

## **ARTICLE 12: ENVIRONMENTAL IMPACT REPORT**

### **Section 16-12-10: General Provisions**

#### **A. Purpose**

The purpose of this Article is to:

1. Ensure that complete information on the environmental effects of any proposed development, which includes a land use change, zone change, or subdivision, is available as part of any formal review process.
2. Ensure that long-term protection of Minturn's environment, which includes natural, cultural, social, and economic attributes of the Town, is considered in reviewing land use and subdivision proposals and that decisions on such proposals take into account the relative merits of possible alternative actions.
3. Provide procedures for the review and evaluation of effects on Minturn's environment and potential effects on public and private infrastructure prior to the approval of a proposed development.
4. Provide mitigation options for impacts on public and private infrastructure.

#### **B. Applicability**

1. A Preliminary Environmental Assessment may be required by the Planning Director for any proposed development that potentially affects, to any significant degree, the quality of Minturn's environment.
2. If a Preliminary Environmental Assessment identifies potential effects on the quality of Minturn's environment, the Planning Director may require an Environmental Impact Report that addresses such impacts.

#### **C. Exceptions**

An Environmental Impact Report shall not be required for the following:

1. Any phase of an approved development for which an Environmental Impact Report was submitted, provided that no subsequent changes to the development have occurred or are proposed.
2. A development that, based on a Preliminary Environmental Assessment, is found to have an insignificant impact on Minturn's environment. The Planning Director is responsible for determining whether a proposed development has an insignificant impact. In making such determination, the Planning Director may consult with referral agencies and/or qualified professionals.

### **Section 16-12-20: Preliminary Environmental Assessment**

#### **A. Required Contents**

A Preliminary Environmental Assessment must provide the Planning Director with adequate information to determine whether a proposed development will, will not, or could possibly affect Minturn's environment, either during construction or on a continuing basis. A Preliminary Environmental

Assessment must include a statement of whether a proposed development “will,” “will not,” or “could possibly” affect Minturn’s environment in each of the following ways:

1. Alter an ecological unit or landform, such as a ridgeline, saddle, draw, ravine, hillside, cliff, slope, creek, marsh, watercourse, or other natural landform feature.
2. Directly or indirectly affect high-priority wildlife habitat and/or environmentally sensitive areas (e.g., wetlands).
3. Significantly alter or remove native vegetation.
4. Affect the appearance or character of a significant scenic area or natural resource.
5. Involve buildings or other structures of a size, bulk, or scale in marked contrast to natural features or the human-made environment in the surrounding area.
6. Be in an area of natural hazard or potentially increase the risk of hazards such as rock fall, avalanche, landslide, siltation, settlement, flood, or other landform change.
7. Be on a site that may be contaminated by current and/or historical uses. Potential contaminants include, but are not limited to, asbestos, petroleum, dry cleaning chemicals, radioactive materials, or lead.
8. Discharge toxic or thermally abnormal substances.
9. Involve the use of herbicides or pesticides.
10. Emit smoke, gas, steam, dust, or other particulate matter.
11. Involve any process that results in odor that is harmful to the rights of others to enjoy their property.
12. Require any waste treatment, cooling or settlement pond, and/or require the transportation of solid or liquid waste to a treatment or disposal site.
13. Discharge significant volumes of solid or liquid waste.
14. Increase the demand on existing or planned water systems (potable and non-potable), sewer systems, storm drainage systems, or other utility systems to a level that is likely to cause an adverse impact on the Town or the environment.
15. Involve any process that generates noise that exceeds the Town’s standards (refer to [Section 16-#-##](#)).
16. Displace a significant amount of, or significantly increase, the Town’s population.
17. Alter a site that is identified in a plan adopted by the Town as desirable for recreational purposes or open space.

18. Alter local traffic patterns, increase traffic volumes and/or increase demands on public transit.
19. Significantly affect the revenues and/or expenditures of the Town.
20. Increase the demand on public service providers to a level that is likely to cause an adverse impact on such providers.
21. Be part of a larger development that, at any future phase, may involve any of the impacts listed above.

#### **B. Submittal Requirements**

When required, an applicant is responsible for preparing and submitting a Preliminary Environmental Assessment as part of any land use and/or subdivision application for their project.

### **Section 16-12-30: Environmental Impact Report**

#### **A. Preparation Requirements**

An Environmental Impact Report and any technical studies and data must be prepared by a qualified professional(s). The qualifications of such professional(s) must be clearly stated in the Environmental Impact Report.

#### **B. Technical Studies and Data for Report**

1. An Environmental Impact Report must be supported by technical studies and data that address the potential impacts identified by the Preliminary Environmental Assessment for a proposed development. The data provided in these studies may need to address a range of topics, including, but not limited to the following:
  - a. Hydrologic conditions, such as surface drainage and watershed characteristics, groundwater and soil permeability characteristics, and natural water features and characteristics.
  - b. Atmospheric conditions, such as air-shed characteristics and potential emissions.
  - c. Geologic conditions, such as landforms, slope, soil characteristics, and potential hazards.
  - d. Biotic conditions, such as vegetative and wildlife habitat.
  - e. Site contamination (i.e., information equivalent to that required for a Phase I Environmental Site Assessment).
  - f. Noise levels and odor characteristics.
  - g. Visual conditions such as view corridors and scenic values.
  - h. Land use conditions, such as characteristics of uses, and compatibility with plans, policies, regulations, and/or standards adopted by the Town.
  - i. Circulation and transportation conditions, such as traffic volumes and patterns, public transit demands, and alternative transit systems.

- j. Population characteristics, such as growth rates, residential densities, neighborhood patterns, and potential displacement of residents or businesses.
2. The technical studies prepared for an Environmental Impact Report must provide data that describe existing conditions and any potential changes or impacts resulting from the proposed development.
3. Technical studies and data prepared as a part of any other procedure or requirement of this Chapter or of any ordinances or federal, state, county or town regulations also may be used to support an Environmental Impact Report.

#### **C. Report Requirements**

1. An Environmental Impact Report must summarize the findings and recommendations of the technical and other supporting studies in terms that can be assessed and evaluated by Town staff, the Planning Commission, the Town Council, and the public.
2. Technical data must be submitted as supporting documentation to an Environmental Impact Report.

#### **D. Required Contents**

1. An Environmental Impact Report must contain information and analysis, in sufficient detail and adequately supported by technical studies and data, to enable Town staff, the Planning Commission, and the Town Council to evaluate the environmental impact of a proposed development and the measures proposed to reduce or mitigate any harmful impacts.
2. An Environmental Impact Report must include the following:
  - a. A general statement identifying and describing the proposed development and its purpose.
  - b. Descriptive materials, maps, and plans showing the following information. The Planning Director may waive the requirement to submit these materials, maps, and plans if they are included in the other materials that are submitted for the applicable land use or subdivision application.
    - i. Site boundaries and boundaries of the area within which the environmental impacts are likely to be significant.
    - ii. Present and proposed uses of the site.
    - iii. Present and proposed zoning of the site.
    - iv. Quantitative information relative to the proposed development including, but not limited to, site area, number of residential units, proposed height and bulk of buildings, building floor area in square feet, and other data that will contribute to a clear understanding of the scale of development.

- v. A list of regulatory or review agencies and the specific regulations to which the proposed development will be subject to.
- c. An Environmental Inventory, that:
- i. Provides reasonably complete information on the environmental setting existing prior to the proposed development and containing sufficient information to permit independent evaluation by reviewers of factors that could be affected by the proposed development.
  - ii. Includes maps, photographs, and/or other appropriate illustrative material.
  - iii. Identifies and categorizes areas based on the type of possible impact.
  - iv. Describes both the physical and biological natural setting and the human-made setting of the site and the surrounding area.
  - v. Includes a comprehensive, qualitative and quantitative analysis of any significant impact that the proposed development will have on Minturn's environment.
  - vi. Describes temporary effects that will prevail during construction and long-term effects that will prevail after completion.
  - vii. Describes both beneficial effects and detrimental effects. This analysis must consider primary effects and secondary effects on Minturn's environment.
- d. An analysis that assesses each of the following in reasonable detail:
- i. Adverse effects that cannot be avoided if the proposed development is implemented.
  - ii. Mitigating measures proposed to minimize impacts from the proposed development.
  - iii. Construction impacts and short-term effects of the proposed development that significantly reduce or enhance the state of Minturn's environment.
  - iv. Cumulative and long-term effects of the proposed development that significantly reduce or enhance the state of Minturn's environment.
  - v. Alternative designs considered for the proposed development.
  - vi. Irreversible environmental changes resulting from implementation of the proposed development.
  - vii. Population impacts of the proposed development.
  - viii. Fiscal impact of the proposed development on the Town and other public service providers.

### **E. Additional Requirements**

The Planning Director may further prescribe the form and content of the Environmental Impact Report, setting forth in greater detail the factors to be considered and the manner in which the report shall be prepared, and may require submission of information in addition to that required in this Article.

### **F. Submittal Requirements**

1. An applicant is responsible for preparing and submitting an Environmental Impact Report to the Planning Director prior to a determination of completeness on the associated land use or subdivision application.
2. Prior to the submittal of an Environmental Impact Report, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies to be submitted.

### **G. Review**

As part of the review process required for a land use or subdivision application:

1. The Planning Director may refer an Environmental Impact Report to county, state, or federal agencies, other appropriate entities, and/or qualified professionals from which comments are desired.
2. Town staff, the Planning Commission, and the Town Council, as applicable, will review an Environmental Impact Report and consider the comments and/or recommendations provided by any agencies, entities, and/or professionals that the Environmental Impact Report is referred to by the Planning Director.