

To: Planning Commission
From: Scot Hunn, Consulting Planning Director
Date: November 22, 2024
RE: Planning Director Update



Minturn Forward Code Update Project:

The Planning Commission will be reviewing an updated, clean draft of Article 5 – Land Use Application Requirements and Procedures, at the November 27th meeting. Staff will look for any final questions, comments or suggestions from the Commission on Article 5 with the goal of deeming this article complete before moving on to a review of Article 8 – Subdivision Application Requirements and Procedures starting in December.

Article 5 will be reviewed with the Town Council at a joint work session on December 4th. The goals of the work session with Council will be to ensure that the Commission and Council are in general agreement and alignment regarding the format / layout of the new code and that Staff and our consultant, Western Slope Consulting, are achieving the project goals (to create a more consistent, easier to use, and efficient code) before we continue with drafting additional articles.

Active Land Use Applications:

- **Midtown Village Planned Unit Development Preliminary Plan Review**
The Planning Commission held its first public hearing to review the Midtown Village Preliminary Plan for PUD on November 13, 2024. The staff and the Applicant presented the project and the Planning Commission asked questions of staff and the Applicant before tabling the review – to be continued at the regular meeting of December 11, 2024.
- **Eagle County School District – Maloit Park Preliminary Subdivision Plat Review**
Staff continues to review the Eagle County School District Maloit Park Preliminary Plat for Subdivision application. The Applicant has been provided referral agency comments and is in the process of meeting with Town staff, Town consultants, and referral agencies to address, resolve and/or respond to referral comments. Staff is unable to estimate when referral comments will be fully addressed and, therefore, cannot predict how soon this application will be scheduled for its first public hearing.

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 presented the results of the assessment to each of the partner jurisdictions in October and November; the partnership presented its findings to the Minturn Town Council at the November 6, 2024, Council Meeting (attached presentation).

- **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 of November 21st, the group discussed landscaping regulations and the review of landscape plans in each jurisdiction; what is allowed and who is looking at the plans for pre – construction and who will do site visits to ensure landscape matches the approved plans. The group also discussed how space - the first five feet from the foundation – around a structure is addressed in each of the partner jurisdictions' codes with regard to allowable landscaping and other materials (mulch, rocks, etc. The goal is to start working with each jurisdiction to see if there could be consistency in how landscaping and defensible space around structures are addressed in codes.

- **Exterior Lighting Regulations – Holiday Lighting**

Recently, the Town reviewed and adopted minor revisions to Section 16-17-180 - *Exterior illumination standards*, to allow for seasonal uplighting of the water tank for Town purposes. During their deliberations to approve Ordinance No. 19, Series 2024, the Council discussed the Town's dark or "night" sky lighting restrictions as well as exemptions within the Code that allow for holiday or ornamental lighting. The Council was most interested in understanding how the town regulates or enforces exterior lighting and whether there should or could be limits placed on the time of day when non-permanent holiday lighting can be displayed. Staff were then directed to facilitate a follow-up discussion related to holiday lighting.

At the regular Council meeting of November 20th, staff presented existing lighting regulations and definitions for "Exterior lighting" and "Holiday/ornamental lighting" and highlighted some issues with the current regulations and definitions. Namely, the current definition of holiday/ornamental lighting is problematic because it states that holiday or ornamental lighting means "festoon lighting." Staff disagrees with this and, ultimately, the Council gave direction to staff to present an ordinance amending Section 16-17-180 specifically to update the definition of "Holiday lighting" and to add a separate definition for "Festoon lighting" – to differentiate between the two forms of lighting and, therefore, to allow for better regulation of both. The goal will be to add a time limit (dawn to 10pm) when holiday lighting can be turned on, while allowing festoon lighting – typically considered "café" style lights that people use in their back yards year round or which are used for commercial outdoor seating year round – to be considered as permanent (and therefore not limited to time limits that will apply to holiday lighting.

Staff will create this ordinance and likely present it to the Planning Commission in December.