candidates will need to be appointed by the Council. To facilitate this, we aim to have the memo for appointment completed by January 3rd, ensuring inclusion in the packet for the Council meeting on January 9th.*

##### *Subcommittee Updates*

###### *Celebrate Diversity*

*The Celebrate Diversity group has shared the proposed events for 10 Mile Pride scheduled for June 14-16. The subcommittee is seeking input and feedback on the suggested activities, with a focus on the drag queen brunch. Recommendations for performers or venues are welcome. The group also aims to incorporate LGBTQ trivia into restaurant trivia nights throughout the month and is seeking suggestions for participating venues. Regarding the Braille event on January 4th, it was noted that there is no visually impaired individual on the planning committee. Collaboration with the Colorado Center for the Blind's program trainer has been underway, and efforts will be made to invite a visually impaired member to participate in the next planning session, addressing concerns raised by Carol Saade.*

###### *Community Influence & Education*

*Both members were absent, but the group is actively planning the mission statement video. They intend to present their proposed script for the video at the December meeting, where feedback will be sought. Filming would ideally be scheduled for January to include new commissioners upon appointment.*

###### *Community Outreach & Engagement*

*The subcommittee did not meet, but they have scheduled their next meeting for 11/29.*

###### *Immigration Rights & Advocacy*

*The subcommittee's meeting is planned to take place following this session on 11/21.*

###### *Civic Engagement*

*The subcommittee recently evaluated feedback from the initial community discussion on equity, highlighting key considerations such as interest in establishing a community book group (this is an idea Celebrate Diversity's is currently exploring). A potential partnership with the local ski resort was put on hold to prioritize support for existing skiing accessibility initiatives. A newcomer buddy program was proposed for consideration.*

*Other notable points include Mack Russo will start incorporating a monthly calendar of events and subcommittee activities for improved coordination. To optimize time and partnerships, community conversations should be staggered every other month, alternating between coffee talks and happy hours. Following Shannon Haynes' suggestion, events involving all commissioners or multiple subgroups should be treated as commission-wide gatherings.*

*Looking ahead, the subcommittee aims to review the staff proposal for the mini-grant application before seeking commission-wide approval.*

**V. Equity Blueprint (8:25-8:40)**

*The equity blueprint is scheduled for review at the January 9th council meeting, allowing additional time for edits. Specific conversation regarding the newly added glossary, which was designed to feature high-level terms, terms used in the blueprint, and terms important for context. However, there was consensus among the commission that only terms found in the blueprint should be included. Suggestions were made to create a separate resource, possibly part of the BSEAC University, by the Influence and Education subcommittee to include the other terms not found in the document. Mack Russo will review and ensure only terms used are included and add citations to term definitions, with commissioners set to review and approve them in the upcoming meeting.*

**VI. Upcoming Council Items (8:40-8:50)**

*No specific council item was highlighted for review for BSEAC, aside from the ongoing discussions related to the Breckenridge Grand Vacations Development proposal from previous conversations.*

**VII. Upcoming Agenda Topics**

*Town of Breckenridge's ADA Update, December*

**VIII. Other Matters**

*Avery Glassman of Breck Create announced that the organization's upcoming art exhibition is actively seeking submissions for a unique theme: "Gay Love Letters." They are also looking for individuals interested in reading these submissions during the exhibition.*

**IX. Public Comment (Non-Agenda Items) (8:50-9:00)**

*No public comment.*

*Motion to adjourn, Tahja Grier; seconded by Jason Smith*

**Recording:**

[https://us02web.zoom.us/rec/share/UHvuj9458kKhty7JPIeAPI8l8\\_SvxWz-ZrbFV8QarW2YkRZpJ7iy5lwpZoLVqynk.23y\\_tMI6qba-WuVr?startTime=1700488314000](https://us02web.zoom.us/rec/share/UHvuj9458kKhty7JPIeAPI8l8_SvxWz-ZrbFV8QarW2YkRZpJ7iy5lwpZoLVqynk.23y_tMI6qba-WuVr?startTime=1700488314000)

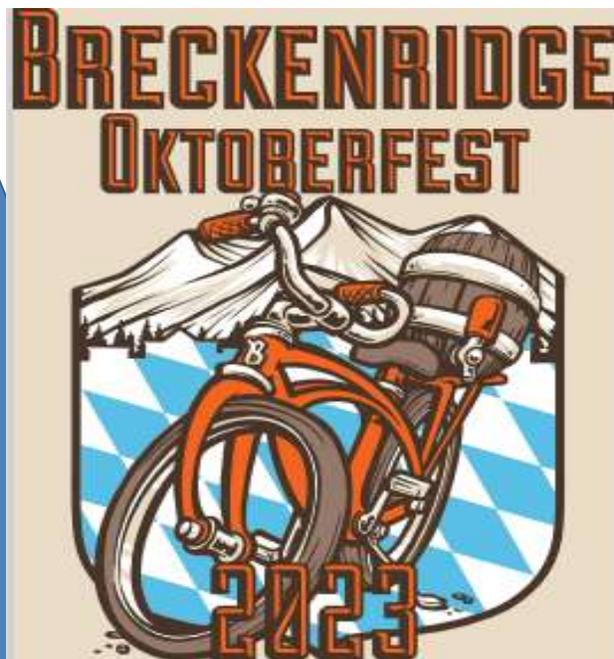
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TOWN OF  
**BRECKENRIDGE**

**October 31, 2023**

Department of Finance



# Executive Summary

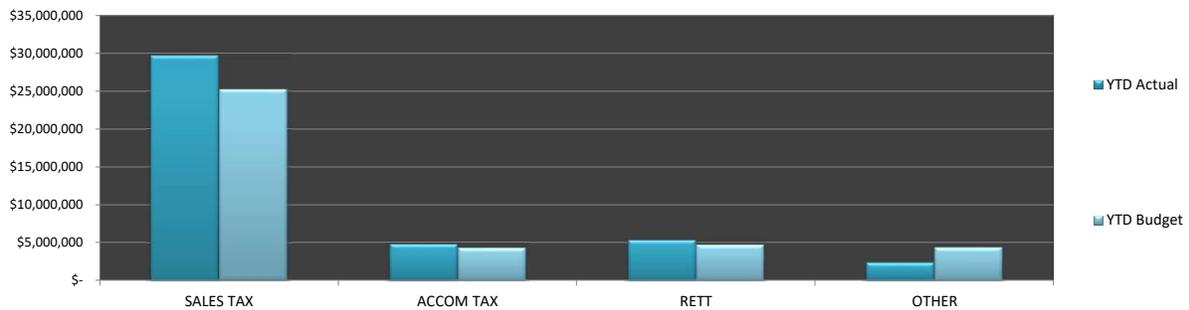
October 31, 2023

This report covers the 10 months of 2023. October is largely reflective of September tax collections

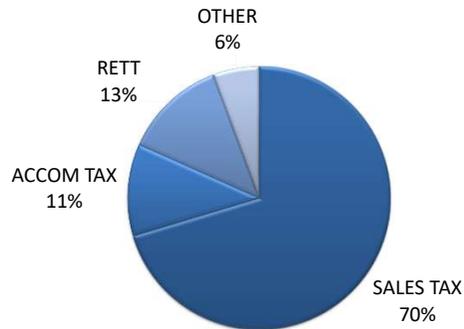
Overall, we are approximately \$3.5M over 2023 budgeted revenues in the Excise fund. Sales tax is currently \$4.4M over YTD budget, and \$1M ahead of prior year. Accommodations tax is \$.4M ahead of budget, and \$.2M behind from last year. Real Estate Transfer Tax is \$.6M ahead of budget, and \$.8M behind prior year.

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

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



**YTD Actual Revenues - Excise**



	YTD Actual	YTD Budget	% of Budget	Annual Budget	Prior YTD Actual	Prior Annual Actual
SALES TAX	\$ 29,714,946	\$ 25,294,716	117%	\$ 32,551,152	\$ 28,655,230	\$ 34,470,250
ACCOMMODATIONS TAX	4,774,058	4,282,502	111%	5,476,500	4,999,573	6,224,551
REAL ESTATE TRANSFER	5,341,990	4,721,320	113%	5,405,283	6,094,524	6,872,481
OTHER*	2,401,453	4,368,233	55%	5,351,055	650,942	1,024,037
<b>TOTAL</b>	<b>\$ 42,232,447</b>	<b>\$ 38,666,771</b>	<b>109%</b>	<b>\$ 48,783,990</b>	<b>\$ 40,400,269</b>	<b>\$ 48,591,318</b>

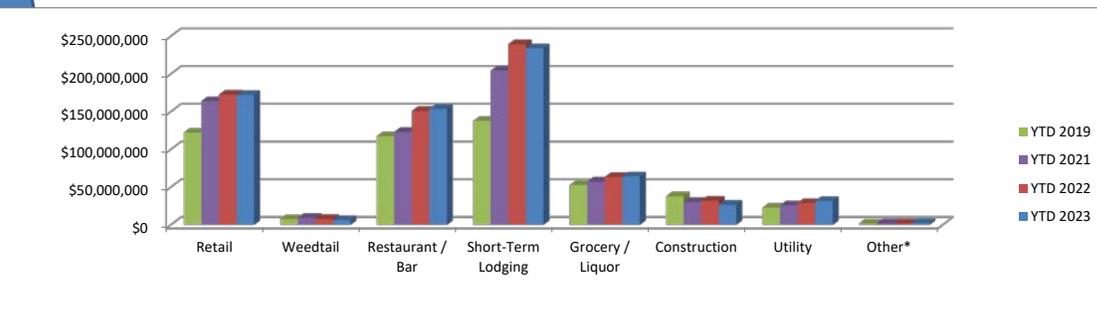
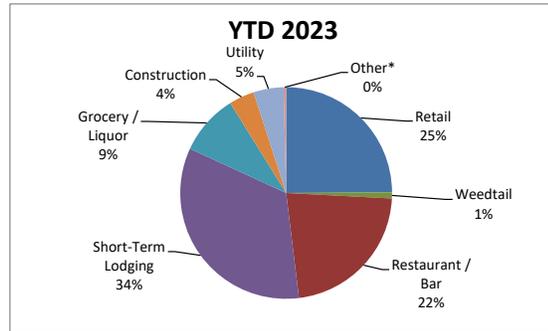
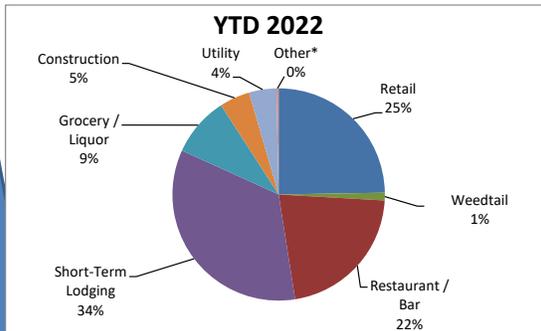
\* Other includes Franchise Fees (Telephone, Public Service and Cable), Cigarette Tax, and Investment Income

## The Tax Basics: September 2023

### Net Taxable Sales by Industry-YTD

Description	YTD 2019	YTD 2021	YTD 2022	2022		2022/2023		2023
				% of Total	YTD 2023	\$ Change	% Change	% of Total
Retail	\$122,389,200	\$164,065,238	\$172,803,195	24.73%	\$172,386,895	(\$416,300)	-0.24%	24.91%
Weedtail	\$8,023,819	\$9,549,525	\$8,196,404	1.17%	\$6,391,208	(\$1,805,196)	-22.02%	0.92%
Restaurant / Bar	\$117,588,874	\$123,259,525	\$151,045,437	21.62%	\$153,865,169	\$2,819,732	1.87%	22.23%
Short-Term Lodging	\$137,783,863	\$204,649,634	\$239,408,104	34.26%	\$233,988,248	(\$5,419,856)	-2.26%	33.81%
Grocery / Liquor	\$52,739,825	\$57,496,966	\$63,548,836	9.09%	\$64,248,270	\$699,434	1.10%	9.28%
Construction	\$37,994,691	\$30,319,847	\$32,331,618	4.63%	\$26,750,580	(\$5,581,038)	-17.26%	3.86%
Utility	\$22,971,594	\$26,080,154	\$29,077,321	4.16%	\$31,823,445	\$2,746,124	9.44%	4.60%
Other*	\$2,079,777	\$2,348,348	\$2,327,789	0.33%	\$2,678,404	\$350,614	15.06%	0.39%
<b>Total</b>	<b>\$501,571,642</b>	<b>\$617,769,236</b>	<b>\$698,738,705</b>	<b>100.00%</b>	<b>\$692,132,219</b>	<b>(\$6,606,486)</b>	<b>-0.95%</b>	<b>100.00%</b>

\* Other includes activities in Automobiles and Undefined Sales.



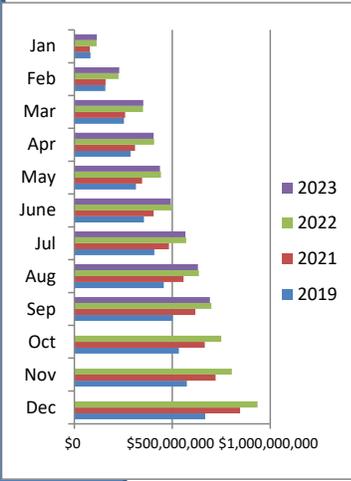
#### New Items of Note:

- September YTD net taxable sales are currently behind of YTD September 2022 by .95%.
- For September YTD 2023, there were increases in Restaurant/Bar (1.87%) Utilities (9.44%), Grocery/Liquor (1.10%), and decline in Retail (-.24%), Weedtail (-22.02%), Short-Term Lodging (-2.26%), Construction (-17.26%), compared to September YTD 2022.
- September YTD 2023 is ahead of September YTD 2019 by 37.99%.

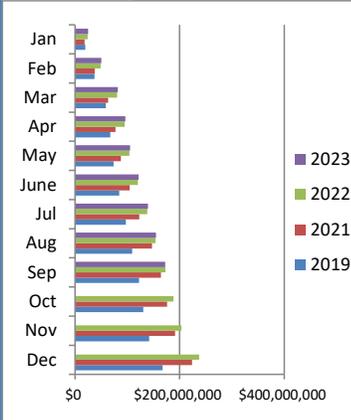
#### Historical Notes:

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

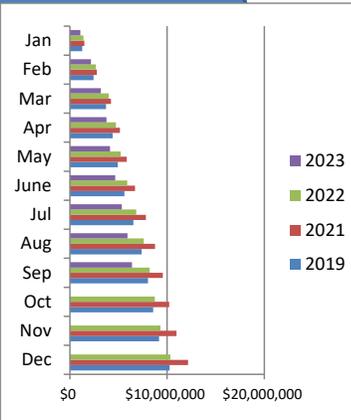
## Net Taxable Sales by Sector-Town of Breckenridge Tax Base



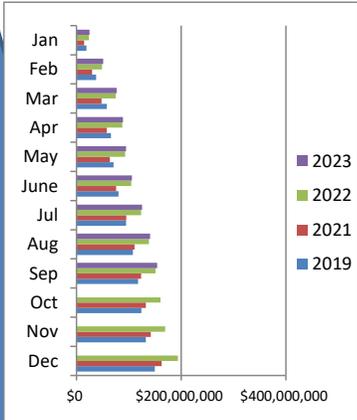
Total Net Taxable Sales						
	2019	2021	2022	2023	% change from PY	% change from '19
Jan	\$82,299,822	\$79,027,402	\$113,608,612	\$115,041,140	1.26%	39.78%
Feb	\$75,794,630	\$79,746,002	\$111,338,870	\$113,774,418	2.19%	50.11%
Mar	\$95,163,229	\$100,237,930	\$125,730,058	\$122,615,993	-2.48%	28.85%
Apr	\$33,990,319	\$50,992,310	\$56,511,723	\$53,542,588	-5.25%	57.52%
May	\$26,568,743	\$35,688,712	\$34,483,662	\$32,465,275	-5.85%	22.19%
Jun	\$41,037,437	\$58,731,249	\$56,236,235	\$54,704,961	-2.72%	33.31%
Jul	\$53,755,920	\$77,776,788	\$72,887,360	\$74,905,808	2.77%	39.34%
Aug	\$48,082,114	\$74,672,063	\$64,936,860	\$63,453,282	-2.28%	31.97%
Sep	\$44,879,428	\$60,896,780	\$63,005,325	\$61,628,753	-2.18%	37.32%
Oct	\$32,297,945	\$48,311,353	\$51,434,737	\$0	n/a	n/a
Nov	\$39,928,187	\$55,302,747	\$53,839,033	\$0	n/a	n/a
Dec	\$93,931,782	\$125,002,690	\$131,422,545	\$0	n/a	n/a
<b>YTD</b>	<b>\$501,571,642</b>	<b>\$617,769,236</b>	<b>\$698,738,705</b>	<b>\$692,132,219</b>	<b>-0.95%</b>	<b>37.99%</b>
<b>Total</b>	<b>\$667,729,556</b>	<b>\$846,386,027</b>	<b>\$935,435,020</b>	<b>\$692,132,219</b>	<b>-26.01%</b>	<b>3.65%</b>



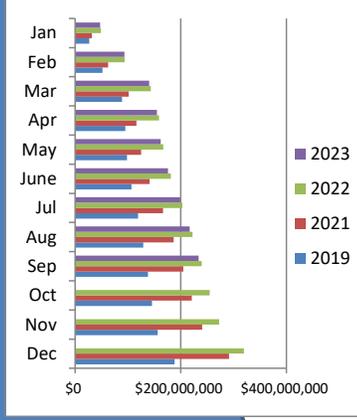
Retail						
	2019	2021	2022	2023	% change	% change
Jan	\$19,611,835	\$18,328,034	\$24,325,450	\$25,174,080	3.49%	28.36%
Feb	\$17,374,017	\$19,258,101	\$24,775,008	\$25,059,975	1.15%	44.24%
Mar	\$21,694,451	\$25,929,898	\$31,202,313	\$31,559,278	1.14%	45.47%
Apr	\$8,706,284	\$13,935,565	\$14,392,188	\$14,219,884	-1.20%	63.33%
May	\$6,284,885	\$9,994,161	\$9,127,641	\$9,356,622	2.51%	48.87%
Jun	\$10,801,783	\$17,030,083	\$16,358,439	\$16,213,558	-0.89%	50.10%
Jul	\$12,825,192	\$18,164,618	\$17,905,755	\$17,815,868	-0.50%	38.91%
Aug	\$12,050,490	\$24,632,916	\$15,930,361	\$15,191,048	-4.64%	26.06%
Sep	\$13,040,263	\$16,791,863	\$18,786,039	\$17,796,582	-5.27%	36.47%
Oct	\$8,178,255	\$11,786,370	\$15,165,234	\$0	n/a	n/a
Nov	\$10,979,043	\$15,256,733	\$15,616,902	\$0	n/a	n/a
Dec	\$25,856,507	\$32,406,097	\$33,684,489	\$0	n/a	n/a
<b>YTD</b>	<b>\$122,389,200</b>	<b>\$164,065,238</b>	<b>\$172,803,195</b>	<b>\$172,386,895</b>	<b>-0.24%</b>	<b>40.85%</b>
<b>Total</b>	<b>\$167,403,004</b>	<b>\$223,514,439</b>	<b>\$237,269,820</b>	<b>\$172,386,895</b>	<b>-27.35%</b>	<b>2.98%</b>



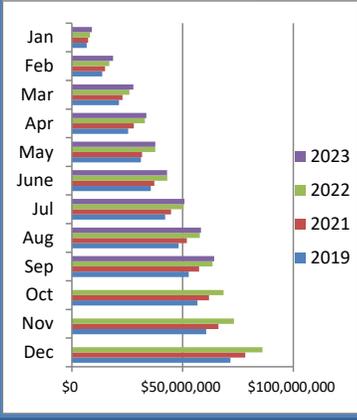
Weedtail						
	2019	2021	2022	2023	% change	% change
Jan	\$1,278,628	\$1,478,465	\$1,390,691	\$1,085,499	-21.95%	-15.10%
Feb	\$1,143,834	\$1,294,638	\$1,290,570	\$1,071,374	-16.98%	-6.33%
Mar	\$1,291,752	\$1,441,196	\$1,310,491	\$1,021,416	-22.06%	-20.93%
Apr	\$682,583	\$942,276	\$732,968	\$577,496	-21.21%	-15.40%
May	\$525,557	\$695,750	\$499,512	\$382,445	-23.44%	-27.23%
Jun	\$691,544	\$841,867	\$670,484	\$513,462	-23.42%	-25.75%
Jul	\$905,548	\$1,116,858	\$912,870	\$697,911	-23.55%	-22.93%
Aug	\$845,682	\$936,140	\$777,363	\$578,590	-25.57%	-31.58%
Sep	\$658,693	\$802,336	\$611,456	\$463,014	-24.28%	-29.71%
Oct	\$536,078	\$665,889	\$529,983	\$0	n/a	n/a
Nov	\$605,820	\$737,780	\$581,583	\$0	n/a	n/a
Dec	\$1,088,987	\$1,195,620	\$1,014,636	\$0	n/a	n/a
<b>YTD</b>	<b>\$8,023,819</b>	<b>\$9,549,525</b>	<b>\$8,196,404</b>	<b>\$6,391,208</b>	<b>-22.02%</b>	<b>-20.35%</b>
<b>Total</b>	<b>\$10,254,704</b>	<b>\$12,148,814</b>	<b>\$10,322,606</b>	<b>\$6,391,208</b>	<b>-38.09%</b>	<b>-37.68%</b>



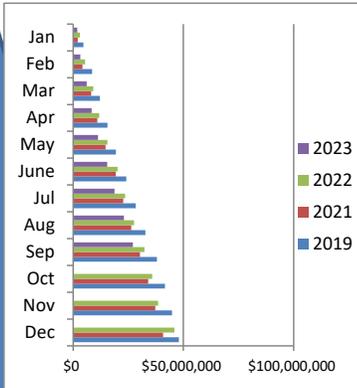
Restaurant / Bar						
	2019	2021	2022	2023	% change	% change
Jan	\$19,257,344	\$14,372,467	\$23,591,432	\$25,009,257	6.01%	29.87%
Feb	\$18,251,145	\$15,293,976	\$24,974,867	\$25,865,915	3.57%	41.72%
Mar	\$20,276,191	\$18,001,752	\$26,280,138	\$25,821,441	-1.75%	27.35%
Apr	\$8,183,550	\$10,082,518	\$12,415,528	\$12,209,139	-1.66%	49.19%
May	\$4,752,756	\$6,065,196	\$5,669,343	\$5,883,754	3.78%	23.80%
June	\$9,334,516	\$12,074,689	\$11,796,384	\$11,309,552	-4.13%	21.16%
Jul	\$14,827,380	\$19,085,898	\$18,692,700	\$19,179,320	2.60%	29.35%
Aug	\$12,693,004	\$15,737,756	\$14,956,807	\$15,508,844	3.69%	22.18%
Sep	\$10,012,989	\$12,545,273	\$12,668,238	\$13,077,946	3.23%	30.61%
Oct	\$6,463,032	\$9,054,163	\$9,309,000	\$0	n/a	n/a
Nov	\$8,198,131	\$9,429,392	\$9,038,337	\$0	n/a	n/a
Dec	\$17,310,078	\$20,911,542	\$24,150,159	\$0	n/a	n/a
<b>YTD</b>	<b>\$117,588,874</b>	<b>\$123,259,525</b>	<b>\$151,045,437</b>	<b>\$153,865,169</b>	<b>1.87%</b>	<b>30.85%</b>
<b>Total</b>	<b>\$149,560,115</b>	<b>\$162,654,623</b>	<b>\$193,542,933</b>	<b>\$153,865,169</b>	<b>-20.50%</b>	<b>2.88%</b>



Short-Term Lodging						
	2019	2021	2022	2023	% change	% change
Jan	\$26,949,830	\$31,752,606	\$48,613,697	\$47,461,191	-2.37%	76.11%
Feb	\$24,811,525	\$30,596,998	\$45,169,344	\$45,736,673	1.26%	84.34%
Mar	\$37,052,760	\$38,833,031	\$49,654,941	\$47,131,088	-5.08%	27.20%
Apr	\$6,084,075	\$14,789,263	\$15,604,892	\$14,579,098	-6.57%	139.63%
May	\$3,269,759	\$8,839,478	\$7,736,666	\$6,909,013	-10.70%	111.30%
June	\$8,613,383	\$16,110,696	\$14,454,476	\$13,800,668	-4.52%	60.22%
Jul	\$12,259,971	\$25,496,064	\$21,720,310	\$23,247,770	7.03%	89.62%
Aug	\$9,993,911	\$20,237,448	\$19,219,232	\$18,159,297	-5.51%	81.70%
Sep	\$8,748,649	\$17,994,049	\$17,234,547	\$16,963,450	-1.57%	93.90%
Oct	\$7,654,030	\$16,267,787	\$15,303,928	\$0	n/a	n/a
Nov	\$10,638,959	\$19,659,292	\$18,013,772	\$0	n/a	n/a
Dec	\$32,392,791	\$50,715,608	\$46,896,490	\$0	n/a	n/a
<b>YTD</b>	<b>\$137,783,863</b>	<b>\$204,649,634</b>	<b>\$239,408,104</b>	<b>\$233,988,248</b>	<b>-2.26%</b>	<b>69.82%</b>
<b>Total</b>	<b>\$188,469,643</b>	<b>\$291,292,321</b>	<b>\$319,622,294</b>	<b>\$233,988,248</b>	<b>-26.79%</b>	<b>24.15%</b>



Grocery / Liquor						
	2019	2021	2022	2023	% change	% change
Jan	\$6,728,312	\$7,287,839	\$8,170,578	\$8,997,217	10.12%	33.72%
Feb	\$6,986,584	\$7,698,418	\$8,753,193	\$9,587,315	9.53%	37.22%
Mar	\$7,555,406	\$7,875,044	\$9,019,659	\$9,151,128	1.46%	21.12%
Apr	\$4,143,198	\$5,116,542	\$6,998,996	\$5,851,774	-16.39%	41.24%
May	\$5,770,430	\$3,756,571	\$4,744,379	\$4,092,212	-13.75%	-29.08%
June	\$4,477,840	\$5,487,526	\$5,436,849	\$5,335,000	-1.87%	19.14%
Jul	\$6,441,916	\$7,596,984	\$7,431,072	\$7,828,316	5.35%	21.52%
Aug	\$6,036,270	\$7,082,310	\$7,177,335	\$7,441,155	3.68%	23.27%
Sep	\$4,599,869	\$5,595,731	\$5,816,776	\$5,964,152	2.53%	29.66%
Oct	\$3,956,333	\$4,452,681	\$4,953,494	\$0	n/a	n/a
Nov	\$3,980,326	\$4,209,254	\$4,692,648	\$0	n/a	n/a
Dec	\$10,973,358	\$12,158,623	\$12,887,729	\$0	n/a	n/a
<b>YTD</b>	<b>\$52,739,825</b>	<b>\$57,496,966</b>	<b>\$63,548,836</b>	<b>\$64,248,270</b>	<b>1.10%</b>	<b>21.82%</b>
<b>Total</b>	<b>\$71,649,842</b>	<b>\$78,317,524</b>	<b>\$86,082,707</b>	<b>\$64,248,270</b>	<b>-25.36%</b>	<b>-10.33%</b>

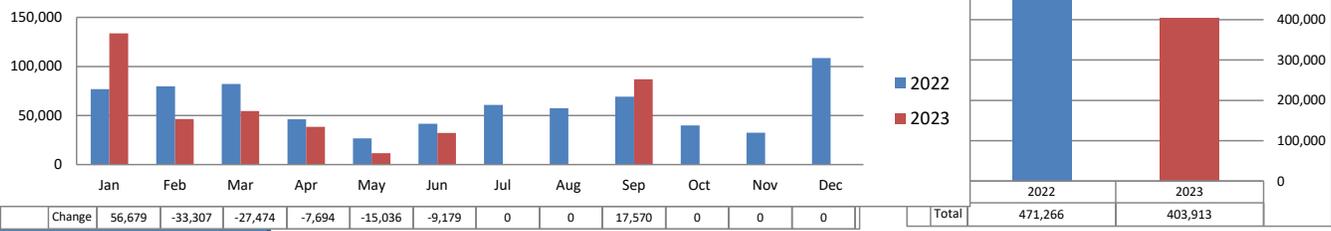


Construction						
	2019	2021	2022	2023	% change	% change
Jan	\$4,617,707	\$2,068,745	\$3,087,979	\$1,896,022	-38.60%	-58.94%
Feb	\$3,924,001	\$2,195,750	\$2,329,985	\$1,329,535	-42.94%	-66.12%
Mar	\$3,626,832	\$3,880,970	\$3,659,430	\$2,951,113	-19.36%	-18.63%
Apr	\$3,340,641	\$2,799,808	\$2,689,995	\$2,240,117	-16.72%	-32.94%
May	\$3,847,480	\$3,695,521	\$3,753,221	\$2,808,644	-25.17%	-27.00%
Jun	\$4,753,416	\$4,674,905	\$4,564,514	\$4,172,315	-8.59%	-12.22%
Jul	\$4,225,825	\$3,429,834	\$3,420,384	\$3,400,460	-0.58%	-19.53%
Aug	\$4,380,782	\$3,559,510	\$4,155,216	\$3,807,444	-8.37%	-13.09%
Sep	\$5,278,007	\$4,014,804	\$4,670,892	\$4,144,930	-11.26%	-21.47%
Oct	\$3,589,116	\$3,702,555	\$3,476,544	\$0	n/a	n/a
Nov	\$3,210,387	\$3,262,427	\$2,663,371	\$0	n/a	n/a
Dec	\$3,173,337	\$3,496,696	\$7,432,985	\$0	n/a	n/a
YTD	\$37,994,691	\$30,319,847	\$32,331,618	\$26,750,580	-17.26%	-29.59%
Total	\$47,967,531	\$40,781,525	\$45,904,518	\$26,750,580	-41.73%	-44.23%

### Disposable Bag Fees

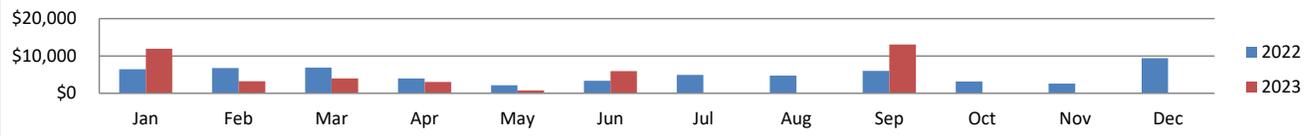
The Town adopted an ordinance April 9, 2013 (effective October 15, 2013) to discourage the use of disposable bags, achieving a goal of the SustainableBreck Plan. The \$.10 fee applies to most plastic and paper bags given out at retail and grocery stores in Breckenridge. The program is intended to encourage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

### # of Disposable Bags Reported by Month



### Bag Fees Remitted by Month

Net of Retained Percentage\*



\*As of May 4th 2023 a change has taken into effect and retailers are permitted to retain 40% of the fee (up to a maximum of \$1000/month through October 31, 2014; changing to a maximum of \$100/month beginning November 1, 2014) in order to offset expenses incurred related to the program. The retained percent may be used by the retail store to provide educational information to customers; provide required signage; train staff; alter infrastructure; fee administration; develop/display informational signage; encourage the use of reusable bags or promote recycling of disposable bags; and improve infrastructure to increase disposable bag recycling. Filing changed to quarterly as of May 2023.

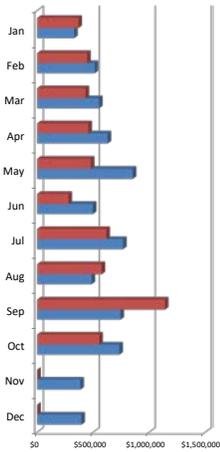
# Real Estate Transfer Tax

## New Items of Note:

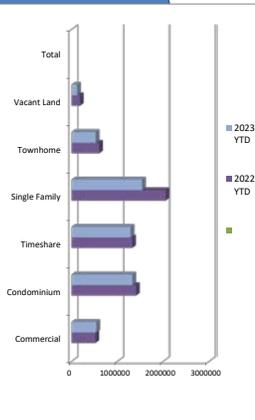
- Revenue October YTD is ahead of the budget by \$.6M and below the prior year by \$.8M.
- Single Family sales account for the majority of the sales (28.80%), with Timeshare sales in the second position of highest sales (24.12%) subject to the tax. Timeshare sales are lower YTD by -2.59% and Single Family sales are lower YTD by -24.76%. Condominium activity is representing 24.85% of the activity.
- October 2023 churn was 48.84% below October 2022.

## Continuing Items of Note:

- 2023 Real Estate Transfer Tax budget is based upon a 5 year historical budget phasing.



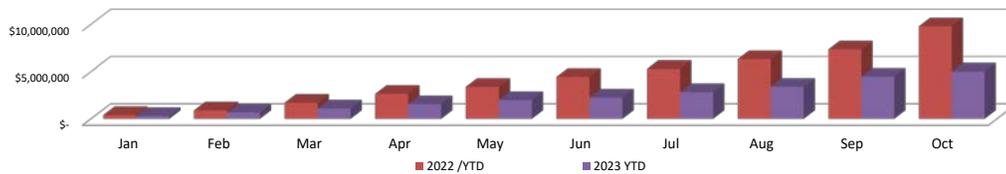
Total RETT								
	2019	2021	2022	2023	% change	2023 budget	+/- Budget	
Jan	\$536,802	\$394,201	\$328,719	\$366,761	11.57%	\$298,205	\$68,556	
Feb	\$441,411	\$493,987	\$512,843	\$445,546	-13.12%	\$342,714	\$102,832	
Mar	\$454,470	\$813,726	\$551,693	\$431,380	-21.81%	\$382,978	\$48,402	
Apr	\$674,070	\$946,247	\$627,842	\$456,127	-27.35%	\$433,275	\$22,852	
May	\$781,528	\$743,447	\$851,657	\$478,584	-43.81%	\$454,505	\$24,079	
Jun	\$480,111	\$1,052,494	\$495,925	\$278,784	-43.79%	\$386,322	-\$107,538	
Jul	\$510,302	\$841,992	\$765,641	\$617,133	-19.40%	\$441,027	\$176,106	
Aug	\$784,245	\$1,024,008	\$484,573	\$574,378	18.53%	\$558,753	\$15,625	
Sep	\$684,950	\$1,027,878	\$742,908	\$1,139,485	53.38%	\$674,590	\$464,895	
Oct	\$561,093	\$2,446,257	\$732,723	\$553,836	-24.41%	\$748,951	-\$195,115	
Nov	\$604,298	\$579,469	\$384,336	\$0	n/a	\$365,827	n/a	
Dec	\$653,338	\$674,950	\$393,620	\$0	n/a	\$318,136	n/a	
YTD	\$5,908,982	\$9,784,238	\$6,094,524	\$5,342,015	-12.35%	\$4,721,320	\$620,695	
Total	\$7,166,618	\$11,038,657	\$6,872,481	\$5,342,015		\$5,405,283		



by Category						
Description	2022 YTD	2023 YTD	\$ change	% change	% of Total	
Commercial	\$ 520,889	\$ 539,800	\$ 18,910	3.63%	10.10%	
Condominium	\$ 1,407,284	\$ 1,327,458	\$ (79,826)	-5.67%	24.85%	
Timeshare	\$ 1,322,483	\$ 1,288,284	\$ (34,199)	-2.59%	24.12%	
Single Family	\$ 2,054,973	\$ 1,538,435	\$ (516,537)	-25.14%	28.80%	
Townhome	\$ 603,780	\$ 527,174	\$ (76,606)	-12.69%	9.87%	
Vacant Land	\$ 185,114	\$ 120,849	\$ (64,266)	-34.72%	2.26%	
Total	\$ 6,094,524	\$ 5,342,015	\$ (752,509)	-12.35%	100.00%	

\$0

YTD Churn Analysis

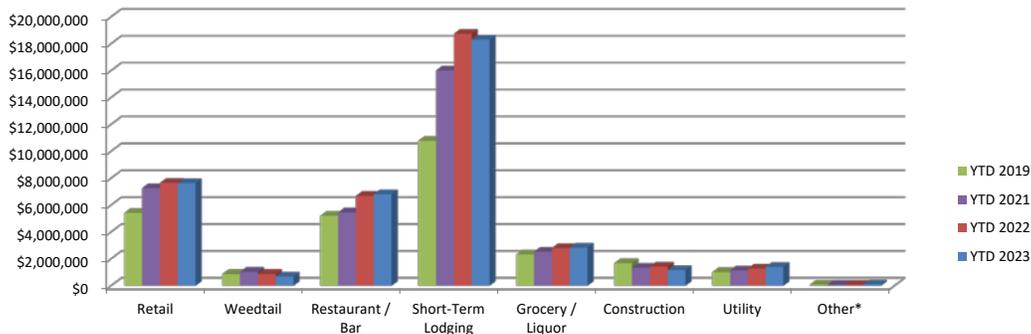
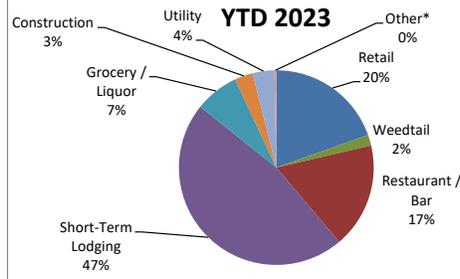
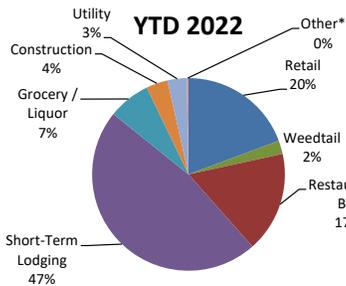


## TAXES DUE - SALES, ACCOMMODATIONS, AND MARIJUANA TAXES

### Tax Due by Industry-YTD

Description	YTD 2019	YTD 2021	YTD 2022	2022 % of Total	YTD 2023	2022/2023 \$ Change	2022/2023 % Change	2023 % of Total
Retail	\$5,421,842	\$7,268,090	\$7,655,182	19.32%	\$7,636,739	(\$18,442)	-0.24%	19.57%
Weedtail	\$877,003	\$1,043,763	\$895,867	2.26%	\$698,559	(\$197,308)	-22.02%	1.79%
Restaurant / Bar	\$5,209,187	\$5,460,397	\$6,691,313	16.89%	\$6,816,227	\$124,914	1.87%	17.46%
Short-Term Lodging	\$10,788,476	\$16,024,066	\$18,745,655	47.31%	\$18,321,280	(\$424,375)	-2.26%	46.94%
Grocery / Liquor	\$2,336,374	\$2,547,116	\$2,815,213	7.10%	\$2,846,198	\$30,985	1.10%	7.29%
Construction	\$1,683,165	\$1,343,169	\$1,432,291	3.61%	\$1,185,051	(\$247,240)	-17.26%	3.04%
Utility	\$1,017,642	\$1,155,351	\$1,288,125	3.25%	\$1,409,779	\$121,653	9.44%	3.61%
Other*	\$92,134	\$104,032	\$103,121	0.26%	\$118,653	\$15,532	15.06%	0.30%
<b>Total</b>	<b>\$27,425,823</b>	<b>\$34,945,984</b>	<b>\$39,626,766</b>	<b>100.00%</b>	<b>\$39,032,486</b>	<b>(\$594,280)</b>	<b>-1.50%</b>	<b>100.00%</b>

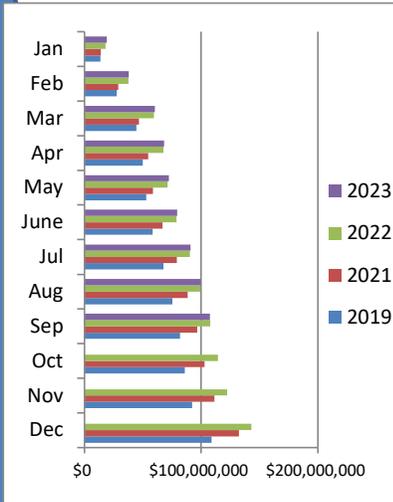
\* Other includes activities in Automobiles and Undefined Sales.



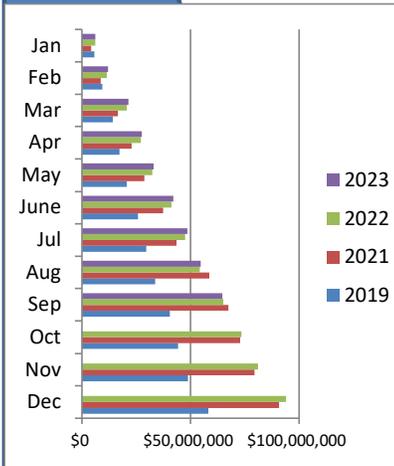
#### Items of Note:

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

## The Tax Basics: Retail Sales Sector Analysis

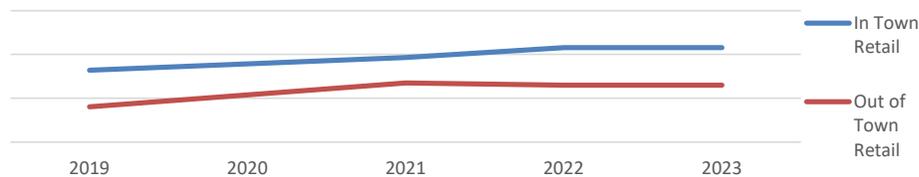


Retail: In-Town						
	2019	2021	2022	2023	% change from PY	% change from '21
Jan	\$13,874,223	\$14,077,047	\$18,209,812	\$19,136,159	5.09%	35.94%
Feb	\$13,755,726	\$14,977,129	\$19,537,129	\$19,070,261	-2.39%	27.33%
Mar	\$16,905,640	\$17,824,060	\$21,859,476	\$22,247,601	1.78%	24.82%
Apr	\$5,471,956	\$7,661,522	\$8,025,948	\$8,054,375	0.35%	5.13%
May	\$2,941,690	\$4,165,067	\$3,833,477	\$3,866,908	0.87%	-7.16%
June	\$5,600,801	\$8,290,729	\$7,392,614	\$7,091,057	-4.08%	-14.47%
July	\$9,136,287	\$12,135,190	\$11,603,472	\$11,436,831	-1.44%	-5.75%
Aug	\$7,911,724	\$9,492,636	\$9,144,401	\$8,955,328	-2.07%	-5.66%
Sep	\$6,331,984	\$7,854,505	\$8,124,374	\$7,840,441	-3.49%	-0.18%
Oct	\$4,203,590	\$6,429,451	\$6,771,369	\$0	n/a	n/a
Nov	\$6,421,375	\$8,605,141	\$7,965,280	\$0	n/a	n/a
Dec	\$16,462,608	\$21,087,906	\$20,713,114	\$0	n/a	n/a
<b>YTD</b>	<b>\$81,930,031</b>	<b>\$96,477,885</b>	<b>\$107,730,704</b>	<b>\$107,698,962</b>	<b>-0.03%</b>	<b>11.63%</b>
<b>Total</b>	<b>\$109,017,604</b>	<b>\$132,600,382</b>	<b>\$143,180,467</b>	<b>\$107,698,962</b>		



Retail: Out-of-Town						
	2019	2021	2022	2023	% change	% change
Jan	\$5,730,233	\$4,246,915	\$6,115,639	\$6,037,920	-1.27%	42.17%
Feb	\$3,611,610	\$4,280,972	\$5,237,879	\$5,989,714	14.35%	39.91%
Mar	\$4,774,174	\$8,092,925	\$9,324,901	\$9,311,676	-0.14%	15.06%
Apr	\$3,227,555	\$6,274,043	\$6,366,240	\$6,165,508	-3.15%	-1.73%
May	\$3,338,310	\$5,827,445	\$5,294,164	\$5,489,714	3.69%	-5.80%
June	\$5,188,579	\$8,725,438	\$8,948,269	\$9,122,501	1.95%	4.55%
July	\$3,682,911	\$6,029,428	\$6,295,440	\$6,379,037	1.33%	5.80%
Aug	\$4,131,770	\$15,140,280	\$6,785,960	\$6,235,721	-8.11%	-58.81%
Sep	\$6,699,636	\$8,914,836	\$10,661,665	\$9,956,141	-6.62%	11.68%
Oct	\$3,969,423	\$5,356,919	\$8,393,865	\$0	n/a	n/a
Nov	\$4,553,354	\$6,651,592	\$7,651,622	\$0	n/a	n/a
Dec	\$9,385,669	\$11,304,902	\$12,971,375	\$0	n/a	n/a
<b>YTD</b>	<b>\$40,384,778</b>	<b>\$67,532,282</b>	<b>\$65,030,158</b>	<b>\$64,687,934</b>	<b>-0.53%</b>	<b>-4.21%</b>
<b>Total</b>	<b>\$58,293,224</b>	<b>\$90,845,696</b>	<b>\$94,047,020</b>	<b>\$64,687,934</b>		

### September Trending Retail Sales



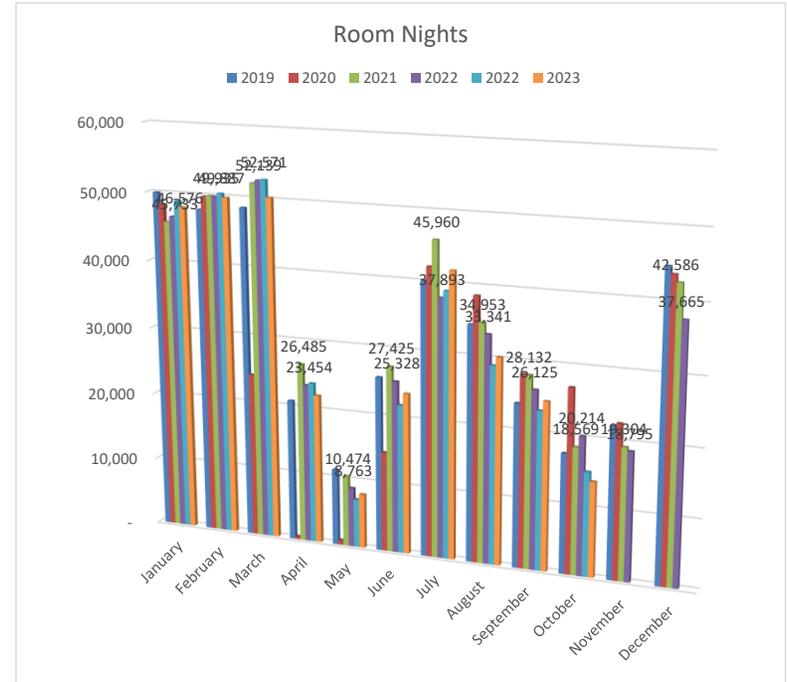
#### New Items of Note:

- Starting in March 2019, the Finance Department has split the Retail sector into two categories, In-Town Retail sales and Out-of-Town Retail sales. In-Town Retail sales comprise businesses that are in Town limits, the sector had an overall decrease of 3.49% in September 2023 as compared to 2022. The Out-of-Town Retail Sales had a overall decrease in sales of 6.62% for July 2023 compared to 2022.

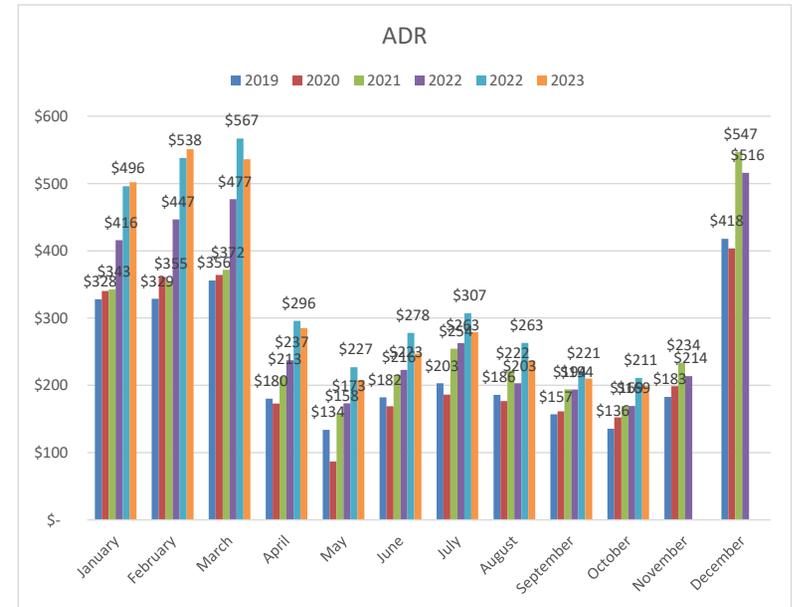
Breckenridge - Source DMX RAO

Occupied Room

Nights	DMX 2019	DMX 2020	DMX 2021	DMX 2022	Key Data 2022	Key Data 2023
January	49,948	48,246	45,733	46,576	48,848	48,026
February	47,850	49,813	49,935	49,887	50,356	49,811
March	48,554	24,202	52,139	52,571	52,713	50,237
April	20,895	350	26,485	23,454	23,804	22,080
May	11,274	637	10,474	8,763	7,152	7,999
June	25,696	14,696	27,425	25,328	21,948	23,690
July	40,131	42,162	45,960	37,893	38,934	41,839
August	34,515	38,623	34,953	33,341	28,999	30,243
September	23,973	28,205	28,132	26,125	23,217	24,641
October	17,516	26,959	18,569	20,214	15,202	13,895
November	22,132	22,574	19,304	18,795		
December	44,693	43,650	42,586	37,665		
<b>Total</b>	<b>387,177</b>	<b>340,117</b>	<b>401,695</b>	<b>380,612</b>	<b>311,173</b>	<b>312,461</b>



ADR	DMX 2019	DMX 2020	DMX 2021	DMX 2022	Key Data 2022	Key Data 2023
January	\$ 328	\$ 340	\$ 343	\$ 416	\$ 496	\$ 502
February	\$ 329	\$ 361	\$ 355	\$ 447	\$ 538	\$ 551
March	\$ 356	\$ 364	\$ 372	\$ 477	\$ 567	\$ 536
April	\$ 180	\$ 173	\$ 213	\$ 237	\$ 296	\$ 285
May	\$ 134	\$ 87	\$ 158	\$ 173	\$ 227	\$ 208
June	\$ 182	\$ 169	\$ 216	\$ 223	\$ 278	\$ 247
July	\$ 203	\$ 186	\$ 254	\$ 263	\$ 307	\$ 279
August	\$ 186	\$ 177	\$ 222	\$ 203	\$ 263	\$ 237
September	\$ 157	\$ 161	\$ 194	\$ 194	\$ 221	\$ 210
October	\$ 136	\$ 152	\$ 169	\$ 169	\$ 211	\$ 199
November	\$ 183	\$ 199	\$ 234	\$ 214		
December	\$ 418	\$ 404	\$ 547	\$ 516		
<b>Total</b>	<b>\$ 233</b>	<b>\$ 231</b>	<b>\$ 273</b>	<b>\$ 294</b>	<b>\$ 340</b>	<b>\$ 325</b>



REVENUE AND EXPENDITURE SUMMARY  
INCLUDES TRANSFERS AND FULL APPROPRIATIONS OF FUND BALANCES

	BUDGET FY23	YTD		ACTUAL vs BUDGET FY23 YTD
		ACTUAL FY23 YTD	BUDGET FY23 YTD	
<b>FUND BALANCE, JANUARY 1, 2023</b>	\$ 255,492,157	\$ 255,492,157	\$ 255,492,157	
<b>REVENUE SUMMARY</b>				
GENERAL GOVERNMENT (GF)	\$ 143,000	\$ 72,058	\$ 119,160	\$ (47,102)
EXECUTIVE MANAGEMENT (GF)	\$ 1,425,442	\$ 1,056,215	\$ 1,187,830	\$ (131,615)
MISCELLANEOUS (GF)	\$ 22,440,839	\$ 19,660,163	\$ 18,708,290	\$ 951,873
FINANCE (GF)	\$ 33,000	\$ 14,166	\$ 27,500	\$ (13,334)
PUBLIC SAFETY (GF)	\$ 81,350	\$ 56,563	\$ 74,950	\$ (18,387)
COMMUNITY DEVELOPMENT (GF)	\$ 1,102,253	\$ 1,161,023	\$ 969,482	\$ 191,541
PUBLIC WORKS (GF)	\$ 797,316	\$ 1,022,032	\$ 717,610	\$ 304,422
RECREATION (GF)	\$ 3,755,984	\$ 3,936,038	\$ 3,042,266	\$ 893,772
UTILITY FUND	\$ 9,813,588	\$ 8,735,590	\$ 8,342,050	\$ 393,540
CAPITAL FUND	\$ 11,674,712	\$ 10,009,797	\$ 9,906,209	\$ 103,588
MARKETING FUND	\$ 4,588,917	\$ 4,351,776	\$ 3,823,950	\$ 527,826
GOLF COURSE FUND	\$ 3,875,671	\$ 4,297,931	\$ 3,768,896	\$ 529,035
EXCISE TAX FUND	\$ 48,783,990	\$ 42,232,447	\$ 38,666,771	\$ 3,565,676
HOUSING FUND	\$ 27,151,777	\$ 24,100,931	\$ 21,232,107	\$ 2,868,824
OPEN SPACE ACQUISITION FUND	\$ 3,609,967	\$ 3,918,705	\$ 2,974,850	\$ 943,855
CONSERVATION TRUST FUND	\$ 55,000	\$ 50,342	\$ 41,250	\$ 9,092
GARAGE SERVICES FUND	\$ 7,105,991	\$ 6,206,421	\$ 6,339,135	\$ (132,714)
INFORMATION TECHNOLOGY FUND	\$ 1,661,777	\$ 1,413,942	\$ 1,384,760	\$ 29,182
FACILITIES MAINTENANCE FUND	\$ 1,117,311	\$ 1,074,125	\$ 931,030	\$ 143,095
SPECIAL PROJECTS FUND	\$ 4,741,263	\$ 4,087,295	\$ 3,950,890	\$ 136,405
MARIJUANA FUND	\$ 650,000	\$ 481,876	\$ 536,451	\$ (54,575)
CEMETERY FUND	\$ 15,605	\$ 34,506	\$ 13,000	\$ 21,506
CHILD CARE FUND	\$ 2,034,000	\$ 1,936,435	\$ 1,704,940	\$ 231,495
PARKING & TRANSPORTATION FUND	\$ 8,380,158	\$ 9,571,163	\$ 6,601,535	\$ 2,969,628
HEALTH BENEFITS FUND	\$ 5,235,499	\$ 4,467,245	\$ 4,371,463	\$ 95,782
SUSTAINABILITY FUND	\$ 2,927,921	\$ 2,545,328	\$ 2,434,276	\$ 111,052
ACCOMMODATION UNIT COMPLIANCE FUND	\$ 7,720,004	\$ 7,283,950	\$ 7,720,004	\$ (436,054)
<b>TOTAL REVENUES</b>	\$ 180,922,335	\$ 163,778,062	\$ 149,590,655	\$ 14,187,407
<b>EXPENDITURES BY CATEGORY</b>				
PERSONNEL	\$ 34,804,395	\$ 27,356,643	\$ 29,477,670	\$ 2,121,027
MATERIALS & SUPPLIES	\$ 3,649,489	\$ 3,316,451	\$ 3,139,821	\$ (176,630)
CHARGES FOR SERVICES	\$ 34,728,757	\$ 27,583,165	\$ 29,889,442	\$ 2,306,277
MINOR CAPITAL	\$ 61,004,259	\$ 39,320,472	\$ 49,428,010	\$ 10,107,538
FIXED CHARGES	\$ 711,219	\$ 944,457	\$ 694,132	\$ (250,325)
DEBT SERVICES	\$ 7,301,112	\$ 6,516,480	\$ 3,916,918	\$ (2,599,562)
GRANTS/CONTINGENCIES	\$ 4,308,851	\$ 4,067,078	\$ 4,069,873	\$ 2,795
ALLOCATION	\$ 6,963,699	\$ 5,803,083	\$ 5,802,850	\$ (233)
TRANSFERS	\$ 56,753,535	\$ 48,746,298	\$ 48,621,739	\$ (124,559)
<b>TOTAL EXPENDITURES BY CATEGORY</b>	\$ 210,225,316	\$ 163,654,128	\$ 175,040,455	\$ 11,386,327
<b>EXPENDITURES BY PROGRAM</b>				
GENERAL GOVERNMENT (GF)	\$ 954,099	\$ 733,601	\$ 807,331	\$ 73,730
EXECUTIVE MANAGEMENT (GF)	\$ 4,627,259	\$ 3,640,320	\$ 3,947,763	\$ 307,443
MISCELLANEOUS (GF)	\$ 903,623	\$ 741,675	\$ 421,960	\$ (319,715)
FINANCE (GF)	\$ 1,473,373	\$ 1,070,686	\$ 1,239,882	\$ 169,196
PUBLIC SAFETY (GF)	\$ 5,090,492	\$ 3,842,350	\$ 4,217,131	\$ 374,781
COMMUNITY DEVELOPMENT (GF)	\$ 2,272,231	\$ 1,742,212	\$ 1,929,184	\$ 186,972
PUBLIC WORKS (GF)	\$ 10,709,357	\$ 7,573,092	\$ 9,003,882	\$ 1,430,790
RECREATION (GF)	\$ 8,357,035	\$ 6,447,376	\$ 7,000,968	\$ 553,592
UTILITY FUND	\$ 11,357,465	\$ 7,236,252	\$ 10,593,779	\$ 3,357,527
CAPITAL FUND	\$ 26,533,443	\$ 12,159,678	\$ 19,246,897	\$ 7,087,219
MARKETING FUND	\$ 4,835,755	\$ 4,393,629	\$ 4,423,085	\$ 29,456
GOLF COURSE FUND	\$ 3,533,097	\$ 3,383,434	\$ 3,197,616	\$ (185,818)
EXCISE TAX FUND	\$ 42,829,884	\$ 37,434,527	\$ 36,966,785	\$ (467,742)
HOUSING FUND	\$ 35,088,834	\$ 31,331,866	\$ 28,853,017	\$ (2,478,849)
OPEN SPACE ACQUISITION FUND	\$ 6,386,881	\$ 5,119,771	\$ 5,710,708	\$ 590,937
CONSERVATION TRUST FUND	\$ 55,000	\$ 45,833	\$ 45,830	\$ (3)
GARAGE SERVICES FUND	\$ 6,894,972	\$ 5,087,798	\$ 6,177,294	\$ 1,089,496
INFORMATION TECHNOLOGY FUND	\$ 1,535,003	\$ 1,028,065	\$ 1,282,944	\$ 254,879
FACILITIES MAINTENANCE FUND	\$ 821,976	\$ 553,649	\$ 685,592	\$ 131,943
SPECIAL PROJECTS FUND	\$ 4,698,763	\$ 4,692,463	\$ 4,318,060	\$ (374,403)
MARIJUANA FUND	\$ 909,292	\$ 680,636	\$ 763,992	\$ 83,356
CEMETERY FUND	\$ 18,586	\$ 79	\$ 15,506	\$ 15,427
CHILD CARE FUND	\$ 1,904,644	\$ 496,694	\$ 1,601,407	\$ 1,104,713
PARKING & TRANSPORTATION FUND	\$ 14,087,778	\$ 12,181,225	\$ 10,559,704	\$ (1,621,521)
HEALTH BENEFITS FUND	\$ 4,500,000	\$ 4,079,379	\$ 3,790,344	\$ (289,035)
SUSTAINABILITY FUND	\$ 2,927,776	\$ 2,214,229	\$ 2,447,105	\$ 232,876
ACCOMMODATION UNIT COMPLIANCE FUND	\$ 6,918,698	\$ 5,743,609	\$ 5,792,689	\$ 49,080
<b>TOTAL EXPENDITURES BY PROGRAM</b>	\$ 210,225,316	\$ 163,654,128	\$ 175,040,455	\$ 11,386,327

VARIANCE EXPLANATION

BUDGET PHASING NICOTINE TAX  
FAVORABLE PROPERTY TAX: \$640K (PHASING); INVESTMENT INCOME \$554K

BEAR PROOF TRASH CANS GRANT: \$159K; INSURANCE RECOVERIES: \$122K  
INCREASED PARTICIPATION  
FAVORABLE INVESTMENT INCOME: \$1.44M; HOUSING ALLOCATION: \$238K. CRCA (\$985K) DELAYED  
FAVORABLE INVESTMENT INCOME: \$580K; MCAIN ROYALTIES: \$115K. TRANSFER FROM CHILDCARE NOT OCCURRING (\$729K)  
FAVORABLE ACCOMODATION TAX: BUDGET PHASING  
FAVORABLE GREEN FEES: \$695K  
FAVORABLE SALES TAX: \$4.76M, RETT: \$620K; OFFSET BY INVESTMENT INCOME ALLOCATION TO FUNDS  
FAVORABLE SCG HSG HELPS PAYMENT: \$526K; RENTAL INCOME: \$106K; SALES TAX: \$889K; SALE 301 N.FRENCH: \$261K; INV. INCOME: \$757K  
FAVORABLE SALES TAX: \$385K; INVESTMENT INCOME: \$232K

REDUCED GRANT REVENUE - BUSES

TRANSFER FROM OPEN SACE \$100K

BGV CONTRIBUTION: \$100K; INVESTMENT INCOME: \$111K  
FAVORABLE PARKING AND CITATIONS: \$1.5M; LIFT TICKET TAX: \$1.16M  
FAVORABLE STOP LOSS  
RENEWAL ENERGY FOR SOLAR NOT BUDGETED  
REDUCED LICENSE RENEWALS; 2022 AUDIT ADJUSTMENT

DEBT PAYMENT PHASING  
REDUCED COMPENSATION: \$104K (NEW HIRE, MERIT TIMING); OTHER EXPENSE BUDGET PHASING  
REDUCED COMPENSATION: \$309K (3 UNDERSTAFFED IN OCTOBER, MERIT TIMING); OTHER EXPENSE BUDGET PHASING  
REDUCED COMPENSATION: \$130K (1 UNDERSTAFFED IN OCTOBER, MERIT TIMING); OTHER EXPENSE BUDGET PHASING  
REDUCED COMPENSATION: \$604K (1.3 UNDERSTAFF IN OCTOBER; MERIT TIMING); OTHER EXPENSE BUDGET PHASING  
REDUCED COMPENSATION: \$135K (MERIT TIMING); OTHER EXPENSE BUDGET PHASING  
REDUCED CAPITAL PROJECT SPEND: BUDGET PHASING  
PROJECTS DELAY; PROJECT DEFERRAL TO 2024

PRO SHOP MERCHANDISE; IRRIGATION PROJECT: BUDGET PHASING

POSSIBLE NEED FOR 2023 APPROPRIATION  
REDUCED COMPENSATION: \$56K; MERIT TIMING; TRANSFER TO CAPITAL \$100K, SPECIAL PROJECTS \$100K

REDUCED CAPITAL EXPENSE - DEFERRAL TO 2024

BRECKENRIDGE HISTORY (BUDGET PHASING); GRANT SUMMIT RESCUE \$100K. 2023 APPROPRIATION NEEDED  
REDUCED COMPENSATION: \$87K (NO STAFF ALLOCATED)

TIMBERLINE EXPANSION DELAYED (\$396K); CHILDCARE DESIGN TRANSFER TO CAPITAL REMOVED  
UTILITIES \$282K; CREDIT CARD \$160K; BUDGET PHASING  
UMR VARIABLE COSTS: BUDGET PHASING. POSSIBLE NEED FOR 2023 APPROPRIATION

<b>PROJECTED FUND BALANCE DECEMBER 31, 2022</b>	\$ 226,189,176	\$ 255,616,091	\$ 230,042,357	
<b>RESTRICTIONS</b>	\$ 161,367,486	\$ 161,367,486	\$ 161,367,486	
<b>NET FUND BALANCE</b>	\$ 64,821,690	\$ 94,248,605	\$ 68,674,871	\$ 25,573,734
<b>FTYE FTE</b>	214.32	201.73	214.32	7.92

**2023 BUDGET WALKTHROUGH**  
**REVENUE AND EXPENDITURE SUMMARY**  
**INCLUDES TRANSFERS AND FULL APPROPRIATIONS OF FUND BALANCES**

	OCTOBER BUDGET RETREAT	BUDGET CHANGES	NOVEMBER BUDGET RESOLUTION	FEBRUARY BUDGET APPROPRIATION	REVISED 2023 BUDGET	JULY BUDGET APPROPRIATION	REVISED 2023 BUDGET
<b>FUND BALANCE, JANUARY 1, 2023</b>	\$ 259,179,822	\$ (15,744,520)	\$ 243,435,302	\$ -	\$ 253,807,962	\$ -	\$ 253,807,962
<b>REVENUE BY FUND</b>							
GENERAL FUND	\$ 29,779,984	\$ -	\$ 29,779,984	\$ -	\$ 29,779,984	\$ (800)	\$ 29,779,184
UTILITY FUND	\$ 16,274,088	\$ -	\$ 16,274,088	\$ (549,193)	\$ 15,724,895	\$ (5,911,307)	\$ 9,813,588
CAPITAL FUND	\$ 16,230,000	\$ -	\$ 16,230,000	\$ (4,554,488)	\$ 11,675,512	\$ (800)	\$ 11,674,712
MARKETING FUND	\$ 4,588,917	\$ -	\$ 4,588,917	\$ -	\$ 4,588,917	\$ -	\$ 4,588,917
GOLF COURSE FUND	\$ 3,875,671	\$ -	\$ 3,875,671	\$ -	\$ 3,875,671	\$ -	\$ 3,875,671
EXCISE TAX FUND	\$ 45,383,990	\$ -	\$ 45,383,990	\$ 3,015,000	\$ 48,398,990	\$ 385,000	\$ 48,783,990
HOUSING FUND	\$ 16,764,273	\$ 8,362,188	\$ 25,126,461	\$ 2,025,316	\$ 27,151,777	\$ -	\$ 27,151,777
OPEN SPACE ACQUISITION FUND	\$ 3,609,967	\$ -	\$ 3,609,967	\$ -	\$ 3,609,967	\$ -	\$ 3,609,967
CONSERVATION TRUST FUND	\$ 55,000	\$ -	\$ 55,000	\$ -	\$ 55,000	\$ -	\$ 55,000
GARAGE SERVICES FUND	\$ 7,105,991	\$ -	\$ 7,105,991	\$ -	\$ 7,105,991	\$ -	\$ 7,105,991
INFORMATION TECHNOLOGY FUND	\$ 1,661,777	\$ (599)	\$ 1,661,178	\$ 599	\$ 1,661,777	\$ -	\$ 1,661,777
FACILITIES MAINTENANCE FUND	\$ 939,058	\$ -	\$ 939,058	\$ 178,253	\$ 1,117,311	\$ -	\$ 1,117,311
SPECIAL PROJECTS FUND	\$ 3,595,000	\$ -	\$ 3,595,000	\$ 1,146,263	\$ 4,741,263	\$ -	\$ 4,741,263
MARIJUANA FUND	\$ 650,000	\$ -	\$ 650,000	\$ -	\$ 650,000	\$ -	\$ 650,000
CEMETERY FUND	\$ 15,605	\$ -	\$ 15,605	\$ -	\$ 15,605	\$ -	\$ 15,605
CHILD CARE FUND	\$ 1,974,000	\$ 60,000	\$ 2,034,000	\$ -	\$ 2,034,000	\$ -	\$ 2,034,000
PARKING & TRANSPORTATION FUND	\$ 8,865,158	\$ -	\$ 8,865,158	\$ (485,000)	\$ 8,380,158	\$ -	\$ 8,380,158
HEALTH BENEFITS FUND	\$ 5,279,675	\$ -	\$ 5,279,675	\$ (44,176)	\$ 5,235,499	\$ -	\$ 5,235,499
SUSTAINABILITY FUND	\$ -	\$ -	\$ -	\$ 2,927,921	\$ 2,927,921	\$ -	\$ 2,927,921
ACCOMMODATION UNIT COMPLIANCE FUND	\$ 7,353,612	\$ -	\$ 7,353,612	\$ 366,392	\$ 7,720,004	\$ -	\$ 7,720,004
<b>TOTAL REVENUE BY PROGRAM</b>	\$ 174,001,766	\$ 8,421,589	\$ 182,423,355	\$ 4,026,887	\$ 186,450,242	\$ (5,527,907)	\$ 180,922,335
<b>EXPENDITURES BY CATEGORY</b>							
PERSONNEL	\$ 33,549,006	\$ -	\$ 33,549,006	\$ 1,255,389	\$ 34,804,395	\$ -	\$ 34,804,395
MATERIALS & SUPPLIES	\$ 3,649,489	\$ -	\$ 3,649,489	\$ -	\$ 3,649,489	\$ 250,000	\$ 3,899,489
CHARGES FOR SERVICES	\$ 28,090,918	\$ 2,293,200	\$ 30,384,118	\$ 4,286,628	\$ 34,670,746	\$ 58,011	\$ 34,728,757
MINOR CAPITAL	\$ 63,737,927	\$ (12,524,781)	\$ 51,213,146	\$ 3,196,665	\$ 54,409,811	\$ 6,344,448	\$ 60,754,259
FIXED CHARGES	\$ 801,442	\$ -	\$ 801,442	\$ (90,223)	\$ 711,219	\$ -	\$ 711,219
DEBT SERVICES	\$ 9,418,493	\$ 750	\$ 9,419,243	\$ (2,118,131)	\$ 7,301,112	\$ -	\$ 7,301,112
GRANTS/CONTINGENCIES	\$ 3,504,189	\$ -	\$ 3,504,189	\$ 204,662	\$ 3,708,851	\$ 600,000	\$ 4,308,851
ALLOCATION	\$ 6,807,830	\$ -	\$ 6,807,830	\$ 155,869	\$ 6,963,699	\$ -	\$ 6,963,699
TRANSFERS	\$ 48,191,951	\$ 8,362,188	\$ 56,554,139	\$ 149,396	\$ 56,703,535	\$ 50,000	\$ 56,753,535
<b>TOTAL EXPENDITURES BY CATEGORY</b>	\$ 197,751,245	\$ (1,868,643)	\$ 195,882,603	\$ 7,040,255	\$ 202,922,856	\$ 7,302,459	\$ 210,225,316
<b>EXPENDITURES BY PROGRAM</b>							
GENERAL FUND	\$ 32,501,216	\$ -	\$ 32,501,216	\$ 988,241	\$ 33,489,457	\$ 891,262	\$ 34,380,719
UTILITY FUND	\$ 13,203,020	\$ -	\$ 13,203,020	\$ (1,845,555)	\$ 11,357,465	\$ -	\$ 11,357,465
CAPITAL FUND	\$ 20,771,483	\$ -	\$ 20,771,483	\$ 5,549,012	\$ 26,320,495	\$ 212,948	\$ 26,533,443
MARKETING FUND	\$ 4,835,755	\$ -	\$ 4,835,755	\$ -	\$ 4,835,755	\$ -	\$ 4,835,755
GOLF COURSE FUND	\$ 3,268,503	\$ -	\$ 3,268,503	\$ 264,594	\$ 3,533,097	\$ -	\$ 3,533,097
EXCISE TAX FUND	\$ 36,500,775	\$ 8,362,188	\$ 44,862,963	\$ (2,033,079)	\$ 42,829,884	\$ -	\$ 42,829,884
HOUSING FUND	\$ 43,941,076	\$ (10,216,968)	\$ 33,724,108	\$ 1,354,726	\$ 35,078,834	\$ 10,000	\$ 35,088,834
OPEN SPACE ACQUISITION FUND	\$ 2,672,155	\$ -	\$ 2,672,155	\$ 52,226	\$ 2,724,381	\$ 3,669,250	\$ 6,393,631
CONSERVATION TRUST FUND	\$ 55,000	\$ -	\$ 55,000	\$ -	\$ 55,000	\$ -	\$ 55,000
GARAGE SERVICES FUND	\$ 4,339,486	\$ -	\$ 4,339,486	\$ 36,486	\$ 4,375,972	\$ 2,519,000	\$ 6,894,972
INFORMATION TECHNOLOGY FUND	\$ 1,521,454	\$ -	\$ 1,521,454	\$ 13,549	\$ 1,535,003	\$ -	\$ 1,535,003
FACILITIES MAINTENANCE FUND	\$ 818,164	\$ -	\$ 818,164	\$ 3,812	\$ 821,976	\$ -	\$ 821,976
SPECIAL PROJECTS FUND	\$ 3,540,000	\$ 12,500	\$ 3,552,500	\$ 1,146,263	\$ 4,698,763	\$ -	\$ 4,698,763
MARIJUANA FUND	\$ 908,311	\$ -	\$ 908,311	\$ 981	\$ 909,292	\$ -	\$ 909,292
CEMETERY FUND	\$ 18,500	\$ -	\$ 18,500	\$ 86	\$ 18,586	\$ -	\$ 18,586
CHILD CARE FUND	\$ 1,924,843	\$ (26,364)	\$ 1,898,479	\$ 6,165	\$ 1,904,644	\$ -	\$ 1,904,644
PARKING & TRANSPORTATION FUND	\$ 15,077,892	\$ -	\$ 15,077,892	\$ (990,114)	\$ 14,087,778	\$ -	\$ 14,087,778
HEALTH BENEFITS FUND	\$ 4,500,000	\$ -	\$ 4,500,000	\$ -	\$ 4,500,000	\$ -	\$ 4,500,000
SUSTAINABILITY FUND	\$ -	\$ -	\$ -	\$ 2,927,776	\$ 2,927,776	\$ -	\$ 2,927,776
ACCOMMODATION UNIT COMPLIANCE FUND	\$ 7,353,612	\$ -	\$ 7,353,612	\$ (434,914)	\$ 6,918,698	\$ -	\$ 6,918,698
<b>TOTAL EXPENDITURES BY PROGRAM</b>	\$ 197,751,245	\$ (1,868,644)	\$ 195,882,601	\$ 7,040,255	\$ 202,922,856	\$ 7,302,460	\$ 210,225,316
<b>PROJECTED FUND BALANCE DECEMBER 31, 2023</b>	\$ 235,430,343	\$ (5,454,288)	\$ 229,976,056	\$ (3,013,368)	\$ 237,335,348	\$ (12,830,367)	\$ 224,504,981
<b>RESTRICTIONS</b>	\$ 162,534,319	\$ (7,867,270)	\$ 154,667,049	\$ 6,700,437	\$ 161,367,486	\$ -	\$ 161,367,486
<b>NET FUND BALANCE</b>	\$ 72,896,024	\$ 2,412,982	\$ 75,309,007	\$ (9,713,805)	\$ 75,967,862	\$ (12,830,367)	\$ 63,137,495
<b>FYTR FTE</b>	214.32	0	214.32	0	214.32	0	214.32



Memo

**To:** Town Council  
**From:** Kirsten J. Crawford, Town Attorney  
**CC:** TOB Legislative Committee (Mayor Pro Tem Owens, CM Saade, Haynes, Crawford)  
**Date:** November 20, 2023  
**Subject:** State Legislative Update

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### Overview

This memo serves as background information for the 2024 state legislative session convening January 1, 2024. We also are hosting our state representatives, Speaker of the House, Julie McCluskie and Senator Dylan Roberts, at the regular meeting on December 12, 2024<sup>1</sup>.

Attached you will find the Town Council advocacy policy for your convenience. While the policy discourages taking official positions on Bills until they are introduced, the Town is well positioned in advance of the session with official representation on legislative stakeholder committees, including CML and CAST. Further, the Town only takes position on Bills that have an operational impact on the Town. Finally, Council prohibits individual advocacy on state Bills unless vetted in accordance with the legislative policy.

Below you will find a non-exhaustive list of proposals that we will be asked to weigh in on this session. As the session progresses, updates will be more abbreviated.

### 2024 State Legislative Proposals

**Affordable Housing/Land Use Proposals from State.** CML has informed that the Governor and his staff have been coordinating with CML this year on the following three proposals:

- **Accessory Dwelling Units:** Representative Amabile is sponsoring a Bill that authorizes ADUs as use by right where single-unit detached dwellings are allowed for jurisdictions within MPOs with over 1,000 population. Therefore, currently, *it does not impose any mandates on Breckenridge*, but it proposes an opt-in to receive access to incentives and financing for other jurisdictions.
- **Transit Oriented Communities Proposal:** Representatives Woodrow and Jodeh are working on a policy around transit-oriented development in MPOs near transit stations. This also should not impact Breckenridge, at least as currently envisioned.

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<sup>1</sup> After Senate Majority Leader Dominick Moreno (who sponsored SB 213) left the state to accept the appointment from Denver Mayor Mike Johnston, the new Senate Majority Leader Robert Rodriguez announced changes to committee structures that could impact the fate of housing bills in 2024. One of the more noteworthy changes was to remove Senator Roberts from the Senate Local Government and Housing Committee. Roberts has been replaced with Assistant Majority Leader Faith Winter.

- *Local and Regional Planning Needs Assessments*: This proposal is to be sponsored by Froelich and **Senator Roberts**, however, we have not seen a summary or text.

***Alternative Affordable Housing/Land Use Proposals Advanced with support from the Colorado Municipal League:***

- Since the defeat of SB23-213, CML and CCI have been working with a wide range of stakeholders to inform an alternative legislative solution that focuses on partnership, not preemption. Senators Barbara Kirkmeyer and Rachel Zenzinger plan to introduce legislation with drafting assistance from CML that aligns with CML’s goals and perspectives. We have not seen a draft yet of this proposal.
- Sen. Rachel Zenzinger also plans to sponsor a 2024 *construction defects* measure. You may recall she was another vocal opponent of Polis’ housing initiative last session. She has called construction defect reform a “glaring omission” from that bill, and it is in the best interest of cities to support construction defect reforms in general.

***Water Resources and Agriculture Review Committee.*** The following three bills advanced out of this interim committee:

- Bill 6: Sponsored by the **Committee Chair Sen. Dylan Roberts**, it would promote water-wise landscaping by prohibiting local governments and homeowners’ associations from installing or planting nonfunctional turf, invasive plant species, and artificial turf on commercial, institutional, and industrial properties. Nonfunctional means areas like medians or parking lot perimeters which are seldom used; the policy makes no changes to the use of turf in functional areas like yards, **sports fields** and playgrounds.
- Bill 9: Sponsored by Sen. Jeff Bridges, Rep. McCormick, Sen. Simpson, and House Minority Leader Mike Lynch, R-Wellington, would require CDPHE, in collaboration with the University of Colorado and Colorado State University, to study the feasibility of substituting green nature-based infrastructure for traditional centralized wastewater and drinking water treatment systems. The study would be completed by December 31, 2025. After completing the study, CDPHE would establish at least one pilot program to demonstrate the use of green infrastructure as an alternative compliance program supported with environmental-focused funding.
- Bill 15: Sponsored by **Sen. Roberts, Speaker McCluskie**, would legalize the sale of raw cow or goat milk when it is sold directly to consumers at the point of production, the consumer’s residence, or at a farmer’s market or roadside market, with associated registration and penalty or embargo for violations of the program’s requirements.

***Legislative Oversight Committee Concerning Tax Policy & Task Force: Several Bills advanced out of this committee, the most relevant for us below:***

- Bill 6: Sponsored by Senator Hansen, creates a new commercial classification of short-term rental unit for purpose of real property taxation. If, during the previous property tax year, a short-term rental unit was leased more than 90 days then it is classified as lodging property. Otherwise, it is classified as residential. The significance of this Bill is that the **state** is recognizing the commercial aspect of the STR industry. The Town simply has no local control/authority to make these classifications or set assessments. This proposed policy has been initiated in previous sessions and been killed in the process several times. Opponents of the Bill assert, among other things, that commercial

taxation rates coupled with municipal regulations could result in significant attrition. Whether or not attrition occurs due to higher taxation rates, the Town retains complete authority to maintain or amend any of its local policies around licensing. Opponents also dispute other details in the Bill such as the proposed commercial assessment rate, the 90-day threshold, the revenue impact, but those are portions of the Bill that will inevitably change as the Bill moves through the legislative process. It is the overall benefit of the state's recognition of the commercial industry that is important for the Town to track at this time.

### **2023 Special Session:**

In the wake of the defeat of Proposition HH, Governor Polis convened a special session beginning on Friday, November 17, to address skyrocketing homeowner property taxes. As of today, state legislators approved three bills centered on property tax relief bill, flat TABOR refunds, and rental assistance.

### **CAST Initiated Legislation**

The proposals from CAST are aimed at revenue raising opportunities for affordable housing. Except for a real property taxation proposal applied to vacant homes, these are geared towards statutory jurisdictions and *do not impact Breckenridge*.

- **Vacant Homes Tax:** This proposal would authorize local governments to propose ballot measures for local voters to adopt taxes on vacant residences and use the revenues for workforce and affordable housing. These could be either in the form of excise taxes (such as a rate based on square footage or a flat amount per home), or property taxes based on the home's value.
- **Short Term Rental Tax Authorization:** CAST supports legislation to specifically authorize statutory counties and municipalities to refer short term rental tax questions to the voters with the proceeds of such revenues to be dedicated to local workforce housing and associated public infrastructure improvements.
- **Real Estate Transfer Fee.** CAST analyzed a proposal to allow other jurisdictions to adopt a RETT tax (similar to Breckenridge and 11 other grandfathered jurisdictions). However, CAST deemed that path forward as impractical likely due to the heavy lift in the amendment process. Thus, CAST is backing an alternative measure that would authorize local governments to impose a real estate transfer fee, provided such fee revenues are utilized to create affordable housing.

**Federal Legislation:** Federal legislation seldom has a direct impact on Town operations but there are currently two proposals that could. The Town *opposed* HR 3557, a broadband bill that would severely impact our ability to regulate wireless carriers' access to our right of way and proposes to eliminate franchise agreements. However, it appears it will not survive in its current form. The Town is in *support* of Neguse's efforts to create a special process for establishing median income in local communities.



## **Town Of Breckenridge Policy Pertaining to Advocacy On State and/or Federal Legislation**

### ***Policy Statement***

In order to further the best interests of the community, the Town must have a coordinated and cohesive approach to working with lobbyists, legislators and government agencies at all levels of government. When Town elected/appointed officials or individual employees engage with state or federal officials, lobbyists, special interest groups or undertake advocacy activities directly and without coordination, there is a risk of inconsistent positions that will dilute the effectiveness of the Town's advocacy efforts.

*Advocacy* means activities and services carried out for the purpose of advancing the Town's position on proposed policies or legislation through contacts with federal or state legislative or executive branch officials, staff or agency representatives.

The final decision as to whether and how to advocate on the Town's behalf lies solely with the Town Council and its appointed Legislative Policy Review Committee, described below. This policy governs both direct contact with state and federal officials but also with engaging the services of lobbyists and advocacy firms, including consultants and contractors whose activities on behalf of the Town may overlap in these areas.

### ***Applicability***

The Town's legislative policy governs all Town officials, including elected and appointed officials, staff and boards and commissions (hereinafter "Town representatives"). The policy applies to both state and federal policies. Because state legislation and policies more frequently impact the Town, references hereinafter are to state, but are equally applicable to federal policies.

### ***Legislative Policy Review Committee***

The Legislative Policy Review Committee ("LPRC") will be comprised of a member of Town Council approved by the Mayor, the Town Attorney, and a member of the Town administration. The purpose of the LPRC is to gather input from internal and external stakeholders and make recommendations on policies in a rapidly moving environment.

The LPRC will meet each week during the Colorado General Assembly's Regular Session. The LPRC will make recommendations to Town Council as to whether there is cause to take a position on Bills and present those recommendations to Town Council at its regular business meeting. The LPRC is authorized to make decisions about positions on Bills without seeking input from Council in circumstances where a Bill is being heard between Council meetings. The LPRC will make recommendations and decisions as the case may be as to whether there should be resources and time spent on taking action on a policy or bill. Such action may include drafting position letters, adopting Council proclamations, providing hearing testimony, or making contact with state legislators, etc.

### *Rules Governing Advocacy*

1. *Bill Proposals or Drafts Prior to Introduction:* The Town will not offer an official position on draft legislation until it is introduced. While nothing precludes providing input and thoughts on draft bills, this policy discourages the Town from offering any official position on a policy, concept or even draft legislation before it is introduced.
2. *Bill Tracking Dossier:* Once a bill is introduced and assigned a bill number, if the Bill has an operational impact on the Town, the Bill will be added to the Town's tracking sheet. In order to preserve the strength of the Town's advocacy efforts, the Town will not expend resources on Bills that do not impact the Town operationally, unless there are other circumstances warranting otherwise as determined by Town Council. By way of example, the Governor has signed into law SB23-190 which makes it a deceptive trade practice for a health care provider to advertise or perform a practice known as abortion reversal. While this is a law that Town officials support, it has no operational impact on the Town and, thus, under this policy, the Town would not advocate or take a position otherwise on this law. In the event the Town Council wants to weigh in on laws with no operational impact, the Town Council may reflect such position by proclamation or resolution.
3. *Stakeholder Input:* The Town has numerous constituents that are interested in state and federal policies both internal within the governmental organization and external groups and Town partners. By way of example:
  - *Internal stakeholders* may include Town Council, Town Administration, Town Boards and Commissions, Municipal Court, and internal Town agencies. It is common that different Town agencies will have different perspectives on the pros and cons of a proposal.
    - *Special Circumstances with Board and Commissions.* Appointed members of a Town board or commission may be asked by Council or may desire to weigh in on a particular policy for other reasons. Appointed boards may not engage in advocacy without authorization from Town Council or the LPRC. Unless a request is made by Town Council, a board or commission must contact the LPRC before adding a discussion of state policies to a public agenda. LPRC

will work with the board and Town Council to determine the appropriate next steps.

- *External stakeholders* may include special interest groups we communicate with regularly about state and federal policies and may include officials of Summit County, municipalities within Summit County, CAST, CUA, Municipal Clerk's Association, Colorado Association of Chiefs of Police, IACP, etc.

The Town may request that stakeholders fill out a position request form to better inform the Town's position. The Town shall also work with CAST on Bills that impact mountain resort towns. When receiving requests from external stakeholders, the Town will initially determine whether the Bill has an operational impact to the Town. Any feedback that Town representatives receive from internal and/or external stakeholders on state bills that have an operational impact to the Town will be forward to the Town Attorney to include in the Tracking Dossier (sample Dossier attached).

4. *Authorized Advocacy Representatives:*

*The Colorado Municipal League:* The Town along with 269 other cities and towns is a member of the Colorado Municipal League, a nonprofit, nonpartisan organization which provides lobbying services to us. Major policies of CML are established by the membership at the annual business meeting and by the CML Executive Board and various committees. The Town Attorney currently serves as the Town's representative on the CML policy committee and is the point of contact during the state legislative session. The Town will look first to CML for lobbying on our behalf as they will identify any bills that may undermine the Town's home rule authority or "local control." Historically, state legislators seek input from CML early and often when proposing policies that may impact local authority.

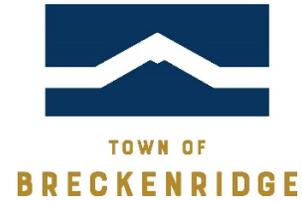
*Contract Lobbyists and Use of Town Resources for Lobbying and Advocacy.* The Town may contract for lobbying services as determined needed by Town Council in consultation with LPRC.

5. *Communication Loop*

*Most commonly, CML will be the lead entity advocating on Bills that impact the Town.* When Town Council or the LPRC determine there is a need to augment those efforts, the Town will determine the appropriate strategy. Examples of when and how this might occur are as follows:

- CML may contact the Town if there is a Bill unique to certain municipalities and request the Town assistance which can be provided in a number of forms such as:
  - Opposition Letters
  - Calls and Contacts to State Representatives and Senators
  - Staff Testimony
  - Attorney Assistance with Review, Analyzing, or Proposing Draft Bill Language.

- Town has a different position than CML. Because CML represents all municipalities in the state, it must take positions on Bills that consider a variety of local government interests from urban, rural, and mountain resort communities. There are times when CML may take a position on a Bill that is different from what the Town deems appropriate. In those circumstances, LPRC will make recommendations to Council to formulate the Town’s position and strategy.
  - SB23-213 example: In the 2023 session, we saw an unprecedented attempt by the Governor and his appointees to work directly with local elected officials in lieu of working through CML. Where CML is not in a lead advocacy position, like the situation presented in 213, there will be an extraordinary demand on Town resources to engage in independent advocacy.
6. *Town Representatives Speaking in their Individual Capacities.* Nothing prohibits a Town representative from communicating with state or federal officials about policies that impact them in their personal capacity. Nevertheless, it is important to keep in mind, especially with respect to an elected official, that the lines can easily blur as to whether an individual is speaking on behalf of the Town or from their personal views. Therefore, whenever a Town representative is involved in policymaking outside the scope of their employment and in their personal capacity, it is critical to preface your position, testimony or communication by explicitly stating that you are “*representing your individual interests, not authorized to speak on behalf of the Town or Town Council, and state any official position of the Town to the extent the Town has taken an official position.*”



# Memo

To: Breckenridge Town Council Members  
From: Aubrey Ciol, Grants Administrator  
Date: 11/21/2023 (For November 28—TC Work Session)  
Subject: Grants Update

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The Town of Breckenridge Grants Administrator is providing an update on the status of grant submissions, opportunities, and challenges. Since the Grants Administrator presented to Town Council on September 26<sup>th</sup>, the Town learned that Summit County was awarded the Safe Streets and Roads for All grant, a collaborative effort between the County, Blue River, Breckenridge, and Frisco. This grant provides planning dollars to conduct an analyses to determine existing safety challenges, and will account for the increase in development, tourism, and the local workforce population. The Town is a co-applicant, with Summit County as the responsible party.

The Grants Administrator and Deputy Town Manager Haynes are working closely with the DOLA Regional Manager to ensure the Town is taking full advantage of the funds available to municipalities. To better position the Town for not only DOLA funding, but other state and federal opportunities, a Grants Committee will be formed with representatives from across departments. This will allow for a higher level overview of needs across the Town, leading to a more strategic approach to funding requests, and will enable us to prioritize project funding as a team, rather than making decisions in silos.

Lastly, in early November the Grants Administrator attended the GrantSummit—a conference for grant professionals from across the country. Sessions attended included “The Politics of Grants”, “The ABC’s of DOT”, and “Winning Congressional Earmarks” among many more. The lessons learned from this conference will be applied to the grant process in the Town.

The attached PDF details awarded grant submissions, grants awaiting a decision, and grants that were not awarded. Please note that there are no changes since the September 26<sup>th</sup> Town Council meeting.

Staff will be available at the November 28<sup>th</sup> Work Session to answer any questions.

### Grant Submissions with Decision

Funding Agency/Grant Name	Requested	Project Proposed	Decision
DOT Safe Streets and Roads for All	\$500,000	County applied with Breck as a co-applicant	Awarded
Department of Local Affairs (DOLA)—Energy/Mineral Impact Assistance Fund (EIAF)	\$750,000	Infrastructure for Stables	Awarded
Summit County—Strong Future’s	\$75,000	Glass recycling program	Awarded a portion of funds--\$25k
DOLA—Incentives Grant Program (IHOI)	\$3,000,000	Infrastructure for Stables Housing Project	Awarded \$1.5 Million
DOLA—EIAF	\$750,000	Solar Panels for Alta Verde II	Awarded
Office of Adult and Juvenile Assistance, State’s Mission for Assistance in Recruiting and training (SMART) Grant	\$126,900	Tuition Payments for Police Academy to Recruit Officers and Reduce Barriers	Awarded
CO Clean Fleet Grant Program	\$8,000	Purchase a new, low-speed electric vehicle for Parks operations	Not awarded
Environmental Protection Agency Solid Waste and Infrastructure	\$500,000	Construction of new shared commercial waste enclosure	Not awarded
Statewide Internet Portal Authority (SIPA) Micro-Grant	\$6,500	Development of an app for the Town to share information with public	Not awarded
U.S. Department of Transportation (DOT) Attain Grant	\$6M	New GPS technology for BFR buses and micro-transit pilot	Not awarded
U.S. DOT Raise Grant—Bus Barn	\$1,950,000	Planning for new bus barn and administrative offices for transit	Not awarded

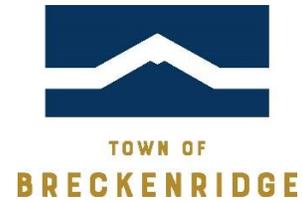
U.S. DOT Raise Grant—Transit Center	\$1,725,000	Construction of a new transit center	Not awarded
Federal Transit Administration Low or No Emission Vehicle Program (5339b/c)	\$3,526,000	Transition 3 diesel buses to electric, and install an automated washing system for buses	Not awarded
CO Department of Public Health and Environment (CDPHE) Recycling Resources Economic Opportunity Program (RREO) Mini-Grant	\$11,138	Purchase supplies to better enclose the glass recycling areas at the 8 trash sheds managed by the Town	Not awarded
CO Department of Transportation (CDOT) Innovative Mobility	\$36,000	Develop mobile application for commuters to track non-personal vehicle commutes to coincide with the Mayor’s Challenge	Not awarded
CDOT Revitalizing Main St	\$125,000	Requested funds to help fund the e-bike program	Not awarded
DOLA Rural Economic Development Initiative (REDI) Grant	\$75,000	Planning for a new bus barn to accommodate larger electric buses	Not awarded
Urban Sustainability Directors Network	\$20,000	Provide stipends to those who may be impacted by Pay as you Throw	Not awarded

### Grants Awaiting a Decision

Funding Agency	Requested	Project Proposed	Decision
DOT Multimodal Project Discretionary Grant (MPDG)	\$3,188,373	Replace Broken Lance Culvert with a new bridge	TBD
Bureau of Justice Assistance	\$6,400	Vests for Police Officers	TBD

**Grants in Progress**

Funding Agency	Requested	Project Proposed	Decision
Bureau of Reclamation— WaterSMART	TBD	TBD—Grants Administrator is working with Public Works and Water to determine if there are eligible projects for this funding	TBD
CO Department of Parks and Wildlife	\$1.25M	Funds would go towards re-doing the “hardscape” area between the baseball and softball fields at Kingdom Park	TBD
DOLA—Strong Communities Planning Grant	\$200,000	Planning funds to do geotech surveys, environmental site assessment and preliminary pit testing and preliminary design for Block 11	TBD
DOLA—Strong Communities Infrastructure	TBD	Letter of Intent was accepted—meeting with DOLA on 9/26 to discuss the project—infrastructure for Stables—with the application submitted in November	TBD
CO Broadband Office—Capital Projects Fund	TBD	Applying as a co-applicant with the County and Blue River, with Blue River as lead. This would connect fiber from the ice rink to the dam.	TBD



# Memo

To: Breckenridge Town Council  
From: Jon Dorr, Assistant Director of Recreation  
Kevin Zygulski, Director of Recreation  
Date: 11/21/2023 (for the November 28<sup>th</sup> meeting)  
Subject: Kingdom Park Ballfields Improvements Discussion

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## Summary

At Council’s request, staff is providing a more detailed description of the proposed transition of the Kingdom Park Ballfields from natural grass to field turf as outlined in the Town’s 2024 Capital Improvement Program. This proposal was first suggested by Council to benefit the community, via increased field access and usage, water savings, and streamlined maintenance. The potential conversion from natural grass to field turf also addresses many of the pressing needs identified in the 2019 county-wide field house feasibility study. The current proposal to convert both ballfields to field turf has garnered strong support from youth sports organizations and programs in Summit County and is supported by staff.

## Project Description

### County-Wide Field House Study

The turf field transition concept was developed in part as a response to the findings of the 2019 county-wide field house study that concluded there was strong demand for additional recreational amenities (including an indoor field house) but that the costs would be prohibitive (approximately \$30M). Each community involved in the field house feasibility study instead chose to evaluate town-focused, lower-cost options that would expand recreational opportunities for youth sports. The proposed turf transition project would provide a more cost-effective solution to the challenges youth sports programs face during the spring and late fall months.

The project as proposed would convert two fields totaling 200,000 square feet from natural grass to field turf. The estimated cost for “turfing” both fields would be approximately \$2.9 million. The synthetic field turf is proposed to be the most technologically current, utilizing the same material installed in professional sports stadiums across the country. The infill used for the turf (to ensure the blades remain upright) would be an organic sand material, eliminating the need to use crumb rubber from recycled tires. The Town of Breckenridge plowing approach would clear these fields for use by early March thus addressing the high demand for spring field sports season. The recently replaced field lighting would increase access and usability later into the evenings and especially serve both youth and adult teams during the fall months with abbreviated daylight hours.

### Community Support and Impacts:

As proposed, the current project has received support from Summit County sports organizations, including Summit Youth Baseball, Summit High School Baseball, Summit Rugby, High Country Soccer Association, Summit Stix Lacrosse, Summit County Softball, Rec Center Flag Football League, and Rec Center camp and youth programming. Many of these organizations have provided letters of support (attached). Staff and Council have received feedback from High-Country Ultimate Frisbee noting a strong preference for a natural grass playing surface.

The Kingdom Park Ballfields are at the heart of Summit County's youth sports activities, engaging approximately 600 young athletes in team sports. Transitioning the two ballfields (the North "softball" field and the South "baseball" field) to field turf would enhance the playing experience for youth programs and allow for an approximately 75% increase in annual field usage moving from a four to seven-month season. This increased accessibility aligns with our commitment to providing quality recreational spaces for the youth of Summit County.

**Water:**

One of the primary benefits of transitioning both grass fields from irrigated natural grass to field turf is the anticipated annual savings of approximately eight hundred thousand (800K) gallons of water, based on the last two years of usage. In a region where water conservation is a pressing concern, a transition to field turf supports the Town's overall water conservation goals. While some communities have watered, installed misters, or even irrigated turf fields during hot times of year, it is not staff's intention to implement any watering.

Also, some communities found artificial turf can increase stormwater runoff and prevent ground water recharge. Town Engineer, Shannon Smith, indicated that she does not have any concerns related to either of these issues.

**Operational Efficiency and Maintenance:**

The estimated labor hours for both spring preparation and daily field maintenance highlight the operational efficiency gains associated with turf fields. Public Works estimates approximately 200 hours of time is spent in the spring preparing the fields for daily use. This includes charging and ensuring irrigation equipment is functioning properly. Once the fields are operational, total daily maintenance ranges from 3-5 hours. This includes dragging, chalking, and watering of the infield dirt, as well as mowing, which generally occurs every third day.

The initial preparation time for field turf maintenance is significantly lower than for natural grass, translating to reduced labor costs. Public Works estimates approximately 32 total hours of a phased approach to clearing snow would lead to an early March opening. Once operational, daily maintenance consists of labor of less than one hour per day. Town staff estimates that these turf fields would last 20 years with minimal maintenance. Additionally, grass field availability is directly tied to the adverse weather conditions, while field turf playing surfaces would ensure significantly less programming interruptions and cancellations.

**Comparison: Turfing One Field vs. Both Fields:**

Staff has been asked to provide a comparison of the pros and cons of grass versus turf, as well as the impact of transitioning one field rather than both. Turfing just the south field would be an estimated cost of \$1.9 million. Installing field turf on one field negates savings identified in mobilization costs and increased economies of scale. Transitioning one field to turf would yield some benefits including more choice in summertime playing surface and fewer abrasions from diving and sliding as a result of the natural grass surface. Turfing only one field would reduce the usability of the alternate grass field in the spring when demand is high.

**Injuries and Playing Surface:**

After researching the frequency and severity of lower leg injuries on natural grass and turf, staff have found that much of the research is inconclusive and injuries occur on both surfaces. Staff is focused on providing a safe, consistent playing surface for our community that also extends the playing season. We believe that a turf field, when properly maintained, offers a predictable playing surface that can be used in a wide range of weather conditions.

**Sustainability**

At this time, Sustainability staff are learning more about the environmental impacts of field turf. They believe there are pros and cons to field turf, some of which are mitigated by our cooler climate. Installation in Breckenridge is less likely to create issues like heat generation (urban heat island effect), but we will not be immune to the risk of plastics pollution from broken artificial grass blades or the

potential leaching of chemicals from the plastic material into stormwater runoff. A study by Western Resource Advocates from December 2022 is linked below for reference.

 [Western Resources Advocates December 2022 study](#)

**Staff Recommendation:**

After reviewing the benefits and challenges of artificial turf installation on the Kingdom Park Ballfields, Recreation and Parks staff supports the transition from grass to field turf and believe field turf would enhance the playing experience for all field users, contribute to water conservation, improve operational efficiencies, and fulfill the broader vision for community recreational spaces. If Council chooses to move ahead with the installation of field turf on one or both ballfields, staff will work with the selected contractor to ensure environmental concerns are mitigated as much as possible.

We appreciate your careful consideration of this recommendation and will be available on Tuesday for any further discussion or clarification.

Dear Breckenridge Town Council,

I am writing to you regarding the proposed redevelopment project of the Kingdom Park ballfields as a representative of the Summit High School baseball program. The installation of artificial turf fields would be a huge step towards our organizations' goal of having a facility to care for and utilize as our home field.

Summit High School baseball has operated for years without a field to practice or play on during the sanctioned high school season (mid March - late May). There is no field at the high school, and the natural surface fields in town are buried in snowpack and usually not accessible to us. As a result we hold practices inside the high school basketball gym and on the high school football field as weather permits. We travel for almost all of our 23 scheduled games, and have gotten used to playing almost exclusively on the road. Last year our team logged over 2,000 miles on the bus during the season! Despite our logistical challenges, our committed players and coaches have been able to produce a consistently improving program. We have now made the state playoffs 2 years in a row, and last year won 2 playoff games to advance to the final 8 of the state tournament, a feat never accomplished before at Summit High.

Our current coaching staff has been involved in the program for 7 years now, and over that time we have exhausted our options for having a home field locally. We've been in contact with school district administration and state school representatives regarding the possibility of building a baseball field at the high school, with no traction gained. The price tag on a new facility at the school reaches into the multi-millions of dollars, and we've understandably received a hard no on proposals to build a field. In years past we have used the field at the Frisco Peninsula for practice and games, and even committed tens of thousands of dollars towards building an outdoor batting cage there (funded primarily by Summit Youth Baseball). 2 years ago we learned from the Town of Frisco that Peninsula field was slated to be removed and repurposed as a part of their master redevelopment plan. We believe that summer of 2024 will be the last season we can use the Frisco field.

It is with great excitement that we've outlined our vision for the Kingdom Park facility. Given the current footprint of the fields, we would use primarily the south field for practices and regular season games. However we would also love to see the north field outfitted with proper dimensions to play JV and youth games. At the south field, the changes that would most benefit HS baseball would be the addition of proper, accessible dugouts, and the lengthening of the distance between home plate and the backstop. We have a prioritized list of 10+ changes that make up our "dream facility" in Breckenridge that we can present as needed throughout the project.

Our program believes in accepting adversity in stride, and refusing to make excuses for what we can and can't accomplish. We understand that there will always be challenges that come with baseball in an alpine climate, regardless of the facility we use. That being said, having the Kingdom Park field accessible to us for more days out of the year would be an asset to the program that would be utilized and appreciated. Our staff and our players are committed to our goals of building a consistently successful program that produces teams and young men that our community can be proud of. We are eager to find a place to call home, and we greatly appreciate any and all accommodations made to us by the Town of Breckenridge. Thank you for your time and consideration, and I look forward to working with you as a resource for this project.

Coley Thompkins

Dear Breckenridge Town Council,

It has been brought to our attention that you are discussing creating two turf fields on the south side of the Breck Rec Center. We would like to express our strong support for this project as our membership is growing and our youth players are in dire need of more turf training and game fields.

Thank you for all you do!

Miriam Hickey  
High Country Soccer Executive Director  
312-259-0720

Breckenridge Town Council,

My name is Matty Marks, I am the boys lacrosse head coach at summit high school and director of summit county's youth lacrosse program. I am writing today in support of the proposal to build more artificial turf fields at the rec center in Breckenridge.

Field space in the spring is a major issue for any traditional spring sport but in summit it is almost impossible to get access to a full field to training on before mid May!

Having more artificial turf fields in the county would drastically improve our ability to operate all the lacrosse programs. Specifically, our traditional spring season that starts in March, however there will need to be a plan in place for snow removal if we are going to be able to utilize the fields at the start of each season.

We are hopeful the proposal is approved and look forward to providing more opportunities for summit county youth.

Respectfully,

Matty Marks  
607-591-6743  
[Summitstixlax@gmail.com](mailto:Summitstixlax@gmail.com)

To Town Council Members,

I am reaching out to express the need for installing artificial turf on our current softball fields. As the organizer of youth sport programs accommodating over 60 kids daily in the summer, adult sport leagues and tournaments, weather-related cancellations pose a significant challenge.

The installation of artificial turf is crucial in mitigating these disruptions. It offers a reliable, all-weather playing surface that will greatly increase our chances of maintaining a consistent schedule in a high alpine environment. This not only benefits the participants but also ensures the success and continuity of our programs. During this last fall we had to postpone several flag football games because the North Softball was saturated and unsafe for play.

Additionally, the inclusion of permanent lines on the field brings additional benefits. These permanent markings contribute to a more professional and organized playing environment, eliminating the need for constant re-marking and ensuring precision in various sports configurations.

Your support in this matter in this matter is instrumental in creating a more reliable and enjoyable sports environment for our community. I appreciate your consideration.

Sincerely,

Nick Wilson  
Sports and Special Events Coordinator  
Breckenridge Recreation Department

Dear Breckenridge Town Council,

We are writing to express our support for transitioning the current grass baseball fields to turf. This upgrade will provide several benefits, both to the players and to the community as a whole.

Turf fields are more durable than grass fields. They are far less susceptible to weather-related issues. It is easier to remove snow from turf fields, allowing earlier access and more use. Turf requires less maintenance and can be safer for players. The reduced maintenance needs of turf fields will result in significant cost savings for the town.

Turf not only reduces maintenance costs but will also extend the window of usage of the fields. This opens opportunities for Summit Youth Baseball to expand on hosting camps and clinics for local baseball players, as well as those across the state. This could bring in additional revenue to the town of Breckenridge. Along with additional camps and clinics, turf fields will open up opportunities to host tournaments, which would require overnight/weekend stays for players and families.

Turf fields will allow the Summit Tigers High School Baseball Team to get outside and start practice much earlier in the season. The CHSAA baseball season starts in early March and the first time our players get on a field is often the first game! The Tigers Baseball team is growing and getting better, and our community will be able to show their support with these better resources. This benefits the entire community!

Turf fields provide a more consistent playing surface for players. Grass and dirt fields can become uneven over time causing balls to take bad hops, players to turn ankles, etc. Turf enhances the safety of the field.

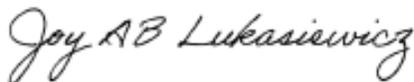
Finally, turf fields are more aesthetically pleasing than grass fields. They have a more professional appearance and will attract more attention from potential players and spectators.

Summit Youth Baseball serves over 300 children, which is approximately 180 families in our community. Youth baseball brings families together and forms a tie to our community. By providing better resources, you are helping grow our programs and strengthen the community

We hope you will consider this letter as you make your decision to replace the grass baseball fields with turf baseball fields. If you have any additional questions, please do not hesitate to contact us.

Thank you for your time and consideration.

Summit Youth Baseball Board,



Elizabeth Tobias, President  
Matt Pellant, Vice President  
Steve Misch, Treasurer  
Deanna Knipp, Secretary  
Fharron Caswell  
Coley Thompkins, HS Liaison  
Tracy Ward  
Erin Hughes  
Siobhan Ward  
Joy Lukasiewicz, Administrator - [sybsadmin@gmail.com](mailto:sybsadmin@gmail.com) or 970-262-5778

Greetings,

As the Summit County Softball Director I fully support the renovation of and addition of turf fields on Kingdom Park North and Kingdom Park South. I have personally played on turf fields all across the country and have no hesitation to play softball on a turf field. As a director of softball league it will be much easier to manage rainouts.

Steve "Smoke" Wilkins

970-485-2037

[smoke99@juno.com](mailto:smoke99@juno.com)



# Memo

To: Mayor and Town Council  
From: Julia Puester, AICP, Assistant Community Development Director  
Date: 11/22/2023 for meeting of 11/28/23  
Subject: Work Session: Lighting Code Modifications-Decorative Lights

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After public comment from a citizen regarding the desire for the Town to pursue dark sky community certification in January and multiple Town Council discussions with staff, the Town Council gave staff direction to apply for community certification at the April 24<sup>th</sup> meeting. A Certified Community is one which meets particular lighting legislative requirements to ensure quality lighting in the community and continually educates residents about the importance of dark skies. The intent of dark sky lighting is not to prevent lighting from being installed, but to ensure it is placed in the needed locations with the proper design for the use.

At the November 14<sup>th</sup> work session, the Council reviewed changes to the current Exterior Lighting Code to comply with Dark Sky International's requirements for community certification as well as some additional changes. These code updates apply to private property. Other certification requirements include acceptable municipal lighting practices which have been incorporated into the Town Engineering Standards approved November 14<sup>th</sup>. In updating the Exterior Lighting Code, minor updates are also proposed to lighting regulations in the Sign Design Standards, the Design Standards for Off Street Parking Facilities, and the Ridgeline and Hillside Development policy.

The code changes attached are in ~~strike~~ and **bold underline**. The code has also, in part, been reformatted for ease of use. To distinguish the sections of existing code language that has been relocated in the policy, these sections are presented in a ~~squiggly~~ wavy underline.

At the November 14<sup>th</sup> work session, the Town Council reached consensus on most of the changes proposed. However, decorative lighting necessitated additional information and discussion.

## Decorative Lighting

### *Color*

The current code, approved in 2010, allows for only warm or soft LED decorative lighting (aka holiday lighting). To staff's knowledge, only white decorative lighting is available on the market in "warm" or "soft" LEDs which have a warmer color temperature and muted appearance. During the 2010 Council work sessions, some Council had voiced that having warm white lights provide a more consistent appearance in the commercial core where buildings are close together. However, staff also understands that being so limited with color options at the holidays is not always preferred.



**Warm lights are not required for community certification. As color is a subjective question, staff does not have a professional recommendation. Staff has provided photos attached for the Council's review and consideration.** Should Council prefer to allow colored lighting, staff will remove the reference to "warm" or "soft" to allow for colored LEDs.

#### *Bulb light source*

With sustainability as an important Town goal, the balance between energy savings goals and light pollution in this instance is difficult as LEDs, which are not always warm, can be brighter in appearance. For example, the Town saves approximately 155,663 kwh of electricity by using LED lights. Since the LEDs have been required since 2010, **staff does not recommend changing course and recommends keeping LEDs as the required bulb type.**

#### *Bulb size*

The Planning Commission recommended limiting the decorative lighting bulb size. **Staff supports this recommendation and has proposed a maximum size of three inches, which is a standard commercial bulb size.**

#### *Brightness*

The brightness of a bulb is measured in lumens; however, lumen levels are not readily available by the manufacturers of store bought decorative lights. Staff found Sun Valley, ID has a lumen per bulb limit and Paonia, CO has a total lumen limit per parcel. **Because the lumen information and conversion calculation would be very difficult for decorative lighting in addition to enforcement on a lumen level, staff does not recommend restricting properties to a maximum lumen level.**

#### *Amount (Number)*

At the previous work session, there was a suggestion to limit the amount of decorative lighting on a property. Staff investigated this option, looking to other jurisdictions as well. Staff was unable to find jurisdictions which had a specific limit on the amount or number of decorative lights on a property with the exception of Snowmass, CO which has a limit on residential properties of no more than one third of the property's open space. A limit would prevent drastic overuse of decorative lighting seen in other areas where a majority of trees are covered in lights which could be an option however we have not seen this as an issue to date in Town. **Given the difficulty of limiting the number of lights and acknowledging how many lights the Town installs (approx. 245,000 bulbs throughout), staff recommends against a limit on the number of lights on a property at this time.**

#### *Dates Allowed*

Most jurisdictions with limitations have an allowed amount of time the lights can be up. Breckenridge currently allows for decorative lights from November 1<sup>st</sup>-end of ski season.

Aspen: November 15<sup>th</sup>-March 15<sup>th</sup>

Snowmass: During ski season

Sun Valley, ID: November 1<sup>st</sup>- March 15<sup>th</sup>

Ketchum, ID: November 20<sup>th</sup>-March 20<sup>th</sup>

Park City, UT: November 1<sup>st</sup>-March 1<sup>st</sup>

Paonia: 75 days

November 1<sup>st</sup>-April 1<sup>st</sup> was suggested for Breckenridge at the previous work session. April 1<sup>st</sup> would create a definitive end date for decorative lighting as the ski resort is often open later.

**Staff recommends decorative lights be allowed November 1<sup>st</sup>- April 1<sup>st</sup> or an earlier end date similar to other mountain towns.**

#### *Curfew*

Some jurisdictions have implemented lighting curfews for decorative lighting. Breckenridge currently does not have any lighting curfews. Some communities which have curfews are as follows:

Aspen: Residential 10 p.m. (in review process)

Snowmass: Residential 11 p.m./ Commercial 2:30 a.m.

Sun Valley, ID: Commercial at close of business/ All other 11 p.m.

Ketchum, ID: Commercial at close of business/ All other 11 p.m.  
Paonia: 10:30 p.m. (if exceeding 850 lumens)  
Park City, UT: Residential 10 p.m./ Commercial 12 a.m.

**Staff recommends a lighting curfew of no later than 2:00 a.m. for decorative lighting in Lighting Zone 1 and 11 p.m. for Lighting Zones 1 and 2.**

#### *Conformance*

For the purpose of Dark Sky Certification, conformance for any new lighting regulations must be achieved within ten years for private property, potentially out to 2033.

This will not alter the existing conformance date of July 1<sup>st</sup>, 2025 in the Development Code for lights in existence prior to 2007 to conform to current code or those installed without approvals thereafter. An extensive effort will be made to educate and assist property owners with conformance in 2024 and 2025.

**Staff recommends either having decorative lighting comply with the July 1<sup>st</sup>, 2025 established date for consistent messaging or have all new lighting required by this 2023 update have a single later conformance date. At the November 14<sup>th</sup> work session, Council reached consensus on a sign lighting curfew conformance date, ten years from now, in 2033.**

#### **Other-Not Decorative Lighting**

##### *Permanent Residential Home Light Fixture Limits*

Limiting the number of permanent exterior fixtures on residential homes is recommended by the Planning Commission to restrict the year round over lighting of homes. Staff has seen some homes over lit and finds that limitations on the number of fixtures could be useful. A few other communities limit the amount of lumens for residential properties however, staff finds that calculating lumens for property owners could be more complex than limiting the number of fixtures. **Staff recommends residential properties have a maximum of two fixtures per structure entrance and six additional fixtures and a maximum of two downcast landscape fixtures.**

#### **Town Council Questions**

Staff will be available at the meeting to answer questions and is seeking Town Council input on the following questions:

1. *Decorative Lighting:*
  - a. Color: Does the Council want colored holiday lights to be allowed?
  - b. Bulb Light Source: Is the Council supportive of keeping the LED requirement?
  - c. Bulb Size: Does the Council support a three-inch maximum bulb size for decorative lighting?
  - d. Brightness: Does the Council agree not to implement lumen restrictions for decorative lighting?
  - e. Amount (Number): Would the Council support no limitation on the number of decorative lights on a property?
  - f. Dates Allowed: Is the Council supportive of decorative holiday lights from November 1<sup>st</sup>-April 1<sup>st</sup> or an earlier cutoff date?
  - g. Curfew: Does the Council support a curfew of no later than 2:00 a.m. for decorative lighting in Zone 1 and 11 p.m. in Zones 1 and 2?
  - h. Conformance: Does the council support a conformance date for decorative lighting of July 1, 2025 or 2033 similar to the signage light curfew date previous discussed?
2. Residential Permanent Light Fixture Limit: Is the Council comfortable with limiting the number of exterior light fixtures on residential structures to two fixtures per structure entrance plus six additional and a maximum of two landscape fixtures?

#### **Attachments**

Photos: Lighting examples in Town

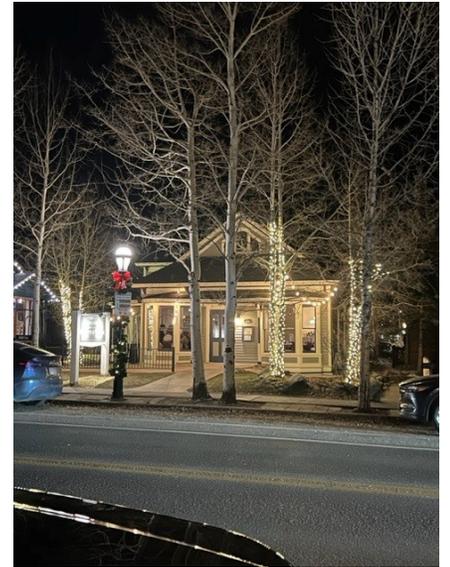
Articles: Aspen city staff proposed new lighting regulations, Aspen Times, Nov. 13, 2023

We Don't Have to Say Bah Humbug to Holiday Lighting, Summit Daily, Nov.17, 2023



# Existing Breckenridge Holiday Lighting

## Warm LEDs - Compliant Lights



## Cool LEDs - Non-Compliant Lights



## Colored Lights



Partially Compliant Lights - Mostly warm LEDs with a strip of colored lights



# Aspen city staff proposes new lighting regulations

News [FOLLOW NEWS](#) | Nov 13, 2023

**Jonson Kuhn** [FOLLOW](#)  
jkuhn@aspentimes.com



A light fixture hanging from the side of Hotel Jerome on Main Street in downtown Aspen.

*Jonson Kuhn/The Aspen Times*

The Aspen Community Development Department is updating the land use code to include new outdoor lighting regulations and will be addressing Aspen City Council for second reading during a regular meeting scheduled for 5 p.m. Tuesday in Council Chambers.

Aspen Deputy Director Ben Anderson explained that the updates to lighting that staff are proposing are strictly concerning properties, and the potential regulations are not intended to impact the city’s existing system of streetlights.

“We’ve had rules in places around outdoor lighting, our current rules were updated in 2003, so there’s not a lot of consideration of the quality of light generated on properties. That makes it difficult for lighting designers to conform with the City’s code, and for zoning officers to evaluate development proposals,” he said. “Technology in lighting has changed so much in the last 20 years, for instance the 2003 code was written pre LED lights, so when people come with different kinds of LED lights in permits we really don’t have standards on how to deal with it.”

Anderson said the Community Development Department has been collecting feedback from stakeholders on the changes as far back as February when City Council first voted to approve updates for the Land Use Code regarding outdoor lighting regulations on public and private property.

Aspen Long-Range Planner Haley Hart explained how that the current lighting code mostly relies on the same set of standards for residential, commercial, parks and publicly-owned spaces, all of which she said are distinct uses that require unique parameters regarding their use.



“That was something that at the foundation of this new lighting code was trying to create some kind of guardrails for the different types of use and be thoughtful on what those uses are and how much lighting should be used for the tasks within those uses,” she said. “We identified that the commercial core, somewhere on the ped mall isn’t going to need the same lighting as an east-end residence, so that sort of framed the thinking for the rewrite.”

One of the updates being proposed that Anderson said has received some pushback pertains to a curfew being put in place for all outdoor lighting sources, including holiday lighting, that would be effective immediately upon the passage of the ordinance.

“We’re proposing a 90-day window that people can have holiday lighting on, we ask people to turn their lighting off essentially at 10 p.m. so that their tree lights aren’t blaring into their neighbor’s bedroom,” he said. “It’s a topic we’ve received a lot of complaints on, from both people wanting no curfew as well as people complaining about neighbor’s lighting.”

Another proposal involves a somewhat new concept called light trespass, which is the measurement and enforcement of how much internal light is radiated externally beyond the boundary of its intended use, such as a property line. Anderson explained that if passed, lighting trespass would also be effective immediately, and similar to the holiday lighting, would also require a 10 p.m. curfew.

“It’s another topic that we get a lot of complaints on, between neighbors to people who don’t like the lighting on a particular commercial establishment,” he said. “If you’ve walked around town, you know both residences and commercial buildings, there’s a lot of glass, they’ve got very bright lights, and they keep them on all the time.”

Anderson explained with the idea of light trespass, city staff would have a meter, a device that allows for them to stand on the property line to determine the total amount of light coming off of that building. Should the total amount of light, both from exterior and interior sources, cross a particular threshold of intensity and brightness, staff is then in a position to start an enforcement mechanism against that property owner.

To this point, however, Hart explained that the city has no intentions of “walking around with a light meter measuring people’s lighting in their house and throughout town.” Hart said that they work with what she referred to as a progressive enforcement system in which everything is complaint driven.

“Like any other complaint coming in from the city, we would first need a valid 311 complaint saying that someone’s neighbor is blasting lights and it’s coming in through windows, can you go take a reading at 10 p.m. to see if they’re beyond the trespass limits,” she said. “Also, the hours of curfew for both seasonal and trespass lighting, if your business is open until midnight, there are provisions that allow for a one-hour period after a business officially closes its doors.”

Hart further explained that any existing outdoor lighting fixtures that fail to meet the regulations within the updated ordinance, should it pass, people would be given a five-year window to make modifications and updates. After that, Hart explained that enforcement of non-conforming fixtures, again, would only be initiated following a formal complaint.

*To reach Jonson Kuhn, email him at [jkuhn@aspentimes.com](mailto:jkuhn@aspentimes.com).*

# OPENING WEEKEND

In the Village at Beaver Creek



**November 22**  
1 pm - 5 pm

5 Finalists • \$2000 Grand Prize • Cookies galore

### Help us judge the Best Chocolate Chip Cookie

- 1000 Official judges Needed
- 250 Judging Badges per hour
- "Judges in Training" Badges for kids 6 & under

Judging begins at 1pm  
Winner announced at 5 pm

**November 24**  
10 am - 7 pm



- |                |                        |
|----------------|------------------------|
| 10 am - 2 pm   | Visits with Santa      |
| 10 am - 3 pm   | Free Ice Skating       |
| 1 pm - 3:30 pm | Holiday Craft Workshop |
| 5 pm           | Holiday Spectacular    |
| 6:45 pm        | Fireworks              |



**November 24 - 26**  
10 am - 4 pm

Visit Beaver Creek retail shops as well as the Local artisan booths sprinkled throughout the village.

**BEAVERCREEK.COM**

## COLUMN

# We don't have to say 'Bah! Humbug!' to holiday lighting

**T**hanksgiving is just around the corner, and there is much to be thankful for as we share this special day and night with family and friends. This Thanksgiving, let's give thanks for the beauty, serenity and peace that a protected nightscape has to offer. Let's give thanks for the natural darkness that is essential for the well-being of humans, wildlife and vegetation. And let's give thanks for the inspiration and wonder that we get from experiencing a sky full of sparkling stars — a treasure that is becoming ever more precious and rare as the world is overcome by artificial light at night.

With Thanksgiving, the holiday season has arrived. Traditional celebrations associated with the natural night sky at this time of year include Christmas,



**Martie Semmer**  
Get Wild

Hanukkah, winter solstice and many more. There are numerous holiday traditions around the world that are connected with the night sky.

Is there a conflict between the natural night sky of the holiday season and contemporary artificial holiday lighting?

NASA reports that the Earth is up to 50% brighter in the U.S. during the holidays. When NASA tried to gather data during the holidays from places with snow-covered landscapes the "snowglow" combined with holiday lighting was too intense to collect reliable data.

Citizen-scientists with the scientific research program Globe at Night find excessive holiday lighting contributes to negative effects on the environment as well as humans. Impacts on the environment include "washing out the stars, wasting energy, and disrupting nocturnal life." While impacts on human health include "difficulty sleeping, headaches, and increased anxiety."

Still, we don't have to say "Bah! Humbug!" to holiday lighting. Eleanor Stokes, a research scientist at the University of Maryland who has worked with NASA to gather satellite data on our lighting habits, remarks that putting your lights on a timer can have a "huge benefit." She adds, "I'm all about being festive, but you don't need to be

**SEMMEER, 9**

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**SEMMER**

From page 8

festive at, like, 3 a.m.?”

Instead, we can follow DarkSky Colorado-approved holiday lighting tips to help protect our human and wildlife neighbors. Residents and visitors alike are invited to follow these holiday lighting tips:

- Use fewer lights overall.
- Avoid excessive use of lights that have a more blue appearance. Blue light is most harmful to wildlife and contributes more than other colors to sky glow. If you use white lighting, select warmer lights that are close in color to a candle flame.
- Control outdoor holiday lighting with timers and turn it off completely at bedtime.

■ Keep holiday lighting in season.

■ Amber, gold and red lights have a lower light wavelengths.

Additional guidelines to consider include:

■ Be vigilant that holiday lighting stays on your property with minimal sky glow.

■ Using window coverings and/or dimmers.

■ Keep indoor lights indoors.



MARK LAURIN/GET WILD

Vega, the alpha star in the constellation Lyra, is pictured from Silverthorne during the 2022 holiday season.

■ LED or low-pressure sodium amber, gold, green and red lights have a lower color temperature, cause less environmental harm, and are gentler on night vision.

■ Avoid blinking/flashing lights and rotating colors.

■ Keep holiday lights off during the day.

■ Unshielded bistro or string lighting can hurt and impair eyesight for people and wildlife.

■ Before putting lights on trees, research the effects of light pollution on vegetation.

■ Limit holiday lighting to 60-75 days or less each year to preserve the specialness of the holiday season.

Enjoy the festive holiday lighting of our modern traditions. Likewise, take time to look up at the celestial lights of the starry heavens — the inspiration

for many of our holidays.

*Get Wild publishes every Friday in the Summit Daily News. Martie Semmer is actively involved with DarkSky Colorado and recently remarked the sky is the limit as she continues learning about and advocating for the preservation of the night sky. Contact summitdarksky@gmail.com for dark sky information in Summit County.*

# Slam a mocktail

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## CHAPTER 12 EXTERIOR LIGHTING REGULATIONS

### CHANGES FROM NOVEMBER 14 TOWN COUNCIL WORK SESSION IN HIGHLIGHT

SECTION:

- 9-12-1: Title**
- 9-12-2: Findings**
- 9-12-3: Purpose**
- 9-12-4: Legislative findings regarding elimination of nonconforming lighting fixtures**
- 9-12-5: Authority**
- 9-12-6: Applicability; Compliance date**
- 9-12-7: Definitions**
- 9-12-8: Exemptions**
- 9-12-9: Prohibited lighting**
- 9-12-10: Lighting zones**
- 9-12-11: Lighting standards**
- 9-12-12: Lighting standards for specific uses**
- 9-12-13: Relief procedures**
- 9-12-14: Violations; Penalties; Enforcement**

**9-12-1: TITLE:**

This chapter shall be known and may be cited as the Town of Breckenridge Exterior Lighting Ordinance. (Ord. 21, Series 2007)

**9-12-2: FINDINGS:**

The town council of the Town of Breckenridge hereby finds and determines that:

- A. The welfare and enjoyment of the town is associated with its small town character;

B. Because of the importance of the view of the stars in the night sky ~~to~~ **and the health of** the town's residents and visitors, it is important that the town adopt responsible lighting standards to preserve that view **and level of health**;

**C. Protecting the wildlife population living within the town and surrounding areas that depends upon the night sky and a natural level of darkness at night.**

~~CD.~~ Preserving and protecting the night sky enhances the use and enjoyment of property through the use of appropriate lighting practices;

~~DE.~~ The town values the practice of energy conservation, and because of the town's devotion to energy conservation, emphasis on responsible lighting practices is desired to decrease the human impact on the environment; and

~~EF.~~ Individual pole and building mounted fixtures and lighting systems should be designed, constructed, and installed to: 1) preserve the town's small town character; 2) minimize impacts on adjacent property owners; 3) ~~control glare and light trespass,~~ **reduce light pollution**; 4) conserve energy; 5) maintain safety and security of people and wildlife; and 6) maintain the view of the stars in the night sky. (Ord. 21, Series 2007)

**9-12-3: PURPOSE:**

The purposes of this ~~Chapter~~ are to:

- A. Provide adequate light for safety and security;
- B. Promote efficient ~~and cost effective~~ lighting ~~and~~ to conserve energy;
- C. Reduce light pollution, light trespass, glare, and offensive light sources;
- D. Provide an environmentally sensitive nighttime environment that includes the ability to view the stars against a dark sky;
- E. Prevent inappropriate, poorly designed or installed outdoor lighting;
- F. Encourage quality lighting design and light fixture shielding; and

G. Establish a program to remove or replace light fixtures that violate the requirements of this ~~€~~Chapter. (Ord. 21, Series 2007)

#### **9-12-4: LEGISLATIVE FINDINGS REGARDING ELIMINATION OF NONCONFORMING LIGHTING FIXTURES:**

A. On balance, the burdens created to individual property owners by the provisions of this ~~€~~Chapter requiring the eventual elimination~~ing on~~ of nonconforming lighting fixtures are greatly outweighed by the benefits that will be provided to all of the citizens of and the many visitors to the town and areas that are in close proximity to the town. The value of the fixtures required to be replaced by this ~~€~~Chapter are comparatively small and that, on balance, the burden placed on property owners is minimal, given the value of such fixtures as compared to the substantial benefits gained by such replacement, which is a substantial decrease of unnecessary light trespass and light pollution.

B. The required period for the eventual elimination of nonconforming lighting fixtures contained in this ~~€~~Chapter, which is based upon the formula that is used by the United States ~~i~~Internal ~~r~~Revenue ~~s~~Service to depreciate fixtures attached to real property over a fifteen (15) year period **as approved in 2007 and extended an additional two years to 2025**, is reasonable and provides a rational basis for the deadline for the elimination of nonconforming lighting fixtures established by this ~~€~~Chapter.

C. The deadline for the eventual elimination of nonconforming lighting fixtures established by this ~~€~~Chapter will allow the property owner to recoup or recover costs or otherwise to reap the benefits of the useful life of such nonconforming fixtures in a manner that is consistent with the generally accepted methods of depreciating fixtures utilized by the United States ~~i~~Internal ~~r~~Revenue ~~s~~Service. (Ord. 21, Series 2007; amd. Ord. 29, Series 2020)

#### **9-12-5: AUTHORITY:**

The town council hereby finds, determines and declares that it has the power to adopt this ~~€~~Chapter pursuant to:

A. The local government land use control enabling act, ~~a~~Article [20](#) of ~~t~~Title [29](#), Colorado Revised Statutes;

B. Part 3 of ~~a~~Article [23](#) of ~~t~~Title [31](#), Colorado Revised Statutes (concerning municipal zoning powers);

- C. Section [31-15-103](#), Colorado Revised Statutes (concerning municipal police powers);
- D. Section [31-15-401](#), Colorado Revised Statutes (concerning municipal police powers);
- E. The authority granted to home rule municipalities by ~~a~~Article [XX](#) of the Colorado constitution; and
- F. The powers contained in the Breckenridge town charter. (Ord. 21, Series 2007)

### **9-12-6: APPLICABILITY; COMPLIANCE DATE:**

- A. The provisions of this ~~€~~Chapter shall apply to all new “development” of real property (as that term is defined in ~~s~~Section [9-1-5](#) of this ~~€~~Title) which:
  - 1. Involves new construction for which a development permit is required;
  - 2. Involves the remodeling of an existing building or structure for which a development permit is required; provided, however, that compliance with the requirements of this ~~€~~Chapter is required for a remodel of an existing building or structure only with respect to the remodeled portion of the existing building or structure; or
  - 3. Involves the installation of new exterior light fixtures, **including replacement fixtures.**
- B. All commercial and residential outdoor lighting fixtures that were lawfully installed prior to July 1, 2007 but that do not comply with the requirements of this Chapter are declared to be legal nonconforming fixtures. All legal nonconforming fixtures **and light sources** may continue to be used and maintained after the adoption of this Chapter, but shall be brought into compliance with the requirements of this Chapter upon the first to occur of:
  - 1. A determination by the Director that the legal nonconforming fixture constitutes a public hazard or nuisance;
  - 2. The replacement of the legal nonconforming fixture; or
  - 3. July 1, 2025.

Notwithstanding any other provision of this Chapter, all legal nonconforming fixtures **and light sources** shall be brought into compliance with the requirements of this Chapter not later than July 1, 2025.

4. Prior to July 1, 2025 a legal nonconforming fixture described in Section [9-12-6B](#) may be brought into compliance with the requirements of this Chapter by the approval of such fixture as a retrofit fixture as defined in Section [9-12-7](#). Once approved as a retrofit fixture by the Director pursuant to Section [9-12-6B](#) the fixture shall be deemed to be in compliance with the requirements of this Chapter.

**5. Prior to xx, 2033, a legal nonconforming sign light fixture may be brought into compliance with the requirements of the Chapter.**

C. All legal nonconforming decorative, **signage**, and bistro lighting may continue to be used and maintained after the adoption of the ordinance codified in this ~~€~~Chapter **on (date of adoption)**, but shall be brought into compliance with the requirements of this ~~€~~Chapter upon the first to occur of:

1. A determination by the director that the legal nonconforming fixture constitutes a public hazard or nuisance; or
2. ~~April 30, 2012~~ **July 1, 2025**. (Ord. 21, Series 2007; amd. Ord. 30, Series 2010; Ord. 29, Series 2020)

**3. xx, 2023 for signage lighting.**

## **9-12-7: DEFINITIONS:**

When used in this ~~€~~Chapter, the following words, terms, and phrases, and their derivations shall have the meanings provided in this ~~s~~Section, except where the context clearly indicates a different meaning. Words, terms, and phrases, and their derivations used in this ~~€~~Chapter which are defined in the Breckenridge Development Code (~~€~~Chapter [1](#) of this ~~€~~Title) shall have the meaning provided in that ~~€~~Chapter, unless there is a conflict with a specific definition set forth in this ~~s~~Section, in which case the specific definition in this ~~s~~Section shall control.

**ADDRESS LIGHTING: Fixtures used to illuminate the address of a property.**

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**ARCHITECTURAL ACCENT LIGHTING: Fixtures used to accent architectural features, materials, colors, style of buildings, landscape features, or art that are located, aimed and shielded so that light is directed downward onto those features or upwards if fully contained within an architectural element.**

BISTRO LIGHTS: A display of **downcast and fully shielded** small white or clear bulbs on a string or tubes **that are** used to call attention and provide light and ambiance to an exterior food and beverage area designated by the site plan **allowed** in Lighting Zone 1 **and Lighting Zone 2 or for residential uses in Lighting Zone 3 over a patio or deck allowed up to one hundred fifty (150) square feet in coverage.**

**BULB: Includes all types of lighting sources.**

DECORATIVE LIGHTING: Decorative string lighting, **consisting of bulbs no larger than three inches,** that outlines a building or structure; or decorative string lighting in trees; or decorative string lighting between commercial or mixed use buildings or to a post or structure forming a canopy over a walkway.

EAVE OVERHANG: The section of roof overhanging the building wall, often called a soffit.

EMERGENCY LIGHTING: Lighting used by a police department, fire department, or other governmental entity for the purpose of public safety.

ENERGY STAR: A joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy which aims to save money and protect the environment through energy efficient products and practices.

**FIXTURE: An electrical device that has a housing, mount, or socket for a light source or lamp and the parts to distribute, position, and protect the light source.**

**FLUORESCENT: A lamp containing mercury vapor with an inner phosphor coating that interacts to create visible light.**

FOOT-CANDLE: A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot. One foot-candle equals approximately 0.1 (0.093) lux.

FULLY SHIELDED: An outdoor light fixture constructed so that in its installed position all of the light emitted by the fixture is projected below the horizontal plane passing through the lowest light emitting part of the fixture.

ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA (OR IESNA): The professional society of lighting engineers, including those from manufacturing companies and others professionally involved in lighting.

**INCANDESCENT: A wire filament enclosed in a glass bulb that is heated until glowing. Tungsten-halogen lamps are a type of incandescent.**

**INCIDENT LIGHT: Light that strikes a surface or an object. Incident light can be from a light source directly or reflecting off another surface.**

**KELVIN (K): The unit of measurement indicating correlated color temperature (CCT) of a light, defined by a scale that ranges from red light (1,000 K) to blue-white light (10,000 K or more).**

**LIGHT EMITTING DIODE (LED):** A semiconductor diode that emits light when a voltage is applied to it and that is used especially in electronic devices (as for an indicator light). Warm white or filtered LEDs meet CCT <3,000 K; S/P ratio <1.2.

LZ-1: Lighting Zone 1 (the Downtown Overlay District Lighting Zone) as described in section [9-12-11](#) of this chapter.

LZ-2: Lighting Zone 2 (the Commercial Area Lighting Zone) as described in section [9-12-11](#) of this chapter.

LZ-3: Lighting Zone 3 (the Residential Lighting Zone) as described in section [9-12-11](#) of this chapter.

LIGHT POLLUTION: Any artificial light that is emitted either directly or indirectly by reflection that alters the appearance of the night sky; interferes with astronomical observation; or interferes with the natural functioning of nocturnal native wildlife.

LIGHT TRESPASS: Any form of shining light emanating from a fixture that penetrates property other than that for which it is intended and permitted.

LIGHTING ZONE: A geographic area of the town as described in ~~s~~Section [9-12-10](#) of this ~~c~~Chapter. The lighting zones of the town are depicted on the map maintained in the ~~Office of the Director~~ **Community Development Office**. Such map is incorporated herein by reference and made a part of this ~~c~~Chapter. The map shall be interpreted so that the boundaries of the lighting zones follow the centerlines of streets, roads, alleys and rights-of-way, and existing

property boundaries. Disputes regarding the boundaries of the lighting zones shall be determined by the town council.

**LZ-1: Lighting Zone 1 (the High Ambient Lighting Zone) as described in Section 9-12-11 of this Chapter.**

**LZ-2: Lighting Zone 2 (the Medium Ambient Lighting Zone) as described in Section 9-12-11 of this Chapter.**

**LZ-3: Lighting Zone 3 (the Low Ambient Lighting Zone) as described in Section 9-12-11 of this Chapter.**

**LUMENS:** A unit of measurement for the actual amount of visible light which is produced by a lamp as specified by the manufacturer. A foot-candle is one lumen per square foot.

**MOTION SENSOR:** A mechanism for controlling illumination by turning lights on when activated by motion and remaining on during activity for a maximum of thirty (30) minutes following the last detection of motion.

**OPAQUE LIGHT FIXTURE:** An outdoor light fixture in which the walls of a fixture which **whose walls that** house the light source are comprised of a solid material, unable to be permeated by light, should a light source be held behind it. Glass is not considered opaque however, glass on a fixture may be acceptable if the glass is **flat, horizontal, and does not allow any light to be emitted above the horizontal plane.** below the opaque aspect of the fixture which houses the light source.

**OUTLINE LIGHTING ON A BUILDING OR STRUCTURE:** Any arrangement or display of incandescent bulbs or lighting tubes used to outline or call attention to the features of a building, including the building's frame, shape, roofline or window dimensions. Outline lighting includes both temporary and permanent arrangement of bulbs or lighting tubing, whether located inside or outside of a building, if such bulbs or tubing is visible to the public from a public right-of-way or from an outdoor public area.

**OVERHEAD WALKWAY LIGHTING:** Downcast, fully shielded small white or clear light emitting diode (LED) LED "warm or "soft" bulbs which provide outdoor light for the purpose of facilitating safe pedestrian traffic through a publicly owned pedestrian access corridor that is not a public street or alley. Overhead walkway lights shall be installed on a black or gray wire or metal rod, not to exceed three thousand kelvin (3,000 K) kelvin or a maximum of eight hundred fifty (850)

total lumens across the property or area. Overhead walkway lighting may not be located in any location that is wider than thirty two (32) feet.

PARKING LOT LIGHTING: Off street parking lots consisting of ten (10) or more parking spaces shall meet ~~s~~Section [9-3-9](#) of this ~~t~~Title.

PHOTOCELL: A mechanism that is activated by the ~~nonpresence~~**absence** of sunlight (and has the effect of illuminating a property all night). ~~Photocells are permitted only at primary entrances and where the light source is fully shielded.~~

PUBLIC ART: Artwork created and placed on a site in connection with the town's public art program.

**RESIDENTIAL LANDSCAPE LIGHTING: Fixtures used to illuminate landscape features, driveway, or any features on the property that do not qualify as architectural lighting. Landscape lighting shall not be used to light trees or to place light fixtures on trees.**

RETROFIT FIXTURE: A legal non-conforming fixture as described in Section [9-12-6B](#) that has a permanent opaque lining applied to it which extends to the lowest portion of the bulb **or lower**, or other permanent modification to the fixture approved by the Director that brings such fixture **and light source** into compliance with the requirements of this Section.

SECURITY LIGHTING: ~~A light~~**Lighting that is** used either commercially or residentially for protection of goods or property.

SEMI-OPAQUE **LIGHT FIXTURE**: An outdoor light fixture ~~with walls of a fixture~~**whose walls are** comprised of a nonopaque material such as frosted, colored glass, or **a** material such as mica which allows for some light trespass to be emitted ~~from~~**through** the walls of the fixture, referred to as a "glow<sub>s</sub>"; but such that the light source is not visible through the walls. **Within semi-opaque fixtures the bulb must be recessed so that no portion of the bulb would be visible if the nonopaque material was removed. Semi-opaque is sometimes called "translucent."** Clear glass is not considered to be semi-opaque.

UNSHIELDED FIXTURE: A light fixture shielded in such a manner that the light emitted directly from the lamp or indirectly from the fixture is projected at angles above the horizontal plane without limitation.

UPLIGHTING: Lighting that is directed in such a manner as to shine light rays above the horizontal plane. (Ord. 21, Series 2007; amd. Ord. 35, Series 2007; Ord. 30, Series 2010; Ord. 1, Series 2019; Ord. 19, Series 2020; Ord. 29, Series 2020; Ord. 6, Series 2022)

## 9-12-8: EXEMPTIONS:

The provisions of this Chapter shall not apply to the following:

A. *Emergency Lighting*: Temporary lighting required for public safety in the reasonable determination of public safety officials with authority.

B. *Decorative Lighting*: In all lighting zones decorative lighting is permitted only from November 1 through end of ski season at Breckenridge Ski Resort **April 1**. At all other times decorative lighting is unlawful. **Decorative lighting that outlines a building or structure shall not protrude from the upper wall plane or the roof. Decorative lighting shall consist only of light emitting diode (LED) "warm white" LED bulbs; "warm" or "soft" LED bulbs that do not exceed a temperature CCT of two thousand eight hundred kelvins (2,800 K) kelvin are required. Decorative lighting shall not blink all at once, flash, or rotate, nor create a hazard or nuisance from glare. Decorative lighting shall be maintained in good working condition at all times.**

C. *Street Lighting* **Municipal Lighting**: Lighting required for public safety installed by a public entity or private utility company along a public right-of-way, **at a trailhead, along a trail, or at any public park or playground**. Lighting in the right-of-way **All such lighting** shall comply with the requirements of the **Town's** engineering regulations **standards**.

D. *Temporary Lighting*: Lighting for festivals, celebrations, or other public activities as approved by the town.

E. *Lighting of Flags*: The lighting of national, State or local Municipal flags is permitted **to be** lit with a maximum of two (2) fixtures of not more than eighty watts (80 W) each **emitting no more than a total of seventy five (75) lumens per linear foot of pole height; poles of greater than twenty (20) feet must be lit from above with no more than eight hundred (800) lumens**. This exemption shall not apply to any other type of flag.

F. *Lighting of Public Art*: The lighting of public art is permitted with a maximum of two (2) fixtures of not more than sixty watts (60 W) each **no more than a total of seventy five (75) emitted lumens per linear foot of structure height; structures of greater than twenty (20) feet must be lit from above with no more than eight hundred (800) lumens.**

G. *Architectural Accent Lighting*: **Fixtures must be fully shielded and their light must be downcast. Lamp color shall be a warm white color, with a CCT that does not exceed two thousand seven hundred kelvins (2,700 K).** Lighting to accent an architectural element that **is must be** aimed or shielded to prevent lighting of the night sky, with a maximum of one fixture **or LED lighting strip per feature** of not more than fifty watts (50 W) **nine hundred (900) emitted lumens** per property. **Uplighting is permitted if the illumination is effectively contained within an overhanging architectural element and is a maximum of one fixture per feature of not more than eight hundred (800) emitted lumens.**

H. *Sign Lighting*: The lighting of a sign when done in accordance with the requirements of chapter [15](#) of this title. (Ord. 21, Series 2007; amd. Ord. 30, Series 2010; Ord. 1, Series 2019; Ord. 3, Series 2019; Ord. 3, Series 2022)

**H. Address Lighting: Fixtures used to light an address must be downcast and fully shielded. Lamp color shall be a warm white color, with a CCT that does not exceed two thousand seven hundred kelvins (2,700 K). The chosen lamp type of each fixture shall not exceed nine hundred fifty (950) emitted lumens.**

**I. Residential Landscape Lighting: Residential landscape lighting shall be limited to a maximum of two fixtures of per property. Fixtures shall be limited to no more than nine hundred (900) emitted lumens per fixture. Fixtures must be fully shielded and downcast. Lamp color shall be a warm white color, with a CCT that does not exceed two thousand seven hundred kelvins (2,700 K).**

## 9-12-9: PROHIBITED LIGHTING:

The following are prohibited within the town:

- A. An unshielded fixture or lamp for outdoor lighting;
- B. A searchlight;

- C. A laser light;
- D. A semiopaque or transparent backlit canopy or awning; and
- E. Any lighting that does not comply with the requirements of this ~~€~~Chapter. (Ord. 30, Series 2010)

**9-12-10: LIGHTING ZONES:**

- A. The purpose of the lighting zones is to separate areas within the town which have different lighting needs, natural conditions, ~~different~~ levels of appropriate light usage, and ~~different~~ sensitivities to the various obtrusive aspects of outdoor lighting. Because of this, the lighting zones are defined within this ~~€~~Chapter with lighting standards appropriate to each zone. (Ord. [21](#), Series 2007; amd. Ord. [35](#), Series 2007)
- B. The boundaries of the lighting zones are shown on the map maintained in the ~~Office of the Director~~ **Community Development Office**. (Ord. 21, Series 2007)

**9-12-11: LIGHTING STANDARDS:**

A. ~~Lighting Standards for LZ-1 (Downtown Overlay District Lighting Zone):~~ **Lighting Standards for All Lighting Zones:**

1. ~~Fully Shielded:~~ Only fully shielded, downcast, semiopaque or opaque fixtures with no portion of bulb visible are permitted, ~~for commercial, mixed use, triplex, duplex and single-family residential structures, and garages associated with such uses. Such fixtures are prohibited for all other types of structures.~~

**2. Maximum Fixture Height: Maximum fixture height as measured from finished grade:**

<b>Residential</b>	<b>15 feet</b>
<b>Commercial</b>	<b>18 feet</b>
<b>Pedestrian pathways</b>	<b>10 feet</b>

<b>Upper story decks</b>	<b>7 feet above deck</b>
<b>Eave overhangs (e.g., soffit)</b>	<b>10 feet plus 1 foot for every 5 feet from edge of eave*</b>
Eave overhangs (e.g., high soffits)	Plus 1 foot for every 5 feet from edge of eave*
<b>Bistro lights</b>	<b>15 feet above grade or 8 feet above rooftop deck</b>

\* For example, for a 20 foot tall-high eave with a 10 foot overhang, a fixture may be 12 feet high as measured from grade or from an upper level deck (10 feet + 2 feet).

**3. Lamp Type: All lamp types must be a warm white color, with a CCT that does not exceed two thousand seven hundred kelvins (2,700 K) on residential properties and does not exceed three thousand kelvins (3,000 K) on commercial properties.**

**a. LED: Permitted at a maximum of twelve watts (12 W) or no greater than nine hundred fifty (950) emitted lumens per fixture.**

**b. Fluorescent: Must be energy star ENERGY STAR rated with adequate cold rating. Permitted at a maximum of fifteen watts (15 W) per fixture.**

**c. Incandescent: Permitted on building mounted or signage fixtures at a maximum of sixty watts (60 W) per fixture.**

**d. Induction, high pressure sodium, low pressure sodium, and All other lamp types: Must be energy star ENERGY STAR rated and shall not exceed nine hundred fifty (950) emitted lumens per fixture.**

**4. Bistro Lighting: Temporary bistro lighting is permitted at an exterior food and beverage area designated by the site plan to provide light and ambiance or over a residential patio or deck consisting of no more than one hundred fifty (150) square feet of coverage. The term "temporary" as used in this Section means from May 1 through October 31 of the same year. At all other times bistro lighting is unlawful. The following standards shall apply to temporary bistro lighting:**

**a. Consist only of light emitting diode (LED) bulbs;**

**a. Be used only warm or "soft" white LED bulbs that do not exceed a temperature of two thousand eight hundred kelvin (2,800 K) kelvin;**

**b. Be fully shielded and downcast:**

**c. If on rooftops, bistro lights shall not be highly visible from the right-of-way when located on a rooftop (e.g., rooftop deck screened on a minimum of two (2) sides by wall, adjacent buildings, etc.), and they must be set back a minimum of 5 feet from the rooftop edge.**

**B. Lighting Standards for LZ-1 (Downtown Overlay District Lighting Zone High Ambient Lighting Zone):**

**1. Fixtures: Semi-opaque fixtures are allowed in LZ-1 provided they are fully shielded and downcast.**

2. *Pole Lights Generally:* Pole lights may have a maximum of two (2) light sources **fixtures** per pole.

3. *Bistro Lighting:* Temporary bistro lighting is permitted at an exterior food and beverage area designated by the site plan to provide light and ambiance. The term "temporary" as used in this section means from May 1 through October 31 of the same year. At all other times bistro lighting is unlawful. The following standards shall apply to temporary bistro lighting:

a. Consist only of light emitting diode (LED) bulbs;

b. Be used only with "warm" or "soft" LED bulbs that do not exceed a temperature of two thousand eight hundred (2,800) kelvin;

c. Be downcast;

d. If on rooftops, bistro lights shall not be highly visible from the right-of-way (e.g., rooftop deck screened on a minimum of two (2) sides by wall, adjacent buildings, etc.), and they must be set back a minimum of 5 feet from the rooftop edge.

4. *Photometric Plan:* Commercial and mixed use properties require a photometric plan of estimated foot-candle levels with maximum and average illumination. **Emitted Incident light on the ground** shall not be greater than one (1) foot-candle at the property line, except at site entry points if determined by the director to be necessary. **Properties over half (1/2) an acre in size shall be limited to a maximum of fifty thousand (50,000)**

**lumens per acre.** Cut-sheets for all exterior light fixtures shall also be submitted with the photometric plan.

~~5. *Maximum Fixture Height:* Maximum fixture height as measured from finished grade:~~

Residential	15 feet
Commercial	18 feet
Pedestrian pathways	10 feet
Upper story decks	7 feet above deck
Eave overhangs (e.g., soffit)	10 feet
Eave overhangs (e.g., high soffits)	Plus 1 foot for every 5 feet from edge of eave*
Bistro lights	15 feet above grade or 8 feet above rooftop deck

\* For example, a 20 foot tall eave with 10 foot overhang, a fixture may be 12 feet high from grade or upper level deck (10 feet + 2 feet).

~~6. *Lamp Type:* The lamp shall be energy star rated fluorescent with adequate cold rating, induction, high pressure sodium, LED or low pressure sodium. Incandescent lamps are permitted on building mounted or signage fixtures at a maximum wattage of sixty watts (60 W). Energy star rated compact fluorescent lamps are encouraged. Fluorescent fixtures are permitted at fifteen watts (15 W) or warm white or filtered LEDs at twelve watts (12 W) maximum or no greater than nine hundred fifty (950) lumens. Other lamp types with energy star rating are permitted.~~

~~74. *Overhead Walkway Lighting:* Overhead walkway lighting is permitted year round in Lighting Zone 1.~~

**5. *Bistro Lighting:* Temporary bistro lighting is permitted for commercial use only.**

~~BC. *Lighting standards for LZ-2 (Commercial Area Lighting Zone-Medium Ambient Lighting Zone):*~~

~~1. Fully Shielded: Only fully shielded, downcast, opaque fixtures with no portion of bulb visible are permitted.~~

~~2. Pole Lights:~~ Pole lights may have a maximum of two (2) light ~~sources~~**fixtures** per pole.

~~3. Photometric Plan:~~ Commercial and mixed use properties require a photometric plan of estimated foot-candle levels with maximum and average illumination. ~~Emitted~~**Incident** light **on the ground** shall not be greater than ~~one-half~~ (0.5) foot-candle at the property line, except at site entry points if ~~determined by the Director to be necessary.~~ **Properties over half (1/2) an acre in size shall be limited to a maximum of fifty thousand (50,000) lumens per acre.** Cut-sheets for all exterior light fixtures shall also be submitted with the photometric plan.

~~4. Maximum Fixture Height: Maximum fixture height above existing grade for all fixtures except those used for outdoor sports facility (field, arena or track) lighting shall be as follows:~~

Residential	15 feet
Commercial	18 feet
Pedestrian pathways	10 feet
Upper story decks	7 feet above deck
Eave overhangs (e.g., soffit)	10 feet
Eave overhang above 10 feet (e.g., high soffits)	Plus 1 foot for every 5 feet from edge of eave*

\* For example, a 20 foot tall eave with 10 foot overhang, a fixture may be 12 feet high from grade or upper level deck (10 feet + 2 feet).

~~5. Lamp Type: The lamp shall be energy star rated fluorescent with adequate cold rating, induction, high pressure sodium, LED or low pressure sodium. Incandescent lamps are permitted on building mounted or signage fixtures at a maximum wattage of sixty watts (60 W). Energy star rated compact fluorescent lamps are encouraged. Fluorescent fixtures are~~

permitted at fifteen watts (15 W) or warm white or filtered LEDs at twelve watts (12 W) maximum or no greater than nine hundred fifty (950) lumens. Other lamp types with energy star rating are permitted.

~~63.~~ *Location:* The setbacks from the property line shall be at least equal to the total height of the luminaries **light fixtures. Parking facility lighting shall follow the setback requirements defined in Section 9-3-9.**

~~74.~~ *Overhead Walkway Lighting:* Overhead walkway lighting is permitted year-round in Lighting Zone 2.

**5. Bistro Lighting: Temporary bistro lighting is permitted for commercial use only.**

~~CD.~~ *Lighting standards for LZ-3 (Residential Lighting Zone-Low Ambient Lighting Zone):*

~~1.~~ *Fully Shielded:* Only fully shielded, downcast, opaque fixtures with no portion of bulb visible are permitted.

~~21.~~ *Pole Lights:* Pole lights may have a maximum of one light source **fixture** per pole.

~~32.~~ *Photometric Plan:* Commercial, mixed use or multifamily residential properties require a photometric plan of estimated foot-candle levels with maximum and average illumination. ~~Emitted~~ **Incident light on the ground** shall not be greater than two-tenths (2/100.2) foot-candle at the property line, except at site entry points if ~~determined by the Director to be necessary for safety.~~ **Commercial properties over half (1/2) an acre in size shall be limited to a maximum of fifty thousand (50,000) lumens per acre.** Cut-sheets for all exterior light fixtures shall also be submitted with the photometric plan.

~~4.~~ *Maximum Fixture Height:* Maximum fixture height above existing grade for all fixtures except those used for outdoor sports facility (field, arena or track) lighting shall be as follows:

Residential	15 feet
Commercial	18 feet

Pedestrian pathways	10 feet
Upper story decks	7 feet above deck
Eave overhangs (e.g., soffit)	10 feet
Eave overhang above 10 feet (e.g., high soffits)	Plus 1 foot for every 5 feet from edge of eave*

\* For example, a 20-foot tall eave with 10-foot overhang, a fixture may be 12 feet high from grade or upper level deck (10 feet + 2 feet).

5. ~~Lamp Type:~~ The lamp shall be energy star rated fluorescent with adequate cold rating, induction, high pressure sodium, LED or low pressure sodium. Incandescent lamps are permitted on building mounted or signage fixtures at a maximum wattage of sixty watts (60 W). Energy star rated compact fluorescent lamps are encouraged. Fluorescent fixtures are permitted at fifteen watts (15 W) or warm white or filtered LEDs at twelve watts (12 W) maximum or no greater than nine hundred fifty (950) lumens. Other lamp types with energy star rating are permitted.

~~6.3.~~ **Location:** The setbacks from the property line shall be at least equal to the total height of the luminaries light fixtures. Parking facility lighting shall follow the setback requirements defined in Section 9-3-9. (Ord. 1, Series 2019; amd. Ord. 19, Series 2020; Ord. 6, Series 2022)

**4. Bistro Lighting: Temporary bistro lighting is permitted for residential use only.**

## 9-12-12: LIGHTING STANDARDS FOR SPECIFIC USES:

### A. Standards for Specific Uses:

1. ~~Single-Family Residential:~~ Exterior lighting shall be fully shielded, downcast and opaque with no bulb visible. Energy star rated compact fluorescent lamps are encouraged. **Exterior lighting shall be limited to two light fixtures per entrance to a structure and maximum of six additional fixtures on and around the residence that are compliant with all requirements listed in this Chapter.**

2. *Gas Stations:* Canopy fixtures shall be mounted on the lower surface of canopies and must be fully shielded in and of themselves (canopy edges do not qualify as shielding) by means of a flat lens recessed into the underside of the canopy, or a **fixture that has a flat lens with and** opaque sides. Lighting shall not exceed twenty (20) foot-candles **on the ground**. Areas outside **the area covered by the** service station pump island canopy shall be illuminated so that the maximum horizontal illuminance at grade level is no more than ten (10) foot-candles.

~~4. *Architectural Accent Lighting:* Fixtures must be fully shielded and downcast. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping or art shall be located, aimed and shielded so that light is directed downward onto those features. Uplighting is permitted if the illumination is effectively contained within an overhanging architectural element and is no more than forty (40) watts.~~

~~5.3. *Recreational Facilities:* Lighting for fields, courts, **ice rinks**, or tracks shall not exceed maximum illuminance criteria as defined by the Illuminating Engineering Society of North America (IESNA). Exterior sports arenas, with exterior luminaries **light fixtures** for the playing area, shall be **illuminated only for scheduled events and** extinguished by ten o'clock (10:00) P.M. or within one-half (1/2) hour after the conclusion of the final event of the day, whichever is later. The remainder of the facility lighting, except for reasons of security, shall be extinguished at ten o'clock (10:00) P.M. or within ~~one (1) hour~~ **one-half (1/2) hour** after the **end of an** event, whichever is later. **Exterior sports arenas, with exterior lighting fixtures for the playing area, shall have the illumination level determined by the sport of play in each event. Light levels shall be reduced for sports that require less than the maximum available lighting for the field based on IES sports lighting standards.**~~

~~7. *Decorative, Overhead Walkway Lighting, and Bistro Lighting:* Decorative, overhead walkway, and bistro lighting shall not blink all at once, flash, or rotate, nor create a hazard or nuisance from glare. Decorative, overhead walkway, and bistro lighting shall be maintained in good working condition at all times. Decorative lighting that outlines a building or structure shall not protrude from the upper wall plane or the roof. Decorative lighting shall consist only of light emitting diode (LED) bulbs; "warm" or "soft" LED bulbs that do not exceed a temperature of two thousand eight hundred (2,800) kelvin are required.~~

~~84. *Parking Lots:* Parking lots shall meet the requirements of sSections [9-3-8](#) and [9-3-9](#) of this tTitle.~~

## **9-12-13: LIGHTING STANDARDS FOR SPECIFIC TYPES:**

### **A. *Standards for Specific Types:***

~~31. *Security Lighting:* Security lighting should~~ **shall use the lowest possible illumination to effectively allow surveillance, be shielded, and directed downward toward designated areas. The use of motion sensors, timers, photocells or other means to activate lighting during times when it is needed is encouraged to conserve energy, and provide safety, and promote compatibility between different land uses. However, photocells are permitted only at primary entrances to a building and where the light source is fully shielded. Security lighting intensity** ~~illumination levels shall be a maximum of ten (10) foot-candles.~~

~~62. *Signage Illumination:* All signage in LZ-1, LZ-2 and LZ-3 shall comply with cChapter 15 of this tTitle. Signage utilizing lighting shall have fixtures mounted to the top of the sign structure and aimed downward onto the sign from above. Fixtures shall be fully shielded so that light is directed only onto the sign facade~~ **face and not aimed at the sky, adjacent streets, roads or properties. Luminance shall not exceed nine (9) foot candles or one hundred nits (100 candelas per square meter) during the first hour after sunset, and lighting must be fully extinguished one hour after sunset or within one-half (1/2) hour of the end of normal business hours, whichever is later.**

~~a. The provisions of this Section shall follow the applicability and compliance defined in Section 9-12-6 with a modified compliance date of sign lighting replacement required by July 1, 2025.~~

~~3. *Overhead Walkway Lighting:* Overhead walkway lights shall be installed on a black or gray wire or metal rod, not to exceed three thousand kelvins (3,000 K) nor a maximum of eight hundred fifty (850) total lumens across the property or area. Overhead walkway lighting may not be located in any location that is wider than thirty two (32) feet. Overhead walkway lighting shall not blink, flash, or rotate, nor~~

**create a hazard or nuisance from glare. Overhead walkway lighting shall be maintained in safe and good working conditions at all times.**

**94. Bistro Lights: Bistro lighting shall not blink, or rotate, nor create a hazard or nuisance from glare. Bistro lighting shall be maintained in safe and good working conditions at all times.** Bistro lights shall be extinguished by ten o'clock (10:00) P.M. or within one-half (1/2) hour after the close of business, whichever is later.

**109. LED Strip Lighting:** Commercial LED strip lighting shall:

**a. Be fully shielded with no light source visible**

**ab.** Be white **or soft white** in color;

**bc.** Not exceed two thousand eight hundred **kelvins** (2,800 **K**) kelvin;

**cd.** Not flash **blink** or rotate;

**d.** ~~Be installed so that the source is not visible;~~

**e.** Not exceed one and one-half (1 1/2) watt maximum per linear foot; and

**f.** Be installed at a height no greater than 4 feet as measured from the ground or floor directly below. (Ord. 21, Series 2007; amd. Ord. 1, Series 2019; Ord. 3, Series 2019; Ord. 19, Series 2020; Ord. 6, Series 2022)

## **9-12-1314: RELIEF PROCEDURES:**

A. The town council may grant a variance from any requirement of this ~~e~~Chapter, upon written request by a developer or owner of property following a public hearing, and only upon finding that:

1. A strict application of such requirement would, when regarded as a whole, result in confiscation of the property or
2. That extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal or requirement.

B. No variance shall have the effect of nullifying the intent and purpose of these regulations. The town council shall not approve a variance under this ~~s~~Section unless it makes findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance, exception or waiver of condition will not be detrimental to the public health, safety, or welfare or injurious to other property;
2. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; and
4. The relief sought will not in any manner vary the provisions of the Development Code, Town master plan or other Town law, except that those documents may be amended in the manner prescribed by law.

C. The variance criteria set forth in this ~~s~~Section shall control over the variance criteria set forth in ~~s~~Section [9-1-11](#) of this ~~t~~Title. (Ord. 21, Series 2007)

### **9-12-1415: VIOLATIONS; PENALTIES; ENFORCEMENT:**

A. It shall be unlawful and a misdemeanor offense for any person to fail to comply with the requirements of this ~~e~~Chapter. Every person convicted of a violation of any provision of this ~~e~~Chapter shall be punished as provided in ~~t~~Title [1](#), ~~e~~Chapter [4](#) of this Code.

B. In addition to other remedies available to the town, the town may commence an action pursuant to ~~s~~Section [1-8-10](#) of this Code to enjoin the alleged violation of any provision of this ~~e~~Chapter, or to compel compliance with any provision of this ~~e~~Chapter. Any remedies provided for in this ~~e~~Chapter shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law. (Ord. 21, Series 2007)

**The Breckenridge Town Code is current through Ord. 35, Series 2022, passed November 22, 2022.**

Disclaimer: The town clerk's office has the official version of the Breckenridge Town Code. Users should contact the town clerk's office for ordinances passed subsequent to the ordinance cited above.

[Town Website: www.townofbreckenridge.com](http://www.townofbreckenridge.com)

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**From CHAPTER 15****9-15-18: SIGN DESIGN STANDARDS - GENERALLY:**

All signs for which a permit is required under this Chapter shall be subject to the following general limitations:

A. Sign Design And Materials: Unless otherwise expressly provided in this Chapter, signs must be constructed predominantly of natural materials, such as rough cedar, redwood, pine, or other types of solid wood. Wood or alternative materials that mimic wood grain (e.g., high density urethane) are encouraged. Metal may be used as an accent (maximum of 25 percent of sign area) on wood relief signs.

B. Architectural Compatibility: A sign (including its supporting structure and components, if any) shall be architecturally compatible with any building to which the sign is to be attached and with the surrounding structures.

C. Lighting Standards: **All sign lighting shall comply with signage illumination requirements listed in Section 9-12-12 and the lighting zone limitations listed in Section 9-12-11.**

1. Shielded Lighting: Light bulbs or lighting tubes used for illuminating a sign shall not be visible from the vehicular travel lanes of adjacent public rights-of-way. The use of adequate shielding, designed so that light from sign illuminating devices does not shine directly into the eyes of passing motorists without first being reflected off the sign or its background, is required whenever sign lighting is used.

~~2. Subdued Lighting: The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent travel way or closest Municipal street; and the illumination of a sign shall not be noticeably brighter than other lighting in the vicinity and shall comply with chapter 12 of this title.~~

~~3.~~ 2. Direction Of Lighting: All lighting fixtures shall be placed above the sign and shall shine downward toward the sign. Illumination of signs shall not be directed toward adjacent properties.

~~4.~~ 3. Internally Lit Signs: No sign that is placed on the exterior of a building or on the interior of the building within five feet (5') of a window shall be internally lit.

D. Component Painting: All light fixtures, conduit, and shielding shall be painted a flat, dark color, or shall be painted to match either the building or the supporting structure that serves as the background of the sign.

E. Confusing Or Dangerous Signs: No sign or sign structure shall:

1. Obstruct the view of, resemble, or purport to be a device to control the operation of motor vehicles or pedestrians in the right-of-way, or any other official sign.
2. Create an unsafe distraction for motor vehicle operators.
3. Obstruct the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley, or other thoroughfare.
4. Obstruct free ingress to or egress from required door, window, fire escape, or other required exit or standpipe.

F. Parked Vehicles Not To Be Used As Signs: Notwithstanding ~~s~~Subsection [9-15-9K](#) of this ~~c~~Chapter, no parked vehicle, including, but not limited to, an automobile, truck, bus, semi-truck (attached or detached), trailer, mobile home, motor home, boat, van, or other motor vehicle, shall be used as a sign or sign structure. Delivery trucks parked during hours of operation are excluded.

G. Clearance: Signs shall not be located with less than three feet (3') horizontal or eight feet (8') vertical clearance from overhead electric conductors. No sign shall obstruct any window to such an extent that any light or ventilation is reduced to a point below that required by any law or ordinance. (Ord. 3, Series 2019)

[9-3-9E](#) – Design Standards for Off Street Parking Facilities

### From CHAPTER 3

#### 9-3-9: DESIGN STANDARDS FOR OFF STREET PARKING FACILITIES:

Each off street parking facility constructed pursuant to the requirements of this chapter shall conform to the following design standards:

A. *Compliance With Codes Required:* The design and structural quality of all off street parking spaces and facilities required by this chapter shall conform to: (1) all applicable standards contained in this chapter; (2) the development code; (3) the engineering regulations; and (4) other applicable town ordinances. Drainage facilities shall be constructed pursuant to the engineering regulations.

B. *Width of Parking Aisles:* The following minimum aisle widths shall apply to all off street parking facilities within the town:

Angle Of Parking Stall	Aisle Width
45°	12'
60°	16'
75°	22'
90°	24'

C. *Size of Parking Stalls:* The following minimum sizes shall apply to all off street parking stalls within the town:

	Length	Width	Height
30° – 90° parking	18'	9'	n/a
Parallel parking	25'	8'	n/a
Enclosed parking	18'	9'	n/a
Stacked parking	18'	9'	6'5"

D. *Ingress and Egress*: The ingress and egress provisions for off street parking spaces shall conform to the engineering regulations.

E. *Lighting*: All parking facilities containing ten (10) or more parking spaces shall submit a photometric plan. **This information shall be provided by a registered Colorado engineer.**

1. The parking lot lighting shall not exceed IESNA recommended foot-candle **and lumen** levels, and applications are encouraged to use the lower end of the range. ~~This information shall be provided by a registered Colorado engineer.~~
2. All fixtures shall not exceed the maximum fixture height or number of fixtures per pole in the property's designated lighting zone per ~~s~~**Section 9-12-11** of this ~~t~~**Title**.
3. All lights shall be level mounted and ~~eighty five degrees (85°)~~ **ninety degree (90°)** full cut off **downcast** fixtures.
4. All fixtures shall be a minimum of half the distance of the length of the pole **from the property line** (e.g., an 18-foot pole shall be a minimum of 9 feet from the property line).
5. Lighting fixtures shall not exceed three thousand **kelvins** (3,000 **K**) ~~kelvin~~ **in CCT**. LEDs **lighting** shall use filtered LEDs for a warm white color to minimize blue light emission.
6. Foot-candle levels shall not exceed two-tenths (0.2) foot-candle at a property line, unless for safety ingress/egress as determined by the ~~d~~**D**irector.
7. Parking lot **light fixture** are encouraged to be greater in number and lower to grade **rather** than have a reduced number and increased height.

F. *Grades*: The sustained surface grades for parking areas shall not exceed a minimum of one-half percent (0.5%) or a maximum of four percent (4%). Driveway grades shall not exceed a maximum grade of eight percent (8%). The first 5 feet of a driveway shall be graded to match the cross slope of the connecting street. For downhill sites, a 20-foot staging area with a maximum grade of negative four percent (-4%) is required (~~s~~**Section 9-3-19**, attachment B of this ~~c~~**Chapter**). For uphill sites, a 20-foot staging area with the first 5 feet matching the cross slope of the connecting road and the next 15 feet at a maximum grade of four percent (4%) is required (~~s~~**Section 9-3-19**, attachment C of this ~~c~~**Chapter**). Grades shall comply with all requirements of the engineering regulations.

G. *Heated Driveways:* Driveway heat systems shall terminate at the property line. If the system extends into the public right-of-way, a separate zone must be created for that portion of the system and accommodations must be made to reduce the impacts of the melted drainage at the snow/melted interface. A revocable license agreement acceptable in form and substance to the town attorney must be approved by the town and executed prior to the issuance of a certificate of occupancy. Heated driveways shall comply with all requirements of the engineering regulations.

H. *Drainage:* All off street parking facilities shall be graded for proper drainage so that all surface discharge is channeled to a natural or improved drainageway without causing nuisance or damage to other properties or the improvements thereon.

I. *Location:* The location of all required off street parking facilities shall be as follows:

1. *Residential Uses:* For residential uses, except residences located in buildings adjacent to the "Riverwalk" as defined in ~~s~~Section [9-1-19-37A](#), "Policy 37 (absolute) special areas," of this ~~t~~itle, all required off street parking spaces shall be provided on the same property as the residential units they are intended to serve.

2. *Nonresidential Uses:* Off street parking for nonresidential uses shall be placed totally on the same parcel of land as the use, unless a fee in lieu is paid to the town as provided in ~~s~~Section [9-3-12](#) of this ~~c~~hapter.

3. *Parking Space Location:* No parking space shall be located closer than 5 feet from any public street, public alley, public pedestrianway or public right-of-way or 3 feet from any property line.

J. *Landscaping:* A minimum of twenty five (25) square feet per parking stall shall be utilized for landscaping purposes. Any parking facility containing more than two (2) side-by-side loading spaces shall contain at least two hundred (200) square feet of landscaped area raised a minimum of six inches (6") above the parking surface for each two (2) side by side loading spaces. Landscaping shall be maintained according to the standards contained in the development code.

K. *Snow Stacking:* (Rep. by Ord. [1](#), Series 2019)

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L. *Signs*: Appropriate signage directing traffic shall be placed in any off street parking facility pursuant to the Breckenridge Sign Code<sup>1</sup>. **in compliance with sign design and lighting regulations in Section 9-12-12 and Section 9-15-18 of this Title.**

M. *Paving*:

1. *Off Street Parking Spaces*: All off street parking spaces shall be paved.
2. *Driveways*: All driveways shall be paved; provided, however, that any unpaved driveway which exists at the time of the adoption of this subsection M shall be paved as a condition of the issuance of a development permit for future development of the subject property in accordance with the following schedule: (a) within the conservation district, whenever a Class B minor development permit or higher is issued; and (b) outside the conservation district, whenever a Class D major development permit or higher is issued. (Ord. 9, Series 2015; amd. Ord. 1, Series 2019; Ord. 3, Series 2019; Ord. 3, Series 2022)

**Notes:**

<sup>1</sup> See ~~Chapter~~ [15](#) of this ~~Title~~.

# Memo

To: Town Council  
 From: Planning Staff  
 Date: November 22, 2023, for the meeting of November 28, 2023  
 Subject: BGV Peak 8/ Gold Rush Lot Development Summary Analysis

During this worksession we will revisit unresolved items from previous worksessions related to Breckenridge Grand Vacations (BGV) Parcels 1 and 2. Staff will summarize various discussion points by parcel and outline the code-based ramifications of those proposed development concepts.

## Staff Analysis of the Proposed Development Concepts

### Parcel 1 Concept (North Gondola)

The Council last discussed Parcel 1 at the Council's October 24<sup>th</sup> work session. The primary issues discussed were appropriate drainage and retention, landscaping, snow storage, lighting, and attendants for parking. BGV has submitted the plan below for the North Gondola Lot showing how most of these issues are proposed to be addressed. Staff analysis follows.



**Drainage and Detention:** BGV proposes to utilize two existing detention ponds on the very east portion of the North Gondola Lot, adjacent to the Rec Path. These detention ponds would likely need to be modified/improved to meet Engineering Standards. In addition, an underground vault structure is proposed underneath the easternmost portion of the parking lot to accommodate detention and water quality treatment. Town Engineer Shannon Smith has reviewed the conceptual design and agreed that the plan is reasonable, provided Town Engineering Standards are adhered to in the design and implementation. Staff has no further concerns but recommends that the Development Agreement memorialize that the conceptual drainage improvements are implemented so that all drainage, detention, and water quality facilities will meet the Town's Engineering Standards.

Is Council comfortable with the above conceptual design with the condition that all drainage, detention, and water quality associated with the design's implementation meet the Town's Engineering Standards?

**Landscaping:** The plan shows new landscaping added to the perimeter of the parking lot. Most of the new landscaping is proposed east of the parking lot near the Rec Path. Along with existing landscaping in this area (which will be evaluated to ensure that they are healthy and viable), staff anticipates this additional landscaping will help buffer the view of the parking lot from the Rec Path, which receives heavy summertime use. Trees are proposed as a mix of conifers and aspens. Some new trees are also proposed along French Street to screen the view of the parking lot. No new trees are proposed along Park Avenue, primarily because that is where snow stacking has occurred historically and is proposed to continue. The few existing trees along Park Avenue are in very poor health because of the snow stacking and new trees are not likely to thrive with continued snow stacking.

At the October 24<sup>th</sup> meeting, Council expressed interest in some additional perimeter landscaping, but understood the competing space needs for accommodating snow stacking and drainage. Given this guidance, staff supports the proposed landscaping plan.

Does Council support the landscaping plan as proposed?

**Snow Storage:** The plan shows shaded snow stacking areas around the perimeter of the North Gondola parking lot. Staff believes the identified snow stacking areas are similar to the areas historically used for snow storage. Under Policy 13R of the Development Code, negative points may be assigned if less than 25 percent of the area to be cleared of snow is provided for snow storage. The proposed snow stacking area is about 16.5 percent of the size of the parking area. The Council has indicated in the past their willingness to be lenient regarding strict adherence to the Code for snow stacking, landscaping, etc. Given this, and the fact that this area has historically accommodated snow storage, staff supports the proposed snow storage areas and suggests the Development Agreement acknowledge this and clarify that negative points will not be assigned under Policy 13R when a development permit for parking area improvements (e.g., drainage, landscaping, etc.) is reviewed.

Does Council support the proposed snow storage plan?

**Lighting:** The plan shows the location of three WellsBach lightposts in the interior of the North Gondola parking lot. There are also a series of existing Town-owned WellsBach lights along the perimeter in the Right-of-Way along Park Avenue and North French Street. The plan shows the installation of an additional ten light posts spread through the eastern portion of the parking lot. Staff feels the spacing of these new light posts appears adequate. However, we are concerned that the western portion of the parking lot has no lighting proposed at all. Staff recommends that additional lighting be placed on the western portion of the parking lot, in an amount similar to what is shown for the eastern parking lot area. This additional lighting would help ensure safety and visibility both for pedestrians parked in the lot and pedestrians walking through the lot on their way to the gondola, transit center, or downtown. Staff further recommends that all new lighting be compliant with the Town's Exterior Lighting regulations and Dark Sky provisions.

Does Council agree that additional lighting should be provided on the western portion of the parking lot and that the lighting should be compliant with the Town's Exterior Lighting regulations?

**Parking Attendant:** In previous discussions both the Council and BGV agreed that the best way to ensure that the North Gondola parking lot is maximized for efficiency and number of parking spaces is to provide a parking attendant during the winter ski season to facilitate vehicle parking in the lot. BGV has agreed that a parking attendant will be provided on-site. Staff supports this requirement but feels it would be helpful to clarify this commitment by identifying specific hours during the day and days during the ski season when the parking attendant will be provided. We have not had discussions with BGV yet regarding this but will have a recommendation to bring to the November 28<sup>th</sup> work session.

Does Council feel that the Development Agreement should specify the hours of the day and days during winter when a parking attendant must be present at the North Gondola Lot?

#### Parcel 2 Concept (North Goldrush Lot)

**Workforce Housing:** The employee housing programming is unchanged from the October 24<sup>th</sup> meeting. The concept proposes 64,651 sq. ft. of employee housing density, and BGV is committing to build 24,992 sq. ft. of this total for required employee housing mitigation related to development on Parcel 4 within the development agreement area. Under the current code, the concept will require 53.9 SFEs, 21.2 SFEs of which are for the required housing mitigation and will be provided by the applicant's density pool. The remaining 32.7 SFEs are for additional employee housing beyond what is required by Code. Understanding there will be some design refinement at the site-specific level, the applicant has requested the Town provide up to 35 SFEs of density to cover the additional employee housing units above Code through the development agreement.

The proposed concept features 92 units: 40 studio units, ten 6-bedroom dorm units, and 42 one-bedroom units totaling 143 beds. The 6-bedroom dorm units are designed to be flexible so that the bedrooms can be rented individually. The 6-bedroom dorm units feature a shared living room and kitchen with each bedroom having its own bathroom and the ability to be locked. Detailed floor plans are included in the packet.

The recommended Area Median Income (AMI) formula does not list dormitory style housing, so there is not a specific formula for setting the rent caps for dorms on that chart. Whatever the Town decides for rental caps will set some precedent and will need to be spelled out in the Development Agreement. A formula for initial rents as well as increases over time will need to be specified in the Development Agreement.

After the October 24<sup>th</sup> worksession, Housing Division staff met with the applicant to discuss appropriate baseline monthly rents and annual rent appreciation. From this discussion, the applicant requests to limit the rental of the developer-provided density one-bedroom units to 100% Area Median Income (AMI) (\$2,079 per month). The studio unit rentals that require Town of Breckenridge-provided density are proposed to be limited to 60% AMI (\$1,164). The Town of Breckenridge-provided density dorm style bedroom rentals are proposed to be limited at 85% of the rate of a 60% AMI studio unit (\$989), which is a 5% decrease from what BGV had proposed at the previous worksession. The applicant further requests that upon Development Agreement approval, the initial rates above to escalate at 2.0% annually until construction is complete and then after the project receives a certificate of occupancy annual rents escalate at 3.0% annually in perpetuity.

The attached memo, provided by the applicant, details how workers making minimum wage at BGV, Vail Resorts, and other in-Town businesses could afford to live in the studio and dorm style units. BGV's current minimum wage is \$21.75 per hour which according to the AMI table translates to an affordable monthly rent of \$1,131 ( $\$21.75 \times 2,080 \text{ hours worked} / 12 \text{ months} \times 30\% \text{ affordability rate}$ ) which lands just shy of the studio unit rent rate above. Vail Resorts current minimum wage is \$20.00 per hour which translates to an affordable monthly rent of \$1,040 per month. The proposed dorm rental rates translate to a \$19.01 hourly wage according to AMI affordability standards. Finally, the 1-bedroom units at 100%

AMI translate to an hourly wage of \$26.65 according to AMI affordability standards (\$2,079 monthly rent / 1.5 people / 30% affordability rate X 12 months / 2,080 hours worked).

In addition to the proposed rent prescriptions, all units will be deed restricted with the standard deed restriction terms listed in the Town Administrative Housing Rules and Regulations shown below.

The Administrative Housing Rules and Regulations (adopted in October 2022). Article 3. A., B., and C. state:

*“A. Minimum Lease Term: When rental of an affordable workforce housing unit is authorized, all rental contracts shall be at least three (3) consecutive months in duration. Any such tenancy approved by the Town of Breckenridge shall be to a person meeting the definition of a Qualified Occupant. Unrelated roommates must all be qualified occupants and must all be included as tenants on the lease.*

*B. The Town will establish a maximum rental rate for each rental unit based on factors including the market conditions, the type of development and/or the AMI targets.*

*C. Use as a Short-Term Rental Prohibited: Rental units may not be used for or be eligible for short-term rental as defined in title 4 of the municipal code.”*

Staff supports the revised baseline monthly rents, maximum annual rent increases and use of the standard deed restriction as proposed.

Does Council support transferring up to 35 SFEs of Town-owned density to the property for all density beyond the 21.1 SFEs that BGV will use from their density pool for their required housing units?

Does Council support the proposed baseline rents and maximum yearly rent increases?

**Pedestrian Crossing:** Council requested information about different pedestrian crossing options at the intersection of Park Avenue and French Street, including a pedestrian tunnel option. The applicant is currently working with staff on different design options to be presented for review at the December 12<sup>th</sup> worksession.

**Ski Hill and Park Avenue Intersection Improvement:** Improvement and mitigation options will be reviewed at the December 12<sup>th</sup> worksession.

#### Parcel 3 Concept (South Gold Rush Lot)

Council supported the conceptual plan for 16 duplex units that minimized wetland disturbance to 0.1 acres. To offset this wetland disturbance, a 2:1 credit purchase from the Colorado Western Slope In-Lieu Fee Program’s Blue-Eagle Service Area for the wetland mitigation was found to be acceptable. The Council also supported the conceptual tree preservation and replanting plan. Relief to exceed the Engineering Standards for driveway cross-slope, and an allowance to have more than four residences served by a private driveway was supported by the Council.

#### Parcel 4 Concept (East Peak 8 Hotel Site)

Council generally supported the conceptual building design, placement, and programming that features 78 condominium units, 69 additional lock-off keys, 36 hotel rooms, a 4,346 sq. ft. restaurant, a 5,200 sq. ft. spa, 22,037 sq. ft. of interior amenity space and 1,524 sq. ft. of space for the BOEC. The concept also requires 162 parking spaces with support of Council for an additional 35 spaces to be used exclusively by Vail Resorts employees and 6 oversized spaces for exclusive use by the BOEC. Council also supported of exempting the underground parking garage from density and allowing two curb cuts from Ski Hill Road. Council also supported the proposed three-step approach to comply with the Town’s REMP requirements.

1. Provide solar on-site.
2. Provide solar on BGV controlled properties within the Town.
3. Payment of a fee in lieu if the required REMP offset is not accomplished prior to Certificate of Occupancy (CO).

Parcel 5 Concept (Four O'clock SFH Sites)

Council did not have any substantial concerns with the two homesites (7,500 square feet of density each) but did emphasize a desire for the applicant to work with the adjacent neighbors in the Four O'clock subdivision and retain site buffering and formalize trail access. Council also supported utilizing a private driveway for access to the two homesites. A PIF rate that is 1.25 times the listed in-Town rate will be assessed for properties in Parcel 5. A master plan amendment is required to allow single-family homes in the Peak 8 Base Area of the Peak 7 and 8 Master Plan.

Parcel 6 Concept (Area Southwest of Timber Trail)

Council did not have any substantial concerns with the fourteen homesites with a minimum lot size of 0.6 acres (7,500 square feet of density each) but did emphasize a desire for the applicant to work with the adjacent neighbors in the Timber Trail subdivision and retain site buffering and formalize trail access. Council also supported utilizing a private driveway for access to more than four homesites. Council also supported providing Code relief to the developer to allow an excess of recommended slope and length guidelines for a dead-end roadway as long as the conditions were similar to the existing developed conditions for Timber Trail. A PIF rate that is 1.25 times the listed in-Town rate will be assessed for properties in Parcel 6. A master plan amendment is required to allow single-family homes in the Peak 8 Base Area of the Peak 7 and 8 Master Plan. A master plan amendment is required to transfer density and allow single-family homes as an allowed use on Parcel 6.

**Summary Table:**

Staff has also included a summary table of outstanding questions for Council and anticipated requests for Code relief from the applicant. Staff will be happy to receive any additional feedback or answer any questions.

<b>Summary of Considerations</b>			
<b>Parcel Name</b>	<b>Questions for Council</b>	<b>Requested Code Relief</b>	<b>Deal Points</b>
Parcel 1 (North Gondola)	<ul style="list-style-type: none"><li>• Determine appropriate Drainage, lighting and landscaping commitments.</li><li>• Determine guidelines regarding hours and days that a parking attendant would be working on Parcel 1.</li></ul>	<ul style="list-style-type: none"><li>• Relief from the off-street parking standards.</li></ul>	<ul style="list-style-type: none"><li>• Designated use shall remain as day-skier/visitor parking.</li><li>• Parking counts will be based on historical parking counts not code compliant parking spaces.</li><li>• Onsite drainage and detention improvements must be provided.</li><li>• Waiver from interior landscaping and snow stacking is acceptable.</li><li>• Perimeter landscaping shall be enhanced.</li></ul>

			<ul style="list-style-type: none"> <li>• Lighting should be improved and meet dark sky requirements.</li> </ul>
Parcel 2 (North Gold Rush)	<ul style="list-style-type: none"> <li>• Determine the appropriate amount of workforce housing units.</li> <li>• Determine appropriate pedestrian crossing design.</li> <li>• Determine appropriate monthly rents and annual rent increases for workforce housing units.</li> </ul>	<ul style="list-style-type: none"> <li>• Additional density for the purpose of building more workforce housing than required by Code. (Existing density must be utilized for all required employee mitigation.)</li> <li>• Possible relief from Policy 7/R for cutting into the hillside.</li> <li>• Lower required parking for one-bedroom units from 1.5 to 1.0 spaces per unit.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide roundabout and other pedestrian crossing improvements at French and Park Avenue intersection.</li> <li>• Provide a to-be-determined amount of workforce that is beyond what Policy 24A requires.</li> <li>• Provide relief from 7/R related to site disturbance and retaining walls for cutting into the hillside if tree buffer along Park Avenue is maintained.</li> <li>• Allow a reduction in required parking from 1.5 to 1.0 spaces per unit.</li> </ul>
Parcel 3 (South Gold Rush)	<ul style="list-style-type: none"> <li>• Determine the appropriate amount of site programming (density and site disturbance).</li> <li>• Determine the appropriate amount of tree preservation.</li> <li>• Determine the amount of acceptable, if any, wetland disturbance.</li> </ul>	<ul style="list-style-type: none"> <li>• Allow revegetation of trees lost on Park Avenue due to roundabout and sidewalk construction.</li> <li>• Allow relief from the Engineering Standards related to driveways and circulation.</li> </ul>	<ul style="list-style-type: none"> <li>• Allow relief from the Engineering Standards related to driveways and circulation.</li> <li>• Allow 0.1-acre permanent wetland impact, temporary encroachment into the 25-foot ESA setback for site grading and water quality swales, and the proposed 2:1 credit purchase from the Colorado Western Slope In-Lieu Fee Program's Blue-Eagle Service Area for the wetland mitigation prescribed in the draft Wetland Technical Report from Alpine Ecological Resources, LLC dated October 26, 2023 for the Gold Rush Lots redevelopment.</li> </ul>
Parcel 4 (East Peak 8 Hotel)	<ul style="list-style-type: none"> <li>• Should the building be designed to step down along the eastern façade or have increased</li> </ul>	<ul style="list-style-type: none"> <li>• A request for 220 SFEs of density to allocated to the site.</li> </ul>	<ul style="list-style-type: none"> <li>• Allocate 220 SFEs of density, including 13.75 commercial SFEs, and 7.2 SFEs support. 87.8 SFEs are currently within the Peak 8 Base Area. An</li> </ul>

	<p>setbacks without stepping?</p> <ul style="list-style-type: none"> <li>• Shall the applicant be responsible for any permit identified geometric roadway improvements, including but not limited to: turn lane extensions, curb &amp; gutter realignment, and associated drainage infrastructure?</li> <li>• Does the Council have additional comments on traffic or roadway improvements?</li> </ul>	<ul style="list-style-type: none"> <li>• Waiver of on-site mitigation requirements of REMP and allowance to offset outdoor energy by installation of solar on other BGV buildings in Town, subscription to solar/wind gardens outside of the County, and if necessary, payment in lieu.</li> <li>• Request to modify Master Plan to eliminate language that requires buildings to step down at the edge of the Peak 8 Base Area.</li> </ul>	<p>additional 132.2 SFEs will need to be transferred to the site from the Gondola Lots Master Plan area.</p> <ul style="list-style-type: none"> <li>• Allow Master Plan to be modified to eliminate language that requires buildings to step down at the edge of the Peak 8 Base Area. Increased building setback requirements should be instituted as a trade-off for not requiring buildings to step down.</li> <li>• Allow up to 203 vehicles to be parked underground onsite, with 35 of those spaces to be used exclusively by Vail Resorts employees and 6 oversized spaces to be used exclusively by the BOEC.</li> <li>• Underground garage square footage shall be exempted from Policy 3A: Density.</li> <li>• Provide a waiver of on-site mitigation requirements of REMP and allowance to offset outdoor energy by installation of solar on other BGV buildings in Town, subscription to solar/wind gardens outside of the County, and, if necessary, payment in lieu.</li> <li>• Provide a waiver for the second curb cut off of Ski Hill Road.</li> <li>• Eliminate access to site from Sawmill Run Road upon reception of a certificate of occupancy.</li> <li>• Retain the environmental improvement fund commitment from the</li> </ul>
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			<p>previous Lionheart Development Agreement in the new Development Agreement and make the term of the agreement the life of the building.</p> <ul style="list-style-type: none"> <li>• Provide annual trip reports to the Town for the first 5 years after obtaining a certificate of occupancy.</li> </ul>
Parcel 5	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Request for relief to exceed recommended slope for driveways.</li> <li>• Request for relief from the subdivision standards related to lot dimensions.</li> </ul>	<ul style="list-style-type: none"> <li>• Relief to exceed recommended slope for driveways if similar to developed conditions for Timber Trail was found to be acceptable.</li> <li>• Relief from the subdivision standards related to lot dimensions.</li> </ul>
Parcel 6	<ul style="list-style-type: none"> <li>• Determine the appropriate home size limitation or FAR.</li> <li>• Determine the appropriate number of single-family lots.</li> <li>• Is the Council supportive of instituting a PIF rate that is 1.25 times the listed in-Town rate for the properties within Parcels 5 and 6?</li> </ul>	<ul style="list-style-type: none"> <li>• Master plan amendment to add density for single-family homesites.</li> <li>• Relief to exceed recommended slope and length for a dead-end roadway.</li> <li>• Relief to exceed recommended slope for a driveway.</li> <li>• May wish to proceed with development without having a Hydrology Analysis performed.</li> </ul>	<ul style="list-style-type: none"> <li>• Revised conceptual lot shape and dimensions were found to be acceptable.</li> <li>• Master Plan amendment is favored over an amendment to the LUGs to allow density transfer for creation of up to 14 new single-family lots with minimum lot size of 0.6 acres.</li> <li>• Relief to exceed recommended slope and length for a dead-end roadway if similar to developed conditions for Timber Trail was found to be acceptable.</li> <li>• Provide access to site by extending Timber Trail Drive through Tract A.</li> <li>• Open space fee in-lieu dedication shall be based on an appraisal</li> </ul>

			<p>completed at the time of subdivision.</p> <ul style="list-style-type: none"> <li>• Institute a PIF rate that is 1.25 times the listed in-Town rate for the properties within Parcels 5 and 6.</li> <li>• Provide a hydraulic study prior to subdividing Parcel 5 or 6 into Single-family homesites.</li> </ul>
All Parcels	<ul style="list-style-type: none"> <li>• We need to understand exact densities to assign to each parcel.</li> </ul>	<ul style="list-style-type: none"> <li>• Request for extended vesting for the amended Peak 7 &amp; 8 Master Plan and Gondola Lots Master Plan.</li> </ul>	<ul style="list-style-type: none"> <li>• 8 years extended vesting for the amended Peak 7 &amp; 8 Master Plan.</li> <li>• 5 years extended vesting for the amended Gondola Lots Master Plan.</li> </ul>



LANDSCAPE LEGEND	
	PROPERTY LINE
	SETBACK LINE
	LOT SUBDIVISION LINE
	ASSUMED EXISTING TREES LOCATION

TREE LEGEND	
SYMBOL	TYPE
	NARROW LEAF COTTONWOOD
	QUAKING ASPEN
	RIVER BIRCH
	COLORADO SPRUCE
	DOUGLAS FIR

TREE REMOVAL AND REPLACEMENT LEGEND		
SYMBOL	CATEGORY	QTY.
	EXISTING TREE TO BE PRESERVED	53
TOTAL PRESERVED		53
	EXISTING TREE TO BE REMOVED	4
TOTAL REMOVED		4
	TREE REPLACEMENT/ADDED	45
TOTAL REPLACE/ADD		45

**NOTES**

ALL EXISTING TREE LOCATIONS AND QUANTITIES REPRESENTED IN THIS EXHIBIT ARE ASSUMED. TREE LOCATIONS AND QUANTITY ASSUMPTIONS ARE BASED ON DETAILED AERIAL PHOTOGRAPHIC ANALYSIS AND PROVIDED HISTORIC SURVEY INFORMATION. ACTUAL TREE LOCATIONS AND QUANTITIES, ARE TO BE VERIFIED IN FUTURE DEVELOPMENT AND DESIGN UTILIZING A CERTIFIED TREE SURVEY PROVIDED BY A PROFESSIONAL SURVEYING ENTITY.

Drawing: UA\2019026\_Breckenridge-Gondola Lot Dev\05\_CAD\Sheets\00\_Exhibits-Coordination\04\_GRS+CRN+NGL\_PlantingPlan\_Exhibits.dwg  
 Last Saved: November 10, 2023 10:49:59 AM by Zorhan  
 Last Plotted: 11/10/2023 11:41:17 AM  
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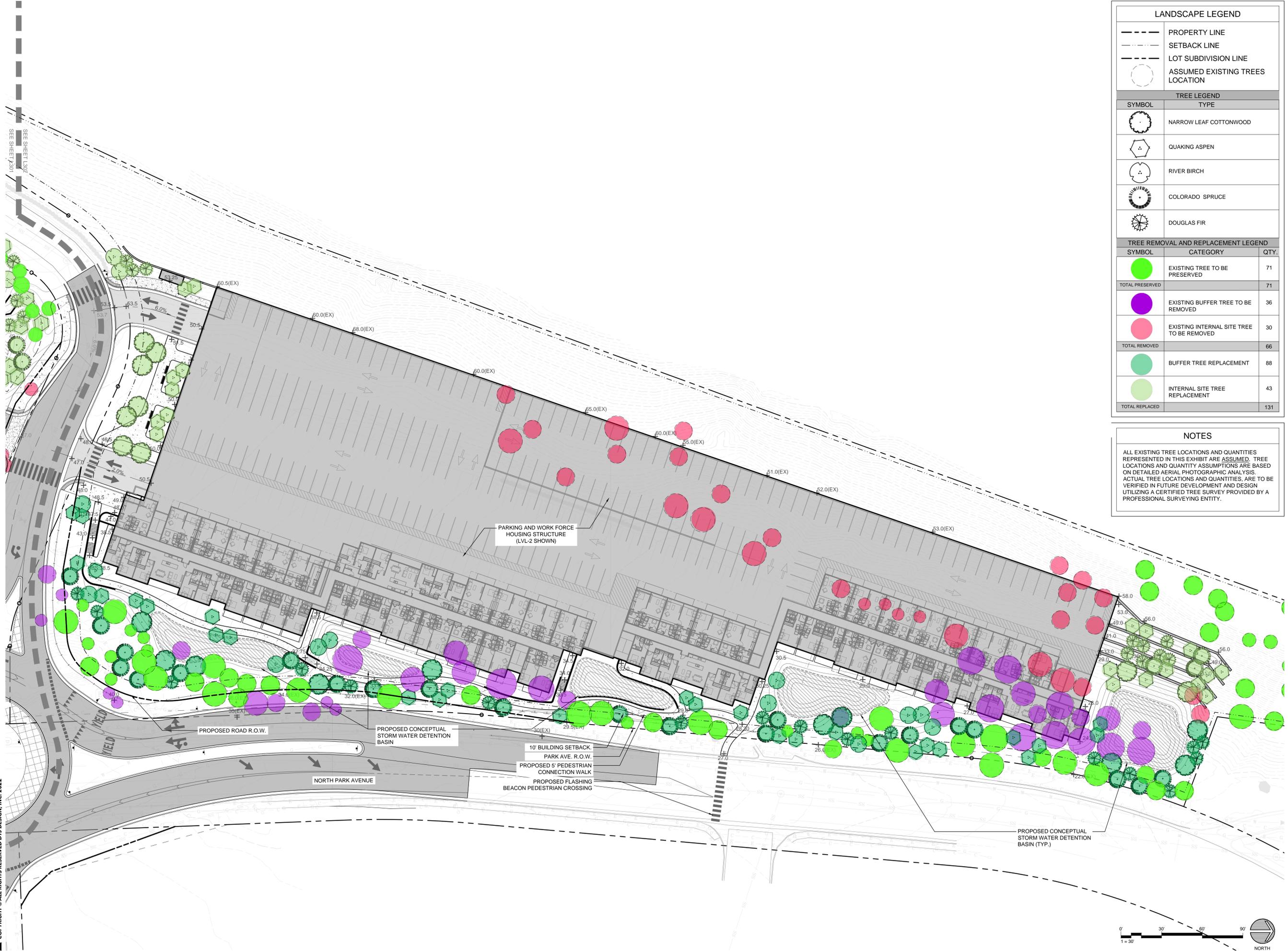
LANDSCAPE LEGEND	
	PROPERTY LINE
	SETBACK LINE
	LOT SUBDIVISION LINE
	ASSUMED EXISTING TREES LOCATION

TREE LEGEND	
SYMBOL	TYPE
	NARROW LEAF COTTONWOOD
	QUAKING ASPEN
	RIVER BIRCH
	COLORADO SPRUCE
	DOUGLAS FIR

TREE REMOVAL AND REPLACEMENT LEGEND		
SYMBOL	CATEGORY	QTY.
	EXISTING TREE TO BE PRESERVED	71
TOTAL PRESERVED		71
	EXISTING BUFFER TREE TO BE REMOVED	36
	EXISTING INTERNAL SITE TREE TO BE REMOVED	30
TOTAL REMOVED		66
	BUFFER TREE REPLACEMENT	88
	INTERNAL SITE TREE REPLACEMENT	43
TOTAL REPLACED		131

**NOTES**

ALL EXISTING TREE LOCATIONS AND QUANTITIES REPRESENTED IN THIS EXHIBIT ARE ASSUMED. TREE LOCATIONS AND QUANTITY ASSUMPTIONS ARE BASED ON DETAILED AERIAL PHOTOGRAPHIC ANALYSIS. ACTUAL TREE LOCATIONS AND QUANTITIES, ARE TO BE VERIFIED IN FUTURE DEVELOPMENT AND DESIGN UTILIZING A CERTIFIED TREE SURVEY PROVIDED BY A PROFESSIONAL SURVEYING ENTITY.



NOT FOR CONSTRUCTION

DRAWN BY: ZET/J  
CHECKED BY: DTJ  
PROJECT NO.: 2019026  
ISSUE DATE: 11/09/2023  
REVISIONS:

SHEET TITLE:  
GOLD RUSH  
NORTH  
SITE+PLANTING  
PLAN

SHEET NUMBER:

L302



Drawing: IA\2019026\Breckenridge-Gondola Lot Dev\05 CAD\Sheets\000\Exhibits-Coordination\04\_GRS+GRN+NGL\_PlantingPlan\_Exhibits.dwg  
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**BUILDING USE:**

- 1 BEDROOM
- DORM
- STORAGE
- STUDIO
- SUPPORT

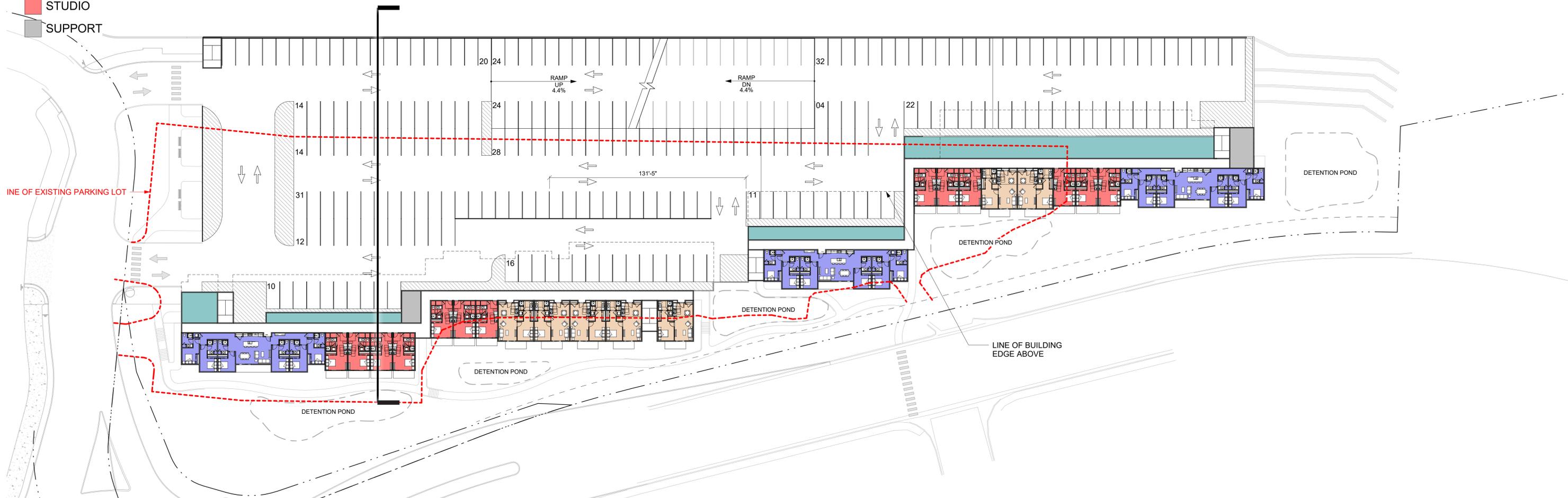


**LEVEL 00**

NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION

**BUILDING USE:**

- 1 BEDROOM
- DORM
- STORAGE
- STUDIO
- SUPPORT



**TOTAL BEDS**  
 40 BEDS WITHIN STUDIO UNITS  
 60 BEDS WITHIN DORM UNITS  
 42 BEDS WITHIN 1 BEDROOM UNITS  
**TOTAL BEDS = 142**

**TOTAL UNIT COUNT**  
 40 STUDIO UNITS  
 10 DORM UNITS  
 42 1-BEDROOM UNITS  
**TOTAL UNITS = 92**

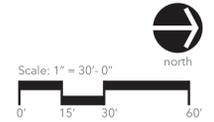
**REQUIRED PARKING**  
 SKIER PARKING: 400  
 REQUIRED ADDITIONAL PARKING: 112  
**TOTAL PARKING REQUIRED: 512**

**PROVIDED PARKING**  
 LOWER LEVEL PARKING: 86  
 ENTRY LEVEL PARKING: 262  
 2ND LEVEL PARKING: 165  
**TOTAL PROVIDED PARKING: 513**

STUDIOS= 40 SPACES (1 PER UNIT)  
 1 BR UNITS= 42 PARKING SPACES (1 PER UNIT)  
 DORMS= 30 PARKING SPACES (.5 PER BED)

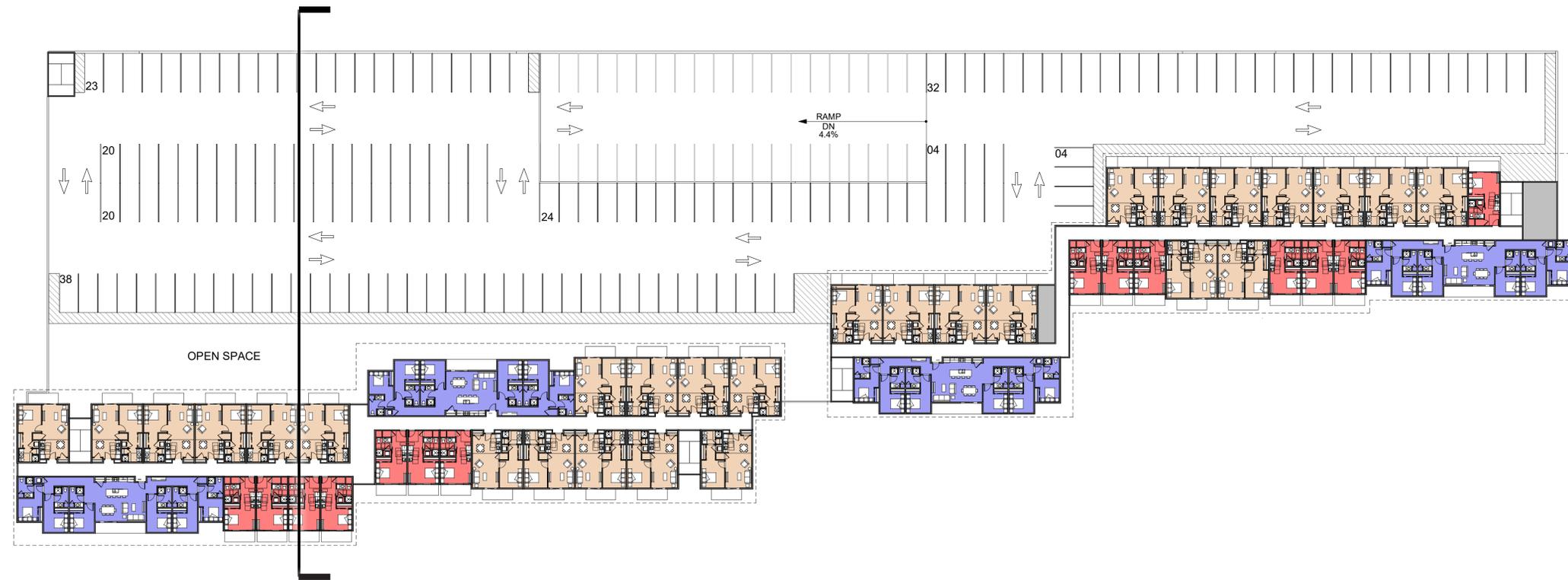
**LEVEL 01**

NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION



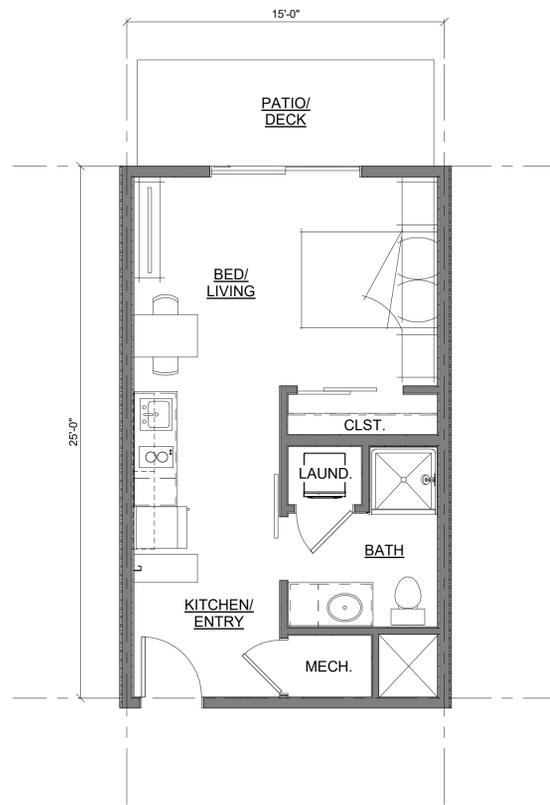
BUILDING USE:

- 1 BEDROOM
- DORM
- STORAGE
- STUDIO
- SUPPORT



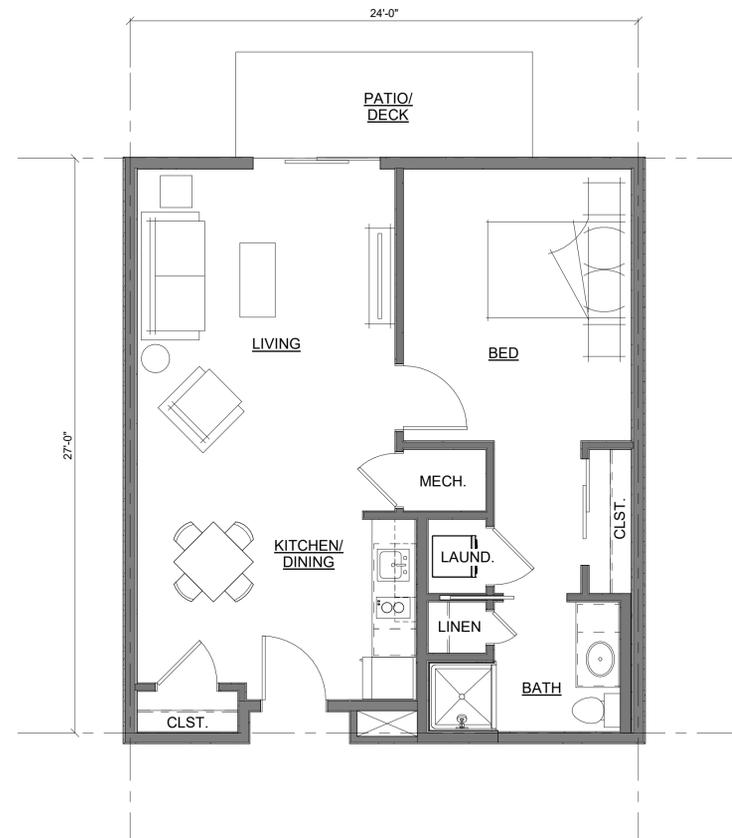
# LEVEL 02

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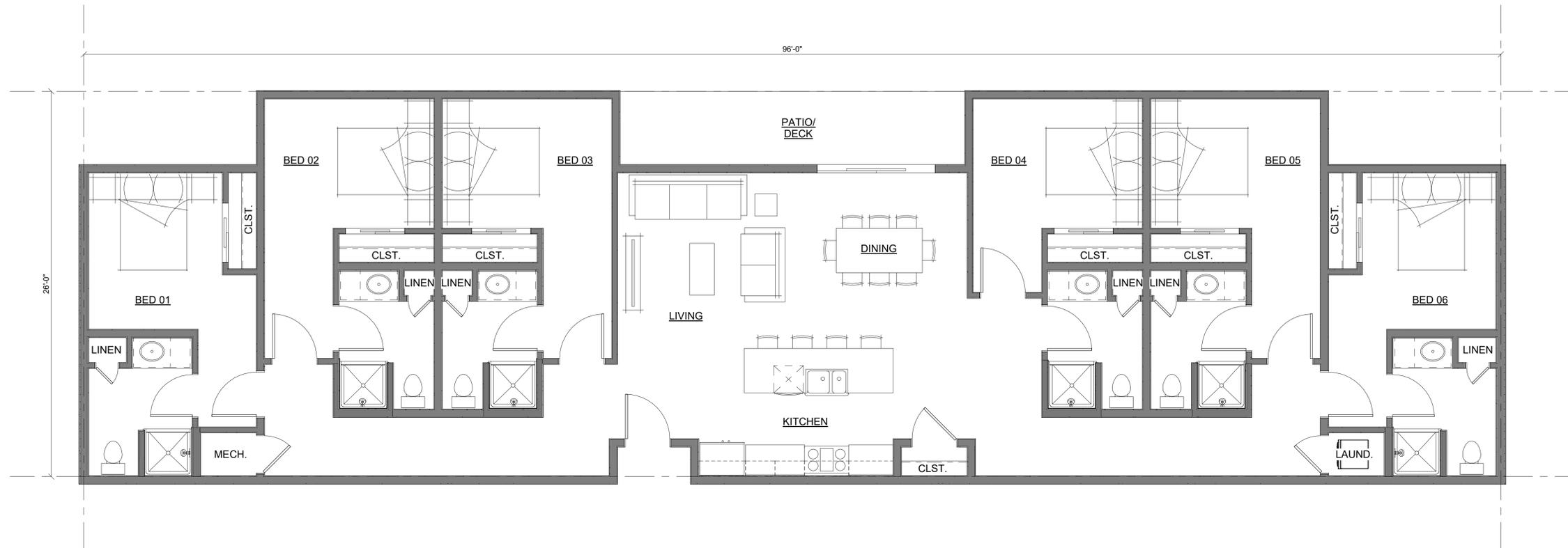
**STUDIO**

SCALE: 1/4" = 1'-0"



**1 BEDROOM**

SCALE: 1/4" = 1'-0"



**DORM**

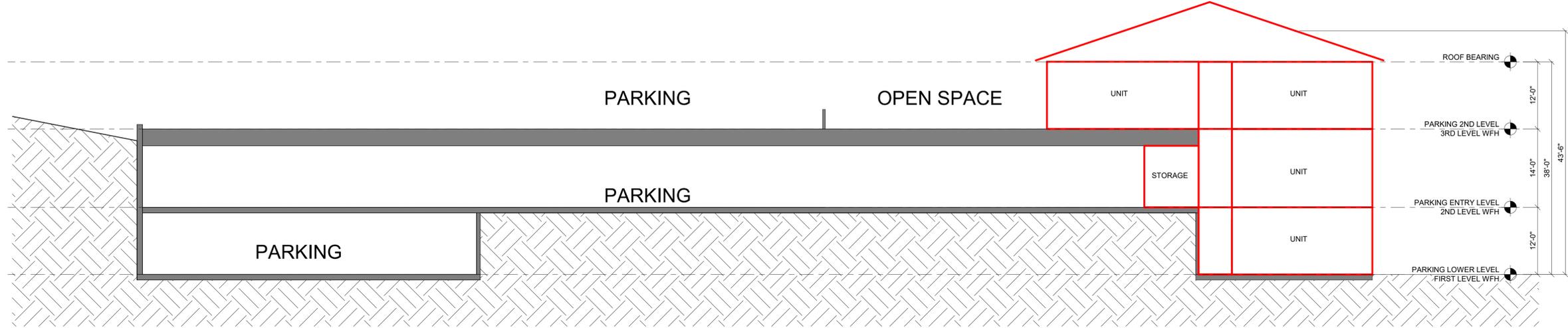
SCALE: 1/4" = 1'-0"



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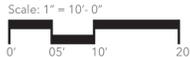


WFH: 3 STORIES FRONTING NORTH PARK AVENUE  
WITH 1 STORY TOWARD PARKING



# SECTION LOOKING NORTH

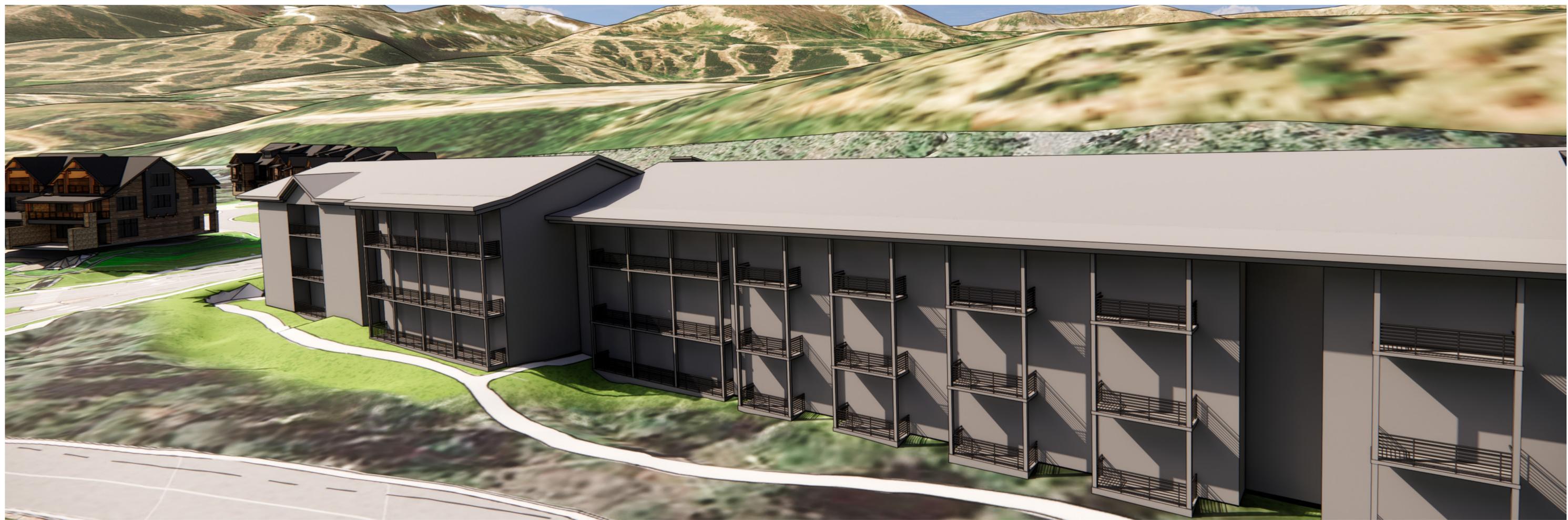
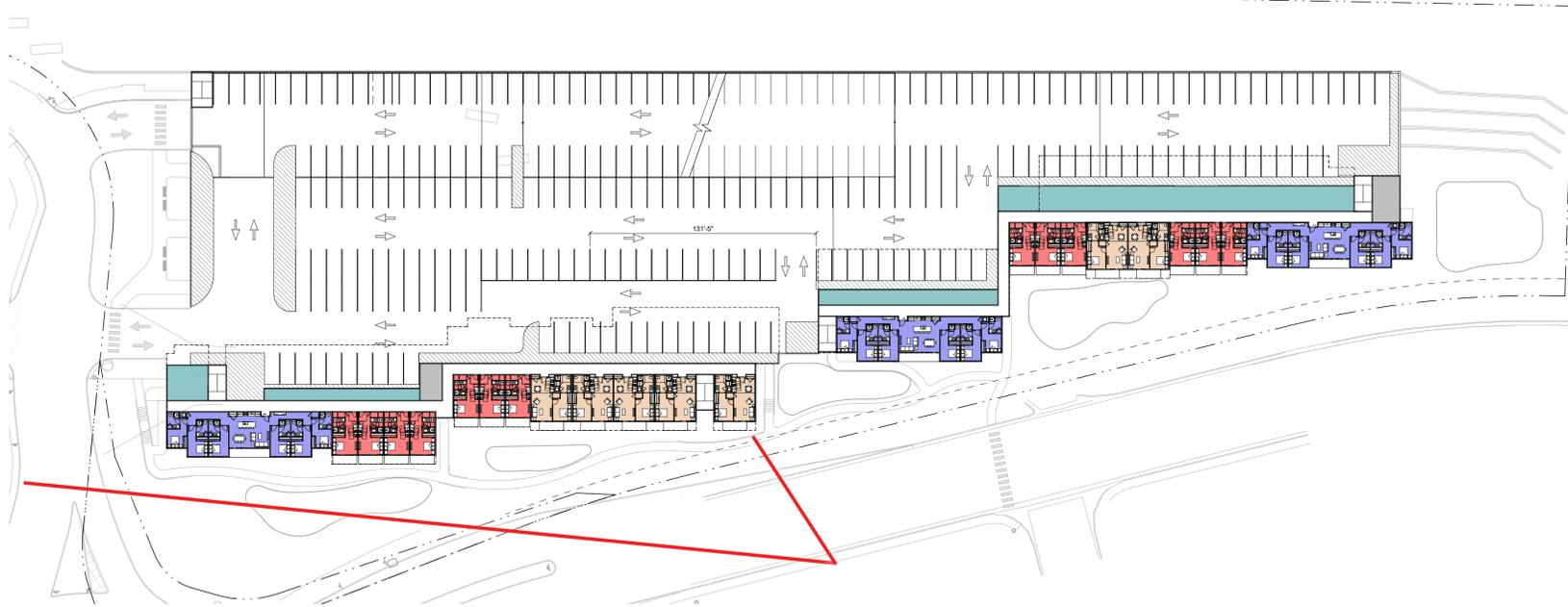
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# PERSPECTIVE LOOKING NORTH

NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION



# PERSPECTIVE LOOKING SOUTHWEST

NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION

## BGV Rent Structure Proposal for Workforce Housing

November 9, 2023

Following discussions with Laurie Best, Mark Truckey, and Chris Kulick, BGV proposes the following rent structures for the in-town workforce housing development on Parcel 2.

### Preliminary Unit Matrix

Unit Type	Density Type	Provided Density	Net SF/Unit	Beds/Unit	Units	Beds	Bed Dist. %	Net SF	Gross SF
Studio	Restricted	TOB	351	1	40	40	28%	14,053	15,283
1BR	Market	Developer	526	1	43	43	30%	22,611	24,213
Dorm	Restricted	TOB	2,122	6	10	60	42%	21,217	22,013
Storage								3,232	3,441
<b>Total</b>					<b>93</b>	<b>143</b>	<b>100%</b>	<b>61,113</b>	<b>64,950</b>

\*\*\* Tentative and preliminary, subject to change \*\*\*

175 People Effectively (Net SF / 350)

### Proposed Rent Structure

The initial lease up rate will be based on the 2023 Summit County AMI table. All developer provided density will be subject to a 100% AMI rental cap and a live-work deed restriction. All Town of Breckenridge provided density will be subject to 60% AMI and a live-work deed restriction.

- Studio Units (1 Person) = 60% AMI or \$1,164
- 1 Bedroom Units (1.5 People) = 100% AMI or \$2,079
- Dorm Units (1 Person) = 85% of a 60% AMI Studio or \$989

Upon development agreement approval, the initial rates above will escalate 2.0% annually until construction is complete and the project receives a certificate of occupancy at which point annual rents will escalate at 3.0% annually in perpetuity.

### Affordability

BGV's current *minimum* wage is \$21.75 per hour which according to the AMI table translates to an affordable monthly rent of \$1,131 (\$21.75 X 2,080 hours worked / 12 months X 30% affordability rate) which lands just shy of the studio unit rent rate above. Vail Resorts current *minimum* wage is \$20.00 per hour which translates to an affordable monthly rent of \$1,040 per month. The proposed dorm rental rates translate to a \$19.01 hourly wage according to AMI affordability standards. Finally, the 1-bedroom units at 100% AMI translate to an hourly wage of \$26.65 according to AMI affordability standards (\$2,079 monthly rent / 1.5 people / 30% affordability rate X 12 months / 2,080 hours worked).

BGV believes the proposal above meets the needs of the community from an affordability standpoint while providing a healthy mix of residential unit options for BGV and non-BGV workers alike.

**1. Eliminates “Deed Restriction Light”**

If BGV were to satisfy its workforce housing obligation at Parcel 4 within the East Peak 8 Hotel and Condo building those units would only be subject to a live-work deed restriction (“Deed Restriction Light”) with no limitations on rental rates or sale prices.

**2. Significant Developer Contribution**

By moving the housing from the base of the mountain to the core of town and agreeing to a 100% AMI cap, BGV is agreeing to a significant diminishment of value to what otherwise could be realized. We have proposed a baseline rent cap of \$2,079/month for this market density. We believe “deed restriction light” rents for units at the base of the mountain would command monthly rents that would minimally double the proposed rent cap.

**3. Keeps Units in an Affordable Rental Pool**

Our experience is that a “deed restriction light” unit would ultimately be sold on the open market. The live-work deed restriction could diminish purchase price, however we believe the location at the base of the mountain would offset the deed restriction and command a premium price. Our market experience on a similar project would place a sale price on these units of \$1,000/ft or more.

**4. Necessary for Economic Feasibility**

It is important to BGV to build our units without public monetary contributions. The 60% AMI baseline for the TOB provided density and 100% AMI baseline for Developer provided density are critical for economic feasibility.

**5. Preserve Option for Non-Profits**

Any owner or master lessor of the provided workforce housing on this parcel will be obligated to offer any seasonal vacancy to local community non-profit organizations for use.

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Thank you,

Mike Dudick

Breckenridge Grand Vacations, CEO