



Town Council Regular Meeting
Tuesday, September 9, 2025, 7:00 PM
Town Hall Council Chambers
150 Ski Hill Road
Breckenridge, Colorado

THE TOWN OF BRECKENRIDGE CONDUCTS HYBRID MEETINGS. This meeting will be held in person at Breckenridge Town Hall and will also be broadcast live over Zoom. Join the live broadcast available by computer or phone: <https://us02web.zoom.us/j/82918442465> (Telephone: 1-719-359-4580; Webinar ID: 829 1844 2465). If you will need special assistance in order to attend any of the Town's public meetings, please notify the Town Clerk's Office at (970) 547-3127, at least 72 hours in advance of the meeting.

I. CALL TO ORDER, ROLL CALL

II. APPROVAL OF MINUTES

- A. TOWN COUNCIL MINUTES - AUGUST 26, 2025

III. APPROVAL OF AGENDA

IV. COMMUNICATIONS TO COUNCIL

- A. PUBLIC COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)
- B. BRECKENRIDGE TOURISM OFFICE UPDATE

V. CONTINUED BUSINESS

- A. SECOND READING OF COUNCIL BILLS, SERIES 2025
 - 1. COUNCIL BILL NO. 12, SERIES 2025 - A BILL FOR AN ORDINANCE AMENDING POLICIES 9A PLACEMENT OF STRUCTURES, 9R PLACEMENT OF STRUCTURES, 22R LANDSCAPING AND 33R ENERGY CONSERVATION OF THE DEVELOPMENT CODE

VI. NEW BUSINESS

- A. FIRST READING OF COUNCIL BILLS, SERIES 2025
 - 1. COUNCIL BILL NO. 13, SERIES 2025 - AN ORDINANCE REPEALING ORDINANCES 2020-12, 2022-26, AND 2023-21 AND AMENDING CHAPTER 1 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE TO HEREINAFTER ADOPT THE INTERNATIONAL ENERGY CONSERVATION CODE, 2024 EDITION BY REFERENCE WITH AMENDMENTS AS PART OF THE TOWN OF BRECKENRIDGE BUILDING CODE SECTIONS 8-1-3 AND 8-1-9
 - 2. COUNCIL BILL NO.14, SERIES 2025 - AN ORDINANCE AMENDING CHAPTER 12 OF TITLE 1 OF THE BRECKENRIDGE TOWN CODE CONCERNING CAMPAIGN FINANCE COMPLAINTS IN MUNICIPAL ELECTIONS
- B. RESOLUTIONS, SERIES 2025
- C. OTHER

VII. PLANNING MATTERS

- A. PLANNING COMMISSION DECISIONS

VIII. REPORT OF TOWN MANAGER AND STAFF

IX. REPORT OF MAYOR AND COUNCIL MEMBERS

- A. CAST/MMC
- B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE
- C. BRECKENRIDGE TOURISM OFFICE
- D. BRECKENRIDGE HISTORY
- E. BRECKENRIDGE CREATIVE ARTS
- F. SOCIAL EQUITY ADVISORY COMMISSION
- G. ARTS & CULTURE MASTER PLAN STEERING COMMITTEE

X. OTHER MATTERS

XI. SCHEDULED MEETINGS

- A. SCHEDULED MEETINGS FOR SEPTEMBER AND OCTOBER

XII. ADJOURNMENT

I) CALL TO ORDER, ROLL CALL

Mayor Owens called the meeting of August 26th, 2025, to order at 7:00pm. The following members answered roll call: Steve Gerard, Marika Page, Carol Saade, Jay Beckerman, Dick Carleton, Todd Rankin and Mayor Kelly Owens.

II) APPROVAL OF MINUTES

A) TOWN COUNCIL MINUTES – AUGUST 12, 2025

There were no changes or corrections to the meeting minutes of August 12, 2025. Mayor Owens declared they would stand approved as presented.

III) APPROVAL OF AGENDA

Town Manager Shannon Haynes stated there are no changes to the agenda.

IV) COMMUNICATIONS TO COUNCIL

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

Mayor Owens opened public comment.

There were no public comments.

Mayor Owens closed public comment.

V) CONTINUED BUSINESS

A) SECOND READING OF COUNCIL BILLS, SERIES 2025 - PUBLIC HEARINGS

There were no Council Bills presented for Second Reading.

VI) NEW BUSINESS

A) FIRST READING OF COUNCIL BILLS, SERIES 2025

1) COUNCIL BILL NO.12, SERIES 2025 – A BILL FOR AN ORDINANCE AMENDING POLICIES AT 9A PLACEMENT OF STRUCTURES, 9R PLACEMENT OF STRUCTURES, 22R LANDSCAPING, AND 33R ENERGY CONSERVATION OF THE DEVELOPMENT CODE

Mayor Owens read the title into the minutes.

Chris Kulick, Assistant Community Development Director, presented a bill aimed at strengthening neighborhood preservation provisions within the Town Code. He explained the ordinance would amend setbacks for single-family homes without platted disturbance envelopes and that are outside the Conservation District, eliminate positive points for landscaping on individual single-family and duplex lots, and limit positive points awarded for electric vehicle charging.

Councilmember Beckerman asked if this is Phase 1 and if Phase 2 would have opportunities for positive points. Kulick affirmed this was the case.

Councilmember Gerard clarified that the amendment does not completely eliminate the opportunity to earn positive points for electric vehicle chargers. Kulick added this change was not included in the first reading but would be incorporated into the second reading.

Mayor Owens asked whether one positive point would be awarded for two vehicle chargers. Kulick confirmed that her understanding was correct.

Councilmember Rankin moved to approve COUNCIL BILL NO.12, SERIES 2025 – A BILL FOR AN ORDINANCE AMENDING POLICIES AT 9A PLACEMENT OF STRUCTURES, 9R PLACEMENT OF STRUCTURES, 22R LANDSCAPING, AND 33R ENERGY CONSERVATION OF THE DEVELOPMENT CODE. Councilmember Gerard seconded the motion.

The motion passed 6-1. Councilmember Rankin voted no.

B) RESOLUTIONS, SERIES 2025

There were no Resolutions presented for Council vote.

C) OTHER

VII) PLANNING MATTERS

A) PLANNING COMMISSION DECISIONS

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

B) RUNWAY SUBDIVISION TOWN PROJECT HEARING

Sarah Crump, Senior Planner, presented the Town Project to re-subdivide Tract A Fraction Subdivision and Tract C Block 11, Breckenridge Airport Subdivision located at 51 Fraction Road. The new subdivision, Runway Subdivision, will include five new tracts (A-E) and dedicate a new public roadway — an extension of Floradora Drive. This re-subdivision will facilitate the conveyance of certain tracts to the developer for the future construction of deed-restricted workforce housing. Crump noted that Tracts B, C, and D are included in Phase 1 and will be part of the initial conveyance. Crump emphasized that this re-subdivision is a procedural formality necessary for the property conveyance to proceed, in alignment with the Runway Master Plan that was approved by Town Council on May 13, 2025. Crump also reported the Planning Commission held a hearing on the project on August 19, 2025, and recommended Town Council approve the re-subdivision.

Councilmember Rankin asked whether the subdivision allows for flexibility in the timing or speed at which phases are completed. Crump responded that this would be a separate discussion with the developer and is not addressed as part of the current re-subdivision.

Mayor Owens clarified that the re-subdivision does not alter the public perception or intended use of the property. Crump affirmed this, adding that the re-subdivision is a procedural step to be able to convey certain tracts to the developer.

Mayor Owens opened public comment.

Gail Marshall, a Breckenridge resident, expressed concerns regarding the Runway Project, specifically about increased population density, potential noise, and the loss of skier parking. Marshall noted the Runway Neighborhood development worsens the existing parking shortage and contributes to increased traffic on Airport Road. Marshall also raised concerns about disaster preparedness and the effectiveness of the community evacuation plan with the increased population. Additionally, Marshall described concerns about overdevelopment and its impact on the town's small-town character. Marshall recommended that the Town reconsider proceeding with new developments given the current economic downturn.

Mayor Owen thanked Gail Marshall for her comments and described how staff and Council are considering these concerns.

With no additional public comments, Mayor Owens closed public comments.

Councilmember Beckerman made a motion to approve TOWN PROJECT HEARING PL-2025-0170 RUNWAY SUBDIVISION. Councilmember Saade seconded the motion.

The motion passed 7-0.

VIII) REPORT OF TOWN MANAGER AND STAFF

Town Manager Haynes announced a tour of SCRAP on September 25. Haynes reported the CAST Housing Committee adopted a legislative position paper supporting smaller communities interested in a real estate transfer fee, empty homes tax, and short-term rental tax. CAST seeks Town of Breckenridge's endorsement of the legislative position paper. Haynes explained this endorsement aims to support partner communities; the Breckenridge Town Council is not considering an empty homes tax. Haynes also noted that fire restrictions will be reduced from Stage 2 to Stage 1 at 12:01 a.m. Friday.

IX) REPORT OF MAYOR AND COUNCIL MEMBERS

- A) **CAST/MMC**
Mayor Owens reported on last week's meeting, which covered childcare and short-term rentals. Mayor Owens highlighted Estes Park's new parking technology that tracks real-time availability and asked if Council supports staff exploring its use in Breckenridge. Mayor Owens also noted that the Buell Foundation is interested in applying for a grant to help Summit County create a unified childcare waitlist.
- B) **BRECKENRIDGE OPEN SPACE ADVISORY COMMISSION**
Councilmember Beckerman reported on a meeting held eight days ago, which included a presentation on the McCain Trail Plan and its environmental assessment. Councilmember Beckerman outlined the plan's priorities and noted that BOSAC also discussed the Southern Tenmile Recreation Access Plan and the Camp Hale National Monument Plan. Councilmember Beckerman added that BOSAC will attend the Starburst Award presentation at the Quandary Trailhead and has recommended approval of the Copper Canyon Trail. Councilmember Beckerman also noted the desire to create an improved naming process in the future.
- C) **BRECKENRIDGE TOURISM OFFICE**
Councilmember Carleton stated there is a meeting on Thursday.
- D) **BRECKENRIDGE HISTORY**
Councilmember Rankin stated the next meeting is in September and noted that the long-term loan for the No. 9 train from History Colorado, set to expire this year, has been extended for two more years. Councilmember Carleton added that the extension allows time for continued discussions on making the train a permanent display.
- E) **BRECKENRIDGE CREATIVE ARTS**
Councilmember Gerard reported that Breck Create hosted the SPARK event, noting that attendance did not align with registration due to the lack of a Spanish-language registration option. Councilmember Gerard described the event as engaging and well-covered by the media. Councilmember Gerard also shared that BIFA held nine mainstage performances, most of which were sold out.
- F) **SOCIAL EQUITY ADVISORY COMMISSION**
Councilmember Saade reported on a meeting held last week, which included a refresher training by the Town Attorney on town structure and commission formalities. Councilmember Saade noted that the discussion also covered housing and the Runway Project. Additionally, Councilmember Saade announced that there are two open seats on the Social Equity Advisory Commission and encouraged interested individuals to apply.
- G) **ARTS & CULTURE MASTER PLAN STEERING COMMITTEE**
Councilmember Beckerman stated focus groups have been completed and the report is being developed for Town Council review.
- X) **OTHER MATTERS**
Councilmember Saade clarified the Airstage had its last performance this week; however, the Farmers Market will be ongoing until the end of September.
- XI) **SCHEDULED MEETINGS**
SCHEDULED MEETINGS FOR AUGUST, SEPTEMBER, AND OCTOBER
- XII) **ADJOURNMENT**
With no further business to discuss, the meeting adjourned at 7:19pm. Submitted by Mae Watson, Town Clerk.

ATTEST:

Mae Watson, Town Clerk

Kelly Owens, Mayor



Memo

To: Town Council
From: Chris Kulick, AICP, Assistant Community Development Director
Date: 9/4/2025 (for 9/9/2025)
Subject: Neighborhood Preservation Policy Code Amendments Phase 1, Second Reading

Town Council Goals (Check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> More Boots & Bikes, Less Cars | <input checked="" type="checkbox"/> Leading Environmental Stewardship |
| <input type="checkbox"/> Deliver a Balanced Year-Round Economy | <input checked="" type="checkbox"/> Hometown Feel & Authentic Character |
| <input type="checkbox"/> Organizational Need | |

Summary

Based on feedback from community partners and Town Council members gathered through a comprehensive public outreach process and Council worksessions, staff has revised four Development Code policies related to neighborhood preservation for Council consideration:

- Policies 9A and 9R (Placement of Structures): Remove Relative setbacks for single-family homes outside the conservation district and adopt the previously recommended larger Relative setbacks as the new Absolute setbacks.
- Policy 22R (Landscaping): Eliminate Positive Points awarded for landscaping on individual single-family and duplex properties.
- Policy 33R (Energy Conservation): Limit positive points for electric vehicle chargers to a maximum of one (+1) point, applicable when two or more EVSE chargers or ten or more EV-capable parking spaces are installed.

Background

This proposal was brought before Town Council at work sessions on November 26, 2024, January 28, 2025, and July 22, 2025, and for first reading on August 26, 2025, where the Council was supportive of moving forward with adoption. There have been no changes since the August 26th meeting.

Public outreach/engagement

To provide meaningful feedback to the Council, Planning staff in coordination with our Communications Division conducted a multi-pronged public engagement process on the Council's initial recommendations. The process began with a targeted meeting comprised of 23 local architects and builders on March 6, 2025, followed by a Planning Commission work session on April 1, 2025. Staff then expanded outreach to the general public through two public open houses on May 21 and June 25, 2025 that were supplemented by an online survey to gather broader community input. All property owners who would be impacted by NPP changes were mailed an invitation to attend in addition to the broader marketing efforts provided by the Communications department. All written feedback collected from the public process was included in the July 22, 2025 Council packet.

Financial Implications

Staff anticipates work on the NPP in the short-term will result in more staff time dedicated to the topic from the Planning Division.

1

Mission: The Town of Breckenridge protects, maintains, and enhances our sense of community, historical heritage, and alpine environment. We provide leadership and encourage community involvement.

Equity Lens

Related to the Town's Equity Blueprint, this policy does not further any of the Blueprint's goals since it pertains to preserving the character of single-family neighborhoods that are among the Town's most expensive and likely feature low levels of diversity. None of the potential possible outcomes, including no action to incorporating new development restrictions, will likely have any impact related to the four overarching goals of the Equity Blueprint.

Staff Recommendation

Staff recommends the Town Council approve the proposed Code amendments to Policies 9A, 9R, 22R and 33R at second reading.

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

A BILL FOR AN ORDINANCE AMENDING POLICIES 9A PLACEMENT OF STRUCTURES, 9R PLACEMENT OF STRUCTURES, 22R LANDSCAPING AND 33R ENERGY CONSERVATION OF THE DEVELOPMENT CODE.

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

Section 1. That section 9-1-19-9A: Policy 9 (Absolute) Placement of Structures, subsection C. 2, be amended by deleting the language stricken and adding the language underlined to read as follows:

a. Single-Family Development:

~~1. Front Yard: No structure shall be built within 15 feet of a front yard property line. In those cases where a garage is located with driveway access in a required front yard, no portion of said garage doors shall be closer than 20 feet from the front property line.~~

~~2. Side Yard: A combined side setback of 40 feet (total of both sides) is required, with no structure built within 15 feet of a side yard property line.~~

~~3. Rear Yard: No structure shall be built within 15 feet of a rear yard property line.~~

1. Front yard: 25 feet.

2. A combined side setback of 50 feet (total of both sides) is required, with no structure built within 15 feet of a side yard property line..

3. Rear yard: 15 feet.

Section 2. That section 9-1-19-9R: Policy 9 (Relative) Placement of Structures, subsection C. 2, be amended by deleting the language stricken to read as follows:

~~a. Single-Family Development:~~

~~1. Front yard: 25 feet.~~

1
2 ~~2. Combined side yard: Fifty feet (50') (total of both side yards). (Ord. 13, Series 2000)~~

3
4 ~~3. Rear yard: 15 feet.~~

5
6 **Section 3.** That section 9-1-19-22R: Policy 22 (Relative) Landscaping,
7 subsection C. 2, be amended by adding the language underlined to read as follows:

2 x (- A. All developments are strongly encouraged to
1/+3) include landscaping improvements that exceed
the requirements of section [9-1-19-22A](#), "Policy 22
(Absolute) Landscaping", of this chapter. New
landscaping installed as part of an approved
landscape plan should enhance forest health,
preserve the natural landscape and wildlife habitat
and support firewise practices. A layered
landscape consistent with the Town's mountain
character, achieved through the use of ground
covers, shrubs, and trees that utilize diverse
species and larger sizes where structures are
screened from adjacent properties and public
rights-of-way, is strongly encouraged. The
resulting landscape plan should contribute to a
more beautiful, safe, and environmentally sound
community. Landscaping improvements that are
proposed on individual single-family home or
duplex properties that exceed the requirements of
section [9-1-19-22A](#), "Policy 22 (Absolute)
Landscaping", of this chapter are not eligible to
receive positive points under this policy.

8

9

.

1 **Section 4.** That section 9-1-19-33R: Policy 33 (Relative) Energy Conservation,
 2 subsection D. be amended by deleting the language stricken and adding the language
 3 underlined to read as follows:

4 D. EV Capable and EVSE Installed Spaces: Positive points may be awarded for
 5 additional electric vehicle (EV) capable and electronic vehicle supply equipment (EVSE)
 6 installed spaces over the required minimum as determined in the IECC, as follows:

Points	EV Capable	Points	EVSE Installed
+1	<u>10 or more additional spaces</u>	+1	1 additional space <u>2 or more additional spaces</u>
+2	<u>20 additional spaces</u>	+2	2 additional spaces
+3	<u>30 or more additional spaces</u>	+3	3 or more additional spaces

7
 8 **Section 5.** This ordinance shall be published and become effective as provided
 9 by Section 5.9 of the Breckenridge Town Charter.

10 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
 11 PUBLISHED IN FULL this 26th day of August, 2025.

12
 13 READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN
 14 FULL ON THE TOWN'S WEBSITE this 9th day of September 2025. A copy of this
 15 Ordinance is available for inspection in the office of the Town Clerk.

16
 17 TOWN OF BRECKENRIDGE, a Colorado
 18 municipal corporation

19
 20
 21
 22 By: _____
 23 Kelly Owens, Mayor

24
 25 ATTEST:

26
 27
 28
 29
 30 _____
 31 Mae Watson,
 Town Clerk

1
2
3
4
5
6
7
8

APPROVED IN FORM

Town Attorney



TOWN OF
BRECKENRIDGE

Memo

To: Town Council
From: Rick Fout, Chief Building Official and Philip Sweat, Deputy Building Official
Date: September 3, 2025 (for First Reading September 9, 2025)
Subject: 2024 International Energy Conservation Code Adoption

Town Council Goals (Check all that apply)

- | | | | |
|-------------------------------------|---------------------------------------|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> | More Boots & Bikes, Less Cars | <input checked="" type="checkbox"/> | Leading Environmental Stewardship |
| <input type="checkbox"/> | Deliver a Balanced Year-Round Economy | <input type="checkbox"/> | Hometown Feel & Authentic Character |
| <input checked="" type="checkbox"/> | Organizational Need | | |

Summary

The Town of Breckenridge (TOB) accepted a \$124,500 grant from the Colorado Energy Office (CEO) in February to support the early adoption of the 2024 International Energy Conservation Code (IECC). As a condition of the grant, TOB is also required to adopt the State’s Model Electric Ready and Solar Ready Code. Adoption of these new Energy Codes is scheduled for September 23, 2025, after Second Reading by Town Council. The Building Division proposes a new effective date of January 13, 2026 (previously Oct 28, 2025), to align with the adoption of the remaining International Code Council (ICC) codes. The first work session on the remaining ICC codes will take place on October 28, 2025.

Background

The Building Division, Sustainability Division and our grant-funded Energy Code consultant along with significant stakeholder involvement (including from Summit County and Frisco Building Departments), have developed strategic, Climate Zone 7 specific amendments to the 2024 IECC. These amendments (attached) were informed and vetted by stakeholders and were presented to the Town Council during work sessions on August 12th and August 26th. These amendments steer us towards our [energy goals](#) by increasing energy efficiency, tighter building envelopes, and introducing new optional technologies such as cold climate heat pumps. This code and amendment package also adopts the Colorado Model Electric Ready and Solar Ready Codes (State requirement) and establishes a pathway for implementing non-pipeline alternatives as proposed in the Mountain Energy Project to help avoid new and costly natural gas infrastructure.

Public outreach/engagement

Through a collaborative effort, the Breckenridge Building and Sustainability Divisions have hosted six New Energy Code Adoption Roundtables/Open Houses at the South Branch Library, spanning from mid-April to early August. At the six meetings, we had over 150 members of the public attend and participate in the Energy Code adoption discussions. We believe the building and design community was appreciative of the public process and is generally comfortable with the changes being proposed.

Financial Implications

As noted above, the Town received a grant from the Colorado Energy Office to facilitate the public process, early adoption of the new Energy Codes, and support trainings and a scholarship fund for a contractor and continuing education. Financial impacts to the Town are limited to staff time devoted to adopting the new codes. These codes may, in some cases, create additional upfront construction expenses relating to constructing more

Mission: The Town of Breckenridge protects, maintains, and enhances our sense of community, historical heritage, and alpine environment. We provide leadership and encourage community involvement.

energy-efficient buildings (e.g., enhanced insulation). However, because the codes will result in more energy efficient buildings, we expect that long-term energy costs for homeowners and business owners will be reduced.

Equity Lens

Related to the Town's Equity Blueprint and corresponding Equity Lens, the adoption of the 2024 IECC, is neutral as it provides minimal requirements, with some area driven amendments, to safeguard the public health, safety, welfare and energy efficiency of new and existing buildings and structures.

Staff Recommendation

Staff recommends that Council approve the ordinance as presented on First Reading.

AN ORDINANCE REPEALING ORDINANCES 2020-12, 2022-26, AND 2023-21 AND AMENDING CHAPTER 1 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE TO HEREINAFTER ADOPT THE INTERNATIONAL ENERGY CONSERVATION CODE, 2024 EDITION BY REFERENCE WITH AMENDMENTS AS PART OF THE TOWN OF BRECKENRIDGE BUILDING CODE SECTIONS 8-1-3 AND 8-1-9.

WHEREAS, the Town of Breckenridge adopts the International Code Council Library of Building Code Books and References every six (6) years; and

WHEREAS, after robust public process, the Town desires to adopt the 2024 International Energy Conservation Code (“IECC”) with amendments and in the process repeal and replace all previous ordinances of the Town that implemented energy efficient building code provisions; and

WHEREAS, Colorado House Bill 22-1362, C.R.S. 24-38.5-401 requires adoption of the Colorado Model Electric Ready Solar Ready Code and those requirements have been updated in the Colorado Model Low Energy and Carbon Code, the Town desires to adopt specific referenced Sections of the Colorado Model Low Energy and Carbon Code as written by the Colorado Energy Code Board and published by the Colorado Energy Office in September, 2025 and found here; and

WHEREAS, specifically, the Town desires to repeal ordinances 2020-12, 2022-25, and 2023-21, which amended Chapter 1 of Title 8 of the Breckenridge Town Code (Specifically, “Building Code”); and

WHEREAS, by adopting the IECC with amendments to address local conditions, the Town of Breckenridge Building Code will be aligned with the international code system; and

WHEREAS, Town staff has held meetings with and solicited input from local, technical building code experts, including but not limited to members of the architectural, mechanical engineering, and construction community; and

WHEREAS, work sessions have been held with Town Council on August 12, 2025; and August 26, 2025 to discuss the adoption of the IECC along with the amendments;

WHEREAS, public educational meetings to introduce the new codes have been held and opportunities for interested party input regarding adoption of this new code have been made available; and

WHEREAS, an analysis done by the Town of Breckenridge Building Department, Mozingo Code Group and Group 14 Engineering retained by the Town of Breckenridge as part of the Energy Grant Awarded by the State of Colorado Energy Office demonstrates reasonable strategic amendments that are based on local market and weather conditions; and

1 WHEREAS, the Chief Building Official, also referred to herein as the “building official” is
2 authorized to administer and enforce the Building Code; and
3

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

10 WHEREAS, it is in the furtherance of the public safety, health, and welfare and in the
11 best interest of the citizens of and visitors to the Town for Breckenridge to continue to maintain a
12 leadership role in energy code adoption and administration.
13

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

16 Section 1. Amend Section 8-1-3(F) of the Breckenridge Town Code to adopt by reference the
17 International Energy Conservation Code, 2024 Edition, published by the International Energy
18 Code Council Inc., as well as Sections C406, C410 and R409 of the Colorado Model Low
19 Energy and Carbon Code, published by the Colorado Energy Office, September 2025.
20

21 Section 2. Amend Section 8-1-9 of the Breckenridge Town Code, concerning the amendments
22 to the International Energy Conservation Code, by amending subsection A and repealing
23 subsections A(1) through A(23) and replacing those provisions as follows:

24 A. The following sections of the International Energy Conservation Code, 2024 Edition,
25 amended to read as follows:

26 1. **C101.1, Title**, is amended as follows:
27

28 This code shall be known as the Energy Conservation Code of the Town of Breckenridge
29 and shall be cited as such. It is referred to herein as “this code”.

30
31 2. **Section C103.1, Creation of Enforcement Agency**, is amended by adding the name
32 of the “Town of Breckenridge Building Safety Division.” The rest of the section will
33 remain unchanged.

34 **C103.1 Creation of enforcement agency.** The Town of Breckenridge Building Safety
35 Division is hereby created.

36
37
38 3. **Section C105.6.2, Compliance Documentation**, is deleted in its entirety.

1
2
3 4. **Sectio C401.2** is amended to read as follows:

4 **C401.2 Application.** Commercial buildings shall comply with all the following:

- 5 1. The Colorado Model Electric-Ready and Solar Ready Code commercial
6 provisions as found in the new Section C410 of the Colorado Model Low Energy
7 and Carbon Code (LECC), (with the exception of the EV requirements found in
8 Section C410 of this code).
- 9 2. Section C409 Renewable Energy Mitigation Program (REMP), of this code,
10 3. Section C410 Electric Vehicle (EV) Ready, of this code, and
11 4. Either Section C401.2.1 or C401.2.2, of this code.

12
13
14 5. **Section C401.2.1** is amended to read as follows:

15 **C401.2.1 International Energy Conservation Code.** Commercial buildings shall comply
16 with one of the following:

- 17 1. **Prescriptive Compliance.** The Prescriptive Compliance option requires compliance
18 with Sections C401.2, C402 through C406 and Section C408. Dwelling units and
19 sleeping units in Group R-2 buildings shall be deemed to be in compliance with this
20 chapter, provided that they comply with Sections C401.2 and R406.
- 21 2. **Simulated Building Performance.** The *Simulated Building Performance* option
22 requires compliance with Section C401.2 and ANSI/ASHRAE/IES 90.1 Appendix G,
23 as modified to be based on Site Energy Use Intensity in accordance with Section I6 of
24 Informative Appendix I. Section C407 of this code is deleted entirely. Utilizing the
25 Simulated Building Performance Option removes all requirements of the IECC and
26 replaces them with all requirements of ASHRAE 90.1-2022 as applicable, with the
27 exception of the requirement for compliance with the Colorado Electric Ready and
28 Solar Ready Code as amended by Section C410 of this code, and Section C409
29 REMP.

30 **Exception:** *Additions, alterations, repairs* and changes of occupancy to existing
31 buildings complying with Chapter 5, unless called out within Section C410 of the Model
32 Low Energy and Carbon Code or REMP.

33
34 6. **Section C401.2.2** is amended to read as follows:

1 **C401.2.2 ASHRAE 90.1.** Commercial buildings shall comply with Section C410 of the
2 Model Low Energy and Carbon Code as amended to include Section C410 of this code,
3 Section C409 REMP, and ASHRAE 90.1-2022. The Energy Cost Budget pathway is
4 deleted. ANSI/ASHRAE/IES 90.1 Appendix G is modified to be based on Site Energy Use
5 Intensity in accordance with Section I6 of Informative Appendix I.
6

7 7. **Section C402.1** is amended to read as follows:

8 **C402.1 General.** Building thermal envelope assemblies for buildings that are intended to
9 comply with the code on a prescriptive basis in accordance with the compliance path
10 described in Item 1 of Section C401.2.1 shall comply with the following:

11 1. The opaque portions of the building thermal envelope shall comply with the specific
12 insulation requirements of Section C402.2 and the thermal requirements of Section
13 C402.1.2, C402.1.3 or C402.1.4. Where the total area of through penetrations of
14 mechanical equipment is greater than 1 percent of the opaque above-grade wall area,
15 the building thermal envelope shall comply with Section C402.1.2.1.8.

16 2. Wall solar reflectance and thermal emittance shall comply with Section C402.3.

17 3. Roof solar reflectance and thermal emittance shall comply with Section C402.4

18 4. Fenestration in the building thermal envelope shall comply with Section C402.5.

19 Where buildings have a vertical fenestration area or skylight area greater than that
20 allowed in Section C402.5, the building and building thermal envelope shall comply
21 with Item 2 of Section C401.2.1, C401.2.2 or C402.1.4.

22 5. Air leakage of building thermal envelope shall comply with Section C402.6. Air
23 barrier and air sealing details, including the location of the *air barrier*, shall comply
24 with Section C105.2. Proof that an *approved* third party for *air leakage* testing has
25 been engaged shall be provided.

26 6. Thermal bridges in above-grade walls shall comply with Section C402.7.

27 7. Walk-in coolers, walk-in freezers, refrigerated warehouse coolers and refrigerated
28 warehouse freezers shall comply with Section C403.12.

29
30 8. **Section C402.1.4 Component Performance Method** is amended to read as follows:

31 **C402.1.4 Component performance method.** Building thermal envelope values and
32 fenestration areas determined in accordance with Equation 4-1 shall be an alternative to

1 compliance with the maximum allowable fenestration areas in Section C402.5.1.

2 Fenestration shall meet the applicable SHGC requirements of Section C402.5.3.

3 Equation 4-1 $AP + BP + CP + \square AT + BT + CT + - VF - VS$

4 where:

5 AP = Sum of the (area × U-factor) for each proposed building thermal envelope assembly,
6 other than slab-on-grade or below-grade wall assemblies.

7 BP = Sum of the (length × F-factor) for each proposed slab-on-grade edge condition.

8 CP = Sum of the (area × C-factor) for each proposed below-grade wall assembly.

9 AT = Sum of the (area × U-factor permitted by Tables C402.1.2 and C402.5) for each
10 proposed building thermal envelope assembly, other than slab-on-grade or below-grade
11 wall assemblies.

12 BT = Sum of the (length × F-factor permitted by Table C402.1.2) for each proposed slab-on-
13 grade edge condition.

14 CT = Sum of the (area × C-factor permitted by Table C402.1.2) for each proposed below-
15 grade wall assembly.

16 PF = Maximum vertical fenestration area allowable by Section C402.5.1, C402.5.1.1 or
17 C402.5.1.2.

18 QF = Proposed vertical fenestration area.

19 RF = QF – PF, but not less than zero (excess vertical fenestration area).

20 SF = Area-weighted average U-factor permitted by Table C402.5 of all vertical fenestration
21 assemblies.

22 TF = Area-weighted average U-factor permitted by Table C402.1.2 of all exterior opaque
23 wall assemblies.

24 UF = SF – TF (excess U-factor for excess vertical fenestration area).

25 VF = RF × UF (excess U × A due to excess vertical fenestration area).

26 PS = Maximum skylight area allowable by Section C402.1.2.

27 QS = Actual skylight area.

28 RS = QS – PS, but not less than zero (excess skylight area).

29 SS = Area-weighted average U-factor permitted by Table C402.5 of all skylights.

30 TS = Area-weighted average U-factor permitted by Table C402.1.2 of all opaque roof
31 assemblies.

32 US = SS – TS (excess U-factor for excess skylight area).

33 VS = RS × US (excess U × A due to excess skylight area).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

9. **Section C403.1** is amended to read as follows:

C403.1 General. Mechanical systems and equipment serving the building heating, cooling, ventilating or refrigerating needs shall comply with one of the following:

- 1. Section C403.1.1 and Sections C403.2 through C403.17.
- 2. Data Centers shall comply with Section C403.1.1, Section C403.1.2 and Sections C403.6 through C403.17.

10. **Section C403.12.2 Snow- and ice-melt system controls** is amended to read as follows:

C403.14.2 Snow- and ice-melt system controls.

Snow- and ice-melt system controls shall include automatic controls in accordance with REMP Section C409.3.2, #2.

11. **Section C404 Service Water Heating** is amended by adding the following new Section C404.11:

C404.11 Building Water Use Reduction.

All commercial buildings shall comply with the requirements as set forth in Section C404.11 and as shown in Table C404.11.1.

Exception: All structures complying with the Department of Energy's Zero Energy Ready Home National Program do not have to comply with Section C404.11.

Table C404.11.1. PLUMBING FIXTURES AND FITTINGS REQUIREMENTS

PLUMBING FIXTURE	MAXIMUM
Water Closets (toilets) - flushometer single-flush valve type	Single-flush volume of 1.28 gal (4.8 L)
Water Closets (toilets) - flushometer dual-flush valve type	Full-flush volume of 1.28 gal (4.8 L)

PLUMBING FIXTURE	MAXIMUM
Water Closets (toilets) - single-flush tank-type	Single-flush volume of 1.28 gal (4.8 L)
Water Closets (toilets) - dual-flush tank-type	Full-flush volume of 1.28 gal (4.8 L)
Urinals	Flush volume 0.5 gal (1.9 L)
Public lavatory faucets	Flow rate - 0.5 gpm (1.9 L/min)
Public metering self-closing faucet	0.25 gal(1.0 L) per metering cycle
Residential bathroom lavatory sink faucets	Flow rate - 1.5 gpm (5.7 L/min)
Residential kitchen faucets	Flow rate - 1.8 gpm (6.8 L/min) ^a
Residential showerheads	Flow rate - 2.0 gpm (7.6 L/min)
Residential shower compartment (stall) in dwelling units and guest rooms	Flow rate from all shower outlets total of 2.0 gpm (7.6 L/min) ^{211 elk}

1 a. With provision for a temporary override to 2.2 gpm (8.3 L/min) as specified in
2 Section 404.11.1(g)

3 **C404.11.1 Plumbing Fixtures and Fittings.**

4 Plumbing fixtures (water closets and urinals) and fittings (faucets and
5 showerheads) shall comply with the following requirements as shown in Table
6 C404.11.1.

7 A. Water Closets (toilets) - flushometer valve type. For single-flush, maximum
8 flush volume shall be determined in accordance with ASME A112.19.2/CSA
9 B45.1 and shall not exceed 1.28 gal (4.8 L) per flush. For dual-flush, the full
10 flush volume shall not exceed 1.28 gal (4.8L) per flush. Dual -flush fixtures
11 shall also comply with the provisions of ASME A112.19.14.

1 B. Water Closets (toilets) - tank-type. Tank-type water closets shall be certified
2 to the performance criteria of the USEPA WaterSense Tank-Type High-
3 Efficiency Toilet Specification and shall have a maximum full-flush volume of
4 1.28 gal (4.8L) per flush. Dual-flush fixtures shall also comply with the
5 provisions of ASME A112.19.14.

6 C. Urinals. Maximum flush volume, when determined in accordance with
7 ASME A112.19.2/CBA B45.1, shall not exceed 0.5 gal (1.9L) per flush.
8 Flushing urinals shall comply with the performance criteria of the USEPA
9 WaterSense Specification for Flushing Urinals. Non-water urinals shall comply
10 with ASME A112.19.19 (vitreous china) or IAPMO Z124.9 (plastic) as
11 appropriate.

12 D. Public Lavatory Faucets. Maximum flow rate shall not exceed 0.5 gpm
13 (1.9L/min) when tested in accordance with ASME A112.18.1/CSA B 125.1.

14 E. Public Metering Self-Closing Faucet. Maximum water use shall not exceed
15 0.25 gal (1.0 L) per metering cycle when tested in accordance with ASME
16 A112.18.1/CSA B125.1.

17 F. Residential Bathroom Lavatory Sink Faucets. Maximum flow rate shall not
18 exceed 1.5 gpm (5.7 L) when tested in accordance with ASME A112.18.1/CSA
19 B125.1. Residential WaterSense High-Efficiency Lavatory Faucet
20 Specifications.

21 G. Residential Kitchen Faucets. Maximum flow rate shall not exceed 1.8 gpm
22 (6.8 L/min) when tested in accordance with ASME A112.18.1/CSA B125.1.
23 Kitchen faucets shall be permitted to temporarily increase the flow greater than
24 1.8 gpm (6.8 L/min) but shall not exceed 2.2 gpm (8.3 L/min) and must
25 automatically revert to the established maximum flow rate of 1.8 gpm (6.8
26 L/min) upon physical release of the activation mechanism or closure of the
27 faucet valve.

28 H. Residential Showerheads. Maximum flow rate shall not exceed 2.0 gpm
29 (7.6 L/min) when tested in accordance with ASME A112.18.1/CSA B125.1.
30 Residential showerheads shall comply with the performance requirements of
31 the USEPA WaterSense Specifications for Showerheads.

32 I. Residential Shower Compartment (stall) in Dwelling Units and Guest Rooms.
33 The allowable flow rate from all shower outlets (including rain systems,

1 waterfalls, body sprays, and jets) that can operate simultaneously shall be
2 limited to a total of 2.0 gpm (7.6 L/min).

3 **Exception:** Where the area of a shower compartment exceeds 2600 inch² (1.7
4 m²), an additional flow of 2.0 gpm (7.6 L/min) shall be permitted for each
5 multiple of 2600 inch² (1.7 m²) of floor area or fraction thereof.

6 J. Water Bottle Filling Stations. Water bottle filling stations shall be an integral
7 part of, or shall be installed adjacent to, not less than 50% of all drinking
8 fountains installed indoors on the premises.

9
10 **C404.11.2 Appliances.**

11 Commercial appliances shall comply with the following requirements:

12 A. Clothes Washers and Dishwashers installed within dwelling units shall
13 comply with the ENERGY STAR program requirements for Clothes Washers
14 and ENERGY STAR Program requirements for Dishwashers. Maximum water
15 use shall be as follows:

16 1. Clothes Washers - Maximum water factor (WF) of 5.4 gal/ft³ of drum
17 capacity (0.7 L/L of drum capacity)

18 2. Dishwashers - Standard size dishwashers shall have a maximum WF
19 3.8 gal/full operating cycle (14.3 L/full operating cycle). Compact sizes
20 shall have a maximum WF of 3.5 gal/full operating cycle (13.2 L/full
21 operating cycle). Standard and compact size shall be defined by ENERGY
22 STAR criteria.

23 B. Clothes washers installed in publicly accessible spaces (multifamily and
24 hotel common areas), and coin/card operated clothes washers of any size
25 used in laundromats, shall have a maximum WF of 4.0 gal/ft³ of drum capacity
26 during normal cycle (.053 L/L of drum capacity during normal cycle).

27 C. Commercial dishwashers in commercial food service facilities shall meet all
28 ENERGY STAR requirements as listed in the ENERGY STAR Program
29 requirements for Commercial Dishwashers, Version 2.0.

30 **C404.11.3 Commercial Food Service Operations.**

1 Commercial food service operations (restaurants, cafeterias, food preparation
2 kitchens, caterers, etc.) shall comply with the following requirements:

3 A. Shall use high-efficiency pre rinse spray valves (i.e. valves that function at
4 1.3 gpm (4.9 L/min) or less and comply with a 26 second performance
5 requirement when tested in accordance with ASTM F2324.

6 B. Shall use dishwashers that comply with the requirements of the ENERGY
7 STAR Program for Commercial Dishwashers.

8 C. Shall use boiler-less/connectionless food steamers that consume no more
9 than 2.0 gal/h (7.5 L/h) in the full operational mode.

10 D. Shall use combination ovens that consume not more than 10 gal/h (38 L/h)
11 in full operational mode.

12 E. Shall use air-cooled ice machines that comply with the requirements of the
13 ENERGY STAR Program for Commercial Ice Machines.

14 F. Shall be equipped with hands-free faucet controllers (foot controllers, sensor
15 activated, or other) for all faucet fittings within the food preparation area of the
16 kitchen and the dish room, including pot sinks and washing sinks.

17 **C404.11.4 Medical and Laboratory Facilities.**

18 Medical and laboratory facilities, including clinics, hospitals, medical centers,
19 physician and dental offices, and medical and nonmedical laboratories of all types
20 shall comply with the following:

21 A. Use only water-efficient steam sterilizers equipped with:

22 1. Water-tempering devices that allow water to flow only when the
23 discharge of condensate or hot water from the sterilizer exceeds 140°F
24 (60°C).

25 2. Mechanical vacuum equipment in place of venturi-type vacuum
26 systems for vacuum sterilizers.

27 B. Use film processor water-recycling units where large-frame X-ray films of
28 more than 6 inches (150 mm) in either length or width are processed.

29 **Exception:** Small dental X-ray equipment is exempt from this requirement.

1 C. Use digital imaging and radiography systems where the digital networks are
2 installed.

3 D. Use a dry-hood scrubber system or, if the applicant determines that a wet-
4 hood scrubber is required, the scrubber shall be equipped with a water
5 recirculation system. For perchlorate hoods and other applications where a
6 hood wash-down system is required, the hood shall be equipped with self-
7 closing valves on those wash down systems.

8 E. Use only dry vacuum pumps unless fire and safety codes (International Fire
9 Code) for explosive, corrosive, or oxidative gases require a liquid ring pump.

10 F. Use only efficient water treatment systems that comply with the following
11 criteria:

12 1. For all filtration processes, pressure gauges shall determine and display
13 when to backwash or change cartridges.

14 2. For all ion exchange and softening processes, recharge cycles shall be
15 set by volume of water treated or based on conductivity or hardness.

16 3. For reverse osmosis and nanofiltration equipment with a capacity
17 greater than 27 gal/h (100 L/h), reject water shall not exceed 60% of the
18 feed water and shall be used as scrubber feed water or for the other
19 beneficial uses on the project site.

20 4. Simple distillation is not an acceptable means of water purification.

21 G. With regard to food service operations within medical facilities, comply with
22 Section 404.11.3.

23 12. **Section C405.2.8.1** is amended to read as follows:

24 **C405.2.8.1 Demand responsive lighting control function.** Where installed, demand
25 responsive controls for lighting shall be capable of the following: (remainder of section
26 unchanged)

27

28 13. **Section C405.2.10.2**, subnumeral 2 is amended to read as follows:

29 **C405.2.10.2 Sleeping units in congregate living facilities.**

1 2. Each unit shall have a manual control by the entrance that turns off all lighting and where
2 installed, switched receptacles in the unit, except for lighting in bathrooms and kitchens.
3 The manual control shall be marked to indicate its function.

4
5 **14. Section C405.15 Renewable energy systems** is deleted in its entirety.

6
7
8 **15. Section C406** is deleted in its entirety and replaced with Section C406 of the
9 Colorado Model Low Energy and Carbon Code.

10
11 **16. Section C409 is deleted in its entirety and replaced as follows:**

12 **C409 Title.**

13 Renewable Energy Mitigation Program (REMP) – Commercial Provisions

14 **C409.1 Scope.**

15 This section establishes criteria for compliance with the Breckenridge Renewable
16 Energy Mitigation Program (REMP). The scope of this program includes exterior
17 energy uses and energy production to offset exterior energy use.

18 **C409.2 Mandatory Requirements.**

19 Mandatory Requirements. Compliance with this section requires that the provisions of
20 this section be followed for all exterior energy use. Compliance with this section will be
21 documented via the free Public Domain tool "Breckenridge REMF Calculation Sheet" in
22 the most current version at the time of permit application. Projected energy use,
23 associated energy offset required, fees and credits are defined within this tool.

24 Credits for on-site renewable energy. The payment-in-lieu option is voluntary.
25 Applicants interested in exterior energy use systems can alternatively choose to
26 produce on-site renewable energy with renewable energy systems such as solar
27 photovoltaics and/or solar hot water, wind, or micro-hydro. The energy efficient
28 technology of ground source heat pumps is also permitted for supplemental on-site
29 energy.

30 **C409.3 Exterior energy uses.**

31 Commercial exterior energy uses (per list below) may be installed only if the
32 supplemental energy meets the requirements of the Renewable Energy Mitigation

1 Program. This applies to all installation for which an application for a permit is filed or is
2 by law required to be filed with or without an associated Building Permit. This does not
3 apply to work on existing systems that were permitted prior to this code.

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

5 2. Exterior pools

6 3. Exterior hot tubs and spas

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

8 **C409.3.1 On-site renewable credits.**

9 Credits for renewable energy production will be calculated and applied per
10 "Breckenridge REMP Calculation Sheet" for energy generated on-site. Renewable
11 energy methods listed in the calculator include: solar photovoltaic, solar thermal,
12 ground source heat pumps, hydroelectric and wind power. Provision for alternative
13 method calculations is also provided, but it will require specific review and approval by
14 the Building Official.

15 **C409.3.2 Snowmelt systems.**

16 1. R-15 insulation shall be installed under all areas to be snowmelted.

17 2. Required snowmelt controls. All systems are required to have automated controls to
18 limit operation to when moisture is present, outdoor air temperature is below 40F and
19 above 20F, and the slab temperature shall be controlled via slab temperature sensing
20 to a maximum of 38F. Idling of commercial slabs is only allowed where public safety is
21 a factor.

22 3. Snowmelt heating appliances will have a minimum efficiency of 95% AFUE. Electric
23 resistance and heat pump heaters will be allowed. Where condensing boilers are used,
24 the boiler supply water temperature shall be a maximum of 130F to allow for efficient
25 boiler operation.

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

27 **C409.3.3 Exterior pools.**

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

29 2. Pool heating appliances will have a minimum efficiency of 92% AFUE. Electric
30 resistance and heat pump heaters will be allowed. Where condensing boilers are used,

1 the boiler supply water temperature shall be a maximum of 130F to allow for efficient
2 boiler operation.

3 **C409.3.4 Exterior hot tubs and spas.**

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

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

10 **C409.3.5 Other permanent natural gas or electric heating and cooking elements.**

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

13 **C409.3.6 Gas fireplace, firepit, fire table controls.**

14 Commercial outdoor natural gas fireplaces, firepits, and fire tables shall include timers
15 required to limit the run time of the system. Controls and switching shall be configured
16 so as not to allow continuous operation.

17 **C409.3.7 Electric heat tape controls.**

18 Electric roof and gutter deicing systems shall include either automatic controls capable
19 of shutting off the system when outdoor temperature is above 40F and below 25F, and
20 which limit the use of the system to daylight hours by means of a programmable timer
21 or automated clock, or moisture detection sensors.

22 **C409.4 Permit Validity.**

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

29 **C409.5 Pre-existing systems.**

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

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

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

18 **C409.6 Solar photovoltaic systems.**

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

22 **C409.6.1 Solar thermal.**

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

26 **C409.6.2 Ground source heat pumps.**

27 In order to use ground source heat pumps for on-site renewable credit, the GSHP
28 system must supply at least 20% of the peak load for heating all the exterior energy
29 uses. Each GSHP shall be tested and balanced and the design engineer shall certify in
30 writing that it meets or exceeds a design coefficient of performance of 3.0 inclusion of
31 source pump power. Design conditions for determining COP will be 30F ground loop
32 temperature measured at the GSHP inlet, and 110F GSHP load side outlet.
33

17. New **Section C410** is added as follows:

C410 Electric Vehicle (EV) Ready.

C410.1 General. The provisions of this section shall be applicable for new *commercial buildings*, and major renovations and *additions*.

C410.2 Electric Vehicle Power Transfer Infrastructure. Where new parking is provided for *commercial buildings*, it shall be provided with electric vehicle power transfer infrastructure in accordance with Sections C410.2.1 through C410.2.8.

C410.2.1 Quantity. The number of required *EVSE installed spaces, EV ready spaces, EV capable spaces, and EV capable light spaces* shall be determined in accordance with this section and Table C410.2.1 based on the total number of vehicle parking spaces provided and shall be rounded up to the nearest whole number. This includes all covered parking under carports or detached garages.

Table C410.2.1 EV Power Transfer Infrastructure Requirements

Building Type/Space Type	Level 2 EVSE Installed Spaces	Level 2 EV ready Spaces	Level 2 EV Capable Spaces	Level 2 EV Capable Light Spaces
Commercial buildings, except for Group R-2 occupancies, with 15 or fewer parking spaces	1	20% of spaces (not fewer than 2)	0	0
Commercial buildings, except for Group R-2 occupancies, with greater than 15 parking spaces	2% of spaces	8% of spaces	10% of spaces	10% of spaces
Group R-2 occupancies with 10 or fewer parking spaces	1	15% of spaces	10% of spaces	10% of spaces
Group R-2 occupancies with greater than 10 parking spaces	5% of spaces	15% of spaces	10% of spaces	30% of spaces

C410.2.1.1 Multiple Parking Lots. Where more than one parking lot is provided on a *building* site, the number of vehicle parking spaces provided is required to have *EV* power transfer infrastructure shall be calculated separately for each parking lot.

1 **C410.2.1.2 Group R-2 Occupancies.** *Group R-2* occupancies shall use the total parking
2 requirement for the entire development to determine the *EV* power transfer infrastructure
3 requirements of Table C410.2.1.
4

5 **C410.2.1.3 Space Type Substitutions.** *Commercial buildings* shall be permitted to
6 substitute *EV* parking spaces required in Table C410.2.1 in accordance with Sections
7 C410.2.1.3.1 through C410.2.1.3.5.
8

9 **C410.2.1.3.1 DC Fast Charging.** For *commercial buildings* that install a *DCFC EVSE*, each
10 *DCFC EVSE* installed shall be permitted to be substituted for other space types as follows:

- 11 1. *Commercial buildings* other than *Group R-2* occupancies shall be permitted to
12 substitute up to 10 spaces when the *building* provides a minimum of 20 percent of
13 parking spaces as a combination of *EV capable*, *EV ready*, or *EVSE installed*
14 *spaces*.
- 15 2. *Group R-2* occupancies shall be permitted to substitute up to 5 spaces when the
16 *building* provides a minimum of 60 percent of parking spaces as a combination of
17 *EV capable light*, *EV capable*, *EV ready*, or *EVSE installed spaces*.
18

19 **C410.2.1.3.2 Excess EVSE Installed Spaces.** *EVSE installed spaces* that exceed the
20 minimum requirements of this section are permitted to be used to meet minimum
21 requirements for *EV ready spaces*, *EV capable spaces*, and *EV capable light spaces*.
22

23 **C410.2.1.3.3 Excess EV Ready Spaces.** *EV ready spaces* that exceed the minimum
24 requirements of this section are permitted to be used to meet minimum requirements for *EV*
25 *capable spaces* and *EV capable light spaces*.
26

27 **C410.2.1.3.4 Excess EV Capable Spaces.** *EV capable spaces* that exceed the minimum
28 requirements of this section are permitted to be used to meet minimum requirements for *EV*
29 *capable light spaces*.
30

31 **C410.2.1.3.5 Attached garages.** All attached garages with direct connection to a *dwelling*
32 *unit* will be required to have one Level 2 *EV ready space*.
33

34 **Exception:** One- and two-family dwellings built under the International Residential Code

1
2 **C410.2.2 Level 2 EV Capable Light Spaces.** Each *EV capable light space* shall comply with
3 all the following:

- 4 1. A continuous raceway and/or conduit shall be installed between a suitable electrical
5 panel or other electrical distribution equipment and terminate within 3 feet of the *EV*
6 *capable light space* and shall be capped. *EV capable light* includes two adjacent
7 parking spaces if the raceway and/or conduit terminates adjacent to and between
8 both parking spaces.

9 **Exception:** Conduit installed with a pull string from the termination locations at parking
10 spaces to a location of a future transformer or future electrical panel with electrical
11 service size determined at the time of future permit.

- 12 2. Installed raceway and/or conduit shall be sized and rated to supply a minimum of
13 208/240 volts and a minimum of 40-ampere rated circuits.
14 3. Dedicated physical space to accommodate all equipment necessary for electrical
15 service to future *EVSE*.
16 4. The routing of the raceway and/or conduit must be noted on the construction
17 documents and the raceway shall be permanently and visibly marked “EV
18 CAPABLE” at the load center and termination point locations.
19

20 **C410.2.3 Level 2 EV Capable Spaces.** Each *EV capable space* shall comply with all the
21 following:

- 22 1. A continuous raceway and/or conduit with a pull string from the termination
23 locations at parking spaces shall be installed between a suitable electrical panel or
24 other electrical distribution equipment and terminate within 3 feet of the *EV capable*
25 *space* and shall be capped. *EV capable* includes two adjacent parking spaces if the
26 raceway and/or conduit terminates adjacent to and between both parking spaces.
27 2. The installed raceway and/or conduit shall be sized and rated to supply a minimum
28 of 208/240 volts and a minimum of 40-ampere rated circuits.
29 3. The electrical panel or other electrical distribution equipment to which the raceway
30 and/or conduit connects shall have sufficient dedicated space and spare electrical
31 capacity to supply a minimum of 208/240 volts and a minimum of 40-ampere rated
32 circuits.

1 4. The termination point of the conduit and/or raceway and the electrical distribution
2 equipment directory shall be marked: "For future electric vehicle supply equipment
3 (EVSE)."

4 5. Reserved capacity shall be no less than 8.3 kVA (40A 208/240V) for each *EV*
5 *capable space*.
6

7 **C410.2.4 Level 2 EV Ready Spaces.** Each *EV ready space* shall have a branch circuit that
8 complies with all the following:

9 1. Terminates at a receptacle or junction box located within 3 feet of each *EV ready*
10 *space* it serves. *EV ready* includes two adjacent parking spaces if the receptacle is
11 installed adjacent to and between both parking spaces.

12 2. It has a minimum circuit capacity of 8.3 kVA (40A 208/240V).

13 3. The electrical panel, electrical distribution equipment directory, and all outlets or
14 enclosures shall be marked "For future electric vehicle supply equipment (EVSE)."
15

16 **C410.2.5 Level 2 EVSE Installed Spaces.** An installed *EVSE* with multiple output
17 connections shall be permitted to serve multiple *EVSE installed spaces*. Each *Level 2 EVSE*
18 installed serving either a single *EVSE installed space* or multiple *EVSE installed spaces* shall
19 comply with all the following:

20 1. Have a minimum charging rate in accordance with Section C410.2.7.

21 2. Be located within 3 feet of each *EVSE installed space* it serves.

22 3. Be installed in accordance with Section C410.2.8.

23 4. Have a minimum circuit capacity of 8.3 kVA (40A 208/240V).
24

25 **C410.2.6 Level 2 EVSE Minimum Charging Rate.** Each installed *Level 2 EVSE* shall
26 comply with one of the following:

27 1. Be capable of charging at a minimum rate of 6.2 kVA (or 30A at 208/240V).

28 2. When serving multiple *EVSE installed spaces* and controlled by an energy
29 management system providing load management, be capable of simultaneously
30 sharing each *EVSE installed space* at a minimum charging rate of not less than 3.3
31 kVA.
32

33 **C410.2.7 EVSE Installation.** *EVSE* shall be installed in accordance with NFPA 70 and shall
34 be listed and labeled in accordance with UL 2202 or UL 2594.

1
2 **C410.2.8 Accessible EV Parking Spaces.** For Level 2 *EVSE installed spaces* required by
3 Table C410.2.1, a minimum of 5 percent (not less than one space) shall be van accessible
4 spaces in accordance with Section 1107.2.2 of the International Building Code. In addition, 5
5 percent (not less than one space) of the total vehicle parking spaces required by Table
6 C410.2.1 to be Level 2 *EV ready, EV capable, or EV capable light spaces* shall meet one of
7 the following:

- 8 1. Be van accessible parking spaces in accordance with Section 1107.2.2 of the
9 International Building Code.
- 10 2. Have the electrical infrastructure that is required by Section C410.2.2 for *EV*
11 *capable light spaces*, Section C410.2.3 for *EV capable spaces*, or Section C410.2.4
12 for *EV ready spaces* be configured so that future *EVSE* shall be capable of serving
13 van accessible parking spaces.

14
15
16 18. **Section R101.1 Title** is amended as follows:

17
18 **R101.1 Title** This code shall be known as the Energy Conservation Code of the Town of
19 Breckenridge and shall be cited as such. It is referred to herein as “**this code**”.

20
21 19. **Section R103.1 Creation of enforcement agency** is amended as follows:

22 **R103.1 Creation of enforcement agency.** The Town of Breckenridge Building Division is
23 hereby created (remainder of sentence to be unchanged)

24
25 20. A new **Section R104.1.1.1 Deemed to comply** section is added to the requirements
26 for Above Code Programs:

27 **R104.1.1.1 Deemed to comply.** The following programs shall be considered deemed to
28 comply with the above code program requirements as found in Section R104.1.1

- 29 1. The Department of Energy’s Zero Energy Ready Homes (ZERH) program, Version
30 2, shall be deemed to comply as an above code program when including new
31 Section R409 of the Colorado Model Low Energy and Carbon Code, and the
32 REMP provisions found in R409 of this Code.
- 33 2. The State of Colorado Model Low Energy and Carbon Code – Residential
34 Provisions, plus the REMP provisions as found in R409 of this code shall be met.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

21. Section R401.2 Application is amended to read as follows:

R401.2 Application. Residential buildings shall comply with all of the following:

1. the Colorado Model Electric Ready and Solar Ready Code, as updated in New Section R409 of the Model Low Energy and Carbon Code.
2. Section R409 (of this code)Breckenridge Renewable Energy Mitigation Program (REMP), and
3. either Section R401.2.1, R401.2.2, or R401.2.3.

Exceptions

1. Additions, alterations, repairs and changes of occupancy to existing buildings complying with Chapter 5, unless otherwise noted in the Colorado Model Electric Ready and Solar Ready Code and R409 (REMP) of this code.
2. Residential buildings complying with the Department of Energy’s Zero Energy Ready Homes (ZERH) Program in accordance with Section R104.1.1.
3. Residential buildings complying with the Residential Provisions of the Colorado State Model Low Energy and Carbon Code in its entirety.

22. **Table R402.1.2 U-Factor Assemblies** is amended to change the Vertical Fenestration U-factor from .27 to .30 and remove footnote d. in its entirety.

23. **Table R402.1.3 R-Value Alternative** is amended to change the Vertical Fenestration U-factor from .27 to .30 and remove footnote g. in its entirety.

24. **Section R402.2.13 Sunroom and Heated Garage Insulation** is amended by removing the exception in its entirety. The remainder of R402.2.13 is unchanged.

25. New **Section R402.2.14 Thermal Bridging** is added as follows:

R402.2.14 Thermal bridges in above-grade walls. Thermal bridges in above-grade walls shall comply with Sections R402.2.14.1 through R402.14.3 or an approved design.

Exceptions:

1. Any thermal bridge with a material thermal conductivity not greater than 3.0 Btu/h-ft-°F.

2. Blocking, coping, flashing, and other similar materials for attachment of roof coverings.
3. Thermal bridges accounted for in the U-factor or C-factor for a building thermal envelope.

R402.2.14.1 Balconies and floor decks. Balconies and concrete floor decks shall not penetrate the building thermal envelope. Such assemblies shall be separately supported or shall be supported by approved structural attachments or elements that minimize thermal bridging through the building thermal envelope.

Exceptions: Balconies and concrete floor decks shall be permitted to penetrate the building thermal envelope where:

1. an area-weighted U-factor is used for above-grade wall compliance which includes a U-factor of 0.8 Btu/h-°F-ft² for the area of the above-grade wall penetrated by the concrete floor deck, or
2. an approved thermal break device of not less than R-10 is installed in accordance with the manufacturer's instructions.

R402.2.14.2 Cladding supports. Linear elements supporting opaque cladding shall be offset from the structure with attachments that allow the continuous insulation, where present, to pass behind the cladding support element.

Exceptions:

1. An approved design where the above-grade wall U-factor used for compliance accounts for the cladding support element thermal bridge.
2. Anchoring for curtain wall and window wall systems.

R402.2.14.3 Structural beams and columns. Structural steel and concrete beams and columns that project through the building thermal envelope shall be covered with not less than R-5 insulation for not less than 2 feet (610 mm) beyond the interior or exterior surface of an insulation component within the building thermal envelope.

Exceptions:

1. Where an approved thermal break device is installed in accordance with the manufacturer's instructions.
2. An approved design where the above-grade wall U-factor used to demonstrate compliance accounts for the beam or column thermal bridge.

1 26. **Section R402.4 Fenestration** has been amended to read as follows:

2 **R402.4 Fenestration.** In addition to the requirements of Section R402, fenestration shall
3 comply with Sections R402.4.1 through R402.4.6.

4
5
6 27. **Section R402.4.5 Sunroom and heated garage fenestration** is amended to
7 remove the exception in its entirety. The remainder of R402.4.5 is unchanged.

8
9 28. A new **Section R402.4.6** is added as follows:

10 **R402.4.6 Maximum area.** The vertical fenestration area, not including opaque doors and
11 opaque spandrel panels, shall be not greater than 30 percent of the gross above grade
12 framed wall area enclosing conditioned space. The skylight area shall be not greater than 3
13 percent of the gross roof area over conditioned space.

14 **Exception:** Vertical fenestration in residential buildings complying with an above
15 code program in accordance with Sections R104.1.1 or R104.1.1.1

16
17
18 29. **Section R403.1.1 Programmable Thermostats** is amended by adding the following
19 Exception. The remainder of Section R403.1.1 is unchanged:

20 **Exception:** Thermostats serving hydronic radiant systems

21
22 30. **Section R403.5.1.2 Heat Trace systems** is deleted and replaced with the
23 following:

24 **R403.5.1.2 Electric heat tape controls.** Electric roof and gutter deicing systems shall
25 include automatic controls in accordance with REMP Section R411.1.

26
27 31. **Section R403.7.1 Electric-resistance space heating** is amended to read as follows:

28
29 **R403.7.1 Electric-resistance space heating.** Detached one- and two-family dwellings
30 and townhouses in Climate Zone 4 through 8 shall not use electric-resistance for space
31 heating.

32 **Exceptions:**

- 33 1. Where electric-resistance heating is used for heat pump supplementary heat in
34 accordance with Section R403.1.2.
35 2. Electric-resistance heating used for freeze protection.

- 1 3. Electric-resistance heating where the criteria in Section R408.2.2.2 for evaporative
- 2 cooling are met.
- 3 4. Electric-resistance heating not exceeding a cumulative total of 1kW per dwelling
- 4 unit, with a thermostat and fan.
- 5 5. Electric-resistance heating that is 100% offset by renewable energy
- 6 6. Electric-resistance heating where the criteria in Section R408.2.1.1(6)≥20%
- 7 reduction in total TC are met.

8
9
10 **32. Section R403.9.2 Snow- and ice-melt system controls** is amended to read as
11 follows:

12 **R403.9.2 Snow- and ice-melt system controls.**

13 Snow- and ice-melt system controls shall comply with REMP Section R409.3.2, item #2.

14
15
16 **33. A new Section R403.13 WaterSense** is added as follows:

17 **R403.13 WaterSense.** All water-using appliances and plumbing fixtures within the
18 residential building shall be EPA WaterSense labeled products.

19
20
21 **34. Section R404.4 Renewable energy certificate (REC) documentation** is deleted in
22 its
23 entirety.

24
25
26 **35. Section R405.2 Simulated building performance compliance,** item #3, is amended
27 as follows. The remainder of Section R405.2 is unchanged:

28 **R405.2 Simulated building performance compliance.**

- 29 3. For all dwelling units, the annual energy cost of the proposed design shall be
- 30 less than or equal to 85 percent of the annual energy cost of the standard
- 31 reference design. For each dwelling unit with greater than 4500 square feet of
- 32 conditioned space, the annual energy cost of the dwelling unit shall be reduced
- 33 by an additional 5 percent of annual energy cost of the standard reference
- 34 design. Energy prices shall be taken from an approved source, such as the US

1 Energy Information Administration’s State Energy Data system prices and
2 expenditures reports. Code official shall be permitted to require time-of-use
3 pricing in energy cost calculations. Heated garages shall be evaluated separately
4 from the remainder of the home by showing compliance with the Prescriptive R-
5 Value or U-Factor thermal envelope provisions and will not require air leakage
6 testing.

7 **Exception:** Buildings complying with Section R405.2 Simulated Building
8 Performance, utilizing a site energy use target as found in the Colorado Model Low
9 Energy and Carbon Code (LECC).

10
11
12 36. **Section R406.3 Building thermal envelope** is amended by adding the following
13 sentence to the end of the Section (remainder of section unchanged):

14 **R406.3** Heated garages shall be evaluated separately from the remainder of the home by
15 showing compliance with the Prescriptive R-Value or U-Factor thermal envelope provisions,
16 with the exception of air leakage testing.

17
18
19 37. **Section R407 Tropical Climate Region Compliance Path** is deleted in its entirety.

20
21
22 38. **Section R408.2 Additional energy efficiency credit requirements** is amended as
23 follows:

24 **R408.2 Additional energy efficiency credit requirements.** Residential buildings shall
25 earn not less than 10 credits from not less than two measures specified in Table R408.2.
26 Five additional credits shall be earned for dwelling units with more than 4500 square feet of
27 conditioned space (remainder of text unchanged).

28 **Exception:** Residential buildings complying with Section R408.3 Additional energy
29 efficiency prescriptive Pathway on a Platter requirements.

30
31
32 39. **Table R408.2 Credits for Additional Energy Efficiency** is amended by the following:
33

- a. Change Table R408.2.1.2 Improved Fenestration to a U-Factor of .28 for residential buildings up to 4500 sq ft of conditioned space and .25 for homes 4500 sq ft or larger for Climate Zone 7.
- b. Delete credits allowed for R408.2.2(2) and R408.2.2(3), also deleting the subsections R408.2.2(2) and (3) in their entirety.
- c. Delete credits allowed for R408.2.5(1) and R408.2.5(3), also deleting the subsections R408.2.5 (1) and (3) in their entirety.

40. Add new **Section R408.3 Additional energy efficiency Prescriptive Pathway on a Platter Requirements**, as follows:

R408.3 Additional energy efficiency Prescriptive Pathway on a Platter Requirements. Residential buildings utilizing this optional prescriptive platter approach to additional energy efficiency shall comply with R408.3.1 or R408.3.2 as applicable.

R408.3.1 Regular Platter Requirements. Residential buildings that enclose 4500 square feet or less of conditioned space shall include all of the following additional efficiency requirements:

1. If forced air-furnace system installed, minimum 97% AFUE, 100% of ducts inside conditioned space and space conditioning equipment utilized for heating is located completely inside condition space.
2. If Radiant heating system installed, minimum 95% AFUE in combination with hydronic thermal distribution system and space conditioning equipment is located completely inside condition space.
3. If heat pump installed, must be cold climate heat pump with minimum ability to meet 90% capacity at 5 degrees Fahrenheit or as first approved by the code official.
4. If stand-alone gas water heater installed, must be minimum .86 Uniform Energy Factor (UEF)
5. If electric water heater is installed, must meet minimum 2.2 Uniform Energy Factor (UEF) for integrated HPWH or UEF 3.75 for split-system HPWH.
6. Window U-Factor of .28 in accordance with R408.2.1.2.
7. Maximum Vertical Fenestration Area of 30% in accordance with R402.4.6.

1 In Addition to the above items, one additional selection from the list below shall be required
2 in order to Comply with this Section:

- 3 • R-60 roof/ceiling insulation installed, or R49 roof/ceiling installed uncompressed over the
4 top plate and verified by approved 3rd party meeting the requirements of Section R107.4.
- 5 • An air leakage rate equal to or less than 2.3 ACH50 or an air leakage rate equal to 2.5
6 ACH50 plus air sealing inspection performed by Approved 3rd party meeting the
7 requirements of Section R107.4.
- 8 • On-site renewable energy measure, minimum 1.0 watt PV system per square foot of
9 conditioned space.

10
11 **R408.3.2 Large Platter Requirements.** Residential buildings that enclose greater than
12 4500 square feet of conditioned living space shall include all of the Regular Platter
13 Requirements as found in R408.3.1, plus two additional selections from the list below:

- 14 • A 10% reduction in total Thermal Conductance in accordance with R408.2.1.1(4)
- 15 • An air leakage rate equal to or less than 2.3 ACH50 with ERV or HRV installed in
16 accordance with R408.2.5(2) or air leakage rate equal to 2.5 ACH50 plus air sealing
17 inspection performed by Approved 3rd party meeting the requirements of Section R107.4.
- 18 • R-60 roof/ceiling insulation installed, or R49 roof/ceiling installed uncompressed over the
19 top plate and verified by approved 3rd party meeting the requirements of Section R107.4.
- 20 • A Window U-Factor of .25 in accordance with R408.2.1.2
- 21 • On-site renewable energy measure, minimum 1.0 watt PV system per square foot of
22 conditioned space.
- 23 • No exterior energy use is required to be mitigated as defined by Sections R409-R414.2.

24
25
26 41. **Sections R409- R409.7.2 Renewable Energy Mitigation Program (REMP)** are
27 added as follows:

28 **R409 Title.** Renewable Energy Mitigation Program (REMP) – Residential Provisions

29 **R409.1 Scope.**

30 This section establishes criteria for compliance with the Breckenridge Renewable
31 Energy Mitigation Program (REMP). The scope of this program includes exterior
32 energy uses and energy production to offset exterior energy use.

1 **R409.2 Mandatory Requirements.**

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

7 Credits for on-site renewable energy. The payment-in-lieu option is voluntary.
8 Applicants interested in exterior energy use systems can alternatively choose to
9 produce on-site renewable energy (Section R412) with renewable energy sources such
10 as solar photovoltaics and/or solar hot water, wind, or micro-hydro. The energy efficient
11 technology of ground source heat pumps is also permitted for supplemental on-site
12 energy.

13 **R409.3 Exterior energy uses.**

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

- 19 1. Snowmelt (i.e. driveways, patios, walkways, etc.)
- 20 2. Exterior pools
- 21 3. Exterior hot tubs and spas
- 22 4. Permanent natural gas or electric systems for heating outdoor residential spaces.

23 **R409.3.1 On-site renewable credits.**

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

1 **R409.3.2 Snowmelt systems.**

- 2 1. R-15 insulation shall be installed under all areas to be snow melted.
- 3 2. Required snowmelt controls. All systems are required to have automated controls to
- 4 limit operation to when moisture is present, outdoor air temperature is below 40F and
- 5 above 20F, and the slab temperature sensing. Idling of residential slabs is not
- 6 permitted.
- 7 3. Snowmelt heating appliances will have a minimum efficiency of 95% AFUE. Electric
- 8 resistance and heat pump heaters will be allowed. Where condensing boilers are used,
- 9 the boiler supply water temperature shall be a maximum of 130F to allow for efficient
- 10 boiler operation.
- 11 4. Up to 100 square feet of snowmelt continuous to a residential building is exempt for
- 12 safety.

13 **R409.3.3 Exterior pools.**

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

19 **R409.3.4 Exterior hot tubs and spas.**

- 20 1. Hot tub and spa covers are required for all spas, with a minimum R-value of 12.
- 21 2. Packaged spas less than 64 square feet are exempt.
- 22 3. A maximum of (1) hot tub or spa per residential property is exempt. For residential
- 23 HOAs with individual ownership, 64 square feet of hot tub or spa space is exempt for
- 24 every 10 residential units.
- 25 4. Hot tubs and spa heating appliances will have a minimum efficiency of 92% AFUE.
- 26 Electric resistance and heat pump heaters will be allowed. Where condensing boilers

1 are used, the boiler supply water temperature shall be a maximum of 130F to allow for
2 efficient boiler operation.

3 **R409.3.5 Other permanent natural gas or electric heating and cooking elements.**

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

6 **R409.4 Gas fireplace, firepit, fire-table controls.**

7 Residential outdoor natural gas fireplaces, firepits, and fire tables shall include timers
8 required to limit the run time of the system. Controls and switching shall be configured
9 so as not to allow continuous operation.

10 **R409.4.1 Electric heat tape controls.**

11 Electric roof and gutter deicing systems shall include either automatic controls capable
12 of shutting off the system when outdoor temperature is above 40F and below 25F, and
13 which limit the use of the system to daylight hours by means of a programmable timer
14 or automated clock, or moisture detection sensors.

15 **R409.5 Renewable energy mitigation payment.**

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

22 **R409.6 Pre-existing systems.**

23 Pre-existing systems, for which a prior permit was applied for and granted prior to the
24 effective date of this code are exempt from this program. Additions or expansions of
25 existing systems that require a permit will require compliance with this above code
26 program.

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

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

14 **R409.7 Solar photovoltaic systems.**

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

18 **R409.7.1 Solar thermal.**

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

22 **R409.7.2 Ground source heat pumps.**

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

29
30

1 **42. Section R502.2.5 Additional energy efficiency credit requirements for**
2 **additions** is amended to read as follows:

3 **R502.2.5 Additional energy efficiency credit requirements for additions.**

4 Additions shall comply with sufficient measures from amended Table R408.2, to achieve
5 not less than five credits from at least two different measures. Five additional credits
6 shall be earned for additions that add to or create a dwelling unit of more than 4500
7 square feet of conditioned space. Alterations to the existing building that are not part of
8 the addition but are permitted with an addition shall be permitted to be used to achieve
9 this requirement.

10 **Exceptions:**

- 11 1. Additions that increase the building's total conditioned floor area by less than 25
12 percent.
- 13 2. Additions that do not include the addition or replacement of equipment covered in
14 Section R403.5 or R403.7.
- 15 3. Additions that do not increase conditioned space.
- 16 4. Where the addition alone or the existing building and addition together comply
17 with Section R405 or R406
- 18 5. Where the addition alone or the existing building and addition together comply
19 with R408.3.

20
21
22 **43. Section R503.1.1.3 Above-grade wall alterations** is amended to read as
23 follows:

24 **R503.1.1.3 Above-grade wall alterations.** Above-grade wall alterations shall comply
25 with the following as applicable:

- 26 1. Where wall cavities are exposed, the exposed cavities shall be filled with insulation
27 complying with Section R303.1.4. New cavities created shall be insulated in
28 accordance with Section R402.1, at an R-Value of R-23 minimum or an approved
29 design that minimizes deviation from Section R402.1. An interior vapor retarder shall be
30 provided where required in accordance with Section R702.7 of the International
31 Residential Code or Section 1404.3 of the International Building Code, as applicable.
- 32 2. Where exterior wall coverings and fenestration are added or replaced for the full
33 extent of any exterior facade of one or more elevations of the building, continuous

1 insulation shall be provided where required in accordance with Section R402.1 or the
2 wall insulation shall be in accordance with an approved design that minimizes deviation
3 from Section R402.1. Where specified, the continuous insulation requirement also shall
4 comply with Section R702.7 of the International Residential Code. Replacement
5 exterior wall coverings shall comply with the water-resistance requirements of Section
6 R703.1.1 of the International Residential Code or Section 1402.2 of the International
7 Building Code, as applicable, and manufacturers' instructions.

8 3. Where new interior finishes or exterior wall coverings are applied to the full extent of
9 any exterior wall assembly of mass construction, insulation shall be provided in
10 accordance with Section R402.1 or an approved design in compliance with Section
11 R104.1 that minimizes deviation from Section R402.1.

12
13
14 **44. Section R503.1.5 Additional efficiency credit requirements for substantial**
15 **improvements** is amended to read as follows:

16 **R503.1.5 Additional efficiency credit requirements for substantial improvements.**

17 Substantial improvements shall comply with sufficient measures from Table R408.2 to
18 achieve not less than three credits. Substantial improvements to homes greater than 4500
19 of conditioned space shall require 5 credits from amended Table R408.2.

20 **Exceptions:**

- 21 1. Alterations that are permitted with an addition complying with Section R502.2.5.
22 2. Alterations that comply with Section R405 or R406.
23 3. Substantial improvements that do not include the addition or replacement of
24 equipment covered in either Section R403.5 or R403.7.
25 4. Substantial improvements complying with R408.3

26
27 Section 4. Ordinances 2020-12, 2022-26, and 2023-21 are hereby repealed.

28
29 Section 5. The effective date of this Ordinance is January 13, 2026.

30
31 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN
32 FULL this 9th day of September 2025.

1 READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE
2 TOWN'S WEBSITE the ____ day of _____ 2025. A copy of this Ordinance is available for
3 inspection in the office of the Town Clerk.

4

5 ATTEST: TOWN OF BRECKENRIDGE

6 _____

7 Mae Watson, Town Clerk

Kelly Owens, Mayor

8

9

10 APPROVED IN FORM

11

12 _____

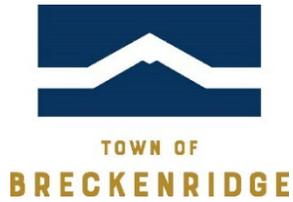
13 Town Attorney

Date

14

15

16



Memo

To: Town Council
From: Keely Ambrose, Town Attorney; and Mae Watson, Town Clerk
Date: 09/09/2025
Subject: Council Bill for Campaign Finance Referral (First Reading)

Town Council Goals (Check all that apply)

- | | | | |
|-------------------------------------|---------------------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | More Boots & Bikes, Less Cars | <input type="checkbox"/> | Leading Environmental Stewardship |
| <input type="checkbox"/> | Deliver a Balanced Year-Round Economy | <input type="checkbox"/> | Hometown Feel & Authentic Character |
| <input checked="" type="checkbox"/> | Organizational Need | | |

Summary

This Council Bill would amend and update Title 1 Chapter 12 of the Breckenridge Town code to allow for the referral of municipal campaign finance complaints to the Colorado Secretary of State, as permitted by House Bill 24-1283. The Council Bill establishes procedures for filing, reviewing, and referring complaints to the Secretary.

Key points include:

- Complaints must be written, signed, name at least one respondent, and follow a Secretary of State prescribed format.
- The Town Clerk has 10 business days to review a complaint for compliance and must refer valid complaints to the Secretary of State within 14 business days.
- Complainants will be notified of dismissal or referral.
- Complaints must be filed within 180 days of when the alleged violation was or should have been known.
- The Secretary of State will handle the investigation and resolution using state procedures, and Town staff will cooperate.
- The Town waives any claim to fines collected through this process.

Background

Per HB24-1283, a municipal clerk may refer campaign finance complaints to the Colorado Secretary of State if the municipality has adopted an ordinance allowing referral due to the absence of a local investigation and hearing process. The Town does not have a process dedicated to the investigation of campaign finance complaints nor does it have the resources to manage complex complaints. The adoption of this Council Bill would allow the Town to refer complaints to the Secretary pursuant to state law.

HB24-1283 requires municipalities to submit the authorizing ordinance to the Secretary of State at least 180 days before an election. Therefore, staff would need to submit an approved ordinance by October 2025 to allow referral of any campaign finance complaints for the April 2026 election. The municipality must cooperate with the Secretary's investigation. When the Secretary receives a referred complaint, it is treated as filed on that date, and if from a home rule municipality, local laws must be applied.

Mission: The Town of Breckenridge protects, maintains, and enhances our sense of community, historical heritage, and alpine environment. We provide leadership and encourage community involvement.

Public outreach/engagement

Public input was not specifically sought during the development of the Council Bill. The need for the Town Code amendment and update was primarily informed by internal staff analysis and legal review.

Financial Implications

Staff expect a positive financial impact, as referring complaints to the Secretary of State would save staff time and resources by removing the need for local campaign finance complaint investigations.

Equity Lens

The ordinance promotes fair, consistent, and equitable elections by enabling independent oversight of campaign finance complaints. Instead of being handled by the Town Clerk—where limited resources may affect outcomes—complaints are referred to the Colorado Secretary of State. This ensures impartiality. Town of Breckenridge lacks the resources and staff to manage complex campaign finance investigations effectively. By redirecting complaints to the Secretary of State, it ensures equitable access to enforcement and oversight, regardless of a town's size or capacity. It enhances public trust by aligning procedures statewide and reducing potential bias or inconsistency.

Staff Recommendation

Staff recommend approval of the attached Council Bill.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

For First Reading 9-9-25

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

COUNCIL BILL NO. 14

Series 2025

AN ORDINANCE AMENDING CHAPTER 12 OF TITLE 1 OF THE BRECKENRIDGE TOWN
CODE CONCERNING CAMPAIGN FINANCE COMPLAINTS IN MUNICIPAL ELECTIONS

WHEREAS, the Town of Breckenridge is a home rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Town of Breckenridge Home Rule Charter; and

WHEREAS, pursuant to its authority, the Town, acting through the Town Council, is authorized to adopt ordinances regulating matters concerning campaign finance; and

WHEREAS, Colorado House Bill 24-1283 authorizes the Colorado Secretary of State to hear and investigate complaints related to municipal election campaign finance, provided the municipality adopts an ordinance referring such complaints to the Secretary of State; and

WHEREAS, the Town does not have a process dedicated to campaign finance complaints and does not have the resources to manage campaign finance complaints; and

WHEREAS, the Town desires to adopt this ordinance to refer campaign finance complaints to the Colorado Secretary of State pursuant to state law.

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

Section 1. Title 1, Chapter 12, Section 1 of the Breckenridge Town Code is amended as follows:

1-12-1: Except as otherwise provided by ordinance, or in connection with a coordinated election as provided in section 1-12-6 of this chapter or a mail ballot election as provided in section 1-12-8 of this chapter, all Municipal elections shall be held in accordance with the provisions of the Colorado Municipal Election Code of 1965, article 10, of title 31, Colorado Revised Statutes **as such may be amended from time to time.**

Section 2. Chapter 12 of Title 1 of the Breckenridge Town Code is amended by the addition of a new Section 1-12-11, which shall read in its entirety as follows:

1-12-11:

A. As used in this section, the following words have the following meanings:

1 COMPLAINT: a complaint alleging that a violation of Article XXVIII of the
2 Colorado constitution, Article 45 of Title 1 of the Colorado Revised
3 Statutes, or the rules related to either has occurred in connection with a
4 Town of Breckenridge campaign finance matter.

5
6 SECRETARY: the Colorado Secretary of State.
7

- 8 **B. Pursuant to §1-45-111.7(10)(c)(II), the Town Clerk is authorized to refer**
9 **all complaints to the Secretary, in accordance with the following:**
10 1. **A complainant must file a signed written complaint with the**
11 **Town Clerk, which complaint must identify one or more**
12 **respondents, be in a form prescribed by the Secretary, and**
13 **including any information required to be provided on such form.**
14 2. **Within ten (10) business days of receipt of the complaint, the**
15 **Town Clerk will conduct a review of the complaint to determine if**
16 **the complaint complies with subsection B.1, above.**
17 3. **If the complaint complies with subsection B.1, the Town Clerk**
18 **shall refer the complaint to the Secretary in the form and manner**
19 **prescribed by the Secretary within fourteen (14) business days of**
20 **the Clerk's receipt of the complaint.**
21 4. **The Clerk shall notify the complainant via email or regular mail, if**
22 **email is unavailable, of the Clerk's action in either dismissing the**
23 **complaint for failure to comply with subsection B.1 or referring**
24 **the complaint to the Secretary.**
25 5. **A complaint shall not be filed more than one hundred and eighty**
26 **(180) days after the date on which the complainant either knew or**
27 **should have known, by the exercise of reasonable diligence, of**
28 **the alleged violation.**
29 6. **All applicable timelines found in state law are adopted so as to**
30 **apply herein.**
31
32 **C. Authorizations.**
33 1. **The Secretary is authorized to use the provisions of C.R.S. §1-45-**
34 **111.7(3) through (7) to process, investigate, and resolve the**
35 **complaint.**
36 2. **The Town staff will cooperate with the Secretary in the**
37 **processing and investigation of the complaint.**
38 3. **The Town disclaims any interest in fines collected in connection**
39 **with the complaint.**
40
41

42 Section 3. Except as specifically amended hereby, the Breckenridge Town Code, and
43 the various secondary codes adopted by reference therein, shall continue in full force and effect.
44

45 Section 4. This Ordinance shall take effect as provided for in Section 5.9 of the
46 Breckenridge Town Charter.
47

48
49 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
50 PUBLISHED IN FULL this 9th day of September, 2025. A Public Hearing shall be held at the
51 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of

1 _____, 2025, at 7:30 p.m. or as soon thereafter as possible in the Municipal Building of the
2 Town.

3
4 TOWN OF BRECKENRIDGE, a Colorado
5 municipal corporation
6

7
8
9 By: _____
10 Kelly Owens, Mayor

11
12 ATTEST:

13
14
15
16 _____
17 Mae Watson,
18 Town Clerk
19
20

1 APPROVED IN FORM

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66

Town Attorney



Memo

To: Breckenridge Town Council
From: Mark Truckey, Director of Community Development
Date: September 3, 2025
Subject: Planning Commission Decisions of the September 2, 2025 Meeting

DECISIONS FROM THE PLANNING COMMISSION MEETING, September 2, 2025:

CLASS A APPLICATIONS: None.

CLASS B APPLICATIONS: None.

CLASS C APPLICATIONS: None.

TOWN PROJECT HEARINGS: None.

OTHER:

1. Although there were no formal Planning Commission decisions made, there was a worksession related to a request for deviation from the employee housing impact mitigation rates. Overall, the Planning Commission did not support (4 against to 2 support) the deviation, and the full discussion is detailed in the minutes.

PLANNING COMMISSION MEETING

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

ROLL CALL

Mike Giller	Mark Leas	Allen Frechter	Matt Smith
Ethan Guerra	Elaine Gort	Susan Propper - absent	

APPROVAL OF MINUTES

With no changes, the August 19, 2025 Planning Commission Minutes were approved.

APPROVAL OF AGENDA

With no changes, the September 2, 2025 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

None

WORK SESSIONS:

1. Chalet Breckenridge Change of Use Employee Mitigation Relief (EM)

Ms. Muncy presented a proposal to deviate from the employee housing impact mitigation rates specified by Policy 24 (Absolute) Social Community. The applicant states that no additional employees will be generated from the proposed changes in use. The following specific questions were asked of the Commission:

1. Based on the information provided, does the Commission support a deviation from the current employee generation table and not require any additional employee housing mitigation for the proposed cocktail lounge and fondue restaurant?
2. Would the Commission require the applicant to obtain a third-party analysis to verify the employee numbers provided?
3. Does the Commission have any other feedback for staff or the applicant regarding the proposed changes in use?

Commissioner Questions / Comments:

Ms. Gort: I have a question about the category. We are moving from Taphouse/Brewery/Bar without food service to the counter service fast-food. I am curious about the definition of counter service is, does that include alcohol? (Ms. Muncy: We don't have fast-food and counter service defined within our code. They are common terms. Within the Employee Generation code, there's a section for restaurants, and that section is split into a subsection of either sit-down table service or fast-food counter service. If someone's being served at a table, then it would be sit-down table service, and if someone is going to a bar or to a counter of some kind to go pick up the food and order and everything, then we'd consider it fast-food counter service.) But a bar would be getting their drinks from the counter, right? (Ms. Muncy: Correct. Restaurants are anything with food service. Taphouse/Brewery/Bar is a separate section from restaurants, because it does not have any food service.) So as soon as they have food service, they are considered Restaurant? (Ms. Muncy: Correct. As soon as they have food service, they move from the Tap House/Brewery/Bar without food service category to the Restaurant category, which can either be sit-down service or fast-food counter service.) Have you ever done a prorating of the bar area versus the sit-down table service in a different part of the restaurant? Have you ever done calculations like that, where you merge them together, or even take an average? (Ms. Muncy: I will say the specific restaurant categories were something that were newly adopted. So previously, it was not broken down to this extent. I don't know of anything that we've really done in that

exact way. I do know there was a previous approval where a space split between restaurant service and retail, but I believe that's something more unusual and it's not something we do very often.)

Mr. Frechter: Are we being asked to approve this calculation and the in-lieu fee? Or to waive that? (Ms. Muncy: The applicant is asking if the Commission would support a deviation from the requirement, resulting in either no new square footage of employee housing to be provided, or no fee-in-lieu, because the applicant provided information asserting they are not increasing the use. Staff does not have a specific recommendation.) Okay, so if we don't approve this deviation then the applicant would have to pay this fee? (Ms. Muncy: Correct.) So, the applicant's asking us to approve a deviation. Okay. There is a mistake in your calculation table; the result is still correct but the square footage in the second to last box should be 154, not 218. Ms. Muncy: I will correct that.) Using the previous tenant as the example, did Brooklynn's Tavern serve food? (Ms. Muncy: They did not.) They did not serve food, but they had 8.5 employees and the applicant is serving food and they say they can do it with six employees. (Ms. Muncy: Correct.)

Mr. Guerra: Ellie, can you remind us, on Highside Brewery Taproom, there was no food service, was there? (Ms. Muncy: There was no food service.)

Chalet Business Owner, Terry Barbu: My name's Terry Barbu, and thank you guys for hearing this out. I've done a lot of restaurants in this town. I've done Bangkok Happy Bowl, Flipside, Blue Stag, Whiskey Star, Breckenridge Ale House, Luigi's. Those are all my designs, all my concepts, all the things that I've done in this town over the last 13 years. I believe in this town, I love this town, but I think we've kind of gotten to a point where this is asking too much, on this. The whole part of this code that says that either if you do a new build, or you change the intensity of employees, that's where the mitigation comes in. And I've proven, just because Brooklyn's ran a really bad business and just because they decided not to do the things that would save them from being removed from any type of insurance or this town doesn't mean that if I do a good job, that I should have to pay for it. And that's kind of my frustration is the fact that we're just trying to create an upscale, 30-plus speakeasy. It has tables, but not like a regular restaurant. There's only eight seating groups in the entire place so it's not this huge business. We're not going to take 2,300 square feet and turn it all into table seating, because it's not. It's all couches and cocktail tables. It's a place that people can go after they go out to after dinner that are a little bit older, that don't want to go stand in a bar, that don't want to do things along those lines, and so that's what Chalet is. We went to Switzerland; we're designing a 1920s chalet on the interior with logs and furniture. We have a \$143,000 furniture order ready to go over at iFurnish for this place. It's going to be absolutely beautiful; drive people into this town. It's something that I think will make national attention. It's frustrating to me that I've got to buy a house in order to remodel a restaurant. And that's all I'm doing. I already paid a lot of those PIFs that you guys asked for by buying it from the previous owner. That's what he sold it on. He didn't have insurance anymore, he couldn't run that restaurant anymore. We're taking a tavern license and turning it into a tavern license. We're taking the same number of employees and keeping them, but we're redistributing them. But we're keeping that same number going. And just because they didn't serve food when they are legally required to serve food doesn't mean that I shouldn't do something good if I'm going to have to serve food. We're taking nine employees that they ran on a full-time basis, and we're doing nine employees. We'll obviously drop down in shoulder season, but I think this restaurant will generate, or a speakeasy, will generate three times the revenue of what Brooklyn's did.

Mr. Frechter: I guess you are saying that when Brooklynn's Tavern had a lot of people, it was shoulder to shoulder packed?

- Mr. Barbu: Sure, in the beginning it was absolutely packed. Obviously, the pool tables do take up space. They would run a DJ in there basically five nights a week towards the end, you know? In the beginning, they had food. In the beginning, they did things the way that the liquor laws require, you know, and then over time, they just got away from everything, and they turned more into more of a situation where three severe injuries occurred with police there almost every night. We are absolutely getting rid of that whole attitude, that whole crowd, and going with something more mature, but bottom line is, they had the same number of employees as we're going to have. We are not changing the intensity of employees. We're simply rearranging them into a better way to make this place what it is.
- Mr. Frechter: I see they had three security people, is that an area that you will be cutting back?
- Mr. Barbu: First, we do a lot of different training than they do. We train people on how to de-escalate situations, not escalate situations. But we're not trying to create that kind of space. We're designing a speakeasy, and I think everybody's got a vision of what a speakeasy is. Our main couch is \$13,700 in the middle of the space. This is not a place that's going to be like this. This is going to be quality, it's going to be beautiful, it's just going to be different than a bar. So yes, they had three security guys, and even that wasn't enough for them.
- Ms. Gort: For the off-site food prep, how much will that increase labor at your other restaurants?
- Mr. Barbu: I've got four other restaurants right now. We're doing three things, fondue, flatbread pizzas, and charcuterie. Whiskey Star already does a ton of cheese prep and meat prep and everything along those lines, so it's not going to increase any employees there, it's just going to give them something to do during the down times. Whiskey Star does all of their food cooking, everything is prepped before we even open at 11 o'clock. After that, it's just maintaining those food levels, and it gives them perfect time that they can do this other prep work. As far as the, fondue, it's a sous vide. So you get the cheese in a packet, it goes into a hot water sous vide, it comes out, and then it just gets poured into the fondue dish, which keeps it hot. And then the last thing, like I said, is the flatbread pizzas, which we're doing up at Ale House, bringing down and then just putting them in a convection microwave oven, and it basically heats them up in 2 minutes, and then they get served. So, that's not going to increase. The daytime at Ale House Pizza is very slow. We can make thousands of pizzas during that time.
- Ms. Gort: So what I am hearing is that it is not going to impact, but what about dishes? Because you're going to have these fondue pots.
- Mr. Barbu: We already have the employees standing around doing nothing. We'd rather give them something to do. We have a dishwasher that's going in. The kitchen is mainly a cleanup area. It's got two big pan sinks, it's got a dishwasher in it. It only has one cooler, it has one of those turbo prep, or those turbo microwaves that I was talking about, and a hand sink, and that's it. So everything kind of comes down, it's prepackaged. Cheese is already cut, meat's already cut, it gets assembled there and taken out, or dropped off. I would love to do this right. I would love to make this as just a showcase for this town. If I have to do counter service to save spending \$200,000 on a deposit on a house, and then deed-restricting it and dropping it by \$300,000 in value, that is more than I'm spending on most of this project, you know?
- Mr. Smith: The cocktail waitress will bring out drinks, but then you'd have to go up to the counter to get the food?
- Mr. Barbu: It's crazy, isn't it? I'd love for those two employees to actually be able to bring the food out, but then it's considered table service, even if there's only 8 tables. I'm stuck with the ruling of, we've got to do it this way, so if that's the way that you guys want it, then that's the way I think it should be. Obviously, I'm trying to create an experience. Alcohol drinking is going way down. You know, people are drinking a lot, lot less, so we're trying to create an

amazing experience for a guest. Not just trying to create a bar that you go to. This is a place that all of you will enjoy. I mean, absolutely. This is not for kids. This is for when you're going out on a special occasion. This is when you're out for a special night, this is where you'll want to go. It's beautiful. Like I said, everything's Chesterfield couches, it's everything of a 1920s speakeasy in a Swiss Chalet.

Mr. Barbu: Thank you, guys. Like I said, I'm taking nine employees and making it nine employees.

Ms. Gort: In the drafted conditions, if you go over six employees, have you ever seen any auditing, is that something we do commonly?

Mr. Barbu: I don't know about that. I put that we're going to have nine employees on our busiest night. I kind of broke it down for you guys in that letter as to how we'd use those employees. Obviously, we all realize this, between December 15th and basically the first week of April, it's all hands on deck. But after that, things slow way down, you know, to a point where this will close for a month or so, because this is a place that you want to be busy, that you want to be full, that you want to have that energy level and I don't want to open it if it's just one or two people are in there. So, it's a little bit different. You are basing your restaurant calculation, your full-service sit-down, on the fact that I could fit 120 people in here, and it's not that. It's these seating groups that are there for enjoyment and they're there so you can have a good time without being on top of each other.

The work session was opened to public comments. There were none and the comment period was closed.

Commissioner Comments:

Mr. Leas: I feel your anxiety and frustration, and I want to remind you that this panel simply reviews the rules that have been handed to us. Then make the judgment about whether or not the issue in front of us fits into the rules of that category. Your frustrations and anxiety are really something that needs to be taken up with the Town Council, because they're the ones that tell us what to do.

Mr. Giller: Workforce housing is a challenge for the Town. The Council has a good intention and has been quite successful in getting business owners that create the demand for workforce housing to help support that. I am concerned that this is a difficult work, or task, for the Town to legislate or police. I do support it in this case but it seems like a fine line between a waitress serving and somebody walking up to a counter and picking up food. I foresee problems in the future with other restauraners.

Mr. Smith: I also echo those same concerns. It seems like something that could be implemented in the front end. But much like you said, Brooklynn's was forgotten after a bit, and then it becomes a regular waitress served restaurant scenario. I would hope the recommendation also includes not only the employee generation of six employees, but also that the business model stays as counter service and bar as recommended by the information that has been presented to us.

Ms. Gort: It is very complex and I can see the Town has a lot of good intentions with their rates established. I do like what you are doing with lower density. I have complaints about the loud environments and not being able to hear my friends when going out. I don't even care about the food anymore, I've gotten to that point. But I do feel like we have this code and you are unfortunately fitting under the definition of food service, I don't know if you fit in under any of the definitions right now. (Mr. Barbu: The very beginning of the code says if you're changing the intensity and I am not changing the intensity. That is what is confusing to me. Based on this chart and this graph, I should be changing the intensity, but we are not a typical restaurant. We are not just a bunch of tables in a room, these are eight individual groups of tables. We are going to have cocktail service going out there.) I am leaning against what you are proposing. I think that maybe a third party could come in and give

some evidence. I also think the conditions of approval are too extensive to enforce in my opinion.

Mr. Frechter: My main concern is setting precedent, just like with Highside. I was actually very skeptical of Highside's model, even though they're experienced operators. I was skeptical of Pho Real's model of increasing capacity, and I voted against for that reason. I think I am willing to overlook my skepticism based upon your experience in running successful restaurants here. I do foresee a problem that you get a high-care client and they are told they have to go pick up their food at the counter and that may impact what they think of the service. If you were a new applicant, or new to the restaurant business, I might be much more skeptical of the model, but I am a little more open now in terms of how you can run this with that number of employees.

Mr. Guerra: I am in agreement with my fellow Commissioners on the comments about the Town and how they work very hard to provide workforce housing and the cost of that including the subsidies that we provide. Part of this program is to have the business owners in Town to support that. I am in support of that. I have a problem with the food service and that you are going to provide the food from other restaurants that you own. I know you are stating that it won't add additional employees at the other locations, but I have a hard time buying into that. You will be adding more work to them, and that, in affect, is another employee, in my mind. I am having a hard time supporting a deviation on those terms. So, I will have a hard time voting yes on that.

Mr. Giller:

1. No
2. Yes
3. None

Mr. Smith

1. I would support a deviation with the conditions that are provided and possibly bolstered.
2. Yes, a third party would be good.
3. No other feedback.

Ms. Gort:

1. I do not support a deviation.
2. I support a third party analysis.
3. My recommendation is since these are becoming more popular, the speakeasy style, we should add another category to our table. That's my suggestion to staff.

Mr. Frechter:

1. I'd say yes on one with my fellow Commissioner Matt Smith's suggestion that they're bolstered.
2. Yes, perhaps that would be the bolstering, that some kind of analysis or audit is done once a year to confirm that the numbers are meeting what was stated here.
3. I like Elaine's suggestion. We have previously had work sessions discussing the changing of categories for different establishments.

Mr. Leas:

1. I am conflicted enough with the requirements that the Town places on the business and in this case restaurants. They are difficult for the entrepreneur to accommodate and make happen. Having said that, I believe the Town has done their best to spread the cost of employee housing around. And in this case, that cost falls on the entrepreneur who wants to start a new restaurant concept in this space. While I am sensitive and supportive of that feeling, I think the way that the code is written, I would have to vote no on number one.

2. Yes
3. No other comments.

Mr. Guerra:

1. As I said, I am having a hard time supporting a deviation from the employee generation table. I vote no on that.
2. Requiring the applicant to obtain a third-party analysis, it seems that if we're voting no on supporting a deviation, that becomes moot.
3. No other feedback.

Mr. Guerra: The application for deviation has been denied.

Mr. Barbu: You know, it's horrible for this to happen, and I will no longer be building any restaurants in Breckenridge. You guys are so anti-business, I think it's insane. What a shame.

OTHER MATTERS:

1. Town Council Summary

ADJOURNMENT:

The meeting was adjourned at 6:16 pm.

Ethan Guerra, Chair



TOWN OF BRECKENRIDGE
TOWN COUNCIL

Only 2 Council Members at each meeting, a third just means it needs to be posted.

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

Date	Meeting	Location	Time
------	---------	----------	------

September 2025

September 4th, 2025	Wine at the Mine	Country Boy Mine	5:30pm – 8:30pm
Tuesday, Sept. 9th, 2025	First Meeting of the Month	Council Chambers	2:00 pm / 7:00 pm
Sept. 12th - 14th, 2025	Oktoberfest	Main Street	All Day
Sept. 18th - 21st, 2025	Breckenridge Film Festival	Theaters around Town	All Day
Tuesday, Sept. 23rd, 2025	Second Meeting of the Month	Council Chambers	2:00 pm / 7:00 pm

October 2025

Oct. 7th & 8th, 2025	MT2030	Breckenridge	All Day
Oct. 9th, 2025	CAST	Keystone	All Day
Tuesday, Oct. 14th, 2025	First Meeting of the Month	Council Chambers	2:00 pm / 7:00 pm
Oct. 18th & 19th, 2025	Dia De Muertos	Breckenridge	All Day
Tuesday, Oct. 28th, 2025	Second Meeting of the Month	Council Chambers	2:00 pm / 7:00 pm

Other Meetings

September 9th, 2025	Board of County Commissioners Meeting	County Courthouse	9:00am / 1:30pm
	Workforce Housing Committee	Town Hall	10:30am
September 10th, 2025	Breckenridge History	Town Hall	Noon
September 11th, 2025	Upper Blue Sanitation District	Administrative Office	5:30pm
September 15th, 2025	Summit Combined Housing Authority	Virtual	1:00pm
	Open Space & Trails Meeting	Town Hall	5:30pm
September 16th, 2025	Board of County Commissioners Meeting	County Courthouse	9:00am
	Liquor & Marijuana Licensing Authority	Town Hall	9:00am
	Planning Commission Meeting	Town Hall	5:30pm
September 17th, 2025	Social Equity Advisory Commission	Town Hall	5:30pm
September 18th, 2025	NWCCOG Board Meeting	Silverthorne Office	10:00am
	Breck Create	Virtual	2:00pm
September 23rd, 2025	Board of County Commissioners Meeting	County Courthouse	9:00am / 1:30pm
September 25th, 2025	Summit Stage Transit Board Meeting	Senior Center	8:15am
	Breckenridge Tourism Office Board Meeting	BTO Office	8:30am
	RW&B Board Meeting	Main Street Station	3:00pm
October 1st, 2025	Breckenridge Events Committee	Town Hall	9:00am
October 7th, 2025	Board of County Commissioners Meeting	County Courthouse	9:00am
	Planning Commission Meeting	Town Hall	5:30pm
October 9th, 2025	I-70 Coalition	Keystone Policy Center	1:00pm
	Upper Blue Sanitation District	Administrative Office	5:30pm



TOWN OF BRECKENRIDGE
TOWN COUNCIL

Only 2 Council Members at each meeting, a third just means it needs to be posted.

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

Date	Meeting	Location	Time
October 14th, 2025	Board of County Commissioners Meeting	County Courthouse	9:00am / 1:30pm
	Workforce Housing Committee	Town Hall	10:30am
October 15th, 2025	Social Equity Advisory Commission	Town Hall	5:30pm
October 20th, 2025	Summit Combined Housing Authority	Virtual	1:00pm
	Open Space & Trails Meeting	Town Hall	5:30pm
October 21st, 2025	Board of County Commissioners Meeting	County Courthouse	9:00am
	Liquor & Marijuana Licensing Authority	Town Hall	9:00am
	Planning Commission Meeting	Town Hall	5:30pm
October 23rd, 2025	Summit Stage Transit Board Meeting	Senior Center	8:15am
	Breckenridge Tourism Office Board Meeting	BTO Office	8:30am
	NWCCOG Board Meeting	Silverthorne Office	10:00am
	RW&B Board Meeting	Main Street Station	3:00pm
October 28th, 2025	Board of County Commissioners Meeting	County Courthouse	9:00am / 1:30pm
October 30th, 2025	QQ - Quality and Quantity - Water District	CMC	10:00am
November 4th, 2025	Board of County Commissioners Meeting	County Courthouse	9:00am
	Planning Commission Meeting	Town Hall	5:30pm
November 5th, 2025	Police Advisory Committee	PD Training Room	7:30am
	Breckenridge Events Committee	Town Hall	9:30am
TBD	Transit Advisory Council Meeting		8:00am
	Water Task Force Meeting		9:30am