

Town of Breckenridge
Planning Commission Agenda
Tuesday, September 15, 2009
Breckenridge Council Chambers
150 Ski Hill Road

7:00	<i>Call to Order of the September 15, 2009 Planning Commission Meeting; 7:00 p.m. Roll Call Approval of Minutes September 1, 2009 Regular Meeting Approval of Agenda</i>	2
7:05	<i>Worksessions</i>	
	1. Neighborhood Preservation Policy (JP/MT)	11
	2. Energy/Sustainability Policy (JP)	18
	3. Landscape Policy (JC)	24
9:45	<i>Town Council Report</i>	
9:55	<i>Other Matters</i>	
	1. CLG Training Memo (CN)	30
10:00	<i>Adjournment</i>	

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

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

PLANNING COMMISSION MEETING

THE MEETING WAS CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Rodney Allen

Michael Bertaux

Leigh Girvin

Dan Schroder

Dave Pringle

JB Katz and Jim Lamb were absent.

APPROVAL OF MINUTES

With one change, the minutes of the August 18, 2009 Planning Commission meeting were approved unanimously (5-0).

Ms. Katz's comment on page 6 on Preservation Homes at Maggie Placer should be changed to reflect that she was agreeing with Ms. Girvin regarding affordable housing, not that she was agreeing regarding the social trail.

APPROVAL OF AGENDA

With no changes, the September 1, 2009 Planning Commission agenda was approved unanimously (5-0).

CONSENT CALENDAR:

1. Schaezel Residence (CK) PC#2009038, 597 Broken Lance
2. Baker Fence (MMO) PC#2009040, 52 Carter Drive
3. Gibbs Residence (MGT) PC#2009041, 100 Royal Tiger

Ms. Girvin asked a question regarding the Schaezel Residence, PC#2009038: Is 1,175 square feet the correct home size? (Mr. Kulick: Yes, that is correct.)

Mr. Bertaux asked a question regarding the Schaezel Residence, PC#2009038: Was the application a renewal? (Mr. Kulick: Yes, they wanted to reduce the square footage. Same applicant.)

Ms. Girvin asked a question regarding the Baker Fence, PC#2009040: The fence that is being proposed along Carter Park, will that close off the social trail at the end of the cul-de-sac that passes through? (Mr. Mosher: Yes, the trail is passing through private property. New landscaping will be provided along the fence and the trail to discourage trespassers.) Concerned that people will follow path they are used to using. (Mr. Neubecker mentioned possibly including a sign on the fence that directs people to the platted Town trail on the east side of the property.)

Ms. Girvin asked a question regarding the Gibbs Residence, PC#2009041: Would the square footage of the proposed residence fit in with the neighborhood preservation policy if it was in effect? (Mr. Thompson: Yes, it would comply.) (Mr. Neubecker: Weisshorn is proposed with 1:4 FAR, and maximum home size of 8,000 square feet, and this is less than each.)

With no motions for call up, the consent calendar was approved as presented.

PRELIMINARY HEARING:

1. Carter Ridge Residence (MGT) PC#2008076, 114 North Ridge Street

Mr. Thompson presented a proposal to construct an 8,114 sq. ft. residence with four bedrooms, five bathrooms, and an accessory apartment. Staff believes the applicant, Mr. Stowell, has made some positive changes to this proposal since the worksession meeting and is headed in the right direction. Staff requested feedback from the Commission on the following issues:

1. Did the Planning Commission support the general layout of the plan?
2. Did the Planning Commission believe that adding one or two spruce trees to the property in between the connector element and French Street, and at least one spruce tree to the Ridge Street side of the project, would help to buffer the residence from French Street and Ridge Street as well as hide the connector element so the project looks more like two separate structures?
3. Did the Planning Commission agree that the revision of the roof pitch of the garage would help the project to meet the intent of Policy 141?

4. Would the proposed two-story elements be acceptable with this proposal? Did the two-story elements meet the intent of Priority Policy 142?
5. How did the Commission feel about the use of different materials on the north and south modules? Would this meet Policy 145?

Mr. Stowell, the applicant, spoke and discussed the history of the lot. The applicant's goal was to create a house that looked like it was built in the time of the historic buildings surrounding it, but with modern conveniences such as renewable energy. The applicant passed to the Commission pictures of the Carter Museum, the historic barn at 100 S. Harris Street, Fuqua Livery Stable, and other homes on the street. The pictures showed roof pitch, siding and veneer, and other characteristics similar to his proposal. Mr. Stowell noted that planting a spruce tree in staff's proposed location would in the future block the views for the nearby bed and breakfast, and potentially block sun for the home. Mr. Stowell proposes to plant a different type of evergreen.

Mr. Allen opened the hearing to public comment.

Andy Harris, owner of B&B to the east, 114 North French Street: We'd like to commend Mr. Stowell for his efforts. We are concerned about our view, and want to know what is the "ground zero" for building height measurement when the lot is concave? Planning staff has told us that the lot is measured from the high point. We were hoping that the roof pitch could be lowered to provide an additional 4' of view. (Mr. Allen: Mr. Thompson, is that correct regarding height measurement?) (Mr. Thompson explained the measurement to the mean elevation of a sloped roof: the greatest dimension, measured vertically, to a point between the ridge and the eave edge of a sloped roof, to a point measured directly below as described above.) (Mr. Bertaux: Could this be corrected during excavation of the lot?) (Mr. Thompson: No.) (Mr. Stowell noted that he had discussed dropping the roof pitch with Mr. Harris, and that he was okay with doing it if the Planning Commission would support it.)

Matt Stais, owner of property to the south, 108 North Ridge Street: I like the applicant's attempt to fit into the context of the historic district and the renewable energy. How will this project achieve the construction excavation at the south property line with only a 5' setback and full basement? There is a substantial existing pine tree also adjacent to the property line and a fence built in 1902. How will the construction be executed without compromising the adjacent historic buildings? Second concern is the window well egress that will be required for the basement bedrooms, and I'm not sure how this will work with snow shed off the steep roof into the window wells. The third comment is regarding the drainage and how the foundation and snow shed will drain. The grading is unclear and needs to be flushed out. There needs to be a construction management or phasing plan that addresses parking, shoring, backfill, etc. I think the detailing of the structure is going to be really important because of the height of the buildings. I appreciate the effort on the computer generated model, but the model makes the building appear to be a lot further away from the property line in this rendering than it really will be. On the design side, having the stair that accesses the basement apartment and roof overhang in the setback should generate negative points. The 4/12 roof pitch in the rear is going to look like an addition from the 1970's. The west side windows are also an issue.

Susie Craig, 110 North French: I think it sounds like an interesting plan. I have an issue with the building height because it is already a high lot. Why does everything have to be designed to the maximum height?

Mark Hogan, property owner on Ridge Street: Concept is refreshing to see a Camp Phase style home rather than another Victorian. Great that he maintained the setback.

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

Commissioner Questions/Comments:

Mr. Schroder: Are you thinking two buildings and the connector is a third stain? (Mr. Stowell: Yes.) The general layout looks good to me. From the Ridge side it could look like a duplex. I am concerned with the setback to the south and the snow falling off the roof into this area. I think that the question regarding building height measurement should be followed up on. I like the idea of adding trees to break up massing and add character. What is a typical width for a garage in the historic district? I think it needs a steeper pitch roof to match the width. I think this looks like a two story building, and it should be 1-1.5 stories. The height needs to come down a little bit, and the windows in the

- elevation add to this perception. I like the materials. I appreciate the solar panels and agree with Mr. Allen regarding the positive six (+6) points if they provide 75% or more of their electrical needs.
- Ms. Girvin: I think you are on a good track with this. I like the general layout and courtyard that separates the two modules. I appreciate the 52' setback from Ridge Street. I would like to see area within the 52' setback be native vegetation and keep it as a "do not disturb" area. I support Mr. Stais' idea regarding a construction management plan. I think care for and not disturbing this area (natural yard) will add beauty to the property in the future. I support positive points for this. I would like to see this project look less like a duplex, with the primary structure looking larger than the accessory structure. I support using different materials for the two, but would prefer to see the materials and accents consistent with the historic context for accessory and primary structures, not nearby secondary structures. I would like to see more traditional window layouts. I don't care for the 4:12 roof pitch over the garage. We need to keep scale in mind, and a lower roof pitch works on a one-story building better than on a 1.5-2 story building. I would prefer to see no spruce on the Ridge Street side. I like the Bristlecone, Limber, or Engelmann spruce (native plantings) on the French Street side. I think a model would be appropriate or additional streetscape drawings.
- Mr. Pringle: The 52' setback from Ridge Street causes some of the issues and elements could be more spread out on the lot if it was reduced. Landscaping additions where shown on the plan should be fine, and I think any type of evergreen species would be okay. You should buffer the connector element and it would strengthen the separation of the structures. Roof pitch on the shed element is consistent with the Historic District at 4:12. You could lower the roof pitch on the two primary structures and it might help reduce the height and meet policy 142. I am not opposed to the materials but negative points should be assigned. Egress out of the basement window and stairwell needs more study. The window side on the front elevation needs to be reduced or broken up so that there are not two double-hung windows side by side. On the back where you show the beetle kill lap siding, is that correct? What is the size? (Mr. Thompson: Yes. They will be different sizes, not shown as 4" reveal lap siding.) We need to be careful about the reveal on that siding. The windows on the west elevation facing Ridge Street need to be broken up, two double hung windows right next to each other is not appropriate in the Historic District.
- Mr. Bertaux: What is the roof on the south side of the home that goes across the setback? (Mr. Thompson: This roof overhang is for the stairs down to the accessory apartment. Staff has requested the pillars that support the roof be moved out of the setback, but that code does allow a roof overhang of 18" into a setback in the historic district.) Changing the 12:12 roof to an 8:12 pitch would certainly help on the north building. I am not crazy about the large window. Break up the two double-hung windows to be more historic looking. I prefer lap siding and the 4" reveal that is on the adjacent buildings, many of the new vertical siding I've seen seem contrived. I agree with Mr. Stais about the stairway down to the accessory apartment. Possibly another way to enter the accessory apartment could be explored. I don't have a problem with the 4:12 roof pitch. The 12:12 is too steep. I think that a model would help for this project and agree that it can be computer generated, especially to see how this structure and height relates to the adjacent properties on French Street. I like the 52' setback from Ridge Street. I support the additional landscape buffering. I think the 3 points for energy conservation is appropriate. Some additional landscaping between the parking space and sidewalk should be added. Bristlecone pines may be appropriate rather than spruce. I don't understand why the hump in the middle of the lot has to be the point where the building height is measured from.
- Mr. Allen: Will Mr. Thompson please discuss the priority policies regarding roof pitches? (Mr. Thompson: Roof pitches in the policy talk about being in context with the character area, which is around 10:12 typical in this area and not less steep than that. Mr. Thompson read the policy.) (Mr. Bertaux: what are the pitches on the surrounding buildings?) (Mr. Thompson: About 8:12.) (Mr. Pringle: It seems that the roof pitch should match the adjacent buildings. There is no 12:12 in the adjacent area. If you change the roof pitch will it change the solar panel effectiveness?) (Ms. Alice Santman, Architect: Yes, it will make it better because the optimal pitch is around 40 degrees, 10:12 pitch.) (Mr. Mosher: A lower roof pitch may also allow roof dormers for additional light into the upper elevation.) I think you are off to a great start. I like the Camp Phase style it works well with the Carter Museum across Ridge Street. I like putting logs on the exterior of the structure. Thank you for providing the solar cell calculations. I think you should get positive six (+6) points for solar if you are at 75-100% energy requirements. I like the beetle kill and use of local materials. I support the different materials and staining. Recommend that the applicant work through Mr. Thompson's comments which were

great. Lowering the roof pitch could resolve a lot of issues. I think that maybe 10:12 is the answer for the neighbors, solar and streetscape. Right now we are looking at two story buildings and they need to be 1.5 stories. Uncomfortable with the 4:12 pitch on the garage roof and would like to see it steeper. Support additional landscaping on the French Street side and flexible on the species. I would like to see a model, could be computer generated, and also a streetscape that shows the elevations of the other homes on the block.

2. Dabl House Shed, Fence and Solar Panels (MMO) PC#2009036, 108 North French Street

Mr. Mosher presented a proposal to construct a new shed, with full basement, at the rear of Lot 6, Block 3 of the Abbetts Addition. The shed will function as storage for the commercial use of the property. A small matching fence will be added at the northwest corner of the shed connecting to existing fence along the north property line. The materials (vertical board and batten siding with rust color rolled metal roof) and form of the shed are similar to other historic sheds in the Historic District. An array of 12 photovoltaic solar panels is proposed on the main building. Five are proposed on the historic (front) portion and seven on the non-historic addition.

Staff noted that this initial review identified some key issues that need resolution before the next hearing. In addition, Staff sought Commissioner comment on the following:

1. Did the Commission believe the proposed solar panels are placed on a “non-character defining roofline of a non-primary elevation (not readily visible from public streets)”?
2. Staff believed the color of the roof and the color of the proposed panels are slightly contrasting in color and may not meet the intent of this priority policy. Did the Commission concur?
3. Did the Commission have any comments regarding the size, height, placement of the shed?
4. Did the Commission believe the proposed landscaping along the north property line negatively impacts the abutting neighbor?
5. Did the Commission support having the new fence be 6-feet tall, matching the existing fence?

Staff noted that the Klack drainage does not run adjacent to this property, it is owned by Longbranch Condos. Therefore the concerns regarding the parking setback to the east property line do not apply. Staff welcomed any additional comments and suggested this application return for another hearing.

Mr. Lee Edwards, Applicant, presented the historic Sanborn Maps that delineate historic sheds, stables, and barns in the general area to the Commission. There is historic information that shows that outbuildings buildings were all over the place in this area, and that there was a historic 25' x 25' outbuilding on this property. Many of the historic structures were larger than the primary homes. This proposed shed building measures 14' x 16'. Noted square footages and heights for other historic properties in the town that are currently being renovated or worked on. The solar panels on the rear 1/3 of the structure would not be visible. Two potential parking solutions: one is getting a parking permit on the street from the town. Another alternative could be paying someone for another space. We will find a solution prior to coming to final. The fence will match the adjacent property. This is a recycled building, reusing materials from Fatty's Pizzeria and other recycled materials and fixtures.

Mr. Allen opened the hearing to public comment.

Susan Craig, property next door, owned the property since 1978: The existing fence was put up to keep us from using the adjacent property, don't want to see it removed. Don't want the proposed new trees back between the houses because of the shade to our lower level and they could cause foundation and utility problems. I don't know why the shed has to be over 2' taller than the original house. The height of the shed could block light into our bedroom downstairs, which was required of us during a remodel because we weren't allowed add a second story. Shed only needs a space to bring items in and out, and I'm not sure what the parking conflict is. I am concerned that the shed will be later converted to an illegal residence.

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

Commissioner Questions/Comments:

Mr. Bertaux: Does the fence go down toward the east? (Mr. Edwards pointed out the fence location on the plans.)
Does this shed require a sewer tap? (Mr. Edwards: No.) (Mr. Mosher: No sewer, heat, etc. will be

provided at the shed and it could not easily become a residence based on this application.) (Mr. Neubecker: This shed is considered added density because it is of commercial use.) I believe the proposed materials are compatible with the standards. The placement of the structure does fill in the site so much that it has taken away whatever side yard there ever could be. I am not sure that it complies with the Historic Standards, although it seems he is allowed to do that per Policy 9 of the Development Code. I think the fence height is fine because it matches an existing fence and is at the back of the yard. The added parking is a big issue, and I'm not sure how you cross another owner's property's parking to gain access to your parking and your shed. That should be left to the attorneys. Address as many neighbor concerns as possible. Address the landscaping and drainage issues. Solar panels on the roof are fine. But you probably should try to come back with a shed that is a little shorter.

Mr. Pringle: Does the bank understand they grant access to this property through the parking lot, which is needed to satisfy their parking needs? (Mr. Mosher: Yes, the current owner is aware of the conflict at hand from the pre-existing agreement. This will have to be resolved before the next hearing.) I think the color of the solar panels and the roof need to be compatible. Bring in a sample of the roof as it is today and the proposed panel to compare. The property is in a mixed-use Land Use District, allowing residential and commercial, but the Character Area is Residential. The proposed shed should not be allowed to go to a commercial setback. A 5' setback should be maintained. (Mr. Mosher: By the code there are no required setbacks for commercial properties, but the historic district standards requires a yard to be defined, but does not define a measurement of a yard. The question for the Commission is does the proposed placement of the shed define a yard that meets the historic standards?) Don't we have side yard setbacks in this district for the character area? (Mr. Mosher: The minimum required setback is determined by the Development Code, not historic guidelines which address character.) I think we should have a larger north side yard and all yards should be maintained similar to those of the house. It would be to your advantage to bring the height down, although you are within the height allowed. Landscaping is fine. Fence should match the existing fence. Parking is a big issue. If you can't get a finite answer on parking that stands the test of time, we can't go forward.

Ms. Girvin: I walk by this property every day. The back of the property looks like crap right now. It is very visible to the patrons of the bank. If this was a residential property and the shed was accessory, would the additional parking be required? (Mr. Mosher: They would be required to have two spaces; however, the bank provides four spaces for this property with the agreement.) I don't understand the point of the fence along the northwest corner of the shed. (Mr. Edwards: For screening purposes.) A lot of public drives through the bank drive-through or walk through the area. I don't have a problem with the solar panels. I think the current color of roof and panels should be provided to the Commission. I have an issue with the shed windows on the east elevation which go almost to the floor and above the door. Sheds are a place to store things, and I don't understand why the windows are so large. Sheds are historically in the back of the property, and not in the middle of the back yard, and I think the placement is strange. The examples of larger outbuildings were almost in all cases barns, not sheds. I think it is too tall and shouldn't be taller than the primary building. The parking is an issue, as well as the roll-up door on the shed that will require access, where will it be provided? Essentially two spaces may be abandoned from the bank. The Klack is adjacent to this property. Pedestrians do access the "alley" at the Klack and on the historic map shows it does go through the entire block. Abutting the parking space to this public access way may be an issue after all. The size, height, use of building, and placement are all issues for me. It's just not right. Match your neighbors' sheds. Landscaping can be worked out. Fence height should be matched. Connector fence for shed can likely also be worked out.

Mr. Schroder: Where could the parking be provided? (Mr. Mosher: We do not have resolution for this right now. Staff is investigating options if a permit can be purchased or granted by the town. The additional density creates a need for parking. This should not be a burden of the Town.) Solar panels seem to be located correctly per the Code. The colors of roof and panels seem fine, but I would like to see the actual materials. Agree with others that the north yard is too small for this part of the District and for this use. I believe a consistent yard on the north and south sides is appropriate to better meet the yard definition, as Mr. Pringle noted. Could the shed be compressed 2' to provide this? The fence should be uniform in height with existing fence. The shed height should be brought down too. I

agree with Ms. Girvin regarding issues with access to the shed and parking and the impacts to the bank. Landscaping concerns should be worked out with the neighbors.

Mr. Allen: Is the issue is that the four parking spaces provided at the bank are a non-exclusive, therefore they can be located anywhere on the bank property, but this property needs access from those four specific spaces? (Mr. Edwards noted that, according to the bank, the new property owner is assigning those four spaces go with his property, therefore access can come from that location.) (Mr. Mosher: This is between the bank and its current tenants. There is nothing in the recorded agreement that makes this binding.) What is the reason for the taller shed height? (Mr. Edwards: the garage door height.) Solar panel location and color are good. I would like to see landscaping worked out with neighbors, as well as other issues with them. The fence should be uniform. Big issues are the height of the shed, and a possible reduction should be proposed. I don't have a problem with an 8' garage door, just the height of the structure. I don't support the placement of the structure as it related to yards. I think it needs a wider yard, and you should take a look at the adjacent side yards in the block. Access is a huge hurdle, and Ms. Girvin brought up a good point. Good luck.

COMBINED HEARING:

1. Alpine Rock Renewal (CK) PC#2009039, 13250 Colorado Highway 9

Mr. Kulick presented a proposal to renew a development permit (PC#2006170) to allow for the continuation of an existing mining and processing operation. The operation includes mining, processing, and sale of aggregate on a 127-acre site just west of Highway 9 and north of County Road 3. Processing includes crushing and washing of material from on and off site, as well as asphalt and concrete manufacturing. No expansion to the existing operation is proposed; however, a modification to the permitted hours of operation and limits on asphalt production is requested by the applicants. The previously approved hours would be in effect for the renewed permit, and occasionally extended hours to allow nighttime operations would be approved through processing a Class D permit with staff. The previously approved hours are as follows:

Asphalt Plant and Crushing

Major Component Warm-Up	6:30am to 7:00am, weekdays
Material Production	7:00am to 5:00pm, weekdays
Major Component Shut-Down	5:30pm to 6:00pm, weekdays
Saturday Asphalt Operations	8:00am to 5:00pm, Saturdays

All Other Operations

Site Activities	6:00am to 6:00pm, weekdays
	8:00am to 5:00pm, Saturdays

Staff noted the application appeared to pass all absolute and relative policies. Staff added that if the Commission found that the Alpine Rock Mining and Aggregate Processing application met all absolute and relative policies and was comfortable with the modification for the temporary permitting of additional hours of operation, Staff recommended approval of PC#2009039, with the presented findings and conditions.

Mr. Robert Stewart, CFO, Alpine Rock: Discussed the strategic alliance with the town and history of the Alpine Rock operation. There has not been an asphalt lot in this location for several years, but welcome the opportunity to consider CDOT work in the future. We will continue to work with the town for future contracts with CDOT and potential night work.

Mr. Allen opened the hearing to public comment. There was no public comment and the hearing was closed.

Commissioner Questions/Comments:

Mr. Schroder: When is "night work"? (Mr. Stewart: 7pm-3am.) (Mr. Pringle: But you would come into the town and file a Class D permit for that work and meet with the task force prior to starting the project?) (Mr. Stewart: Yes. We would also have to be the successful low bidder on the job, which has been difficult. If we were awarded the work, we would come back to the town to let them know.) Has anyone else been recruited to join the task force? (Mr. Bertaux: One person is not enough for a task force. They need a variety of people providing opinions. At least two people should be on the task

force.) (Ms. Girvin: Agree.) (Mr. Stewart and Mr. Joe Dudley (Operations Manager, Alpine Rock) noted that more people had been recruited and been a part of the task force, and that working with the homeowners is a priority for Alpine Rock.)

Final Comments: Since there haven't been any recent complaints it seems like the adjacent property owners are okay. I appreciate the clarity of the application process and how it would relate to noise and time of operation. I think that the three year permit is okay given the track record.

Ms. Girvin: When we did the site visit today we did a sound test. Mr. Dudley said that a strobe light could be used rather than a sound test, and that it could be included as a condition of approval. (Mr. Stewart noted that OSHA has not yet permitted strobe lights this at this time, and that a back-up alarm would be required. A solution for night work could be to put in a strobe light plus a traffic control person and get it approved by OSHA.) (Mr. Kulick: This is part of the Class D permit. If night work is proposed, staff could go visit the site to examine these conditions and witness the night noise impacts.)

Final Comments: I am supportive of this and appreciate the good work.

Mr. Pringle: Final Comments: I think expansion of the permitted hours is fine as long as you work under the process as outlined. I think we continue to talk about noise attenuations in the future and that this should be approved.

Mr. Bertaux: Final Comments: I support the renewal.

Mr. Allen: On your contract with Vail Resorts, what will your delivery schedule be when you're heading up Ski Hill Road? (Mr. Stewart: Typical times are 7am-4:30pm.) Will trucks get on the road at 4:30am per the permit? (Mr. Stewart: Trucks will get on the road at around 5am.) Why was the type of permit selected? (Mr. Kulick: We thought sticking with the 3 year permit has been successful and would provide more comfort to the town.) Does the Class D permit account for the noise of trucks driving early in the morning? (Mr. Kulick: We think it is a greater benefit to have those trucks early to not get in the way of traffic. We think it helps the situation.)

Final Comments: I support the renewal. My only concern is that if Class D applications come in and if the delivery of that product is going into residential in the middle of the night it should be examined closely.

Condition of Approval #16: In the event that night work is approved via Class D permit per Finding #8, the applicant shall take all practical measures to reduce the noise impact to residential properties. This may include the use of flashers rather than back up beepers on vehicles subject to the approval of OSHA. Consideration of night work shall take into account the location of deliveries through residential area.

Mr. Pringle made a motion to approve the Alpine Rock Renewal, PC#2009039, 13250 Colorado Highway 9, with the presented findings and conditions including new condition #16. Ms. Girvin seconded, and the motion was approved unanimously (5-0).

WORKSESSIONS:

1. Neighborhood Preservation Policy (JP & MT)

Ms. Puester presented a summary of the Neighborhood Preservation Policy process timeline. The Council appointed a citizen based task force in April which took a fresh look at the topic. The task force came to a unanimous agreement with the proposal as presented tonight. She presented the Task Force's proposal and chart of specific Floor Area Ratios (FARs) and maximum above ground square footage for the effected neighborhoods.

The Task Force proposed a policy which they felt was a fair square footage allotment and allowed property owner's room for additions in the existing homes. The F.A.R.s and maximum square footages were determined by the Task Force to be generous and allow for growth of homes while keeping the general character of the subdivisions and eliminating the opportunity for the anomaly monster home. The proposal was presented to the Council at their July 28th worksession in which Council voiced support and directed Staff to proceed to the Planning Commission with the proposed policy as presented by the Task Force.

Questions for the Planning Commission

1. Was the Planning Commission comfortable with the proposed policy?
2. Were there any questions, suggestions or modifications that the Planning Commission would recommend to the proposal to forward to the Town Council?

Mr. Allen opened the hearing to public comment.

Mr. Beitscher, 200 Morning Star: On the Weissshorn subdivision how do we find out what the formula is? (Ms. Puester: It is in the packet and on the town website and I can calculate your specific lot for you. Maximum size for the neighborhood is 8,000 square foot but typically you would use the FAR (floor area ration) calculation 1:4 FAR.)

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

Commissioner Questions/Comments:

Mr. Schroder: Let's make this a policy. I don't think that this takes away property rights. I think this helps us to know what we can see in our neighborhoods. Will eliminate the castles that could be built.

Ms. Girvin: Thanks to the task force for their work and for coming to consensus. I feel that this policy is very generous, and more generous than I may have liked it to be; however, it is a starting point. I applaud the Town Council for establishing this policy and I recommend adoption of a policy along these lines.

Mr. Pringle: If somebody comes in and builds to the maximum allowed and also has a 900 square foot garage, can they come back in and convert that garage into livable space? (Ms. Puester: If it was a new house coming in, then the FAR would limit the livable space and on top of that is the garage square footage. If someone tried to convert a portion of the 900 sf garage and they were already at their limitation, it would not be permitted as the policy is currently written. The intent of excluding the garage square footage is to encourage cars to be parked in garages and limit cars being parking all over the driveway, yard or street.) I am pleased how this has turned out. I think it achieves the goal of the ordinance to limit the monster homes. Now we all know if you live in these subdivisions what the maximum allowed is. I think it lets people know that they aren't going to get hit with a 20,000 square foot home next to them. I am really glad we didn't go to the 80th percentile home size. There will be incremental growth within the town over time and this allows for that. I thank the task force for their work.

Mr. Bertaux: Are the Highlands and Sunbeam the only areas on this list with some lots with building envelopes? I agree with Mr. Pringle and think that the 900 square foot garage calculation has helped make everything fall into place. Move forward with the policy.

Mr. Allen: What kind of noticing is given to affected owners in these subdivisions? (Ms. Puester: We have mailed over 1,000 notices to property owners and also have an email list for those that have attended open houses. We put a public notice in the Summit Daily and had a front page article run the day of the last open house.) So you haven't had a lot of fight back on this? (Ms. Puester: Most people that had been to the open house in July called or emailed questions and seem to think that the proposal is reasonable. Also, the task force has reached a lot of people in their neighborhoods.) I still don't like this policy. But to look at it for the Town Council, I mostly agree with the other commissioners. I support the shift in philosophy with not saying the "biggest house currently is the biggest house we can get". I am a little concerned that we will get the same reaction as defensible space at the last minute. If the public is okay with it, I can go with it. I think they have done a great job.

2. Joint Planning Commission / Town Council Meeting September 8th (memo only)

Chris Neubecker presented a memo reminding the Commission about the joint Town Council meeting on September 8th at 6:00pm. Topics to be discussed include:

1. Planning Commission Top 10 List.
2. Development Agreements/Business Plans/Annexations: What is PCs Role?
3. Neighborhood Preservation Policy: A general discussion of the program's goals and how the Commission will be involved.
4. Landscaping/Forest Health/Mountain Pine Beetle: A general discussion on the intent of the policy, and how these three goals can be combined into one comprehensive policy.
5. Planning Commission would like to add:
 - a. Detailed minutes should continue for Planning Commission
 - b. Discussion of voting "no" after the point analysis is approved

3. Additional questions from the Commission:

- Mr. Allen: Why are the worksessions moving to the beginning of the meeting? Mr. Allen and Ms. Girvin agree that consent calendar should be before worksessions.
- Mr. Pringle: The schedule should remain as it is, but if it must change then agree with Mr. Allen and Ms. Girvin. The public should not be put out.
- Mr. Allen: If we have the worksessions at the beginning of the meeting then we might get more public input on issues like defensible space.
- Mr. Bertaux: There needs to be a time limit on all agenda items and we should stick to it.

TOWN COUNCIL REPORT:

None

ADJOURNMENT

The meeting was adjourned at 10:30 p.m.

Rodney Allen, Chair

Memo

To: Planning Commission

From: Julia Puester, AICP

Date: September 11, 2009 for meeting of September 15, 2009

Re: Neighborhood Preservation Policy (NPP) Worksession on Policy Language

Background

At the September 1, 2009 Planning Commission worksession, the Commission reviewed the Neighborhood Preservation Policy proposal as recommended by the Task Force and was generally supportive on moving forward with the Policy. Detailed background on the history of the Neighborhood Preservation Policy was included in the September 1st staff report for reference.

Planning Commission Comments from September 1, 2009 Worksession (on Task Force proposal):

Mr. Schroder: Let's make this a policy. I don't think that this takes away property rights. I think this helps us to know what we can see in our neighborhoods. Will eliminate the castles that could be built.

Ms. Girvin: Thanks to the task force for their work and for coming to consensus. I feel that this policy is very generous, and more generous than I may have liked it to be; however, it is a starting point. I applaud the Town Council for establishing this policy and I recommend adoption of a policy along these lines.

Mr. Pringle: If somebody comes in and builds to the maximum allowed and also has a 900 square foot garage, can they come back in and convert that garage into livable space? (Ms. Puester: If it was a new house coming in, then the FAR would limit the livable space and on top of that is the garage square footage. If someone tried to convert a portion of the 900 sf garage and they were already at their limitation, it would not be permitted as the policy is currently written. The intent of excluding the garage square footage is to encourage cars to be parked in garages and limit cars being parking all over the driveway, yard or street.) I am pleased how this has turned out. I think it achieves the goal of the ordinance to limit the monster homes. Now we all know if you live in these subdivisions what the maximum allowed is. I think it lets people know that they aren't going to get hit with a 20,000 square foot home next to them. I am really glad we didn't go to the 80th percentile home size. There will be incremental growth within the town over time and this allows for that. I thank the task force for their work.

Mr. Bertaux: Are the Highlands and Sunbeam the only areas on this list with some lots with building envelopes? I agree with Mr. Pringle and think that the 900 square foot

garage calculation has helped make everything fall into place. Move forward with the policy.

Mr. Allen: What kind of noticing is given to affected owners in these subdivisions? (Ms. Puester: We have mailed over 1,000 notices to property owners and also have an email list for those that have attended open houses. We put a public notice in the Summit Daily and had a front page article run the day of the last open house.) So you haven't had a lot of fight back on this? (Ms. Puester: Most people that had been to the open house in July called or emailed questions and seem to think that the proposal is reasonable. Also, the task force has reached a lot of people in their neighborhoods.) I still don't like this policy. But to look at it for the Town Council, I mostly agree with the other commissioners. I support the shift in philosophy with not saying the "biggest house currently is the biggest house we can get". I am a little concerned that we will get the same reaction as defensible space at the last minute. If the public is okay with it, I can go with it. I think they have done a great job.

Staff has now crafted code language (see attached) that implements the Neighborhood Preservation Policy for the Planning Commission's review. The Code amendment would include a new absolute Policy 4 regarding floor area ratios and maximum square footages in neighborhoods without platted building or disturbance envelopes.

After Planning Commission comment on the proposed policy language, we plan to proceed to the Town Council on September 22nd for first reading.

Questions for the Planning Commission

1. Is the Planning Commission comfortable with the proposed policy language attached?
2. Are there any questions, suggestions or modifications that the Planning Commission would recommend to the proposed policy?

1 *DRAFT September 9, 2009 DRAFT*

2
3 Additions To The Current Breckenridge Town Code Are
4 Indicated By **Bold + Dbl Underline**; Deletions By ~~Strikeout~~

5
6 COUNCIL BILL NO. ____

7
8 Series 2009

9
10 AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE
11 TOWN CODE, KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE”, BY
12 ADOPTING A NEW DEVELOPMENT POLICY 4 (ABSOLUTE) CONCERNING
13 MAXIMUM ABOVE GROUND FLOOR AREA RATIO AND MAXIMUM ABOVE
14 GROUND SQUARE FOOTAGE

15
16 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
17 COLORADO:

18
19 Section 1. The Town Council finds and determines as follows:

20 A. In September, 2007, the Town Council expressed its concern about the increasing
21 number of large single family residence that were being built in the Town.

22
23 B. The Town Council desires to maintain the character of the Town, particularly the
24 character of its older, more established neighborhoods.

25
26 C. The Town’s “small town” character is vitally important to its social and economic
27 future and, as a result, to the social and economic well being of the current and future residents
28 of the Town.

29
30 D. The Town Council has tried to maintain the Town’s “small town” character, and has
31 made the preservation of the Town’s small town character part of the Town’s Vision Plan. The
32 Town’s Vision Plan envisions a community “where residents and visitors experience a historic
33 mountain town with characteristic charms that offers a safe, friendly and peaceful atmosphere
34 where individuals can live, work, play and raise a family.”

35
36 E. Although the Town’s land use and development codes (Chapter 1 and Chapter 2 of
37 Title 9 of the Breckenridge Town Code, primarily) require platted building envelopes and site
38 disturbance envelopes for newer subdivisions, the current Town codes do not adequately control
39 the size of single family residences in the Town’s older subdivisions.

40
41 F. Large single family and duplex residences outside of the Town’s Conservation
42 District have been built with increasing frequency in recent years, and the sizes of such
43 residences have also increased.

44

1 G. The development of large single family and duplex residences have a significant
2 number of negative impacts on the Town and its residents. Such impacts, include, but are not
3 limited to, development that:

- 4
- 5 1. is out-of-scale with existing neighborhood home sizes;
- 6 2. increases unnecessarily the demand on existing infrastructure, such as water,
7 sewer, and other utility services;
- 8 3. decreases important areas of wildlife and vegetative habitat;
- 9 4. increases unnecessarily the Town’s overall “carbon footprint” and creates other
10 adverse environmental impacts;
- 11 5. increases unnecessarily the demand for workers to construct, service, and
12 maintain the large residences; and
- 13 6. increases unnecessarily the demand for attainable employee housing within the
14 Town.
- 15

16 H. Establishing a Town development policy providing a maximum above ground floor
17 area and maximum above ground square footage in those older subdivisions that do not have
18 platted building or site disturbance envelopes will help to preserve the character of the
19 community, and will protect the public health, safety and welfare. As such, the adoption of such
20 a policy is a legitimate exercise of the Town’s zoning and police powers.

21
22 Section 2. Section 9-1-5 of the Breckenridge Town Code is amended by the addition of
23 the following definitions, which shall read in their entirety as follows:

Above Ground Square Footage: That portion of the floor area of the structure that is above finished grade. (If a structure has a foundation wall that is exposed more than two feet (2’) above finished grade, a portion of the allowable above ground square footage for such structure shall be assessed to the floor area which is partially below grade).

Floor Area Ratio (F.A.R.): The total square footage of the structure to be developed divided by the total square footage of the lot, tract, or parcel.

24
25 Section 3. Section 9-1-19 of the Breckenridge Town Code is amended by the addition
26 of a new Policy 4(Absolute), to be entitled “Absolute Mass”, which shall read in its entirety as
27 follows:

28 4. (ABSOLUTE) (MASS)

29
30 A. Allowable Floor Area Ratios (FAR)

31
32 Within the following subdivisions the maximum above ground floor area
33 ratio of a single family or duplex structure may not exceed the floor area
34 ratio in the table below:

1

SUBDIVISION	Floor Area Ratio (F.A.R.)
Brooks Hill	1:5.50
Breck South Sub	1:5.00
Christie Heights	1:3.50
Gold Flake	1:4.50
Highlands F1	1:8.50
Highland F2	1:8.50
Highlands F3	1:8.50
Highlands F4	1:8.50
Peaks	1:1.75
Penn Lode	1:3.00
Snowflake	1:2.00
Sunbeam Estates	1:3.50
Sunrise Point	1:2.50
Trafalgar	1:2.50
Trapper's Glen	1:4.50
Warrior's Mark	1:2.50
Warriors Mark West	1:2.50
Weisshorn	1:4.00
Yingling & Mickles	1:1.30

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B. Maximum Subdivision Floor Areas

Within the following subdivisions the maximum above ground square footage of a single family or duplex structure may not exceed the maximum above ground square footage in the table below:

SUBDIVISION	Maximum Above Ground Square Feet (SF)
Brooks Hill	7000 SF
Breck South Sub	6000 SF
Christie Heights	6500 SF
Gold Flake	9000 SF
Highlands F1	9000 SF
Highland F2	9000 SF
Highlands F3	9000 SF
Highlands F4	9000 SF
Peaks	6500 SF
Penn Lode	6000 SF
Snowflake	5500 SF
Sunbeam Estates	7000 SF
Sunrise Point	6000 SF
Trafalgar	7500 SF
Trapper's Glen	8000 SF
Warrior's Mark	4000 SF
Warriors Mark West	4500 SF
Weisshorn	8000 SF
Yingling & Mickles	5600 SF

10

1
2 C. For the purpose of above ground square footage measurement within Policy 4
3 (Absolute) Mass, the above ground square footage does not include the garage square
4 footage up to 900 square feet. Garage square footage greater than 900 square feet shall be
5 counted toward above ground square footage allowance.
6
7

8 D. This policy shall apply only to development and/or building permits submitted on or
9 after _____, 2009 [insert the date the policy is adopted]. A property developed prior to
10 such date that exceeds the allowable base subdivision floor area ratios described in
11 subsection A of this section, or the maximum subdivision floor areas described in
12 subsection B of this section, is lawful and is a legal non-conforming use.
13

14 Section 4. Except as specifically amended hereby, the Breckenridge Town Code, and
15 the various secondary codes adopted by reference therein, shall continue in full force and effect.

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

20 Section 6. The Town Council hereby finds, determines and declares that it has the
21 power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling
22 Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning
23 municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police
24 powers); (iv) Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority
25 granted to home rule municipalities by Article XX of the Colorado Constitution; and (vi) the
26 powers contained in the Breckenridge Town Charter.

27 Section 7. The Town Council hereby finds, determines and declares that it has the
28 power to adopt this ordinance pursuant to the authority granted to home rule municipalities by
29 Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town
30 Charter.

31 Section 8. This ordinance shall be published and become effective as provided by
32 Section 5.9 of the Breckenridge Town Charter.

33 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
34 PUBLISHED IN FULL this ____ day of _____, 2009. A Public Hearing shall be held at the
35 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
36 _____, 2009, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
37 Town.
38

39 TOWN OF BRECKENRIDGE, a Colorado
40 municipal corporation
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By _____
John G. Warner, Mayor

ATTEST:

Mary Jean Loufek, CMC,
Town Clerk

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Memo

To: Planning Commission
From: Julia Puester, AICP
Date: September 11, 2009 for meeting of September 15, 2009
Re: Energy Policy Worksession

Background

In previous discussions, both the Planning Commission and Town Council have expressed interest in further encouraging sustainable site and building design through the Development Code. The purpose of this work session is to discuss an approach to modifying the existing Energy Conservation Policy (Policy 33R) to address these concerns as well as a potential modification to the Master Plan Policy (Policy 39A) to promote Sustainable Communities.

For reference, the existing Policy 33R Energy Conservation is below:

EXISTING ENERGY CONSERVATION (POLICY 33R)

The existing energy conservation policy contemplates renewable energy sources and sustainable building design and placement in very general terms. This Policy has recently begun to be applied in cases of solar panel installation (33R (A)). Yet, this policy has rarely been utilized for points related to energy conservation or placement and design of structures (33R (B)). Staff is proposing to modify this policy to include more detail to permit clearer direction to Staff and applicants.

Below is the existing Energy Conservation Policy.

33. (RELATIVE) ENERGY CONSERVATION:

Conservation Measures: Energy conservation measures beyond those required by the provision of the State Energy Code are encouraged.

3 x (0/+2) A. Renewable Sources of Energy: The implementation and operation of systems or devices which provide an effective means of renewable energy are encouraged. The provision of

solar space heating and solar hot water heating, as well as other renewable sources, are strongly encouraged.

3 x (-2/+2) B. Energy Conservation: Structures shall be oriented in such a way as to be conducive to the conservation of energy and to the mitigation of the adverse elements of climate, aspect, and elevation. In addition, the installation of additional insulation to mitigate heat loss over and above that required by the State Energy Code is strongly encouraged. Elements which are encouraged are: southern orientation of windows, few windows on the north side of buildings, few or no open breezeways, the provision of airlock entryways, and the addition of insulation over and above that required by the Uniform Building and Energy Codes.

Planning Commission Minutes from July 15, 2008 Worksession

- Mr. Allen: Maybe a variety of options for positive points should be available to applicants. The applicant would have to select a few from the list in order to get positive points as not all options would be weighted the same. Suggested data be collected on outdoor fireplaces and water feature pumps regarding how much energy they consume before adding them to the list for negative points. Commercial snowmelt systems and residential snowmelt systems should be looked at differently if the commercial snowmelt is in a high traffic area but generally agreed that snowmelt should receive negative points. Believed that wind energy should be considered for the top five list.*
- Ms. Girvin: Sometimes commercial properties burn their outdoor fire pits with no customers taking advantage of them, saw this as a waste on energy. (Ms. Puester stated that staff could research the amount of energy used for items such as outdoor fireplaces, snow storage, water pumps, etc. to see if they consume enough energy to warrant negative points or if it is not a significant amount.) Bigger homes have less snow storage because they fill their entire building envelope and thus require heated driveways; which is inappropriate and should receive negative points.*
- Mr. Lamb: People have different opinions on what a solar house looks like (referring to Fishman discussion from last meeting). Different items should carry different points, depending on their impact (i.e. more for solar than lighting on motion sensors).*
- Mr. Schroder: Quantifiable things should be used to benchmark points such as reuse, materials, higher rated installation, solar according to the kilowatt hours etc. (Staff recommended a certain percentage of the building's energy be provided by the renewable source.) Suggested staff research breaking points to determine what things make sense to be on the list and those that don't. Suggested further research on wind before a decision is made to add to the Top 5, heard that it is not feasible up here.*
- Mr. Khavari: Referenced Fishman application and the positive points they received. Bothered that a row of windows on the south could get positive three points.*

Pointed out majority of views are on west side of homes in Breckenridge thus more windows on the west are evident. Did not like the language of the existing policy, section B, "Structures shall..."; we should be assigning positive points to most projects under this and have not been. This should be rewarded to reflect the natural view corridors, orientation of the lot and so on. Point assignment needs to be modified to address this fact. Keep in mind longer driveways require heating and language needs to accommodate properties that the town mandates them to heat, they should not be dinged for a requirement.

Mr. Mamula: Orientation of driveway might be considered to take advantage of natural solar heat for positive points. Geothermal energy takes a lot of energy to run the pumps at this elevation. Should look at how much energy is being used to provide geothermal. Perhaps outdoor fire pits of a large size should get negative points but not one that is of typical size. Snowmelt systems have setting for moisture content when they kick on. Find out how much energy is used for heat melting verses man maintained. True energy yields will not be known until the end therefore easier options exist. Consider that this energy policy is applicable to commercial properties too.

Mr. Bertaux: No additional comments.

PROPOSAL

Staff has reviewed the Town Code in relation to the Sustainable Building Code, LEED standards, LEED for Neighborhood Design (LEED ND) which is currently in draft form through the U.S. Green Building Council as well as other similar adopted municipal codes. Many of the items proposed in the attached list have come from one of these documents. Where the proposed items and the Sustainable Building Code double up, staff has made a note as such. (Note: The Sustainable Building Code negative points apply only to single family residential structures over 3,000 square feet).

Policy 33R *Energy Conservation*

The idea behind the policy would be to assign positive or negative points based on the amount of energy conservation/consumption with a quantifiable system. The items proposed would be dealt with on an individual site plan basis for both residential (single family and multi-family) and commercial projects.

Staff has included a list of potential items for Policy 33R *Energy Conservation* for both positive and negative points for review and discussion at the upcoming Planning Commission field trip.

Policy 39A *Master Plan* revisions-Sustainable Community Index

The concept of adding a Sustainable Community Index requirement to Policy 39A would be to promote environmental sustainability, economic opportunity and social harmony on a broader community basis. This would apply to new Master Planned communities, including annexations. The purpose would be to analyze how the new developments contribute to the broader community. The approach would be to have a point based system which would meet "x" number of points based on a selection of items in the index to be incorporated into the Master Plan.

On the list attached, Staff has included a potential list of items for the proposed index under "Master Plan" for the Planning Commission's review.

DIRECTION

Staff would like the potential Policy 33R and 39A revisions to be the focus of the upcoming annual Planning Commission field trip. Staff proposed to arrange site visits in communities which have example developments and/or buildings and similar policies and goals.

Please keep in mind that the purpose of this memo and worksession is to identify priorities and major issues for further research. We do not intend to discuss specific details or point valves at this time. These issues will be discussed in future meetings.

Development Code: Energy Policy Revisions

Site Plan (Policy 33R)

Positive Points

- Historic and/or existing building reuse and restoration
- LEED or Energy Star rated buildings (or other equivalent rating system)
- Passive solar siting, measurement requirements (i.e. in LEED ND 20% of annual electrical/thermal cost=3 pts.) (in Sustainable Building Code)
- On site renewables-solar, geothermal, wind (in Sustainable Building Code)
- Building daylighting (i.e. 75-90% of spaces per LEED)
- Recycled content or local materials on building exteriors (in Sustainable Building Code)
- Transit access (in different section of code)
- Accessory unit on site
- Provide locker rooms and showers in commercial buildings (for bike commuters)
- Covenant for lodge shuttle service
- Lighting on motion sensors (in Sustainable Building Code)
- Bike racks (for commercial and multi-family)

Negative Points

- Teardowns
- Snowmelt of outdoor pavement (in Sustainable Building Code)
- Lack of passive solar siting (in Sustainable Building Code-positive points only, no negative)
- Heat tape/roof design
- Outdoor heating devices (i.e. gas fireplaces) (in Sustainable Building Code)
- Hot tubs (in Sustainable Building Code)
- Water features (which run year round)
- Lack of on site renewables energy-solar, geothermal, wind
- Lack of walkability

Master Plans- Sustainable Community Index (Policy 39A)

Positive Points

- Existing building reuse
- Brownfield redevelopment
- Lot Layout and size-clustering development
- Infill development/ on existing service lines (housing and job proximity)
- Passive solar siting (Block, building envelopes and building orientation)
- Sustainability Plan for subdivision
- Density/compact development
- Mixed income developments
- LEED or green certified buildings

- District Heating system
- Transit access
- Walkability
- Internal/external subdivision connections
- Pedestrian/bike friendly street design
- Reduced parking footprint
- Neighborhood commercial
- Stormwater Design and Management-bioswales
- Wetland, river or stream improvements, if present
- Community Garden or environmental education center
- Existing vegetation preservation
- Permanent recycling center within subdivision
- Bicycle network and storage
- Construction Recycling and pollution prevention (in Sustainable Building Code for individual home)
- Greenhouse gas estimation/audit

Other Issues

- Car trade out system
- Biomass facilities
- Weatherization (in Sustainable Building Code)
- Sustainable business program (Frisco ES2)
- Subsidize home energy audits (in Sustainable Building Code for Energy Star)
- “Pay as you throw” waste management system
- Retain and reuse existing structures rather than demolish them
- Compact fluorescents (in Sustainable Building Code)
- PIF Rate for snack bar vs. restaurant-requirement of snack bar to use disposables.
- Remove Policy 18R (a) on positive points for exceeding parking requirements.



Memo

To: Planning Commission
From: Jennifer Cram, AICP
Date: September 11, 2009
Subject: **Absolute Landscaping Policy Changes**

Attached to this memo is a draft of proposed changes to the Landscaping Policy-22 regarding Absolute requirements. Language has been added to address noxious weeds, the removal of dead and Mountain Pine Beetle infested trees, Defensible Space and water features.

Staff looks forward to discussing the proposed changes with the Commission during the worksession on September 15th. Staff will also provide a verbal update on the formation of a Fire Wise Task Force that the Council has directed staff to create to provide input on matters related to fuels reduction and forest health.

We will bring changes on the Relative Landscaping Policy, including changes to the point multipliers, at a future date.

Note: Proposed new language is shown in **bold**. Proposed language to be removed is shown in ~~strikethrough~~.

22. (ABSOLUTE) LANDSCAPING (22/A):

General Statement: The Town hereby finds that it is in the public interest for all developments **to maintain healthy trees and** to provide landscape improvements for the purposes of; complimenting the natural landscape and retaining the sense of a mountain environment; improving the general appearance of the community and enhancing its aesthetic appeal; preserving the economic base; improving the quality of life; delineating and separating use areas; increasing the safety, efficiency, and aesthetics of use areas and open space; screening and enhancing privacy; mitigating the adverse effects of climate, aspect, and elevations; conserving energy; abating erosion and stabilizing slopes; deadening sound; and preserving air and water quality.

To ensure that landscaping is provided and maintained, the following requirements for the installation, maintenance, and protection of landscaping areas are required to be met for every project issued a permit under this Chapter:

A. Maintenance:

- (1) All plantings shall be maintained in a healthy and attractive condition. Maintenance shall include, but not be limited to, watering, fertilizing, weeding, cleaning, pruning, trimming, spraying, and cultivating.
- (2) **All new landscaping shall utilize weed free top soil. (A cash deposit shall be secured to guarantee that all new landscaping is weed free for one year after installation.)**
- (3) **Properties shall be kept free of noxious weeds as designated in the Town's Noxious Weed Management Plan as updated from time to time.**
- (4) Landscaping structural features such as fencing, planter boxes, etc., shall be maintained in a sound structural and attractive condition.
- (5) **Dead and Mountain Pine Beetle infested trees shall be cut as close to the ground as possible and removed from the property and disposed of properly on an annual basis.**
- (6) Whenever plants are removed or die, they shall be replaced by planting materials as soon as possible that meet the original intent of the approved landscaping design. **Mountain Pine Beetle infested trees shall be replaced within 5 years on a case-by-case basis in a manner to provide sufficient buffers between properties for privacy and to screen properties from public right of ways. Property owners will not be required to replace**

trees on a per caliper inch basis.

B. Requirements:

(1) All open industrial or commercial storage areas shall be screened from all public rights of way or adjacent property by use of landscaping, berms, or a combination of landscaping and other structural features to a height of six feet (6') minimum.

(2) When a parking lot and public right of way are contiguous, a landscaped area a minimum of five feet (5') in width, separating the parking lot from the right of way, and which also effectively screens the lot shall be provided.

(3) All planting materials proposed for areas also designated as snow stacking areas or anticipated snow shedding areas shall be of a size or type that will not be adversely affected by the proposed snow storage. To the extent possible, new plantings shall not be located in areas proposed for snow storage or snow shedding.

(4) Any site contiguous to or facing any other residential uses or future residential uses shall screen its parking lots, loading docks, or similar uses through the use of landscaping elements to a height of four feet (4').

(5) All surface areas designed on the approved landscaping plan that will not be a hard surface shall be planted with adequate **native** ground cover as approved by the Town and shall be top-dressed with a minimum of two inches (2") of top soil prior to planting. In addition, irrigation systems shall be provided in those instances where required to guarantee the proper growth of the landscaping being provided.

(6) Not less than six percent (6%) of the interior areas of all parking lots and drive-in establishments shall be placed in landscaping.

(7) At least fifty percent (50%) of all tree stock shall be of a size equal to or greater than six feet (6') in height for evergreen trees and **one and one-half inches (1 1/2")** ~~three-quarters inch (3/4")~~ caliper for deciduous trees, measured six inches (6") above ground level. Said tree shall be in a minimum of five (5) gallon containers, if container stock; or a minimum of twelve inch (12") root spread, if bare root stock; or a minimum of fourteen inch (14") ball diameter if balled and burlapped with the ball depth not less than seventy five percent (75%) of diameter or three-quarters (³/₄) of width. Size adjustments which reflect the growth habits of particular species may be made at the discretion of the Town.

(8) At least fifty percent (50%) of all shrub stock shall be of a size equal to or greater than Type 2, four (4) cans or more, two feet (2') and up, if deciduous; Type 1, twelve inch (12") spread, if creeping or prostrate evergreens; or Type 2,

twelve inch (12") spread and height, if semi-spreading evergreens. Size adjustments which reflect the growth habits of a particular species may be made at the discretion of the Town.

(9) All plant materials shall be specified and provided according to the American Standard for Nursery Stock **and adapted to a high alpine environment, or an elevation appropriate for the site.** Additional information beyond the minimum requirements stated therein which provide a more definitive indication of size, quality, shape, confirmation, condition, and/or the method of transplanting is encouraged.

(10) Large trees shall be staked as per American Nursery Standards. (Ord. 19, Series 1988)

~~C. Water Features Prohibited: The construction of water features is prohibited. (Ord. 39, Series 2007)~~

C. Wildfire Mitigation

(1) The creation of defensible space around structures is required. All Properties shall be divided into three zones. Properties will be reviewed on a case-by-case basis. Properties within the Conservation District and those properties within a Master Plan with smaller setbacks shall be given special consideration to allow for site buffers to be maintained and created while still meeting the intent of reducing fuels for wildfire mitigation.

Zone One

- (a) Zone One shall extend 30-feet from the eave of the structure or deck.**
- (b) All flammable vegetation shall be removed within Zone One except that specimen trees with a minimum of ten feet (10') between the crowns of other vegetation may remain. Specimen trees in close proximity to a structure may be considered part of the structure for measurement purposes.**
- (c) Fire-wise landscaping may be planted within Zone One 15 –feet away from the edge of all eaves or decks. All fire-wise landscaping planted within Zone One shall be maintained in drip irrigated planting beds. New plantings shall maintain a minimum of ten feet (10') between the crown spacing of individual or groupings of trees at maturity.**
- (d) All grasses within Zone One shall be maintained under six inches (6") in height. For landscape plans that propose taller growing native grasses or wild flowers, these plantings shall be cut back annually in the fall after the plantings have gone to**

seed.

(e) All fire-wise trees within Zone One shall be pruned annually to remove all dead branches a minimum of six-feet (6') above ground level.

Zone Two

- (a) Zone Two shall be measured 75 feet to 125 feet (depending on slope) from the eave of a structure or deck.
- (b) All dead, diseased trees and misformed trees shall be removed within Zone Two.
- (c) All dead trees and branches on the ground shall be removed. Leaf and needle clutter shall not exceed three inches in depth.
- (d) New landscaping may be planted to create site buffers. New plantings shall maintain a minimum of ten feet (10') between the crown spacing of individual or groupings of trees at maturity.
- (e) All trees shall be pruned annually to remove all dead branches a minimum of six-feet (6') above ground level.

Zone Three

- (a) Zone Three shall be measured from the edge of Zone Two to the property line.
- (b) All dead, diseased trees and misformed trees shall be removed within Zone Three.
- (c) All dead trees and branches on the ground shall be removed. Leaf and needle clutter shall not exceed three inches in depth.
- (d) New landscaping may be planted to create site buffers. New plantings shall maintain a minimum of ten feet (10') between the crown spacing of individual or groupings of trees at maturity.
- (e) All trees shall be pruned annually to remove all dead branches a minimum of six-feet above ground level.

D. Water Features

- (1) Water features shall meet all required setbacks for structures and shall not be permitted outside of disturbance envelopes, nor shall they be permitted when the construction of said feature results in the removal of existing trees that provide required site buffers.

- (2) The use of Glycol or other anti-freezing additives within water features is prohibited.**
- (3) Water features that are proposed for year round use may receive negative points under Policy 33 – Energy Conservation.**



MEMORANDUM

TO: Planning Commission

FROM: Chris Neubecker, Current Planning Manager

DATE: September 11, 2009

SUBJECT: Planning Commissioner Training: October 2, 2009

This is just a reminder that the Colorado Historical Society, Office of Architecture and Historic Preservation, will be in Breckenridge on October 2nd from 10:00 AM - 4:00 PM for a free Planning Commissioner training session. All Commissioners are strongly encouraged to attend this training.

As a Certified Local Government, our Commissioners are required to attend historic preservation training. This is a great opportunity to receive training right here in Breckenridge. Lunch will be provided to all attendees.