

**PLANNING COMMISSION MEETING**

**THE MEETING WAS CALLED TO ORDER AT 7:03 P.M.**

**ROLL CALL**

Dan Schroder

Rodney Allen

Michael Bertaux

Jim Lamb

JB Katz

Dave Pringle

Leigh Girvin was absent

**APPROVAL OF MINUTES**

With no changes, the minutes of the January 6, 2009 Planning Commission minutes were approved unanimously (5-0). Mr. Allen abstained since he was not present at the meeting of January 6.

**APPROVAL OF AGENDA**

With no changes, the Agenda for the January 20, 2009 Planning Commission agenda was approved unanimously (6-0).

**CONSENT CALENDAR:**

1. Big Bend Residence (MGT) PC#2008126; 1144 Discovery Hill Drive

With no motions for call-up, the Consent Calendar was approved as presented.

**WORKSESSION:**

1. Solar Panel Policy Modification

Ms. Puester presented a memo outlining potential changes to the Solar Panel Policy. The existing ordinance to allow and regulate solar panels inside and outside of the Conservation District was passed June 10, 2008 as an amendment to Policy 5 (*Absolute Architectural Compatibility*).

The Town received a request from a property owner and management company outside of the Conservation District to modify the solar ordinance language to allow for tilted and angled solar panels. The Town Council directed Staff to rewrite the ordinance to allow for the modification outside of the Conservation District as well as any other modifications necessary. More recently, the Town received a grant from the Colorado Governor's Energy Office for a reimbursement program for solar hot water systems which require a panel tilt of 40 degrees in order to achieve 80% efficiency.

Staff has made changes to the ordinance in strike and bold to include changes to allow for more flexibility for tilted and angled panels outside of the Conservation District. Staff has also proposed some potential changes within the Conservation District to allow the opportunity for solar access to all property owners. Staff had meetings with various solar energy and solar thermal contractors and suppliers to gain their input on the proposal.

Staff requested the Planning Commission's opinion on the changes proposed to the ordinance and asked for the Commissioners opinions on the following policy direction:

1. Should solar panels within the Conservation District be allowed to be visible from public rights of way (such as on a corner lot) to allow for a greater number of property owners to have solar access?
2. Should solar panels be permitted to be visible from major rights of way within the Conservation District if mounted on noncontributing structures?
3. Should solar panels outside of the Conservation District be allowed to be angled and tilted a different orientation from the roofline (for east and west facing roofs)?

**Commissioner Questions/Comments:**

Mr. Pringle: Concerned with the Historic District. Can the energy conservationists use another type of energy saving techniques to accommodate historic structures? The historic character is of utmost importance. Didn't want to see panels on historic structure if there were other options that would be less intrusive. Our Design Guidelines require owners of historic structures to repair historic windows, siding and so on; then why would we harm that effort with just throwing up solar panels

that are visible? The Historic District is what sets our community apart from other resorts and should be protected; it preserves tourism and the economy for us here. To be forward thinking is to require 7,000+ square foot homes to include alternative energy or be smaller. Could see less stringent regulations on non-contributing verses contributing structures but should still take a close look at everything in the District. The Town has always worked hard to preserve the structures. Maybe not every site is appropriate for solar panels. Technology may keep changing so that it could work so why give in and throw up a bunch of panels now? Not in favor of a prohibition of panels in the Historic District but the town needs to take a very careful look at what you can easily see on historic structures. With regard to outside of the district, would like to see designers integrating panels on new buildings.

Mr. Schroder: Would like a definition of “highly visible” included. Was very much in favor of alternative energy and everyone should have an option to seek alternative energy, even in the Historic District. Thought that it would make town look progressive. Panels should run with the roof line but allow for maximum gain which may require panels to not align with the roof. Agreed with Staff that this is a conflict of two policies: energy and preservation. The off-angle was not appealing but supposed that beauty would be in the eyes of the beholder.

Ms. Katz: Supported panels in the historic district and asked about other historic districts. (Staff explained a lot of these policies are un-chartered.) Was in favor of solar panels on historic structures. Felt it was time for Breckenridge to be a leader in green initiatives. Thought it was wrong that historic structures are prohibited from becoming greener. For example, historic structures should be allowed to install more energy efficient windows. The needs to protect and needs for the future should be balanced for the best of a forward thinking community. There absolutely needs to be an escape clause built in that would allow for denial if something doesn’t look right in an application or if it might diminish the historic rating. As long as the state historic society allows for an historic status, she was all for solar panels on a historic structure. Fate shouldn’t be decided on whether one owns a corner lot or not. If the technology changes, human nature should lead us to less intrusive applications.

Mr. Bertaux: Cautious with panels on east/west facing roofs. Would like that to be the last option, even look at awnings as an option before east/west roof placement. Sought clarification regarding an application on a secondary building. (Staff referred to the some properties in town with rear sheds as well a photo in the packet.) Thought the town needed to be careful with contributing structures. If the panels go on a noncontributing garage than fine. Something will always be visible from somewhere. Had a problem with east/west orientation and therefore suggested beefing up the language to make sure that this could not happen on the historic buildings.

Mr. Lamb: Disclosed that he would soon be submitting an application for solar panels in the Conservation District. (Commissioners saw no problem with him participating in this discussion. Staff noted that this discussion is a legislative issue, not quasi-judicial.) Tearing down a historic structure is different than putting panels on a structure since the panels can be removed if a better technology comes along. (Mr. Pringle responded that you cannot force owners to replace panels, even if new technology is available.) Outside the conservation district, houses that may not be designed with solar should be able to take advantage of it. Concerned with the appearance of the east/west roofs with angled and tilted panels but if someone wanted to do that to their house than they should be able to. Bolting a solar cell on a roof isn’t a permanent fixture and therefore he didn’t see a huge problem. Has a satellite dish on his historic house and that doesn’t look good. Flush mounted in the historic district would be fine unless you need to angle it and you can’t see it. If the federal and state regulations are ok with it, then also feels ok.

Mr. Allen: Well written and supportive of changes. East/west alignment should be of last resort. He would like to see the code require non-functioning panels to be removed. Not concerned with nonconforming structures in the Historic District. Concurred with Mr. Lamb and Mr. Schroder. Answered yes to all three questions asked by staff.

Mr. Allen opened the hearing to Public Comment:

Pat Kingston, Realign Technology: Angled panels would not be pretty on east or west facing roofs but should be allowed. Spoke about options on Main Street corner buildings. With propane costs increasing, solar is a more viable option.

Eric Westerhoff, Innovative Energy: Some places have had problems with property owners who want to take advantage of rebates and are limited by the town or HOA.

Marc Hogan, BHH Partners: Need to get the designers and architects to think about solar option at the beginning of their process. Everyone needs to think about this ahead of time for new projects.

There was no further comment and the hearing was closed.

***TOWN COUNCIL REPORT:***

None.

***OTHER MATTERS:***

None

***ADJOURNMENT:***

The meeting was adjourned at 7:59 p.m.

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Rodney Allen, Chair