STAKEHOLDER MEETINGS SUMMARY

1. Introduction

On September 27 and 28, 2023, the Town of Minturn staff, along with Matt Farrar (Western Slope Consulting), conducted stakeholder interviews with Minturn's Planning Commission and stakeholders who were selected based on their experience working with the Town's existing land use regulations. The purpose of these discussions was to gather input on issues to consider via the update to the Town's Land Use Code (i.e., Minturn Forward). The outcomes of these discussions, along with the Town's 2023 Community Plan and 2023-2025 Strategic Plan, will be used to inform the update to the Land Use Code.

A summary of the input provided by the Planning Commission and stakeholders is offered on the following pages. In addition, key themes that Town staff identified from these discussions are listed below.

Note that the input summary provides verbatim comments from the Planning Commission meeting and stakeholder interviews. As a result, there is some redundancy in comments listed in the summary.

2. Key Themes

Several key themes (i.e., priorities) emerged from the input provided by the Town of Minturn Planning Commission and stakeholders. Those include the following:

- A Code that is "user-friendly," clear, and predictable.
  - Figures, tables, graphics, etc. in the Code that clearly describe the intent of regulations.
  - Definitions that are clear and concise.
  - Definitions for all acronyms used in the Code.
  - Use of simple language in the Code.
  - Well described review process and criteria for decision-making.
  - Review processes that are simplified and streamlined, as appropriate.

- A Code that facilitates the implementation of the Community Plan.
  - Encourage the type of development that the community wants while preserving and enhancing Minturn's unique character.
  - Focus on what the community wants (an aspirational Code).

- A Code that is flexible and enables creativity.

These priorities, as well as those identified in Minturn's 2023 Community Plan and 2023-2025 Strategic Plan, will be used to guide the update to the Town's Land Use Code.

3. Input Summary

Planning Commission (9.27.23)

Attendees: Scot Hunn, Matt Farrar, Lynn Teach, Jeff Armistead, Tom Priest, Michael Boyd, Amanda Mire, and Sage Pierson

- Review past Code work completed by the Planning Commission and Town staff. Determine which elements of the prior review and recommendations are still relevant relative to the Land Use Code update.

- Review the Planning Commission's comments from the review of the Community Plan. The Community Plan and the Planning Commission's prior comments, following adoption, should inform the update to Minturn's Land Use Code.

- Discuss different approaches to the update to the Land Use Code (i.e., Form-Based Code, Hybrid Code, Traditional Code, etc.).
  - Provide the Planning Commission with information about different options for updating the Land Use Code.

- Eliminate redundancies and contradictions in the Code.

- Make Code usable for all community members.

- Work to ensure that the Code doesn't have to be updated 5 years down the road and/or is more readily updated periodically without the need for major overhaul.

- Close "holes" in the Code.

- Clarify how to measure building heights.

- Ensure that the update to the Code aligns with the Community Plan.

- Ensure that the Community Plan is the driving document for the Code update.

- Balance the needs and wants of professionals, developers, and other special interest groups with those of citizens.

- Use Planning Commission's comments on the Community Plan as a starting place for the Code Assessment.

- Explore opportunities to expedite the Code update process.

- Ensure that the Code update isn't driven by special interests.

- Transparency in the Code update process is essential.
  - Record stakeholder meetings/interviews.

- Work to control community gossip.

- Code should encourage diversity, character, eccentricity, etc.

- Allow for flexibility, character, and creativity.

- Modern interface for Code and Zoning Map.

- Use common language – enable everyday people to use the Code.

- Keep language simple.

- Clear and specific definitions.

- Define acronyms.

- Ensure that it is easy to amend/update the Code.

- Guide for how to use the Code.

- Allow ADUs to be incorporated with primary building.

- Look for opportunities to refine water/EQR allocation in dwelling units.

- Address loopholes for short-term rentals.

- Prioritize life/safety regulations.
  - Water (will be a key issue)
  - Roads
  - Fire
  - Natural Disaster Areas

- Prioritize wildlife.
  - Interview Colorado Parks & Wildlife as part of the Code update.

- Provide hard copies of the updated version of the Code to the Planning Commission and Town Council.

Stakeholder Meeting #1 (9.28.23)
Attendees: Scot Hunn, Matt Farrar, Larry Stone, and Earle Bidez

- Minturn's existing land use/zoning regulations suffer from misalignment with the Community Plan.

- Previous efforts (early 1990's) to define character areas in Town may have created complications in the existing Code. Ensure that the updated Code has zone districts that work for each of the unique areas in Minturn. Mixed-use zones proposed in the Community Plan are a good place to start.
  - Updated Code needs to enable progressive change, investment, and redevelopment while protecting character.
  - Commercial areas, along Main Street for example, should be protected or recognized in the Code.
  - Spot zoning is not desirable.
  - Zoning, spot zoning, and reconciling character areas need to be further discussed with Council.

- Accurately translate the intent of the Community Plan into the Code update.

- Consider impacts of uses/development types on existing neighborhoods.

- Annual review of the Land Use Code.
  - Joint Planning Commission and Town Council review to identify what's working and what's not working.

- Encourage quality projects that match the character of Minturn.

- Allow for projects that enable people to make money – economically viable projects for the Town and developers.

- Some processes can be quick, while others can be arduous.

- People don't want to spend money on design without clarity on what's allowed/not allowed. Need quicker answers about what can be done with a property so that a person planning a project can get to the next step (i.e., pricing) and be able to make decisions.

- One of the Town's main problems is fear of change; "what if" scenarios.
  - The Town has been fearful of change – afraid of making mistakes.
  - Previous staff may have lacked experience and made mistakes that people now point to.
  - The Town, specifically elected and appointed officials, has to be willing to keep moving forward and not let fear or past mistakes hold it back.
  - In the context of fear and trust issues, how can the Town create a user-friendly Code that relies on some level of trust?

- Updated Code needs to have greater clarity and predictability.

- Incorporate flexibility in the Code.

- Enable creative and "Minturn" projects.

- Creative flexibility.

- Over the years, competition from down valley development (retail & commercial) and businesses has affected the Town and pulled customers away from Minturn.

- Changes in hours of operation for businesses over the years have also impacted viability of Town's businesses and sales tax.

- Concerns about how the new 100-Block zoning and design standards as far as incentivizing or disincentivizing redevelopment.
  - Fear that the guidelines have standards (25' setback on Eagle Street) that do not work for anyone looking to invest in additions or redevelopment.
  - 25-foot rear setback for the 100-Block is challenging. Perpendicular parking (vs. angled) seems to work better and would produce additional parking spaces.
  - Don't feel that the Town listened, during the 100-Block design standards review, to concerns about costs, incentives, and loosening-up of some standards. MR Minturn as example of developer/major landowner whose concerns were not listened to.
  - If the goal was to attract investment in 100-Block, the Town has failed.
  - Suggest reviewing 100-Block standards as part of the Code update, and then review all zoning and standards annually.

- There are other examples of how fragile the economics are for renting, buying, or redeveloping in the 100-Block. Other issues relate to business operations (hours of operation, mix of businesses, investing in maintenance, etc.) as well as the commercial rental rates. Some previous landowners in the 100-Block didn't do much in terms of improving and/or maintaining their properties but that resulted in keeping rental rates low.

- The ongoing perception of downtown (parking) needs to change. Using parking as an example, there is, and has been, enough parking but some in the community, particularly residents of 100-Block, have used parking, or perception that there isn't enough parking, as a reason to oppose redevelopment in the 100-Block.

- The Town has regulations (ex. mobile vendor/food truck licensing process) that may be acting to disincentivize uses and activities that would lead to more vitality in Minturn. For example, the Town's food truck ordinance precludes more than one (1) food truck on one (1) property but co-locating trailers/trucks could be positive and popular.

- The Agora emerged from the necessity for outdoor seating during the pandemic and funding from the State was available.
  - The Agora as example…ultimately, the Town worked with Larry to allow the Agora and to make the process work. However, the process made it difficult until the Town found a way to "let it happen" and think outside the box.
  - Places like the Agora add to the character of Minturn. Funkiness!

- Explore options to improve/streamline process for creative ideas, such as the Agora.
  - Will still need to consider building code and life-safety issues in any flexible or streamlined process (for things like the Agora).

- Allowing for more than one (1) principal use on a property could add to the Town's vibrancy.

- Need for community gathering spaces in Minturn.

- Enable the preservation, enhancement, upkeep, etc. of old structures.

- Revamp of Larry & Jane's barn would have triggered pre-existing nonconforming regulations based on valuation. They simply sought to clean up and use the barn. They did the maintenance and repairs without coming to the Town to avoid long process.
  - Need for greater flexibility in nonconformity regulations (this is noted in the Community Plan).

- Also, using the barn as an example, suggest creating a blanket variance for projects, like the barn, so it (or other structures/projects like that which add character and vitality) don't trigger nonconformity regulations.

- Explore options for a historic variance (i.e., need for greater flexibility in regulations).
  - Look at Historic Preservation regulations as part of the Code update?
  - Should there be administrative decision-making allowances?

- Threat of historic designation.
  - Does historic designation and grant opportunities outweigh the restrictions imposed by the Town's Historic Preservation regulations?

- Employee housing is critical.
  - Most recent Community Survey identified affordable housing as one of the biggest priorities, but change was also identified as a concern.
  - Belief that some people in Town want affordable housing and change.
  - Now is the time to take advantage of federal and state funding for housing and development related issues.
  - Want to be able to work with developers (Minturn North as example) and the State (through Prop 123) to make projects more affordable.
  - Consider allowing first-floor residential uses on the backside of buildings.

Stakeholder Meeting #2 (9.28.23)
Attendees: Scot Hunn, Matt Farrar, Karl Kruger, Pete Seibert, and Reid Phillips

- Provide guardrails and allow for a more streamlined and efficient process.

- Reduce need for variances.

- "Moving target" makes it challenging to work with the Code.

- Eliminate Character Areas and consolidate into Zone Districts.

- Improve usability of tables in the Code.

- Building height illustrations are confusing.

- Ensure that illustrations/graphics reflect regulations.

- Clarify what Zone District(s) the illustrations/graphics apply to.

- Work on the formatting of Code text to improve readability.

- Ensure that there is continuity among the formatting of the illustrations/graphics in the Code.

- Ensure that building height regulations are clearly defined.

- Clearly define roof types (e.g., flat roofs, gable roofs, etc.).

- Show illustrations/graphics for typical roof types in Minturn.

- Tie callouts for illustrations/graphics with Code sections (i.e., cross-reference illustrations/graphics with Code sections).

- Formatting and organization of the Code is key to usability.

- What is "ordinary high-water mark?" – How is that defined?
  - Look at using the Army Corps of Engineers' definition of high-water mark.
  - Ensure that the high-water mark is clearly defined.
  - The high-water mark changes overtime.

- Streambank changes over time.

- Stream centerline changes over time.

- Need a consistent way to measure setbacks from waterbodies.

- Potential housing incentives: greater lot coverage allowances, reduced setbacks, reduced landscape requirements.

- Look for opportunities to maximize buildable square footage on properties.

- Maximize Gross Residential Floor Area ratios (GFRA).
  - *Staff Note: The Town does not regulate GRFA, only setbacks, bulk controls, and building height to regulate square footage of structures.*

- Should the Town's minimum lot size requirements be reduced?

- Have a discussion with the community about regulating based on density vs. development character.

- Don't want to encourage ADUs that will be used for short-term rentals.

- How can investment properties (i.e., non-resident dwelling units) be discouraged in Minturn?

- Parking regulations can be onerous.

- Historical designation regulations are another level of restrictions.

- High ground water table in parts of Minturn is a challenge.

- Should taller building heights be permitted in certain areas of Minturn?

- Avoid "canyon effect" along Main Street.

- Goal should be to keep lights on and more people living in Minturn.

- Are there opportunities to incentivize ADUs for local housing?

- Create incentives for housing in certain areas of Minturn.

- Greater certainty/predictability in the Code.

Stakeholder Meeting #3 (9.28.23)
Attendees: Scot Hunn, Matt Farrar, Brian Sipes, Todd Biekkola, and Lynn Teach

- The Code is the main tool for implementing the Community Plan.
  - To achieve the vision, goals, and objectives of the Community Plan, the Town may need a paradigm shift- what is the Town interested in (what does it want?) but potentially unsure of vs. what is the Town trying to avoid? What steps can the Town take to initiate these paradigm shifts?

- A Code can't cover everything and can't anticipate or address every possible situation.

- Land Use Codes are never approachable.

- A good Code delivers the community's desires.

- If there's a need to streamline processes, provide incentives, etc. that's indicative of problems with the Code.
  - Regarding housing, the Code should not be relaxed or watered down or enforced unequally based on incentives for housing; regulations should be applied consistently to each property and situation.

- Allow square footage to be added within a nonconforming area.

- Write a Code that is aspirational rather than one that is focused on what the community doesn't want.

- Consider what the Town wants to look/be like in 50 years.
- Code needs to be clear on intent- uses, buildings, impacts, character.

■ Clarify what is allowed; what building massing is allowed.

■ Include 3D diagrams that depict what is generally allowed.
  - Show 3D building envelope.
  - Creates greater predictability of what's allowed.
  - The City of Denver's Code contains great illustrations and intent statements that could serve as a model for the Town to follow. They explain what is desired and do a nice job of illustrating things like snow storage and parking.
  - The International Residential Code (IRC) is another good example of a technical code that explains intent and offers illustrations as clear examples of how to correctly interpret and apply the code.

■ Minturn doesn't need a one-size fits all approach. Regulations need to consider the unique characteristics of different parts of the Town.
  - Ex. Parking regulations that are specific to neighborhoods in Minturn.
  - Don't need one-size fits all regulations for a community the size of Minturn.

■ Acknowledge opportunities/challenges specific to each neighborhood in Minturn.
  - The existing Code defines character areas- maybe continue that concept and develop regulations specific to Minturn's neighborhoods (maybe consider neighborhood-based regulations?).

■ May want to conduct an assessment of the Town's existing parking regulations vs. actual parking demand. Could lead to more tailored guidelines and requirements (per neighborhood).
  - Discuss various approaches to regulating parking within the community.

■ Less is more with regard to the Code.

■ More focus on achieving the goals set forth in the Community Plan.

■ The scale and diversity of buildings in Minturn is its charm.
  - Minturn is the last truly unique Town in the valley.
  - Maintaining the Town's character and scale is essential.
  - Scale of development is important. What development looks like is less important.
  - Consider updating the Town's subdivision regulations to make it more difficult to combine multiple lots. This could help to regulate mass and scale of development in Minturn.

■ Allow for creative interpretation of design regulations.
  - Design guidelines stifle creativity.

■ Because of Minturn's size, it won't take long before bad projects hurt the Town's character.

■ Minturn North PUD should have been required to limit the number of designs that can be repeated because it's a project built by a master developer.

■ Look at Zoning Map to refine the amount of land allocated to different uses in Minturn. (Staff Note: the 2023 Community Plan includes analyses and mapping showing existing land use allocation).
  - For example, more focus on commercial and mixed use in areas along Main Street.

■ Consider a deed restriction program for business/commercial space.

■ Incorporate flexibility in the Code for things that the community wants.
  - Include flexibility for creativity – want to facilitate but not be overly prescriptive.

■ Be careful of legislating mediocrity.

■ Can't legislate to good design but can legislate away bad design.

- Protect access and views to the river.

- Preserve old trees.
  - Trees along Main Street, at Gemeni Gardens, cited as an example of how mature/old growth trees in Minturn add to the Town's character and scale of the built environment.

- Consider including more statements of intent in the Code for the public realm and creating public spaces and amenities.
  - Buena Vista is an example of a Town that has done certain things to encourage and facilitate street level activity and gathering places (food trucks and agora style places).
  - Telluride and Crested Butte are other examples of communities working to improve public spaces (ex. alleyways). There is value and power in creating "discoverable" places just off the beaten path as part of the experience of a Town.

- Give the Planning Commission, Town Council, and staff the ability to effect positive change.

- Empower the Planning Commission and Town Council to allow for good projects.
  - May need further education and empowerment to: (1) know and understand intent statements in the Code; (2) enforce the intent of character areas, zone districts, etc.; and (3) holding applicants accountable for their designs and any variance requests.

- Be more rigorous in requiring an applicant/developer to explain how their project aligns with the community's aspirations.
  - Consider having objective criteria for new development that is based on the vision, goals, and objectives of the Community Plan.

- Pre-application discussions with staff are important for establishing a common understanding of regulatory intent and/or guidelines (vision) and setting expectations for a project before much time and money has been invested.
  - Pre-application discussions should include other Town departments and outside agencies (ex. Fire District), as appropriate, to ensure that an applicant can discuss their project with the applicable review agencies (saves time and money).

- Housing:
  - Don't think that the community is going to be able to build its way out of the housing problems (limited availability of land, maintaining scale of development in Town, etc.).
  - Need to do better with the diversity of housing.
  - Ask the community what types of housing they need and/or want in Minturn's neighborhoods and evaluate against what the Town's Code permits.
  - Does the Town's Code allow for housing diversity?
  - Don't compromise community values for affordable housing.
  - What types of housing does the Town's code permit? Consider evaluating the types of housing allowed in Minturn's neighborhoods as part of the Code update.
  - If housing is important to the community, the community needs to explore options for offering financial resources to incentivize affordable housing projects (i.e., public-private partnerships), rather than requiring/regulating affordable housing.

Stakeholder Meeting #4 (9.28.23)
Attendees: Scot Hunn, Matt Farrar, Hany Malek, and Lynn Teach

- Work to reduce impact on resources (e.g., Town staff, Planning Commission, Town Council, and the community's time) due to review processes.

- Clarity and predictability from the start is important. Helps to avoid wasting time and resources.

- Ensure that the Town's regulations and processes are clear. Ambiguity in the Code wastes time and effort and opens the Town up to lawsuits and challenges.
  - Better definitions.
  - Better purpose or intent statements per neighborhood (be more specific to existing conditions and desired character). What defines the character of an area/neighborhood?
  - Better graphics/illustrations. Need to clearly illustrate the intent of the Code.

- Reduce need for variances; Limit allowance for variances – why have a Code if we're allowing a lot of variances?

- Concern about wasting resources by not being clear about what the Town/community wants to achieve.

- Can be difficult to work with Minturn's Code and processes – meeting after meeting. Current processes can be cumbersome.

- Code needs a better search function.
  - Suggest better Muni-Code search function and a guide/tutorials (perhaps on the Town's website?) about how to use Muni-Code.

- Educational materials, separate from the Code, that explain typical projects.

- Good code enforcement is important. Again, why have regulations if they are not enforced.
  - How can the Town effectively enforce the Code?

- Suggest revising Sec. 16-21-615 to require additional geotechnical information for development or proof that those things have already been covered; should require more detailed information.
  - Does the Town need to improve its regulations for development in Natural Hazard Areas?

- Would like to see better construction regulations and hours of construction.

- Let's wait to see where existing development, infill, and redevelopment in Minturn takes the Town before pushing for/incentivizing ADUs.

- Concerns about parking, traffic, etc. impacts from future development.

- Metrics in the Code would be helpful – help to eliminate ambiguity.

Stakeholder Meeting #5 (9.28.23)
Attendees: Scot Hunn, Matt Farrar, and Michael Pukas

- Desired Outcome(s): Better building height calcs and illustrations.

- Building height limits need to be addressed; There are different height limits for different roof types.
  - Look at Summit County's building height regulations as a model. They're easy for people to use.

- Minturn's current building height limit (28') and calculation method (mid-point) incentivize steeper roof pitches and higher ridge heights.

- Look at defining building height limits for flat roofs, 2:12/3:12 roof pitches, and steeper roof pitches.

- What is the purpose of the Town's building height regulations? What are they trying to achieve? Is the Town trying to encourage certain types of roof forms?

- Building height restrictions need to take into consideration the slope of sites. The Town's existing 28-foot building height limit makes design, on sloped sites, difficult.

- Consider having different height limits for residential and non-residential buildings.

- Strike regulations that restrict development on lots with certain slopes.

- Review and revise hillside development regulations.
  - Existing regulations don't allow development on slopes over 40%, which seems arbitrary. There are buildings on sites all over Eagle County with slopes of 40% or higher.
  - Focus on safety requirements (i.e., engineering) and disturbance/visual impacts.
  - Why restrict site disturbance to 60%? Be reasonable with allowable site disturbance.
  - Be clear about what the Town is trying to prevent from happening.
  - Should allow for and encourage property owners and their designers to present the best design for the site rather than forcing a less optimal design on the site (based on arbitrary limitations).
  - Consider establishing a review and approval process for site disturbance, rather than limiting it to a certain percentage.

- Pre-application meetings are useful for understanding application submittal requirements and processes for projects.

- Town's processes have been smooth for projects brought to the Town.

- Opportunity for variances to just go to the Board of Adjustments? Right now, variances in Minturn go to the Planning Commission and Town Council.
  - *Staff Note: Ask the Town Attorney to weigh in on this.*

- Consider staff level approvals (i.e., administrative approvals).
  - Should there be an allowance for administrative approvals for "minor" variances?
  - Allow Administrative approvals for small projects.
  - Administrative approvals for minor changes to approved projects (e.g., changing the approved building color).
  - Having to go back to the Design Review Board (DRB) for every change is cumbersome.

- Planning Commission in Minturn serves as the Town's Design Review Board (DRB) – why?

- Using Minturn's Code is comparable to using Codes for other communities.

- Impervious surface allowances are challenging. Allowances are too small.
  - What's the intent of the Town's impervious surface restrictions?
  - Believes that the original intent behind current impervious coverage definitions and limits was to increase the amount of landscaping.
  - Consider a minimum percentage of lot landscaping instead of lot coverage restrictions, impervious surface restrictions, etc.
  - Why restrict impervious surface on residential properties and not non-residential properties?
  - Patios and walkways should not be considered landscaping. Should only count planting areas or xeriscape areas.

- Fee for heated driveways is absurd. Not in favor of penalties for energy offset.
  - Heated driveways don't have an impact on the Town. The Town does not provide utilities for heated driveways.

- Snow storage requirements should be based on driveway size, not lot size.
  - Maybe tie snow storage requirements to the amount of impervious surface.

- 30-foot high-water mark setback requirement is an issue.
  - Flood zone is defined and a reasonable place to start.
  - High-water mark is arbitrary – what is the purpose/intent of the Town's stream setback?
  - Look at Salida, Buena Vista, and other similar communities for stream setback requirements.

- Consider speaking with the Eagle River Watershed Council about stream setback requirements.
- Explore options for incentivizing waterway restoration.
- There needs to be a broader discussion about how development along a waterway should occur in Minturn.

Stakeholder Meeting #6 (9.28.23)
Attendees: Scot Hunn, Matt Farrar, Kit Austin, and Nick Brechtel

- Parking is an obstacle to projects.
  - Parking regulations are often project killers.

- Building height limit is a concern.

- Parking requirements and building height restrictions drive development design.

- Revisit 100-block design guidelines, specifically parking requirements.
  - Why require diagonal parking and a 25-foot rear setback? Could be revised to allow for 90-degree parking and less setback distance.

- Historic preservation process is lengthy and cumbersome.
  - It's not clear what is required.
  - People who want to nominate their property might not because of the Town's regulations/processes.

- Ideas for incentivizing ADUs:
  - Make ADUs a use by right.
  - ADUs don't count towards lot coverage.
  - Reduce parking requirements for ADUs (e.g., one space per ADU).

- Explore rent control options for ADUs.
  - *Staff Note: Check with the Town Attorney about this.*

- Give/take approach. Development incentives for affordable/workforce housing (e.g., density bonuses for deed restricted units). Developers need to be held accountable for their obligations to ensure that the community receives what is promised.

- Ensure that the Code is clear for applicants/developers.

- Incorporate give/take/trade-offs into Code. Incorporate flexibility to make projects work.

- Ensure that the intent in the Code is clear.

- Develop a Code that enables collaboration between the Town and applicants/developers.

- Clarity from the start is important.

- Consider a Code that is performance based vs. prescriptive based.
  - Ex. Regulations for Bachelors Gulch.

- Like the bulk/plane concept – define a 3D building envelope/volume that someone can work within. Allows for some flexibility and creativity.

- From a developer/designer perspective, it's easy if there's clarity on the volume that you have to work within and parking regulations.