



TOWN OF
BRECKENRIDGE

Town Council Work Session
Tuesday, August 13, 2024, 3:00 PM
Town Hall Council Chambers
150 Ski Hill Road
Breckenridge, Colorado

THE TOWN OF BRECKENRIDGE CONDUCTS HYBRID MEETINGS. This meeting will be held in person at Breckenridge Town Hall and will also be broadcast live over Zoom. Join the live broadcast available by computer or phone: <https://us02web.zoom.us/j/87892368134> (Telephone: 1-719-359-4580; Webinar ID: 878 9236 8134).

If you will need special assistance in order to attend any of the Town's public meetings, please notify the Town Clerk's Office at (970) 547-3127, at least 72 hours in advance of the meeting.

I. PLANNING COMMISSION DECISIONS (3:00-3:05pm)

Planning Commission Decisions

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

Summit Combined Housing Authority IGA Revision (Resolution)

Intergovernmental Agreement with Town of Blue River and Summit County (Resolution)

Density Transfer to Stables Village (Resolution)

III. MANAGERS REPORT (3:15-3:35pm)

Public Projects Update

Mobility Update

Sustainability Update

Housing Update

Open Space Update

Committee Reports

Grants Update

Breckenridge Events Committee

IV. OTHER (3:35-5:20pm)

Breck Film Annual Update

Breck Create Popular Music Discussion

Breckenridge Open Space Advisory Commission Interviews

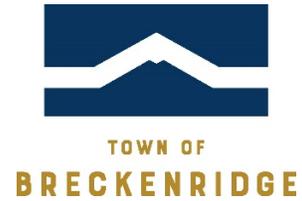
Natural Medicine Healing Centers

New Year's Eve Fireworks Discussion

V. PLANNING MATTERS (5:20-5:40pm)

Copper Baron Development Agreement

VI. EXECUTIVE SESSION - LEGAL ADVICE (5:40-6:15pm)



Memo

To: Breckenridge Town Council Members
From: Mark Truckey, Director of Community Development
Date: August 7, 2024
Subject: Planning Commission Decisions of the August 6, 2024 Meeting

DECISIONS FROM THE PLANNING COMMISSION MEETING, August 6, 2024:

CLASS A APPLICATIONS:

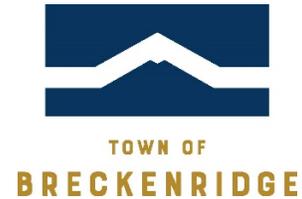
1. 9th Amendment to the Amended Peak 7 & 8 Master Plan, 1599 Ski Hill Rd., PL-2024-0117
A proposal to update allowed uses and create two additional planning areas, authorize density in excess of the amount currently permitted by up to 90.2 additional SFEs, from a transference of density from the Gondola Lots Master Plan area to within the Peak 8 area of the Master Plan. This amendment also modifies the Parking and Traffic Requirements, Heights of Buildings, Development Plan Concept, and Vesting sections of the Master Plan in accordance with the approved Development Agreement. *Approved, see second memo.*

CLASS B APPLICATIONS: None.

CLASS C APPLICATIONS: None.

TOWN PROJECT HEARINGS: None.

OTHER: None.



Memo

To: Breckenridge Town Council
From: Sarah Crump, AICP, Planner III
Date: August 7, 2024 (For August 13, 2024, Meeting)
Subject: Peak 7 & 8 Master Plan Amendment, PL-2024-0117

A Final Class A Hearing for the Peak 7 & 8 Master Plan Amendment was held by the Planning Commission on August 6, 2024.

The application is a proposal to amend the Peak 7 & 8 Master Plan for the Peak 8 base area (Parcels 4, 5, and 6 of the development agreement) in accordance with the recently approved development agreement between the Town and Breckenridge Grand Vacations. The amendment will re-assign density from the Gondola Lot Master Plan in accordance with the development agreement by transferring 90.2 SFEs (single-family equivalents) of density from the Gondola Lot Master Plan area to the Peak 7 & 8 Master Plan area.

This application also seeks proposed master plan language amendments which incorporate the newly transferred density, create new residential planning areas G & H within the master plan and define those area uses, specify building height, and define specific obligations for employee housing generated from the development agreement. The development agreement granted waivers for some key provisions of the development code which regulate master plans. These waivers include the ability to transfer density without the assignment of negative points and a waiver from Policy 39/A which requires amended master plans to come into compliance with current development code policies.

Development Code section 9-1-17-3.5 discusses the applicability of current point assignments, specifically positive point totals that exceed zero, toward modifications to development permits when vested. The current master plan is vested and therefore the existing point assignment from the current master plan was carried forward to assess this proposed ninth amendment.

The Commission found the application complied with the development code and development agreement. The ninth amendment to the Peak 7 & 8 Master Plan was approved by a 7-0 vote of the Commission with a passing point analysis of positive two (+2) points.

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

[Planning Commission Staff Report](#)

9th Amendment to the Amended Peak 7 & 8 Master Plan, 1599 Ski Hill Rd.



JOINT MEETING WITH PLANNING COMMISSION AND TOWN COUNCIL

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

Topic: Scrapes and Redevelopment; Existing Single-Family Neighborhoods

Mr. Truckey gave a short presentation on the background for the neighborhood preservation discussion, mentioning it had been a topic brought up several times recently in both Planning Commission and Town Council meetings with several scrape projects moving through the process. He also gave an overview of the last code change to limit home size and the feedback received from the community about creating that limit during engagement events in 2008 to define that limit. He mentioned that staff will be moving forward with a work session to again look at home sizes based on Town Council direction and with precedent research from neighboring communities with a focus on energy use and sustainability. Ms. Owens asked the Commissioners for their opinions.

Ms. Propper: As someone who lives on a street fondly known as “Gold Scrape,” it’s an important issue to address that’s changing the character of the neighborhoods. Mr. Frechter has seen articles on surrounding communities who successfully implemented code changes regarding this. I’m interested in looking into it and open to different ideas of how to accomplish it.

Mr. Leas: We should define what we’re looking for with this and what we hope to achieve, what we like and don’t like. There are some things that have become obsolete and are no longer energy efficient or serve their purpose but also other things we should save. We need to be careful that we don’t step on property rights but maintain character. Maybe we should have framework similar to that for the historic district but less stringent.

Mr. Giller: Quality matters, when the home matches the character of the town and design standards it’s a benefit to the community. Size is a big difference in that maybe a house that’s too big is not contributing to the sense of community. We should articulate what we don’t like about the new homes so we can steer them towards what is beneficial.

Mr. Guerra: Bigger homes are often becoming second homes, whereas the Weisshorn was always a local’s neighborhood. I agree with the other Commissioners. There needs to be a way to incentivize the home sizes and styles we value. Beyond incentivizing smaller homes, I’m not sure what the solution is.

Ms. Gort: I remain neutral on the issue; we have a lot of diversity of architectural design in Breckenridge and we should strive to maintain that but having a lot of scrapes and new houses next to older houses will make the older houses look more dated and drives the incentive for more scrapes. Maybe looking into and encouraging use of recycled materials. Scrapes on developed lots do have the benefit of redoing something within town rather than increasing sprawl by expanding outwards.

Mr. Frechter: We should look at how many lots we’re talking about, focusing on the Weisshorn neighborhood, and look at the age of homes to see what might be likely to be redeveloped. It may be too late to intervene on Wellington Road.

Ms. Ambrose: I’m less concerned about the legality of the regulations and support some kind of square footage regulations. Some kind of parameters on the square footage or expansion of footprint should be added and I wouldn’t be concerned with a takings claim or a loss of value. There’s a lot of different ways we could approach this, and we need to determine a fair and equitable way to do it. I agree with my fellow Commissioners.

Mr. Truckey: We’ve seen a lot of interest in the Weisshorn because of its close proximity to downtown, lack of platted envelopes, and ability to have varied architectural styles. Some other examples of other areas without platted envelopes include Christie Heights and Warrior’s Mark.

- Mr. Beckerman: It's easy to look at a house and say what we don't like it but hard to determine why right off the bat. As we get closer to being fully built out, these redevelopment opportunities become more enticing and cost effective than building a new house on an empty lot. Modern architecture designs favor flat roofs which allow for higher roof lines and have a bigger perceived mass. We might consider looking at roof lines and setback rules for lots without a building envelope to keep more open space and push the structure further from the property line.
- Mr. Gerard: A major complaint/ask I heard while campaigning was the change in architectural style which includes much more glazing and houses in the Weisshorn have much more lighting trespass through large windows than houses on Discovery Hill. Perceived mass and looking at setbacks with how we allow reduced setbacks for negative points should be something we look at. We should also look at the density of the people, how many people will be living in the house based on the size and making sure we account for that.
- Mr. Leas: We should look at incentivizing as Mr. Guerra mentioned, if we give a developer the option to split a larger parcel into several smaller parcels with smaller houses then that would be more profitable for a developer and would create more affordable, but not necessarily workforce.
- Mr. Giller: Boulder has done something similar, keeping the large home at the front of the parcel and splitting the rear of the parcel to build several smaller homes, and it's an infill opportunity that creates more affordable housing.
- Mr. Leas: This can create dogleg lots and longer driveways, so there are tradeoffs that we need to consider.
- Mr. Frechter: Telluride is a great example of this, almost every home has a home behind it, and they're not necessarily workforce housing. Frisco has also been doing something similar to this, and creating three 3 million dollar and multimillion dollar homes rather than one 8 million dollar one.
- Mr. Leas: We should be mindful of how we structure the incentives to determine if we want them to be second homes or primary residences.
- Ms. Ambrose: I agree but we should be careful how we do this as there are restrictions to density built into master plans and County agreements. If we look at this from an affordable house/local housing lens I would be supportive.

Topic: Existing Multi-Family Lodging Properties

- Mr. Beckerman: This should be something we're looking at now as these properties get older to make sure renters aren't displaced as they are potentially redeveloped but also not leaving people living in poor conditions. Especially from an insurance standpoint it may be beneficial to consider. This should be a long-range planning item that starts now. There are perhaps areas where, if we define certain building and planning criteria that a multi-family development can meet, perhaps insurance companies can give relief.

Topic: Building Heights for Workforce Housing Projects

Mr. Truckey discussed how outside of the historic district, most buildings have a height limit of 35' feet for single-family homes but for multi-family development in locations such as north of Town the height limit is only two-stories or 26'. Anything higher incurs negative points, which has recently been detrimental to incentivizing workforce housing projects.

- Mr. Giller: I think we should allow multi-family developments to go to three stories, which is closer to single-family heights. For the cost of a building, once the foundations and site

work are set, the cost of adding a third story and allowing a taller building makes sense, especially for workforce housing. In locations on the outskirts of town the height is also less of an issue.

- Mr. Truckey: The application that has run into this issue is currently active so it cannot be commented on at this time, but we run into this on Town projects as well. While we could exempt ourselves, we've assigned negative points to Town projects, which has created a challenge to overcome in the planning process.
- Mr. Frechter: I think we should go up to four stories, we should take the maximum advantage of the space we have left for workforce housing. We've had concerns in the past about garages facing the street for example, and they haven't been much of an issue.
- Mr. Leas: I have no concerns about the scale and believe it would blend with the community and neighboring communities.
- Ms. Gort: I agree, we should increase the height and it makes it cost effective. It may be site specific as well. I don't particularly like the multi-family buildings with a "doughnut" of parking surrounding. If the extra height could also be used to hide parking that would be best.
- Ms. Propper: I agree.
- Ms. Ambrose: I agree.
- Mr. Giller: We should look at an incentive to putting parking under buildings rather than surrounding buildings with parking, a "doughnut" was mentioned. It will make for cleaner sites and reduce the amount of parking people need to look at.
- Mr. Truckey: For context, measuring a single-family and measuring a multi-family uses the same method. We're not really sure why there is currently the height limit difference between single-family and multi-family other than potentially location, of not wanting tall buildings seen directly off of Highway 9. We will bring this back to Council to talk about it more to see if it's something we should move forward with.
- Ms. Owens: Commissioners are the ones actively using the Code and are able to notice these issues that come up repeatedly while Council cannot read thoroughly the packet each time and always be familiar with it to be able determine the issues. Please flag these issues so that we are aware of them and can look at code changes.

Topic: Carrying over points/Revisions to Development Permits

Mr. Truckey clarified that positive points are valid for the vesting period of a permit, which leaves the opportunity for a project to come back with revisions to use more of the positive points earned if there is a positive point balance. Some projects may come back with small revisions that incur more negative points and are handled at a staff level if there is no discretion in the amount of positive points proposed to offset the negative point. Points are not allowed to be banked past the vesting period or transferred between projects.

- Mr. Beckerman: There've been projects in the past that were completed and don't match what we approved at the Commission or Council and it's because they came back for changes to adjust their points without needing to go back to Commission because there wasn't discretion in the Code. But it is perfectly allowed for them to do that in the Code. It can be confusing and misleading when this happens, not necessarily an issue but something to be aware of.
- Mr. Guerra: As a builder, this isn't something I was aware of, and maybe we need to reconsider.
- Ms. Crump: To provide some context, this is not something that happens often. In my three years here, I've had one project make such a change, and it was a minor change.
- Mr. Leas: Our points system in general is unusual, if it's something that we're committed to using then we should be sticking by it and allowing these carryovers.

- Ms. Puester: The points have to be used on the same project while the project is vested. It comes with the entitlements.
- Ms. Gort: Maybe we should look at our point system if this is confusing for people.
- Mr. Truckey: One thing we should potentially talk about is if we're being more generous with our EV charger points. Are our priorities are changing? For example, we now give positive points for going fully electric. The points do change over time with different Town priorities; positive points previously were given for paving a driveway for example.
- Mr. Guerra: Circling back to our earlier discussion, the Weisshorn is becoming trophy homes because there is not much property left in the Highlands. This is driven by private property owners, not necessarily developers.
- Mr. Giller: I was surprised at how much higher workforce housing fees are at other ski towns, we could consider increasing workforce fees on bigger houses.

PLANNING COMMISSION MEETING

The regular meeting was called to order at 6:38 pm by Chair Leas.

ROLL CALL

Mike Giller	Mark Leas	Allen Frechter	Keely Ambrose remote
Ethan Guerra	Elaine Gort	Susan Propper	

APPROVAL OF MINUTES

With no changes, the July 16, 2024 Planning Commission Minutes were approved.

APPROVAL OF AGENDA

With no changes, the August 6, 2024 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- None

FINAL HEARINGS:

1. 9th Amendment to the Amended Peak 7 & 8 Mater Plan (SVC), 1599 Ski Hill Rd., PL-2024-0117
Ms. Crump presented a proposal to amend the Master Plan to update allowed uses and create two additional planning areas, authorizing density in excess of the amount currently permitted by up to 90.2 additional SFEs from a transference of density from the Gondola Lot Master Plan area to within the Peak 8 area of the Master Plan. This amendment also modifies the parking and traffic requirements, heights of buildings, development plan concept, and vesting sections of the Master Plan in accordance with the approved Development Agreement.

Commissioner Questions / Comments:

- Mr. Frechter: There are five points raised in the letter from Mr. Himmelstein, would these all be site specific issues?
- Ms. Crump: Some of them are site specific, and some of them I believe would be between a private party and the applicant which the Town cannot enforce. I believe all of the issues are either addressed in the approved Development Agreement or would be between a private party and the applicant.
- Mr. Giller: The note "Imperial" is in your drawings pointing to the new building on page 33, what is that indicating?

Applicant, Bill Campie, Principal Architect, DTJ Design:

That represents our current name for the project, we can remove it from the drawing if needed.

Mr. Giller: That potentially should not be in the drawing if it's for an individual application and could be confusing. There is language in the Design Standards section for the architectural style being a "transitional style"; however, there's a note about "contemporary design" in the amendment. Would that overrule the "mountain transitional" design indicated in the Design paragraph?

Applicant: We do plan to use the style defined in this amendment, which is "transitional".

Mr. Giller: I just want to make sure this won't trip up the planned mountain transitional style.

Ms. Crump: Staff made sure to keep the term "mountain transitional style" through this amendment, understanding its importance from previous Commission reviews of the Master Plan, in the Design standards paragraph. This will be the guiding standard that is referenced when reviewing the future site-specific applications. We will follow the "mountain transitional style (between rustic and contemporary)", as written.

Public Comment:

Richard Himmelstein (675 Peak 6 Trail, Breckenridge): Thank you for referencing my email. I feel there's a number of things in there that should be included because you're doing an amendment to the Master Plan and currently shows a requirement of 200 parking spaces at the base of Peak 7 and Peak 8. I often see vehicles driving around in circles looking for spaces at the peaks. I think if we reduce the parking requirement with the density being increased up there it will decrease the number of cars traveling to the Peaks.

Commissioner Questions / Comments:

Mr. Leas: Are you saying all of those spaces are required in the Stables lot?

Mr. Himmelstein: I think they are spread throughout the project, but I don't think the requirement helps anyone.

Ms. Crump: For added clarification, the 200-space parking requirement is based on a Memorandum of Agreement between the Town and the Ski Area that requires, not just these, but many spaces be provided in specific areas around Town. That requirement is only referenced in this Master Plan. This is an agreement with a separate entity from the current applicant, separate from this application, and it is not possible or appropriate to be opened at this time as part of this amendment.

Mr. Leas: How would that potentially be changed?

Mr. Truckey: It would be bringing the Town and Ski Area back to the table to address the issue and renegotiating the agreement which has been in place for more than 20 years. That would be a Town Council issue.

Mr. Frechter: For the applicant, there are some areas of this plan that may be directly impacted by ski area plans for the ski terrain near the new Planning Areas G&H. In the future site-specific applications, we would love to see how those are considered when the applications are submitted.

Ms. Gort: I feel Mr. Himmelstein's pain with the traffic on the Peaks, and feel it is something that should be noted.

Mr. Giller: No other questions or comments other than my previously mentioned concern about the "mountain transitional style (between rustic and contemporary)" language.

Mr. Giller made a motion to approve the 9th Amendment to the Amended Peak 7 & 8 Master Plan, seconded by Mr. Frechter. The motion passed unanimously.

OTHER MATTERS:

1. Town Council Summary

ADJOURNMENT:

The meeting was adjourned at 7:26 pm.

Mark Leas, Chair



Memo

To: Breckenridge Town Council Members
From: Shannon Haynes, Town Manager
Date: 8/7/2024
Subject: Resolution Approving Amendment to Summit Combined Housing Authority (SCHA) Intergovernmental Agreement (IGA)

Overview

The Summit Combined Housing Authority (SCHA) was established in 2002 after Summit County Government and the Town of Silverthorne entered into an Intergovernmental Agreement. The IGA was amended in 2006 when the Towns of Breckenridge, Dillon, and Frisco were added to the group. In 2007, the Town of Montezuma was added to the IGA.

In February 2024, the Town of Keystone was established and has since asked to join the housing authority. The existing IGA requires all members to unanimously approve the addition of any new members. At the June 17th SCHA board meeting the Town of Keystone was unanimously approved to join the housing authority membership.

SCHA Funding

Each member organization contributes a portion of collected tax revenue to cover the administrative costs of the housing authority. Also, as a reminder, in 2024 each entity contributed an additional \$90,000 towards the purchase of a new office space for the authority.

IGA Amendments

The attached amended IGA adds the Town of Keystone to the authority membership. As a result of adding a new member, the contributions towards the housing authority's administrative costs have been adjusted. Also, Keystone is being charged \$90,000 for the acquisition of the authority's new office space.

All other aspects of the previous Amendment remain in place.

Staff will be available at the August 13th Council meeting to answer questions.

1 RESOLUTION NO. ____

2
3 Series 2024

4
5 A RESOLUTION APPROVING A FIRST AMENDMENT TO THE
6 THIRD AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT
7 AMONG SUMMIT COUNTY, COLORADO AND THE TOWNS OF
8 BRECKENRIDGE, DILLON, FRISCO, MONTEZUMA, SILVERTHORNE, AND
9 KEYSTONE, COLORADO.

10
11 WHEREAS, Section 29-1-204.5, Colorado Revised Statutes, as amended (the
12 "Act"), authorizes any combination of home rule or statutory cities, towns, counties, and
13 cities and counties of the state, by contract with each other, to establish a separate
14 governmental entity to be known as a multijurisdictional housing authority to effect the
15 planning, financing, acquisition, construction, reconstruction or repair, maintenance,
16 management, and operation of housing projects or programs pursuant to a
17 multijurisdictional plan in order to provide dwelling accommodations at rental prices or
18 purchase prices within the means of families of low or moderate income and to provide
19 affordable housing projects or programs for employees of employers located within the
20 jurisdiction of the authority; and

21 WHEREAS, pursuant to title 29, article 1, part 2, Colorado Revised Statutes, as
22 amended (the "Intergovernmental Relations Statute"), and article XIV, section 18 of the
23 State Constitution, governments may contract with one another to provide any function,
24 service or facility lawfully authorized to each of the contracting units and any such
25 contract may provide for the joint exercise of the function, service or facility, including
26 the establishment of a separate legal entity to do so; and

1 WHEREAS, the County and towns have historically provided affordable housing
2 services in the County pursuant to various authority including but not limited to the Act
3 and Title 29, Article 4, Colorado Revised Statutes; and

4 WHEREAS, the County and the Town of Silverthorne previously entered into an
5 Intergovernmental Agreement in 2002 ("Original IGA") in order to establish the Summit
6 Combined Housing Authority ("Authority"); and

7 WHEREAS, the County and the Towns of Breckenridge, Dillon, Frisco and
8 Silverthorne previously entered into a First Amended Intergovernmental Agreement
9 ("First Amended IGA") in 2006; and

10 WHEREAS, the County, Towns of Breckenridge, Dillon, Frisco, Montezuma and
11 Silverthorne previously entered into a Second Amended Intergovernmental Agreement
12 ("Second Amended IGA") in 2007; and

13 WHEREAS, the County, Towns of Breckenridge, Dillon, Frisco, Montezuma and
14 Silverthorne amended and restated the IGA by means of this Third Amended and
15 Restated IGA ("Agreement") in 2017;

16 WHEREAS, the Town of Keystone was formed in February of 2024 and the
17 County, Towns of Breckenridge, Dillon, Frisco, Montezuma, Silverthorne and Keystone
18 wish to amend the Agreement ("Amendment") to include Keystone in the governance
19 and costs of the Authority.

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

22 **Section 1.** The Town Council hereby approves the First Amendment to The
23 Third Amended and Restated Intergovernmental Agreement Among Summit County,

1 Colorado and The Towns of Breckenridge, Dillon, Frisco, Montezuma, Silverthorne, And
2 Keystone, Colorado.

3 **Section 2.** This resolution is effective upon adoption.
4

5 RESOLUTION APPROVED AND ADOPTED this 13th day of August 2024.
6

7 TOWN OF BRECKENRIDGE
8
9

10
11 By: _____
12 Kelly Owens, Mayor
13

14 ATTEST:
15
16
17

18 _____
19 Helen Cospolich, CMC,
20 Town Clerk
21

22 APPROVED IN FORM
23
24
25

26 _____
27 Town Attorney Date
28
29
30
31
32

**FIRST AMENDMENT TO THE
THIRD AMENDED AND RESTATED
INTERGOVERNMENTAL AGREEMENT
AMONG
SUMMIT COUNTY, COLORADO AND THE TOWNS OF BRECKENRIDGE, DILLON,
FRISCO, MONTEZUMA, SILVERTHORNE, AND KEYSTONE, COLORADO**

Providing for the establishment of the Summit Combined Housing Authority as a multijurisdictional housing authority pursuant to Section 29-1-204.5, Colorado Revised Statutes, as amended.

THIS FIRST AMENDMENT TO THE THIRD AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT (this "Agreement") is made and entered into this ___ day of July _____, among SUMMIT COUNTY, COLORADO (the "County"), a body corporate and politic and political subdivision of the State of Colorado (the "State"), and THE TOWNS OF BRECKENRIDGE, DILLON, FRISCO, MONTEZUMA, SILVERTHORNE, and KEYSTONE COLORADO (the "Towns"), home rule municipalities and political subdivisions of the State. The County and the Towns are referred to collectively herein as "the Members" or individually as "a Member."

WHEREAS, Section 29-1-204.5, Colorado Revised Statutes, as amended (the "Act"), authorizes any combination of home rule or statutory cities, towns, counties, and cities and counties of the state, by contract with each other, to establish a separate governmental entity to be known as a multijurisdictional housing authority to effect the planning, financing, acquisition, construction, reconstruction or repair, maintenance, management, and operation of housing projects or programs pursuant to a multijurisdictional plan in order to provide dwelling accommodations at rental prices or purchase prices within the means of families of low or moderate income and to provide affordable housing projects or programs for employees of employers located within the jurisdiction of the authority; and

WHEREAS, pursuant to title 29, article 1, part 2, Colorado Revised Statutes, as amended (the "Intergovernmental Relations Statute"), and article XIV, section 18 of the State Constitution, governments may contract with one another to provide any function, service or facility lawfully authorized to each of the contracting units and any such contract may provide for the joint exercise of the function, service or facility, including the establishment of a separate legal entity to do so; and

WHEREAS, the County and towns have historically provided affordable housing services in the County pursuant to various authority including but not limited to the Act and Title 29, Article 4, Colorado Revised Statutes; and

WHEREAS, the County and the Town of Silverthorne previously entered into an Intergovernmental Agreement in 2002 ("Original IGA") in order to establish the Summit Combined Housing Authority ("Authority"); and

WHEREAS, the County and the Towns of Breckenridge, Dillon, Frisco and Silverthorne previously entered into a First Amended Intergovernmental Agreement ("First Amended IGA") in 2006; and

WHEREAS, the County, Towns of Breckenridge, Dillon, Frisco, Montezuma and Silverthorne previously entered into a Second Amended Intergovernmental Agreement ("Second Amended IGA") in 2007; and

WHEREAS, the County, Towns of Breckenridge, Dillon, Frisco, Montezuma and Silverthorne amended and restated the IGA by means of this Third Amended and Restated IGA ("Agreement") in 2017;

WHEREAS, the Town of Keystone was formed in February of 2024 and the County, Towns of Breckenridge, Dillon, Frisco, Montezuma, Silverthorne and Keystone wish to amend the Agreement (“Amendment”) to include Keystone in the governance and costs of the Authority.

NOW THEREFORE the Parties agree to amend the Third Amended and Restated Intergovernmental Agreement as follows:

Section 10(b) is replaced in its entirety with:

10(b) Allocated Share. For calendar year 2024 each party shall pay its portion of the administrative budget of the Authority in the following amounts per month (such amounts being the “Allocated Share”):

- (i) Summit County \$12,000
- (ii) Breckenridge \$19,167
- (iii) Dillon \$9,250
- (iv) Frisco \$13,500
- (v) Keystone \$5,000
- (vi) Montezuma 0
- (vii) Silverthorne \$14,084

For the calendar year 2024 only the Town of Keystone shall pay a one-time contribution of \$90,000 as its contribution to the Authority’s office building and shall pay its Allocated Share commencing with the month of March. Summit County shall be credited for such amounts paid on behalf of Keystone between March and the effective date of this Amendment. Commencing with calendar year 2025, the Allocated Amount shall be determined based on the percentage of sales tax collection by each jurisdiction from September through August of the total sales tax collected in those months.

All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, this Agreement has been executed by the Members effective as of the date set forth above.

SUMMIT COUNTY, COLORADO

By: _____
_____, Chair

ATTEST:

By: _____
_____, Clerk and Recorder

TOWN OF BRECKENRIDGE

By: _____
_____, Chair

ATTEST:

By: _____
_____, Town Clerk

TOWN OF DILLON

By: _____
_____, Chair

ATTEST:

By: _____
_____, Town Clerk

TOWN OF FRISCO

By: _____
_____, Chair

ATTEST:

By: _____
_____, Town Clerk

TOWN OF MONTEZUMA

By: _____
_____, Chair

ATTEST:

By: _____
_____, Town Clerk

TOWN OF SILVERTHORNE

By: _____
_____, Chair

ATTEST:

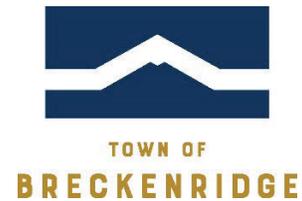
By: _____
_____, Town Clerk

TOWN OF KEYSTONE

By: _____
_____, Chair

ATTEST:

By: _____
_____, Town Clerk



Memo

To: Mayor and Town Council

From: Open Space & Trail Staff

Date: 8/5/2024 for meeting of August 13, 2024

Subject: Intergovernmental Agreement with the Town of Blue River and Summit County

At the August 22, 2023 Breckenridge Open Space Advisory Commission (BOSAC) meeting, BOSAC recommended partnering with the Town of Blue River and Summit County in contributing 15% toward the purchase of the Clyde Lode property (505 Wilderness Drive) with a total purchase price of \$717,000.00. Town Council approved the expenditure on September 26, 2023 and the Summit County Board of County Commissioners (BOCC) also agreed to contribute 15%. Since then, the purchase price decreased to \$550,000.00 (3 acres, \$183,333.33/acre) therefore, the Town's 15% contribution decreased to \$82,500.00. The Town of Blue River closed on the Clyde Lode property July 30, 2024.

Staff requests Town Council approve a resolution to enter into the attached Intergovernmental Agreement (IGA) with Town of Blue River and Summit County. This agreement will secure legal public access to the Blue River Trail through the Clyde Lode and enable the Town of Breckenridge to partner with the Town of Blue River and Summit County in future management of the open space property.



1 RESOLUTION NO. ____

2
3 Series 2024

4
5 **A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT**
6 **BETWEEN BY AND BETWEEN THE BOARD OF COUNTY COMMISSIONERS**
7 **OF SUMMIT COUNTY, COLORADO AND THE TOWN OF BRECKENRIDGE**
8 **AND THE TOWN OF BLUE RIVER.**
9

10
11 WHEREAS, Blue River has recently purchased certain real property located in the
12 County of Summit, State of Colorado more particularly described in Exhibit A (the "Property");
13 and

14 WHEREAS, the Parties desire to obtain lands within Summit County to preserve as open
15 space and promote recreational purposes consistent with the open space character of the
16 Property; and

17 WHEREAS, the County and Town of Breckenridge (the "Contributing Parties") have
18 agreed to contribute \$82,500.00 each, for a total of \$165,000.00, to assist the Town of Blue
19 River in financing the purchase of the Property; and

20 WHEREAS, the Parties desire to enter into an agreement providing for the use and
21 management of the Property in exchange for the Contributing Parties' financial contribution.

22 NOW, THEREFORE, in consideration of the above premises and terms and conditions
23 contained herein, the parties agree as follows:
24

25 **Section 1.** The Town Council hereby approves the Intergovernmental Agreement
26 attached hereto as **Exhibit A.**

27 **Section 2.** This resolution is effective upon adoption.
28

29 RESOLUTION APPROVED AND ADOPTED this ____ day of ____, 2024.
30

31 TOWN OF BRECKENRIDGE
32

33
34
35 By: _____
36 Kelly Owens, Mayor
37

1 ATTEST:

2

3

4

5

6 _____
7 Helen Cospolich, CMC,
8 Town Clerk

9

APPROVED IN FORM

10

11

12

13

14 _____
15 Town Attorney Date

16

17

18

19

**INTERGOVERNMENTAL AGREEMENT
CLYDE LODGE OPEN SPACE PROPERTY**

This INTERGOVERNMENTAL AGREEMENT (the "Agreement") is entered into this ___ day of _____, 2024, by and between the Board of County Commissioners of Summit County, Colorado (the "County") and the Town of Breckenridge ("Breckenridge" or "Town of Breckenridge"), a municipal corporation of the state of Colorado, and the Town of Blue River ("Blue River" or "Town of Blue River"), a municipal corporation of the state of Colorado, referred to collectively as "the Parties".

WITNESSETH:

WHEREAS, Blue River has recently purchased certain real property located in the County of Summit, State of Colorado more particularly described in Exhibit A (the "Property"); and

WHEREAS, the Parties desire to obtain lands within Summit County to preserve as open space and promote recreational purposes consistent with the open space character of the Property; and

WHEREAS, the County and Town of Breckenridge (the "Contributing Parties") have agreed to contribute \$82,500.00 each, for a total of \$165,000.00, to assist the Town of Blue River in financing the purchase of the Property; and

WHEREAS, the Parties desire to enter into an agreement providing for the use and management of the Property in exchange for the Contributing Parties' financial contribution.

NOW, THEREFORE, in consideration of the above premises and terms and conditions contained herein, the parties agree as follows:

1. The Town of Breckenridge and the County will each contribute to the Town of Blue River \$82,500 for a total of \$165,000.00 (the "Contribution"), to reimburse the Town of Blue River for a portion of the purchase price paid to acquire the Property. The Contribution is intended to assist the Town of Blue River's financing of the purchase of the Property and does not entitle the Contributing Parties to any ownership or interest in the Property, except as to such rights as provided in this Agreement.

2. The Contribution shall be paid to the Town of Blue River within 30 days of the execution of this Agreement.

3. In exchange for the Contribution, the Town of Blue River agrees to the following:

(a) Use of the Property: Except as otherwise provided in this Agreement, the Property shall remain undeveloped as open space and be used solely for those permitted uses set forth on Exhibit B attached hereto and incorporated by this reference, such permitted uses meaning the commonly accepted definition for such terms.

(b) Trail: The purpose of the Contribution is to assist the Town of Blue River with acquisition of the Property to construct a north-south trail (the "Trail"), perfecting public access along the "Wakefield/Blue River Trail". The Trail shall be non-motorized (except for limited motorized access for disabled users if mandated by federal or state law) and multi-use allowing General Public access, as defined below. The Parties agree to collaborate on the construction, design, signage, and maintenance of the Trail (the "Work"). The Town of Blue River agrees that it will not perform any Work without the prior express written approval of the Contributing Parties. The Parties agree to pay their Proportionate Share, as defined below, of the actual costs incurred for the Work, provided, however, nothing in this Agreement shall be interpreted as requiring the Contributing Parties to assume sole responsibility for the Work or payment of the costs related thereto. The term "Proportionate Share" shall mean the following:

<u>Party</u>	<u>Proportionate Share</u>
Town of Blue River	70%
Town of Breckenridge	15%
County	15%

(c) Public Access: The Trail will be dedicated for use by the General Public in perpetuity and remain open to the General Public subject to temporary closure for public safety or maintenance. For the purposes of this Agreement the term "General Public" means and refers to all residents and visitors of Summit County.

(d) Forest Health / Weed Management: The Parties agree to collaborate on weed management and forest health projects on the Property ("Weed Management"). The Parties agree to pay their Proportionate Share of the actual costs incurred for Weed Management, provided, however, nothing in this Agreement shall be interpreted as requiring the Contributing Parties to assume sole responsibility for Weed Management or payment of the costs related thereto.

4. The Town of Blue River agrees that if the Property is not open for open space or recreational purposes for any reason, and if such closure is not cured within thirty (30) days after written notice thereof is given by either of the Contributing Parties, or if such default shall be of the nature that it cannot be cured completely within such thirty (30) day period and the Town of Blue River has not promptly commenced work within such thirty (30) day period to cure the closure or has not thereafter proceeded with reasonable diligence and in good faith to remedy such closure, the Contributing Parties may remedy such closure by any means necessary or, alternatively, may demand that the Town of Blue River refund the Contribution to the Contributing Parties. Such refund shall include interest calculated at a rate equal to the overall percentage increase in the Denver Average Consumer Price Index, as determine by the United States Bureau of Labor Statistics, from the date of this Agreement to the date of default pursuant to this paragraph 4. In no event shall the refund be less than the amount of the Contribution.

Refund shall be made by the Town of Blue River within thirty (30) days after a written request is made by the Contributing Parties.

5. In the event the Town of Blue River desires to sell the Property, or any portion thereof, the Town of Blue River shall first send a written offer to the Contributing Parties (each an "Offer"). The Offer shall state a specified price and all terms and conditions of the proposed sale. If the Contributing Parties, either jointly or separately, desire to accept the subject Offer, then the Contributing Parties shall, within 30 days from receipt thereof, send their acceptance in writing to the Town of Blue River. If the Contributing Parties do not accept the subject Offer, then for a period of one year from the date of mailing of the subject Offer, the Town of Blue River shall be free to sell the Property, or any portion thereof, offered to the Contributing Parties at a price not less than that contained in the subject Offer subject to the provisions of this Agreement.

6. Subject to paragraph 5 above, in the event the Town of Blue River trades or conveys the Property, or any portion thereof, to any other person or entity, a trail easement shall be recorded on the Property prior to conveyance. Said easement shall be a minimum of 20' from centerline of the Trail granting non-motorized access to the General Public, to the satisfaction of the Contributing Parties. The cost of the survey work for the easement will be incurred by the Town of Blue River.

7. Subject to paragraph 5 above, in the event the Town of Blue River trades or conveys the Property, or any portion thereof, to any other person or entity, and such person or entity agrees to continue to be bound by and to use the Property in accordance with Paragraph 3 above, then the Contributing Parties understand that they will not be refunded any portion of the Contribution. Notwithstanding paragraph 6 above, if such person or entity does not agree to be bound by and to use the remainder of the Property as open space in accordance with Paragraph 3 above, then the Town of Blue River shall refund the Contribution to the Contributing Parties, together with interest calculated as provided in paragraph 4 above, within thirty (30) days after a written request for a refund is made by either Contributing Party.

8. Subject to paragraph 5 above, in the event that the Town of Blue River trades or sells the Property, or any portion thereof, to another person or entity, the Contributing Parties will not be limited in their use of any real property received in the trade by any language contained in this Agreement.

9. This Agreement shall be binding upon and inure to the benefit of the Parties, their successors and assigns. No third-party beneficiaries are created or intended to be created by this Agreement whatsoever.

10. The County will cause an executed copy of this Agreement to be recorded in the Summit County Clerk and Recorder's Office.

11. This Agreement may be modified or amended only by a duly authorized written instrument executed by the parties hereto.

IN WITNESS WHEREFORE, this Agreement is entered into the day and year first above written.

BOARD OF COUNTY COMMISSIONERS OF
SUMMIT COUNTY, COLORAOD

Tamara Pogue, Chair

ATTEST:

Taryn Power, Clerk and Recorder

TOWN OF BLUE RIVER

, Mayor

ATTEST:

TOWN OF BRECKENRIDGE

Kelly Owens, Mayor

ATTEST:

Helen Cospolich, Town Clerk

EXHIBIT A

[Legal Description of Subject Property – Placeholder]

EXHIBIT B: USES PERMITTED

Open Space

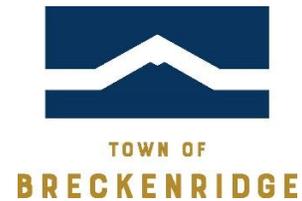
Open Space Accessory Uses such as Trails, Signs, Trailheads, Trail Portals

Wildfire Mitigation and Forest Health Management

Restoration & Stabilization of Historic Structures Existing On-Site

Mine Reclamation and Clean-Up

Other uses consistent with open space and trail use mutually agreed to by all Parties.



Memo

To: Breckenridge Town Council
From: Mark Truckey, Community Development Director
Date: August 7, 2024 for the August 13 Council Meeting
Subject: TDR Density Sunset Covenant Resolution for Stables Village

The Stables Village Town Project was approved by the Town Council on April 11, 2023 and is currently under construction. Per Town Code and adopted policies, density must be transferred to the property to account for the density associated with the Stables Village Master Plan, which is comprised entirely of deed-restricted workforce housing units.

Attached is a resolution and a density sunset covenant that will extinguish density the Town currently holds on the F Lot to account for the deed restricted housing at Stables Village.

JUBMP Policy Direction

The Joint Upper Blue Master Plan (JUBMP) provides policy direction on a number of land use issues in the Upper Blue Basin. The JUBMP has been adopted by the towns of Breckenridge and Blue River and Summit County. One of the major policy discussions that occurred in the 2011 update to the JUBMP was density for affordable housing. A policy related to this issue requires the Town of Breckenridge to extinguish density it owns to account for density in new affordable housing projects.

On January 28, 2020 the Council adopted an ordinance amending the Town's Development Code as follows:

E. Density For Employee Housing Projects: When new employee housing projects are developed within the corporate limits of the Town, the Town government may, in its sole discretion, transfer density it owns to the employee housing project at a one to one (1:1) ratio (i.e., transfer 1 development right for every 1 employee housing project units permitted to be built).

Density at Stables Village and the F Lot

The Stables Village workforce housing project contains 62.23 SFEs (Single Family Equivalents) of density. Thus 62.23 SFEs must be extinguished to account for the density on the Stables Village project.

The property that the F Lot sits on (Tract F Four Seasons of Breckenridge Village Subdivision Filing No. 2) is about 6.51 acres in size and has a total assigned density of 199 SFEs. The lot extends north of the F Lot and includes all of the Tiger Dredge Parking Lot, including the Riverwalk Center. Total built density at the Riverwalk Center is 22,690 square feet, which equates to 22.69 SFEs. Subtracting out the density associated with the Riverwalk Center, there are 176.31 SFEs of unused density remaining on the F Lot. With this resolution approval by the Council to extinguish 62.23 SFEs on the F Lot, the remaining unused density on the F Lot will be 114.08 SFEs.

Council Action

The Council is asked to review the attached resolution and density sunset covenant, provide any additional direction or revisions regarding the documents, and then take action to adopt the attached resolution.

1
2 RESOLUTION NO. _____

3
4 SERIES 2024

5
6 **A RESOLUTION AUTHORIZING THE EXECUTION AND RECORDING OF A**
7 **DENSITY SUNSET COVENANT**

8 (For the Stables Village Workforce Housing Project)

9
10 WHEREAS, pursuant to policies set forth in the Joint Upper Blue Master Plan, and in
11 accordance with Section E of Policy 3(Absolute) (Density/Intensity) of Section 9-1-19 of the
12 Breckenridge Town Code, the Town is required to transfer density it owns to approved
13 attainable workforce housing projects at a 1:1 ratio (i.e., transfer one development right for
14 every one attainable workforce housing development right permitted to be built); and

15 WHEREAS, the Town is developing a workforce housing project known as the “Stables
16 Village Workforce Housing Project”; and

17 WHEREAS, the Town Council finds and determines it is therefore necessary and
18 appropriate to extinguish sixty-two and twenty-three one-hundredths (62.23) single family
19 equivalents (“SFEs”) of density from the Town’s “F Lot” property in order to account for the
20 density being constructed at the “Stables Village Workforce Housing Project”; and

21 WHEREAS, a proposed “Density Sunset Covenant” have been prepared by the Town
22 Attorney, a copy of which is marked Exhibit “A”, attached hereto and incorporated herein by
23 reference; and

24 WHEREAS, the proposed Density Sunset Covenant permanently extinguishes a total of
25 sixty-two and twenty-three one-hundredths (62.23) SFEs of density previously allocated to the
26 Town’s F Lot property in order to account for the density that is being used to construct the
27 “Stables Village Workforce Housing Project”; and

28 WHEREAS, the Town Council has reviewed the proposed Density Sunset Covenant,
29 and finds and determines that it should be approved.

30
31 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
32 BRECKENRIDGE, COLORADO, as follows:

33 Section 1. The Density Sunset Covenant that is attached as Exhibit “A” to this resolution
34 is approved, and the Town Manager is authorized, empowered, and directed to sign such
35 documents for and on behalf of the Town. After it is signed, the approved Density Sunset
36 Covenant shall be recorded in the real property records of the Clerk and Recorder of Summit

1 County, Colorado in order to give record notice that the Town has accounted for the density that
2 was used to construct the “Stables Village Workforce Housing Project”.

3 Section 2. This resolution is effective upon adoption.

4 RESOLUTION APPROVED AND ADOPTED this ___ day of ___, 2024.

5
6 TOWN OF BRECKENRIDGE

7
8
9
10 By: _____
11 Kelly Owens, Mayor
12

13 ATTEST:
14
15
16 _____
17 Helen Cospolich, CMC,
18 Town Clerk
19

20 APPROVED IN FORM
21
22
23 _____
24 Town Attorney Date
25
26
27

1 EXHIBIT A

2
3 DENSITY SUNSET COVENANT

4
5 This Covenant (“**Covenant**”) is made _____, 2024 by the TOWN OF
6 BRECKENRIDGE, a Colorado municipal corporation (“**Town**”).
7

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

10 Tract F Four Seasons of Breckenridge Village Filing No. 2 (LKA Part of Tract F)

11
12
13 (“**Town’s Property**”)

14 ; and

15
16 WHEREAS, the Town’s Property is commonly known as the Town’s “F Lot” property;
17 and

18
19 WHEREAS, pursuant to policies set forth in the Joint Upper Blue Master Plan, and in
20 accordance with Section E of Policy 3(Absolute) (Density/Intensity) of Section 9-1-19 of the
21 Breckenridge Town Code, the Town is required to transfer density it owns to attainable workforce
22 housing projects at a 1:1 ratio (i.e., transfer one development right for every one attainable
23 workforce housing development right permitted to be built); and

24
25 WHEREAS, the Town is developing an apartment project that includes attainable
26 workforce housing units known as the “Stables Village Workforce Housing Project”; and

27
28 WHEREAS, the Town Council finds and determines it is therefore necessary and
29 appropriate to extinguish sixty-two and twenty-three one-hundredths (62.23) single family
30 equivalents (“SFEs”) of density from the Town’s “F Lot” property in order to account for the
31 density being constructed at the “Stables Village Workforce Housing Project”.
32

33 NOW, THEREFORE, Town agrees as follows:

- 34
35 1. Extinguishment of Density. Sixty-two and twenty-three one-hundredths (62.23) single
36 family equivalents of density previously allocated to Town’s Property are forever
37 extinguished. Following the execution of this Covenant, there will be one hundred-thirty
38 six and seventy-seven one-hundredths (136.77) SFES of density remaining on the Town’s
39 Property, of which twenty-two and sixty-nine one-hundredths (22.69) SFES are assigned
40 to the existing Riverwalk Center building.
41
42 2. Recording; Covenant to Run With Land. This Covenant shall be placed of record in the
43 real property records of Summit County, Colorado, and the covenants contained herein
44 shall run with the land and shall bind the Town and all subsequent owners of Town’s

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

Property, or any interest therein.

3. Town's Acknowledgment of Covenant Validity. Town agrees that any and all requirements of the laws of the State of Colorado to be satisfied in order for the provisions of this Covenant to constitute a restrictive covenant running with the land shall be deemed to be satisfied in full, and that any requirements of privity of estate are intended to be satisfied, or, in the alternative, that an equitable servitude has been created to insure that the covenant herein contained shall run with the land. This covenant shall survive and be effective as to successors and/or assigns of all or any portion of Town's Property, regardless of whether such contract, deed or other instrument hereafter executed conveying Town's Property or portion thereof provides that such conveyance is subject to this Covenant.
4. Authorization By Resolution. The execution and recording of this Covenant was authorized by Town of Breckenridge Resolution No. [REDACTED], Series 2024, adopted August 13, 2024.

Town Owned Remaining Density Within Town Boundaries (8/7/24)

LOCATION	LEGAL DESCRIPTION	PPI NUMBER	ACRES	BUILT (Y/N)	LUD	Allowed Per LUD	Commercial SFES Remaining	Residential SFES remaining	COMMENTS	Additional Notes
<i>Parking Lots</i>										
Ice Rink	Blk 2 Rodeo Grounds Sub	2371-0610-05-002	23.22	Y	28	R: 10 UPA C: 1:1 FAR	0	26.33	Park (232 SFES permitted/44.73 built)-- LUD allows residential/lodging. Total of 161.09 SFES have been extinguished for several workforce housing projects.	44.73 SFES are built on the property. 63.02 SFES were extinguished from the property in 2022 to account for density transferred to Alta Verde I and the Block 11 Net Zero Apartments. 98.07 SFES extinguished on 5/14/24 to account for density associated with Vista Verde II apartments.
F Lot and Tiger Dredge Lot	Tract F Four Seasons Village Sub #2 (aka pt of Lot 85)	2211-3133-10-004	Per Plat and County, the acreage here is 7.25. Previous spreadsheet said 6.51	N	23	R: 20 UPA C: 1:3 FAR	0	136.77	22.44 SFES are attributable to the Riverwalk Center. In 2017, there was a 243 square foot dumpster enclosure built.	62.23 SFES were extinguished in August, 2024 to account for the density built at the Stables Village workforce housing project.
Wellington Lot	Lot 71,72,73,74 Bartlett and Shock Sub	2211-3132-08-006	0.45	N	19	R: 20 UPA C: 1:3 FAR	19.6 - previous sheet had 19	9	Wellington Parking Lot - Commercial SFES	
Courthouse Lot	Lot 37 Bartlett and Shock Sub w 1/2 Lot 37 and 39	2211-3131-19-003	0.14	N	18.2	R: 20 UPA C: 1:1 FAR	6.09	2.8	Courthouse Parking Lot- Town half	
East Sawmill Lot	Lot 2a, 2b Sawmill Station Square Sub #3 Amended and Shock Sub 86-90	2211-3132-07-005	1.09	N	19	R: 20 UPA C: 1:1 FAR	47.48	21.8	East Sawmill Parking Lot	
Ice House Lot	Lot 106 - 113 and 118, 119 Bartlett and Shock sub lka part Lot 106	2211-3133-01-004	0.92	N	19	R: 20 UPA C: 1:1 FAR	40.25	18.48	Ice House Parking lot and alley to Blue River plaza	
Exchange Parking Lot	Lot 23 Bartlett and Shock Sub plus Lot 3 Blk 12 Abbetts lka Lots 24 and 24a also Lots 1 and 2 Addition a resub of Lots 23 and 24 Bartlett and Shock plus Lots 1-4 Blk 12 abbetts addition	2211-3134-08-001	0.46	Y (?)	18.2	R: 20 UPA C: 1:1 FAR	20.03	9.2	Exchange Parking structure	

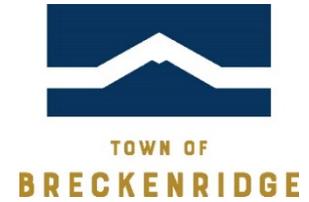
LOCATION	LEGAL DESCRIPTION	PPI NUMBER	ACRES	BUILT (Y/N)	LUD	Allowed Per LUD	Commercial SFES Remaining	Residential SFES remaining	COMMENTS	Additional Notes
Tonopah Lot	Lot 10, 11, 12, 13, 14, 15, 16 Blk 15 Abbetts Addition Sub	2371-0621-23-001	0.48	N	18.2	R: 20 UPA C: 1:1 FAR	20.9	9.6	La Cima/Tonopaha Parking lot	
Klack Placer parking lot	Lot 9-16 Blk 7 Abbetts Addition Sub	2371-0621-31-001	0.57	N	17	R: 10 UPA C: 1:1 FAR	0	6.27		
Other Town Properties										
Arts District	Arts District, Lot 1	2211-3134-58-001	0.229	Y	18-2	R: 20 UPA C: 1:1 FAR	3.74	-0.615	6,234 square feet of buildings per permit	
Arts District	Arts District, Lot 2	2211-3134-58-002	0.668	Y	18-2	R: 20 UPA C: 1:1 FAR	21.5	7.033	7,592 square feet of buildings per County	
Iowa Hill Lot 1	Iowa Hill Lots 1		26.73	N	1 and 31	R: 10 UPA C: 1:1 FAR	38.35	0	Density per annexation agreement, adjusted according to LU-31 rezoning.	
Iowa Hill Lot 3			8.41							
Riverfront area adjacent to F Lot	Pt of Lot 39 Four Seasons Village Sub #2	2371-0622-03-002	0.72	N	23	R: 20 UPA C: 1:3 FAR	10.45	26.3	Allows both residential and commercial numbers to be used.	
McCain Property	McCain (Mining Claim)	2211-1920-00-007	128.00	N	43	R: 10 UPA C: 1:1 FAR	0	0	6.39 SFES extinguished and transferred to the Pinewood II housing site in July, 2013	Water Treatment plant - governmental use - no density required
Pinewood Village	Lot 5 Blk 1 Parkway Center Sub Amended #1	2211-3120-02-004	4.10	Y	9.2	R: 10 UPA	0	34	76 SFES allowed per Master Plan, 42 used for Pinewood Village (74 units)	
Prospector Park	Lot 52 and 53 Bartlett & Shock Sub	2211-3132-08-030	0.313	N	19	R: 20 UPA C: 1:1 FAR	0	0	2.0 SFES were extinguished in January, 2015 and transferred to affordable housing at Maggie Point. 4.3 SFES transferred to Denison Placer (Blue 52) in 11/2017.	

LOCATION	LEGAL DESCRIPTION	PPI NUMBER	ACRES	BUILT (Y/N)	LUD	Allowed Per LUD	Commercial SFES Remaining	Residential SFES remaining	COMMENTS	Additional Notes
Edwin Carter Museum Property	Tracts 17A and 17B Abbetts Addition Adjustment 1143532 (Resub Tracts 17 and 18 Abbets Addition Unsubdivided)	2211-3131-00-025 and 2211-3131-00-026	0.6575	Y (1890)	18.2	R: 20 UPA C: 1:1 FAR	0	0	Carter Museum. Nine units of density extinguished on property in April, 2012 and transferred to Valley Brook housing project. The four remaining SFES were transferred to Denison Placer (Blue 52) in 2017	
Gaymon/BHA Cabin	Lot 5 Snider Addition Resub of Lot 5 and 6	2211-3132-01-003	0.430	Y	11	R: 12 UPA C: 1:3 FAR	5.26	4.32	Gaymon Cabin	Cabin is 756 square feet. Restrooms are 180 square feet. 936 square feet total have been added to remaining SFE
Parcels on Blue River near Riverwalk Center and Dredge Pond	In Bartlett and Shock Sub lka a Tract in Bartlett and Shock in Stiles Addition	2211-3133-00-001	1.56	N	19, 20, 23	19: R 20 & C 1:1 20: C 1:3 23: R 20 & C 1:3	47.5	30.15	Blue River walkway, river	Long linear parcel along river: different LUDs and different densities allowed. County says 1.74 acres.
Parking/Delivery Turnaround behind CB Potts	TR 6-77 Sec 31 Qtr 3 Sqft 9816 West of Block 7 Stiles Addition	2211-3133-00-002	0.22	N	19	R: 20 UPA C: 1:1 FAR	9.58	4.4	10 W Adams - paved area and dumpster enclosure	
Blue River behind Rounds Building	Lot 8 Rounds Sub	2211-3133-23-002	0.15	N	19	R: 20 UPA C: 1:3 FAR	0	0	Parcel mostly in the river. Document in file notes that all density transferred from this property (Lot 8, Rounds Sub) to all other lots within the Rounds Subdivision.	
Blue River plaza (central portion)	Blk 8 Stiles Addition Sub Portion of Lot 8	2211-3133-58-001	0.098 (.10)	N	19	R: 20 UPA C: 1:1 FAR	4.3 (4.26)	2 (1.98)	Blue River Plaza	
Property around Main Street Mall	In Main Street Mall Condo #1 aka Lot 8 Blk 6 Stiles	2211-3133-28-007	0.15	N	19	R: 20 UPA C: 1:1 FAR	6.53	3		
Property north of Dredge Pond	Parcel B Tiger Dredge Sub	2211-3133-30-001	0.22	N	19	R: 20 UPA C: 1:1 FAR	9.58	4.4		
Property north of Dredge Pond	Parcel A Tiger Dredge Sub	2211-3133-30-002	0.18	N	19	R: 20 UPA C: 1:1 FAR	7.84	3.6		
Klack Placer and cabin	Mining Claims	2211-3134-00-001	0.59	N	17	R: 10 UPA C: 1:1 FAR	25.7	6.49		

LOCATION	LEGAL DESCRIPTION	PPI NUMBER	ACRES	BUILT (Y/N)	LUD	Allowed Per LUD	Commercial SFES Remaining	Residential SFES remaining	COMMENTS	Additional Notes
Stillson property	Mining Claims	Tract F, Stables Villag	23.45	N	1	R: 1 Unit per 10 acres		2.35	breckenridge stables density undetermined	
Stillson property		Tract F, Stables Villag	5.84	N	15	R: 1 Unit per 20 acres		0.71	LUD indicates preferred location for affordable housing	
Carter Park	Mining Claims	2371-0621-00-001	5.74	Y	26	R: 4 UPA	0	3.57	16.8 SFE's undeveloped on this site per property file, Carter Park. 7.96 SFES extinguished to account for density at Denison Placer (Blue 52) in 2017. 5.27 SFES extinguished for density at Denison apartments.	
F&D Placer/BOEC	Mining Claims	2373-0110-00-001	38.425	N	1	R: 1 Unit per 10 acres	0	3.843	Property file says: approximately 10,800 square feet of buildings exist on the property. Approximately 6,960 square feet over density.	
TOTAL REMAINING								320.78	373.80	

Memo

To: Breckenridge Town Council Members
From: Town Staff
Date: 8/7/2024 8/7/24 (for the 08/13/24 worksession)
Subject: Public Projects Update



Asphalt and Concrete Repair

Columbine Hills Construction has completed overlay paving operations on Boreas Pass Road, Watson Avenue, Highlands Drive, Adams Avenue, Reiling Road, High Street, Valley Brook Street, and Westerman Road. Snowflake Drive is to be paved within the coming weeks. Snowflake Drive curb & gutter, sidewalk, and driveway pan entrance repairs were completed. Royal Tiger has been paved and the speed humps will be re-installed in the coming weeks. Asphalt patching at the Adams Avenue/French Street intersection will occur in the coming weeks. The Valley Brook Street sidewalk installation, budgeted as part of the Sidewalk Master Plan in the CIP, was also completed. Concrete work is occurring along Kings Crown and Village Road. Concrete work in other locations around town is planned to be completed prior to the end of construction season.

Silver Circle is planned to have a full depth reclamation beginning the week of August 12 and may continue through mid-September to coordinate with adjacent work by the County. Schedule updates can be found at www.BreckRoads.com.



Westerman Road full depth reclamation completed.



Valley Brook Street sidewalk installation and overlay completed.

Blue River Project Repairs

The newly rebuilt segment of the Blue River north of Coyne Valley Road performed exceptionally well during spring runoff this year. The river overtopped its banks in many locations and connected to the floodplain as designed. Flows peaked at over 680 cfs this year, which is substantially higher than the 580 cfs peak during the river failure in 2019. The high flows and sustained spring runoff this year caused some limited bank erosion. This type of erosion is to be expected with the dynamic river design which allows for natural migration of the river along the corridor and floodplain. Bank erosion should decrease as the vegetation continues to grow and provides additional armoring.

The design-build team led by Ecological Resource Consultants (ERC) has identified a series of locations, shown in the figure below, recommended for repair this fall. ERC is completing a cost estimate for the work and budget was retained from the 2022 project in anticipation of these types of limited repairs to the riverbanks. Locations 1,6, and 3 constitute a majority of the work including bank repairs, stabilizing smaller head cut locations, and creating an overflow channel at location 6.



Schoonover Deconstruction

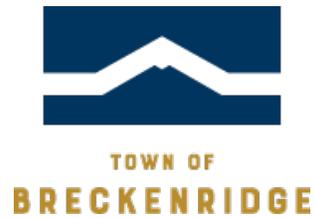
The asbestos removal is ongoing and is projected to be completed in approximately two weeks. Building demolition is tentatively scheduled for the end of August following the completion of the asbestos mitigation.

Project Funding	
2024 CIP	\$350,000
Living Lab budget	\$100,000
TOTAL	\$450,000

E-Delivery F&B Pilot

The Parkway Center site is being graded and foundation work is scheduled to be completed for the temporary sprung structure the week of August 5. The Dockzilla team will begin installation of the structure and cross-docks on August 12. 106West is projected to have E-deliveries begin to roll out the week of August 26.

Project Funding	
2024 CIP	\$2,000,000
TOTAL	\$2,000,000



Memo

To: Town Council
 From: Mobility Staff
 Date: 8/13/24
 Subject: Mobility Update

Breck Free Ride

The Free Ride is currently in its summer service. The numbers reflected below are a comparison of July 2024 over July 2023. 2024 has seen strong overall ridership which has continued into July with a 22% increase over the previous July. The 4th of July weekend was up 2,496 passengers for a total of 7,518 passengers over that weekend. The decrease in Green route ridership is due to the route changing from moving southbound on Airport Road to southbound on Highway 9. The decrease on Green is being picked up on the Gray route and is therefore not “lost” ridership. The decreases on the Purple A and B routes are a little more difficult to pinpoint. It may be a mixture of road construction in the area, and the popularity and increased locations of the Breck E-Ride. The Free Ride is currently on track for a million-passenger year which would be the first time seeing a million-passenger year since 2019.

Route					YTD			
	July '24	July '23	+/-	%	2024	2023	+/-	%
Gold	4,897	4,601	296	6.4%	47,307	44,502	2,805	6.3%
Green	4,298	5,322	-1,024	-19.2%	26,853	24,667	2,186	8.9%
Brown	-	-	-	-	233,069	0	-	-
Trolley	15,401	4,346	7,101	239.2%	61,025	11,337	49,688	438.3%
Purple A	4,513	5,422	-909	-16.8%	60,116	43,149	16,967	39.3%
Yellow	-	-	-	-	216,593	0	-	-
Purple B	2,876	4,163	-1,287	-30.9%	45,246	26,145	19,101	73.1%
Gray	38,947	34,232	4,715	13.8%	131,892	431,500	-299,608	-69.4%
TOTALS	70,932	58,086	12,846	22.1%	822,101	581,300	240,801	41.4%

Breck E-Ride

The e-bikeshare program saw strong ridership through the peak month of the season (July). The mid-season survey closed on August 2nd and received 193 responses, the results are being reviewed and will be shared with the next Council update. After seeing a large quantity of broken baskets due to misuse, staff have been installing stickers on baskets to help deter the “basket riding” behavior.



Total ridership through 8/4/2024: **18,558 trips**

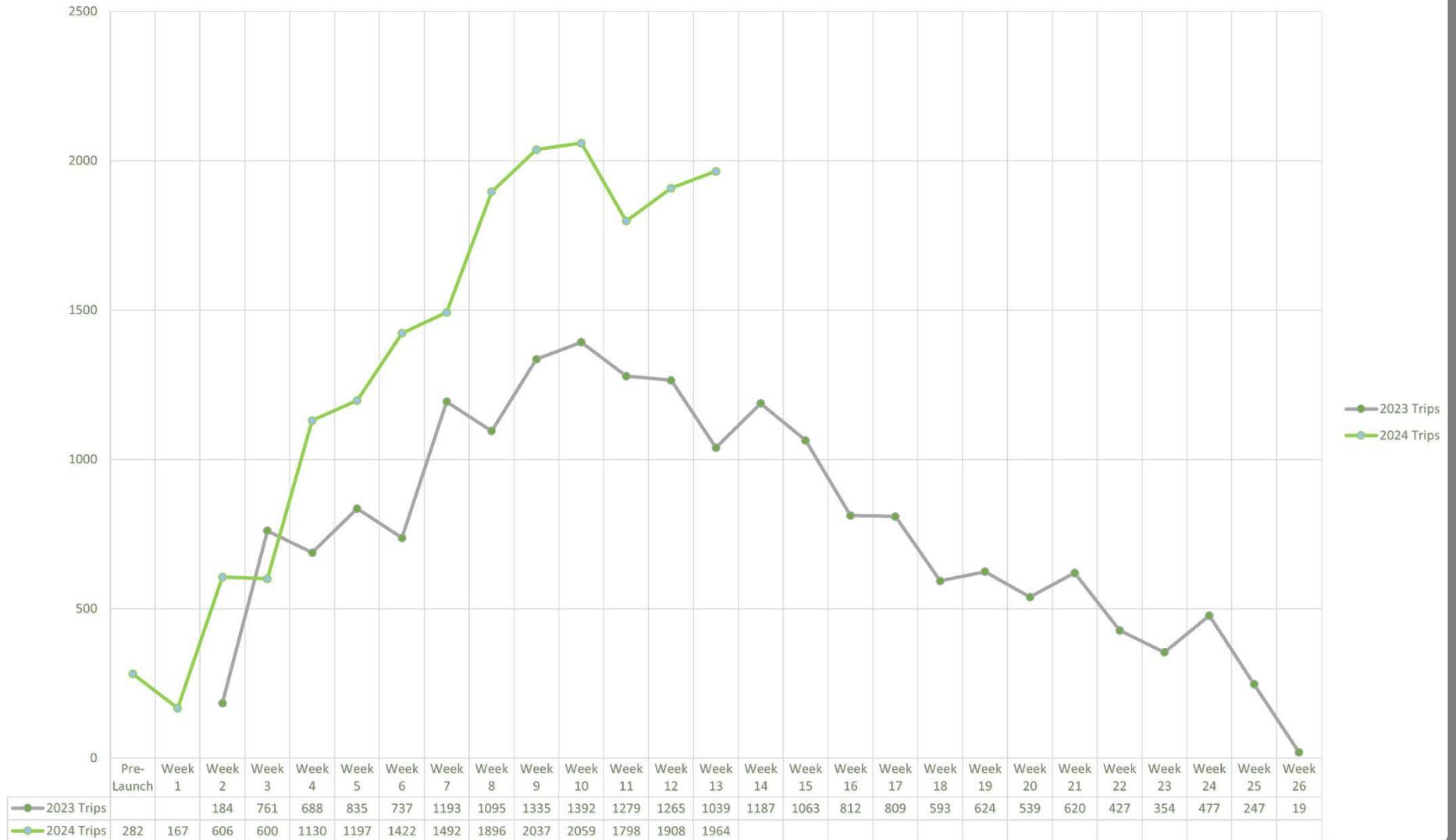
Average Trip Distance: 1.51 miles

Average Trip Length: 16.1 minutes

Week	2023 Trips	2024 Trips	% Change	2023 Dates	2024 Dates
<i>Pre-Launch</i>		282			5/1 - 5/5*
<i>Week 1</i>		167			5/6 - 5/12
<i>Week 2</i>	184	606	229%	5/19 - 5/21*	5/13 - 5/19
<i>Week 3</i>	761	600	-21%	5/22 - 5/28	5/20 - 5/26
<i>Week 4</i>	688	1130	64%	5/29 - 6/4	5/27 - 6/2
<i>Week 5</i>	835	1197	43%	6/5 - 6/11	6/3 - 6/9
<i>Week 6</i>	737	1422	93%	6/12 - 6/18	6/10 - 6/16
<i>Week 7</i>	1193	1492	25%	6/19 - 6/25	6/17 - 6/23
<i>Week 8</i>	1095	1896	73%	6/26 - 7/2	6/24 - 6/30
<i>Week 9</i>	1335	2037	53%	7/3 - 7/9	7/1 - 7/7
<i>Week 10</i>	1392	2059	48%	7/10 - 7/16	7/8 - 7/14
<i>Week 11</i>	1279	1798	41%	7/17 - 7/23	7/15 - 7/21
<i>Week 12</i>	1265	1908	51%	7/24 - 7/30	7/22 - 7/28
<i>Week 13</i>	1039	1964	89%	7/31 - 8/6	7/29 - 8/4

*Not full 7-day weeks

Breck E-Ride Ridership





Memo

To: Town Council
From: Sustainability Staff
Date: 8/13/24
Subject: Sustainability Update

Materials Management

Strong Future Advisory Committee Annual Budget Meeting Recap

The Strong Future Advisory Committee for Recycling met to review the proposed annual budget for County recycling. Overall, the budget proposed is flat against 2024 with anticipated property tax uncertainty on the November ballot. Since its inception, Strong Future funding has supported Pay-As-You-Throw and Universal Recycling marketing, technical assistance and coaching for Breckenridge and Frisco, residential food scrap collection depots, the Silverthorne recycling center, construction and demolition (C+D) pilots, a SCRAP Material Recovery Facility (MRF) expansion, commercial food scrap expansion, and a dedicated community grant program. In 2025, SCRAP is proposing moving and expanding the compost pad, moving forward with C+D programs, and constructing a convenience center for hard-to-recycle materials to help separate the public from landfill operations. Attached is a recap of the proposed budget and notes on the discussion.

Stump the Recycling Experts:

- Reach: 202 people (346 YTD)
- Food Scrap signups: 2 people (7 YTD)
- Common questions and concerns:
 - The recycling code continues to be the largest source of confusion for people trying to recycle.
 - Clamshells: These continue to be the most common contaminant. People want to do the right thing and recycle but feel a little helpless when so much is packaged in these thin-plastic containers.
 - Scrap metal: Fewer and fewer questions about the scrap metal changes at drop sites. People who do ask are pleased that it's free to dispose of scrap metal at the SCRAP.
 - Recycling Centers get pretty dirty over the year. HC3 is organizing volunteers to help clean up around the recycling centers.

Oops Tags:

- Routes tagged: 10 (23 YTD)
- Bins tagged: 469 (1090 YTD)
- Percent chance of contamination: 12%
 - Mainly track four common single-stream contaminants: Plastic bags & film, plastic containers, cartons, and glass.
 - This percentage is a simple percentage of how often at least one of these four contaminants appears in bins around the county.
- Common contaminants:
 - Clamshells
 - Plastic containers
 - Disposable cups
- Questions and concerns:
 - Glass: people continue to ask when glass will again be accepted in single-stream recycling. At this time, there's no recommendation to change the policy.

- Confusion: Multiple residents expressed concern about how confusing the rules are. One expressed a desire to stop recycling altogether due to his frustration.

Universal Recycling (URO) Assistance:

- 2 HOAs
- 13 business with outreach

Ongoing feedback with URO:

- Businesses and HOAs all seem more and more informed of URO.
- HOAs are preparing to update their enclosures as necessary.

Plastics Enforcement Update

Staff continues to audit businesses and follow-up on reports from colleagues about plastics still in the community. A dramatic change has been observed with replacing plastic water bottles with alternatives or larger water jugs. Challenges remain with some service ware (straws, spoons) alternatives, but staff continues to work with businesses on a case-by-case basis. Material management grant requests continue to trickle in as restaurants are implementing changes that move toward more durable dishware options. Staff continues to field questions from researchers and communities across the nation who are interested in moving in the same direction.

E-Delivery Program

106West has started to do “ride-alongs” with participating distributors for their deliveries. They have three staff hired, but have a few positions left to fill. The building components start arriving on August 12 and the canopy arrives on August 16. Dockzilla has received feedback from Planning on adjustments needed to the exterior lighting. Staff is also working with First Chair Designs on cart wraps. Permitting discussions with the Department of Revenue who oversees alcohol deliveries is ongoing. DOR will need to inspect dock after it’s built before issuing the necessary permits. This could delay delivery of alcohol for a few weeks until permits are finalized. Finally, 106West has been in contact with all three large distributors, also known as broadliners, who are willing to participate in the pilot, at least to a certain extent. Be advised that broadliners will likely not participate immediately, but rather 106West will phase them in over the course of the pilot.

Water Smart Irrigation Assessments

- 1 completed residential audit
- 6 commercial HOA audits
 - Wellington Neighborhood
 - Valley Brook
 - 4 Smaller system HOAs : Powder Ridge, Pine Creek, Christiana, Victorian Ridge
- Villas at Swan’s Nest is on the books and should be completed in the next week or two.

Energy Efficiency

Heat Tape

At the July 23 Council worksession, Council asked staff to explore options to support residents in making heat tape more efficient. In 2023, the Council adopted the Renewable Energy Mitigation Program (REMP) that was designed to reduce and mitigate the impacts of heating the outdoors (snowmelt, firepits, pools/hot tubs). While REMP requires heat tape controls for new projects, it does not currently require mitigation for currently installed systems. This was a policy recommendation based on stakeholder and industry input at the time. Additionally, aftermarket heat tape installation should be permitted and therefore subject to REMP, but systems are sometimes installed without permits and are therefore unknown and unregulated.

The Town financially supports the EnergySmart residential program and ResourceWise business program that offer energy audits, coaching and rebates for retrofits to building owners to help improve energy efficiency on their properties. Currently, the list of eligible projects for rebates does not include heat tape controls. Heat tape often masks underlying insulation issues, so current practice is to complete the energy audit and insulation upgrades first. However, there are some instances where heat

tape in unavoidable and a focus on efficiency should be the priority. That efficiency comes in the form of timers and controls that help regulate the energy used to the most efficient time of day for snowmelt (peak daylight hours). Limiting heat tape run time to 6am-6pm can save up to 60% of electricity costs related to snowmelt. In April, HC3 published a column in the paper discussing heat tape that generated some phone calls to their office. The information contained therein offers insight into when best to use heat tape and when to focus on building envelope and design.

<https://www.summitdaily.com/news/ask-earth-what-to-do-about-costly-heat-tape/>

Staff is seeking direction from Council to pursue heat tape rebates as part of the EnergySmart and ResourceWise programs. Heat tape could also be a point of future discussion related to REMP should Council want to require mitigation for heat tape energy use.

Bike Friendly Community - Report Card

Last fall, the Town reapplied for certification with the League of American Bicyclist's "[Bicycle Friendly Community](#)" designation and in February received notice that it would be recertified at the *Gold* level. The League recently followed up by providing the community survey results as well as the "report card" from this certification process. Staff wanted to share the report card with Council (attached) and get feedback on any "bicycle friendly community" action items council wishes to pursue in addition to those taking place with the Blue River Pathways Master Plan process.



Strong Future Recycling Advisory Group

Wednesday, July 17 | 1-3pm Freemont

Room, Community & Senior Center

In Attendance: Nina Waters (Summit County Commissioner), Jen Schenk (HC3), Rachel Zerowin (HC3), Christy Turner (HC3), Aaron Byrne (SCRAP), Bill Schenk (SCRAP), Hilary Sueoka (Town of Frisco), Jen Cawley (Hearthstone), Kristi D’Agati (Town of Silverthorne), Scott “Hutch” Hutchinson (WM), Jeff Grasser (Copper), Jake Willemsen, (Summit Roll Off), Jessie Burley (Town of Breckenridge)

Action Items:

- Hutch to connect Jen with a contact at City Market as soon as possible
- Aaron to make recommended budget updates and share with Advisory Group by 8/17/2024
 - Aaron to discuss internally whether to budget for C&D FTE in Strong Future budget or landfill budget.
 - Allocate additional funds within Strong Future budget to accommodate increase assistance for commercial organics collection

Meeting Goals: Inform advisory group of current Strong Future initiatives, discuss budget, and gain input from group on initiatives and expenditures.

2024 Strong Future programs overview

HC3 & SCRAP presented a year-to-date update (slides attached) on Strong Future programs.

Discussion/outcomes included:

- Composting
 - HC3 to prioritize commercial composting given large diversion potential.
 - Added cost is a key barrier; HC3 to explore grants to businesses and/or haulers.
- Marketing: HC3 to incorporate reuse/repair in future content.
- PAYT: Summit County has finalized PAYT resolution, more information expected soon.
- C&D: C&D Waste Audit at SCRAP Aug 12-16. Aaron & Jen to further investigate County’s timeline for C&D action, including potential SCRAP staff which has been budgeted for 2025.
- SCRAP Operations Update
 - Relocating compost pad to expand operations and accommodate landfill needs; will allow for SCRAP to take biosolids from all 5 wastewater treatment plants.
 - Now operating MRF2 (previously referred to as cold storage) for single stream
 - Investment in infrastructure to transport materials and handle glass more efficiently
 - Convenience Center to be constructed in fall
- Grants: Per BOCC and Grant Committee, HC3 continue exploring ways to distribute unspent funds in 2024 and reach more diverse applicants. HC3 explore whether Colorado Parks and Wildlife could help share opportunities since they are messaging the new bear-resistant

trash bins.

Budget Review

Aaron presented the 2024 budget (attached). Discussion/outcomes included:

- Overall budget is flat to 2024; however money has shifted across categories.
- Jen noted that in addition to the budgeted C&D infrastructure, HC3 has \$75,000 budgeted for a contractor in 2025 to support C&D activities.
- The group suggested incorporating reuse and repair into grants and other programs.
- SCRAP/HC3 pursue grant opportunities to purchase pallet chipper or other equipment.
- The group discussed increasing the Strong Future budget and recommended two budget additions including: FTE in Strong Future (rather than landfill budget) to support C&D, and more support for commercial organics collection.

Strong Future Reflection & Vision

Jen Schenk shared several slides (attached) reflecting on the achievements covered in the last 6 years. She noted that many of those achievements fulfilled goals identified by the Zero Waste Task Force in 2018. She shared data on the three biggest pathways to reaching the community-wide goal of 40% diversion by 2035:

- Advance PAYT in more communities
- Increase commercial food scrap collection
- Expand C&D collection, including potential policy

The group agreed that pursuing all these strategies simultaneously was necessary to reach the community goal.

Here is a summary of the info Jen shared, and she has additional supporting detail if anyone would like that shared.

2023 DIVERSION POTENTIAL

	Tons	% Divertable thru Current Local Programs*
Traditional recycling	7,760	26% of MSW
Food scraps	6,268	21% of MSW
C&D recycling/reuse	6,922	37% of C&D waste (30% of all waste)
Total Potential Tons	20,950	

Based on 2023 data, we could have achieved our community's 40% diversion goal with 16,200 tons diverted.

Therefore, we need to divert materials from all 3 categories.

*Divertable percentages are based on findings from 2019 Summit County Waste Composition Study.

101640 - Recycling			
7/16/2024	2024	2025	2025 NOTES
	Projected Budget	Proposed Budget	
Property Taxes net of treas fees	\$ 2,246,781	\$ 2,244,781	This is projected until Decemeber 2024
C&D Programs	\$205,000	\$80,000	C&D Operating cost grinding etc. Pallets & Concrete
Summit Rolloffs/Silv	\$225,000	\$240,000	Summit Roll offs cost per pull for the Silverthorne Recycle location.
Organics/Food Scraps	110,000	\$90,000	Summit Roll Offs hauling Food SCRAPS
Compost Ops			
PAYT Policy Support	395,000	\$150,305	HC3 (PAYT) - URO Policy Support
Zero Waste Program	5,000	\$0	Public/Municipal Zero Waste station
Convenience Center	\$500,000	\$200,000	Equipment for CC -Roll-off Containers and SHEDS for Special Waste
Addl Recyclables	90,000	\$100,000	Mattress Service Springback, Summit Roll offs Glass depots, Cartons hauling.
Outreach Program	288,000	\$483,670	HC3 (NON PAYT) Community Public Education Programs,Marketing, Opps tags, Diversion
Capital Outlay	\$0	\$350,000	Capital Request for wood grinder Total cost \$1.75M Cost spread over 5 years
IF Tsfr Out	\$30,781	\$0	This additional funding covers any shortfall in the recycling department.
Construction	\$0	\$0	
Grants	\$400,000	\$400,000	Grant funding requested \$344,259 Awared \$189,937 Roll over based on project timeline
Special Project		\$150,000	PAYT & URO Hard Cost, Summit County Unincorporated, Green Halo Software if C&D Policy is implemented
Total Expenses	\$ 2,248,781	\$2,243,975	
NET	\$ (2,000)		
Fund Balance	<u>\$ 2,244,781</u>	<u>\$ 2,806</u>	

* C&D Programs cost increasing due to 5 year plan/goals

**Hauling cost are steadily increasing due to increased volumes

*** HC3 services for education and outreach have been combined into SF account.

**** Grant Roll Over from 2023 - Convenience Center Project over budget by \$135K



Breckenridge, CO



Award: Gold | Fall 2023

Award History:

Gold since 2011; Previously Silver since 2009.

Breckenridge's BFA Program Stats

of Local Bicycle Friendly Businesses: **4**
 # of Local Bicycle Friendly Universities: **0**
 # of Local League Cycling Instructors: **1**
 Colorado's Bicycle Friendly State Ranking: **#6**

The 5 Es Category Scores	Breckenridge	Max Score this round
Engineering	53.18%	79.3%
Education	58.51%	76.3%
Encouragement	65.10%	87.5%
Evaluation & Planning	30.97%	78.0%
Equity & Accessibility	21.76%	70.5%

Scores are determined by points earned in each 'E' Category, weighted against comparable communities in the Fall 2023 BFC round. See pages 2-3 for your full subcategory points in each Category.

Key Outcomes

Overall Commuter Ridership: 3.2%

Male Commuter Ridership: 6.8%

Female Commuter Ridership: 0%

(Bicycle Mode Share among commuters, according to the Census Bureau's 2022 American Community Survey 5-Year Estimate.)

Bicycle Mode Share: Unknown

(Reported by applicant)

Annual Average Bicyclist Crashes in last 5 years: 5

Annual Average Bicyclist Fatalities in last 5 years: 1

(Crashes and Fatalities both reported by applicant)

Community Profile

Population: 5,024

Area: 6 square miles

Population Density: 837.3 people/square mile

Land Classification:

Rural Town

Poverty Rate: 1.3%*

Median Household Income: \$118,077*

Percent of the Population that Speaks a

Language Other Than English at Home: 2.4%*

Percent with Disability: 5.1%*

Percent of Households with No Vehicle Available: 6.5%*

*Source: https://data.census.gov/profile/Breckenridge_town,_Colorado?g=160XX00US0808400

Breckenridge's Bike Links

Bike Network Map, if available:

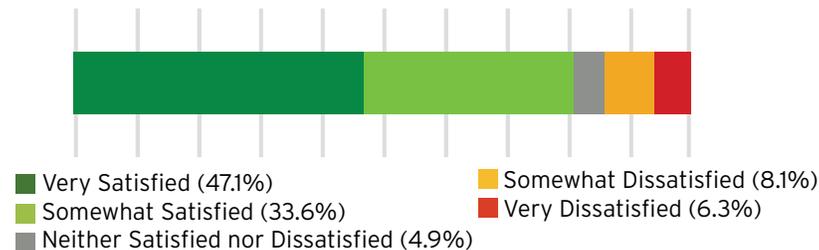
PDF available upon request.

Bike Plan, if available:

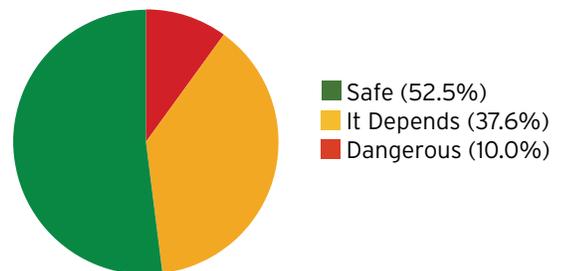
Plan is currently under development

Fall 2023 BFC Public Survey Response Summary for Breckenridge, CO

How satisfied are you with how this community is designed for making bike riding safe? (n = 223)



Is it safe or dangerous to ride a bicycle in your neighborhood, or does it depend? (n = 221)



What is the number one change you would most like to see the local government make in this community for bicyclists? (n = 222)

1. Improve existing bike lanes to protected bike lanes (15.8%)
2. More bike paths (13.5%)
3. Increase education for drivers (10.4%)

About this Report Card

The following scores are based on the online application submitted by Breckenridge in the Fall 2023 Bicycle Friendly Community (BFC) submission round. These scores reflect a combination of automatically-generated points earned through the online application, as well as judge-assigned points and bonus points given by BFC reviewers.

The League updated its Bicycle Friendly Community application and awards criteria in 2022, after nearly a year of research, focus groups, interviews, listening sessions, and other outreach. The updated application includes a new section on Equity and Accessibility, and other changes throughout. As such, **this Bicycle Friendly Community Report card is a beta version** as we refine our new scoring system and develop a greater understanding of how to convey new information.

All Fall 2023 BFC Report Cards (including this one) will be republished with updated scores if there are significant changes to the points system after the next round of BFC applications. To learn more about the BFC application and awards criteria, please visit <https://bikeleague.org/community>.

ENGINEERING	<i>Breckenridge earned a weighted score of 53.18% in the Engineering Category. Below is the full breakdown of points that Breckenridge earned in each subcategory within the Engineering section, compared to the total points available in that subcategory from the Fall 2023 BFC application.</i>	
	Engineering Subcategories	Breckenridge's Subcategory Points in Engineering
	Policies and Design Standards for the Built Environment	9.2 / 41 pts
	End-of-Trip Facilities	5.3 / 44 pts
	Bicycle Network	43.2 / 128 pts
	Network Maintenance	15.5 / 32 pts
	Bicycle Access to Public Transportation	10.9 / 23 pts
	Bike Sharing	6.2 / 24 pts
	Other Bicycle-Related Amenities	2.7 / 6 pts
	Regional Coordination	15 / 23 pts
Engineering Bonus Points	3.5 / 10 pts	

EDUCATION	<i>Breckenridge earned a weighted score of 58.51% in the Education Category. Below is the full breakdown of points that Breckenridge earned in each subcategory of the Education section, compared to the total points available in that subcategory from the Fall 2023 BFC application.</i>	
	Education Subcategories	Breckenridge's Subcategory Points in Education
	Youth Bicycle Education	32 / 68 pts
	Adult Bicycle Education	22.3 / 47 pts
	Motorist Education	11.5 / 28 pts
	Bicycle Safety Education Resources	3.2 / 16 pts
	Inclusive Education	3.5 / 26 pts
	Education Bonus Points	0.8 / 7 pts

ENCOURAGEMENT	<i>Breckenridge earned a weighted score of 65.10% in the Encouragement Category. Below is the full breakdown of points that Breckenridge earned in each subcategory of the Encouragement section section, compared to the total points available in that subcategory from the Fall 2023 BFC application.</i>	
	Encouragement Subcategories	Breckenridge's Subcategory Points in Encouragement
	Encouragement Policies, Programs and Partnerships	7.2 / 17 pts
	Route-Finding Support	6 / 10 pts
	Bicycle Culture and Promotion	48.8 / 91 pts
	Access To Bicycle Equipment and Repair Services	8 / 35 pts
	Reducing Work-Related/Fleet VMT	7 / 11 pts
	Encouragement Bonus Points	3.5 / 7 pts

EVALUATION & PLANNING	<i>Breckenridge earned a weighted score of 30.97% in the Evaluation & Planning Category. Below is the full breakdown of points that Breckenridge earned in each subcategory of the Evaluation & Planning section, compared to the total points available in that subcategory from the Fall 2023 BFC application.</i>	
	Evaluation & Planning Subcategories	Breckenridge's Subcategory Points in Evaluation & Planning
	Staffing And Committees	5.8 / 35 pts
	Public Engagement for Bicycle Planning	7.5 / 35 pts
	Planning, Funding, And Implementation	3.5 / 46 pts
	Evaluating The Bicycle Network	5 / 25 pts
	Evaluating Ridership	5.5 / 20 pts
	Evaluating & Improving Safety Outcomes	10.5 / 42 pts
Evaluation & Planning Bonus Points	2.3 / 15 pts	

EQUITY & ACCESSIBILITY	<i>Breckenridge earned a weighted score of 21.76% in the Equity & Accessibility Category. Below is the full breakdown of points that Breckenridge earned in each subcategory of the Equity & Accessibility section, compared to the total points available in that subcategory from the Fall 2023 BFC application.</i>	
	Equity & Accessibility Subcategories	Breckenridge's Subcategory Points in Equity & Accessibility
	Equity & Accessibility Staffing, Committees, & Partnerships	6.8 / 24 pts
	Equity Data Collection & Goals	0 / 27 pts
	Equity & Accessibility Policies & Plans	1 / 21 pts
	Equity & Accessibility in Engineering	4.8 / 44 pts
	Equity & Accessibility in Education	2.3 / 52 pts
	Equity & Accessibility in Encouragement	7 / 42 pts
	Equity & Accessibility in Evaluation & Planning	9 / 51 pts
Equity & Accessibility Bonus Points	0 / 9 pts	



Breckenridge, CO

Award: Gold | Fall 2023 | Award History: Gold since 2011; Previously Silver since 2009.

FEEDBACK TO IMPROVE:

To maintain and improve on Breckenridge's Gold-level Bicycle Friendly Community award, BFC Reviewers recommend...

- » Increase the amount of high quality bicycle parking throughout the community. Conduct a bike parking study or audit to determine current conditions of bike parking, both in terms of quality and quantity. Adopt a bike parking ordinance for new and existing buildings that specifies the amount and location of secure, convenient bike parking available. Develop community-wide Bicycle Parking Standards that adhere to current APBP guidelines. (See www.apbp.org/bicycle-parking-solutions).
- » It is great that such a high percentage of your Elementary, Middle, and High Schools offer on-bike bicycling safety education. Continue to strengthen this programming by providing a fleet of bikes in schools to ensure that all students can learn to safely ride a bicycle regardless of the availability of a bicycle in their household, including adaptive cycles for children and youth with disabilities.
- » Increase the number of local League Cycling Instructors (LCIs) in your community, either by hosting an LCI seminar or sponsoring a Town staffer or local bike advocate to attend an existing seminar elsewhere. Having several active instructors in the area will enable you to expand cycling education for youth and adults, recruit more knowledgeable cycling ambassadors, deliver Bicycle Friendly Driver education to motorists, and have experts available to assist in encouragement programs. Visit bikeleague.org/ridesmart for more information.
- » Create an official Bicycle & Pedestrian Advisory Committee (BPAC) that is separate from the Breckenridge Open Space Advisory Committee (BOSAC) to create a systematic method for ongoing citizen input into the development of important policies, plans, and projects that specifically impact bicycling conditions in Breckenridge. Ensure that the members of the committee reflect the diversity and ability levels of cyclists in your community. See the Evaluation & Planning section of the BFC Resources page for several resources related to creating and maintaining an effective BPAC: https://bikeleague.org/BFC_Resources.
- » Establish a dedicated annual budget for implementation of your forthcoming 2024 Bicycle Master Plan, in addition to funding for ongoing bicycle programming and infrastructure development/maintenance.
- » Adopt a goal to eliminate traffic fatalities and serious injuries and support this goal with a comprehensive road safety plan or a Vision Zero policy to identify specific strategies to reduce traffic crashes and deaths for all road users, including bicyclists and pedestrians. Introducing low stress bikeway facilities and lowering vehicle speeds through traffic calming treatments are important engineering components for addressing roadway safety. Consider using a tool like the Safer Streets Priority Finder to analyze crash data and identify High Injury areas of your network: <https://www.saferstreetspriorityfinder.com/>.
- » Coordinate with or engage the Town's Social Equity Advisory Commission around transportation and bicycling activities to result in more equitable and inclusive bicycle planning, outreach, engagement, and programming efforts.
- » Adopt a goal for a target level of bicycle use (percent of trips made by bike) to be achieved within a specific timeframe, and ensure data collection necessary to monitor progress toward your adopted goal.



Breckenridge, CO

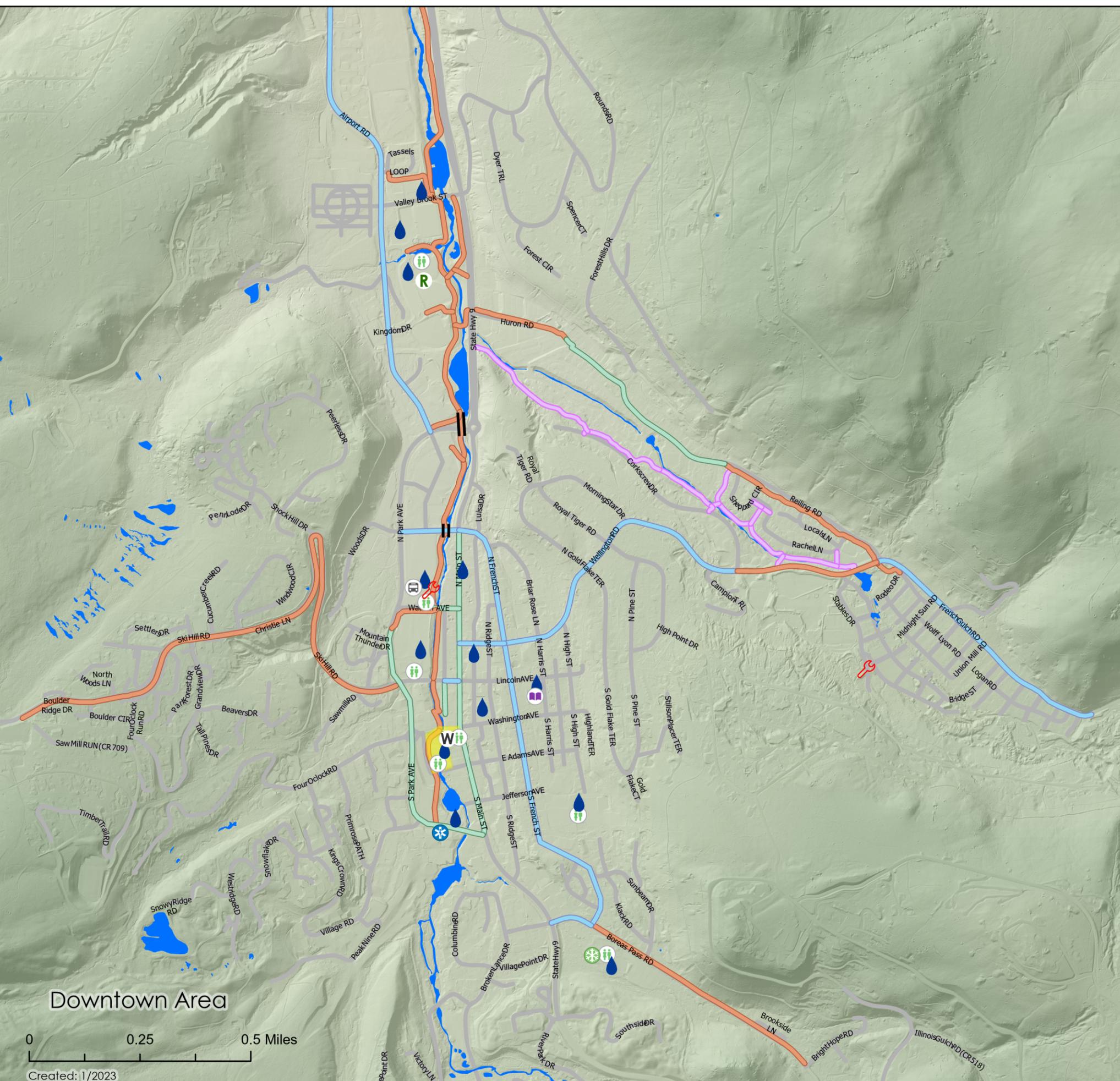
Award: Gold | Fall 2023 | Award History: Gold since 2011; Previously Silver since 2009.

FEEDBACK TO IMPROVE, CONTINUED:

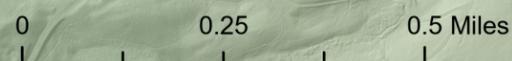
- » Your Bicycle Friendly Community application reported that ACS data shows a gender gap in bicycle modeshare (6.8% of male commuters bike to work, compared to 0% of female commuters, according to ACS data). Consider how additional focused outreach around bicycling education, encouragement, and engagement could help bring more women to bike for transportation in Breckenridge. There are some great existing programs to build on, but that could be more focused on utilitarian trips. Consider how local data collection efforts may be able to further inform your work by capturing gender in other bike use and modeshare counts, as well as identifying gender disparities in perceptions of safety and barriers to bicycling.
- » Collect more socioeconomic and demographic data as it relates to current transportation habits and patterns, and establish equity-related indicators to inform future planning, prioritization, and budgeting processes for your community.

MORE RESOURCES FOR IMPROVING YOUR COMMUNITY:

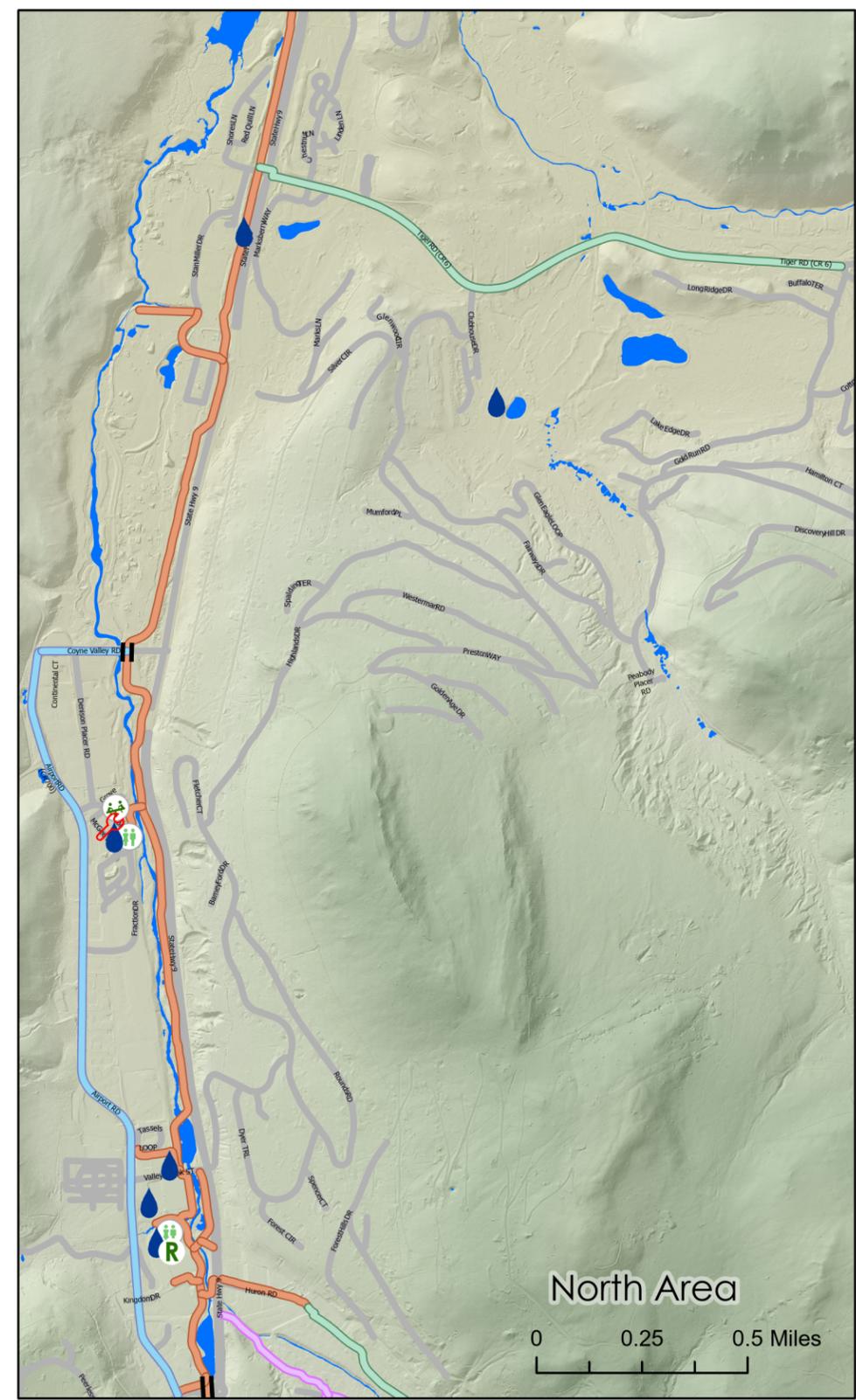
- » **Guide to this BFC Report Card:** <https://bit.ly/BFC-Report-Card-Guide-Fa23>
- » **League of American Bicyclists:** <https://www.bikeleague.org>
- » **Bicycle Friendly Community (BFC) Program:** <https://bikeleague.org/community>
- » **Resources for Building a Bicycle Friendly Community:** https://bikeleague.org/BFC_Resources
- » **About the BFC Application Process:** <https://bikeleague.org/content/about-bfc-application-process>
- » **The Five E's:** <https://bikeleague.org/5-es>
- » **The BFC Ideabook and Map:** <https://bikeleague.org/BFCIdeaBook>
- » **The League's Benchmarking Project on Biking & Walking Data and Reports:** <https://data.bikeleague.org>
- » **Bicycle Friendly State Rankings and Report Cards:** <https://bikeleague.org/state>
- » **Bicycle Friendly Business (BFB) Program:** <https://bikeleague.org/business>
- » **Bicycle Friendly University (BFU) Program:** <https://bikeleague.org/university>
- » **Smart Cycling Education Program:** <https://bikeleague.org/ridesmart>
- » **National Bike Month Resources:** <https://bikeleague.org/bikemonth>
- » **Advocacy Reports and Resources from the League:** <http://bikeleague.org/reports>
- » **Federal Funding Resources from the League:** <https://bikeleague.org/federal-funding-resources/>
- » **Pedestrian and Bicycle Funding Opportunities from U.S. DOT Transit, Safety, and Highway Funds:** https://www.fhwa.dot.gov/environment/bicycle_pedestrian/funding/funding_opportunities.pdf
- » **U.S. DOT Navigator:** <https://www.transportation.gov/dot-navigator>



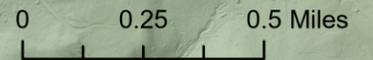
Downtown Area



Created: 1/2023



North Area



Town of Breckenridge Bike Route Map

- | | | |
|----------------------------|----------------------|----------------------------|
| Route Type | Bike Fix It Station | W Welcome Center |
| Paved Shared-use Path | Restrooms | R Recreation Center |
| Bike Lanes | Water Fill Stations | River Park |
| Shared Roadway/ Bike Route | Medical | Library |
| Crusher Fines/ Gravel | Bus Station/ Gondola | Ice Rink |
| Underpass | | |
| Bike Dismount Area | | |





**TOWN OF BRECKENRIDGE HOUSING WORKGROUP MEETING
AGENDA/MINUTES**

July 25, 2024; 3pm – 4pm
Lower Level Conference Room – Town Hall

The following topics were discussed at the July 25th meeting and a summary of the discussion is shown in BLUE

- 1) Gibson Heights - Capital Improvement variance discussion
- 2) Stables Village HOA and insurance update - verbal
- 3) More Housing Now grant hearing update – verbal
- 4) Housing Helps program parameters
- 5) Wellington Phase I – real estate commission discussion

Attendees: Laurie Best, Shannon Haynes, Melanie Leas, Darci Henning, Dick Carlton, Rick Holman, Mark Truckey, Kirsten Crawford

Miscellaneous:

Stables Village HOA: Staff indicated that the developer is closer to finalizing the HOA dues at Stables Village. Looking to be just under \$400 for the 3 bedroom townhomes, mid \$300 for the 2 bedroom townhomes and single families, and mid \$200 for the duplexes. HOA dues will cover trash, exterior maintenance/repair/upkeep of all buildings (but no roofs), snow removal except for the Town ROW, landscaping, liability insurance, and upkeep of GCE and LCE. Townhomes also include exterior building insurance. Details are still being finalized.

Grants: The Town was awarded the More Housing Now grant that Staff presented to the hearing committee in Montrose in the amount of \$1,980,557 intended for infrastructure costs at the Runway.

Capital Improvement variance discussion for Gibson Heights conversion to 4-bedroom:

Home Owner requested additional capital improvement funds for an addition of a bedroom/ bathroom that would exceed the cap of 15%. The Community Development Director has the authority to approve this request and requested input from the workgroup.

- Property is an 80% AMI three-bedroom single family home in Gibson Heights.
- Purchased in 2012 for \$262,000.
- Owner signed on to the amended and restated deed restriction in 2018 and can earn a flat 2% appreciation per year.
- Resale calculation today would be \$327,631, currently under 80% AMI for a 3 bedroom. (\$339,695 is the current 3 bedroom AMI at 80%)
- Owner has \$29,700 available in Capital Improvements but believes the work to complete a full bedroom/ bathroom in the basement would exceed that allowance. Requesting additional funds to allocate to Capital Improvements at time of resale. Staff proposed a similar approach to a property in the Wellington Neighborhood (looking at the difference in sales price between a three bedroom and a four bedroom on the AMI chart) that was approved by the Town in 2023. This difference of \$48,700 between a 3-bedroom and 4-bedroom at 80% AMI is what the owners would like to be able to recoup to cover their costs and still keep the unit affordable at 80%, equating to a \$20,000 increase in the Capital Improvements allowance.
- If approved the resale price would be \$378,331, which is still below the current acceptable sales price for an 80% four bedroom home (\$388,462).
- There are very few 4 bedroom homes available in our workforce inventory especially at 80% AMI.
- There are 10 single family homes in total in Gibson Heights, the balance are duplexes and townhomes. All single family homes are listed as three bedroom homes on County records. Most of these built out the lower level already when prices were more favorable and did not need to request more than the 15% allowance.
- The workgroup recommend approval by the Community Development Director provided the proposal comply with the following parameters:
 - At the time of the approval, the projected maximum resale price shall not exceed the initial target of 80% AMI for a 4 bedroom unit.
 - Owner must upgrade to the newest deed restriction available (done in 2018).
 - Owner must obtain permits from Town and UBSD (if required) to add a fourth bedroom.
 - If rented roommate/tenant must be approved by the Town in accordance with the Housing Rules and Regulations and subject to a rent cap to match 80% AMI.

The workgroup supported this request subject to the parameters listed above. Additionally, the owners must comply with all HOA rules and regulations.

Housing Helps Program Update Discussion and Resale Analysis:

At the Council meeting in June, there was a short discussion concerning potential changes to the Housing Helps program parameters. Town Council asked staff for additional data to better understand what/if any program parameters should be changed. The attached **Exhibit A** provides information on all 86 Housing Helps properties funded/ approved to date, including the cost per unit and general information about the unit size, property type, type of deed restriction, etc.

Exhibit B includes a re-sale analysis based on the six Housing Helps properties that have subsequently resold to examine the impact of the deed restriction on the resale price/ value of the home and corresponding AMI range. Based on the analysis of the resales it appears that the light deed restriction is not particularly effective at providing long-term affordability. While this is not a large sample size, the analysis illustrates that affordability decreased on all six units regardless of how long the property had been in the program or the initial AMI target. The market continues to drive prices up and staff is concerned about cost-burdened households. In response, staff proposed some minor modifications, as described in the table below, to incentivize the full deed restriction and better preserve long term affordability for these workforce units and are looking for Council feedback.

	Initial Parameters 2020	2021 and 2022 changes	2024 Initial staff recommendation
Value of Light Deed Restriction (employment only)	10-15%	15-20%	Eliminate or reduce maximum to 10% - 15%
Upgrade – no STR or Light Deed Restriction to Full Deed Restriction	NA	10%	10 -15%
Value of full Deed Restriction (employment and 3% appreciation)	NA	25-30%	20-25% depending on property location, condition, price point, bedroom/ bathroom count, cost per sq ft
Maximum payment	NA	\$450,000	\$350,000
Available to both current owners and buyers	Yes	Yes	Yes

The workgroup reviewed the 2024 recommendations and preferred to retain the light deed restriction at a fixed 15% with a 100% rent cap. For the full deed restriction the workgroup preferred 25% as the baseline with some opportunity to go higher or lower on that percentage based upon criteria (property characteristics, location and price point. etc). Ranges are hard to regulate as part of general program parameters so the preference is to have a published baseline with some flexibility. Ideally the full deed restriction will also have a rent cap at 100% AMI. Additionally, the workgroup supported lowering the maximum payment to \$350,000. This would correspond to a 25% payout of a \$1,400,000 property. To date there has been only one Housing Helps transaction that has exceeded \$350,000.

Program History/Summary:

The analysis of the program data indicates the Town's cost per property has increased, however staff believes the Housing Helps program is still an extremely cost-effective strategy especially when compared to the impact, cost, timing, and challenges of new construction. The 2024 budget for the program is \$2,500,000 assuming acquisition of twenty properties at \$125,000 subsidy per unit. As of July, we have already expended/committed 93% of the annual budget and we continue to receive requests for this program.

To date Summit County has partnered on 52 of the 86 applications, which has significantly reduced the Town's cost. Unfortunately, the County has reduced their participation due to budget constraints and modified their program parameters further limiting the properties that are eligible for joint participation with the County. Additionally, initially the program only provided an option for a light deed restriction (employment only with no appreciation cap) in return for 10-15% of the market value of the property. In 2022 the program was expanded to allow up to 19% for light deed restrictions and to add a full deed restriction with an appreciation cap for 20-30%. Both of these changes increased the Town's cost per unit.

Staff is considering utilizing the remaining Buy Down funds to continue to offer Housing Helps for the time being. Staff will continue to look closely at properties (condition, long term affordability and price point, location, etc.) to ensure the initial benefit will pass to the next owner. Staff and the workgroup agree Housing Helps funds should not be used to support artificially high prices/ values and care needs to be taken as changes occur in the real estate market to prevent this.

EXHIBIT A-

The following chart includes all 86 Housing Helps properties funded/approved (deed restrictions acquired) since the program was launched almost five years ago (Dec 2019).

Year	Ave. Value of Home before Deed Restriction	Light	Full	Unit Type-SF and Ave. Size	Total Units (beds)	# County Partner	Town Expense	Town Cost per Unit	Cost per Bed
2019		1	0	1-SF 1659sf	1 (4)	1	\$62,500	\$62,500	\$15,625
2020	\$520K	16	0	11-SF 1244sf	16 (45)	15	\$629,974	\$39,373	\$13,999
2021	\$639K	10	0	5-SF 1395sf	10 (26)	8	\$552,950	\$55,295	\$21,267
2022	\$781K	14	7	6-SF 1188sf	21 (49)	12	\$2,715,260	\$129,298	\$55,413
2023	\$765K	16	5	7-SF 1123sf	21 (48)	11	\$2,349,576	\$111,884	\$48,950
2024	\$842K	9	8	4-SF 1200sf	17 (40)	5	\$2,330,425	\$137,083	\$58,261
To Date		66	20	34-SF 52-MF 1214 sf	86 (212)	52	\$8,640,685	\$100,473	\$40758

As noted above, the cost per unit is up to \$137k per year compared to the previous high in 2022 at \$129k and \$112K in 2023. Staff believes there are several contributing factors, including:

- a. The average cost of a property utilizing Housing Helps (HH) funds has increased. The declared market value/ purchase price for HH properties is up 61% from the 2020 average of \$520K to an average of \$842K in 2024.
- b. Single family homes have increased significantly. Since its inception, the program has been utilized on many relatively affordable single-family homes, but the price of the HH single family home is now well over \$1M. The highest value of a HH single family home was \$700K in 2020 and \$825K in 2021. Comparatively in 2022, 2023, and 2024 we have funded 11 single family homes all with values over a million dollars.
- c. Summit County is unable to participate in many of the fundings. Initially, Summit County shared in funding almost all properties, but this decreased to around 50% in 2022 and 2023. Currently for 2024, County participation is less than 30% in the Upper Blue Basin.

Exhibit B –

Resale Analysis (to date, only 6 HH properties have sold)

The table below includes information on the six housing helps properties that have sold subsequent to the deed restriction. All these properties were subject to a light deed restriction with no appreciation cap. The price/value of all six properties increased substantially from the target (goal) which assumed a 10-15% devaluation of the value because of the deed restriction. For comparison purposes the table also illustrates how a full deed restriction with a 3% annual cap would have maintained affordability very similar to the original AMI target.

Housing Helps Resales - July 2024												
The following six properties all resold with a light deed restriction:												
Property	HH-date	Value at Market Rate	AMI-Market Rate	HH Paid	HH %	Assumed Value w/ DR	AMI of Assumed Value	Resold	Months	Resale Price	Increase from Assumed	AMI at Resale
1	12/2019	\$835,000	195%	\$125,000	15%	\$710,000	160%	9/2024	58	\$1,325,000	\$615,000	218%
2	7/2020	\$576,000	138%	\$86,483	15%	\$489,517	117%	10/2021	14	\$740,000	\$250,483	175%
3	7/2020	\$635,000	153%	\$95,250	15%	\$539,750	129%	9/2021	14	\$725,000	\$185,250	171%
4	1/2021	\$500,000	120%	\$60,000	12%	\$440,000	105%	11/2021	10	\$589,000	\$149,000	139%
5	8/2021	\$608,000	143%	\$91,325	15%	\$516,675	121%	8/2021	0	\$660,000	\$143,325	156%
6	11/2021	\$525,000	148%	\$78,750	15%	\$446,250	125%	6/2022	7	\$610,000	\$163,750	143%
WITH FULL DR-3% ANNUAL APPRECIATION:												
Property										Resale Price	Increase from Assumed Value*	AMI at resale w 3% appreciation
1										\$812,950	\$102,950	160%
2										\$506,650	\$17,133	122%
3										\$558,641	\$18,891	134%
4										\$451,000	\$11,000	106%
5										\$516,675	\$0	122%
6										\$454,059	\$7,809	127%

Please note that the first property is an estimate, as the final resale price is not yet available. The chart includes the list price.

It was mentioned that the unrestricted market also saw unprecedented gains in the time frame from 2020 to 2022. Staff will continue to gather data on the resales of Housing Helps properties.

Next Steps: A work session is scheduled with the Council on August 27th to review the Housing Helps program parameters and budget.

Wellington Phase I - Real Estate Commission Discussion

The below excerpt is directly from the Wellington Neighborhood Phase I Employee Housing Restrictive Covenant under the section that describes the adjustments to the price limit that are authorized to be included in the sales price. Staff has confirmed at least two additional properties in Phase I that have been sold by Realtor owners where the 7% commission was added to the final sales price. There have been numerous other homes in Phase I that have also had the 7% commission added to the price.

C. Permitted Sales Costs. A Unit Owner shall be allowed to add to the Adjusted Price Limit the following costs incurred in connection with the sale of a Residential Unit:

(a) Actual real estate sales commission paid by a Unit Owner, not to exceed seven (7%) percent;

(b) Premium for owner's title insurance policy;

(c) Cost of a tax certificate; and

(d) Other normal and customary closing costs incurred by sellers for similar sales in Summit County, Colorado which costs shall not include appraisal or inspection costs.

The workgroup discussed the above language in the covenant and acknowledges this section is not ideal and the allowance for 7% commission is extreme in the current real estate market. However, the real estate market does change over time and the workgroup does not support trying to pursue legal action in preventing it from being collected. It is felt that the Deed Restriction is pretty specific in saying it is allowed and there are no stipulations in place that say the Realtor cannot be the owner. Staff does confirm that the commission is paid out of the sellers proceeds (when included in the sales price) at the time of releasing the Town's deed of trust by reviewing the Settlement Statement provided by the title company. It was suggested that we look at providing some sort of incentive to new buyers at time of purchase to sign on to the new deed restriction that allows 3% appreciation (rather than the greater of the 3% appreciation or change in AMI) and 2% real estate commission. It was suggested to look at this only at the time of change in ownership.



TRANSIT DEPARTMENT

970.668.0999 ph | 970.668.4165 f
www.SummitStage.com

0222 County Shops Rd. | PO Box 2179
Frisco, CO 80443

AGENDA

Summit County Transit Board Meeting

8:15am Wednesday, July 31st, 2024

In Person at the Senior Center, Loveland Room, 83 Nancy's Place, Frisco, CO 80443

Breakfast Items Will Be Provided

Summit County Transit Annual Planning Work Session

Beginning at Approximately 9:30am, Ending 1:00pm

Lunch Items Will Be Provided

- I. Welcome and Introductions
- II. Approval of Minutes Motion ___ 2nd ___ Approved ___ Rejected ___
- III. Agenda Changes Motion ___ 2nd ___ Approved ___ Rejected ___
- IV. Recognition of Guests
- V. Public Comment
- VI. Regular Monthly Update Items
 - a. Transit Director Report (Chris L) 10 minutes
 - i. Financial Report and Latest Sales Tax Information
 - ii. Progress Report - Capital Projects
 - b. Operations Report (Alex S) 10 minutes
- VII. Planning Work Session Agenda Items 120 minutes
 - a. Work Session Planning Discussion (Ann F)
 - i. Regional Transportation Authority - Update
 - ii. Resources and Handouts for Residents
 - iii. Transit to Trails Update
 - iv. Future Route Improvements "X" Routes, Fairplay/Blue River
 - v. Fleet Planning, Proterra, etc.
 - vi. Microtransit - Operator Selection, Rolling Out the First Pilot
 - vii. Checking Progress on 2021 Equity and Access Study
 - viii. Optional Topics as Time Allows
- VIII. Adjournment Motion ___ 2nd ___ Approved ___ Rejected ___

Summit Stage
July 31st, 2024
Transit Board Meeting

Notes from current meeting:

- Recruiting for 6 drivers to fill all summer shifts, with 6 drivers also on FMLA
- Recruiting 7 additional drivers to cover the bare minimum required for winter shifts, but looking for 12 to cover FMLA and vacations
- TransLoc is functioning on the back end and will be functioning for riders soon. This will also bring Transit App to live functionality throughout the county
- Fleet shop is currently fully staffed with 9 mechanics
- The Stage Board Annual Retreat took place and minutes from that session will be included in the September Council packet; highlights of discussion were:
 - RTA formation, next steps from the Stage Board
 - Transit to Trails implementation on COTREX
 - Future route improvements, creating “X” patterns crossing the county to allow more efficient transfer from town to town
 - Microtransit and approach to pilot zones
 - Progress on the 2021 Equity and Access Study

Ridership:

- Total June 2024 fixed-route ridership was 95,010. A 3.0% increase from June 2023 ridership of 92,218.
- Ridership changes by Route June 2023 vs. June 2024:

Route	% Difference (Gain / Loss)
Breckenridge - Frisco	12.7%
Frisco - Silverthorne	1.6%
Copper - Frisco	-18.4%
Keystone/Dillon/Silverthorne	7.7%
SMF Breck - Keystone	N/A
SMF Keystone - ABasin	N/A
Boreas Pass Loop	10.8%
Free Ride Purple Contract	-62.5%
Silverthorne Loop	53.1%
Wilderness Loop	5.3%
Blue River Commuter	-3.1%
Lake County Commuter	18.5%
Park County Commuter	9.2%
Total	3.0%

- The Purple Contract shows -62.5%. Prior to this year, the Stage was given all ridership for the Purple routes. This year, the Free Ride is recognizing the Purple A ridership, and the Stage receives the Purple B ridership per the agreement that is in place. The month of June also saw road construction on the Purple route that impacted ridership negatively in both directions.



TRANSIT DEPARTMENT

970.668.0999 ph | 970.668.4165 f
www.SummitStage.com

0222 County Shops Rd. | PO Box 2179
Frisco, CO 80443

SUMMIT COUNTY TRANSIT BOARD MEETING

Wednesday, June 26, 2024, 8:15 a.m.

SUMMARY MINUTES

I. CALL TO ORDER

The monthly meeting of the Summit County Transit Board on Wednesday, June 26, 2024, was called to order by Chris Lubbers, Transit Director and Kent Willis, retiring Chair at 8:15 a.m.

II. ROLL CALL

Board Members present and answered to the roll call were:

Kent Willis, retiring Chair – Town of Frisco
Becky Bowers - Upper Blue Basin (At Large Member)
Tony Camarata – Arapahoe Basin Ski Resort
Tom Daugherty – Town of Silverthorne
Candace De - Ten Mile Basin (At Large Member)
Katrina Doerfler - Lower Blue Basin (At Large Member)
Cindi Gillespie – Copper Mountain Ski Resort
Kyle Hendricks – Town of Dillon
Lisa Holenko – Town of Frisco
Scott Hoffman (remotely) – Summit County
Matt Hulsey (remotely) Chair – Town of Breckenridge
Susan Juergensmeier – Snake River Basin (At Large)
Eric Mamula – Summit County
Chris McGinnis – Town of Frisco
Ted Pilling – Town of Blue River
Scott Verlinde – Keystone Ski Resort

Guests present: Miriam Garcia, Mountain Dreamers, Summit Cove; Carol Kerr, Town of Keystone; Brayden Hicks, Keystone Ski Resort; Steve Swanson, Silverthorne; Bruce Camping, Breckenridge; Tyler Fielder, Breckenridge Ski Resort; Tom Keyon, Project Manager, Artaic Group; Margaret Bowes, (remotely) Program Manager, I-70 Coalition.

Staff present: Chris Lubbers, Transit Director; Alex Soto, Operations Manager; Ann Findley, Planner; Tracy Colvin and Vivian Pershing, Admin.

III. APPROVAL OF MINUTES AND AGENDA

The minutes from the May 29, 2024, Summit County Transit Board monthly meeting and June 26, 2024 meeting agenda were reviewed. Katrina Doerfler moved to approve the minutes and agenda, second by Tony Camarata. Motions carried.

IV. RECOGNITION OF GUESTS AND PUBLIC COMMENTS

Kent Willis was recognized with an engraved wood plaque as retiring Board Chair of many years and the Board offered appreciation for his years of community involvement. Guests were welcomed. Scott Verlinde announced he was moving to Utah. Scott Hoffman mentioned he was taking a leave of absence.

V. MONTHLY UPDATE ITEMS

A. Financial Report

Mr. Lubbers discussed the Transit Financial Summary and Budget Report in detail, regarding current revenue, labor, administration/office, capital and fleet replacement, operation and maintenance, safety, training and recognition along with beginning and ending fund balances. A budget statement of current and previous year operating revenue and expenses for expended year-to-date to May 31, 2024 and available budget percentages were given. Financial Report was approved.

B. Operations and Maintenance Reports

Ms. Soto discussed the Transit Operations Summary in detail, focusing on current fixed-route passenger counts, and ridership changes by route, comparing fixed route hourly service in 2023 to half-hourly service in 2024 with a 4.4% increase in May 2024, primarily in Lake and Park County Commuter, Silverthorne and Wilderrest Loop and Keystone/Dillon/Silverthorne routes. Guests per hour were 14-31 for Town-to-Town routes, 10.9 average for Town-to-Resort routes, 6-13 for Residential routes and 6.8 average for Commuter routes. Mountain Mobility/Para Transit guests have increased 28.6% since 2023. Bus operator staffing, training, recruiting efforts, and safety metrics were discussed. Maintenance technician staffing, work orders, bus and para transit availability, in and out of contract availability percentages, warranty issues, road calls, costs, preventative maintenance, bus performance (bus mileage and age), parts availability and budget impact were reviewed. The Operations and Maintenance Reports were approved unanimously by the board present.

C. Transit Planning Update and Micro Transit

Ann Findley reviewed a comparison of RFP applicants for a micro transit operator, with interviews and notice of award in June. Posters are up for code of conduct and transfer center facility use policy awareness regarding unhoused passengers. A community informational card from Human Services, Public Health and Sheriff's Office' Smart Team with phone and website is also available. Possible Keystone parking options in Dillon and Silverthorne were discussed. Agenda ideas for the July 31 annual meeting were discussed to include an RTA establishment and scope, the 2021 equity and access study, TPR resources for Summit, and possible route enhancements of Swan Mountain X-Flyer, micro transit, and connections with Bustang.

VI. AGENDA ITEMS

A. Capital Projects Update

Tom Keyon of Artaic Group reviewed the progress being made on the employee housing 8-unit renovation at Little Beaver Trail in Dillon. He also discussed the Transit Fleet Charging and Operations Facility in Frisco and Swan Meadow Village Bus Station.

VII. ADJOURNMENT

The meeting was adjourned at 9:35 a.m.

Summit Stage Operations Report
July 31, 2024, Transit Board Meeting

Operations Summary

- ❖ We have 1 driver in training
- ❖ We have 5 drivers in the hiring pipeline
 - 2 of these should start on the 14th of August NEO
- ❖ We currently have 57 drivers to cover 57 full time shifts
- ❖ We have 6 drivers currently on FMLA (2 intermittent)
- ❖ With a maximum of 5 People off per day on vacation we are currently covering around 26 overtime shifts which is a decrease of 22 shifts since last month's 48 overtime shifts per week
- ❖ We are continuing to recruit up to 6 drivers to cover all summer shifts, vacation, sick, STD, W/C, and FMLA to achieve a state of limited overtime
- ❖ Current projection for Winter 24/25 is 64 shifts
 - This will require that we hire at least 7 more drivers to cover all shifts
 - Hiring 12 more drivers will cover vacations and some FML/WC /STD.

Projects

- ❖ TransLoc is wrapping up routes for our cad system and App. All Dispatchers are trained in the Computer Aided Dispatch system and have begun to use it.
- ❖ New signs have now been installed in the 5 used buses we had purchased as a stop gap measure.

SHOP REPORT

- ❖ Kevin currently is staffed up with 9 mechanics
- ❖ 100% of PMs were completed
- ❖ All bus contract availability 83%; targeting 85% to 90% according to contract

Summit Stage Ridership

Fixed Routes

	June 2023 and 2024 Compared						% change 2023 to 2024	June 2023 and 2024 Y-T-D					
	2023			2024				2023			2024		
	Guests	Hours	Guests/Hour	Guests	Hours	Guests/Hour		Guests	Hours	Guests/Hour	Guests	Hours	Guests/Hour
Town-To-Town Routes:	<i>T-T std. = 22</i>			<i>T-T std. = 22</i>				<i>T-T std. = 22</i>			<i>T-T std. = 22</i>		
Breckenridge-Frisco	17,116	760.0	22.5	19,292	1200.0	16.1	12.7%	147,650	4,585.2	32.2	132,120	5,735.3	23.0
Frisco-Silverthorne	15,531	465.0	33.4	15,787	487.5	32.4	1.6%	111,442	2,805.5	39.7	100,161	2,929.8	34.2
<i>Swan Mtn. Express</i>	0	0.0	n/a	0	0.0	#DIV/0!	n/a	0	0.0	n/a	3,144	133.0	23.6
T-T Subtotal	32,647	1225.0	26.7	35,079	1687.5	20.8		259,092	7,390.7	35.1	235,425	8,798.1	26.8
Town-To-Resort Routes:	<i>T-R std. = 22</i>			<i>T-R std. = 22</i>				<i>T-R std. = 22</i>			<i>T-R std. = 22</i>		
Copper Mountain-Frisco	5,335	525.0	10.2	4,354	915.0	4.8	-18.4%	85,096	3,167.5	26.9	84,951	4,633.0	18.3
Keystone/Dillon/Silverthorne	24,627	762.9	32.3	26,517	1572.9	16.9	7.7%	192,061	4,413.8	43.5	162,061	6,767.2	23.9
SMF: Breck-Key	0	0.0	n/a	0	0.0	n/a	#DIV/0!	21,069	2,072.6	10.2	17,919	1,613.0	11.1
SMF: Key-ABasin	0	0.0	n/a	0	0.0	n/a	#DIV/0!	8,778	853.4	10.3	7,093	729.7	9.7
SMF Total	0	0.0	n/a	0	0.0	n/a	#DIV/0!	29,847	2,926.0	10.2	25,012	2,343	10.7
T-R Subtotal	29,962	1287.9	23.3	30,871	2487.9	12.4		307,004	10,507.3	29.2	272,024	13,742.9	19.8
Residential Routes:	<i>Res std. = 14</i>			<i>Res std. = 14</i>				<i>Res std. = 14</i>			<i>Res std. = 14</i>		
Boreas Pass Loop	5,652	360.0	15.7	6,261	580.0	10.8	10.8%	54,042	2,087.9	25.9	51,920	2,778.6	18.7
Purple (Free Ride contract)	7,357	525	14.0	2,757	525.0	5.3	-62.5%	60,454	3,185.0	19.0	42,608	3,180.0	13.4
Silverthorne Loop	4,808	278.4	17.3	7,360	473.4	15.5	53.1%	31,634	1,679.7	18.8	38,925	2,206.0	17.6
Wilderness Loop	6,989	285.0	24.5	7,358	465.0	15.8	5.3%	41,170	1,719.5	23.9	39,838	2,155.0	18.5
Res Subtotal	24,806	1448.4	17.1	23,736	2043.4	11.6		187,300	8,672.1	21.6	173,291	10,319.6	16.8
Commuter Routes:	<i>Com std. = 10</i>			<i>Com std. = 10</i>				<i>Com std. = 10</i>			<i>Com std. = 10</i>		
Blue River Commuter	717	75.0	9.6	695	65.0	10.7	-3.1%	7,171	472.3	15.2	10,834	394.4	27.5
Lake County Commuter	1,793	315.0	5.7	2,125	378.0	5.6	18.5%	13,615	1,635.9	8.3	16,017	2,293.2	7.0
Park County Commuter	2,293	156.1	14.7	2,504	246.0	10.2	9.2%	15,420	708.2	21.8	17,586	1,492.4	11.8
Com Subtotal	4,803	546.1	8.8	5,324	689.0	7.7		36,206	2,816.4	12.9	44,437	4,180.0	10.6
Misc. Fixed Route Subtotal	0	0.0	n/a	0	0.0	n/a		0	0.0	n/a	1,032	0.0	n/a
FIXED ROUTE TOTALS	92,218	4,507	20.5	95,010	6907.8	13.8	3.0%	789,602	29,386.5	26.9	726,209	37,040.6	19.6

Mountain Mobility/Para Transit

	June 2023 and 2024 Compared							June 2023 and 2024 Y-T-D					
	2023			2024				2023			2024		
	Guests	Hours	Guests/Hour	Guests	Hours	Guests/Hour		Guests	Hours	Guests/Hour	Guests	Hours	Guests/Hour
PARATRANSIT TOTALS	428	381.9	1.1	475	433.8	1.1	11.0%	2,687	2,418.2	1.1	2,819	2,577.5	1.1
GRAND TOTAL	92,646	4,889.3	18.9	95,485	7,341.6	13.0		792,289	31,804.7	24.9	729,028	39,618.1	18.4

CDOT Quarterly Report Data	Fixed Route	89,686	6218.8
	Commuter	5,324	689.0

Summit Stage Ridership

Monthly Riders:	January	February	March	April	May	June	July	August	September	October	November	December
Town to Town Routes												
Breckenridge-Frisco	27,447	25,692	24,683	17,125	17,881	19,292	10	10	10	10	10	10
Frisco-Silverthorne	18,276	17,248	18,141	15,060	15,649	15,787	10	10	10	10	10	10
<i>Swan Mtn. Express</i>	662	1,020	1,023	413	26	0	10	10	10	10	10	10
Town to Resort Routes												
Copper Mountain-Frisco	20,849	22,058	23,268	10,425	3,997	4,354	10	10	10	10	10	10
Keystone-Silverthorne	29,921	29,041	29,975	23,091	23,516	26,517	10	10	10	10	10	10
SMF: Breck-Key	4,629	5,596	5,006	2,480	208	0	10	10	10	10	10	10
SMF: Key-Abasin	1,402	1,798	2,248	1,414	231	0	10	10	10	10	10	10
SMF Total	6,031	7,394	7,254	3,894	439	0	20	20	20	20	20	20
Residential Routes												
Boreas Pass Loop	11,718	13,609	11,235	5,157	3,940	6,261	10	10	10	10	10	10
Purple (Free Ride contract)	10,628	10,742	9,600	5,169	3,712	2,757	10	10	10	10	10	10
Silverthorne Loop	6,365	6,667	6,789	5,307	6,437	7,360	10	10	10	10	10	10
Wildernest Loop	7,358	6,736	6,661	5,495	6,230	7,358	10	10	10	10	10	10
Commuter												
Blue River Commuter	3,526	3,325	1,995	762	531	695	10	10	10	10	10	10
Lake County Commuter	3,221	3,021	3,136	2,412	2,102	2,125	10	10	10	10	10	10
Park County Commuter	4,128	3,333	3,016	2,429	2,176	2,504	10	10	10	10	10	10
Misc. Fixed Route	402	158	452	20	0	0	0	0	0	0	0	0
Paratransit	385	430	555	475	499	475	10	10	10	10	10	10

Year to Date Riders:	February	March	April	May	June	July	August	September	October	November	December	
Town to Town Routes												
Breckenridge-Frisco	53,139	77,822	94,947	112,828	132,120	132,130	132,140	132,150	132,160	132,170	132,180	
Frisco - Silverthorne	35,524	53,665	68,725	84,374	100,161	100,171	100,181	100,191	100,201	100,211	100,221	
<i>Swan Mtn. Express</i>	1,682	2,705	3,118	3,144	3,144	3,154	3,164	3,174	3,184	3,194	3,204	
Town to Resort Routes												
Copper Mountain-Frisco	42,907	66,175	76,600	80,597	84,951	84,961	84,971	84,981	84,991	85,001	85,011	
Keystone-Silverthorne	58,962	88,937	112,028	135,544	162,061	162,071	162,081	162,091	162,101	162,111	162,121	
SMF: Breck-Key	10,225	15,231	17,711	17,919	17,919	17,929	17,939	17,949	17,959	17,969	17,979	
SMF: Key-Abasin	3,200	5,448	6,862	7,093	7,093	7,103	7,113	7,123	7,133	7,143	7,153	
SMF Total	13,425	20,679	24,573	25,012	25,012	25,032	25,052	25,072	25,092	25,112	25,132	
Residential Routes												
Boreas Pass Loop	25,327	36,562	41,719	45,659	51,920	51,930	51,940	51,950	51,960	51,970	51,980	
Purple (Free Ride contract)	21,370	30,970	36,139	39,851	42,608	42,618	42,628	42,638	42,648	42,658	42,668	
Silverthorne Loop	13,032	19,821	25,128	31,565	38,925	38,935	38,945	38,955	38,965	38,975	38,985	
Wildernest Loop	14,094	20,755	26,250	32,480	39,838	39,848	39,858	39,868	39,878	39,888	39,898	
Commuter												
Blue River Commuter	6,851	8,846	9,608	10,139	10,834	10,844	10,854	10,864	10,874	10,884	10,894	
Lake County Commuter	6,242	9,378	11,790	13,892	16,017	16,027	16,037	16,047	16,057	16,067	16,077	
Park County Commuter	7,461	10,477	12,906	15,082	17,586	17,596	17,606	17,616	17,626	17,636	17,646	
Misc. Fixed Route	560	1,012	1,032	1,032	1,032	1,032	1,032	1,032	1,032	1,032	1,032	
Paratransit	815	1,370	1,845	2,344	2,819	2,829	2,839	2,849	2,859	2,869	2,879	2023 Total Riders
												729,928

Misc Fixed Route Jan - ice sculptures; March overflow buses

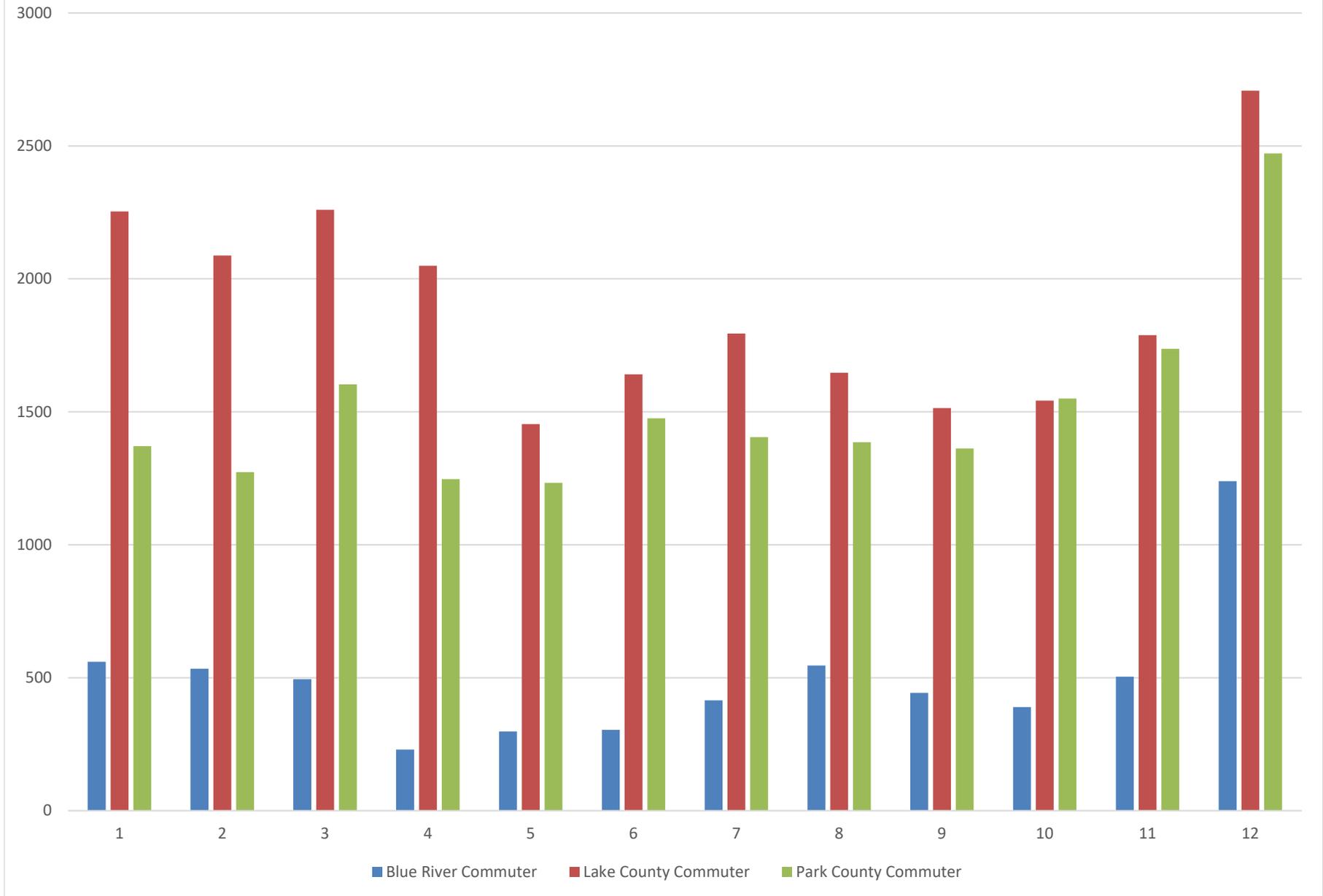
Summit Stage Ridership

Monthly Hours:	January	February	March	April	May	June	July	August	September	October	November	December
Town to Town Routes												
Breckenridge-Frisco	808.6	756.4	808.6	921.7	1240.0	1200.0	1240.0	1240.0	1200.0	1240.0		
Frisco-Silverthorne	496.0	464.0	496.0	482.5	503.8	487.5	503.8	503.8	487.5	503.8		
Swan Mtn. Express	36.2	33.8	36.2	26.8	0.0	0.0	0.0	0.0	0.0	0.0		
Town to Resort Routes												
Copper Mountain-Frisco	699.5	658.5	699.5	715.0	945.5	915.0	945.5	945.5	915.0	945.5		
Keystone-Silverthorne	850.3	795.5	850.3	1072.9	1625.3	1572.9	1625.3	1625.3	1572.9	1625.3		
SMF: Breck-Key	439.2	410.8	439.2	323.8	0.0	0.0	0.0	0.0	0.0	0.0		
SMF: Key-Abasin	198.9	186.1	198.9	145.8	0.0	0.0	0.0	0.0	0.0	0.0		
SMF Total	638.1	596.9	638.1	469.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Residential Routes												
Boreas Pass Loop	392.7	367.3	392.7	446.6	599.3	580.0	599.3	599.3	580.0	599.3		
Purple (Free Ride contract)	542.5	507.5	542.5	520.0	542.5	525.0	527.0	527.0	510.0	527.0		
Silverthorne Loop	303.2	283.6	303.2	353.4	489.2	473.4	489.2	489.2	473.4	489.2		
Wildernest Loop	294.5	275.5	294.5	345.0	480.5	465.0	480.5	480.5	465.0	480.5		
Commuter												
Blue River Commuter	67.2	62.8	67.2	65.0	67.2	65.0	67.2	67.2	65.0	67.2		
Lake County Commuter	390.6	365.4	390.6	378.0	390.6	378.0	390.6	390.6	378.0	390.6		
Park County Commuter	254.2	237.8	254.2	246.0	254.2	246.0	254.2	254.2	246.0	254.2		
Misc. Fixed Route	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Paratransit	396.0	401.0	462.0	411.9	422.7	433.8	0.0	0.0	0.0	0.0	0.0	0.0

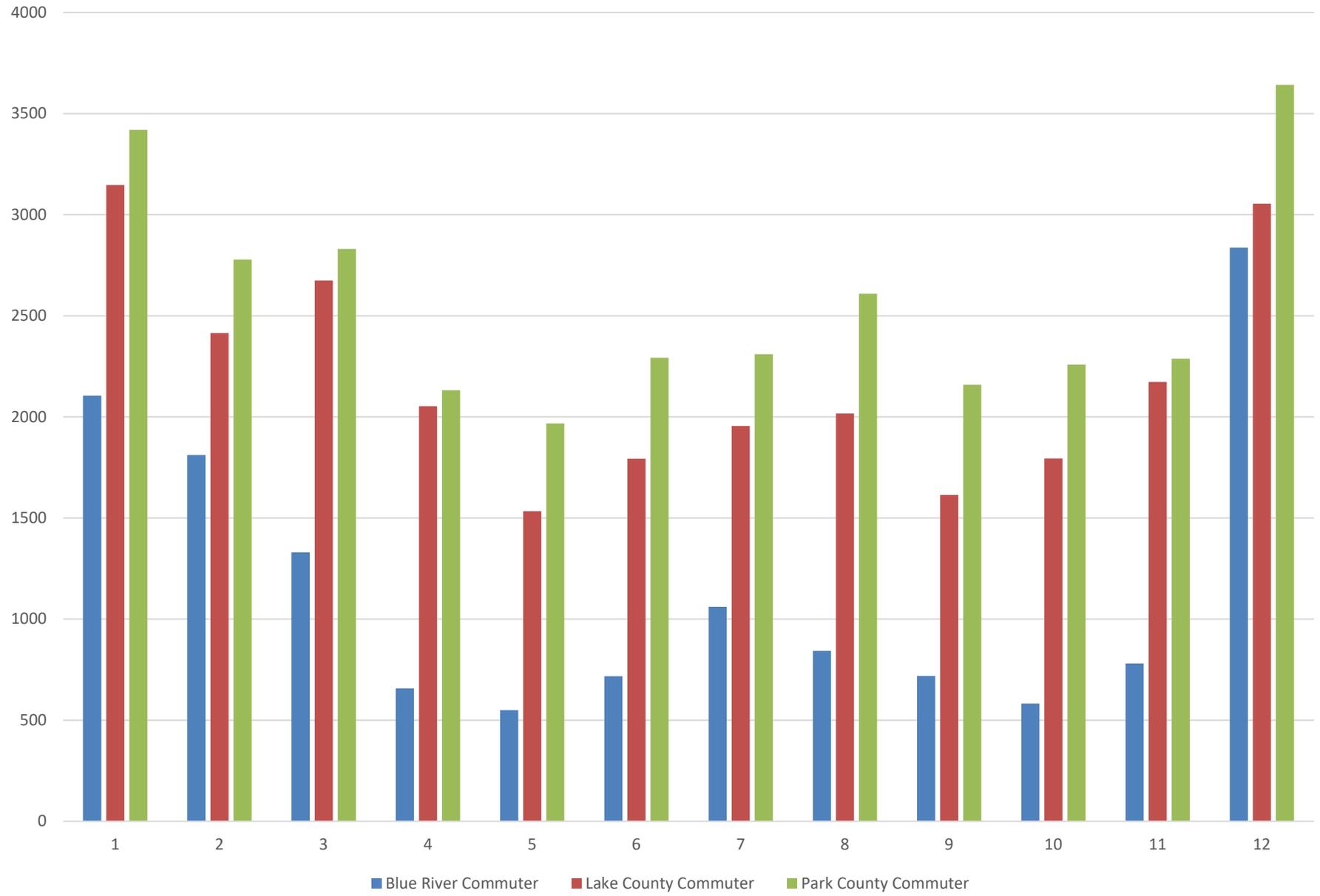
Year to Date Hours:	February	March	April	May	June	July	August	September	October	November	December
Town to Town Routes											
Breckenridge-Frisco	1565.0	2373.6	3295.3	4535.3	5735.3	6975.3	8215.3	9415.3	10655.3	10655.3	10655.3
Frisco - Silverthorne	960.0	1456.0	1938.5	2442.3	2929.8	3433.6	3937.4	4424.9	4928.7	4928.7	4928.7
Swan Mtn. Express	70.0	106.2	133.0	133.0	133.0	133.0	133.0	133.0	133.0	133.0	133.0
Town to Resort Routes											
Copper Mountain-Frisco	1358.0	2057.5	2772.5	3718.0	4633.0	5578.5	6524.0	7439.0	8384.5	8384.5	8384.5
Keystone-Silverthorne	1645.8	2496.1	3569.0	5194.3	6767.2	8392.5	10017.8	11590.7	13216.0	13216.0	13216.0
SMF: Breck-Key	850.0	1289.2	1613.0	1613.0	1613.0	1613.0	1613.0	1613.0	1613.0	1613.0	1613.0
SMF: Key-Abasin	385.0	583.9	729.7	729.7	729.7	729.7	729.7	729.7	729.7	729.7	729.7
SMF Total	1235.0	1873.1	2342.7	2342.7	2342.7	2342.7	2342.7	2342.7	2342.7	2342.7	2342.7
Residential Routes											
Boreas Pass Loop	760.0	1152.7	1599.3	2198.6	2778.6	3377.9	3977.2	4557.2	5156.5	5156.5	5156.5
Purple (Free Ride contract)	1050.0	1592.5	2112.5	2655.0	3180.0	3707.0	4234.0	4744.0	5271.0	5271.0	5271.0
Silverthorne Loop	586.8	890.0	1243.4	1732.6	2206.0	2695.2	3184.4	3657.8	4147.0	4147.0	4147.0
Wildernest Loop	570.0	864.5	1209.5	1690.0	2155.0	2635.5	3116.0	3581.0	4061.5	4061.5	4061.5
Commuter											
Blue River Commuter	130.0	197.2	262.2	329.4	394.4	461.6	528.8	593.8	661.0	661.0	661.0
Lake County Commuter	756.0	1146.6	1524.6	1915.2	2293.2	2683.8	3074.4	3452.4	3843.0	3843.0	3843.0
Park County Commuter	492.0	746.2	992.2	1246.4	1492.4	1746.6	2000.8	2246.8	2501.0	2501.0	2501.0
Misc. Fixed Route	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Paratransit	797.0	1259.0	1721.0	2143.7	2577.5	2577.5	2577.5	2577.5	2577.5	2577.5	2577.5
											2023 Total Hours
											67745.7

Misc Fixed Route Jan - Ice sculptures; April & May Students to Silco; June BBQ

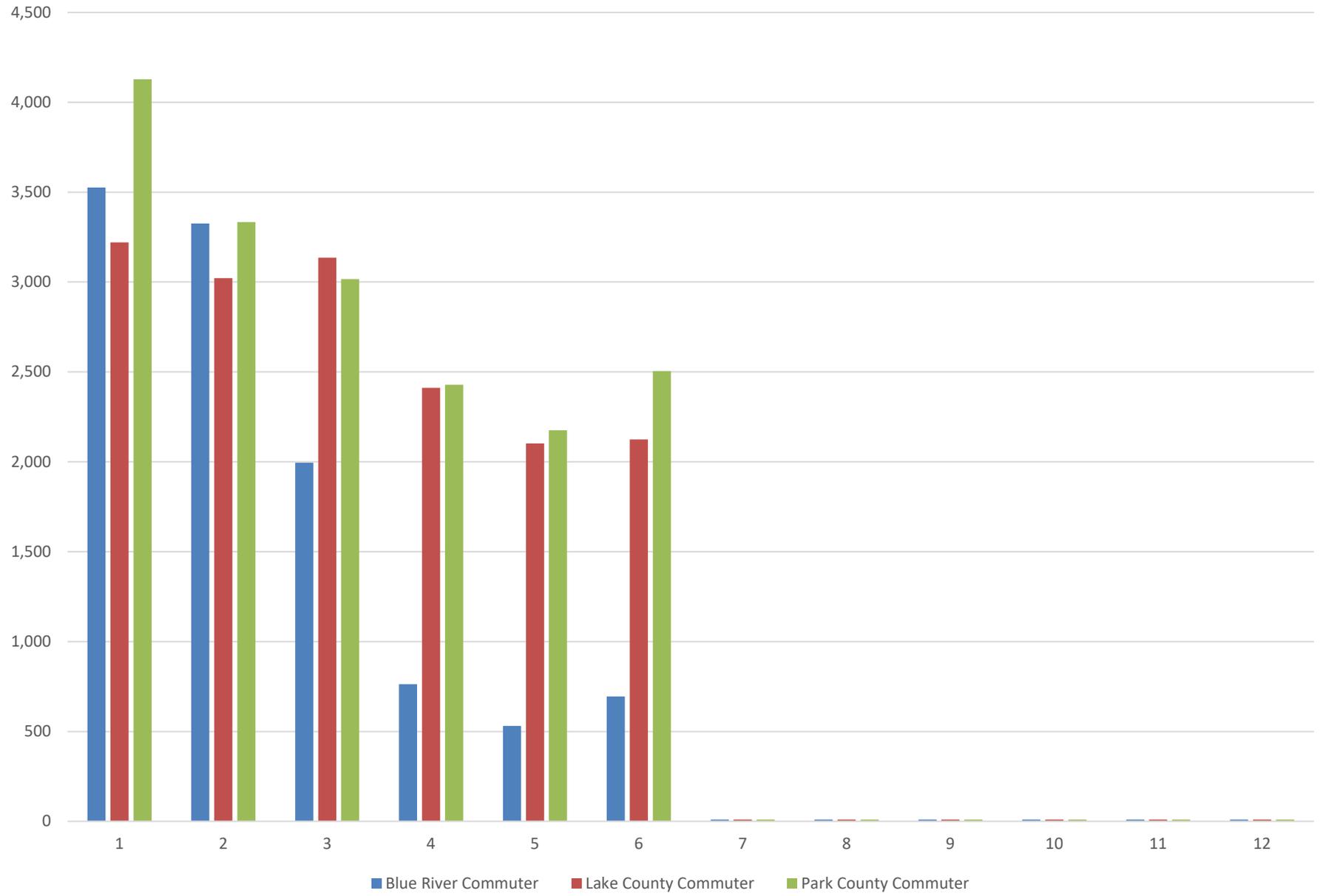
Lake County, Blue River & Park County 2022



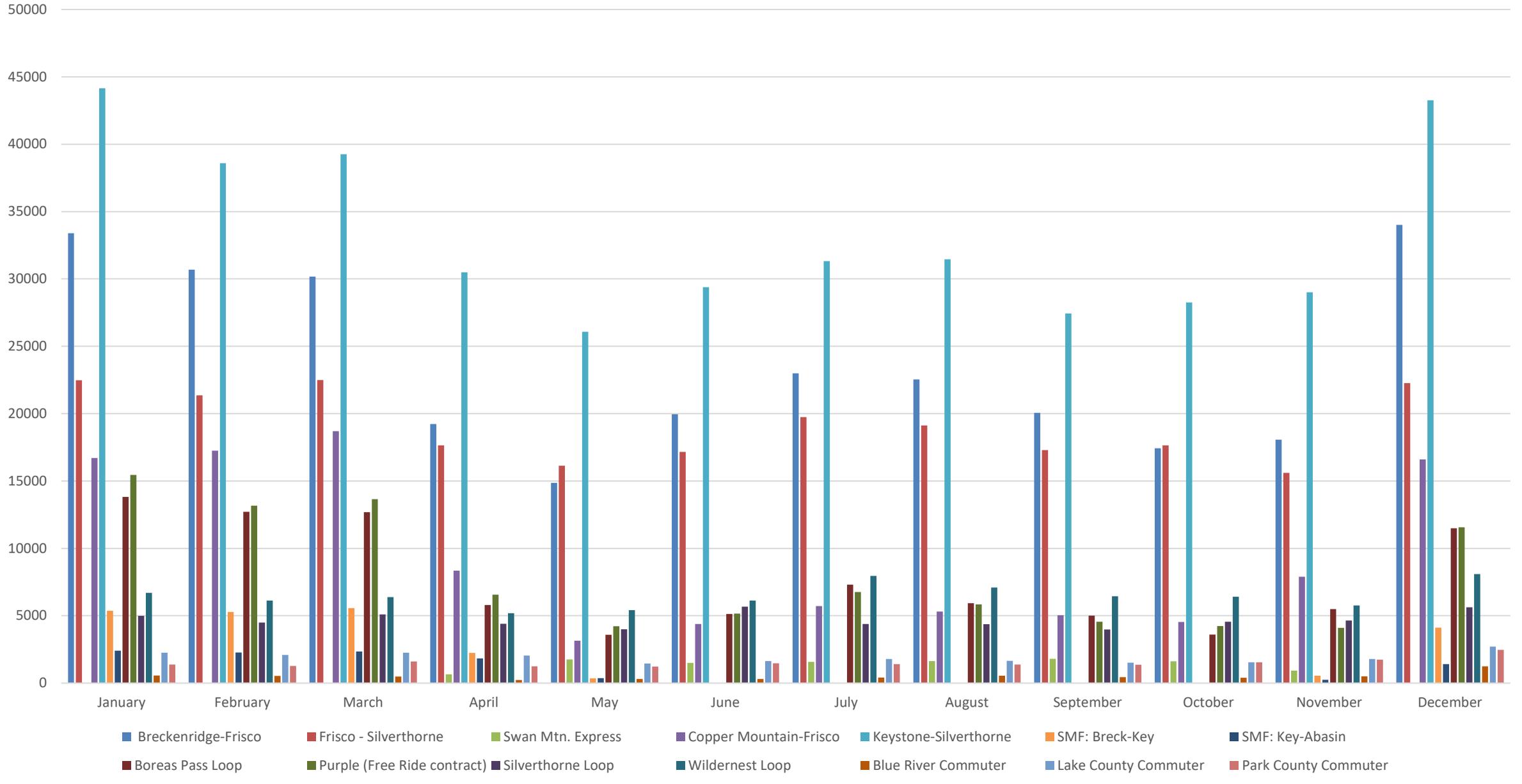
Lake County, Blue River & Park County 2023



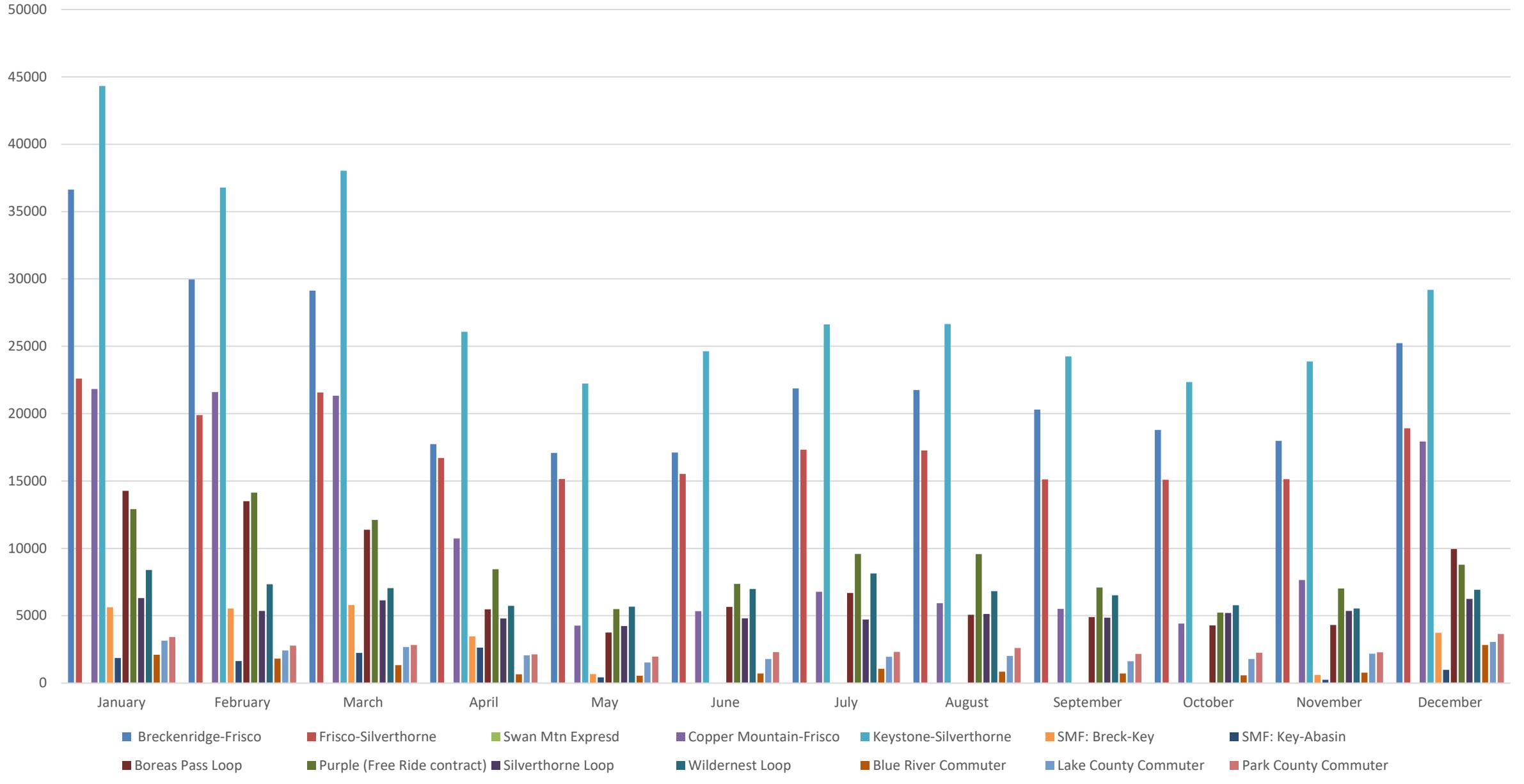
Lake County, Blue River & Park County 2024



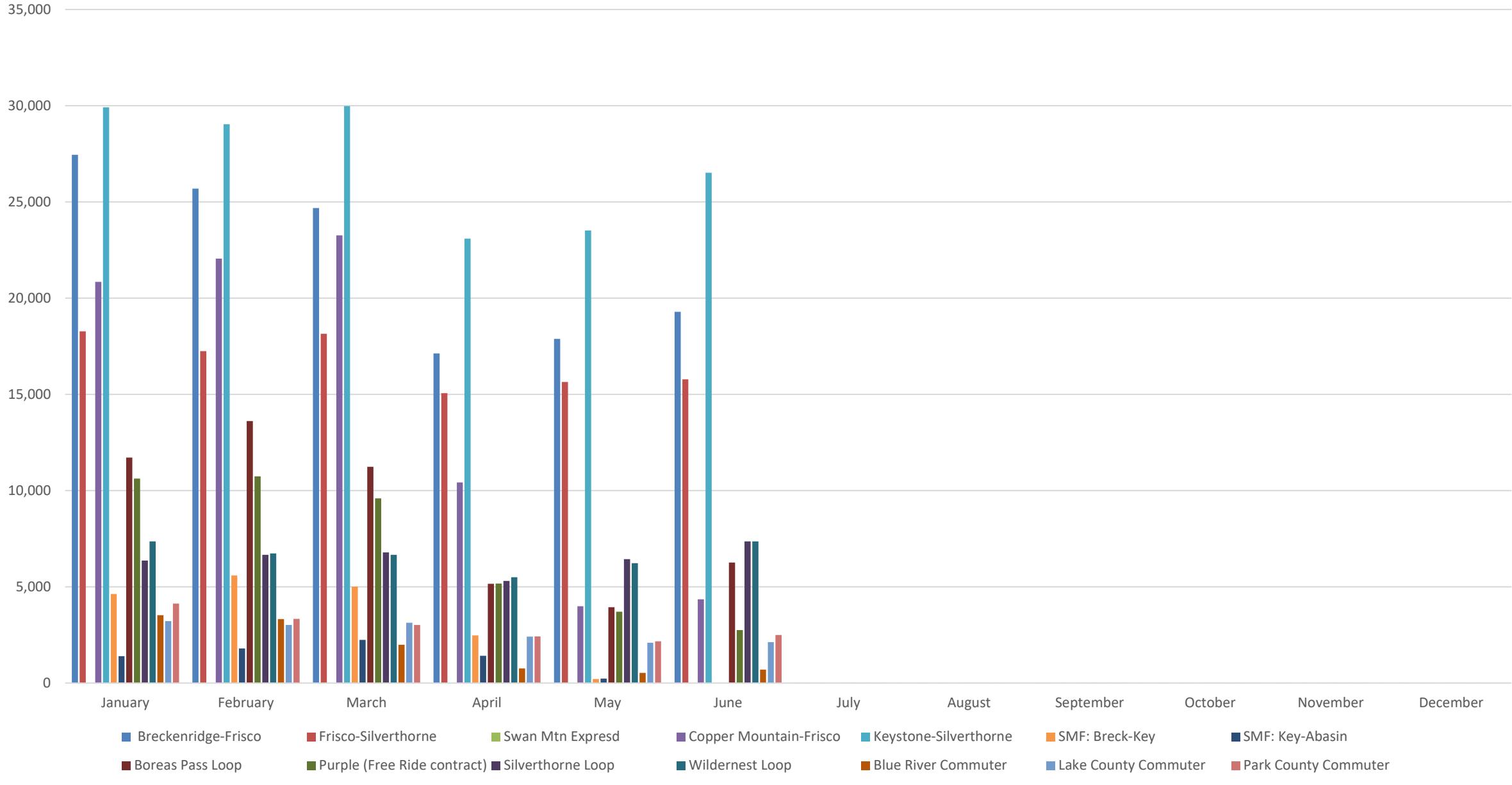
Monthly Comparison 2022



Monthly Comparison 2023



Monthly Comparison 2024



Summit Stage Transit
Statement of Operating Revenue and Expenses
Year to date as of June 30, 2024

Current Year (2024)

Previous Year (2023)

ACCOUNT DESCRIPTION	REVISED BUDGET	YTD EXPENDED	AVAILABLE BUDGET	% USED	REVISED BUDGET	YTD EXPENDED	AVAILABLE BUDGET	% USED
MASS TRANSIT TAX	(19,300,000)	(8,680,010)	(10,619,990)	45%	(19,300,000)	(9,885,695)	(9,414,305)	51%
TREASURER'S FEES	175,000	50,421	124,579	29%	175,000	40,559	134,442	23%
TRANSP SVC REV - LAKE	(270,000)	(71,734)	(198,266)	27%	(55,000)	(44,544)	(10,456)	81%
TRANSP SVC REV-PARK	(100,000)	(100,000)	-	100%	-	-	-	-
GRANT REVENUE	(38,315,993)	(663,481)	(37,652,512)	2%	(36,461,056)	(697,871)	(35,763,185)	2%
ADVERTISING FEES	(100,000)	(108,946)	8,946	109%	(100,000)	(53,574)	(46,426)	54%
FARE REVENUE-LAKE	-	-	-	-	-	-	-	-
FARE REVENUE-PARK	-	-	-	-	-	-	-	-
SALE OF ASSETS	-	(2,856)	2,856	-	-	-	-	-
MISC REVENUE	-	-	-	-	-	-	-	-
RENTAL INCOME	(21,303)	-	(21,303)	0%	(21,303)	-	(21,303)	0%
INTEREST REVENUE	(300,000)	(640,608)	340,608	214%	(40,000)	-	(40,000)	0%
Revenue Total	(58,232,296)	(10,217,213)	(48,015,083)	18%	(55,802,359)	(10,641,126)	(45,161,233)	19%
SALARY REGULAR	5,761,571	2,999,042	2,762,529	52%	5,299,508	2,787,337	2,512,171	53%
SALARY TEMPORARY	50,000	35,555	14,445	71%	25,000	28,955	(3,955)	116%
TRAINING PAY	10,000	8,704	1,296	87%	8,000	6,060	1,941	76%
VEHICLE ALLOWANCE	-	-	-	-	-	-	-	-
CRISP	687,840	340,764	347,076	50%	634,881	327,044	307,837	52%
RETIREMENT	172,247	84,747	87,500	49%	158,985	80,513	78,472	51%
HEALTH INSURANCE	594,175	233,934	360,241	39%	1,851,288	643,395	1,207,893	35%
MEDICARE TAX	83,543	49,255	34,288	59%	76,843	45,050	31,793	59%
UNEMPLOYMENT TAX	11,523	6,778	4,745	59%	10,599	6,176	4,423	58%
WORKMENS COMP	300,000	143,240	156,760	48%	343,816	203,933	139,883	59%
EMPLOYER 457 DEF COMP	34,449	16,949	17,500	49%	31,797	16,101	15,696	51%
OVERTIME	460,000	377,533	82,467	82%	460,000	293,538	166,462	64%
PAYROLL REIMBURSEMENT	-	-	-	-	-	-	-	-
Labor Total	8,165,348	4,296,501	3,868,847	53%	8,900,717	4,438,100	4,462,617	50%
OFFICE SUPPLIES	10,000	4,361	5,639	44%	8,000	8,567	(567)	107%
ADMINISTRATION	812,535	812,535	-	100%	586,856	568,856	18,000	97%
PROFESSIONAL ASSISTANCE	332,000	215,264	116,736	65%	232,000	115,315	116,685	50%
TELEPHONE	10,000	4,468	5,532	45%	6,800	12,116	(5,316)	178%
POSTAGE/FREIGHT	-	19	(19)	0%	600	16	584	3%
ADVERTISING/LEGAL NOTICES	60,000	30,912	29,088	52%	60,000	35,081	24,919	58%
PRINTING	11,000	344	10,656	3%	11,000	2,064	8,936	19%
Administration/Office Total	1,235,535	1,067,903	167,632	86%	905,256	742,015	163,241	82%
BUILDINGS	46,568,000	1,982,389	44,585,611	4%	44,500,000	166,984	44,333,016	0%
IMPR OTHER THAN BLDGS	-	1,448	(1,448)	-	-	64,489	(64,489)	-
BUSES/TRANSIT EQUIP	6,171,280	340,216	5,831,064	6%	7,618,719	1,006,662	6,612,057	13%
Capital and Fleet Replacement Total	52,739,280	2,324,053	50,415,227	4%	52,118,719	1,238,135	50,880,584	2%
BUILDING REPAIRS	45,000	18,378	26,622	41%	35,000	28,692	6,308	82%
BUS STOPS	20,000	-	20,000	0%	12,000	7,948	4,052	66%
EQUIPMENT REPAIRS	15,000	394	14,606	3%	24,000	13,850	10,150	58%
FUEL, OIL & ANTIFREEZE	770,986	451,749	319,237	59%	770,986	414,147	356,839	54%
MAINTENANCE CONTRACTS	230,000	86,560	143,440	38%	100,000	78,739	21,261	79%
OPERATING SUPPLIES	55,000	45,461	9,539	83%	45,000	27,284	17,716	61%
PURCHASED TRANSPORTATION	497,760	316,893	180,867	64%	497,760	248,522	249,238	50%
RENTAL PAYMENTS	7,200	4,317	2,883	60%	7,200	4,200	3,000	58%
REPAIR & MAINTENANCE	2,400,000	1,309,207	1,090,793	55%	1,900,000	996,238	903,762	52%
ROAD SAND & SALT	1,000	-	1,000	0%	2,000	-	2,000	0%
UTILITIES	200,000	65,441	134,559	33%	120,000	86,597	33,403	72%
Operation and Maintenance Total	4,241,946	2,298,400	1,943,546	54%	3,513,946	1,906,217	1,607,729	54%
SAFETY	5,000	6,483	(1,483)	130%	5,000	2,457	2,543	49%
INSURANCE/BONDS	150,000	-	150,000	0%	150,000	212,139	(62,139)	141%
Safety and Insurance Total	155,000	6,483	148,517	4%	155,000	214,596	(59,596)	138%
DUES & MEETINGS	30,500	22,048	8,452	72%	30,500	26,833	3,667	88%
EDUCATION & TRAINING	10,000	5,957	4,043	60%	10,000	2,964	7,036	30%
EMPLOYEE RECOGNITION	20,000	10,162	9,838	51%	15,850	7,934	7,916	50%
TRAVEL/TRANSPORTATION	10,000	9,788	212	98%	10,000	8,102	1,898	81%
UNIFORM ALLOWANCE	17,000	6,861	10,139	40%	15,000	8,113	6,887	54%
Uniforms, Training and Recognition Total	87,500	54,816	32,684	63%	81,350	53,946	27,404	66%
Revenue Total	(58,232,296)	(10,217,213)	(48,015,083)	18%	(55,802,359)	(10,641,126)	(45,161,233)	19%
Expenses Total	13,885,329	7,724,103	6,161,226	56%	13,556,269	7,354,874	6,201,395	54%
Grand Total		(2,493,109)				(3,286,252)		
Capital and Fleet Replacement Total	52,739,280	2,324,053	50,415,227	4%	52,118,719	1,238,135	50,880,584	2%
Estimated Ending Fund Balance	34,962,919							
Effect on Fund Balance This Period	(169,056)							

Sales Tax Report, Summit County Colorado, May 30, 2024

All,

We are pleased to release the sales tax data for May 2024. May is historically our lowest collection month, roughly a third of a peak collection month such as March. Similar to April, we saw a slight decrease in May sales tax collections. Sales tax collections for the month were down 3.1% compared to 2023, however year to date 2024 collections still exceed 2023 by 1.3% thanks to the positive growth in the early Spring. The county passed through approximately \$101k of the \$462k total May collections (21.8%) onto the new Town of Keystone. After the Keystone distribution, the county has realized a decrease of 24.2% in net collections for the month of May compared to 2023. This was an anticipated and budgeted decrease and within our expectations.

Mass transit tax collections for the month were flat compared to 2023, with year to date 2024 collections also flat compared to 2023. Unlike sales tax, all mass transit collections are fully retained by the county. We will continue to monitor this activity closely for the remainder of the year.

A few highlights:

Sales Tax

- Sales tax collections for the month of \$462,289 are 3.1% less than May 2023.
- Utilities tax collections of \$72,542 are 7.7% less than May 2023.
- Short term rental sales taxes of \$82,115 account for about 1/6 of the total and are flat compared to May 2023.

Mass Transit Tax

- Mass transit tax collections for the month of \$945,629 were flat compared to May 2023.
- Restaurants and bars sales taxes of \$96,437 are 8.2% less than May 2023.
- Short term rental mass transit taxes of \$103,233 are 2.0% ahead of May 2023.

Out of State (Online)

- Sales taxes from out of state vendors amounted to \$49,169 for the month, down 36.3% from May 2023.
- Mass transit taxes from out of state vendors were \$78,718 for the month, down 8.4% from May 2023.

Sales Tax Report, Summit County Colorado, May 30, 2024

June 2024 sales tax and Quarter 2 lodging tax results will be released in early August. June is the last month the county will receive and pass through collections to the Town of Keystone. For future periods, the State of Colorado will pay the Town of Keystone directly.

Please follow the link below to view the report in its entirety.

<https://1drv.ms/x/s!Al-ZoUx1ldXzwCq03i4bDrfQlmw9?e=V5XMfj>

**Swan Meadow Temporary Shuttle Ridership
2024**

	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
1		15	19	15	9					
2		19	17	4	15					
3		18	18	7	8					
4		15	19	8	17					
5		25	8	18	18					
6		27	22	16	27					
7		17	29	21	18					
8		27	16	19	21					
9		5	19	5	9					
10		7	23	3	16					
11		19	28	17	15					
12		19	19	14	22					
13		26	17	16	25					
14		20	15	21	6					
15		23	5	17	18					
16		32	9	8	15					
17	25	17	15	19	5					
18		15	23	7	3					
19		9	4	5	2					
20		27	14	18	4					
21		5	19	12	5					
22		23	17	24	7					
23		27	12	7						
24	25	18	11	8						
25		16	21	16						
26		17	5	19						
27		14	3	11						
28		5	8	21						
29		17	15	23						
30		23	18	19						
31	35		19							
Total	85	547	487	418	285	0	0	0	0	0
Avg/day	5.67	18.23	15.71	13.93	12.95					

Monthly cost	23320.94	43557.8	42,684.35	44020.03	
Cost/rider	274.364	79.63035	87.64754	105.3111	0



JULY 2024

UPDATES & PLANNING SESSION

Regional Transit Authority (RTA):

- Currently identifying potential members of a future Formation Committee
- Two informal meetings have occurred
 - April 24th
 - May 30th
- Bill Ray (consultant) joined the second meeting and we discussed potential timelines.

August - September 2024

Continue informal meetings

September 2024

Identify Formation Committee and begin formal meetings

December 2024

Forecast costs and sign MOU

January 2025

Hire consultant and attorney

May 2025 – November 2026

PR and Information Campaign

July 2026 – November 2026

Draft and finalize IGA

November 2026

Ballot and voting

December 2026

Sign IGA and submit to state for approval

January 2027

Begin RTA board meetings and administrative set up

Summit County Resources Trifold:

- Has been updated by the Summit County Communications Team.
- Posted in buses, in the road supervisor vehicles and given to the security guards.

HOUSING

Apartments for Rent

BRECKENRIDGE

Vista Verde
970-423-1015
altaverdeapartments.com

Fortunato Properties
970-389-7418
fortunatoproperties.com

Pinewood Apartments
970-547-4433

DILLON

Mountain Creek Apartments
970-468-9047
mountaincreekaptsdillon@gmail.com

FRISCO

Alpine Inn
970-406-1798
rentalpineinn.com

KEYSTONE

Wintergreen
wintergreenatkeystone.com

SILVERTHORNE

Catholic Charities: Sierra Madre
970-262-2354
970-468-9318

580 Silverthorne Lane
580silverthornelane.com

HOUSING

Other Resources

Colorado Housing Connects
1-844-926-6632
coloradohousingconnects.org

Unsheltered Summit Safe Parking Program

970-485-4579
unshelteredsummit@gmail.com

- Community resource supporting vehicle dwellers with safe spaces to park and sleep

SUMMIT FIR C

Family and Intercultural Resource Center

970-262-3888

summitfirc.org

251 W 4th Street

Silverthorne, CO 80498

- Mon & Tues: 9:00 a.m.-5:00 p.m.
- Wed: CLOSED
- Thurs: 9:00 a.m.-5:00 p.m.
- Fri, Sat, Sun: CLOSED
- Free resources for local families and individuals including food pantry, support groups, financial education and rent assistance.



RESOURCES

Food, healthcare,
legal and housing
resources for our
community



WEEKLY FOOD CALENDAR

MONDAY

10:00 a.m.-2:00 p.m.

Marisol Family

- Diapers, formula, baby clothes
- 325 Lake Dillon Drive #204
- 720-584-0299

4:30 p.m.-6:00 p.m.

Dillon Community Church

- Food pantry
- 371 La Bonte St. Dillon, CO

TUESDAY

10:00 a.m.-12:00 p.m.

Father Dyer Methodist Church

- Food pantry
- 310 Wellington St., Breckenridge

11:00 a.m.-6:00 p.m.

FIRC Online Food Market

5:00 p.m.-7:00 p.m.

Elks Lodge

- Community Dinner
- 1321 Blue River Pkwy., Silverthorne

5:00 p.m.-6:30 p.m.

St. John's

- Community Dinner
- 100 S. French St., Breckenridge

WEDNESDAY

12:00 p.m.-6:00 p.m.

FIRC Online Food Market

1:00 p.m.-5:00 p.m.

Marisol Family

- Diapers, formula, baby clothes

4:30 p.m.-5:30 p.m.

Dillon Community Church

- Food pantry

THURSDAY

10:00 a.m.-12:00 p.m.

Father Dyer Methodist Church

- Food pantry

4:30 p.m.-5:30 p.m.

Dillon Community Church

- Food pantry

FRIDAY

12:00 p.m.-1:30 p.m.

Dillon Community Church

- Food pantry

SUNDAY

6:00 p.m.-7:00 p.m.

Father Dyer Methodist Church

- Community Dinner

OTHER FOOD SERVICES

Food Bank of the Rockies

4th Thursday of the month

10:00 a.m.-12:00 p.m.

- 0222 County Shops Rd., Frisco

Meals on Wheels

- 970-668-2940

Smart Bellies (for students)

Weekend food delivery

- smartbellies.org

SNAP (Supplemental Nutrition Assistance Program)

- cdhs.colorado.gov/snap
- 970-668-9161

LEGAL AID

Colorado legal advice for Senior (60+) and low-income individuals

1-800-521-6968

720-343-4858

- First Thursday of every month
- 4:30 p.m. - 6:00 p.m.

TRANSPORT

Free transportation to medical appointments

970-668-2940

- To appointments within Summit County, Eagle County or Denver.
- Must sign up two weeks in advance.

WORK

Mountain Temp

970-468-0402

Summit Daily News Classifieds

summitdaily.com

Team Temp

970-262-2378

Transit to Trails:

- Signboards at trail heads have gotten approx. 380 QR code scans for June & July.
- Transit access should be up & running in COTREX in Sept.



Increased Connections Going “Across” the County “Xflyer”:

- Silverthorne/Dillon Connected to Breckenridge
- Frisco Connected to Keystone/A Basin
- More Frequent Service Between Breckenridge and Keystone/A Basin
- We’re still assessing resources to implement the XFlyer this winter – it requires approx. 8 more drivers than the normal SMF.
- We’ll make a decision around the end of Aug based on the # of drivers we have.

Fairplay/Blue River:

- This past winter our drivers had a very challenging time staying on schedule with more than usual delays on Hoosier Pass. We propose a slight change in the length of time allotted for each trip.
- Will make the headway times more consistent.
- We started the Park County Commuter with a 25' bus and we continually upgraded to 30' and 35' and now, 40' buses on this route.

Fairplay/Blue River:

- In addition, based on ridership numbers from Jan, Feb & March, we can consolidate a few of the Blue River & Fairplay routes to be more efficient.

Times in black are 2024 Summer times

Times in pink are proposed 24-25 Winter times

Park County Commuter		
NORTHBOUND Travel		
Timetable for: Fairplay to Breckenridge		
	Main & Ninth, Fairplay (South)	Arrive Breck Station
AM	0640	0718
	0740	0818
PM	1225	1303
	1355	1433
	1855	1933
	2225	2303

Park County Commuter		
SOUTHBOUND Travel		
Timetable for: Breckenridge to Fairplay		
	Breckenridge Station	Pull into Parking Area
AM	1145	1220
PM	1315	1350
	1715	1750
	1815	1850
	2145	2220
	2315	2350

Park County Commuter		
NORTHBOUND Travel		
Timetable for: Fairplay to Breckenridge		
	Main & Ninth, Fairplay (South)	Arrive Breck Station
AM	0645	0730
	0745	0830
PM	1245	1345
	1445	1545
	1815	1915
	2145	2245

Park County Commuter		
SOUTHBOUND Travel		
Timetable for: Breckenridge to Fairplay		
	Breckenridge Station	Pull into Parking Area
AM	1145	1245
PM	1345	1445
	1715	1815
	1815	1915
	2045	2145
	2245	2345

Times in black are 2024 Summer times

Times in pink are proposed 24-25 Winter times

BLUE RIVER COMMUTER		
SOUTHBOUND Travel		
Timetable for: Breck to Blue River/Quandary		
	Breckenridge Station	Blue River Quandary Road
AM	0730	0740
	0830	0840
	1145	1155
PM	1315	1325
	1710	1720
	1715	1725
	1745	1755
	1815	1825
	2015	2025
	2145	2155
	2315	2325

BLUE RIVER COMMUTER		
NORTHBOUND Travel		
Timetable for: Blue River/Quandary to Breck		
	Blue River Quandary Road	Arrive Breck Station
AM	0707	0718
	0745	0756
	0807	0818
	0845	0856
PM	1252	1303
	1422	1433
	1725	1736
	1800	1811
	1922	1933
	2030	2041
	2252	2303

BLUE RIVER COMMUTER		
SOUTHBOUND Travel		
Timetable for: Breck to Blue River/Quandary		
	Breckenridge Station	Blue River Quandary Road
AM	0645	0655
	1145	1155
PM	1345	1355
	1630	1640
	1715	1725
	1815	1825
	2045	2055
	2245	2255

BLUE RIVER COMMUTER		
NORTHBOUND Travel		
Timetable for: Blue River/Quandary to Breck		
	Blue River Quandary Road	Arrive Breck Station
AM	0812	0845
PM	1312	1345
	1512	1545
	1640	1715
	1842	1915
	2212	2245

Blue River/ Fairplay/Alma Ridership

Pulled dates where the combined ridership was over 250 per day

	Day of the week	0645		0730	Total	0745		0830	Total
		FP/Alma	Bl River	Bl River	0645 & 0730	FP/Alma	Bl River	Bl River	0745 & 0830
12/16/2023	Sat	12	21	4	37	23	5	14	42
12/23/2023	Sat	29	18	7	54	20	6	9	35
12/30/2023	Sat	6	21	4	31	37	5	15	57
12/31/2023	Sun	37	0	3	40	16	15	13	44
1/4/2024	Thu	29	29	5	63	20	5	10	35
1/6/2024	Sat	32	32	6	70	23	0	11	34
1/11/2024	Thu	38	19	9	66	28	5	7	40
1/12/2024	Fr	19	29	5	53	26	4	12	42
1/13/2024	Sat	16	35	6	57	18	2	1	21
1/18/2024	Thu	48	1	7	56	29	1	0	30
1/19/2024	Fri	43	5	2	50	44	6	12	62
1/20/2024	Sat	12	41	7	60	15	7	10	32
1/21/2024	Sun	21	24	4	49	23	20	21	64
1/26/2024	Fri	24	0	10	34	24	1	6	31
1/27/2024	Sat	17	25	2	44	17	1	8	26
1/28/2024	Sun	27	17	3	47	17	12	10	39
1/31/2024	Wed	28	13	16	57	36	0	8	44
2/7/2024	Wed	21	15	10	46	29	2	4	35
2/16/2024	Fri	30	16	10	56	33	5	18	56
2/17/2024	Sat	26	20	7	53	25	8	10	43
2/18/2024	Sun	24	14	8	46	22	18	18	58
2/29/2024	Thu	24	17	19	26	26	1	6	33
3/12/2024	Tues	25	10	12	47	34	0	6	40

Powder Day

Monthly Totals/Averages

	Blue River				Fairplay/Alma			
	Min/day	Max/day	Avg/day	10/trips/day; Avg/trip	Min/day	Max/day	Avg/day	12/trips/day; Avg/trip
Jan 24	63	242	113	11.3	63	212	133	11.1
Feb 24	63	185	114	11.4	71	194	114.9	9.6
Mar 24	32	126	64.4	6.4	62	160	97.3	8.1

Proterra Buses:

- Discuss Long-Term Plan.

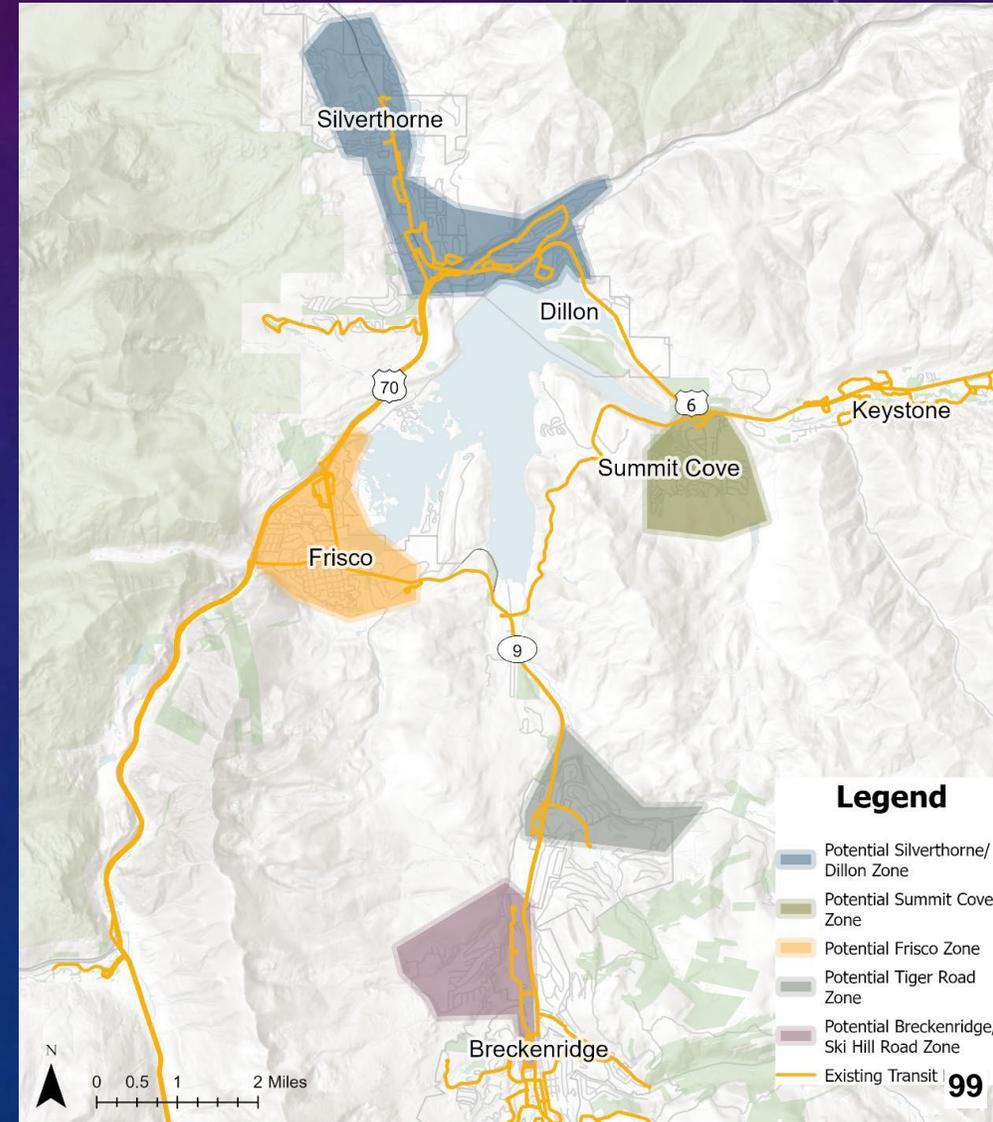


Microtransit Pilot Operator – Update on Selection Process

- Committee interviewed all 3 companies – River North Transit (Via), Downtowner & Z Trip/Ride Co.
- We went with Via and started negotiations with them on July 8.
- While we negotiate the contract, there are numerous items that we would like your feedback on for helping us design our microtransit pilot with Via.

Microtransit Pilot:

- We're aiming for a pilot of 3 zones; we will work with Via to come up with the best areas to focus on.
- Fehr & Peers suggested 5 pilot zones; we're *initially* thinking Frisco, Breck & Dillon Valley.
- Affect the greatest number of residents including underserved.



Microtransit Pilot:

- We're considering matching or exceeding the operating times of our buses. Currently, 6am to 1am.
- # of vehicles would ramp up in the early morning and ramp down in the late evening.
- We have pulled our ridership #s from Jan, Feb & March for late night service and it appears that microtransit could some day replace fixed routes after midnight. We'll discuss this with Via and look into it for the future.

Microtransit Pilot:

- How long of a wait is acceptable for a microtransit rider? Industry standard, 15 to 20min.
- How long of a walk is acceptable? Industry standard, ¼ mile. Do we shorten it in the winter?
- How to address “no shows.” Track incidences and prohibit repeat offenders or charge small fares.
- Should pets be allowed? Pets are currently allowed on our buses.

Name Exercise: Microtransit Pilot Service:

- Ideas
 - Summit Flex
 - Summit Buggy
 - Summit Carriage
 - Summit Flash
 - Summit Connect

Summit
Connect



Summit Flash ↗

Summit
↘
Flex



Memo

To: Breckenridge Town Council Members
From: Aubrey Ciol, Grants Administrator
Date: 7/31/2024 (For August 13th—TC Work Session)
Subject: Grants Update

The Town of Breckenridge Grants Administrator is providing an update on the status of grant submissions, opportunities, and challenges. The Grants Committee continues to meet monthly and will be working on developing a draft procurement policy for the Town in the coming months.

Recently, the Town was awarded two grants from the Department of Local Affairs (DOLA) through the Energy/Mineral Impact Assistance Fund (EIAF). One grant, amounting to \$1,980,557 through the More Housing Now initiative, will be used for infrastructure for the Runway Housing Development. The other, a Tier II award of \$1,000,000, will be allocated for upgrades to commercial and residential water meters.

Additionally, the Town received a grant from Resource Central to participate in the Transformative Landscape Change Challenge. This program helps communities adopt water-wise landscapes by transforming publicly owned, highly visible areas from turf to low-maintenance perennial plants. Parks Assistant Manager Kyle Gilmore will be collaborating with Resource Central to execute this project in August on a piece of land located between the train and ice rink entrance, with assistance from High Country Conservation.

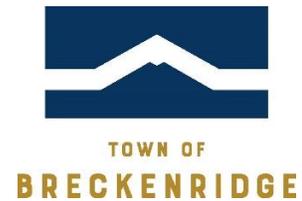
The attached PDF shows the grants applied for thus far in 2024, and grants currently in progress.

Staff will be available at the August 13th work session to answer any questions.

2024 Town of Breckenridge Grant Submission and Status

Organization	Project	Status	Request	Award
Colorado Statewide Internet Portal Authority (SIPA)	ChatBot Funding for Website	Pending Notice	\$57,200	TBD
Colorado Energy Office (CEO)	Energy Code Adoption Capacity Building	Not Awarded	\$117,250	N/A
Department of Local Affairs (DOLA)	Water Meter Upgrades	Awarded	\$1,000,000	\$1,000,000
DOLA	Runway Infrastructure	Awarded	\$1,980.557	\$1,980.557
Federal Transit Administration (FTA)	Breck Transit Center	Not Awarded	\$3,577,320	N/A

*Please note this list does not include grants currently in process



Memo

To: Breckenridge Town Council Members
From: Jon Dorr, Assistant Director of Recreation
Date: 8/7/2024
Subject: Breckenridge Events Committee

The Breckenridge Events Committee met on August 7, 2024. Below you will find the meeting minutes and a link to the SEPA calendar. Event details and logistics were shared of Breck Bike Week, Breck Epic, BIFA, and Oktoberfest. Additionally, a 4th of July sub committee will be created to examine the potential for an evening drone show on July 4th in 2025. There are no additional items of note.

Minutes
Breckenridge Events Committee
Wednesday, Aug 7 2024
Right event, right time, right result

Attending: Jeff Edwards, Marika Page, Shannon Haynes, Jon Dorr, Tony Cooper, Neal Kerr, Dave Feller, Cait McCluskie

Guests: Sarah Wetmore, Majai Bailey, Bill Wishowski, Mike McCormack, Hayden Van Andel, Mike Shipley

- I. **Jeff called the meeting to order at 9:01 am.**
 - a **Committee Chair took roll call.**
 - b **A motion was made to approve the July 10, 2024 meeting minutes.**
 - **M/S/P**

- II. **Upcoming Events** – The committee reviewed upcoming events without concerns.
 - a **8.12-15.24 [Breck Bike Week](#) – *collaboration with Breck Epic.*** *Driven by public comment around desire for more community focused events. The goal is to engage locals as well as visitors to celebrate Breckenridge's rich cycling community.*
 - Activations will include bike demos, an expo area in the RWC parking lot, a Women's Cycling Summit, the Ritual Film Festival (showing their latest mountain bike film), and Dredge Pond Crossing. The event will also host the Epic Creator Workshop, a how-to manual for young filmmakers, photographers, and athlete ambassadors.
 - b **8.11-16.24 [Breck Epic](#)**
 - 16th year of event. McCormack gave an overview of 2024 programming. Currently registrants represent 23 countries and 39 different states. Currently 63 pro women entered which is a national record, possibly even a world record for pro women mountain bikers. 2nd year of holding the Women's Cycling Summit.

- The BEC reviewed Breck Epic's Fee Waiver Request. Committee members unanimously agreed with supporting the SEPA Group's recommendation of waiving camping and lot use fee for the event as those fees do not go toward covering the cost of Town Services again in 2024. The event will still be responsible for fees that go directly to covering the costs of Town Services. Next step will be review and approval by the Town Manager.
- c **8.16-25.24 [BIFA](#)**
 - The Breckenridge International Festival of Arts (BIFA) is a 10-day celebration of adventure, creativity, nature, and play. Featuring an eclectic mix of music, dance, film, visual arts, and family entertainment, the festival showcases local, national, and international artists.
 - Two Anchor Events of programming – Led by trendsetter jazz pianist Jason Moran, athletes and artists dive deep into the fusion of music and skateboarding inside riverwalk center.
 - Jason Moran + The Bandwagon, Finding a Line: Skateboarding, Music + Media (fusion of music and skateboarding inside RWC).
 - Jaso Moran plays Duke Ellington inside RWC
- d **8.22-24.24 [Breckenridge Wine Classic @ Beaver Run](#)**
 - All-inclusive wine-tasting festival featuring live music and delectable bites at Beaver Run. Also collaborating with several local Breckenridge Restaurants to host pairing events throughout town.
- e **8.30-9.1.24 [Breckenridge Hogfest: Bacon & Bourbon @ Main Street Station](#)**
- f **8.31-9.2.24 [49th Annual Gathering @ Great Divide Art Festival @ CMC Parking Lot](#)**
- g **8.31.24 [Great Rubber Duck Race](#)**
 - Planning for a very similar activation as prior years with some small logistical adjustments.
- h **9.13-15.24 [Oktoberfest](#)**
 - Planning for the same footprint as last year on Main Street with Breck Brewery as the presenting sponsor. Steins will be sold out of RWC again.
 - Replacing beer tokens with RFID wristbands & replacing aluminum cups with the RCup program.
 - Locals Food Drive in partnership with Firc, Friday, Sept 13, form 4pm - 6pm. Donation of 6 non-perishable food items for a stein. Concert from 5pm -6pm by Bonfire Dub.
 - Still looking for volunteers.

III. Review Past Events

- a **7.13.24 Breckenridge Beer Festival @ Beaver Run** – highest ticket sales to date. No concerns.
- b **7.20.25 A Creative + Culinary Affair Celebrating a Decade of Breck Create** – around 230 people attended. Plan to keep the same structure for next years event with activation in Arts District and concert in RWC.
- c **7.26-28.24 Breckenridge Food & Wine Festival @ MSS** – no concerns.
- d **8.1.24 Backstage Theatre Annual Gala** – fundraiser event for theatre. No concerns.

II. General Updates and Discussion

- a Fourth of July Sub Committee – F/U Discussion
Follow up discussion from last meeting. Targeting last week of September to convene subcommittee to review Fourth of July activations. Goal to come out of that meeting with a recommended direction.

III. Next BEC Meeting, Wednesday, Sept 4, 2024

IV. The meeting adjourned at 10:38 am.

Memo

To: Breckenridge Town Council Members
From: Shannon Haynes, Town Manager
Tamara Nuzzaci Park, Breck Create CEO
Date: 8/8/2024
Subject: Interim Plan for Breck Create “Presents” (popular music/entertainment) Programming

BACKGROUND

In 2019, the Summit County music landscape was disrupted with the introduction of a newly renovated Dillon Amphitheater (approx. 3500 capacity) and 10 Mile Music Hall (approx. 600 capacity) as well as the continued competition coming from neighboring ski resorts and mountain communities such as Keystone, Copper and Vail. Breck Create was tasked by Town of Breckenridge leadership to assess and advise the Town on the impacts of the increasingly crowded market and strategies the Town might employ to remain relevant, competitive and responsive to touring music and popular entertainment opportunities.

The 2019 assessment involved a series of individual conversations with senior level commercial and independent promoters, talent buyers and venue owners both in Colorado and neighboring states and concluded that pop music promoters, whether commercial or nonprofit, depend on some kind of subsidy or alternative revenue stream to supplement their returns from ticket sales.

The major contributing factors noted in the study not only remain relevant but have also increased today. Popular entertainment faces significant competition from Silverthorne, Dillon and Frisco by virtue of greater product availability, significantly more population (10000 vs 5000) and the half hour travel time to Breckenridge. The RWC’s capacity, scheduling priorities, concession agreements, market seasonality and pricing power as well as relative to virtually the same, if not higher (due to lodging), artist costs as major markets are factors.

In 2019, the study’s bottom line anticipated that increased subsidies from public and private sources would be required for the RWC to remain relevant as a venue in the increasingly competitive Summit County concert market.

CURRENT PROGRAMMING STRATEGY

Breckenridge has the advantages of providing locals and visitors a more intimate experience, away from the busyness of the I-70 corridor and distinctive outdoor and indoor arts experiences. In the world of art, music and popular entertainment, Breckenridge’s competitive advantages are Festivals, the Arts District and Classical Music, as represented by the NRO, with the intersection of multigenerational and educational programming. These areas have garnered significant interest and private financial support from second homeowners, the front range and local business.

Successful popular music and entertainment offered by Breck Create “Presents” generally fall into one of two categories: either emerging up-and-comers that appeal to younger audiences, often in the Folk, Americana, bluegrass or comedy genres, with affordable ticket pricing (\$20-\$45); or the more established, mid-tier talent that appeals to an older audience (i.e. baby boomers and second homeowners), often in the rock, country, adult contemporary or NPR genres, that command higher ticket pricing (\$50-\$100+).

The current operating model aims to ensure Breckenridge, as a market, is as competitive as possible in attracting relevant talent purely from the standpoint of what is best for our community of locals, workforce and visitors - irrespective of our organizational interest - while accommodating two important constraints: 1) the Town’s desire

to prioritize venue access for local non-profits whose fundraising events and programming benefit the community and 2) flat funding for the series for over 10 years.

To provide even a modest level of popular music in Breckenridge, and based in findings from the 2019 assessment, the following multipronged approach has been employed since 2019

1. **Utilize the existing infrastructure, brand recognition and customer base of Breck Create:** The Town engages Breck Create to serve as its designated pop music promoting arm for RWC given its history with Breck Music and decade of experience as an independent promoter in the venue.
2. **Leverage regional block booking network:** Breck Create established a relationship with a reputable talent buyer, David Weingarden, VP of Concerts and Events for Z2 Entertainment, leveraging his existing music buying power in the Front Range and other Colorado venues to the benefit of RWC. Block booking partners are Boulder Theater, Fox Theater, Strings Music Pavilion (Steamboat) and Chautauqua Auditorium.
3. **Drive earned revenue and limit underwriting subsidies:** Utilizing a commercial promotion strategy of increasing the quantity of concerts to mitigate financial risk, the number of pop music concerts was tripled between 2019 and 2023, from 5 in the summer to upwards of 18 concerts year-round. This strategy plus the Town's flat \$50k cash subsidy and support of technical and facility staff support enabled a breakeven program model until this year (2024).

NEW CHALLENGES

Breck Create is projecting a \$75k loss on the 2024 ticketed Presents series. We are putting more offers out (over 100 annually) and returning fewer desirable touring acts on the right dates, which has had a significant negative impact on the bottom line as well as staff time, effort and moral. With the viability of the ticketed Presents series in question, we started to reexamine our strategy and operating model in April, returning to conversations with many of the same organizations and senior representatives in the 2019 study.

Colorado is universally viewed as one of the most highly competitive markets in the country. [Acts aren't just playing Red Rocks anymore](#). Using the same "more is better" strategy, heavy hitters like AEG and Live Nation are focused on directing artist traffic through I70 corridor venues - Dillon Amphitheater, Gerald Ford Amp – booking double and triple bills that previously played solo shows at smaller venues like the RWC. With the local economy dropping to 2019 levels for the first time since the pandemic, Summit County's corporate, private and municipal entities have ratcheted up their use of music to drive business, particularly in the summer months which impacts year-round routing. Artists and agents are capitalizing on this by being one of several acts on a line-up at the big outdoor venues and work around those engagements with free shows in the mountains that don't compete for ticket sales.

OPTIONS FOR THE TOWN TO CONSIDER GOING FORWARD

Breck Create cannot sustain the projected losses for the next two years under the current model for popular music and entertainment at the RWC while we learn the results of the community driven Arts and Cultural Master Plan process.

Based on the information above, we are asking the council to provide input and feedback on their preferred short-term option for further review in the budget process while the Cultural Master Plan process is underway:

1. **Eliminate Breck Create produced ticketed shows and test the RWC as an "Open Room"** Share venue availability with commercial promoters on a regular basis and negotiate usage terms within the current local facility user parameters. To do such, the Town should also plan to establish and enforce greater restrictions around any in-kind usage it grants to local non-profits through Breck Create in the 2025 in-kind grant process. Impacts may include allowing majority of in-kind community use Sunday through Wednesday and allowing use for up to two resident companies per day, as done with NRO in the summer, during events such as the International Snow Sculpture (ISSC) and Oktoberfest. In this scenario, every effort would be made to minimize disruption to current community facility users through a grandfathering strategy aligned with the current scheduling criteria. There is no guarantee that any

shows could be successfully booked in this model. It would be an experiment to contain cost, buy time, and cultivate new potential venue partners.

Additional subsidy required: None

2. **Test as “Open Room” AND build capability with increased investment to drive talent** Utilizing a similar strategy as the Vail Valley Foundation/Vilar Center, which was noted as influencing routing in the Rocky Mountain region due to its powerful private funding, this approach consolidates the Town’s talent buying through a reputable Independent Talent buyer whose contract is structured to prioritize the RWC and Breckenridge events. It increases impact with 5 ticketed shows and 3-5 free shows aligned with Town event goals. Talent buyer is provided a budget to put out aggressive initial offers to have a chance at closing a deal.

Anticipated additional subsidy: \$50-100k.

3. **Enter into a new Facility User Agreement with a Commercial Promoter.** Interest from commercial promoters has been expressed in recent conversations. If the Town wanted to pursue a relationship with one or more commercial entities, the Town would need to empower Breck Create to negotiate all terms and determine an appropriate incentive package. Items on the table would include but not be limited to venue staffing and services provided at no cost, per ticket cash subsidy or new concessions revenue terms, control of ticket pricing and service fees. Breck Create is not prepared to enter into a new facility user agreement with a commercial promoter that sets a precedent for increased subsidies for all non-profit facility users without specific direction to do so from Town.

Anticipated additional subsidy: \$30-50k.

CONCLUSION

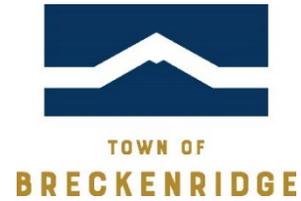
Anecdotal and informal feedback suggests that the community wants the popular music that interests them to remain in Breckenridge at free or affordable ticket prices. We’ve been able to hold the Town subsidy on this programming for 5 years, but the bottom line, as anticipated in 2019, is that increased subsidies from public sources are required for the RWC to remain relevant as a venue in the increasingly competitive Summit County concert market.

A holistic approach is required to optimize any additional investment, one that involves both Breck Create and Breckenridge Tourism Office supporting the promotion of not only the Riverwalk Center, but also all arts and culture as a distinguishing characteristic of the Breckenridge brand.

COUNCIL FEEDBACK

- 1) Does the Council support continued popular music programming at the Riverwalk Center?
- 2) If so, which Option does Council support as an interim solution until the Arts and Culture Master Plan is complete?

Breck Create staff will be available during the Council work session on August 13th to answer any questions.



Memo

To: Mayor and Town Council
From: Open Space and Trails Staff
Date: August 7, 2023, for meeting of August 13, 2024
Subject: Breckenridge Open Space Advisory Commission (BOSAC) Applications and Interviews

Duke Barlow was hired as the Open Space and Trails Manager on June 21, 2024. His vacated BOSAC position was advertised in both English and Spanish from July 12 to August 2, 2024 on the Town's website, social media, and in the Summit Daily. The selected applicant will serve the remainder of Mr. Barlow's term which ends in April 2026. There will be three seats up for re-appointment in 2026.

Staff has received nine applications. BOSAC applicants included in alphabetical order are:

Kelly Ahern
Dan Corwin
Dan Gietzen
Nancy Held
Raewyn (Rae) Moody
Pete Naka
Matthew Powers
Colin Stingley
Nancy Woods

Staff has attached the applications, letters of interest and resumes received for the Town Council's interviewing purposes.



TOWN OF BRECKENRIDGE

OPEN SPACE & TRAILS

Thank you for your interest in the [Town of Breckenridge's Open Space Advisory Commission \(BOSAC\)](#). Applications are being taken for one (1) open position. The position would take over an existing term that ends in April 2026.

The application period closes Friday, August 2, 2024 at 4 p.m. and interviews will be held Tuesday, August 13 with Breckenridge Town Council.

For more information on the Breckenridge Open Space Advisory Commission, including upcoming meetings and past meeting agendas, please visit TownofBreckenridge.com.

Name

Kelly Ahern

Physical Address

33 Fair Fountain Green, Breckenridge, Colorado 80424

Phone

(970) 232-8322

Email

keahern@gmail.com

Briefly describe your interest in the Breckenridge Open Space Advisory Commission.

I believe it is important as a resident of Breckenridge to get involved in things we care deeply about. For me that is open space. I want to be a voice for community members to discuss and make decisions about the development and preservation of trails, historical sites, watersheds, and conservation areas. For the past four years I have been regularly tuning in to the monthly BOSAC meetings. While it has been extremely informative for me to listen to the meetings, I now feel a passion and drive to be an active participant of the advisory commission. It would be my goal as a commissioner to think critically about open space items by being well prepared for meetings and speaking regularly with citizens and visitors about open space issues. The current open space strategic goals are in strong alignment with my values for open space. It would be a honor to work in partnership with BOSAC, the Town of Breckenridge, and our community.

Please describe how your background will contribute to the Breckenridge Open Space Advisory Commission, including any experience you have with the following: trail design, construction, and maintenance; forestry and fuels reduction; natural resource planning and management, including restoration and invasive weed control; wildlife; water quality and wetland health; visitor use management; and real estate or law.

While I don't have specific professional background or experience in the above list, I am always eager to learn and seek out resources to help me better understand how these necessary elements contribute to protecting our open spaces in Breckenridge. I pride myself in my collaboration and communication skills and feel confident in my ability to learn more about all of the essential components needed to represent our community in order to meet the goals of open space growth and protection.

Is there anything else you would like us to know about you?

It is important for me to share that I was born and raised in Breckenridge. I have had the great fortune of growing up in this beautiful town and have experienced first hand how open space acquisition and protection has, and continues to, shape this town and the people residing in and visiting Breckenridge. I know for me, I would not be who I am today without the incredible access to the outdoors. While I have been able to benefit from the improvements and preservation of the outdoors in Breckenridge for many years, I now feel very strongly about having a seat at the table to contribute to the decision making process. I am confident that I can be an important representative for other community members in regards to open space. As a mother and elementary school teacher, it is my responsibility to be a voice for future generations to protect and preserve our current open spaces, improve and remove barriers to provide access to the outdoors for all users, and continue to work towards more avenues to educate open space users about responsible and respectful etiquette. I would hold a position on BOSAC in very high regard and thank you for considering me for the position.

I am registered to vote in the Town of Breckenridge.

Yes

Please upload resume or letter of interest (optional)



TOWN OF BRECKENRIDGE

OPEN SPACE & TRAILS

Thank you for your interest in the [Town of Breckenridge's Open Space Advisory Commission \(BOSAC\)](#). Applications are being taken for one (1) open position. The position would take over an existing term that ends in April 2026.

The application period closes Friday, August 2, 2024 at 4 p.m. and interviews will be held Tuesday, August 13 with Breckenridge Town Council.

For more information on the Breckenridge Open Space Advisory Commission, including upcoming meetings and past meeting agendas, please visit TownofBreckenridge.com.

Name

Dan Corwin

Physical Address

315 Corkscrew Drive, Box 5908, Breckenridge, Colorado 80424

Phone

(970) 485-2200

Email

Dan@DCorwin.com

Briefly describe your interest in the Breckenridge Open Space Advisory Commission.

I like to hike & bike on our Open Space Trails, as well as volunteering for trail work. If I can help to maintain our Open Space, I'd like that opportunity. Not sure if I'm the right person for this position, but I'll let you decide after my interview.

Please describe how your background will contribute to the Breckenridge Open Space Advisory Commission, including any experience you have with the following: trail design, construction, and maintenance; forestry and fuels reduction; natural resource planning and management, including restoration and invasive weed control; wildlife; water quality and wetland health; visitor use management; and real estate or law.

I was a carpenter when I moved to the County back in 1978 for a number of years.

I do trail work on the volunteer days.

I do my best to remove the invasive plants from my yard, open spaces and in public areas, especially if the ground is wet and they pull easily.

I was a Realtor here for over 20 years, retiring about 3 years ago.

Is there anything else you would like us to know about you?

I have a fair amount of free time, but do take some vacations in the spring & fall, and then sometimes in February. Not sure if you do Zoom or Call-In meetings, but if I were out of town, I would try to attend meetings remotely.

I am registered to vote in the Town of Breckenridge.

Yes

Please upload resume or letter of interest (optional)



TOWN OF BRECKENRIDGE

OPEN SPACE & TRAILS

Thank you for your interest in the [Town of Breckenridge's Open Space Advisory Commission \(BOSAC\)](#). Applications are being taken for one (1) open position. The position would take over an existing term that ends in April 2026.

The application period closes Friday, August 2, 2024 at 4 p.m. and interviews will be held Tuesday, August 13 with Breckenridge Town Council.

For more information on the Breckenridge Open Space Advisory Commission, including upcoming meetings and past meeting agendas, please visit TownofBreckenridge.com.

Name

Dan Gietzen

Physical Address

281 County Road 450, Breckenridge, Colorado 80424

Phone

(970) 406-0381

Email

dgietzen@yahoo.com

Briefly describe your interest in the Breckenridge Open Space Advisory Commission.

please see cover letter

Please describe how your background will contribute to the Breckenridge Open Space Advisory Commission, including any experience you have with the following: trail design, construction, and maintenance; forestry and fuels reduction; natural resource planning and management, including restoration and invasive weed control; wildlife; water quality and wetland health; visitor use management; and real estate or law.

please see cover letter

Is there anything else you would like us to know about you?

please see cover letter

I am registered to vote in the Town of Breckenridge.

Yes

Please upload resume or letter of interest (optional)



[BOSAC cover letter 8-2-24.docx](#)
15.6 KB



[Daniel F Gietzen Resume 2024.docx](#)
3.6 MB



August 2, 2024

To: Breckenridge Town Council and staff

Re: Application for BOSAC opening

Thank you for your consideration of my application for BOSAC.

I hope that this short cover letter and attached resume will give some brief but helpful background about myself and my professional qualifications – some of which may be useful skills which may have some application to BOSAC matters.

Regarding my general background, I moved to Summit County in 1996 and I have lived in Kenington Place Townhomes for most of this time. The reason for my initial move to the County in fact, was to take a job for the Town of Breckenridge Engineering Department. Since that time, I have also worked for the Town of Silverthorne and I am currently employed by Summit County Government. Most of my career has been spent working for local governments, essentially.

I am also an avid mountain biker who rides almost daily. I know the Summit County trail system well, I've enjoyed the benefits of its ongoing evolution and now I would like to do my part to contribute towards its future.

With respect to the application question:

Please describe how your background will contribute to the Breckenridge Open Space Advisory Commission, including any experience you have with the following: trail design, construction, and maintenance; forestry and fuels reduction; natural resource planning and management, including restoration and invasive weed control; wildlife; water quality and wetland health; visitor use management; and real estate or law.*

Responses, bullet points:

Re: Trail Design, construction and maintenance. Worked extensively on bikepath planning, design and construction with Silverthorne. Grants also. Also working on a small connector trails / pavement marking project that will be starting at the County Commons soon. I have volunteered on occasion over the years on soft surface trail maintenance projects as well.

Re: Forestry and fuels reduction: I have general knowledge of this from prior construction projects as well as from high country homeowner general knowledge.

Re: Natural resource planning and management – and restoration. I am familiar with design and design alternatives as well as general regulatory requirements on matters such as wetlands, stormwater, and other potential environmental factors and considerations. At

one time in my career, I was responsible for conducting revegetation and site restoration inspections.

Re: Law: While I am not an attorney I am familiar with many legal documents such as contracts, MOUs, SIA's development agreements, easement agreements, indemnification agreements and many more...

I can probably add more detail, but hopefully this will give you a general idea.

Thank you again for your consideration.

Dan Gietzen

970 406 0381

281 County Road 450 – Kenington Place

DANIEL F GIETZEN

Breckenridge, CO 80424 | (970) 406-0381 | dgietzen@yahoo.com

Work Experience Summary

I am a licensed Professional Engineer (PE) having over twenty-five years of work experience in civil engineering related capital improvements and infrastructure projects, primarily for local governments.

Work History

Capital Projects Manager 05/2019 to present

Summit County Government – Frisco, CO

- Assist with planning, design, consultant selection, RFP and bidding / interviewing processes related to new capital projects.
- Contract document preparation and administration.
- Construction oversight, budget management and project documentation
- Communication and coordination with contractors, the public, businesses and other stakeholders and service providers.

Independent contractor 04/2018 to 05/2019

Mineral Hill Engineering, LLC – Breckenridge, CO

- Construction inspection and project documentation of infrastructure improvements for private developer.
- Contract document preparation and project management of a small fire protection cisterns project for a small municipality.

Town Engineer 04/1997 to 01/2017

Town of Silverthorne – Silverthorne, CO

- Civil infrastructure projects design, review, construction management and administration. Collaborated with various departments, consultants, agencies and stakeholders throughout the planning, design and completion of municipal capital improvement projects. Checked plans and reviewed options from start of design through to final construction documents. Prepared RFPs, issued plans and bid documents and organized public bid processes. Acted as owners rep in interactions with contractors, consultants, business owners, other stakeholders and the general public. Oversaw, inspected and prepared written, photo and video project documentation of public capital improvement and maintenance projects. Managed contracts

and authorized payments. Evaluated alternates and change orders encountered during construction. Completed all other typical contract forms, notices and procedural requirements.

- Development reviews
- Floodplain management
- Worked and coordinated with other departments service providers and governmental agencies.

Engineering Technician 08/1996 to 04/1997
Town Of Breckenridge – Breckenridge, CO

Engineer I 08/1994 to 07/1996
ERM Rocky Mountain, Inc – Greenwood Village, CO

Education

Bachelor of Science: Civil Engineering 04/1994
Michigan State University - East Lansing, MI

Licenses / Certification

Professional Engineer, State of Colorado: License# 33896, 1999



TOWN OF BRECKENRIDGE

OPEN SPACE & TRAILS

Thank you for your interest in the [Town of Breckenridge's Open Space Advisory Commission \(BOSAC\)](#). Applications are being taken for one (1) open position. The position would take over an existing term that ends in April 2026.

The application period closes Friday, August 2, 2024 at 4 p.m. and interviews will be held Tuesday, August 13 with Breckenridge Town Council.

For more information on the Breckenridge Open Space Advisory Commission, including upcoming meetings and past meeting agendas, please visit TownofBreckenridge.com.

Name

Nancy Held

Physical Address

119 Powder Ridge dr, Breckenridge, Colorado 80424

Phone

(203) 685-7226

Email

nanheld19@gmail.com

Briefly describe your interest in the Breckenridge Open Space Advisory Commission.

Firstly, I am an avid hiker and I so appreciate well marked and maintained trails. I feel that the outdoors should be available to all regardless of fitness level. It is important to not overbuild but reserve space for all to recreate.

Many trails are multiuse trails so there needs to be cooperation among users and signage to encourage multiple users.

Please describe how your background will contribute to the Breckenridge Open Space Advisory Commission, including any experience you have with the following: trail design, construction, and maintenance; forestry and fuels reduction; natural resource planning and management, including restoration and invasive weed control; wildlife; water quality and wetland health; visitor use management; and real estate or law.

Although I don't have a background in trail design or construction, I have a lot of experience hiking both in this country and abroad. I have a biology background and worked as a Nutritionist during my career. My science background informs my opinions. I also appreciate the importance of data and analysis to help with decision making.

Is there anything else you would like us to know about you?

I have lived in Breck full-time over 2 years and part-time for 12 years. I work at Breck Resort in the winter.

I am a published author of scientific articles and book chapters. I have had vegetable gardens for many years but I am definitely challenged in this high altitude environment.

I am registered to vote in the Town of Breckenridge.

Yes

Please upload resume or letter of interest (optional)



CURRICULUM VITAE

Nancy A. Held
119 Powder Ridge Drive
Breckenridge, CO 80424
203-685-7226

Education:

- 1984 M.S.
University of Washington, Seattle, WA
Nutritional Sciences
- 1984 Clinical Nutrition Fellow
Adolescent Health, Training Program, Child Development Center,
University of WA, Seattle, WA
- 1980 B.A.
Hamilton College, Clinton, NY
Biology

Professional Experience:

- 2019 - 2022 **Nutrition Consultant**, Soundview Medical Associates, Hartford
Healthcare Medical Group, Norwalk, CT
Medical Nutrition Therapy for patients with diabetes, obesity, heart
disease, gastrointestinal disorders, bariatric patients. Train pts on
sensors and interpret sensor and pump data
- 2020- 2023 **Certified Pump Trainer** for trainer for Tandem, T- slim pump
- 2001- 2019 **Nutrition Consultant**, Soundview Medical Associates, Norwalk, CT.
Provide Medical Nutrition Therapy for patients with diabetes, obesity,
heart disease, gastrointestinal disorders, metabolic disorders. Worked on
clinical obesity research studies
- 2006 –2018 **Diabetes Nutrition Educator**, Norwalk Hospital, Diabetes Self
Management Program, Norwalk, CT
Provide diabetes self- management training for type 1, 2 and
Gestational Diabetes. Including insulin pumps and glucose sensors
- 1997- 2003 **Nutritionist in Private Practice**
Specializing in Pediatrics and Adults: obesity, diabetes, hyperlipidemia,
eating disorders, gastrointestinal disorders
- 1997-2002 **Associate Clinical Professor**, Pediatric Nurse
Practitioner Program, Yale School of Nursing, New Haven, CT

- 1992-2000 **Pediatric Endocrine Nutrition Specialist**
 Yale University School of Medicine
 Pediatric Endocrinology, New Haven, CT
 Nutrition assessment, education and counseling in Pediatric and Young Adult Diabetes Clinics, and Pediatric Lipid/Weight Management Clinic. Individual and Family nutrition counseling for overweight children, adolescent and adults.
 Coordinator for experimental drug (Lys-Pro) study. Weight loss classes for adults.
- 1986-1992 **Diabetes Nutrition Research Specialist**
 Yale New Haven Hospital, New Haven, CT
 Nutrition assessment, education and counseling in the Pediatric-Endocrine Clinic, Diabetes Control and Complications Trial and Insulin Pump Clinic. Coordinator of the Acarbose clinical research study. Member, Clinical Faculty of Dietetic Interns.
- 1984-1986 **Clinical Dietitian**
 St. John's Queen Hospital, Elmhurst, NY
 ICU and MED/Surg floors
- 1982-1984 **Research Assistant, Nutrition Department**
 University of Washington, Seattle, WA
 Coordinated and implemented two one-year clinical projects on iron enhancing factors, including nutrition counseling, interpreting dietary and biochemical data and analyzing biological samples.
- 1980-1981 **Research Technician**
 Veterans Administration Hospital, Seattle, WA

Publications:

1. Knack Diabetes Cookbook. Maar, Nancy, Technical Editor **Held, N.** Morris Publishing Group, 2009
2. The Yale Guide to Children's Nutrition. Eds. Tamborlane, WV, Weiswasser, JZ, Fung T, **Held, NA** and Liskov, TP. Yale University Press, 1997.
3. **Held, NA** and Tamborlane, WV. Cash in on Carbohydrates: In The Yale Guide to Children's Nutrition. Yale University Press 1997, p 209-214.
4. **Held, NA** and Hendler, R. Calories: The Key to Energy Balance In: The Yale Guide to Children's Nutrition. Yale

University Press 1997. p 201-204.

5. **Held, NA** and Liskov E. What's the skinny on Fats and Cholesterol In: The Yale Guide to Children's Nutrition. Yale University Press 1997, p 215-228.
6. Caprio, S and **Held, NA**. Childhood Obesity In: The Yale Guide to Children's Nutrition. Yale University Press, 1997. 133-139.
7. Rielly, E. and **Held, NA**. Toddlers and Preschoolers: Emerging Independence. In: The Yale Guide to Children's Nutrition. Yale University Press, 1997,p 45-59.
8. Tamborlane, WV and **Held, NA**. Diabetes In: The Yale Guide to Children's Nutrition. Yale University Press, 1997. p 161-169.
9. **Held, NA**. Diabetes. In: Adolescent Nutrition, Assessment and Management. Ed V. Rickert. Chapman and Hall, 1996, p 389-414.
10. Tamborlane, WV, Gatcomb, PM, **Held, NA**, Ahern, J. Type I Diabetes in Children. p 43-39.
11. Peterson, KF, Hendler, R, Perseghin, G, Price, T, **Held, NA**, Roden, M, Rothman, DL, Shulman, GI and Amtruda, J: ¹³C and 31p NMR Studies of the Mechanism of Insulin Resistance in Obesity. 1995 Abstract ECO.
12. Tamborlane, WV, Gatcomb, PM, **Held, NA**, Ahern, JA: Implications of the DCCT Results in Treating Children and Adolescents with Diabetes. Clinical Diabetes. 12 (5): 115-116, 1994.
13. Ahern, JA, Gatcomb, PM, **Held, NA**, Tamborlane WV: Weekly Meetings Focus Team Efforts. Diabetes Spectrum: From Research to Practice. 7: 77-78, 1994.
14. Tamborlane, WV, Gatcomb, PM, **Held, NA**, Ahern JA: Type I Diabetes in Children. In: Leibowitz, HF, DeStefano, R, Kriesburg, R, Pfeifer, M, Tamborlane, WV (eds). Therapy of Diabetes and Related Disorders (Second Edition). American Diabetes Association, Alexandria, VA, 1994.
15. **Held, NA**, Personal Perspective on Unique Relationships that Developed with clients in the DCCT. Diabetes Care and Education Newsletter. American Dietetic Association. 15 (2): 6,1994.

16. **Held, NA:** Pros of Carbohydrate Exchange Counting. Diabetes Care and Education Newsletter. American Dietetic Association. 14(4): 27, 1993.
17. Ahern, JA, Gatcomb, PM, **Held, NA**, Petit, W, Tamborlane, WV: Pizza induces an exaggerated glycemic response in well-controlled IDDM patients. Diabetes Care. 16: 1993.
18. **Held, NA:** Weight Loss Strategies in Diabetes. CT Medicine. 55(11): 647-651, 1991.
19. Ahern, JA, Gatcomb, PM, **Held, NA**, Petit, W, Tamborlane, WV: Pizza induces an exaggerated glycemic response in well-controlled IDDM patients. Abstract. The Diabetes Educator. 16: 336, 1990.
20. **Held, NA:** Cholesterol. Diabetes Forecast, July 1989.
21. Homko, C and **Held, NA**, "Impact of Diabetes Education and Self Blood Glucose Monitoring of Health Beliefs and Dietary Compliance in patients with Type II Diabetes." Diabetes, Vol. 38, Supplement 2, May 1989.
22. **Held, NA**, Homko, C and Petit, W, Letter to Editor, Office Care of Newly Diagnosed IDDM. Diabetes Care 12 (1):40,1989.
23. **Held, NA**, Buergel, N, Wilson, CA, Monsen, ER, "Constancy of zinc & copper status in adult women consuming diets varying in ascorbic acid and phytate content. Nutrition Reports International. 37 (6):1307-1318, 1988.
24. **Held, NA**, Monsen, ER, Miller CA, Buergel, N, "Zinc status of women; Laboratory Assessment and related dietary factors. Abstract. Faseb 4: 1051 #4484, 1984.
25. Rees, J, **Held, NA**, Food service Section in Health Care Standards for Juvenile Institutions by National Commission on Correctional Health Care. 1984

Professional Memberships:

CT Alliance of Diabetes Educators- President 2017-2018
 Board of Directors- CT Alliance of Diabetes Educators 2007-2019 (Newsletter Editor, President Elect, Nominating committee)

Board of Directors - American Diabetes Association
Connecticut Affiliate 1987-1990
President - American Diabetes Association
New Haven Chapter, 1989-1990
Public Relations Committee- Connecticut Dietetic Association 1989-1990
Marketing Chair, Diabetes Practice Group, American Association 1990-1992
State Networker, Diabetes Practice Group, American Dietetic Assoc. 1989

Professional Affiliations:

American Diabetes Association
American Association of Diabetes Educators
Connecticut Association of Diabetes Educators
Omicron-Nu, Home Economics Honor Society
American Dietetic Association
Connecticut Dietetic Association

Professional Certifications:

Diabetes Educator of the Year - 2015
Certified Diabetes Educator
Certified Instructor in Child and Adolescent Obesity
Registered Dietitian R14428
Connecticut Dietitian-Nutritionist



TOWN OF BRECKENRIDGE

OPEN SPACE & TRAILS

Thank you for your interest in the [Town of Breckenridge's Open Space Advisory Commission \(BOSAC\)](#). Applications are being taken for one (1) open position. The position would take over an existing term that ends in April 2026.

The application period closes Friday, August 2, 2024 at 4 p.m. and interviews will be held Tuesday, August 13 with Breckenridge Town Council.

For more information on the Breckenridge Open Space Advisory Commission, including upcoming meetings and past meeting agendas, please visit TownofBreckenridge.com.

Name

Raewyn (Rae) Moody

Physical Address

530 Highfield Trail, Breckenridge, Colorado 80424

Phone

(303) 727-0504

Email

macmoo@outlook.com

Briefly describe your interest in the Breckenridge Open Space Advisory Commission.

This is the third time I have applied for this position. I was told at an interview that it may take several attempts. I am a serious candidate!

Please describe how your background will contribute to the Breckenridge Open Space Advisory Commission, including any experience you have with the following: trail design, construction, and maintenance; forestry and fuels reduction; natural resource planning and management, including restoration and invasive weed control; wildlife; water quality and wetland health; visitor use management; and real estate or law.

I am interested in all aspects of trail and open space acquisition, development and maintenance. In particular connectivity and ongoing maintenance will be areas advocacy for me. I have been an avid trail and open space user all of my life gaining valuable insights and experience along my journey.

Is there anything else you would like us to know about you?

Please find attached a page relating to my background.

I am registered to vote in the Town of Breckenridge.

Yes

Please upload resume or letter of interest (optional)



[7 RM BOSAC Application - pdf. copy.pdf](#)
43.3 KB



BACKGROUND FOR OPEN SPACE ADVISORY COUNCIL

RAE MOODY - JULY 2024

BACKGROUND

Having spent most of my life either recreating in the outdoors or working to support my passion, it is now time, as a retiree, to use the experience gained during this wonderful journey to benefit my community. In my early teens, I became active in the mountaineering community, then later became increasingly interested in mountain biking and adventure cycling. Having been born and raised in New Zealand I came to Denver, in 2001, as an international travel nurse. As the saying goes, the rest is history!

EXPERIENCE

In New Zealand I was active in several mountain clubs, including the NZ Alpine Club, and have held positions as Trip Leader, Expedition Leader and Alpine Snow Craft Instructor. Working for the "Park Service" (Department of Conservation) I have been a Ski Patrol Nurse, "Ranger" for a children's summer nature camp, and an Animal Pest Control Supervisor. While at university I belonged to the Botanical Society. In the mid 1980's I was an Outward Bound Instructor. As an occupational health nurse I consulted with the Park Service, NZ Mountain Guides Association, and an alpine guiding and heliski operator.

After a few years of living in Colorado we had scrambled up all but one of the fourteeners, biked and hiked the Colorado Trail, skied in the winters, and played in the desert during spring and fall. We acquired a cabin at the Tiger Run RV Resort in 2007 and came to live full-time in our newly built home in Breckenridge in 2016. The Red White and Blue Fire District used our home to demonstrate fuels reduction and fire mitigation strategies during the 2016 Parade of Homes.

Since retiring in 2019 I have been a through-hiker and trail crew on the Continental Divide Trail. During two years of living in New Zealand during COVID we cycled 10,000 miles consisting of day and multi-day bikepacking trips, including, 24 days on the Tour of Aotearoa bike route. In 2022 we spent a month bikepacking the Great Divide Mountain Bike Trail in Canada and the US, then, in 2023 we enjoyed 16 days bikepacking the Munda Biddi Trail in Western Australia. Earlier this year we volunteered as trail crew on the Lake Brunner National Scenic Trail, in New Zealand, currently under construction.

While spending time in the outdoors I have been exposed to many facets of trail construction, maintenance, ecology, weed control, and management. Fortunately, I have benefited from being in the company of many enthusiastic experts. Since realizing I had interest in BOSAC, a few years ago, I have had ample opportunity to take special notice of open space and trail strategies that may benefit my community.



TOWN OF BRECKENRIDGE

OPEN SPACE & TRAILS

Thank you for your interest in the [Town of Breckenridge's Open Space Advisory Commission \(BOSAC\)](#). Applications are being taken for one (1) open position. The position would take over an existing term that ends in April 2026.

The application period closes Friday, August 2, 2024 at 4 p.m. and interviews will be held Tuesday, August 13 with Breckenridge Town Council.

For more information on the Breckenridge Open Space Advisory Commission, including upcoming meetings and past meeting agendas, please visit TownofBreckenridge.com.

Name

Pete Naka

Physical Address

123 Windwood Circle, Breckenridge, Colorado 80424

Phone

(703) 587-1118

Email

petenaka@hotmail.com

Briefly describe your interest in the Breckenridge Open Space Advisory Commission.

As a member of BOSAC, I will have a voice in managing open spaces that strike a balance between conservation and recreation. This involves providing recommendations that protect sensitive areas while providing access for activities such as hiking, biking, and wildlife observation.

I think a balanced approach to open space management enhances the quality of life for residents and visitors. It provides opportunities for outdoor recreation, physical activity, and mental relaxation, while also preserving the natural beauty and biodiversity of the area.

Please describe how your background will contribute to the Breckenridge Open Space Advisory Commission, including any experience you have with the following: trail design, construction, and maintenance; forestry and fuels reduction; natural resource planning and management, including restoration and invasive weed control; wildlife; water quality and wetland health; visitor use management; and real estate or law.

Since moving to Breckenridge in 2021, I have participated in the invasive weed control projects in the Cucumber Gulch three times. My background is in IT project management. My professional career involved learning the challenges that customers face and providing cost effective solutions to those challenges. Those skills can be applied to managing trail projects.

Is there anything else you would like us to know about you?

I have always been involved with the community where I lived. In my previous community, I served on the Little League board for ten years, coached baseball from t-ball through 14U, coached an elementary school running club for 6 years, and served on the high school booster club board for 3 years. Since moving to Breckenridge, I volunteer at Habitat for Humanity ReStore, work with CAFE food rescue, and help at the Food Bank of the Rockies Mobile Food bank. I started a food scrap collection program in my neighborhood and to date, over 3,700 pounds of food scraps have been diverted from the landfill.

I am registered to vote in the Town of Breckenridge.

Yes

Please upload resume or letter of interest (optional)



[BOSAC Interest Letter.pdf](#)

49.9 KB



I use the trails in Cucumber Gulch year around. I enjoy the serenity that I feel while in the Gulch, and there is a balance between nature and recreation. I hope that visitors to the Gulch can come to appreciate nature in all its splendor.

By serving on BOSAC, I can advocate for sustainable recreational practices that allow people to enjoy open spaces without compromising the integrity of the environment. This includes designing and maintaining trails, parks, and other facilities in ways that minimize ecological impact.

I look forward to becoming a member of BOSAC and learning the profile of the trail users, and which trails are used for which kinds of recreation.

I want the trails to be used but not abused. I can help develop and promote educational programs that inform the public about the importance of conservation and how to enjoy open spaces responsibly.

I'm sure there are challenges that the commission faces. I believe that I can provide fresh ideas to address these challenges.



TOWN OF BRECKENRIDGE

OPEN SPACE & TRAILS

Thank you for your interest in the [Town of Breckenridge's Open Space Advisory Commission \(BOSAC\)](#). Applications are being taken for one (1) open position. The position would take over an existing term that ends in April 2026.

The application period closes Friday, August 2, 2024 at 4 p.m. and interviews will be held Tuesday, August 13 with Breckenridge Town Council.

For more information on the Breckenridge Open Space Advisory Commission, including upcoming meetings and past meeting agendas, please visit TownofBreckenridge.com.

Name

Matthew Powers

Physical Address

18 Lincoln Green, P.O. Box 4034, Breckenridge, Colorado 80424

Phone

(970) 333-0670

Email

matt.powers9@gmail.com

Briefly describe your interest in the Breckenridge Open Space Advisory Commission.

During my previous two terms as a commissioner I took great pride in serving the community and contributing to the program's initiatives. Not the least of which was the beginning of what is now the updated Open Space and Trails Master Plan. The opportunity to work under this guiding document is very appealing as our town and the way we use and manage open space continues to grow and evolve.

Please describe how your background will contribute to the Breckenridge Open Space Advisory Commission, including any experience you have with the following: trail design, construction, and maintenance; forestry and fuels reduction; natural resource planning and management, including restoration and invasive weed control; wildlife; water quality and wetland health; visitor use management; and real estate or law.

I am hopeful that my previous time as a commissioner has given me insight in to most of these topics through site visits, meetings with stakeholders and collaborative conversations with Town staff and BOSAC commissioners. I believe one of my greatest assets to BOSAC will come from my experience as a Realtor in Breckenridge for over 22 years. I will be able to offer realistic perspective when it comes to land acquisition, values and market conditions. Additionally, like the other commissioners, I am an avid trail user and feel I have an excellent knowledge of The Town and County's trail systems. I have a renewed interest in how that system is used by community members and visitors.

Is there anything else you would like us to know about you?

My job flexibility offers me the opportunity to make sure I am prepared for all meetings, available for site visits and I don't think I missed a BOSAC meeting once in six years during my time as a commissioner.

I am registered to vote in the Town of Breckenridge.

Yes

Please upload resume or letter of interest (optional)



[BOSAC Letter of Interest Powers.pdf](#)

0.5 MB



August 1, 2024

Matt Powers
18 Lincoln Green
Breckenridge, CO 80424
970-333-0670
matt.powers9@gmail.com

Mr. Barlow, Mayor Owens and members of the Breckenridge Town Council,

I am writing to express my interest in being appointed to the Breckenridge Open Space Advisory Commission to fill the balance of Duke Barlow's term ending 2026.

I was first appointed to serve as commissioner to BOSAC in 2016 and served two terms ending in 2022. I was honored to serve as BOSAC Chair during my second term. During my appointment I was always focused on being able to offer a reasoned viewpoint on the Town's open space initiatives based on my depth of knowledge and historical perspective. I was always conscious of the importance of applying the goals of the program in support of the best decisions in order to make effective recommendations to Town Council and realize the importance of being a positive contributor to the group whether supporting a popular, or unpopular viewpoint.

I enjoyed attending the July BOSAC meeting where Flor Cruz presented on behalf of the Breckenridge Social Equity Advisory Commission. While I have always felt strongly that BOSAC's recommendations should benefit our entire community, Flor reminded me that the decision-making process is broader than ever.

I am confident that my experience as a Realtor in Breckenridge for over 22 years is an asset in providing essential perspective to the business of land acquisition, values and market conditions. As we continue to move into an era where there are fewer opportunities, I will encourage The Council to be aggressive in its efforts to acquire property for conservation and recreational purposes.

I continue to have great enthusiasm for the program and found myself wishing I could be part of the conversation when BOSAC was discussing new trails and connections. Now that the new Open Space and Trails Master Plan is in place, I am eager to use the document as a guideline in discussion and decision making related to planning, conservation and guiding principles.

I know there is always more to learn, and I would be grateful for the opportunity to add to the many fulfilling experiences that BOSAC afforded me during my earlier terms.

Thank you for your consideration,



Matt Powers



TOWN OF BRECKENRIDGE

OPEN SPACE & TRAILS

Thank you for your interest in the [Town of Breckenridge's Open Space Advisory Commission \(BOSAC\)](#). Applications are being taken for one (1) open position. The position would take over an existing term that ends in April 2026.

The application period closes Friday, August 2, 2024 at 4 p.m. and interviews will be held Tuesday, August 13 with Breckenridge Town Council.

For more information on the Breckenridge Open Space Advisory Commission, including upcoming meetings and past meeting agendas, please visit TownofBreckenridge.com.

Name

Colin Stingley

Physical Address

26 Ontario Green, Breckenridge, Colorado 80424

Phone

(719) 339-6040

Email

cstingley@gmail.com

Briefly describe your interest in the Breckenridge Open Space Advisory Commission.

Since 2010, the town, trails, and open space have moulded who I am today. I have spent countless hours exploring every nook and cranny of this county with my mountain bike, skis, and on foot. I have deep respect for the committee and the decisions it makes, whether it relates to trails or land management. I appreciate the relationship the committee has with the town and its constituents and the ear it has for all types of users. I am an avid user of our opens spaces and know the program and the places, regardless of the season. BOSAC members are community representatives and I want to represent all interests of our community.

Please describe how your background will contribute to the Breckenridge Open Space Advisory Commission, including any experience you have with the following: trail design, construction, and maintenance; forestry and fuels reduction; natural resource planning and management, including restoration and invasive weed control; wildlife; water quality and wetland health; visitor use management; and real estate or law.

I am an avid user of our opens spaces and know the program and the places, regardless of the season. I am well connected in the community giving me a deep sense of how people feel about issues. Although I spend most of my time on my mountain bike and skis, I appreciate other positions, users groups, and the land itself. I am not here to lobby for my own cause but to make the program the best it can be which means understanding all angles.

I have experience building and maintaining trails professionally with the Breckenridge Bike Patrol and multiple volunteer days through the Go4Graham Foundation. I have experience riding, skiing and running all over the continent and other areas of the world which helps provide new perspectives.

Is there anything else you would like us to know about you?

My passion, experience, and ability to work in a team would make me a valuable team member on the committee. I have volunteer experience as the Chairman for Go4Graham Foundation. I am deeply rooted and passionate about our trail system and open space in general, not only as a mountain biker but as skier, runner and hiker. I am well connected in the community and can represent a variety of interests and angles in our open space. Thank you for considering me!

I am registered to vote in the Town of Breckenridge.

Yes

Please upload resume or letter of interest (optional)



[Resume Stingley 8 2024.pdf](#)

62.4 KB



[BOSAC Cover Letter Stingley.pdf](#)

24.7 KB



Colin Stingley

(719) 339-6040
cstingley@gmail.com

Town Council

150 Ski Hill Road
Breckenridge, CO 80424

Dear Representatives of Town Council,

I have been patiently waiting for an opportunity to present itself on the Breckenridge Open Space Advisory Committee. I feel I can make a meaningful impact on the committee because of the massive influence the town, trails, and surrounding area have had on me. My experience and passion for the trails and open space drives me daily and would make me an excellent teammate on the committee.

Since I moved to Breckenridge in 2010 I have worked for the Breckenridge Ski and Bike Patrol. My bike patrol days were filled with trail building and maintenance. I was the machinery operator and contributed to several reroutes and expansions to modernize and sustain the trails. The summers working on the trails taught me about sustainability and progression in our trail system.

Most importantly, my time on the trails is what would make me a great contributor to the committee. I have spent countless hours all over Summit County from hiking and trail running, to backcountry skiing and mountain biking. I have made a point of exploring as much of this incredible landscape as possible; additionally, I have traveled all over the country (and various parts of the world) to experience different trail systems and recreational cultures.

I am an avid user of our open spaces. I know the program, I am well connected in the community, and I have covered our open space in a variety of ways with an array of people. I appreciate and respect other user groups and positions and I am not here to lobby for my own interests, but for the interests of all user groups and for the land itself.

The Breckenridge Open Space Advisory Committee has had my attention and respect since I moved to this community. I would pour myself into this organization. Thank you for your time and consideration..

Sincerely,

Colin Stingley

Colin Winter Stingley

P.O. Box 7704
Breckenridge, CO 80424
(719) 339-6040
cstingley@gmail.com

EXPERIENCE

Breckenridge Ski Resort — *Ski Patrol Avalanche Forecaster*

NOVEMBER 2011 - PRESENT

Have responded to over 1000 medical emergencies, conducted hundreds of snow safety and avalanche control routes with explosives, forecast weather and avalanche problems on a weekly basis, maintain trails, engage with guests.

Go4Graham Foundation — *Co Founder & Chair of the Board*

JANUARY 2015 - PRESENT

Volunteer for an organization that provides a community for mental health outreach by holding events, providing scholarships, and creating an active lifestyle with open communication.

Neighborhood Bike, Breckenridge, CO — *Mechanic*

MAY 2022 - PRESENT

Maintain and repair bicycles for the community of Summit County, working primarily on modern mountain bikes.

Western Spirit Cycling, Moab, UT — *Guide*

MAY 2016 - PRESENT

Guide multi-day mountain bike trips throughout the western United States.

Elevation Cycles, Denver, CO — *Sales Guru*

MAY 2015 - NOVEMBER 2015

Interfaced with a variety of customers to find the right products for their needs and assisted with various mechanical issues.

Peoples National Bank, Monument, CO — *Banker*

JUNE 2006 - NOVEMBER 2014

Operated as a Personal Banker, managed accounts, helped facilitate mortgage loans. Spent time in numerous different departments learning different aspects of banking and mortgage operations.

CERTIFICATIONS

- Emergency Medical Technician - Basic (EMT-B)
- SPRAT Level 1 (rope access technician)
- American Avalanche Institute Professional Level III
- Outdoor Emergency Care Technician
- Type I Explosives Blaster Permit
- Firefighter I
- HazMat Awareness/Operations
- Intravenous Therapy (IV)
- CPR

AWARDS

- Breckenridge Ski Patroller of the Year - 2018

LANGUAGES

- English (native); Spanish (advanced)

EDUCATION

University of Colorado, Boulder, CO — *Bachelor of Arts*

AUGUST 2006 - DECEMBER 2010

Bachelor of Arts degree in International Affairs with a focus in Latin America and the Spanish language.

La Universidad de Chile, Santiago, Chile — *EMS & Fire Science*

FALL 2009

Studied the Spanish language intensively in university and while living with a Spanish-speaking Chilean family for six months. Completed a college semester while studying fully in the Spanish language in a variety of courses relating to international affairs and latino history and politics.

Colorado Mountain College — *EMS & Fire Science*

SPRING 2011 & FALL 2023

Emergency Medical Technician - Basic certification. Completed Colorado State certifications for Firefighter 1 and Hazardous Materials Awareness/Operations. Finished top of class and on Dean's List.



TOWN OF BRECKENRIDGE

OPEN SPACE & TRAILS

Thank you for your interest in the [Town of Breckenridge's Open Space Advisory Commission \(BOSAC\)](#). Applications are being taken for one (1) open position. The position would take over an existing term that ends in April 2026.

The application period closes Friday, August 2, 2024 at 4 p.m. and interviews will be held Tuesday, August 13 with Breckenridge Town Council.

For more information on the Breckenridge Open Space Advisory Commission, including upcoming meetings and past meeting agendas, please visit TownofBreckenridge.com.

Name

Nancy Woods

Physical Address

PO Box 5049, 113 N. Gold Flake Terrace, Breckenridge, Colorado 80424-5049

Phone

(970) 389-7176

Email

nkwoods@comcast.net

Briefly describe your interest in the Breckenridge Open Space Advisory Commission.

As a Breckenridge resident for more than 30 years, I have always been interested in serving my community. It is why I volunteer for the annual town clean up focusing on my local trails to/from town and also around my neighborhood. In years past, I have participated in trail construction/restoration as well as weed pulling. As a new member of the Summit County Garden Club I also look forward to helping at the Breckenridge river walk area.

Please describe how your background will contribute to the Breckenridge Open Space Advisory Commission, including any experience you have with the following: trail design, construction, and maintenance; forestry and fuels reduction; natural resource planning and management, including restoration and invasive weed control; wildlife; water quality and wetland health; visitor use management; and real estate or law.

My son was a boy scout achieving his Eagle Scout award. During all of those years I held various adult leadership positions and worked with our troop and all of the scouts on their projects. My son's Eagle scout project was working with the county trails leadership to design and build a new outdoor trail along the Swan River. I obviously learned a lot in that process. from using a Pulaski to moving very large rocks to build steps. I am also very conscientious about weeds in my community - which is why I carry a trash bag with me when I walk/hike on my neighborhood trails. I also enjoy educating my neighbors about noxious weeds in their yards like yellow toadflax, scentless chamomile, various thistles, etc. I also have a real estate license.

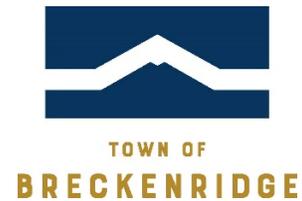
Is there anything else you would like us to know about you?

I have the time and I am willing to serve!

I am registered to vote in the Town of Breckenridge.

Yes

Please upload resume or letter of interest (optional)



Memo

To: Town Council
From: Scott Reid, Deputy Town Manager
Date: 8/7/2024 (for 8/13/24 worksession)
Subject: Natural Healing Centers Update

Summary

On November 8, 2022, Colorado voters approved Proposition 122, an initiated state statute, entitled “the Decriminalization, Regulated Distribution, and Therapy Program for Certain Hallucinogenic Plants and Fungi Initiative.” In May of 2023, the Colorado general assembly passed Senate Bill 23-290, entitled the “Natural Medicine Regulation and Legalization” Act (the “Act”) which is scheduled to be implemented in January 2025. The state of Colorado is planning to adopt regulatory rules regarding the licensure and operation of “healing centers” at which patients may receive “natural medicine services” that include the facilitated administration of “natural medicine” such as psilocybin (among others). As part of the Act, municipalities are granted the authority to regulate the time, place, and manner of the operation of healing centers, but can neither prohibit their operation entirely, nor prohibit the provision of natural medicine services if a facility or individual has been permitted by the state. The Department of Regulatory Agencies (“DORA”) and the Department of Revenue (“DOR”) are currently undertaking rulemaking to interpret the new law. Draft regulations were posted on July 25, 2024 (<https://dnm.colorado.gov/rulemaking>) and decisions related to the local regulation of the Act are subject to the final approval of those regulations.

Staff seek to update Council on the elements of the Act, discuss its implications, and solicit guidance regarding any steps that may be taken to regulate the time, place, or manner of the implementation of this Act.

Background

The goal and result of the Act (attached) is to decriminalize the use and possession of certain “natural medicine” (defined in section 12-170-103(h) of the Act), and to adopt a medical-based approach for administering those substances that acknowledges both the emerging science on the value of the medical use of such substances when combined with therapy, as well as the cultural significance of the substances to certain groups of people.

Under the Act, a “facilitator” (as licensed by the state) can provide “natural medicine” within a licensed “healing center” via an “administration session” at which an individual may purchase, consume, and experience the effects of a natural medicine via a facilitated session. The Act requires regulations to be prepared and enforced by the state to include requirements for a “preparation session” before an “administration session,” and that the “administration session” be followed by an “integration session” (see section 12-107-103(i) of the Act). The Act also provides that the state regulations include rules that “allow for locations not owned by a healing center where natural medicine services may be provided by licensed facilitators, including but not limited to, health care facilities and private residences.” These various regulations are now being prepared by the state to be in place prior to year’s end. Thereafter, the state will begin accepting applications for healing center licenses and must act on an application within 60 days of its receipt.

Under the Act, it is lawful for an individual: 1) to possess, store, use, purchase, transport or give away natural medicine for personal use without compensation to a person twenty-one years of age or older;

and 2) to grow or process natural medicine for personal use if the growing is done in or on the grounds of a private residence and the growing area is secured from access from persons under twenty-one years of age.

As noted above, except in the context of a sale within a healing center for the purposes of an administration session (or a sale to a healing center or facilitator by a natural medicine grower or manufacturer), the sale of natural medicine remains unlawful under the Act and related state laws. The Act also grants Colorado municipalities limited regulatory authority over natural medicine uses. The Town may regulate the time, place, and manner of the operation of healing centers licensed by the state but may not prohibit the uses entirely (see section 12-107-107). The Town may neither prohibit licensed health care facilities or individuals from providing natural medicine services within the Town, nor may it prohibit the transportation of natural medicine on public roads within the Town. Finally, according to the Act, the Town may not impose regulations that are “unreasonable or in conflict with the [Act].”

Under these provisions of law, the Town could adopt zoning restrictions/regulations that specifically address natural medicine uses by: 1) limiting the location of various uses (whether by zone district, by distance limitations from other uses, or both); 2) limiting the times of day during which such uses could operate; and/or 3) by imposing other limitations on the operation that are consistent with state law and the draft regulations currently under review to address potential adverse impacts of such uses on adjacent property or the community.

Discussion

Town staff seek Town Council guidance on the extent of regulations that are desired (if any) to regulate the time, place, or manner of the natural medicine healing centers. During an internal meeting (which included the Town Clerk, Police Chief, Assistant Police Chief, Planning Manager, Town Attorney, and Deputy Town Manager), Town staff vetted the potential impacts of the implementation of the Act within the Town of Breckenridge. A summary of the consideration of each potential regulated element (time, place, and manner) follows:

Time: Some municipalities are considering restrictions on the time that a healing center may operate, with the goal of limiting the activities associated with the administration of natural medicine to weekday business hours, for example. Since natural medicine facilitators are being regulated by DORA like clinicians during this interim phase, Town staff do not envision a role for local government at this point. Staff recommend no action be taken to locally regulate the operational time for healing centers or natural medicine facilitators at this time, so as not to unnecessarily interfere with the state licensed activities or facilitators.

Place: Some municipalities are considering location restrictions for both the healing centers and the cultivation, manufacturing, or testing facilities. These potential local location restrictions would be *in addition to* the restrictions already included in the draft state regulations, which currently restrict healing centers from being within, “...1,000 feet of a child care center, preschool, elementary, middle, junior, or high school, or residential child care facility or if not permitted by local zoning.” Based on this draft regulation, staff have produced a map (attached) that indicates how those proposed state rules would limit healing center locations within Town limits. Based on the attached map, staff ask Council to consider any *additional* location restrictions that may support broader Town goals. **Specifically, are the current 1,000-foot restrictions in the draft regulations sufficient to meet Council’s goals, or would Town Council like to consider a more restrictive location-based zoning overlay for natural medicine healing centers or production/testing facilities?**

Manner: At this time, staff are unaware of any other municipalities proposing to regulate the manner of the implementation of natural medicine. As a conclusion of the internal discussion, staff consensus was that regulating the manner of natural medicine administration should be left to the state-based rulemaking effort currently underway. Staff did not see value in the Town establishing its own natural medicine licensing process in addition to the forthcoming state-based process.

Recommendation

Staff recommend that Town Council consider the matters discussed above and provide guidance concerning the scope of any regulation of natural medicine that it desires to consider in the future.

Specifically, staff seeks guidance as to whether Town Council would like to consider any Town-based zoning regulations on the location of healing centers (or production/testing facilities) in addition to the currently recommended 1,000-foot restrictions. Absent any Council action, natural medicine healing centers will be allowed to open at any Town location not prohibited by statute as of January 1, 2025.

Staff will be available on Tuesday to answer any questions.

Be it Enacted by the People of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** Article 170 to Title 12 as follows:

ARTICLE 170

NATURAL MEDICINE HEALTH ACT of 2022

12-170-101. Short title. THE SHORT TITLE OF THIS ARTICLE 170 IS THE “NATURAL MEDICINE HEALTH ACT OF 2022.”

12-170-102. Legislative declaration. (1) THE VOTERS OF THE STATE OF COLORADO FIND AND DECLARE THAT:

(a) COLORADO’S CURRENT APPROACH TO MENTAL HEALTH HAS FAILED TO FULFILL ITS PROMISE. COLORADANS DESERVE MORE TOOLS TO ADDRESS MENTAL HEALTH ISSUES, INCLUDING APPROACHES SUCH AS NATURAL MEDICINES THAT ARE GROUNDED IN TREATMENT, RECOVERY, HEALTH, AND WELLNESS RATHER THAN CRIMINALIZATION, STIGMA, SUFFERING, AND PUNISHMENT.

(b) COLORADANS ARE EXPERIENCING PROBLEMATIC MENTAL HEALTH ISSUES, INCLUDING BUT NOT LIMITED TO SUICIDALITY, ADDICTION, DEPRESSION, AND ANXIETY.

(c) AN EXTENSIVE AND GROWING BODY OF RESEARCH IS ADVANCING TO SUPPORT THE EFFICACY OF NATURAL MEDICINES COMBINED WITH PSYCHOTHERAPY AS TREATMENT FOR DEPRESSION, ANXIETY, SUBSTANCE USE DISORDERS, END-OF-LIFE DISTRESS, AND OTHER CONDITIONS.

(d) THE FEDERAL GOVERNMENT WILL TAKE YEARS TO ACT AND COLORADANS DESERVE THE RIGHT TO ACCESS NATURAL MEDICINES NOW.

(e) NATURAL MEDICINES HAVE BEEN USED SAFELY FOR MILLENNIA BY CULTURES FOR HEALING.

(f) COLORADO CAN BETTER PROMOTE HEALTH AND HEALING BY REDUCING ITS FOCUS ON CRIMINAL PUNISHMENTS FOR PERSONS WHO SUFFER MENTAL HEALTH ISSUES AND BY ESTABLISHING REGULATED ACCESS TO NATURAL MEDICINES THROUGH A HUMANE, COST-EFFECTIVE, AND RESPONSIBLE APPROACH.

(g) THE CITY AND COUNTY OF DENVER VOTERS ENACTED ORDINANCE 301 IN MAY 2019 TO MAKE THE ADULT PERSONAL POSSESSION AND USE OF THE NATURAL MEDICINE PSILOCYBIN THE LOWEST LAW ENFORCEMENT PRIORITY IN THE CITY AND COUNTY OF DENVER AND TO PROHIBIT THE CITY AND COUNTY FROM SPENDING RESOURCES ON ENFORCING RELATED PENALTIES.

(h) OREGON VOTERS ENACTED MEASURE 109 IN OREGON IN NOVEMBER 2020 TO ESTABLISH A REGULATED SYSTEM OF DELIVERING A NATURAL MEDICINE, IN PART TO PROVIDE PEOPLE ACCESS TO PSILOCYBIN FOR THERAPEUTIC PURPOSES.

(i) CRIMINALIZING NATURAL MEDICINES HAS DENIED PEOPLE FROM ACCESSING ACCURATE EDUCATION AND HARM REDUCTION INFORMATION RELATED TO THE USE OF NATURAL MEDICINES, AND LIMITED THE DEVELOPMENT OF APPROPRIATE TRAINING FOR FIRST-AND MULTI-RESPONDERS INCLUDING LAW ENFORCEMENT, EMERGENCY MEDICAL SERVICES, SOCIAL SERVICES, AND FIRE SERVICES.

(j) THE PURPOSE OF THIS NATURAL MEDICINE HEALTH ACT OF 2022 IS TO ESTABLISH A NEW, COMPASSIONATE, AND EFFECTIVE APPROACH TO NATURAL MEDICINES BY:

(I) ADOPTING A PUBLIC HEALTH AND HARM REDUCTION APPROACH TO NATURAL MEDICINES BY REMOVING CRIMINAL PENALTIES FOR PERSONAL USE FOR ADULTS TWENTY-ONE YEARS OF AGE AND OLDER;

(II) DEVELOPING AND PROMOTING PUBLIC EDUCATION RELATED TO THE USE OF NATURAL MEDICINES AND APPROPRIATE TRAINING FOR FIRST RESPONDERS; AND

(III) ESTABLISHING REGULATED ACCESS BY ADULTS TWENTY-ONE YEARS OF AGE AND OLDER TO NATURAL MEDICINES THAT SHOW PROMISE IN IMPROVING WELL-BEING, LIFE SATISFACTION, AND OVERALL HEALTH.

(k) THE PROVISIONS OF THIS ARTICLE 170 SHALL BE INTERPRETED CONSISTENTLY WITH THE FINDINGS AND PURPOSES STATED IN THIS SECTION AND SHALL NOT BE LIMITED BY ANY COLORADO LAW THAT COULD CONFLICT WITH OR BE INTERPRETED TO CONFLICT WITH THE PURPOSES AND POLICY OBJECTIVES STATED IN THIS SECTION.

(l) THE PEOPLE OF THE STATE OF COLORADO FURTHER FIND AND DECLARE THAT IT IS NECESSARY TO ENSURE CONSISTENCY AND FAIRNESS IN THE APPLICATION OF THIS ARTICLE 170 THROUGHOUT THE STATE AND THAT, THEREFORE, THE MATTERS ADDRESSED BY THIS ARTICLE 170 ARE, EXCEPT AS SPECIFIED HEREIN, MATTERS OF STATEWIDE CONCERN.

12-170-103. Definitions. (1) AS USED IN THIS ARTICLE 170, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) “ADMINISTRATION SESSION” MEANS A SESSION HELD AT A HEALING CENTER OR ANOTHER LOCATION AS PERMITTED BY RULES ADOPTED BY THE DEPARTMENT AT WHICH A PARTICIPANT PURCHASES, CONSUMES, AND EXPERIENCES THE EFFECTS OF A NATURAL MEDICINE UNDER THE SUPERVISION OF A FACILITATOR.

(b) “DEPARTMENT” MEANS THE DEPARTMENT OF REGULATORY AGENCIES.

(c) “FACILITATOR” MEANS A PERSON LICENSED BY THE DEPARTMENT WHO:

(I) IS TWENTY-ONE YEARS OF AGE OR OLDER.

(II) HAS AGREED TO PROVIDE NATURAL MEDICINE SERVICES TO A PARTICIPANT.

(III) HAS MET THE REQUIREMENTS ESTABLISHED BY THE DEPARTMENT.

(d) “HEALING CENTER” MEANS AN ENTITY LICENSED BY THE DEPARTMENT THAT IS ORGANIZED AND OPERATED AS A PERMITTED ORGANIZATION:

(I) THAT ACQUIRES, POSSESSES, CULTIVATES, MANUFACTURES, DELIVERS, TRANSFERS, TRANSPORTS, SUPPLIES, SELLS, OR DISPENSES NATURAL MEDICINE AND RELATED SUPPLIES; OR PROVIDES NATURAL MEDICINE FOR NATURAL MEDICINE SERVICES AT LOCATIONS PERMITTED BY THE DEPARTMENT; OR ENGAGES IN TWO OR MORE OF THESE ACTIVITIES;

(II) WHERE ADMINISTRATION SESSIONS ARE HELD; OR

(III) WHERE NATURAL MEDICINE SERVICES ARE PROVIDED BY A FACILITATOR.

(e) “HEALTH-CARE FACILITY” MEANS A HOSPITAL, HOSPICE, COMMUNITY MENTAL HEALTH CENTER, FEDERALLY QUALIFIED HEALTH CENTER, RURAL HEALTH CLINIC, PACE ORGANIZATION, LONG-TERM CARE FACILITY, A CONTINUING CARE RETIREMENT COMMUNITY, OR OTHER TYPE OF FACILITY WHERE HEALTH-CARE IS PROVIDED.

(f) “INTEGRATION SESSION” MEANS A MEETING BETWEEN A PARTICIPANT AND FACILITATOR THAT OCCURS AFTER THE PARTICIPANT HAS COMPLETED AN ADMINISTRATION SESSION.

(g) “LOCALITY” MEANS A COUNTY, MUNICIPALITY, OR CITY AND COUNTY.

(h) “NATURAL MEDICINE” MEANS THE FOLLOWING SUBSTANCES IN ANY FORM THAT WOULD CAUSE SUCH PLANT OR FUNGUS TO BE DESCRIBED IN THE “UNIFORM CONTROLLED SUBSTANCES ACT OF 2013”, ARTICLE 18 OF TITLE 18: DIMETHYLTRYPTAMINE; IBOGAININE; MESCALINE (EXCLUDING LOPHOPHORA WILLIAMSII (“PEYOTE”)); PSILOCYBIN; OR PSILOCYN.

(i) “NATURAL MEDICINE SERVICES” MEANS SERVICES PROVIDED BY A FACILITATOR OR OTHER AUTHORIZED PERSON TO A PARTICIPANT BEFORE, DURING, AND AFTER THE PARTICIPANT’S CONSUMPTION OF NATURAL MEDICINE, INCLUDING, AT A MINIMUM AT:

(I) A PREPARATION SESSION;

(II) AN ADMINISTRATION SESSION; AND

(III) AN INTEGRATION SESSION.

(j) “PARTICIPANT” MEANS A PERSON TWENTY-ONE YEARS OF AGE OR OLDER WHO RECEIVES NATURAL MEDICINE SERVICES.

(k) “PERMITTED ORGANIZATION” MEANS ANY LEGAL ENTITY REGISTERED AND QUALIFIED TO DO BUSINESS IN THE STATE OF COLORADO THAT MEETS THE STANDARDS SET BY THE DEPARTMENT UNDER SECTION 12-170-104.

(1) “PREPARATION SESSION” MEANS A MEETING BETWEEN A PARTICIPANT AND A FACILITATOR THAT OCCURS BEFORE THE PARTICIPANT PARTICIPATES IN THE ADMINISTRATION SESSION.

12-170-104. Regulated natural medicine access program. (1) THE REGULATED NATURAL MEDICINE ACCESS PROGRAM IS ESTABLISHED AND THE DEPARTMENT SHALL REGULATE THE MANUFACTURE, CULTIVATION, TESTING, STORAGE, TRANSFER, TRANSPORT, DELIVERY, SALE, AND PURCHASE OF NATURAL MEDICINES BY AND BETWEEN HEALING CENTERS AND OTHER PERMITTED ENTITIES AND THE PROVISION OF NATURAL MEDICINE SERVICES TO PARTICIPANTS.

(2) NOT LATER THAN JANUARY 1, 2024, THE DEPARTMENT SHALL ADOPT RULES TO ESTABLISH THE QUALIFICATIONS, EDUCATION, AND TRAINING REQUIREMENTS THAT FACILITATORS MUST MEET PRIOR TO PROVIDING NATURAL MEDICINE SERVICES, AND TO APPROVE ANY REQUIRED TRAINING PROGRAMS.

(3) NOT LATER THAN SEPTEMBER 30, 2024, THE DEPARTMENT SHALL ADOPT RULES NECESSARY TO IMPLEMENT THE REGULATED NATURAL MEDICINE ACCESS PROGRAM AND SHALL BEGIN ACCEPTING APPLICATIONS FOR LICENSURE BY THAT DATE WITH DECISIONS MADE ON ALL LICENSING APPLICATIONS WITHIN 60 DAYS OF RECEIVING THE APPLICATION.

(4) FOR PURPOSES OF THE REGULATED NATURAL MEDICINE ACCESS PROGRAM SET FORTH IN THIS SECTION:

(a) UNTIL JUNE 1, 2026, THE TERM NATURAL MEDICINE SHALL ONLY INCLUDE PSILOCYBIN AND PSILOCYN.

(b) AFTER JUNE 1, 2026, IF RECOMMENDED BY THE NATURAL MEDICINE ADVISORY BOARD, THE DEPARTMENT MAY ADD ONE OR MORE OF THE FOLLOWING TO THE TERM NATURAL MEDICINE: DIMETHYLTRYPTAMINE; IBOGAIN; AND MESCALINE (EXCLUDING LOPHOPHORA WILLIAMSII (“PEYOTE”)).

(c) THE DEPARTMENT MAY PREPARE PROPOSED RULES FOR THE ADDITION OF DIMETHYLTRYPTAMINE; IBOGAIN; AND MESCALINE (EXCLUDING LOPHOPHORA WILLIAMSII (“PEYOTE”)) TO THE TERM NATURAL MEDICINE PRIOR TO JUNE 1, 2026, IN THE EVENT THAT DIMETHYLTRYPTAMINE; IBOGAIN; OR MESCALINE (EXCLUDING LOPHOPHORA WILLIAMSII (“PEYOTE”)) IS ADDED TO THE TERM NATURAL MEDICINE UNDER SUBSECTION (4)(b) OF THIS SECTION.

(5) IN CARRYING OUT ITS DUTIES UNDER THIS ARTICLE 170, THE DEPARTMENT SHALL CONSULT WITH THE NATURAL MEDICINE ADVISORY BOARD AND MAY ALSO CONSULT WITH OTHER STATE AGENCIES OR ANY OTHER INDIVIDUAL OR ENTITY THE DEPARTMENT FINDS NECESSARY.

(6) THE RULES ADOPTED BY THE DEPARTMENT SHALL INCLUDE, BUT ARE NOT LIMITED TO, RULES TO:

(a) ESTABLISH THE REQUIREMENTS GOVERNING THE SAFE PROVISION OF NATURAL MEDICINE SERVICES TO PARTICIPANTS THAT INCLUDE:

(I) HOLDING AND VERIFYING COMPLETION OF A PREPARATION SESSION, AN ADMINISTRATION SESSION, AND AN INTEGRATION SESSION.

(II) HEALTH AND SAFETY WARNINGS THAT MUST BE PROVIDED TO PARTICIPANTS BEFORE NATURAL MEDICINE SERVICES BEGIN.

(III) EDUCATIONAL MATERIALS THAT MUST BE PROVIDED TO PARTICIPANTS BEFORE NATURAL MEDICINE SERVICES BEGIN.

(IV) THE FORM THAT EACH FACILITATOR, PARTICIPANT, AND AUTHORIZED REPRESENTATIVE OF A HEALING CENTER MUST SIGN BEFORE PROVIDING OR RECEIVING NATURAL MEDICINE SERVICES VERIFYING THAT THE PARTICIPANT WAS PROVIDED ACCURATE AND COMPLETE HEALTH INFORMATION AND INFORMED OF IDENTIFIED RISK FACTORS AND CONTRAINDICATIONS.

(V) PROPER SUPERVISION DURING THE ADMINISTRATION SESSION AND SAFE TRANSPORTATION FOR THE PARTICIPANT WHEN THE SESSION IS COMPLETE.

(VI) PROVISIONS FOR GROUP ADMINISTRATION SESSIONS WHERE ONE OR MORE FACILITATORS PROVIDE NATURAL MEDICINE SERVICES TO MORE THAN ONE PARTICIPANT AS PART OF THE SAME ADMINISTRATION SESSION.

(VII) PROVISIONS TO ALLOW A FACILITATOR OR A HEALING CENTER TO REFUSE TO PROVIDE NATURAL MEDICINE SERVICES TO A PARTICIPANT.

(VIII) THE REQUIREMENTS AND STANDARDS FOR INDEPENDENT TESTING OF NATURAL MEDICINE FOR CONCENTRATION AND CONTAMINANTS, TO THE EXTENT AVAILABLE TECHNOLOGY REASONABLY PERMITS.

(IX) THE LICENSURE OF ENTITIES PERMITTED TO ENGAGE IN THE TESTING OF NATURAL MEDICINE FOR USE IN NATURAL MEDICINE SERVICES OR OTHERWISE.

(X) THE STANDARDS FOR ADVERTISING AND MARKETING NATURAL MEDICINE AND NATURAL MEDICINE SERVICES.

(XI) THE STANDARDS FOR QUALIFICATION AS A PERMITTED ORGANIZATION ADDRESSING, WITHOUT LIMITATION, ENVIRONMENTAL, SOCIAL, AND GOVERNANCE CRITERIA DIRECTED TO THE FINDINGS AND DECLARATIONS SET FORTH IN SECTION 12-170-102.

(b) ESTABLISH THE REQUIREMENTS GOVERNING THE LICENSING AND PRACTICE OF FACILITATORS THAT INCLUDE:

(I) THE FORM AND CONTENT OF LICENSE AND RENEWAL APPLICATIONS FOR FACILITATORS SUBMITTED UNDER THIS ARTICLE 170.

(II) THE QUALIFICATIONS, EDUCATION, AND TRAINING REQUIREMENTS THAT FACILITATORS MUST MEET PRIOR TO PROVIDING NATURAL MEDICINE SERVICES. THE REQUIREMENTS SHALL:

(A) BE TIERED SO AS TO REQUIRE VARYING LEVELS OF EDUCATION AND TRAINING DEPENDING ON THE PARTICIPANTS THE FACILITATOR WILL BE WORKING WITH AND THE SERVICES THE FACILITATOR WILL BE PROVIDING.

(B) INCLUDE EDUCATION AND TRAINING ON CLIENT SAFETY; CONTRAINDICATIONS; MENTAL HEALTH; MENTAL STATE; PHYSICAL HEALTH; PHYSICAL STATE; SOCIAL AND CULTURAL CONSIDERATIONS; PHYSICAL ENVIRONMENT; PREPARATION; INTEGRATION; AND ETHICS.

(C) ALLOW FOR LIMITED WAIVERS OF EDUCATION AND TRAINING REQUIREMENTS BASED ON AN APPLICANT'S PRIOR EXPERIENCE, TRAINING, OR SKILL, INCLUDING, BUT NOT LIMITED TO, WITH NATURAL MEDICINES.

(D) NOT IMPOSE UNREASONABLE FINANCIAL OR LOGISTICAL BARRIERS THAT MAKE OBTAINING A FACILITATOR LICENSE COMMERCIALY UNREASONABLE FOR LOW INCOME PEOPLE OR OTHER APPLICANTS.

(E) NOT REQUIRE A PROFESSIONAL LICENSE OR PROFESSIONAL DEGREE OTHER THAN A FACILITATOR LICENSE GRANTED PURSUANT TO THIS SECTION.

(F) ALLOW FOR PAID COMPENSATION FOR NATURAL MEDICINE SERVICES.

(G) ALLOW FOR THE PROVISION OF NATURAL MEDICINE SERVICES TO MORE THAN ONE PARTICIPANT AT A TIME IN GROUP ADMINISTRATION SESSIONS.

(III) OVERSIGHT AND SUPERVISION REQUIREMENTS FOR FACILITATORS, INCLUDING PROFESSIONAL RESPONSIBILITY STANDARDS AND CONTINUING EDUCATION REQUIREMENTS.

(IV) A COMPLAINT, REVIEW, AND DISCIPLINARY PROCESS FOR FACILITATORS WHO ENGAGE IN MISCONDUCT.

(V) RECORDKEEPING, PRIVACY, AND CONFIDENTIALITY REQUIREMENTS FOR FACILITATORS, PROVIDED SUCH RECORD KEEPING DOES NOT RESULT IN THE DISCLOSURE TO THE PUBLIC OR ANY GOVERNMENT AGENCY OF PERSONALLY IDENTIFIABLE INFORMATION OF PARTICIPANTS.

(VI) PROCEDURES FOR SUSPENDING OR REVOKING THE LICENSES OF FACILITATORS WHO VIOLATE THE PROVISIONS OF THIS ARTICLE 170 OR THE RULES ADOPTED BY THE DEPARTMENT.

(c) ESTABLISH THE REQUIREMENTS GOVERNING THE LICENSING AND OPERATION OF HEALING CENTERS THAT INCLUDE:

(I) QUALIFICATIONS FOR LICENSURE AND RENEWAL.

(II) OVERSIGHT REQUIREMENTS FOR HEALING CENTERS.

(III) RECORDKEEPING, PRIVACY, AND CONFIDENTIALITY REQUIREMENTS FOR HEALING CENTERS, PROVIDED SUCH RECORD KEEPING DOES NOT RESULT IN THE DISCLOSURE TO THE PUBLIC OR ANY GOVERNMENT AGENCY OF PERSONALLY IDENTIFIABLE INFORMATION OF PARTICIPANTS.

(IV) SECURITY REQUIREMENTS FOR HEALING CENTERS, INCLUDING REQUIREMENTS FOR PROTECTION OF EACH LICENSED HEALING CENTER LOCATION BY A FULLY OPERATIONAL SECURITY ALARM SYSTEM.

(V) PROCEDURES FOR SUSPENDING OR REVOKING THE LICENSES OF HEALING CENTERS THAT VIOLATE THE PROVISIONS OF THIS ARTICLE 170 OR THE RULES ADOPTED BY THE DEPARTMENT.

(VI) PERMISSIBLE FINANCIAL RELATIONSHIPS BETWEEN LICENSED HEALING CENTERS, FACILITATORS, AND OTHER ENTITIES.

(VII) PROCEDURES AND POLICIES THAT ALLOW FOR HEALING CENTERS TO RECEIVE PAYMENT FOR SERVICES AND NATURAL MEDICINES PROVIDED.

(VIII) PROCEDURES AND POLICIES TO ENSURE STATEWIDE ACCESS TO HEALING CENTERS AND NATURAL MEDICINE SERVICES.

(IX) RULES THAT PROHIBIT AN INDIVIDUAL FROM HAVING A FINANCIAL INTEREST IN MORE THAN FIVE HEALING CENTERS.

(X) RULES THAT ALLOW FOR HEALING CENTERS TO SHARE THE SAME PREMISES WITH OTHER HEALING CENTERS OR TO SHARE THE SAME PREMISES WITH HEALTH-CARE FACILITIES.

(XI) RULES THAT ALLOW FOR LOCATIONS NOT OWNED BY A HEALING CENTER WHERE NATURAL MEDICINE SERVICES MAY BE PROVIDED BY LICENSED FACILITATORS, INCLUDING BUT NOT LIMITED TO, HEALTH-CARE FACILITIES AND PRIVATE RESIDENCES.

(d) ESTABLISH PROCEDURES, POLICIES, AND PROGRAMS TO ENSURE THE REGULATORY ACCESS PROGRAM IS EQUITABLE AND INCLUSIVE AND TO PROMOTE THE LICENSING OF AND THE PROVISION OF NATURAL MEDICINE SERVICES TO PERSONS FROM COMMUNITIES THAT HAVE BEEN DISPROPORTIONATELY HARMED BY HIGH RATES OF CONTROLLED SUBSTANCES ARRESTS; TO PERSONS WHO FACE BARRIERS TO ACCESS TO HEALTH CARE; TO PERSONS WHO HAVE A TRADITIONAL OR INDIGENOUS HISTORY WITH NATURAL MEDICINES; OR TO PERSONS WHO ARE VETERANS THAT INCLUDE, BUT ARE NOT LIMITED TO:

(I) REDUCED FEES FOR LICENSURE AND FACILITATOR TRAINING.

(II) INCENTIVIZING THE PROVISION OF NATURAL MEDICINE SERVICES AT A REDUCED COST TO LOW INCOME INDIVIDUALS.

(III) INCENTIVIZING GEOGRAPHIC AND CULTURAL DIVERSITY IN LICENSING AND THE PROVISION AND AVAILABILITY OF NATURAL MEDICINE SERVICES.

(VI) A PROCESS FOR ANNUALLY REVIEWING THE EFFECTIVENESS OF SUCH POLICIES AND PROGRAMS PROMULGATED UNDER THIS SUBSECTION (6)(d).

(e) ESTABLISH APPLICATION, LICENSING, AND RENEWAL FEES FOR HEALING CENTER AND FACILITATOR LICENSES. THE FEES SHALL BE:

(I) SUFFICIENT, BUT SHALL NOT EXCEED THE AMOUNT NECESSARY, TO COVER THE COST OF ADMINISTERING THE REGULATED NATURAL MEDICINE ACCESS PROGRAM, INCLUDING THE REGULATED NATURAL MEDICINE ACCESS PROGRAM FUND IN 12-170-106.

(II) FOR LICENSING AND RENEWAL FEES, SCALED BASED ON EITHER THE VOLUME OF BUSINESS OF THE LICENSEE OR THE GROSS ANNUAL REVENUE OF THE LICENSEE.

(f) DEVELOP AND PROMOTE ACCURATE PUBLIC EDUCATION CAMPAIGNS RELATED TO THE USE OF NATURAL MEDICINE, INCLUDING BUT NOT LIMITED TO PUBLIC SERVICE ANNOUNCEMENTS, EDUCATIONAL CURRICULA, AND APPROPRIATE CRISIS RESPONSE, AND APPROPRIATE TRAINING FOR FIRST-AND MULTI-RESPONDERS INCLUDING LAW ENFORCEMENT, EMERGENCY MEDICAL SERVICES, SOCIAL SERVICES, AND FIRE SERVICES.

(g) STUDY AND DELIVER RECOMMENDATIONS TO THE LEGISLATURE REGARDING THE REGULATION OF DOSAGE FOR OFF-SITE USE OF NATURAL MEDICINES.

(h) COLLECT AND ANNUALLY PUBLISH DATA ON THE IMPLEMENTATION AND OUTCOMES OF THE REGULATED NATURAL MEDICINE ACCESS PROGRAM IN ACCORDANCE WITH GOOD DATA AND PRIVACY PRACTICES AND THAT DOES NOT DISCLOSE ANY IDENTIFYING INFORMATION ABOUT INDIVIDUAL LICENSEES OR PARTICIPANTS.

(i) ADOPT, AMEND, AND REPEAL RULES AS NECESSARY TO IMPLEMENT THE REGULATED NATURAL MEDICINE ACCESS PROGRAM AND TO PROTECT THE PUBLIC HEALTH AND SAFETY.

(7) PARTICIPANT RECORDS COLLECTED AND MAINTAINED BY HEALING CENTERS, FACILITATORS, REGISTERED ENTITIES, OR THE DEPARTMENT SHALL CONSTITUTE MEDICAL DATA AS DEFINED BY SECTION 24-72-204 (3)(a)(I) AND ARE NOT PUBLIC RECORDS SUBJECT TO DISCLOSURE.

(8) THE DEPARTMENT SHALL HAVE THE AUTHORITY TO CREATE AND ISSUE ANY ADDITIONAL TYPES OF LICENSES AND REGISTRATIONS IT DEEMS NECESSARY TO CARRY OUT THE INTENTS AND PURPOSES OF THE REGULATED NATURAL MEDICINE ACCESS PROGRAM, INCLUDING ALLOWING NATURAL MEDICINE SERVICES TO BE PROVIDED AT OTHER TYPES OF LICENSED HEALTH FACILITIES OR BY INDIVIDUALS IN ORDER TO INCREASE ACCESS TO AND THE AVAILABILITY OF NATURAL MEDICINE SERVICES.

(9) THE DEPARTMENT SHALL HAVE THE AUTHORITY TO ADOPT RULES THAT DIFFERENTIATE BETWEEN NATURAL MEDICINES AND THAT REGULATE EACH NATURAL MEDICINE DIFFERENTLY BASED ON ITS SPECIFIC QUALITIES, TRADITIONAL USES, AND SAFETY PROFILE.

(10) THE DEPARTMENT SHALL ADOPT, AMEND, AND REPEAL ALL RULES IN ACCORDANCE WITH THE STATE ADMINISTRATIVE PROCEDURE ACT, ARTICLE 4 OF TITLE 24, C.R.S., AS AMENDED, AND THE RULES PROMULGATED THEREUNDER.

12-170-105. Natural Medicine Advisory Board (1) THE NATURAL MEDICINE ADVISORY BOARD SHALL BE ESTABLISHED WITHIN THE DEPARTMENT FOR THE PURPOSE OF ADVISING THE DEPARTMENT AS TO THE IMPLEMENTATION OF THE REGULATED NATURAL MEDICINE ACCESS PROGRAM.

(2) THE BOARD SHALL CONSIST OF FIFTEEN MEMBERS. MEMBERS SHALL BE APPOINTED BY THE GOVERNOR, WITH THE CONSENT OF THE SENATE.

(3) MEMBERS OF THE INITIAL BOARD SHALL BE APPOINTED BY JANUARY 31, 2023. IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL APPOINT:

(a) AT LEAST SEVEN MEMBERS WITH SIGNIFICANT EXPERTISE AND EXPERIENCE IN ONE OR MORE OF THE FOLLOWING AREAS: NATURAL MEDICINE THERAPY, MEDICINE, AND RESEARCH; MYCOLOGY AND NATURAL MEDICINE CULTIVATION; PERMITTED ORGANIZATION CRITERIA; EMERGENCY MEDICAL SERVICES AND SERVICES PROVIDED BY FIRST RESPONDERS; MENTAL AND BEHAVIORAL HEALTH PROVIDERS; HEALTH CARE INSURANCE AND HEALTH CARE POLICY; AND PUBLIC HEALTH, DRUG POLICY, AND HARM REDUCTION.

(b) AT LEAST EIGHT MEMBERS WITH SIGNIFICANT EXPERTISE AND EXPERIENCE IN ONE OR MORE OF THE FOLLOWING AREAS: RELIGIOUS USE OF NATURAL MEDICINES; ISSUES CONFRONTING VETERANS; TRADITIONAL INDIGENOUS USE OF NATURAL MEDICINES; LEVELS AND DISPARITIES IN ACCESS TO HEALTH CARE SERVICES AMONG DIFFERENT COMMUNITIES; AND PAST CRIMINAL JUSTICE REFORM EFFORTS IN COLORADO. AT LEAST ONE OF THE EIGHT MEMBERS SHALL HAVE EXPERTISE OR EXPERIENCE IN TRADITIONAL INDIGENOUS USE OF NATURAL MEDICINES.

(4) FOR THE INITIAL BOARD, SEVEN OF THE MEMBERS SHALL BE APPOINTED TO A TERM OF TWO YEARS AND EIGHT MEMBERS SHALL BE APPOINTED TO A TERM OF FOUR YEARS. EACH MEMBER APPOINTED THEREAFTER SHALL BE APPOINTED TO A TERM OF FOUR YEARS. MEMBERS OF THE BOARD MAY SERVE UP TO TWO CONSECUTIVE TERMS. MEMBERS ARE SUBJECT TO REMOVAL AS PROVIDED IN ARTICLE IV, SECTION 6 OF THE COLORADO CONSTITUTION.

(5) NOT LATER THAN SEPTEMBER 30, 2023, AND ANNUALLY THEREAFTER, THE BOARD SHALL MAKE RECOMMENDATIONS TO THE DEPARTMENT RELATED TO, BUT NOT LIMITED TO, ALL OF THE FOLLOWING AREAS:

(a) ACCURATE PUBLIC HEALTH APPROACHES REGARDING USE, EFFECT, AND RISK REDUCTION FOR NATURAL MEDICINE AND THE CONTENT AND SCOPE OF EDUCATIONAL CAMPAIGNS RELATED TO NATURAL MEDICINE;

(b) RESEARCH RELATED TO THE EFFICACY AND REGULATION OF NATURAL MEDICINE, INCLUDING RECOMMENDATIONS RELATED TO PRODUCT SAFETY, HARM REDUCTION, AND CULTURAL RESPONSIBILITY;

(c) THE PROPER CONTENT OF TRAINING PROGRAMS, EDUCATIONAL AND EXPERIENTIAL REQUIREMENTS, AND QUALIFICATIONS FOR FACILITATORS;

(d) AFFORDABLE, EQUITABLE, ETHICAL, AND CULTURALLY RESPONSIBLE ACCESS TO NATURAL MEDICINE AND REQUIREMENTS TO ENSURE THE REGULATED NATURAL MEDICINE ACCESS PROGRAM IS EQUITABLE AND INCLUSIVE;

(e) APPROPRIATE REGULATORY CONSIDERATIONS FOR EACH NATURAL MEDICINE;

(f) THE ADDITION OF NATURAL MEDICINES TO THE REGULATED NATURAL MEDICINE ACCESS PROGRAM UNDER SECTION 12-170-104(4)(b) BASED ON AVAILABLE MEDICAL, PSYCHOLOGICAL, AND SCIENTIFIC STUDIES, RESEARCH, AND OTHER INFORMATION RELATED TO THE SAFETY AND EFFICACY OF EACH NATURAL MEDICINE;

(g) ALL RULES TO BE PROMULGATED BY THE DEPARTMENT UNDER 12-170-104; AND

(h) REQUIREMENTS FOR ACCURATE AND COMPLETE DATA COLLECTION, REPORTING, AND PUBLICATION OF INFORMATION RELATED TO THE IMPLEMENTATION OF THIS ARTICLE 170.

(6) THE BOARD SHALL, ON AN ONGOING BASIS, REVIEW AND EVALUATE EXISTING RESEARCH, STUDIES, AND REAL-WORLD DATA RELATED TO NATURAL MEDICINE AND MAKE RECOMMENDATIONS TO THE LEGISLATURE AND OTHER RELEVANT STATE AGENCIES AS TO WHETHER NATURAL MEDICINE AND ASSOCIATED SERVICES SHOULD BE COVERED UNDER HEALTH FIRST COLORADO OR OTHER INSURANCE PROGRAMS AS A COST EFFECTIVE INTERVENTION FOR VARIOUS MENTAL HEALTH CONDITIONS, INCLUDING BUT NOT LIMITED TO END OF LIFE ANXIETY, SUBSTANCE USE DISORDER, ALCOHOLISM, DEPRESSIVE DISORDERS, NEUROLOGICAL DISORDERS, CLUSTER HEADACHES, AND POST TRAUMATIC STRESS DISORDER.

(7) THE BOARD SHALL, ON AN ONGOING BASIS, REVIEW AND EVALUATE SUSTAINABILITY ISSUES RELATED TO NATURAL MEDICINE AND IMPACT ON INDIGENOUS CULTURES AND DOCUMENT EXISTING RECIPROCITY EFFORTS AND CONTINUING SUPPORT MEASURES THAT ARE NEEDED AS PART OF ITS ANNUAL REPORT.

(8) THE BOARD SHALL PUBLISH AN ANNUAL REPORT DESCRIBING ITS ACTIVITIES INCLUDING THE RECOMMENDATIONS AND ADVICE PROVIDED TO THE DEPARTMENT AND THE LEGISLATURE.

(9) THE DEPARTMENT SHALL PROVIDE REQUESTED TECHNICAL, LOGISTICAL AND OTHER SUPPORT TO THE BOARD TO ASSIST THE BOARD WITH ITS DUTIES AND OBLIGATIONS.

(10) THIS SECTION IS REPEALED EFFECTIVE DECEMBER 31, 2033.

12-170-106. Regulated natural medicine access program fund. (1) THE REGULATED NATURAL MEDICINE ACCESS PROGRAM FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND IS ADMINISTERED BY THE DEPARTMENT AND CONSISTS OF ALL MONEY FROM FEES COLLECTED AND MONEY TRANSFERRED FROM THE GENERAL FUND UNDER THIS ARTICLE 170. ALL INTEREST AND INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND SHALL BE CREDITED TO THE FUND AND SHALL NOT BE TRANSFERRED TO THE GENERAL FUND OR ANY OTHER STATE FUND AT THE END OF ANY STATE FISCAL YEAR.

(2) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND ANY GIFTS, GRANTS, DONATIONS, LOAN OF FUNDS, PROPERTY, OR ANY OTHER REVENUE OR AID IN ANY FORM FROM THE STATE, ANY STATE AGENCY, ANY OTHER PUBLIC SOURCE, ANY PRIVATE SOURCE, OR ANY COMBINATION THEREOF, AND ANY SUCH MONETARY RECEIPTS SHALL BE CREDITED TO THE FUND AND ANY SUCH IN-KIND RECEIPTS SHALL BE APPLIED FOR THE BENEFIT OF THE FUND.

(3) THE MONEY IN THE FUND IS CONTINUALLY APPROPRIATED TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS OF CARRYING OUT THE PROVISIONS OF THIS ARTICLE 170.

(4) FUNDS FOR THE INITIAL ESTABLISHMENT AND SUPPORT OF THE REGULATORY ACTIVITIES BY THE DEPARTMENT UNDER THIS ARTICLE 170, INCLUDING THE NATURAL MEDICINE ADVISORY BOARD, THE DEVELOPMENT AND PROMOTION OF PUBLIC EDUCATION CAMPAIGNS RELATED TO THE USE OF NATURAL MEDICINE, AND THE DEVELOPMENT OF THE POLICIES, PROCEDURES, AND PROGRAMS REQUIRED BY 12-170-104(6)(d) SHALL BE ADVANCED FROM THE GENERAL FUND TO THE REGULATED NATURAL MEDICINE ACCESS PROGRAM FUND AND SHALL BE REPAYED TO THE GENERAL FUND BY THE INITIAL PROCEEDS FROM FEES COLLECTED PURSUANT TO THIS ARTICLE 170.

(5) THE OFFICE OF STATE PLANNING AND BUDGETING SHALL DETERMINE THE AMOUNT OF THE INITIAL ADVANCE FROM THE GENERAL FUND TO THE REGULATED NATURAL MEDICINE ACCESS PROGRAM FUND BASED ON THE ESTIMATED COSTS OF ESTABLISHING THE PROGRAM.

12-170-107. Localities. (1) A LOCALITY MAY REGULATE THE TIME, PLACE, AND MANNER OF THE OPERATION OF HEALING CENTERS LICENSED PURSUANT TO THIS ARTICLE 170 WITHIN ITS BOUNDARIES.

(2) A LOCALITY MAY NOT BAN OR COMPLETELY PROHIBIT THE ESTABLISHMENT OR OPERATION OF HEALING CENTERS LICENSED PURSUANT TO THIS ARTICLE 170 WITHIN ITS BOUNDARIES.

(3) A LOCALITY MAY NOT BAN OR COMPLETELY PROHIBIT A LICENSED HEALTH-CARE FACILITY OR INDIVIDUAL WITHIN ITS BOUNDARIES FROM PROVIDING NATURAL MEDICINE SERVICES IF THE LICENSED HEALTH-CARE FACILITY OR INDIVIDUAL IS PERMITTED TO PROVIDE NATURAL MEDICINE SERVICES BY THE DEPARTMENT PURSUANT TO THIS ARTICLE 170.

(4) A LOCALITY MAY NOT PROHIBIT THE TRANSPORTATION OF NATURAL MEDICINE THROUGH ITS JURISDICTION ON PUBLIC ROADS BY A LICENSEE OR AS OTHERWISE ALLOWED BY THIS ARTICLE 170.

(5) A LOCALITY MAY NOT ADOPT ORDINANCES OR REGULATIONS THAT ARE UNREASONABLE OR IN CONFLICT WITH THIS ARTICLE 170, BUT MAY ENACT LAWS IMPOSING LESSER CRIMINAL OR CIVIL PENALTIES THAN PROVIDED BY THIS ARTICLE 170

12-170-108. Protections. (1) SUBJECT TO THE LIMITATIONS IN THIS ARTICLE 170, BUT NOTWITHSTANDING ANY OTHER PROVISION OF LAW:

(a) ACTIONS AND CONDUCT PERMITTED PURSUANT TO A LICENSE OR REGISTRATION ISSUED BY THE DEPARTMENT OR BY DEPARTMENT RULE, OR BY THOSE WHO ALLOW PROPERTY TO BE USED PURSUANT TO A LICENSE OR REGISTRATION ISSUED BY THE DEPARTMENT OR BY DEPARTMENT RULE, ARE NOT UNLAWFUL AND SHALL NOT BE AN OFFENSE UNDER STATE LAW, OR THE LAWS OF ANY LOCALITY WITHIN THE STATE, OR BE SUBJECT TO A CIVIL FINE, PENALTY, OR SANCTION, OR BE A BASIS FOR DETENTION, SEARCH, OR ARREST, OR TO DENY ANY RIGHT OR PRIVILEGE, OR TO SEIZE OR FORFEIT ASSETS UNDER STATE LAW OR THE LAWS OF ANY LOCALITY WITHIN THE STATE.

(b) A CONTRACT IS NOT UNENFORCEABLE ON THE BASIS THAT NATURAL MEDICINES, AS ALLOWED UNDER THIS ARTICLE 170, ARE PROHIBITED BY FEDERAL LAW.

(c) A HOLDER OF A PROFESSIONAL OR OCCUPATIONAL LICENSE, CERTIFICATION, OR REGISTRATION IS NOT SUBJECT TO PROFESSIONAL DISCIPLINE OR LOSS OF A PROFESSIONAL LICENSE OR CERTIFICATION FOR PROVIDING ADVICE OR SERVICES ARISING OUT OF OR RELATED TO NATURAL MEDICINE LICENSES, APPLICATIONS FOR LICENSES ON THE BASIS THAT NATURAL MEDICINES ARE PROHIBITED BY FEDERAL LAW, OR FOR PERSONAL USE OF NATURAL MEDICINES AS ALLOWED UNDER THIS ARTICLE 170. THIS SECTION DOES NOT PERMIT A PERSON TO ENGAGE IN MALPRACTICE.

(d) MENTAL HEALTH, SUBSTANCE USE DISORDER, OR BEHAVIORAL HEALTH SERVICES OTHERWISE COVERED UNDER THE COLORADO MEDICAL ASSISTANCE ACT, ARTICLES 4 TO 6 OF TITLE 25.5, C.R.S., SHALL NOT BE DENIED ON THE BASIS THAT THEY ARE COVERED IN CONJUNCTION WITH NATURAL MEDICINE SERVICES OR THAT NATURAL MEDICINES ARE PROHIBITED BY FEDERAL LAW. NO INSURANCE OR INSURANCE PROVIDER IS REQUIRED TO COVER THE COST OF THE NATURAL MEDICINE ITSELF.

(e) NOTHING IN THIS SECTION SHALL BE CONSTRUED OR INTERPRETED TO PREVENT THE DEPARTMENT FROM ENFORCING ITS RULES AGAINST A LICENSEE OR TO LIMIT A STATE OR LOCAL LAW ENFORCEMENT AGENCY'S ABILITY TO INVESTIGATE UNLAWFUL ACTIVITY IN RELATION TO A LICENSEE.

12-170-109. Personal Use. (1) SUBJECT TO THE LIMITATIONS IN THIS ARTICLE 170, BUT NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE FOLLOWING ACTS ARE NOT AN OFFENSE UNDER STATE LAW OR THE LAWS OF ANY LOCALITY WITHIN THE STATE OR SUBJECT TO A CIVIL FINE, PENALTY, OR SANCTION, OR THE BASIS FOR DETENTION, SEARCH, OR ARREST, OR TO DENY ANY RIGHT OR PRIVILEGE, OR TO SEIZE OR FORFEIT ASSETS UNDER STATE LAW OR THE LAWS OF ANY LOCALITY, IF THE PERSON IS TWENTY-ONE YEARS OF AGE OR OLDER:

(a) POSSESSING, STORING, USING, PROCESSING, TRANSPORTING, PURCHASING, OBTAINING, OR INGESTING NATURAL MEDICINE FOR PERSONAL USE, OR GIVING AWAY NATURAL MEDICINE FOR PERSONAL USE WITHOUT REMUNERATION TO A PERSON OR PERSONS TWENTY-ONE YEARS OF AGE OR OLDER.

(b) GROWING, CULTIVATING, OR PROCESSING PLANTS OR FUNGI CAPABLE OF PRODUCING NATURAL MEDICINE FOR PERSONAL USE IF:

(I) THE PLANTS AND FUNGI ARE KEPT IN OR ON THE GROUNDS OF A PRIVATE HOME OR RESIDENCE; AND

(II) THE PLANTS AND FUNGI ARE SECURED FROM ACCESS BY PERSONS UNDER TWENTY-ONE YEARS OF AGE.

(c) ASSISTING ANOTHER PERSON OR PERSONS WHO ARE TWENTY-ONE YEARS OF AGE OR OLDER, OR ALLOWING PROPERTY TO BE USED, IN ANY OF THE ACTIONS OR CONDUCT PERMITTED UNDER SUBSECTION (1).

(2) FOR THE PURPOSE OF THIS ARTICLE 170, "PERSONAL USE" MEANS THE PERSONAL INGESTION OR USE OF A NATURAL MEDICINE AND INCLUDES THE AMOUNT A PERSON MAY CULTIVATE OR POSSESS OF NATURAL MEDICINE NECESSARY TO SHARE NATURAL MEDICINES WITH OTHER PERSONS TWENTY-ONE YEARS OF AGE OR OLDER WITHIN THE CONTEXT OF COUNSELING, SPIRITUAL GUIDANCE, BENEFICIAL COMMUNITY-BASED USE AND HEALING, SUPPORTED USE, OR RELATED SERVICES. "PERSONAL USE" DOES NOT INCLUDE THE SALE OF NATURAL MEDICINES FOR REMUNERATION.

(3) CONDUCT PERMITTED BY THIS ARTICLE 170 SHALL NOT, BY ITSELF:

(a) CONSTITUTE CHILD ABUSE OR NEGLECT WITHOUT A FINDING OF ACTUAL THREAT TO THE HEALTH OR WELFARE OF A CHILD BASED ON ALL RELEVANT FACTORS.

(b) BE THE BASIS TO RESTRICT PARENTING TIME WITH A CHILD WITHOUT A FINDING THAT THE PARENTING TIME WOULD ENDANGER THE CHILD'S PHYSICAL HEALTH OR SIGNIFICANTLY IMPAIR THE CHILD'S EMOTIONAL DEVELOPMENT.

(4) CONDUCT PERMITTED BY THIS ARTICLE 170 SHALL NOT, BY ITSELF, BE THE BASIS FOR PUNISHING OR OTHERWISE PENALIZING A PERSON CURRENTLY UNDER PAROLE, PROBATION, OR OTHER STATE SUPERVISION, OR RELEASED AWAITING TRIAL OR OTHER HEARING.

(5) CONDUCT PERMITTED BY THIS ARTICLE 170 SHALL NOT, BY ITSELF, BE THE BASIS FOR DETENTION, SEARCH, OR ARREST; AND THE POSSESSION OR SUSPICION OF POSSESSION OF NATURAL MEDICINE, OR THE POSSESSION OF MULTIPLE CONTAINERS OF NATURAL MEDICINE, SHALL NOT INDIVIDUALLY OR IN COMBINATION WITH EACH OTHER CONSTITUTE REASONABLY ARTICULABLE SUSPICION OF A CRIME. NATURAL MEDICINES AS PERMITTED BY THIS ARTICLE 170 ARE NOT CONTRABAND NOR SUBJECT TO SEIZURE AND SHALL NOT BE HARMED OR DESTROYED.

(6) CONDUCT PERMITTED BY THIS ARTICLE 170 SHALL NOT, BY ITSELF, BE THE BASIS TO DENY ELIGIBILITY FOR ANY PUBLIC ASSISTANCE PROGRAM, UNLESS REQUIRED BY FEDERAL LAW.

(7) FOR THE PURPOSES OF MEDICAL CARE, INCLUDING ORGAN TRANSPLANTS, CONDUCT PERMITTED BY THIS ARTICLE 170 DOES NOT CONSTITUTE THE USE OF AN ILLICIT SUBSTANCE OR OTHERWISE DISQUALIFY A PERSON FROM MEDICAL CARE OR MEDICAL INSURANCE.

(8) NOTHING IN THIS SECTION SHALL BE CONSTRUED OR INTERPRETED TO PERMIT A PERSON TO GIVE AWAY ANY AMOUNT OF NATURAL MEDICINE AS PART OF A BUSINESS PROMOTION OR OTHER COMMERCIAL ACTIVITY OR TO PERMIT PAID ADVERTISING RELATED TO NATURAL MEDICINE, SHARING OF NATURAL MEDICINE, OR SERVICES INTENDED TO BE USED CONCURRENTLY WITH A PERSON'S CONSUMPTION OF NATURAL MEDICINE. SUCH ADVERTISING MAY BE CONSIDERED EVIDENCE OF COMMERCIAL ACTIVITY THAT IS PROHIBITED UNDER THIS SECTION. THIS PROVISION DOES NOT PRECLUDE THE DONATION OF NATURAL MEDICINE BY A PERSON TWENTY-ONE YEARS OF AGE OR OLDER, PAYMENT FOR BONA FIDE HARM REDUCTION SERVICES, BONA FIDE THERAPY SERVICES, OR OTHER BONA FIDE SUPPORT SERVICES, MAINTAINING PERSONAL OR PROFESSIONAL WEBSITES RELATED TO NATURAL MEDICINE SERVICES, DISSEMINATION OF EDUCATIONAL MATERIALS RELATED TO NATURAL MEDICINE, OR LIMIT THE ABILITY OF A HEALING CENTER TO DONATE NATURAL MEDICINE OR PROVIDE NATURAL MEDICINE AT REDUCED COST CONSISTENT WITH DEPARTMENT RULES.

(9) A PERSON WHO HAS COMPLETED A SENTENCE FOR A CONVICTION, WHETHER BY TRIAL OR PLEA OF GUILTY OR *NOLO CONTENDERE*, WHO WOULD NOT HAVE BEEN GUILTY OF AN OFFENSE UNDER THIS ACT HAD IT BEEN IN EFFECT AT THE TIME OF THE OFFENSE, MAY FILE A PETITION BEFORE THE TRIAL COURT THAT ENTERED THE JUDGMENT OF CONVICTION IN THE PERSON'S CASE TO SEAL THE RECORD OF THE CONVICTION AT NO COST. IF THERE IS NO OBJECTION FROM THE DISTRICT ATTORNEY, THE COURT SHALL AUTOMATICALLY SEAL SUCH RECORD. IF THERE IS AN OBJECTION BY THE DISTRICT ATTORNEY, A HEARING SHALL BE HELD AND THE COURT SHALL DETERMINE IF THE PRIOR CONVICTION DOES NOT QUALIFY TO BE SEALED UNDER THIS ACT. IF THE RECORD DOES NOT QUALIFY TO BE SEALED, THE COURT SHALL DENY THE SEALING OF THE RECORD. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO DIMINISH OR ABROGATE ANY RIGHTS OR REMEDIES OTHERWISE AVAILABLE TO THE PETITIONER OR APPLICANT.

12-170-110. Personal use penalties. (1) UNLESS OTHERWISE PROVIDED BY SUBSECTION (2) OF THIS SECTION, A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE IS SUBJECT TO A DRUG PETTY OFFENSE, AND UPON CONVICTION THEREOF, SHALL BE SUBJECT ONLY TO A PENALTY OF NO MORE THAN FOUR (4) HOURS OF DRUG EDUCATION OR COUNSELING PROVIDED AT NO COST TO THE PERSON, IF THE PERSON:

(a) POSSESSES, USES, INGESTS, INHALES, OR TRANSPORTS NATURAL MEDICINE FOR PERSONAL USE;

(b) GIVES AWAY WITHOUT REMUNERATION NATURAL MEDICINE FOR PERSONAL USE; OR

(c) POSSESSES, USES, OR GIVES AWAY WITHOUT REMUNERATION NATURAL MEDICINE PARAPHERNALIA.

(2) TO THE EXTENT SUBSECTION (1) ESTABLISHES A PENALTY FOR CONDUCT NOT OTHERWISE PROHIBITED BY LAW OR ESTABLISHES A PENALTY THAT IS GREATER THAN EXISTS ELSEWHERE IN LAW FOR THE CONDUCT SET FORTH IN SUBSECTION (1), THE PENALTIES IN SUBSECTION (1) SHALL NOT APPLY.

(3) A PERSON WHO CULTIVATES NATURAL MEDICINES THAT ARE NOT SECURE FROM ACCESS BY A PERSON UNDER TWENTY-ONE YEARS OF AGE IN VIOLATION OF 12-170-109(1)(b) IS SUBJECT TO A CIVIL FINE NOT EXCEEDING TWO-HUNDRED AND FIFTY DOLLARS, IN ADDITION TO ANY OTHER APPLICABLE PENALTIES.

(4) A PERSON SHALL NOT BE SUBJECT TO ANY ADDITIONAL FEES, FINES, OR OTHER PENALTIES FOR THE VIOLATIONS ADDRESSED IN THIS SECTION OTHER THAN THOSE SET FORTH IN THIS SECTION. FURTHER, A PERSON SHALL NOT BE SUBJECT TO INCREASED PUNISHMENT FOR ANY OTHER CRIME ON THE BASIS OF THAT PERSON HAVING UNDERTAKEN CONDUCT PERMITTED BY THIS ARTICLE 170.

12-170-111. Limitations. (1) THIS ARTICLE 170 SHALL NOT BE CONSTRUED:

(a) TO PERMIT A PERSON TO DRIVE OR OPERATE A MOTOR VEHICLE, BOAT, VESSEL, AIRCRAFT, OR OTHER DEVICE THAT IS CAPABLE OF MOVING ITSELF, OR OF BEING MOVED, FROM PLACE TO PLACE UPON WHEELS OR ENDLESS TRACKS UNDER THE INFLUENCE OF NATURAL MEDICINE;

(b) TO PERMIT A PERSON TO USE OR POSSESS NATURAL MEDICINE IN A SCHOOL, DETENTION FACILITY, OR PUBLIC BUILDING;

(c) TO PERMIT A PERSON TO INGEST NATURAL MEDICINES IN A PUBLIC PLACE, OTHER THAN A PLACE LICENSED OR OTHERWISE PERMITTED BY THE DEPARTMENT FOR SUCH USE;

(d) TO PERMIT THE TRANSFER OF NATURAL MEDICINE, WITH OR WITHOUT REMUNERATION, TO A PERSON UNDER TWENTY-ONE YEARS OF AGE OR TO ALLOW A PERSON UNDER TWENTY-ONE YEARS OF AGE TO USE OR POSSESS NATURAL MEDICINE;

(e) TO PERMIT A PERSON TO ENGAGE IN CONDUCT THAT ENDANGERS OR HARMS OTHERS;

(f) TO REQUIRE A GOVERNMENT MEDICAL ASSISTANCE PROGRAM OR PRIVATE HEALTH INSURER TO REIMBURSE A PERSON FOR COSTS OF PURCHASING NATURAL MEDICINE;

(g) TO REQUIRE AN EMPLOYER TO PERMIT OR ACCOMMODATE THE USE, CONSUMPTION, POSSESSION, TRANSFER, DISPLAY, TRANSPORTATION, OR GROWING OF NATURAL MEDICINES IN THE WORKPLACE;

(h) TO PROHIBIT A RECIPIENT OF A FEDERAL GRANT OR AN APPLICANT FOR A FEDERAL GRANT FROM PROHIBITING THE USE, CONSUMPTION, POSSESSION, TRANSFER, DISPLAY, TRANSPORTATION, OR GROWING OF NATURAL MEDICINES TO THE EXTENT NECESSARY TO SATISFY FEDERAL REQUIREMENTS FOR THE GRANT;

(i) TO PROHIBIT A PARTY TO A FEDERAL CONTRACT OR A PERSON APPLYING TO BE A PARTY TO A FEDERAL CONTRACT FROM PROHIBITING ANY ACT PERMITTED IN THIS ARTICLE 170 TO THE EXTENT NECESSARY TO COMPLY WITH THE TERMS AND CONDITIONS OF THE CONTRACT OR TO SATISFY FEDERAL REQUIREMENTS FOR THE CONTRACT;

(j) TO REQUIRE A PERSON TO VIOLATE A FEDERAL LAW; OR

(k) TO EXEMPT A PERSON FROM A FEDERAL LAW OR OBSTRUCT THE ENFORCEMENT OF A FEDERAL LAW.

12-170-112. Liberal construction. THIS ACT SHALL BE LIBERALLY CONSTRUED TO EFFECTUATE ITS PURPOSE.

12-170-113. Preemption. NO LOCALITY SHALL ADOPT, ENACT, OR ENFORCE ANY ORDINANCE, RULE, OR RESOLUTION IMPOSING ANY GREATER CRIMINAL OR CIVIL PENALTY THAN PROVIDED BY THIS ACT OR THAT IS OTHERWISE IN CONFLICT WITH THE PROVISIONS OF THIS ACT. A LOCALITY MAY ENACT LAWS IMPOSING LESSER CRIMINAL OR CIVIL PENALTIES THAN PROVIDED BY THIS ACT.

12-170-114. Self-executing, severability, conflicting provisions. ALL PROVISIONS OF THIS ARTICLE 170 ARE SELF-EXECUTING EXCEPT AS SPECIFIED HEREIN, ARE SEVERABLE, AND, EXCEPT WHERE OTHERWISE INDICATED IN THE TEXT, SHALL SUPERSEDE CONFLICTING STATE STATUTORY, LOCAL CHARTER, ORDINANCE, OR RESOLUTION, AND OTHER STATE AND LOCAL PROVISIONS. IF ANY PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ACT THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ACT ARE SEVERABLE.

12-170-115. Effective date. UNLESS OTHERWISE PROVIDED BY THIS ACT, ALL PROVISIONS OF THIS ACT SHALL BECOME EFFECTIVE UPON THE EARLIER OF THE OFFICIAL DECLARATION OF THE VOTE HEREON BY PROCLAMATION OF THE GOVERNOR OR THIRTY DAYS AFTER THE VOTE HAS BEEN CANVASSED, PURSUANT TO SECTION 1(4) OF ARTICLE V OF THE COLORADO CONSTITUTION. THE REMOVAL AND REDUCTION OF CRIMINAL PENALTIES BY THIS ACT IS INTENDED TO HAVE RETROACTIVE EFFECT.

SECTION 2. In Colorado Revised Statutes, 18-18-403.5, **amend** (1) as follows:

18-18-403.5. Unlawful possession of a controlled substance. (1) Except as authorized by part 1 or 3 of article 280 of title 12, part 2 of article 80 of title 27, section 18-1-711, section 18-18-428(1)(b), ~~or~~ part 2 or 3 of this article 18, OR THE “NATURAL MEDICINE HEALTH ACT OF

2022”, ARTICLE 170 OF TITLE 12 it is unlawful for a person knowingly to possess a controlled substance.

SECTION 3. In Colorado Revised Statutes, 18-18-404 **amend** (1)(a) as follows:

18-18-404. Unlawful use of a controlled substance. (1)(a) Except as is otherwise provided for offenses concerning marijuana and marijuana concentrate in sections 18-18-406 and 18-18-406.5 OR BY THE “NATURAL MEDICINE HEALTH ACT OF 2022”, ARTICLE 170 OF TITLE 12 any person who uses any controlled substance, except when it is dispensed by or under the direction of a person licensed or authorized by law to prescribe, administer, or dispense the controlled substance for bona fide medical needs, commits a level 2 drug misdemeanor.

SECTION 4. In Colorado Revised Statutes, 18-18-405, **amend** (1)(a) as follows:

18-18-405. Unlawful distribution, manufacturing, dispensing, or sale. (1)(a) Except as authorized by part 1 of article 280 of title 12, part 2 of article 80 of title 27, ~~or~~ part 2 or 3 of this article 18, OR BY “THE NATURAL MEDICINE HEALTH ACT OF 2022”, ARTICLE 170 OF TITLE 12 it is unlawful for any person knowingly to manufacture, dispense, sell, or distribute, or to possess with intent to manufacture, dispense, sell, or distribute, a controlled substance; or induce, attempt to induce, or conspire with one or more other persons, to manufacture, dispense, sell, distribute, or possess with intent to manufacture, dispense, sell, or distribute, a controlled substance; or possess one or more chemicals or supplies or equipment with intent to manufacture a controlled substance.

SECTION 5. In Colorado Revised Statutes, **amend** 18-18-410 as follows:

18-18-410. Declaration of class 1 public nuisance. EXCEPT AS PERMITTED BY THE “NATURAL MEDICINE HEALTH ACT OF 2022”, ARTICLE 170 OF TITLE 12 any store, shop, warehouse, dwelling house, building, vehicle, boat, or aircraft or any place whatsoever which is frequented by controlled substance addicts for the unlawful use of controlled substances or which is used for the unlawful storage, manufacture, sale, or distribution of controlled substances is declared to be a class 1 public nuisance and subject to the provisions of section 16-13-303, C.R.S. Any real or personal property which is seized or confiscated as a result of an action to abate a public nuisance shall be disposed of pursuant to part 7 of article 13 of title 16, C.R.S.

SECTION 6. In Colorado Revised Statutes, 18-18-411, **add** (5) as follows:

18-18-411. keeping, maintaining, controlling, renting, or making available property for unlawful distribution or manufacture of controlled substances.

(5) A PERSON ACTING IN COMPLIANCE WITH THE “NATURAL MEDICINE HEALTH ACT OF 2022”, ARTICLE 170 OF TITLE 12 DOES NOT VIOLATE THIS SECTION.

SECTION 7. In Colorado Revised Statutes, 18-18-412.7, **add** (3) as follows:

18-18-412.7. Sale or distribution of materials to manufacture controlled substances.

(3) A PERSON ACTING IN COMPLIANCE WITH THE “NATURAL MEDICINE HEALTH ACT OF 2022”, ARTICLE 170 OF TITLE 12 DOES NOT VIOLATE THIS SECTION.

SECTION 8. In Colorado Revised Statutes, 18-18-430.5, **add** (1)(c) as follows:

18-18-430.5. Drug paraphernalia—exemption. (1) A person is exempt from sections 18-18-425 to 18-18-430 if the person is:

(c) USING EQUIPMENT, PRODUCTS OR MATERIALS IN COMPLIANCE WITH THE “NATURAL MEDICINE HEALTH ACT OF 2022”, ARTICLE 170 OF TITLE 12. THE MANUFACTURE, POSSESSION, AND DISTRIBUTION OF SUCH EQUIPMENT, PRODUCTS, OR MATERIALS SHALL BE AUTHORIZED WITHIN THE MEANING OF 21 USC 863 SEC. (f).

SECTION 9. In Colorado Revised Statutes, 16-13-303, **add** (9) as follows:

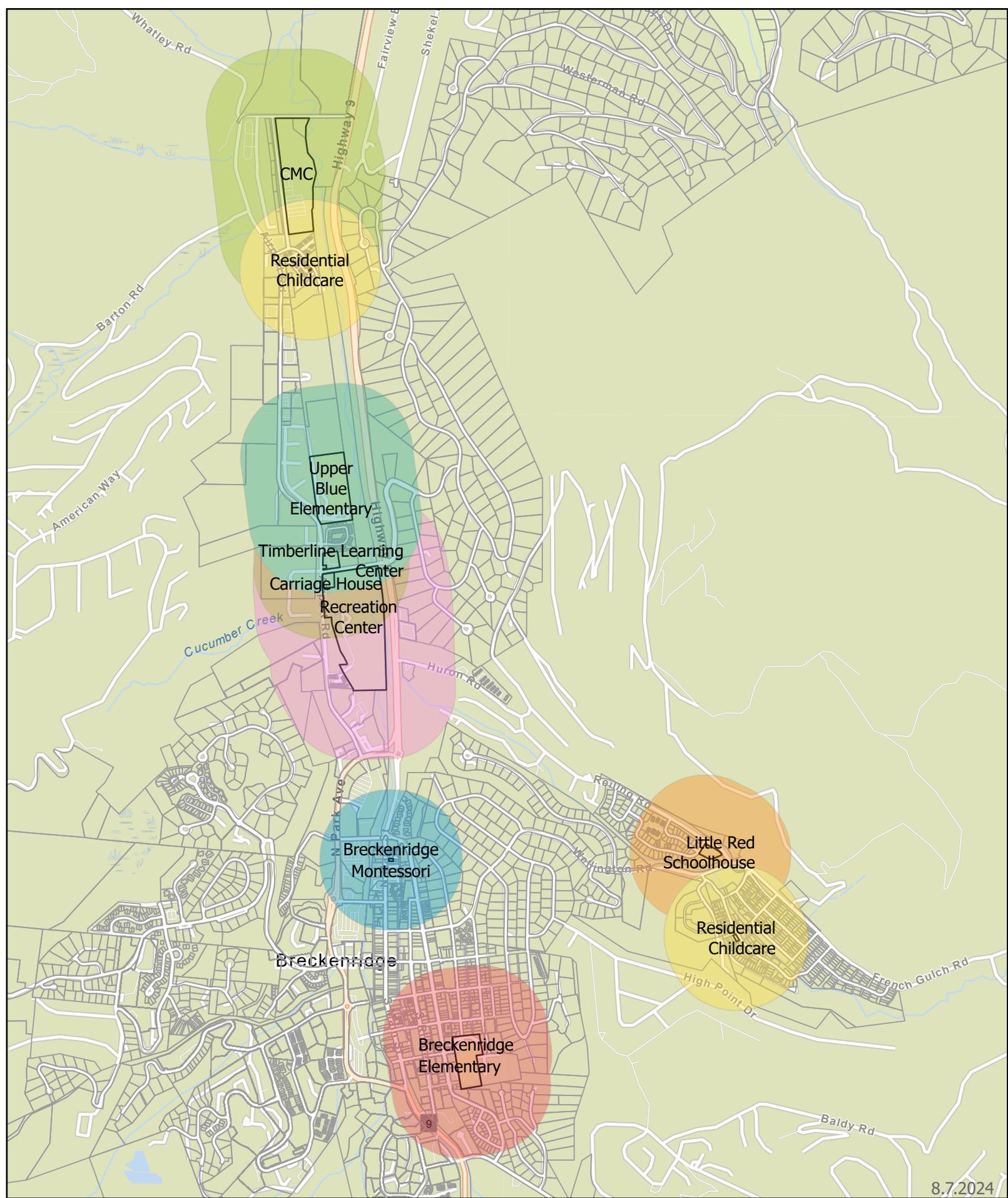
16-13-303. Class 1 public nuisance.

(9) A PERSON ACTING IN COMPLIANCE WITH THE “NATURAL MEDICINE HEALTH ACT OF 2022”, ARTICLE 170 OF TITLE 12 DOES NOT VIOLATE THIS SECTION.

SECTION 10. In Colorado Revised Statutes, 16-13-304, **add** (2) as follows:

16-13-304. Class 2 public nuisance.

(2) A PERSON ACTING IN COMPLIANCE WITH THE “NATURAL MEDICINE HEALTH ACT OF 2022”, ARTICLE 170 OF TITLE 12 DOES NOT VIOLATE THIS SECTION.

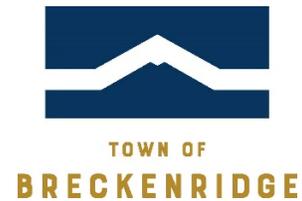


8.7.2024

Natural Medicine Center
 Exclusion Areas
 Town of Breckenridge

- | | | |
|-------------------------|------------------------|----------------------------|
| 1000 Foot Buffer | Carriage House | Timberline Learning Center |
| Breckenridge Elementary | Little Red Schoolhouse | Upper Blue Elementary |
| Breckenridge Montessori | Residential Childcare | |
| CMC | Recreation Center | |





Memo

To: Town Council
From: Scott Reid, Deputy Town Manager
Date: 8/1/2024 (for 8/13/2024 work session)
Subject: New Year's Eve Fireworks Discussion

Summary

After several years' hiatus, staff is presenting a conceptual plan to provide New Year's Eve fireworks for Town Council's consideration. The plan was developed with a fireworks provider (Western Enterprises Fireworks) and the Breckenridge Ski Resort. Western Enterprises also offers fireworks displays for Aspen, Vail, Keystone, Frisco, Avon, and several other mountain towns. Breckenridge Ski Resort has collaborated with Town staff to establish a location that is safe, operationally viable, and highly visible for in-Town audiences. Staff seeks Council's direction regarding whether to commit \$35,000 to offering New Year's Eve fireworks for the 2024/2025 season.

Background

New Year's Eve fireworks were last launched in Breckenridge in 2019 and were subsequently halted due to Council concerns about traffic congestion. At this Council's request, staff has reevaluated the opportunity for offering fireworks on New Year's Eve. Independence Day/July 4th fireworks were expressly not considered given ongoing traffic congestion, emergency response, and fire danger issues during summer months.

New Year's Eve fireworks are now being reconsidered because:

- Fire danger is not a strong concern in late December, when temperatures are low, and the ground is generally snow-covered.
- Traffic congestion is generally limited at approximately 9:30pm in late December.

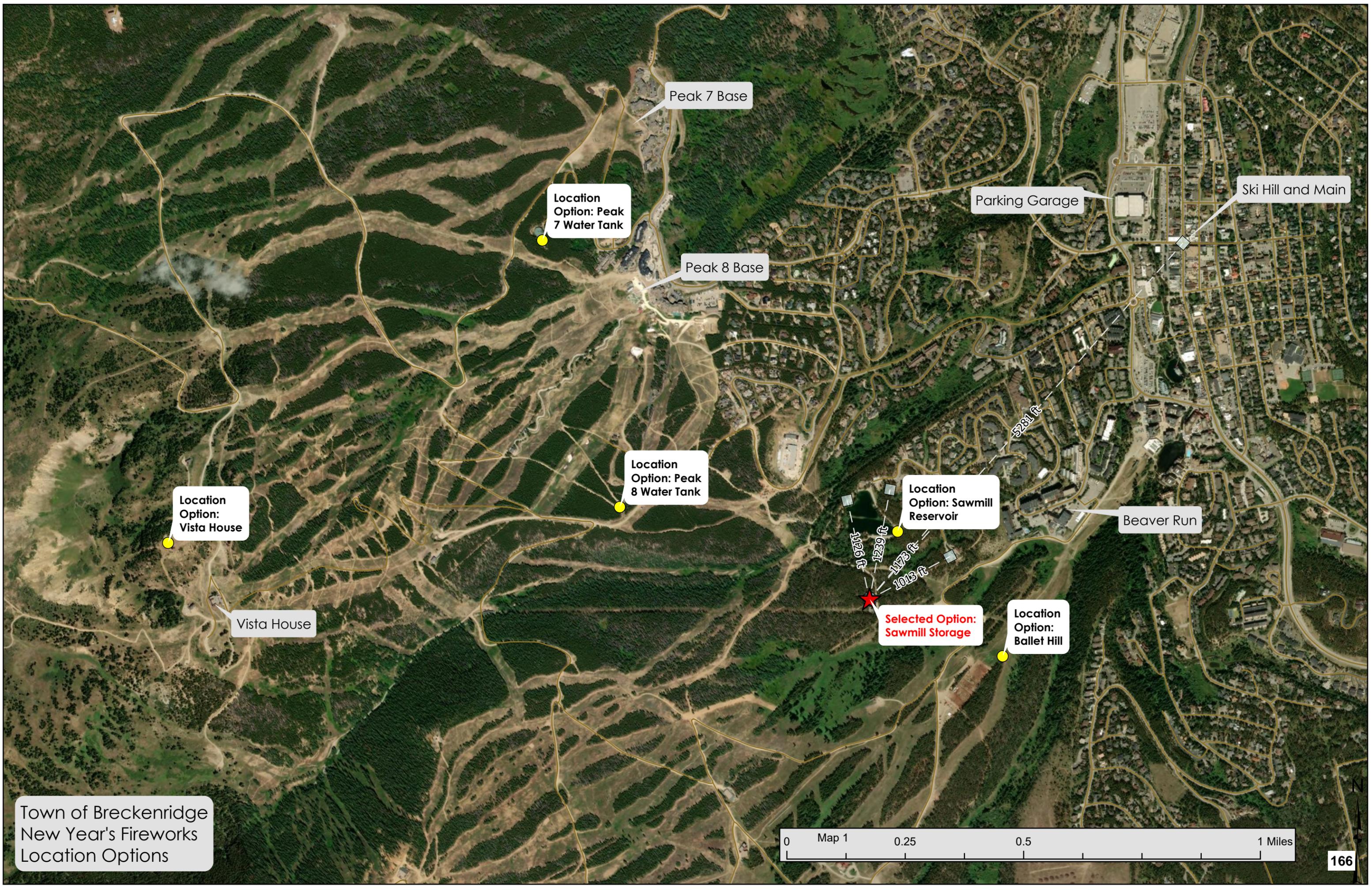
Based on Council's guidance to consider New Year's Eve fireworks, staff convened Western Fireworks Enterprises and the Breckenridge Ski Resort staff for several feasibility meetings. After evaluating multiple sites on Town-owned property, Breckenridge Ski Resort property, as well as the National Forest (see attached Map 1), the group reached consensus on a recommended launch site located in the ski area storage site between the Peak 9 base and C chair. The proposed site was selected because it is safe (over 1,000 feet from residential structures), easily accessible for ski area operations (for firework hauling and rack storage), and highly visible from the Town core. One element of the site evaluation was a GIS-based visibility analysis and drone flight performed by Brad LaRochelle in the Public Works Department, which indicated that the proposed location and firework heights would be visible from common gathering locations such as the Riverwalk Lawn and the North Gondola Lot (see attached Map 2). As proposed, the fireworks would occur up to 1,000 feet above the ground at approximately 9:30pm for 15 minutes, following the ski area's torch light parade.

Recommendation

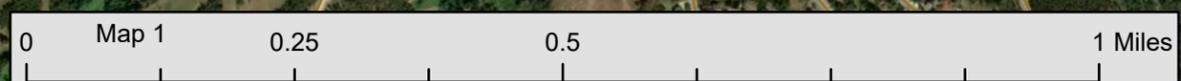
Based on Town Council's guidelines, staff recommends that Council consider a New Year's Eve fireworks proposal with the following details:

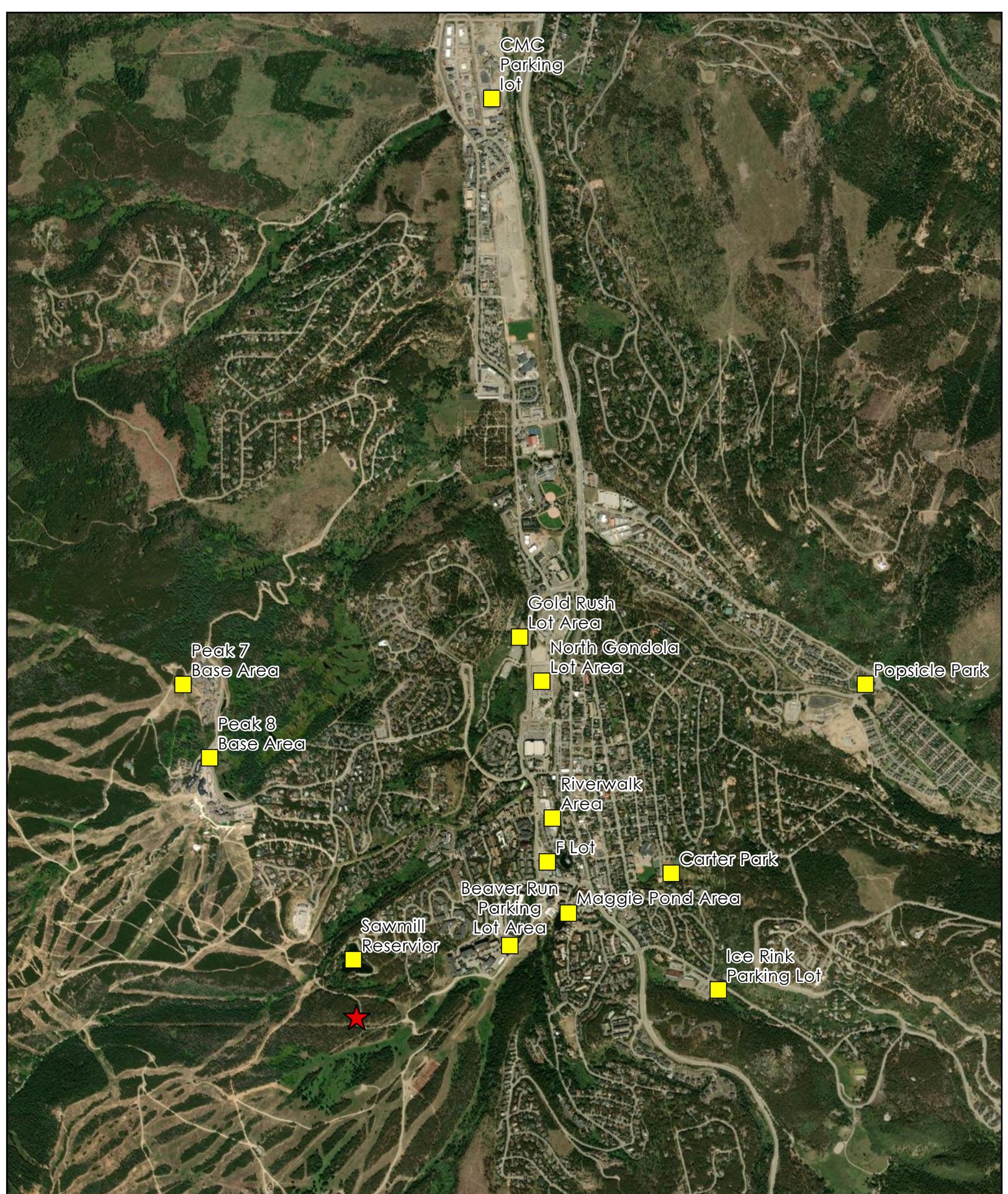
- Partner with Breckenridge Ski Area to establish a safe launch site between Peak 9 base area and C-Chair, south of the ski area maintenance building and the Sawmill Reservoir.
- Hire Western Fireworks Enterprises to provide the fireworks show for an estimated cost of \$35,000.
- Coordinate operational elements and utilize the ski area equipment and staffing to set up the fireworks display on New Year's Eve.
- Confirm Town Public Works and Police Departmental support for overseeing any traffic or crowd control within the Town core.
- Work with the Community Outreach and Engagement division to communicate the 9:30pm fireworks schedule to area stakeholders and the broader community.

Staff seeks Council's direction regarding this fireworks proposal evaluation and will be available at Tuesday's worksession to fill in details and answer any questions.



Town of Breckenridge
New Year's Fireworks
Location Options

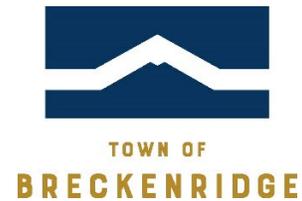




New Year's Eve
Fireworks Viewing Locations

Map 2

-  Fireworks Location
-  Recommended Viewing Locations



Memo

To: Town Council
From: Ellie Muncy, Planner I
Date: 8/7/2024, for the meeting of August 13, 2024
Subject: Work Session Regarding Proposed Development Agreement for Conversion of Copper Baron Condo Unit 2 From Commercial Use to Employee Housing

Craig Campbell, owner of the 1043 sq. ft. Copper Baron Condo Unit 2 located at 217 S Ridge Street Alley, has applied for a Development Agreement regarding converting the unit from commercial use to employee housing. This proposal was brought before Town Council during the July 23rd meeting and while the Council generally supported the conversion, staff received feedback to consider an Area Median Income (AMI) rental restriction and a resale appreciation cap in the employee housing restrictive covenant.

Upon researching further, staff has noted the Housing Department administration rules and regulations were put into place in 2022. The rules and regulations provide the Town with additional authority and direction in structuring employee housing restrictive covenants. The administrative rules and regulations state that the Town will establish a maximum rental rate for rental units. To account for Council comments and take those regulations into account, staff is recommending a 110% AMI rental rate restriction, which Mr. Campbell has agreed to. A 110% rental cap is \$3,017 for a 2-bedroom unit or \$3,484 for a 3-bedroom unit. The rent must include utilities (water, sewer, electric heat). The Housing Division supports this cap for this particular unit based on the size of the unit, a very desirable location and the new construction which will include upgraded features.

Background

When originally constructed, the Copper Baron Condo building (Site I) was subject to the Adams Ridge Master Plan, which allowed a 1:1 floor area to site area ratio, regardless of use. The Adams Ridge Master Plan has since expired and a Development Permit application for a change of use would be subject to the Town's Land Use Guidelines (LUGs) and Development Code.

A similar Development Agreement proposal was submitted and approved in 2022 to convert Big Sky Unit G(A) on South Ridge Street to employee housing. The aforementioned proposal followed the same process this application plans to follow, and as part of the previous unit conversion, Town Council agreed to waive all permit fees and the density transfer fee in return for an employee housing restrictive covenant. That earlier conversion pre-dated the current rules and regulations, so the restrictive covenant did not include a rental cap or appreciation cap.

Density (Policy 3/A & 3/R): The proposed conversion would increase the building's residential density to 1,938 sq. ft., which exceeds the density of 912 sq. ft. recommended by the LUGs by 1026 sq. ft., or 53%. The 1,026 sq. ft. of additional density would need to be transferred to the site using Transferable Development Rights (TDRs). However, the property is located within the Historic District, and Development Code section 9-1-17-12 prohibits additional density from being transferred into the Historic District. As noted above, although the residential density allocation would change on the

property, no new square footage is being constructed and the proposal is to convert existing commercial space to residential space for workforce housing. Therefore, the proposed Development Agreement would exempt the project from the density transfer restriction within the Historic District and, as proposed, the Town would transfer the 1,026 sq ft of residential density to the site to accommodate the conversion.

Parking: There would not be an increase in the parking space requirement with the proposed conversion because the parking requirement for residential use is less than the requirement for commercial use per sq. ft.

Proposal

The following items are requested of the Town by the applicant:

1. Exempt the project from compliance with Development Code section 9-1-17-12 which prohibits density transfer into the Historic District,
2. Town to transfer 1026 sq. ft. (0.86 SFEs) of density to the property (\$228,173.85 value),
3. Waiver of the following fees, totaling approximately \$9,000. These estimates are provided using rates for the year 2024 and are subject to increase annually.
 - Planning Division fees:
 - Development Agreement application fee (\$7,140),
 - Class C Minor Development Permit application fee (\$2,105)

The following items are proposed by the applicant as public benefits:

1. The applicant proposes to record a Restrictive Covenant and Agreement for the unit, restricting the occupancy of the unit to Employee Housing, with a 110% Area Median Income (AMI) rental restriction, including utilities. Employee Housing is defined by the Development Code as *“A dwelling unit the occupancy of which is restricted to a person eighteen (18) years of age or older who, during the entire period of his or her occupancy of the property, earns his or her living by working for a business located in and serving in Summit County, Colorado, an average of at least thirty (30) hours per week, together with such person’s spouse and minor children, if any. All employee housing units shall be a minimum of three hundred fifty (350) square feet of density in size and shall each have a living area containing at a minimum: a kitchen sink; cooking appliance and refrigeration facilities, each having a clear working space; sleeping accommodations; a closet with a door; and a bathroom with a door, sink, toilet, and a bathtub or shower. Each employee housing unit shall have its own entrance. There shall be no interior access from any employee housing unit to any dwelling unit to which it is attached.”* It should be noted that this restrictive covenant also allows for owner occupancy, provided the occupant meets the employment requirement, but in the event it is rented, then the rental cap is triggered.
2. The applicant has agreed that the 110% AMI rental restriction will include monthly HOA fees, which include utility costs.

Staff Analysis

Staff supports the proposed terms of the Development Agreement with the 110% AMI rental restriction, finding that the Town core is an ideal location for employee housing. During the previous work session Council also suggested that an appreciation cap might be considered. The rules and regulations as adopted do suggest appreciation caps, but only for the full deed restrictions that require owner occupancy, but not necessarily properties that allow for rental. Staff finds an appreciation cap may not be

beneficial as it could reduce the desirability to do these conversions and the rental cap will control resale price to some degree. Although staff does not want to set a precedent of transferring density into the Historic District, this project would not result in any new constructed floor area in this case. There is also previous precedent set for this type of Development Agreement proposal with the other conversion done in Adams Ridge.

Questions for Council

1. Does the Council support allowing a density transfer into the Historic District that would not result in any new constructed floor area?
2. Does the Council support the other, updated terms of the proposed Development Agreement?

If Council supports the Development Agreement, staff will work with the Town Attorney to prepare an Ordinance and return to the Council for a first reading.

**DRAFT-Copper Baron Unit 2
RESTRICTIVE COVENANT AND AGREEMENT
(Employee Housing- Development Agreement)**

THIS RESTRICTIVE COVENANT AND AGREEMENT (“**Restrictive Covenant**”) is dated _____, 2024 and is between _____ (“**Owner**”) and TOWN OF BRECKENRIDGE, a Colorado municipal corporation (“**Town**”). Town and Owner are sometimes collectively referred to in this Restrictive Covenant as the “**Parties,**” and individually as a “**Party.**”

Recitals

A. The Owner owns the real property described in Section 1 of this Restrictive Covenant.

B. The Owner intends to convert existing office space into employee housing.

C. The Owner and the Town entered into that Development Agreement dated _____ and recorded _____ at Reception No. _____ of the real property records of the Clerk and Recorder of Summit County, Colorado (“**Development Agreement**”).

D. It is a condition of the Development Agreement that the Owner create a valid and enforceable covenant running with the land assuring that the real property described in Section 1 shall be used solely by a “Qualified Occupant” as defined in this Restrictive Covenant.

E. The Owner declares and covenants that the regulatory and restrictive covenants contained in this Restrictive Covenant are covenants running with the land and are binding upon the Owner and all subsequent owners of the real property described in Section 1 unless this Restrictive Covenant is released and terminated by the Town.

NOW, THEREFORE, in consideration of the issuance of the Development Permit, and other good and valuable consideration, the sufficiency of which is hereby acknowledged by the Owner, the Owner and the Town agree as follows:

1. Property Subject to Covenant. This Restrictive Covenant applies to the following real property located in Summit County, Colorado:
(insert legal)

Town of Breckenridge, County of Summit, State of Colorado

also known as: _____, Breckenridge, CO 80424.

2. Definitions. As used in this Restrictive Covenant:

“**AMI**” means the Summit County Area Median Income as published by the Summit Combined Housing Authority or another index acceptable to the Town.

“**Person**” means a natural person, and excludes any type of entity.

“**Principal Place of Residence**” means the home or place in which one’s habitation is fixed and to which one has a present intention of returning after a departure or absence therefrom. To determine a person’s Principal Place of Residence, the criteria set forth in § 31-10-201(3), C.R.S., or any successor statute, shall apply.

“**Qualified Occupant**” means a person 18 years of age or older who, during the entire period of his or her occupancy of the Unit, earns his or her living by working in Summit County, Colorado for a business located in and serving the County at least 30 hours per week, together with such person’s spouse and minor children, if any.

“**Short Term Rental**” means any rental, lease, or occupancy of a Unit for a term of less than three (3) consecutive months.

“**Unit**” means the unit described in Paragraph 1 of this Restrictive Covenant.

“**Utilities**” means the following utilities and services, to the extent such utilities or services are paid or provided for by Owner for the Units: electric, gas, water, sewer, trash, & snow removal.

3. Occupancy Restriction. Except as provided in Section 4, the Unit shall at all times be occupied by Qualified Occupant (s) as their Principal Place of Residence. Owners are prohibited from using the unit as a short term rental.

4. Exceptions. Notwithstanding Section 3, it is not a violation of this Restrictive Covenant if the Unit is occupied or used as the Principal Place of Residence by:

- A. A person who is partially or fully retired as described in the Town’s Administrative Rules and Regulations (see Section 18, below); or
- B. A person otherwise authorized to occupy a Unit pursuant to this Restrictive Covenant who becomes disabled after commencing lawful occupancy of a Unit such that he or she cannot work the required number of hours each week required by this Restrictive Covenant; provided, however, that such person is permitted to occupy a Unit only for a maximum period of one year following the commencement of such person’s disability unless a longer period of occupancy is authorized by Town.

5. Rent or Lease of the Unit. Owner may rent or lease the Unit provided that: (i) the Unit is rented or leased only to a Qualified Occupant(s); (ii) Owner may not permit or consent to any sublease of all or any portion of the Unit; (iii) the Unit may not be rented or leased for a term of

less than 3 months (no short term rental) and (iv) the maximum monthly rent for the Unit (including Utilities) may not exceed 110% AMI. All leases or rentals of the Unit not in compliance with the requirements of this Section 5 are void, and a violation of this Restrictive Covenant.

6. Annual Verification; Other Information.

- A. Owner shall submit to Town upon request any information, documents, or certificate regarding the occupancy and use of the Unit that Town reasonably deems to be necessary to confirm Owner's compliance with the provisions of this Restrictive Covenant.
- B. At the time of purchase, any prospective or new Owner shall execute a Memorandum of Understanding indicating that he or she has read this Covenant in its entirety and agrees to abide by the terms set forth herein.

7. Inspection of the Unit. Owner agrees that Town may enter the Unit to determine compliance with this Restrictive Covenant without an inspection warrant or other legal authorization, subject to the following requirements: (i) entry may be made by Town only between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday; and (ii) Town shall provide Owner and the occupant of the Unit with not less than 24 hours' prior written notice before entering a Unit. If Town complies with these requirements the Owner shall permit Town's entry into each Unit. Town's rights under this Section 7 may also be exercised by Town's authorized agent. If Owner fails or refuses to comply with the requirements of this Section 7 Town shall have the right to obtain access to the Unit in the manner provided by law.

8. Payment of Taxes and Prior Encumbrances. During the term of this Restrictive Covenant Owner shall pay, prior to delinquency, all taxes and assessments levied against each of the Unit, and all amounts due or to become due on account of principal and interest on any prior encumbrance against each of the Unit.

9. Default; Notice. If Owner fails to comply with this Restrictive Covenant, Town may inform Owner by written notice of such failure and provide Owner a period of time to correct such failure. If the failure is not corrected to the satisfaction of Town within the specified time, which shall be at least 30 days after Town mails written notice to Owner, or within such further time as Town determines is necessary to correct the violation (but not to exceed any limitation set by applicable law), Town may without further notice declare a default under this Restrictive Covenant effective on the date of such declaration of default. Town may then proceed to enforce this Restrictive Covenant.

10. Equitable Relief. Town may specifically enforce this Restrictive Covenant. Town may obtain from any court of competent jurisdiction a temporary restraining order, preliminary injunction, and permanent injunction to obtain specific performance. Any equitable relief provided for in this Section 11 may be sought singly or in combination with such legal remedies as Town may be entitled to, any pursuant to the provisions of this Restrictive Covenant or under the laws of the State of Colorado.

11. Town Authority To Enforce. The restrictions, covenants, and limitations created by this Restrictive Covenant are only for the benefit of Town, and only Town may enforce this Restrictive Covenant. Provided, however, Town may assign its rights to Town of Breckenridge Housing Authority without prior notice to Owner.

12. Waiver; Termination; Modification of Covenant. The restrictions, covenants, and limitations of this Restrictive Covenant may be waived, terminated, or modified only with the written consent of Town and the then-current owner of the Unit as of the date of such waiver, termination, or modification. No waiver, modification, or termination shall be effective until the proper instrument is executed and recorded in the office of the Clerk and Recorder of Summit County, Colorado. Town may also terminate this instrument by recording a release in recordable form without the signature of the then-current owner of each of the Units.

13. Statute of Limitations. Owner hereby waives the benefit of and agrees not to assert in any action brought by Town to enforce this Restrictive Covenant any applicable statute of limitation, including, but not limited to, the provisions of §38-41-119, C.R.S. If any statute of limitation may be lawfully asserted by Owner in connection with an action brought by Town to enforce this Restrictive Covenant, each and every day during which any violation of this Restrictive Covenant occurs shall be deemed to be a separate breach of this Restrictive Covenant for the purposes of determining the commencement of the applicable statute of limitations period.

14. Attorney's Fees. If any action is brought in a court of law by any Party concerning the enforcement, interpretation, or construction of this Restrictive Covenant, the prevailing Party, any at trial or upon appeal, shall be entitled to reasonable attorney's fees, as well as costs, including expert witness fees, incurred in the prosecution or defense of such action.

15. Notices. All notices provided for or required under this Restrictive Covenant must be in writing, signed by the Party giving the notice, and shall be deemed properly given when actually received or two (2) days after having been mailed, postage prepaid, certified, return receipt requested, addressed to the other Party at such Party's addresses appearing on the signature pages. Each Party, by written notice to the other Party, may specify any other address for the receipt of such instruments or communications. A notice to any owner of a Unit subsequent to Owner may be sent to the address to which tax notices are sent according to the records of the Summit County Treasurer.

16. Recording; Covenant Running With the Land. The Restrictive Covenant is to be recorded in the real property records of the Clerk and Recorder of Summit County, Colorado, and shall run with the land and shall be binding upon Owner and all subsequent owners of the real property described in Section 1 until this Restrictive Covenant is lawfully terminated in the manner provided in this Restrictive Covenant.

17. Mortgagee's Consent. Owner warrants that there is no mortgage or prior recorded liens encumbering the Property.

18. Town's Administrative Rules and Regulations. This Restrictive Covenant shall be interpreted in accordance with, and Owner shall comply with, the Town of Breckenridge Division of Housing Administrative Rules and Regulations in effect from time to time throughout the term of this Restrictive Covenant; provided, however, that in the event of a conflict between the restrictions, terms and conditions of this Restrictive Covenant and the Administrative Rules and Regulations, this Restrictive Covenant shall control.

19. Owner To Give Town Notice Of Default Under Other Encumbrance: Owner shall: (i) immediately notify the Town in writing of the receipt of any notice claiming a default under any mortgage, deed of trust, or other lien or encumbrance against the Unit, or a default under any debt or other obligation secured by a mortgage, deed of trust, or other lien or encumbrance against the Unit; and (ii) promptly forward to the Town a copy of any written notice of such default or foreclosure notice received by the Owner.

20. Miscellaneous.

A. Applicable Law. This Restrictive Covenant shall be interpreted in accordance with the laws of the State of Colorado regardless of any law that might require to be interpreted under the laws of any other state.

B. Vesting and Term. Town's rights under this Restrictive Covenant vest upon the execution of this Restrictive Covenant. This Restrictive Covenant shall remain in full force and effect in perpetuity unless terminated in accordance with Section 13. Provided, however, if any of the terms, covenants, conditions, restrictions, uses, limitations, or obligations created by this Restrictive Covenant are held to be unlawful or void for violation of: (i) the rule against perpetuities or some analogous statutory provision; (ii) the rule restricting restraints on alienation; or (iii) any other statutory or common law rule imposing like or similar time limits, then such provision shall continue only for the period of the lives of the duly elected and seated members of the Breckenridge Town Council in office on the date of the execution of this Restrictive Covenant, their now living descendants, if any, and the survivor of them, plus 21 years.

C. Section Headings. Section headings are inserted for convenience only and in no way limit or define the interpretation to be placed upon this Restrictive Covenant.

D. Terminology. This Restrictive Covenant applies to all genders. Unless the context clearly requires otherwise, the singular includes the plural, and the plural includes the singular.

E. Severability. If any provision of this Restrictive Covenant is finally determined to be invalid, illegal, or unenforceable, the Parties shall negotiate in good faith to modify this Restrictive Covenant to fulfill as closely as possible the original intents and purposes of this Restrictive Covenant.

F. Construction. The rule of strict construction does not apply to this Restrictive Covenant. This Restrictive Covenant is to be given a reasonable construction so that the intention of the Parties as expressed in this Restrictive Covenant is carried out.

G. Entire Agreement. This Restrictive Covenant constitutes the entire agreement and understanding between the Parties relating to the subject matter of this Restrictive Covenant, and supersedes any prior agreement or understanding relating thereto.

H. Binding Effect. This Restrictive Covenant is binding upon, and inures to the benefit of, the Parties and their respective heirs, successors, assigns, legal representatives, and personal representatives, and to all subsequent owners of the Unit, or any interest therein.

[SIGNATURE PAGES FOLLOW]

This Restrictive Covenant and Agreement is executed by:

TOWN OF BRECKENRIDGE

By: _____
Shannon B. Haynes, Town Manager

ATTEST:

Helen Cospolich, CMC,
Town Clerk

Town's Address:

P.O. Box 168
150 Ski Hill Road
Breckenridge, Colorado 80424

STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024 by Shannon B. Haynes, Town Manager, and Helen Cospolich, CMC, Town Clerk, of Town of Breckenridge, a Colorado municipal corporation.

WITNESS my hand and official seal.

My commission expires: _____.

Notary Public