



OFFICIAL MINUTES Planning Commission Meeting

Wednesday, November 27, 2024

Town Hall / Council Chambers - 302 Pine St Minturn, CO

The agenda is subject to change, including the addition of items 24 hours in advance or the deletion of items at any time. The order of agenda items listed are approximate.

This agenda and meetings can be viewed at www.minturn.org.

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION:

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/81217963842>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 812 1796 3842

Please note: All virtual participants are muted. In order to be called upon an unmuted, you will need to use the “raise hand” feature in the Zoom platform. When it’s your turn to speak, the moderator will unmute your line and you will have five (5) minutes for public comment.

Public Comments: If you are unable to attend, public comments regarding any items on the agenda can be submitted to Madison Harris, Planner 1, prior to the meeting and will be included as part of the record.

1. CALL TO ORDER - 5:30 PM

Lynn Teach called the meeting to order at 5:31 p.m.

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

Those present at roll call: Planning Commission Chair Lynn Teach, and Planning Commission Members Jeff Armistead, Michael Boyd, Amanda Mire, and Eric Rippeth.

Staff members present: Planning Director Scot Hunn and Planner I Madison Harris.

Note: Darell Wegert is excused absent.

3. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

Motion by Michael B., second by Jeff A., to approve the agenda as presented. Motion passed 5-0.

Note: Darell W. is excused absent.

4. APPROVAL OF MINUTES

A. November 13, 2024

Motion by Michael B., second by Eric R., to approve the minutes of November 13, 2024 as presented. Motion passed 5-0.

Note: Darell W. is excused absent.

5. DECLARATION OF CONFLICTS OF INTEREST

No conflicts of interest.

6. PUBLIC COMMENT

Citizens are invited to comment on any item not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made for a presentation with the Town Planner. Those who are speaking are requested to state their name and address for the record.

No public comment.

7. SPECIAL PRESENTATIONS

Presentations are limited to 5 minutes unless prior arrangements are made with the Town Planner.

8. DESIGN REVIEW AND LAND USE PUBLIC HEARINGS

9. DISCUSSION / DIRECTION ITEMS

A. Minturn Forward: Land Use Code Update - Draft Article 5 Land Use Application Requirements & Procedures

Scot H. introduced the updated draft of Article 5. Discussion ensued.

Amanda M. would like to understand staff recommendations to the consolidation of 16-5-40. Asked for clarification regarding duration of approvals.

Eric R. said that fires could be added to surveys. Asked for clarification on the determination of completion time frame for 16-5-70.

Lynn T. asked for clarification on the Location and Extent process. Asked for clarification on what changed in regards to the variance criteria. Asked for examples in regards to changes for Minor PUD Amendments. Doesn't have a problem if a street needs to move a little, but doesn't want impervious/building coverage changes to be administrative.

- Jeff A. said that it should be without going over the maximum allowed via the PUD Guide.
- Lynn T. pointed out on pg 14 that it says "ten (5)". On pg 20 e. "with" should be removed. On pg 27 asked for clarification on what "speculative use" means. Pointed out a typo at the end of pg 34. Asked that the time frame for public notice be looked into. Asked for clarification on the differences between a Final Development Plan for PUD and a Final Plat.

Jeff A. thinks his comments have been addressed.

Michael B. 16-5-60,70,100 (and anywhere it mentions site plans) thinks we should have the 15 foot clear vision line added to the site plan for corner lots for safety reasons. Would like to talk about building height calculations at some point. For Minor PUD Amendments doesn't have a problem with moving streets, but something more entailed should come to the Planning Commission.

Amanda M. asked how location and extent process works with the 1041 process.

10. STAFF REPORTS

A. Manager's Report

Eagle River Water Quality / EPA 5-Year Superfund Site Review

The Eagle River Stakeholders, of which Minturn is a partner, is looking to support the request (letter included as an attachment to this Manager Report) that as part of the EPA/CDPHE regular 5-year review cycle of the Eagle Mine Superfund Site, valuable Eagle River water data collected by ERWSD/UERWA be included in the formal review. This request is valuable toward ensuring the ongoing Superfund Site remediation is as thorough as possible. Unless there are four council members to direct otherwise, Minturn will support this effort.

Ghost Car Request

During the community bulb out discussion, residents requested the use of a “ghost car” to help facilitate speed enforcement. I made that request to the Eagle County Sheriff’s Office however due to their constant use throughout the county and for regular patrol functions, ECSD is unable to dedicate a car to Minturn’s enforcement needs.

Main Street Bulb Outs

We conducted a meeting with CDOT Region 3 representatives and determined Minturn can apply for a crosswalk with rapid flashing signs at the intersection of HWY 24 and Little Beach Park. This is encouraging news as when the Phase I sidewalks were installed this amenity was not allowed. CDOT is also taking a look at the ability to install smaller temporary bulb outs as Minturn has initially requested. These smaller bulb outs would be the same length as the current yellow no-parking areas in place. This concept is not to CDOT “standards” and so they are reviewing this request internally (but their review and willingness to consider this option is an improvement from the denial we received the first time around).

Public Utilities Commission (PUC) Approval – Railroad Ave Pedestrian Safety Improvements

I am excited to announce that after significant effort to complete and submit the PUC application for the installation of sidewalks along Railroad Ave, the request has been approved (see attached approval notice). Minturn plans to conduct the Railroad Ave Pedestrian Improvement Plan starting in the Spring of 2025 and possibly in coordination with other construction work in the Taylor St area if combined cost savings can be achieved.

Battle North Potential Water Service Review

I have been meeting weekly with Battle North representatives to find out if any opportunity exists for cost-sharing of a new membrane water treatment plant. My current efforts include review of the potential surface diversion feature at the confluence of the Eagle River and Cross Creek, determining project cost increases for expanding the size of the WTP facility to house future pre-treatment infrastructure, timing of future financial development contributions, regulatory requirements associated with a System Revolving Fund (SRF) loan, EPA NEPA application timing as this effects the Town’s \$3M Congressionally Directed Spending funds and submittal of a \$1M request to the EPA for consideration to cover the remainder of the design and engineering work.

B. Planning Director Report

Minturn Forward Code Update Project:

The Planning Commission will be reviewing an updated, clean draft of Article 5 – Land Use Application Requirements and Procedures, at the November 27th meeting. Staff will look for any final questions, comments or suggestions from the Commission on Article 5 with the goal of deeming this article complete before moving on to a review of Article 8 – Subdivision Application Requirements and Procedures starting in December.

Article 5 will be reviewed with the Town Council at a joint work session on December 4th. The goals of the work session with Council will be to ensure that the Commission and Council are in general agreement and alignment regarding the format / layout of the new code and that Staff and our consultant, Western Slope Consulting, are achieving the project goals (to create a more consistent, easier to use, and efficient code) before we continue with drafting additional articles.

Active Land Use Applications:

- **Midtown Village Planned Unit Development Preliminary Plan Review**
The Planning Commission held its first public hearing to review the Midtown Village Preliminary Plan for PUD on November 13, 2024. The staff and the Applicant presented the project and the Planning Commission asked questions of staff and the Applicant before tabling the review – to be continued at the regular meeting of December 11, 2024.
- **Eagle County School District – Maloit Park Preliminary Subdivision Plat Review**
Staff continues to review the Eagle County School District Maloit Park Preliminary Plat for Subdivision application. The Applicant has been provided referral agency comments and is in the process of meeting with Town staff, Town consultants, and referral agencies to address, resolve and/or respond to referral comments. Staff is unable to estimate when referral comments will be fully addressed and, therefore, cannot predict how soon this application will be scheduled for its first public hearing.

Other Planning Department Activities:

- **Eagle County Regional Housing Action Plan Partnership**
The planning director has been participating alongside representatives from Eagle County, Avon, Eagle, Gypsum, Red Cliff, and Vail in a regional housing action plan task force spearheaded by Eagle County and the Town of Avon. The purpose of this effort is to create a regional housing action plan – looking at alignment between land use policies and community housing goals within and across jurisdictions, as well as identifying potential funding sources to implement priorities and projects - and is based on a housing needs assessment being finalized by Economic Planning Systems (EPS). The assessment is based on community survey work and an extensive process by EPS to work with each partner jurisdiction to compile data on existing land use and development, existing housing policies and housing units/supply in each jurisdiction, as well as demographics and market trends. The partnership presented the results of the assessment to each of the partner jurisdictions in October and November; the partnership presented its findings to the Minturn Town Council at the November 6, 2024, Council Meeting (attached presentation).
- **Eagle County Wildland Urban Interface (WUI) Code Working Group**
The planning director and the code enforcement officer have been participating in a regional effort spearheaded by the Eagle County Wildfire Collaborative group to understand and discuss alternatives, pros, and cons related to the potential adoption of Wildland Urban Interface (WUI) code requirements in member jurisdictions (towns, special districts, and the fire districts). This group has been meeting since the start of 2024 and work completed to date includes sharing and analysis of each jurisdictions' existing land use, zoning, and building code regulations and policies to better understand where, if at all, there are commonalities across or among jurisdictions by way of fire or wildfire related terms, regulations, or design requirements for things like home construction, landscape design and materials, and access to private property.

At their meeting of November 21st, the group discussed landscaping regulations and the review of landscape plans in each jurisdiction; what is allowed and who is looking

at the plans for pre – construction and who will do site visits to ensure landscape matches the approved plans. The group also discussed how space - the first five feet from the foundation – around a structure is addressed in each of the partner jurisdictions' codes with regard to allowable landscaping and other materials (mulch, rocks, etc. The goal is to start working with each jurisdiction to see if there could be consistency in how landscaping and defensible space around structures are addressed in codes.

- **Exterior Lighting Regulations – Holiday Lighting**

Recently, the Town reviewed and adopted minor revisions to Section 16-17-180 - Exterior illumination standards, to allow for seasonal uplighting of the water tank for Town purposes. During their deliberations to approve Ordinance No. 19, Series 2024, the Council discussed the Town's dark or "night" sky lighting restrictions as well as exemptions within the Code that allow for holiday or ornamental lighting. The Council was most interested in understanding how the town regulates or enforces exterior lighting and whether there should or could be limits placed on the time of day when non-permanent holiday lighting can be displayed. Staff were then directed to facilitate a follow-up discussion related to holiday lighting.

At the regular Council meeting of November 20th, staff presented existing lighting regulations and definitions for "Exterior lighting" and "Holiday/ornamental lighting" and highlighted some issues with the current regulations and definitions. Namely, the current definition of holiday/ornamental lighting is problematic because it states that holiday or ornamental lighting means "festoon lighting." Staff disagrees with this and, ultimately, the Council gave direction to staff to present an ordinance amending Section 16-17-180 specifically to update the definition of "Holiday lighting" and to add a separate definition for "Festoon lighting" – to differentiate between the two forms of lighting and, therefore, to allow for better regulation of both. The goal will be to add a time limit (dawn to 10pm) when holiday lighting can be turned on, while allowing festoon lighting – typically considered "café" style lights that people use in their back yards year round or which are used for commercial outdoor seating year round – to be considered as permanent (and therefore not limited to time limits that will apply to holiday lighting.

Staff will create this ordinance and likely present it to the Planning Commission in December.

11. PLANNING COMMISSION COMMENTS

Amanda M. and Lynn T. said Happy Thanksgiving.

Jeff A. thanked Public Works for their work.

Michael B. thanked the Planning Department for their work.

12. FUTURE MEETINGS

- A. December 4, 2024 - Joint Work Session with Town Council
- B. December 11, 2024
- C. December 25, 2024 - Meeting Cancelled

13. ADJOURN

Motion by Jeff A., second by Michael B., to adjourn the regular meeting of November 27, 2024 at 6:57 p.m. Motion passed 5-0.

Note: Darell W. is excused absent.

Lynn Teach, Commission Chair

ATTEST:

Scot Hunn, Planning Director