

**TOWN OF DILLON  
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING  
WEDNESDAY, April 4, 2018  
5:30 p.m.  
Town Hall**

**CALL TO ORDER**

The regular meeting of the Planning and Zoning Commission of the Town of Dillon, Colorado, was held on Wednesday, April 4, 2018, at Dillon Town Hall. Chairperson Amy Gaddis called the meeting to order at 5:30 p.m. Commissioners present were: Amy Gaddis, Teresa England, Jerry Peterson, and Joshua Ryks. Commissioner Derek Woodman was absent. Staff members present were Ned West, Town Planner; Kathleen Kelly, Town Attorney; and Corrie Woloshan, Recording Secretary.

**APPROVAL OF THE MINUTES OF MARCH 7, 2018 REGULAR MEETING**

Commissioner Jerry Peterson moved to approve the minutes from the March 7, 2018 regular meeting. Chairperson Amy Gaddis abstained since she did not attend the March meeting. Commissioner Teresa England seconded the motion which passed unanimously.

**PUBLIC COMMENTS**

There were no public comments.

**CONSIDERATION OF RESOLUTION NO. PZ 07-18, SERIES OF 2018; A RESOLUTION BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON RECOMMENDING AMENDING CHAPTER 16, "ZONING," ARTICLE III, "ZONING DISTRICTS," SECTION 16-3-170, "MIXED USE (MU) ZONE," OF THE DILLON MUNICIPAL CODE REGARDING MULTI-FAMILY RESIDENTIAL USES IN THE MIXED USE (MU) ZONE DISTRICT.**

**PUBLIC HEARING:**

The Planning and Zoning Commission shall open a Public Hearing on the application and hear testimony from Town staff, the applicant, and any public testimony submitted during the Public Hearing.

Chairperson Amy Gaddis opened the public hearing at 5:33 p.m.

Ned West, Town Planner presented.

**PUBLIC HEARING and ADOPTION PROCESS:**

A Public Hearing is required for Chapter 16 "Zoning" code amendments. The Town provided public notice of the public hearing by postings and running legal ads on March 23<sup>rd</sup> and 30<sup>th</sup>.

The Planning and Zoning Commission makes a recommendation to Town Council to adopt zoning Code amendments, and the Council adopts such amendments by Ordinance following a Town Council Public Hearing.

**SUMMARY:**

The purpose of this Code amendment is to provide increased flexibility when considering applications for multi-family projects in mixed-use buildings in the Mixed Use (MU) zoning district. The Code amendment adds the words "up to" to the Code language that speaks to the percentage of multi-family

residential use in the Mixed Use (MU) zone. The amendment allows for up to 100% multi-family residential through the PUD review process. The current Code reads that a project may be 100% multi-family residential use through the PUD. This change allows for a range between that percentage allowed as a use by right, eighty percent (80%), and that potentially available through the PUD process, one-hundred percent (100%). This change will allow a mixed-use project to propose an eighty-eight percent (88%) multifamily residential project, for instance, which still keeps some commercial aspect to the project.

**BUDGET IMPACT:**

None

Commissioner Jerry Peterson asked, what exactly are you changing? Kathleen Kelly Town Attorney explained, the main substantive change is that in the mixed-use zone district now, instead of the multi-residential use either being 80% or 100%, the Town would be able to consider projects with a multi-family residential use somewhere between 80 and 100. So it adds flexibility. Commissioner Jerry Peterson asked, so it would be decided on an individual basis. Kathleen Kelly Town Attorney continued, yes. The other changes are clarification, minor cleanup changes. For example, in subsection 5.C.3 where it refers to residential but really it's multi-family residential that we're talking about. We wanted to clarify that. Just a little bit of clarification in the language. Chairperson Amy Gaddis, I don't have any questions, it makes sense to me. Was there proper notification in terms of notifying for this resolution? Ned West Town Planner replied, yes. Chairperson Amy Gaddis, and we have no disclosures I'm assuming.

Chairperson Amy Gaddis closed the public hearing at 5:35 p.m.

Chairperson Amy Gaddis moved to approve Resolution NO. PZ 07-18 Series of 2018. Commissioner Joshua Ryks seconded the motion, which passed unanimously upon roll call vote.

**DISCUSSION ITEM: TOWN OF DILLON 2017 COMPREHENSIVE PLAN, SECTIONS 6 & 7**

Ned West Town Planner said, I don't think we got through section 4 & 5. Do we want to step back to that and if we get to sections 6 & 7, great. The Town Manager wants us to keep plugging away at this. Chairperson Amy Gaddis replied, yes. We also have a graduate student that is doing the capstone project, reviewing this. Eventually we'll bring everyone's thoughts together and amend this. Commissioner Teresa England asked, isn't she graduating soon? She doesn't have much time. Ned West Town Planner replied, probably a month from now. Commissioner Jerry Peterson, so we can expect it before then.

Ned West Town Planner commented, to remind you, we have a redline version that is just my review. My suggested changes. I'm willing to let you all look at the raw document and give your review that way. We hadn't in previous amendments hit on the other earlier sections of the Comp Plan.

Chairperson Amy Gaddis said, when I was reading it through, I was reading your comments which I typically agreed with. I would like to start with some of these comments in terms of reviewing those. Ned West Town Planner stood, getting a redlined copy for all to review. Commissioner Jerry Peterson stated, we can start while we wait for him. Commissioner Teresa England said, my only comment is his on wetlands. There's something missing there. I think when he comes back with a copy for Jerry we ask, does anyone have any comments on page one? Kathleen Kelly Town Attorney suggested, I just did a Google search and wetlands provide natural flood control to communities. Maybe that's the missing word, the missing phrase. I think he's trying to insert something to make it make sense. Chairperson Amy Gaddis asked, when it comes to air quality, is there a measurement that says this is where Dillon is in terms of our air quality? Commissioner Teresa England asked, do we have a monitoring station, I don't

think we do? Ned West Town Planner replied, I think that would be a question for public health. Commissioner Joshua Ryks replied, there are a few websites you can check. Commissioner Teresa England said, it's probably county wide as opposed city. Chairperson Amy Gaddis commented, something like that would be good in here as a current air quality measurement. Does that make sense? Commissioner Teresa England suggested, I'm just wondering, what is the purpose, do you consider this a marketing document? Ned West Town Planner replied, it has that capacity. It's really a guiding document. It helps us guide our decision making with what laws we want to enact. Chairperson Amy Gaddis said, I believe there's some sort of historical data on how air quality has changed over the past 10 to 20 years. Having that would help us understand the goals we really need to be attaining to. Water quality, were there additional comments on that? Commissioner Teresa England asked, how much money did we save on snow removal this year and where is that money going? Ned West Town Planner, I think all the money was spent removing the ice castles. Commissioner Teresa England commented, they didn't remove it? We had to pay for it? That was a bad deal. Ned West Town Planner said, they're hoping if it comes back we'll change that. Chairperson Amy Gaddis said, I just read through it and I don't have anything else on water. I think what you've added we agree with. Commissioner Teresa England added, I'm good with it.

Commissioner Teresa England asked, on wetlands, what did you mean there on that first addition in the 2<sup>nd</sup> line? Ned West Town Planner replied, it was a question. Most of our wetlands are linear. There's that one pocket of what was at one time considered wetlands by the Dam Road and US Highway 6. The shopping center. The latest ruling on that is it's not a jurisdictional wetland, so it can be filled. The owner of that land hasn't acted on it yet but that potential exists currently. To me I don't consider any of our other wetlands to be islands. We have the wetlands along Straight Creek that parallels the interstate. Then there's the wetland fen which comes down off of Tenderfoot up near the cemetery. It's quite sizeable. I wouldn't consider it an island. Chairperson Amy Gaddis asked, do we show a map of the wetlands? Ned West Town Planner responded, that is a very interesting point that you bring up. Back in the 90's when the wetlands ordinance went into effect there's reference to an exhibit, and that exhibit has never been found. It wasn't attached to the document when it was filed. Commissioner Teresa England asked, so you think it was actually surveyed at some point? Ned West Town Planner said, that is the understanding that there was some sort of map based on a federal wetlands map. Whether it was based on a federal map isn't clear. The Town was working with Summit County in developing regulations at that time. There's an extensive file on that. We have found it on the national system. So we could regenerate a map. Chairperson Amy Gaddis commented, even if we don't regenerate, something like a snapshot would be good. Commissioner Teresa England added, we could probably say approximate boundaries. Ned West Town Planner continued, there are diagrams and figures that aren't clear in here. Commissioner Teresa England commented, I don't like the word islands. Chairperson Amy Gaddis said, I understand what we we're saying. That within all these buildings we have these little natural pockets. That's what it's intended to say. What we're saying now, we don't have anything that's truly an island per-say, but there are natural right-of-ways. Commissioner Teresa England commented, but that's not a wetland. You have to be careful. Because once you have a wetland you cannot touch it. Chairperson Amy Gaddis asked, do we say provide natural scenery within the community. It does provide a natural element. Commissioner Teresa England replied, element's a good word. Chairperson Amy Gaddis asked, are there still 2 varieties? We're saying fen is the one. Ned West Town Planner replied, yes. Commissioner Teresa England, I would take everything after 'and' out. Chairperson Amy Gaddis said, so take out and provide natural islands to the community. Ned West Town Planner added, it's just fluffy language that doesn't help anything. Commissioner Teresa England asked, how is it created from glacier? Did it carve it out, is that the theory? Ned West Town Planner, I don't know. Commissioner Teresa England continued, to me it's part of the old irrigation system or ditch that runs along Oro Grande. Ned West Town Planner commented, if you all feel we need to flesh this out more. Commissioner Teresa England responded, no. The last sentence says several other wetland areas exist in the Town along Straight Creek. Is that accurate based on what we just talked about? Ned West Town Planner replied, yes. There are 5 to 7 properties along on Straight Creek

there along Beaver Trail. They are all setback because of the wetlands. Commissioner Teresa England said, should we just say 'another' instead of several other? Ned West Town Planner, or just 'a'.

Commissioner Teresa England, as I understand it the elk used to winter outside my back door. It used to be true. But is that still true. Ned West Town Planner responded, I can say I've seen herds on Tenderfoot Mountain last winter. Commissioner Teresa England commented, there's so much human activity they don't seem to come over anymore. Chairperson Amy Gaddis said, that paragraph seems fine to me. So there's nothing that's endangered around here? It would be good to know. Ned West Town Planner answered, I don't know? Chairperson Amy Gaddis said, certainly there's a website that tracks what's endangered. Commissioner Teresa England added, typically that doesn't get discovered until somebody wants to develop it. And then they have to go through endangered species paperwork, then the experts come out. They wouldn't have bought the property if they would have known. Ned West Town Planner responded, I'll see if I can find something county-wide. Commissioner Teresa England asked, do we need to say anything about the nesting eagles on the island in Dillon Reservoir? Ned West Town Planner, yes. I see a lot of Osprey activity all summer but I don't know that they're nesting but they might be. Chairperson Amy Gaddis said, I'm just giving the intern something to do. Ned West Town Planner added, I've never been very pleased with this document but we've never taken it on, just paragraphs at a time. With the Capstone study and the other summer program, we have 16 students coming up here to look at our Town and do analysis. One of which will be to take a look at this. Commissioner Teresa England asked, what is their background? Ned West Town Planner answered, they're all studying planning at the graduate level. Commissioner Jerry Peterson said, they're going to say scrape the town and start over. Ned West Town Planner replied, and that is exactly what they did. And they drew roads through buildings and people got upset about it. Chairperson Amy Gaddis said, do we set the problem up for them, this is what we could use help with? Ned West Town Planner said, yes we're working on that. Chairperson Amy Gaddis said, I'm happy to be a 2<sup>nd</sup> set of eyes. Ned West Town Planner commented, Kerstin's heading that effort up. Chairperson Amy Gaddis commented, she should come to our meetings so she could see it. Ned West Town Planner asked, would everyone like to see what we're doing? Chairperson Amy Gaddis replied, yes. They should make a presentation. Ned West Town Planner added, they will. They will actually be doing some public interaction to try and get some input.

Commissioner Teresa England said, this noise pollution thing is kind of interesting. Do we have a tavern noise problem? This says both highway noise and tavern noise are concerns to the residents. Ned West Town Planner, if you live in Lake Cliffe, yes. Historically there have been numerous issues with tavern noise. Commissioner Teresa England commented, It's called urban living. Chairperson Amy Gaddis read, the Town should buffer existing if feasible and future residential development along the highway and increase enforcement of noise impacts. Ned West Town Planner added, so I believe the Town does still currently have a jake-brake ordinance. But the signage was removed by CDOT and Public Works is supposed to look into that. I'll verify the ordinance is still in effect. Commissioner Teresa England, but no one's enforcing it. Chairperson Amy Gaddis, I don't have any other comments on noise pollution other than what you struck through.

Commissioner Teresa England asked, going on to aesthetics, we do not have a light pollution ordinance, correct? Ned West Town Planner replied, we do not have a dark sky ordinance per se. We have light regulations in the code. Downward lighting, no visible bulbs. A commercial property can't cast light onto a residential property. So there are some regulations, it would be almost like a dark sky. It's just a little looser. Commissioner Joshua Ryks asked, so is that for new buildings, not old? Ned West Town Planner replied, it's for everything. So for instance Best Western just put in some new lights and we got some complaints. We got with them and asked them to adjust them. We need to follow-up and make sure they have. We've gotten some feedback and it looks like they've been adjusted. Commissioner Joshua Ryks, who does lighting for overnight? Ned, those would be the Town. We're still in the process of converting

our street lights to the ones you see along Lake Dillon Drive, the LED lights that don't have an exposed bulb below them. Commissioner Joshua Ryks commented, they shine straight into my window. Ned West Town Planner said, it's an effort every year. The Town spends about \$50,000 every year going through and replacing lights. That program is continuing. Tell me specifically which one and we'll take a look at it. Commissioner Jerry Peterson stated, there's more of a dark issue. Try walking down the street on a moonless night and good luck. Ned West Town Planner added, there aren't a lot of street light on some of the streets, that's for sure. Some of the lights on the other roads are energy conserving. Chairperson Amy Gaddis said, I feel like overall aesthetics is more than light. But yet, light is in the first sentence but then everything else is a bullet. It seems to me that light pollution is one of the bullets of aesthetics rather than being an intro paragraph to that section. Commissioner Teresa England asked, what are these, major town improvements is kind of what it ends up being. Chairperson Amy Gaddis said, so maybe it's another bullet versus a paragraph. Commissioner Teresa England suggested, or should the name be something other than aesthetics? Ned West Town Planner replied, I would agree with that. Commissioner Teresa England continued, aesthetics are current aesthetics as opposed to future plans or future improvements. Chairperson Amy Gaddis said, so this is where it would talk about the built aesthetics. Commissioner Teresa England suggested, it's Town goals set to develop new amenities. Maybe we just say proposed amenities or future amenities, because then you get into the bullet points following that. Chairperson Amy Gaddis commented, aesthetic quality in a community is weird. Shouldn't we go back to the architectural character? That's what we call it in the guidelines. Aesthetics and architectural character? Ned West Town Planner said, and this section should probably refer to those guidelines. Commissioner Teresa England suggested, I think you should take the 2017 out of there because it could be 2018, 2019, 2020. You'd have to go back and update this every time you update the plans. I would say the current Town of Dillon Design Guidelines. Chairperson Amy Gaddis said, because if I was an architect I would say, where are the architectural guidelines? Maybe we say aesthetics and architectural character because that's what we call it in the Design Guidelines. Ned West Town Planner said, if we make all these changes then we'll all take a look at them together. To be honest it's going to be off because we're going to be quite busy for a while. So this probably won't be happening by the 4<sup>th</sup> of July but certainly hope to accomplish it by the end of the year.

Chairperson Amy Gaddis asked, did we correct that the Town should set goals to develop new amenities, that word amenities? We have set goals right? Commissioner Teresa England replied, the bullet points are the goals. Chairperson Amy Gaddis suggested, take out should and take out new amenities. Ned West Town Planner clarified, well I just wonder if there are upgrades the Town would like to make? Chairperson Amy Gaddis continued, so, the Town has set goals for. Commissioner Teresa England added, you might want to say the following are examples of proposed new Town amenities because it's not like any of these are imminent. Chairperson Amy Gaddis said, for future development or renovation, whatever the right word is. Commissioner Teresa England asked, have they really been set or are they just in consideration? These items like narrowing Lake Dillon Drive? It's just being considered, isn't it? Ned West Town Planner answered, correct. But again, this is that document that says we should consider looking at that. Chairperson Amy Gaddis said, if we ever want to do it we have to put it in there. Commissioner Teresa England continued, but that's my point. It's the Town has set goals isn't really true. It's the Town is considering the following. How about, the Town is anticipating to set goals for the following. I don't know, we could nitpick this to death. Ned West Town Planner suggested, I was thinking about that sentence we're dwelling on. How about, the following goals are considered for the existing future character of the Town? Commissioner Teresa England, I love it. So then we have a list of goals and then we start into the history of the Town. That 2<sup>nd</sup> paragraph again we need to call them design guidelines, take architectural out. Ned West Town Planner added, it's title Town of Dillon Design Guidelines. That is the adopted plan.

Chairperson Amy Gaddis asked, under the bullets, the Town should set goals, what did we end up with. Ned West Town Planner read, the following goals are considered for the existing and future character of the Town. Chairperson Amy Gaddis asked, then we're going to take out consider because we've already said that in the sentence before the bullet. Ned West Town Planner said, I think I asked this last time. Maybe you can refresh me how we came to it. This talks about Core Area, Town Core, Downtown Area. I think I concluded we probably need to get with Marketing to see how they really want to refer to it. Do you all have an idea? Core Area is the zoning district. Commissioner Teresa England replied, I think that's too literal. Ned West Town Planner continued, that's why it started to be used interchangeably. Commissioner Teresa England said, I agree, you should pick one word. I'm not sure you should pick the zoning. I think more of a lay person terminology. The Core Area is not really even what you would think of as all of this area of the city. Chairperson Amy Gaddis added, so the Town Center, that seems like appropriate. Ned West Town Planner said, that was historically what it seems to be referred to as. It's used less and less. Commissioner Teresa England commented, it's not really a downtown either. Ned West Town Planner, maybe search out all those other words, see if Town Center works. Commissioner Teresa England suggested, maybe a small 'c' not capital 'C' just little 'c'. Ned West Town Planner clarified, so not saying that it's a proper noun. Commissioner Teresa England clarified, it's a lay person's approach to the center of town.

Commissioner Teresa England asked, did we decide to move these last couple paragraphs? Chairperson Amy Gaddis, yes we decided to move them maybe to section 2 because it's all sort of the history. Do we talk anywhere about improved pedestrian rights-of-ways with our development planning? Ned West Town Planner said, there's an entire transportation section. Chairperson Amy Gaddis asked, what's the comprehensive pathway system? Ned West Town Planner replied, that's the rec path. Commissioner Teresa England, I don't mind it the way it is because the pathway can be for bikes, for pedestrians, potentially electric bikes if the County decides it. Ned West Town Planner, the e-bike question is pretty interesting. The County's real hang-up on it, my understanding, is that much of their trail system is on the National Forest Property and don't allow it. Commissioner Teresa England added, no motorized vehicles. I think you're going to have a lot of accidents by people that have no bike etiquette. Ned West Town Planner continued, it was briefly discussed last night at Council just in a loose conversation that if it moves forward then we're going to need to have some sort of speed limits and patrol to enforce it.

Chairperson Amy Gaddis, we have event design, then we have event venue improvements which are sort of the same thing. Maybe take out the last one. Encourage new projects, so right now they don't have to? Ned West Town Planner said, I think encourage is the right word. Chairperson Amy Gaddis replied, ok. We don't have a public art program, do we? Ned West Town Planner said, well we do in that people donate things. We do have statues and things around Town. But there hasn't been active effort to purchase things currently. Certainly, that potential exists. If say you redesign Lake Dillon Drive or you do something and there's a park project coming up. Commissioner Teresa England suggested, maybe the Town Council needs to put a committee together to raise funds for public art for the parks? Chairperson Amy Gaddis added, what they do in Denver is, any city project has a 1% are fee that goes into a pool.

Kathleen Kelly Town Attorney suggested, I would at least say here that projects 'are' evaluated instead of should be. Commissioner Teresa England suggested, maybe this needs to be a new subsection? I think these last 3 paragraphs don't fit in under Aesthetics and Architecture. Kathleen Kelly Town Attorney said, maybe in the introduction to section 4. The Dillon community values the Town's identity and history, maintain a separate identity from Silverthorne. Commissioner Teresa England added, the values are air quality, water quality, wetlands, noise pollution. We skip a section then we get to light pollution and that's more about what we consider when we're looking at additions to the community. How it affects air quality, water quality, wetlands, noise pollution.. Then we get to this section and it doesn't fit in. Chairperson Amy Gaddis said, it's interesting we've sectioned out air quality, water quality, wetlands,

wildlife, noise, landscaping, wildfire. Then we have one line for aesthetics and architectural character. Which, in my mind it's like we've separated out the natural environment then through everything in the built environment under one heading. Ned West Town Planner asked, does it warrant its own section? Commissioner Teresa England suggested, it at least needs to get moved to the end after we go through all of the environmental impact issues. Then we get into future Town aesthetic proposals. I think it would be less confusing that way. I agree it's introduction then values. Subpart 3 could be whatever we title this thing. Kathleen Kelly Town Attorney said, so then Goals & Policies would become part of section 4. Chairperson Amy Gaddis said, so for now we do section 3 as Aesthetics and Architectural Character. Ned West Town Planner, we should shift all the aesthetics ones to the end.

Commissioner Teresa England, this is weird because these aren't values really. This whole section on future plans isn't really values. Because you have values and then your goals to meet those values are as follows. Chairperson Amy Gaddis asked, is values the wrong word then for this 1<sup>st</sup> part? Are these more goals? Commissioner Teresa England asked, or are they background? It's more factual. They really aren't values. Commissioner Joshua Ryks commented, in another section it's labeled statistics. Commissioner Teresa England said, I don't think these are values, it's more information. It's background. I don't think these are values, it's more information. Maybe we just take out the title values altogether and make it part of the introduction. Kathleen Kelly Town Attorney said, I think that's a good idea. The text at the beginning leads into it very well if you take out 'values'. Commissioner Teresa England added, I still think we need to move aesthetics and architectural character to the end. What we could do, rather than list all the goals here for aesthetics, we really need to take the bullet point list and put it at the end of goals & policies. Somehow, we need some language. That we adopted these guidelines. That we're interested in preserving the aesthetics and architectural quality of the mountain lake lifestyle, and keeping the identity of Dillon separate from Silverthorne. Then these last couple paragraphs work. I still would put aesthetics at the very end after light pollution, after all the environmental litany.

Chairperson Amy Gaddis suggested, under light pollution, we say the Town should consider different lighting regulations refer to the goals & policies. Can we take that out, we could say that in every paragraph really? It's the 'mountainous areas' paragraph in the middle. Remove refer to section 3. Commissioner Teresa England added, the point is all of these could say refer to section 3. Chairperson Amy Gaddis asked, is dark sky something we want to look at? Or have we looked at? Ned West Town Planner responded, I think in years past, it's probably been 10 years. Commissioner Teresa England, I think the guidelines suffice.

Chairperson Amy Gaddis continued, Landscaping. So we're not sure what the forest management and reforestation plan of 2009 is? Commissioner Teresa England stated, Ned asked the question, not sure what this document states. Ned West Town Planner said, I haven't found it yet. Commissioner Teresa England stated, if you can't find it then take the sentence out. What is silviculture? Kathleen Kelly Town Attorney replied, I just looked that up, it's the practice of controlling the establishment, growth, composition, health, and quality of forests to meet diverse needs and values. Commissioner Teresa England said, ok so you have to have a forestry degree to know what that word is. Do we actually have an annual budget for that purpose? If that's not let's take that sentence out? Ned West Town Planner replied, I think it is true. I think we should be. We've lost all these trees in all these parks. Commissioner Teresa England, maybe you should talk to the Town Manager and see if there's a line item for it before you take that out. I don't want to mislead people that we're out here planting trees every Spring if we're not. Maybe you talk to the Public Works Director and see.

Chairperson Amy Gaddis asked, under wildfire the wildland urban interface map, is it a local map or a national map. Ned West Town Planner replied, the Summit County Wildfire Council has created that map. Do you think a clip of that for our area should be included? Chairperson Amy Gaddis replied, as long as

there's a link to it on our website. Commissioner Teresa England asked, there's a sentence in here that says current adopted fire codes require defensible space inspections for new space or additions. So that's how we ended up with the property that the gentleman bought and converted into two different properties and removed all the trees? Ned West Town Planner added, it's part of the adopted fire code. Commissioner Teresa England stated, that seems a little one-size-fits-all. Ned West Town Planner said, I somewhat agree. It came to our attention that the fire department was enforcing that in Dillon when someone was just replacing their deck. They increased it an additional foot and they had to cut down a bunch of trees based on inspection fire code. Chairperson Amy Gaddis asked, does the fire code say either you cut them down or you have material that isn't combustible. Commissioner Teresa England said, it's X number of feet from the perimeter even though you're sitting on a city lot, you're not really in the middle of the forest somewhere. I don't know the answer, maybe you look at it on a case by case basis. Ned West Town Planner clarified, the fire inspectors, the first they're going to point you to the Black Forest fire where it had no problems jumping the highway. Commissioner Teresa England continued, I think the next time anything like that comes up we look at it on a case by case basis. If anything, we should have said you put shrubs back in, do some landscaping. Now it's a rental unit and he's not going to put anything in. The trees were already down when we approved it. Chairperson Amy Gaddis said, so in one paragraph we say we're replanting trees. Ned West Town Planner added, I'm going to follow-up with the fire department. When we adopt building codes, at least the past several times, we've been in alignment with Summit County because we use them as our building department. Maybe that section of fire code is something we don't want to be part of. This is the first conversation we've really had as it being a strong negative. Chairperson Amy Gaddis commented, people move here because of the scenery. You know when you move here what the risk it. Kathleen Kelly Town Attorney, it's probably worth having a discussion with the fire district. So that when land use applications come in they could possibly trigger that. Ned West Town Planner said, even this one remodel didn't trigger it. There's a tree requirement, one tree every 15 linear feet for new development. Maybe it just didn't get caught this time.

Commissioner Teresa England continued, Goals & Policies, I have a problem with policy #1. I think you're setting yourself up for some legal issues. Chairperson Amy Gaddis, I wonder if policy is not the right word. It's not a policy, it's an intent or an initiative. Kathleen Kelly Town Attorney clarified, it's within an advisory document. Do we have anything in the code regarding development and slope limitations? Commissioner Teresa England asked, does chapter 16 of the zoning code still have language to this effect? As understood the history it did, but then it got taken out. I'm talking about do not block views. Then you might as well keep the Town where it is, in a time capsule. Ned West Town Planner clarified, we in our minds had thought that we do not protect view corridors. Kathleen Kelly Town Attorney said, I don't have it with me but I can find it. In the PUD Development Standards, and this is in chapter 16 of the zoning code, for an applicant who is seeking an increase in the maximum building height it gives criteria for the decision makers. It gives a list of 6. #4 is influence on the general facility with extreme contract vistas. #3 is potential problems for adjacent cites caused shadows, loss of air circulation or loss of view. Commissioner Teresa England stated, I'd take that last part out. Shadowing is a fair consideration. But views, you can't get into saying we can protect your view. Kathleen Kelly Town Attorney clarified, now this doesn't say that it has to be denied. Just that you consider all of these characteristics. Commissioner Teresa England stated, I've seen this in the real world and it's very difficult when you get into view corridors and view protection. Particularly if you go to the community. Commissioner Jerry Peterson commented, these last 2 buildings we got going, the Sail Lofts and the one by the theater you could have eliminated a floor. Commissioner Teresa England replied, but then they wouldn't have built it because it's not cost effective. I advocate we take that out of section 16. Kathleen Kelly Town Attorney added, to take this out of the code would require an ordinance with a public hearing and it almost seems like it would stir the pot. Ned West Town Planner said, especially since it's not a requirement, it's a criterion you can't deny something on based off that. But if we do a major code change. Commissioner Teresa England stated, I have a real concern even though it's a guidance document, I have



a real problem with policy #1. I guess I have a problem with policies generally. Chairperson Amy Gaddis asked, so you have a problem with policy #1 based on a certain item, or the point of a policy. I have a problem with the word policies too. Can you put goal recommendations on how to meet that goal, or initiatives or considerations? So that would be everywhere in the whole document. Ned West Town Planner said, I concern. I just don't know if this goal policy thing is how documents are typically structured. Some of them don't seem to have that. I don't know why we can't? Kathleen Kelly Town Attorney stated, ultimately the Comprehensive Plan is the Planning Commissions document. Your vision for the community. Chairperson Amy Gaddis said, I don't feel like it's a policy until it's like, this is what you need to do. Commissioner Teresa England added, to me a policy is black and white. Ned West Town Planner, and that's code. This is a consideration that guides the code. Kathleen Kelly Town Attorney asked, so we're taking out do not block views? Commissioner Teresa England replied, I'd like to take it out. Ned West Town Planner agreed, yah, that statement would inhibit anything going on in the Town center area. Commissioner Teresa England asked, do these considerations add anything? Kathleen Kelly Town Attorney replied, it's because of the way this reads it could be interpreted as views from someone walking their dogs. Ned West Town Planner added, we actually had someone site this very statement. I don't know why there's a reference to shoreline development. The only place that is, is our marina. Commissioner Teresa England asked, I wonder if we just have the goals and not the considerations. Really, the Design Guidelines now cover a lot of how we implement the goals.

Kathleen Kelly Town Attorney commented, I'm looking to see if we require wildlife reports. Commissioner Teresa England said, we don't have wildlife wondering through the town, and if we do they're urbanized. Somebody cut and pasted this out of some other plan, is my guess, back in the day. Chairperson Amy Gaddis stated, if we go to the water quality, air quality, wildlife, everything has 2 or 3 considerations. Whereas the natural environment has a whole bunch of stuff. Maybe we just need to reduce this down to 3 or 4 considerations. Commissioner Teresa England suggested, let's go back and look at this. I think what we do is get rid of the natural environment completely and go straight to air quality. Because, natural environment was just a title of the section. So I think we take out natural environment and go to a goal of air quality. That's the first subpart of the section. There isn't a section on natural environment. It's not a subpart that we're trying to seek a goal to implement. The natural environment is the air quality, the water quality, the wetlands. I advocate we take all of the natural environment out and go straight to air quality which is part of the natural environment. We do need a landscaping goal because there isn't a landscaping goal section. But I think the introduction and the goals and consideration should match the subsections before. The other way to do it would be to add under each of these, under air quality, add the goal right there. So, you discuss air quality and then you put the goal and considerations in that same area so the reader isn't forced to go back and see the background then come over here and see the goals. Ned West Town Planner replied, that would be the whole document setup. I can appreciate what you're saying. Commissioner Teresa England added, it's kind of like we go through this whole discussion. But we never say where we're going until we get to the goals and considerations section. Chairperson Amy Gaddis, I definitely think it would read better. I don't like the word landscaping. Natural vegetation. I don't know, it's more than landscaping that we're talking about. Commissioner Teresa England suggested, how about landscape.

## **OTHER BUSINESS**

Ned West Town Planner, years ago we approved a conditional use permit for a drive through restaurant. That was going to be Dunkin Donuts. It never came. It went to Silverthorne. At that time we were like, let's wait and see what happens. One of the issues I have, and at some point I'd like you guys to dive into our sign regulations, is we don't have anything in our code that speaks to the ordering interface. The menu, the signage that is the menu display. Some codes don't reference it, other municipalities are very specific. Our sign code is extremely specific. I think we might want to think

about what we think about what we think is reasonable for these interface displays, if that's the right word. And maybe start developing criteria. Commissioner Teresa England asked, is it on the horizon? Ned West Town Planner replied, potentially. Commissioner Teresa England continued, I know we went through a sign code a year ago. Some of it was a marketing thing, because I thought we went through that sign code once. Ned West Town Planner responded, the most recent thing we did with the sign code was to allow for sponsorship signage. Commissioner Teresa England asked, is there anything else that has a general and any other signage? I'm afraid if we get too specific, the franchisee might have requirements that we may not meet. Ned West Town Planner added, and that's my concern. Frankly, our sign is a problem. Kathleen Kelly Town Attorney clarified, we haven't done the work to make the content neutral. There was a US Supreme Court decision two summer ago that struck down all content based signage. So, your regulations cannot regulate in any manner the content of the sign. Supreme Court said it's within the province of the government to regulate numbers, size, whether it be backlit. Commissioner Teresa England asked, was it a 1<sup>st</sup> amendment argument, freedom of speech? Kathleen Kelly Town Attorney answered, yes. So, we do have some work we need to do on the sign code. Commissioner Teresa England suggested, I think rather than come up with specificity I think I would rather have some miscellaneous other signage as needed to operate the business. Ned West Town Planner said, that sounds ok. Unfortunately, all that we have right now is the ability to display a menu board. Which would be like outside the door of a restaurant, it's 3-square feet. That's clearly not an order interface. A lot of these are digital displays. If you all want to give some thought to it, it would be helpful. We need to get going on it.

Commissioner Teresa England asked, parking, where did we end up on parking? Did we talk to the Town Council? Ned West Town Planner replied, I was advised not to bring it to the Town Council. Because they're going to actually talk about it extensively during retreat. At that time we will present this to them because they wanted to do a more expansive discussion beyond these points.

Commissioner Jerry Peterson asked, what's the meeting in the middle of the month for? Ned West Town Planner said, it never came to fruition. We thought we might receive an application that didn't meet the timeframe set forth in code, so it's no longer going to happen. I anticipate we might need to consider a special meeting in the future. There are a lot of things going on and we're getting some conceptual ideas from people and they're falling short. Commissioner Jerry Peterson, sometimes a special meeting is required because of building season. Some incidental things would be where the banker pulls the money because it wasn't built.

Ned West Town Planner mentioned, the Uptown 240 was approved last night. One of the conditions is to do a boundary line elimination. That's a subdivision process for you and Town Council. To meet their timeframe, I need to receive everything tomorrow and I'm not sure that's going to happen. There's potential that we might need a mid-May or late-May meeting. I don't know. Chairperson Amy Gaddis asked, how many people is a quorum? A quorum is 3? Kathleen Kelly Town Attorney answered, yes.

## **ADJOURNMENT**

There being no further business, the meeting adjourned at 7:38 p.m.

Respectfully submitted,

***Corrie Woloshan***

Corrie Woloshan  
Secretary to the Commission