



OFFICIAL MINUTES Planning Commission Meeting

Wednesday, October 23, 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/86760963513>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 867 6096 3513

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 5:30 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, Eric Rippeth, and Darell Wegert. Staff members present: Planning Director Scot Hunn and Planner I Madison Harris.

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: Eric R. is attending in his status as an alternate.

4. APPROVAL OF MINUTES

A. October 9, 2024

Lynn T. asked clarification on “either construction noise” on pg 4

Motion by Jeff A., second by Amanda M., to approve the minutes of October 9, 2024 as amended. Motion passed 5-0.

Note: Eric R. is attending in his status as an alternate.

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. 0023-0025 Belden Way - New Duplex Residence

Madison H. introduced the topic. This is a nine bedroom, 5,717 (gross) square foot duplex residence located at 0023-0025 Belden Way in the South Town Belden Place PUD Zone District. The plans show a three-story with a basement duplex residence with a maximum building height - measured via a weighted height calculation approved in the Belden Place PUD Guide – of 27 feet and 9 and 13/16 inches, under the maximum allowable 28-foot limit within the South Town Belden Place PUD Zone District for duplex units. Parking is adequate, with seven off-street spaces, with one unit having two spaces in the garage and two at surface level in front of the garage, and the other unit has one provided within the garage and two at surface level in front of the garage. This proposal respects all setbacks, lot and impervious coverage limitations, and snow storage requirements.

Jeff A. clarified that there is no walk out basement.

Lynn T. clarified the setbacks.

Public comment opened.

No public comment.

Public comment closed.

Motion by Eric R., second by Amanda M., to approve 0023-0025 Belden Way – New Duplex Residence. Motion passed 5-0.

Note: Eric R. is attending in his status as an alternate.

B. 0027-0029 Belden Way - New Duplex Residence

Madison H. introduced the topic. This is a nine bedroom, 5,717 (gross) square foot duplex residence located at 0027-0029 Belden Way in the South Town Belden Place PUD Zone District. The plans show a three-story with a basement duplex residence with a maximum building height - measured via a weighted height calculation approved in the Belden Place PUD Guide – of 27 feet and 4 and 9/16 inches, under the maximum allowable 28-foot limit within the South Town Belden Place PUD Zone District for duplex units. Parking is adequate, with seven off-street spaces, with one unit having two spaces in the garage and two at surface level in front of the garage, and the other unit has one provided within the garage and two at surface level in front of the garage. This proposal respects all setbacks, lot and impervious coverage limitations, and snow storage requirements.

Public comment opened.

No public comment.
Public comment closed.

Motion by Michael B., second by Jeff A., to approve 0027-0029 Belden Way – New Duplex Residence. Motion passed 5-0.

Note: Eric R. is attending in his status as an alternate.

9. DISCUSSION / DIRECTION ITEMS

- A. Minturn Forward: Land Use Code Update - Draft Article 12 - Development Impact Report
Scot H. introduced the topic and went through the updates to draft Article 12 since the Planning Commission's last review.

Michael B. thinks "development" is used in two separate ways and so would like some consistency. "Development or a development"

- Lynn T. asked the Town Attorney to look at this and weigh in on it.

Lynn T. asked that the schedule be updated to reflect the proper title of the article.

10. STAFF REPORTS

- A. Town Manager's Report
Main Street Speed Limit Enforcement

Minturn continues to look for ways to improve the infrastructure on Main Street toward a corridor that naturally facilitates slower vehicular speeds. The bulb out infrastructure, in its presented form, was not conducive to Main Street businesses or parking in general, so all bulb outs have been removed and residents trying to enter Main Street from any side street are back to inching out onto Main Street from a side street, remaining hopeful not to be T-boned in the process. Complicating matters are Main Street drivers who speed.

One potential option for addressing speeding drivers on Main Street is the Local Agency Automated Vehicle Identification System (AVIS) program. I have included information on the VIS program as part of the Manager's report, but to summarize, the Town would work with CDOT and State Highway Patrol for approval to designate Main Street/HWY 24 as an AVI corridor which would require an Ordinance or Resolution of the Council. Upon approval, Minturn would work with CDOT for the implementation of the automated speed enforcement. Additionally, Minturn would secure a contract with a third-party vendor to manage the ticketing system. See the information flyer included for more information.

Water Fluoride Potable Water Additive

Not routinely, but has occurred, the State of Colorado inquires if Minturn's is interested in adding fluoride to our potable water system. I have rejected this concept but want to pass this along to the Council in the event I am not on the same page with the direct the leadership team would like to go regarding additives to the Town's potable water system. Please advise if Council feels otherwise and this can be added as a future Discussion/Direction agenda item.

Membrane Water treatment Plant Grant Funding

A review of all potential water treatment plant infrastructure grant applications by Sustainable Strategies has been submitted to the Town. Minturn has applied for one of the Bureau of Reclamation grants identified in the report and the grant application is included with this update for your review. The grant request is for \$3M toward membrane water treatment plant construction. The Town should have the application results by March of 2025.

Minturn North Updates

I met with the construction team this week to discuss the Minturn North Fall project schedule and next steps. We covered the following topics:

- **Security fence & Snow Removal Plan:** Taylor St residents already ignore the current restrictions and walk through the opening of the fence at the 4th Street intersection creating a very dangerous situation whereby the public and large machinery are coming into conflict. I say this to indicate that it's unlikely Taylor residents will voluntarily follow any requests to stay out of the construction area and with massive holes in the project now, the fence will need to remain over the winter season. I am working with public works on the snow removal plan for Taylor St which I expect will include the purchasing of a second large blade for the front loader Michael Martinez operates. This is a \$75k cost that will come out of the capital improvements line-item budget and was a long-term purchase needing to be made. I expect this purchase in the 2024 budget in preparation for this snow season.
- **Minturn Rd paving** – We have continued to wait on utility work in the road prior to paving the southern portion of Minturn Road. We are still waiting for Xcel Energy and Comcast. With this in mind, direction has been given to pave in the spring of 2025. This includes the remainder of the county-paid portion of the ECO Trail.

B. Planning Director Report

Minturn Forward Code Update Project:

The Planning Department continues to work with Western Slope Consulting (Matt Farrar) and the Planning Commission to develop and review new articles and sections of Chapters 16 (Zoning) and 17 (Subdivision) of the Minturn Municipal Code as part of the Minturn Forward Code Update Project. The new Chapters 16 & 17 will replace the existing Chapters upon adoption. Priority has been placed on the creation of new administrative articles and sections that will have the most impact on improving processes and the implementation of the Town's policies. Each new article or section of code has been vetted internally (by the Planning department, the Town Attorney, and the Town Engineer) prior to presenting a draft document to the Planning Commission for review. Following Planning Commission review, the draft document is then revised and represented to the Planning Commission before moving on to additional articles and sections. Articles created and reviewed since June 2024 include:

- **Article 5 – Land Use Application Requirements & Procedures**
 - This article sets forth the purposes, application submittal requirements, review criteria, and processes for each land use application type (i.e. rezoning, PUDs, zoning variances, conditional use permits, DRB applications).
 - This is considered by staff as perhaps the most critical article in the new code. This article will correct contradictions and conflicts in the current code by standardizing language, processes, and terms while clarifying the intent of each different land use application review by the Town.
 - The clarity and standardization of certain elements of the code will create efficiency for the Town and predictability for applicants.
- **Article 12 – Environmental Impact Report**
 - This article replaces the previous environmental impact report section of the code and adds clarity to the process and administrative aspects.
 - This article includes existing provisions (existing code) along with new provisions that allow the Town to evaluate potential development impacts on the natural environment.
 - This article will also address potential development impacts on social, fiscal, or cultural environments of the Town.

The Minturn Forward project was originally estimated by the planning director to be completed by December 2024. While certain articles may be completed and reviewed by the Commission by the end of 2024, work focusing on drafting of new code articles did not commence until

June 2024 and the development and review of each new article has proven more time-consuming than anticipated. This is typical of any comprehensive code update or overhaul project and is also indicative of detailed and thoughtful review and critique by staff, consultants, and the Planning Commission to ensure that the new code is clear, implementable and a marked improvement over the existing code.

Therefore, staff and Western Slope Consulting have provided the Town Manager and Council with an updated schedule which organizes project into “modules” and general time frames (i.e., August 2024 – March 2025) for the drafting, review, and completion of each module. Additionally, a detailed calendar has been provided showing the due dates for preparation of draft articles as well as anticipated dates for review of articles by the Commission, the Town Council (including joint work sessions), and the public. The schedule shows an anticipated completion and adoption date of July 2025. The Town’s website will be updated to reflect the schedule and key dates/milestones.

Last, Western Slope Consulting has provided a budget corresponding to the modules and the schedule to accurately reflect the workload ahead and the anticipated costs for ongoing support by Western Slope Consulting needed to complete the project. The timeline, calendar, and budget detail sheets are attached under cover of this memo.

Active Land Use Applications:

- **Midtown Village Planned Unit Development Preliminary Plan Review**
Staff and referral agencies have been reviewing the Midtown Village Planned Unit Development (PUD) Preliminary Plan and Preliminary Plat application since late 2023. This mixed-use PUD proposal located in the 900 Block of South Minturn is primarily residential in nature but does include proposed commercial and/or civic uses. This PUD is being proposed and reviewed as a phased development plan based on availability of water. The Midtown Village Preliminary Plan will be presented to the Planning Commission on November 13, 2024 where the commission will consider the proposal and forward a recommendation for Town Council’s consideration.
- **Eagle County School District – Maloit Park Preliminary Subdivision Plat Review**
Staff has been reviewing the Eagle County School District Maloit Park Preliminary Plat for Subdivision application since late 2023. Following two rounds of review for completeness and sufficiency (ensuring that the Town has the type and level of information and details necessary to allow for a thorough review), the application has been sent to referral agencies as well as the Town’s consultant team for review. Referral comments have already been received or are anticipated in the coming week. If the referral process produces substantive comments or concerns from referral agencies, the Applicant will have the opportunity to address those comments or concerns; to revise the application; and/or to request a meeting with referral agencies. Following the completion of the referral process, the subdivision application will be scheduled for a public hearing before the Planning Commission who will make a recommendation for the Council’s consideration.

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 will begin presenting the results of the assessment with each of the partner jurisdictions in October and November. The partnership will present its findings to the Minturn Town Council at the November 6, 2024, Council Meeting.

- **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 jurisdiction's 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 on October 10, 2024, the group discussed a new state-led effort to establish minimum standards for the Wildfire Urban Interface, which will likely impact most of Eagle County. As proposed, local jurisdictions will have the option to adopt stricter codes, reflecting the diverse hazard ratings in the region. The state plans to release a draft code early next year, allowing for public input, which group members recognized as a crucial opportunity for community engagement. This topic and an update on the WUI Code Working Group's progress will be shared at the upcoming Mayors and Managers meeting of October 25, 2024.

C. Planning Department Update

542 Main Street - Minor DRB Permit - Changes to Approved Plans

542 Main Street originally received approval for a new residence behind the existing one on September 14, 2022. The applicant and owner, Lisa Keogh, has been building the approved structure since January 11, 2023. Ms. Keogh submitted a Minor DRB application on September 30, 2024 to change the following:

1. Upgrade LP siding to scored concrete (light 3/8 stucco)
2. Update exterior lighting soffit/wall sconce to dark sky compliant
3. Update stone to slight lighter color palette
4. Update drive to paver drive rather than gravel

As the changes were mostly cosmetic in nature, staff approved this Minor DRB application on October 8, 2024.

1014 Two Elk Lane - Minor DRB Permit - Changes to Approved Plans

1014 Two Elk Lane originally received approval to enclose a portion of the second floor deck on June 12, 2024. On September 25, 2024 the owner's representatives Sam Eckerson and Fletcher Groff applied to modify the structure slightly. The original approval had the new roof line slanting upwards to match with the existing roof line, while the new application has the roof line going straight across. This did not affect building or lot coverage, or raise the building height, and so staff accepted the application as a Minor DRB - Changes to Approved Plans. This application was approved on October 17, 2024.

185 Miles End Lane - Minor DRB Permit - Changes to Approved Plans

185 Miles End Lane originally received approval on July 10, 2024. On October 1, 2024, the representative Ms. Taylor Hermes, applied for a Minor DRB in order to remove one of the center supports for the second floor deck. This was approved October 9, 2024.

186 Miles End Lane - Minor DRB Permit - Changes to Approved Plans

186 Miles End Lane originally received approval on June 26, 2024. On October 1, 2024 the representative, Ms. Taylor Hermes, applied for a Minor DRB in order to amend the landscaping, increase the stone banding at the bottom of the right elevation, and add the railing off the patio on the rear elevation. This was approved October 9, 2024.

196 Miles End Lane - Minor DRB Permit - Changes to Approved Plans

196 Miles End Lane originally received approval on June 12, 2024. On October 1, 2024 the representative, Ms. Taylor Hermes, applied for a Minor DRB in order to amend the door height on the front elevation. This was approved October 9, 2024.

206 Miles End Lane - Minor DRB Permit - Changes to Approved Plans

206 Miles End Lane originally received approval on July 10, 2024. On October 1, 2024 the representative, Ms. Taylor Hermes, applied for a Minor DRB in order to amend the windows on the left and rear elevations, and to change the stone banding at the upper part of the right elevation and along the rear elevation. This was approved October 9, 2024.

11. PLANNING COMMISSION COMMENTS

Darell W. asked if the engine braking sign could be moved at his end of town.

Jeff A. said that the Halloween party at the Saloon is this coming Saturday.

Lynn T. said that Ella Burnett had a great birthday.

12. FUTURE MEETINGS

- A. November 13, 2024
- B. November 27, 2024
- C. December 4, 2024 - Joint Work Session with Council about Minturn Forward

13. ADJOURN

Motion by Michael B., second by Amanda M., to adjourn the regular meeting of October 23, 2024 at 6:22 p.m. Motion passed 5-0.

Note: Eric R. is attending in his status as an alternate.

Lynn Teach, Commission Chair

ATTEST:

Scot Hunn, Planning Director