



## AGENDA

### November 8, 2023 Planning Commission Meeting

Wednesday, November 08, 2023

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/82198088883>

**Zoom Call-In Information:** 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 821 9808 8883

**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**
2. **ROLL CALL AND PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF REGULAR AGENDA**

Opportunity for amendment or deletions to the agenda.

4. **APPROVAL OF MINUTES**

[A.](#) October 11, 2023 Minutes

5. **DECLARATION OF 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.

**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**

**9. DISCUSSION / DIRECTION ITEMS**

[A.](#) Minturn Forward: Land Use Code Update

**10. STAFF REPORTS**

[A.](#) Manager's Report

**11. PLANNING COMMISSION COMMENTS**

**12. FUTURE MEETINGS**

November 22, 2023

December 13, 2023

**13. ADJOURN**



**Planning Commission Official Minutes  
Wednesday October 11, 2023 – 6:30 PM  
Minturn Town Hall / Council Chambers  
302 Pine St Minturn, CO**

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**MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION**

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**PUBLIC COMMENTS:** If you are unable to attend, public comments regarding any items on the agenda can be submitted to Madison Harris, Planner I, 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 6:39 p.m.

**2. ROLL CALL & PLEDGE OF ALLEGIANCE**

Those present at roll call: Planning Commission Chair Lynn Teach and Planning Commission Members Amanda Mire, and Tom Priest.

Staff Members Present: Town Manager Michelle Metteer, Town Attorney Mike Sawyer, Town Engineer Jeff Spanel, and Planner I Madison Harris.

*Note: Jeff Armistead, Michael Boyd, and Sage Pierson are excused absent.*

**3. APPROVAL OF MINUTES**

3.1 September 27, 2023

Madison H. asked that the minutes be amended to show the time of when the meeting adjourned.

Motion by Tom P., second by Amanda M., to approve the minutes of September 27, 2023 as amended. Motion passed 3-0.

*Note: Jeff A., Sage P., and Michael B. are excused absent.*

**4. APPROVAL OF AGENDA Opportunity for amendment or deletions to the agenda.**

Motion by Tom P., second by Amanda M., to approve the agenda as presented. Motion

passed 3-0.

*Note: Jeff A., Sage P., and Michael B. are excused absent.*

**5. DECLARATION OF CONFLICTS OF INTEREST**

No conflicts.

- 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**

**8. DESIGN REVIEW AND LAND USE PUBLIC HEARINGS**

**8.1 Minturn North PUD Final Subdivision Plat Review**

Madison H. introduced the application.

Michael S. said that the Planning Commission’s review of the plat has a fairly narrow scope. The review is about conformance with the approved Preliminary Plat. The lines are the same on the plat, the only thing that has changed is the verbiage of the easements. This does not change the intent of the approved plat. The conditions of the approved plat in Res 19 – 2023 (1) The Applicant shall work with Town staff to update the Updated Preliminary Plat prior to or concurrent with any Final Plan/Plat application to address any/all outstanding technical and/or legal requirements as noted in previous staff and consultant referral comments. (2) The Applicant revise the Updated Preliminary Plat to add language specific to Tracts B and E, “Open Space,” as well as Tract C, “Dedication Parcel,” to reference and provide for snow storage uses. (3) The Applicant revise the Updated Preliminary Plat to add language and/or easements permitting public access on, over, and through Tract D “R-O-W” for Miles End Lane, as well as Tract G “Right of Way,” and associated “Access, Utility and Drainage” easement for Silver Star Trail. Currently the Applicant is still updating the plat language, but that will be updated by the time this gets to Town Council. There are two plats under review. The first one splits the UPRR parcel into two so that the land can be conveyed to the Applicant. The land north of Game Creek will remain in UPRR’s possession. The second is the more detailed parceling of lots. There will be snow storage dedicated to the Town along Minturn Road and north of lots 11-12. We are requesting that a plat note be added that all roads allow public use. All three conditions of approval of the Preliminary Plat have been or will be fulfilled by the time this gets to Council.

Public comment opened.

Darren Tucholke, 530 Taylor

On sheet 3 of the Final Plat it says 50’ private ROW for Miles End Lane, but Taylor Ave says 40’ public ROW.

- Michael S. said that it technically private for maintenance purposes, but the plat note will cover public use of the roads.

Public comment closed.

Motion by Tom P., second by Amanda M., to approve with conditions. Motion passed 3-0.

1. The Applicant shall work with the Town Engineer to address and resolve all remaining minor technical issues identified by the Town Engineer prior to the plat(s) being scheduled for a public hearing before the Town of Minturn Town Council.
2. The Applicant shall work with the Town Attorney to address and resolve all remaining minor technical issues identified by the Town Attorney prior to the plat(s) being scheduled for a public hearing before the Town of Minturn Town Council.

*Note: Jeff A., Sage P., and Michael B. are excused absent.*

## **9. DISCUSSION / DIRECTION**

### **10. STAFF REPORTS**

#### 10.1 Manager's Report

##### **Concrete Tank Completion**

John Volk is installing the baffling apparatus inside the new concrete water tank (tank #3) to provide the town with maximum contact time credits. Once this is completed, along with a new operations plan for the steel bolted tank (tank #2), the concrete tank will be brought online. A final aspect of the tank project includes a security fence at the town's property line closing the area to the public. This has been a critical safety element that has been missing for years and public works is excited for this important security measure finally installed. The goal of the fence is to keep all members of the public out of the water treatment plant and tank area.

##### **(More) Sidewalk Repairs**

There are several areas along Main Street where the sidewalk is bulging. Three sections of the sidewalk have been identified for repairs which are scheduled to take place later this fall. The total project cost is under \$20,000 and 360 Construction, the same company who conducted repairs to Pine Street recently, will be handling the work.

##### **Snowplow Contractors Notice**

As part of the snow removal discussions, it was identified that a majority, although not all, of the issues stemming from snow removal are due to private snowplow contractors. Staff is preparing letters to current snowplow contractors along with public notices for future snowplow contractors on expectations for snowplow operations within the town of Minturn. We anticipate several changes to the system in the coming months and hope to provide a more thorough update at the October 18th Council meeting.

##### **Wells 3 & 4 Volumetric Testing**

Testing is scheduled for October 23rd. The water team is requesting everyone remain clear of this area while the testing is in progress. Updates will be provided on an ongoing basis. Staff appreciates everyone's cooperation.

##### **Minturn North Application Process**

The Minturn North project continues to move forward behind the scenes. Staff tentatively anticipates the final plat to go before the planning commission on October 11th.

Following the final plat recommendation, all first reading documents are expected at Council on November 1st with second readings tentatively planned for November 15th. This is a conceptual timeline and subject to change.

**Bianchi Driveway & Medina Property Service Line**

Staff will be working this fall/winter with the contractor for the Bianchi driveway to draft a cost share agreement. With the Bianchi driveway receiving informal support from the council for the relocation of the current easement, a review will take place to understand costs associated. This will be done in conjunction with the updating of the Medina water service line and this work will lend itself to some form of cost share agreement. I originally indicated at the September 20th Council meeting that costs would be covered by the developer, which was not accurate or appropriate given the need for the town to relocate the Medina water service line due to tank #2 not being fully utilized. For this reason there will need to be a cost share agreement which the Council will either approve, edit, or deny.

**11. PLANNING COMMISSION COMMENTS**

Tom P. will be gone Oct 15-Nov 17 and will zoom when he can.

**12. FUTURE MEETINGS**

12.1 October 25, 2023

12.1.1 Tom P. will try to zoom.

12.2 November 8, 2023

12.2.1 Tom P. will try to zoom.

**13. ADJOURN**

Motion by Tom P., second by Amanda M., to adjourn the regular meeting of October 11, 2023 at 7:00 p.m. Motion passed 3-0.

*Note: Jeff A., Sage P., and Michael B. are excused absent.*

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Lynn Teach, Commission Chair

ATTEST:

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Scot Hunn, Planning Director

**Minturn Planning Department**  
Minturn Town Center  
302 Pine Street  
Minturn, Colorado 81645



**Minturn Planning Commission**  
Chair – Lynn Teach  
Jeff Armistead  
Michael Boyd  
Amanda Mire  
Sage Pierson  
Tom Priest

Mint

**To:** Minturn Planning Commission  
**From:** Scot Hunn, Planning Director  
**Date:** November 3, 2023  
**Re:** Minturn Forward - Stakeholder Interview Summary Report

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As part of the first steps in the Minturn Forward Code Update Project to update and amend Chapter 16 - Zoning, and Chapter 17 - Subdivisions, of the Minturn Municipal Code (MMC), staff and the Town’s consultant, Matt Farrar, Western Slope Consulting, LLC., conducted a series of interviews with several members of the design, construction, and real estate community on September 28, 2023. The Planning Commission also held a discussion at their regularly scheduled meeting of September 27th to provide staff and Mr. Farrar input on the code update project and, specifically, aspects of the code that staff should focus on; ideal outcomes of the code update; and concerns that should be addressed and/or kept at the forefront as staff and Mr. Farrar complete a code assessment - the next step in the project.

The attached stakeholder summary by Mr. Farrar explains the purpose of the interviews; provides notes from the Commission’s discussion on September 27th as well as notes from each of the six separate interview sessions conducted on September 28th; and provides a summary of the overarching themes that emerged from our discussions with the Commission and stakeholders.

Last, as requested by the Commission at their meeting on September 27th, with the permission of the interviewees, staff recorded - either voice recording, or video recording - each of the interviews. One interview was saved incorrectly and staff is working to retrieve the audio from that recording. However, the recordings that are available have been posted to the Town’s Planning & Zoning/Minturn Forward: Land Use and Subdivision Regulation Update Project page, [here](#).



# STAKEHOLDER MEETINGS SUMMARY

November 2023



# 1. Introduction

On September 27 and 28, 2023, the Town of Minturn staff, along with Matt Farrar (Western Slope Consulting), conducted stakeholder interviews with Minturn’s Planning Commission and stakeholders who were selected based on their experience working with the Town’s existing land use regulations. The purpose of these discussions was to gather input on issues to consider via the update to the Town’s Land Use Code (i.e., Minturn Forward). The outcomes of these discussions, along with the Town’s 2023 Community Plan and 2023-2025 Strategic Plan, will be used to inform the update to the Land Use Code.

A summary of the input provided by the Planning Commission and stakeholders is offered on the following pages. In addition, key themes that Town staff identified from these discussions are listed below.

Note that the input summary provides verbatim comments from the Planning Commission meeting and stakeholder interviews. As a result, there is some redundancy in comments listed in the summary.

# 2. Key Themes

Several key themes (i.e., priorities) emerged from the input provided by the Town of Minturn Planning Commission and stakeholders. Those include the following:

- A Code that is “user-friendly,” clear, and predictable.
  - Figures, tables, graphics, etc. in the Code that clearly describe the intent of regulations.
  - Definitions that are clear and concise.
  - Definitions for all acronyms used in the Code.
  - Use of simple language in the Code.
  - Well described review process and criteria for decision-making.
  - Review processes that are simplified and streamlined, as appropriate.
- A Code that facilitates the implementation of the Community Plan.
  - Encourage the type of development that the community wants while preserving and enhancing Minturn’s unique character.
  - Focus on what the community wants (an aspirational Code).
- A Code that is flexible and enables creativity.

These priorities, as well as those identified in Minturn’s 2023 Community Plan and 2023-2025 Strategic Plan, will be used to guide the update to the Town’s Land Use Code.

# 3. Input Summary

## Planning Commission (9.27.23)

*Attendees: Scot Hunn, Matt Farrar, Lynn Teach, Jeff Armistead, Tom Priest, Michael Boyd, Amanda Mire, and Sage Pierson*

- Review past Code work completed by the Planning Commission and Town staff. Determine which elements of the prior review and recommendations are still relevant relative to the Land Use Code update.
- Review the Planning Commission’s comments from the review of the Community Plan. The Community Plan and the Planning Commission’s prior comments, following adoption, should inform the update to Minturn’s Land Use Code.

- Discuss different approaches to the update to the Land Use Code (i.e., Form-Based Code, Hybrid Code, Traditional Code, etc.).
  - Provide the Planning Commission with information about different options for updating the Land Use Code.
- Eliminate redundancies and contradictions in the Code.
- Make Code usable for all community members.
- Work to ensure that the Code doesn't have to be updated 5 years down the road and/or is more readily updated periodically without the need for major overhaul.
- Close "holes" in the Code.
- Clarify how to measure building heights.
- Ensure that the update to the Code aligns with the Community Plan.
- Ensure that the Community Plan is the driving document for the Code update.
- Balance the needs and wants of professionals, developers, and other special interest groups with those of citizens.
- Use Planning Commission's comments on the Community Plan as a starting place for the Code Assessment.
- Explore opportunities to expedite the Code update process.
- Ensure that the Code update isn't driven by special interests.
- Transparency in the Code update process is essential.
  - Record stakeholder meetings/interviews.
- Work to control community gossip.
- Code should encourage diversity, character, eccentricity, etc.
- Allow for flexibility, character, and creativity.
- Modern interface for Code and Zoning Map.
- Use common language – enable everyday people to use the Code.
- Keep language simple.
- Clear and specific definitions.
- Define acronyms.
- Ensure that it is easy to amend/update the Code.
- Guide for how to use the Code.
- Allow ADUs to be incorporated with primary building.
- Look for opportunities to refine water/EQR allocation in dwelling units.
- Address loopholes for short-term rentals.
- Prioritize life/safety regulations.
  - Water (will be a key issue)
  - Roads
  - Fire
  - Natural Disaster Areas

- Prioritize wildlife.
  - Interview Colorado Parks & Wildlife as part of the Code update.
- Provide hard copies of the updated version of the Code to the Planning Commission and Town Council.

**Stakeholder Meeting #1 (9.28.23)**

*Attendees: Scot Hunn, Matt Farrar, Larry Stone, and Earle Bidez*

- Minturn’s existing land use/zoning regulations suffer from misalignment with the Community Plan.
- Previous efforts (early 1990’s) to define character areas in Town may have created complications in the existing Code. Ensure that the updated Code has zone districts that work for each of the unique areas in Minturn. Mixed-use zones proposed in the Community Plan are a good place to start.
  - Updated Code needs to enable progressive change, investment, and redevelopment while protecting character.
  - Commercial areas, along Main Street for example, should be protected or recognized in the Code.
  - Spot zoning is not desirable.
  - Zoning, spot zoning, and reconciling character areas need to be further discussed with Council.
- Accurately translate the intent of the Community Plan into the Code update.
- Consider impacts of uses/development types on existing neighborhoods.
- Annual review of the Land Use Code.
  - Joint Planning Commission and Town Council review to identify what’s working and what’s not working.
- Encourage quality projects that match the character of Minturn.
- Allow for projects that enable people to make money – economically viable projects for the Town and developers.
- Some processes can be quick, while others can be arduous.
- People don’t want to spend money on design without clarity on what’s allowed/not allowed. Need quicker answers about what can be done with a property so that a person planning a project can get to the next step (i.e., pricing) and be able to make decisions.
- One of the Town’s main problems is fear of change; “what if” scenarios.
  - The Town has been fearful of change – afraid of making mistakes.
  - Previous staff may have lacked experience and made mistakes that people now point to.
  - The Town, specifically elected and appointed officials, has to be willing to keep moving forward and not let fear or past mistakes hold it back.
  - In the context of fear and trust issues, how can the Town create a user-friendly Code that relies on some level of trust?
- Updated Code needs to have greater clarity and predictability.
- Incorporate flexibility in the Code.
- Enable creative and “Minturn” projects.
- Creative flexibility.
- Over the years, competition from down valley development (retail & commercial) and businesses has affected the Town and pulled customers away from Minturn.

- Changes in hours of operation for businesses over the years have also impacted viability of Town’s businesses and sales tax.
- Concerns about how the new 100-Block zoning and design standards as far as incentivizing or disincentivizing redevelopment.
  - Fear that the guidelines have standards (25' setback on Eagle Street) that do not work for anyone looking to invest in additions or redevelopment.
  - 25-foot rear setback for the 100-Block is challenging. Perpendicular parking (vs. angled) seems to work better and would produce additional parking spaces.
  - Don't feel that the Town listened, during the 100-Block design standards review, to concerns about costs, incentives, and loosening-up of some standards. MR Minturn as example of developer/major landowner whose concerns were not listened to.
  - If the goal was to attract investment in 100-Block, the Town has failed.
  - Suggest reviewing 100-Block standards as part of the Code update, and then review all zoning and standards annually.
- There are other examples of how fragile the economics are for renting, buying, or redeveloping in the 100-Block. Other issues relate to business operations (hours of operation, mix of businesses, investing in maintenance, etc.) as well as the commercial rental rates. Some previous landowners in the 100-Block didn't do much in terms of improving and/or maintaining their properties but that resulted in keeping rental rates low.
- The ongoing perception of downtown (parking) needs to change. Using parking as an example, there is, and has been, enough parking but some in the community, particularly residents of 100-Block, have used parking, or perception that there isn't enough parking, as a reason to oppose redevelopment in the 100-Block.
- The Town has regulations (ex. mobile vendor/food truck licensing process) that may be acting to disincentivize uses and activities that would lead to more vitality in Minturn. For example, the Town’s food truck ordinance precludes more than one (1) food truck on one (1) property but co-locating trailers/trucks could be positive and popular.
- The Agora emerged from the necessity for outdoor seating during the pandemic and funding from the State was available.
  - The Agora as example...ultimately, the Town worked with Larry to allow the Agora and to make the process work. However, the process made it difficult until the Town found a way to "let it happen" and think outside the box.
  - Places like the Agora add to the character of Minturn. Funkiness!
- Explore options to improve/streamline process for creative ideas, such as the Agora.
  - Will still need to consider building code and life-safety issues in any flexible or streamlined process (for things like the Agora).
- Allowing for more than one (1) principal use on a property could add to the Town’s vibrancy.
- Need for community gathering spaces in Minturn.
- Enable the preservation, enhancement, upkeep, etc. of old structures.
- Revamp of Larry & Jane's barn would have triggered pre-existing nonconforming regulations based on valuation. They simply sought to clean up and use the barn. They did the maintenance and repairs without coming to the Town to avoid long process.
  - Need for greater flexibility in nonconformity regulations (this is noted in the Community Plan).

- Also, using the barn as an example, suggest creating a blanket variance for projects, like the barn, so it (or other structures/projects like that which add character and vitality) don't trigger nonconformity regulations.
- Explore options for a historic variance (i.e., need for greater flexibility in regulations).
  - Look at Historic Preservation regulations as part of the Code update?
  - Should there be administrative decision-making allowances?
- Threat of historic designation.
  - Does historic designation and grant opportunities outweigh the restrictions imposed by the Town's Historic Preservation regulations?
- Employee housing is critical.
  - Most recent Community Survey identified affordable housing as one of the biggest priorities, but change was also identified as a concern.
  - Belief that some people in Town want affordable housing and change.
  - Now is the time to take advantage of federal and state funding for housing and development related issues.
  - Want to be able to work with developers (Minturn North as example) and the State (through Prop 123) to make projects more affordable.
  - Consider allowing first-floor residential uses on the backside of buildings.

### Stakeholder Meeting #2 (9.28.23)

*Attendees: Scot Hunn, Matt Farrar, Karl Kruger, Pete Seibert, and Reid Phillips*

- Provide guardrails and allow for a more streamlined and efficient process.
- Reduce need for variances.
- "Moving target" makes it challenging to work with the Code.
- Eliminate Character Areas and consolidate into Zone Districts.
- Improve usability of tables in the Code.
- Building height illustrations are confusing.
- Ensure that illustrations/graphics reflect regulations.
- Clarify what Zone District(s) the illustrations/graphics apply to.
- Work on the formatting of Code text to improve readability.
- Ensure that there is continuity among the formatting of the illustrations/graphics in the Code.
- Ensure that building height regulations are clearly defined.
- Clearly define roof types (e.g., flat roofs, gable roofs, etc.).
- Show illustrations/graphics for typical roof types in Minturn.
- Tie callouts for illustrations/graphics with Code sections (i.e., cross-reference illustrations/graphics with Code sections).
- Formatting and organization of the Code is key to usability.
- What is "ordinary high-water mark?" – How is that defined?
  - Look at using the Army Corps of Engineers' definition of high-water mark.
  - Ensure that the high-water mark is clearly defined.
  - The high-water mark changes overtime.

- Streambank changes over time.
- Stream centerline changes over time.
- Need a consistent way to measure setbacks from waterbodies.
- Potential housing incentives: greater lot coverage allowances, reduced setbacks, reduced landscape requirements.
- Look for opportunities to maximize buildable square footage on properties.
- Maximize Gross Residential Floor Area ratios (GRFA).  
- *Staff Note: The Town does not regulate GRFA, only setbacks, bulk controls, and building height to regulate square footage of structures.*
- Should the Town’s minimum lot size requirements be reduced?
- Have a discussion with the community about regulating based on density vs. development character.
- Don’t want to encourage ADUs that will be used for short-term rentals.
- How can investment properties (i.e., non-resident dwelling units) be discouraged in Minturn?
- Parking regulations can be onerous.
- Historical designation regulations are another level of restrictions.
- High ground water table in parts of Minturn is a challenge.
- Should taller building heights be permitted in certain areas of Minturn?
- Avoid “canyon effect” along Main Street.
- Goal should be to keep lights on and more people living in Minturn.
- Are there opportunities to incentivize ADUs for local housing?
- Create incentives for housing in certain areas of Minturn.
- Greater certainty/predictability in the Code.

**Stakeholder Meeting #3 (9.28.23)**

*Attendees: Scot Hunn, Matt Farrar, Brian Sipes, Todd Biekkola, and Lynn Teach*

- The Code is the main tool for implementing the Community Plan.
  - To achieve the vision, goals, and objectives of the Community Plan, the Town may need a paradigm shift- what is the Town interested in (what does it want?) but potentially unsure of vs. what is the Town trying to avoid? What steps can the Town take to initiate these paradigm shifts?
- A Code can’t cover everything and can’t anticipate or address every possible situation.
- Land Use Codes are never approachable.
- A good Code delivers the community’s desires.
- If there’s a need to streamline processes, provide incentives, etc. that’s indicative of problems with the Code.
  - Regarding housing, the Code should not be relaxed or watered down or enforced unequally based on incentives for housing; regulations should be applied consistently to each property and situation.
- Allow square footage to be added within a nonconforming area.
- Write a Code that is aspirational rather than one that is focused on what the community doesn’t want.

- Consider what the Town wants to look/be like in 50 years.
- Code needs to be clear on intent- uses, buildings, impacts, character.
- Clarify what is allowed; what building massing is allowed.
- Include 3D diagrams that depict what is generally allowed.
  - Show 3D building envelope.
  - Creates greater predictability of what's allowed.
  - The City of Denver's Code contains great illustrations and intent statements that could serve as a model for the Town to follow. They explain what is desired and do a nice job of illustrating things like snow storage and parking.
  - The International Residential Code (IRC) is another good example of a technical code that explains intent and offers illustrations as clear examples of how to correctly interpret and apply the code.
- Minturn doesn't need a one-size fits all approach. Regulations need to consider the unique characteristics of different parts of the Town.
  - Ex. Parking regulations that are specific to neighborhoods in Minturn.
  - Don't need one-size fits all regulations for a community the size of Minturn.
- Acknowledge opportunities/challenges specific to each neighborhood in Minturn.
  - The existing Code defines character areas- maybe continue that concept and develop regulations specific to Minturn's neighborhoods (maybe consider neighborhood-based regulations?).
- May want to conduct an assessment of the Town's existing parking regulations vs. actual parking demand. Could lead to more tailored guidelines and requirements (per neighborhood).
  - Discuss various approaches to regulating parking within the community.
- Less is more with regard to the Code.
- More focus on achieving the goals set forth in the Community Plan.
- The scale and diversity of buildings in Minturn is its charm.
  - Minturn is the last truly unique Town in the valley.
  - Maintaining the Town's character and scale is essential.
  - Scale of development is important. What development looks like is less important.
  - Consider updating the Town's subdivision regulations to make it more difficult to combine multiple lots. This could help to regulate mass and scale of development in Minturn.
- Allow for creative interpretation of design regulations.
  - Design guidelines stifle creativity.
- Because of Minturn's size, it won't take long before bad projects hurt the Town's character.
- Minturn North PUD should have been required to limit the number of designs that can be repeated because it's a project built by a master developer.
- Look at Zoning Map to refine the amount of land allocated to different uses in Minturn. (Staff Note: the 2023 Community Plan includes analyses and mapping showing existing land use allocation).
  - For example, more focus on commercial and mixed use in areas along Main Street.
- Consider a deed restriction program for business/commercial space.
- Incorporate flexibility in the Code for things that the community wants.
  - Include flexibility for creativity – want to facilitate but not be overly prescriptive.
- Be careful of legislating mediocrity.
- Can't legislate to good design but can legislate away bad design.

- Protect access and views to the river.
- Preserve old trees.
  - Trees along Main Street, at Gemeni Gardens, cited as an example of how mature/old growth trees in Minturn add to the Town’s character and scale of the built environment.
- Consider including more statements of intent in the Code for the public realm and creating public spaces and amenities.
  - Buena Vista is an example of a Town that has done certain things to encourage and facilitate street level activity and gathering places (food trucks and agora style places).
  - Telluride and Crested Butte are other examples of communities working to improve public spaces (ex. alleyways). There is value and power in creating "discoverable" places just off the beaten path as part of the experience of a Town.
- Give the Planning Commission, Town Council, and staff the ability to effect positive change.
- Empower the Planning Commission and Town Council to allow for good projects.
  - May need further education and empowerment to: (1) know and understand intent statements in the Code; (2) enforce the intent of character areas, zone districts, etc.; and (3) holding applicants accountable for their designs and any variance requests.
- Be more rigorous in requiring an applicant/developer to explain how their project aligns with the community’s aspirations.
  - Consider having objective criteria for new development that is based on the vision, goals, and objectives of the Community Plan.
- Pre-application discussions with staff are important for establishing a common understanding of regulatory intent and/or guidelines (vision) and setting expectations for a project before much time and money has been invested.
  - Pre-application discussions should include other Town departments and outside agencies (ex. Fire District), as appropriate, to ensure that an applicant can discuss their project with the applicable review agencies (saves time and money).
- Housing:
  - Don’t think that the community is going to be able to build its way out of the housing problems (limited availability of land, maintaining scale of development in Town, etc.).
  - Need to do better with the diversity of housing.
  - Ask the community what types of housing they need and/or want in Minturn’s neighborhoods and evaluate against what the Town’s Code permits.
  - Does the Town’s Code allow for housing diversity?
  - Don’t compromise community values for affordable housing.
  - What types of housing does the Town’s code permit? Consider evaluating the types of housing allowed in Minturn’s neighborhoods as part of the Code update.
  - If housing is important to the community, the community needs to explore options for offering financial resources to incentivize affordable housing projects (i.e., public-private partnerships), rather than requiring/regulating affordable housing.

**Stakeholder Meeting #4 (9.28.23)**

*Attendees: Scot Hunn, Matt Farrar, Hany Malek, and Lynn Teach*

- Work to reduce impact on resources (e.g., Town staff, Planning Commission, Town Council, and the community’s time) due to review processes.



- Clarity and predictability from the start is important. Helps to avoid wasting time and resources.
- Ensure that the Town’s regulations and processes are clear. Ambiguity in the Code wastes time and effort and opens the Town up to lawsuits and challenges.
  - Better definitions.
  - Better purpose or intent statements per neighborhood (be more specific to existing conditions and desired character). What defines the character of an area/neighborhood?
  - Better graphics/illustrations. Need to clearly illustrate the intent of the Code.
- Reduce need for variances; Limit allowance for variances – why have a Code if we’re allowing a lot of variances?
- Concern about wasting resources by not being clear about what the Town/community wants to achieve.
- Can be difficult to work with Minturn’s Code and processes – meeting after meeting. Current processes can be cumbersome.
- Code needs a better search function.
  - Suggest better Muni-Code search function and a guide/tutorials (perhaps on the Town’s website?) about how to use Muni-Code.
- Educational materials, separate from the Code, that explain typical projects.
- Good code enforcement is important. Again, why have regulations if they are not enforced.
  - How can the Town effectively enforce the Code?
- Suggest revising Sec. 16-21-615 to require additional geotechnical information for development or proof that those things have already been covered; should require more detailed information.
  - Does the Town need to improve its regulations for development in Natural Hazard Areas?
- Would like to see better construction regulations and hours of construction.
- Let’s wait to see where existing development, infill, and redevelopment in Minturn takes the Town before pushing for/incentivizing ADUs.
- Concerns about parking, traffic, etc. impacts from future development.
- Metrics in the Code would be helpful – help to eliminate ambiguity.

**Stakeholder Meeting #5 (9.28.23)**

*Attendees: Scot Hunn, Matt Farrar, and Michael Pukas*

- Desired Outcome(s): Better building height calcs and illustrations.
- Building height limits need to be addressed; There are different height limits for different roof types.
  - Look at Summit County’s building height regulations as a model. They’re easy for people to use.
- Minturn’s current building height limit (28’) and calculation method (mid-point) incentivize steeper roof pitches and higher ridge heights.
- Look at defining building height limits for flat roofs, 2:12/3:12 roof pitches, and steeper roof pitches.
- What is the purpose of the Town’s building height regulations? What are they trying to achieve? Is the Town trying to encourage certain types of roof forms?
- Building height restrictions need to take into consideration the slope of sites. The Town’s existing 28-foot building height limit makes design, on sloped sites, difficult.
- Consider having different height limits for residential and non-residential buildings.

- Strike regulations that restrict development on lots with certain slopes.
- Review and revise hillside development regulations.
  - Existing regulations don't allow development on slopes over 40%, which seems arbitrary. There are buildings on sites all over Eagle County with slopes of 40% or higher.
  - Focus on safety requirements (i.e., engineering) and disturbance/visual impacts.
  - Why restrict site disturbance to 60%? Be reasonable with allowable site disturbance.
  - Be clear about what the Town is trying to prevent from happening.
  - Should allow for and encourage property owners and their designers to present the best design for the site rather than forcing a less optimal design on the site (based on arbitrary limitations).
  - Consider establishing a review and approval process for site disturbance, rather than limiting it to a certain percentage.
- Pre-application meetings are useful for understanding application submittal requirements and processes for projects.
- Town's processes have been smooth for projects brought to the Town.
- Opportunity for variances to just go to the Board of Adjustments? Right now, variances in Minturn go to the Planning Commission and Town Council.
  - *Staff Note: Ask the Town Attorney to weigh in on this.*
- Consider staff level approvals (i.e., administrative approvals).
  - Should there be an allowance for administrative approvals for "minor" variances?
  - Allow Administrative approvals for small projects.
  - Administrative approvals for minor changes to approved projects (e.g., changing the approved building color).
  - Having to go back to the Design Review Board (DRB) for every change is cumbersome.
- Planning Commission in Minturn serves as the Town's Design Review Board (DRB) – why?
- Using Minturn's Code is comparable to using Codes for other communities.
- Impervious surface allowances are challenging. Allowances are too small.
  - What's the intent of the Town's impervious surface restrictions?
  - Believes that the original intent behind current impervious coverage definitions and limits was to increase the amount of landscaping.
  - Consider a minimum percentage of lot landscaping instead of lot coverage restrictions, impervious surface restrictions, etc.
  - Why restrict impervious surface on residential properties and not non-residential properties?
  - Patios and walkways should not be considered landscaping. Should only count planting areas or xeriscape areas.
- Fee for heated driveways is absurd. Not in favor of penalties for energy offset.
  - Heated driveways don't have an impact on the Town. The Town does not provide utilities for heated driveways.
- Snow storage requirements should be based on driveway size, not lot size.
  - Maybe tie snow storage requirements to the amount of impervious surface.
- 30-foot high-water mark setback requirement is an issue.
  - Flood zone is defined and a reasonable place to start.
  - High-water mark is arbitrary – what is the purpose/intent of the Town's stream setback?
  - Look at Salida, Buena Vista, and other similar communities for stream setback requirements.

- Consider speaking with the Eagle River Watershed Council about stream setback requirements.
- Explore options for incentivizing waterway restoration.
- There needs to be a broader discussion about how development along a waterway should occur in Minturn.

### Stakeholder Meeting #6 (9.28.23)

Attendees: Scot Hunn, Matt Farrar, Kit Austin, and Nick Brechtel

- Parking is an obstacle to projects.
  - Parking regulations are often project killers.
- Building height limit is a concern.
- Parking requirements and building height restrictions drive development design.
- Revisit 100-block design guidelines, specifically parking requirements.
  - Why require diagonal parking and a 25-foot rear setback? Could be revised to allow for 90-degree parking and less setback distance.
- Historic preservation process is lengthy and cumbersome.
  - It's not clear what is required.
  - People who want to nominate their property might not because of the Town's regulations/processes.
- Ideas for incentivizing ADUs:
  - Make ADUs a use by right.
  - ADUs don't count towards lot coverage.
  - Reduce parking requirements for ADUs (e.g., one space per ADU).
- Explore rent control options for ADUs.
  - *Staff Note: Check with the Town Attorney about this.*
- Give/take approach. Development incentives for affordable/workforce housing (e.g., density bonuses for deed restricted units). Developers need to be held accountable for their obligations to ensure that the community receives what is promised.
- Ensure that the Code is clear for applicants/developers.
- Incorporate give/take/trade-offs into Code. Incorporate flexibility to make projects work.
- Ensure that the intent in the Code is clear.
- Develop a Code that enables collaboration between the Town and applicants/developers.
- Clarity from the start is important.
- Consider a Code that is performance based vs. prescriptive based.
  - Ex. Regulations for Bachelors Gulch.
- Like the bulk/plane concept – define a 3D building envelope/volume that someone can work within. Allows for some flexibility and creativity.
- From a developer/designer perspective, it's easy if there's clarity on the volume that you have to work within and parking regulations.



To: Minturn Town Council  
 From: Michelle Metteer  
 Date: November 1, 2023  
 RE: Town Manager Update

**Safe Streets for All (SS4A) Grant Award**

The town of Minturn has been awarded a SS4A grant in the amount of \$80,000 for the creation of a Safety Action Plan (Plan). This Plan will identify the primary areas of risk to pedestrians, vehicles, and multimodal forms of transportation. The town will look to utilize this Plan toward supporting larger grant applications to address transportation safety within town.

**Colorado Association of Ski Towns (CAST) Update**

On Friday, October 20<sup>th</sup> I attended the CAST meeting hosted in Vail. A variety of topics were covered including sustainable tourism, a producer-recycling program being implemented by the State, housing and more. Of note was an update that included the potential for legislation to come through at the upcoming legislative session that would propose the taxing of short-term rental properties as commercial.

**WaterWise Water Conservation Symposium**

I attended the WaterWise Conservation Symposium at Metro State University in Denver on October 24<sup>th</sup>. This symposium brought together a wide range of water users and suppliers to discuss opportunities for water conservation. Much of the discussion surrounded non-functional turf and programs for eliminating the ability to implement non-functional turf moving forward. Of particular interest was the opposition to artificial turf as a replacement option. Minturn has minimal town-owned non-functional turf, but through the revision of the code and the definition of an SFE the town can see greater water savings in the future.

**Downtown Development Authority Financial Analysis Review**

Minturn general counsel Mike Sawyer and I participated on a call with Cemetery representatives Kendra Carberry, attorney and Sidney Harrington, administrator in hopes of finding common ground pertaining to the multiple wildlife impalements on the Cemetery fence. The disagreements were wide ranging and extensive. The conversation did not find opportunities to move forward collaboratively in removing the spears on the top of the fence posts. However, the Cemetery representatives offered the Council the opportunity to pay for the remainder of the fence remediation. The Cemetery representatives said if this opportunity is of interest to the Council, they will take the option back to their board for consideration.

**Eagle County Housing Action Plan**

Avon, Vail, Eagle County, Eagle, and Minturn all participated in the Eagle County Housing Action Plan kick-off meeting on Friday, October 20<sup>th</sup>. The towns of Avon, Vail and Eagle County are paying for the match to the grant award for creating the plan. We are currently reviewing the RFP and hope to go through the process of selecting a firm to facilitate the creation of the plan by the end of the year.

**Main Street/HWY 24 Speed Limits**

Council member Brian Rodine brought to my attention the adjustments CDOT is making in how the department determines speed limits on State Highways. See article: <https://www.cpr.org/2023/09/15/cdot-lower-speed-limit-change-colorado/>. I was unsuccessful with reaching out to Crystal Armendariz, Minturn's CDOT Government Liaison, so I reached out to John Kronholm, CDOT's Region 3 Resident Engineer in requesting the consideration of reducing speeds along HWY 24. More to come. John forwarded me the included brochure and has asked the Minturn wait until the new process is in place.

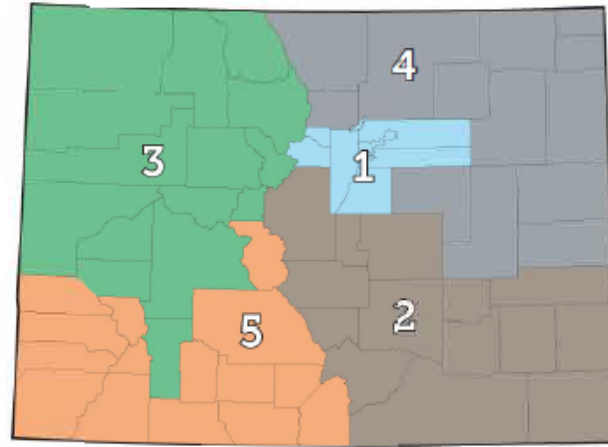
A uniform speed of vehicles helps traffic move more safely and efficiently.

The Colorado Department of Transportation's (CDOT) goal is to establish speed limits that maximize safety and that are respected by motorists. By using sound engineering principles, CDOT can provide a balanced transportation system that gets motorists to their destination as safely and efficiently as possible.



## WHAT YOU CAN DO

If you believe that there is a safety or speed limit concern posted on a roadway, (City Street, County Road or Highway), you may report this to an official in charge of that road. If the segment is a portion of the State Highway System, ... including U.S. and Interstate routes, contact the local agency (city/town, or county) where the speed limit concern is located and discuss your concerns with the appropriate local agency staff or elected officials. If the local agency agrees that there is a speed limit concern, the local agency will need to contact the CDOT Region Traffic Engineer to request a speed study.



COLORADO  
Department of Transportation



Section 10, Item A.

SETTING REALISTIC  
COLORADO  
SPEED LIMITS



COLORADO  
Department of Transportation

## SPEED LIMIT PRINCIPLES

Setting speed limits to realistic levels helps to protect the public by reducing the potential for vehicle conflicts while moving traffic efficiently. Speed limits also provide a basis for enforcement and sanctions for those who travel at speeds excessive for conditions which could endanger others.



- 30 mph in any residential district
- 40 mph on open mountain highways
- 55 mph on non-interstate open highways
- 65 mph on interstate highways, freeways, or expressways

The absolute speed limits, listed below, are the maximum lawful speed limits and may not be legally exceeded under any circumstances.

- 75 mph
- Posted work and school zones

Colorado traffic laws apply to all state highways, county roads, and city streets and requires that speed limits shall not be higher or lower than the *prima facie* speed limits unless a thorough traffic investigation or survey, also known as a speed study, has justified the change. For state highways, the speed study is typically conducted and approved by the Safety and Traffic Engineering Branch of CDOT.

Each speed study follows requirements within the Manual on Uniform Traffic Control Devices and traffic engineering standards. Factors which may be considered include:

- 85<sup>th</sup> percentile speed data (speed of 85% of drivers)
- Existing development

- Observed crash history
- Road characteristics
- Environmental factors
- Parking practices and pedestrian /bicycle activity

Section 10, Item A.

Some believe that lower speed limits are the solution to all accidents and traffic control problems. Studies have shown that most people will drive as they perceive the conditions of the roadway, ignoring a speed limit that is unrealistically low or high. A speed limit that is "too low" may actually decrease the overall safety of the roadway.

## SAFETY

CDOT uses a variety of traffic control devices to help reduce crashes on Colorado's roadways. These devices include signs, traffic signals, flashing beacons, and pavement markings. When it is raining, snowing, foggy or icy, Colorado law requires us to adjust our speed so we are able to travel safely even if the speed we travel is below the posted speed limit. We are also required to drive with tires which meet or exceed Colorado's Traction Law. We all play a role in keeping our roads safe and should always drive carefully, especially in work and school zones.

## TYPES OF SPEED LIMIT SIGNS

Once a speed limit is determined, signs are posted along the roadway segment. The following speed limit and speed limit advisory signs reflect a few types you may see along a road when traveling.

## THE LAW

Speed limits are posted primarily to regulate motorists to the speed considered reasonable and safe by the majority of drivers on a particular roadway. *Prima facie* speed limits are those which "at first appearance" are reasonable and prudent under normal conditions.

In Colorado, *prima facie* speed limits are:

- 20 mph on narrow, winding mountain roads
- 25 mph in any business district

### Regulatory Speed Limit and Variable Speed Limit



Black and white sign shows the maximum speed limit under ideal conditions.



Variable speed limits that change based on road, traffic, and weather conditions.

### Advisory Speed



Black and yellow sign to advise motorists of a safe speed. Typically, they are used with a warning sign.

### Regulatory Work Zone Speed Limit



Used to identify maximum speeds within a work zone. These speed limits may not be exceeded under any circumstances.

### Regulatory School Zone Speed Limit



This regulatory speed limit is in effect during a specific time and may not be exceeded under any circumstances.