



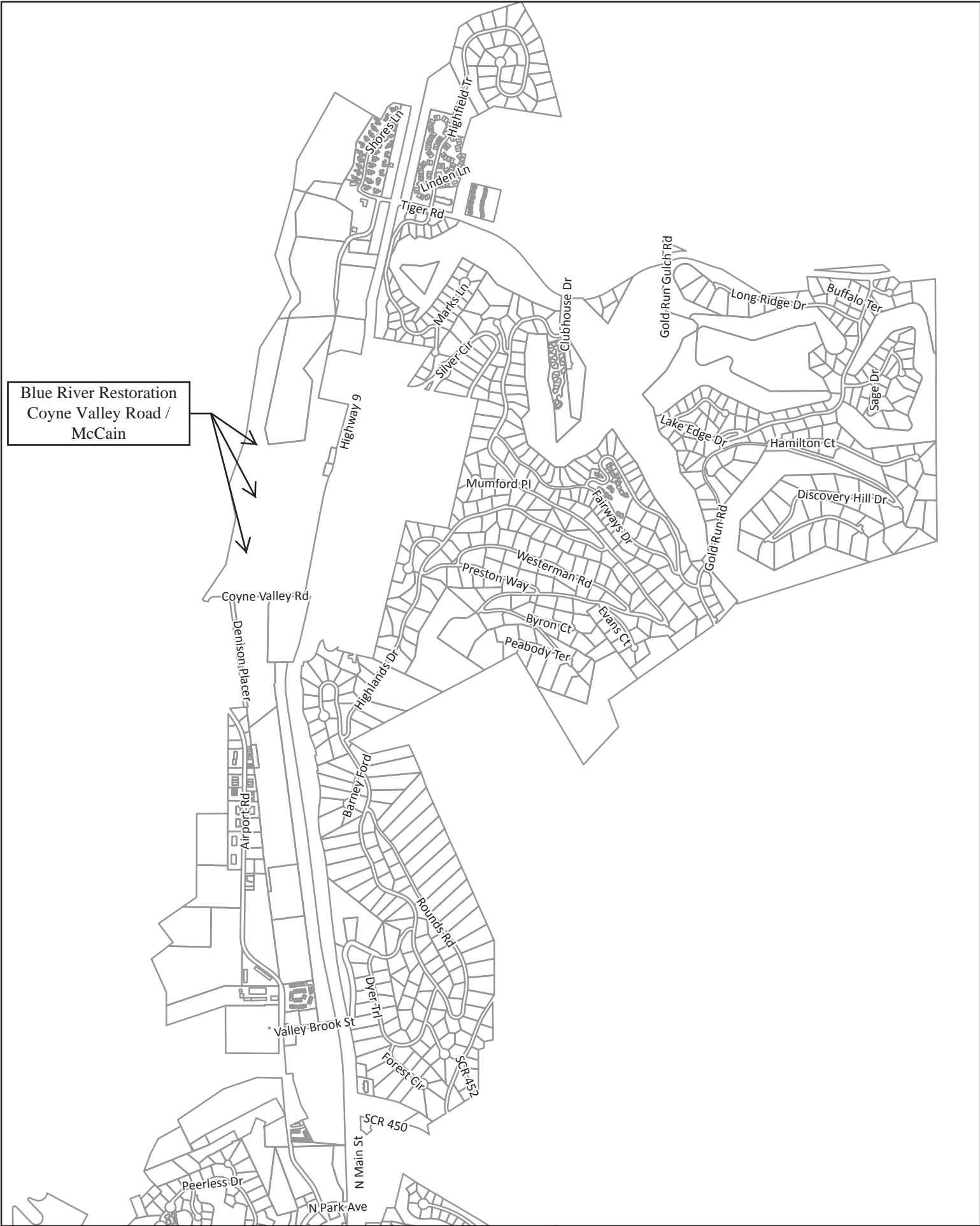
**PLANNING COMMISSION AGENDA**

Tuesday, June 07, 2016  
Breckenridge Council Chambers  
150 Ski Hill Road

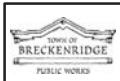
<b>7:00pm</b>	<b><i>Call To Order Of The June 7 Planning Commission Meeting; 7:00 P.M. Roll Call</i></b>	
	<i>Location Map</i>	<b>2</b>
	<i>Approval Of Minutes</i>	<b>4</b>
	<i>Approval Of Agenda</i>	
<b>7:05pm</b>	<b><i>Consent Calendar</i></b>	
	1. Kelly Residence (CL) PL-2016-0157; 142 Penn Lode Drive	<b>9</b>
	2. Garber Residence (CK) PL-2016-0153; 35 Hermit Drive	<b>31</b>
<b>7:15pm</b>	<b><i>Worksessions</i></b>	
	1. Planning Commission Procedures (TB)	<b>46</b>
	2. Wireless Communications Facility Ordinance (JP)	<b>49</b>
<b>8:45pm</b>	<b><i>Combined Hearings</i></b>	
	1. Ten Mile Suites Condo Unit 2 Change of Use (MM) PL-2016-0042; 520 South French Street	<b>89</b>
<b>9:00pm</b>	<b><i>Town Project Hearings</i></b>	
	1. Blue River Restoration: Coyne Valley Road / McCain (CK) PL-2016-0188; Coyne Valley Road	<b>98</b>
<b>9:30pm</b>	<b><i>Adjournment</i></b>	

For further information, please contact the Planning Department at 970/453-3160.

**\*The indicated times are intended only to be used as guides. The order of projects, as well as the length of the discussion for each project, is at the discretion of the Commission. We advise you to be present at the beginning of the meeting regardless of the estimated times.**

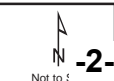


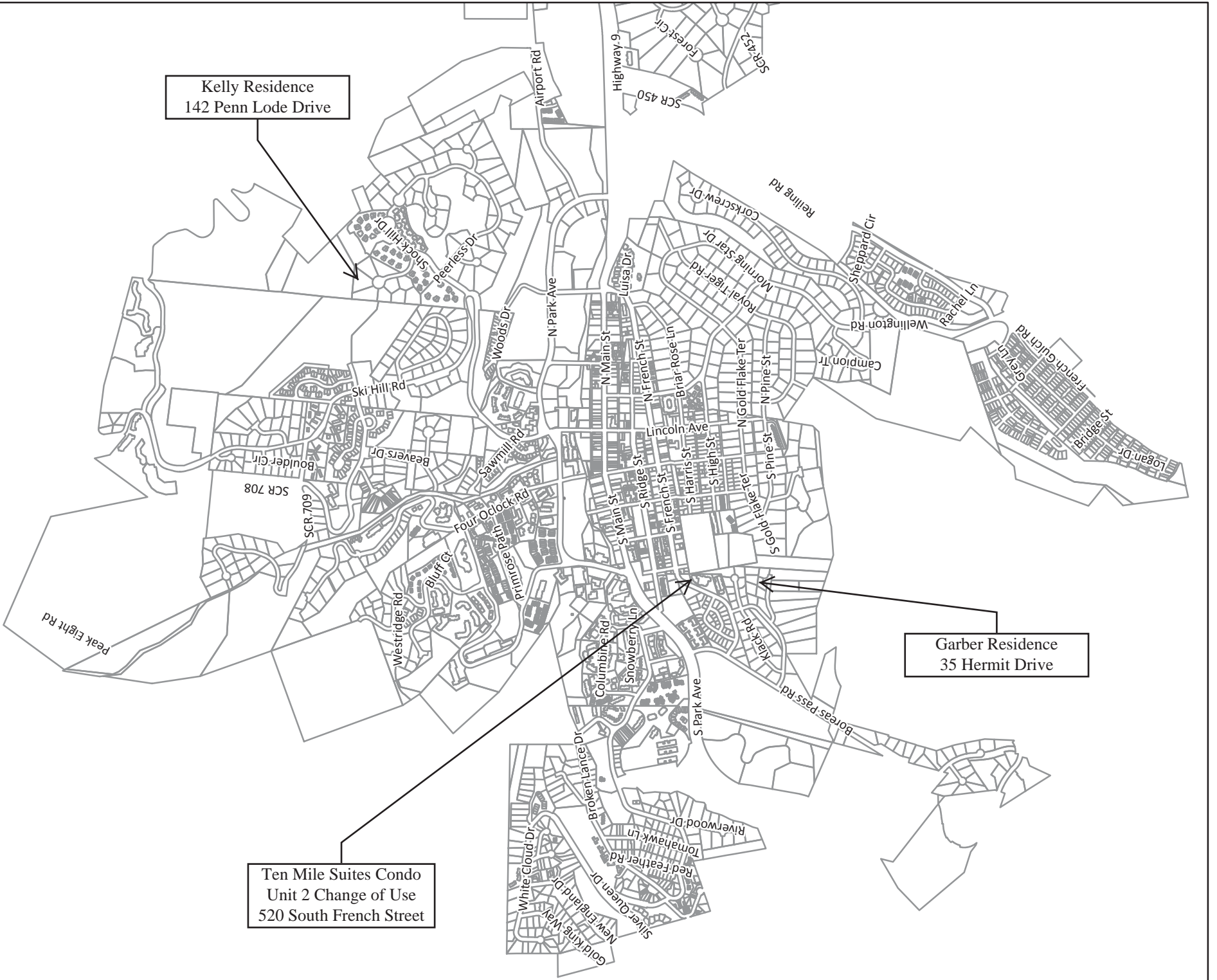
Blue River Restoration  
Coyne Valley Road /  
McCain



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assume no responsibility for the accuracy of the data, and  
use of the product for any purpose is at user's sole risk.

# Breckenridge North





Kelly Residence  
142 Penn Lode Drive

Ten Mile Suites Condo  
Unit 2 Change of Use  
520 South French Street

Garber Residence  
35 Hermit Drive



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# Breckenridge South



## PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm by Chair Schuman.

### ROLL CALL

Gretchen Dudney                      Mike Giller                      Jim Lamb  
Christie Mathews-Leidal                      Ron Schuman  
Dave Pringle arrived at 7:02 pm  
Dan Schroder arrived at 7:02 pm

### APPROVAL OF MINUTES

With no changes, the May 3, 2016, Planning Commission Minutes were approved as presented.

### APPROVAL OF AGENDA

With no changes, the May 17, 2016, Planning Commission Agenda was approved as presented.

### CONSENT CALENDAR ITEMS:

- 1) Small Vendor Crepe Cart (CL) PL-2016-0133, 13445 Highway 9

With no requests for call up, the Consent Calendar was approved as presented with the findings and conditions handed out at the meeting (condition number 19 was added concerning non-reflective materials).

### FINAL HEARINGS:

- 1) McAdoo Corner Lot 5 Mixed Use (MM) PL-2016-0048, 209 South Ridge Street  
Mr. Mosher presented a proposal to construct a new, mixed-use building consisting of a restaurant and apartment on Lot 5 of McAdoo Corner Subdivision. The total allowed density is subject to the McAdoo Corner Master Plan.

Changes since the April 19, 2016, Planning Commission Meeting:

1. Added exterior guardrail (upper level residence) to elevations with detail on plans.
2. L-1: made existing trees the correct size & what actually exists. Moved aspen tree.
3. A-1: added required snow stack and 326 square feet of heated sidewalk.
4. Revised color board with white and old oily stain only.
5. Revised colored elevations.
6. Detail for the metal porch posts and metal entry truss.

The proposal has complied with all absolute policies of the Development Code. One negative (-1) point and one positive (+1) point have been suggested under policy 33/R related to the snow melted areas and obtaining an IECC report showing an energy savings of 10% to 19%. Staff showed a passing score of zero (0) points.

The applicant and agent have worked with Staff closely to bring this proposal into compliance with the Development Code and the Handbooks of Design Standards for the Historic and Conservation Districts. Key design issues were discussed and the changes addressed with this submittal. Staff had no specific questions for the Commission with this final review. Planning Staff recommended approval of the presented point analysis for the McAdoo Corner Lot 5 Mixed Use, PL-2016-0048, 209 South Ridge Street, showing a passing score of zero (0) points. Planning Staff also recommended approval of the McAdoo Corner Lot 5 Mixed Use, PL-2016-0048, with the presented findings and conditions.

Applicants will be purchasing 2.1 parking spaces in the Parking District. All trees/landscaping is being kept on site. Landscaping can be provided over entire master plan area.

*Commissioner Questions / Comments:*



- Mr. Schroder: The Points Table on page 25 says no positive or negative points? (Mr. Mosher: That should be corrected to positive one (+1) and negative one (-1). It is addressed correctly in the Staff report.)
- Ms. Leidal: I have listened to all minutes from last hearing, which I had to miss. I have concerns regarding the differentiation of new construction from old. I have some questions regarding the materials being used: vertical siding on primary structure; are we setting bad precedent? (Mr. Mosher: As a non-historic building, there are examples of corrugated metal on connectors (The Elk), metal siding on the primary facades on existing historic commercial buildings (The Theobald Building) and historic out buildings (the Brown Hotel Stable.) Policy for the South End Residential Historic District Character Area #3: “avoid elaborate details in woodwork” and this seems to go beyond. (Mr. Mosher: Handbook of Design Standards, New Construction, doesn’t necessarily need to have historic materials and detailing.) Also, there is some metal on west elevation. (Ms. Janet Sutterley, Architect for the Applicant: Only a small metal strip on lower portion a weathering base for the bay window area.) Also on the gables and on the deck. (Ms. Sutterley: Correction that deck no longer will have metal. Gable ends on west building would have metal; flat dull metal copper finish. Should be none on the east elevation. If objectionable we could replace.) This character area is simple wooden structures and she thinks there is too much metal. Concern about the materials and meeting Priority Policy 90 and 99 “Use materials that appear to be the same as those used historically”.
- Mr. Pringle: I also question about amount of metal. Four metal rods to make a post. This does not appear as wood. A single metal column would be more appropriate. Also metal tie rod and metal truss. We need compatible forms and materials.
- Ms. Dudney: The Handbook says “architecture that is compatible but distinguishable from historic for new construction”. The code talks about new buildings being able to be identified as new buildings. The metal detailing conveys a historic feeling that it is appropriate on a new structure and the mass, forms and other components are compatible with other structures on street. General standards for all new construction; nothing that prohibits it and the Character Area says painted wood and lap siding as primary. That is what is being used here. Whether they’ve used too much is a subjective determination.
- Mr. Lamb: I agree with Gretchen. Not a huge deviation and I like it.
- Mr. Giller: In terms of differentiation and compatibility, its massing is compatible and materials follow guidelines and vertical siding is working. What’s interesting is the copper and brown/white is little more “punchy”. The small amount of metal in gables helps pull height down but I’m concerned a bit with the color of the metal on the building. Like the metal posts. In general, this is very compatible.

Applicant presentation: Ms. Janet Sutterley, Architect for the Applicant: Mr. Theobald’s Main Street Shops include metal columns and detailing. The east portion of this building is commercial and west has commercial on bottom floor. Horizontal siding would have been too much everywhere. Portions of the elements added to the primary building form that protrude out call for a change of orientation, like an addition, thus vertical siding proposed. Simplifying materials that they want to use white color which is a change from what is in your packet. Want to keep corrugated metal on connector. Helps break up massing of building. We have brought a color rendering for you to see tonight.

Mr. Jeremy Fischer, Applicant: Look at base detail of column: Similar to historic wooden forms, the bottom two feet have raised panel detail that makes it look like wood column. We’re emulating some wood details in steel. Includes some newer materials that help differentiate from historic buildings.

Mr. Schuman opened the hearing for public comment.

Ms. Jan Radosevich, 213.5 South Ridge Street: Regarding the balcony facing southwest, no negative points for architectural compatibility? (Mr. Schuman asked that Mr. Mosher address this question.) (Mr. Mosher: In back of primary structure we allow upper level decks and have plenty of past precedent. Not a primary façade so we did not assign negative points.)

There was no further public comment and the hearing was closed.

*Commissioner Final Questions / Comments:*

Mr. Schroder: I support differentiating old from new and support the project.

Ms. Leidal: Concern about precedent with amount of metal being used on a residential character area building. With vertical rough siding on primary façade and all over the side, believe it is too much and not appropriate and doesn't meet Priority Policy 90 and Design Standard 99.

Mr. Giller: I like the design; it's compatible to the district and has some differentiation. Concerns about some of metal color.

Mr. Lamb: I read metal as accent only on the elevations. No problem with vertical siding. There are lots of examples of metal in the Historic District. I like the building.

Mr. Pringle: I wonder if the amount of metal in 3 or 4 different elevations is too much. More ornate buildings than what would have been there. We're supposed to emulate historic buildings with some differentiation. This is too much variation. West elevation along the back; the size of windows are larger than we have allowed in the past I think too. Stacked triple double hung windows. Need to be more critical when these get reviewed. Primary building materials should be horizontal lap siding. Disagree with vertical siding interpretation. Need to be more careful about what Code says.

Ms. Dudney: Per the Historic Guidelines; this project complies with the guidelines for new construction. The types of materials and percentage used seem to be disagreement points. Not our place to design these details but to analyze if they follow the Code; sees emphasis on differentiating new from old and supports project. Bystander would not be confused by this project.

Mr. Schuman: Agrees with Ms. Leidal on Policies 90 and 99. A lot of issues are not clarified with this submittal or in the staff report. The metal, window sizes, details are all still to be determined. Feels project is not ready for presentation and was ill prepared. New information like colors, etc. came in late. This project feels too rushed.

Mr. Mosher reminded the Commission that a Point Analysis would have to pass and the Code dictated that a passing score or failing score determines the final decision. Point analysis vote must be unanimous. The Commission is always free to make a motion to change the point analysis before the final vote. If the change is supported by a majority vote, then that change must be approved unanimously by the Commission at the roll call vote.

Mr. Lamb made a motion to approve the point analysis for the McAdoo Corner Lot 5 Mixed Use, PL-2016-0048, 209 South Ridge Street, showing a passing point analysis of zero (0) points. (Point analysis is correct in staff report, not in spreadsheet and they are buying 2.1 parking spaces instead of 3.1.) Ms. Dudney seconded and the motion was carried (4-3).

(Commission discussion regarding changing the Point Analysis ensued.)

Mr. Lamb made a motion to rescind the point analysis vote and Ms. Dudney seconded. The motion was carried (6-1).

Mr. Pringle made a motion to change point analysis as it doesn't meet policy 24/A, The Social Community, specific to policies of the South End Residential Character Area, and the policy on second story windows. Ms. Leidal seconded. The motion failed (3-4).

Mr. Lamb made a motion to approve the point analysis for the McAdoo Corner Lot 5 Mixed Use, PL-2016-0048, 209 South Ridge Street, showing a passing point analysis of zero (0) points. (Point analysis is correct in staff report, not in spreadsheet and they are buying 2.1 parking spaces instead of 3.1.) Ms. Dudney seconded and the motion was carried unanimously (7-0).

Mr. Lamb made a motion to approve the McAdoo Corner Lot 5 Mixed Use, PL-2016-0048, 209 South Ridge Street, with the presented findings and conditions. Ms. Dudney seconded, and the motion was carried unanimously (7-0).

**TOWN PROJECT HEARINGS:**

1) Ice Arena Roof (CK) PL-2016-0143, 189 Boreas Pass Road

Mr. Kulick presented a proposal to construct a standing seam metal roof over the existing outdoor ice rink. Matches roof materials on main ice arena building front roof. The proposed structure will sit on the existing footings and re-use the existing fabric shades to reduce glare along the sides of the rink.

Staff recommended assigning negative one (-1) point under Policy 6/R, Building Height, and recommended positive three (+3) points under Policy 20/R, Recreation, for a passing point analysis of positive two (+2) points. The application was found to meet all Absolute policies. Substantial precedent for renovations and enhancements are eligible for additional recreational policies. Recreation Center had positive six (+6) points in 1990 and in 1996, with addition to the building, it received positive six (+6) points. Others include the skate park. Kingdom Park has been awarded positive thirty-four (+34) points for recreation over time for different recreational projects. Also private: the half pipe was awarded positive points twice on Ski Hill. Also, positive points for lifts, alpine slide, all on same parcel.

No site disturbance is proposed.

This is a Town Project pursuant to the ordinance amending the Town Projects Process (Council Bill No. 1, Series 2013). As a result, the Planning Commission was asked to identify any concerns with this project, and any code issues and make a recommendation to the Town Council.

Planning Staff recommended that the Planning Commission recommend approval of the Outdoor Ice Rink Roof located at 189 Boreas Pass Road, PL-2016-0143, with a passing point analysis of positive two (+2) points and the presented Findings.

The public hearing was opened and there were no public comments. Public hearing was closed.

*Commissioner Questions / Comments:*

Mr. Schroder: Unbroken rooflines only have one multiplier.

Mr. Lamb: I like the idea the roof can work with future full enclosing of the ice rink.

Ms. Dudney made a motion to recommend the Town Council approve the Ice Arena Roof, PL-2016-0143, 189 Boreas Pass Road, with a passing point analysis of positive two (+2) points and the presented findings. Mr. Lamb seconded and the motion was carried unanimously (7-0).

Ms. Dudney made a motion to approve the findings for the Ice Arena Roof, PL-2016-0143, 189 Boreas Pass Road. Mr. Lamb seconded, and the motion was carried unanimously (7-0).

**OTHER MATTERS:**

Ms. Puester: Regarding the Lance's West building discussed at last meeting, per Glen Morgan, Chief Building Official, cementitious siding is not required until about above 35 feet so it is not an issue with that

application as they move forward.

Ms. Dudney: Town Council Liason does not exist anymore. Council would like Chair of the Planning Commission to attend Council work sessions.

**ADJOURNMENT:**

The meeting was adjourned at 8:32pm.

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Ron Schuman, Chair



## 2016 - Class C Single Family Development Review Checklist

<b>Project Title:</b>	Kelly Residence	
<b>Proposal:</b>	Build a new 5904 sq. ft. Single Family Residence	
<b>Project Name and PC#:</b>	Single Family Residence at 142 Penn Lode Dr.	PL-2016-0157
<b>Project Manager:</b>	Chapin LaChance, Planner II	
<b>Date of Report:</b>	May 31, 2016	
<b>Property Owner:</b>	Shock Hill Lot 7 LLC	
<b>Agent:</b>	Tom Begley	
<b>Proposed Use:</b>	Single Family Residence	
<b>Address:</b>	142 Penn Lode Dr.	
<b>Legal Description:</b>	Shock Hill, Filing 1, Lot 7	
<b>Area of Site in Square Feet:</b>	54,886 sq. ft.	1.26 acres
<b>Existing Site Conditions:</b>	<p>The entire lot is located within the Cucumber Gulch Preventive Management Area (PMA), which is subject to the Cucumber Gulch Overlay Protection District Regulations. A Development Permit for a variance from certain PMA prohibitions was approved in 2013 for Lot 6,7, and 8. The lot is located at the base of a hill, is accessed via the Penn Lode Dr. cul-de-sac, and abuts the wetland area along the majority of its western property boundary. There is a 25' Public Trail Easement running north to south along the western property boundary, a 30' Access, Utility and Drainage Easement to the north and east of the disturbance envelope, a 50' Wetlands Setback on the west side of the lot, and a 25' Wetland Setback and Drainage Easement along the northern property boundary. The Cucumber Gulch Sewer Lift Station exists in the center of the northern portion of the lot, with an approximately 12' x 24' footprint. This structure received a Development Permit and Building Permit in 2008. The area surrounding the lift station is mostly cleared of vegetation, due to an existing unpaved access drive across the property from Penn Lode Dr. to the lift station and Josie's Cabin. The lot is otherwise forested with large pine and spruce trees. An existing nordic ski trail crosses the property north to south through the 25' Public Trail Easement.</p>	
<b>Areas of building:</b>	Proposed Square Footage	
Lower Level:	2,512 sq. ft.	
Main Level:	2,500 sq. ft.	
Total Density:	5,012 sq. ft.	
Garage:	892 sq. ft.	
Total:	5,904 sq. ft.	
<b>Code Policies (Policy #)</b>		
<b>Land Use District (2A/2R):</b>	LUD:1	Residential, Recreation - 1 unit per 10 acres - Subject to the Shock Hill Subdivision
<b>Density (3A/3R):</b>	Unlimited	Proposed: 5,012 sq. ft.
<b>Mass (4R):</b>	Unlimited	Proposed: 5,904 sq. ft.
<b>F.A.R. 1:9.30 FAR</b>		
No. of Main Residence Bedrooms:	5 bedrooms	
No. of Main Residence Bathrooms:	5.5 bathrooms	
<b>Height (6A/6R):</b>	35.0 feet overall	
*Max height of 35' for single family outside Conservation District unless otherwise stated on the recorded plat		
<b>Hillside Development (8A)</b>	Complies	The development is subject to Policy 8A because it is located in an "area of concern" and can be viewed from Cucumber Gulch, which is considered a "view corridor." The development complies with the standards for this policy. The development features trees and non-reflective glass on the downhill side.

Platted Building/Disturbance /Footprint Envelope?	Disturbance Envelope	
<b>Lot Coverage/Open Space (21R):</b>		
Drip line of Building/Non-Permeable Sq. Ft.:	5,226 sq. ft.	9.52%
Hard Surface/Non-Permeable Sq. Ft.:	3,106 sq. ft.	5.66%
Open Space / Permeable:	46,554 sq. ft.	84.82%
<b>Snowstack (13A/13R):</b>		
Required Square Footage:	777 sq. ft.	25% of paved surfaces is required
Proposed Square Footage:	837 sq. ft.	(26.95% of paved surfaces)
<b>Outdoor Heated Space (33A/33R):</b>	YES	250 sq. ft.
<b>Parking (18A/18/R):</b>		
Required:	2 spaces	
Proposed:	4 spaces	
<b>Fireplaces (30A/30R):</b>		
Number of Gas Fired:	3 Gas Fired	
<b>Architectural Compatibility (5/A &amp; 5/R):</b> The architecture and finishes match that of the other homes in the neighborhood.		
Exterior Materials:	Cedar shake shingle siding with 2x and 3x Cedar window and door trim, natural stone accents.	
Exterior Colors:	Sherwin Williams "Hawthorne" SW3518 stained fascia, door/window trim, exposed posts/beams, deck railings, and garage doors, Super-Deck #1911 "Cedar Tone Natural" stained shake siding and garage doors, "Dark Chocolate" doors and windows.	
Roof:	Asphalt Shingle	
Garage Doors:	Cedar 1x and 2x fenestration over a masonite insulated door	
<b>Landscaping (22A/22R):</b>		
	<b>Planting Type</b>	<b>Quantity</b>
	Quaking Aspen	20
	Colorado Spruce	8
	Alpine Currant and Woods Rose	25
		Size
		10 @ 1.5" caliper (50% multi-stem), 10 @ 3" caliper (50% multi-stem)
		5 @ 10' tall, 3 @ 12' tall
		5 Gallon
<b>Defensible Space (22A):</b>	Complies	
<b>Drainage (27A/27R):</b>	Positive drainage away from building	
<b>Special Areas (37R):</b>	Development is designed to maximize the distance between disturbances and the PMA. Buildings and landscaping are concentrated to maximize areas left undisturbed as potential habitat. Impervious surfaces are minimized.	
<b>Driveway Slope:</b>	6.50%	
<b>Point Analysis (Sec. 9-1-17-3):</b>	This application has met all Absolute Policies. This application has been awarded positive two (+2) points under Policy 22R, Landscaping, of the Development Code for proposing landscaping that provides some public benefit, supported by precedent. This application has been awarded negative one (-1) point under Policy 33R, Energy Conservation, of the Development Code for excessive energy use for a heated driveway apron, supported by precedent, and resulting in a positive point balance of positive one (+1) point.	
<b>Staff Action:</b>	Staff has approved the Kelly Residence, PL-2016-0157 showing a passing score of positive one (+1) point and with the attached Findings and Conditions.	
<b>Additional Conditions of Approval:</b>	<p><b>Prior to Certificate of Occupancy:</b>            9. An improvement location certificate of the height of the top of the foundation wall, the second story plate, and the height of the building's ridge must be submitted and approved by the Town during the various phases of construction. The final building height shall not exceed 35' at any location.</p> <p>24. Applicant shall install and connect a drain from the proposed hot tub to the sanitary sewer system of the residence, in order that wastewater from the hot tub does not enter the Cucumber Gulch Preventive Management Area. The hot tub is prohibited from being drained onto the ground.</p>	



<b>Final Hearing Impact Analysis</b>				
Project:	Kelly Residence		<b>Points</b>	<b>+2</b>
PC#	PL-2016-0157			
Date:	5/31/2016		<b>Negative Points</b>	<b>- 1</b>
Staff:	Chapin LaChance, Planner II			
			<b>Total Allocation:</b>	<b>+1</b>
Items left blank are either not applicable or have no comment				
<b>Sect.</b>	<b>Policy</b>	<b>Range</b>	<b>Points</b>	<b>Comments</b>
1/A	<b>Codes, Correlative Documents &amp; Plat Notes</b>	Complies		
2/A	<b>Land Use Guidelines</b>	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)		
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	<b>Density/Intensity</b>	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)		
5/A	<b>Architectural Compatibility / (Historic Above Ground Density)</b>	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)		
5/R	Architectural Compatibility H.D. / Above Ground Density 12 UPA	(-3>-18)		
5/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3>-6)		
6/A	<b>Building Height</b>	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
	For all Single Family and Duplex Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)		
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	<b>Ridgeline and Hillside Development</b>	Complies		
9/A	<b>Placement of Structures</b>	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)		
12/A	Signs	Complies		
13/A	<b>Snow Removal/Storage</b>	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	<b>Storage</b>	Complies		
14/R	Storage	2x(-2/0)		
15/A	<b>Refuse</b>	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	Internal Circulation	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	<b>External Circulation</b>	Complies		

18/A	<b>Parking</b>	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		
18/R	Parking-Public View/Usage	2x(-2/+2)		
18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)		
18/R	Parking - Downtown Service Area	2x(-2/+2)		
19/A	<b>Loading</b>	Complies		
20/R	Recreation Facilities	3x(-2/+2)		
21/R	Open Space - Private Open Space	3x(-2/+2)		
21/R	Open Space - Public Open Space	3x(0/+2)		
22/A	<b>Landscaping</b>	Complies		
22/R	Landscaping	2x(-1/+3)	+2	The landscaping plan provides some public benefit. (5) Spruce trees 10' tall, (3) 12' tall. (10) Aspen trees 1.5" minimum in caliper, 50% multi-stem, (10) Aspen trees 3" caliper, 50% multi-stem.
24/A	<b>Social Community</b>	Complies		
24/A	Social Community / Above Ground Density 12 UPA	(-3>-18)		
24/A	Social Community / Above Ground Density 10 UPA	(-3>-6)		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)		
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
5/R	Social Community - Conservation District	3x(-5/0)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15		
25/R	Transit	4x(-2/+2)		
26/A	<b>Infrastructure</b>	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	<b>Drainage</b>	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	<b>Utilities - Power lines</b>	Complies		
29/A	<b>Construction Activities</b>	Complies		
30/A	<b>Air Quality</b>	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	<b>Water Quality</b>	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	<b>Water Conservation</b>	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)	- 1	The applicant proposes 250 sq. ft. of heated driveway apron.
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)		
	HERS index for Residential Buildings			
33/R	Obtaining a HERS index	+1		
33/R	HERS rating = 61-80	+2		
33/R	HERS rating = 41-60	+3		
33/R	HERS rating = 19-40	+4		
33/R	HERS rating = 1-20	+5		
33/R	HERS rating = 0	+6		
	Commercial Buildings - % energy saved beyond the IECC minimum standards			
33/R	Savings of 10%-19%	+1		
33/R	Savings of 20%-29%	+3		
33/R	Savings of 30%-39%	+4		
33/R	Savings of 40%-49%	+5		
33/R	Savings of 50%-59%	+6		
33/R	Savings of 60%-69%	+7		
33/R	Savings of 70%-79%	+8		
33/R	Savings of 80% +	+9		
33/R	Heated driveway, sidewalk, plaza, etc.	1X(-3/0)		
33/R	Outdoor commercial or common space residential gas fireplace (per fireplace)	1X(-1/0)		
33/R	Large Outdoor Water Feature	1X(-1/0)		
	Other Design Feature	1X(-2/+2)		
34/A	<b>Hazardous Conditions</b>	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	<b>Subdivision</b>	Complies		
36/A	<b>Temporary Structures</b>	Complies		
37/A	<b>Special Areas</b>	Complies		

37/R	Community Entrance	4x(-2/0)		
37/R	Individual Sites	3x(-2/+2)		
37/R	Blue River	2x(0/+2)		
37R	Cucumber Gulch/Setbacks	2x(0/+2)		
37R	Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
38/A	<b>Home Occupation</b>	Complies		
39/A	<b>Master Plan</b>	Complies		
40/A	<b>Chalet House</b>	Complies		
41/A	<b>Satellite Earth Station Antennas</b>	Complies		
42/A	<b>Exterior Loudspeakers</b>	Complies		
43/A	<b>Public Art</b>	Complies		
43/R	Public Art	1x(0/+1)		
44/A	<b>Radio Broadcasts</b>	Complies		
45/A	<b>Special Commercial Events</b>	Complies		
46/A	<b>Exterior Lighting</b>	Complies		
47/A	<b>Fences, Gates And Gateway Entrance Monuments</b>	Complies		
48/A	<b>Voluntary Defensible Space</b>	Complies		
49/A	<b>Vendor Carts</b>	Complies		

## TOWN OF BRECKENRIDGE

Kelly Residence  
Lot 7 Shock Hill  
142 Penn Lode Drive  
PL-2016-0157

**STAFF RECOMMENDATION:** Staff has approved this application with the following Findings and Conditions and recommends the Planning Commission uphold this decision.

### FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated **May 31, 2016**, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **June 7, 2016** as to the nature of the project. In addition to Commission minutes, the audio of the meetings of the Commission are recorded.
6. **The development will comply with the Class B Development Permit 2013044, "Variance from PMA prohibitions," approved by the Town Council on June 11, 2013 with the Findings and Conditions attached to that Development Permit.**

### CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit expires eighteen (18) months from date of issuance, on **December 1, 2017**, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be 18 months, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.

6. Driveway culverts shall be 18-inch heavy-duty corrugated polyethylene pipe with flared end sections and a minimum of 12 inches of cover over the pipe. Applicant shall be responsible for any grading necessary to allow the drainage ditch to flow unobstructed to and from the culvert.
7. At the point where the driveway opening ties into the road, the driveway shall continue for five feet at the same cross slope grade as the road before sloping to the residence. This is to prevent snowplow equipment from damaging the new driveway pavement.
8. Applicant shall field locate utility service lines to avoid existing trees.
9. **An improvement location certificate of the height of the top of the foundation wall, the second story plate, and the height of the building's ridge must be submitted and approved by the Town during the various phases of construction. The final building height shall not exceed 35' at any location.**
10. At no time shall site disturbance extend beyond the limits of the platted building/site disturbance envelope, including building excavation, and access for equipment necessary to construct the residence.
11. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
12. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.

#### **PRIOR TO ISSUANCE OF BUILDING PERMIT**

13. Applicant shall submit proof of ownership of the project site.
14. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
15. Applicant shall provide plans stamped by a registered professional engineer licensed in Colorado, to the Town Engineer for all retaining walls over four feet in height.
16. Any exposed foundation wall in excess of 12 inches shall be finished (i.e. textured or painted) in accordance with the Breckenridge Development Code Section 9-1-19-5R.
17. Applicant shall identify all existing trees, which are specified on the site plan to be retained, by erecting temporary fence barriers around the trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers, and dirt and construction materials or debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Occupancy.
18. Existing trees designated on the site plan for preservation which die due to site disturbance and/or construction activities will be required to be replaced at staff discretion with equivalent new trees, i.e. loss of a 12 inch diameter tree flagged for retention will be offset with the addition of four 3-inch diameter new trees.
19. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location and type of construction fencing, all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact

person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.

20. The public access to the lot shall have an all weather surface, drainage facilities, and all utilities installed acceptable to Town Engineer. Fire protection shall be available to the building site by extension of the Town's water system, including hydrants, prior to any construction with wood. In the event the water system is installed, but not functional, the Fire Marshall may allow wood construction with temporary facilities, subject to approval.
21. Applicant shall install construction fencing and erosion control measures at the 25-foot no-disturbance setback to streams and wetlands in a manner acceptable to the Town Engineer.
22. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward. Exterior residential lighting shall not exceed 15' in height from finished grade or 7' above upper decks.
23. Applicant shall submit to and obtain approval from the Department of Community Development a defensible space plan showing trees proposed for removal and the approximate location of new landscaping, including species and size. Applicant shall meet with Community Development Department staff on the Applicant's property to mark trees for removal and review proposed new landscaping to meet the requirements of Policy 22 (Absolute) Landscaping, for the purpose of creating defensible space.

#### **PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

24. **Applicant shall install and connect a drain from the proposed hot tub to the sanitary sewer system of the residence, in order that wastewater from the hot tub does not enter the Cucumber Gulch Preventive Management Area. The hot tub is prohibited from being drained onto the ground.**
25. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
26. Applicant shall remove leaf clutter, dead branches and dead standing trees from the property, dead branches on living trees shall be trimmed to a minimum height of six (6) feet and a maximum height of ten (10) feet above the ground.
27. Applicant shall remove all vegetation and combustible material from under all eaves and decks.
28. Applicant shall create defensible space around all structures as required in Policy 22 (Absolute) Landscaping.
29. Applicant shall execute and record with the Summit County Clerk and Recorder a covenant and agreement running with the land, in a form acceptable to the Town Attorney, requiring compliance in perpetuity with the approved landscape plan for the property. Applicant shall be responsible for payment of recording fees to the Summit County Clerk and Recorder.
30. Applicant shall paint all garage doors, metal flashing, vents, flues, rooftop mechanical equipment, meters, and utility boxes on the building a flat, dark color or to match the building color.
31. Applicant shall screen all utilities.
32. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward. Exterior residential lighting shall not exceed 15 feet in height from finished grade or 7 feet above upper decks.
33. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this



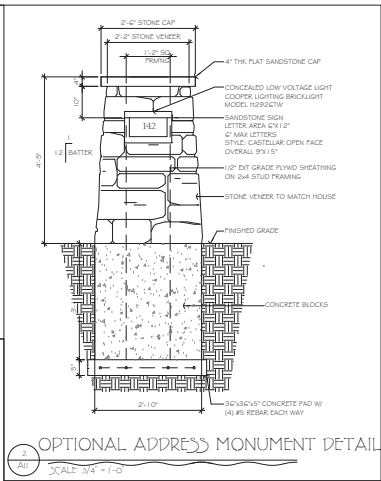
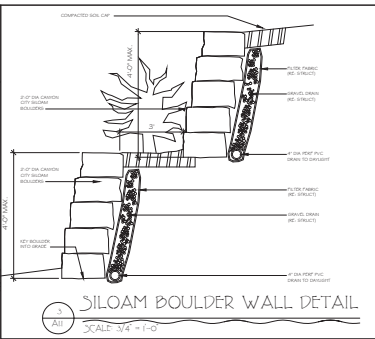
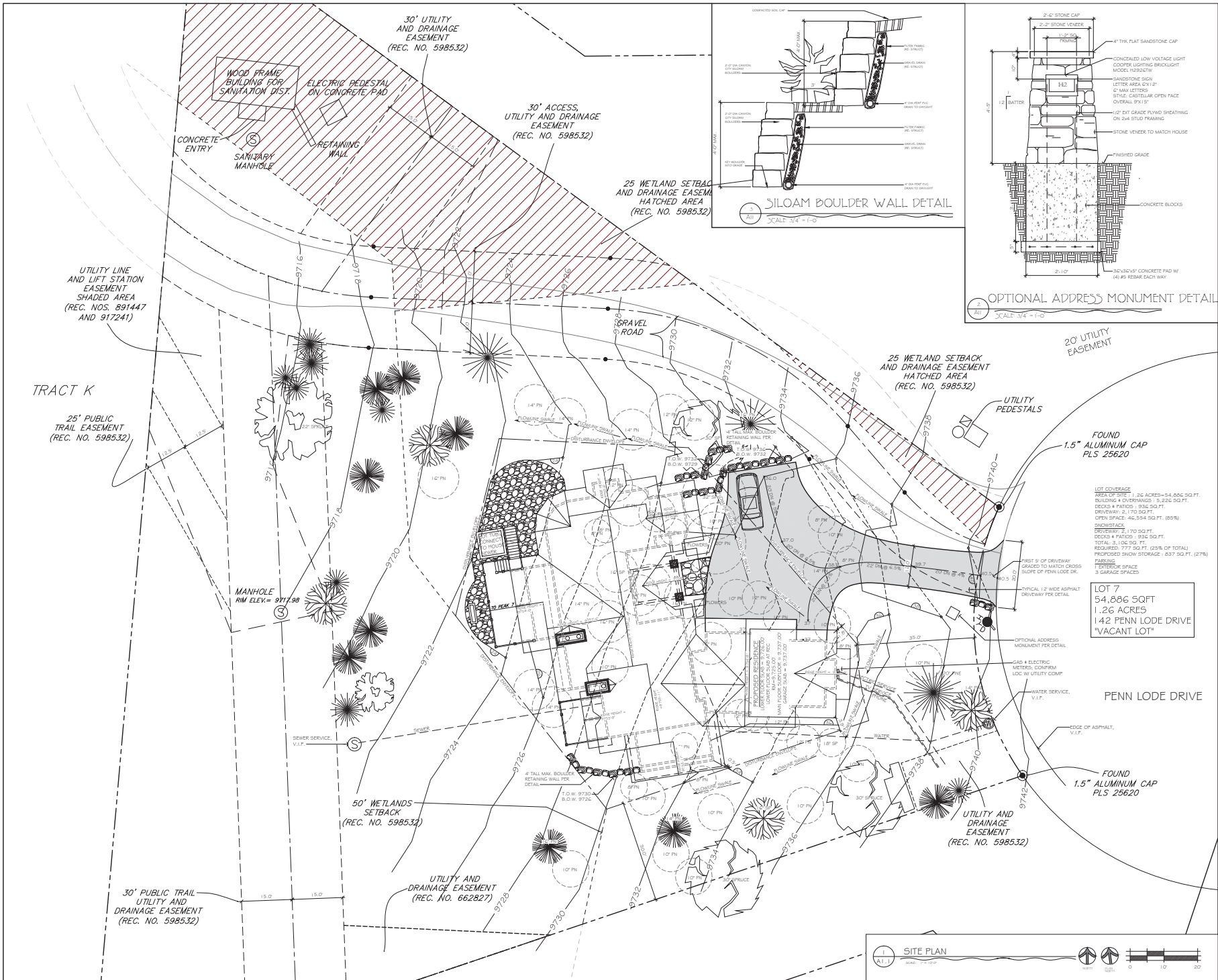
condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.

34. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town issuing a Stop Work Order and/or not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations. A Stop Work Order may not be released until a modification to the permit is reviewed and approved by the Town. Based upon the magnitude of the modification, another hearing before the Planning Commission may be required.
35. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions" generally means that work can not be done due to excessive snow and/or frozen ground. **As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.**
36. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
37. Applicant shall construct all proposed trails according to the Town of Breckenridge Trail Standards and Guidelines (dated June 12, 2007). All trails disturbed during construction of this project shall be repaired by the Applicant according to the Town of Breckenridge Trail Standards and Guidelines. Prior to any trail work, Applicant shall consult with the Town of Breckenridge Open Space and Trails staff.
38. The development authorized by this Development Permit may be subject to the development impact fee imposed by Resolution 2006-05 of the Summit County Housing Authority. Such resolution implements the impact fee approved by the electors at the general election held November 7, 2006. Pursuant to intergovernmental agreement among the members of the Summit Combined Housing Authority, the Town of Breckenridge is authorized to administer and collect any impact fee which is due in connection with development occurring within the Town. For this purpose, the Town has issued administrative rules and regulations which govern the Town's administration and collection of the impact fee. ***Applicant will pay any required impact fee for the development authorized by this Development Permit prior to the issuance of a Certificate of Occupancy.***

---

(Initial Here)





LOT COVERAGE  
 AREA OF SITE: 1.26 ACRES=54,886 SQ. FT.  
 BUILDING & OVERHANGS: 3,235 SQ. FT.  
 DECKS & PATIOS: 936 SQ. FT.  
 DRIVEWAYS: 2,170 SQ. FT.  
 OPEN SPACE: 46,554 SQ. FT. (85%)  
 DRIVEWAYS:  
 DRIVEWAY: 2,170 SQ. FT.  
 DECKS & PATIOS: 936 SQ. FT.  
 TOTAL: 3,106 SQ. FT.  
 REQUIRED: 777 SQ. FT. (25% OF TOTAL)  
 PROPOSED SNOW STORAGE: 637 SQ. FT. (27%)  
 PARKING  
 FUTURE SPACE  
 3 GARAGE SPACES

LOT 7  
 54,886 SQFT  
 1.26 ACRES  
 142 PENN LODGE DRIVE  
 "VACANT LOT"

**ALLEN GUERRA ARCHITECTURE**

ALLEN GUERRA (OPENING SKILL)  
 10 BOX 1488  
 BROOMFIELD, COLORADO 80004  
 P: 303.440.1000  
 F: 303.440.1000  
 E-MAIL: INFO@ALLEN-GUERRA.COM  
 WEBSITE: WWW.ALLEN-GUERRA.COM

**KELLY RESIDENCE**  
 LOT 7, 3000 HILL SUBDIVISION  
 142 PENN LODGE DRIVE, BROOMFIELD, COLORADO

**SITE PLAN**

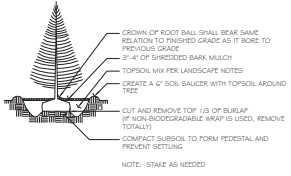
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 OWNER: 15 DEC 2015  
 OWNER: 6 JAN 2016  
 OWNER: 18 JAN 2016  
 PERM. REVIEW: 7 MAR 2016  
 OWNER: 3 MAY 2016  
 OWNER: 10 MAY 2016  
 PLANNING: 12 MAY 2016  
 PLANNING REV: 25 MAY 2016

PROJECT # 397

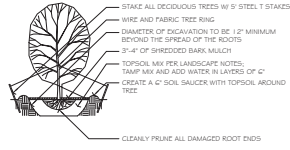
ALL



CONIFEROUS TREE PLANTING



DECIDUOUS TREE PLANTING



LANDSCAPE NOTES

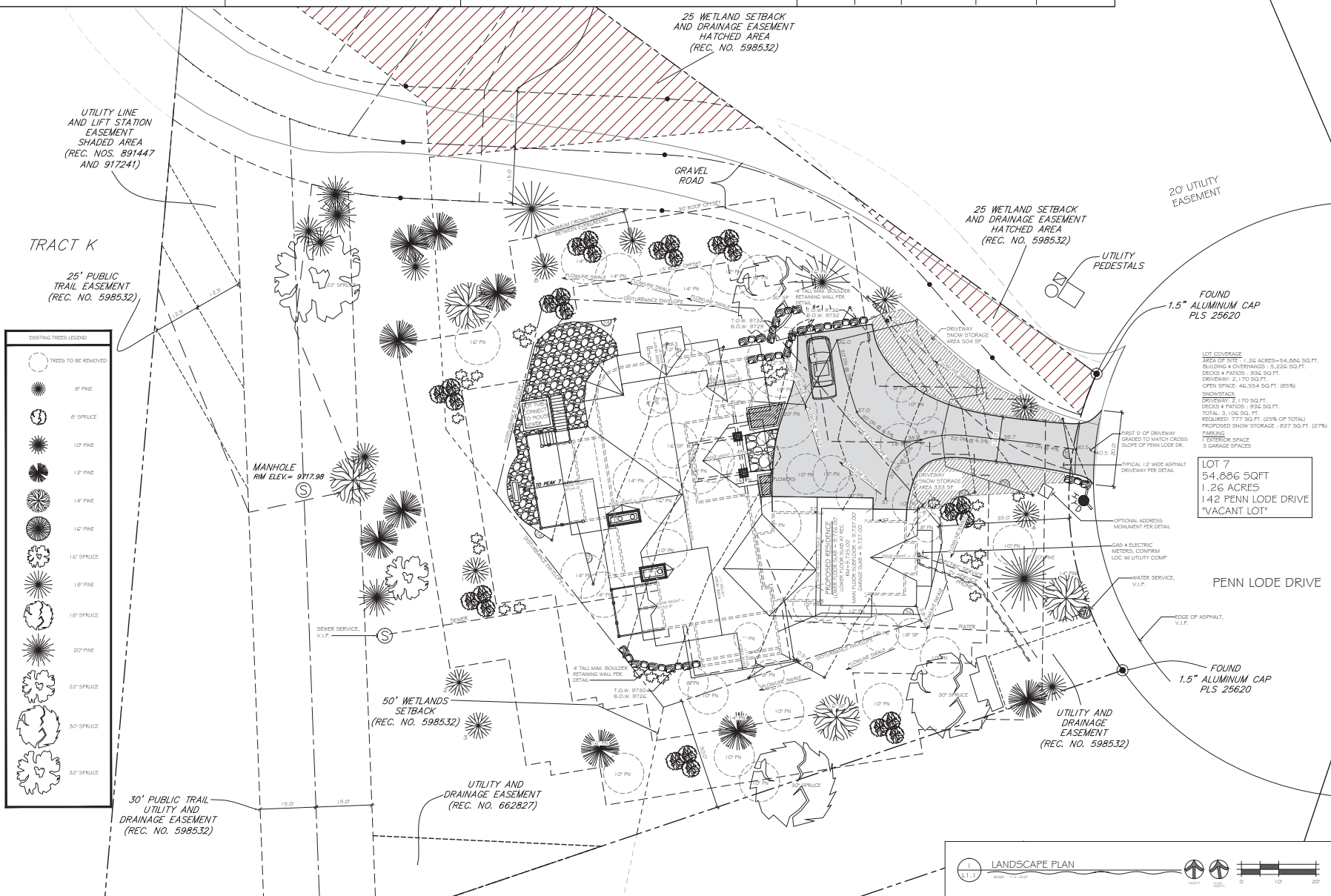
1. EROSION CONTROL METHODS: CONTROL ALL RUNOFF WITHIN SITE PER SUBDIVISION STANDARDS AND COUNTY REQUIREMENTS BY UTILIZING SWIRLY OR IN COMBINATION NON-EROSIVE DRAINAGE MATS, SILT FENCING, DIVERSION SWALES, AND DICES AS NECESSARY TO TRAP, INTERCEPT, AND DIVERT RUNOFF WITHIN BUILDING ENVELOPE.
2. NATIVE LANDSCAPING SHALL BE PROTECTED AS MUCH AS POSSIBLE TO PROMOTE WILDLIFE AS SHOWN IN WALL SECTION. RIVER ROCK RUBRAP IS TO EXTEND 10' BEYOND DRIP LINE.
3. EXISTING VEGETATION SHALL BE PROTECTED AS MUCH AS POSSIBLE TO PROMOTE WILDLIFE. PER TOWN OF BRECKENRIDGE CODE SECTION 3603 C3.
4. ALL EXISTING TREES WITHIN 15' OF THE PROPOSED RESIDENCE MUST BE REMOVED TO CREATE DEFENSIBLE SPACE. PER TOWN CODE REQUIREMENTS.
5. ALL EXISTING TREES WITHIN 15'-75% OF THE PROPOSED RESIDENCE MUST BE THINNING. PER TOWN CODE REQUIREMENTS.
6. REMOVE ALL EXISTING BOTTLE NECK AND DAMAGED TREES, PER HOA GUIDELINES AND TOWN CODE REQUIREMENTS.
7. TREE REMOVAL TO BE COORDINATED BETWEEN OWNER, GENERAL CONTRACTOR, HOA, AND TOWN PLANNING STAFF, PRIOR TO REMOVAL.
8. ALL AREAS WITHIN BUILDING ENVELOPE AND WITHIN 40' OF DRIVEWAY OUTSIDE OF ENVELOPE TO BE RE-VEGETATED WITH 100% NATIVE HIGH COUNTRY GRASS SEED MIXTURE CONSISTING OF:  
 5% CARRY BLUEGRASS  
 30% SUNDER WHEATGRASS  
 10% BIG BLUEGRASS  
 10% DAHO FESCUE  
 10% SHEEP FESCUE  
 10% WESTERN WHEATGRASS  
 5% BLUE WALSLEY  
 5% TUFTED HARRISGRASS  
 ALONG WITH A MIXTURE OF PERENNIALS & GROUND COVER, PER SUMMIT COUNTY DEVELOPMENT CODE.
9. A DRAIN IRRIGATION SYSTEM SHALL BE INSTALLED TO ALL NEW TYPES OF TREES AND SHRUBS, PER THE TOWN REQUIREMENTS.

PLANT LEGEND

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE
	25	RISES ALPINUM & ROSA WOODSHI	ALPINE CURRANT & WOODS ROSE	5 GAL
	27	POPULUS TREMULOIDES	QUAKING ASPEN	(17) 1.5" CAL (10) 3" CAL
	6	PICEA PUNGENS	COLORADO BLUE SPRUCE	(8) 10" (3) 12"
		NATIVE SEED MIX (SEE LANDSCAPE NOTES)		
		ALL DISTURBED LOCATIONS		



ALLEN GUERRA ARCHITECTURE  
 1000 14th St, Suite 100  
 Breckenridge, Colorado 80424  
 P: 970.453.1000  
 F: 970.453.1000  
 E-MAIL: INFO@ALLEN-GUERRA.COM  
 WEBSITE: WWW.ALLEN-GUERRA.COM



EXISTING TREES LEGEND

	TREES TO BE REMOVED
	8" PINE
	8" SPRUCE
	10" PINE
	12" PINE
	14" PINE
	16" PINE
	18" PINE
	20" PINE
	22" SPRUCE
	24" SPRUCE
	26" SPRUCE
	28" SPRUCE
	30" SPRUCE
	32" SPRUCE



KELLY RESIDENCE  
 LOT 7, SHOCK HILL SUBDIVISION  
 142 PENN LODGE DRIVE, BRECKENRIDGE, COLORADO

LANDSCAPE PLAN

PROJECT # 249

DATE	BY
7 DEC 2015	OWNER
15 DEC 2015	OWNER
6 JAN 2016	OWNER
18 JAN 2016	OWNER
7 MAR 2016	PLANNING
3 MAY 2016	OWNER
10 MAY 2016	OWNER
12 MAY 2016	PLANNING
25 MAY 2016	PLANNING REV

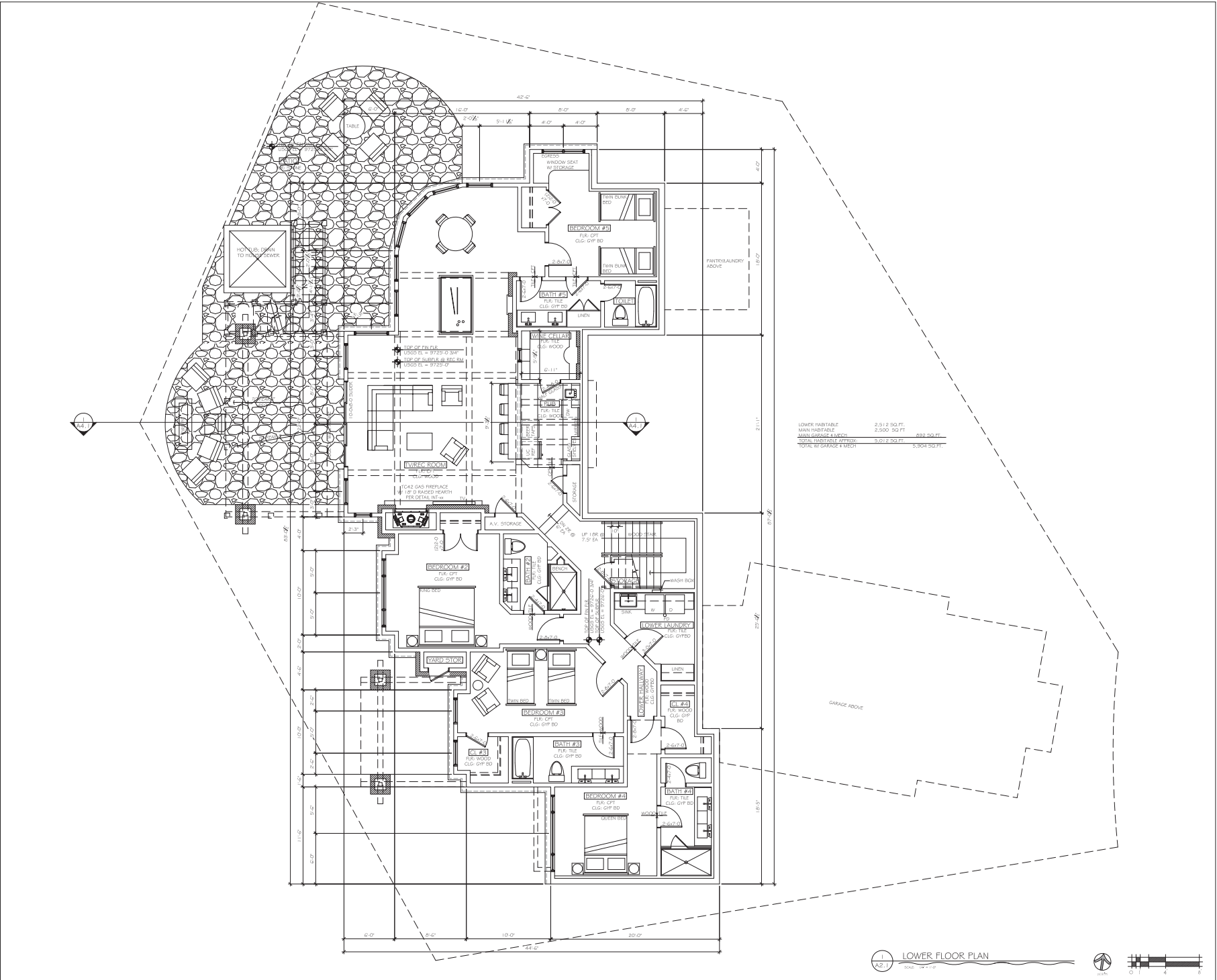
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ALLEN GUERRA ARCHITECTURE  
 1000 E. SPRINGFIELD, COLO. 80504  
 TEL: 303.624.2400  
 FAX: 303.624.2401  
 E-MAIL: INFO@ALLEGUERRA.COM  
 WEBSITE: WWW.ALLEGUERRA.COM

**KELLY RESIDENCE**  
**LOT 7, SHOCK HILL SUBDIVISION**  
**142 PENN LOOP DRIVE, BRECKENRIDGE, COLORADO**  
**LOWER FLOOR PLAN**

(COPYRIGHT © ALAN FARRER/ALLEN GUERRA ARCHITECTURE) BEST USE RESOLUTION (THIS DOCUMENT) APPROVED, WAIVER REQUIRED



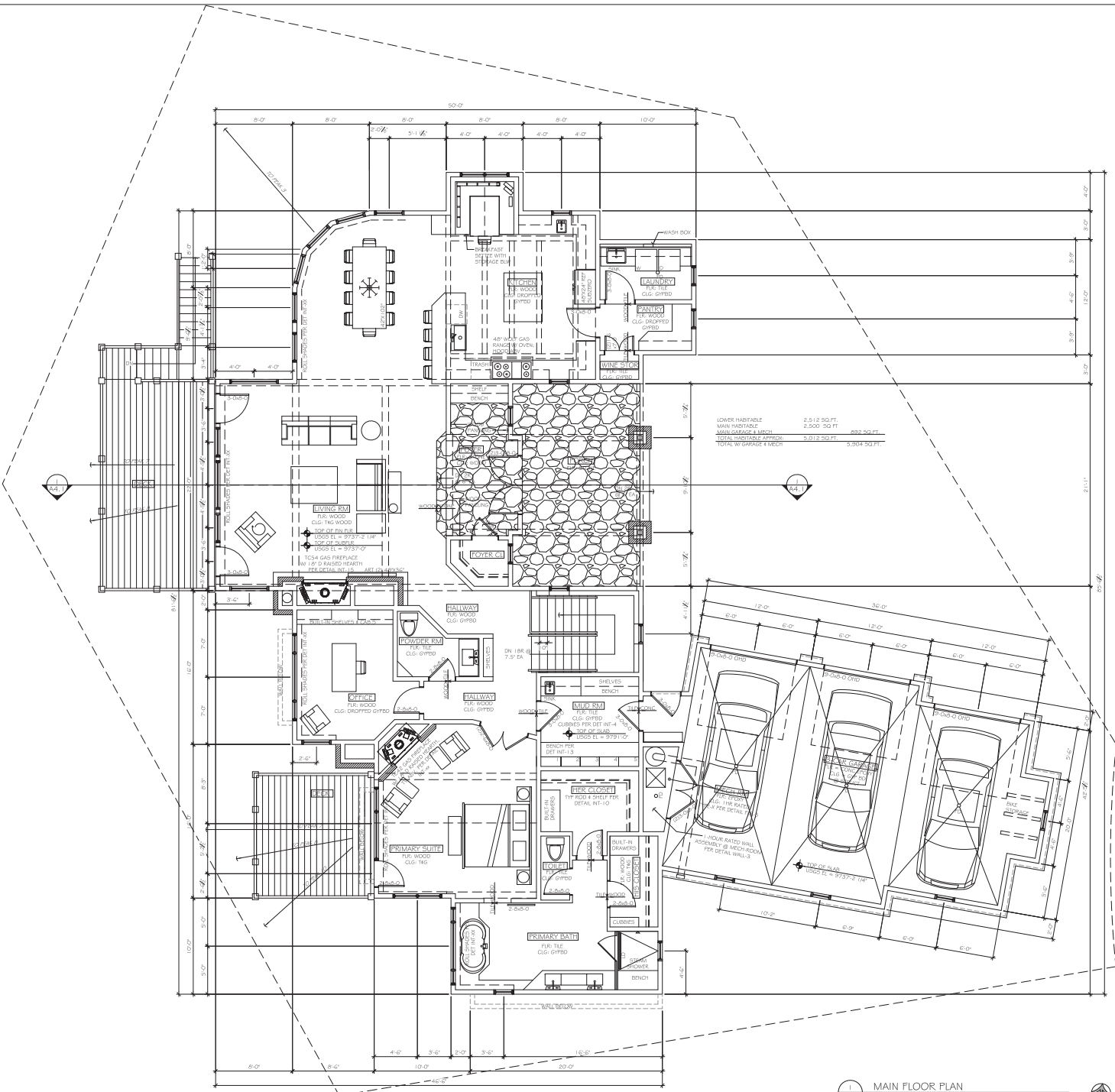
LOWER FLOOR PLAN  
 SCALE: 1/8" = 1'-0"



DATE	DATE
OWNER	7 DEC. 2015
OWNER	15 DEC. 2015
OWNER	6 JAN. 2016
OWNER	15 JAN. 2016
PULL & REVIEW	7 MAR. 2016
OWNER	3 MAY 2016
OWNER	10 MAY 2016
PLANNING	12 MAY 2016
PLANNING REV	23 MAY 2016

PROJECT # 100

A2.1



1 MAIN FLOOR PLAN  
A2.2

DATE	DESCRIPTION
7 DEC 2015	OWNER
15 DEC 2015	OWNER
6 JAN 2016	OWNER
15 JAN 2016	OWNER
7 MAR 2016	PERM. REVIEW
3 MAY 2016	OWNER
10 MAY 2016	OWNER
12 MAY 2016	PLANNING
23 MAY 2016	PLANNING REV



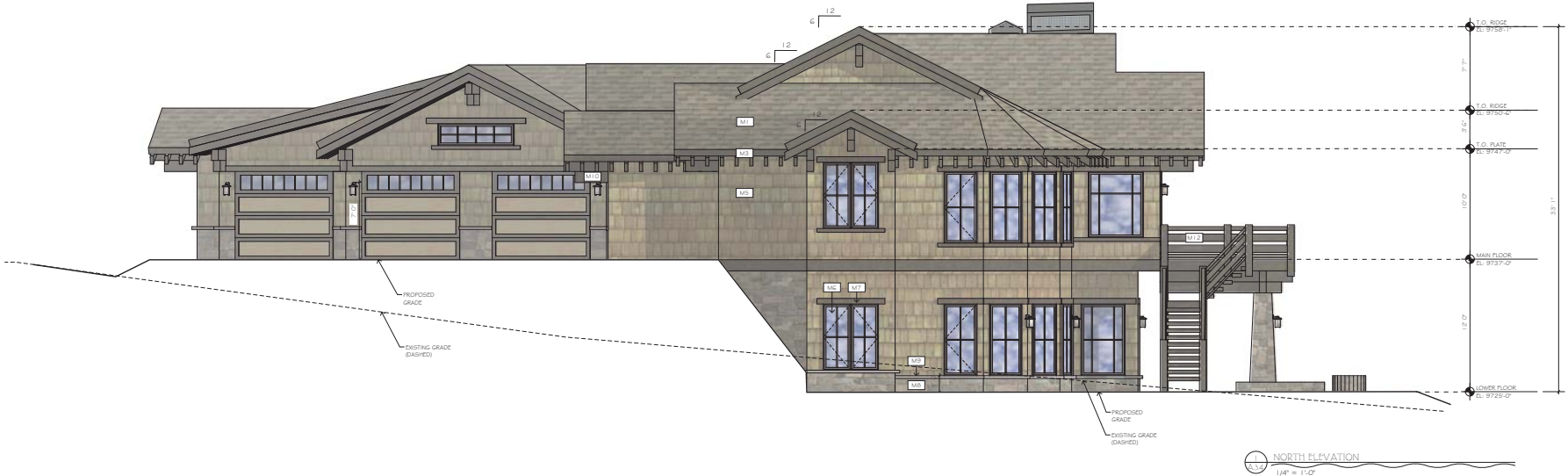












**A3.3 NORTH ELEVATION**  
 1/4" = 1'-0"



**A3.4 NORTHWEST RENDERING**  
 1/4" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION

**KELLY RESIDENCE**  
 LOT 7, SHECK HILL SUBDIVISION  
 142 PENN LOPE DRIVE, BREWSTER, COLORADO  
 TITLE ELEVATIONS

DATE	DATE
DESIGN	30 SEPTEMBER 2011
PERMIT	16 FEBRUARY 2012
PLANNING	01 MARCH 2012
PLANNING	02 MARCH 2012

PROJECT # 0597

**A3.4**

# KELLY RESIDENCE

EXTERIOR MATERIALS SCHEDULE

DATE: 25 MAY 2016

LABEL	ITEM	COLOR	DESCRIPTION
M1	ROOF SHINGLES		ASPHALT SHINGLES-ELK PRESTIQUE PLUS 50 YR SHINGLES COLOR "WEATHERED WOOD"
M2	METAL ROOF		STANDING SEAM METAL ROOF "PATINAED COPPER TONES"
M3	FASCIA		2X CEDAR PER DETAIL - STAIN WITH SHERWIN WILLIAMS "HAWTHORNE" SW3518
M4	SOFFIT		1X6 CEDAR T&G - STAIN WITH SUPER-DECK #2214 - "SYCAMORE"
M5	SHAKE SIDING		CEDAR SHAKES - HAND-PLACED STAIN WITH SUPER-DECK #1911- "CEDAR TONE NATURAL"
M6	DOORS/ WINDOWS		JELD-WEN ALUMINUM CLAD "DARK CHOCOLATE"
M7	DOORS/ WINDOW TRIM		2X & 3X CEDAR PER DETAILS - STAIN WITH SHERWIN WILLIAMS "HAWTHORNE" SW3518

NOTE: ALL EXPOSED METAL INCLUDING, BUT NOT LIMITED TO, FLASHING, DRIP EDGE, VENT STACKS, FLUE PIPES, ETC,  
SHALL BE DARK BROWN












# KELLY RESIDENCE

EXTERIOR MATERIALS SCHEDULE

DATE: 25 MAY 2016

LABEL	ITEM	COLOR	DESCRIPTION
M8	STONE VENEER		GALLEGOS CORP. STONE #51G SWEETWATER
M9	STONE VENEER CAP		3" GREY SANDSTONE CAP
M10	EXPOSED POSTS/ BEAMS		TIMBER POSTS & BEAMS STAIN WITH SHERWIN WILLIAMS #SW3518 "HAWTHORNE"
M11	WOOD DECKS		EVERGRAIN COMPOSITE DECKING - COLOR SHALL BE "WEATHERED WOOD" OR EQUAL
M12	DECK RAILINGS		545 CEDAR STAINED WITH SHERWIN WILLIAMS "HAWTHORNE" SW3518
M13	GARAGE DOORS		1X 545 CEDAR @ PANELING STAINED WITH SUPER-DECK #1911 - "CEDAR TONE NATURAL" 2X R5 CEDAR @ TRIM SHERWIN WILLIAMS "HAWTHORNE" SW3518
M14	FLASHING, GUTTERS & DOWNSPOUTS		COPPER

NOTE: ALL EXPOSED METAL INCLUDING, BUT NOT LIMITED TO, FLASHING, DRIP EDGE, VENT STACKS, FLUE PIPES, ETC,  
SHALL BE DARK BROWN



# KELLY RESIDENCE

LOT 7. SHOCK HILL. 142 PENN LODGE DRIVE  
BRECKENRIDGE  
COLORADO



## EXTERIOR LIGHT FIXTURE

MODEL # OD8010-L  
W/ CUSTOM INSERT TO MEET DARK SKY REQUIREMENTS (SEE BELOW)

MANUFACTURER: T.B.D.

DIMENSIONS: 22" HEIGHT; 13" WIDTH; 16" DEPTH

FINISH & GLASS: SLATE GREY W/ DARK MICA  
& PERMANENT WELDED OPAQUE INSERT TO MEET DARK SKY ORDINANCE

MAX WATTAGE: 60 WATTS



### Class C Single Family Development Review Check List

<b>Project Title:</b>	Garber Residence	
<b>Proposal:</b>	Construct new 5,352 square foot single-family residence.	
<b>Project Name and PC#:</b>	Garber Residence	PL- 2016-0153
<b>Project Manager:</b>	Chris Kulick, AICP	
<b>PC Meeting Date:</b>	June 7, 2016	
<b>Date of Report:</b>	May 23, 2016	
<b>Property Owner:</b>	Scott Garber	
<b>Agent:</b>	Darci Hughes, Riverbend Architecture	
<b>Address:</b>	35 Hermit Drive	
<b>Legal Description:</b>	Lot 32, Sunbeam Estates Filing #2	
<b>Area of Site in Square Feet:</b>	13,597 sq. ft.	0.31 acres
<b>Existing Site Conditions:</b>	The site slopes to the west at an average of 33%. The site is relatively bare except for mature Lodgepole Pine trees at the west and south sides of the lot. The site has been altered from natural grade as the result of roadway fill. There is a road maintenance easement that runs along the north and east sides of the property adjacent to the Hermit Drive Hammerhead. No building or disturbance envelopes have been platted for this site.	
<b>Areas of Building:</b>	Proposed Square Footage	
Lower Level:	1,906 sq. ft.	
Main Level:	2,222 sq. ft.	
Upper Level:	354 sq. ft.	
Accessory Apartment:		
Garage:	870 sq. ft.	
Total Gross Square Footage:	5,352 sq. ft.	
<b>Code Policies (Policy #)</b>		
<b>Land Use District (2A/2R):</b>	#12, 2 UPA	
<b>Density (3A/3R):</b>	Unlimited	Proposed: 4,482 sq. ft.
<b>Mass (4R):</b> The maximum aboveground square footage of a single-family or duplex structure located in the Sunbeam Subdivision on a lot, tract or parcel without a platted building or disturbance envelope shall be the lesser of: 1:3.0 FAR or 7,000 sq. ft. If a single-family or duplex structure contains a garage, the measurement of aboveground square footage in subsection A of this section applies only to that portion of the garage that exceeds nine hundred (900) square feet. This project's Mass calculation - 5,352 sq. ft. - 870 sq. ft. garage = 4,482 sq. ft.	Allowed: 4,532 sq. ft.	Proposed: 4,482 sq. ft.
<b>F.A.R.</b>	1:3.03 FAR	
<b>No. of Main Residence Bedrooms:</b>	5 bedrooms	
<b>No. of Main Residence Bathrooms:</b>	6.0 bathrooms	
<b>Height (6A/6R):*</b>	35 feet overall	
*Max height of 35' for single family outside Conservation District		
<b>Lot Coverage/Open Space (21R):</b>		
Drip line of Building / Non-Permeable Sq. Ft.:	3,782 sq. ft.	27.81%
Hard Surface/Non-Permeable Sq.		

Open Space / Permeable Sq. Ft.:	7,958 sq. ft.	58.53%
<b>Snowstack (13A/13R):</b>		
Required Square Footage:	464 sq. ft.	25% of paved surfaces is required
Proposed Square Footage:	747 sq. ft.	(40.23% of paved surfaces)
<b>Energy Conservation (33A/33R):</b>		
	The applicants propose obtaining a HERS of 60 or lower, staff recommends positive three (+3) points for obtaining a HERS Index below 60.	
<b>Parking (18A/18R):</b>		
Required:	2 spaces	
Proposed:	5 spaces	
<b>Fireplaces (30A/30R):</b>		
<b>Number of Gas Fired:</b>	5 Gas Fired	
<b>Number of EPA Phase II Wood Burning:</b>		None
<b>Setbacks(9/A &amp; 9/R):</b> This application is required to be reviewed as a Class "C" application because the property does not have a platted building or disturbance envelope. Negative Three (-3) points were assigned to this project for not meeting the Relative front setback of 25'. However, the absolute front setback of 15' has been met.	<b>Allowed</b>	<b>Proposed</b>
	Front: 25'	Front: 15'
	Rear: 15'	Rear 15'
	Sides: Combined 50'	Sides: Combined 54'
<b>Architectural Compatibility (5/A &amp; 5/R):</b>	The architecture is compatible and blends in with the character of the surrounding neighborhood.	
<b>Exterior Materials:</b>	2 x 12 horizontal cedar siding with eased edges in "Homestead Brown", timber trusses, pre-rusted metal siding panels (11% max), cedar fascia, soffits and trim in "black semi-transparent stain", metal railings and chimney caps, stone veneer in "Sienna Buff Grey Mix"	
<b>Roof:</b>	Asphalt shingles in "Weathered Wood" and standing seam metal roofing in "Shake Gray"	
<b>Garage Doors:</b>	Wood clad garage doors in "Homestead Brown".	
<b>Landscaping (22A/22R):</b>		
<b>Planting Type</b>	<b>Quantity</b>	<b>Size</b>
Colorado Spruce	7	5 x 8' tall & 2 x 10' tall
Schubert Chokecherry	2	6' tall
Quaking Aspen	8	1.5" cal-3" cal. 50% multi-stem
Twinberry Honeysuckle	8	5 gal.
Lilac	7	5 gal.
Artic Willow	3	5 gal.
<b>Defensible Space (22A):</b>	Complies	
<b>Drainage (27A/27R):</b>	Complies	
<b>Driveway Slope:</b>	7.0 %	
<b>Point Analysis (Sec. 9-1-17-3):</b>	Staff conducted a point analysis and found the proposal meets all Absolute Policies of the Development Code and warrants the following points under the Relative Policies: Negative three (-3) points under Policy 9 (Relative) Placement of Structures for not meeting the relative 25' setback; and positive three (+3) points under Policy 33 (Relative) Energy Conservation for obtaining a HERS Index of 60 or lower, for a total passing point analysis of zero (0) points.	
<b>Staff Action:</b>	Staff has approved the Garber Residence, PL-2016-0153, located at 35 Hermit Drive with the attached Findings and Conditions.	
<b>Additional Conditions of Approval:</b>	9. An improvement location certificate of the height of the top of the foundation wall, second story plate, and the height of the building's ridge must be submitted and approved by the Town during the various phases of construction. The final building height shall not exceed 35' at any location.	
	18. Applicant shall submit a final HERS Confirmed Home Energy Rating Report with a score lower than 60, prepared by a registered Residential Services Network (RESNET) design professional using an approved simulation tool in accordance with simulated performance alternative provisions of the towns adopted energy code.	

<b>Final Hearing Impact Analysis</b>				
Project:	Garber Residence	<b>Positive Points</b>	<b>+3</b>	
PC#:	PL-2016-0153			
Date:	5/23/2016	<b>Negative Points</b>	<b>- 3</b>	
Staff:	Chris Kulick, AICP			
		<b>Total Allocation:</b>	<b>0</b>	
Items left blank are either not applicable or have no comment				
<b>Sect.</b>	<b>Policy</b>	<b>Range</b>	<b>Points</b>	<b>Comments</b>
1/A	<b>Codes, Correlative Documents &amp; Plat Notes</b>	Complies		
2/A	<b>Land Use Guidelines</b>	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)		
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	<b>Density/Intensity</b>	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)		
5/A	<b>Architectural Compatibility / (Historic Above Ground Density)</b>	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)		
5/R	Architectural Compatibility H.D. / Above Ground Density 12 UPA	(-3>-18)		
5/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3>-6)		
6/A	<b>Building Height</b>	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
	For all Single Family and Duplex Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)		
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	<b>Ridgeline and Hillside Development</b>	Complies		
9/A	<b>Placement of Structures</b>	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)	- 3	Three (-3) points were assigned to this project for not meeting the Relative front setback of 25'. However, the absolute front setback of 15' has been met.
12/A	Signs	Complies		
13/A	<b>Snow Removal/Storage</b>	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	<b>Storage</b>	Complies		
14/R	Storage	2x(-2/0)		
15/A	<b>Refuse</b>	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	Internal Circulation	Complies		

16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	<b>External Circulation</b>	Complies		
18/A	<b>Parking</b>	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		
18/R	Parking-Public View/Usage	2x(-2/+2)		
18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)		
18/R	Parking - Downtown Service Area	2x(-2/+2)		
19/A	<b>Loading</b>	Complies		
20/R	Recreation Facilities	3x(-2/+2)		
21/R	Open Space - Private Open Space	3x(-2/+2)		
21/R	Open Space - Public Open Space	3x(0/+2)		
22/A	<b>Landscaping</b>	Complies		
22/R	Landscaping	2x(-1/+3)		
24/A	<b>Social Community</b>	Complies		
24/A	Social Community / Above Ground Density 12 UPA	(-3>-18)		
24/A	Social Community / Above Ground Density 10 UPA	(-3>-6)		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)		
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
5/R	Social Community - Conservation District	3x(-5/0)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15		
25/R	Transit	4x(-2/+2)		
26/A	<b>Infrastructure</b>	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	<b>Drainage</b>	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	<b>Utilities - Power lines</b>	Complies		
29/A	<b>Construction Activities</b>	Complies		
30/A	<b>Air Quality</b>	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	<b>Water Quality</b>	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	<b>Water Conservation</b>	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)		
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)	+3	The applicants propose obtaining a HERS of 60 or lower, staff recommends positive three (+3) points for obtaining a HERS Index below 60.
	HERS index for Residential Buildings			
33/R	Obtaining a HERS index	+1		
33/R	HERS rating = 61-80	+2		
33/R	HERS rating = 41-60	+3		
33/R	HERS rating = 19-40	+4		
33/R	HERS rating = 1-20	+5		
33/R	HERS rating = 0	+6		
	Commercial Buildings - % energy saved beyond the IECC minimum standards			
33/R	Savings of 10%-19%	+1		
33/R	Savings of 20%-29%	+3		
33/R	Savings of 30%-39%	+4		
33/R	Savings of 40%-49%	+5		
33/R	Savings of 50%-59%	+6		
33/R	Savings of 60%-69%	+7		
33/R	Savings of 70%-79%	+8		
33/R	Savings of 80% +	+9		
33/R	Heated driveway, sidewalk, plaza, etc.	1X(-3/0)		
33/R	Outdoor commercial or common space residential gas fireplace (per fireplace)	1X(-1/0)		
33/R	Large Outdoor Water Feature	1X(-1/0)		
	Other Design Feature	1X(-2/+2)		
34/A	<b>Hazardous Conditions</b>	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		

35/A	<b>Subdivision</b>	Complies		
36/A	<b>Temporary Structures</b>	Complies		
37/A	<b>Special Areas</b>	Complies		
37/R	Community Entrance	4x(-2/0)		
37/R	Individual Sites	3x(-2/+2)		
37/R	Blue River	2x(0/+2)		
37/R	Cucumber Gulch/Setbacks	2x(0/+2)		
37/R	Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
38/A	<b>Home Occupation</b>	Complies		
39/A	<b>Master Plan</b>	Complies		
40/A	<b>Chalet House</b>	Complies		
41/A	<b>Satellite Earth Station Antennas</b>	Complies		
42/A	<b>Exterior Loudspeakers</b>	Complies		
43/A	<b>Public Art</b>	Complies		
43/R	Public Art	1x(0/+1)		
44/A	<b>Radio Broadcasts</b>	Complies		
45/A	<b>Special Commercial Events</b>	Complies		
46/A	<b>Exterior Lighting</b>	Complies		
47/A	<b>Fences, Gates And Gateway Entrance Monuments</b>	Complies		
48/A	<b>Voluntary Defensible Space</b>	Complies		
49/A	<b>Vendor Carts</b>	Complies		

## TOWN OF BRECKENRIDGE

Garber Residence  
Lot 32 Sunbeam Estates #2  
35 Hermit Drive  
PL-2016-0153

### FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated **May 23, 2016**, and findings made by Community Development with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **June 7, 2016** as to the nature of the project. In addition to Commission minutes, the audio of the meetings of the Commission are recorded.

### CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit expires eighteen (18) months from date of issuance, on **December 14, 2017**, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be 18 months, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. Driveway culverts shall be 18-inch heavy-duty corrugated polyethylene pipe with flared end sections and a minimum of 12 inches of cover over the pipe. Applicant shall be responsible for any grading necessary to allow the drainage ditch to flow unobstructed to and from the culvert.
7. At the point where the driveway opening ties into the road, the driveway shall continue for five feet at the same cross slope grade as the road before sloping to the residence. This is to prevent snowplow equipment from damaging the new driveway pavement.



8. Applicant shall field locate utility service lines to avoid existing trees.
9. **An improvement location certificate of the height of the top of the foundation wall, second story plate, and the height of the building's ridge must be submitted and approved by the Town during the various phases of construction. The final building height shall not exceed 35' at any location.**
10. At no time shall site disturbance extend beyond the limits of the area of work shown, including building excavation, and access for equipment necessary to construct the residence.
11. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.

#### **PRIOR TO ISSUANCE OF BUILDING PERMIT**

12. Applicant shall submit proof of ownership of the project site.
13. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
14. Applicant shall provide plans stamped by a registered professional engineer licensed in Colorado, to the Town Engineer for all retaining walls over four feet in height.
15. Any exposed foundation wall in excess of 12 inches shall be finished (i.e. textured or painted) in accordance with the Breckenridge Development Code Section 9-1-19-5R.
16. Applicant shall identify all existing trees, which are specified on the site plan to be retained, by erecting temporary fence barriers around the trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers, and dirt and construction materials or debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Occupancy.
17. Existing trees designated on the site plan for preservation which die due to site disturbance and/or construction activities will be required to be replaced at staff discretion with equivalent new trees, i.e. loss of a 12 inch diameter tree flagged for retention will be offset with the addition of four 3-inch diameter new trees.
18. **Applicant shall submit a draft HERS Confirmed Home Energy Rating Report with a score lower than 60, prepared by a registered Residential Services Network (RESNET) design professional using an approved simulation tool in accordance with simulated performance alternative provisions of the towns adopted energy code.**
19. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
20. **Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward. Exterior residential lighting shall not exceed 15' in height from finished grade or 7' above upper decks.**
21. Applicant shall submit to and obtain approval from the Department of Community Development a defensible space plan showing trees proposed for removal and the approximate location of new

landscaping, including species and size. Applicant shall meet with Community Development Department staff on the Applicant's property to mark trees for removal and review proposed new landscaping to meet the requirements of Policy 22 (Absolute) Landscaping, for the purpose of creating defensible space.

### **PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

- 22. Applicant shall submit a final HERS Confirmed Home Energy Rating Report with a score lower than 60, prepared by a registered Residential Services Network (RESNET) design professional using an approved simulation tool in accordance with simulated performance alternative provisions of the towns adopted energy code.**
23. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
24. Applicant shall remove leaf clutter, dead branches and dead standing trees from the property, dead branches on living trees shall be trimmed to a minimum height of six (6) feet and a maximum height of ten (10) feet above the ground.
25. Applicant shall remove all vegetation and combustible material from under all eaves and decks.
26. Applicant shall create defensible space around all structures as required in Policy 22 (Absolute) Landscaping.
27. Applicant shall paint all metal flashing, vents, flues, rooftop mechanical equipment, meters, and utility boxes on the building a flat, dark color or to match the building color.
28. Applicant shall screen all utilities.
29. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward. Exterior residential lighting shall not exceed 15 feet in height from finished grade or 7 feet above upper decks.
30. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.
31. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town issuing a Stop Work Order and/or not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations. A Stop Work Order may not be released until a modification to the permit is reviewed and approved by the Town. Based upon the magnitude of the modification, another hearing before the Planning Commission may be required.
32. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the

estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions" generally means that work can not be done due to excessive snow and/or frozen ground. **As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.**

33. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
34. The development authorized by this Development Permit may be subject to the development impact fee imposed by Resolution 2006-05 of the Summit County Housing Authority. Such resolution implements the impact fee approved by the electors at the general election held November 7, 2006. Pursuant to intergovernmental agreement among the members of the Summit Combined Housing Authority, the Town of Breckenridge is authorized to administer and collect any impact fee which is due in connection with development occurring within the Town. For this purpose, the Town has issued administrative rules and regulations which govern the Town's administration and collection of the impact fee. ***Applicant will pay any required impact fee for the development authorized by this Development Permit prior to the issuance of a Certificate of Occupancy.***

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(Initial Here)







**Garber Residence**  
**Lot 32 Sunbeam Estates Filing #2**  
**Breckenridge, Colorado**

Revisions:

NO.	DESCRIPTION	DATE

Issue Date:  
May 10, 2016 - TAB  
Apr. 22, 2016

Title:  
**Landscape Plan**

Sheet:  
**A1.2**  
Project No:  
21418

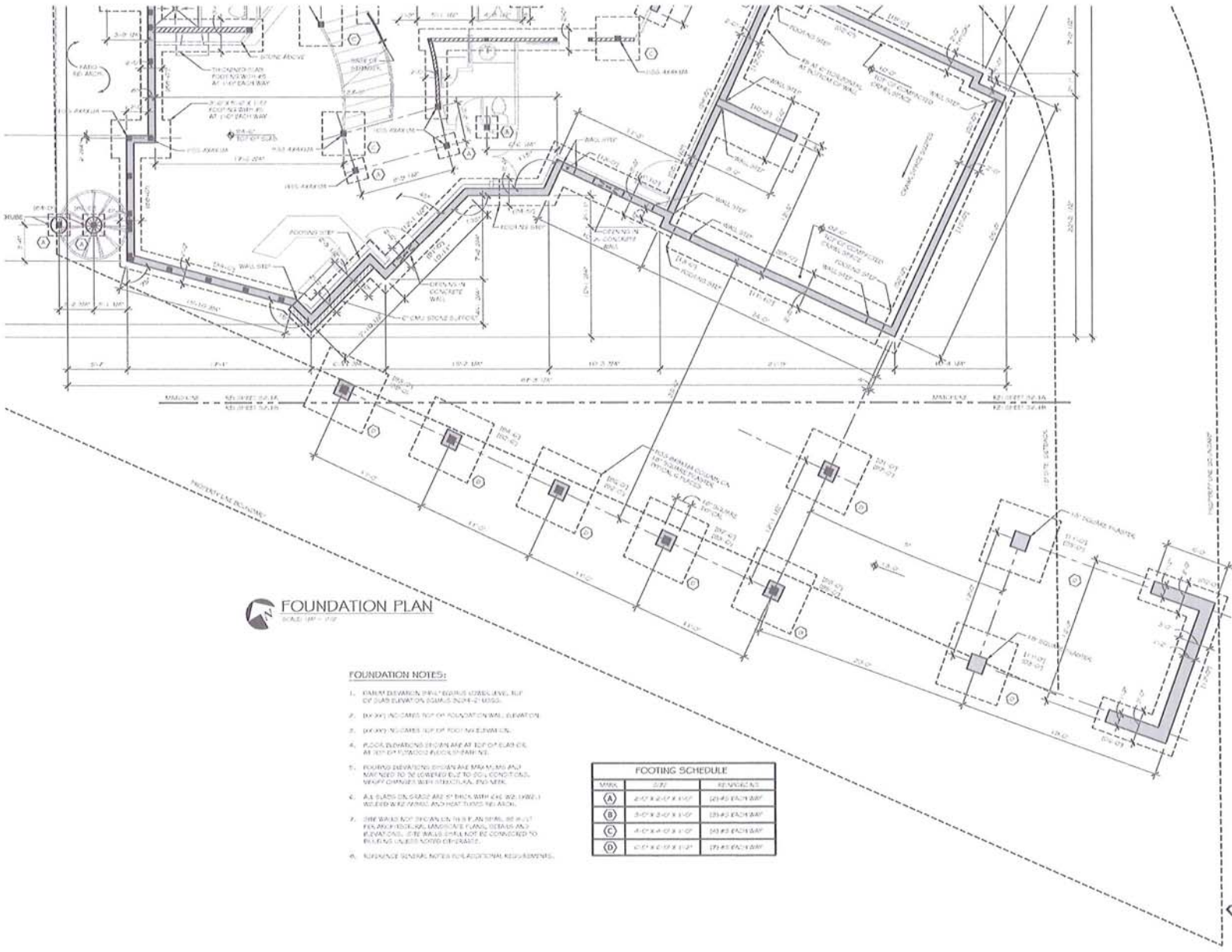
- LANDSCAPE NOTES:**
- All plant materials to be self-sustaining species and origin with all trees to be native dry or moist or specific elevation.
  - Design heights to be provided on all tree plantings and excavation.
  - All work to be completed to match nature stone foundation etc. All border retaining walls to be Stone Stone, re. detail.
  - Stone retaining walls to be finished with stone or equivalent material to be finished with Stone Stone, re. detail.
  - All finished areas not otherwise planned and existing disturbed areas to be finished with Summit County Grass Seed Mix. Plant areas to receive expanded final topography of finished surface and those areas appropriate to the site at plant community groupings before riparianization.
  - All leveling applications to be hand spread, rolled or dragged in and riparianized stone. No leveling to be applied or used with riparianized stone.
  - All base and finish to receive 4 inches of riparianized stone to a minimum depth of 4" and the dimension of the slope for riparian. If Riparianized stone used for plants.
  - Slope of riparianized stone shall be shown meeting standards for riparianized stone application.

**PLANT LIST**

Symbol	Description	Min.	Max.	Comments
<b>Evergreen Trees</b>				
CS	Colorado Spruce / Picea pungens	8'	9'	
CS	Colorado Spruce / Picea pungens	10'	9'	
<b>Deciduous Trees</b>				
A	Quaking Aspen / Picea tremuloides	11'-11"	8'	
SC	Sandwich Cedar / Juniper horizontalis	8'	9'	
H	Horsetail Honeysuckle / Ponocia confertiflora	8' x 8'	8'	
L	Lilac - purple and white / Syringa vulgaris	8' x 7'	7'	
SM	Amelanchier / Albicocca	8' x 8'	8'	
***O	Other plants associated with site, typical, include but not limited to: native riparian zone plants, native riparian plants and grasses.	2'	8'	
	Summit County Grass Seed Mix			
	Summit County Grass Seed Mix			
	Summit County Grass Seed Mix			
	Summit County Grass Seed Mix			
	Summit County Grass Seed Mix			
	Summit County Grass Seed Mix			
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	Summit County Grass Seed Mix			
	Summit County Grass Seed Mix			



1 **LANDSCAPE PLAN**  
1" = 10' 0"



**FOUNDATION PLAN**  
SCALE: 1/8" = 1'-0"

**FOUNDATION NOTES:**

1. EXISTING EXTERIOR FINISHES REQUIRE ADJUSTMENT, BUT NOT SUBSEQUENT TO EXISTING FINISHES.
2. DO NOT ADD CHANGES TO FOUNDATION WALL ELEVATION.
3. DO NOT ADD CHANGES TO FOUNDATION WALL ELEVATION.
4. FLOOR ELEVATIONS SHOWN ARE AT TOP OF SUBGRADE AT 30% OF FUTURE FINISH ELEVATION.
5. FOOTING ELEVATIONS SHOWN ARE MAXIMUM AND MAY NEED TO BE LOWERED DUE TO SOIL CONDITIONS. VERIFY CONDITIONS WITH STRUCTURAL ENGINEER.
6. ALL SLABS ON GRADE ARE 4" THICK WITH 4#4 @ 12" O.C. WELDED WIRE MESH AND HEAT TREATED REBAR.
7. SHEAR WALLS NOT SHOWN IN THIS PLAN SHALL BE BUILT PER ARCHITECTURAL DRAWINGS AND SHALL BE CONSTRUCTED TO BE IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
8. SUPPLEMENT GENERAL NOTES FOR ADDITIONAL REQUIREMENTS.

MARK	SIZE	REMARKS
(A)	2'-0" X 2'-0" X 1'-0"	12#4 EACH WAY
(B)	3'-0" X 2'-0" X 1'-0"	12#4 EACH WAY
(C)	4'-0" X 4'-0" X 1'-0"	12#4 EACH WAY
(D)	1'-0" X 4'-0" X 1'-0"	12#4 EACH WAY

**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

**FOX STRUCTURAL**  
Engineering LLC  
P.O. BOX 2880  
BRECKENRIDGE, CO 80424  
(773) 374-2025

**GARBER RESIDENCE**  
LOT 32, SUNBEAM ESTATES FILING #2  
BRECKENRIDGE, COLORADO

PROJECT #1518  
DRAWN: CM/JF  
DATE: 05/25/16  
FOR COORDINATION  
AND PRICING

**S2.1B**  
DRIVEWAY  
FOUNDATION PLAN





2 SOUTH ELEVATION  
1/8" = 1'-0"



1 WEST ELEVATION  
1/8" = 1'-0"

Revisions

Issue Date	Description
May 10, 2016	To-B
Feb. 10, 2016	
Jan. 26, 2016	
Jan. 13, 2016	
Nov. 25, 2015	
Nov. 18, 2015	
Nov. 5, 2015	



EXTERIOR MATERIALS  
 SOUTH ELEVATION WALL AREA = 183 SF  
 AREA OF METAL SIDING WITH WALL AREA = 184 SF

- METAL PANEL SIDING, TYP.
- STANDING SEAM METAL ROOFING, TYP. AT LOW SLOPE ROOFS
- 2-Piece CEDAR FACIA, TYP.
- 1-Piece METAL CHIMNEY CAP, TYP.
- ASPHALT SHINGLES, TYP. AT 12 ROOFS
- 2x4 HORIZONTAL CEDAR SIDING WITH EASED EDGES, TYP.
- STONE VENER, TYP.
- 3x CEDAR HEAD TRIM, TYP. AT OPENINGS
- CLAD WINDOWS, TYP.
- 1<sup>st</sup> F.F. @ LOWER LEVEL at +9117'-0"
- 2x CEDAR JAMB AND SILL TRIM, TYP. AT OPENINGS
- 1<sup>st</sup> F.F. @ ENTRY LEVEL at +9112'-0"
- 3x CEDAR HEAD TRIM, TYP. AT OPENINGS PER STONE VENER
- 1<sup>st</sup> F.F. @ BARRY LEVEL at +9100'-0"
- TIMBER BEAM RE STRUCTURALS
- TIMBER BRACKETS RE STRUCTURALS
- 1" STONE SILL, TYP. AT OPENINGS PER STONE VENER
- 1<sup>st</sup> SLAB @ LOWER LEVEL at +5693'-6"

2 NORTH ELEVATION  
 1/4"=1'-0"



EXTERIOR MATERIALS  
 EAST ELEVATION WALL AREA = 140 SF  
 AREA OF METAL SIDING WITH WALL AREA = 138 SF

- INTER BEAM RE STRUCTURALS
- ONE PIERCE BRACKET, TYP.
- EXTERIOR WALL SPOUNDER RE CUR SHEET, TYP.
- STANDING SEAM METAL ROOFING, TYP. AT LOW SLOPE ROOFS
- 1-Piece METAL CHIMNEY CAP, TYP.
- STONE VENER, TYP.
- 2-Piece CEDAR FACIA, TYP.
- 3x CEDAR HEAD TRIM, TYP. AT OPENINGS
- CLAD WINDOWS, TYP.
- 1<sup>st</sup> F.F. @ LOWER LEVEL at +9117'-0"
- METAL PANEL SIDING, TYP.
- 2x CEDAR JAMB AND SILL TRIM, TYP. AT OPENINGS
- 1<sup>st</sup> F.F. @ ENTRY LEVEL at +9112'-0"
- 3x CEDAR HEAD TRIM, TYP. AT OPENINGS PER STONE VENER
- 1<sup>st</sup> F.F. @ BARRY LEVEL at +9100'-0"
- 1" STONE SILL, TYP. AT OPENINGS PER STONE VENER
- 1<sup>st</sup> SLAB @ LOWER LEVEL at +5693'-6"

1 EAST ELEVATION  
 1/4"=1'-0"

Revisions

Issue Date
May 10, 2016 - ToB
Feb. 10, 2016
Jan. 26, 2016
Jan. 13, 2016
Nov. 25, 2015
Nov. 18, 2015
Nov. 5, 2015

Title:  
**Building Elevations**

Sheet  
**A3.2**  
 Project No.  
**21418**





**Garber Residence**

**METAL ROOFING:**  
STANDING SEAM METAL  
IN "SHAKE GRAY"

**ASPHALT SHINGLES:**  
LIFETIME HD IN  
"WEATHERED WOOD"

**FASCIA, TRIM & ACCENTS:**  
CABOT SEMI-TRANSPARENT  
STAIN IN "BLACK"

**WOOD SIDING:**  
TETON WEST  
WINDSWEPT IN  
"HOMESTEAD  
BROWN"

**WINDOWS:**  
BRONZE

**METAL PANEL  
SIDING:**  
DARK RUSTED

**STEEL ACCENTS:**  
BLACK

**STONE VENEER:**  
SIENNA BUFF  
GREY MIX



**COLOR SAMPLE BOARD**

Lot 32 Sunbeam Estates Filing #2

MEMO

TO: Planning Commission  
FROM: Timothy H. Berry, Town Attorney  
RE: Point Analysis  
DATE: May 23, 2016

---

From time to time the question is raised as to whether a development permit application that receives a passing point analysis must be approved by the Planning Commission.

The answer is clearly provided in the Development Code. For example, with respect to a Class A development permit application Section 9-1-18-1(E)(5) provides as follows:

If the proposed development implements or has no effect on all relevant absolute policies and is allocated zero or net positive number of points for the relative policies, the Planning Commission shall approve the proposed development.

(my emphasis)

The use of the mandatory term “shall” in this Code section indicates to me that the Planning Commission has no discretion with respect to the approval of a project once the Commission determines that the project meets all relevant absolute policies and receives a score of zero or higher on a point analysis. In such an instance, the development permit application must be approved with such conditions as the Commission determines to be appropriate.

Conversely, Section 9-1-18-1(E)(5) provides as follows with respect to a project failing to meet all relevant absolute policies or receiving a negative point analysis:

If the proposed development does not implement all affected absolute policies . . .  
or if it is allocated a net negative number of points for all relative policies  
. . . the Planning Commission shall deny the permit.

(my emphasis)

Again, the use of the mandatory “shall” indicates to me that the Planning Commission has no discretion with respect to the denial of a development permit application once the Commission determines that the project fails a relevant absolute policy or that the project receives a negative score on a point analysis.

Similar provisions are provided in the Development Code with respect to other classes of development permit applications.

Since the approval or denial of a project is mandatory based upon the outcome of the point analysis, there must be some mechanism for a member of the Planning Commission to consider the point analysis presented by the staff, and to affirmatively act to change the point analysis to fit the Commission member's own evaluation of the proposed project.

The process for the Commission to debate the point analysis is laid out in Rule 28 of the Commission's Rules of Procedure that were last adopted in 2005. This Rule sets forth the procedure for conducting a final hearing on a Class A or B development permit application. The Rule provides that after the public hearing is closed:

J. Members of the Planning Commission make individual comments concerning the application. The point analysis, as presented by the staff, may be discussed by the Commission, and the Commission is given the opportunity to vote to change any point allocations within the document.

K. The Chair shall ask if any motions to change the point analysis are to be made. If he or she hears none, the point analysis shall be declared to have been approved as submitted by the staff, and it shall become the official findings of the Commission, along with any other finding specifically adopted.<sup>1</sup>

L. The Commission shall then vote on the application, including any and all additional, specific findings and conditions to be placed upon the application if approved.

Thus, it seems appears to me that the Code establishes what is (or at least, what can be) a two-step process for the consideration of a final point analysis:

Step One. The staff presents its point analysis as part of the final hearing process. The Commission discusses and considers the point analysis. Any member of the Commission is given the opportunity to make a motion to modify the staff's proposed point analysis. If no motion to modify the point analysis is made, the point analysis is adopted and becomes the Planning Commission's own final point analysis.

Step Two. If a motion to modify the point analysis is made, the Commission considers the motion and once the motion is debated and voted upon, the point analysis is finalized.

Thus, the Commission's consideration of the point analysis is where the rubber meets the road, because the final decision to approve or deny the application flows automatically from the Commission's decision on the point analysis. The Code contemplates that if the application passes the point analysis it must be approved; if it fails, it must be denied. Simple as that.

---

<sup>1</sup> Implicit in this Rule is that if there is a motion to change the point analysis, the Planning Commission should take a separate vote on the point analysis. This is suggested by the Section 9-1-18-1(E)(5) of the Development Code that provides that: "(i)f the Planning Commission cannot agree upon the point analysis, the Planning Commission may vote on the point analysis prior to voting on the project."

In summary, it is my opinion that once the Planning Commission determines that an application should receive a passing point analysis the application must be approved. For this reason, it is my belief that a member of the Commission is required to vote to approve a development permit application once it has been determined that the application has a passing point analysis. That does not mean that debate about an the point analysis for an application cannot (or should not) occur; clearly, a Planning Commission member must be allowed to speak his or her mind about the merits of a particular application. To me, however, the Development Code process simply requires that the time to have the debate is when the point analysis is being considered. Once the debate over the point analysis has been concluded and the Commission has determined the final point analysis for the application, I believe the Development Code requires that an application be approved if it has a passing point analysis and that it is not proper for a Commissioner to vote to deny an application if the Commission has determined that the application should receive a passing point analysis.

I hope this memo has been helpful. Please let me know if you have any further questions about this issue.



---

**MEMORANDUM**

**TO: Planning Commission**

**FROM: Julia Puester, AICP, Senior Planner**

**DATE: June 3 for meeting of June 7, 2016**

**SUBJECT: Wireless Communications Facility (WCF) Work Session**

---

Wireless communication facilities (WCFs) are necessary for providing residents, businesses, visitors and emergency services with adequate data capacity for wireless devices. Recently, planning staff has processed several wireless facility development permits and continues to have pre-application conferences with wireless and broadband providers seeking locations in Town. To address this growing demand for increased voice and data capacity and coverage, staff has proposed a wireless communication facility ordinance that would address numerous related topics that are not currently addressed in the Development Code.

Because WCFs are not adequately addressed in the Development Code, providers have had to go through the Development Agreement process to waive points under Policy 6R Building Height and Policy 3R Density (although the Agreements have required the applicants to purchase density through TDRs).

The Planning Commission reviewed a form of this ordinance at their October 7, 2015 and November 4, 2015 meetings. In addition, the Planning Commission took a site visit to the Town of Vail to view their Town-wide distributed antenna system (DAS) system October 10, 2015.

Since the Planning Commission review of these past drafts, a new Federal Communications Committee (FCC) ruling was released which required further changes to the proposed ordinance. Required changes resulting from the FCC decision have been reflected in the revised ordinance attached.

Staff has worked with the Town Attorney to develop the ordinance in conjunction with the most recent regulations which are intended to provide design standards, address height and density related to such structures and installations, and create a review process. Staff would like to note that we are awaiting comments on this draft from our specialist on this topic, Attorney Ken Fellman, which may prompt some additional changes before it continues onto Town Council.

Primary issues addressed in the ordinance include:

- A simpler Class D major review process as an incentive for locations, types and design of facilities which is encouraged (e.g. Outside of the Conservation District; on an existing building; collocation with other carriers; in public rights of ways or facilities; commercial land use districts; community facilities; and/or DAS). (Section (D)(2) and Section (I))
- A Class A process for WCFs which are not in a preferred location and design. (Section (D)(1), Section (J)(4))
- Design Standards (Section J) which include a requirement for all WCFs to be camouflaged and concealed (Section (J)(7)); encourage collocation (Section (J)(3)); roof or wall mounted preferred over freestanding (Section (J)(5)); concealed with compatible design in the rights of ways (Section (J)(8)); and paint and textured to match the support structure. (Section (J)(7))
- Height limitation of 35 feet unless processed as an adjustment. (Section (J)(4))
- Abandonment and Removal provisions (Section Q) requiring the notification and removal of WCFs abandoned after 180 days of discontinued use.
- Special variance procedure referred to in Adjustments to Standards (Section K) to address any unforeseen issues which would allow the Town to process the applications in a timeframe established by the Federal Communications Commission (FCC).

Staff has attached the draft ordinance as a work session item and would like to hear from the Planning Commission on whether the bulleted topics/items above, highlighting the primary issues are adequately addressed for WCFs.

1 ***DRAFT June 3, 2016 DRAFT***

2

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1 COUNCIL BILL NO. \_\_\_\_

2  
3 Series 2016

4  
5 AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE  
6 TOWN CODE, KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE,” BY  
7 ADOPTING A NEW POLICY 50 (ABSOLUTE), ENTITLED “WIRELESS  
8 COMMUNICATIONS FACILITIES,” AND MAKING MISCELLANEOUS CONFORMING  
9 AMENDMENTS TO THE BRECKENRIDGE TOWN CODE

10  
11 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,  
12 COLORADO:

13  
14 Section 1. Item G in the definition of “Class A Development” in Section 9-1-5 of the  
15 Breckenridge Town Code is amended to read as follows:

16  
17 G. ~~Wireless communication facilities.~~ **Those wireless communication facilities permit applications described in subsection D1 of Section 9-1-19-50A.**

18  
19 Section 2. The definition of “Class D – Major” development in Section 9-1-5 of the  
20 Breckenridge Town Code is amended by the addition of a new item B, which shall read as  
21 follows:

22  
23 **B. Those wireless communication facilities permit applications described in**  
24 **subsection D2 of Section 9-1-19-50A.**

25  
26 Section 3. Chapter 1 of Title 9 of the Breckenridge Town Code is amended by the  
27 addition of the following new development policy:

28  
29 **9-1-19-50A: POLICY 50 (ABSOLUTE) WIRELESS COMMUNICATIONS FACILITIES:**

30  
31 **A. PURPOSE AND INTENT:**

- 32  
33 1. The purpose of this policy is to regulate the installation and operation of  
34 various wireless communications facilities in the Town, recognizing the  
benefits of wireless communications while reasonably respecting other  
important Town needs, including the protection of public health, safety, and  
welfare.
- 35  
36 2. The overarching intent of this policy is to make wireless communications  
37 reasonably available while preserving the unique aesthetic character, beauty,  
and historic charm of the Town. This will be realized by:

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE



- 1 (a) Minimizing the visual and physical effects of wireless communications  
2 facilities through appropriate design, siting, screening techniques, and  
3 location standards;
- 4 (b) Encouraging the installation of wireless communications facilities at  
5 locations where other such facilities already exist;
- 6 (c) Encouraging the installation of such facilities where and in a manner  
7 such that potential adverse impacts to the Town are minimized; and
- 8 (d) Providing for the efficient modification and upgrading of existing  
9 wireless communications facilities to accommodate changing  
10 technologies.
- 11 3. It is not the purpose or intent of this policy to:
- 12 (a) Prohibit or have the effect of prohibiting wireless communications  
13 services; or
- 14 (b) to regulate the placement, installation, or modifications of wireless  
15 communications facilities on the basis of the environmental effects of  
16 radio frequency emissions where it is demonstrated that the wireless  
17 communications facilities do or will comply with the applicable FCC  
18 regulations; or
- 19 (c) Unreasonably discriminate among providers of functionally equivalent  
20 wireless communications services.
- 21 4. Nothing in this policy is intended to allow the Town to preempt any state or  
22 federal law or regulation applicable to a wireless communications facility.
- 23 5. The provisions of this policy are in addition to, and do not replace, obligations  
24 a wireless communications facility permittee may have under franchises,  
25 licenses, other permits issued by the Town, or any other agreement with the  
26 Town.

27 **B. EXCLUSIONS:**

- 28 1. Except as specifically provided in the Spectrum Act, this policy does not  
29 apply to and no wireless communications facilities permit shall be required  
30 for: (i) ordinary maintenance of a WCF as defined in this policy; (ii) the siting  
31 of Distributed Antenna Systems facilities located within a building, stadium,  
32 or similar structure, or campus, and intended primarily to provide wireless  
33 coverage within that building, stadium, or similar structure, or campus; (iii)

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

1 small-cell facilities or Distributed Antenna Systems mounted to an existing  
2 structure and consisting of no more than one four (4) foot antenna enclosure  
3 and accessory equipment with a combined volume of no more than fifteen  
4 (15) cubic feet; (iv) antennas used by residential households solely for  
5 broadcast radio and television reception; (v) satellite antennas used solely for  
6 residential or household purposes; (vi) amateur radio antennas; (vii) television  
7 and AM/FM radio broadcast towers and associated facilities; (viii) WCFs  
8 placed for a period of not more than 21 days for temporary uses related to  
9 special events if authorized by a special events permit issued pursuant to  
10 chapter 13 of title 4 of this code; (ix) WCFs owned by or exclusively operated  
11 for government agencies, including the Town; and (x) development as defined  
12 in Section 9-1-5 that does not meet the definition of a WCF, which  
13 development is subject to the other provisions of this chapter.

14 2. This policy does not apply to the Town when the Town is acting in its  
15 propriety capacity as owner of land. This policy applies to the Town only  
16 when it acts as a land use regulator.

17 **C. DEFINITIONS:**

18 1. For the purposes of this policy, the following terms shall have the following  
19 meanings:

ANTENNA : A device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to, panel antennas, reflecting discs, panels, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devices and configurations.

ANTENNA ARRAY: Two or more antennas having active elements extending in one or more directions, and directional antennas mounted upon and rotated through a vertical mast or tower interconnecting the beam and antenna support, all of which elements are deemed to be part of the antenna.

BASE STATION: A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user

**WIRELESS COMMUNICATIONS FACILITIES ORDINANCE**

equipment and a communications network. The term does not encompass a tower as defined in this policy or any equipment associated with a tower. Base Station includes, but is not limited to:

(a) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(b) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks).

(c) Any structure other than a tower that, at the time the relevant application is filed with the Town, supports or houses equipment described in subsections (a) and (b) of this definition that has been reviewed and approved under this chapter or policy, even if the structure was not built for the sole or primary purpose of providing such support.

The term does not include any structure that, at the time the relevant application is filed with the Town, does not support or house equipment described in subsections (a) and (b) of this definition.

CAMOUFLAGED OR  
CONCEALED WIRELESS  
COMMUNICATIONS  
FACILITY:

A WCF that: (a) is integrated as an architectural feature of an existing structure such as a false facade; (b) is integrated in an outdoor fixture such as a flagpole; (c) uses a design that mimics and is consistent with nearby natural or architectural features; or (d) is incorporated into or replaces existing

## WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

permitted facilities (including, but not limited to, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent.

COLLOCATION (Eligible Facilities Request):

With respect to an eligible facilities request, means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

CONSERVATION DISTRICT:

Has the meaning provided in Section 9-1-5.

DISTRIBUTED ANTENNA SYSTEM (OR DAS):

A network of one or more antennas and related fiber optic nodes typically mounted to streetlight poles, or utility poles, which provide access and signal transfer for wireless service providers. DAS also includes the equipment location, sometimes called a “hub” or “hotel,” where the DAS network is interconnected with one or more wireless service provider’s facilities to provide the signal transfer services.

ELIGIBLE FACILITIES REQUEST:

Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (a) collocation of new transmission equipment; (b) removal of transmission equipment; or (c) replacement of transmission equipment.

ELIGIBLE SUPPORT STRUCTURE:

Any tower or base station as defined in this policy, provided that it is existing at the time the relevant application is filed with the Town under this policy.

EXISTING:

A constructed tower or base station if it has been reviewed and approved by the Town under this chapter or policy; provided that a tower that has not been reviewed because it

## WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

was not in a zoned area when it was built, but was lawfully installed, is existing for purposes of this chapter and policy.

- FCC: The Federal Communications Commission.
- LATTICE TOWER: An open framework structure used to support one or more antennas, typically with three or four support legs.
- MONOPOLE: A single freestanding pole used to act as or support an externally mounted antenna or antenna arrays.
- ORDINARY MAINTENANCE: Ensuring that WCFs and support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing, and modifications that maintain functional capacity, and aesthetic and structural integrity (e.g., the strengthening of a support structure's foundation or of the support structure itself). Ordinary maintenance includes: (i) replacing existing antennas with antennas of the same size and color; (ii) replacing accessory equipment within an existing WCF; and (iii) relocating the antennas of approved WCFs to different height levels on an existing monopole or vertical facility upon which they are currently located if such height level is in compliance with the applicable requirements of this chapter. Ordinary maintenance does not constitute a modification to a WCF, whether classified as an eligible facilities requests or otherwise.
- RF: Radio frequency.
- RADOME: A visually-opaque, radio frequency transparent enclosure which may contain one or more antennas, cables, and related facilities therein.

## WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

REVIEWING AUTHORITY:	The Director, the Planning Commission, or the Town Council with respect to a Class D - Major WCF permit application, or the Planning Commission or Town Council with respect to a Class A WCF permit application.
RIGHT-OF-WAY:	Any publicly-owned or controlled street, roadway, alley, sidewalk, and other public way.
SITE:	For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.
SMALL-CELL NETWORK:	A network consisting of one or more nodes connected, directly or indirectly, by fiber to a carrier's mobile switching center or other point of interconnection.
SPECTRUM ACT AND SPECTRUM REGULATIONS:	Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, codified at 47 U.S.C. §1455(a), as amended from time to time. The FCC's rules under the Spectrum Act are contained in the FCC Report and Order adopted October 17, 2014, as amended from time to time, and codified at 47 C.F.R. §1.40001.
SUBSTANTIAL CHANGE:	A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:  (a) For towers other than towers in the public rights-of-way, it increases the height of the

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

tower by more than ten percent (10%) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act in February 2012;

(b) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;

(c) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that



are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure;

(d) It entails any excavation or deployment outside the current site;

(e) It would defeat the concealment elements of the eligible support structure; or

(f) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in subsections (a) – (d) of this definition.

**SUPPORT EQUIPMENT:**

The physical, electrical, and/or electronic equipment included within a WCF used to house, power, and/or process signals from or to the WCFs antenna or antennas, but specifically excluding the base station.

**SUPPORT STRUCTURE:**

A structure, outdoor fixture, tower, or utility pole capable of safely supporting a WCF, but does not include a wireless tower.

**TEMPORARY WCF:**

A WCF that is designed and intended to be used for a limited period of time as described in subsections D1c or D2c of this policy.

**TOWN PROPERTY:**

Property owned or under the control of the Town, but specifically excludes the Town's right-of-way. By way of example and not limitation, public property includes structures and outdoor fixtures owned by the Town.

**TRANSMISSION EQUIPMENT:**

Equipment that facilitates transmission for any FCC-licensed or authorized wireless

**WIRELESS COMMUNICATIONS FACILITIES ORDINANCE**

communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

**UNIPOLE:**

A uniform width pole with one or more antennas and associated equipment and cables contained within the interior of the pole, and with a Radome at the top of the pole being the same width as the pole.

**UTILITY POLE:**

A metal or wood pole or structure located in the right-of-way and dedicated to use by multiple utilities and providers of communications authorized by the Town, or otherwise authorized to use the pole by applicable law.

**WIRELESS COMMUNICATIONS FACILITY (WCF):**

A facility for the transmission or reception of low power radio signals used for two-way communications provided by a FCC licensee. WCFs shall not include facilities for broadcasting or receiving commercial or public radio or television programming, or facilities for transmitting or receiving signals by governmental agencies or amateur radio, citizens band, or similar users. WCFs are composed of two or more of the following components:

- (a) antenna;
- (b) support structure;
- (c) equipment enclosure; or
- (d) security barrier

**WCF ADJUSTMENT:**

An authorization to deviate from the requirements of this Policy granted by the

**WIRELESS COMMUNICATIONS FACILITIES ORDINANCE**

reviewing authority pursuant to Section K of this Policy.

WCF APPLICATION  
(OR APPLICATION):

An application for a WCF permit submitted pursuant to this policy.

WIRELESS TOWER:

Any structure, such as a monopole or unipole, built for the sole or primary purpose of supporting a WCF. A support structure which is modified or replaced to allow for the installation of all or a portion of a WCF retains its prior use as its primary use, and the wireless use is only a secondary use thereof, even if the WCF is the only attachment to the support structure.

WCF PERMIT  
(OR PERMIT):

A WCF permit for the initial placement of a WCF, or the modification, replacement, or removal of a WCF, issued by the Town pursuant to this policy and chapter.

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- 2. Terms not defined in this policy that are defined in applicable federal law or regulation shall have the meaning provided in such law or regulation.
- 3. Terms not defined in this policy or applicable federal law or regulation are to be given their common meaning.

**D. WCF PERMIT CLASSIFICATIONS:** Applications for WCF permits submitted under this policy are classified as follows:

- 1. Class A Development WCF Permit.
  - (a) All collocation applications and modifications of an existing WCF permit that are not eligible facilities requests.
  - (b) An application to locate a WCF on a building that requires the construction of improvements on the roof to hold the mechanical equipment required to operate the WCF.
  - (c) An application for a temporary WCF that will be operational for a period of time more than 30 but less than 180 days. No temporary WCF shall be approved if it will be operational for 180 days or longer unless the use of such temporary WCF is in response to and during the

1 period a period of a declaration of emergency by the Governor of the  
2 State of Colorado. The Director shall not accept an application for a  
3 temporary WCF under this policy: (i) that is not filed concurrently  
4 with an application for a permanent WCF; and (ii) that will be  
5 operational for 180 days or longer unless the use of the Temporary  
6 WCF is in response to and during the period a period of a declaration  
7 of emergency by the Governor of the State of Colorado.

8 (d) All other applications to install, modify, or replace a WCF within the  
9 Town that are not classified as a Class D - Major application pursuant  
10 to subsection D2.

11 2. Class D - Major Development WCF Permit.

12 (a) An application for an eligible facilities request.

13 (b) An application to install a new WCF at one of the preferred locations  
14 as set forth in Section I4 of this policy if:

15 (i) the application meets the applicable design requirements of this  
16 policy; and

17 (ii) the utility box or cabinet that will hold the mechanical equipment  
18 required to operate the WCF will be located in an existing  
19 building.

20 (c) An application for a temporary WCF that will be operational for a  
21 period of time not longer than 30 days, whether in response to and  
22 during the period a period of a declaration of emergency by the  
23 Governor of the State of Colorado, or otherwise.

24 (d) An application to install a WCF that is part of a non-exempt DAS or  
25 small-cell network, and is camouflaged consistent with the design  
26 requirements contained in this policy.

27 3. Director's Authority to Reclassify an Application. The Director's authority to  
28 reclassify a development permit application as authorized by the definition of  
29 "Classification" in Section 9-1-5 may only be used in connection with an  
30 application filed under this policy to reclassify a Class D - Major application  
31 to a Class A application. The Director's authority to reclassify an application  
32 under Section 9-1-18-4-1C does not apply to a Class D - Major application  
33 filed pursuant to this policy.

1           **E. WCF PERMIT REQUIRED:**

- 2           1.       A WCF may not be installed, modified, or replaced without a WCF permit,  
3           except as provided in this policy.
- 4           2.       An applicant must obtain all other WCF permits, authorizations, and  
5           approvals that are required for the installation, modification, replacement, or  
6           removal of the WCF, or for the installation, modification, replacement, or  
7           removal of the support structure or wireless tower under federal, state, or local  
8           law, including, but not limited to, building permits or FCC approvals. A WCF  
9           permit is not in lieu of any other permit required under this code or other  
10          applicable law, except as specifically provided in this policy, nor is it a  
11          franchise, license, or other authorization to occupy the right-of-way, or a  
12          license, lease, or agreement authorizing occupancy of any other private or  
13          public property.
- 14          3.       An application for a Temporary WCF related to a special event for which a  
15          special events permit is required under chapter 13 of title 4 of this code may  
16          be approved in such special events permit without a separate WCF permit  
17          being issued pursuant to this policy.
- 18          4.       A WCF permit issued in error, based on incomplete, false, or misleading  
19          information submitted by an applicant, or that conflicts with the provisions of  
20          this policy, is void and of no effect.

21           **F. APPLICATION REQUIRED; DIRECTOR TO PREPARE APPLICATION**  
22           **FORMS; ESTIMATED DEPOSITS:**

- 23          1.       An applicant for a WCF permit must utilize the form of application required  
24          by the Town. The Director is authorized to prepare forms of application, and  
25          may develop application forms that distinguish between different types of  
26          installations and modifications in order to streamline the processing of  
27          applications, and to comply with legal requirements. Without limiting the  
28          generality of the preceding sentence, the Director shall prepare and make  
29          publicly available an application form that requires the applicant for an  
30          eligible facilities request to provide documentation or information only to the  
31          extent reasonably related to determining whether the application is in fact an  
32          eligible facilities request. An application for an eligible facilities request shall  
33          not require the applicant to submit any other documentation, including, but  
34          not limited to, documentation intended to illustrate the need for the WCFs that  
35          are the subject of the application or to justify the business need to modify such  
36          WCFs.

- 1           2.     If required by the Director the applicant shall deposit with the Town funds  
2           sufficient to reimburse the Town for the cost of having a third-party review  
3           the application, and provide analysis and testimony before the Town regarding  
4           the application. In determining whether to require third-party review under  
5           this subsection, the Director shall consider the complexity and legal issues  
6           involved in reviewing the application. Upon the approval, conditional  
7           approval, denial, or withdrawal of the WCF application, any unexpended  
8           portion of the deposit shall be returned to the applicant without interest. If the  
9           deposit did not cover the Town’s costs, the Town will charge the applicant  
10          therefore, and in the event of an approval or conditional approval of the WCF,  
11          the Town shall not issue the WCF permit until such charge is fully paid.
- 12          3.     When a WCF is part of a network of WCFs that will be installed  
13          contemporaneously or sequentially, such as a DAS, the applications for each  
14          of the facilities in the proposed network shall be submitted simultaneously.
- 15          4.     If an applicant for a small-cell network so elects, the Director shall allow the  
16          applicant to file a consolidated application and receive a single WCF permit  
17          for the small-cell network instead of filing separate applications for each  
18          small-cell facility.
- 19          5.     If an applicant for the collocation of several WCFs so elects, the Director shall  
20          allow the applicant to file a single set of documents that will apply to all of the  
21          collocated WCFs to be sited.
- 22          6.     Applications for new support structures with proposed WCFs shall be  
23          considered as one application requiring only a single application fee.

24          **G. PROCEDURE FOR REVIEW OF WCF PERMIT APPLICATIONS:**

- 25          1.     **Pre-Application Meetings Required; Submission of Application By**  
26          **Appointment Only.**
- 27                  (a) Except for eligible facilities requests, one pre-application meeting with  
28                  Town staff is normally required for an application for a WCF permit.  
29                  At the meeting the prospective applicant should be prepared to present  
30                  to staff a service area map, description of the type of WCF sought,  
31                  preliminary site plan, and visual impact drawings. This meeting is not  
32                  a public hearing and is not subject to any public notification  
33                  requirements. The Director may require a second pre-application  
34                  meeting if the first meeting did not adequately address all relevant  
35                  issues. The provisions of this subsection G1 control over the pre-

1 application meeting requirements for a Class D-Major permit  
2 application set forth in Section 9-1-18-4-1A.

3 (b) All WCF applications, including eligible facilities requests, may be  
4 submitted to the Director only by appointment.

5 2. **Procedure for Class A Development WCF permit.**

6 (a) The provisions of this subsection G2 control in the event of any  
7 conflict between this subsection and the rules for processing a Class A  
8 Development WCF permit application set forth in Section 9-1-18-1.

9 (b) The presumptively reasonable time period for the Town to review a  
10 Class A WCF permit application to collocate on an existing WCF that  
11 does not qualify as an eligible facilities request is 90 days.

12 (c) The presumptively reasonable time period for the Town to review all  
13 other Class A WCF permit applications is 150 days.

14 (d) The 90 or 150-day period begins to run when the application is filed,  
15 and may be tolled only by mutual agreement or in cases where the  
16 Director determines that the application is incomplete.

17 (i) To toll the timeframe for incompleteness, the Director must  
18 provide written notice to the applicant within 30 days of receipt of  
19 the application, clearly and specifically delineating all missing  
20 documents or information.

21 (ii) The timeframe for review begins running again when the  
22 applicant makes a supplemental submission in response to the  
23 Director's notice of incompleteness.

24 (iii) Following a supplemental submission, the Director will have 10  
25 days to notify the applicant that the supplemental submission did  
26 not provide the information identified in the original notice  
27 delineating missing information. The timeframe is tolled in the  
28 case of second or subsequent notices pursuant to the procedures  
29 identified in this subsection G2d. Second or subsequent notices of  
30 incompleteness may not specify missing documents or  
31 information that were not delineated in the original notice of  
32 incompleteness.



- 1 (e) A complete application submitted under this subsection G2 shall be  
2 scheduled for a hearing before the Planning Commission as required  
3 for Class A development permit applications by Section 9-1-18-1.
- 4 (f) Notice of the public hearing on an application submitted under this  
5 subsection G2 shall be given in the same manner required for any  
6 Class A development permit application under this chapter.
- 7 (g) Subject to the tolling provision described above, the Planning  
8 Commission must issue a written decision approving, conditionally  
9 approving, or denying an application submitted under this subsection  
10 G2 within the 90 or 150-day period described above, whichever time  
11 period is applicable to the application.
- 12 (h) Should the Planning Commission deny an application submitted under  
13 this subsection G2, the Planning Commission shall provide written  
14 justification for the denial. The denial must be based on substantial  
15 evidence in the written record.
- 16 (i) A decision of the Planning Commission under this policy is subject to  
17 call up by the Town Council as provided in Section 9-1-18-1E6 of this  
18 chapter.

19 3. **Procedure for Class D - Major Development WCF Permit That Is Not An**  
20 **Eligible Facilities Request.**

- 21 (a) The provisions of this subsection G3 control in the event of any  
22 conflict between this subsection and the rules for processing a Class D  
23 - Major development permit application set forth in Section 9-1-18-4-  
24 1.
- 25 (b) The presumptively reasonable time period for the Director to review a  
26 Class D - Major WCF permit application that is not an eligible  
27 facilities request is 90 days.
- 28 (c) The 90-day period begins to run when the application is filed, and may  
29 be tolled only by mutual agreement or in cases where the Director  
30 determines that the application is incomplete.
  - 31 (i) To toll the timeframe for incompleteness, the Director must  
32 provide written notice to the applicant within 30 days of receipt of  
33 the application, clearly and specifically delineating all missing  
34 documents or information.

- 1 (ii) The timeframe for review begins running again when the  
2 applicant makes a supplemental submission in response to the  
3 Director’s notice of incompleteness.
- 4 (iii) Following a supplemental submission, the Director will have 10  
5 days to notify the applicant that the supplemental submission did  
6 not provide the information identified in the original notice  
7 delineating missing information. The timeframe is tolled in the  
8 case of second or subsequent notices pursuant to the procedures  
9 identified in this subsection (c). Second or subsequent notices of  
10 incompleteness may not specify missing documents or  
11 information that were not delineated in the original notice of  
12 incompleteness.
- 13 (d) Subject to the tolling provisions described above, the Director must  
14 issue a written decision approving, conditionally approving, or  
15 denying an application submitted under this subsection within 90 days  
16 of the submission of the initial application
- 17 (e) Should the Director deny an application submitted under this  
18 subsection G3, the Director shall provide written justification for the  
19 denial. The denial must be based on substantial evidence in the written  
20 record.
- 21 (f) The Director’s decision approving, conditionally approving, or  
22 denying an application submitted under this subsection G3 may be  
23 appealed by the applicant to the Planning Commission and Town  
24 Council. Such appeal shall be filed and processed in accordance with  
25 the requirements of Section 9-1-18-4-1D.

26 4. **Procedure for Eligible Facilities Request.**

- 27 (a) The provisions of this subsection G4 control in the event of any conflict  
28 between this subsection and the rules for processing a Class D - Major  
29 development permit application set forth in Section 9-1-18-4-1.
- 30 (b) Upon receipt of an application for an eligible facilities request the Director  
31 shall review such application to determine whether the application qualifies  
32 as an eligible facilities request under the Spectrum Act, the Spectrum Act  
33 rules, and this policy.
- 34 (c) Within 60 days of the date on which an applicant submits a request seeking  
35 approval under this subsection G4, the Director shall approve the

1 application unless the Director determines that the application is not  
2 covered by this subsection.

3 (d) The 60-day period begins to run when the application is filed, and may be  
4 tolled only by mutual agreement or in cases where the Director determines  
5 that the application is incomplete.

6 (i) To toll the timeframe for incompleteness, the Director must  
7 provide written notice to the applicant within 30 days of receipt of  
8 the application, clearly and specifically delineating all missing  
9 documents or information. Such delineated information is limited  
10 to documents or information necessary for the Director to  
11 determine if the application qualifies as an eligible facilities  
12 request under the Spectrum Act, the Spectrum Act rules, and this  
13 policy.

14 (ii) The timeframe for review begins running again when the  
15 applicant makes a supplemental submission in response to the  
16 Director's notice of incompleteness.

17 (iii) Following a supplemental submission, the Director will have 10  
18 days to notify the applicant that the supplemental submission did  
19 not provide the information identified in the original notice  
20 delineating missing information. The timeframe is tolled in the  
21 case of second or subsequent notices pursuant to the procedures  
22 identified in this subsection G4d. Second or subsequent notices of  
23 incompleteness may not specify missing documents or  
24 information that were not delineated in the original notice of  
25 incompleteness.

26 (e) The Director shall not approve an eligible facilities request that does not  
27 comply with the Spectrum Act, the Spectrum Act rules, or the applicable  
28 requirements of this policy. Without limiting the generality of the  
29 preceding sentence, the Director shall not approve an application for an  
30 eligible facilities request that substantially changes the dimensions of the  
31 eligible support structure that is the subject of the application.

32 (f) Should the Director deny the application, the Director shall provide written  
33 justification for the denial. The denial must be based on substantial  
34 evidence in the written record.

1 (g) An application for an eligible facilities request that has been denied by the  
2 Director may be refiled at the applicant’s discretion as a Class A WCF  
3 permit application.

4 (h) If the Director fails to approve, conditionally approve, or deny an  
5 application for an eligible facilities request within the applicable timeframe  
6 (accounting for any tolling), the request shall be deemed granted. The  
7 deemed grant does not become effective until the applicant notifies the  
8 Director in writing after the review period has expired (accounting for any  
9 tolling) that the application has been deemed granted.

10 (i) The Director’s decision on an application submitted under this subsection  
11 G4 may be appealed by the applicant to the Planning Commission and  
12 Town Council. Such appeal shall be filed and processed in accordance with  
13 the requirements of Section 9-1-18-4-1D.

14 5. Appeal to Court. The 30 day period to appeal the Town’s decision on an  
15 application for a WCF permit provided in 47 U.S.C. §332(c)(7)(B)(v) shall  
16 commence as follows:

17 (a) With respect to a Class D - Major WCF permit application, upon the  
18 final decision made by the Director if the Director’s decision is not  
19 appealed, or upon the final decision of Planning Commission or the  
20 Town Council, whichever last rules on the application; or

21 (b) With respect to a Class A WCF permit application, upon the Town  
22 Council’s affirmation of the Planning Commission’s written decision  
23 on the application, or the Town Council’s own written decision on the  
24 application if the Planning Commission decision is called up by the  
25 Town Council.

26 **H. RULES FOR APPROVAL OR DENIAL OF APPLICATION:**

27 1. Pursuant to Section 9-17-6, it is the applicant’s burden to show that a WCF  
28 permit submitted under this policy should be granted.

29 2. In evaluating an application for a WCF permit, all relevant absolute and  
30 relative development policies of this chapter shall be considered by the  
31 reviewing authority; provided, however:

32 (a) Policies 9-1-19-6A “Policy 6 (Absolute) Building Height” and 9-1-19-  
33 6R “Policy 6 (Relative) Building Height” shall not apply to an  
34 application to install a WCF; and

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1 (b) Although density must be provided for a WCF to be installed pursuant  
2 to this policy, no negative points shall be assessed against a WCF  
3 permit application under Policy 9-1-19-3R “Policy 3 (Relative)  
4 Compliance With Density/Intensity Guidelines.”

5 3. Except as otherwise provided in this policy, this chapter, or other applicable  
6 law, an application submitted under this policy may be lawfully denied for  
7 any of the following reasons:

8 (a) The application does not implement all affected absolute policies of  
9 this chapter (subject to variance);

10 (b) The applicant has not shown that the application conforms to the  
11 applicable requirements of this policy;

12 (c) The applicant has failed to submit any additional information  
13 requested by the Director; or

14 (d) The applicant has not provided to the Town all of the information  
15 required by this policy to WCF permit the reviewing authority to  
16 approve, conditionally approve, or deny the application taking into  
17 account legal deadlines affecting the Town’s consideration of the  
18 application.

19 4. Except as to an eligible facilities request and when the Town is prohibited  
20 from considering a matter by applicable law, in determining whether to  
21 approve, conditionally approve, or deny an application, the reviewing  
22 authority may consider the following and such other matters as the reviewing  
23 authority may be entitled or required to consider as a matter of law:

24 (a) Whether the applicant is authorized to file the application;

25 (b) Whether the WCF and support structure additions and modifications  
26 proposed will adversely affect or alter the unique aesthetic character,  
27 beauty, and historic charm of the Town. If the application is for a  
28 location in the Conservation District, the reviewing authority shall also  
29 consider Section 9-1-19-5A, “Policy 5 (Absolute)(Architectural  
30 Compatibility)”;  
31 Section 9-1-19-5R, “Policy 5 (Relative)(Architectural  
32 Compatibility)”;  
33 and the “Handbook of Design Standards/Handbook  
34 of Design Standards For the Historic and Conservation Districts;”

33 (c) Whether the applicant has shown that the proposed WCF is necessary  
34 to close a significant gap in coverage and has further shown that its  
35 proposal is the least intrusive means of closing a significant gap;

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

- 1 (d) Whether the WCF and support structure modifications and additions  
2 proposed comply with the design standards of this policy, and other  
3 applicable provisions of this policy or chapter;
- 4 (e) Whether the WCF and support structure modifications and additions  
5 proposed comply with generally applicable building, structural,  
6 electrical and other safety codes and laws, interfere with the public's  
7 use of right-of-way, or create undue risks to persons or property;
- 8 (f) Whether the applicant has or will have necessary local, state, or federal  
9 regulatory approvals required in connection with the WCF; and
- 10 (g) Whether alternative designs or locations would minimize the impact of  
11 the WCF and support structure modifications and additions required.
- 12 5. Notwithstanding any other provision of this policy or chapter to the contrary,  
13 the reviewing authority may approve an application for a WCF permit under  
14 this policy, notwithstanding that the evidence supported denial of the  
15 application, if the reviewing authority makes a finding that the applicant has  
16 demonstrated that the refusal to approve the application would prohibit or  
17 have the effect of prohibiting the provision of personal wireless services  
18 within the meaning of 47 U.S.C. Section 332(c)(7)(B)(i)(II), or finds that the  
19 Town authority to deny the application is otherwise preempted or prohibited  
20 by state or federal law.

21 **I. LOCATION CRITERIA FOR WCFs:** The purpose of this Section I is to provide  
22 guidance to prospective applicants as they seek appropriate WCF locations within  
23 the Town. This Section I does not express a preference for any category of  
24 technology.

- 25
- 26 1. WCFs are encouraged to be located on existing buildings and structures  
27 because of aesthetics and land use compatibility.
- 28
- 29 2. WCFs shall be collocated with existing WCFs, if within 1,500 feet of an  
30 existing WCF, unless the Town determines that doing so would create  
31 excessive visual clutter.
- 32 3. No WCF permit to install a new freestanding WCF shall be granted unless the  
33 applicant first demonstrates that no existing wireless tower or structure can  
34 accommodate the applicant's needs.

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1 4. Unless subsection I5 applies, WCFs shall be located outside of the  
2 Conservation District. The preferred locations for WCFs outside of the  
3 Conservation District are listed below in order of preference:  
4 (a) Collocation to existing WCF facilities located in non-residential land  
5 use districts ;  
6 (b) Town property ;  
7 (c) Other publicly owned property and facilities;  
8 (d) Rights-of-way;  
9 (e) Public and private utility installations;  
10 (f) Land use districts where commercial uses are recommended; and  
11 (g) Community facilities (such as places of worship, community centers,  
12 etc.).

13 5. Notwithstanding subsection I4, an application to locate a new WCF in the  
14 following areas of Town: (i) in the Town’s Conservation District; (ii) in Land  
15 Use Districts where single-family residential uses are a recommended use;  
16 (iii) in any land use district that that contains a legally established single  
17 family residential use; (iv) on vacant land; (v) on an environmentally sensitive  
18 habitat; (vi) on a ridgeline; or (vii) any other area of the Town not specifically  
19 described as a preferred location for the placement of a WCF in subsection I4,  
20 may be granted if the applicant demonstrates that all of the following factors  
21 exist:

- 22 (i) a significant gap in the provider’s service exists;
- 23 (ii) the proposed WCF is the least visually intrusive means to close  
24 the significant gap;
- 25 (iii) no feasible alternative exists to close the significant gap; and
- 26 (iv) the provider’s existing WCFs lacks the capacity to service the  
27 wireless users except by the installation of one or more WCF sites  
28 in the otherwise restricted locations described in subsection I4.

29 When considering an application for a WCF to be located in the Conservation  
30 District, the reviewing authority shall also consider those policies listed in  
31 Section H4b.

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1  
2 **J. DESIGN STANDARDS:** The design standards set forth in this Section J shall apply  
3 to the location of all WCFs that are subject to this policy; provided, however, the  
4 reviewing authority may waive any design standard if it determines the overall intent  
5 of this policy will not be served by the implementation of the particular design  
6 standard with respect to a particular WCF or application.

- 7  
8 1. All WCFs shall be designed to comply with current standards and regulations  
9 of the Federal Aviation Administration, the FCC, the National Environmental  
10 Policy Act, and any other agency of the state or federal government with the  
authority to regulate WCFs.
- 11 2. All WCFs shall be designed to comply with all applicable laws, rules, and  
12 regulations, including, but not limited to, the FCC's RF emission safety rules.
- 13 3. A WCF shall be designed and located to minimize the impact on the  
14 surrounding neighborhood, and to maintain the unique aesthetic character,  
15 beauty, and historic charm of the Town, consistent with other provisions of  
16 this chapter. To that end, WCFs should:
- 17 (a) Employ the least intrusive design for the proposed location in terms of  
18 size, mass, visual and physical impact, and effects on properties from  
19 which the WCF is visible; and
  - 20 (b) Accommodate collocation consistent with the other design  
21 requirements of this policy; and
  - 22 (c) Be consistent with the Town's Master Plan.
- 23 4. Unless an adjustment is granted pursuant to Section K, no WCF, or tower or  
24 other structure designed or intended to be used for the placement of one or  
25 more antennas, may be approved whose highest point would be more than 35  
26 feet above surrounding ground level.
- 27 5. DAS networks and small-cell networks are encouraged WCF facilities under  
28 this policy.
- 29 6. Wall- or roof-mounted WCFs and DASs are preferred over freestanding  
30 WCFs and DASs. An applicant proposing to install a freestanding WCF that is  
31 not a DAS must first demonstrate that a wall- or roof-mounted WCF is not  
32 feasible or is inadequate to provide service. The Town may require that an  
33 alternative WCF that reflects the character of the surrounding property  
34 (developed or undeveloped) be employed.

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- 1           7.     No new lattice tower may be approved under this policy.
- 2           8.     All WCFs shall be concealed or camouflaged. The installation of an  
3           uncamouflaged WCF is prohibited. Without limiting the foregoing, all  
4           portions of a WCF affixed to a support structure shall be designed to blend in  
5           or be screened from view in a manner consistent with the support structure's  
6           architectural style, color, and materials, when viewed from any part of the  
7           Town. WCFs shall be painted and textured or otherwise camouflaged to match  
8           the color and finish of the support structure on which they are mounted.  
9           Where the support structure is a building, the WCF support equipment,  
10          including, without limitation, base station cabinets, remote transmitters and  
11          receivers, and antenna amplifiers, shall be placed within the building or  
12          mounted behind a parapet screened from public view unless that is not  
13          feasible. If the Director determines that such in-building placement is not  
14          feasible, the equipment shall be roof-mounted in an enclosure or otherwise  
15          screened from public view as approved by the Director.
- 16          9.     A WCF located in the right-of-way shall:
- 17                 (a) If to be located on a street light, be compatible with the design of the  
18                 existing street lights;
- 19                 (b) With respect to its pole-mounted components, be located on an  
20                 existing utility pole serving another utility;
- 21                 (c) Be located in a concealed WCF consistent with other existing natural  
22                 or manmade features in the right-of-way near the location where the  
23                 WCF is to be located;
- 24                 (d) With respect to its pole-mounted components, be located on a new  
25                 utility pole where other telephone distribution lines are aerial, if there  
26                 are no reasonable alternatives, and the applicant is authorized to install  
27                 new utility poles;
- 28                 (e) Be installed and maintained so as not to obstruct or hinder the usual  
29                 travel on such right-of-way, or required maintenance or snow removal  
30                 within the right-of-way; and/or
- 31                 (f) Be painted a dark color to blend in with the surrounding area.
- 32          10.    The pole-mounted components of a WCF on a utility pole shall, whether in or  
33          outside of the right-of-way, be consistent with the size and shape of pole-  
34          mounted equipment installed by communications companies on utility poles  
35          near the WCF.

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

- 1           11.    To the extent a WCF is permitted aboveground, a WCF shall otherwise be  
2                   appropriately screened, landscaped, and camouflaged to blend in with the  
3                   surroundings, and non-reflective paints shall be used.
- 4           12.    Unless it is determined by the reviewing authority that there is no less  
5                   intrusive alternative available to close a significant gap in the service provided  
6                   by a WCF, or it is determined that the Town is legally required to approve an  
7                   application, the height of the WCF may not exceed the minimum height that is  
8                   necessary from an engineering perspective to allow the WCF to function  
9                   properly.
- 10          13.    If an application proposes the construction of improvements to the surface of  
11                   the roof of a building for the purpose of locating the utility box or cabinet that  
12                   will hold the mechanical equipment required to operate the WCF, such  
13                   improvements must:
- 14                           (a) be made of the same materials that exist on the building;
- 15                           (b) be of a height no taller than is necessary from an engineering  
16                                 perspective in order for the WCF to function properly; and
- 17                           (c) must have density, subject to the provisions of Section H2b.
- 18          14.    Unless it is determined by the Town that there is no less intrusive alternative  
19                   available to close a significant gap in the service provided by a WCF, or it is  
20                   determined that the Town is legally required to approve an application, the  
21                   Town shall not approve an application for a WCF where the application  
22                   proposes a design that would require extensions from any support structure  
23                   inconsistent in size with the extensions otherwise WCF permitted under this  
24                   policy.
- 25          15.    WCFs shall not be lighted except with the authorization of the reviewing  
26                   authority. The reviewing authority may permit lighting at the lowest intensity  
27                   necessary:
- 28                           (a) For proximity-triggered and/or timer-controlled security lighting;
- 29                           (b) To comply with regulations for the illumination of any flag attached to  
30                                 a WCF; or
- 31                           (c) Where such lighting is required to protect public health or welfare, or  
32                                 as part of the camouflage for a particular design.

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

1 Any approved lighting shall comply with Section 9-1-19-46A, "Policy 46  
2 (Absolute)(Exterior Lighting)."  
3

4 16. No advertising signage shall be displayed on any WCF, except for  
5 government-required signs shown in the WCF permit application. Additional  
6 site identification, address, warning, and similar information plates may be  
7 WCF permitted where approved by the Director.

8 17. The WCF shall be designed so that it does not operate by a generator except  
9 when the permanent power to the WCF is temporarily interrupted.

10 18. The WCF shall not inconvenience the public (including without limitation,  
11 persons with disabilities) in its use of any structure, or any portion of the  
12 right-of-way.

13 **K. ADJUSTMENTS TO STANDARDS:**

14  
15 1. **Applicability.** Except as otherwise provided in this Policy, no WCF shall be  
16 used or developed contrary to any applicable development standard of this  
17 Policy unless an adjustment has been granted pursuant to this Section K. The  
18 provisions of this Section apply exclusively to WCFs, and shall control over  
19 the variance criteria set forth in Section 9-1-11 of this title.

20 2. **Application Classification.** An application for a WCF adjustment is  
21 classified as a Class A Development WCF application.

22 3. **Submittal Requirements.** In addition to the general submittal requirements  
23 for a Class A Development WCF application, an application for a WCF  
24 adjustment shall include:

25 (a) a written statement demonstrating how the requested adjustment would  
26 meet the criteria;

27 (b) a site plan that includes:

28 (i) a description of the proposed facility's design and dimensions, as  
29 it would appear with and without the adjustment;

30 (ii) elevations showing all components of the WCF as it would appear  
31 with and without the adjustment;

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

1 (iii) color simulations of the WCF after construction demonstrating  
2 compatibility with the vicinity, as it would appear with and  
3 without the adjustment; and

4 (iv) such other information as is required by the Director;

5 4. **Criteria.** An application for a WCF adjustment shall be granted if applicant  
6 demonstrates that:

7 (a) the adjustment is consistent with the purpose of the development  
8 standard for which the adjustment is sought;

9 (b) based on a visual analysis, the design significantly minimizes the  
10 visual impacts to residential zones through mitigating measures,  
11 including, but not limited to, building heights, bulk, color, and  
12 landscaping; and

13 (c) the applicant demonstrates the existence of either of the following:

14 (i) **Gap in Service.**

15 (A) A gap in the coverage, capacity, frequency, or technologies of the  
16 service network exists such that users are regularly unable to connect  
17 to the service network, or are regularly unable to maintain a  
18 connection, or are unable to achieve reliable wireless coverage within  
19 a building;

20  
21 (B) The gap can only be filled through an adjustment to one or more  
22 of the standards in this Policy; and

23  
24 (C) The adjustment is narrowly tailored to fill the service gap such  
25 that the WCF conforms to this Policy's standards to the greatest  
26 extent possible.

27  
28 (ii) **Minimization of Impacts.**

29 The adjustment would significantly minimize or eliminate negative  
30 impacts to surrounding properties and their uses, through a utilization  
31 of existing site characteristics, including, but not limited to, the site's  
32 size, shape, location, topography, improvements, and natural features.  
33 Negative impacts are minimized or eliminated if there is:

34 (A) a substantial decrease in negative visual impacts, including, but  
35 not limited to, visual clutter;

- (B) better preservation of views or view corridors; or
- (C) a substantial decrease in any other identifiable negative impacts to the surrounding area's primary uses.

**L. STANDARD WCF PERMIT CONDITIONS:** The following conditions shall be included in each WCF permit issued by the Town, unless otherwise approved by the Town Attorney for good cause:

1. Notwithstanding Section 9-1-17-8, the term of a WCF permit granted pursuant to this policy shall be 10 years from the date of issuance, unless sooner revoked or terminated as provided in this policy.
2. As a condition of every WCF permit issued pursuant to this policy, the Director may establish a reasonable installation build-out period for a WCF.
3. The WCF shall be operated in compliance with: (i) the terms of the permit; (ii) all other applicable requirements of this chapter and policy; and (iii) all applicable laws, rules, and regulations, including, but not limited to, the FCC's RF emission safety rules.
4. The permittee shall obtain and maintain all other applicable WCF permits, approvals, and agreements necessary to install and operate the WCF in conformance with federal, state, and local laws, rules, and regulations.
5. Within 30 days after installation of a WCF, the permittee shall demonstrate to the Director that its WCF as installed and normally-operating fully complies with all of the conditions of the WCF permit, including, but not limited to, height and size restrictions, and applicable building and safety codes. The demonstration shall be provided in writing to the Director containing all technical details to demonstrate such compliance, and certified as true and accurate by a qualified professional engineer or, in the case of height or size restrictions, by a qualified surveyor. This report shall be prepared by the permittee and reviewed by the Town at the sole expense of the permittee. The Director may require additional proofs of RF emission compliance on an ongoing basis to the extent the Town may do so consistent with federal law.
6. The Town may inspect WCF permitted facilities and property and may enter onto a site to inspect WCF facilities upon reasonable notice to the permittee. In case of a bona fide emergency or risk of imminent harm to persons or property within the vicinity of WCF permitted facilities, the Town has the right, but not the duty, to enter upon the site of the facilities and to support, disable, or remove those elements of the facilities posing an immediate threat to public health and safety. Prior to taking any action pursuant to this

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

1 subsection, the Town shall make a reasonable effort to locate the permittee  
2 and advise it of the existence and nature of the emergency. The  
3 reasonableness of Town’s efforts to locate the permittee shall be determined  
4 based upon the nature of the emergency and the Town’s efforts to locate and  
5 notify the permittee. If, after reasonable efforts, the permittee cannot be  
6 located, the Town shall have the right to enter the property and perform any  
7 needed emergency repairs as herein provided and, upon demand, the permittee  
8 shall reimburse Town for the reasonable and necessary costs of such  
9 emergency repairs. Failure of the permittee to pay to the Town upon demand  
10 the costs of such emergency repairs shall constitute a default event under the  
11 WCF permit.

12 7. The permittee shall maintain on file with the Town and onsite at the WCF  
13 current and updated contact information of all parties responsible for  
14 maintenance of the WCF.

15 8. The permittee and, if applicable, the private property owner upon which the  
16 WCF is located shall defend, indemnify, and hold harmless the Town, its  
17 agents, officers, officials, and employees: (i) from any and all damages,  
18 liabilities, injuries, losses, costs and expenses, and from any and all claims,  
19 demands, lawsuits, and other actions or proceedings brought against the Town  
20 or its agents, officers, officials, or employees to challenge, attack, seek to  
21 modify, set aside, void, or annul the Town’s approval of the WCF permit; and  
22 (ii) from any and all damages, liabilities, injuries, losses, costs and expenses  
23 and any and all claims, demands, lawsuits, or causes of action and other  
24 actions or proceedings of any kind or form, whether for personal injury, death  
25 or property damage, arising out of or in connection with the permittee’s or, if  
26 applicable, the private property owner’s, or any of each one’s, agents,  
27 employees, licensees, contractors, subcontractors, or independent contractors,  
28 activities, or performance related to the WCF contractors ((i) and (ii)  
29 collectively are “Actions”). If the Town becomes aware of any such Actions ,  
30 the Town shall promptly notify the permittee and the private property owner  
31 and shall reasonably cooperate in the defense. It is expressly agreed that the  
32 Town shall have the right to approve, which approval shall not be  
33 unreasonably withheld, the legal counsel providing the Town’s defense, and  
34 the property owner and/or permittee (as applicable) shall reimburse Town for  
35 any costs and expenses directly and necessarily incurred by the Town in the  
36 course of the defense. The indemnity obligation described in this subsection  
37 L7 shall survive the expiration or termination of the WCF permit, and shall  
38 continue to be enforceable thereafter, subject to any applicable statute of  
39 limitation.

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1 9. The permittee shall file with the Town, and shall maintain in good standing  
2 throughout the term of the WCF permit, proof that the permittee has a policy  
3 of commercial general liability insurance with minimum limits of liability of  
4 not less than One Million Dollars (\$1,000,000) per claim and One Million  
5 Dollars (\$1,000,000) aggregate, or such other limits as may be reasonably  
6 acceptable to the Director. The Town shall be named as an additional insured  
7 under such insurance policy.

8 10. If determined to be necessary by the Director in order to adequately protect  
9 the Town, the permittee shall file with the Town, and maintain in good  
10 standing throughout the term of the WCF permit, a performance bond or other  
11 surety or another form of security acceptable to the Town Attorney to pay for  
12 the removal of the WCF in the event that the use is abandoned; the WCF  
13 permit expires, is revoked, or is otherwise terminated; or the permittee is  
14 otherwise financially unable to pay for the removal of the WCF. If required,  
15 the security shall be in the amount equal to one hundred fifteen percent  
16 (115%) of the cost of physically removing the WCF and all related facilities  
17 and equipment on the site.

18 11. The permittee shall make a good faith effort to minimize project-related  
19 disruptions to adjacent properties. Without limiting the generality of the  
20 preceding sentence, site improvement and installation work, including set-up,  
21 loading, or unloading of materials or equipment, performed as part of the  
22 installation of the approved this project are subject to the provisions of Section  
23 5-8-6 of this code. Emergency maintenance and repairs are exempt from the  
24 restricted hours. Violation of this condition may result in issuance of a Stop  
25 Work Order or other appropriate enforcement action by the Town.

26 **M. OPERATIONAL REGULATIONS:**

27 1. All WCFs within the Town shall be designed, maintained, and operated at all  
28 times to comply with the provisions of this policy, the terms and conditions of  
29 the WCF permit, and the following additional requirements:

30 (a) Conditions of any license for the WCF issued by a local, state, or  
31 federal agency, which has jurisdiction over the WCF;

32 (b) Rules, regulations, and standards of the state and federal governments,  
33 including, but not limited to the FCC, and the Town, including, but not  
34 limited to, this chapter and policy;

35 (c) Easements, covenants, conditions, and/or restrictions on or applicable  
36 to the underlying real property; and

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

1 (d) All other laws, codes, and regulations applicable to the WCF.

- 2 2. All WCFs shall be maintained in good working condition and to the visual  
3 standards established at the time of approval over the life of the WCF permit.  
4 The WCF and surrounding area shall remain free from trash, debris, litter,  
5 graffiti, and other forms of vandalism. Any damage shall be repaired as soon  
6 as is practicable, and in no instance more than 30 days from the time of  
7 notification by the Town or after discovery by the permittee, weather  
8 permitting. If landscaping was required by the WCF permit, the landscaping  
9 must be maintained by the permittee.

10 **N. MODIFICATION OF A WCF PERMIT:** The following provisions shall apply to  
11 the modification of a WCF permit notwithstanding any other provision of this  
12 chapter or policy to the contrary. In the event of a conflict between the provisions of  
13 N and any other provision of this chapter or policy, this Section shall control.

- 14 1. The Town may modify a WCF permit before its termination date where  
15 necessary to protect public health and safety, or where the WCF permit as  
16 issued is no longer enforceable in accordance with its terms.
- 17 2. A permittee may modify a WCF permit by seeking either an eligible facilities  
18 request or other modification.
- 19 3. Requests for modifications shall be reviewed in accordance with the  
20 provisions of this chapter that are in effect at the time modification is sought,  
21 and not the provisions of this chapter and policy that were in effect at the time  
22 the WCF permit was initially issued.

23 **O. RENEWAL OF A WCF PERMIT:** A WCF permit issued pursuant to this policy  
24 may be renewed for additional terms of 10 years each. Any renewal application must  
25 be submitted to the Director between 365 days and 180 days prior to the expiration  
26 of the current WCF permit, and shall be accompanied by all required fees and  
27 deposits for a new WCF application of the same category as the permit as then in  
28 effect. In evaluating an application to renew a WCF permit, all then-current relevant  
29 absolute and relative development policies of this chapter shall be considered by the  
30 reviewing authority, except as provided in Section B of this policy.

31 **P. REVOCATION OF A WCF PERMIT:** The following provisions shall apply to the  
32 revocation of a WCF permit notwithstanding any other provision of this chapter or  
33 policy to the contrary. In the event of a conflict between the provisions of this  
34 Section P and any other provision of this chapter, this Section shall control.

- 35 1. A WCF permit may be revoked if the Town determines that:

## WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

- 1 (a) The WCF permit was granted based on false, misleading, or
- 2 incomplete information submitted by the permittee;
- 3 (b) A material provision of the WCF permit is no longer enforceable;
- 4 (c) The permittee violates a condition of the WCF permit;
- 5 (d) The permittee fails to comply with any provision of this policy or
- 6 chapter relating to the WCF permit, or relating to the WCF associated
- 7 with the WCF permit;
- 8 (e) The permittee modifies the WCF or its support structure without
- 9 permission;
- 10 (f) The permittee fails to pay any sums owed to the Town under this
- 11 policy or the WCF permit; or
- 12 (g) The permittee commits an act designated as a default event in this
- 13 policy.

14 Any such event is a “Default Event.”

15

16 2. The Director may request the Town Council to revoke a WCF permit only

17 after:

- 18 (a) Written notice of the alleged Default Event has been provided to the
- 19 permittee; and
- 20 (b) The permittee has been afforded a reasonable opportunity to cure and
- 21 comply with its WCF permit, or to demonstrate that no Default Event
- 22 occurred.

23 3. If the permittee fails to cure the alleged Default Event, the Town Council, or

24 the Town Council through a designee, shall conduct a public hearing where

25 the permittee shall be afforded an opportunity to speak and be heard and to

26 provide written materials to the Town Council as part of the hearing. Except

27 where inconsistent with the terms of this policy, any public hearing conducted

28 by the Town Council pursuant to this Section P shall be governed by chapter

29 19 of title 1 of this code. After a public hearing, if the evidence supports such

30 decision by a preponderance of the evidence, the Town Council may find that

31 that a Default Event has occurred. If such finding is made, the Town Council

32 may: (i) revoke the WCF permit; (ii) modify a previous condition of approval

33 of the WCF permit to specifically address the Default Event; or (iii) add a new

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

1 condition of approval to the WCF permit to specifically address the Default  
2 Event.

- 3 4. Upon revocation, the Town Council may require the removal of the WCF, or  
4 take any other legally permissible action or combination of actions necessary  
5 to protect the health and welfare of the Town.

6 **Q. ABANDONMENT, REMOVAL, OR RELOCATION OF WCF FACILITY:**

- 7 1. Any permittee who abandons or discontinues use of a WCF for a continuous  
8 period of 180 days shall notify the Director by certified mail within 30 days  
9 after the end of the 180 day period. If there are two or more permittees  
10 collocated on a single WCF, this Section shall not apply until all permittees  
11 cease using the WCF for a continuous period of 180 days.
- 12 2. If the Director believes a WCF has been abandoned or discontinued for a  
13 continuous period of 180 days, the Director shall send a notice of proposed  
14 abandonment or discontinuation to the permittee stating why the Town  
15 believes the WCF to be abandoned or discontinued. Failure of the permittee to  
16 reply to the Director in writing within 30 days after receiving, rejecting, or  
17 returning the Town's certified letter shall entitle the Director to make a  
18 determination that the WCF is, in fact, abandoned or discontinued.
- 19 3. Upon declaration of the Director pursuant to Section Q2 that the WCF is  
20 abandoned or discontinued, the permittee or, if located on private property, the  
21 owner of the affected real property, shall have 90 days from the date of the  
22 declaration, weather permitting, or a further reasonable time as may be  
23 approved by the Director, within which to complete one of the following  
24 actions:
- 25 (a) Reactivate use of the WCF;
  - 26 (b) Transfer the rights to use the WCF to another entity (who shall be  
27 subject to all the provisions of this policy and the permit) in the  
28 manner provided in Section R of this policy; or
  - 29 (c) Remove the WCF and any supporting structures installed solely in  
30 connection with the WCF, and restore the site to be consistent with the  
31 then-existing surrounding area.
- 32 4. If the permittee disputes that the WCF has been abandoned or discontinued for  
33 a continuous period of 180 days, the Town Council shall hold a public hearing  
34 to consider such matter and the evidence related thereto. Except where  
35 inconsistent with the terms of this policy, any public hearing conducted by the

1 Town Council pursuant to this Section Q shall be governed by chapter 19 of  
2 title 1 of this code. If the evidence supports such decision by a preponderance  
3 of the evidence, the Town Council may declare that the WCF is deemed  
4 abandoned. If such a declaration is made, the Director shall provide notice of  
5 such finding to the permittee and to the wireless provider last known to use  
6 the WCF and, if applicable, to the owner of the affected private real property,  
7 requiring such parties to complete one of the following actions within 30 days  
8 from the date of the notice:

9 (a) Reactivate use of the WCF, subject to the terms and conditions of the  
10 applicable WCF permit;

11 (b) Transfer the rights to use the WCF to another entity (who shall be  
12 subject to all the provisions of this policy and the permit) in the  
13 manner provided in Section R of this policy; or

14 (c) Remove the WCF and any supporting structures installed solely in  
15 connection with the WCF, and restore the site to be consistent with the  
16 then-existing surrounding area.

17 5. If there is no reactivation, transfer, or removal as set forth in subsection P4,  
18 the Town may thereafter remove the abandoned WCF, repair any and all  
19 damages to the premises caused by such removal, and otherwise restore the  
20 premises as is appropriate to be in compliance with applicable codes. If the  
21 Town removes the WCF, the Town may, but shall not be required to, store the  
22 removed WCF or any part thereof, and may use it, sell it, or dispose of it in  
23 any manner deemed by the Town to be appropriate. The entity that abandoned  
24 the WCF, or its successor in interest, and if on private property, the private  
25 property owner, shall be jointly and severally liable for the entire cost of such  
26 removal, repair, restoration, and storage and shall remit payment to the Town  
27 promptly after demand therefor is made. In addition, the Town Council, at its  
28 option, may utilize any financial security required in conjunction with  
29 granting the WCF permit to recover such costs.

30 6. Until the cost of removal, repair, restoration, and storage is paid in full, a lien  
31 shall be placed on the WCF, and any related personal property and any private  
32 real property on which the WCF was located for the full amount of the cost of  
33 removal, repair, restoration, and storage. The Town Clerk shall cause a notice  
34 of the Town's lien under this subsection Q6 to be recorded with the Summit  
35 County, Colorado Clerk and Recorder. The Town's lien provided by this  
36 subsection may be foreclosed in the manner provided by Colorado law for the  
37 foreclosure of a mortgage.

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1 7. If an existing utility pole that hosts a WCF must be replaced, the permittee  
2 shall, within 30 days after the installation of the replacement pole, either  
3 relocate its WCF in the same configuration on the replacement pole, or  
4 remove the prior-existing WCF rather than relocate it, notify the Director of  
5 the removal, and surrender its WCF permit for cancellation by the Director.

6 8. If the permittee fails to relocate or remove the WCF as required by this  
7 Section Q, the Town may elect to treat the WCF as a nuisance to be abated as  
8 set forth in chapter 1 of title 5 of this code.

9 **R. TRANSFER OF INTEREST IN WCF PERMIT:** A permittee shall not assign or  
10 transfer any interest in its WCF permit for a WCF without advance written notice to  
11 the Town. The notice shall specify the identity of the assignee or transferee of the  
12 WCF permit, as well as the assignee’s or transferee’s address, telephone number,  
13 name of primary contact person(s), and other applicable contact information, such as  
14 an e-mail address or facsimile number. The new assignee or transferee shall comply  
15 with all of the terms and conditions of the WCF permit, and this policy, and shall  
16 submit to the Town a written acceptance of the WCF permit’s terms and conditions  
17 and a written assumption of the obligations thereafter accruing under such WCF  
18 permit prior to the date that such assignment or transfer is intended to take effect.

19 **S. INJUNCTIVE RELIEF:** In addition to any other remedies that are available to the  
20 Town, if a WCF is installed, modified, replaced, removed, operated, or located  
21 anywhere within the Town without a valid WCF permit issued by the Town pursuant  
22 to this policy, or is otherwise installed, modified, replaced, removed, operated, or  
23 located in violation of this policy, such action may be enjoined by the Town in an  
24 action brought in any court of competent jurisdiction. In any case in which the Town  
25 prevails in a civil action initiated pursuant to this Section S, the Town may recover  
26 its reasonable attorney fees, together with expert witness fee and costs of the  
27 proceeding.

28 Section 4. Section 1-3-2 of the Breckenridge Town Code is amended by the addition of  
29 the following definition:  
30

**DAY:** Unless otherwise clearly indicated, a calendar day, not a business day or working day.

31 Section 5. Section 9-1-5 of the Breckenridge Town Code is amended by the addition of  
32 the following definition:  
33  
34

**PERMITTEE:** The holder of any permit issued by the Town under this chapter.

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

1           Section 6. Except as specifically amended hereby, the Breckenridge Town Code, and the  
2 various secondary codes adopted by reference therein, shall continue in full force and effect.  
3

4           Section 7. The Town Council hereby finds, determines and declares that this ordinance is  
5 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and  
6 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants  
7 thereof.  
8

9           Section 8. The Town Council hereby finds, determines and declares that it has the power  
10 to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act,  
11 Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal  
12 zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv)  
13 Section 31-15-401, C.R.S.(concerning municipal police powers); (v) Section 31-15-702, C.R.S.  
14 (concerning municipal streets and alleys); (vi) Section 38-5.5-106, C.R.S. (concerning consent  
15 necessary to use of streets); (vii) the authority granted to home rule municipalities by Article XX  
16 of the Colorado Constitution; (viii) the powers contained in the Breckenridge Town Charter; (ix)  
17 47 U.S.C. §332(c)(7); and (x) 47 U.S.C. §1455(a).  
18

19           Section 9. This ordinance shall be published and become effective as provided by Section  
20 5.9 of the Breckenridge Town Charter.  
21

22           INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
23 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2016. A Public Hearing shall be held at the  
24 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
25 \_\_\_\_\_, 2016, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the  
26 Town.  
27

28   TOWN OF BRECKENRIDGE, a Colorado  
29   municipal corporation  
30

31  
32  
33   By: \_\_\_\_\_  
34   Eric S. Mamula, Mayor  
35  
36



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ATTEST:

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Helen Cospolich  
Town Clerk

500-333\WCF Ordinance\_12 (06-03-16)

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

## Planning Commission Staff Report

- Subject:** Ten Mile Suites, Unit 2 Change of Use  
(Class B Minor Combined Hearing; PL-2016-0042)
- Date:** June 2, 2016 (for June 7, 2016 meeting)
- Project Manager:** Michael Mosher, Planner III
- Owner/Applicant:** Ken and Margaret Bell
- Agent:** Dry Rot Construction, Lee Edwards
- Proposal:** The applicant is proposing to change the use of Unit 2 of Ten Mile Suites from commercial (office) to a single residential condominium (2 bedrooms and 2.5 bathrooms). No exterior changes are proposed.
- Address:** 520 South French Street
- Legal Description:** Unit 2, Ten Mile Suites Condo
- Land Use District:** 26, Residential; 4 UPA
- Site Conditions:** Ten Mile Suites is a three-story building. The proposed change of use is on the second level. The lot is built out with a few mature evergreens for vegetation (no impact). A paved parking area (no change) is located to the west of the building and is accessed off of French Street.
- Adjacent Uses:** North: Residential & Carter Park  
East: Residential  
South: Residential  
West: Residential
- Density** Existing Unit 2: 2,341 sq. ft. (commercial/office)
- Parking:** Existing parking for commercial use: 5.85 spaces  
Required parking for condominium use: 2 spaces (reduction of 3.85 spaces)

### Item History

Ten Mile Suites was constructed prior to 1982. It was originally known as Chaparral Condominiums and Summit County Athletic Club. In 1986 the name was changed to the Atrium at French Street with the Summit County Athletic Club. In 1993 a development permit was approved to change from the Athletic Club to the Land Title offices. A recent application for Unit 1 (May 6, 2014 - PC#2014020) for a change of use was approved by the Planning Commission to convert the commercial space to four residential condos on the first floor. It is now primarily a residential building.

The subject Unit 2 has been used as office space. This application will convert the use from commercial space to one residential condo.

### Staff Comments

No change is proposed to the height, lot coverage, setbacks, or landscaping. This report will only address those portions of the Development Code related to this proposed change of use.

The existing use in Ten Mile Suites Condo is residential, as Land Use District 26 suggests, with the exception of one commercial unit (this unit). The applicant proposes to change the use of the space from a commercial use to residential use, which is more appropriate for this Land Use District. Staff has no concerns with the proposed change of use.

**9-1-19-3A&R: Policy 3 (Absolute and Relative) Density/Intensity:** As a nonconforming structure, the entire building is significantly over the recommended Land Use density of 4 UPA. It is considered “legal non-conforming” by the Development Code and is allowed to remain with the density overage, but the nonconformity cannot be increased. Any proposed improvements are encouraged to reduce the non-conformance.

Commercial use is calculated at 1 SFE = 1,000 sq. ft. The square footage of Unit 2 of Ten Mile Suites is 2,341 sq. ft. The current commercial density is 2.32 SFES. Condominium use is calculated at 1 SFE = 1,200 sq. ft. The proposed density would be 1.95 SFES. The proposed change of use from commercial to residential reduces the amount of density. Staff has no concerns.

**9-1-19-4A: Policy 4 (Absolute and Relative) Mass:** The proposed change of use does not alter the existing mass.

**9-1-19-18A: Policy 18 (Absolute and Relative) Parking:** The existing commercial use requires one parking spot for every 400 sq. ft. of gross square footage which equates to 5.85 parking spaces (2,341 sq. ft. /400 sq. ft.). The proposed use of residential condominium requires two parking spaces. This is a reduction of 3.85 spaces and is provided for on the existing parking lot on site. Staff has no concerns.

**Section: 9-1-17-3: Point Analysis:** Staff has included a point analysis and found all the Absolute Policies of the Development Code to be met and no reason to assign any positive or negative points to this project under any Relative policies. We are recommending a passing point analysis of zero (0) points.

Staff finds that this change of use is in conformance with the recommended land uses and results in less density and parking required for the property. We have no concerns.

### Staff Recommendation

Staff recommends that the Planning Commission approve the Point Analysis with a passing score of zero (0) points for the Ten Mile Suites, Unit 2 Change of Use (PL-2016-0042).

Staff recommends that the Planning Commission approve the Ten Mile Suites, Unit 2 Change of Use, (PL-2016-0042) with the attached Findings and Conditions.

<b>Combined Hearing Impact Analysis</b>				
Project:	Ten Mile Suites, Unit 2 change of use	<b>Positive Points</b>	<b>0</b>	
PC#:	PL-2016-0042	<b>Negative Points</b>	<b>0</b>	
Date:	4/19/2016	<b>Total Allocation:</b>	<b>0</b>	
Staff:	Michael Mosher, Planner III			
Items left blank are either not applicable or have no comment				
<b>Sect.</b>	<b>Policy</b>	<b>Range</b>	<b>Points</b>	<b>Comments</b>
1/A	<b>Codes, Correlative Documents &amp; Plat Notes</b>	Complies		
2/A	<b>Land Use Guidelines</b>	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)		The existing use in Ten Mile Suites Condo is primarily residential, as Land Use District 26 suggests, with the exception of this one commercial unit. The applicant proposes to change the use of the space from a commercial use to residential use, which is more appropriate for this Land Use District.
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	<b>Density/Intensity</b>	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		Commercial use is calculated at 1 SFE = 1,000 sq. ft. The square footage of Unit 2 of Ten Mile Suites is 2,341 sq. ft. The current commercial density is 2.32 SFEs. Condominium use is calculated at 1 SFE = 1,200 sq. ft. The proposed density would be 1.95 SFEs. The proposed change of use from commercial to residential reduces the amount of density.
4/R	Mass	5x (-2>-20)		
5/A	<b>Architectural Compatibility / Historic Priority Policies</b>	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)		
5/R	Architectural Compatibility H.D. / Above Ground Density 12 UPA	(-3>-18)		
5/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3>-6)		
6/A	<b>Building Height</b>	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
	For all Single Family and Duplex Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)		
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	<b>Ridgeline and Hillside Development</b>	Complies		
9/A	<b>Placement of Structures</b>	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)		
12/A	Signs	Complies		

13/A	<b>Snow Removal/Storage</b>	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	<b>Storage</b>	Complies		
14/R	Storage	2x(-2/0)		
15/A	<b>Refuse</b>	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	<b>Internal Circulation</b>	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	<b>External Circulation</b>	Complies		
18/A	<b>Parking</b>	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		The commercial use requires one parking spot for every 400 sq. ft. of gross square footage which equates to 5.85 parking spaces (2,341 sq. ft./400 sq. ft.). The proposed use of residential condominiums requires two parking spaces per unit. This is a reduction of 3.85 spaces and is provided for on the existing parking lot on site.
18/R	Parking-Public View/Usage	2x(-2/+2)		
18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)		
18/R	Parking - Downtown Service Area	2x(-2+2)		
19/A	<b>Loading</b>	Complies		
20/R	Recreation Facilities	3x(-2/+2)		
21/R	Open Space - Private Open Space	3x(-2/+2)		
21/R	Open Space - Public Open Space	3x(0/+2)		
22/A	<b>Landscaping</b>	Complies		
22/R	Landscaping	2x(-1/+3)		
24/A	<b>Social Community</b>	Complies		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)		
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15		
25/R	Transit	4x(-2/+2)		
26/A	<b>Infrastructure</b>	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	<b>Drainage</b>	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	<b>Utilities - Power lines</b>	Complies		
29/A	<b>Construction Activities</b>	Complies		
30/A	<b>Air Quality</b>	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	<b>Water Quality</b>	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	<b>Water Conservation</b>	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)		
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)		
	HERS index for Residential Buildings			
33/R	Obtaining a HERS index	+1		
33/R	HERS rating = 61-80	+2		
33/R	HERS rating = 41-60	+3		
33/R	HERS rating = 19-40	+4		
33/R	HERS rating = 1-20	+5		
33/R	HERS rating = 0	+6		
	Commercial Buildings - % energy saved beyond the IECC minimum standards			
33/R	Savings of 10%-19%	+1		
33/R	Savings of 20%-29%	+3		
33/R	Savings of 30%-39%	+4		
33/R	Savings of 40%-49%	+5		

33/R	Savings of 50%-59%	+6		
33/R	Savings of 60%-69%	+7		
33/R	Savings of 70%-79%	+8		
33/R	Savings of 80% +	+9		
33/R	Heated driveway, sidewalk, plaza, etc.	1X(-3/0)		
33/R	Outdoor commercial or common space residential gas fireplace (per fireplace)	1X(-1/0)		
33/R	Large Outdoor Water Feature	1X(-1/0)		
	Other Design Feature	1X(-2/+2)		
34/A	<b>Hazardous Conditions</b>	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	<b>Subdivision</b>	Complies		
36/A	<b>Temporary Structures</b>	Complies		
37/A	<b>Special Areas</b>	Complies		
37/R	Community Entrance	4x(-2/0)		
37/R	Individual Sites	3x(-2/+2)		
37/R	Blue River	2x(0/+2)		
37R	Cucumber Gulch/Setbacks	2x(0/+2)		
37R	Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
38/A	<b>Home Occupation</b>	Complies		
39/A	<b>Master Plan</b>	Complies		
40/A	<b>Chalet House</b>	Complies		
41/A	<b>Satellite Earth Station Antennas</b>	Complies		
42/A	<b>Exterior Loudspeakers</b>	Complies		
43/A	<b>Public Art</b>	Complies		
43/R	Public Art	1x(0/+1)		
44/A	<b>Radio Broadcasts</b>	Complies		
45/A	<b>Special Commercial Events</b>	Complies		
46/A	<b>Exterior Lighting</b>	Complies		
47/A	<b>Fences, Gates And Gateway Entrance Monuments</b>	Complies		
48/A	<b>Voluntary Defensible Space</b>	Complies		
49/A	<b>Vendor Carts</b>	Complies		

## TOWN OF BRECKENRIDGE

Ten Mile Suites, Unit 2 Change of Use  
520 S. French Street Unit #2  
Ten Mile Suites Condominium  
PL-2016-0042

### FINDINGS

1. The proposed project is in accord with the Development Code and does not propose any prohibited use.
2. The project will not have a significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives which would have less adverse environmental impact.
4. This approval is based on the staff report dated **June 2, 2016**, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **June 7, 2016**, as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape recorded.
6. The approved change of use from commercial/office to residential is for a 2,341 square foot residential condominium use.
7. The issues involved in the proposed project are such that no useful purpose would be served by requiring two separate hearings.

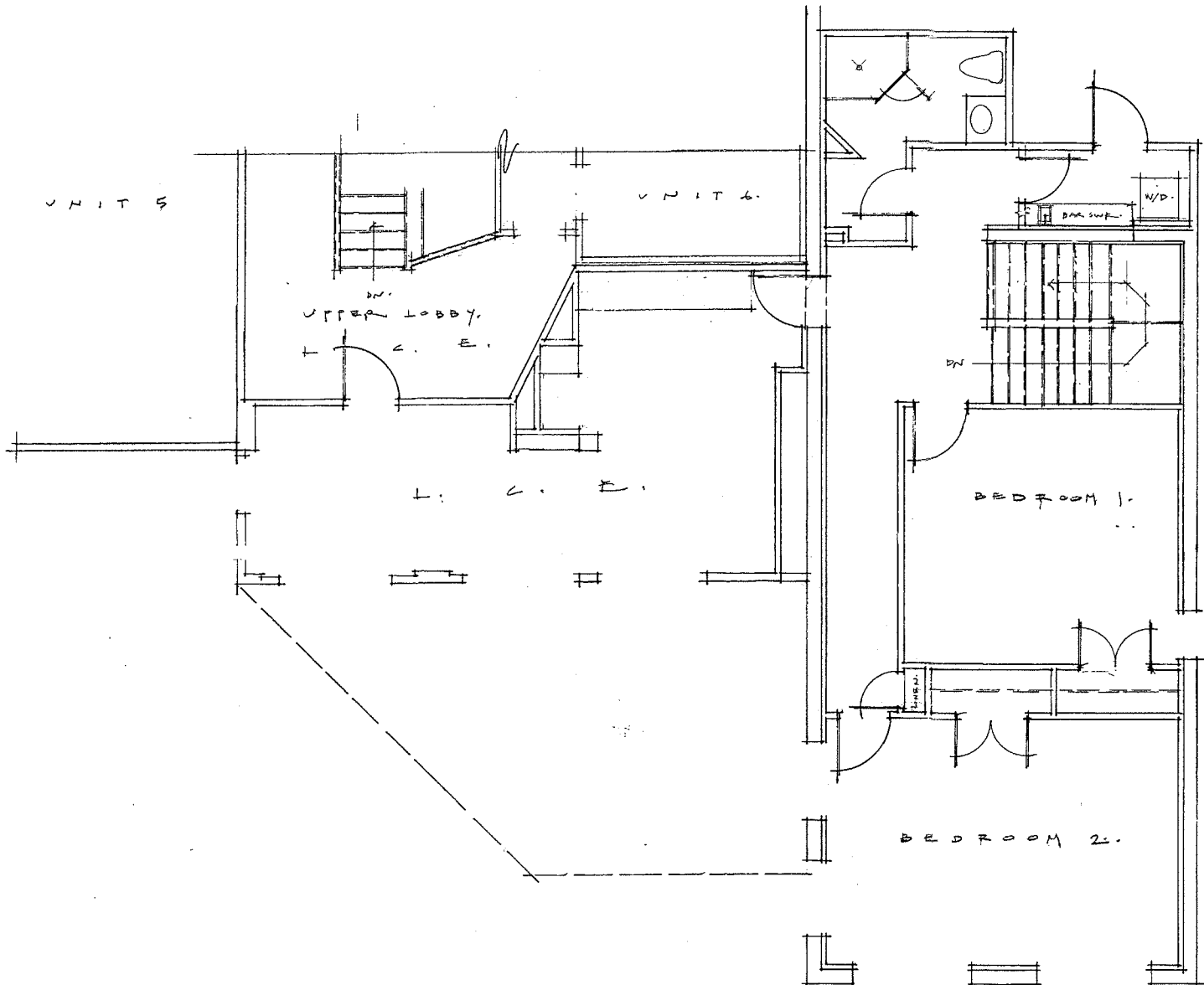
### CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. The project complies with the statements of the staff and applicant made on the evidentiary forms and policy analysis form.
4. This permit expires three years from date of issuance, on **May 14, 2019**, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be three years, but without the benefit of any vested property right.
5. **The subject property, Unit 2, Ten Mile Suites Condominium must comply with all Town Building and technical codes.**

PRIOR TO ISSUANCE OF A BUILDING PERMIT

6. **Town of Breckenridge water tap assessments shall be updated and paid prior to issuance of a building permit and prior to the new use of the property. This fee shall be based on the Water Plant Investment Fee schedule in effect at the time of the payment.**
7. **Upper Blue Sanitation District sewer tap assessments shall be updated and paid prior to issuance of a building permit and prior to the new use of the property.**
8. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town issuing a Stop Work Order and/or not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations. A Stop Work Order may not be released until a modification to the permit is reviewed and approved by the Town. Based upon the magnitude of the modification, another hearing before the Planning Commission may be required.
9. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied.
10. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.

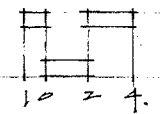


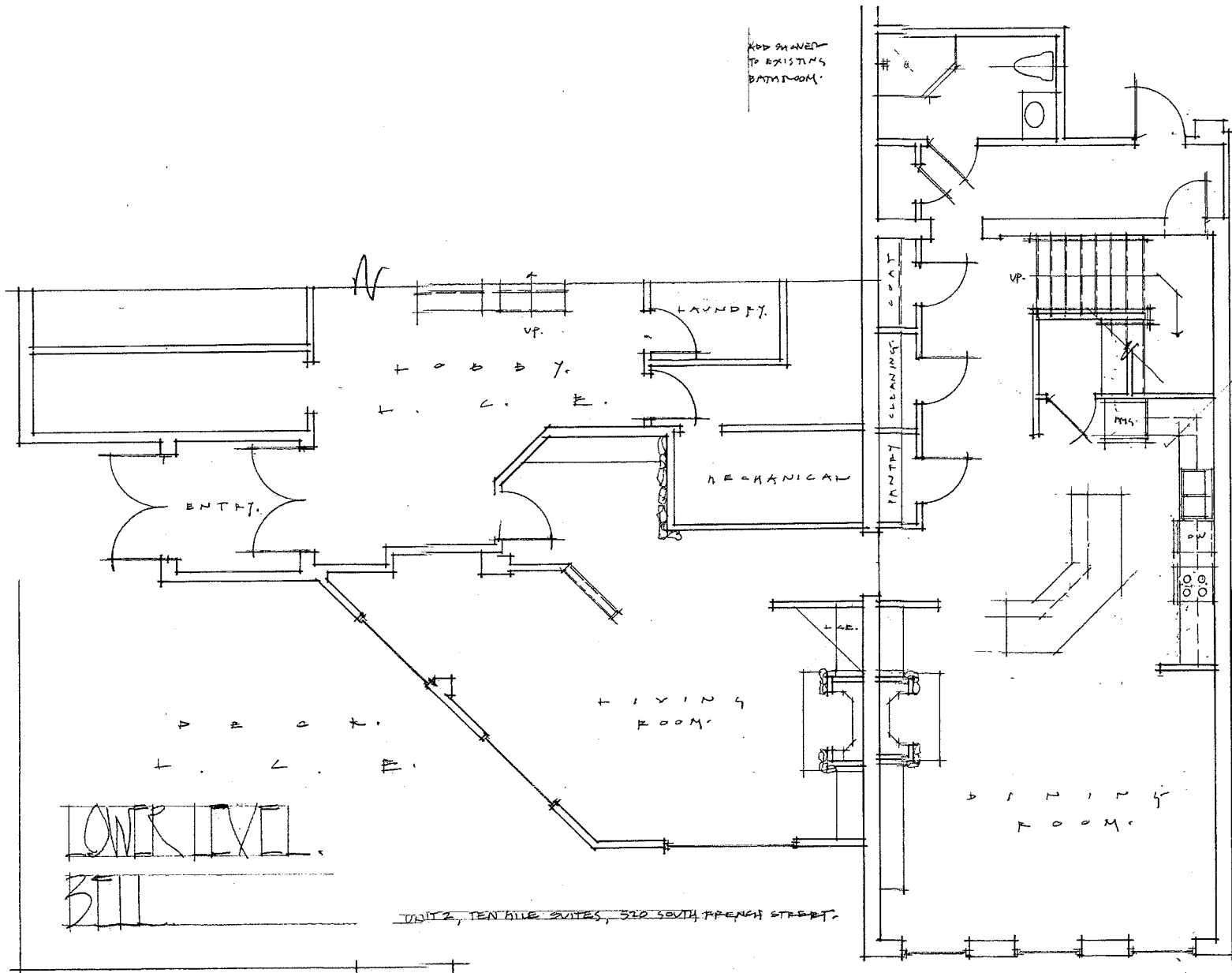


ADD STAIR W/ SWEEP + DRYER VENT TO EXTERIOR. ADD MECH. PAN + VENT TO EXTERIOR.

UPPER LEVEL  
BILL TRADING

UNIT 2, TERN HILL SUITES, 522 SOUTH PEARLHART STREET, UNIT 16 5-12-16

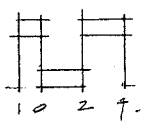




LOWER LEVEL

BELL

UNIT 2, TEN AILE SUITES, 512 SOUTH FRENCH STREET



5.12.16

## Planning Commission Staff Report

- Subject:** Blue River Restoration  
(Town Project Hearing – PL-2016-0188)
- Proposal:** The Blue River restoration project on the McCain property involves realigning a 3,000 linear foot section of the river north of Coyne Valley Road to increase year-round surface flows, improve aquatic habitat, accommodate long term river function, bolster wildlife and riparian habitat, enhance recreational river access, and improve river aesthetics. Work to the river includes regrading, installing a new culvert crossing at Coyne Valley Road, installing a PVC liner, installing bedding consisting of graded gravel, cobble and organic materials and revegetating the riverbanks with willows and native grasses. Despite roadway improvements being exempt from review by the Planning Commission per section 9-14-5 of the Town Code, staff wanted to include a rendering of the proposed Coyne Valley Road bridge as an update to the Commission since it will be constructed concurrently with the other improvements being reviewed in this application.
- Date:** May 25, 2016 (For meeting of June 7, 2016)
- Project Manager:** Chris Kulick, AICP
- Applicant:** Town of Breckenridge – Dale Stein, Assistant Town Engineer
- Owner:** Town of Breckenridge
- Address:** Coyne Valley Road
- Legal Description:** Unsubdivided; TR 6-77 Sec 19 Qtr 2 Mining Claim(s) cont 99.2480 acres LKA PT B & L MS 14044 IN 18-6-77 & PT ANNIE MS 14044 IN 24-6-78 & & PT IN 13-6-78 & PT FAIRVIEW PLACE PT BRYAN PLACER MS #14025 IN 19-6-7 R MS # 13660
- Land Use District:** 43: 1 unit per 20 Acres, subject to the McCain Master Plan
- Site Area:** 128.6 acres
- Site Conditions:** The river corridor through the McCain Parcel is heavily disturbed from previous dredge mining activities. The landscape is covered in dredge rock with limited vegetation.
- Adjacent Uses:** North: Stan Miller property South: Colorado Mountain College  
East: Hwy 9/ Silver Shekel West: United States Forest Service Lands

### Item History

Since the mid-1990's, the Town of Breckenridge has devoted millions of dollars to restoring the Blue River corridor through Town. The river channel restoration was necessitated by extensive gold dredging that occurred along the Blue River between 1900 and 1940. The dredging process left in its wake a cobble-strewn landscape with steep, erodible stream banks, a straight, trapezoidal river channel, and limited riparian and valley bottom vegetation.

The Town has restored several Blue River segments, starting at the Riverwalk Center and extending much of the way north to Coyne Valley Road. Previous river restoration efforts have resulted in increased surface flows, improved riparian habitat, enhanced recreational opportunities, and a more picturesque and productive river through Town.

The Town open space program has long prioritized river restoration as a goal. The 2007 Town Open Space Plan lists "Improve River and Stream Habitat" as a primary implementation strategy and states:

*"Numerous streams and rivers in and around Breckenridge provide riparian habitats, scenic areas and great recreation, and the Open Space Program should provide the stimulus to protect and restore river and stream corridor ecology wherever possible, The Town has already restored the Blue River for part of its length. Public access to rivers and streams for recreation is also important. The Town should pursue acquisition of land and easements, or private commitment, to continue this restoration."(p.21 - 22)*

Accordingly, in 2002, the Town acquired the McCain property for \$1.1 million, with the open space program funding 30% of the acquisition cost (the remainder was paid through the general fund). The goals of the acquisition are to own and manage the Town's primary entry point and to restore that section of the Blue River. Since that time, Town Council has considered multiple land use approaches to the McCain property and recently decided that the primary use of the 128-acre McCain property should be open space, with Town needs (e.g. solar garden, public works storage, snow storage, water treatment, workforce housing, parking and service commercial) also accommodated. The western third (approximately) of the property contains high quality wetlands and upland habitat, designated as an established wildlife corridor.

The restoration plan for the Blue River through the McCain property is intended to:

- Restore year-round surface flows, thereby improving aquatic habitat
- Provide a more sinuous river and broader floodplain to accommodate long term river function
- Improve wildlife and riparian habitat
- Enhance recreational river access (e.g. trails and fishing) and visual aesthetics

### **Staff Comments**

**Land Use (Policies 2/A & 2/R):** In December 2015, the Town Council adopted the McCain Master Plan which designated the 36.4 acre river corridor as open space. As noted in the history above, the restoration of the Blue River is a high priority for the Town's Open Space program and the project is consistent with the use specified in the McCain Master Plan.

**Site and Environmental Design (7/R):** The purpose of the project to restore a section of the river that was disturbed by previous dredging. For the restoration of the Blue River, positive four (+4) points are recommended. This is consistent with the precedent from the adjacent river restoration proposed in the Stan Miller Master Plan, PC# 2012-012.

**Water Quality (31/A & 31/B):** Since this project will increase year-round surface flows, improve aquatic habitat, accommodate long term river function and bolster wildlife and riparian habitat staff recommends positive three (+3) points. This is consistent with the precedent from previous river work at the Breckenridge White Water Park, PC# 2001-010.

**Drainage (27/A & 27/R):** Acquisition of any and all permits required by state and federal authorities for work to be done within and/or adjacent to an established waterway or drainage system is the sole responsibility of the applicant. Prior to the application of this project, the Town's Engineering Department acquired all the necessary permits from both the State of Colorado as well as the Army Corps of Engineers.

Additionally, all developments are encouraged to provide drainage systems that exceed the minimum requirement of the town and, if they so choose, to provide drainage improvements that are of general benefit to the community as a whole and not solely required for the proposed development. Since this project will stabilize the river's stream flows and will eliminate the river from running sub-surface, as it currently does for a substantial portion of the year, positive three (+3) points are recommended. This is consistent with the precedent from previous drainage improvements proposed through the Denison Placer Housing Phase 1 project, PL-2016-0011.

**Landscaping (22/A & 22/R):** Landscaping related to the project is limited to revegetating the riverbanks with willows and native grasses to the return the currently disturbed areas to a more natural state. Staff has no concerns.

**Point Analysis (Section: 9-1-17-3):** Staff recommends assigning positive four (+4) points under Policy 7/R – Site and Environmental Design, positive three (+3) points under Policy 27/R - Drainage and positive three (+3) points under Policy 31/R-Water Quality for a passing point analysis of positive ten (+10) points. The application was found to meet all Absolute policies.

### **Staff Recommendation**

This is a Town Project pursuant to the ordinance amending the Town Projects Process (Council Bill No. 1, Series 2013). As a result, the Planning Commission is asked to identify any concerns with this project, and any code issues and make a recommendation to the Town Council.

Planning Staff recommends that the Planning Commission recommend approval of the Blue River Restoration located at Coyne Valley Road, PL-2016-0188 with a passing point analysis of positive ten (+10) points and the attached Findings.

<b>Final Hearing Impact Analysis</b>				
Project:	Blue River Restoration	<b>Positive Points</b>	<b>+10</b>	
PC#:	PL-2016-0188			
Date:	5/25/2016	<b>Negative Points</b>	<b>0</b>	
Staff:	Chris Kulick, AICP			
		<b>Total Allocation:</b>	<b>+10</b>	
Items left blank are either not applicable or have no comment				
<b>Sect.</b>	<b>Policy</b>	<b>Range</b>	<b>Points</b>	<b>Comments</b>
1/A	<b>Codes, Correlative Documents &amp; Plat Notes</b>	Complies		
2/A	<b>Land Use Guidelines</b>	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)		
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	<b>Density/Intensity</b>	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)		
5/A	<b>Architectural Compatibility / (Historic Above Ground Density)</b>	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)		
5/R	Architectural Compatibility H.D. / Above Ground Density 12 UPA	(-3>-18)		
5/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3>-6)		
6/A	<b>Building Height</b>	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
	For all Single Family and Duplex Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)	+4	The purpose of the project to restore a section of the river that was disturbed by previous dredging.
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)		
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	<b>Ridgeline and Hillside Development</b>	Complies		
9/A	<b>Placement of Structures</b>	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)		
12/A	Signs	Complies		
13/A	<b>Snow Removal/Storage</b>	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	<b>Storage</b>	Complies		
14/R	Storage	2x(-2/0)		
15/A	<b>Refuse</b>	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	Internal Circulation	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		

16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	<b>External Circulation</b>	Complies		
18/A	<b>Parking</b>	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		
18/R	Parking-Public View/Usage	2x(-2/+2)		
18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)		
18/R	Parking - Downtown Service Area	2x(-2/+2)		
19/A	<b>Loading</b>	Complies		
20/R	Recreation Facilities	3x(-2/+2)		
21/R	Open Space - Private Open Space	3x(-2/+2)		
21/R	Open Space - Public Open Space	3x(0/+2)		
22/A	<b>Landscaping</b>	Complies		
22/R	Landscaping	2x(-1/+3)		
24/A	<b>Social Community</b>	Complies		
24/A	Social Community / Above Ground Density 12 UPA	(-3>-18)		
24/A	Social Community / Above Ground Density 10 UPA	(-3>-6)		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)		
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
5/R	Social Community - Conservation District	3x(-5/0)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15		
25/R	Transit	4x(-2/+2)		
26/A	<b>Infrastructure</b>	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	<b>Drainage</b>	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)	+3	This project will stabilize the river's stream flows and will eliminate the river from running sub-surface.
28/A	<b>Utilities - Power lines</b>	Complies		
29/A	<b>Construction Activities</b>	Complies		
30/A	<b>Air Quality</b>	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	<b>Water Quality</b>	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)	+3	This project will increase year-round surface flows, improve aquatic habitat, accommodate long term river function, bolster wildlife and riparian habitat.
32/A	<b>Water Conservation</b>	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)		
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)		
	HERS index for Residential Buildings			
33/R	Obtaining a HERS index	+1		
33/R	HERS rating = 61-80	+2		
33/R	HERS rating = 41-60	+3		
33/R	HERS rating = 19-40	+4		
33/R	HERS rating = 1-20	+5		
33/R	HERS rating = 0	+6		
	Commercial Buildings - % energy saved beyond the IECC minimum standards			
33/R	Savings of 10%-19%	+1		
33/R	Savings of 20%-29%	+3		
33/R	Savings of 30%-39%	+4		
33/R	Savings of 40%-49%	+5		
33/R	Savings of 50%-59%	+6		
33/R	Savings of 60%-69%	+7		
33/R	Savings of 70%-79%	+8		
33/R	Savings of 80% +	+9		
33/R	Heated driveway, sidewalk, plaza, etc.	1X(-3/0)		
33/R	Outdoor commercial or common space residential gas fireplace (per fireplace)	1X(-1/0)		
33/R	Large Outdoor Water Feature	1X(-1/0)		
	Other Design Feature	1X(-2/+2)		

34/A	<b>Hazardous Conditions</b>	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	<b>Subdivision</b>	Complies		
36/A	<b>Temporary Structures</b>	Complies		
37/A	<b>Special Areas</b>	Complies		
37/R	Community Entrance	4x(-2/0)		
37/R	Individual Sites	3x(-2/+2)		
37/R	Blue River	2x(0/+2)		
37R	Cucumber Gulch/Setbacks	2x(0/+2)		
37R	Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
38/A	<b>Home Occupation</b>	Complies		
39/A	<b>Master Plan</b>	Complies		
40/A	<b>Chalet House</b>	Complies		
41/A	<b>Satellite Earth Station Antennas</b>	Complies		
42/A	<b>Exterior Loudspeakers</b>	Complies		
43/A	<b>Public Art</b>	Complies		
43/R	Public Art	1x(0/+1)		
44/A	<b>Radio Broadcasts</b>	Complies		
45/A	<b>Special Commercial Events</b>	Complies		
46/A	<b>Exterior Lighting</b>	Complies		
47/A	<b>Fences, Gates And Gateway Entrance Monuments</b>	Complies		
48/A	<b>Voluntary Defensible Space</b>	Complies		
49/A	<b>Vendor Carts</b>	Complies		

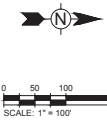
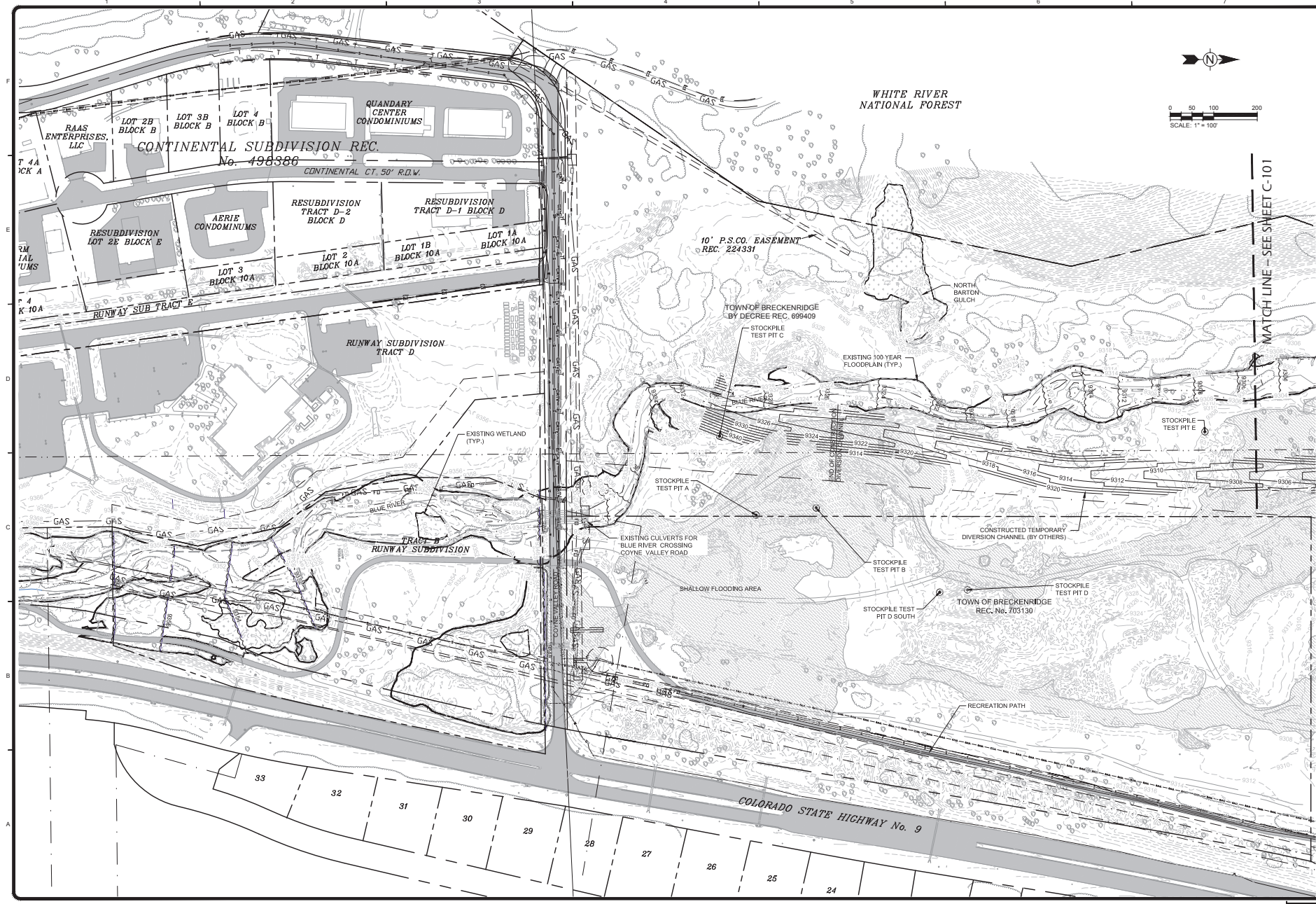


## TOWN OF BRECKENRIDGE

**Blue River Restoration  
TR 6-77 Sec 19 Qtr 2 Mining Claim(s) cont  
99.2480 acres LKA PT B & L MS 14044 IN  
18-6-77 & PT ANNIE MS 14044 IN 24-6-78  
& & PT IN 13-6-78 & PT FAIRVIEW PLACE  
PT BRYAN PLACER MS #14025 IN 19-6-7 R  
MS # 13660  
Coyne Valley Road  
PL-2016-0188**

### FINDINGS

1. This project is “Town Project” as defined in Section 9-4-1 of the Breckenridge Town Code because it involves the planning and design of a public project.
2. The process for the review and approval of a Town Project as described in Section 9-14-4 of the Breckenridge Town Code was followed in connection with the approval of this Town Project.
3. The Planning Commission reviewed and considered this Town Project on June 7, 2016. In connection with its review of this Town Project, the Planning Commission scheduled and held a public hearing on June 7, 2016, notice of which was published on the Town’s website for at least five (5) days prior to the hearing as required by Section 9-14-4(2) of the Breckenridge Town Code. At the conclusion of its public hearing, the Planning Commission recommended approval of this Town Project to the Town Council.
4. The Town Council’s final decision with respect to this Town Project was made at the regular meeting of the Town Council that was held on June 14, 2016. This Town Project was listed on the Town Council’s agenda for the June 14, 2016 agenda that was posted in advance of the meeting on the Town’s website. Before making its final decision with respect to this Town Project, the Town Council accepted and considered any public comment that was offered.
5. Before approving this Town Project the Town Council received from the Director of the Department of Community Development, and gave due consideration to, a point analysis for the Town Project in the same manner as a point analysis is prepared for a final hearing on a Class A development permit application under the Town’s Development Code (Chapter 1 of Title 9 of the Breckenridge Town Code).
6. The Town Council finds and determines that the Town Project is necessary or advisable for the public good, and that the Town Project shall be undertaken by the Town.



MATCH LINE - SEE SHEET C-101

**TETRA TECH**  
 www.tetra-tech.com  
 133 5th Hill Road, Suite 140  
 Breckenridge, Colorado 80424  
 Phone: 970-453-8388 Fax: 970-453-8279

MARK	DATE	DESCRIPTION
08/19/18		BID DOCUMENTS

**TOWN OF BRECKENRIDGE  
 BLUE RIVER RESTORATION  
 EXISTING CONDITIONS  
 PLAN**

Project No.: 133-01207-15003  
 Designed By: CAM  
 Drawn By: CAM  
 Checked By: CDD

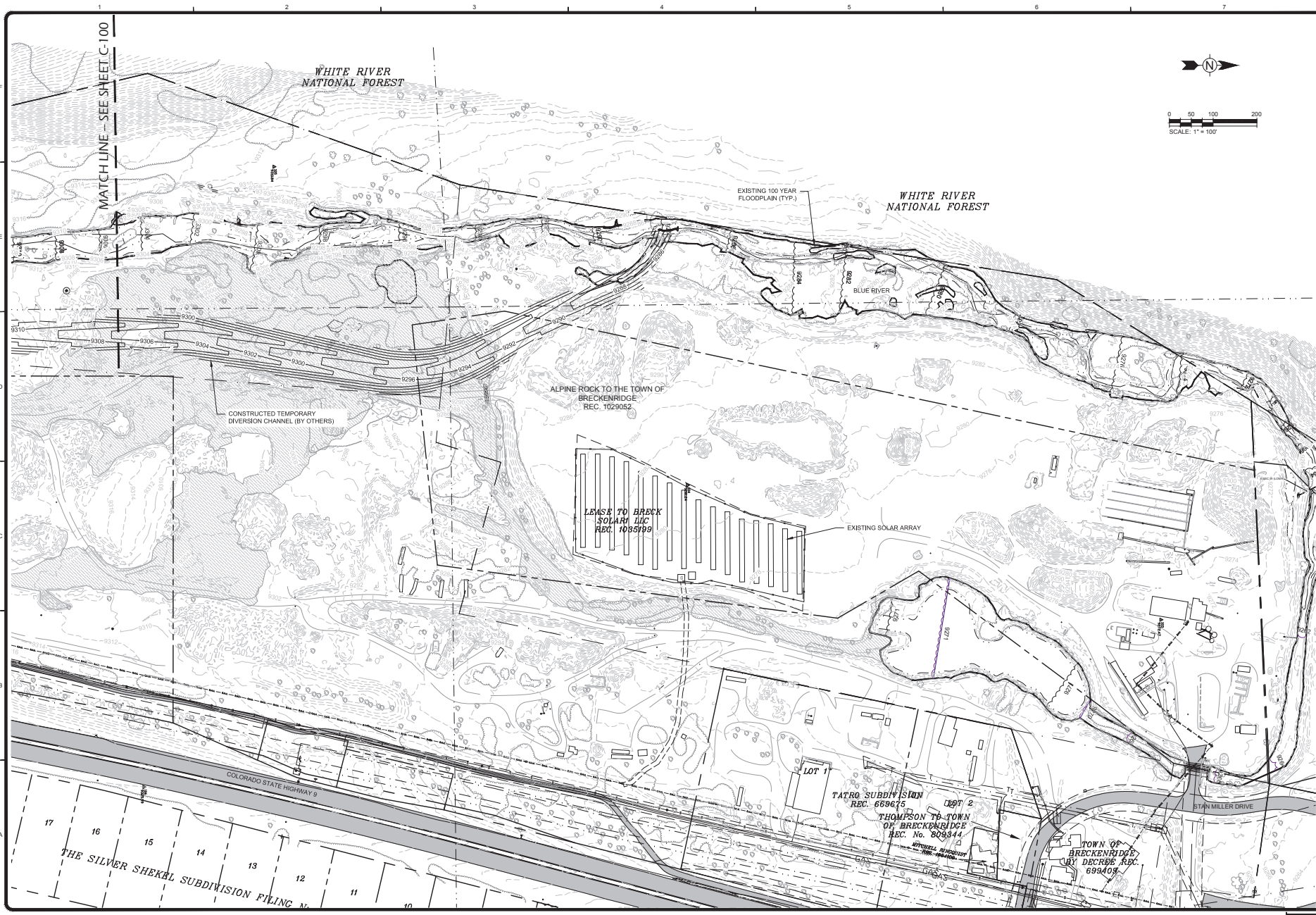
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Bar Measures 1 inch

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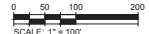
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MATCH LINE - SEE SHEET C-100

WHITE RIVER NATIONAL FOREST

WHITE RIVER NATIONAL FOREST



EXISTING 100 YEAR FLOODPLAIN (TYP.)

BLUE RIVER

ALPINE ROCK TO THE TOWN OF BRECKENRIDGE REC. 1029052

CONSTRUCTED TEMPORARY DIVERSION CHANNEL (BY OTHERS)

LEASE TO BRECK SOLAR LLC REC. 1085199

EXISTING SOLAR ARRAY

COLORADO STATE HIGHWAY 9

STAN MILLER DRIVE

THE SILVER SHEKEL SUBDIVISION FILING

TATRO SUBDIVISION REC. 669675 DEPT. 2 THOMPSON TO TOWN OF BRECKENRIDGE REC. No. 809344

TOWN OF BRECKENRIDGE BY DECREE REC. 699409

MARK	DATE	DESCRIPTION
	08/18/18	BID DOCUMENTS

TOWN OF BRECKENRIDGE  
 BLUE RIVER RESTORATION  
 EXISTING CONDITIONS  
 PLAN

Project No.:	133-01287-15003
Designed By:	CAM
Drawn By:	CAM
Checked By:	CDO

C-101



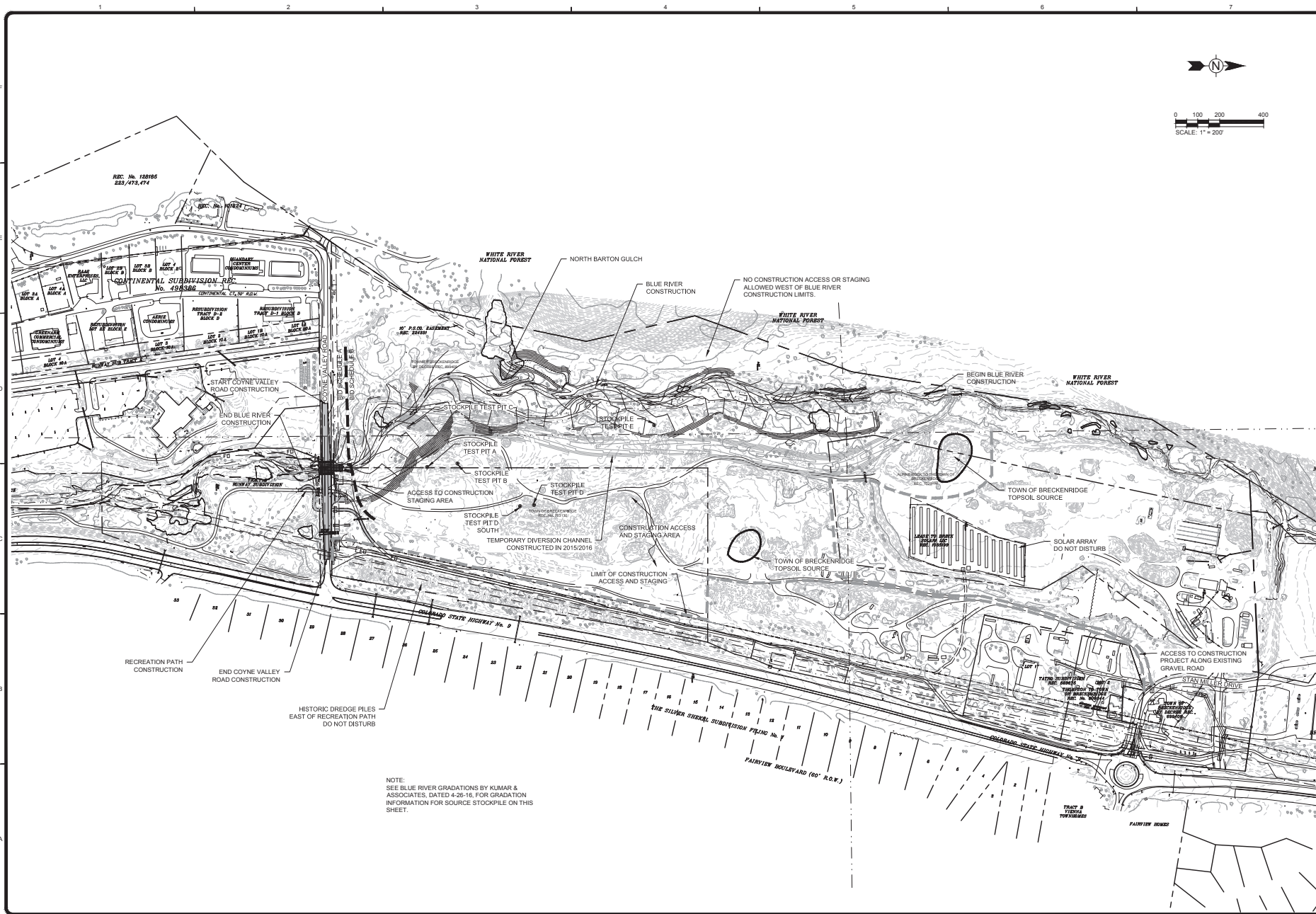
**TETRA TECH**

www.tetrattech.com  
 133 5th Hill Road, Suite 140  
 Breckenridge, Colorado 80424  
 Phone: 970-451-8388 Fax: 970-451-8379

Copyright: Tetra Tech

Bar Measures 1 inch





RBC No. 128195  
223/473,474

CONTINENTAL SUBDIVISION P.L.C.  
No. 494366

ADENA CONDOMINIUM  
LOT 2 BLOCK D

ADENA CONDOMINIUM  
LOT 3 BLOCK D

ADENA CONDOMINIUM  
LOT 4 BLOCK D

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LOT 5 BLOCK D

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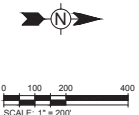
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ADENA CONDOMINIUM  
LOT 25 BLOCK D

ADENA CONDOMINIUM  
LOT 26 BLOCK D

ADENA CONDOMINIUM  
LOT 27 BLOCK D

NOTE:  
SEE BLUE RIVER GRADATIONS BY KUMAR &  
ASSOCIATES, DATED 4-26-16, FOR GRADATION  
INFORMATION FOR SOURCE STOCKPILE ON THIS  
SHEET.



**TETRA TECH**  
www.tetra-tech.com  
133 5th Hill Road, Suite 140  
Breckenridge, Colorado 80424  
Phone: 970-453-8288 Fax: 970-453-8279

MARK	DATE	DESCRIPTION
08/19/18		BID DOCUMENTS

TOWN OF BRECKENRIDGE  
BLUE RIVER RESTORATION  
**OVERALL SITE PLAN  
AND CONSTRUCTION  
STAGING PLAN**

Project No.: 133-01207-15003  
Designed By: CAM  
Drawn By: CAM  
Checked By: CDD

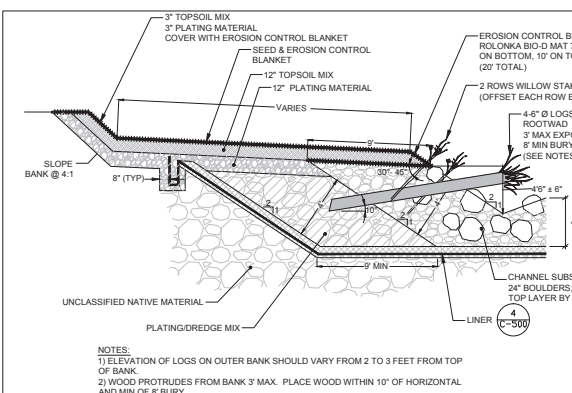
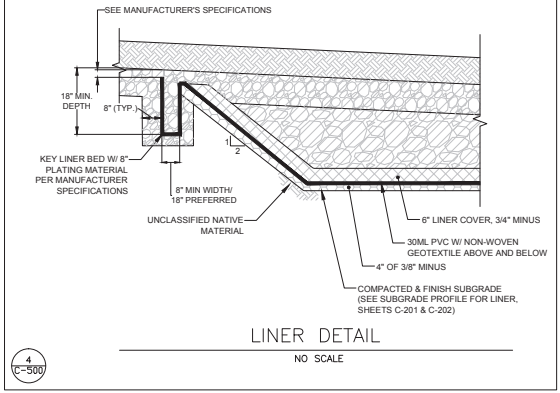
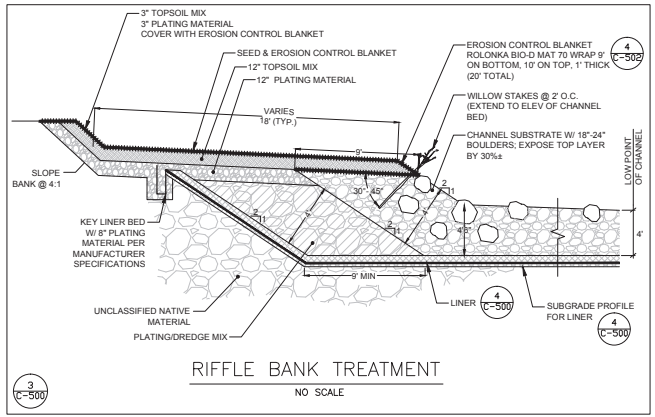
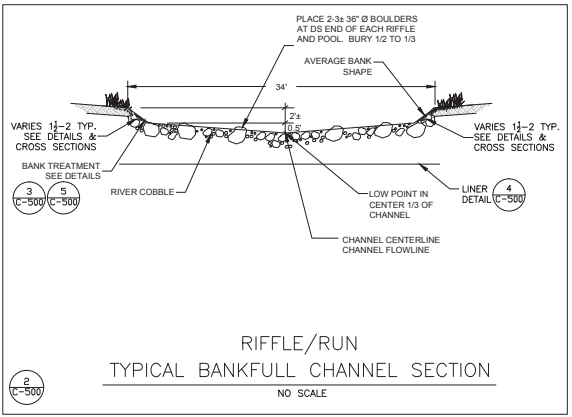
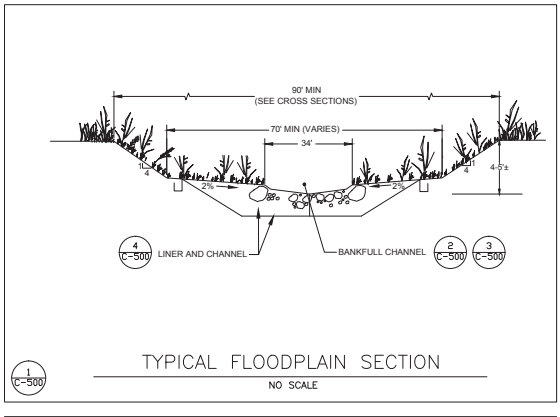
**C-103**

Bar Measures 1 inch

Copyright: Tetra Tech

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**CHANNEL SUBSTRATE**

SIEVE SIZE	% PASSING
24"	100
18"	84
12"	50
6"	30
2"	16
1"	5-8
No. 4	0-5

**PLATING**

SIEVE SIZE	% PASSING
3/4"	100
No. 4	30-65
No. 8	25-35
No. 200	20

**PLATING / DREDGE MIX**

SIEVE SIZE	% PASSING
3"	90-100
3/4"	60-90
No. 4	40-60
No. 200	25

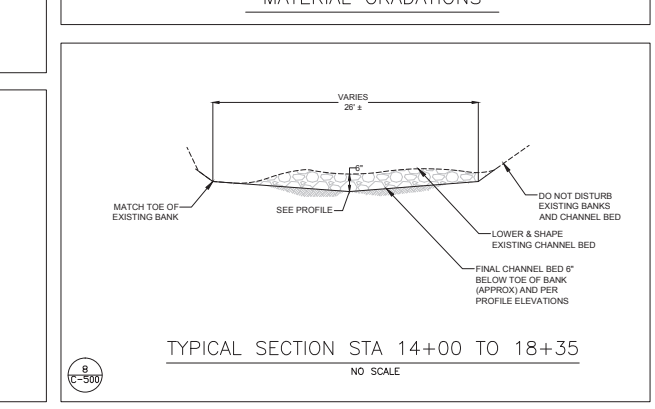
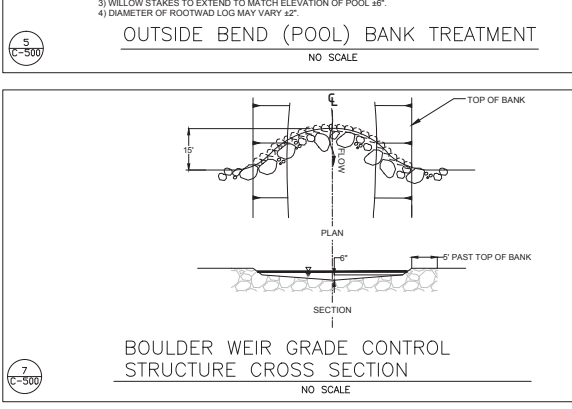
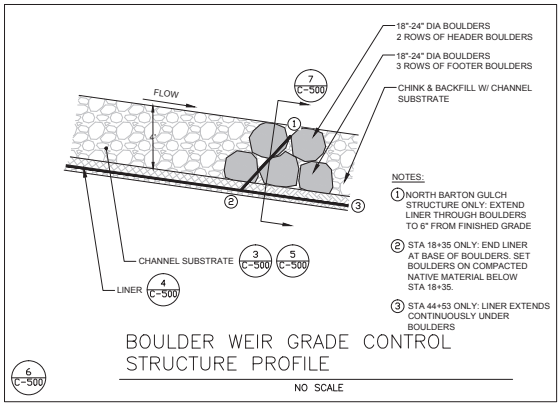
**DREDGE ROCK\***

SIEVE SIZE	% PASSING
4"-6"	100

\* DREDGE SIZE FOR PLATING/DREDGE MIX

**NOTES:**  
 1) PLATING: WELL GRADED AGGREGATE WITH FINES/CLAY MIX. SEE SPECIFICATIONS.  
 2) DREDGE: NATIVE RIVER COBBLESTONE. SEE SPECIFICATIONS.  
 3) CHANNEL SUBSTRATE: INC. 24" BOULDERS, PROTRUDING 1/3 ABOVE CHANNEL BED (TYP.) W/ 36" BOULDERS PLACED AT TOP OF RIFFLES.  
 TOPSOIL MIX - SEE SPECIFICATIONS.  
 \* 36" DIAMETER BOULDERS SHALL BE PLACED AT DOWNSTREAM END OF RIFFLES AND POOLS.

**MATERIAL GRADATIONS**



**TETRA TECH**

13335 Lakeside Blvd  
Boulder, CO 80521  
Phone: 970-455-8384 Fax: 970-485-4879

BY: \_\_\_\_\_

DATE: 06/01/18

DESCRIPTION: RIVER DOCUMENTS

TOWN OF BRECKENRIDGE  
BLUE RIVER RESTORATION

RIVER DETAILS

Project No.: 133401297-15003

Designed By: CAM

Drawn By: CAM

Checked By: COD

**C-500**

Bar Measures 1 inch

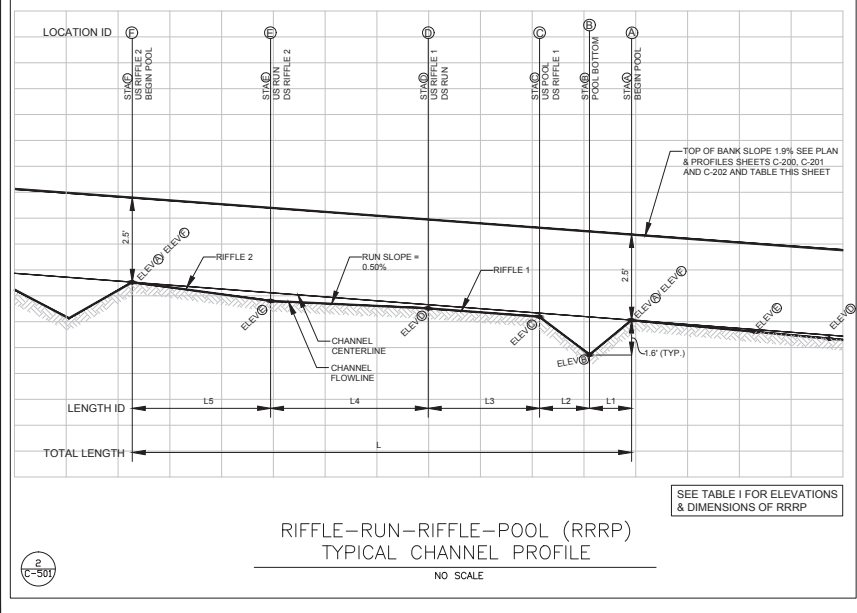
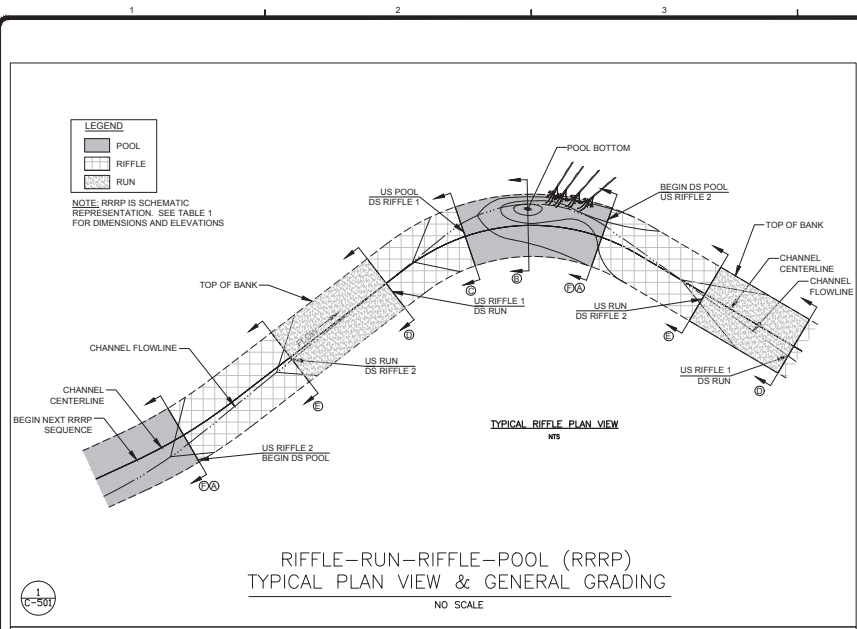
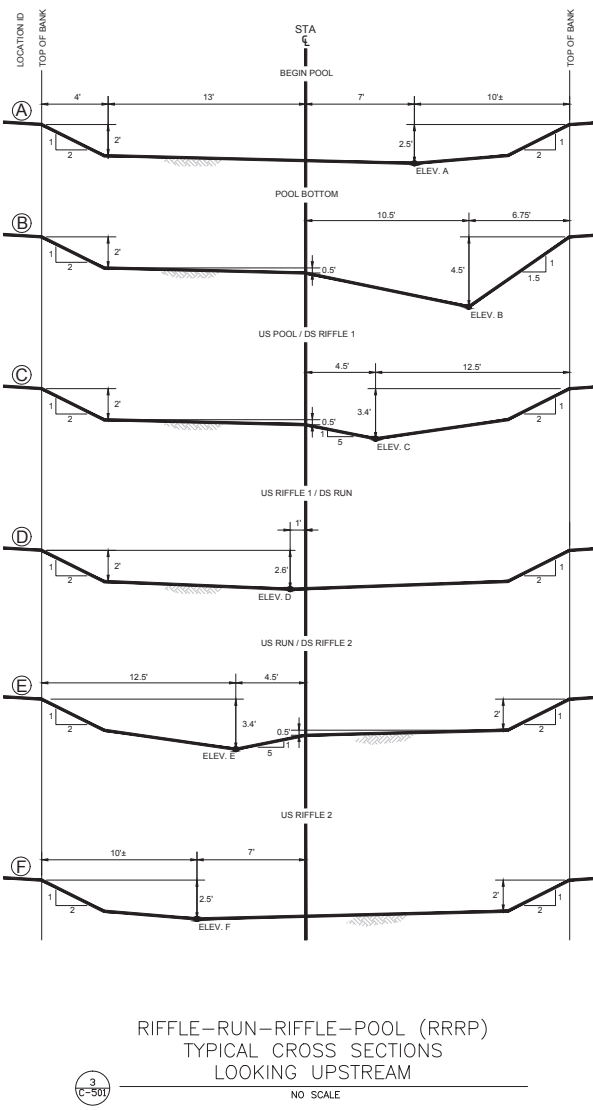


TABLE 1 RRRP

RRRP #	LOCATION ID	STA.	ELEV. (EIGHTERS)	TOP OF BANK ELEVATION	LENGTH, FT	LENGTH, FT	TOTAL LENGTH, FT
<b>RRRP 1</b>							
BEG. POOL	A	1895.9290.34	9292.88	2.50			
POOL BOTTOM	B	1840.9268.88	9293.23	4.25	L1	13	
END POOL-BEG RIFFLE 1	C	1874.9285.51	9293.44	3.87	L2	26	130
END RIFFLE 1-BEG RUN	D	1906.5.9291.68	9294.27	2.59	L3	33	
END RUN-BEG RIFFLE 2	E	1947.5.9291.81	9294.78	2.97	L4	26	
END RIFFLE 2	F	1965.9292.92	9295.42	2.50	L5	33	
<b>RRRP 2</b>							
BEG. POOL	A	1945.9291.92	9295.17	2.50			
POOL BOTTOM	B	1879.9291.42	9295.89	4.27	L1	34	140
END POOL-BEG RIFFLE 1	C	2007.9293.13	9296.23	3.11	L2	28	
END RIFFLE 1-BEG RUN	D	2042.9294.32	9296.92	2.60	L3	35	
END RUN-BEG RIFFLE 2	E	2070.9294.46	9297.46	3.01	L4	28	
END RIFFLE 2	F	2105.9295.65	9298.15	2.50	L5	35	
<b>RRRP 3</b>							
BEG. POOL	A	2305.9295.65	9298.15	2.50			
POOL BOTTOM	B	2238.9294.15	9298.78	4.63	L1	39	325
END POOL-BEG RIFFLE 1	C	2303.9295.13	9300.05	3.91	L2	65	
END RIFFLE 1-BEG RUN	D	2284.9296.96	9301.63	2.74	L3	81	
END RUN-BEG RIFFLE 2	E	2349.9299.27	9302.90	3.68	L4	65	
END RIFFLE 2	F	2440.9303.96	9304.48	2.50	L5	81	
<b>RRRP 4</b>							
BEG. POOL	A	3438.9301.96	9304.48	2.50			
POOL BOTTOM	B	2460.9300.48	9305.07	4.59	L1	30	300
END POOL-BEG RIFFLE 1	C	2520.9302.43	9306.24	3.81	L2	60	
END RIFFLE 1-BEG RUN	D	2595.9304.08	9307.10	2.32	L3	75	
END RUN-BEG RIFFLE 2	E	2655.9305.28	9308.87	3.58	L4	60	
END RIFFLE 2	F	2730.9307.83	9310.33	2.50	L5	75	
<b>RRRP 5</b>							
BEG. POOL	A	2730.9307.83	9310.33	2.50			
POOL BOTTOM	B	2705.9306.33	9310.82	4.49	L1	25	250
END POOL-BEG RIFFLE 1	C	2805.9308.21	9311.80	3.59	L2	50	
END RIFFLE 1-BEG RUN	D	2868.9310.31	9313.01	2.68	L3	63	
END RUN-BEG RIFFLE 2	E	2918.9310.58	9313.99	3.41	L4	50	
END RIFFLE 2	F	2980.9312.17	9315.21	2.50	L5	63	
<b>RRRP 6</b>							
BEG. POOL	A	2880.9312.17	9315.21	2.50			
POOL BOTTOM	B	3000.9311.21	9316.40	4.39	L1	30	200
END POOL-BEG RIFFLE 1	C	3040.9313.01	9316.38	5.37	L2	40	
END RIFFLE 1-BEG RUN	D	3095.9314.71	9317.35	2.65	L3	50	
END RUN-BEG RIFFLE 2	E	3130.9314.91	9318.13	3.23	L4	40	
END RIFFLE 2	F	3180.9316.61	9319.11	2.50	L5	50	
<b>RRRP 7</b>							
BEG. POOL	A	3180.9316.61	9319.11	2.50			
POOL BOTTOM	B	3275.9318.11	9319.60	4.29	L1	24	150
END POOL-BEG RIFFLE 1	C	3275.9318.03	9319.90	3.15	L2	30	
END RIFFLE 1-BEG RUN	D	3263.9318.11	9320.72	2.61	L3	38	
END RUN-BEG RIFFLE 2	E	3293.9318.35	9321.30	3.04	L4	30	
END RIFFLE 2	F	3330.9319.53	9322.03	2.50	L5	38	
<b>RRRP 8</b>							
BEG. POOL	A	3330.9319.53	9322.03	2.50			
POOL BOTTOM	B	3345.9318.03	9322.33	4.29	L1	15	150
END POOL-BEG RIFFLE 1	C	3375.9319.76	9322.70	3.15	L2	30	
END RIFFLE 1-BEG RUN	D	3411.9321.05	9323.64	2.61	L3	38	
END RUN-BEG RIFFLE 2	E	3443.9321.18	9324.23	3.04	L4	30	
END RIFFLE 2	F	3480.9322.46	9324.96	2.50	L5	38	
<b>RRRP 9</b>							
BEG. POOL	A	3480.9322.46	9324.96	2.50			
POOL BOTTOM	B	3505.9320.96	9325.44	4.48	L1	25	245
END POOL-BEG RIFFLE 1	C	3554.9322.83	9326.30	3.57	L2	49	
END RIFFLE 1-BEG RUN	D	3635.9324.91	9327.50	2.68	L3	63	
END RUN-BEG RIFFLE 2	E	3664.9325.25	9328.54	3.39	L4	49	
END RIFFLE 2	F	3725.9327.24	9329.74	2.50	L5	61	
<b>RRRP 10</b>							
BEG. POOL	A	3725.9327.24	9329.74	2.50			
POOL BOTTOM	B	3750.9325.74	9330.21	4.48	L1	25	245
END POOL-BEG RIFFLE 1	C	3795.9327.60	9331.37	3.57	L2	49	
END RIFFLE 1-BEG RUN	D	3860.9329.69	9332.36	2.68	L3	63	
END RUN-BEG RIFFLE 2	E	3809.9329.93	9333.32	3.39	L4	49	
END RIFFLE 2	F	3910.9332.01	9334.51	2.50	L5	61	
<b>RRRP 11</b>							
BEG. POOL	A	3910.9332.01	9334.51	2.50			
POOL BOTTOM	B	3982.9330.51	9334.74	4.22	L1	22	115
END POOL-BEG RIFFLE 1	C	4005.9332.15	9335.10	3.00	L2	21	
END RIFFLE 1-BEG RUN	D	4031.9333.36	9335.75	2.58	L3	29	
END RUN-BEG RIFFLE 2	E	4054.9334.28	9336.10	2.92	L4	23	
END RIFFLE 2	F	4085.9334.26	9336.76	2.50	L5	29	
<b>RRRP 12</b>							
BEG. POOL	A	4085.9334.26	9336.76	2.50			
POOL BOTTOM	B	4205.9332.74	9337.14	4.38	L1	30	195
END POOL-BEG RIFFLE 1	C	4144.9334.56	9337.80	2.85	L2	39	
END RIFFLE 1-BEG RUN	D	4192.9336.21	9338.85	2.64	L3	49	
END RUN-BEG RIFFLE 2	E	4231.9336.60	9339.61	3.21	L4	39	
END RIFFLE 2	F	4265.9338.06	9340.56	2.50	L5	49	
<b>RRRP 13</b>							
BEG. POOL	A	4265.9338.06	9340.56	2.50			
POOL BOTTOM	B	4268.9336.56	9340.90	4.34	L1	18	173
END POOL-BEG RIFFLE 1	C	4331.9338.37	9341.58	3.26	L2	35	
END RIFFLE 1-BEG RUN	D	4376.9339.83	9342.63	2.63	L3	44	
END RUN-BEG RIFFLE 2	E	4411.9339.98	9343.12	3.13	L4	35	
END RIFFLE 2	F	4453.9341.41	9343.94	2.53	L5	42	



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TOWN OF BRECKENRIDGE  
 BLUE RIVER RESTORATION

RIVER DETAILS

Project No.: 1334-01297-15003  
 Designed By: CAM  
 Drawn By: CAM  
 Checked By: COD

**C-501**

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 Bar Measures 1 inch



