

## PLANNING COMMISSION MEETING

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

### ROLL CALL

Mike Giller <b>absent</b>	Mark Leas	Allen Frechter <b>absent</b>	Susan Propper
Ethan Guerra	Steve Gerard	Elaine Gort <b>remote</b>	

### APPROVAL OF MINUTES

With the below changes, the May 16, 2023, Planning Commission Minutes were approved.

Mr. Gerard suggested changes on pages 4 and 5 of the packet. Mr. Ratzan, property owner of 114 S Main Street, speaks. There was a question about whether there was a planned wall opening between the buildings of 112 S Main Street and 114 S Main Street and the owner was emphatic there was not a planned opening between the two buildings. The notes should reflect this statement.

Mr. Leas indicated “the solar system that I spoke of for eight to twelve minutes was reflected in three sentences.”

Mr. Leas quote should state, “stair element for the building to the north, was the stair element proposed in the front or the back?”

### APPROVAL OF AGENDA

With no changes, the June 6, 2023, Planning Commission Agenda was approved.

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- None

### WORK SESSIONS:

#### 1. Open Space Master Plan

Ms. Anne Lowe, Open Space & Trails Manager, gave an overview of the newly adopted 2023 Open Space & Trails Master Plan.

#### *Commissioner Questions / Comments:*

Mr. Guerra: As an avid trail user for almost 40 years, what OST has done has been incredible. We have world class trails here. The signage from last year was a great addition. Marking some loops would be an excellent way to enhance the system. You talked about trail interactions; wilderness areas have volunteer programs to mitigate user conflict. Have you considered something similar? (Ms. Lowe: We do have a couple trail ambassadors, but 68 miles of trails is a lot for two people to cover. We are looking at Pitkin County Open Space who recently hired trail enforcement officials with badges who are education focused but can give citations if needed. We would consider going a route that is education focused.)

Mr. Truckey: The BOSAC has been discussing these issues for a while and there has been a resistance to having directional uses or other user conflict mitigation with the understanding that we may eventually have to institute some of the measures that other places like Aspen and the Front Range have already done. Construction of trails in Aspen requires first going through an extensive public review process, which significantly affects the speed at which new trails can be implemented.

Ms. Gort: I love all the trails in Breckenridge. Have you considered doing something like trails in Europe where posts have a way post number? Technology on the trail isn't always

reliable so wayfinding that you can follow without your phone is important. I also want to thank you for adding the ADA trails. This is important for those aging in our community. You're not currently allowing e-Bikes on the nonpaved system trails, what if you considered only a few specific trails that would allow mountain e-Bikes? (Ms. Lowe: The Council and other Summit County Governments have been holding strong so far on not allowing them on trails other than the recreation path.)

Mr. Gerard: In the plan under habitat protection, I personally have an interest in habitat protection in areas where you have a historic wildlife crossings in a developed area. I have been trying for several years to implement dark sky practices in the wetlands area of the Golf Course. You could add dark sky protections to your habitat protection practices. Some outreach to the Highlands community about the trail easements across properties that are part of the Town's Open Space and strategic outreach to some neighborhoods about the benefits of these easements and what they provide to the community is important. (Ms. Lowe: I agree this type of outreach is something we should conduct.) I agree with Ethan about the increased number of conflicts. I don't think there is a consistent understanding of right-of-way. Signage at the beginning of trails and at portals to educate could help.

Mr. Guerra: There is conflict because there is inconsistency among the biking community about who has the right-of-way. Some users, wrongly, argue that faster downhill bikers should have the right-of-way.

Mr. Gerard: The loop identification is a great addition.

Ms. Propper: I have also had conflicts with bikers. I appreciate the signage that Nikki LaRochelle did but it is limited and only in a few locations. I am not sure that there is identification on some trails that they are multi-use. I appreciate the use separation on Barney Ford. If there are more opportunities on trails to further separate uses, I would support that. I am supportive of the trails workplan and the focus on signage. I like the idea of color-coding the loops for wayfinding. I am an FDRD volunteer ranger, and I do frequently run into folks out there. We don't have enforcement authority; we can call someone who does if there is a larger issue. I don't know if we need enforcement authority; my uniform and hat identification usually encourage compliance. I was wondering whether you accept conservation easements into the Open Space system? (Ms. Lowe: The town hasn't added a conservation easement in a long time; we currently hold one. In the Lower Blue Basin there are several easements. We are open to the idea, but we just don't have the same opportunities at this time in the Upper Blue Basin for conservation easements).

Mr. Truckey: There are not a lot of large pieces of land left to have a conservation easement. But it is a good tool if we can make it happen.

Ms. Gort: I noticed some of the etiquette signs, the Strava ones, are not up anymore? (Ms. Lowe: We do try to rotate that signage to keep it fresh for users. Seeing the same signs over and over cause people to ignore them. It could be that those signs were simply moved to a new location, or they could have been removed.)

Mr. Kulick: I would like to point out that in most cases, related to speed conflicts, it is not the out-of-Town visitor that is speeding on trails. It is usually the familiar local who is speeding.

Ms. Gort: I am curious if it is possible to eliminate the daily awards on apps like Strava locally for online apps to avoid speeding in conflict areas? (Ms. Lowe: I will have to look at whether it is possible to work with private apps to limit these in conflict areas.) (Mr. Kulick: It might be possible to petition the apps in certain high-conflict areas to remove routes or awards in those specific locations, but I doubt it is possible to eliminate them from the jurisdiction entirely.)

- Mr. Leas: It is amazing to live in Breckenridge and enjoy the trail system. Thank you. Do you know if wildlife use the same trails? (Ms. Lowe: They do! Using trails is often easier for wildlife. We are setting up additional wildlife cameras to gather more data and have a better understanding of wildlife movements.) I was thinking about the historic wildlife movement patterns and moose in the wetland areas near the Gondola. We need to be sensitive about the wildlife that is within the Town corridor not just the backcountry. (Ms. Lowe: We don't allow the Gondola to run from mid-May to June 15<sup>th</sup> to support the calving season in Cucumber Gulch Preserve.) We do notice that during ski season the moose are fewer and when the mountain is closed the moose return. I want to make a point about unintended consequences. I know that there has been hard work on the Upper Blue River Basin Master Plan to restrict the density. Those manifest themselves in the lack of housing for our workforce. Basic economics indicate that if we limit something we increase the cost of it. We do have ourselves to blame for increasing the value and cost of land. There is not a lot of land left for Breckenridge to try to solve the housing crisis. Many Commissions and Councils that have governed Breckenridge for many years have not planned long-term for the housing that will be required in the future. The Town had an opportunity to add pockets of more dense housing in areas like the Highlands at one time and chose not to do so. I just want to point out the long-term consequences of our actions.
- Mr. Truckey: The Open Space sales tax has been a huge legacy over the past 26 years in enabling the Town to purchase and support this program. (Ms. Lowe: The Open Space program has grown over the years from one full-time planner to now four full-time and nine seasonal.)
- Mr. Leas: I remember the rock tailings from years ago along the Blue River which are removed now. How did that plan come together? (Ms. Lowe: I can't speak to how it came about throughout Town. On the McCain property we recently redesigned the River so that it has wide meandering curves and more sinuosity. This helps with flood mitigation.)
- Mr. Kulick: The rock tailings are actually the precursor and legacy of Landscape Policy 22R. We might question points assigned for landscaping now but prior to a lot of development in Town it was not so picturesque with all the mine tailings. The landscape policy tried to incentivize installation of substantial landscaping to mitigate the undesired effects of dredge mining.
- Mr. Guerra: Build it and they will come. We do have world class biking in this area.

**OTHER MATTERS:**

1. REMP / Policy 33A & 33R Update

Mr. Truckey reviewed the revisions to Policy 33 Energy Conservation that are included in the upcoming Renewable Energy Mitigation Program (REMP) Council Bill scheduled for first reading at the June 13 Council Meeting. Commissioners were asked if they had any comments on the Policy 33A & 33R language.

*Commissioner Questions / Comments:*

Residential fireplaces:

- Mr. Guerra: Regarding limiting gas fireplaces to two inside, in my experience with high-end homes, usually owners want at least one in the living room, one in the recreation room, and one in the master bedroom. This is at a minimum.
- Mr. Leas: People are not going to use these fireplaces all at once. I don't think limiting the number of fireplaces makes a difference in the amount of gas being used at all. Limiting the number arbitrarily is an optics only and feel-good move. What about

- having the option of making the third fireplace indoors if owners would prefer it to be indoors and not outdoors?
- Mr. Guerra: Maybe there is a way to attach the number to square footage? In a high-end home that is 8,000-9,000 square feet having only two indoor fireplaces is limiting.
- Mr. Leas: The use of the home is something to consider as well. A second home will have less fireplace use than a full-time residence.
- Mr. Guerra: I think the number two might be too low.
- Ms. Gort: I agree, this is more of an optics situation. Two might be too few.
- Ms. Propper: I could go along with Mr. Leas' suggestion. If they want to forego the outdoor fireplace, they could have a third one on the interior.
- Mr. Gerard: I think this is a good idea and a way to encourage less outdoor use. You could have the language that states three fireplaces are allowed and only one of the three can be outdoors.
- Mr. Guerra: I think we should mandate timers on the outdoor fireplaces. (Mr. Truckey: I need to confirm but believe this is already in the ordinance.)

Outdoor heated paving:

- Mr. Leas: Suppose someone has solar thermal to heat their outdoor paving. Does this count toward the required offset? (Mr. Truckey: Yes, this would count toward the offset.)
- Mr. Guerra: Specifically on heated driveways, the problem started with areas like Timber Trail when Planning and past Commissions approved lots with small building envelopes. The issue should be considered at the start of the development so that we are allowing for the house and the snow stack that people are going to be required with the programming that they want to have. With more programming they have to heat their driveway because there is no room for snow stack on the lot. If we were to have another Timber Trail type subdivision, we should anticipate this.
- Mr. Gerard: To play Devil's Advocate, that is their choice to have a large home and no room for snow storage that necessitates heating the driveway.
- Mr. Guerra: I would argue let's not do that in the future and instead plan for the programming that is to be expected on an expensive lot.

Positive points for not installing gas to the property:

- Ms. Gort: Would you include a provision that a house can't install a propane tank? What about the propane heaters outdoors? (Mr. Kulick: I believe there is already a provision against large propane tanks in Town limits.) Are there considerations to encourage commercial kitchens that could go electric? What about the propane heaters used outside? (Mr. Truckey: Commercial kitchen electrification is something that could come in the future. Education with restaurants about the use of induction cooktops would be helpful—they work great. Regarding outdoor propane heaters, we will not be regulating those at this time. That would open up a whole new set of issues.)
- Mr. Gerard: I think these positive points are a great way to encourage electrification. I think the Town should also come up with a way to monetarily incentivize it for people who want to make the transition to all-electric, but the costs are too high.
- Mr. Guerra: The monetary incentive could be a huge driver. Retrofitting a house from gas to electric is very expensive. Also, we should incentivize houses to install larger electric panels at the time of construction that can handle greater electric loads and anticipated electric needs in the future. The Town should incentivize electrification on any remodel or addition as well.

2. Town Council Summary

**ADJOURNMENT:**

The meeting was adjourned at 7:34 pm.

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Mark Leas, Vice Chair