



TOWN OF  
**BRECKENRIDGE**

**Planning Commission Meeting Agenda**

Tuesday, August 6, 2019, 5:30 PM

Council Chambers

150 Ski Hill Road

Breckenridge, Colorado

**5:30pm - Call to Order of the August 6, 2019 Planning Commission Meeting; 5:30pm Roll Call**

*Location Map* 2

*Approval of Minutes* 3

*Approval of Agenda*

**5:35pm - Public Comment On Historic Preservation Issues (Non-Agenda Items ONLY; 3-Minute Limit Please)**

**5:40pm - Consent Calendar**

1. Chalissima Chalet Single Family Residence (CL) 256 Timber Trail Rd.; PL-2019-0194 8

**5:45pm - Work Sessions**

1. Subdivision Standards Review (CK) PL-2019-0293 34

**6:15pm - Other Matters**

1. Town Council Summary (Memo Only) 100

**6:20pm - Adjournment**

**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 the 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.**

Chalissima Chalet Single Family Residence, 256 Timber Trail Rd



# Breckenridge South



## PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Chair Giller.

### ROLL CALL

Christie Mathews-Leidal	Jim Lamb	Ron Schuman
Mike Giller	Steve Gerard (Arrived at 5:32pm)	
Dan Schroder	Lowell Moore (Not in attendance)	

### APPROVAL OF MINUTES

With no changes, the July 2, 2019 Planning Commission Minutes were approved. Bottom of page three should be axis instead of access.

### APPROVAL OF AGENDA

With no changes, the July 16, 2019 Planning Commission Agenda was approved.

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No comments.

### WORK SESSIONS:

#### 1. Handbook of Design Standards

Ms. Puester presented an overview of changes to the Handbook of Design Standards and Policy 4 Mass. The Commission was asked for feedback on the proposed language.

#### *Commissioner Questions / Comments:*

- Mr. Schroder: Didn't really see any inconsistencies, looks like a good process to bring it up to speed and refresh.
- Ms. Leidal: Julia and I spoke about this and I don't have a good answer on how to further define half story. Perhaps it needs further discussion, priority policy 81 Building Heights regarding the half story is confusing. This is the first time we have seen the text, talked about going a half story above, the second bullet point I understand we are noting that a half story means six feet. I don't understand why we are measuring from finished floor to ceiling, rather than to the mean. We measure to the mean of the historic structure and then give them six more feet for the addition on the back with this right? Maybe I misunderstood. My concern is people are going to push up their first story ceiling to make this half story taller overall. If they start 14 feet off the ground and get that much more overall height. I hope we would measure the way we measure all historic structures. Once again, I wasn't at those meetings so maybe there are other reasons behind this, but I'm concerned about unintended consequences.
- Ms. Puester: The six feet in that diagram is referring to the second story side wall plate, not the overall mean, so that the second story would appear as a half story. This was a consensus of the stakeholder group. We are trying to define it here in the policy. I see your point on the first floor. Let me tweak this language and see if I can get it there.
- Mr. Gerard: My understanding from the stakeholders is that a second story side wall measurement is up to six feet, which would make it irrelevant to the height they want inside, because you measure to the mean of the roof.
- Ms. Leidal: Sidewall is irrelevant, why is that shown?
- Mr. Gerard: People who were builders and designers in the group felt that was significant in the compromise.
- Ms. Leidal: Anything above five feet is density.

- Ms. Puester: The stakeholder group did not want to see a full story on top of the first floor. The lower second level sidewall achieves the half story appearance.
- Mr. Gerard: If sidewall went up full story, then have a roof on top of that, it looked too big in the mass modeling that we looked at.
- Ms. Leidal: So why not say 6 feet above the historic structure?
- Mr. Giller: Christie and Julia are right, we didn't want to see the wall plate too high in comparison to the historic structure but did not talk about that in detail with the group. I don't have a silver bullet that explains it but the overall massing of the roof can't exceed a certain height. The sidewall plate does that but it needs more work.
- Ms. Leidal: What is throwing me is I don't understand why we are calling out the height of the first story and the walls.
- Mr. Giller: We don't want a full floor above the first story of the house.
- Ms. Leidal: But then someone could jack up their first floor.
- Mr. Giller: Assuming it is based on an historic structure
- Ms. Leidal: But it is not. I understand there is a lot to consider, I have concerns and I don't have an answer.
- Ms. Puester: I will work on it before it goes to the Town Council.
- Mr. Giller: Lower side wall is a good strategy to reduce overall height and mass. Based on the top plate height of the historic house.
- Ms. Leidal: Thank you.
- Mr. Giller: I have a couple small changes-for solar 'highly visible' is overly permissive. You might consider the word 'overly' or something that is a bit more restrained as is in the SOI Standards.
- Mr. Gerard: Priority design standard 89 on page 86 is about setbacks, bullet 3 construction of a new building on a site with an existing primary structure. An addition more or less, it talks about the setback, but priority standard 80 sets a different length.
- Ms. Puester: It is actually for a new separate structure and follows the subdivision separation standards for footprint lots.
- Mr. Gerard: Understand if it is two separate, but what if they use a connector? Then you've only got a minimum 5 feet. I don't think that it is clear.
- Ms. Puester: I can add language to clarify that it is for new structures not connected above grade.
- Mr. Gerard: I can see someone squeezing the other building up by the primary structure otherwise.
- Ms. Puester: OK. How about the suggested points that have been added to the Handbook and Mass policy. Points look good? (PC: Yes)
- Mr. Gerard: Did great job putting talk into words in an easy to understandable context. The update will be welcome.
- Mr. Lamb: Everyone involved did a great job.

Mr. Giller opened the work session for public comment. There were none and public comment was closed.

## 2. Grand Colorado Peak 8 Building 3, Point Analysis Revision Work Session (CK), 1595 Ski Hill Rd, PL-2019-0240

Mr. Kulick presented a proposal to revise the point analysis of the Grand Colorado on Peak 8 Building 3. Revisions are in regards to the applicants desire to eliminate employee housing that earned positive points under Policy 24/R at the original approval on January 26, 2016. Since the Development Code underwent a significant update subsequent to the most recent approval. Several other points from other Policies will be affected by a change to the point analysis. The following specific questions were asked of the Commission:

1. Does the Commission believe the project is eligible for additional positive points under Policy 25/R Transit for the offsite bus shelter or the project's adjacency to multiple ski lifts?

2. Based on past precedent for providing public access, staff recommends positive three (+3) points under Policy 16/R, Internal Circulation, for the dedication of a public easement through the site. Does the Commission concur?
3. Does the Commission support awarding one (+1) positive point under Policy 43/R if the sculpture is formally recommended for approval by the Public Arts Advisory Committee?

*Commissioner Questions / Comments:*

- Mr. Schuman: On the easement, would you want to include One Ski Hill place? The property line between One Ski Hill Place and Building 3 splits the walkway. (Mr. Kulick: We would like to have the whole area under an easement, it makes for a better connection to the bus stop and gondola but they do not own One Ski Hill Place. This situation is similar to Lincoln Grill/Blue Fish and the Blue Front Bakery, where we got one easement and then one on the other side later when it was under planning review.) This opens the door for the conversation about getting both sides.
- Mr. Schroder: Interesting we would modify point analysis if building is already under construction. (Mr. Kulick: With large projects things change over the course of development. They pursued the point change in March and then withdrew the application. Now they're pursuing the modification again and the code changes went into effect. Due to the code changes that became effective in February, they approached us and wanted to have a dialogue before submitting a modification application.) It makes sense things would change as we go, look at how many different renderings have been done.
- Mr. Schuman: What is the rhyme or reason to this modification? What else are you planning to change in the future?

Mike Dudick, Applicant, Presented:

We got behind the development of two buildings of employee housing on Airport Road. The way things have progressed, the employee housing development was a part of the East Peak 8 hotel Development Agreement and then it wasn't. With the timing of the code changes and the way the application came in, we weren't able to count those points associated with that employee housing project but I feel that massive amounts of housing is provided for that project. We desire to eliminate the workforce housing associated with this project since I know we are providing a generous amount of workforce housing (48 bedrooms coming online) that is ineligible to be counted under the code. These large lodge buildings create a lot of new workforce and I have to have the housing, not about the points, to be able to keep the resort open. Thanks to staff for trying to evaluate this under the new code.

With respect to easement, we can't do anything with One Ski Hill place, however the corridor between them increases from 15' to 54' in width once building 3 opens.

With respect to transit, this kind of development doesn't happen in a vacuum, we regraded Ski Hill Road, all the elements start working together, we had to carve out a parcel where our property doesn't encumber the gondolas. From Ski Hill Road to the plaza level it will be ADA accessible without any change of apparatus. Breckenridge mountain metro district owns the land the Bus Shelter will go on, so we are a part owner, technically, but not on paper. None of transportation improvements happen in a vacuum. It isn't on our land, but it is happening because of our efforts to build this building. The project is adjacent to the busiest chairlift in North America (Colorado Chair). Whether it is summertime evacuations or winter lifts, people are using that bus stop. Would like positive four points for it.

In regards to the sculpture, we worked with Rob Wolfe and the Breckenridge Public Arts Commission. The sculptor Andy Scott has done some beautiful stuff. The sculpture is treated stainless. We had 110 applicants, narrowed to 10 and had three onsite visits from artists and selected Andy Scott. If we are getting points, we

should get 25 positive points based on the money that is going to this one.

*Commissioner Questions / Comments:*

- Mr. Schroder: Curious about the statue. Maybe down the road winters won't be as long anymore, to put a snow centric sculpture in a place that might not have as much snow. There is also some paganism going on here. (Mr. Dudick: The sculpture will be less warrior like than the iteration here. My wife joked she would date the statue before we put a jacket and horns on him. Ullr is more of a hunter, less of a snow god. Wants snow to track animals to hunt rather than for recreation. Tip of arrow is a snowflake, longstanding prayer for snow, whether in summer or winter which will point to the top of Peak 8.)
- Mr. Giller: How tall is it? (Mr. Dudick: Designed at 20-25 feet, construction team is going to scale it this week. Don't want it to be overwhelming or underwhelming so I will decide between 20-25.)
- Mr. Schuman: Again, I know you're trying to get extra points beyond passing here. Is there another step to your plans here? Is there another shoe to drop? (Mr. Dudick: No, we had five outdoor fire pits, and now there are four. We just want to get this project passed. The housing thing was a glitch, it did what we wanted but didn't count for points.)

Mr. Giller opened the work session for public comment. There were none and public comment was closed.

*Commissioner Questions / Comments:*

- Mr. Schroder: This conversation was helpful. Currently we do not have a successful ADA approach to get to plaza level, this project will improve that a great deal. The transit is so far off the property, I do wonder what kind of precedent this would set for the future if we were to award +4 points. Has the town transit put any monies or dedicated any effort to putting the bus shelter there or is this mostly driven by the applicant? (Matt Stais, Architect: We've created a covered porch all the way around the building and at the lower plaza so people can wait out of the elements. It is attached to the project.) (Ms. Puester: Staff recommends +2 points for transit and they're asking for +4. What is your recommendation?) 1. I'm in support of positive +4 points for transit. 2. Support +3 for the easement. 3. Support +1 for public art.
- Ms. Leidal: Agree with staff assessment on questions 1. 2. and 3. 1. +2 points for shuttle system, I am concerned with off site precedent for awarding additional points. 2. Yes, +3 points; 3. Yes +1 point for the art, for sure.
- Mr. Gerard: Very appropriate to review this under the new code. You are choosing to come to the table and look at this again. I agree with Christie on off site points, if we were at a point where an additional two points would make or break it, I might have my arm twisted and award +4 for transit. 1. +2 points for shuttle; 2. Yes, great way to contribute to city, clearly +3 points under circulation policy; 3. Yes, +1 point for public art.
- Mr. Schuman: I like their reasoning for +4 points, but I think it is off site of the property, but it is essentially one continuous project, you take one piece out and the entire project is less. 1. I think, +2 is appropriate for 25R, I could support +4 if there is language that staff comes up with to justify this as a one-off maybe though; 2. Concur with staff on +3 for the easement; 3. Support +1 for sculpture.
- Mr. Lamb: I worry about precedent, but also this is bigger, like Ron said and lean toward +2 for 25R. 1. +2 points transit; 2. Yes, +3 points crucial part of development; 3. Totally support +1 point for sculpture, didn't know Ullr was a pagan, fine.
- Mr. Giller: 1. Yes +2 points for transit.; 2. Yes. +3.; 3. Yes, +1.

**OTHER MATTERS:**

1. Town Council Summary (Memo Only)

Mr. Schroder: Does this go out to the public in some manner? Staff: Yes, if they subscribe.

2. Class D Majors Q2 2019 (Memo Only)- Mr. Schroeder. Find this interesting. This is nice to have the list provided. A lot of houses approved for development recently.

3. Class C Subdivisions Q2 2019 (Memo Only)

Other Matters:

Ms. Puester: A unique opportunity to go to the National Trust of Historic Preservation Annual conference which will be held in Denver this year. I sent out an email regarding this and other upcoming conferences earlier today. How many people are interested in attending the National Historic conference? (Numerous commissioners interested.) Ok, I will send out more information on the membership and rates.

**ADJOURNMENT:**

The meeting was adjourned at 6:33 pm.

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Mike Giller, Chair



**2019 - Class C Single Family Development Staff Report**

<b>Project Title:</b>	Chalissima Chalet Single Family Residence	
<b>Proposal:</b>	Construct a new 7,604 sq. ft. single family residence	
<b>PC#:</b>	PL-2019-0194	
<b>Project Manager:</b>	Chapin LaChance, AICP, Planner II	
<b>Date of Report:</b>	July 30, 2019	
<b>Property Owner:</b>	Chalissima Chalet, LLC.	
<b>Agent:</b>	Allen-Guerra Architecture	
<b>Proposed Use:</b>	Single Family Residence	
<b>Address:</b>	256 Timber Trail Rd.	
<b>Legal Description:</b>	Lot 5, Timber Trail Subdivision	
<b>Area of Site in Square Feet:</b>	24,770 sq. ft.	0.57 acres
<b>Existing Site Conditions:</b>	The lot is accessed from Timber Trail Road, and slopes downward from the road. All of the adjacent lots have been developed with single family residences. The lot borders Lots 32-34 in the Four O'Clock Subdivision (Summit County unincorporated) to the north. There is a platted 25' Seasonal Public Trail Easement, Private Trail Easement, and Public Utility Easement along the northern lot boundary. There is a 10' Public Snow Storage, Drainage and Utility Easement along the southern lot boundary. The lot is densely populated with mature Lodgepole Pine trees.	
<b>Areas of building:</b>	Proposed Square Footage	
Lower Level:	3,520 sq. ft.	
Main Level:	2,428 sq. ft.	
Upper Level:	1,655 sq. ft.	
Total Density:	7,603 sq. ft.	
Garage:	941 sq. ft.	
Mechanical:	336 sq. ft.	
Total:	8,880 sq. ft.	
<b>Code Policies (Policy #)</b>		
<b>Land Use District (2A/2R):</b>	LUD:40	
<b>Density (3A/3R):</b>	Unlimited	Proposed: 7,603 sq. ft.
<b>Mass (4R):</b>	additional twenty percent (20%) of aboveground floor area	Proposed: 8,880 sq. ft.
<b>F.A.R.</b>	1:2.79 FAR	
<b>No. of Main Residence Bedrooms:</b>	6 bedrooms	
<b>No. of Main Residence Bathrooms:</b>	6.0 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>Site Design (7R):</b>	The retaining wall along the west side of the home exceeds 4' in height. Staff finds that the proposed retaining wall will cause less site grading than an alternate design of multiple tiered retaining walls.	
<b>Platted Building/Disturbance /Footprint Envelope?</b>	Disturbance Envelope	
<b>Lot Coverage/Open Space (21R):</b>		
Drip line of Building/Non-Permeable Sq. Ft.:	5,406 sq. ft.	21.82%
Hard Surface/Non-Permeable Sq. Ft.:	1,896 sq. ft.	7.66%
Open Space / Permeable:	17,468 sq. ft.	70.52%
<b>Snow Storage (13A/13R):</b>		
Required Square Footage:	474 sq. ft.	25% of areas to be cleared of snow
Proposed Square Footage:	688 sq. ft.	(36.30% of areas to be cleared of snow)
<b>Energy Conservation (33A/33R):</b>	No heated outdoor areas proposed.	
	The applicant proposes one (1) water feature powered by a conventional energy source utilizing less than 4,000 watts and less than 5 horsepower. Staff has assigned negative one (-1) point for this water feature.	
<b>Parking (18A/18/R):</b>		
Required:	5 spaces	



Proposed:	6 spaces	
<b>Fireplaces (30A/30R):</b>		
Number of Gas Fired:	4 Gas Fired	
No. of EPA Phase II Wood Burning:	0 Wood Burning	
<b>Architectural Compatibility (5/A &amp; 5/R):</b>	A majority of the construction of this home is proposed to be prefabricated sections that will be assembled on site. The architecture is proposed to be Swiss chalet style, with broad gables, heavy beams, exposed rafter ends, and covered porches.	
Exterior Materials:	roofing: Norwegian slate stone (color: grey) gutter: wood, copper cover, black metal downspouts: copper roof snow fence: wood chimney: limestone siding: horizontal and vertical irregular width boards, limestone deck railings: wood, black rope, non-reflective glass column bases: boulders	
<b>Landscaping (22A/22R):</b>	Staff has awarded positive four (+4) points for a landscaping plan that provides some public benefit, finding that the combination of the existing and proposed landscaping is sufficient to effectively enhance the natural aesthetic of the property and to provide screening/buffering between the proposed development, the adjacent lots, and the Timber Trail Road right of way. The applicant has provided a water conservation checklist on the Landscape Plan that indicates three (3) water conservation measures to be utilized.  This is the first application to receive positive four (+4) points under Policy 22 (Relative) Landscaping since it was amended via Ordinance 1, Series 2019. Because this Policy requires "largest sizes possible for their species", a Condition of Approval has been added that prior to issuance of a Building Permit, the final plans shall specify a minimum of four (4) of the proposed evergreen trees to be a minimum of 14' in height.	
<b>Planting Type</b>	<b>Quantity</b>	<b>Size</b>
Quaking Aspen	30	3" caliper (50% multi-stem)
Colorado Spruce	13	(6) 10' tall, (7) 12' tall
native shrubs	67	5 Gallon
<b>Defensible Space (22A):</b>	Complies	
<b>Drainage (27A/27R):</b>	Positive drainage away from building	
<b>Driveway Slope:</b>	8.00%	
<b>Point Analysis (Sec. 9-1-17-3):</b>	This application has met all Absolute Policies. This application has been assigned points as follows: Positive four (+4) points under Policy 22/R for a proposal that provides an above average landscaping plan and includes a water conservation checklist. Negative one (-1) point under Policy 33/R, for one (1) water feature powered by a conventional energy source utilizing less than 4,000 watts and less than 5 horsepower.  TOTAL: PASSING score of positive three (+3) points.	
<b>Staff Action:</b>	Staff has approved the Chalissima Chalet Single Family Residence, PL-2019-0194, showing a passing score of positive three (+3) points, with the attached Findings and Conditions.	
<b>Additional Conditions of Approval:</b>	<u>Conditions</u> 9. An improvement location certificate of the height of the top of the foundation wall, height of 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.  <u>Prior to issuance of Building Permit:</u> 15. Applicant shall provide plans stamped by a registered professional engineer licensed in the State of Colorado to the Town Engineer for all retaining walls over four feet in height.  16. The final plans shall specify a minimum of four (4) of the proposed evergreen trees to be a minimum of 14' in height.  <u>Prior to issuance of Certificate of Occupancy:</u> 28. 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.	

<b>Class C Single Family Development Point Analysis</b>				
Project:	Chalissima Chalet Single Family Residence	<b>Positive</b>	<b>Points</b>	<b>+4</b>
PC#:	PL-2019-0194			
Date:	8/2/2019	<b>Negative</b>	<b>Points</b>	<b>- 1</b>
Staff:	Chapin LaChance, AICP, Planner II			
		<b>Total</b>	<b>Allocation:</b>	<b>+3</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>
<b>1/A</b>	<b>Codes, Correlative Documents &amp; Plat Notes</b>	Complies		
<b>2/A</b>	<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)		
<b>3/A</b>	<b>Density/Intensity</b>	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)		
<b>5/A</b>	<b>Architectural Compatibility</b>	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
<b>6/A</b>	<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/Multi-family 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)		
<b>8/A</b>	<b>Ridgeline and Hillside Development</b>	Complies		
<b>9/A</b>	<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)		
<b>12/A</b>	<b>Signs</b>	Complies		
<b>13/A</b>	<b>Snow Removal/Storage</b>	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
<b>14/A</b>	<b>Storage</b>	Complies		
14/R	Storage	2x(-2/0)		
<b>15/A</b>	<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)		
<b>16/A</b>	<b>Internal Circulation</b>	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
<b>17/A</b>	<b>External Circulation</b>	Complies		
<b>18/A</b>	<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)	+4	<p>Staff has awarded positive four (+4) points for a landscaping plan that provides some public benefit, finding that the combination of the existing and proposed landscaping is sufficient to effectively enhance the natural aesthetic of the property and to provide screening/buffering between the proposed development, the adjacent lots, and the Timber Trail Road right of way. The applicant has provided a water conservation checklist on the Landscape Plan that indicates three (3) water conservation measures to be utilized. Because this Policy requires "largest sizes possible for their species", a Condition of Approval has been added that prior to issuance of a Building Permit, the final plans shall specify a minimum of four (4) of the proposed evergreen trees to be a minimum of 14' in height.</p> <p>Aspen: 30 @ 3" caliper  Spruce: 13 @ 10-12' tall  Shrubs: 167 @ 5 gallon</p>
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 - Primary Structures - Historic Preservation/Restoration - Benefit	+1/3/6/9/12		
24/R	Social Community - Secondary Structures - Historic Preservation/Restoration - Benefit	+1/2/3		
24/R	Social Community - Moving Primary Structures	-3/10/15		
24/R	Social Community - Moving Secondary Structures	-3/10/15		
24/R	Social Community - Changing Orientation Primary Structures	-10		
24/R	Social Community - Changing Orientation Secondary Structures	-2		
24/R	Social Community - Returning Structures To Their Historic Location	+2 or +5		
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	Outdoor Water Feature	1X(-1/0)	- 1	The applicant proposes one (1) water feature powered by a conventional energy source utilizing less than 4,000 watts and less than 5 horsepower. Staff has assigned negative one (-1) point for this water feature.
	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	Special Areas - Community Entrance	4x(-2/0)		
37/R	Special Areas - Individual Sites	3x(-2/+2)		
37/R	Special Areas - Blue River	2x(0/+2)		
37R	Special Areas - Cucumber Gulch/Setbacks	2x(0/+2)		
37R	Special Areas - Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
38/A	<b>Home Occupation</b>	Complies		
38.5/A	<b>Home Childcare Businesses</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		
50/A	<b>Wireless Communications Facilities</b>	Complies		

## TOWN OF BRECKENRIDGE

Chalissima Chalet Single Family Residence  
Lot 5, Timber Trail Subdivision  
256 Timber Trail  
PL-2019-0194

**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 **July 30, 2019** 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 **August 6, 2019** 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 **February 13, 2021**, 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, height of 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 the State of Colorado to the Town Engineer for all retaining walls over four feet in height.**
16. **The final plans shall specify a minimum of four (4) of the proposed evergreen trees to be a minimum of 14' in height.**
17. 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.
18. 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.
19. 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.
20. 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.
21. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of **chain link construction fencing at the Disturbance Envelope**, 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.

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, including lighting in the building's soffit, shall not exceed 15 feet in height from finished grade, 7 feet above upper decks, or 10 feet in height in a ceiling over upper deck (1 foot of additional height allowed for every 5 feet light fixture is from eave overhang).
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 revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
25. 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.
26. Applicant shall remove all vegetation and combustible material from under all eaves and decks.
27. Applicant shall create defensible space around all structures as required in Policy 22 (Absolute) Landscaping.
28. **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.**
29. 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.
30. Applicant shall screen all utilities.
31. 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, including lighting in the building's soffit, shall not exceed 15 feet in height from finished grade, 7 feet above upper decks, or 10 feet in height in a ceiling over upper deck (1 foot of additional height allowed for every 5 feet light fixture is from eave overhang).
32. 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.
33. 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.

34. 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.**
35. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
36. 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)





Lot 5 | Timber Trail Subdivision | Filing 1 | Breckenridge | Colorado



ALLEN-GUERRA ARCHITECTURE  
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Lot 5 | Timber Trail Subdivision | Filing 1 |  
 Breckenridge | Colorado  
 256 Timber Trail Road

Project

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Plot date 24.06.2019  
 Wrote by SC  
 Checked by BV

A1



Lot 5 | Timber Trail Subdivision | Filing 1 | Breckenridge | Colorado



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Lot 5 | Timber Trail Subdivision | Filing 1 |  
 Breckenridge | Colorado  
 256 Timber Trail Road

Exterior views

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Plot date 24.06.2019 SC  
 Wrote by BV  
 Checked by

A1.1



Lot 5 | Timber Trail Subdivision | Filing 1 | Breckenridge | Colorado



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 Breckenridge | Colorado  
 256 Timber Trail Road

Roof top

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Plot date 24.06.2019 SC  
 Wrote by BV  
 Checked by

A1.2



GRADING & DRAINAGE LEGEND

SYMBOL	DESCRIPTION
	EXISTING CONTOUR
	LIMITS OF DISTURBANCE
	PROPOSED CONTOUR
	6" BLACK PVC DRAIN INLET
	PROPOSED FINISHED ELEVATION FINISHED GRADE
	PROPOSED TOP OF HALL ELEVATION
	PROPOSED BOTTOM OF HALL ELEVATION

SITE COVERAGE TABLE

Total Lot Area	24,170 ± ft. (0.560 acres)
Site Coverage - Building	-5,406 ± ft.
Proposed Driveway	-2,026 ± ft.
Proposed Hardscape Area	-1,671 ± ft.
	<b>= 9,103 ± ft. TOTAL LANDSCAPE AREA PROVIDED</b>
	<b>= 15,952 ± ft. TOTAL OPEN SPACE AREA PROPOSED</b>
Total Open Space Area	15,952 ± ft. (66% of Lot Area)
Total Snow Storage Space Provided	688 ± ft. (2% of Proposed Driveway)

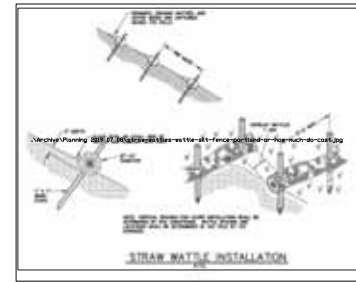
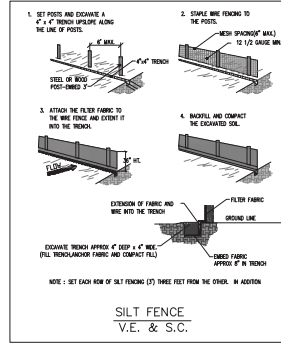


Lot 5 - Timber Trail Subdivision - Filing 1 - Breckenridge, Colorado  
256 Timber Trail Road

20 May 2019
10 June 2019
25 June 2019
8 August 2019

Title: SITE PLAN

Scale: 1/8" = 1'-0"  
Sheet: L1  
© Ceres Plus, LLC, 2019

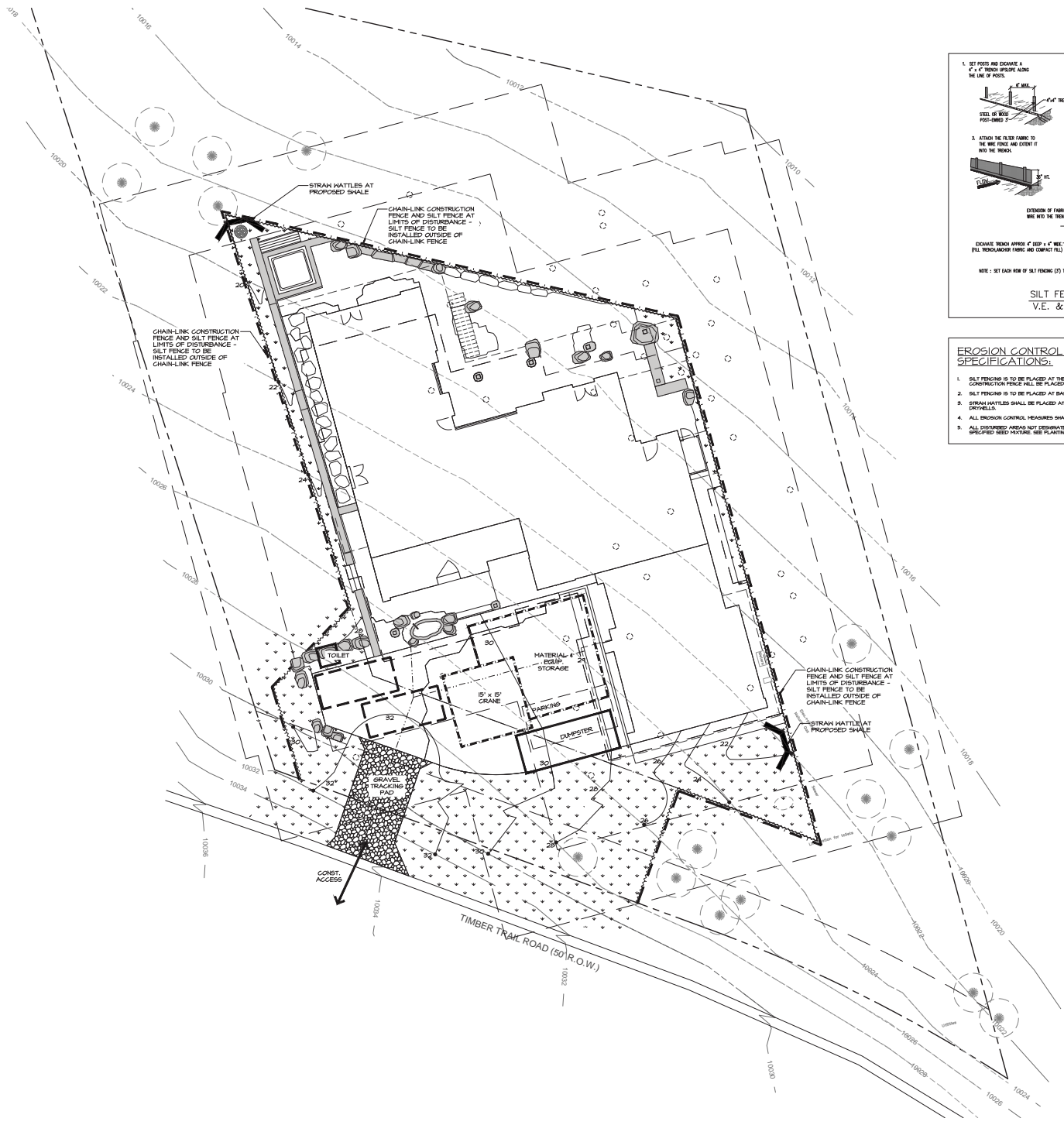


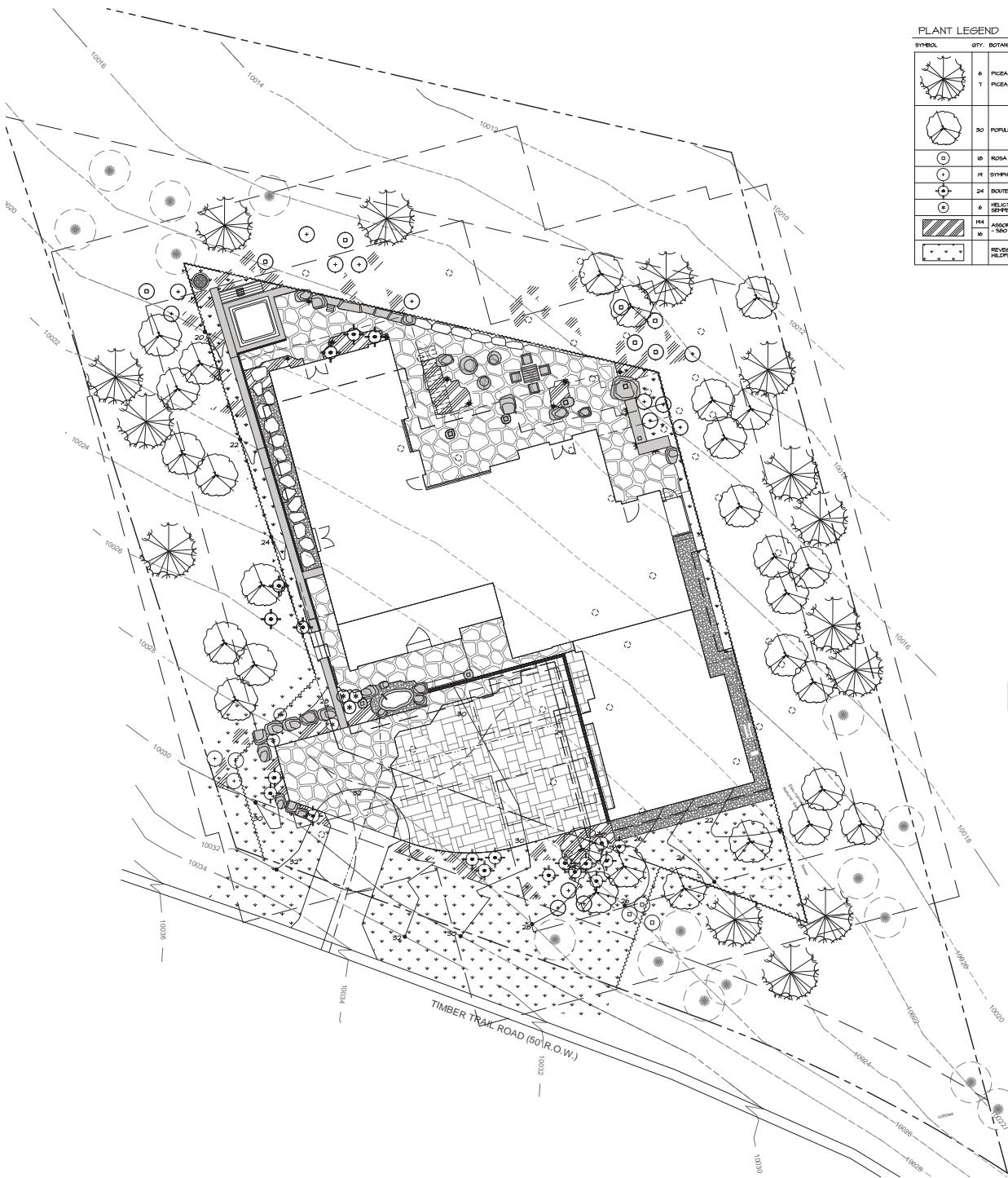
**EROSION CONTROL & SITE PROTECTION NOTES & SPECIFICATIONS:**

- SILT FENCING IS TO BE PLACED AT THE LIMIT OF DISTURBANCE AN NECESSARY TO PREVENT EROSION AND SEDIMENTATION. A CONSTRUCTION FENCE WILL BE PLACED AT THE LIMIT OF DISTURBANCE WHERE THE SILT FENCE IS NOT USED.
- SILT FENCING IS TO BE PLACED AT BASES OF FILL AND SOIL STOCKPILES TO PREVENT EROSION AND SEDIMENTATION.
- STRAW MATS SHALL BE PLACED AT ALL EXISTING AND PROPOSED DRAINAGE SWALES, PROPOSED DRAIN INLETS AND DITCHES.
- ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED IN PLACE UNTIL CONSTRUCTION IS COMPLETED.
- ALL DISTURBED AREAS NOT DESIGNATED AS GRASS SEEDS OR PERENNIAL SEEDS SHALL BE REVEGETATED WITH THE SPECIFIED SEED MIXTURE. SEE PLANTING NOTES & PLANTING PLAN FOR MORE INFORMATION.

**GRAPHIC LEGEND**

SYMBOL	DESCRIPTION
	SILT FENCE AT DOWNHILL LIMITS OF DISTURBANCE
	CONSTRUCTION FENCE
	LIMITS OF DISTURBANCE
	APPROXIMATE MAT LOCATION





**PLANT LEGEND**

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE	WATER USAGE
	6	PICEA PARVENS	COLORADO SPRUCE	10' HT.	MEDIUM
	11	PICEA PARVENS	COLORADO SPRUCE	12' HT.	
	30	POPULUS TREHAEODES	QUAKING ASPEN	3" CALIBER	MEDIUM
	10	ROSA HOODSI	NATIVE ROSE	5 GAL.	LOW
	14	SYRINGOCARPUS GRONELIUS	MOUNTAIN SIKKIMERY	5 GAL.	LOW
	24	BOUTELOUA GRACILIS	BLUE GRAMA GRASS	5 GAL.	VERY LOW
	6	HELICTOTRICHON DEPERVIRENS	BLUE AVEENA GRASS	5 GAL.	LOW
	14	ASSORTED GRASS COVERS AND PERENNIAL FLOWERS 1/2 SQ. OF TOTAL		1 GAL.	LOW
		REVEGETATE ALL DISTURBED AREAS WITH NATIVE GRASS & HELIOPHYLLUM SEED MIX			LOW

**GRAPHIC LEGEND**

SYMBOL	DESCRIPTION
	EXISTING SPRUCE, PINE OR FIR TREE TO BE PRESERVED. SEE SCHEDULE FOR SIZES.
	EXISTING TREE TO BE REMOVED. SEE SURVEY FOR SIZES.
	EXISTING CONTOUR
	LIMITS OF DISTURBANCE
	PROPOSED CONTOUR
	6" BLACK PVC DRAIN INLET

**LIGHTING LEGEND**

SYMBOL	QTY	DESCRIPTION	MANUFACTURER	MODEL
	3	LM LED WALL LIGHT	FX LITHAIRE	LM-30-L4
	4	ATLANTIS PATH LIGHT	HERLEY LIGHTING	ATLANTIS - 22' LED

**LM Spec Chart**

Number of LEDs: 2

Number of LED Chips: 2

Power Consumption: 2.0W

Power Output: 1.5W @ 1.2V

LM Dimensions

**PLANTING NOTES & SPECIFICATIONS:**

- THE PLANTING PLAN IS EXPLANATORY. ALL PLANT LOCATIONS ARE APPROXIMATE. QUANTITIES SHOWN ON THE PLANTING LEGEND ARE APPROXIMATE AND ARE NOT TO BE CONSIDERED AS A CONTRACT DOCUMENT. THE CONTRACTOR SHALL VERIFY THE PRESENCE OR NON-PRESENCE OF PLANT SPECIES SPECIFIED WITHIN THE LEGEND.
- CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT OF THE DISCREPANCIES BETWEEN QUANTITIES AND SYMBOLS SHOWN.
- PLANTS SHALL EXHIBIT HEALTHY GROWTH AND BE FREE OF DISEASES & PESTS.
- ALL CONTAINERIZED PLANTS NEED TO BE TO BE OF CONTAINER & HOLD ROOT BALL TOGETHER.
- PRIOR TO PLANTING, THE IRRIGATION SYSTEM SHALL BE FULLY OPERATIONAL.
- ALL PLANT MATERIALS SHALL BE BACKFILLED WITH A MINIMUM DRAINAGE OF 20 PERCENT OF THE PLANTS TOTAL ROOT BALL OR CONTAINER VOLUME.
- CONTAINERIZED PLANTS SHALL BE BACKFILLED WITH A 50:50 RATIO OF TOPSOIL & GOLFPOST TO A DEPTH OF 2".
- ALL TREES SHALL HAVE THE ROOT CROWN PLANTED 2" ABOVE THE SURFACE FINISHED GRADE. ALL SHRUBS SHALL HAVE THE ROOT CROWN PLANTED 1" ABOVE THE FINISHED GRADE.
- ALL TREES SHALL HAVE ALL THEES OR OTHER BRANCHED MATERIALS REMOVED AROUND CROWN OF BRANCH. ALL TREES SHALL BE TRIMMED TO REMOVE BRANCHED MATERIALS FROM THE TRUNK. THE TRUNK SHALL BE TRIMMED TO REMOVE BRANCHED MATERIALS FROM THE TRUNK. THE TRUNK SHALL BE TRIMMED TO REMOVE BRANCHED MATERIALS FROM THE TRUNK.
- ALL SHRUBS SHALL HAVE ALL THEES OR OTHER BRANCHED MATERIALS REMOVED AROUND CROWN OF BRANCH. ALL SHRUBS SHALL BE TRIMMED TO REMOVE BRANCHED MATERIALS FROM THE TRUNK. THE TRUNK SHALL BE TRIMMED TO REMOVE BRANCHED MATERIALS FROM THE TRUNK.
- EVERGREEN TREES IN 14" HEIGHT AND ALL DECIDUOUS TREES ARE TO BE PLANTED WITH A 3" POLE TEST. 1" STATED AND 1" STATED. ALL TREES SHALL BE PLANTED WITH A 3" POLE TEST. 1" STATED AND 1" STATED. ALL TREES SHALL BE PLANTED WITH A 3" POLE TEST. 1" STATED AND 1" STATED.
- ALL SHRUBS AND DECIDUOUS TREES SHALL BE PROVIDED WITH AN ANTI-TRANSPIRANT SPRAY. SHRUBS ARE TO BE PROVIDED WITH AN ANTI-TRANSPIRANT SPRAY. SHRUBS ARE TO BE PROVIDED WITH AN ANTI-TRANSPIRANT SPRAY.
- ALL SHRUBS AND DECIDUOUS TREES SHALL BE PROVIDED WITH AN ANTI-TRANSPIRANT SPRAY. SHRUBS ARE TO BE PROVIDED WITH AN ANTI-TRANSPIRANT SPRAY. SHRUBS ARE TO BE PROVIDED WITH AN ANTI-TRANSPIRANT SPRAY.
- ALL PLANTING SHALL BE COMPLETED DURING THE NORMAL GROWING SEASON. NO PLANTING SHALL OCCUR DURING THE WINTER SEASON.
- LANDSCAPE CONTRACTOR SHALL VERIFY ALL PLANTING MATERIALS AND METHODS. TO BE THE BEST AVAILABLE. ALL PLANTING MATERIALS SHALL BE PROVIDED WITH A 3" POLE TEST. 1" STATED AND 1" STATED. ALL PLANTING MATERIALS SHALL BE PROVIDED WITH A 3" POLE TEST. 1" STATED AND 1" STATED.
- PERMANENCE OF PLANTING SHALL BE VERIFIED BY THE CONTRACTOR. THE CONTRACTOR SHALL VERIFY THE PERMANENCE OF PLANTING. THE CONTRACTOR SHALL VERIFY THE PERMANENCE OF PLANTING.

**IRRIGATION NOTES & SPECIFICATIONS:**

- ADJACENT EXISTING IRRIGATION SHALL BE PROVIDED AT ALL NEW TREES AND SHRUBS. ADDITIONAL POP-UP SPRAY HEADS SHALL BE PROVIDED AT PERENNIAL PLANTS.
- TEMPORARY ABOVE GROUND IRRIGATION SYSTEM SHALL BE INSTALLED PRIOR TO PLANTING. ABOVE GROUND IRRIGATION SHALL BE PROVIDED AT ALL OTHER DISTURBED AREAS THAT ARE TO BE REVEGETATED AND SHALL BE PROVIDED BY THE LANDSCAPE CONTRACTOR. TEMPORARY ABOVE GROUND IRRIGATION SHALL BE PROVIDED AT ALL OTHER DISTURBED AREAS THAT ARE TO BE REVEGETATED AND SHALL BE PROVIDED BY THE LANDSCAPE CONTRACTOR.
- PLANT SIZES AND DEPTHS FROM TYPING BEFORE INSTALLING SPRINKLERS AND OTHER DEVICES.
- A LEAK DETECTION SYSTEM SHALL BE PROVIDED FOR ALL IRRIGATION SYSTEMS. THE SYSTEM SHALL BE PROVIDED FOR ALL IRRIGATION SYSTEMS. THE SYSTEM SHALL BE PROVIDED FOR ALL IRRIGATION SYSTEMS.
- PROVIDE 4" PVC RECEIVING BELLS AND ADJACENT PLANTING AREAS.
- LAYOUT OF IRRIGATION & CORRESPONDING SOD SHALL BE FIELD ADJUSTED TO AVOID INTERFERENCE BY ROAD & PLANTING.
- SHALL BE TO BE BASED ON 2" MINIMUM FINISHED GRADE. LATERAL PIPES SHALL BE BURIED 6" MINIMUM FINISHED GRADE. LATERAL PIPES SHALL BE BURIED 6" MINIMUM FINISHED GRADE. LATERAL PIPES SHALL BE BURIED 6" MINIMUM FINISHED GRADE.
- REPAIR ALL EXISTING IRRIGATION LINES PER MANUFACTURER SPECIFICATIONS.
- VALUE AND LOCATIONS ARE TO BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- CONTRACTOR IS TO PROVIDE OWNER WITH AS-BUILT IRRIGATION PLANS THAT INCLUDE APPROPRIATE HEADLINE ROUTING AND VALVE SCHEDULES.
- THE FOLLOWING IRRIGATION TESTS AND INSPECTIONS SHALL BE COMPLETED BY THE CONTRACTOR:
  1. LEAK TEST: AFTER INSTALLATION, OPERATE SYSTEM AND TEST EACH IRRIGATION HEAD AND TEST EACH IRRIGATION HEAD.
  2. OPERATIONAL TEST: AFTER ELECTRICAL CIRCUITRY HAS BEEN ENERGIZED, OPERATE CONTROLLERS AND AUTOMATICALLY TEST AND ADJUST CONTROLS AND SUPPLIES. REPLACE DAMAGED AND MALFUNCTIONING CONTROLS AND SUPPLIES.
  3. CONTROLLER IS TO PROVIDE SCHEDULE AND AS-BUILT IRRIGATION PLAN FOR THE FIRST GRADE IF IT IS INSTALLED.
- EXISTING OR IRRIGATION AT DISTURBED AREAS IS TO COVER LIMITS OF DISTURBANCE. VERIFY LIMITS OF DISTURBANCE ON SITE AND ADJUST ACCORDINGLY. NOTIFY LANDSCAPE ARCHITECT IF ADDITIONAL IRRIGATION IS REQUIRED.

**WATER CONSERVATION CHECKLIST:**

- IRRIGATION SYSTEM SHALL INCLUDE WATER RATE SENSORS.
- IRRIGATION SYSTEM SHALL INCLUDE RAIN WATER SENSORS.
- ALL DISTURBED AREAS TO BE REVEGETATED WITH FOLLOWING WATER CONSERVATION APPROVED: PAVEMENT BITTERS SEEKS LOW GROW NATIVE SEED MIX AT A RATE OF 5 LB. PER 1000 SQ. FT.

**Cut Sheet Preview**

Atlanta Path Light

Product Options

Details

Dimensions

Lighting

All-Included Details

Product ID: w3034449



Lot 5 - Timber Trail Subdivision - Filing 1 - Breckenridge, Colorado  
256 Timber Trail Road

- 17 May 2019
- 10 June 2019
- 25 June 2019
- 8 August 2019

TITLE: PLANTING PLAN



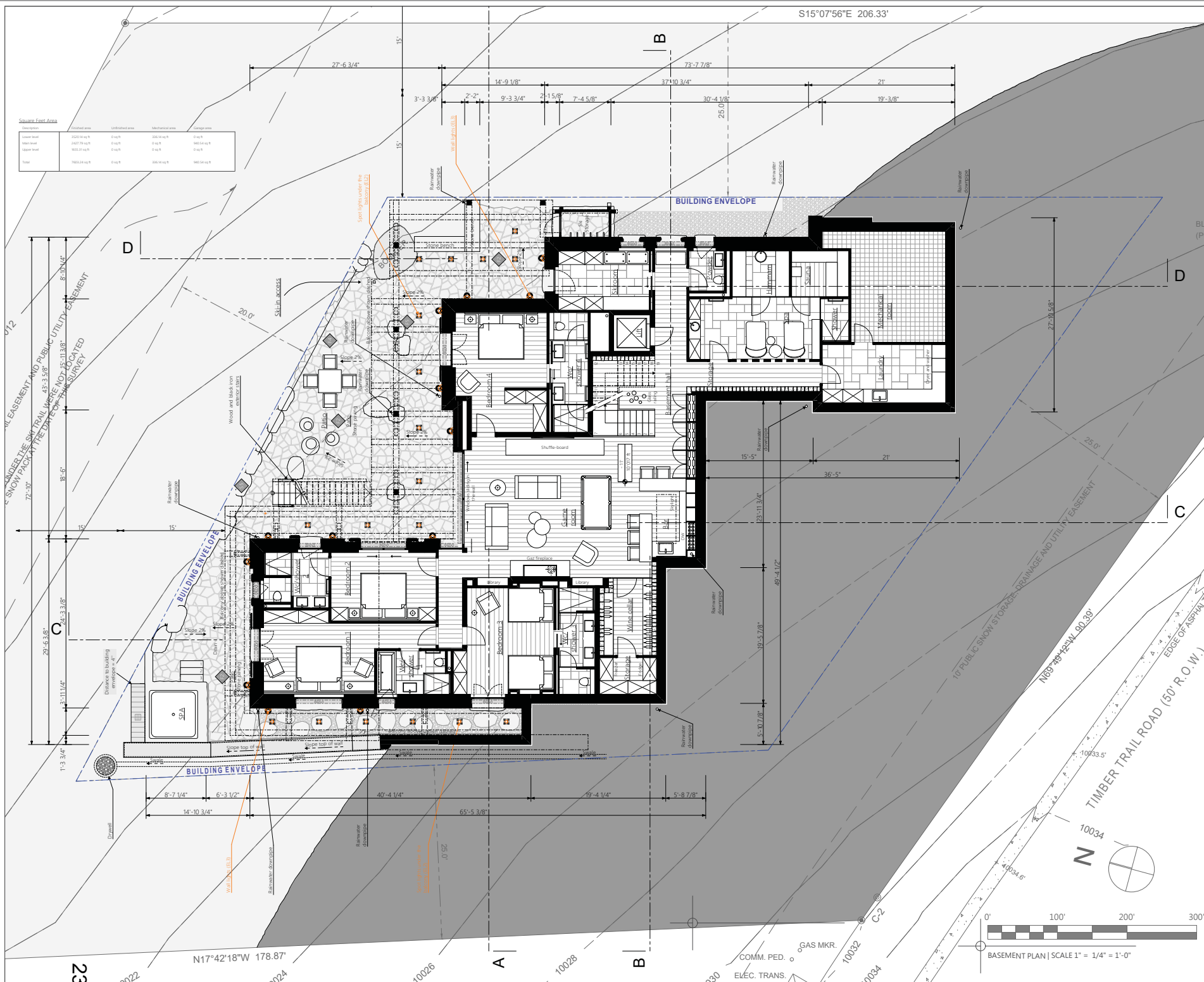
Scale: 1/8" = 1'-0"

Sheet: L3

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**Source Foot Area**

Description	Footprint area	Unfinished area	Mechanical area	Garage area
Lower level	1020.00 sq. ft.	0.00 sq. ft.	108.00 sq. ft.	0.00 sq. ft.
Main level	2027.25 sq. ft.	0.00 sq. ft.	0.00 sq. ft.	1042.00 sq. ft.
Upper level	1602.00 sq. ft.	0.00 sq. ft.	0.00 sq. ft.	0.00 sq. ft.
<b>Total</b>	<b>3649.25 sq. ft.</b>	<b>0.00 sq. ft.</b>	<b>108.00 sq. ft.</b>	<b>1042.00 sq. ft.</b>




1425 1/2 14th Street, Suite 100  
 Boulder, CO 80502  
 Phone: 303.440.1234  
 Fax: 303.440.1235  
 Email: alexander@alexander.com

---

PRELIMINARY - NOT FOR CONSTRUCTION

Lot 5 | Timber Trail Subdivision | Filing 1 | Beckermidge | Colorado  
 256 Timber Trail Road  
 Floor Plan | Basement  
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Rev.	Date	Description
1	07/23/19	Initial Design
2	07/23/19	Final Design
3	07/23/19	Final Design
4	07/23/19	Final Design
5	07/23/19	Final Design
6	07/23/19	Final Design
7	07/23/19	Final Design
8	07/23/19	Final Design
9	07/23/19	Final Design
10	07/23/19	Final Design

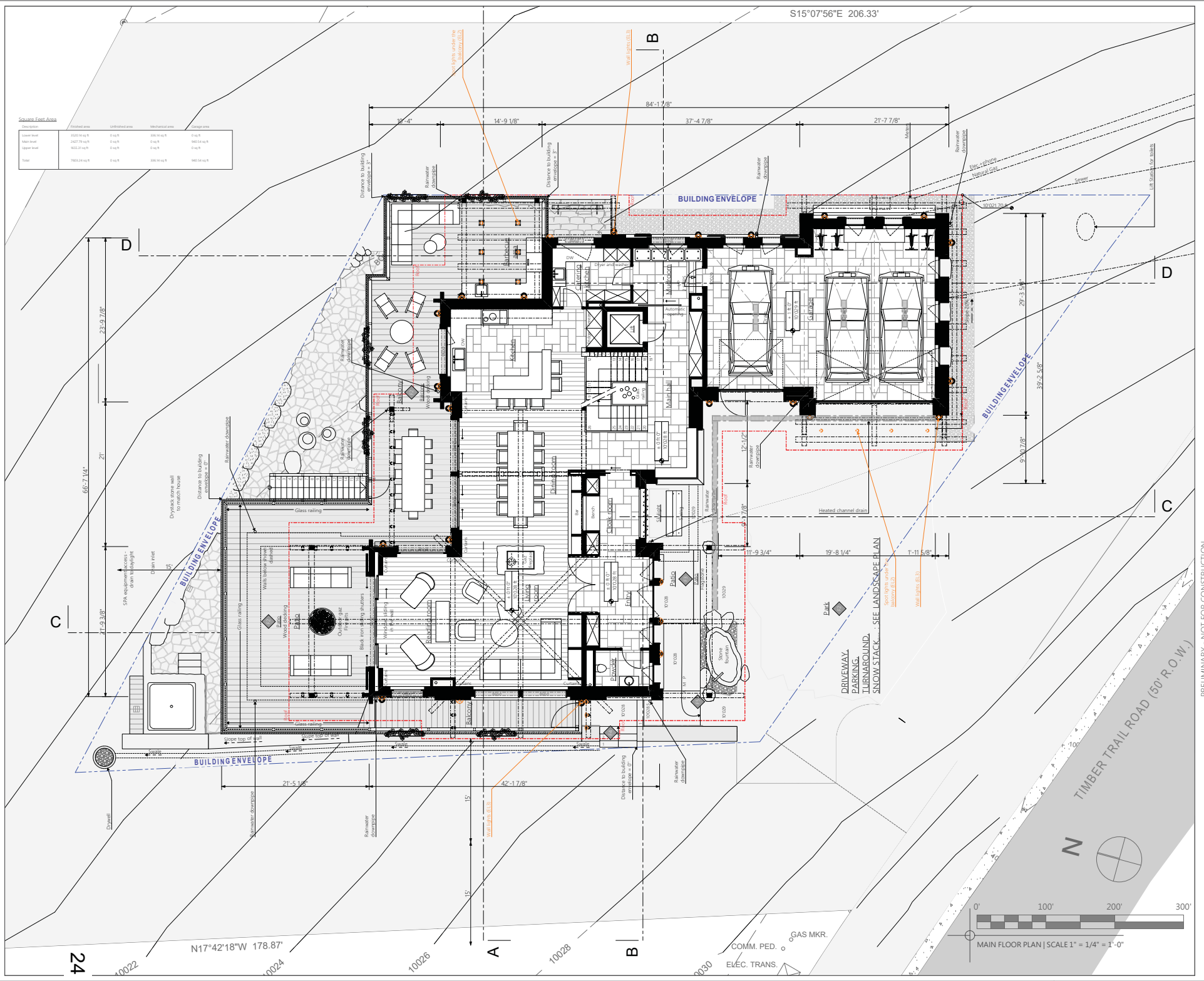
Plot date: 07/23/19  
 Drawn by: JC  
 Checked by: BV

25.07.2019  
 Date  
 07/23/19  
 Preliminary  
 07/23/19  
 Preliminary  
 07/23/19  
 Preliminary  
 07/23/19  
 Preliminary  
 07/23/19  
 Preliminary  
 07/23/19  
 Preliminary  
 07/23/19  
 Preliminary  
 07/23/19  
 Preliminary

**A2.3**

S15°07'56"E 206.33'

Source	Footprint area	Unfinished area	Mechanical area	Garage area
Lower level	1020.04 sq. ft.	0.00 sq. ft.	886.04 sq. ft.	0.00 sq. ft.
Upper level	2027.29 sq. ft.	0.00 sq. ft.	0.00 sq. ft.	982.00 sq. ft.
Water area	902.00 sq. ft.	0.00 sq. ft.	0.00 sq. ft.	0.00 sq. ft.
Total	3949.33 sq. ft.	0.00 sq. ft.	886.04 sq. ft.	982.00 sq. ft.



Source	Footprint area	Unfinished area	Mechanical area	Garage area
Lower level	1020.04 sq. ft.	0.00 sq. ft.	886.04 sq. ft.	0.00 sq. ft.
Upper level	2027.29 sq. ft.	0.00 sq. ft.	0.00 sq. ft.	982.00 sq. ft.
Water area	902.00 sq. ft.	0.00 sq. ft.	0.00 sq. ft.	0.00 sq. ft.
Total	3949.33 sq. ft.	0.00 sq. ft.	886.04 sq. ft.	982.00 sq. ft.

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 www.chalissimarealestate.com

PRELIMINARY - NOT FOR CONSTRUCTION

Lot 5 | Timber Trail Subdivision | Filing 1 | Beckenridge | Colorado  
 256 Timber Trail Road  
 Floor Plan | Main  
 Project: 2019010001 | Date: 01/20/2019

Date	By	Check by
01/20/2019	AC	AC
02/20/2019	AC	AC
03/20/2019	AC	AC
04/20/2019	AC	AC
05/20/2019	AC	AC
06/20/2019	AC	AC
07/20/2019	AC	AC
08/20/2019	AC	AC
09/20/2019	AC	AC
10/20/2019	AC	AC
11/20/2019	AC	AC
12/20/2019	AC	AC



S15°07'56"E 206.33'

Source Foot Area

Description	Footprint area	Unfinished area	Mechanical area	Garage area
Upper level	1020.04 sq. ft.	91.46 sq. ft.	336.16 sq. ft.	0 sq. ft.
Lower level	2027.29 sq. ft.	91.46 sq. ft.	91.46 sq. ft.	562.04 sq. ft.
Upper level	1020.04 sq. ft.	91.46 sq. ft.	336.16 sq. ft.	0 sq. ft.
Total	3047.33 sq. ft.	182.92 sq. ft.	423.62 sq. ft.	562.04 sq. ft.

UNDER THE SKI TRAIL WERE NOT LOCATED  
SNOW PACK AT THE DATE OF THIS SURVEY

1/2  
EASEMENT AND PUBLIC UTILITY EASEMENT

25

10022

N17°42'18"W 178.87'

10024

10026

A

10028

B

10030

COMM. PED. GAS MKR. ELEC. TRANS.

10032

C-2

10034



UPPER FLOOR PLAN | SCALE 1" = 1/4" = 1'-0"



10034

10034

10034

10034

10034

10034

10034

10034

10034

10034

BUILDING ENVELOPE

BUILDING ENVELOPE

BUILDING ENVELOPE

BUILDING ENVELOPE

BUILDING ENVELOPE

BUILDING ENVELOPE

10' PUBLIC SNOW STORAGE DRAINAGE AND UTILITY EASEMENT

N69°49'42"W 90.99'

TIMBER TRAIL ROAD (50' R.O.W.)

EDGE OF ASPHALT

PRELIMINARY - NOT FOR CONSTRUCTION

Lot 5 | Timber Trail Subdivision | Fring | Beckendidge | Colorado  
 256 Timber Trail Road  
 Floor Plan | Upper  
 (c) 2019 CHALISSIMA ARCHITECTURE, P.C.

Date	By	Checked by
01/24/19	IC	IC
02/01/19	IC	IC
02/05/19	IC	IC
02/06/19	IC	IC
02/08/19	IC	IC
02/12/19	IC	IC
02/22/19	IC	IC

A2.5

Scale: 1/4" = 1'-0"

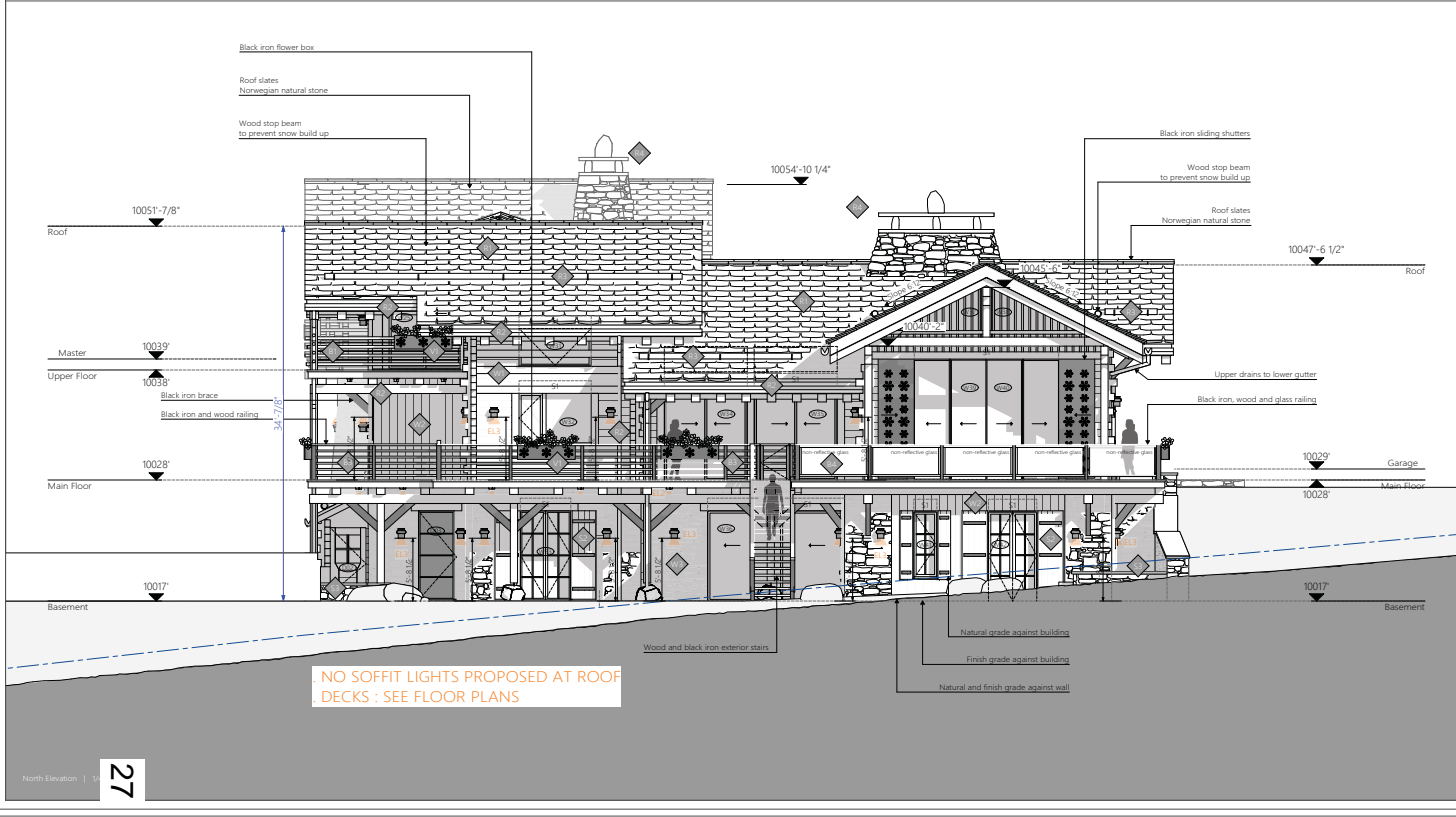
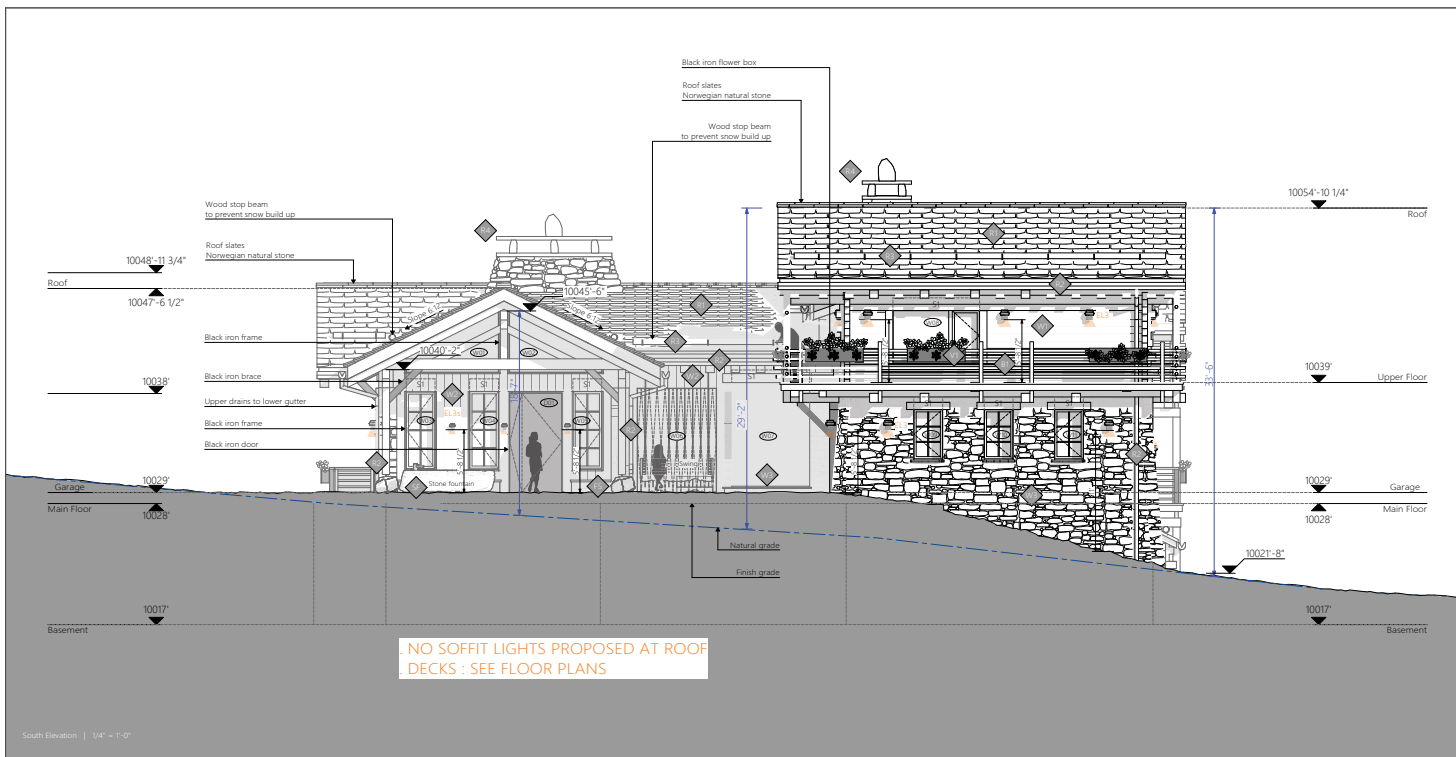
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Project: 2019-001  
Client: [Redacted]  
Architect: [Redacted]  
Interior Designer: [Redacted]  
Landscape Architect: [Redacted]

Scale: 1/8" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION

Lot 5 | Timber Trail Subdivision | Flag | Breckenridge | Colorado  
256 Timber Trail Road  
South and North Elevations  
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Date	By
01/22/19	AC
02/22/19	AC
03/22/19	AC
04/22/19	AC
05/22/19	AC
06/22/19	AC
07/22/19	AC
08/22/19	AC
09/22/19	AC
10/22/19	AC
11/22/19	AC
12/22/19	AC

27

A2.7



Label | Item | Description | Color

R1 Roof slate Norwegian natural stone, Exemple detail from the slate at the top of the ridge



Roof overhang structure Reclaimed wood rafters and beams



R2 Roof rainwater gutter Reclaimed wood covered on the top with copper fixed on the rafter with black metal hooks



Down spout Lower gutter Copper



R3 Wooden snow fence to prevent snow build up Beam in reclaimed wood attached to roof with black metal hooks



R4 Roof chimney stack Drystack kansas limestone



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E-mail: ber@chalissima.com  
Website: www.chalissima.com

Lot 5 | Timber Trail Subdivision | Filing 1 |  
Breckenridge | Colorado  
256 Timber Trail Road

Exterior Roof Materials schedule

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Plot date 24.06.2019 SC  
Wrote by BV  
Checked by

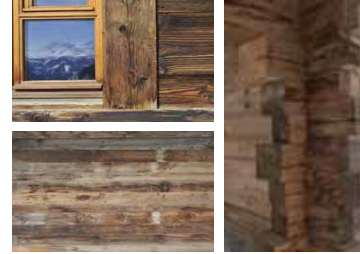
A1.3

Label | Item | Description | Color

W1

Reclaimed wood siding

Reclaimed wood irregular width boards with vertical boards on each side of openings



W2

Reclaimed wood siding

Vertical reclaimed wood irregular width boards



W3

Natural stone wall

Drystack kansas limestone Example detail against reclaimed wood wall and installation built in the wall



B1

Exterior balcony structure

Reclaimed wood See elevations



B2

B3

B4

Balcony railing

(2) wood/black rope and non-reflective glass/black metal design types with example of execution See elevations



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Lot 5 | Timber Trail Subdivision | Filing 1 |  
Breckenridge | Colorado  
256 Timber Trail Road

Exterior Wall and Balcony Materials schedule

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Plot date 24.06.2019 SC  
Wrote by BV  
Checked by

A1.4

Label | Item | Description | Color

F1

Balcony wood decking

2x6 cedar wood boards



F2

Stone paving

Natural grey kansas limestone



F3

Driveway

Asphalt



F4

Exterior stairs

Natural grey kansas limestone



F5

Column base

Kansas grey boulder



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Breckenridge | Colorado  
256 Timber Trail Road

Exterior Floor Materials schedule

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Plot date 24.06.2019 SC  
Wrote by BV  
Checked by

A1.5

Label | Item | Description | Color

S1 Exterior integrated blind

horizontal slats  
Color bronze



S2 Exterior doors and windows shutters

Vertical reclaimed wood  
with side hinges



V1 Flower box

Custom black iron



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Breckenridge | Colorado  
256 Timber Trail Road

Exterior Window and other Materials schedule

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Plot date 24.06.2019 SC  
Write by BV  
Checked by

A1.6



Label | Item | Description | Color

EL2	Spot lights under the balcony, downcast Lamp type : LED	Twilight Dark Sky Friendly outdoor semi-flush by Hubbardton Forge	Coastal burnished steel - 78 or Coastal dark smoke -77
EL3	Wall lights, downcast Lamp type : LED	Twilight large Dark or small (EL3s) Sky Friendly outdoor sconce by Hubbardton Forge	Coastal burnished steel - 78 or Coastal dark smoke -77



78



77



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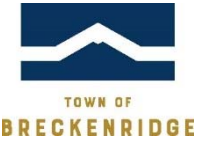
Lot 5 | Timber Trail Subdivision | Filing 1 |  
Breckenridge | Colorado  
256 Timber Trail Road

Exterior light

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Plot date 22.07.2019  
Write by SC  
Checked by BV

A1.7



# Memo

To: Planning Commission  
From: Chris Kulick, AICP, Senior Planner  
Date: July 29, 2019 for meeting of August 6, 2019  
Subject: Worksession: Subdivision Code Update; PL-2019-0293

---

## Background

The Subdivision Code received its last substantial update in 1992 with some minor modifications since then. Staff would like to update the Subdivision code to ensure that it meets current legal requirements and address issues such as disturbance envelope modifications and a number of housekeeping items. The Town Attorney has reviewed the Subdivision Code to ensure it is up to date from a legal standpoint. Also, engineering staff is reviewing it as well, to make sure it meets their requirements for completion and maintenance of improvements, drainage and water quality.

The intent of this work session is to discuss primary issues and gather input from the Planning Commission.

## Suggested Amendments

Below are areas of the Subdivision Code that staff suggests amending.

**Disturbance Envelopes and Modifications to Building and Disturbance Envelopes:** Section 9-2-4-5 requires large single-family lots to have a platted disturbance envelope to protect significant environmental features and to ensure appropriate setbacks from property lines. The subdivision code does not specifically address modifications to existing envelopes, including the shape of envelopes. In the past, the Town has allowed modifications of building and disturbance envelopes at the owner's request when the envelope size did not increase and there is no increased environmental degradation or vegetative loss on the site. Staff has seen an increasing amount requests for envelope modifications for both new homes and additions and believes there is a need to establish regulations for envelope modifications, in addition to revising the standards for all disturbance envelopes.

Staff has proposed some new concepts related to envelopes below in **bold** to address issues we have seen in recent applications. In particular, some recent applications requested the disturbance envelope follow the footprint of the residence. As a result, almost all of the exterior parking was proposed to be located outside of the disturbance envelope.

Existing code is in normal text.

As a starting point, staff suggests the requirements below for envelope modifications:

- **Amended building envelopes shall be changed to disturbance envelopes.**
- **The amended disturbance envelope shall be no larger than the existing envelope.**
- **The amended disturbance envelope shall not be more visible from right of ways and areas of concern or result in more grading or environmental degradation, including tree removal, than what would have occurred with the previous envelope.**
- The amended envelope shall meet the minimum setbacks:
  - (1) Front yard: Twenty five feet (25').
  - (2) Rear yard: Fifteen feet (15').
  - (3) Side yard: Fifteen feet (15'), with combined side yard setbacks on each lot equaling a minimum of fifty feet (50').
- The location of a site disturbance envelope shall also take into consideration: 1) the topography of the lot; 2) wetlands or water bodies on or adjacent to the lot, if any; 3) the vegetation, geology, hydrology, and/or historic resources of the lot; 4) any ridgelines or hillsides on the lot visible from an area of concern; and 5) significant trees which will effectively screen future development when viewed from an area of concern. Particular attention shall be given to trees on the downhill side of a site disturbance envelope.
- **In general, disturbance envelope lines shall be at right angles or radial to curving lines. Disturbance envelopes shall take the form of plain geometric shapes except where topographic conditions require otherwise for an environmentally sensitive design. Disturbance envelopes designed to trace the footprint of a residence or other irregular shapes proposed as a means of maximizing the intensity of a structure shall not be permitted.**
- The following shall occur within a platted site disturbance envelope: 1) all construction activities, including, but not limited to, grading, excavation, soil disruption (tree cutting and/or the removal of native vegetation unless approved by ~~separate review~~ in connection with an approved fire mitigation and/or a forest management plan); and 2) the construction of all permanent improvements, such as buildings, roof overhangs, structures, decks, at grade patios, fences, stairs, window wells, bay windows, **required parking spaces, parking hammerheads** or other similar improvements.

Staff sees these suggested requirements as a good starting point for discussion and welcomes feedback from the Planning Commission.

### **Consistent Language and Definitions**

Through this update staff also seeks to bring to consistency to the language and definitions within the Subdivision Code. During our initial review we noticed inconsistencies in terminology within the Subdivision Code and more noticeably, inconsistency with the language and definitions in Development Code. Staff would like to clean up these inconsistencies and will bring the Commission recommended changes at a future meeting.

## **Planning Commission Discussion**

Staff has included a copy of the existing Subdivision Code in the packet. Please review the existing code and bring any questions and comments you have to our August 6<sup>th</sup> meeting.

Staff's next step will be to take the Planning Commission feedback and prepare draft Code amendments for further Planning Commission input prior to Town Council review. Since we don't anticipate a large volume of amendments with the Subdivision Code, we expect to bring all the amendments back to the Commission for a single review.

## Chapter 2

### SUBDIVISION STANDARDS

#### 9-2-1: GENERAL PROVISIONS:

##### 9-2-1-1: TITLE:

##### 9-2-1-2: PURPOSE:

##### 9-2-1-3: AUTHORITY:

##### 9-2-1-4: JURISDICTION:

##### 9-2-1-5: INTERPRETATION, CONFLICT AND SEPARABILITY:

##### 9-2-1-6: SAVING PROVISION:

##### 9-2-1-7: AMENDMENTS:

##### 9-2-1-8: CONDITIONS:

##### 9-2-1-9: RESUBDIVISION OF LAND:

##### 9-2-1-9-1: VACATION OF LOT LINES:

##### 9-2-1-10: VARIANCES:

##### 9-2-1-10-1: NONCONFORMING LOTS:

##### 9-2-1-11: ENFORCEMENT, VIOLATIONS AND PENALTIES:

##### 9-2-1-12: NOTICE OF PUBLIC HEARINGS AT PLANNING COMMISSION MEETINGS:

##### 9-2-1-13: TIME LIMIT ON AN APPROVED SUBDIVISION DEVELOPMENT PERMIT APPLICATION; VESTED PROPERTY RIGHTS:

##### 9-2-1-14: COMPUTATION OF TIME (REP. BY ORD. 8, SERIES 2003):

##### 9-2-1-15: WAIVER OF REQUIREMENTS:

#### 9-2-2: DEFINITIONS:

##### 9-2-3: PROCESS:

##### 9-2-3-1: CLASS A SUBDIVISION APPLICATION:

##### 9-2-3-2: CLASS B SUBDIVISION APPLICATION:

##### 9-2-3-3: CLASS C SUBDIVISION APPLICATION:

##### 9-2-3-4: CALL UP PROCESS:

##### 9-2-3-5: SUBDIVISION FINAL PLAT APPROVAL AND RECORDATION:

##### 9-2-3-6: ASSURANCE OF COMPLETION AND MAINTENANCE OF IMPROVEMENTS:

**9-2-3-7: SUBDIVIDER REIMBURSEMENT AGREEMENTS:**

**9-2-3-8: EFFECT OF ORDINANCE CHANGE ON PENDING APPLICATIONS:**

**9-2-3-9: RULES AND REGULATIONS:**

**9-2-3-10: APPEAL:**

**9-2-3-11: CORRECTION OF RECORDED SUBDIVISION PLAT:**

**9-2-4: REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN STANDARDS:**

**9-2-4-1: GENERAL REQUIREMENTS:**

**9-2-4-2: DESIGN COMPATIBLE WITH NATURAL FEATURES:**

**9-2-4-3: DRAINAGE, STORM SEWERS AND FLOOD PREVENTION:**

**9-2-4-4: UTILITIES:**

**9-2-4-5: LOT DIMENSIONS, IMPROVEMENTS AND CONFIGURATION:**

**9-2-4-6: BLOCKS:**

**9-2-4-7: PEDESTRIAN AND BICYCLE CIRCULATION SYSTEMS:**

**9-2-4-8: STREET LIGHTING:**

**9-2-4-9: TRAFFIC CONTROL DEVICES AND SIGNS:**

**9-2-4-10: SUBDIVISION AND STREET NAMES:**

**9-2-4-11: EXISTING AND PROPOSED STREETS:**

**9-2-4-12: NONRESIDENTIAL SUBDIVISIONS:**

**9-2-4-13: DEDICATION OF PARK LANDS, OPEN SPACE AND RECREATIONAL SITES OR THE PAYMENT OF FEES IN LIEU THEREOF:**

**9-2-5: APPENDIX A; PLAT CERTIFICATES:**

**9-2-1: GENERAL PROVISIONS:**  

**9-2-1-1: TITLE:**  

This chapter shall be known as the *BRECKENRIDGE SUBDIVISION STANDARDS*. (Ord. 23, Series 1992)

**9-2-1-2: PURPOSE:**  

The purpose of this chapter is to promote and protect the community's public health, safety, and welfare by providing the Town with an efficient and orderly mechanism for:

- A. Regulating the subdivision, platting, and replatting of land and structures within the Town;
- B. Reviewing, approving and recording plats associated with the subdivision of land or structures;
- C. Providing assurances for the completion and maintenance of subdivision improvements;
- D. Assuring that all public improvements are completed or guaranteed to be complete prior to the sale of any lots or parcels;
- E. Approving and accepting fees in lieu of dedications of land for public purposes where provided for by this chapter;
- F. Reviewing, approving, and accepting the location and dedication of land for public uses; (Ord. 23, Series 1992)
- G. Assuring that all subdivisions, plats, and dedications of land are in conformance with the Breckenridge master plan, land use guidelines, handbook of design standards, urban design plan, street standards, storm drainage standards, flood damage prevention regulations, water quality and sediment transport control standards, Breckenridge development code; (Ord. 13, Series 2012)
- H. Ensuring that the community has the ability to provide adequate public services to the property including access, utilities, police and fire protection;
- I. Ensuring that proper public access is provided to all subdivisions;  
and thereby securing for the present and future residents of the town the beneficial effects of the subdivision of land and structures, while protecting the community against actions that would deteriorate the quality of the natural and manmade environment. (Ord. 23, Series 1992)

**9-2-1-3: AUTHORITY:**  

The town council hereby finds, determines, and declares that it has the power to adopt the Breckenridge subdivision standards pursuant to sections 29-20-104, 31-23-213 and 31-23-214, Colorado

Revised Statutes, and the powers granted to home rule municipalities in Colorado by article XX of the Colorado constitution. (Ord. 23, Series 1992)

**9-2-1-4: JURISDICTION:**  

A. This chapter shall apply to all subdivisions of land and structures located within the corporate limits of the town.

B. No land or structure shall be subdivided within the town until the subdivider has:

1. Submitted an application and necessary supporting data to the town.
2. Obtained approval of the subdivision by the town, as provided in this chapter.
3. Recorded the approved plat.

C. No person shall transfer, convey or sell any parcel or unit before a plat of such subdivision has been approved by the town and recorded in accordance with the provisions of this chapter. (Ord. 23, Series 1992)

**9-2-1-5: INTERPRETATION, CONFLICT AND SEPARABILITY:**  

Conflict with public and private provisions:

A. Public Provisions: This chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive or the higher standards shall control.

B. Private Provisions: This chapter is not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this chapter are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this chapter shall govern.

C. Separability: If any part or provision of this chapter or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of the chapter or the application thereof to other persons or circumstances. The town hereby



declares that it would have passed this chapter and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid. (Ord. 23, Series 1992)

**9-2-1-6: SAVING PROVISION:**  

This chapter shall not be construed as:

A. Abating any action now pending under, or by virtue of, prior existing subdivision regulations; or

B. Discontinuing, abating, modifying any penalty accruing or about to accrue under prior existing subdivision regulations; or

C. Affecting the liability of any person under prior existing subdivision regulations; or

D. Waiving any right of the Town under any section or provision existing at the time of adoption of this chapter; or

E. Vacating or annulling any rights obtained by any person except as shall be expressly provided for in this chapter. (Ord. 23, Series 1992)

**9-2-1-7: AMENDMENTS:**  

The Town Council may from time to time amend these subdivision standards in the manner prescribed by the provision of article V of the Breckenridge Town Charter now or hereafter amended. (Ord. 23, Series 1992)

**9-2-1-8: CONDITIONS:**  

The Town Council and Planning Commission have the authority to approve a subdivision plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare, and the subdivider has the duty to comply with all such conditions laid down by the Town for the design, dedication, improvement, and restrictive use of the land so as to ensure the project conforms to the purposes herein, and the Town's comprehensive plan. (Ord. 23, Series 1992)

**9-2-1-9: RESUBDIVISION OF LAND:**  

A. Procedure For Resubdivision: For any proposed "resubdivision" of land as defined by this chapter, a plan shall be reviewed for approval by the Town utilizing the same procedures, rules, and regulations as for a subdivision.

B. Procedures For Subdivision Where Future Development Parcels Exist: Where a parcel of land is subdivided and the subdivision plan indicates that one or more portions of the parcel will not be subdivided into individual building lots, but will be retained for future subdivision and development, the subdivision shall be designed and the remnant parcels located in such a manner that allows for the future extension of streets, trails and utilities.

C. Limitation On Resubdivision: No lot located within a single-family residential subdivision outside of the Conservation District shall be resubdivided if the result would be the creation of more lots than existed prior to the resubdivision. Exception: A resubdivision to create townhomes or condominiums is exempt from this prohibition when done pursuant to an approved subdivision plan.

D. Easements: It shall not be necessary to resubdivide a lot, tract or parcel solely to extinguish or modify the location of a publicly owned easement shown on a subdivision or resubdivision plat. Such easement may be extinguished or modified by an appropriate written agreement approved by the Director and the Town Attorney. (Ord. 41, Series 2006)

**9-2-1-9-1: VACATION OF LOT LINES:**  

Buildings and other improvements that extend across property lines create undesired non-conforming situations respecting setbacks, etc., that should be corrected. Development applications involving properties under a single ownership that contain multiple subdivided lots may be required by the Town to abandon lot lines that are internal to the exterior lot lines of the property ownership, where the lot line abandonment is necessary to address improvements that encroach onto the adjacent property under the same ownership. (Ord. 1, Series 2019)

**9-2-1-10: VARIANCES:**  

A. General: Where the town finds that extraordinary hardships will result from strict compliance with the provisions of this chapter, it may approve variances so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the basic intent and purpose of this chapter, and further provided the town shall not approve variances unless it makes findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance will not be detrimental to the public safety, health, or welfare, or have a significant adverse effect on any adjacent property;

2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the regulations found in this chapter are carried out;
4. The granting of the variance will not in any manner conflict with the general goals, policies and provisions of the town's comprehensive plan or development code;
5. The unique circumstances associated with the property were not created by the applicant or anyone in privity to the applicant; and
6. The variance granted does not depart from the provisions of this chapter more than necessary to alleviate the hardship. (Ord. 23, Series 1992)

**9-2-1-10-1: NONCONFORMING LOTS:**  

A. It is the intent of this chapter to allow for a nonconforming lot to be built upon or used provided that the lot meets the requirements of this section.

B. A nonconforming lot may be built upon or used only if:

1. The nonconforming lot was not created in violation of the town's subdivision regulations which were in effect at the time the lot was created; and
2. A development permit for the proposed development of the lot is obtained pursuant to the development code.

C. If a nonconforming lot is resubdivided, it shall be brought into compliance with the requirements of this chapter to the extent possible.

D. A lot which is created in violation of this chapter, or which was created in violation of earlier town subdivision regulations, shall not be considered to be a nonconforming lot. No such lot shall be built upon or used unless the lot is brought into compliance with the requirements of this chapter. (Ord. 41, Series 2002)

**9-2-1-11: ENFORCEMENT, VIOLATIONS AND PENALTIES:**  

A. General: It shall be the duty of the director to enforce this chapter and to bring to the attention of the town attorney any violation or lack of compliance herewith.

It is an "infraction", as defined in section [1-3-2](#) of this code, for any person to violate any of the provisions of this chapter. Every person found liable for violating any provision of this chapter shall be punished as provided in section [1-4-1-1](#) of this code. (Ord. 16, Series 2000)

B. Additional Remedies: The town council may further institute, in addition to other remedies provided by law, such equitable proceeding, including, but not limited to, injunctions, mandamus, abatement or other appropriate action or proceedings as may be necessary to effect compliance with the provisions of this chapter. In addition to other remedies available to the town, the town may commence an action pursuant to section [1-8-10](#) of this code to enjoin the alleged violation of any provision of this chapter. (Ord. 7, Series 2001)

C. Subdivision In Violation: No building permit shall be issued for the construction of any building or structure located on a lot or parcel which has been subdivided in violation of the provisions of this chapter. (Ord. 23, Series 1992)

D. Injunctive Relief: The town shall have the authority to bring an action in a court of competent jurisdiction for injunctive relief to enforce any plat restriction, plat note, plat map, master plan, or planned unit development agreement, and for damages arising out of failure to adhere to any such plat restriction, plat note, plat map, master plan or planned unit development agreement. (Ord. 24, Series 1994)

**9-2-1-12: NOTICE OF PUBLIC HEARINGS AT PLANNING COMMISSION MEETINGS:**  

A. Preliminary Hearings; Class A And Class B Subdivision Applications: Notice of preliminary hearings for all class A and class B subdivision applications shall consist of the following:

1. A notice containing the following information:

- a. The date, time, and place of the hearing.
- b. A general description of the property (address).
- c. The purpose of the hearing.
- d. Where additional information may be obtained.
- e. A description of the request.

2. Notice shall be provided by the following means: (Ord. 6, Series 1993)

- a. The notice shall be posted on or outside the southerly front door of town hall not less than twenty four (24) hours before the hearing. Inclusion of such notice within the posted planning commission agenda shall be sufficient to meet the requirements of this section. (Ord. 10, Series 1996)

b. The notice shall be posted on the property by the town not less than eleven (11) days, nor more than eighteen (18) days, prior to the planning commission hearing.

c. Notice shall be mailed by first class mail to all property owners whose property lies within three hundred feet (300') of the subject property not less than eleven (11) days, nor more than eighteen (18) days, prior to the planning commission hearing. (Ord. 6, Series 1993)

B. Public Hearings; Class A And Class B Subdivision Applications: Notice of a public hearing for all class A and class B final subdivision applications shall consist of the following:

1. A notice containing the following information:

a. The date, time, and place of the hearing.

b. A general description of the property (address).

c. The purpose of the hearing.

d. Where additional information may be obtained.

e. A description of the request. (Ord. 23, Series 1992)

2. Notice shall be provided by the following means: (Ord. 6, Series 1993)

a. The notice shall be posted on or outside the southerly front door of town hall not less than twenty four (24) hours before the hearing. Inclusion of such notice within the posted planning commission agenda shall be sufficient to meet the requirements of this section. (Ord. 10, Series 1996)

b. The notice shall be posted on the property by the town not less than eleven (11) days, nor more than eighteen (18) days, prior to the planning commission hearing.

c. Notice shall be mailed by first class mail to all property owners whose property lies within three hundred feet (300') of the subject property not less than eleven (11) days, nor more than eighteen (18) days, prior to the planning commission hearing. (Ord. 6, Series 1993)

C. Public Hearings; Class C Subdivision Applications: A class C subdivision application shall be processed as an administrative review conducted by the director. No public hearing shall be required. (Ord. 2, Series 2003)

D. Site Visits: Notice of a site visit by the town council or planning commission shall be given in either of the following manners:

1. When the time and place for a site visit is scheduled at a town council or planning commission hearing, the planning commission chairman, mayor or community development director shall announce the time, place and general nature of the site visit during the hearing on the application, prior to taking up the next agenda item. (Ord. 23, Series 1992)

2. When the time and place for a site visit is scheduled outside of a town council or planning commission hearing, the time, place, and general nature of the site visit shall be posted on or outside the southerly front door of town hall not less than twenty four (24) hours before the site visit. Inclusion of such notice within the posted planning commission agenda shall be sufficient to meet the requirements of this section. (Ord. 10, Series 1996)

3. Nothing herein shall require notice for site inspections by an individual town council or planning commission member outside of the hearing process. (Ord. 23, Series 1992)

E. General Notice Procedures:

1. Failure of a person to receive the notice described in this section shall not impair the validity of the hearing.

2. The notice provisions of this section shall not restrict the giving of notice by other means.

3. Planning commission decisions called up by the town council shall be noticed in the same manner as required for final hearings.

4. Notice to multi-unit properties represented by a condominium or homeowners' association or management agency may be made to the association or management agency, rather than to each individual owner. (Ord. 6, Series 1993)

**9-2-1-13: TIME LIMIT ON AN APPROVED SUBDIVISION DEVELOPMENT PERMIT APPLICATION; VESTED PROPERTY RIGHTS:**  

A. Class C Subdivision: Development permits for class C subdivisions shall be valid for a period of only eighteen (18) months after the date of the approval of the planning commission decision by the town council, unless otherwise authorized by the provisions of this chapter.

B. Class A Or B Subdivisions (Site Specific Development Plans): Development permits for class A and class B subdivisions shall be valid for a period of three (3) years after the date of the approval by the town council, unless otherwise authorized by the provisions of this chapter. Vested property rights for class A and class B subdivision approvals shall be established and administered under the provisions of this section.

1. Vested Property Right Created: A vested property right for a subdivision shall be deemed to have been created only upon the approval by the town council of a site specific development plan in accordance with this section.

2. Notice And Hearing: No site specific development plan shall be approved until after a public hearing preceded by notice. In all cases, such hearing shall be held before the planning commission in connection with the normal development application process. In those instances where the decision of

the planning commission is called up, a second hearing, also preceded by notice, shall be held before the town council. At all such hearings interested persons shall have an opportunity to be heard.

3. Notice Of Approval:

a. Each development permit which constitutes a site specific development plan for a subdivision shall contain the following language:

*Issuance of this development permit constitutes a vested property right pursuant to Article 68 of Title 24, Colorado Revised Statutes, as amended.*

The failure of the development permit to contain such language shall invalidate the creation of the vested property right.

b. A notice generally describing the type and intensity of the use approved, the specific parcel or parcels or property affected, and stating that a vested property right has been created shall also be published once by the town in a newspaper of general circulation in the town not more than fourteen (14) days after the approval of the issuance of the development permit which gives rise to the vested property right.

4. Duration Of Vested Right: Subject to the provisions of subsection B6 of this section, all vested rights with respect to any class A or B subdivision shall terminate and expire at the end of three (3) years from the date of the approval by the town council of the development permit for such subdivision. The vested property rights for a subdivision may be extended in the manner provided in subsection B9 of this section. For those development permits for which vested property rights are created pursuant to this section, the duration of the development permit and the duration of the vested property rights are the same, and the extension of the vested property rights also operates to extend the development permit for so long as such vested property rights continue to exist pursuant to this section.

5. Phasing Of Subdivisions: If a subdivision is proposed to be constructed in phases, such phasing shall be considered by the planning commission and, if phasing is approved, the duration of the development permit and the vested property rights for such subdivision shall be as provided in the development permit.

6. Execution Of Development Permit: Within twenty one (21) days following approval of a site specific development plan the town shall prepare and mail or hand deliver to the applicant a development permit for the approved subdivision. Within thirty (30) days following the mailing of the development permit the applicant shall execute and return the development permit to the town. Failure to execute and return the development permit within such time period shall operate as a waiver of all vested property rights with respect to the subdivision, and the duration of the permit shall be as provided in subsection A of this section, without the benefit of any vested property rights.

7. Other Provisions Unaffected: Approval of a site specific development plan shall not constitute an exemption or waiver of any other provisions of this code pertaining to the development and use of property.

8. Amendment To Site Specific Development Plan: In the event an amendment to a site specific development plan is proposed and approved, the effective date of such amendment for the purpose of

determining the duration of a vested property right shall be date of the approval of the original development permit which gave rise to the vested property rights for the subdivision, unless the town council specifically finds to the contrary and incorporates such finding into its approval of the amendment.

9. Extension Of Vested Property Right: A development permit and the vested property rights for such subdivision may be extended by the planning commission. An application for an extension shall be made in writing to the director, and shall include such submittal information as the director may require. Such application must be received at least thirty (30) days prior to the expiration of the development permit. An application for an extension which is received within the specified time period shall extend the development permit and the vested property rights for such subdivision until such application is finally determined, and an application for extension shall be considered even though, at the time of such consideration, the development permit would have otherwise expired. Failure to submit a written request for extension within the specified time period shall cause the development permit and the vested property rights for such subdivision to expire in three (3) years as provided in subsection B4 of this section. An extension application shall be classified and processed one classification lower than the classification of the development permit which gave rise to the vested property rights for the subdivision. The planning commission may approve the requested extension, deny the requested extension or approve the requested extension with conditions. If an extension is granted, the planning commission shall fix the period of extension which may be up to and including a period of three (3) years.

10. Effect Of Termination Of Vested Property Right On Public Rights Of Way: The termination of a vested property right shall have no effect upon public streets, alleys or rights of way previously dedicated with respect to such subdivision. (Ord. 19, Series 1993)

11. Development Agreements: The town council may, by development agreement, provide that a property right shall be vested for a period exceeding three (3) years when warranted in light of all relevant circumstances including, but not limited to, the size and phasing of the development, economic cycles and market conditions. In such development agreement the town council may also designate an approval other than that described in this section as a site specific development for a specific subdivision. (Ord. 3, Series 1999)

**9-2-1-14: COMPUTATION OF TIME:**  

(Rep. by Ord. 8, Series 2003)

**9-2-1-15: WAIVER OF REQUIREMENTS:**  

Notwithstanding any provisions contained herein to the contrary, the director or planning commission may waive any of the procedural or substantive requirements of this chapter if such requirement creates an undue hardship on a particular application or is irrelevant to the scope or location of the subdivision proposal in question and the director or commission incorporates such a finding into the final decision or permit. (Ord. 23, Series 1992)



## 9-2-2: DEFINITIONS:

For the purpose of this chapter, certain terms or words shall be as defined below. Words in the present tense include the future, the singular number includes the plural and vice versa. The word "shall" is mandatory and the word "may" is permissive.

**ALLEY:** A permanent service right of way providing a secondary access to abutting properties.

**APPROVAL BY TOWN COUNCIL:** The approval by the town council of the issuance of a development permit for a subdivision, either by affirmation of the decision of the planning commission, or following a call up procedure held in accordance with section [9-2-3-4](#) of this chapter.

**AREA OF CONCERN:** A hillside or ridgeline which is visible from either: a) Highway 9; b) the core of town; c) public parks; d) the Breckenridge golf course; or e) other areas of the town which are view corridors.

**BLOCK:** A grouping of lots bounded by streets or other defining elements such as public property, stream bank, or other physical or legal features.

**BLOCK LENGTH:** The distance between intersections of through streets, measured between the right of way lines of the intersecting streets, which distance is the longest dimension of a block.

**BOND:** A type of security or collateral posted by the subdivider and approved by the town attorney which guarantees that all required improvements shall be completed and/or maintained as per the approved plans and requirements of this chapter.

**BUILDING FOOTPRINT LOT:** A lot the boundaries of which approximate the exterior walls of a building or a portion of a building, and designated as "building footprint lot" on a subdivision plat.

**CALL UP:** Action of the council to vacate a decision of the planning commission made pursuant to this chapter, and to make that decision itself.

**CLASS A SUBDIVISION:** A subdivision of land which will result in six (6) or more lots, parcels and/or tracts, or which includes a total of six (6) or more acres of land, and any class B subdivision requiring a variance.

**CLASS B SUBDIVISION:** A subdivision of land which will result in less than six (6) lots, parcels and/or tracts, and includes less than six (6) acres of land; any class C subdivision requiring a variance; or any other subdivision not specifically classified as either a class A subdivision or a class C subdivision. Subdivisions that normally fall into this classification include the development of public lands, and development on slopes greater than fifteen percent (15%). Class B subdivisions of an unusual nature may be reclassified as class A subdivisions at the discretion of the director.

**CLASS C SUBDIVISION:** A subdivision of structure(s) into separate units of interest, including, but not limited to, condominiums, timeshare interests, cooperatives, townhouses, footprint lots in conjunction

with an approved master plan, and duplexes when done in accordance with a previously approved subdivision plan, site plan, development permit or site specific development plan; the modification or deletion of existing property lines resulting in the creation of no additional lots (lot line adjustment); an amendment to a subdivision plat or plan which does not result in the creation of any new lots, tracts or parcels; or the platting or modification of easements, building envelopes or site disturbance envelopes. A class C subdivision application may be reclassified by the director as either a class A or class B subdivision application within five (5) days following the submission of the completed application if the director determines that the application involves issues which make it inappropriate for the application to be processed administratively as a class C application.

**CLASSIFICATION:** A particular classification that a subdivision application may be placed in for review under the provisions of this chapter. In those instances where a subdivision application does not fall under one of the three (3) classifications, the director shall place the application where he deems appropriate. The director shall also have the right to move a project to a higher or lower classification if he feels the purpose of this chapter would best be served by the reclassification. He must reclassify an application within five (5) days of receipt of the application.

**DAYS:** Refers to calendar days rather than working days.

**DE NOVO HEARING:** A hearing where the decision is based on the testimony presented at the hearing and not the testimony or record of any preceding hearings.

**DEDICATION:** The devotion of land to a public use by the owner manifesting the intention that it shall be accepted and used presently or in the future for a public purpose.

**DEVELOPMENT AGREEMENT:** An agreement entered into by the town and the subdivider pursuant to [chapter 9](#) of this title prior to or concurrently with the approval of a subdivision. The agreement specifies development requirements including the responsibility for, and the timing of, infrastructure improvements and public facilities, dedications, fees and remedies in the event obligations are not met, in exchange for the town foregoing the right to change the rules of development, thereby vesting the development for a period exceeding the standard three (3) year period specified elsewhere in this code.

**DIRECTOR:** The town of Breckenridge director of community development or authorized representative.

**EASEMENT:** A right granted to use land owned by another for a special limited purpose.

**ENGINEER:** A registered, professional, civil engineer authorized to practice engineering in the state of Colorado.

**EROSION:** The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

**FLOODPLAIN:** The area of land adjoining the channel of a river, stream or other similar body of water which may be inundated by a flood that can be reasonably expected to occur. The floodplain includes all the lands within the limits of the 100-year floodplain as defined by the federal emergency management

agency.

**GRADING:** Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof.

**IMPROVEMENTS (DEVELOPMENT):** All things constructed or placed within the subdivision, including, but not limited to, the following:

A. Roads, streets, alleys, driveways, accessways, entrances into rights of way, street signs and lights, and other street furniture.

B. Grading, creation of slopes, retaining walls and monuments.

C. Sidewalks, crosswalks, pedestrian paths, and bicycle paths.

D. Curbs, gutters, and curb returns.

E. Water mains, utility pipes, and utility conduit lines.

F. Sodding, landscaping, tree planting, irrigation improvements, and erosion control measures.

**LOT:** A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses incidental to it, including such open spaces as required by this chapter. In the case of multi-family structures and public, institutional, commercial or industrial structures, a group of structures under the same ownership may be considered as occupying the same lot.

**LOT DEPTH:** The distance between the front lot line and the rear lot line of a lot measured in a straight line. For lots which are not square or rectangular in shape, lot depth shall be the measurement from the midpoint of the front lot line to the midpoint of the rear lot line.

**LOT FRONTAGE:** All property abutting the right of way of a dedicated street, private road, or road easement, measured along the right of way, road, or easement located between side lot lines of a lot. For lots abutting more than one right of way, the director shall designate which constitutes the lot frontage based on existing land use patterns.

**LOT LINE ADJUSTMENT:** The modification or deletion of an existing property line resulting in the creation of no addition lots or parcels.

**LOT WIDTH:** The shortest distance between the side lot lines of a lot measured in a straight line. For lots which are not square or rectangular in shape, lot widths shall be the measurement from the midpoint of one of the side lot lines to the midpoint of the other.

**MASTER PLAN:** The overall long range plan for the future development of the town which includes goals and policies, future land use, transportation and community facilities plans, as might be adopted and amended from time to time. May also be called the Breckenridge comprehensive plan.

**MONUMENT:** A permanent survey marker.

**NONCONFORMING LOT:** Any lot that lawfully existed before the adoption of this chapter, but which is not in compliance with the provisions of this chapter.

**OPEN SPACE:** A parcel of land dedicated to the town which is suitable for recreational purposes, provides for natural or manmade landscaping areas, or provides for the protection of significant natural resources such as stream channels, steep slopes, or wetlands.

**PERSON:** A natural person or a partnership, joint venture, corporation, association or organization, or a public agency.

**PLANNING COMMISSION OR COMMISSION:** The town planning commission.

**PLAT:** A map or plan indicating all proposed property lines, easements, rights of way, and dedications intended for town approval and for use as a recording document.

**RESUBDIVISION:** A change in the map of an approved or recorded subdivision or resubdivision, if such change:

- A. Affects any street layout shown on such map;
- B. Affects any area reserved thereon for public use;
- C. Changes the size or dimension of any lot, or creates an additional lot.

**RIDGELINE OR HILLSIDE DEVELOPMENT:** Development on the hillside or upon the crest of a hill which would create a silhouette or other substantially adverse impact when viewed from an area of concern.

**RIGHT OF WAY:** A strip of land occupied or intended to be occupied by a street, walkway, road, utilities, water main, sewer main, or for any other public purpose.

**ROADWAY:** That portion of a street designed for vehicular traffic, and where curbs are laid, that portion between the curbs.

**RULES AND REGULATIONS:** The administrative rules and regulations for the administration of this chapter promulgated by the director pursuant to the authority granted in section [9-2-3-9](#) of this chapter.

**SIDEWALK:** An improved right of way for pedestrian circulation that is usually part of the street right of way.

**SINGLE-FAMILY RESIDENTIAL SUBDIVISION:** A subdivision created by the filing of a subdivision plat with the Summit County clerk and recorder in which more than fifty percent (50%) of the developed lots contain single-family residential structures as defined in section [9-1-5](#) of this title.

**SITE DISTURBANCE ENVELOPE:** A space of fixed dimensions within a lot which defines that portion of the lot where all permanent structures on the lot must be located, and within which all construction

activities shall occur, except as otherwise provided in this chapter. A site disturbance envelope shall be used to limit the location of improvements constructed within a lot, and to minimize or contain the disturbance associated with the construction of such improvements, so as to protect vegetative, geological, hydrological and historic resources, views, and to maintain a visual buffer/separation between the improvements to be constructed and the improvements, if any, located or to be located on adjoining lot(s).

**SITE SPECIFIC DEVELOPMENT PLAN:** A development permit issued under this chapter which approves a class A or class B subdivision plan.

**STREETS:** A right of way which provides for vehicular, bicycle, and pedestrian circulation.

A. **Cul-De-Sac:** A local street of short length having only one outlet with provision for a turnaround at its termination, and which is not intended to be extended or continued to serve future subdivisions or adjacent land. Also known as a dead end street.

B. **Street Width:** The shortest distance between the lines delineating the right of way of streets.

C. **Stub Street:** A dead end local street which provides for eventual extension of a street onto unplatted land.

D. **Arterial Streets And Highway:** Those used primarily for fast or heavy traffic.

E. **Collector Streets:** Those which carry traffic from minor streets to the major street system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within the development.

F. **Minor Streets (Also Called Local Streets):** Those which are used primarily for access to abutting properties.

**STRUCTURE:** Anything that is constructed or erected and located on or under the ground, or attached to something fixed to the ground.

**SUBDIVIDER:** A person who undertakes the subdivision or resubdivision of land or structures or any activity governed by this chapter who holds any legal or equitable interest in the land being subdivided, or in those instances where the subdivider is not the owner of the land, an applicant who has received written consent from the owner to subdivide the land.

**SUBDIVISION:** The division of a tract or parcel of land into two (2) or more parcels, lots, sites or other division for the purpose, whether immediate or future, transfer of ownership or sale, building development, including any resubdivision. Subdivision shall include, but not be limited to, the following types of developments and/or legal interests:

A. **Division Of Land:** The division of land, whether by deed, metes and bounds description, map, plat or other recorded instrument.

B. **Division Of A Structure:** The division of a structure into two (2) or more separate interests through division of the fee title thereto, whether by conveyance, license, contract for sale, or any other method

of disposition including, but not limited to, the creation of a common interest community pursuant to the common interest ownership act, article 33.3, title 38, Colorado Revised Statutes.

C. Timeshare Interests: The creation of interval estates, timeshare estates, time span estates and other timesharing interests as defined by the condominium ownership act, article 33, title 38, Colorado Revised Statutes.

D. Cooperative: The creation of a cooperative as defined in the Colorado common interest ownership act, article 33.3, title 38, Colorado Revised Statutes.

E. Exclusions: Unless the method of land disposition is adopted for the purpose of evading this chapter, the term "subdivision", as defined in this section shall not apply to any division of land or interests in land:

1. Which is created by any court in this state pursuant to the law of eminent domain, partition or by operation of law.
2. Which is created by lien, mortgage, deed of trust or any other security instrument or the foreclosure of any such instrument.
3. Which is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity.
4. Which creates an interest or interests in oil, gas, minerals or water which are now or hereafter severed from the surface ownership of real property.
5. Which creates a parcel or parcels as a result of the acquisition of land by the town.
6. Which creates a parcel or parcels as a result of the acquisition of right of way by the town or other governmental entity.

**SURVEYOR:** A land surveyor who is registered as a professional land surveyor and authorized to practice within the state of Colorado.

**TOWN COUNCIL OR COUNCIL:** The Breckenridge town council.

**TOWNHOUSE:** A multi-unit structure in which individual units are owned by separate persons including an undivided fee simple ownership in the land upon which the unit sits.

**WALL PLANE:** The horizontal length of the exterior building wall. (Ord. 23, Series 1992; amd. Ord. 19, Series 1993; Ord. 10, Series 1994; Ord. 3, Series 1999; Ord. 41, Series 2002; Ord. 2, Series 2003; Ord. 14, Series 2003; Ord. 17, Series 2003; Ord. 40, Series 2006; Ord. 41, Series 2006; Ord. 31, Series 2010; Ord. 17, Series 2011; Ord. 38, Series 2013)

**9-2-3: PROCESS:**   

**9-2-3-1: CLASS A SUBDIVISION APPLICATION:**   

A. Preapplication Conference: A conference between the director and other staff (including any referral agencies deemed appropriate) and the subdivider shall take place prior to the submission of any subdivision application. The purpose of the conference is to acquaint the town with the subdivider's intentions concerning the proposed subdivision, to acquaint the subdivider with the substantive and procedural requirements of this chapter and to identify policies which create opportunities or pose constraints for the proposed subdivision. An applicant shall provide for review at the preapplication conference a scale drawing indicating proposed lot and block configurations; on and off site circulation; and other information pertinent to the issues under consideration.

B. Work Sessions: The need for a work session with the planning commission shall be determined by the director following the preapplication conference. In the event that a work session is held, the applicant shall provide for review at that meeting a scale drawing indicating the proposed lot and block configurations; on and off site circulation; a topographical map of the property; and other information pertinent to the issues under consideration.

C. Preliminary Hearings:

1. General: All class A subdivision applications shall be required to be submitted to the planning commission for review at a minimum of one preliminary hearing prior to the submission of a formal application and the commencement of the final review process. In addition, the subdivider may be requested to: (Ord. 6, Series 1993)

a. Appear at a meeting of referral agencies if the director determines that the impacts of a proposed subdivision are of such magnitude as to require review by referral agencies at this stage of the review process.

b. Cooperate with the town in scheduling an on site inspection after the first preliminary hearing and before the second or subsequent preliminary hearings. Staking of the site by the subdivider may be required for the on site inspection. (Ord. 23, Series 1992)

c. Attend subsequent preliminary hearings for all class A subdivision applications. (Ord. 6, Series 1993)

2. Purpose: The purpose of the preliminary hearing is to allow the planning commission the opportunity to review the concept of the proposed subdivision and to give the planning commission and town staff an opportunity to offer direction to the subdivider. (Ord. 23, Series 1992)

3. Required Application Materials: The subdivider shall submit the following materials and drawings not later than the deadline established in the rules and regulations. The director shall have the authority to schedule the application at a subsequent hearing if, in his discretion, revisions to the application materials are necessary. (Ord. 17, Series 2003)

a. A completed application on forms provided by the town.

b. In instances where the applicant is not the owner, the applicant will submit a written consent to subdivide from the owner of record.

c. A copy of any existing restrictive covenants applicable to the subdivision. (Ord. 23, Series 1992)

d. A fee in the amount required by [chapter 10](#) of this title. (Ord. 18, Series 1999)

e. A list of all property owners whose property lies within three hundred feet (300') of the subject property, including their current mailing addresses. (Ord. 6, Series 1993)

f. Five (5) copies of a preliminary subdivision plan which meets the following requirements:

(1) The preliminary subdivision plan shall be clearly and legibly drawn on a sheet of eighteen inches by twenty four inches (18" x 24") or twenty four inches by thirty six inches (24" x 36") in size to a scale of one inch equals one hundred feet (1" = 100'). The scale may be increased or decreased if necessary to fit the paper, but in all cases the scale used shall be in multiples of ten (10).

(2) The preliminary subdivision plan shall include the following general information:

(a) Date of preparation.

(b) North point.

(c) Scale of drawing.

(d) Location of the subdivision by section, township and range sufficient to define the location and boundaries of the proposed subdivision.

(e) The approximate acreage of the tract being subdivided, and the size, use and number of all proposed lots.

(f) Names and addresses of the subdivider, engineer and surveyor.

(3) The preliminary subdivision plan shall include the following site analysis information:

(a) A vicinity map clearly showing the relationship of the proposed subdivision to surrounding developments, streets, paths and utilities. This map should include a sketch of the general layout of the proposed subdivision.

(b) The location, widths and names of both through and dead end streets within or adjacent to the proposed subdivision, together with easements; other rights of way and other important features such as section lines, property corners, town boundary lines and monuments.

(c) Contour lines related to an established bench mark or other datum approved by the town engineer and having contour intervals as follows:

i. For slopes less than ten percent (10%) - two foot (2') contours;

ii. For slopes ten percent (10%) or greater - five foot (5') contours.

(d) The location and elevation of at least one temporary bench mark within the boundaries of the proposed subdivision.

(e) The location and direction of all watercourses and the location of all areas subject to the 100-year floodplain. (Ord. 23, Series 1992)



- (f) Natural features such as rock outcroppings, visible ridgelines or hillsides, marshes, wetlands, wooded areas and isolated preservable trees. (Ord. 40, Series 2006)
  - (g) Existing uses on the property, including the location of all existing structures.
  - (h) The location of all existing or historical pedestrian and bicycle paths on site, paved or unpaved and any easements relating to these facilities.
  - (i) The location of all existing utilities on site and all existing easements.
  - (j) A boundary survey indicating the exterior boundary of the property, plus all existing public rights of way.
  - (k) Ghosting in the departing lot lines of adjacent subdivisions and structures existing or approved by the town or county located within thirty feet (30') of the subdivision, and the names of adjacent subdivisions. (Ord. 23, Series 1992)
  - (l) A map indicating significant views into and out of the subdivision from adjacent properties, public areas, and areas of concern designated by the director. (Ord. 40, Series 2006)
  - (m) A preliminary analysis of the site concerning any existing or potential hazardous conditions including, but not limited to, soils.
- (4) The preliminary subdivision plan shall include the following information relating to the proposed subdivision:
- (a) The location, width, name and approximate grade and radii of streets and street curves. The relationship of proposed streets to any existing or proposed streets as shown on the town comprehensive plan;
  - (b) The location, width and approximate grade of all proposed pedestrian and bicycle paths, and their relationship to any existing or proposed bicycle and pedestrian paths as shown on any town planning documents; (Ord. 23, Series 1992)
  - (c) The location, width and purpose of existing and proposed easements, and a description of those trees providing natural screening of the site which will be lost due to the construction of the proposed easements; (Ord. 40, Series 2006)
  - (d) The location and approximate dimensions of lots and the proposed lot and block numbers;
  - (e) Sites, if any, allocated for purposes other than single-family dwellings;
  - (f) The location, approximate acreage and approximate dimensions of areas proposed for public use;
  - (g) An outline of the areas proposed for partial recording of a final plat, if phased recording is proposed;
  - (h) A plan for domestic water supply lines and related water service facilities;
  - (i) A plan for sewage disposal, stormwater drainage, flood control, and water quality measure, including profiles where appropriate;

(j) The proposed location for all other applicable utilities, including telephone, electrical service, cable and gas.

g. The preliminary subdivision plan shall be accompanied by written statements from the subdivider giving essential information regarding the following matters:

(1) Adequacy and source of water supply. A statement from a licensed engineer or representative of the public water provider is required.

(2) Proposed method of sanitary sewage disposal. A statement from a licensed engineer or a representative of the applicable sanitary sewage disposal provider is required.

(3) Proposed method for disposal of stormwater runoff and protection of community water quality. A statement from a licensed engineer is required.

(4) A phasing plan for the installation of the public improvements. (Ord. 23, Series 1992)

#### 4. Review Procedures:

a. Within seven (7) days of receipt of an application, the director shall determine whether the application submitted is complete and all required materials have been submitted. If the application is complete, a preliminary hearing before the planning commission shall be held within thirty (30) days. If the application is not complete, it shall be so noted and the subdivider advised of all deficiencies. Hearings shall not be scheduled for incomplete applications. (Ord. 6, Series 1993)

b. Upon receipt of a completed application, the director shall furnish copies of the preliminary subdivision plan and supplemental materials to the appropriate referral agencies.

c. The director shall review the preliminary subdivision plan and supplemental materials, and submit a report to the planning commission.

d. Before the planning commission can review a preliminary subdivision plan at a preliminary hearing, notice shall be provided in accordance with this chapter.

e. All preliminary hearings shall be conducted under the town planning commission rules and regulations and shall be considered as advisory in nature. No decisions shall be rendered by the planning commission concerning the preliminary subdivision plan at a preliminary hearing. (Ord. 23, Series 1992)

5. Mineral Estate Notification: If the real property that is the subject of the application is subject to a mineral estate as defined in section 24-65.5-102(4), Colorado Revised Statutes, and if the application has been determined by the director to be subject to the requirements of article 65.5 of title 24, Colorado Revised Statutes, the initial public hearing on the application shall not be convened unless the applicant certifies to the director that notice has been provided to any mineral estate owner and to the town not less than thirty (30) days before the date first scheduled for the preliminary hearing as required by section 24-65.5-103, Colorado Revised Statutes. (Ord. 37, Series 2007)

D. Public Hearings; Final Subdivision Plan: A public hearing shall be held for each class A subdivision by the planning commission to determine compliance with the policies established within this chapter, and other applicable town ordinances, regulations and codes. An application for the public hearing shall not

be accepted until the proposed preliminary subdivision plan has been reviewed by the planning commission and the planning commission believes all major issues have been addressed. In no instance shall an application for a public hearing be accepted by the town if more than ninety (90) days have elapsed since the last preliminary hearing on the plan, in which case the applicant shall appear before the planning commission at another preliminary hearing before proceeding. (Ord. 6, Series 1993)

1. General: The application for a public hearing shall consist of all materials and plans, as specified, all of which shall be submitted not later than the deadline established in the rules and regulations. (Ord. 17, Series 2003)

2. Required Application Materials: The application shall consist of all materials required in subsection C3 of this section, preliminary hearings, plus the following: (Ord. 6, Series 1993)

a. For subdivisions located in areas of fifteen percent (15%) or greater slope, cross sections of the proposed roadways, retaining walls and driveways.

b. A separate revegetation and landscaping plan, including all trees to be removed and those to be installed in accordance with the provisions of this chapter.

c. A street lighting plan.

d. Correspondence from all applicable utility and urban service providers that they have reviewed the proposed subdivision and that they can serve the property.

e. Restrictive covenants to be recorded, if any. (Ord. 23, Series 1992)

3. Review Procedures:

a. Application: Not later than the deadline established in the rules and regulations the subdivider shall submit an application and all materials required for planning commission review as provided in subsection D2 of this section. (Ord. 7, Series 2004)

b. Compliance Review: Within seven (7) days after the application has been submitted, the director shall determine whether the application submitted is complete and all required materials have been submitted. If the application is complete, a planning commission public hearing shall be scheduled. If the application is not complete, it shall be so noted and the subdivider advised of the deficiencies. Hearings shall not be scheduled for incomplete applications.

c. Referral And Review: The director shall have the right to transmit a copy of the application to referral agencies for their review and comment, and to review the project for compliance with town goals and policies.

(1) The director may request a meeting with utility providers and other governmental agencies that may be affected by the subdivision.

(2) Prior to the public hearing, staff shall deliver to the subdivider and planning commission, and make available at town hall, their written report, conclusions, recommendations and any recommended conditions to be attached for approval.

d. Public Hearing: Not more than sixty (60) days from the date of acceptance of the application and after public notification in compliance with section [9-2-1-12](#) of this chapter, the planning commission shall hold a public hearing on the proposed final subdivision plan. (Ord. 23, Series 1992)

e. Decision: The planning commission shall have thirty (30) days after the conclusion of the public hearing to make a decision. The planning commission decision shall be based on how well the proposed subdivision complies with the specific requirements of this chapter and the town master plan in general. If no decision is made within thirty (30) days following the conclusion of the hearing, the application as presented by the subdivider shall be deemed to have been approved as proposed, without any additional conditions. The planning commission may also continue the hearing for up to forty five (45) days from the date of the original hearing for good cause, or to allow additional materials to be submitted that will allow for a comprehensive review. In the event a public hearing on the final subdivision plan has been continued, the subdivider shall submit all additional materials to the town in accordance with a schedule established by the director. (Ord. 6, Series 1993)

f. Notice And Council Call Up: The director shall notify the council of all planning commission decisions on class A subdivision applications at the council's next regular meeting after the decision. At that meeting, the council may, by an affirmative vote of a majority of the members present, call up any decision of the planning commission for their own review under authority granted in section [9-2-3-4](#) of this chapter. In lieu of calling up a planning commission decision the council may, with the consent of the applicant, modify or eliminate any condition of approval imposed on the application by the planning commission or add any condition of approval. All planning commission decisions on class A subdivision applications shall stand as made unless called up or modified by the town council. (Ord. 8, Series 2013)

g. Development Permit Issuance: Once the decision of the town has been finalized, the director shall transmit, by regular mail, the final decision to the subdivider, and if the application is approved, shall issue a subdivision development permit with those conditions imposed by the town. The subdivision development permit will not be valid until the subdivider has signed it, indicating his agreement to comply with any and all conditions, and returned it to the town.

h. Other Permits And Requirements: After approval and prior to construction of the subdivision and sale of the lots, the subdivider shall comply with the requirements of section [9-2-3-5](#) of this chapter concerning the preparation and recordation of a final plat. (Ord. 23, Series 1992)

E. Combining Preliminary And Final Hearings; Class A Subdivision Application: The preliminary and final hearings for a class A subdivision application may be combined if the director determines that the issues involved in the application are such that no useful purpose would be served by requiring two (2) separate hearings. In such cases, when it is determined that the application is ready for final hearing, the director shall schedule the application for a single hearing, which shall include a public hearing. Prior to the hearing, the application shall be reviewed for compliance with the provisions of this chapter. The application may not be approved unless the planning commission finds that it is appropriate to combine the preliminary and final hearings. (Ord. 13, Series 1993)

**9-2-3-2: CLASS B SUBDIVISION APPLICATION:**  

A. Preapplication Conference: A conference between the director and other staff (including any referral agencies deemed appropriate) and the subdivider shall take place prior to the submission of any subdivision application. The purpose of the conference is to acquaint the town with the subdivider's intentions concerning the proposed subdivision, acquaint the subdivider with the substantive and procedural requirements of this chapter and to identify policies which create opportunities or pose constraints for the proposed subdivision. An applicant shall provide for review at the preapplication conference a scale drawing indicating proposed lot and block configurations; on and off site circulation; and other information pertinent to the issues under consideration.

B. Work Sessions: The need for a work session with the planning commission shall be determined by the director following the preapplication conference. In the event that a work session is held, the applicant shall provide for review at that meeting a scale drawing indicating the proposed lot and block configurations; on and off site circulation; a topographical map of the property; and other information pertinent to the issues under consideration. (Ord. 6, Series 1993)

C. Preliminary Hearings:

1. General: All class B subdivision applications shall be required to be submitted to the planning commission for review at a minimum of one preliminary hearing prior to the submission of a formal application and the commencement of the final review process. In addition, the subdivider may be requested to:

a. Appear at a meeting of referral agencies if the director determines that the impacts of a proposed subdivision are of such magnitude as to require review by referral agencies at this stage of the review process.

b. Cooperate with the town in scheduling an on site inspection after the first preliminary hearing. Staking of the site by the subdivider may be required for the on site inspection.

c. Attend a second preliminary hearing for all class B subdivision applications.

2. Purpose: The purpose of the preliminary hearing is to allow the planning commission the opportunity to review the concept of the proposed subdivision and to give the planning commission and town staff an opportunity to offer direction to the subdivider. (Ord. 23, Series 1992)

3. Required Application Materials: The subdivider shall submit the following materials and drawings not later than the deadline established in the rules and regulations. The director shall have the authority to schedule the application at a subsequent hearing. (Ord. 17, Series 2003)

a. An application on forms provided by the town. (Ord. 23, Series 1992)

b. A fee in the amount required by [chapter 10](#) of this title. (Ord. 18, Series 1999)

c. A title report issued by a title insurance company in the name of the subdivider.

- d. A copy of any existing restrictive covenants applicable to the subdivision. (Ord. 23, Series 1992)
- e. A list of all property owners whose property lies within three hundred feet (300') of the subject property, including their current mailing addresses. (Ord. 6, Series 1993)
- f. Five (5) copies of a preliminary subdivision plan which meets the following requirements:
  - (1) The preliminary subdivision plan shall be clearly and legibly drawn on a sheet eighteen inches by twenty four inches (18" x 24") or twenty four inches by thirty six inches (24" x 36") in size to a scale of one inch equals one hundred feet (1" = 100'). The scale may be increased or decreased if necessary to fit the paper, but in all cases the scale used shall be in multiples of ten (10).
    - (2) The preliminary subdivision plan shall include the following general information:
      - (a) Date of preparation.
      - (b) North point.
      - (c) Scale of drawing.
      - (d) Location of the subdivision by section, township and range sufficient to define the location and boundaries of the proposed subdivision.
      - (e) The approximate acreage of the tract being subdivided, and the size, use and number of all proposed lots.
      - (f) Names and addresses of the subdivider, engineer, and surveyor.
    - (3) The preliminary subdivision plan shall include the following site analysis information:
      - (a) A vicinity map clearly showing the relationship of the proposed subdivision to surrounding developments, streets, paths and utilities. This map should include a sketch of the general layout of the proposed subdivision.
      - (b) The location, widths and names of both through and dead end streets within or adjacent to the proposed subdivision, together with easements, other rights of way and other important features such as section lines, property corners, town boundary lines and monuments.
      - (c) Contour lines related to an established bench mark or other datum approved by the town engineer and having contour intervals as follows:
        - i. For slopes less than ten percent (10%) - two foot (2') contours;
        - ii. For slopes ten percent (10%) or greater - five foot (5') contours.
      - (d) The location and elevation of at least one temporary bench mark within the boundaries of the proposed subdivision.
      - (e) The location and direction of all watercourses and the location of all areas subject to the 100-year floodplain.
      - (f) Natural features such as rock outcroppings, marshes, wetlands, wooded areas and isolated preservable trees.

- (g) Existing uses on the property, including the location of all existing structures.
- (h) The location of all existing or historical pedestrian and bicycle paths on site, paved or unpaved and any easements relating to these facilities.
- (i) The location of all existing utilities on site and all existing easements.
- (j) A boundary survey indicating the exterior boundary of the property, plus all existing public rights of way.
- (k) Ghosting in the departing lot lines of adjacent subdivisions and structures approved by the town or county located within thirty feet (30') of the subdivision, and the names of adjacent subdivisions.
- (l) A preliminary analysis of the site concerning any existing or potential hazardous conditions including, but not limited to, soils.

(4) The preliminary subdivision plan shall include the following information relating to the proposed subdivision:

- (a) The location, width, name and approximate grade and radii of streets and street curves. The relationship of proposed streets to any existing or proposed streets as shown on the town comprehensive plan;
- (b) The location, width and approximate grade of all proposed pedestrian and bicycle paths, and their relationship to any existing or proposed bicycle and pedestrian paths as shown on any town planning documents;
- (c) The location, width and purpose of existing and proposed easements;
- (d) The location and approximate dimensions of lots and the proposed lot and block numbers;
- (e) Sites, if any, allocated for purposes other than single-family dwellings;
- (f) The location, approximate acreage and approximate dimensions of areas proposed for public use;
- (g) An outline of the areas proposed for partial recording of a final plat, if phased recording is proposed;
- (h) A plan for domestic water supply lines and related water service facilities;
- (i) A plan for sewage disposal, stormwater drainage, flood control, and water quality measure, including profiles where appropriate;
- (j) The proposed location for all other applicable utilities, including telephone, electrical service, cable, and gas.

g. The preliminary subdivision plan shall be accompanied by written statements from the subdivider giving essential information regarding the following matters:

- (1) Adequacy and source of water supply: A statement from a licensed engineer or representative of the public water provider is required.
- (2) Proposed method of sanitary sewage disposal: A statement from a licensed engineer or a representative of the applicable sanitary sewage disposal provider is required.

(3) Proposed method for disposal of stormwater runoff and protection of community water quality: A statement from a licensed engineer is required.

(4) A phasing plan for the installation of the public improvements. (Ord. 23, Series 1992)

4. Review Procedures:

a. Within seven (7) days of receipt of an application, the director shall determine whether the application submitted is complete and all required materials have been submitted. If the application is complete, a preliminary hearing before the planning commission shall be held within thirty (30) days. If the application is not complete, it shall be so noted and the subdivider advised of all deficiencies. Hearings shall not be scheduled for incomplete applications. (Ord. 6, Series 1993)

b. Upon receipt of a completed application, the director shall furnish copies of the preliminary subdivision plan and supplemental materials to the appropriate referral agencies.

c. The director shall review the preliminary subdivision plan and supplemental materials and submit a report to the planning commission.

d. Before the planning commission can review a preliminary subdivision plan at a preliminary hearing, notice shall be provided in accordance with this chapter.

e. All preliminary hearings shall be conducted under the town of Breckenridge planning commission rules and regulations and shall be considered as advisory in nature. No decisions shall be rendered by the planning commission concerning the preliminary subdivision plan at a preliminary hearing. (Ord. 23, Series 1992)

5. Mineral Estate Notification: If the real property that is the subject of the application is subject to a mineral estate as defined in section 24-65.5-102(4), Colorado Revised Statutes, and if the application has been determined by the director to be subject to the requirements of article 65.5 of title 24, Colorado Revised Statutes, the initial public hearing on the application shall not be convened unless the applicant certifies to the director that notice has been provided to any mineral estate owner and to the town not less than thirty (30) days before the date first scheduled for the preliminary hearing as required by section 24-65.5-103, Colorado Revised Statutes. (Ord. 37, Series 2007)

D. Public Hearings; Final Subdivision Plan: A public hearing shall be held for each class B subdivision application by the planning commission to determine compliance with the policies established within this chapter and other applicable town ordinances and codes. An application for the public hearing shall not be accepted until the proposed preliminary subdivision plan has been reviewed a minimum of one time by the planning commission and the planning commission believes all major issues have been addressed. In no instance shall an application for a final hearing be accepted by the town if more than ninety (90) days have elapsed since the last preliminary hearing on the plan, in which case the applicant shall appear before the planning commission at another preliminary hearing before proceeding. (Ord. 23, Series 1992)



1. General: The application for a public hearing shall consist of all materials and plans, as specified, all of which shall be submitted not later than the deadline established in the rules and regulations. (Ord. 17, Series 2003)

2. Required Application Materials: The application shall consist of all materials as required by subsection C3 of this section, plus the following: (Ord. 6, Series 1993)

a. For subdivisions located in areas of fifteen percent (15%) or greater slope, cross sections of the proposed roadway, retaining walls and driveways.

b. A separate vegetation and landscaping plan, including all trees to be removed and those to be installed in accordance with the provisions of this chapter.

c. A street lighting plan.

d. Correspondence from all applicable utility and urban service providers that they have reviewed the proposed subdivision and that they can serve the property. (Ord. 23, Series 1992)

3. Review Procedures:

a. Application: The subdivider shall submit an application and materials as required for planning commission review in subsection D2 of this section, no later than the deadline established in the rules and regulations. (Ord. 17, Series 2003)

b. Compliance Review: Within seven (7) days after the application has been submitted, the director shall determine whether the application submitted is complete and all required materials have been submitted. If the application is complete, a planning commission public hearing shall be scheduled. If the application is not complete, it shall be so noted and the subdivider advised of the deficiencies. Hearings shall not be scheduled for incomplete applications.

c. Referral And Review: The director shall have the right to transmit a copy of the application to referral agencies for their review and comment and to review the project for compliance with town goals and policies.

(1) The director may request a meeting with utility providers and other governmental agencies that may be affected by the subdivision.

(2) Prior to the public hearing, staff shall deliver to the subdivider and planning commission, and make available at the town hall, their written report on the proposed development, including their conclusions, recommendations and any recommended conditions to be attached for approval.

d. Public Hearing: Not more than forty five (45) days from the date of acceptance of the application and after public notification in compliance with section [9-2-1-12](#) of this chapter, the planning commission shall hold a public hearing on the proposed final subdivision plan. (Ord. 23, Series 1992)

e. Decision: The planning commission shall have thirty (30) days after the conclusion of the public hearing to make a decision. The planning commission decision shall be based on how well the proposed subdivision complies with the specific requirements of this chapter and the town master plan in general. If no decision is made within thirty (30) days following the conclusion of the hearing, the application as presented by the subdivider shall be deemed to have been approved as proposed, without any

additional conditions. The planning commission may also continue the hearing for up to thirty (30) days from the date of the original hearing for good cause, or to allow additional materials to be submitted that will allow for a comprehensive review. In the event a public hearing on the final subdivision plan has been continued, the subdivider shall submit all additional materials to the town in accordance with a schedule established by the director. (Ord. 6, Series 1993)

f. Notice And Council Call Up: The director shall notify the council of all planning commission decisions on class B subdivision applications at the council's next regular meeting after the decision. At that meeting, the council may, by an affirmative vote of the members present, call up any decision of the planning commission for their own review under authority granted in section [9-2-3-4](#) of this chapter. In lieu of calling up a planning commission decision the council may, with the consent of the applicant, modify or eliminate any condition of approval imposed on the application by the planning commission or add any condition of approval. All planning commission decisions on class B subdivision applications shall stand as made unless called up or modified by the town council. (Ord. 8, Series 2013)

g. Development Permit Issuance: Once the decision of the town has been finalized, the director shall transmit, by regular mail, the final decision to the subdivider, and if the application is approved, shall issue a subdivision development permit with those conditions imposed by the town. The subdivision development permit will not be valid until the subdivider has signed it, indicating his agreement with any and all conditions, and returned it to the town.

h. Other Permits And Requirements: After approval and prior to construction of the subdivision and sale of the lots, the subdivider shall comply with the requirements of section [9-2-3-5](#) of this chapter concerning the preparation and recordation of a final plat. (Ord. 23, Series 1992)

E. Combining Preliminary And Final Hearings; Class B Subdivision Application: The preliminary and final hearings for a class B subdivision application may be combined if the director determines that the issues involved in the application are such that no useful purpose would be served by requiring two (2) separate hearings. In such cases, when it is determined that the application is ready for final hearing, the director shall schedule the application for a single hearing, which shall include a public hearing. Prior to the hearing, the application shall be reviewed for compliance with the provisions of this chapter. The application may not be approved unless the planning commission finds that it is appropriate to combine the preliminary and final hearings. (Ord. 13, Series 1993)

### **9-2-3-3: CLASS C SUBDIVISION APPLICATION:**

A. Preapplication Conference: A conference between the director and other staff (including any referral agencies deemed appropriate) and the subdivider shall take place prior to the submission of any subdivision application. The purpose of the conference is to acquaint the town with the subdivider's intentions concerning the proposed subdivision, acquaint the subdivider with the substantive and procedural requirements of this chapter and to identify policies which create opportunities or pose constraints for the proposed subdivision.

B. Administrative Review: The processing of a class C subdivision application shall be an administrative review conducted by the director. No public hearing shall be required.

C. Application Requirements: The subdivider shall file an application and all required fees and application with the director. The following materials shall be submitted:

1. An application on forms provided by the town.
2. A fee in the amount required by [chapter 10](#) of this title.
3. A list of all property owners whose property is adjacent to the real property which is the subject of the application, including their current mailing addresses.
4. A preliminary copy of all proposed covenants, homeowners' association declarations, bylaws, articles of incorporation. All common elements and their uses shall be defined and identified within the covenants and declarations.
5. Information, plans and specifications necessary to show compliance with all standards and criteria contained within this chapter.
6. In addition to subsections C1 through C5 of this section, for lot line adjustments, three (3) copies of a final plan:
  - a. Drawn on a sheet twenty four inches by thirty six inches (24" x 36") in size to a scale of one inch equals one hundred feet (1" = 100'). The scale may be increased or decreased if necessary to fit the paper, but in all cases shall be in multiples of ten (10).
  - b. That indicates the location of all existing structures and improvements.
  - c. That indicates the location of all existing utilities.
  - d. That indicates the location of all existing easements.
  - e. That indicates any proposed lot line adjustment and the dimensions of all proposed lots.
7. In addition to subsections C1 through C5 of this section, for condominium plats, three (3) copies of a final plan:
  - a. Drawn on a sheet twenty four inches by thirty six inches (24" x 36") in size to a scale of one inch equals one hundred feet (1" = 100'). The scale may be increased or decreased if necessary to fit the paper, but in all cases shall be in multiples of ten (10).
  - b. A description of any limited or common general elements.
  - c. That indicates the location and description of all proposed land dedications.
  - d. That indicates the location of all proposed easements.
  - e. That indicates the location of all existing utilities.
  - f. That indicates the location of all existing structures.

8. In addition to the requirements of subsections C1 through C5, and C6a through C6d of this section, for townhouse and duplex subdivisions, three (3) copies of a final plan indicating the proposed lot lines.

D. Review Procedures:

1. Notice And Right To Comment: Once a completed class C subdivision application and all accompanying materials have been submitted, the director shall give notice of the filing of the application by regular mail, postage prepaid, to the record owners of those properties located immediately adjacent to the property which is the subject matter of the application as shown on the list of adjacent property owners supplied by the applicant. Notice of the filing of the application shall likewise be posted in a conspicuous place on the property which is the subject of the application. The required notices shall be mailed and the premises posted not less than eleven (11) days prior to the earliest date upon which the application will be determined by the director. Such notices shall advise interested parties of the earliest date upon which the application will be determined by the director, and shall direct such interested parties to file their written comments concerning the application with the director by such date. For purposes of this section, "interested parties" shall mean and include only owners of properties located immediately adjacent to the property which is the subject matter of the application. Adjacency shall not be affected by the existence of a public street, alley, easement (public or private) or a right of way.

2. Director Decision: Once a completed class C subdivision application and all accompanying material have been submitted, the director shall review the application and either approve the application, with or without conditions, or deny it. The director shall approve the application if the application (with or without the imposition of conditions) meets the applicable requirements of this chapter. The director shall deny the application if it fails to meet any of the applicable requirements of this chapter. The director shall render his decision on a class C subdivision permit application within twenty (20) days of his receipt of a complete application.

3. Notice Of Decision To Applicant: Upon rendering his decision on the application the director shall immediately mail notice of his decision to the applicant. Notice of the decision shall be sent to the applicant at the address contained in the application. A copy of the director's decision shall simultaneously be sent to any interested party who submitted comments concerning the application.

4. Decision Forwarded To Planning Commission: All of the director's decisions on class C subdivision applications which are not appealed shall be forwarded to the planning commission for its information only.

E. Appeal:

1. A decision of the director concerning a class C subdivision permit application may be appealed to the planning commission. An appeal of a class C subdivision permit application may be filed only by the applicant or an interested party who submitted comments to the director concerning the application pursuant to subsection D1 of this section. To appeal the decision of the director concerning a class C subdivision permit application, the party taking the appeal must file written notice of appeal with the

department of community development and mail a copy of the written notice of appeal to the applicant within five (5) days after the director has rendered his decision. If no appeal is filed within the five (5) day period, the decision of the director shall be final.

2. If an appeal is filed, the application shall automatically become a class B subdivision permit application and shall be reviewed by the planning commission and town council under the provisions of section [9-2-3-2](#) of this chapter.

3. Appeals shall be in writing on forms provided by the town.

4. If the applicant has filed the appeal, the applicant, at the time of the filing of the notice of appeal, shall pay an additional fee equal in amount to the applicable application fee for a class B subdivision permit, less the amount of the class C subdivision permit fee previously paid by the applicant at the time of the original filing of the class C subdivision application. No additional application fee shall be required if an appeal of a class C subdivision permit is filed by an interested party. (Ord. 2, Series 2003)

#### **9-2-3-4: CALL UP PROCESS:**

A. Town Council Action: If a planning commission decision is called up by the town council, the council shall act on the application as provided in subsection B of this section.

B. Hearing Notice And Decision:

1. All subdivision applications shall be heard within thirty (30) days of the vote to call up the application at a public hearing conducted by the council, unless the applicant consents to another hearing date. Notice of the public hearing shall be required in the same manner as for final hearings held before the planning commission for the class of subdivision proposed.

2. All hearings conducted under this section shall be conducted as de novo hearings.

3. The council shall have the right to approve an application as proposed, approve it with conditions, deny it or continue the hearing for good cause.

4. The council shall have sixty (60) days from the date of the call up to make a final decision on class A or class B subdivision applications.

5. It is not a ground for disqualification that a town council member read or reviewed the minutes of the planning commission with respect to the application that is the subject of the call up hearing. (Ord. 22, Series 2016)

#### **9-2-3-5: SUBDIVISION FINAL PLAT APPROVAL AND RECORDATION:**

Within three (3) years after approval of a class A or class B subdivision plan, or eighteen (18) months after the approval of a class C subdivision plan, the subdivider shall cause the subdivision or any part thereof to be surveyed and a plat prepared and recorded in conformance with the plan as approved, or

it shall be deemed expired pursuant to section [9-2-1-13](#), "Time Limit On An Approved Subdivision Development Permit Application; Vested Property Rights", of this chapter. If the subdivider wishes to proceed with the subdivision after the expiration of the time period following the approval of the final plan, the subdivider must resubmit the final plan and reapply for approval under the provisions of this chapter. Subsequent to final plan approval, but prior to recordation, a final plat shall be submitted to the town planning staff which graphically and legally carries out in technical detail the requirements of the final subdivision plan as approved by the town. The following requirements and process shall be utilized to ensure compliance with plan approval and town codes, and to prepare the plat for recordation, with the exception that the town engineer may waive the requirements of this section that the engineer determines are not required for the proper review and filing of the plat for specific class C subdivision plans.

A. Form And Scale: Two (2) mylar copies of the final plat shall be submitted to the town in a form acceptable to the town. The scale of the final plat shall be one inch equals one hundred feet (1" = 100'). The scale may be increased or decreased if necessary to fit the legal sized plat of twenty four inches by thirty six inches (24" x 36") or eighteen inches by twenty four inches (18" x 24") but in all cases the scale used shall be in multiples of ten (10). If a scale other than one inch equals one hundred feet (1" = 100') is used for the final plat, an accurate drawing of the subdivision shall also be submitted for inclusion in the town base map system at a one inch equals one hundred feet (1" = 100') scale.

B. Information On Final Plat: In addition to that otherwise specified by law, the following information shall be shown on the final plat:

1. The name of the subdivision, the date, scale, north point, legend and existing features such as highways and waterways.
2. A written legal description of the subdivision boundaries.
3. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
  - a. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
  - b. Adjoining corners of adjoining subdivisions.
  - c. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this chapter.
  - d. Names of adjoining subdivisions and departing lot lines.
  - e. A statement identifying the basis of bearing and the specific monuments used for determination.
4. The exact location and width of street rights of way and easements intercepting the boundary of the tract.

5. Tract, block and lot boundary lines and street rights of way and centerlines, with dimensions, bearing or deflection angles, radii, arcs, points of curvature and tangent bearings. Tract boundaries and street bearings shall be shown to the nearest thirty (30) seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

6. The names and width of the portion of streets being dedicated, the width of any existing right of way and the width on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and center angle shall be indicated.

7. Easements denoted by fine dotted lines clearly identified and, if already of record, their recorded reference. (If an easement is not definitely located or recorded, there shall be a written statement of the easement.) The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

8. Locations and widths of drainage channels, rights of way, reserve strips at the end of stub streets or along the edge of partial width streets on the boundary of the subdivision.

9. Numbering of lots shall be as follows:

Lot numbers beginning with the number 1 and numbered consecutively in sequence generally following the same system as sections are numbered in a township. Additions to subdivisions shall begin with number 1 and follow the same pattern as previously described.

10. Land parcels to be dedicated for any purpose shall be distinguished from lots intended for sale with acreage and alphabetic symbols for each parcel indicated.

11. Notations indicating any limitations on rights of access to or from streets and lots or other parcels of land as established by the town.

12. Such other information as the town engineer may reasonably require.

13. Those certificates as shown in section [9-2-5](#), "Appendix A; Plat Certificates", of this chapter.

C. Supplemental Information With Plat: The following data shall accompany the plat:

1. A title report issued by a title insurance company in the name of the subdivider of the land, showing all parties whose consent is necessary and their interest in the premises. Such report shall have been prepared within thirty (30) days of the submission of the final plat.

2. Sheets and drawings showing the following:

a. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any (closure sheet).

b. The computation of distances, angles and courses shown on the plat.

- c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
3. A copy of any existing and proposed restrictive covenants applicable to the subdivision.
4. A copy of any dedications requiring separate documents.
5. For any property to be dedicated to the public, proof that all taxes and assessments on the tract have been paid.
6. If no subdivision improvement agreement is required, a certificate by the town engineer that the subdivider has installed all public improvements in accordance with the requirements of this chapter, the Breckenridge development code, and all town engineering and street standards, and with the action of the town giving conditional approval of the final plan.
7. Final plans and specifications for all public utilities including, but not limited to, water, and preliminary plans and cost estimates for all other public utilities including sewer, electrical, gas and cable television.
8. Final street, sidewalk, pedestrian path and bicycle path construction plans in accordance with approved Town specifications.
9. Final drainage and erosion control plans in accordance with approved Town specifications.
10. Final grading plans in accordance with approved Town specifications. (Ord. 23, Series 1992)
11. Final lighting and signage plans without reference to the content of the signs. (Ord. 3, Series 2019)
12. A final report outlining any potential environmental hazards within the proposed subdivision and all proposed measures to mitigate their impacts.
13. Final floodplain study or determination study, if applicable.
14. Such other information as the Director or Town Engineer may reasonably request.

D. Survey Requirements: A complete and accurate survey of the land to be subdivided shall be prepared by a professional surveyor in accordance with standard practices and principles of land surveying and as provided in this chapter and State law.

1. Monuments:

- a. All monuments shall be set according to the provisions of State law and the requirements of this chapter.
- b. In making the survey for the subdivision, the survey shall set all permanent monuments prior to the recording of the final plat so the survey or any part thereof may be retraced. This shall be surveyed to the Town's coordinate system.



c. Delaying the placement of interior "postmonumentation" may be permitted by approval of the Town at the time of approval of the final plan or upon special request prior to filing the final plat subject to the following:

- (1) The subdivider has shown that it is necessary and practical to delay the interior monumentation.
- (2) The subdivider of the plat agrees to furnish a bond or cash deposit in an amount equal to not more than one hundred twenty percent (120%) of the estimated cost of performing the work for the interior monuments.
- (3) The subdivider shall sign an agreement with the subdivider's surveyor and the Town Engineer indicating: a) the amount of the bond or cash deposit to be furnished at the time of submitting the final plat; b) how the surveyor is to be paid for the work of establishing the interior monuments; c) that the rules for postmonumentation as provided in Colorado Revised Statutes shall be followed; d) the date when the monumentation will be completed; and e) setting out other particulars that may be necessary to ensure the completion of the monumentation at a later date.

2. Utility Markers: Permanent markers shall be provided for all underground water, sewer and utility stubs within the prepared subdivision as approved by the Town Engineer.

#### E. Dedication Requirements:

1. All parcels of land shown on the final plat intended for public use shall be offered for dedication at the time the plat is filed.
2. All streets, bicycle paths, pedestrianways, drainage channels, detention/retention basins, utility easements and other rights-of-way shown on the final plat intended for general public use shall be offered for dedication for public use at the time the final plat is filed.
3. All rights of access to and from streets, lots and parcels of land shown on the final plat intended to be surrendered shall be offered for dedication at the time the final plat is filed.
4. The Town shall have the right to require the subdivider to provide a one foot (1') reserve strip across the end of any stubbed street which adjoins unsubdivided land or along half streets adjoining unsubdivided land. The reserve strip shall be included in the dedication granting to the Town the right to control access over the reserve strip to assure the continuation or completion of the streets.

#### F. Review And Action Procedures:

1. Upon receipt by the town, the plat and other data shall be reviewed by the director and town engineer to determine that the subdivision as shown is substantially the same as it appeared on the approved final plan and that there has been compliance with provisions of this chapter, all applicable town standards and any additional conditions imposed by the town planning commission or town council.
2. The town may make such checks in the field as are necessary to verify the accuracy of the plat and town representatives may enter the property for this purpose.

3. If it is determined that the plat and all documents as submitted are not substantially the same as the approved final plan, the director shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions. If it is determined that full conformity has been made, the director and town engineer shall so certify. Approval shall be indicated by the signature of the chairman of the planning commission and mayor on the plat. The approval of the plat does not constitute or effect any acceptance by the public of the dedication of any street or other easement shown on the plat.

G. Filing Of Plat: A subdivider shall submit the plat for signatures of other public officials required by law. Approval of the plat shall be null and void if the plat is not recorded within the time limits prescribed in section [9-2-1-13](#) of this chapter.

H. Supplying Plat To Town: A subdivider shall furnish to the town a mylar copy of the approved and signed subdivision plat within fourteen (14) days after the plat has been recorded with the county. (Ord. 23, Series 1992)

**9-2-3-6: ASSURANCE OF COMPLETION AND MAINTENANCE OF IMPROVEMENTS:**  

A. Improvements And Performance Guarantees:

1. Completion Of Improvements: All subdividers shall be required to complete all the street and other improvements as specified in the subdivision plan or as required in this chapter, and to dedicate public improvements to the town or other applicable public agencies, free and clear of all liens and encumbrances. The subdivider shall submit a certificate of title prior to conveying any land to the town indicating all title restrictions.

2. Subdivision Improvements Agreement: Subsequent to final subdivision plan approval, but prior to recording a subdivision plat, the subdivider shall either install all required improvements or enter into an agreement with the town which shall obligate the subdivider to install and construct all public improvements within and adjacent to the proposed subdivision as may be required under the provisions of this chapter. If the subdivider chooses to enter into an agreement, it shall specify the following at a minimum:

a. A description of all public improvements required.

b. An estimate of the cost of installing all public improvements.

c. The timing of public improvements in relation to the development of individual sites.

d. A description of all private improvements required by this chapter, conditions of approval, or other pertinent town regulations.

e. A performance guarantee that the improvements will be installed in accordance with the approved plans. (Ord. 23, Series 1992)

### 3. Performance Guarantees:

a. If the improvements are not installed prior to filing of the plat, the subdivider shall post a performance guarantee consisting of either a surety bond, cash bond or an acceptable irrevocable letter of credit drawn upon a Colorado bank. No surety bond shall be accepted by the town as a performance guarantee under this section unless the subdivider has, within the past five (5) years, successfully completed the construction and required warranty maintenance of required public improvements in connection with another subdivision within the town. The performance guarantee shall be posted with the town prior to the time of recording the plat, and shall be in an amount equal to one hundred twenty percent (120%) of the estimated costs of all remaining public improvements not already installed or paid for.

b. The performance guarantee described in subsection A3a of this section, shall be satisfactory to the town attorney. The period within which required improvements must be completed shall be incorporated in the guarantee. Said guarantee shall remain in full force and effect until released by the town.

c. The performance guarantee shall remain in effect and shall be renewed by the subdivider from time to time as necessary to assure continuous coverage until the performance guarantee is released by the town. (Ord. 27, Series 2002)

4. Failure To Complete Subdivision: Where a performance guarantee has been posted and a subdivision improvements agreement signed, and all improvements required by the town have not been installed as required by such agreement, the town may thereupon declare the agreement to be in default and may utilize the funds available from the performance guarantee to complete the improvements within the subdivision.

### 5. Release Or Reduction Of Performance Guarantees:

a. The town will not accept the required improvements, nor release a performance guarantee until the town engineer has indicated that all required improvements have been satisfactorily completed and until the subdivider's engineer has certified to the town engineer, through submission of detailed as built plans of the subdivision, that all improvements are in accordance with the approved construction plans for the subdivision and are ready for dedication to the town.

b. A performance guarantee may be reduced by the town upon actual completion of public improvements and then only in the ratio that the public improvements completed bears to the total public improvements of the plan. In no event shall a performance guarantee be reduced below twenty percent (20%) of the principal amount until all improvements have been completed and accepted by the town.

### 6. Maintenance Of Improvements And Maintenance Bonds:

a. The subdivider shall be required to maintain public improvements in the subdivision and to provide for snow removal, street cleaning, drainage, and general maintenance on streets and sidewalks prior to acceptance by the town. In the event the subdivider fails to comply, the town is authorized, through the director of public works, to perform the necessary work, without incurring any liability, and charge such work to the subdivider. Any such charges shall become a first and prior lien on the subdivision.

b. The subdivider shall be required to file a maintenance bond with the town in a form acceptable to the town attorney, prior to acceptance of any public improvements, in an amount equal to twenty percent (20%) of the original cost of the public improvements, in order to assure the satisfactory maintenance of the required improvements for a period of two (2) years after the date of their acceptance by the town. Such bond shall guarantee all public improvements constructed by the subdivider shall remain free from defect for the required two (2) year period.

#### 7. Issuance Of Permits:

a. Prior to the issuance of a building permit for any lot within the subdivision, the extent of street improvements shall be adequate for vehicular access by the prospective occupant and by police and fire and any other emergency equipment. At a minimum, the street shall be improved with a base course up to that portion of the street which provides direct access onto the lot for which a building permit is requested.

b. Prior to the issuance of a certificate of occupancy for any structure, all public improvements required by the subdivision plan shall be completed. The town may waive the requirements of this section if in the opinion of the director and town engineer the issuance of a certificate of occupancy will not create significant adverse impacts to the community, and the improvements remaining are satisfactorily guaranteed to be completed in a timely manner. (Ord. 23, Series 1992)

#### **9-2-3-7: SUBDIVIDER REIMBURSEMENT AGREEMENTS:**

A. Prior to the extension or construction of any public improvement or facility that is not entirely within the subdivision and for which the subdivider expects to receive reimbursement for part or all of the costs of the extension or construction (off site improvements), the subdivider shall enter into a public improvement extension agreement with the town. The agreement shall contain a description of the improvement(s) to be constructed or extended, the legal description of the real property adjacent to the subdivider's improvements (adjacent properties), the names and addresses of the current owners of the adjacent properties from whom reimbursement is sought (adjacent property owners), the terms of the reimbursement to the subdivider, which terms shall not be inconsistent with this section, and an agreement by the subdivider to provide to the town within sixty (60) days after the date of preliminary construction acceptance by the town, its actual costs for such work.

B. The agreement shall also include the following provisions:

1. The term of the agreement shall be fifteen (15) years from the date of the agreement, or until the subdivider has received reimbursement for the total reimbursement entitlement established by the agreement (plus any cost of living adjustment as hereinafter described), whichever shall first occur.

2. If at any time within the term of the agreement, a building permit is issued by the town for the construction of improvements upon any adjacent property which results in new improvements on the adjacent property being connected to, or served by, the off site improvements constructed by the subdivider, the town shall collect from the adjacent property owner at the time of the issuance of the

building permit an amount which the town determines in the agreement to represent the adjacent property owner's fair and equitable share of the cost of the construction or extension of the subdivider's off site improvements. The amount of such adjacent property owner's share shall be determined using a front footage basis, unless the council determines that some other basis, or combination of basis, would result in a fairer and more equitable determination in a given case.

3. The amount due from each adjacent property owner shall be subject to the adjustment to reflect changes in the cost of living between the date of the agreement and date of collection. At the time of collection by the town, the amount due from each adjacent property owner shall be multiplied by the multiplier, the numerator of which shall be the published "Consumer Price Index" for all items, "U.S. City Average For All Urban Consumers", published by the United States department of labor, bureau of labor statistics, most recently released prior to the time of collection, and the denominator of which shall be the index most recently released prior to the date of the agreement. In the event the bureau of labor statistics shall change the base period (currently 1982-84 = 100) the new index number for the month in which the agreement was executed shall be substituted for the index originally used for the denominator as provided for above. In the event the bureau of labor statistics ceases publishing the consumer price index in its current form, the town shall select a substitute index or shall determine the means for calculating any change in the cost of living between the date of the agreement and the date of collection.

C. If the subdivider fails to comply with the terms and conditions of the agreement, the subdivider shall forfeit its right to reimbursement.

D. Nothing contained in the agreement or this section shall operate to create a lien or encumbrance of any kind upon the adjacent properties.

E. The town shall pay over to the subdivider all sums collected from the adjacent property owners pursuant to the agreement as and when collected. In no event may the actual amounts so paid to the subdivider by the town exceed the total reimbursement entitlement established by the agreement (plus any applicable cost of living adjustment). After the expiration of the fifteen (15) year term, the agreement shall become null, void and of no further effect.

F. The subdivider shall construct such oversized improvements and utilities as the town determines necessary. If such oversized improvements are determined by the town not to be required to serve the subdivider's development, the cost of such oversizing shall be included within the agreement, or at the option of the town, the town shall reimburse the subdivider for the cost of the oversized portion of such improvements or utilities.

G. A person extending or constructing off site utilities or other public improvements, but not actually engaged in a subdivision of property, may also be entitled to reimbursement in accordance with the provisions of this section. (Ord. 23, Series 1992)

**9-2-3-8: EFFECT OF ORDINANCE CHANGE ON PENDING APPLICATIONS:**  

An application for a development permit under this chapter which is substantially complete shall be reviewed based upon the town ordinances which were in effect at the time that such application was initially made; provided, however, that an applicant with a pending application may elect to have such application reviewed based upon a town ordinance which was adopted between the date of the initial submission of the application and the date of the final hearing on such application. For the purposes of this section, an application is substantially complete if it meets substantially all of the applicable requirements for a development permit application as provided in this chapter. Further, in the event that any pending application shall become inactive, such application shall thereafter be reviewed based upon the town ordinances which are in effect when the application is next heard by the planning commission. For the purposes of this section, a class A subdivision development permit application is inactive if it has not been heard by the planning commission for a period of one year; and all other subdivision development permit applications are inactive if they have not been heard by the planning commission for a period of six (6) consecutive months. Upon the request of the applicant, and for good cause shown, the director may direct that an application which has become inactive shall still be reviewed based upon the town ordinances which were in effect at the time that such application was initially made. Notwithstanding the provisions of this section, the town may adopt a new or amended law or regulation when necessary for the immediate preservation of the public health and safety and may enforce such law or regulation in relation to an application for a development permit application which is pending at the time such law or regulation is adopted. (Ord. 32, Series 1999)

**9-2-3-9: RULES AND REGULATIONS:**  

The director shall have the authority from time to time to adopt, amend, alter and repeal administrative rules and regulations as may be necessary for the proper administration of this chapter. Such regulations shall be adopted in accordance with the procedures established by [title 1, chapter 18](#) of this code. (Ord. 17, Series 2011)

**9-2-3-10: APPEAL:**  

The final decision of the director, planning commission or town council with respect to any development permit application submitted pursuant to this chapter may be appealed to an appropriate court pursuant to rule 106(a)(4) of the Colorado rules of civil procedure. The municipal court shall not have jurisdiction over such civil action. (Ord. 32, Series 2004)

**9-2-3-11: CORRECTION OF RECORDED SUBDIVISION PLAT:**  

A. A subdivision plat affecting real property located within the town that has been recorded with the clerk and recorder of Summit County, Colorado, may be corrected in accordance with the procedures set forth in this section. As used in this section, the term "subdivision plat" or "plat" has the meaning provided in section [9-2-2](#) of this chapter and includes, without limitation, recorded subdivision plats; recorded maps of condominiums, townhomes and other similar land developments; and other similar maps describing a piece or parcel of land and its features, such as unit boundaries, lots, streets, and easements.

B. Depending upon the nature of the required correction, a recorded subdivision plat may be corrected either by the execution and recording of an affidavit of correction or the filing of a correction plat. The process set forth in this section may only be used to correct one or more errors in a recorded subdivision plat, and may not be used to avoid complying with the other requirements of this chapter.

C. An affidavit of correction may be used to correct minor errors or omissions on a recorded subdivision plat including, but not limited to, minor typographical errors and errors in distances, angles, or bearings. Use of an affidavit of correction must be approved by the town engineer.

D. An application for an affidavit of correction shall be processed as follows:

1. An application for an affidavit of correction shall be processed administratively by the town engineer in consultation with the town attorney.

2. The application fee for an affidavit of correction shall be fifty percent (50%) of the application fee for a class C subdivision application. In addition, the party proposing the affidavit of correction shall reimburse the town for any time expended by the town attorney in connection with the preparation or review of the proposed affidavit.

3. An affidavit of correction shall be in form and substance acceptable to the town attorney.

4. An affidavit of correction shall be recorded with the clerk and recorder of Summit County, Colorado. The party proposing the affidavit of correction shall pay all fees required to record the affidavit with the clerk and recorder of Summit County.

5. The original, recorded affidavit of correction shall be maintained in the land use records of the town.

E. A correction plat may be used to correct a recorded subdivision plat when the town engineer determines that the errors or omissions to be corrected are too numerous or substantial to be corrected by an affidavit of correction.

F. An application for a correction plat shall be processed as a class C subdivision application. In addition, the party proposing the correction plat shall reimburse the town for any time expended by the town

attorney in connection with the preparation or review of the proposed correction plat. The party proposing the affidavit shall pay all fees required to record the correction plat with the clerk and recorder of Summit County.

G. A correction plat shall be prepared in accordance with the following standards:

1. The name of the correction plat shall be the same as the name of the subdivision plat being corrected, but shall include the words "correction plat" in the title of the correction plat.
2. Signature blocks for all property owners of property within the boundaries of the subdivision shall be included.
3. All plat certificates required to be placed on a new subdivision plat shall be included on the face of the correction plat.
4. All required plat certificates shall be properly executed before the correction plat is recorded.
5. All plat notes set forth on the subdivision plat to be corrected shall be included on the correction plat.
6. The correction plat shall include a listing of all corrections made to the recorded subdivision plat by the correction plat. The table shall show the original information and the corrections being made by the correction plat. (Ord. 18, Series 2009)

#### **9-2-4: REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN STANDARDS:**

##### **9-2-4-1: GENERAL REQUIREMENTS:**

A. Conformance To Applicable Rules And Regulations: In addition to all requirements established herein, all subdivision plans shall comply with the following:

1. All applicable state or federal laws. (Ord. 23, Series 1992)
2. The town master plan, land use guidelines, handbook of design standards, urban design plan, street standards, storm drainage standards, flood damage prevention regulations, water quality and sediment transport control standards, development code, building code, and all applicable town laws, codes, regulations, and development related policies. (Ord. 13, Series 2012)
3. The rules of the Colorado state highway department if the subdivision or any lot contained therein abuts a state highway. (Ord. 23, Series 1992)
4. Any applicable plat note or plat restriction pertaining to the real property proposed to be subdivided. A plat note or plat restriction shall be deemed to be applicable only if it was placed on the plat as part of the town's plat approval process. (Ord. 2, Series 2003)

B. Unanticipated Field Conditions: Where field conditions require additional construction techniques, such as the need for curtain drains to intercept a previously unknown drainage problem which will



interfere with a subdivision improvement, the town engineer may require additional measures to be taken. Failure to take corrective action may result in not issuing any further building permits within the subdivision.

#### C. Monuments And Markers:

1. Preservation Of Existing Monuments: All United States, state, county, town or other official bench marks, monuments, or triangulation stations in or adjacent to the subdivision shall be preserved. When a proposed improvement in a subdivision makes necessary the moving of bench marks, monuments, or stations, the authority having jurisdiction shall be notified and given sufficient time to take appropriate action.

#### 2. Placement Of New Monuments:

a. The external boundaries of a subdivision shall be marked in the field by concrete monuments, iron pins or drill holes as specified and required by the town engineer. These markings shall be placed not more than one thousand four hundred feet (1,400') apart in any straight line, at all corners, at each end of all curves, at the point where a curve changes radius, and at all angle points in any line.

b. All such markings shall be set flush with the proposed finished grade, installed in such a manner that they will not be disturbed, and shall be town referenced permanent concrete markers with a brass plug identifying the point.

c. All markings shall be properly set in the ground and certified by a Colorado registered land surveyor on the as built drawings.

d. The corners of all lots shall be identified with permanent monuments of galvanized iron pipe not less than three-fourths inch ( $\frac{3}{4}$ " ) in diameter and not less than thirty six inches (36") in length, or with iron pins approved by the town engineer. In no case shall thin wall pipe or electrical conduit be permitted.

D. Character Of Land: Land which the town determines to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, adverse visual impacts, or other features which could be harmful to the safety, health and welfare of the inhabitants of the subdivision, its surrounding area, or the town in general shall not be subdivided or developed unless adequate methods acceptable to the town are formulated to solve the problems created by the unsuitable land conditions or development. Development, including the placement of public improvements and the creation of sites for the placement of structures, shall be provided on slopes in excess of fifteen percent (15%) if no other reasonable alternatives exist and the subdivider mitigates the negative impacts created by development on these slopes.

E. Energy Efficiency: All subdivisions shall be designed to promote energy efficiency, and site design techniques shall include, but not be limited to: 1) building orientation; 2) street and lot layout; 3)

vegetation; 4) natural and manmade topographical features; and 5) protection of solar access within the development.

F. Development Free Areas: Where the subdivision borders a manmade facility such as highway or recreational facility from which the subdivision should be protected, or a natural feature such as a wetland which should be protected from the impacts of development, the town may require that no structure or infrastructure improvements, including a septic system in the case of a wetland or stream, be constructed within an area or in a manner that would create adverse impacts. In such cases, the town may also require plantings, berms, screening, the retention of existing vegetation, fencing or other reasonable measures to reduce adverse impacts. (Ord. 23, Series 1992)

**9-2-4-2: DESIGN COMPATIBLE WITH NATURAL FEATURES:**  

A. The design of every subdivision shall be compatible with the existing topography, drainage patterns, and other natural features on the site.

B. The design of the subdivision should, wherever possible, lower all maintenance costs both public and private through a self-maintainable ecological system, to conserve materials, construction labor, construction equipment, land and environmental values; to balance construction costs, amortization costs, operating costs, maintenance costs and replacement costs, thereby minimizing total average annual costs.

C. The design of every subdivision shall make adequate provision for the use and maintenance of open space. (Ord. 23, Series 1992)

D. Every subdivision shall strive to conserve existing features which add value or are of benefit to the development or the town as a whole, such as trees, watercourses, ridgelines and hillsides visible from an area of concern, historic sites, and similar irreplaceable assets.

1. No trees shall be removed from any subdivision nor any change of grade of the land affected until approval of the plan has been granted and the plat filed, except in those instances where approval to remove trees has been granted pursuant to the requirements of the town's development code prior to filing of the plat. All trees on the plan required to be retained shall be preserved and all trees where required shall be welled and protected against change of grade. All disturbed areas shall be revegetated with native ground cover.

2. Every subdivision shall strive to preserve the existing natural landscape character of the site to the extent reasonable and feasible. The subdivider shall use best faith effort to preserve significant healthy trees. In determining which trees to preserve, consideration shall be given to preserving those which exhibit the following characteristics:

- a. Are significant specimen trees;
- b. Complement the project design including the enhancement of the future architecture and streetscape appearance;
- c. Can tolerate environmental changes to be caused by development; i.e., increased sunlight, heat, wind, snow loading and alteration of water regime;
- d. Have strong branching and rooting patterns;
- e. Are free of disease and insect infestation;
- f. Complement or do not conflict with stormwater practices;
- g. Exist in natural groupings including island of trees, or are significant singular trees;
- h. Do not conflict with necessary utility, roadway or sidewalk patterns;
- i. Help screen the visibility of existing and proposed development, including roadways, when viewed from an area of concern.

Where trees and other vegetation have been removed for the construction of the subdivision including roads, retaining walls, utilities, and other necessary improvements, the subdivider shall implement a landscaping and revegetation plan based on the standards for landscaping established in section [9-1-19-22](#) of this title. (Ord. 40, Series 2006)

3. In addition to the landscaping required above, the subdivider of land shall provide one tree having a minimum trunk diameter (measured 6 inches above ground level) of not less than two inches (2") for deciduous trees or having a minimum height of six feet (6') for evergreen trees suitable for the Breckenridge climate for every fifteen (15) linear feet of roadway platted within or immediately adjacent to the subdivision. It is further encouraged that landscaping be placed on the downhill side of any retaining structures to screen the visibility of the road cut when viewed from off site. Where cut and fill slopes are used, they shall be revegetated with native plant materials to reestablish ground cover and reduce the potential for soil erosion. (Ord. 1, Series 2019)

E. No cut trees, timber, debris, junk, rubbish or other waste materials of any kind shall be buried in any lot or left or deposited on any lot, street, or other area within the subdivision. Removal of same from the lot shall be required prior to issuance of any certificate of occupancy for a structure on that lot. No such material shall be left or deposited in any area of the subdivision at the time of dedication of public improvements.

F. The design of every subdivision shall take into account the need to provide adequate firefighting capabilities and shall strive to lessen fire danger through design and mitigation measures. (Ord. 23, Series 1992)

**9-2-4-3: DRAINAGE, STORM SEWERS AND FLOOD PREVENTION:**  

#### A. General Requirements:

1. **Runoff:** The Town shall not approve any subdivision which does not make adequate provision for storm or flood water runoff control. The stormwater management system shall be separate and independent of any sanitary sewer system and shall, wherever possible, utilize techniques designed to recharge groundwater, minimize downstream flooding, and enhance the water quality of the community.
2. **Drainage:** Lots shall be laid out so as to provide positive drainage away from all possible building sites, individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentrations of storm drainage waters onto adjacent lots. All drainage courses shall be protected by covenants and deed restrictions preventing alteration, building upon, or obstructing of the drainageways.
3. **Storm Sewers:** Storm sewers, where required, shall be designed in accordance with the Breckenridge storm drainage standards. A copy of design computations shall be submitted to the Town along with all plans.

#### B. Nature Of Stormwater Facilities:

1. **Location:** The applicant may be required by the Planning Commission to carry away by pipe or open ditch any spring or surface water that may have existed previous to or may result from the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with Breckenridge storm drainage standards.
2. **Accessibility To Public Storm Sewers:** If a connection to a public storm sewer will eventually be provided, as determined by the town engineer, the developer shall make arrangements for future stormwater disposal at the time the plan receives approval. Provision for such connection shall be incorporated in the performance bond required for the subdivision plan.
3. **Accommodation Of Upstream Drainage Areas:** A culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area whether inside or outside the subdivision. The town engineer shall determine the necessary size of the facility based on applicable construction standards and specifications assuming conditions of maximum potential watershed development permitted by town or county regulations.
4. **Effect On Downstream Drainage Areas:** The applicant shall study the effect of the subdivision on existing, downstream drainage facilities outside the area of the subdivision. Where it is anticipated the additional runoff incidental to the development of the subdivision will overload an existing downstream drainage facility, the town shall require the developer to take steps to minimize the impact on downstream properties.
5. **Flood Prone Areas:**

a. If a proposed subdivision impacts a flood prone area: 1) it shall be designed to minimize flood damage within the flood prone area; 2) all public utilities and facilities, such as sewer, gas, electric and water systems, shall be located and constructed to minimize and eliminate flood damage; and 3) adequate drainage shall be provided to reduce exposure to flood hazards.

b. Flood prone areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps. (Ord. 23, Series 1992)

c. All subdivisions shall comply with the requirements of [title 10, chapter 3](#) of this code. (Ord. 37, Series 2011)

#### C. Dedication Of Drainage Easements:

1. General Requirements: Where a subdivision is traversed by a watercourse or drainageway, a stormwater easement or drainage right of way shall be required which conforms to the lines of such watercourse or drainageway and is adequate for retaining potential drainage flows within the easement or right of way. Wherever possible, drainage should be contained by an open channel with landscaped, gently sloping banks.

#### 2. Drainage Easements:

a. Where topography or other conditions make impractical the inclusion of drainage facilities within road rights of way, perpetual unobstructed easements at least twenty feet (20') in width for such drainage facilities shall be dedicated to the town across property outside the road right of way and with satisfactory access to the road. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

b. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights of way or easements must be secured and indicated on the plan at no cost to the town. In the event the subdivider, after using best efforts to acquire the necessary easements, fails to acquire said easements and the town obtains the easements, then subdivider shall reimburse the town for all costs borne by the town to acquire the easements.

c. Where necessary for drainage or protection of watercourses, the town may require the applicant to grant drainage or conservation easements to the town along watercourses.

d. Low lying lands along watercourses subject to flooding or overflowing during storm periods, and wetlands whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainageways.

D. Blue River: Where a subdivision is located adjacent to the Blue River, the subdivider shall dedicate all land located within the 100-year floodplain of the river to the town. (Ord. 23, Series 1992)

#### 9-2-4-4: UTILITIES:

A. General: All utilities shall be installed underground and utility stubs provided from mains and laterals to all lots within the subdivision prior to the completion of the finished road surface. Utility mains and laterals should not be placed directly under street pavement when alternative locations within the proposed road right of way exist. Utility placement under road shoulders, snow stack easements, or independent utility corridors which can provide utility service to all individual lots while being accessible to maintenance equipment are preferred. The removal of trees outside of the road right of way for the installation of utilities or placement of utility easements, which trees provide an effective screen or buffer to existing or future development, is strongly discouraged. Particular attention shall be given to the preservation of trees and other natural features on the downhill side of any existing or future development. Where it becomes necessary to remove trees for the installation of utility lines, the subdivider shall design the line in such a way as to minimize the tree removal, and if required to lessen the visual impact of the line, shall vary the direction of the line when necessary. On a ridgeline or hillside site where it may be necessary to install utilities or to locate easements on the downhill side of existing or future development, a row of trees at least twenty feet (20') deep shall be maintained between the development site and the new utilities or easements to help screen the visibility of the development from an area of concern. Where possible, utilities and utility easements on forested ridgeline or hillside lots shall not be located immediately adjacent to platted envelopes in order to preserve a row of trees at least twenty feet (20') deep between the utility or easement and the development site for screening the development. No subdivision shall be approved by the town unless adequate public facilities are provided in accordance with this chapter. (Ord. 40, Series 2006)

B. Water Supply Facilities:

1. Subdivisions within the town shall be served with a water supply system built to town specifications as required by the town's water ordinance.
2. A subdivision water distribution system shall have adequate pipe sizes, water for domestic use, and sufficient fire hydrants to provide fire protection. Should existing water facilities be inadequate, the subdivider shall provide at his expense all facilities to meet required flows. All public water lines provided for new subdivisions shall extend through the subdivision to allow for extension to adjacent properties.
3. Fire hydrants shall be located per town and Red, White And Blue fire district standards and shall be installed along with all utility improvements necessary for them to operate prior to the completion of the finished road surface.

C. Sanitary Sewer Facilities:

1. Public community sewage systems shall be constructed throughout the subdivision and connected to existing public sewage facilities, i.e., Breckenridge sanitation district facilities.
2. Sanitary sewers shall be located within street or alley rights of way unless topography dictates otherwise. When located in easements on private property, access shall be provided to all manholes. The proposed location of sewer lines shall be shown on the final plan of the subdivision, and easements

shall be dedicated to the town or Breckenridge sanitation district, as determined by the town, and shall be not less than twenty feet (20') in width.

3. Sanitary sewer facilities design shall be in conformance with Breckenridge sanitation district design criteria and engineering requirements. All sanitary sewage facilities shall be compatible with the long range planning for installing sewers in the entire tributary area.

D. Utilities: Telephone, Electric, Gas And Cable Television:

1. Utility distribution lines for telephone, electric, gas and cable television service shall be placed underground throughout the entire subdivided area and shall serve all lots. Installation of such facilities shall be made in compliance with the applicable orders, rules and regulations of the state now or hereafter effective and the subdivider shall be responsible for compliance with the applicable orders, rules, and regulations of the state now or hereafter effective for any public utility whose service will be required for the subdivision with respect to the provisions of such facilities.

2. Underground telephone, electric, gas and cable television service shall be placed within easements or dedicated public rights of way dedicated to the town, in a manner that will not conflict with other underground services. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public. Corner markers as required in this chapter shall not be disturbed by the installation of utility markers.

E. As Built Construction Drawings: As a condition for releasing construction bonding on public improvements, the developer shall submit as built drawings of all main, primary, secondary, and service utilities installed as part of the project. (Ord. 23, Series 1992)

**9-2-4-5: LOT DIMENSIONS, IMPROVEMENTS AND CONFIGURATION:**  

A. Political Boundaries: No lot shall be laid out so it crosses a political boundary.

B. Arrangement: The lot arrangement shall be such that there will be little difficulty in securing development permits and building permits in compliance with the Breckenridge development code and building codes and in providing driveway access to buildings on such lots from an approved street at a grade in compliance with all town ordinances and standards.

C. Lot Dimensions And Standards:

1. Lots for residential uses and all lots located within residential neighborhoods shall be a minimum of five thousand (5,000) square feet in size, except lots created through the subdivision of townhouses, duplexes, or building footprint lots created as part of a master plan, which are exempt when the lot and project as a whole is in general compliance with the town comprehensive planning program and have

little or no adverse impacts on the neighborhood. Determination of "general compliance with the town's comprehensive planning program" shall be based upon, without limitation, the adequacy of proposed setbacks (including setbacks from other building footprint lots), privacy, functional parking, aesthetics, site buffering, circulation and compliance with the "Handbook Of Design Standards" as adopted in [chapter 5](#) of this title.

2. The depth and width of lots shall be adequate to provide for sufficient ingress and egress, for parking facilities as required by the proposed use, and to avoid lot depth greater than twice the width.

3. In general, side lot lines shall be at right angles or radial to curving street lines unless a variation from this rule provides a better street plan or lot layout. Lots shall take the form of plain geometric shapes except where topographic conditions require otherwise for environmentally sensitive development. Flag lots or other irregular shapes proposed as a means of manipulating the square footage of lots in developed areas shall not be permitted.

4. Where lots are more than double the minimum required area for the zoning district, the town may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with this chapter.

5. The depth and width of properties reserved or laid out for business, commercial or industrial purposes shall be adequate to provide for the off street parking and loading facilities required for the type of use and development contemplated.

6. Building setback reservations, nonbuildable and tree preservation easements may be required to protect significant environmentally sensitive areas, significant stands of mature trees and comply with the plan required in subsection [9-2-4-2D2](#) of this chapter, sites of historical significance, recreation areas including golf courses, parks, significant views or other special areas that in the opinion of the town are necessary for the protection of the health, safety and welfare of the community.

7. The following standards shall apply to site disturbance envelopes:

a. Site disturbance envelopes shall be platted for all residential lots at the time of subdivision.

b. Outside of the conservation district, a site disturbance envelope shall be located on a lot in a manner which complies with the following minimum setbacks:

(1) Front yard: Twenty five feet (25').

(2) Rear yard: Fifteen feet (15').

(3) Side yard: Fifteen feet (15'), with combined side yard setbacks on each lot equaling a minimum of fifty feet (50').

Site disturbance envelopes shall be located away from significant ridgelines and hillsides.

c. In addition to the minimum requirements which will be established through subsection C7b of this section, the location of a site disturbance envelope shall also take into consideration: 1) the topography of the lot; 2) wetlands or water bodies on or adjacent to the lot, if any; 3) the vegetation, geology, hydrology, and/or historic resources of the lot; 4) any ridgelines or hillsides on the lot visible from an area of concern; and 5) significant trees which will effectively screen future development when viewed



from an area of concern. Particular attention shall be given to trees on the downhill side of a site disturbance envelope.

d. Except as provided in subsection C7e of this section, the following shall occur within a platted site disturbance envelope: 1) all construction activities, including, but not limited to, grading, excavation, soil disruption (tree cutting and/or the removal of native vegetation unless approved by separate review in connection with an approved fire mitigation and/or a forest management plan); and 2) the construction of all permanent improvements, such as buildings, roof overhangs, structures, decks, at grade patios, fences, stairs, window wells, bay windows, or other similar improvements.

e. The following may occur outside of a platted site disturbance envelope: 1) construction of approved driveway access and paving, walkways, necessary driveway retaining walls, utility connections, pedestals and boxes, approved drainage facilities, culverts, public and private trails, street lighting, driveway entrance signage and related lighting, and soil disturbances related to all such activities; 2) approved tree planting and landscaping; and 3) other activities approved by the director which are consistent with the intent and purpose of the town requirement for the creation of site disturbance envelopes.

8. The following rules shall apply to the subdivision of a building footprint lot:

a. A building footprint lot shall only be allowed if specifically authorized in an approved master plan.

b. A building footprint lot located within the "conservation district" (as defined in section [9-1-5](#) of this title) shall only be allowed within the downtown overlay district.

c. Within the downtown overlay district the minimum distance between a building footprint lot and any adjacent building or another building footprint lot within the master plan shall be a distance that is equal to one-third ( $\frac{1}{3}$ ) the length of the longest wall plane of the existing or proposed building to be located on the building footprint lot, or six feet (6'), whichever is greater.

d. A building footprint lot shall not be located in significant view corridors, or on ridgelines or hillsides.

9. Lots abutting a watercourse, drainageway, channel, streams or steep slopes shall have a minimum width and depth required to provide an adequate building site and the minimum usable area for front, side and rear yards, as required in the Breckenridge development code. (Ord. 31, Series 2010)

#### **9-2-4-6: BLOCKS:**

A. Design: The length, width and shape of blocks shall be determined with due regard to the following:

1. Provisions for adequate building sites suitable to the special needs of the types of uses contemplated.
2. Needs for convenient access, circulation, control and safety of the street traffic.

B. Width: Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block standard shall be permitted when deemed appropriate by the town. Blocks adjacent to arterials, major collectors, watercourses, or steep slopes are examples where exceptions might be appropriate.

C. Reservation Of Easements: In long blocks, the town may require the reservation of easements through the block to accommodate utilities, drainage facilities, pedestrian or bicycle traffic. Such easements shall not be less than fifteen feet (15') wide and shall be improved by the subdivider and dedicated to the town.

D. Industrial Or Commercial Uses: Blocks designed for industrial or commercial uses shall be of such length and width as determined suitable by the town for the proposed uses. (Ord. 23, Series 1992)

#### **9-2-4-7: PEDESTRIAN AND BICYCLE CIRCULATION SYSTEMS:**

It is the policy of the town to require bicycle and pedestrian paths to be dedicated to the town as a component of the town's alternative transportation network and to provide recreational opportunities. Subdivision proposals shall include, as a component of the required public improvements, a pedestrian and bicycle path system designed to preserve existing paths, integrate with existing improvements and provide service appropriate to the character and magnitude of the proposed development.

At such time as the town has adopted a trails master plan, the subdivider shall dedicate to the town those portions of the trails, if any, shown thereon which traverse the property to be subdivided. The town may accept alternative trail alignments and dedications proposed by the subdivider which will implement the town's overall trails plans and policies.

Land dedicated for a trail shall apply toward the subdivider's open space dedication requirements under subsection [9-2-4-13A](#) of this chapter. The town may require dedication of land for open space exceeding ten percent (10%) when such dedication is necessary to implement the town's overall trails plans and policies, and the additional dedication does not create an undue burden on the design and development of the subdivision. Where trail dedications are made pursuant to the trails master plan which result in open space dedications greater than ten percent (10%) of the land area of the subdivision, the town's open space dedication requirements shall be deemed to be satisfied upon making such dedications. Land area for sidewalks adjacent to streets, and land area for internal pedestrian circulation elements shall not be credited toward the ten percent (10%) open space dedication requirement.

Prior to the adoption of a trails master plan, the subdivider shall dedicate to the town those trails necessary to implement a townwide trails system. In determining which trails shall be dedicated prior to the adoption of a trails master plan, the town shall utilize the town's existing master plan, urban design plan, and other relevant documents.

All easements or rights of way for paths dedicated to the town lying within subdivider's property shall be at least fifteen feet (15') in width.

Where possible, a separation between vehicular trafficways and pedestrian/bicycle improvements is encouraged. Bike path and pedestrianways shall be constructed according to the standards established

in the Breckenridge street standards for hard surface paths. Soft surface paths shall be designed to meet current industry standards.

One hundred percent (100%) of the land area required by the town to be dedicated for trail systems outside of the proposed street rights of way shall be credited toward the subdivider's open space requirements, if any. (Ord. 23, Series 1992)

**9-2-4-8: STREET LIGHTING:**  

Streetlights shall be installed for every subdivision and shall meet the requirements of the Breckenridge street standards. The type of lighting fixture shall be determined by the planning commission and shall be a fixture compatible with the character of the neighborhood and town as a whole. For example, Welsbach or other similar fixtures approved by the town shall be utilized throughout the historic district and areas adjacent to it, while other areas may utilize fixtures compatible with quality mountain architecture. (Ord. 23, Series 1992)

**9-2-4-9: TRAFFIC CONTROL DEVICES AND SIGNS:**  

The subdivider shall provide at his expense, and install, all traffic control devices and signs required by the town prior to acceptance of the street by the town. Street name signs are to be furnished and installed by subdivider at all intersections within or abutting the subdivision, the type and location of which are to be approved by the director of public works. (Ord. 23, Series 1992)

**9-2-4-10: SUBDIVISION AND STREET NAMES:**  

The proposed name of the subdivision or streets therein, shall not duplicate or too closely approximate the names of other streets or subdivisions in the town or upper Blue Valley. The town shall have final authority to designate the name of the subdivision and streets therein. (Ord. 23, Series 1992)

**9-2-4-11: EXISTING AND PROPOSED STREETS:**  

A. General:

1. Conformance With Master Plan: All streets shall be laid out in conformance with the Breckenridge master plan. Where such is not shown on the master plan, the arrangement of streets within a subdivision shall either:

a. Provide for the continuation or projection of existing arterials or major collector streets in adjacent areas.

b. Conform to a plan for the area or neighborhood recommended by the town to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

## 2. Access To Accepted Streets:

- a. All subdivisions shall have frontage on and vehicular access from an existing dedicated street or highway.
- b. Such street or highway shall be suitably improved so as to provide for safe circulation and shall be capable of accommodating the increased traffic generated by the subdivision.
- c. When land fronting on an existing street or an unaccepted street is proposed for subdivision and the street does not meet the construction standards and right of way width required by town standards, the town may require dedication of additional right of way and construction of improvements by the subdivider. (Ord. 23, Series 1992)

## 3. Topography And Arrangement:

- a. Streets that are appropriately related to the general topography of the land are encouraged. Steep grades and sharp curves shall be avoided. Large cut and fill areas shall be avoided through alternative placement or retaining walls if necessary. The use of retaining structures is encouraged when they will significantly reduce the grading and other site disturbance including tree removal. In cases where retaining structures are used they must be constructed from sturdy, dark natural materials, such as boulders, or engineered structures faced with natural rock or other material, which will blend with the surrounding area. It is further encouraged that landscaping be placed on the downhill side of retaining structures to screen the visibility of such structures when viewed from off site. Specific standards which shall be followed are contained in the Breckenridge street standards. (Ord. 40, Series 2006)
- b. All streets shall be properly related to specific traffic generators, such as industries, business districts, schools, churches and shopping centers, to population densities and to the pattern of existing and proposed land uses.
- c. Minor collectors and local streets shall be laid out to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to the property.
- d. The gridiron street pattern need not be adhered to, and the use of curvilinear streets and loop streets is encouraged where such use will result in a more desirable layout. In general, dead end streets are discouraged because of problems with snowplowing and the provision of emergency services.
- e. Proposed streets shall be extended to the boundary line of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the town, such extension is not necessary or desirable for the coordination of the layout of the subdivision's streets with existing or proposed streets.
- f. Where the town determines the street pattern for a proposed development should connect to an existing, proposed or previously laid out street or right of way, the town may require the extension and construction of the street or right of way by the subdivider to assure a safe, efficient circulation system.
- g. In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, and the provision of alleys, walks, parking areas and truck

loading and maneuvering areas, and so as to minimize conflict of movement between the various types of traffic, including pedestrian.

#### 4. Location Of Roads And Dead End Roads:

a. Arrangement Of Roads: The arrangement of streets shall provide for the continuation of existing or proposed streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and/or where such continuation is compatible with the Breckenridge comprehensive plan.

b. Temporary Dead End Roads: A temporary cul-de-sac or hammerhead turnaround meeting town standards shall be provided on all temporary dead end streets, with the notation on the subdivision plan that land outside the normal street right of way shall revert to the abutting property wherever the permanent street is constructed. The town may limit the length of temporary dead end streets in the interest of public health, safety and general welfare, and shall discourage temporary dead end streets in excess of six hundred feet (600').

#### c. Permanent Dead End Roads:

(1) Where a road does not extend beyond the boundary of the subdivision and its continuation is not required by the town for access to adjoining property, the town may require the reservation of appropriate easements to adjacent property to accommodate drainage facilities, snow stacking areas, pedestrian or bicycle traffic, or utilities.

(2) Where cul-de-sac or dead end roads are allowed, the design and length of the street shall be in compliance with the Breckenridge street standards.

5. Bridges, Crossings, Culverts And Other Public Improvements: All bridges, crossings, culverts and other public improvements of primary benefit to the subdivider, as determined by the town, shall be constructed at the expense of the applicant.

B. Classification And Design: All streets shall be designed and constructed by the subdivider at no cost to the town in accordance with the classifications and design standards in the Breckenridge street standards.

#### C. Street Dedications And Reservations:

1. Reservations: The town may require the reservation of the full right of way for any existing or proposed street and may require the construction of all or part of the facilities within the right of way required for the appropriate classification.

2. Widening And Realignment Of Existing Streets: Where a subdivision borders an existing street or when the master plan indicates or the town determines a need for realignment or widening of a street that would require use of some of the land in the subdivision, the subdivider may be required to improve and dedicate at his expense such areas for widening or realignment of such streets. Such frontage streets and other streets shall be improved in accordance with town street standards and

dedicated by the subdivider at his own expense to the full width as required by this chapter, provided that if the subdivider owns land on only one side of said street, he need only realign that side and only improve one-half ( $\frac{1}{2}$ ) of the necessary width, including all bridges, crossings and culverts required by the town.

3. Perimeter Streets: No new perimeter half streets shall be permitted in new subdivisions. (Ord. 23, Series 1992)

**9-2-4-12: NONRESIDENTIAL SUBDIVISIONS:**  

A. General: A nonresidential subdivision shall be subject to all the requirements of this chapter.

B. Standards: The subdivider shall demonstrate to the satisfaction of the town that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. Street rights of way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon and special requirements may be imposed by the town with respect to street, curb, gutter and sidewalk design and construction.
2. Special requirements may be imposed by the town with respect to the installation of public utilities, including water, sewer and stormwater drainage.
3. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent, existing or potential residential areas. (Ord. 23, Series 1992)

**9-2-4-13: DEDICATION OF PARK LANDS, OPEN SPACE AND RECREATIONAL SITES OR THE PAYMENT OF FEES IN LIEU THEREOF:**  

All subdividers shall provide land for open space purposes, or cash contributions in lieu of land, or a combination of both, at the option of the town which are roughly proportional in both nature and extent to the impacts created by the proposed subdivision. Unless a different dedication or payment is required by the planning commission on the basis of competent evidence presented, it shall be presumed that the requirements of this section satisfy the rough proportionality requirement; provided, however, that this requirement shall not apply to a person who undertakes to resubdivide a parcel for which an open space dedication has previously been made, or a person who undertakes to subdivide a structure. This land dedication or cash or combination thereof shall be provided in accordance with the following criteria and formula: (Ord. 27, Series 1995)

A. Criteria For Park, Open Space And Recreational Land Dedications:

1. Land Dedication Requirements: All subdividers shall be required to dedicate to the town ten percent (10%) of the land area of the proposed subdivision for use by the town for parks, open space, or other

similar recreational purposes, or to provide cash in lieu of the dedication in an amount equal to ten percent (10%) of the value of the land prior to subdivision.

2. Location: The location and configuration of the site or sites to be dedicated shall be determined by the town in consultation with the subdivider and town staff which shall take into account the master plan of the town, the suitability of the site for park, open space, or recreational purposes, its relationship to population concentrations, and its proximity to other park or recreational lands, including existing and proposed parks adjacent to the Blue River. The town may require that the area be located at a suitable place, such as on the edge of the subdivision so additional land may be added at such time as the adjacent land is subdivided. Land so reserved shall be of a character and location suitable for public purposes, and if consistent with the needs of the town in that particular area, and if proposed for a playground or other similar recreational purposes shall be relatively level and dry.

3. Minimum Size: The minimum size of any land to be dedicated for park, open space and recreational purposes generally shall be not less than ten thousand (10,000) square feet, one dimension of which should not be less than one hundred feet (100'), except that the town may approve dedications of a smaller size, when required by the specific plans of the development and when the usefulness of the smaller area for park or recreational purposes is demonstrated.

4. Use Of Detention Areas For Required Dedications: Detention areas for stormwater control shall not qualify as land for park, open space and recreational purposes, unless the use of the property for active recreational purposes is clearly demonstrated.

B. Criteria For Requiring A Contribution In Lieu Of Park, Open Space Or Recreational Sites: Where the development is small and the resulting land dedication is below the suggested minimum requirement or when the available land is inappropriate for park, open space or recreational purposes, as determined by the town, the subdivider shall pay a cash fee to the town in lieu of the land dedication required.

1. Cash Contribution In Lieu Of Park, Open Space And Recreational Land Dedications: A cash contribution equal to ten percent (10%) of the value of the land shall be provided in lieu of park, open space and recreational land dedications and shall be held by the town solely for the acquisition and improvement of park, open space and recreational land within the community. Because of the small size of the community, the provision of a park, open space, or other recreational land anywhere within the town master plan boundary shall be deemed to meet the needs of the proposed subdivision.

2. Refund Of Cash Contribution: If any portion of a cash contribution in lieu of park, open space, and recreational land dedications is not expended by the town for the purposes set forth herein seven (7) years from the date of receipt, it shall be refunded to the subdivider who made such contribution, along with any accrued interest earned on such funds.

3. Fair Market Value: The cash contribution in lieu of a land dedication shall be based on the fair market value of the undeveloped land that otherwise would have been dedicated as a park, open space or recreational site. The fee shall be based on the value of the land as determined by utilizing the most recent Summit County assessor's "actual value".

In the event of any objection to the fair market value, including an objection by the town, the objecting

party shall submit an appraisal showing the fair market value of said undeveloped land. The final determination of the fair market value of said undeveloped land shall be made by the town based upon such information submitted by the objecting party, along with any responses thereto by the subdivider or town staff.

4. Criteria For Requiring Dedication And A Fee: A combination of land dedication and a cash contribution in lieu of land shall be required when:

a. The subdivision or development does not have sufficient or adequate land to meet the dedication requirements hereunder. That portion of the land within the subdivision or development which is adequate or sufficient for the park, open space or recreation area shall be dedicated as a site as aforesaid, and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated.

b. A major part of a park, open space, or recreational site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions shall be required by dedication, and a cash contribution in lieu thereof shall be required.

C. Combining With Adjoining Developments: Park, open space or recreational land dedications may be combined with dedications from adjoining subdivisions and developments in order to produce usable recreational areas without hardship on a particular developer.

D. Topography And Grading: The slope, topography, and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes. Grading on sites for park and recreational uses shall not differ greatly from surrounding natural or manmade features.

E. Dedication At Time Of Approval Of Final Plat: All dedications or fees in lieu of shall be made prior to or concurrent with filing and recording of the final plat. (Ord. 23, Series 1992)

**9-2-5: APPENDIX A; PLAT CERTIFICATES:**  

The following certificates and notices, properly executed and in substantially the following form, shall be shown on the face of each final subdivision plat before it is recorded with the Summit County clerk and recorder. Any substantive variation from the text of the certificates as shown must be approved by the town attorney. Any other certificates or notices that are deemed necessary for the purposes of the particular plat shall also be included at the time of its submission. Note: The following plat notes must be customized to fit the facts of the particular plat (i.e., if the owner is not an entity, but are 2 individuals, the reference to the type of the business entity must be deleted; "has laid out" must be changed to "have laid out"; and so forth).

Owner's Certificate:



KNOW ALL MEN BY THESE PRESENTS:

That, a Colorado, being the owner of the following described real property situated in the Town of Breckenridge, County of Summit, State of Colorado:

(insert legal description)

has laid out, subdivided and platted the same into lots, tracts, streets, and easements as shown hereon under the name and style of, and by these presents, do hereby set apart and dedicate to the perpetual use of the public all of the streets, alleys and other public ways and places as shown hereon, and further hereby dedicates those portions of land labeled as easements for the installation and maintenance of public utilities as shown hereon. (and/or other purposes)

IN WITNESS WHEREOF, has caused its name to be hereunto subscribed this day of, 20.

[Insert Signature Block]

State of Colorado)

) ss.

County of Summit)

The foregoing instrument was acknowledged before me this day of, 20, by, as, and, as of, a Colorado.

Witness my hand and official seal.

Notary Public

My commission expires:

Town Of Breckenridge Certificate:

This plat is approved this day of, 20.

TOWN OF BRECKENRIDGE

By:

Director, Department of  
Community Development

Notice:

*Public notice is hereby given that the Town of Breckenridge hereby accepts all of the offers of dedication made by this plat. However, such acceptance does not constitute an acceptance of the roads and rights of way reflected hereon for maintenance by the Town.*

*Until such roads and rights of way meet Town road specifications and are specifically accepted by the Town, the maintenance, construction, and all other matters pertaining to or affecting said roads and rights of way are the sole responsibility of the owners of the land embraced within this subdivision.*

[Note: The town certificate on any subdivision plat may be executed by the director of the department of community development, or any assistant director.]

Town Clerk's Certificate:

*I hereby certify that this instrument was filed in my office at o'clock .M. on , 20\_, and is duly recorded.*

*Town Clerk*

Surveyor's Certificate:

*I, , being a registered land surveyor in the State of Colorado, do hereby certify that this plat of was prepared by me and under my supervision from a survey made by me and under my supervision, that both this plat and the survey are true and accurate to the best of my knowledge and belief, and that the monuments were placed pursuant to Section 38-51-105, C.R.S.*

*Dated this day of , 20\_.*

*Surveyor*

Title Company Certificate:

*\_does hereby certify that it has examined the title to all lands shown hereon, and all lands herein dedicated by virtue of this plat, and title to all such lands is in the owner named above free and clear of all liens, taxes and encumbrances, except as follows:*

*Dated this day of , 20\_.*

*Agent*

Certificate Of Taxes Paid:

*I, the undersigned, do hereby certify that the entire amount of all taxes due and payable as of , 20 upon parcels of real estate described on this plat are paid in full.*

*Dated this day of 20\_ad.*

*Summit County Treasurer or Designee*

Clerk And Recorder's Certificate:

*State of Colorado)*  
*) ss.*  
*County of Summit)*

*I hereby certify that this instrument was filed in my office at o'clock .M., this day of , 20, and is filed under Reception No. .*

*Summit County Clerk and Recorder*

(Ord. 32, Series 2008)



## TOWN OF BRECKENRIDGE TOWN COUNCIL

### July 23 Town Council Meeting



Welcome to the newsletter summarizing The Town of Breckenridge's latest Council Meeting. Our goal is to provide our citizens with thorough and reliable information regarding Council decisions. We welcome any feedback you may have and hope to see you at the meetings.

### Managers Report

#### Public Projects

- **Fiber9600 Construction:** Concrete repair required along the fiber trench route is ongoing in the downtown core and should be completed within the week. Trenching in the Wellington and Lincoln Park Neighborhoods is planned for completion by July 26th; however, crews will need to remobilize to set vaults along the edges of the roads and alleys. Trenching on Huron Road is anticipated to begin in the next two weeks and the joint trenching project on Wellington Road is

tentatively scheduled to begin by Xcel on August 1 st. The boring and trenching work that includes two CDOT/SH9 crossings, one at Airport Rd and one at Huron Rd, is awaiting permit approval. Fiber crews will begin pulling fiber cable through the installed conduit the week of August 12th.

- **Blue River Plaza Concrete:** Additional cuts will be needed for service drops, and staff recommends replacing all Riverwalk concrete in one future project for both a better appearance and possible cost savings.
- **Fiber Budget:** Staff requested formal Council approval for a \$4 million budget appropriation in 2019 for the project. The project is currently funded at \$8 million approved by a 2018 budget appropriation.
- **Fiber Drops:** Staff has solicited multiple telecom companies and excavators to perform the drop construction in 2019. Peak Communications, the single respondent, has provided pricing to construct the 2019 service drops in the Wellington Neighborhood and downtown core for \$725 per drop. This unit price will cover nearly all the 2019 drops, and any unusual circumstances requiring major restoration or excessive route will be negotiated on a case by case basis. ALLO recommends planning for 400 drops in 2019. Staff is budgeting \$400,000 in drop construction costs based on the \$725/drop cost with additional funding for unusual circumstances. Council discussed covering 150 feet when it comes to the drops. Contractor: the price of the drops depends on the location and the soil. **Council would like to have a broader discussion about drops and the distance/pricing for 2020.**
- **River Park:** The grant for Phase 2 of River Park was awarded this summer from GOCO. Staff will bid the Phase 2 work this fall and complete construction in summer 2020. The Town will be holding a grand opening of the park, as well as receiving the Starburst Award from GOCO on August 7th at 3:00 PM.

### Housing and Childcare

- **Housing Helps Program:** Under this program, the Town will pay homeowners, buyers, sellers, investors, or businesses for an occupancy restriction on their property. For this program the property will be restricted to insure that it is occupied as a primary residence by persons (and their families) who are employed full time in Summit County (30 hours/week). Retirement after seven years will be allowed. The property will not be subject to any appreciation cap, income cap, ownership restriction, rental rates or resale price caps, sales process, etc. The Deed Restriction WILL restrict the occupancy of the unit to local employees and WILL prohibit short term rental (3 months or less).
- **Buy downs:** Staff has been actively purchasing housing units that have become available and meet our buy down criteria. Currently, the Town has closed on two units and is under contract for an

additional 5 units.

### Financials

- June is largely reflective of May tax collections. TOB are approximately \$1.2M over 2019 budgeted revenues in the Excise fund. This is mostly due to sales tax being \$773k over budget and Real Estate Transfer Tax up \$351k over budget. Sales Tax is \$849k ahead of prior year; RETT is up \$189k over prior year.

## Other Presentations

### Financial Report to the Community

- [The attached Financial Report to the Community](#) summarizes important financial information of the Town of Breckenridge in an easy to read summary format. This is the first year that the Town has generated such a report for Town Council, citizens, taxpayers, credit analysts, and other interested parties. Although the popular financial report is not a required document, it does meet an important need, presenting the highlights of the budget and Comprehensive Annual Financial Report (CAFR) in a user-friendly format that simplifies complex data.

### Breckenridge Heritage Alliance Milne Park Presentation

- Milne Park is home to three town-owned historic buildings, the Briggle, Milne and Eberlein Houses, all of which suffer from deferred maintenance as well as structural, mechanical and accessibility issues. None have been significantly remodeled in 30+ years. They are valuable historic resources, yet their uses are mostly passive and restricted. A small percentage of BHA's guests are exposed to Milne Park and its history.
- The plan focuses on adaptive reuse and addresses important site, structural, ADA, and mechanical needs in a phased approach. It also suggests new uses, including: multipurpose space in the Eberlein House, event and meeting space in the Briggle House, a collections care facility in a new Milne House basement, new interpretation throughout the park and its buildings, designated admin staff space the Milne house and enhanced public accessibility/programming as a result.
- **Phase 1:** Complete all site work including parking and ADA access issues, build a new ADA public restroom, stabilize and move (for interpretation) the historic outhouse, lift, stabilize and pour foundations for the Eberlein and Milne Houses (basement in Milne) and complete building finishes.

(\$1,930,000)

- **Phase 2:** Complete Briggie house renovations, including a new mechanical system and updated kitchen for event and meeting use. (\$525,000)
- **Phase 3:** Implement exhibit plan in the park, focused around the theme of residential development in Breckenridge. (\$450,000)
- **Council will discuss the proposal further at their fall budget retreat.**

#### **Memorandum of Understanding Regarding Development Rights on Jointly Owned Properties (County/Town Housing Bank)**

- Several months ago staff updated the Council on a proposed rezoning of open space lands jointly owned by the Town and Summit County to the County's Open Space Zone District. The development rights had previously been stripped off these jointly owned lands and placed in the Upper Blue Transfer of Development Rights (TDR) Bank, for sale to developers seeking additional density.
- The County and Town have agreed to extinguish the density on these jointly held properties and place the density in an "Upper Blue Housing Extinguishment Account". When the Town or County move forward with a deed-restricted housing project, density in the Account can be used to account for the density in the new housing project.

## Regular Council Meeting

### **Legislative Review**

- **Historic District Design Standards Modification (First Reading):** After presenting the stakeholder group recommendations for the Handbook of Design Standards to Town Council on June 25th, staff proceeded to draft the proposed changes. The proposed language in the ordinances would both end the temporary moratorium, and make the changes to the Design Standards become effective immediately. The emergency ordinance action would end the moratorium some six weeks prior to the end date of the six month time frame enacted in the original ordinance (September 26th). **(Passed 6-0)**
- **Policy 4 Mass Modification (First Reading):** Additional above ground square footage may be allowed over and above the 23 intensity/density calculation based on the listed formulas for accessory uses 24 such as garages, meeting rooms, lobbies, hallways, recreational areas, etc. **(Passed 6-0)**
- **Sales Tax Standard Definitions (First Reading):** In the Town's continued effort to be part of the larger state-wide conversation on sales tax simplification with home rule municipalities, staff is recommending changes to the sales tax section of the municipal code for adoption of the updated standardized

definitions. The standardized definitions project is a Colorado Municipal League (CML) initiative that is a result of a request from the business community and the General Assembly. **(Passed 6-0)**

- **Electric Scooter Rental Business Ordinance (First Reading):** While electric scooters (e-scooters) are being used in many communities as both a last mile solution and recreation amenity, we know from those experiences that scooters can be difficult to operate safely in areas crowded with vehicles and pedestrians. As a result of these concerns, staff has heard from Council a desire to prohibit e-scooter rental businesses in Town. The attached ordinance, if approved, would prohibit the issuance of a BOLT license to an operator of an electric scooter rental business. **(Passed 6-0)**
  - **Resolution Establishing the Housing Helps Program:** Staff has been working with the Housing Committee to identify and implement a variety of strategies to increase housing for locals in Breckenridge and the Upper Blue Basin. The goal is to insure that there is adequate inventory, including a variety of housing types and price points, to serve the needs of local workforce and to retain a diverse and inclusive community. The Resolution that is attached for your consideration will establish the Breckenridge Housing Helps Program. Under this program, the Town will pay homeowners, buyers, sellers, investors, or businesses for an occupancy restriction on their property. The occupancy restriction will limit the use of the property to local employees. We believe this program will help locals obtain and maintain housing, help businesses house their employees, help incentivize investment in local housing, and help preserve the character of the community by restricting some of the existing housing stock for locals. **(Passed 6-0)**
  - **Resolution Accepting a Gift to the Town of Breckenridge:** The Quit Claim Deed from Woodmoor at Breckenridge Association, Dissolved January 1, 1998 (a dissolved Colorado nonprofit corporation) to the Town and Summit County, acting by and through the Board of County Commissioners of Summit County, Colorado is accepted by the Town of Breckenridge. The Town Council expresses its gratitude to Craig Beardsley and Keith Kroepler, the surviving members of the last acting Board of Directors of the Woodmoor at Breckenridge Association, Dissolved January 1, 1998, for conveying the undivided 50% interest in the real property described in such deed to the Town. **(Passed 6-0)**
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