



## AGENDA

### Planning Commission Regular Meeting

Wednesday, February 26, 2025

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

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The agenda is subject to change, including the addition of items 24 hours in advance or the deletion of items at any time. The order of agenda items listed are approximate.

This agenda and meetings can be viewed at [www.minturn.org](http://www.minturn.org).

#### MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION:

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/81570201100>

**Zoom Call-In Information:** 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 815 7020 1100

**Please note:** All virtual participants are muted. In order to be called upon an unmuted, you will need to use the “raise hand” feature in the Zoom platform. When it’s your turn to speak, the moderator will unmute your line and you will have five (5) minutes for public comment.

**Public Comments:** If you are unable to attend, public comments regarding any items on the agenda can be submitted to Madison Harris, Planner 1, prior to the meeting and will be included as part of the record.

1. **CALL TO ORDER - 5:30 PM**
2. **ROLL CALL AND PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF REGULAR AGENDA**

Opportunity for amendment or deletions to the agenda.

4. **APPROVAL OF MINUTES**  
[A.](#) February 12, 2025
5. **DECLARATION OF CONFLICTS OF INTEREST**
6. **PUBLIC COMMENT**

Citizens are invited to comment on any item not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made

for a presentation with the Town Planner. Those who are speaking are requested to state their name and address for the record.

**7. SPECIAL PRESENTATIONS**

Presentations are limited to 5 minutes unless prior arrangements are made with the Town Planner.

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

A. Ordinance TBD - Series 2025 An Ordinance Amending Chapter 13, 16, and 17 of the MMC to Incorporate into the Code Existing Restrictions on Connections to the Town's Water System Based on Limitations of Available Legal and Physical Water Supply

**9. DISCUSSION / DIRECTION ITEMS**

A. Minturn Forward: Land Use Code Update

**10. STAFF REPORTS**

A. Manager's Report

B. Highlands Parcel Survey / Public Input from Open House

**11. PLANNING COMMISSION COMMENTS**

**12. FUTURE MEETINGS**

A. March 12, 2025

B. March 26, 2025

**13. ADJOURN**



**OFFICIAL MINUTES**  
**Planning Commission Regular Meeting**  
**Wednesday, February 12, 2025**  
**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/89284306088>

**Zoom Call-In Information:** 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 892 8430 6088

**Please note:** All virtual participants are muted. In order to be called upon an unmuted, you will need to use the “raise hand” feature in the Zoom platform. When it’s your turn to speak, the moderator will unmute your line and you will have five (5) minutes for public comment.

**Public Comments:** If you are unable to attend, public comments regarding any items on the agenda can be submitted to Madison Harris, Planner 1, prior to the meeting and will be included as part of the record.

**1. CALL TO ORDER - 5:30 PM**

Lynn Teach called the meeting to order at 5:30 p.m.

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

Those present at roll call: Planning Commission Chair Lynn Teach and Planning Commission Members Jeff Armistead, Michael Boyd, Amanda Mire, and Darell Wegert.

Staff members present: Planning Director Scot Hunn and Planner I Madison Harris.

*Note: Eric Rippeth is excused absent.*

**3. APPROVAL OF REGULAR AGENDA**

Opportunity for amendment or deletions to the agenda.

Motion by Amanda M., second by Darell W., to approve the agenda as presented. Motion passed 5-0.

*Note: Eric R. is excused absent.*

**4. APPROVAL OF MINUTES**

**A. January 22, 2025**

Lynn T. would like to make a correction that Amanda M. was the one to talk about open space and parking.

Motion by Jeff A., second by Michael B., to approve the minutes of January 22, 2025 as amended. Motion passed 5-0.

*Note: Eric R. is excused absent.*

**5. DECLARATION OF CONFLICTS OF INTEREST**

No conflicts of interest.

**6. PUBLIC COMMENT**

Citizens are invited to comment on any item not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made for a presentation with the Town Planner. Those who are speaking are requested to state their name and address for the record.

No public comment.

**7. SPECIAL PRESENTATIONS**

Presentations are limited to 5 minutes unless prior arrangements are made with the Town Planner.

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

**A. 532 Main Street - New Single Family Residence**

Madison H. introduced the agenda item. The Applicants, Ken and Patty Halliday, request Final Plan review of a new, four-bedroom, 6,597 (gross) square foot single-family residence located at 532 Main Street in the Old Town Residential Zone District. The plans show a two- to three-story, four-bedroom structure with a maximum building height - measured to the midpoint of the roof – of 27 feet 9 inches, under the maximum allowable 28-foot limit. The plans show the ground level with the garage, primary living area, and master bedroom, the upper level has a game room which could double as a bedroom, and the lower level has the three remaining bedrooms and a craft studio. Parking is adequate, even with the potential extra bedroom, with four off-street spaces, two of which are provided within the garage and two in front of the garage. No variances are required or requested at this time. The back deck is cantilevered over an into an existing sewer easement. The applicant has indicated that they have initiated the encroachment agreement process with Eagle River Water and Sanitation District and this should be included as a condition of approval. Also of note, is that the Applicant is at the end of the processing of an Amended Final Plat to combine Lot 3 with the quiet title parcel in the rear. This has been approved by staff, so the Applicant now needs to get signatures and the plat to be recorded. As this process was almost complete, staff did not feel the need to add this as a recommended condition of approval.

Tobin Smith, Representative.  
Went through his presentation.

Public comment opened.  
Alex Markels, 624 Main Street.

In other instances, allowing an encroachment over the sewer easement has been controversial. We are losing the natural environment along the river and the 30’ setback is being encroached upon. Would like to keep the more traditional look, like the Keogh House.  
Public comment closed.

Darell W. asked how far this structure is from the river.

- Mr. Smith said that it is approximately 40’ from the Ordinary High Water Mark.
- Darell W. asked about the ERWSD process.
- Mr. Halliday said that they have just initiated the process.

Jeff A. gave the Applicants a heads up that ERWSD likes 25' wide easements. Likes the design of the house and appreciates how far back it is set off the road. Likes that it isn't pushed to the very rear of the property either.

Amanda M. really likes the current house and is sad to see it go, but this building does comply and doesn't have any comments.

Michael B. likes the building and design. Likes that the front is set back.

Lynn T. asked about the platting of the Booco's addition. Asked the Applicant if they were considering non-reflective glass.

- Mr. Halliday said he would look into it.

Mr. Halliday let everyone know that 2 weeks prior to demolition that they will be opening up for people to take materials from the exterior of the house.

Motion by Michael B., second by Darell W., to approved 532 Main Street – New Single Family Residence with conditions. Motion passed

*Note: Eric R. is excused absent.*

1. Prior to or concurrent with building permit application submission, the Applicant shall provide documentation for any required encroachment agreement(s) with the Eagle River Water and Sanitation District for any improvements within the platted sewer easement.
2. Complete the Amended Final Plat prior to or concurrent with building permit.

**B. 0019 Belden Way - New Single Family Residence with Accessory Dwelling Unit**

Madison H. introduced the agenda item. This is a five bedroom, 3,525 (gross) square foot single-family residence and a one bedroom, 1,033 (gross) square foot accessory dwelling unit (ADU) located at 0019 Belden Way in the South Town Belden Place PUD Zone District. The plans show a three-story with a basement single family residence and ADU with a maximum building height - measured via a weighted height calculation approved in the Belden Place PUD Guide – of 27 feet and 2 and 3/8 inches, under the maximum allowable 28-foot limit within the South Town Belden Place PUD Zone District for single-family units. Parking is adequate, with four off-street spaces for the single family dwelling, two of which are provided within the garage and two at surface level in front of the garage, and with two off-street spaces for the ADU, one provided in the garage and one at surface level in front of the garage. This proposal respects all setbacks, lot and impervious coverage limitations, and snow storage requirements.

Greg Macik, 56 Edwards Blvd.  
This is in in line of the projects being built and is here to answer questions.

Public comment opened.  
No public comment.  
Public comment closed.

Darell W. clarified that there is no on-street parking proposed.

Jeff A. clarified the height measurement calculations.

Motion by Michael B., second by Amanda M., to approve 0019 Belden Way – New Single Family Residence with Accessory Dwelling Unit. Motion passed 5-0.

*Note: Eric R. is excused absent.*

- C. Ordinance TBD - Series 2025 An Ordinance Amending Chapter 13, 16, and 17 of the MMC to Incorporate into the Code Restrictions on Connection to the Town's Water System Based on Limitations of Available Legal and Physical Water Supply - Request for Continuance Madison H. requested that the Planning Commission continue this item to their next meeting of February 26, 2025.

Public comment opened.  
 No public comment.

Motion by Jeff A., second by Amanda M., to continue Ordinance TBD - Series 2025 An Ordinance Amending Chapter 13, 16, and 17 of the MMC to Incorporate into the Code Restrictions on Connection to the Town's Water System Based on Limitations of Available Legal and Physical Water Supply to February 26, 2025. Motion passed 5-0.  
*Note: Eric R. is excused absent.*

*Note: 5 minute recess called at 6:22 p.m.*

**9. DISCUSSION / DIRECTION ITEMS**

- A. Minturn Forward: Land Use Code Update  
 Scot H. introduced the agenda item.

Matt Farrar, Western Slope Consulting.  
 Mr. Farrar went through his memo.

Amanda M. agrees with bullet point 4, but would like to add water as a consideration.

Jeff A. asked what would happen if there was a downgrade in number of units. How would that be handled?

- This would likely be a major PUD amendment.

Lynn T. has concerns if there is a possibility that a developer could add 10 units, but is fine with 5. Would like to have everything remain conforming to the approved zoning in the PUD. Doesn't want to lose a lot of open space.

**10. STAFF REPORTS**

- A. Manager's Report

**Main Street Phase II Sidewalks**

This project is prepared to go to bid and will have an open bid period of three weeks. Postings will be placed in the Vail Daily, Town website, BidNet and CIP Information Service. In addition, the RFQ for construction management services will be published Feb 3rd. Jeff Spanel and Katie Sickles will oversee the RFP process. If any council members are interested in participating in the interview portion of the process, please let Katie know. Up to two council members can participate. Katie can be reached at [interim@minturn.org](mailto:interim@minturn.org).

**Taylor Street Paving Project**

Jeff Spanel and Cindy Krieg hosted an open house for Taylor Street residents to provide additional feedback for residents requesting improvements as part of the Taylor St repave project. This project has an estimated budget of \$750k and will need to address many deficiencies along the roadway including a variety of drainage issues, vehicle speed issues and parking. The Council directed NOT to take back any of the right of way already encroached upon, so the staff will work within the current alignment to find a balance of improvements that can be made within the confines of the budget.

**Eagle River Quiet Title**

Letters have been sent to property owners along the river within the Eagle River Restoration area notifying them of the Town’s effort to quiet title the river bottom. The letters further indicate that no legally obtained private property will be affected by this effort. This has been an ongoing effort since the Council in 2018 approved of this process and the Council in 2024 confirmed the commitment to this undertaking. Rob Marsh is leading this work for the Town and Mike Sawyer can provide additional context as needed after my departure.

**Trump Administration’s Executive Orders, Directives & Guidance (Sustainable Strategies Update)**

The change in the federal administration has led to uncertainty regarding project loan and funding opportunities (See M-25-13 below for reference). With President Trump pausing federal aid to many programs, Minturn was uncertain as to the \$3M in Congressionally Directed funding the Town plans to utilize for offsetting the cost of the water treatment plant. After listening to Sustainable Strategies analysis of the freeze, which has since been rescinded while the administration takes the next 90-days to review programming, it sounds as though CDS funds are unlikely to be affected as those funds were congressionally approved. More to come as this moves through the process.

- M-25-13: Temporary Pause of Agency Grant, Loan & Other Financial Assistance Programs
- Rescinding of freeze order
- Sustainable Strategies Federal Funding PowerPoint
- Sustainable Strategies Full Presentation

**Department of Local Affairs (EIAF Grant Award)**

DOLA has awarded Minturn funds toward the repair/replacement of the retaining wall at Little Beach Park. This work will also include a new access road from the small basketball court to the stage. As part of this project Minturn requested to utilize the Town’s match dollars to purchase a new playground. DOLA has denied this request. Minturn is now looking at utilizing cash funds within the Little Beach Park escrow account to include a new playground as part of the summer 2025 construction work.

**B. Planning Director Report**

**Minturn Forward Code Update Project:**

The Planning Department continues to work with Western Slope Consulting (Matt Farrar) and the Planning Commission to develop and review new articles and sections of Chapters 16 (Zoning) and 17 (Subdivision) of the Minturn Municipal Code as part of the Minturn Forward Code Update Project. The new Chapters 16 & 17 will replace the existing Chapters upon adoption. Priority has been placed on the creation of new administrative articles and sections that will have the most impact on improving processes and the implementation of the Town’s policies. Each new article or section of code has been vetted internally (by the Planning department, the Town Attorney, and the Town Engineer) prior to presenting a draft document to the Planning Commission for review. Following Planning Commission review, the draft document is then revised and represented to the Planning Commission before moving on to additional articles and sections. Articles created and reviewed since June 2024 include:

- **Article 5 – Land Use Application Requirements & Procedures**
  - This article sets forth the purposes, application submittal requirements, review criteria, and processes for each land use application type (i.e. rezoning, PUDs, zoning variances, conditional use permits, DRB applications).
  - This is considered by staff as perhaps the most critical article in the new code. This article will correct contradictions and conflicts in the current code by standardizing language, processes, and terms while clarifying the intent of each different land use application review by the Town.
  - The clarity and standardization of certain elements of the code will create efficiency for the Town and predictability for applicants.

- **Article 8 – Subdivision Application Requirements and Procedures**
  - This article replaces previous Chapter 17 – Subdivisions, of the Town Code and adds clarity to the process and administrative aspects of applying for a subdivision.
  - Like Article 5, this new article will include elements (text, certain processes and/or requirements) of the existing code along with new language, new provisions, and layout/format to be more user-friendly.
  - Article 8 has been reviewed by the Planning Commission, has been updated based on Planning Commission feedback, and is now being reviewed by the Town’s consultant team (Attorney and Engineer) before being presented again to the Planning Commission.
- **Article 12 – Environmental Impact Report**
  - This article replaces the previous environmental impact report section of the code and adds clarity to the process and administrative aspects.
  - This article includes existing provisions (existing code) along with new provisions that allow the Town to evaluate potential development impacts on the natural environment.
  - This article will also address potential development impacts on social, fiscal, or cultural environments of the Town.

Next steps in our process include review of Article 11 – Annexation and Disconnection (currently undergoing internal review by planning staff before being presented to the Planning Commission), wrapping up Article 8 – Subdivision Requirements and Procedures, and then moving on to Module 2 which will include work on the Town’s zone districts, allowable uses, development standards, and official zone district map. This step (zoning, uses, and allowable uses) will involve public engagement. Staff will keep Council informed as the public engagement process is being formulated.

**Active Land Use Applications:**

- **Eagle County School District – Maloit Park Preliminary Subdivision Plat Review**

Staff has been reviewing the Eagle County School District Maloit Park Preliminary Plat for Subdivision application since late 2023. In fall 2024, the application was sent to referral agencies as well as the Town’s consultant team for review. The Applicant is currently working to address those comments and/or concerns and, in certain instances, to revise the application. Following the completion of the referral process, the subdivision application will be scheduled for a public hearing before the Planning Commission who will make a recommendation for the Council’s consideration.
- **Design Review Board Administration & Building Activity**

Staff continue to meet with property owners interested in new or remodel projects; to accept and review Design Review Board applications for new homes and remodel projects; and to work with our building official to coordinate and complete review of building permits and inspections in the field. Staff anticipate a busy spring, with more DRB applications for projects like Belden Place and Minturn North PUDs, as well as individual new home projects

**Other Planning Department Activities:**

- **The Highlands Parcels 1 and 2 Public Engagement**

Staff have completed the first step in the public process to determine the future use of the Highlands Parcels Nos. 1 and 2. In early January, the Town launched a webpage with background information about the parcels, as well as information about the Town’s intended process – including public input – to decide how best to use those parcels. A survey was conducted (online and handwritten options) and the Town hosted an open house on Wednesday, January 29th at Town Hall.

The January 2025 survey questions were based on similar questions asked during the Community Survey conducted in the spring of 2024, essentially asking respondents if they prefer the Highlands to be used or preserved as open space, or for development, or some combination of both. The premise of those (2024) questions were that the Town has the opportunity to sell the Highlands Parcels to generate revenue that directly benefits the Town's Water Enterprise Fund. Staff drafted the most recent survey to reiterate the Town's intent to generate revenue, while not speculating on which options (open space or real estate development sale options) would produce more, or less revenue.

As of this writing, the Town has received 231 responses to the survey (including online and written survey responses from residents and non-residents), and we welcomed approximately 40 people during the open house. The survey will close at the end of day on Friday January 31st . The survey response and the great attendance at the open house are indicative of the community's interest in the Highlands Parcels.

Staff will take the next two weeks to analyze the survey results from the survey and the open house (which had boards/dot matrix exercise asking essentially the same questions as were posed in the survey), as well as any written comments and ideas. An early assessment of public input received indicates that:

- 1) The 2025 Highlands Parcels Survey results mirror the responses related to Highlands Parcel questions asked in the Spring 2024 Community Survey (a preference for the Town to seek revenue generation through the sale of the parcels for open space/land conservation).
- 2) There is a strong preference by the public in 2025 for an open space alternative that limits or prohibits public access/recreation in lieu of protection of wildlife habitats.

Staff will provide a more detailed analysis and report of the survey and open house results to Council at its second meeting in February and will look for further direction from Council on next steps and action alternatives for the Highlands Parcels 1 and 2.

- **Eagle County Regional Housing Action Plan Partnership**

The planning director has been participating alongside representatives from Eagle County, Avon, Eagle, Gypsum, Red Cliff, and Vail in a regional housing action plan task force spearheaded by Eagle County and the Town of Avon. The purpose of this effort is to create a regional housing action plan – looking at alignment between land use policies and community housing goals within and across jurisdictions, as well as identifying potential funding sources to implement priorities and projects - and is based on a housing needs assessment being finalized by Economic Planning Systems (EPS). The assessment is based on community survey work and an extensive process by EPS to work with each partner jurisdiction to compile data on existing land use and development, existing housing policies and housing units/supply in each jurisdiction, as well as demographics and market trends. The partnership presented the initial results of the assessment to each of the partner jurisdictions in October and November.

Since then, EPS has worked to finalize a report which should be published in February or March 2025. EPS will now work with each partner jurisdiction to develop individualized action plans (based on the findings from the report) laying out strategies for defining opportunities that fit each jurisdiction and generally aimed at improving or protecting local's housing stock. In February and March, the partnership – lead by EPS – will again visit each jurisdiction to present the final report along with individualized recommendations (action plans) for consideration.

- **Eagle County Wildland Urban Interface (WUI) Code Working Group**

The planning director and the code enforcement officer have been participating in a regional effort spearheaded by the Eagle County Wildfire Collaborative group to understand and discuss alternatives, pros, and cons related to the potential adoption of Wildland Urban Interface (WUI) code requirements in member jurisdictions (towns, special districts, and fire districts). This group has been meeting since the start of 2024 and work completed to date includes sharing and analysis of each jurisdictions' existing land use, zoning, and building code regulations and policies to better understand where, if at all, there are commonalities across or among jurisdictions by way of fire or wildfire related terms, regulations, or design requirements for things like home construction, landscape design and materials, and access to private property.

**11. PLANNING COMMISSION COMMENTS**

Lynn T. wished everyone a Happy Valentine's Day.

**12. FUTURE MEETINGS**

- A. February 26, 2025
- B. March 12, 2025

**13. ADJOURN**

Motion by Jeff A., second by Amanda M., to adjourn the regular meeting of February 12, 2025 at 7:19 p.m. Motion passed 5-0.

*Note: Eric R. is excused absent.*

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Lynn Teach, Commission Chair

ATTEST:

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Scot Hunn, Planning Director



**MEMORANDUM**

DATE: February 21, 2025  
TO: Minturn Planning and Zoning Commission  
FROM: Michael Sawyer and Harper Powell  
RE: Ordinance Amending Chapters 13, 16, and 17 of the Municipal Code – Water Restrictions

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The Town wishes to amend Chapters 13, 16, and 17 of the Minturn Municipal Code (the “Code”) to incorporate into the Code existing restrictions on connections to the Town’s water system based on limitations of available legal and physical water supply.

The limitations that exist on the Town’s water availability include: (1) legal consumptive use limitations on the Town’s water rights, and (2) limited physical capacity of the Town’s water treatment facility, both of which necessitated implementing a moratorium on connection to the Town’s water system and allocation of water service in 2020.

The Town extended the 2020 moratorium in 2023 to limit allocation of water service to no more than the historic number of Single Family Equivalents (“SFEs”) used plus one additional SFE for new water use for an entire property or collection of adjoining properties owned by the same or related owners, as legally configured on the date the 2020 ordinance was passed.

Chapter 13 of the Code contains the provisions that govern Municipal Utilities. Chapters 16 and 17 contain the Zoning and Subdivision provisions of the Code and include language on connections to the Town’s water supply. Town staff has reviewed these Code chapters and believes it necessary to amend the code provisions set forth in the ordinance exhibit to condition any building permit or subdivision on issuance of a “Letter of Service” from the Town authorizing connection to the Town’s water system. This condition will ensure that no building permit is issued without conformance to the restrictions set forth by the 2020 and 2023 moratoriums. The code changes will also limit the processing and approval of a subdivision creating more lots or units than are made available in the Letter of Service.

To protect the Town’s water supply while the Town pursues legal and physical capacity solutions to expand its water service, Town staff recommends codifying the restrictions articulated by the 2020 and 2023 moratoriums into the Code with the adoption of the ordinance attached as **Exhibit A**.

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. TBD – SERIES 2025**

**AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING  
CHAPTERS 13, 16, AND 17 OF THE MINTURN MUNICIPAL CODE TO  
INCORPORATE INTO THE CODE EXISTING RESTRICTIONS ON  
CONNECTIONS TO THE TOWN’S WATER SYSTEM BASED ON  
LIMITATIONS OF AVAILABLE LEGAL AND PHYSICAL WATER SUPPLY**

**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**, limitations on the Town’s water supply, due to (1) consumptive use limitations on the Town’s ability to divert and use water within its service area and (2) limited capacity of the Town’s water treatment facility necessitated implementing a moratorium on connection to the Town’s water system and allocation of water service (the “Moratorium”); and

**WHEREAS**, by Ordinance No. 02 – Series 2023, the Town Council continued the Moratorium on connection to the Town’s water system that limits allocation of water service to no more than the historic number of Single Family Equivalents (“SFEs”) used plus one additional SFE for new water use for an entire property or collection of adjoining properties owned by the same or related owners as legally configured on the date Ordinance No. 05 – Series 2020 was passed; and

**WHEREAS**, in order to comply with its decreed water rights and physical supply limitation, the Town has determined it is necessary to incorporate the restrictions imposed by the Moratorium into the Minturn Municipal Code (the “Code”) until the Town has adequate water supply to allocate additional SFEs for connection to the Town’s water system beyond what is provided for in the Moratorium; and

**WHEREAS**, the Town Council hereby finds and determines that the passage of this Ordinance is necessary to protect public health and safety and promote orderly development within the Town and is not contrary to any statewide regulatory schemes or policies.

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

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

SECTION 2. AMENDMENT. Chapters 13, 16, and 17 of the Code are hereby amended as set forth in **Exhibit A**, with double underlined text added and ~~strike-through language~~ deleted.

SECTION 3. SEVERABILITY. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall

not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

SECTION 4. REPEAL OF INCONSISTENT ORDINANCES. Ordinance No. 02 – Series 2023 and Ordinance No. 05 – Series 2020 are repealed. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

SECTION 5. SAFETY. This ordinance is deemed necessary for the protection of the public health, safety, and welfare.

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 \_\_\_\_\_ 2025. 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 \_\_\_\_\_ 2025 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 \_\_\_\_\_ 2025.

TOWN OF MINTURN, COLORADO

\_\_\_\_\_  
Earle Bidez, Mayor

ATTEST:

By: \_\_\_\_\_  
Jay Brunvand, Town Clerk

**EXHIBIT A**  
**MINTURN MUNICIPAL CODE AMENDMENT**

**Sec. 13-1-10. Definitions.**

As used in this Chapter, the following definitions shall apply:

*Accessory areas* means areas such as lobbies, mechanical rooms, convention centers, ballrooms, auxiliary dining rooms and guest recreational facilities in a hotel, lodge, motel, lock-off or accommodation unit.

*ADD* means average daily demand.

*Backflow* means the flow of nonpotable water or other nonpotable liquids, mixtures, gases or substances into the distributing pipes of a potable water supply, from any source other than its intended source.

*Backflow preventer* means an assembly or method designed to prevent backflow, consisting of one (1) of the following:

- a. Air-gap method. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood-level rim of said vessels.
- b. Atmospheric vacuum-breaker assembly.
- c. Pressure vacuum-breaker assembly.
- d. Double-check valve assembly.
- e. Reduced pressure principle assembly.

*Backflow prevention* means the prevention of the flow of any foreign liquids, mixtures, gases or substances into the distributing pipe lines of the public water system.

*Backflow prevention device* is a device or assembly accepted and approved by the Town as meeting an applicable specification stated or cited in this Chapter, or as suitable for the proposed use and as approved and accepted by the Colorado Department of Public Health and Environment (CDPHE).

*Battle Retained Parcels* has the meaning stated in Section 16-2-20.

*Bolts Development Agreement* means, as may be amended, that certain Development and Vested Property Rights Agreement Implementing the Bolts Lake Settlement Agreement Battle One Developer, LLLP, a Georgia limited liability limited partnership, Battle Two Developer, LLLP, a Georgia limited liability limited partnership, Battle North, LLC, a Georgia limited liability company, Battle South, LLC, a Georgia limited liability company, and Battle One A Developer, LLC, a Georgia limited liability company (collectively, together with their respective successors and assigns, "Battle"), and the Town of Minturn, Colorado, a home rule municipal corporation (together with its successors and assigns, the "Town") having an execution date of \_\_\_\_\_, 2024, recorded in the public records of Eagle County at Reception No. \_\_\_\_.

*Bolts Lake Property* has the meaning stated in Section 16-2-20.

*Bolts Water Distribution System* means all water mains, storage tanks, distribution lines, service lines, and related infrastructure necessary to deliver water from the Bolts Water Treatment Plant to lots within the Battle Retained Parcels and, if applicable, to support non-Town (or Town successors and assigns) activities permitted upon or within the restricted parcels.

*Bolts Water Treatment Plant* means the ERWSD water treatment plant developed within the Battle Retained Parcels (or as may be permitted use within a restricted parcel, within a restricted parcel) to serve the Battle Retained Parcels with a treatment capacity sized to serve up to two hundred fifty (250) dwelling units and fifty thousand (50,000) square feet of gross leasable area.

*Bolts Water Treatment System* means the Bolts Water Treatment Plant and all diversion structures, raw water input lines and related infrastructure inboard to the Bolts Water Treatment Plant.

*CDPHE* means the Colorado Department of Public Health & Environment.

*CDPHE regulations* means the regulations promulgated from time to time by CDPHE.

*CDWR* means the Colorado Division of Water Resources, which is also known and referred to as the State Engineer's Office.

*CDWR regulations* means the well permit and related regulations promulgated from time to time by CDWR.

*Community water system* means facilities for the provision of water service to multiple dwelling unit(s), structures and permitted uses located and/or undertaken within multiple estate lots and ranch lots, which system(s) may include community well(s), storage facilities and related distribution facilities that are owned and operated either by an owners association or a metropolitan district organized pursuant to Sections 32-1-101, et seq., C.R.S., in either case in accordance with applicable CDPHE regulations.

*Community well* means a water well for which a well permit has been issued pursuant to CDWR regulations, which well is utilized to provide water service for multiple dwelling unit(s), structures and permitted uses located and/or undertaken within estate lots and ranch lots.

*Cross-connection* means any unprotected actual or potential connection or structural arrangement between the water system or a customer's potable water system and any other source or system, through which it is possible to introduce into any part of the water system any used water, industrial fluid, gas or substance not meeting drinking water requirements in the Colorado Primary Drinking Water Regulations. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which, or because of which, backflow can or may occur, are considered to be cross-connections.

*Curb stop* means a shut-off valve located in the private service line.

*Customer* is any person or entity authorized to connect to and use the Town's water system. The customer effectively encompasses: owner, renter, contractor, subcontractor, developer, etc. A *customer* is also any person who applies to the Town for a service connection, service disconnection, main line extension or other such service agreement, or who attempts to have real property included within the Town.

*ECPHA* means the Eagle County Public Health Agency.

*ECPHA regulations* means the OWTS permit regulations and related OWTS regulations promulgated from time to time by ECPHA.

*Efficiency room* means a single room with a bathroom and a kitchen.

*ERWSD* means, collectively and together with their respective successors and assigns, the Eagle River Water and Sanitation District and the Upper Eagle Regional Water Authority.

*Estate lot* has the meaning stated in Section 17-2-10.

*Estate lot plat* has the meaning stated in Section 17-2-10.

*Estate lot process* has the meaning stated in Section 17-2-10.

*Exemption plat* has the meaning stated in Section 17-2-10.

*Exemption plat parcel* has the meaning stated in Section 17-2-10.

*Exemption plat process* has the meaning stated in Section 17-2-10.

*Kitchen* includes, but is not limited to, hot and cold water, stove and/or microwave, sink and refrigerator.

Letter of Service has the meaning stated in Section 13-2-10.

*Mountaintop area* has the meaning stated in Section 17-2-10.

*OWTS* means an On-Site Wastewater Treatment System as such term is defined in the ECPHA regulations.

*OWTS permit* means a permit issued by ECPHA pursuant to applicable ECPHA regulations for the construction or alteration, installation, and use or for the repair of an OWTS.

*Package sewage plant* means an OWTS that provides sanitary sewer treatment for multiple ranch lots or estate lots pursuant to an OWTS permit, which OWTS is owned and operated either by a homeowners' association or a metropolitan district organized pursuant to Sections 32-1-101, et seq., C.R.S.

*Private OWTS* means an OWTS that provides sanitary sewer service pursuant to an OWTS permit to dwelling unit(s), other structure(s) and/or any permitted uses within, as applicable, a single ranch lot or a single estate lot.

*Private service line* means the service line from the curb stop to the customer's water-using unit. The private service line includes, without limitation, the curb stop and water meter. With the exception of the water meter, the private service line is owned and maintained by the customer.

*Private well* means a water well for which a well permit has been issued pursuant to CDWR regulations, which well is utilized to provide water service for dwelling unit(s), structures and permitted uses located and/or undertaken within, as applicable, a single estate lot or a single ranch lot.

*Project water rights* means those water rights adjudicated in Case No. 06CW264, as may be further decreed and modified in Case Nos. 16CW3122, 16CW3123 and future water court cases, related to the originally decreed water rights Case No. 06CW264, which water rights are available for use within the Battle Mountain Property (as such term is used in said decrees), including the Mountaintop area in accordance with the terms and conditions set forth in said decrees.

*Ranch lot* has the meaning stated in Section 17-2-10.

*Ranch lot plat* has the meaning stated in Section 17-2-10.

*Ranch lot process* has the meaning stated in Section 17-2-10.

*Reservoir Agreement* means and refers to that certain agreement pertaining to acquisition for Bolts Lake Reservoir by and among Eagle River Water and Sanitation District, Upper Eagle Regional Water Authority and Battle North, LLC, dated as of February 9, 2021.

*Residential unit* means any living unit with a kitchen. Examples are: single-family houses, residential condominiums, townhomes, apartments, duplexes, triplexes, lock-off apartments, etc.

*Restricted parcels* has the meaning stated in Section 16-2-20.

*Room* means a single room without a kitchen, with or without a bathroom, with private access to a central corridor or the outside.

*SFE (single family equivalent)* means the basic unit for determination of water charges and usage. One (1) SFE shall be equal to the water required to serve up to three thousand (3,000) square feet of building area as measured from the exterior dimensions of development and two thousand (2,000) square feet of outside irrigated area.

*Square-foot floor area*, as used in determining fees, is calculated on gross residential floor area, plus unfurnished areas, but excluding garage area and multi-unit common space.

*System improvement fee (SIF)* means a payment or charge made for a permanent reservation of water ~~plant~~ system capacity and the right to use water from the Town water system.

*System improvement fee schedule for commercial* means the schedule of fees adopted by resolution of the Town Council and applied based on the water connection service line size needed for a commercial development.

*System improvement fee schedule for residential* means the schedule of fees adopted by resolution of the Town Council and applied to the development of residential dwellings based on square footage added.

*Tap or connection* means the process of connecting a service line to the water main.

*Tap fee* means a fee charged to a customer of water or sewer utility, which fee represents an investment and capital contribution to the Town's present physical water and sewer utility system, and includes such items as collection, treatment and storage, but does not include extensions of the Town water and sewer system to provide service, nor payment for acquisition, adjudication, or changes in water rights necessary to provide water service or to protect the Town's water rights.

*Threshold criteria* means the criteria set forth in Section 13-7-45(i).

*Town parcels* has the meaning stated in Section 16-2-20.

*Water connection or service line* means a service line connection from the property line to the water main, including the curb stop installation.

*Water main* means the principal artery of the water system to which service lines may be connected. The water main is owned, operated and maintained by the Town.

*Water meter* means a device which measures all water use on a property, including in-house use and outside irrigation use.

*Water system* means the public water system owned and/or operated by the Town.

*Water-using property* includes any real property within the Town or outside the legal boundaries of the Town, and being serviced by the Town, on which a water-using unit is located or desired to be located.

*Water-using unit* includes any space, structure or building, movable, fixed or otherwise, or any part or parcel of the same for which a separate water rate is applicable, or, in the alternative, any space, structure or building, movable, fixed or otherwise, or any part or parcel thereof having or being equipped with a device, fixture or method for using water.

*Well permit* means any permit issued in accordance with applicable requirements by CDWR for, as applicable, a "well" that is "exempt" or "non-exempt" (as applicable CDWR regulations define such terms) that is appropriate for providing water service to one (1) or more residential unit(s), other structure(s), and/or for any permitted uses within ranch lots or estate lots located within the mountaintop area.

...

**Sec. 13-2-10. Application procedure generally.**

- (a) An application and written approval of the application Letter of Service by the ~~Public Works Director, Town Treasurer, and Planning Director~~ shall be required for any material change in water service for the customer or potential customer, including, without limitation for any new service connection, any expansion of or addition to the water-using unit, any change in use of the water-using unit or property served (e.g., from residential to commercial, conditional-use permit, any increase in irrigated landscape area beyond 2,000 square feet, home-occupation permit or conversion of a garage into a residential unit), the addition of additional water fixtures in commercial establishments, any remodel or other work for which a building permit is required, any demolition of a water-using unit, and/or rezoning or subdivision of property. The water service application shall be in writing on a form approved by the Town, shall be submitted to the Town Clerk and shall set forth: the name and post office address of the owner of the water-using property, the legal description of the water-using property for which water is desired, the purpose or purposes for which the water will be used, plans or drawings depicting the square footage of structures in which water will be used and water fixtures in the structures, and such other facts reasonably required by the Town, to

determine the purpose, extent, nature and location of water use, the water-using property and the water-using unit.

- (b) Applications shall be made only in the names of and for water-using property owners.
- (c) No Customer may obtain any connection to the Town’s water system without receiving written approval from the Town authorizing such connection in the form of a Letter of Service. The Letter of Service must state the number of SFEs that will be serviced by the connection. The Town shall only issue a Letter of Service for connection in an amount limited to no more than the historic number of SFEs served on a property or collection of adjoining properties, which are owned by the same or related owner, as legally configured on the date Ordinance No. 05 Series 2020 was passed, plus one additional SFE for new water service.
- (ed) The Town reserves the exclusive right to deny application for service when, in the opinion of the Town, the service applied for would create an excessive seasonal or other demand on the facilities. Denial may also be based upon an unresolved obligation between the Town and the applicant, inadequate documentation of easements for main lines serving the property or any other reason as determined by the Town. The Town reserves the right to revoke any prior approval before service has been provided, and the right to revoke service after it has commenced for any violation of this Chapter.
- (e) Any application required under this Chapter shall be accompanied by such application fee as the Town Council may establish by resolution. Payment shall be made to the Town Clerk.

(Ord. 15-2008 §1; Ord. 2-2018, §3)

**Sec. 13-2-20. ~~Application and w~~Water system fee payments; water dedication or payment of cash in lieu of water rights.**

- (a) Application. Each application for connection to the water system or for a certificate of occupancy following new construction or an addition to an existing structure shall be accompanied by a tap fee and/or SIF. ~~Any other application required under this Chapter shall be accompanied by such application fee as the Town Council may establish by resolution. Payment shall be made to the Town Clerk.~~
- (b) Fees. No water service shall be furnished without a Letter of Service and to any new connection or to any property, the redevelopment or change of use of which requires an additional SFE or payment of an SIF, until all fees have been paid as provided in this Chapter. System improvement fees owed to the Town due to any addition to an existing structure or change in use shall take into account the existing use and/or retained structure size. However, no credit shall be given for the prior structure size or use in cases of new development or the tear down and redevelopment of the structure. Fees shall be based on the current fee rates set by resolution of the Town Council.

*Example:* Where one thousand (1,000) square feet is added to a one thousand five hundred (1,500) square foot residential dwelling unit, the SIF shall be calculated at the rate of one thousand (1,000) multiplied by the then applicable Tier 2 price per square foot.

*Example:* Where an existing structure is scraped and redeveloped, no credit shall be given for the prior structure size, and the SIF shall be calculated as though for a new structure.

The following fees shall be assessed, except as otherwise determined by the Town Council:

- (1) *Residential water service.*
  - a. *Tap fee.* A tap fee shall be paid for each three thousand (3,000) square feet of developed building space as measured from the exterior walls of the building and/or two thousand (2,000) square feet of outside irrigated area.
  - b. *System improvement fee.* SIF's for any new development or redevelopment of property resulting in the addition of square footage shall be calculated at prices set by resolution of the Town Council and according to the following SIF Table:

SYSTEM IMPROVEMENT FEE TABLE

	Floor Area Tiers
Tier 1	0—1,500 sq. ft.
Tier 2	1,501—3,000 sq. ft.
Tier 3	3,001 sq. ft. or more

c. *Accessory unit fees.*

1. *System improvement fee.* The addition of any accessory unit, whether attached or detached from the primary structure on a property, shall be calculated as though an addition of square footage to the primary structure.
2. *Tap fee.* The addition of any accessory unit that does not require the purchase of a separate tap, but which would otherwise result in an additional SFE, shall be charged one-half (0.5) SFE.

(2) *Commercial, industrial, and irrigation water service.*

Commercial water service fees shall be assessed based upon the size of all service lines and using total water demand from all fixtures, connections, outlets, or other water uses, determined by the current section of the International Plumbing Code for metered water.

(c) In addition to the fees described above, the Town conditions new water service upon either a dedication of water rights or a payment of cash in lieu of water rights. This condition applies to:

- (1) All new development or redevelopment within the Town not covered by existing taps and all redevelopment within the Town that will require an increase in water use in excess of the use covered by existing taps; and
- (2) All properties not currently within the Town, as provided in Section 13-2-80 of this Article. The applicant for water service for new development or redevelopment in the Town must agree, in writing, to:
  - a. Dedicate water rights to the Town in an amount, legal priority, and of a quality adequate, in the judgment of the Town and its water consultants, to serve the needs of the new water use or the increase in water use not covered by existing taps; or
  - b. At the Town's sole discretion, pay cash in lieu of such water rights at the then-current rate set by the Town. Such cash-in-lieu payments shall be paid to the Town to be used, at the discretion of the Town, to develop and/or acquire water rights or storage for the Town or to construct or improve municipal water facilities.

The increase in water use caused by redevelopment may be as a result of increased density, increased landscaping or any other change in use of the property that increases the water demand from the pre-redevelopment demand. The applicant must provide evidence, acceptable to the Town, regarding the amount of water required by the proposed use. The applicant shall be required to pay the Town for all legal, engineering and other costs incurred or which may be incurred by the Town to evaluate the application and implement this Section or to adjudicate any Water Court application necessary to provide water service to the new development or redevelopment within the Town. Such agreement shall be made a covenant running with the land.

(d) Letter of Service. Acceptance of an application is conditioned upon issuance by the Town of a Letter of Service as described in Section 13-2-10.

~~(e)~~ Should any information disclosed on the application prove at any time to be false, or should the applicant omit any material information, the Town shall have the right to:

- (1) Reassess the tap fee originally charged to the rate current at the time of discovery by the Town of the false or omitted information;

- (2) Disconnect the service in question;
  - (3) Back-charge the customer for the water-using unit in question for tap fees and/or service fees that may be due and owned; and/or
  - (4) Charge any other additional fee or penalty specified in this Chapter. Any reassessment, penalties or other additional fees, charged with interest at the maximum legal rate on the entire balance upon and from the date of the original application, shall be due and payable immediately.
- (fe) Unless otherwise agreed by the Town in writing, the customer shall pay a monthly water service fee commencing upon the earlier of:
- (1) The use of water at the site;
  - (2) Two (2) years from the Town's issuance of the tap for the water-using unit or property;
  - (3) Expiration of the building permit issued for the water-using unit; or
  - (4) Issuance of the certificate of occupancy or temporary certificate of occupancy for the water-using unit.

Monthly service fees commencing under Subparagraphs (e)(1) through (e)(3) above shall be at the base rate, unless the Town Council has established another rate by resolution. Monthly service fees commencing under Paragraph 13-2-20(e)(4) above shall be at the metered water rate.

Editor's note(s)—Ord. 2-2018, §5, adopted May 2, 2018, amended §13-2-20 in its entirety to read as herein set out. Former §13-2-20 pertained to application and tap fee payment; water dedication or payment of cash in lieu of water rights and derived from Ord. 15-2008 §1.

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**Sec. 13-2-60. Connections; maintenance and operations; terms generally.**

- (a) No person shall make a tap or connect onto the water system of the Town, either within or without the Town, without first submitting an application and obtaining written approval of the application by the Public Works Director along with a Letter of Service pursuant to Section 13-2-10. Tap and service connections are approved for specific uses, as stated on the application. The Public Works Director may conduct an inspection in accordance with Section 13-1-70 of this Chapter, to identify any unauthorized use for which the customer is subject to a fine in accordance with Sections 13-1-110 and 13-2-120 of this Chapter.

...

**Sec. 16-21-120. Provisions of general applicability.**

Application forms. All applications for development permits shall be submitted with the applicable Town forms, which shall be available from the Planning Department. No application shall be considered complete for review unless the requested numbers of copies of all required materials, twelve (12) minimum, are submitted in sufficient detail for the Planning Director to determine whether the application complies with the substantive requirements of these Land Use Regulations.

Water Service. The Town shall not consider an application complete for review unless the applicant has obtained a Letter of Service from the Town for connection to the Town's water distribution system pursuant to Section 13-2-10(c).

...

**Sec. 16-21-170. Minimum contents of application.**

The application shall be submitted in a form established by these Land Use Regulations and made available to the public. All applications shall include, at a minimum, the following materials:

- (1) Applicant's identity. The applicant's name, mailing address, telephone and fax number. If the applicant is to be represented by an agent, a letter signed by the applicant granting power of attorney to the agent shall be submitted, authorizing the agent to represent the applicant and stating the representative's name, mailing address, telephone and fax number.
- (2) Legal description. The legal description and street address, if such exists, of the parcel on which development is proposed to occur.
- (3) Disclosure of ownership. A disclosure of ownership of the parcel on which the development is to occur, listing the names of all owners of the property and all mortgages, judgments, liens, easements, contracts and agreements that run with the land. The disclosure of ownership may be in the form of a current certificate from a title insurance company, deed, ownership and encumbrance report, attorney's opinion or other documentation acceptable to the Town Attorney.
- (4) Vicinity map. An eleven-inch-by-seventeen-inch vicinity map, locating the subject parcel within the Town.
- (5) Written description. A written description of the proposal and an explanation in written, graphic or model form of how the proposed development complies with the review standards applicable to the application.
- (6) Environmental impact report, when applicable.
- (7) Adjacent property owners. A list of all adjacent property owners, compiled by the applicant using the most recent county ad valorem tax rolls (as available from the County Assessor), is required for all applications and shall be submitted to the Town Planner as part of the application for development. In addition to submitting a written list, the applicant shall also submit the addresses on adhesive labels or in the form of preaddressed envelopes.
- (8) Water Service. Letter of Service from the Town for connection to the Town's water distribution system pursuant to Section 13-2-10(c).
- (98) Additional requirements. Submittal requirements as outlined in the specific development permit section of these Land Use Regulations.

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**Sec. 16-21-615. Design Review applications.**

- (a) Purpose. The purpose of a Design Review is to ensure that all new development and major redevelopments in the Town are constructed in a manner that complies with the adopted regulations of the Town.
- (b) Applicability. All major construction must receive Design Review approval from the Design Review Board prior to the issuance of a building permit. Major construction is defined as all new construction projects and any building addition that increases the building footprint and/or square footage of an existing structure.
- (c) Application requirements. In addition to the requirements of Section 16-21-170, the following information must be submitted for a Design Review application.
  - (1) Application form and fee. Application fees are set annually by the Town Council.
  - (2) A boundary survey, with a stamp and signature (or electronic equivalent) of a licensed surveyor, that includes the following information:

- a. Date of survey (survey date must be within six (6) months of the project application date).
  - b. Right-of-way and property lines; including bearings, distances, and curve information.
  - c. Labeled ties to existing USGS benchmark.
  - d. Property boundaries to the nearest one-hundredth (0.01) of a foot accuracy. Distances and bearings and a basis of bearing must be shown. Show existing pins or monuments found and their relationship to the established corner.
  - e. All existing easements recorded with the County Clerk and Recorder. Include bearings and distances.
  - f. Spot elevations at the edge of asphalt along the street frontage of the property at five-foot intervals, and a minimum of two (2) spot elevations on either side of the lot.
  - g. Topographic conditions at two-foot contour intervals.
  - h. Existing trees or groups of trees having trunks with diameters of four (4) inches or more.
  - i. Rock outcroppings and other significant natural features.
  - j. All utility meter locations, including any pedestals on site or in the right-of-way adjacent to the site and the exact location of existing utility sources.
  - k. Environmentally sensitive areas or areas of natural hazards, where applicable (i.e., rock fall, wetlands, or floodplain).
  - l. Watercourse setbacks and floodplain information, if applicable. Show centerline and edge of stream or creek in addition to the one hundred-year floodplain, as well as the required stream setback from the ordinary high-water mark.
- (3) A scaled site plan showing the following information:
- a. Property line locations and dimensions based on a current boundary survey of the property.
  - b. Setback lines.
  - c. Existing and proposed easements.
  - d. Existing and proposed buildings, including sheds and enclosures. Include decks, patios, and balconies. Indicate the building footprint and the outside face of exterior walls, inclusive of all cantilevered elements of the building, with a solid line and the roof/eave edge with a dashed line.
  - e. Height elevations of all roof ridgelines and/or the top of all flat roof elements, as well as the mid-point of all sloped roof elements.
  - f. Driveways and parking areas. Indicate finished surface, heated or unheated, grade, percent slope, dimensions, turning radii and spot elevations at the property line.
  - g. Identify all slopes between thirty percent (30%) and forty percent (40%), as well as any slopes in excess of forty (40%) percent.
  - h. Existing and proposed retaining walls including materials and spot elevations.
  - i. Existing and proposed fences (including height and materials).
  - j. Waterbodies, stream setbacks from the ordinary high-water mark, and floodplain information according to a current survey of the property, if applicable to the subject property.
  - k. Snow storage areas denoted with hatching and showing corresponding area (expressed in square feet) as a percentage of overall site area.
  - l. Sidewalks and walkways.

- m. All areas of lot and impervious coverage denoted with hatching and showing corresponding area (expressed in square feet) as a percentage of overall site area.
- (4) A grading and drainage plan that includes the following information:
  - a. Existing contours. Existing two-foot contours must be provided for all areas proposed to be disturbed as a result of the project proposal. Contours for undisturbed areas must be shown when drainage in those areas impacts the disturbed area, or vice versa.
  - b. Proposed contours. Proposed two-foot contours for all disturbed areas must be shown and must demonstrate positive drainage.
  - c. Spot elevations. Show critical spot elevations, as necessary to demonstrate positive drainage and the direction of flow. Finished grade at all building corners must be provided.
  - d. Top-of-foundation elevations. The top-of-foundation elevation must be shown on the plan and must be consistent with the foundation plan. For buildings on slopes of thirty percent (30%) or greater, elevations for stepped foundation walls must be shown.
  - e. Drainage arrows. Include drainage arrows that show how stormwater will be routed around buildings and where stormwater will exit the property. Stormwater cannot cause damage to any adjacent property. Drainage and erosion control features needed to prevent damage must be included.
  - f. Drainage facilities. Proposed drainage facilities, such as French drains or culverts, must be shown.
  - g. Retaining walls. Retaining wall details are required and must include drainage details. Note top- and bottom-of-wall elevations shall be shown at each location where the retaining wall steps up or down, and shall include the tallest point of the retaining wall.
- (5) Building elevations and proposed architectural detailing for all sides of the proposed structure(s), indicating type, size, and texture of all exterior materials, as well as building heights, setback lines, locations of exterior lighting fixtures and roof and building drainage system (i.e., gutters and downspouts).
- (6) Color chips and/or a materials board shall be required for all projects.
- (7) A landscaping plan pursuant to the Town of Minturn Landscape Standards shall be provided, if applicable.
- (8) Floor plans of all levels of any proposed structure(s) indicating the proposed uses and dimensions of all interior space shall be included. For additions to existing structures, floor plans must be provided for the existing building as well as all proposed additional floor area.
- (9) Reflected ceiling plans if applicable, showing exterior lighting (recessed or can lighting) within soffits.
- (10) Multi-family and commercial developments may require one (1) or more of the following: a three-dimensional model of the proposed project and adjacent buildings to scale; a three-dimensional architectural model including adjacent structures; and a two-dimensional photo illustration of the proposed building in relation to adjacent structures.
- (11) Property corners shall be staked and remain in place throughout the public hearing process.
- (12) Such additional information as the Planning Department or Design Review Board may require.
- (13) Water Service. Letter of Service from the Town for connection to the Town's water distribution system pursuant to Section 13-2-10(c).
- (d) Administrative procedure.

- (1) Upon receipt of a completed and proper application, the application for Design Review will be scheduled for a public hearing. The hearing will be conducted in accordance with the procedures set forth in this Chapter.
  - (2) Criteria and findings. Before acting on a Design Review application, the Planning Commission, acting as the Design Review Board (DRB), shall consider the following factors with respect to the proposal:
    - a. The proposal's adherence to the Town's zoning regulations.
    - b. The proposal's adherence to the applicable goals and objectives of the Community Plan.
    - c. The proposal's adherence to the Town of Minturn Design Standards and Guidelines.
  - (3) Necessary findings. The Design Review Board shall make the following findings before approving a Design Review application:
    - a. That the proposal is in conformance with the Town zoning regulations.
    - b. That the proposal helps achieve the goals and objectives of the Community Plan.
    - c. That the proposal complies with the Town of Minturn Design Standards and Guidelines.
  - (4) Conditions of approval. The following conditions shall apply to all projects approved by the Design Review Board:
    - a. No changes to an approved plan or design may be made without the written consent of the Town staff. Town staff reserves the right to forward any change to the Design Review Board for final approval.
    - b. Design Review Board approval does not constitute a permit for building.
    - c. Design Review Board approval shall not become valid for twenty (20) days following the date of approval, pursuant to Section 16-21-110(b)(3) and Section 16-21-700.
    - d. Approval of this project shall lapse and become void one (1) year following the date of final approval unless a building permit is issued and construction is commenced and is diligently pursued toward completion. A maximum of one (1) one-year extension may be granted at the request of an applicant.
- (e) Construction process.
- (1) Building permit required. Once an application has been approved by the Design Review Board, the applicant may apply for a building permit. A building permit shall be submitted in substantial compliance with plans approved by the Planning Commission and shall be reviewed by the Building Official for compliance with all applicable codes and laws enforceable by the Town of Minturn.
  - (2) Pre-construction meeting and inspection required. Once a building permit has been issued, and prior to any construction activity being authorized on the subject property, a pre-construction meeting is required to be held at the subject property. The purpose of the pre-construction meeting is for the contractor (General Contractor and/or Owner's Representative of record with the Town) to familiarize themselves with the Town's construction regulations, inspection process, and requirements. This is also a time for Town staff to inspect the pre-construction conditions of the subject property and to verify limits of disturbance along with any required erosion control measures.
  - (3) Foundation inspection required. After any foundation has been poured and foundation work has been completed, and prior to scheduling a foundation inspection, an Improvement Location Certificate (ILC) verifying the location of the foundation must be submitted to the Building Official. Construction may not proceed until the location of the approved foundation has been verified by the Building Official as part of the foundation inspection.
  - (4) Framing inspection required. After the framing of the structure(s) has been completed, and prior to scheduling a framing inspection, an Improvement Location Certificate (ILC) verifying the location of all

roof ridge height(s) and locations of all exterior walls of the structure relative to required setbacks and property boundaries must be submitted to the Building Official. Construction may not proceed until the location and the extents of the structure(s) have been verified by the Building Official as part of the framing inspection.

- (5) TCO inspection required. At the completion of the project, a Temporary Certificate of Occupancy (TCO) inspection shall be required. An updated Improvement Location Certificate showing all new improvements on the site, shall be submitted to the Building Official prior to scheduling a TCO inspection.
- (6) CO inspection required. The final step in the construction and inspection process is the final Certificate of Occupancy inspection.

(Ord. 2-2012 §1; Ord. 4-2023 §2)

...

**Sec. 17-1-110. Water service connection – general applicability.**

No person may submit an application pursuant to this Chapter without first having obtained a Letter of Service from the Town for connection to the Town’s water distribution system pursuant to Section 13-2-10(c).



**Minturn Forward Memo**

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TO: Minturn Planning Commission  
FROM: Matt Farrar, Western Slope Consulting  
DATE: February 21, 2025  
ATTACHMENTS: Draft\_v2 Section 16-5-180: Minor PUD Amendment; Draft\_v4 Article 8: Subdivision Application Requirements & Procedures

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**1. Revisions to Section 16-5-180: Minor PUD Amendments**

The following changes have been made to Section 16-5-180: Minor PUD Amendments based on the direction provided by the Planning Commission. These changes are highlighted in yellow in the attached draft of Section 16-5-180.

- Language has been added to clarify that any re-location of a building(s) or structure(s) must comply with the applicable dimensional requirements (e.g., minimum setbacks, maximum building height, etc.).
- Additional submittal requirements have been included to ensure that an applicant provides information about access, parking, utilities, infrastructure, water, and other improvements required to serve any additional residential units or square footage of non-residential buildings.
- An additional review criterion has been included to ensure that no Minor PUD Amendment results in a reduction of park and/or open space within a PUD.
- Public notice (i.e., mailed, posted, and published notice) requirements have been added.
- Language has been added that allows the Town Council to call up an administrative decision on a Minor PUD Amendment.

**2. Revisions to Article 8: Subdivision Application Requirements & Procedures**

Below is a list of the key changes that have been made to Article 8 since it was last presented to the Planning Commission. Staff has done its best to highlight specific changes in yellow in the attached draft of Article 8. Please note that there are a few items that staff is still working with the Town Attorney and Town Engineer on. These items are identified in the attached draft of Article 8.

- The overall purpose language for Article 8 has been revised to enhance its legibility and applicability to subdivisions in Minturn.

- Public notice requirements for Duplex, Condominium, or Townhome Subdivisions, Exemption Plats, and Minor Subdivisions have been added.
- A purpose statement, submittal requirements, review criteria, and review process for Exemption Plats have been included. Staff is continuing to work with the Town Attorney to clarify the applicability language for the Exemption Plat process.
- The following requirements have been added for Duplex, Condominium, or Townhome Subdivisions:
  - An application cannot be submitted until the framing of all party walls is complete.
  - Any building(s) to be subdivided must comply with all other applicable requirements of Minturn’s Municipal Code, including but not limited to, building and electrical codes.
- Applicability criteria, submittal requirements, review criteria, and a detailed review process for Minor Subdivisions have been incorporated.

In the existing Code, Minor Subdivisions are reviewed and decided on via an administrative process. Staff is proposing that Minor Subdivisions continued to be reviewed and decided on via an administrative process.

- A purpose statement, submittal requirements, review criteria, and a review process for Major Subdivision Sketch Plans have been incorporated.
- Lists of Construction Plans and Studies & Reports required as part of a Preliminary Plat and Final Plat application have been developed based on input from the Town Engineer and incorporated.

As noted in the attached draft of Article 8, staff is recommending that a new Section be developed that details the specific requirements/standards for plans, studies, and/or reports required for Subdivision applications, as well as for Land Use applications. A cross-reference to this new Section will be included anywhere in the Land Use Code where these plans, studies, and/or reports are listed as a submittal requirement.

The intent of this new Section is to have one place in the Land Use Code for all the detailed requirements/standards for plans, studies, and/or reports.

- The review criteria for Major Subdivision Preliminary Plats have been modified to ensure that all key components of a proposed subdivision are considered in the review process.

**Note:** Staff is proposing to include new criteria that work to address the siting of residential lots and diversifying housing opportunities in Minturn. Staff welcomes any input that the Planning Commission may have on these proposed criteria.

- Staff has worked with the Town Attorney to clarify the duration of an approval on a Preliminary Plat and Final Plat, as well as the requirements for the extension of an approval for either type of Plat. The approval of a Preliminary Plat and an approval of a Final Plat constitute vested rights, which is governed by State Statute.

## Section 16-5-180: Minor PUD Amendment

### A. Applicability

1. All Minor Amendments to an approved PUD must comply with the requirements and procedures set forth in this Section, unless a different amendment process has been specifically authorized as part of the approval of the PUD by Town Council.
  
2. Minor Amendments to an approved PUD are limited to the following:
  - a. Changes that are necessary to address technical or engineering considerations discovered during the development of the PUD that could not have been reasonably anticipated during the initial approval process.
  - b. Any change to the location of a building(s) or structure(s) of no more than two feet (2') in any direction and that complies with the applicable dimensional requirements (e.g., minimum setbacks, maximum building height, etc.).
  - c. Any increase to the impervious surface area in a planning area within a PUD of no more than three percent (3%).
  - d. Any increase in the total number of residential units of no more than five percent (5%). The total number of residential units may be increased by no more than ten percent (10%) if the additional units are all deed-restricted for resident occupied community housing, in accordance with Article ##.
  - e. Any increase in the total square footage of non-residential buildings of no more than five percent (5%).
  - f. Any change to the number or location of vehicular and/or non-motorized access points within the PUD as long as the change(s) does not negatively impact public safety and/or the flow of traffic onto public streets.
  - g. Any changes to landscaping that enhance water conservation and/or wildfire mitigation that do not change the overall character of the approved landscape plan.
  
3. Any amendments, which are not a Minor Amendment, shall be considered a Major Amendment and will be reviewed in accordance with Section 16-5-##.
  
4. The Planning Director is responsible for determining if an amendment to an approved PUD constitutes a Minor or Major Amendment.

### B. Purpose

The purpose of this Section is to establish an efficient administrative process for reviewing minor changes to an approved PUD.

### C. Application Submittal Requirements

An application for a Minor Amendment shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in **Subsection 16-5-## #.**
2. **Application Fee.** Payment for the applicable fee, as designated by the Town’s schedule of fees, shall be made at the time of submittal of an application.
3. **Narrative.** A written statement that provides an explanation of the following:
  - a. The amendment(s) being requested.
  - b. How the proposed amendment(s) constitutes a Minor Amendment and complies with the applicable requirements of this Code and the review criteria set forth in this Section.
  - c. Access, parking, utilities, infrastructure, and other improvements required to serve any increase in residential units and/or square footage of non-residential buildings.
  - d. The legal, physical, adequate, and dependable potable water supply required to serve any increase in residential units and/or square footage of non-residential buildings.
4. **Redlined PUD Document(s).** A redlined version of the PUD document(s) to be amended. The redlined document(s) must show all proposed amendments.
5. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

**D. Waiver of Application Submittal Requirements**

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
2. To authorize a waiver, the Planning Director must make a finding for the following:
  - a. The waiver will not compromise a proper and complete review of the application.
  - b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
3. If the Planning Director authorizes a waiver, they will provide the applicant with written notice of their decision.

**E. Application Review Criteria**

The Planning Director may approve a request for a Minor Amendment upon a positive finding of each of the following criteria:

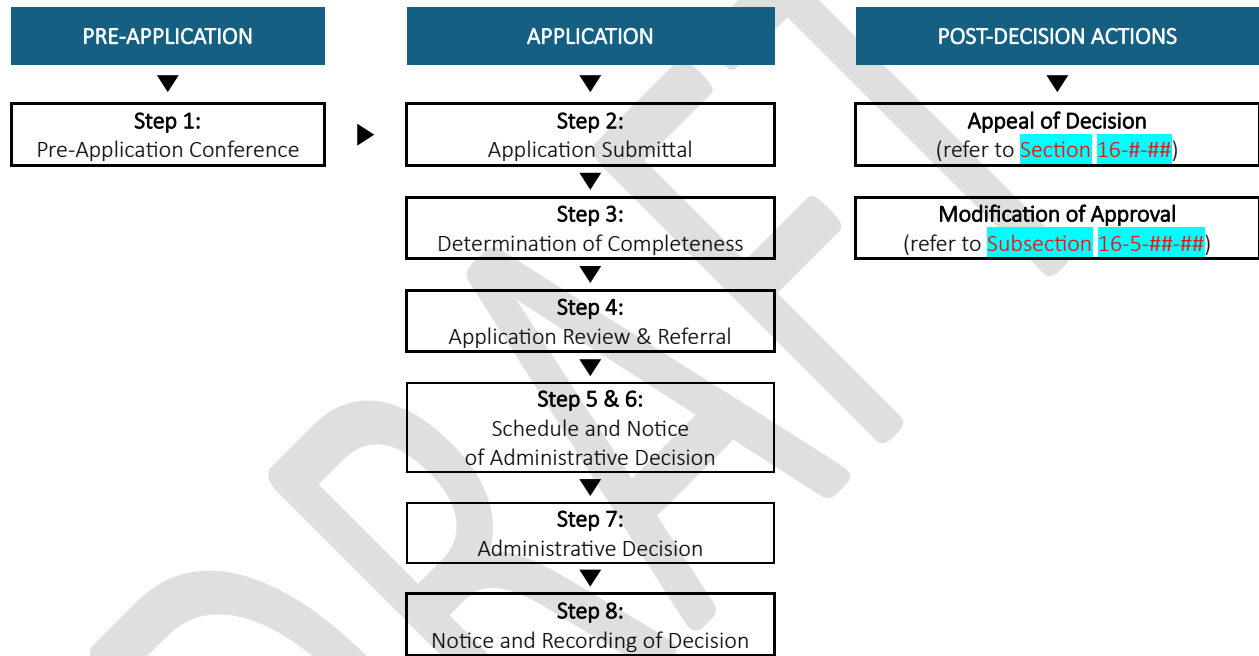
1. The amendment(s) does not substantially alter the intent or character of the approved PUD.
2. The amendment(s) supports the efficient development of the PUD.

3. The amendment(s) is consistent with the Community Plan and complies with the applicable requirements of this Code.
4. The amendment(s) does not result in a reduction of park and/or open space in the PUD.
5. The amendment(s) will not solely confer a special benefit upon any person.

**F. Application Review Procedures**

A request for a Minor Amendment will be reviewed and decided upon in accordance with the following procedures.

**Table ##: Overview of Minor Amendment Review Procedures**



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Minor Amendment. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.

- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant’s proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant’s proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
  - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a Minor Amendment shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.
- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
    - i. Certify the application as complete and record the date of the determination of completeness.
    - ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.

- b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application’s deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with **Subsection 16-5-##-#**.

- c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:
  - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
  - ii. The Planning Director’s workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

**4. Step 4: Application Review and Referral.**

- a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.
- b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.
- c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.
- d. Town departments and town consultants may provide comments on an application at any time during the review process.

**5. Step 5: Schedule Administrative Decision.**

- a. Upon conclusion of the referral process, the Planning Director shall schedule the application for an Administrative Decision and notify the applicant, in writing, of the date of the Administrative Decision.
- b. The Administrative Decision shall be scheduled no later than thirty (30) business days from the conclusion of the referral process.

**6. Step 6: Notice of Administrative Decision.** Prior to the date of the Administrative Decision, the applicant shall:

- a. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within two hundred (200) feet of the subject property or properties, in accordance with Section 16-#-##.
- b. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with Section 16-#-##.
- c. *Post Notice.* Post notice on a sign on the subject property in accordance with Section 16-#-##.
- d. *Mail Notice to Mineral Estate Owners (As Required).* If required by the Colorado Revised Statutes, mail notice to mineral estate owners in accordance with Section 16-#-##.
- e. *Submit Proof of Notice.* Submit proof of notice in accordance with Section 16-#-##.

**7. Step 7: Administrative Decision.**

- a. On the date scheduled for the Administrative Decision, the Planning Director will review and render a decision on a request for a Minor PUD Amendment.
- b. The Planning Director shall consider the application and any supporting materials, public testimony, and the review criteria for a Minor PUD Amendment, and shall take one of the following actions:
  - i. Approve the Minor Amendment, subject to any conditions that the Planning Director deems necessary to ensure compliance with this Code and the Community Plan.
  - ii. Deny the Minor Amendment and state the specific reason(s) for denial.
- c. The decision by the Planning Director will be added to the consent agenda for the next available Town Council meeting. At this meeting, the Town Council may, by a majority vote, call up the Planning Director's decision for review. Should the Town Council decide to call up the Planning Director's decision, the Town Council shall review said decision in accordance with the requirements of this Section and take one of the following actions:
  - i. Affirm the Planning Director's decision.
  - ii. Affirm the Planning Director's decision with any conditions of approval that the Town Council deems necessary to ensure compliance with this Code and/or the Community Plan.
  - iii. Reverse the Planning Director's decision.

If no call up is initiated by the Town Council and the consent agenda is approved, the decision by the Planning Director shall be final.

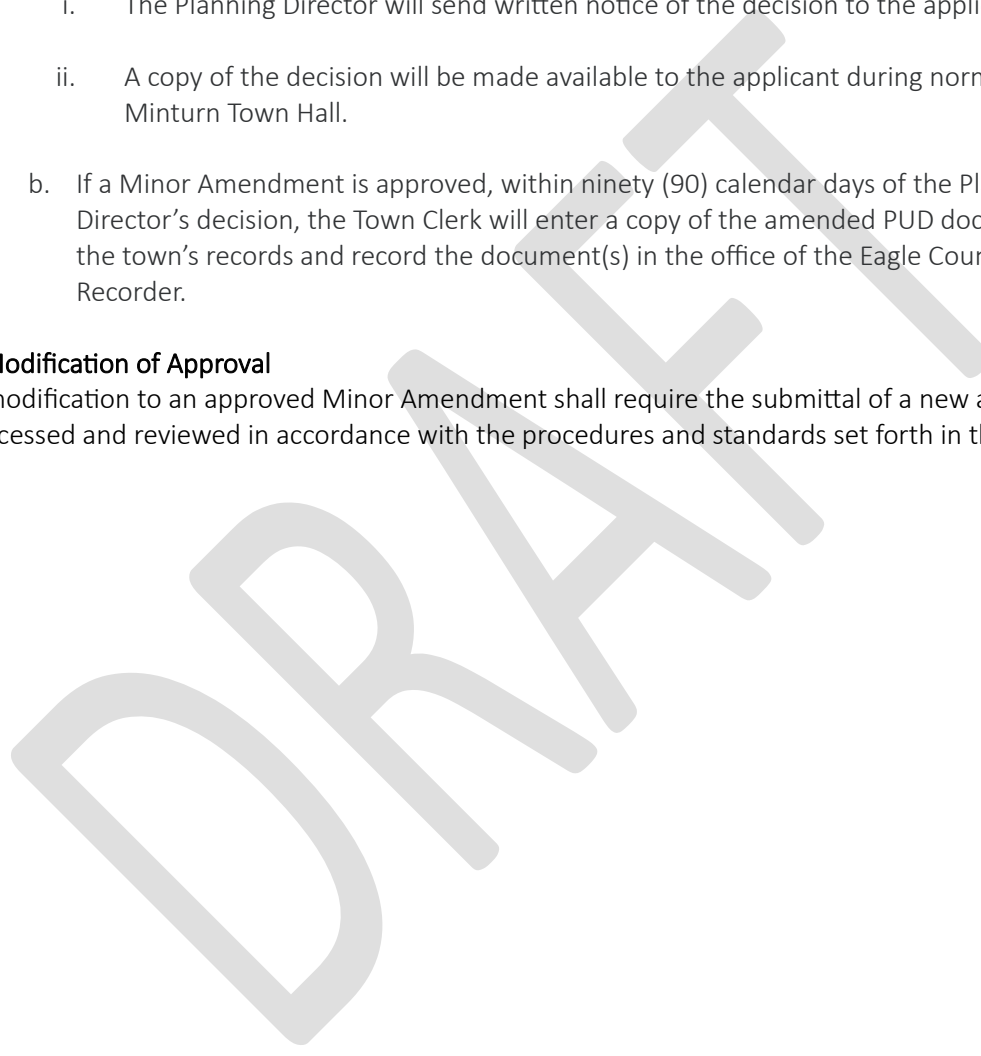
d. At the discretion of the Planning Director, a novel, complex, or contested application may be referred to the Town Council for review and a decision. If an application is referred to the Town Council, the Planning Director will provide the applicant with written notice of such.

8. **Step 8: Notice and Recording of Decision.**

- a. Within ten (10) business days of a final action by the Planning Director, the following will occur:
  - i. The Planning Director will send written notice of the decision to the applicant.
  - ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
- b. If a Minor Amendment is approved, within ninety (90) calendar days of the Planning Director's decision, the Town Clerk will enter a copy of the amended PUD document(s) into the town's records and record the document(s) in the office of the Eagle County Clerk and Recorder.

**G. Modification of Approval**

Any modification to an approved Minor Amendment shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.



**ARTICLE 8: SUBDIVISION APPLICATION REQUIREMENTS & PROCEDURES**

**Section 16-8-10: General Provisions**

**A. Purpose**

This Article establishes regulations and standards that govern the subdivision of land and buildings, re-subdivision of platted lots, and any change to, or modification or alteration of, any platted lot, existing subdivision, and/or public right-of-way or easement. The regulations and standards set forth in this Article are designed and enacted to protect the health, safety, and general welfare of the citizens of the Town by:

1. Establishing reasonable and equitable procedures for administering and ensuring compliance with these regulations and standards.
2. Providing for logical, orderly, and controlled development.
3. Requiring disclosure to purchasers of subdivided land and buildings of potential and/or known risks or hazards.
4. Establishing minimum standards for subdivisions that work to ensure:
  - a. Future growth and development are consistent with the Community Plan, conform with all applicable Town, State, and/or Federal requirements, and are generally compatible with the character and layout of existing development patterns.
  - b. All public and private facilities necessary to serve the future residents and/or occupants of a subdivision are provided in a safe, efficient, and adequate manner.
  - c. There is a legal, physical, adequate, and dependable potable water supply.
  - d. Streets, sidewalks, trails, and other access improvements provide for logical, safe, and convenient vehicular and non-motorized circulation.
  - e. Natural resources are managed, protected, and conserved.
  - f. Impacts on the natural environment are minimized.
  - g. Adequate open space and recreational land and/or facilities are provided.
  - h. Potential risks from fire, flood, poor soils, rockfall, landslides, and other human-made and/or natural hazards are mitigated and minimized.
  - i. Adequate light, air, and privacy are provided.
  - j. All subdivisions are recorded with proper legal descriptions and monuments.
  - k. The Planning Commission and the Town Council can regulate other matters that they may deem necessary to best protect the interests of the Town.

**B. Authority**

The provisions of this Article are enacted and adopted pursuant to Article XX of the State Constitution and the Town Charter.

**C. Applicability**

1. As of the effective date of this Article, or amendment thereto, all subdivisions of land and buildings, re-subdivision of platted lots, and any change to, or modification or alteration of, any platted lot, existing subdivision, public right-of-way or easement within the legal boundaries of the Town of Minturn shall comply with the provisions of this Article.

2. **Exemptions.**

a. The following types of subdivisions are exempt from the provisions of this Article:

- i. Division of land created by a lien, mortgage, deed of trust, or any other security instrument.
- ii. Division of land created by an interest in an investment entity.
- iii. Division of land that creates cemetery lots within a lawfully existing cemetery.
- iv. Division of land that creates an interest in oil, gas, minerals, or water which is now or hereafter severed from the surface ownership of real property.
- v. Division of land created by the acquisition of an interest in land in the name of a spouse or other persons in joint tenancy or as tenants in common of such interest. For this specific exemption, any interest in common owned in joint tenancy shall be considered a single interest.
- vi. Division of land that creates a leasehold interest of less than three (3) years in term and involves no change in use or degree of use of the leasehold estate or will devote the leasehold estate solely to the growing of crops or livestock.
- vii. Division of land created by any court in the State of Colorado pursuant to the law of eminent domain or by operation of law, or by order of such court if the Town is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion prior to entry of the court order.
- viii. Division of land that would be redundant, where the case involved a clerical error in a previously approved plat.
- ix. Division of land that would result in a property division for the purpose of perpetual open space.

b. Town Council may exempt any division of land from the provisions of this Article if they determine:

- i. Such division is not within the purposes of this Chapter; AND

**Commented [MF1]:** Staff is working with the Town Attorney to verify this list of exemptions.

- ii. The method of disposition adopted is not for the purpose of evading the provisions of this Article.

DRAFT

**Section 16-8-20: Subdivision Types & Review Procedures**

**A. Overview**

Table ## provides an overview of the types of subdivision applications permitted in the Town and their review procedures. The following categories of subdivisions are established and defined as follows for the purpose of determining the appropriate subdivision review procedure:

- 1. **Administrative Subdivisions.** The following types of subdivisions are considered Administrative Subdivisions as they are subject to an administrative review process.
  - a. *Administrative Replat.* An Administrative Replat allows for substantive changes (e.g., removal of a Plat note(s)) to a previously approved Final Plat or the modification or elimination of one (1) or more lot lines.
  - b. *Correction Plat.* A Correction Plat allows for the correction of one (1) or more technical errors on a previously approved Final Plat.
  - c. *Duplex, Condominium, or Townhome Subdivision.* A Duplex, Condominium, or Townhome Subdivision allows for any subdivision of an existing building(s) into separate ownerships (e.g., duplexes, condominiums, townhomes, rowhomes, etc.) must comply with the requirements and procedures set forth in this Section.
  - d. *Minor Subdivision.* A Minor Subdivision allows for a subdivision of land that creates no more than six (6) lots and does not require the dedication of public right-of-way for new streets or alleys or the construction, extension, and/or dedication of public improvements except for curb, gutter, and/or sidewalks.
  - e. *Mountaintop Estate Lots.* A Mountaintop Estate Lot Subdivision allows for a subdivision of land within the Mountaintop area that creates no more than ten (10) lots, each with a minimum area of three hundred fifty (350) acres.
- 2. **Major Subdivisions.** Major Subdivisions are subdivisions of land that are not eligible to be reviewed and processed via the other procedures set forth in this Article. These types of subdivisions typically include those that create more than six (6) lots, require the dedication of public rights-of-way, and/or require the construction, extension, and/or dedication of public improvements.

Major Subdivisions are subject to a three (3) step review process. The first step of the process, a Sketch Plan is optional. Step 2 (Preliminary Plat) and Step 3 (Final Plat) are required.

- 3. **Other Subdivisions.** There are several types of subdivisions that are not categorized as Administrative Subdivisions or Major Subdivisions. These are as follows:
  - a. *Exemption Plat.* <Add brief description>
  - b. *Mountaintop Ranch Lots.* A Mountaintop Ranch Lot Subdivision allows for a subdivision of land within the Mountaintop area that creates one or more ranch lots, each with a minimum area of thirty-five (35) acres.

**Commented [MF2]:** Staff is working with the Town Attorney to clarify the applicability and purpose of the Exemption Plat process.

- c. *Vacation of Public Right-of-Way or Easement.* A Vacation of Public Right-of-Way or Easement allows for the Town Council to vacate rights, interests, or title of the Town in, and to, any public right-of-way or easement.

**Table ##:** Summary of Subdivision Application Types & Review Procedures

Application Type	Pre-Application Conference	Town Staff	Planning Commission	Town Council
<b>Administrative Subdivision Applications</b>				
Administrative Replat (refer to Section 16-8-##)	Required	D	-	-
Correction Plat (refer to Section 16-8-##)	Required	D	-	-
Duplex, Condominium, or Townhome Subdivision (refer to Section 16-8-##)	Required	D	-	-
Minor Subdivision (refer to Section 16-8-##)	Required	D	-	-
Mountaintop Estate Lots (refer to Section 16-8-##)	Required	D	-	-
<b>Major Subdivision Applications</b>				
Sketch Plan (Optional) (refer to Section 16-8-##)	Required	R	R <sup>1</sup>	R <sup>1</sup>
Preliminary Plat (refer to Section 16-8-##)	Required	R	R	D
Final Plat (refer to Section 16-8-##)	Required	R	-	D
<b>Other Subdivision Applications</b>				
Exemption Plat (refer to Section 16-8-##)	Required	R	-	D
Mountaintop Ranch Lots (refer to Section 16-8-##)	Required	R	D	D <sup>2</sup>
Vacation of Public Right-of-Way or Easement (refer to Section 16-8-##)	Required	R	R	D

**LEGEND:**

R = Reviews and Provides Recommendation(s); D = Reviews and Makes Final Decision

**NOTES:**

- <sup>1</sup> No formal action is taken by the Planning Commission or the Town Council. Refer to Section 16-8-## for further detail regarding the review process for a Sketch Plan.
- <sup>2</sup> If called-up by Town Council.

**Section 16-8-30: Public Notice Requirements**

**A. Overview**

Table ## provides an overview of the public notice requirements for the Town’s subdivision applications.

**Table ##: Summary of Public Notice Requirements**

Application Type	Type of Notice Required				
	Published	Mailed	Posted	Major Activity	Mineral Estate
<b>Administrative Subdivision Applications</b>					
Administrative Replat	-	-	-	X <sup>1</sup>	X <sup>1</sup>
Correction Plat	-	-	-	-	-
Duplex, Condominium, or Townhome Subdivision	-	-	-	X <sup>1</sup>	X <sup>1</sup>
Minor Subdivision	X	X	X	X <sup>1</sup>	X <sup>1</sup>
Mountaintop Estate Lots	-	-	-	X <sup>1</sup>	X <sup>1</sup>
<b>Major Subdivision Applications</b>					
Sketch Plan	-	-	-	-	-
Preliminary Plat	X	X	X	X <sup>1</sup>	X <sup>1</sup>
Final Plat	X	X	X	X <sup>1</sup>	X <sup>1</sup>
<b>Other Subdivision Applications</b>					
Exemption Plat	X	X	X	X <sup>1</sup>	X <sup>1</sup>
Mountaintop Ranch Lots	X	X	X	X <sup>1</sup>	X <sup>1</sup>
Vacation of Public Easement or Right-of-Way	X	X	-	-	-

**Commented [MF3]:** Staff is working with the Town Attorney to confirm the applicability of the “Major Activity Notice” requirement set forth in the Colorado Revised Statutes.

**LEGEND:**

X = Required; - = Not required/not applicable

**NOTES:**

<sup>1</sup> Refer to Colorado Revised Statutes for mineral estate owner and major activity notice requirements and procedures.

**Section 16-8-40: Waiver from Subdivision Standards**

**A. Applicability**

As part of an application for a Minor Subdivision or Preliminary Plat for a Major Subdivision, an applicant may request a waiver from the Subdivision Standards set forth in **Article ##**.

**B. Waiver Request**

1. An applicant must submit a waiver request as part of their application. If a waiver request is not included as part of an application, it will not be considered by the Town.
2. A request for a waiver must address each of the following:
  - a. Identify the standard(s) that an applicant is seeking a waiver from.
  - b. Explain the justification for such a waiver.
  - c. Demonstrate how the request complies with the applicable review criteria.
3. An applicant shall supplement their request with maps and/or other additional data, as deemed necessary by the Planning Director.

**C. Waiver Review Criteria**

The Planning Director or the Town Council may grant a waiver from the Subdivision Standards (refer to **Article ##**), in accordance with this Section, if they find that the applicant has proposed an alternative that satisfies each of the following criteria:

1. The alternative achieves the intent of the subject standard or standards to the same degree or better.
2. The alternative imposes no greater impacts on the health, safety, or general welfare of the public, or on adjacent properties, than would occur through compliance with the specific standard(s).

**D. Waiver Procedure**

1. *Minor Subdivision.* The Planning Director will make the final determination of a waiver request as part of the review process for a Minor Subdivision. As part of their decision on a Minor Subdivision, the Planning Director will take one of the following actions:
  - a. Approve the requested waiver.
  - b. Deny the requested waiver.
2. *Preliminary Plat.*
  - a. A waiver request will be considered by the Planning Commission as part of the review process for a Preliminary Plat for a Major Subdivision. At the public hearing for the application, the Planning Commission will take one of the following actions:
    - i. Recommend that the Town Council approve the requested waiver.
    - ii. Recommend that the Town Council deny the requested waiver.

b. The Town Council shall make the final determination of a waiver request as part of the review process for a Preliminary Plat for a Major Subdivision. At the public hearing for the application, the Town Council will take one of the following actions as part of their decision on the Preliminary Plat:

- i. Approve the requested waiver.
- ii. Deny the requested waiver.

In making a decision, the Town Council shall take into consideration the Planning Commission's recommendation.

**E. Effect of Approval**

Any approval of a waiver shall apply only to the specific subdivision for which it is requested. The approval of a waiver shall not establish a precedent for subsequent requests.

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**Section 16-8-50: Administrative Replat**

**A. Applicability**

1. The requirements and procedures set forth in this Section apply to the following:
  - a. Any substantive changes (e.g., removal of a Plat note(s)) to a previously approved Final Plat.
  - b. The modification or elimination of one (1) or more lot lines
2. No more than four (4) lots, tracts, or parcels can be included in a request for an Administrative Replat.
3. If the subject property, or properties, is in a Planned Unit Development (PUD), no property outside the boundaries of the PUD may be included as part of a request for an Administrative Replat.
4. A public right-of-way or easement cannot be modified by an Administrative Replat. Lots, tracts, or parcels separated by a public right-of-way cannot be replatted administratively. If a vacation of a public right-of-way or easement is required as part of an Administrative Replat, such a request requires a separate application that will be reviewed and processed in accordance with **Section 16-8-###**. An application for an Administrative Replat and an application for a vacation of a public right-of-way or easement may be reviewed concurrently.
5. The Administrative Replat process is not applicable if any of the following are required:
  - a. Dedication of right-of-way.
  - b. Public improvements.
  - c. A traffic and/or drainage study.
  - d. A subdivision improvement agreement.

**B. Purpose**

The purpose of this Section is to provide an efficient administrative review process for making substantive changes to a previously approved Final Plat and/or modifying or eliminating one (1) or more lot lines.

**C. Application Submittal Requirements**

An application for an Administrative Replat shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in **Subsection 16-8-###-#**.
2. **Application Fee.** Payment for the applicable fee, as designated by the Town’s schedule of fees, shall be made at the time of submittal of an application.
3. **Narrative.** A written document that includes an explanation of the following:

- a. The proposed change(s) and the reason for such change(s).
  - b. How the proposed change(s) complies with each of the review criteria set forth in this Section.
4. **Approved Final Plat.** A copy of the approved Final Plat that is to be modified.
  5. **Amended Final Plat.** A Final Plat, prepared in accordance with Section 16-#-##, that depicts the proposed change(s).
  6. **Traverse Closure Computations.** One (1) set of traverse closure computations corresponding to the proposed Final Plat.
  7. **Monument Records.** One (1) set of monument records, if applicable.
  8. **Plans, Reports, and Agreements.**
    - a. Evidence that an overall final drainage report, street construction plans, and/or other site infrastructure plans have been approved for the Final Plat governing the Administrative Replat proposal and a subdivision improvement agreement is in place to guarantee all required public improvements.
    - b. For subdivisions or lots created prior to Town regulations requiring drainage reports, street construction plans, and subdivision improvement agreements, evidence must be provided that demonstrates:
      - i. All public streets and sidewalks required to serve the lots have been constructed.
      - ii. The Administrative Replat will not impact existing drainage conditions.
      - iii. The subject property, or properties, are served by utilities that would otherwise be covered by a subdivision improvement agreement (e.g., water, sewer, electric, gas, internet, telephone, etc.).
  9. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

**Commented [MF4]:** Staff is working with the Town Engineer to confirm this requirement.

**Commented [MF5]:** Staff is working with the Town Engineer to confirm this requirement.

**D. Waiver of Application Submittal Requirements**

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
2. To authorize a waiver, the Planning Director must make a finding for the following:
  - a. The waiver will not compromise a proper and complete review of the application.
  - b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.

3. If the Planning Director authorizes a waiver, they will:
  - a. Provide the applicant with written notice of their decision.
  - b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

**E. Application Review Criteria**

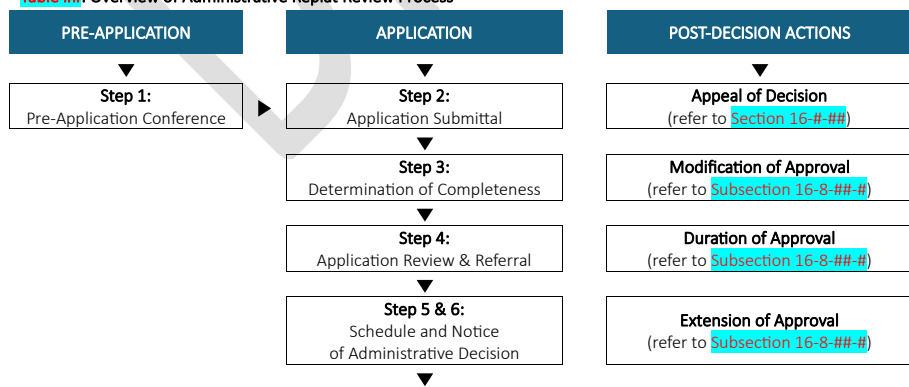
The Planning Director may approve a request for an Administrative Replat upon a positive finding of each of the following criteria:

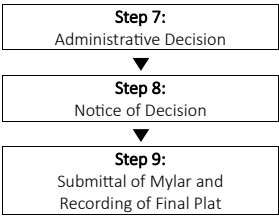
1. Does not create any additional lots, tracts, or parcels.
2. Will not result in a lot, tract, or parcel that does not conform to the applicable standards of this Code and/or the applicable PUD.
3. Does not require the construction, extension, and/or dedication of public infrastructure.
4. Will not reduce the overall amount of open space within a neighborhood or a PUD.
5. Will not affect a recorded easement, without the written consent of the holder(s) of said easement.
6. Does not require changes to rights-of-way, street alignments, street locations, or intersection improvements.
7. The Final Plat complies with the applicable requirements of the Colorado Revised Statutes.

**F. Application Review Process**

A request for an Administrative Replat will be reviewed and decided upon in accordance with the following process.

**Table ##: Overview of Administrative Replat Review Process**





1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for an Administrative Replat. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant’s proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant’s proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
  - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for an Administrative Replat shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.
- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
    - i. Certify the application as complete and record the date of the determination of completeness.
    - ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
  - b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with [Subsection 16-#-##-#](#).
  - c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:
    - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
    - ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

**4. Step 4: Application Review and Referral.**

- a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.
- b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.
- c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.
- d. Town departments and town consultants may provide comments on an application at any time during the review process.

**5. Step 5: Schedule Administrative Decision.**

- a. Upon conclusion of the referral process, the Planning Director shall schedule the application for an Administrative Decision and notify the applicant, in writing, of the date of the Administrative Decision.
- b. The Administrative Decision shall be scheduled no later than thirty (30) business days from the conclusion of the referral process.

**6. Step 6: Notice of Administrative Decision.**

- a. Prior to the date of the Administrative Decision, the applicant shall:
  - i. *Mail Notice to Mineral Estate Owners (As Required)*. If required by the Colorado Revised Statutes, mail notice to mineral estate owners in accordance with **Section 16-#-##**.
  - ii. *Submit Proof of Notice*. Submit proof of notice in accordance with **Section 16-#-##**.
- b. If required by the Colorado Revised Statutes, the Planning Director shall send notice to the Colorado Geologic Survey and the Eagle County Board of Commissioners.

**7. Step 7: Administrative Decision.**

- a. On the date scheduled for the Administrative Decision, the Planning Director will review and render a decision on a request for an Administrative Replat.
- b. At least five (5) calendar days prior to the public hearing, Town staff shall make available the following materials to the Planning Director, the applicant, and the public:

- i. The application and any supporting materials.
  - ii. The staff report.
  - iii. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.
- c. The Planning Director shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for an Administrative Replat, and shall take one of the following actions:
  - i. Approve the Administrative Replat, subject to any changes that the Planning Director deems necessary to ensure compliance with this Code and the Community Plan.
  - ii. Deny the Administrative Replat and state the specific reason(s) for denial.
- 8. **Step 8: Notice of Decision.** Within ten (10) business days of a final action by the Planning Director, the following will occur:
  - a. The Planning Director will send written notice of the decision to the applicant.
  - b. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
- 9. **Step 9: Submittal of Mylar and Recording of Final Plat.**
  - a. Within ninety (90) business days of an approval by the Planning Director, the applicant shall submit a copy of the approved Final Plat on Mylar (as specified in the Colorado Revised Statutes) to the Planning Director.
  - b. Upon the approval of an Administrative Replat, the Mayor or Mayor Pro-Tem is authorized to sign the Mylar version of the Final Plat once the Planning Director has determined that all conditions of approval and technical corrections have been addressed.
  - c. Within thirty (30) business days of the Planning Director making a positive finding for each of the following, the Town Clerk shall record the approved Mylar version of the Final Plat with the office of the Eagle County Clerk and Recorder.
    - i. All signatures required on the Final Plat have been obtained.
    - ii. All conditions of approval and technical corrections have been addressed.
  - d. The applicant is responsible for all costs associated with recording a Final Plat.

**G. Modification of Approval**

Any modification to an approved Administrative Replat shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

**H. Duration of Approval**

1. The approval of an Administrative Replat shall expire and become null and void ninety (90) business days from the date of approval unless one of the following has occurred:
  - a. A Mylar version of the approved Final Plat has been submitted to the Town.
  - b. A request for an extension has been submitted and approved in accordance with Subsection 16-8-##-#.
2. If the approval of an Administrative Replat expires, the applicant will be required to submit a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

**I. Extension of Approval**

1. The applicant for an approved Administrative Replat may submit a written request for an extension of their approval to the Town. Such a request must be received by the Town a minimum of five (5) business days prior to the expiration date of the approval. Any request received later than this will not be considered by the Town.
2. A request to extend the approval of an Administrative Replat must demonstrate the following:
  - a. A showing of good cause, which may include, but is not limited to, signatories being located out of state or out of the country or significant changes to the Final Plat are required.
  - b. The Administrative Replat remains in compliance with this Code and the Community Plan.
3. The Planning Director may authorize an extension of an approved Administrative Replat for a period of up to ninety (90) business days.
4. If a request for an extension is denied by the Planning Director, the applicant may submit a written request to appeal such a decision to the Town Council. Such a request must be received by the Town within ten (10) business days of the date of the decision by the Planning Director. Any request received later than this will not be considered. An appeal to the Town Council will be reviewed in accordance with Section ##-#-##.

**Commented [MF6]:** This timeframe has been reduced from twelve (12) months to ninety (90) business days based on input from Town Staff and the Town Attorney.

**Section 16-8-60: Correction Plat**

**A. Applicability**

The correction of one (1) or more technical errors on a previously approved Final Plat must comply with the requirements and procedures set forth in this Section.

**B. Purpose**

The purpose of this Section is to provide an efficient administrative review process for correcting one (1) or more technical errors on a previously approved Final Plat.

**C. Application Submittal Requirements**

An application for a Correction Plat shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in **Subsection 16-8-###-#**.
2. **Application Fee.** Payment for the applicable fee, as designated by the Town’s schedule of fees, shall be made at the time of submittal of an application
3. **Narrative.** A written document that describes the technical error(s) to be corrected and the reason why the correction(s) is needed.
4. **Approved Final Plat.** A copy of the approved Final Plat that is to be corrected.
5. **Correction Plat.** A Final Plat, prepared in accordance with **Section 16-8-##**, that is titled “Correction Plat” and includes the following:
  - a. The changes to be made to correct the technical errors on the approved Final Plat.
  - b. A purpose statement, the name of the Final Plat that the correction supersedes, and any other notes that are pertinent to the Correction Plat. These items are to be listed under the “General Notes” on the Correction Plat.
6. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

**D. Waiver of Application Submittal Requirements**

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
2. To authorize a waiver, the Planning Director must make a finding for the following:
  - a. The waiver will not compromise a proper and complete review of the application.
  - b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
3. If the Planning Director authorizes a waiver, they will provide the applicant with written notice of their decision.

**E. Application Review Criteria**

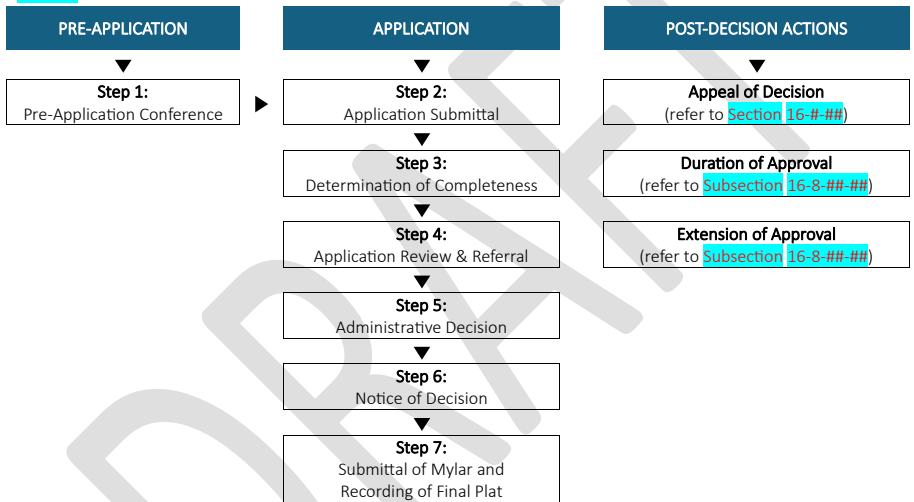
The Planning Director may approve a request for a Correction Plat upon a positive finding of each of the following criteria:

1. Complies with the applicable requirements of this Code.
2. The Final Plat complies with requirements of the Colorado Revised Statutes

**F. Application Review Procedures**

A request for a Correction Plat will be reviewed and decided upon in accordance with the following procedures.

**Table ##: Overview of Correction Plat Review Procedures**



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Correction Plat. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This

information must be submitted at least five (5) business days prior to the Pre-Application Conference.

- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant's proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
  - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a Correction Plat shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
  3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.
    - a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
      - i. Certify the application as complete and record the date of the determination of completeness.

ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.

b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with [Subsection 16-#-##-#](#).

c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:

- i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
- ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Application Review and Referral.**

- a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.
- b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.
- c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.
- d. Town departments and town consultants may provide comments on an application at any time during the review process.

5. **Step 5: Administrative Decision.** Upon the conclusion of the review and referral process, the Planning Director shall review the application to determine if the proposal satisfies the

applicable review criteria and standards identified in this Code. Upon the conclusion of their review, the Planning Director shall take one of the following actions:

- a. Approve the Correction Plat, subject to any conditions that the Planning Director deems necessary to ensure compliance with this Code.
- b. Deny the Correction Plat and state the specific reason(s) for denial.

6. **Step 6: Notice of Decision.** Within ten (10) business days of a final action by the Planning Director, the following will occur:

- a. The Planning Director will send written notice of the decision to the applicant.
- b. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.

7. **Step 7: Submittal of Mylar and Recording of Final Plat.**

- a. Within ninety (90) business days of an approval by the Planning Director, the applicant shall submit a copy of the approved Final Plat on Mylar (as specified in the Colorado Revised Statutes) to the Planning Director.
- b. Upon the approval of a Correction Plat, the Mayor or Mayor Pro-Tem is authorized to sign the Mylar version of the Final Plat once the Planning Director has determined that all conditions of approval and technical corrections have been addressed.
- c. Within thirty (30) business days of the Planning Director making a positive finding for each of the following, the Town Clerk shall record the approved Mylar version of the Final Plat with the office of the Eagle County Clerk and Recorder.
  - i. All signatures required on the Final Plat have been obtained.
  - ii. All conditions of approval and technical corrections have been addressed.
- d. The applicant is responsible for all costs associated with recording a Final Plat.

**G. Duration of Approval**

- 1. The approval of a Correction Plat shall expire and become null and void ninety (90) business days from the date of approval unless one of the following has occurred:
  - a. A Mylar version of the approved Final Plat has been submitted to the Town.
  - b. A request for an extension has been submitted and approved in accordance with **Subsection 16-8-##-#**.
- 2. If the approval of a Correction Plat expires, the applicant will be required to submit a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

**H. Extension of Approval**

1. The applicant for an approved Correction Plat may submit a written request for an extension of their approval to the Town. Such a request must be received by the Town a minimum of five (5) business days prior to the expiration date of the approval. Any request received later than this will not be considered by the Town.
2. A request to extend the approval of a Correction Plat must demonstrate the following:
  - a. A showing of good cause, which may include, but is not limited to, signatories being located out of state or out of the country or significant changes to the Final Plat are required.
  - b. The Correction Plat remains in compliance with this Code.
3. The Planning Director may authorize an extension of an approved Correction Plat for a period of up to ninety (90) business days.
4. If a request for an extension is denied by the Planning Director, the applicant may submit a written request to appeal such a decision to the Town Council. Such a request must be received by the Town within ten (10) business days of the date of the decision by the Planning Director. Any request received later than this will not be considered. An appeal to the Town Council will be reviewed in accordance with Section ##-#-##.

**Commented [MF7]:** This timeframe has been reduced from twelve (12) months to ninety (90) business days based on input from Town Staff and the Town Attorney.

DRAFT

**Section 16-8-70: Duplex, Condominium, or Townhome Subdivision**

**A. Applicability**

- 1. Any subdivision of an existing building(s) into separate ownerships (e.g., duplexes, condominiums, townhomes, rowhomes, etc.) must comply with the requirements and procedures set forth in this Section.
  
- 2. An application for a Duplex, Condominium, or Townhome Subdivision cannot be submitted until the framing of all party walls is complete.

**B. Purpose**

The purpose of this Section is to provide an efficient administrative review process for the subdivision of an existing building(s) into separate ownerships.

**C. Compliance with Other Applicable Requirements**

Any building(s) to be subdivided pursuant to this Section must comply with all other applicable requirements of Minturn’s Municipal Code, including but not limited to, building and electrical codes.

**D. Application Submittal Requirements**

An application for a Duplex, Condominium, or Townhome Subdivision shall include the following:

- 1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in [Subsection 16-#-##-#](#).
  
- 2. **Application Fee.** Payment for the applicable fee, as designated by the Town’s schedule of fees, shall be made at the time of submittal of an application.
  
- 3. **Narrative.** A written document that provides evidence of the following:
  - a. Conformance with the zoning of the subject property.
  - b. Legal and physical access to a public street or right-of-way.
  - c. A legal, physical, adequate, and dependable potable water supply for each proposed unit.
  - d. A sewer system, or other lawful means of disposing of human waste, for each proposed unit that complies with all applicable public health laws.
  - e. Adequate utilities (e.g., electric, gas, internet, telephone, etc.) for each proposed unit.
  - f. Adequate fire protection for each proposed unit.
  - g. Site conditions (e.g., geology, soil, topography, drainage, etc.) will not create hazards.
  - h. All applicable school land dedication or cash-in-lieu requirements have been satisfied.
  
- 4. **Site Plan.** A site plan depicting the following:
  - c. Existing and proposed building locations.

- d. Access drives.
  - e. Parking areas.
  - f. Landscaping.
  - g. Fences.
  - h. Signs.
  - i. Any other pertinent site data.
5. **Final Plat.** A Final Plat, prepared in accordance with [Section 16-8-###](#), that depicts the following:
- a. All common areas (general and limited common elements).
  - b. Usages of the building and grounds.
  - c. The interior division of the building showing horizontal and/or vertical boundaries of all units, including a distance from a building corner to a property corner or other survey reference.
  - d. If the land where a condominium building exists, or is to be built on, is not an existing platted lot, all provisions, requirements, standards, and procedures of this Code shall be met for the land as well as the building, and the land shall be shown as a "lot" on the Final Plat and recorded in accordance with this Chapter.
6. **Covenants, Declarations, Agreements, and/or Other Restrictions.** Any protective covenants, declarations, party wall agreements, and/or other restrictions to be placed on the subdivision that include, but are not limited to, the following:
- a. The declaration for the condominium project, as defined in the Colorado Revised Statutes and/or as may be required pursuant to the State of Colorado's Common Interest Ownership Act.
  - b. The condominium association Articles of Incorporation, bylaws, and covenants. The bylaws and declaration of covenants shall contain the information required by the State of Colorado's Condominium Ownership Act and Common Interest Ownership Act, if applicable.
  - c. Any restrictive covenants, conditions, or restrictions, other than those specified in the declaration for the condominium project.
7. **Agreements.** An improvements agreement and/or other agreement if required by the Town.
8. **Building Code Compliance.** If an existing building(s) is to be subdivided, evidence must be provided to demonstrate that the subdivision of the building(s) will comply with all applicable Building Code requirements.

9. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

**E. Waiver of Application Submittal Requirements**

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
2. To authorize a waiver, the Planning Director must make a finding for the following:
  - a. The waiver will not compromise a proper and complete review of the application.
  - b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
3. If the Planning Director authorizes a waiver, they will provide the applicant with written notice of their decision.

**F. Application Review Criteria**

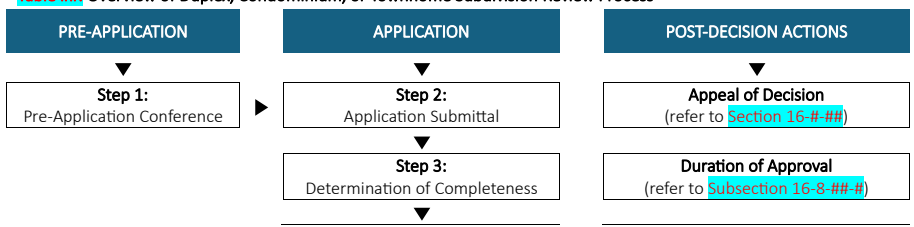
The Planning Director may approve a request for a Duplex, Condominium, or Townhome Subdivision upon a positive finding of each of the following criteria:

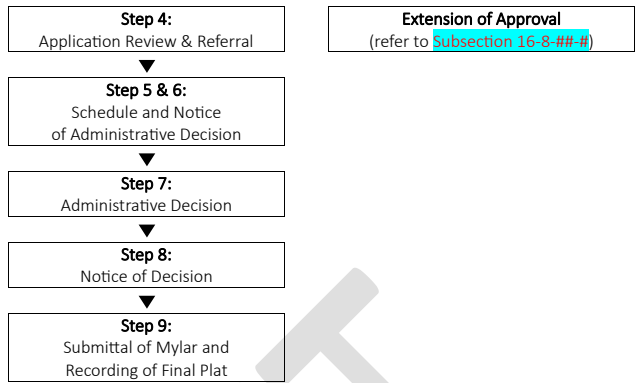
1. There is adequate access, potable water, and sewage disposal to serve each unit to be created by the subdivision.
2. The proposed subdivision complies with the requirements of this Code and, if applicable, the requirements of an approved Development Plan or Subdivision Final Plat.
3. The declaration and bylaws make adequate provision for the maintenance of common area elements that may include but are not limited to utilities, access, parking areas, sidewalks, building exterior(s), and open space areas.
4. The Final Plat complies with requirements of the Colorado Revised Statutes.

**G. Application Review Process**

A request for a Duplex, Condominium, or Townhome Subdivision will be reviewed and decided upon in accordance with the following process.

**Table ##: Overview of Duplex, Condominium, or Townhome Subdivision Review Process**





1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Duplex, Condominium, or Townhome Subdivision. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant’s proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
  - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a Duplex, Condominium, or Townhome Subdivision shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.
- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
    - i. Certify the application as complete and record the date of the determination of completeness.
    - ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
  - b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.  
  
If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with [Subsection 16-#-##-#](#).
  - c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:
    - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.

- ii. The Planning Director’s workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

**4. Step 4: Application Review and Referral.**

- a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.
- b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.
- c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.
- d. Town departments and town consultants may provide comments on an application at any time during the review process.

**5. Step 5: Schedule Administrative Decision.**

- a. Upon conclusion of the referral process, the Planning Director shall schedule the application for an Administrative Decision and notify the applicant, in writing, of the date of the Administrative Decision.
- b. The Administrative Decision shall be scheduled no later than thirty (30) business days from the conclusion of the referral process.

**6. Step 6: Notice of Administrative Decision.**

- a. Prior to the date of the Administrative Decision, the applicant shall:
  - i. *Mail Notice to Mineral Estate Owners (As Required)*. If required by the Colorado Revised Statutes, mail notice to mineral estate owners in accordance with [Section 16-#-##](#).
  - ii. *Submit Proof of Notice*. Submit proof of notice in accordance with [Section 16-#-##](#).
- b. If required by the Colorado Revised Statutes, the Planning Director shall send notice to the Colorado Geologic Survey and the Eagle County Board of Commissioners.

**7. Step 7: Administrative Decision.**

- a. On the date scheduled for the Administrative Decision, the Planning Director will review and render a decision on a request for a Duplex, Condominium, or Townhome Subdivision.

- b. The Planning Director shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Duplex, Condominium, or Townhome Subdivision, and shall take one of the following actions:
  - i. Approve the subdivision, subject to any changes that the Planning Director deems necessary to ensure compliance with this Code and the Community Plan.
  - ii. Deny the subdivision and state the specific reason(s) for denial.
- 8. **Step 8: Notice of Decision.** Within ten (10) business days of a final action by the Planning Director, the following will occur:
  - a. The Planning Director will send written notice of the decision to the applicant.
  - b. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
- 9. **Step 9: Submittal of Mylar and Recording of Final Plat.**
  - a. Within ninety (90) business days of an approval by the Planning Director, the applicant shall submit a copy of the approved Final Plat on Mylar (as specified in the Colorado Revised Statutes) to the Planning Director.
  - b. Upon the approval of a request for Condominiumization, the Mayor or Mayor Pro-Tem is authorized to sign the Mylar version of the Final Plat once the Planning Director has determined that all conditions of approval and technical corrections have been addressed.
  - c. Within thirty (30) business days of the Planning Director making a positive finding for each of the following, the Town Clerk shall record the approved Mylar version of the Final Plat with the office of the Eagle County Clerk and Recorder.
    - i. All signatures required on the Final Plat have been obtained.
    - ii. All conditions of approval and technical corrections have been addressed.
  - c. The applicant is responsible for all costs associated with recording a Final Plat.

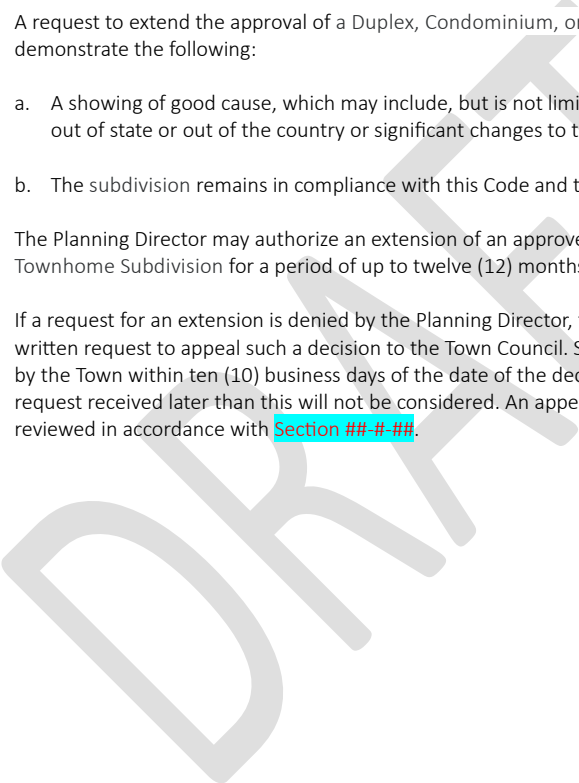
**H. Duration of Approval**

- 1. The approval of a Duplex, Condominium, or Townhome Subdivision shall expire and become null and void ninety (90) business days from the date of approval unless one of the following has occurred:
  - a. A Mylar version of the approved Final Plat has been submitted to the Town.
  - b. A request for an extension has been submitted and approved in accordance with **Subsection 16-8-##-#**.

2. If the approval of a Duplex, Condominium, or Townhome Subdivision expires, the applicant will be required to submit a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

**I. Extension of Approval**

1. The applicant for an approved Duplex, Condominium, or Townhome Subdivision may submit a written request for an extension of their approval to the Town. Such a request must be received by the Town a minimum of five (5) business days prior to the expiration date of the approval. Any request received later than this will not be considered by the Town.
2. A request to extend the approval of a Duplex, Condominium, or Townhome Subdivision must demonstrate the following:
  - a. A showing of good cause, which may include, but is not limited to, signatories being located out of state or out of the country or significant changes to the Final Plat are required.
  - b. The subdivision remains in compliance with this Code and the Community Plan.
4. The Planning Director may authorize an extension of an approved Duplex, Condominium, or Townhome Subdivision for a period of up to twelve (12) months.
5. If a request for an extension is denied by the Planning Director, the applicant may submit a written request to appeal such a decision to the Town Council. Such a request must be received by the Town within ten (10) business days of the date of the decision by the Planning Director. Any request received later than this will not be considered. An appeal to the Town Council will be reviewed in accordance with [Section ##-##-##](#).



**Section 16-8-80: Exemption Plat**

**A. Applicability**

<Add Text>

**Commented [MF8]:** Staff is working with the Town Attorney to clarify the applicability of the Exemption Plat process.

**B. Purpose**

The purpose of this Section is to provide a process for addressing extenuating and extraordinary circumstances associated with lots, tracts, or parcels:

- 1. That were created without the benefit of an appropriate review by the Town; OR,
- 2. For which adequate documentation is not verifiable due to the passage of time or extenuating and extraordinary circumstances; OR,
- 3. For which lot line adjustments are necessary to address ownership and legal description discrepancies.

**C. Application Submittal Requirements**

An application for an Exemption Plat shall include the following:

- 1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in **Subsection 16-#-##-#**.
- 2. **Application Fee.** Payment for the applicable fee, as designated by the Town’s schedule of fees, shall be made at the time of submittal of an application
- 3. **Narrative.** A written document that provides evidence of the following:
  - a. Legal and physical access to a public street or right-of-way.
  - b. A legal, physical, adequate, and dependable potable water supply.
  - c. A sewer system, or other lawful means of disposing of human waste, that complies with all applicable public health laws.
  - d. **Adequate utilities (e.g., electric, gas, internet, telephone, etc.).**
  - e. Adequate fire protection.
  - f. The exemption will not create hazards.
  - g. The subject property will contain a safe and adequate building site(s).
- 4. **Survey.** A scaled survey, with a stamp and signature (or electronic equivalent) of a surveyor licensed in Colorado, that includes the following:
  - a. A legal description that meets the minimum requirements of a Land Survey Plat pursuant to the Colorado Revised Statutes.

- b. All record and apparent rights-of-way and easements.
  - c. Monumentation shown pursuant to the Colorado Revised Statutes.
  - d. A computer printout, in text format, of Parcel Summaries shall be provided, including lot closure analyses, block closure analyses, and other appurtenant information.
5. **Exemption Plat.** A Final Plat, prepared in accordance with **Section 16-8-##**, that is titled "Exemption Plat."
6. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

**D. Waiver of Application Submittal Requirements**

- 1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
- 2. To authorize a waiver, the Planning Director must make a finding for the following:
  - a. The waiver will not compromise a proper and complete review of the application.
  - b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
- 3. If the Planning Director authorizes a waiver, they will:
  - a. Provide the applicant with written notice of their decision.
  - b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

**E. Application Review Criteria**

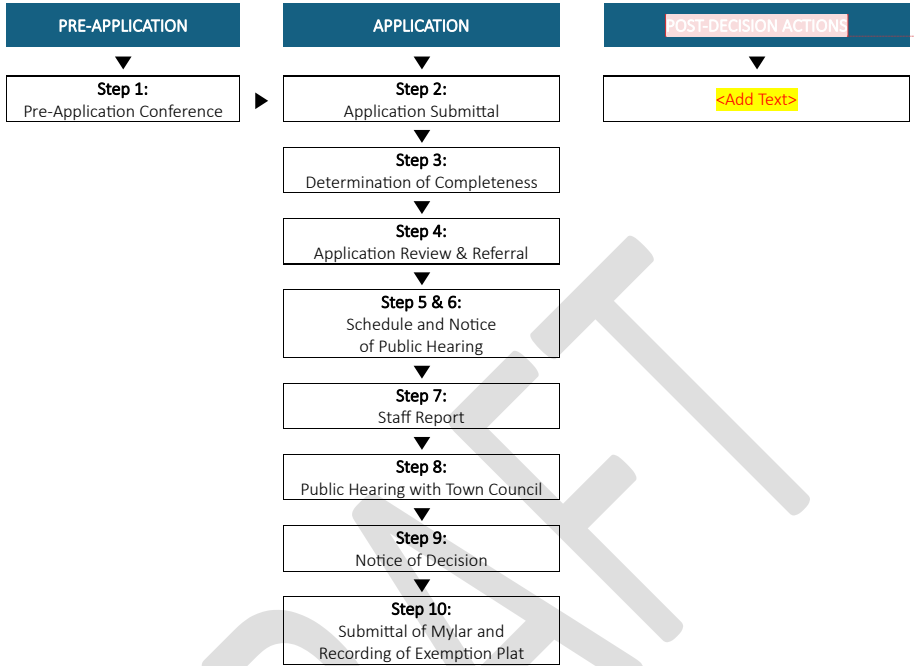
The Town Council may approve a request for an Exemption Plat upon a positive finding of each of the following criteria:

- 1. Complies with the applicable requirements of this Code.
- 2. The subject property is, or will be, adequately served by legal, physical access, potable water, and sewer facilities and improvements.
- 3. The exemption will not create hazards or be subject to hazards that cannot be satisfactorily mitigated.
- 4. The subject property will contain a safe and adequate building site.

**F. Application Review Process**

A request for an Exemption Plat will be reviewed and decided upon in accordance with the following process.

**Table ##:** Overview of Exemption Plat Review Process



**Commented [MF9]:** Staff is working with the Town Attorney to clarify what, if any, actions can be taken after a decision by the Town Council on an Exemption Plat.

1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for an Exemption Plat. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant’s proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant’s proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
  - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for an Exemption Plat shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.
- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
    - i. Certify the application as complete and record the date of the determination of completeness.
    - ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
  - b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application’s deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with **Subsection 16-#-##-#**.

- c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:
  - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
  - ii. The Planning Director’s workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Application Review and Referral.**

- a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.
- b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.
- c. Comments not received by the Town within the applicable time frame will be considered a no comment.
- d. Town departments and town consultants may provide comments on an application at any time during the review process.

5. **Step 5: Schedule Public Hearings.** Upon the conclusion of the referral process, the Planning Director shall schedule the application for a public hearing before the Town Council in accordance with the following requirements and notify the applicant, in writing, of the date, time, and location of each public hearing.

- a. The public hearings shall be scheduled for a regularly scheduled meeting or a special meeting of the Town Council.
- b. The first public hearing before the Town Council shall be scheduled no later than forty (40) business days after the conclusion of the referral process.

6. **Step 6: Notice of Public Hearing.**
  - a. Prior to the date of the first public hearing with the Town Council, the applicant shall:
    - i. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within two hundred (200) feet of the subject property or properties, in accordance with Section 16-###.
    - ii. *Mail Notice to Mineral Estate Owners (As Required).* If required by the Colorado Revised Statutes, mail notice to mineral estate owners in accordance with Section 16-###.
    - iii. *Submit Proof of Notice.* Submit proof of notice in accordance with Section 16-###.
  - b. If required by the Colorado Revised Statutes, the Planning Director shall send notice to the Colorado Geologic Survey and the Eagle County Board of Commissioners.
7. **Step 7: Staff Report.** Town staff shall prepare a staff report that addresses the following, as applicable:
  - a. Compliance with the standards of this Code.
  - b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.
  - c. Recommended conditions to ensure compliance with applicable standards.
  - d. Additional information pertinent to the review of the application that must be submitted by the applicant.
8. **Step 8: Public Hearing with Town Council.**
  - a. The Town Council will hold a public hearing, in accordance with Section 16-8-###, to review the application. The applicant, or their agent, must be present at the hearing.
  - b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:
    - i. The application and any supporting materials.
    - ii. The staff report.
    - iii. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.
  - c. Following the close of the public hearing, the Town Council shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for an Exemption Plat, and shall take one of the following actions:
    - i. Approve the request, subject to any changes that the Town Council deems necessary to ensure compliance with this Code.

- ii. Deny the request and state the specific reason(s) for denial.
  - d. If the Town Council approves an Exemption Plat, it shall enact a resolution to such effect.
9. **Step 9: Notice and Recording of Decision.**
- a. Within ten (10) business days of a final action by Town Council, the following will occur:
    - i. The Planning Director will send written notice of the decision to the applicant.
    - ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
  - b. If Town Council approves an Exemption Plat, the Town Clerk will enter a copy of the resolution into the town's records.
10. **Step 10: Submittal of Mylar and Recording of Final Plat.**
- a. Within ninety (90) business days of an approval by the Town Council, the applicant shall submit a copy of the approved Exemption Plat on Mylar (as specified in the Colorado Revised Statutes) to the Planning Director.
  - b. Upon the approval of an Exemption Plat, the Mayor or Mayor Pro-Tem is authorized to sign the Mylar version of the Final Plat once the Planning Director has determined that all conditions of approval and technical corrections have been addressed.
  - c. Within thirty (30) business days of the Planning Director making a positive finding for each of the following, the Town Clerk shall record the approved Mylar version of the Exemption Plat with the office of the Eagle County Clerk and Recorder.
    - i. All signatures required on the Exemption Plat have been obtained.
    - ii. All conditions of approval and technical corrections have been addressed.
  - d. The applicant is responsible for all costs associated with recording an Exemption Plat.

**Section 16-8-90: Minor Subdivision**

**A. Applicability**

1. The requirements and procedures set forth in the Section apply to any subdivision of land that meets the following criteria:
  - a. Will create no more than six (6) lots.
  - b. Does not require the dedication of public right-of-way for new streets or alleys.
  - c. Does not require the construction, extension, and/or dedication of public improvements except for curb, gutter, and/or sidewalks.
  - d. The tract, parcel, or lot to be subdivided was not created by an approved Minor Subdivision.
2. Unless otherwise stated, this Section applies to the subdivision of land within a legally created subdivision, as well as to land that has not previously been platted.
3. Further division of a tract, parcel, or lot created through the Minor Subdivision process shall be processed as a Major Subdivision (refer to Sections 16-8-##- 16-8-##).

**B. Purpose**

The purpose of this Section is to provide an efficient administrative review process to evaluate small-scale, non-complex subdivisions of land to ensure that:

1. The design and development of the subdivision complies with all applicable town requirements, specifically zoning regulations and design and engineering standards; AND
2. Future residents and/or occupants of the subdivision can be safely, efficiently, and adequately served by public infrastructure and services.

**C. Application Submittal Requirements**

An application for a Minor Subdivision shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in Subsection 16-8-##-#.
2. **Application Fee.** Payment for the applicable fee, as designated by the Town’s schedule of fees, shall be made at the time of submittal of an application.
3. **Narrative.** A written document that provides evidence of the following:
  - a. Conformance with the zoning of the subject property.
  - b. Legal and physical access to a public street or right-of-way.
  - c. A legal, physical, adequate, and dependable potable water supply for each proposed lot.

- d. A sewer system, or other lawful means of disposing of human waste, for each proposed lot that complies with all applicable public health laws.
  - e. Adequate utilities (e.g., electric, gas, internet, telephone, etc.) for each proposed lot.
  - f. Adequate fire protection for each proposed lot.
  - g. Site conditions (e.g., geology, soil, topography, drainage, etc.) will not create hazards.
  - h. All lots will contain safe and adequate building sites.
  - i. All applicable school land dedication or cash-in-lieu requirements have been satisfied.
4. **Site Plan.** A site plan depicting the following:
- a. Existing and proposed building locations.
  - b. Access drives.
  - c. Parking areas.
  - d. Landscaping.
  - e. Fences.
  - f. Signs.
  - g. Any other pertinent site data.
5. **Final Plat.** A Final Plat, prepared in accordance with Section 16-8-##.
6. **Governing Documents.** Any protective covenants, declarations, and/or other restrictions to be placed on the subdivision.
7. **Engineering Documents.** Complete engineering plans and specifications, time schedules and cost estimates for all utility and infrastructure improvements, including, but not limited to, the following:
- a. Topographic survey.
  - b. Demolition plan.
  - c. Curb and gutter.
  - d. Sidewalks.
  - e. Erosion control and revegetation measures.

- f. "No discharge" measures to eliminate stormwater discharges.
- g. Private streets, access roads, driveways, and/or bridges.
- h. Drainage facilities.
- i. Utility systems.
- j. Landscaping and other improvements proposed or required to be installed by the developer.
- k. A statement of proof that the subdivider has the ability to pay for such improvements.

The above-referenced drawings shall be labeled as final public improvement drawings.

**Commented [MF10]:** Staff is working with the Town Engineer to further refine these requirements.

- D. **Agreements.** An improvements agreement and/or other agreement if required by the Town.
- E. **Waiver Request.** If applicable, a waiver request pursuant to Section 16-8-##.
- F. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

**G. Waiver of Application Submittal Requirements**

- 1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
- 2. To authorize a waiver, the Planning Director must make a finding for the following:
  - a. The waiver will not compromise a proper and complete review of the application.
  - b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
- 3. If the Planning Director authorizes a waiver, they will provide the applicant with written notice of their decision.

**H. Application Review Criteria**

The Planning Director may approve a request for a Minor Subdivision upon a positive finding of each of the following criteria:

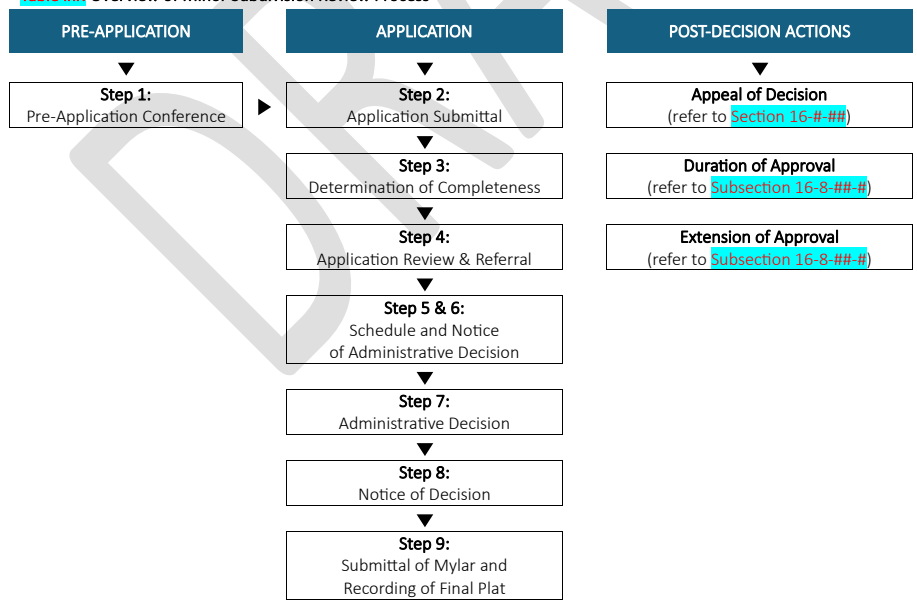
- 1. The subdivision is in substantial conformance with the Community Plan.
- 2. The subdivision complies with the requirements of this Code and, if applicable, the requirements of an approved PUD Development Plan or Subdivision Final Plat.
- 3. The subdivision is generally compatible with the character and layout of existing development patterns in the surrounding area.

4. There is a legal, physical, adequate, and dependable water supply for each lot to be created by the subdivision.
5. There is, or will be, adequate infrastructure (e.g., vehicular access, sidewalks, etc.) and utilities (e.g., water, sewer, electricity, gas, internet, etc.) to serve each lot to be created by the subdivision.
6. Utilities have been sized appropriately to avoid future land disruption and the need to upgrade under-sized lines.
7. Adequate evidence has been provided that the subject property is free of natural and/or human-made hazards or that any identified hazards have been, or will be, mitigated to the extent necessary for the property to be suitable for development.
8. If applicable, the declaration and bylaws make adequate provision for the maintenance of common area elements that may include but are not limited to utilities, access, parking areas, sidewalks, building exterior(s), and open space areas.
9. The Final Plat complies with requirements of the Colorado Revised Statutes.

**I. Application Review Process**

A request for a Minor Subdivision will be reviewed and decided upon in accordance with the following process.

**Table ##:** Overview of Minor Subdivision Review Process



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Minor Subdivision. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant's proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
  - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a Minor Subdivision shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.

3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.
- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
    - i. Certify the application as complete and record the date of the determination of completeness.
    - ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
  - b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with [Subsection 16-#-##-#](#).
  - c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:
    - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
    - ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.
4. **Step 4: Application Review and Referral.**
- a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.

- b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.
  - c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.
  - d. Town departments and town consultants may provide comments on an application at any time during the review process.
5. **Step 5: Schedule Administrative Decision.**
- a. Upon conclusion of the referral process, the Planning Director shall schedule the application for an Administrative Decision and notify the applicant, in writing, of the date of the Administrative Decision.
  - b. The Administrative Decision shall be scheduled no later than thirty (30) business days from the conclusion of the referral process.
6. **Step 6: Notice of Administrative Decision.**
- a. Prior to the date of the Administrative Decision, the applicant shall:
    - i. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within two hundred (200) feet of the subject property or properties, in accordance with [Section 16-#-##](#).
    - ii. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with [Section 16-#-##](#).
    - iii. *Post Notice.* Post notice on a sign on the subject property in accordance with [Section 16-#-##](#).
    - iv. *Mail Notice to Mineral Estate Owners (As Required).* If required by the Colorado Revised Statutes, mail notice to mineral estate owners in accordance with [Section 16-#-##](#).
    - v. *Submit Proof of Notice.* Submit proof of notice in accordance with [Section 16-#-##](#).
  - b. If required by the Colorado Revised Statutes, the Planning Director shall send notice to the Colorado Geologic Survey and the Eagle County Board of Commissioners.
7. **Step 7: Administrative Decision.**
- a. On the date scheduled for the Administrative Decision, the Planning Director will review and render a decision on a request for a Minor Subdivision.
  - b. At least five (5) calendar days prior to the public hearing, Town staff shall make available the following materials to the Planning Director, the applicant, and the public:
    - i. The application and any supporting materials.

- ii. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.
- b. The Planning Director shall consider the application and any supporting materials, public testimony, and the review criteria for a Minor Subdivision, and shall take one of the following actions:
  - i. Approve the Minor Subdivision, subject to any changes that the Planning Director deems necessary to ensure compliance with this Code and the Community Plan.
  - ii. Deny the Minor Subdivision and state the specific reason(s) for denial.

8. **Step 8: Notice of Decision.** Within ten (10) business days of a final action by the Planning Director, the following will occur:

- a. The Planning Director will send written notice of the decision to the applicant.
- b. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.

9. **Step 9: Submittal of Mylar and Recording of Final Plat.**

- a. Within ninety (90) business days of an approval by the Planning Director, the applicant shall submit a copy of the approved Final Plat on Mylar (as specified in the Colorado Revised Statutes) to the Planning Director.
- b. Upon the approval of a Minor Subdivision, the Mayor or Mayor Pro-Tem is authorized to sign the Mylar version of the Final Plat once the Planning Director has determined that all conditions of approval and technical corrections have been addressed.
- c. Within thirty (30) business days of the Planning Director making a positive finding for each of the following, the Town Clerk shall record the approved Mylar version of the Final Plat with the office of the Eagle County Clerk and Recorder.
  - i. All signatures required on the Final Plat have been obtained.
  - ii. All conditions of approval and technical corrections have been addressed.
- c. The applicant is responsible for all costs associated with recording a Final Plat.

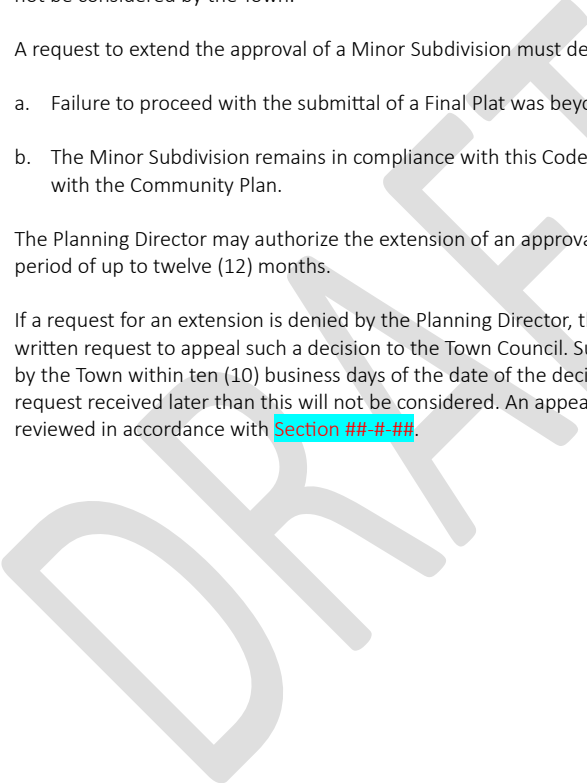
J. **Duration of Approval**

- 1. The approval of a Minor Subdivision shall expire and become null and void one (1) year from the date of approval unless one of the following has occurred:
  - a. A Mylar version of the approved Final Plat has been submitted to the Town.
  - b. A request for an extension has been submitted and approved in accordance with **Subsection 16-8-##-#**.

2. If the approval of a Minor Subdivision expires, the applicant will be required to submit a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section.

**K. Extension of Approval**

1. The applicant for an approved Minor Subdivision may submit a written request for an extension of their approval to the Town. Such a request must be received by the Town a minimum of thirty (30) calendar days prior to the expiration date of the approval. Any request received later than this will not be considered by the Town.
2. A request to extend the approval of a Minor Subdivision must demonstrate the following:
  - a. Failure to proceed with the submittal of a Final Plat was beyond the applicant's control.
  - b. The Minor Subdivision remains in compliance with this Code and in substantial conformance with the Community Plan.
3. The Planning Director may authorize the extension of an approval for a Minor Subdivision for a period of up to twelve (12) months.
4. If a request for an extension is denied by the Planning Director, the applicant may submit a written request to appeal such a decision to the Town Council. Such a request must be received by the Town within ten (10) business days of the date of the decision by the Planning Director. Any request received later than this will not be considered. An appeal to the Town Council will be reviewed in accordance with [Section ##-##-##](#).



**Section 16-8-100: Mountaintop Estate Lots**

Notwithstanding anything in the subdivision regulations to the contrary, which regulations will not apply to the estate lot process unless expressly set forth in this Section, the creation of lots within the mountaintop area pursuant to the estate lot process will be accomplished by Administrative Review and approval by the Planning Director, and recording of the estate lot plat, in accordance with the following requirements and procedures:

**Commented [MF11]:** The provisions in this Section come from the existing Code (refer to Section 17-6-60). Staff may work with the Town Attorney and the property owner to explore options for improving the language and format.

1. An application pursuant to the estate lot process may only be submitted by a party permitted under **Section 16-8-###**.
2. Not more than a total of ten (10) estate lots may be created within the mountaintop area pursuant to the estate lot process.
3. The application must contain the following materials:
  - a. A completed application form in the format provided by the Planning Director and executed by the landowner or the landowner's authorized agent.
  - b. A check for the then-current estate lot processing fee in an amount to be established by resolution of the Town Council.
  - c. One (1) electronic copy and three (3) paper copies measuring twenty-four (24) by thirty-six (36) inches of the proposed estate lot plat prepared in accordance with the requirements set forth in **Subsection 16-8-##(#)**.
  - d. One (1) electronic copy and three (3) paper copies of the master map.
  - e. One (1) electronic copy and three (3) paper copies of the proposed form of access easement agreement that will, upon recording:
    - i. Establish legal access from a public road to the boundary of each estate lot (to the extent such easement(s) are not created by recording of the estate lot plat); AND
    - ii. Address the terms of, and otherwise provide for, construction and ongoing maintenance of the private roadways serving the estate lots.
  - f. A copy of a title commitment issued by a title company doing business in Eagle County with an effective date no earlier than sixty (60) days prior to the submission of the application.
6. Within fifteen (15) days of receiving the application, the Planning Director will confirm and advise the applicant in writing whether the application is complete. If the application is not complete, the applicant may supplement the application and the Planning Director will provide an updated written determination of completeness as otherwise provided herein.
7. Within thirty (30) days after the date on which the application is determined complete, the Planning Director, after consultation with appropriate staff and referral agencies, if

any, will complete review of the proposed estate lot plat to confirm whether it complies with the following requirements:

- a. It adheres to the format for final plats as described in Subsection 16-8-##(##), excluding subparagraphs (3), (4) and (9). With respect to subparagraph (8)d., the certificate of ownership will not include any language of dedication. With respect to subparagraph (8)e., the certificate of title will be executed by a title company and will reference exceptions to title as reflected in a specifically identified title commitment.
- b. It contains a certificate to be executed by a professional land surveyor, as defined in Section 38-51-102(16), C.R.S., that the proposed estate lot plat was prepared in accordance with Section 38-51-106, C.R.S., which certificate will be deemed to satisfy the requirement of Subsection 16-##-##(##)(##).
- c. It depicts rights-of-way and easements pursuant to Section 38-51-106 (1)(B)(i), C.R.S.
- d. It contains a certificate to be executed by the landowner(s) that, to the extent not previously monumented in the manner described in Section 38-51-105, C.R.S., the landowner will cause the external boundaries of the estate lot plat and the boundaries/corners of each estate lot to be so monumented within twelve (12) months after the effective date of the planning director's approval of the estate lot plat.
- e. Each estate lot depicted on the proposed estate lot plat has a minimum land area of three hundred fifty (350) acres.
- f. Each estate lot depicted on the proposed estate lot plat designates one (1) or more designated buildable areas having a minimum aggregate land area of forty-three thousand five hundred sixty (43,560) square feet and a maximum aggregate land area of not more than thirty-three percent (33%) of the total acreage of the estate lot, and all such designated buildable areas are located outside of and do not overlap with any areas that the master map referenced in Subparagraph (3)d. above designates as non-buildable.
- g. Each estate lot depicted on the proposed estate lot plat depicts the boundaries of lynx denning areas and peregrine falcon nesting areas as shown in the master map, if any, located within such estate lot.
- h. It complies with Section 16-##-## of the subdivision regulations by demonstrating legal access. Such compliance will be demonstrated by the estate lot plat depicting an existing or proposed road that would physically connect each proposed estate lot to a public road, identifies whether legal access to the estate lots is (or will be) granted by the estate lot plat or by a separate instrument, and describes by reference to a recorded, or to be recorded, the access easement agreement required pursuant to Subparagraph (3)e. above. Application for issuance of required permits for access to a public highway, if any, pursuant to Section 43-2-147, C.R.S., will be a condition precedent to issuance of building permits within estate lots created by the estate lot plat.
- i. It contains the following statements and acknowledgements:

- i. *Municipal Services.* The landowner(s) of the lots created pursuant to this plat and other parties having an interest in such lots hereby acknowledge that the Town will not provide, and will have no obligation to provide: municipal water services and municipal sanitary sewer services to the lots or any improvements located within the lots; or snow plowing, road maintenance, street lighting and similar services for private or public roadways (if any) located within this plat; or provision of emergency services with similar response times as may be available within other areas of the Town. In consideration of the Town's approval of this plat, the landowner(s) and other parties having an interest in the property that have executed this plat, by so executing this plat, and all successor owners of the lots created pursuant to this plat or other parties having an interest therein, by taking title to or acquiring an interest in such lots, knowingly and intentionally waive any and all right to disconnection of the property arising under Section 31-12-119, C.R.S., and based on failure to provide municipal services on the same general terms and conditions as the rest of the Town receives, to the extent based on the Town not providing the lots with municipal water services, municipal sewer services, municipal road services and emergency services as described herein.
  - ii. *Peregrine Falcon Nesting Areas and Lynx Denning Areas.* The landowner(s) of the lots created pursuant to this plat and other parties having an interest in such lots hereby acknowledge that no permanent or temporary roads or trails to provide vehicular access to and between the designated buildable areas depicted on this plat (including construction roads) may cross through areas, and no motorized vehicular activities may be undertaken within such areas, that the master map set forth in Section 16-10-35 of the Town Code designates as peregrine falcon nesting area or as lynx denning area (as such areas are depicted on this plat, if applicable) without prior Town approval pursuant to applicable limited use or conditional use procedures and requirements pursuant to [Section 16-#-##](#) of this Code.
8. Upon completion of the foregoing review of the proposed estate lot plat, the Planning Director will either approve, approve with conditions, or deny the proposed estate lot plat, and will provide written notice of such determination to the applicant.
- a. If the proposed estate lot plat is approved, the applicant will prepare and cause to be executed a mylar in form suitable for recording and, upon execution by appropriate parties, including the Town, the same will be recorded.
  - b. If approved with conditions, the notice letter will specifically describe the conditions required to be satisfied prior to preparation of mylars for execution and recording as described in Clause a. above. The applicant will have a period of three (3) months to revise the proposed estate lot plat to accomplish satisfaction of the stated conditions and resubmit to the planning director for review and confirmation in accordance with Subparagraphs (5) and (6) of this Section.
  - c. If the application is denied, the notice letter will specifically describe the deficiencies in the application and/or proposed estate lot plat. At any time after receipt of a notice of denial, an applicant may resubmit such application, with such modifications as may be appropriate to address the specified deficiencies, for reconsideration as a new application in accordance with the requirements set forth in this Section.

9. The roads depicted on the estate lot plat that will provide physical access to the estate lots will be designed and constructed in accordance with the mountaintop road standards. Construction of or security to assure completion of construction of such roads is not required before approval or recording of the estate lot plat. Construction of such roads may be accomplished in phases at such time as the subdivider determines appropriate.
10. The Planning Director's processing, review and final action with respect to estate lot plat applications will be exempt from any posting and public notice requirements under this Code, including, but not limited to, Section 16-#-## of the Zoning Code.
11. Estate lots created by recording of an approved estate lot plat may be subsequently replatted into ranch lots pursuant to Section 16-8-##.
12. The following provisions of Articles # through # of this Chapter ## are incorporated in this Section by reference:
  - a. Section 16-#-##: Save Harmless Clause.
  - b. Section 16-#-##: Disclaimer of Liability.
  - c. Section 16-#-##: Compliance Required.
  - d. Section 16-#-##: Remedies for Violation.
  - e. Section 16-#-##: Definitions.
  - f. Subsection 16-#-##(##): Permits for Development; Changes on Final Plat.

**Section 16-8-110: Mountaintop Ranch Lots**

Notwithstanding anything in the subdivision regulations to the contrary, which regulations will not apply to the ranch lot process unless expressly set forth in this Section, the creation of ranch lots within the mountaintop area pursuant to the ranch lot process will be accomplished by Planning Commission review and approval, and recording of a ranch lot plat, in accordance with the following requirements and procedures:

**Commented [MF12]:** The provisions in this Section come from the existing Code (refer to Section 17-6-70). Staff may work with the Town Attorney and the property owner to explore options for improving the language and format.

1. An application pursuant to the ranch lot process may only be submitted by a party permitted under **Section 16-#-###**. All or any portion of the area within a proposed ranch lot plat may, but is not required to, be located within a portion of the mountaintop area that is subject to a previously approved and recorded estate lot plat.
2. The application must contain the following materials:
  - a. A completed application form in the format provided by the Planning Director and executed by the landowner or the landowner's authorized agent.
  - b. A check for the then-current ranch lot plat processing fee in an amount to be established by resolution of the Town Council.
  - c. One electronic copy and three (3) paper copies measuring twenty-four (24) by thirty-six (36) inches of the proposed ranch lot plat prepared in accordance with the requirements set forth in Subparagraph (7) below.
  - d. One (1) electronic copy and three (3) paper copies of a master map. The master map additionally will, for purposes of the ranch lot process, conceptually depict potential locations of mountaintop area roads and those specific segments of such roads and non-motorized trails that will be restricted to private use and emergency services and those specific segments that may be open to public access.
  - e. One (1) electronic copy and three (3) paper copies of the proposed form of access easement agreement that will, upon recording:
    - i. Establish legal access from a public road to the boundary of each ranch lot (to the extent such easement(s) are not created by recording of the estate lot plat); AND
    - ii. Address the terms of, and otherwise provide for, construction and ongoing maintenance of the private roadways serving the estate lots.
  - f. A copy of a title commitment issued by a title company doing business in Eagle County with an effective date no earlier than sixty (60) days prior to the submission of the application.
  - g. Construction drawings and/or as-built drawings of all access roads described in Subparagraph e. prepared by a licensed Colorado professional engineer that demonstrate that such access roads can be constructed at the depicted locations or have been constructed in accordance with the mountaintop road standards.

- h. An access permit issued by the state department of transportation or a letter from said agency stating that an access permit is not required for the development depicted on the ranch lot plat.
4. The proposed ranch lot plat must be prepared in accordance with the following format:
- a. It must adhere to the format for final plats as described in Subsection 16-#-##(##), excluding Subparagraphs (3), (4) and (9). With respect to Subparagraph (8)d., the certificate of ownership will not include any language of dedication. With respect to subparagraph (8)e., the certificate of title will be executed by a title company and will reference exceptions to title as reflected in a specifically identified title commitment.
  - b. It must contain a certificate to be executed by a professional land surveyor, as defined in Section 38-51-102(16), C.R.S., that the proposed ranch lot plat was prepared in accordance with Section 38-51-106, C.R.S., which certificate will be deemed to satisfy the requirement of Subsection 16-#-##(##)(#).
  - c. It must depict rights-of-way and easements pursuant to Section 38-51-106 (1)(B)(I), C.R.S.
  - d. It must contain a certificate to be executed by the landowner(s) that, to the extent not previously monumented in the manner described in Section 38-51-105, C.R.S., the landowner will cause the external boundaries of the ranch lot plat and the boundaries/corners of each ranch lot to be so monumented within twelve (12) months after the effective date of Planning Commission's approval of the ranch lot plat.
  - e. It must contain the following statement and acknowledgement:
    - i. *Municipal Services.* The landowner(s) of the lots created pursuant to this plat and other parties having an interest in such lots hereby acknowledge that the Town will not provide, and will have no obligation to provide: municipal water services and municipal sanitary sewer services to the lots or any improvements located within the lots; or snow plowing, road maintenance, street lighting and similar services for private or public roadways (if any) located within this plat; or provision of emergency services with similar response times as may be available within other areas of the Town. In consideration of the Town's approval of this plat, the landowner(s) and other parties having an interest in the property that have executed this plat, by so executing this plat, and all successor owners of the lots created pursuant to this plat or other parties having an interest therein, by taking title to or acquiring an interest in such lots, knowingly and intentionally waive any and all right to disconnection of the property arising under Section 31-12-119, C.R.S., and based on failure to provide municipal services on the same general terms and conditions as the rest of the Town receives, to the extent based on the Town not providing the lots with municipal water services, municipal sewer services, municipal road services and emergency services as described herein.
    - ii. *Peregrine Falcon Nesting Areas and Lynx Denning Areas.* The landowner(s) of the lots created pursuant to this plat and other parties having an interest in such lots hereby acknowledge that no permanent or temporary roads or trails to provide vehicular access to and between the designated buildable areas depicted on this plat (including

construction roads) may cross through areas, and no motorized vehicular activities may be undertaken within such areas, that the master map set forth in Section 16-#-## of the Town Code designates as peregrine falcon nesting area or as lynx denning area (as such areas are depicted on this plat, if applicable) without prior Town approval pursuant to applicable limited use or conditional use procedures and requirements pursuant to Section 16-#-## of this Code.

5. Within fifteen (15) days of receiving the application, the Planning Director will confirm and advise the applicant in writing whether the application is complete and has been prepared in the required format. If the application is not complete or in the required format, the applicant may supplement the application and the planning director will provide an updated written determination of completeness as otherwise provided herein.
6. Within thirty (30) days after the date on which the application is determined complete, the Planning Director, after consultation with appropriate staff and referral agencies, if any, will review the proposed ranch lot plat for conformance with the criteria and requirements set forth in Subparagraph (7) below, and will deliver a written report to the applicant setting forth the planning director's findings and comments. The applicant may revise and resubmit the application for further review as provided in subparagraph (4) above or, either at such time or after further review following resubmittal, may advise the Planning Director of the applicant's determination to proceed with notice for public hearing by Planning Commission pursuant to subparagraphs (6), (7) and (8) below.
7. Public notice of Planning Commission action regarding the application, to be held at a public meeting promptly after applicant's determination to proceed pursuant to Subparagraph (5) above will be provided in compliance with Section 16-#-##.
8. At a regular or special meeting to be held on the date set forth in the public notice provided pursuant to subparagraph (6) above Planning Commission will hold a public hearing to determine whether the proposed ranch lot plat complies with the following requirements:
  - a. Each ranch lot depicted on the proposed ranch lot plat has a minimum land area of thirty-five (35) acres.
  - b. Each ranch lot depicted on the proposed ranch lot plat designates one (1) or more designated buildable areas having a minimum aggregate land area of twenty thousand (20,000) square feet and a maximum aggregate land area of not more than thirty-three percent (33%) of the total acreage of the ranch lot, and all such designated buildable areas are located outside of and do not overlap with any areas that the master map referenced in subparagraph (2)d. above designates as non-buildable.
  - c. Each ranch lot depicted on the proposed ranch lot plat depicts the boundaries of lynx denning areas and peregrine falcon nesting areas as shown in the master map, if any, located within such ranch lot.
  - d. It depicts, in a manner generally consistent with the master map referenced in subparagraph (2)d. above, specific segments of proposed mountaintop area roads and non-motorized trails located within the proposed ranch lot plat that will be restricted to private

use and emergency services and those specific segments, if any, that will be open to and accessible by the public (including, if applicable, depiction of public easement areas, to be dedicated by separate instrument, for such purposes).

- e. It complies with Section 16-#-### of the subdivision regulations. Compliance will be demonstrated by addressing legal and physical access as follows:
  - i. Depicting an existing or proposed road that physically connects each proposed ranch lot to a public road; AND
  - ii. Stating whether legal access to the ranch lots is (or will be) granted by the ranch lot plat or by a separate instrument, and describes by reference to a recorded, or to be recorded, form of access easement agreement as required pursuant to subparagraph (2)e. above.
- 9. Planning Commission will either approve, approve with conditions, or deny the proposed ranch lot plat.
- 10. The roads depicted on the ranch lot plat that will provide physical access to the ranch lots will be designed and constructed in accordance with the Mountaintop Road Standards. Prior to recording of the approved ranch lot plat, such roads must be constructed, or assurance of completion provided in accordance with the requirements of Subsection 16-#-##(##), the scope of which will be limited to the roads depicted on the approved ranch lot plat. The amount of security or collateral for assurance of completion shall be based upon construction cost estimates, stamped by a Colorado licensed professional engineer, and approved by the Town Engineer. Construction of such roads may be accomplished in phases at such time as the subdivider determines appropriate.
- 11. The following provisions of Articles # through # of this Chapter ## are incorporated in this Section by reference:
  - a. Section 16-#-###: Save Harmless Clause.
  - b. Section 16-#-###: Disclaimer of Liability.
  - c. Section 16-#-###: Compliance Required.
  - d. Section 16-#-###: Remedies for Violation.
  - e. Section 16-#-###: Definitions.
  - f. Subsection 16-#-##(##): Permits for Development; Changes on Final Plat.

**Section 16-8-120: Vacation of Public Right-of-Way or Easement**

**A. Applicability**

- 1. Any vacation of a public right-of-way or easement must comply with the requirements and procedures set forth in this Section and be in accordance with the Colorado Revised Statutes.
- 2. As used herein, the terms “right-of-way” and “easement” shall be deemed to include any and all parcels upon which there has been legally sufficient acceptance of dedication by the public or its authorized agents, representatives, or officials.
- 3. No vacation of public right-of-way or easement shall become effective unless quit claim deeds have been duly recorded with the Eagle County Clerk and Recorder that cumulatively relinquish all rights, claims, and interests that all interested parties, including public and private utility companies, may have in the subject right-of-way or easement.

**Commented [MF13]:** This is an existing Code provision (refer to Subsection 17-9-20(i)). Staff is working with the Town Attorney to ensure the language is appropriate.

**2. Purpose**

The purpose of this Section is to provide a process for the Town Council to review and render a decision on a request to vacate rights, interests, or title of the Town in, and to, any public right-of-way or easement.

**3. Application Submittal Requirements**

An application for a vacation of public right-of-way or easement shall include the following:

- 1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in Subsection 16-8-120.
- 2. **Application Fee.** Payment for the applicable fee, as designated by the Town’s schedule of fees, shall be made at the time of submittal of an application.
- 3. **Petition.** A petition requesting the vacation of a public right-of-way or easement that includes the following:
  - a. The reason(s) for the requested vacation.
  - b. Signatures of all owners of record of properties abutting the right-of-way or easement and whose means of ingress and egress would be affected by the requested vacation.
  - c. The names, mailing and legal addresses, and legal addresses of all abutting or adjacent landowners and/or other landowners whose interests might be adversely affected by or who may be interested in such vacation.
- 4. **Map or Plat.** A map or plat, drawn to scale, that depicts the following:
  - a. The location and dimensions of the right-of-way or easement to be vacated.
  - b. Any property affected by the proposed vacation.
  - c. A legal description for the proposed vacation.

- 5. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

**4. Waiver of Application Submittal Requirements**

- 1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
- 2. To authorize a waiver, the Planning Director must make a finding for the following:
  - a. The waiver will not compromise a proper and complete review of the application.
  - b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
- 3. If the Planning Director authorizes a waiver, they will:
  - a. Provide the applicant with written notice of their decision.
  - b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

**5. Application Review Criteria**

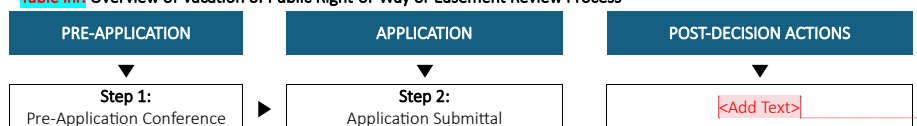
The Planning Commission may recommend approval of, and the Town Council may approve, a request to vacate a public right-of-way or easement upon a positive finding of each of the following criteria:

- 1. The vacation is consistent with the Community Plan and complies with the requirements of this Code.
- 2. The right-of-way or easement is no longer needed for a public purpose.
- 3. All portions of the right-of-way or easement are within the Town.
- 4. No portion of the easement or right-of-way constitutes a boundary line between two (2) counties or the boundary of the Town.
- 5. No land adjoining the right-of-way or easement will be left, as a result of the vacation, without adequate access to a public road or public services.

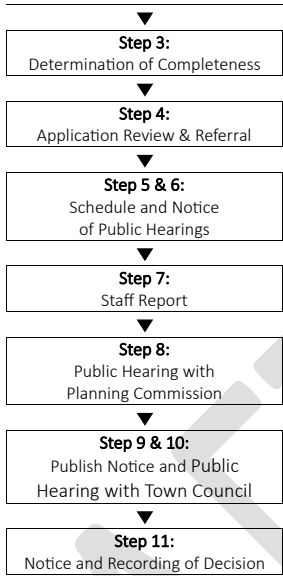
**6. Application Review Process**

A request to vacate a public right-of-way or easement will be reviewed and decided upon in accordance with the following process.

**Table ##:** Overview of Vacation of Public Right-of-Way or Easement Review Process



**Commented [MF14]:** Staff is working with the Town Attorney to clarify what, if any, actions can be taken after a decision by the Town Council on a vacation of public right-of-way or easement.



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a vacation of public right-of-way or easement. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant’s proposal.

- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant’s proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
  - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a vacation of public right-of-way or easement shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.
- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
    - i. Certify the application as complete and record the date of the determination of completeness.
    - ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
  - b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application’s deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with [Subsection 16-#-##-#](#).

- c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:
  - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
  - ii. The Planning Director’s workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Application Review and Referral.**

- a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.
- b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.
- c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.
- d. Town departments and town consultants may provide comments on an application at any time during the review process.

5. **Step 5: Schedule Public Hearings.** Upon the conclusion of the referral process, the Planning Director shall schedule the application for public hearings before the Planning Commission and Town Council in accordance with the following requirements and notify the applicant, in writing, of the date, time, and location of each public hearing.

- a. The public hearings shall be scheduled for a regularly scheduled meeting or a special meeting of the Planning Commission and Town Council.
- b. The first public hearing before the Planning Commission shall be scheduled no later than forty (40) business days after the conclusion of the referral process.
- c. A public hearing before the Town Council shall be scheduled within forty (40) business days of the Planning Commission completing its review and making a recommendation to the Town Council. In accordance with the Home Rule Charter, the public hearing with the Town

Council is to be held at the second meeting that the ordinance for the vacation or right-of-way or easement is introduced a second time.

6. **Step 6: Notice of Public Hearings.** Prior to the date of the first public hearing with the Planning Commission, the applicant shall:
  - a. *Mail Notice.* Mail notice, by certified mail, to all property owners of record affected by the proposed vacation. Mailed notice must comply with the applicable requirements set forth in **Section 16-#-##**.
  - b. *Submit Proof of Notice.* Submit proof of notice in accordance with **Section 16-#-##**.
7. **Step 7: Staff Report.** Town staff shall prepare a staff report that addresses the following, as applicable:
  - a. Compliance with the standards of this Code.
  - b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.
  - c. Recommended conditions to ensure compliance with applicable standards.
  - d. Additional information pertinent to the review of the application that must be submitted by the applicant.
8. **Step 8: Public Hearing with Planning Commission.**
  - a. The Planning Commission will hold a public hearing, in accordance with **Section 16-#-##**, to review the application. The applicant, or their agent, must be present at the hearing.
  - b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:
    - i. The application and any supporting materials.
    - ii. The staff report.
    - iii. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.
  - c. Following the close of the public hearing, the Planning Commission shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a vacation of public right-of-way or easement, and shall take one of the following actions:
    - i. Recommend that the Town Council approve the vacation, subject to any changes that the Planning Commission deems necessary to ensure compliance with this Code and the Community Plan.

- ii. Recommend that Town Council deny the vacation and state the specific reason(s) for denial.
9. **Step 9: Publish Notice.** Following the public hearing with the Planning Commission and at least thirty (30) calendar days prior to the public hearing with the Town Council, the Town Clerk will publish notice, one (1) time, in a local newspaper, having general circulation within the Town. The notice must include the following:
- a. A description of the right-of-way or easement to be vacated.
  - b. The recommendation of the Planning Commission.
  - c. The date, time, and location of the hearing with the Town Council.
10. **Step 10: Public Hearing with Town Council.**
- a. Following the public hearing with the Planning Commission, the Town Council will hold a public hearing, in accordance with Section 16-#-##, to review the application. The applicant, or their agent, must be present at the hearing.
  - b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Town Council, the applicant, and the public:
    - i. The application and any supporting materials.
    - ii. The staff report.
    - iii. The Planning Commission's recommendation.
    - iv. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.
  - c. Following the close of the public hearing, the Town Council shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a vacation of public right-of-way or easement, and shall take one of the following actions:
    - i. Approve the vacation, subject to any changes that the Planning Commission deems necessary to ensure compliance with this Code and the Community Plan.
    - ii. Deny the vacation and state the specific reason(s) for denial.
  - d. If the Town Council approves a vacation of public right-of-way or easement, it shall enact an ordinance to such effect.
11. **Step 11: Notice and Recording of Decision.**
- a. Within ten (10) business days of a final action by the Town Council, the following will occur:
    - i. The Planning Director will send written notice of the decision to the applicant.

**Commented [MF15]:** This requirement comes from the existing Code (refer to Subsection 17-9-20(g)). Staff is working with the Town Attorney to determine if:

- 1. This requirement needs to be completed at this stage of the review process.
- 2. The Town Clerk or the applicant should be responsible for this.

- ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
- b. If the Town Council approves a vacation of public right-of-way or easement, the Town Clerk will do the following:
  - i. Enter a copy of the ordinance approving the vacation into the town's records.
  - ii. Record the approved vacation with the Eagle County Clerk and Recorder.

DRAFT

**Section 16-8-130: Major Subdivisions**

**A. Applicability**

Any subdivision of land that is not eligible to be reviewed and processed via the other procedures set forth in this Article is considered a Major Subdivision. All Major Subdivisions must comply with this Section and Sections 16-8-140 through 16-8-160.

**B. Overview of Major Subdivision Process**

The process for a Major Subdivision has one (1) optional step and two (2) required steps:

1. *Step 1: Sketch Plan (refer to Section 16-8-140).* The purpose of the Sketch Plan is to allow the applicant to present and discuss the concept for the proposed subdivision and obtain feedback from Town staff, the Planning Commission, and the Town Council. This is an optional step in the Major Subdivision process and is intended to assist the applicant with developing a subdivision that complies with this Code and is substantial conformance with the Community Plan.
2. *Step 2: Preliminary Plat (refer to Section 16-8-150).* The purpose of the Preliminary Plat is to allow the Town to review and evaluate the details of a proposed subdivision and ensure the following:
  - a. Compliance with the requirements of this Code.
  - b. Substantial conformance with the Community Plan.
  - c. The provision of infrastructure and services necessary to serve future residents and/or occupants of the subdivided land.

This is a required step in the Major Subdivision process.

3. *Step 3: Final Plat (refer to Section 16-8-160).* The purpose of the Final Plat is to ensure compliance with an approved Preliminary Plat and the requirements of this Code. This is the final required step in the Major Subdivision process.

**Section 16-8-140: Sketch Plan (Optional)**

**A. Purpose**

The purpose of this Section is to establish a process for reviewing the concept for a proposed Major Subdivision. The Sketch Plan is the first step in the Major Subdivision process and is optional. Refer to [Subsection 16-8-###-#](#) for further information.

**B. Application Submittal Requirements**

An application for a Sketch Plan shall include the following:

1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in [Subsection 16-8-###-#](#).
2. **Application Fee.** Payment for the applicable fee, as designated by the Town’s schedule of fees, shall be made at the time of submittal of an application.
3. **Narrative.** A written statement that provides a general explanation of the following:
  - a. The nature and extent of the development within the proposed subdivision, including information about proposed land uses, residential densities, and contemplated ownership patterns.
  - b. How the subdivision conforms to the Community Plan and the review criteria set forth in this Section.
  - c. The availability of water, sewer, and other utilities necessary to serve development in the subdivision; or, a statement describing any major extensions necessary to serve development.
  - d. The availability of public infrastructure (e.g., streets, sidewalks, trails, etc.) and public services (e.g., police, fire protection, emergency medical services, etc.) to serve development in the subdivision.
4. **Survey.** A scaled survey, with a stamp and signature (or electronic equivalent) of a surveyor licensed in Colorado, that depicts the existing conditions of the subject property. The survey must be prepared within six (6) months of the date of the application submittal. The following information must be shown on the survey:
  - a. Date of survey.
  - b. Property boundaries to the nearest one-hundredth (0.01) of a foot accuracy. Distances and bearings and a basis of bearing must be shown. Show existing pins or monuments found and their relationship to the established corner.
  - c. The locations, bearings, and dimensions of all existing easements recorded with the Eagle County Clerk and Recorder.
  - d. Rights-of-way including bearings, distances, and curve information.
  - e. Existing topography at two-foot (2’) contour intervals.

- f. Existing natural features including, but not limited to, vegetation, rock-outcroppings, and watercourses.
  - g. Environmentally sensitive areas or areas of natural hazards, where applicable (rock fall areas, wetlands, one-hundred-year floodplain, etc.).
  - h. Existing improvements including, but not limited to, buildings, streets, sidewalks, and trails.
  - i. Other information that is necessary to accurately depict existing conditions.
5. **Sketch Plan.** A plan, drawn to scale, showing the following information. The purpose of this plan is to allow for an evaluation of the conceptual layout of the proposed subdivision.
- a. Property boundaries including bearings and dimensions.
  - b. Existing natural features including, but not limited to, vegetation, rock-outcroppings, and watercourses.
  - c. General location of the following:
    - i. Existing and proposed land uses (residential, non-residential, open space, parks, etc.).
    - ii. Existing and proposed buildings.
    - iii. Existing and proposed streets, parking areas, sidewalks, trails, and other access improvements.
    - iv. Existing and proposed utilities.
  - d. A table that includes an estimate or range of the following data, as applicable:
    - i. Total area within the subdivision.
    - ii. Area to be allocated to each type of land use (residential, non-residential, open space, parks, recreation, streets, etc.).
    - iii. Number of proposed lots and their sizes.
    - iv. Proposed number and type of dwelling units (single-family, duplex, townhomes, apartments, etc.).
    - v. Proposed maximum square footage for non-residential uses.
6. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

**C. Waiver of Application Submittal Requirements**

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
2. To authorize a waiver, the Planning Director must make a finding for the following:
  - a. The waiver will not compromise a proper and complete review of the application.
  - b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
3. If the Planning Director authorizes a waiver, they will:
  - a. Provide the applicant with written notice of their decision.
  - b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

**D. Application Evaluation Criteria**

The Planning Commission and Town Council should consider the following criteria in their evaluation of a request for a Sketch Plan.

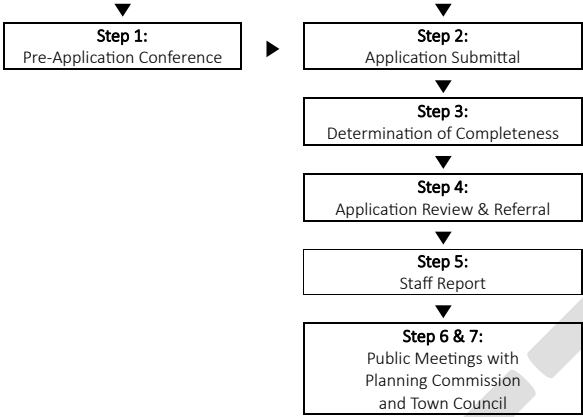
1. The subdivision is in general conformance with the Community Plan.
2. The subdivision complies with the requirements of this Code.
3. The subdivision will reflect, support, and/or enhance the character of the Town.
4. The subdivision is generally compatible with the character and layout of existing development patterns in the surrounding area.
5. Conceptual evidence has been provided demonstrating the following:
  - a. There is a legal, physical, adequate, and dependable potable water supply for each lot to be created by the subdivision.
  - b. Public infrastructure and services can be provided to the subdivision in a logical, efficient, and economical manner.
  - c. The subject property is free of natural and/or human-made hazards or any identified hazards have been, or will be, mitigated to the extent necessary for the property to be suitable for development.

**E. Application Review Procedures**

A request for a Sketch Plan will be reviewed in accordance with the following procedures.

**Table ##: Overview of Sketch Plan Review Procedures**

PRE-APPLICATION	APPLICATION
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1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Sketch Plan. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant’s proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
  - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a Sketch Plan shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.
- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
    - i. Certify the application as complete and record the date of the determination of completeness.
    - ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
  - b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.  
  
If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with [Subsection 16-#-##-#](#).
  - c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:
    - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.

- ii. The Planning Director’s workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Application Review and Referral.**

- a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.
- b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.
- c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.
- d. Town departments and town consultants may provide comments on an application at any time during the review process.
- e. Upon the conclusion of the application review and referral process, the Planning Director will schedule the application for review by the Planning Commission and the Town Council at public meetings. The Planning Director will notify the applicant, in writing, of the date, time, and location of each public meeting.

5. **Step 5: Staff Report.** Town staff shall prepare a staff report that addresses the following, as applicable:

- a. Compliance with the standards of this Code.
- b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.
- c. Recommended conditions to ensure compliance with applicable standards.
- d. Additional information pertinent to the review of the application that must be submitted by the applicant.

6. **Step 6: Public Meeting with Planning Commission.**

- a. The Planning Commission will review the application at a public meeting. The applicant, or their agent, must be present at the meeting.

- b. At least five (5) calendar days prior to the public meeting, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:
    - i. The application and any supporting materials.
    - ii. The staff report.
    - iii. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.
  - c. The purpose of this public meeting is to provide the applicant with an opportunity to present and discuss the concept for the proposed subdivision with the Planning Commission. The Planning Commission may offer comments on the proposed subdivision. No formal action by the Planning Commission is taken.
7. **Step 8: Public Meeting with Town Council.**
- a. Following the public meeting with the Planning Commission, the Town Council will review the application at a public meeting. The applicant, or their agent, must be present at the meeting.
  - b. At least five (5) calendar days prior to the public meeting with the Town Council, the Planning Director shall make available the following materials to the Town Council, the applicant, and the public:
    - i. The application and any supporting materials.
    - ii. The staff report.
    - iii. A summary of the Planning Commission's discussion regarding the proposed subdivision.
    - iv. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.
  - c. The purpose of this public meeting is to provide the applicant with an opportunity to present and discuss the concept for the proposed subdivision with the Town Council. The Town Council may offer comments on the proposed subdivision. No formal action by the Town Council is required.

**F. Proceed to Preliminary Plat**

Following the conclusion of the Sketch Plan process, an applicant is authorized to proceed to the Preliminary Plat step of the Major Subdivision process. Application for a Preliminary Plat is at the sole discretion of the applicant.

**Section 16-8-150: Preliminary Plat**

**A. Purpose**

The purpose of this Section is to establish a process for reviewing the details of a proposed Major Subdivision. The Preliminary Plat is the second step in the Major Subdivision process and is required. Refer to [Subsection 16-8-###-#](#) for further information.

**B. General Provisions**

- 1. All maps, construction plans, and other drawings required as part of a Preliminary Plat must be scaled as follows:

**Table ##: Required Drawing Scale**

Total Area of Subdivision	Maximum Scale Permitted
Less than 10,000 sq. ft.	1" = 50 feet
10,000 sq. ft. - 2 acres	1" = 100 feet
2.01 - 5 acres	1" = 200 feet
More than 5 acres	Scale must provide for the clear depiction of all required information on a sheet size of 24"x36".

- 2. Construction plans for streets, utilities, erosion control facilities, and other public improvements should be drawn in sufficient detail to fully represent the intentions of the subdivider with regard to the type, materials and location of the proposed improvements.
- 3. Legal descriptions and plats must be prepared, dated, and signed by a professional land surveyor licensed in the State of Colorado.
- 4. Utility, road, grading, drainage, erosion control, and water quality plans must be prepared, dated, and signed by a professional engineer licensed in the State of Colorado.
- 5. Soils reports must be prepared, dated, and signed by a professional engineer licensed in the State of Colorado and actively engaged in the practice of soils engineering.
- 6. Geologic reports must be prepared, dated, and signed by a professional geologist as defined in the Colorado Revised Statutes.

**C. Application Submittal Requirements**

An application for a Preliminary Plat shall include the following:

- 1. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in [Subsection 16-8-###-#](#).
- 2. **Application Fee.** Payment for the applicable fee, as designated by the Town’s schedule of fees, shall be made at the time of submittal of an application.
- 3. **Narrative.** A written document that includes the following:
  - a. If applicable, an explanation of any modifications made to the subdivision, following the Sketch Plan step, and the reasons for those changes.

**Commented [MF16]:** The application submittal requirements are subject to further review and refinement by Town Staff, the Town Attorney, and Town Engineer.

- b. A detailed explanation of how the subdivision conforms to the Community Plan, including specific references to goals and policies.
  - c. A detailed explanation of how the subdivision addresses each of the review criteria set forth in this Section.
  - d. A statement explaining present and proposed ownership and tenancy (e.g., for sale or for rent) within the subdivision, including the ownership or leasing of land, dwelling units and non-residential buildings.
  - e. A detailed explanation of the plans for providing fire protection, law enforcement, and emergency medical services. Ability to serve letters from each emergency service provider must be submitted.
  - f. A description of how the subdivision satisfies the applicable school land dedication or cash-in-lieu requirements.
7. **Survey.** A scaled survey, with a stamp and signature (or electronic equivalent) of a surveyor licensed in Colorado, that depicts the existing conditions of the subject property. The survey must be prepared within six (6) months of the date of the application submittal. The following information must be shown on the survey:
- a. Date of survey.
  - b. Benchmark tied to USGS NAVD 88.
  - c. Property boundaries to the nearest one-hundredth (0.01) of a foot accuracy. Distances and bearings and a basis of bearing must be shown. Show existing pins or monuments found and their relationship to the established corner.
  - d. The locations, bearings, and dimensions of all existing easements recorded with the Eagle County Clerk and Recorder.
  - e. Rights-of-way including bearings, distances, and curve information.
  - f. Existing topography shown at a maximum of two-foot (2') contour intervals.
  - g. Existing natural features including, but not limited to, vegetation (including trees), rock-outcroppings, watercourses, and ordinary high-water mark.
  - h. Environmentally sensitive areas and areas of natural hazards including, but not limited to, slopes exceeding 30%, rock fall areas, landslide areas, wetlands, one-hundred-year floodplain.
  - i. Existing improvements including, but not limited to, buildings, streets, sidewalks, trails, ditches, and utilities.
  - j. Other information that is necessary to accurately depict existing conditions.

4. **Site Plan.** A site plan, drawn to scale, showing the following information. This plan must contain sufficient detail to allow for an evaluation of the layout and development patterns of the proposed subdivision.
- a. Departing property lines, owners of record, existing land uses, zoning, and building locations for properties adjoining the proposed subdivision, including properties separated only by a public right-of-way.
  - b. Property boundaries including bearings and dimensions.
  - c. Existing natural features including, but not limited to, vegetation (including trees), rock-outcroppings, watercourses, and ordinary high-water mark.
  - d. Distance from the ordinary high-water mark of live or intermittent streams to any proposed development within the subdivision.
  - e. Existing contours at two-foot (2') intervals on all portions of the land proposed for development for either public or private use, and at ten-foot (10') intervals for all areas to remain in their natural state. All contour lines shall be accurate to within fifty percent (50%) of the interval. Areas sloping less than two percent (2%) shall have two-foot (2') contour intervals.
  - f. Location of existing and proposed land uses (residential, non-residential, open space, parks, etc.).
  - g. Street names and a block and lot numbering system for the proposed subdivision.
  - h. Location, dimensions, and slopes of each proposed lot.
  - i. Location of existing and proposed structures and buildings and their distance from property lines. Any hazardous or abandoned buildings must be identified.
  - j. Location of sites and/or facilities to be reserved or dedicated for public parks, schools or other public uses.
  - k. Location of existing and proposed streets, parking areas, sidewalks, trails, and other access improvements. Information about traffic circulation patterns and proposed ownership of streets must also be provided.
  - l. Location of existing and proposed utilities and irrigation ditches.
  - m. Location and dimensions of existing and proposed easements and rights-of-way.
  - n. Proposed snow removal patterns and location of proposed snow storage areas.
  - o. A table with that includes the following data:
    - i. Total area within the subdivision.

- ii. Totals and breakdowns of the areas dedicated to each type of existing and proposed land use, including rights-of-way and common open space, park, and recreation areas.
  - iii. Number of proposed lots and their sizes.
  - vi. Proposed number and type of dwelling units (single-family, duplex, townhomes, apartments, etc.).
  - vii. Proposed maximum square footage for non-residential uses.
  - iv. Number of on-street and/or off-street parking spaces to be provided for each land use.
5. **Preliminary Plat.** A Final Plat, prepared in accordance with Section 16-8-##, that is titled "Preliminary Plat."
6. **Construction Plans.** The following items must be submitted at 60% completion and prepared in accordance with the requirements set forth in Section 16-#-##:
- a. A Cover Sheet that includes the following:
    - i. General notes.
    - ii. Technical specifications.
    - iii. Sheet index.
  - b. Existing Conditions Plan.
  - c. Demolition Plan.
  - d. Site Plan.
  - e. Parking and Snow Storage Plan.
  - f. Grading and Drainage Plan.
  - g. Stormwater Management Plan.
  - h. Stormsewer Plan and Profile.
  - i. Erosion and Sediment Control Plan.
  - j. Landscape/Revegetation Plan.
  - k. Street Plan and Profile.
  - l. Utility Plans.

**Commented [MF17]:** Staff is recommending that a new Section be created that details the specific requirements/standards from all plans, studies, and reports that may be required as part of a Land Use or Subdivision application.

Elsewhere in the Land Use Code where these plans, studies, and/or reports are listed as submittal requirements, language will be included that simply states that the required plans, studies, and/or reports must be prepared in accordance with the requirements/standards set forth in the new Section.

m. Construction Details.

2. **Studies & Reports.** The following studies and reports must be submitted and prepared in accordance with the requirements set forth in Article 12 and Section 16-#-##:

a. A Development Impact Report, if required pursuant to Article 12.

b. Drainage Report.

a. Geotechnical Report.

b. Geologic Hazard Report.

c. Utility Report.

d. Wetland Delineation.

e. Phase 1 Environmental Report.

f. Traffic Report.

g. Wildfire Study.

h. Engineer's Opinion of Probable Costs.

3. **Phasing Plan.** If development of the subdivision is to occur in phases, a phasing plan must be provided. The phasing plan must demonstrate that the subdivision can be completed within a reasonable time frame and include the following information:

a. The approximate date when development, and subsequent phases or stages of development, will begin and be completed.

b. The improvements to be included in each phase or stage of development.

c. The financial guarantee(s) to be provided to ensure that improvements and amenities are constructed in accordance with the phasing plan.

4. **Governing Documents.** Any governing documents (covenants, conditions, and restrictions (CC&R's), design guidelines, housing deed restrictions, etc.) that address the following, as applicable:

a. The type and structure of the entity responsible for, and an acceptable program for, the on-going maintenance of elements in the subdivision under common ownership (e.g., private open space areas, parks, recreation amenities, walkways, private streets, etc.).

b. Design review based on any design guidelines established for the subdivision.

**Commented [MF18]:** Staff is recommending that a new Section be created that details the specific requirements/standards from all plans, studies, and reports that may be required as part of a Land Use or Subdivision application.

Elsewhere in the Land Use Code where these plans, studies, and/or reports are listed as submittal requirements, language will be included that simply states that the required plans, studies, and/or reports must be prepared in accordance with the requirements/standards set forth in the new Section.

c. Deed restrictions, or other covenants, related to a community housing plan for the subdivision.

5. **U.S. Army Corps of Engineers 404 Permit.** If a subdivision proposes to modify the existing channel of a navigable stream, a completed Section 404- U.S. Army Corps of Engineers dredge-and-fill permit application must be submitted.

6. **Information for Battle Retained Parcels.** Any subdivision within the Battle Retained Parcels must include the following statement and acknowledgement:

a. *Municipal Water Service.* The landowner(s) of the lots, tracts, blocks or parcels created pursuant to this plat and other parties having an interest in such hereby acknowledge that the Town will not provide, and will have no obligation to provide, municipal water service to the lots, tracts, blocks or parcels or any improvements located within the lots, tracts, blocks or parcels. In consideration of the Town's approval of this plat, the landowner(s) and other parties having an interest in the property that have executed this plat, by so executing this plat, and all successor owners of the lots, tracts, blocks or parcels created pursuant to this plat or other parties having an interest therein, by taking title to or acquiring an interest in such, knowingly and intentionally waive any and all right to disconnection of the property arising under Section 31-12-119, C.R.S., and based on failure to provide municipal services on the same general terms and conditions as the rest of the Town receives, to the extent based on the Town not providing the lots with municipal water service as described herein.

7. **Waiver Request.** If applicable, a waiver request pursuant to [Section 16-8-###](#).

8. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

**D. Waiver of Application Submittal Requirements**

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.

2. To authorize a waiver, the Planning Director must make a finding for the following:

- a. The waiver will not compromise a proper and complete review of the application.
- b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.

3. If the Planning Director authorizes a waiver, they will:

- a. Provide the applicant with written notice of their decision.
- b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

**E. Application Review Criteria**

**Commented [MF19]:** These are new review criteria. The existing Code (refer to Section 17-5-80) simply states that following will be considered in the review of a Preliminary Plat:

1. Information requested or required by the Town.
2. Whether the proposed subdivision conforms to these and other applicable regulations, policies and guidelines of the Town.
3. Review of reports on file, and others as available, pertaining to geologic, soils, wildfire, flood, pollution and other hazards, mineral resource areas and significant wildlife areas. The review shall consider the guidelines and recommendations, as prepared by the appropriate agency, to mitigate hazards and to protect resources.

The Planning Commission may recommend approval of, and the Town Council may approve, a request for a Preliminary Plat upon a positive finding of each of the following criteria:

1. The subdivision is in substantial conformance with the Community Plan.
2. The subdivision complies with the requirements of this Code and, if applicable, any intergovernmental agreement and/or the requirements of an approved PUD Development Plan or subdivision Final Plat.
3. The subdivision will reflect, support, and/or enhance the character of the Town.
4. The subdivision is generally compatible with the character and layout of existing development patterns in the surrounding area.
5. Evidence has been provided demonstrating the following:
  - a. There is a legal, physical, adequate, and dependable potable water supply for each lot.
  - b. Public infrastructure and services can be provided to the subdivision in a logical, efficient, and economical manner.
  - c. There is, or will be, adequate infrastructure (e.g., roads, sidewalks, etc.) and utilities (e.g., water, sewer, electricity, gas, internet, etc.) to serve each lot to be created by the subdivision.
  - d. The subject property is free of natural and/or human-made hazards or any identified hazards have been, or will be, mitigated to the extent necessary for the property to be suitable for development.
  - e. Phasing of the subdivision is reasonable in terms of infrastructure capacity, utility and transportation network connections, provision of open space and trails, and other aspects of the subdivision to be developed in phases.
6. Lots for residential uses are located in a manner that provide residents of the subdivision with convenient access to places of employment, places that provide goods and services, open space, parks, recreational facilities, educational facilities, and public transit.
7. Lots for residential uses provide a diversity of housing opportunities for people of varying income levels.

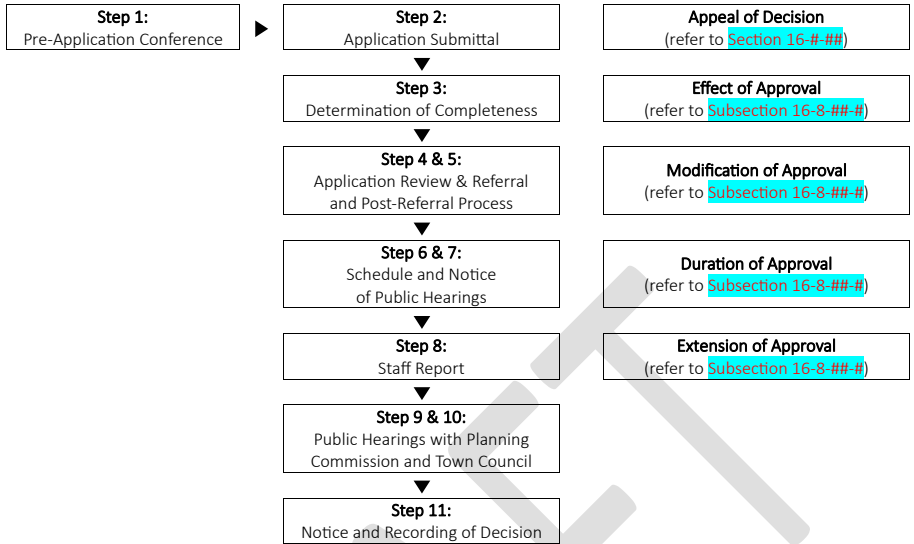
Commented [MF20]: Need input on whether these should be included as a criteria for a Preliminary Plat.

### 8. Application Review Process

A request for a Preliminary Plat will be reviewed and decided upon in accordance with the following process.

Table ##: Overview of Preliminary Plat Review Process





1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Preliminary Plat. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant’s proposal.
- ii. The applicable provisions of this Code.

- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant’s proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
  - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a Preliminary Plat shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.
3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.
- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
    - i. Certify the application as complete and record the date of the determination of completeness.
    - ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
  - b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application’s deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with [Subsection 16-###-#](#).

- c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:
  - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
  - ii. The Planning Director’s workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

**4. Step 4: Application Review and Referral.**

- a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.
- b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.
- c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.
- d. Town departments and town consultants may provide comments on an application at any time during the review process.

**5. Step 5: Post-Referral Process.**

- a. *Schedule Post-Referral Meeting with Applicant.* If the review comments from town departments, town consultants, and/or referral agencies identify deficiencies in and/or concerns with an application, the Planning Director will provide the applicant with written notice of such comments and schedule a post-referral meeting with the applicant within ten (10) business days of the conclusion of the referral period (i.e., Step 4). The Planning Director may invite other town staff, town consultants, and/or referral agency representatives to participate in the post-referral meeting if they deem it appropriate.

The purpose of the post-referral meeting is to:

- i. Discuss the review comments from the town departments, town consultants, and/or referral agencies.

- ii. Determine what actions the applicant needs to take to adequately address the review comments, prior to the scheduling of the first public hearing for the application.
- b. *Applicant Response to Review Comments.* Within ninety (90) business days of a post-referral meeting, the applicant shall submit a detailed written response to the Planning Director that addresses all review comments from town departments, town consultants and/or referral agencies.

If the applicant fails to submit such a response within ninety (90) business days, the application may be deemed withdrawn in accordance with [Subsection 16-8-##\(##\)\(#\)](#).

The applicant may submit a written request to the Planning Director for additional time to submit the required response to review comments from town departments, town consultants and/or referral agencies. Upon a showing of good cause by the applicant, the Planning Director may authorize an extension of the response period.

- c. *Review of Applicant's Response.* Following receipt of the applicant's response, the Planning Director will circulate copies of the response to the town departments, town consultants, and/or referral agencies that provided review comments.

The town departments, town consultants, and/or referral agencies shall have twenty (20) business days to review the applicant's response and provide written comments that clearly delineate review comments have been adequately addressed or remedied by the applicant, and those that have not. Upon request by a town department, town consultant, or referral agency, an extension of this comment period may be granted by the Planning Director.

- d. *Inadequate Response to Review Comments.*
  - i. If a town department, town consultant, and/or a referral agency identifies review comments that have not been adequately addressed or remedied by the applicant's response, the Planning Director will provide the applicant with written notice of such and request that the applicant submit an additional response that addresses all outstanding review comments.
  - ii. The applicant shall submit an additional response that addresses all outstanding review comments, in accordance with [Subsection 16-8-##\(##\)\(b\)](#).
  - iii. Upon receipt of the applicant's response to all outstanding review comments, the Planning Director will circulate copies of the response to the town departments, town consultants, and/or referral agencies that provided review comments. Such town departments, town consultants, and/or referral agencies shall have the opportunity to review and comment on the applicant's response in accordance with [Subsection 16-8-##\(##\)\(c\)](#).

If a town department, town consultant, and/or a referral agency identifies review comments that have not been adequately addressed or remedied by the applicant's additional response, the process set forth in this Subsection shall be repeated until all review comments have been adequately addressed or remedied by the applicant.

e. *Applicant Request for a Public Hearing.* If the applicant is unable to address or remedy all review comments to the satisfaction of the Planning Director, town departments, town consultants, and/or referral agencies, the applicant may submit a written request to the Planning Director that the application be scheduled for a public hearing.

As part of their request, the applicant shall submit a written response detailing the following:

- i. How referral comments have been addressed.
- ii. Why it was not possible to address or remedy the outstanding review comments to the satisfaction of the Planning Director, town departments, town consultants, and/or referral agencies.
- f. *Schedule Public Hearings.* Planning Director shall schedule a public hearing, in accordance with **Subsection 16-8-##(##)**, upon one of the following:
  - i. The Planning Director determines that the applicant has successfully and adequately addressed or remedied all comments set forth in the referral responses.
  - ii. The Planning Director receives a written request from the applicant that a public hearing be scheduled for their application, in accordance with **Subsection 16-8-##(##)(e)**.

6. **Step 6: Schedule Public Hearings.** Upon the conclusion of the post-referral process, the Planning Director shall schedule the application for public hearings before the Planning Commission and Town Council in accordance with the following requirements and notify the applicant, in writing, of the date, time, and location of each public hearing.

- a. The public hearings shall be scheduled for a regularly scheduled meeting or a special meeting of the Planning Commission and Town Council.
- b. The first public hearing before the Planning Commission shall be scheduled no later than forty (40) business days after the conclusion of the referral process.
- c. A public hearing before the Town Council shall be scheduled within forty (40) business days of the Planning Commission completing its review and making a recommendation to the Town Council. In accordance with the Home Rule Charter, the public hearing with the Town Council is to be held at the second meeting that the ordinance for the vacation or right-of-way or easement is introduced a second time.

7. **Step 7: Notice of Public Hearings.**

- a. Prior to the date of the first public hearing with the Planning Commission, the applicant shall:
  - i. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within two hundred (200) feet of the subject property or properties, in accordance with **Section 16-8-##**.

- ii. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with Section 16-#-##.
  - iii. *Post Notice.* Post notice on a sign on the subject property in accordance with Section 16-#-##.
  - iv. *Mail Notice to Mineral Estate Owners (As Required).* If required by the Colorado Revised Statutes, mail notice to mineral estate owners in accordance with Section 16-#-##.
  - v. *Submit Proof of Notice.* Submit proof of notice in accordance with Section 16-#-##.
- b. If required by the Colorado Revised Statutes, the Planning Director shall send notice to the Colorado Geologic Survey and the Eagle County Board of Commissioners.
8. **Step 8: Staff Report.** Town staff shall prepare a staff report that addresses the following, as applicable:
- a. Compliance with the standards of this Code.
  - b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.
  - c. Recommended conditions to ensure compliance with applicable standards.
  - d. Additional information pertinent to the review of the application that must be submitted by the applicant.
9. **Step 9: Public Hearing with Planning Commission.**
- a. The Planning Commission will hold a public hearing, in accordance with Section 16-#-##, to review the application. The applicant, or their agent, must be present at the hearing.
  - b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Planning Commission, the applicant, and the public:
    - i. The application and any supporting materials.
    - ii. The staff report.
    - iii. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.
  - c. Following the close of the public hearing, the Planning Commission shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Preliminary Plat, and shall take one of the following actions:
    - i. Recommend that the Town Council approve the Preliminary Plat, subject to any changes that the Planning Commission deems necessary to ensure compliance with this Code and the Community Plan.

- ii. Recommend that Town Council deny the Preliminary Plat and state the specific reason(s) for denial.

**10. Step 10: Public Hearing with Town Council.**

- a. Following the public hearing with the Planning Commission, the Town Council will hold a public hearing, in accordance with Section 16-#-##, to review the application. The applicant, or their agent, must be present at the hearing.
- b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Town Council, the applicant, and the public:
  - i. The application and any supporting materials.
  - ii. The staff report.
  - iii. The Planning Commission's recommendation.
  - iv. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.
- c. Following the close of the public hearing, the Town Council shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Preliminary Plat, and shall take one of the following actions:
  - i. Approve the Preliminary Plat, subject to any changes that the Town Council deems necessary to ensure compliance with this Code and the Community Plan.
  - ii. Deny the Preliminary Plat and state the specific reason(s) for denial.
- d. If the Town Council approves a Preliminary Plat, it shall enact a resolution to such effect.
- e. If the approved subdivision is to be developed in phases, the Town Council may include time frames for the approval of Final Plats for each phase of the subdivision.

**11. Step 11: Notice and Recording of Decision.**

- a. Within ten (10) business days of a final action by the Town Council, the following will occur:
  - i. The Planning Director will send written notice of the decision to the applicant.
  - ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
- b. If the Town Council approves a Preliminary Plat, the Town Clerk will enter a copy of the resolution approving the Preliminary Plat into the town's records.

**9. Effect of Approval**

Approval of a Preliminary Plat constitutes authorization for an applicant to prepare and submit an application for a Final Plat.

**10. Modification of Approval**

Any modification to an approved Preliminary Plat shall require the submittal of a new application that is processed and reviewed in accordance with the procedures and standards set forth in this Section. This shall not apply to any modifications that an applicant must make to address conditions of approval placed on a Preliminary Plat by the Town Council.

**11. Duration of Approval**

All Preliminary Plats shall expire and become null and void in accordance with Section 16-#-##.

**Commented [MF21]:** The approval of a Preliminary Plat constitutes vested rights so the duration and extension of an approval must adhere to the Town's vested rights provisions.

**12. Extension of Approval**

An extension of a Preliminary Plat approval may be granted in accordance with Section 16-#-##.

**Commented [MF22]:** The approval of a Preliminary Plat constitutes vested rights so the duration and extension of an approval must adhere to the Town's vested rights provisions.

DRAFT

**Section 16-8-160: Final Plat**

**A. Purpose**

The purpose of this Section is to establish a process for ensuring that the Final Plat for a Major Subdivision complies with an approved Preliminary Plat and the requirements of this Code. The Final Plat is the third and final step in the Major Subdivision process and is required. Refer to [Subsection 16-8-###-#](#) for further information.

**B. Application Submittal Requirements**

An application for a Final Plat shall include the following:

**Commented [MF23]:** The application submittal requirements are subject to further review and refinement by Town Staff, the Town Attorney, and Town Engineer.

- 9. **Application.** A completed copy of the application form furnished by the Town. This form will, at minimum, require an applicant to submit the information listed in [Subsection 16-8-###-#](#).
- 10. **Application Fee.** Payment for the applicable fee, as designated by the Town’s schedule of fees, shall be made at the time of submittal of an application.
- 11. **Narrative.** A written document that includes the following:
  - a. An explanation of how the Final Plat is consistent with the approved Preliminary Plat and a description of any modifications made to the subdivision, following the Preliminary Plat step, and the reasons for those changes.
  - b. An explanation of how the Final Plat complies with the review criteria set forth in this Section.
- 12. **Final Plat.** A Final Plat drawn to scale and that includes the following:
  - a. The name of the subdivision, date of preparation, date of survey, north arrow, graphic scale, and a vicinity map. If multiple sheets are necessary to depict the total filing, the title or cover sheet of the Final Plat must include the following:
    - i. The vicinity map.
    - ii. The legal description of the subject property.
    - iii. A key map to sheet location.
    - iv. All certifications and dedications.

The vicinity map must be at a scale of 1" = 1,000 feet and include section lines and township and range lines, where practical.
  - b. A legal description of the subject property.
  - c. The basis of bearings.
  - d. Name and address of the property owner(s) and mineral estate owner(s) of record of the land being platted.

- e. Name, address, and seal of the certifying registered land surveyor preparing the Final Plat.
- f. Boundary lines, corner pins, and dimensions of the subject property or properties, including land survey data to identify the subject property or properties by section corners, distance and bearing to these corners, quarter corner, township, and range. All surveying data shall be tied to primary control points, the locations and descriptions of these control points being indicated.
- g. Location and full description of all property monuments required by this Code and the Colorado Revised Statutes including, but not limited to, the following. Information adequate to locate all monuments must be noted on the Final Plat.
  - i. Two (2) concrete monuments, at least thirty-six (36") inches in length and four (4") inches square with a suitable center point, shall be set at each street intersection on the street right-of-way line, or on offset lines therefrom, designated on the record plat.
  - ii. Iron monuments one-half (½") inch in diameter and eighteen (18") inches long shall be placed on all points on boundary lines where there is a change of direction.
- h. Bearings, deflection angles, arc lengths, chord bearings, chord lengths, tangent distances and central angles of all curves shall be shown. If multiple sheets are necessary to depict the total filing, curve tables shall be provided on each sheet and include only those curves shown on the sheet.
- i. Location and dimensions of rights-of-way. Right-of-way lines must be depicted as dashed lines.
- j. Location, dimensions and names of all streets and/or roads. Street and road lines must be depicted as solid black lines.
- k. Lot and block location and information including the following:
  - i. Blocks letters or numbers in consecutive order.
  - ii. Lot numbers in consecutive order.
  - iii. Street addresses for each lot.
  - iv. Lot boundaries shown with accurate dimensions to the nearest one-hundredth (0.01) foot. Lot boundaries must be depicted as solid black lines.
  - v. Area of each lot shown to two (2) decimal places.
- l. Location, width, purpose, and owners of all easements. A Plat note(s) may be necessary to provide complete information regarding the purpose of an easement. Easement lines must be depicted as dashed lines.

- m. The location of all major drainage channels and areas showing the boundaries of land subject to inundation by a one-hundred-year flood.
  - n. Reference to any protective covenants, declarations, and/or other restrictions to be filed with the Final Plat and an indication of the purpose for which sites other than residential lots are dedicated or reserved.
  - o. Certificates and signature blocks that include, but are not limited to, the following:
    - i. *Certificate of Dedication and Ownership.* A certificate of dedication and ownership executed by the owner(s) of record and any other person(s) or entity(ies) having an interest in the land being platted, including any security interest.
    - ii. *Title Certificate.* A certificate of a title company or attorney showing marketable title in the owners, subject only to the liens or encumbrances of persons executing the certificate of dedication and ownership.
    - iii. *Surveyor's Certificate.* A surveyor's certificate signed by a land surveyor licensed in the State of Colorado and who is responsible for the survey and Final Plat.
    - iv. *Clerk and Recorder's Certificate.* A recorder's certificate to be completed upon recording of the Final Plat.
    - v. An approval block for the Town Council.
  - p. In addition to requirements described herein, the Final Plat shall comply with all requirements of the Colorado Revised Statutes.
13. **Construction Plans.** The following items must be submitted at 90% completion and prepared in accordance with the requirements set forth in Section 16-#-##:
- a. A Cover Sheet that includes the following:
    - iv. General notes.
    - v. Technical specifications.
    - vi. Sheet index.
  - b. Construction Management Plan.
  - c. Existing Conditions Plan.
  - d. Demolition Plan.
  - e. Site Plan.
  - f. Parking and Snow Storage Plan.

**Commented [MF24]:** Staff is recommending that a new Section be created that details the specific requirements/standards from all plans, studies, and reports that may be required as part of a Land Use or Subdivision application.

Elsewhere in the Land Use Code where these plans, studies, and/or reports are listed as submittal requirements, language will be included that simply states that the required plans, studies, and/or reports must be prepared in accordance with the requirements/standards set forth in the new Section.

- g. Grading & Drainage Plan.
- h. Stormwater Management Plan.
- i. Stormsewer Plan & Profile.
- j. Erosion and Sediment Control Plan.
- k. Landscape/Revegetation Plan.
- l. Street Plan and Profile.
- m. Utility Plans.
- n. Construction Details.

14. **Studies & Reports.** The following studies and reports must be submitted and prepared in accordance with the requirements set forth in **Section 16-#-##**:

- a. Drainage Report.
- b. Geotechnical Report.
- c. Geologic Hazard Report.
- d. Utility Report.
- e. Wetland Delineation.
- f. Phase 1 and 2 Environmental Report.
- g. Traffic Report.
- h. Wildfire Study.
- i. Engineer's Opinion of Probable Costs.

15. **Stormwater Discharge Permit.** A Stormwater Discharge Permit issued by the Colorado Department of Public Health and Environment (CDPHE).

16. **Phasing Plan.** A final version of the phasing plan, if development of the subdivision is to occur in phases.

17. **Governing Documents.** A final version of any governing documents (covenants, conditions, and restrictions (CC&R's), design guidelines, housing deed restrictions, etc.) for the subdivision.

**Commented [MF25]:** Staff is recommending that a new Section be created that details the specific requirements/standards from all plans, studies, and reports that may be required as part of a Land Use or Subdivision application.

Elsewhere in the Land Use Code where these plans, studies, and/or reports are listed as submittal requirements, language will be included that simply states that the required plans, studies, and/or reports must be prepared in accordance with the requirements/standards set forth in the new Section.

**Commented [MF26]:** This requirement was added per the Town Engineer.

18. **Agreements.** An executed improvements agreement prepared in accordance with Section 16-#-## and/or other agreement required by the Town as a condition of Final Plat approval.
19. **Evidence of Water Supply.** Adequate evidence of water in sufficient quantity for both domestic and irrigation use which shall be transferred to a legal entity which shall be established to operate a system to provide such quantity of water. For final plat applications affecting Battle Retained Parcels, a letter from ERWSD confirming its ability and commitment to meet the physical and legal water service needs for the proposed land use including fire flows. The ERWSD letter will be deemed to fully satisfy the foregoing requirement. Per Section 13-8-60, engineering and technical requirements of the Bolts Water Distribution System will be subject to ERWSD regulations and Chapter ## (including, but not limited to, applicable fire flow requirements).
20. **Information for Battle Retained Parcels.** Any final plat within the Battle Retained Parcels must include the following statement and acknowledgement:
  - a. *Municipal Water Service.* The landowner(s) of the lots, tracts, blocks or parcels created pursuant to this plat and other parties having an interest in such hereby acknowledge that the Town will not provide, and will have no obligation to provide municipal water service to the lots, tracts, blocks or parcels or any improvements located within the lots, tracts, blocks or parcels. In consideration of the Town's approval of this plat, the landowner(s) and other parties having an interest in the property that have executed this plat, by so executing this plat, and all successor owners of the lots, tracts, blocks or parcels created pursuant to this plat or other parties having an interest therein, by taking title to or acquiring an interest in such, knowingly and intentionally waive any and all right to disconnection of the property arising under Section 31-12-119, C.R.S., and based on failure to provide municipal services on the same general terms and conditions as the rest of the Town receives, to the extent based on the Town not providing the lots with municipal water service as described herein.
21. **Additional Information.** Any other information deemed necessary by the Planning Director to ensure a complete and proper review of the request.

**C. Waiver of Application Submittal Requirements**

1. At the discretion of the Planning Director, certain submittal requirements may be waived to tailor the requirements to the information that is necessary to review a specific application.
2. To authorize a waiver, the Planning Director must make a finding for the following:
  - a. The waiver will not compromise a proper and complete review of the application.
  - b. The submittal requirement(s) to be waived is not necessary for describing the proposal or demonstrating compliance with the applicable review criteria.
3. If the Planning Director authorizes a waiver, they will:
  - a. Provide the applicant with written notice of their decision.
  - b. Include in their staff report a list of the submittal requirements waived and the findings made to justify the waiver.

**D. Application Review Criteria**

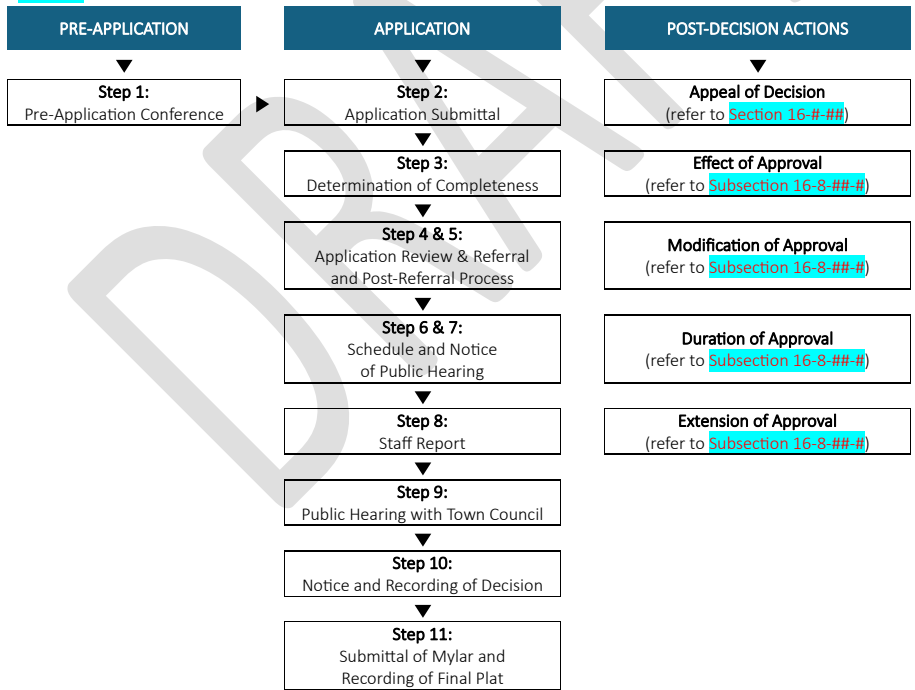
The Town Council may approve a request for a Final Plat upon a positive finding of each of the following criteria:

1. The Final Plat is in substantial conformance with the approved Preliminary Plat.
2. The Final Plat complies with the requirements of this Code.
3. All conditions of approval for the Preliminary Plat have been addressed satisfactorily.
4. The Final Plat complies with the applicable requirements of the Colorado Revised Statutes.
5. All taxes applicable to the subject property have been paid, as certified by the Eagle County Treasurer.

**E. Application Review Process**

A request for a Final Plat will be reviewed and decided upon in accordance with the following process.

**Table ##: Overview of Final Plat Review Process**



1. **Step 1: Pre-Application Conference.** A Pre-Application Conference is required prior to the submittal of an application for a Final Plat. This requirement may be waived at the discretion of the Planning Director.

The process for a Pre-Application Conference is as follows:

- a. *Schedule Pre-Application Conference.* The applicant must submit a written request for a Pre-Application Conference to the Planning Director. Within fourteen (14) calendar days of receiving such a request, the Planning Director will schedule the Pre-Application Conference and notify the applicant of the date, time, and location of the conference.
- b. *Materials for Pre-Application Conference.* If required by the Planning Director, the applicant will submit information that allows for an informal evaluation of the proposal. This information must be submitted at least five (5) business days prior to the Pre-Application Conference.
- c. *Attend Pre-Application Conference.* The applicant and the Planning Director will attend the Pre-Application Conference. The Planning Director may invite other town staff, town consultants, and/or county, state, or federal representatives to participate in the Pre-Application Conference if they deem it appropriate.

The purpose of the Pre-Application Conference is to provide the applicant, Planning Director, and other attendees with an opportunity to review and discuss the following:

- i. The applicant's proposal.
- ii. The applicable provisions of this Code.
- iii. The application submittal requirements and review procedures.
- iv. The referral agencies likely to be involved with the review of the application.

Depending on the magnitude or complexity of the applicant's proposal and/or the availability of other persons deemed necessary to attend, the Pre-Application Conference may be continued for a reasonable time at the request of the applicant or the Planning Director.

- d. *Pre-Application Conference Summary.* Within ten (10) business days of the conclusion of the Pre-Application Conference, the Planning Director shall prepare, and provide the applicant with, a written summary of the conference.
  - e. *Effect of Pre-Application Conference.* Any information provided as part of a Pre-Application Conference shall not be binding on the Town or the applicant.
2. **Step 2: Submittal of Application.** The applicant for a Final Plat shall submit a complete application to the Town. Prior to the application submittal, the Planning Director shall determine, and inform the applicant of, the format (electronic or hard copy) and number of copies of the application to be submitted.

3. **Step 3: Determination of Completeness.** Within thirty (30) business days of the Town receiving an application, the Planning Director shall review the application and determine whether it is complete and includes sufficient information to be evaluated for general compliance with the requirements of this Code.

- a. *Application Deemed Complete.* If the Planning Director determines the application to be complete, they shall do the following:
  - i. Certify the application as complete and record the date of the determination of completeness.
  - ii. Notify the applicant, in writing, of the determination of completeness; any changes that need to be made to the application prior to commencing the application referral process; and the number of complete applications to be submitted to the Town for the referral process.
- b. *Application Deemed Incomplete.* If the application is determined to be incomplete, the Planning Director shall notify the applicant, in writing, of the application's deficiencies and that no further action on the application will be taken until these deficiencies have been remedied.

If an applicant fails to correct deficiencies in their application, the Planning Director may deem the application to be withdrawn in accordance with [Subsection 16-###-#](#).

- c. *Extension of Timeframe for Determination of Completeness.* The Planning Director may extend the timeframe for a determination of completeness by up to ten (10) business days if one of the following conditions exist:
  - i. The scope of the application warrants additional time for the Planning Director to review the application and make a determination of completeness.
  - ii. The Planning Director's workload justifies the need for an extension of time to review the application and make a determination of completeness.

If the Planning Director chooses to extend the time for the review and determination of completeness for an application, they will provide the applicant with written notice of their decision.

4. **Step 4: Application Review and Referral.**

- a. Within five (5) business days of receiving the requested number of complete applications from the applicant, the Planning Director shall circulate copies of the application package for review and comment by the town departments, town consultants, and referral agencies that may be affected by the proposal. The Planning Director is responsible for determining the appropriate town departments, town consultants, and referral agencies to involve in the review of an application.
- b. The comment period for the review by referral agencies shall be twenty (20) business days from the date that the application is circulated by the Planning Director. Upon request by a

referral agency, the Planning Director may authorize one (1) extension of this comment period by up to ten (10) business days.

- c. Comments from referral agencies not received by the Town within the applicable time frame will be considered a no comment.
  - d. Town departments and town consultants may provide comments on an application at any time during the review process.
5. **Step 5: Post-Referral Process.**
- a. *Schedule Post-Referral Meeting with Applicant.* If the review comments from town departments, town consultants, and/or referral agencies identify deficiencies in and/or concerns with an application, the Planning Director will provide the applicant with written notice of such comments and schedule a post-referral meeting with the applicant within ten (10) business days of the conclusion of the referral period (i.e., Step 4). The Planning Director may invite other town staff, town consultants, and/or referral agency representatives to participate in the post-referral meeting if they deem it appropriate.

The purpose of the post-referral meeting is to:

- i. Discuss the review comments from the town departments, town consultants, and/or referral agencies.
  - ii. Determine what actions the applicant needs to take to adequately address the review comments, prior to the scheduling of the first public hearing for the application.
- b. *Applicant Response to Review Comments.* Within ninety (90) business days of a post-referral meeting, the applicant shall submit a detailed written response to the Planning Director that addresses all review comments from town departments, town consultants and/or referral agencies.

If the applicant fails to submit such a response within ninety (90) business days, the application may be deemed withdrawn in accordance with [Subsection 16-#-##\(#\)\(#\)](#).

The applicant may submit a written request to the Planning Director for additional time to submit the required response to review comments from town departments, town consultants and/or referral agencies. Upon a showing of good cause by the applicant, the Planning Director may authorize an extension of the response period.

- c. *Review of Applicant's Response.* Following receipt of the applicant's response, the Planning Director will circulate copies of the response to the town departments, town consultants, and/or referral agencies that provided review comments.

The town departments, town consultants, and/or referral agencies shall have twenty (20) business days to review the applicant's response and provide written comments that clearly delineate review comments have been adequately addressed or remedied by the applicant, and those that have not. Upon request by a town department, town consultant, or referral agency, an extension of this comment period may be granted by the Planning Director.

- d. *Inadequate Response to Review Comments.*
  - i. If a town department, town consultant, and/or a referral agency identifies review comments that have not been adequately addressed or remedied by the applicant’s response, the Planning Director will provide the applicant with written notice of such and request that the applicant submit an additional response that addresses all outstanding review comments.
  - ii. The applicant shall submit an additional response that addresses all outstanding review comments, in accordance with [Subsection 16-8-##\(b\)](#).
  - iii. Upon receipt of the applicant’s response to all outstanding review comments, the Planning Director will circulate copies of the response to the town departments, town consultants, and/or referral agencies that provided review comments. Such town departments, town consultants, and/or referral agencies shall have the opportunity to review and comment on the applicant’s response in accordance with [Subsection 16-8-##\(c\)](#).

If a town department, town consultant, and/or a referral agency identifies review comments that have not been adequately addressed or remedied by the applicant’s additional response, the process set forth in this Subsection shall be repeated until all review comments have been adequately addressed or remedied by the applicant.

- e. *Applicant Request for a Public Hearing.* If the applicant is unable to address or remedy all review comments to the satisfaction of the Planning Director, town departments, town consultants, and/or referral agencies, the applicant may submit a written request to the Planning Director that the application be scheduled for a public hearing.

As part of their request, the applicant shall submit a written response detailing the following:

- i. How referral comments have been addressed.
  - ii. Why it was not possible to address or remedy the outstanding review comments to the satisfaction of the Planning Director, town departments, town consultants, and/or referral agencies.
- f. *Schedule Public Hearings.* The Planning Director shall schedule a public hearing, in accordance with [Subsection 16-8-##\(d\)](#), upon one of the following:
    - i. The Planning Director determines that the applicant has successfully and adequately addressed or remedied all comments set forth in the referral responses.
    - ii. The Planning Director receives a written request from the applicant that a public hearing be scheduled for their application, in accordance with [Subsection 16-8-##\(e\)](#).

- 6. **Step 6: Schedule Public Hearing.** Upon the conclusion of the post-referral process, the Planning Director shall schedule the application for a public hearing before the Town Council in accordance

with the following requirements and notify the applicant, in writing, of the date, time, and location of each public hearing.

- a. The public hearing shall be scheduled for a regularly scheduled meeting or a special meeting of the Town Council.
- b. The first public hearing before the Town Council shall be scheduled no later than forty (40) business days after the conclusion of the referral process.

7. **Step 7: Notice of Public Hearing.**

- a. Prior to the date of the first public hearing with the Town Council, the applicant shall:
  - i. *Mail Notice.* Mail notice, by certified mail, to all property owners of record within two hundred (200) feet of the subject property or properties, in accordance with Section 16-#-##.
  - ii. *Publish Notice.* Publish notice in a local newspaper, having general circulation within the Town, in accordance with Section 16-#-##.
  - iii. *Post Notice.* Post notice on a sign on the subject property in accordance with Section 16-#-##.
  - iv. *Mail Notice to Mineral Estate Owners (As Required).* If required by the Colorado Revised Statutes, mail notice to mineral estate owners in accordance with Section 16-#-##.
  - v. *Submit Proof of Notice.* Submit proof of notice in accordance with Section 16-#-##.
- b. If required by the Colorado Revised Statutes, the Planning Director shall send notice to the Colorado Geologic Survey and the Eagle County Board of Commissioners.

8. **Step 8: Staff Report.** Town staff shall prepare a staff report that addresses the following, as applicable:

- a. Compliance with the standards of this Code.
- b. Issues raised during the review of the application by town staff, town consultants, and/or referral agencies.
- c. Recommended conditions to ensure compliance with applicable standards.
- d. Additional information pertinent to the review of the application that must be submitted by the applicant.

9. **Step 9: Public Hearing with Town Council.**

- a. The Town Council will hold a public hearing, in accordance with Section 16-#-##, to review the application. The applicant, or their agent, must be present at the hearing.

- b. At least five (5) calendar days prior to the public hearing, the Planning Director shall make available the following materials to the Town Council, the applicant, and the public:
    - i. The application and any supporting materials.
    - ii. The staff report.
    - iii. Copies of any comments received by the Town from town departments, town consultants, referral agencies, and/or the public.
  - c. Following the close of the public hearing, the Town Council shall consider the application and any supporting materials, the staff report, public testimony, and the review criteria for a Final Plat, and shall take one of the following actions:
    - i. Approve the Final Plat, subject to any changes that the Town Council deems necessary to ensure compliance with this Code and the Community Plan.
    - ii. Deny the Final Plat and state the specific reason(s) for denial.
  - d. If the Town Council approves a Final Plat, it shall enact a resolution to such effect.
- 10. Step 10: Notice and Recording of Decision.**
- a. Within ten (10) business days of a final action by the Town Council, the following will occur:
    - i. The Planning Director will send written notice of the decision to the applicant.
    - ii. A copy of the decision will be made available to the applicant during normal business at Minturn Town Hall.
  - b. If the Town Council approves a Final Plat, the Town Clerk will enter a copy of the resolution approving the Final Plat into the town's records.
- 11. Step 11: Submittal of Mylar and Recording of Final Plat.**
- a. Within ninety (90) business days of an approval by the Town Council, the applicant shall submit a copy of the approved Final Plat on Mylar (as specified in the Colorado Revised Statutes) to the Planning Director.
  - b. Upon the approval of a Final Plat, the Mayor or Mayor Pro-Tem is authorized to sign the Mylar version of the Final Plat once the Planning Director has determined that all conditions of approval and technical corrections have been addressed.
  - c. Within thirty (30) business days of the Planning Director making a positive finding for each of the following, the Town Clerk shall record the approved Mylar version of the Final Plat with the office of the Eagle County Clerk and Recorder.
    - i. All signatures required on the Final Plat have been obtained.

ii. All conditions of approval and technical corrections have been addressed.

d. The applicant is responsible for all costs associated with recording a Final Plat.

**F. Effect of Approval**

<Add Text>

**G. Modification of Approval**

<Add Text>

**H. Duration of Approval**

All Final Plats shall expire and become null and void in accordance with Section 16-#-##.

**I. Extension of Approval**

An extension of a Preliminary Plat approval may be granted in accordance with Section 16-#-##.

**Commented [MF27]:** These are new Subsections to be prepared in collaboration with Town Staff and the Town Attorney.

**Commented [MF28]:** The approval of a Final Plat constitutes vested rights so the duration and extension of an approval must adhere to the Town's vested rights provisions.

**Commented [MF29]:** The approval of a Final Plat constitutes vested rights so the duration and extension of an approval must adhere to the Town's vested rights provisions.

DRAFT



To: Minturn Town Council  
 From: Jay Brunvand  
 Date: February 19, 2025  
 RE: Town Manager Update

**Interim Managers**

With Michelle’s departure, the town has completed our interim management transition. As discussed previously, I will be handling in-house and the general town issues and Katie will be handling the major capital projects.

**MuniBilling Utility Billing System**

On February 1 we moved off the ERWSD billing system and on to a new system provided by MuniBilling. This change came about through concerns ERWSD had continuing our pervious arrangement and ever rising monthly costs.

**July 2, 2025 Council Meeting**

In an effort to be in front of the curve, the July 4, 2025 holiday is on Friday this year and as such will be a busy week and long weekend. Minturn will be holding our events on Wednesday July 2. As we will be having both day and evening events on Wednesday, 7/2, and that is a council meeting night, I will be planning on canceling that meeting. In the event we have a conflict we may schedule a special meeting but the hope is that we don’t need that. By planning this in advance we can make sure we don’t publish a public hearing or the like and can avoid any conflicts.

**March 5 Council Meeting**

Staff is looking at having a work session to start the 3/5/25 meeting. The session will cover the Taylor St Paving and the Railroad Ave. Pedestrian Improvements, and will be presented by Town Engineer Jeff Spanel. This will allow Jeff to give a more complete picture of the two projects for the council and citizens.

**Minturn Education Fund**

The Minturn Education Fund committee has been busy getting the 2025 Scholarship program ready. At the 2/12 meeting we approved the application, review process, and other related items. The application is available to any student for secondary education needs. This is not limited to traditional college and can be used for trade schools or the like. The

**Community Dinners**

There have been two community dinners so far and the last one is scheduled for March 10. Details are on the Town website.

**Water Line Freezing**

As a heads up, we have had several frozen service lines recently. Most have been minor where the meter freezes. A new meter is delivered and replaced. This has been a hard winter in that we have had snow but the traditional blanket of snow that helps insulate the ground is not as deep or in some cases is not present. This has only exacerbated the situation. Kudos to Public Works and John Volk for their assistance and efforts with these issues. Mary Beth



Interim Town Manager Katie Sickles  
February 19, 2025 Meeting Update

Note: I have alerted Jay Brunvand that the CDOT-Bellm Bridge schedule of February 26 may exceed my February allowance. CDOT had Feb 26, 27, March 26 or June 3 for a kickoff in Minturn, to get this going we settled on Feb 26. Something I had not planned on.

The following are direct projects I was assigned by Town Manager Metteer as outlined in the job description.

- A. Water Treatment Plant (WTP) Design & Engineering: work with the contracted WTP Engineering firm, HDR, Inc. to ensure 90% WTP design and engineered drawings are completed for the State Revolving Fund application date of January 2026. This will include the application and administration process with the EPA for obtaining the approved \$3M in Congressionally Directed Spending Funds.
  - 1. HDR Proposed Fee to complete WTP Design was increased from \$1,112,599.40 to \$1,393,000.00. The amendment of \$280,400.60 was signed by Town Manager Metteer 2/7/25.
  - 2. Design currently at 30%, proposed 60% June and 90% September 2025.
  - 3. Grant Funds include \$3,000,000 Congressionally Directed Funds (#14318920).
  - 4. Design Budgeted in 2025.
- B. Bellm Bridge Design & Engineering – work with Minturn’s contracted civil engineering firm, Inter-Mountain Engineering, for the process to obtain engineered drawings to replace Bellm Bridge with a new truss bridge. Work with the CDOT Bridge Grant and the Special Highway Committee for the execution of Minturn’s Off-System Bridge Program grant award.
  - 1. SEH completed feasibility study October 2024 \$5,457,738 for truss. Council approved Full Truss Replacement October 2024 and then days later an available bridge from Dolores.
  - 2. Jeff Spanel provided a layout of the Dolores Bridge of which is 25’ too long. The Dolores bridge could still be a solution, however more to come. (Attached)
  - 3. Grant design estimate \$373,779, Off Bridge System Grant (#20-0067) \$297,823 and town match \$75,956. CDOT team has scheduled to kick off project Feb 26.
  - 4. Design cost \$373,779 will require a 2025 Budget Supplement.
- C. North Main Street Pedestrian Improvements (Railroad Ave) – work with Inter- Mountain Engineering for the execution of the Revitalizing Main Streets grant awarding the installation of a sidewalk along Railroad Ave along with other pedestrian safety improvements.

1. Grant timeline modified 01/03/24 to 11/30/25. PUC Commission Order authorized the installation of an asphalt pedestrian path at an existing at-grade crossing of Railroad Ave with the existing tracks owned by Union Pacific Railroad Company.
  2. Sidewalk elevation discussed along Taylor.
  3. Grant design estimate \$252,000 Revitalizing Main Street Grant (#411037494) \$226,800 and town match \$25,200. Minturn North \$80,000 was deposited to contribute to this project.
  4. \$252,000 budgeted in 2025, the remaining \$80,000 expenditure will require a budget supplement.
- D. Tank #2 / Steel Bolted Tank repairs – work with HDR Engineering and Minturn’s water treatment plant operator, John Volk, to execute the repairs necessary to rehabilitate Minturn’s water tank #2.
1. It appears that there are CDPHE obstacles in proceeding with repairs. John Volk estimated \$120,000, however there are unknowns.
  2. Repairs up to \$120,000 budgeted in 2025.
- E. Pressure Reducing Valve (PRV) Master Meter Housing upgrades – work with John Volk and HDR Engineering to implement improvements to the Master Meter housing allowing for both water tank #2 and tank #3 to operate at full capacity.
1. This appears to be moving forward with all staff and contractors coordinating.
  2. Repairs up to \$100,000 budgeted in 2025.
- F. Repaving (reconstruction) of Taylor Street – work with Inter-Mountain Engineering to execute the community planning process and subsequent RFP for the construction of the repaving of Taylor St.
1. Jeff Spanel, Tom Priest, Michael Gottino and I met Tuesday Feb 11 regarding Minturn Townhomes to discuss the driveways, drainage, etc. Council discussion will be scheduled.
  2. Repaving up to \$750,000 budgeted in 2025.
- G. Little Beach Park Retaining Wall repair/replacement – work with Inter-Mountain Engineering to prepare for the repair and replacement of the Little Beach Park retaining wall and interior access road.
1. Retaining wall repair and replacement will require that the playground be demolished. Public Input should be sought regarding the current playground structures. A public survey, open house and outreach is requested for playground amenities by Council. The playground amenities are not eligible within the grant requiring the town to pay this expense directly. Jeff Spanel has connections with Star Playgrounds.
  2. Interim Town Manager will assist town staff as needed to develop a survey.
  3. Grant project estimate \$294,000, DOLA EIAF \$147,000 (#9968) and town match \$153,097.
  4. The grant funded project is budgeted in 2025. The playground equipment expense is to be determined and approved by Council.

- H. Main St / US HWY 24 Phase II Sidewalk construction – oversee the RFQ process for obtaining a construction management firm as well as the process for obtaining a construction firm for the installation of sidewalks, curb, gutter and drainage along the project area of Main Street. Execute the associated CDOT revitalizing Main Streets grant and the associated DOLA EIAF grant as both support this project financially.
1. Cleared for construction. RFQ will be ready soon.
  2. Project will be advertised in several places in addition to Bidnet. Council will award contract.
  3. Grant project estimate \$1,752,500, Revitalizing Main Street \$1,402,000 (#M890-002 25362), DOLA EIAF \$220,000 (#9500) and town match \$130,500.
  4. Project funds budgeted in 2025.
- I. Prepare to update the Minturn Boneyard conservation easement management plan owned by the Town of Minturn, is the Town of Minturn's first permanently protected open space. The property is open to all for walking, picnicking, wildlife viewing, snowshoeing, and river access. Its meadows and woodlands are adjacent to national forest lands. A proposed stormwater installation project will also require Jeff Spanel's input.
1. Adrian at Eagle Valley Land Trust is working on Town of Avon's plans and may be ready around April to start Minturn's update. The proposed stormwater system will require a project plan for construction, overburden and restoration. Seeding variety and plans should be attached to the restoration plan.
  2. Interim Town Manager will stay in communication with Eagle Valley Land Trust.
  3. Budgeted in 2025 under Interim contract.
- J. Main Street-US Hwy 24/Cemetery Road Pedestrian Crossing
1. Pedestrian Crossing Approved by CDOT
  2. Interim will coordinate with Jeff Spanel regarding element purchase and installation.
  3. Budgeted 2025 in Public Works Street Sidewalk Expense 01-06-5352
- K. Nelson Street Improvement plus potential Heat Exchange
1. Meeting Feb 12 with applicant and Jeff Spanel. Estimates should be available in February. Nelson Street will be a Town Council discussion April 2.
  2. This project is not budgeted in 2025.
- L. Safe Streets For All
1. Develop a comprehensive safety action plan for the Town of Minturn.
  2. Town Council March 19. February First Friday on Feb 7 was a great success. Cindy is working with Stolfus on survey results.
  3. Grant estimate \$100,000, US Dept of Transportation \$80,000 (#693JJ32440637) and \$20,000 town match.
  4. Budgeted in 2025.
- M. Norman Street Repaving
1. Repave Norman Street with available funds. There is interest in sidewalks, however adjacent improvements are lower than street.
  2. Budgeted \$55,491 in 2025.



SCALE: 1" = 30'



**NOTES:**

1. THE CLEAR ROADWAY WIDTH IS 24.0'.
2. DIMENSIONS ARE OUTSIDE TO OUTSIDE OF STEEL STRUCTURE.

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**Inter-Mountain ENGINEERING**  
 Civil Engineers & Surveyors  
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 INFO@INTER-MTN.NET

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CLIENT:	TOWN OF MINTURN
<b>BRIDGE EXHIBIT</b>	
BELLM BRIDGE PROPOSED REPLACEMENT	
TOWN OF MINTURN	
COUNTY OF EAGLE, STATE OF COLORADO	

DRAWN BY:	SPF
CHECKED BY:	JS
DATE ISSUED:	12-18-24
PROJECT NO.	20-0067
EXHIBIT	10 137



To: Mayor and Council  
From: Scot Hunn, Planning Director  
Date: February 14, 2025  
Agenda Item: Highlands Parcels Planning and Public Engagement – Update and Direction

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**Background:**

The Highlands Parcels Nos. 1 & 2 have been acquired by the Town as part of the Settlement Agreement executed in 2024 between the Town and Battle North. Parcels 1 & 2 present a unique opportunity for the Town to achieve certain strategic and community plan policy goals while generating revenue specifically earmarked for the water enterprise fund which may be used to offset the design and construction of a new water treatment plant and/or offset water rates for the Town’s citizens. To this end, Town Council has directed staff to facilitate a public review and engagement process to assist in determining the most appropriate, beneficial use of the Parcels.

**Process:**

As a first step in the process to inform Council’s decision on how to best use the Parcels, staff completed the following tasks in January 2025:

- A [webpage](#) providing background information on the Bolts Lake area – specifically the Settlement Agreement and Highlands Parcels 1 & 2 – has been created.
- A short survey was conducted between January 13<sup>th</sup> and January 31<sup>st</sup>.
- An open house was held Wednesday, January 29<sup>th</sup>, from 4:30pm-7:30pm at Town Hall.

The goal of this public engagement process – specifically the survey and open house – has been to gather public input regarding community preferences, ideas, and concerns related to the future use of the Parcels, including the potential disposition (sale) of the Parcels to be considered by the Council.

The results of the survey and open house are summarized in more detail below and the next steps in this process include discussion and direction by Council on alternative scenarios. Based on Council’s direction, staff, including the Town Attorney and Town Engineer, will further analyze preferred scenarios and come back to Council with recommendations, stakeholder considerations, and critical path timelines/scopes of work for each scenario.

**Survey and Open House Results**

248 participants, including residents and non-residents, took the survey which asked two (2) questions about respondents’ preferences for the Highlands Parcels. The open house was also a success, with over 40 residents and non-residents, including key stakeholder representatives from Eagle County Open Space, Colorado Parks & Wildlife, and the U.S. Forest Service in attendance.

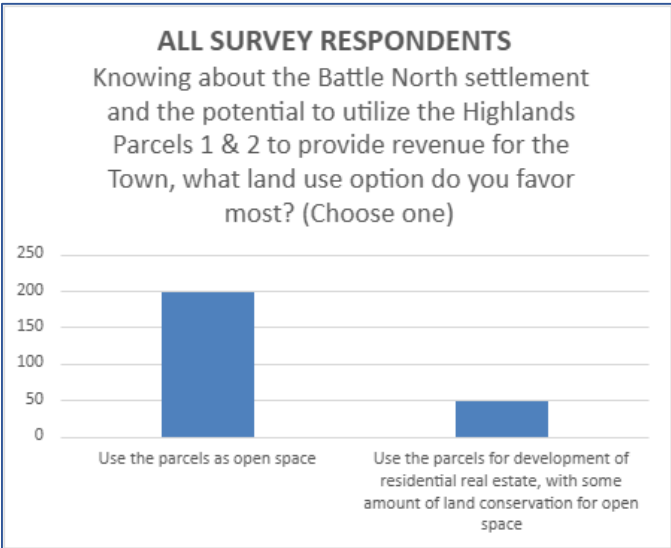
As a reminder, the questions in the January 2025 survey were based on a similar question asked in the 2024 Minturn Community Survey and were crafted to confirm community’s preferences. The open house used poster boards with identical questions/wording as were asked in the January 2025 survey. The one exception was that the open house participants were not asked to indicate if they were residents or non-residents.

**By the Numbers**

The following summary of the survey and open house responses provide a clear picture of the sentiments and preferences for the future use of the Highlands Parcels Nos. 1 & 2 by those who participated. (A summary of written responses obtained during the open house is attached to this memo).

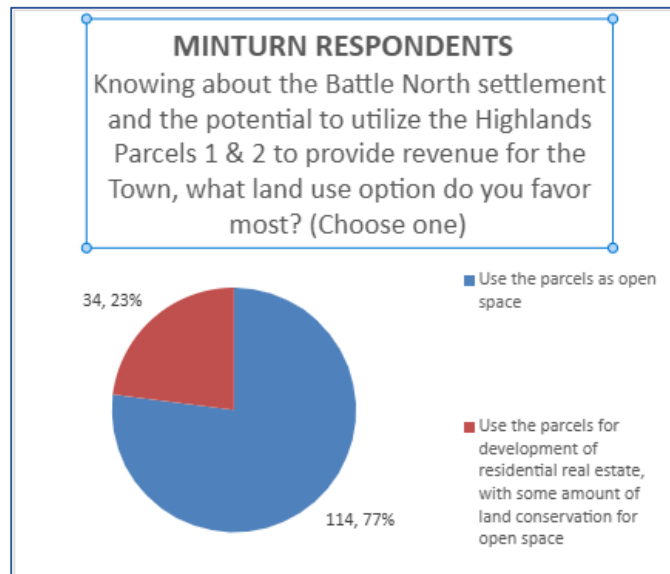
Survey Results:

- 248 individuals completed the survey, with 148 (60%) responding as Minturn residents, and 40% (100) identifying as non-residents. The survey was anonymous and was offered online, and by hard copy.
- Overall, survey participants expressed a strong preference to see the Highlands Parcels remain or be protected as open space rather than to see the Parcels developed for some combination of real estate development and open space. (This January 2025 survey result mirrors and reinforces the responses given in the Town of Minturn 2024 Community Survey in spring 2024 to a similar question).

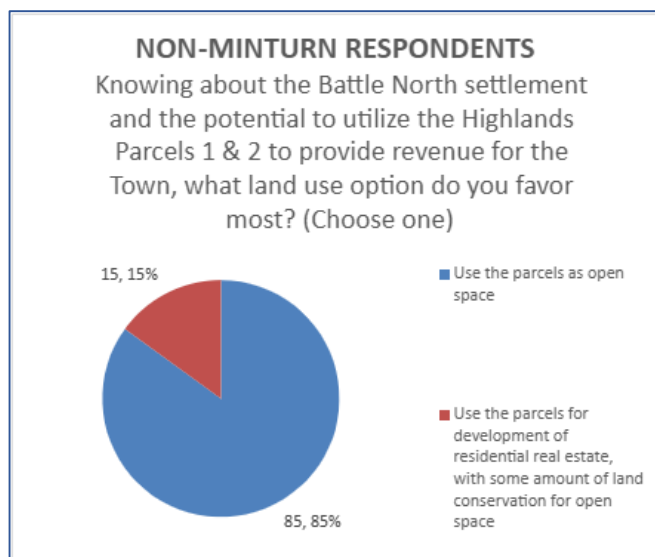


- Considering all respondents (residents and non-residents), nearly 81% (199 responses) indicated a preference to use the Parcels as open space (survey question No. 1). When split out as residents or non-residents, 114 Minturn residents (77%) preferred open

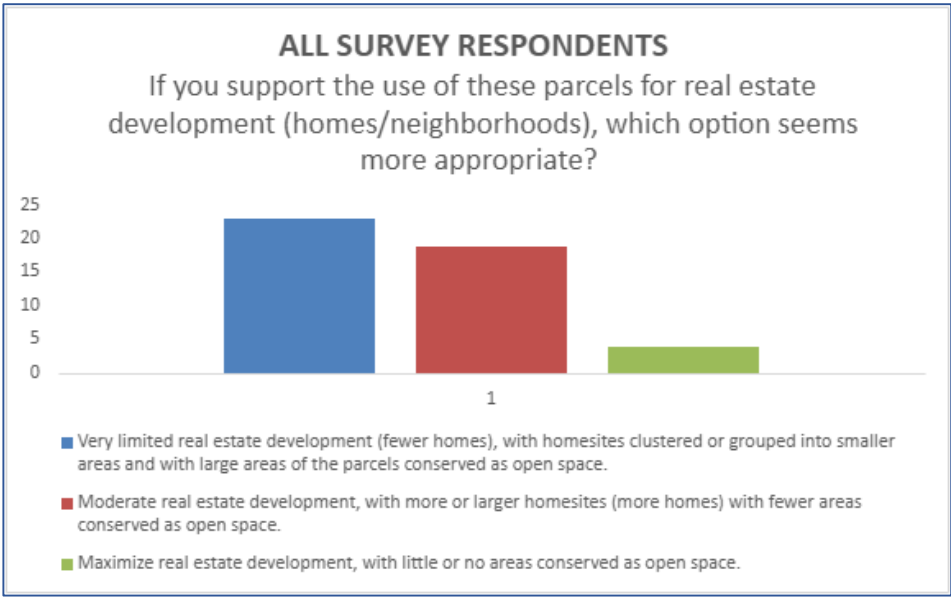
space as an option, while 23% preferred to use the Parcels for some type of real estate development combined with open space.



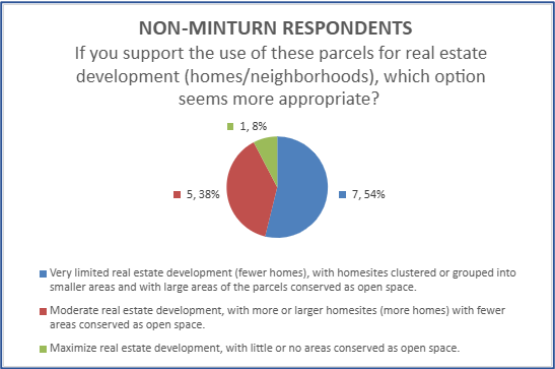
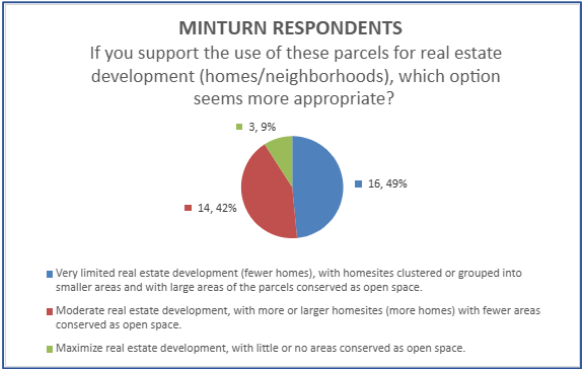
- Interestingly, the percentage of non-residents preferring open space to real estate development was even higher (85%) than Minturn residents.



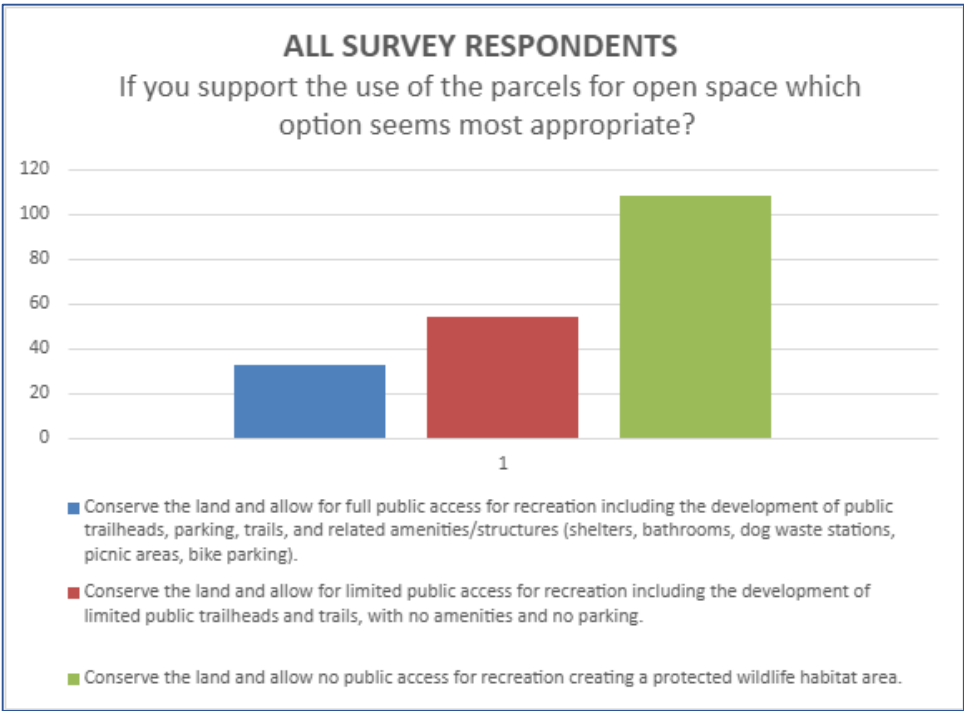
- For all respondents (residents and non-residents) who preferred real estate development of some kind (49 responses out of 248 total responses, or 19%), just over 90% (42 responses) indicated support for either “Very limited” real estate development with larger areas of open space or “Moderate” real estate development with more or larger homesites and fewer areas of open space. Only 4 respondents supported the option to maximize real estate development and minimize open space.



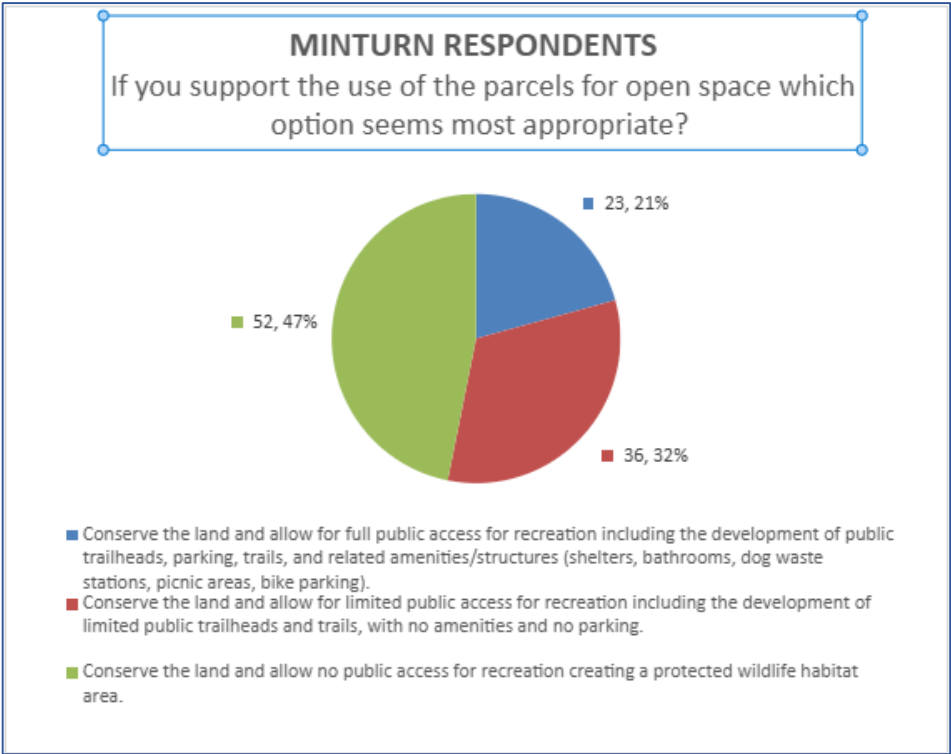
- When splitting out Minturn residents who prefer real estate development from non-residents who feel the same way, the numbers were identical for both groups, with 91-92% of respondents preferring either limited or moderate real estate development, while only 8-9% (four respondents across residents and non-residents) indicated support for maximizing real estate development on the Parcels.



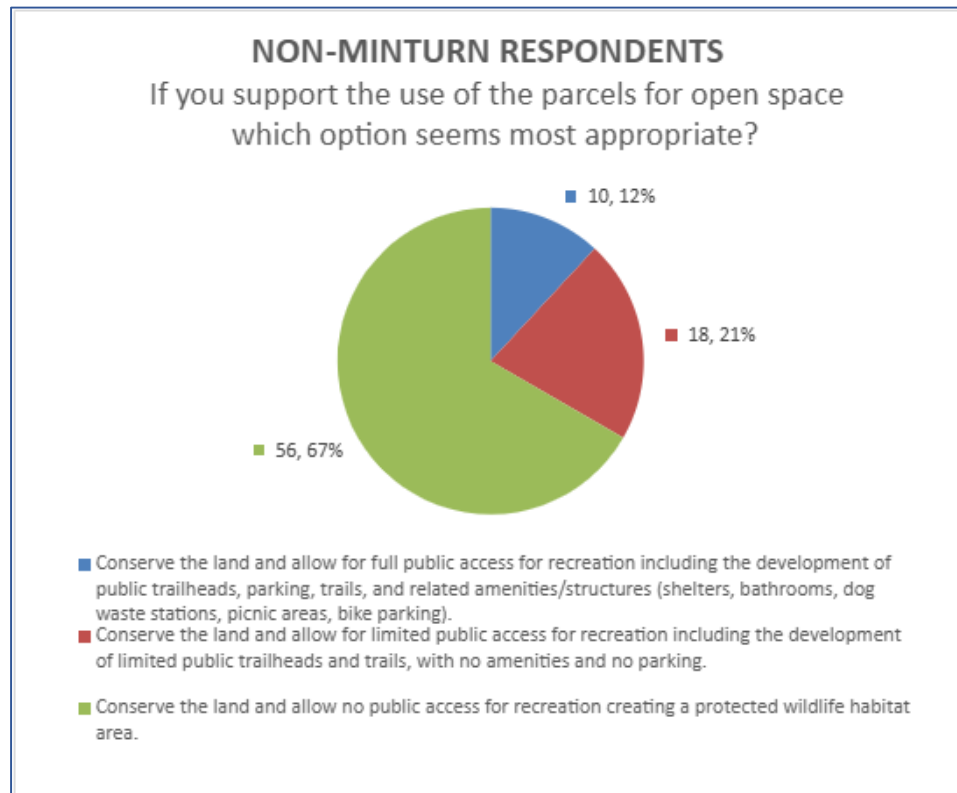
- When resident and non-resident survey (all) participants who preferred to see the Parcels preserved as open space were asked to choose between three potential open space scenarios, 55% supported the option to “Conserve” the land with no public access for recreation, 27% were open to conservation while allowing for “limited” public access, and just 17% supported conservation with full public access for recreational purposes.



- Minturn residents who supported an open space option leaned heavily toward conservation with no public access and/or wildlife habitat preservation (47%, or 52 individuals) or conservation with limited access (another 36 individuals, or 32%), or nearly 80% for the most restrictive open space scenarios.

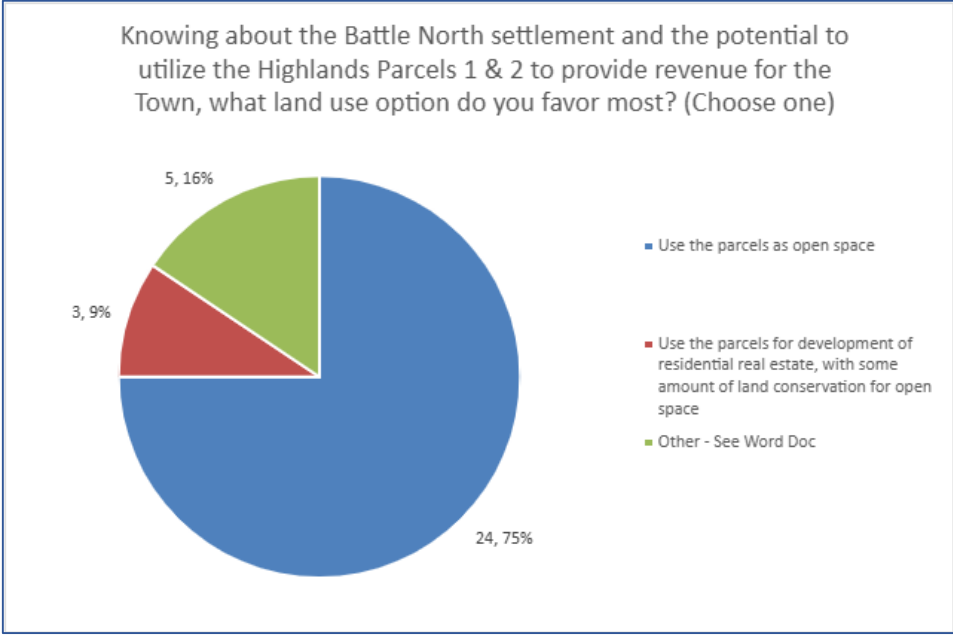


- Finally, when non-residents were asked the same question, the percentage of respondents who preferred open space conservation with no public access was even higher at 67% (56 respondents) than residents. Another 21% of non-residents supported conservation/open space options that allowed for some or limited public access, while an even lower percentage (10 individuals, or 12%) supported an option allowing full public access and the development of trails and amenities.

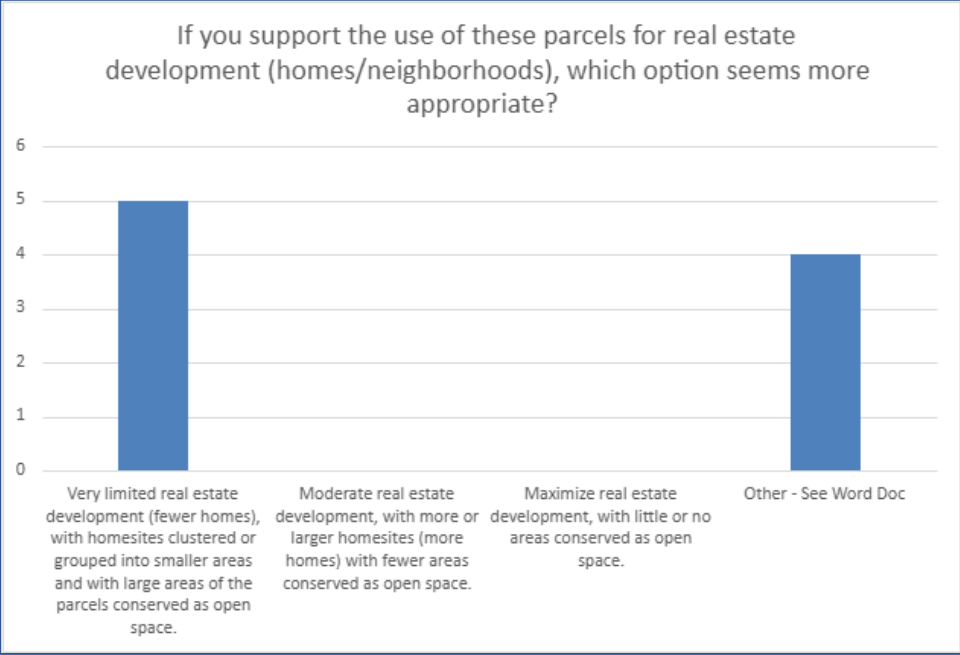


Open House Results:

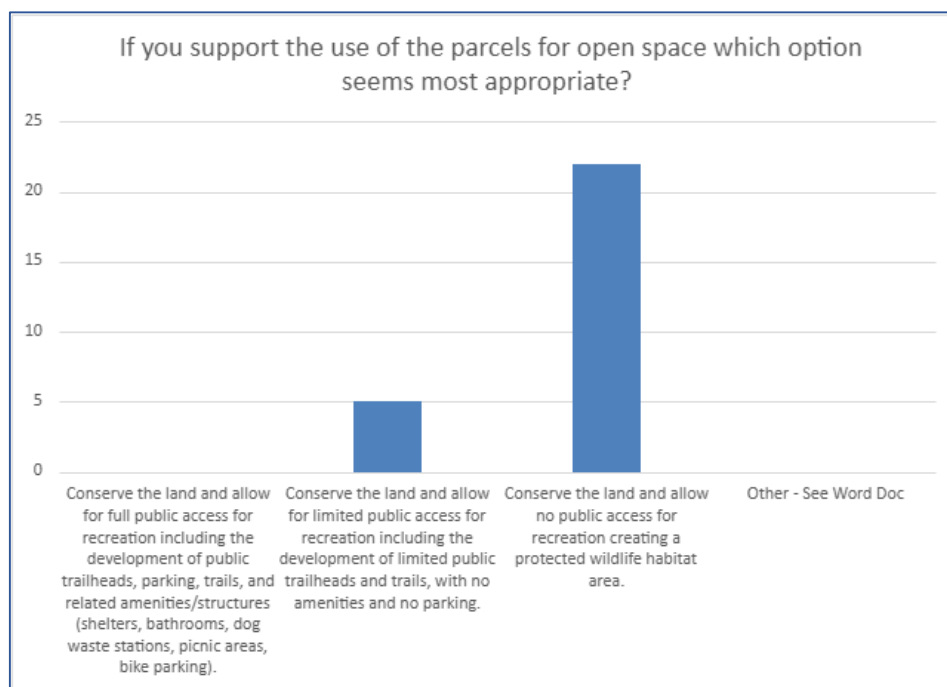
- Approximately 40 people attended the open house on January 29<sup>th</sup>, 2025.
- Similar to the survey results, the majority (24 individuals, or 75%) of participants at the open house expressed a strong preference for using/selling the Highlands Parcels for open space purposes.



- For those attendees who preferred options that include some amount of real estate development, most (5 individuals) support limited development of clustered homesites, with large areas of open space conservation.



- Another four people provided written comments/ideas that were more specific (Summary of Open House write-in comments attached), including the creation of a tiny home village, or the creation and sale of one or two “estate” lots – larger acreage residential lots – where homesites could be created and the rest of the Parcels would be preserved as open space.
- Of those attendees who supported an open space option, 22 (91%) preferred to see the Parcels conserved/protected for wildlife habitat (no public access for recreation), while another 5 individuals would be amenable to allowing some or limited public access for recreation purposes.



**Next Steps:**

Staff observes that the results from the 2024 Community Survey and this more recent community engagement effort resulted in an overwhelming preference to see the Highlands Parcels Nos. 1 & 2 preserved in some manner as open space – either as fully protected wildlife habitat, or as open space allowing some amount of recreational access or activities. However, the survey and open house also revealed some support for limited real estate development on the parcels.

Additionally, there have been specific ideas put forth wherein the Town would permit very limited, large estate lot residential uses - perhaps allowing for the creation of one or two large (20+ acre) parcels with small building envelopes and the remainder of the parcels conserved as open space – to achieve a balance between real estate development and land conservation/protection.

Of critical importance to the Town is the use of the Parcels to generate income for the Town's water enterprise fund. Based on the results from the Town's public engagement on this topic, the two preferred general options – conservation/open space primarily for the protection of habitat or allowance for very limited real estate development combined with open space conservation – likely allow for several variations that should be studied further to determine:

1. Feasibility.
2. Potential revenue generation.
3. Sources of funding (i.e., sale to private buyers, sale to public entities, public-private partnerships, or public-private-nonprofit partnerships).
4. Timing and logistics (i.e., additional land use approvals such as zoning, subdivision, surveying and/or land planning; additional stakeholder outreach; investigating partnerships).
5. Impact on staff capacity and budget considerations; need for additional third-party consultants.

Staff request direction from Council on which alternatives to pursue further before proceeding with any additional work. Once staff have direction, the Planning Director will work with the In-House Interim Town Administrator, Jay Brunvand, Town Attorney, and Town Engineer to establish goals for the project, a scope of work, estimated timelines, and a proposed budget for Council's consideration.

# Highlands Parcels Open House

## January 29, 2025

### Written Comments (“Other Ideas”)

The following comments have been translated verbatim from poster boards at the open house held on Wednesday, January 29, 2025, at Town Hall. The headings correlate to the individual poster boards that were positioned around the meeting room. Each board included a section titled “Other Ideas” where open house participants could write their comments on the board or on a sticky note.

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#### **Action Alternatives Board (Open Space or Development Question) – “Other Ideas”**

- 2023 Eagle County Open Space Committee recommended \$5 million to Town of Vail to preserve 23 acres in East Vail. January 3, 2025, Aspen Valley Land Trust, Eagle Valley Land Trust, and Pitkin County spent \$27 million to conserve 4,000 acres in Missouri Heights.
- A couple large parcels with restricted designated homesites if the open space purchase doesn't provide enough funds for water plant.
- Single owner “ranch” w/ zoning/use restrictions.
- The Highlands is a major migration corridor; for that reason alone it needs to be protected. No trails.
- Sell to one or two wealthy conservationists with a conservation easement to protect the parcels as wildlife habitat.

#### **Real Estate Development Options Board (Low, Medium, or High Development) – Other Ideas:**

- Small (development) – Tiny Home Village
- No real estate here
- Limit to 1-2 homesites/ranches so that most of the parcel is effectively open space and Town gets maximum funding needed to build water plant.
- No development. No trails. No human disturbance. It is a major migration that needs to be protected.

#### **Other Ideas and Concerns Board:**

- No development, particularly because of migration. No selling of parcels. Make it be a conservation easement.
- A major migration corridor exists there; for that reason alone no development. No trails. No human contact. Protect that ancient migration corridor.
- Keep for open space only. Keep our wildlife.

- Explore every option to conserve this land for wildlife only. There is nowhere else to go. No recreation! No private ownership.
- I want the land preserved for migration, etc. There was a chance for more funds with Minturn North that wasn't capitalized on and this piece shouldn't be sacrificed to make up for that. Will someone be willing to pay to conserve it?
- Sell land to open space. No recreation in area. Seasonal closures for wildlife.
- Reservoir parcel. Sell parcel next to (Bolts) reservoir to ERWSD for their recreational facilities and stipulate some uses so it's not overblown development.
- Wildlife refuge.
- No more development in areas with high density of wildlife. Find alternative area for funding.
- If the Town needs to raise money let's not look at the expense of the natural landscape. Protect the habitat and wildlife that needs it.
- No development. No parking. No trails. Protect migration corridor there. No parking.