Town Council Regular Meeting
Tuesday, October 9, 2018, 7:00 PM
Council Chambers
150 Ski Hill Road
Breckenridge, Colorado

*Report of the Town Manager, Report of the Mayor and Council Members, Scheduled Meetings, and Other Matters are topics listed on the 7:00 pm Town Council Agenda. If time permits at the afternoon work session, the Mayor and Council may discuss these items.

I. CALL TO ORDER, ROLL CALL

II. APPROVAL OF MINUTES
A. TOWN COUNCIL MINUTES - SEPTEMBER 25, 2018

III. APPROVAL OF AGENDA

IV. COMMUNICATIONS TO COUNCIL
A. CITIZEN'S COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)

V. CONTINUED BUSINESS
A. SECOND READING OF COUNCIL BILLS, SERIES 2018 - PUBLIC HEARINGS
1. COUNCIL BILL NO. 25, SERIES 2018 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 3 OF TITLE 10 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “BRECKENRIDGE FLOOD DAMAGE PREVENTION ORDINANCE”
2. COUNCIL BILL NO. 26, SERIES 2018 - AN ORDINANCE CHANGING THE REFERENCES IN THE BRECKENRIDGE TOWN CODE WITH RESPECT TO THE COLORADO BEER CODE, THE COLORADO LIQUOR CODE, AND THE COLORADO SPECIAL EVENT LIQUOR PERMITS STATUTES

VI. NEW BUSINESS
A. FIRST READING OF COUNCIL BILLS, SERIES 2018
1. COUNCIL BILL NO. 27, SERIES 2018 - AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN UNDIVIDED ONE-HALF INTEREST IN CERTAIN REAL PROPERTY TO SUMMIT COUNTY, COLORADO, ACTING BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO.

B. RESOLUTIONS, SERIES 2018
C. OTHER

VII. PLANNING MATTERS
A. PLANNING COMMISSION DECISIONS

VIII. OTHER MATTERS

IX. SCHEDULED MEETINGS
   A. SCHEDULED MEETINGS FOR OCTOBER AND NOVEMBER

X. ADJOURNMENT
I) CALL TO ORDER, ROLL CALL
   Mayor Mamula called the meeting of September 25, 2018 to order at 7:00 pm. The
   following members answered roll call: Ms. Lawrence, Mr. Carleton, Ms. Gigliello,
   Ms. Wolfe, Mr. Gallagher and Mayor Mamula. Mr. Bergeron was absent.

II) APPROVAL OF MINUTES
   A) TOWN COUNCIL MINUTES - SEPTEMBER 11, 2018
      With no changes or corrections to the meeting minutes of September 11, 2018,
      Mayor Mamula declared they would stand approved as submitted.

III) APPROVAL OF AGENDA
      Mr. Holman stated there was one change to the agenda, which was to add Resolution
      No. 19, Series 2018, A Resolution in Support of Summit County Ballot Measure 1A.
      Mayor Mamula declared the agenda approved as amended.

IV) COMMUNICATIONS TO COUNCIL
   A) CITIZEN'S COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT
      PLEASE)
      Mayor Mamula opened Citizen's Comment. There were no comments and Citizen's
      Comment was closed.

V) CONTINUED BUSINESS
   A) SECOND READING OF COUNCIL BILLS, SERIES 2018 - PUBLIC HEARINGS
      1) COUNCIL BILL NO. 23, SERIES 2018 - AN ORDINANCE AMENDING CHAPTER 7
         OF TITLE 1 OF THE BRECKENRIDGE TOWN CODE CONCERNING OATHS
         Mayor Mamula read the title into the minutes. Mr. Berry stated there were no
         changes to this ordinance from first reading.

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

         Ms. Gigliello moved to approve COUNCIL BILL NO. 23, SERIES 2018 - AN
         ORDINANCE AMENDING CHAPTER 7 OF TITLE 1 OF THE BRECKENRIDGE
         TOWN CODE CONCERNING OATHS. Ms. Wolfe seconded the motion.
         The motion passed 6-0. Mr. Bergeron was absent.

      2) COUNCIL BILL NO. 24, SERIES 2018 - AN ORDINANCE AMENDING THE
         MODEL TRAFFIC CODE FOR COLORADO, 2010 EDITION, CONCERNING
         ELECTRICAL PERSONAL ASSISTIVE MOBILITY DEVICES
         Mayor Mamula read the title into the minutes. Mr. Berry stated there were no
         changes to this ordinance from first reading.

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

         Ms. Lawrence moved to approve COUNCIL BILL NO. 24, SERIES 2018 - AN
         ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO,
         2010 EDITION, CONCERNING ELECTRICAL PERSONAL ASSISTIVE
         MOBILITY DEVICES. Mr. Gallagher seconded the motion.
         The motion passed 6-0. Mr. Bergeron was absent.

VI) NEW BUSINESS
   A) FIRST READING OF COUNCIL BILLS, SERIES 2018
      1) COUNCIL BILL NO. 25, SERIES 2018 - AN ORDINANCE REPEALING AND
         READOPTING WITH CHANGES CHAPTER 3 OF TITLE 10 OF THE
         BRECKENRIDGE TOWN CODE, KNOWN AS THE “BRECKENRIDGE FLOOD
         DAMAGE PREVENTION ORDINANCE”
         Mayor Mamula read the title into the minutes. Mr. Berry stated the Town is required
         to have a flood ordinance in effect, and this ordinance makes changes to be compliant
         with the required federal program.
Mayor Mamula opened the public hearing. There were no comments and the public hearing was closed.

Mr. Gallagher moved to approve COUNCIL BILL NO. 25, SERIES 2018 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 3 OF TITLE 10 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “BRECKENRIDGE FLOOD DAMAGE PREVENTION ORDINANCE”. Ms. Wolfe seconded the motion.

The motion passed 6-0. Mr. Bergeron was absent.

2) COUNCIL BILL NO. 26, SERIES 2018 - AN ORDINANCE CHANGING THE REFERENCES IN THE BRECKENRIDGE TOWN CODE WITH RESPECT TO THE COLORADO BEER CODE, THE COLORADO LIQUOR CODE, AND THE COLORADO SPECIAL EVENT LIQUOR PERMITS STATUTES

Mayor Mamula read the title into the minutes. Mr. Berry stated this ordinance would change the references in the Town's liquor code to match the Colorado State Statutes update that moves the State Liquor Code to Title 44 from Title 12.

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

Ms. Wolfe moved to approve COUNCIL BILL NO. 26, SERIES 2018 - AN ORDINANCE CHANGING THE REFERENCES IN THE BRECKENRIDGE TOWN CODE WITH RESPECT TO THE COLORADO BEER CODE, THE COLORADO LIQUOR CODE, AND THE COLORADO SPECIAL EVENT LIQUOR PERMITS STATUTES. Ms. Gigliello seconded the motion.

The motion passed 6-0. Mr. Bergeron was absent.

B) RESOLUTIONS, SERIES 2018

1) RESOLUTION NO. 16, SERIES 2018 - A RESOLUTION EXPRESSING THE INTENT OF THE TOWN TO BE REIMBURSED FOR CERTAIN EXPENSES RELATING TO CERTAIN CAPITAL EXPENDITURES ASSOCIATED WITH THE FINANCING OF A BROADBAND INFRASTRUCTURE NETWORK AND SERVICE DELIVERY SYSTEM

Mayor Mamula read the title into the minutes. Mr. Waldes stated this resolution would qualify the town for reimbursement for expenses related to broadband.

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

Ms. Lawrence moved to approve RESOLUTION NO. 16, SERIES 2018 - A RESOLUTION EXPRESSING THE INTENT OF THE TOWN TO BE REIMBURSED FOR CERTAIN EXPENSES RELATING TO CERTAIN CAPITAL EXPENDITURES ASSOCIATED WITH THE FINANCING OF A BROADBAND INFRASTRUCTURE NETWORK AND SERVICE DELIVERY SYSTEM. Mr. Gallagher seconded the motion.

The motion passed 6-0. Mr. Bergeron was absent.

2) RESOLUTION NO. 17, SERIES 2018 - A RESOLUTION OPPOSING "AMENDMENT 74", AN ATTEMPT TO AMEND THE COLORADO CONSTITUTION TO DRASTICALLY LIMIT STATE AND LOCAL GOVERNMENT SERVICES AT A HIGH COST TO TAXPAYERS

Mayor Mamula read the title into the minutes. Ms. Haynes stated this resolution opposes Amendment 74, which will appear on the ballot in November as a state-wide measure. She further stated staff recommends the Town oppose this amendment because there are many unforeseen ramifications, including an impact that could cost taxpayers in the millions of dollars for lawsuits.

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

Ms. Wolfe moved to approve RESOLUTION NO. 17, SERIES 2018 - A RESOLUTION OPPOSING "AMENDMENT 74", AN ATTEMPT TO AMEND THE COLORADO CONSTITUTION TO DRASTICALLY LIMIT STATE AND
LOCAL GOVERNMENT SERVICES AT A HIGH COST TO TAXPAYERS.
Ms. Gigliello seconded the motion.
The motion passed 6-0. Mr. Bergeron was absent.

3) RESOLUTION NO. 18, SERIES 2018 - A RESOLUTION RECOGNIZING THE “IMAGINE A DAY WITHOUT WATER” CAMPAIGN BEING HELD OCTOBER 10, 2018 WHICH IS AN ORGANIZED EFFORT TO HIGHLIGHT THE CRITICAL IMPORTANCE OF RELIABLE ACCESS TO CLEAN WATER IN OUR LIVES AND THE INVESTMENT IN INFRASTRUCTURE THAT IS NECESSARY TO PROTECT THIS VALUABLE RESOURCE
Mayor Mamula read the title into the minutes. Mr. Holman stated this resolution would support a campaign to highlight the importance of water in our community, and we would join over 750 other communities in their support of this campaign.

RESOLUTION NO. 18, SERIES 2018 - A RESOLUTION RECOGNIZING THE “IMAGINE A DAY WITHOUT WATER” CAMPAIGN BEING HELD OCTOBER 10, 2018 WHICH IS AN ORGANIZED EFFORT TO HIGHLIGHT THE CRITICAL IMPORTANCE OF RELIABLE ACCESS TO CLEAN WATER IN OUR LIVES AND THE INVESTMENT IN INFRASTRUCTURE THAT IS NECESSARY TO PROTECT THIS VALUABLE RESOURCE
Ms. Lawrence seconded the motion.
The motion passed 6-0. Mr. Bergeron was absent.

4) RESOLUTION NO. 19 - SERIES 2018 - A RESOLUTION IN SUPPORT OF SUMMIT COUNTY’S REFERRED MEASURE 1A
Mayor Mamula read the title into the minutes. Mr. Holman stated this resolution is in support of Summit County’s Measure 1A. He further stated the Council received information about this measure during the work session, and the community as a whole would benefit from it.

RESOLUTION NO. 19 - SERIES 2018 - A RESOLUTION IN SUPPORT OF SUMMIT COUNTY’S REFERRED MEASURE 1A
Ms. Lawrence seconded the motion.
The motion passed 6-0. Mr. Bergeron was absent.

VII) PLANNING MATTERS
A) PLANNING COMMISSION DECISIONS
Mayor Mamula declared the Planning Commission Decisions would stand approved as presented.

VIII) REPORT OF TOWN MANAGER AND STAFF
Mr. Holman's report was covered as part of the afternoon work session.

IX) REPORT OF MAYOR AND COUNCIL MEMBERS
The Reports of Mayor and Council Members were covered as part of the afternoon Work Session.

X) OTHER MATTERS
Ms. Wolfe stated she wanted to let Council know that she and Mr. Carleton met individually with Mr. Chris Jarnot from Breckenridge Ski Resort/ Vail Resorts to discuss the next moves as related to parking and a possible parking structure. She further stated Vail Resorts doesn't want to sell the South Gondola lot to the Town, and instead suggested to lease it to the Town to build a parking garage that would be operated by the Ski Resort. She stated she this is not a good use of taxpayer dollars for the Town, especially if Vail Resorts has complete control over the operation of the garage. Ms. Wolfe further stated she is disappointed that we can't have a partnership for this purpose, and she believes we need to quit trying to make this
happen. She stated Council would like to build on land owned by the Town, and Vail Resorts doesn’t like the intercept strategy for skier parking.

Ms. Gigliello asked about how this arrangement would work, and Ms. Wolfe stated Vail Resorts would control the parking and we would build the garage.

Mr. Carleton stated he had a similar conversation and he would like to leave the door open for the purchase of the South Gondola Lot at a fair price.

Mayor Mamula stated the Town should offer to split the cost of paving the South Gondola Lot as a first step. Ms. Wolfe stated Vail Resorts said no to that offer, and that they didn’t have the money in their budget for that.

Ms. Lawrence stated she spoke to a group of Boy Scouts who asked where the skiers would park when the Block 11 property is built out, and she noted that even that group understands this basic idea that may be in issue in the future.

Mr. Holman stated these are some critical questions to think about at the Budget retreat, and there are some opposing views about parking that Council will need to address at that time.

Mayor Mamula stated Vail Resorts may offer to sell the Town the Gold Rush Lot. Mr. Carleton stated the walkability isn’t ideal in that location. Other Council Members stated that location has been considered and is not good for a structure for a variety of reasons.

Mr. Holman then reviewed the hours of the retreat and the major topics to be discussed at that meeting.

XI) SCHEDULED MEETINGS
A) SCHEDULED MEETINGS FOR SEPTEMBER, OCTOBER AND NOVEMBER

XII) ADJOURNMENT

With no further business to discuss, the meeting adjourned at 7:35 pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

Helen Cospolich, CMC, Town Clerk          Eric S. Mamula, Mayor
The second reading of the Town’s updated Flood Plain Ordinance is scheduled for your meeting on October 9th. There are no changes proposed to ordinance from first reading.

I will be happy to discuss this matter with you on Tuesday.
FOR WORKSESSION/ SECOND READING – OCT. 9

NO CHANGE FROM FIRST READING

COUNCIL BILL NO. 25

Series 2018

AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 3 OF TITLE 10 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “BRECKENRIDGE FLOOD DAMAGE PREVENTION ORDINANCE”

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

Section 1. Chapter 3 of Title 10 of the Breckenridge Town Code is repealed and readopted with changes so as to read in its entirety as follows:

CHAPTER 3

FLOOD DAMAGE PREVENTION

SECTION:

10-3-1: TITLE
10-3-2: STATUTORY AUTHORIZATION
10-3-3: FINDINGS
10-3-4: STATEMENT OF PURPOSE
10-3-5: METHODS OF REDUCING FLOOD LOSSES
10-3-6: DEFINITIONS
10-3-7: LANDS TO WHICH THIS CHAPTER APPLIES
10-3-8: BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREA
10-3-9: ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT
10-3-10: COMPLIANCE
10-3-11: ABROGATION AND GREATER RESTRICTIONS
10-3-12: INTERPRETATION
10-3-13: WARNING AND DISCLAIMER OF LIABILITY
10-3-14: SEVERABILITY
10-3-15: DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR
10-3-16: DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR
10-3-17: PERMIT PROCEDURES
10-3-18: VARIANCE PROCEDURES
10-3-19: GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION
10-3-20: SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION
10-3-1: TITLE: This Chapter is entitled and may be cited as the “2018 Breckenridge Flood Damage Prevention Ordinance.”

10-3-2: STATUTORY AUTHORIZATION: The Town Council finds, determines, and declares that it has the power to adopt this Chapter pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401, C.R.S. (concerning municipal police powers); (v) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers contained in the Breckenridge Town Charter.

10-3-3: FINDINGS:

A. The flood hazard areas of the Town are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all which adversely affect the health, safety, and general welfare of the public.

B. These flood losses are created by the cumulative effect of obstructions in floodplains that cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.

10-3-4: STATEMENT OF PURPOSE: It is the purpose of this Chapter to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to critical facilities, infrastructure, and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;

6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

7. Insure that potential buyers are notified that property is located in a flood hazard area.

**10-3-5: METHODS OF REDUCING FLOOD LOSSES:** In order to accomplish its purposes, this Chapter uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities;

2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of flood waters;

4. Control filling, grading, dredging, and other development that may increase flood damage; and

5. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands.

**10-3-6: DEFINITIONS:**

A. When used in this Chapter, the following words have the following meanings unless the context clearly requires otherwise:

100-YEAR FLOOD: A flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (one percent-annual-chance flood). The terms “one-hundred-year flood” and “one percent chance flood” are synonymous with the term “100-year flood.” The term does not imply that the flood will necessarily happen once every one hundred years.

100-YEAR FLOODPLAIN: The area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.
500-YEAR FLOOD: A flood having a recurrence interval that has a 0.2 percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred years.

500-YEAR FLOODPLAIN: The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

ADDITION: Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

ALLUVIAL FAN FLOODING: A fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions, and other stream processes.

AREA OF SHALLOW FLOODING: A designated Zone AO or AH on the Town’s Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

BASE FLOOD: The flood which has a one percent chance of being equaled or exceeded in any given year (also known as a 100-year flood). This term is used in the National Flood Insurance Program (NFIP) to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.

BASE FLOOD ELEVATION (BFE): The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-
A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

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<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>BASEMENT:</td>
<td>Any area of a building having its floor sub-grade (below ground level) on all sides.</td>
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<td>CHANNEL:</td>
<td>The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.</td>
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<td>CHANNELIZATION:</td>
<td>The artificial creation, enlargement, or realignment of a stream channel.</td>
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<td>CODE OF FEDERAL REGULATIONS (CFR):</td>
<td>The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government. It is divided into 50 titles that represent broad areas subject to federal regulation.</td>
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<tr>
<td>CONDITIONAL LETTER OF MAP REVISION (CLOMR):</td>
<td>FEMA’s comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.</td>
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<td>CRITICAL FACILITY:</td>
<td>A structure or related infrastructure, but not the land on which it is situated, as specified in Section 10-3-26, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the Town at any time before, during, and after a flood. See Section 10-3-26.</td>
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<td>DEVELOPMENT:</td>
<td>Any man-made change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.</td>
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<td><strong>DFIRM DATABASE:</strong></td>
<td>Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.</td>
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<td><strong>DIGITAL FLOOD INSURANCE RATE MAP (DFIRM):</strong></td>
<td>FEMA digital floodplain map. These digital maps serve as “regulatory floodplain maps” for insurance and floodplain management purposes.</td>
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<td><strong>ELEVATED BUILDING:</strong></td>
<td>A non-basement building: (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water; and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.</td>
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<td><strong>EFFECTIVE DATE OF THIS CHAPTER:</strong></td>
<td>The effective date of this Chapter is November 15, 2018.</td>
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<td><strong>EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:</strong></td>
<td>A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this Chapter.</td>
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<tr>
<td><strong>EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:</strong></td>
<td>The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be</td>
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affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FEDERAL REGISTER:** The official daily publication for rules, proposed rules, and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

**FEMA:** Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

**FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of water from channels and reservoir spillways;
2. The unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

**FLOOD INSURANCE RATE MAP (FIRM):** The Town’s official map on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the Town. Such map is adopted by reference and is part of this Chapter.

**FLOOD INSURANCE STUDY (FIS):** The official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.
<p>| <strong>FLOODPLAIN OR FLOOD-PRONE AREA:</strong> | Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir. |
| <strong>FLOODPLAIN ADMINISTRATOR:</strong> | The Town Engineer of the Town of Breckenridge, or the Town Engineer’s designee acting pursuant to Section 1-7-2 of this Code. |
| <strong>FLOODPLAIN DEVELOPMENT PERMIT:</strong> | A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within the Town, the Town requires permits for all proposed construction or other development in the Town including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this Chapter. |
| <strong>FLOODPLAIN MANAGEMENT:</strong> | The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations. |
| <strong>FLOODPLAIN MANAGEMENT REGULATIONS:</strong> | Zoning/land use ordinances and regulations, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of the police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction. |
| <strong>FLOOD CONTROL STRUCTURE:</strong> | A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These |</p>
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<tr>
<td>FLOODPROOFING:</td>
<td>Any combination of structural and/or non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.</td>
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<td>FLOODWAY (REGULATORY FLOODWAY):</td>
<td>The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches is one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.</td>
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<td>FREEBOARD:</td>
<td>The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.</td>
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<td>FUNCTIONALLY DEPENDENT USE:</td>
<td>A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.</td>
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<td>HIGHEST ADJACENT GRADE:</td>
<td>The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.</td>
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HISTORIC STRUCTURE: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of Interior; or

4. Landmarked structures pursuant to Chapter 11 of Title 9 of this Code that have been certified either:
   a. By an approved state program as determined by the Secretary of the Interior or;
   b. Directly by the Secretary of the Interior in states without approved programs.

LETTER OF MAP REVISION (LOMR): FEMA’s official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood...
Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

**LETTER OF MAP REVISION BASED ON FILL (LOMR-F):**

FEMA’s modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

**LEVEE:**

A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

**LEVEE SYSTEM:**

A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**LOWEST FLOOR:**

The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes that includes working, storage, sleeping, cooking and eating, recreation, or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home, or business. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.
MANUFACTURED HOME: A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on the Town’s Flood Insurance Rate Map are referenced.

MATERIAL SAFETY DATA SHEET (MSDS): A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP): FEMA’s program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

NEW CONSTRUCTION: The construction of a new structure (including the placement of a mobile home) or facility or the replacement of a structure or facility that has been totally destroyed.
NEW MANUFACTURED HOME PARK OR SUBDIVISION:  A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Chapter.

NO-RISE CERTIFICATION:  A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

PHYSICAL MAP REVISION (PMR):  FEMA’s action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

PLANNING COMMISSION:  The Planning Commission of the Town of Breckenridge.

RECREATIONAL VEHICLE:  A vehicle that is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
SPECIAL FLOOD HAZARD AREA: The land in the floodplain within the Town subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

START OF CONSTRUCTION: The date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STATE: Has the meaning provided in Section 1-3-2 of this Code.

STRUCTURE: A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the
structure just prior to when the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before “Start of Construction” of the improvement. The value of the structure shall be determined by the Floodplain Administrator. This includes structures that have incurred “Substantial Damage”, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary conditions; or

2. Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

THRESHOLD PLANNING QUANTITY (TPQ): A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the state that such facilities are subject to emergency planning requirements.

TOWN: Has the meaning provided in Section 1-3-2 of this Code.

TOWN COUNCIL: Has the meaning provided in Section 1-3-2 of this Code.

VARIANCE: A grant of relief to a person from the requirement of this Chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Chapter. (For full
VIOLATION: The failure of a structure or other development to be fully compliant with this Chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program Regulations is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

10-3-7: LANDS TO WHICH THIS CHAPTER APPLIES: The Chapter applies to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of the Town.

10-3-8: BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREA: The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, “The Flood Insurance Study for Summit County, Colorado and Incorporated Areas,” dated November 16, 2018 with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) and any revisions thereto are adopted by reference and declared to be a part of this Chapter. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this Chapter and may be supplemented by studies designated and approved by the Floodplain Administrator. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

10-3-9: ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT: A Floodplain Development Permit is required to ensure conformance with the provisions of this Chapter.

10-3-10: COMPLIANCE: No structure or land shall be located, altered, or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this
Chapter and other applicable regulations. Nothing in this Chapter prevents the Town from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

10-3-11: ABROGATION AND GREATER RESTRICTIONS: This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail.

10-3-12: INTERPRETATION: In the interpretation and application of this Chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the Town; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes or other applicable law.

10-3-13: WARNING AND DISCLAIMER OF LIABILITY: The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This Chapter does not create liability on the part of the Town or any Town official or employee for any flood damages resulting from reliance on this Chapter or any administrative decision lawfully made pursuant to this Chapter.

10-3-14: SEVERABILITY: Section 1-2-4 of this Code applies to this Chapter.

10-3-15: DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR: The Town Engineer is appointed as Floodplain Administrator to administer, implement, and enforce the provisions of this Chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

10-3-16: DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR: Duties and responsibilities of the Floodplain Administrator include, but are not limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by Section 10-3-17.
2. Review, approve, conditionally approve, or deny all applications for Floodplain Development Permits required by adoption of this Chapter.
3. Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

4. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. §1334) from which prior approval is required.

5. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this Chapter, including proper elevation of the structure.

6. Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

7. When Base Flood Elevation data has not been provided in accordance with Section 10-3-8, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a federal, state, or other source, in order to administer the provisions of Sections 10-3-19 through 10-3-26, inclusive, of this Chapter.

8. For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the Town’s FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the Town.

9. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, the Floodplain Administrator may approve certain development in Zones A1-30, AE, AH, on the Town’s FIRM that increases the water surface elevation of the base flood by more than one-half foot only if the Town first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12, and receives FEMA approval.

10. Notify, in riverine situations, adjacent communities and the State Coordinating Agency (the Colorado Water Conservation Board), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

11. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
10-3-17: PERMIT PROCEDURES: An application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to Special Flood Hazard Area. Additionally, the following information is required:

1. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;

2. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;

3. A certificate from a registered Colorado Professional Engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 10-3-20(2);

4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

5. Maintain a record of all such information in accordance with Section 10-3-16.

Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Chapter and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

3. The danger that materials may be swept onto other lands to the injury of others;

4. The compatibility of the proposed use with existing and anticipated development;

5. The safety of access to the property in times of flood for ordinary and emergency vehicles;

6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;

7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and

10. The relationship of the proposed use to the Town’s master plan for that area.

10-3-18: VARIANCE PROCEDURES:

1. The Planning Commission shall initially hear and render judgment on requests for variances from the requirements of this Chapter.

2. The Planning Commission shall also hear and render judgment on an appeal when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.

3. Any Planning Commission decision made pursuant to this Chapter is subject to the call up provisions of Chapter 1 of Title 9 of this Code.

4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

5. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or landmarked structures under Chapter 11 of Title 9 of this Code without regard to the procedures set forth in the remainder of this Chapter.

6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 10-3-17 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

7. Upon consideration of the factors noted above and the intent of this Chapter, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Chapter as described in Section 10-3-4.

8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

10. Prerequisites for granting variances:
a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b. Variances shall only be issued upon:

   i. Showing a good and sufficient cause;

   ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

   iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, the creation of a nuisance, fraud on or victimization of the public, or conflict with existing Town laws.

c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

11. Variances may be issued by the Town for new construction and substantial improvements and for other development necessary for the conduct of a Functionally Dependent Use provided that:

   a. The criteria outlined in Subsections (1) – (9), inclusive, of this Section are met; and

   b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

**10-3-19: GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION:** In all Special Flood Hazard Areas the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities
that are designed and/or located so as to prevent water from entering or accumulating
within the components during conditions of flooding;

5. All manufactured homes shall be installed using methods and practices that minimize
flood damage. For the purposes of this requirement, manufactured homes must be
elevated and anchored to resist flotation, collapse, or lateral movement. Methods of
anchoring may include, but are not limited to, use of over-the-top or frame ties to ground
anchors. This requirement is in addition to applicable state and local anchoring
requirements for resisting wind forces.

6. All new and replacement water supply systems shall be designed to minimize or
eliminate infiltration of flood waters into the system;

7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate
infiltration of flood waters into the system and discharge from the systems into flood
waters; and,

8. On-site waste disposal systems shall be located to avoid impairment to them or
contamination from them during flooding.

10-3-20: SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION: In all Special
Flood Hazard Areas where base flood elevation data has been provided as set forth in (i) Section
10-3-8, (ii) Section 10-3-16(7), or (iii) Section 10-3-25, the following provisions are required:

1. RESIDENTIAL CONSTRUCTION

New construction and Substantial Improvement of any residential structure shall have the
lowest floor (including basement), electrical, heating, ventilation, plumbing, and air
conditioning equipment and other service facilities (including ductwork), elevated to one
foot above the base flood elevation. Upon completion of the structure, the elevation of the
lowest floor, including basement, shall be certified by a registered Colorado Professional
Engineer, architect, or land surveyor. Such certification shall be submitted to the
Floodplain Administrator.

2. NONRESIDENTIAL CONSTRUCTION

With the exception of Critical Facilities, outlined in Section 10-3-26, new construction
and Substantial Improvements of any commercial, industrial, or other nonresidential
structure shall either have the lowest floor (including basement), electrical, heating,
ventilation, plumbing, and air conditioning equipment and other service facilities
(including ductwork), elevated to one foot above the base flood elevation or, together
with attendant utility and sanitary facilities, be designed so that at one foot above the base
flood elevation the structure is watertight with walls substantially impermeable to the
passage of water and with structural components having the capability of resisting
hydrostatic and hydrodynamic loads and effects of buoyancy.
A registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the Floodplain Administrator, as required by Section 10-3-17.

3. ENCLOSURES

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

b. The bottom of all openings shall be no higher than one foot above grade; and

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. MANUFACTURED HOMES

All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the Town’s FIRM on sites: (i) outside of a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred “substantial damage” as a result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

All manufactured homes shall be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the Town’s FIRM that are not subject to the provisions of the above section, shall be elevated so that either:

a. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation; or
b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. RECREATIONAL VEHICLES

All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the Town’s FIRM either:

- a. Be on the site for fewer than 180 consecutive days;
- b. Be fully licensed and ready for highway use; or
- c. Meet the permit requirements of Section 10-3-17, and the elevation and anchoring requirements for “manufactured homes” in subsection (4) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

6. PRIOR APPROVED ACTIVITIES

Any activity for which a Floodplain Development Permit was issued by the Town or a CLOMR was issued by FEMA prior to the effective date of this Chapter may be completed according to the standards in place at the time of the permit or CLOMR issuance, and will not be considered in violation of this Chapter if it meets such standards.

10-3-21: STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES):

Located within the Special Flood Hazard Area established in Section 10-3-8 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. RESIDENTIAL CONSTRUCTION

All new construction and Substantial Improvements of residential structures have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the Town’s FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

2. NONRESIDENTIAL CONSTRUCTION
With the exception of Critical Facilities, outlined in Section 10-3-26, all new construction and Substantial Improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the Town’s FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with wall substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as established in Section 10-3-17 are satisfied.

Within Zones AH or AO adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

10-3-22: FLOODWAYS: Floodways are administrative limits and tools used to regulate existing and future floodplain development. The state has adopted Floodway standards that are more stringent than the FEMA minimum standard (see definition of Floodway in Section 10-3-6). Located within Special Flood Hazard Area established in Section 10-3-8, are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory Floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the Town during the occurrence of the base flood discharge.

2. If Section 10-3-22(1), above, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 10-3-19 through 10-3-26, inclusive, of this Chapter.

3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, the Town may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations only if the Town first applies for a CLOMR and floodway revision through FEMA.

10-3-23: ALTERATION OF A WATERCOURSE: For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:
1. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

2. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

3. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and Town floodplain rules, regulations and ordinances.

4. Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.

5. All activities within the regulatory floodplain shall meet all applicable federal, state and Town floodplain requirements and regulations.

6. Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the Town first applies for a CLOMR and Floodway revision in accordance with Section 10-3-22.

7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

10-3-24: PROPERTIES REMOVED FROM THE FLOODPLAIN BY FILL: A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:

1. RESIDENTIAL CONSTRUCTION

   The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood elevation that existed prior to the placement of the fill.

2. NONRESIDENTIAL CONSTRUCTION

   The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood elevation that existed prior to the placement of the fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage...
of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

10-3-25: STANDARDS FOR SUBDIVISION PROPOSALS:

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.

2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Section 10-3-9; Section 10-3-17; and the provisions of Sections 10-3-19 through 10-3-26, inclusive, of this Chapter.

3. Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions that is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Section 10-3-8 or Section 10-3-16 of this Chapter.

4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

10-3-26: STANDARDS FOR CRITICAL FACILITIES: A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the Town at any time before, during and after a flood.

1. CLASSIFICATION OF CRITICAL FACILITIES

It is the responsibility of the Floodplain Administrator to identify and confirm that specific structures in the Town meet the following criteria:

Critical Facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services.

a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

These facilities consist of:
i. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);

ii. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions);

iii. Designated emergency shelters;

iv. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);

v. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and

vi. Air Transportation lifelines (airports [municipal and larger], helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Floodplain Administrator that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of Sections 10-3-19 through 10-3-26, inclusive, of this Chapter, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Floodplain Administrator on an as-needed basis upon request.

b. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

These facilities may include:

i. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);

ii. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;

iii. Refineries;
Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, and the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation “Designation, Reportable Quantities, and Notification,” 40 C.F.R. § 302 (2010), and OSHA regulation “Occupational Safety and Health Standards,” 29 C.F.R. § 1910 (2010), are incorporated herein by reference and include the regulations in existence at the time of the adoption of this Chapter, but exclude later amendments to or editions of the regulations.

Specific exemptions to this category include:

i. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use;

ii. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public; and

iii. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in Sections 10-3-19 through 10-3-26, inclusive, of this Chapter.

c. At-risk population facilities include medical care, congregate care, and schools.

These facilities consist of:

i. Elder care (nursing homes);
ii. Congregate care serving 12 or more individuals (day care and assisted living); and
iii. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children.

d. Facilities vital to restoring normal services including government operations.

These facilities consist of:

i. Essential government operations (public records, courts, jails, building permitting and inspection services, Town administration and management, maintenance and equipment centers); and

ii. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the Floodplain Administrator that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this Chapter, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Floodplain Administrator on an as-needed basis upon request.

2. PROTECTION FOR CRITICAL FACILITIES

All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of this Chapter, protection shall include one of the following:

a. Location outside the Special Flood Hazard Area; or

b. Elevation or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation.

3. INGRESS AND EGRESS FOR NEW CRITICAL FACILITIES

New Critical Facilities shall, when practicable as determined by the Floodplain Administrator, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.
10-3-27: VIOLATIONS; PENALTIES. It is a misdemeanor offense for any person to violate any provision of this Chapter. Any person convicted of a violation of this Chapter shall be punished as set forth in Chapter 4 of Title 1 of this Code.

Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 3. The Town Council hereby finds, determines, and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

Section 4. This ordinance shall be published as provided by Section 5.9 of the Breckenridge Town Charter and shall become effective November 15, 2018.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this ____ day of _____, 2018. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ___ day of ___, 2018, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

TOWN OF BRECKENRIDGE, a Colorado municipal corporation

By:______________________________

Eric S. Mamula, Mayor

ATTEST:

_________________________

Helen Cospolich, CMC,

Town Clerk
Memo

To: Breckenridge Town Council Members  
From: Town Attorney  
Date: 10/3/2018  
Subject: Council Bill No. 26 (Updating Town Code References to State Liquor Laws)

The second reading of the ordinance updating the various references in the Town Code to reflect the recent recodification of the state liquor laws is scheduled for your meeting on October 9th. There are no changes proposed to ordinance from first reading.

I will be happy to discuss this matter with you on Tuesday.
AN ORDINANCE CHANGING THE REFERENCES IN THE BRECKENRIDGE TOWN CODE WITH RESPECT TO THE COLORADO BEER CODE, THE COLORADO LIQUOR CODE, AND THE COLORADO SPECIAL EVENT LIQUOR PERMITS STATUTES

WHEREAS, the Colorado legislature recently adopted and the Governor signed into law HB18-1025, which recodified the Colorado statutes that contain the Colorado Beer Code, the Colorado Liquor Code, and the Colorado Special Event Liquor Permits; and

WHEREAS, HB18-1025 became effective October 1, 2018; and

WHEREAS, it is necessary to change the references to the Colorado Beer Code, the Colorado Liquor Code, and the Colorado Special Event Liquor Permit statutes contained in the Breckenridge Town Code to reflect the recodification of such statutes brought about by the adoption of HB18-1025.

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

Section 1. Footnotes 1, 2, and 3 to Section 1-19-3 of the Breckenridge Town Code are amended to read as follows:

Footnote 1: Article 464 of Title 1244, C.R.S.
Footnote 2: Article 473 of Title 1244, C.R.S.
Footnote 3: Article 485 of Title 1244, C.R.S.

Section 2. The definition of “bar” in Section 5-9-2 of the Breckenridge Town Code is amended to read as follows:

BAR: Any area that is operated and licensed under article 473 of title 1244, Colorado Revised Statutes, primarily for the sale and service of alcohol beverages for on-premises consumption and where the service of food is secondary to the consumption of such beverages. “Bar” includes, without limitation, any outdoor area operated as part of the licensed premises.
Section 3. Footnotes 1 and 2 to Section 6-3-F1 of the Breckenridge Town Code are amended to read as follows:

Footnote 1: Article 46 of Title 12, C.R.S.
Footnote 2: Article 47 of Title 12, C.R.S.

Section 4. The definitions of “Colorado Beer Code,” “Colorado Liquor Code,” “Private Property,” and “Special Events Permit” in Section 6-3-F1 of the Breckenridge Town Code are amended to read as follows:

COLORADO BEER CODE: The provisions of Article 46 of Title 12, C.R.S., Colorado Revised Statutes, and the rules and regulations of the Colorado department of revenue promulgated thereunder.

COLORADO LIQUOR CODE: The provisions of Article 47 of Title 12, C.R.S., Colorado Revised Statutes, and the rules and regulations of the Colorado department of revenue promulgated thereunder.

PRIVATE PROPERTY: Any dwelling and its curtilage which is being used by a natural person or natural persons for habitation and which is not open to the public and privately owned real property which is not open to the public. "Private property" shall not include:

A. Any establishment which has or is required to have a license pursuant to the Colorado beer code, Colorado liquor code, or the provisions of Article 48 of Title 12, Colorado Revised Statutes, pertaining to special events licenses; or

B. Any establishment which sells ethyl alcohol or upon which ethyl alcohol is sold; or

C. Any establishment which leases, rents, or provides accommodations to members of the public generally.

SPECIAL EVENTS PERMIT: A special permit to sell fermented malt beverages or malt, vinous or spirituous liquors issued pursuant to the provisions of Article 48 of Title 12, Colorado Revised Statutes, and the rules and regulations of the Colorado department of revenue promulgated thereunder.

Section 5. Section 6-3F-2G of the Breckenridge Town Code is amended to read as follows:

G. A parent or legal guardian of a person under twenty one (21) years of age, or any natural person who has the permission of such parent or legal guardian, may give, or permit the possession and consumption of, ethyl alcohol to or by a person
under the age of twenty one (21) years under the conditions described in
subsection B1 of this section. This subsection shall not be construed to permit any
establishment which is or is required to be licensed pursuant to the Colorado beer
code, Colorado liquor code or the provisions of Article 488 of Title 12,
Colorado Revised Statutes, or any members, employees, or occupants of any such
establishment, to give, provide, make available, or sell ethyl alcohol to a person
under twenty one (21) years of age.

Section 6. Section 6-3F-8 of the Breckenridge Town Code is amended to read as
follows:

6-3F-8: UNLAWFUL SALE OF ALCOHOLIC BEVERAGE BY
UNLICENSED PERSON:
It shall be unlawful for any person to sell or possess for sale any malt, vinous, or
spirituous liquor or fermented malt beverage, unless licensed to do so pursuant to
the Colorado beer code, Colorado liquor code, or the provisions of Article 488 of
Title 12, Colorado Revised Statutes, unless all required licenses are in full force
and effect.

Section 7. Section 6-3F-16A3 of the Breckenridge Town Code is amended to read as
follows:

3. The provisions of subsection A1 of this section shall not apply to a person in
possession of one opened but resealed container of partially consumed vinous
liquor which was lawfully removed from the licensed premises of an
establishment holding a liquor license pursuant to section 12-47-421
Colorado Revised Statutes.

Section 8. Section 9-8-5C of the Breckenridge Town Code is amended to read as
follows:

C. A type B adult business license shall be required for all establishments
conducting an adult business where fermented malt beverages or any malt,
vinous, or spirituous liquors are dispensed, consumed or sold. Any such
establishment shall also comply with all applicable requirements of title 12,
article 46or article 47, Colorado Revised Statutes, the applicable regulations
issued thereunder, and title 6 of this code.

Section 9. Section 9-8-16C of the Breckenridge Town Code is amended to read as
follows:

C. Nothing in this section shall be construed to permit any act on the premises of
a type B adult business license in violation of title 12, article 46or article 47,
Colorado Revised Statutes, or the Colorado department of revenue rules and
regulations issued pursuant thereto.
Section 10. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 11. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

Section 12. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 13. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this ____ day of ____, 2018. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ___ day of ____, 2018, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

TOWN OF BRECKENRIDGE, a Colorado municipal corporation

By: ______________________________
    Eric S. Mamula, Mayor

ATTEST:

_________________________
Helen Cospolich, CMC,
Town Clerk
Memo

To: Breckenridge Town Council Members
From: Laurie Best AICP, Community Development Department
Date: 10/3/2018 (for 10/9/2018)
Subject: FIRST READING- AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN UNDIVIDED ONE-HALF INTEREST IN CERTAIN REAL PROPERTY TO SUMMIT COUNTY, COLORADO, ACTING BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO

The attached Ordinance will authorize the Town Manager and the Town Clerk to execute a special warranty deed to convey one-half interest in Lot 6A of the Final Replat of A Resubdivision of Lots 4, 5, and 6, Denison Placer Subdivision to Summit County for $2,100,000. There are two apartment buildings currently under construction on Lot 6A. Upon completion of the construction and after the execution/recording of the deed, the Town and the County will own the 47,394 square foot parcel and the two apartment buildings as tenants in common. Both the Town and the County anticipate leasing the apartments to employees early to mid-November. An Intergovernmental Agreement (IGA) between the Town and the County has been drafted to define the responsibilities, obligations, and restrictions relative to the apartments. The IGA will be presented for your review on October 23rd concurrent with the second reading of this Ordinance.

Staff recommends approval on first reading of the Ordinance and will be available to answer questions on October 9th. In addition, we are asking for Council approval of a project name. Because this is a partnership between the County and Town, we have referred to the apartments as COTO Flats. The County supports COTO Flats as the project name and we would like to confirm that it is also acceptable to the Council. Thank you in advance for your consideration.
FOR WORKSESSION/FIRST READING – OCT. 9

COUNCIL BILL NO. ___

Series 2018

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN UNDIVIDED ONE-HALF
INTEREST IN CERTAIN REAL PROPERTY TO SUMMIT COUNTY, COLORADO,
ACTING BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS OF
SUMMIT COUNTY, COLORADO
(Block 11 Apartments – 15 McGee Lane and 51 McGee Lane)

WHEREAS, the Town owns the following described real property situate in the Town of
Breckenridge, Summit County, Colorado:

Lot 6A, Final Plat of A Resubdivision of Lots 4, 5 and 6, Denison Placer
Subdivision, recorded August 8, 2018 at Reception No. 1177006 of the records of
the Clerk and Recorder of Summit County, Colorado, which property is
commonly known as 15 McGee Lane and 51 McGee Lane, Breckenridge,
Colorado 80424 (“Property”)

; and

WHEREAS, the Town entered into that Intergovernmental Agreement (Block 11
Apartments) (“Agreement”) with Summit County, Colorado, acting by and through the Board of
County Commissioners of Summit County, Colorado (“County”); and

WHEREAS, the Town is required to sell and convey an undivided one-half interest in the
Property to the County pursuant to the Agreement, which undivided one-half interest will be held
by the Town as tenants in common with the remaining undivided one-half interest in the
Property to be retained by the Town; and

WHEREAS, after such conveyance, the Town and the County shall own the Property as
tenants in common; and

WHEREAS, Section 15.3 of the Breckenridge Town Charter requires that the sale and
conveyance of the undivided one-half interest in the Property to the County be authorized by
ordinance.

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

Section 1. The Town Manager and the Town Clerk are authorized, empowered, and
directed to execute, acknowledge, and deliver to Summit County, Colorado, acting by and
through the Board of County Commissioners of Summit County, Colorado, the special warranty
deed, a copy of which is marked Exhibit “A”, attached hereto, and incorporated herein by reference.

Section 2. The Town Council finds, determines, and declares that it has the power to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

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

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this ___ day of ____________, 2018. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ___ day of ____________, 2018, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

TOWN OF BRECKENRIDGE, a Colorado municipal corporation

By: ____________________________
    Eric S. Mamula, Mayor

ATTEST:

______________________________
Helen Cospolich
Town Clerk
EXHIBIT “A”

SPECIAL WARRANTY DEED

THIS DEED is made this ______ day of _______________________, 2018, between the TOWN OF BRECKENRIDGE, a Colorado municipal corporation, whose address is P.O. Box 168, Breckenridge, Colorado 80424 (“Grantor”) and SUMMIT COUNTY, COLORADO, ACTING BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO, whose address is P.O. Box 68, Breckenridge, Colorado 80424 (“Grantee”).

WITNESSETH, that the Grantor, for and in consideration of the sum of Two Million One Hundred Thousand Dollars ($2,100,000.00), the receipt and sufficiency of which is hereby acknowledged, has bargained, sold, and conveyed, and by these presents does grant, bargain, sell, convey, and confirm unto the Grantee, its successors and assigns forever, the following described real property, together with improvements, if any, situate, lying and being in the Town of Breckenridge, Summit County, Colorado described as follows:

An undivided one-half (1/2) interest in and to Lot 6A, Final Plat of A Resubdivision of Lots 4, 5 and 6, Denison Placer Subdivision, recorded August 8, 2018 at Reception No. 1177006 of the records of the Clerk and Recorder of Summit County, Colorado, which property is commonly known as 15 McGee Lane and 51 McGee Lane, Breckenridge, Colorado 80424

also known by street and number as: 15 McGee Lane and 51 McGee Lane, Breckenridge, Colorado 80424.

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the Grantee, its successors and assigns forever. The Grantor, for itself and its successors, does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through, or under the Grantor.

FOLLOWING THE CONVEYANCE HEREIN DESCRIBED AND MADE Grantor and Grantee shall own the following described real property:

SPECIAL WARRANTY DEED

Page 1 of 3
Lot 6A, Final Plat of A Resubdivision of Lots 4, 5 and 6, Denison Placer Subdivision, recorded August 8, 2018 at Reception No. 1177006 of the records of the Clerk and Recorder of Summit County, Colorado, which property is commonly known as 15 McGee Lane and 51 McGee Lane, Breckenridge, Colorado 80424

as tenants in common.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

This Deed is executed pursuant to Ordinance No. _____, Series 2018, adopted by the Town Council of the Town of Breckenridge on October 23, 2018.

GRANTOR:

TOWN OF BRECKENRIDGE

By: ________________________________
    Rick G. Holman, Town Manager

ATTEST:

______________________________
Helen Cospolich, CMC,
Town Clerk

SPECIAL WARRANTY DEED

Page 2 of 3
STATE OF COLORADO  )
COUNTY OF SUMMIT  ) ss.

The foregoing instrument was acknowledged before me this ___ day of
____________________, 2018 by Rick G. Holman, Town Manager, and Helen Cospolich, CMC,
Town Clerk, of the Town of Breckenridge, a Colorado municipal corporation.

WITNESS my hand and official seal.

My commission expires: ____________________.

____________________________________
Notary Public

800-121/Special Warranty Deed to County (10-01-18)

SPECIAL WARRANTY DEED

Page 3 of 3
Memo

To: Breckenridge Town Council Members
From: Peter Grosshuesch, Director of Community Development
Date: October 3, 2018
Subject: Planning Commission Decisions of the October 2, 2018 Meeting

DECISIONS FROM THE PLANNING COMMISSION MEETING, October 2, 2018:

CLASS A APPLICATIONS: None.

CLASS B APPLICATIONS: None.

CLASS C APPLICATIONS:
   (Continued from 8/21/18 Meeting): A proposal to make minor exterior modifications to the southern portion of the building, which include the installation of new corrugated metal roofing on all existing awnings, repainting of all stucco to a taupe color, installation of vertical barn wood siding to replace wooden accents, and replacement of cap flashing. No additional density, lighting, or signage. Approved.

TOWN PROJECT HEARINGS: None.

OTHER:
1. McCain Master Plan Update, Open House, and Work Session: A public open house was held to present the updated McCain Master Plan, and take comments from the public and Planning Commission.
PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Chair Mathews-Leidal.

ROLL CALL
Christie Mathews-Leidal  Jim Lamb - absent  Ron Schuman
Mike Giller  Steve Gerard
Dan Schroder  Gretchen Dudney

APPROVAL OF MINUTES
With no changes, the September 18, 2018 Planning Commission Minutes were approved.

APPROVAL OF AGENDA
With no changes, the October 2, 2018 Planning Commission Agenda was approved.

PUBLIC OPEN HOUSE
1. McCain Master Plan Update & Work Session
Mr. Lott presented the updates to the McCain Master Plan. The main function of this proposal is to accommodate a future school parcel. The area is 128 acres in LUD 43. Existing site is heavily dredged and the river has gone through restoration work which is on its way to completion. The property was originally annexed in 2003 under LUD 43. In 2013 the first MP was adopted. In 2015 the original MP was modified to incorporate additional uses including work force housing and service commercial. In early 2018 the Town engaged in conversations with the Summit School district about a property exchange, to switch a parcel in Block 11 with one in McCain. Updates to parking, snow storage consolidated and relocated, solar garden modified, work force housing tracts were also modified. Mr. Lott pointed out parcels on the map and explained the acreage of each, and discussed differences with the 2015 Master Plan. We intend to bring the Master Plan Modifications as an official hearing at a future date.

The Open House was opened for Public Comment.

Public Comment:
Gail Quigley, Peak 7: What is the designated TDR space for the housing area? (Mr. Truckey: A potential receiving area. It must go through a fit test first.) What does the Master Plan call it now? (Mr. Truckey: A receiving area.) Is the proposed bike trail where the gravel was just put in? (Mr. Truckey: Roughly, it’s on the bank looking toward the river.) Has the school area or recreation area been considered for the new field house discussion? (Mr. Grosshuesch: No.) Have you talked about Tract 10A being a camping area or is that off the table? (Mr. Grosshuesch: It did come up but was rejected as a suitable site.)

Eric Degerberg, 428 Silver Circle: The bike path, by the roundabout, I think you want to consider an underpass due to traffic and safety. (Mr. Grosshuesch: Under Stan Miller Drive?) Yes.

Art Albin, 512 Shekel Lane: I have been to several meetings relating to this property, today I’m here representing the Peak School, an independent school in Frisco. We are looking for school sites that might be an alternative to our current land. We want to keep our options open. When it came to our attention that the council was considering this as a possible school site, I wanted to bring to your attention that we are seeking something similar.

Mitch Ringquist, 13203 Highway 9: I’m right across from the water treatment plant. As feedback, high traffic in that area to do snow storage would be pretty extreme. I think we can deal with it given the fact that the proposed right of way will go in. If I’m correct, that right of way would go from Coyne Valley, past the
Building Center, past Stan Miller if I’m not mistaken? (Mr. Lott pointed on the map where it would be.) Wouldn’t snow storage also be available and possible on portion of Tract 8? It would give you some right of way access from Coyne Valley up to the right of way and right into Tract 8. There is a lot of people coming through there right now with the Building Center and the Water Treatment Plant. I look forward to more open dialogue about this.

Tom Vitalone, 741 Fairview Blvd., also own 2V’s Landscaping on Tract 2: Were you planning on filling in the pond for snow storage? (Mr. Grosshuesch: Yes.) Well that’s a bummer because that’s water that flows all year round, there are hundreds of geese and ducks that seem to winter there. And there’s a lot of trout in that pond in the summer. It’s too bad that can’t be an asset as opposed to filling it in. It would be a big mistake.

Lee Edwards: What happened to the open space guys? That’s why we got the property. (Mr. Grosshuesch: almost half is open space.) I don’t like adding the tagline for housing. We already consumed Block 11 for housing and putting an isolated chunk for housing just doesn’t make a lot of sense to me. Housing here and public works and commercial uses and isolating that little chunk doesn’t make sense. Leave it open space.

Allen Robertson, 13203 Highway 9: Number 1, that pond is my son’s lake for fishing and there is all kinds of wildlife there. I was told that was supposed to be the gateway to Breckenridge. What people saw. I’m being told that we are going to see piles of snow, DOT stuff, open lot possibly for a school, and now we’re adding homes. I was told when I moved here that the idea was open space and that’s not what I’m seeing. I hope to see open space to make it prettier, not just more stuff. I thought that was what Block 11 was for. And there’s no kids out there for a school, no houses with kids.

Tony Lord, 132 Braddock Court: I’ve been a Summit County resident for 46 years. Talking about the lake, look at the size of the pond. This is 300 yards across by 100 the other way. It’s been there a long time. When the Town started this project I talked with the Army Core of Engineers and was told the Town could do what it wanted with it due to no permanent inflow and outflow that was on the surface. So the Town can fill it. However there is a permanent inflow and outflow that goes through the dredge. The water that used to come through has disappeared and that lake is just about gone since the river restoration. I took my kids to learn to fish and it was kind of a local’s secret. However, when the reconstruction of river was done, there is one spot that would be a great spot to over dig and channel water to the pond. If it could be lined and made to be year round, it could be a place for the ducks and geese. There is another pond by the Shores. Basically the development is taking over all our open space. I put a bridge in this area that has washed out several times. It would be helpful if Tract 10A would be some sort of parking instead of here on this side. So people can access the Forest Service land. It would help to add open space. We are shutting it off with the bike path. We need to talk about what the town and the county needs.

Leigh Girvin, 13 Meadowlark Green: I’ve been involved in the Master Planning in our community for over 20 years. We looked at this parcel in 1997 or 98 when we started working on the first ever Joint Upper Blue Master Plan. It was identified at the time as a parcel that was important for service commercial. You need these businesses to run the community and it’s important that use is recognized and possibly that’s not enough acreage for something like that. That was an important part of the original Master Plan for this parcel. I’m glad the parking area has been removed, I thought that was an eyesore. But my main concern is for open space and scenic views. Peter pointed out that there is a lot of acreage, but it is cut off from the view from the highway by potentially more housing. Tract 8 had long been planned as a reservoir, which would have preserved a sense of open space and that view is gorgeous as you’re coming into Breckenridge. Having a reservoir there would have allowed that. Maintaining the view from the highway is an important aspect of Tract 8. In order to help preserve the scenic view and be maintained for open space and recreation.

Paul Semmer, 272 Blue Grouse Trail, Blue River: I’m here representing the Forest Service. I want to make you aware that last year the Forest Service, CDOT and Summit County completed a wildlife connectivity
study to look at safe passages throughout travel corridors in Summit County. I would implore you to take a look at that study for recommendations to apply to this project.

Carol Rockne, 547 Broken Lance Drive: I agree with Lee, I think that snow storage area behind it for housing is ugly. Can you put the housing where the snow storage is and keep the beautiful reservoir? It’s a nice area and I think it should have the open feeling when coming down the road. We do need the service commercial because we are losing that to all the pot shops on Airport Road. I hope you massage this whole thing a little bit.

Jan Degerberg, 428 Silver Circle: My biggest concern is the noise of the snow storage. Trucks backing up and that kind of noise, even with the properties around there, I think that is in the wrong spot. Tract 10A would be a good spot because it’s off Coyne Valley Rd. It makes more sense. And do something different with that snow storage spot.

Commissioner Questions / Comments:
Ms. Dudney: I think the comments are excellent. We as the Planning Commission are just like you – we make comments but Town Council decides. Some of the comments I heard were view corridor, and service commercial – this is an improvement and moving in the right direction. The housing that’s in an area by itself might make more sense to be connected with the other housing rather than by itself. There is a notation for bike underpass, can you show that? (Mr. Lott pointed it out on map.) I wonder why you need it there as opposed to off the street. That bike path is a disaster waiting to happen currently. One thing that this does, it allows the parking with the Vail Resorts agreement to remain on Block 11. The last Master Plan showed them moving onto the McCain property. By making the change with the school district, they can leave the parking on Block 11. (Mr. Lott: that’s correct.)

Mr. Schuman: Thank you all for your comments, they are all valid. The thing everyone has to understand is that more and more people are coming to Breckenridge to live, and the town and staff have to figure out how to make it work. I’ve been here 20 years and I remember Lake Breckenridge, but we have great needs in the Town. Glad to see the service commercial is increased. A lot of the trades are being pushed out so this is an improvement. We could use more open space but at the end of the day we are victims of our own success and this is a popular place to live and recreate. Let the Town Council know your priorities because they are trying to juggle the open space, views, and less noise; but here we are.

Mr. Giller: Those are good points, I think that the Town has done a good job. I think service commercial is important but is getting pushed out of other areas. I’m a fan of open space and parks. Breck is fortunate for this Brownfield area to redevelop. The plan needs a little work and I think the comments are great.

Mr. Schroder: Thanks, the Master Plan is something we layout as a future possibility. It’s laid out today as a loose idea of what might occur. We are looking at future plans. There is an expectation of more people coming here, and I wonder where do we put them? There might be a few of us that were born here, but most came here. Just like I got that opportunity, more people will come here. This piece of land will have things on it, it’s up to us to decide what things. We may see another Master Plan in the future. At one point there was a lake. The solar garden did get put in place. We have competing interests all the time, I’m glad to hear it all so Council can look and make a solid decision.

Mr. Gerard: The chance to have a meaningful dialogue about one of the last buildable parcels in Town is very important. When this is built out we are pretty much done. A lot of people pointed out significant things about the site. I think the river restoration was a great job. The school trade is an important matter for the Town to work out. It lets the town fulfill the skier parking requirement with the mountain. I’m surprised no one asked to push the skier parking further out. The difficulties with F Lot and bringing more people to town, some thoughts are that it’s
better further out. The trade keeps the option of the parking. I hope everyone writes their comments as Planning Commission doesn’t make any final decisions. We only offer opinions. Thank you and please continue to send comments to the Planning Department.

Ms. Leidal: We have a lot of pressure and there’s so many conflicting opinions on usage. The public brought up a lot of good points on view corridors and service commercial because we need them and they are getting pushed out. Puts more strain in infrastructure for services to travel. There are a lot of good ideas but the plan needs massaging. I’d like to see this come back to us more refined. Thank you everyone for joining us and taking time out of your night.

CONSENT CALENDAR:
1. Breckenridge Market and Liquor Exterior Modifications (CL), 311 S. Ridge Street, PL-2018-0320 (Continued from 8/21/18 Meeting)
Mr. Giller: In the packet, there is a cap flashing that needs to be labeled in the drawing. (Mr. LaChance: It’s called out in the note section, item number 4 on the elevations. It’s not called with a label, but all the cap flashings are proposed to be replaced.) Mr. Giller: Should it be black? That’s an unusual color. Mr. LaChance: All of the existing cap flashing is currently a tan color. (Zach Jankonsky, Assistant Store Manager at Breckenridge Market: The color is more galvanized metal. The metal structures are all black. This accented off the brick.) (Mr. LaChance: All of the colors proposed meet the chroma and quantity requirement per Policy 5.)
Ms. Leidal: Thank you.

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

PRELIMINARY HEARINGS:
1. Casey Residence (CK), 112 N. French Street, PL-2018-0262
Mr. Kulick presented a proposal to rehabilitate, locally landmark, and add a connector and addition to the existing historic residence. For the record, we did a site visit to the residence and Lee Edwards, the applicant, was present. Since the previous meeting the changes outlined in the staff report include reductions to mass and height, reducing the footprint related to setbacks, windows were modified, and glazing reduced. A materials board was provided along with a landscape plan. The project also proposes energy conservation measures.
Mr. Kulick discussed policies relevant to the project, precedent related to preserving outbuildings. Mr. Kulick pointed out on the map outbuildings that are partially on the applicant’s property. Sanborn Fire Maps from the 1800’s verified the structures were there. Staff supports the outbuildings remaining in their historic locations. We encourage primary structures to stay in place through the code and their inconsistancy between primary structures and outbuildings since the policy does say that outbuildings must be moved onto the property to be eligible for historic preservation points. However staff has found precedent for awarding positive points for historic preservation of outbuildings straddling property lines when there is permission from the adjacent owner.
Clarified interpretations on how to calculate mass and density. Explained building height and related policies. The connector was revised to 23 feet in length. Discussed relevant policy for connector. Windows have been simplified and reduced. Landscape plan drawn by Thetford Landscaping. Reduced the number of trees, pointed out cottonwoods, spruce, and aspens and discussed the landscape plan and relevant policies. The footprint has also been revised and shrank and they are exceeding the relative setback. In terms of landmarking, they are looking to get free density under the historic main structure. The property meets the criteria for local landmarking.

Ms. Puester: Let the record show that the Planning Commissioners were emailed a letter submitted by
Colleen Sheehy, resident of Longbranch condos separate from the packet.

Commissioner Questions / Comments:

Mr. Schuman: Have you calculated snow storage? (Mr. Kulick: Yes, and now there is more space.)

Mr. Giller: Have you looked at the North garage and the turning radiuses, and the porch for the connector? (Mr. Kulick: I can’t say I have exactly, but we do not have standards for turning radiuses. Looking at similar projects it is probably in the ball park.) Mr. Giller: On the two-story addition, can we get an elevation on that? (Mr. Kulick: Yes, we can request that for next meeting.) Mr. Giller: On elevation of connector, the battle is that the ridgeline is only 8” below the house ridgeline. The idea of the 2’ drop is so there is a differentiation. There are three steps between threshold and connector, so it would be easy to drop the height solving that problem. There’s a lot going on there and that needs to be more closely considered. (Mr. Kulick: Applicant can speak to that. We did talk about reducing the height of the connector; it was discussed quite a bit with the applicant.)

Mr. Giller: Phase 1 and Phase 2 shown on the plans, is that relevant? (Mr. Kulick: That will be for their building permit, they will separate the project into phases.) Mr. Giller: Did they speak to meeting the HERS requirement? (Mr. Kulick: They submitted a preliminary report, and they are more than comfortable that they can get there using basic building methods. They have a very high score to begin with.) Mr. Giller: How they plan to achieve their HERS score should be in a building section that shows insulation or notes. (Mr. Kulick: It’s not required at the planning phase to that level.) Ms. Puester: We require they get a report before final, that shows the calculations not just a letter.

Mr. Gerard: Since we were on site today, I think you told us this once, but what’s the height of the roof on the Fireside Inn? (Mr. Kulick: I’m not sure but I may be able to track it down.) Mr. Gerard: Last time we looked at this, it was my recollection that the easements were not worked out, has that been taken care of? (Mr. Kulick: It’s in the process of being executed and recorded. What parties did we get easements from? (Mr. Kulick: The Town, the adjacent property owner, and Longbranch HOA.) What about the property to the south? (Applicant: We have an easement signed.)

Ms. Dudney: Chris, what is the height of the historic home? (Mr. Kulick: It is 12.5’.) Ms. Dudney: How does that compare to other one story homes in the historic district? (Mr. Kulick: It’s somewhat representative, but many are 1.5 stories. I would guess about 30% are one-story only.) Ms. Dudney: You said the flat roof and shed roof that you wouldn’t want that. Can you explain why? (Mr. Kulick: Typically we want to be able to differentiate between old and new, but not too different. We want the building forms to still reflect the character of the Historic District.) Ms. Dudney: Since this is a Priority Design Standard, I was present when we changed this language on the connector, it was never brought up and we didn’t consider the situation where you have a very low historic house. Perhaps, it wasn’t written right; but how do you get around it? (Mr. Kulick: Looking at the Noble House as precedent, we were trying to achieve the overall spirit and we could add an additional finding stating why. Based on your direction tonight, we could craft a finding support a different outcome.)

Ms. Leidal: Just some clarification, you are suggesting positive points for the landscaping, but the quantities do not match the report. (Mr. Kulick: The plan needs to update the calipers of trees to reflect what has been agreed to.) I have a question, I know accessory apartments are allowed, but there is a pocket door with a different ways to connect to the room upstairs; has staff looked at this plan for an accessory unit? (Mr. Kulick: No because it hasn’t been requested by the applicant but it would have to meet guidelines if that was the case. Since they are not asking for an accessory unit at this time we have not reviewed it as an accessory apartment.)

Mr. Gerard: This is outside of my knowledge, but I am troubled by the two foot separation between the historic home’s ridge height and the ridge height of the accessory apartment. Since they are
putting the historic property on a foundation, could they make the foundation taller? (Mr. Kulick: We don’t want to change the overall height and alter it.) Ms. Leidal: There is a rule that says you can’t. (Ms. Puester: You can’t alter the elevation of a historic building.)

Mr. LaChance: The height of the Fireside Inn is 27’8”, per the elevation drawings in the December 2017 Work Session packet.

Lee Edwards, Applicant: Thank you for the comments. Chris did a very nice job. Going through the report I highlighted things to touch on. Starting with the mass: we are looking at it a different way. I understand that rule interpretations can change over time. However, I did a spreadsheet that went back as far as May of 2015 and then without researching all the files, back to December 2011. There was a memo by Chris Neubecker describing how the density was to be applied to a property across from the Community Center. From what I can tell, that’s how properties have been reviewed. There’s a bunch of them. Typically, for the most part, you have used the total density allowed on the property with a 20 percent bonus to arrive at mass. I want to review that with staff and I want you to understand that we are being calculated on above ground density while everything else has been calculated on the entire density of the property. As recently as April of this year you were reviewing projects using the entire density. We are in district 18-2. This came about because the bank of Breckenridge wanted to have an empty lot for a drive up window. So the Town made the block 18-2. If you use the 18-2 multiplier I believe our mass calculation would be over 4000 sq. ft. We haven’t got that number quite worked out with staff. We don’t feel the 15 negative points applies for a mass overage because of past precedent. Staff and I will continue to work on this but there is seven years’ worth of projects using the whole density to calculate the mass. Thank you very much for the positive point recommendation on the shed. We’re not hurting for points. Most buildings like the Fireside Inn and Mr. Giller’s house have a roof area that you’re able to put living space into. We don’t have that. However, if we look at the connector, I’d like to point out to the commission: (on map) If push came to shove, you can say the ridge of the connector is higher than two feet to the original roof. The ridge on the historic home is approximately 6 feet from the historic part to the connector ridge. There’s a clear distinction between the connector and into the garage itself. Ms. Dudney: Can you estimate the ridge going down to the connector? Mr. Edwards: Yes, it must be 3.5 or 4 feet. It will make more sense when I do a model of that area. We are trying to meet code. Mr. Kulick: I want to point out the connector picture in the staff report is the picture is from the previous plan. I apologize for any confusion. Mr. Edwards: I think that is pretty much it. If I can address some of the comments from the Commission – yes, we will do sections for the final set of plans. We talked about doing a step inside but one level made a lot more sense. HERS, yes, everything will be done to the existing building. Turning radius: we followed the design Tony and Anne Harris used and they can get their vehicles in and out comfortably. Flat roof – I can’t really find an example of a flat roof in the residential area of the historic district. And we will update the landscape plan.

Ms. Leidal opened the hearing for public comment.

Public Comments:
Lynn Hoffman, 107 N. Harris, Unit 213: I’ve owned property for 25 years. I am president of HOA for Longbranch. You asked about the easement agreement; we have signed it and the neighbors have signed it. It protects us and we are excited we got it solved. Anytime there’s a transfer of property it will come up. The easement agreement says that we agree to keep the historic buildings on our property as long as they conform to the existing use and don’t make it too disruptive. We hope the commission will work with the applicants on different options for stabilizing. We do have some concerns on this project. We are concerned about the height. If you look at the standards, they say additions shall be compatible in size and scale to the main building and character area. Standard 80 says an abrupt change is inappropriate. The houses neighboring are one level houses. The question I’m raising is what is the character area that we’re referring to. In that block the historic character is single level buildings. This project is too high.

Gary Branson, 107 N Harris, Unit 216: We’ve owned the property for 21 years. One of the reasons we
bought that condo was because of the historic district. We wanted to live in the historic district. We appreciate what you all have done in keeping any project consistent with the neighborhood. I piggyback on the previous comment about height. My concern is that my unit sits directly behind the project. I couldn’t hear everything, but was it mentioned the new project height compared to the Fireside? (Mr. Kulick: 25.5 feet to the ridgeline on the structure, the Fireside is 27’8”). Consistency of the houses, the houses are small. As I look at this lot, the size of the house will swallow up the lot and seems overbearing. Across the street they finished new houses that appear to be 1.5 stores. They look very consistent with others. My concern isn’t seeing a house built there, but the size and the height taking away from the aesthetics and I’d like to see it scaled down. Thank you.

Deb Edwards, 103 N High Street, 50% owner of 108 N French: I believe the building is too high. I’m not an expert, Lee can analyze something to death, but just because something is different than how it used to be done isn’t bad. I’m not an expert but I hardly understand. But I would look at that again. Like you Christie, I’m very concerned about the non-accessory space above the garage. If it looks like a duck and quacks like a duck it’s most likely a duck. It has all the things you need to make it an accessory unit. You can say it won’t, but it doesn’t mean it won’t and there should be additional scrutiny relative to that space and I speak from experience. It’s a huge building compared to the Craig’s building and others. You (directed to Mr. Edwards) presented an original project that took up a lot of time, so why didn’t you present this plan then? It was a waste of time that Lee knows darn well wouldn’t pass. We have preserved two historic buildings in the historic district and I can’t believe this plan wasn’t presented first. Perhaps a lesson learned so everyone’s time is respected and appreciated.

Mr. Kulick: I did a quick calculation and the space above the garage meets the required of being no greater than 1/3 of the total density required for accessory apartment.

Mr. Edwards: We did eliminate the exterior door that could go directly to the area in question and the other comment is that this property is a double lot, as is the Fireside Inn. The property’s frontage is 50’ wide while the other houses are on 25’ wide lots.

Ms. Dudney: The mass; I do not deny that there are precedents that show the mass was calculated on the basis of total density but I have to go by the language in the Code. Lee, it states very clearly that you’re allowed 20 percent of above ground area. Mass is the total above ground. The deviations are only allowed with the transfer of density but it’s not allowed in the historic district so it’s irrelevant. I have to say unfortunately that you’re limited in terms of mass to the 10UPA which means you lose 160 some square feet. But I think you could probably challenge this because it seems unfair to be changed midstream. I see no course of action other than following the staff’s recommendation. Bad precedent makes bad law. On the connector; I would be in favor of getting relief from the two foot requirement. If you could cut the height of the connector that would be great, but I have confidence in the staff that it’s not the best solution. I would be in favor of a special finding. This situation was never considered when Standard 80A was drafted. The issue about the character of one story: We’re not given direction as to what is the character area, but considering precedent and language, and all the other projects that have been approved, I think the character area is more than just that small part of the block. I’m sorry for the people in Longbranch that get views obstructed, but we have to consider the property owner rights.

Mr. Schuman: I agree with point one on the mass. I think the staff has it right and two wrongs don’t make a right. We shouldn’t continue to mess up. I agree with positive +3 points for onsite efforts. Height and roof design I’m ok and I think it does comply. The connector, I think Gretchen was on to something about the connector, we didn’t know they were as offset as they were and there’s probably more than 2’ difference. I appreciate the landscape update. I support the windows and doors. Do think it’s eligible for local landmarking. Character area is discussed as the three buildings, but I think it’s a full area and you can’t just say the large buildings don’t count. Also, we have been working long and hard for many years to get
preservation projects going. We’ve crafted a lot of codes to encourage livability within historic preservation. I think the code allows you to add height and density for the payoff of restoration. I look forward to seeing more detail in the next presentation. Staff has done a great job.

Mr. Giller: I’d like to start with HERS. The applicant’s agent spoke to the integrity of the interior, which is special because lots of houses have been gutted. If you are meeting HERS because you’re tearing out old materials, that isn’t good. Moving on to questions: I agree with Chris’s analysis, the mass interpretation is correct. On historic preservation, I agree with three points for outbuildings but please get that right. If you’re going to restore the outhouse keep the wallpaper. Under height and roof design, I think it does comply but it feels too tall. Connector, I disagree, I think there’s an easy means to correct it with an interior step or two. It’s a perfect example of a connector that needs to be differentiated from height. The connector should come down. Landscape yes, windows doors yes.

Mr. Schroeder: The issues is the size. I believe the mass is above ground density and it’s too big. The size of the property meets the height requirement, but that’s counter to the design standards so I’m looking forward to the next review because it’s challenging to know that 23’ is acceptable. The neighborhood isn’t just the three houses, but the whole East Side Character Area of Breck. I look forward to next presentation and think the project needs a little more work. The roof design meets criteria of Design Standard 121. On the site visit, Lee mentioned that 40” frost depth concrete is required by the building code. I am supportive of points for historic preservation. Connector: It seems like a running ridgeline. It’s offset in a minor manor. It’s perceived as a running ridgeline and needs to be dropped. Landscaping is great, windows doors comply. Support local landmarking.

Mr. Gerard: I agree that we can’t make two wrongs into a right. The fact that the mass policy has been mis-applied in the past doesn’t mean we can do it again. The points for the restoration of outbuildings is fine, providing easements work. The height and roof design is a tight fit, and I sympathize with those who live behind, but if it is legally conforming that’s how it goes. The difference between the historic building and the new part, the average was an 8’ difference. The connector, I think the rule is mandatory and it shall not exceed one story in height. I don’t see how you get around it. The rule we were working with and tried to be creative just talked about standards and minimums, and some of the applications were ludicrous. The 2’ distinction is important to separate the buildings. I’m voting against it if we don’t drop to 2’.

Ms. Leidal: Thank you for all the changes. I appreciate them. I agree with number one. Number 2, I support the historic points for outbuilding with a specific finding. In regard to 3, yes, I think you meet height but I don’t think we meet mass. The East Side Residential Character area says it’s one of the most important parts of the area and protection is extremely important. Most of the historic buildings are perceived as original structures, but some are pockets of historic context. Which is our three buildings in a row. I think that addition overwhelms it and fails to meet a number of policies. I think you can easily remove the roof on the porch. Number 4, I’m not comfortable with the connector. 5, I support landscape points. 6, windows are fine. Additionally, I’m not comfortable with the amount of corrugated metal siding and I think we should assess negative points for exceeding 25 percent. (Mr. Kulick: Past precedent shows we have never awarded negative points under Policy 5/R for the use of rusted corrugated metal on outbuildings, further it is historically accurate.) I think the addition looks like a primary structure. That’s my personal interpretation.

OTHER MATTERS:
1. Town Council Summary (Memo Only)
ADJOURNMENT:
The meeting was adjourned at 8:03 pm.

Christie Mathews-Leidal, Chair
## Scheduled Meetings

*Shading indicates Council required attendance – others are optional*

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

### October 2018

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Location</th>
<th>Event</th>
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<tbody>
<tr>
<td>Friday, Oct. 5, 2018</td>
<td>7:30am - 11:00am</td>
<td>Beaver Run Resort</td>
<td>COO Breakfast</td>
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<tr>
<td>Tuesday, Oct. 9, 2018</td>
<td>Noon - 3:00pm</td>
<td>Town Hall Chambers</td>
<td>Budget Retreat</td>
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<tr>
<td><strong>Tuesday, Oct. 9, 2018</strong></td>
<td><strong>3:00pm / 7:00 pm</strong></td>
<td><strong>Town Hall Chambers</strong></td>
<td><strong>First Meeting of the Month</strong></td>
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<tr>
<td>Friday, Oct. 12, 2018</td>
<td>6:00pm - 9:00pm</td>
<td>The Maggie</td>
<td>Backcountry Ball</td>
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<tr>
<td>Saturday, Oct. 13, 2018</td>
<td>8:00am - 2:00pm</td>
<td>Valley Brook Cemetery</td>
<td>Make A Difference Day</td>
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<tr>
<td>Thursday, Oct. 18, 2018</td>
<td>4:30pm - 5:30pm</td>
<td>Aurum</td>
<td>Happy Hour with the Mayor</td>
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<tr>
<td>Oct. 19th - 21st, 2018</td>
<td>All Day</td>
<td>Throughout Town</td>
<td>Craft Spirits Festival</td>
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<tr>
<td>Monday, Oct. 22, 2018</td>
<td>3:45pm - 4:15pm</td>
<td>River Park</td>
<td>Site Tour</td>
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<tr>
<td><strong>Tuesday, Oct. 23, 2018</strong></td>
<td><strong>3:00pm / 7:00 pm</strong></td>
<td><strong>Town Hall Chambers</strong></td>
<td><strong>Second Meeting of the Month</strong></td>
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<tr>
<td>Thursday, Oct. 25, 2018</td>
<td>8:00am - 10:00am</td>
<td>Speakeasy Theatre</td>
<td>BTO Winter Preview</td>
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### November 2018

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<tr>
<td>Nov. 1st - 3rd, 2018</td>
<td>All Day</td>
<td>Throughout Town</td>
<td>Día de los Muertos</td>
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<tr>
<td>Thursday, Nov. 8, 2018</td>
<td>7:00am - 9:00am</td>
<td>Coffee Shops Around Town</td>
<td>Wake Up Breck</td>
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<tr>
<td>Friday, Nov. 9, 2018</td>
<td>All Day</td>
<td>Breckenridge Ski Resort</td>
<td>Opening Day</td>
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<tr>
<td><strong>Tuesday, Nov. 13, 2018</strong></td>
<td><strong>3:00pm / 7:00 pm</strong></td>
<td><strong>Town Hall Chambers</strong></td>
<td><strong>First Meeting of the Month</strong></td>
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<tr>
<td><strong>Tuesday, Nov. 27, 2018</strong></td>
<td><strong>3:00pm / 7:00 pm</strong></td>
<td><strong>Town Hall Chambers</strong></td>
<td><strong>Second Meeting of the Month</strong></td>
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### Other Meetings

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<tr>
<td>October 9th, 2018</td>
<td>Board of County Commissioners Meeting</td>
<td>9:00am / 1:30pm</td>
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<td></td>
<td>Workforce Housing Committee</td>
<td>1:30pm</td>
</tr>
<tr>
<td>October 11th, 2018</td>
<td>I-70 Coalition</td>
<td>1:00pm</td>
</tr>
<tr>
<td></td>
<td>Upper Blue Sanitation District</td>
<td>5:30pm</td>
</tr>
<tr>
<td>October 15th, 2018</td>
<td>Breckenridge Creative Arts</td>
<td>4:00pm</td>
</tr>
<tr>
<td>October 16th, 2018</td>
<td>Board of County Commissioners Meeting</td>
<td>9:00am</td>
</tr>
<tr>
<td></td>
<td>Liquor &amp; Marijuana Licensing Authority</td>
<td>9:00am</td>
</tr>
<tr>
<td></td>
<td>Planning Commission Meeting</td>
<td>5:30pm</td>
</tr>
<tr>
<td>October 22nd, 2018</td>
<td>Open Space &amp; Trails Meeting</td>
<td>5:30pm</td>
</tr>
<tr>
<td>October 23rd, 2018</td>
<td>Board of County Commissioners Meeting</td>
<td>9:00am / 1:30pm</td>
</tr>
<tr>
<td>October 24th, 2018</td>
<td>Summit Combined Housing Authority</td>
<td>9:00am</td>
</tr>
<tr>
<td>October 25th, 2018</td>
<td>CAST</td>
<td>7:45am</td>
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<tr>
<td></td>
<td>Transit Advisory Council Meeting</td>
<td>8:00am</td>
</tr>
<tr>
<td></td>
<td>Breckenridge Tourism Office Board Meeting</td>
<td>8:30am</td>
</tr>
<tr>
<td></td>
<td>Northwest CO Council of Governments</td>
<td>10:00am</td>
</tr>
<tr>
<td></td>
<td>RW&amp;B Board Meeting</td>
<td>3:00pm</td>
</tr>
</tbody>
</table>
## Scheduled Meetings

Shading indicates Council required attendance – others are optional

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

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 31st, 2018</td>
<td>Summit Stage Transit Board Meeting</td>
<td>8:15am</td>
</tr>
<tr>
<td>November 6th, 2018</td>
<td>Board of County Commissioners Meeting</td>
<td>9:00am</td>
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<tr>
<td></td>
<td>Planning Commission Meeting</td>
<td>5:30pm</td>
</tr>
<tr>
<td>November 7th, 2018</td>
<td>Breckenridge Events Committee</td>
<td>9:00am</td>
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<tr>
<td></td>
<td>Childcare Advisory Committee</td>
<td>3:00pm</td>
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<tr>
<td>November 8th, 2018</td>
<td>Upper Blue Sanitation District</td>
<td>5:30pm</td>
</tr>
<tr>
<td>November 13th, 2018</td>
<td>Board of County Commissioners Meeting</td>
<td>9:00am</td>
</tr>
<tr>
<td></td>
<td>Workforce Housing Committee</td>
<td>1:30pm</td>
</tr>
<tr>
<td>November 14th, 2018</td>
<td>Breckenridge Heritage Alliance</td>
<td>Noon</td>
</tr>
<tr>
<td>November 20th, 2018</td>
<td>Board of County Commissioners Meeting</td>
<td>9:00am</td>
</tr>
<tr>
<td></td>
<td>Liquor &amp; Marijuana Licensing Authority</td>
<td>9:00am</td>
</tr>
<tr>
<td></td>
<td>Planning Commission Meeting</td>
<td>5:30pm</td>
</tr>
<tr>
<td>November 26th, 2018</td>
<td>Open Space &amp; Trails Meeting</td>
<td>5:30pm</td>
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<tr>
<td>November 27th, 2018</td>
<td>Board of County Commissioners Meeting</td>
<td>9:00am</td>
</tr>
<tr>
<td>November 28th, 2018</td>
<td>Summit Combined Housing Authority</td>
<td>9:00am</td>
</tr>
<tr>
<td>December 3rd, 2018</td>
<td>Breckenridge Creative Arts</td>
<td>4:00pm</td>
</tr>
<tr>
<td>December 5th, 2018</td>
<td>Summit Stage Transit Board Meeting</td>
<td>8:15am</td>
</tr>
<tr>
<td></td>
<td>QQ - Quality and Quantity - Water District</td>
<td>9:00am</td>
</tr>
</tbody>
</table>