



AGENDA

Planning Commission Meeting

Wednesday, April 10, 2024

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

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

This agenda and meetings can be viewed at www.minturn.org.

MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION:

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/87006002369>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 870 0600 2369

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

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

- 1. CALL TO ORDER - 6:30 PM**
- 2. ROLL CALL AND PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF REGULAR AGENDA**

Opportunity for amendment or deletions to the agenda.

- 4. APPROVAL OF MINUTES**
 - A.** March 13, 2024
- 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. Appointment of the Planning Commission Chair and Vice Chair

B. Ordinance TBD - Series 2024 Amending Chapter 16, Article 11 Lionshead Character Area to Create the Cemetery Zone District

9. DISCUSSION / DIRECTION ITEMS

A. Minturn Forward: Land Use and Subdivision Code Update

10. STAFF REPORTS

A. Manager's Report

11. PLANNING COMMISSION COMMENTS

12. FUTURE MEETINGS

A. April 24, 2024

B. May 8, 2024

13. ADJOURN



OFFICIAL MINUTES

Planning Commission Meeting

Wednesday, March 13, 2024

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

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MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION:

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/87992233396>

Zoom Call-In Information: 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 879 9223 3396

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

1. CALL TO ORDER - 6:30 PM

Lynn Teach called the meeting to order at 6:30 p.m.

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

Those present at roll call: Planning Commission Chair Lynn Teach and Planning Commission Members Michael Boyd and Amanda Mire.

Staff Members Present: Planning Director Scot Hunn and Planner I Madison Harris

Note: Tom Priest, Jeff Armistead, and Sage Pierson are excused absent.

3. APPROVAL OF REGULAR AGENDA

Opportunity for amendment or deletions to the agenda.

Motion by Michael B., second by Amanda M., to approve the agenda as presented. Motion passed 3-0.

Note: Tom P., Jeff A., and Sage P. are excused absent.

4. APPROVAL OF MINUTES

A. February 28, 2024

Motion by Michael B., second by Amanda M., to approve the minutes of February 28, 2024 as presented. Motion passed 3-0.

Note: Tom P., Jeff A., and Sage P. are 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

9. DISCUSSION / DIRECTION ITEMS

- A. Minturn Forward: Land Use Update
Scot H. went over the memo and the history of Chapter 16 update.

Lynn T. went over the memo. R-1: wants to make sure club is right in the new code.

Michael B. clarified that things in the memo have not actually been implemented yet.

Lynn T. would like to make sure that the definitions for home business and home occupations need to be clarified.

Amanda M. questioned the removal of festival marketplace from Grouse Creek commercial.

Lynn T. questioned the allowance of public meeting and mass gatherings.

10. STAFF REPORTS

- A. 03-06-2024 Manager's Report
2025 Congressionally Directed Spending

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

Snow Removal - Pine Street Sidewalk Shoveling Improvements Needed

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

Colorado Association of Ski Towns – Legislative Session

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

Little Beach Park Grant Denied

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

Minturn Forward Survey

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

11. PLANNING COMMISSION COMMENTS

No Planning Commission comments.

12. FUTURE MEETINGS

- A. Minturn Forward Open House #1: March 11 5:30-7:30
- B. Minturn Forward Open House #2: March 14, 5:30-7:30
- C. Minturn Forward Open House #3: March 21, 5:30-7:30
- D. Planning Commission Meeting March 27, 2024
- E. Planning Commission Meeting April 10, 2024

13. ADJOURN

Motion by Amanda M., second by Michael B., to adjourn the regular meeting of March 13, 2024 at 7:42 p.m. Motion passed 3-0.

Note: Tom P., Jeff A., and Sage P. are excused absent.

Lynn Teach, Commission Chair

ATTEST:

Scot Hunn, Planning Director

Minturn Planning Department
Minturn Town Center
301 Boulder St. #309
Minturn, CO 81645
970-827-5645
planner1@minturn.org
www.minturn.org



Minturn Planning Commission
Chair – Lynn Teach
Jeff Armistead
Michael Boyd
Amanda Mire
Darell Wegert

Memorandum

Date: April 10, 2024
To: Minturn Planning Commission
From: Madison Harris, Planner I
Re: Appointment of Planning Commission Chair and Vice Chair

As part of the establishment of the Planning Commission, Sec. 16-21-40. – Planning Commission requires the election of a Chair

“(e) Officers; meetings; rules. The Planning Commission shall elect its Chair from among the members and shall fill such other offices as it may determine. The term of the Chair shall be for one (1) year, with eligibility for reelection. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record kept in the office of the Town Clerk.”

Staff requests that the Planning Commission elect Chair to run meetings and who can duly address all powers and duties required of the Planning Commission.

(f) Powers and duties. In addition to any authority granted the Planning Commission by general or special law, the Planning Commission shall have the following powers and duties under the provisions of this Chapter:

- (1) Prepare Community Plan. To prepare or cause to be prepared a Community Plan or any element or portion thereof, for adoption by the Town Council.
- (2) Recommend amendments to the Community Plan. To initiate, hear, review, consider and recommend amendments to the Community Plan, or any element or portion thereof.
- (3) Make recommendations on land use proposals. To initiate, hear, review, consider and make recommendations to the Town Council on land use proposals concerning conformance with the Community Plan.
- (4) Recommend amendments to the text of this Chapter. To initiate and make recommendations to the Town Council to amend the text of this Chapter.

- (5) Recommend amendments to the Official Zone District Map. To initiate, hear, consider and make recommendations to the Town Council to approve or disapprove applications to amend the Official Zone District Map.
- (6) Recommend Planned Unit Development (PUD) District. To hear, review, consider and make recommendations to the Town Council to approve or disapprove applications for concept plan and preliminary plan for a Planned Unit Development (PUD) District.
- (7) Conditional uses. To hear, review, consider and make recommendations to the Town Council to approve, approve with conditions or disapprove conditional use applications.
- (8) Make expertise available. To make its special knowledge and expertise available upon written request and authorization of the Town Council to any official, department, board, commission or agency of the County, a city within the County, or the State or federal government.
- (9) Recommend rules of procedure. To recommend to the Town Council additional or amended rules of procedure not inconsistent with this Section to govern the Planning Commission's proceedings.
- (10) Make additional studies. To make studies of resources, possibilities and needs of the Town upon the authorization of the Town Council, and to report its findings and recommendations, with reference thereto, to the Town Council.
- (11) Other matters. To consider any other matters pertaining to the Planning Commission as provided by law, resolution or ordinance, to act in an advisory capacity to the Town Council when so requested and to perform all other powers and duties authorized and required by ordinance or state law.

Subsequently, while it does not happen often, sometimes there are unavoidable conflicts where the Planning Commission Chairperson cannot make the scheduled meeting. Appointing a Vice Chair allows that person to run the meeting in the Chair's stead. There are no pre-qualifications that the Vice Chair has to have, such as number of years sitting on the Planning Commission. This appointment is a vote by the Planning Commission members.

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



Minturn Planning Commission
Chair – Lynn Teach
Jeff Armistead
Michael Boyd
Amanda Mire
Darell Wegert

Planning Commission Hearing

New Cemetery Zone District, Lionshead Character Area

Hearing Date:	April 10, 2024
File Name and Process:	Cemetery Zoning
Existing Zoning:	No existing zoning
Proposed Zoning:	Lionshead Character Area - Cemetery Zone District
Staff Member:	Madison Harris, Planner 1
Recommendation:	Approval

Staff Report

I. Summary of Request:

The Cemetery recently received approval for a new Maintenance and Storage building from the Planning Commission, with a condition of approval that the Cemetery work with the Town to draft zoning. Staff requests review of the attached ordinance showing proposed zoning for the subject parcels and a recommendation to Town Council.

II. Summary of Process and Code Requirements:

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

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

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

Section 16-21-420 - Purpose.

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

Sec. 16-21-430 - Initiation.

- (a) Map amendment. An application for an amendment to the Character Area Zoning Map or any other map incorporated in these Land Use Regulations may be proposed by the Town Council, the Planning Commission, the Planning Director or the owner or another person having a recognized interest in the land affected by a proposed amendment, or his or her authorized agent.*
- (b) Regulation amendment. An application for an amendment to the text of these Land Use Regulations may be proposed by the Town Council, the Planning Commission, the Planning Director, the owner or another person having a recognized interest in land in the Town or his or her authorized agent, or any citizen of the Town.*
- (c) Application contents. An application for an amendment to the Character Area Zoning Map, any other map incorporated in these Land Use Regulations or an application for an amendment to the text of these Land Use Regulations shall contain the materials specified in [Section 16-21-690](#) of this Article and the following additional materials:
 - (1) Precise wording. If the application is for an amendment to the text, the precise wording of the proposed change shall be provided.*
 - (2) Map amendment. If the application requests an amendment to the Character Area Zoning Map or any other map incorporated in these Land Use Regulations, it shall include a map showing the present Character Area and zoning, and other designations of the subject property and of all adjacent properties. For a proposed amendment to the Character Area Zoning Map, the map shall be a survey that accurately describes the dimensions of the subject property, including its size in square feet or acres. This survey shall be accompanied by a written statement or map describing the existing uses of the subject property and on adjacent properties and a conceptual site plan showing, in general terms, the property's proposed layout, use, density and the timing for its development.**

Staff Response:

The Town has initiated this amendment and worked with the Cemetery as having a recognized interest in land in the Town.

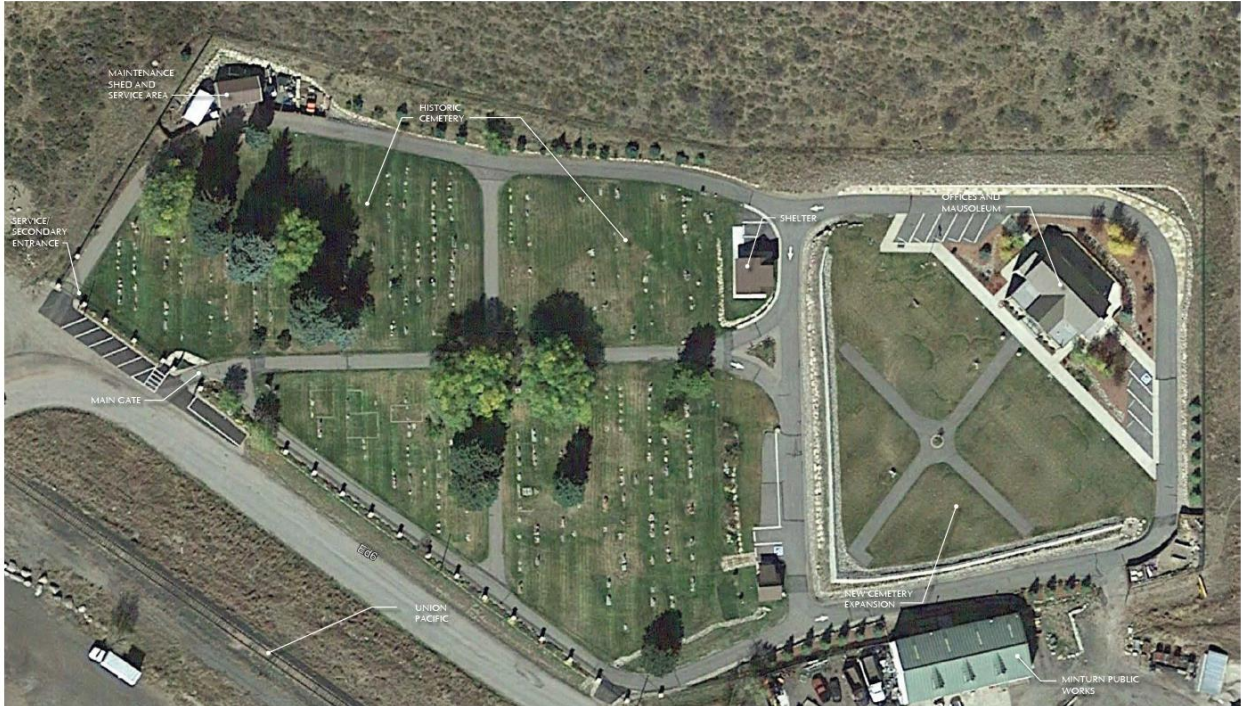


Figure 1: Subject property to be rezoned to Cemetery Zone District

Section 16-21-440 - Procedure.

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

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

Staff Response:

Public notice was provided for public hearings before the Planning Commission on April 10, 2024 and Town Council on May 1, 2024 in accordance with the requirements of the MMC.

Section 16-21-450 - Standards

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

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

Staff Response:

806 and 808 Cemetery Road were annexed into the Town, yet never zoned. The intent of this ordinance is to create a zone district with specific, allowed uses called the Cemetery Zone District within the Lionshead Character Area so that there are standards to be applied to this area in the future. The 2023 Community Plan contemplates a form of Public Lands & Facilities zoning for this parcel which staff has flushed out into the proposed zoning in the attached ordinance.

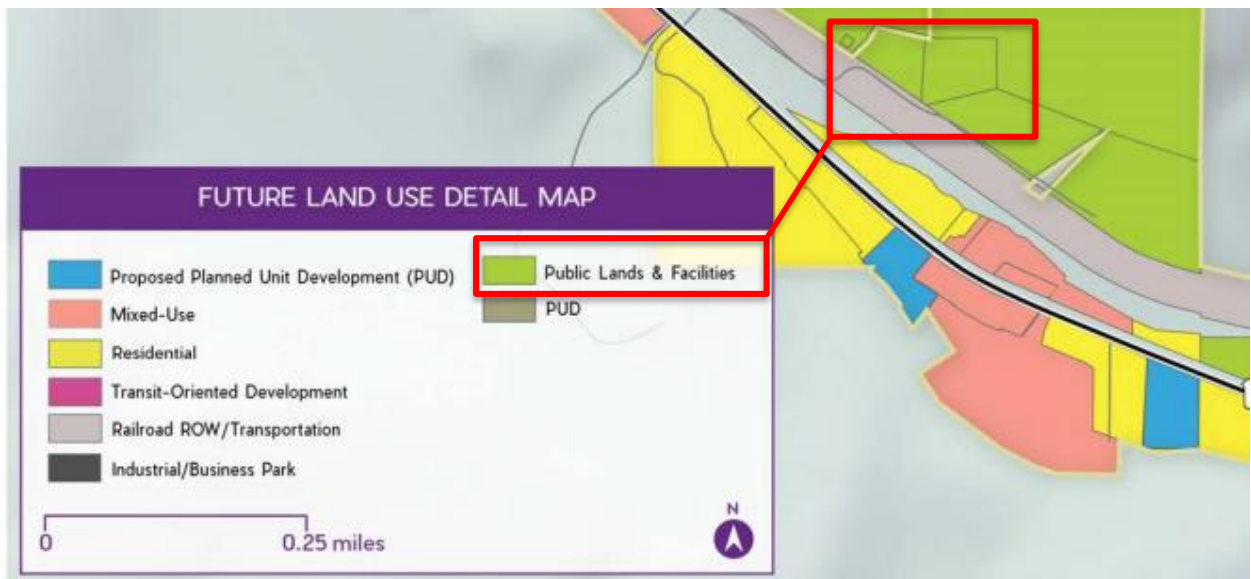


Figure 2: Excerpt 2023 Minturn Community Plan Future Land Use Map

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

Staff Response:

The Lionshead Character Area emphasizes low impact uses, of which a cemetery falls into that. As the cemetery is currently functioning, it is compatible with the other uses within the Lionshead Character Area such as Public Works facilities and Little Beach Park.

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

Staff Response:

As there is no zoning currently for the property, it is important to put zoning standards in place so that property owners have direction on what is allowed on their property.

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

Staff Response:

The Cemetery is an existing use and implementing zoning standards should not significantly impact the environment.

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

Staff Response:

As stated above, it is important to put zoning standards in place so that property owners have direction on what is allowed on their property.

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

Staff Response:

The proposed zoning will not constitute spot zoning and is already serviced by the necessary public facilities.

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

Staff Response:

This proposed ordinance does not encourage a new use or density in the area, but instead just assigns standards to what is already happening in the area.

Section 16-21-460 - Action by Planning Commission.

For each application heard by the Planning Commission, the Planning Commission shall forward within thirty (30) days after the public hearing one (1) of the following recommendations to the Town Council, or it may table an application for a maximum of forty (40) days to receive additional information. No public hearing shall continue for more than forty (40) days from the date of commencement without the written consent of the applicant.

- (1) Recommend approval of the application as submitted or with certain conditions as stated;*
- or*
- (2) Recommend denial of the application with all reasons clearly stated.*

III. Zoning Analysis:

The subject properties are located within the “Lionshead Character Area”. Directly to either side of the property is the Lionshead Character Area.

The description and purpose of the Lionshead Character Area are as follows:

“The Lionshead Character Area is bordered on the north, east and west by large areas of open lands managed by the United States Forest Service. The intent of the Community Plan is that any future development plans for the Light Industry and Public Facilities Zone include appropriate infrastructure and improved access across the Eagle River. Potential geologic hazards and critical winter elk habitat exist along the east side of the area. Other than the railroad use that borders this area on the south, future industrial uses are discouraged.”

- Town of Minturn Town Code Section 16-11-10

Staff respectfully suggests that the proposed zoning to the new Cemetery Zone District, particularly given the current nature, scale and character surrounding the subject property, will accomplish objectives of *both* the 2023 Community Plan and the Lionshead Character Area.

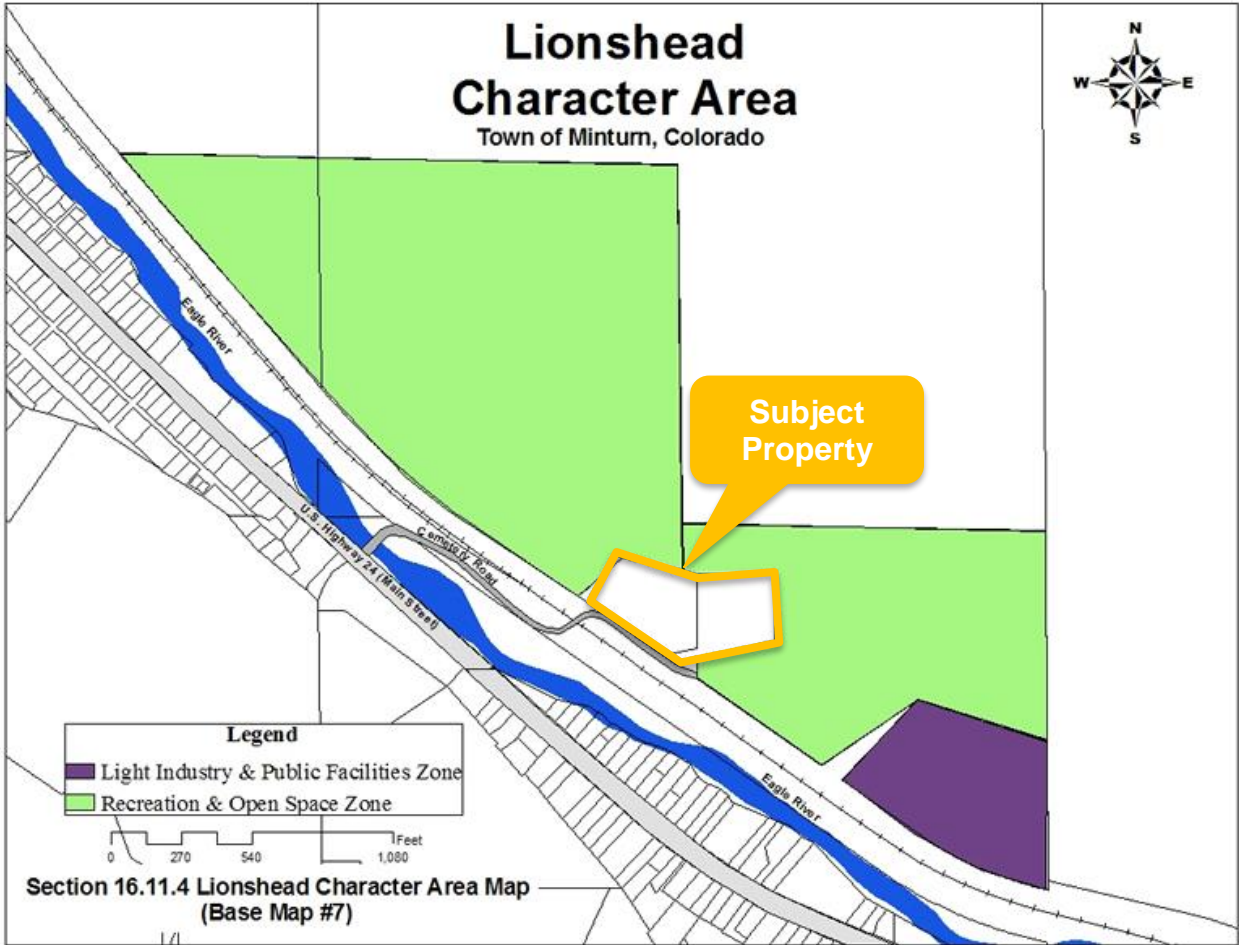


Figure 3: Lionshead Character Area Zoning Map

VI. Staff Recommendation: Approval

Staff is recommending **approval** of the proposed zoning for 806 and 808 Cemetery Road to change from no zoning to Lionshead Character Area Cemetery Zone District based on the analysis provided in this report and staff’s findings.

With the Planning Commission’s recommendation, staff will present Ordinance No. (TBD), Series 2024 to the Town Council at their regularly scheduled meeting of Wednesday, May 1, 2024.

Exhibit A – Existing and Proposed Zoning Map Lionshead Character Area

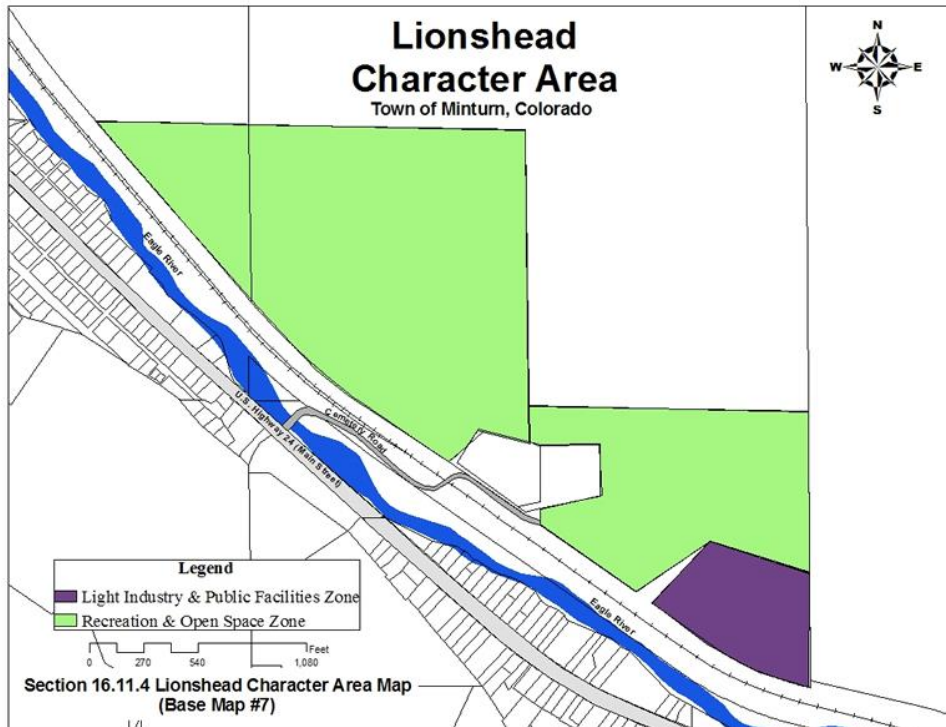


Figure 4: Existing Lionshead Character Area Zoning Map

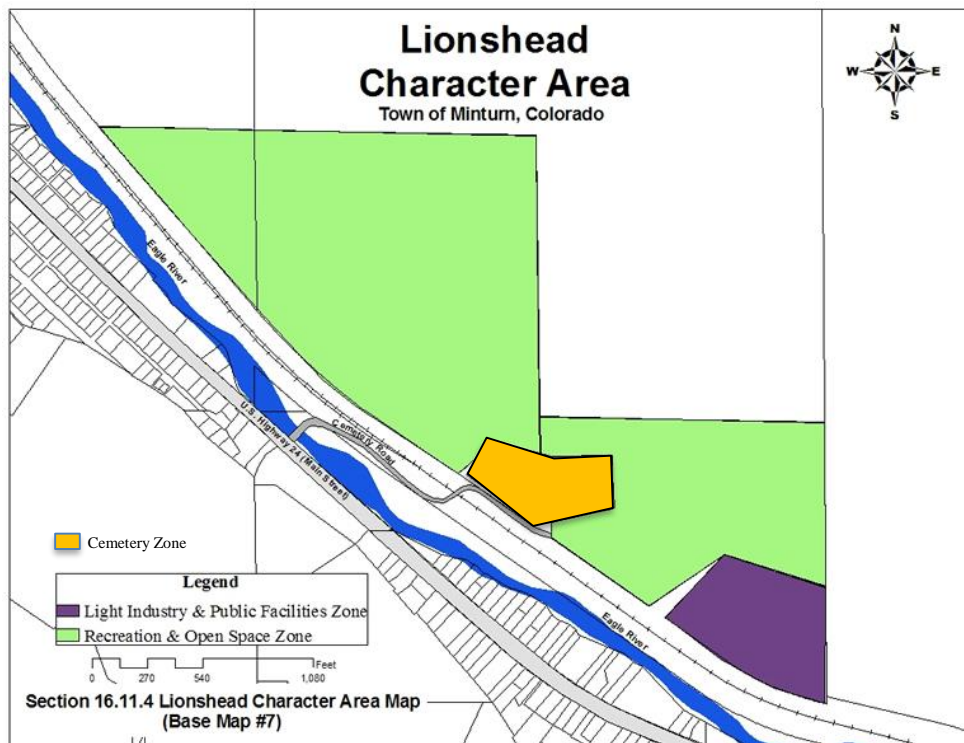


Figure 5: Proposed/Amended Lionshead Character Area Zoning Map

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

AN ORDINANCE OF THE TOWN OF MINTURN,
COLORADO AMENDING CHAPTER 16 OF THE MINTURN
MUNICIPAL CODE TO CREATE THE CEMETERY ZONE
DISTRICT AND ASSOCIATED USE AND DEVELOPMENT
STANDARDS WITHIN THE LIONSHEAD CHARACTER
AREA

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

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

WHEREAS, the Town of Minturn adopted the 2023 Little Beach Park Recreation Area Plan which addresses, in part, existing conditions and recommendations for the Riverview Cemetery and Mausoleum (hereinafter the “Cemetery”); and

WHEREAS, Town Council has directed staff to draft text amendments to Minturn Municipal Code Chapter 16, Zoning, and Chapter 17, Subdivisions, the Town Land Use Regulations, in accordance with the Town’s strategic plan and the Community Plans; and

WHEREAS, the Cemetery property is not currently zoned within the Town; and

WHEREAS, the creation of the Cemetery Zone District will facilitate the proper enforcement of the Town’s land use regulations while further the goals and policies of the Town’s strategic plan and community plans; and

WHEREAS, on April 10, 2024, the Minturn Planning Commission (hereinafter “Commission”) held a public hearing and recommended approval of Ordinance No. TBD, Series 2024; and

WHEREAS, on May 1, 2024, Town Council held a public hearing to consider Ordinance No. TBD, Series 2024, along with the recommendation from the Commission, as well as testimony from staff and the general public; and

WHEREAS, Council has determined that the text and zoning map amendments to the Land Use Regulations Chapter 16 as provided herein are necessary and proper.

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

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

SECTION 2. Chapter 16 of the Minturn Municipal Code is hereby amended read as follows, with additions shown in double underlined text and ~~strike through language~~ is deleted. Sections of Chapter 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

SECTION 3. The following property is hereby zoned to Lionshead Character Area Cemetery Zone:

Subdivision: RIVER VIEW CEMETERY PARCEL A R798232 MAP 06-10-02 R798235 QCD 01-17-02

Subdivision: RIVER VIEW CEMETERY Lot: 2 R798232 MAP 06-10-02

SECTION 4. Within thirty (30) days after the effective date of this Ordinance, the Town Clerk shall cause a printed copy of the amendment to the Town Zoning District Map to be made, which shall be dated and signed by the Mayor and attested to by the Town Clerk, and which shall bear the seal of the Town. The amended map shall include the number of this Ordinance. The signed original printed copy of the Zoning Map shall be filed with the Town Clerk. The Clerk shall also record a certified copy of this Ordinance with the Eagle County Clerk and Recorder. The Town staff is further directed to comply with all provisions of the Minturn Land Use Regulations, Minturn Municipal Code Chapter 16, to implement the provisions of this Ordinance.

ARTICLE 2 - Definitions, Illustrations and Lot Standards

* * *

Sec. 16-2-20. - Definitions.

Cemetery means the use of property for the interment of human remains, whether above or below ground, along with all accessory structures and uses which are commonly and reasonably associated with such use. Accessory uses shall include but are not limited to funeral homes, columbarias, cenotaph walls, and ossuaries.

* * *

Sec. 16-2-40. – General lot requirements and dimensional standards.

Table 16-A
Dimensional Standards

		A	B	C	D	E	F	G	H
		LOT REQUIREMENTS				SETBACKS			
Character Area	Zones	Min. Lot Area / Max.	Min. Lot / Max. Lot	Maximum Building Lot	Maximum Impervious	Minimum Setbacks (ft)			Live Stream
						Front	Rear	Side	

		Lot Area (sq. ft.)	Dimension (feet)	Coverage (%)	Surface Area (%)				Setback (ft)
Lionshead	Recreation & open space	N/A	N/A	N/A		To be determined as part of conditional use review			30
	Light ind. & public facilities	10,000	100	45		25	25	10	
	<u>Cemetery</u>	<u>N/A</u>	<u>N/A</u>	<u>40</u>	<u>N/A</u>	<u>25</u>	<u>10</u>	<u>5</u>	

* * *

Sec. 16-2-60. – Building height limitations for all zone districts except 100 Block Zones.

* * *

**TABLE 16-B
Building Height**

CHARACTER AREA	ZONES	MAXIMUM BUILDING HEIGHT
Lionshead	Light Ind. Public Facilities	28 feet
	<u>Cemetery</u>	<u>28 feet</u>

* * *

ARTICLE 11 – Lionshead Character Area

* * *

Sec. 16-11-10. - Character Area characteristics.

The Lionshead Character Area is bordered on the north, east and west by large areas of open lands managed by the United States Forest Service. The intent of the Community Plan is that any future development plans for the Light Industry and Public Facilities Zone include appropriate infrastructure and improved access across the Eagle River. Potential geologic hazards and critical winter elk habitat exist along the east side of the area. The Lionshead Character Area also includes civic and cemetery uses. Other than the railroad use that borders this area on the south, future industrial uses are discouraged.

* * *

Sec. 16-11-35. – Cemetery Zone.

- (a) This area is characterized by the Riverview Cemetery and Mausoleum which encompasses approximately 4.45 acres of south facing, gently sloped land. The Cemetery Zone consists of access drives, burial plots, a mausoleum, irrigated and non-irrigated turf areas, planting areas.

as well as administrative, storage, and accessory buildings. The Cemetery Zone is bordered on the west, north, and east sides by generally open, vacant lands; and to the south by the Town of Minturn Public Works facility, Union Pacific Railroad right-of-way, and Little Beach Park.

(b) The purpose of the Cemetery Zone is to provide appropriate zoning and associated standards for the Cemetery Zone District. The zone district is intended to provide regulations that allow for a cemetery and accessory uses associated with the Cemetery District.

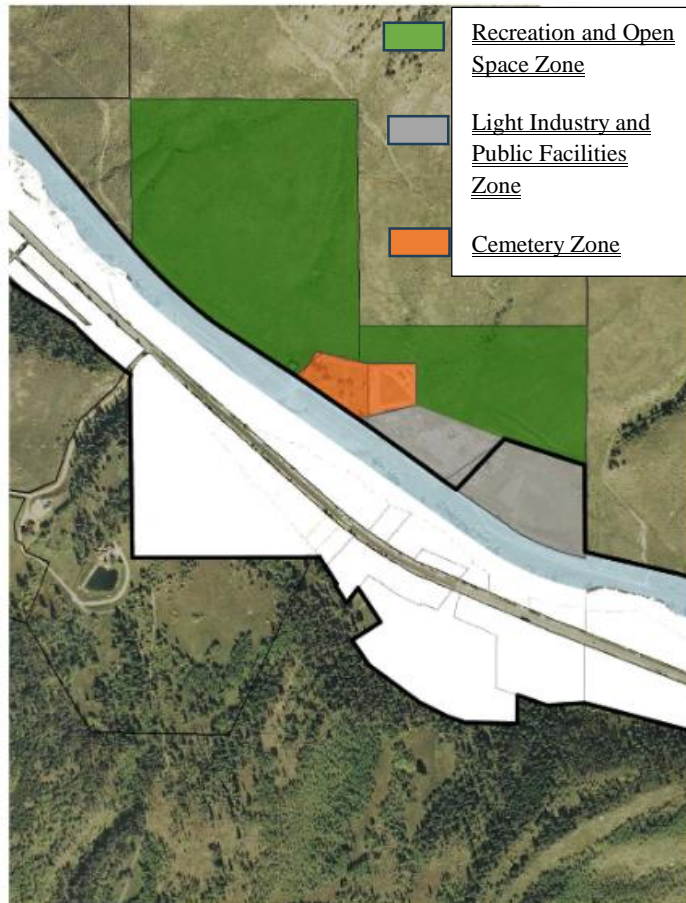
* * *

Sec. 16-11-40. – Lionshead Character Area map.

The Lionshead Character Area map is set forth in Illustration 16-11 below.

Illustration 16-11

Lionshead Character Area Map



* * *

Sec. 16-11-50. – Lionshead Character Area use table.

<i>Use</i>	<i>All Cemetery Zones</i>
R - Use by right C - Conditional use L - Limited use N - Not allowed	
Accessory apartments	<u>N</u>
<u>Accessory building and structures</u>	<u>R</u>
Accessory dwellings	<u>N</u>
<u>Accessory Use</u>	<u>R</u>
Automotive detail shops	<u>N</u>
Automotive parts sales	<u>N</u>
Bakeries and confectioneries	<u>N</u>
Bakeries and delicatessens with food service	<u>N</u>
Banks and financial institutions	<u>N</u>
Barbershops	<u>N</u>
Beauty shops	<u>N</u>
Business and office services	<u>N</u>
Car washes	<u>N</u>
<u>Cemetery</u>	<u>R</u>
Cocktail lounges, taverns	<u>N</u>
Commercial accommodations	<u>N</u>
Convenience stores	<u>N</u>
Delicatessens and specialty food stores	<u>N</u>
Drive-thru/up establishments	<u>N</u>
Drugstores and pharmacies	<u>N</u>
Dry cleaners	<u>N</u>

Duplexes	<u>N</u>
Garden landscaping supply and seed stores	<u>N</u>
Gas stations	<u>N</u>
Grocery stores	<u>N</u>
Health/medical offices	<u>N</u>
Laundries	<u>N</u>
Laundromats	<u>N</u>
Liquor stores	<u>N</u>
Manufacturing, light	<u>N</u>
Multi-family dwellings	<u>N</u>
Office uses	<u>R</u>
Pawn shops	<u>N</u>
Photographic studios	<u>N</u>
Professional activities	<u>N</u>
Professional offices, business offices and studios	<u>N</u>
Radio and television stores and repair shops	<u>N</u>
Restaurant	<u>N</u>
Retail stores including: apparel stores; art supply stores and galleries; bookstores; camera stores and photographic studios; candy stores; chinaware and glassware stores; florists; gift stores; hobby stores; household appliance stores; jewelry stores; leather goods stores; luggage stores; music and record stores; newsstands and tobacco stores; sporting goods stores; stationery stores; toy stores; variety stores; yardage and dry goods stores.	<u>N</u>
Retail uses greater than 5,000 square feet	<u>N</u>
Service businesses	<u>N</u>
Single-family residential dwellings	<u>N</u>

Small appliance repair shops, excluding furniture repair	<u>N</u>
Tailors and dressmakers	<u>N</u>
Theaters	<u>N</u>
Theaters, meeting rooms and convention centers	<u>N</u>
Travel and ticket agencies	<u>N</u>

* * *

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

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

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

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk



Minturn Forward Memo

TO: Minturn Planning Commission
 FROM: Matt Farrar, Western Slope Consulting
 DATE: April 5, 2024
 ATTACHMENTS: None

1. EXISTING ZONING APPLICATION TYPES & REVIEW PROCESSES

The following table provides a summary of the Town’s existing Zoning application types and review procedures set forth in Chapter 16: Zoning.

Application Type	Pre-Application Conference	Town Staff	Planning Commission/ Design Review Board	Town Council/ Zoning Board of Appeals
		LEGEND: R = Reviews and Provides Recommendation(s); D = Reviews and Makes Final Decision; ? = Unclear as to What is Required		
Design Review	Required	R	D	-
Conditional Use (aka Special Use or Special Review Use)	Required	R	R	D
Limited Review Use/ Certificate of Zoning Compliance	Required	D	-	-
Temporary Use Permit	Required	D	-	-
Zoning Variance	Required	R	R	D
Code Amendments	Required	R	R	D
Amendments to Zoning District Regulations or Zoning Map	Required	R	R	D
Planned Unit Development (PUD)	Required	R	R	D
Environmental Impact Report (if required by Planning Commission)	?	R	R ¹	R ¹
Sign Permit	?	R	D	-
Sign Variance	Required	R	R	D

NOTES:

¹ The Planning Commission and/or Town Council review an Environmental Impact Report in conjunction with any application that such a report is required for.

2. RECOMMENDED MODIFICATIONS TO ZONING APPLICATION TYPES & REVIEW PROCESSES

The following is a list of recommended changes to the town’s Zoning application types and review processes:

a. Zoning Variance

- It is recommended that Zoning Variance review become a one-step process. In other words, a request for a Zoning Variance should be reviewed and decided upon by the Planning Commission OR Town Council.

- Ensure that decisions on Zoning Variances are being made by whomever is designated as the town's "Board of Adjustments."
- It might be appropriate for the Planning Commission to be solely responsible for making decisions on Zoning Variances because: 1) Variance requests are commonly made in conjunction with a Design Review application; and 2) There's less political pressure on Planning Commissioners because they are appointed, not elected.

b. *Environmental Impact Reports*

- It is recommended that the provisions for Environmental Impact Reports be re-located in the Land Use Code so that they are easier to find.
- Staff will be working to ensure that there is checklist in the updated Land Use Code that can be used by applicants to determine whether an Environmental Impact Report is required.
- It is recommended that the decision whether to require an Environmental Impact Report be handled administratively, rather than by the Planning Commission.

c. *Conditional and Limited Review Uses*

- Eliminate any reference to "Special Use," "Special Review Use," "Special Use Permit," etc. Solely use the term "Conditional Use" in the Land Use Code.
- Review and revise Code language for Limited Review Uses and Zoning Compliance. Ensure that these two application types are clearly distinguished.
- Create a single "Use Table" for the Land Use Code that lists all land uses are permitted in Minturn. In this table, list all Limited Review Uses and reference to any standards that may apply to these uses.
- Consolidate all existing standards (i.e., supplemental standards) for Limited Review Uses into a new Article in the Chapter 16 so that they are easier to find.
- It is recommended that the review of Limited Review Uses be handled administratively. The purpose of this review process is simply to ensure compliance with any applicable standards.

d. *Planned Unit Developments (PUDs)*

- Distinguish "Minor PUDs" and "Major PUDs" in the Land Use Code and ensure that there is criteria for determining what is classified as a Minor PUD vs. a Major PUD.
- Include language in the Land Use Code that describes the amendment processes for a Minor PUD and a Major PUD.
- For amendments to Minor PUDs and Major PUDs, include language in the Land Use Code that describes the difference between a "Minor Amendment" and a "Major Amendment" and detail the requirements and review process for each amendment type.
- It is recommended that the determination of whether a PUD Amendment is a Minor Amendment or a Major Amendment be made administratively.

e. *Sign Permits*

- Modify the Land Use Code to make the review of Sign Permits an administrative process.
- Develop a unique process and review criteria for Sign Variances. Currently, the Sign Variance review process simply refers to the Zoning Variance requirements and process.
- Develop a review process for “Master Sign Programs” (i.e., a comprehensive sign plan for multi-tenant building or development). It is recommended that the Master Sign Program review be handled administratively.

3. EXISTING SUBDIVISION APPLICATION TYPES & REVIEW PROCESSES

The following table provides a summary of the Town’s existing Subdivision application types and review procedures set forth in Chapters 16: Zoning and 17: Subdivisions.

Application Type	Pre-Application Conference	Town Staff	Planning Commission/ Design Review Board	Town Council/ Zoning Board of Appeals
		LEGEND: R = Reviews and Provides Recommendation(s); D = Reviews and Makes Final Decision; ? = Unclear as to What is Required		
Correction Plat	?	D	-	-
Administrative Replat	Required	D	-	D (if referred to Town Council by Planning Director)
Subdivision Variance	?	R	?	D
Preliminary Subdivision Plat	?	R	R	D
Final Subdivision Plat	?	R	R	D
Estate Lots	?	D	-	-
Ranch Lots	?	R	D	D (if called-up by Town Council)
Subdivision Improvements Agreement	?	R	-	D
Amended Final Plat	?	D	-	-
Minor Subdivision - Type A ¹	?	R	-	D
Minor Subdivision - Type B ²	?	D	-	-
Vacation of Public Easements or Rights-of-Way	?	R	R	D

NOTES:

¹ Type A Minor Subdivision: a subdivision creating not more than six (6) lots within property that has not previously been platted.

² Type B Minor Subdivision: a subdivision creating not more than six (6) lots within a legally approved subdivision, or is a subdivision of a building containing condominiums, townhomes or duplexes, which may include the subdivision of land directly associated with that building.

4. RECOMMENDED MODIFICATIONS TO SUBDIVISION APPLICATION TYPES & REVIEW PROCESSES

The following is a list of recommended changes to the town’s Subdivision application types and review processes:

a. *Correction Plat*

- The provisions for a Correction Plat are currently in Chapter 16: Zoning. It is recommended that these provisions be re-located to Chapter 17: Subdivisions.
- It is recommended that additional detail be added to the Land Use Code regarding the application submittal requirements and review process, including review criteria, for a Correction Plat.

b. *Administrative Replat*

- It is recommended that the purpose of an Administrative Replat be clarified. It appears that an Administrative Replat is intended to serve as a process for amending the boundaries of a property, commonly referred to as a “Lot Line Adjustment.”
- Staff has identified the need to include a “Lot Line Adjustment” application type and review process in the Land Use Code. It may be appropriate to modify the Administrative Replat to a Lot Line Adjustment.

c. *Subdivision Variance*

- Section 17-3-20: Variances allows the Town Council to grant variance from the requirements of Chapter 17: Subdivisions. It seems unusual that there is an allowance for variances from Chapter 17: Subdivisions given that there are few, if any, standards for subdivisions set forth in the Chapter. Staff has noted this as a Section of the existing Land Use Code to discuss with the Town Attorney.
- It is recommended that minimum standards for subdivisions in Minturn be developed and incorporated with the updated Land Use Code. Further, it is recommended that the Subdivision Variance provision be modified to a process that allows an applicant/developer to request a waiver from the town’s subdivisions standards in conjunction with a subdivision application.

d. *Major Subdivisions*

- The Town currently has a mandatory two-step process for Major Subdivisions:

Step-1: Preliminary Subdivision Plat

Step-2: Final Subdivision Plat

It is recommended that an optional, third step (i.e., Sketch Plan) be added to the Town’s Major Subdivision process. The purpose of a Sketch Plan is to provide an applicant/developer with an opportunity to present a conceptual idea for a subdivision to the Planning Commission and/or the Town Council with out making substantial investments in design work, which is required at the Preliminary Subdivision Plat step.

- It is recommended the requirement for a Final Subdivision Plat to be reviewed by the Planning Commission be removed. In other words, a Final Subdivision Plat would go straight to Town Council for review and decision.

e. *Subdivision Improvements Agreement*

- Staff will be working with the Town Engineer and Town Attorney to bolster the requirements in the Land Use Code for Subdivision Improvements Agreements.
- The review process for Subdivision Improvements Agreements will remain the same. These types of Agreements are between an applicant/developer and the town so they must be decided on by Town Council.

f. *Mountaintop Estate & Ranch Lots*

- The provisions for these types of subdivisions will remain in the Land Use Code. It is recommended that these types of subdivisions be incorporated into a separate Article under Chapter 17: Subdivisions so that they are easy to find.

g. Minor Subdivisions & Amended Final Plats

- Amended Final Plats are currently listed under Article 8 – Minor Subdivisions. It is recommended that Amended Final Plats become a separate Article in the updated Land Use Code so that they are easier to find.
- Staff will be comparing the purpose and requirements for an Amended Final Plat with those for a Correction Plat to determine if these should remain separate types of applications or if they can be consolidated.
- It is recommended that a new category of subdivision (i.e., “Condominium or Townhome Subdivision”) be distinguished in the updated Land Use Code. This new category of subdivision would be used to subdivide a building (i.e., duplex, townhomes, apartments, etc.) into separate ownerships. In the existing Land Use Code, Minor Subdivision – Type B includes provisions for the subdivision of a duplex, townhomes, or condominiums into separate ownerships. However, these provisions are lumped in with another type of subdivision listed under Minor Subdivision – Type B (i.e., a subdivision creating not more than six (6) lots within a legally approved subdivision), which is confusing.
- Staff will be working to modify Article 8 – Minor Subdivisions to:
 - Ensure that the application submittal requirements are logical based on the type of subdivision being proposed.
 - Ensure that there is consistency among the application submittal requirements, when appropriate.

h. Exemption Plat

- It is recommended that an “Exemption Plat” application and review process be added as a new Article under Chapter 17: Subdivisions. The purpose of an “Exemption Plat” is to address issues associated with the past creation of lots or parcels in Minturn. In other words, this would provide a process for “cleaning up” issues with lots or parcels that were created improperly or illegally. These issues are typically associated with older lots or parcels in Minturn.

i. Bolts Lake

- It is recommended that the subdivision process that applies specifically to Bolts Lake be incorporated into a separate Article under Chapter 17: Subdivisions so that it is easier to find.



To: Minturn Town Council
From: Michelle Metteer
Date: April 3, 2024
RE: Town Manager Update

Senate Local Government & Housing (SB24-174) Testimony

At the March 20 Council meeting the Council approved support for SB24-174 through my Manager’s report request to provide testimony. I will be providing testimony in support of this legislation on behalf of Mayor Earle Bidez and the entire Town Council on Tuesday, April 2.

Mayors/Managers/Commissioners & Partners Update

June 26th is Bike to Work Day and there will be a ribbon cutting for the ECO Trail in Minturn. Following the ribbon cutting will be a celebration at the Minturn Saloon. Be on the lookout for more information. Everyone is welcome to join!

Emergency Alerts will now be available via the Reach Well app which translates into 130 different languages and is more user-friendly than the Everbridge option. Residents who are not already signed up under the Everbridge system, or who would like to switch to a more user-friendly system are encouraged to download the Reach Well app and sign up for Eagle County alerts.

NWCCOG – QQ Update

The Water Quality Control Commission currently has two openings on the Commission. This Commission has the ability to strongly affect Minturn wastewater rates. Their regulations have been lacking in finding a realistic grounding in solving water quality problems and we believe getting new Commissioners seated on this Commission who will be more pragmatic in approaching water quality needs is incredibly important. Currently the Commission has pushed through regulations that will require cooling towers for wastewater treatment plants at the cost of millions of dollars and only benefit the river a few days out of the year. QQ is looking at having conversations around this issue and considering taking a more political approach to address this issue.

Shoshone Water Right (1902 appropriation date) is being purchased by the Colorado River District with the purpose of utilizing the right for the instream flow call. This is an exciting step toward keeping more water in the river and fewer transmountain diversions. One point to consider for Minturn to consider and how we manage our water and augmentation water use is the desire for the Colorado River District to administer this right to keep a minimum flow of 1408 cubic feet per second. This will likely result in more calls on the river. This is something Cristy Radabaugh will need to analyze to determine how it will affect Minturn’s current water rights management.

Minturn Fitness Center Board Meeting

2023 was the first year the MFC saw revenues exceed expenses. This was 10 years in the making. The MFC Board at its most recent meeting approved both an annual contribution toward the capital improvements reserve as well as a payback schedule to both Ski and Snowboard Club Vail and the Town.

Community Survey

Staff is currently testing the final phases of the community survey draft before going live. We are hopeful the survey will go live by next week. The survey will be sent to the mobile phones of all registered voters in Minturn. Additionally, the survey will be available on the town website and hard copies for those without the internet can complete the paper survey and submit to town hall staff.

Water Moratorium

Staff continues to address the water moratorium as potential developers and investors submit interest to the town. As a reminder, the 2020 and 2023 water moratoriums are in effect and as it relates to Section 3 of the 2020 Moratorium, taps will be distributed on a first come first serve basis.

Bellm Bridge Feasibility Study RFP Interviews

The Town published an RFP for the Feasibility Study work on Bellm Bridge. The Bridge is either in need of repair or replacement and the Town looks to understand, through a Feasibility Study, which option is advisable. Interviews for three RFP submittals took place on Friday, March 29th. The Funds for the Feasibility Study will come out of the capital improvements line item in the budget.

International City Manager Association (ICMA) Credential Application

I have completed all of the requirements and have now submitted my application for my ICMA Certified Manager credential. This is an opportunity to be recognized by the City Manager’s leading organization for the knowledge and expertise I bring to the position of town manager. More information on this credential is included with this update.

Congressionally Directed Spending Applications Submitted

Applications for CDS funds have been submitted. As previously discussed, the Town applied for \$1, 996, 875 toward the Little Beach Park improvements outlined in the Little Beach Park Recreation Area Master Plan. Submissions were also provided for the completion of Phase II Main Street Sidewalk Project totaling \$1,088,000. Separately, and only through Congressman Neguse’s office, the Town will be able to apply for funding toward the water treatment facility. These applications are very competitive, and Minturn has already been awarded funds in prior rounds, so we will be very fortunate if we are selected again.

Legal Matters – Rob Marsh

Rob Marsh continues to assist Minturn on a variety of legal matters. In addition to his recent work on the nuisance and fence codes, which will come before all of you at the April 17th Council meeting, Rob has also been supporting us with the updates to our Chapter 8 of our code addressing matters related to the MUTCD (Manual on Uniform Traffic Control Devices) and jury trials. Those ordinances will also come before the Council at the April 17th meeting.

ICMA’s Voluntary Credentialing Program for Management Professionals: An Introduction for Local Elected Officials & Community Members

WHAT IS A CREDENTIALLED MANAGER?

The [International City/County Management Association](#) Credentialed Manager (ICMA-CM) designation has become widely respected, frequently requested in recruitment of positions and cited in positive media coverage of public stewardship. ICMA Credentialed Managers are professional local government managers qualified by a combination of education and experience, adherence to high standards of integrity, and an assessed commitment to lifelong learning and professional development.

Credentialed Managers are ICMA members who participate in the [Voluntary Credentialing Program](#). To be eligible for the credential, the person must be a member of ICMA, meaning he or she is committed to upholding high ethical standards. In addition, Credentialed Managers commit to an annual program of professional development, meaning that he or she is continuously improving the skills and practices that he or she applies on the job.

WHY SHOULD WE WANT OUR LOCAL GOVERNMENT MANAGER TO BE CREDENTIALLED?

ICMA members who participate in the Voluntary Credentialing Program bring benefits to the local government and its governing body. To be eligible for the credential, the person must be a full member of ICMA. That means he or she is committed to upholding high ethical standards. In addition, the person who becomes credentialed commits to an annual program of professional development, meaning that he or she is continuously improving the skills and practices that he or she applies on the job.

Voluntary Assessments

Each Credentialed Manager has completed a management assessments. This assessment helps the member assess his or her knowledge of the [Practices for Effective Local Government Management and Leadership](#) and the ability to apply them to management situations.

- | | |
|----------------------------------------|-------------------------------------------|
| 1. Personal And Professional Integrity | 7. Strategic Planning |
| 2. Community Engagement | 8. Policy Facilitation And Implementation |
| 3. Equity And Inclusion | 9. Community And Resident Service |
| 4. Staff Effectiveness | 10. Service Delivery |
| 5. Personal Resiliency And Development | 11. Technological Literacy |
| 6. Strategic Leadership | |



- 12. Financial Management And Budgeting
- 13. Human Resources Management And Workforce Engagement

- 14. Communication And Information Sharing

In addition, each Credentialed Manager must complete a multi-rater assessment within the first five years of entering the Voluntary Credentialing Program. This is a "360-degree" instrument that provides an opportunity for council members and others (such as staff) to provide feedback on the person's managerial performance. It is not a performance evaluation. It is a professional development planning tool.

Professional Development

Every ICMA member commits to forty hours annually of professional development (Tenet 8 of the [Code of Ethics](#)). What distinguishes Credentialed Managers and Candidates is their commitment to plan for continuous personal improvement, to reflect upon their development activities, and to document their learning for peer review.



Peer Review

The Credentialing Advisory Board, made up of member volunteers, spends a considerable amount of time evaluating and reviewing applications and annual reports. They carefully consider each one, paying special attention to experience, education, plans, and annual reports.

In addition, all applications recommended for approval by the Credentialing Advisory Board are printed in ICMA's e-newsletter for review and objections by all members. Approval of each Credentialed Manager is ultimately granted by the ICMA Executive Board.

ICMA maintains a [Directory of Credentialed Managers and Candidates](#). Roughly 1,500 members have earned the ICMA-CM (ICMA Credentialed Manager) or the ICMA Credentialed Manager Candidate designation as part of the ICMA Voluntary Credentialing Program. Candidates are members who are within two years of meeting the criteria. When the experience requirement is met, these members will become ICMA Credentialed Managers.