



Community Development

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February 24, 2021

Town of Minturn
Attn: Madison Harris, Planner I
301 Boulder St. # 309
Minturn, CO 81645

[Via Email]

Re: Development Review Referral - Belden Place PUD, IAR-9134-2021

Dear Ms. Harris,

Thank you for the opportunity to participate in the referral process of the following parcel numbers: (collectively, the "Properties"):

1. 210335101041,
2. 210335101040,
3. 210335101038,
4. 210335106001,
5. 210335106002; and,
6. 210335106003

This interagency referral is known as file number IAR-9134-2021 for Eagle County records. Eagle County appreciates the extension to finalize comments for the Town of Minturn.

The six Properties are within the Town of Minturn. County records indicate three parcels are entirely surrounded by the Town of Minturn's jurisdiction and three parcels share property lines with Eagle County jurisdictional land. Parcels 210335101038, 210335101040, and 210335101041 are within the Town of Minturn; however, they border parcel number 210334200001, a parcel in Eagle County's Resource Preservation (RP) zone district approximately 515 acres in size.

Eagle County review of the Belden Place PUD Application Narrative (the "Application Materials") dated January 28, 2021, finds the proposal is for mixed density housing units within the Town of Minturn, four of which are deed restricted (Application Materials, PUD Guide, page 12). The Application Materials also state the proposal includes a community green space. The proposal is pursued by creating a Planned Unit Development (PUD) zone district.

Please consider the following comments from Eagle County as the project is reviewed:

Eagle County Planning Division Comments:

1. The Application Materials state the proposal is being developed to create affordable housing opportunities to locals (Application Materials, page 3). Buyer restrictions, or deed restrictions, will prevent the units from being purchased by second home owners. (Application Materials, page 3).

The Eagle County 2005 Comprehensive Plan (the “Comprehensive Plan”) contemplates the importance of quality, affordable housing in the community. The Comprehensive Plan Section 3.4.7. - *Policies and Recommended Implementation Strategies for Housing*, lists 16 recommended policies and 88 recommended strategies to implement those policies that are focused on housing needs in Eagle County.

Policy “a” states, “Affordable workforce housing should be located near job centers” (Comprehensive Plan Section 3.4.7., Policy “a”).

Policy “b” states, “Housing projects created through public/private partnerships should result in affordable, price capped units that are restricted to only local residents and/or employees in Eagle County” (Comprehensive Plan Section 3.4.7., Policy “b”).

Further, the 2017 Eagle County Strategic Plan (the “Strategic Plan”) lists the County’s mission, vision, and core values. Goal 2 of the Strategic Plan is for Eagle County to be a great place to live for all. This section includes objectives and values based on encouraging “more affordable housing choices, including types and price levels” (Strategic Plan, page 7).

Staff finds the proposal conforms and helps implement the Comprehensive Plan as well as the Strategic Plan. Although this proposal is not within the County’s jurisdiction, the County would like to state support of a project to expand access to housing options for residents, and increasing the amount of housing stock available in the County within a Town, provided all jurisdictional standards for land use approval are reviewed and met through the Town of Minturn’s land use application process.

2. These parcels are located within the Town of Minturn. Furthermore, Eagle County does not have an area specific Area Community Plan or Future Land Use Maps (FLUM) for the greater Minturn area. Therefore, staff finds the Belden Place PUD proposal does not conflict with the County’s designation for any future development on the Properties.
3. The Comprehensive Plan includes a section with policies and recommended strategies aimed at environmental quality. The Comprehensive Plan, Section 3.9.6. - *Policies and Recommended Implementation Strategies for Environmental Quality*, Policy “d” states, “Energy efficiency and the reduction of overall energy consumption should be a primary goal for future operations and developments in Eagle County.”

It is recommended the applicants consider this policy by looking into ways to partner with Xcel Energy for residential renewable energy programs. More information on residential programs can be found here:

[https://www.xcelenergy.com/programs and rebates/residential programs and rebates/renewable energy options residential](https://www.xcelenergy.com/programs%20and%20rebates/residential%20programs%20and%20rebates/renewable%20energy%20options%20residential)

Adopting renewable energy programs with Xcel Energy meets policies in the Comprehensive Plan as well as the Climate Action Plan for sustainable goals in the Climate Action Plan for the Eagle County Community.

Sustainable Communities Department Comments:

1. Eagle County as a partner in the Climate Action Collaborative recommends that the Town of Minturn adopt the 2021 International Building Codes, including the 2021 International Energy Conservation Code (the “IECC”) beginning in January 2022. The IECC 2021 code will ensure tight building envelope and efficient equipment standards are followed. The Eagle County Community (including Avon, Vail, Eagle, and Eagle County) will be adopting the IECC 2021 code and encourage the same for the Town of Minturn to maintain consistency with building standards across our community. In addition to the IECC 2021 code, Eagle County recommends Minturn encourage the “above building code” all-electric construction standards outlined below. This recommendation is the basis of the comments located in this section.
2. The PUD Design Guidelines include Section N - *Wind and Solar Energy*, which state, “Wind and solar energy devices may be approved with written permission of the [Architectural Review Committee]” (Application Materials, PUD Guidelines, page 11).

Eagle County adopted the Climate Action Plan for the Eagle County Community (the “Climate Action Plan”) in 2016. The Climate Action Plan includes goals and strategies for reducing greenhouse gas emissions throughout the County by 25% by 2025. In 2020 an update was added to the Climate Action Plan including the goal to reduce County emissions by 50% by 2030, using 2014 as the baseline. Leading strategies for reducing greenhouse gas emissions include:

- For new residential buildings, adopt “above building code” standards and provide incentives, including “net zero” codes, that are consistent across jurisdictional boundaries throughout Eagle County;
 - Require the Solar Ready Appendix in the IECC 2015
 - Require a 200 amp all-in-one Solar Ready electric panel as the minimum electric service provided to each home
 - Require the rough-in for EV charging provided to each home
- Promote and incentivize efficient use of water in interior and exterior of residential buildings; and,
- Reduce [greenhouse gas emissions] 25% below 2014 levels in the residential buildings sector by 2025 (Climate Action Plan, Page 16).

Considering these goals and the limited opportunities for wind energy in the area, it is recommended the Town consider ways to encourage the integration of solar energy in the neighborhood through passive solar designs, and that rooftop solar be allowed in the PUD area as a use-by-right rather than requiring written approval from the Architectural Review Committee.

It is also recommended that the Town encourage “above-code” designs and construction such as tight and super-insulated building enclosures, advanced HVAC and other sub-systems, and low VOC finishes, that provide safe and healthy indoor environments while reducing overall energy uses and greenhouse gas emissions. Planning for electric supply and installing conduit for electric vehicle charging stations is encouraged to allow for

low cost station installs and rapid adoption of low / no emission electric vehicles in our community.

3. The PUD Guide included in the Application Materials states, “Zero degree flat roofs are prohibited. Roofs shall be sized and pitched accordingly in consideration of solar technology and/or drainage” (Application Materials, PUD Guide page 9).

The Climate Action Plan includes recommendations as follows:

“For new residential buildings, adopt ‘above building code’ standards and provide incentives, including ‘net zero’ codes, that are consistent across jurisdictional boundaries throughout Eagle County” (Climate Action Plan, Page 16).

The Sustainable Communities Department recognizes the PUD Guide already incorporated solar-ready orientation into the design of the structures. The County encourages the Town to consider recommending additional climate conscious designs including “beneficial electrification” or all-electric design that eliminates health and safety risks from combustion of fossil fuels inside homes. Setting a goal of a ‘net-zero’ development means the development produces as much energy as it consumes. An example of a current “net-zero” development is the Basalt Vista Affordable Housing Partnership, powered and heated with grid supplied and onsite renewable energy.

4. The Eagle County Sustainable Communities Department also recommends the Town encourage the applicant to include efficient all-electric appliances such as air source heat pumps, heat pump water heaters, electric induction stoves, and other electric appliances as a design requirement in the PUD Guide, references available at Holy Cross Energy for appliance rebate standards, or IECC standards.

Open Space Department Comments:

1. The Application Materials discuss the proximity of public lands as an asset to this development’s location. Minturn Boneyard is owned and managed by the Town of Minturn per an Intergovernmental Agreement (the “IGA”) with Eagle County, and the County contributed significant financial resources to the protection of the Minturn Boneyard as open space for the general public in 2013. The Minturn Boneyard is also protected by a conservation easement held by Eagle Valley Land Trust, aimed at protecting the property’s conservation values of wildlife habitat, natural scenic features, and recreational access to the Eagle River in perpetuity.

Eagle County recommends the applicant consult with the Town, County and Eagle Valley Land Trust to ensure the conservation values of the property are maintained, while providing potential recreational improvements to the property as referenced in the IGA and management plan, that would better accommodate the increased use generated by the proposed development. A site plan to develop recreational river access on the property and improved public amenities was developed in 2014, but lacked funding to execute. Eagle County would be glad to provide copies of the conservation easement, management plan, IGA, and site development plan to the applicant.

2. Minturn Boneyard will hopefully enhance the quality of life for residents in Belden Place PUD, but only if safe access across Highway 24 is provided. Together with appropriate local regulating bodies, the applicant should contemplate signage, crosswalks or other measures to ensure feasible safe access to the open space by residents, children and pets.
3. Lastly, the applicant proposes that 18% of the property remain undeveloped as 'open space'; however the Town's requirement of 25% would likely be better suited to a development of this density. Additionally, two of the three open space areas are also identified as stormwater retention ponds, making the functional open space approximately 7,300 square feet (0.17 acres). A greater percentage of open space would enhance the livability of this community. Adjacent public lands to the south, east and across the street to the north, while certainly advantageous for the development's location, are intended for use by the broader public, and should not be in lieu of open space requirements within the development. As the applicant references, the United States Forest Service land to the south is also too steep to have practicable access from the development.

ECO Transit Department Comments:

1. Throughout the Belden PUD project narrative (p. 5, 9-10, 11, 15, and 25) a new bus stop is referred to with discussions of sidewalks and crosswalks among other related improvements. ECO Transit's Minturn Route does provide service along Highway 24 between the Maloit Park and Vail Transportation Center. Currently, dual direction transit stops exist to the north of the subject property adjacent to 996 Main St (aka Lucero's). These transit stops are approximately 1/4 of a mile from the subject property with limited pedestrian infrastructure access from the subject property to the transit stops. ECO Transit has not been approached regarding the proposal for new or relocated bus stops. The developer should meet with ECO Transit staff to discuss the merits and feasibility of the proposed stop placement prior to scheduling a public meeting.
2. The application does not provide adequate clarification on who is responsible for the design, permitting, and construction of the various pedestrian and transit improvements along Highway 24 discussed in the project narrative or demonstrated in the engineering documents. ECO Transit requires compliance with its design standards (e.g. bus lanes, approach and acceleration tapers, bus stop pad dimensions, bus stop amenities) prior to acceptance of transit related improvements and provision of service.

Please contact Olivia Cook at (970) 328-8754, or at olivia.cook@eaglecounty.us if you have questions or would like to request a meeting to discuss these comments. The Eagle County Planning Division, Sustainable Communities Division, Open Space Division, and ECO Transit Department reserve the right to offer additional comments as more information is provided.

Sincerely,

A handwritten signature in blue ink, appearing to read "M Beryl", is positioned below the word "Sincerely,".

Morgan Beryl, Community Development Director

Cc: Olivia Cook, Assistant Planner
Kris Valdez, Senior Planner
John Gitchell, Environmental Manager
Katherine King, Open Space Director
Jeff Shroll, County Manager
Angelo Fernandez, Deputy County Manager
Kelley Collier, Deputy County Manager
Tanya Allen, Transportation Director
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