



Minturn Forward Memo

TO: Minturn Planning Commission

FROM: Matt Farrar, Western Slope Consulting

DATE: April 5, 2024

ATTACHMENTS: None

1. EXISTING ZONING APPLICATION TYPES & REVIEW PROCESSES

The following table provides a summary of the Town’s existing Zoning application types and review procedures set forth in Chapter 16: Zoning.

Application Type	Pre-Application Conference	Town Staff	Planning Commission/ Design Review Board	Town Council/ Zoning Board of Appeals
		LEGEND: R = Reviews and Provides Recommendation(s); D = Reviews and Makes Final Decision; ? = Unclear as to What is Required		
Design Review	Required	R	D	-
Conditional Use (aka Special Use or Special Review Use)	Required	R	R	D
Limited Review Use/ Certificate of Zoning Compliance	Required	D	-	-
Temporary Use Permit	Required	D	-	-
Zoning Variance	Required	R	R	D
Code Amendments	Required	R	R	D
Amendments to Zoning District Regulations or Zoning Map	Required	R	R	D
Planned Unit Development (PUD)	Required	R	R	D
Environmental Impact Report (if required by Planning Commission)	?	R	R ¹	R ¹
Sign Permit	?	R	D	-
Sign Variance	Required	R	R	D

NOTES:

¹ The Planning Commission and/or Town Council review an Environmental Impact Report in conjunction with any application that such a report is required for.

2. RECOMMENDED MODIFICATIONS TO ZONING APPLICATION TYPES & REVIEW PROCESSES

The following is a list of recommended changes to the town’s Zoning application types and review processes:

a. Zoning Variance

- It is recommended that Zoning Variance review become a one-step process. In other words, a request for a Zoning Variance should be reviewed and decided upon by the Planning Commission OR Town Council.

- Ensure that decisions on Zoning Variances are being made by whomever is designated as the town's "Board of Adjustments."
- It might be appropriate for the Planning Commission to be solely responsible for making decisions on Zoning Variances because: 1) Variance requests are commonly made in conjunction with a Design Review application; and 2) There's less political pressure on Planning Commissioners because they are appointed, not elected.

b. Environmental Impact Reports

- It is recommended that the provisions for Environmental Impact Reports be re-located in the Land Use Code so that they are easier to find.
- Staff will be working to ensure that there is checklist in the updated Land Use Code that can be used by applicants to determine whether an Environmental Impact Report is required.
- It is recommended that the decision whether to require an Environmental Impact Report be handled administratively, rather than by the Planning Commission.

c. Conditional and Limited Review Uses

- Eliminate any reference to "Special Use," "Special Review Use," "Special Use Permit," etc. Solely use the term "Conditional Use" in the Land Use Code.
- Review and revise Code language for Limited Review Uses and Zoning Compliance. Ensure that these two application types are clearly distinguished.
- Create a single "Use Table" for the Land Use Code that lists all land uses are permitted in Minturn. In this table, list all Limited Review Uses and reference to any standards that may apply to these uses.
- Consolidate all existing standards (i.e., supplemental standards) for Limited Review Uses into a new Article in the Chapter 16 so that they are easier to find.
- It is recommended that the review of Limited Review Uses be handled administratively. The purpose of this review process is simply to ensure compliance with any applicable standards.

d. Planned Unit Developments (PUDs)

- Distinguish "Minor PUDs" and "Major PUDs" in the Land Use Code and ensure that there is criteria for determining what is classified as a Minor PUD vs. a Major PUD.
- Include language in the Land Use Code that describes the amendment processes for a Minor PUD and a Major PUD.
- For amendments to Minor PUDs and Major PUDs, include language in the Land Use Code that describes the difference between a "Minor Amendment" and a "Major Amendment" and detail the requirements and review process for each amendment type.
- It is recommended that the determination of whether a PUD Amendment is a Minor Amendment or a Major Amendment be made administratively.

e. *Sign Permits*

- Modify the Land Use Code to make the review of Sign Permits an administrative process.
- Develop a unique process and review criteria for Sign Variances. Currently, the Sign Variance review process simply refers to the Zoning Variance requirements and process.
- Develop a review process for “Master Sign Programs” (i.e., a comprehensive sign plan for multi-tenant building or development). It is recommended that the Master Sign Program review be handled administratively.

3. EXISTING SUBDIVISION APPLICATION TYPES & REVIEW PROCESSES

The following table provides a summary of the Town’s existing Subdivision application types and review procedures set forth in Chapters 16: Zoning and 17: Subdivisions.

Application Type	Pre-Application Conference	Town Staff	Planning Commission/ Design Review Board	Town Council/ Zoning Board of Appeals
		LEGEND: R = Reviews and Provides Recommendation(s); D = Reviews and Makes Final Decision; ? = Unclear as to What is Required		
Correction Plat	?	D	-	-
Administrative Replat	Required	D	-	D (if referred to Town Council by Planning Director)
Subdivision Variance	?	R	?	D
Preliminary Subdivision Plat	?	R	R	D
Final Subdivision Plat	?	R	R	D
Estate Lots	?	D	-	-
Ranch Lots	?	R	D	D (if called-up by Town Council)
Subdivision Improvements Agreement	?	R	-	D
Amended Final Plat	?	D	-	-
Minor Subdivision - Type A ¹	?	R	-	D
Minor Subdivision - Type B ²	?	D	-	-
Vacation of Public Easements or Rights-of-Way	?	R	R	D

NOTES:

¹ Type A Minor Subdivision: a subdivision creating not more than six (6) lots within property that has not previously been platted.

² Type B Minor Subdivision: a subdivision creating not more than six (6) lots within a legally approved subdivision, or is a subdivision of a building containing condominiums, townhomes or duplexes, which may include the subdivision of land directly associated with that building.

4. RECOMMENDED MODIFICATIONS TO SUBDIVISION APPLICATION TYPES & REVIEW PROCESSES

The following is a list of recommended changes to the town’s Subdivision application types and review processes:

a. *Correction Plat*

- The provisions for a Correction Plat are currently in Chapter 16: Zoning. It is recommended that these provisions be re-located to Chapter 17: Subdivisions.
- It is recommended that additional detail be added to the Land Use Code regarding the application submittal requirements and review process, including review criteria, for a Correction Plat.

b. *Administrative Replat*

- It is recommended that the purpose of an Administrative Replat be clarified. It appears that an Administrative Replat is intended to serve as a process for amending the boundaries of a property, commonly referred to as a “Lot Line Adjustment.”
- Staff has identified the need to include a “Lot Line Adjustment” application type and review process in the Land Use Code. It may be appropriate to modify the Administrative Replat to a Lot Line Adjustment.

c. *Subdivision Variance*

- Section 17-3-20: Variances allows the Town Council to grant variance from the requirements of Chapter 17: Subdivisions. It seems unusual that there is an allowance for variances from Chapter 17: Subdivisions given that there are few, if any, standards for subdivisions set forth in the Chapter. Staff has noted this as a Section of the existing Land Use Code to discuss with the Town Attorney.
- It is recommended that minimum standards for subdivisions in Minturn be developed and incorporated with the updated Land Use Code. Further, it is recommended that the Subdivision Variance provision be modified to a process that allows an applicant/developer to request a waiver from the town’s subdivisions standards in conjunction with a subdivision application.

d. *Major Subdivisions*

- The Town currently has a mandatory two-step process for Major Subdivisions:

Step-1: Preliminary Subdivision Plat

Step-2: Final Subdivision Plat

It is recommended that an optional, third step (i.e., Sketch Plan) be added to the Town’s Major Subdivision process. The purpose of a Sketch Plan is to provide an applicant/developer with an opportunity to present a conceptual idea for a subdivision to the Planning Commission and/or the Town Council with out making substantial investments in design work, which is required at the Preliminary Subdivision Plat step.

- It is recommended the requirement for a Final Subdivision Plat to be reviewed by the Planning Commission be removed. In other words, a Final Subdivision Plat would go straight to Town Council for review and decision.

e. *Subdivision Improvements Agreement*

- Staff will be working with the Town Engineer and Town Attorney to bolster the requirements in the Land Use Code for Subdivision Improvements Agreements.
- The review process for Subdivision Improvements Agreements will remain the same. These types of Agreements are between an applicant/developer and the town so they must be decided on by Town Council.

f. *Mountaintop Estate & Ranch Lots*

- The provisions for these types of subdivisions will remain in the Land Use Code. It is recommended that these types of subdivisions be incorporated into a separate Article under Chapter 17: Subdivisions so that they are easy to find.

g. Minor Subdivisions & Amended Final Plats

- Amended Final Plats are currently listed under Article 8 – Minor Subdivisions. It is recommended that Amended Final Plats become a separate Article in the updated Land Use Code so that they are easier to find.
- Staff will be comparing the purpose and requirements for an Amended Final Plat with those for a Correction Plat to determine if these should remain separate types of applications or if they can be consolidated.
- It is recommended that a new category of subdivision (i.e., “Condominium or Townhome Subdivision”) be distinguished in the updated Land Use Code. This new category of subdivision would be used to subdivide a building (i.e., duplex, townhomes, apartments, etc.) into separate ownerships. In the existing Land Use Code, Minor Subdivision – Type B includes provisions for the subdivision of a duplex, townhomes, or condominiums into separate ownerships. However, these provisions are lumped in with another type of subdivision listed under Minor Subdivision – Type B (i.e., a subdivision creating not more than six (6) lots within a legally approved subdivision), which is confusing.
- Staff will be working to modify Article 8 – Minor Subdivisions to:
 - Ensure that the application submittal requirements are logical based on the type of subdivision being proposed.
 - Ensure that there is consistency among the application submittal requirements, when appropriate.

h. Exemption Plat

- It is recommended that an “Exemption Plat” application and review process be added as a new Article under Chapter 17: Subdivisions. The purpose of an “Exemption Plat” is to address issues associated with the past creation of lots or parcels in Minturn. In other words, this would provide a process for “cleaning up” issues with lots or parcels that were created improperly or illegally. These issues are typically associated with older lots or parcels in Minturn.

i. Bolts Lake

- It is recommended that the subdivision process that applies specifically to Bolts Lake be incorporated into a separate Article under Chapter 17: Subdivisions so that it is easier to find.