

PLANNING COMMISSION MEETING

The meeting was called to order at 7:04pm.

ROLL CALL

Jim Lamb	Dan Schroder	Michael Bertaux
Leigh Girvin	Rodney Allen	Dave Pringle
Mark Burke		

APPROVAL OF MINUTES

On page 13 of the packet, it was Mr. Allen who opened the hearing for public comment, not Mr. Lamb. With one (1) change, the minutes of the July 6, 2010 Planning Commission meeting were approved unanimously (6-0).

APPROVAL OF AGENDA

With no changes, the Agenda for the July 20, 2010 Planning Commission meeting was approved unanimously (6-0).

CONSENT CALENDAR:

1) Vista Point and Gibson Heights Master Plan Modification, PC#2010039

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

TOWN COUNCIL REPORT:

Mr. Burke: One percent (1%) tax increase on lodging was discussed, to be used for marketing. There will be subsequent meetings to discuss this issue. Ordinance number seventeen (17) referring to lighting was deleted from the agenda. Guest Sean McAllister spoke of the emergency ordinance on medical marijuana dispensary ban, putting a limit on dispensaries and receiving future medical marijuana dispensary licenses, state law 12/84. We will talk about this at the next meeting with public hearing.

Todd Barson was present and we were impressed with his presentation. He will be running for the vacant judge position. A new ordinance clarifies that medical marijuana cannot be smoked in public places, even if it is medical. Valley Brook is being done through the housing authority, because it is a non-profit organization.

The Entrada property annexation (across from 7-Eleven, which is in foreclosure) was repealed, with ordinance number 14 and 28.

My report to the Council included our discussion of the HERS rating. We debated whether the rating is even necessary if we do not include the light bulbs, fixtures, appliances, etc. that we talked about.

We discussed the recent resignation from this board. The Council, with guidance of Tim, our town attorney, that we are to open this to the public for selection to fill the position within 30 days from Ms. Katz's resignation.

There was discussion of the AT&T temporary tower removal, and when the permanent tower would be ready. (Mr. Neubecker: AT&T is having challenges with the new location at Beaver Run. They are having some issues with the HOA on the design of the new location. Mr. Thompson: Portions of the new AT&T equipment for the tower will be moved inside a building for purposes of working indoors in poor weather.)

I know that the Council feels very strong that the Pellet Mill will have proper air-flow. We need tests before we can move forward.

(Ms. Girvin: What is the current Breckenridge Lodging Tax?) 2.4%. (Ms. Girvin: So that makes us the second highest already?) The staff and the Town have gone two years without raises. We are a resort community; we have to market ourselves as that. But with less tax revenue than Aspen and

Vail, for example, we will have to be careful on how we spend our money. If the lodging community is okay with this 1% increase, then I am okay with it.

COMBINED HEARINGS:

1) Environmental Energy Partners Pellet Mill, PC#2010038, 12863 Colorado Highway 9

Mr. Thompson presented a proposal to install two temporary Sprung structures, 56 feet wide by 91 feet long, to house equipment for manufacturing wood pellets. Each structure would be 5,091 sq. ft. and sit on its own concrete pad. There would be three pieces of equipment operating outdoors: a diesel powered wood chipper, a log loader, and a front end loader. The operation would run 24-hours a day and seven days a week inside of the tents, but only outside operations would run from 7am-7pm Monday through Saturday. The Town Council and the applicant have proposed a five-year lease for the operation.

This project, located on the McCain property, is proposed right at five (5) acres. The Alpine Rock operation will go far beyond the five (5) years proposed by the Pellet proposal. The Town has had a hard time getting rid of these wood chips on Airport Road. Currently, they are being removed and dumped in the landfill. Since December, 2009, Environmental Energy Partners have been meeting with us on the issue. The land use district, number forty-three (43), was created in 2003 to allow mining in this area. We are developing a master plan to determine other uses of the property when mining is complete. Proposed site design, building design, building height, exterior lighting, snow removal and storage, and parking were discussed in reference to the architectural drawings. Positive three (+3) HERS points are suggested for using natural resources. Noise created by the mill will be considered construction noise under the Town noise ordinance, as per Town Code. A decibel map was presented to show the amount of decibels heard at certain points of the property. Public comments, mostly from Silver Shekel, oppose this proposition because of noise, dust and increased traffic that will be created by this project. (Mr. Bertaux: What about fencing?) No fencing is proposed. We have thought about berming, which will shield the existing pipelines. (Mr. Bertaux: What about a security fence?) None is proposed.

If the Commission finds that the Environmental Energy Partners Pellet Mill application meets all absolute and relative policies, Staff recommends approval of PC#2010038, with the presented findings and conditions.

Mr. Bill Nootenboom, C.O.O. of Environmental Energy Partners, outlined the ideas of their company and this project. Pine beetle kill needs to be taken care of to eliminate a hazardous forest fire fuel. The best way to use this biomass is for energy production. This is an opportunity for Breckenridge to take responsibility to produce energy in an environmentally friendly and sustainable way. This will create local jobs, a local energy source, and clean up our forest. We have tried to work with area neighbors and take into consideration their concerns. Noise, for example, cannot be eliminated in this project. We have, however, taken measures to control that noise, hours of operation and location of equipment. Traffic is being created already for moving trees and wood chips. Light will be addressed to make the space as dark as possible. Dust will be minimized through the biomass that will lay on the surface.

Mr. Allen opened the Public Hearing for public comment.

Ms. Erica Schmidt, 551 Shekel Lane: Mr. Allen, has the zoning of that property been changed to commercial zoning from industrial zoning? (Mr. Thompson: The land use guidelines will follow the code.) You keep bringing up natural resource management. For every amount of logs cut, the truck bringing them to the site will be giving off emissions. It seems that 'sustainability' is the main focus of this project and I do not see it that way. I also agree that Breckenridge is not a lumber town. Read our Vision Plan #1. I do not believe that this project reflects that.

Mr. Svein Rognerud, 532 Shekel Lane: I would like to talk about noise. I am concerned about the 30 decibels proposed, that's the sound of a normal conversation. 90 decibels is the noise of a motorcycle. I can hear a motorcycle on Highway 9 at night. I am concerned about the additional nine (9) trucks, the additional roundabout, and the current Highway 9 traffic congestion. Am I every going to be able to exit from Silver Shekel with all the traffic (due to roundabout and no traffic light)? Also, I do not want to come home or to welcome tourists to such an eye-sore as piles of trees and mills and traffic. Appraisers have already reduced property values due to noise from highway. I am very much opposed to the whole project.

Mr. Tony DiLallo, 862 Shekel Lane: I am concerned about the noise of both Alpine Rock, the new Pellet Mill and the Highway combined. What is the combined noise of Alpine Rock, wood chipper and the highway?

Ms. Kathy Christina: As stated on the OSHA website: “when the daily noise level is combined with other noises, the combined decibel level will much exceed the 90 decibel level.” Next question, are you using chemicals to make these pellets? (Mr. Nootenboom: No, the wood is compressed and the wood binds to itself without the need of additional chemicals.) How are the pellets going to get from the large storage pile to the bag? (Mr. Nootenboom: We are looking at bulk storage in recyclable plastic bags.) I am very concerned about the logging trucks in the existing roundabout, as well as the proposed roundabout.

Mr. Kevin Berkley, 721 Silver Circle: Alpine Rock was grandfathered in when we annexed to the Town. That is not a proper use for the gateway of Breckenridge. Our town is based on real estate and tourism, not industry. Adding to this operation does not have to happen here. There are other neighboring communities, such as Kremmling, that could better allow this project. Also, why can this operation be allowed 24-hrs per day when other operations have to stop?

Mr. Forrest Rouser, 281 Fairview Boulevard: I live on Fairview Boulevard with a west facing home. There are no trees or berm near my property. CDOT took measurements (assessment on July 1st, 2009) on my property line, which were 56.1 decibels minimum and 77.1 max decibels at approximately 12:00pm. 66 decibels was the average at this time. Trees will not eliminate this noise. Only a substantial berm would make any difference in these noise levels. I also have a concern with the roundabout

Mr. Roger Hollenbeck, 47 Fairview Circle: Hours of operation are from 7am to 7pm. I am concerned about the lighting in winter that needs to be taken into consideration. If it is a mostly winter operation, will we see these logging trucks all over our town and residential streets?

Mr. Bill Bartels, 531 Fairview Boulevard: If this happens, it will disrupt my view. Why has noise not been addressed?

Mr. Todd Taylor, 551 Fairview Boulevard: There will be a conveyor outside moving logs. That will be another outside noise level maybe not addressed. Also, our landfill is addressing making logs into compost. Let them continue that process there. My family has lived here since 1982.

Mr. Lance Wolf, 532 Fairview Boulevard: I only know one person who uses a pellet stove, and they are out of state. I don't think that this is a good way to address the current economy or this proposed location. If this gentleman wants to prospect on this adventure, let him do it out at the dump; that would be a perfect place. I also am concerned, not only about the noise, but the smell. Is there a smell? We also have to consider the noise produced by the nearby Stan Miller Construction. Roundabout is a viable discussion now, not later.

Ms. Cheryl Tatro, 13097 & 13197 Colorado Highway 9: I did a traffic study in accordance to my subdivision out there. I know for a fact that the added traffic will not be beneficial.

Mr. Bill Bartels, 531 Fairview Boulevard: I am concerned about the soil quality.

Mr. Kerry Burns, 601 Fairview Boulevard: I already can't stand the noise levels of the nearby equipment.

Mr. Michael Joannides, 801 Silver Circle: These are issues that need to be addressed: OSHA should be involved in these noise issues (air compressors, and other equipment not mentioned, etc), air quality (air particulates), diesel vehicular leakage, sewer leakage, roundabout/traffic issues. This may provide 20 to 30 jobs, but at our expense. Move it to another neighborhood.

Ms. Lorna Wolf, 532 Fairview Boulevard: My question is about heating. With those employees, thirty decibels is equivalent to a whisper! I have a really hard time believing that this will be achieved.

Ms. Erica Schmidt, 551 Shekel Lane: Not a lot of profit to town (\$100k per year, not month). Also, I have a pellet stove and it is cheaper to heat my house with electricity. They are not nearly as cost effective as they sound.

Mr. Nootenboom addressed technical questions that were raised during public hearing, as well as explained the process of chipping and wood pellet milling. Steam is created in this process. Logging, compression methods, storage and equipment were addressed. Our equipment is dust confining and containing. Our chips will maximize the amount of white wood content and minimize the amount of slash (twigs, leaves, etc.). Our chip-to-pellet process is relatively quick to minimize the problem of mold, mildew, and decomposition in the process. The trees that we have on our property will be dead standing trees, not green wood, so beetles will not be attracted to our stacked trees. The limit of what we can stack a pallet is two (2) pallets high, and the wood would be approximately twenty (20) feet high. We want to be good neighbors, and part of the solution, not a contributing problem. We think that we can meet the existing noise ordinance laws.

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

Commissioner Questions/Comments:

Mr. Schroder: Breckenridge is not traditionally a lumber town. Is this project really beneficial to this town, making us look more progressive against our neighbors? (Mr. Nootenboom: Absolutely. This gives us an opportunity to educate the locals, and visitors what is killing our trees and what we can do about it. Hopefully, others will follow suit. We can either do nothing and let our forest naturally burn, or turn this into an energy solution and help advocate our future sustainability and global warming.) Will this mill take outside wood as well, from all over the area, or just your property? (Mr. Nootenboom: Yes. We will accept trees from all over the county; however, it is expensive to transport the trees.) Once the logs are on your property, are they yours? If something happens to your company and you close up shop, will these be left on the property? (Mr. Nootenboom: No, as per the bond, we will remove everything from the property.)

Final Comments: This is our forest. We did not buy property in an area with dead trees. What do we do with this wildland-urban interface (the area of the forest where people live)? We need to figure out what to do with this, now, more so than later. I am sympathetic to the noise levels proposed; however, when you bought this property, you knew the noise levels were there with the highway, etc. This is a case of NIMBY (not in my back yard). Frankly, that is everyone's opinion. We are not ready to move forward on this application, because more research needs to be done, but we need to be proactive on this and the project is a good idea.

Ms. Girvin: What is the market for a pellet? Can I use these in my home, or only outside? (Mr. Nootenboom: The efficiency of a wood pellet stove is more than the efficiency of a wood burning stove. Combustion is hotter and longer. These methods are being used globally. Pellets are easier to transport and store. Their energy content is higher, due to less amounts of water in the pellet.) And what do you mean by 'Carbon Neutral' for this burning system? (Mr. Nootenboom: Natural Carbon cycle, not added carbon from fossil fuels, etc. This is carbon that's already in the atmosphere, or will be when it decays. It's not bringing carbon trapped under the earth into the atmosphere.) What about the economy? Is there a demand for this product now? (Mr. Nootenboom: Supply and demand curves will fluctuate over time, but biomass energy will rise in the future. It is a long-term solution to the global warming issues that we are facing. This is one step closer toward a sustainable future. We will also be developing a mobile show-room to take around the country and to beetle festivals to use direct marketing and education to develop more products and boosting the market toward this energy use.)

Final Comments: I was on the Upper Blue Planning Commission when Silver Shekel came about twelve years ago or so. Stan Miller has been operating in that area since the 1970s. It appears that the Applicant and the Staff have done what they can to eliminate the majority of the noise issues. Just wait ten years when the Town of Breckenridge turns that area into a reservoir. THAT will create noise! I do understand, however, that this noise is added on top of current noise issues of BBC, Stan Miller, Alpine Rock, etc. I have some personal reservations about this. I am not prepared to approve it today.

Mr. Bertaux: Speaking of dust, what about a water-truck to keep that dust down? (Mr. Nootenboom: We have not specifically thought about that, but it is an appropriate option.) Will you remove the trees, too? (Mr. Nootenboom: No, we are not in the business of removing the trees, but we will provide a place for the trees to go.)

Final Comments: Aesthetics are an issue. This needs to be screened. The traffic is an issue, but not ours; that issue belongs to CDOT. As long as the lighting is Town-compliant, it is okay. Noise is still an issue for me. I know that it is a valid concern for neighbors and I would like to see more research here so that I can understand this issue better. I would support a motion to postpone this. Silver Shekel task force, get together and get your contact information for each other, and stay in touch in the future on these types of issues.

Mr. Pringle: Will the milling machine be operated only in the day, like the chipping machine? (Mr. Nootenboom: No, but it will be inside the milling tent.) Are there any other machines that are located outside the tent that will affect the noise ordinance? (Mr. Nootenboom: Outside the tent, it will read approximately 30 decibels.) Both natural and unnatural products are going to be introduced into the area. Is this going to affect the Blue River? (Mr. Thompson: We could place a berm on the area where water could otherwise drain into the Blue.) Are these classified as permanent structures? Should negative points be assessed? (Mr. Thompson: Negative points could be used in this project because in our building code, this is considered a permanent structure.) Can we be assured that all outside operations will cease after 5pm? (Mr. Nootenboom: Yes, my understanding of the code is that we cannot operate after that time.) Can we assume that there is no onsite combustion, incineration, and therefore, no residue of this type left on site? (Mr. Nootenboom: Yes.)

Final Comments: To some people, this industrial site would be an eyesore and unwelcoming, to others, it will be attractive because of the economic benefits. We need to assess the negative points associated with the visual appeal of the site. Also, the snow removal could be given negative points. There are several areas that may have not been thought through as well as they should have. I don't think that these pellets will be consumed here in town; they will be manufactured here and shipped out. I don't think that burning of these pellets is an issue. It doesn't matter what the decibel is here, if neighbors don't want to hear it, it will always be too loud. That may become a health and prosperity issue for the town. More issues need to be addressed before we can move forward with this.

Mr. Lamb: How loud is 30 decibels, approximately? What goes on during this process at night? (Mr. Nootenboom: We are forcing trees through a 1/4" hole to make the pellets. Shipping and receiving will be operated during daylight hours only.)

Final Comments: I agree with everything that Ms. Girvin has mentioned. As far as I know, there are no current complaints on the Alpine Rock, but I need more information on noise.

Mr. Allen: How many hours a day for chipping? (Mr. Nootenboom: Eight hours per day.) If the market supports you, how long do you intend to stay? (Mr. Nootenboom: Our operation is created to be movable, to move where there is biomass. Our estimates show that we would have at least ten (10) years of wood supply in the area. If there is more, great; if not, we will move on.) How do we evaluate the architectural compatibility of this project? (Mr. Thompson: We typically measure architectural compatibility against the surrounding neighbors. We are open to any color for the tents if you have another color in mind other than brown. Negative points could be considered.) What about construction noise of this project and our town ordinance? Finding number eight (8) mentions noise in emergency operations. (Mr. Thompson: This would require a Class D for that. If it is unneeded, we could strike it out.) (Mr. Neubecker: These terms were drawn from the Alpine Rock permit and would be nearly identical to the terms needed for this applicant.) What about parking? (Mr. Thompson: Paving is not necessary for this project, as it will just be removed later.) Is dust control measurable? (Mr. Thompson: If the taskforce makes a complaint about dust, Alpine Rock will take care of it with a water truck. The same will be said for this project. As soon as we hear a complaint, I will ask Environmental Energy Partners to address it.) (Mr. Neubecker: There is a lot of dust in that area, and dust storms may be frequent, naturally. It's hard to determine if the dust came from this site, or Alpine Rock, or Block 11.)

Final Comments: Land Use District 43 does not list an acceptable land use. That needs to be addressed. Also, compatibility of the architectural code needs to be addressed. I do not believe that landscaping is inapplicable. It needs to apply to Policy 22/A. We need to screen this site from Highway 9 with landscaping. If there is noise inside the tent, there may need to be a variance, provided by Town Council. The code requires that the noise levels be measured at the property line. I think that we should also assess the decibel levels on the neighboring properties. There are quite a few opportunities for negative points here. If there is any lighting at all outside, I want to see a

lighting plan, hours of operation, etc. I have no objections on the project, but there are many hurdles that need to be researched.

Mr. Pringle made a motion to continue the Environmental Energy Partners Pellet Mill, PC#2010038, 12863 Colorado Highway 9, to the August 17, 2010, Planning Commission Meeting. Mr. Bertaux seconded, and the motion was approved unanimously (6-0).

2) Amazing Grace Change of Use, PC#2010025, 213 Lincoln Avenue

Mr. Neubecker presented a proposal to change the use of the property from retail use to a sit down food service establishment (snack bar/deli). No changes are proposed to the exterior of the building.

The Planning Department recommends approval of this Change of Use at Amazing Grace, 213 Lincoln Avenue (PC#2010025), and Staff recommends the Planning Commission uphold this decision.

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

Commissioner Questions/Comments:

Ms. Girvin: The Applicant has applied for a liquor license. Can you have liquor at a snack bar/deli? (Mr. Neubecker: Yes. The difference between a restaurant and a snack bar/deli is a water tap issue.) One of the conditions of this approval is cutting back your capacity to sixteen (16) seats. Is this a parking issue? I was there today and you can currently seat thirty (30) including your outdoor patio. (Mr. Neubecker: Outside seating does not count. We may need to re-word that to make it more clear in the permit.) I am concerned that within this permit application, you have to use disposable plates and silverware. The High County Conservation has something called a 'sustainable compostable party bag' for disposing of and composting paper products as such. I don't know very much about it, but I think that you could be an avant-garde in the community to start using these sustainable, composing dinnerware products and educating our community on the subject. Also, bear-proof trash containers will be important.

Mr. Pringle: If the Council is going to grant the variance, what are we doing? We can't approve this? (Mr. Neubecker: You could approve it, subject to approval by Town Council of the parking variance. That is a condition of this permit.)

Mr. Bertaux made a motion to approve the Amazing Grace Change of Use, PC#2010025, 213 Lincoln Avenue, with the presented findings and conditions. Mr. Lamb seconded, and the motion was carried unanimously, (6-0).

OTHER MATTERS:

Mr. Allen indicated that he met with the Town Attorney and found that Mr. Burke will only be here for non-quasi-judicial work session discussions. Mr. Pringle suggested that Mr. Burke fill the empty seat of Ms. Katz, simply so that the Commission can have a better understanding of what we are dealing with. As long as he recuses himself from the call-up hearing, he should be able to be here the rest of the time. On the voting, if it goes 3-3, then maybe it should fail. Mr. Pringle would like the Commission to entertain this idea. He thinks that we are missing out on an opportunity to work together on these issues. Mr. Bertaux, Ms. Girvin, Mr. Lamb agreed. Mr. Allen and Mr. Schroder were not sure with the suggested change. Mr. Allen suggested that it was beneficial to the Planning Commission to have a Town Council member, but not as beneficial to the Town Council to have a member on the Planning Commission. Mr. Neubecker thought that this would be very beneficial. Electronic devices are not an issue, but the insensitivity of improper use of them in our Commission meetings.

ADJOURNMENT:

The meeting was adjourned at 10:33 p.m.

Rodney Allen, Chair