



MEMORANDUM

P.O. BOX 4100 ♦ FRISCO, COLORADO 80443

TO: PLANNING COMMISSION

FROM: SUSAN LEE, PLANNER; GILLY PLOG, ENVIRONMENTAL PROGRAMS COORDINATOR

RE: PLANNING FILE No. 178-20-ORD, A PUBLIC HEARING TO CONSIDER CODE TEXT AMENDMENTS TO CHAPTER 180 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING THE UNIFIED DEVELOPMENT CODE, TO PROMOTE MORE SUSTAINABLE LAND USE AND DEVELOPMENT BY AMENDING SUBSECTION 180-2.5.2.B., CONCERNING THRESHOLDS FOR SITE PLAN REVIEW TYPE; AND SECTION 180-5.2, CONCERNING USE SPECIFIC STANDARDS; AND SUBSECTION 180-5.1.5., CONCERNING THE TABLE OF ALLOWED USES; AND SUBSECTION 180-5.2.3, CONCERNING OUTDOOR STORAGE AREAS; AND SUBSECTION 180-5.3.3., CONCERNING SOLAR ENERGY FACILITIES; AND SECTION 180-6.4, CONCERNING IMPROVEMENTS AGREEMENT; AND SECTION 180-6.5, CONCERNING LAND-DISTURBING ACTIVITIES; AND SECTION 180-6.6, CONCERNING DRAINAGE PLANS; AND SECTION 180-6.7, CONCERNING WATER QUALITY; AND SUBSECTION 180-6.11.2., CONCERNING NON-VEHICULAR ACCESS REQUIREMENTS; AND SECTION 180-6.13, CONCERNING PARKING AND LOADING REQUIREMENTS; AND SUBSECTION 180-6.14.5., CONCERNING GENERAL LANDSCAPE REQUIREMENTS; AND SECTION 180-6.17, CONCERNING REFUSE MANAGEMENT; AND SECTION 180-9.3, CONCERNING GENERAL DEFINITIONS.

DATE: NOVEMBER 5, 2020

Summary and Background: In order to support the Town Council's Strategic Plan goals related to implementing the Climate Action Plan and Water Efficiency Plan, staff has been pursuing building and land use code revisions in collaboration with a multi-jurisdictional task force headed by High Country Conservation Center (HC3). The group worked collectively to prepare an updated version of the Summit Sustainable Building Code (SSBC) that was adopted by Frisco Town Council on April 14, 2020. The SSBC now serves as a higher building code standard that requires increased energy savings in new construction. The new regulations exceed the 2018 IECC code requirements.

In conjunction with the building code update, the HC3 task force held work sessions to develop guidelines to help develop more sustainable land use regulations. At these work sessions, HC3 and local planners reviewed general land use and development code requirements designed to

promote sustainability through transportation, water efficiency, water quality, waste diversion, and solar readiness. Using these topic areas and research from the working group as a guide each jurisdiction decided to independently pursue revision of their land use codes due to the uniqueness of each entity’s land use regulations.

On June 9th of 2020, a preliminary list of sustainable land use topics was presented to Council for consideration. At that meeting, the Council provided feedback and requested that the revisions be presented to local stakeholders in order to solicit additional feedback from developers, builders, architects, and landscapers (henceforth referred to as “developers”) that may potentially be impacted by the updates.

Staff presented feedback from the developers to Council at the September 8th, 2020, Town Council meeting. A summary of the developer’s comments can be found below. Based on the work session feedback, Town Council directed staff to develop draft code language in support of the sustainable land use code recommendations and review them with the Planning Commission.

Analysis: Below is a brief outline of the proposed sustainable land use code changes, a description of stakeholder responses, along with the direction from Town Council and final, proposed code language for each topic. During the research and development of the actual code language several items were modified from the originally suggested change.

Transportation		
Suggested Change	Developer Feedback	Proposed Change
Revise parking and loading requirements to reference the new SSBC language requiring EV and EV ready charging stations for commercial and residential uses. Incentivize installation of EV charging stations by reducing parking requirements in exchange for the provision of additional spaces above the SSBC requirements.	“If the Town is over parking the use per the code then the developer may not value the parking anyway. Generally, though, it seems like a good way to get the infrastructure in place and encouraging the transition to EV.” “Sounds great, will private property owners be able to charge for the power?” “Seems reasonable, the incremental cost to build additional EV spaces goes down, allows for more area to be landscaped.” “Makes sense, done in other areas and is a good incentive for commercial projects.”	Town Council supports this code revision. Proposed code language includes a reference in UDC §180-6.13 Parking and Loading Requirements to the new building code requirements and creates a parking reduction incentive. The incentive is for non-residential uses with parking lots of 10 spaces or more. It allows for a reduction of one space for every additional EV installed space in excess of the building code requirements. The space reduction can be no more than 10% of the total number of spaces.
Clarify code language requiring new developments to tie into existing bicycle and pedestrian infrastructure.	“Makes sense in a lot of cases. Would the Town/County allow the developer to build onto their land?” “Typical requirement, normal in many other communities.”	Town Council supports this change. Proposed code language references the 2017 Frisco Trails Master Plan and Chapter 155 to offer more concise standards for a proposed

	<p>“Better to have clear standards, typical in most places.”</p> <p>“Yes, but only for multi-family and commercial.”</p>	<p>development’s bike/pedestrian connection requirements.</p>
<p>Establish requirements for long-term and short-term bicycle parking for multi-family residential uses, and square footage of commercial (1 per 750 SF) and require a 75% to 25% blend of indoor, covered, long-term spaces to short-term uncovered spaces for residential only.</p>	<p>“How would this count toward lot coverage requirements?”</p> <p>“Makes sense for multi-unit projects.”</p> <p>“Could easily add space for bikes in garage corners, between pillars, in otherwise unusable space. Bike parking should have same exemption in the Central Core as car parking. Bikes should be in ROW.”</p> <p>“Agree with proposed bike storage requirements. Town should provide dimensional standards for spaces.</p> <p>“Agree, but feel as though each owner should provide their own locks.”</p>	<p>Town Council supports this change. Based on research into comparable communities, the proposed code language maintains the existing non-residential bicycle parking requirements and requires that multi-family residential developments provide one bicycle parking space per bedroom, with 50% of the total spaces to be enclosed. The revisions to UDC §180-6.13.4 include standards for the enclosed and outdoor bicycle parking.</p>
Water Efficiency and Quality		
Suggested Change	Developer Feedback	Proposed Change
<p>Landscape plan must indicate water usage for proposed plant materials and cannot exceed an established gallon per square foot maximum.</p>	<p>“Makes sense, but be careful that the Town doesn’t impact the aesthetics of Spruce, Aspen, and other trees.”</p> <p>“It’s not over burdensome, it’s okay that the Town can’t enforce today as long as there are plans to enforce in the future.”</p> <p>“Against regulations that won’t/can’t be enforced.”</p> <p>“QWEL certification is too restrictive, variety of ways to achieve irrigation conservation. Drip is best. 90% of current installs are drip. Better design principles result in more water efficient landscapes, focus on the design. Include xeric design principles not just plant lists.</p>	<p>After lengthy discussions regarding water budgets and improvements to irrigation standards Town Council directed staff to remove this item from the sustainable land use code updates. As the water department moves forward with advanced metering systems, and other outdoor water efficiency programs the Town’s ability to enforce and apply this type of regulation will change. Staff will revisit this with Council at that time.</p>

	<p>Adding the water usage would cost \$200-300 extra, not a big deal.”</p> <p>“It’s important to do this now even though the Town doesn’t have advanced metering infrastructure in place. Good to start doing it so people are aware of their proposed water usage.”</p>	
<p>Require geotechnical report at the planning stage for development or disturbance on steep slopes.</p>	<p>“Makes sense. Would head off a lot of problems by doing this earlier in the process.”</p> <p>“Soils reports shouldn’t be required until structural building design. Site planning isn’t based on soils type.”</p> <p>“Might protect developer from future unknowns but belongs in the Building Permit phase not planning.”</p>	<p>Town Council directed staff not to modify the geotechnical report requirements. No changes to the geotechnical report requirements are being proposed at this time.</p>
<p>Modify drainage plan requirement to include design standards (as pulled from CDOT and CDPHE) or professional best practices, or as approved by the Town Engineer.</p>	<p>“It would be nice to have a good reference as long as it’s not overly complex.”</p> <p>“How much cost would this add to development/construction? A caveat would be nice if the development is a certain distance away from a waterbody.”</p> <p>“500 square foot permit requirement should be requirement for regrading/earthwork not simple landscaping. Could be helpful so that people are reminded to call for locates, make sure they’re not in the ROW, etc. Should be administrative review.”</p> <p>“500 square foot requirement seems like a reasonable way to regulate site disturbance without building permits. The Boneyard is a blatant disregard for the Town’s own erosion control standards.”</p>	<p>Town Council supports this change. The proposed code language references the CDOT M Standards. A hyperlink to the referenced document will be provided on the Town website and within the code.</p>

<p>Add screened topsoil to a minimum depth of 3” in areas disturbed by construction and add language about screen size – revise language to match Summit County CSU guidelines.</p>	<p>“This is standard.”</p>	<p>Town Council supports this change. References to topsoil requirements have been removed from UDC §180-6.6.4 Erosion and Sediment Control Measures, except to reference the CDOT M Standards. All other topsoil requirements have been consolidated in UDC §180-6.14.5 which calls for screened topsoil with a minimum depth of three inches.</p>
<p>Add disturbance and mitigation plan requirements for soil disturbance within the wetland and waterbody setback in cases where a variance is issued.</p>	<p>“This is just best practices for revegetation and erosion control.”</p> <p>“Setbacks shouldn’t require mitigation, just a plan for revegetation and regrading.”</p> <p>“Apply consistent wetland requirements and match neighboring jurisdictions. Make the Town’s definitions match Army Corps and don’t count drainage ditches as waterbodies.”</p> <p>“This is reasonable.”</p> <p>“Would like to have some requirements or a way to help mitigate groundwater issues in older houses.”</p>	<p>Town Council supports this change. The code language for UDC §180-6.7 Water Quality has been revised to clarify that disturbance of waterbodies, wetlands and wetland setbacks is prohibited. It establishes disturbances which may be permitted, and the permit criteria. The section also outlines new mitigation requirements and mitigation plan submittal standards and performance measures.</p>
<p>Create mitigation requirements for wetland disturbances similar to the County’s requirements: 1:1 onsite mitigation requirement, 2:1 offsite mitigation if onsite is not an option, or a fee in lieu for 2:1 replacement for conversion to public domain.</p>	<p>“The County example is okay for setback mitigation requirement and definition should match the Corps definition. No mitigation should be required for ditches.”</p> <p>“It isn’t easy to find locations for offsite mitigation, the fee in lieu option would be great so the Town can help with mitigation.”</p>	<p>Town Council supports this change. The proposed code language calls for a 1:1 compensation of wetland loss or fee in lieu in cases where creation of new wetlands is not possible.</p>
<p>Waste Diversion</p>		
<p>Suggested Change</p>	<p>Developer Feedback</p>	<p>Proposed Change</p>
<p>Require equal space for refuse and recycling.</p>	<p>“Equal space looks good, the Town should try to address</p>	<p>Town Council supports this change. The proposed code language</p>

	<p>access and address existing areas.”</p> <p>“Dumpsters with a roof should be the norm. Makes it easier to use and maintain in the winter and is wildlife proof. Older properties should be retrofitted.”</p> <p>“Nicer looking enclosures are better, incorporate into larger structure if possible and equal space is good. Dumpsters should be required for multi-family projects.”</p> <p>“Better enclosures should be required for multi-family and commercial. Leave it to building management to figure out space requirements for recycling and refuse. Compost is still a work in progress in Summit County, needs more study and discussion.”</p>	<p>eliminates dumpster requirements from UDC §180-5.2.3 Outdoor Storage Areas and consolidates the new requirements under UDC §180-6.17 Refuse Management. The proposed language requires a four sided enclosure, with roof, for all non-residential, mixed-use, and multi-family developments, without private garages. The enclosures would be required to provide space for recyclable materials, including compost, in an amount equal to the space provided for trash.</p>
<p>Require wildlife proof containers for outdoor trash storage.</p>	<p>“This is reasonable.”</p> <p>“Roofs used to be required, but not enough space was being left inside enclosure, wants to make sure that doesn’t happen in the future and we should try to address the existing structures.”</p> <p>“The Town should require roof enclosures – wildlife proof by design.”</p>	<p>Town Council supports this change. The proposed language for UDC §180-6.17 Refuse Management specifics that the dumpster enclosure must be wildlife proof.</p>

Solar Readiness

Suggested Change	Developer Feedback	Proposed Change
<p>Define large scale solar facility in definitions section (facility over 0.5 acres in size) and add to the definition for Public Utilities and Facilities. Add to use table as a use under Public Facilities to be conditional in all zone districts and permitted in Public Facilities. Create new section (5.2.14) for large scale solar facility's 'use specific standards' should</p>	<p>**Town staff received input from solar installers for the suggested changes. The feedback received from developers was that if these changes had already been vetted by solar installers, the developers were in agreement with the proposed changes.</p>	<p>Town Council supports this change. In the proposed language a definition has been added for Large Scale Solar, and it has been added to the use table as a use by right in the Public Facilities zone district and as a conditional use in the Parks and Recreation zone district. A new section (§180-5.2.14) has</p>

include description, setback requirements, lot coverage exemption, screening and revegetation requirements.		been added to outline the use specific standards for large scale solar.
Increase the height limit of ground-mounted solar from 5 feet to 25 feet in appropriate zone districts, such as the Light Industrial or Public Facilities Districts.		Town Council supports these changes. In the proposed code language new standards have been created for Solar Energy Facilities as an accessory use (UDC §180-5.3.3). The new standards exempt solar from building height requirements with a maximum height of 2' above the roofline for pitched roofs and 10' for flat. Maximum height for ground-mounted is 20'. Foot print requirements have been eliminated. Definitions have been corrected.
Exempt roof-mounted solar from building height limits, include building standards from Fort Collins.		
Delete "Solar energy facilities shall not exceed the greater of one-half of the footprint of the principal structure" (180-5.3.3.C).		
Add ground-mounted solar to the list of exemptions in the Lot Coverage Definitions.		

Analysis (continued): Code text amendments to the UDC are approved by the Town Council after consideration and recommendation by the Planning Commission. The Planning Commission shall recommend approval or disapproval, either in whole or in part, of the proposed changes. Following a recommendation from the Planning Commission, the code text amendments will be set for Town Council hearings to consider adoption.

The approval criteria for a Code Text Amendment is outlined in UDC §180-2.4.3.D:

Prior to recommending approval or approving a proposed amendment, the Planning Commission and Council shall consider whether and to what extent the proposed amendment:

- 1. Is consistent with the Master Plan and other Town policies;*
- 2. Conflicts with other provisions in the Town of Frisco Code;*
- 3. Is necessary to address a demonstrated community need;*
- 4. Is necessary to respond to substantial changes in conditions and/or policy; and*
- 5. Is consistent with the general purpose and intent of this Chapter.*

The Town's Community Plan, updated in 2019, contains several goals and policies related to environmental sustainability including, Goal 6.1 which states, "Lead by example on efforts to advance community sustainability and the region's ability to prepare for, and adapt to, the impacts of climate change". The 2019-2020 Town of Frisco Strategic Plan also contains several goals and action items that directly relate to the adoption of the sustainable land use code amendments including: implementation of the Climate Action Plan; increasing opportunities and reducing barriers for solar installation within the community; and developing plans to reduce waste within the community.

Staff has researched each of the proposed revisions and finds that there are no conflicts with other provisions of the Town Code; that they address community needs to improve sustainability in land development activities; they are necessary to respond to recently adopted plans and

policies including the Summit Climate Action Plan, the Water Efficiency Plan, and the Summit Sustainable Building Code; and they are generally consistent with the intent of Chapter 180. Based upon the criteria found in §180-2.4.3.D, staff finds that the proposed code text amendments meet the applicable criteria.

Staff Recommendation: Staff is recommending support of the proposed code text amendments based on the following findings:

1. *The proposed code text amendments are consistent with and help support the goals of the Frisco Community Plan; the 2019-20 Town Council Strategic Plan; the Summit Climate Action Plan; the Frisco Water Efficiency Plan; and the Summit Sustainable Building Code.*
2. *The proposed code text amendments do not conflict with other provisions in the Town of Frisco Code and improve consistency between Chapter 180 and other provisions of the Town Code.*
3. *The proposed code text amendments address a demonstrated community need by implementing regulations that were identified as a community desire during master planning efforts.*
4. *The proposed code text amendments are necessary in order to respond to desired changes in the land use policy.*
5. *The proposed code text amendments are consistent with the general purpose and intent of this Chapter.*

Proposed Motion: Should the Planning Commission choose to RECOMMEND APPROVAL of the proposed text amendments, the Community Development Department recommends the following motion:

With respect to Planning File No. 178-20-ORD, I move that the recommended findings set forth in the November 5, 2020 staff report be made and that the Planning Commission recommends APPROVAL to Town Council of the Code Text Amendments to Chapter 180 of the Code of Ordinances of the Town of Frisco, concerning the Unified Development Code, to promote more sustainable land use and development by amending Subsection 180-2.5.2.B., concerning Thresholds for Site Plan Review Type; and Section 180-5.2, concerning Use Specific Standards; and Subsection 180-5.1.5., concerning the Table of Allowed Uses; and Subsection 180-5.2.3, concerning Outdoor Storage Areas; and Subsection 180-5.3.3., concerning Solar Energy Facilities; and Section 180-6.4, concerning Improvements Agreement; and Section 180-6.5, concerning Land-Disturbing Activities; and Section 180-6.6, concerning Drainage Plans; and Section 180-6.7, concerning Water Quality; and Subsection 180-6.11.2., concerning Non-Vehicular Access Requirements; and Section 180-6.13, concerning Parking and Loading Requirements; and Subsection 180-6.14.5., concerning General Landscape Requirements; and Section 180-6.17, concerning Refuse Management; and Section 180-9.3, concerning General Definitions.

Attachments:
Proposed Code Text Amendments