



## OFFICIAL MINUTES

### Planning Commission Meeting

Wednesday, April 10, 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/87006002369>

**Zoom Call-In Information:** 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 870 0600 2369

**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, Jeff Armistead, Darell Wegert, and Amanda Mire.

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

*Note: Tom Priest was elected to Council and his seat on the Planning Commission is now vacant.*

#### 3. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

Scot H. added an item to the staff reports section.

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

#### 4. APPROVAL OF MINUTES

A. March 13, 2024

Motion by Jeff A., second by Michael B., to approve the minutes of March 13, 2024 as presented. Motion passed 5-0.

**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. Appointment of the Planning Commission Chair and Vice Chair**

Madison H. introduced the topic. The Planning Commission Chair is a position that comes up yearly and is typically voted on by the new Commission. Although there isn't technically a provision within the code for Vice Chair, if the Chair can't make the meeting then there needs to be someone designated to run the meeting.

Nomination by Amanda M. to appoint Lynn Teach as Chair. Motion passed 5-0.

Nomination by Michael B. to appoint Jeff Armistead as Vice Chair. Motion passed 5-0.

**B. Ordinance TBD - Series 2024 Amending Chapter 16, Article 11 Lionshead Character Area to Create the Cemetery Zone District**

Madison H. introduced the ordinance. The Planning Commission reviewed a new maintenance and storage shed a couple of months ago and one of the conditions of approval was that staff work with the applicant to draft zoning for the Cemetery as it currently does not have any. This ordinance has been reviewed by both our legal and the cemetery and received approval from both.

*Note: Darell W. left the meeting at 6:41 p.m.*

Pedro Campos, Representative of the Cemetery

This is supported by the Cemetery's Board.

Jeff A. brought up the back and forth about the fence, but realizes that this is about zoning not design.

Michael B. is in support of this. Had a question about the zoning map.

Public comment opened.

No public comment.

Public comment closed.

Motion by Michael B., second by Jeff A., to recommend approval to the Town Council of Ordinance TBD – Series 2024 Amending Chapter 16, Article 11 Lionshead Character Area to Create the Cemetery Zone District. Motion passed 4-0.

*Note: Darell W. is excused absent.*

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

### **A. Minturn Forward: Land Use and Subdivision Code Update**

Scot H. introduced the topic. This is going over the different process sections in the Code.

Matt Farrar, Western Slope Consulting

We have been working on a code update while the survey and open houses were taking place. Have been taking a look at review processes associated with Chapter 16 and Subdivisions. Trying to look at places to clean up, consolidate, and potentially streamline review processes.

- Zoning Variances – recommendation to have this either just go to Planning Commission or to Town Council. Will need to clarify who is the Zoning Board of Adjustments.  
Michael B. asked for an example of a zoning variance.  
Scot H. gave an example of building height or lot coverage variances.  
Michael B. would like to continue reviewing variances.  
Lynn T. would like to figure out if we have a Zoning Board of Adjustments.  
Direction given was to have Planning Commission be the Zoning Board of Adjustments with the option to appeal to the Town Council.
- Environmental Impact Reports – recommendation is to have requirements easier to find, a checklist that applicants go through, and to have staff be able to require this report rather than the Planning Commission.  
Jeff A. wants to ensure that the checklist results are clear, not grey.  
Amanda M. clarified that decision to require the EIR is just administrative, not the adequacy of the report. Also, if an application gets to Planning Commission without an EIR, can they still require it.  
Scot H. said that he would need to confer with the Town Attorney about that.  
Amanda M. would rather have it be a Planning Commission decision then.  
Jeff A. would rather have it be a staff decision so that the Applicant has something to rely on.  
Michael B. said that there would need to be a threshold on when an EIR is required.  
Mr. Farrar said that he thinks there's an avenue for the Planning Commission to request an EIR as long as there is something to back up that requirement, while still allowing staff the control over the initial requirements.  
Direction given was to ask the Town Attorney about allowing Planning Commission to still require the EIR, if staff decides not to require it at the administrative level.
- Conditional and Limited Review Uses – recommendation is to use consistent terminology, distinguishing the different applications, consolidate the standards, and create a single use table for all land uses in Minturn.  
Jeff A. would like to add a provision that staff decisions shall be given to the Planning Commission at the next meeting for communication purposes.
- Planned Unit Developments (PUDs) – recommendation is to distinguish “Minor PUDs” and “Major PUDs”, have an amendment process for both, and have that decision of what constitutes a Minor Amendment and a Major Amendment be at the staff level.  
Michael B. clarified that minor and major PUDs will both still come before the Planning Commission.
- Sign Permits – recommendation is to make review of sign permits an administrative decision, add process and criteria to a sign variance, and develop a review process for “Master Sign Programs”.  
Jeff A. would like Planning Commission to review Sign Variances.
- Correction Plat – recommendation is to move this to Chapter 17 with the rest of the subdivision applications and adding more detail to requirements and review process.

Amanda M. asked if there was a situation where a correction plat would be needed in the case of a Minor Amendment to a PUD, so one would be handled administratively, while the other would not.

Scot H. said that would be very rare.

- Administrative Replat – recommendation is that the purpose needs to be clarified and there needs to be a “Lot Line Adjustment” application type and review process.  
Jeff A. asked how this addressed Quit Claims and Quiet Titles on the river.  
Amanda M. asked if a lot line adjustment came with a DRB, does it make sense for this application type to only be called up at Council rather than Planning Commission.
- Subdivision Variance – recommendation is that minimum standards for subdivisions be developed and this be changed to a waiver process.
- Major Subdivisions – recommendation is to add an optional step (Sketch Plan) and to have Final Plan go to just Council instead of Planning Commission
- Subdivision Improvements Agreement – recommendation is to work with the Town Engineer and Attorney to bolster the requirements.
- Mountaintop Estate & Ranch Lots – recommendation is to incorporate these subdivisions in a separate Article.
- Minor Subdivisions & Amended Final Plats – recommendation is for Amended Final Plats become its own article if it makes sense to differentiate from Correction Plat, to create Condominium or Townhome Subdivision process, and ensure consistency among the application submittal requirements.
- Exemption Plat – recommendation is to create a review process for an exemption plat in a new article to address issues associated with the past creation of lots or parcels.
- Bolts Lake – recommendation is to keep Bolts Lake processes separate in a separate article.

## 10. STAFF REPORTS

### A. Manager's Report

#### **Senate Local Government & Housing (SB24-174) Testimony**

At the March 20 Council meeting the Council approved support for SB24-174 through my Manager's report request to provide testimony. I will be providing testimony in support of this legislation on behalf of Mayor Earle Bidez and the entire Town Council on Tuesday, April 2.

#### **Mayors/Managers/Commissioners & Partners Update**

June 26th is Bike to Work Day and there will be a ribbon cutting for the ECO Trail in Minturn. Following the ribbon cutting will be a celebration at the Minturn Saloon. Be on the lookout for more information. Everyone is welcome to join!

Emergency Alerts will now be available via the Reach Well app which translates into 130 different languages and is more user-friendly than the Everbridge option. Residents who are not already signed up under the Everbridge system, or who would like to switch to a more user-friendly system are encouraged to download the Reach Well app and sign up for Eagle County alerts.

#### **NWCCOG – QQ Update**

The Water Quality Control Commission currently has two openings on the Commission. This Commission has the ability to strongly affect Minturn wastewater rates. Their regulations have been lacking in finding a realistic grounding in solving water quality problems and we believe getting new Commissioners seated on this Commission who will be more pragmatic in approaching water quality needs is incredibly important. Currently the Commission has pushed through regulations that will require cooling towers for wastewater treatment plants at the cost of millions of dollars and only benefit the river a few days out of the year. QQ is looking at

having conversations around this issue and considering taking a more political approach to address this issue.

Shoshone Water Right (1902 appropriation date) is being purchased by the Colorado River District with the purpose of utilizing the right for the instream flow call. This is an exciting step toward keeping more water in the river and fewer transmountain diversions. One point to consider for Minturn to consider and how we manage our water and augmentation water use is the desire for the Colorado River District to administer this right to keep a minimum flow of 1408 cubic feet per second. This will likely result in more calls on the river. This is something Cristy Radabaugh will need to analyze to determine how it will affect Minturn's current water rights management.

### **Minturn Fitness Center Board Meeting**

2023 was the first year the MFC saw revenues exceed expenses. This was 10 years in the making. The MFC Board at its most recent meeting approved both an annual contribution toward the capital improvements reserve as well as a payback schedule to both Ski and Snowboard Club Vail and the Town.

### **Community Survey**

Staff is currently testing the final phases of the community survey draft before going live. We are hopeful the survey will go live by next week. The survey will be sent to the mobile phones of all registered voters in Minturn. Additionally, the survey will be available on the town website and hard copies for those without the internet can complete the paper survey and submit to town hall staff.

### **Water Moratorium**

Staff continues to address the water moratorium as potential developers and investors submit interest to the town. As a reminder, the 2020 and 2023 water moratoriums are in effect and as it relates to Section 3 of the 2020 Moratorium, taps will be distributed on a first come first serve basis.

### **Bellm Bridge Feasibility Study RFP Interviews**

The Town published an RFP for the Feasibility Study work on Bellm Bridge. The Bridge is either in need of repair or replacement and the Town looks to understand, through a Feasibility Study, which option is advisable. Interviews for three RFP submittals took place on Friday, March 29th . The Funds for the Feasibility Study will come out of the capital improvements line item in the budget.

### **International City Manager Association (ICMA) Credential Application**

I have completed all of the requirements and have now submitted my application for my ICMA Certified Manager credential. This is an opportunity to be recognized by the City Manager's leading organization for the knowledge and expertise I bring to the position of town manager. More information on this credential is included with this update.

### **Congressionally Directed Spending Applications Submitted**

Applications for CDS funds have been submitted. As previously discussed, the Town applied for \$1, 996, 875 toward the Little Beach Park improvements outlined in the Little Beach Park Recreation Area Master Plan. Submissions were also provided for the completion of Phase II Main Street Sidewalk Project totaling \$1,088,000. Separately, and only through Congressman Neguse's office, the Town will be able to apply for funding toward the water treatment facility. These applications are very competitive, and Minturn has already been awarded funds in prior rounds, so we will be very fortunate if we are selected again.

### **Legal Matters – Rob Marsh**

Rob Marsh continues to assist Minturn on a variety of legal matters. In addition to his recent work on the nuisance and fence codes, which will come before all of you at the April 17th Council meeting, Rob has also been supporting us with the updates to our Chapter 8 of our code addressing matters related to the MUTCD (Manual on Uniform Traffic Control Devices) and jury trials. Those ordinances will also come before the Council at the April 17th meeting.

### **B. Excerpt from Newsletter regarding the 2023 Community Plan**

#### **The Value of Community Plans**

Community Plans are the guiding references when local government officials determine their decision-making objectives and determinations. The Town of Minturn wants to thank every resident who has taken the time to participate in these important documents as this is the most equitable way to ensure everyone's voice is heard. With the leadership teams of the planning commission, historic preservation commission and town council utilizing plans like the Imagine Minturn 2023 Community Plan and the 2023-25 Minturn Strategic Plan, it ensures all residents have had an opportunity to be heard because these plans are the voice of the community.

Leadership hearing from their neighbors on particular topics is valuable, but the Town wants the residents of Minturn to know that everyone is listened to and you don't have to be the neighbor or friend of a person in leadership to have your voice heard. Minturn wants to take a fair equitable approach to local government so the Town will continue working to improve the community plans which are created by everyone and updated regularly! Thank you to everyone who participates in these processes, Minturn wouldn't be the amazing community it is without you!

### **11. PLANNING COMMISSION COMMENTS**

No Planning Commission comments.

### **12. FUTURE MEETINGS**

#### **A. April 24, 2024**

Amanda M. and Michael B. will not be here. Jeff A. will be on zoom.

#### **B. May 8, 2024**

Jeff A. might be on zoom.

### **13. ADJOURN**

Motion by Jeff A., second by Michael B., to adjourn the regular meeting of April 10, 2024 at 8:48 p.m. Motion passed 4-0.

*Note: Darell W. is excused absent.*

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Lynn Teach, Commission Chair

ATTEST:

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Scot Hunn, Planning Director