



## OFFICIAL MINUTES Planning Commission Meeting

Wednesday, February 14, 2024

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

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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](http://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/81654994045>

**Zoom Call-In Information:** 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 816 5499 4045

**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 - 6:30 PM

Lynn Teach called the meeting to order at 6:30 p.m.

#### 2. ROLL CALL AND PLEDGE OF ALLEGIANCE

Those present at roll call: Planning Commission Chair Lynn Teach and Planning Commission members Michael Boyd, Amanda Mire, Sage Pierson, and Jeff Armistead.

Staff Members present: Town Manager Michelle Metteer, Town Attorney Mike Sawyer, Planning Director Scot Hunn, and Planner I Madison Harris

*Note: Tom Priest is excused absent.*

#### 3. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

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

*Note: Tom P. is excused absent.*

#### 4. APPROVAL OF MINUTES

- A. January 24, 2024  
Motion by Amanda M., second by Jeff A., to approve the minutes of January 24, 2024 as presented. Motion passed 5-0.  
*Note: Tom P. 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**

- A. Ordinance TBD - Series 2024 Amending Provisions Contained in Chapter 13 (Utilities Code), Chapter 16 (Zoning Code), Chapter 17 (Subdivision Code), and Chapter 18 (Building Code) of the Minturn Municipal Code  
Mike S. introduced the ordinance. This is a consequential application for the town. This is the result of different promises made by Battle Mountain, and what makes sense for the Town of Minturn. As opposed to getting dollars from Battle Mountain as a result of the litigation, instead the Town would get land. This ordinance is unique to Battle Mountain and not other areas of Town. Even with the settlement agreement, this ordinance is not required to pass, but the settlement agreement offers the Town a lot of benefits.

Amanda M. asked what the end dates are.

- Mike S. said that it is the end of April, and there's already discussion of pushing some of the dates.

Amanda M. had a question on the fifth recital referencing work sessions at Planning Commission.

- Mike S. said he would remove that phrase.

Mike S. continued his presentation. The utility code provisions (Section 4) says that ERWSD is providing service for water, not the Town. Battle will have to get a can-and-will-serve letter from ERWSD to prove that they have taps for any development.

Amanda M. clarified the exemption from the 1041 regs.

- Mike S. clarified that with the contract in place that they already have to build the water treatment plant, the Town has told them they have to, so it doesn't make sense for the Town to investigate the need for the plant. There will be restrictions in place on what they can do with the water treatment plant.
- Amanda M. asked if any utilities can misinterpret this exemption.
- Mike S. pointed out that it is specific to the Bolt's Water Treatment System.

Mike S. talked about Section 5. He went through some definitions, the existing character areas, leaving the historic zoning alone at the reservoir site, but everything else is changing.

Amanda M. clarified that this does not affect the Mountain Top.

- Mike S. said that is correct.

Michelle M. explained the contemplated future uses of the land.

- Mike S. said that they are currently being termed a Holding Zone with no real uses by right, but in the next couple of years, the Planning Commission and Town Council will have a public process to determine what will be allowed.

Michael B. asked if there was a timeline for everything to guarantee mitigation.

- Mike S. said that the legal right of access will exist with the implementation of the settlement. As the remediation of the OTP site, with the agreements with ERWSD they have 20 years to come in and build the reservoir before the agreement lapses. There is a collective set of obligations that the material be made available to Battle for processing and that they will use it for mitigation.
- Tim McGuire said that there are timelines that they need to adhere to, to construct the reservoir and the mitigation will be done before the reservoir is completed. There will need to be a workplan approved by the EPA. He thinks it will happen within the next 5 years or so.

Amanda M. asked if the development could occur without the reservoir.

- Mr. McGuire said that they need a water treatment plant, which is independent of the reservoir.

Lynn T. asked if there was a possibility for wells.

- Mike S. said that the highlands could, but not the OTP due to contamination.

Scot H. went through the dimensional limitations.

Jeff A. clarified height in other zone districts, but doesn't have an issue with what is proposed.

Amanda M. asked how this would effect the work we've already done on Chapter 16 building and impervious coverage limitations.

Lynn T. asked why there weren't any specifics in the open space and recreational zone except for the height.

- Mike S. said that setbacks could be added to that zone or the verbiage "to be determined upon a conditional review", and the height requirement would be removed from the holding zone.

Michael B. asked if uses could use a different word than "all" for the allowed uses.

- Mike S. said they could use "defined" instead.

Mike S. went through Section 6 dealing with the subdivision code. Specific to this is the allowance of an exemption plat process.

Amanda M. asked if new owners would be allowed to rezone.

- Mike S. said it would be subject to the development agreement and the cap of the units which would make it unlikely for rezoning to occur which also needs Battle's approval.

Jeff A. asked if, with the parceling off, do water taps need to be conveyed with them.

- Mike S. said yes, but that's something being left to Mr. McGuire and future developers.

Mike S. went through Section 7 dealing with Chapter 18 Building Code amendments.

Munsey Ayers made a couple of minor clarifications.

Jeff A. asked who would be engineering the mitigation of the OTP.

- Mr. McGuire said that they would have an engineer that the EPA and CDPHE would have to approve and those entities would oversee the remediation.
- Jeff A. wants to make sure that if foundations for residences are dug on the OTP, that no contaminated soil is touched.
- Mr. McGuire said that he's not worried about that, as in some places there will likely be 20 feet of fill.

Jeff A. asked about density.

- Mr. McGuire said that it is low density for Minturn.

Jeff A. asked if Mr. McGuire had talked to Colorado Parks and Wildlife.

- Mr. McGuire said he has and they will be designing a wildlife corridor to get them to the wetlands.

Michael B. asked if once it is mitigated, is this something someone inspects or insures it.

- Mr. McGuire said that the EPA has to certify that it has been remediated. Every 5 years the EPA comes out and reviews the site to make sure nothing is being done to jeopardize the mitigation.

Public comment opened.

Karl Krueger, 362 Taylor St.

Asked how the exemption plat is different than a PUD.

- Mike S. said that zoning will not be changeable parcel by parcel.

Public comment closed.

Motion by Jeff A., second by Michael B., to forward a recommendation of approval to the Town Council of Ordinance TBD - Series 2024 Amending Provisions Contained in Chapter 13 (Utilities Code), Chapter 16 (Zoning Code), Chapter 17 (Subdivision Code), and Chapter 18 (Building Code) of the Minturn Municipal Code with amendments to the Dimensional Limitations table. Motion passed 5-0.

*Note: Tom P. is excused absent.*

*5 minute recess called at 8:29 p.m.*

- B.** 362 Taylor Avenue - Conditional Use Permit and Design Review for New Duplex
- Madison H. introduced the agenda item. This is both a hearing for a Conditional Use and a DRB Review for a new duplex on Taylor Ave. The plans show a three and a half level structure with a max height measured to the midpoint of the roof of 27.833 feet above proposed grade. Parking is adequate, with four off-street spaces provided for Unit A (two in the garage and two surface spaces in front of the garage), and three off-street spaces provided for Unit B (one in the garage and two surface spaces in front of the garage). The duplex requires three spaces for Unit A and two spaces for Unit B. The proposed design maintains the structures within required setbacks, thus allowing for full use of side yard areas for snow shed and drainage. Likewise, the site plan and final grading details generally demonstrate that proper (positive) grading will be directed away from the structure; that drainage is handled on the subject property. Staff believes that the design and scale of the proposed structures "stepping" and creates visual interest. For the CUP side of things, a duplex is supported by the 2023 Community Plan in both future zoning contemplations and in the Attainable Housing & Historic Character chapter. The duplex will likely have minimal material impact or effect on the distribution of population, transportation, utilities, schools, parks and recreational facilities and other public facilities and/or needs. Staff believes that this will not have a negative effect

upon the character of the area. There are other duplexes or lots that have two units on Taylor Avenue such as 532 Taylor Avenue (duplex) and 382 Taylor Avenue (single family and an ADU). There are two issues that have been flagged. Public Works has stated that the curbside location needs to be finalized and the service line buried at the appropriate depth, and the Town Engineer has provided comments, specifically in regards to the boundary survey that need to be addressed, but he stated that an updated survey should not show anything detrimental and was ok for review. There are two suggested conditions: 1. The Applicant shall address the comments provided by the Town Engineer in the letter dated February 9, 2024 prior to building permit issuance, and 2. The Applicant shall maintain the minimum parking standards for each duplex unit and all proposed parking spaces shall be used as such.

Michelle M. does not agree with the condition that requires parking in the garage.

Karl Krueger, 362 Taylor St.

Has done 10-15 duplexes in his time here. Density is more accepted now. Focusing views towards the lettuce fields, and opening the windows. Feels it is important to have lots of parking spaces. Very front and back focused. Took inspiration from Gilman Mine. The roof will be asphalt shingle. There are deeper recesses on the front to protect from the setting sun. Might try astroturf.

Jeff A. likes it. Likes the mine inspiration. It will fit in just fine with the neighborhood. In relation to the parking, there have been instances where houses were approved with the appropriate parking, but those people park on the street. If the cars that are supposed to be in the garage or driveway are in the street, then the neighbors should police that.

Michael B. likes the design. He focuses on snow storage, parking, does the roof have snow clips or gutters. The parking is tight. Has concerns about the snow storage. Gutters and clips should be added.

Amanda M. agrees with Michael B. about snow storage. Would like staff to double check the calculations.

Sage P. clarified what Mr. Krueger said about solar.

- Mr. Krueger said the problem with putting solar on the roof and not have it blow off during a windstorm is to lay it almost flat and then it just collects snow and is buried during the winter.

Lynn T. asked about the trees between the properties.

- Mr. Krueger said he is going to trim back the portions of the trees over his property.
- Lynn T. said that even if the snow storage code is met, there will likely be issues with snow. She suggested adding into any lease requiring tenants to park on the property.

Public comment opened.

No public comment.

Public comment closed.

Motion by Amanda M., second by Jeff A., to approve with conditions the 362 Taylor Street Final Plans and to forward a recommendation of approval to the Town Council of the Conditional Use Permit for the duplex.

1. The Applicant shall address the comments provided by the Town Engineer in the letter dated February 9, 2024 prior to building permit issuance.
2. The Applicant shall maintain the minimum parking standards for each duplex unit.

Motion passed 5-0.

*Note: Tom P. is excused absent.*

## **9. DISCUSSION / DIRECTION ITEMS**

- A. Minturn Forward**  
Scot H. introduced the topic.

Lynn T. expressed that she doesn't think tenants are going to fill this out. People aren't dumb, but they aren't going to want to answer the questions looking towards the future. She doesn't think the people will comprehend what the survey is trying to say.

Michelle M. explained the process and what Council will be looking for concerning the public process.

Jeff A. asked if there was a way to show people at the open houses what uses could be added and what uses could be taken away.

## **10. STAFF REPORTS**

- A. Manager's Report**  
**Unita Basin Railway**

The USFS withdrew its permission for the Uinta Basin Railway to build 12-miles of rail through the Ashley national Forest which would connect two segments of rail and thereby getting the project one step closer to transporting crude oil from Utah, through Colorado, to the oil refineries in Texas. The Town of Minturn has been supporting Eagle County in opposition of this project. Here is a link to the entire article.

### **Minturn Elections**

Minturn elections take place April 2 nd . Voting will be in person or residents can apply in advance for an absentee ballot. See Jay Brunvand, clerk, at town hall with questions or email [treasurer@minturn.org](mailto:treasurer@minturn.org).

### **Bolts Ditch Act**

I participated in efforts to support the Bolts Ditch Act which is making its way through the House of Representatives and would allow Eagle River Water & Sanitation District and the Upper Eagle Regional Water Authority direct access to the Bolts Ditch and headgate within the Holy Cross Wilderness Area. The trip included meetings with staff from Senator Bennet's and Hickenlooper's office as well as a tour by Congressman's Neguse's office. Siri Roman provided witness testimony and the sub committee on Natural Resources where Congressman Neguse is the ranking chair.

### **Regional Housing Plan Kickoff Meeting**

I participated in the Regional Housing Plan kickoff meeting which will work toward better understanding the housing demand, housing supply and the needs, gaps and targets. Phase II will include the evaluation of the land use once and housing regulations, evaluate sites for housing, funding sources, potential policies and strategies, policy evaluation and an action plan. There will be extensive community outreach as part of this regional housing scope of work. Outreach will include focus groups, direct interviews, household survey, and a transit and partnerships survey.

### **Safe Streets 4 All Grant Kickoff**

Minturn participated in the SS4A grant kickoff meeting which will allow us to begin the process on creating a safety action plan for our streets and mobility needs. This work is the baseline that will help Minturn's grant applications in showing the value and need for additional safety improvements not only along HWY 24 but also along Minturn's side streets.

**B. Planning Commission Update**

The Town of Minturn is seeking members of the community to fill three vacancies on the Planning Commission. Those who have expiring terms are: Jeff Armistead, Michael Boyd, and Sage Pierson.

Applications are due by 5 p.m. on Thursday, March 14, 2024. Applications can be found on the Town's website or at Town Hall. Please submit applications to: Town of Minturn, Attention Madison Harris, Planner 1, PO Box 309, Minturn, CO 81645 by mail or in person at Town Hall, 302 Pine Street, Minturn, CO 81645; or email to [planner1@minturn.org](mailto:planner1@minturn.org).

Applicants must have been a resident of the Town of Minturn for a minimum of one (1) year, must maintain residency in the Town through their term of office, and be eligible to register to vote in the Town of Minturn. The commission meets on the second and fourth Wednesdays of each month at 6:30 p.m. Meetings are currently held both in person and online via zoom.

The five member (plus one alternate) board is responsible for reviewing the design of new structures, remodels, landscaping plans and other architectural and aesthetic matters. This board is also responsible for recommendations to the Minturn Town Council concerning variances, subdivisions and conditional use permits, and planned unit developments.

The terms of the Planning Commission appointments are two years, which will begin on April 1st, 2024 and end on March 31st, 2026. The Minturn Town Council will conduct interviews during its session on Wednesday, March 20th, 2024 starting at 5:30 p.m.

For more information on requirements, contact Planner 1 Madison Harris at [planner1@minturn.org](mailto:planner1@minturn.org) or 970-827-5645 Ext. 2.

**11. PLANNING COMMISSION COMMENTS**

**12. FUTURE MEETINGS**

- A. February 28, 2024
- B. March 13, 2024

**13. ADJOURN**

Motion by Amanda M., second by Jeff A., to adjourn the regular meeting of February 14, 2024 at 10:13 p.m. Motion passed 5-0.  
*Note: Tom P. is excused absent.*

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Lynn Teach, Commission Chair

ATTEST:

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Scot Hunn, Planning Director