



AGENDA

Town Council Regular Meeting 5:30PM

Wednesday, March 20, 2024

Town Hall / Council Chambers - 302 Pine St Minturn, CO

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.

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/88248180776>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 882 4818 0776

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 Jay Brunvand, Town Clerk, prior to the meeting and will be included as part of the record.

1. **CALL TO ORDER**
2. **ROLL CALL AND PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF CONSENT AGENDA**

Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.

[A.](#) 03-06-2024 Minutes

[B.](#) West Vail Pass Project - CDOT Communication

4. **APPROVAL OF REGULAR AGENDA**

Opportunity for amendment or deletions to the agenda.

5. **DECLARATION OF CONFLICTS OF INTEREST**

6. PUBLIC COMMENT

Citizens are invited to comment on any item on the Consent Agenda, or 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 Clerk. Those who are speaking are requested to state their name and address for the record.

7. COUNCIL COMMENTS & COMMITTEE REPORTS

A. Eagle Valley Transit Authority Update

8. STAFF REPORTS

[A.](#) Manager's Report

[B.](#) Planning Report - Minturn Forward Update

9. SPECIAL PRESENTATIONS

Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.

10. BUSINESS ITEMS

Items and/or Public Hearings listed under Business Items may be old or new and may require review or action by the Council.

[A.](#) Resolution 13 - Series 2024 Appointing Planning Commission Members

[B.](#) Ordinance 02 - Series 2024 (Second Reading) An Ordinance approving the Rezoning of Lot 3A South Minturn Addition Subdivision from Commercial to Residential

[C.](#) Ordinance 03 - Series 2023 An Ordinance Disconnecting Rex Flats, Gilman and Roster Pile 5 from the Town of Minturn

[D.](#) Ordinance 04 - Series 2024 An Ordinance Amending Chapter 19 of the Historic Preservation Code to allow for Noticing of Demolition Prior to Permitting.

11. DISCUSSION / DIRECTION ITEMS

12. FUTURE AGENDA ITEMS

[A.](#) Future Meeting Topics

13. ADJOURN

INFORMATIONAL ONLY ITEMS

Upcoming Events & Council Meetings:

-- April 2, 2024 - Town Election

-- April 3, 2024 - Council Meeting

-- April 20, 2024 - Council Meeting



OFFICIAL MINUTES

Town Council Regular Meeting 5:30PM

Wednesday, March 06, 2024

Town Hall / Council Chambers - 302 Pine St Minturn, CO

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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/87632458676>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 876 3245 8676

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 Jay Brunvand, Town Clerk, prior to the meeting and will be included as part of the record.

1. CALL TO ORDER

Mayor Earle B. called the meeting to order at 5:32pm.

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council present Mayor Earle Bidez, Mayor Pro Tem Terry Armistead, Town Council members Lynn Feiger, Eric Gotthelf, Gusty Kanakis, Brian Rodine, and Kate Schifani (zoom).

Staff present: Town Attorney Michael Sawyer, Town Planner Scot Hunn, Town Manager Michelle Metteer, and Town Clerk Jay Brunvand (zoom).

3. APPROVAL OF CONSENT AGENDA

Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.

- A. 2-21-2024 Minutes
- B. Resolution 09-Series 2024 A Resolution Approving a Reimbursement Agreement for Preliminary Engineering Services with Union Pacific Railroad
- C. Resolution 10 - Series 2024 - A Resolution Approving a Security Agreement with Eagle County and Minturn North for the Improvements on Minturn Rd/CR 14

Mike S. noted Resolution 10-2024 has an attached letter from the county that has been up dated and will be included in the Resolution.

Motion by Gusty K., second by Eric G., to approve the Consent Agenda of March 6, 2024 as presented. Motion passed 7-0.

4. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

The applicant pertaining to Ordinance 02 – Series 2024 requested this be moved to the top of the Business Item.

Motion by Terry A., second by Gusty K., to approve the Agenda of March 6, 2024 as amended. Motion passed 7-0.

5. DECLARATION OF CONFLICTS OF INTEREST

Terry A. noted a Conflict of Interest on Belden Place water SFE allocation and will recuse from this discussion.

Lynn F. stated she had a Conflict of Interest with Item 10F Ordinance 02-2024 (First Reading) in that the applicant was her husband and she is an owner in the referenced land.

6. PUBLIC COMMENT

Citizens are invited to comment on any item on the Consent Agenda, or 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 Clerk. Those who are speaking are requested to state their name and address for the record.

7. COUNCIL COMMENTS & COMMITTEE REPORTS

Eric G. reminded all of the snow removal operations.

8. STAFF REPORTS

A. 03-06-2024 Manager's Report

2025 Congressionally Directed Spending

I am preparing Minturn’s 2024 Earmark applications (brief memo included with this update). Minturn will be applying for water treatment funding, money toward Little Beach Park improvements and funds toward the continued sidewalk construction along Main Street. It is a competitive process and contingent on federal funds, so the likelihood of award is minimal.

Snow Removal - Pine Street Sidewalk Shoveling Improvements Needed

We need your help! The Minturn Public Works crew tries hard to get to everyone’s streets in a timely manner. During a recent snowstorm, Monday, February 26th, public works plowed the side roads (Pine Street as an example) only to have residents immediately shoveling the sidewalk snow back into the road AFTER the plow went by. We can all do better! Let’s work as a team. This was not just a violation of the Snow Removal Plan, but it squanders precious public works time in making the team go back and re-plow the road again. It also leaves large amounts of snow immediately adjacent to the sidewalk, only to melt and leave a puddle causing more issues. Let’s not multiply the snow removal issues. We can work together toward efficient snow removal for everyone!

Colorado Association of Ski Towns – Legislative Session

The mayor and I will be in Denver Thursday, March 7th returning Friday, March 8th for a CAST legislative session. The Governor of Colorado along with the mayor of Denver will both be addressing the membership and updates on pertinent legislative matters will be discussed.

Little Beach Park Grant Denied

I recently applied for a Land and Water Conservation Fund grant through the National Parks Service. This was an intensive application process that would have awarded Minturn \$250,000 toward retaining wall and replacement playground equipment at Little Beach Park. Unfortunately, after making it through the first round of cuts and providing a presentation of our project to the selection committee, Minturn’s project did not get approved to go to the Congressional Subcommittee for consideration of selection.

Minturn Forward Survey

The Town of Minturn is conducting a brief, [online survey](#) (paper copies available at town hall information table as needed) requesting feedback from Minturn residents and business owners. The Town is updating its land use, development, and subdivision regulations (Chapters 16 and 17 of the Minturn Municipal Code) and moving the Town forward after the recent adoption of the 2023 Minturn Community Plan which is intended to guide the Town’s land use and development decision making over the next 10-15 years. This public process is critical to the success of the Chapter 16 update and an anonymous survey provides a great opportunity for not just property owners, but renters, who may otherwise feel intimidated to provide feedback publicly, to voice their opinion. The Planning Commission is tasked with the long-term future built-out vision of the town and everyone giving their feedback will help to ensure the public’s opinions are known.



Michelle M. highlighted this item and encouraged all to take the survey.

Historic Preservation – History Colorado Grant Award (Contingency List)

See included award letter.

Michelle M. attended a WRAP meeting for emergency preparedness today.

9. SPECIAL PRESENTATIONS

Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.

10. BUSINESS ITEMS

Items and/or Public Hearings listed under Business Items may be old or new and may require review or action by the Council.

- A. Ordinance 02 - Series 2024 (First Reading) An Ordinance approving the Rezoning of Lot 3A South Minturn Addition Subdivision from Commercial to Residential

Note: this item was moved to the top of the Business Items to accommodate the applicant who was present at the meeting.

Note: Lynn F. recused herself and stepped down from the dais due to a Conflict of Interest.

The Applicants, Mr. John A. “Woody” Woodruff, and Ms. Lynn Feiger, propose to rezone a portion of their property, Lot 3, South Minturn Addition Subdivision, located at 998 Main Street, from South Town Character Area Commercial Zone District to South Town Character Area Residential Zone District. Concurrent with this rezoning request, the Applicants are working with the Town to process a minor subdivision application – dividing Lot 3 into two lots, Lot 3A and Lot 3B – for the purpose of facilitating this rezoning request and to facilitate continued residential use on future Lot 3A while allowing for the eventual redevelopment of Lot 3B for commercial purposes, pursuant to the Town’s goals and policies. Therefore, this report and staff’s findings reference and apply to rezoning of “Lot 3A.” The Town of Minturn Planning Commission considered this rezoning request at their regular meeting of February 28, 2024, and unanimously forwarded a recommendation for approval to the Town Council based on findings that the request meets the Town’s requirements, standards, and policies.

Staff and the Planning Commission are recommending approval of the proposed rezoning request for Lot 3A, South Minturn Addition, located at 998 Main Street, to change the zoning from South Town Character Area Commercial Zone District to South Town Character Area Residential Zone District, based on the analysis provided in this report and staff’s findings that the request and application meet the Town’s submittal requirements, criteria, and findings to amend the Official Zone District Map. Therefore, Ordinance No. 2, Series 2024 - to amend the Official Zone District Map to rezone Lot 3A from the South Town Character Area Commercial Zone District to Residential Zone District - is being presented to the Town Council for consideration on first reading at the Council’s regularly scheduled meeting of Wednesday, March 6, 2024.

Woody Woodruff, applicant, stood for questions. He stated that the current commercial building was not to code and would cost more to fix than to replace. Using the packet items, he reviewed the plat and request.

Public Hearing Opened

Mr. Jim Sevens, 632 Main St, asked the location of the property.

Public Hearing Closed

Motion by Gusty K., second by Eric., to approve Ordinance 02 - Series 2024 (First Reading) An Ordinance approving the Rezoning of Lot 3A South Minturn Addition Subdivision from Commercial to Residential as presented. Motion passed 6-0. (Note: Lynn F. stood recused.)

Note: Lynn F. resumed her set at the dais.

B. 806 Cemetery Road - New Maintenance and Storage Building

At the February 21, 2024 Town Council meeting, Council requested referral guidance from Colorado Parks and Wildlife regarding a recommendation on the proposed building window given the entirety of the Cemetery is located within a wintering elk corridor. Please see below for the correspondence from Devin Duval, District Wildlife Manager, Colorado Parks and Wildlife:

“Thanks for reaching out, Michelle. I truly appreciate the Council’s interest in minimizing disturbance during the wintering months for elk. Also, given the migratory/movement habitat considerations of this area, a prudent set of dates would also seek to accommodate the majority of seasonal movements for other big game species (mule deer). Without being unduly restrictive, I would be comfortable with a closure that mirrors adjacent trail networks. Thus, my recommendation is the following: In order to minimize disturbance and impacts to migratory and wintering wildlife, it is recommended that the applicant adopt a construction window of June 22nd through November 22nd, annually. This should result in all construction, construction related activities, and construction preparatory activities ceasing for the period starting November 23rd through June 21st, annually. This is consistent with Forest Service seasonal wildlife closures in the area. Please let me know if you require any additional information, etc. Thanks. Devin Duval District Wildlife Manager”

The 2023 Community Plan Action 7.5.3 states “Collaborate with regional partners such as the Eagle River Watershed Council, Eagle Summit Wilderness Alliance, and Eagle Valley Land Trust, and Vail Valley Mountain Trails Alliance on stewardship education and enforcement efforts to protect and preserve natural resources and wildlife.” Chapter 5 Water Infrastructure, Hazard Mitigation & Sustainability on page 81 of the plan states “Sustainability can and should be considered and woven into all aspects of the Town’s operations and culture wherever possible. From recycling, composting and Zero Waste events such as the Minturn Market, to water conservation, to sustainable development and landscaping practices, to renewable energy viability,

to balancing recreation and development with the protection of natural resources, ecosystems, and wildlife, to alternative transportation habits.” The 2023-2025 Strategic Plan promotes “Wildlife protection and safety” within the key strategy to “Practice Fair, Transparent and Communicative Local Government” as well as a second key strategy “Long-Term Stewardship of the Natural Beauty and Health of Minturn’s Environment.” The proposed construction window by Colorado Parks and Wildlife follows the town’s goals as they pertain to the 2023-2025 Strategic Plan and the 2023 Community Plan.

Staff Request: Review and ratification of Planning Commission actions from their regular meeting of January 24, 2024. The following actions were taken by the Planning Commission, acting as the Minturn Design Review Board, which may be called-up for further review by the Minturn Town Council.

Mike S. requested this item be continued to a date certain to allow for publication and posting.

Motion Terry A., second by Gusty K., to continue this to the May 1, 2024 Council Meeting as requested by the cemetery district to consider the Cemetery’s New Maintenance and Stroage Building located at 806 Cemetery Rd as presented. Motion passed 7-0.

C. Belden Place Application for Additional Water SFEs

Note: Terry A. recused herself due to a Conflict of Interest and stepped down from the dais.

As members of Council may recall, in February 2022 representatives of the Belden Place development made a request to Council to have additional SFEs allocated for its development. At that time, the Council took the request under advisement without giving a specific direction. In the interim, Belden Place filed litigation against the Town in part asserting its rights to receive additional SFEs of water service. The Town entered into a settlement agreement with Belden Place in November 2023 (attached). Belden submitted application documents to the Town for additional SFEs in December 2023. Due to health issues of the Town Attorney, final review of the application materials was not completed until February 2024. The Belden Place development contains single family residences, duplexes, and multifamily residences. As a result of the land use configuration, several of the units do not have yards requiring irrigation. Instead, there are common areas that will be irrigated together with lawn and gardens associated with single family and duplex lots. The result of this is that the total effective water consumptive use associated with the development is less than would be expected if all of the units were single family residences. In effect, the Belden Place development creates more housing with less water consumption than would a strictly single family or duplex community. Under ordinance No. 5, Series 2020, the Town imposed a moratorium on development that limited new water service to historical use plus three SFEs. The 2020 moratorium ordinance was subsequently updated in 2023 to limit development to historical use plus one SFE. Another amendment to the 2020 moratorium ordinance was removing a provision that allowed developments to seek additional SFE allocations from the Council. Because Belden Place made its request for additional SFEs prior to the adoption of the 2023 revised moratorium, Belden may proceed with its application to seek additional SFEs for its development under the 2020 moratorium provisions. Under the 2020 moratorium, the Minturn North development was allocated 70 additional SFEs of water service which constituted the bulk of the

remaining water service the Town currently has the legal and physical means to provide. The Minturn North development turned out to be less water intensive than was contemplated in 2020. Specifically, Minturn North development only has 39 lots.

The subdivision improvement agreement for Minturn North allows for certain units to be built larger than 3000 square feet and has reserved an additional 15 SFEs of water service for that purpose (for a total of 54 units) The water service for larger lots must be designated within two years of the Minturn North approval, otherwise those taps will go back into the general allocation. The 16 taps which Belden Place is seeking an allocation of represents the reduction in the Minturn North density to its current platted situation without including SFEs for a larger houses on some of the Minturn North lots. The settlement agreement in the Belden Place litigation contemplates that Belden Place will submit an application for allocation of the SFEs and applications to amend the SIA, the PUD plan, and the final plat. The amendments to the land use documents represent the conversion of a triplex lot into a single family lot (with ADU). The land use applications have been submitted together with the materials for the SFE allocation, but will be heard at a subsequent time by the council after land use notice occurs. While the settlement agreement contemplates the hearing to allocate 16 SFEs to Belden Place, the settlement agreement does not require a specific outcome. Instead, this will be a quasi judicial hearing in which the Council will make an independent evaluation of the request. The decision shall be made by a voice vote of the Council.

Staff recommends approval of the request to allocate the 16 SFEs to Belden Place. As noted, the allocation will result in less water use per SFE than allocation to single family or duplex lots. That helps the Minturn water system which faces major physical and legal limitations on water production. Further, the allocation would advance the goals of the settlement agreement with Belden Place and move toward dismissal of that litigation.

Information was presented on the concern of Midtown Lofts and their need for additional taps and how this request superseded the Midtown Lofts and the circumstances thereunder.

Midtown Lofts

The Town’s February 2023 repeal and reenactment of the moratorium allows Midtown Village to receive taps equal to the number of SFEs historically used by the property(ies) being developed, plus three new taps. Based upon the facts as they have been provided to us, however, the developer did not make a request to the Town Council for an expansion of that limit before the February 2023 repeal and reenactment of the moratorium eliminated the possibility of such relief. Therefore, the developer cannot now receive taps in excess of the historic use plus three SFEs.

As originally enacted on May 6, 2020, the moratorium limited applications for new connections to the Town’s water system to developments involving “no more than three SFE’s for new water use for an entire property or collection of adjoining properties...owned by the same or related owners.” The original moratorium also provided that “[t]his limitation may be modified on a case-by-case basis by the Town Council based upon a specific application.”¹ In 2021, the developer of Midtown Village submitted but did not pay the fees associated with a Conditional Use Permit (“CUP”) application. ² Town staff determined, however, that the proposed development could not

proceed as a conditional use. Therefore, the Town never accepted or processed the CUP application.

Council Comments:

Brian R. had a concern with Point 11 and how units/lots could be removed.

Lynn F. felt it was a positive way for local housing. She felt most water consumption is outdoor use where it is not recovered back into the water system and questioned if we might reduce the 2000sf irrigation space to allow higher density housing. This would supply housing and would reduce the amount of water consumption overall.

Gusty K. asked for clarification of how the exchange out of SFEs would effect the final count. It was noted that even with this revised allocation, they would still be approximately 3sfes short. There is a clause in the settlement agreement for them to come back within 7 years to request the final potential allocation. He asked about Midtown Lofts, it was noted it was found that the Midtown had not applied a submittal for more taps, they had submitted a land application not a utility allocation prior to the most recent moratorium allocation allowance.

Earle B. asked about the two separate developments. Mike S. outlined how the two projects differ as to timing of the utility requests. He also noted that the irrigation limitation is also being considered but the request is based on the timing of the request, not the irrigation levels.

Mike S. outlined the next steps for this project.

Kate S. asked if there was an opportunity to rework how we define an SFE or are we stuck with this process. Mike S. stated we have a settlement agreement with Belden Place that included them bring this forward. As to adjusting the definition, this would need to be done in consultation with our water engineer and water attorney to ensure our water rights are not infringed upon. She asked if this was something we would want to continue this process until we can get that answer. Mike S. stated this current process will allow them to move forward now where continuing would preclude that, he recommended we stay this path. Because we currently have a pending water court case we are not able to modify the definition at this time.

Lynn F. was in favor of this settlement agreement but felt it was worth going back to consider limiting irrigation in exchange for more density.

Public Hearing Opened

Mr. Lindsay Webb, 642 Main St, was concerned with what this will look like and hoped the density levels would not take away from the vision of the town.

Christine Collims, 652 Main St, asked if it was prudent to hold back some of the SFEs rather than give them all we have. Earle B. stated that with the reallocation of the Minturn North project, this was a long time project and this is what was requested.

Discussion ensued on potential other options

Bev Christiansan, 1201 Main St, felt it was important to keep our town open to citizens that will make up our community. She spoke in support of this project.

Michelle M. stated water taps are allocated in section 3 of the water moritorium as they relate to two contiguous lots owned by the same owner where SFE's will be allocated on a first come first served basis.

Public Hearing Closed

Motion by Brian R., second by Lynn F., approve the Belden Place request of 16 additional SFE's as presented with the findings. Motion passed 6-0. Note: Terry A. stood recused.

Findings

- The 16sfes made available by the Minturn North reallocation
- Belden Place applied prior to the second moratorium and is first in line
- Belden Place will use less water due to size and density of lots
- Belden Place will create more housing with less water use than traditional single family homes
- It is in the best interest and welfare of the Town to grant this request

Note: Terry A. resumed her seat at the dais.

- D.** Ordinance 01 - Series 2024 (Second Reading) An ordinance Amending Provisions Contained in Chapter 13 (Utilities Code), Chapter 16 (Zoning Code), Chapter 17 (Subdivision Code), and Chapter 18 (Building Code) of the Minturn Municipal Code

Michael S. presented.

As members of the Council will recall, the Town entered into a settlement agreement with Battle Mountain to resolve litigation that the Town had filed. The litigation arose from Town approvals granted between 2006 and 2008 to implement a ski resort development concept. Those approvals included both agreements as well as land use approvals for a large resort concept located in the Maloit Park, Bolts Lake and Battle Mountain areas. The settlement agreement (attached) contemplates that the Town will consider approval of a much scaled down development concept. Specifically, the settlement agreement identifies a maximum density of 250 residential units, a destination spa and wellness facility, and up to 50,000 square feet of commercial development. In order to implement these settlement terms, the settlement agreement identifies various changes to the Town Code (see section 2 on pages 3-8). The Ordinance presented for your consideration at the February 21 meeting (with proposed second reading on March 6) would implement the code changes identified in the settlement agreement. It is important to note that the settlement agreement did not guarantee that these code changes would be adopted. Rather, the settlement agreement creates a process by which the Town through its Planning and Zoning Commission and Town Council will consider applications for development approvals to implement the concept identified in the settlement agreement.

An important part of the settlement agreement is the requirement that Battle Mountain obtain water service for its proposed development from Eagle River Water and Sanitation District (“ERWSD”). Battle Mountain has an agreement that was executed at the time that the Bolts Lake reservoir site was sold to ERWSD that requires the District to provide water service. This likely will be in the form of a new water treatment plant taking water from the Eagle River and specifically providing it to the proposed Bolts Lake development. Section 4 of the ordinance includes utility code amendments specific to the Bolts Lake area that recognize that the Town will not provide water for this development and will not operate or maintain the water treatment plant providing such service period. Section 5 of the ordinance implements additions to the Town's zoning code specific to the Bolts Lake development. This includes the addition of certain definitions specific to the Bolts Lake zone districts and the establishment of four new zone districts. The Bolts residential zone district is characterized by residential, non-commercial land uses. The Bolts mixed-use zone district includes higher density residential and certain low impact commercial business uses. The Bolts open space and recreation zone district is specific to non-developed areas within the Bolts Lake property. The Bolt holding zone is a zone district that will be applied to properties the Town will receive but for which there has not been a formal planning process to establish eventual uses. The locations of these zone districts are included in a graphic in the ordinance. The proposed land use table is included at section 16-10.5-70 and describes the types of land uses allowed in the various zone districts. One use type that requires some attention is the temporary processing area use which is designated as a use by right in the Bolts open space and recreational zone. This particular use contemplates that material excavated from the Bolts Lake reservoir will be transferred to certain parcels for processing and eventual coverage of the old tailings pile area to complete remediation of that site. Normally, material processing would be subject to a conditional use permit requirement to ensure that impacts are addressed. The developer is requesting that this be a use by right but subject to a covenant whereby the Town could include certain mitigation requirements. The covenant has not been drafted yet and will be subject to review and approval by the Town Council. Council should be mindful that in the first Intergovernmental agreement between the Town and ERWSD, the Town agreed not to apply its 1031 permitting authority to the placement of fill at the OTP. The second IGA with ERWSD does require the District to submit information related to “Nuisance. Descriptions of noise, glare, dust, fumes, vibration, and odor levels anticipated to be caused by the project,” air quality, visual quality, surface water quality, and ground water quality. The second IGA also requires approval of a “monitoring and mitigation plan” to avoid potential adverse impacts.

The dimensional use table can be found at 16-10.5-90. This table has been reviewed by planner Scot Hunn. Section 6 of the ordinance involves changes to the subdivision code. The main provisions involve the use of exemption plats to create parcels within the Bolts Lake property that have a minimum size of five acres. The exemption plats are only subject to an administrative review. The plats will create parcels that can be conveyed to third parties. It is anticipated that the exemption plats will be used to create parcels that will be conveyed to the Town and also parcels that the developer may choose to convey to third parties interested in developing portions of the Bolts Lake area. The approximate locations for the initial exemption parcels will be presented by

Battle Mountain during the hearing. In section 17-6-80 (7) A, we are still working with the Town engineer to determine which of the Town's final plat requirements will apply to the exemption plats. That issue will be clarified prior to final approval by the Town Council. Parcels created by exemption plat will have no development rights. Instead, before an exemption plat parcel can be developed, the owner will have to come through either the site plan review process or a formal subdivision process. That way, impacts can be addressed and formal review of the development concept for these exemption plat parcels can be obtained. The exemption plats will further note that water service will not be provided by the Town of Minturn. Section 7 involves certain minor amendments to the building code. The code changes provide that impact fees are not addressed at time of an exemption plat but rather at the time of a further subdivision or development application for set parcel. The Planning and Zoning Commission did make one recommendation of approval. It is contained in the dimensional use table. The original draft had maximum building heights for the Open Space and Recreation District and the Holding Zone. The recommendation is to make building heights and setback decisions at the time of a design review, CUP, or location and extent review. The only building currently contemplated in this zone district is the water treatment plant to be constructed by ERWSD. Before that can occur, ERWSD will have to undertake a location and extent review with the Town and these dimensional limitations can be imposed. If Council would like to revert to the prior dimensions, we can do that for second reading.

Mike S. noted the changes from first reading are:

- Gas stations are now conditional use not a use by right
- The “Club” language was not changed. This includes churches in a mixed use zone, they would have to comply with all conditions the same as any other “Club” use.

Mr. Tim McGuire, applicant representative, was present for questions.

Lynn F. spoke to who will be responsible for the contaminated lands; the EPA considers most of the lands remediated unless Battle Mtn changes the existing use or level of use before they can use the lands. If this further imposition is under taken, then Battle Mtn or its successors would be required to further mediate at their cost, not the cost of the districts. It was requested that this be made more clear in the Service Plan.

Public Hearing Opened
No Public Comment
Public Hearing Closed

Motion by Lynn F., second by Gusty K., to approve Ordinance 01 - Series 2024 (Second Reading) Amending Provisions Contained in Chapter 13 (Utilities Code), Chapter 16 (Zoning Code), Chapter 17 (Subdivision Code), and Chapter 18 (Building Code) of the Minturn Municipal Code as amended. Motion passed 7-0.

Amendment:
Make more clear that Battle Mtn or its successors would be responsible for toxic lands mitigation.

E. Resolution 11 - Series 2024, A Resolution Extending the Approval Period for the Battle North/Minturn Settlement Agreement

Michael S. presented.

The Town and Battle Mountain entered into a settlement agreement providing a process for review and approval of various land use applications. The settlement agreement had a term that the various land use applications would be approved by March 5 (Approvals Deadline) with an outside termination of April 30, 2024. As the Approvals Deadline is approaching, the Town and Battle Mountain desire to provide additional time for full review and processing of the various Battle Mountain applications. The attached resolution will approve the First Amendment to the settlement agreement extending the Approvals Deadline to June 20 and the outside termination date to July 18. Staff supports approval of the First Amendment.

Tim McGuire, applicant representative, was present for questions.

Public Hearing Opened
No Public Comments
Public Hearing Closed

Michelle M. updated on the work yet to be undertaken and felt confident this could be done by this revised date.

Motion by Gusty K., second by Brian R., to approve Resolution 11 - Series 2024, A Resolution Extending the Approval Period for the Battle North/Minturn Settlement Agreement as presented. Motion Passed 7-0.

F. Resolution 12-Series 2024, A Resolution Terminating the 2008 Battle North (Ginn) PUD Preliminary Plan

Michael S. presented. Tim McGuire, applicant representative, was present for questions.

Michael S. noted that since we have just approved new zoning on the property, we now need to terminate any prior approved zoning.

Terry A. asked why the Bolts Lake is not in this? Mike S. stated this is intentional in order to maintain the reservoir zoning.

Tim McGuire updated on the next steps for their side of the settlement agreement to include the formation of metro districts to manage the use and development of the properties.

As part of the approvals for the Battle Mountain ski area development back in 2008, the Town Council approved a preliminary planned unit development plan and environmental impact report (resolution #18 series 2008) for the property. This document created the zoning for the ski area development. With the adoption of the Battle Mountain code amendments in 2024, the prior PUD zoning will be displaced by the creation of new Bolts Lake zone districts. To that end, a resolution

formally terminating the PUD zoning for the Battle Mountain property is required. It is important to note that the legal description in the Resolution does not include the reservoir area conveyed to Eagle River Water and Sanitation District. The 2008 planned unit development plan includes zoning that allows for reservoir uses on that land. To that end, the original zoning will remain in place for that single parcel.

Motion by Eric G., second by Lynn F., to approve Resolution 12-Series 2024, A Resolution Terminating the 2008 Battle North (Ginn) PUD Preliminary Plan as presented. Motion passed 7-0.

11. DISCUSSION / DIRECTION ITEMS

A. Battle North Metro District Service Plan Review

Messrs. Tim McGuire and Bill Ankele (zoom) presented on the item as applicant representatives.

The Districts are independent units of local government, separate and distinct from the Town of Minturn and, except as may otherwise be provided for by state or local law or this Service Plan, their activities are subject to review by the Town if they deviate in a material way from the requirements of this Service Plan. It is intended that the Districts will provide a part or all of the various Public Improvements necessary and appropriate for the development of the Project within the Town. The Public Improvements will be constructed for the use and benefit of all anticipated inhabitants and taxpayers of the Districts and the general public, subject to such policies, rules and regulations as may be permitted under applicable law. The primary purpose of the Districts will be to finance the construction of these Public Improvements. The Districts will also provide ongoing operations and maintenance as specifically set forth in this Service Plan. B.

There are currently no other governmental entities, including the Town, located in the immediate vicinity of the Districts that have the means or desire to undertake the planning, design, acquisition, construction, installation, relocation, and financing of the Public Improvements needed for the Project. Formation of the Districts is necessary in order for the Public Improvements required for the Project to be provided in the most economic manner possible. C. Objective of the Town Regarding Districts' Service Plan. The Town's objective in approving the Service Plan for the Districts is to authorize the Districts to provide for the financing, planning, design, acquisition, construction, installation and relocation of the Public Improvements from the proceeds of Debt to be issued by the Districts, and for maintenance of certain Public Improvements. All Debt is expected to be repaid by taxes imposed and collected at a tax mill levy no higher than the Maximum Debt Mill Levy and from other legally available revenues. Debt, which is issued within these parameters and as further described in the Financial Plan, will insulate property owners from excessive tax burdens to support the servicing of the Debt and will result in a timely and reasonable discharge of the Debt. Under no circumstances is the Town agreeing or undertaking to be financially responsible for the Debt or the construction of Public Improvements. The Districts shall be authorized to finance the Public Improvements that can be funded from Debt to be repaid from tax revenues collected from a mill levy which shall not exceed the Maximum Debt Mill Levy and the Maximum Debt Mill Levy Term, together with other legally available revenues.

During the meeting Mr. Ankele presented a PowerPoint presentation where he reiterated the three districts will be a residential, a commercial, and an operating district and outlined the proposal and schedule. They will have an election to approve the districts at the soonest in Nov 2024.

Mike S. noted the parcels being conveyed to the town are not included in this action. The restricted parcels that are also offered as part of the settlement would have the ability to transfer to the town without being in the districts.

Mr. Ankele reviewed the proposed max mill levy, debt limits, operations and maintenance mill levy, and outlined estimated fees. He presented about 10mills for the O & M and a ceiling of 50 mills for debt service, noting this is a very common debt service ceiling.

Council questions

Brian R. asked if they are going straight to the 50mill limit? How will it apply to the first homes? Mr. Ankele stated he felt they would come in below that max limit and the project will be phased. Brian R. asked regarding financing. It was noted the developer will set up the financing, but the district set up allows bonds and taxes. Mr. McGuire stated they have about 10years of development of this project and are aware of market conditions within the various financing vehicles. They are working on cost estimates for the infrastructure which will determine how they position themselves. It was noted that, because the trails and whatnot are publicly financed they are available to for all public, not just the members of the districts.

Lynn F. discussed the remediation of the lands and that this would be done by Battle Mtn not by the districts. She asked who would be responsible for the contaminated property? The EPA as determined most of the lands mitigated as long as Battle Mtn doesn't increase the current use. Discussion ensued as to how the proposal could be more transparent in the Service Plan.

Terry A. expressed concern that what is in the document will be abided by. The project representatives outlined how the law gives the town oversight of the Service Plan, while not accepting responsibility of debt, etc. This is a separate governmental entity from the town but still within the town. The districts allow tax exempt financing where without the districts this would not be available. Investors will pay for the proposals which will allow more than what any developer could afford to do.

Lynn F. expressed concern and discussion ensued as to how Rex Flats would be managed. Tim McGuire stated Battle Mtn would be responsible for trespassing, etc. He replied that Battle Mtn or a future owner will be responsible for the management of the land and annual reports are required to the EPA and this is not something someone can just walk away from.

Michelle M. asked where are the costs for a well? They are looking at more of a diversion than a well. Mr. McGuire stated they are limited by the 50mills and the funds that generated from that. If the costs exceed what 50 mills can generate they would then have to review their phasing of the project.

Mike S. encouraged Council to give further direction they would like to have staff follow up on.

Direction given by Council:

- Affordable housing
- Increased transparency

12. FUTURE AGENDA ITEMS

A. Future Agenda items

- Discussion of SFEs and alternative definitions and applications this would be an executive session

13. ADJOURN

Motion by Gusty K., second by Eric G., to adjourn the meeting at 8:50pm.

Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

INFORMATIONAL ONLY ITEMS

Upcoming Meetings & Events:

- March 20, 2024 Council Meeting
- April 2, 2024 Minturn Municipal Election
- April 3, 2024 Council Meeting

Consolidated Service Plan for Battle North Metropolitan District Nos. 1-3

White Bear Ankele Tanaka & Waldron
2154 East Commons Avenue, Suite 2000
Centennial, CO 80122

Proposal and Schedule

- ▶ The applicant will be seeking approval by the Town Council of the Consolidated Service Plan for Battle North Metropolitan District Nos. 1-3 (the “**Service Plan**”).
- ▶ Districts are being proposed in keeping with the Settlement Agreement to fund significant infrastructure needed for the Battle North Project.
- ▶ Following this Work Session, Applicant proposes a March 20, 2024 Town Council Meeting to consider a Resolution of Approval.
- ▶ Organization proposed to occur at the November 5, 2024 election.

General Background

- ▶ The project is anticipated to be comprised of the following:
 - ▶ 225 to 250 residential units
 - ▶ 50,000 square feet of commercial space
 - ▶ Spa/Wellness Facility

- ▶ Three Districts are proposed in keeping with the Settlement Agreement, a Residential District, a Commercial District, and an Operating District.

- ▶ The Districts would provide financing for roads, water (including a potable water system), sanitation, storm drainage, and parks based on future Town requirements.

- ▶ Beyond financing, it is anticipated that the Districts will own and maintain:
 - ▶ Open space/restricted parcels
 - ▶ Community parks and trails
 - ▶ Potable water system, unless operated by ERWSD

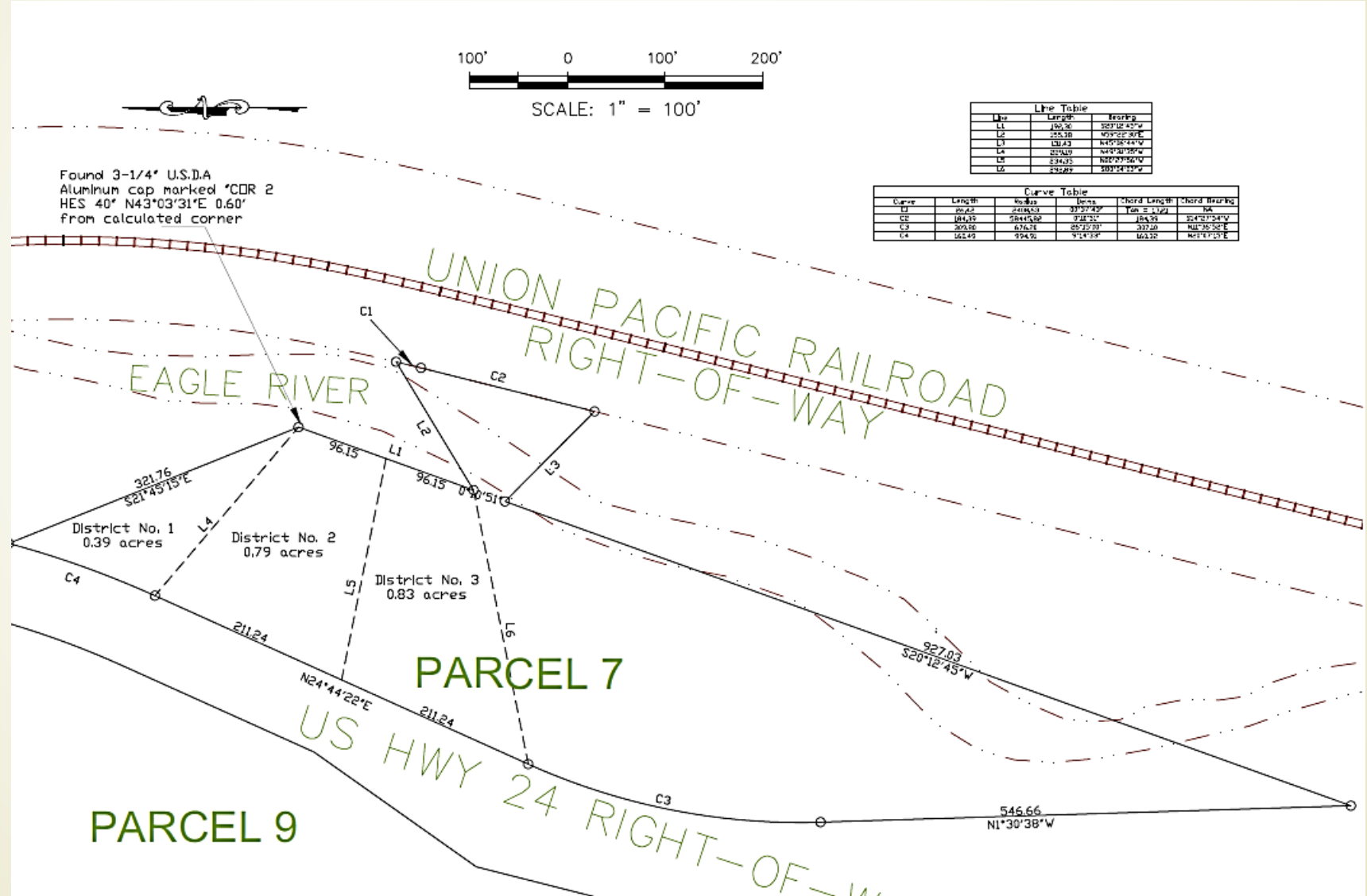
General Background (cont.)

- ▶ The Special District Act allows metropolitan districts to provide many services. However, the functions of the Districts are narrowly drawn in the Service Plan to those financing and operations activities directly related to the Battle North project.
- ▶ The Districts will be subject to various statutes that promote transparency, including the Open Meetings Law, the Colorado Open Records Act, the requirement to file an annual report with the Town, and the requirement to maintain a website containing specified information, which must be accessible by the public.
- ▶ The Districts shall not exercise the statutory power of eminent domain without first obtaining approval from Town Council.
- ▶ Prior to the issuance of any debt to the developer, the District issuing such debt must obtain an External Municipal Advisor Certificate relative to the reasonableness of the interest rate on such debt.

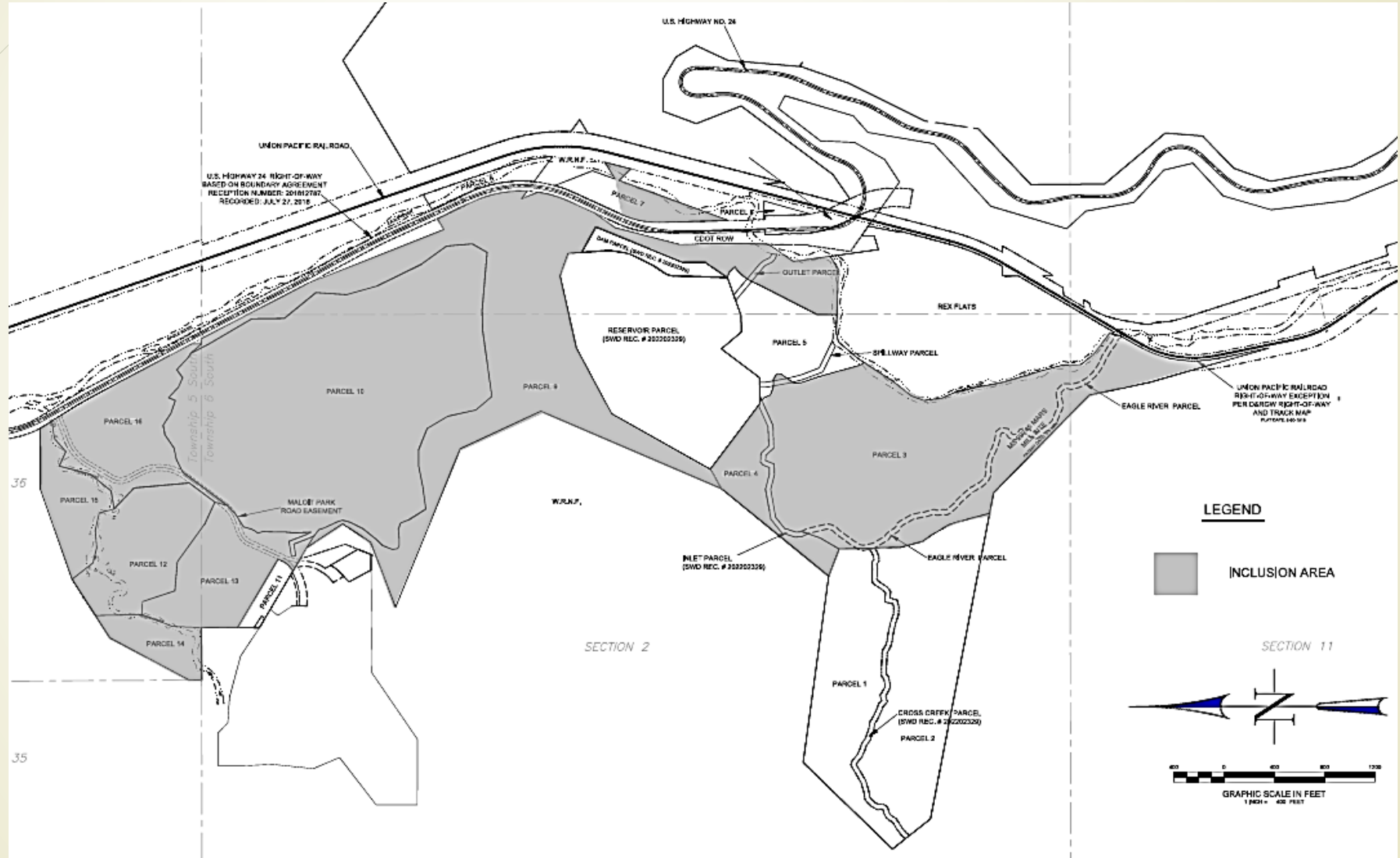
Benefits of District Formation

- ▶ There is no other entity willing or able to provide infrastructure to service to the Battle North project.
- ▶ The Districts are able to fund significant public improvements which are necessary for the projected needs of the community.
- ▶ The Districts would have power to manage obligations associated with the “Restricted Parcels” as referenced in the Settlement Agreement.
- ▶ The Financial Plan included in the Service Plan shows the Districts have the financial ability to discharge the proposed indebtedness at reasonable mill levies.

Initial Boundaries of the Districts



Inclusion Area



Key Financial Terms of Service Plan

Estimated Costs of Public Improvements	\$51,385,000
Total Combined Debt Limit	\$62,000,000
Maximum Debt Service Mill Levy	50 mills, subject to adjustment to reflect changes in the method of calculating assessed value
Operations and Maintenance Mill Levy	To be set based on actual administrative, operations and maintenance costs
Maximum Debt Mill Levy Imposition Term	30 years from the date of first imposition of a debt service mill levy for each debt issuance
District Fees	Permitted to be imposed for services, programs or facilities provided
Projected Bond Issuances	<p>Series 2026</p> <ul style="list-style-type: none"> • Approximately \$35,920,000 <p>Series 2036</p> <ul style="list-style-type: none"> • Approximately \$54,070,000 • Refinance of the 2026 issuance • Approximately \$24,000,000 in additional funding

Mill Levy Comparisons

District	District O&M Mill Levy	District Debt Service Mill Levy	Overlapping Mill Levy	Total Mill Levy
Battle North	10.000	50.000	65.595	125.595
Valagua	15	54.229	57.806	127.035
Siena Lake	18.029	51.971	55.529	125.529
Haymeadow	20.000	50.000	50.337	120.337
Red Sky Ranch	5.000	32.743 (includes debt and contractual oblig.)	46.601	84.344
Avon Station	23.000	44.299 (contractual oblig.)	56.167	123.466
Eagle-Vail	11.227	2.980	47.661	61.868



Questions?



Town of Minturn
301 Boulder St #309
Minturn, CO 81645
970-827-5645
council@minturn.org
www.minturn.org

March 20, 2024

The Honorable Jared Polis
Governor, State of Colorado
State Capitol Building
200 E. Colfax Ave., Rm. 136
Denver, CO 80203

Ms. Shoshana Lew
Executive Director, Colorado Department of Transportation
2829 W. Howard Pl.
Denver, CO 80204

Dear Governor Polis and Director Lew,

The Minturn Town Council would like to express our concern with CDOT’s decision to eliminate key improvements planned for the eastbound auxiliary lane portion of the West Vail Pass Project. This portion of the project, commonly known as the “Narrows” is a critical improvement toward ensuring the project goals of improved safety and operations are achieved. Without improvements in this two-mile section, factors which create the myriad of issues along this corridor will continue to result in vehicular accidents and pass closures which create a ripple effect throughout the region.

Vail Pass closures are a particularly dangerous time for the residents of Minturn. U.S. Highway 24 runs through the heart of the Town where much of our community lives within several hundred feet of this roadway. The negative impacts of highway traffic in a town which seeks to promote alternative transportation methods such as cycling and pedestrian options, are numerous and these safety issues are magnified every time Vail Pass closes.

With each Vail Pass closure Minturn must address the safety concerns that stem from comingling large semi-trucks with small-town life. This includes examples such as children walking home from the bus stop, locals crossing the street and cyclists trying to share the narrow road, which includes parking lanes, driveways, and collector roads. These concerns were exemplified with the most recent hit and run accident on March 2nd caused by a semi tanker truck trying to turn around with insufficient room, hitting a building and causing damage.

The improvements to the narrows remain a key component for considering the West Vail Pass Project a success. This project has region-wide support because of the impact the events on Vail

Pass have throughout the greater community. Without the improvements to the narrows section of Vail Pass, Minturn fears we will continue to see the high accident and closure rates which not only negatively impact life and safety on I-70 but also negatively impact the alternate routes like U.S. HWY 24 which are not suited for large scale semi-truck traffic.

Completing this section of the project is critical. Construction teams are already mobilized, and costs continue to increase, making the project less attainable in the future. Now is the time to get this important safety improvement completed. Although expensive, the Minturn Town Council hopes you will consider the safety benefits this portion of the project provides to Colorado residents and visitors as a worthwhile expenditure and reconsider keeping the narrows improvements included in the project.

Sincerely,

Earle Bidez, Mayor
Town of Minturn

- cc: CDOT Transportation Commission c/o Barbara Bowman
- Senator Dylan Roberts
- Rep. Megan Lukins, House District
- Congressman Joe Neguse c/o Julie Sutor
- Senator Michael Bennet
- Senator John Hickenlooper
- Eagle County Board of County Commissioners



To: Minturn Town Council
From: Michelle Metteer
Date: March 20, 2024
RE: Town Manager Update

Minturn Municipal Code – Code Updates

Minturn staff is working with attorney Rob Marsh toward updating the MMC sections that pertain to nuisance and fencing. We are hopeful these updates will further support not only the health and safety of humans but also the local wildlife – specifically as it pertains to fencing. We are also updating the code of several court matters like driving without a license and addressing the need to have all jury trials take place at the Eagle County courthouse.

Main Street Pedestrian Project - Phase II Update

Progress continues for the spring 2025 construction start date of the Minturn Phase II sidewalk project. The survey team has already identified many residents who have encroached into the HWY 24 right-of-way. We continue to ask for cooperation from residents along this corridor to move all personal items onto private property. Thank you so much and we look forward to adding more sidewalks and increasing multimodal safety along HWY 24.

Minturn Community Survey

The Minturn Community Survey will be going live later this month. Be on the lookout for a text from the Town with a link to the survey. Hard copies of the survey will also be available at town hall, or you can request a mailed copy by calling Cindy Krieg at 970-445-2415. Texts with the survey will go out to all registered voters in Minturn who can then take the survey directly on their phone. For those not registered to vote in Minturn, like second homeowners, there will also be a link to the survey from the town’s website.

Water Tank #2 Rehabilitation Progress

The water team continues to work toward the approval process for rehabilitation of tank #2. We have identified the potential use of the master meter pit for housing the pressure reducing vault. This option would eliminate the need for additional environmental studies, save costs and hopefully shorten the approval time. More to come.

Minturn Forward Survey

The Town of Minturn is conducting a brief, [online survey](#) (paper copies available at town hall information table as needed) requesting feedback from Minturn residents and business owners. The Town is updating its land use, development, and subdivision regulations (Chapters 16 and 17 of the Minturn Municipal Code) and moving the Town forward after the recent adoption of the 2023 Minturn Community Plan which is intended to guide the Town’s land use and development decision making over the next 10-15 years. This public process is critical to the success of the Chapter 16 update and an anonymous survey provides a great opportunity for not just property owners, but renters, who may otherwise feel intimidated to provide feedback publicly, to voice their opinion. The Planning Commission is tasked with [the long-term future built-out vision of the town](#) and everyone giving their feedback will help to ensure the public’s opinions are known.



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.



To: Mayor and Council
From: Scot Hunn, Consulting Planning Director
Date: March 15, 2024
Agenda Item: Minturn Forward Code Update Project – Update

UPDATE:

The Town of Minturn embarked on a strategic update to the Town’s zoning and subdivision regulations, or Land Use Regulations (referred to in this memo as the “Code”), in the summer of 2023. While the project got off to a slow start – ramping up in the fall of 2023 – several key steps have been completed since that time and the Town is now hosting open houses and has published a survey to aid staff and the Minturn Planning Commission in the next steps of the project – drafting new sections of Code and making decisions on updates to existing zone districts.

REQUEST:

Review the update by staff and provide questions and direction for next steps in the Minturn Forward Code Update Project.

INTRODUCTION:

Stakeholder Outreach and Code Assessment – Fall 2023

The first steps in updating Chapter 16 – *Zoning*, and Chapter 17 – *Subdivision*, of the Minturn Municipal Code involved stakeholder outreach in September 2023, followed by the completion of a code assessment.

Stakeholder outreach centered on conducting interviews with local land and business owners, architects and developers who regularly do work within the Town. The purpose of the interviews was to ask questions about the current Code and processes (i.e. the Design Review process for a new project). The results from those interviews revealed an overwhelming desire and request to simplify the Code, provide better graphics and explanations of how to interpret the Code, and to streamline certain review processes. The results were shared with the Planning Commission in public meetings and recordings of those interviews were posted on the Town’s website.

Stakeholder interviews were followed by a code assessment that was completed by the Town’s consultant, Matt Farrar, from Western Slope Consulting. The code assessment (attached) was completed in December 2023 and revealed and re-affirmed inconsistencies in the Code as well as areas of misalignment with the recently adopted 2023 Community Plan. Importantly, the code assessment also included several recommendations - in alignment with the adopted goals and objectives of the 2023 Community Plan as well as with previous direction from Council – for the Town’s consideration as we move forward with updating the Code.

Exploration of Different Styles of Codes – January – February 2024

Following the code assessment, and prior to starting the code re-write process, the Town Planning staff and Mr. Farrar spent most of January and February 2024 presenting information to and hosting discussions with the Planning Commission related to different types or formats for land use regulations. Form Based Codes, Hybrid Codes (a combination of a Form Based Code and a more traditional code), and Traditional Codes were discussed. For reference, the Town’s current land use regulations are considered “traditional” in their content (regulation of uses and building placement), layout and format, whereas Form Based Codes include more graphical representations and written descriptions of desired building forms, architecture, and the design of public spaces (the “form”) rather than focusing on allowable land uses.

The Planning Commission is recommending that the Town stick with a more traditional layout and format, but to integrate better graphics and illustrations along with better definitions and statements of purpose and intent so the end user of the Code clearly understands the regulatory intent of a particular code section while ensuring that interpretation of regulations (i.e. how to measure building heights or calculate lot coverage) is straightforward and user friendly.

Open Houses and Survey – March 2024

In March, the Town is hosting three open houses (March 11th, 14th and 21st) at Town Hall from 5:30pm-7:30pm to introduce the community to the Minturn Forward project and to gather feedback on peoples’ views toward certain areas of town - perhaps their own neighborhoods. The survey and open houses focus on the Future Land Use Map (FLUM) adopted as part of the 2023 Community Plan, as well as several key goals or objectives of the 2023 Community Plan, and then ask a short series of questions about which land uses residents feel are appropriate in certain areas of Town, what characteristics make certain areas of Town unique, and what aspects of Town people like or would like to see change.



As of this writing, the Town has received 71 survey responses – a great response rate. The Town gathered feedback from and answered questions for 10 residents at Open House No. 1 on March 11th. Eighteen people attended Open House No. 2 on March 14th. The last Open House for this portion of the project will be hosted Thursday, March 21st.

Hard copies of the survey are available at Town Hall, or available online at: <https://www.minturn.org/home/news/minturn-forward-land-use-update-survey-and-open-houses>

The survey will remain **open until Friday, March 22, 2024.**

Next Steps – April to June 2024

Staff look forward to hosting one more open house, compiling and discussing public input gathered from the survey and open houses with the Planning in April. During that time, staff will also be working on code updates to sections of the Code having to do with procedures, application submittal requirements, as well as other sections of the Code that need updating to ensure compliance with State and Federal law (i.e., the Town’s sign code).

Following a review of the public input gathered in March from the survey and open houses related to existing and future land use and zoning, staff’s goal is to start bringing forth proposals to the Planning Commission for new or consolidated zoning along with updates to development standards and permitted uses. This work is anticipated to start in May and June. Additional open houses will be hosted to ensure that the community is aware of any new proposals for zoning, permitted uses, or development standards that could affect private property rights.

ANALYSIS:

The Minturn Forward Code Update Project is a strategic priority for the Town and is identified in the 2023 Minturn Community Plan and the Town’s 2023-2025 Strategic Plan. Completion of the project is a major focus of the Planning Department for 2024.

COMMUNITY INPUT:

Planning Commission meetings where stakeholder outreach, the code assessment, and different types of land use codes (Traditional, Form Based, and Hybrid) were discussed have all been noticed in accordance with the Town of Minturn Municipal Code. Public attendance at Planning Commission meetings when these topics have been discussed has been sparse.

More recently, the Town has published advertisements in the Vail Daily; sent email blasts to the community; and has posted information and updates in the Town’s newsletter and website to alert citizens of the open houses and survey.

BUDGET / STAFF IMPACT:

The project budget, including consultant fees, has been accounted for in the adopted Planning Department budget for 2024. Since March 2023, outside consultant fees (Western Slope Consulting) have totaled just under \$11,000.00. With the project approximately 50% complete, staff anticipates additional outside consultant expenses through 2024 to total \$12,000.00 to \$15,000.00.

STRATEGIC PLAN ALIGNMENT:

The Minturn Forward Code Update project aligns with the following key strategies:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

THE TOWN WILL SEEK TO MAKE INFORMED, DATA-BASED DECISIONS WITH A STANDARD OF “DOING IT RIGHT.” WITH AN HONEST APPROACH TO ALL ASPECTS OF LOCAL GOVERNMENT AND A FOCUS ON THE PUBLIC PROCESS, THE TOWN COUNCIL AND STAFF ARE COMMITTED TO SERVING MINTURN WITH THE HONESTY AND INTEGRITY EXPECTED OF A SMALL-TOWN GOVERNMENT.

ADVANCE DECISIONS/PROJECTS/INITIATIVES THAT EXPAND FUTURE OPPORTUNITY AND VIABILITY FOR MINTURN

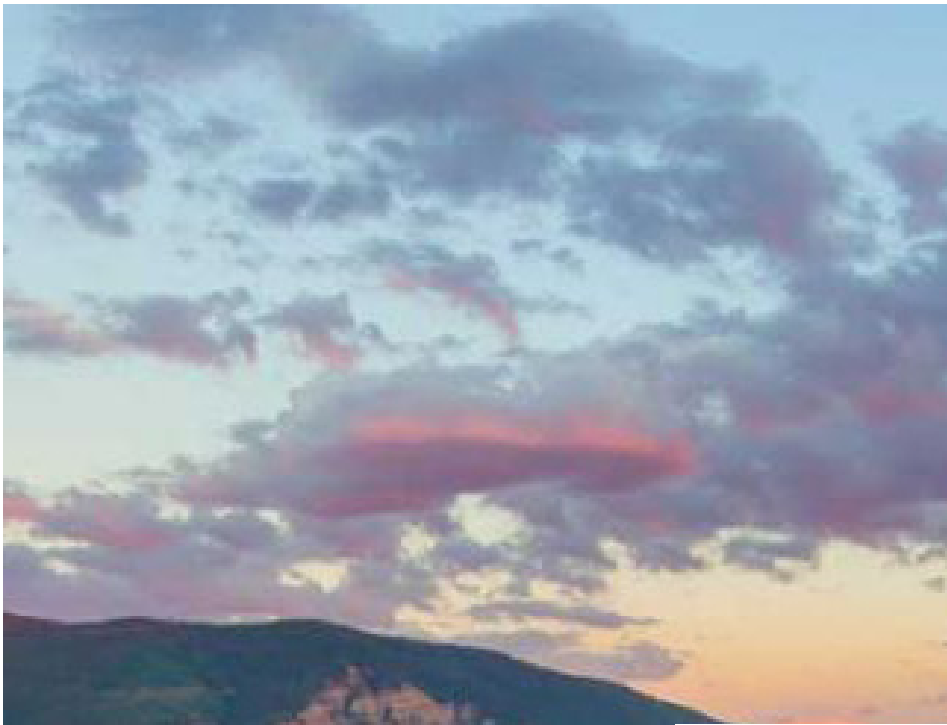
THE ABILITY FOR MINTURN TO APPROACH DEVELOPMENT AS RESILIENT, SUSTAINABLE, CREATIVE AND DIVERSE WILL ALLOW THE TOWN TO CONTINUE EMBRACING WHAT HAS “MADE MINTURN, MINTURN.” THE TOWN CAN FURTHER LEVERAGE ITS CROSSROADS LOCATION AS A VALLEY-WIDE BENEFIT AND COMPETITIVE ADVANTAGE.

RECOMMENDED ACTION OR PROPOSED MOTION:

Review this update and attachments and provide questions and directions to staff.

ATTACHMENTS:

- Minturn Forward Code Assessment
- Minturn Forward Survey
- Open House Handouts (for all three open house events)



Section 8, Item B.



CODE ASSESSMENT

December 2023

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■ Introduction

With the update to Minturn’s 2023 Community Plan completed, the town is shifting to an update of its Land Use Code (i.e., Chapter 16 and 17 of the Municipal Code). This effort is known as “Minturn Forward.” The Land Use Code is one of the key tools that the town has available to implement the Community Plan. Therefore, the update to the Land Use Code is focused on aligning Minturn’s regulations with the community’s Values, Vision, and Objectives set forth in the Community Plan as well as the town’s Strategic Plan.

To get the ball rolling on the update to the Land Use Code, the town has: (1) conducted a thorough review of, and gathered input from stakeholders on, the existing Land Use Code; and, (2) performed a comprehensive analysis of the Community Plan and Strategic Plan to identify priorities, and craft recommendations, for the update to the Land Use Code. This document sets forth those priorities and recommendations and will be used to guide the update to Minturn’s Land Use Code.

For more information about the timeline for updating the Land Use Code please visit:

<https://www.minturn.org/planning-zoning/pages/minturn-forward-land-use-and-subdivision-regulation-update-project>

■ Land Use Code Update Priorities

Minturn’s 2023 Community Plan and 2023-2025 Strategic Plan identify a number of priorities specific to the town’s land use regulations. Those include, but are not limited to, the following:

- Provide and follow a cohesive, forward-thinking land use plan for the Town. In other words, implement land use regulations that are aspirational and support the community’s Vision.
- Balance community growth and development with preservation of Minturn’s character.
- Preserve the town’s historic resources and landmarks.
- Improve the usability of the town’s land use regulations (ex. consolidate and simplify the town’s zone districts).
- Pursue land use changes that support Minturn’s tax base and economic growth.
- Prioritize housing for full-time residents; ensure that residents of all ages and income levels are able to find housing.
- Refine development regulations and standards and pursue other initiatives to promote efficiency and sustainable practices in residential and commercial buildings.
- Align the town’s land use regulations with the community’s objectives for environmental stewardship, hazard mitigation, mobility, and quality of life.

The priorities set forth in the Community Plan and Strategic Plan will be used to inform and guide the update to the town’s Land Use Code.

■ Land Use Code Assessment

This “Land Use Code Assessment” is intended to serve as guide for the update to Minturn’s Land Use Code. This document summarizes key themes that emerged from the review of the Community Plan and Strategic Plan, as well as themes that were identified from discussions with stakeholders. These themes highlight the need to address the following issues via the update to the Land Use Code:

1. Re-Organize and Re-Format Code to Improve Usability.
2. Develop a Code that Facilitates the Implementation of Minturn’s Community Plan and Strategic Plan.
3. Enhance Review Processes.
4. Create More Opportunities For A Range of Housing Options for Full-Time Residents.
5. Increase Flexibility of Regulations & Standards.
6. Explore Options to Promote/Incentivize Certain Types of Development.
7. Ensure Compliance With Recent Court Rulings.

1. Re-Organize and Re-Format Code to Improve Usability

a. Consolidate and Re-Organize the Existing Chapters That Comprise the Land Use Code. The Town of Minturn use regulations (i.e., “Land Use Code”) comprise several chapters of the town’s Municipal Code, specifically Chapter 16- Zoning, Chapter 17- Subdivisions, and Appendix B- Minturn Design Standards and Guidelines. To improve the organization and usability of these regulations it is recommended that the existing Chapters be consolidated into a single Chapter (e.g., Chapter 16- Land Use & Development Code). Table 1, in Appendix A, provides an overview of the current organization of the town’s land use regulations, as well as suggestions for how to reorganizing and consolidating these regulations.

b. Address Inconsistencies, Redundancies, and Ambiguity in the Code. Land Use Codes are often updated in a piecemeal fashion and it is not uncommon for this to result in inconsistencies between, and redundancies in, a Code’s Chapters, Articles, Sections, and Subsections. The update to Minturn’s Land Use Code will work to address inconsistencies and redundancies as part of the overall effort to improve the usability of the Code. It will also be important to perform a cursory review of other Chapters of Minturn’s Municipal Code to ensure that there are no inconsistencies and/or redundancies that exist between the these Chapters and the updated Land Use Code.

The update to the Land Use Code will also work to address any provisions of the Code that are ambiguous/difficult to understand. One of the key issues needing to be addressed in the update to Minturn’s land use regulations is clarification of the Zone Districts set forth on the town’s Zoning Map. The existing Zoning Map depicts areas that are not located within a Zone District, as well as Zone District boundaries that are not well defined. This issue is also documented in the 2023 Community Plan, as it states “*The Town needs to have a legible and administrable map so that residents and developers can understand the rules that apply to them.*”

c. Ensure that the Intent of Regulations is Clearly Described in the Code. Discussions with stakeholders raised questions about the intent behind some of the town’s existing land use regulations. Examples of such regulations include impervious surface restrictions and hillside development requirements. The update to Minturn’s Land Use Code will work to ensure that there is a rationale basis for the town’s regulations and that the intent of regulations is clearly described in the Code. This will help to eliminate ambiguity in the Code, as well as provide a basis/support for the town’s regulations should they be challenged.

d. Ensure that Diagrams, Graphics, and Tables Clearly Describe the Intent of Regulations. Minturn’s existing regulations offer a number of diagrams, graphics, and tables. While these can be quite helpful in clarifying the town’s regulations, they can also cause confusion if they don’t accurately describe the intent of regulations. The update to the town’s Land Use Code will work to ensure that all diagrams, graphics, and tables clearly describe the intent of regulations. Moreover, additional diagrams, graphics, and tables will be incorporated with the updated Code to help improve its clarity and usability.

It will be important to include a provision in the updated Code that states that the Code’s text supersedes the Code’s diagrams, graphics, and tables, in the event that there is any discrepancy between the text and the diagrams, graphics, and tables.

e. Reduce the Number of Cross-References in the Land Use Code. While cross-references between various Chapters, Articles, Sections, and Subsections may be necessary, the update to Minturn’s Land Use Code will work to limit the number of cross-references. Requiring users to jump between different portions of a Land Use Code can make use of the Code difficult and confusing.

In updating Minturn’s Land Use Code, there will be an emphasis on organizing and consolidating the various components of the Code so that a user can go to one part of the Code and find most, if not all, of the information that they are seeking. The proposed reorganization and consolidation presented in Table 1 (refer to Appendix A) offers an overview of suggestions for how Minturn’s Land Use Code can be revised to limit cross-references and improve the usability of the Code.

f. Simplify Code Language/Reduce the Use of Technical Jargon. The update to Minturn’s Land Use Code will focus on clarifying and simplifying Code language. The Land Use Code will be reviewed and modified to maximize the use of plain language and minimize the use of technical jargon that only professionals (i.e., attorneys, planners, engineers, architects, etc.) are familiar with. The goal will be to prepare an updated Land Use Code that anyone in the community can pick up, understand, and use with limited to no assistance from a lawyer, engineer, planner, or other technical professional.

g. Consolidate, Update, and Add (As Necessary) Definitions. The current configuration of the town’s Land Use Code has definitions scattered throughout Chapters 16 and 17. It is recommended that these definitions be consolidated into a single Article (i.e., Article ##: Terms & Definitions). In conjunction with the consolidation of definitions, it is recommended that: (1) the language used to define terms be reviewed and updated, as necessary, to ensure that the definitions in the Land Use Code are current; and, (2) additional terms and definitions be added to the Land Use Code, as necessary, to limit the potential for ambiguity and/or the need for interpretation by the town.

h. Consolidate Standards for Specific Types of Land Uses into a “Use-Specific Standards” Section. Incorporated throughout Chapter 16- Zoning of Minturn’s Land Use Code are regulations/standards that apply to specific types of land use Section 8, ItemB. Accessory Dwelling Units (ADUs), Home Occupations, Marijuana Establishments, etc. It is recommended that these Use-Specific regulations/standards be consolidated into a new “Use-Specific Standards” section. By doing this, it will make it easier for users of the updated Land Use Code to find any specific regulations/standards that apply to the type of land use that they are interested in.

In addition to consolidating Use-Specific regulations/standards, the update to Minturn’s Land Use Code will include a review of these regulations/standards to determine if modifications are necessary to better align them with the community’s Values, Vision, and Objectives.

i. Consolidate Character Area, Parking, Lighting, Landscaping & Sign Regulations into “Development Standards” Section. As noted in Table 1 (refer to Appendices), it is recommended that the Character Area, Parking, Exterior Lighting, Landscaping, Sign, and other similar regulations/standards be consolidated into a new “Development Standards” section of the Land Use Code. The purpose of consolidating these regulations/standards is to make it easier for users of the Code to find all the design regulations/standards applicable to a specific type of project (i.e., residential, non-residential, or mixed-use).

2. Develop a Code That Facilitates the Implementation of Minturn’s Community Plan and Strategic Plan.

a. Simplify Character Areas and Zone Districts. The town’s zoning regulations are currently organized by “Character Areas” and unique Zone Districts within each of these areas. Consequently, for a person to understand the zoning regulations that apply to their property, they must first identify the Character Area that they are located in and then the Zone District that is applicable. This process of identifying a Character Area and a Zone District can be confusing both for the property owner, as well as for the Town in administering the regulations.

To make things more complex, the residential, non-residential, and mixed-use Zone Districts set forth in the town’s Land Use Code are specific to the Character Area that the districts are in. For example, the Residential Zone District in the South Town Character Area is separate from the Residential Zone District in the Game Creek Character Area, even though both Residential Zone Districts have similar purposes (refer to Table 2). As a result, there are currently twenty-seven (27) Zone Districts in Minturn, which is far too many for a small town. Table 2 offers an overview of the town’s existing Zone Districts.

As noted in the 2023 Community Plan, *“By reducing the number of zone districts and consolidating some districts by use and level of density, the Town has the opportunity to make the code increasingly legible and comprehensible, while also supporting some design flexibility and creativity. This approach will also reduce the need to review changes on a case-by-case basis (e.g. variances) and allow the Town to address development proposals more holistically and consistently. The Town will be able to review development proposals relative to the uses proposed (e.g. mixed-use development), not just the location in which it is proposed.”* Therefore, one of the key issues to be addressed in the update to the town’s Land Use Code will be reducing the complexity of the Character Areas and Zone Districts. The 2023 Community Plan offers recommendations for how the town’s Zone Districts could be consolidated and simplified (refer to Table 3). These recommendations, along with further input from elected and appointed officials, stakeholders, and the broader community, will be used in determining how best to simplify the town’s existing Character Areas and Zone Districts.

TABLE 2: EXISTING ZONE DISTRICTS

Existing Residential Zone Districts		Description of Existing Residential Zone Districts
1.	Old Town Residential Zone	<ul style="list-style-type: none"> The neighborhood is bisected by Highway 24 and is characterized by single-family residences with a mix of business and institutional uses. The residences are typically one (1) and two (2) stories, with outbuildings and minimal setback between structures. The purpose of this zone is to provide for continued residential use and redevelopment that preserves the unique character and scale of the neighborhood. An objective is to retain the historically residential areas as quiet and safe neighborhoods while allowing for limited home-based occupations and home-based businesses to encourage permanent residency. This area can accommodate reasonable growth where land and services are available.

TABLE 2: EXISTING ZONE DISTRICTS (CONTINUED)

Existing Residential Zone Districts		Description of Existing Residential Zone Districts
2.	South Town Residential Zone	<ul style="list-style-type: none"> The neighborhood is bisected by Highway 24 and is characterized by single-family residences and accessory buildings. The residences are typically one (1) and two (2) stories, with outbuildings on larger lots than found in Old Town. Low-density residential and public recreational and open space use along the Eagle River is encouraged. Higher density residential development can be accommodated on the south side of Main Street if it remains in character and all impacts are adequately addressed. The purpose of this area is to provide for continued residential use that benefits from proximity along the Eagle River. New development and redevelopment should preserve the unique character and scale of the neighborhood. An objective is to retain the residential areas as quiet and safe neighborhoods while allowing for compatible and appropriate nearby commercial. This area can accommodate reasonable growth where land and services are available.
3.	Cross Creek Residential Zone	<ul style="list-style-type: none"> The Cross Creek Residential Zone is characterized by a mix of mobile homes, cabins and larger homes along a narrow strip of land between Highway 24 and the Eagle River. The area is experiencing residential upgrades and replacement of older mobile homes with new homes. The purpose of the Cross Creek Residential Zone is to provide for an area with relatively larger residential lots along the Eagle River. An objective is to continue residential redevelopment at an appropriate scale to minimize impacts to the Eagle River and provide an attractive entrance into Town.
4.	Game Creek Residential Zone	<ul style="list-style-type: none"> The Taylor Avenue neighborhood is characterized by a traditional lot-and-block layout with single-family residences. The residences are typically one (1) and two (2) stories, without buildings and good views to the west. The existing residential neighborhood overlooks the rail yard or the Game Creek PUD Holding Zone. The purpose of this area is to provide for continued residential use and redevelopment that preserve the small town residential character and scale of the neighborhood. An objective is to retain the residential areas as a quiet and safe neighborhood while allowing for accessory apartments and limited home-based occupation to encourage permanent residency.
5.	Martin Creek Residential Estate Zone	<ul style="list-style-type: none"> This area is on a north-facing hillside with significant vegetation. The area is characterized by single-family residences on larger lots with some nonconforming uses near Highway 24. The residences are typically one (1) and two (2) stories, with outbuildings and significant setbacks between structures. The purpose of this zone is to provide land for larger lots and larger homes. The objective is to remain low density, maintain significant open space and provide the opportunity for a rural lifestyle.
6.	Mountaintop Residential Ranch & Estate Lot Zone	<ul style="list-style-type: none"> The purpose of the ranch and estate lots located in the mountaintop area is to accommodate low-intensity, rural land uses such as: single-family homes; agricultural uses; accessory buildings such as barns, stables, greenhouses, hunting cabins, pump houses, etc.; forestry uses; private or public recreational uses; and, renewable energy systems.

Existing Non-Residential Zone Districts		Description of Non-Residential Zone Districts
1.	Meadow Mountain Federally Regulated Area	<ul style="list-style-type: none"> This federally regulated area is characterized by environmentally sensitive and culturally significant lands and undeveloped open space. This area typically contains distinctive natural features that are prominent features of the community, such as rock outcroppings, drainage swales, streams, hillsides and mountainsides, ridgelines, scenic views and vistas, native plant communities and important wildlife habitat. These natural areas provide recreation, open space and educational opportunities to residents and visitors. The purpose of this federally regulated area is to maintain an attractive and scenic entry into Town, enhance recreational opportunities and preserve the environmentally sensitive and culturally significant areas from intensive development. The existing open space and recreation uses are consistent with the intent of the Community Plan, which is to preserve the existing character of the Meadow Mountain Character Area. It is the intent of the Town to participate and comment on all federal land use actions in this area.

TABLE 2: EXISTING ZONE DISTRICTS (CONTINUED)

Existing Non-Residential Zone Districts		Description of Non-Residential Zone Districts
2.	South Town Federally Regulated Area	<ul style="list-style-type: none"> The South Town Federally Regulated Area has access from Highway 24 and serves as the Martin Creek Trailhead. The site is surrounded by residential uses and utilities are available; however there are no existing improvements on the site. The Community Plan identifies this area as a “potential Town Center site.” This area could be redeveloped in cooperation with the USFS to enhance the residential and recreational character of the Town. It is the intent of the Town to participate in and comment on all federal land use actions in this area.
3.	Cross Creek Federally Regulated Area	<ul style="list-style-type: none"> This Federally Regulated Area is characterized by distinctive natural features and environmentally sensitive areas along the Eagle River and Cross Creek. There is significant undeveloped open space to the south. This area contains the USFS compound and important wildlife habitat. These natural areas, including Cross Creek and the Eagle River, provide recreation, open space and educational opportunities to residents and visitors. The purpose of this Federally Regulated Area is to enhance recreational opportunities and to preserve the environmentally sensitive and culturally significant areas from intensive development. The existing open space and recreation uses are consistent with the intent of the Community Plan, which is to preserve the existing character of the Cross Creek Character Area. It is the intent of the Town to participate in and comment on all federal land use actions in this area.
4.	Grouse Creek Commercial Zone	<ul style="list-style-type: none"> The Grouse Creek Commercial Zone can accommodate a broad range of commercial services and is conveniently accessible by automobile and delivery trucks. The building clusters share access points and on-site parking. Due to its proximity to Highway 24, the district can accommodate a substantial volume of traffic. The purpose of the Grouse Creek Commercial Zone is to encourage a broad range of complementary commercial services that generate sales tax. Development or redevelopment plans should be designed to complement each other in character, scale and proximity and be linked by attractive pedestrian corridors and plazas.
5.	Old Town Commercial Zone	<ul style="list-style-type: none"> The Old Town Commercial Zone is located on either end of the 100 Block Commercial Zone. The Old Town Commercial Zone is also characterized by a compact commercial core area bisected by Main Street or Highway 24. The Old Town Commercial Zone, however, is adjacent to primary residential areas and does not extend off of the Highway 24/Main Street corridor. The area consists of businesses and residences with an identity of the historic commercial core that is distinct from other parts of the community. The purpose of this area is to provide convenient commercial services to residents and visitors and to promote the development of the Town’s retail commercial district along Highway 24 and Main Street. Accommodation of sales tax-generating commercial uses and residential units can enhance Old Town vitality while maintaining the visual character and scale. An objective is to facilitate small business development and economic vitality with land uses that are compatible and supportive, such as retail, office, institutional and residential uses, while maintaining the community scale.
6.	South Town Commercial Zone	<ul style="list-style-type: none"> The South Town Commercial Zone is bisected by Main Street or Highway 24 and is characterized by a mix of retail, service businesses and residential areas. The South Town Commercial Zone provides services to both residents and the passing motorist. The commercial development can grow but should not significantly impact the residential areas. The purpose of this area is to provide convenient commercial services to residents and motorists while minimizing the impact on nearby residential uses. South Town provides an area for commercial activities that are not easily accommodated in Old Town while maintaining the visual character and scale. An objective is to facilitate small business development and economic vitality with land uses that are compatible and supportive, such as retail, office, services and institutional uses.

TABLE 2: EXISTING ZONE DISTRICTS (CONTINUED)

Existing Non-Residential Zone Districts		Description of Non-Residential Zone Districts
7.	100-Block Commercial Zone	<ul style="list-style-type: none"> • The 100 Block Commercial Zones are characterized by a compact retail/commercial core area bisected by Highway 24. The area consists of businesses and residences with an identity of the historic commercial core that is distinct from other parts of the community. • The purpose of this area is to provide convenient commercial services to residents and visitors and to promote the development of the Town’s primary retail commercial district. Accommodation of sales tax-generating commercial uses and non-street level residential units can enhance Old Town vitality while maintaining the visual character and scale. Street level space within the 100 Block Commercial Zones shall be dedicated to retail uses. Non-street level space within the 100 Block Commercial Zones may be used for compatible retail, office, and residential uses. • The 100 Block Commercial Zones should function as a pedestrian shopping corridor. Buildings shall orient toward sidewalks and pedestrian areas with storefront windows and main entrance doors. The scale of buildings both in terms of height and width should encourage transparency, pedestrian engagement, and facilitate pedestrian movement not only along Highway 24 but also between Highway 24, Williams Street and Eagle Street and along all streets in the 100 Block. • The small town historic main street character will be maintained by keeping in scale with the original plat of twenty-five-foot by one hundred-foot lots and one- to two-story building frontages along Highway 24. Large monolithic buildings and “strip” retail areas are not allowed. New development in the 100 Block shall follow the standards and guidelines provided in Appendix B which seeks to ensure new structures maintain compatibility with historic structures while bringing new uses to increase vitality.
8.	Lionshead Light Industry & Public Facilities Zone	<ul style="list-style-type: none"> • This area has been used for gravel processing area and as a contractors’ storage area. Access is from Highway 24 across Cemetery Bridge, with an “at grade” railroad crossing. The area has limited utility service. • The purpose of this area is to accommodate a range of low-impact light industrial activities that are of limited duration and intensity, such as contractor trades, research and development institutions, wholesaling and small scale production, fabrication, assembly or processing activities to help provide a diversified employment base for the community. Uses established in this area should be screened to minimize the impact on surrounding open space and recreation areas. In addition, the purpose of the area is to limit uses to those that will not create traffic hazards, noise, dust, fumes, odors, smoke, vapor, vibration or industrial waste disposal problems, but their operating characteristics and appearance may have impacts not desirable in other areas within the Town.
9.	Maloit Park Public Facilities Zone	<ul style="list-style-type: none"> • The Maloit Park Public Facilities Zone is located west of Cross Creek and currently accommodates the Town’s water treatment plant and related uses. The Zone is approximately eighteen and two-tenths (18.2) acres in size. The Zone borders Cross Creek and USFS lands. Access to the site is via an access easement from Hwy 24. • The purpose of this area is to provide a site for the Town’s water treatment plant. Other than potential recreational improvements and a limited amount of employee housing, no other uses are contemplated for this portion of the Maloit Park Character Area.
10.	Old Town Recreation & Open Space Zone	<ul style="list-style-type: none"> • This area allows a compatible mix of recreation and open space uses in close proximity to residential and commercial uses that serve residents and visitors. The Old Town Recreation and Open Space zone can accommodate recreation uses that are sensitive to the Eagle River if found to not significantly impact nearby properties. • The Old Town Recreation and Open Space Zone is intended to provide sites for low-impact recreation and open space uses that enhance the vitality of Old Town, while minimizing the impacts on nearby residential properties.

TABLE 2: EXISTING ZONE DISTRICTS (CONTINUED)

Existing Non-Residential Zone Districts		Description of Non-Residential Zone Districts
11.	Cross Creek Recreation & Open Space Zone	<ul style="list-style-type: none"> The Cross Creek Recreation and Open Space Zone is comprised of a single 4.6-acre parcel that was purchased by the Town in 2013 from the United States Forest Service. This undeveloped parcel of land is characterized by a riparian corridor that extends along the northern side of the property and Highway 24 extending along the southern boundary. The purpose of the Cross Creek Recreation and Open Space Zone is to provide a variety of low-impact recreational opportunities for area residents while maintaining the property in its natural state. Acceptable uses for this site include river access, picnicking, wildlife viewing, fishing, snowshoeing and other similar uses. A small restroom facility and open-air pavilion can be accommodated on this site.
12.	Eagle River Recreation & Open Space Zone	<ul style="list-style-type: none"> The Recreation and Open Space Zone is characterized by the river channel and the riverbanks to the extent of the 100-year floodplain. There are privately owned lots that extend into the Recreation and Open Space Zone and there are public parks and open space areas. The purpose of this zone is to provide private and public recreational and open space amenities while respecting private property. Private use of lands within this zone should be consistent with the need to protect life and property from flood damage and potential public recreational uses nearby.
13.	Lionshead Recreation & Open Space Zone	<ul style="list-style-type: none"> This area is characterized by south-facing hillsides, environmentally sensitive areas and undeveloped open space. This area provides scenic views and vistas and typically contains distinctive natural features, such as rock outcroppings, drainage swales, hillsides and mountainsides, native plant communities and important wildlife habitat. These natural areas provide significant open space, recreation and educational opportunities to residents and visitors. Potential rock-fall hazards should be evaluated prior to any significant activities proposed in this area. The purpose of this Recreation and Open Space Zone is to maintain attractive and scenic open space areas when viewed from Town. There are opportunities to enhance recreational opportunities while preserving the environmentally sensitive areas from intensive development. The existing open space and recreation uses are consistent with the intent of the Community Plan, which is to preserve the existing open character and wildlife habitat of this part of the Lionshead Character Area.
14.	Maloit Park Recreation & Open Space Zone	<ul style="list-style-type: none"> The Recreation and Open Space Zone consists of approximately thirty-nine and five-tenths (39.5) acres and includes the Cross Creek corridor and the southern portion of Maloit Park. The Cross Creek corridor includes associated riparian and wetlands and the floodplain associated with Cross Creek. The Recreation and Open Space Zone at the southern portion of Maloit Park is comprised of relatively steep slopes and wildlife habitat. It is intended that the Recreation and Open Space Zone remain predominately undeveloped. Uses are generally limited to infrastructure and utility installations, trails and other passive recreation uses.
15.	Railroad Right-of-Way/ Transportation Zone	<ul style="list-style-type: none"> The linear Railroad Right-of-Way/Transportation Zone extends the entire length of the Town. The right-of-way varies in width from two hundred (200) to four hundred (400) feet. Near the north end of the Town, the right-of-way widens and becomes the rail yard, which is part of the Game Creek Character Area. The purpose of the Transportation Zone is to maintain a viable transportation right-of-way to accommodate the long-term transportation needs of the Town and the larger community. The objective is to maintain a viable transportation corridor in order to accommodate future transportation options. The zone can accommodate trails, compatible recreation activities and open space uses, depending upon the current status of the railroad operations.
16.	Planned Unit Development (PUD) Overlay Zone District	<ul style="list-style-type: none"> The purpose of the Planned Unit Development (PUD) Overlay Zone District is to allow flexibility for landowners to creatively plan for the overall development of their land and to achieve the purpose and objectives of this Code and the Community Plan.

TABLE 2: EXISTING ZONE DISTRICTS (CONTINUED)

Existing Non-Residential Zone Districts		Description of Non-Residential Zone Districts
17.	Bolt’s Lake, Gilman, Willow Creek, Rock Creek and Holy Cross Recreation & Open Space Zone	<ul style="list-style-type: none"> • The purpose of the Recreation and Open Space Zone is to allow for the following: <ol style="list-style-type: none"> 1. Environmental response activities for superfund sites consistent with EPA and CDPHE process and approvals and this Article. 2. Forestry management and maintenance, including without limitation measures to address the infestation of pine beetles and abatement of noxious weeds. 3. Passive recreation activities consistent with historic practice. 4. Management and maintenance of the property as open space, greenbelt and wildlife habitat. 5. Investigation and monitoring of soils, watersheds and other components of the property and other appropriate activities in connection with the management and maintenance of the property and the preparation of the application for the final development plan for the project. 6. Operation, maintenance and use of water rights, water resources, water diversion structures, ditches, pipeline structures, ponds, water impoundments and associated facilities consistent with the decreed uses but subject to these restrictions. 7. Hunting.
18.	Game Creek PUD Holding Zone	<ul style="list-style-type: none"> • This area is currently owned by the Union Pacific Railroad; however, trains are no longer utilizing the corridor or the rail yard. The historic industrial zoning is no longer appropriate due to the probable abandonment of the rail line and potential conflict with future commercial and residential development. Redevelopment of this area will have a significant impact on the future character and size of the Town. • It is an objective of the Town to plan and redevelop the rail yard as a master planned development that is compatible with the existing Town character. Future development and land use decisions for this area need to incorporate community input and involve an open public process. The PUD Holding Zone and the PUD review process will provide for the flexibility, innovation and public input necessary to achieve the goals and objectives of the Community Plan and this Chapter. This area has been identified in the Community Plan as an area suitable for expansion of Old Town and as a “potential Town Center” site. Development in this area needs to incorporate appropriate residential and low-impact land uses along Taylor Avenue to minimize impacts to the existing neighborhood. The rail corridor should be maintained and improved access to and across the Eagle River should be incorporated into proposed development plans. • PUD or special review required: Planned Unit Development master development plan for the PUD Holding Zone is the preferred review process for future development of the Game Creek Holding Zone. If circumstances arise that do not provide for the submittal of a PUD master development plan for the entire Game Creek PUD Holding Zone, the owners may apply to the Town for a Planned Unit Development on a portion of the property or may apply for a special review use permit for consideration of a temporary use.

Existing Mixed-Use Zone Districts		Description of Mixed-Use Zone Districts
1.	Old Town Mixed-Use Zone	<ul style="list-style-type: none"> • This area allows a compatible mix of residential uses, low-impact commercial uses and institutional uses that serve residents and visitors. The Old Town Mixed-Use Zone can accommodate various types of development if found not to significantly impact nearby properties. • The Old Town Mixed-Use Zone is intended to provide sites for combined residential and low-impact commercial and service uses which maintain a predominantly residential appearance. This area can accommodate reasonable growth where land and services are available and when services and amenities are needed for residents and visitors.
2.	Cross Creek Mixed-Use Zone	<ul style="list-style-type: none"> • The Cross Creek Mixed-Use Zone is characterized by a small area of mixed-use. The site has good access from Highway 24 and is highly visible as one enters Town from the south. • The purpose of the Cross Creek Mixed-Use Overlay Zone is to provide a variety of complementary and integrated uses such as residential, office, light manufacturing and some retail in a concentrated area. An objective of this area is to provide an attractive entrance statement and economic activity without causing significant impacts on nearby residential and open space.

TABLE 2: EXISTING ZONE DISTRICTS (CONTINUED)

Existing Mixed-Use Zone Districts		Description of Mixed-Use Zone Districts
3.	Maloit Park Mixed-Use Zone	<ul style="list-style-type: none"> The Maloit Park Mixed-Use Zone includes forty-six and eight tenths (46.8) acres and encompasses the portion of Maloit Park that is already developed or has been previously disturbed. The terrain over the vast majority of this Zone is very flat and readily accessible via the existing access road. With the exception of the Town’s water plant, all existing uses at Maloit Park are located within the Residential/Mixed-Use Zone. The purpose of the Mixed-Use Zone is to provide an area to accommodate a variety of land uses. These may include residential development, educational facilities, recreation and other similar uses, and other community-oriented buildings, facilities and uses. The Mixed-Use Zone allows for the continuation of all existing land uses.

TABLE 3: 2023 COMMUNITY PLAN ZONE DISTRICT RECOMMENDATIONS

Recommended Residential Zone Districts		Description of Recommended Residential Zone Districts
1.	R1	<ul style="list-style-type: none"> <u>Location</u>: This district is recommended in the Old Town area one block off of Highway 24 and portions of Cross Creek. <u>Purpose</u>: The intent of this district is to support residential uses on small lots and support smaller scale residential uses on those lots. The only allowable uses would be singlefamily homes, duplexes, accessory dwelling units, home occupations, and civic uses. <u>Dimensional Standards</u>: Minimum lot size should be 2,500 square feet, with up to 50% lot coverage allowed and a maximum building height of 28 feet.
2.	R2	<ul style="list-style-type: none"> <u>Location</u>: This district is recommended in other residential areas of town with small to medium size lots. <u>Purpose</u>: The intent of this district is to support the eclectic mix of housing types found in Minturn. Single-family homes, duplexes, and accessory dwelling units should be allowed on all lots, with multifamily only allowed on lots greater than 7,500 square feet. <u>Dimensional Standards</u>: Minimum lot size should be 5,000 square feet, with up to 50% lot coverage allowed and a maximum building height of 28 feet.
3.	R3	<ul style="list-style-type: none"> <u>Location</u>: This district is recommended for large lots on the edge of town. <u>Purpose</u>: The intent of this district is to support low density residential in a few areas where that is the existing development pattern. Only single-family homes, duplexes, and accessory dwelling units would be allowed in this district, at a minimum lot size of 2 acres.

Recommended Non-Residential Zone Districts		Description of Recommended Non-Residential Zone Districts
1.	Light Industry & Public Facilities	<ul style="list-style-type: none"> <u>Location</u>: This zone district is recommended for the Lionshead and Maloit Park areas where it currently exists. <u>Purpose</u>: Accommodate a range of low-impact light industrial uses and public uses. Since these areas are adjacent to existing public lands and recreational facilities, conservation and recreation uses should also be allowed in this district, keeping in mind health and safety considerations.
2.	Industrial/Business Park	<ul style="list-style-type: none"> <u>Location</u>: This district is recommended for the Grouse Creek area. It is recommended that this district be extended from its current footprint to include industrial uses along the railroad as well. <u>Purpose</u>: Allow a broad range of commercial services. <u>Dimensional Standards</u>: Dimensional standards are recommended to remain consistent with that of the existing Grouse Creek Commercial Zone.
3.	Federal Lands, Recreation, and Open Space	<ul style="list-style-type: none"> This district combines federal lands, recreation areas, and town open space within the Town of Minturn boundary. Management of or development on lands in these areas should be in accordance with any conservation easements and direction of the land manager. In all such areas, use should be consistent with the need to protect life and property from flood damage.

TABLE 3: 2023 COMMUNITY PLAN ZONE DISTRICT RECOMMENDATIONS (CONTINUED)

Section 8, Item B.

Recommended Non-Residential Zone Districts		Description of Recommended Non-Residential Zone Districts
4.	Railroad Right-of-Way/ Transportation	<ul style="list-style-type: none"> This district is recommended to remain unchanged from the current zoning. If an agreement can be reached in the future with property owners, this district has potential for public use as a multi-use trail, transit line, or other recreational amenity. The Rio Grande trail in Aspen is a popular rails-to-trails project that could serve as a case study for this process. However, it is important to note that Union Pacific Railroad policies currently oppose rails-to-trails.

Recommended Mixed-Use Zone Districts		Description of Recommended Mixed-Use Zone Districts
1.	Mixed-Use 1	<ul style="list-style-type: none"> Location: This district is recommended along Highway 24 through the 400 Block (not including the 100 Block) and on Railroad land opposite downtown north of the river, across Bellm Bridge. Purpose: The intent for this area is to contain a mix of residential and commercial uses, in a pedestrian-oriented environment in keeping with Minturn’s historic character. Mixed-use development, such as commercial on the ground floor and residential on an upper floor, is encouraged within this area. Or alternatively, a block could contain some commercial uses next to residential uses. It is recommended that the commercial uses allowed as a use by right be in line with those of the existing Old Town Commercial District (i.e., restaurants, liquor stores, banks, accommodations, drugstores, and specialty stores). Residentially, single-family homes, duplexes, accessory dwelling units, or one- to- two-units above commercial should be allowed on all lots, with multifamily only allowed on lots greater than 7,500 square feet. Dimensional Standards: Minimum lot size in this zone should be 2,500 square feet, with 80% maximum lot coverage for mixed-use and commercial structures, and 50% for purely residential structures. Building heights of up to 28-35 feet should be allowed. Property owners should be able to gain an additional half-floor by meeting identified requirements.
2.	Mixed-Use 2	<ul style="list-style-type: none"> Location: This district is recommended along Highway 24 starting at the 800 Block. Purpose: This district is intended to combine residential and commercial uses similar to Mixed-Use 1, but this area would have larger lots and would not have the same consolidated feel of the Mixed-Use 1 district. It could have industrial/service-style uses that would not be appropriate in Mixed-Use 1 (i.e., automotive parts shops, appliance repair shops). Mixed-use buildings here could be live-work light industrial spaces. For residential uses, single-family homes, duplexes, and multifamily should be allowed. Dimensional Standards: Minimum lot size should be 5,000 square feet with up to 60% lot coverage allowed and maximum building height of 28 feet. Multifamily (3+ units) should be allowed on lots over 7,500 square feet.
3.	Mixed-Use 3	<ul style="list-style-type: none"> Location: This district is recommended along Highway 24 between the 500 and 800 Blocks. Purpose: This district is intended to provide for residential uses and low impact commercial uses. Other commercial uses, such as restaurants, could be allowed as conditional uses. Residential uses in this area should consist of single-family homes, duplexes, and multifamily homes. Dimensional Standards: Minimum lot size should be 5,000 square feet, and multifamily housing should be allowed on lots over 7,500 square feet. Lot coverage of up to 60% should be allowed with a maximum building height of 28 feet.
4.	100-Block	<ul style="list-style-type: none"> This district was updated concurrent to the Community Plan update and includes two subareas: 100 Block A (properties fronting onto Main Street) and 100 Block B (properties to the west of Main along Williams). The intent of this district is to incentivize sales-tax generating uses and the reuse of existing structures, while new construction is required to fit in with the rest of the 100 Block through new design standards and guidelines.
5.	Transit-Oriented Development (TOD)	<ul style="list-style-type: none"> Location: This district is recommended for Dowd Junction, to allow a mix of uses and higher densities oriented around ECO Transit. Purpose: TOD represents smart growth as it supports use of transit and the coordination of transportation and land use. This area should continue to support recreational access, allow for commercial uses, and support attainable housing for long-term residents.

b. Explore Options for the Type of Land Use Code Best Suited for Minturn. Minturn’s 2023 Community Plan, 2023-2025 Strategic Plan, and the initial Minturn Forward stakeholder comments emphasize the importance of “Keeping Minturn, M Section 8, Item B. another way, the town’s character is of the utmost importance to the community. There has been interest expressed in better understanding the different options for the type of Land Use Code that could result from this update such as a “Form-Based Code” or a “Hybrid Code” (refer to the descriptions below for further information on different types of Land Use Codes). As part of the update to Minturn’s Land Use Code, there will be discussions with elected and appointed officials, stakeholders, and the broader community to determine what type of Land Use Code is best-suited for facilitating the implementation of the town’s Vision.

- Traditional Code: This type of Land Use Code, commonly referred to as “Euclidean Zoning,” focuses on separating land use types (ex. residential, commercial, industrial, etc.) into different Zone Districts in an attempt to limit the impacts that these uses may have on each other. Minturn’s existing Land Use Code would be considered a Traditional Code.
- Form-Based Code: This type of Land Use Code focuses on the physical form of buildings rather than the separation of different types of land uses. Form-Based Codes commonly address the form and mass of buildings in relation to each other, the relationship between buildings and the “public realm” (ex. streets, parks, plazas, etc.), and the scale and types of streets and blocks. Advocates of Form-Based Codes argue that the form of buildings is more important than the use in determining community character.
- Hybrid Code: This type of Land Use Code mixes elements of a Traditional Code and Form-Based Code. In other word, this type of code is a hybrid between a Traditional Code and Form-Based Code.

c. Craft Regulations that Enable Creativity and Enhance Minturn’s Character. As noted, the preservation and enhancement of Minturn’s unique and authentic character is a top priority for the community. Creative ideas and design, specifically those related to land uses and types of development in Minturn, have been cited as key elements that contribute to the town’s “funkiness.” The update to the Land Use Code will explore options for revising existing regulations and incorporating additional provisions, as necessary, to enable the type of creative development and land uses that the community wants. In conjunction with this, the update process will also look for opportunities to increase the flexibility of the town’s land use regulations and standards. This is discussed in greater detail on page 14.

d. Consolidate and Update Use Tables to Ensure Alignment With the 2023 Community Plan. Minturn’s existing Land Use Code provides Use Tables for Zone Districts within the town’s Character Area. These Use Tables list the types of land uses that are permitted by right, are a Conditional Use, require a Limited Review, or are not permitted in the town’s Zone Districts. Assuming that Minturn continues to have a Land Use Code with Use Tables, the update to the Code will work to consolidate the existing Use Tables into a single table and ensure that the types of land uses listed in the table, align with the community’s Vision.

With the consolidation of Use Tables, it will be important to review and revise the types of land uses permitted in each of the town’s Zone Districts to ensure that they align with, and facilitate the implementation of, the 2023 Community Plan.

e. Ensure Regulations Address the Community’s Environmental Concerns. Minturn’s Community Plan and Strategic Plan express the community’s desire to pursue efforts that work to protect the natural environment (i.e., health of rivers/streams, potable water supply, air quality, wildlife, etc.) and the community from natural hazards, such as wildfires and flooding. The update to the Land Use Code will include a review and evaluation of existing regulations to determine what changes may be necessary to ensure that the town’s Code is working to preserve and enhance the natural environment and protect the community from potential hazards. The recommendations set forth in the Community Plan and Strategic Plan (ex. “*Incorporate “Firewise” guidelines in building and site-planning requirements.*”) will be used to guide the revisions made to the town’s regulations regarding the natural environment and natural hazards.

f. Align the Code with the Community’s Transportation Objectives. There is an important relationship between land use/development patterns and the way people move around within, as well as to/from destinations outside of, the community. Chapter 6 of Minturn’s Community Plan sets forth recommendations for intuitive mobility, circulation, and connectivity. For example, Action 6.2.1 states: “*Coordinate land use planning with the transportation system by locating new development near bus stops.*” Given the relationship between land use/development patterns and transportation, the Code update will use the Community Plan’s recommendations to inform decisions about where to locate types of land uses and development in Minturn, as well as modifying the town’s development standards and requirements (ex. off-street parking requirements) to align with the community’s Vision.

3. Enhance Review Processes

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a. Explore Options to Clarify, Simplify, and Streamline Application Review Procedures. The update to Minturn will explore options for clarifying, simplifying, and streamlining review processes for the applications and permits set forth in Chapter 16- Zoning and Chapter 17- Subdivisions. Some of the town’s existing review procedures are a bit unclear as to what steps are required. This is problematic for an applicant who is trying to understand the town’s requirements and processes, as well as for the town that is working to administer the review process. Further, some of the town’s review processes seem a bit cumbersome and could be streamlined to lessen burdens on applicants, Town Staff, the Planning Commission, and Town Council. For example, it is uncommon for a Sign Permit application to be reviewed and decided upon by the Planning Commission. It is more common for the review of, and decision on, a Sign Permit application to be handled administratively (i.e., by the Planning Department).

Table 4 provides a summary of the town’s existing review procedures for applications and permits set forth in Chapter 16 and 17.

TABLE 4: EXISTING REVIEW PROCEDURES FOR APPLICATIONS & PERMITS

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		
ZONING				
Design Review	Required	R	D	-
Conditional 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
ANNEXATION OR DISCONNECTION OF LAND				
Annexation by Ordinance ²	?	R	-	D
Annexation by Election ²	?	R	-	D ³
Annexation of Enclave or Town-Owned Property ²	?	R	-	D
Disconnection of Land	?	R	-	D
SUBDIVISIONS				
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	-	-

TABLE 4: EXISTING REVIEW PROCEDURES FOR APPLICATIONS & PERMITS (CONTINUED)

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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		
SUBDIVISIONS (continued)				
Minor Subdivision- Type B ⁵	?	D	-	-
Vacation of Public Easements or Rights-of-Way	?	R	R	D
COMMUNITY PLAN				
Community Plan Update	-	R	R	D
Community Plan Amendments	-	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 The review procedures for Annexations is primarily governed by State Statute.
 - ³ If approved by the eligible electors, the Town Council may, by Ordinance, annex the area.
 - ⁴ Type A Minor Subdivision: a subdivision creating not more than six (6) lots within property that has not previously been platted.
 - ⁵ 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.

b. Improve Application Requirements. Some of the town’s existing requirements for development and subdivision applications could be improved to reduce potential liability for the town and to enhance the application submittal process. As part of the update to the town’s Land Use Code, the requirements for the town’s development and subdivision applications will be reviewed and amended to ensure that they are structured to protect the town and don’t place unnecessary burdens on applicants or the town.

The existing public notice requirements (refer to Section 16-21-610) require the town’s Planning Department to publish notice of a public hearing in the local newspaper. This can become problematic if the Planning Department makes a mistake when publishing notice and it adversely impacts the review of a constituent’s application. In other words, this requirement potentially makes the town liable for mistakes made during the public notice process. It is recommended that this provision be changed, as part of the update to the Land Use Code, to ensure that all public notice responsibilities lie with the applicant.

Some of the Town’s existing requirements for applications set forth a specific number of copies that must be submitted to the Town. For example, an applicant must submit twenty (20) copies of an application for a Preliminary Subdivision Plat (refer to Section 17-5-10). Having a set number of application copies set forth in the town’s Land Use Code can result in an excessive number of applications being submitted to the Town. Further, these types of requirements don’t take into consideration modern technology and the ability to submit applications in an electronic format (i.e., a PDF). It is recommended that any of these provisions be modified, as part of the Land Use Code update, to allow the Planning Director to determine how many printed and electronic copies of an application be submitted to the Town.

4. Create More Opportunities For A Range of Housing Options for Full-Time Residents

a. Expand the Types of Housing Permitted in Minturn. Prioritizing housing for full-time residents and working to ensure that residents of all ages and income levels are able to find housing in Minturn is an important Objective (Objective 4.6) identified in the Community Plan. With this in mind, the update to the Land Use Code will work to expand housing opportunities for full-time residents and explore options for addressing the need for a greater diversity of housing types and price-points in Minturn.

b. Reduce Potential Barriers to Housing Development. Dimensional Standards (i.e., minimum lot sizes, setbacks, minimum building widths, and lot coverage limits), off-street parking requirements, open space requirements, and minimum unit sizes are often cited as barriers to housing development, specifically “affordable/attainable” housing. With the objective of expanding housing options for full-time residents in mind, the update to Minturn’s Land Use Code will look for opportunities to revise the town’s existing Development Standards to reduce and/or eliminate barriers to the types of housing desired by the community. The 2023 Community Plan offers recommendations for how to modify the town’s existing Development Standards to reduce or eliminate barriers to housing development. These recommendations will be used to inform and guide the revisions to the town’s existing Development Standards.

5. Increase Flexibility of Regulations & Standards

a. Evaluating Regulations for Non-Conformities. As noted in the Community Plan (refer to p. 19), Minturn's existing regulations for non-conforming uses, lots, and structures can inhibit the preservation, enhancement, and/or development of non-conforming uses, properties, and/or buildings. This works against the community's efforts to preserve and enhance Minturn's character as these "...non-conformities support the character and sense of funkiness around Minturn." Therefore, the update to the Land Use Code will include a review of, and modifications to, the town's regulations for non-conformities to provide greater flexibility and support the community's desire to preserve, enhance, and/or develop nonconforming uses, lots, and/or structures, as appropriate.

b. Alternative Compliance Measures. Alternative compliance measures are a great way to build flexibility into a Land Use Code. Alternative compliance measures enable an applicant/developer to propose other options for meeting the intent of the town's requirements. For example, if alternative compliance measures were permitted for off-street parking requirements, an applicant/developer would have the ability to propose creative solutions for addressing some, or all, of their required off-street parking (i.e., providing parking in off-site garages, off-site common parking areas, shared parking spaces, etc.) rather than having to strictly adhere to the town's parking requirements.

Alternative compliance measures enable the town to collaborate with an applicant/developer on creative solutions for satisfying Code requirements and builds flexibility into the Code. The update to the Land Use Code will explore opportunities to incorporate alternative compliance measures into the Code and incorporate criteria for such measures to ensure that the intent of the applicable regulations is satisfactorily addressed by an applicant/developer.

c. Evaluate Historic Preservation Regulations. Preservation of Minturn's historic resources and landmarks is identified as a key objective in the 2023 Community Plan. The town has Historic Preservation regulations in place in an effort to preserve the community's history. However, in discussions with stakeholders, there was expressed interest in exploring options for creating greater flexibility in the Historic Preservation regulations to enable the preservation and maintenance of historic properties without necessitating a review and approval by the town's Historic Preservation Commission. Therefore, options for providing greater flexibility in the town's Historic Preservation regulations will be explored as part of the update to the town's Land Use Code.

6. Explore Options to Promote/Incentivize Certain Types of Development

a. Types of Incentives. Municipalities have access to a variety of tools (ex. regulations and fees) that can be used to promote/incentivize certain types of development. The following incentives will be explored via the update to Minturn's Land Use Code to encourage the types of development that are desired by the community.

i. Unit Bonuses. Unit bonuses (also referred to as "density bonuses") are a regulatory incentive that can be structured in a way that allow a developer(s) to build additional units in exchange for their project offering a benefit to the community, such as a certain number of deed-restricted units. By increasing the total number of units, a developer has the ability to increase the profitability and feasibility of their project, while at the same time providing the community with "affordable/attainable" housing units that do not require public subsidies.

Unit bonuses are commonly used to promote/incentivize residential development in targeted areas of a community (ex. a downtown), where higher-density development is desired.

ii. Regulatory Incentives. Increased building height allowances, reduced off-street parking requirements, etc. are other ways that a municipality can structure their regulations to incentive certain types of development that are desired by the community.

iii. Straightforward & Expedited Review Processes. Uncertainty and delays during any stage of the development process increase the risk and costs associated with a project. Straightforward and expedited review and approval processes for select types of projects can help to reduce land holding times/costs and provide greater certainty to the development process.

A straightforward and expedited process might include a prioritized review of an land use application and/or building permit, and might also include a simplified review/approval process (ex. review and approval by Town Staff).

The following are additional types of incentives that could be employed by the town to encourage certain types of development in Minturn. These incentives are being listed separately because they will likely need to be explored outside of the process for updating Minturn's Land Use Code.

i. Fee Waivers or Reductions. Waivers or reductions in application review fees, building permit fees, tap fees, etc. are another way that municipalities can work to incentivize certain types of development.

ii. Low- or No-Interest Revolving Loan Fund. A low- or no-interest revolving loan fund (RLF), administered by the town, could serve as a source capital for the re-use/re-purposing of existing commercial and industrial, infill development business start-up, expansion of an existing business, etc.

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The Town of Carbondale, CO has an RLF that could serve as a template for developing an RLF in Minturn. More information about Carbondale's RLF can be found here:

https://carbondalegov.org/departments/finance/revolving_loan_fund.php

iii. Explore Options for Adopting a Housing Rehabilitation Code. In effort to provide greater options for non-conformities in Minturn and expand housing opportunities, for full-time residents, the town could explore options for adopting a Housing Rehabilitation Code (i.e., a building code designed to reduce the costs to renovate and rehabilitate existing buildings) that could help to improve the availability and habitability of Minturn's older housing stock.

Additional information about Housing Rehabilitation Codes can be found here:

<https://www.localhousingsolutions.org/act/housing-policy-library/housing-rehabilitation-codes-overview/housing-rehabilitation-codes/>

7. Ensure Compliance With Court Rulings

a. Sign Regulations. In 2015, the U.S. Supreme Court made a ruling in the case of Reed v. Town of Gilbert that invalidated the town's sign ordinance because it treated signs differently based on their content. In the wake of Reed v. Town of Gilbert, a number of municipalities have worked to review and update their sign codes to ensure that they are truly content neutral.

The update to Minturn's Land Use Code will include a careful review and update of the town's sign regulations to ensure that they are not content-based and adhere to the Supreme Court's ruling.

Additional information about the implications of the courts ruling in Reed v. Town of Gilbert can be found via the following links:

- Municipal Sign Ordinances after Reed v. Town of Gilbert
<https://www.nh.gov/osi/resource-library/planning/documents/municipal-sign-ordinances-nhma.pdf>
- New Rules for Your Sign Code
https://www.cml.org/docs/default-source/uploadedfiles/issues/planning/signs-reed-article.pdf?sfvrsn=1eada221_0
- "All is Not Lost" – Updating your Sign Code after the Reed v. Town of Gilbert Case
http://mrsc.org/getmedia/5a20b7f6-5f6c-4aba-9409-35cc6617f1d9/2016_07_21-MRSC-Sign-Code-Presentation.pdf.aspx

b. Regulations for Adult Entertainment Establishments. Minturn's existing zoning regulations do not include provisions for "Adult Entertainment Establishments" (i.e., "Sexually Oriented Businesses"). This might be an issue as it may be unconstitutional to completely prohibit these types of land uses from the community. Town staff will confer with the Town Attorney to determine if it will be necessary, from a legal standpoint, to include provisions for Adult Entertainment Establishments in the update to the Minturn's Land Use Code.

If it is necessary to include provisions for these types of land uses, town staff will work with elected and appointed officials, stakeholders, and the broader community to determine where in Minturn these uses are to be permitted and the specific standards that apply to these uses. There are many examples of specific standards, from other Colorado communities, that can be used as a template for developing standards for Minturn.

APPENDICES

TABLE 1: EXISTING AND SUGGESTED ORGANIZATION OF LAND USE CODE

Current Organization	Suggested Reorganization & Consolidation
<p>Chapter 16 - Zoning</p> <p>Article 1: General Provisions</p> <ul style="list-style-type: none"> Section 16-1-10: Title of Provisions Section 16-1-20: Purpose of Provisions Section 16-1-30: Statutory Authority Section 16-1-40.: Jurisdiction Section 16-1-50: Interpretation Section 16-1-60: Application of Regulations Section 16-1-70: Annexation and Disconnection Procedure Section 16-1-80: Relationship to Existing Ordinances Section 16-1-90: Enforcement and Penalties Section 16-1-100: Severability <p>Article 2: Definitions, Illustrations and Lot Standards</p> <ul style="list-style-type: none"> Section 16-2-10: Purpose Section 16-2-20: Definitions Section 16-2-30: Illustrations Section 16-2-40: General Lot Requirements and Dimensional Standards Section 16-2-50: Specific Lot Requirements and Dimensional Standards Section 16-2-60: Building Height Limitations for All Zone Districts Except 100 Block Zones Section 16-2-65: 100 Block Zones Building Height Limitations Section 16-2-70, 16-2-80: Reserved <p>Article 3: Character Areas and Zones</p> <ul style="list-style-type: none"> Section 16-3-10: Character Areas and Zones Established Section 16-3-20: Character Area and Zone Map Adopted Section 16-3-30: Character Area and Zone Boundaries Section 16-3-40: Boundary Determination Section 16-3-50: Use Tables Section 16-3-60: Use Not Listed <p>Article 4: Meadow Mountain Character Area</p> <ul style="list-style-type: none"> Section 16-4-10: Character Area Characteristics Section 16-4-20: Federally Regulated Area Section 16-4-30: Meadow Mountain Federally Regulated Area Map <p>Article 5: Grouse Creek Character Area</p> <ul style="list-style-type: none"> Section 16-5-10: Character Area Characteristics Section 16-5-20: Grouse Creek Commercial Zone Section 16-5-30: Grouse Creek Character Area Map Section 16-5-40: Grouse Creek Character Area Use Table Section 16-5-50: Grouse Creek Character Area Limited Use Standards Section 16-5-60: Supplemental Regulations and Site Development Standards <p>Article 6: Old Town Character Area</p> <ul style="list-style-type: none"> Section 16-6-10: Character Area Characteristics Section 16-6-20: Old Town Residential Zone Section 16-6-30: Old Town Commercial Zone Section 16-6-35: 100 Block Commercial Zones 	<p>Chapter 16 - Land Use & Development Code</p> <p>Article 1: General Provisions</p> <ul style="list-style-type: none"> Section 16-1-10: Title Section 16-1-20: Effective Date Section 16-1-30: Purpose Section 16-1-40: Authority, Jurisdiction & Applicability Section 16-1-50: Severability Section 16-1-60: Administration <ul style="list-style-type: none"> Subsection 16-1-60-A: General Provisions Subsection 16-1-60-B: Interpretation Subsection 16-1-60-C: Conflicting Provisions Subsection 16-1-60-D: Review & Decision-Making Bodies Section 16-1-70: Fees & Costs <ul style="list-style-type: none"> Subsection 16-1-70-A: Purpose & Applicability Subsection 16-1-70-B: Application Review Fees & Costs Subsection 16-1-70-C: Reimbursement of Fees & Costs Subsection 16-1-70-D: Fee & Cost Incentives Subsection 16-1-70-E: Unpaid Fees & Costs Section 16-1-80: Enforcement <ul style="list-style-type: none"> Subsection 16-1-80-A: Purpose & Applicability Subsection 16-1-80-B: Violations, Remedies & Penalties Section 16-1-90: Vested Property Rights <ul style="list-style-type: none"> Subsection 16-1-90-A: Purpose & Applicability Subsection 16-1-90-B: Procedure for Obtaining Vested Property Rights Subsection 16-1-90-C: Other Provisions Unaffected Subsection 16-1-90-D: Exceptions Section 16-1-100: Transition from Prior Regulations <ul style="list-style-type: none"> Subsection 16-1-100-A: Purpose & Applicability Subsection 16-1-100-B: Nonconforming Uses Subsection 16-1-100-C: Nonconforming Lots Subsection 16-1-100-D: Nonconforming Structures Section 16-1-110: Development & Subdivision Improvements Agreement <p>Article 2: Zone Districts</p> <ul style="list-style-type: none"> Section 16-2-10: General Provisions <ul style="list-style-type: none"> Subsection 16-2-10-A: Purpose & Applicability Subsection 16-2-10-B: Zoning of Annexed Land Subsection 16-2-10-C: Principal and Accessory Uses Section 16-2-20: Establishment of Zone Districts Section 16-2-30: Zone District Boundaries Section 16-2-40: Zoning Map Section 16-2-50: Overlay Zone Districts Section 16-2-60: Planned Unit Development (PUDs) <p>Article 3: Use Regulations & Standards</p> <ul style="list-style-type: none"> Section 16-3-10: Permitted, Conditional, Limited, and Prohibited Uses Section 16-3-20: Classification of Unlisted Use Section 16-3-30: Table of Uses Section 16-3-40: Accessory Uses & Structures

TABLE 1: EXISTING AND SUGGESTED ORGANIZATION OF LAND USE CODE (CONTINUED)

Current Organization	Suggested Reorganization & Consolidation
<p>Chapter 16 - Zoning (continued)</p> <p>Article 6: Old Town Character Area (continued)</p> <ul style="list-style-type: none"> Section 16-6-40: Old Town Mixed-Use Zone Section 16-6-50: Old Town Recreation and Open Space Zone Section 16-6-60: Old Town Character Area Map Section 16-6-70: Old Town Character Area Use Table Section 16-6-80: Old Town Character Area Limited Use Standards Section 16-6-90: Supplemental Regulations and Standards <p>Article 7: South Town Character Area</p> <ul style="list-style-type: none"> Section 16-7-10: Character Area Characteristics Section 16-7-20: South Town Residential Zone Section 16-7-30: South Town Commercial Zone Section 16-7-40: South Town Federally Regulated Area Section 16-7-50: South Town Character Area Map Section 16-7-60: South Town Character Area Use Table Section 16-7-70: South Town Character Area Limited Use Standards Section 16-7-80: Supplemental Regulations and Standards <p>Article 8: Martin Creek Character Area</p> <ul style="list-style-type: none"> Section 16-8-10: Character Area Characteristics Section 16-8-20: Martin Creek Residential Estate Zone Section 16-8-30: Martin Creek Character Area Map Section 16-8-40: Martin Creek Character Area Use Table Section 16-8-50: Martin Creek Character Area Limited Use Standards Section 16-8-60: Supplemental Regulations and Standards <p>Article 9: Cross Creek Character Area</p> <ul style="list-style-type: none"> Section 16-9-10: Character Area Characteristics Section 16-9-20: Cross Creek Residential Zone Section 16-9-30: Cross Creek Mixed-Use Zone Section 16-9-40: Federally Regulated Area Section 16-9-45: Cross Creek Recreation and Open Space Zone Section 16-9-50: Cross Creek Character Area Map Section 16-9-60: Cross Creek Character Area Use Table Section 16-9-70: Cross Creek Character Area Limited Use Standards Section 16-9-80: Supplemental Regulations and Standards <p>Article 10: Bolt’s Lake, Gilman, Willow Creek, Rock Creek and Holy Cross Character Areas</p> <ul style="list-style-type: none"> Section 16-10-10: Establishment of Bolt’s Lake, Gilman, Willow Creek, Rock Creek and Holy Cross Character Areas Section 16-10-20: Character Area Characteristics Section 16-10-25: Willow Creek, Rock Creek and Holy Cross Character Areas Map Section 16-10-30: Permitted Uses of Ranch Lots and Estate Lots Section 16-10-35: Master Map for Mountain Top Area Section 16-10-40: Terms and Conditions Applicable to Ranch Lots and Estate Lots 	<p>Chapter 16 - Land Use & Development Code (continued)</p> <p>Article 3: Use Regulations & Standards (continued)</p> <ul style="list-style-type: none"> Section 16-3-40: Accessory Uses & Structures <ul style="list-style-type: none"> Subsection 16-3-40-A: Purpose & Applicability Subsection 16-3-40-B: Table of Accessory Uses & Structures <u>Examples:</u> <ul style="list-style-type: none"> • Home Occupations • Accessory Structures • Accessory Dwelling Units (ADUs) Section 16-3-50: Temporary Uses & Structures <ul style="list-style-type: none"> Subsection 16-3-50-A: Purpose & Applicability Subsection 16-3-50-B: Table of Temporary Uses & Structures <u>Examples:</u> <ul style="list-style-type: none"> • Carnival, Circus, Fair, or Similar Community Event • Construction Office, Yards, or Similar Type of Use Incidental to Construction on the Premises • Garage Sales • Parklets • Mobile Food Vendors/Food Trucks Section 16-3-60: General Use Standards <ul style="list-style-type: none"> Subsection 16-3-60-A: Purpose Subsection 16-3-60-B: Applicability Subsection 16-3-60-C: Noise and Vibration Standards Subsection 16-3-60-D: Air Quality, Smoke, and Particulate Standards Subsection 16-3-60-E: Water Quality Standards Subsection 16-3-60-F: Heat, Glare, Radiation, and Electrical Interference Subsection 16-3-60-G: Storage of Hazardous and Nonhazardous Materials Section 16-3-70: Use Specific Standards <ul style="list-style-type: none"> <u>Examples:</u> <ul style="list-style-type: none"> • Accessory Dwelling Units (ADUs) • Accessory Structure • Bed & Breakfast • Day Care Center • Group Homes • Home Occupation • Marijuana Establishments • Mobile Home Parks • RV Parks • Sexually Oriented Businesses • Short-term Rentals • Utility & Communication Facilities Article 4: Dimensional Requirements <ul style="list-style-type: none"> Section 16-4-10: Table of Dimensional Requirements for All Zone Districts <ul style="list-style-type: none"> <u>Examples:</u> <ul style="list-style-type: none"> • Minimum Lot Size Requirements • Minimum Setback Requirements • Maximum Lot Coverage Standards • Building Height Restrictions • Minimum Lot Frontage Requirements Section 16-4-20: Exceptions to Setback Requirements Section 16-4-30: Exceptions to Building Height Restrictions Section 16-4-40: Measurement Standards <ul style="list-style-type: none"> Subsection 16-4-40-A: Lot Size Measurements Subsection 16-4-40-B: Setback Measurements

TABLE 1: EXISTING AND SUGGESTED ORGANIZATION OF LAND USE CODE (CONTINUED)

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Current Organization	Suggested Reorganization & Consolidation
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Section 8, Item B.

Current Organization	Suggested Reorganization & Consolidation
<p>Chapter 16 - Zoning (continued)</p> <p>Article 21: Administration and Procedures (continued)</p> <p style="padding-left: 20px;"><u>Division 2: Procedures (continued)</u></p> <p style="padding-left: 40px;">Section 16-21-280: Interpretations</p> <p style="padding-left: 20px;"><u>Division 3: Amendments</u></p> <p style="padding-left: 40px;">Section 16-21-410: Amendments to Text of Land Use Regulations or Character Area and Zone District Map</p> <p style="padding-left: 40px;">Section 16-21-420: Purpose</p> <p style="padding-left: 40px;">Section 16-21-430: Initiation</p> <p style="padding-left: 40px;">Section 16-21-440: Procedure</p> <p style="padding-left: 40px;">Section 16-21-450: Standards</p> <p style="padding-left: 40px;">Section 16-21-460: Action by Planning Commission</p> <p style="padding-left: 40px;">Section 16-21-470: Action by Zoning Board of Appeals</p> <p style="padding-left: 40px;">Section 16-21-480: Notice; Issuance</p> <p style="padding-left: 40px;">Section 16-21-490: Revocation</p> <p style="padding-left: 40px;">Section 16-21-500: Appeal of Administrative Decisions</p> <p style="padding-left: 20px;"><u>Division 4: Miscellaneous Provisions</u></p> <p style="padding-left: 40px;">Section 16-21-610: Public Notice</p> <p style="padding-left: 40px;">Section 16-21-615: Design Review Applications</p> <p style="padding-left: 40px;">Section 16-21-620: Conditional Use</p> <p style="padding-left: 40px;">Section 16-21-630: Limited Use Review</p> <p style="padding-left: 40px;">Section 16-21-640: Temporary Use Permit</p> <p style="padding-left: 40px;">Section 16-21-650: Duration of Approvals</p> <p style="padding-left: 40px;">Section 16-21-660: Violation and Penalty</p> <p style="padding-left: 40px;">Section 16-21-670: Injunction</p> <p style="padding-left: 40px;">Section 16-21-680: Temporary Regulations</p> <p style="padding-left: 40px;">Section 16-21-690: Variances</p> <p style="padding-left: 40px;">Section 16-21-700: Appeals</p> <p style="padding-left: 40px;">Section 16-21-710: Vested Property Rights</p> <p style="padding-left: 40px;">Section 16-21-720: Correction Plat</p> <p style="padding-left: 40px;">Section 16-21-730: Actions by Planning Commission and Town Council</p> <p style="padding-left: 40px;">Section 16-21-740: Effect of Pending Litigation or Appeal</p> <p>Article 22: Legal Nonconforming Uses, Structures, and Lots</p> <p style="padding-left: 20px;">Section 16-22-10: Purpose and Intent</p> <p style="padding-left: 20px;">Section 16-22-20: General Provisions</p> <p style="padding-left: 20px;">Section 16-22-30: Nonconforming Uses and Structures</p> <p style="padding-left: 20px;">Section 16-22-40: Repair, Maintenance, and Reconstruction</p> <p style="padding-left: 20px;">Section 16-22-50: Nonconforming Lots of Record</p> <p style="padding-left: 20px;">Section 16-22-60: Mobile Home Replacement</p> <p style="padding-left: 20px;">Section 16-22-70: Reduction or Elimination of Certain Nonconforming Uses and Structures</p> <p style="padding-left: 20px;">Section 16-22-80: Enforcement</p> <p>Article 23: Fees</p> <p style="padding-left: 20px;">Section 16-23-10: Fees Established</p> <p style="padding-left: 20px;">Section 16-23-20: Payment</p> <p style="padding-left: 20px;">Section 16-23-30: Failure to Remit Payment</p> <p>Article 24: Marijuana Establishments</p> <p style="padding-left: 20px;">Section 16-24-10: Authority</p> <p style="padding-left: 20px;">Section 16-24-20: Definitions</p>	<p>Chapter 16 - Land Use & Development Code (continued)</p> <p>Article 12: Disconnection of Land (continued)</p> <p style="padding-left: 20px;">Section 16-12-20: Petition & Application Requirements</p> <p style="padding-left: 20px;">Section 16-12-30: Petition & Application Review Procedures</p> <p>Article 13: Environmental Impact Report</p> <p style="padding-left: 20px;">Section 16-13-10: Purpose</p> <p style="padding-left: 20px;">Section 16-13-20: Preliminary Environmental Assessment</p> <p style="padding-left: 20px;">Section 16-13-30: Exemptions from Required Report</p> <p style="padding-left: 20px;">Section 16-13-40: Preparation and Scope</p> <p style="padding-left: 20px;">Section 16-13-50: Report Contents</p> <p style="padding-left: 20px;">Section 16-13-60: Additional Materials</p> <p style="padding-left: 20px;">Section 16-13-70: Cost and Fees</p> <p style="padding-left: 20px;">Section 16-13-80: Submission</p> <p style="padding-left: 20px;">Section 16-13-90: Review</p> <p>Article 14: Areas and Activities of State Interest</p> <p style="padding-left: 20px;"><u>Division 1: Administration and Designation</u></p> <p style="padding-left: 40px;">Section 16-14-10: Purpose and Findings</p> <p style="padding-left: 40px;">Section 16-14-20: Authority</p> <p style="padding-left: 40px;">Section 16-14-30: Applicability</p> <p style="padding-left: 40px;">Section 16-14-40: Exemptions</p> <p style="padding-left: 40px;">Section 16-14-50: Relationship of Regulations to Other Requirements</p> <p style="padding-left: 40px;">Section 16-14-60: Maps</p> <p style="padding-left: 40px;">Section 16-14-70: Duties of Town Council</p> <p style="padding-left: 40px;">Section 16-14-80: Severability</p> <p style="padding-left: 40px;">Section 16-14-90: Definitions</p> <p style="padding-left: 40px;">Section 16-14-100: Designation</p> <p style="padding-left: 40px;">Section 16-14-110: Public Hearing Required</p> <p style="padding-left: 40px;">Section 16-14-120: Notice of Public Hearing, Mailing, Publication</p> <p style="padding-left: 40px;">Section 16-14-130: Matters to be Considered at Designation Hearing</p> <p style="padding-left: 40px;">Section 16-14-140: Record of Designation Proceedings</p> <p style="padding-left: 40px;">Section 16-14-150: Adoption of Designation and Regulations</p> <p style="padding-left: 40px;">Section 16-14-160: Recording of Notice of Designation</p> <p style="padding-left: 40px;">Section 16-14-170: Designation as Matters of State Interest</p> <p style="padding-left: 20px;"><u>Division 2: Permit Authority</u></p> <p style="padding-left: 40px;">Section 16-14-200: Intent</p> <p style="padding-left: 40px;">Section 16-14-210: Permit Authority Established</p> <p style="padding-left: 40px;">Section 16-14-220: Permit Required</p> <p style="padding-left: 40px;">Section 16-14-230: Judicial Review</p> <p style="padding-left: 40px;">Section 16-14-240: Pre-application Process</p> <p style="padding-left: 40px;">Section 16-14-250: Permit Application</p> <p style="padding-left: 40px;">Section 16-14-260: Permit Application Fee and Costs</p> <p style="padding-left: 40px;">Section 16-14-270: Submission Requirements for All Permit Applications; Waivers</p> <p style="padding-left: 40px;">Section 16-14-280: Simultaneous Processing of Other Town Permits</p> <p style="padding-left: 40px;">Section 16-14-290: Referral Departments and Agencies</p> <p style="padding-left: 40px;">Section 16-14-300: Permit Hearing</p>

TABLE 1: EXISTING AND SUGGESTED ORGANIZATION OF LAND USE CODE (CONTINUED)

Section 8, Item B.

Current Organization	Suggested Reorganization & Consolidation
<p>Chapter 16 - Zoning (continued)</p> <p>Article 24: Marijuana Establishments (continued)</p> <p style="padding-left: 20px;">Section 16-24-30: Uses Prohibited</p> <p style="padding-left: 20px;">Section 16-24-40: Penalties; Nuisance Declared</p> <p>Article 25: Areas and Activities of State Interest</p> <p><u>Division 1: Administration and Designation</u></p> <p style="padding-left: 20px;">Section 16-25-10: Purpose and Findings</p> <p style="padding-left: 20px;">Section 16-25-20: Authority</p> <p style="padding-left: 20px;">Section 16-25-30: Applicability</p> <p style="padding-left: 20px;">Section 16-25-40: Exemptions</p> <p style="padding-left: 20px;">Section 16-25-50: Relationship of Regulations to Other Requirements</p> <p style="padding-left: 20px;">Section 16-25-60: Maps</p> <p style="padding-left: 20px;">Section 16-25-70: Duties of Town Council</p> <p style="padding-left: 20px;">Section 16-25-80: Severability</p> <p style="padding-left: 20px;">Section 16-25-90: Definitions</p> <p style="padding-left: 20px;">Section 16-25-100: Designation</p> <p style="padding-left: 20px;">Section 16-25-110: Public Hearing Required</p> <p style="padding-left: 20px;">Section 16-25-120: Notice of Public Hearing, Mailing, Publication</p> <p style="padding-left: 20px;">Section 16-25-130: Matters to be Considered at Designation Hearing</p> <p style="padding-left: 20px;">Section 16-25-140: Record of Designation Proceedings</p> <p style="padding-left: 20px;">Section 16-25-150: Adoption of Designation and Regulations</p> <p style="padding-left: 20px;">Section 16-25-160: Recording of Notice of Designation</p> <p style="padding-left: 20px;">Section 16-25-170: Designation as Matters of State Interest</p> <p><u>Division 2: Permit Authority</u></p> <p style="padding-left: 20px;">Section 16-25-200: Intent</p> <p style="padding-left: 20px;">Section 16-25-210: Permit Authority Established</p> <p style="padding-left: 20px;">Section 16-25-220: Permit Required</p> <p style="padding-left: 20px;">Section 16-25-230: Judicial Review</p> <p style="padding-left: 20px;">Section 16-25-240: Pre-application Process</p> <p style="padding-left: 20px;">Section 16-25-250: Permit Application</p> <p style="padding-left: 20px;">Section 16-25-260: Permit Application Fee and Costs</p> <p style="padding-left: 20px;">Section 16-25-270: Submission Requirements for All Permit Applications; Waivers</p> <p style="padding-left: 20px;">Section 16-25-280: Simultaneous Processing of Other Town Permits</p> <p style="padding-left: 20px;">Section 16-25-290: Referral Departments and Agencies</p> <p style="padding-left: 20px;">Section 16-25-300: Permit Hearing</p> <p style="padding-left: 20px;">Section 16-25-310: Conduct of Permit Hearing</p> <p style="padding-left: 20px;">Section 16-25-320: Action by the Permit Authority</p> <p style="padding-left: 20px;">Section 16-25-330: Combined Designation and Permit Hearing</p> <p style="padding-left: 20px;">Section 16-25-340: Review Criteria for All Applications</p> <p style="padding-left: 20px;">Section 16-25-340.5: Special Review Criteria for Major Extensions of Water and Sewage Treatment Systems</p> <p style="padding-left: 20px;">Section 16-25-350: Permit Issuance; Conditions</p> <p style="padding-left: 20px;">Section 16-25-360: Term of Permit; Progress Reports</p> <p style="padding-left: 20px;">Section 16-25-370: Renewal</p> <p style="padding-left: 20px;">Section 16-25-380: Permit Amendment</p> <p style="padding-left: 20px;">Section 16-25-390: Permit Administration, Enforcement, and Inspection</p> <p style="padding-left: 20px;">Section 16-25-400: Transfer of Permits</p>	<p>Chapter 16 - Land Use & Development Code (continued)</p> <p>Article 14: Areas and Activities of State Interest (continued)</p> <p><u>Division 2: Permit Authority (continued)</u></p> <p style="padding-left: 20px;">Section 16-14-310: Conduct of Permit Hearing</p> <p style="padding-left: 20px;">Section 16-14-320: Action by the Permit Authority</p> <p style="padding-left: 20px;">Section 16-14-330: Combined Designation and Permit Hearing</p> <p style="padding-left: 20px;">Section 16-14-340: Review Criteria for All Applications</p> <p style="padding-left: 20px;">Section 16-14-340.5: Special Review Criteria for Major Extensions of Water and Sewage Treatment Systems</p> <p style="padding-left: 20px;">Section 16-14-350: Permit Issuance; Conditions</p> <p style="padding-left: 20px;">Section 16-14-360: Term of Permit; Progress Reports</p> <p style="padding-left: 20px;">Section 16-14-370: Renewal</p> <p style="padding-left: 20px;">Section 16-14-380: Permit Amendment</p> <p style="padding-left: 20px;">Section 16-14-390: Permit Administration, Enforcement, and Inspection</p> <p style="padding-left: 20px;">Section 16-14-400: Transfer of Permits</p> <p style="padding-left: 20px;">Section 16-14-410: Financial Security</p> <p style="padding-left: 20px;">Section 16-14-420: Revocation or Suspension of Permits</p> <p style="padding-left: 20px;">Section 16-14-430: Annual Review</p> <p style="padding-left: 20px;">Section 16-14-440: Enforcement and Penalties</p> <p style="padding-left: 20px;">Section 16-14-450: Mapping Disputes</p> <p style="padding-left: 20px;">Section 16-14-460: Inspection</p> <p>Article 15: Terms & Definitions</p>

TABLE 1: EXISTING AND SUGGESTED ORGANIZATION OF LAND USE CODE (CONTINUED)

Section 8, Item B.

Current Organization	Suggested Reorganization & Consolidation
<p>Chapter 16 - Zoning (continued)</p> <p>Article 25: Areas and Activities of State Interest (continued)</p> <p style="padding-left: 20px;"><u>Division 2: Permit Authority (continued)</u></p> <p style="padding-left: 40px;">Section 16-25-410: Financial Security</p> <p style="padding-left: 40px;">Section 16-25-420: Revocation or Suspension of Permits</p> <p style="padding-left: 40px;">Section 16-25-430: Annual Review</p> <p style="padding-left: 40px;">Section 16-25-440: Enforcement and Penalties</p> <p style="padding-left: 40px;">Section 16-25-450: Mapping Disputes</p> <p style="padding-left: 40px;">Section 16-25-460: Inspection</p> <p>Article 26: Community Housing Standards and Guidelines</p> <p style="padding-left: 20px;"><u>Division 1: Administration</u></p> <p style="padding-left: 40px;">Section 16-26-10: Title</p> <p style="padding-left: 40px;">Section 16-26-20: Purpose and Findings</p> <p style="padding-left: 40px;">Section 16-26-30: Applicability</p> <p style="padding-left: 40px;">Section 16-26-40: Administration</p> <p style="padding-left: 40px;">Section 16-26-50: Relationship of Regulations to Other Requirements</p> <p style="padding-left: 40px;">Section 16-26-60: Guidelines for Implementation</p> <p style="padding-left: 20px;"><u>Division 2: Community Housing Requirements</u></p> <p style="padding-left: 40px;">Section 16-26-100: Mitigation for Residential Developments</p> <p style="padding-left: 40px;">Section 16-26-110: Incentives for Residential Developments (Inclusionary Housing) Over One (1) Dwelling Unit</p> <p style="padding-left: 40px;">Section 16-26-120: Acceptable Methods of Community Housing Mitigation</p> <p style="padding-left: 40px;">Section 16-26-130: Minimum Requirements</p> <p style="padding-left: 40px;">Section 16-26-140: Housing Plan</p> <p style="padding-left: 40px;">Section 16-26-150: Severability</p> <p>Chapter 17 - Subdivisions</p> <p>Article 1: General Provisions</p> <p style="padding-left: 20px;">Section 17-1-10: Title</p> <p style="padding-left: 20px;">Section 17-1-20: Short Title</p> <p style="padding-left: 20px;">Section 17-1-30: Authority</p> <p style="padding-left: 20px;">Section 17-1-40: Purpose</p> <p style="padding-left: 20px;">Section 17-1-41: Purpose and Intent</p> <p style="padding-left: 20px;">Section 17-1-50: Save Harmless Clause</p> <p style="padding-left: 20px;">Section 17-1-60: Disclaimer of Liability</p> <p style="padding-left: 20px;">Section 17-1-70: Compliance Required</p> <p style="padding-left: 20px;">Section 17-1-80: Remedies for Violations</p> <p style="padding-left: 20px;">Section 17-1-90: Amendments</p> <p style="padding-left: 20px;">Section 17-1-100: Jurisdiction</p> <p>Article 2: Definitions</p> <p style="padding-left: 20px;">Section 17-2-10: Definitions</p> <p>Article 3: Administrative Provisions</p> <p style="padding-left: 20px;">Section 17-3-10: Owner or Agent May Subdivide</p> <p style="padding-left: 20px;">Section 17-3-20: Variances</p> <p style="padding-left: 20px;">Section 17-3-30: Exemption</p> <p style="padding-left: 20px;">Section 17-3-40: Access Requirement</p> <p style="padding-left: 20px;">Section 17-3-50: Fees</p> <p style="padding-left: 20px;">Section 17-3-60: Adequacy of Applications</p>	

TABLE 1: EXISTING AND SUGGESTED ORGANIZATION OF LAND USE CODE (CONTINUED)

Section 8, Item B.

Current Organization	Suggested Reorganization & Consolidation
<p>Chapter 17 - Subdivisions (continued)</p> <p>Article 3: Administrative Provisions (continued)</p> <ul style="list-style-type: none"> Section 17-3-70: Suspension of Approval; Service of Written Notice Section 17-3-80: Permits for Development; Changes on Final Plat Section 17-3-90: Overview of Procedures <p>Article 4: Administrative Replat Procedure</p> <ul style="list-style-type: none"> Section 17-4-10: Intent Section 17-4-20: Prerequisite Section 17-4-30: Administrative Process Determination Section 17-4-40: Approval Criteria for Administrative Replat Section 17-4-50: Formal Submittal Process <p>Article 4: Administrative Replat Procedure (continued)</p> <ul style="list-style-type: none"> Section 17-4-60: Formal Submittal Requirements Section 17-4-70: Plat Exhibit Section 17-4-80: Expiration of Approval Section 17-4-90: Recordation Procedure <p>Article 5: Preliminary Subdivision Plat</p> <ul style="list-style-type: none"> Section 17-5-10: Preliminary Subdivision Plat Submittal Section 17-5-20: Staff Review Section 17-5-30: Site Review Section 17-5-40: Planning Commission Review Section 17-5-50: Further Review by Planning Commission Section 17-5-60: Town Council Review Section 17-5-70: Preliminary Plat Application Section 17-5-80: Preliminary Plat Review Section 17-5-90: Additional Requirements <p>Article 6: Final Subdivision Plat</p> <ul style="list-style-type: none"> Section 17-6-10: Staff Review Section 17-6-20: Planning Commission Review Section 17-6-30: Town Council Review Section 17-6-40: Final Plat Application Section 17-6-50: Additional Requirements Section 17-6-60: Estate Lot Process Section 17-6-70: Ranch Lot Process <p>Article 7: Subdivision Improvements</p> <ul style="list-style-type: none"> Section 17-7-10: Subdivision Improvements Agreement Section 17-7-20: Guarantee of Public Improvements Submittal <p>Article 8: Minor Subdivisions</p> <ul style="list-style-type: none"> Section 17-8-10: Purpose Section 17-8-20: Definitions Section 17-8-30: Procedure Section 17-8-40: Application Requirements <p>Article 9: Vacation of Public Easements and Rights-of-Way</p> <ul style="list-style-type: none"> Section 17-9-10: Procedure Section 17-9-20: Applicability 	

TABLE 1: EXISTING AND SUGGESTED ORGANIZATION OF LAND USE CODE (CONTINUED)

Section 8, Item B.

Current Organization	Suggested Reorganization & Consolidation
<p>Appendix B - Minturn Design Standards & Guidelines</p> <p>I: Introduction</p> <ul style="list-style-type: none">A: PurposeB: Goals, Objectives, and Guiding PrinciplesC: ApplicationD: Exemptions <p>II: General Design Standards</p> <ul style="list-style-type: none">A: Review Criteria<ul style="list-style-type: none">1: Site Design2: Architectural Elements3: Materials and Screening <p>III: Character Areas</p> <ul style="list-style-type: none">1: Grouse Creek Character Area2: Old Town Character Area3: South Town Character Area4: 100-Block Commercial Zones	

Minturn Forward Survey

The Town of Minturn is in the process of updating its land use regulations. As part of this effort the town is asking for input from the community to help guide the changes to be made. We appreciate you taking time to complete this short survey.

- The survey has six (6) questions that take about 10-15 minutes to complete.
- This survey will be **open starting Friday, February 16, 2024, and will close at 12:00 noon, Friday, March 22, 2024.**

All responses are anonymous.

If you prefer to fill out a paper version of the survey, you may do so by visiting:

Minturn Town Hall, 302 Pine Street, Minturn, CO 81645

If you fill out a paper version of the survey, please return it to Minturn Town Hall by noon on March 22, 2024.

Please only fill out and submit **one (1)** printed or online version of the survey.

A series of open houses will be hosted by the town to provide additional opportunities for community members to ask questions and offer input on the update to Minturn's land use regulations. To learn more about these open houses, please visit:

<https://www.minturn.org/planning-zoning/pages/minturn-forward-land-use-and-subdivision-regulation-update-project>

Definitions

Land Use	The type(s) of activity (ex. residential, commercial, industrial, civic, park, open space, etc.) that a piece of property is used for.
Zoning	The legal tool that the town uses to determine where (zones) different types of land uses and development can occur as well as the size and placement of structures on a property.

* 1. Which of the following applies to you? (select all that apply)

- Live in Minturn
- Operate/Own a business in Minturn
- Don't live in Minturn but live elsewhere in Eagle County
- Live outside of Eagle County

* 2. What area in Minturn do you want to provide input for? (select one option)

- Dowd Junction
- Grouse Creek/Meadow Mountain Business Park
- Taylor Avenue/Minturn North

- 100 Block
- Pine and Boulder Street
- Main Street 200-600 Block
- River lots 200-600 Block
- Martin Creek (including 700 Block)
- 800-1200 Block West Side of Main Street
- 800-1200 Block East Side of Main Street
- Two Elk Estates and Cross Creek
- Maloit Park

* 3. What aspects of this area make it a unique place in Minturn? (select all that apply)

- It's primarily a business area
- Public Spaces (ex. Parks, Plazas, etc.)
- Private Spaces (ex. Private yards, Private gathering areas, etc.)
- Size/Scale of Buildings
- Public Open Space Areas
- Age of Buildings
- Streets and/or Alleys
- It's an area with a mix of residences and businesses

- Architecture of Buildings
- Size of Lots/Properties
- Proximity to the Eagle River, Grouse Creek, or Cross Creek
- Types of Buildings (ex. Single-family homes, Townhomes, Apartments, Shops, etc.)
- It's primarily a residential area

Other (please explain)

* 4. What types of land uses do you think are appropriate in this area? (select all that apply)

- Triplexes/Fourplexes
- Retail Businesses
- Educational Facilities/Schools
- Food/Beverage Establishments
- Offices
- Accessory Dwelling Units
- Manufacturing/Fabrication (ex. Brewery, Welding Shop, etc.)
- Apartments
- Vehicle/Equipment Service Businesses

- Personal Services Businesses (ex. Salon, Dry Cleaners, etc.)
- Lodging
- Single-Family Homes
- Financial Institutions
- Duplexes
- Warehouse/Storage Facilities
- Health/Wellness Businesses (ex. Gym, Yoga Studio, etc.)
- Entertainment Businesses (ex. Movie Theater)
- Art Businesses (ex. Art Gallery, Dance Studio, etc.)

Other (please specify)

* 5. Thinking about the future, what aspects of this area would you like to stay the same and what aspects would you like to see changed?

6. Do you have any additional comments?

Section 8, Item B.

Done

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WHAT IS MINTURN FORWARD?

Section 8, Item B.

In 2023, the community completed an update to Minturn's Community Plan. To implement the new Community Plan, one of the key next steps is updating the Town's "Land Use Code" (i.e., the Town's zoning and subdivision regulations) to align with the Values, Vision, and Objectives set forth in the Plan.

The effort to update the Town's Land Use Code is known as "Minturn Forward." This project is focused on updating Chapter 16 - Zoning, Chapter 17 - Subdivisions, and Appendix B - Minturn Design Standards and Guidelines of Minturn's Municipal Code.

PURPOSE OF OPEN HOUSES & ONLINE SURVEY?

The Land Use Code is one of the key tools that the Town has available for implementing the Values, Vision, and Objectives set forth in the 2023 Community Plan and the strategies presented in the 2023-2025 Strategic Plan. While these plans offer helpful direction, a greater level of detail is necessary to ensure that changes to the Town's Land Use Code align with the community's aspirations for Minturn.

The purpose of the online survey and Open Houses, being offered by the Town, is to enable the community to provide specific input on a number of topics relevant to the Land Use Code update.

This input, along with the direction from the Community Plan and Strategic Plan, will be guide the update to the Land Use Code.



ROLE OF COMMUNITY PLAN & STRATEGIC PLAN?

The 2023 Community Plan and 2023-2025 Strategic Plan set forth a number of priorities specific to an update to the Town's Land Use Code. These include, but are not limited to, the following:

- Balance community growth and development with preservation of Minturn's character.
- Improve the usability of the Town's land use regulations (ex. consolidate and simplify the Town's zone districts).
- Pursue land use changes that support Minturn's tax base and economic growth.
- Prioritize housing for full-time residents; ensure that residents of all ages and income levels are able to find housing.

These priorities, along with the input from the community, will inform and provide direction for the update to the Land Use Code.



KEY TERMS

Land Use: The type(s) of activity (ex. residential, commercial, industrial, civic, park, open space, etc.) that a piece of property is used for.

Zoning: The legal tool that the Town uses to determine where different types of land uses and development can occur.



LAND USE CODE SURVEY

NOW AVAILABLE



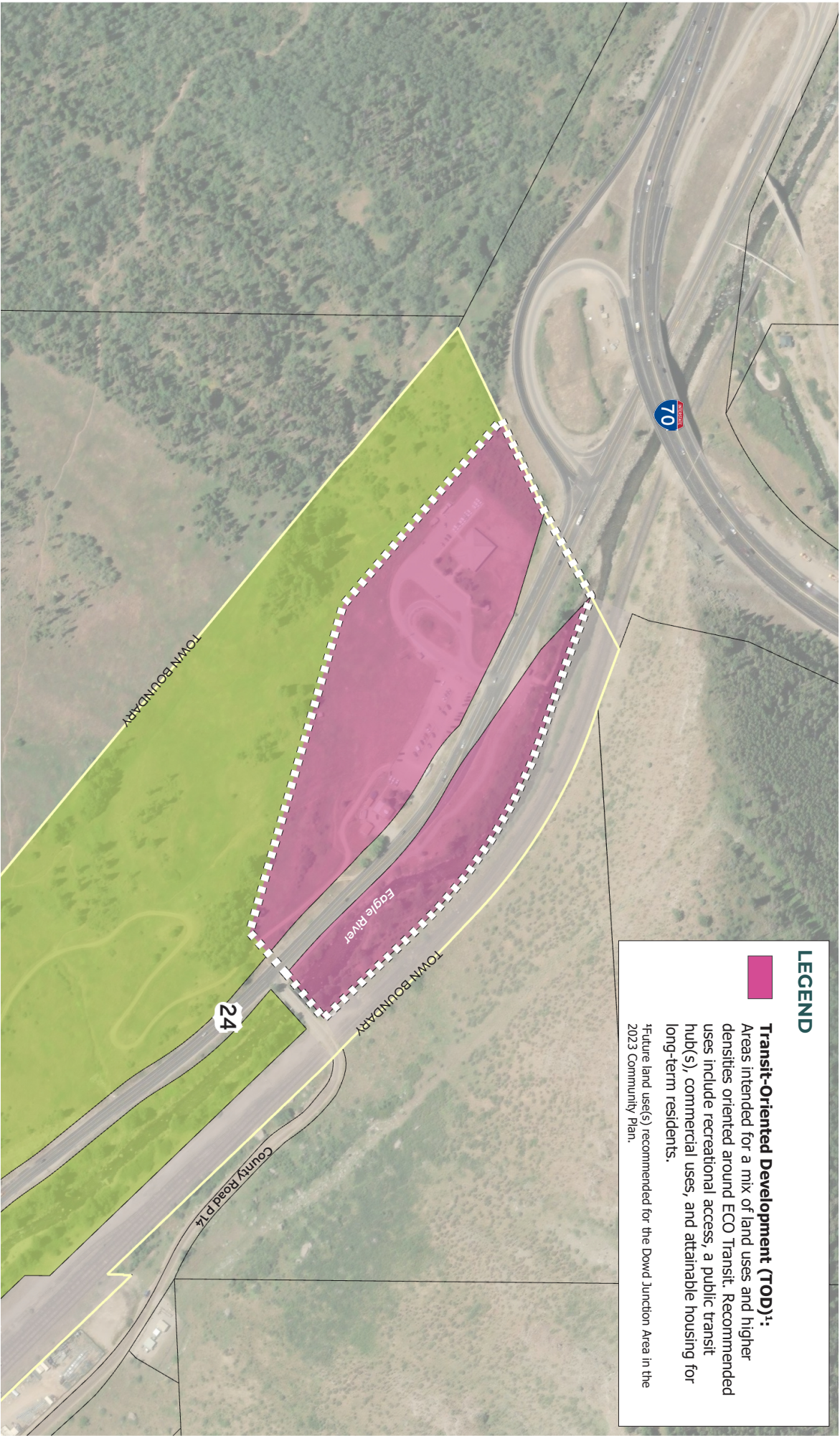
SCAN ME



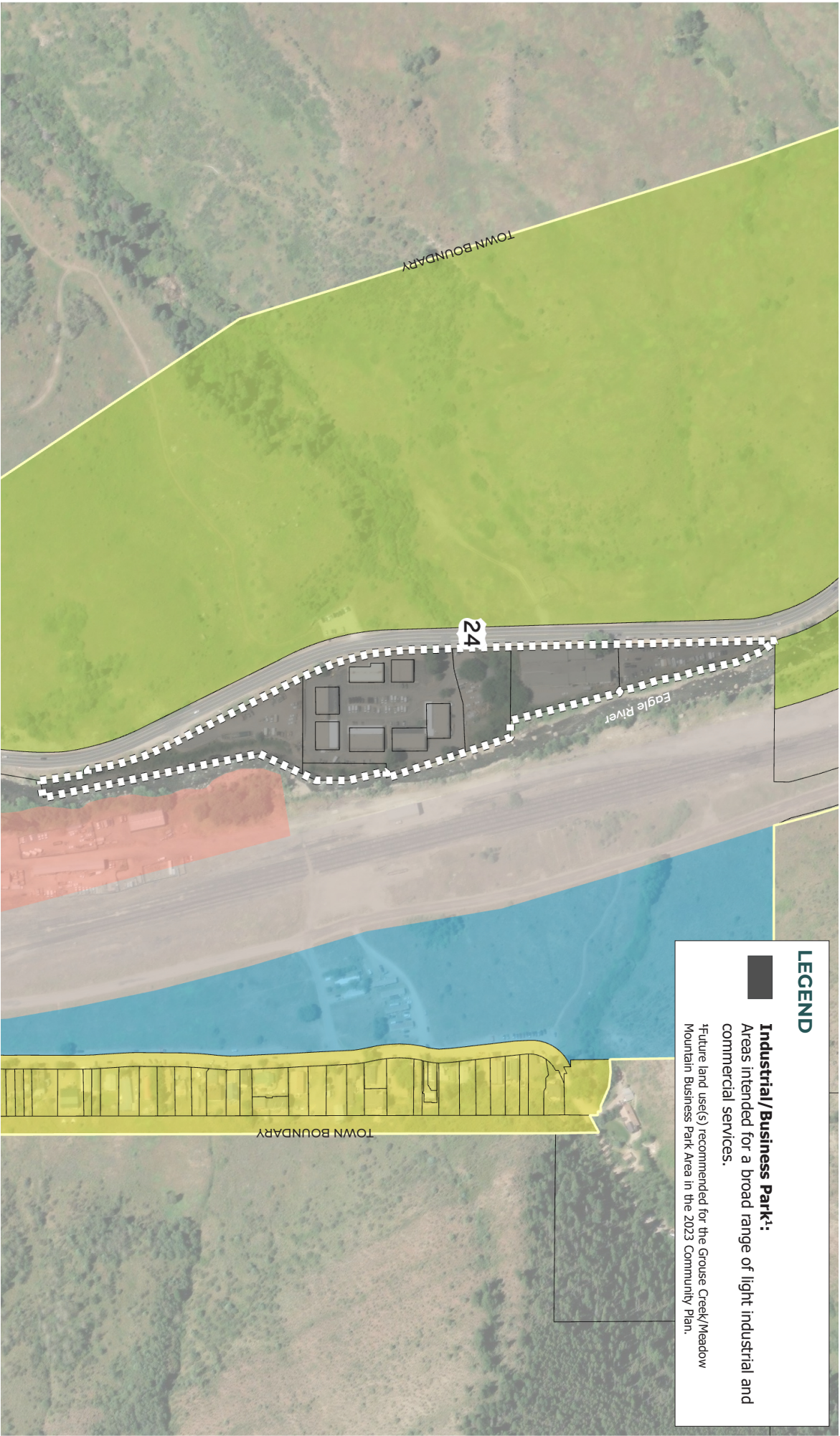
[HTTPS://WWW.SURVEYMONKEY.COM/R/6PYCVK6](https://www.surveymonkey.com/r/6PYCVK6)



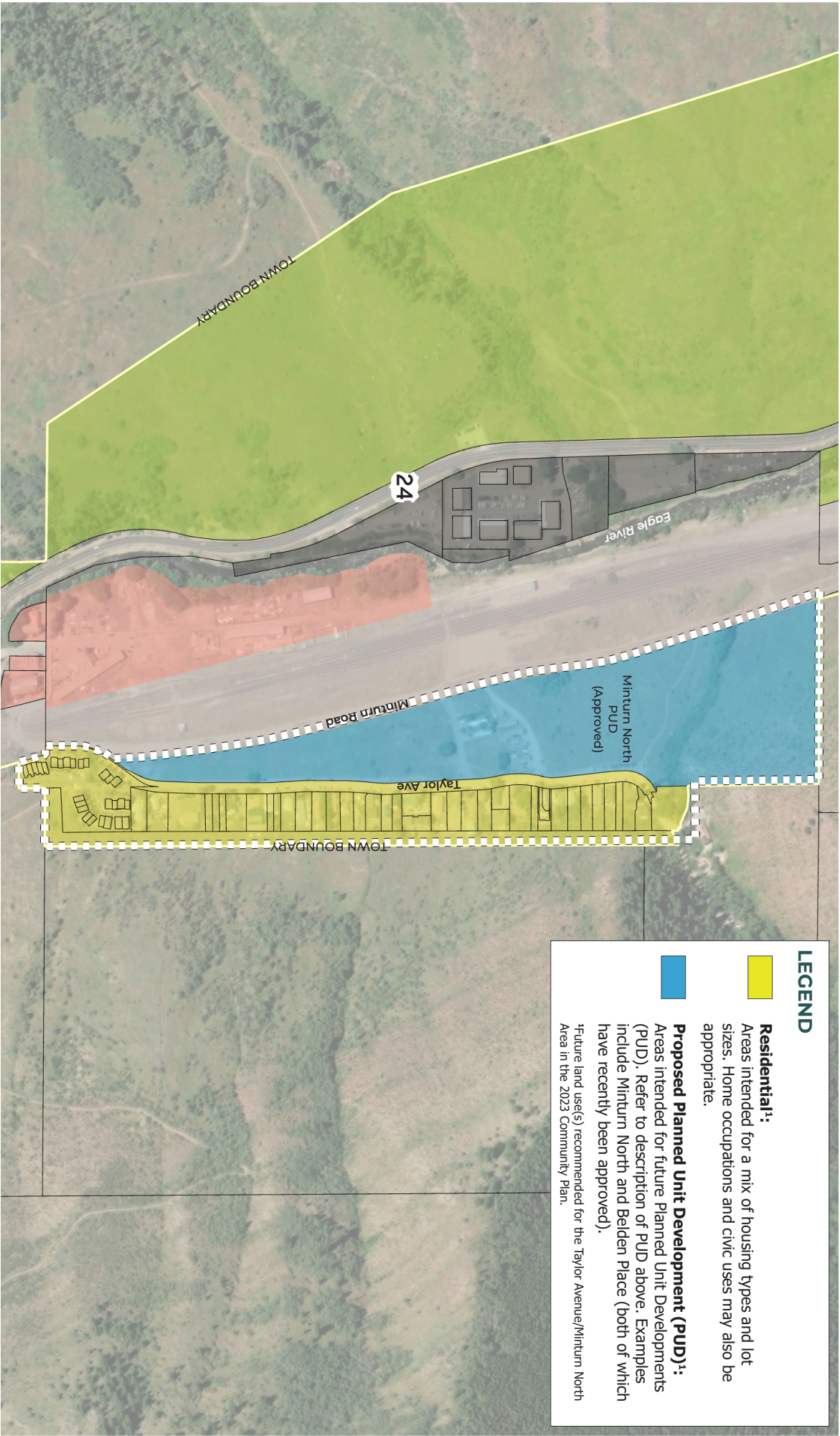
DOWD JUNCTION



GROUSE CREEK/MEADOW MTN BUSINESS PARK



TAYLOR AVE/MINTURN NORTH



LEGEND



Residential¹:
Areas intended for a mix of housing types and lot sizes. Home occupations and civic uses may also be appropriate.



Proposed Planned Unit Development (PUD)¹:
Areas intended for future Planned Unit Developments (PUD). Refer to description of PUD above. Examples include Minturn North and Belden Place (both of which have recently been approved).

¹Future land use(s) recommended for the Taylor Avenue/Minturn North Area in the 2023 Community Plan.

100-BLOCK



LEGEND

■ **Mixed-Use¹:**
Areas intended for a combination of residential and commercial land uses.

¹Future land use(s) recommended for the 100-Block Area in the 2023 Community Plan.



WHAT IS MINTURN FORWARD?

Section 8, Item B.

In 2023, the community completed an update to Minturn's Community Plan. To implement the new Community Plan, one of the key next steps is updating the Town's "Land Use Code" (i.e., the Town's zoning and subdivision regulations) to align with the Values, Vision, and Objectives set forth in the Plan.

The effort to update the Town's Land Use Code is known as "Minturn Forward." This project is focused on updating Chapter 16 - Zoning, Chapter 17 - Subdivisions, and Appendix B - Minturn Design Standards and Guidelines of Minturn's Municipal Code.

PURPOSE OF OPEN HOUSES & ONLINE SURVEY?

The Land Use Code is one of the key tools that the Town has available for implementing the Values, Vision, and Objectives set forth in the 2023 Community Plan and the strategies presented in the 2023-2025 Strategic Plan. While these plans offer helpful direction, a greater level of detail is necessary to ensure that changes to the Town's Land Use Code align with the community's aspirations for Minturn.

The purpose of the online survey and Open Houses, being offered by the Town, is to enable the community to provide specific input on a number of topics relevant to the Land Use Code update.

This input, along with the direction from the Community Plan and Strategic Plan, will be guide the update to the Land Use Code.



MINTURN



ROLE OF COMMUNITY PLAN & STRATEGIC PLAN?

The 2023 Community Plan and 2023-2025 Strategic Plan set forth a number of priorities specific to an update to the Town's Land Use Code. These include, but are not limited to, the following:

- Balance community growth and development with preservation of Minturn's character.
- Improve the usability of the Town's land use regulations (ex. consolidate and simplify the Town's zone districts).
- Pursue land use changes that support Minturn's tax base and economic growth.
- Prioritize housing for full-time residents; ensure that residents of all ages and income levels are able to find housing.

These priorities, along with the input from the community, will inform and provide direction for the update to the Land Use Code.

KEY TERMS

Land Use: The type(s) of activity (ex. residential, commercial, industrial, civic, park, open space, etc.) that a piece of property is used for.

Zoning: The legal tool that the Town uses to determine where different types of land uses and development can occur.



LAND USE CODE SURVEY

NOW AVAILABLE



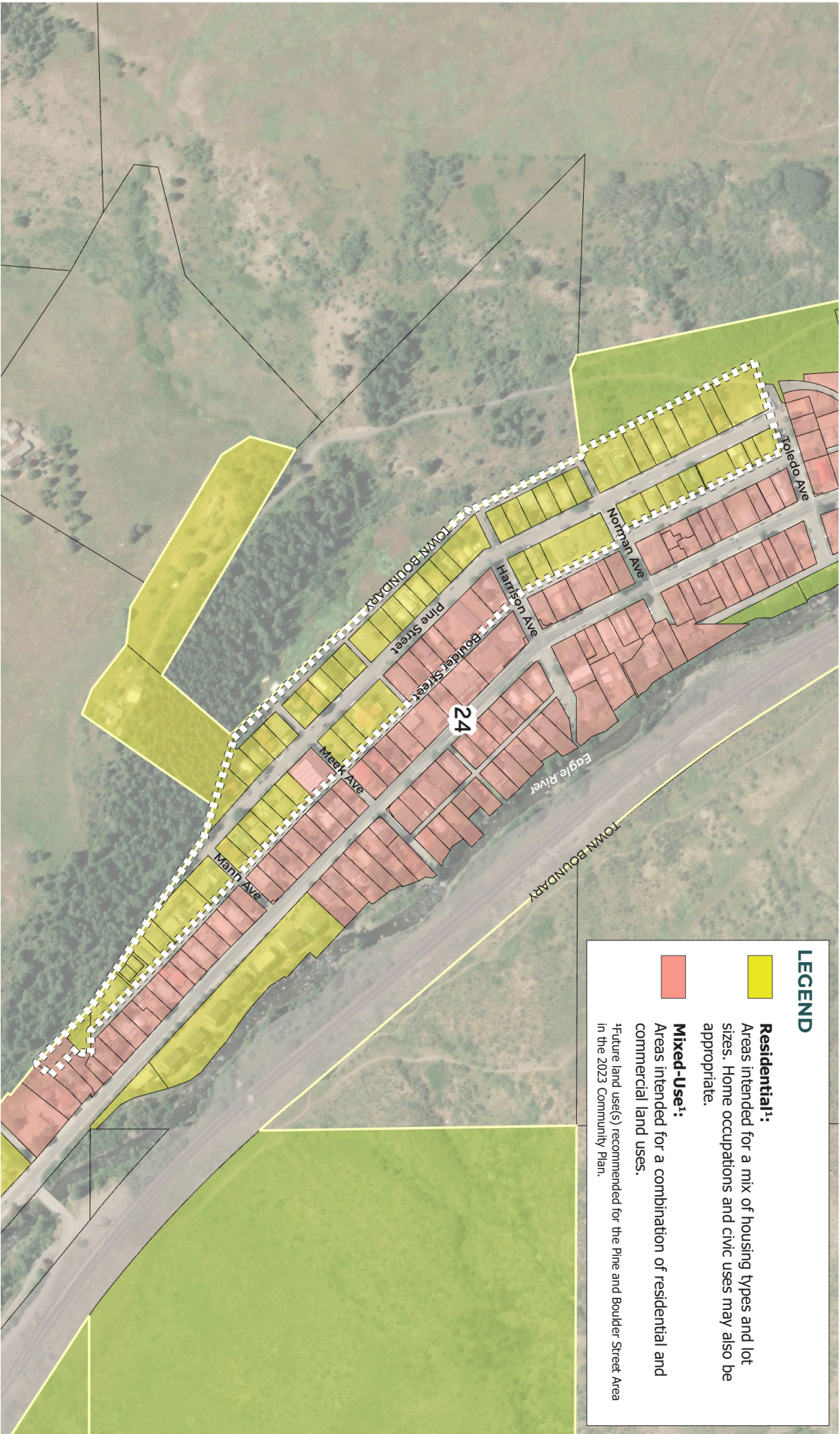
SCAN ME



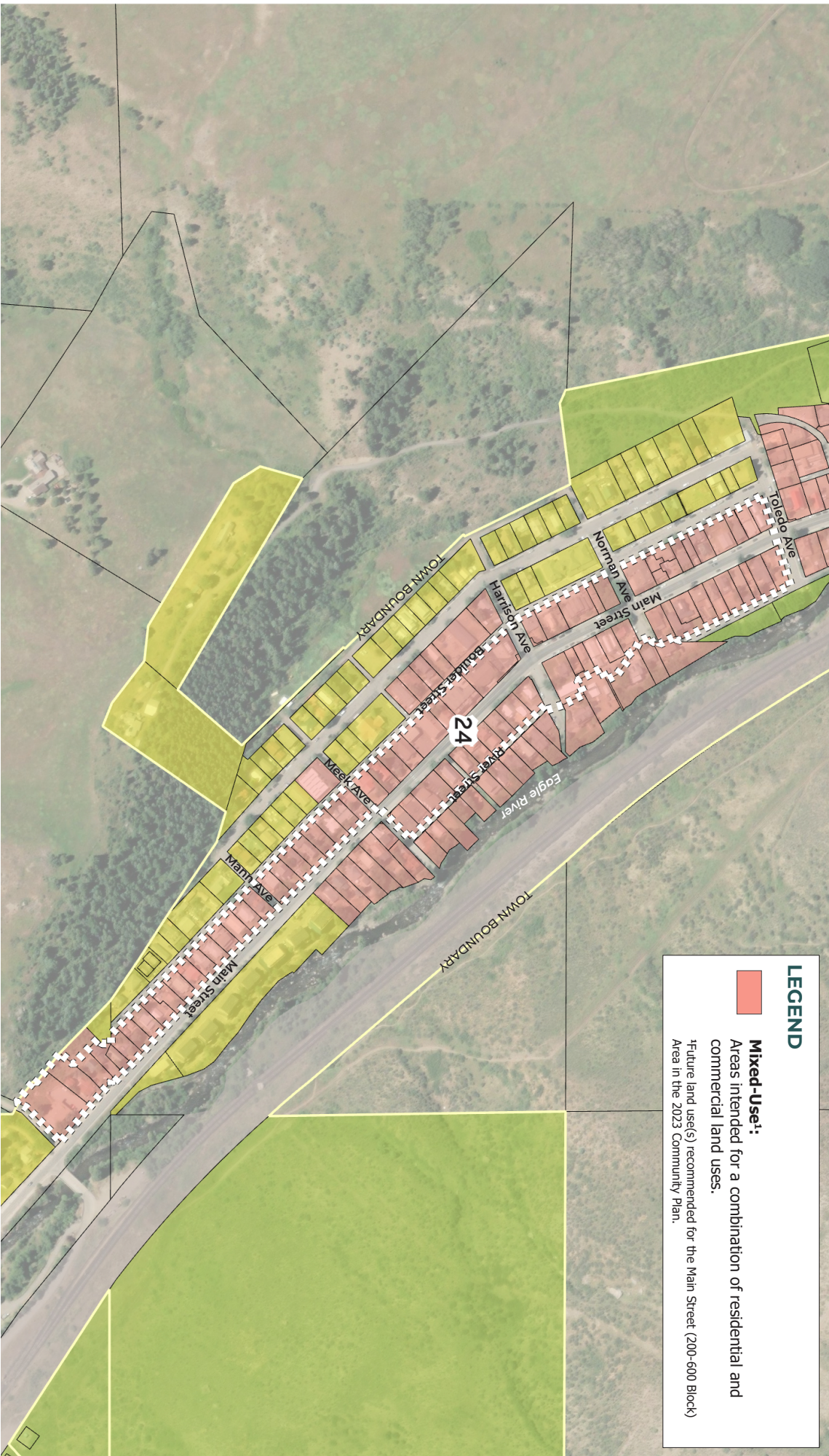
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PINE & BOULDER STREET



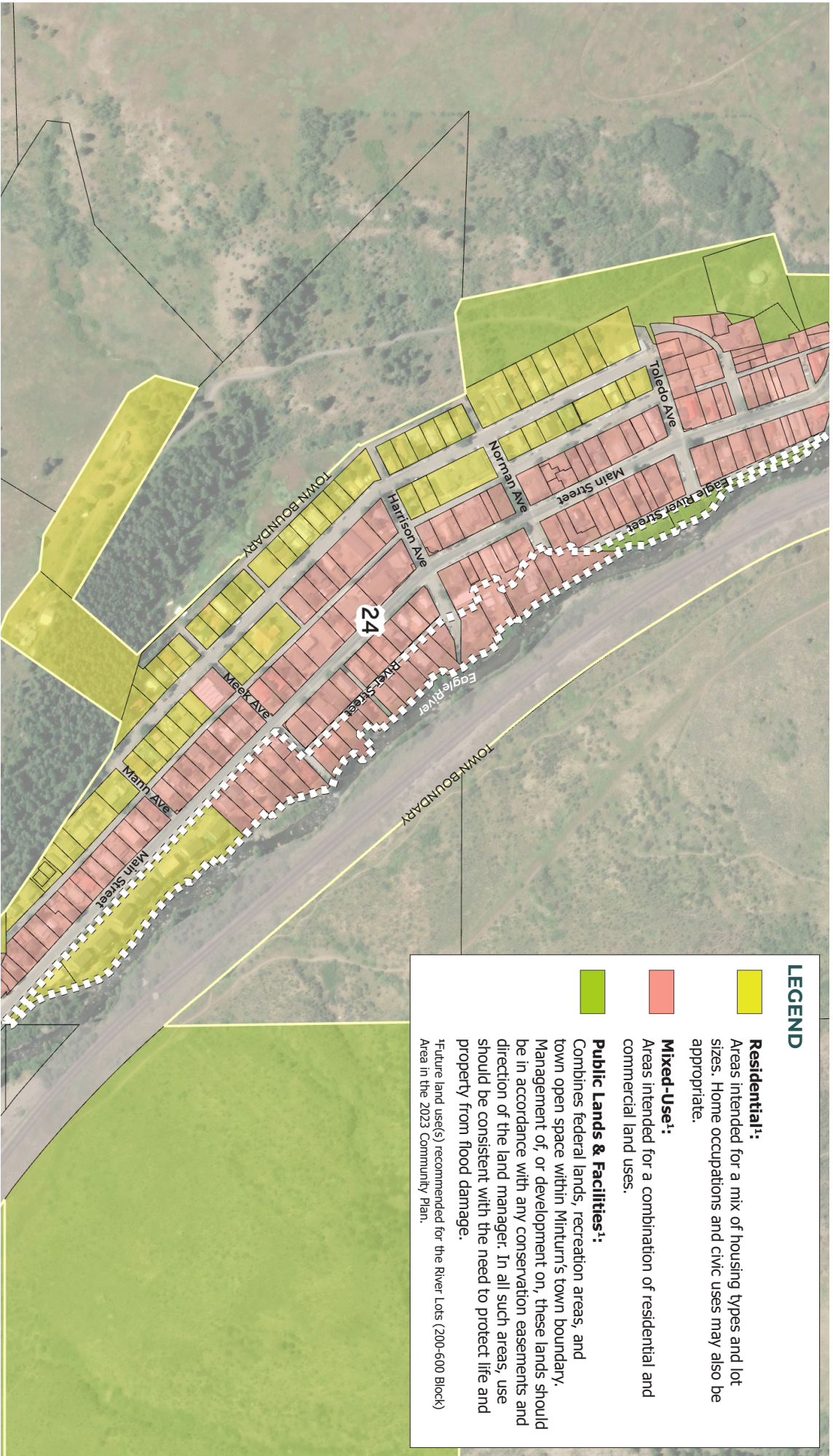
MAIN STREET (200-600 BLOCK)



LEGEND

- Mixed-Use¹:**
Areas intended for a combination of residential and commercial land uses.
- ¹Future land use(s) recommended for the Main Street (200-600 Block) Area in the 2023 Community Plan.

RIVER LOTS (200-600 BLOCK)



MARTIN CREEK





WHAT IS MINTURN FORWARD?

Section 8, Item B.

In 2023, the community completed an update to Minturn's Community Plan. To implement the new Community Plan, one of the key next steps is updating the Town's "Land Use Code" (i.e., the Town's zoning and subdivision regulations) to align with the Values, Vision, and Objectives set forth in the Plan.

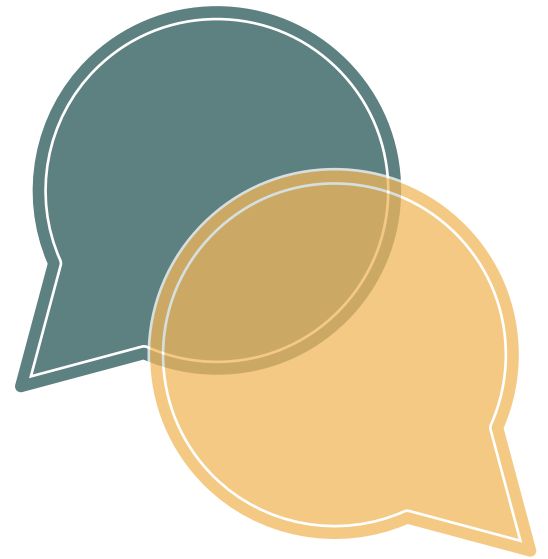
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ROLE OF COMMUNITY PLAN & STRATEGIC PLAN?

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- Balance community growth and development with preservation of Minturn's character.
- Improve the usability of the Town's land use regulations (ex. consolidate and simplify the Town's zone districts).
- Pursue land use changes that support Minturn's tax base and economic growth.
- Prioritize housing for full-time residents; ensure that residents of all ages and income levels are able to find housing.

These priorities, along with the input from the community, will inform and provide direction for the update to the Land Use Code.

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Land Use: The type(s) of activity (ex. residential, commercial, industrial, civic, park, open space, etc.) that a piece of property is used for.

Zoning: The legal tool that the Town uses to determine where different types of land uses and development can occur.



LAND USE CODE SURVEY

NOW AVAILABLE



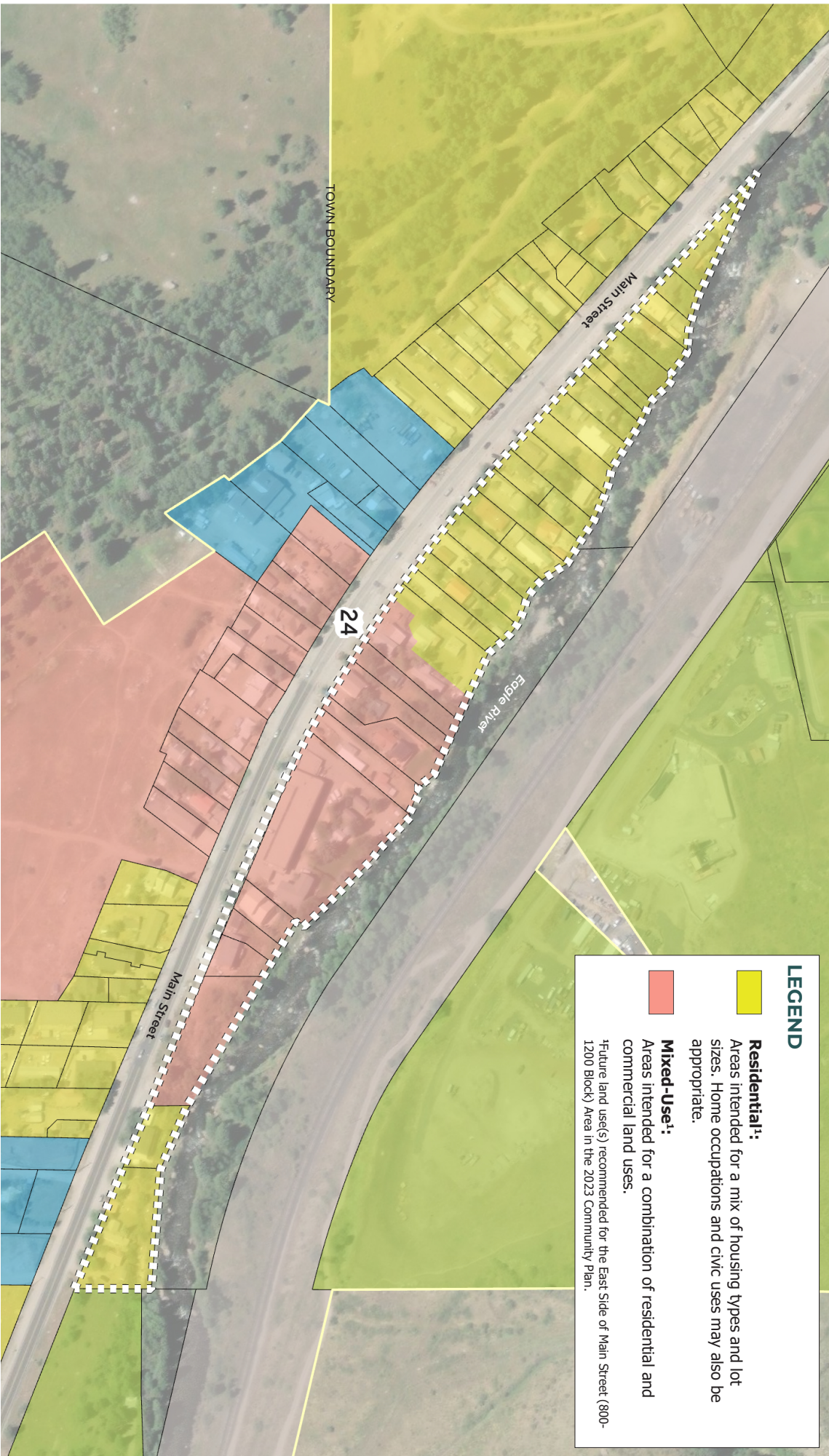
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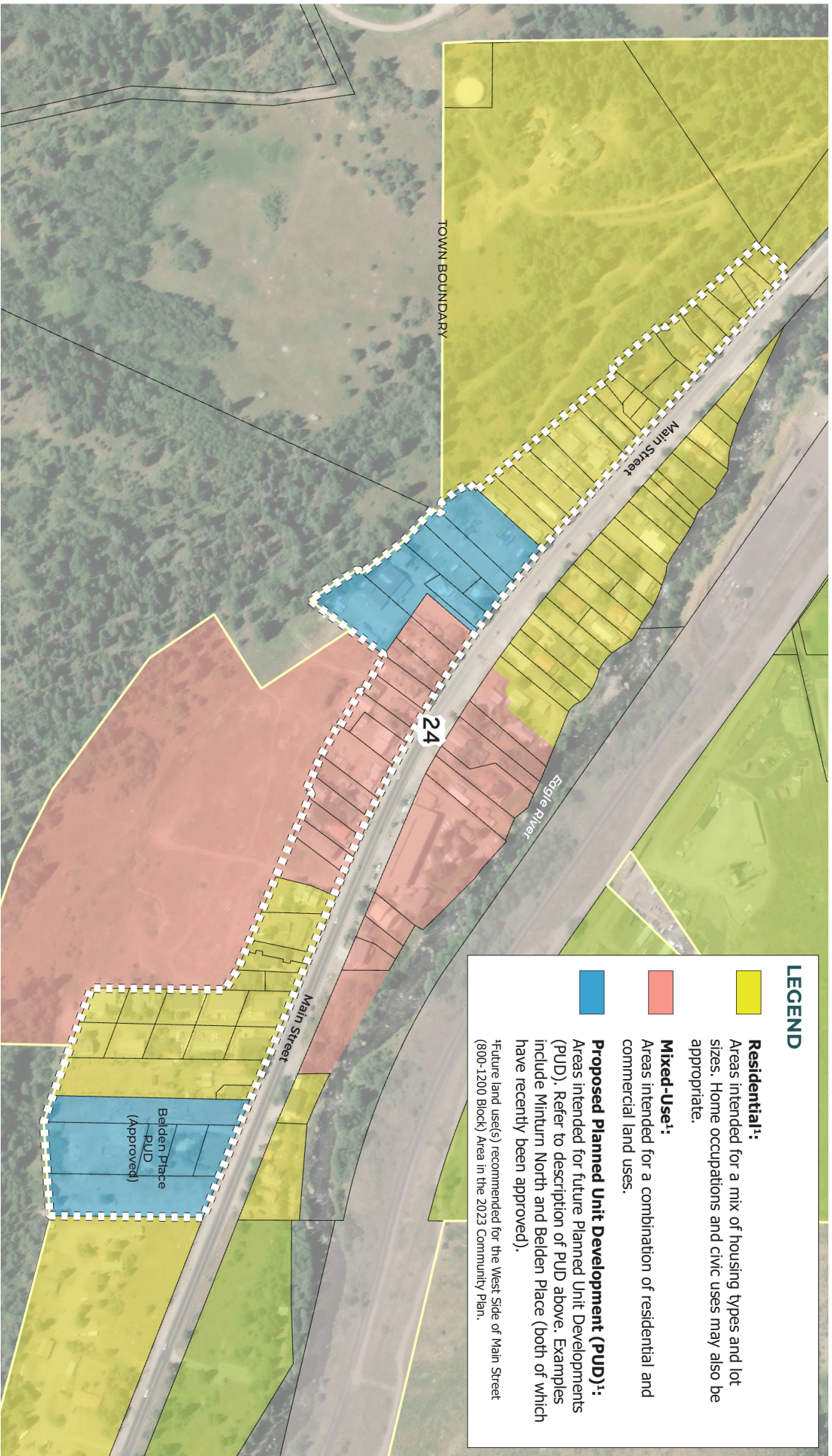
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EAST SIDE OF MAIN STREET (800-1200 BLOCK)



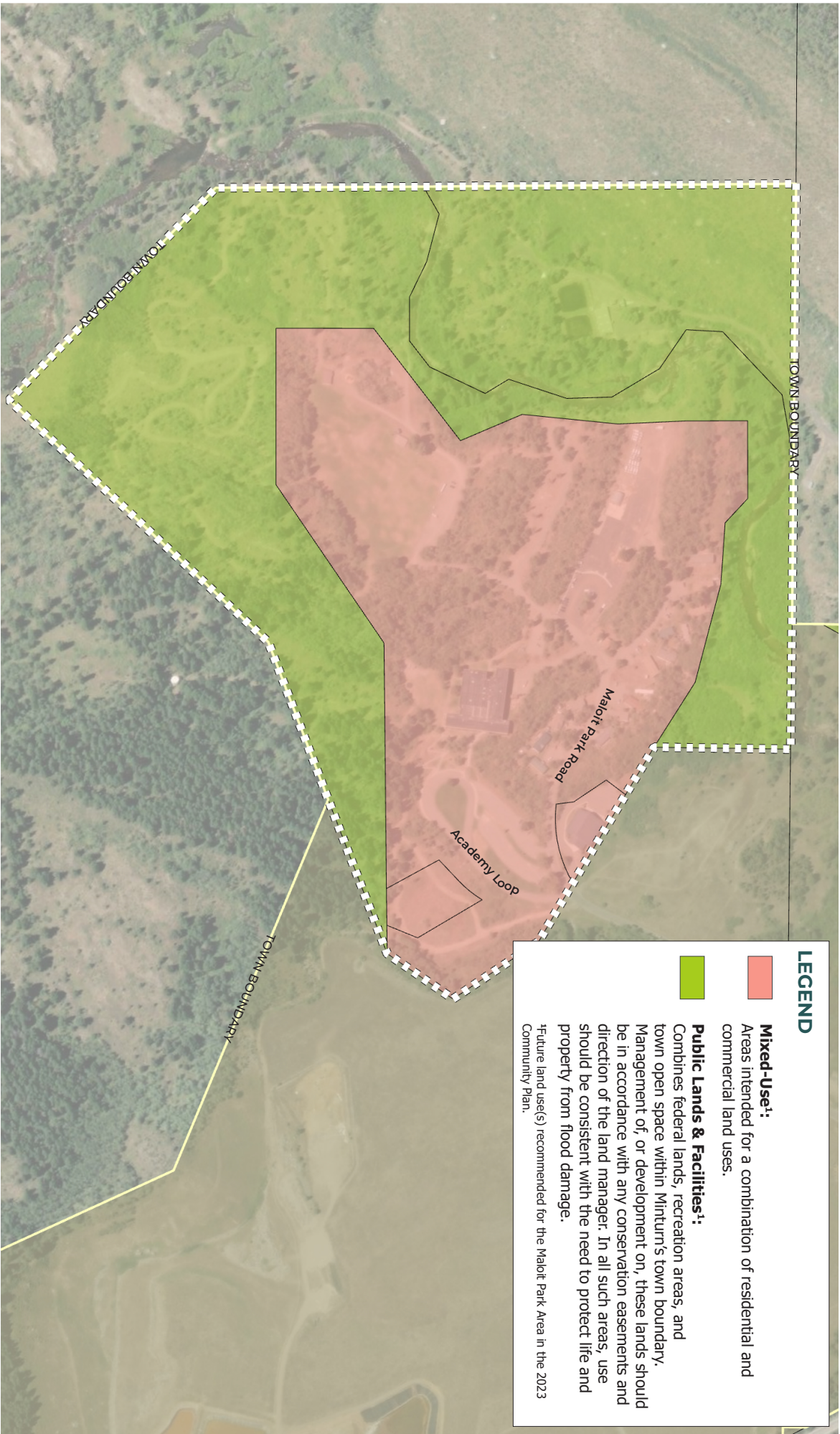
WEST SIDE OF MAIN STREET (800-1200 BLOCK)



TWO ELK ESTATES & CROSS CREEK



MALOIT PARK



LEGEND

Mixed-Use:
Areas intended for a combination of residential and commercial land uses.

Public Lands & Facilities:
Combines federal lands, recreation areas, and town open space within Minturn's town boundary. Management of, or development on, these lands should be in accordance with any conservation easements and direction of the land manager. In all such areas, use should be consistent with the need to protect life and property from flood damage.
Future land use(s) recommended for the Maloit Park Area in the 2023 Community Plan.



To: Mayor and Council
From: Madison Harris, Planner I
Date: March 13, 2024
Agenda Item: Resolution 13 - Series 2024

REQUEST:

Council is asked to approve Resolution 13 - Series 2024 appointing three Planning Commission Members to the Minturn Planning Commission, two regular members and one in the position of an alternate.

INTRODUCTION:

The Minturn Planning Commission is a five member/plus one alternate commission appointed for two year overlapping terms. Members are appointed by the Town Council for two-year terms that run April 1st through March 31st. Similar to Council there are no term limits, only that public review and appointment take place.

Staff has advertised the commission member openings and received four applications, all of whom are qualified to serve. Council is asked to appoint TWO of the four applicants to regular member seats, and ONE of the four applicants to the alternate member seat. In order to be qualified, an applicant must be a resident of Minturn for more than 12 months, and eligible to register to vote.

Applicants (in order of Receipt):

- Michael Boyd - 504 Eagle Street
- Darell Wegert - 1718 S. Main Street
- Jeff Armistead - 1632 Main Street
- Tracy Andersen - 1016 Mountain Drive

Members not up for appointment:

- Ms. Lynn Teach - 253 Pine Street (appointment runs through 3/31/25)
- Mr. Tom Priest - 120 Lions Lane (appointment runs through 3/31/25)
- Ms. Amanda Mire - 414 Eagle River Street - (appointment runs through 3/31/25)

Applicants will have time to discuss their positions on Minturn matters and to answer questions from Council. Ballots will be provided to Council with the four applicant names. The three applicants that receive the highest votes will be placed on the Resolution for approval, with the two highest being made regular members and the third highest made the alternate member.

ANALYSIS:

N/A

COMMUNITY INPUT:

Candidates were solicited through public notice and advertisements in the Vail Daily.

BUDGET / STAFF IMPACT:

Each member is paid \$75 per Planning Commission meeting attended. This participation is an annually budgeted expense.

STRATEGIC PLAN ALIGNMENT:

The Town Council’s review and approval of the resolution aligns with the following key strategies:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

THE TOWN WILL SEEK TO MAKE INFORMED, DATA-BASED DECISIONS WITH A STANDARD OF “DOING IT RIGHT.” WITH AN HONEST APPROACH TO ALL ASPECTS OF LOCAL GOVERNMENT AND A FOCUS ON THE PUBLIC PROCESS, THE TOWN COUNCIL AND STAFF ARE COMMITTED TO SERVING MINTURN WITH THE HONESTY AND INTEGRITY EXPECTED OF A SMALL-TOWN GOVERNMENT.

ADVANCE DECISIONS/PROJECTS/INITIATIVES THAT EXPAND FUTURE OPPORTUNITY AND VIABILITY FOR MINTURN

The ability for Minturn to approach development as resilient, sustainable, creative and diverse will allow the town to continue embracing what has “made Minturn, Minturn.” The town can further leverage its crossroads location as a valley-wide benefit and competitive advantage.

RECOMMENDED ACTION OR PROPOSED MOTION:

“Motion to approve Resolution No. 13 - Series 2024 appointing _____ and _____, to serve on the Minturn Planning Commission in regular member seats and appointing _____ to serve on the Minturn Planning Commission in the alternate seat through March 31, 2026.”

ATTACHMENTS:

- Resolution 13 - Series 2024
- Applications Submitted

**TOWN OF MINTURN, COLORADO
RESOLUTION NO. 13 – SERIES 2024**

**A RESOLUTION APPOINTING PLANNING COMMISSIONERS, TOWN OF
MINTURN, COLORADO**

WHEREAS, the Minturn Planning Commission Members are appointed by the Town Council pursuant to Minturn Municipal Code Section 16-21-40(b); and

WHEREAS, pursuant to Minturn Municipal Code Section 16-21-40(b), the Planning Commission is required to be appointed to overlapping terms; and

WHEREAS, the Town Council recognizes and appreciates the service and commitment of the Planning Commission members.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO THAT THE FOLLOWING INDIVIDUALS ARE HEREBY APPOINTED AS INDICATED:

NAME	TERM
_____	March 31, 2026 – 2yr
_____	March 31, 2026 – 2yr
_____	March 31, 2026 – 2yr

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 20th day of March, 2024.

TOWN OF MINTURN

By: _____
Earle Bidez, Mayor

ATTEST:

Jay Brunvand, Town Clerk

TOWN OF MINTURN

Planning Commission Application

Thank you for expressing an interest to serve on the Town of Minturn's Planning Commission.

The Commission meetings twice monthly on the second and fourth Wednesday, at 6:30pm, in the Minturn Town Center Council Chambers (302 Pine Street, Minturn, CO) or virtually via Zoom.

Applicants must be residents of Minturn for a minimum of one (1) year, and eligible to register to vote in Minturn. To be ensured of appropriate consideration, please complete the following information. You may also include a letter of interest, or use additional pages / attachments as needed. Applicants may be required to appear before Town Council for an interview.

Name: Michael Boyd

Phone: (H) (W) (Cell) 970 3906702

Email: mastersealers@comcast.net

Mailing Address: PO Box 4473 Vail CO 81658

Physical Address: 504 Eagle St. Minturn CO 81645

1. How long have you lived in Minturn? 33 years

2. What is your occupation and/or background? Contractor

3. Are you currently serving on other community groups, boards, or commissions? If yes, please provide the name(s) of the organization(s), and length of time served.

Minturn planning commission

4. What are some of the reasons you wish to serve on the Minturn Planning Commission? I want to continue serving the community I love and to contribute to its future

5. What is your "long range" vision for the Town of Minturn?

Keep minturn "minturn"

6. What are the most important issues currently facing the Town of Minturn?

losing long term local families

7. Please add any other additional comments that you would like to share.

I am very thorough and thoughtful
in my considerations



Please mail, email, or deliver in person, all applications to:

Town of Minturn
Attention Madison Harris
PO Box 309
302 Pine St
Minturn, CO 81645

Phone: 970.827.5645 Ext. 2
Email: planner1@minturn.org

Thank you for your interest in the Town of Minturn Planning Commission.

TOWN OF MINTURN

Section 10, Item A.

Planning Commission Application

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Name: Darell Wegert

Phone: (H) 970 827 5633 (W) -0- (Cell) 970 331 4284

Email: ducall@comcast.net

Mailing Address: P.O. Box 97

Physical Address: 1718 S. Main St.

1. How long have you lived in Minturn? 17 years
2. What is your occupation and/or background? Retail & Retired
3. Are you currently serving on other community groups, boards, or commissions? If yes, please provide the name(s) of the organization(s), and length of time served.
Yes Eagle River Fire Protection Board of Directors
4. What are some of the reasons you wish to serve on the Minturn Planning Commission?
1) Become more aware of Minturn's Direction
2) Always concerned for the character of Minturn
3) I enjoy being involved in Minturn's growth & Direction
4) I have a pretty good understanding of Minturn Government
5) I like Minturn
6) I've been involved with various Boards in & around Minturn over the years

5. What is your "long range" vision for the Town of Minturn?

To stay as much the character that is of Minturn with the understand change is good

6. What are the most important issues currently facing the Town of Minturn?

Water Treatment
Short term housing
Second home ownership
Day care & for pre Kindergarten
Traffic on Main Street

7. Please add any other additional comments that you would like to share.

No thank you



Please mail, email, or deliver in person, all applications to:

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Attention Madison Harris
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302 Pine St
Minturn, CO 81645
Phone: 970.827.5645 Ext. 2
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Thank you for your interest in the Town of Minturn Planning Commission.

TOWN OF MINTURN

Planning Commission Application

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Applicants must be residents of Minturn for a minimum of one (1) year, and eligible to register to vote in Minturn. To be ensured of appropriate consideration, please complete the following information. You may also include a letter of interest, or use additional pages / attachments as needed. Applicants may be required to appear before Town Council for an interview.

Name: **Jeff Armistead**

Phone: (H) **970-827-5239** (W) _____ (Cell) **970-471-0618**

Email: **jafamilyman@gmail.com**

Mailing Address: **PO Box 1112 , Minturn**

Physical Address: **1632 Main Street, Minturn**

1. How long have you lived in Minturn? **25 yrs**

2. What is your occupation and/or background? **General Contractor**

3. Are you currently serving on other community groups, boards, or commissions? If yes, please provide the name(s) of the organization(s), and length of time served.

2 Terms on Planning and Zoning

4. What are some of the reasons you wish to serve on the Minturn Planning Commission? **To finish work started on Chapter 16**

5. What is your “long range” vision for the Town of Minturn?

To further the goals of the community plan

6. What are the most important issues currently facing the Town of Minturn?

Water

7. Please add any other additional comments that you would like to share.



Please mail, email, or deliver in person, all applications to:

Town of Minturn
Attention Madison Harris
PO Box 309
302 Pine St
Minturn, CO 81645

Phone: 970.827.5645 Ext. 2
Email: planner1@minturn.org

Thank you for your interest in the Town of Minturn Planning Commission.

Minturn Planning Commission Application, March 14, 2024

Name: Tracy Andersen

Phone: 303-543-8738 (Cell)

Email: tracyandersen@comcast.net

Mailing Address: PO Box 871, Minturn, Co 81645

Physical Address: 1016 Mountain Drive, Minturn, Co 81645

1. How long have you lived in Minturn?

I started renting in Minturn in 2005. I bought a house in 2020.

2. What is your occupation and/or background?

Currently, I am a teacher at Battle Mountain High School. However, during my previous life, I worked in the environmental field. Prior to teaching, I worked for The Nature Conservancy as a Program Manager (eight years). Before that, I worked for the National Park Service (mostly in Grand Teton National Park). After graduating from my masters program, I worked for an environmental consulting firm and collected data for environmental impact assessments, which I also helped write. Teaching was a late-in-life career for me, but in some ways, it was an extension since I taught environmental science. I also taught biology, chemistry, earth science, anatomy/physiology, and health (Denver Public Schools).

3. Are you currently serving on other community groups, boards, or commissions? If yes, please provide the name(s) of the organization(s), and length of time served.

I am currently a member of the Historical Preservation Commission and have been since its genesis in 2022. I am still on the Board of my HOA for my Boulder Condo Association and have been since 1999. I have served as President (2 terms), Secretary, and am now a Board member at large. I am also on the Board of my Minturn HOA and serve as Secretary.

4. What are some of the reasons you wish to serve on the Minturn Planning Commission?

I have lived in Minturn full time since 2015. I have watched some things change, which is natural. Currently, I have some extra time to get involved in my community, and feel that this is a good way to do so, given my background. I have a masters degree in Environmental Management, with an emphasis in wildlife ecology, so I have a solid understanding of the ecology of our area (I conducted my masters thesis work in the Greater Yellowstone Ecosystem - which is somewhat similar). I also believe that my experience with the Historic Preservation Commission will be valuable in this role.

5. What is your "long range" vision for the Town of Minturn?

If I have to wrap it up in a couple of words, I would use environmental sustainability. I feel that future growth, which also embraces economic viability, is best accomplished in ways that ensure the protection of our natural resources over the long haul. These include water availability and water quality, wildlife, and air quality. The town will grow, and that is in keeping with projected population growth for Colorado. That said, I feel that growth should be smart and in accordance with environmental limits. We live in a beautiful and vibrant town that people are attracted to for these very reasons. While population growth is within my long range vision, as it is an inevitable aspect of

life in Colorado, the Minturn I envision will still be quaint, have a small town feel, manageable traffic, clean air, and the opportunity to catch glimpses of wildlife. It will have a vibrant downtown that attracts tourists and serves residents. A survey conducted a few years ago showed that these values are important to residents, so they need to be incorporated as we grow. Further, as a teacher, I believe strongly in equity and that growth must be done in such a way that is fair to all residents.

6. What are the most important issues currently facing the Town of Minturn?

Right now, I feel that we need to work on our water availability, which is certainly a challenge, given the astronomic costs associated with treatment options. I am grateful to the town council for deeply examining this issue. Additionally, we should strive to maintain economic vitality, which I also feel is being addressed. I am concerned about the wildlife, as I know that our remnant elk herd continues to struggle. As such, I feel that future growth needs to be done in such a way as to conserve and protect fellow species. The potential for wildfires is certainly a concern, as climate change continues to rear its ugly head. Future development will need to be planned accordingly, as we are in the wildland interface. Finally, I feel that the recent lawsuits we have been mired in are damaging to our town, as they usurp our financial resources and staff time. As such, future planning efforts need to consider the threat of potential lawsuits and proactively work to avoid them.

7. Please add any other additional comments that you would like to share.

I would like to see this town, which I love, grow and thrive in a sustainable manner to ensure a vibrant future for all residents, including the wildlife that uses this habitat. I have a masters degree in Environmental Management and have experience formulating policy recommendations for planners regarding the management of natural resources.

On a personal note, I met my husband in Minturn and we got married on the banks of the Eagle River! I would love to be part of the planning process so thank you for your consideration of my application.

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

Minturn Town Council Hearing

Woodruff / Feiger Zone District Amendment Proposal Lot 3A, South Minturn Addition 998 Main Street

Hearing Date: March 6, 2024
File Name and Process: Lot 3A, South Minturn Addition Subdivision Zone District Map Amendment
Owner/Applicant: John “Woody” Woodruff and Lynn Feiger
Representative: John “Woody” Woodruff
Legal Description: Lot 3A, South Minturn Addition Subdivision
Existing Zoning: South Town Character Area - Commercial Zone District
Proposed Zoning: South Town Character Area - Residential Zone District
Staff Member: Scot Hunn, Planning Director
Recommendation: Approval

Staff Report

I. Summary of Request:

The Applicants, Mr. John A. “Woody” Woodruff, and Ms. Lynn Feiger, propose to rezone a portion of their property, Lot 3, South Minturn Addition Subdivision, located at 998 Main Street, from South Town Character Area Commercial Zone District to South Town Character Area Residential Zone District.

Concurrent with this rezoning request, the Applicants are working with the Town to process a minor subdivision application – dividing Lot 3 into two lots, Lot 3A and Lot 3B – for the purpose of facilitating this rezoning request and to facilitate continued residential use on future Lot 3A

while allowing for the eventual redevelopment of Lot 3B for commercial purposes, pursuant to the Town’s goals and policies. Therefore, this report and staff’s findings reference and apply to rezoning of “Lot 3A.”

The Town of Minturn Planning Commission considered this rezoning request at their regular meeting of February 28, 2024, and unanimously forwarded a recommendation for approval to the Town Council based on findings that the request meets the Town’s requirements, standards, and policies.

II. Summary of Process and Code Requirements:

The following section sets forth those sections of the Town of Minturn Municipal Code (MMC) applicable to the processing and review of amendments to the text of the Land Use Regulations (Chapter 16 - Zoning), or the official zone district map for the Town.

Section 16-21-410 - Amendments to text of Land Use Regulations or Character Area and Zone District Map.

All amendments to the text of these Land Use Regulations or amendments to the Character Area Zoning Map shall comply with the following procedures and meet the standards set forth in this Division.

Section 16-21-420 - Purpose.

The purpose of this Division is to provide a means for changing the boundaries or any other map incorporated herein by reference, and for changing the text of these Land Use Regulations. It is not intended to relieve particular hardships or to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions.

Sec. 16-21-430 - Initiation.

- (a) Map amendment. An application for an amendment to the Character Area Zoning Map or any other map incorporated in these Land Use Regulations may be proposed by the Town Council, the Planning Commission, the Planning Director or the owner or another person having a recognized interest in the land affected by a proposed amendment, or his or her authorized agent.*
- (b) Regulation amendment. An application for an amendment to the text of these Land Use Regulations may be proposed by the Town Council, the Planning Commission, the Planning Director, the owner or another person having a recognized interest in land in the Town or his or her authorized agent, or any citizen of the Town.*
- (c) Application contents. An application for an amendment to the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or an application for*

an amendment to the text of these Land Use Regulations shall contain the materials specified in [Section 16-21-690](#) of this Article and the following additional materials:

- (1) Precise wording. If the application is for an amendment to the text, the precise wording of the proposed change shall be provided.*
- (2) Map amendment. If the application requests an amendment to the Character Area Zoning Map or any other map incorporated in these Land Use Regulations, it shall include a map showing the present Character Area and zoning, and other designations of the subject property and of all adjacent properties. For a proposed amendment to the Character Area Zoning Map, the map shall be a survey that accurately describes the dimensions of the subject property, including its size in square feet or acres. This survey shall be accompanied by a written statement or map describing the existing uses of the subject property and on adjacent properties and a conceptual site plan showing, in general terms, the property's proposed layout, use, density and the timing for its development.*

Staff Response:

An application has been filed by the property owner having a recognized interest in the land affected by a proposed amendment. The Applicants are working with the Town to process a minor subdivision – dividing Lot 3 into two lots, Lot 3A and Lot 3B – for the purpose of facilitating this rezoning request and to facilitate continued residential use of future Lot 3A while allowing for the eventual redevelopment of Lot 3B for commercial purposes, pursuant to the Town’s goals and policies.

Therefore, the Applicants have provided a draft minor subdivision plat (see below excerpt from that plat document highlighting the two lots to be created) which has already been reviewed by the Town and its consultants; has been found in compliance with the Town’s final plat requirements; and which is anticipated to be administratively approved.

Last, staff have provided a map exhibit showing the existing zoning as well as proposed zoning (attached as Exhibit A at the end of this report). No development is currently proposed, although Lot 3 has two existing uses – a single family dwelling unit on the eastern portion of the lot, as well as the “Lucero’s” gas station use on the western portion fronting on Hwy. 6.

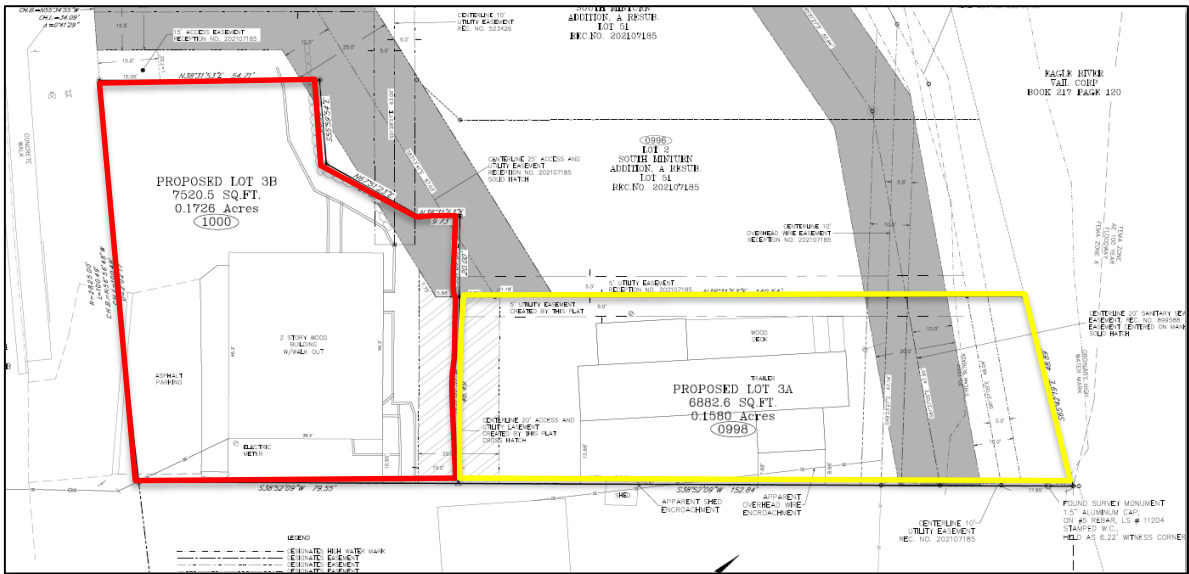


Figure 1: Draft Plat Excerpt Showing Proposed Lot 3A (Yellow - Residential) and Lot 3B (Red - Commercial).

Section 16-21-440 - Procedure.

- (a) *Review of applications. The submission of an application for an amendment, determination of its sufficiency, staff review and notice and scheduling of a public hearing for an application for amendment to the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations shall comply with the procedures established in this Chapter.*
- (b) *Review and recommendation of Planning Commission. The Planning Commission shall conduct a public hearing on an application for amendment to the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations. At the public hearing, the Planning Commission shall consider the application, the relevant support materials, the staff report and the public testimony given at the public hearing. After the close of the public hearing, the Planning Commission shall recommend to the Town Council either to approve or disapprove the application based on the standards in this Chapter and forward the application to the Town Council.*
- (c) *Action by Town Council. After receipt of the recommendation from the Planning Commission, the Town Council shall conduct a public hearing on the application. At the public hearing, the Town Council shall consider the application, the relevant support materials, the staff report, the Planning Commission recommendation and the public testimony given at the public hearing. After the close of the public hearing, the Town Council, by a majority vote of the quorum present, shall either approve or disapprove the application based on the standards in this Chapter. Any amendment to*

the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or the text of these Land Use Regulations approved by the Town Council shall be adopted by ordinance.

Staff Response:

Public notice was provided for public hearings before the Planning Commission on February 28, 2024, and the Minturn Town Council on March 6, 2024, in accordance with the requirements of the MMC.

Section 16-21-450 - Standards

The wisdom of amending the text of these Land Use Regulations, the Character Area Zoning Map or any other map incorporated in these Land Use Regulations is a matter committed to the legislative discretion of the Town Council and is not controlled by any one (1) factor. In determining whether to adopt, adopt with modifications or disapprove the proposed amendment, the Town Council shall consider the following:

(1) Consistency with Master Plan. Whether and the extent to which the proposed amendment is consistent with the purposes, goals, policies and Character Area Zoning Map of the Master Plan.

Staff Response:

Lot 3 is bordered on two sides (north and south) by residentially zoned properties, both of which are developed for residential uses. The intent of the owner is to rezone the eastern portion of Lot 3 - which fronts on the Eagle River - as residential (to match or be more consistent with surrounding residential uses that also front on the Eagle River) concurrently with the approval of a minor subdivision to divide Lot 3 into Lots 3A and 3B, thus allowing Lot 3B (the location of the existing Lucero's gas station building) to remain commercial which is appropriate for a property fronting on Hwy. 24. Both lots to be created by the minor subdivision will meet the minimum lot size requirements for the Residential and Commercial Zone Districts, respectively.

The 2023 Community Plan Future Land Use Map shows Lot 3 and the surrounding properties located on the east side of Hwy. 24 in South Town as being appropriate for residential and/or mixed use in the future.

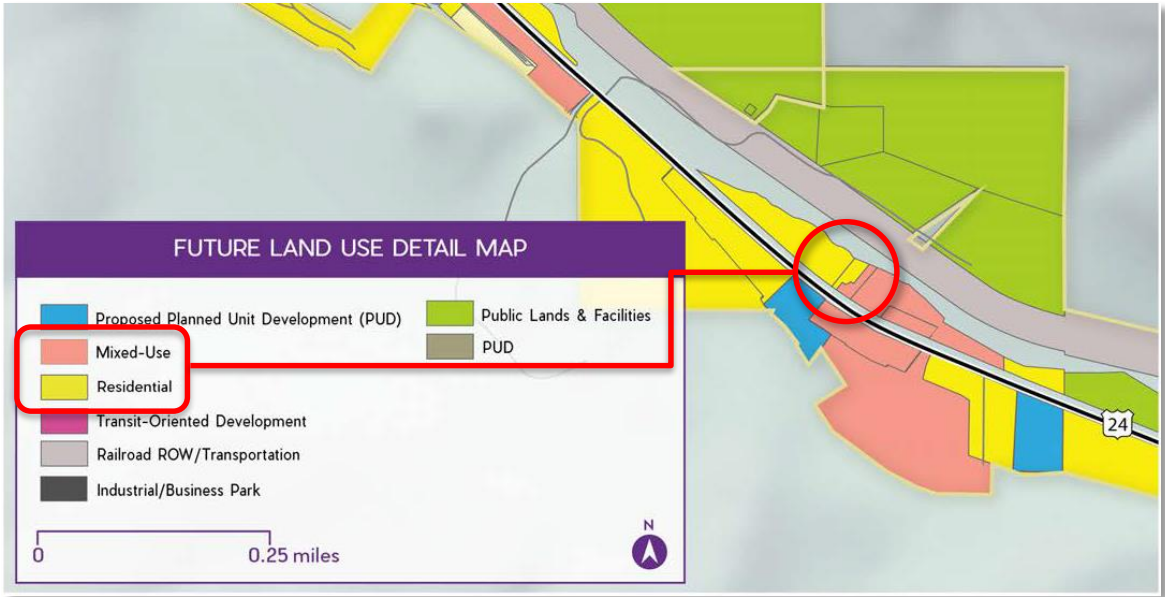


Figure 2: Excerpt 2023 Minturn Community Plan Future Land Use Map

This recommendation in the Community Plan stems from the fact that the area has, historically, been developed over time into a mix of single-family, duplex, and multi-family residential uses, along with service and retail commercial uses. A mixed-use future land use designation recognizes and reflects the existing use and a desire by the Town to see this area continue to remain mixed.

Last, the proposed rezoning of Lot 3A from Commercial to Residential supports the policies and purposes of the South Town Character Area which aims to permit ongoing residential uses alongside service commercial uses that are not found elsewhere in the community.

(2) *Compatible with surrounding uses. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate Character Area and zone district for the land, considering its consistency with the purpose and standards of the proposed zone district.*

Staff Response:

The proposed rezoning of a portion of Lot 3 (to be applied to a future Lot “3A” proposed by a minor subdivision that is currently being processed by the Town) from Commercial to Residential is consistent and compatible with existing and proposed uses surrounding the subject property. Lot 3 is bordered on two sides (north and south) by residential zoning and uses and the subject property is served by adequate services (access, water, and wastewater) to support single-family residential use. While a residential structure already exists on the easternmost portion of Lot 3, any future redevelopment (for residential purposes) will need to adhere to current development standards and dimensional limitations (setbacks, building height, and lot coverage limits).

(3) *Changed conditions. Whether and the extent to which there are changed conditions that require an amendment to modify the use, density or intensity.*

Staff Response:

Lot 3 was created in 2021 as part of the South Minturn Addition Minor Subdivision. At that time, Lots 1, 2, and 3 of the subdivision were zoned Commercial. Shortly following the approval of the subdivision, Lots 1 and 2 were rezoned to Residential to permit development of single-family homes and to ensure the zoning aligned with the size of Lots 1 and 2 (which were smaller than Lot 3), while Lot 3 – which already had one single-family residential structure and one commercial structure – remained Commercially zoned. This permitted the continuation of both residential and commercial uses on Lot 3. At that time, the property owner intended to continue the residential use on Lot 3 while redeveloping or renovating the commercial use (Lucero’s Gas Station). The property owner has since decided against redevelopment of the commercial structure and, instead, intends to divide Lot 3 to allow continued use of the residential structure on future Lot 3A for rental purposes and to permit the potential sale and redevelopment of Lot 3B by another party in the future.

(4) *Effect on natural environment. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife habitat, vegetation and wetlands.*

Staff Response:

There will be no adverse impacts on the natural environment as a result of the proposed rezoning from Commercial to Residential. To the contrary, the rezoning request for the easternmost portion of Lot 3 (future Lot 3A) should be viewed as a downzoning, where future permitted land uses will be less intense than what would be permitted within the Commercial Zone District. Lot 3 is already developed – with one residential structure and a commercial structure – and the rezoning of the easternmost portion of Lot 3 will merely allow for continued residential use.

(5) *Community need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.*

Staff Response:

Rezoning and continued use of the existing residential structure located on the eastern portion of Lot 3 (future Lot 3A), particularly for continued rental housing, addresses a demonstrated community need.

(6) *Development patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern and not constitute spot zoning, and whether the resulting development can logically be provided with necessary public facilities and services.*

Staff Response:

The proposed rezoning promotes logical and orderly development and does not constitute spot zoning. Lot 3 is bordered on two sides by residential zoning – which extends to the north and south and covers significant numbers of adjacent or surrounding properties – and the property is already served by necessary and adequate public facilities and services.

(7) Public interest. Whether and the extent to which the area to which the proposed amendment would apply has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area.

Staff Response:

Lot 3 was created in 2021 as part of the South Minturn Addition Minor Subdivision. At that time, Lots 1, 2, and 3 of the subdivision were zoned Commercial. Shortly following the approval of the subdivision, Lots 1 and 2 were rezoned to Residential to permit development of single-family homes and to ensure the zoning aligned with the size of Lots 1 and 2 (which were smaller than Lot 3), while Lot 3 – which already had one single-family residential structure and one commercial structure – remained Commercially zoned. This permitted the continuation of both residential and commercial uses on Lot 3. At that time, the property owner intended to continue the residential use on Lot 3 while redeveloping or renovating the commercial use (Lucero’s Gas Station). The property owner has since decided against redevelopment of the commercial structure and, instead, intends to divide Lot 3 to allow continued use of the residential structure on future Lot 3A for rental purposes and to permit the potential sale and redevelopment of Lot 3B by another party in the future. Rezoning that portion of the lot that will become Lot 3A from commercial to residential – consistent with what exists on the lot today as well as the surrounding residential uses – serves the public’s interests.

III. Zoning Analysis:

The subject property is located within the “South Town Character Area” Commercial Zone District. Directly to the north and south, on either side of the property is the South Town Character Area Residential Zone.

The description and purpose of the South Town Commercial Zone District are as follows:

- “(a) The South Town Commercial Zone is bisected by Main Street or Highway 24 and is characterized by a mix of retail, service businesses and residential areas. The South Town Commercial Zone provides services to both residents and the passing motorist. The commercial development can grow but should not significantly impact the residential areas.*
- “(b) The purpose of this area is to provide convenient commercial services to residents and motorists while minimizing the impact on nearby residential uses. South Town provides an area for commercial activities that are not easily accommodated in Old Town while maintaining the visual character and scale. An objective is to facilitate*

small business development and economic vitality with land uses that are compatible and supportive, such as retail, office, services and institutional uses.”

- Town of Minturn Town Code Section 16-7-30

Similarly, the description and purpose of the South Town Residential Zone District are as follows:

“(a) The neighborhood is bisected by Highway 24 and is characterized by single-family residences and accessory buildings. The residences are typically one (1) and two (2) stories, with outbuildings on larger lots than found in Old Town. Low-density residential and public recreational and open space use along the Eagle River is encouraged. Higher density residential development can be accommodated on the south side of Main Street if it remains in character and all impacts are adequately addressed.

“(b) The purpose of this area is to provide for continued residential use that benefits from proximity along the Eagle River. New development and redevelopment should preserve the unique character and scale of the neighborhood. An objective is to retain the residential areas as quiet and safe neighborhoods while allowing for compatible and appropriate nearby commercial. This area can accommodate reasonable growth where land and services are available.”

- Town of Minturn Town Code Section 16-7-20

Staff respectfully suggests that the proposed rezoning from Commercial to Residential Zone District, particularly given the current nature and character of residential structures located surrounding the subject property, will maintain and support the purpose and intent of the South Town Character Area as well as the Town’s community plan and strategic goals.

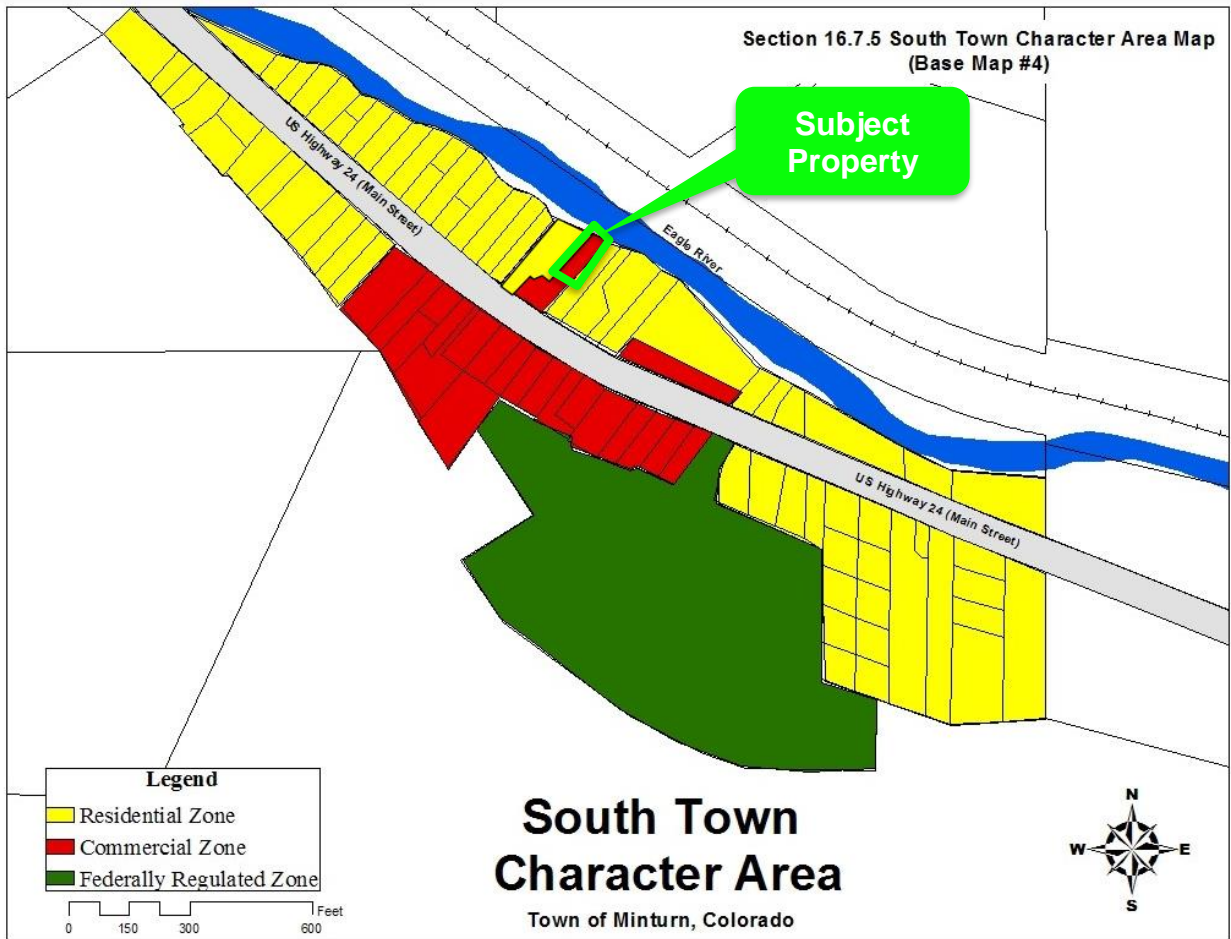


Figure 3: South Town Character Area Zoning Map

IV. Planning Commission Summary

During their regularly scheduled meeting of February 28, 2024, the Planning Commission held a public hearing to consider the rezoning request for Lot 3A. As part of the Planning Commission’s discussions and deliberations on the matter, clarifying questions were asked regarding the sequence of zoning ordinance approval relative to the administrative approval of the minor subdivision to create Lot 3A. Staff explained that the minor subdivision to create Lot 3A cannot be finally approved until zoning is applied to the area of Lot 3A (based on the legal description created by the draft minor subdivision plat) due to the lot size being created; Residential zoning (which requires a minimum lot size of 5,000 sq. ft.) will permit the proposed 6,882 sq. ft. Lot 3A to be created.

One member of the public – an adjacent property owner – spoke in favor of the rezoning request stating that creating Lot 3A as a residential lot will be more compatible with surrounding zoning and uses.

The Planning Commission voted unanimously to forward a recommendation for approval of the rezoning request and Ordinance No. 2, Series 2024.

V. Staff and Planning Commission Recommendation: Approval

Staff and the Planning Commission are recommending **approval** of the proposed rezoning request for Lot 3A, South Minturn Addition, located at 998 Main Street, to change the zoning from South Town Character Area Commercial Zone District to South Town Character Area Residential Zone District, based on the analysis provided in this report and staff’s findings that the request and application meet the Town’s submittal requirements, criteria, and findings to amend the Official Zone District Map.

Therefore, Ordinance No. 2, Series 2024 - to amend the Official Zone District Map to rezone Lot 3A from the South Town Character Area Commercial Zone District to Residential Zone District - is being presented to the Town Council for consideration on first reading at the Council’s regularly scheduled meeting of Wednesday, March 6, 2024.

Exhibit A: Existing and Proposed Zoning Map of the South Town Character Area

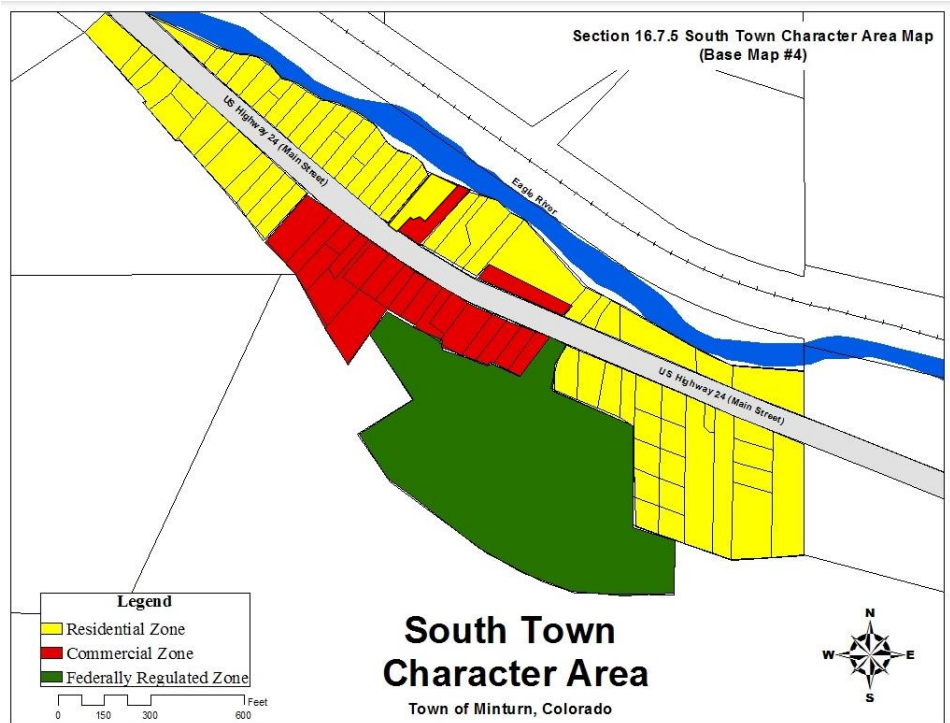


Figure 4: Existing South Town Character Area Zoning Map

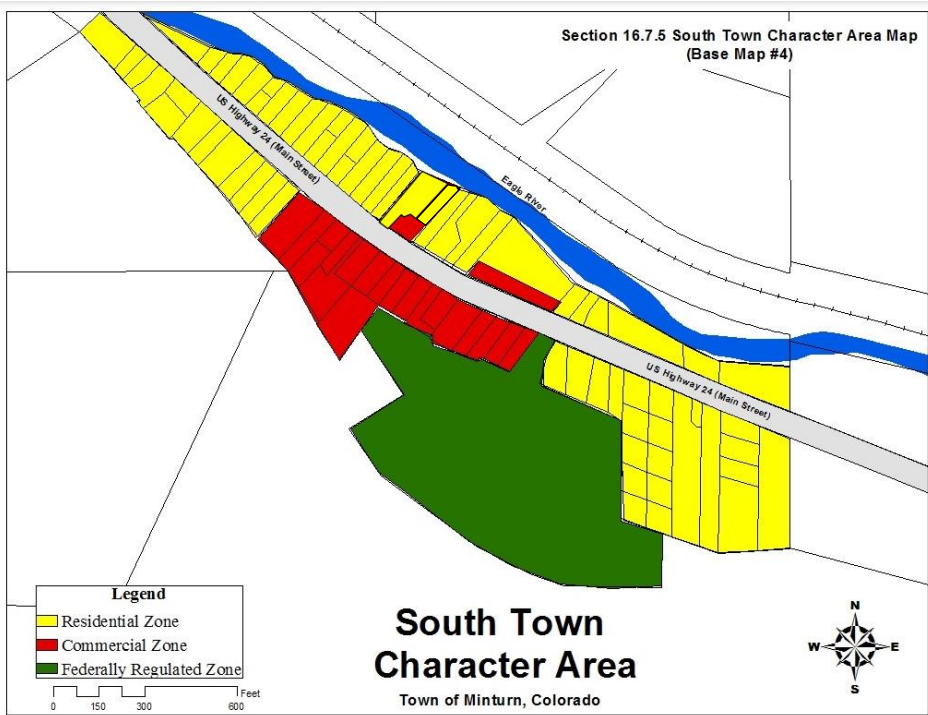



Figure 5: Proposed/Amended South Town Character Area Zoning Map

REZONE



LAND DEVELOPMENT APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT
 P.O. Box 309 302 Pine Street
 Minturn, Colorado 81645-0309
 Phone: 970-877-5645 Ext. 2 Email: planner1@minturn.org

APPLICANT:		ADDRESS:	SIGNATURE:
JOHN A WOODRUFF		344 EAGLE RIVER STREET / POB 910 MINTURN, CO 81645	<i>[Signature]</i>
		PHONE: 303 898-7870 FAX:	NAME: JA WOODRUFF
		EMAIL: woodruffwoody@comcast.net	TITLE: OWNER
OWNERS OF RECORD:		ADDRESS:	SIGNATURE:
JOHN A WOODRUFF LYAN D FAIGER TIC		SAME	
		PHONE: FAX:	NAME:
		EMAIL:	TITLE:
DEVELOPER:		ADDRESS:	CONTACT PERSON:
		PHONE: FAX:	
		EMAIL:	
ENGINEERING FIRM:		ADDRESS:	CONTACT PERSON:
KIPP LAND SURVEYING		POB 3154 EAGLE, CO 81631	RANDY KIPP
		PHONE: 970 390-9540 FAX:	
		EMAIL: randy@kippandsurveying.com	
Presubmitted Date:	210335102061	Presubmitted Planner:	
Parcel ID Number:	998 MAIN ST, MINTURN	<small>(Example: 210306125001) from your full card printout</small>	
Address or Intersection:	NE 1/4 OF SECTION 35, T6S, R81W, 6 TH PM MINTURN		
Brief Legal Description:	SOUTH MINTURN ADDITION, A RESUBDIVISION OF LOT 51		
Subdivision Name & P/Map #	RE ZONE 998 MAIN		
Project Description:			
	Including:	Proposed:	
Zoning:	COMMERCIAL	COMMERCIAL & RESIDENTIAL	
Land Use:	COMMERCIAL & RESIDENTIAL	COMMERCIAL & RESIDENTIAL	
Total Acres:	.3306	.1726	
P.A.R./Density:		.1580	
Project Name:	998 MAIN	998 MAIN	
Related Case #s:			
CASE TYPE			
PUD CDP: Concept Dev. Plan	FP: Prelim. Subdivision Plat	DRB - P: Dev. Rev. Bd. Prelim	A-PP: Pledge Permit
PUD FDP: Prelim. Dev. Plan	FP: Final Subdivision Plat	DRB - F: Dev. Rev. Bd. Final	A-MOD: Modification/Add
PUD FDP: Final Dev. Plan	MR: Minor Subdivision	ADM: Admin. Dir. Review	A-MIN: Minor Ext. Mod.
PUD ASP: Admin. Site Plan	ASR: Admin. Subdivision Plat	A-SIGN: Admin. Sign Review	ANONX: Annotation
PUD FDP A: Amendment	V: Vacation of Easement	A-DIG: Admin. Dig Permit	TD: Temporary Use
LU-V: Land Use - Variance	R.O.W. Vacation	A-DEMO: Admin. Demo Per.	CU: Conditional Use
NU -V: Non Use - Variance	<input checked="" type="checkbox"/> REZ - Rezoning - Straight Zoned	A-LTD: Admin. Limited Use	APPLS: Appeals
This section for OFFICE USE ONLY			
Case No:	Case Sig:	Case Exp:	
Fees Paid: Y N S		Dates Returned:	
Date to be Returned:		Planning Comm Date:	

John A Woodruff
POB 910
344 Eagle River Street
Minturn, CO 81645
303 898-7870
woodruffwoody@comcast.net

Town of Minturn
Building Department
301 Boulder Street #309
Minturn, CO 81645
970 827-5645

October 4, 2023

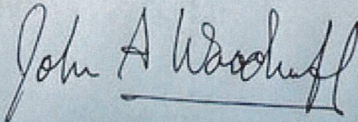
To Whom it may Concern, Letter of Intent
Re: Re-zoning of 998 Main Street, Minturn

The owners of this property, John A Woodruff and Lynn D Feiger TIC, propose to sub-divide the existing 14,403.1 sq.ft. lot, currently zoned commercial, into two separate lots. A 7,520.5 sq.ft. commercial lot on Main Street and a 6882.6 sq.ft residential lot facing the Eagle River.

The proposed commercial lot has an existing unoccupied building that has been used in the past as a Convenience Store, Video Rental shop, Liquor Store and Gas Station. The gas tanks have been removed and the site has been cleared by The Colorado Health Department. The owners propose to not change the existing Commercial zoning.

The owners are asking to re-zone the proposed lot on the river, to residential. Currently the lot holds an occupied rental unit. The proposed residential lot faces the Eagle River to the East and residential properties to the North and South; the proposed commercial lot is to the West. The owners will continue to rent the unit and currently have no plans to develop the proposed re-zoned lot.

The surrounding residential neighborhood is made up of a combination of full time residents and vacation homes.



TOWN OF MINTURN, COLORADO
ORDINANCE NO. 02 - SERIES OF 2024

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO, REZONING LOT 3A SOUTH MINTURN
ADDITION SUBDIVISION FROM SOUTH TOWN
CHARACTER AREA COMMERCIAL ZONE DISTRICT TO
SOUTH TOWN CHARACTER AREA RESIDENTIAL ZONE
DISTRICT

WHEREAS, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act; and

WHEREAS, the South Minturn Addition Subdivision Final Plat, a Resubdivision of Lot 51, (hereinafter the “South Minturn Addition Subdivision Final Plat”) was recorded in the Office of the Eagle County Clerk and Recorder on March 30, 2021, at Reception No. 202107185; and

WHEREAS, the South Minturn Addition Subdivision Final Plat, created Lots 1, 2, and 3; and

WHEREAS, upon approval of the South Minturn Addition Subdivision Final Plat, zoning for Lots 1, 2, and 3 was South Town Character Area Commercial Zone District; and

WHEREAS, subsequent to the approval of the South Minturn Addition Subdivision Final Plat, Ordinance No. 4, Series 2021, was approved by the Town on or about May 19, 2021, amending the zoning applicable to Lots 1 and 2 South Minturn Addition Subdivision, from the South Town Character Area Commercial Zone District (hereinafter the “Commercial Zone”) to the South Town Character Area Residential Zone District (hereinafter the “Residential Zone”), while zoning applicable for Lot 3, South Minturn Addition, remained Commercial Zone; and

WHEREAS, Lot 3A and Lot 3B, A Resubdivision of Lot 3, South Minturn Addition Subdivision Final Plat, a Resubdivision of Lot 51, was recorded in the Office of the Eagle County Clerk and Recorder on _____, 2024, at Reception No. _____, attached hereto as **Exhibit A**; and

WHEREAS, Minturn Municipal Code (the “Code”) Sec. 16-7-20 and 16-7-30 describe the South Town Residential Zone and South Town Commercial Zone; and

WHEREAS, Code Sec. 16-21-410 through 450 provides for the consideration of amendments to the Town’s Character Area Zoning Map; and

WHEREAS, the Town accepted a complete application requesting an Amendment to the Official Zone District Map from John A. “Woody” Woodruff, and Lynn Feiger, as owners of Lot 3A, South Minturn Addition Subdivision, on or about October 23, 2023, to rezone Lot 3A, South

Minturn Addition (hereinafter the “Property”), from the Commercial Zone to the Residential Zone; and

WHEREAS, the Planning Director has determined that it is appropriate for the Property located in the South Town Character Area to be rezoned from Commercial Zone to Residential Zone to be in further compliance with adjacent and surrounding uses, the Town’s Strategic Plan, and the 2023 Minturn Community Plan; and

WHEREAS, on February 28, 2024, the Commission considered the application for rezoning the Property and recommended that the Town Council rezone the Property from the Commercial Zone to the Residential Zone; and

WHEREAS, on March 6, 2024, the Council considered the application for rezoning the Property and approved an amendment to the Official Zone District Map, amending the zoning for the Property from the Commercial Zone to the Residential Zone; and

WHEREAS, Town of Minturn Planning Commission and the Minturn Town Council have determined that the rezoning provided for herein is in conformance with the Minturn Land Use Regulations and Community Plan.

WHEREAS, the Commission and the Council have held duly noticed public hearings as required by the Minturn Municipal Code, and the Town Council now wishes to rezone the Property.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. The following Property is hereby rezoned to South Town Residential Zone District:

Lot 3A, A Resubdivision of Lot 3, South Minturn Addition Subdivision Final Plat, a Resubdivision of Lot 51

SECTION 3. Within thirty (30) days after the effective date of this Ordinance, the Town Clerk shall cause a printed copy of the amendment to the Town Zoning District Map to be made, which shall be dated and signed by the Mayor and attested to by the Town Clerk, and which shall bear the seal of the Town. The amended map shall include the number of this Ordinance. The signed original printed copy of the Zoning Map shall be filed with the Town Clerk. The Clerk shall also record a certified copy of this Ordinance with the Eagle County Clerk and Recorder. The Town staff is further directed to comply with all provisions of the Minturn Land Use Regulations, Minturn Municipal Code Chapter 16, to implement the provisions of this Ordinance.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 6th DAY OF MARCH 2024. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20th DAY OF MARCH 2024 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 20th DAY OF MARCH 2024.

TOWN OF MINTURN, COLORADO

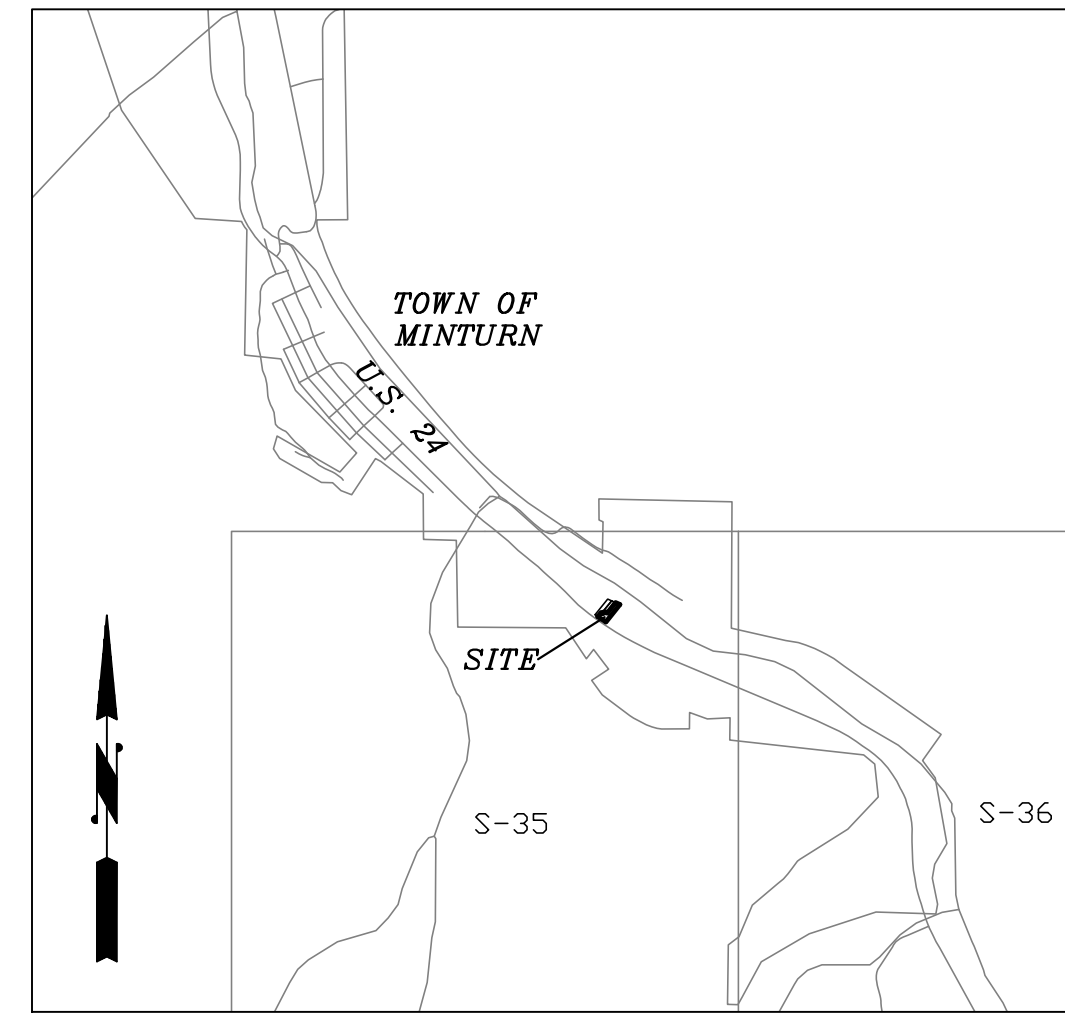
Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

Exhibit A

MINOR SUBDIVISION LOT 3A AND LOT 3B, A RESUBDIVISION OF LOT 3, FINAL PLAT, SOUTH MINTURN ADDITION, A RESUBDIVISION OF LOT 51 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO



VICINITY MAP
SCALE 1"=2000'

CERTIFICATION OF DEDICATION AND OWNERSHIP:

KNOW ALL MEN BY THESE PRESENTS THAT LYNN FEIGER AND JOHN WOODRUFF, BEING SOLE OWNER IN FEE SIMPLE, MORTGAGEE OR LIENHOLDER OF ALL THAT REAL PROPERTY SITUATED IN THE TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

LOT 3, FINAL PLAT, SOUTH MINTURN ADDITION, A RESUBDIVISION OF LOT 51, ACCORDING TO THE FINAL PLAT RECORDED MARCH 30, 2021 UNDER RECEPTION NO. 202107185, COUNTY OF EAGLE, STATE OF COLORADO.

HAVE BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO LOTS AND BLOCKS AS SHOWN ON THIS FINAL PLAT, UNDER THE NAME AND STYLE OF MINOR SUBDIVISION, LOT 3A AND LOT 3B, A RESUBDIVISION OF LOT 3, FINAL PLAT, SOUTH MINTURN ADDITION, A RESUBDIVISION OF LOT 51, A SUBDIVISION IN THE TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO; AND DOES HEREBY ACCEPT THE RESPONSIBILITY FOR THE COMPLETION OF REQUIRED IMPROVEMENTS; AND DOES HEREBY DEDICATE AND SET APART ALL OF THE PRIVATE STREETS AND OTHER PUBLIC IMPROVEMENTS AND PLACES AS SHOWN ON THE ACCOMPANYING PLAT TO THE USE OF THE PUBLIC FOREVER; AND DOES HEREBY DEDICATE THOSE PORTIONS OF SAID REAL PROPERTY WHICH ARE CREATED AS EASEMENTS ON THE ACCOMPANYING PLAT TO THE PUBLIC FOREVER AS EASEMENTS FOR THE PURPOSES SHOWN HEREIN, UNLESS OTHERWISE EXPRESSLY PROVIDED THEREON; AND DOES HEREBY GRANT THE RIGHT TO INSTALL AND MAINTAIN NECESSARY STRUCTURES TO THE ENTITY RESPONSIBLE FOR PROVIDING THE SERVICES FOR WHICH THE EASEMENTS ARE ESTABLISHED.

EXECUTED THIS ____ DAY OF _____, A.D. 2024.

OWNER: _____ AND _____
LYNN FEIGER AND JOHN WOODRUFF

ADDRESS: PO BOX 910
MINTURN, CO 81645

STATE OF COLORADO)
) SS
COUNTY OF EAGLE)

THE FOREGOING CERTIFICATE OF DEDICATION AND OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF

_____, A.D. 2024 BY _____

MY COMMISSION EXPIRES: _____

WITNESS MY HAND AND SEAL. _____

NOTARY PUBLIC

TITLE CERTIFICATE:

LAND TITLE GUARANTEE COMPANY DOES HEREBY CERTIFY THAT IT HAS EXAMINED THE TITLE TO ALL LANDS SHOWN UPON THIS PLAT AND THAT TITLE TO SUCH LANDS IS VESTED IN LYNN FEIGER AND JOHN WOODRUFF, IS FREE AND CLEAR OF ALL LIENS, AND ENCUMBRANCES, EXCEPT AS FOLLOWS:

DATED THIS ____ DAY OF _____, A.D. 2024.

AGENT: _____

CERTIFICATE OF TAXES PAID:

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE ENTIRE AMOUNT OF TAXES AND ASSESSMENTS DUE AND PAYABLE AS OF _____ UPON ALL PARCELS OF REAL ESTATE DESCRIBED ON THIS MAP ARE PAID IN FULL.

DATED THIS ____ DAY OF _____, A.D., 2024.

TREASURER OF EAGLE COUNTY

NOTES:

- 1) THE PURPOSE OF THIS MINOR SUBDIVISION PLAT IS TO DIVIDE LOT 3, SOUTH MINTURN ADDITION INTO TWO NEW LOTS, LOT 3A AND LOT 3B, AND CREATE A NEW UTILITY EASEMENT.
- 2) DATE OF SURVEY: AUGUST 10, 2023
- 3) STREET ADDRESS: 998 MAIN STREET (U.S. HIGHWAY 24) NOT POSTED
- 4) LOCATION OF IMPROVEMENTS, LOT LINES AND EASEMENTS ARE BASED UPON THE FINAL PLAT SOUTH MINTURN ADDITION, A RESUBDIVISION OF LOT 51, REC.NO. 202107185, SPECIAL WARRANTY DEED REC.NO. 202111603, THE ANNEXATION PLAT OF SOUTH MINTURN ADDITION TO THE TOWN OF MINTURN, RECORDED AT REC.NO. 163774, C.D.O.T. PROJECT NO. F.A.P. NO.292-B AND SURVEY MONUMENTS FOUND AT THE TIME OF THIS SURVEY. TITLE COMMITMENT PROVIDED BY LAND TITLE GUARANTEE COMPANY, ORDER NO. V50069862 WITH AN EFFECTIVE DATE OF 08-8-2023 WAS PROVIDED FOR THIS SURVEY.
- 5) BASIS OF BEARINGS: AN ASSUMED BEARING OF N38°31'53"E BETWEEN A 1.5" ALUMINUM CAP ON #5 REBAR, L.S. #38079 MARKING THE SOUTHWESTERLY CORNER OF LOT 1, FINAL PLAT SOUTH MINTURN ADDITION, A RESUBDIVISION OF LOT 51, REC.NO. 202107185, ALSO BEING THE SOUTHWESTERLY CORNER OF LOT 50, SOUTH MINTURN ADDITION, REC.NO. 163774 AND A 1.5" ALUMINUM CAP ON #5 REBAR, L.S. #38079 MARKING THE NORTHWESTERLY CORNER OF SAID LOT 1, AS SHOWN HEREON.
- 6) U.S SURVEY FEET WAS USED FOR THIS SURVEY.
- 7) BEARINGS AND DISTANCES SHOWN HEREON ARE BOTH FIELD MEASURED AND PLATTED.
- 8) THE 20' ACCESS AND UTILITY EASEMENT SHOWN HEREON SHEET 2 OF 2, BEING CREATED ON THIS PLAT IS FOR THE BENEFIT OF BOTH LOT 3A AND LOT 3B FOR ACCESS/UTILITY AND MAINTENANCE PURPOSES.
- 9) THIS PROPERTY IS SUBJECT TO:
 - EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF SOUTH MINTURN ADDITION TO THE TOWN OF MINTURN RECORDED MARCH 1, 1978 UNDER RECEPTION NO. 163774.
 - TERMS, CONDITIONS AND PROVISIONS OF EASEMENT RECORDED DECEMBER 13, 1993 AT RECEPTION NO. 523426.
 - TERMS, CONDITIONS AND PROVISIONS OF CLAIM OF EASEMENTS RECORDED DECEMBER 03, 2004 AT RECEPTION NO. 899588.
 - TERMS, CONDITIONS AND PROVISIONS OF EASEMENT AS CONTAINED IN DECREE RECORDED JANUARY 30, 1980 IN BOOK 298 AT PAGE 72.
 - TERMS, CONDITIONS AND PROVISIONS OF RESERVATION OF SHARED DRIVEWAY AND UTILITY EASEMENT RECORDED MARCH 26, 2021 UNDER RECEPTION NO. 202106945.
 - EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF SOUTH MINTURN ADDITION, A RESUBDIVISION OF LOT 51 RECORDED MAY 14, 2021 UNDER RECEPTION NO. 202111603.
 - TERMS, CONDITIONS AND PROVISIONS OF ENCROACHMENT LICENSE AGREEMENT RECORDED DECEMBER 02, 2022 UNDER RECEPTION NO. 202218534.
- 8) NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT, IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

LAND USE SUMMARY:

LOT	ACREAGE	STREET ADDRESS	USE
LOT 3A	0.1580 ACRES	0998 MAIN STREET	RESIDENTIAL
LOT 3B	0.1726 ACRES	1000 MAIN STREET	COMMERCIAL/RESIDENTIAL
TOTAL =	0.3306 ACRES		

PLANNING DIRECTOR CERTIFICATE:

THIS MINOR SUBDIVISION IS HEREBY APPROVED BY THE MINTURN PLANNING DIRECTOR, MINTURN, COLORADO, THIS ____ DAY OF _____, A.D. 2024 FOR FILING WITH THE CLERK AND RECORDER OF EAGLE COUNTY.

MINTURN PLANNING DIRECTOR

TOWN OF MINTURN CERTIFICATE:

THIS FINAL PLAT APPROVED BY THE MINTURN TOWN COUNCIL, MINTURN, COLORADO, ON THE ____TH DAY OF _____, A.D. 2024 FOR FILING WITH THE CLERK AND RECORDER OF EAGLE COUNTY AND THE CONVEYANCE TO THE TOWN OF MINTURN OF THE PUBLIC DEDICATIONS SHOWN HEREON: SUBJECT TO THE PROVISION THAT APPROVAL IN NO WAY OBLIGATES THE TOWN OF MINTURN FOR MAINTENANCE OF ROADS DEDICATED TO THE PUBLIC UNTIL CONSTRUCTION OF IMPROVEMENTS THEREON SHALL HAVE BEEN COMPLETED IN ACCORDANCE WITH TOWN OF MINTURN'S SPECIFICATIONS AND THE MINTURN TOWN COUNCIL HAS BY A SUBSEQUENT RESOLUTION AGREED TO UNDERTAKE MAINTENANCE OF THE SAME. THIS APPROVAL DOES NOT GUARANTEE THAT SOIL CONDITIONS, SUBSURFACE GEOLOGY, GROUND WATER CONDITIONS, OR FLOODING CONDITIONS OF ANY LOT SHOWN HEREON ARE SUCH THAT A BUILDING PERMIT OR ANY OTHER REQUIRED PERMIT WILL BE ISSUED. THIS APPROVAL IS WITH THE UNDERSTANDING THAT ALL EXPENSES INVOLVING ALL IMPROVEMENTS REQUIRED SHALL BE THE RESPONSIBILITY OF THE SUBDIVIDER AND NOT THE TOWN OF MINTURN.

(MAYOR)

WITNESS MY HAND AND SEAL OF THE TOWN OF MINTURN.

ATTEST: _____
(CLERK)

SURVEYOR'S CERTIFICATE:

I, RANDALL P. KIPP DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED TO PRACTICE LAND SURVEYING UNDER THE LAWS OF THE STATE OF COLORADO, THAT THIS SUBDIVISION PLAT IS TRUE, CORRECT AND COMPLETE MINOR SUBDIVISION, LOT 3A AND LOT 3B, A RESUBDIVISION OF LOT 3, FINAL PLAT, SOUTH MINTURN ADDITION, A RESUBDIVISION OF LOT 51, AS LAID OUT, PLATTED, DEDICATED AND SHOWN HEREON, THAT SUCH PLAT WAS MADE FROM AN ACCURATE SURVEY OF SAID PROPERTY BY ME AND/ OR UNDER MY SUPERVISION AND ACCURATELY SHOWS THE LOCATION AND DIMENSIONS OF THE LOTS, EASEMENTS AND RIGHTS OF WAY OF SAID PLAT AS THE SAME ARE MONUMENTED UPON THE GROUND IN COMPLIANCE WITH APPLICABLE REGULATION GOVERNING THE SUBDIVISION OF LAND, THAT SUCH PLAT IS BASED UPON THE PROFESSIONAL LAND SURVEYOR'S KNOWLEDGE, INFORMATION AND BELIEF, THAT SUCH PLAT HAS BEEN PREPARED IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE, AND THAT SUCH PLAT IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

RANDALL P. KIPP
COLORADO PROFESSIONAL LAND SURVEYOR NO. 38079

CLERK AND RECORDER'S CERTIFICATE:

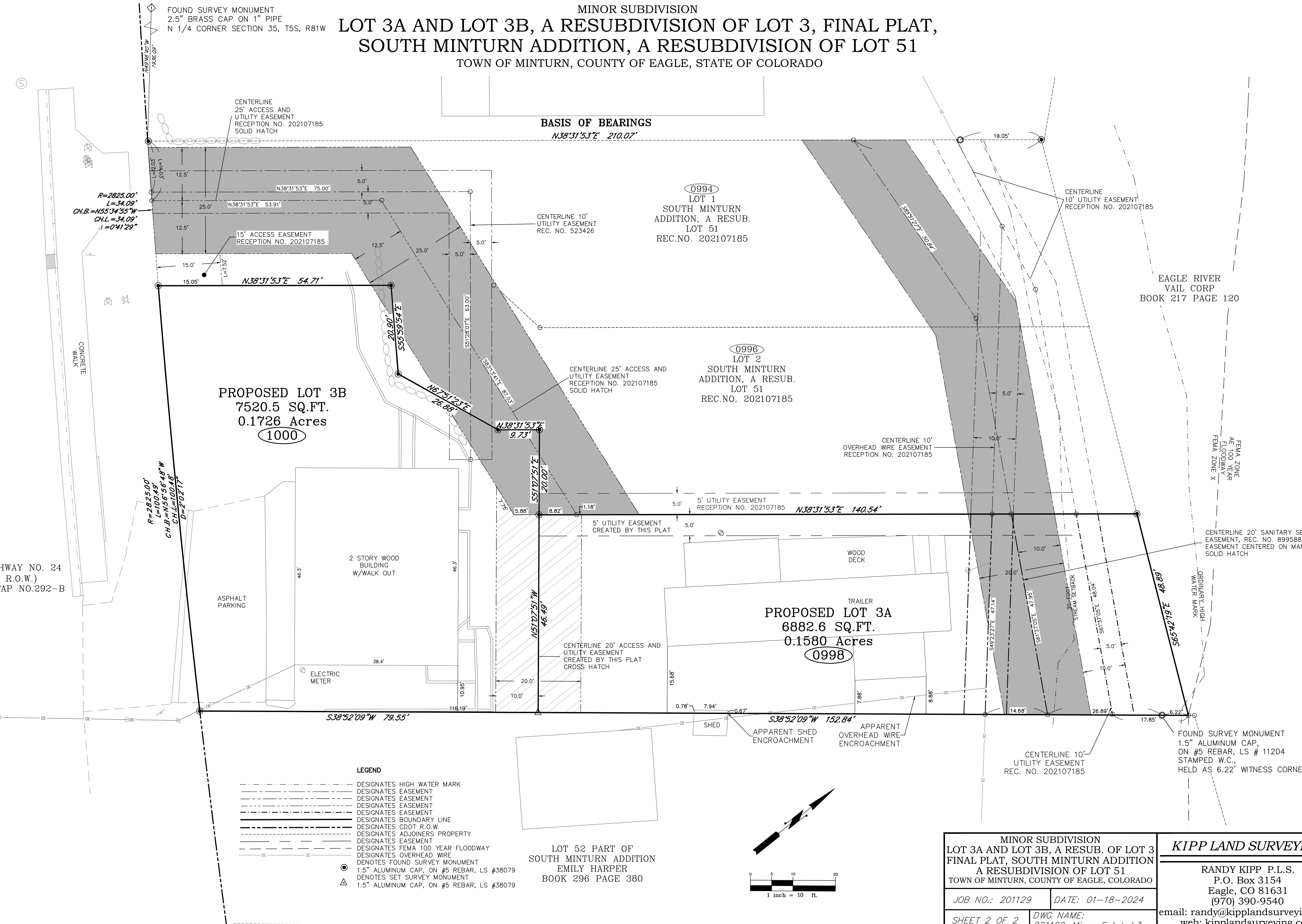
THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE EAGLE COUNTY CLERK AND RECORDER AT ____ O'CLOCK ____M., ON THIS ____ DAY OF _____, 2024, AND IS DULY RECORDED AT RECEPTION NO. _____

EAGLE COUNTY CLERK AND RECORDER

BY: _____
DEPUTY

MINOR SUBDIVISION LOT 3A AND LOT 3B, A RESUB. OF LOT 3, FINAL PLAT, SOUTH MINTURN ADDITION A RESUBDIVISION OF LOT 51 TOWN OF MINTURN, COUNTY OF EAGLE, COLORADO		KIPP LAND SURVEYING RANDY KIPP P.L.S. P.O. Box 3154 Eagle, CO 81631 (970) 390-9540 email: randy@kipplandsurveying.com web: kipplandsurveying.com
JOB NO.: 201129	DATE: 01-18-2024	
SHEET 1 OF 2	DWG NAME: 201129-Minor Subd. L3	

MINOR SUBDIVISION LOT 3A AND LOT 3B, A RESUBDIVISION OF LOT 3, FINAL PLAT, SOUTH MINTURN ADDITION, A RESUBDIVISION OF LOT 51 TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO



PROPOSED LOT 3B
7520.5 SQ.FT.
0.1726 Acres
1000

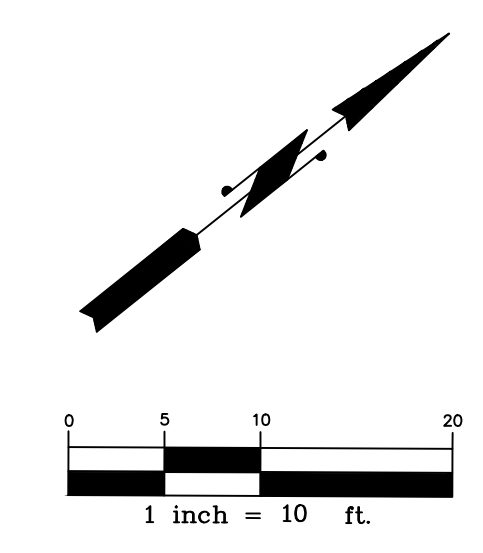
0994
LOT 1
SOUTH MINTURN
ADDITION, A RESUB.
LOT 51
REC.NO. 202107185

0996
LOT 2
SOUTH MINTURN
ADDITION, A RESUB.
LOT 51
REC.NO. 202107185

PROPOSED LOT 3A
6882.6 SQ.FT.
0.1580 Acres
0998

LOT 52 PART OF
SOUTH MINTURN ADDITION
EMILY HARPER
BOOK 296 PAGE 380

- LEGEND**
- DESIGNATES HIGH WATER MARK
 - - - - DESIGNATES EASEMENT
 - - - - DESIGNATES EASEMENT
 - - - - DESIGNATES EASEMENT
 - - - - DESIGNATES EASEMENT
 - - - - DESIGNATES EASEMENT
 - - - - DESIGNATES BOUNDARY LINE
 - - - - DESIGNATES CDOT R.O.W.
 - - - - DESIGNATES ADJOINERS PROPERTY
 - - - - DESIGNATES EASEMENT
 - - - - DESIGNATES FEMA 100 YEAR FLOODWAY
 - - - - DESIGNATES OVERHEAD WIRE
 - DENOTES FOUND SURVEY MONUMENT
 - △ DENOTES SET SURVEY MONUMENT
 - DENOTES 1.5" ALUMINUM CAP, ON #5 REBAR, LS #38079
 - △ DENOTES 1.5" ALUMINUM CAP, ON #5 REBAR, LS #38079



MINOR SUBDIVISION
LOT 3A AND LOT 3B, A RESUB. OF LOT 3
FINAL PLAT, SOUTH MINTURN ADDITION
A RESUBDIVISION OF LOT 51
TOWN OF MINTURN, COUNTY OF EAGLE, COLORADO

JOB NO.: 201129 DATE: 01-18-2024

SHEET 2 OF 2 DWG NAME:
201129-Minor Subd. L3

KIPP LAND SURVEYING

RANDY KIPP P.L.S.
P.O. Box 3154
Eagle, CO 81631
(970) 390-9540
email: randy@kipplandsurveying.com
web: kipplandsurveying.com

U.S. HIGHWAY NO. 24
(80' R.O.W.)
C.D.O.T. FAP NO.292-B

EAGLE RIVER
VAIL CORP
BOOK 217 PAGE 120

FEMA ZONE
AE 100 YEAR
FLOODWAY
FEMA ZONE X

CENTERLINE 20' SANITARY SEWER
EASEMENT, REC. NO. 899588
EASEMENT CENTERED ON MANHOLE
SOLID HATCH

FOUND SURVEY MONUMENT
1.5" ALUMINUM CAP,
ON #5 REBAR, LS # 11204
STAMPED W.C.,
HELD AS 6.22' WITNESS CORNER

Karp Neu Hanlon^{PC}

ATTORNEYS AT LAW

www.mountainlawfirm.com

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P. O. Drawer 2030
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Suite 224
Montrose, CO 81402

Office: 970.945.2261
Fax: 970.945.7336
*Direct Mail to Glenwood Springs

DATE: March 14, 2024
TO: Mayor and Council
FROM: Karp Neu Hanlon, P.C.
RE: Battle Mountain termination of PUD zoning from 2008

As part of the Battle Mountain settlement agreement, the parties agreed:

(e) Disconnection of Gilman Property. In connection with the contemplated Settlement, the Town has proposed and Battle South has agreed to effect disconnection of the Gilman Property. Accordingly, Battle South will submit to Town Council an application for disconnection of the Gilman Property by ordinance pursuant to C.R.S. §§ 31-12-501, *et seq.* The disconnection becoming legally effective will fully release Battle, the Town and the Gilman Property from any further rights, obligations and liabilities under or with respect to the Prior Agreements and the PUD Preliminary Plan relating to the Gilman Property.

As was previously discussed with Council, the Town’s consultation with Battle Mountain concluded that in addition to Gilman, the disconnection should include the “roster pile” areas along the Eagle River together with Rex Flats. These properties are all contaminated, included in the superfund site, and not easily developable in the future.

Battle Mountain has submitted a complete application for disconnection of the above referenced lands in accordance with Town Code §16-1-70(b)(2). C.R.S. § 31-12-501 provides that a disconnection is appropriate when in the “best interests of the municipality”. Under the Town Code, the “best interests of the municipality” includes:

- a. Resolution of any current, pending, or threatened legal actions;
- b. Resolution of any commitments, claims, or obligations required by any agreement, or terms of an agreement relating to the property proposed for disconnection;
- c. The impact of disconnection upon the Town's ability to maintain infrastructure and rights-of-way that were dedicated to a public entity;

Page 2

d. That disconnection will not create an enclave as defined by C.R.S. § 31-12-106, or sever the contiguity of the Town's boundaries without adequately providing for access and the provision of utilities and services to areas that will remain within the Town.

The proposed disconnection meets these requirements. The disconnection is in furtherance of resolving the Battle Mountain litigation. The disconnection will not hamper the Town's ability to maintain infrastructure. The disconnection will not create an enclave as the Mountain Property will still be connected to the Town's boundaries. Most importantly, the disconnection will remove heavily contaminated land from the Town's boundaries.

Staff recommends approving the disconnection ordinance.

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 03 - SERIES 2024**

**AN ORDINANCE APPROVING DISCONNECTION OF
REAL PROPERTY FROM THE TOWN OF MINTURN.**

WHEREAS, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act; and

WHEREAS, the Town Council has authority pursuant to the Home Rule Charter and C.R.S. §§ 31-16-101, *et seq.* to adopt and enforce all ordinances; and

WHEREAS, in the exercise of this authority, the Town Council has previously adopted § 16-1-70 of the Minturn Municipal Code (“Municipal Code”), concerning annexation and disconnection; and

WHEREAS, Municipal Code § 16-1-70(b) provides that real property may be disconnected from the Town pursuant to the procedures and substantive standards set forth in that section and in C.R.S. §§ 31-12-501 *et seq.*; and

WHEREAS, pursuant to C.R.S. § 31-12-501(1) and Municipal Code § 16-1-70(b), the Town Council has received an application for disconnection (the “Application”) of the “Disconnected Parcels” (as defined in the Application) from the Town, which Disconnected Parcels are legally described in Exhibit A and graphically depicted in Exhibit B; and

WHEREAS, the Town Council finds that the requirements of C.R.S. §§ 31-12-501 *et seq.* for disconnection of the Disconnected Parcels from the Town have been satisfied, in that: (1) the owner of the Disconnected Parcels has applied to the Town for disconnection; (2) the owner of the Disconnected Parcels has also provided notice and a copy of the application for disconnection to the Board of County Commissioners of Eagle County and to the board of directors of any affected special district pursuant to C.R.S. § 31-12-501(1); and (3) the best interests of the Town will not be prejudiced by the disconnection of the Disconnected Parcels; and

WHEREAS, the Town Council finds that the requirements of Municipal Code § 16-1-70(b) for disconnection of the Disconnected Parcels from the Town have been satisfied, in that: (1) the Application is complete pursuant to Municipal Code § 16-1-70(b)(2); and (2) disconnection will not prejudice the best interests of the Town as defined in Municipal Code § 16-1-70(b)(3); and

WHEREAS, in February of 2008, in connection with the annexation and then-contemplated development of certain real property, which real property included, but is not limited to, the Disconnected Parcels, the Town approved: (1) zoning pursuant to Ordinance No. 12-2008; (2) Preliminary Planned Unit Development Plan and Environmental Impact Report pursuant to Resolution No. 18-2008; and (3) Preliminary Subdivision Plat pursuant to Resolution No. 19-2008; (collectively, and together with the Town resolutions and/or

ordinances approving such instruments, “**Prior Approvals**”), which Prior Approvals will be terminated as applied to the Disconnected Parcels as part of the disconnection; and

WHEREAS, between 2006 and 2012, in connection with the annexation and then-contemplated development of certain real property, which real property included, but is not limited to, the Disconnected Parcels, the Town entered into the: (1) Wastewater Service Agreement pursuant to Ordinance No. 1-2006; (2) Battle Mountain Annexation Agreement and Vested Property Rights Development Agreement pursuant to Ordinance No. 10-2008; (3) Water Service Agreement pursuant to Ordinance No. 11-2008; (4) Agreement Regarding Escrows and Funding pursuant to Resolution No. 5-2012; (5) three Escrow Agreements subsequently amended pursuant to Resolution Nos. 6-2012, 7-2012, 8-2012, 12-2012, and 13-2012; and (6) Memorandum of Understanding Relating to Battle Mountain Project pursuant to Resolution No. 27-2016 (collectively, and together with the Town resolutions and/or ordinances approving such instruments, “**Prior Agreements**”) with the then-owner(s) of the Disconnected Parcels, which Prior Agreements and any vested property rights established pursuant to C.R.S. §§ 24-68-101 *et seq.* will be terminated as applied to the Disconnected Parcels as part of the disconnection; and

WHEREAS, upon due consideration being given to the Application, the Town Council is of the opinion that the best interests of the Town will not be prejudiced by the disconnection of the Disconnected Parcels from the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

1. Incorporation of Recitals. The foregoing recitals are incorporated herein as if set forth in full.
2. Disconnection Approved. Disconnection of the Disconnected Parcels from the Town is hereby approved and, subject to satisfaction of the recording requirement identified in Section 6 below, the Disconnected Parcels shall be disconnected from the Town.
3. Termination of Prior Approvals. The Town Council hereby terminates the Prior Approvals as applied to the Disconnected Parcels described in Exhibit A attached hereto. Accordingly, the Disconnected Parcels are released from the encumbrance of the Prior Approvals, which are of no further force or effect as applied to the Disconnected Parcels and any parties to such Prior Approvals are released from all rights, obligations, and liabilities arising out of such Prior Approvals as they may pertain to the Disconnected Parcels.
4. Termination of Prior Agreements. The Town Council hereby terminates the Prior Agreements as applied to the Disconnected Parcels described in Exhibit A attached hereto. Accordingly, the Disconnected Parcels are released from the encumbrance of the Prior Agreements, which are of no further force or effect as applied to the Disconnected Parcels and the parties to such Prior Agreements are released from all rights, obligations, and liabilities arising out of such Prior Agreements as they may pertain to the Disconnected Parcels
5. Termination of Vested Property Rights. Vested property rights for the Disconnected Parcels that have been established pursuant to C.R.S. §§ 24-68-101 *et seq.* and/or by virtue of the

Battle Mountain Annexation Agreement and Vested Property Rights Development Agreement (Ordinance 10, Series 2008) are hereby extinguished.

6. Recording. Following the legal effective date of this ordinance, the Town Clerk is hereby authorized and directed to file for record with the Eagle County Clerk and Recorder two certified copies of this disconnection ordinance, and to request that the Eagle County Clerk and Recorder file the second certified copy with the Division of Local Government and the Department of Local Affairs as provided by C.R.S. § 24-32-109. The Town Clerk is further authorized and directed to take all other ministerial and filing actions required or appropriate to effectuate the action of the Town Council in approving disconnection of the Disconnected Parcels.

7. Effective Date. This ordinance shall take effect thirty (30) days after publication in accordance with Section 11.5 of the Minturn Home Rule Charter; provided, however that said disconnection shall be made legally effective only upon satisfaction of the recording requirements set forth in Section 6 of this ordinance.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 20TH DAY OF MARCH 2024. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 3RD DAY OF APRIL 2024 AT 5:30PM. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THIS 3RD DAY OF APRIL 2024.

THIS ORDINANCE WILL BE LEGALLY EFFECTIVE THIRTY (30) DAYS AFTER PUBLICATION FOLLOWING THE DATE ON WHICH TOWN COUNCIL APPROVED THIS ORDINANCE ON SECOND READING; PROVIDED, HOWEVER, THIS ORDINANCE WILL NOT BE RECORDED WITH THE EAGLE COUNTY CLERK AND RECORDER PRIOR TO THE LEGAL EFFECTIVE DATE OF THIS ORDINANCE.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

EXHIBIT A
LEGAL DESCRIPTION OF DISCONNECTED PARCELS

The following tracts of real property which, collectively, comprise the Disconnected Parcels:

Parcel 1: Rex Flats, Tracts E, F, G, and H (Battle North)

Rex Flats

An area of land located in Sections 1, 2, and 11 of Township 6 South, Range 81 West of the Sixth Principal Meridian, Eagle County, Colorado.

Beginning at corner number 8 of MS 19856 River Bend Mill Site whence angle point 7 of H.E.S. 41 being an original stone monument bears *S 08°01'50" E* a distance of 285.50 feet; thence *N 73°03'36" E* a distance of 114.40 feet; thence *N 00°06'36" E* a distance of 101.02 feet to a point on the southern boundary of U.S. Highway 24 right-of-way as described in the Colorado Department of Transportation

U.S. Highway 24 Boundary Agreement approved July 20, 2018 and recorded in the Eagle County Clerk and Recorder's office July 27, 2018 at reception number 201812787; thence along said U.S. Highway right-of-way *S 55°00'36" E* a distance of 95.06 feet to a point on the 3-4 line of MS 19856 River Bend Mill Site; thence along said 3-4 line *S 11°05'59" W* a distance of 246.97 feet; thence leaving said 3-4 line *N 38°38'30" E* a distance of 23.65 feet to a point on the western boundary of the Union Pacific Railroad right-of-way; thence along said railroad right-of-way the following nine courses:

1. *S 14°36'28" W* a distance of 130.66 feet;
2. 299.94 feet along the arc of a *tangent* curve to the *right* having a radius of 29800.64 feet, a central angle of *00°34'36"*, and the chord bears *S 14°53'46" W* a distance of 299.94 feet;
3. 346.51 feet along the arc of a *tangent* curve to the *right* having a radius of 1687.09 feet, a central angle of *11°46'05"*, and the chord bears *S 21°04'06" W* a distance of 345.90 feet;
4. 117.33 feet along the arc of a *tangent* curve to the *right* having a radius of 2298.64 feet, a central angle of *02°55'28"*, and the chord bears *S 28°24'53" W* a distance of 117.32 feet;
5. *S 89°10'02" W* a distance of 66.59 feet;
6. *S 30°39'47" W* a distance of 22.42 feet;
7. *S 00°49'58" E* a distance of 109.10 feet;
8. *S 30°39'47" W* a distance of 884.09 feet;
9. *N 13°07'52" W* and distance of 39.09 feet;

thence leaving said railroad right-of-way, *N 53°11'20" W* a distance of 209.22 feet to the center of the Eagle River; thence the following fourteen courses along said center of the Eagle River:

1. *N 39°00'16" W* a distance of 132.00 feet;
2. *N 02°48'58" W* a distance of 158.00 feet;

3. *N 15°15'48" W* a distance of *154.00* feet;
4. *N 16°33'40" W* a distance of *326.72* feet;
5. *N 11°21'54" W* a distance of *374.00* feet;
6. *N 24°25'48" W* a distance of *132.00* feet;
7. *N 07°08'39" W* a distance of *140.00* feet;
8. *N 19°18'51" E* a distance of *106.00* feet;
9. *N 38°27'21" E " E* a distance of *172.00* feet;
10. *N 33°39'49" E* a distance of *288.54* feet;
11. *N 33°39'49" E* a distance of *68.33* feet;
12. *N 40°53'40" E* a distance of *200.00* feet;
13. *N 76°34'22" E* a distance of *74.00* feet;
14. *S 88°07'28" E* a distance of *508.06* feet;

thence leaving said center of the Eagle River *N 58°05'40" E* a distance of *123.33* feet to a point on the 7- 8 line of H.E.S. 41; thence *S 08°01'50" E* a distance of *387.68* feet along said 7-8 line of H.E.S. 41; to the point of beginning, containing 43.78 acres more or less.

Tract E

A parcel of land located in Sections 1, 11 and 12 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Mineral Surveys 2367 John C. Godfrey, 5712 Rosa M. and Peru Lodes, 19500 Brooklyn Placer Lode, 19960 General Pershing Lode, 20043 May No. 5 Lode, 20257 May Nos. 13, 14, 15, I Have It and Lincoln Highway Lodes, 20292 Big Timber and St. Patrick Lodes, 20293 Cave Lode, and 20461 May Nos. 4 and 16 Lodes situated westerly and southerly of the western right-of-way for U.S. Highway 24 as described in the Boundary Agreement recorded July 27, 2018 at reception number 201812787 and easterly of the easternmost right-of-way for Union Pacific Railroad, being more particularly described as follows:

Beginning at Corner No. 2 of said Cave Lode from whence the Southwest corner of Section 36, Township 5 South, Range 81 West of the 6th P.M., being a 2-1/2 inch GLO Brass Cap found in place bears *N 20°54'18" W* a distance of *10659.37* feet; thence feet along the 2-3 line of said Cave Lode *N 45°07'27" W* a distance of *356.25* to a point on the eastern right-of-way for the Union Pacific Railroad; thence along said eastern right-of-way for the Union Pacific Railroad the following five courses:

1. *N 77°36'39" E* a distance of *20.62* feet along the southern boundary of the unpatented Cleveland No. 2 Lode;
2. *N 18°04'49" W* a distance of *301.49* feet along a line which is parallel to and offset 100-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
3. *S 77°36'39" W* a distance of *75.37* feet along line 2-3 of said Peru Lode;
4. *N 18°04'49" W* a distance of *600.75* feet along a line which is parallel to and offset 25-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
5. *N 77°36'39" E* a distance of *75.37* feet along the 6-7 line of said Rosa M Lode to a point on the eastern right-of-way for the Union Pacific Railroad, said point being on a line offset 100-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;

Thence continuing along the 6-7 line of said Rosa M Lode $N 77^{\circ}36'39'' E$ a distance of 21.52 feet to Corner No. 3 of said St. Patrick Lode; thence $N 17^{\circ}11'16'' W$ a distance of 2.67 feet along the 2-3 line of said St. Patrick Lode to Corner No. 3 of said Brooklyn Placer; thence $S 76^{\circ}33'32'' W$ a distance of 21.53 feet along the 3-4 line of said Brooklyn Placer to a point on the eastern right-of-way for the Union Pacific Railroad, said point being 100-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad; thence along said eastern right-of-way for the Union Pacific Railroad the following twenty-two courses:

1. $N 18^{\circ}04'49'' W$ a distance of 299.21 feet along a line which is parallel to and offset 100-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
2. $S 77^{\circ}36'39'' W$ a distance of 50.25 feet along the northerly boundary of the unpatented No. 33 Lode;
3. $N 18^{\circ}04'49'' W$ a distance of 723.16 feet along a line which is parallel to and offset 50-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
4. 135.32 feet along the arc of a *tangent* curve to the *right* having a radius of 2434.10 feet, a central angle of $03^{\circ}11'07''$, and the chord bears $N 16^{\circ}29'15'' W$ a distance of 135.30 feet, said curve being parallel to and offset 50-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
5. 150.44 feet along the arc of a *tangent* curve to the *right* having a radius of 553.78 feet, a central angle of $15^{\circ}33'54''$, and the chord bears $N 07^{\circ}06'45'' W$ a distance of 149.98 feet said curve being parallel to and offset 50-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
6. $N 13^{\circ}07'52'' W$ a distance of 81.85 feet along the westerly boundary of the unpatented Henry Clay Lode;
7. 244.56 feet along the arc of a *non tangent* curve to the *right* having a radius of 3794.72 feet, a central angle of $03^{\circ}41'33''$, and the chord bears $N 10^{\circ}05'01'' E$ a distance of 244.52 feet, said curve being parallel to and offset 25-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
8. 226.02 feet along the arc of a *tangent* curve to the *right* having a radius of 711.48 feet, a central angle of $18^{\circ}12'05''$, and the chord bears $N 21^{\circ}01'50'' E$ a distance of 225.07 feet, said curve being parallel to and offset 25-feet easterly from the centerline of the eastern corridor of said Union Pacific Railroad;
9. $N 76^{\circ}52'08'' E$ a distance of 48.45 feet along the northerly boundary of the unpatented Henry Clay Lode;
10. $N 30^{\circ}39'47'' E$ a distance of 58.25 feet along a line which is parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad;
11. $S 82^{\circ}41'41'' W$ a distance of 63.42 feet along the southerly boundary of the unpatented San Louis Lode;
12. $N 30^{\circ}39'47'' E$ a distance of 190.27 feet along a line which is parallel to and offset 25-feet easterly from the centerline of the main line of said Union Pacific Railroad;
13. $N 82^{\circ}41'41'' E$ a distance of 63.42 feet along the northerly boundary of the unpatented San Louis Lode;
14. $N 30^{\circ}39'47'' E$ a distance of 184.78 feet along a line which is parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad;
15. $S 00^{\circ}49'58'' E$ a distance of 82.31 feet along the westerly boundary of the unpatented Astor Eureka Placer claim;

16. *N 30°39'47" E* a distance of 352.10 feet along a line which is parallel to and offset 118-feet easterly from the centerline of the main line of said Union Pacific Railroad;
17. 117.60 feet along the arc of a *tangent* curve to the *left* having a radius of 2441.64 feet, a central angle of *02°45'34"*, and the chord bears *N 29°17'00" E* a distance of 117.59 feet, said curve being parallel to and offset 118-feet easterly from the centerline of the main line of said Union Pacific Railroad;
18. *S 89°10'02" W* a distance of 49.17 feet along the southerly boundary of the unpatented Astor Eureka Placer claim;
19. 63.46 feet along the arc of a *non tangent* curve to the *left* having a radius of 2398.64 feet, a central angle of *01°30'57"*, and the chord bears *N 27°42'37" E* a distance of 63.46 feet, said curve being parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad;
20. 367.05 feet along the arc of a *tangent* curve to the *left* having a radius of 1787.09 feet, a central angle of *11°46'05"*, and the chord bears *N 21°04'06" E* a distance of 366.41 feet, said curve being parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad;
21. 300.95 feet along the arc of a *tangent* curve to the *left* having a radius of 29900.64 feet, a central angle of *00°34'36"*, and the chord bears *N 14°53'46" E* a distance of 300.95 feet, said curve being parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad;
22. *N 14°36'28" E* a distance of 309.21 feet along a line which is parallel to and offset 75-feet easterly from the centerline of the main line of said Union Pacific Railroad to a point on said western right-of-way of U.S. Highway 24;

thence the following nineteen courses along said western right-of-way of U.S. Highway 24:

1. *S 55°00'36" E* a distance of 299.10 feet;
2. *N 56°45'57" E* a distance of 216.37 feet;
3. *N 29°39'07" E* a distance of 275.58 feet;
4. *N 02°26'21" E* a distance of 269.62 feet;
5. *N 37°48'55" E* a distance of 427.27 feet;
6. *S 61°41'50" E* a distance of 114.28 feet;
7. *S 16°35'49" W* a distance of 567.34 feet;
8. *S 48°39'59" W* a distance of 175.60 feet;
9. *S 09°52'34" W* a distance of 532.21 feet;
10. *S 47°54'05" W* a distance of 673.50 feet;
11. *S 16°36'56" W* a distance of 631.44 feet;
12. *S 42°50'33" E* a distance of 206.37 feet;
13. *S 10°21'25" E* a distance of 389.77 feet;
14. *S 47°30'31" E* a distance of 350.91 feet;
15. *S 13°25'37" E* a distance of 237.62 feet;
16. *S 47°15'23" W* a distance of 356.18 feet;
17. *S 16°21'06" W* a distance of 394.80 feet;
18. *S 06°53'19" E* a distance of 612.04 feet;
19. *S 22°20'58" E* a distance of 832.28 feet to a point on the 1-2 line of said Cave Lode;

thence along said 1-2 line of Cave Lode, $S 77^{\circ}36'39'' W$ a distance of 363.34 feet to the point of beginning. Tract E containing 71.84 acres more or less.

Tract F

A parcel of land located in Sections 11 and 12 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Mineral Survey 19500 Brooklyn Placer situated easterly of the eastern right of way of the western corridor and westerly of the western right-of-way of the eastern corridor for the Union Pacific Railroad, being more particularly described as follows:

Beginning at a point on said western right-of-way of the eastern corridor for the Union Pacific Railroad, said point being on a line offset 50-feet westerly from the centerline of the eastern corridor of said Union Pacific Railroad, whence the Southwest corner of Section 36, Township 5 South, Range 81 West of the 6th P.M., being a 2-1/2 inch GLO Brass Cap found in place bears $N 20^{\circ}06'13'' W$ a distance of 8,054.90 feet; thence along said western right-of-way of the eastern corridor the following three courses, said right-of-way being parallel to and offset 50-feet westerly from the centerline of the eastern corridor of said Union Pacific Railroad:

1. 214.72 feet along the arc of a *non tangent* curve to the *left* having a radius of 653.78 feet, a central angle of $18^{\circ}49'04''$, and the chord bears $S 05^{\circ}29'10'' E$ a distance of 213.76 feet;
2. 140.88 feet along the arc of a *tangent* curve to the *left* having a radius of 2534.10 feet, a central angle of $03^{\circ}11'07''$, and the chord bears $S 16^{\circ}29'15'' E$ a distance of 140.86 feet;
3. $S 18^{\circ}04'49'' E$ a distance of 1014.66 feet to a point on the 4-5 line of said MS 19500 Brooklyn Placer;

thence along said 4-5 line of said MS 19500 Brooklyn Placer, $S 77^{\circ}39'37'' W$ a distance of 300.62 feet to the eastern right-of-way of the western corridor for the Union Pacific Railroad; thence along the eastern right-of-way of the western corridor for the Union Pacific Railroad the following five courses, said right-of-way being parallel to and offset 25-feet easterly from the centerline of the western corridor of said Union Pacific Railroad:

1. 193.66 feet along the arc of a *non tangent* curve to the *right* having a radius of 788.65 feet, a central angle of $14^{\circ}04'10''$, and the chord bears $N 23^{\circ}10'39'' W$ a distance of 193.17 feet;
2. 124.90 feet along the arc of a *tangent* curve to the *right* having a radius of 1638.73 feet, a central angle of $04^{\circ}22'01''$, and the chord bears $N 13^{\circ}57'33'' W$ a distance of 124.87 feet;
3. $N 11^{\circ}46'32'' W$ a distance of 509.04 feet;
4. 130.25 feet along the arc of a *tangent* curve to the *right* having a radius of 2634.59 feet, a central angle of $02^{\circ}49'57''$, and the chord bears $N 10^{\circ}21'34'' W$ a distance of 130.23 feet;
5. 502.96 feet along the arc of a *tangent* curve to the *right* having a radius of 823.26 feet, a central angle of $35^{\circ}00'13''$, and the chord bears $N 08^{\circ}33'32'' E$ a distance of 495.17 feet;

thence $S 63^{\circ}56'22'' E$ a distance of 86.97 feet; to the point of beginning. Tract F containing 8.01 acres more or less.

Tract G

A parcel of land located in Section 11 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Mineral Survey 19500 Brooklyn Placer situated westerly of the western right-of-way of the western corridor for the Union Pacific Railroad, being more particularly described as follows:

Beginning at the intersection of the 5-6 line of said MS 19500 Brooklyn Placer and said western railroad right-of-way whence the Southwest corner of Section 36, Township 5 South, Range 81 West of the 6th P.M., being a 2-1/2 inch GLO Brass Cap found in place bears *N 17°20'46" W* distance of 9,365.21 feet; thence along the western right-of-way of the western corridor for the Union Pacific Railroad 14.46 feet along the arc of a *non tangent* curve to the *left* having a radius of 838.65 feet, a central angle of *00°59'17"*, and the chord bears *S 28°37'12" E* a distance of 14.46 feet, said right-of-way being parallel to and offset 25-feet westerly from the centerline of the western corridor of said Union Pacific Railroad, to a point on the 4-5 line of said MS 19500 Brooklyn Placer; thence along said 4-5 line of said MS 19500 Brooklyn Placer *S 77°39'37" W* a distance of 3.12 feet to corner number 5 of said MS 19500 Brooklyn Placer; thence along the 5-6 line of said MS 19500 Brooklyn Placer *N 16°11'23" W* a distance of 13.91 feet to the point of beginning. Tract G containing 21 square feet or 0.0005 acres more or less.

Tract H

A parcel of land located in Section 12 of Township 6 South, Range 81 West of the Sixth Principal Meridian and consisting of that portion of Mineral Surveys 5712 Peru Lode and Rosa M. Lode situated westerly of the western right-of-way for the eastern corridor for the Union Pacific Railroad, being more particularly described as follows:

Beginning at corner number two of said MS 5712 Peru Lode, whence the Southwest corner of Section 36, Township 5 South, Range 81 West of the 6th P.M., being a 2-1/2 inch GLO Brass Cap found in place bears *N 19°14'39" W* a distance of 10,013.77 feet; thence along the 1-2 line of said MS 5712 Peru Lode *N 12°33'49" W* a distance of 298.89 feet to corner numbers 1 and 5 of said MS 5712 Peru and Rosa M. Lodes. thence along the 5-6 line of said MS 5712 Rosa M. Lode *N 12°33'49" W* a distance of 277.96 feet to a point on the western right-of-way for the eastern corridor for the Union Pacific Railroad, said right of way being parallel to and offset 25-feet westerly from the centerline of the eastern corridor of said Union Pacific Railroad; thence along said western right-of-way for the eastern corridor for the Union Pacific Railroad *S 18°04'49" E* a distance of 579.71 feet to a point on the 2-3 line of said MS 5712 Peru Lode; thence along said 2-3 line of MS 5712 Peru Lode *S 77°36'39" W* a distance of 55.73 feet to the point of beginning. Tract H containing 0.37 acres more or less.

Parcel 2: Gilman Property (Battle South)

A parcel of land located in Sections 12 and 13, Township 6 South, Range 81 West of the Sixth Principal Meridian, Eagle County, Colorado.

Beginning at a point on the 3-4 line of the Coolidge Lode (MS #20293); also being the 1-2 line of the Cave Lode (MS #20293); and the western boundary of the U.S. Highway 24 right-of-way as described in the Boundary Agreement recorded July 27, 2018 in the Eagle County Clerk and Recorder's office at reception number 201812787, whence the South Quarter Corner of Section 36, Township 5 South, Range 81 West of the 6th P.M., being a 2-1/2 inch GLO Brass Cap found in place bears N 08°25'46" W a distance of 9988.76 feet; and from whence the Southwest corner of said Section 36, being a 2-1/2 inch GLO Brass Cap found in place bears S 89°58'35" W a distance of 2694.09 feet; thence along said right-of-way the following twenty-three (23) courses:

- 1. S 22°20'58" E a distance of 265.88 feet;
- 2. S 47°00'56" E a distance of 294.43 feet;
- 3. S 12°36'07" E a distance of 369.21 feet;
- 4. S 08°55'00" W a distance of 424.02 feet;
- 5. S 12°06'21" E a distance of 306.40 feet;
- 6. S 64°26'53" E a distance of 317.25 feet;
- 7. N 75°03'03" E a distance of 289.94 feet;
- 8. N 48°44'48" E a distance of 372.35 feet;
- 9. N 61°36'41" E a distance of 850.71 feet;
- 10. S 64°09'19" E a distance of 292.05 feet;
- 11. S 17°39'35" W a distance of 626.41 feet;
- 12. S 04°01'16" E a distance of 527.58 feet;
- 13. S 20°35'11" W a distance of 385.25 feet;
- 14. S 20°57'40" W a distance of 406.86 feet;
- 15. S 17°58'17" W a distance of 105.50 feet;
- 16. S 11°28'50" W a distance of 152.15 feet;
- 17. S 03°47'09" E a distance of 171.58 feet;
- 18. S 04°41'56" E a distance of 351.99 feet;
- 19. S 44°03'55" E a distance of 480.77 feet;
- 20. S 78°00'57" E a distance of 496.76 feet;
- 21. S 50°06'29" E a distance of 205.43 feet;
- 22. S 12°46'19" W a distance of 522.84 feet;
- 23. S 04°14'48" W a distance of 80.72 feet;

To the intersection of said right-of-way and the 2-3 line of the Mamie Lode (MS #781); thence departing said point S 89°53'50" W a distance of 235.86 feet; thence continuing the following seventeen (17) courses:

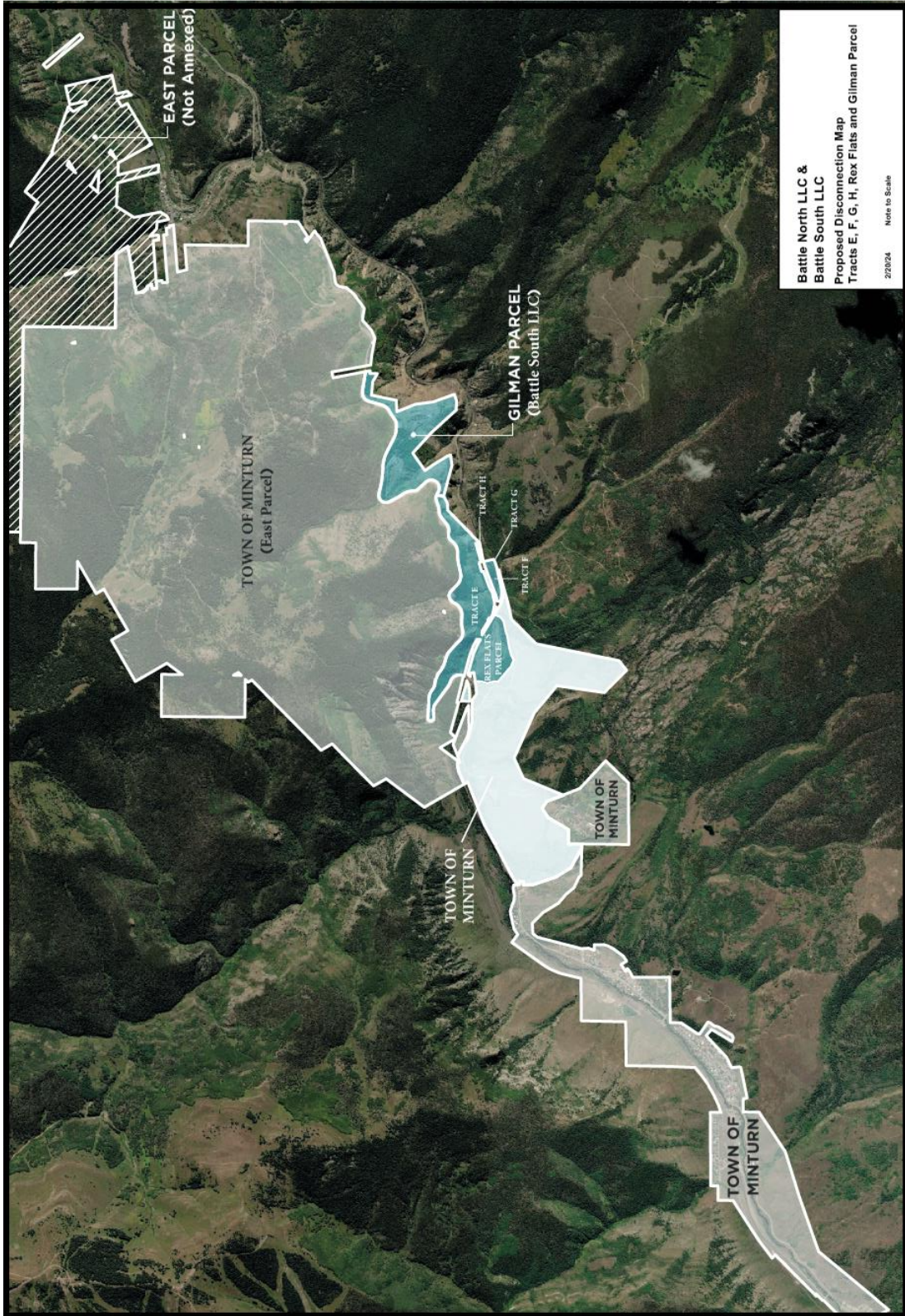
- 1. N 29°13'18" E a distance of 293.41 feet;
- 2. N 04°18'55" E a distance of 427.87 feet;
- 3. N 79°06'52" W a distance of 796.21 feet;
- 4. N 04°21'10" W a distance of 361.84 feet;
- 5. S 67°13'01" W a distance of 626.85 feet;

6. S 81°30'30" W a distance of 569.84 feet;
7. S 69°30'35" W a distance of 702.54 feet;
8. N 20°25'12" W a distance of 200.64 feet;
9. N 00°06'47" E a distance of 307.43 feet;
10. N 46°57'32" E a distance of 1044.73 feet;
11. N 42°03'38" E a distance of 889.41 feet;
12. N 35°31'47" W a distance of 675.33 feet;
13. S 54°00'31" W a distance of 975.90 feet;
14. N 08°51'48" W a distance of 394.02 feet;
15. N 14°09'10" E a distance of 1014.80 feet;
16. N 28°42'12" W a distance of 241.37 feet;
17. N 03°03'58" W a distance of 239.97 feet;

To corner No. 2 of the Coolidge Lode (MS #20293); thence along the 2-3 line of the said Coolidge Lode N 45°07'27" W a distance of 712.37 feet to Corner No. 3 of said Coolidge Lode also being Corner No. 2 of the Cave Lode (MS #20293); thence along the 3-4 line of said Coolidge Lode also being the 1-2 line of said Cave Lode N 77°36'39" E a distance of 363.34 feet to the Point of Beginning.

Said parcel containing 100.159 acres more or less.

EXHIBIT B GRAPHIC DEPICTION OF DISCONNECTED PARCELS





To: Town Council
From: Madison Harris
Date: March 14, 2024
Agenda Item: Ordinance 04 - Series 2024 Amending Chapter 19 of the Historic Preservation Code to allow for Noticing of Demolition Prior to Permitting

REQUEST:

Review Ordinance 04 - Series 2024 Amending Chapter 19 of the Historic Preservation Code to allow for Noticing of Demolition Prior to Permitting.

INTRODUCTION:

At the February 27, 2024 Historic Preservation Commission Meeting, a member of the public commented that the current process for alteration, relocation, and demolition of non-designated properties over 75 years of age had some flaws that hadn't previously been exposed. In response to that, staff has drafted an amendment to Chapter 19, Article 9 which addresses that section.

ANALYSIS:

The way the Town Code is currently written, it doesn't contemplate partial permit applications, it just says "permit application" which means the whole complete application needs to be submitted to the Town before Section 19-9-10 is triggered and the two week stay notifying people that an application for alteration, relocation, or demolition has been submitted starts. The described flaw hasn't been exposed up until now as most times this section comes into play it's been for minor building permits (ex. A re-roof) that don't need a lot of information for submission of the application so it hasn't been an undue hardship for people to make a complete application. Where this flaw has been exposed is that the complete demolition application requires proof that water, sewer, gas, electric, etc. have all been disconnected, as well as an asbestos report and a permit from CDPHE to mitigate any asbestos. If an applicant submits a complete demolition permit application, triggers the two week stay, and gets nominated and then designated, then that house has been sitting there without power which could negatively impact this now Historically Designated property.

As a response to this, staff has attached a draft ordinance that is being presented to HPC on March 19th and Council March 20th. Due to input from Dr. Lindsey Flewelling, staff has taken inspiration from Boulder, but fashioned a more streamlined process. This ordinance is intended to create a separate permit form that people can apply for describing what they are doing and kick-starting that two week stay without having to provide a complete application for demolition or other permit forms such as Design Review Board. Also attached is the form that Boulder uses that staff anticipates amending and making our own as referenced in the ordinance.

COMMUNITY INPUT: Ongoing

BUDGET / STAFF IMPACT: TBD

STRATEGIC PLAN ALIGNMENT:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT
SUSTAIN AND INVEST IN THE THINGS THAT DEFINE MINTURN AS A PROUD,
STURDY MOUNTAIN TOWN TO “KEEP MINTURN MINTURN”

ATTACHMENTS:

- Ordinance 04 - Series 2024 Amending Chapter 19 of the Historic Preservation Code to allow for Noticing of Demolition Prior to Permitting
- Boulder’s Permit Form



Historic Preservation Demolition Review Application

▶ **REQUIRED MATERIALS FOR ALL APPLICATIONS**

- Signed application
- Site Plan (please show the footprint of the building(s), streets and alleys). Provide as PDF.
- Current photographs of each side of the building, including the view from the street. Provide as PDF.
- Side by side elevations of existing/proposed changes - Partial demolitions only. Provide as PDF.

▶ **TO SUBMIT YOUR HISTORIC PRESERVATION DEMOLITION APPLICATION**

- Email application to PDSskipatrip@bouldercolorado.gov. Put *Historic Preservation* in the subject line.
- Review fee will be invoiced to email address listed below. Log into Customer Self Service Portal (CSS) to pay.
- Questions? Reference the Demo Review FAQs or contact 303-441-1994 or historic@bouldercolorado.gov
- Si necesita ayuda para traducir esta información al español, llame al 303-441-1905.

▶ **APPLICANT CONTACT INFORMATION**

Name	Phone#	Email Address		
Address		City	State	Zip

▶ **OWNER CONTACT INFORMATION**

SAME AS APPLICANT

Name	Phone#	Email Address		
Address		City	State	Zip

Signature of Owner or Authorized Agent: _____ Date: _____

▶ **PROJECT INFORMATION**

Project Address:	Number of Buildings proposed for demolition:	
<p>Building Type and Date of Construction - Review is required for buildings over 50 years old (check all that apply)</p> <p><input type="checkbox"/> Pre-1940 primary building (estimated date of construction: _____)</p> <p><input type="checkbox"/> Post-1940 primary building (estimated date of construction: _____)</p> <p><input type="checkbox"/> Accessory building(s) over 50 years old (estimated date of construction: _____)</p>	<p>Scope of Work - Review is required when one or more of the following is proposed (check all that apply):</p> <p><input type="checkbox"/> Full Demolition</p> <p><input type="checkbox"/> On-Site Relocation</p> <p><input type="checkbox"/> Off-Site Relocation</p> <p><input type="checkbox"/> Removal of more than 50% of the roof</p> <p><input type="checkbox"/> Removal of more than 50% of the exterior walls</p> <p><input type="checkbox"/> Removal of any portion of a street-facing wall</p> <p><input type="checkbox"/> Replacement of siding on a street-facing wall</p> <p><input type="checkbox"/> Construction in front of a street-facing wall</p>	

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 04 – SERIES 2024

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING CHAPTER 19, ARTICLE 9 OF THE
MINTURN MUNICIPAL CODE

WHEREAS, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act; and

WHEREAS, the Town of Minturn 2023-2025 Strategic Plan (hereinafter the “Strategic Plan”) seeks to “foster the authentic small town character that is Minturn,” and to “Lead Minturn to long-term viability while preserving its unique character and genuine mountain town community,” through specific strategic plan goals and policies;

WHEREAS, the Strategic Plan contains four key strategies for implementation including “Practice fair, transparent and communicative local government,” “Long-term stewardship of the natural beauty and health of Minturn’s environment,” “Sustain and invest in the things that define Minturn as a proud, sturdy mountain town to “Keep Minturn, Minturn,” and “Advance decisions/projects/initiatives that expand future opportunity and viability for Minturn;” and

WHEREAS, the Town Council has adopted Chapter 19 Historic Preservation, Minturn Municipal Code (“MMC”); and

WHEREAS, Sec. 19-1-30. – Intent, MMC, states that the “intention of this Chapter is to create a reasonable balance between private property rights and the public interest in preserving the Town's unique historic character through the nomination of buildings, structures, sites, objects, and historic districts for preservation;” and

WHEREAS, Sec. 19-2-10. – Creation, MMC, states that “There is hereby established a Historic Preservation Commission, which shall be appointed by the Town Council, and hereinafter referred to as the (“HPC”).

WHEREAS, the HPC recognizes that Chapter 19 does not adequately address the process of alteration, relocation, or demolition for non-designated properties over 75 years old; and

WHEREAS, the HPC believes that adding language to create a streamlined process to permit review of applications for certain alterations, relocation, and/or demolitions for non-designated properties over 75 years old will promote the intent of Chapter 19 by creating a reasonable balance between private property rights and the public interest; and

WHEREAS, on at their regularly scheduled meeting of March 19, 2024, the HPC considered this ordinance and recommended approval; and

WHEREAS, at their regularly scheduled meeting on March 20, 2024, the Minturn Town Council approved this ordinance on first reading; and

WHEREAS, the HPC and Town Council have determined that the text amendments to Chapter 19 of the Minturn Municipal Code as provided herein are necessary and proper.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. Chapter 19 of the Minturn Municipal Code is hereby amended to read as follows, with additions shown in double underlined text and language to be deleted shown as ~~strike through~~ text. Sections of Chapter 19 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

ARTICLE 9 – Alteration, Relocation, or Demolition of Non-Designated Properties Greater than Seventy-Five Years Old

* * *

Sec. 19-9-10. – Requirements.

- (a) Any permit application for alteration, relocation, or demolition of a property that is not designated as a historic property and that is greater than seventy-five (75) years old shall be subject to the following requirements:
 - (1) No person shall alter, relocate, or demolish any building which is over seventy-five (75) years old without first applying to the Town for a permit under this section, receiving the permit and conducting the alteration, relocation or demolition of the building before the permit expires. The application and permit shall be in addition to any application or permit required by other sections of this Code, and shall be on a form provided by the Town. The Town Administrator may combine the application and permit with any other form at the Town Administrator’s discretion.
 - (2) The application shall contain a statement of the effective age of the improvements on the property and their actual age as set forth in the County Assessor's records for the property. The actual age of the improvements shall be controlling for determining the applicability of this Article. The application shall also contain a detailed description of any alteration, relocation, or demolition being applied for. The Planning Department may require the applicant to provide information about the building, including, without limitation, the date of original construction, significant events and occupants, architectural features and a description of the building through photographs, plans and maps.
 - (3) A copy of the application shall be forwarded to HPC by the Town staff member acting as the Secretary.

- (4) Prior to the issuance of ~~a~~ the permit, the applicant shall be required by this Section to post a sign on the property that is furnished by the Planning Department. The sign shall state that an application for alteration, relocation, or demolition has been submitted to the Town for the property and that the application is subject to this Article. The sign shall further state that the property may be eligible for nomination to be designated as a historic property under Chapter 19 of this Code, and that any qualified person desiring to submit an application for nomination of the property to be designated as a historic property must do so in accordance with the provisions of Chapter 19. The exact wording of the sign shall be determined by the Planning Department.
- (5) The property shall be posted with the sign furnished by the Planning Department for a period of at least fourteen (14) days. The applicant shall be responsible for posting the property in accordance with Section 16-21-610(6).
- (6) Prior to issuance of the permit, the applicant must provide to the Planning Department a sworn certification of posting as provided in Section 16-21-610(e). The permit shall not be issued until at least five (5) days after such certification is provided to the Planning Department.
- (7) If an application for nomination of the property for designation as a historic property under this Chapter is submitted before issuance of the permit, then the permit shall not be issued until the application is finally determined in accordance with this Chapter. If the property is designated as a historic property, then the permit shall be processed as required for the alteration, relocation, or demolition of a historic property under this Chapter. If the property is not designated as a historic property, then the permitting shall proceed in accordance with this Code.
- (b) Permit applications for work on the interior of a property, minor repair as determined by the Building Official, and/or replacement of materials in-kind are exempt from this requirement.
- (c) This Article shall not apply to mobile homes.
- (d) Any approval pursuant to this Article shall expire one hundred eighty days after such approval is made if the applicant has failed to procure the permit, or if the work authorized by such permit has not commenced.

* * *

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE __ DAY OF _____ 2024. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE __ DAY OF _____ 2024 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THIS __ DAY OF _____ 2024.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk



FUTURE MEETING AGENDA ITEMS

Below reflects proposed topics to be scheduled at future Town Council meetings and is informational only. Dates and topics are subject to change.

March 20, 2024

- Res__ - Series 2024 Appointing Planning Commission Members
- Ordinance 02 - Series 2024 (Second Reading) An Ordinance approving the Rezoning of Lot 3A South Minturn Addition Subdivision from Commercial to Residential
- Ord__ - Series 2024 (First Reading) An Ordinance Disconnecting the Parcels of Gilman, Rex Flats and Roster Pile 5 from the Town of Minturn
- Ordinance 04 - Series 2024 An Ordinance Amending Chapter 19 of the Historic Preservation Code to allow for Noticing of Demolition Prior to Permitting.

April 3, 2024

- Swearing in of new Council members
- Resolution__ - Series 2024 – A Resolution Approving a Tiered Water Rate Structure for Residential and Commercial Uses
- Ord__ - Series 2024 (Second Reading) An Ordinance Disconnecting the Parcels of Gilman, Rex Flats and Roster Pile 5 from the Town of Minturn
- Business Item – Ord __ (First Reading) An Ordinance Approving the Battle North Development Agreement
- Ordinance __ - Series 2024 (First Reading) An Ordinance Amending the Belden Place PUD Final Plat
- Ordinance __ - Series 2024 (First Reading) An Ordinance Amending the Belden Place PUD Final Plan

April 17, 2024

- Resolution __ - Series 2024 A Resolution Approving a Subdivision Improvement Agreement for Belden Place
- Business Items – Resolution __ - Metro District Service Plan
- Business Item – Ord __ (Second Reading) An Ordinance Approving the Battle North Development Agreement
- Ordinance __ - Series 2024 (Second Reading) An Ordinance Amending the Belden Place PUD Final Plat
- Ordinance __ - Series 2024 (Second Reading) An Ordinance Amending the Belden Place PUD Final Plan
- Discussion/Direction – Residential & Commercial Tiered Water Rates

Dates to be Determined:

- Reassessment of the Minturn Single Family Equivalent (SFE) Definition
- Irrigation Tiered water rate structure

- Single Family Tiered Water Rate Structure
- Update for Dowd Junction/CDOT Maintenance Housing Project