



OFFICIAL MINUTES

Planning Commission Regular Meeting

Wednesday, February 12, 2025

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/89284306088>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 892 8430 6088

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, and Darell Wegert.

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

Note: Eric Rippeth is excused absent.

3. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

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

Note: Eric R. is excused absent.

4. APPROVAL OF MINUTES

A. January 22, 2025

Lynn T. would like to make a correction that Amanda M. was the one to talk about open space and parking.

Motion by Jeff A., second by Michael B., to approve the minutes of January 22, 2025 as amended. Motion passed 5-0.

Note: Eric R. 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. 532 Main Street - New Single Family Residence

Madison H. introduced the agenda item. The Applicants, Ken and Patty Halliday, request Final Plan review of a new, four-bedroom, 6,597 (gross) square foot single-family residence located at 532 Main Street in the Old Town Residential Zone District. The plans show a two- to three-story, four-bedroom structure with a maximum building height - measured to the midpoint of the roof - of 27 feet 9 inches, under the maximum allowable 28-foot limit. The plans show the ground level with the garage, primary living area, and master bedroom, the upper level has a game room which could double as a bedroom, and the lower level has the three remaining bedrooms and a craft studio. Parking is adequate, even with the potential extra bedroom, with four off-street spaces, two of which are provided within the garage and two in front of the garage. No variances are required or requested at this time. The back deck is cantilevered over an into an existing sewer easement. The applicant has indicated that they have initiated the encroachment agreement process with Eagle River Water and Sanitation District and this should be included as a condition of approval. Also of note, is that the Applicant is at the end of the processing of an Amended Final Plat to combine Lot 3 with the quiet title parcel in the rear. This has been approved by staff, so the Applicant now needs to get signatures and the plat to be recorded. As this process was almost complete, staff did not feel the need to add this as a recommended condition of approval.

Tobin Smith, Representative.

Went through his presentation.

Public comment opened.

Alex Markels, 624 Main Street.

In other instances, allowing an encroachment over the sewer easement has been controversial. We are losing the natural environment along the river and the 30' setback is being encroached upon. Would like to keep the more traditional look, like the Keogh House.

Public comment closed.

Darell W. asked how far this structure is from the river.

- Mr. Smith said that it is approximately 40' from the Ordinary High Water Mark.
- Darell W. asked about the ERWSD process.
- Mr. Halliday said that they have just initiated the process.

Jeff A. gave the Applicants a heads up that ERWSD likes 25' wide easements. Likes the design of the house and appreciates how far back it is set off the road. Likes that it isn't pushed to the very rear of the property either.

Amanda M. really likes the current house and is sad to see it go, but this building does comply and doesn't have any comments.

Michael B. likes the building and design. Likes that the front is set back.

Lynn T. asked about the platting of the Booco's addition. Asked the Applicant if they were considering non-reflective glass.

- Mr. Halliday said he would look into it.

Mr. Halliday let everyone know that 2 weeks prior to demolition that they will be opening up for people to take materials from the exterior of the house.

Motion by Michael B., second by Darell W., to approved 532 Main Street – New Single Family Residence with conditions. Motion passed

Note: Eric R. is excused absent.

1. Prior to or concurrent with building permit application submission, the Applicant shall provide documentation for any required encroachment agreement(s) with the Eagle River Water and Sanitation District for any improvements within the platted sewer easement.
2. Complete the Amended Final Plat prior to or concurrent with building permit.

B. 0019 Belden Way - New Single Family Residence with Accessory Dwelling Unit

Madison H. introduced the agenda item. This is a five bedroom, 3,525 (gross) square foot single-family residence and a one bedroom, 1,033 (gross) square foot accessory dwelling unit (ADU) located at 0019 Belden Way in the South Town Belden Place PUD Zone District. The plans show a three-story with a basement single family residence and ADU with a maximum building height - measured via a weighted height calculation approved in the Belden Place PUD Guide – of 27 feet and 2 and 3/8 inches, under the maximum allowable 28-foot limit within the South Town Belden Place PUD Zone District for single-family units. Parking is adequate, with four off-street spaces for the single family dwelling, two of which are provided within the garage and two at surface level in front of the garage, and with two off-street spaces for the ADU, one provided in the garage and one at surface level in front of the garage. This proposal respects all setbacks, lot and impervious coverage limitations, and snow storage requirements.

Greg Macik, 56 Edwards Blvd.

This is in line of the projects being built and is here to answer questions.

Public comment opened.

No public comment.

Public comment closed.

Darell W. clarified that there is no on-street parking proposed.

Jeff A. clarified the height measurement calculations.

Motion by Michael B., second by Amanda M., to approve 0019 Belden Way – New Single Family Residence with Accessory Dwelling Unit. Motion passed 5-0.

Note: Eric R. is excused absent.

- C. Ordinance TBD - Series 2025 An Ordinance Amending Chapter 13, 16, and 17 of the MMC to Incorporate into the Code Restrictions on Connection to the Town's Water System Based on Limitations of Available Legal and Physical Water Supply - Request for Continuance
Madison H. requested that the Planning Commission continue this item to their next meeting of February 26, 2025.

Public comment opened.
No public comment.

Motion by Jeff A., second by Amanda M., to continue Ordinance TBD - Series 2025 An Ordinance Amending Chapter 13, 16, and 17 of the MMC to Incorporate into the Code Restrictions on Connection to the Town's Water System Based on Limitations of Available Legal and Physical Water Supply to February 26, 2025. Motion passed 5-0.

Note: Eric R. is excused absent.

Note: 5 minute recess called at 6:22 p.m.

9. DISCUSSION / DIRECTION ITEMS

- A. Minturn Forward: Land Use Code Update
Scot H. introduced the agenda item.

Matt Farrar, Western Slope Consulting.
Mr. Farrar went through his memo.

Amanda M. agrees with bullet point 4, but would like to add water as a consideration.

Jeff A. asked what would happen if there was a downgrade in number of units. How would that be handled?

- This would likely be a major PUD amendment.

Lynn T. has concerns if there is a possibility that a developer could add 10 units, but is fine with 5. Would like to have everything remain conforming to the approved zoning in the PUD. Doesn't want to lose a lot of open space.

10. STAFF REPORTS

- A. Manager's Report

Main Street Phase II Sidewalks

This project is prepared to go to bid and will have an open bid period of three weeks. Postings will be placed in the Vail Daily, Town website, BidNet and CIP Information Service. In addition, the RFQ for construction management services will be published Feb 3rd. Jeff Spanel and Katie Sickles will oversee the RFP process. If any council members are interested in participating in the interview portion of the process, please let Katie know. Up to two council members can participate. Katie can be reached at interim@minturn.org.

Taylor Street Paving Project

Jeff Spanel and Cindy Krieg hosted an open house for Taylor Street residents to provide additional feedback for residents requesting improvements as part of the Taylor St repave project. This project has an estimated budget of \$750k and will need to address many deficiencies along the roadway including a variety of drainage issues, vehicle speed issues and parking. The Council directed NOT to take back any of the right of way already encroached upon, so the staff will work within the current alignment to find a balance of improvements that can be made within the confines of the budget.

Eagle River Quiet Title

Letters have been sent to property owners along the river within the Eagle River Restoration area notifying them of the Town's effort to quiet title the river bottom. The letters further indicate that no legally obtained private property will be affected by this effort. This has been an ongoing effort since the Council in 2018 approved of this process and the Council in 2024 confirmed the commitment to this undertaking. Rob Marsh is leading this work for the Town and Mike Sawyer can provide additional context as needed after my departure.

Trump Administration's Executive Orders, Directives & Guidance (Sustainable Strategies Update)

The change in the federal administration has led to uncertainty regarding project loan and funding opportunities (See M-25-13 below for reference). With President Trump pausing federal aid to many programs, Minturn was uncertain as to the \$3M in Congressionally Directed funding the Town plans to utilize for offsetting the cost of the water treatment plant. After listening to Sustainable Strategies analysis of the freeze, which has since been rescinded while the administration takes the next 90-days to review programming, it sounds as though CDS funds are unlikely to be affected as those funds were congressionally approved. More to come as this moves through the process.

M-25-13: Temporary Pause of Agency Grant, Loan & Other Financial Assistance Programs
Rescinding of freeze order

Sustainable Strategies Federal Funding PowerPoint

Sustainable Strategies Full Presentation

Department of Local Affairs (EIAF Grant Award)

DOLA has awarded Minturn funds toward the repair/replacement of the retaining wall at Little Beach Park. This work will also include a new access road from the small basketball court to the stage. As part of this project Minturn requested to utilize the Town's match dollars to purchase a new playground. DOLA has denied this request. Minturn is now looking at utilizing cash funds within the Little Beach Park escrow account to include a new playground as part of the summer 2025 construction work.

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 8 – Subdivision Application Requirements and Procedures**
 - This article replaces previous Chapter 17 – Subdivisions, of the Town Code and adds clarity to the process and administrative aspects of applying for a subdivision.
 - Like Article 5, this new article will include elements (text, certain processes and/or requirements) of the existing code along with new language, new provisions, and layout/format to be more user-friendly.
 - Article 8 has been reviewed by the Planning Commission, has been updated based on Planning Commission feedback, and is now being reviewed by the Town’s consultant team (Attorney and Engineer) before being presented again to the Planning Commission.
- **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.

Next steps in our process include review of Article 11 – Annexation and Disconnection (currently undergoing internal review by planning staff before being presented to the Planning Commission), wrapping up Article 8 – Subdivision Requirements and Procedures, and then moving on to Module 2 which will include work on the Town’s zone districts, allowable uses, development standards, and official zone district map. This step (zoning, uses, and allowable uses) will involve public engagement. Staff will keep Council informed as the public engagement process is being formulated.

Active Land Use Applications:

- **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. In fall 2024, the application was sent to referral agencies as well as the Town’s consultant team for review. The Applicant is currently working to address those comments and/or concerns and, in certain instances, to revise the application. 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.
- **Design Review Board Administration & Building Activity**
Staff continue to meet with property owners interested in new or remodel projects; to accept and review Design Review Board applications for new homes and remodel projects; and to work with our building official to coordinate and complete review of building permits and inspections in the field. Staff anticipate a busy spring, with more DRB applications for projects like Belden Place and Minturn North PUDs, as well as individual new home projects

Other Planning Department Activities:

- **The Highlands Parcels 1 and 2 Public Engagement**
Staff have completed the first step in the public process to determine the future use of the Highlands Parcels Nos. 1 and 2. In early January, the Town launched a webpage with background information about the parcels, as well as information about the Town’s intended process – including public input – to decide how best to use those parcels. A survey was conducted (online and handwritten options) and the Town hosted an open house on Wednesday, January 29th at Town Hall.

The January 2025 survey questions were based on similar questions asked during the Community Survey conducted in the spring of 2024, essentially asking respondents if they prefer the Highlands to be used or preserved as open space, or for development, or some combination of both. The premise of those (2024) questions were that the Town has the opportunity to sell the Highlands Parcels to generate revenue that directly benefits the Town's Water Enterprise Fund. Staff drafted the most recent survey to reiterate the Town's intent to generate revenue, while not speculating on which options (open space or real estate development sale options) would produce more, or less revenue.

As of this writing, the Town has received 231 responses to the survey (including online and written survey responses from residents and non-residents), and we welcomed approximately 40 people during the open house. The survey will close at the end of day on Friday January 31st . The survey response and the great attendance at the open house are indicative of the community's interest in the Highlands Parcels.

Staff will take the next two weeks to analyze the survey results from the survey and the open house (which had boards/dot matrix exercise asking essentially the same questions as were posed in the survey), as well as any written comments and ideas. An early assessment of public input received indicates that:

- 1) The 2025 Highlands Parcels Survey results mirror the responses related to Highlands Parcel questions asked in the Spring 2024 Community Survey (a preference for the Town to seek revenue generation through the sale of the parcels for open space/land conservation).
- 2) There is a strong preference by the public in 2025 for an open space alternative that limits or prohibits public access/recreation in lieu of protection of wildlife habitats.

Staff will provide a more detailed analysis and report of the survey and open house results to Council at its second meeting in February and will look for further direction from Council on next steps and action alternatives for the Highlands Parcels 1 and 2.

- **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 initial results of the assessment to each of the partner jurisdictions in October and November.

Since then, EPS has worked to finalize a report which should be published in February or March 2025. EPS will now work with each partner jurisdiction to develop individualized action plans (based on the findings from the report) laying out strategies for defining opportunities that fit each jurisdiction and generally aimed at improving or protecting local's housing stock. In February and March, the partnership – lead by EPS – will again visit each jurisdiction to present the final report along with individualized recommendations (action plans) for consideration.

- **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 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.

11. PLANNING COMMISSION COMMENTS

Lynn T. wished everyone a Happy Valentine's Day.

12. FUTURE MEETINGS

- A. February 26, 2025
- B. March 12, 2025

13. ADJOURN

Motion by Jeff A., second by Amanda M., to adjourn the regular meeting of February 12, 2025 at 7:19 p.m. Motion passed 5-0.

Note: Eric R. is excused absent.

Lynn Teach, Commission Chair

ATTEST:

Scot Hunn, Planning Director