

**Town of Breckenridge**  
**Planning Commission Agenda**  
Tuesday, January 19, 2010  
Breckenridge Council Chambers  
150 Ski Hill Road

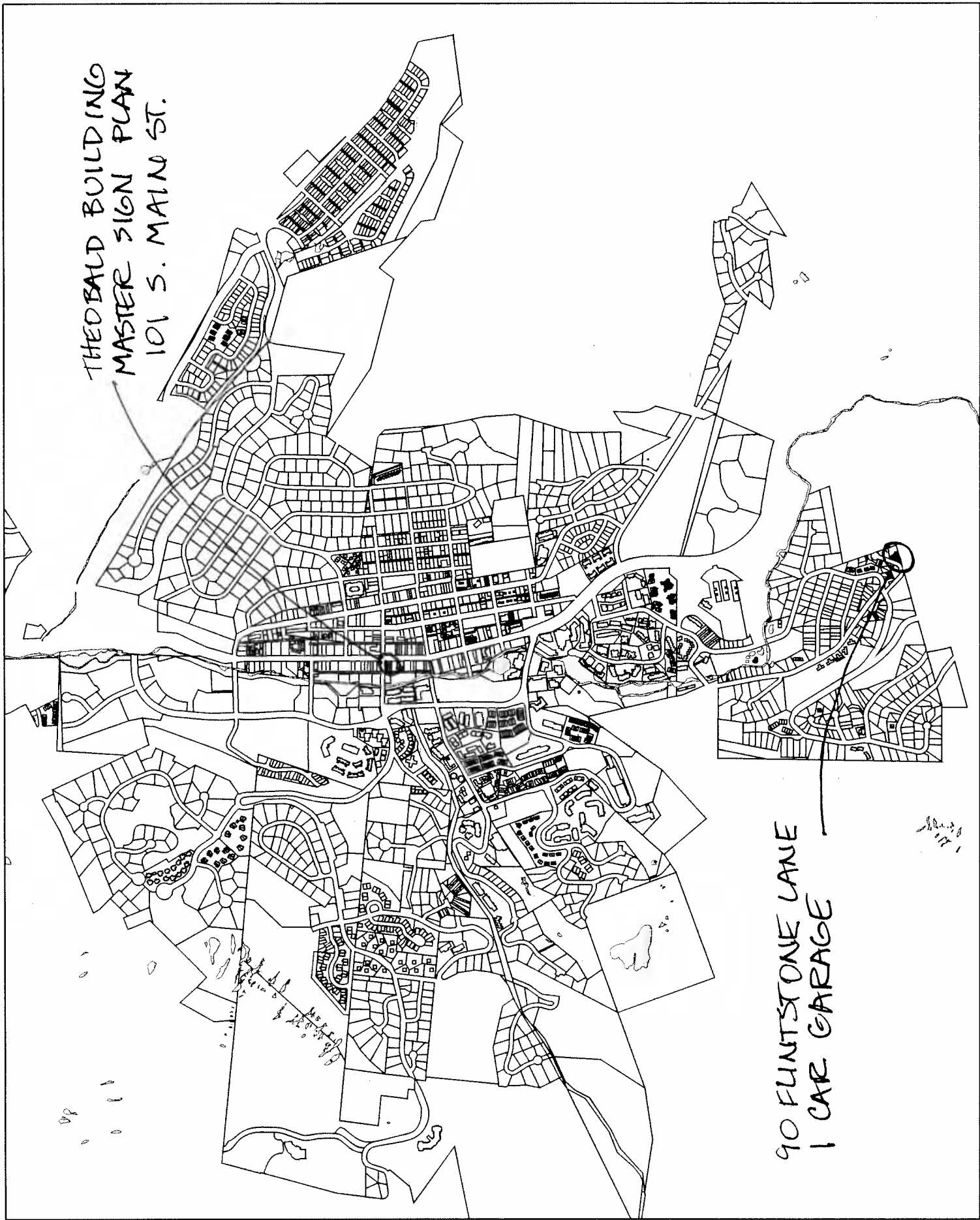
<b>7:00</b>	<b><i>Call to Order of the January 19, 2010 Planning Commission Meeting; 7:00 p.m. Roll Call Approval of Minutes January 5, 2010 Regular Meeting Approval of Agenda</i></b>	<b>3</b>
<b>7:05</b>	<b><i>Consent Calendar</i></b>	
	1. Theobald Building Master Sign Plan (MGT) PC#2010001 101 S Main Street	<b>7</b>
<b>7:15</b>	<b><i>Worksessions</i></b>	
	1. 90 Flintstone Lane 1 Car Garage (CK)	<b>15</b>
	2. Energy Policy (LB)	<b>20</b>
	3. Housing Policy Amendment (LB)	<b>27</b>
	4. Landscape Policy (JC)	<b>32</b>
<b>9:45</b>	<b><i>Town Council Report</i></b>	
<b>9:55</b>	<b><i>Other Matters</i></b>	
<b>10:00</b>	<b><i>Adjournment</i></b>	

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

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

THE BALD BUILDING  
MASTER SIGN PLAN  
101 S. MAIN ST.

90 FUNTSTONE LANE  
1 CAR GARAGE



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

**Breckenridge South**

printed 2007



PLANNING COMMISSION MEETING

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

ROLL CALL

Leigh Girvin                      JB Katz                                      Michael Bertaux  
Dan Schroder                      Jim Lamb                                      Dave Pringle arrived at 7:07pm  
Rodney Allen was absent

APPROVAL OF MINUTES

With no changes, the minutes of the December 1, 2009, Planning Commission meeting were approved unanimously (5-0).

APPROVAL OF AGENDA

With no changes, the Agenda for the January 5, 2010 Planning Commission meeting was approved unanimously (5-0).

WORKSESSIONS:

1. Bradley Residence Historic Renovation and Landmarking (MM) 213 E Washington Avenue  
Mr. Mosher presented a proposal to perform an extensive exterior and interior remodel that will include a full basement beneath the historic footprint. A new small shed was also proposed at the southwest corner of the property. The existing deck that crosses the west property line would be removed. Local landmarking of the property was also requested.

Staff believed that the proposed improvements would greatly improve the “livability” of the residence. The house currently has a clear head-height of 6’-8”. 7’-0” is the current building code minimum. The crawlspace and joists have mold. Staff believed that this remodel would change the non-compliant detailing and roof forms of the house to those more compatible with the character of Breckenridge and contribute to the historic character of the neighborhood and community.

The presented plans indicated a proposed remodel that would bring the architecture of the house into compliance with the Town’s Historic Guidelines and in this Character Area. The changes would include:

1. The footprint/perimeter walls would remain the same; no additional density is to be added above ground.
2. Maintain the historic exterior walls and remaining historic openings.
3. Raise the plate height of the walls 6 to 12 inches to allow for window and door headers and to meet building code.
4. Replace the low sloping roof(s) and create a new roof with a steeper 10:12 pitch with one added dormer. (Priority Policy 161.)
5. Create a front porch. (Design Standard 162 and 169.)
6. Remove the non-compliant, non-historic windows and replace with vertically orientated double hung compliant wood windows. (Historic openings will be verified prior to final approval.)
7. Repair the historic windows as needed.
8. Create a full basement (along with the landmarking) for additional living space.
9. Build a new detached shed (outbuilding) for storage. (Design Standard 159 and 167.)
10. Reside the structure with historic compliant horizontal lap siding 4-4 1/2 exposure. (Priority Policy 165.)
11. The roof would be re-sheathed with historic compliant cut wood shingles.
12. The house would be shifted slightly on the lot squaring it up to allow for parking on-site. As a result, negative three (-3) points would be incurred for not meeting the relative side yard setback along the south property line.
13. The house would have substantial permanent electrical, plumbing, and/or mechanical system upgrades.

Staff has reviewed the landmarking proposal with the Town Historian and the Town Attorney. The house was built in 1928 in Dillon and moved to Breckenridge in the 60’s. The Town Historian would support locally landmarking the building after the remodel and adjusting the Cultural Survey to reflect the change; however, it would still not be eligible for the national registry. The Town Attorney would support the required criteria under the Landmarking Ordinance as a “significant remodel”.

Staff also suggested that the remodel would significantly “enhance(s a) sense of identity of the community” as identified under section c.1. to allow it to be locally landmarked.

The Applicants would seek to locally landmark the house with the planned remodel and renovation. The sequence of this process will be explained with the pending development application (depending on the outcome of this worksession). All historic framing, windows and most of the roof fabric will be preserved. Staff welcomed any Commissioner comments.

Janet Sutterley, Architect for the proposed renovation: Ms. Sutterley first explained the existing site plan, and the resubdivision (moving the existing lot line such that it does not bisect the existing homes) that occurred previously, and then explained the proposed site plan which included shifting the building northerly on site to allow 2 on-site parking spaces for the unit. Currently all parking is in the Town right of way. Ms. Sutterley explained the existing conditions of the building, including the low ceiling heights, lack of window headers and rotted floors. The floor elevation of the house will not change with the proposal, but head height and windows would be updated to meet code. No main level square footage would be added with this proposal. It is a very simple architectural proposal, and created to strictly meet the historic design criteria of the East Side Character Area. A small porch would be added to the east side of the house and non-historic one removed. This residence is the gateway to the residential district coming down French Street, and is a great opportunity to make improvements.

Commissioner Questions/Comments:

Ms. Girvin: Can you please explain the other house next door? How much over density is it? (Mr. Mosher: The property got divided and it was determined that the large addition was over density. The north little portion is the historic home. As part of the subdivision, all existing density was “grandfathered” and no more can be added.) It is also important to recognize that this house did come from historic Dillon, a part of our community. (Mr. Pringle: Most of the home isn’t being preserved, only a few windows.) The structure is being preserved. I don’t disagree with Mr. Pringle, but at the same time I respect the effort that has gone into the project and I think it could contribute to the historic character of the community and respect its historic roots as a house that came from Dillon. I’m okay with the landmarking and adding the basement and ask that the architecture follow the simple historic guidelines, and its original form and function. I am not a fan of heated driveways. I would be proud of a building that was a remodel, rather than razing this structure and building something new. I would rather see this restored.

Mr. Bertaux: It is a result of a couple ordinances regarding density and how it can be added to the basement. I am inclined to see it scraped and build something else there. (Mr. Mosher: This would be very difficult to accomplish as the available density would be reduced by about 1/3 and significant negative points would be incurred.) There’s not much historic there. I’d rather see it relocated somewhere else, maybe back to Dillon. It is a great effort, but we seem to be manipulating the system. I agree with what Ms. Katz said; that the house would just get bigger if it was removed and would be out of place. Where is the historic value? (Ms. Sutterley: The historic value of the building.) (Ms. Girvin: Someone actually hauled it all the way over from Dillon, and then moved it again in town and continued to preserve it. Someone cared enough.) Are wood shingles something we really want? (Mr. Mosher: Yes, historically accurate.) There are some windows for egress on the lower level and a door? (Ms. Sutterley: No doors, just windows to reduce impact.) I’d like to hear more from the town attorney and next set of findings.

Ms. Katz: I appreciate what Mr. Pringle is saying, but I think that we can improve this property and maybe it is even a dangerous property as it exists now. I agree with Mr. Mosher that if we manipulate the density or other policy areas of the code it is much more compromising than the landmarking ordinance that we are dealing with in this situation. We could end up with a much larger home on the lot.

Mr. Pringle: Exterior siding will not be saved, will it? Windows? What will be saved? (Ms. Sutterley: Windows yes, siding no, none is historic (T-111 paneling). The interior walls will be saved.) It is a building that was not built here, there is no historical significance to the town, but what are we really saving? (Mr. Mosher: The goal is for the property to better contribute to the town character and be made livable. Improve economic viability of the site. If you scrape it the density would be significantly reduced.) Can you buy some density? (Mr. Mosher: The Code does not allow any transfer into the historic district.) Can’t we find a way to get them the basement without the historic

landmarking? (Mr. Mosher: We can't add any more density to the property because it is so far over already. The best option for a passing proposal is landmarking, and it does meet the criteria.) Could they rebuild this house if there was a fire? (Mr. Mosher: No, due to the notes on the plat.) I am puzzled that we have a property that we can't improve, without compromising our standards. When our processes defeat our purposes, we need to take a look at things. I think there should be a way to accomplish a remodel or a rebuild without having to compromise the landmarking ordinance. (Mr. Mosher: When we come back we can bring draft findings of the process and how it will come together, how it meets the criteria for landmarking, etc.) I think the findings are cleaner with the historic remodel text, not the enhancement to the community.

Mr. Schroder: Are we short one year on the age of the home for historic landmarking? (Mr. Mosher: That is when it was moved from Dillon, the house was built much earlier. There is historic fabric as part of the home and we want to make the house contribute to the historic character of the town.) The guidelines don't have a problem with the fact that it got here in 1961? (Mr. Mosher: No. It was moved from Dillon, similar to the Cooney house on French Street. Several homes in Breckenridge were moved from other areas that are historic.) I hear what Mr. Pringle was saying, but I am comfortable with the description and what remains of the original, and also when it was originally built in Dillon in 1928. Parts of that home are now in Breckenridge. Is there a social historic component? (Mr. Mosher: Social is related to people, and it contributes in the fact that it is a simple form, small footprint, etc. As far as social, nothing.) I would be hopeful that the value of historic structures from anywhere in our County is important; it is the broader community. There may even be more historic fabric that we don't even know about yet this early in the process. I am in favor of moving forward.

Mr. Lamb: Are you just heating the 61 square foot snow storage area? (Ms. Sutterley: I think we could potentially locate it on site, or in a heated area, we aren't sure yet.) What is the total density on the two lots? (Mr. Mosher: I'm not sure, but they are significantly over.) If we allow density, scraping it, or other variances on this site, I am wary of the floodgate it could open to future development. We are being site specific on this site; it is a unique property from 1928 that has been moved several times. (Mr. Mosher: Mr. Berry said that this would be considered a unique situation.) I like this and think we can make a strong argument that it has a history, and this is our only option to make a house in the historic district fit in and looks pretty good. We are taking the home back to its historic look, which is a good thing. Would the roof load be 100 lbs? (Ms. Sutterley: Yes.)

Mr. Rossi: Do you think it would be helpful to have the town attorney reply to our concerns? (Mr. Mosher: Yes. We didn't do too much detail yet because this is a worksession.) It would help me and the Planning Commission to understand the findings for landmarking. (Ms. Katz: I think that the town attorney should write a letter regarding these findings.)

#### TOWN COUNCIL REPORT:

Mr. Rossi: We are taking a look at the Gondola Lots Master Plan and points analysis. We also landmarked the Theobald Building. (Mr. Pringle: There were some concerns from the community regarding the lost parking in the Sawmill Lot and moving that parking around. Is the Council going to respond to that?) That is also one of the struggles that the Council had, but the project was called up regarding the points analysis.

#### CONSENT CALENDAR:

1. Tyndall Residence (MGT) PC#2009053; 584 Discovery Hill Drive  
Mr. Bertaux: What is El Prestique? (Mr. Mosher: Asphalt shingle)
2. Breckenridge Park Meadows Exterior Remodel (CK) PC#2009054; 110 Sawmill Road
3. Klack Cabin (MM) PC#2009055; Klack Place

With one request for call up, the remainder of the consent calendar was approved as presented.

Ms. Girvin made a motion to call up the Klack Cabin, PC#2009055; Klack Placer. Ms. Katz seconded. The motion was approved unanimously (6-0).

Mr. Mosher presented a brief description of the proposal to rotate the cabin 180 degrees in place to orient the doors towards the center of the Klack instead of five feet off the east property line.

- Ms. Girvin: This is in my back yard. This needs to be looked at an overall component of the Klack, not just a cabin. In fact it is a barn, not a cabin. The Klack is a significant open space and habitat. The barn historically supported the community and likely supported a residence at 209 South Harris, a carriage house for the residence and horses. I think changing the orientation destroys the significance. What is it doing now? It needs to be interpreted as how it related to the homes on Harris Street, and how it relates to the Klack in its entirety. The Klack has been harmed by the construction in the area; there is mud, new weeds, and flooding. There is a tree next to the cabin as well, and will it be removed with the orientation change? I don't think it is necessary to flip the building. More protection to the Klack needs to be provided and natural resources need as much protection as the building. (Mr. Mosher: Interpreting its relationship to the house now is different, as the historic houses that were there are no longer, and there is only five feet to the new house. In the future, a tour coming with 14 people would likely disrupt the neighbors and trespass. The doors could be oriented so people could see them. (Ms. Larissa O'Neill, Breckenridge Heritage Alliance: It is our understanding that there could potentially be a trail that goes through the Klack Placer and the barn could be better interpreted by passers-by with the re-orientation.) Yes, in the Town's trail master plan. (Mr. Tony Harris, Contractor: The topography wasn't changed with the construction. The surge does more damage than we have done. The vegetation will be replaced. The tree that Ms. Girvin mentioned stays. The building will be repaired and placed on gravel. Come spring time, you hopefully will not even see where we were.) I have been photographing the Klack for many years and it carries a large amount of water and creates a very unique environment. All of our wildlife find the Klack very important. It is not just the cabin/barn that needs protection. The Klack needs to be improved. (Mr. Mosher: This could be done by staff in the Town.) If you are going to bring tours here, we should make it look really nice. (Mr. Mosher: I think Ms. Girvin's comments regarding restoration of any damage to the soil are very important and if we need to look at improving the Klack, a separate permit would be processed with input from Engineering and Public Works.) I think it is great that the town is restoring it, but we need to keep the context in mind and if we need to flip it to make it more accessible let's improve the area, not just the cabin.
- Mr. Lamb: We need to ensure that next spring the ditch isn't flooding, the vegetation gets restored, soil compacted and regraded to achieve some of these ideas.
- Ms. Katz: I appreciate Ms. Girvin's concerns regarding re-orienting the cabin, but I think since it is a Town project and we are only spinning it I think it will be okay. I appreciate the comments and I think we have to do this because tours will want to be at the opening to the building.
- Mr. Lamb: I think that spinning it will be an improvement in the future.
- Mr. Pringle: What is the permit type for this? What was ever written and agreed to in that? (Ms. O'Neill: Two phases: stabilization and protection of the cabin.)
- Mr. Bertaux: The cash bond provision #14, who pays that? The Town or the Heritage Alliance? I think it will be a good project.

Ms. Katz moved to approve Klack Cabin, PC#2009055, Klack Placer, with the presented findings and conditions. Mr. Bertaux seconded, and the motion was carried unanimously, (6-0).

#### OTHER MATTERS:

1. Class C Subdivisions Approved 7/1/09 through 12/31/09 (CN) (Memo Only)
  2. Class D Development Permits 1/1/09 through 12/31/09 (CN) (Memo Only)
- Summary memos on Class C Subdivisions approved during the second half of 2009 and Class D Development permits approved for the entire year 2009.

#### ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

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Jim Lamb, Vice Chair

## Planning Commission Staff Report

**Project Manager:** Matt Thompson, AICP

**Date:** January 11, 2010 (For meeting of January 19, 2010)

**Subject:** Theobald Building Master Sign Plan Modification  
(Class C Minor; PC# 2010001)

**Applicant/Owner:** Theobald Family, LLP

**Agent:** House of Signs (Roger Cox)

**Proposal:** The applicant is proposing to create a new Master Sign Plan for the commercial spaces and building identification for this existing building. The sign plan will identify the allowed sign locations, materials and sizes.

**Address:** 101 A, B, C South Main Street

**Legal Description:** North 26' of Lot 1, Bartlett and Shock Addition

**Land Use District:** 19, Commercial

**Historic District:** Core Commercial Character Area

### Item History

Section 8-2-11 of the Breckenridge Sign Code requires a Master Sign Plan (MSP) for all commercial buildings containing three or more separate business. All signs installed or maintained on the property must conform to the approved Master Sign Plan. This building currently has three tenant spaces. This Master Sign Plan identifies the total amount of signage that is allowed for the building, and how much signage is allocated for each tenant. Please see attached photos for sign locations on the building.

### Staff Comments

The total building frontage is 78.5 feet along Ski Hill Road. In the case of a corner lot, the building frontage may be either of the street frontages, but not both, at the option of the property owner. The property owner is allowed 66% of the frontage of the building; in this case that equals 51.81 square feet of signage for the entire building. Each of the three retail spaces will be allowed to display a two-sided projecting sign, which is to hang from the steel bracket mounted over each tenant entrance. Each unit will be allowed the following sized signs:

- Unit A: 14.0 square feet
- Unit B: 11.7 square feet
- Unit C: 11.7 square feet

This will also allow for two building identification signs, one on the Main Street frontage and one on the Ski Hill frontage.

- Main Street Building identification Sign: 6.3 square feet
- Ski Hill Road Building identification Sign: 8.0 square feet

This Master Sign Plan does not require specific materials, but signs with three dimensional relief are encouraged. Materials and colors shall be in accordance with the Town of Breckenridge Sign Code. Accurate color renderings of all proposed signs shall be presented to the landlord for his/her discretion. All new tenant signage will be required to obtain individual sign permits in conformance with this Master Sign Plan. Advertising on windows and glass doors of retail spaces shall be in accordance with the Town of Breckenridge Sign Code and approval of the landlord.

**Point Analysis:** Staff finds that the proposed Master Sign Plan modification meets the requirements of the Breckenridge Sign Ordinance. We find all the Absolute Policies of the Development Code to be met. Staff does not believe the application warrants positive or negative points.

#### **Staff Action**

**The Planning Department has approved the Theobald Building Master Sign Plan, PC#2010001, with the attached Findings & Conditions. We recommend the Planning Commission uphold this decision.**



## TOWN OF BRECKENRIDGE

**Theobald Building Master Sign Plan  
North 26' of Lot 1, Bartlett and Shock Addition  
101 A, B, C, South Main St.  
PERMIT #2010001**

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

### FINDINGS

1. The proposed project is in accord with the Sign Ordinance and does not propose any prohibited use.
2. The signs will not have a demonstrative negative aesthetic effect.
3. This approval is based on the staff report dated **January 11, 2010**, and findings made by the Staff and/or Planning Commission with respect to the sign. Your sign was approved based on the proposed design of the sign 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 **January 19, 2010**, as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape 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 the provisions of Section 2-16 of the Sign Ordinance, may if appropriate, issue a stop order requiring the cessation of work, revoke this permit with costs to constitute a lien on the property and/or restoration of the property.
3. If this sign no longer advertises a bona fide business conducted on the premises, it shall be removed within fourteen (14) days of the closing of such business.
4. The signs shall be maintained in a sound condition and in a neat appearance.
5. Any lighting shall require staff approval at a minimum. All sign lighting shall be from above, and shall include a fully shielded light source.

6. Any changes to the proposed square footages and/or location of any signs shall require submittal and approval of a new Master Sign Plan.
8. All new signs must comply with the current Master Sign Plan and shall require Town of Breckenridge staff approval.



# UNIT A



# UNIT B





# UNIT C



## Planning Commission Staff Report

**Project Manager:** Chris Kulick, AICP

**Date:** January 5, 2010 (For meeting of January 19, 2010)

**Subject:** Lot A & Tract A-1 Warriors Mark Townhomes #5 Setback Question (Work Session)

**Applicant/Owner:** Steve & Susan Lapinsohn

**Proposal:** This is a work session to make a determination of what the appropriate setbacks are for an existing duplex subdivision. The applicants are requesting the Planning Commission's guidance in this interpretation to better enable them to design and construct a single car garage in the near future on Tract A-1 of the property. Staff has included the plat of the property in your packet to help orient you to the unique site plan of this property. Additionally we have included a letter of support from the applicant's neighbors which reside in the other unit of the duplex.

**Address:** 90 Flintstone Lane

**Legal Description:** Lot A & Tract A1 Warriors Mark Townhomes #5

**Site Area:** Lot A: 0.100 acres (4,336 sq. ft.) & Tract A-1 0.026 acres (1,128)

**Land Use District:** 30.8: Per County approved density allocation map, 6 Units per Acre, medium to high density residential development.

**Adjacent Uses:** North: Multi-family residential  
South: Undeveloped residential land  
East: Duplex  
West: Undeveloped residential land

**Height:** Allowed: 35'

**Density:** Allowed under LUGs: Unlimited sq. ft.

**Mass:** Allowed under LUGs: Unlimited sq. ft.  
Allowed per Neighborhood Preservation Policy: 1,093 sq. ft.

**Existing Mass:** 1,740 sq. ft.

Per the neighborhood preservation policy "*an additional 500 square feet of above ground square footage is permitted for a single family or duplex structure if such square footage is not allowed by subsection A*" (Subsection A sets the maximum allowed mass for the neighborhood preservation policy). This additional 500 sq. ft. is the total for both of the duplex units. "*For any duplex structure that is subject to the provisions of subsection D(1), if each duplex unit has the same above ground square footage each duplex unit shall be allocated an additional 250 square feet of allowed above ground square footage. If either of the duplex units has a greater amount of above ground square footage than the other duplex*

*unit, the smaller duplex unit shall receive so much of the additional above ground square footage as is required to make it equal to the above ground square footage of the larger duplex unit, and the remaining additional above ground square footage shall be divided equally between the two duplex units. If both duplex owners agree to an alternative allocation of the duplex's additional 500 square feet of allowed above ground square footage, the Town may approve such alternative allocation if both owners submit an agreement in a form acceptable to the Town Attorney prior to the submission of any application for a development permit that involves the use of any of the duplex's additional 500 square feet of above ground square footage. The duplex owners' agreement for an alternative allocation of the additional above ground square footage must be recorded in the real property records of the Clerk and Recorder of Summit County prior to the issuance of a development permit for the use of such additional square footage, and must run with the land and be binding upon all subsequent owners of the two duplex units”.*

**Setbacks:** The existing duplex was developed on a three sided lot that was later subdivided into two duplex lots and two additional lots that are identified as parking for the corresponding duplex lots. The applicants desire feedback from the commission as to how setbacks should be applied. Staff recommends assessing setbacks from the perimeter of the original three-sided lot, since assessing setbacks from the four-sided tract A-1 would make that site virtually undevelopable. Under Policies 9A and 9R, Placement of Structures, C. (2) d. Perimeter Boundary it states duplex setbacks shall be measured from the perimeter boundary.

*d. Perimeter Boundary: The provisions of this subsection shall only apply to the perimeter boundary of any lot, tract or parcel which is being developed for attached units (such as duplexes, townhouses, multifamily or condominium projects), or for cluster single family (CSF) use.*

Utilizing the Perimeter Boundary method results in a three side lot, this makes determining which setbacks to use somewhat debateable. In order to get better guidance in making a recommendation to the commission, Staff consulted the Illustrated Book of Development Definitions on which setbacks would apply to this lot. From the book's descriptions it is recommended the property line along Flintstone Lane be treated as a front setback and the two other side property lines be treated as side setbacks. Since the property is a duplex the setbacks for “Other Residential Development” will apply.

### **Setbacks for Other Residential Development**

#### **Absolute**

Front: 10', (20' from garage doors)

Side: 3'

Rear: 10'

#### **Relative**

Front: 15', (20' from garage doors)

Side: 5'

15' (Rear)

### **Item History**

Lot A & Tract A-1 Warriors Mark Townhomes #5 were originally platted as Lot 61, Warrior's Mark Townhomes Filing #5 in 1970. In 1982 a duplex was constructed on Lot 61, this occurred prior to the area being annexed into the Town of Breckenridge and therefore was reviewed under Summit County's review standards. In 1986 a re-subdivision of Lot 61 occurred where duplex lots A and B were created and two



corresponding lots designed for parking were established, Tracts A-1 and B-1. Sometime after the re-subdivision in 1986 plans were drawn that represented a single car garage being located on Tract A-1.

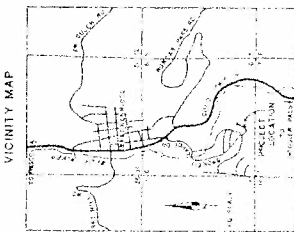
### **Staff Recommendation**

Staff supports the possibility of locating a garage on Tract A-1. Staff believes the code clearly states that in instances of duplexes only perimeter boundary setbacks are relevant. Staff recommends based on information gathered from the Illustrated Book of Development Definitions, that the three property line setbacks for the property be determined to be a front setback adjacent to Flintstone Lane and the remaining two be considered sides for setback purposes.

### **Questions**

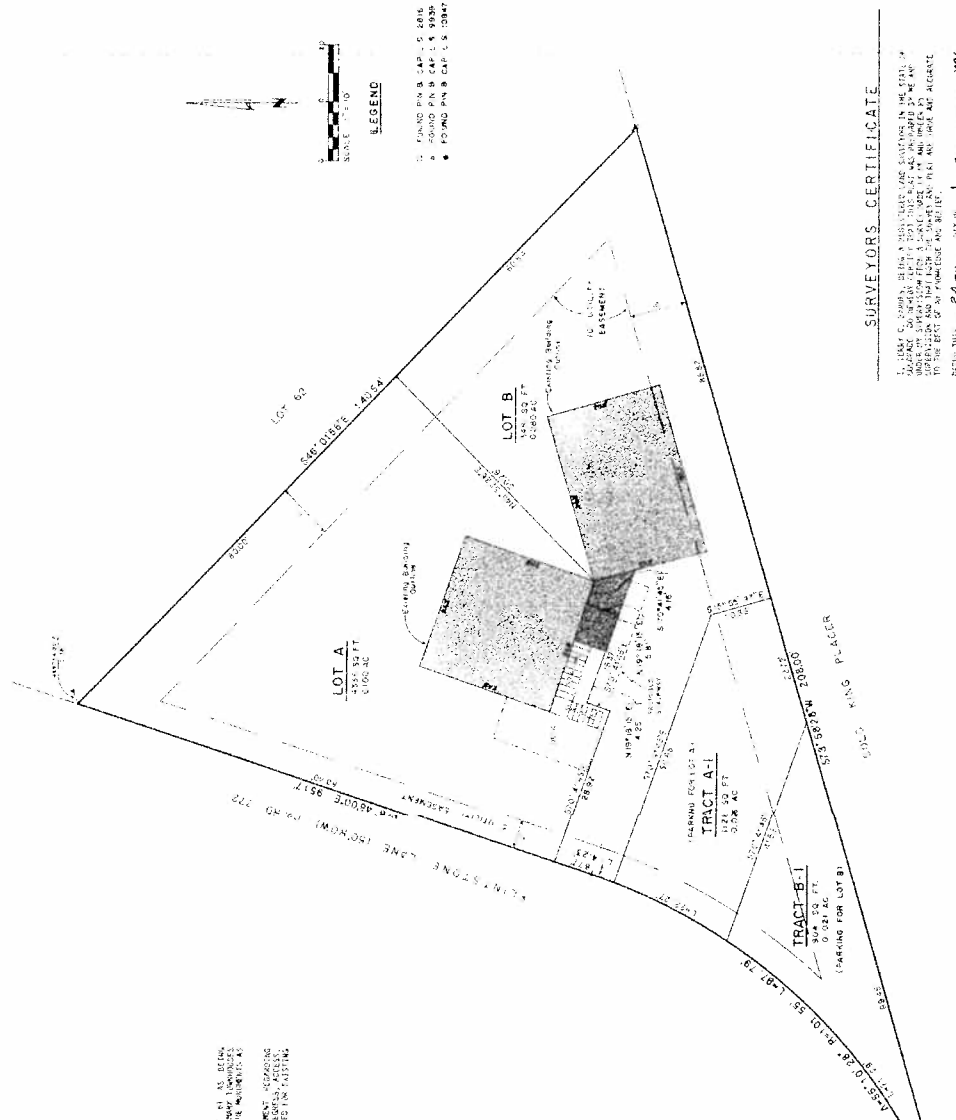
- Does the Commission support the potential development of a garage on Tract A-1?
- Does the Commission believe that only perimeter boundary setbacks are relevant?
- Does the Commission Agree with which setbacks should be applied to the three sided lot?

# A FINAL PLAT OF A RESUBDIVISION OF LOT 61 WARRIOR'S MARK TOWNHOUSES FILING NO. 5 SUMMIT COUNTY, COLORADO



NOTICE: ACCORDING TO COLORADO LAW, THIS INSTRUMENT AND LEGAL ACTION TAKEN HEREIN MAY BE VOID IF ANY OF THE FOLLOWING APPLICABLE PROVISIONS ARE VIOLATED:

1. THE INSTRUMENT IS NOT THE PROPERTY OF THE COUNTY RECORDS DEPARTMENT AND THE COUNTY RECORDS DEPARTMENT DOES NOT GUARANTEE THE ACCURACY OF THE INSTRUMENT OR THE INFORMATION CONTAINED THEREIN.
2. THE INSTRUMENT IS NOT THE PROPERTY OF THE COUNTY RECORDS DEPARTMENT AND THE COUNTY RECORDS DEPARTMENT DOES NOT GUARANTEE THE ACCURACY OF THE INSTRUMENT OR THE INFORMATION CONTAINED THEREIN.
3. THE INSTRUMENT IS NOT THE PROPERTY OF THE COUNTY RECORDS DEPARTMENT AND THE COUNTY RECORDS DEPARTMENT DOES NOT GUARANTEE THE ACCURACY OF THE INSTRUMENT OR THE INFORMATION CONTAINED THEREIN.



**OWNERS CERTIFICATE**

WE, THE UNDERSIGNED, ARE THE OWNERS OF THE PROPERTY DESCRIBED IN THE ABOVE PLAT, AND WE HEREBY CERTIFY THAT THE INFORMATION CONTAINED THEREIN IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

DATE: 10/24/18

BY: [Signatures]

**ACKNOWLEDGEMENT**

I, the undersigned, being duly sworn, depose and say that I am the owner of the property described in the above plat, and that the information contained therein is true and correct to the best of my knowledge and belief.

DATE: 10/24/18

BY: [Signature]

**TITLE COMPANY CERTIFICATE**

THE ABOVE PLAT AND THE INSTRUMENTS REFERENCED THEREIN HAVE BEEN REVIEWED BY US AND WE HEREBY CERTIFY THAT THE INFORMATION CONTAINED THEREIN IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

DATE: 10/24/18

BY: [Signature]

**COUNTY COMMISSIONERS APPROVAL**

THE BOARD OF COUNTY COMMISSIONERS HAS REVIEWED THE ABOVE PLAT AND THE INSTRUMENTS REFERENCED THEREIN AND HAS APPROVED THE SAME.

DATE: 10/24/18

BY: [Signature]

**CLERK & RECORDERS CERTIFICATE**

THE ABOVE PLAT AND THE INSTRUMENTS REFERENCED THEREIN HAVE BEEN FILED IN THE OFFICE OF THE CLERK & RECORDERS OF SUMMIT COUNTY, COLORADO, AND HAVE BEEN RECORDED IN THE PUBLIC RECORDS.

DATE: 10/24/18

BY: [Signature]

**SURVEYORS CERTIFICATE**

WE, THE UNDERSIGNED, ARE LICENSED SURVEYORS IN THE STATE OF COLORADO AND WE HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THE ABOVE PLAT IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

DATE: 10/24/18

BY: [Signatures]



NOTICE: ACCORDING TO COLORADO LAW, THIS INSTRUMENT AND LEGAL ACTION TAKEN HEREIN MAY BE VOID IF ANY OF THE FOLLOWING APPLICABLE PROVISIONS ARE VIOLATED:

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**Robillard & Associates, Inc.**  
 Consulting Engineers / Land Surveyors  
 Planning / Construction Management  
 P.O. Box 2117 Denver, Colorado 80246 303.458.4395

4730

**From:** [BobSue1447@aol.com](mailto:BobSue1447@aol.com)

**To:** [sl2@breckgear.com](mailto:sl2@breckgear.com)

**Sent:** Monday, January 04, 2010 8:55 PM

**Subject:** Garage/carport

Hi Steve,

Per our conversation, Bob and I are not opposed to you or a future owner of your property building a garage or carport adjacent to ours. The only consideration we would like is input or approval on the design so that it blends in well aesthetically with the facade of both homes. The only negative for us is that we actually enjoy the open air and light of our carport, but would most likely have to incur the expense of enclosing our carport into a garage as well if an adjacent garage is built.

Thanks for all your investigative work on the easement issue and for keeping us updated!

Sue

# Memo

To: Planning Commission  
From: Laurie Best  
Date: January 13, 2010 (for PC worksession January 19<sup>th</sup>)  
Re: Energy Policy 33R Worksession

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## **Background**

Staff has met twice with the Planning Commission in 2009 (July 15 and September 15) to discuss Policy 33R and specifically how the policy could be amended to clarify point assignment relative to energy use, conservation, and renewable sources of energy. The policy was included in the development code in 1978 and has been used on eighteen projects with four projects assigned negative points (heated/snow melt drives, parking, walks). Fourteen projects have been awarded positive points (passive orientation and on-site renewable). A summary is enclosed in your packet.

As staff began to work on the policy it became clear that there is considerable overlap between energy and sustainability issues. Policy 33R is an energy policy and while there are many benefits to sustainable development, those issues are being addressed by the Sustainability Task Force. There may be subsequent amendments throughout the development code to encourage sustainable development, but the focus of Policy 33 R is energy use.

The Planning Commission has indicated that Policy 33R is somewhat vague and that it would be helpful if the energy impacts were measurable so the point assignment could be better quantified and commensurate. The recent adoption of a Sustainable Building Code also affects how the Town's objectives regarding energy conservation and on-site renewable energy are achieved. Following is a brief overview of these codes.

## **Sustainable Building Code and Energy Code impact on Policy 33R**

In 2008 the Town adopted a new Sustainable Building Code. The Code applies to new development beginning in 2009. Under the Sustainable Code, new development must achieve a passing 'sustainability' score with energy conservation weighted heavily. Projects are assigned negative points for home size, heated exterior space, fireplaces, etc. and are assigned positive points for upgraded insulation, on-site renewable energy, and other energy conservation measures or green components. In addition to the Sustainable Building Code, in 2008 the Town also adopted the 2006 International Energy Conservation Code. The Energy Code mandates specific energy conservation measures, particularly related to insulation values (windows, doors, insulation). The impact of these codes is to mandate more efficient construction than required prior to 2009.

In previous discussions about Policy 33R most of the conversations with Planning Commission focused on quantifying the impacts of individual components of the development that increase energy use (heated patios, outdoor fire pits/pools, snowmelt, house size, heat tape, tear downs, water features, etc.) and the components that offset energy use (renewables, reuse of building, passive solar orientation, insulation packages, transit, motion detectors, etc.). With that information, positive or negative points could be assigned to support specific energy reduction goals of the Town which would be targets established in the policy.

As staff began to work on the policy amendment it became clear that some of this off-set is already accomplished in the recently adopted Building Codes. Staff believes that the focus of the current Policy 33R amendment should be to: 1) compliment regulations already in place 2) not create an overly complex set of requirements that is duplicative 3) ensure that positive points are not assigned for components that are already required by the Building Codes and 4) incentivize/reward even greater energy efficiency than is achieved in the Building Codes. In conversations with the Building Official we have identified some areas that may not be adequately addressed in Building Codes and the Building Official will attend the Planning Commission worksession on January 13<sup>th</sup> to discuss opportunities for coordinating these codes to achieve even greater energy conservation.

Some possible opportunities are presented below and will be discussed during your worksession.

#### HERS Index (Home Energy Rating Software)

The Building Code does not mandate energy audits or testing to evaluate or score energy efficiency, but there are now very effective scoring systems that measure energy efficiency. Some Planning Commissioners and staff were introduced to the HERS Index during the Commission field trip in October of 2009. The index is a tool that measures energy use and onsite power generation/renewable, and scores homes based on energy efficiency compared to a baseline (Reference) home. Homes that are built to the 2006 Energy Code should score 100 points. Each 1% increase in energy efficiency corresponds to a 1-point decrease in HERS index, so a home with a HERS score of 80 is 20% more efficient than the reference (code) home. Homes that are built to the Sustainable Code should score less than 100. Larger homes with more energy amenities should score even better than smaller homes because they need to offset energy use. An important part of the HERS index is the upfront energy modeling, the onsite oversight during construction, and the testing at time of completion. We have spoken with HERS testers and it is estimated that the costs for HERS score/testing would be approximately \$1,200 for a single family home.

By obtaining a HERS rating, the Town would be able to quantify the energy efficiency of new development (that meets the Sustainable Code) as it compares to the 2006 Energy Code. This information would be helpful in determining very specific but reasonable energy reduction goals which may vary based on home size. The Town could take this a step further by offering point incentives in Policy 33R for reduction in energy consumption beyond that already achieved in the Code (as demonstrated by a HERS rating). The Town

could also assign negative points for uses that are not accounted for in the HERS index such as:

- Teardowns
- Snow melted patios
- Outdoor fireplaces
- Water features
- others

### Leed Certification

The HERS Index currently applies only to homes and does not apply to commercial/industrial or multi-family buildings. The Building Codes do apply to commercial/industrial/multi-family buildings but there is not an easy way to measure the impact of the Codes on energy conservation. The Building Official has suggested that the Town might consider a mandatory (or incentivized) Leed certification or equivalent rating system. The Leed rating system offers third party certification insuring that buildings meet certain environmental goals.

### **Summary**

Since staff believes it is important to coordinate Policy 33R with the Building Codes we will discuss the Building Codes as well as the HERS index and LEED certification with the Commission and the Building Official on January 19<sup>th</sup>. We'd like to discuss some specific concepts including:

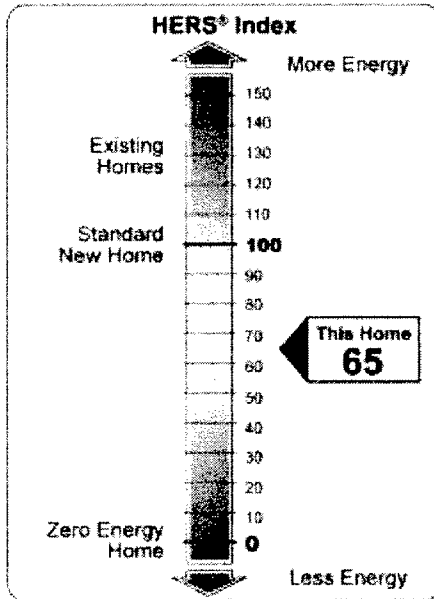
- *require testing, perhaps a mandatory HERS (or equivalent) rating, which would be equivalent to an absolute policy in the Development Code*
- *reward for exceeding or meeting a certain target HERS (or equivalent) rating that reflects greater energy efficiency than achieved by the Sustainable Code through positive points in Policy 33R*
- *a mandatory LEED certification (or equivalent rating) or incentive for LEED certification for commercial/industrial buildings*
- *additional assignment of negative points for high energy uses that are not accounted for in the HERS rating through negative points in policy 33R*

This is the first discussion with Planning Commission regarding HERS and we do plan to contact energy professionals as well as local architects for their input. We are not proposing or discussing specific point assignments at this time, but we would appreciate the Commissions input (particularly on the bullet points) as we begin to work on a proposal to amend Policy 33R.

## Best, Laurie

**From:** Kulick, Chris  
**Sent:** Monday, January 11, 2010 4:49 PM  
**To:** Best, Laurie  
**Subject:** General information on the HERS Index

### The HERS Index



House Energy Rating Software the HERS Index is a scoring system established by the Residential Energy Services Network (RESNET) in which a home built to the specifications of the HERS Reference Home (based on the 2006 International Energy Conservation Code) scores a HERS Index of 100, while a net zero energy home scores a HERS Index of 0. The lower a home's HERS Index, the more energy efficient it is in comparison to the HERS Reference Home.

Each 1-point decrease in the HERS Index corresponds to a 1% reduction in energy consumption compared to the HERS Reference Home. Thus a home with a HERS Index of 85 is 15% more energy efficient than the HERS Reference Home and a home with a HERS Index of 80 is 20% more energy efficient.

	Hers Index
Reference Home Score	Reference Home is assigned a HERS Index of 100, while a net zero energy home is assigned a HERS Index of 0
Reference Home Basis	2006 International Energy Conservation Code (IECC)
Scale	Each 1% <i>increase</i> in energy efficiency corresponds to a 1-point <i>decrease</i> in HERS Index
Energy Use Considered	Heating, cooling, water heating, lighting, appliances, and onsite power generation*
ENERGY STAR Requirement	HERS Index of 85 in climate zones 1-5 HERS Index of 80 in climate zones 6-8
Status	Approved by the RESNET Board of Directors. To be implemented as of July 1, 2006.

Chris Kulick, AICP  
Community Development Department  
Town of Breckenridge  
PO Box 168, 150 Ski Hill Road  
Breckenridge, CO 80424

Project Name	Staff Project Manager	Permit Type	Date of Hearing	Total Points Awarded	Proposal	PC Number	Street Address	Legal Description	33R Energy Conservation - Points	33R - Comments
Carter Ridge Residence	Matt Thompson	Class B	10/06/2009	3	Construct an 8,174 sq. ft. residence with four bedrooms, five bathrooms, and an accessory apartment.	2008076	112 North Ridge Street	Lot 3, Abbetts Addition	6	
Valleybrook Site Plan	Julia Puester, Laurie Best	Class A	08/04/2009	9	38 deed restricted townhomes (24-2 bedroom units and 14-3 bedroom units) and 4 deed restricted 2 bedroom carriage house units in 11 buildings located on a one way road. All units have 2 car garages. There is also an associated private open space and a public park and the asphalt bike path.	2009030	1100 Airport Road	Tract 1 Valleybrook Subdivision	3	40 out of 42 units provided with solar panels
Lot 5, McAdoo Corner	Matt Thompson	Class A	07/07/2009	1	Construct a new 3,365 sq. ft. restaurant	2009009	209 S Ridge Street	Lot 5, McAdoo Corner	3	Solar panels are proposed on the roof
Silverthorne House Restoration, Landmarking & Site Plan	Julia Puester	Class A	06/02/2009	13	To construct one duplex building, one single family building, relocate and convert the existing barn to a deed restricted residential unit, move the	2007004	300 North Main Street	South 60' of L 22&22 1/2, Snider Addition, and North 15' of Lot 60, Bartlett & Shock	-3	Heated parking
VRDC Building 804	Michael Mosher	Class A	11/18/2009	0	Construct a 47-room condo/hotel lodge at the base of Peak 8 totaling 54,442 square feet with 10,360 square feet of commercial space and 20,219 square feet of guest services.	2008032	1521 Ski Hill Road	Tract C, Peaks 7 & 8 Perimeter Subdivision	-3	Extensive snow melt system with no alternative energy proposed.
O'Rourke Square	Michael Mosher	Class B	10/21/2008	3	To remove the existing small non-historic house and then construct a new single family residence with an accessory apartment. The main house has four-bedrooms, four and one-half bathrooms and a two-car garage. The apartment will have one-bedroom and one bath.	2008091	226 South Ridge Street	Lots 17-18, Block 10, Abbetts Addition	6	Solar panels supplement energy needs.
Fishman Residence	Matt Thompson	Class C	07/01/2008	2	New single family residence	2008075	173 Campion Trail	Lot 11, Revett's Landing	3	House oriented to take advantage of solar
Bison Crossing	Matt Thompson	Class B	06/17/2008	0	Add south facing solar panels to the roof of the approved residential structure of 2,080 sq. ft. with a 585 sq. ft. employee-housing unit. Requesting local Landmarking of 360 sq. ft. historic cabin to remain commercial and the addition of a 360 sq. ft. basement under the historic cabin. Addition of a bronze buffalo statute as public art facing N. Main Street. Addition of two exterior areaway accesses to the employee housing unit and to the basement of the proposed commercial unit facing	2008052	209-211 North Main Street	Lot 67-68, Bartlett & Shock	0	Solar panels were not installed by CO inspection.



Project Name	Staff Project Manager	Permit Type	Date of Hearing	Total Points Awarded	Proposal	PC Number	Street Address	Legal Description	33R Energy Conservation - Points	33R - Comments
Theobald Building Renovation, Landmarking and Variance	Michael Mosher	Class B	06/17/2008	4	Completely restore the original façade of the Theobald Building (based on historic photographs), lower the interior floor (no changes to the exterior) in order to meet handicap access standards, rehabilitate and restore the north elevation to facilitate a viable retail experience between the Riverwalk and Main Street, replace the historic shed addition as a stand-alone retail space behind the main building. No changes are proposed to the non-historic building (Pup's Glide Shop) that exists at the west property edge. The north sidewalk in the public right of way will be heated to eliminate the ice dangers.	2008058	101 South Main	Lot 1, Bartlett & Shock	3	For the use of a snow meting system for the proposal.
Shores Lodge	Michael Mosher	Class A	06/03/2008	8	Construct a 72-unit condo hotel (8 units are to have owner lock-off rooms) with conference space, lounge, fitness area, guest spa and surface parking.	2007155	Tract C, West Braddock Subdivision	Tract C, West Braddock Subdivision	0	Geothermal heat exchange for snow melt.
Stais Wind Turbine	Matt Thompson	Class C	05/06/2008	3	Install a wind turbine on the property. The wind turbine would be 25' tall and has a rotor diameter of 11.5', horizontal Axis with three blades, the tower and blades would be black.	2008051	510 Wellington Road	Lot 4, Block 12, Weisshorn 2	3	Operation of systems or devices which provide an effective means of renewable energy are encouraged.
Stais Residence	Matt Thompson	Class C	04/15/2008	10	A new single family residence	2008042	510 Wellington Road	Lot 4, Block 12, Weisshorn 2	6	Active solar photo-voltaic and preheat domestic hot water. Passive solar techniques have been properly designed. Thermosiphioning air panels at south wall. Southern orientation of windows, few windows on north side of buildings, and insulation to mitigate heat lossover and beyond that required by the State Energy Code.
Shock Hill Tract E	Chris Neubecker	Class A	01/15/2008	10	Construct a 57-unit condo-hotel with commercial spa, small bar, café, outdoor amenities area, and underground parking. A modification to the Shock Hill Master Plan is also proposed, pursuant to a previously approved Development Agreement, for the transfer of 6 residential SFEs of density to this site.	2007108	260 Shock Hill Drive	Tract E, Shock Hill Subdivision	-3	Most driveways, sidewalks and concrete terraces are heated.
Shock Hill Tract C	Chris Neubecker	Class A	01/15/2008	8	Construct a 52-unit condo-hotel with a small support/amenity café and underground parking garage adjacent to the Shock Hill gondola mid-station. A modification to the Shock Hill Master Plan is also proposed, pursuant to the previously approved development agreement for the transfer of 33 SFEs of density to this site.	2007108	200 Shock Hill Drive	Tract C, Shock Hill Subdivision	-3	Most driveways, sidewalks and concrete terraces are heated.

Project Name	Staff Project Manager	Permit Type	Date of Hearing	Total Points Awarded	Proposal	PC Number	Street Address	Legal Description	33R Energy Conservation - Points	33R - Comments
Valley Brook Childcare Facility	Matt Thompson	Public	08/21/2007	19	To construct a new childcare center of 8,159 sq. ft. to accommodate approximately 60 children.	2007107	180 Valley Brook Street	Tract A3, a replat of Block 11, Airport Subdivision	6	Solar cells on roof, berming on north side, south facing windows.
CMC Site Plan	Julia Skurski	Public Project	07/17/2007	0	New CMC campus site plan.	N/A		A portion of Tract D, Block 11 Subdivision	3	CMC has made efforts toward providing natural light into the building with light monitors on the roofs as well as passive solar orientation of the building. In addition, CMC will be rough wiring for future solar panels and will install airlocks on main entries.
BBC Modifications to Original PC#2004114	Michael Mosher	Class A	12/05/2006	0	To modify the original approved Development Permit for the Breckenridge Building Center. These changes include moving the building 27 feet towards the west, raising the building 12 inches, changing the mechanical heating system from in-floor heat to forced air, and a reallocation of available density.	2004114	13445 State Highway 9	Lot 1, Placer Flats Subdivision	3	The use of clerestory windows on the east and west sides of both the retail store and the storage barn shall be used to provide day lighting and reduce the need for electrical lighting.; · The use of in-floor radiant heat with unit ventilators is an energy-efficient mechanical system. Additional, a heat exchange / recovery system is proposed with the unit ventilators to further reduce energy consumption.; · Will provide automatic operation of clerestory windows, the need for mechanical ventilation will be lessened.; · The retail building and lumber barn are orientated in a north-south direction to reduce the impact from cold north winds.; · The use of green / renewable building products including green flooring materials and paints, and recycled insulation materials is proposed.; · As shown on the exterior elevations, there are few windows. Large window masses are on the south wall of the retail building. Smaller clerestory windows are on the east and west sides of both the retail store and the storage barn for day lighting purposes. ; · There are limited the north facing windows to only those required for security to provide views from the offices into the yard and those required from the employee unit to provide egress, light, and ventilation.; · There are no open breezeways. There is an internal connection between the retail store and the storage barn.; · The main entry (which is south facing) incorporates an airlock design.; · Will provide R-22 wall insulation, R-40 roof insulation, and R-14 Insultarp below-slab insulation which exceeds the requirements of the International Building Code and energy codes.
Breckenridge Building Center	Michael Mosher	Class A	06/07/2005	0	To develop a new 28,597 square foot facility for the Breckenridge Building Center. It is to include a 14,099 square foot Retail Sales	2004114	13445 State Highway 9	Lot 1, Placer Ridge Subdivision	3	The use of clerestory windows on the east and west sides of both the retail store and the storage barn shall be used to provide day lighting and reduce the need for electrical lighting.; · The use of in-floor radiant heat with unit ventilators is an energy-efficient mechanical system. Additional, a heat exchange / recovery system is

# Memo

To: Planning Commission  
From: Laurie Best  
Date: January 13, 2010 (for PC worksession January 19<sup>th</sup>)  
Re: Housing Policy 24R Amendment

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### Background

Recently several large affordable housing projects have been approved or submitted that have utilized the 10 positive points that are awarded under Policy 24R to offset significant site disturbance or design concerns. This is not common, but the potential exists, primarily in conjunction with annexations or development agreements where the Town is providing significantly more density (for affordable housing) than was contemplated in the original Land Use District.

Both Planning Commission and Town Council have raised this as an issue and have asked staff to draft an amendment to Policy 24R. From conversations with Town Council it appears that the original intent of Policy 24R was to incentivize affordable housing but not to allow significant 'upzonings' that also have the benefit of 10 positive points to mitigate questionable design or excessive site disturbance.

Projects that are currently under review are purposely not discussed in this memo but many recent affordable housing projects would not have passed a point analysis without the benefit of positive points even with the 'free' density. However, it does not appear that the full 10 points have been needed to achieve a passing score.

Examples:	Project Size	Affordable Housing 'free' Density	Policy 24 Points	Negative points	Policy	Final Score
Vic's Landing	36 units	24 units	+10	-4 points	Site suitability	+14
Maggie Placer	21 units	17 units	+10	-3 points	Architecture-natural materials	+10
Stan Miller	157 units	105 units	+10	-9 points	Setbacks	+5

There are several issues for consideration including:

1. Should positive points under Policy 24R ever be allowed for using 'free' density for affordable housing? Is the density enough of an incentive? In the case of annexations where up to 80% of the project density is brought to the site by the Town, staff is concerned about the "double dipping", and the potential unintended site impacts resulting.
2. Is positive 10 points too many points in that it offsets too many site related negative points? It appears that none of the recent projects required all 10 points and that this cap may need to be lowered.
3. Should a different point assessment (or multiple matrixes) be established based on the size of the project, the amount of natural versus 'free' density that is used for affordable housing and the price points? (i.e. maximum points available for projects that utilize 10% of their own density with fewer points available for projects that utilize primarily 'free' density and maximum points available for projects that deliver lower price points)
4. Should projects that take advantage of the density bonus of 10% under Policy 3A (D) also be allowed positive points under Policy 24R or should this also be considered "double dipping"? The density bonus under Policy 3 has worked well as an incentive and the addition of 10% density does not seem to result in over programmed sites. Staff believes that bonuses should still be allowed, these projects should still be eligible for the positive points, and that the focus of this policy modification should be annexations and development agreements that are adding substantial density.

### **Summary**

Staff still believes that incentives are necessary to encourage the private sector to contribute affordable housing units. In addition, Policy 24R has resulted in many dispersed units throughout Town as projects need to make up points. Based on the projects that have been approved, it seems that a sliding scale (or multiple matrixes) based on natural verses 'free' density and lower price points (bullet 3) might achieve the highest quality projects while still providing some incentive. We will discuss these issues with the Commission and will be interested in your feedback and suggestions before we prepare a specific proposal.

**24. (RELATIVE) SOCIAL COMMUNITY (24/R):**

A. Employee Housing: It is the policy of the town to encourage the provision of employee housing units in connection with commercial, industrial, and multiunit residential developments to help alleviate employee housing impacts created by the proposed uses.

(1) Point Assessments: The following points shall be assessed in connection with all development permit applications for commercial, industrial and residential projects:

Points	Percentage Of Project Density In Employee Housing	Examples Of Square Footage Conversion Of Percentage From Second Column Size Of Project In Square Feet (Density) (Point awards for actual projects shall be calculated using the first two columns of this table.)				
		**4,000	5,000	10,000	20,000	50,000
-10	0.0	NA	0	0	0	
-9	0.01 - 0.5	NA	NA	NA	NA	*250
-8	0.51 - 1.0	NA	NA	NA	NA	400
-7	1.01 - 1.5	NA	NA	NA	*250	600
-6	1.51 - 2.0	NA	NA	NA	400	900
-5	2.01 - 2.5	NA	NA	*250	500	1,100
-4	2.51 - 3.0	NA	NA	300	600	1,400
-3	3.01 - 3.5	NA	NA	350	700	1,600
-2	3.51 - 4.0	NA	NA	400	800	1,900
-1	4.01 - 4.5	NA	NA	450	900	2,200
0	4.51 - 5.0	NA	*250	500	1,000	2,400
+1	5.01 - 5.5	NA	275	550	1,100	2,700
+2	5.51 - 6.0	*250	300	600	1,200	2,900
+3	6.01 - 6.5	275	325	650	1,300	3,200
+4	6.51 - 7.0		350	700	1,400	3,400

+5	7.01 - 7.5	300	375	750	1,500	3,600
+6	7.51 - 8.0		400	800	1,600	3,900
+7	8.01 - 8.5	350	425	850	1,700	4,200
+8	8.51 - 9.0		450	900	1,800	4,400
+9	9.01 - 9.5	375	475	950	1,900	4,600
+10	9.51 - 100	400	500	1,000	2,000	4,900

\*Minimum unit size permitted to qualify as employee housing is 250 square feet, therefore any unit less than 250 square feet is the equivalent of providing no employee housing for the purpose of earning positive or negative points.

\*\*All single-family residential; and all other projects less than 5,000 square feet in density shall not be assessed negative points for the nonprovision of employee housing, but such projects may be awarded positive points in accordance with the table set forth above.

(Ord. 21, Series 1998)

(2) General Provisions:

a. The square footage of the employee housing units provided under this Section shall be assessed against the allowed density and mass in the same manner as all other residential units, or square footage within the project.

b. All employee housing units provided under this Section shall be designed and planned in conjunction with the remainder of the project and shall not be designed as an add-on to an existing building unless in conjunction with a larger addition. (Ord. 19, Series 1988)

c. Employee housing units provided under this Section may be on- or off-site, but shall be within the Upper Blue River Basin.

d. For the purpose of determining whether a development shall be awarded or assessed points under this Policy, only square footage approved pursuant to a development permit the application for which was filed subsequent to December 18, 1997, shall be used to calculate the total density or gross dwelling area of a development.

e. The provisions of this policy, as amended by council bill no. 29, series 1997, shall not apply to development permits approved prior to December 18, 1997; and no development permit approved prior to December 18, 1997, shall be modified to reduce the amount of employee housing approved in connection with the issuance of such development permit.

f. Each employee housing unit for which positive points are awarded under this policy shall be encumbered by a properly recorded restrictive covenant in a form acceptable to the town attorney. The terms of such restrictive covenant shall be consistent with this policy, and such restrictive covenant shall not be subordinate to any senior lien or encumbrance, except the lien of the general property taxes. (Ord. 4, Series 1998)

*g. For the purpose of determining positive points under this policy, only density which results from the underlying zoning, an approved master plan, or density purchased and transferred pursuant to a certificate of development rights issued pursuant to that certain "Intergovernmental Agreement Concerning Transferred Development Rights between the Town and Summit County, Colorado" shall be counted toward the percentage of density in employee housing. Density which results from a development agreement or other density which is provided free of charge to the applicant, shall not be eligible for positive points.*

(3) Exemptions: The following developments and uses are exempt from an assessment of negative points provided for in this section:

1. Change of use for buildings of historic and architectural significance.
2. Churches.
3. Governmental entities exempt from the town's planning regulations.
4. Mixed use projects where the combined total square footage is less than five thousand (5,000) square feet.

Other governmental or public buildings such as public museums, public libraries, or post offices, where the building is owned and operated by a governmental agency.

Public and private schools. (Ord. 21, Series 1998)

(4) Restrictive Covenants: The owner of an employee housing unit which is restricted by a restrictive covenant as described in subsection A(2)f of this policy shall have the right to obtain the release of the restrictive covenant by substituting for the restricted unit another unit or property located in the Upper Blue River basin which satisfies the definition of "employee housing" set forth in section 9-1-5 of this chapter. Such right of substitution shall be subject to the town's approval of such substitute unit or property as being of comparable size and condition using the class D development permit process. No such substitution shall be permitted unless the substitute unit or property shall be subjected to a restrictive covenant as required by subsection A(2)f of this policy. (Ord. 4, Series 1998)

(5) Summer Seasonal Housing: Between May 1 and September 30 of any year, an employee housing unit may be lawfully occupied for a period not to exceed twelve (12) consecutive weeks by any person participating in or employed by the summer programs sponsored by a nonprofit organization or the town. Such occupancy shall be authorized by a class D development permit. (Ord. 21, Series 1998)



## Memo

To: Planning Commission  
From: Jennifer Cram, AICP  
Date: January 15, 2010  
Subject: **Relative Landscaping Policy Changes**

The Planning Commission last reviewed proposed changes to the Relative Landscaping Policy on October 20, 2009. The minutes from that meeting have been attached for your review. Attached to this memo is a draft of additional proposed changes based on Planning Commission input and staff consideration of the primary goals for new landscaping. Staff would like the Commission to keep in mind that as proposed the new Absolute requirements that we discussed in September include the removal of dead and diseased trees, basic forest health requirements and minimal landscaping/screening requirements as ground zero.

- During our review of the relative policy staff would like the Commission to consider whether it makes sense to have absolute minimum requirements for landscaping or have the opportunity to assign negative points. Staff believes that the absolute minimum requirements helps to raise the bar for better landscape plans and will be easier to administer in the future. However, we would like to know what the Commission thinks.

Some of the highlights of the changes include new language that gives greater emphasis to the preservation of natural landscape areas and wildlife habitat, utilization of native plantings, the inclusion of xeriscape plantings, use of bio-swales and permeable paving. In addition, staff has taken another try at developing some examples for the award of positive two (+2) up to positive six (+6) points.

Staff looks forward to discussing the proposed changes with the Commission during the worksession on January 19th.

### *Minutes from the October 20, 2009 meeting*

#### **WORKSESSIONS:**

##### 1. Landscaping Policy

Ms. Cram presented the proposed changes to the Landscaping Policy, specifically regarding Relative recommendations. Some of the highlights of the changes included new language that gives greater emphasis to native plantings and the inclusion of xeriscape plantings. In addition, staff took a first try at developing some examples for the award of positive two (+2) up to positive eight (+8) points.



*Commissioner Questions/Comments:*

Mr. Schroder: Regarding irrigation, I don't want to award points to anyone that plants landscaping that will not survive without irrigation. I think that irrigation should be required. Do we ever look to see if the snow plow will get damaged by the boulders or wheel retentions when plowing? (Ms. Cram: We are trying to encourage protection of the landscaping.) (Mr. Neubecker: We also need staff to be more cognizant of tree locations in snow stacking and areas that will be plowed.) I think that staff is on the right track with the quantities of landscaping for the different size lots. It makes sense to require more trees for larger lots. I think that positive six (+6) is enough points. Number 13 may negate the need for a matrix; it says sufficient variety of species to assure appeal.

Ms. Girvin: One thing to consider is that we are encouraging temporary irrigation. Areas with utility cuts, for example, need water for the first few years to get established, and the most cost effective solution will be to require irrigation temporarily, even with spray. You cannot drip irrigate a lawn or native grass; you need to be able to spray it. It needs to go with the type of landscape you are putting in, and the length of time you expect to water it. Regarding #7, I would question the netting; I haven't seen it biodegrade over time and it can harm birds. There are other materials that can be used for the same purpose, such as straw, that are biodegradable. I am curious about the recycling of water that is included; it isn't located anywhere in the code. (Ms. Cram: Recycling is use of gray water, such as bathwater; we could include recommendations in the Landscaping Guidelines.) (Mr. Neubecker: We have looked into our legal water rights with the Town attorney, and we are allowed to recycle water in Breckenridge.) I have a question regarding #11: the first sentence says that "the remaining 50% of the tree stock", what is the remaining from? (Ms. Cram: 50% of the total, it gives minimum guidelines under the absolute policy.) The great example of landscape in its natural state is in Sunbeam Estates along Carter Park - there is a beautiful stand of Columbine and other wildflowers. This type of natural area can be preserved by fencing off and preserving these areas of native plantings during construction. (Mr. Neubecker: I would also add the word "undisturbed" to the policy relating to natural areas.) If you have a small property, how could you get 8-10 trees on it? (Mr. Lamb: I have 30-40 trees on my small lot; it is feasible to have that quantity.) I think that positive six (+6) is enough points. In your positive two (+2) points for preservation, if you have an area of outstanding vegetation and wildflowers such as Columbine, perhaps you should get positive points without it having to be an entire 1/3 of the parcel. (Mr. Neubecker: Maybe we could have one point for natural area preservation, one point for drip irrigation, and so on. Like a menu.) In #3 you talk about preserving specimen trees; is this the definition of "specimen" or do we define it somewhere else? (Mr. Neubecker: It is defined in the development code.) I think that definition in

the development code is appropriate. When discussing plants that are appropriate for the high altitude, I would like to encourage the use of legacy plantings (plants used historically in Breckenridge); they are not native, but have proven to do well here, such as oriental poppies, tansies, cotoneaster, balsam poplar, etc. I would like to encourage those types of plants that work. (Mr. Allen: Would #5 cover this?) (Ms. Cram: We should add “historical use” to the landscaping guidelines.) Technically, we aren’t “alpine” we are “sub-alpine”; you could just reference “high altitude”.

Mr. Pringle: Is it possible to break it out? For example if it is a Class C single family home it requires a specific type of irrigation, and a Class A and B commercial or multi-family should be absolute for irrigation. The netting does serve a purpose on steeper slopes. What are we changing the slope requirement to and from? (Ms. Cram: You can’t grow plants on greater than 2:1 slopes; therefore, we are changing the policy to absolute.) I agree that #9 should be encouraged rather than required. I wouldn’t want to penalize someone who wants to put in a turf yard rather than keep their yard in a natural state. (Mr. Neubecker: You are allowed to, but it would be encouraged to preserve the native grasses. This will also be addressed in the energy policy.) (Mr. Schroder: I think you should be able to do a turf yard, but you should get 0 points in that situation.) (Ms. Cram: Someone who preserves native grasses could get positive points; we are not prohibiting a turf yard.) I don’t like putting numbers in the code, because people will go for the cheapest points. More isn’t better, better is better. Do these rules apply to all development in Breckenridge? (Ms. Cram: Yes.) I think that single family should be able to get the maximum positive points. Do we want to give people positive points if they have a disturbance envelope? (Ms. Cram: We wouldn’t give them points for that; only if they protected something within their disturbance envelope.) (Mr. Allen: Or if they routed their driveway specifically to preserve an area of natural vegetation.) (Mr. Truckey: The language right now reading as “1/3 of a lot” needs to be distinguished with disturbance envelopes and the preservation area.) On page 23, is this part of 22R? (Ms. Cram: We want to make this absolute so we are going to move it.) So this will come out of 22R. Is there a difference between “natural” and “I’m never going to touch this again landscaping”? (Ms. Cram: Yes, this is addressed in maintenance.)

Mr. Lamb: If you require an irrigation system, someone could still choose to not turn it on. My issue with irrigation is that you can typically see them on during rainstorms. (Mr. Rossi: We could require a rain sensor.) I think that #9 is okay in the historic district. I envision a large lot with the parking and landscaping, it sounds like it would look unnatural. I think that the landscape for a small lot seems equitable. I think that positive six (+6) is enough points.

Mr. Bertaux: In an arid climate, the plant material needs irrigation. I think that irrigation is deserving of positive points. The netting works, but you can also use straw or other materials. We might want to allow a xeriscape type project rather than a retaining wall. (Ms. Cram: You could do dry stacked walls.)

(Ms. Girvin: You could plant pockets along the dry stacked wall.) (Ms. Cram: This would be allowed with the proposed policy language.) Possibly a strip of gravel or other options could be used in the historic district where curbs or boulders could not be provided. If you are encouraging a large quantity of trees, 40-60, aren't we going to get a large quantity of aspens versus evergreen trees? (Mr. Schroder: I think there needs to be an equivalency table, like 3 aspens are equal to 1 evergreen or a percentage of each plant type.) I think that positive six (+6) is enough points. Should the code also show the difference between a master plan and a single lot? How do you define the amount of landscaping that isn't on a developable lot, along a right of way? (Ms. Cram: That is in the subdivision process, which determines how many trees you have to plant in the subdivision.)

Mr. Allen: I agree with Ms. Girvin regarding irrigation, it depends on the type of landscape and type of property. You could also evaluate where the property is located, some parts of town may need different types of irrigation due to the soil type and drainage. Are we talking about the same policy #9 for both single family home driveways along with commercial and multifamily project parking lots? (Ms. Cram: Yes.) Have we seen a problem with this? (Ms. Cram: No.) What is staff's issue with turf? (Ms. Cram: Water use.) (Mr. Pringle: We could include a tall turf type fescue or other lower water use turf besides Kentucky Bluegrass.) Could we have a floor area ratio type formula for landscaping? (Mr. Bertaux: You need to make sure if you apply this approach, you need to take the net of the lot area so that impervious areas are not included.) I want to make sure we aren't precluding trees from being planted outside the disturbance envelope. (Mr. Neubecker: We have allowed people to plant outside the disturbance envelope.) (Mr. Lamb: Typically people aren't asking for positive points outside the disturbance envelope unless they are creating buffers.) (Ms. Cram: This hasn't been an issue in the past.) (Mr. Neubecker: It is about how the tree is planted, you should use a less disturbing planting mechanism, like a bobcat rather than a dozer.) I agree with Mr. Neubecker, and with pine beetle, planting outside the disturbance envelope will be an issue in the future.

Mr. Rossi: This isn't mentioned in the plan, but is there any reason to encourage nursery grown versus field grown, and where the plants come from? (Ms. Cram: We want to allow people to do both. Engelmann Spruce will be field collected, while Blue Spruce will be nursery grown. We just want to make sure that plants are adapted to our elevation. There are some species that are less likely to survive if they come from Denver. We will put information regarding planting, watering, and tips in the Landscaping Guidelines to help people.) (Mr. Bertaux: I think that nursery stock from Denver can be grown here, as long as it is watered and planted appropriately.) Can you specify the type of sod that is put in, potentially a low water use type sod or seed? Maybe that is one way to have a lawn with less water use.

Mr. Truckey: One comment on the discussion of Classes, a single family home in the historic district is not a C. You need to weigh the amount of positive points

that are available, since affordable housing can get up to positive ten (+10) points at this time.

Mr. Neubecker: Are we missing any type of landscaping that should be getting points? Like a plaza? Is there any non-plant landscaping feature we are forgetting? (Ms. Cram: Those areas will not get positive points, only landscaped areas.)

## 22. (RELATIVE) LANDSCAPING (22/R):

~~4x2x(-2/+24)~~ (Removed point multiplier since the examples of +2, +4 and +6 are noted later in the ~~policy~~. As presented, there would be absolute minimum requirements and no opportunity to give negative points.)

A. All developments are strongly encouraged to make landscaping improvements which ~~contribute~~ ~~exceed~~ ~~to~~ the ~~objective~~ requirements outlined in the absolute policy. New landscaping should support firewise practices, enhance forest health, preserve the natural landscape and wildlife habitat. ~~of maintaining healthy tree stands and providing~~ A layered landscape through the use of ground covers, shrubs and trees that utilize diverse species and larger sizes where structures are screened from public rights of way, other structures and view sheds are strongly encouraged. The resulting landscape plan should contribute to a more beautiful, safe, and environmentally sound community. To meet this goal, all projects will be evaluated on how well they implement the following suggested criteria:

(1) It is encouraged that at least one tree a minimum of ~~eight-foot (8')~~ ~~six feet (6')~~ in height, or ~~three inch (3")~~ caliper be planted at least every fifteen feet (15') along public rights of way. ~~(Will include absolute minimum requirements under absolute policy.)~~

(2) It is encouraged that all landscaping areas have a minimum dimension of ~~five-ten~~ feet (105').

(3) Development ~~permits applications should are encouraged to~~ identify and preserve specimen trees, significant tree stands, ~~and~~ tree clusters ~~and other existing vegetation that contribute to~~ wildlife habitat. Trees considered as highest priority for preservation are those that are disease-free, have a full form, and are effective in softening building heights and creating natural buffers ~~between structures and public rights of way~~. Buildings shall be placed in locations that result in adequate setbacks to preserve these ~~priority specimen trees and existing~~ vegetation. Measures shall be taken to prevent site work around these ~~tree~~ areas. Applicants are encouraged to seek professional advise on these issues ~~ds~~ from experts in the field.

~~(4) Selective tree cutting/thinning to maintain the health of the tree stand, provide solar access and views, or to allow for customized landscaping greater species diversity, is appropriate, provided that an effective buffer of vegetation is maintained to~~

help blend the development into the site. Clustering trees and creating natural openings is preferred over randomly leaving single trees throughout the site. (Move to absolute policy)

~~(5) The creation of defensible space around structures is strongly encouraged. Zone 1 extends 15 feet from the edge of structures or eaves. Zone 1 should be removed of all flammable vegetation. Zone 2 is generally 75 to 125 feet from the structure. Vegetation in Zone 2 should be thinned to remove dead and diseased trees first and then healthy trees to provide approximately ten feet between crowns. Zones 1 and 2 should be planted with fire wise plant materials as specified in the Town of Breckenridge Landscaping Guide to maintain site buffers. Zone 3 is of no particular size and extends from the edge of Zone 2 to the property boundary. This area should remove dead and diseased trees (should this be an absolute?);~~

~~(6545)~~ It is encouraged that the landscaping materials utilized are those species that are native to Breckenridge, or appropriate for the high alpine-altitude altitude- climate environment found in Breckenridge. The Town of Breckenridge Landscaping Guide shall be used to evaluate ~~this~~ those particular criteria.

~~(5)~~ It is encouraged that the landscaping materials utilized are those species that need little additional water to survive, or that the applicants provide for an irrigation system that is based on the recycling of water. In general native species are the most drought tolerant after establishment. Xeriscaping with native species is encouraged.

~~(7666)~~ Installation, use and maintenance of irrigation systems to insure survival of landscaping in the long-term is strongly encouraged until plant material is established. , and should we require it to be drip irrigation Irrigation systems that are sustainable are strongly encouraged.

~~(87787)~~ The use of bioswales planted with native vegetation that can filter and absorb surface water runoff from impervious surfaces to promote water quality is encouraged. Revegetation measures, including but not limited to, seeding, netting, mulching, and irrigation for disturbed areas and cut/fill slopes are strongly encouraged. Cut and fill slopes should not exceed a 2:1 gradient. (move to absolute)

~~(88)~~ It is encouraged that the landscaping materials utilized are those species that need little additional water to survive, or that

~~the applicants provide for an irrigation system that is based on the recycling of water. In general native species are the most drought tolerant after establishment. (moved up to #6)~~

~~(10989) The use of permeable paving in low traffic areas, to allow precipitation to percolate through areas that would traditionally be impervious, is encouraged. It is encouraged that wheel retention devices be utilized for parking areas adjacent to landscaping in those instances where the devices will not interfere with propose snow plowing operations. (moved to absolute)~~

(90110) It is encouraged that plant materials be provided in sufficient quantity, of acceptable species, and placed in such arrangement so as to create a landscape which is appropriate to the Breckenridge setting and which subscribes to the Historic District Guidelines as appropriate.

(101211) It is encouraged that the remaining fifty percent (50%) of the tree stock include a variety of larger sizes ranging up to the largest sizes for each species which are possible according to accepted landscaping practices at maturity which recognize the Breckenridge environment, transplant feasibility, and plant material availability. Interrelationships of height, caliper, container size and shape shall be in general compliance with the American standard for nursery stock. 50% of all deciduous trees should be multi-stem.

~~(212) It is encouraged that the remaining fifty percent (50%) of the shrub stock include a variety of larger sizes ranging up to the largest sizes for each species which are possible according to accepted landscaping practices which recognize the Breckenridge environment, transplant feasibility, and plant material availability. Interrelationships of height, caliper, container size, root spread, and ball size and shape shall be in general compliance with the American standard for nursery stock. (repeat)~~

(113413) It is encouraged that landscaping be provided in a sufficient variety of species to ensure the continued appeal of a project in those instances where a particular species is killed through disease. Native species are preferred.

(124514) It is encouraged that at least fifty percent (50%) of the area of a project that is not being utilized for buildings or other impervious surfaces shall be kept in a natural/undisturbed state.

Native grasses, wild flowers and native shrubs are desirable features to maintain., or if not naturally forested, that it be planted with landscaping materials other than ground cover such as trees and shrubs.

~~(1615) It is encouraged that all planting materials proposed for areas also designated as snow stacking areas be of a size or type that will not be adversely affected by the proposed snow storage. (moved to absolute)~~

~~(135716)~~ In all areas where grading and tree removal is a concern, planting of new landscaping materials beyond the requirements of absolute policy 22 "Landscaping" of this policy is strongly encouraged. New trees and landscaping should be concentrated where they will have the greatest effect on softening disturbed areas and buffering off site views of the property. (Ord. 19, Series 1995) (Should this be absolute?)

Positive points will be awarded according to the following point schedule for on site forest health improvements and new landscaping plan proposals, in direct relation to the scope of the project, subject to approval by the planning commission.

+2 Proposals that provide some public benefit. are on smaller lots, or those lots that have little or no existing vegetation, that incorporate an above average landscape plans or improvements to existing tree health. Examples include: the preservation of a specimen tree/s as a result of a new building footprint configuration to preserve the tree/s; -Ppreservation of groupings of existing healthy trees that provide wildlife habitat; - pPreservation of native ground covers and shrubs significant to the size of the site; - xXeriscape planting beds; - Tthe planting of trees that are of larger sizes a minimum of 2.5-“ caliper for deciduous trees and eight feet (8’) for evergreen trees; - uUtilizing a variety of species and the layering of ground covers, shrubs and trees that enhance screening and assist in breaking up use areas and creating privacy. In general plantings are located within Zone One (as defined) on the site.

+4 Proposals that provide include forest health improvements and above average landscaping plans. Examples include: all those noted above in addition to the planting of trees that are of larger sizes a minimum of 3” caliper for deciduous trees and ten feet (10’) for evergreen trees; -uUtilizing a variety of species and the layering of ground covers, shrubs and trees



that enhance screening and assist in breaking up use areas and creating privacy: 50% of all new planting should be native to Breckenridge and the remaining 50% should be adapted to a high altitude environment. In general plantings are located within Zones One and Two (as defined) on the site.

~~+6 Proposals on larger forested lots that improve existing forest health and that provide significant public benefit through exceptional landscape plans, with larger sizes and quantities that are appropriate at mature growth for the site. Examples include: all those noted above and the planting of deciduous and evergreen trees that are a combination of the minimum sizes noted under positive four points (+4) and the largest possible for their species: In addition, the planting of the most landscaping possible on the site at maturity; will be considered. Utilizing a variety of species and the layering of ground covers, shrubs and trees to break up use areas, create privacy and provide a complete screening of the site will also be considered.~~; 75% of all new plantings should be native to Breckenridge and the remaining 25% should be adapted to a high altitude environment. In general plantings are located in Zones One, Two and Three (as defined) on site.

~~+8 Proposals on larger forested lots that improve existing forest health, reforestation to diversify species and exceptional landscape plans with the largest sizes possible for the species and the maximum number of trees that are appropriate at mature growth for the site.~~

Note: define screening in definitions. Include a sketch?

<sup>1</sup> Examples set forth in this policy are for purpose of illustration only, and are not binding upon the planning commission. The ultimate allocation of points shall be made by the planning commission pursuant to section 9-1-17-3 of this title.